

THE ODISHA WEIGHTS AND MEASURES ACT, 1943

(6th May 1943)

AN ACT TO FIX A SCALE OF STANDARD
MEASURES WITH REFERENCE TO THE STANDRAD
WEIGHTS FOR THE PROVINCE OF ODISHA

Preamble.

WHEREAS it is expedient to establish standards of measure for the Province of Orissa and to provide for the ultimate adoption of a uniform system of weights and measures throughout the Province ;
It is hereby enacted as follows :—

PART I.

PRELIMINARY.

Short title.

1. This Act may be called the Orissa Weights and Measures Act, 1943.

Extent and commencement.

2. (1) It extends to the whole of the Province of Orissa.

(2) Part I of this Act shall come into force at once.

(3) Part II of this Act shall come into force throughout the whole or any part of the Province of Orissa on such date or dates as the Provincial Government may, by notification, appoint.

(4) Any notification, order, rule and any appointment to an office may be made under this Act after it shall have received the assent of the Governor but such notification, order, rule or appointment shall take effect in any area only on Part II of this Act coming into force in such area.

Definitions.

3. In this Act unless there is anything repugnant in the subject or context,—

(1) "Inspector" means an Inspector appointed under section 15 and includes any person appointed under section 16 to exercise any of the functions of an Inspector;

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- (2) "measuring instrument" includes any instrument for measurement of length, area, capacity or volume;
- (3) "prescribed" with its grammatical variations means prescribed by rules under this Act;
- (4) "primary standards" mean the weights and measures mentioned in section 5;
- (5) "rules" mean the rules made under section 35;
- (6) "secondary standards" mean weights and measures prepared under sub-section (2) of section 7;
- (7) "working standards" mean weights and measures prepared under sub-section (1) of section 7;
- (8) The expression "verification" or "reverification" with its grammatical variations used with reference to a weight or measure or weighing or measuring instrument, includes the process of comparing, checking or testing such weight or measure or weighing or measuring instrument; and
- (9) "weighing instrument" includes scales, with the weights belonging thereto, scale beams, balances, spring balances, steelyards, weighing machines and other instruments for weighing.

PART II.

CHAPTER I.

STANDARDS OF WEIGHTS AND MEASURES.

Standard measures. 4. (1) The measures including the multiples and sub-multiples thereof described in the First Schedule shall be the

measures authorised to be used in every place in which this Part has come into force. These measures are called standard measures for the purposes of this Act.

(2) Notwithstanding anything contained in sub-section (1), the Provincial Government may, after previous publication by notification in the Gazette, declare, either generally or for any trade or class of trades, any other multiple or sub-multiple of a measure specified in the First Schedule to be a measure authorised to be used in any place in which this Part has come into force.

The multiples or sub-multiples shall, to the extent so declared, be deemed to be standard measures for the purposes of this Act.

Primary standards. 5. (1) Such standard weights as are prepared and supplied to the Provincial Government under sub-section (2) of section 4 of the Standards of Weight Act, 1939, shall be called primary standard weights for the purposes of this Act. IX of 1939.

(2) The Provincial Government shall cause to be prepared one set of such of the standard measures specified in the First Schedule as the Provincial Government may consider expedient and shall cause each measure of such set to be authenticated as having been ascertained from the standard grain. The sets of standard measures so prepared shall be called primary standard measures for the purposes of this Act. They shall be made of such material, length, form and specifications and in such manner as may be prescribed and by such person as the Provincial Government may direct.

Custody, etc., of primary standards. 6. The primary standard weights and measures shall be kept in the custody of such officer as the Provincial Government may direct. The primary standard measures shall be stamped, verified or reverified and if necessary, adjusted or

renewed, in such manner and by such officer as the Provincial Government may direct.

Working standards
and secondary
standards.

7. (1) For the purpose of verifying weights and measures in use in any area, the Provincial Government may cause to be prepared such copies of the primary standard weights and measures as they deem fit. The copies so prepared shall be called working standards.

