

MASON'S MINNESOTA STATUTES

1927

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EMBRACING THE ORGANIC LAWS, THE CONSTITUTION, AND THE STAT-
UTES CONTAINED IN THE GENERAL STATUTES OF 1923, EXCEPT
THOSE WHICH HAVE BEEN REPEALED OR SUPERSEDED
BY THE SUBSEQUENT LEGISLATION OF 1925
AND 1927

AND ALSO EMBRACING LAWS OMITTED FROM THE GENERAL STATUTES
1923, AND THE LAWS OF THE 1925 AND 1927 SESSIONS OF THE
LEGISLATURE UNDER APPROPRIATE CLASSIFICATION.

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CHAPTER 50

WEIGHTS AND MEASURES

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7019. State treasurer to keep standards—The state treasurer shall keep weights, measures, and scales which shall conform to the standards established by law, and shall test thereby all weights, measures, and scales presented to him by any county sealer, and, when he finds them accurate, shall stamp upon them, with a seal kept for that purpose, the letters "Min." (2722) [5788]

7020. County sealers — Deputies — Fees — Every county treasurer shall be the sealer of weights and measures for his county. He shall keep a full set of weights, measures, and scales, and in January, 1910, and in every fifth January thereafter, and whenever new ones are procured, shall cause the same to be tested and sealed by the state treasurer; and he shall test thereby all weights, measures, and scales presented to him, and, when he finds them accurate, shall stamp upon them, with a seal kept for that purpose, the letters "Min." He shall receive five cents for every weight, measure, or scale tested. He may appoint deputy sealers, whose appointments shall be filed with the register of deeds. (2723) [5789]

7021. Dry measures—The standard measure of capacity for commodities sold by dry measure, shall be the bushel containing 2150.42 cubic inches. The half bushel, peck, half peck, quarter peck, quart and pint shall be derived by successively dividing that measure by two. (R. L. § 2724, amended '13 c. 560 § 1) [5790]

7022. Liquid measure—The standard measure of capacity for liquids, shall be the wine gallon, containing 231 cubic inches; and 31.50 gallons shall constitute a barrel, except for fermented malt liquors, which shall be a barrel of 31 gallons, and 63 gallons a hogshead. (R. L. § 2725, amended '13 c. 560 § 2) [5791]

7023. Lineal measure—The standard measure of length, from which all other measures of extension, lineal, superficial, or solid, shall be derived, is the yard, of 3 feet, or 36 inches. (R. L. § 2725, amended '13 c. 560 § 2) [5792]

This section does not differ from R. L. § 2726.

7024. Hundredweight—In contracts for the sale of goods or commodities, the term "hundredweight" shall

mean 100 pounds avoirdupois. (R. L. § 2727, amended '13 c. 560 § 3) [5793]

7025. Standard weight of bushel, etc.—In contracts for the sale of any of the following articles, the term "bushel" shall mean the number of pounds avoirdupois herein stated:

Corn, in ear, 70; beans, (except lima beans, scarlet runner pole beans and white runner pole beans, and broad windsor beans) smooth peas, wheat, clover seed, Irish potatoes and alfalfa, 60; broom corn seed and sorghum seed, 57; shelled corn, (except sweet corn), rye, lima beans, flaxseed and wrinkled peas, 56; sweet potatoes and turnips, 55; onions and rutabagas, 52; buckwheat, hempseed, rapeseed, beets, green apples, walnuts, rhubarb, hickory nuts, chestnuts, tomatoes, scarlet runner pole beans and white runner pole beans, 50; barley, millet, Hungarian grass seed, sweet corn, cucumbers and peaches, 48; broad windsor beans, 47; carrots, timothy seed and pears, 45; parsnips, 42; spelt or spilts, 40; cranberries, 36; oats and bottom onion-sets, 32; dried apples, dried peaches and top onion-sets, 28; peanuts, 22; blue grass, orchard grass and red-top seed, 14; plastering hair, unwashed, 8; plastering hair, washed, 4; lime, 80; but if sold by the barrel the weight shall be 200 pounds. (R. L. § 2728, amended '13 c. 560 § 4) [5794]

