

CHANGES

—IN THE—

General Statutes of 1878,

EFFECTED BY THE

GENERAL LAWS OF 1879 AND 1881,

Arranged with reference to the Chapter and Section Amended.

SAINT PAUL:
WEST PUBLISHING COMPANY.
1883.

CHAPTER XXI.

WEIGHTS AND MEASURES.

*§ 14. **Standard established.** There is hereby created a lawful standard for determining the grade of wheat in this state, which shall be the legal half-bushel measure, and a measured bushel by the same, when weighed, shall fix the grade of wheat in the number of pounds constituting the general grades of wheat as may be from time to time fixed or established by the farmers' board of trade of this state, as hereinafter provided. (1879, c. 95, § 1.)

*§ 15. **To be a legal tender.** The several grades of wheat fixed and established under the provisions of this act shall be a legal tender in payment or in fulfilling any contract stipulating to pay or deliver a like grade of wheat in this state. (*Id.* § 2.)

*§ 16. **Penalty for using any other measure or device.** Any person, association or corporation, or any representative thereof, who shall knowingly cheat or falsely weigh any wheat or other agricultural products, or in the weight of the grade of wheat, or who shall use any other measure or device in determining the grade of wheat as purchaser or weigher of the same, than that which is or may be prescribed and in force under the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction, shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars for each offence, and the cost of prosecution, or by imprisonment in the county jail not less than fifty days nor more than sixty days, or both. (*Id.* § 3.)

*§ 17. **Use of two-quart measure, when.** If the parties to the sale of any wheat shall consent, it may be lawful to use a two-quart measure to determine the grade of wheat, provided said two-quart measure shall be sealed as hereinafter provided, and so arranged as to easily demonstrate that it is truly balanced with any means of weighing the same, and that such measure is filled in such manner and by such methods and devices as may be prescribed and approved by the farmers' board of trade of the state. (*Id.* § 4.)

*§ 18. **Duty of board of trade.** It shall be the duty of the farmers' board of trade of the state to designate what shall be the means of filling the measures to be used under the provisions of this act in testing the grade of wheat, and to prescribe such methods as shall best secure uniformity in determining the grades of wheat, and they shall require that all measures used and means of weighing employed in grading wheat, to be sealed and stamped by the lawful scaler of weights and measures. Said board of trade shall fix and designate the several grades of wheat to be in force each year, after their annual meeting in September, and to cause to be published a circular for the use of grain dealers in the state, defining the rules and regulations to be observed in the grades of wheat, and testing the same, and naming such methods and devices therein to be used in the manner of filling the half bushel and the two-quart measure, if its use shall be authorized under the provisions of this act. (*Id.* § 5.)

*§ 19. **Duty of county attorney.** It shall be the duty of the county attorney in each and every county in this state, whenever it shall come to his knowledge by the affidavit of the party complaining or otherwise, that any person, association, or corporation has violated in said county any of the provisions of this act, to commence proceedings within ten days after receiving such affidavit or other information against the party so offending, in the name of the state of Minnesota, and all the costs of such prosecution shall be paid out of the funds of said county by the board of county commissioners of the same. (*Id.* § 6.)

*§ 20. **Fines.** All fines recovered under this act shall be paid into the county treasury, and applied to the general expense of the county. (*Id.* § 7.)

*§ 21. **Duty of governor.** It is hereby made the duty of the governor to appoint three men in this state who are well skilled in agriculture, and who are not directly or indirectly interested in the business of buying and selling of wheat; and it shall be the duty of said persons so appointed to have and exercise the powers conferred upon said board of trade, and to carry out the provisions of this act as herein pre-

scribed, until such times as the farmers' board of trade shall have organized to carry out the provisions of this act, or for the term of two years, if said board of trade shall fail to organize as aforesaid: *provided*, that no royalty shall be charged to the people of the state of Minnesota. (*Id.* § 8.)

See page 313.

CHAPTER XXIII.

OF MONEY, BONDS, BILLS OF EXCHANGE, AND PROMISSORY NOTES.

§ 1. **Rate of interest.** Interest for any legal indebtedness shall be at the rate of seven dollars upon one hundred dollars for a year, unless a different rate is contracted for in writing; and no person, company, or corporation shall, directly or indirectly, take or receive in money, goods, or things in action, or in any other way, any greater sum, or any greater value, for the loan or forbearance of money, goods, or things in action, than ten dollars on one hundred dollars for one year; and in the computation of interest upon any bond, note, or other instrument or agreement, interest shall not be compounded. But any contract to pay interest not usurious upon interest overdue, shall not be construed to be usury. (1879, c. 66, § 1.)*

See pages 314 and 315.

(*§ 2 repealed 1879, c. 66, § 7.)

§ 3. **Usurious interest may be reclaimed by action.** Every person who, for any such loan or forbearance, shall have paid or delivered any greater sum or value than is above allowed to be received, may, by himself or his personal representatives, recover in an action against the person who shall have taken or received the same, or his personal representatives, the full amount of interest or premium so paid, with costs, if such action shall be brought within two years after such payment or delivery: *provided*, that one-half of the amount so recovered shall be paid by the officer collecting the same into the county treasury of the county where such penalty is collected for the use of the common schools. (1877, c. 15, § 2, as re-enacted 1879, c. 66, § 2.)

§ 4. **Contracts—evidences of debt—bona fide holders.** All bonds, bills, notes, assurances, conveyances, chattel mortgages, and all other contracts and securities whatsoever, and all deposits of goods, or anything whatever, whereupon or whereby there shall be reserved, secured, or taken any greater sum or value for the loan or forbearance of any money, goods, or things in action, than is above prescribed, shall be void, except as to *bona fide* purchasers of negotiable paper, as hereinafter provided, in good faith, for a valuable consideration, before maturity: *provided*, that no merely clerical error in the computation of interest, made with no intent to avoid the provisions of this act, shall constitute usury: *provided, further*, that interest at the rate of one-twelfth of ten per centum for thirty days shall be construed to not exceed ten per centum per annum: *provided, further*, that the payment of interest in advance for one year, at a rate not to exceed ten per centum per annum, shall not be construed to constitute usury: *provided, further*, that nothing herein shall be construed to prevent the purchase of negotiable mercantile paper, usurious or otherwise, for a valuable consideration, by an innocent purchaser, free from all equities, at any price, before the maturity of the same, when there has been no intent to evade the provisions of this act, or where said purchase has not been a part of the original usurious transaction. In any case, however, where the original holder of an usurious note sells the same to an innocent purchaser, the maker of said note, or his representatives, shall have the right to recover back from the said original holder the amount of principal and interest paid by him on said note. (1879, c. 66, § 3.)

See page 315.

(*An act relating to interest on money and usury. Approved March 5, 1879; to go into effect July 1, 1879.)