(2) For the purpose of verifying the working standards the Provincial Government shall cause to be prepared such copies of the primary standard weights and measures as they deem fit. The copies so prepared shall be called secondary standards.

(3) (a) The secondary standards and the working standards shall be made of such material, weight, length, form and according to such specifications, and shall be prepared by such agency and shall be stamped by such person and in such manner as may be prescribed.

(b) The secondary standards shall be verified with the primary standards and the working standards with the secondary standards before being stamped.

(c) They shall be kept by such officers as the Provincial Government may direct, at such places, in such custody and in such manner as may be prescribed.

(d) They shall be verified or reverified and marked by such person, at such place and in such manner as may be prescribed.

(4) A working standard shall not be deemed legal or be used for the purposes of this Act unless it has been verified or reverified and marked in the prescribed manner and within such period as may be prescribed before the time at which it is used.

Weighting and
measuring in
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Prohibition
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measures of
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(5) A working standard which has become defective shall not be legal or be used for the purposes of this Act until it has been reverified and marked in the prescribed manner.

weighing and
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ments.

8. Weighing and measuring instruments stamped in the manner prescribed by such officer as the Provincial Government may direct shall be kept at all places where secondary or working standards are kept. Such instruments shall be of such kind, shall be kept in such number and shall be verified, adjusted or renewed in such manner as may be prescribed.

Prohibition of
weights and
measures other
than standard
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measures.

9. (1) Subject to the provisions of section 39 and notwithstanding anything contained in any law for the time being in force, all dealings or contracts had or made in any area after this Part shall have come into force in the said area for any work to be done or goods to be sold or delivered by weight or measure shall be deemed to be had or made according to one of the standard weights or measures or to multiples or submultiples thereof and it shall not be lawful to use any other weight or measure in relation to any such dealing or contract :

Provided that the Provincial Government may, by notification in the Gazette, prohibit in any area in which this Part is in force, in respect of all or of certain specified commodities, the use, in any dealings or contracts had or made for goods to be sold or delivered, (a) of weights, or (b) of measures, or (c) of certain specified series of standard weights, or (d) of certain specified series of standard measures, and thereupon it shall not be lawful to use, as the case may be, (a) any weight, or (b) any measure, or (c) any such specified weight, or (d) any such specified measure in relation to any such dealing or contract.

(2) Any dealing or contract had or made in contravention of the provisions of sub-section (1) or of the proviso thereto so far as it contravenes the said provisions shall be void unless it is proved that such dealing or contract was had or made without intention to contravene the said provisions.

Explanation—Unless there is anything repugnant in the subject or context a dealing or contract is hereinafter called "trade".

CHAPTER II.

VERIFICATION AND STAMPING OF WEIGHTS AND MEASURES.

Stamping.

10. Every weight which conforms to the provisions of this Act and the rules except where the small size of the weight renders it impracticable, shall have the denomination thereof stamped on the top or side thereof in legible figures and letters. Every measure of length, area, capacity or volume, which conforms to the provisions of this Act and the rules shall have the denomination thereof stamped on the outside of such measure in legible figures and letters. A weight or measure which does not conform to the provisions of this section shall not be stamped in accordance with the provisions of this Act and the rules.

Explanation—A dry measure of capacity or volume shall be deemed to conform to the provisions of this Act and the rules if it contains the appropriate capacity or volume when filled up to but not over brim level, and not otherwise.

Stamping and verification of weights and measures.

11. (1) No weight or measure shall be used for trade unless it has been verified or reverified in the prescribed manner and stamped by an Inspector with a stamp of verification under this Act.

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(2) The Provincial Government may prescribe the amount of error to be tolerated in weights or measures or weighing or measuring instruments used for trade.

Use of weighing and measuring instrument not verified and stamped, prohibited.

12. No weighing or measuring instrument shall be used for trade unless it has been verified or reverified within the period fixed and stamped in the prescribed manner by an Inspector with a stamp of verification.