7026. Standard measurement of wood—In all contracts for sale of wood the term "cord" shall mean 128 cubic feet of wood, in four foot lengths; and if the sale is of "sawed wood," a cord shall mean 110 cubic feet when ranked, or 160 cubic feet when thrown irregularly or loosely into a conveyance for delivery to the purchaser; and if the sale is of "sawed and split wood," a cord shall mean 120 cubic feet, when ranked, and 175 cubic feet when thrown irregularly and loosely into a conveyance for delivery. ('13 c. 560 § 5) [5795]

7027. Standard weight of coal, charcoal and ice—In all contracts for the sale of coal, charcoal, and ice, the term "ton" shall mean 2,000 pounds. A sale of coal, charcoal and ice, except by weight is hereby prohibited. ('13 c. 560 § 6) [5796]

7028. Standard weight of flour—In all contracts for the sale of flour, the term "barrel" shall mean 196 net pounds avoirdupois. ('13 c. 560 § 7) [5797]

7029. Fractional parts—All contracts for the sale of a fractional part of a bushel, barrel, ton or cord of any article or commodity on which the legal weight or measurement per bushel, barrel, ton or cord has been established, shall require and mean a like fractional part of the legal and established weight or measurement per bushel, barrel, ton or cord. ('13 c. 560 § 8) [5798]

7030. Penalty for violation—Whoever, in buying, shall take any greater number of pounds or cubic feet to the bushel, barrel, ton or cord, as the case may be, than is herein allowed and provided, or in selling, shall give any less number, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100), or by imprisonment for not less than ten (10) days nor more

than ninety (90) days in the county jail, and the cost of such proceeding. ('13 c. 560 § 9) [5799]

7031. Variations—Duty of railroad and warehouse commission—The railroad and warehouse commission shall establish uniform tolerances or reasonable variation to take care of unavoidable shrinkage, and of scale variations in handling and weighing of any of the articles mentioned in this act. ('13 c. 560 § 10) [5800]

7032. Sealing—Every person engaged in any business requiring the use of weights or measures shall cause those used by him to be tested and sealed by the county sealer. Every person who shall buy, sell, or dispose of any goods or commodities by an unsealed weight, measure, or scale kept by him, or shall knowingly use any such weight, measure, or scale which has been sealed, but is incorrect, shall be guilty of a misdemeanor; but no contract of sale shall thereby be rendered void. (2729) [5801]

67-232, 69+910. Under former statute (39-143, 39+299). 121-321, 141+298.

7033. Testing upon request—Upon written request of any person aggrieved, and payment of one dollar, and mileage at the rate of twenty cents per mile going and returning, the county sealer or his deputy shall test any weights, measures, or scales used in his county, whether already sealed or not. If such sealer or deputy shall give to the person complained of prior notice of such testing, he shall be guilty of a misdemeanor. (2730) [5802]

7034. Neglect to procure standards—Whenever a county treasurer is requested in writing to procure any standard of weight or measure required by law to be kept by him, he shall procure the same within twenty days thereafter, or forfeit to the county one hundred dollars, at the suit of any interested person. (2731) [5803]

7035. Fines—All fines collected under the provisions of this chapter shall be paid to the county treasurer for the benefit of the school fund of the

county where the action is brought. (2732) [5804]

7035-1. Weight of bread—Standard avoirdupois weight—Twin or multiple loaves—It shall be unlawful for any person, firm or corporation to manufacture produce for sale, sell or offer, or expose for sale in this state bread in loaves of any other weight than the following standard avoirdupois weights; one pound, one and one-half pounds, or any multiple of one pound.

Whenever twin or multiple loaves are baked, the weights herein specified shall apply to each unit of the twin or multiple loaf, but nothing in this act shall be construed to prohibit making a twin loaf of a total weight of 16 or 24 ounces if the same be marked and sold as a pound or a pound and a half loaf. ('27, c. 351, § 1)

7035-2. Same—Statements as to weight affixed to loaves—Every loaf of bread manufactured for sale, or sold, offered or exposed for sale, shall have affixed thereon in plain statement in a prominent place the weight of the loaf of bread, together with the name of the manufacturer.

