

THE
STATUTES AT LARGE
OF THE
STATE OF MINNESOTA

COMPRISING

THE GENERAL STATUTES OF 1866

As amended by subsequent Legislation to the close of the Session of 1873

TOGETHER WITH

ALL LAWS OF A GENERAL NATURE IN FORCE, MARCH 7, A.D. 1873

WITH REFERENCES TO

JUDICIAL DECISIONS OF THE STATE OF MINNESOTA, AND OF OTHER
STATES WHOSE STATUTES ARE SIMILAR

TO WHICH ARE PREFIXED

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

VOL. I.

COMPILED AND ARRANGED BY

A. H. BISSELL

ATTORNEY-AT-LAW

CHICAGO
CALLAGHAN AND COMPANY

1873

CHAPTER XXX.
OF WEIGHTS AND MEASURES.*

(This Chapter is Chapter XXI. of the Statutes of 1866.)

SEC.

1. Duty of state treasurer.
2. State treasurer to be sealer of weights and measures.
3. Who to be sealer of each county—duty of county treasurer—fees.
4. Duties of supervisors.
5. Duty of township sealer.
6. Baskets or other measures—average size.
7. Dimension of measures by which meal, fruit, etc., are usually sold.

SEC.

8. Standard measure by which milk may be sold.
9. Commodities, how weighed.
10. Wheat, rye, oats, etc., how weighed or measured.
11. Penalty for not conforming to the provisions of this chapter.
12. Penalty for neglect of duty.
13. Proceedings against sealer, how instituted.

SECTION 1. *Standard weights and measures, what are.*—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.

SEC. 2. *State treasurer to be 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.

SEC. 3. *Who to be sealer of each county.*—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 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.

SEC. 4. *Duty of supervisors.*—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. *Duty of township sealer.*—The sealer of weights and measures for the

* *Vide* S. L. 1869, 104, and S. L. 1870, 105, repealing former.

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.

SEC. 6. *Diameter of measures.*—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.

SEC. 7. *Dimensions of measures by which meal, etc., is sold.*—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. *Standard measure by which milk is sold.*—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 proportions.

SEC. 9. *Commodities, how weighed.*—When any commodity is sold by the hundredweight, 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.

SEC. 10. *Measurement of wheat, rye, etc.*—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.

SEC. 11. *Penalty for non-compliance with provisions of this chapter.*—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.* persons sells or disposes of any goods, wares, merchandise, grain, or other

* A line or two evidently left out, but I have been unable to discover what the original wording was.

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. *Penalty for neglect to procure set of weights and measures.*—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.

SEC. 13. *Actions against sealer, how instituted.*—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.