

21079  
65

# GENERAL STATUTES

OF THE

# STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE  
THE STATUTES OF THE STATE, BY ACT OF THE  
LEGISLATURE, PASSED FEBRUARY 17, 1863.

ONE HUNDRED COPIES ORDERED PRINTED.



SAINT PAUL:

FREDERICK DRISCOLL, STATE PRINTER.

(PRESS PRINTING COMPANY.)

1865.

27

D

1 SECT. 7. It is the duty of the supervisors and consta-  
 2 bles of the town having knowledge of the violation of any <sup>1864—p. 114, Sect. 7.</sup>  
 3 of the provisions of this chapter, to make complaint thereof <sup>Amended.</sup> c 60  
 4 to any justice of the peace of the proper county, and any  
 5 other person having such knowledge may make complaint  
 6 before such justice, and the said justice shall issue his war-  
 7 rant for the arrest of the offender, and proceed to hear and  
 8 determine the matter in issue in the same manner as provi-  
 9 ded in other cases, and every person convicted under any of the  
 10 provisions of this chapter, shall stand committed to the  
 11 common jail of the county wherein the offense was commit-  
 12 ted, until such fine is paid, *provided*, that such imprison-  
 13 ment shall not exceed three months.

## CHAPTER XXI.

## WEIGHTS AND MEASURES.

1 SECTION 1. The standard weights and measures received  
 2 from the secretary of state of the United States, and all <sup>1861—p. 150, Sect. 1.</sup>  
 3 scalebeams, weights and measures owned by this state, c 39  
 4 shall be deposited in the office of the state treasurer, who  
 5 shall receive and preserve the same.

1 SECT. 2. The state treasurer shall be the sealer of  
 2 weights and measures for the state. He shall try and <sup>1861—p. 150, Sect. 2.</sup>  
 3 prove by said standards all weights and measures, scales or c 39  
 4 beams sent or brought to him for that purpose, by any  
 5 county sealer, and shall seal such when found to be accu-  
 6 rate, by stamping upon them the letters "Min.," with a  
 7 seal he shall have and keep for that purpose.

1 SECT. 3. The treasurer of each county shall be the seal-  
 2 er of weights and measures for the county. He shall pro-  
 3 cure at the expense of the county (if not already provided), <sup>1861—p. 150, Sect. 3.</sup>  
 4 a full set of weights and measures, scales and beams, which <sup>Amended.</sup> c 39  
 5 he shall cause to be tried, proved and sealed by the state  
 6 standard, and certified by the state treasurer, and the coun-  
 7 ty treasurer for the time being, once in every five years  
 8 from the first day of January, eighteen hundred and sixty-  
 9 five, shall cause the standards in his keeping to be tried,  
 10 proved and sealed by the state standards, under the direc-  
 11 tion of the state treasurer. Such weights and measures  
 12 when so sealed and certified, shall be deposited in the office of  
 13 the county treasurer as the county standards, by which he  
 14 shall try and prove all scalebeams, steelyards, weights and

15 measures brought to him for that purpose, and shall seal  
 16 such when found to be accurate, by stamping upon them  
 17 the letters "Min.," with a seal he shall have and keep for  
 18 that purpose. And for each trying and proving whether  
 19 sealed or not, he shall receive a fee of five cents for every  
 20 scalebeam, steelyard, weight or measure.

c 39

1861—p. 151, Sect. 4.

1 SECT. 4. The supervisors of any township, upon appli-  
 2 cation by petition of twenty or more legal voters of such  
 3 township, shall appoint some suitable person, as sealer of  
 4 weights and measures for said township, who shall be sworn  
 5 to the faithful discharge of his duty, and who shall hold  
 6 office until his successor is appointed and qualified.

c 39

1861—p. 151, Sect. 5.

1 SECT. 5. The sealer of weights and measures for the  
 2 township, shall procure at the expense of such township (if  
 3 not now provided), a complete set of weights and measures,  
 4 which shall be tried, proved, and sealed by those in the  
 5 office of the county treasurer, and by him certified, and  
 6 when so sealed and certified, such weights and measures  
 7 shall be the township standard. Such weights and mea-  
 8 sures shall be tried, proved and sealed by the county stand-  
 9 ards, once in every two years. Such township sealer shall  
 10 try and prove all scalebeams, steelyards, weights and mea-  
 11 sures brought to him for that purpose, and shall seal such  
 12 when found to be accurate, by stamping upon them the let-  
 13 ters "Min.," with a seal he shall have and keep for that  
 14 purpose. And for such trying and proving, whether sealed  
 15 or not, he shall receive a fee of five cents for every scale-  
 16 beam, steelyard, weight or measure.

c 39

1861—p. 151, Sect. 6.

1 SECT. 6. Every basket or other measure by which char-  
 2 coal is sold shall not be less in its average diameter than  
 3 twenty inches, and of sufficient depth to contain four thou-  
 4 sand eight hundred and thirty-nine cubic inches, which  
 5 shall be accounted two bushels.

c 39

1861—p. 152, Sect. 7.

