

WEIGHTS AND MEASURES ORDINANCE, 1913.⁽¹⁾

No. 10 of 1913.

An Ordinance to consolidate and amend the Enactments relating to Weights and Measures.

BE it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1.—(1.) This Ordinance may be cited as the *Weights and Measures Ordinance, 1913.*⁽¹⁾ Short title.

(2.) This Ordinance shall commence on a day to be fixed by the Lieutenant-Governor by Proclamation published in the *Gazette.*⁽¹⁾ Commencement

2. The enactments mentioned in the First Schedule hereto are repealed. Repeal.
First Schedule.

3. In this Ordinance unless the context otherwise indicates the following terms have the meanings set against them respectively that is to say— Definitions.
Q. 6 Edw. VII.
No. 19, s. 2.

“Inspector”—the Chief Inspector or other inspector appointed under this Ordinance; the term includes a sub-inspector; Inspector.

“Local Standards”—copies or models of the standard weights or measures legally in the custody of inspectors; Local standards.

“Owner”—the owner whether jointly or severally or the authorized agent manager or superintendent of the owner; Owner.

(1) Particulars of this Ordinance are as follows:—

Date of assent by Lieut.-Gov.	Date notified in Papua Govt. Gaz. as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
14. 8. 1913	4. 3. 1914	1. 11. 1913 (Papua Govt. Gaz. of 1. 10. 1913)

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Stamping.	“Stamping”—stamping casting engraving etching branding sealing or otherwise marking in such manner as to be so far as practicable indelible and the expression “stamp” and other expressions relating thereto in this Ordinance are to be construed accordingly;
	“This Ordinance”—this Ordinance and all regulations made thereunder;
Vehicle.	“Vehicle”—any carriage cart waggon truck barrow or other means of carrying anything;
Weighing instrument.	“Weighing Instrument”—any weigh-bridge scales scale beam balance spring balance steelyard weighing machine or other instrument for weighing.

Constitution of districts.
Q. 6 Edw. VII.
No. 19, s. 5.

4. The Lieutenant-Governor in Council⁽²⁾ may from time to time by Order in Council⁽³⁾ published in the *Gazette* declare the area of a petty sessions district or the areas of two or more petty sessions districts to be a district for the purpose of this Ordinance.

Chief Inspector.
Q. 7b. s. 6.

5. The Lieutenant-Governor⁽²⁾ may from time to time appoint a Chief Inspector and such other inspectors sub-inspector⁽⁴⁾ and officers as may be necessary for the effectual execution of this Ordinance.

The Lieutenant-Governor⁽²⁾ may if he thinks fit assign any inspector or inspectors to any district.

If no Chief Inspector is appointed the Treasurer shall be and act as Chief Inspector.

Every inspector shall perform the duties imposed upon him by this Ordinance under the general supervision and direction of the Chief Inspector.

The Chief Inspector may from time to time make or cause to be made such enquiries and investigations as he thinks necessary for the effectual execution of his duties and the duties of inspectors and officers.

Whenever by reason of the absence or illness of the Chief Inspector or for other sufficient cause it is expedient so to do the Lieutenant-Governor⁽²⁾ may appoint a person to act as the deputy of the Chief Inspector and during the term of his office such deputy shall have all the powers and authorities and shall perform all the duties of the Chief Inspector and shall for the purpose of this Ordinance be deemed in all respects to be the Chief Inspector.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(3) No Order in Council has been published in *Papua Govt. Gaz.*

(4) The word “sub-inspector” appeared in the original Ordinance. It has now been omitted and the word “sub-inspectors” inserted in its stead by the Second Schedule of the *Ordinances Reprint and Revision Ordinance* 1947 of the Territory of Papua-New Guinea.

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6. Every inspector appointed under this Ordinance shall forthwith if required by the Lieutenant-Governor⁽²⁾ enter into a bond to be sued upon in any court of record in the sum of One hundred pounds for the safety of the stamps and local standards committed to his custody and for their due restoration and surrender to such person or persons as may be appointed to receive them immediately on his removal from or other vacation of office.

Bond of inspectors.
Q. 6 Edw. VII.
No. 19, s. 8.

7. The several weights and measures deposited at the commencement of this Ordinance in the Treasury at Port Moresby a list whereof is hereunder set out and such other weights and measures of the standard of the United Kingdom of Great Britain and Ireland as may from time to time be deposited therein by the authority of the Lieutenant-Governor in Council⁽²⁾ either in addition to such weights and measures or in substitution for the same shall be there safely kept and shall for the time being be the standard weights and measures of the Territory:—

Certain weights etc. in the Treasury declared to be standard.
Q. 1b. s. 9.
Q. 3 Geo. V.
No. 15, s. 5.

