



## TRINIDAD AND TOBAGO.

Published as a Supplement to the Royal Gazette  
issued on the 18th day of May, 1939.

No. 7—1939.

I ASSENT,

J. HUGGINS,  
*Acting Governor.*

16th May, 1939.

AN ORDINANCE relating to Weights and Measures.

[18th May, 1939.]

Commencement.

**E**NACTED by the Governor of Trinidad and Tobago  
with the advice and consent of the Legislative Council  
thereof.

1. This Ordinance may be cited as the Weights and Measures Ordinance, 1939. Short title.

Interpreta-  
tion.**2.** In this Ordinance—

“ Chief Inspector ” means the Chief Inspector of Weights and Measures appointed under this Ordinance ;

“ gallon ” means a measure of capacity containing ten Imperial 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 ;

“ Inspector ” means an Inspector of Weights and Measures appointed under this Ordinance ;

“ pound avoirdupois ” means a weight equal to the Imperial Standard pound, as defined by the Weights and Measures Act, 1878 ;

“ square yard ” means an area equal to the area contained in a square each of whose sides is one yard in length ;

“ 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 ;

“ weighing instrument ” includes scales, with the weights belonging thereto, scalebeams, balances, spring-balances, steelyards, weighing machines, and every other instrument for determining weight and weighing machines constructed to calculate and indicate the price in money ;

“ yard ” means a length equal to the Imperial Standard yard, as defined by the Weights and Measures Act, 1878.

*Legal weights and measures.*Avoirdupois  
weights.

**3.** (1) A pound avoirdupois shall be the primary weight in the Colony.

(2) The weights specified in the First Schedule to this Ordinance are hereby declared to be such multiples or parts of a pound avoirdupois as are in the said Schedule specified respectively in this behalf, and such weights are hereby declared to be avoirdupois weights.

4. (1) The weights specified in the Second Schedule <sup>Troy weights</sup> to this Ordinance are hereby declared to be such multiples or parts of a pound avoirdupois as are in the said Schedule specified respectively in this behalf, and such weights are hereby declared to be troy weights.

(2) Any weight which is any multiple or any decimal part of an ounce troy may be used as a troy weight.

5. (1) The weights specified in the Third Schedule <sup>Metric weights.</sup> to this Ordinance are hereby declared to be metric weights.

(2) Each metric weight is hereby declared to be equivalent to that weight which, expressed in terms of avoirdupois weights, is specified in the said Schedule as the equivalent of such metric weight.

6. (1) A gallon shall be the primary measure of capacity <sup>Imperial measures of capacity.</sup> in the Colony.

(2) The measures of capacity specified in the Fourth Schedule to this Ordinance are hereby declared to be such multiples or parts of a gallon as are in the said Schedule specified respectively in this behalf.

(3) These measures are in this Ordinance referred to as Imperial measures of capacity.

7. (1) The measures of capacity specified in the Fifth <sup>Metric measures of capacity.</sup> Schedule to this Ordinance are hereby declared to be metric measures of capacity.

(2) Each metric measure of capacity is hereby declared to be of that capacity which expressed in terms of Imperial measures of capacity, is specified in the said Schedule as the equivalent of such metric measure.

8. (1) A yard shall be the primary measure of length <sup>Imperial measures of length.</sup> in the Colony.

(2) The measures of length specified in the Sixth Schedule to this Ordinance are hereby declared to be such multiples or parts of a yard as are in the said Schedule specified respectively in this behalf.

(3) These measures are in this Ordinance referred to as Imperial measures of length.

Metric  
measures of  
length.

**9.** (1) The measures of length specified in the Seventh Schedule to this Ordinance are hereby declared to be metric measures of length.

(2) Each metric measure of length is hereby declared to be of the length which, expressed in terms of Imperial measures of length, is specified in the said Schedule as the equivalent of such metric measure.

Imperial  
measures of  
surface.

**10.** (1) A square yard shall be the primary measure of surface in the Colony.

(2) The measures of surface specified in the Eighth Schedule to this Ordinance are hereby declared to be such multiples or parts of a square yard as are in the said Schedule specified respectively in this behalf.

