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DEPARTMENT OF COMMERCE AND LABOR
BUREAU OF STANDARDS

S. W. STRATTON, Director

STATE AND NATIONAL LAWS
CONCERNING THE
WEIGHTS AND MEASURES
OF THE
UNITED STATES
(SECOND EDITION)

REVISED BY WILLIAM PARRY, BUREAU OF STANDARDS
UNDER THE DIRECTION OF L. A. FISCHER, CHIEF OF THE DIVISION OF
WEIGHTS AND MEASURES, BUREAU OF STANDARDS



WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

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CONTENTS.

Letter of submittal.....	Page. V
Introduction.....	VII
National laws and regulations concerning weights and measures.....	I
Laws of the States, Territories, and possessions of the United States concerning weights and measures.....	17-535

	Page.		Page.
Alabama.....	17	Nebraska.....	267
Alaska.....	23	Nevada.....	277
Arizona.....	25	New Hampshire.....	285
Arkansas.....	27	New Jersey.....	295
California.....	33	New Mexico.....	309
Colorado.....	45	New York.....	317
Connecticut.....	51	North Carolina.....	335
Delaware.....	61	North Dakota.....	343
District of Columbia.....	71	Ohio.....	353
Florida.....	87	Oklahoma.....	367
Georgia.....	91	Oregon.....	379
Hawaii.....	97	Pennsylvania.....	383
Idaho.....	99	Philippine Islands.....	413
Illinois.....	105	Porto Rico.....	423
Indiana.....	113	Rhode Island.....	425
Iowa.....	121	South Carolina.....	437
Kansas.....	133	South Dakota.....	451
Kentucky.....	149	Tennessee.....	461
Louisiana.....	155	Texas.....	471
Maine.....	163	Utah.....	479
Maryland.....	175	Vermont.....	485
Massachusetts.....	185	Virginia.....	491
Michigan.....	213	Washington.....	499
Minnesota.....	221	West Virginia.....	509
Mississippi.....	235	Wisconsin.....	515
Missouri.....	241	Wyoming.....	529
Montana.....	249		

Tables of the legal weights (in pounds) of a bushel of various commodities—	
Appendix.....	537
Index.....	545

LETTER OF SUBMITTAL.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF STANDARDS,

Washington, January 1, 1912.

SIR: I have the honor to submit herewith for publication a revised compilation of the Weights and Measures Laws of the United States, the first edition of which, published in 1904, was begun for the use of the Bureau of Standards and not for the purpose of publication. On account, however, of the interest that these laws have for legislators, State and city sealers of weights and measures, and those industries whose operations cover several States, it was deemed advisable to publish the laws, particularly since the information collected could otherwise be found only in scattered volumes rarely accessible to a single individual. The usefulness of the first edition has been fully demonstrated by the large demand for it.

Numerous changes made in the State laws relating to weights and measures during the past few years, and the large amount of new legislation on the subject, necessitate a complete revision of the first edition. The scope of the present edition has been broadened to include several phases of the subject of weights and measures not covered by the previous edition. The revision was made by William Parry under the direction of Louis A. Fischer, Chief of the Division of Weights and Measures.

Respectfully,

S. W. STRATTON,
Director.

The SECRETARY OF COMMERCE AND LABOR.

INTRODUCTION.

Section VIII of Article I of the Constitution of the United States authorizes Congress to "fix the standard of weights and measures," but notwithstanding that the importance of the subject was repeatedly urged by Washington, Adams, and Jefferson, in their messages to Congress, no general legislation has ever been enacted in regard to the weights and measures now in common use. At the time of the American Revolution the weights and measures in common use were of English origin. Most of them had been procured from time to time by the colonies from Great Britain, and although it was well known that there were variations in those of the same denomination, it was not until 1830 that the matter received attention from Congress. At this time an investigation of the weights and measures in use in the various customhouses was ordered by a resolution of the Senate. As a result of this investigation the avoirdupois pound, the English yard, the wine gallon of 231 cubic inches, and bushel of 2150.42 cubic inches were adopted by the Treasury Department, and the construction of copies of the standards thus established was immediately undertaken in order to supply the customhouses with uniform weights and measures.

In 1836 a joint resolution of Congress directed the Secretary of the Treasury to deliver to the governor of each State in the Union a complete set of all the weights and measures adopted as standards by that department, to the end that a uniform standard of weights and measures might be established throughout the United States. Nearly all of the States have been supplied with complete sets of standards in accordance with the resolution mentioned, and in many cases they have been adopted by legislative action as the standards of the State. The fundamental standards—the pound, yard, gallon, and bushel—are, therefore, with certain exceptions, uniform throughout the Union. The practice, however, in regard to the use of the two units last mentioned and their subdivisions differs materially. In some States the gallon of certain commodities is defined as a definite number of pounds. Twelve pounds of strained honey is a legal gallon in Nebraska; $6\frac{1}{2}$ pounds of kerosene in Kansas; $7\frac{1}{2}$ pounds of linseed in Ohio, and 11 pounds of sorghum molasses in Indiana. These legal weights do not accord with the true volume of 1 gallon of 231 cubic inches.

In many of the States the legal bushel of certain commodities is specified in pounds. Special bushels have also been legally established in many States for particular products, such as the charcoal bushel, which in Connecticut is 2748 cubic inches, in Colorado 2500 cubic inches, and in Pennsylvania 2571 cubic inches. In Vermont "one bushel and three-quarters of a peck are deemed a bushel of charcoal, lime, or ashes." In some places 5 pecks constitute a bushel of "screened lump coal." A lime bushel in Minnesota is 2688 cubic inches. In Pennsylvania, however, it is equal to the Winchester bushel, although the coke bushel is 2648 cubic inches. The coke bushel in Missouri is 2680 cubic inches. Some States require, furthermore, "heaped measure," others "struck measure," the heap sometimes being required to be "as high as the article will admit," and elsewhere "as high as may be without special effort or design," and in still other cases, as in Connecticut, the heaped bushel is definitely fixed as 2564 cubic inches. The ton of coal is in some States fixed at 2000 pounds and in others at 2240 pounds.

This diversity causes confusion in the commerce between the different States. That there is need for authoritative definition by weight is made evident by the fact that Congress has found it necessary to specify the number of pounds of certain commodities in a bushel. These values were adopted by Congress solely for use in the customs service, and do not supersede the State laws, from which they often differ.

In the Philippine Islands, Porto Rico, and Guam the metric system of weights and measures is in general use, and it is the sole legalized system for these islands. The use of the metric system has been legal in the United States since 1866, and although it is in extensive use among technical and scientific men it is not in general use in commercial transactions. Nevertheless the legal status of the metric system is in some respects superior to that of our customary system of weights and measures, since Congress has legalized the metric system as a whole and specifically stated the relation of the various units to one another. On the other hand, the system of weights and measures in common use in the United States has never been specifically adopted by Congress nor are the relations of the various units to one another fixed except by custom. It is therefore not possible to give a list of the legal weights and measures of this country, such as may be found in foreign countries where the standards and their multiples and subdivisions are fixed by law. Congress has never even adopted material standards for our customary system of weights and measures, but has left this matter to the discretion of the Treasury Department.

Until 1893 the British Imperial yard and pound were recognized by the Treasury Department as the standards of the United States, but on account of the

inferior character of the copies of these standards in the possession of the department, it was decided that greater stability and higher accuracy would be obtained by accepting the international meter and kilogram as the fundamental standards of the United States. The yard was therefore defined as a certain fraction of the meter and the pounds as a certain fraction of the kilogram, the values adopted being those established by the act of 1866, namely, 1 yard = $\frac{3}{4} \frac{1}{3} \frac{0}{3} \frac{0}{7}$ meter, and 1 pound avoirdupois = $\frac{7}{8} \frac{1}{4} \frac{8}{8}$ kilogram. This action does not in any way alter the values of our customary weights and measures, but simply fixes them in terms of standards that represent the highest development of metrology. If any further justification for this action were needed, it would be found in the fact that since it was taken the British Government has had constructed an iridio-platinum yard, similar in material and form to the International Meter.

In view of the confusion resulting from the diverse and conflicting laws in regard to our customary weights and measures, as shown by this compilation, it would seem that some action tending to their improvement be taken, either by Congress or by the joint action of the States, and it is believed that the publication of the laws in this form will do much to emphasize the existing discrepancies and the necessity for uniformity in standards and practices.

In this compilation great care has been taken to include all the laws pertinent to weights and measures. The latest authorized codes and compiled statutes were consulted; or, in the absence of such authorized works, the latest generally accepted compiled statutes were taken. Legislation passed subsequently to these works was taken from the session laws on file in the Library of the Supreme Court of the United States. In searching for the laws relating to the subject in hand, numerous relevant statutes were found which were not indexed under the title "weights and measures;" and it frequently became necessary, on account of the sparseness of the indexing in the session laws, to scrutinize the entire index. A considerable portion of the weights and measures legislation found in the session laws repealed former statutes, either directly or by implication, and care had to be exercised to omit all repealed legislation, and to make all necessary corrections and appropriate explanations.

In consulting a work of this kind, it is frequently desirable and important to know whether a particular law has been on the statute books for a number of years or whether it is comparatively new legislation; and while it is not within the scope of this work to give a complete history of the acts but rather to give the laws as they now exist, it has been deemed advisable, as far as practicable, to give the original date of enactment, and the date of any amendment. To do this involved a considerable amount of labor, it being necessary at times to refer to books not contained in the Supreme Court Library, recourse being had to the

Library of Congress. The following method has been used in showing the dates: First. Where a date (or dates) appears above the entire reference from which the law is taken, it applies to all the sections contained under that reference; second, where a date appears immediately above a section number, it applies to that section and to those following until another date is given, or until a small zero mark appears immediately following the section number, thus, "Sec. 491⁰," which mark is used to indicate that the date of enactment of the particular section is not known; third, where no date appears above a reference or above any section number under that reference, the date is not known; fourth, where reference is made to the session laws, the year such laws were passed is always given in the reference, thus, "Sess. Laws, 1911, ch. —, p. —," and it is therefore unnecessary to duplicate the year by putting it above the reference. All dates are inclosed in parentheses.

It has not been practicable in all cases, with the limited force available for the preparation of this work, to obtain the desired dates. For instance, in finding the date of passage of an act relating to thread in Rhode Island, constituting chapter 167, page 568, General Laws, 1909, no date of enactment is given, but reference is made to chapter 141, General Laws, 1896, which in turn gives no date, but refers to chapter 120 of the Public Statutes, 1882, and likewise no date is given here, but reference is made to chapter 108 of the General Statutes of 1872, where no date or reference is to be found. In order to find the date of passage of the act referred to, each volume of the session laws of Rhode Island prior to 1872 would have to be searched until the act was found. Obviously, to have done this in a large number of cases would have entailed an enormous amount of labor and time which would hardly have been justified in view of the purpose of the compilation.

UNITED STATES

Congress shall have the power * * * To coin Money, regulate the Value thereof and of foreign Coin, and fix the Standard of Weights and Measures;

(1787)
Const. U. S., Art. I,
sec. 8, par. 5
National standard of
weights and measures

The Office of Standard Weights and Measures shall hereafter be known as the National Bureau of Standards.

(1907)
Original act, ch. 872,
31 Stat., p. 1449

That the functions of the bureau shall consist in the custody of the standards; the comparison of the standards used in scientific investigations, engineering, manufacturing, commerce, and educational institutions with the standards adopted or recognized by the Government; the construction, when necessary, of standards, their multiples and subdivisions; the testing and calibration of standard measuring apparatus; the solution of problems which arise in connection with standards; the determination of physical constants and the properties of materials, when such data are of great importance to scientific or manufacturing interests and are not to be obtained of sufficient accuracy elsewhere.

Sec. 1
Establishment of the
National Bureau of
Standards

Sec. 2
Custody of standards
Comparisons

Construction of
standards
Tests

Investigations

That the bureau shall exercise its functions for the Government of the United States; for any State or municipal government within the United States; or for any scientific society, educational institution, firm, corporation, or individual within the United States engaged in manufacturing or other pursuits requiring the use of standards or standard measuring instruments. All requests for the services of the bureau shall be made in accordance with the rules and regulations herein established.

Sec. 3
For whom its func-
tions may be exer-
cised

That the director shall be appointed by the President, by and with the advice and consent of the Senate. He shall have the general supervision of the bureau, its equipment, and the exercise of its functions. He shall make an annual report to the Secretary of the Treasury,¹ including an abstract of the work done during the year and a financial statement. He may issue, when necessary, bulletins for public distribution, containing such information as may be of value to the public or facilitate the bureau in the exercise of its functions.

Sec. 5
Director
Powers and duties
Annual report

Bulletins of informa-
tion

¹ By the act of Congress establishing the Department of Commerce and Labor, the National Bureau of Standards was transferred to the new Department. The words "Commerce and Labor" should therefore be substituted for "Treasury" wherever occurring in the original act.

Sec. 6
Appointments

That the officers and employees provided for by this Act, except the director, shall be appointed by the Secretary of the Treasury,¹ at such time as their respective services may become necessary.

Sec. 8
Fees for tests, etc.

That for all comparisons, calibrations, tests, or investigations, except those performed for the Government of the United States or State governments within the United States, a reasonable fee shall be charged, according to a schedule submitted by the director and approved by the Secretary of the Treasury.¹

Sec. 9
Regulations

That the Secretary of the Treasury¹ shall, from time to time, make regulations regarding the payment of fees, the limits of tolerance to be attained in standards submitted for verification, the sealing of standards, the disbursement and receipt of moneys, and such other matters as he may deem necessary for carrying this Act into effect.

Sec. 10
Visiting committee

That there shall be a visiting committee of five members, to be appointed by the Secretary of the Treasury,¹ to consist of men prominent in the various interests involved, and not in the employ of the Government. This committee shall visit the bureau at least once a year, and report to the Secretary of the Treasury,¹ upon the efficiency of its scientific work and the condition of its equipment. The members of this committee shall serve without compensation, but shall be paid the actual expenses incurred in attending its meetings. The period of service of the members of the original committee shall be so arranged that one member shall retire each year, and the appointments thereafter to be for a period of five years. Appointments made to fill vacancies occurring other than in the regular manner are to be made for the remainder of the period in which the vacancy exists.

(1873)
R. S., 3548, as amended
Mar. 4, 1911
Standard weight of
the mint
Troy pound

For the purpose of securing a due conformity in weight of the coins of the United States to the provisions of the laws relating to coinage, the standard troy pound of the Bureau of Standards of the United States shall be the standard troy pound of the Mint of the United States, conformably to which the coinage thereof shall be regulated.

R. S., 3549, as amended
Mar. 4, 1911
Standard weight for
mints and assay offices

It shall be the duty of the Director of the Mint to procure for each mint and assay office, to be kept safely thereat, a series of standard weights corresponding to the standard troy pound of the Bureau of Standards of the United States, consisting of a one-pound weight and the requisite subdivisions and multiples thereof, from the hundredths part of a grain to twenty-five pounds. The troy weight ordinarily employed in the transactions of such mints and assay offices shall be regulated according to the above standards at least once in every year, under the inspection of the superintendent and assayer; and the accuracy of those used at the

¹ Now Secretary of Commerce and Labor.

Mint at Philadelphia shall be tested annually, in the presence of the assay commissioners, at the time of the annual examination and test of coins. Annual testing

It shall be lawful throughout the United States of America to employ the weights and measures of the metric system; and no contract or dealing, or pleading in any court, shall be deemed invalid or liable to objection because the weights or measures expressed or referred to therein are weights or measures of the metric system. (1866)
14 Stat., ch. 301, 339,
sec. 1
R. S., 3569
The metric system
authorized

The Postmaster-General shall furnish to the post-offices exchanging mails with foreign countries, and to such other offices as he may deem expedient, postal balances denominated in grams of the metric system, fifteen grams of which shall be the equivalent for postal purposes, of one-half ounce avoirdupois, and so in progression. (1866, 1872)
R. S., 3880
17 Stat., ch. 335, p.
301, sec. 135
Metric postal bal-
ances for post offices

The tables in the schedule hereto annexed shall be recognized in the construction of contracts, and in all legal proceedings, as establishing, in terms of the weights and measures now in use in the United States, the equivalents of the weights and measures expressed therein in terms of the metric system; and the tables may lawfully be used for computing, determining, and expressing in customary weights and measures the weights and measures of the metric system. (1866)
14 Stat., 339, 340, ch.
301, sec. 2
R. S. 3570
Authorized tables of
weights and measures
Equivalents estab-
lished

MEASURES OF LENGTH

Tables of units
Length

Metric denominations and values		Equivalents in denominations in use
Myriameter.....	10,000 meters.	6,2137 miles.
Kilometer.....	1,000 meters.	0.62137 miles, or 3,280 feet and 10 inches.
Hectometer.....	100 meters.	328 feet and 1 inch.
Dekameter.....	10 meters.	393.7 inches.
Meter.....	1 meter.	39.37 inches.
Decimeter.....	$\frac{1}{10}$ of a meter.	3.937 inches.
Centimeter.....	$\frac{1}{100}$ of a meter.	0.3937 inch.
Millimeter.....	$\frac{1}{1000}$ of a meter.	0.0394 inch.

MEASURES OF CAPACITY

Capacity

Metric denominations and values			Equivalents in denominations in use	
Names	Number of liters.	Cubic measure	Dry measure	Liquor or wine measure
Kiloliter or stere..	1,000	1 cubic meter.....	1.308 cub. yards.....	264.17 gallons.
Hectoliter.....	100	$\frac{1}{10}$ of a cubic meter.....	2 hushels and 3.35 pecks.	26.417 gallons.
Dekaliter.....	10	10 cubic decimeters.....	9.08 quarts.....	2.6417 gallons.
Liter.....	1	1 cubic decimeter.....	0.908 quart.....	1.0567 quarts.
Deciliter.....	$\frac{1}{10}$	$\frac{1}{10}$ of a cub. decimeter...	6.1022 cub. inch.....	0.845 gill.
Centiliter.....	$\frac{1}{100}$	10 cubic centimeters.....	0.6102 cub. inch.....	0.338 fluid ounce.
Milliliter.....	$\frac{1}{1000}$	1 cubic centimeter.....	0.061 cub. inch.....	0.27 fluid dram.

Laws Concerning Weights and Measures

Surface

MEASURES OF SURFACE

Metric denominations and values		Equivalents in denominations in use
Hectare.....	10,000 square meters.	2.471 acres.
Are.....	100 square meters.	119.6 square yards.
Centare.....	1 square meter.	1,550 square inches.

Weights

WEIGHTS.

Metric denominations and values.			Equivalents in denominations in use.
Names.	Number of grams.	Weight of what quantity of water at maximum density.	Avoirdupois weight.
Millier or tonneau....	1,000,000	1 cubic meter.....	2204.6 pounds.
Quintal.....	100,000	1 hectoliter.....	220.46 pounds.
Myriagram.....	10,000	10 liters.....	22.046 pounds.
Kilogram or kilo....	1,000	1 liter.....	2.2046 pounds.
Hectogram.....	100	1 deciliter.....	3.5274 ounces.
Dekagram.....	10	10 cubic centimeters.....	0.3527 ounce.
Gram.....	1	1 cubic centimeter.....	15.432 grains.
Decigram.....	$\frac{1}{10}$	$\frac{1}{10}$ of a cubic centimeter.....	1.5432 grains.
Centigram.....	$\frac{1}{100}$	10 cubic millimeters.....	0.1543 grain.
Milligram.....	$\frac{1}{1000}$	1 cubic millimeter.....	0.0154 grain.

Joint resolution of Congress, July 27, 1866

Standard weights and measures of the metric system to be furnished to the States

Res. No. 26, 21 Stat., 521
Standard weights and measures

For agricultural colleges

For the Smithsonian Institution

(1890)
26 Stat., 242, ch. 667, sec. 1
Repair of standard weights and measures

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to furnish to each State, to be delivered to the Governor thereof, one set of standard weights and measures of the Metric system for the use of the States respectively.

Resolved, by the Senate and House of Representatives of the United States in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed to cause a complete set of all the weights and measures adopted as standards to be delivered to the Governor of each State in the Union, for the use of agricultural colleges in the States, respectively, which have received a grant of lands from the United States, and also one set of the same for the use of the Smithsonian Institution: Provided That the cost of each set shall not exceed two hundred dollars, and a sum sufficient to carry out the provisions of this resolution is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Hereafter such necessary repairs and adjustments shall be made to the standards furnished to the several States and Territories as may be requested by the Governors thereof, and also to stand-

ard weights and measures that have been, or may hereafter be, supplied to United States custom-houses and other offices of the United States, under Act of Congress, when requested by the Secretary of the Treasury.¹

The Secretary of the Treasury¹ * * * is * * * authorized and directed to furnish precise copies of standard weights and measures bearing the seal of the office of construction of standard weights and measures of the United States, and accompanied by a suitable certificate, to any State, Territory, or institution heretofore furnished with the same, upon application in writing by the governor in the case of a State or Territory, or by the official head in the case of an institution, setting forth that the copies of standards applied for are to replace similar ones heretofore furnished, in accordance with law, by the office of construction of standard weights and measures of the United States which have been lost or destroyed: Provided, That the applicant shall, before the said standards are delivered, first deposit with the Secretary of the Treasury¹ the amount of money necessary to defray all expenses incurred by the office of construction of standard weights and measures in furnishing the same, which amount shall be covered into the Treasury of the United States to the credit of miscellaneous receipts, as soon as the weights or measures are delivered for transportation into the hands of such persons as are designated by the officers ordering the same.

Officers shall, for all official, medical, and pharmacal purposes, make use of the metric system of weights and measures. In expressing quantities by weight the terms of "gram" and "centigram," and in expressing quantity by measure, the term "cubic-centimeter," only shall be employed.

In recording thermometric observations, officers shall make use of and refer to the centigrade scale.

Upon the publication of the new supply table and receipt of the new forms, all requisitions, invoices, receipts, and returns pertaining to medical supplies will be in accordance with the metric system of weights and measures.

After the 30th day of June, 1894, the use of this system in writing official prescriptions is desired; on and after the 1st day of January, 1895, such use is hereby ordered.

Metric measures, weights, and prescription blanks will soon be issued to all posts without requisition.

Repairs to

(1894)
28 Stat., ch. 301, 383,
sec. 1
Replacing lost standard weights and measures

Regulations for government of Public Health and Marine-Hospital Service
Promulgated by the President Nov. 21, 1902
Sec. 722
Metric system required in United States medical and pharmacal work
Units of weight and measure

Sec. 723
Centigrade thermometric scale required

Order approved by Secretary of War
Metric system required in medical work in War Department

Required in all prescriptions

¹ Now Secretary of Commerce and Labor.

Laws Concerning Weights and Measures

Until medical supplies now in stock in troy and avoirdupois weights are exhausted, the following approximate values may be considered as equivalent in transferring original packages:

1 ounce	=	30 grammes.
1 pound	=	$\frac{1}{2}$ kilogram.
1 fluid ounce	=	30 cubic centimeters.
1 pint	=	500 cubic centimeters.
1 quart	=	1 liter.
1 yard	=	1 meter.

Weights and Measures. Bulletin 26
 Approved by Secretary of the Treasury,
 Apr. 5, 1893
 Yard and pound to be derived from meter and kilogram.

* * * The Office of Weights and Measures, with the approval of the Secretary of the Treasury¹, will in the future, regard the International Prototype Metre and Kilogramme as fundamental standards, and the customary units, the yard and the pound, will be derived therefrom in accordance with the Act of July 28, 1866.

¹ Now Secretary of Commerce and Labor.

For the purpose of securing uniformity the following is established as the only standard gauge for sheet and plate iron and steel in the United States of America, namely:

(1893)
27 Stat., ch. 221, 746,
sec. 1
Standard gauge for
sheet and plate iron
and steel

Sheet-metal gauge

Number of gauge	Approximate thickness in fractions of an inch	Approximate thickness in decimal parts of an inch.	Approximate thickness in millimeters.	Weight per square foot in ounces avoirdupois.	Weight per square foot in pounds avoirdupois.	Weight per square foot in kilograms.	Weight per square meter in kilograms.	Weight per square meter in pounds avoirdupois.
0000000	1-2	.5	12.7	320	20.00	9.072	97.65	215.28
000000	15-32	.46875	11.90625	300	18.75	8.505	91.55	201.82
00000	7-16	.4375	11.1125	280	17.50	7.983	85.44	188.37
0000	13-32	.40625	10.31875	260	16.25	7.371	79.33	174.91
000	3-8	.375	9.525	240	15	6.804	73.24	161.46
00	11-32	.34375	8.73125	220	13.75	6.237	67.13	148.00
0	5-16	.3125	7.9375	200	12.50	5.67	61.03	134.55
1	9-32	.28125	7.14375	180	11.25	5.103	54.93	121.09
2	17-64	.265625	6.746875	170	10.625	4.819	51.88	114.37
3	1-4	.25	6.35	160	10	4.536	48.82	107.64
4	15-64	.234375	5.953125	150	9.375	4.252	45.77	100.91
5	7-32	.21875	5.55625	140	8.75	3.969	42.72	94.18
6	13-64	.203125	5.159375	130	8.125	3.685	39.67	87.45
7	3-16	.1875	4.7625	120	7.5	3.402	36.62	80.72
8	11-64	.171875	4.365625	110	6.875	3.118	33.57	74.00
9	5-32	.15625	3.96875	100	6.25	2.835	30.52	67.27
10	9-64	.140625	3.571875	90	5.625	2.552	27.46	60.55
11	1-8	.125	3.175	80	5	2.268	24.41	53.82
12	7-64	.109375	2.778125	70	4.375	1.984	21.36	47.09
13	3-32	.09375	2.38125	60	3.75	1.701	18.31	40.36
14	5-64	.078125	1.984375	50	3.125	1.417	15.26	33.64
15	9-128	.0703125	1.7859375	45	2.8125	1.276	13.73	30.27
16	1-16	.0625	1.5875	40	2.5	1.134	12.21	26.91
17	9-160	.05625	1.42875	36	2.25	1.021	10.99	24.22
18	1-20	.05	1.27	32	2	.9072	9.765	21.53
19	7-160	.04375	1.11125	28	1.75	.7938	8.544	18.84
20	3-80	.0375	.9525	24	1.50	.6804	7.324	16.15
21	11-320	.034375	.873125	22	1.375	.6237	6.713	14.80
22	1-32	.03125	.793750	20	1.25	.567	6.103	13.46
23	9-320	.028125	.714375	18	1.125	.5103	5.493	12.11
24	1-40	.025	.635	16	1	.4536	4.882	10.76
25	7-320	.021875	.555625	14	.875	.3969	4.272	9.42
26	3-160	.01875	.47625	12	.75	.3402	3.662	8.07
27	11-640	.0171875	.4365625	11	.6875	.3119	3.357	7.40
28	1-64	.015625	.396875	10	.625	.2835	3.052	6.73
29	9-640	.0140625	.3571875	9	.5625	.2551	2.746	6.05
30	1-80	.0125	.3175	8	.5	.2268	2.441	5.38
31	7-640	.0109375	.2778125	7	.4375	.1984	2.136	4.71
32	13-1280	.01015625	.25796875	6½	.40625	.1843	1.983	4.37
33	3-320	.009375	.238125	6	.375	.1701	1.831	4.04
34	11-1280	.00859375	.21828125 ¹	5½	.34375	.1559	1.678	3.70
35	5-640	.0078125	.1984375	5	.3125	.1417	1.526	3.36
36	9-1280	.00703125	.17859375	4½	.28125	.1276	1.373	3.03
37	17-2560	.00640625	.168671875	4¼	.265625	.1205	1.297	2.87
38	1-160	.00625	.15875	4	.25	.1134	1.221	2.69

¹ 0.21828125 vd. R. S., 3570.

This gauge to be used to levy duties

And on and after July first, eighteen hundred and ninety three, the same and no other shall be used in determining duties and taxes levied by the U. S. of America on sheet and plate iron and steel. But this act shall not be construed to increase duties upon any articles which may be imported.

Sec. 2 Preparation of gauge standards

The Secretary of the Treasury¹ is authorized and required to prepare suitable standards in accordance herewith.

Sec. 3 Variations allowed in use

In the practical use and application of the standard gauge hereby established a variation of two and one-half per cent either way may be allowed.

(1894) 28 Stat., ch. 131, p. 102, sec. 1

* * * from and after the passage of this Act the legal units of electrical measure in the United States shall be as follows:

Legal units of electrical measure established

Unit of resistance, ohm

First. The unit of resistance shall be what is known as the international ohm, which is substantially equal to one thousand million units of resistance of the centimeter-gram-second system of electro-magnetic units, and represented by the resistance offered to an unvarying electric current by a column of mercury at the temperature of melting ice fourteen and four thousand five hundred and twenty-one ten thousandths grams in mass, of a constant cross-sectional area, and of the length of one hundred and six and three-tenths centimeters.

Unit of current, ampere

Second. The unit of current shall be what is known as the international ampere, which is one-tenth of the unit of current of the centimeter-gram-second system of electro-magnetic units, and is the practical equivalent of the unvarying current, which, when passed through a solution of nitrate of silver in water in accordance with standard specifications, deposits silver at the rate of one thousand one hundred and eighteen millionths of a gram per second.

Unit of electromotive force, volt

Third. The unit of electro-motive force shall be what is known as the international volt, which is the electro-motive force that, steadily applied to a conductor whose resistance is one international ohm, will produce a current of an international ampere, and is practically equivalent to² one thousand fourteen hundred and thirty-fourths of the electro-motive force between the poles or electrodes of the voltaic cell known as Clark's cell, at a temperature of fifteen degrees centigrade, and prepared in the manner described in the standard specifications.

Unit of quantity, coulomb

Fourth. The unit of quantity shall be what is known as the international coulomb, which is the quantity of electricity transferred by a current of one international ampere in one second.

Unit of capacity, farad

Fifth. The unit of capacity shall be what is known as the international farad, which is the capacity of a condenser charged to a potential of one international volt by one international coulomb of electricity.

¹ Now Secretary of Commerce and Labor.

² 1.0000.

Sixth. The unit of work shall be the Joule, which is equal to ten million units of work in the centimeter-gram-second system, and which is practically equivalent to the energy expended in one second by an international ampere in an international ohm.

Unit of work, joule

Seventh. The unit of power shall be the Watt, which is equal to ten million units of power in the centimeter-gram-second system, and which is practically equivalent to the work done at the rate of one Joule per second.

Unit of power, watt

Eighth. The unit of induction shall be the henry, which is the induction in a circuit when the electro-motive force induced in this circuit is one international volt while the inducing current varies at the rate of one Ampere per second.

Unit of induction, henry

That it shall be the duty of the National Academy of Sciences to prescribe and publish, as soon as possible after the passage of this Act, such specifications of details as shall be necessary for the practical application of the definitions of the ampere and volt herein before given, and such specifications shall be the standard specifications herein mentioned.¹

Sec. 2

Specification for practical use of units

Preparation, printing, publication, and distribution by the Department of State of the diplomatic, consular, and other commercial reports, * * * That all terms of measure, weight, and money shall be reduced to and expressed in terms of measure, weight, and coin of the United States, as well as in the foreign terms; * * *

(1894)
28 Stat., ch. 166, p. 150
Terms of weights, measures, and money in commercial reports

Proof-spirit shall be held to be that alcoholic liquor which contains one-half its volume of alcohol of a specific gravity of seven thousand nine hundred and thirty-nine ten-thousandths (.7939) at sixty degrees Fahrenheit. And for the prevention and detection of frauds by distillers of spirits, the Commissioner of Internal Revenue may prescribe for use such hydrometers, saccharometers, weighing and gauging instruments, or other means for ascertaining the quantity, gravity, and producing capacity of any mash, wort, or beer used, or to be used, in the production of distilled spirits, and the strength and quantity of spirits subject to tax, as he may deem necessary; and he may prescribe rules and regulations to secure a uniform and correct system of inspection, weighing, marking, and gauging of spirits.

(1868, 1872)
R. S., 3249
Standard of proof spirits

Prevention of frauds

In all sales of spirits a gallon shall be held to be a gallon of proof-spirit, according to the standard prescribed in the preceding section, set forth and declared for the inspection and gauging of spirits throughout the United States.

(1868)
R. S., 3250
Standard gallon to be used in sales

That the word "gallon" wherever used in the internal-revenue law relating to beer, lager-beer, ale, porter, and other similar fermented liquors, shall be held and taken to mean a wine-gallon, the

(1870)
20 Stats., ch. 125, p. 351, sec. 20
Standard gallon for use in internal revenue

¹ See Bulletin No. 2, Bureau of Standards, for detailed specifications herein provided for.

liquid measure containing two hundred and thirty-one cubic inches.

Tariff act, 1909, 3
Stat., ch. 6, p. 1, sec. 1
Par. 35
Weight per gallon for
certain oils
15 Stat., ch. 186, p.
150, sec. 59
(1868, 1872)
R. S., 3308
Authorized barrel of
proof spirits
(1866, 1867, 1872, 1873,
1876)
R. S., 3339
Standard barrel of
fermented liquors

Flaxseed, linseed, and poppy-seed oil, raw, boiled, or oxidized, fifteen cents per gallon of seven and one-half pounds weight.

Every distiller shall make a return of the number of barrels of spirits distilled by him, counting forty gallons of proof-spirits to the barrel, whenever such return is demanded by the collector of the district.

* * * by whatever name such liquors may be called, a tax of one dollar for every barrel containing not more than thirty-one gallons; and at a like rate for any other quantity or for any fractional part of a barrel. In estimating and computing such tax, the fractional parts of a barrel shall be halves, thirds, quarters, sixths, and eighths; and any fractional part of a barrel containing less than one-eighth shall be accounted one-eighth; more than one-eighth and not more than one-sixth, shall be accounted one-sixth; more than one-sixth, and not more than one fourth, shall be accounted one-fourth; more than one-fourth and not more than one-third shall be accounted one-third; more than one-third and not more than one-half, shall be accounted one-half; more than one-half, and not more than one barrel, shall be accounted one barrel; more than one barrel, and not more than sixty-three gallons, shall be accounted two barrels, or a hogshead. * * *

(1866)
R. S., 2919
Legal weight of
bushel for certain prod-
ucts

For the purpose of estimating the duties on importations of grain the number of bushels shall be ascertained by weight, instead of by measuring; and sixty pounds of wheat, fifty-six pounds of corn, fifty-six pounds of rye, forty-eight pounds of barley, thirty-two pounds of oats, sixty pounds of pease, and forty-two pounds of buckwheat¹ a voidupois weight, shall respectively be estimated as a bushel.

Tariff act, 1909, 36
Stat., ch. 6, p. 11, sec. 1
Par. 230
Weight of standard
bushel of certain com-
modities for levying du-
ties *
Barley
Par. 231
Barley-malt
Par. 234
Buckwheat
Par. 235
Corn or maize
Par. 249
Beans
Par. 261
Onions
Par. 262
Pease
Par. 265
Potatoes
Par. 266
Seeds

Barley, thirty cents per bushel of forty-eight pounds.
Barley-malt, forty-five cents per bushel of thirty-four pounds.
Buckwheat, fifteen cents per bushel of forty-eight pounds; * * *
Corn or maize, fifteen cents per bushel of fifty-six pounds.
Beans, forty-five cents per bushel of sixty pounds.
Onions, forty cents per bushel of fifty-seven pounds; * * *
Pease, green, in bulk or in barrels, sacks, or similar packages, twenty-five cents per bushel of sixty pounds; seed pease, forty cents per bushel of sixty pounds; pease, dried, not specially provided for in this section, twenty-five cents per bushel; split pease, forty-five cents per bushel of sixty pounds; * * *
Potatoes, twenty-five cents per bushel of sixty pounds.

¹ Given as 48 pounds per bushel in fourth line below which is the legal weight at the present time.

Seeds: Castor beans or seeds, twenty-five cents per bushel of fifty pounds; flaxseed or linseed and other oil seeds not specially provided for in this section, twenty-five cents per bushel of fifty-six pounds; * * *.

Vinegar, seven and one-half cents per proof gallon. The standard proof for vinegar shall be taken to be that strength which requires thirty-five grains of bicarbonate of potash to neutralize one ounce troy of vinegar.

Par. 299
Vinegar, proof gallon

Buttons or parts of buttons and button molds or blanks, finished or unfinished, shall pay duty at the following rates, the line button measure being one-fortieth of one inch, * * *.

Par. 427
"Line" measure for buttons

Coal, bituminous, and shale, forty-five cents per ton of twenty-eight bushels, eighty pounds to the bushel; coal slack or culm, such as will pass through a half-inch screen, fifteen cents per ton of twenty-eight bushels, eighty pounds to the bushel: * * *.

Par. 428
Coal, shale, and culm, weight per bushel and ton

That all articles of foreign manufacture or production, which are capable of being marked, stamped, branded, or labeled, without injury, shall be marked, stamped, branded, or labeled in legible English words, in a conspicuous place that shall not be covered or obscured by any subsequent attachments or arrangements, so as to indicate the country of origin. Said marking, stamping, branding, or labeling shall be as nearly indelible and permanent as the nature of the article will permit.

Tariff act, 1909, 36 Stat., ch. 6, p. 85

Sec. 7
Country of origin to be marked on articles

All packages containing imported articles shall be marked, stamped, branded, or labeled so as to indicate legibly and plainly, in English words, the country of origin and the quantity of their contents, and until marked in accordance with the directions prescribed in this section no articles or packages shall be delivered to the importer.

Packages to be marked with country of origin, and contents

Should any article or package of imported merchandise be marked, stamped, branded, or labeled so as not accurately to indicate the quantity, number or measurement actually contained in such article or package, no delivery of the same shall be made to the importer until the mark, stamp, brand, or label, as the case may be, shall be changed so as to conform to the facts of the case.

Compliance before delivery

The Secretary of the Treasury shall prescribe the necessary rules and regulations to carry out the foregoing provision.

Regulations

If any person shall fraudulently violate any of the provisions of this Act relating to the marking, stamping, branding or labeling of any imported articles or packages; or shall fraudulently deface, destroy, remove, alter, or obliterate any such marks, stamps, brands, or labels with intent to conceal the information given by or contained in such marks, stamps, brands, or labels, he shall upon conviction be fined in any sum not exceeding five thousand dollars, or be imprisoned for any time not exceeding one year, or both.

Sec. 8
Punishment for false marking

(1861)

R. S., 2951
Ton definedHundredweight de-
fined

Wherever the word "ton" is used in this chapter, in reference to weight, it shall be construed as meaning twenty-hundred-weight, each hundred-weight being one hundred and twelve pounds avoirdupois.

(1870)

R. S., 3711, as amend-
ed Mar. 2, 1895, and
Mar. 15, 1898
Weighing and meas-
uring of coal and wood
required

It shall not be lawful for any officer or person in the civil, military, or naval service of the United States in the District of Columbia to purchase anthracite or bituminous coal or wood for the public service except on condition that the same shall, before delivery, be inspected and weighed or measured by some competent person, to be appointed by the Head of the Department or chief of the branch of the service for which the purchase is made from among the persons authorized to be employed in such Department or branch of the service. The person appointed under this section shall ascertain that each ton of coal weighed by him shall consist of two thousand two hundred and forty pounds, and that each cord of wood to be so measured shall be of the standard measure of one hundred and twenty-eight cubic feet. Each load or parcel of wood or coal weighed and measured by him shall be accompanied by his certificate of the number of tons or pounds of coal and the number of cords or parts of cords of wood in each load or parcel.

Standard ton of coal
Standard cords of
wood

(1792)

R. S., 3563
Decimal system es-
tablished for the coin-
age

The money of account of the United States shall be expressed in dollars or units, dimes or tenths, cents or hundredths, and mills or thousandths, a dime being the tenth part of a dollar, a cent the hundredth part of a dollar, a mill the thousandth part of a dollar; and all accounts in the public offices and all proceedings in the courts shall be kept and had in conformity to this regulation.

(1873)

R. S., 3514
Standard fineness for
gold and silver coins

The standard for both gold and silver coins of the United States shall be such that of one thousand parts by weight nine hundred shall be of pure metal and one hundred of alloy. The alloy of the silver coins shall be of copper. The alloy of the gold coins shall be of copper, or of copper and silver; but the silver shall in no case exceed one-tenth of the whole alloy.

R. S., 3511

Standard weights of
gold coins

The gold coins of the United States shall be a one-dollar piece,¹ which, at the standard weight of twenty-five and eight-tenths grains, shall be the unit of value; a quarter-eagle, or two and a half dollar piece; a three-dollar piece; a half eagle, or five-dollar piece; an eagle, or ten-dollar piece; and a double-eagle, or twenty-dollar piece. And the standard weight of the gold dollar shall be twenty-five and eight-tenths grains; of the quarter-eagle, or two and a half dollar piece, sixty-four and a half grains; of the three-dollar piece, seventy-seven and four-tenths grains; of the half-eagle or five dollar piece, one hundred and twenty-nine grains;

¹ The coinage of a dollar gold piece was discontinued pursuant to the act of Sept. 26, 1890: other gold coins contain 25.8 grains per dollar.

of the eagle, or ten dollar piece, two hundred and fifty-eight grains; of the double-eagle, or twenty-dollar piece, five hundred and sixteen grains.

That the dollar consisting of twenty-five and eight-tenths grains of gold nine-tenths fine, as established by section thirty-five hundred and eleven of the Revised Statutes of the United States, shall be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity of value with this standard, and it shall be the duty of the Secretary of the Treasury to maintain such parity.

(1900)
31 Stat., ch. 41, 45,
sec. 1
Standard of value

* * * There shall be coined at the several mints of the United States, silver dollars of the weight of four hundred and twelve and a half grains Troy of Standard silver, as provided in the act of January eighteenth, eighteen-hundred and thirty-seven, * * *

(1878)
20 Stat., ch. 20, 25,
sec. 1
Weight of standard
silver dollar

The silver coins of the United States shall be a trade-dollar,¹ a half-dollar, or fifty-cent piece, a quarter-dollar, or twenty-five-cent piece, a dime, or ten-cent piece; and the weight of the trade-dollar¹ shall be four hundred and twenty grains troy; the weight of the half-dollar shall be twelve grams and one-half of a gram; the quarter-dollar and the dime shall be, respectively, one-half and one-fifth of the weight of said half-dollar.

(1873, 1875, 1876)
R. S., 3513
Standard weights of
subsidiary silver coins

* * * The weight of the piece of five cents shall be seventy-seven and sixteen-hundredths grains troy; of the three-cent piece,² thirty grains; and of the one-cent piece, forty-eight grains.

(1873)
R. S., 3515
Standard weight of
minor coins

In adjusting the weights of the gold coins, the following deviations shall not be exceeded in any single piece: In the double-eagle and eagle, one-half of a grain; in the half-eagle, the three-dollar piece, the quarter-eagle, and the one-dollar piece, one-fourth of a grain. And in weighing a number of pieces together, when delivered by the coiner to the superintendent, and by the superintendent to the depositor, the deviation from the standard weight shall not exceed one-hundredth of an ounce in five thousand dollars, in double-eagles, eagles, half-eagles, or quarter-eagles, in one thousand three-dollar pieces, and in one thousand one-dollar pieces.

R. S., 3535
Deviations from
standard weight al-
lowed
Gold coins

In adjusting the weight of the silver coins the following deviations shall not be exceeded in any single piece: In the dollar, the half and quarter dollar, and in the dime, one and one-half grains.

(1873, 1877)
R. S., 3536, as amend-
ed Mar. 4, 1911
Silver coins

In adjusting the weight of the minor coins provided by this Title, there shall be no greater deviation allowed than three grains for the five-cent piece and two grains for the three and one-cent pieces.

(1873)
R. S., 3537
Minor coins, varia-
tion in weight

¹ The laws authorizing the coinage and issue of the trade-dollar were repealed by the act of Mar. 3, 1887, ch. 396. Its legal tender quality had been abolished by the resolution of July 22, 1876.

² Coinage discontinued by act of Sept. 26, 1890, ch. 945.

R. S., 3505
Tolerated loss
weight by abrasion

of Any gold coins of the United States, if reduced in weight by natural abrasion not more than one-half of one per centum below the standard weight prescribed by law, after a circulation of twenty years, as shown by the date of coinage, and at a ratable proportion for any period less than twenty years, shall be received at their nominal value by the United States Treasury and its offices, under such regulations as the Secretary of the Treasury may prescribe for the protection of the Government against fraudulent abrasion or other practices.

R. S., 5460
Penalty for altering
weights at mints or
assay offices

* * * if any of the weights used at any of the mints or assay-offices of the United States shall be defaced, increased, or diminished through the fault or connivance of any of the said officers or persons who are employed at the said mints or assay-offices, with a fraudulent intent; * * * every such officer or person who commits any or either of the said offenses shall be imprisoned at hard labor for a term not less than one year nor more than ten years, and shall be fined in a sum not more than ten thousand dollars.

(1790)
R. S., 2627
(See Stat. L., vol. 1,
p. 643, Appendix 2.)
Semiyearly comparison of weights and measures used in customhouses

* * * it shall be the duty of the surveyor * * * First. To superintend and direct all inspectors, weighers, measurers, and gaugers within his port. * * * To examine, and from time to time, and particularly on the first Mondays of January and July in each year, try the weights, measures and other instruments used in ascertaining the duties on imports, with standards to be provided by each collector at the public expense for that purpose; and where disagreements or errors are discovered, to report the same to the collector; and to obey and execute such directions as he may receive for correcting the same, agreeably to the standards.

(1846)
R. S., 2920
Determination of weight or quantity of imports

In all cases in which the invoice or entry does not contain the weight, or quantity, or measure of merchandise, now weighed, or measured, or gauged, the same shall be weighed, gauged, or measured at the expense of the owner, agent, or consignee.

(1864)
R. S., 2837
Foreign weights and measures to be used in customs invoices

All invoices shall be made out in the weights or measures of the country or place from which the importation is made, and shall contain a true statement of the actual weights or measures of such merchandise, without any respect to the weights or measures of the United States.

Original units in invoice

(1870)
R. S., 2915
Weights to appear on casks of sugar

The Secretary of the Treasury shall, by regulation, prescribe, and require that samples from packages of sugar shall be taken by the proper officers, in such manner as to ascertain the true quality of such sugar; and the weights of sugar imported in casks or boxes shall be marked distinctly by the custom-house weigher, by scoring the figures indelibly on each package.

Every master shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles, in the presence of a witness, whenever any dispute arises about such quantities, and in default shall, for every offense, be liable to a penalty of not more than fifty dollars.

(1872)
R. S., 4571
Weights and measures to be kept by merchant shipmasters

Every person who knowingly uses any false weights or measures in ascertaining, weighing, or measuring the quantities of grain, meal, or vegetable materials, molasses, beer, or other substances to be used for distillation, shall be fined not less than five hundred dollars nor more than five thousand dollars, and imprisoned not less than one year nor more than three years. Any person who uses any molasses, beer, or other substance, whether fermented on the premises or elsewhere, for the purpose of producing spirits, before an account of the same is registered in the proper book provided for that purpose, shall forfeit and pay the sum of one thousand dollars for each offense so committed.

(1868)
R. S., 3306
Using false weights (or measures) in ascertaining materials; penalty

Using unregistered materials; penalty

The public lands shall be divided by north and south lines run according to the true meridian, and by others crossing them at right angles, so as to form townships of six miles square,¹ unless where the line of an Indian reservation, or of tracts of land heretofore surveyed or patented, or the course of navigable rivers, may render this impracticable; and in that case this rule must be departed from no further than such particular circumstances require.

(1796, 1800, 1877)
R. S., 2395
Measurement of public lands

Size of township established

* * * the township shall be subdivided into sections, containing, as nearly as may be, six hundred and forty acres each, by running through the same, each way, parallel lines at the end of every two miles; and by making a corner on each of such lines, at the end of every mile. * * *

Size of legal section of land

* * * All lines shall be plainly marked upon trees, and measured with chains, containing two perches of sixteen and one-half feet each, subdivided into twenty-five equal links; and the chain shall be adjusted to a standard to be kept for that purpose.

Authorized units for land measurements

* * * Each section or subdivision of section, the contents whereof have been returned by the surveyor-general, shall be held and considered as containing the exact quantity expressed in such return; and the half-sections and quarter-sections, the contents whereof shall not have been thus returned, shall be held and considered as containing the one-half or the one-fourth part, respectively, of the returned contents of the section of which they make part.

(1805)
R. S., 2396
Contents of public lands

The registry of every vessel shall express her length and breadth, together with her depth and the height under the third or spar

(1864)
R. S., 4150
Mode of measuring tonnage of ships

¹ The instructions of the surveyor general allow for the convergency of meridians.

deck, which shall be ascertained in the following manner: The tonnage-deck, in vessels having three or more decks to the hull, shall be the second deck from below; in all other cases the upper deck of the hull is to be the tonnage-deck. The length from the fore part of the outer planking on the side of the stem to the after part of the main stern-post of screw-steamers, and to the after part of the rudder-post of all other vessels measured on the top of the tonnage-deck, shall be accounted the vessel's length. The breadth of the broadest part of the outside of the vessel shall be accounted the vessel's breadth of beam. A measure from the underside of the tonnage-deck plank, amidships, to the ceiling of the hold (average thickness,) shall be accounted the depth of hold. If the vessel has a third deck, then the height from the top of the tonnage-deck plank to the under side of the upper-deck plank shall be accounted as the height under the spar-deck. All measurement to be taken in feet and fractions of feet; and all fractions of feet shall be expressed in decimals.

(1865)
R. S., 4151

Parts to be excluded

No part of any vessel shall be required by the preceding section to be measured or registered for tonnage that is used for cabins or staterooms, and constructed entirely above the first deck, which is not a deck to the hull. * * *

(1864, 1882, 1886, 1895,

1000)
R. S., 4153.

The register tonnage of every vessel built within the United States or owned by a citizen or citizens thereof shall be her entire internal cubical capacity in tons of one hundred cubic feet each, to be ascertained as follows: * * *

Net or register tonnage defined

And the proper deduction from the gross tonnage having been made, the remainder shall be deemed the net or register tonnage of such vessels.

(1825)
R. S., 2918

Standard hydrometer

The Secretary of the Treasury may, under the direction of the President, adopt such hydrometer as he may deem best calculated to promote the public interest for the purpose of ascertaining the proof of liquors; and, after such adoption, the duties imposed by law upon distilled spirits shall be collected according to proof ascertained by any hydrometer so adopted.

LAWS CONCERNING THE WEIGHTS AND MEASURES OF THE UNITED STATES

ALABAMA

No state office shall be continued or created for the inspection or measuring of any merchandise, manufacture, or commodity, but any county or municipality may appoint such officers when authorized by law.

Const., 1901
Crim. Code, 1907, p. 72
Sec. 77
No State inspection officer

There is but one standard of measure of length and surface, one of weight, and one of capacity, throughout this state, which must be in conformity with the standard of measure of length, surface, weight and capacity established by Congress.

Pol. Code, 1907, p. 1001 (1807)
Sec. 2429
Standard

All contracts made, within this state for any work to be done, or for anything to be sold and delivered, must be construed to have been made according to the standard of weight and measure thus ascertained, unless the parties stipulate to the contrary.

Sec. 2430°
Contracts

Any county which has not been furnished with weights and measures, consisting of one weight of fifty pounds, one of twenty-five pounds, one of fourteen pounds, one of seven pounds, two of four pounds, two of two pounds, and two of one pound, avoirdupois; one measure of one yard, and one of one foot, cloth measure; one measure of half a bushel, one of one peck, and one of one half peck, dry measure; one measure of one gallon, one of a half gallon, one of a quart, one of one pint, one of one-half pint, and one of one gill, wine measure, in conformity with such standard, must be supplied therewith, by the secretary of state, as early as practicable.

Sec. 2431°
Standards furnished counties
Mass
Lengths
Volume

If the weights and measures of any county are destroyed, without the fault of any official who by law had charge of the same, the secretary of state shall, upon the requisition of the probate judge, furnish weights and measures to such county.

(1877)
Sec. 2432
In case of destruction

New counties must be furnished with weights and measures.

New counties

For the expense of obtaining such weights and measures, and furnishing the same to counties, the auditor must, on the account being certified by the secretary of state, draw his warrant on the state treasury.

Sec. 2434°
Expense

The judge of probate of each county, when furnished with such weights and measures, must, within three weeks thereafter, give

Sec. 2435°

Notice of receipt

notice thereof by advertisement at the court-house door, and at five other public places in the county.

Sec. 2436°

Such judges must try all weights and measures presented to them, by such standards, and if found to agree with same, must seal them with a seal to be provided at the expense of the county.

Seal of weights and measures

Sec. 2437°

Penalty

Three months after the notice prescribed in this chapter has been given, every person selling any commodity, by weight or measure, which does not correspond with such standard, forfeits the sum of ten dollars to any person suing for the same.

Sec. 2438°

Custody of

The set of balances intended for the adjustment of weights and measures furnished to this state by act of Congress, must be kept by the secretary of state.

Sec. 2439°

Weight of bushel of certain commodities

The legal weights per bushel of the following commodities shall be as follows: Cottonseed, thirty-two pounds; wheat, sixty pounds; shelled corn, fifty-six pounds; corn in the ear, seventy pounds; corn in the shuck, seventy-five pounds; peas, sixty pounds; rye, fifty-six pounds; oats, thirty-two pounds; barley, forty-seven pounds; Irish potatoes, sixty pounds; sweet potatoes, fifty-five pounds; beans, sixty pounds; dried peaches, unpeeled, thirty-three pounds; dried peaches, peeled, thirty-eight pounds; dried apples, twenty-four pounds; turnips, fifty-five pounds; bolted meal, forty-six pounds; unbolted meal, forty-eight pounds.

Pol. Code, 1907, Vol. I, p. 614

(1907)

Sec. 1270

Scales, etc.

The Council [of municipal corporations] shall have the right to provide public scales and an inspection of weights and measures, and to provide punishment for persons, firms, and corporations using fraudulent weights and measures; * * *

Crim. Code, 1907, ch. 307, p. 967

Sec. 7876

Buying or selling by false weight or measure

If any person shall knowingly buy or sell by false weights or measures, he shall be deemed a common cheat, and shall be punished as for a misdemeanor.