STANDARD WEIGHTS AND MEASURES.

Avoirdupois Weights.

Fifty-six pounds	Four ounces
Twenty-eight pounds	Two ounces
Fourteen pounds	One ounce
Seven pounds	Eight drachms
Four pounds	Four drachms
Two pounds	Two drachms
One pound	One drachm
Eight ounces	One-half drachm

Troy Weights.

500 ounces	10 ounces	·3 ounce
400 ounces	5 ounces	·2 ounce
300 ounces	4 ounces	·1 ounce
200 ounces	3 ounces	·05 ounce
100 ounces	2 ounces	·04 ounce
50 ounces	1 ounce	·03 ounce
40 ounces	·5 ounce	·02 ounce
30 ounces	·4 ounce	·01 ounce
20 ounces		

Measures of Length.

100 feet	10 rods	10 feet each
66 feet	10 rods	10 links each
	1 yard subdivided	

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

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Measures of Capacity.

One bushel	One gallon	One pint	One gill
One-half bushel	One-half gallon	One-half pint	One-half gill
One-quarter gill	One peck (Two gallons)		One quart

Apothecaries—Fluid Measure.

Four ounces	One ounce	Two drachms
Three ounces	Four drachms	One drachm
Two ounces	Three drachms	

Graduated glass measure 1 to 30 minims.

Apothecaries—Weights.

One ounce	One and one-half scruples	Four grains
Four drachms	One scruple	Three grains
Two drachms	Half scruple	Two grains
One drachm	Six grains	One grain
Two scruples	Five grains	Half grain

Copies of standard weights and measures.
Q. 6 Edw. VII.
No. 19, s. 10.

8.—(1.) Whenever it becomes necessary so to do the Treasurer by direction of the Lieutenant-Governor⁽²⁾ shall cause copies and models of the several weights and measures deposited according to law in the Treasury to be carefully made or obtained and after being verified on oath as correct by some officer at the Treasury to be legibly stamped to show that they have been so verified.

(2.) The stamp shall consist of such letters and figures as are commonly used to signify the name or mark of the Sovereign together with "S.W." that is standard weight or "S.M." that is standard measure as the case may be and the number of pounds or other denomination of such weight or measure.

(3.) Such copies or models after having been so stamped shall be transmitted to such inspectors as require them and shall be safely and securely kept by them and used as local standards for the purpose hereinafter directed.

(4.) Any person who falsifies or otherwise wilfully injures or destroys any such copy or model shall be liable to a penalty not exceeding One hundred pounds.

9. If any of such standard weights or standard measures or local standards are lost destroyed defaced or otherwise injured another weight or measure or local standard shall be provided by the Treasurer of the same size and weight or measure as the weight or measure or local standard so lost destroyed defaced or injured and the same shall be deemed to be a standard weight or standard measure or local standard for the purpose of this Ordinance.

(2) See Section 19(2) of the Ordinance Interpretation Ordinance, 1911-1940.

In case of standards or copies being lost others to be supplied.
Q. 1b. s. 11.

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10. The weight denominated a stone shall in all cases consist of fourteen pounds standard avoirdupois weight.

The stone hundredweight and ton.

The weight denominated one hundredweight shall consist of one hundred and twelve such pounds.

Q. 6 Edw. VII. No. 19, s. 12.

The weight denominated a ton shall except in the case of bran pollard and flour consist of two thousand two hundred and forty such pounds.

The ton of standard weight for bran pollard and flour shall be two thousand such pounds.

11. The bushel of standard weight for the undermentioned produce shall respectively consist of the number of pounds standard avoirdupois weight following that is to say—

Bushel of standard weight.
Q. Ib. s. 13.

Maize	Fifty-six pounds
Wheat rye peas cow-peas and sorghum seed	Sixty pounds
Barley	Fifty pounds
Oats	Forty pounds
Bran pollard and grass seed	Twenty pounds

12. All articles sold by weight shall be sold by avoirdupois weight except gold silver platinum and diamonds and other precious stones which shall be sold by troy weight and drugs which when sold by retail may be sold by apothecaries' weight.

All articles to be sold by avoirdupois except as herein stated.
Q. Ib. s. 14.

13. All maize wheat rye barley oats bran pollard peas cow-peas grass seed and sorghum seed shall be sold by standard weight and not by measure.

Maize etc. to be sold by weight and not by measure.