Sale or delivery of weight, measure, weighing or measuring instrument not verified and stamped, prohibited.

13. No weight or measure or weighing or measuring instrument shall be sold or delivered unless it has been verified or reverified and stamped in the prescribed manner by an Inspector with a stamp of verification.

Provision of means of verification and stamping.

14. The Provincial Government shall provide proper and sufficient means for verifying, adjusting and stamping weights and measures and weighing or measuring instruments at such places as the Provincial Government may determine.

Appointment of inspectors of weights and measures.

15. The Provincial Government shall appoint a sufficient number of persons with prescribed qualifications as Inspectors for the discharge of the duties of Inspectors under this Act and the rules.

Appointment of *ex-officio* Inspectors.

16. The Provincial Government may appoint any servant of the Crown in virtue of his office to exercise any of the functions of an Inspector under this Act and the rules.

Inspector to enter into recognizance.

17. Every Inspector shall forthwith on his appointment enter into a recognizance with the Provincial Government in such sum as may be prescribed for the due performance of the duties of his office, for the due payment at the time and in the manner required by the Provincial Government of all moneys received by him under this Act and for the safety of the secondary and working standards, if any, and of the stamps and appliances

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Provided that an Inspector appointed under section 16 shall not be required to enter into such recognizance unless the Provincial Government specially order him to do so.

Verification and stamping by Inspectors.

18. (1) Every Inspector shall, for the purpose of the verification of weights and measures and weighing or measuring instruments, attend at such time and place within his jurisdiction as may be appointed by the Provincial Government.

(2) He shall verify every weight or measure or weighing or measuring instrument which is brought to him for the purpose of verification or reverification. If he finds such weight or measure or weighing or measuring instrument correct, he shall stamp the same with a stamp of verification in the prescribed manner.

Power to inspect weights, etc., and to enter shops for that purpose.

19. (1) An Inspector may, at all reasonable times, inspect all weights and measures and weighing or measuring instruments within the area under his charge, which are used or are in the possession of any person or are on any premises for use for trade and may verify every such weight or measure or weighing or measuring instrument with a secondary or working standard or a weighing or measuring instrument prescribed for this purpose.

(2) An Inspector may seize and detain any weight or measure or weighing or measuring instrument regarding which an offence under this Act appears to have been committed or which appears to have been or which may be used for the commission of such offence.

(3) For the purpose of sub-sections (1) and (2) the Inspector may at all reasonable times enter into any place where weights and measures and weighing or measuring instruments are used or kept for purpose of trade.

Inspector not to be maker, holder or proprietor of weight or measure or weighing or measuring instruments

Inspectors to be public servants

Provincial Government may determine offences.

Penalty of fine.

Validity of weights and measures, etc., duly stamped.

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Inspector not to be maker, seller or purchaser of weights and measures or weighing or measuring instruments.

Inspectors to be public servants.

Provincial Government may determine difference.

Levy of fees.

Validity of weights and measures, etc., duly stamped.

20. An Inspector shall not, during the time he holds office, derive any profit from or be employed in the making, adjusting, or selling of weights or measures or weighing or measuring instruments:

Provided that the Provincial Government may, in respect of any area, authorise an Inspector to adjust weights or measures or weighing or measuring instruments.

21. Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

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22. (1) If any difference arises between an Inspector and any person interested as to the meaning or construction of any rule or as to the method of verifying, adjusting or stamping any weight or measure or weighing or measuring instrument, such difference may, at the request of the party interested or by the Inspector of his own accord be referred to such officer as the Provincial Government may direct and the decision of such officer shall, subject to the provisions of sub-section (2), be final.

(2) An appeal shall lie within the time prescribed from the decisions under sub-section (1) to the Provincial Government or such officer as the Provincial Government may appoint in this behalf. The decision of the Provincial Government or such officer under this sub-section shall be final.