Gen. Acts, 1907, p. 745

Sec. 4

Packages branded as to weight

All persons, companies, manufacturers, dealers or agents before selling or offering for sale in this state, any commercial fertilizer or fertilizer material, shall brand or attach to each bag, barrel or package, the brand name of the fertilizer, the weight of the package [in pounds], the name and address of the manufacturer, * * *

Crim. Code, 1907, ch. 193, p. 431, as amended by act 166, 1909, p. 302

Sec. 6620

Regulations for manufacturers of corn meal

Any miller, firm, person or corporation shall be guilty of a misdemeanor who manufactures, grinds, or repacks corn meal, or chops, or who conducts a merchant mill, to pack or cause to be packed, to be offered for sale to merchants or the general public, or to carry in stock with intent to sell corn meal, bolted or unbolted, or chops, packed in any other than six pounds, twelve pounds, twenty-four pounds, forty-eight pounds, and ninety-six pound sacks, or ninety-six pound barrels, and one hundred and ninety-six pound barrels, wood; or who shall fail to have plainly painted or stenciled upon them "bolted meal" or "unbolted meal,"

or "chops," steam or water ground, as the case may be, as indicating the kind of power used in the mill producing the same, "eighth bushel," "fourth bushel," or "peck," "half bushel," "one bushel," "two bushel," and the barrel and half barrel, or who shall fail to show the net weight in pounds

Any merchant, dealer, vendor, hawker, or other character of seller, who sells, offers for sale, or keeps in stock with intent to sell, any corn meal or chops, bolted, or unbolted, in any other than six pounds, twelve pounds, twenty-four pounds, forty-eight pounds, and ninety-six pound sacks, or ninety-six pound half barrels, and one hundred and ninety-six pound barrels, wood, shall be guilty of a misdemeanor; provided any retail merchant may, on order, weigh from bulk meal or chops any number of pounds desired by an individual consumer.

Sec. 662r
Sale of corn meal

Any person, firm or corporation, convicted under either one of the two preceding sections, shall be fined not less than fifty, nor more than one hundred dollars for the first offense, but on the second conviction, shall be fined not less than one hundred, nor more than five hundred dollars, one-fourth of said fine in either instance shall be paid to the informer furnishing proof leading to a conviction, out of the county treasury, after the payment of such fine upon the order of the solicitor prosecuting the case.

Sec. 6622
Penalty

That any manufacturer, merchant, dealer, vendor or other person who sells, offers for sale or keeps in stock with intent to sell, any corn, oats, rye, wheat, barley or mill products such as middlings, bran, chops, corn hearts and all other ground feed products in sacks or bags, and cotton seed meal and cotton seed hulls, except in quantities hereinafter respectively prescribed, shall be guilty of a misdemeanor.

Act 224, 1909, p. 268
Sec. 1
Feed stuffs sold except in certain quantities, misdemeanor

Oats shall be sold in sacks containing four and one-half bushels and five bushels, weighing, respectively one hundred and forty pounds and one hundred and sixty pounds; rye and corn in two, two and one-half, and three bushel sacks, weighing respectively one hundred and twelve, one hundred and forty and one hundred and sixty-eight pounds; wheat in two, two and one-half and three bushel sacks, weighing respectively one hundred and twenty, one hundred and fifty and one hundred and eighty pounds; barley in two, two and one-half and three bushel sacks, weighing respectively ninety-six, one hundred and twenty and one hundred and forty-four pounds; mill products such as middlings, bran, chops, corn hearts and all other ground feed products, in sacks or bags weighing one hundred and one hundred and seventy-five pounds each, except cotton seed hulls which shall be in eighty pounds and one hundred pounds sacks or bags; grits shall be sold only in barrels of one hundred ninety-six pounds or sacks weighing ninety-six

Sec. 2
Feed stuffs, how sold, quantities

pounds, except grits packed in paper cartons of not more than five pounds.

Sec. 3
May sell in bulk

The foregoing provisions shall apply only when said articles are sold in sacks, bags or other packages, and shall not prevent the sale of any of said articles in bulk.

Sec. 4
Does not apply to grower or resale by purchaser

But the provisions of this act shall not apply to sales of grain or cereals by the producer or grower of such grains or cereals or resale of same by the purchaser or to mill products shipped by manufacturers to dealers for mixing purposes.

Sec. 5
Packages must be plainly marked showing number of pounds or bushels

It shall be unlawful to sell any of the said grains in such sacks, bags or packages, unless in large figures thereon is plainly marked or stenciled the number of bushels or pounds and in the case of the mill products, it shall be unlawful to falsely brand any of said sacks, bags or packages as to the true weight of the same.

Sec. 6
Penalty

Any person, firm or corporation violating any of the provisions of this act shall be fined not more than one hundred dollars for the first offense, but on the second conviction shall be fined not less than one hundred nor more than five hundred dollars.

Gen. Laws, 1911, act 119, p. 104
Sec. 1
Feeding stuffs, defined

The term "Commercial Feeding Stuffs" shall be held to include all feeding stuffs used for feeding live stock and poultry, except whole seeds or grains; the unmixed meals made directly from entire grains of corn, wheat, rye, barley, oats, buckwheat, flax seed, kaffir, and milo; whole hays, straws, cotton seed meal and hulls and corn stover when unmixed with other material. Together with all other materials containing sixty (60%) per cent or more of water.

Sec. 2
Feeding stuffs, to be net weight, etc.

Every lot or parcel of commercial feeding stuff sold, offered or exposed for sale or distribution within this State shall have affixed thereto a tag or label, in a conspicuous place on the outside thereof, containing a legible and plainly printed statement in the English language, clearly and truly certifying: (a) The net weight of the contents of the package, lot or parcel, provided that all commercial feeding stuffs shall be sold in packages, lots or parcels of fifty pounds net weight, one hundred pounds net weight, or two hundred pounds net weight; (b) The name, brand or trade mark; (c) The name and principal address of the manufacturer or person responsible for placing the commodity on the market; * * *

Act 190, 1909, p. 237
Sec. 5
"Misbranded" defined

* * * That for the purpose of this act an article shall also be deemed misbranded. * * * In case of foods:

3rd. If in package form and the contents are stated in terms of weight or measure, they are not plainly or correctly stated on the outside of the package.

Act 152, 1909, p. 292
Sec. 27
Standard measure for oysters

That a standard of measure for oysters is hereby established which said measure shall consist of a tub or other round vessel of the following dimensions to-wit: It shall measure seventeen

inches, in diameter inside at the bottom and twenty-one and one-half inches inside at the top, and fourteen and one-half inches inside from bottom to top, the unit of such tub or measure to be in the shape of an inverted frustrum of a cone. Two of these measures filled to the top shall make one barrel and all oysters bought and sold in this State in the shell shall be measured in a measure of these dimensions or measure holding a fraction or multiple thereof, and it shall be unlawful for any person to have in his possession any measure for oysters in the shell which shall differ in capacity from the measure herein provided for or to demand or require a greater or less measure in buying or selling; and no vessel or measure shall be used in buying or selling oysters until it has been measured and stamped by a deputy commissioner, with a metal tag or stamp, showing quantity of oysters such measure will hold. It shall be the duty of the deputy oyster commissioners to make such measurements and to visit for that purpose each place where oysters are bought and sold as required during the canning season and there shall be kept in the "Oyster Measure Record" herein provided for, the dimensions of all vessels so measured. The chief deputy commissioner shall keep a book to be known as the "Oyster Measure Record" in which he shall register the names of each person, firm or corporation to whom he has issued such stamp, and the date of issuance; and said record shall be open for the inspection of the public during each business day from the hour of eight o'clock in the morning to the hour of six o'clock in the evening, during which time the office of the Commission must be kept open for the transaction of business. For every false or fraudulent issuance of said stamp, or for every stamp issued without a record thereof being kept in the "Oyster Measure Record," the chief deputy commissioner shall be guilty of a misdemeanor and shall, on conviction, be fined [fined] the sum of fifty dollars, one-half of which shall be paid to the person or persons informing on the said chief deputy commissioner, and the other one-half shall be paid into the oyster protection fund.

The owner or operator of each coal mine at which the miners are paid by weight shall provide such mines with suitable scales, of standard make, for the weighing of all coal, when contracted for to be weighed.

All coal mined in this state contracted for payment by the ton or other weight, shall be weighed, and the full weight thereof shall be credited to the miner of such coal and two thousand pounds of coal shall constitute a ton.

In all mines the miners employed and working therein may furnish a check weighman, who shall at proper times have full access and examination of such scales and seeing all measures and

(1897)
Pol. Code, 1907, Vol. I,
p. 532
Sec. 1008
Mine owner to provide scales

Sec. 1009
Coal to be weighed;
2,000 pounds to ton

Sec. 1010
Check weighman

weights, and accounts kept of the same; provided, that not more than one person shall have such right of access, examination, and inspection of scales, measures, and accounts at the same time.

Sec. 1011
Chief inspector to procure from State standards, etc.

The chief mine inspector shall procure from the State, at the State's expense, a full and complete set of standards, balances, and other means of adjustment such as are necessary in the comparison and adjustment of scales, beams, and other necessary apparatus to be used for a just weighing of coal and other materials at the mines according to the state standard of weights; and it shall be the duty of said inspector to examine, test, and adjust, as often as occasion demands, all scales and other apparatus used in weighing at mines.

Sec. 1012
Who may inspect scales and records

The mine inspector, miners employed in the mines, and the owner of the land or persons interested in the rental and royalty of such mines, shall at all proper times have full right of access to scales used at said mines, including bank book in which the weight of coal is kept, to examine the amount of coal mined, for the purpose of testing the accuracy thereof.

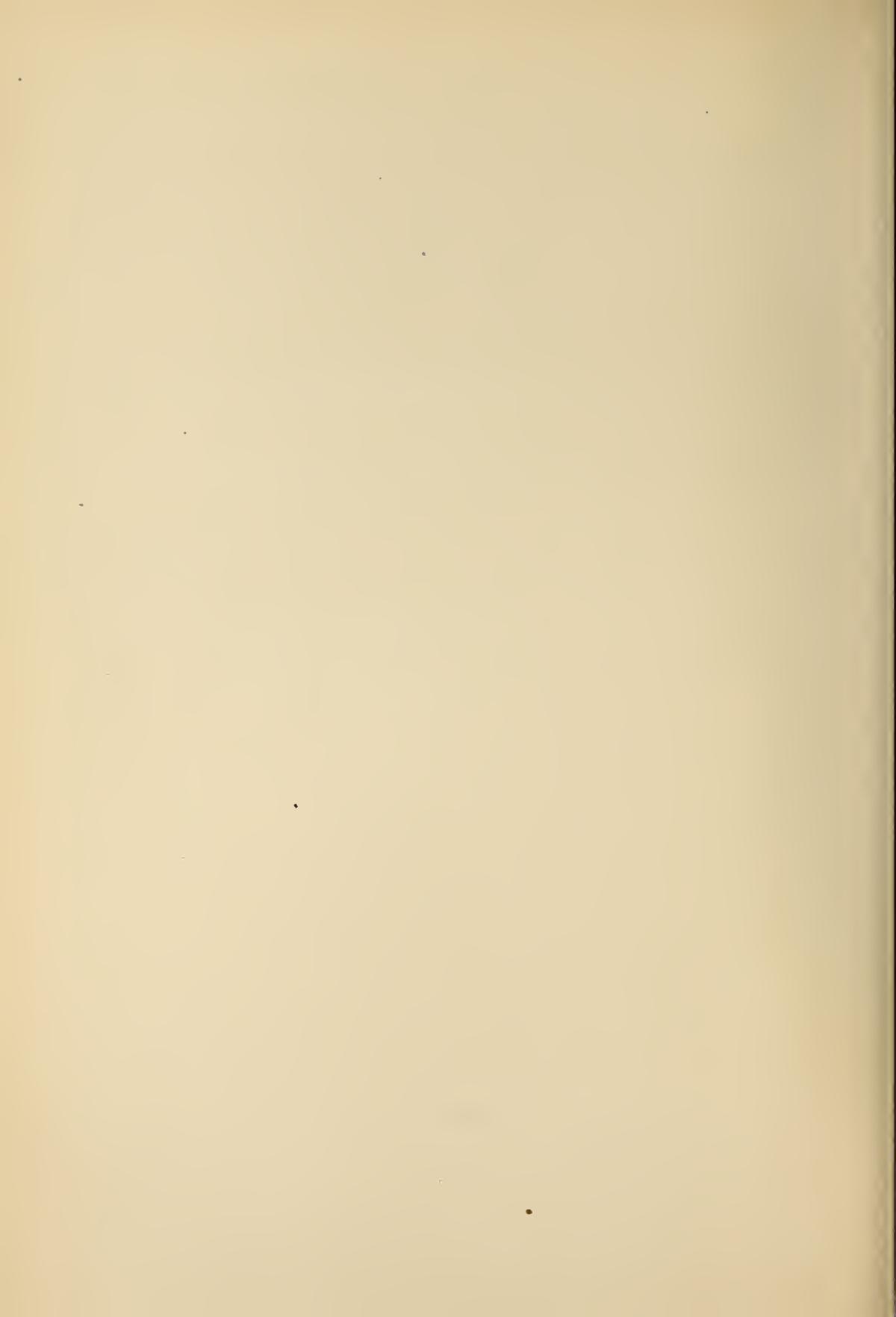
Gen. Laws, 1911, act 493, p. 500
Sec. 9
Standards, etc., to be procured

The chief mine inspector shall procure for the State at the State's expense a full and complete set of standards and other equipment, such as, in his opinion, are necessary in the testing of scales, beams, and other necessary apparatus to be used for a just weighing of coal and other material at the coal mines according to the State standard of weights; and it shall be the duty of said inspector to examine, test, and cause to be adjusted as often as occasion demands, all scales and other apparatus used in weighing coal at coal mines.

ALASKA

That if any person shall knowingly use any false weight or measure, and shall thereby defraud or otherwise injure another, or shall knowingly mark or stamp a false weight or measure or false tare upon any cask or package, or shall knowingly sell or offer for sale any cask or package so marked, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than one year, or by fine not less than fifty nor more than five hundred dollars.

Carter's Ann. Codes,
1900
Sec. 69
Using false weight,
etc.



ARIZONA

A false weight or measure is one which does not conform to the standard established by the laws of the United States of America.

Every person who uses any weight or measure, knowing it to be false, by which use another is defrauded or otherwise injured, is guilty of a misdemeanor.

Every person who knowingly marks or stamps false or short weights or measures, or false tare, on any cask or package, or knowingly sells or offers for sale any cask or package so marked, is guilty of a misdemeanor.

In all sales of coal, hay, and other commodities usually sold by the ton or fractional parts thereof, the seller must give to the purchaser full weight, at the rate of two thousand pounds to the ton; and in all sales of articles which are sold in commerce by avoirdupois weight, the seller must give to the purchaser full weight, at the rate of sixteen ounces to the pound; and any person violating this section is guilty of a misdemeanor.

That it is hereby established that throughout this Territory a bushel of corn shall consist of 54 pounds; a bushel of wheat of 60 pounds; a bushel of barley of 45 pounds; a bushel of rye of 56 pounds; a bushel of oats of 32 pounds; a bushel of small white beans of 60 pounds; a bushel of other beans of 55 pounds; one hundred pounds shall constitute one hundred weight and 2,000 pounds shall constitute one ton.

In all transactions, the foregoing shall be the standard of weights in this Territory, unless otherwise especially agreed upon by the parties interested.

This act shall take effect and be in force from and after its passage.

Every person who in putting up in any bag, bale, box, barrel, or other package, any hops, cotton, wool, grain, hay, or other goods usually sold in bags, bales, boxes, barrels or packages by weight, puts in or conceals therein anything whatever for the purpose of increasing the weight of such bag, bale, box, barrel or packages, with intent thereby to sell the goods therein, or to enable another to sell the same, for an increased weight, is punishable by fine of not less than twenty-five dollars for each offense.

Rev. Stat., 1901
Penal Code, Title
XIII, ch. 10
Sec. 497
False weights
Sec. 498
Penalty

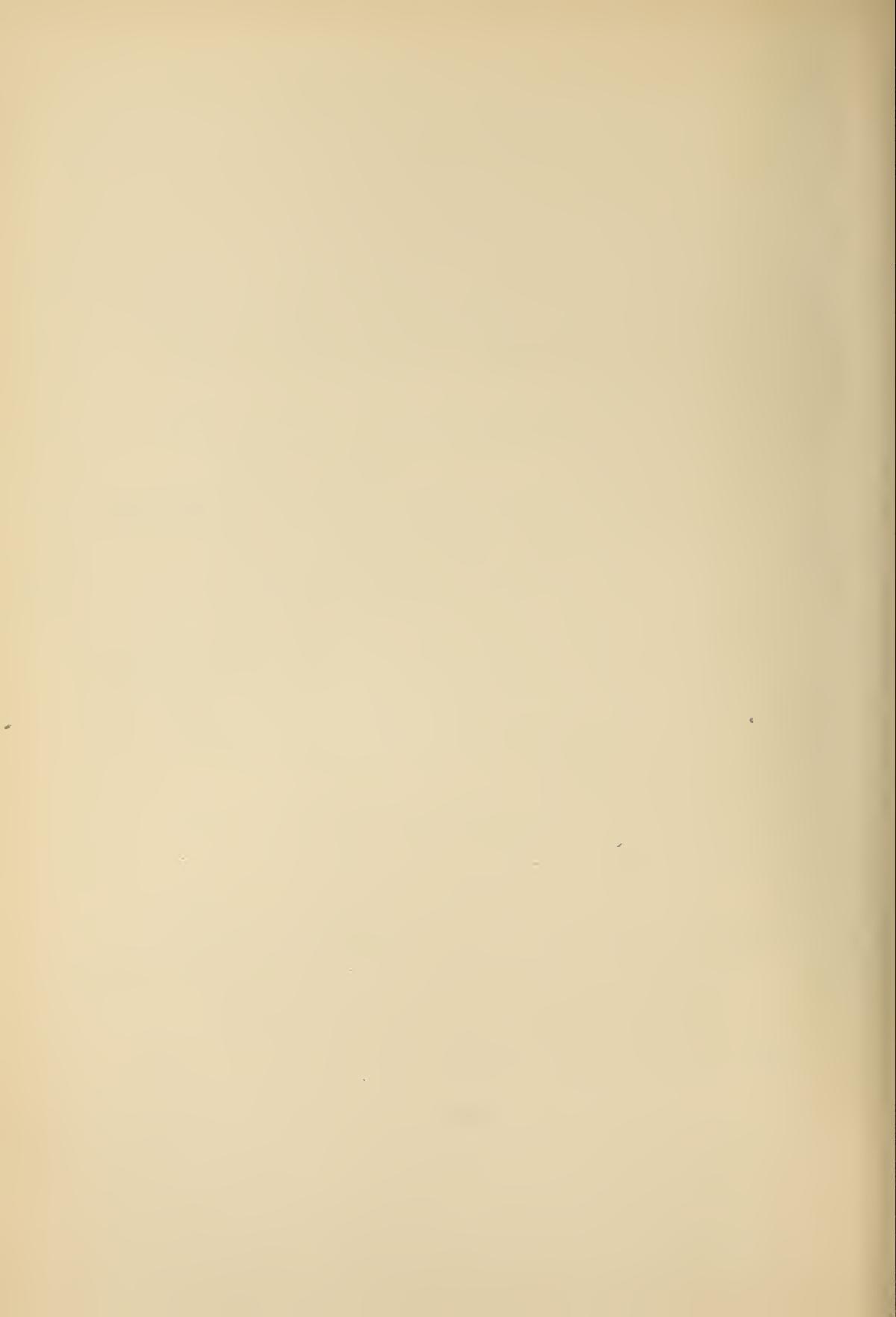
Sec. 499
Stamping casks, etc.,
falsely

Sec. 500
Full weight of all arti-
cles must be given

(1868)
Bashford's Compiled
Laws, 1864-1871, ch.
LXXXIII, p. 577
Sec. 1
Standard weight of
bushel
Hundredweight and
ton

Sec. 2
Special agreements

Sec. 3
Effect
Rev. Stat., 1901, title
10, p. 1243
Sec. 335
Falsifying weight of
packages; penalty for



ARKANSAS

The set of weights and measures prepared by the United States under the act of congress approved the fourteenth day of June, A. D. 1836, and delivered to the governor of the State of Arkansas, and now deposited in the office of secretary of state, shall be and the same is hereby declared to be the standard of all weights and measures used in this state, and the clerk of the county court of each county in this state shall procure, as soon as practicable, at the expense of the county, a complete set of weights and measures, which shall conform to said standard, and shall be sealed by the secretary of state.

Digest Stats., Kirby,
1904, ch. 159, p. 1623

(1894)
Sec. 8003
Standards
Custody

County officers

Sets to be furnished

(1850)
Sec. 8004
State sealing

The secretary of state shall procure a seal or stamp, with the letters "S. A." upon it, with which he shall seal all weights and measures which he shall compare with the said standard in his office and find to be correct; and such weights and measures, after being so sealed, shall be a lawful standard for the county by which they were procured; and the secretary of state shall charge the sum of four dollars for testing and sealing such weights and measures.

The several clerks of the county courts shall seal all weights and measures that may be presented to them for that purpose which correspond with the county standard.

(1894)
Sec. 8005
County sealing

Whenever, in any contract, for the repair or construction of any cistern in this state, the capacity of which is represented in barrels, there is no other specification of the holding capacity of said barrels, the term "barrel" shall be taken and held, in law, as meaning and intending a holding capacity which is the exact equivalent of the cubical contents of thirty-six times that of the standard gallon measure of the United States, now in use, and kept, as required by law, in the office of the secretary of state of Arkansas.

(1885)
Sec. 8006
Standard barrel

A box nine inches deep, twelve inches wide and twenty inches long shall constitute a lawful bushel measure for apples. Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than ten nor more than twenty-five dollars for each offense.

(1903)
Sec. 8007
Bushel measure

Laws Concerning Weights and Measures

(1887)
 Sec. 8008
 Legal weight of
 bushel of certain com-
 modities

The legal weight per bushel of—¹ Pounds.

Corn, shelled.....	56
Corn, in ear, husked.....	70
Corn, in ear, unhusked.....	74
Wheat.....	60
Oats.....	32
Cotton seed.....	33 $\frac{1}{3}$
Corn meal.....	48
Barley.....	48
Rye.....	56
Potatoes.....	60
Potatoes, sweet.....	50
Onions.....	57
White beans.....	60
Peas.....	60
Flax seed.....	56
Blue grass seed.....	14

The legal weight per bushel of— Pounds.

Clover seed.....	60
Timothy seed.....	60
Millet seed.....	50
Buckwheat.....	52
Red Top.....	14
Orchard grass.....	14
Sorghum.....	50
Green apples.....	50
Dried apples.....	24
Dried peaches.....	33
Bran.....	20
Salt.....	50
Turnips.....	57
Broom-corn seed.....	48
Johnson grass.....	28

¹ For convenience in printing a slight change has been made in arrangement of these articles.

(1901)
 Sec. 8009
 Log measurement

Penalty

The Doyle stick or standard of log measurement is hereby declared to be the standard by which all saw logs bought, sold, cut, or hauled in this state shall be scaled or estimated, and any person or persons buying, selling, cutting or hauling saw logs within the limits of this state, who shall use or attempt to use any combination stick, or any other stick or standard than that mentioned in this section one of this act for the purpose of scaling, or estimating the number of feet in such logs sold, bought, cut, or hauled, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty dollars nor more than two hundred dollars for each offense, to be assessed by the jury trying the case, and to be collected and appropriated as other public fines, provided that in scaling logs under this act, the average diameter inside the bark shall be taken.

Sec. 6675
 Track scales re-
 quired

All railroads operating in this State shall keep and maintain track or railroad scales for the purpose of weighing coal shipped in car load lots, at all stations along their respective lines of road where as much as one thousand cars of the same are shipped in carload lots yearly.

(1903)
 Dig. Stats., Kirby,
 1904
 Sec. 6676
 Cars to be weighed

Certificate of weight

At all such stations it shall be the duty of the railroad company to properly weigh each and every car after the same shall have been loaded and furnish to each shipper by written certificate of weighman within one day after the same shall have been received by said company, correct weight of each car and of the contents of each car delivered to them by the shipper. The certificate of weight to be given to shippers as provided in this section shall contain, in addition to the correct weight of the car and its contents, the date of delivery and the number of the car.

Sec. 6677
 Penalty for violation
 of these provisions

Any railroad in this State failing or refusing to comply with any of the provisions of this Act shall be subject to a penalty of one hundred dollars, to be paid to the County, for every failure or

refusal, and each day upon which it may refuse or fail to comply with this Act shall constitute a separate offense.

That all railroads operating in this State are hereby required to keep and maintain track or railroad scales at all stations or depots where as many as one hundred cars of coal, corn or cotton seed are received annually by such railroad; and said railroads are hereby required at the request of the consignee of a carload of coal to properly weigh each and every such car after the same shall reach its destination and furnish to each such consignee, upon request, by a written certificate of weighman, within one day after such car shall have reached its destination, correct weight of each carload of coal received for such consignee.

Act 429, 1907
Sec. 1
Track scales

Certificate of weigh-
man

And no consignee shall be required to pay any freight or either [other] railroad charge until furnished as aforesaid with said weights, nor pay any greater amount of freight than is shown by such certificate.

Any railroad in this State failing or refusing to comply with any of the provisions of this act shall be subject to a penalty of not less than one hundred nor more than five hundred dollars, to be paid to the county in which such point of destination lies, for every failure or refusal to comply with the provisions of this act; and each day upon which it may refuse or fail to comply with this act shall constitute a separate offense.

Sec.
Penalty

That it shall be unlawful for any corporation, firm, manufacturer, merchant or other dealer, their agent or employees, to sell, or offer for sale, any grain, chops, bran, fertilizer, meal, or flour in sacks, barrels or other packages, unless the true weight of such grain, chops, bran, fertilizer, meal, or flour be stamped or marked upon the sacks, barrels, or other packages.

Act 121, 1905, P. 313
Sec. 1
Weight to be stamped
on sacks of grain, etc.

Any corporation, shipper, manufacturer, merchant or other dealer, their agents or employees, who shall violate the provisions of section one of this act, shall be deemed guilty of a misdemeanor, and upon conviction before any justice of the peace or circuit court, shall be fined in any sum not less than twenty dollars, and every sack, barrel, or other package of such grain, chops, bran, fertilizer, meal or flour offered for sale, in violation of this act, shall constitute a separate offense.

Sec.
Penalty

It shall be unlawful for any person who weighs cotton in the State of Arkansas to take off anything for scalage.

Digest Stats., Kirby,
1904, ch. 43, p. 498
(1891)

Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than five nor more than twenty-five dollars.

Sec. 1624
Scalage
Sec. 1625
Penalty

It shall be unlawful for any person, corporation or warehouse man doing business in this State to charge more than ten cents per bale for weighing, sampling and marking cotton. Any per-

(1895)
Sec. 1626
Fee for weighing

sons, corporation or warehouse man violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than ten nor more than twenty-five dollars.

Act 196, 1907, DP.
468-470
Sec. 1
Public ginners

That each and every person, individual, firm or corporation, who maintain and operate a ginnery for the purpose of ginning, packing, and baling cotton are hereby declared to be a public ginner, and a public and lawful weigher of cotton in his county. * * *

Sec. 2
Public ginners re-
quired to keep accurate
scales and records

It is hereby made the duty of each public ginner to keep an accurate pair of scales and correctly weigh each bale of cotton ginned and baled by him, or caused to be ginned and baled by him, as soon as taken from the press. And he shall keep in a book, to be provided by him, a record of the number of the bales ginned and packed by him, the date each bale was ginned and packed and the name of the owner thereof.

Weight to be stamped
on bale

And he shall plainly and securely place upon, or attach to, each bale of cotton so ginned and baled by him, by stamp, tag or otherwise, the number and weight thereof.

Fees; certificate

He shall be allowed to charge five cents for weighing each bale of cotton so ginned by him. And he shall give to each owner or person for whom he may gin and bale cotton a certificate showing the number and weight of each bale of cotton and the date of ginning.

Sec. 3
County clerk required
to test scales

It shall be the duty of the county clerk to cause to be tested by the standard or test furnished to each county clerk, the scales of each public ginner in his county once a year or as much oftener as may be necessary.

Sec. 4
Inaccurate or false
weighing; misde-
meanor

That if any ginner, his agent or employee, knowingly weigh any bale of cotton inaccurately, or falsely weigh same, he shall be guilty of a misdemeanor.

Sec. 5
Violation; penalty

Any person who shall violate any provision of this act, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than ten dollars nor more than twenty five dollars.

Proviso

Provided, the provisions of this bill shall apply only [to] the counties of Bradley, Drew, Ashley, Nevada, Woodruff, Lincoln and Chicot.

Act 225, 1905, D- 571
Sec. 9
Testing weights at
mines

Every agent, owner, lessee or operator engaged in mining coal in any quantity, where ten or more men are worked underground, shall furnish and keep on hand for the use of the State mine inspector, for inspecting, testing and examining scales, 500 pounds of United States standard testing weights.

Digest Stats., Kirby,
1904,
Sec. 5356, as amended
by act 225, 1905, D. 570,
sec. 6

It shall be the duty of every corporation, or company, or person engaged in the business of mining and selling coal by weight or measure, and employing ten or more persons, to procure and con-

stantly keep on hand at the proper place the necessary scales and measures and whatever else may be necessary to correctly weigh and measure the coal mined by such corporation, company, or person, and it shall be the duty of the mine inspector to visit each coal mine operated therein, and where such scales and measures are kept, at least once in each year, and test the correctness of such scales and measures. The owner or operator of each coal mine, or any two or more of the miners working therein, may, in writing, require his attendance at the place where such scales and measures are kept, at other times in order to test the correctness thereof, and it shall be his duty to comply with such request as soon as he can after receiving such request.

Mine scales

That every lot or parcel of concentrated commercial feeding stuff sold, offered or exposed for sale in this State, shall have affixed thereto, or printed thereon in a conspicuous place on the outside thereof, a legible and plainly printed statement, in the English language, clearly and truly certifying the weight of the package; (*provided*, that all concentrated commercial feeding stuffs shall be in standard weight bags or packages of 5, 10, 25, 50, 75, 100, 125, 150, 175, 200 pounds); the name, brand or trade mark under which the article is sold; the name and address of the manufacturer, jobber or importer; * * * .

Laws, 1911, act 161
Sec. 1
Weight to be marked
on concentrated commercial feeding stuffs

Weight of packages

That the term "Concentrated commercial feeding stuffs," shall be held to include all feeds used for live stock and poultry, except whole hays, straws and corn stover when the same are not mixed with other materials; nor shall it apply to the unmixed whole seeds or grains of cereals when not mixed with other materials.

Sec. 2
Definition

That any manufacturer, importer, jobber, agent or dealer who refuses to comply with requirements of the provisions of this Act, or any manufacturer, importer, jobber, agent or dealer or person who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent, any chemist, inspector or other authorized agent in the performance of his duty in connection with the provisions of this Act, shall be guilty of a violation of the provisions of this Act.

Sec. 14
Violation

That any manufacturer, importer, jobber, agent or dealer, who shall violate any of the provisions of this Act, or the regulations adopted by the Commissioner of Mines, Manufactures and Agriculture, upon conviction thereof, shall be fined not exceeding fifty dollars for the first offense, nor more than two hundred dollars for each subsequent offense, and the proceeds from such fines shall be covered into the State Treasury for the use of the department executing the provision of this Act.

Sec. 15
Penalty

That whenever the Commissioner of Mines, Manufactures and Agriculture, or his duly authorized representative, become cogni-

Sec. 16
Prosecutions

zant of any violation of the provisions of this Act, he shall immediately notify in writing the manufacturer, importer, jobber or dealer, if same be known, and after thirty days he shall notify the prosecuting attorney of the district where such violation occurred, who shall cause proceedings to be commenced against the person or persons so violating the Act, and the same prosecute in the manner required by law.

CALIFORNIA

The legislature may by general and uniform laws provide for the inspection, measurement, and graduation of merchandise, manufactured articles and commodities, and may provide for the appointment of such officers as may be necessary for such inspection, measurement and graduation.

Par. 14, Art. XI.
Const., as amended in
1911

The standard of weights and measures received from the United States under a resolution of congress approved June 14, 1836, and such new weights and measures as shall be received from the United States as standard weights and measures in addition thereto or renewal thereof, and such as shall be procured by the state in conformity therewith and certified by the national bureau of standards, shall be the state standards, by which all county and municipal standards of weights and measures shall be tried, proved and sealed.

Laws, 1911, ch. 211
Sec. 1
State standards

The weights and measures referred to in section one of this act shall be kept by the secretary of state in a safe and suitable place in his office, from which they shall not be removed except for repairs or for certification. He shall maintain said standards of the state in good order and shall submit them at least once in ten years to the national bureau of standards for certification.

Sec. 2
State standards to be
kept by secretary of
state

The secretary of state, upon request of any county, incorporated city, or incorporated town, or incorporated city and county shall furnish to said county, incorporated city, incorporated town or incorporated city and county copies of the standard weights and measures of this state. All such copies furnished under the provisions of this act shall first be tried and accurately proved by the secretary of state and shall be sealed and certified to by the secretary of state and stamped with the letter "C." Such copies shall be furnished at the expense of the county, incorporated city, incorporated town or incorporated city and county requiring the same. Copies furnished under the provisions of this section need not be of the same material or construction as the standards of the state, but such copies may be furnished in any suitable materials or construction that the secretary of state may specify.

Sec. 3
Secretary of state to
furnish standards, to
whom, when

The respective counties, incorporated cities, incorporated towns and incorporated cities and counties of the state are hereby authorized to appoint sealers of weights and measures.

Sec. 4
Counties, cities, and
towns may appoint seal-
ers

Sec. 5
Jurisdiction of sealers

The jurisdiction of the sealers of weights and measures of the various counties of the state shall extend over the entire territorial limits of the counties appointing such officers, except in the incorporated cities and incorporated towns that have appointed or may appoint sealers of weights and measures under the provisions of this act. The jurisdiction of the sealers of weights and measures appointed by the various incorporated cities, incorporated towns and incorporated cities and counties under the provisions of this act, shall extend over the entire territorial limits of the incorporated city or incorporated town or incorporated city and county appointing such officer.

Compensation of
sealers to be fixed

Any county, incorporated city, incorporated town or incorporated city and county appointing a sealer of weights and measures under the provisions of this act shall fix the compensation of such officer and may provide deputies for such officer and fix their compensation.

Deputies may be ap-
pointed
Duties may be pre-
scribed

Any county, incorporated city, incorporated town or incorporated city and county appointing sealers of weights and measures under the provisions of this act may also prescribe duties to be performed by such officer in addition to the duties prescribed by this act, but no additional duties can be prescribed which are in conflict with the provisions of this act.

Sec. 6
Duties of sealers

The various sealers of weights and measures appointed under the provisions of this act shall have charge of and take possession of the copies of the standards of weights and measures of the state procured from the secretary of state in accordance with the provisions of section 3 of this act.

Sealers' standards to
be tested, when

The sealers of weights and measures shall, every two years, cause to be proved and tested by the secretary of state, and it shall be the duty of the secretary of state to so prove and test, copies of the standards of weights and measures of the state furnished the secretary of state under the foregoing provisions. If any of the copies of the weights and measures so tested shall be found to be incorrect the same shall be adjusted if the same are susceptible of being adjusted, but if the same are not susceptible of being adjusted new copies shall be furnished at the expense of the county or incorporated city or incorporated town or incorporated city and county requiring the same.

Sec. 7
Standards to be ad-
mitted in evidence

In any prosecution for a violation of any of the provisions of this act any copy of the standards of weights and measures of the state furnished by the secretary of state under the provisions of this act shall be admitted in evidence upon the trial and such copies shall conclusively be deemed true and correct.

Sec. 8
Sealers to preserve
standards

It shall be the duty of all sealers of weights and measures to carefully preserve all copies of the standards of weights and

measures of the state furnished under the provisions of this act and to keep the same in a safe and suitable place when not actually in use.

Every person using or keeping for use or having or offering for sale weights, scales, beams, measures of every kind instruments or mechanical device for measurement, and tools, appliances or accessories connected with any or all such instruments or measures within a county, incorporated city, incorporated town, or incorporated city and county in which there has been appointed under the provisions of this act a sealer of weights and measures, shall, within three months after the appointment of such sealer of weights and measures, cause all such weights, scales, beams, measures of every kind, instruments or mechanical device for measurement, and tools, appliances or accessories connected with any or all such instruments or measures used, kept for use or had or offered for sale by him, to be sealed and marked by the sealer of weights and measures of the county, incorporated city, incorporated town or incorporated city and county in which the same are used, kept for use or kept or offered for sale.

Sec. 9
Users and sellers of weights and measures, etc., to have them sealed and marked by sealer

No weight, scale, beam, measure of any kind, instrument or mechanical device for measurement, and tools, appliances or accessories connected with any or all such instruments or measures shall be used, kept for use, sold, offered for sale or kept for sale in any county, incorporated city, incorporated town or incorporated city and county in which there is a sealer of weights and measures appointed under the provisions of this act and in which there has been continuously in office in such county, incorporated city, incorporated town or incorporated city and county a sealer of weights and measures for three months, unless such weight, scale, beam, measure of any kind, instrument or mechanical device for measurement, and tools, appliances or accessories connected with any or all such instruments or measures has been sealed and tested as herein provided.

Sec. 10
No weight, measure, etc., to be used until tested

Where any weight, scale, beam, measure of any kind, instrument or mechanical device for measurement, and tools, appliances, or accessories connected with any or all such instruments or measurements have been tested and found correct by any sealer of weights and measures appointed under the provisions of this act, the same may be used, kept for use, offered for sale, sold, or kept for sale within any county, incorporated city, incorporated town or incorporated city and county of this state without any further test.

Sec. 11
Weights, measures, etc., may be used when tested by any sealer

Any weight, scale, beam, measure of any kind, instrument or mechanical device for measurement, and tools, appliances or accessories connected with any or all such instruments or measures, which have been tested and sealed and certified to as correct

—may be used when tested by national bureau of standards

Such apparatus sub-
ject to inspection as pro-
vided

by the national bureau of standards, may be kept for sale, sold or offered for sale without being first tested and sealed by a sealer of weights and measures as in this act provided. But all such weights, scales, beams, measures of any kind, instruments or mechanical devices for measurement, and tools, appliances or accessories connected with any or all such instruments or measures shall always be subject to inspection as herein provided, notwithstanding that the same have been tested and sealed either by a sealer of weights and measures appointed under the provisions of this act or by the national bureau of standards.

Sec. 12
Scales, beams, etc.,
may be kept for sale
untested, when

Any scale, beam or mechanical device for weighing or measuring, which after being sold and before being used for weighing, must be assembled or set up, may be sold, kept for sale, or offered for sale without being first tested and sealed as in this act provided: but such scale, beam, or mechanical device for weighing or measuring must before being used for weighing or measuring be tested and sealed as in this act provided.

Must be tested be-
fore being used

Sec. 13
Weights, scales,
beams, etc., may be
tested upon written re-
quest of resident

Upon a written request of any resident of a county, incorporated city, incorporated town or incorporated city and county in which there has been appointed a sealer of weights and measures under the provisions of this act, the sealer of weights and measures for such county, incorporated city, incorporated town or incorporated city and county shall test or cause to be tested, as soon thereafter as is practicable, the weights, scales, beams, measure of any kind, instruments or mechanical device for measurement, tools, appliances or accessories connected with any or all such instruments or measures used in buying or selling by the person, firm or corporation designated in such request. Upon the written request of any person, firm or corporation, using, having for use, selling, keeping or offering for sale any weight, scale, beam, measure or any kind of instrument or mechanical device for measurement, tools, appliances or accessories connected with any or all such instruments or measures, in any county, incorporated city, incorporated town, or incorporated city and county in which there has been appointed a sealer of weights and measures under the provisions of this act, the sealer of weights and measures for such county, incorporated city, incorporated town or incorporated city and county shall test or cause to be tested, as soon thereafter as is practicable, the weights, scales, beams, measures of any kind, instrument or mechanical device for measurement, tools, appliances or accessories connected with any or all such instruments or measures belonging to or used by such person, firm, or corporation, providing that such written request shall not relieve the person, firm or corporation making it from any violation of the provisions of this act or of the responsibility provided

Upon written request
of user or seller

in this act for using, keeping for use, selling or offering to sell, or keeping for sale, any false weight, scale, beam, measure of any kind, instrument or mechanical device for measurement, tools, appliances or accessories connected with any or all such instruments or measures.

The sealer of weights and measures shall, within his county, incorporated city, incorporated town or incorporated city and county, inspect, test, try and ascertain if they are correct all weights, scales, beams, measures of any kind, instruments or mechanical devices for measurements, and tools, appliances, or accessories connected with any or all such instruments or measures, kept for the purpose of sale, sold, or used or employed within the respective county, incorporated city, incorporated town or incorporated city and county by any proprietor, agent, lessee or employee in proving the size, quantity, extent, area or measurement of quantities, things, produce, articles for distribution or consumption offered or submitted by such person or persons for sale, hire or award; and he shall have the power to and shall, from time to time, weigh or measure packages or amounts of commodities of whatsoever kind kept for the purpose of sale, offered for sale or sold or in the process of delivery in order to determine whether the same contains the amount represented and whether they are being offered for sale or sold in a manner in accordance with the law. He shall, at least twice in each year, or as much oftener as he deems necessary, see that the weights, measures and all weighing and measuring apparatus, used in his respective county, incorporated city, incorporated town or incorporated city and county, are correct. He may, for the purpose above mentioned, and in the general performance of his duty, enter or go into or upon, and without formal warrant, any stand, place, building or premises or stop any vendor, peddler, junk dealer, driver of a coal wagon, ice wagon or delivery wagon or any dealer whatsoever, and if necessary, require him to proceed to some place which the sealer of weights and measures may specify for the purpose of making the proper tests.

Whenever a sealer of weights and measures finds a violation of any of the statutes relating to weights and measures he shall cause the violator to be prosecuted.

Whenever a sealer of weights and measures compares weights and measures or weighing or measuring instruments and finds that they correspond, or causes them to correspond to the standard in his possession, he shall seal or mark, under his name, such weight or measure or weighing or measuring instrument with an appropriate device showing that the weight or measure or weighing or

Sec. 14
Duties and authority
of sealers; apparatus to
be tested by sealer;
how often

Sec. 15
Violation

Sec. 16
Apparatus, to be
sealed, when

measuring instrument is correct and the date of the inspection, which device shall be so placed as to be easily seen.

—to be seized and destroyed, when

He shall condemn and seize and may destroy incorrect weights and measures and weighing and measuring instruments which can not be repaired, but any weight, measure or weighing or measuring instrument which shall be found to be incorrect, but which can be repaired, he shall cause to be marked with a tag or other suitable device with the words "Out of order." The owners or users of any weights or measures or weighing or measuring instruments which have been marked "Out of order," as in this section provided, shall have the same repaired or corrected within ten days, but until the same have been repaired or corrected and tested as herein provided the owners or users thereof may neither use or dispose of the same in any way, but shall hold the same at the disposal of the sealer of weights and measures. When the same have been repaired or corrected the owner or user thereof shall notify the sealer of weights and measures and the sealer of weights and measures shall again test and prove the weight, measure or weighing or measuring instrument which has been found incorrect and marked as in this section provided, and until such weight, measure or weighing or measuring instrument has been inspected by the sealer of weights and measures and found correct the same shall not be used.

Misdemeanor to remove or obliterate tag

Any person who removes or obliterates any tag or device with the words "Out of order" or any tag, mark, seal or device placed upon any weight, measure or weighing or measuring instrument, as in this act provided, shall be guilty of a misdemeanor.

Sealer to remove tag

When any weight, measure or weighing or measuring instrument has been repaired and corrected, as in this section provided, and has been inspected and found correct by the sealer of weights and measures, as in this section provided, the sealer of weights and measures shall remove the tag or device with the words "Out of order" and shall seal and mark such weight, measure or weighing or measuring instrument in the manner provided in this section.

Sec. 17
Misdemeanor

Any person who, by himself, or his employee or agent or as the employee or agent of another, shall use, in the buying or selling of any commodity, or retain in his possession a false weight or measure or weighing or measuring instrument, or use or retain in his possession any weight or measure or weighing or measuring instrument in any county, incorporated city, incorporated town or incorporated city and county in which there has been appointed a sealer of weights and measures in accordance with the provisions of this act, which has not been sealed by a sealer of weights and measures within one year, or who shall dispose of any condemned weight or measure or weighing or measuring instrument contrary

to law, or any person who, by himself, or his employee or agent, or as the employee or agent of another, shall sell or offer for sale or have in his possession for the purpose of selling, any device or instrument to be used to or calculated to falsify any weight or measure, and any person who, by himself or his employee or agent, or as the employee or agent of another, shall sell or offer or expose for sale any commodity, produce, article or thing in a less quantity than that he represents it to be or contain, shall be guilty of a misdemeanor.

A sealer of weights and measures, in the performance of his official duties, shall have the same powers as are possessed by police officers of this state.

Sec. 18
Police powers

Any person who shall hinder or obstruct in any way a sealer of weights and measures in the performance of his official duties shall be guilty of a misdemeanor.

Sec. 19
Hindering or obstructing, misdemeanor

No person shall neglect or refuse to exhibit any weight, measure or weighing or measuring instrument of any kind, or appliances or accessories connected with any or all of such instruments or measures which is in his possession or under his control, to any sealer of weights and measures within the territorial limits of the jurisdiction of such sealer of weights and measures for the purpose of allowing the same to be inspected and examined by the sealer of weights and measures.

Sec. 20
Neglecting or refusing to exhibit weights, measures, etc., to sealer

No person, by himself, or his employee or agent, or as a proprietor or manager, shall refuse to exhibit any article, commodity, produce or thing being sold or offered for sale at a given weight or quantity, or ordinarily so sold, to a sealer of weights and measures within the territorial jurisdiction of such sealer of weights and measures for the purpose of allowing the same to be tested and proved as to the quantity therein contained by the sealer of weights and measures.

Sec. 21
Neglecting or refusing to exhibit articles, commodities, etc., to sealer

Every sealer of weights and measures appointed under the provisions of this act shall carefully keep a record of all tests made by him, of all measures or weights and of all weighing or measuring instruments which have been tested and found correct, or which have been tested and found incorrect, of all arrests made by him for violations of the provisions of this act, and of all of his official acts, which record shall always be open to public inspection.

Sec. 22
Sealer to keep record

Any sealer of weights and measures who willfully neglects to perform any of his duties, as provided by this act, may be removed by the same power which appointed him and the said appointing power shall be sole judge of the existence of the cause for such removal.

Record open to public inspection
Sec. 23
Neglect by sealer

Any sealer who shall seal any weight, measure, balance or apparatus before first testing and making the same conform with the

authorized standard, or who shall condemn any weight, measure, balance or apparatus without first testing the same, shall be deemed guilty of a misdemeanor.

Sec. 24
Violation of act a
misdemeanor

Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

Sec. 25
Definition

The word "person," as used in this act, shall be deemed to include person, firm or corporation.

Sec. 26
Officers of corpora-
tions to comply with act

It shall be the duty of all officers, directors and managers of corporations, whose respective corporations use or keep for use or sell or offer for sale any weights, measures or weighing or measuring instruments which are subject to inspection by the provisions of this act, to comply with the provisions of this act on behalf of their respective corporations, and it shall be the duty of all officers, directors and managers of corporations, whose respective corporations offer for sale or keep for sale any commodity, produce, article or thing which is subject to inspection by the provisions of this act, to comply with the provisions of this act on behalf of their respective corporations. In case any corporation shall violate any of the provisions of this act the officers, directors and managers of the same shall be responsible for such violation and shall be guilty of a misdemeanor.

Officers responsible
for violation
Misdemeanor

Sec. 27
Counties may com-
bine

Two or more counties of this state may, by agreement, appoint one sealer of weights and measures and may fix his compensation and provide for his deputies and fix their compensation. A sealer of weights and measures so appointed shall have jurisdiction over the counties appointing him. In case two or more counties appoint a sealer of weights and measures, under the provisions of this section, such sealer of weights and measures shall perform the duties and have the powers of sealers of weights and measures appointed under the foregoing provisions of this act.

Sec. 28
Fees may be pro-
vided

Disposition of fees

Any county or counties, incorporated city, incorporated town or incorporated city and county appointing a sealer of weights and measures under the provisions of this act may provide the fees or charges that may be exacted by the sealer of weights and measures for sealing and making each weight, measure or weighing or measuring instrument and may provide for the proper disposition of such fees and charges.

Sec. 29
Repeal'

All acts and laws and parts of acts and laws in conflict with the, or any of the provisions of this, act, are hereby repealed.

(1872)
Political Code, 1909,
Deering, ch. 8, p. 851

Sec. 3210
Units of extension

The standard yard is the unit or standard measure of length and surface from which all other measure of extension, whether lineal, superficial, or solid, are derived and ascertained.

Sec. 3211
Division of the yard

The yard is divided into three equal parts, called feet, and each foot into twelve equal parts, called inches; for measures of cloths

and other commodities commonly sold by the yard, it may be divided into halves, quarters, eighths, and sixteenths.

The rod, pole, or perch, contains five and a half yards, and the mile one thousand seven hundred and sixty yards; the chain for measuring land is twenty-two yards long, and divided into one hundred equal parts, called links.

Sec. 3212
Rod, pole, perch
Mile
Chain

The acre for land measure must be measured horizontally, and contains ten square chains, and is equivalent in area to a rectangle sixteen rods in length and ten in breadth; six hundred and forty acres being contained in a square mile.

Sec. 3213
Acre

The standard avoirdupois and troy weights are the units or standards of weight from which all other weights are derived and ascertained.

Sec. 3214
Units of weight

The avoirdupois pound, which bears to the troy pound the ratio of seven thousand to five thousand seven hundred and sixty, is divided into sixteen equal parts, called ounces; the hundred weight consists of one hundred avoirdupois pounds and twenty hundred weight constitute a ton. The troy ounce is equal to the twelfth part of the troy pound.

Sec. 3215
Division of pound

The standard gallon and its parts are the units or standards of measure of capacity for liquids, from which all other measures of liquids are derived and ascertained.

Sec. 3216
Unit of liquid measure

The barrel is equal to thirty-one and a half gallons, and two barrels constitute a hogshead.

Sec. 3217
Barrel, hogshead

The standard half bushel is the unit or standard measure of capacity for substances other than liquids, from which all other measures of such substances are derived and ascertained.

Sec. 3218
Unit of measure for solids

The peck, half peck, quarter peck, quart, and pint measures for measuring commodities other than liquid are derived from the half bushel by successively dividing that measure by two.

Sec. 3219
Division of half bushel

The measures of capacity for coal, ashes, marl, manure, Indian corn in the ear, fruit, and roots of every kind, and for all other commodities commonly sold by heap measure, are the half bushel and its multiples and subdivisions; and the measures used to measure such commodities must be made cylindrical, with plane and even bottom, and must be of the following diameters from outside to outside: the bushel, nineteen and a half inches; half bushel, fifteen and a half inches, and a peck, twelve and a third inches.

Sec. 3220
Division of capacity or commodities

Construction

All commodities sold by heap measure must be duly heaped up in the form of a cone; the outside of the measure, by which the same are measured, to be the limit of the base of the cone, and such cone to be as high as the article will admit.

Sec. 3221
Heap measure

Contracts made within this State for work to be done, or for anything to be sold or delivered by weight or measure, must be construed according to the foregoing standards.

Sec. 3222
Construction of contracts

Sec. 3223
Weight per bushel

Whenever wheat, rye, Indian corn, barley, buckwheat, or oats, are sold by the bushel, and no special agreement as to the weight or measurement is made by the parties, the bushel consists of sixty pounds of wheat, of fifty-four pounds of rye, of fifty-two pounds of Indian corn, of fifty pounds of barley, of forty pounds of buckwheat, and of thirty-two pounds of oats.

Penal Code, 1909,
Deering, ch. 12
(1872)

Sec. 552
False weight
measure defined

A false weight or measure is one which does not conform to the standard established by the laws of the United States of and America.

Sec. 554
Stamping
weight

Every person who knowingly marks or stamps false or short weight or measure, or false tare, on any cask or package, or knowingly sells, or offers for sale, any cask or package so marked, is guilty of a misdemeanor.

(1875-76)

Sec. 555
Weight by the ton or
pound

In all sales of coal, hay, and other commodities, usually sold by the ton or fractional parts thereof, the seller must give to the purchaser full weight, at the rate of two thousand pounds to the ton; and in all sales of articles which are sold in commerce by avoirdupois weight, the seller must give to the purchaser full weight, at the rate of sixteen ounces to the pound; and any person violating this section is guilty of a misdemeanor.

Full weight required

(1872, 1873, 1874)
Penal Code, 1909,
Deering, p. 185

Sec. 381
Penalty for putting ex-
traneous substances in
packages sold by weight
to increase the weight

Every person who, in putting up in any bag, bale, box, barrel, or other package, any hops, cotton, wool, grain, hay, or other goods usually sold in bags, bales, boxes, barrels or packages by weight, puts in or conceals therein anything whatever, for the purpose of increasing the weight of such bag, bale, box, barrel, or package, with intent thereby to sell the goods therein, or to enable another to sell the same, for an increased weight, is punishable by fine of not less than twenty-five dollars for each offense.

False tare

(1893)
Penal Code, 1909,
Deering, p. 755

Short-weight butter

Any person or persons, firm or corporation, who offers for sale roll-butter not of full weight to each roll, shall be guilty of a misdemeanor.

(1907)
Stats., 1901, ch. 222, p.
660

Sec. 1

Miner's inch

Sec. 2

Repealed

The standard miner's inch of water shall be equivalent or equal to one and one-half cubic feet of water per minute, measured through any aperture or orifice.

All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

(1903)
Gen. Laws, 1909,
Deering, act 4383, p.

1507

Sec. 1
Weighers at ware-
houses

All persons now engaged in or who may hereafter engage in a general warehouse, wharfinger or storage business for the storage of grain or other commodities, which in the course of such business are weighed, shall, before they engage in such business, or within sixty days after the appointment of an inspector of weights as provided in section 4 of this act, designate in writing a person or persons as weigher or weighers for such business at the place thereof, and the person or persons so designated shall thereupon, and before

they shall do any weighing for such business subscribe, before an officer authorized to administer oaths, the following oath to wit:
* * *

All persons engaged in the business in the foregoing section mentioned shall keep for and use in such business no other than true and correct scales and weights. * * *

Sec. 2
Correct scales

No person, excepting the person or persons thus designated and subscribing and recording such oath shall do any of the weighing of such business.

