ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

C A P. LXXVI.

An Act to amend "The Weights and Measures (*Ireland*) Act, 1860;" to abolish local and customary Denominations of Weight, and to regulate the Mode of weighing Articles sold, in *Ireland*.

[7th *August* 1862.]

WHEREAS an Act was passed in the Twenty-third and Twenty-fourth Years of the Reign of Her Majesty, intituled *An Act to amend the Law relating to Weights and Measures in* Ireland: And whereas it is expedient that the said Act should be amended in the Manner herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 23 & 24 Vict. c. 119.

PART I.

1. This Act shall commence and take effect on the First Day of *January* One thousand eight hundred and sixty-three. Commencement of Act.

2. This Act may for all Purposes be cited as "The Weights and Measures (*Ireland*) Amendment Act, 1862." Short Title.

3. The Fourth, Fifth, Sixth, Seventh, Ninth, Eleventh, Twelfth, Thirteenth, and Fourteenth Sections of the said recited Act (except Certain Sections of recited Act repealed.

so much of the said Fourth Section as repeals the Eighteenth Section of "The Summary Jurisdiction (*Ireland*) Act, 1851,") shall be and are hereby repealed: Provided always, that, notwithstanding such Repeal of the said Eleventh and Twelfth Sections, all such Expenses as are mentioned in the said Sections respectively which shall have been incurred, and shall not have been paid before the Commencement of this Act, shall be presented, raised, and levied in the Manner directed by the said Sections respectively.

This Act incorporated with recited Act.

4. This Act shall be deemed to be incorporated with the said recited Act, and shall be as if the said recited Act (except such Parts thereof as have been repealed or amended by this Act) and this Act were One Act.

Certain Head and other Constables to be ex officio Inspectors of Weights and Measures.

5. From and after the Commencement of this Act, such Head or other Constables only in each Petty Sessions District as shall be selected under this Act by the Inspector General of Constabulary in *Ireland*, with the Approval of the Lord Lieutenant, shall be *ex-officio* Inspectors of Weights and Measures within such District, and shall possess and exercise all the Powers and Authorities, and be subject to the like Penalties for any Neglect or Offence in the Discharge of such Duties, which any Inspector of Weights and Measures heretofore possessed or exercised or had been liable to under and by virtue of the Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter Sixty-three, or any other Act now in force, and shall perform such Duties, under the Direction of the Justices at Petty Sessions, without Fee or Reward, and notwithstanding any Manorial Jurisdiction or Claim of Jurisdiction within such District: Provided that if within One Month from the Date of such Selection the Justices shall signify their Disapproval of the Selection of any Head or other Constable, another Selection shall be made by the same Authority, subject to the same Conditions, and the Inspector General of Constabulary shall give Notice, or cause Notice to be given, to the Clerk of the Petty Sessions District, within Three Days of any such Selection having been made in his District, who shall immediately make known the said Selection to the Justices of the District.

Inspector General to appoint One Officer in each County or Borough to have Custody of Imperial Standards, who shall also stamp Sub-Standards.

6. The Inspector General of Constabulary shall, with the Approval of the Lord Lieutenant, also appoint some Sub-Inspector of Constabulary in every County or Borough in *Ireland* to have the Charge of such Copy or Copies of the Imperial Standard Weights and Measures as shall have been provided for such County or Borough under the Provisions of the said first-recited Act, or may be so provided under this Act; and such Sub-Inspector shall duly stamp or cause to be duly stamped from Time to Time such Sub-Standard Weights and Measures as may be transmitted to him for such Purpose; and any Inspector of Weights and Measures in any such County

County or Borough in whose Custody any Copy or Copies of the Imperial Standard Weights and Measures shall have been deposited, under the Provisions of the said first-recited Act, shall, within One Calendar Month after the Commencement of this Act, transmit the same to the Sub-Inspector appointed to have the Custody of the same, under the Provisions of this Act, subject to a Penalty for Neglect or Refusal not exceeding Ten Pounds.

Grand Jury and Town Council to provide One Set of Copies of Imperial Standards for each County or Borough, and also as many Sub-Standards as may be necessary.

