

# GENERAL STATUTES

33

OF THE

STATE OF MINNESOTA,

IN FORCE JANUARY, 1891.

VOL. 1.

CONTAINING ALL THE LAW OF A GENERAL NATURE NOT  
REMEDIAL, THE LATTER BEING IN VOL. 2.

COMPILED AND ANNOTATED

BY

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CHAPTER 21.

WEIGHTS AND MEASURES.

Const. U. S. art. 1, § 8, clause 5, congress has power "to fix the standard of weights and measures." Act congress June 14, 1836, directed secretary of treasury to deliver to each state complete set of all weights and measures as adopted by congress, "to the end that a uniform standard of weights and measures may be established throughout the United States." Act congress 1837-38, approved July 7, 1838, directed *one standard balance* to be delivered to each state. Act July 28, 1866 (14 Stat. 339), enacted that it is lawful to use the weights and measures of the *metric system*.

Sections.

- 2072. Standard of weights and measures.
- 2073-2075. Sealers of weights and measures.
- 2076. Weights and measures to be sealed.
- 2077. Neglect of sealer.
- 2078. Action against sealer.
- 2079. Measure for selling charcoal.

Sections.

- 2080. Measure for selling meal, fruit, etc.
- 2081. Measure for selling milk.
- 2082. Selling commodities by hundred-weight.
- 2083. Measure for grain.
- 2084. Measure for lime.

SEC. 2072. **Standard weights and measures.**— The standard weights and measures received from the secretary of state of the United States, and all scale-beams, weights and measures owned by this state, shall be deposited in the office of the state treasurer, who shall receive and preserve the same.

G. S. ch. 21, § 1. Acts 1869, ch. 87, provided for weights and measures, and was repealed by acts 1870, ch. 45. Acts of 1869, ch. 83, made an appropriation for weights and measures.

SEC. 2073. **State sealer of weights and measures.**— 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.

G. S. ch. 21, § 2.

SEC. 2074. **County sealer of weights and measures.**— 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 scale-beams, 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 receive a fee of five cents for every scale-beam, steelyard, weight or measure.

G. S. ch. 21, § 3.

SEC. 2075. **Deputy sealers.**— The county treasurer of each organized county shall have power to appoint in writing a deputy sealer of weights and

# MINNESOTA STATUTES 1891

SECS. 2076-2078.]

WEIGHTS AND MEASURES.

measures for each railroad station and wheat market in his county, each of which appointments shall be recorded in the office of the register of deeds, and thereupon each of said deputies shall have all the powers, and shall be competent to perform all the duties, of such office, and shall, in case of wilful neglect or refusal to faithfully discharge the duties required of him by law, be punished in accordance with the provisions of this act relating to the office of sealer of weights and measures.

G. S. ch. 21, § 4, as amended 1874, ch. 76. Before amendment the supervisors of township, upon application of twenty or more legal voters, appointed sealer of weights and measures for the township.

**SEC. 2076. Weights and measures to be sealed.**— All persons engaged in any business, trade or occupation, requiring the use of weights or measures, shall cause to be tried, proved and sealed by the sealer of weights and measures in their respective 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 three months from the passage of this act, any person shall buy, sell or dispose of any goods, wares, merchandise, grain, or other commodities, by any scale-beams, steelyard, weight or measure, not proved and sealed in accordance with the provisions of the law to which this is amendatory, or shall fraudulently buy, sell or dispose of any goods or commodities, wares, grain or merchandise, by any scale-beam, steelyard, weight or measure that has been sealed, but is unjust, shall be deemed guilty of a misdemeanor, and, upon conviction thereof by any court having competent jurisdiction, shall be fined not less than five, nor more than one hundred dollars; \* and upon neglect or refusal to pay such fine and the costs of prosecution, the court before whom the accused shall have been tried shall commit him to the county jail until such fine and costs are paid, or he is discharged by due course of law. And for the purpose of enforcing the law, it shall be the duty of the sealer of weights and measures, or his deputy, upon the written request of any aggrieved person, and upon the payment to him in advance by such person the sum of one dollar, and the further sum of twenty cents per mile for going and returning, as travelling expenses, to examine and test any weights or measures used within his county, whether the same shall have been before tested, proved and sealed or not, at any time when called upon, and without previous notice to the person or party complained of. And if such sealer of weights and measures, or any deputy sealer of weights and measures, shall directly or indirectly give previous notice or information to the party complained of, of such examination, in any manner whatever, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine not less than fifty nor more than one hundred dollars, or by imprisonment in the county jail for not less than thirty nor more than ninety days, or by both fine and imprisonment in the discretion of the court. All fines collected under the provisions of this act shall be paid over to the county treasurer for the benefit of the school fund of the county where the action is brought.

G. S. ch. 21, § 11, as amended 1874, ch. 76; 1889, ch. 80. Below \* is acts 1874, ch. 76, except amount of fine. Acts 1889, ch. 80, struck out "on or before the first day of June annually" in the first sentence. 39 N. W. 299.

**SEC. 2077. Penalty for neglect.**— 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.

G. S. ch. 21, § 12.

**SEC. 2078. Action against sealer.**— 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.

G. S. ch. 21, § 13.

**SEC. 2079. Measures for selling charcoal.**—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.

G. S. ch. 21, § 6 (5). Section 5 of this chapter was repealed by acts 1874, ch. 74. It provided that township sealer of weights and measures shall procure set of weights and measures and test them by those in county treasurer's office, which should be the township standard.

**SEC. 2080. Same — For selling meal, fruit, etc.**—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.

G. S. ch. 21, § 7 (6).

**SEC. 2081. Same — For selling milk.**—The standard measure by which milk is sold, shall be two hundred and eighty-two cubic inches to the gallon, and its subdivisions in the same proportion.

G. S. ch. 21, § 8 (7).

**SEC. 2082. Same — Commodities by hundred-weight.**—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.

G. S. ch. 21, § 9 (8).

**SEC. 2083. Same — Grain.**—Whenever any wheat, rye, Indian corn, oats, barley, potatoes, clover seed, buckwheat, dried apples or dried peaches are sold by the bushel, the measure shall be ascertained by weight, as follows: Sixty (60) pounds for a bushel of wheat, clover seed or potatoes; fifty-six (56) pounds for a bushel of rye or Indian corn; thirty-two (32) pounds for a bushel of oats; forty-eight (48) pounds for a bushel of barley; forty-two (42) pounds for a bushel of buckwheat; and twenty-eight (28) pounds for a bushel of dried apples or dried peaches;\* and any person or persons demanding, or taking or receiving any greater number of pounds for a bushel of either or any of the articles hereinbefore mentioned, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than five (5) dollars nor more than one hundred (100) dollars, or by imprisonment in the county jail for not more than ninety (90) days, or by both such fine and imprisonment.

G. S. ch. 21, § 10, as amended 1887, ch. 22. Amendment below \*, except in G. S., the following: "and no special agreement as to the measure or weight thereof is made by the parties." Grading and weighing of grain regulated by acts 1885, ch. 144, which repealed acts 1879, ch. 95, and found in ch. 6, *ante*.

**SEC. 2084. Same — Lime.**—That whenever any lime shall be sold by the bushel or barrel, and no special agreement as to the weight or measure thereof is made by the parties, the measure shall be ascertained by weight as follows: Eighty pounds for a bushel, and two hundred pounds for a barrel of lime; and when sold by measurement, the standard bushel shall contain twenty-six hundred and eighty-eight cubic inches.

1875, ch. 87: "An act to establish a standard of weight and measure for lime." Approved March 9, 1875.