Every person engaged in the business in said section one mentioned, shall keep and use therein none but true weights, and scales; said weights must conform to the United States standard of weights.

Sec. 3
Correct scales
Weights to conform to
U. S. standard

The board of supervisors of the respective counties of the State of California, hereby are authorized to appoint for their respective counties an inspector of weights and measures, who shall hold office at the pleasure of said board and receive such compensation as each board may allow, and whose duty it shall be from time to time to test and examine all scales and weights kept or used in the business in the foregoing sections mentioned, and report all violations of this act to the district attorney of such county, whose duty it shall be to prosecute all violations hereof.

Sec. 4
County Inspectors

Every violation of this act shall be and is punishable as a misdemeanor.

Sec. 5
Misdemeanor

Besides the prosecution of the criminal actions herein provided for, every person defrauded by false or incorrect weighing shall be entitled to recover from the person owning or conducting such business as in the foregoing sections mentioned, in any court of competent jurisdiction, three times the amount of such shortage in weight of the grain or other commodity so delivered or taken out by him.

Sec. 6
Damages for short
weight

There shall be but one standard for the measurement of logs throughout this state.

Stats., 1877-78, ch.
415, p. 604, as amended
by Stats., 1880, ch. 108,
p. 119
Sec. 1
Logs
Sec. 2
Scale for measuring

The following table, known as Spaulding's Table for the Measurement of Logs, is hereby made the standard and table for the measurement of logs throughout this state, * * * .¹

No person, firm or corporation shall hereafter sell, offer for sale, or receive for the purpose of sale, any milk, skim milk or cream, except such sale, offer, or receipt, shall, as to quantity, be based upon the liquid gallon, containing two hundred and thirty-one cubic inches, or the liquid quart containing fifty-seven and seventy-five one hundredths cubic inches, or the proper and complete

Sess. Laws, 1910-11
ch. 489, p. 959
Sec. 4
Liquid gallon measure for milk

¹ The table has been omitted on account of its great length.

liquid subdivision thereof; provided, that nothing in this act shall be construed as prohibiting the buying or selling of milk or cream either by weight or on the basis of its butter fat contents; and provided, further, that in any hotel, restaurant, or other eating place, where milk is sold with meals, or where it is sold to be drunk immediately, it may be sold by the glass.

COLORADO

That the weights and measures accepted and used by the government of the United States at the present time, except as hereinafter provided, shall be deemed the lawful standard of weights and measures of the people of this state.

(1897)
Rev. Stat., 1908, ch. 157
Sec. 7024
Standard

The ton shall be twenty hundred pounds weight, avoirdupois.

Sec. 7025
Ton
Sec. 7026
Weight per bushel

Sixty pounds of wheat, fifty-six pounds of rye, fifty-six pounds of Indian corn, seventy pounds of corn in the ear, forty-eight pounds of barley, thirty-two pounds of oats, sixty pounds of potatoes, sixty pounds of beans, sixty pounds of clover seed, forty-five pounds of timothy seed, forty-four pounds of hemp seed, fifty-two pounds of buckwheat, fourteen pounds of blue grass seed, fifty pounds of corn meal, fifty-seven pounds of onions, eighty pounds of salt, eighty pounds of lime, eighty pounds of mineral coal, respectively, shall be the standard weight of a bushel of each of the foregoing articles; and twenty-five hundred cubic inches of charcoal shall be the standard measure of a bushel; and a perch of stone in mason work shall be considered sixteen and one-half cubic feet; and for brick work measure, when laid up in wall, shall be counted twenty-two brick per cubic foot for foot wall, and fifteen brick for what is known as eight inch wall; a common brick to be eight and one-half inches in length, four and one-quarter inches in width, and two and three-eighths inches in thickness; and water sold by the inch by any individual or corporation shall be measured as follows, to-wit: Every inch shall be considered equal to an inch square orifice under a five inch pressure, and a five inch pressure shall be from the top of the orifice of the box put into the banks of the ditch, to the surface of water; said boxes or any slot or aperture through which such water may be measured, shall in all cases be six inches perpendicular, inside measurement, except boxes delivering less than twelve inches, which may be square, with or without slides; all slides for the same shall move horizontally and not otherwise; and said box put into the banks of ditch shall have a descending grade from the water in ditch of not less than one-eighth of an inch to the foot.

Bushel for charcoal
Perch of brickwork
Size of brick

Inch of water; irrigation measure
Inch of water

Rev. Stat., 1908, ch.
72, p. 895
Sec. 3330
Water by cubic foot

The state engineer shall use in all his calculations, measurements, records and reports, the cubic foot per second as the unit of measurement of flowing water, and the cubic foot as the unit of measurement of volume.

(1897)
Rev. Stat., 1908, ch.
157
Sec. 7027
Treasurer to procure
standard

It shall be the duty of the treasurer of this state to procure as soon as possible from the proper department of the federal government, all necessary weights and measures for the use of the state, and as soon as he shall receive them, to give public notice through two or more newspapers for thirty days, to each and every board of county commissioners in the state, to obtain copies or duplicates of said weights and measures.

Sec. 7028
Dealers to compare
with standard

That all venders and traders in goods, wares, and merchandise, gold dust and other articles of traffic shall, within ninety days after the reception of the standards by said commissioners, have their balances, weights and measures compared with said standards of their respective counties, and approved and marked by the county inspector, and if the same are found to be correct, to be sealed with the name or the initial letters of the county inscribed thereon, or condemned by him if found incorrect.

Sec. 7029
Appointment of in-
spector

That on the first regular meeting of the board of county commissioners in each county in this state, after the passage of this chapter, and thereafter annually, on the first regular monthly meeting of every year, said county commissioners shall appoint a fit and proper person, who shall be styled inspector of weights and measures, and shall give bond to the county for the faithful performance of the duties of his office, as said commissioners may direct.

Sec. 7030
Fees of inspector

That each county board shall make out a list of fees to be charged by said inspector, and which fees when charged shall be recoverable in any court, as any other debt or account is recovered.

Sec. 7031
Inspector's tools

That it shall be the duty of each county board, as aforesaid, to furnish to each inspector all the necessary tools, marks and brands which he may require, to be paid for out of the county funds.

Sec. 7032
Wrongful selling,
penalty

All persons, for the purpose of weighing or measuring goods, wares, merchandise, water or other articles of traffic, actually sold by him, not in accordance with this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof may be imprisoned not exceeding one year, or fined not exceeding one thousand dollars at the discretion of the court in which the conviction shall be obtained.

Rev. Stat., 1908, ch.
35, p. 556
Sec. 1851
False weights, pen-
alty

If any person shall knowingly have, keep or use any false or fraudulent scales or weights for weighing gold or gold dust or any other article or commodity, every such person so offending shall, on conviction, be fined not exceeding five hundred dollars, or imprisoned in the county jail not exceeding six months.

If any person shall knowingly sell by false weights or measures, or shall knowingly use false measures at any mill, in taking toll for grinding corn, wheat, rye or other grain, he shall be deemed a common cheat, and on conviction shall be fined not less than two hundred dollars and be imprisoned in the county jail not exceeding three months.

Sec. 1852
False weights at mill,
penalty

Whenever it shall come to the knowledge of the inspector that any person within his county has violated any of the provisions of this chapter, it shall be his duty to enter a complaint against him before some magistrate having jurisdiction of the offense thereof, to the end that the offender may be punished and fined according to law.

Rev. Stat., 1908, ch.
157, p. 1632
Sec. 7033
Inspector's duty

All fines imposed and collected for violation of the provisions of this chapter shall be paid into the county treasury for the use of the people of the county in which the offense was committed.

Sec. 7034
Fines paid into county
treasury

It shall be the duty of every corporation, company or persons engaged in the business of mining and selling coal by weight or measure in this state to procure and constantly keep on hand, at the proper place, the necessary scales and measures and whatever else may be necessary to correctly weigh or measure the coal mined and taken out by the workmen or miners of such corporation, company or persons, and it shall be the duty of the Inspector of Weights and Measures of every county in which coal is mined and sold to visit each coal mine operated therein, and, once in each year, unless oftener requested by the operator or the miner or the miners, test the correctness of such scales and measures. If in any county there is no Inspector of Weights and Measures, then the State Inspector of Mines shall be required to test the correctness of such scales or measures within a reasonable time after application is made to him therefor by either the miners or owner or those who may be operating the mine.

Rev. Stat., 1908, ch.
27, p. 324
(1901)
Sec. 661
Scales and measures
to be provided by min-
ing corporations

Inspector

Each car or other apparatus used by any such corporation, company or person in removing coal from any mine shall be plainly marked by having distinctly placed upon it a number which shall be kept thereon while such car or apparatus is in use and no two cars or other apparatus so used shall bear the same number, and if the coal from such mine is mined and the miners are paid therefor according to weight for mining the same, every such car so used shall be weighed upon such tested scales and the weight of the coal thereof shall be correctly credited to the person mining it and recorded in a book kept for that purpose and the correct weight shall also be marked upon such car or apparatus before it is returned to the mine for reloading. If the coal of any such mine is mined and the miners thereof are paid for the same by measure, the number of bushels of coal such car or other apparatus will hold when

Sec. 662
Weighing of cars

Marking cars

Record

- loaded to its capacity shall also be plainly marked upon it and kept thereon as long as such car is used, as aforesaid. When coal is mined by weight or by the ton, two thousand pounds shall constitute a ton, or where it is measured by the bushel, eighty pounds shall constitute one bushel.
- Legal ton of coal
Legal bushel of coal
- Sec. 663
Weighing of coal
- Measure of coal
- Sec. 664
Violation of this act
- Penalty
- (1897)
Sec. 665
Coal mines, check weighman
To be selected by miners
- Sec. 666
Duties of check weighman
- Access to scales
- Sec. 667
Penalty for hindering check weighman
- All coal mined by the ton or by weight shall be weighed in the car or other apparatus in which it is removed from the mine before it is screened, or before it is passed over or dumped down upon any screen or any other device which may let, or be capable of letting a portion of the coal drop through such screen or device, and it shall be paid for according to the weight so ascertained at such price per ton as may be agreed upon by such owner or operators and the miner or miners who mine the same. All coal mined and paid for by measure shall be paid for per car according to the number of bushels marked upon the car or other apparatus in which it is removed from the mine, and without the coal thereof being screened or without it being passed over or dumped upon a screen or any other device which shall let any portion of the coal fall through such screen or device.
- A failure to comply with any of the provisions of this act shall be unlawful and deemed a misdemeanor, and any person, agent or owner operating a coal mine in this state who shall be convicted of a violation of this act shall be fined for the first offense not less than twenty-five dollars (\$25.00), nor more than fifty dollars (\$50.00) and for the second offense and each subsequent offense not less than one hundred dollars (\$100.) nor more than two hundred dollars (\$200.)
- That hereafter in all coal mines in this State, operated by individuals or corporations, whether as owners or lessees and working twenty or more miners underground, there may be employed a Check Weighman, who shall be selected by the miners employed in said mine and whose wages shall be paid by the miners therein employed.
- The duties of such Check Weighman shall be to see that all coal, mined in the coal mine at which he is employed, is accurately weighed and for that purpose every such aforesaid owner or lessee shall give to such Weighman, free access to all scales and weights used for that purpose and to all books wherein the weights of coal mined by the miners in said mines are recorded.
- Any mine owner, operator, manager superintendent or lessee operating any coal mine in this State who shall refuse to allow any such Check Weighman to be so employed or shall refuse such Check Weighman access to such aforesaid scales, weights or books, shall be deemed guilty of a misdemeanor and upon conviction

thereof shall be fined in the sum of not less than \$25.00 nor more than \$500.00.

Any person, association or corporation, or the agent of any person, association or corporation engaged in the business of milling, sampling, concentrating, reducing, shipping, or purchasing ores, as aforesaid, who shall keep or use any false or fraudulent scales or weights for weighing ore, or who shall keep or use any false or fraudulent assay scales or weights for ascertaining the assay value of ore, knowing them to be false, every person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding one thousand (1,000) dollars, nor less than one hundred (100) dollars, or imprisonment not more than one year, or both, at the discretion of the court.

Rev. Stats., 1908, ch. 91, p. 1066
Sec. 4240
False weights or scales

All persons retailing coal or coke in cities of the first or second class, and incorporated towns, whether existing under special charter or otherwise, shall furnish the consignee or purchaser of coal or coke to the amount of one-quarter (1/4) of a ton or more, a certificate of weight signed by the owner or agent of official city or town scales.

(1893)
Rev. Stat., 1908, ch. 156, p. 1632
Sec. 7035
Retailer of coal or coke to furnish certificate

The certificate as aforesaid shall plainly state the net weight of the wagon or cart on which the coal or coke is loaded, the net weight of the coal or coke on the said wagon or cart, the total weight of the coal or coke and wagon or cart, the license number and name of the driver delivering the coal or coke, the name of the dealer, the name of the weightmaster, and the street number of the location of the scales where the certificate may be issued.

Sec. 7036
What certificate shall state

Any dealer or driver of any wagon or cart delivering coal or coke without the official certificate of the owner or agent of official city or town scales shall, on conviction, be fined not less than twenty (20) dollars and not over one hundred (100) dollars, together with the costs of suit; for each and every offense. Any driver of a wagon or cart, who may be found delivering coal or coke of a less weight than the certificate calls for, shall, on conviction, be fined not less than thirty (30) dollars or confined one (1) month in the county jail, or both, at the discretion of the court, together with the costs of the suit, for each and every offense. Any owner or agent of any official city or town scales who may be found giving a false certificate of the weight of any coal or coke to be delivered, shall, on conviction, be fined not less than fifty (50) dollars and not more than one hundred (100) dollars, together with the costs of suit, for each and every offense.

Sec. 7037
Penalty, short weight, false certificate

It shall be the duty of the justice of the peace, to whom a complaint is made, of any violation of this act, to direct the district

Sec. 7038
Justice direct district attorney to prosecute

attorney in his district, to institute and prosecute any and all suits for any violation of this act.

Sec. 7039
Fines paid into county
treasury

All suits and prosecutions for a violation of any provisions of this act, shall be in the name of the people of the state of Colorado, and all moneys arising therefrom shall be paid into the county treasury, by the justice of the peace, or officer collecting the same in the county where the suit is brought.

Rev. Stat., 1908, ch.
116, p. 1227
Sec. 5214
Ton of coal in solid

Any person, association, copartnership or corporation leasing and operating coal lands under the provisions of this act shall pay to the deputy register of the state board of land commissioners a minimum price of not less than ten (10) cents for each and every ton of coal mined from said land * * *. The term ton, as herein used, means twenty-seven (27) cubic feet of coal, measured in the solid, and shall be ascertained by the measurements of the space from which the coal is mined, deducting therefrom all spaces occupied by slate or other impurities. * * *

CONNECTICUT

The weights and measures received from the United States under a resolution of congress approved June 14, 1836, and such new weights and measures as shall be received from the United States as standard weights and measures in addition thereto or in renewal thereof, and such as shall be supplied by the state in conformity therewith and certified by the national bureau of standards, shall be the state standards, by which all county and municipal standards of weights and measures shall be tried, proved, and sealed.

Pub. Acts, 1911, ch.
280, p. 1589
Sec. 1
Standard of weights
and measures

The superintendent of state police shall be state superintendent of weights and measures. There shall be a deputy superintendent of weights and measures and inspectors of weights and measures, to be appointed by the superintendent of weights and measures and to hold office during the superintendent's term of office; the officers of the state police department shall act as inspectors, when directed to do so by the state superintendent or the deputy superintendent. The superintendent of weights and measures shall be allowed, for salaries for the deputy superintendent of weights and measures, inspectors of weights and measures, clerical services, and traveling and contingent expenses for himself, his deputy, and inspectors, such sums as shall be appropriated therefor by the general assembly.

Sec. 2
Superintendent of
State police to be su-
perintendent of weights
and measures
Deputy superintend-
ent

The superintendent of weights and measures shall take charge of the standards adopted by this act as the standards of the state, and cause them to be kept in a fire-proof building belonging to the state, or in a suitable place in the office of the superintendent, from which they shall not be removed except for repairs or for certification, and he shall take all other necessary precautions for their safe-keeping. He shall maintain the state standards in good order and shall submit them, at least once in ten years, to the national bureau of standards for certification. He shall, at least once in two years, try and prove by the state standards all standard weights, measures, and other apparatus which may belong to any county or city, and shall seal such apparatus as is found to be accurate by stamping thereon, with seals kept for that purpose, the letter "C" and the last two figures of the year of certification.

Sec. 3
Duties of superin-
tendent

He shall have general supervision of the weights, measures, and weighing and measuring devices sold, offered for sale, or used in the state. He shall, upon the written request of any person, firm, corporation, or educational institution in the state, test or calibrate weights, measures, weighing or measuring devices, and instruments or apparatus used as standards in the state. He, or his deputy or inspectors by his direction, shall, at least once in each year, test all scales, weights, and measures used in checking the receipt or disbursement of supplies in every institution for the maintenance of which moneys are appropriated by the general assembly, and he shall report, in writing, his findings to the supervisory board and to the executive officer of the institution concerned, and, at the request of such board or executive officer, the superintendent of weights and measures shall appoint, in writing, one or more employees, then in the actual service of each institution, who shall act as special deputies for the purpose of checking the receipt or disbursement of supplies. He shall keep a complete record of the standards, balances, and other apparatus belonging to the state, and take a receipt for the same from his successor in office. He shall annually, on the first day of January, make to the governor a report of the work done by his office. The state superintendent, or his deputy or inspectors at his direction, shall, at least once in two years, inspect and test all standards and apparatus used by the counties and cities, and shall keep a record of the same. He, or his deputy or inspectors at his direction, shall, at least once in two years, visit the several cities and counties of the state and inspect the work of the local sealers, and in the performance of such duties he may inspect the weights, measures, balances, or any other weighing or measuring appliances of any person, firm, or corporation, and shall have the same powers as the local sealer of weights and measures. The superintendent shall issue, from time to time, regulations for the guidance of county and city sealers, and such regulations shall govern the procedure to be followed by said officers in the discharge of their duties. The state superintendent of weights and measures shall, forthwith upon his appointment, give a bond in the penal sum of five thousand dollars with sureties to be approved by the governor, for the faithful performance of the duties of his office, and for the safety of the standards entrusted to his care and for the surrender thereof immediately to his successor in office, or to the person appointed by the governor to receive the same. The deputy superintendent of weights and measures, and each inspector of weights and measures, shall, forthwith upon his appointment, give a bond in the penal sum of one thousand dollars, with sureties to be approved by the attorney-general, for the faithful performance of the

Report.

duties of his office and for the safety of any apparatus entrusted to his care.

The county commissioners of each county and the common council of each city required to appoint a sealer under this act shall procure, at the expense of the county or city, and shall keep, at all times, a complete set of weights and measures and other apparatus, of such materials and construction as said superintendent of weights and measures may direct. All such weights, measures and other apparatus, having been tried and accurately proven by him, shall be sealed and certified to by the state superintendent as hereinbefore provided, and shall then be deposited with and preserved by the county or city sealer as public standards for such county or city. Whenever the county commissioners of any county or the common council of any such city shall neglect, for six months, so to do, the treasurer of the county, or the city clerk or comptroller of said city, as the case may be, on notification and request by the superintendent of weights and measures, shall provide such standards and cause the same to be tried, sealed, and deposited, at the expense of the county or city.

Sec. 4
County commissioners and common council of cities to procure complete set of standards

There shall be in each county a county sealer of weights and measures who shall be appointed by the county commissioners for a term of five years. He shall be paid a salary determined by said commissioners, said salary not to be less than one thousand dollars per year, and no fee shall be charged by him, or by the county, for the inspection, testing, or sealing of weights, measures, or weighing or measuring devices. Unless otherwise provided by law, the county sealer shall have power, within his county, to inspect, test, try, and ascertain the correctness of all weights, scales, beams, measures of every kind, instruments or mechanical devices for measuring, and tools, appliances, or accessories connected with any such instruments or measures kept, offered, or exposed for sale, sold, or used or employed within the county by any proprietor, agent, lessee, or employee in proving the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption, offered or submitted by such person or persons for sale, hire or reward; and he shall have power to, and shall, from time to time, weigh or measure packages or amounts of commodities of any kind kept for the purpose of sale, offered for sale, or sold, or in the process of delivery, in order to determine whether the same contain the amounts represented, and whether they be offered for sale or sold in a manner in accordance with law. He shall, at least twice each year, and as much oftener as he may deem necessary, see that the weights, measures, and all apparatus used in the county, including those under the care of city and town sealers of weights and measures,

Sec. 5
County sealers, appointment of Salary Powers and duties of

Semiannual inspection

Police powers

are correct. He may, for said purpose, and in the general performance of his official duties, enter, without warrant, into or upon any stand, place, building, or premises, or stop any vendor, peddler, junk dealer, driver of any coal wagon, ice wagon, or delivery wagon, or any dealer, and require him, if necessary, to proceed to some place which said sealer may specify, for the purpose of making the proper tests. The county sealer of weights and measures shall cause any person violating any of the provisions of this act or of the general statutes relating to weights and measures to be prosecuted. Whenever said sealer compares weights, measures, or weighing or measuring instruments and finds that they correspond, or causes them to correspond, with the standards in his possession, he shall seal or mark such weights, measures, or weighing or measuring instruments with appropriate devices, to be approved by the state superintendent of weights and measures. He shall condemn and seize, and may destroy, incorrect weights, measures, or weighing or measuring instruments which, in his judgment, are not susceptible of satisfactory repair; but he shall mark or tag such as are incorrect and yet may be repaired, as "condemned for repairs" in a manner prescribed by the state superintendent of weights and measures. The owner or user of any weights, measures, or weighing or measuring instruments which are so marked shall have the same repaired or corrected within ten days, and until so repaired or corrected such owner or user shall neither use nor dispose of the same in any way, but shall hold the same at the disposal of the sealer. Any apparatus which has been so condemned for repairs and has not been repaired as hereinbefore required shall be confiscated by the sealer. The county sealer shall keep a complete record of all of his official acts and shall make an annual report to the county commissioners, and on or before October first in each year shall make a report, duly sworn to, to the state superintendent of weights and measures, on blanks to be furnished by the superintendent. The county sealer of weights and measures shall, forthwith upon his appointment, give a bond in the penal sum of one thousand dollars, with sureties to be approved by the county treasurer, for the faithful performance of the duties of his office. Nothing in the foregoing provisions shall, however, be so construed as to prevent two or more counties from combining the whole or any part of their respective counties, as may be agreed upon by the county commissioners, with one set of standards and one sealer, upon the written consent of the state superintendent of weights and measures. A county sealer appointed in pursuance of an agreement for such combination shall, subject to the terms of his appointment, have the same authority, jurisdiction, and duties as if he

Bond

had been appointed by each of the authorities who are parties to the agreement.

There shall be a city sealer of weights and measures in each city of not less than twenty-five thousand population, according to the last preceding official state or United States census, to be appointed by the mayor subject to the approval of the common council. He shall, in said city, perform the same duties and have the same powers as the county sealer in the county. In those cities in which no sealer is required by this section, the county sealer of the county shall perform the same duties and have the same powers as in the county. Nothing in the foregoing provisions shall be so construed as to prevent any county and any of the cities situated therein from combining the whole or any part of their respective territories, as may be agreed upon, with one sealer, subject to the written approval of the state superintendent of weights and measures. A sealer appointed in pursuance of any agreement for such combination shall, subject to the terms of his appointment, have the same jurisdiction and duties as if he had been appointed by each of the authorities who are parties to the agreement.

Sec. 6
City sealer in cities of
not less than 25,000 in-
habitants
Powers and duties of

Any person who, himself or by his servant or agent, or as the servant or agent of another, shall offer or expose for sale, sell, use in the buying or selling of any commodity or thing or for hire or reward, or retain in his possession a false weight or measure or weighing or measuring device, or any weight or measure or weighing or measuring device which has not been sealed by the sealer of weights and measures within one year; or who shall dispose of any condemned weight, measure, or weighing or measuring device contrary to law, or remove any tag placed thereon by a sealer of weights and measures; or who shall sell, or offer or expose for sale, less than the quantity he represents, or sell or offer or expose for sale any such commodity in a manner contrary to law; or who shall sell or offer for sale, or have in his possession for the purpose of selling, any device or instrument to be used to, or calculated to, falsify any weight or measure, shall, upon a first conviction, be fined not less than twenty dollars nor more than two hundred dollars, or imprisoned for not more than three months, or both; and upon any subsequent conviction shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned in the county jail for not more than one year, or both.

Sec. 7
False weights and
measures, use or pos-
session of
Penalty

The superintendent of weights and measures, his deputy and inspectors, and the county and city sealers of weights and measures shall each have power to arrest, without warrant, any violator of the laws in relation to weights and measures, and to seize,

Sec. 8
Authority of superin-
tendent, deputy, and
assistants to arrest
without warrant

without warrant, for use as evidence, any false or unsealed weight, measure or weighing or measuring device, or package or amount of any commodity, found to be used, retained, offered or exposed for sale, or sold in violation of law.

Sec. 9
Penalty for interference with officials

Any person who shall hinder or obstruct the superintendent of weights and measures, his deputy, or any inspector, or any county or city sealer, in the performance of his official duties, shall be fined not less than two dollars nor more than two hundred dollars, or imprisoned for not more than ninety days, or both.

Sec. 10
Penalty for impersonating officials

Any person who shall impersonate the superintendent of weights and measures, his deputy, or any inspector, or any county or city sealer, by use of his seal or a counterfeit of his seal, or otherwise, shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not more than one year, or both.

Sec. 11
Repeal

So much of any act as is inconsistent with the provisions of this act is hereby repealed.

Gen. Stats., 1902, Title 60, ch. 288
(1827, 1895)

Sec. 4880
Pound, ton, etc.
Barrel

The avoirdupois pound shall bear to the troy pound the relation of seven thousand to five thousand seven hundred and sixty. The hundred weight shall contain one hundred avoirdupois pounds; and the ton twenty hundred weight. The barrel shall contain thirty-one and one-half gallons; and the hogshead, two barrels. The liquid gallon,¹ [shall contain] two hundred and thirty-one cubic inches.

Liquid gallon

Sec. 4881
Bushel measurement

The bushel in struck measure shall contain twenty-one hundred and fifty and forty-two hundredths cubic inches and in heap measure twenty-five hundred and sixty-four cubic inches, except that every bushel of charcoal shall contain twenty-seven hundred and forty-eight cubic inches. When sold by weight the bushel of charcoal shall weigh twenty pounds when commercially dry; the barrel of flour, one hundred and ninety-six pounds; and the barrel of potatoes, one hundred and seventy-two pounds.

Charcoal

Barrel of flour.
—of potatoes.

(1857, 1899)

Sec. 4882
Weight of bushel

[The bushel of the following-named articles shall contain in pounds the amounts set opposite them.²]

Indian corn.....	56	Onions.....	52
Rye.....	56	Clover seed.....	60
Barley.....	48	Herdsgrass.....	45
Oats.....	32	Timothy seed.....	45
Rye meal.....	50	Bran.....	20
Peas.....	60	Shorts.....	20
Potatoes.....	60	Flaxseed.....	55
Apples.....	48	Coarse salt.....	70
Carrots.....	50	Fine salt.....	50

¹ The words "The dry gallon shall contain two hundred and eighty-two cubic inches" have been omitted, since this apparently conflicts with sec. 1 of ch. 282, Pub. Acts, 1911, which provides that "The weights and measures received from the United States * * * shall be the state standards," as the National Government has never recognized nor authorized the dry gallon mentioned above.

² This statement and the arrangement of the articles following it have been adopted for convenience in printing.

Lime.....	70	Buckwheat.....	48
Sweet potatoes.....	54	Sugar beets.....	60
Beans.....	60	Mangelwurzel.....	60
Dried apples.....	25	Rutabagas.....	60
Dried peaches.....	33	Parsnips.....	45
Rough rice.....	45	Common English turnips.....	50
Upland cotton seed.....	30	Hard coal.....	80
Sea island cotton seed.....	44		

Every person who shall sell, or offer or expose for sale or exchange, any of the articles enumerated in this section, knowing or having reason to believe that the measurement of articles so sold, or offered or exposed for sale or exchange, is less than the measurement required by this section, except in cases where there is a special agreement to sell by some other measurement, shall be fined not more than twenty-five dollars.

Penalty for noncompliance

Every manufacturer of cotton sewing thread, and every person engaged in putting up such thread on spools, or in packages of one pound weight or less, intended for sale, shall, before the same is offered for sale, affix to, or impress upon, each spool or package, a label or stamp designating its weight or length in yards. Every such manufacturer, or person engaged as aforesaid, who shall neglect to affix to, or impress upon, each spool or package such a label or stamp, or shall, with intent to deceive, affix to, or impress upon, or suffer to be affixed to, or impressed upon, any such spool or package, a label or stamp specifying that it contains a greater number of yards, or a greater quantity of thread by five per cent. than it does contain, shall be fined five dollars for each of such spools or packages; and every trader who shall offer for sale such thread, knowing or having reason to believe that it is falsely labeled or stamped as regards length or quality, shall be subject to the same fine.

(1869)
Sec. 4885
Cotton thread, quantity of, to be designated

Every person who shall sell, or offer for sale, by the skein, any sewing silk manufactured in this country, unless each skein shall consist of twenty threads, each two yards long, shall be fined seven dollars.

(1873)
Sec. 4886
Sale of domestic sewing silk by skein

No person or corporation buying milk or cream and making payments therefor based on the results of the Babcock test shall use any bottle or pipette for the purpose of determining the relative or proportional amount of butter fat of any milk or cream, unless such bottle or pipette shall have been tested and stamped as accurate by the Connecticut agricultural experiment station or by the Connecticut agricultural college. Every person or corporation that shall use any bottle or pipette for the purpose named in this section, unless the same is stamped as herein prescribed, shall forfeit to the use of the state the sum of five dollars for each bottle or pipette so used. The State's attorneys in the several counties shall collect forfeitures under this section.

(1901)
Sec. 4887
Babcock milk-test bottles tested and stamped

(1881, 1888)
 Sec. 4888
 Standard of time
 Pub. Acts, 1911, ch.
 134, p. 1406
 Sec. 1
 Net weight of foods to
 be marked on packages
 Reasonable vari-
 ations permitted

The standard of time for the seventy-fifth meridian west from Greenwich shall be the standard of time for this state.

Any person who shall sell or offer for sale, food in package form, unless the net quantity of the contents be plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count; provided, that reasonable variations shall be permitted, and that allowances shall be established by rules and regulations made from time to time by the dairy and food commissioner and the director of the Connecticut agricultural experiment station, shall be subject to the penalties provided in chapter 255 of the public acts of 1907.

Sec. 2
 Terms "person" and
 "food" defined

The terms "person" and "food" as defined in Chapter 255 of the public acts of 1907, shall apply to the provisions of this act, provided, the term "food" as used herein shall not include confectionery and shelled nuts when offered for sale in packages at a price not exceeding ten cents each.

Sec. 3
 Penalty not to affect
 sale of food prepared 18
 months prior to passage

This act shall take effect from its passage, but no penalty shall be enforced for any violation of the provisions of section one arising from the sale of food prepared and enclosed in package form prior to eighteen months after the passage of this act.

Pub. Acts, 1909, ch.
 199, p. 1123
 Sec. 1
 Weight to be marked
 on print butter

No person shall, by himself, his servant or agent, sell or offer or expose for sale, or have in his possession with intent to sell any print butter unless the package or wrapper containing the same shall have conspicuously printed thereon, in letters or figures not less than one-half inch in height, in plain Gothic type, the net weight of the butter contained therein.

Sec. 3
 Penalty

Every person who shall violate any provision of this act shall be punished by a fine not exceeding twenty-five dollars.

Pub. Acts, 1911, ch.
 248, p. 1547
 Coal to be sold by
 weight

All coal sold, except in accordance with a written agreement with the purchaser otherwise, or offered for sale, in this state, shall be so sold or offered for sale by weight. No person, firm, or corporation shall deliver any coal unless such delivery is accompanied by a delivery ticket and a duplicate thereof, on which shall be distinctly expressed, in ink or other indelible substance, in pounds, the weight of the coal contained in such vehicle or receptacle, together with the name of the seller and the name of the purchaser of such coal. One of such tickets shall be surrendered, upon demand, to the sealer of weights and measures, for his inspection, and such ticket, or, when the sealer desires to retain the original ticket, a weight slip issued by the seller, shall be delivered to the purchaser, or his agent or representative, at the time of the delivery of such coal, and the other ticket shall be retained by the seller. If the purchaser, or his agent, takes such coal from the place of purchase, a delivery ticket, showing the actual number of pounds delivered, shall be given to the purchaser or his agent,

Ticket to be delivered
 with coal, stating
 weight

at the time of delivery. Any person who shall violate any provision of this act shall be fined not more than two hundred dollars, or imprisoned not more than six months, or both.

Penalty

All sales of milk or cream shall be made by wine measure.

Pub. Acts, 1911, ch. 221, p. 1509
Sec. 10
Milk and cream to be sold by wine measure

Every person who shall violate any provision of section ten, eleven, or twelve of this act shall be fined seven dollars for each offense.

Sec. 11
Penalty

A printed notice containing sections one to twelve, both inclusive, of this act, and this section, shall be conspicuously posted in all public places, creameries, or factories where milk is received or sold.

Sec. 14
Notice of secs. 1-12 to be published

The dairy and food commissioner shall have power to enforce the provisions of the preceding sections of this act, and when the necessary evidence is submitted by the Connecticut agriculture experiment station that any of said provisions has been violated, he shall make complaint to the proper prosecuting officer. The dairy and food commissioner, or his authorized agent, shall have the right to take samples of milk or cream from any producer or vendor, upon tender of the market price thereof, and he shall seal and mark a duplicate sample of such milk or cream and leave the same with such producer or vendor.

Sec. 15
Power and duty of dairy commissioner as to milk and cream inspection

The term "concentrated commercial feeding stuff" shall include linseed meals, cottonseed meals, pea meals, cocoanut meals, gluten meals, gluten feeds, maize feeds, starch feeds, sugar feeds, dried brewers' grains, malt sprouts, hominy feeds, cerealine feeds, rice meals, oat feeds, corn and oat chop, corn and oat feeds, ground beef, or fish scraps, mixed feeds, provenders, bran, middlings, and mixed feeds made wholly or in part from wheat, rye, or buckwheat, and all materials of a similar nature, but shall not include hays and straws, the whole seeds nor the unmixed meals made directly from the seed of wheat, rye, barley, oats, Indian corn, buckwheat, or broom corn, nor feed ground from whole grain and sold directly from manufacturer to consumer.

Gen. Stats., 1902
Sec. 4591
"Concentrated commercial feeding stuff" defined

Every lot or parcel of concentrated commercial feeding stuff, sold, offered or exposed for sale shall have affixed thereto in a conspicuous place on the outside thereof a legible and plainly printed statement, certifying the number of net pounds of feeding stuff contained therein, the name, brand, or trademark under which the article is sold, the name and address of the manufacturer or importer, * * *

Sec. 4592.
Certificate of weight and quality



DELAWARE.

The standard weights and measures of the United States, now deposited in the secretary's office at Dover,¹ are the true and legal standards for this state; and the duplicates thereof, deposited with the several prothonotaries, are true duplicate standards by which all weights and measures, used within this state, shall be tried and regulated.

(1803)
Rev. Code, Title 9,
Ch. 67, p. 535 f. f.
Sec. 1
Standard

A regulator of weights and measures for each county, shall be appointed by the governor, for the term of four years. The said regulator shall be sworn, or affirmed to perform the duties of his office faithfully and impartially. He shall within thirty days, from his appointment, give bond to the state, with sufficient surety, to be approved by the governor, in the sum of one thousand dollars, conditioned for the faithful performance of the duties of his office; and if such bond be not filed in the secretary's office within the time aforesaid, his commission shall be void.

Sec. 2
County regulators
Term and oath

Bond

He shall next year, and every second year thereafter in the months of September and October, appoint a time in three of the most public places in each hundred of his county for regulating by and with the duplicate standards aforesaid, without charge, any weights and measures, scales, balances, or other weighing apparatus, that may be brought to him; and shall stamp the same plainly with the letter S, and the initial of his county. He shall give twenty days' notice of these appointments by five advertisements in the hundreds respectively. He shall in like manner at all other times, regulate such weights, and measures, scales, or balances, as may be brought to him, or of which he may have knowledge. And he shall diligently inquire for all unstamped weights and measures, scales and balances, which are used within the county for buying or selling.

Sec. 3.
Time for regulating
weights and measures

Duties of regulator

Regulation of weights
and measures

The regulators shall be paid for their services annually, one hundred and seventy-five dollars in New Castle county, one hundred and fifty dollars in Sussex county, and one hundred and twenty-five dollars in Kent county, to be allowed by the levy court of the respective counties, and paid as other county charges.

Sec. 4
Compensation

¹ State chemist made custodian of standards. (See Laws of 1909, ch. 63, p. 116.)

Sec. 5
Penalty for using
weights not stamped

If any person shall buy, sell, or barter, by any weight, or measure, scale, balance, or other weighing apparatus, that has not been duly regulated and stamped, or if any person shall make, or use, a false stamp, or brand, for stamping weights and measures, he shall forfeit and pay five dollars, to any one who will sue for the same.

Sec. 6
Care of the duplicate
standards

Each regulator of weights and measures shall, preserve and keep, in good order, the duplicate standards belonging to the county, and the balance furnished him for regulating weights; and he shall attend, with said duplicate standards, at the office of the Secretary of State, when required by him, in writing, so to do, for the purpose of having them regulated by the originals.

(1883)
Laws, ch. 144, vol. 17
Sec. 1
Regulation of weights
and measures in New-
castle County

That the regulator of weights and measures in and for New Castle county, shall, once in every year, advertise in at least two newspapers in the county, one of each political party, the place where his office is located. He shall also once in every year go to all the stores, offices, booths, stalls or other places of business in his county (except the public market and market houses in the city of Wilmington) where any beams, scales, weights and measures are used for the purpose of buying and selling any goods, chattels or other things, and test and adjust or cause to be tested and adjusted (if possible) all such beams, scales, weights and measures, and stamp the same plainly with the letter S and the initial of his county and the current year. He shall also in like manner, at all other times, test and adjust such beams, scales, weights and measures as may be brought to him for that purpose.

Testing

Stamping

Sec. 2
Fees for trying and
adjusting weights and
measures

For which trial and adjustment the said regulator for New Castle county, in addition to the salary already allowed by law, shall demand and receive from the proprietors or owners of all such weights, and beams, and scales, and measures, the following fees, to wit: for the trial and balancing of every set of scales, eight cents; for every patent balance, fifteen cents; for every set of coal or hay scales, one dollar each; for every set of platform scales which draws five hundred pounds or under, fifty cents, and an additional sum of five cents for every one hundred pounds not exceeding two thousand pounds, and any platform scale drawing over two thousand pounds shall be classed as coal or hay scales; for every yard measure, two cents; for every bushel measure, ten cents; for every half-bushel measure, seven cents; for every peck and half-peck measure, five cents; for every quarter peck measure, three cents; for every gallon, half-gallon, and quart measure, three cents each; for every pint measure, or less, two cents; for every weight of twenty-eight pounds or more, eight cents; for every weight less than twenty-eight pounds, two cents, and an addi-

tional charge or fee for labor or materials furnished for adjusting said beams, scales, weights and measures to be fixed by agreement between the regulator and the owner or user thereof; provided, always, that the said regulator shall only be entitled to one-half of the above fees for stamping such beams, scales, weights and measures as he shall find to be correct after testing the same. The said regulator may collect by suit, before any justice of the peace, all fees prescribed by this section from the proprietors or owners of such scales, beams, weights or measures, which he has adjusted.

Fees

Collection of fees

The said Regulator of Weights and Measures is hereby required to immediately seize and deliver to the attorney general all false beams, scales, weights and measures that he may find within the county which he is unable to adjust, together with a written report giving such information in regard thereto as may be required of him by the Attorney General, and the Regulator of Weights and Measures shall be paid one-half of the fee for such services as is provided for in the trial and adjustment of beams, scales, weights and measures by Section 2 of this Act; and all the provisions of this Act relating to the inspection of beams, scales, weights and measures used for the purpose of buying or selling shall also extend to all such beams, scales, weights and measures as are or may be used for ascertaining weights and measures for the purpose of charging for freight, tonnage, transportation, commission and all other charges, when such charges are regulated by weight or measure.

Laws (1883), vol. 17, ch. 553
 Sec. 3 as amended by Laws, 1909, vol. 25, ch. 148, p. 273
 Seizure of false measures, etc.

In case any user or owner of such beams, scales, weights and measures, within the county of New Castle, in this State, shall refuse or neglect to comply with any of the requisitions which the said regulator is by this act authorized or directed to make; or shall knowingly sell or buy any false beams, scales, weights, or measure; or shall purposely alter any beam, scale, weight, or measure, so that the capacity is diminished or increased after the same shall have been adjusted and stamped; or shall, in buying or selling, knowingly use any beam, scale, weight, or measure, so altered, or shall purposely alter, any beam, scale, weight or measure so as to impair the adjustment thereof after the same shall have been adjusted and stamped; or shall knowingly have in his possession any beam, scale, weight or measure so altered as aforesaid; or shall knowingly buy, sell, use, or barter by any beam, scale weight or measure, or other weighing or measuring apparatus that has not been duly adjusted and stamped as aforesaid; or shall knowingly make, use or have in possession any false stamp or brand for stamping any beams, scales, weights, or measures, he or they shall be guilty of a misdemeanor and upon conviction

Sec. 2, as amended by Laws of 1909, ch. 148, p. 274
 Penalty

Penalty

- thereof shall, for the first offense, be fined not less than ten nor more than twenty dollars or imprisoned for a term not exceeding ten days, and, for every subsequent offense, be fined not less than twenty or more than fifty dollars or imprisoned for a term not exceeding thirty days. One half of all fines recovered for violations of any of the provisions of this act shall be paid by the officer receiving the same to the informer and the other half to the Treasurer of New Castle County.
- Disposition of fines**
- Sec. 5**
Weights in public markets
- That all beams, scales, weights and measures tested, adjusted and stamped under the provisions of this act, which shall be used in the public markets and market houses of any city or incorporated town in said county, shall be liable to be tested and adjusted by the Regulator of Weights and Measures of such city or town, but no fee shall be charged therefor; provided, however, that if, upon such testing and adjustment, such beams, scales, weights or measures shall be found to be false, the person or persons in whose possession the same shall be found shall, in addition to the fees prescribed by Section 3 of this act, pay to the Regulator of Weights and Measures of such city or town the fees allowed to such regulator for like services under the ordinances and regulations of said city or town.
- Penalty**
- Sec. 6**
Administering oaths
- That the said Regulator of Weights and Measures is hereby authorized and empowered to administer an oath or affirmation to any or all proprietors or owners of any beams, scales, weights or measures, named in this act, to ascertain whether they are used for the purpose of buying or selling, as is contemplated by this act.
- Laws, 1883, ch. 552,**
vol. 17
Sec. 1
- Standard bushel for charcoal**
- That the standard measure of charcoal in this state shall be two thousand seven hundred and forty-eight cubic inches for each and every bushel thereof, and when sold by weight, a bushel shall be twenty pounds (commercially dry).
- Standard measures by weight of charcoal**
- Sec. 2**
- That this act shall take effect from its passage, and all acts or parts of acts inconsistent herewith are hereby repealed.
- (1883-1909)**
Rev. Code, 1893, ch. 28, sec. 17, as amended by ch. 63, Laws, 1909, p. 116
- The State chemist be and the same is hereby made the custodian of the standard weights and measures, together with balances for adjusting duplicate standards now in the custody of the Secretary of State.
- State chemist custodian of weights and measures**
- Duties of**
- The State chemist is required to keep same in good order, and he shall, upon demand, try and prove the duplicate standards of weights and measures belonging to the several counties, by and with the originals in his custody and shall cause them to be made uniform and correct.
- Code, 1893, ch. 37**
Sec. 11
Custody of duplicate standards
- The prothonotary shall preserve and keep in good order the duplicate standards of weights and measures deposited in his

office; but he shall allow the commissioner of weights and measures of his county free access to, and use of, the said duplicates, and the occasional custody of them, as may be required for the discharge of his duties.

That from and after the approval of this act, the standard measure of milk and cream in this State shall be fifty-seven and seventy-five one-hundredths cubic inches for each and every quart thereof; and when sold, with no special agreement as to the measurement thereof, the quart shall consist of fifty-seven and seventy-five one-hundredths cubic inches.

Laws, 1907, ch. 167, p. 319
 Sec. 1
 Standard milk measure

That on and after the first day of April, A. D., One Thousand Nine Hundred and Nine, it shall be unlawful for any person, firm or corporation to sell or offer for sale, or to demand from any person, firm or corporation offering for sale, either wholesale or retail, any milk, skim milk or cream according to any other standard of measurement than that known as the liquid or wine measure containing two hundred and thirty-one cubic inches to the gallon. Provided, that nothing in this Act will prevent the sale of milk, skim milk or cream by weight or percentage of butter fat.

Laws, 1909, ch. 149, p. 275.
 Sec. 1
 Standard gallon for milk

Every person, firm or corporation and every officer, agent, servant or employee of such person, firm or corporation, who shall violate any of the provisions of this Act, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five or more than one hundred dollars or shall be imprisoned for a term of not less than ten or more than thirty days, or both, at the discretion of the court.

Sec. 2
 Penalty

All acts or parts of Acts inconsistent herewith are hereby repealed.

Sec. 3
 Repeal

It shall be the duty of the Regulator of Weights and Measures in and for New Castle County, to inspect, when requested so to do, by the owner or owners thereof, all cans used for the shipment of milk or cream, and to stamp on each can so inspected by him, in letters three-eighths of an inch in height, a mark of inspection, showing by whom inspected and its capacity in quarts, according to the standard measure for milk and cream in this State at the time of such inspection.

Laws, 1907, ch. 166, p. 318
 Sec. 1
 Stamping milk cans

For inspecting each can and stamping, as provided in Section one of this Act, the said Regulator of Weights and Measures, in and for New Castle County, shall be paid by the owner or owners thereof at the time of such inspection, the sum of Ten Cents.

Sec. 2
 Inspecting milk cans, stamping
 Fees

When wheat, or indian corn, is sold by the bushel, and there is no special agreement as to the measurement, or weight thereof, the bushel shall consist of sixty pounds of wheat, and fifty-six pounds of corn.

Rev. Code, 1893, ch. 67, p. 542
 Sec. 1
 The bushel

Sec. 2
Regulation and size
of casks for exportation

All casks for the exportation of breadstuffs, shall be made of good seasoned materials, well hooped and nailed, and shall be of the following sizes, viz: No. 1, 27 inches long, 16½ inches diameter at the head, and to contain 196 pounds; No. 2, 22¾ inches long, 12½ inches diameter, and to contain 98 pounds; and if any person shall export from New Castle County to any foreign port, or place, beyond the United States, or shall sell for such exportation any wheat flour, rye flour, or middlings of wheat, packed in casks made of unseasoned materials, or of other dimensions, or of less weight per cask, than these respectively, he shall forfeit and pay to the flour inspector forty cents per cask, and shall have remedy over for damages against the miller, or cooper, who furnished the same.

Packages of meal

Indian corn meal, made from corn sufficiently kiln-dried, shall be packed for exportation from New Castle County, or from Middleford, or Seaford in Sussex county, to any foreign port, or any port in the United States where there are no inspection laws, in strong tight hogsheads, made of good seasoned white, or red oak, well hooped and secured—the staves forty-one inches long, twenty-seven inches diameter at the head and to contain 800 pounds net, or in casks twenty-six inches long, 16½ inches diameter and to contain 196 pounds, or in half barrels 22 inches long, 12½ inches diameter, and to contain 98 pounds, under the same penalty herein provided for flour; except that wheat flour, or kiln-dried indian corn meal, may be exported in sacks, or packages, if inspected and passed, and the same fees paid for inspection as in proportion for barrels.

Hogshead

Sec. 3
Brands to be used

Each miller shall brand, or mark, with his own name, or some name by which it may be distinguished as his, every cask, or hogshead, of breadstuff manufactured by him (for exportation), and mark the kind and quality, and weight, tare and net, under penalty of twenty cents for each cask, or hogshead, not branded, to anyone who will sue for the same; and if any person shall mark a false weight, or wrong tare, to the disadvantage of the purchaser, he shall forfeit and pay to the inspector one dollar for each cask, or hogshead, so falsely branded.

Sec. 4
Flour

All wheat flour, manufactured for sale, or exportation, shall be merchantable, and of due fineness, without mixture.

Sec. 5
Inspector's oath

The Governor shall appoint a flour inspector, who shall reside in the city of Wilmington, and another who shall reside in or near Middleford, or Seaford, who shall appoint the necessary deputies. Each inspector, or deputy, shall be duly sworn, or affirmed, and shall hold office for four years.

Sec. 6
Breadstuff to be in-
spected

No person shall ship, or load, for exportation from New Castle County to any foreign port, or to any port in the United States

where there are no inspection laws, any superfine, or common flour, or middlings, or any rye flour, or Indian corn meal, before the same is duly inspected.

The inspector shall try the packing and quality, by boring and piercing; or if necessary, by unpacking. If, on unpacking, the quantity be found insufficient, the miller shall pay all charges of packing and repacking, besides the penalty aforesaid; otherwise the inspector shall pay such charges, or the purchaser, if done at his request.

Sec. 7
Manner of inspection

If the flour be "superfine," he shall stamp the plug with the letters "S. D.;" if inferior to superfine, but good merchantable common flour, he shall scratch and erase the superfine brand, and stamp the plug with the letters "C. D.;" if below that quality, he shall condemn the same as unfit for exportation, and shall mark it with a circle and cross in red chalk. "Middlings," "fine rye flour," "rye flour," and "kiln-dried corn meal," shall be in like manner inspected and marked, or condemned, and scratched, according to the quality thereof.

Stamping grades of flour

The fee for inspection shall be one cent for each cask, or barrel, and three cents for each hogshead, to be paid by the person exporting, or intending to export the same, whether approved or condemned.

In case of dispute concerning inspection, any judge of the State shall, on application, appoint three proper triers to examine such breadstuff and report to him its quality and condition; and their report shall be final. If their report sustain the inspector, the other party shall pay the triers fifty cents each; if otherwise, the inspector shall pay them and shall pass the breadstuffs inspected, as merchantable.

Sec. 8
Triers

The inspector or his deputy, shall, when required, go on board any vessel within ten miles of Wilmington, New Castle, or Port Penn, Middleford, or Seaford, to inspect more than fifty casks under penalty of forfeiting thirty dollars to any one who will sue for the same.

Sec. 9
Inspection on ship-board

No such inspector, or deputy, shall deal in any flour by buying, selling, or bartering the same, other than superfine flour under penalty of forfeiting one hundred dollars.

Inspector may not deal

If any person shall falsely brand any breadstuff, after inspection, with design to evade the inspection, or shall, knowingly and fraudulently, ship the same with said false brand, he shall forfeit and pay one hundred dollars; and every cask, or hogshead, so falsely and fraudulently branded, shall be forfeited to the State, and may be seized by the inspector, or deputy, one-half to his own use; and if any person shall brand, or make the mark of superfine, common, or middlings, on any cask of flour after it shall have been

Sec. 10
False branding

Penalty

taken from the mills and before it shall have been inspected and allowed as such by the inspector, such person shall forfeit and pay twenty cents to any person who will sue for the same.

Sec. 11
Forfeiture of un-
marked mixed flour

If any flour, branded "superfine," or "common" shall be found, on inspection, to contain corn meal, or other mixture and adulteration, it shall be forfeited to the State, and may be seized as aforesaid, one half to the inspector's use.

In case of any seizure, he shall sell the same, after ten days' notice in one or more newspapers of the State, at public vendue; and shall pay over one-half the proceeds to the State Treasurer within thirty days thereafter.

Inspection of flour
and meal

(That all superfine or common flour, middlings, rye flour, and Indian corn meal, offered for sale and sold for consumption in the city of Wilmington shall be first duly inspected, and any person violating the provisions of this act, shall pay to the flour inspector of the city of Wilmington, for the use of the State, the sum of five cents for each barrel, and ten cents for each hogshead of corn meal, middlings, or rye flour, so sold without inspection, to be recovered as like amounts are by the laws of this State recoverable.)

(1867)
Rev. Code, 1893, p. 546
Sec. 1
An act to regulate the
selling of Indian meal

That whenever Indian corn meal shall be sold by the bushel, and no special agreement as to the measurement or weight thereof shall be made by the parties, the bushel if sifted, shall consist of 44 pounds, and if unsifted, the bushel shall consist of 48 pounds.

Laws, 1899, ch. 270,
p. 440
Sec. 1

That on and after the first day of April, 1899, after this Act becomes a law, each and every bag, package, parcel or box of flour or grain meal of any kind exposed or offered for sale to consumers in this State shall have marked or printed prominently, distinctly and conspicuously thereon the correct and exact weight in avoirdupois of the flour or other grain meal contained in such bag, package, parcel or box.

Weight of flour or
meal to be marked

Sec. 2
Penalty

That on and after the first day of April aforesaid, it shall be unlawful for any person or persons, firm or firms, corporation or corporations to offer or expose for sale, any bag, package, parcel or box of flour or any kind of grain meal, unless the same has printed or marked thereon as aforesaid the exact and correct weight as aforesaid. Every person or firm or firms violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall forfeit and pay a fine of twenty-five dollars, besides the costs of suit.

Sec. 3
Misbranding

That if on and after the first day of April aforesaid, any person or persons, firm or firms, corporation or corporations shall print or mark the weight of flour or other grain meal on any such bag, package, parcel or box as aforesaid falsely or incorrectly or in any way to deceive the public, such person or persons, firm or firms, corporation or corporations, shall upon conviction thereof, forfeit and pay a fine of twenty-five dollars besides the costs of suit.

That all loaves of bread manufactured from wheat flour in whole or in part, sold or offered for sale in this State by the baker or manufacturers thereof or by any other person whether whole-sale or retail shall weigh at least one pound avoirdupois weight.