7. It shall be lawful for the Grand Jury of each County and the Town Council of each Borough and they are hereby required to provide One complete Set of Copies of the Imperial Standard Weights and Measures for each such County or Borough respectively, where the same has not been already provided, and to have the same from Time to Time duly compared and re-verified in the Manner required by the Fifteenth Section of the said first-recited Act, and also to provide for each such County or Borough respectively as many Copies in Iron or other sufficient Material of the County Copies of the Imperial Standard Weights and Measures, and such accurate Beams and Scales, as shall be necessary for such County or Borough respectively; and such Inspector General may direct that such Copies shall be duly stamped by the Sub-Inspector of Constabulary in whose Custody any Copy or Copies of the Imperial Standard Weights and Measures shall have been placed, as herein-before mentioned, and the said last-mentioned Copies shall be called "The Sub-Standard Weights and Measures;" and such Grand Jury and Town Council shall also provide such good and sufficient Stamps for stamping or sealing Weights and Measures used or to be used in such County or Borough respectively as they shall consider to be necessary for such Purpose: Provided always, that not less than One Set of "The Sub-Standard Weights and Measures," and One Set of accurate Beams and Scales, shall be provided for each Petty Sessions District in any County, and not less than Two such Sets shall be provided for any Borough.

Ex-officio Inspectors of Weights and Measures may enter Shops, &c. to inspect Beams, &c.

8. It shall be lawful for every *ex-officio* Inspector of Weights and Measures, in addition to the Powers given to such Inspectors by the said first-recited Act, at all reasonable Times to enter into any Shop, Store, Warehouse, Yard, or Place within his Jurisdiction where Goods shall be purchased or exposed or kept for Sale, and there to inspect all Beams, Scales, Balances, and Weights and Measures, in the Possession of any Person purchasing, selling, offering, or exposing for Sale any Goods; and if upon such Inspection or Examination any such Beams, Scales, or Balances, or Weights or Measures, shall be found light or unjust, or otherwise contrary to the Provisions of the said Act of the Fifth and Sixth Years of King *William* the Fourth

Fourth or this Act, or if any Fraud shall be wilfully committed in the using thereof, the same shall be liable to be seized and forfeited, and the Person or Persons using or having in his or her Possession any such false or unjust Beams, Scales, or Balances, or light or unjust Weights or Measures, shall be liable to any Penalty not exceeding Five Pounds as shall be adjudged by any Justice or Justices before whom any such Conviction shall take place.

Judge of Assize to order Copies of Standards, &c., in Counties in Ireland when it has not been done by Grand Juries.

9. The Judge of Assize before the Close of the Assizes which shall be held for any County in *Ireland* next after the Commencement of this Act, and at the first Assizes which shall be held in every succeeding Year, shall inquire of the Foreman of the Grand Jury whether One complete Set of such Copies of the Imperial Standard Weights and Measures and a sufficient Number of Sub-Standard Copies of Weights and Measures, Beams and Scales, and County Stamps, have been provided in such County; and in every Case in which it shall appear to such Judge, upon due Inquiry, that One Set at least of such Copies, and a sufficient Number of Sub-Standard Copies, Beams, Scales, and County Stamps, have not been so provided, such Judge shall forthwith order the Treasurer of the County to provide One complete Set of such Copies of the Imperial Weights and Measures, and such Number of Sub-Standard Weights and Measures, Beams and Scales, and County Stamps, as shall, subject to the Provisions herein-before contained, appear to such Judge to be sufficient for such County for the Purposes of this Act; and every such Order shall have the Effect of a Presentment on the County at large for such Sum as may be necessary to procure the same; and such Treasurer shall, within Three Calendar Months next after he shall receive such Order, fully execute the same, or failing so to do shall be liable to any Penalty not exceeding Twenty Pounds.

Chairman of Quarter Sessions to order Copies of Standard Weights and Measures in Boroughs within the County, in case it has not been done by Town Council.

