

*Court of Sessions
Halifax*



ANNO QUARTO

GULIELMI IV. REGIS.

(2ND SESSION.)

CAP. IX.

An ACT to regulate the Standard of Weights and Measures in this Colony, and to provide for the Surveying of Lumber.

[12th June, 1834.]

WHEREAS it is necessary to ascertain and establish a Standard of Weights and Measures in this Colony, in order to prevent frauds and irregularities which are otherwise likely to arise: *Be it therefore enacted*, by the Governor, Council and Assembly of Newfoundland, in Parliament assembled, that from and after the First Day of January which will be in the Year of Our Lord One Thousand Eight Hundred and Thirty Six, all Weights and Measures which shall or may be used in this Colony of Newfoundland, shall be according to the Standard ascertained and established by an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, in the Fifth Year of the Reign of his late Majesty King George the Fourth, entitled "An Act for ascertaining and establishing the uniformity of Weights and Measures;" and the Treasurer of the Colony shall, and he is hereby authorised and directed to order and import from England, a set of Weights and Measures agreeably to the aforementioned Standard. And it shall and may be lawful for the Justices of the Peace for the time being of the District of St. John's, in Sessions, to appoint a fit and proper person to be Assayer of Weights and Measures for the said District of St. John's, and such Assayer shall be duly sworn to the faithful discharge of his duty, and in his care and custody the aforesaid Standard Weights and Measures shall be deposited; and the said Assayer, so appointed as aforesaid, shall immediately thereafter publish the same in the *Royal Gazette* Newspaper, stating where his office containing the said Standard Weights and Measures is situated.

II.—*And be it further enacted*, that it shall and may be lawful for the said Assayer of Weights and Measures, and he is hereby required to assay and adjust all such Beams, Weights and Measures as shall be brought to his said office, agreeably to the standard aforesaid, and shall stamp or mark thereon the letters W. R. or the initials of the then reigning Monarch, and all such Beams and Weights as cannot be

Preamble.

Standard to be according to that established by Act 5, Geo. 4, cap. 74.

Treasurer to procure from England a pattern or standard set.

Assayer to be appointed for St. John's

Assayers to adjust Weights, &c. according to the foregoing standard.

stamped as aforesaid, shall be painted with red paint, and in addition to the initials of the then reigning Monarch, shall have those of the Assayer also marked thereon; and such Assayer shall grant a certificate of having assayed, and stamped, or marked the same, for which he shall be entitled to receive from the respective owners thereof, the sum of Three Pence Sterling for every Beam, Weight and Measure so stamped or marked as aforesaid.

Fees.

Assayers in the out-ports.

Fees.

III.—*And be it further enacted*, that it shall and may be lawful for the Justices of the Peace of the different Districts of the Island, in Sessions, to appoint proper and efficient persons in each of the said respective Districts (other than Saint John's) to be Assayers of Weights and Measures for such respective Districts; and such Assayers when appointed shall respectively be sworn to the faithful discharge of their duty, and shall have the same power and authority, and be bound by, and subject to, the same Rules and Regulations, and be entitled to the same Fees and Emoluments, as are hereinbefore given to and prescribed respecting the Assayer of Weights and Measures in Saint John's.

Treasurer to order other pattern sets to be made by that imported from England

IV.—*And be it further enacted*, that the Treasurer of the Colony shall and he is hereby authorized and directed to order such number of additional sets of Weights and Measures to be made agreeably to the aforementioned Standard as shall be sufficient to furnish each of the Assayers who shall be appointed in the different Districts of the Island aforesaid, with one complete sett of Standard Weights and Measures.

No weights, &c. to be used except according to this act after 1st January, 1830.

V.—*And be it further enacted*, that from and after the said First day of January One Thousand Eight Hundred and Thirty Six, no Person or Persons shall use any Beam, Weight or Measure in the Sale, Barter or Exchange of any Provisions or other commodity within this Colony, without having such Beams, Weights and Measures assayed and stamped or marked as aforesaid; nor shall he or they use any Wooden Beam whatever, under a penalty of Five Pounds Sterling.

Penalty.

Assayers to inspect weights, &c.

VI.—*And be it further enacted*, that the said Assayers of Weights and Measures, so appointed as aforesaid, shall have full power and authority, and they are hereby respectively required, empowered and authorized to inspect all Weights and Measures; and for that purpose with a Constable or Constables to visit, in the day time, once in Three Months, or oftener if they shall see cause, the Shop, Store-house, Office or Vessel, of every Person Vending, Exchanging or Bartering any commodity by Weight or Measure, and to seize all such Weights and Measures as are not stamped or marked as aforesaid; and upon proof that the said Weights or Measures, or any of them, are short of or exceed the Standard aforesaid, the Person or Persons having the said Weights or Measures in his or their possession, shall, on due conviction thereof, forfeit and pay to His Majesty, his Heirs or Successors, a sum not exceeding Five Pounds sterling.

and seize such as may be unstamped or defective.