Laws, 1898, vol. 21, ch. 92, P. 231
 Sec. 1
 Standard loaf of bread

If any baker or manufacturer of bread into loaves from wheat flour in whole or in part, or any other person shall in this State sell or offer to sell to any person any such loaf of said bread that shall weigh less than one pound avoirdupois weight he, she or they, or it shall be guilty of a misdemeanor and upon conviction thereof, shall forfeit and pay to the county wherein such sale or offer to sell is made, a fine of not less than five dollars, and not more than twenty-five dollars and upon default of the payment of said fine shall be imprisoned in the County Jail not exceeding thirty days.

Sec. 2
 Short loaves

A perch of stone shall contain, when measured in the wall, twenty-four and three-quarters cubic feet; when measured in square piles on the ground twenty-seven cubic feet. When measured in boats, thirty cubic feet. When measured in cars, thirty-one and one-half cubic feet. All stone to be measured in the wall when practicable. Any mason work contracted for, in which the contractor agrees to furnish both materials and labor at a stated sum per perch, shall be measured and computed according to the following rules governing the measurement of mason work, i. e., mason measurement shall be the basis of settlement.¹

Laws, 1893, vol. 19, ch. 697
 Sec. 2
 Perch of stone

From and after the first day of May A. D. 1903, the Inspector of Plumbing, of the city of Wilmington, shall assume the duties of Gas Inspector in and for the said city, and shall perform the duties hereinafter provided for.

Laws, 1903, ch. 400, P. 831
 Sec. 1
 Inspector of plumbing to be also gas inspector

The Gas Inspector shall make a daily inspection and test of the gas as to candle power and report the result of said test to the Council monthly.

Sec. 7
 To make daily test of gas

Any consumer of gas can have his meter tested under the supervision of the Gas Inspector upon filing application for same. If meter proves correct in accordance with United States standard, the applicant shall pay costs of said test, provided however the cost shall not exceed fifty cents. If the said meter should not conform to above standard the costs of said test shall be borne by the gas company.

Sec. 8
 Inspection of meter upon application of consumer

All fees so collected shall be paid monthly into the treasury of the City of Wilmington.

Sec. 9
 Fees to be paid to city treasurer

¹ NOTE.—See also act of April 17, 1893, prescribing units of measurement in various trades.



DISTRICT OF COLUMBIA

From and after the passage of this act the sealer of weights and measures¹ shall receive a salary of two thousand five hundred dollars per annum in lieu of fees. Such officer shall be appointed by, and shall be under the direction and control of, the Commissioners of the District of Columbia. He shall have the custody and control of such standard weights and measures of the United States as now are, or as shall hereafter be, provided by the District of Columbia, which shall be the only standards for weights and measures in said District.

Act Mar. 2, 1895
Pub., No. 112
Sec. 1
Sealer of weights and measures

That the sealer of weights and measures shall give bond to the District of Columbia in the penalty of five thousand dollars, with two sureties or with the guaranty of a bonding company, to be approved by the Commissioners, conditioned on the faithful discharge of the duties of his office, and shall take and subscribe on oath or affirmation before the Commissioners that he will faithfully and impartially discharge the duties of his office, which bond or guaranty and oath shall be deposited with the Commissioners of the District of Columbia.

Sec. 2, as amended by
act Mar. 31, 1906
Bond required

That the Commissioners of the District of Columbia, on the recommendation of the sealer of weights and measures, be, and they are hereby, authorized to appoint one assistant sealer of weights and measures, at a salary of twelve hundred dollars per annum.² The said Commissioners shall appoint such additional employees as may be, in the judgment of the Commissioners of the District of Columbia, temporarily required for operations of the sealer of weights and measures at an aggregate expense of not exceeding five hundred dollars in any one year. The said Commissioners shall provide for use of the sealer and the assistant sealer of weights and measures a suitable room or rooms to be used for an office; and the said Commissioners shall also provide a horse and wagon for the use of the sealer and assistant sealer of weights and measures at such times as the business of their office shall require.

Sec. 3
Assistant sealer of weights and measures

Extra employees

That the Commissioners of the District of Columbia are hereby empowered and directed to prescribe a schedule of fees to be

Sec. 4
Commissioners to prescribe fees

¹ Title changed to "Superintendent of Weights, Measures, and Markets," by joint resolution of the Senate and House of Representatives, approved Feb. 19, 1910.

² Congress has since provided for additional assistant sealers and a clerk.

charged by the sealer of weights and measures for his services, in lieu of the fees now charged, which schedule shall be printed and conspicuously displayed in the office of the sealer of weights and measures. Such schedule of fees shall be so arranged as to provide as nearly as may be for all the salaries and expenses connected with the office of the sealer of weights and measures, and no more. All fees collected by the sealer or assistant sealer of weights and measures shall be paid over to the collector of taxes of the District of Columbia under regulations to be prescribed by the Commissioners of the District of Columbia, and be covered into the Treasury of the United States as other revenues of the District are now.

Disposition of fees

Sec. 5
Oath of assistant
sealer

The assistant sealer of weights and measures shall take the same oath his principal is required to take, and may, during the continuance of his office, discharge and perform any of the official duties of his principal, and any default of misfeasance in office by the assistant surveyor, or other assistant or helper of the sealer of weights and measures, shall be deemed a breach of the official bond of his principal.

Sec. 6
Scales to have ex-
clusive power to perform
duties of their office

The sealer of weights and measures and, under his direction, the assistant sealer of weights and measures shall have the exclusive power to perform all the duties of their office. They shall from time to time try and prove all scales, weights, beams, and measures of every kind whatsoever used in the District of Columbia for the purpose of buying and selling, and such as shall be found to conform to the standards kept in their office they, or either of them, shall stamp with the word "approved," or with the letter "W," and the year in which said inspection is made; and such as are found not to conform to the standards in their office they, or either of them, shall stamp with the word "condemned" and the year in which the inspection is made. Upon the written request of any resident of the District of Columbia the sealer of weights and measures shall test, or cause to be tested, within a reasonable time after the receipt of such request, the weights, scales, beams, or other instruments used in buying or selling by the person, firm, or corporation designated in such request: *Provided*, That nothing herein contained shall be construed to prevent any manufacturer or other person from keeping for sale scales, beams, weights, or measures; but on the written request of such manufacturer or other person the sealer of weights and measures shall test, or cause to be tested, and shall stamp as herein provided all such scales, beams, weights, or measures offered for sale: *And provided further*, That nothing herein contained shall be construed to require or to authorize the sealer of weights and measures to test any scales belonging to the United States.

Stamping

Scales belonging to
the United States not
to be tested by District
sealer

That the Commissioners of the District of Columbia shall furnish the sealer of weights and measures a book to be kept in his office, in which book he shall register, in alphabetical order, the name of each person whose measures, scales, beams, or other instruments he or his assistants has inspected, together with the number and size of the same, and what number of each was approved and what condemned, with the time of inspection; and such book shall be open to the inspection and examination of the public at all reasonable times.

Sec. 7
Record of tests
Test record

No person shall neglect or refuse to exhibit any weights, scales, measures, beams, or other instruments used by him or her in weighing or measuring to the sealer or assistant sealer of weights and measures when and whenever demanded by them, or either of them for the purposes of inspection and stamping: *Provided*, That no fees shall be collected for examinations made in excess of the number of examinations prescribed in the schedule of fees hereinbefore provided for.

Sec. 8
Weights must be exhibited on demand of officer

That no person shall use for buying or selling, or for weighing freight or express matter, any weights, measures, scales, or other instruments, unless the same shall have been examined and approved by the sealer or assistant sealer of weights and measures. The fact and the date of such examination and approval and the period for which such examination and approval shall hold good shall be certified to with the seal of the sealer of weights and measures. Such certificates shall be attached in a conspicuous place to the weights, measures, scales, or other instruments so examined and approved; and such certificate shall be valid only for such time as the Commissioners of the District of Columbia shall provide in the schedule of fees hereinafter provided for: *Provided*, That nothing herein contained shall prevent at any time the examination and condemnation of any weights, measures, scales, or other instruments that may be found defective. The Commissioners of the District of Columbia shall prescribe the amount of tolerance to be allowed by the sealer of weights and measures, and all weights, measures, and balances that do not conform to the standards for weights and measures in this Act provided for within the limit of tolerance so allowed may be seized by the sealer of weights and measures, and when so seized shall be destroyed by him, and a record of the same shall be duly entered on the books of his office. Failure to comply with the provisions of this section, or the use of any weights, measures, scales, or other instruments described in this section, before the payment of the fees fixed by the said Commissioners for examinations, shall render the person so failing or using liable to a fine of not more than twenty dollars and costs of prosecution for each offense, to be recovered in the police court of

Sec. 9, as amended by act Mar. 28, 1896
Scales for commercial purposes must be approved

Condemning false weights and measures

Limits of tolerance

the District of Columbia; and the said court may make a further sentence that the offender be imprisoned in the District jail for any period not exceeding six months until the payment of such fine and costs.

Sec. 10, as amended
by act Jan. 22, 1907
True weight and
measure required

No person shall sell or offer for sale anywhere in the District of Columbia any provisions or produce or commodities of any kind for a weight or measure greater than the actual or true weight or measure thereof; and all provisions, produce, or commodities of any kind shall when sold by weight or measure, be weighed by scales, weights, or balances, or measured in measures duly tested and sealed by the sealer or an assistant sealer of weights and measures: *Provided*, That berries, when offered for sale in an original package or basket containing a standard measure, may be sold in said package or basket without the same having been first tested and sealed; but in no case shall said basket be refilled for use in the sale of berries or produce of any kind whatsoever: *And provided further*, That poultry and vegetables, usually sold by the head or bunch, may be offered for sale and sold in other manner than by weight or measure; but in all cases where the person intending to purchase shall so desire and request, poultry shall be weighed, as hereinbefore prescribed: *And provided further*, That scales reported not in use shall be sealed down, and said seal shall not be broken except by authority of the sealer of weights and measures.

Sec. 11
Penalties

Any person who shall neglect or refuse to exhibit his weights, measures, scales, beams, or other instruments used for the purpose of weighing or measuring to the sealer or assistant sealer of weights and measures; or any person who shall use, in buying or selling, any weights, measures, scales, beams, or other instruments used for weighing or measuring, which shall have been inspected and condemned by the sealer of weights and measures, or which, upon examination, shall not be conformable to the standards in the office of the sealer of weights and measures; or any person who shall violate, or fail to comply with, any of the foregoing provisions of this Act, shall be punished by a fine not to exceed one hundred dollars and costs of prosecution; and the court may make a further sentence that the offender be imprisoned in the District jail till the payment of such fine and costs: *Provided*, That such imprisonment shall not exceed the period of six months.

Sec. 12, as amended
by act Mar. 31, 1906
Certificates of weight
of coal required

That no person shall sell, or deliver, any coal, or coke, within the limits of the District of Columbia unless at the time of the delivery thereof to the person in charge of the wagon, cart, or other vehicle or conveyance used for and in the delivery thereof, a written or printed certificate duly signed by or for the seller, showing separately the actual weight of said coal, or coke, and the

name of the purchaser thereof, and the weight of the said wagon, cart, or other vehicle or conveyance, and showing the total weight of said coal, coke, wagon, cart, other vehicle, or conveyance. And any person who shall violate or neglect or refuse to comply with the provisions of this section shall be punished by a fine of not more than forty dollars: *Provided*, That all prosecutions under this Act shall be brought in the police court of the District of Columbia on information filed by the corporation counsel or one of his assistants.

That no person in charge of the wagon or conveyance used in delivering coal, to whom the certificate mentioned in section twelve of this Act has been delivered, shall neglect or refuse to exhibit such certificate to the sealer or the assistant sealer of weights and measures, or to any person designated by them, or to the purchaser or intended purchaser of the coal being delivered; and when said officers, person so designated, or such purchaser or intended purchaser shall demand that the weight shown by such certificate be verified, it shall be the duty of the person delivering such coal to convey the same forthwith to some public scale of the District, or to any private scale the owner whereof shall consent to such use, and to permit the verifying of the weight shown, and shall, after the delivery of such coal, return forthwith, with the wagon or conveyance used, to the same scale and verify the weight of the wagon or conveyance.

Sec. 13
Verifying the weight
of loads of coal

That it shall be the duty of the sealer of weights and measures to inspect, or cause to be inspected and tested, the weight of coal sold or delivered as aforesaid within the District of Columbia, and to take the proceedings necessary to enforce the provisions of this Act.

Sec. 14
Sealer to be responsible for inspecting and testing weight of coal sold or delivered

That any person who shall violate or who shall neglect or refuse to comply with the provisions of sections six, seven, and eight of this Act, or any person who shall deliver or attempt to deliver coal of less weight than that set down in the certificate hereinbefore mentioned, shall be punished with a fine not to exceed one hundred dollars and costs of prosecution; and the court may make a further sentence that the offender be imprisoned in the District jail until the payment of such fine and costs: *Provided*, That the term of such imprisonment shall not exceed six months.

Sec. 15
Penalty

That all laws and ordinances inconsistent with the provisions of this Act be, and the same are hereby, repealed.

Sec. 16

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sealer of weights and measures of the District of Columbia shall hereafter be known and designated as the "superintendent of weights, measures, and markets."

Pub. Res., No. 16,
approved Feb. 19, 1910
Title of sealer
changed

Webb's Digest, p. 125
Use of dry measure
required

1. It shall not be lawful for any person or persons to sell any article by dry measure, within the limits of this Corporation, unless the same shall have been measured in dry measures made to conform in all respects to the standard measures of the United States deposited with the Mayor (Commissioners); and any person or persons within the limits of this Corporation selling or offering to sell by dry measure any article by any other form or size of measure shall be deemed guilty of an offense against this Corporation, and shall, upon conviction, forfeit and pay for every such offense a fine not exceeding five nor less than three dollars, to be collected and applied as all such other fines of this Corporation are collected and applied.

Penalty

Act, 1896, Pub., No.
166
Sec. 1
Standard shape and
size for dry measure

It shall not be lawful for any person, under a penalty of five dollars for each offense, to be recovered in the police court of the District of Columbia in the name of said District in the same manner as other fines and penalties are recovered, to use any bushel, half-bushel, peck, half-peck, or quarter-peck measure unless the same be of the dimensions following, to be measured from inside to inside, to wit: Every bushel measure shall not be less than fifteen and one-fourth inches in diameter at the top, fourteen and one-half inches in diameter at the bottom, twelve and three-eighths inches deep, and the staves three-fourths of an inch in thickness. Every half-bushel measure shall not be less than twelve and one-half inches in diameter at the top, eleven and one-half inches in diameter at the bottom, nine and one-half inches deep, and the staves at least one inch thick. Every peck measure shall not be less than ten inches in diameter at the top, nine and one-fourth inches in diameter at the bottom, seven and five-eighths inches deep, and the staves three-fourths of an inch in thickness. Every half-peck measure, when joined to the peck, shall not be less than eight and five-eighths inches in diameter at the top, nine and one-eighth inches in diameter at the bottom, four and one-half inches in depth, and the staves five-eighths inch thick; and every one-half peck measure, when made separate from the peck, shall not be less than nine and one-eighth inches in diameter at the top, eight and five-eighths inches in diameter at the bottom, four and one-half inches deep, and the staves five-eighths inch thick; every quarter-peck measure shall not be less than six and one-eighth inches in diameter at the top, five and seven-eighths inches in diameter at the bottom, four and three-fourths inches deep, and the staves one-half inch in thickness.

Bushel

Peck

Half peck

Quarter peck

Sec. 2
Weight of bushel of
potatoes

That when potatoes are sold by weight the lawful weight of a bushel of potatoes shall be sixty pounds, under a penalty of five dollars for each offense, to be recovered in the police court of the

District of Columbia, in the name of the said District, in the same manner as other fines and penalties are recovered.

It shall be unlawful for any person to falsely represent himself or herself as being a weighmaster of hay, straw, fodder, or corn, or to make, give, or issue any certificate of the quantity of hay, straw, fodder, or corn weighed in the District of Columbia. Act, Mar. 3, 1899, Pub., No. 196
Sec. 1
Impersonation of weighmasters

That hereafter in the District of Columbia three hundred and fifty pounds of corn on the cob shall constitute a barrel and two hundred and eighty pounds of shelled corn shall constitute a barrel: *Provided*, That nothing in this Act shall be held to prohibit the sale of corn on the cob by the barrel. Sec. 2
Standard barrel of corn

That any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and on conviction thereof in the police court of the District aforesaid shall be punished by a fine of not more than fifty dollars or imprisonment in the jail of the District of Columbia not exceeding six months, or both, in the discretion of the court. Sec. 3
Penalty

All charcoal sold in the city shall be sold by measure or measures,¹ the shape of which shall be fixed by the Mayor (Commissioners) and sealed by the sealer of weights and measures; and any person selling or offering charcoal for sale in any other than a prescribed sealed measure shall forfeit and pay five dollars for each offense, to be recovered as other fines are. Webb's Digest, p. 85. (Ordinance, Apr. 24, 1852)
Charcoal, how sold

ORDERS OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

ORDERED: That the sealer of weights and measures is hereby directed and empowered to make the following examinations of all scales, weights, and measures in the District of Columbia, and to charge and collect the following fees; and if any scale or weight be found that is incorrect or not within the tolerance, it shall be seized and destroyed or condemned until repaired, in the discretion of the sealer of weights and measures: Order, Apr. 23, 1896, as subsequently amended

	\$.	Schedule of fees for testing and sealing
Scales, spring balance, counter and potato, semi-annually.....	25	
Scales, counter-platform, under 200 pounds, semi-annually.....	50	
Scales, counter-platform, over 200 pounds, semi-annually.....	1. 00	
Scales, platform, Butcher beam, abattoir and dormant, under 2 tons, semi-annually.....	1. 00	
Scales, wagon and dormant, over 2 tons and under 15 tons, semi-annually....	2. 00	
Scales, railroad track, 15 tons to 50 tons capacity, semi-annually.....	3. 00	
Scales, railroad track, over 50 tons, semi-annually.....	5. 00	
All weights sealed (each).....	. 10	
All dry measures, size of half bushel or less (each).....	. 10	
All dry measures, over half bushel (each).....	. 25	
All liquid measures of 1 gallon or less (each).....	. 10	
All liquid measures over 1 gallon (each).....	. 25	
All yard measures sealed, annually (each).....	. 10	

¹ 2,000 pounds, when sold by weight, constitute a ton. (Opinion of Coporation Counsel, 1905.)

Dry measures of a capacity over one-half bushel:	
1 to 25, inclusive (each).....	\$o. 25
1 to 50, inclusive (each).....	. 20
1 to 100, inclusive (each).....	. 15
Over 100 (each).....	. 10
Dry measure, half bushel or less:	
1 to 10, inclusive (each).....	. 10
1 to 25, inclusive (each).....	. 09
1 to 50, inclusive (each).....	. 08
1 to 100, inclusive (each).....	. 07½
Ice cream measure:	
1 to 50, inclusive (each).....	. 10
1 to 100, inclusive (each).....	. 08
1 to 200, inclusive (each).....	. 07
200 or over (each).....	. 06
Liquid measures over 1 gallon (each).....	. 25
Liquid measures, 1 gallon or less:	
1 to 10 measures, inclusive (each).....	. 10
1 to 25 measures, inclusive (each).....	. 09
1 to 50 measures, inclusive (each).....	. 08
1 to 100 measures, inclusive (each).....	. 07½
Milk can, 1 gallon or more:	
1 to 50 cans, inclusive (each).....	. 25
1 to 100 cans, inclusive (each).....	. 20
Over 100 cans (each).....	. 15
Milk bottles and jars, glass (each 100 bottles).....	. 50

Order, Aug. 16, 1897
as subsequently
amended
Tolerances on scales

ORDERED: That so much of the order of April 23, 1896, as relates to tolerance to be allowed for public scales and balances, is hereby amended to read as follows:

For weighing scales from 50 tons to 150 tons, including all railroad track scales, not more than 20 ounces in excess, nor more than 16 ounces in deficiency in each 2,000 pounds.

Weighing scales from 15 tons to 50 tons capacity, not more than 16 ounces in excess, nor more than 12 ounces in deficiency in each 2,000 pounds.

For weighing scales from 3 tons to 15 tons capacity, not more than 12 ounces in excess and not over 8 ounces in deficiency in each 2,000 pounds.

For weighing scales from 1,500 pounds to 3 tons capacity, 1 ounce in each 25 pounds in excess, nor more than 1 ounce in each 20 pounds in deficiency.

Weighing scales from 200 pounds to 1,500 pounds capacity, not more than 1 ounce in each 30 pounds in excess, nor more than 1 ounce in each 25 pounds in deficiency.

All spring balances, counter and platform scales under 200 pounds capacity not more than 1 ounce in each 60 pounds in excess, nor more than 1 ounce in each 50 pounds in deficiency.

All weights being sold by private scales shall compare to standards kept in this office.

Order, July 13, 1904
Tolerance on paper
ice-cream boxes

ORDERED: That pursuant to the authority given the Commissioners of the District of Columbia by an act to amend section 9 of an act entitled "An Act to provide for the appointment of a

sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 28, 1896, to prescribe the amount of tolerance to be allowed by the sealer of weights and measures, a tolerance of two ounces shall be allowed in quart paper-box ice-cream measures, with the same ratio of tolerance for the larger and smaller sized boxes, and that such tolerance shall be applicable to ice-cream forms and moulds.

Amended to allow a tolerance of one-half ounce in the quart paper and metal ice cream measures, with the same ratio of tolerance for the smaller sized measures and for the larger sized to and including one gallon measures, and, not over two ounces on all measures over one gallon. This regulation to take effect at once on all new measures placed in use, and January first, 1912, on all measures that have been sealed under the order of July 13, 1904.

Amendment

ORDERED: That the schedule of fees for inspecting and sealing glass bottles or jars used for the distribution or delivery of milk or cream to consumers, adopted June 17, 1901, and suspended July 1 and July 10, 1901, is hereby amended to read as follows, to take effect on and after the first of August, 1901:

Order, July 29, 1901

That the glass bottles or jars used for the distribution or delivery of milk or cream to consumers, that hold, when filled to a level with the bottom of the cap or stopple, not less than seven ounces and six drams and not over eight ounces and two drams for one-half pint measure; not less than fifteen ounces and five drams and not over sixteen ounces and four drams for one pint; not less than thirty-one ounces and four drams and not over thirty-two ounces and four drams for one quart; not less than forty-seven ounces and three drams and not over forty-eight ounces and five drams for three pints; not less than sixty-three ounces and two drams and not over sixty-four ounces and six drams for one-half gallon, shall be sealed as measures and that all dealers in milk who use glass bottles or jars for the distribution or delivery of milk or cream to consumers shall be charged a fee of fifty cents per hundred bottles for such inspection and sealing.

Milk bottles or jars

Fee for inspection and sealing

That the legal standard ton of coal in the District of Columbia shall be two thousand two hundred and forty pounds. * * *

Order, Aug. 5, 1878
Legal weight of a ton of coal

The [Inspectors of Lumber ¹], Inspectors of Wood, [Inspectors of Coal ¹], Inspector of Boilers, Inspectors of Flour, Commissioners of Flour, and the Inspector and Gauger of Spirituous Liquors, shall hereafter be under the immediate supervision of the Sealer of Weights and Measures, through whom they shall make their reports to the Commissioners, and who shall from time to time, submit to the Commissioners any recommendations looking to the improvement of those branches of the service he may deem it advisable to make.

Order, Sept. 29, 1902
Supervision of inspectors

¹ Amended by later order. (See next paragraph.)

Order, Oct. 2, 1902
Inspectors of coal and
lumber

The order of September 29, 1902, placing the offices of Inspectors of Lumber, Inspectors of Wood, Inspectors of Coal, Inspectors of Boilers, Inspectors of Flour, Commissioners of Flour, and Inspector and Gauger of Spirituous Liquors under the Sealer of Weights and Measures, is hereby modified by transferring the supervision of the Inspectors of Coal and the Inspector and Measurer of Lumber who inspects lumber purchased by the District to the Superintendent of Property of the Engineer Department.

(1866)
Webb's Digest, p. 461
Sec. 1
Inspectors and meas-
urers of lumber

It shall be the duty of the Mayor,¹ annually, about the fourth Monday in June, and whenever a vacancy shall occur by death, resignation, or otherwise, to appoint, by and with the advice and consent of the Board of Aldermen, six inspectors and measurers of lumber, whose duty it shall be to inspect and measure all boards, plank, joist, scantling, and timber, brought to, and offered for sale within the jurisdiction of this Corporation not previously inspected, measured, and which have not the measurement marked thereon, in accordance with the laws operative in this city, by a lawfully appointed and sworn inspector and measurer, when, as soon as the same shall be sold; an authentic certificate of which fact shall, in all cases, be furnished by the seller; and each of the said inspectors and measurers shall, before entering on the duties of his office, make and subscribe on oath faithfully to discharge the duties of his said office.

Sec. 2
Duties of lumber in
spectors
Board measure

It shall be the duty of the inspectors of lumber to cut in legible figures the number of feet contained in each board, plank, joist, scantling, or timber, by the rule of board measure, except boards under one inch thick, which shall be measured on the surface, and marked accordingly; all unsound, worm-eaten irregularly sawed, wind-shaken, mildewed, or very knotty boards, scantlings, joist or other timber, or any part thereof, that may be, in the opinion of the measurer, unfit for use, shall be condemned, and left out of the count.

Sec. 3
Inspector shall not
purchase lumber ex-
cept for his private use

No inspector shall be permitted to purchase, or appoint any deputy to purchase any lumber for him, except for his own use, on pain of forfeiting his office.

Sec. 4
Compensation

The said inspectors shall be entitled to receive as compensation for inspecting, measuring, and marking, the sum of thirty cents per one thousand feet board measure, one-half to be paid by the buyer and the other half by the seller.

Sec. 5
Penalty for selling
lumber contrary to this
act

Any person or persons buying or selling lumber contrary to this act, shall, on conviction thereof, forfeit and pay, for every offence, the sum of twenty dollars to this Corporation, to be recovered as other fines and penalties are by said Corporation.

¹ Now Board of Commissioners.

It shall be the duty of the said inspectors, severally to make returns and report half-yearly to the Mayor, the quantity in square feet of the several kinds of lumber inspected by him or them.

Sec. 6
Reports

That all barrels and half barrels containing flour, manufactured within the District of Columbia, or brought to the same for sale, shall be well made, of good, clean material, and tightened with ten or twelve hoops, sufficiently nailed with four nails in each chime hoop, and of the following dimensions, namely: The staves of all barrels to be in length not less than twenty-seven inches; the diameter at the head to be seventeen inches; and the staves of all half barrels to be twenty inches in length, and the diameter of the head thirteen inches. Flour barrels weighing not less than sixteen pounds tared or marked on the branded head shall be deemed merchantable.

Act Dec. 21, 1898
Barrels for flour; dimensions and weight of

That every miller or bolter of flour shall put into barrels the quantity of one hundred and ninety-six pounds, and into half barrels the quantity of ninety-eight pounds; and if any miller or bolter of flour shall pack any barrel or half barrel with a less quantity of flour than by this Act is required, he shall forfeit, if the deficiency be one pound, a sum not exceeding ten cents, and for every pound above one deficient, twenty-five cents; and said inspectors are hereby required, whenever they, or either of them, have reason to suspect that any barrel or half barrel containing flour is falsely tared, to cause the flour to be started and the barrel or half barrel weighed; and whenever it shall appear that the barrel or half barrel weigh more than they are marked by the miller or owner, the said miller or owner shall forfeit and pay to the said District for each such offense at the rate of ten cents for every pound after the first that the barrel or half barrel may weigh short, and shall moreover pay twenty-five cents for each and every barrel or half barrel, unless on examination the tare should prove correct, then in that case the cost and charges shall be paid by the inspector.

Sec. 5
Weight of barrels of flour

Packing less quantity; penalty for

Barrel falsely tared; penalty for

The Mayor¹ is authorized, on or about the fourth Monday in June, annually, to appoint, by and with the consent of the Board of Aldermen, five corders and measurers of wood and weighers of coal—that is to say, one for the Rock Creek district, to measure all wood and weigh all coal landed or sold within that part of the city lying west of the eastern line of Seventeenth street west, one for the first Canal district, to measure all wood and weigh all coal landed or sold on or near the canal between Seventeenth street west and Twelfth street west, and north to the boundary of the city; one for the second Canal district, to measure all wood and weigh all coal landed or sold on or near the canal between Twelfth

Webb's Digest. Act
June 3, 1853

Sec. 1
Corders and measurers of wood and weighers of coal

Rock Creek district

First canal district

Second canal district

¹ Now Board of Commissioners.

street west and N street south, west of Third street east, and north to the boundary of the city; one for the Anacostia district, to measure all wood and to weigh all coal landed or sold on or near the canal south of N street south and east of Third street east, and on or near the Anacostia river; and one for the Potomac district, to measure all wood and to weigh all coal landed or sold on or near the Potomac River between the Tiber and Anacostia river.

Sec. 2
Bond required

All wood corders and coal measurers appointed under this act, previous to entering upon the discharge of their duties, shall each give bond in the sum of fifty dollars, with surety to be approved by the Mayor,¹ for the faithful discharge of the duties imposed upon them by law, and shall also take the following oath or affirmation before a justice of the peace for the County of Washington, viz: "I, A. B., do swear (or solemnly, sincerely, and truly declare, or affirm) that I will diligently and truly examine, set up, pack, and cord all firewood and weigh and measure all coal, or cause the same to be done in my presence, when thereunto required, according to the best of my skill and judgment, and according to law, without fear, favor, affection, malice or partiality. So help me God." Said oath or affirmation the person sworn or affirmed shall deposit with the Register of this Corporation.

Oath

Sec. 3
Temporary wood
corders and coal meas-
urers

The Mayor¹ is hereby authorized, in case of the sickness, absence or temporary inability of either of the wood corders and coal measurers of this city, to appoint suitable persons to perform all the duties of such wood corder and coal measurer during such sickness, absence, or temporary inability; and each and every person so appointed shall comply with all the requisites of law, and be subject to all the conditions and penalties prescribed in the case of regularly appointed wood corders and measurers.

Sec. 4, as amended by
act Apl. 2, 1908, Pub.
No. 83
Method of packing
and measuring wood

All wood brought to the city as aforesaid for sale shall be of the following description—that is to say, sound and free from decay or hollowness, at least four feet in length, including one-half of the kerf, and not less than two inches diameter at the small end. It shall be set up, packed, and corded, under the direction of the District wood corder, and shall be measured by him; every cord of wood shall be eight feet in length, four feet in breadth, and four feet in height, well stowed and packed; the straight wood to be placed together in the lower part of the pile, and the crooked wood in the upper part of the pile; and the said wood corders are hereby directed to make the proper allowance for any loss which may be sustained in the measure of the crooked wood; all undersized, hollow, or decayed wood shall be corded separately and apart by itself, and sold as unmerchantable. All wood brought to the city by land shall be subject to the same regula-

Cord of wood

Defective wood

Act Oct. 17, 1864

¹ Now Board of Commissioners.

tions, excepting such as may be sold by the wagon, cart, dray or sledge load. The wood corders for their trouble in examining and measuring the same, shall receive nine cents for every cord of wood so examined and measured by them, to be paid by the seller of such wood; and the said wood corders shall not cord any wood not of the length aforesaid, but the same shall be rejected as unmerchantable.

Compensation
to wood corders

If any person bringing or sending any firewood to this city for sale shall sell and deliver the same before it has been corded and measured as aforesaid, except as aforesaid, or shall neglect or refuse to have the same corded and measured, such person shall forfeit and pay two dollars for the use of the city for every cord of wood so sold and delivered; and if any person or persons shall purchase and receive any firewood brought to the City of Washington for sale, except as aforesaid, which has not been corded, measured, and passed by one of the said wood corders aforesaid, such person or persons shall forfeit and pay two dollars for the use of the city for every cord of wood so purchased and received.

Sec. 5
Penalty for neglect to
comply with this act

It shall be the duty of all wood and coal measurers to make returns of all the wood and coal measured or weighed by them respectively along the line of the Canal to the Commissioner thereof, at such periods and in such manner as he may from time to time prescribe, with the approbation of the Mayor.¹

Sec. 6
Reports

The measurers of wood and the weighers of coal who shall be appointed in conformity to this law shall not, during their continuance in office, deal or traffic in the aforementioned articles, under a penalty of twenty-five dollars for each and every such offence; nor shall any person employed in the service of a wood or coal dealer be eligible to the office of wood corder or coal measurer.

Sec. 7
Officers must not
deal in coal or wood

That hereafter a legal cord of wood in the District of Columbia shall consist of and contain one hundred and twenty-eight cubic feet.

Act Apr. 2, 1908
Pub. No. 83
Sec. 1
Legal cord of wood
constituted

That all Acts or parts of Acts in conflict with or inconsistent with this Act are hereby repealed in so far and only in so far as they conflict or are inconsistent herewith.

Sec. 2
Repeal

That the Commissioners of the District of Columbia be, and they are hereby, authorized and empowered to make such regulations as they may deem proper for the sale of the use of the public hay scales of the District of Columbia, and to place public weighmasters in charge of such scales when deemed necessary, and to prescribe the fees to be paid by the persons using such scales to the said weighmasters for services rendered by them.

Act, Mar. 19, 1906
Hay scales
Authority of Commissioners to make regulations for; prescribe fees

¹ Now Board of Commissioners.

Comp. Stat. D. C., p.
551. Rev. Stat. D. C.

Sec. 1190
Net hundred weight
for sales of hay and
straw

Webb's Digest. Act
June 3, 1853

Sec. 3
Hay, straw, and fod-
der to be sold by weight
Public hay scales

Sec. 4
Must be weighed by
weighmaster

Sec. 5
Penalty for absence
during hours of busi-
ness

Sec. 6
Schedule of fees

Sec. 7
Certificate of gross
weight required

All hay and straw, which may be sold by weight in the District, shall be sold by the net hundred, and every twenty hundred pounds net weight shall be a ton.

All hay, straw, fodder and oats in the straw brought to and sold within the District of Columbia, whether in wagons, carts, packages, bundles, or otherwise, shall be sold by weight and weighed in one of the several scales authorized by law, and the persons obtaining such scales, in accordance with the following provisions, shall have the exclusive privilege of weighing all such hay, straw, fodder, and oats in the straw.

No hay, straw, fodder, or oats in the straw shall be sold in the District of Columbia unless the same shall be previously weighed by one of the duly authorized weighmasters, and a certificate of the quantity so weighed obtained, under a penalty of not more than ten nor less than five dollars for every wagon load, cart load, bundle, bale, or package so sold, to be recovered of the seller before the police court.

In case of non-attendance on the part of the person having charge of any of the authorized scales, by reason of which any person wanting hay, straw, fodder, or oats weighed shall be detained for the space of half hour, the person in charge shall forfeit for such offense, if it shall take place between the hour of six A. M. and six P. M., the sum of not more than ten nor less than five dollars, to be recovered as other fines are.

Persons entitled to the privileges of said scales shall be allowed and receive compensation for weighing every load of hay, straw, fodder, or oats in the straw, weighing five hundred pounds or less, ten cents; all loads between five hundred and two thousand pounds, thirty-five cents; and for each and every bundle or package of the same, two cents, to be paid by the seller; and the said owner or proprietors shall not receive any other fee under the penalty of five dollars for each and every offense.

It shall be the duty of the weigher of hay, straw, fodder or oats in the straw weighed, to give a certificate describing the gross weight of the hay, straw, fodder, or oats in the straw, with the wagon, and all the pieces that are used in securing the same in the wagon; also the weight of the wagon and pieces, and the net weight of the hay, straw, fodder, or oats in the straw so weighed, and it shall be the duty of the weighers of hay to brand with the letters W. C. all wagons, carts, or other vehicles used in bringing hay, straw, fodder, or oats in the straw for sale; also all the pieces of wood used in securing said hay, straw, fodder, or oats in the straw, and to number the same and to place the number in certificate; in case the wagon shall not be in practice of bringing hay, the weighers may dispense with the marking of the pieces, pro-

vided the certificate is not given to the wagon and pieces are re- weighed, and whenever any hay, straw, fodder, or oats in the straw shall be weighed by the package or bundle, it shall be the duty of the weigher to allow five pounds of wood to each one hundred pounds of hay; the gross and net weight in the body of the certificates given by the weigher shall be written at full length, and shall be set down in figures in the margin of said certificates.

Allowance for pack- ing

The above articles shall be weighed and sold at the rate of one hundred pounds for every hundred weight, that in all cases the weigher and deputies shall be sworn, and the weigher shall make a sworn quarterly return of the true amount received in each and every quarter, and the amount of each in each quarter, and the quarters shall be construed to be and terminate severally on the thirty-first of March, thirtieth of June, thirtieth of September, and thirty-first of December, in each and every year, and if either of the weighers shall fail to make the returns required by this act for a longer period than ten days after the expiration of each quarter, it shall be the duty of the Commissioners (Governor) to annul the privilege of said weigher or weighers, and it shall be his duty also to make any allowance he shall think just on account of the hay, and so forth, being wet, and for each and every breach of law, not otherwise provided for by either of the weighers of hay, straw, fodder, or oats in the straw, he shall pay a sum of not less than two nor more than ten dollars.

Sec. 8
Hundredweight of 100 pounds to be used

The sealers of weights and measures shall quarterly examine and adjust the hay scales, and shall be paid ¹ one dollar by each weigher of hay for such services, and the attention of the police shall be directed, and they shall be required to note and make report of all violation of this law.

Sec. 9
Examining and ad- justing hay scales

Annually, on or about the tenth day of July the Commissioners (Governor) shall, after at least five days' public notice sell to the highest bidder the exclusive right and privilege of using public scales, all hay, straw, fodder, and live cattle which may be sold in said District of Columbia, which said right or privilege shall continue only for the term or period which may be designated at the time of said sale, but not exceeding two years.

Sec. 10
Exclusive right to use hay scales

The person or persons who shall be the highest bidder or bidders at such sale or sales, and who shall thereby become entitled to said right or privilege, as aforesaid, shall, before entering upon the duty of weighmaster, deposit to the credit of the general fund the amount or amounts so bid by him or them, and take and subscribe to the following oath or affirmation, before some person authorized to administer the same, to-wit: "I _____, of the District of Columbia, do solemnly swear (or affirm, as the case may

Sec. 11
Payment of amount of bid

Oath

¹ Amended in act of Congress, authorizing Commissioners to fix schedule of fees.

- be,) that I will faithfully, truly, and impartially, according to the best of my judgment and ability, execute and perform all the duties of the weighmaster which are or may be prescribed by law;" shall be filed in the Register's office, and said weighmaster shall also give bond, with two sureties, approved by the Commissioners (Governor) in the penal sum of two thousand dollars, conditioned to pay all damages that may be sustained by reason of wilful omission, refusal, or neglect to discharge the duties of his office, which are or may be prescribed by law which bond shall also be filed in the Collectors (Register's) office, and may be sued upon by any person injured or damaged by such wilful omission, refusal, or neglect.
- Bond**
- Sec. 12**
Legal rates only to be charged
- Fees for weighing**
- The said weighmaster is authorized to charge and receive for the weighing of hay, straw, and fodder, the rate of charge prescribed by law and no more; and for weighing live stock at the rate of one cent per hundred pounds, which said several fees or charges shall be paid by the seller, and the said weighmaster shall not receive any other or greater fees or charges, under penalty of five dollars for every offense.
- Sec. 13**
Scales to be kept in repair
- Penalty for neglect**
- The said weighmaster or weighmasters shall keep the scales in all proper and needful repair during the term or period for which right or privilege may have been given, and any neglect or omission to provide for such repairs shall operate as a forfeiture of said right or privilege, and the same may again be sold for the benefit of the District of Columbia for the said unexpired period.¹
- Sec. 14**
Weight of stock or feed must be certified
- It shall not be lawful for any person or persons to sell or offer for sale any hay, straw, fodder, or live stock, except horses, mules, milch cows, and calves, in the District of Columbia, without having the same weighed as aforesaid, and a certificate of the weight thereof obtained, under the penalty of five dollars for each and every offense.
- Sec. 16**
Cut hay to be sold by weight
- It shall not be lawful for any person or persons to sell cut-hay in any other manner than by weight, and any person or persons offending against this law shall forfeit and pay to the District of Columbia the sum of three dollars for the first, and five dollars for each and every subsequent offense; all fines to be collected and applied as other fines forfeited to the District of Columbia.
- Sec. 17**
Repeal
- All acts or parts of acts which may be inconsistent with the provisions of this act be, and the same are hereby, repealed.

¹ Congress appropriates \$200 annually for the care, repair, or removal of scales.

FLORIDA

Whoever knowingly sells by false weight or measure, shall be punished by imprisonment not exceeding six months or by fine not exceeding one thousand dollars.

Gen. Stats., 1906, p. 1353 (1832)
 Sec. 3715
 Selling by false weights or measures
 Sec. 3716
 Selling by untested weights and measures

Whoever refuses to have his weights and measures tested, or refuses to pay the fees for the same, or whoever, after his weights and measures have been tested, fails to make them conform to the standard, and keep them conformed, shall be punished by imprisonment not exceeding sixty days or by fine not exceeding one hundred dollars.

The following standard of weights and measures shall be the standard of weights and measures throughout the State:

One standard bushel shall contain 2,150²/₅ solid inches. One liquid gallon shall contain 231 solid inches. The weights and measures shall be as follows:¹

Gen. Stats., 1906, p. 526 (1901)
 Sec. 1241
 Standard bushel and gallon

	Lbs. av. per bush.		Lbs. av. per bush.	
Wheat.....	60	Onions.....	56	Weights of legal bushel of certain products
Corn, shelled.....	56	Salt.....	60	
Corn on cob with shuck.....	70	Peanuts.....	22	
Sorghum seed.....	56	Chufas.....	54	
Barley seed.....	48	Rye.....	56	
Oats.....	32	Apples, dried.....	24	
Bran.....	20	Apples, green.....	48	
Corn meal.....	48	Quinces.....	48	
Beans, shelled.....	60	Peaches, dried.....	33	
Beans, velvet, in hull.....	78	Peaches, green.....	54	
Beans, castor, shelled.....	48	Cotton seed.....	32	
Millet seed.....	50	Cotton seed, Sea Island.....	46	
Beggarweed seed.....	62	Plums.....	40	
Irish potatoes.....	60	Pears.....	60	
Sweet potatoes.....	60	Guavas.....	54	
Turnips.....	54			

All contracts hereafter made within this State for work to be done or anything to be sold or delivered by weight or measure shall be taken and construed according to the standard of weights and measures hereby adopted as the standard of this State.

Sec. 1242
 Standard weights and measures to be used in contracts

All merchants, commission merchants, grocers, provision dealers, store-keepers and other persons, before selling or offering for sale any grain, flour, meal, grits, corn, wheat, rye, oats, bran, beans, Irish potatoes, sweet potatoes or peanuts, already put

Gen. Stats., 1906, ch. 19, p. 527 (1901)
 Sec. 1243
 Weight to be marked on sacks of grain, etc.

¹ For convenience in printing a slight change has been made in arrangement of these articles.

up, packed or placed in any sack, bag or barrel, in original packages shall have marked or stamped or stenciled upon such sack, bag or barrel, so sold or offered for sale, with its contents in figures, at least one inch in length, the exact weight in pounds avoirdupois of such bag, sack or barrel, with its contents. If the bag, sack or barrel is of a dark or black color such figures shall be marked, stamped or stenciled in light colored ink or pencil; if the bag, sack or barrel is of a light color, then the marking, stamping or stenciling shall be in black or dark pencil, but in all cases the stamping, marking or stenciling shall be plain, legible, and placed conspicuously on such bag, sack or barrel.

Sec. 3354
Penalty

Any merchant, commission merchant, grocer, provision dealer, storekeeper or other person, or any officer, agent, clerk or employee of any merchant, commission merchant, grocer, provision dealer or storekeeper who shall offer for sale, attempt to sell or sell any of the articles mentioned in section 1243, already put up, placed or packed in any sack, bag or barrel, in original packages, without having such sack, bag or barrel marked, stamped or stenciled as in the manner herein prescribed before offering for sale, attempting to sell or selling the same, shall be punished by fine not exceeding two hundred dollars for each offense, or by imprisonment not more than three months.

Laws, 1911, ch. 6122
Sec. 1
Penalty for violation

That it shall be unlawful for any person to manufacture, sell, keep or offer for sale, within the State of Florida, any article of food, drugs, medicines or liquors which is adulterated or misbranded, or which contains any poisonous or deleterious substance within the meaning of this Act; and any of the persons who shall violate any of the provisions of this Act shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not to exceed One Thousand Dollars, or shall be sentenced to not more than one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense, and on conviction thereof, shall be fined not exceeding Two Thousand Dollars, or sentenced to not more than two years' imprisonment, or both such fine and imprisonment, in the discretion of the court.

Sec. 5
Application of the
term "misbranded"

That the term "misbranded" as used herein shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product, which is falsely branded, as to the State, Territory or Country in which it is manu-

factured or produced. That for the purpose of this Act an article shall also be deemed to be misbranded—

* * *

In Case of food:

* * *

Third—If in package form, the net contents of the package are not correctly stated in terms of weight or measure, conspicuously, legibly and correctly, on the outside of the package. Net weight or measure to be stated

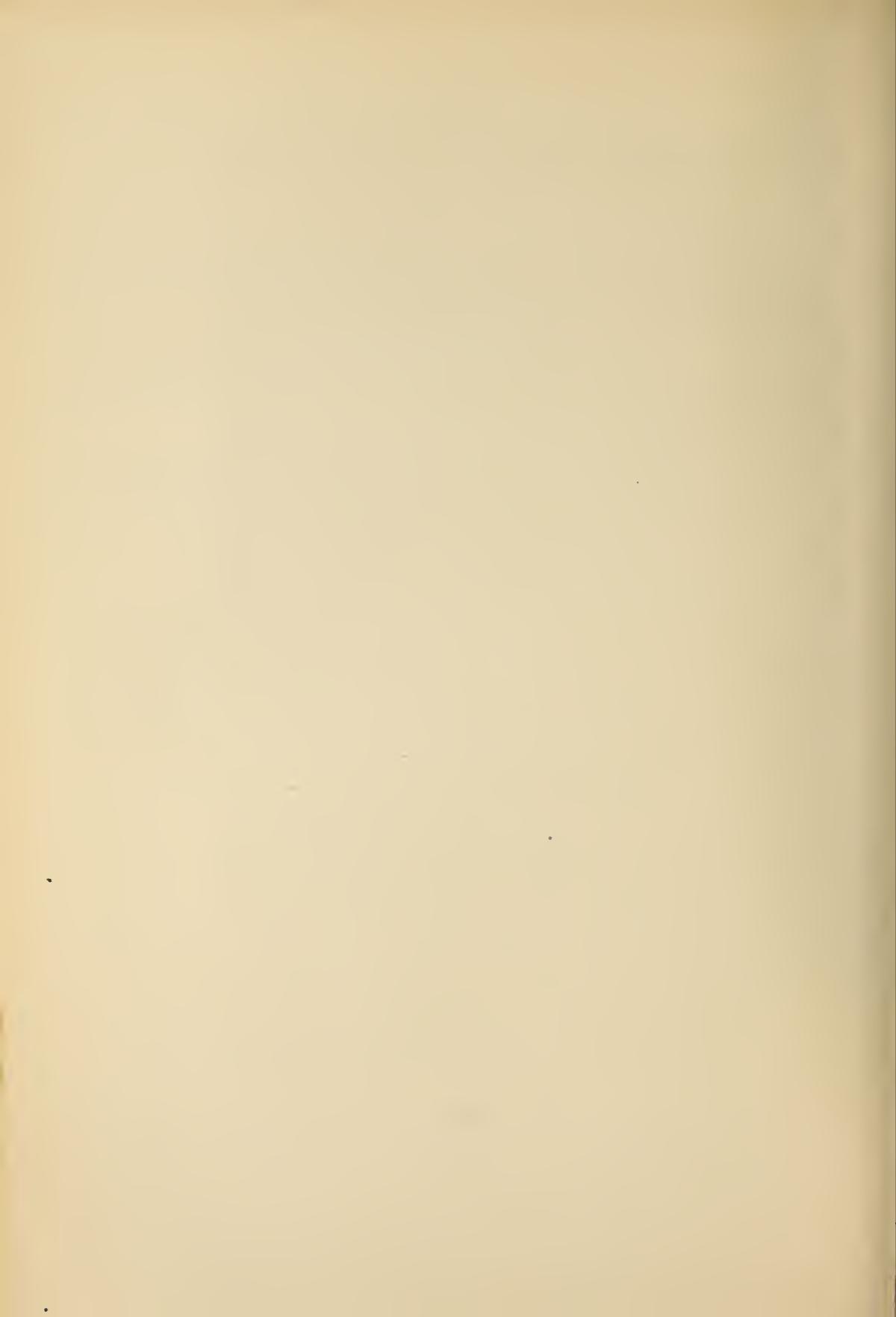
Every bag, barrel, or other package of commercial feeding stuff, manufactured, sold in, or imported into this state, shall have securely attached, a tag or label, plainly printed thereon, the number of net pounds of commercial feeding stuff in the package, the name, brand, or trade mark under which the commercial feeding stuff is sold, the name and address of the manufacturer Gen. Stats., 1906, ch. 5452, p. 1576 (1905) Sec. 3 Weight to be marked on packages of feeding stuff

* * * . The sheriffs of the counties of this state are hereby authorized, and it is hereby made their duty to seize and sell at public sale, each and every bag, barrel or package of commercial feeding stuffs manufactured, imported into, or sold in this state which shall not have securely attached the tag or label and stamp mentioned in this section; Provided, That should the owner show to the satisfaction of the sheriff such tag or label or stamp had been attached, and the same had become detached, the sheriff shall release the same without cost to the owner. * * *

Sheriff authorized to seize and sell when not so tagged

Doyle's rule and log book for the measurement of saw logs is adopted as the standard rule for the measurement of saw logs, whether round or square, which are required to be scaled or measured within the limits of this state. Gen. Stats., 1906, ch. 20, p. 528 (1889) Sec. 1247 Doyle's rule for measurement of logs

Whoever buys or sells any logs or square timber by any other measure or scale than Doyle's rule and log book, or if any timber inspector wilfully makes return of any inspection scale or measurement of timber except according to said book, shall be punished by fine not exceeding two hundred dollars for each offense, or by imprisonment not exceeding six months. When it is mutually agreed between the buyer and seller, another than Doyle's rule book may be adopted and a survey can be made by a party other than a commissioned inspector. Gen. Stats., 1906, ch. 9, p. 1351 (1889) Sec. 3710 Penalty



GEORGIA

The legal weight of the following articles or commodities per bushel shall be as follows: ¹

	Pounds.		Pounds.
Wheat	60	Buckwheat	52
Shelled corn	56	Dried peaches (unpeeled)	33
Corn in the ear	70	Dried peaches (peeled)	38
Peas	60	Dried apples	24
Rye	56	Onions	57
Oats	32	Stone coal	80
Barley	47	Unslacked lime	80
Irish potatoes	60	Turnips	55
Sweet potatoes	55	Corn meal, bolted or unbolted	48
White beans	60	Wheat bran	20
Clover seed	60	Cotton seed	30
Timothy-seed	45	Ground peas	25
Flaxseed	56	Plastering hair	8
Hempseed	44	Rough rice	43
Blue-grass seed	14	Tan bark per cord	2, 250

Code, 1911, vol. 1
(1876, 1880, 1894, 1906)
Sec. 1880
Weight per bushel

Cord

The ordinaries must procure for their respective counties a marking instrument, seal or stamp, for the purpose of marking all weights and measures which they may find not to weigh or measure less than the standard established by the Congress of the United States, which is the standard of this State.

Sec. 1881°
Seal

All persons engaged in selling by weights and measures shall apply to the ordinaries of their respective counties and have their weights and measures so marked, and default thereof shall not collect more than three-fourths of any account, note, or other writing, the consideration of which is any commodity sold by their weights and measures: Provided, this section shall not apply to any person selling by weights and measures who has applied to the ordinary of his county and found that the county has not been supplied with the necessary standards for testing weights and measures.

(1853-4, 1866, 1893)
Sec. 1882
Penalty

Any citizen may complain to the ordinary of the deficiency of any weights and measures, whether marked or not, and when done it is the duty of said ordinary to notify the person complained of, and give him the name of the complainant, and specify a day, not more than ten days distant, when he shall submit his weights

(1853-4)
Sec. 1883
Selling by deficient
weights and measures

¹ For convenience in printing a slight change has been made in arrangement of these articles.

and measures, to the test of the ordinary, and if the complaint is found to be true within the seller's knowledge, he shall be deemed a person selling by false weights and measures, and shall be presented by the grand jury as such, if no person appears and indicts.

Sec. 1884
Standards to be pro-
cured

The Governor shall procure standards of weights and measures for each county which does not have them, and they, together with the marks provided by the ordinary, shall be kept in his office for the inspection of the citizens.

Sec. 1885
Ordinary to give no-
tice

When such standards are obtained, it is the duty of such ordinary to give sixty days written notice thereof at the door of the court-house, and in the public gazette where the sheriff of the county advertises his sales.

Code, 1911, vol. 1,
p. 480
Sec. 1840
Barrels for turpen-
tine, quality of, etc.

Every barrel of soft turpentine shall be formed of good and sufficient staves, three-quarters of an inch thick, not exceeding five inches wide, not less than thirty nor more than thirty-two inches long; the head not less than one nor more than one and a half inches thick, and the barrel secured with twelve good hoops.

Sec. 1843
Timbers

3. All square timbers shall be measured as follows: The length shall be counted from pinhole and the size from the middle of the stick, taking the smallest side and the face, throwing off fractions, and allowing one-half of the wane-edge on the side and face; and other flatted timber, usually known as saw or mill logs, shall be measured one-third from the smallest end.

Cord of firewood

9. Every cord of fire-wood shall measure eight feet in length, four in breadth, and four in height. Any person to whom such wood is offered for sale, who may suspect any deficiency, shall have the right to have the same measured and corded by any sworn inspector or measurer of the place, and in case of any deficiency appearing, the seller shall, besides paying the fees of the inspector, make good the deficiency without delay, or forfeit, before any court having jurisdiction, the sum of two dollars for every cord so deficient; in case of no deficiency appearing, the fees of the inspector or measurer shall be paid by the buyer. The corporate authorities of any town or city may make such further regulations on this subject as to them shall appear proper to insure the objects of this section.