(3) These measures are in this Ordinance referred to as Imperial measures of surface.

Metric  
measures of  
surface.

**11.** (1) The measures of surface specified in the Ninth Schedule to this Ordinance are hereby declared to be metric measures of surface.

(2) Each metric measure of surface is hereby declared to contain that extent of surface which, expressed in terms of Imperial measures of surface, is specified in the said Schedule as the equivalent of such metric measure.

Use of troy  
weights.

**12.** (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 or dealt in by troy weight: Provided that diamonds may also be dealt with in trade by the carat as used in England.

(2) Drugs when sold by retail, may be sold by apothecaries weights or measures as used in England.

Use of  
avoirdupois  
weights.

**13.** The avoirdupois weights specified in the First Schedule to this Ordinance and any weight being any multiple or part of any such avoirdupois weight, and the metric weights specified in the Third Schedule to this Ordinance and any weight being any multiple or part of any such metric weight, may be used in selling or computing the weight of any article whatever, and shall be the only

weights that may lawfully be used in the sale or computation of weight for the purpose of any contract or dealing of any articles except the things permitted to be sold by troy weight.

14. The measures specified in the Fourth, Fifth, Sixth, Seventh, Eighth and Ninth Schedules to this Ordinance, and multiples or parts of any such measures, shall be the only measures that may, in any sale, contract, or dealing, lawfully be used for computing or expressing the quantity of anything to be measured. Use of measures.

15. Where the quantity of anything weighed or measured or to be weighed or measured, is expressed in any mode not authorised by this Ordinance in reference to such thing, the quantity so expressed shall be deemed to be uncertain. Illegal expression of quantity.

16. Subject to the provisions of this Ordinance, any weight mentioned or referred to in any Ordinance, or in any contract, bargain, sale, or dealing, if the article weighed be of the class of articles which according to this Ordinance may be sold or dealt in by troy weight, shall be deemed to be troy weight, and if the article weighed be not of such class shall be deemed to be avoirdupois weight unless in either case the contrary is expressed or implied. Presumptions as to weights.

17. (1) The Governor may from time to time procure such standards of weight and measure as he may consider necessary. Standards,

(2) Every standard shall be of a denomination either equivalent to or a multiple or aliquot part of a weight or measure of which the use is authorised by this Ordinance and shall be verified by the standard department of the Board of Trade in England before being brought into use in the Colony.

(3) Every standard shall be made of such materials and in such manner and shall be placed in such a receptacle as to be, so far as practicable, proof against mechanical and atmospheric agencies and all other sources of error.

(4) On publication in the *Royal Gazette* of a notice that any standard of weight or measure has been brought into use in the Colony such standard shall become the Colonial Standard and shall for all purposes be conclusively deemed to be true and accurate.

(5) The Colonial Standards in use in the Colony at the time of the passing of this Ordinance shall be the Colonial Standards for the purposes of this Ordinance.

Conditions of  
accuracy.

**18.** The Governor may, by notice published in the *Royal Gazette*, declare the conditions of temperature and atmospheric pressure and the other conditions (if any) under which the Colonial Standards are true and accurate copies of the Imperial Standards. Under the conditions so declared, the several Colonial Standards shall for all purposes be conclusively deemed to be true and accurate copies of the respective Imperial Standards.

Deposit of  
Colonial  
Standards.

**19.** The Colonial Standards shall be kept at such place as the Governor shall from time to time determine, and each receptacle in which the same are kept shall be secured by two locks which shall not be capable of being opened by the same key.

Custodians  
of Colonial  
Standards.

**20.** (1) The Collector of Customs and Excise and the Director of Surveys shall be Custodians of the Colonial Standards.

(2) Each of such Custodians shall have the custody of a key of each of the receptacles in which the Colonial Standards are placed, and the keys shall be so allocated that no Custodian can open more than one lock of each receptacle.

Secondary  
Standards.

**21.** (1) The Custodians shall procure such copies of the Colonial Standards or any of them as they may think fit, and shall provide for verifying the same, and shall cause such copies to be authenticated as Secondary Standards in such manner as the Governor shall prescribe.

