

# GENERAL STATUTES

OF

# MINNESOTA

1913

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and shall, on the first Monday of each month, file with the county auditor a correct statement of all fees received by him, and turn the same into the county treasury. (2721)

Refers only to fees and not to bail money (116-101, 133+469).

## CHAPTER 50

### WEIGHTS AND MEASURES

**5788. State treasurer to keep standards**—The state treasurer shall keep weights, measures, and scales which shall conform to the standards established by law, and shall test thereby all weights, measures, and scales presented to him by any county sealer, and, when he finds them accurate, shall stamp upon them, with a seal kept for that purpose, the letters "Min." (2722) <sup>1</sup>

**5789. County sealers—Deputies—Fees**—Every county treasurer shall be the sealer of weights and measures for his county. He shall keep a full set of weights, measures, and scales, and in January, 1910, and in every fifth January thereafter, and whenever new ones are procured, shall cause the same to be tested and sealed by the state treasurer; and he shall test thereby all weights, measures, and scales presented to him, and, when he finds them accurate, shall stamp upon them, with a seal kept for that purpose, the letters "Min." He shall receive five cents for every weight, measure, or scale tested. He may appoint deputy sealers, whose appointments shall be filed with the register of deeds. (2723) <sup>1</sup>

**5790. Dry measures**—The standard measure of capacity for commodities sold by dry measure, shall be the bushel containing 2150.42 cubic inches. The half bushel, peck, half peck, quarter peck, quart and pint shall be derived by successively dividing that measure by two. (R. L. § 2724, amended '13 c. 560 § 1)

**5791. Liquid measure**—The standard measure of capacity for liquids, shall be the wine gallon, containing 231 cubic inches; and 31.50 gallons shall constitute a barrel, except for fermented malt liquors, which shall be a barrel of 31<sup>2</sup> gallons, and 63 gallons a hogshead. (R. L. § 2725, amended '13 c. 560 § 2)

**5792. Lineal measure**—The standard measure of length, from which all other measures of extension, lineal, superficial, or solid, shall be derived, is the yard, of 3 feet, or 36 inches. (R. L. § 2725 [sic], amended '13 c. 560 § 2)

This section does not differ from R. L. § 2726.

**5793. Hundredweight**—In contracts for the sale of goods or commodities, the term "hundredweight" shall mean 100 pounds avoirdupois. (R. L. § 2727, amended '13 c. 560 § 3)

**5794. Standard weight of bushel, etc.**—In contracts for the sale of any of the following articles, the term "bushel" shall mean the number of pounds avoirdupois herein stated:

Corn in ear, 70; beans, (except lima beans, scarlet runner pole beans and white runner pole beans, and broad windsor beans) smooth peas, wheat, clover seed, Irish potatoes and alfalfa, 60; broom corn seed and sorghum seed, 57; shelled corn, (except sweet corn), rye, lima beans, flaxseed and wrinkled peas, 56; sweet potatoes and turnips, 55; onions and rutabagas, 52; buckwheat, hempseed, rapeseed, beets, green apples, walnuts, rhubarb, hickory nuts, chestnuts, tomatoes, scarlet runner pole beans and white runner pole beans, 50; barley, millet, Hungarian grass seed, sweet corn, cucumbers and peaches, 48; broad windsor beans, 47; carrots, timothy seed and pears, 45; parsnips, 42; spelt or spilts, 40; cranberries, 36; oats and bottom onion-sets, 32; dried apples, dried peaches and top onion sets, 28; peanuts, 22; blue grass, orchard grass and red-top seed, 14; plastering hair, unwashed, 8; plastering hair, washed, 4; lime, 80; but if sold by the barrel the weight shall be 200 pounds. (R. L. § 2728, amended '13 c. 560 § 4)

**5795. Standard measurement of wood**—In all contracts for sale of wood, the term "cord" shall mean 128 cubic feet of wood, in four foot lengths; and if the sale is of "sawed wood," a cord shall mean 110 cubic feet when ranked, or

<sup>1</sup> It is suggested that this section was repealed by Laws 1911, c. 156, relating to the Department of Weights and Measures. See §§ 4611-4623, ante.

160 cubic feet when thrown irregularly or loosely into a conveyance for delivery to the purchaser; and if the sale is of "sawed and split wood," a cord shall mean 120 cubic feet, when ranked, and 175 cubic feet when thrown irregularly and loosely into a conveyance for delivery. ('13 c. 560 § 5)

**5796. Standard weight of coal, charcoal and ice**—In all contracts for the sale of coal, charcoal, and ice, the term "ton" shall mean 2,000 pounds. A sale of coal, charcoal and ice, except by weight is hereby prohibited. ('13 c. 560 § 6)

**5797. Standard weight of flour**—In all contracts for the sale of flour, the term "barrel" shall mean 196 net pounds avoirdupois. ('13 c. 560 § 7)

**5798. Fractional parts**—All contracts for the sale of a fractional part of a bushel, barrel, ton or cord of any article or commodity on which the legal weight or measurement per bushel, barrel, ton or cord has been established, shall require and mean a like fractional part of the legal and established weight or measurement per bushel, barrel, ton or cord. ('13 c. 560 § 8)

**5799. Penalty for violation**—Whoever, in buying, shall take any greater number of pounds or cubic feet to the bushel, barrel, ton or cord, as the case may be, than is herein allowed and provided, or in selling, shall give any less number, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100), or by imprisonment for not less than ten (10) days nor more than ninety (90) days in the county jail, and the cost of such proceeding. ('13 c. 560 § 9)

**5800. Variations—Duty of railroad and warehouse commission**—The railroad and warehouse commission shall establish uniform tolerances or reasonable variation to take care of unavoidable shrinkage, and of scale variations in handling and weighing of any of the articles mentioned in this act. ('13 c. 560 § 10)

**5801. Sealing**—Every person engaged in any business requiring the use of weights or measures shall cause those used by him to be tested and sealed by the county sealer. Every person who shall buy, sell, or dispose of any goods or commodities by an unsealed weight, measure, or scale kept by him, or shall knowingly use any such weight, measure, or scale which has been sealed, but is incorrect, shall be guilty of a misdemeanor; but no contract of sale shall thereby be rendered void. (2729)<sup>1</sup>

67-232, 69-910. Under former statute (39-143, 39-299).

**5802. Testing upon request**—Upon written request of any person aggrieved, and payment of one dollar, and mileage at the rate of twenty cents per mile going and returning, the county sealer or his deputy shall test any weights, measures, or scales used in his county, whether already sealed or not. If such sealer or deputy shall give to the person complained of prior notice of such testing, he shall be guilty of a misdemeanor. (2730)<sup>1</sup>

**5803. Neglect to procure standards**—Whenever a county treasurer is requested in writing to procure any standard of weight or measure required by law to be kept by him, he shall procure the same within twenty days thereafter, or forfeit to the county one hundred dollars, at the suit of any interested person. (2731)<sup>1</sup>

**5804. Fines**—All fines collected under the provisions of this chapter shall be paid to the county treasurer for the benefit of the school fund of the county where the action is brought. (2732)<sup>1</sup>

## CHAPTER 51

### INTEREST AND NEGOTIABLE INSTRUMENTS

#### INTEREST

**5805. Rate**—The interest for any legal indebtedness shall be at the rate of six dollars upon one hundred dollars for a year, unless a different rate is contracted for in writing; and no person shall directly or indirectly take or

<sup>1</sup> It is suggested that this section was repealed by Laws 1911, c. 156, relating to the Department of Weights and Measures. See §§ 4611-4623, ante.