(1875, 1876, 1889)
Sec. 1844
Salesmen, weighers
of cotton, and others to
be sworn

It shall not be lawful for any scalesmen, salesmen, or other person, in any of the cities, towns, or villages of this State, to weigh any bale, bag, or package of cotton, tierce or half tierce of rice, or any other article of produce disposed of by weight, without first taking and subscribing an oath, before some person authorized by law to administer it, that he will justly, impartially, and without deduction, weigh all such cotton and all other articles of produce disposed of by weight that may be shown to him

for that purpose, and tender a true account thereof to the party or parties concerned, if so required.

The weigher may, nevertheless, make such deduction for wet, or other cause, as may be reasonable, when the seller or his agent shall thereto consent: provided, that if the weigher, with the consent of the seller or his agent, makes a deduction from the gross weight of any bale, bag, or package of cotton because of the bagging and fastenings on said bale, bag, or package, the deduction shall be not more than twenty-four pounds if it is covered with jute bagging, and not more than sixteen pounds if it is covered with cotton bagging, except in the case of any bale, bag, or package of cotton not fastened with iron ties nor with ropes, in which case the deduction shall be not more than ten pounds if it is covered with jute bagging, and not more than five pounds if it is covered with cotton bagging. And in every case in which a deduction is made from the gross weight of any bale, bag, or package of cotton because of the bagging and fastenings on said bale, bag, or package, the weigher, in tendering the true account thereof to the party or parties concerned, shall state the gross weight of each bale, bag, or package, and also the number of pounds deducted for bagging and fastenings, and the net weight.

That from and after the approval of this Act, it shall be unlawful for any person, firm or corporation engaged in the business of buying cotton in this State, as principal or agent, to deduct any sum for bagging and ties from the weight or price of any bale of cotton when the weight of the bagging and ties does not exceed six per cent. of the gross weight of such bale of cotton. In the event that the weight of the bagging and ties exceed six per cent. of the gross weight of such bale of cotton, only the excess over the said six per cent. may be deducted.

For each and every violation of this Act, the offender shall be guilty of a misdemeanor and shall be fined in any sum of not less than twenty-five dollars, nor more than fifty dollars, or imprisoned not less than fifteen days, nor more than thirty days. Provided, this Act shall not apply to what is known in the trade as round bales, and bales of cotton which weigh less than three hundred pounds.

That all laws or parts thereof in conflict with this Act are hereby repealed.

The tare to be allowed on rice shall be the actual tare, as nearly as can be determined, except in cases of the sale of a single tierce, half tierce, or barrel where a tare of ten per centum shall be allowed, unless otherwise agreed on between the buyer and seller.

In other cases where tare is usually allowed, the actual tare, as nearly as the same can be ascertained, shall be allowed, except

Sec. 1845^o
Deductions for wet
cotton
For bagging

Sess. Laws, 1911, act
No. 242, p. 182
Sec. 1
Deduction of weight
of bagging and ties pro-
hibited, when

Sec. 2
Penalty

What bales not in-
cluded

Sec. 3
Repeal

Code, 1911, vol. 1, p.
484
Sec. 1847
Tare on rice

Sec. 1848
Tare on other articles

where the seller and purchaser may expressly agree upon a different rule.

Sec. 1849
No deduction to be made for turn of scales, etc.

It shall not be lawful for any purchaser or weigher to make any deduction from the weight of any article for or on account of the draft or turn of the scales or steelyard, under the penalty, for every such offense, of five hundred dollars, to be recovered in any court having jurisdiction, one-half to go to the informer by whom the suit may be brought, and the other half to the use of the county where the offense may be committed.

Sec. 1850
Corporate authorities may make further rules

The corporate authorities of all cities and towns may make such further regulations for the weighing of produce of all descriptions, including fees for weighing, as in their judgment may tend to effect the objects of the foregoing provisions, and the ordinaries of the respective counties shall have the same power, to be exercised outside the jurisdiction of said incorporated cities or towns; but until altered by said authorities or ordinaries, fees for weighing shall be such as are now fixed by law.

Code, 1911, p. 487
(1890-91)
Sec. 1865
Number of pounds stamped on each sack of flour or corn meal

It shall be the duty of each and every miller or manufacturer of flour or corn-meal (and every merchant or dealer), offering for sale said articles, to stamp or have printed on each sack in which either of said articles are packed, in plain figures not less than one and one-half inches in length, the exact number of pounds of flour or corn-meal contained therein: Provided, the provisions of this section shall not apply to grist ground for toll.

(1900)
Sec. 1867
Flour, grits and corn meal, how packed and marked

All flour, grits and corn-meal packed in barrels or half-barrels made of any material, or any package made of wood or metal in which flour, grits, or corn-meal are or may be offered for sale, shall be well made and of good material; shall have the net weight of flour, grits, or meal plainly marked in the head, top, or side of the barrel or package with a stencil, or paper label or pencil, with letters and figures not less than one inch in length, and the tare marked on the reverse end or side of the barrel or package in like manner.

Sec. 1868
Weight in barrels and sacks

Every miller, bolter, blender, or mixer, or other person who manufactures or who buys flour, grits, or corn-meal for the purpose of repacking, shall put into each barrel the full quantity and weight of one hundred and ninety-six pounds of flour, grits, or corn-meal, and shall put into each half-barrel the quantity and weight of ninety-six pounds of flour, grits or corn-meal.

When flour, grits, or corn-meal is packed in sacks, the gross weight shall be as follows: Sacks containing 140 pounds, sacks containing 280 pounds, half-barrel sacks 96 pounds, quarter-barrel sacks 48 pounds, eighth-barrel sacks 24 pounds, sixteenth-barrel sacks 12 pounds, thirty-second-barrel sacks 6 pounds.

Sec. 1869
Variations in weight

From the weights above specified variations for inaccuracies will be allowed as follows: On all packages weighing ninety pounds

or over, an allowance of one-fourth of one per cent., and on all packages smaller than ninety pounds an allowance of one-half of one per cent., less than the weight specified in the preceding section.

It shall be unlawful for any person to pack for sale, sell, or offer for sale any corn meal except in bags or packages containing by standard weight two bushels, or one bushel, or one-half bushel, or one-fourth, or one-eighth, bushel, respectively. Each bag or package of corn-meal shall have plainly printed or marked thereon, whether the meal is "bolted" or "unbolted," the amount it contains in bushels or fractions of a bushel, and the weight in pounds: Provided, the provisions of this section shall not apply to the retailing of meal directly to customers from bulk stock, when priced and delivered by actual weight or measure.

Sec. 1870
Packages, how
marked

If any person shall pack flour in an old barrel which may have been marked and branded as aforesaid, and which shall still have the brand of the inspector thereon, or shall otherwise fraudulently pack flour for sale, such person or persons shall forfeit and pay the sum of twenty dollars for every barrel so packed, to be recovered by an informer before any justice of the peace, or other court having jurisdiction thereof—one-half of such penalty to go to the informer, and the other half to the miller or manufacturer injured by such false packing.

Sec. 1872^o
Fraudulently packing
flour

If any scalesman, salesman, or other person engaged in the business of weighing cotton bales, shall charge or receive more than ten cents per bale for weighing the same, or charge or receive, for reweighing any bale of cotton which has once been taxed ten cents for weighing, more than five cents for such reweighing, he shall be guilty of a misdemeanor.

Penal Code, 1911, vol.
2, p. 112
(1890-91, 1895)
Sec. 557
Illegal charge for
weighing cotton

If any miller or manufacturer of flour or corn-meal, or any merchant or dealer offering said articles for sale, shall fail to stamp or have printed on each sack in which either of said articles is packed, in plain figures, not less than one and one-half inches in length, the exact weight of the contents thereof, he shall be guilty of a misdemeanor.

Penal Code, 1911, vol.
2, p. 114
(1889, 1890-91)
Sec. 592
Weights to be
stamped on sacks of
flour and meal, etc.

The preceding section shall not apply to grist ground for toll, nor to millers, merchants, or dealers, selling flour or meal in quantities less than a full sack, or in any quantities when sold by weight.

Sec. 563
Exceptions

Any person who shall violate section 1870 of the civil code, relating to corn-meal, shall be guilty of a misdemeanor.

(1906)
Sec. 564
Corn meal, weight of
packages
Sec. 565
Flour, grits, and corn
meal, how marked and
weighed

Any person who shall violate sections 1867, 1868 and 1869 of the civil code, relating to packing, marking, and weighing flour, grits, and corn-meal, shall be guilty of a misdemeanor.

Any person, firm, or corporation who shall sell cottonseed hulls in bales or packages, without having the weight thereof plainly stamped or branded on each bale or package, shall be guilty of a misdemeanor.

(1902)
Sec. 566
Cottonseed hulls,
weight to be stamped

Penal Code, 1911, vol. 2, p. 140 (1865-6) Sec. 705 Bakers and others selling under assize

Any baker or other person selling bread under the assize established by the corporation of any city, town, or village, or the rules laid down by law, shall be deemed a cheat, and shall be punished as for a misdemeanor.

(1851-2, 1865-6) Sec. 706 Selling by false weights and measures

If any person shall knowingly buy or sell by false weights or measures, he shall be deemed a common cheat, and shall be punished as for a misdemeanor.

Penal Code, 1911, vol. 2 (1874) Sec. 709 Putting dirt or rubbish into cotton, rice, etc.

Any person who shall put or cause to be put into any bale of cotton, vessel of sugar, rice, beef, pork, or other provisions, wool, or other article, prepared for market, any dirt, rubbish, or other thing, for the purpose of adding to and increasing the weight or bulk of said cotton, sugar, rice, beef, pork, or other provisions or things, shall be deemed a common cheat, and shall be punished by a fine equal to the value of the thing thus fraudulently packed or put up, and imprisonment and labor in the penitentiary for not less than one year nor more than five years. The bare possession or ownership of such commodities, so fraudulently packed or put up, shall not of itself authorize a conviction, where sufficient evidence of knowledge or privity on the part of the owner, or the person in possession, may not be produced on trial.

Laws, 1906, art. 463, p. 83 Sec. 5 Misbranded

That for the purposes of this act an article shall also be deemed to be misbranded-

* * * * *

In case of food:

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Sec. 12 Feeding stuff and condimental feed.

That every lot or parcel of concentrated, commercial feeding-stuff and condimental feed used for feeding domestic animals or poultry, sold, offered or exposed for sale within this state, shall be registered annually with the Commissioner of Agriculture, and shall have affixed thereto, or printed on the bag, or other package, in a conspicuous place, on the outside thereof, a legible and plainly printed statement, clearly and truly certifying the number of net pounds of feeding-stuff contained therein; Provided, that all concentrated commercial feeding-stuffs shall be in standard weight bags or packages of fifty, seventy-five, one hundred, one hundred and twenty-five, one hundred and fifty, one hundred and seventy-five or two hundred pounds each, also the name, brand or trademark under which the article is sold, the name and address of the manufacturer, importer or jobber * * * .

Branding

Net weight to be stated

* * * Any violation of the provisions of the sections of this act relating to feeding-stuffs for domestic animals, shall be punished by a fine not exceeding fifty dollars, or imprisonment not exceeding thirty days, or both in the discretion of the court.

Sec. 20 Penalty

HAWAII

It shall be the duty of the Superintendent of public works to procure a standard set of weights and measures; and he shall annually (or oftener in his discretion) cause all beams, weights and measures in this Territory, used by persons selling any goods, wares, merchandise, fruits, vegetables or other commodity, to be tested, at the place where used, by such standard weights or measures, and to seal such as shall be found true with the capital letters T. H. He shall in like manner cause to be tested all beams, weights and measures which shall be brought to him to be tested.

(1866, 1903)
Rev. Laws, 1905, p.
1013
Sec. 2687
Standard weights and
measures and testing
of the weights and
measures of the coun-
try

Stamping

The charge for testing any beam, weight or measure, shall be as follows: For sealing and marking every beam, fifty cents; for sealing and marking every measure of extension, twenty-five cents; for sealing and marking every weight, ten cents; for sealing and marking every liquid or dry measure, ten cents; and a reasonable compensation for making such weights and measures conform to the standard: Provided, however, that no charge shall be made for more than two inspections of the same beam, weight or measure, in one year. All fees collected under this Section shall be paid into the Treasury as Government Realizations.

Sec. 2688, as amended
in 1898
Fees

The standards of weights and measures shall be those adopted, and now used, or that may be adopted and used by the United States of America.

Sec. 2689
The standard weights
and measures to be
those of the United
States

Whenever any wheat, rye, Indian corn, barley or oats, shall be sold by the bushel, and no special agreement as to the measurement shall be made by the parties, the bushel shall consist of sixty pounds of wheat, of fifty-six pounds of rye, of fifty-six pounds of Indian corn, of forty-eight pounds of barley, and of thirty-two pounds of oats.

Sec. 2690
Standard weight of
the bushel of certain
grains

If any person shall sell any goods, wares, or merchandise, fruit, vegetables, or other commodity whatsoever by any beams, weights, or measures, that have not been duly sealed, he shall be fined for each offense a sum not exceeding fifty dollars; and any person who shall be injured or defrauded by the use of any such beams, weights, or measures, may maintain an action against the offender;

Sec. 2691
Penalty for selling
by unsealed weights,
measures, or balances

and if judgment be rendered for the plaintiff, he shall recover double damages, and the costs of suit.

Sec. 2692
Penalty for altering
balances

Any person who shall wilfully and fraudulently change any beam, weight or measure after the same shall have been tested and sealed, shall be liable on conviction, to pay a fine not to exceed Fifty Dollars for each such offense.

Rev. Laws, 1905, ch.
199, p. 1103
Sec. 3021
False weight or meas-
ure

Whoever, in the sale or purchase of any merchandise or other property, shall use any false weight or measure; or cheat another by the fraudulent use of any legal weight or measure; as for example, by dexterously sliding a yard stick, or by putting some other thing into a measure partly to fill the same, even though the vendee and vendor be present, is guilty of a gross cheat.

IDAHO

The Dairy Food and Oil Commissioner¹ shall be ex-officio inspector and sealer of weights and measures and shall have the care and custody of the authorized public standards of weights and measures. He shall as often as may be necessary prove by such standard all weights and measures, scales and beams, which may be in the possession of any person, persons, firm or corporation doing business within the state, and shall seal such, when found to be accurate, by stamping on them the letter "I", which seal he shall have and keep for that purpose. He is hereby empowered to enter, during business hours, into any place of business or other places where such scales, beams or measures are kept or are being used, for the purpose of inspecting and testing the same. The State inspector and sealer of weights and measures shall receive no compensation for his services, but shall be allowed actual and necessary expenses while in the performance of his duties.

Rev. Codes, 1908, p.
686
(1905-1907)
Sec. 1541
Sealer of weights and
measures

The standard of weights and measures of this state shall agree exactly with the standards recognized and furnished by the United States, unless otherwise provided for in this chapter and shall, for the purpose of security and verification, be kept in the custody of the State sealer and inspector of weights and measures.

(1905)
Sec. 1542
Standards of weights
and measures

The standard gallon contains 231 cubic inches.

The standard quart contains 57.75 cubic inches.

The standard pint contains 28.875 cubic inches.

The standard gill contains 7.21375 cubic inches.

The standard barrel contains 31.50 gallons.

The standard hogshead contains 63 gallons.

Sec. 1543
Units of measure-
ment

Beer and milk measures shall contain the following capacities: The gallon shall contain 282 cubic inches; the half gallon shall contain 141 cubic inches, and the quart one-half as much, and the pint one-half as much as the quart.

Beer and milk meas-
ure

The hundred weight shall consist of 100 pounds and twenty such weights are a ton. A box or packet of apples shall contain 2150.42 cubic inches.

Hundred weight
Ton
Box of apples

Any person, persons, firm or corporation who shall use any scales, beam, weight or measure falsely, or who shall mark or

Sec. 1544
Penalty

¹ Office abolished and duties imposed upon the dairy, food, and sanitary inspector under the state board of health. (Sess. Laws, 1909, p. 232.)

stamp false weight or measure on any container, package or cask, or who shall sell, offer for sale, or have in his possession for sale any article which does not conform to the United States standard, or the standards designated in this chapter, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not to exceed three hundred dollars, nor less than twenty-five dollars for each offense, or imprisoned in the county jail not exceeding ninety days, nor less than thirty days.

The perch is the standard of measurement of stone masonry and contains sixteen and one-half solid feet.

The State Board of Health shall appoint a dairy, food and sanitary inspector, who shall hold office for a term of two (2) years and who shall receive a salary of not to exceed fifteen hundred dollars (\$1500.00) per annum and actual and necessary expenses to be paid monthly from any fund in the State Treasury appropriation therefor, and the said inspector shall give a good and sufficient bond in the sum of five thousand dollars (\$5000.00) for the faithful performance of his duty, said inspector shall act under the direction of the state board of health. The State board of health may in cases of necessity appoint temporary deputy inspector, who shall receive not to exceed four dollars (\$4.00) per day and expenses from any funds appropriated to the State board of health.

* * * Every person or corporation who shall engage in the business of purchasing or dealing in milk shall attach in a permanent manner to each can furnished by him or the producer, a tag containing in plain figures a correct statement of the capacity thereof. Any neglect or failure or false statement on the part of the proprietor or manager of such creamery, cheese factory, dairy or milk vendor or milk peddler, shall be considered a misdemeanor, and upon conviction thereof the person guilty shall be punished as provided in Section 1149: * * *

Any person, manufacturer, producer, or dealer who refuses to comply, upon demand, with the requirements of the preceding section, or who shall obstruct the Dairy, Food and Oil commissioner in the performance of his duties under this chapter, or whoever violates any of the provisions of this chapter, shall be guilty of a misdemeanor, and upon conviction, shall be fined not exceeding one hundred dollars, nor less than twenty-five dollars, or imprisoned not exceeding ninety nor less than thirty days, or both. Any person found guilty of manufacturing or offering for sale, or selling, any adulterated, impure, or misbranded article of food, drink or illuminating oil, in violation of the provisions of this chapter shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all the necessary costs and expenses incurred in inspecting and analyzing such adulterated or misbranded

(1883)

Sec. 1545
Perch of masonry
Rev. Codes, 1908

(1905)

Sec. 1118, as amended
by Sess. Laws, 1909, p.

232
State Board of Health
to appoint a dairy, food
and sanitary inspector
Salary

Temporary deputy in-
spector

(1905)

Sec. 1146, as amended
by Sess. Laws, 1909, p.

235
Milk cans to have tag
showing capacity

Violation
Punishment

Rev. Codes, 1908, p.

552
Sec. 1149

Violations

Penalty

Violations

Penalty

articles, which said person may have been found guilty of manufacturing, selling or offering for sale. And in addition thereto, such adulterated, impure, or misbranded article, or articles, shall be confiscated and upon the order of any court of competent jurisdiction, the Commissioner shall destroy the same; Provided, That in case the legal disability which exists against such article, or articles, is one which can be removed by proper labeling, the Commissioner shall sell the same and pay the proceeds into the State Treasury, where they shall be placed to the credit of the dairy, food and oil fund.

Proceeds from confiscated articles;

Disposition of

A false weight or measure is one which does not conform to the standard established by the laws of the United States of America.

(1887)
Rev. Codes, 1908, vol. 2, p. 644
Sec. 7105
False weights and measures
Sec. 7106
Selling by

Any person who knowingly sells any goods, wares or merchandise, or any valuable thing, by false weight or measure, or knowingly uses false measures at any mill in taking toll for grinding corn, wheat, rye, or other grain, is guilty of a misdemeanor.

Every person who uses any weights or measures, knowing it to be false, by which another is defrauded or otherwise injured, is guilty of a misdemeanor.

Sec. 7107
Using false weights or measures

Every person who knowingly marks or stamps false or short weight or measure, or false tare, on any cask or package, or knowingly sells or offers for sale, any cask or package so marked, is guilty of a misdemeanor.

Sec. 7108
Stamping false weight on packages

In all sales of coal, hay, and other commodities, usually sold by the ton or fractional part thereof, the seller must give to the purchaser full weight, at the rate of two thousand pounds to the ton; and in all sales of articles which are sold in commerce by avoirdupois weight, the seller must give to the purchaser full weight, at the rate of sixteen ounces to the pound. Any person violating this section is guilty of a misdemeanor.

Sec. 7109
Weight by ton or pound

Full weight must be given

Every person, association or corporation, or the agent of any person, association or corporation, engaged in the business of milling, sampling, concentrating, reducing, shipping or purchasing ores, who keeps or uses any false or fraudulent assay scales or weights for ascertaining the assay value of ore, knowing them to be false, every person so offending is guilty of a misdemeanor, and is punishable by a fine in any sum not exceeding one thousand dollars, or by imprisonment in the county jail for a term of not more than one year, nor less than one month, or by both such fine and imprisonment.

Sec. 7110
Fraudulent scales for weighing or assaying ores

Every person, corporation or association, or the agent of any person, corporation or association, engaged in milling, sampling, concentrating, reducing, shipping or purchasing ores in this State, who in any manner knowingly alters or changes the true value of any ores delivered to him or them, so as to deprive the seller of the result of the correct value of the same, or who issues any bill of sale or certificate of purchase that does not exactly and truthfully

Sec. 7111
Fraudulent alteration of value of ores

state the actual weight, assay value, and total amount paid for any lot or lots of ore purchased, or who, by any secret understanding or agreement with another, issues a bill of sale or certificate of purchase that does not exactly and truthfully state the actual weight, assay value and total amount paid for any lot or lots of ore purchased, or who, by any secret understanding or agreement with another, issues a bill of sale or certificate of purchase that does not truthfully and correctly set forth the weight, assay value and total amount paid for any lot or lots of ore purchased by him, is guilty of a misdemeanor, and shall be punished as provided in the preceding section.

Sess. Laws, 1903, p. 91
 Sec. 6
 Measuring lumber

Each lumber inspector shall, in person or by deputy, at the request of any owner of logs, timber, or lumber, after a scalement or measurement thereof, make a bill stating therein the number of logs, the number of feet board measure, contained in such logs or lumber, and the number of feet, cubic running, or board measure, contained in said timber, and at whose request the same were scaled or measured, and to whom scaled or measured, a copy of which he shall enter upon the books of his office, to be provided by him and kept for that purpose, with the marks as they occurred upon the logs. A correct bill of the same shall be given to such owner, with a certificate thereto attached that it is a true and correct bill, which bill so certified shall be presumptive evidence of the facts therein contained and of the correctness of such scalement or measurement in all courts, except in favor of the inspector who made the same.

Rev. Codes, 1908, p.
 546
 (1905)
 Sec. 1132
 Weight of butter

Each package of butter offered or exposed for sale shall have stamped upon the wrapper or package, the actual number of ounces contained in said package. Each square or roll of butter kept, exposed or offered for sale in the State of Idaho, which is represented to contain one pound in weight, shall contain full sixteen ounces; and each square or roll of butter kept or offered for sale in the State of Idaho, which shall be represented to contain two pounds net weight shall contain full thirty-two ounces.

Sess. Laws, 1911, ch.
 196, p. 653
 Sec. 6
 "Misbranded" de-
 fined

That, for the purpose of act, an article shall also be deemed to be misbranded—

* * * * *

In case of food:

* * * * *

3. If in package form, and the contents are stated in terms of weight or measure, the net weight or measure is not plainly or correctly stated on the outside of the package.

(1907)
 Rev. Codes, 1908, p.
 665

The State grain commission consists of three qualified electors of the State of Idaho, who are appointed by the Governor to hold

office for two years and until their successors are appointed and qualified, unless sooner removed by the Governor. The commissioners shall be appointed each odd-numbered year. Said commissioners shall take the oath of office required of other state officers. Two members of said commission shall be farmers actually engaged in the business of farming and not engaged in the warehouse business at the time of their appointment, and shall be selected from different sections of the State. The decisions of a majority of the commissioners shall be deemed the decisions of the commission on all questions arising for their consideration.

* * * The said commission shall exercise general supervision over the hay and grain interests of the State, and of the handling, inspection, weighing and storage of hay and grain, and of the management of public warehouses, shall investigate all complaints of fraud or injustice in the hay and grain trade, and may fix the charges of public warehouse men.

* * * The said commission shall also establish the necessary rules and regulations for grading and weighing hay and grain, and shall fix the charges for inspecting and grading hay and grain, and shall make such other rules and regulations as may be necessary for the enforcing the rules and regulations of this chapter or any law of this State in regard to the same.

Upon written complaint filed with the Commission [State Grain Commission] charging an Inspector of Hay, Grain or Scales with official misconduct, inefficiency, incompetency, or neglect of duty, the Commission shall investigate such charge, and if any of such charges be sustained, shall remove such officer.

All scales used in public warehouses, weighing scales, street scales, or scales used in stockyards, for the weighing of grain, hay, wool, coal, livestock, or other farm commodities, shall be under the control of the State Hay and Grain Commission, and subject to the inspection and correction at least once a year by the State Hay and Grain Inspector or his deputies, and shall be exempt from the jurisdiction of the Sealer of Weights and Measures. They shall be inspected at the request of any person interested in any hay, grain, wool, coal, livestock, or other commodities, weighed or to be weighed thereon. If found incorrect, the cost of inspection shall be paid by the owner thereof, otherwise by the person requesting inspection. No scales found incorrect shall be used until re-examined and found correct.

The Inspector shall, at least once a year, examine, test and require to be correct all scales used in weighing hay, grain, wool, coal, livestock or other commodities, at any public warehouse, depot, stockyards or other public place in the State, and after such scale is tested and found to be correct and in good condition,

Sec. 1478, as amended
by Sess. Laws, 1909, p.
28
State grain commis-
sion

Sec. 1479, as amended
by Sess. Laws, 1909, p.
28
Commission to have
charge of weighing and
storing hay and grain

Rev. Codes, sec.
1493g, as enacted by
Sess. Laws, 1911, ch.
49, p. 108
Complaint against in-
spector

Sec. 1493h, as enacted
by Sess. Laws, 1911,
ch. 49
Warehouse and de-
pot scales, etc., inspec-
tion of

Sec. 1493i, as enacted
by Sess. Laws, 1911,
ch. 49
Annual inspection of
scales

to issue to the owner or manager of such warehouse, depot, agent, manager or owner or any such public scale, a certificate authorizing the use of such scales for the weighing of hay, grain, wool, coal, livestock, or other commodities for the ensuing year, unless sooner revoked by the Inspector. If such scales are found to be inaccurate or unfit for use, the Inspector shall notify the party using them, and the party thus notified shall, at his own expense, thoroughly repair the same before attempting to use them, and until thus repaired to the satisfaction of the Inspector, the certificate of such party shall be suspended or revoked in the discretion of the Inspector and the party receiving such certificate shall pay to the Inspector the sum of One Dollar (\$1.00) for each wagon scale and Fifty Cents (50c) for each platform scale so inspected as herein enumerated.

Sec. 1493j, as enacted
by Sess. Laws, 1911,
ch. 49
Obstructing official

Any person, agent or corporation who shall obstruct any Inspector in the performance of his official duties by preventing his proper access to the scales used in the weighing of grain, hay, wool, coal, livestock, or other commodities, or the inspection of hay, grain, flour, wool, or other commodities stored in special piles, or otherwise, or the examination of receipt and shipping books, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum of not more than Fifty Dollars (\$50) and costs of prosecution. Any agent of any company or corporation, manager foreman, or person in the employ of the warehouse under inspection shall, if deemed necessary by the Chief Inspector or any of his deputies, re-weigh, in the presence of the Inspector any load or pile of grain, hay, wool, coal, or draft or drafts of livestock, or other commodities.

Sec. 1493k, as enacted
by Sess. Laws, 1911,
ch. 49
Carelessness in in-
specting and grading,
etc.

Any Inspector, Deputy Inspector, or Scale Inspector who shall knowingly or carelessly inspect any grain or scales, or weigh, grade, or classify any grain improperly, or give any false certificate of inspection or weight, or accept money or other consideration, directly or indirectly, for neglect or improper performance of duty, or neglect any duty prescribed by this chapter or the rules and regulations established by the Commission; or any person who shall improperly influence or attempt to influence any such officer in the performance of his official duties, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not to exceed One Hundred Dollars (\$100) and costs of prosecution.

Sess. Laws, 1911, ch.
49, sec. 9
Prosecutions

It is hereby made the duty of the prosecuting attorneys of the various counties of this State, upon proper information being made before them, to prosecute any person, firm, company or corporation charged with the violation of any of the provisions of this act.

ILLINOIS

That the weights and measures received from the United States, and now in charge of the secretary of state, to wit: one yard measure, one half bushel, one wine gallon, one wine quart, one wine pint, one wine half pint, one set of avordupois weights, consisting of fifty, twenty-five, twenty, ten, five, four, three, two and one pounds, and from eight ounces down to one drachm; one set of troy weights from five thousand pennyweights down to half a grain, and from one pound down to the ten thousandth part of an ounce, together with the three sets of balances, when received from the United States, shall be and remain, and be used as the sole authorized public standard of weights and measures.

Rev. Stat., 1909, ch.
147, p. 2076
(1845)
Sec. 1
Standards

Such weights, measures and balances as may be procured, from time to time to replace those before mentioned, shall be preserved in the same form, and of the same dimensions, the denominations of the weights and measures being marked thereon, respectively; and they shall be sealed with the seal which is kept for that purpose by the state sealer.

Sec. 2
State sealer to keep

All commodities sold by the heaped measure, shall be duly heaped up in the form of a cone, the outside of the measure by which the same shall be measured to be the limit of the base of such cone, and such cone to be as high as the article to be measured will admit.

Sec. 3
Heaped measure

The measures used for measuring dry commodities, not heaped, shall be stricken with a straight stick or roller, and of the same diameter from end to end.

Sec. 4
Measures not heaped

The hundred weight shall consist of one hundred pounds, and twenty such hundred weights shall constitute a ton.

Sec. 5
Hundredweight, ton

Contracts hereafter to be executed, made within this state, for any work to be done, or for anything to be sold, delivered, done or agreed for, by weight or measure, shall be taken and construed to be made according to the standard weight and measure thus ascertained.

Sec. 6
Contracts

Whenever any of the following articles shall be contracted for, or sold, or delivered, and no special contract or agreement shall be made to the contrary, the weight per bushel or barrel, or divisible merchantable quantities of a barrel, shall be as follows:¹

(1845, 1891, 1895)
Sec. 7
Weight per bushel of
produce

¹ For convenience in printing a slight change has been made in arrangement of these articles.

		Pounds.	Pounds.
Wheat flour.....	per bbl.	196	Flax seed.....
Wheat flour.....	per ½ bbl.	98	Sweet potatoes.....
Wheat flour.....	per ¼ bbl. sack.	49	Turnips.....
Wheat flour.....	per ⅛ bbl. sack.	24½	Fine salt.....
Corn meal.....	per bush. sack.	48	Buckwheat.....
Corn meal.....	per ½ bush. sack.	24	Coarse salt.....
Corn meal.....	per ¼ bush. sack.	12	Barley.....
Stone coal.....	per bush.	80	Castor beans.....
Unslacked lime.....	do.	80	Timothy seed.....
Corn in the ear.....	do.	70	Hemp seed.....
Wheat.....	do.	60	Malt.....
Irish potatoes.....	do.	60	Dried peaches.....
White beans.....	do.	60	Oats.....
Clover seed.....	do.	60	Dried apples.....
Onions.....	do.	57	Bran.....
Shelled corn.....	do.	56	Blue grass seed.....
Rye.....	do.	56	Hair (plastering).....

(1843)
 Sec. 8
 Penalty

Whoever, in buying any of the articles of property mentioned in the preceding section, shall take any greater number of pounds thereof to the bushel, or barrel, or divisible merchantable quantity of a barrel, or in selling any of said articles, shall give any less number of pounds thereof to the bushel or barrel, or divisible merchantable quantity of a barrel, than is allowed by said section, with intent to gain an advantage thereby, except expressly authorized so to do by special contract or agreement to that effect, shall be liable to the party injured in double the amount of the property so wrongfully taken or not given and ten dollars in addition thereto, to be recovered in any form of action, in any court of competent jurisdiction.

Sec. 9
 State sealer
 Duties

The secretary of state shall be ex officio, state sealer of weights and measures, and shall have the care and custody of the authorized public standards of weights and measures. He shall try and prove, by such standards, all weights and measures, scales and beams which may belong to any county, and be sent or brought to him for that purpose by the county sealer, and shall seal such, when found to be accurate, by stamping on them the letter "I," with a seal which he shall have and keep for that purpose.

Stamping

Sec. 10
 County sealer

The county clerk of each county shall be the sealer of weights and measures for the county, and shall have the care and custody of the county standards. He shall procure, at the expense of the county, when authorized by the county board, and 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 standards, under the direction of the secretary of state.

County standards

Sec. 11
 Duty of county sealer

The several county sealers shall try and prove all weights and measures, scales and beams, when requested so to do; and when the same are found or made to conform to the legal standards, they shall seal and mark such weights and measures, with a seal to be kept by them for that purpose.

The secretary of state and each county sealer shall be entitled to receive for his services, at and after the following rates: For sealing and marking every beam, ten cents; for sealing and marking measures of extension, at the rate of ten cents per yard, not to exceed fifty cents for any one measure; for sealing and marking every weight, two cents; for sealing and marking liquid and dry measures, if the same be of the capacity of a gallon or more, ten cents, or less than a gallon five cents. They shall also be entitled to a reasonable compensation for making such weights and measures conform to the standard established by this act.

Sec. 12
Fees

Every county clerk who neglects to have the standards under his charge compared and sealed as required by this act, or neglects to keep the same in good order and repair, or who suffers any of them, through his neglect, to be lost, damaged or destroyed, shall forfeit to the county not less than fifty nor more than 200 dollars, to be recovered before any justice of the peace of the county.

Sec. 13
Penalty for neglecting
to test county standards

Whoever sells by any other weights, measures, scales, beams or balances than such as conform to such standards, shall forfeit a sum not exceeding \$20 for each offense, and when by the custom of trade they are provided by the buyer, if he purchases by any other weights, measures, scales, beams, or balances, he shall be subject to a like penalty, to be recovered before a justice of the peace in the name and for the use of the person complaining.

Sec. 14
Penalty

That the standard of analysis for milk in this State as to the ingredients and preparations shall be: Water, eighty-eight per cent; milk solids, twelve per cent; and such milk solids shall contain not less than three per cent of butter fat. When contracts are made for milk purchased within this State for delivery within or without this State no other standard shall be used except by special contract in writing.

(1807)
Sec. 15
Standard of analysis
of milk

That the city council in cities, and the president and board of trustees in villages and incorporated towns shall have power to require all grain, flour, meal, hay, feed, seeds, fruits, nuts, vegetables and non-liquid vegetable products, meats and non-liquid animal products, fish, butter, cheese and other similar dairy products, dry groceries and all other similar articles of merchandise, or any particular class or classes of such merchandise, in the absence of a contract or agreement in writing to the contrary, to be sold by standard avoirdupois weight or by numerical count.

(1909)
Sec. 16
Power of municipal
authorities to require
sales by weight

If any person shall knowingly sell by false weights or measures, or shall knowingly use false measures at any mill, in taking toll for grinding corn, wheat, rye or other grain, he shall be deemed a common cheat, and, on conviction, shall be fined not less than \$200, and imprisoned not exceeding three months.

Rev. Stat., 1909, ch.
33
(1845)
Sec. 101
False weights and
measures

Rev. Stat., 1909, ch.
24, Art. V
(1874)
Sec. 1
City councils

(55) The city council in cities, and president and the board of trustees in villages, shall have the following powers: To provide for the inspection and sealing of weights and measures.

(56) To enforce the keeping and use of proper weights and measures by vendors.

(91) To tax * * * public scales.

Sess. Laws, 1911, p.
519
Sec. 9
Misbranding, when

* * * That for the purpose of this Act an article shall also be deemed to be misbranded—

* * * * *

Third. If in package form and the contents are stated in terms of weight or measure, they are not correctly and plainly stated on the outside of the package.

Sess. Laws, 1905, p.
393
Sec. 1, as amended
by Sess. Laws, 1911, p.
527

Every lot or parcel of concentrated commercial feed stuffs, as defined in section 2 of this Act, used for feeding farm live stock, sold or offered or exposed for sale within this State, shall have affixed thereto, in a conspicuous place on the outside thereof, a plainly printed statement in the English language clearly and truly certifying—

(a) the net weight of the contents of the package, lot or parcel;

(b) the name, brand or trade mark;

(c) the name and principal address of the manufacturer or the person responsible for placing the commodity on the market; * * *.

Sec. 2
Feed stuffs defined

The term "concentrated commercial feed stuffs," as used in this Act, shall include cottonseed meals, linseed meals, pea meals, bean meals, peanut meals, cocoanut meals, gluten meals, gluten feeds, maize feeds, starch feeds, sugar feeds, sucrene feeds, and all oil meals of all kinds, dried distillers' grains, dried brewers' grains, dried beef refuse, malt sprouts, malt refuse, hominy feeds, cereleine [cerealin] feeds, rice meals, oat feeds, corn and oat feeds, corn, oat and barley feeds, chop feeds, corn bran, ground beef or fish, scraps, meat and bone meals, mixed feeds, except as otherwise provided in section 3 of this Act—clover and alfalfa meals, any mixture of any of the before mentioned substances with each other or with any other substance, condimental stock and poultry foods, medicinal stock and poultry foods consisting of or containing any of the substances included as concentrated commercial feed stuff as defined by this section, patented, proprietary, trade-marked stock and poultry foods, and all other materials of a similar nature intended for stock or poultry, not included in section 3 of this Act.

Sec. 3
Same; what not included

The term "concentrated commercial feed stuffs," as used in this act, shall not include hays and straws, the whole seeds nor the unmixed meals made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat and broom corn. Neither

shall it include wheat bran or wheat middlings not mixed with other substances but sold separately as distinct articles of commerce, nor wheat bran and wheat middlings mixed together, not mixed with any other substances, and known in the trade as "mixed feed," nor pure grains ground together unmixed with other substances.

(j) State inspectors [of mines] are hereby made ex officio sealer of weights and measures in their respective districts, and as such are empowered to test all scales used to weigh coal at coal mines. Upon the written request of any mine owner or operator, or of ten coal miners employed at any one mine, it shall be the duty of the inspector to test any scale or scales at such mine against which complaint is directed, and if he shall find that they or any of them do not weigh correctly, he shall call the attention of the mine owner or operator to the fact, and direct that said scale or scales be at once over-hauled and readjusted so as to indicate only true and exact weights, and he shall forbid the further operation of such mine until such scales are adjusted. In the event that such tests shall conflict with any test made by any county sealer of weights, or under and by virtue of any municipal ordinance or regulation, then the test by such mine inspector shall prevail.

Sess. Laws, 1911, p. 395
 Sec. 5
 State mine inspector is ex officio sealer of weights and measures

Testing of scales

(k) For the purpose of carrying out the provisions of this Act, each State inspector shall be furnished by the State with a complete set of standard weights suitable for testing the accuracy of tract [track] scales and of all smaller scales at mines; said test weights to be paid for on bills of particulars, certified by the Secretary of State and approved by the Governor. Such test weights shall remain in the custody of the inspector for use at any point within his district, and for any amounts expended by him for the storage, transportation or handling of the same, he shall be fully reimbursed upon making entry of the proper items in his expense voucher.

Test weights

(a) The operator of every coal mine where miners are paid by the weight of their output, shall provide at such mine suitable and accurate scales for the weighing of such coal, and a correct record shall be kept of all coal so weighed, and said record shall be open at all reasonable hours to the inspection of miners and others interested in the production of said mine.

Sess. Laws, 1911, p. 416
 Sec. 27
 Operator to provide scales

Weighman

(b) The person authorized to weigh the coal and keep the record as aforesaid shall, before entering upon his duties, make and subscribe to an oath before some persons duly authorized to administer oaths, that he will accurately weigh and carefully keep a true record of all coal weighed, and such affidavit shall be kept conspicuously posted at the place of weighing.

(c) The miners at work in any coal mine may employ a check weighman at their option and at their own expense, whose duty

Check weighman

it shall be to balance the scales and see that the coal is properly weighed, and that a correct account of the same is kept, and for this purpose he shall have access at all times to the beam box of said scales, and be accorded every facility for verifying the weights while the weighing is being done. The check weighman so employed by the miners, before entering upon his duties, shall make and subscribe to an oath before some person duly authorized to administer oaths, that he will faithfully discharge his duties as check weighman, and such oath shall be kept conspicuously posted at the place of weighing.

Rev. Stat., 1909, ch.
114, p. 1758
(1871)
Sec. 118
Weighing in — Re-
ceipt

And at the time such grain is received by it for transportation, such corporation [railroad] shall carefully and correctly weigh the same, and issue to the shipper thereof a receipt or bill of lading for such grain, in which shall be stated the true and correct weight.

Weighing out—
Shrinkage

And such corporation shall weigh out and deliver to such shipper, his consignee or other person entitled to receive the same, at the place of delivery, the full amount of such grain, without any deduction for leakage, shrinkage or other loss in the quantity of the same.

Damages

In default of such delivery, the corporation so failing to deliver the full amount of such grain shall pay to the person entitled thereto the full market value of any such grain not delivered at the time and place when and where the same should have been delivered.

Evidence—Shortage

If any such corporation shall, upon the receipt by it of any grain for transportation, neglect or refuse to weigh and receipt for the same, as aforesaid, the sworn statement of the shipper, or his agent having personal knowledge of the amount of grain so shipped, shall be taken as true, as to the amount so shipped; and in case of the neglect or refusal of any such corporation, upon the delivery by them of any grain, to weigh the same, as aforesaid, the sworn statement of the person to whom the same was delivered, or his agent having personal knowledge of the weight thereof, shall be taken as true, as to the amount delivered. And if, by such statements, it shall appear that such corporation has failed to deliver the amount so shown to be shipped, such corporation shall be liable for the shortage, and shall pay to the person entitled thereto the market value of such shortage, at the time and place when and where the same should have been delivered.

Rev. Stat., 1909, ch.
114 (1871, 1877)
Sec. 119
Railroad scales

At all stations or places from which the shipments of grain by the road of such corporation shall have amounted during the previous year to fifty thousand (50,000) bushels or more, such corporation shall, when required so to do by the persons who are the shippers of the major part of said fifty thousand bushels of grain, erect and keep in good condition for use, and use in weigh-

ing grain to be shipped over its road, true and correct scales, of proper structure and capacity for the weighing of grain by car load in their cars after the same shall have been loaded. Such corporation shall carefully and correctly weigh each car upon which grain shall be shipped from such place or station, both before and after the same is loaded, and ascertain and receipt for the true amount of grain so shipped. If any such corporation shall neglect or refuse to erect and keep in use such scales when required to do so as aforesaid, or shall neglect or refuse to weigh in the manner aforesaid any grain shipped in bulk from any station or place, the sworn statement of the shipper, or his agent having personal knowledge of the amount of grain shipped, shall be taken as true as to the amount so shipped. In case any railroad corporation shall neglect or refuse to comply with any of the requirements of section first, second and fifth of this act, it shall, in addition to the penalties therein provided, forfeit and pay for every such offense and for each and every day such refusal or neglect is continued the sum of one hundred dollars (\$100), to be recovered in an action of debt before any justice of the peace, in the name of the People of the State of Illinois, such penalty or forfeiture to be paid to the county in which the suit is brought, and shall also be required to pay all costs of prosecution, including such reasonable attorney's fees as may be assessed by the justice before whom the case may be tried.

Weighing

Penalties

All persons owning property, or who may be interested in the same, in any public warehouse, and all duly authorized inspectors of such property, shall at all times, during ordinary business hours, be at full liberty to examine any and all property stored in any public warehouse in this state, and all proper facilities shall be extended to such person by the warehouseman, his agents and servants, for an examination; and all parts of public warehouses shall be free for the inspection and examination of any person interested in property stored therein, or of any authorized inspector of such property. And all scales used for the weighing of property in public warehouses shall be subject to examination and test by any duly authorized inspector or sealer of weights and measures, at any time when required by any person or persons, agent or agents, whose property has been or is to be weighed on such scales—the expense of such test by an inspector or sealer to be paid by the warehouse proprietor if the scales are found incorrect but not otherwise. Any warehouseman who may be guilty of continuing to use scales found to be in an imperfect or incorrect condition by such examination and test, until the same shall have been pronounced correct and properly sealed, shall be liable to be proceeded against as hereinafter provided.

Rev. Stat., 1909, ch. 114
 (1871)
 Sec. 150
 Examination of grain and scales—Incorrect scales

Laws Concerning Weights and Measures

Rev. Stat., 1909, ch.
114, p. 1777
(1883)
Sec. 186
Weighmaster — Ap-
pointment of
Sec. 187
Duties of

That there shall be appointed by the railroad and warehouse commissioners in all cities where there is state inspection of grain, a State weighmaster and such assistance as shall be necessary.

Said State weighmaster and assistants shall, at the places aforesaid supervise and have exclusive control of the weighing of grain and other property which may be subject to inspection, and the inspection of scales and the action and certificate of such weighmaster and assistants in the discharge of their aforesaid duties shall be conclusive upon all parties in interest.

Sec. 188
Fix fees

The board of railroad and warehouse commissioners shall fix the fees to be paid for the weighing of grain or other property, which fees shall be paid equally by all parties interested in the purchase and sale of property weighed, or scales inspected and tested.

INDIANA.

That the standard weights and measures furnished by the government of the United States in accordance with the joint resolution of congress approved June fourteenth, eighteen hundred and thirty-six, and any additions thereto and renewals thereof certified to by the United States bureau of standards and weights, measures, balances and apparatus as may be added by the state commissioner of weights and measures and verified by the United States bureau of standards, shall be the standards by which all state, county and city standards shall be tried, proved and sealed.

Acts, 1911, ch. 263
Sec. 1
Weights and measures—Standards

The state food and drug commissioner shall be the state commissioner of weights and measures. The state commissioner of weights and measures shall take charge of the standards adopted by this article as the standards of the state; cause them to be kept in a fireproof building belonging to the state, from which they should not be removed except for repairs or for certification, and take all other necessary precautions for their safe keeping. He shall maintain the state standards in good order and shall submit them once in ten years to the national bureau of standards for certification. He, or his deputies or inspectors by his direction, shall correct the standards of the several cities and counties, and as often as once in two years compare the same with those in his possession, and where not otherwise provided by law he shall have a general supervision of the weights, measures and measuring and weighing devices of the state, and in use in the state. He shall upon the written request of any citizen, firm, corporation or institution of the state, test or calibrate weights, measures, weighing or measuring devices and instruments or apparatus used as standards in the state. He, or his deputies or inspectors by his direction shall at least once annually test all scales, weights and measures used in checking the receipt or disbursement of supplies in every institution under the jurisdiction of the state board of charities and he shall report in writing his findings to the executive officer of the institution concerned. The state commissioner of weights and measures shall keep a complete record of the standards, balances and other apparatus belonging to the

Sec. 2
State commissioner—
Custody of standards—
Duties

state and take receipt for the same from his successor in office; he shall annually during the first two weeks of January make to the governor a report of the work done by his office; he or his deputies or inspectors at his direction, shall at least once in two years visit the various cities and counties of the state which have appointed sealers of weights and measures in order to inspect the work of the local sealers, and in the performance of such duties he may inspect the weights, measures, balances or any other weighing or measuring appliances of any person, firm or corporation. The state commissioner of weights and measures shall issue from time to time regulations for the guidance of county and city sealers and the said regulations shall govern the procedure to be followed by the aforesaid officers in the discharge of their duties.

Sec. 3
County or city sealer—
Salary—Duties

The board of county commissioners may in their discretion appoint a county sealer of weights and measures who shall serve during the pleasure of the board and shall receive a compensation to be determined by the board and which shall be paid out of the county treasury. The board shall provide the necessary apparatus and supplies for such sealer. The common council of any city may provide for the appointment by the mayor of a city sealer of weights and measures and provide for his compensation and for necessary apparatus and expenses. And such compensation shall not be less than fifteen hundred (\$1,500) dollars per annum nor more than eighteen hundred (\$1,800) dollars per annum in the case of cities of the first class and not less than twelve hundred (\$1,200) dollars per annum nor more than fifteen hundred (\$1,500) dollars per annum in the case of cities of the second class. The county or city sealer when appointed shall be a deputy sealer under the direction of the state commissioner of weights and measures. He shall take charge of and safely keep the county or city standards. Where not otherwise provided by law, the county or city sealer shall have the power within his county or city to inspect, test, try and ascertain if they are correct, all weights, scales, beams, measures of every kind, instruments or mechanical devices for measurement and the tools, appliances or accessories, connectd with any or all such instruments or measurements used or employed within the county or city by any proprietor, agent, lessee or employe in determining the size, quantity, extent or measurement of quantities, things, produce, articles for distribution or consumption offered or submitted by such person or persons for sale, for hire or award. He shall at least twice in each year and as much oftener as he may deem necessary see that the weights, measures and all apparatus used in the county or city are correct. He may for the purposes above mentioned, and in the general performance of his official duties, enter or go into

or upon and without formal warrant, any stand, place, building or premises or may stop any vender, peddler, junk dealer, coal wagon, ice wagon, or any dealer whatsoever, for the purpose of making the proper tests. Whenever the county or city sealer finds a violation of the statutes relating to weights and measures he shall cause the violator to be prosecuted. The county or city sealer shall keep a complete record of the work done by him and shall make an annual report to his board of county commissioners or to the mayor and an annual report, duly sworn to, not later than the first of December to the state commissioner of weights and measures. The county or city sealer of weights and measures shall forthwith on his appointment give a bond, with sureties to be approved by the appointing power for the faithful performance of the duties of his office and for the safety of the local standards and such appliances for verification as are committed to his charge and for the surrender thereof immediately to his successor in office or to the person appointed by the proper authority to receive them. The county sealer shall have jurisdiction over the whole county except as to incorporated cities which have provided for a city sealer under the provisions of this act. This act shall not affect the appointment of city sealers appointed heretofore under any law, but such sealers shall perform the duties of the office under the provisions of this act.

Only those persons shall be eligible to appointment to the position of county or city sealers, who at the time of the passage of this act are county or city sealers of weights and measures or who have had recent experience in the duties and work of the office or who have passed an examination which shall be given by the state commissioner of weights and measures to test the ability of the person so examined to perform satisfactorily the duties of a county or city sealer of weights and measures. If it is evident to the state commissioner of weights and measures that any county or city sealer of weights and measures is not properly and faithfully performing the duties of his office, the state commissioner of weights and measures shall have power to discharge such county or city sealer of weights and measures. Such removal however, shall not be made until five days' notice of the charge or charges shall have been mailed to him by said commissioner, naming a time and place for hearing by the state board of health, not less than two weeks later than the time of mailing such notice to said county or city sealer of weights and measures: Provided, however, That any county or city sealer of weights and measures so removed by the state commissioner of weights and measures, shall have the right to appeal from the action of said commissioner to the circuit or superior court of the

Sec. 4
Persons eligible as
sealers—Power of re-
moval

county in which such county or city sealer of weights and measures resides, and during the pendency of such appeal, such county or city sealer of weights and measures may serve in his official capacity. Any county or city sealer of weights and measures discharged as herein provided, shall be ineligible to hold the position of county or city sealer of weights and measures for four years, and the vacancy shall be filled by the proper authorities, as provided in this act.

Sec. 5
Sealing scales—
Marking measures

Whenever the sealer of a city or county or the state sealer or his deputies tests and compares scales, weights or measures and finds that they correspond with the standards in his possession he shall seal and mark such scales, weights or measures by stamping upon them the letters "Ind. S.," meaning Indiana Standard, and the last two figures of the year in which the same is done.

Sec. 6
Police powers

The commissioner of weights and measures his deputies and inspectors, and the county and city sealers of weights and measures, are hereby made special policemen and are authorized and empowered to arrest without formal warrant for any violation of the statutes in relation to scales, weights and measures, and to seize for use as evidence and without formal warrant any false weight, scales, measure, or weighting [weighing] or measuring device, or packages or amounts of commodities found to be used, retained or offered or exposed for sale or sold in violation of law.

Sec. 7
Interference with officer—Penalty

Any person who shall molest, hinder or obstruct in any way the commissioner of weights and measures, his deputies or inspectors, or any county or city sealer in the performance of his official duties hereunder, shall be guilty of a misdemeanor, and shall be punished upon conviction thereof in any court of competent jurisdiction by a fine of not less than ten dollars nor more than two hundred dollars to which may be added imprisonment in the county jail for not more than ninety days.

Sec. 8
Use or possession of false measures—Penalty

Any person who by himself or by his servant or as the servant or agent of another, shall use or retain in his possession any false scales, weight or measure or weighing or measuring device or any weight or measure or weighing or measuring device in the buying or selling of any commodity or thing, or who shall dispose of any condemned scales, weight, measure or weighing or measuring device contrary to law, or remove any tag, stamp or mark placed thereon by the sealer; or any person who by himself or by his servant or agent or as the servant or agent of another, shall sell or offer or expose for sale less than the quantity he represents, or any person who by himself or by his servant or agent, or as the servant or agent of another, shall sell, offer for sale or have in his possession for the purpose of selling, any false scales, weight or measure or any device or instrument to be used or calculated

to falsify any weight or measure, shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, to which may be added imprisonment in the county jail for not more than three months, upon first conviction; and upon a second or subsequent conviction, he shall be punished by a fine of not less than twenty dollars nor more than five hundred dollars to which may be added imprisonment in the county jail for not more than six months.

All expenses incident to the enforcement of this act, including the purchase of a complete set of standard dry and liquid measures, weights and balances and other necessary apparatus as hereinbefore provided for said office and the salaries of clerks, inspectors and deputies shall be paid out of the fund provided for the enforcement of the pure food and drug law, and such money shall be paid out by certificates issued by the state board of health and attested by the secretary.

Sec. 9
Expenses—How paid

This act shall go into effect on the 1st day of January, 1912.

