

shall be made, and such prisoner shall be produced, at the time and place specified therein; if it be returnable forthwith, and the place be within twenty miles of the place of service, such return shall be made, and such prisoner shall be produced within twenty-four hours; and the like time shall be allowed for every additional twenty miles.

When prisoner to be produced.

SEC. 49. The provisions of the common law, in regard to the writ of habeas corpus, treated of in this act, are hereby abrogated, except so much and such parts thereof as may be necessary to carry into full effect the provisions herein contained; and the authority of courts and officers to award such writ, or to proceed thereon by the common law, shall be exercised in conformity to the provisions of this act, in all cases therein provided for.

Provisions of common law abrogated.

SEC. 50. Nothing contained in this act shall be construed to restrain the power of any court to issue a writ of habeas corpus, when necessary to bring before them any prisoner for trial, in any criminal case lawfully pending in the same court; or to bring in any prisoner to be examined as a witness, in any suit or proceeding, civil or criminal, pending in such court, when they shall think the personal attendance and examination of the witness necessary for the attainment of justice.

Act not to restrain courts issuing writs.

#### CHAP. LVIII.—An Act to regulate Weights and Measures.

SEC. 1. That there shall be but one standard of measure of length and surface, one of weight and one measure of capacity, in this Territory.

But one standard measure.

SEC. 2. That the unit or standard measure of length and surface, from whence all other measures of extension, whether they be lineal, superficial or solid, shall be derived and ascertained, shall be the yard as now in legal use in the State of New York.

Standard of length to be yard.

SEC. 3. That the yard shall be divided into three equal parts, called feet, and each foot into twelve equal parts, called inches, and for measure of cloths and other commodities, commonly sold by the yard, it may be divided into halves, quarters, eighths and sixteenths.

Yard, how divided.

SEC. 4. That the rod, pole or perch, shall contain five such yards and a half; the furlong two hundred and twenty such yards; and the mile one thousand seven hundred and sixty such yards.

Rod, &c., length of.

SEC. 5. That the acre, for land measure, shall be measured horizontally, and shall be equal to a rectangle sixteen such rods, poles or perches in length and ten in breadth, and shall contain one hundred and sixty square rods, poles or perches, or four thousand eight hundred and forty square yards; six hundred and forty such acres being contained in a square mile.

Acres, how measured, &c.

SEC. 6. That the unit or standard of weight, from which all other weights shall be derived and ascertained, shall be the pound as the same is now in legal use in the State of New York; and the said pound shall be divided into sixteen equal parts, called ounces.

Standard of weight to be the pound.

SEC. 7. That the unit or standard of measures of capacity, as well for liquids as for any dry commodities not measured by heaped measure, from which all other measures of capacity shall be derived and ascertained, shall be the gallon.

Of capacity to be gallon.

Two kinds of gallons.

SEC. 8. That there shall be two kinds of gallons, one for the measure of all liquids, and one for the measure of all other substances, not measured by heaped measure, the first to be denominated the gallon for liquid measure, and the second to be denominated the gallon for dry measure.

What to be gallon.

SEC. 9. That the gallon for liquid, and the gallon for dry measure, shall be the same as now in legal use in the State of New York.

Liquid measures, how divided.

SEC. 10. That all other measures of capacity for liquids shall be derived from the liquid gallon, by continual division by the number two, so as to constitute half gallons, quarts, pints, half pints and gills.

For substances not liquid, how divided.

SEC. 11. That all other measures of capacity for substances not being liquid, nor sold by heaped measure, shall be derived from the gallon for dry measure, by continual multiplication by the number two in the ascending scale, so as to constitute pecks, half bushels and bushels, and by continual division, by the same number, in the descending scale, so as to constitute half gallons, quarts, pints, half pints and gills.

Bushel for heaped measure, what to be.

SEC. 12. That the bushel for measuring commodities usually sold by heaped measure, shall be the same as now in legal use in the State of New York, and shall be the standard measure of capacity for charcoal, ashes, Indian corn in the ear, fruit and esculent roots of every kind, and for all other commodities usually sold by heaped measure; and the measure used to measure such commodities shall be made round, with a plane and even bottom, and shall be of the following diameters at top, measured from outside to outside: the bushel nineteen and a half inches, the half bushel fifteen and a half inches, and the peck twelve and a third inches.

