

THE *J. Rogers*  
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND  
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,  
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE  
ACT AUTHORIZING A STATE GOVERNMENT, AND THE  
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

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Edited and Published under the authority of Chapters 15 and 16 of  
the Laws of 1866.

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ST. PAUL.  
PUBLISHED BY DAVIDSON & HALL,  
STATE PRINTERS, 170 THIRD STREET.  
1872.

SEC. 7. It is the duty of the supervisors and constables of the town having knowledge of the violation of any of the provisions of this chapter, to make complaint thereof to any justice of the peace of the proper county, and any other person having such knowledge may make complaint before such justice, and the said justice shall issue his warrant for the arrest of the offender, and proceed to hear and determine the matter in issue in the same manner as provided in other cases, and every person convicted under any of the provisions of this chapter, shall stand committed to the common jail of the county wherein the offense was committed, until such fine is paid: *provided*, that such imprisonment shall not exceed three months.

Duty of town supervisors and constables.

1867-69

CHAPTER XXI.

WEIGHTS AND MEASURES.

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SECTION 1. The 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.

Standard weights and measures, what are.

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.

State treasurer to be sealer of weights and measures.

SEC. 3. The treasurer of each county shall be the sealer of weights and measures for the county. He shall 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 the county treasurer for the time being, once in every five years from the first day of January, eighteen hundred and sixty-five, shall cause the standards in his keeping to be tried, proved and sealed by the state standards, under the direction of the state treasurer. Such weights and measures when so sealed and certified, shall 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

Who to be sealer of each county.

1868-49

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 receive a fee of five cents for every scalebeam, steelyard, weight or measure.

Duty of supervisors.

SEC. 4. The supervisors of any township, upon application by petition of twenty or more legal voters of such township, shall 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 is appointed and qualified.

SEC. 5. The sealer of weights and measures for the township shall 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 shall be tried, proved and sealed by the county standards once in every two years. Such township sealer 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 receive a fee of five cents for every scalebeam, steelyard, weight or measure.

Diameter of measures.

SEC. 6. Every basket or other measure by which charcoal is sold shall not be less in its average diameter than twenty inches, and of sufficient depth to contain four thousand eight hundred and thirty-nine cubic inches, which shall be accounted two bushels.

Dimensions of measures by which meal, etc., is sold.

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.

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

Commodities—now weighed.

SEC. 9. When any commodity is 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 is 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 are 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 provisions of this chapter.

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, annually, cause to be tried, proved and sealed by the sealer of weights and measures, in their respective towns or counties, all scalebeams, steelyards, weights or measures, used by them in buying or sell-

person sells or disposes of any goods, wares, merchandise, grain or other commodities, by any scalebeam, steelyard, weight or measure, not proved and sealed in accordance with the provisions of this chapter, or fraudulently sells or disposes of any goods or commodities, by any scalebeam, steelyard, weight or measure that has been sealed but is unjust, he 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, neglects to procure, (if not already provided) a set of weights and measures for such county or township, in compliance with the provisions of this chapter, he shall, upon conviction thereof by any court of competent jurisdiction, forfeit a sum not exceeding one hundred dollars to the use of the county.

Penalty for neglect to procure set of weights and measures.

SEC. 13. No action shall be 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 action, gives such sealer notice, in writing, of his intention to commence such action, at least twenty days prior thereto. And if such weights and measures are provided in accordance with the requirements of law, within twenty days from such notice, then such action shall not be commenced.

Actions against sealer—how instituted.

CHAPTER XXII.

OFFICIAL SEALS.

SECTION.

1. Great Seal to remain a public record.
2. Device on official seal.
3. Secretary of state to procure seals for courts and county officers.

SECTION.

4. Judge of court may authorize use of temporary seal.
5. Seal of notaries public.

SECTION 1. The seal heretofore used as the seal of this state, shall be the seal thereof, and a description in writing of the same shall be deposited and recorded in the office of the secretary of state and remain a public record.

Great seal to be deposited with secretary of state.

SEC. 2. Upon every seal of a court or officer authorized or required to have a seal, there shall be engraved the same device that is engraved on the great seal of the state, together with the name of the court or office in which the seal is to be used; and all such seals shall be one inch and five-eighths of an inch in diameter.

Device on official seals.

SEC. 3. The secretary of state shall procure from time to time seals for the several courts and county officers in the several counties in the state, and the cost of the same shall be charged to said counties respectively.

Sec. of state to procure seals for courts and officers.

SEC. 4. When any court of record is unprovided with a seal, the judge of said court may authorize the use of any temporary seal, or of any device by way of seal, until the same is provided as aforesaid.

Judge may authorize use of temporary seal.