The avoirdupois weight of beef or pork in each barrel shall be two hundred pounds; and of flour in each barrel, one hundred and ninety-six pounds; of sorghum molasses, eleven pounds to the gallon; of hay or straw, two thousand pounds shall be given and taken for a ton. A bushel of the respective articles hereinafter mentioned shall mean the amount of weight, avoirdupois, in this section specified as follows:¹

Sec. 10
When act in effect
Burns' Ann. Stat.,
1908, vol. 3, ch. 133
(1885, 1897, 1905)
Sec. 10520
Standard weights of
produce
Legal bushel of grain
and other products

	Pounds.		Pounds.	
Wheat.....	60	Barley.....	48	Weight of bushel
Buckwheat.....	50	Corn meal.....	50	
Oats.....	32	Cranberries.....	33	
Beans.....	60	Millet seed.....	50	
Potatoes.....	60	Orchard grass seed.....	14	
Clover seed.....	60	Malt rye.....	35	
Hempseed.....	44	Middlings, fine.....	40	
Blue grass seed.....	14	Middlings, coarse.....	30	
Castor beans.....	46	Osage orange.....	33	
Dried peaches.....	33	Parsnips.....	55	
Dried apples.....	25	Sweet potatoes.....	55	
Onions.....	48	Turnips.....	55	
Salt.....	50	Pop-corn.....	56	
Mineral coal, mined within this state, or mined without and sold within this state.....	80	Shelled corn.....	56	
Timothy seed.....	45	Corn in the ear, seventy pounds, un- til the first of December next after it is grown and after that date.....	68	
Rye.....	56			

Whoever, when buying or selling by weight, buys or sells any of the foregoing articles or commodities enumerated in section one of this act, at a measure differing in weight from the standard of measures therein prescribed and fixed, shall be deemed guilty of a

(1897)
Sec. 10521
Violation of act; pen-
alty

¹ For convenience in printing a slight change has been made in arrangement of these articles.

misdeemeanor, and upon conviction thereof shall be fined not more than twenty-five dollars nor less than one dollar.

(1885)
Sec. 10522
Standard bushel to be
a legal tender

All the different kinds of grain, seeds and articles specified in this act shall hereafter be given and taken at the several weights affixed to each as a standard bushel, and as such shall be considered a legal tender to fulfill any contract made for the delivery of either of the kinds of grain, seeds or articles specified in this act.

(1897)
Sec. 10523
Wheat, how meas-
ured

That it shall be unlawful for any person, commission merchant, miller, dealer, grain inspector, corporation, company, firm or association, either by himself, itself, officer, agent or employe, when purchasing wheat or receiving it in barter or exchange for flour or otherwise, from the owner, his agent or employe, to use for the purpose of testing or determining the weight, grade, milling or market value of wheat any measure other than the standard half-bushel measure furnished this state by the United States; and the use of any fractional part of said standard half-bushel measure for such purpose will be a violation of this section.

Sec. 10524
Manner of measuring

It shall be unlawful to use anything other than a straight stick with the edges square for leveling the wheat in said half-bushel measure, for the purpose of testing the weight, grade, milling or market value of wheat: Provided, that the provisions of this act shall not apply to wheat or grain that is inspected or graded by the car load under the regulations of any board of trade.

Sec. 10525
Violation of act, pen-
alty

Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction, shall be fined in any sum not more than one hundred dollars nor less than ten dollars, to which can be added imprisonment in the county jail for a period not exceeding six months, in the discretion of the judge or jury trying the same.

Burns' Ann. Stat.
1908, vol. 1
(1905)
Sec. 2606
Short weight

Whoever knowingly sells, or directs or permits any person in his employ to sell any property, and makes or gives any false or short weight or measure of such property; and any person owning, or having charge of scales, measures or steel-yards, for the purpose of weighing or measuring any property, who knowingly reports any false or untrue weight or measure, whereby any person may be defrauded or injured,—shall, on conviction, be fined not more than one hundred dollars nor less than ten dollars.

Sec. 2607
Selling coal by false
weight

Whoever knowingly sells and delivers any coal except at the weight and measure prescribed by law, shall, on conviction, be fined not less than five dollars, nor more than one hundred dollars.

Burns' Ann. Stat.,
1908, vol. 1
(1881, 1905)
Sec. 2632
Short-weight pack-
ages

Whoever packs, brands, or sells, or causes to be packed, branded, or sold, any salt, beef, pork, flour, tobacco, or hay, in barrels or packages, as full barrels or packages, when such barrels or packages do not contain the weight which, by law, they are required to contain, shall, on conviction, be fined not less than ten dollars, nor more than one hundred dollars.

Whoever alters or erases any brand or mark of any inspector appointed by proper authority, placed on any barrel of salt, flour, beef, pork, or hogshead of tobacco, or other article authorized by law to be inspected and branded, shall, on conviction, be fined not less than five dollars, nor more than one hundred dollars.

Sec. 2633
Altering inspector's marks

Penalty

The common council of every city shall have power to enact ordinances for the following purposes;

Burns' Ann. Stat. (revision of 1908), vol. 3, p. 524

Twenty-second: To regulate the selling, weighing and measuring of hay, wood, coal, coke and all other articles sold by weight or measure; to require dealers to keep honest weights and measures and to provide for inspection of such weights and measures.¹

(1905)
Sec. 8655
General powers of council

Whoever knowingly constructs, or uses or furnishes to gas consumers to be used, any false meter provided for measuring and registering the quantity of gas consumed by any person under a contract with any gas company, shall, on conviction, be fined not less than ten dollars nor more than one hundred dollars.

Acts, 1905, p. 756
Sec. 696

Gas meters

The operator of any mine at which the miners are paid by weight shall provide suitable and accurate scales of standard manufacture for weighing of coal which may be procured from such mines; such operator shall be required to keep United States standard weights to test said scales. At every mine where the coal mined is paid for by weight it shall be the duty of the weighman and the check-weighman to examine and balance the scales each morning, and in no case shall any coal be weighed until such scales are tested by the United States standard weights and found to be correct. Said weighman shall accurately weigh and he shall, together with the check-weighman, record the weight of each miner's car of coal delivered, which record shall be kept open at all reasonable hours for inspection of all miners or other persons pecuniarily interested in the product of such mine: *Provided*, That if the weighman and check-weighman shall disagree work may continue until the inspector of mines can be present, and any erroneous weights made during such time shall be rectified. When differences shall arise between the weighman and check-weighman, or operator, of any mine as to the correctness of the scales, the same shall be referred to the inspector of mines, whose duty it shall be to see and regulate the same at once. The inspector of mines and miners employed in the mine, the owner of the land and others personally interested in the royalty or rental of such mine shall, at all proper times, have full right of access to and examination of scales or apparatus used for weighing coal in or about said mine, including the bank book in which the weights of coal are kept, to determine the amount of coal mined for the purpose of attesting the accuracy thereof.

(1905)
Burns' Ann. Stat..
Supp. of 1905, p. 927
Sec. 7437
Operator of mine to provide scales

Duties of weighman and check-weighman

Settlement of differences

Rights to examine scales

¹This clause does not authorize the establishment of scales in the public streets (City of Tell City v. Billefeld, 20 App. 1, 49 N. E., Rep. 1090).

Burns' Ann. Stat.,
Supp. of 1905
(1905)
Sec. 7447
Check-weighman

Whenever the mining of coal is paid for by weight, the miners employed in mining the same shall have the right of selecting and keeping in the weigh office, or at the place of weighing the coal, a check-weighman, who shall be vested with the same rights as described in section nine [sec. 7437] of this act, said check weighman to be paid by said miners.

Sec. 7448
Duty of inspector of
mines

* * * It shall be the duty of the inspector of mines, in addition to his other duties, to examine all scales used at any mine for the purpose of weighing coal taken out of said mine. The scales shall be tested by sealed weights; the same shall be furnished to said inspector of mines by the Auditor of State on requisition, the cost of which shall be audited by the Auditor of State, and paid out of any money in the State Treasury not otherwise appropriated. And on inspection, if the scales are found incorrect and, after written notice by the inspector of mines it shall be unlawful for any operator to use or suffer the same to be used, until the scales are adjusted to weigh correctly. The provisions of this law shall apply to all mines except to mines employing less than ten men * * *

Burns' Ann. Stat.,
Supp. of 1905, p. 932
(1905)
Sec. 7456
Willful neglect, failure

Any willful neglect, refusal or failure to do the things required to be done by any section, clause or provision of this act, on the part of the person or persons herein required to do them, or any violation of the provisions or requirements hereof, or any attempt to obstruct or interfere with any inspector of mines in the discharge of the duties herein imposed upon him, or any refusal to comply with the instructions of an inspector of mines by authority of this act, shall be deemed a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500) or by imprisonment in the county jail for a period not exceeding six months, or both, at the discretion of the court: *Provided*, that the foregoing shall not apply to sections in this act which have special penalties provided for them.

Penalties

IOWA

The standard weights and measures now in charge of the secretary of state, furnished by the government of the United States, shall be the standard weights and measures throughout the state.

The unit or standard measure of length and surface, from which all other measures of extension, whether they be lineal, superficial or solid, shall be derived and ascertained, shall be the standard yard now in possession of the secretary of state, furnished by the government of the United States. It shall be divided into three equal parts called feet, and each foot into twelve equal parts called inches, and for the measure of cloths and other commodities commonly sold by the yard, it may be divided into halves, quarters, eighths, sixteenths. The rod, pole or perch shall contain five and a half such yards, and the mile, one thousand seven hundred and sixty such yards.

The acre for land measure shall be measured horizontally and contain ten square chains, and be equivalent in area to a rectangle sixteen rods in length and ten in breadth, six hundred and forty such acres being contained in a square mile. The chain for measuring land shall be twenty-two yards long, and be divided into one hundred equal parts, called links.

The units or standards of weight, from which all other weights shall be derived and ascertained, shall be the standard avoirdupois and troy weights, as furnished this state by the United States. The avoirdupois pound, which bears to the troy pound the ratio of seven thousand to five thousand seven hundred and sixty, shall be divided into sixteen equal parts called ounces; the hundred weight shall consist of one hundred avoirdupois pounds, and twenty hundred weight shall constitute a ton. The troy ounce shall be equal to the twelfth part of a troy pound.

The unit or standard measure of capacity for liquids, from which all other measures of liquids shall be derived and ascertained, shall be the standard gallon and its parts, as furnished this state by the government of the United States. The inch or gauge of cream shall be one-half of a standard gallon. The barrel shall be thirty-one and a half gallons, and two barrels shall constitute a hogshead.

The unit or standard measure of capacity for substances not liquids, from which all other measures of such substances shall be

Code, 1897, p. 1057
Sec. 3009

Standards

Sec. 3010
Length and surface

Sec. 3011
Land measures

Sec. 3012
Weight

Sec. 3013
Capacity

Inch of cream
Barrel

Hogshead

Sec. 3014
Substances not
liquids

derived and ascertained, shall be the standard half bushel, furnished this state by the United States, and the peck, half-peck, quarter-peck, quart, and pint measures, for measuring commodities not liquids, shall be derived from the half bushel by successively dividing that measure by two.

Sec. 3015
Contracts, construc-
tion

All contracts hereafter made within this state for work to be done, or for anything to be sold or delivered, by weight or measure, shall be taken and construed according to the standard of weights and measure hereby adopted as the standard of this state.

Sec. 3016, as amended
by Gen. Acts, 1906, ch.
147; Supp. of 1907 to
Code, p. 725
Bushel by weight

A bushel of the respective articles hereafter mentioned, will mean the amount of weight in this section specified: ¹

	Pounds		Pounds
Apples.....	48	Oats.....	32
Alfalfa seed.....	60	Onions.....	57
Barley.....	48	Onion-top sets.....	30
Beans.....	60	Onion bottom sets.....	32
Beets.....	56	Orchard grass.....	14
Blackberries.....	30	Osage orange seed.....	32
Blue grass seed.....	14	Parsnips.....	42
Bran.....	20	Peaches.....	48
Broom-corn seed.....	50	Peanuts.....	20
Buckwheat.....	52	Peas.....	60
Canary seed.....	50	Pop corn in the ear.....	70
Carrots.....	50	Pop corn shelled.....	56
Castor beans.....	46	Potatoes.....	60
Charcoal.....	20	Quinces.....	48
Cherries.....	40	Radish seed.....	50
Clover seed.....	60	Rape.....	50
Coke.....	38	Raspberries.....	32
Corn in the cob.....	70	Red top.....	14
Corn in the ear, unhusked.....	75	Rutabagas.....	50
Corn meal.....	50	Rye.....	56
Cucumbers.....	48	Salt.....	80
Currants.....	40	Sand.....	130
Dried apples.....	24	Shelled corn.....	56
Dried peaches.....	33	Sorghum saccharatum seed.....	50
Flax seed.....	56	Spelt.....	35
Gooseberries.....	40	Stone coal.....	80
Grapes.....	40	Strawberries.....	32
Green beans, unshelled.....	56	Sweet corn.....	50
Green peas, unshelled.....	50	Sweet potatoes.....	46
Hemp seed.....	44	Timothy seed.....	45
Hickory nuts.....	50	Tomatoes.....	50
Hungarian grass.....	50	Turnips.....	55
Kaffir corn.....	56	Walnuts.....	50
Lime.....	80	Wheat.....	60
Millet seed.....	50	Hen eggs..... per dozen..	1½

Sec. 3017
Perch of mason work
or stone

The perch of mason work or stone consists of twenty-five feet cubic measure.

Sec. 3018
Hop boxes

The standard size for all boxes used in packing hops shall be thirty-six inches long, eighteen inches wide, and twenty-three and one-fourth inches deep, inside measurement.

Sec. 3019
Superintendent

A superintendent of weights and measures for the state, who shall possess sufficient learning and mechanical skill to perform

¹ For convenience in printing a slight change has been made in arrangement of these articles.

the duties of the office, shall be appointed by the governor from the board of professors of the university, who shall hold his office during the pleasure of the governor, and give a bond in the penal sum of five thousand dollars conditioned for the faithful discharge of his duties, which bond shall be filed with, and it with the sureties thereon approved by, the secretary of state.

He shall have charge of the standards adopted, and keep them in the building furnished by the state, from which they shall in no case be removed. He shall provide the several counties with such standards, balances, and other means of adjustment as may be ordered by them, and as often as once in ten years compare the same with those in his possession, and have a general supervision of the weights and measures of the state. He shall procure and keep for the state a complete set of copies of the original standard of weights and measures, which shall be used for adjusting the county standards and in no case shall the original standards, be used for any other purpose than the adjustment of this set of copies. He shall also procure such apparatus and fixtures as are necessary in the comparison and adjustment of county and town standards. He shall cause to be impressed upon all standards of weights and measures furnished by him the word "Iowa" and such other devices as he shall direct for the particular county, city or town, and the county sealers shall see that, in addition to the above device, there is impressed upon the town and city standards such other device as the board of supervisors shall direct for them.

Sec. 3020
Duties

Original standards

When the superintendent shall resign, be removed from office, or remove from Iowa City, or when any city, county or town sealer shall resign, be removed from office, or remove from the county, city or town in which he shall have been appointed or elected, the person so resigning, removed or removing shall deliver to his successor in office all the standard beams, weights and measures in his possession.

Sec. 3021
Delivery to successor

The board of supervisors of any county may, at any regular meeting, provide for obtaining from the state superintendent of weights and measures such standards of weights and measures as it may be deemed necessary for its county, and in case it orders such standards it shall appoint a county sealer of weights and measures, who shall hold his office during the pleasure of the board. The county sealer shall take charge of the county standards and standard balances, and provide for their safe keeping, and provide cities and towns with such standard weights and measures and standard balances as may be wanting, and compare them with those in his possession as often as once every five years.

Sec. 3022
Sealer, duties

A sealer of weights and measures may be appointed in any city or town by the council thereof, who shall hold his office during its

Sec. 3023
Sealer for cities and towns

pleasure, and it may obtain from the sealer of weights and measures of the proper county such standards of weights and measures as may be necessary; in case the board of supervisors of a county in which any city or town is situated has not obtained such standards, then its council may do so. Each sealer in cities and towns shall take charge and provide for the safe keeping of the town or city standards, and see that the weights, measures and all apparatus used for determining the quantity of commodities used throughout the town or city, which shall be brought to him for that purpose, agree with the standards in his possession.

Sec. 3024
Expenses

All expenses directly incurred in furnishing the several counties, cities and towns with standards, or in comparing those that may be in their possession, shall be borne by them.

Sec. 3025
Delivery to successor,
penalty

In case of the death of any sealer of weights and measures, his representatives shall deliver to his successor in office such beams, weights and measures, and, in case of refusal or neglect to do so, the successor in office may maintain an action against the person so refusing or neglecting, and recover for the use of such county, city or town double the value thereof, and in every such action in which judgment shall be rendered for the plaintiff he shall recover double costs.

Sec. 3026
Using false weights
or measures

If any person shall hereafter use any weights, measures, beams or other apparatus for determining the quantity of commodities, which shall not be conformable to the standards of this state, in any counties whose standards have been obtained by the board of supervisors, or in any city or town after such standards have been obtained therein, whereby any person shall be injured or defrauded, he shall pay five dollars for each offence, to be collected by the county, city, or town sealer, and shall be liable to the person defrauded in treble damages and costs. Every person keeping any store, grocery or other place for the sale or purchase of such commodities as are usually sold by weight or measure, shall, once in each year, procure the weights and measures used by him to be compared with the standard herein provided, and be subject to a penalty of five dollars for every neglect to comply with this provision, to be recovered by any one who shall prosecute therefor.

Penalty

Sec. 3027
Weighmasters of
public scales

All persons keeping public scales, before entering upon their duties as weighmasters, shall be sworn, before some person having authority to administer oaths, to keep their scales correctly balanced, to make true weights, and to render a correct account to the person having weighing done. Every scale shall be a public one for the use of which a charge is made.

Sec. 3028
Correct weights,
standard for testing

Weighmasters are required to make true weights and keep a correct register of all weighing done by them, giving the amount of each weight, date thereof, and the name of the person or persons

for whom done, and give, upon demand, to the person having weighing done, a certificate, showing the weight, date, and for whom weighed. Weighmasters or keepers of public scales kept for the purpose of weighing stock or grain shall keep a standard of weight, not less than fifty pounds avoirdupois, for the purpose of testing such scales, and at least once a month, or oftener, if requested, make a satisfactory test of the correctness thereof.

Any weighmaster or keeper of public scales, violating any of the provisions of the two preceding sections, shall be guilty of a misdemeanor and fined in any sum not over twenty nor less than five dollars for each offence, and be liable to the person injured for all damages sustained.

Sec. 3029
Penalty

The board of supervisors of each county, as often as may be necessary, shall appoint one inspector of lumber and shingles, who shall have power to appoint one or more deputies, for whose conduct he shall be liable.

Sec. 3030
Inspector of shingles
and lumber

Before any inspector or deputy shall enter upon the duties of his office, he shall take an oath or affirmation that he will faithfully and impartially perform the duties required of him by law, and each inspector shall give bond, with sureties to be approved by the county auditor, in such sum as the board of supervisors may require, payable to the state, which shall be deposited with the treasurer of the county, conditioned for the faithful and impartial performance of his duties; and any person who suffers injury by the incapacity, neglect, or misconduct of such inspector or his deputy may recover damages therefor in an action on such bond, but such action shall be commenced within one year after the cause of action accrues.

Sec. 3031
Oath, bond

Damages

The inspectors or their deputies, within their respective counties, shall inspect all lumber, boards, and shingles, when applied to for that purpose, and when inspected, stamp on the same, with branding irons, made for that purpose, the name of the state and county where inspected, and the kind and quality of the article inspected, which iron shall be made and lettered as directed by the board of supervisors, and every inspector shall make, in a book kept for that purpose distinct entries of all articles inspected by him or his deputies, with the names of the persons for whom said articles were inspected; and any person who shall counterfeit said brands or marks or either of them, shall be guilty of forgery, and be punished accordingly.

Sec. 3032
Duties, counterfeiting
brand

A shingle shall be sixteen inches in length, four inches wide, half an inch thick at the butt, clear of sap, designated as first and second quality, and each bundle branded with the quality and name of the inspector. All lumber shall be divided into four qualities and designated as clear, first common, second common, and refusal.

Sec. 3033
Size of shingles

Sec. 3034
Compensation of superintendent

The salary of the superintendent of weights and measures shall be fifty dollars per annum.

Sec. 3035
Compensation of sealer

Each sealer of weights and measures shall receive the following fees:

1. For sealing and marking every beam, ten cents.
2. For sealing and marking measures of extension, at the rate of ten cents per yard, not to exceed fifty cents for any one measure.
3. For sealing and marking every weight, five cents.
4. For sealing and marking liquid and dry measures, five cents for each measure.
5. He shall also be entitled to a reasonable compensation for making weights and measures conform to the standards in his possession.

Sec. 3036
Compensation of inspector of lumber

The inspector of lumber and shingles shall receive:

1. For inspecting and measuring lumber, for each thousand feet, board measure, fifteen cents.
2. For inspecting shingles, for each thousand, fifteen cents.

Sec. 5044
False weights and measures

If any person, with intent to defraud, use a false balance, weight or measure in the weighing or measuring of anything whatever that is purchased, sold, bartered, shipped, or delivered for sale or barter, or that is pledged or given in payment, he shall be fined not exceeding five hundred nor less than fifty dollars, or be imprisoned in the county jail not more than six months, or both.

Sec. 5045
Seizure

The magistrate granting a warrant of arrest under the preceding section must also direct the seizure of the false weights, balances or measures, and if the party be convicted, or they are found to be false, they shall be forfeited to the county, and after being made of the standard weight or measure, may be sold, and the money arising from such sale must be paid into the county treasury.

Code, 1897, p. 1964
Sec. 5046

Penalty for altering brands, etc.

If any person falsely alter any stamp, brand or mark on any cask, package, box or bale containing merchandise or produce, made by a public officer, appointed for that purpose, in order to denote the quality, weight or quantity of the contents thereof, with intent to defraud, he shall be fined not more than five hundred dollars and imprisoned in the county jail not exceeding one year.

Sec. 5047
Penalty for counterfeiting mark of another

If any person counterfeit any mark, stamp or brand of another, or falsely mark any cask, package, box or bale as to quality or quantity, with intent to defraud, he shall be fined not exceeding two hundred dollars, or be imprisoned in the county jail not more than six months, or both.

Sec. 5048
Fraudulently using stamped cask, etc.

If any person, with intent to defraud, use any cask, package, box or bale, marked, branded or stamped by another, for the sale

of merchandise or produce of an inferior quality or less in quantity or weight than is denoted by such mark, stamp or brand, he shall be imprisoned in the county jail not more than one year, or fined not exceeding two hundred dollars, or both.

Every barrel, bag, parcel or package of flour, containing one pound or more, offered or exposed for sale in the state of Iowa, for use within this state, shall have affixed thereto in a conspicuous place on the outside thereof, distinctly printed in the English language, in legible type not smaller than eight point heavy Gothic capital letters, a statement certifying the number of net pounds contained in the package. Any person who shall sell any package of flour which shall be stamped or labeled with a greater number of pounds net than such package actually contains, or shall sell flour in any manner contrary to the provision of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum of not less than ten dollars nor more than one hundred dollars, provided, that in determining the net weight at the time of sale, the reasonable and ordinary shrinkage, if any, may be included.

Laws, 1911
Sec. 1

Flour, net weight of

Penalty

That the state food and dairy commissioner and his assistants are each hereby empowered and it is hereby made their duty, to make an inspection of scales, weights and measures wherever the same are kept for use in connection with the sale of merchandise or other commodities sold by weight or measurement, or where the price to be paid for producing or manufacturing any article or commodity is based upon the weight or measurement thereof, within this state, and he is hereby authorized and directed to procure from the State Superintendent of Weights and Measures such standards of weights and measures as may be necessary to enable him and his assistants to perform the duties conferred upon them by this act.

Laws, 1911
Sec. 1
State Food and Dairy
Commissioner and as-
sistants to inspect scales,
weights, etc.

Whenever complaint shall be made to the state food and dairy commissioner that any false or incorrect scales, weights or measures are being made use of by any person, firm or corporation in the purchase or sale of merchandise or other commodities or in weighing any article or commodity, the piece price paid for producing which is determined by weight or measure, it shall be his duty to cause the same to be inspected as soon as the duties of his office will permit, and he shall make such other inspection of weights and measures as in his judgment is necessary or proper to be made.

Sec. 2
Complaints of false or
incorrect scales, etc.

If any person engaged in the purchase or sale of merchandise or other commodities by weight or measurement or in the employment of labor where the price thereof is to be determined by weight or measurement of the articles or thing upon which such labor is bestowed, as specified in section one (1) of this act, be

Sec. 3
Penalty

found having in his place of business any scales, weights, measure or other apparatus for determining the quantity of any commodity, which does not conform to the standards of weight and measurement of this state, shall be guilty of a misdemeanor and for the first offense shall be fined not less than ten nor more than one hundred dollars, and for each subsequent offense, not exceeding five hundred dollars, or imprisonment in the county jail not exceeding ninety days.

Sec. 4
Expenses, how paid

The state food and dairy commissioner shall pay from the appropriations for his office, any and all expense incurred in procuring the necessary standards from the state superintendent of weights and measures.

Supp. 1907 to Code,
1897, p. 1104
(1907)

Sec. 5077-a6
Statement of weight
to be affixed to concentrated commercial feeding stuffs

Every lot in bulk, barrel, bag, pail, parcel or package of concentrated commercial feeding stuffs as defined in section three (3) [Sec. 5077-a8] of this act; and every parcel, package or lot of agricultural seeds as defined in section nine (9) [Sec. 5077-a14] of this act, and containing one pound or more, offered or exposed for sale in the state of Iowa for use within this state, shall have affixed thereto, in a conspicuous place on the outside thereof, distinctly printed in the English language in legible type, not smaller than eight point heavy Gothic caps, or plainly written a statement certifying:

1. In case of concentrated commercial feeding stuffs:

First. The number of net pounds of feeding stuff in the package. * * *

Sec. 5077-a8
Concentrated commercial feeding stuffs defined

The term concentrated commercial feeding stuffs, as used in this act, shall include alfalfa meals and feeds; dried beet refuse; ground beef or fish scraps; bean meals; dried blood; brewers grains, both wet and dry; cerealine feeds; cocoanut meals; corn feeds; corn and oat feeds; corn, oat and barley feeds; compounds under the name of corn and cob meals; corn bran; clover meal; cottonseed meal and feeds; germ feeds; distillers grains; gluten meals; gluten feeds; hominy feeds; linseed meals; malt refuse; malt sprouts; meat meals; meat and bone meals; mixed feeds of all kinds; oil meals of all kinds; oat feeds; oat bran; oat flour; oat middlings; oat shorts; pea meals; poultry foods; rice bran; rice meal; rice polish; rye bran; rye middlings; rye shorts; starch feeds and starch factory by-products; tankage and packing house by-products; wheat bran; wheat middlings; wheat shorts; and low grade wheat flour; and all materials of similar nature used for domestic animals; also condimental stock foods; patented proprietary or trade marked stock or poultry feeds claimed to possess medicinal or nutritive properties or both; and all other materials intended for feeding to domestic animals. But it shall not include: hay, straw, whole seeds; unmixed meals made from the entire

grains of wheat, rye, barley, oats, indian corn, buckwheat, and broom corn; nor wheat flours nor other flours fit for human consumption.

The term agricultural seeds, as used in this act, shall include the seeds of the red clover, white clover, alsike clover, alfalfa, Kentucky blue grass, timothy, brome grass, orchard grass, red top, meadow fescue, oat grass, rye grass and other grasses and forage plants, flax, rape and cereals.

Sec. 5077-a14
Agricultural seeds defined

That every person, firm or corporation engaged in operating any railroad within the state of Iowa shall equip the line of its track and thereafter maintain thereon in good order, track scales of sufficient capacity to weigh all carloads of coal that may be transported over the said railroad, and shall weigh the same at the request of any owner, consignor or consignee of such commodities, and furnish written certificates of such weights to such owner, consignor or consignee as hereinafter provided. Such track scales shall be so installed and maintained at all division stations along the line of such railroads within the state of Iowa, and at such other stations as the board of railroad commissioners shall from time to time direct.

Supp. 1907, to Code,
1897, p. 842.
(1907)

Sec. 2157-1
Track scales—where located—weight certificates

That every person, firm or corporation engaged in operating any railroad within the state of Iowa, over which coal, in carload lots shall be transported for hire, shall weigh such coal at point where such shipment originates unless covered by weight agreement between consignor and railway company, provided such point is equipped with track scales. If not so equipped, it shall be weighed at first practicable point en route where track scales are provided. Said person, firm or corporation shall furnish to said shipper a bill of lading showing date and place weighed, also the gross, tare and net weight for each carload of coal so weighed. The tare weight shall be determined by using actual weight of empty car at loading station, provided track scales are maintained at such point.

Sec. 2157-m
Weighing of coal at point where shipment originates

Such coal shall be weighed at destination upon request of consignee when there are track scales at such point. If not equipped with track scales at such point, then at nearest practicable point en route where such scales are maintained and certificate of weight showing actual gross, tare and net weights, shall be furnished to consignee and settlement of freight charges based on these weights. A reasonable charge of not more than \$1.00 per car, may be made for such weighing on request.

Sec. 2157-n
Weighed at destination upon request—fee

Cars when weighed on track scales shall be uncoupled, clear and unhampered at both ends, carefully weighed by competent weighmen and certificates issued upon request of consignees, showing gross, tare and net weights.

Sec. 2157-o
How weighed

Sec. 2157-p
Prima facie evidence

Certificates mentioned in this act shall be *prima facie* evidence of the facts therein recited in any action arising between consignors and consignees and common carriers.

Penalty

Any common carrier operating in this state violating any of the provisions of this act by neglecting or refusing to weigh cars or to furnish certificates of weights as herein provided shall be guilty of a misdemeanor and shall be, upon conviction thereof, fined in the sum of not more than one hundred and twenty-five dollars (\$125.00) for each and every violation.

Supp. 1907 to Code,
1897, p. 551
(1888 '06; 1000)
Sec. 2490
Scales and weighers

The owner or operator shall, if the miners are paid by weight, provide the mine with suitable scales of standard make, and require the person selected to weigh the coal delivered from the mine to be sworn before some person authorized to administer oaths, to the effect that he will keep the scales correctly and truly balanced, and accurately weigh and a true record keep of each car delivered, which oath, with that of the checkweighman herein-after provided for, shall be conspicuously displayed with record of weights at the place of weighing, which record shall carry the account of each miner by itself, be open to the inspection at all proper times of miners and all others having a pecuniary interest in the mine and all damages sustained on account of a failure to weigh and credit to the proper person any coal mined shall be recoverable in an action brought within two years from the time the right thereto accrued, and a knowledge of a violation of this provision by the miner shall not be a defense thereto. The miners employed and working in any mine may furnish a competent checkweighman, who, before entering upon his duties, shall make and subscribe to an oath to the effect that he has duly qualified and will faithfully discharge his duties as checkweighman, and he shall at all proper times have access to and the right to examine the scales, machinery or apparatus used in weighing and seeing all measures and weights of coal mined and the accounts kept thereof; but not more than one person on the part of the miners collectively shall have this right, and such examination and inspection shall be so made as to create no unnecessary interference with the use of such scales, machinery or apparatus. The owner or agent shall, where the miner is by contract to be paid by the ton or other quantity, unless otherwise agreed upon in writing, weigh the coal before screening, and the miner shall be credited at the rate of eighty pounds to the bushel and two thousand pounds to the ton, but no payment shall be demanded for sulphur, rock, slate, blackjack, dirt or other impurities which may be loaded or found with the coal. * * *

Code, 1897, p. 882
(1894)
Sec. 2523
Babcock test; stand-
ard tube for

Any person or corporation, or the employee of such person or corporation, who operates a creamery or cheese or condensed milk factory, and uses a chemical milk test to determine the quan-

tity of butter fat in milk purchased, used or received, shall so use only such tests as shall be clear oil, free from any foreign substance, and produce correct measurements of butter fat, and every such person or corporation using a milk test shall procure from the dairy commissioner for each factory so operated one standard tube or bottle, and one standard measure or pipette, for testing milk, certified and marked by him as in this chapter provided, which shall be kept for inspection by the patrons and used by such person or corporation in testing or verifying test tubes or bottles and milk measures or pipettes used. In any action arising between any such operator and patron, the burden of establishing the use of reliable tests and the results therefrom, equivalent to the standard herein provided, shall be upon the operator.

It shall be unlawful for the owner, manager, agent or employe of a cheese factory, creamery or condensed milk factory to falsely manipulate or under-read or over-read the Babcock test or any other contrivance used for determining the quantity of milk or cream, or to make any false determination of the said Babcock test or otherwise.

Whosoever shall violate any of the provisions of this act shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars.

(1906)
 Suppl., 1907 to Code,
 ch. 13, p. 1103
 Sec. 5077-a1
 Misreading or ma-
 nipulation of milk or
 cream tests

Sec. 5077-a2
 Penalty



KANSAS

Such standard weights and measures as have been furnished to this state by the government of the United States, in accordance with a joint resolution of Congress, approved June 14, 1836, and such weights, measures, balances and measuring devices as may be received from the United States as standard weights, measures, balances and measuring devices, in addition thereto, or in renewal thereof, shall be the authorized standards of the state of Kansas.

(1000)
Gen. Stat., 1909
Sec. 9738
State standards

The units of standard measures of length and surface from which all other measures of extension, whether lineal, superficial or solid, shall be derived and ascertained, are the standard of length designated in this act. The yard is divided into three equal parts called feet, and each foot into twelve equal parts called inches. For measures of cloth and other commodities commonly sold by the yard, the yard may be divided into halves, quarters, eighths, and sixteenths. The rod, pole or perch contains $5\frac{1}{2}$ yards; the mile, 1760 yards. The chain for measuring land is 22 yards long, and is divided into 100 equal parts called links. The acre for land measure shall be measured horizontally and contain 10 square chains, equivalent in area to a rectangle 16 rods in length and 10 in breadth; 640 acres being contained in a square mile.

Sec. 9739
Units of length and
surface measure

Yard; foot; inches

The units of standards of weight, from which all other weights shall be derived and ascertained, shall be the standard weights designated in this act. The hundredweight consists of 100 avoirdupois pounds, and a ton contains 20 hundredweights. Wherever hereafter in this act the word pound is used it shall mean the avoirdupois pound unless otherwise distinctly specified.

Rod; pole; perch;
mile
Chain; link

Acre

The units of standards of measure of capacity for commodities not liquids, from which all other measures shall be derived and ascertained, shall be the standards for such commodities designated in this act. The peck, half-peck, quarter-peck, quart, pint and half-pint measures for measuring commodities which are not liquids shall be derived from the half-bushel by successively dividing that measure by two.

Sec. 9740
Units of weight
Hundredweight; ton

Sec. 9741
Units of dry measure

The units of standards of measure of capacity for liquids, from which all other measures shall be derived and ascertained, shall be the standard liquid measures designated in this act. The liquid gallon shall be divided by continual division by the number two so as to make half-gallons, quarts, pints, half-pints and gills.

Sec. 9742
Units of liquid measure

Sec. 9743
Electrical measures

The standards of electrical measures recognized by the National Bureau of Standards when procured by the state shall be the standard of electrical measures in the state of Kansas.

Sec. 9744
Metric weights and measures

The weights and measures of the metric system shall be legal weights and measures in the state of Kansas.

Sec. 9745 as amended
by Laws, 1911, ch. 334,
p. 595

That the State Board of Health shall be charged with the duties of enforcing the provisions of this act.

Enforcement of act
Weights per barrel
and per bushel

That mill products hereinafter mentioned shall have only the following standard weights, and whenever any of the following articles shall be contracted for, or sold, or delivered, and no special contract or agreement shall be made to the contrary, such sale and all computations for payment or settlement therefor shall be by weight. The net and gross weight shall be as follows:

Barrels of wheat and rye flour, in wood, one hundred and ninety-six pounds net;

Half barrels in wood, ninety-eight pounds net;

Half barrels in cotton sacks, ninety-eight pounds gross;

One-fourth barrels in cotton sacks, forty-eight pounds gross;

One-eighth barrels in cotton sacks, twenty-four pounds gross;

One-sixteenth barrels in cotton sacks, twelve pounds gross;

Corn meal in sacks, thirty-five pounds gross;

Half sacks, seventeen and one-half pounds gross;

One-fourth sacks, eight and three-fourths pounds gross;

And all feed made from cereals of any kind, whether pure, mixed, or adulterated, one hundred pounds per sack gross.

And the following articles, per bushel:

	Pounds.	Pounds.	
Wheat.....	60	Salt.....	80
Rye.....	56	Castor beans.....	46
Indian corn, in the ear.....	70	Hemp seed.....	44
Kaffir corn.....	56	Native bluegrass seed.....	14
Rice corn.....	56	English bluegrass seed.....	22
Corn, shelled.....	56	Timothy seed.....	45
Sorghum seed.....	50	Dried peaches.....	33
Buckwheat.....	50	Dried apples.....	24
Barley.....	48	Green apples.....	48
Malt.....	32	Unslacked lime.....	80
Oats.....	32	Plastering-hair, unwashed.....	8
Beans.....	60	Plastering-hair, washed.....	4
Clover seed.....	60	Parsnips.....	50
Hungarian and millet seed.....	50	Carrots.....	50
Potatoes.....	60	Beets.....	56
Sweet potatoes.....	50	Tomatoes.....	56
Turnips.....	55	Peaches.....	48
Flaxseed.....	56	Shelled dried peas.....	60
Onions.....	57	Alfalfa seed.....	60

Sec. 9746
Contracts, how con-
strued

All contracts, sales or purchases hereafter made for work to be done, or for anything to be sold or delivered or done, by weight or measure, within this state, shall be taken and construed in

terms of and according to the standards of weights and measures adopted by this act, except where parties have agreed upon any other calculations or measurements; and all statements and representations of any kind referring to the weights or measures of commodities sold or purchased, or exposed for sale, shall be understood in terms of the standards of weights or measures aforesaid.

All dry commodities not otherwise specified in this act shall be sold only by standard dry measure, standard weight, or numerical count, except where parties otherwise agree.

Sec. 9747
Dry commodities, how sold

Berries and small fruits whenever sold in boxes shall be sold in boxes containing standard liquid quart or liquid pint, and if said boxes contain less than this amount, the information must be given to the purchaser by such package being labeled with a statement of the net contents.

Sec. 9748 as amended
by Laws of 1911
Berry boxes, capacity

To be labeled, when

All milk or cream that shall be sold in bottles shall be sold only in bottles containing half-pints, pints, quarts, half-gallons, or gallons. All other liquid commodities shall be sold only by standard liquid measure or standard weight, except where parties otherwise agree.

Sec. 9749
Milk and other liquid
commodities, how sold

A loaf of bread for sale shall be two pounds in weight. Bread, unless composed in chief part of rye or maize, shall be sold only in whole, half and quarter loaves, and not otherwise. Bread, when sold, shall, upon the request of the buyer, be weighed in his presence, and if found deficient in weight, additional bread shall be delivered to make up the legal weight, except that this section shall not apply to rolls or to fancy bread weighing less than one-quarter of a pound. Every loaf, half-loaf or quarter-loaf of bread which does not weigh the full weight required by this section shall be plainly labeled with the exact weight.

Sec. 9750
Bread, weight of; how
sold

To be labeled, when

A print or package of butter shall contain sixteen ounces avoirdupois, and when a print or package of butter containing less than sixteen ounces avoirdupois shall be sold its net weight shall be disclosed by the seller to the buyer, or a statement of the net weight be made upon a label attached thereto.

Sec. 9751
Butter, weight of
To be labeled, when

A person who, by himself or by his servant or agent, or as the servant or the agent of another, uses a weight, measure, balance or measuring device that is false and does not conform to the authorized standard for determining the quantity of any commodity or article of merchandise, or sells or exposes for sale less than the quantity which he represents, or sells or offers for sale commodities in a manner contrary to law, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined in a sum of not less than five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than

Sec. 9752
Use of false weight or
measure

Penalty for

ninety days, or by both such fine and imprisonment. He shall also be liable to the injured party in double the amount of the property wrongfully taken or not given, and ten dollars in addition thereto, to be recovered in any court of competent jurisdiction. The selling and delivery of any commodity or article of merchandise shall be *prima facie* evidence of representations on the part of the vendor that the quantity sold and delivered was the quantity bought by the vendee. There shall be taken into consideration the usual and ordinary leakage, evaporation or waste that there may be from the time the package is filled by the vendor until the selling of the same; a slight variation from the stated weight, measure or quantity for individual packages is permissible, provided this variation is as often above as below the weight, measure or quantity stated.

Prima facie evidence

Tolerance

Sec. 9753
State sealer, who is

The chancellor of the University of Kansas, at Lawrence, shall be *ex officio* state sealer of weights and measures (hereafter referred to in this act as the state sealer), and shall have the care and custody of the authorized public standards of weights and measures and of balances and other apparatus of all kinds owned by the state under section 1 [sec. 9738] of this act. He shall maintain the state standards in good order and submit them at least once in every ten years to the National Bureau of Standards for verification. He shall compare and adjust by the state standards all county, municipal and other official standard weights, measures, balances and measuring devices which may be sent or brought to him for that purpose, and shall seal the same when found or made to conform to the state standards, by stamping upon each the letter "K" and the last two figures of the year in which the said comparison and adjustment has been made, with seals which he shall have and keep for that purpose; provided, that he may refuse to compare and seal any weights, measures, balances or measuring devices as standards for any county, municipality or public offices which do not conform to the type approved by the National Bureau of Standards for such use.

Duties of

Sec. 9754
State sealer may try
and approve apparatus
on request

The state sealer may try and prove weights, measures, balances and other measuring devices on request for any person, corporation or institution, and when the same are found or made to conform to the state standards, and otherwise fulfill such reasonable requirements as he shall make, he may seal the same with a seal which he shall have and keep for that purpose.

Sec. 9755
Record

Report, to whom made

The state sealer shall keep a record of all of the weights, measures, balances, or other measuring devices sealed or condemned by him, and shall make an annual report to the governor, on or before January 1, of each year, a copy of which shall be filed with the National Bureau of Standards. He shall issue from time to

time regulations for the guidance of county, municipal, and all other inspectors or sealers of weights and measures, and the said regulations shall govern the procedure to be followed by the aforesaid officers in the discharge of their duties.

The state sealer may appoint a deputy state sealer, who shall perform such duties as may be prescribed by the state sealer, and he shall be a member of the faculty of the State University and receive no other compensation than his salary as a member of the faculty.

Sec. 9756
Deputy, appointment of

The county clerk of each county shall be the sealer of weights and measures for the county, and shall have the care and custody of the county standards. He shall procure, when ordered by the board of county commissioners, at the expense of the county, when not already provided, a full set of weights, measures, balances and measuring devices, which he shall cause to be tried, proved and sealed by the state standards under the direction of the state sealer. He shall maintain the standards and other apparatus under his charge in good order and repair and submit the same to the state sealer for verification when in the judgment of the commissioners it seems necessary.

Sec. 9757
County clerk is county sealer
Duties of

Sets of standards for county and local sealers, if procured, shall include the following weights, measures, and balances, and they shall be of a type approved for such use by the state sealer: One yard measure divided into feet and inches, and at least one of the inches divided into thirty-seconds of an inch. Dry capacity measures: One half-bushel, one peck, one quart, and one pint. Liquid capacity measures: One gallon, one quart, and one pint. Avoirdupois pound weights in the following number and denomination: One fifty-pound, one twenty-pound, two ten-pound, one five-pound, two two-pound, and one one-pound. Avoirdupois ounce and fractional ounce weights in the following number and denomination: One eight-ounce, one four-ounce, one two-ounce, two one-ounce, one one-half-ounce, one one-quarter-ounce, one one-eighth-ounce, and two one-sixteenth-ounce. Twenty test weights each of fifty pounds for testing platform scales and other large scales, if the same are to be tested. One equal-arm balance of capacity of fifty pounds to one-sixteenth of an ounce.

Sec. 9758
Standards for county and local sealers

The several county and local sealers shall try and prove all weights, measures, balances and measuring devices when requested so to do, and when the same are found or made to conform to the authorized standards they shall seal and mark such weights, measures, balances and measuring devices with a seal to be kept by them for that purpose. When any weight, measure, balance or measuring device is found by any authorized inspector or sealer to be false or untrue or not of an approved type, or which does not

Sec. 9759
County and local sealers, duties of

conform to the standards, or which cannot be made to conform to the standards by such means as the said inspector or sealer may have at his disposal, he shall condemn the same and mark it condemned in a conspicuous manner, and such condemnation mark shall not be removed or defaced except by authorization of the said inspector or sealer.

Sec. 9760
County clerk neglect-
ing standards

Any county clerk who neglects to keep the standards under his charge in good order or repair, or who suffers any of them through his neglect to be lost, damaged or destroyed, or who fails to perform any of the duties imposed upon him by this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof in a court of competent jurisdiction shall be subject to a fine of not less than ten dollars nor more than two hundred dollars.

Penalty for

Each sealer of weights and measures, including the county clerks, shall receive fees as follows: One dollar for inspecting or sealing each platform scale, if weighing five thousand pounds or more, and fifty cents if weighing less than that amount, and shall be entitled to collect from the owner or custodian of such platform scales an amount sufficient to cover the cost of transporting all necessary test weights to and from the location of said scales. For sealing or marking every beam, ten cents. For sealing or marking measures of extension, ten cents per yard or fraction thereof, not exceeding fifty cents for any one measure. For sealing or marking every weight, five cents. For sealing or marking liquid or dry measures, ten cents for each measure. He shall have a reasonable compensation for making weights and measures conform to the standards in his possession. The state sealer shall not require any fee from any county or city, and all fees collected by the state, county or city sealer shall be paid into the state, county or city treasury, as the case may be.

State sealer not to re-
quire fees of county or
city

Sec. 9762
Sealers, powers of

All state, county and local sealers, or their deputies and other authorized inspectors of weights and measures, shall have full power to enter any premises in or on which any weights, measures, balances or measuring devices may be located or used for the purposes of trade, for the purpose of inspecting, adjusting and sealing or condemning the same. Whoever hinders, obstructs, or in any way interferes with any sealer or other person authorized to inspect weights and measures, while in the performance of said inspection, or whoever fails to produce, upon demand by such authorized sealer or inspector, all weights, measures, balances or measuring devices in or upon his place of business or in his possession for use in manufacture or trade, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than five dollars nor more than one hundred dollars.

Hindering, etc., mis-
demeanor

Penalty for

Any state or local sealer or deputy who shall seal any weight, measure, balance of measuring device before first testing and making the same conform to the authorized standard, or who shall condemn any weight, measure, balance or measuring device without first testing the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than five dollars nor more than one hundred dollars.

Sec. 9763
Sealing and condemning, when misdemeanor

Penalty

The several county and municipal sealers and other persons authorized to inspect weights and measures shall keep records of all weights and measures, balances and measuring devices inspected, sealed or condemned by them, giving the name of the owner or agent, the place of business, the date of inspection, and kind of apparatus so inspected, sealed or condemned, and shall make an annual report of the same to the state sealer on or before the first day of September of each year, giving in addition to the above an inventory of the standards and apparatus in his possession, and such other information as he may deem important or that the state sealer may require.

Sec. 9764
Record

Report

Any city or municipality in the state may establish a department of public inspection of weights and measures, and shall have power to appoint a sealer and deputies and fix their compensation, and to pass such ordinances not in conflict with the state laws as may be deemed necessary; and if a city or municipality shall establish such a department it shall provide the sealer with suitable quarters, a set of standards as hereinbefore specified in this act, and all other equipment for the proper performance of his duties. All city and municipal standards shall be tried, proved and sealed under the direction of the state sealer, and shall be returned to him for verification at least once in every five years.

Sec. 9765
Cities and municipalities may appoint sealer and deputy, etc.

City standards to be tried

The county or local sealer who may have reason to believe that any weight, measure, balance or measuring device used in trade is inaccurate, or not according to the standard, shall have authority to make an immediate examination of the same and require that the same be tried and tested and conform to the standards herein required.

Sec. 9766
Sealers may try weights, etc., when

It is hereby made the duty of the State Board of Health, and its several food and drug inspectors, to cooperate with the state and local sealers in carrying out the provisions of this act and all other acts relating to weights and measures, and the said food and drug inspectors are hereby authorized and empowered to act as inspectors of weights and measures used in trade. The State Board of Health shall procure, at the expense of the state, a full set of standard weights, measures and balances, including sets of standard apothecaries' weights and measures, and cause the same to be proved and sealed by the state standards under the direction of the

Sec. 9767
State Board of Health to cooperate with sealers

And procure sets of standards

state sealer, together with the necessary working sets of weights, measures, balances and measuring devices for the use of the said inspectors, which must be officially sealed, and such weights and measures, balances and measuring devices provided for such inspectors shall be competent evidence in all courts in this state in criminal or civil action.

Evidence in court

Sec. 9768
Acts repealed

That an act entitled "An act regulating weights and measures," approved March 2, 1868, as amended by chapter 167 of the Laws of 1886 and chapter 208 of the Laws of 1877 and chapter 280 of the Laws of 1897, being sections 7920 to 7931, both inclusive, of chapter 116 of the General Statutes of Kansas of 1901, be and the same is hereby repealed; provided, however, that where any penalty has been incurred or any proceeding commenced under or contract made by virtue of the statutes sought to be repealed, it shall remain in force as to such penalty incurred or proceeding commenced or contract made.

Gen. Stat., 1909, ch.
125, p. 2109
(1885)
Sec. 9769
Weight of gallon of
various oils

Whenever any of the following named articles shall be contracted for or sold or delivered by wholesale or in the original package within the state of Kansas, and no special contract or agreement shall be made to the contrary, such sale and all such computations for payment and settlement therefor shall be by weight. The weight per gallon shall be as follows:¹

	Pounds.		Pounds.
Naphtha	5¾	Cod liver oil.....	7½
Kerosene oil.....	6½	Whale oil.....	7½
Paraffine oil.....	7½	Lard oil.....	7½
Castor oil.....	8	Neat's foot oil.....	7½
Olive oil.....	7⅝	Sperm oil.....	7¾
Linseed oil, raw.....	7½	Turpentine.....	7
Linseed oil, boiled.....	7½	Miners' oil.....	7½
Menhaden oil.....	7½	Gasoline.....	7¼

Sec. 9770
Penalty

Whoever in buying any of the articles mentioned in the preceding section shall take any greater number of pounds thereof to the gallon, or in selling any of the said articles shall give any less number of pounds to the gallon, than is allowed in said section, with intent to gain advantage thereby, except when expressly authorized so to do by special contract or agreement to that effect, shall be liable to the party injured in double the amount or value of the property so wrongfully taken or not given, and ten dollars in addition thereto, to be recovered in any court of competent jurisdiction.

(1905)
Sec. 9771
No deduction from
weight of grain, etc.
Penalty

Every sale of grain, seed, hay or coal shall be deemed to be made on the basis of the actual weight thereof, unless a different basis is established by the express agreement of the parties to the transaction. Any purchaser of grain, seed, hay or coal who, with-

¹For convenience in printing a slight change has been made in arrangement of these articles.

out express agreement with the seller thereof, shall knowingly deduct any quantity or amount from the actual weight or measure of the article purchased, and withhold payment therefor under claim of right so to do by reason of any custom, rule of a board of trade or any other pretense whatsoever, shall be deemed guilty of a misdemeanor, and subject to a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every offense. No agent or broker selling grain, seed, hay or coal for the owner thereof shall be presumed to have authority to sell any grain, seed, hay or coal on a basis other than that of the actual weight or quantity thereof, but express authority to allow any deduction must be proved.

Sec. 977²
Penalty

In case any purchaser of grain, seed, hay or coal shall deduct any amount from the actual weight or measure thereof, and shall knowingly withhold from the seller the purchase-price of the quantity so deducted, without the express agreement of the seller thereof, such seller may recover from such purchaser three times the amount so withheld, together with reasonable attorney's fees, to be taxed in each court in which the action may be brought or to which an appeal may be taken.

^{1,2}The mayor and council shall have the care, management and control of the city and its property and finances; and shall have power to enact ordinances for all the purposes named and provided for in this article not repugnant to the constitution and laws of this state, and to alter, amend, modify and repeal such ordinances.

Gen. Stat., 1909
(1903, 1900)
Sec. 883
Powers of city council

^{1,2}To prescribe rules for weighing and measuring every kind of commodity sold in the city, in all cases not otherwise provided for by law, and may provide for the inspection of grain and weighing of hay, grain, coal, and measuring of wood and other fuel, and determine the place or places of weighing or measuring same, and regulate and prescribe the place or places of exposing for sale hay, coal, and wood, and fix the fees and duties of the persons authorized to perform the duties named in this section; and to provide for the inspection and condemnation of coal-oils, gasoline, naphtha, and all other inflammable and combustible oils, fluids or gases used for heating or lighting purposes, when the same shall not be of the quality and standard prescribed by law or ordinance.

Sec. 919
Weights and measures

The mayor, by and with the consent of the council, may appoint a city engineer * * * weighmaster, inspector, and weigher of produce, * * * and such other officers, servants and employees as they may deem necessary for the best interests of the city, but no such officer shall be appointed until his term of office and salary shall have been fixed by ordinance; * * *.

Gen. Stat., 1909, p. 220
(1903, 1900)
Sec. 952
Weighmaster, appointment of

¹ Applicable to cities of the first class.
² Similar powers are vested in the board of commissioners of cities governed by the commission form of government.

The term of all elective or appointive officers shall be two years and until their successors are qualified, except as otherwise herein provided, or as may be hereafter provided by ordinance: Provided, in case of an appointment to fill a vacancy such appointee shall only serve for the remainder of the term for which his predecessor was elected or qualified.¹

Gen. Stat., 1909, P. 335
(1872)
Sec. 1402
Powers of council;
enforce weighing of all
commodities sold

The council may prescribe rules for the weighing and measuring of every commodity sold in the city in all cases not otherwise provided for by law, and may provide for the inspection and weighing of hay, grain and coal, the measuring of wood and fuel, and determine the place or places of the same, and regulate and prescribe the place or places of exposing for sale hay, coal and wood and fix the fees and duties of the persons authorized to perform the duties named in this section.²

(1887)
Sec. 1450
Additional powers,
cities of third class

In addition to the other powers provided by law, the mayor and council of cities of the third class may provide by ordinance for the inspection and weighing of hay, grain, coal, cattle and hogs, and for the measuring of wood for fuel, and determine the place or places of exposing for sale hay, coal, and wood; may purchase and locate scales for such weighing, appoint a weighmaster, and prescribe his duties and fees. The council shall require such weighmaster to give a proper bond to the city, for the faithful performance of his duties: Provided, that in no case shall there be any greater charge made for weighing than five cents for a single draft.