In the case of wrapped bread the required information shall be stated on the wrapper of each loaf, and in the case of unwrapped bread it shall be stated on a label, using plain legible type. The labels on unwrapped bread shall not be affixed by the use of gums or pastes which are unsanitary and unwholesome. There shall not be more than two labels on a loaf of bread or unit thereof. ('27, c. 351, § 2)

7035-3. Same—Weight to be within 24 hours after baking—The weights herein specified shall be construed to mean net weights within a period of 24 hours after baking. ('27, c. 351, § 3)

7035-4. Same—Violations—Penalty. Any person, firm or corporation which shall violate any provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$10.00 nor more than \$100.00, and each separate sale or violation of any provision shall constitute a separate offense. ('27, c. 351, § 4)

1940 Supplement
To
Mason's Minnesota Statutes
1927

(1927 to 1940)
(Superseding Mason's 1931, 1934, 1936 and 1938
Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, 1937 and 1939 General Sessions,
and the 1933-34, 1935-36, 1936 and 1937 Special Sessions of the Legislature, both new and
amendatory, and notes showing repeals, together with annotations from the
various courts, state and federal, and the opinions of the Attorney
General, construing the constitution, statutes, charters
and court rules of Minnesota together with digest
of all common law decisions.



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edge. *Davis v. N.*, 203M295, 281NW272. See *Dun. Dig.* 3193.

Equitable estoppel is effect of voluntary conduct of a party whereby he is absolutely precluded, both at law and in equity, from asserting rights which might perhaps have otherwise existed, either of property, of contract, or of remedy, as against another person, who has in good faith relied upon such conduct, and has been led thereby to change his position for the worse, and who on his part acquires some corresponding right either of property, contract or remedy. *Clover v. P.*, 203M337, 281NW275. See *Dun. Dig.* 3185.

Doctrine of estoppel in pais is founded in justice and good conscience, and is a favorite of the law, and arises when one, by his acts or representations, or by his silence when he ought to speak, intentionally, or through culpable negligence, induces another to believe certain facts to exist, and such other rightfully acts on the belief so induced in such manner that if the former is permitted to deny the existence of such facts, it will prejudice the latter. *Id.* See *Dun. Dig.* 3187.

Estoppel in pais can only be invoked to prevent fraud and injustice, and is never carried further than is necessary than to prevent one person from being injured

by his reliance on acts or declarations of another, and its object is to prevent unjust assertion of rights existing independent of estoppel. *Beier's Estate*, 284NW833. See *Dun. Dig.* 3186.

Equitable estoppel is the effect of voluntary conduct of a party whereby he is absolutely precluded, both at law and in equity, from asserting rights which might perhaps have otherwise existed, either of property, of contract, or of remedy, as against another person, who has in good faith relied upon such conduct, and has been led thereby to change his position for the worse, and who on his part acquired some corresponding right either of property, of contract, or of remedy. *Id.* See *Dun. Dig.* 3185 (2).

37. Patents.

Patentee's right is in nature of an intangible, incorporeal right, a title which continues to exist in him until divested by voluntary grant or other legal means of divestment, and such right is property personal to inventor with its situs with individual possessing it. *Grob v. C.*, 204M459, 283NW774. See *Dun. Dig.* 7417.

Protection of plans, designs, inventions, and other products of plaintiff's effort made at his expense. 14MinnLaw Rev537.