10. The Chairman of Quarter Sessions for each County in *Ireland* at the Quarter Sessions of the Peace which shall be held for such County next after the Twenty-fifth Day of *March* in the Year One thousand eight hundred and sixty-three, and at such Quarter Sessions in every succeeding Year, shall inquire whether One complete Set of such Copies of the Imperial Standard Weights and Measures, and a sufficient Number of Sub-Standard Copies of Weights and Measures, Beams and Scales, and Borough Stamps, have been provided in each Borough within such County; and in every Case in which it shall appear to such Chairman, upon due Inquiry, that One Set at least of such Copies, and a sufficient Number of Sub-Standard Copies, Beams, Scales, and Borough Stamps, have not been so provided, such Chairman of Quarter Sessions shall forthwith order the Town Clerk or other proper Officer of such Borough to provide One complete Set of such

Copies

Copies of the Imperial Standard Weights and Measures, and also such Number of Sub-Standard Weights and Measures, Beams and Scales, and Borough Stamps, as such Chairman shall think sufficient; and every such Order shall have the Effect of an Order of the Town Council of such Borough to raise such Amount by way of Rate in such Borough as may be necessary to procure a complete Set of such Copies of the Imperial Standard Weights and Measures, and also such Number of Copies of the Sub-Standard Weights and Measures, Beams and Scales, and Borough Stamps, as shall, subject to the Provisions herein-before contained, appear to such Chairman of Quarter Sessions to be sufficient, and as he shall direct; and such Town Clerk or other Officer shall, within Three Calendar Months next after he shall receive such Order, fully execute the same, or failing so to do shall be liable to any Penalty not exceeding Twenty Pounds: Provided always, that in any Borough in which no Rate is levied, and which Borough is liable to the Payment of County Cess, the Expenses incurred under the said recited Act or this Act shall be defrayed by the County in which the said Borough or the greater Part thereof is situate.

PART II.

Denominations of Weight and Mode of Weighing.

And whereas it is expedient to abolish all local and customary Denominations of Weight, and to prohibit improper Deductions in weighing, and otherwise to regulate the Mode of weighing Articles sold: Be it therefore enacted as follows:

Extent of Part II.

11. The Provisions of this Part of this Act shall extend and apply throughout *Ireland* to all Contracts, Bargains, Sales, and Dealings, save as herein-after excepted.

Contracts to be made by Denominations of Imperial Weight, otherwise to be void.

12. Every Contract, Bargain, Sale, or Dealing—

For any Quantity of Corn, Grain, Pulses, Potatoes, Hay, Straw, Flax, Roots, Carcases of Beef or Mutton, Butter, Wool, or dead Pigs, sold, delivered, or agreed for;

Or for any Quantity of any other Commodity sold, delivered, or agreed for by Weight (not being a Commodity which may by Law be sold by Troy Weight or by Apothecaries Weight),

shall be made or had by One of the following Denominations of Imperial Standard Weight; namely,

The Ounce Avoirdupois;

The Pound Avoirdupois of Sixteen Ounces;

The Stone of Fourteen Pounds;

The Quarter Hundred of Twenty-eight Pounds;

The Half Hundred of Fifty-six Pounds;

The Hundredweight of One hundred and twelve Pounds;

Or the Ton of Twenty Hundredweight,

and not by any local or customary Denomination of Weight whatsoever, otherwise such Contract, Bargain, Sale, or Dealing shall be void: Provided always, that nothing in the present Section shall be deemed to prevent the Use, in any Contract, Bargain, Sale, or Dealing, of the Denomination of the Quarter, Half, or other aliquot Part of the Ounce, Pound, or other Denomination aforesaid, or shall be deemed to extend to any Contract, Bargain, Sale, or Dealing relating to standing or growing Crops.

Mode of weighing. Deductions prohibited.

13. Every Article sold by Weight shall, if weighed, be weighed in full net standing Beam; and for the Purposes of every Contract, Bargain, Sale, or Dealing, the Weight so ascertained shall be deemed the true Weight of the Article, and no Deduction or Allowance for Tret or Beamage, or on any other Account, or under any other Name whatsoever, the Weight of any Sack, Bag, Cask, Firkin, or other Covering in which such Article may be alone excepted, shall be claimed or made by any Purchaser on any Pretext whatever, under a Penalty of not exceeding Five Pounds.

PART III.

Prevention of Frauds.

Penalty on counterfeiting of Brand.