Gen. Stat., 1909, P.
1105
(1863)
Sec. 4956
Measures at mills

There shall always be kept at a public mill by the owner and occupier thereof a half-bushel and peck measure, tried and sealed by the proper authorities, and also proper toll dishes for the same; * * *

Gen. Stat., 1909
(1899)
Sec. 5177
Fraud in weight of
shipment

If any person, company or corporation doing business in Kansas shall make any agreement, expressed or implied, or by any understanding or combination with any person, company or corporation within or without the state, by which any shipper of seeds, grains, hay or live stock is defrauded out of any portion of the net weight of any consignment of grain, seeds, hay, or live stock, all such agreements or combinations are hereby declared to be in restraint of trade, and any such person, company or corporation shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in the sum of not less than one hundred dollars and not exceeding one thousand dollars for each offense.

Penalty

Gen. Stat., 1909, P.
1122
(1893)
Sec. 5022
Weighing of coal at
mine

It shall be unlawful for any mine owner, lessee or operator of coal mines in this state, employing miners at bushel or ton rates or other quantity, to pass the output of coal mined by said miners

¹ Applicable to cities of the first class.

² Applicable to cities of the second class.

over any screen or other device which shall take any part from the value thereof before the same shall have been weighed and duly credited to the employes and accounted for at the legal rate of weights as fixed by the laws of Kansas.

The weighman employed at any mine shall subscribe an oath or affirmation, before a justice of the peace or other officer authorized to administer oaths, to do justice between employer and employee, and to weigh the output of coal from mines in accordance with the provisions of section one of this act. Said oath or affirmation shall be kept conspicuously posted in the weigh office, and any weigher of coal or persons who shall knowingly violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five nor more than one hundred dollars for each offense, or by imprisonment in the county jail for a period not to exceed thirty days or by both such fine and imprisonment.

Sec. 5023
Weighman, oath

Penalty for violation

The miners employed by or engaged in working for any mine-owner, operator or lessee in this state shall have the privilege, if they so desire, of employing at their own expense a check weighman, who shall have like rights and privileges in the weighing of coal as the regular weighman, and shall be subject to the same oath and penalties as the regular weighman.

Sec. 5024
Check-weighman

Any person or persons having or using any scale or scales for the purpose of weighing the output of coal at mines, so arranged or constructed that fraudulent weighing may be done thereby, or who shall knowingly resort to or employ any means whatever by reason of which such coal is not correctly weighed, and reported in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor, and shall upon conviction for each offense be punished by a fine of not less than two hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for a period not to exceed sixty days or by both such fine and imprisonment.

Sec. 5025
Penalty for fraudulent use of scales

That the secretary of mine industries of the state of Kansas shall be *ex officio* inspector of weights, measures and scales used at coal mines, and he or his deputies are hereby empowered, and it shall be his or their duty, to test the scales used to weigh coal mined in the mines of this state at least once every six months, to ascertain whether or not such scales correctly measure the weight of such coal; and if defects or irregularities are found in such scales which prevent correct weights and measurements, the inspector shall call the attention of the mine-owner, agent or operator to said defects, and direct that the same be at once properly adjusted and corrected. If the owner, agent or operator of any coal mine in this state shall

Gen. Stat., 1909, p.
1125 (1903)
Sec. 5039
Inspection of scales at mines

refuse to allow such inspector or his deputies to properly test the scales used at such mine or mines, or shall fail or refuse to put such scales in proper adjustment and condition, so that the same shall correctly weigh the coal mined, after being notified by said inspector or his deputy so to do, such owner, agent or operator shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding five hundred dollars, or be confined in the county jail not exceeding six months, or both, in the discretion of the court; and it shall be the duty of the prosecuting attorneys in the respective counties to prosecute any person, firm or corporation violating the provisions of this section, the same as in other misdemeanor cases.

Penalty

Gen. Stat., 1909, p. 1127
(1907)
Sec. 5045
Weight of packages of black powder

It shall be unlawful for any individual, firm or corporation to sell, offer for sale or deliver for use at any coal mine or mines in the state of Kansas, black powder in any manner except in original packages containing twelve and one-half pounds of powder, said package to be securely sealed; * * * Provided, however, this act shall not be construed as in any manner conflicting with any existing contract of sale of black powder.

Gen. Stat., 1909, p. 690
(1907)
Sec. 3076
Penalty for offering for sale misbranded food

* * * That any person who shall sell, keep for sale or offer for sale, * * * any article of food * * * which is adulterated or misbranded, within the meaning of this act, shall be guilty of a misdemeanor, and for each offense shall upon conviction thereof be fined in a sum not to exceed fifty dollars or be imprisoned in the county jail not exceeding one year, or be both fined and imprisoned, in the discretion of the court.

(1907, 1909)
Sec. 3082
Misbranding of weight on packages of food

* * * That for the purpose of this act an article shall also be deemed to be misbranded— * * * in the case of foods: third, if in package form, and the contents are stated in terms of weight, measure or quantity, the net weight, measure or quantity is not plainly and correctly stated on the outside of the package. * * *

Gen. Stat., 1909, p. 697
(1907, 1908, 1911)
Sec. 3106, as amended by Laws, 1911, ch. 181, p. 307
Concentrated feeding-stuffs defined

For the purposes of this act concentrated feeding-stuffs are declared to be all materials sold, offered for sale or held for sale within the state of Kansas and designated for the nutrition of animals of any species, if such materials have been subjected to any mixing process or subjected to any process whereby the composition of the original material is altered. Condimental feeds, medicated stock foods, medicinal stock foods, stock food tonics, stock powders, condition powders, conditioners, animal regulators, proprietary feeds, proprietary medicines, or any preparations of like nature, are hereby expressly designated as coming under the provisions of this act, and all forms of animal life except man are included under the term "animals." The term "brand," as used in this act, is to be taken to mean: first, the name, trade mark, or other designation under which a concentrated feeding-stuff is sold; and second, the feeding-stuff itself.

Every sack, box, carton or other package of concentrated feeding-stuff offered or held for sale or sold within the state of Kansas shall bear a distinctly printed and conspicuous label in the English language, which shall state the * * * net weight of the package * * *.

(1907, 1911)
 Sec. 3109, as amended
 by Laws, 1911, ch. 181,
 p. 308
 Net weight to be
 marked on package

That a department of record for the inspection and weighing of grain is hereby established, to be called "the state grain inspection department." Said department shall have full charge of the inspection and weighing of grain at all railroad terminals, public warehouses, or other points within the state wherever the business transacted will, by the fees provided by law, pay the salary of an assistant inspector and weighmaster, or wherever, upon request by parties interested, to the chief inspector, he may establish inspection and arrange that the officer in charge accept as full compensation for his services an amount equal to the whole revenue obtained at such a place.

Gen. Stat., 1909, p. 764
 (1907)
 Sec. 3327
 Grain inspection de-
 partment established

It shall be the duty of the governor to appoint a suitable person, to be confirmed by the senate, who shall be known as the chief inspector of grain for the state of Kansas, whose term of service as such shall continue for two years from date of his appointment, unless removed for cause. Said inspector shall not, directly or indirectly, be interested in buying or selling grain, either on his own account or for others, nor shall he be directly or indirectly interested in handling or storing grain as a public warehouseman or on private account during his term of office.

Sec. 3328
 Appointment of chief
 inspector

It shall be the duty of the chief inspector to have a general supervision of the inspection and weighing of grain, as required by this act or the laws of the state; to supervise the handling, inspecting, weighing and storage of grain; to establish necessary rules and regulations therefor, and for the management of the public warehouses of the state, as such rules and regulations may be necessary to enforce the provisions of this act or any law of this state in regard to the same; to keep proper records of all the inspecting and weighing done into and out of warehouses licensed by law to do business in this state, for which purpose he shall have provided books, blanks and other material needed in order to keep perfect and proper records. He shall investigate all complaints of fraud or oppression in the grain trade, and correct the same, so far as may be in his power.

Sec. 3329
 Duties of inspector

The chief inspector shall be authorized to recommend to the governor a suitable person as supervising inspector in each city, town or place in the state where one or more public warehouses may be doing business under the law, whose duty it shall be to visit daily the elevators and railroad tracks, supervising all

Gen. Stat., 1909, p. 764
 (1907)
 Sec. 3331
 Duties of supervising
 and asst. weighmasters

inspections, with a view to securing uniform inspection of grain. The chief inspector shall be authorized to recommend to the governor a suitable person as supervising weighmaster in each city, town or place in the state where one or more public warehouses may be doing business under the law, whose duty it shall be to visit daily the elevators and tracks, supervising all weighmasters, inspecting scales, and the loading and unloading of grain, with a view to securing correct weights on all grain weighed by the department. The chief inspector shall be authorized to recommend to the governor suitable and qualified persons as assistant inspectors or assistant weighmasters, to be acting inspectors or weighmasters, in the absence of the chief inspector, who shall not be interested in any public or private grain warehouse, or in the buying or selling of grain, either directly or indirectly, and also such other employees as may be necessary to properly conduct the business of his office; and the governor shall be authorized to make such appointments, if found by him to be necessary.

Gen. Stat., 1909, p. 770
(1907)

Sec. 3357
Inspection of warehouse scales

Fees

Penalty for use of incorrect scales

* * * and all scales used for weighing of property in public warehouses shall be subject to the examination and test by any duly authorized inspector, weighmaster or sealer of weights and measures at any time when required by any person or persons, agent or agents, whose property has been or is to be weighed on such scales, and the fee for said test shall be paid by the parties making such demand if the scales are found correct, and by the warehouse proprietor if found incorrect. Any warehouseman who may be guilty of continuing to use scales found in an imperfect or incorrect condition by such examination and test, until the same shall have been pronounced correct and properly sealed, shall be liable to be proceeded against as hereinafter provided.

(1905)
Sec. 3365
Weight to be furnished shipper

That any shipper of grain, which grain has been weighed by the grain inspection department of this state, may, on request in writing to the chief inspector and enclosing a stamp for reply, receive, and it shall be the duty of the chief inspector to furnish such shipper, free of charge, the weight of any such grain, by forwarding to him promptly a statement showing such weights: Provided, That such written request shall set forth the number and initials of the cars, the weights of which are so desired.

Gen. Stat., 1909, p. 1515
(1893)
Sec. 7098

Track scales

That each and every railway company operating a railway wholly or partly within this state shall, on or before the first day of July A. D. 1893, construct and provide, and thereafter keep and maintain in good order, a track or car scale of sufficient capacity and suitable for weighing grain in carload lots and in the car, at each and every town or station upon its line of railway or the line of railway operated by it, from which the aggregate of grain shipments on all railways shall be one hundred cars or more of grain and seeds during the year 1892.

Any town or station not now entitled to track scales under this act, but from which there shall hereafter be shipped in any calendar year one hundred cars or more of grain, seeds or hay, shall be entitled to the benefits of this act; and any railway company operating a railway upon which such town or station is located shall construct, provide, keep and maintain a track or car scale at such town or station, as provided by section one, within six months after the expiration of such calendar year: Provided, however, That any railway company may elect to accept the weights of any public weigher, or the weights of the shipper, and shall have the right to demand that the weights of such shipper shall be verified by affidavit; and in case they so elect, shall not be required to put in scales, and shall not be liable to the penalties prescribed in this act for failure to put in scales.

Sec. 7099
Points entitled to scales

Proviso; railway may accept shipper's weights

At stations not entitled to car scales by the provisions of this act it shall be the duty of such railway company to weigh at one of the stations nearest to such station having no such scales, and such cars before and after loading, and to give to such shipper a like receipt as provided in section six (6) of this act: Provided, That such weighing before loading may be on one side of the point of shipment, and after loading on the other side of the point of shipment.

Sec. 7100
Other stations

Each railway company operating a railway at any station or town in this state entitled to track scales under this act shall correctly weigh all cars immediately before and immediately after being loaded with grain, seeds or hay, said cars to be detached from engine and other cars when weighed, and such weighing to be done in the presence of the shipper of such grain or seed, if so demanded by him.

Sec. 7101
Manner of weighing

Such railway company shall be entitled to collect and receive from the person shipping such grain, seed or hay, the sum of twenty-five (25) cents for each car of such grain or seed so weighed, as compensation for such weighing.

Sec. 7102
Fees

Any railway company neglecting for six months after the taking effect of this act to put in the car scales heretofore provided for shall be liable to a penalty of one hundred dollars (\$100) per day for each station at which such neglect occurs, until the same is put in as herein provided.

Sec. 7106
Penalty

That each and every railway company operating a railway wholly or partly within this state shall weigh each and every car of coal intended for shipment over their line before and after being loaded.

Gen.Stat., 1909, ch. 99,
p. 1522 (1909)

Sec. 7137
Railway to weigh cars of coal

The empty car or cars to be loaded shall be detached from the engine and other cars and weighed within twenty-four hours before loading, and after the said car is loaded it shall be detached from

(1905)
Sec. 7138
Time limit for weighing

the engine and other cars and weighed within forty-eight hours after being loaded.

Sec. 7139
Certificate of weight

A certificate of the weights of each car so weighed, showing the date of weighing said car empty and the weight of same, and the date of weighing said car loaded and the weight of same, and the net weight and number of the said car, shall be issued by the weighmaster and attached to the way bill covering the said shipment. At the destination this certificate shall be attached to the freight expense bill and shall become a part of the same, and shall be delivered to the consignee on the payment of all the freight charges.

Sec. 7140
Weighmaster; oath,
bond

A competent weighmaster shall be employed by said railway companies, and said weighmaster shall subscribe an oath or affirmation before an authorized officer and give good and sufficient bond in the sum of one thousand dollars to his employer that he will perform his duties in accordance with this act in every particular; and any weighmaster or person so employed under this act who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred nor more than five hundred dollars for each offense, or by imprisonment in the county jail not exceeding six months, or by both said fine and imprisonment.

Penalty for violation
of act, by weighmaster.

Sec. 7141
Penalty for violation
by railway company

Any railway company neglecting to weigh coal as provided by this act shall be liable to a fine of one hundred dollars for each and every car not so weighed, to be recovered in an action brought in the name of the state in any court of competent jurisdiction.

KENTUCKY

The weights, measures, and balances received from the government of the United States, now in the custody of the secretary of state, shall continue in the custody of that officer, and shall be the standard of weights and measures in this State.

Carroll's Stats., 1909,
ch., 134, P. 1944
Sec. 4315
Standard

The Governor shall cause duplicates of those weights, measures, and balances to be made for such counties as may not have the same; and, upon his written certificate of the cost, the Auditor shall give a warrant on the Treasury therefor.

Sec. 4316
Duplicates furnished
counties

It shall be unlawful for any person, commission merchant, miller, dealer, grain inspector, corporation, company, firm or association, either by himself, itself, officer, agent, or employe, when purchasing wheat or receiving it in barter or exchange for flour or otherwise, from the owner, his agent or employe, to use for the purpose of testing or determining the weight, grade, milling or market value of wheat, any measure other than the standard half-bushel measure furnished this State by the United States; and the use of any fractional part of said standard half-bushel measure for such purpose will be a violation of this section. It shall likewise be unlawful to use anything other than a straight stick with the edges square for leveling the wheat in said half-bushel measure for the purpose of testing the weight, grade, milling or market value of wheat: Provided, That the provisions of this section shall not apply to wheat or grain that is inspected or graded by the carload under the regulations of any board of trade. Any person violating any of the provisions of this section shall, on conviction, be fined not less than ten dollars nor more than one hundred dollars, to which may be added imprisonment in the county jail not exceeding six months.

(1906)
Sec. 4319a
Milling—Standard
measure required—
Penalty for failure

The hundred weight shall consist of one hundred pounds avoirdupois, and two thousand such pounds shall constitute a ton; and all contracts hereafter made shall be construed accordingly, unless the contrary be stipulated.

Sec. 4520^o
Hundredweight
Ton

The following weights shall constitute a bushel of each article named respectively: ¹

Sec. 4821,^o as amended
Mar. 15, 1894
Bushel—Weight of
different articles

¹ For convenience in printing a slight change has been made in arrangement of these articles.

Legal weights per bushel of certain produce	Pounds.		Pounds.
Wheat.....	60	Buckwheat.....	56
Shelled corn.....	56	Dried apples.....	24
Corn in the ear, 70 pounds from the first of November to the first of May following, and from the first of May to the first of November following..	68	Dried peaches.....	39
Rye.....	56	Onions.....	57
Oats, shelled.....	32	Bottom onion sets.....	36
Barley.....	47	Salt.....	50
Irish potatoes.....	60	Stone coal ¹	76
Sweet potatoes.....	55	Bran.....	20
White beans.....	60	Plastering hair.....	8
Castor beans.....	45	Turnips.....	60
Clover seed.....	60	Unslaked lime.....	35
Timothy seed.....	45	Corn meal.....	50
Flax seed.....	56	Fine salt.....	55
Millet seed.....	50	Hungarian grass seed.....	50
Peas.....	60	Ground peas.....	24
Blue grass seed.....	14	Orchard grass seed.....	14
		English blue grass seed.....	14
		Hemp seed.....	44

(1860-70)
 Sec. 4822
 Irish potatoes, pounds to barrel
 Sec. 4823
 Coal, penalty for selling unscreened for screened

One hundred and sixty pounds net of Irish potatoes shall constitute a merchantable barrel.

Any person selling unscreened coal for screened coal shall be subject to a fine of not less than five nor more than twenty dollars, recoverable by warrant before a justice of the peace.

(1898)
 Sec. 4823a
 Hemp

That the hundred weight of hemp shall consist of one hundred pounds avoirdupois, and two thousand such pounds shall constitute a ton, and all contracts hereafter made shall be so construed. Any person violating this act shall be fined in a sum of not less than one hundred dollars nor more than five hundred dollars for each offense.

Carroll's Stat., ch. 88,
 p. 1147 (1906)
 Sec. 2721
 Sealed measures in mills

Every owner or occupier of a mill, grinding meal, flour, bread stuff, feed or otherwise, shall keep therein and use sealed measures of half bushel and peck, and toll dish sealed, and shall measure all grain by strike measure or weight, under a penalty of five dollars for every such failure, recoverable, with costs, before a justice of the peace, for the use and benefit of the common school fund in the district where the mill is located. * * *

Acts, 1910, ch. 90, p. 265
 Sec. 1
 Fiscal court to provide standard weights and measures

The Fiscal Court of every county in the State, within ninety days after this act takes effect, shall provide duplicates of the standard weights, measures and balances approved by the Government of the United States; said duplicates shall be kept in the custody of the Clerk of the county court for each county and in the office of said clerk.

Sec. 2
 Inspector to be appointed

The Fiscal Court of each county may in its discretion appoint an inspector of weights and measures, said inspector to be appointed by the Fiscal Court at its October session and who shall hold office for two years, or until his successor is selected and qualified. Before entering upon the discharge of his duties he shall execute

¹ The term coal includes anthracite, cannel, bituminous and other mined coal.

bond for the faithful performance of his duties, said bond to be approved by the judge of the county court and the penal sum to be fixed by said judge of the county court. The duties of inspector shall not be incompatible with those of any other county office and the fiscal court may, in its discretion, authorize said duties to be performed by some county official.

It shall be the duty of the inspector to test, at least once a year, all weights, measures, balances, scales, steel yards or beams in the county owned or used by any person, firm or corporation engaged in buying or selling merchandise, groceries, produce, poultry, grain, provender, meats, coal, ice, feed stuffs, iron, rags, metal, junk, wares, wool, hides, leather or other articles of trade or commerce, horses, cattle, sheep, hogs or other live stock, and using said scales, weights or measures for determining the weight of any said articles in either selling or buying same. The Inspector shall also test all public scales where commodities or live stock are weighed and for which fees are charged. The Fiscal Court shall provide the inspector with weights, measures and balances and such other apparatus as will enable him to make the necessary tests. In counties containing cities of the first, second and third classes, where any such cities by ordinances require inspections of weights, measures and balances as often and of like character in this act, the inspector herein provided shall not make any inspections in said city.

Sec. 3
Duties of Inspector

Fiscal court to provide
inspector with weights,
measures, etc.

Not to inspect in cities
having an inspector

The inspector shall receive as compensation the following fees: for testing each platform scales ordinarily used in weighing live stock, coal, grain, provender, wagons and heavy articles of like character, one dollar and fifty cents; for testing each steel yard, balance, beam or any other scales, twenty-five cents, and for testing each weight and measure five cents; said fees to be paid by the owner, operator or person in possession of said scales, weights and measures. The inspector after making any of the tests provided for herein, shall deliver to the owner or operator of scales, weights, measures and balances tested, a certificate setting forth the articles tested the result and date of the test, and the inspector shall keep a complete record of all tests made and on the first Monday in each month shall file in the Clerk's office of the county court a statement over his signature showing the tests, if any, made by him during the previous month.

Sec. 4
Compensation of in-
spector

Inspector to furnish
owner with certificate

To keep record

To file statement of
tests made

Upon complaint of any person made by affidavit before the judge of the county court, stating that he has been cheated or defrauded by the use of any scales, balances, or measures, within thirty days previous to said complaint, the county judge shall order the inspector to immediately make a test of the scales, weights or measures complained of. If same are inaccurate in any respect, the owner,

Sec. 5
Duty of inspector
when complaint is made

operator or person in charge of the scales, weights, or measures complained of, shall pay the fees of the inspection in addition to the other penalties prescribed by law. In the event that said scales, weights or measures complained of are found to be accurate, the complainant shall pay the fees for testing. The inspector shall have the right to make a test at any time, but there shall be fees charged for only one inspection per year of the same scales, weights or measures except in cases of complaint as herein provided. It shall be the duty of the inspector of weights and measures having knowledge or information of the use of false weights, or measures, or inaccurate scales or measures in the county by any person whatsoever, to report same to the county attorney and to the next succeeding grand jury, if the user is not sooner arrested and tried. The inspector shall aid in the prosecution of the offenders under this act.

Sec. 6
Penalty

Any person who shall buy or sell by any weight, balance, scales or measure that does not correspond to or agree with the weights, measures, and balances herein provided, or shall use or give any false weights or measures, or shall keep any false weights, measures, scales or balances on hand for the purposes of buying or selling therewith shall be fined in any sum not less than four dollars nor more than one hundred dollars for each offense or a like sum for each and every month he continues to keep the false weights, measures, scales or balances on hand.

Interfering with in-
spector; penalty for

Any person who shall refuse to permit the inspector to make a test of weights, measures, scales or balances, owned or operated by him or under his control, or shall prevent or interfere with the inspector in doing so, or shall refuse to pay the fees for tests after same has [have] been made, shall be fined for each offense in any sum not exceeding one hundred dollars, and for each and every day the said inspector is so prevented from making tests provided for in this act, shall constitute a separate offense.

Sec. 7
Repeal

Sections 4817, 4818 and 4819 of the Kentucky Statutes and all other laws in conflict with this act are hereby repealed.

Carroll's Stats., ch.
71, p. 966
Sec. 2186
Inspection ware-
houses; county court
may establish upon ap-
plication

An inspection warehouse outside of a city may be established by the county court of the county wherein it is located, upon the application of any person entitled as owner or lessee, but the same shall not be established unless the warehouse be built of such material and in such manner as to prevent injury to articles stored therein.

Sec. 2187
Scales and balances
to be provided

Scales, steel yards, or patent balance, with suitable weights sufficient to weight at least one ton, shall be provided as appurtenant to the warehouse.

Sec. 2196
Selling articles under
weight

Whoever shall sell or offer to sell any barrel or other package of such article [of which he is appointed inspector], knowing the arti-

cle not to be of the weight or quantity, after allowing for ordinary weight or loss of weight, that is required by law, or that is marked or branded thereon, shall be fined ten dollars for every barrel or package so sold or offered for sale.

Whoever shall knowingly sell, or attempt to sell, any hogshead, barrel or other package of tobacco, liquor, salt, beef, pork or lard, which is falsely packed or filled, or the staves or heading of which are falsely made, with a view to cheat a purchaser as to weight or quantity, or shall so pack, fill or prepare a hogshead, barrel or other package, with such intent, shall be fined ten dollars for every such hogshead, barrel or other package.

Sec. 2198
Falsely packed hogsheads, casks or barrels

In all cities and counties where there are grain warehouses, and where there is no board of trade, it shall be the duty of the Fiscal Court of the county to appoint an inspector and weigher for said warehouses [grain] who shall file a bond in the county clerk's office, with good sureties, to be approved by the court, conditioned for the faithful performance of his duty as such inspector and weigher, on which suit may be brought by any person injured by the violation of such duty. Said inspector and weigher shall have the inspection and weighing of all commodities stored in said warehouses. The Fiscal Court of the county shall fix the fees of said inspector and weigher, which shall be paid by the seller. No person interested in any warehouse shall be appointed an inspector, weigher or registrar; nor shall any inspector, weigher or registrar have stored or offered for sale in any warehouse under his supervision any commodity owned by him or in which he is directly or indirectly interested. Nor shall he be a purchaser at any sale made by the warehouse of any commodity inspected, weighed or registered by him. * * * Said inspector and weigher shall be appointed for the term of two years and until his successor is appointed and qualified.

(1897)
Carroll's Stats., ch. 133, p. 1939
Sec. 4793
Inspector and weigher at grain warehouses
Bond

Fees

Term

Any duly authorized inspector and weigher of grain, who shall be guilty of neglect of duty, or who shall knowingly or carelessly inspect or grade any grain improperly, or who shall accept any money or other consideration, directly or indirectly, for any neglect of duty or the improper performance of any duty as such inspector of grain, and any person who shall improperly influence any inspector of grain in the performance of his duties as such inspector, shall be deemed guilty of a misdemeanor and, on conviction, shall be fined in a sum not less than one hundred dollars nor more than one thousand dollars, in the discretion of the jury, or shall be imprisoned in the county jail not less than three nor more than twelve months, or both, in the discretion of the jury.

Sec. 4796
Penalty for neglect of duty

Misdemeanor to improperly influence inspector; penalty for

All proprietors or managers of public grain warehouses shall keep posted up at all times in a conspicuous place in their business offices, and in each of their warehouses, a printed copy of this act.

Sec. 4797
Copy of this law to be posted

Carroll's Stat., ch. 88,
D. 1152 (1886)
Sec. 2733a
Inspector of scales at
mines

1. That when a majority of the miners engaged in digging or mining coal at any coal mine in this state at which as many as twenty men are employed, request the owner or owners or operator or operators of any of said mines to allow the said miners to employ, at their own expense, a person to inspect the scales at said mine and see that the coal digged and mined by said miners is properly weighed and accounted for, and do and perform such other duties as will insure that said coal is properly weighed and correctly accounted for, said owner or owners or operator or operators shall permit such person to be employed by said miners making the request: provided, The person so employed has the reputation of being an honest, trustworthy, discreet and upright man. The appointment under the provisions of this act of each inspector and assistant weigher shall be approved by the judge of the county court of the county wherein the same is made.

(1906)
Sec. 2739a
Mines and opera-
tion—Scales, etc.

The owner, agent or operator of every coal mine in this State at which the miners are paid by weight shall provide at such mines suitable and accurate scales for the weighing of the coal for which the miners are to be paid; and when differences arise between the owner, agent or operator of the mine and the miners employed in the same as to the accuracy or capacity of the scales, the question shall be referred to the chief State Inspector of Mines, whose duty it shall be to inspect and test said scales in person or by an assistant inspector of mines, as early as practicable after receiving notification; and should said inspector find the scales inaccurate or defective beyond the limit admitted in scales of standard manufacture, he shall notify the owner, agent or operator of the mine and said scales shall forthwith be repaired and made accurate or accurate scales substituted therefor. Any owner, agent or operator of a coal mine who refuses or fails to comply with instructions to render his mine scales accurate shall be guilty of a misdemeanor and, on conviction, shall be fined not less than five dollars nor more than fifty dollars.

LOUISIANA

The Governor at the expense of the state, shall procure or cause to be procured, one complete set of copper weights, to correspond with weights of their like denomination used by the revenue officers of the United States, in their offices, together with scales for said weights, and a stamp or a seal, with such device as the Governor may deem proper; as also one complete set of measures, calculated for dry, liquid and long measures, of the same capacity and length as those of their like denomination used by such revenue officers aforesaid; which set of weights and measures, together with the scales and stamps, shall be deposited in the office of the Secretary of State to serve as a general standard of weights and measures in this state.

Rev. Laws, 1904, p.
1827 (1855)
Sec. 3912
Standards fixed, how
obtained

It shall be the duty of the Governor to nominate, and, by and with the advice and consent of the Senate, appoint for each of the four Districts of the city of New Orleans, a suitable person as the Sealer of Weights and Measures, and he shall appoint in like manner, a person in each of the respective parishes of this State, each of whom shall hold the office for the term of two years.

Sec. 3913
Inspectors, how ap-
pointed

That the office of inspector of weights and measures in all the parishes of this state, (except the parish of Orleans), be and the same is hereby abolished.

(1898)
Rev. Laws, 1904, p.
1827
Sec. 1
Offices abolished

That the police jury of the several parishes throughout the state, the parish of Orleans excepted, shall have power to provide for said inspection when they deem it necessary, and regulate the duties and fees for same.

Sec. 2
Authority to estab-
lish; fees

That the laws in conflict or contrary to the provisions of this act be and the same are hereby repealed.

Sec. 3
Repeal

It shall be the duty of the persons thus appointed, to visit all places of business, in their district or parish, for which they are appointed, once in each year, and at any other time when on complaint or by request, their Services may be required, and to inspect all weights and measures used in the places of business, and when found to correspond with the standard of the State, to seal them or give a written certificate of their correctness; but when found to disagree with the standard of the State, the inspector shall forbid their further use until they shall have been

(1855)
Rev. Laws, 1904, p.
1827
Sec. 3914
Duties of inspectors

corrected, approved and sealed. It shall also be the duty of the Inspectors to attend upon all calls made upon them for performing the duties of their office.

Sec. 3915
Neglect of duty; penalty

It shall be the duty of each inspector to see that no other weights and measures but those established by law be made use of within the limits of this State; and in case of negligence or breach on the part of the inspector, he shall be condemned to pay a fine not exceeding two hundred nor less than one hundred dollars. The Common Council of New Orleans are authorized to pass regulations or ordinances relative to the police of weights and measures, to insure within the city of New Orleans the execution of this law.

Sec. 3916
Parishes to have set, etc.

Each parish, as soon as practicable, shall be provided, at the expense of such parish, with a set of weights and measures, and a stamp conformably to those hereinbefore set forth, the same to be kept by the parish recorder.

Sec. 3917
New Orleans to procure set

The inspectors for the four districts of the city of New Orleans shall procure a set of weights and measures at the expense of the city.

Sec. 3918
Fees of sealer

The appointed sealer of weights and measures shall be entitled to and receive the following fees:

Fees

For each yearly visit and inspection of a full set of steelyards, or of scales with their weights or of balances with their weights, or of a bushel measure and its parts, or of a gallon measure and its parts, or a set of yardsticks, they shall receive twenty-five cents, and no more; for sealing each weight and measure, five cents; for the examination of each platform scale, cotton and tobacco scale, and its apparatus, fifty cents; and for sealing the same fifty cents; the fees, in all cases, to be paid by the owners of the weights and measures inspected and sealed. The stamp shall be impressed, and payment required for doing the same only on such as have not been stamped, or such as, having once been stamped, are found so defective as to require to be regulated with the standard.

Sec. 3919
Filling vacancies in office

In case of vacancy, by death or resignation, the Governor shall have power to appoint.

Sec. 3920
Who has power to stamp

The inspectors only shall have the power to stamp weights and measures, and upon the stamp shall be the initials of the inspector's name.

Sec. 3921
Sales, etc., to be made by standard

No person shall buy or sell any commodity whatsoever, by weight or measure, which does not correspond with the aforesaid standard, or is not stamped after the said parishes have procured the standard weights and measures as aforesaid; or shall keep any such weights or measures for the purpose of buying and selling thereby, under the penalty of fifty dollars for each offense, besides the forfeiture of the weights and measures found to be false; and

of a fine of ten dollars when the weights and measures shall be found to be just, though not stamped; said fine to be recovered before any tribunal of competent jurisdiction, one-half to the benefit of the informer, and the other half to the parish in which the offender resides. All weights and measures seized shall be forfeited for the benefit of the stamper, who shall not return them into circulation until he has made them conformable to his standard.

Whosoever shall make, or cause to be made use of, or shall utter false stamps or seals, shall, on conviction thereof, be subjected to the pains and penalties of forgery under the laws of this State.

Sec. 3922
False stamps, etc.;
penalty

It is forbidden to sell, or cause to be sold, measures and weights, unless they have been tried and stamped by persons appointed for that purpose, under the penalties imposed by the second preceding section.

Sec. 3923
Selling unstamped
measures and weights

The person appointed to inspect and seal weights and measures may employ assistance when necessary, at their own expense, but shall not commit their functions to a substitute without being subject to dismissal from office by the Governor.

Sec. 3924
Appointing of inspec-
tor

Coal shall be sold by the barrel or bushel measure; grain shall be sold by the barrel, bushel or weight; the legal weight of a bushel of wheat shall be sixty pounds; of a bushel of corn, fifty-six pounds; of a bushel of oats, thirty-two pounds; of a bushel of barley, thirty-two pounds, and of a bushel of rye, thirty-two pounds.

Sec. 3926
Coal measure; grain;
wheat, corn, oats, bar-
ley, and rye

It shall be the duty of each inspector in the city of New Orleans, to make quarterly returns, under oath, to the Treasurer of the State, of all moncy collected for fines, together with a written statement thereof.

Sec. 3927
Quarterly returns to
the State treasurer

Inspection of flour and weights and measures for the town of Washington. See Section 1872.¹

Rev. Laws, 1904, p.
1831 (1868)

Appointment of inspectors. See sec. 3924.

Sec. 3928
Inspection of flour,
etc.

The Governor shall, by and with the advice and consent of the Senate, appoint for the parish of Orleans, on the right bank of the river, a suitable person as a sealer of weights and measures, who shall hold the office for the term of two ² years.

Sec. 3929
Sec. 3930
Appointment of
sealer

That the Governor nominate and by and with the advice and consent of the Senate, appoint for the Sixth District of the parish of Orleans a suitable person as a sealer of weights and measures; and for the Seventh District of the parish of Orleans a suitable person as a sealer of weights and measures, who shall hold their offices for a term of four years.

Rev. Laws, 1904, p.
1831, sec. 1, Act 81, 1877,
as amended by sec. 1,
act 80, 1902, p. 10
Governor to nomi-
nate

¹ Sec. 1872. The Governor, with the advice and consent of the Senate, shall appoint an Inspector of Flour, who shall also fulfill the duties of Inspector of Weights and Measures, for the town of Washington, whose duties, compensation and penalties shall be the same as are now prescribed and are allowed by the existing laws regulating the same in the city of New Orleans.

² See following section.

Sec. 2
Duties

That the said person so appointed shall perform the duties of said office in accordance with the provisions of Act No. 70, session acts of 1868, approved September 9, 1868.

Sec. 3
Repeal

That this act shall take effect from and after its passage, and that all laws conflicting therewith be and the same are hereby repealed. (Act 70 referred to in above is now R. S. 3930 to 3940.)

(1868)
Rev. Laws, 1904, pp.
1832-1833
Sec. 3931
Inspection of weights
and measures

It shall be the duty of the person appointed to visit all places of business in his district once in each year, and at any other time when on complaint or by request, his services may be required, and to inspect all weights and measures in places of business, and when found to correspond with the standard of the state, to seal them, or give a written certificate of their correctness; but when found to disagree with the standard of the State the inspector shall forbid their further use until they shall have been corrected, approved and sealed. It shall also be the duty of the said inspector to attend upon all calls made upon him for performing the duties of said office.

Sec. 3932
Inspector authorized
to procure set

The inspector for said parish on the right bank shall be authorized to procure a set of weights and measures at the expense of the parochial authorities thereof.

Sec. 3933
Fees of sealer

The person appointed sealer of weights and measures shall be entitled to receive similar fees to those paid to the inspectors of the city of New Orleans.

Sec. 3934
Vacancies

In case of vacancy by death or resignation, the Governor shall have power [to appoint,] as provided in section 3930 of this act.

Secs. 3935-3936

Power of inspector; use of unstamped weights and measures prohibited. See Secs. 3920, 3921.

Sec. 3937
Fees, by whom paid

Fees in all cases to be paid by the owner of the weights and measures inspected or sealed; the stamp shall be imposed and payment required for doing the same only for such as have not been stamped or such as having once been stamped are found so deficient as to require to be regulated with the standard.

Sec. 3938
Duties of parochial
authorities

The parochial authorities of said parish are authorized to pass regulations and ordinances relative to the police of weights and measures to insure within the said parish of Orleans, right bank, the execution of this law relative to weights and measures.

Sec. 3939-3940
Sale of unstamped
weights and measures
prohibited

Sale of unstamped weights and measures prohibited; inspector may employ assistant, etc. See Secs. 3923, 3924.

Rev. Laws, 1904, pp.
1834-1835. Act 147 1888
Sec. 1
Gaugers

That there shall be appointed by the Governor, by and with the advice and consent of the Senate, two coal and coke boat gaugers, who shall have their offices in the city of New Orleans; provided, however, that the governor shall have the power to remove from office any coal and coke boat or barge gauger upon satisfactory proof made to him of negligence or official misconduct.

Each of said gaugers shall give bond, payable to the governor or his successor in office with two sufficient sureties, in the penal sum of five thousand dollars, conditioned for the faithful performance of the duties required of him by law.

Sec. 2
Bond required

It shall be the duty of said gaugers to gauge all boats and barges containing coal whether anthracite or bituminous, or coke, brought into the state of Louisiana for sale or for delivery under sales made out of this state.

(1888)
Rev. Laws, 1904-1908, Vol. III, p. 924
Sec. 3, as amended by acts of 1904, p. 201
All boats and barges of coal must be gauged

Such gauging shall consist in reducing the length, breadth and depth, inside measurement, of boats or barges, deducting all obstructions and displacements, into cubic inches and dividing said cubic inches by twenty-six hundred and eighty-eight (2688), thus ascertaining the net measurements in bushels. Two and six tenths ($2 \frac{6}{10}$) bushels shall constitute a barrel.

(1888)
Rev. Laws, 1904, pp. 1834-1835
Sec. 4
Gauging

Bushel

Barrel

In all cases it shall be the duty of the gaugers, or either of them, to respond promptly to any call made for their, or either of their, services, and to furnish a full and detailed certificate of gross measurement of the boat or barge gauged, and the allowance made for obstructions and displacements, provided, however, that the failure to call upon them, or either of them, shall not relieve them, or either of them, of the obligation to gauge all coal and coke boats and barges as provided by section one of this act.

Sec. 5, as amended by acts of 1904, p. 201
Duty of coal gaugers

The fee for gauging or regauging shall be ten dollars (\$10), for each boat, and five dollars for each barge, to be paid by the seller, except as hereinafter provided.

Sec. 6
Fee

The purchaser of any boat or barge of coal or coke, shall have the privilege of calling upon the said gauger or gaugers to regauge boats or barges in all cases where the original gauge is not satisfactory, and such regauge shall be adopted as the correct measure. If the original gauge shall be found to be correct, then the purchaser shall pay the fee for regauging; but if the regauge shows a less measure, then the seller shall pay the fee.

Sec. 7
Regauging

No boatload of coal or coke, nor any part thereof, shall be delivered to the purchaser, whether the sale thereof was made within or without the state, until it has been inspected as provided for in this act. And, any person, partnership, firm or corporation who shall sell or deliver in this state a boatload or a barge load of coal or coke, or any part thereof, that has not been gauged as herein provided, or who, within twenty-four (24) hours after the arrival in this state of any boat or barge loaded with coal or coke, shall not have notified said coal gaugers, or either of them, at their offices in the city of New Orleans, of its arrival in this state requesting that the same be gauged as aforesaid, shall be liable to a penalty of fifty dollars (\$50) for each boat or barge of coal or coke, or part thereof, so sold or delivered, and for each boat

Sec. 8, as amended by acts of 1904, p. 201
Inspection required
Penalty

or barge so arriving in this state of which no notice was given to the said coal gaugers, to be recovered with costs of suit, in any court of competent jurisdiction for the benefit of the charity hospital of the city of New Orleans.

Sec. 9
Tenure of office

The term of office of said gaugers shall be four years. This act to take effect from and after its passage.

(1804)

Rev. Laws, 1904, p.

1835
Sec. 1, as amended
by Act 58, 1902, p. 82
Gauge of coal—Fee

That all anthracite or bituminous coal sold in this state shall be gauged or weighed by the State coal and coke gaugers in the state, whose fees, duties and responsibilities shall remain as now fixed by law, provided the fee for weighing shall not exceed one cent per ton.

Sec. 2
Standard barrel and
ton

That the standard measures for the bituminous and anthracite coal in this state shall be the barrel containing 6988 cubic inches and the standard ton of 2000 pounds.

Sec. 3
Fine

That whoever shall violate the provisions of this act shall be adjudged guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50), nor more than \$100 at the discretion of the court, for each offense.

Rev. Laws, 1904, p.

1836, Act 64, 1898
Sec. 1
Measurement of saw
logs other than cypress
Doyle's rule

That what is known as Scribner's Lumber and Log Book—Doyle's rules which is as follows:

Take four off the diameter of log and multiply the square of half the remainder by the length of log; divide the product by four; quotient will show the number of feet contained in the log; be and the same is hereby adopted as the standard scale for the measurement of saw logs; provided that Scribner's rule may be used by agreement of both parties. Provided said measurement shall not apply to cypress timber.

Sec. 2
Misdemeanor
Penalty

That any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars, nor more than one hundred dollars, or imprisoned in the parish jail not less than thirty nor more than ninety days.

Rev. Laws, 1904, p.
1836, Act 147, 1900, p.

231
Sec. 1
Act to adopt a stand-
ard scale for the meas-
urement of saw logs

That what is known as the Doyle's rule, or scale, shall be the standard rule for the measurement of saw logs in this State; provided, that this act shall not prevent the use of a different rule or scale when both the seller and the buyer prefer to use a different scale.

Sec. 2
Repeal

Act 8, 1870, p. 49, as
amended by Laws,
1894, act 11, p. 10
False weights and
measures

That all laws or parts of laws in conflict herewith are repealed. That whosoever shall falsify and knowingly sell or buy any produce or merchandise by short weights or measure, shall, on conviction, thereof, be imprisoned at hard labor for a period not exceeding two years, and fined not exceeding two thousand dollars, at the discretion of the court.

Act 197, 1906, p. 350

Sec. 1
Weight to be marked
on packages of grain,
etc.

That it shall be unlawful for any corporation, firm, manufacturer, merchant or other dealer, their agents or employes, to sell or offer for sale any grain, chops, bran, fertilizer, meal, flour or

shorts, in sacks, barrels or other original packages, unless the true weights of each package of such grain, chops, bran, fertilizer, meal, flour and shorts, be stamped or marked upon the sacks, barrels or other packages.

That any corporation, shipper, manufacturer, merchant or other dealer, their agents or employes, who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction in the district court shall be fined not less than ten dollars nor more than twenty-five dollars.

Sec. 2
Penalty

That the State Board of Agriculture and Immigration shall be charged with the duties of enforcing this act for the regulation of the sale of certain mill products and cereals not otherwise provided for, to prevent fraud therein.

Act 157, 1906, p. 270
Sec. 1
Enforcement

That mill products hereinafter mentioned shall have the following standard weights, viz: Barrels of flour one hundred and ninety-six pounds (196). Halves, whether in wood or sacks, ninety-eight pounds (98). Quarters, forty-eight pounds (48). Eighths, twenty-four pounds (24). Meal, bolted or unbolted, shall be net one hundred and ninety-six pounds (196) per barrel, whether in wood or sacks and fractional parts thereof shall be in the same proportion, and cereals or grains of any kind shall have the net weight given upon each barrel or package.

Sec. 2
Weights of packages
of flour and meal

That the correct names, and the true net weight of the contents of each and every hogshead, barrel, cask, bale, sack, or package of any of the foregoing products, whether sold in single packages, or lots, shall be plainly marked, branded or stenciled in large letters and figures not less than two inches in size upon the exterior of such hogshead, barrel, box, cask, sack, or package in a conspicuous place, as the head, in case of hogshead, or barrel, and the front or branded side in case of sacks, bales, or package, and it shall be unlawful for any person, firm or corporation to sell or exchange or offer for sale or exchange any of such products so packed or contained until the provisions hereof have been complied with.

Sec. 3
Net weight to be
marked on packages

That if any person shall knowingly violate the provisions of this act, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined a sum not less than twenty-five dollars nor more than one thousand dollars, and each transaction shall be deemed a separate offense, which fine or fines shall be recoverable before any court of competent jurisdiction at the suit of the Commissioner of Agriculture and Immigration, or any citizen without bond or advance cost, and shall be disposed of as hereinafter provided.

Sec. 4
Penalty

That any manufacturer, dealer or other person who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent any

Sec. 5
Interference with in-
spectors

inspector or other person in the performance of his duty in connection with this act shall be guilty of a misdemeanor, and shall upon conviction be fined not less than ten dollars nor more than fifty dollars.

Sec. 6
Products subject to
seizure for penalties
due

That the Commissioner shall have a privilege on any mill products and cereals sold in this State, in violation and contravention of the provisions of this act, and may proceed by writ of provisional seizure against the mill products and cereals so sold in the hands of whomsoever they may be, and wheresoever he may find them, regardless of the domicile of the owner thereof, to recover the fines and penalties due for the illegal sale thereof, by presenting a petition to a competent judge or magistrate, within whose jurisdiction said mill products and cereals are found, stating on oath at the foot of the petition the amount and nature of the demand, the mill products or cereals on which the privilege exists, and praying that the mill products or cereals be seized to satisfy the claim and pay the costs of suits.

Rev. Laws, 1904, P.
369 (1870)

Sec. 4
False weights and
measures

That whoever shall falsify and knowingly sell any produce or merchandise by short weights or measure, shall, on conviction thereof, be imprisoned at hard labor for a period not exceeding two years, and fined not exceeding two thousand dollars, at the discretion of the court.

Rev. Laws, 1904-1908,
p. 927; Act 85, 1904, P.
205

Sec. 1
Shrimp measure

That shrimp shall be measured by the basket, and that each basket shall contain seventy pounds avoirdupois of shrimp.

Rev. Laws, 1904, P.
353 (1888)

Sec. 1
"Scalage," deduction
for; unlawful

That it shall be unlawful for any purchaser or weigher of cotton to deduct two pounds or any number of pounds, known as scalage, from the actual weight of any bale of cotton, weighed or purchased by them.

Sec. 2
Damaged cotton

The purchasers shall account to the seller of cotton in all instances for the actual weight of the bale purchased or weighed, except in cases of wet or damaged cotton, when the amount to be deducted may be agreed upon by the parties buying and selling.

Sec. 3
Penalty

That for each violation of this act, the offender shall be deemed guilty of a misdemeanor, and upon conviction, by a court of competent jurisdiction, he shall be fined not less than ten nor more than fifty dollars.

MAINE.

The state commissioner of agriculture shall be the state sealer of weights and measures. The standards of weights and measures adopted by the state shall be deposited in a suitable room at the state capital, and be by him kept in suitable cases, for the purpose of comparing with standards which by law, are furnished, upon the order and approval of the state sealer, for the use of the several counties, cities and towns.

Laws, 1911, ch. 82
Sec. 1
State sealer
State standards
Care and use of

The state sealer of weights and measures shall enforce the provisions of law requiring county and municipal officers to procure, maintain, prove and seal county and municipal standards as required by law, and all standards purchased after this act shall take effect shall be approved by said state sealer. Beginning July first, nineteen hundred and eleven, he, or his duly authorized agent, shall try, adjust and seal the standard weights, measures and balances of each county, city and town at least once in ten years and shall see that they are kept in good order and condition, and for such purposes he, or his duly authorized agent, may at any time on the request of the county commissioners of any county, the mayor of any city, or the municipal officers of any town, visit such county, city or town, and shall at all times have access to county, city or town standards. He, or his duly authorized agent, may also at all reasonable times inspect and test the weights, measures and balances of any person, firm, association or corporation used or to be used in purchasing from or selling to the public any goods, wares, merchandise or other commodities, or for public weighing, conducting such inspection and test with as little interruption as possible to the prosecution of business; and if he finds any such weights, measures or balances inaccurate or defective he shall forthwith cause the same to be corrected or condemned. He shall cause the provisions of the statutes pertaining to weights and measures to be enforced, and for this purpose he shall have all the power and authority conferred upon the sealers of weights and measures in cities and towns, and shall have general supervision of all weights and measures in use in the state.

Sec. 2
State sealer or his
agent
Duties of

Authority of

The state sealer shall keep a record in detail of the work of his office and shall annually, on or before the first day of December,

Sec. 3
Record

Report

make a written report of the work and the expenses of his office to the governor and council.

Rev. Stat., 1903, ch.

44 Sec. 1
Standard of weights
and measures

The standard of weights and measures furnished by the United States and adopted by this state continues the standard of weights and measures for the state; and the state sealer of weights and measures shall cause all such weights and measures of a smaller denomination than those furnished by the United States, as are necessary to make a complete set, to be compared and regulated by the standards aforesaid; and keep, at the expense of the state, a suitable standard balance for gold, and for avoirdupois weights, to be kept with the weights and measures at the state house, and used only for regulating other weights and measures.

Official tests

Sec. 2
State standards, to
be procured, by whom
kept

Until otherwise provided,¹ the treasurer of state, shall, at the state's expense, in the manner provided in the preceding section, procure and preserve as public standards, to be used only as such, the following measures, beams and weights, to wit: one bushel one-half bushel, one peck, one-half peck, one ale quart, one wine gallon, one wine half gallon, one wine quart, one wine pint, one wine half pint, and one wine gill; said measures shall be made of copper or pewter, conformable in contents to said standard measures; and the diameter of the bushel shall not be less than eighteen inches and a half, containing thirty-two Winchester quarts; of the half bushel, not less than thirteen inches and three-quarters, containing sixteen Winchester quarts; of the peck, not less than ten inches and three-quarters, containing eight Winchester quarts; and of the half peck, not less than nine inches, containing four Winchester quarts; the admeasurement to be made in each instance in the inside; also one ell, and one yard; one set of brass weights, to four pounds, computed at sixteen ounces to the pound, with fit scales and steel beam; also a good beam and scales, and a nest of troy weights, from one hundred and twenty-eight ounces, down to the least denomination, with the weight of each weight, and the length of each measure, marked and stamped thereon, and sealed with a seal, to be procured and kept by said treasurer; also one fifty-six pound weight, one twenty-eight pound weight, one fourteen pound weight, and one seven pound weight, of iron.

Sec. 3
Also by county treasurers, to be sealed once in ten years by state standards

The treasurer of each county, at the expense thereof, shall have one complete set of beams, and of brass, copper, pewter and iron weights, and of the measures before mentioned, except the bushel measure, proved and sealed by the state standards, and conformable thereto in breadth and contents; and preserve them for the use of such county only as standards; and once in every ten years, from July one, eighteen hundred and thirty-nine, he shall have them compared, proved and sealed by the state standards; for each

Penalty

¹ The commissioner of agriculture is now State sealer of weights and measures. (Laws, 1911, ch. 82.)

neglect of said duty, he forfeits two hundred dollars to the state, to be recovered in an action of debt.

The treasurers of towns, at the expense thereof, shall constantly keep a town seal, and, as town standards, a complete set of beams, weights, and copper and pewter measures, conformable to the state standards, except that the bushel measure, and the half bushel, peck and half peck measures may be of wood instead of copper or pewter, but of the same dimensions, and except also a nest of troy weights other than those from the lowest denomination to eight ounces; they shall cause all beams, weights and measures, belonging to their towns, to be proved and sealed by the state or county standards once in ten years, from July one, eighteen hundred and forty; and for every neglect of said duty they forfeit one hundred dollars, half to the town, and half to the prosecutor.

Sec. 4
Town seal, and standard of beams, weights and measures to be kept by treasurers, and sealed once in ten years

Penalty

The municipal officers of each town shall annually appoint a sealer of weights and measures therein; removable at pleasure, and may fill vacancies; for each month's neglect of this duty, they severally forfeit ten dollars, to be appropriated as in the preceding section. Any city may purchase and keep for use scales for weighing hay and other articles, appoint weighers, and fix their fees, to be paid by the purchaser.

Sec. 5
Appointment of sealers by town officers and penalties

—of weighers, by cities

Whoever, so appointed and notified thereof, refuses for seven days to accept the office and be sworn, forfeits five dollars, half to the town, and half to the prosecutor; when sworn, he shall receive the standards and seal from the treasurer, giving a receipt therefor, describing them and their condition, and therein engaging to redeliver them at the expiration of his office in like good order; and he shall be accountable for their due preservation while in his possession.

Sec. 6
Penalty for sealer or weigher not accepting office

To receive and receipt for standards and seal

The sealers of weights and measures in the several cities and towns shall annually give public notice by advertisement, or by posting in one or more public places in their respective cities and towns notices to all inhabitants or persons having usual places of business therein and who use weights, measures or balances for the purpose of selling any goods, wares, merchandise or other commodities or for public weighing to bring in their weights, measures and balances to be adjusted and sealed. Such sealers shall attend in one or more convenient places and shall adjust, seal and record all weights, measures and balances so brought in.

(1800)
Sec. 7
Sealers shall give notice of times and places for sealing

Weights and measures

After giving said notice the said sealers shall go to the houses, stores and shops of persons who neglect to comply therewith, and having entered the same with the assent of the occupants thereof, shall adjust and seal their weights, measures and balances.

Sec. 8
Sealers shall visit persons who neglect to comply

Said sealers shall go once a year and oftener if necessary, to every hay and coal scale, to every platform balance within their respec-

Sec. 9
Shall visit once a year, all having scales and test same

Laws Concerning Weights and Measures

tive cities and towns that cannot be easily or conveniently removed, and shall test the accuracy of and adjust and seal the same.

Sec. 10
All scales, weights,
and measures may be
tested any time

All persons using any scales, weights or measures for the purpose of buying or selling any commodity, may, when they desire it, have the same tested and sealed by the sealers of weights and measures at the office of any of said sealers.