(2) Every authenticated Secondary Standard shall, until the contrary is proved, be deemed to be true and accurate and judicial notice shall be taken of every Secondary Standard so authenticated.

(3) The Secondary Standards shall from time to time be compared by the Custodians with the Colonial Standards and if necessary shall be corrected and adjusted.

(4) The Custodians may at any time cancel any Secondary Standard and direct that it shall no longer be used as such.

**22.** (1) Once at least in every ten years the Governor shall cause every Colonial Standard to be verified at the standard department of the Board of Trade and to be adjusted and renewed if requisite. Periodical verification of Colonial Standards.

(2) Before a Colonial Standard is sent out of the Colony for this purpose, the Governor shall cause a Secondary Standard to be deposited with the Custodians of the Colonial Standards and to be verified by comparison with the Colonial Standards and authenticated in such manner as he may think proper and such Secondary Standard shall be deemed to be the Colonial Standard during such time as the Colonial Standard is out of the the Colony.

*Inspectors of weights and measures.*

**23.** (1) The Governor may from time to time appoint such person as he thinks fit to be Chief Inspector of Weights and Measures, and such persons as he thinks fit to be Inspectors of weights and measures, and may assign such portion of the Colony as he thinks fit to each Inspector as an inspection district. The Chief Inspector and every Inspector shall hold office during the Governor's pleasure. Chief Inspector and Inspectors.

No maker or seller of weights, counterpoises, measures, or weighing instruments shall be an Inspector.

(2) The Chief Inspector shall have the general supervision of the Inspectors, and the Inspectors shall make such returns and furnish such information as the Chief Inspector requires, and generally shall conform to the directions of the Chief Inspector. Duties of Chief Inspector.

**24.** (1) The Chief Inspector shall cause such Secondary Standards as he thinks requisite to be delivered to the Inspectors, and every Inspector shall, at such times and places as the Chief Inspector appoints (of which appointment public notice shall be given), attend with his Secondary Standards and examine all weights and measures brought to him and at that time used or intended to be used within his inspection district. Verification of weights and measures by Inspectors.

(2) Any Inspector may at any time examine any weights or measures brought to him and at that time used or intended to be used within his inspection district.

(3) Where an Inspector examines under this section any weights or measures brought to him, he shall verify the same by comparison with the proper Secondary Standards in his possession, and such as he finds to be just he shall stamp or mark in manner to be prescribed by the Governor:

Provided that an Inspector shall so stamp or mark those denominations of weights and measures only of which he has Secondary Standards, or which he may be directed by the Chief Inspector to verify.

Certificate  
of justness.

**25.** Where an Inspector under this Ordinance stamps or marks any weight or measure, he shall deliver to the person bringing such weight or measure a certificate of justness in respect thereof, and such certificate shall remain in force, from the day on which it was given, for such period (not being less than one year) as the Governor prescribes, and no longer.

Power of  
Inspector  
to enter  
premises.

**26.** Every Inspector may, at all reasonable times, enter any shop, store, warehouse, stall, yard, or other place within his inspection district wherein any goods are bought, sold, exposed or kept for sale, or weighed or measured for conveyance or carriage; and require the production of and examine all weights, counterpoises, measures, and weighing instruments there, and may seize and detain any weight, counterpoise, measure or weighing instrument which he has reason to believe is false or unjust or which is liable to be forfeited in pursuance of this Ordinance.

Inspector  
may seize  
weights, &c.

Prohibition  
of adjust-  
ment by  
Inspector.

**27.** No Inspector shall repair, alter, or adjust any weight, counterpoise, measure, or weighing instrument examined by him.

*Requirements as to weights, measures, and weighing instruments.*

General  
requirements  
as to  
weights and  
measures.

**28.** Subject to the provisions in this section contained, no weight or measure shall be used for trade, or for the purpose of any sale, contract or dealing, unless it be stamped or marked by an Inspector under this Ordinance, and any weight or measure so stamped or marked may, unless it

is unjust, be used in any part of the Colony so long as the certificate of justness in respect thereof remains in force and no longer :

Provided that nothing in this Ordinance shall require—

(a) any weight above one hundred and twelve pounds or under one quarter of an ounce, or

(b) any measure of length greater than two yards or less than six inches, or

(c) any measure of capacity greater than two hundred and eighty-eight gallons or less than one quarter of a pint,

to be stamped or marked.

