

Weights and Measures.

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An act to establish a uniform standard of weights and measures in this state, and to provide for the appointment of a state superintendent and inspector of the same.

Passed March 25, 1872. P. L. 1872, p. 41.

1. That the standard of weights and measures in this state shall agree exactly with the standard as recognized and furnished by the United States, and shall for the purposes of security and verification be kept at Trenton, in the custody of the secretary of state. (a) State standard of measures to agree with United States standard.
2. That every county in this state, not already provided with the same, shall be furnished so far as needed for practical purposes, with exact copies of standard weights and measures of the United States, duly rated and compared with the standards of this state, such county standards to be made in the most approved manner, regarding essentially accuracy, durability, and economy, and for the purpose of testing and adjusting scales of large capacity, shall consist of an addition of five hundred pounds (avoirdupois) of cast iron weights, or ten weights of the capacity of fifty pounds each, properly verified and marked. Counties to have copies of standard weights and measures.
3. That all contracts made with this state, or between citizens of this state, on the basis of weight or measure, in defining or ascertaining quantity, shall be taken and construed, according to and in conformity with the standards hereby defined and adopted by this state; *provided*, that nothing herein contained shall be construed so as to conflict with an act of the congress of the United States, entitled "An act to authorize the use of the metric system of weights and measurers" approved April twenty-eighth, one thousand eight hundred and sixty-six. Contracts made on the basis of weight or measure, how construed. Proviso.
4. That any person who shall counterfeit, or without authority alter, or with fraudulent or mischievous intent change or deface any weight, scale, measure, beam or balance, the same having been marked as standard, and to be used for testing and verifying the weights or measures of this state, or of any county of this state, any person so offending shall be deemed guilty of a high misdemeanor, and on conviction of the same, shall be subject to a fine of not exceeding one thousand dollars, or imprisonment at hard labor not exceeding two years, at the discretion of the court. Penalty for altering or counterfeiting.
5. That a superintendent and inspector of weights and measures for this state shall be appointed by the governor, by and with the consent of the senate of this state, who shall be a man of sufficient scientific knowledge, and of known integrity and business ability, who shall hold his office during three years, and until a successor is appointed; the certificate of the governor and secretary of state, duly executed, shall be his evidence of authority to enter upon and execute the duties of his office, as hereinafter defined by this act. Appointment of superintendent and inspector.
6. That it shall be the duty of the state superintendent to take charge of the standard weights and measures of the state, and to see that all county and city standards are provided and properly verified, and together with all articles used in connection with the same, be well and carefully Duties of the superintendent.

(a) Query. As to the constitutionality of any state law regulating weights and measures, see *The Micantonimi*, 3 Wall. Jr. 46.

used, and that all proper provision be made for their protection from injury or damage, when not in use, and to have and exercise a general supervision of the weights and measures of the state.

Original standard furnished by the United States, how used.

7. That the state superintendent of weights and measures shall procure for the state a complete set of copies of the original standard weights and measures adopted by this act, which shall be used by him for adjusting county or city standards, and in no case shall the original standards furnished by the United States to this state, be used for any other purpose than the proof and adjustment of this set of copies (or in case of loss or accident), for replacing the same, or for scientific purposes, on the order, and in the presence of the secretary of state, or state superintendent.

Superintendent to direct device for county or city standard.

8. That the state superintendent shall see that there are impressed upon the state, city and county standard weights and measures the denomination or capacity of each, the emblem of the United States, and of this state, with such other appropriate device as he shall direct for each particular county or city.

County standards to be kept in the office of county clerk.

9. That the county standards shall be deposited in the office of the county clerk, who shall be duly authorized and instructed by the state superintendent in regard to testing and verifying weights and measures within said county, and the county clerk of each and every county in this state so qualified and instructed, shall be furnished with a copy of this act, and shall immediately post in his office due notice of his authority and readiness to act as inspector and sealer of weights and measures, and shall advertise the same in two papers in said county, for the month of January in each year.

Expenses to be paid by the county.

10. That all expenses justly chargeable to any county in this state, and incurred in and immediately connected with procuring county standards of weights and measures, and noticing and advertising the same in furtherance of the provisions and intentions of this act, shall, on presentation of proper and sufficient vouchers to the county freeholders, be accepted and paid by said county.

Form of oath of office.

11. That the state superintendent, and each and every county or city inspector and sealer of weights and measures in this state shall, before entering upon the performance of any official duties, described or implied in this act, take and subscribe to the following oath or affirmation: I, ———, do swear (or affirm), that I will not seal or give any certificate of correctness for any scale, weight, or measure, but such as shall, as nearly as possible, agree with the standard in my keeping, as the standard of the state of New Jersey, and of the United States, and that I will, to the best of my ability, execute and discharge truly and faithfully, the trusts reposed in me, so help me God; which oath or affirmation shall be filed in the office of the secretary of state.