Penalty.

Certain commodities to be sold by measure.

VII.—*And be it further enacted*, that from and after the said First day of January One Thousand Eight Hundred and Thirty-Six, all Potatoes, Carrots, Turnips, Roach and Slack Lime, and all Goods and things commonly Sold by Heaped Measure, whether the same shall have been imported into this Island, or grown and produced therein, shall, on the Sale and delivery thereof, be measured by the Seller of the same in a Measure or Measures regularly assayed and stamped or marked as aforesaid, by an Assayer of Weights and Measures within this Colony—which said Measure or Measures shall be made of good Hardwood, well bound with Iron Hoops, and in a Cylin-

dricul form, according to the standard of Measure established by this Act. And if such Articles or Produce be Sold by the Barrel, such Barrel shall contain Three Bushels struck measure (which shall be stricken with a round stick or roller, straight, and of the same diameter from end to end) which shall be taken as Two and a Half Bushels heaped measure; and when Sold by the Bushel or lesser measure, such articles or produce shall be heaped to a height of Three Fourths of the depth of such Bushel or lesser measure, above the brim thereof. And the measure for all kinds of Corn or Grain, and other Produce or Articles usually sold by struck measure, shall be agreeable to the standard of measure hereby established, and shall be stricken in manner above-mentioned, and shall be measured by the Seller thereof in a measure regularly assayed and stamped or marked agreeably to the Standard aforesaid: and if any Person or Persons shall measure any of the said Goods, Articles or Produce in any other than such assayed and marked or stamped measures, or shall otherwise offend herein, such Person or Persons shall forfeit and pay to our Sovereign Lord the King, his Heirs or Successors, for each offence a Penalty,

Penalty.

VIII.—*And be it further enacted*, that from and after the said First day of January One Thousand Eight Hundred and Thirty-Six, no Person or Persons whomsoever shall, within this Colony, make use of Steelyards for the Weighing of any Commodity vended or sold by him or them other than Hay or Straw; and if any Person or Persons shall use or cause to be used any such Steelyards contrary to the provisions of this Act, such Person or Persons shall, on due conviction thereof before any Two or more of His Majesty's Justices of the Peace, forfeit and pay a sum of Twenty Shillings sterling.

Use of steelyards prohibited (except for Hay and Straw) after 1st January, 1836.

Penalty.

IX.—*And be it further enacted*, that from and after the said First day of January One Thousand Eight Hundred and Thirty Six, all Salt vended or sold in this Island, shall be so vended and sold by Weight, and not by Measure as heretofore used; and any Person or Persons who shall, after the said First day of January, sell or dispose of any Salt otherwise than according to the Standard of Weight hereby established, shall, on due conviction thereof before any Two or more Justices of the Peace, forfeit and pay a sum not exceeding Five Pounds sterling.

Salt to be sold by weight.

Penalty.

X.—*And be it further enacted*, that every Hogshead for the measurement of Coals shall contain Sixty-Three Gallons Imperial measure, to be not less than Thirty-Nine Inches wide at the top, and Thirty-Six Inches at the bottom; and all Coals sold in such measure as aforesaid shall be heaped to a height of Sixteen Inches above the edge or brim thereof.

Coals to be sold by heaped measure.

XI.—*And be it further enacted*, that all Ton Timber, Plank, Board, and other Lumber, which may, after the passing of this Act, be Imported into Newfoundland for Sale, or being the produce of this Colony, shall be Sold or offered for Sale therein, shall, previous to the delivery thereof to the Purchaser or Purchasers, be Surveyed and Measured by a Sworn Surveyor of Lumber of this Colony; and all such Lumber as shall not be of Merchantable quality, shall be marked by such Surveyor with an R. for Refuse: And all Shingles imported into this Colony shall in like manner be Surveyed by a Sworn Surveyor; and if the same shall not be of standard size, that is to say, each Shingle Eighteen Inches long, and each Bundle of Shingles Twenty Inches wide, Twenty-Five tiers high, and well and closely packed, such Shingles shall be marked with an R. for Refuse, and sold as such; and if such shall be falsely or fraudulently packed, they

Timber, Lumber, &c. to be Measured by Sworn Surveyors;

and Shingles.

shall be forfeited; and the charge and cost of Surveying such Timber, Lumber and Shingles shall be borne by the respective Sellers thereof. And if any Person or Persons shall deliver or cause to be delivered to any Purchaser any such Board, Plank or Lumber, being sold by admeasurement, or any such Shingles, without having the same respectively first Surveyed by such Sworn Surveyor as aforesaid, he and they shall forfeit and pay a Penalty not exceeding Five Pounds sterling; and if any such Surveyor shall be unfaithful or negligent in the discharge of his duty, he shall, on proof thereof before any Two or more of His Majesty's Justices of the Peace, forfeit and pay for each offence, a Penalty not exceeding Twenty Pounds sterling, and be thereafter rendered legally incapable of acting as such Surveyor of Lumber.