Commodities to be heaped.

SEC. 13. That all commodities sold by heaped measure shall be duly heaped up in the form of a cone, the outside of the measure by which the same shall be measured to be the extremity of the base of such cone; and such cone shall be as high as the articles to be measured will admit.

Contracts deemed according to standard.

SEC. 14. That all contracts hereafter to be made or executed, in this Territory, for any work to be done, or for any thing to be sold, delivered, done, or agreed for by weight or measure, shall be taken and construed to be made according to the standard weight and measure hereby established: *Provided*, That nothing herein contained shall be construed to prevent parties from adopting a different standard of weight and measure by mutual agreement.

Standard to be kept by treasurer.

SEC. 15. That the standards above mentioned shall be procured by the Treasurer of the Territory, and kept by him at his office, and shall be made of iron, brass or copper, as he shall direct; and he shall be, *ex officio*, sealer of weights and measures.

County treasurers to be sealers.

SEC. 16. That the County Treasurers shall be, *ex officio*, the sealers of weights and measures, within their respective counties, and shall, at the expense of their counties, each of them, procure a complete set of weights and measures, for the use of their respective counties, compared with those required to be kept by the Treasurer of the Territory, sealed and certified by him; and the weights and measures so procured shall be the standard of weights and measures of the counties respectively.

Standard weights, measures, &c., how stamped.

SEC. 17. That the word WISCONSIN [MINNESOTA] shall be impressed on the Territorial standard weights, measures and beams, and on the several county standard weights, measures and beams,

(and) such other device as the said Treasurer shall direct, in addition for each county; which device shall be recorded by the Clerks of the District Courts in the counties respectively; and the said County Treasurers shall have the custody of the standard weights and measures of the counties respectively, and shall impress upon all weights and measures sealed by them, the word WISCONSIN. [MINNESOTA.]

SEC. 18. That it shall be the duty of the several County Treasurers to compare their standard weights and measures with the said Territorial standards, once in five years, and to post up a notice at the usual place of holding courts in the county, immediately on receiving the said standard of the county, that the said standards have been received; and the said County Treasurers and Treasurer of the Territory, shall each be entitled to receive for his services in sealing and marking weights, beams and measures, and steelyards, which shall be brought to him for that purpose, six cents each.

County standards compared with territorial.

Compensation for sealing.

SEC. 19. That whenever either of the sealers of weights and measures mentioned in this act, shall resign or be removed from office, or whenever the office shall become vacant in any way, except by death, it shall be the duty of the sealer to deliver to his successor in office all the standards, beams, weights and measures in his possession.

Standards delivered to successor.

SEC. 20. That in case of the death of such sealer of weights and measures, his representatives shall in like manner deliver to his successor in office such beams, weights and measures.

Id.

SEC. 21. That in case of refusal or neglect to deliver such standards entire and complete, the successor in office may maintain an action on the case against the person or persons so refusing or neglecting, and shall recover double the value of such standards as shall not have been delivered. And in every such action in which judgment shall be rendered for the plaintiff, he shall recover double costs; and one moiety of the damage recovered in such action shall be retained by the person recovering, and the other moiety shall be applied by him to the purchase of such standards as may be required in his office.

Proceedings upon neglect or refusal.

SEC. 22. That if any person or persons shall hereafter use any weights, measures, beams or steelyards in weighing or measuring, which shall not be conformable to the standards of this Territory as established by this act, whereby any purchaser or seller of any commodity or article of trade or traffic shall be injured or defrauded, such seller or purchaser may maintain an action on the case against the offender, and if judgment shall be rendered for the plaintiff he shall recover treble damages and costs of suit.

Penalty for using weights, etc., not conformable to standard.

SEC. 23. That the hundred weight, shall consist of one hundred pounds avoirdupois, and twenty such hundreds shall constitute a ton.

Hundred weight and ton.

SEC. 24. That whenever wheat, rye, Indian corn, barley or oats, shall be sold by the bushel, and no special agreement as to the measurement or weight thereof shall be made by the parties, the bushel shall consist of sixty pounds of wheat, fifty-six pounds of rye or Indian corn, forty-five pounds of barley and thirty-two pounds of oats.

Bushels of wheat, rye, etc.