Any person who sells any of them by measure and not by weight shall be liable to a penalty not exceeding Five pounds.

Q. Ib. s. 15.

Any bargain sale or contract with respect to any such produce by measure and not by weight shall be wholly null and void :

Provided that nothing herein contained shall apply to the sale of growing crops or loads of unthreshed grain or repeal or prejudicially affect any provision of the *Liens on Crops and Wool and Stock Mortgages Ordinance, 1912.*

Proviso.

14. Except as by this Ordinance is otherwise provided every weight shall have the number of pounds or other denomination contained in such weight stamped on the top or side thereof in legible figures and letters.

Contents of weights and measures to be stamped on them.

Q. Ib. s. 16.

WEIGHTS AND MEASURES—

Weights made of certain substances lead or pewter not to be stamped.

Q. 6 Edw. VII. No. 19, s. 17.

15. No weight made of lead or pewter or of any mixture thereof or of china or earthenware shall be stamped or used:

Provided that nothing herein contained shall prevent the use of lead or pewter or any mixture thereof in the manufacture of weights if they are wholly and substantially cased with brass copper or iron and legibly stamped "Cased" or shall prevent the insertion of a plug of lead or pewter into any weight for the purpose of adjusting it if the stamp hereinafter mentioned is affixed thereon.

Balancing and stamping of weighing instruments.

Q. 3 Geo. V. No. 15, s. 7.

16. Nothing which is not ordinarily part of a weighing instrument shall be used to make it balance unless by an inspector when necessary to make an adjustment. No weighing instrument with removable parts the removal of which would affect the accuracy of the instrument shall be stamped unless the parts are such that the instrument cannot be used without them.

Comparisons and adjustment of weights and measures.

Second Schedule.

Q. 6 Edw. VII. No. 19, s. 18.

17. The inspector shall at all reasonable times during office hours and on payment of the fees prescribed by the Second Schedule to this Ordinance compare and adjust with the local standards all weights and measures brought to him for the purpose.

Balances stamps etc.

Q. 1b. s. 19.

18. The Chief Inspector shall provide and supply to each inspector a good and sufficient balance for the purpose of such comparison and adjustment and stamps for the purpose of stamping weights and measures and weighing instruments after they have been compared and adjusted.

Weights and measures to be examined and stamped.

Q. 1b. s. 20.

Q. 3 Geo. V. No. 15, s. 8.

19.—(1.) All weights and measures whatsoever used or to be used for buying and selling or for collecting any dues rates or duties or for making any charges in the conveyance of any goods or merchandise shall be compared and adjusted with the local standards by the inspector and the inspector shall stamp in such a manner as best to prevent fraud all such weights and measures when compared and adjusted by him if they are found to correspond with the local standards and to be in accordance with the provisions of this Ordinance.

(2.) Any person who buys by any vessel represented as containing the amount of any Imperial measure or of any multiple thereof may require the contents of such vessel to be ascertained by a comparison with a stamped measure such stamped measure to be found and provided by the vendor.

(3.) If the vendor refuses to make such comparisons or if upon such comparison being made such vessel is found to be deficient in capacity the vendor shall be subject to the forfeitures and penalties hereinafter imposed on persons using light or unjust weights or measures.

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20.—(1.) The Lieutenant-Governor in Council⁽²⁾ may by notification⁽⁵⁾ published in the *Gazette* direct that in any district every weighing instrument used for trade shall be adjusted verified and stamped by an inspector.

Stamping
weighing
machines.
Q. 6 Edw. VII.
No. 19, s. 21.
Q. 3 Geo. V.
No. 15, s. 9.

(2.) It shall accordingly be the duty of the inspector to adjust verify and stamp every such weighing instrument when and so often as in his opinion it is necessary so to do and for so doing the inspector shall be entitled to be paid the fees prescribed in the Second Schedule to this Ordinance.

Second
Schedule.

(3.) Every person in such district who after the expiration of six months from the date of such notification uses or has in his possession any such weighing instrument not so stamped shall for a first offence be liable to a penalty not exceeding Ten pounds and for a second or subsequent offence to a penalty not exceeding Twenty pounds.

Using
unstamped
weighing
instrument.

21.—(1.) Any inspector may at all reasonable times enter any house building premises or place whatsoever or any vehicle and there inspect all weights measures and weighing instruments of every kind and compare and try the same with the local standards.

Inspectors
may enter
shops etc.
and examine
balances etc.
Q. 6 Edw. VII.
No. 19, s. 23.
Q. 3 Geo. V.
No. 15, s. 10.