1 SECT. 7. All measures by which meal, fruit and other  
 2 commodities are usually sold, by heaped measure, except-  
 3 ing charcoal, shall be of the following dimensions: The  
 4 bushel not less in its inside diameter than eighteen and a  
 5 half inches, the half bushel not less in its inside diameter  
 6 than thirteen and three-quarter inches, the peck not less in  
 7 its inside diameter than ten and three-quarter inches, and  
 8 the half peck not less in its inside diameter than nine in-  
 9 ches, which shall be heaped as high as may be without  
 special effort or design.

c 39

1861—p. 152, Sect. 8.

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

1 SECT. 9. When any commodity is sold by the hundred  
 2 weight, it shall be understood to mean the net weight of one <sup>1861-p. 152, Sect. 9.</sup>  
 3 hundred pounds avoirdupois, and all contracts concerning  
 4 goods or commodities, shall be construed accordingly, un-  
 5 less such construction is manifestly inconsistent with the  
 6 special agreement of the parties contracting.

c 39

1 SECT. 10. Whenever wheat, rye, indian corn, oats, bar-  
 2 ley, potatoes, clover seed, buckwheat, dried apples, or  
 3 dried peaches are sold by the bushel, and no special agree- <sup>1861-p. 152, Sect. 10.</sup>  
 4 ment as to the measure or weight thereof is made by the  
 5 parties; the measure shall be ascertained by weight as fol-  
 6 lows: Sixty pounds for a bushel of wheat, clover seed or  
 7 potatoes; fifty-six pounds for a bushel of rye or indian  
 8 corn; thirty-two pounds for a bushel of oats; forty-eight  
 9 pounds for a bushel of barley; forty-two pounds for a  
 10 bushel of buckwheat, and twenty-eight pounds for a bushel  
 11 of dried apples or dried peaches.

c 39

1 SECT. 11. All persons engaged in any business, trade  
 2 or occupation, requiring the use of weights or measures,  
 3 shall, on or before the first day of June, annually, cause to <sup>1861-p. 152, Sect. 11.</sup>  
 4 to be tried, proved and sealed by the sealer of weights and  
 5 measures, in their respective towns or counties, all scale  
 6 beams, steelyards, weights or measures, used by them in  
 7 buying or selling any goods, wares, merchandise, grain or  
 8 other commodities. If any person sells or disposes of any  
 9 goods, wares, merchandise, grain or other commodities, by  
 10 any scale beam, steelyard, weight or measure, not proved  
 11 and sealed in accordance with the provisions of this chapter,  
 12 or fraudulently sells or disposes of any goods or commodi-  
 13 ties, by any scalebeam, steelyard, weight or measure that  
 14 has been sealed but is unjust, he shall, upon conviction  
 15 thereof, by any court of competent jurisdiction, forfeit for  
 16 each offense a sum not exceeding twenty dollars, to the use  
 17 of the complainant.

c 39

1 SECT. 12. If the treasurer of any county, or the sealer  
 2 of weights and measures for any township, neglects to pro-  
 3 cure, (if not already provided) a set of weights and meas- <sup>1861-p. 154, Sect. 12.</sup>  
 4 ures for such county or township, in compliance with the  
 5 provisions of this chapter, he shall, upon conviction thereof  
 6 by any court of competent jurisdiction, forfeit a sum not  
 7 exceeding one hundred dollars to the use of the county.

c 39

1 SECT. 13. No action shall be commenced against any  
 2 county or township sealer for neglecting to procure the sets <sup>1861-p. 154, Sect. 13.</sup>  
 3 of weights and measures as required by law, until the per-  
 4 son proposing to bring such action, gives such sealer notice,  
 5 in writing, of his intention to commence such action, at least

c 39

6 twenty days prior thereto. And if such weights and meas-  
 7 ures are provided in accordance with the requirements of  
 8 law, within twenty days from such notice, then, such action  
 9 shall not be commenced.

CHAPTER XXII.

OFFICIAL SEALS.

c43  
 c28  
 1861--p. 165, Sect. 1.  
 & C. S. p. 374, Sect.  
 1, combined &  
 amended.

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

c28  
 C. S. p. 374, Sect. 5.

1 SECT. 2. Upon every seal of a court or officer authoriz-  
 2 ed or required to have a seal, there shall be engraved the  
 3 same device that is engraved on the great seal of state, to-  
 4 gether with the name of the court or office in which the seal  
 5 is to be used; and all such seals shall be one inch and  
 6 five-eighths of an inch in diameter.

c28  
 C. S. p. 374, Sect. 6.  
 Amended.

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

c28  
 C. S. p. 374, Sect. 2.

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

c28  
 C. S. p. 374, Sect. 7.  
 Amended.

1 SECT. 5. Nothing in this chapter shall be construed to  
 2 prevent notaries public from using their present seal, pro-  
 3 vided, that if the same does not conform to the provisions  
 4 of section two of this chapter, it shall not be lawful for any  
 5 notary public to use the same in case of his reappointment.