**29.** Every weight exceeding one quarter of an ounce avoirdupois shall have its denomination as one of the weights specified in the Schedules to this Ordinance, or as a multiple or part of one of such weights, expressed in legible figures and letters on the top or side thereof. Marks required on weights.

**30.** Every counterpoise used with any weighing instrument shall, unless the weight of which it purports to be the equivalent is less than four ounces avoirdupois, have conspicuously and legibly stamped or marked thereon the letter C and the denomination of the weight of which it purports to be the equivalent. Marks required on counterpoises.

**31.** No weight or counterpoise made of lead or pewter or any mixture thereof shall be used unless the same be wholly and substantially cased with brass, copper, or iron, and legibly stamped or marked "Cased": Provided that this section shall not prevent the insertion of such a plug of lead or pewter into any weight or counterpoise as may be required for the purpose of adjusting the same or affixing thereon any stamp or mark required by this Ordinance. Restriction of use of lead or pewter.

**32.** Every measure, whether of length or capacity, shall have its denomination as one of the measures specified in the appropriate Schedules to this Ordinance, or as a multiple or part of one of such measures, expressed in legible figures and letters thereon, and, in the case of a measure of capacity, on the outside. Marks required on measures.

Mode of  
filling  
measures of  
capacity.

**33.** (1) A measure of capacity constructed as follows, that is to say, having a portion, extending from the lower end, sufficient to bear the stamps or marks required by this Ordinance, made of metal or other suitable material, and the upper portion made wholly or partially of glass or other transparent material, so that the level of the surface of the contents may be clearly seen, with a level line distinctly marked upon the transparent portion, may be used for measuring liquids, and shall be required to be filled to the level of the line so marked.

(2) All measures used for measuring liquids not constructed as aforesaid shall be filled to the level of the brim.

(3) All measures of capacity used for any other purpose than measuring liquids shall either 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.

*Prohibition of illegal weights, measures, and weighing instruments.*

Prohibition  
of unjust  
weights, &c.

**34.** The use for the purpose of any sale, contract, or dealing of any weight, counterpoise, measure, or weighing instrument which is false or unjust is hereby prohibited.

Prohibition of  
unstamped  
and uncerti-  
ficated  
weights, &c.

**35.** The use for the purpose of any sale, contract, or dealing of any weight or measure, which, if required by this Ordinance to be stamped or marked by an Inspector or otherwise, is not so stamped or marked, or in respect of which, if a certificate of justness is required by this Ordinance, no such certificate is in force, is hereby prohibited.

Invalidity of  
contracts by  
prohibited  
weights, &c.

**36.** Any sale, contract, or dealing made by or with reference to any weight, counterpoise, measure, or weighing instrument, the use of which for the purpose of such sale, contract, or dealing is prohibited by this Ordinance, shall be void.

*Offences as to weights, measures, and weighing instruments.*

**37.** (1) Every person selling goods, whether on his own behalf or on behalf of another, by weight or measure in any warehouse, store, shop, market, or public place, shall, upon being so required by the person to whom the goods are delivered, and in the presence of the last mentioned person—

Refusal of seller to weigh or measure.

(a) if the goods are sold by weight, weigh the same in a proper weighing instrument; or

(b) if the goods are sold by measure, measure the same.

(2) Any person required under this section to weigh or measure any goods who refuses or neglects so to do in manner required by this section shall be liable to a fine not exceeding twenty-five dollars.

**38.** Any person using for the purpose of any sale, contract, or dealing, or having in his possession for use, for trade, any denomination of weight or measure not authorised by this Ordinance for such purpose or use, shall be liable to a fine not exceeding ten dollars.

Use of unauthorised denominations.