23. The Provincial Government shall charge such fees for the verification, reverification, marking, adjustment and stamping of weights or measures or weighing or measuring instrument as may be prescribed.

24. A weight or measure duly stamped by an Inspector under this Act shall be a legal weight or measure in all places in which this Part has come into force unless false or defective and shall not be

liable to be restamped because used in any place other than that in which it was originally stamped.

Stamped weights, etc., to be *prima facie* deemed correct in any Court.

25. A weight or measure or weighing or measuring instrument duly stamped under the provisions of this Act or the rules shall be deemed to be correct until its inaccuracy is proved, if it is produced in any court by any public servant having charge thereof under the direction of the Provincial Government or by any person acting under the general or special authority of such public servant.

CHAPTER III.

PENALTIES.

Penalty for fraudulent use of weights, measures, etc.

26. Whoever fraudulently uses any weight or measure or weighing or measuring instrument, shall, on conviction, be punished with imprisonment of either description which may extend to three months or with fine which may extend to five hundred rupees or with both.

Penalty for making, selling, disposing of false or defective weights, measures, etc.

27. Whoever wilfully or knowingly makes, sells or disposes of, or causes to be made, sold or disposed of, any weight or measure or weighing or measuring instrument which is false or defective shall, on conviction, be punished with rigorous imprisonment for a period which may extend to three months or with fine which may extend to five hundred rupees or with both.

Penalty for sale by weight or measure other than standard weight or measure.

28. Whoever sells any article by any denomination of weight or measure other than one of the standard weights or measures or in contravention of any order for the time being in force under the proviso to sub-section (1) of section 9, shall, on conviction, be punishable with fine which may extend to five hundred rupees.

Penalty for use and possession of weight, measure, etc., not authorised.

29. (1) Whoever uses or has in his possession for use for trade any weight or measure or weighing or measuring instrument which is not authorised, verified, reverified or stamped under or in

Penalty for fraudulent use of weights, measures, etc.

Penalty for delivery or non-verification

Penalty for use of unauthorised weights, measures, etc.

accordance with the provisions of this Act and the rules shall, on conviction, be punishable with fine which may extend to five hundred rupees and any trade had or made by such weight or measure or weighing or measuring instrument shall be void.

(2) When any such weight or measure or weighing or measuring instrument is found in the possession of any trader or of any employee or agent of such trader, such trader shall be presumed, until the contrary is proved, to have had it in his possession for use for trade.

Penalty for giving short weight or measure.

30. (1) Whoever in selling any article by weight or measure delivers or causes to be delivered to the purchaser a weight or measure less than what is purported to be sold by an amount of error exceeding that prescribed to be tolerated, shall, on conviction, be punishable with fine which may extend to three hundred rupees.

(2) In any area where any denomination of weight or measure styled the same as any standard weight or measure but not equivalent to the said standard weight or measure, has been heretofore in common use, any person who in selling any article by such denomination of weight or measure does not indicate to the purchaser by a written notice posted at the place of sale or by other sufficient means that the article is being sold by the standard weight or measure, shall be presumed until the contrary is proved to have committed an offence punishable under this section.

Penalty for sale or delivery of weight or measure, etc., not verified or stamped.

31. Whoever sells or delivers any weight or measure or weighing or measuring instrument not verified or reverified and stamped under this Act, shall, on conviction, be punishable with fine which may extend to one thousand rupees.

Penalty for forging etc., of weights, measure, etc.

32. (1) Whoever forges or counterfeits any stamp used under this Act for the stamping of any weights or measures or weighing or measuring instrument or

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removes a stamp from any weight or measure or weighing or measuring instrument and inserts the same into another weight or measure or weighing or measuring instrument or wilfully increases or diminishes a weight or measure so stamped shall, on conviction, be punished with imprisonment of either description for a period which may extend to six months or with fine or with both.