14. If any Person commit any of the following Offences he shall for each Offence be liable to a Penalty not exceeding Five Pounds:

(1.) If he, with Intent to defraud, counterfeit or procure to be counterfeited any Brand or Stamp used by or under the Authority of the Owner or Lessee of a Market or Fair, or of any Person having by Law the Control of a Market or Fair, to denote the Weight, Measure, or Quality of any Article sold in the Market or Fair, or within the prescribed Limits, during the holding of the Market or Fair, or of any Cask, Firkin, or other Vessel, Covering, or Thing in which such Article is sold, or the Impression of any such Brand or Stamp:

(2.) Or, with the like Intent, use or procure to be used any such counterfeit Brand or Stamp or Impression:

(3.) Or, with the like Intent, alter an Impression of any such genuine Brand or Stamp:

(4.) Or, with the like Intent, have in his Possession anything having thereon an Impression of any such counterfeit Brand or Stamp, or a fraudulently altered Impression of any such genuine Brand or Stamp:

(5.) Or,

(5.) Or, with the like Intent, transfer or apply any Cask, Firkin, or other Vessel, Covering, or Thing, having thereon an Impression of any such genuine Brand or Stamp, to any Article other than that for denoting the Weight, Measure, or Quality whereof such Impression was made on such Cask, Firkin, or other Vessel, Covering, or Thing; or in any other Manner alter the *bonâ fide* Application of an Impression of any such genuine Brand or Stamp:

(6.) Or knowingly weigh or cause to be weighed, contrary to the Provisions of this Act, or act or assist in committing or connive at any Fraud respecting the weighing or the Weight or Measure of any such Article as in Part II. of this Act is mentioned:

(7.) Or, with Intent to defraud, alter any Ticket specifying the Weight of any such Article:

(8.) Or, with Intent to defraud, make or use, or be privy to the making or using, of any such Ticket, falsely stating the Weight of any such Article, or of any Covering, Cart, or Load:

(9.) Or shall dispose of, sell, or cause to be sold any Weight or Measure having a false or counterfeit Stamp, or a Stamp purporting to resemble a genuine Stamp.

Penalty for fraudulently increasing Weight of Butter in Casks.

15. If any Person shall wilfully pack up or mix, or cause to be packed up or mixed, with or in any Butter contained in any Firkin or Cask, any Salt, Pickle, or other Substance, with Intent to increase the Weight of such Butter, and shall bring or send any Butter so packed or mixed to any Market for Sale, he shall be liable to pay a Fine not exceeding Forty Shillings, or be imprisoned for any Period not exceeding One Month, as the Justice or Justices shall determine.

Penalty for fraudulently increasing Weight of Fleeces.

16. If any Person shall wind or cause to be wound in any Fleece any Wool not being sufficiently rivered or washed, or wind or cause to be wound within any Fleeces any deceitful Locks, Cots, Skin, or Lamb's Wool, or any Substance, Matter, or Thing whereby the Fleece may be rendered more weighty, to the Deceit and Loss of the Buyer, such Person shall be liable to a Penalty of Two Shillings for every Fleece so fraudulently made up.

PART IV.

General Provisions.

Penalties how recoverable.

17. Any Penalty recoverable under the Provisions of this Act shall be recoverable in a summary Way, with respect to the Police District

District of *Dublin* Metropolis, subject and according to the Provisions of any Act regulating the Powers and Duties of Justices of the Peace for such District, or of the Police of such District, and with respect to other Parts of *Ireland*, before a Justice or Justices of the Peace sitting in Petty Sessions, subject and according to the Provisions of "The Petty Sessions (*Ireland*) Act, 1851," and any Act amending the same.

14 & 15 Vict. c. 93.

Limitation of Proceedings for Penalties.

18. No Penalty imposed by Part Two or Part Three of this Act shall be recovered unless Proceedings for Recovery thereof are commenced within Three Months next after the Commission of the alleged Offence, or in case of a continuing Offence within Three Months after the alleged Offence has ceased to be committed.

Nothing to prevent Persons being indicted for Offences.

19. Nothing in this Act shall be taken to prevent any Person from being indicted for any indictable Offence made punishable on summary Conviction by this Act, or to prevent any Person from being liable under any other Act or otherwise to any other or higher Penalty or Punishment than is provided for any Offence by this Act, but so that no Person be punished twice for the same Offence.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1862.