**39.** Any person using for the purpose of any sale, contract, or dealing, or having in his possession for use, for trade, any weight, counterpoise, measure, or weighing instrument which is false or unjust, or which, if required by this Ordinance to be stamped or marked by an Inspector or otherwise, is not so stamped or marked, or in respect of which, if a certificate of justness is required by this Ordinance, no such certificate is in force, shall be liable to a fine not exceeding twenty-five dollars, or in the case of any subsequent offence, fifty dollars.

Use of illegal weights, &c.

**40.** Where any fraud is wilfully committed in the use of any weight, counterpoise, measure, or weighing instrument, the person committing such fraud, and every person party to the fraud, shall be liable to a fine not exceeding twenty-five dollars, or in the case of any subsequent offence, fifty dollars.

Fraud in use of weights, &c.

Refusing pro-  
duction and  
obstructing  
Inspector.

41. Any person who refuses to produce to an Inspector any weight, counterpoise, measure, or weighing instrument in his possession or custody, whereof the Inspector requires the production under this Ordinance, or who obstructs or hinders any Inspector in any examination under this Ordinance, of any weight, counterpoise, measure, or weighing instrument, shall be liable to a fine not exceeding twenty-five dollars.

Inspector  
stamping  
without  
verification.

42. Any Inspector who stamps or marks any weight or measure without duly verifying the same, by comparison with the proper secondary standard or standards in his possession, shall be liable to a fine not exceeding twenty-five dollars.

Inspector  
stamping  
out of his  
district.

43. Any Inspector who knowingly stamps or marks any weight or measure not at that time used or intended to be used within his inspection district shall be liable to a fine not exceeding ten dollars.

Dealing in  
unjust  
weights, &c.

44. Every person who knowingly makes or sells, or knowingly causes to be made or sold, any unjust weight, counterpoise, measure, or weighing instrument, shall be liable to a fine not exceeding fifty dollars, or in the case of any subsequent offence, to a fine not exceeding one hundred and twenty dollars, or to be imprisoned for any term not exceeding three months, with or without hard labour.

Forging  
marks.

45. Every person who forges or counterfeits, or causes or procures to be forged or counterfeited, or knowingly acts or assists in forging or counterfeiting, any stamp or mark used for stamping or marking any weight or measure under this Ordinance, shall be liable to a fine not exceeding two hundred and forty dollars or to be imprisoned for any term not exceeding four months.

Dealing in  
counterfeit  
weights, &c.

46. Every person who knowingly sells, utters, disposes of, or exposes for sale any weight or measure with any forged or counterfeit stamp or mark thereon resembling or intended to resemble any stamp or mark used under this Ordinance shall be liable to a fine not exceeding one hundred and twenty dollars.

47. Every weight or measure having thereon any forged or counterfeit stamp or mark resembling or intended to resemble any stamp or mark used under this Ordinance, shall be forfeited to His Majesty and may at any time be seized by the Inspector of any inspection district within which the same is found. Forfeiture of counterfeit weights, &c.

48. Every person who, with intent to defraud, alters any weight or measure stamped or marked according to this Ordinance, or uses in any sale, contract, or other dealing, any weight or measure altered as aforesaid, shall be liable to a fine not exceeding one hundred and twenty dollars, or in the case of any subsequent offence, to a fine not exceeding two hundred and forty dollars, or to be imprisoned for any term not exceeding four months, with or without hard labour. Alteration of marks.

49. Where any penalty is imposed under this Ordinance, it shall be lawful for the Governor to direct that any portion thereof not exceeding one moiety shall be paid to the person laying the information, unless such person be a member of the Police Force, in which case such moiety shall be applied according to section 70 of the Police Ordinance, 1938. Appropriation of penalties. Ord. 5 of 1938.

50. All weights, counterpoises, measures, and weighing instruments in respect of which any person is convicted under this Ordinance shall, at the discretion of the convicting Magistrate, be liable to be forfeited to His Majesty. Forfeiture on conviction.

*Short weight and measure in the sale of any article.*

51. (1) A person shall not, in selling any article by weight, measure, or number, deliver or cause to be delivered to the purchaser a less weight, measure, or number, as the case may be, than is purported to be sold. Prohibition of giving short weight, measure or number.

