

# HOUSE . . . . No. 843

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Bill accompanying the recommendations of the Commissioner of Weights and Measures (House, No. 842). Mercantile Affairs. January 13.

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## The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Thirteen.

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### AN ACT

Relative to the Approval of the Type of Weighing and Measuring Apparatus.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. No person shall sell, offer or expose for  
2 sale or give away a measure until the type thereof has  
3 been approved and the measure properly marked as  
4 hereinafter provided. Any person in possession of a  
5 measure bought prior to the time this act takes effect  
6 shall cause the same to conform as to type with the re-  
7 quirements of this act within nine months after this act  
8 takes effect.

1 SECTION 2. Before any person may sell, offer or ex-  
2 pose for sale or give away any measure he shall submit  
3 a sample of the same to the commissioner of weights and  
4 measures for approval as to type. A type of measure  
5 shall be approved unless it be faulty in construction or

6 give or tend to give incorrect indications or results or  
7 is such as to facilitate the perpetration of fraud. The  
8 submission may be by sample or drawing or description  
9 and specification, or in such manner as the commissioner  
10 of weights and measures may direct for the purpose of  
11 carrying out the provisions of this act. The commis-  
12 sioner of weights and measures shall consult with the  
13 sealer of the city of Boston and the sealer of the city of  
14 Worcester, and their concurrence shall be necessary be-  
15 fore a type is approved or disapproved. The commis-  
16 sioner of weights and measures with the aforementioned  
17 city sealers shall be known as a "board of approval of  
18 types of weighing and measuring devices"; and such  
19 board shall establish tolerances or amounts of reasonable  
20 variation and shall make suitable rules or regulations  
21 to carry out the provisions of this act.

1 SECTION 3. When a type of measure has been ap-  
2 proved, a distinguishing mark or marks shall be assigned  
3 by the board of approval for the particular type and make  
4 which the person submitting the same shall have placed  
5 on each measure of that type. The manufacturer's name  
6 and catalogue number permanently affixed to the meas-  
7 ure shall be deemed to be a sufficient distinguishing mark.  
8 As far as practicable the manufacturer of the measure  
9 shall be consulted as to the manner of marking. Ap-  
10 proval of type of a measure or the marking on the same  
11 shall in no wise be interpreted to interfere with the  
12 testing of the individual measures of the type as pre-  
13 scribed by law; nor shall such approval of type or  
14 designating mark be used as evidence of the correctness  
15 of an individual measure of that type when in use.

1 SECTION 4. No dealer shall be prosecuted under the  
2 provisions of this act if he can show a guaranty signed

3 by the manufacturer, wholesaler or agent, residing in  
4 the state of Massachusetts from whom he received the  
5 measure or measures, to the effect that the same were  
6 approved and marked in compliance with this article,  
7 and if the measure or measures have not been altered or  
8 changed since receipt. Such guaranty to afford protec-  
9 tion shall contain the name and address of such party  
10 or parties making the sale or gift of such articles to such  
11 dealers and in such case such party or parties shall be  
12 amenable to the fines or penalties which would attach in  
13 due course to the dealers under this act.

1 SECTION 5. The commissioner of weights and meas-  
2 ures shall as often as is necessary publish the results of  
3 the examination of the types of measures submitted.  
4 Such results shall give a brief description of the meas-  
5 ures, the reasons for approval or disapproval by the  
6 board of approval and the designated markings, and such  
7 other matters as the board of approval may determine.

1 SECTION 6. All expenses incurred in carrying out the  
2 provisions of this act for traveling expenses for the board  
3 of approval, labor and clerical assistance shall be paid  
4 out of moneys appropriated for such service, but no salary  
5 shall be paid for this purpose to the members of the board  
6 of approval.

1 SECTION 7. A "person" as used in this act shall be  
2 construed to import both the singular and the plural and  
3 shall include manufacturers, importers, associations, cor-  
4 porations, societies or firms whether acting by themselves  
5 or through or as agents. A "measure" as used in this  
6 act shall be construed to mean any weighing or measur-  
7 ing device and the accessories and appliances connected  
8 therewith. A "type" as used in this act shall be con-

9 strued to mean a sample or individual representative or  
10 the particular make of measure. The term "board of  
11 approval" as used in this act shall mean the "board of  
12 approval of types of weighing and measuring devices"  
13 constituted as presented in section two.

1 SECTION 8. Examination of the measure may be made  
2 by any legally appointed weights and measures official in  
3 the state of Massachusetts and upon examination of a  
4 measure if deemed not to comply with the provisions of  
5 this act the party having it in his possession shall be  
6 notified and shall be given an opportunity to be heard  
7 under such rules and regulations as may be prescribed  
8 by the board of approval and if after such hearing it  
9 appears that a provision of this act has been violated then  
10 the weights and measures official making the examination  
11 shall certify the results to the commissioner of weights  
12 and measures with a copy of the facts duly authenticated  
13 under oath by the weights and measures official. The  
14 commissioner of weights and measures shall then cause  
15 appropriate proceedings to be commenced and prosecuted  
16 in the proper courts of the state without delay for the  
17 enforcement of the penalties therefor.

1 SECTION 9. A person violating any of the provisions  
2 of the preceding sections shall be punished by a fine of  
3 not less than fifty dollars nor more than two hundred  
4 dollars for the first and second violation and by a fine of  
5 not less than two hundred dollars and not more than five  
6 hundred dollars for subsequent violations.

1 SECTION 10. This act shall take effect September one,  
2 nineteen hundred and thirteen.