State superintendent to have an official seal.

12. That the state superintendent of weights and measures shall procure for the state an official seal of suitable form and device, to be used by him during his term of office, and duly surrendered by him to his successor; he shall also provide for himself, and for the use of county inspectors, certificates of proper form and wording, to be attached to scales, weights or measures which shall have been examined and approved in due form and by proper authority; he shall, also, keep books of record and account in detail of all transactions and expenditures for the state, and for any of the counties in this state, in furtherance of the business and trusts to him confided, and shall, once in each year, render a statement and report to the governor and legislature.

Compensation.

13. That the state superintendent of weights and measures shall receive a salary of two thousand dollars per year, to be paid semi-annually, by his draft on the treasurer, countersigned by the state comptroller, and that such additional payments and expenses as he may have properly and legitimately incurred in carrying out the provisions and instructions contained in this act, shall, on his statement of the same properly verified, be examined and audited by the state comptroller, and if approved, the treasurer of the state is hereby authorized and directed to pay the same; *provided also*, that at the expiration of three years the salary shall be five hundred dollars per year. (See *Sec. 22*).

Proviso.

14. That the superintendent of weights and measures is duly empowered, in virtue of his office, to inspect, adjust, and seal any hay, coal, grain or mill scale, or any and all track, weigh lock, railroad or depot scales, in this state.

Duty of superintendent.

15. That any person in this state, who shall after thirty days subsequent to published notice from the county inspector and sealer of weights and measures, as provided in section ninth of this act, be found using any false or fraudulent beam, scale, weight or measure, and who shall fail or neglect, on written notice of the same from any person aggrieved, or in any way cognizant thereof, to have said imperfect beam, scale, weight or measure duly inspected, and by proper authority adjusted and sealed, or who shall use the same scale, weight or measure subsequent to said notice, without correction or adjustment as provided in this act, any person so offending shall be liable to an action in law, and penalty of ten dollars for each and every offence; one-half to be paid to the complainant, and one-half into the educational fund of the county within the limits of which the action was brought.

Penalty for fraud.

16. That the county inspectors and sealers of weights and measures in the several counties of this state shall charge for testing or sealing any beam or scale, the sum of fifty cents, and for each and every weight or measure, ten cents, to be paid by the owner or applicant.

Fees of county inspectors.

17. That the bushel of wheat in this state shall consist of sixty pounds; of rye or Indian corn of fifty-six pounds; of buckwheat, fifty pounds; of barley, forty-eight pounds; of oats, thirty pounds; of flax seed, fifty-five pounds; of clover seed, sixty-four pounds; of potatoes, sixty pounds; of sweet potatoes, fifty-four pounds; of beans, sixty pounds; of peas, sixty pounds; of onions, fifty-seven pounds; of dried peaches, thirty-three pounds; of dried apples, twenty-five pounds; rated by the standard pound avoirdupois weight.

Avoirdupois weight of certain articles to the bushel.

18. That this act shall take effect immediately, except so far as section nine and fifteen and sixteen, and in respect to them, shall take effect as soon as the county or city inspector of weights and measures shall have been furnished with standard weights and measures, and qualified and instructed as provided in this act.

Act when to take effect.

19. That the act and provisions of the same in regard to weights and measures, approved April seventeenth, one thousand eight hundred and forty-six, together with all subsequent acts or supplements relating thereto, shall be, and the same are hereby repealed.

Repealer.

Supplement.

Approved April 4, 1872.

P. L. 1872, p. 68.

20. SEC. 1. That in addition to the duties as defined in section six of said act, the state superintendent shall procure for and at the expense of each and every county in this state a surveyor's chain of standard measurement, which shall for purposes of proof and verification be kept in the office of the county clerk for each and every county, and by him to be used to compare and prove all chains used or to be used for measuring or surveying land; and the said clerk shall be entitled to receive from the applicant the sum of fifty cents for each chain by him proved and sealed.

Superintendent of weights and measures shall procure for each county a surveyor's chain of standard measurement.

21. SEC. 2. That every surveyor in any county in this state shall, and is hereby required, within sixty days after notice as provided in section nine of the act to which this is a supplement, to prove any chain used or to be used by him or any other person in surveying land in this state, and to have the same sealed as correct, and thereafter to have the same compared and proved as often as once in two years.

Chain to be compared and proved.

22. SEC. 3. That the salary of the state superintendent and inspector of weights and measures shall be reduced for the second year to one thousand dollars, and for the third year and thereafter to five hundred dollars per year, and that so much of said act to which this is a supplement in regard to the salary named therein as is inconsistent with this act be, and the same is hereby repealed.

Salary of superintendent.

An act establishing the weight of a bushel of apples.

Approved March 17, 1870.

P. L. 1870, p. 37.

23. SEC. 1. That fifty pounds shall constitute a bushel of apples.

Weight of a bushel of apples.