(2) A statement as to the weight or measure of a pre-packed article shall be deemed to be a statement as to the net weight or measure thereof, unless otherwise specified. Statements as to weight or measure on pre-packed articles.

(3) A person shall not on or in connection with the sale of any article or in exposing or offering any article for sale, make any misrepresentation either by word of Misrepresentation.

mouth or otherwise, or commit any other act calculated to mislead the purchaser or prospective purchaser, as to the weight or measure of the article, or, if any articles are being sold or offered for sale by number, as to the number of articles sold or offered for sale.

Application  
of the  
provisions of  
section 51.

52. The provisions of section 51 shall, except so far as they apply to pre-packed articles, apply only to retail dealings and shall not in any case apply to the sale or offering for sale of any article of food for consumption on or at the premises of the seller, or to sales in petty amounts.

Penalty.

53. Any person who contravenes the provisions of section 51 shall be liable to a fine not exceeding in the case of a first offence twenty-four dollars, and in the case of any subsequent offence two hundred and forty dollars.

Safeguards  
to traders.

54. In any proceedings under this Ordinance—

Inconsiderable  
variation.

(a) in respect of an alleged deficiency of weight or measure of any pre-packed article, the court shall disregard any inconsiderable variation in the weight or measure of a single article, and shall have regard to the average weight or measure of a reasonable number of other articles of the same kind (if any) sold or delivered by the defendant, or in his possession for the purpose of sale or delivery, on the same occasion and generally to all the circumstances of the case;

Deficiency  
due to  
*bona fide*  
mistake or  
accident.

(b) in respect of an alleged deficiency of weight or measure or number, if the defendant proves to the satisfaction of the court that such deficiency was due to a *bona fide* mistake or accident, or other causes beyond his control, and in spite of all reasonable precautions being taken and all due diligence exercised by the said defendant to prevent the occurrence of such deficiency, or was due to the action of some person over whom the defendant had no control the defendant shall be discharged from the prosecution;

(c) in respect of an alleged deficiency in the weight of any article delivered to a purchaser, the defendant shall be discharged from the prosecution if he proves to the satisfaction of the court that the alleged deficiency was due to unavoidable evaporation or drainage and that due care and precaution has been taken to avoid such deficiency.

Deficiency due to unavoidable evaporation or drainage.

55. (1) If in any proceedings under this Ordinance in respect of any pre-packed article the defendant proves that he purchased the article in the wrapper or container in which he sold it or had it in his possession for the purpose of sale and with a written warranty of the weight or measure or number of the article, and that he had no reason to believe, at the time when he sold it or had it in his possession for the purposes of sale, that the article or its wrapper or container did not comply with the provisions of this Ordinance, he shall be entitled to be discharged from the prosecution.

Defendant who purchased article entitled to rely on warranty given him by the vendor.

(2) A warranty shall not be available as a defence to any proceedings under this Ordinance unless the defendant has, within seven days after service of the summons, sent to the prosecutor a copy of such warranty with a written notice stating that he intends to rely on the warranty and specifying the name and address of the person from whom he received it, and has also sent a like notice of his intention to such person.

Notice of intention to rely on warranty to be given to the prosecutor and to the person who gave the warranty.

(3) The person by whom such warranty is alleged to have been given shall be entitled to appear at the hearing and to give evidence, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.

Giver of warranty entitled to appear at trial.

(4) A warranty given by a person resident outside the Colony shall not be available as a defence to any proceeding under this Ordinance, unless the defendant proves that he had taken reasonable steps to ascertain, and did in fact believe in, the accuracy of the statement contained in the warranty.

Warranty given by person outside Colony to be verified.

(5) Where the defendant is a servant of the person to whom a warranty was given, he shall, subject to the provisions hereof, be entitled to rely on the defence hereby allowed in the same way as his employer or master would

Servant entitled to rely on same defence as employer.

have been entitled to do if he had been the defendant, provided that the servant further proves that he had no reason to believe that the pre-packed article did not comply with the provisions of this Ordinance.

Proceedings  
for giving of  
warranty.

