

SEC. 2. This Act shall take effect from and after its passage.

Approved March 6th, A. D. 1861.

CHAPTER XXXIX.

An Act to Amend an Act Entitled "An Act to Secure Uniformity in Weights and Measures," being Chapter Twenty-Seven of the Public Statutes and Chapter Thirty-Two of the Revised Statutes of Minnesota.

- SECTION 1. Duty of State Treasurer.
 2. State Treasurer to be sealer of weights and measures.
 3. Who to be sealer of each county—duty of County Treasurer—fees.
 4. Duties of Supervisors.
 5. Duty of township sealer.
 6. Baskets or other measures—average size.
 7. Dimension of measures by which meal, fruit, etc., are usually sold.
 8. Standard measure by which milk may be sold.
 9. Commodities—how weighed.
 10. Wheat, rye, oats, etc.—how weighed or measured.
 11. Penalty for not conforming to the provisions of this Act.
 12. Penalty for neglect of duty.
 13. Proceedings against sealer—how instituted.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section one of said act be so amended as to read as follows:

Duty of State
Treasurer

The set of standard weights and measures received from the Secretary of State of the United States, and all scalebeams, weights and measures owned by this State, shall be deposited in the office of the State Treasurer, who shall receive and preserve the same.

State Treasurer
to be sealer of
weights and
measures

SEC. 2. The State Treasurer shall be the sealer of weights and measures for the State. He shall try and prove by said standards all weights and measures, scales or beams sent or brought to him for that purpose, by any county sealer, and shall seal such when found to be accurate, by stamping upon them the letters "Min.," with a seal he shall have and keep for that purpose.

SEC. 3. The treasurer of each county shall be the sealer of weights and measures for the county. He shall with-

in three months from the passage of this Act, procure at the expense of the county (if not already provided), a full set of weights and measures, scales and beams, which he shall cause to be tried, proved and sealed by the State standard, and certified by the State Treasurer, and thereafter the county treasurer for the time being, once in every five years from the first day of January, eighteen hundred and sixty-five. Such weights and measures when so sealed and certified, to be deposited in the office of the county treasurer as the county standards, by which he shall try and prove all scalebeams, steelyards, weights and measures brought to him for that purpose, and shall seal such when found to be accurate, by stamping upon them the letters "Min." with a seal he shall have and keep for that purpose. And for each trying and proving, whether sealed or not, he shall be entitled to receive a fee of five cents for every scalebeam, steelyard, weight or measure.

Who to be sealer
of each county

SEC. 4. It shall be the duty of the supervisors of any township, upon application by petition of twenty or more legal voters of such township, to appoint some suitable person, as sealer of weights and measures for said township, who shall be sworn to the faithful discharge of his duty, and who shall hold office until his successor shall be appointed and qualified.

Duties of Super-
visors

SEC. 5. It shall be the duty of the scaler of weights and measures for the township, to procure at the expense of such township (if not now provided), a complete set of weights and measures, which shall be tried, proved, and sealed by those in the office of the county treasurer, and by him certified, and when so sealed and certified, such weights and measures shall be the township standard. Such weights and measures to be tried, proved and sealed by the county standards, once in every two years. Such township scaler shall try and prove all scalebeams, steelyards, weights and measures brought to him for that purpose, and shall seal such when found to be accurate, by stamping upon them the letters "Min." with a seal he shall have and keep for that purpose. And for such trying and proving, whether sealed or not, he shall be entitled to receive a fee of five cents for every scalebeam, steelyard, weight or measure.

Duty of township
scaler

SEC. 6. Every basket or other measure by which charcoal shall be sold shall not be less in its average di-

Average size of baskets or measures ameter than twenty inches, and of sufficient depth to contain four thousand eight hundred and thirty-nine cubic inches, which shall be accounted two bushels.

Measurement of meal, fruit, etc. **Sec. 7.** All measures by which meal, fruit and other commodities are usually sold, by heaped measure, excepting charcoal, shall be of the following dimensions: The bushel not less in its inside diameter than eighteen and a half inches, the half bushel not less in its inside diameter than thirteen and three-quarter inches, the peck not less in its inside diameter than ten and three-quarter inches, and the half peck not less in its inside diameter than nine inches, which shall be heaped as high as may be without special effort or design.

Measurement of milk **Sec. 8.** The standard measure by which milk shall be sold, shall be two hundred and eighty-two cubic inches to the gallon, and its sub-divisions in the same proportions.

Commodities—how weighed **Sec. 9.** When any commodity shall be sold by the hundred weight, it shall be understood to mean the net weight of one hundred pounds avoirdupois, and all contracts concerning goods or commodities, shall be construed accordingly, unless such construction shall be manifestly inconsistent with the special agreement of the parties contracting.

Measurement of wheat, rye, etc **Sec. 10.** Whenever wheat, rye, indian corn, oats, barley, potatoes, clover seed, buckwheat, dried apples, or dried peaches shall be sold by the bushel, and no special agreement as to the measure or weight thereof is made by the parties, the measure shall be ascertained by weight as follows: Sixty pounds for a bushel of wheat, clover seed or potatoes; fifty-six pounds for a bushel of rye or indian corn; thirty-two pounds for a bushel of oats; forty-eight pounds for a bushel of barley; forty-two pounds for a bushel of buckwheat, and twenty-eight pounds for a bushel of dried apples or dried peaches.

Penalty for non-compliance with the provisions of this Act **Sec. 11.** All persons engaged in any business, trade or occupation, requiring the use of weights or measures, shall, on or before the first day of June next, and annually thereafter cause to be tried, proved and sealed by the scaler of weights and measures, in their respective towns or counties, all scale beams, steelyards, weights or measures, used by them in buying or selling any goods, wares, merchandise, grain or other commodities. If, after the expiration of four months from the passage of this Act,

any person shall sell or dispose of any goods, wares, merchandise, grain or other commodities, by any scale-beam, steelyard, weight or measure, not proved and sealed in accordance with the provisions of this Act, or shall fraudulently sell or dispose of any goods or commodities, by any scalebeam, steelyard, weight or measure that has been sealed but is unjust, shall, upon conviction thereof, by any court of competent jurisdiction, forfeit for each offense a sum not exceeding twenty dollars, to the use of the complainant.

SEC. 12. If the treasurer of any county, or the sealer of weights and measures for any township, shall neglect to procure, (if not already provided) a set of weights and measures for such county or township, in compliance with the provisions of this Act, shall, upon conviction thereof by any court of competent jurisdiction, forfeit a sum not exceeding one hundred dollars to the use of the county.

SEC. 13. No suit shall be hereafter commenced against any county or township sealer for neglecting to procure the sets of weights and measures as required by law, until the person proposing to bring such suit shall have given such sealer notice, in writing, of his intention to commence such suit, at least twenty days prior thereto. And if such weights and measures shall be provided in accordance with the requirements of law, within twenty days from such notice, then such suit shall not be sustained.

Approved March 12th, A. D. 1861.