(2.) For such examination the fees prescribed by the Second Schedule to this Ordinance shall be paid but such fees shall not be payable by the same person more than once in every twelve months.

Fees.
Second
Schedule.

(3.) If upon examination it appears that any such weight is light or otherwise unjust or that any such measure is incorrect or otherwise unjust the same shall be seized by the inspector and may be forfeited and the person in whose possession the same is found shall be liable to a penalty not exceeding Ten pounds unless such weights are troy weights or such weighing instrument has been used or is such as is commonly used with troy weights in which case he shall be liable to a penalty not exceeding Fifty pounds:

Having unjust
weights
measures or
balances.

Provided that the inspector may in cases where he deems it proper so to do in lieu of immediately seizing any weight measure or weighing instrument so found to be light incorrect or unjust give to the person found in possession of the same notice in writing to have the same corrected and made true and just within fourteen days or such shorter period as he may deem fit and in the meantime to cease to use the same; and if such notice is complied with to the satisfaction of the inspector he shall not take any further action

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

(5) No notification has been published in *Papua Govt. Gaz.*

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under this section but if such notice is not so complied with the inspector shall at the expiration of the time specified in the said notice seize the weights measures or weighing instruments in question and the same consequences as to forfeiture and penalty shall ensue as if no such notice had been given by him.

Using weights and measures not authorized.
Q. 6 Edw. VII.
No. 19, s. 24.

22. Every person who for the purpose of any bargain sale or contract uses any weight or measure or weighing instrument—

- (1) other than such as has been compared and stamped under this Ordinance; or
- (2) other than those authorized by this Ordinance or an aliquot part or multiple thereof; or
- (3) which is light or incorrect or otherwise unjust

shall be liable to a penalty not exceeding Ten pounds except in the case of troy weight in which case he shall be liable to a penalty not exceeding Fifty pounds.

Moreover any bargain sale or contract made by any such weight or measure shall be wholly null and void.

Fraud.
Q. 7b. s. 25.

23. Any person who by means of any unlawful or light or incorrect or unjust weight or measure or weighing instrument defrauds or attempts to defraud or counsels or procures another to defraud or attempt to defraud any person shall for a first offence be liable to a penalty not exceeding Ten pounds and for a second or any subsequent offence to a penalty not exceeding Twenty pounds and in either case the weight measure or weighing instrument shall be seized and forfeited.

Obstructing inspector.
Q. 7b. s. 26.

24. Any person who wilfully obstructs or in any way prevents any inspector in the execution of his duty or who refuses to produce all weights or measures or weighing instruments in his possession for the purpose of being examined compared adjusted or verified by an inspector shall be liable to a penalty not exceeding Twenty pounds.

Default of inspector.
Q. 7b. s. 27.

25. Any inspector who stamps any weight or measure or weighing instrument without duly comparing adjusting and verifying the same or who is guilty of a breach of any duty imposed upon him by this Ordinance or otherwise misconducts himself in the execution of his office shall be liable to a penalty not exceeding Twenty pounds and shall in addition vacate his office.

Counterfeiting stamps on weights and measures.
Q. 7b. s. 28.

26.—(1.) Any person who makes forges or counterfeits or causes or procures to be made forged or counterfeited or knowingly acts or assists in the making forging or counterfeiting any stamp for the stamping of any weight or measure or weighing instrument shall be liable to a penalty not exceeding Fifty pounds.

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(2.) Any person who knowingly sells alters disposes of or exposes for sale any weight or measure or weighing instrument with such forged or counterfeit stamp thereon shall be liable to a penalty not exceeding Twenty pounds and all such weights and measures and weighing instruments and all such forged or counterfeited stamps shall be seized and forfeited.

27.—(1.) All proceedings in respect of offences against this Ordinance may be heard and determined in a summary way by complaint before two justices of the peace.

Prosecution of offences.
Q. 6 Edw. VII.
No. 19, s. 30.

(2.) In any such proceedings it shall not be necessary to prove the limits of any district or the appointment of any inspector or officer under this Ordinance or the authority of any inspector or officer to do any act or take any proceeding or that any standard weight or measure or any local stamp was or is deposited kept stamped verified or used under or for the purpose of this Ordinance or if such standard or local standard or stamp or that any weight or measure or weighing instrument has or has not been duly compared adjusted verified or stamped under this Ordinance and the averment of any such thing as aforesaid where necessary in any complaint shall be sufficient evidence of the fact until the contrary is proved.

Presumptions.