(6) Where the defendant in a prosecution under this Ordinance has been discharged under the provisions of this section, any proceedings for giving the warranty relied on by the defendant in such prosecution may be taken as well before a court having jurisdiction in the place where the contravention of this Ordinance took place, as before a court having jurisdiction in the place where the warranty was given.

Penalty  
for false  
warrants.

(7) Every person who in respect of the weight, measure or number of any article sold by him as principal or agent, gives to the purchaser a false warranty in writing, shall be liable for a first offence, to a fine not exceeding ninety-six dollars, and for any subsequent offence to a fine not exceeding four hundred and eighty dollars, unless he proves to the satisfaction of the court that when he gave the warranty he had reason to believe that the statements or descriptions contained therein were true.

Statement on  
wrapper or  
in invoice  
deemed a  
written  
warranty.

(8) For the purposes of the foregoing provisions a statement on any container or any wrapper, band or label affixed thereto or delivered therewith or a statement contained in an invoice, shall be deemed to be a written warranty.

Invoice a  
sufficient  
warranty.

(9) An invoice describing the weight or measure or number of the article shall be a sufficient warranty notwithstanding that it contains no words or express warranty or was delivered after the purchase of the article.

Employer  
charged  
entitled to  
have real  
offender  
brought  
before the  
court.

56. Where an employer or principal is charged with an offence under section 51, he shall be entitled on information duly laid by him, and on giving not less than three days' notice of his intention to the prosecution, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and, if after the commission of the offence has been proved, the employer or principal proves to the satisfaction of the court that he had used due diligence to

enforce the execution of this Ordinance and that the said other person had committed the offence in question without his consent, connivance or wilful default, the said other person shall be summarily convicted of the offence and the employer or principal shall be exempt from any penalty :

Provided that the prosecution shall have in any such case the right to cross-examine the employer or principal if he gives evidence and any witnesses called by him in support of his charge and to call rebutting evidence.

The person so convicted shall, in the discretion of the court, be also liable to pay any costs incidental to the proceedings.

**57.** A prosecution in respect of an offence by a retailer <sup>Limitation.</sup> under section 51, shall not be instituted after the expiration of twenty-eight days from the time when the offence was committed, nor unless either notice was given to the defendant on the day of the commission of the alleged offence or within seven days thereafter notice in writing has been served on or sent to him, nor unless within seven days after the alleged commission of the offence notice in writing of the date and nature of the alleged offence has been served on or sent by registered post to the defendant, nor unless in the case of any alleged deficiency the person against whom the allegation is made has been given reasonable opportunity to check the weight, measure or number of the article or articles in respect of which such allegation is made.

**58.** All penalties incurred under this Ordinance may <sup>Recovery of penalties</sup> be recovered on summary conviction before a Magistrate.

*Miscellaneous.*

**59.** The Governor in Executive Council may make <sup>Regulations.</sup> regulations prescribing—

- (a) the several matters mentioned in this Ordinance to be prescribed by the Governor ; and
- (b) a table of fees to be taken by the Inspectors for stamping or marking weights or measures under this Ordinance.

Regulations made under this section shall not have any force or effect until they have been approved by resolution of the Legislative Council, and published in the *Royal Gazette* and from the date specified in such regulations or if no date be therein specified then from the date of publication such regulations shall have the same force and effect as if they were contained in and formed part of this Ordinance.

Saving as to vessel not represented as Imperial measure.

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

Repeal.

61. The Weights and Measures Ordinance, Cap. 275, is hereby repealed.

FIRST SCHEDULE.

AVOIRDUPOIS WEIGHTS.

Denominations.	Multiples or parts of a pound avoirdupois.
Grain ... ..	$\frac{1}{7000}$
Dram ... ..	$\frac{1}{256}$
Ounce avoirdupois ... ..	$\frac{1}{16}$
Pound avoirdupois ... ..	1
Stone ... ..	14
Quarter ... ..	28
Hundred-weight ... ..	112
Ton ... ..	2,240

SECOND SCHEDULE.

TROY WEIGHTS.

Denominations.	Multiples or parts of a pound avoirdupois.
Grain ... ..	$\frac{1}{7000}$
Ounce Troy ... ..	$\frac{480}{7000}$

THIRD SCHEDULE.