(2) Whoever knowingly uses, sells, utters, disposes of or exposes for sale any weight or measure or weighing or measuring instrument with such forged or counterfeit stamp thereon, or a weight or measure so increased or diminished shall, on conviction, be punished with rigorous imprisonment for a period which may extend to six months or with fine or with both.

Penalty for neglect or refusal to produce weight for inspection.

33. Whoever when required to do so neglects or refuses to produce for inspection all weights or measures or weighing or measuring instruments in his possession or on his premises or refuses to permit an Inspector to examine the same or any of them or obstructs the entry of an Inspector under section 19 or otherwise obstructs or hinders him in the performance of his duties shall, on conviction, be punishable with fine which may extend to five hundred rupees.

Penalty for breach of duty by Inspector.

34. If an Inspector knowingly stamps a weight or measure or weighing or measuring instrument in contravention of the provisions of this Act or of the rules or is guilty of a breach of any duty imposed on him by this Act or by the rules, he shall, on conviction, be punished with imprisonment of either description for a period which may extend to one year or with fine or with both.

CHAPTER IV.

POWER TO FRAME RULES.

Power of Provincial Government to make rules.

35. (1) The Provincial Government may make rules for carrying into effect the purposes of this Act.

(2) Without prejudice to the generality of the foregoing provisions, such rules may prescribe—

- (a) the composition, length, form and specifications of primary standard measures and the manner in which they shall be made ;
- (b) the procedure for the verification, reverification, adjustment or renewal of primary standard measures ;
- (c) the composition, weight, length, form and specifications of secondary and working standards, the agency by whom such standards shall be made, the person by whom and the manner in which such standards shall be stamped and the place at which such standards shall be kept ;
- (d) the procedure for the verification or reverification and marking of secondary and working standards and the person by whom and the place where they shall be verified or reverified ;
- (e) the kind and number of weighing and measuring instruments to be kept ;
- (f) the authority by whom certified scales shall be provided for the purposes of this Act and the rules and the manner in which they shall be verified or reverified ;
- (g) the composition, weight, length, form, specifications and manufacture of weights and measures in use in any area ;
- (h) the inspection, verification, reverification, adjustment and stamping of weights and measures and weighing or measuring instruments in use in any area, including the prohibition

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of stamping in cases where the nature, denomination, material or mode of construction of the weight or measure or weighing or measuring instrument appears likely to facilitate the commission of fraud and the period within which such weights and measures and weighing or measuring instruments shall be verified or reverified;

- (i) the circumstances and conditions under which and the manner in which stamps may be obliterated or defaced;
- (j) the tests to be applied for the purpose of ascertaining the accuracy and efficiency of weights and measures and weighing or measuring instruments;
- (k) the limits of error to be allowed on verification and to be tolerated on inspection in weights and measures and weighing or measuring instruments used or intended to be used for trade;
- (l) the amount of error to be tolerated in weights and measures and weighing or measuring instruments used or intended to be used for trade;
- (m) the amount of error to be tolerated in selling articles by weights or measures generally or as regards any trade or class of trades;
- (n) the fees to be charged for the verification, reverification, marking, adjustment and stamping of weights and measures and weighing or measuring instruments and the collection and levy of the same;

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 authorised by this Act ;

(p) the qualifications, functions and
 duties generally of Inspectors
 under this Act and the rules ;

(q) the time within which an appeal
 from a decision under sub-
 section (1) of section 22 shall lie
 to the Provincial Government
 or officer appointed by the Pro-
 vincial Government ;

(r) any other matters for which
 no provision or insufficient
 provision is made in this Act
 and for which provision is, in
 the opinion of the Provincial
 Government, necessary.

(3) The power to make rules under
 this section shall be subject to the
 condition of previous publication in the
 official Gazette.

(4) All rules made under this section
 shall be published in the Gazette, and
 shall, unless some later date is appointed
 come into force on the date of such
 publication.