(3.) When a person is convicted under any provision of this Ordinance of a second or subsequent offence and the court by which he is convicted is of opinion that such offence was committed with intent to defraud he shall be liable in addition to or in lieu of any penalty to be imprisoned for any period not exceeding six months.

Second or subsequent offences.

(4.) No proceeding or conviction for any offence punishable under this Ordinance shall affect any civil remedy to which any person aggrieved by the offence may be entitled.

Civil and criminal proceedings.

(5.) This Ordinance shall not exempt any person from an indictment or other proceeding for an offence which is punishable under some other Ordinance: Provided that no person shall be punished twice for the same offence.

28. All weights measures and weighing instruments forfeited under this Ordinance shall be rendered useless and shall be disposed of as the Chief Inspector directs.

Disposal of forfeited weights etc.
Q. 3 Geo. V.
No. 15, s. 11.

29. The Lieutenant-Governor⁽²⁾ may from time to time make regulations⁽⁶⁾ with respect to all or any of the following matters namely:—

Regulations.
Q. 6 Edw. VII.
No. 19, s. 31.
Q. 3 Geo. V.
No. 15, s. 12.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940*.

(6) No regulations have been made.

WEIGHTS AND MEASURES--

- Qualifications of inspectors. (i.) the qualifications to be possessed or the examination to be passed by persons desirous of becoming inspectors;
- Duties of inspectors. (ii.) the duties of inspectors;
- Travelling expenses. (iii.) the payment of travelling expenses to inspectors;
- Care and verification of standards. (iv.) the conditions for the supply custody care and verification of standard weights and standard measures and of local standards;
- Verification of local stamping. (v.) the periodical verification of local standards and of weighing instruments whether used by private owners or by any Department of the Crown;
- Method of stamping. (vi.) the method of comparing adjusting verifying and stamping weights measures and weighing instruments;
- Limitation of error. (vii.) the limitation of error which may be permitted in any weight measure or weighing instrument;
- Differentiation of weighing instruments. (viii.) the class or make or power of weighing instruments and imposing conditions respecting the placing erection protection adjustment and verification of the same;
- Reduction of fees. (ix.) reducing the fees payable under this Ordinance fixing the amount or proportion of travelling expenses and portorage incurred in connection with the comparison adjustment verification or stamping of weighing instruments which shall be payable by the owners of such instruments;
- Generally. (x.) providing for all or any purposes whether general or to meet particular cases that may be convenient for the administration of this Ordinance or that may be necessary or expedient to carry out the objects and purposes of this Ordinance and where there may be in this Ordinance no provision or no sufficient provision in respect of any matter or thing necessary or expedient to give effect to this Ordinance providing for and supplying such omission or insufficiency.

All such regulations upon publication in the *Gazette* shall be of the same effect as if they were enacted in this Ordinance and shall not be questioned in any proceedings whatsoever.

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FIRST SCHEDULE.

Section 2.

Reference to Enactment.	Title or Short Title.	Extent of Repeal.
16 Vic. No. 34 (Queensland adopted)	An Act to Amend the Laws Relating to Weights and Measures	The whole enactment.
30 Vic. No. 18 (Queensland adopted)	Standard Weight for Agricultural Produce Act of 1886	The whole enactment.

SECOND SCHEDULE.

Section 17, 20, 21.

FEES PAYABLE TO INSPECTORS FOR COMPARING AND STAMPING WEIGHTS AND MEASURES.

Weights.

	£	s.	d.
Each half hundredweight	0	0	9
Each quarter of a hundredweight	0	0	6
Each stone	0	0	4
Each weight under a stone to a pound inclusive	0	0	1
Each weight under a pound	0	0	1
Each set of weights of a pound and under	0	0	2

Measures.

Each bushel	0	0	3
Each half bushel	0	0	2
Each peck and all under	0	0	1
Each yard	0	0	1

Measures of Capacity of Liquids.

Each five gallon	0	1	0
Each four gallon	0	0	9
Each three gallon	0	0	6
Each two gallon	0	0	4
Each gallon	0	0	2
Each half gallon and under	0	0	1

Verifying and Stamping Weighing Machines.

For ten tons and above	1	10	0
For under ten tons and over one ton	1	0	0
For one ton and above five hundredweight	0	10	0
For five hundredweight and above one hundredweight	0	5	0
For one hundredweight and above fifty-six pounds	0	4	0
For fifty-six pounds and above fourteen pounds	0	2	6
For fourteen pounds or under	0	1	0

Adjusting Weights Measures and Weighing Instruments.

For the time occupied in the work a fee at the rate of (per hour)	0	2	6
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