METRIC WEIGHTS.

Denominations.	Value in Grams.	Equivalents.	
Millier (or tonne)	1,000,000	0.9842	ton.
Quintal ...	100,000	1.968	cwt.
Myriagram ...	10,000	22.046	lbs.
Kilogram ...	1,000	2.2046223	lbs. or grains.
Hectogram ...	100	15432.3564	grains.
Dekagram ...	10	3.527	oz.
Gramme ...	1	5.644	drams.
Decigram ...	$\frac{1}{10}$	15.432	grains.
Centigram ...	$\frac{1}{100}$	1.543	grains.
Milligram ...	$\frac{1}{1000}$	0.154	grains.
		0.015	grains.

FOURTH SCHEDULE.

IMPERIAL MEASURES OF CAPACITY.

Denominations.	Multiples or parts of a gallon.
Gill ...	$\frac{1}{16}$
Pint ...	$\frac{1}{8}$
Quart ...	$\frac{1}{4}$
Gallon ...	1
Peck ...	2
Bushel ...	8
Quarter ...	64
Chaldron ...	288

FIFTH SCHEDULE.

METRIC MEASURES OF CAPACITY.

Denominations.	Values in cubic metres.	Equivalents.	
Kilolitre, <i>i.e.</i> 1,000 litres	1	220	gallons.
Hectolitre, <i>i.e.</i> 100 litres	$\frac{1}{10}$	22.00	gallons.
Decalitre, <i>i.e.</i> 10 litres ...	$\frac{1}{100}$	2.200	gallons.
Litre ...	$\frac{1}{1000}$	1.75980	pints.
Decilitre, <i>i.e.</i> $\frac{1}{10}$ litre ...	$\frac{1}{10000}$	0.176	pint.
Centilitre, <i>i.e.</i> $\frac{1}{100}$ litre ...	$\frac{1}{100000}$	0.070	gill.

## SIXTH SCHEDULE.

## IMPERIAL MEASURES OF LENGTH.

Denominations.	Multiples or parts of a yard.
Inch ... ..	$\frac{1}{36}$
Foot ... ..	$\frac{1}{3}$
Yard ... ..	1
Pole or Perch ... ..	$5\frac{1}{2}$
Chain ... ..	22
Furlong ... ..	220
Mile ... ..	1,760

## SEVENTH SCHEDULE.

## METRIC MEASURES OF LENGTH.

Denominations.	Value in metres.	Equivalents.
Myriametre ... ..	10,000	6.2137 miles.
Kilometre ... ..	1,000	0.62137 miles.
Hectometre ... ..	100	109.36 yards.
Decametre ... ..	10	10.936 yards.
Metre ... ..	1	39.370113 inches or 1.0936143 yards.
Decimetre ... ..	$\frac{1}{10}$	3.937 inches.
Centimetre ... ..	$\frac{1}{100}$	0.3937 inch.
Millimetre ... ..	$\frac{1}{1000}$	0.03937 inch.

## EIGHTH SCHEDULE.

## IMPERIAL MEASURES OF SURFACE.

Denominations.	Multiples of parts of a square yard.
Square inch ... ..	$\frac{1}{1296}$
Square foot ... ..	$\frac{1}{9}$
Square yard ... ..	1
Square pole or perch ... ..	$30\frac{1}{4}$
Rood ... ..	1,210
Acre ... ..	4,840

## NINTH SCHEDULE.

## METRIC MEASURES OF SURFACE.

Denominations.	Value in square metres.	Equivalents.
Hectare, <i>i.e.</i> 100 ares ... ..	10,000	2.4711 acres.
Decare, <i>i.e.</i> 10 ares ... ..	1,000	.24711 acre.
Are ... ..	100	119.60 sq. yards.
Centiare, <i>i.e.</i> $\frac{1}{100}$ are ... ..	1	1.1960 sq. yards.

Passed in Council this fifth day of May, in the year of Our Lord one thousand nine hundred and thirty-nine.

W. E. BOARDMAN,  
*Clerk of the Council.*