(5) All rules made under this section
 shall be laid as soon as possible after they
 are made before the Orissa Legislative
 Assembly for not less than 14 days,
 which may be comprised in one session
 or in two or more sessions, and shall be
 subject to such modifications as the
 Assembly may make during the said
 period.

CHAPTER V.

MISCELLANEOUS.

36. No suit, prosecution or other legal
 proceeding shall be instituted against any
 person for anything which is in good
 faith done or intended to be done under
 the Act or the rules.

Protection to
 persons acting in
 good faith.

Cognizance of offences.

37. No prosecution under this Act shall be instituted except by or with the previous sanction of the Collector or any officer specially empowered by him or by the Provincial Government in this behalf.

Delegation of powers by Provincial Government.

38. Any of the powers and duties conferred and imposed upon the Provincial Government by this Act may be exercised and performed, subject to such conditions as the Provincial Government may think fit, by any person whom the Provincial Government may, by general or special order, empower in this behalf.

Power to exempt specified persons, weights or measures or weighing or measuring instruments.

39. The Provincial Government may, after previous publication by notification in the Gazette and subject to such conditions and restrictions as it may think fit to impose, exempt any class of persons, any commodity, trade, any class of trades or any class of weights or measures or of weighing or measuring instruments used or intended to be used for any purpose other than trade specified in the notification from all or any of the provisions of this Act.

Repeal.

40. On the coming into force of this Part in any area the enactments mentioned in the Second Schedule shall cease to be in force in such area to the extent specified in the fourth column thereof :

Provided that the Provincial Government may by notification declare that the provisions of this Part shall cease to be in force in any local area on such date as may be specified in the notification, and thereupon the enactments mentioned in the Second Schedule with any subsequent statutory modification thereof shall revive and come into force in such area with effect on and from such date.

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FIRST SCHEDULE.

A. Dry measures—

The Orissa gouni.

The sub-multiples— $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{8}$, $\frac{1}{16}$, $\frac{1}{32}$ and $\frac{1}{64}$ gouni.

The multiples—5, 10, 20, 40 and 80 gounis.

B. Liquid measures—

The Orissa seer.

The sub-multiples— $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{8}$ and $\frac{1}{16}$ seer.

The multiples—2, 4 and 8 seers.

The Imperial gallon.

The pint equivalent to $\frac{1}{8}$ gallon.

Explanation—(1) The unit of capacity called the Orissa gouni is equivalent to the volume occupied by 320 tolas of air-free distilled water weighed in standard Indian Air against brass weights having a specific gravity of 8.143, one tola being 180 standard grains.

(2) The unit of capacity called the Orissa seer is equivalent to $\frac{1}{4}$ of one Orissa gouni.

(3) The unit of capacity called the Imperial gallon contains ten British standard pounds of water at 62°F. being in volume 277.274 cubic inches, which contains each 252.724 grains of water in a vacuum at 62°F. or 252.458 grains of water weighed with brass weights in air at 62°F. with the barometer at 30 inches.

C. Length—

The yard.

The inch = $\frac{1}{36}$ yard.

The foot = $\frac{1}{3}$ yard.

The furlong = 220 yards.

The mile = 1,760 yards.

The yard is that unit of length which is exactly equal to the certified yard kept in the custody of the Mint Master, Bombay.

D. Area and volume—

The square yard, square foot and square inch.

The cubic yard, cubic foot and cubic inch and sub-multiples of a cubic inch.

The acre = 4,840 square yards.

The decimal = $\frac{1}{100}$ acre.

SECOND SCHEDULE.

Year	Number	Enactments repealed	Extent of repeal
1922	VII	The Bihar and Orissa Municipal Act.	Clause (i) of section 291.
1920	V	The Madras District Municipalities Act.	Clause (20) of section 306.
1920	XIV	The Madras Local Boards Act.	Sub-clause (d) of clause (10) of section 202.
1889	II	The Measures of Length Act.	The whole.
1871	XXXI	The Indian Weights and Measures of Capacity Act.	The whole.

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