CHAPTER 50

Weights and Measures

7025. Standard weight of bushel, etc.—In contracts for the sale of any of the following articles, the term "bushel" shall mean the number of pounds avoirdupois herein stated:

Corn, in ear, 70; beans, (except lima beans, scarlet runner pole beans and white runner pole beans, and broad windsor beans) smooth peas, wheat, clover seed, Irish potatoes and alfalfa, 60; broom corn seed and sorghum seed, 57; shelled corn, (except sweet corn), rye, lima beans, flaxseed and wrinkled peas, 56; sweet potatoes and turnips 55; onions and rutabagas, 52; buckwheat, hempseed, rapeseed, beets, (GREEN APPLES), walnuts, rhubarb, hickory nuts, chestnuts, tomatoes, scarlet runner pole beans and white runner pole beans, 50; barley, millet, Hungarian grass seed, sweet corn, cucumbers and peaches, 48; broad windsor beans, 47; carrots, timothy seed and pears, 45; Parsnips, 42; spelt or spilts, 40; cranberries, 36; oats and bottom onion-sets, 32; dried apples, dried peaches and top onion-sets, 28; peanuts, 22; blue grass, orchard grass and red-top seed, 14; plastering hair, unwashed, 8; plastering hair, washed, 4; lime, 80; but if sold by the barrel the weight shall be 200 pounds. In contracts for the sale of green apples, the term "bushel" shall mean 2150.42 cubic inches. (R. L. '05, §2728; '13, c. 560, §4; G. S. '13, §5794; Apr. 24, 1935, c. 270.)

7026. Standard measurement of wood.

Cord as defined in this section governs in sale of cord wood by private parties. *Op. Atty. Gen.*, Dec. 4, 1933.

7031. Variations—Duty of railroad and warehouse commission.

Statutory provisions relative to weighing supersede any charter or ordinance provisions on same subject. *Op. Atty. Gen.* (495), Dec. 27, 1935.

7035-1. Weight of bread, etc.

Bread cannot be sold in lesser weights than as provided herein. *Op. Atty. Gen.* (495), Apr. 16, 1934.

7035-2. Bread to be wrapped.—Each loaf or twin loaf of bread sold within this state shall be wrapped in a clean wrapper and/or clean wrapping paper in such manner as to completely protect the bread from dust, dirt, vermin or other contamination, said wrapping to be done in the bakery where made at any time prior to or at the time of sale of such bread, provided, however, that where three or more loaves of bread are sold and delivered at the bakery for personal use, then and in that case said bread may be wrapped in bulk.

Every loaf or twin loaf of bread sold within this state shall have affixed on said loaf or on the outside of the wrapper in a plain statement the weight of the loaf or twin loaf of bread, together with the name and address of the manufacturer. ('27, c. 351, §2; Apr. 24, 1931, c. 322, §1.)

Amendment (Laws 1931, c. 322) held invalid because in violation of Const., Art. 4, §27, by embracing more than one subject. *Egekqvist Bakeries v. B.*, 186M520, 243NW853. See *Dun. Dig.* 8921.

Bread sold to civilian conservation camps must be labeled in compliance with this section. *Op. Atty. Gen.*, Dec. 28, 1933.

7035-3. To be net weight.—The weights herein specified shall be construed to mean net weights within a period of 24 hours after baking. A variation at the rate of one ounce per pound over or one ounce per pound under the specified weight of each individual loaf shall not be a violation of this law, providing that the total weight of 25 loaves of bread of a given variety shall in no case fall below 25 times the unit weight. ('27, c. 351, §3; Apr. 24, 1931, c. 322, §2.)

CHAPTER 51

Interest and Negotiable Instruments

INTEREST

7036. Rate of interest.

1. In general.

172M349, 215NW731.
Where bank which was depository and bondholder of railway petitioning for reorganization wrongfully deducted debt of railway from deposit, it was obligated to pay legal rate of interest as against contention agreement with railroad for a lower rate of interest presented such obligation. *Lowden v. N.*, (USCCA8), 86F(2d)376, den'g petition to mod. 84F(2d)847, 31AmB(NS)655, which rev'd 11FSupp929.

It was error to charge a bank with interest on money under control of another bank. 172M24, 214NW750.

Notes made by makers and guarantors in Minnesota and delivered to payees in Chicago, where payable, were governed with respect to interest and usury by the laws of Illinois. 174M63, 216NW778.

Where a partner contributes more than his share of partnership funds, he is not entitled to interest on the excess in the absence of an agreement to that effect. 177M602, 225NW924.

Rate after maturity. 180M326, 230NW812.

State is entitled to interest on preferred claims against insolvent bank in favor of surety claiming