Penalties.

Surveyors of Lumber to be appointed.

Qualification.

Penalty on unauthorized persons acting

Fees to be charged by Surveyors.

Penalty on persons obstructing Assayers

Recovery and application of Penalties

XII.—*And be it further enacted*, that all Surveyors of Lumber shall hereafter be appointed by the Justices of the Peace for the respective Districts of the Island in Session; and in order to be qualified under this Act, they shall respectively give good and sufficient Security in the sum of Two Hundred Pounds, sterling, and be duly sworn before one of His Majesty's Justices of the Peace faithfully to discharge the duties of such office, and such Justice shall thereupon grant a Certificate of such Oath having been duly made; and such Surveyor of Lumber shall at all times thereafter be liable to attend when called upon by any Persons requiring him to Survey any quantity of Timber, Lumber or Shingles; and if any such Surveyor having had Twelve Hours' Notice from such Person, shall refuse or neglect to attend in pursuance of such notice, he shall (unless actually employed in surveying Timber or Lumber elsewhere) forfeit and pay for every such neglect or refusal the sum of Forty Shillings sterling. And any Person who shall act as a Surveyor of Lumber (except those already sworn and approved) until he shall first have qualified himself as aforesaid, shall forfeit and pay for each offence the sum of Five Pounds sterling. And such Sworn Surveyors shall be entitled to demand and receive from the seller or sellers of such Timber, Board, Plank, Lumber or Shingles, for Surveying the same, the following rates and charges respectively, that is to say; for Timber, per ton, One Shilling sterling—for Board or Plank per thousand feet superficial measure, One Shilling and Six Pence sterling—for Shingles per thousand, Two Pence sterling.

XIII.—*And be it further enacted*, that if any person Selling, Bartering or Exchanging by Weights and Measures shall refuse admittance to, or wilfully oppose or obstruct any Assayer of Weights and Measures appointed as aforesaid, after such Assayer shall have declared the intent of his coming to execute the duty of his said office, the Person or Persons so refusing, obstructing or opposing, shall, for every such refusal, obstruction or opposition, to be ascertained by the Oath of the said Assayer, forfeit and pay the sum of Ten Pounds sterling.

XIV.—*And be it further enacted*, that all Fines, Penalties and Forfeitures imposed by this Act, shall and may be sued for and recovered, together with costs, in a summary way before any two or more of His Majesty's Justices of the Peace, or in any Court of Record in the Colony; and all such Fines, Penalties and Forfeitures shall be paid to His Majesty, his Heirs and Successors, to be applied, in their several moieties, to the Person or Persons who shall respectively inform and sue for the same, and their other several moieties to the public uses of this Colony.

XV.—*And be it further enacted*, that from and immediately after the passing of this Act, the Justices of the Peace for the several Dis-

tricts of this Island, in Sessions, shall and they are hereby authorized and required to appoint some fit and proper person in each of the said Districts, to inspect all Weights and Measures now in use in the Colony: And the said Inspectors are hereby authorized, and required, under the same rules and regulations, and with the same power and authority, and entitled to the same Fees as are hereinbefore given and granted to the Assayers of Weights and Measures so to be appointed as aforesaid, to examine and inspect from time to time all such Weights and Measures as aforesaid, which said Weights and Measures shall, until the said First Day of January One Thousand Eight Hundred and Thirty Six, be made to conform to the standard of Weights and Measures now deposited in the Court House at St. John's, and heretofore used in this Colony. And if any Person or Persons shall until the said First Day of January One Thousand Eight Hundred and Thirty Six, use or cause to be used any Weights or Measures which shall not be conformable to the standard last aforesaid, he and they shall forfeit and pay for each offence a Penalty not exceeding Five Pounds sterling. And all Potatoes, Carrots, Parsnips, Roach and Slack Lime, and all other goods and things usually sold by heaped measure, as also all Corn, Grain and other articles commonly sold by struck measure, shall, until the said First Day of January One Thousand Eight Hundred and Thirty Six, be sold and vended according to the standard last aforesaid, under the same rules, regulations and provisions as are contained and set forth in the Seventh Section of this Act, under a Penalty not exceeding Five Pounds sterling, to be paid by the Person or Persons selling the same.

Justices of Peace to appoint Inspectors of Weights and Measures already in use;

which are to be conformable to the standard deposited in the Sessions Court.

Penalty.