Sec. 11
If sealer can not seal
any weights, etc., he
may mark to show in-
spection

In case a sealer of weights and measures cannot seal any weights, measures and balances in the manner before provided, he may mark them with a stencil, or by other suitable means so as to show that they have been inspected; but he shall in no case seal or mark as correct any weights, measures or balances which do not conform to the standards. If such weights, measures or balances can be readily adjusted by such means as he has at hand, he may adjust and seal them; but if they cannot be readily adjusted, he shall affix to such weights, measures or balances a notice, forbidding their use until he is satisfied that they have been so adjusted as to conform to the standards; and whoever removes said notice without consent of the officer affixing the same, shall for each offense forfeit a sum not exceeding fifty dollars, one-half to the use of the city or town and one-half to the use of the complainant.

Use of weights, etc.,
that can not be ad-
justed by sealers, for-
bidden

Sec. 12
Sealer shall be fur-
nished with appliances
for testing weights, etc.,
by towns and cities

A sealer when visiting the place of business of any person for the purpose of testing any weights, measures or balances, may use for that purpose such weights, measures or balances as he can conveniently carry with him, and each city and town shall furnish its sealer with one or more duplicate sets of weights, measures and balances, which shall at all times be kept to conform to the standards furnished by the state, and all weights, measures and balances so sealed shall be deemed to be legally sealed the same as if tested and sealed with the standard weights, measures and balances.

Sec. 13
False weights and
measures may be
seized

A sealer of weights and measures may seize without a warrant such weights, measures or balances as may be necessary to be used as evidence in cases of violation of the law relating to the sealing of weights and measures, such weights, measures or balances to be returned to the owners, or forfeited as the court may direct.

Sec. 14
Proceedings, when
complaint is made, that
incorrect weight, etc.,
are being used

When a complaint is made to a sealer of weights and measures by any person that he has reasonable cause to believe or when such sealer himself has reasonable cause to believe that a weight, measure or balance used in the sale of any commodity within his city or town is incorrect, the said sealer shall go to the place where such weight, measure or balance is and shall test the same, and mark it according to the result of the test applied thereto; and if the same is incorrect and cannot be adjusted, the said sealer shall attach a notice thereto, certifying that fact, and forbidding the use thereof until it has been made to conform to the authorized

standard. Any person using a weight, measure or balance after a sealer has demanded permission to test the same, and has been refused such permission shall be liable to a penalty of not less than ten, nor more than one hundred dollars.

Penalty for using weight, etc., after refusal of permission to test

All weights, measures and balances that cannot be made to conform to the standard shall be stamped "condemned" or "CD" by the sealer, and no person shall thereafter use the same under the penalties provided in the case of the use of false weights and measures.

Sec. 15
How incorrect weights, etc., shall be stamped

Before any weights, measures, scales, steelyards, beams or balances are offered for sale or used, they shall be sealed by a public sealer of weights and measures.

Sec. 16^o
Scales shall be sealed before sale or use

All measures, by which fruit and other things, usually sold by heaped measure, are sold, shall be conformable in capacity and breadth, to the public standard. Such articles as are sold or exchanged in any market or town in the state by gross or avoirdupois weight, shall be sold or exchanged as follows: twenty-five avoirdupois pounds constitute one quarter; four quarters, one hundred; and twenty hundreds, one ton; and all other articles, usually sold by tale, shall be sold by decimal hundred.

Sec. 17^o
Measures for articles sold by heaped measure to conform to standard

Twenty-five pounds shall be a quarter, and so on

Whoever knowingly uses a false weight, measure, scale, balance or beam, or after a weight, measure, scale, balance or beam has been adjusted and sealed, alters it so that it does not conform to the public standard and fraudulently makes use of it, shall forfeit for each offense fifty dollars, one-half to the use of the city or town and one-half to the use of the complainant; and every sealer who has reasonable cause to believe that a weight, measure, scale, balance or beam has been altered since it was last adjusted and sealed shall enter the premises in which it is kept or used and shall examine the same.

Sec. 18^o
Penalty for using any false weights, etc.

Whoever sells by any other weights, measures, scales, beams or balances than those which have been sealed as before provided, shall forfeit a sum not exceeding twenty dollars for each offense, and when by the custom of trade such weights, measures, scales, beams or balances are provided by the buyer, he shall, if he purchases by any other, be subject to a like penalty to be recovered by an action of tort to the use of the complainant.

(1899)
Sec. 19
Penalty for using weights, etc., which have not been sealed

The city council of a city may by ordinance, and a town may by by-law, provide that the sealer of weights and measures for their city or town shall be paid by a salary, and that he shall account for and pay into the treasury of the city or town the fees received by him by virtue of his office; and where such salary is paid no fees shall be charged for services rendered under section seven.

Sec. 20
Sealer may be paid salary and fees paid into treasury

Rev. Stats., 1903, ch.
117, P. 908

(1800)
Sec. 21, div. 5, as
amended by Pub.
Laws, 1911, ch. 57
Fees for testing and
adjusting

The fees of sealers of weights and measures, for testing and adjusting scales, weights and measures by the town standards, to be paid by the person for whom the service is rendered, are as follows: for testing railroad track scales of forty thousand pounds capacity and upwards, two dollars; elevator scales of twenty thousand pounds capacity and upwards, one dollar and fifty cents; platform scales of five thousand pounds capacity and upwards, one dollar; dormant scales of less than five thousand pounds capacity, fifty cents; dormant beef track scales, fifty cents; platform scales of less than five thousand pounds capacity, fifty cents; beam scales of over one thousand pounds capacity, fifty cents; platform scales of less than one thousand pounds capacity, twenty-five cents; platform counter scales, twenty-five cents; counter balance or trip scales, ten cents; spring balance scales, fifteen cents; weights, each three cents; measures, wet and dry, each three cents; yard sticks, each five cents; coal baskets, each ten cents; milk cans, large size, five cents each; milk cans, small size, three cents each; milk bottles, in lots of one gross or less, one cent each, in lots from one to two gross, three-fourths of a cent each, in lots of more than two gross and not over four gross, one-half cent each, in lots greater than four gross, one-fourth of a cent each; for adjusting or repairing any scale, a fair and reasonable compensation; for adjusting weights, when either light or heavy, not to exceed ten cents each; for adjusting measures, wet or dry, when either large or small, not to exceed ten cents each; for adjusting yard sticks, not to exceed five cents each; for adjusting any weight or measure not mentioned above, a fair and reasonable compensation.

Rev. Stats., 1903, ch.
39, P. 391.

(1880, 1807)
Sec. 37
Pressed hay, how to
be marked

All hay pressed and put up in bundles, except hay pressed by farmers and retailed from their own barns, shall have the first letter of the christian name and the whole of the surname of the person putting up the same, written, printed or stamped on bands or boards made fast thereto, with the name of the state and the place where such person lives. Whoever offers for sale or shipment any pressed hay not marked as aforesaid, except hay pressed by farmers and retailed from their own barns, forfeits one dollar for each bale so offered, to be recovered by complaint. No person who has received hay not marked as provided in this section shall defend any action for the price thereof upon that ground, unless he shall prove that, before the delivery of said hay to him, he requested the person from whom he bought the same to comply with the provisions of this section.

Penalty
When person receiv-
ing hay not marked
may defend action for
price

Sec. 38^e
Appointments and
fees of measurers

The municipal officers of towns annually may appoint measurers of salt, corn and grain therein, who shall receive such fees from the purchaser as said officers establish; and, in every con-

tract made in the state for the sale of salt by the hogshead, such hogshead shall consist of eight bushels; and, when the buyer or seller requests, salt, corn or grain bought or sold in places where such measurers live shall be measured by them.

Size of hogshead

The standard weight of a bushel of potatoes, in good order and fit for shipping, is sixty pounds; of apples, in good order and fit for the market, forty-four pounds; of wheat, sixty pounds; of corn, fifty-six pounds; of barley and buckwheat, forty-eight pounds; of carrots, fifty pounds; of onions in good order and fit for shipping, fifty-two pounds; of ruta бага, sugar beets, mangel wurzel, and turnip beets, in like condition, sixty pounds; of English turnips, in like condition, fifty pounds; of parsnips, in like condition, forty-five pounds; of beans, in like condition, sixty pounds; of peas, sixty pounds; of rye and Indian meal, fifty pounds; of oats, thirty-two pounds; of Turk's Island, or other coarse grades of salt, seventy pounds, and of Liverpool, or other fine grades, sixty pounds; and of hair used in masonry, well dried and cleansed, eleven pounds; and the measure of each of these articles shall be determined as aforesaid at the request of the vendor or vendee; and if either party refuses so to do, he forfeits twenty cents for each bushel, to the person prosecuting therefor within thirty days.

(1885, 1887, 1897, 1905)
Sec. 39
Standard weight fixed

The standard weight of a bushel of herdsgrass seed, when well cleaned and in good condition, is forty-five pounds.

Herdgrass seed

The standard weight of a barrel of potatoes, in good order and fit for shipping, is one hundred and sixty-five pounds. Whoever acting for himself or as the employee of another, takes more than the standard weight for a barrel of potatoes, shall forfeit fifty cents for each barrel, to the person prosecuting therefor within thirty days.

Barrel of potatoes
Standard weight of
Penalty

* * * In all contracts relating to the sale of clam bait, fresh or salt, by the barrel, and clam bait barrels, such barrel shall be twenty-five and one-fourth inches long, and fifteen and one-half inches head diameter, outside measure. Whoever violates this provision shall be liable to a penalty not exceeding fifty dollars for each offense, to be recovered by action of debt.

Rev. Stat., 1903, ch.
41, as amended by
Laws, 1909, ch 60, p. 59
Sec. 34
Size of clam bait bar-
rel
Penalty

Towns may, by ordinance, regulate the measure and sale of wood, coal and bark therein, and the location of teams hauling the same; and may enforce it by reasonable penalties. All cord-wood exposed for sale shall be four feet long, including half the scarf, and well and closely laid together; a cord of wood or bark shall measure eight feet in length, four feet in width, and four feet in height, or otherwise contain one hundred and twenty-eight cubic feet; and the measurer shall make due allowance for refuse or defective wood, and bad stowage.

Rev. Stat., 1903, ch.
42, p. 418
Sec. 1
Dimensions of a cord
of wood

Sec. 2
Penalty for selling
wood or bark before
survey

If any fire-wood or bark, brought into any town by land, is sold and delivered unless otherwise agreed to by the purchaser, before it is measured by a sworn measurer, and a ticket signed by him given to the driver, stating the quantity that the load contains, the name of the driver, and the town in which he resides, such wood or bark is forfeited, and may be libeled and disposed of according to law.

Sec. 3
How cordwood
brought by water shall
be measured

All cordwood brought by water into any town for sale, shall be corded on the wharf or land, on which it is landed in ranges making up in height what is wanting in length; then it shall be so measured and a ticket given to the purchaser, who shall pay the stated fees; and no such wood shall be carried away by any wharfinger or carter, before it has been so measured, under a penalty of one dollar for every load.

Sec. 5
Penalty for fraudu-
lent stowage

When any wood, bark or charcoal, sold by the cord, foot or load is so stowed as to prevent the surveyor from examining the middle of the load, and it appears on delivery, that it was stowed with a fraudulent intent of obtaining payment for a greater quantity than there was in fact, the seller or owner thereof forfeits ten dollars to the county.

Sec. 6
How charcoal may be
measured and sold

Charcoal brought into a town for sale may be measured and sold by the cord or foot, estimating the cord at ninety-six bushels, when the purchaser and seller agree to the same; and the measurers before named shall be measurers of charcoal also.

Sec. 7
Coal baskets to be
sealed; dimensions

All baskets for measuring charcoal brought into a town for sale, shall be sealed by the sealer of the town where the person using them usually resides, and shall contain two bushels and be of the following dimensions, viz.: nineteen inches in breadth in every part, and seventeen inches and a half deep, measuring from the top of the basket to the highest part of the bottom; and in measuring charcoal for sale, the basket shall be well heaped.

Sec. 8
Penalty for using
smaller

Whoever measures charcoal for sale, in any basket of less dimensions, or not sealed, forfeits, for each offense, five dollars.

Sec. 9
Seizure of unlawful
baskets

The municipal officers of towns may appoint some suitable person to seize and secure all baskets used for measuring coal, not according to the provisions hereof.

Sec. 10
Penalty for refusing
to give certificate; how
recovered and appro-
priated

Any measurer of wood, bark or charcoal, who neglects or refuses to give to the owner or purchaser a certificate of the contents of the load, forfeits five dollars for each offense; and all the penalties hereinbefore provided, may be recovered by action of debt or complaint, half to the town where the offense is committed, and half to the prosecutor.

Sec. 11
Weight of ton

Anthracite, bituminous and other mineral coal shall be sold by weight; and two thousand pounds thereof are a ton.

The municipal officers of towns shall annually appoint weighers of such coal, who shall receive such fees as said officers may establish, to be paid by the buyer.

Sec. 12
Weighers of coal.

Unless coal is sold by the cargo, the seller shall, on request of the purchaser, cause it to be weighed by a sworn weigher, who shall make a certificate of the weight; and who shall deliver such certificate to the buyer before commencing a suit against him for the price of such coal.

Sec. 13
Coal unless sold by cargo, weighed, or suit not maintained

The municipal officers of cities and towns may appoint a deputy sealer of weights and measures, to hold office during their pleasure, and fix his compensation. Such deputy shall act under the direction of the sealer of weights and measures in the municipality, and shall have the same authority as the sealer in the performance of his duties.

Laws, 1909, ch. 158, p. 162
Deputy sealer of weights and measures — Appointment and tenure

The standard measure of capacity for all apple barrels shall be three bushels, the barrel shall be of no less dimensions than seventeen and one eighth inches for the head diameter; length of stave twenty-eight and one-half inches, with bilge circumference not less than sixty-four inches outside measurement, and shall be plainly marked, "standard barrel." Barrels of less dimensions and capacity shall be plainly marked on end and side, "short barrel" with the figures indicating the fractional part of a "standard barrel," therein contained.

Laws, 1909, ch. 247
Sec. 7
Standard apple barrel, capacity and dimensions of

Short barrel

The standard bushel box shall be twenty inches by eleven by ten inches, inside measurement, or of such dimensions as shall contain two thousand two hundred and fifty cubic inches and marked "standard bushel box."

Standard bushel box, dimensions of

Any box of less dimensions than the above-mentioned shall be plainly marked on the top and sides, "short box," and with the fractional part of a bushel therein contained.

Short box

Any person, corporation, or firm who sells or offers for sale barrels, boxes, crates and other closed packages of apples, not conforming to the provisions of this act; or any person, corporation or firm who manufactures barrels, boxes, crates or other closed packages for the apple or fruit trade, not conforming to the provisions of this act, shall be punished by a fine not exceeding one hundred dollars for the first offense and not exceeding two hundred dollars for each subsequent offense. Trial justices and municipal and police courts are hereby vested with original jurisdiction concurrent with the supreme judicial and superior courts, to try, and, upon conviction, to punish, for offenses against the provisions of this act.

Sec. 8
Penalty for violations of the provisions of this act

The director of the Maine agricultural experiment station shall diligently enforce all the provisions of this act, and when after due hearing he is convinced that the provisions of this act have

Sec. 11
Enforcement of this act by director of Maine agricultural experiment station

been violated he shall, in his discretion, prosecute all offenses against the same.

Sec. 12
Flour barrels may be considered standard

Laws, 1905, ch. 76, p.

77

Sec. 1
Milk shall be weighed and tested by the Babcock test

Test shall be made by owners or operators of creamery

Upon petition tests may be made by commissioner of agriculture

Proviso

Sec. 2
Penalty

Rev. Stat., ch. 39
Sec. 11, as amended by Laws, 1909, ch. 254
All measures used in sale of milk to be sealed by wine measure

Penalty

Nothing in this act shall in any way be construed as debarring the so-called flour barrel from being considered a standard barrel.

On and after July first, in the year nineteen hundred and five, all milk or cream purchases by any person, firm or corporation, for use in or to be resold by any creamery in this state, shall be weighed and shall be tested by the Babcock test to ascertain the amount of butter fat per pound therein contained; and the value of the cream or milk thus purchased shall be determined by the amount of butter fat per pound as thus ascertained. The test herein provided shall be made by the owners or operators of the creamery purchasing as aforesaid, but upon petition in writing, signed by twenty-five per cent or more of the patrons of any creamery and addressed to the commissioner of agriculture, or upon petition in writing signed by the owner or operator of any creamery and addressed to said commissioner, one or more tests shall be made by, or under the direction of said commissioner, and the finding of said commissioner shall be conclusive upon all parties therein concerned. Provided, however, that when the total number of patrons of any one creamery exceeds one hundred then the number of petitioners herein required by patrons need not exceed thirty. All samples of cream treated by said test shall be weighed and the standard unit for testing shall be eighteen grams.

Any person, firm or corporation, or the servant or agent of any person, firm or corporation, who shall violate the provisions of the preceding section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by fine not exceeding fifty dollars or by imprisonment not exceeding thirty days for every such violation.

All measures, cans or other vessels, used in the sale of milk, shall be sealed by the sealer of weights and measures, by wine measure, containing thirty-two ounces to the quart, and all quart bottles containing less than thirty-two ounces or more than thirty-two ounces and six drams, all pint bottles containing less than sixteen ounces or more than sixteen ounces and four drams, and all half pint bottles containing less than eight ounces or more than eight ounces and two drams, shall be condemned; all bottles within the above limits shall be passed as containing full measure, and all other measures, cans or other vessels shall be marked by the sealer with figures indicating the quantity which they hold; and whoever sells by any other measure, can or vessel, forfeits twenty dollars for each offense.

All milk and cream bought and sold by measure for consumption within this state shall be bought and sold by wine measure, the standard for which shall be two hundred and thirty-one cubic inches to the gallon, and for subdivisions of the gallon, in the same proportion.

Laws, 1909, ch. 242
 Sec. 1
 Standard unit of measure for milk and cream

All measures, cans or other vessels used in the purchase or sale of milk or cream shall be tried and proved by the standard mentioned in the preceding section, by the sealer of weights and measures of the city or town in which such milk or cream is to be consumed, who shall, agreeably to such standard plainly stamp thereon the quantity which such measures, cans or other vessels hold, together with the date of the calendar year in which such measures, cans or other vessels are sealed. Any person, firm or corporation who shall purchase or sell by measure any milk or cream by any other than the measures so tried, sealed and marked, shall forfeit for each offense the sum of ten dollars.

Sec. 2
 All measures, cans, etc., shall be proved by sealer of weights and measures and plainly marked

Penalty

When milk or cream is purchased by measure at wholesale by any person, firm or corporation engaged in the business of buying or selling milk or cream or both, the can or other vessel containing such milk or cream shall hold eight quarts and one pint and no more, and all new cans or other vessels purchased by any wholesale dealer in milk or cream, to be used for the purpose of receiving such milk or cream by measure, purchased by them between the first day of August, 1909, and the time when this act shall go into effect shall contain eight quarts and one pint, and no more, and shall be tried, proved, sealed and marked as herein provided.

Sec. 3
 Capacity of cans to be used in wholesale trade

Whoever by himself or by his servant or agent, or as the servant or agent of any other person, firm or corporation having custody of a milk can, measure or other vessel used as a container for milk destined for sale, shall wantonly, wilfully or maliciously indent, bend or otherwise mutilate said can, measure or other vessel so that the same will not contain eight quarts and one pint, standard measure, as hereinbefore provided, or who shall wantonly, wilfully or maliciously erase, efface or otherwise mutilate said can, measure or other vessel so that any names, figures or other marks placed thereon by a sealer of weights and measures shall become illegible shall be punished by a fine not exceeding fifty dollars.

Sec. 4
 Penalty for mutilating cans and measures, or erasing names and marks from same

* * * Any person, firm or corporation violating the provisions of section three * * * of this act shall be fined not exceeding the sum of fifty dollars.

Sec. 5
 Penalty

The Commissioner of Agriculture shall diligently enforce, or cause to be enforced, all the provisions of this act.

Sec. 6
 Commissioner of agriculture shall enforce this act



MARYLAND

That Article 97 of the Code of Public General Laws, title "Weights and Measures," be and the same is hereby repealed and re-enacted with amendments as follows:

Code Pub. Gen. Laws
1904, art. 97, as amended
and reenacted by Laws
of 1910, ch. 353, D. 324
(1825, 1910)

Sec. 1
Repeal

The standards for weights and measures in this State, except as otherwise provided in this Article, shall be the same as the standard of weights and measures of the United States.

Sec. 2
Standards of weights
and measures

The County Commissioners of each county shall, on or before the first day of May in each year, appoint some person as keeper of standards of weights and measures, who shall safely keep and preserve the same, and, when required, deliver them to the County Commissioners, or to such persons as they may appoint to receive the same, and who shall perform the several duties prescribed by this Article.

Sec. 3
Keeper of standards;
appointment of

Care of standards

The person so appointed, before entering upon the duties of his office, shall give bond to the County Commissioners in the penal sum of five hundred dollars, conditional for the faithful discharge of all the duties appertaining to his office.

Sec. 4
Bond

All weights and measures used within this State in the vending of articles, shall be inspected and stamped, or branded by said standard keepers, and when adjusted, shall be by the said standard keepers branded with the letters Md. S., meaning thereby Maryland Standard, together with figures that will indicate the year of inspection, in such manner and on such parts of the said weights and measures as shall be most lasting and effectual in preventing and detecting fraudulent practices or impositions in the use of such weights and measures; and the like inspection shall be repeated once in every year and the year of inspection branded or stamped thereon; such weights and measures so examined and stamped or branded as aforesaid, and no other shall be used in this State in the vending of such articles as are directed by law to be or are usually sold by weight or measure, under a penalty not exceeding twenty dollars.

Sec. 5
Inspecting, branding,
and stamping

Penalty

The keeper of standards of weights and measures shall attend to the different market towns, and villages in the county for which they shall respectively be appointed, at least once in each year and at the different public inspecting warehouses in the said counties at least twice in each year on some certain days to be

Sec 6
Inspections to be
made, how often

- Public notice appointed by the County Commissioners, of which days public notice shall be given by advertisement inserted in some one or more newspapers in the counties in which there may be such paper printed, and also by advertisement set up at some conspicuous place in the said markets, warehouses, villages and towns, and shall inspect and adjust all beams and scales, weights and measures, used or intended to be used in said county.
- Sec. 7
Record to be kept Each keeper of standards shall keep in book form in which he shall register the names of the persons whose beams and scales, weights and measures he has adjusted, together with the day of the month and year, and number and description of the same so adjusted, which book he shall submit to the inspection of the County Commissioners once in each year or oftener if required.
- Sec. 8
Penalty for neglect or refusal. If any person shall neglect or refuse to have his, her or their beams and scales, weights and measures inspected and adjusted as herein directed when required to do so by the proper officer, he, she or they shall forfeit and pay a fine of five dollars for every day during such delinquency.
- Sec. 9
Keeper to make examination upon request. If any standard keeper shall be informed or has reason to suspect that any person is using or has in his possession with fraudulent intention any false beams, scales or measures, he shall examine the same, and if he finds them or any of them to be false, he shall seize the same as a forfeiture and adjust and sell them at public auction, and shall annually return a statement of the money received therefor under oath to the County Commissioners.
- Authorized to seize false weights and measures. If any weight or measure which shall have been branded or stamped as herein required shall be broken, injured, altered or changed, or condemned by the standard keeper, and shall be found thereafter in the use of any person within this State, such person shall forfeit and pay a fine of twenty dollars for each and every offense.
- Sec. 10
Penalty for using broken, altered, or changed, etc., weight or measure. Each standard keeper shall receive compensation for the discharge of his duties as the County Commissioners shall think proper to allow, which shall be levied on the assessable property of the county and collected as other county charges.
- Sec. 11
Compensation of standard keeper. Whenever any standard keeper shall be applied to adjust scales, weights and measures, by adding to or diminishing the same, or to adjust scale beams, he shall be allowed an additional reasonable compensation therefor, to be paid by the party so applying for his services.
- Sec. 12
Compensation to adjust scales. Half of all fines and forfeitures imposed by the preceding sections of this Article shall go to the informer and the other half to the use of the county.
- Sec. 13
Fines, disposition of. The units of standards of measures of capacity for liquids designated in this Article shall be based on a liquid gallon or two hun-
- Sec. 14
Liquid gallon

dred and thirty-one cubic inches; thirty-one and one-half gallons equaling one barrel, and two barrels are one hogshead; continual division of the gallon by two equaling half gallons, quarts, pints, half pints and gills.

Barrel
Hogshead

The units or standards of measures of capacity for dry measure designated in this Article shall be based on a dry bushel of two thousand, one hundred and fifty-six and four-fifths cubic inches, continual divisions of the bushel by two equaling half bushels, pecks, half pecks, quarter pecks, quarts, pints and half pints.

Sec. 15
Bushel and subdivisions

The standard of measure for buying and selling strawberries, raspberries, blackberries, currants, gooseberries, cranberries, whortle berries, cherries, plums, peanuts, kernels of other nuts, chinquapins, chestnuts, brussels sprouts and all other berries, small fruits and vegetables shall be by dry measure.

Sec. 16
Dry measure for small fruit and berries

The standard quart berry box or basket shall measure not less than five and one quarter inches across the top, four and two hundred and sixteen thousandths across the bottom and three inches deep, all to be inside measurement.

Sec. 17
Quart box or basket, size of

The standard box of apples shall be of the following dimensions: ten and one-half inches by eleven and one-half inches by eighteen inches, all inside measurements.

Sec. 18
Standard box for apples

The standard double-headed barrel of apples, pears, or quince shall be of the following dimensions: Head diameter, seventeen and one-eighth inches; bulge, twenty and one-third inches, both inside measurements; length of stave, twenty-eight and one-half inches.

Sec. 18a
Double-headed barrel for apples

The standard barrel of Irish potatoes, sweet potatoes, turnips, green peas, beans, cabbage, beets, parsnips, carrots, kale, spinach, brocoli, onions and all other truck or vegetables, shall be of not less than the following dimensions: Diameter at the top, seventeen inches; diameter at the bulge, eighteen and one-half inches, both inside measurements, length of stave twenty-seven and one-half inches.

Sec. 19
Standard barrel

Size

All standard barrels, baskets, boxes or packages used within this State, with the exception of the strawberry and other small berry, quart, pint or half pint baskets or boxes shall have plainly branded or marked thereon the name and address of its maker, and the words "Maryland Standard Measure."

Sec. 20.
Barrels, baskets, etc., to be marked

Whoever brands or marks on any barrel, basket, box or package or whoever offers for sale a produce or commodities in a barrel, basket, box or package of a capacity less than is stamped thereon, except as provided in Section 21 [22] of this Article, relating to short packages, shall for each barrel, basket, box or package be fined and pay the sum of two dollars, together with all costs of prosecution,

Sec. 21
Penalty for false branding

one-half to go to the informer and the other half to the public school fund of the county or city.

Sec. 22
Short barrels, boxes,
etc., to be marked
"Short measure"

All produce offered for sale within this State in any barrel, basket, box or package of less capacity than the Maryland standard barrel, basket, box or package or multiples thereof, divisible by two, must have plainly marked or stamped thereon, in three conspicuous and different places on each barrel, basket, box or package the following words, in letters one inch high, "Short Measure."

Sec. 23
Penalty

Whoever offers for sale within the State of Maryland produce or commodities in barrels, baskets, boxes or packages of less than the Maryland standard barrel, basket, box or package, or multiples of same, divisible by two, without having the words "Short Measure" marked or stamped on each and every barrel, basket, box or package in letters one inch high, as provided in Section 21 of this Article, shall, for each barrel, basket, box or package, be fined and pay the sum of two dollars, together with all costs of prosecution, one-half to go to the informer and the other half to the public school fund of the county or city.

Sec. 24
Standard weights per
bushel

The standard weights for grain, hay, straw, produce and mineral coal for this State shall be as follows:¹

	Pounds.		Pounds.
Apples, dried per bushel . .	28	Hungarian grass seed . per bushel . .	50
Alsike clover seed do	60	Hemp seed do	44
Alfalfa seed do	60	Hay per ton	2,000
Barley do	48	Lime per bushel	80
Barley malt do	34	Millet (German and American), per bushel	50
Buckwheat do	48	Oats per bushel	32
Blue-grass seed do	14	Onions do	57
Beans do	60	Orchard grass seed do	14
Bran do	20	Peaches (peeled) do	40
Carrots do	50	Peaches (unpeeled) do	32
Corn (shelled) do	56	Peas do	60
Corn (on cob) do	70	Potatoes (sweet and Irish) . do	60
Do per barrel	350	Peanuts do	22
Corn (shelled) do	280	Rye do	56
Corn meal per bushel	48	Red top grass seed (chaff) . do	14
Clover seed do	60	Red top grass seed (fancy) . do	32
Caster beans or seed do	50	Rape do	50
Coal or culm do	80	Straw per ton	2,000
Coal per ton	2,240	Salt (coarse) per bushel	70
Charcoal (commercially dry), per bushel	2,748	Salt (fine) do	56
Cow peas per bushel	60	Sorghum do	50
Flour per barrel	196	Timothy grass seed do	45
Flax seed per bushel	56	Turnips do	60
Herd's grass seed do	45	Wheat do	60

Sec. 25
Freight charges to be
based on weight

All charges for freight, measurement, weighting, inspection, wharfing and commission on grain shall be made on the number of bushels as ascertained by weight and not by the running meas-

¹ For convenience in printing a slight change has been made in arrangement of the articles.
² Cubic inches.

urement; and any one found guilty of a violation of this section shall, on the conviction thereof before a justice of the peace, be fined not less than five dollars nor more than fifty dollars, one half to the informer and the other half to the use of the State.

Penalty

No person shall sell any package or parcel of cotton, woolen or other dry goods having any mark thereon or attached thereto indicating or stating a greater number or a larger quantity than is actually contained in such package or parcel, and any auctioneer, commission merchant or other dealer so selling shall, in each case, forfeit and pay to the purchaser of each package or parcel double the value of the quantity of goods, which, on actual measurement, it shall be found there is wanting in any such package or parcel to make up the number of yards or quantity marked thereon.

Sec. 26
Penalty for misrepresenting quantity

Standard weights of tomatoes in the State of Maryland shall be 60 pounds to the bushel, and for the purpose of ascertaining the true weight thereof it is hereby enacted that a platform scale shall be purchased by the Board of Public Works of Maryland and located at such place in Centre Market Space, in Baltimore city, as shall be approved by the Mayor of said city. An appropriation of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated from any moneys in the Treasury not otherwise appropriated to purchase, locate and establish a scale for the weighing of tomatoes and other vegetables sold by weight in said Centre Market Space, and immediately after the location said scales shall be purchased and put in place for the purpose of this Act.

Code Pub. Gen.
Laws, 1904, art. 97
Sec. 35, as enacted by
Laws, 1910, ch. 738
Tomatoes, standard weight of
Scale to be located in Centre Market Space, Baltimore

There shall be appointed by the Governor a weigher, who shall be charged with the duty of weighing all tomatoes and all other vegetables sold by weight brought to the said Market for sale by the wagon load, who shall receive therefor the sum of ten cents per wagon load for performing these services, two cents of which shall be paid by him quarterly to the Comptroller, to whom he shall give bond in the penalty of one thousand dollars, and the balance he shall retain as his own compensation for the services hereby imposed and performed; provided, that, besides the two cents, he shall pay all excess over \$1,000 to the Comptroller, it being the intent of this Act that he shall only receive \$1,000 per annum as his salary, to be paid entirely from his fees, at 8 cents net per load. The said vegetables shall be weighed in full wagon loads, and after their delivery to the purchasers his wagon and the empty boxes shall be returned to said scales and the weight thereof shall be deducted from the gross weight as shown by the first weighing, and the said packers shall be required to pay for said vegetables at the weight certified by said weigher. In case the boxes in which said tomatoes are contained shall not be returned, the said weigher shall weigh ten empty boxes, and the average of weight

Sec. 36, as enacted by
Laws, 1910, ch. 738
Public weigher of tomatoes and vegetables, Center Market Space, Baltimore

Fees
Compensation

shall be established as the weight of all boxes contained in any wagon or wagons so weighed by him, and any packer who shall refuse to pay for the same according to the certificate of said weigher shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$10, nor more than \$50, for each offense; and any driver of any wagon who shall sell, dispose of or barter any of the produce in his wagon which has been sold to a packer or other purchaser between the time of the weighing of the same and the delivery to the purchaser, shall be deemed guilty of a misdemeanor, and, upon conviction before a Justice of the Peace, shall be fined twenty-five dollars for each offense.

Misdemeanor
Penalty

Laws, 1900, ch. 41
Sec. 1
Bushel of tomatoes in
Harford County

The legal weight of tomatoes in Harford County shall be sixty pounds to the bushel, and in all cases where either the buyer or seller of tomatoes desires it they shall be bought or sold by such weight.

(1896, 1900)
Gen. Pub. Laws,
1904, art. 72
Sec. 74
Measure of oysters

All oysters sold in this State shall be measured either in a one-half bushel tub, a bushel tub, a bushel and one-half tub or a three bushel tub, and no instruments shall be used for measuring oysters in the shell but an iron circular tub with straight sides and a straight solid bottom, with holes in the bottom for draining, such holes to be no larger, however, than one inch in diameter; a half bushel tub shall have the following dimensions, all measurements to be from inside to inside: fifteen inches across the top, thirteen inches across the bottom, and seventeen inches diagonally from the inside chime to the top; a bushel tub shall measure sixteen and one-half inches across at the bottom from inside to inside, twenty-one inches diagonally from the inside chime to the top, and eighteen inches across from inside to inside from the top; a bushel and one-half tub shall measure nineteen inches across the top from inside to inside, eighteen inches across the bottom from inside to inside, and twenty-four inches diagonally from the inside chime to the top; a three bushel tub shall measure twenty-four inches across the top from inside to inside, twenty-two inches from inside to inside at the bottom, and twenty-nine [and] twenty-six-hundredths inches diagonally from the inside chime to the top, and all oysters measured in the shell as required by law shall be even measure to the top of the tub only, and any person or persons engaged in the business of buying or selling oysters in this State who shall own or have in his possession any instrument of measurement for oysters in the shell which shall differ in size or description from the measure herein before mentioned, or shall demand a greater measure than herein before mentioned, shall be guilty of a misdemeanor, and punished upon conviction before a court of competent jurisdiction, to be fined a sum of not less than fifty dollars

Oyster bushel

Other oyster meas-
ures

Oyster measure

Penalty

nor more than one hundred dollars or committed to the house of correction for a period of not less than three months nor more than six months, or both, in the discretion of the judge or justice of the peace trying the same; and in each case a fine is imposed under the provisions of this section, said fine to be paid over by the officer making the arrest to the Comptroller of the State, to be credited to the oyster fund; one-half, however, to be paid to the informer, unless he be an officer of the State fishery force. Said measures shall also be the standard measure for shells, and the use of any other measure for that purpose shall be punished, as is prescribed by this section, for the use of any other measures for measuring oysters, and the measurers or special inspectors are hereby forbidden to handle or interfere with the oysters in or upon the tub or measure for the purpose of pressing or pushing down the same, under penalty of removal from office and a fine of ten dollars for each offense.

The keeper of the standards of weights and measures in Baltimore County, state of Maryland, shall receive five cents for each weight and measure, and ten cents for each scale beam tried and branded, stamped and marked by him, to be paid by the person for whom the service may be performed.

Laws, 1908, art. 3, ch. 495, p. 526
 Sec. 435
 Fees for testing weights, etc.

The person appointed as keeper of the standards of weights and measures in Baltimore county, before entering upon the duties of his office, shall give bond to the county commissioners of said county in the penal sum of one thousand dollars, conditioned for the faithful discharge of all the duties appertaining to his office.

Sec. 436

Bond

The keeper of the standards of weights and measures in said county shall keep a book, in which he shall register the names and postoffice address of the persons whose beams and scales, weights and measures he has adjusted, stamped or branded, together with the day of the month and year he shall have performed such inspection, and the amount of fees or moneys he shall have collected from each and every person or firm for said inspections or fines imposed and collected (Article 97 of the Code of Public General Laws of Maryland), said list of names and amount of moneys collected from each person or firm to be devised in the annual statement of the commissioners of said county.

Sec. 437
 Register of work done

The keeper of the standards of weights and measures (or inspector) shall return said books of registry, and all moneys collected from the inspection of weights and measures, or fines imposed and collected, to the commissioners of said county, on or before the first day of October of each and every year, and he shall receive a salary, not to exceed (including traveling expenses) five hundred dollars, or so much thereof as may be derived from said inspection fees, any excess to be paid into the treasury for the benefit of the public schools of said county.

Sec. 438

Disposition of fees

Salary

Pub. Gen. Laws,
1904, vol. 2, art. 48, p.
1349

(1900)
Sec. 82
Net weight to be
marked on packages of
feeding stuff

Every manufacturer, company or person who shall sell, offer or expose for sale or for distribution in this state any concentrated commercial feeding stuff, as defined in the following section of this subtitle, used for feeding farm live stock and poultry, shall affix to every package of such feeding stuff, in a conspicuous place, on the outside thereof, a plainly printed statement, clearly and truly certifying the number of net pounds in the package sold or offered for sale, the name or trade mark under which the article is sold, the name of the manufacturer or shipper, the place of manufacture * * *

Sec. 83
Definition

The term concentrated commercial feeding stuff, as here used, shall not include hays and straws, the whole seeds nor the unmixed meals made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat and broom corn. Neither shall it include wheat, rye and buckwheat, brans or middlings, not mixed with other substances, but sold separately, as distinct articles of commerce, nor pure grain ground together. * * *

Sec. 84
Definition

The term concentrated commercial feeding stuff, as here used, shall include linseed meals, cotton seed meals, cotton seed hulls, pea meals, cocoanut meals, gluten feeds, maize feeds, starch feeds, sugar feeds, dried brewers grains, malt sprouts, hominy feeds, cerealine feeds, rice meals, oat feeds, corn and oat chops, ground beef, fish or animal meals, all patented or trade-marked foods, and all other materials of similar nature not included within the preceding section of this subtitle.

Pub. Gen. Laws,
1904, art. 48, p. 1329
(1864)

Sec. 20
Weighing of tobacco
in warehouses

It shall be the duty of each inspector to cause each hogshead of tobacco before it is uncased, to be weighed, and the tobacco in each hogshead, and the cask itself, to be separately weighed in his presence, or that of his weighing clerk, in scales with weights of the proper standard; and the weight of each hogshead as first weighed, and the gross and net weight of the tobacco therein contained after inspection, to be entered in a proper book, with sufficient reference to its numbers and marks as previously recorded.

Sec. 21
Net weight to be
marked on hogstead

It shall be the duty of each inspector to cause to be marked with a marking-iron on the side of each hogshead of tobacco under his charge, the warehouse, number and weight of said hogshead, and the net weight of tobacco contained therein, and to cause the warehouse number of such hogshead to be marked with blacking on each head thereof.

(1902)
Laws, 1902, ch. 124,
p. 158; Code Pub. Local
Laws
Art. 1, sec. 202
Art. 12, sec. 156
Weighing of cars of
coal

That the Mine Inspector shall also be an inspector of weights and measures at all mines now or hereafter opened in said counties [Allegheny and Garrett], and shall weigh several cars of coal mined therein once every two months on the scales of the different mines (or when requested to do so especially by any miner or

operator), in order to test the accuracy of said scales, and the State shall supply said Mine Inspector with the required weights and apparatus for testing scales, and to do any other act he may deem necessary to ascertain whether the coal be justly weighed at said mine; and it shall be the duty of every person acting as weighmaster for the owner, lessee or agent of said mines, before entering upon the performance of his duty as weighmaster or check-weighman, or before making any report, to make oath before some justice of the peace, in the proper county, that he will perform the duty of weighmaster or check-weighman as prescribed by this Act, at such mine, with honesty and fidelity, and will keep a true and accurate account of all the coal so weighed by him, and will credit and allow the full weight, and no more, of coal in each mining car, to the party or parties who mined the same at the rate of two thousand two hundred and forty pounds per ton, and all fractions thereof be counted in hundred weights, a copy of which oath shall be posted up in said weigh-office where such coal is weighed. But the said oath of weigh-master or check-weighman shall be understood and construed as only requiring said weighmaster or check-weighman to allow and credit said fraction of tons in whole hundred weights (cwts.) in manner following, namely: Where the odd pounds in any mining cars in excess of the whole hundred weight therein, shall equal or exceed fifty-six pounds, the said weighmaster or check-weighman shall credit such miner with a whole hundred weight for such odd pounds, but where such odd pounds, less than a whole hundred weight (cwt.) shall be less than fifty-six pounds, then such weighmaster or check-weighman shall give such miner no credit whatever for such odd pounds; and it shall be the duty of said weighmaster and of any check-weighman to perform the several acts and matters prescribed in said affidavit. Provided that every car when weighed shall be uncoupled and stopped on the scales; but the Mine Inspector may make special regulations as to the stopping of cars when necessary.

The Mine Inspector shall have power to examine the weighing sheets on which the weight of the miner's cars are registered, and the monthly aggregate of coal weighed on such scales, and shall compare such aggregate monthly weighings with the "manifest" or "shipping" reports of the operators, and thus determine from time to time whether the coal is accurately weighed.

That it shall be lawful, however, notwithstanding the provisions of this Act, in relation to weighmaster and the weighing of coal, for any lessees, owner, individual or agent of any mine in said counties of Allegany and Garrett to contract with the miners to mine coal therein or therefrom by measurement; and it shall also be lawful

Mine inspector made
inspector of weights and
measures

Weighing of coal

Cars, how weighed

Art. 1, sec. 203
Art. 12, sec. 157
Inspection of accuracy
of weighings

Art. 1, sec. 204
Art. 12, sec. 158
Weighing of coal

for any owner, lessee or agent of any mine in said counties, at or in which not more than ten miners are employed at any one time, to contract with the miner or miners employed therein by the day, week or month instead of by weight, and in all such cases when the compensation of the miners by their contract or agreement fixed by the day, week or month, be ascertained by the cubic yard or other measurement, as hereinbefore provided, it shall not be obligatory upon such owner, lessee or agent of such mine to provide any weighmaster or weigh the coal mined in such shaft or mine, or taken therefrom, but the mine cars used in any such mine worked by shaft shall be measured by a sworn measurer, and said owner, lessee or agent shall cause the capacity of each of said mining cars to be plainly stamped or branded thereon.

Art. 1, sec. 205
Art. 12, sec. 159
Check-weighmaster

That at any time upon the request of a majority of the miners then employed in any coal mine in said counties of Allegany or Garrett, the agent, lessee or operator of such coal mine shall permit said miners (but at their own expense) to provide and keep in the said weigh house at said mine, at the scales kept thereat, for such length of time as such miners may require, a check-weighmaster, who shall have the right at all times to be present when the coal mined at each mine is being weighed by the weighmaster of said mine, and to examine the scales thereof, and to take and keep a full statement of the weight of each mining car load of coal, as shown by the said scales when the coal is being weighed thereon by said weighmaster, and upon the discovery by such check-weighmaster of any wilful violation of any of the provisions of this Act by the weighmaster employed at such mine, it shall be the duty of such check-weighmaster to immediately lay all such information before the State's Attorney of the county in which such weigh house is situated, or the Mine Inspector, for their action upon the same.

Art. 1, sec. 206
Art. 12, sec. 160
Duties of weighmaster

That it shall be the duty of every person acting as weighmaster in any of the said mines, to keep in ink or indelible pencil a list or statement of the number of mining cars, and the weight of coal in car mined each day, and the persons mining the same, and place and keep said list at the weigh house, where said coal is weighed, where the parties interested therein may inspect it, which list shall be kept for reference and inspection by all persons interested therein for at least thirty days time. And it shall be the duty of every operator to provide correct and accurate scales, upon which all coal mined in said mine shall be weighed in the state in which it is mined, before the same shall be dumped or taken from the mining cars, in which the miners have loaded the same; and no operator shall dock any miner in excess of five hundred pounds (cwts.) on one car, and it shall be the duty of the operator to cause the average weight of each empty car used at any such mine to be plainly stamped on the outside of each car.

Duty of operator

MASSACHUSETTS

The avoirdupois pound shall bear to the troy pound the relation of seven thousand to five thousand seven hundred and sixty. The hundred weight shall contain one hundred avoirdupois pounds, and the ton twenty hundred weight.

The barrel shall contain thirty-one and one-half gallons, and the hogshead two barrels.

The barrel of flour, measured by weight, shall contain one hundred and ninety-six pounds, the barrel of potatoes one hundred and sixty-five pounds, and the barrel of sweet potatoes one hundred and fifty pounds.

The legal and standard barrel for cranberries shall measure not less than twenty-five and one fourth inches between the heads, inside; the diameter of the head shall be not less than sixteen and one fourth inches, including the bevelled edge; the outside bilge circumference shall measure not less than fifty-eight and one half inches; the thickness of the staves shall be not greater than four tenths of an inch. The legal and standard crate for cranberries shall measure seven and one half inches, by twelve inches, by twenty-two inches, inside, exclusive of any interior partition or support, and shall have an interior capacity of one thousand nine hundred and eighty cubic inches; but any square or oblong crate or box of different form, but of as great interior capacity, shall be considered a legal and standard crate. It shall be lawful to use for the sale and delivery of cranberries, square or oblong packages which contain one half crate or one quarter crate: *provided*, that such packages have an interior capacity, exclusive of any partition or support, of nine hundred and ninety and four hundred and ninety-five cubic inches, respectively. No barrel, crate, one half crate or one quarter crate, intended for the sale or delivery of cranberries, except of the standard measure herein specified and plainly marked with the words "Massachusetts Standard Measure", shall be manufactured or sold. No person shall so mark any barrel or other package so used or intended to be used unless its interior capacity is as great as the capacity herein specified for such package.

Every barrel, crate, one half crate or one quarter crate used for the sale or delivery of cranberries shall be of the Massachusetts

Rev. Laws, 1902, vol. 1, ch. 62, p. 583
(1894)

Sec. 1
Avoirdupois to troy
pound
Hundredweight
Ton
Sec. 2
Barrel

Sec. 3, as amended
by Acts, 1911, ch. 397
Barrel of
—flour
—potatoes
—sweet potatoes

Acts, 1903, ch. 408,
as amended by Acts,
1911, ch. 380

Sec. 1
Size of cranberry barrel,
crate; marking, etc.

Sec. 2
Enforcing of act

standard measure, and shall be marked as required by this act. No person shall use any barrel, crate, one half crate or one quarter crate for such sale or delivery the capacity of which is less than that of the corresponding standard package herein provided for.

Penalty for violation

Any person violating any of the provisions of this act shall be punished by a fine not exceeding one hundred dollars. The sealers of weights and measures of the several cities and towns shall cause the provisions of this act to be enforced.

Acts, 1911, ch. 380

It shall be lawful to use for the sale and delivery of cranberries packages containing one, two or four pounds of cranberries net weight: *provided*, that said net weight is plainly stamped on the top or side of each package.

Sec. 3
Use of certain size packages authorized, net weights to be marked

Rev. Laws, 1902, ch. 62, vol. 1, p. 583
(1762, 1817, 1855, 1888, 1804, 1895, 1901, 1910)
Sec. 4, as amended by Acts, 1910, ch. 297
Weights per bushel

	Pounds.		Pounds.
Wheat ¹	60	Fine salt.....	50
Indian corn.....	56	Lime.....	70
Rye.....	56	Sweet potatoes.....	54
Barley.....	48	Beans.....	60
Oats.....	32	Dried apples.....	25
Corn meal.....	50	Dried peaches.....	33
Rye meal.....	50	Rough rice.....	45
Peas.....	60	Upland cotton seed.....	30
Soy beans (glycine hispida).....	58	Sea island cotton seed.....	44
Potatoes.....	60	Buckwheat.....	48
Apples.....	48	Beets.....	60
Carrots.....	50	Cranberries.....	32
Onions.....	52	Pears.....	58
Clover seed.....	60	Parsnips.....	45
Herdgrass or timothy seed.....	45	Roasted peanuts.....	20
Japanese barnyard millet (panicum crus-galli).....	35	Green peanuts.....	22
Bran and shorts.....	20	Peaches.....	48
Flaxseed.....	55	Tomatoes.....	56
Coarse salt.....	70	Turnips.....	55
		Quinces.....	48

(1840, 1855)

Sec. 5
Weight of bushel of meal.
Cental

In this Commonwealth a bushel of cracked corn or feed or any meal except oatmeal shall be fifty pounds, and a cental shall be one hundred pounds.

(1602-3, 1705-6, 1730-1, 1799, 1800, 1803, 1847, 1807, 1901)
Sec. 6
Standard weights and measures Capacities

The following weights, measures and balances now in the treasury; a set of dry measures consisting of one-half bushel, eight, four, two, and one quarts; a set of liquid measures consisting of one gallon, two and one quarts, one pint, two and one gills, a set of apothecaries' liquid measures consisting of one gallon, four, two, and one pints, twelve, eight, six, four, three, two and one ounces, four, two, and one drams, ten and five minims; a set of avoirdupois weights consisting of fifty, twenty-five, twenty, ten, five, four, three, two and one pounds; eight, six, four, three, two and one ounces, eight, six, four, three, two and one drams; a set of troy weights consisting of five thousand, three thousand, two thousand, one thousand, five hundred, three hundred, two hundred, one hundred, fifty, thirty, twenty, ten, five, three, two and

Weights

¹ For convenience in printing a slight change has been made in arrangement of these articles.

one pennyweights, ten, six, five, four, three, two, and one grains, one-half a grain, twelve, ten, six, five, four, three, two and one ounces, five-tenths, four-tenths, three-tenths, two-tenths, and one-tenth, five one-hundredths, four one-hundredths, three one-hundredths, two one-hundredths, one one-hundredth, five one-thousandths, four one-thousandths, three one-thousandths, two one-thousandths, one one-thousandth, five ten-thousandths, four ten-thousandths, three ten-thousandths, two ten-thousandths, one ten-thousandth, of an ounce; a set of apothecaries' weights consisting of twelve, six, two and one ounces, four, two and one drams, two and one scruples, ten, five, four, three, two and one grains, one-half, one-quarter, and one-tenth grains, a yard measure and three sets of balances, shall be the sole authorized standards of weights and measures, except as provided in chapter sixty-three.

Length

They shall be kept in the treasury by the treasurer,¹ and at least once in every five years he shall cause them to be compared with those of the United States government and, if necessary, corrected so they shall agree therewith.

Custody

Such weights, measures and balances as may be procured from time to time to replace the standard weights, measures and balances shall be preserved in the same form and of the same dimensions as are required of said standards, the denomination of the weights and measures shall be marked and stamped thereon respectively and they shall be sealed with the seal which is kept for that purpose by the treasurer and receiver general.¹

(1797)
Sec. 7
Weights to be re-
placed, when

The treasurer and receiver-general shall appoint a deputy state sealer¹ of weights and measures, who shall be sworn, shall give bond for the faithful performance of his official duties, shall have his office in the treasury of the Commonwealth, shall perform his duties under the direction and supervision of the treasurer and receiver general and shall receive from the Commonwealth an annual salary of fifteen hundred dollars and the necessary expenses incurred in the performance of his duties. The treasurer shall provide his deputy with whatever may be necessary for the proper performance of his duties and shall furnish him with duplicates of the authorized public standard weights, measures and balances in the treasury, and he shall keep and use them for sealing weights, measures and balances in the same manner as the standards kept in the treasury are used by the treasurer.

(1800, 1907, 1907)
Sec. 8
Deputy State sealer

Salary and expenses

The deputy shall try, adjust and seal the standard weights, measures and balances of every city and town at least once in five years, and shall see that they are kept in good order and condition, and for such purpose he shall at any time, upon the

(1800, 1907)
Sec. 9
Duties of

¹ By an act of 1907, ch. 534, Acts, 1907, all duties pertaining to the care, custody, and furnishing of standard weights and measures, etc., devolving upon the treasurer and receiver general and upon the deputy state sealer, are transferred to the commissioner of weights and measures.

request of a city or town treasurer, visit such city or town. He may also inspect the weights, measures and balances of any person which are used for selling any goods, wares, merchandise or other commodity or for public weighing in any city or town, and if he finds them inaccurate he shall forthwith inform the mayor or selectmen who shall cause the provisions of this chapter to be enforced. If in the performance of his official duties he discovers a violation of the laws, he may enter a complaint and prosecute the same, and for this purpose shall have like powers and authority as are conferred upon the sealer or deputy sealer of a city or town by sections twenty-nine and thirty. Whoever hinders, obstructs or in any way interferes with him in the performance of his duty shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than sixty days.

(1890)
Sec. 10
Record

The deputy shall keep a record in detail of the places visited, and of the weights, measures and balances tested by him, and he shall annually during the first week in January, make a report thereof to the treasurer and receiver general.

(1730-31, 1738-9, 1799,
1800, 1847, 1848, 1850,
1880)
Sec. 11
Standard weights to
be kept by counties,
cities, etc.

The treasurer shall provide each county, city and town with a complete set of the standard weights, measures and balances named in the following section:

(1890)
Sec. 12
County standards

Counties,¹ cities and towns shall keep the following standard weights, measures and balances: A set of avoirdupois weights consisting of fifty, twenty-five, twenty, ten, five, four, two and one pounds, and eight, four, two, one, one-half, one-quarter, one-eighth and one-sixteenth ounces; a set of dry measures consisting of one half-bushel, one eight-quart, one four-quart, one two-quart, one one-quart measures; a set of liquid measures consisting of one gallon, one half-gallon, one quart, one pint, one half-pint, and one gill; one balance; one yard measure; and each city and each shire town shall keep the meter and kilogram and such standard troy weights as the treasurer and receiver general may designate. Each county shall keep a set of apothecaries' weights and apothecaries' liquid measures.

Acts, 1907, ch. 534
Sec. 1
Commissioner
of weights and meas-
ures

The governor, with the advice and consent of the council, shall appoint a commissioner of weights and measures for the term of three years from the date of his commission.

Sec. 2, as amended by
Acts, 1911, ch. 632
—to appoint inspec-
tors

The said commissioner may appoint six inspectors. The annual salary of the commissioner shall be two thousand dollars, and of the inspectors twelve hundred dollars each, and they shall give bonds for the faithful performance of their duties. The commissioner shall be allowed for clerical services, travel and

¹ So much of ch. 62 of the Revised Laws and amendments thereto as provide that counties shall be furnished with standard weights and measures by the Commonwealth, and that county treasurers shall have the care and custody of the same and shall act as sealers of weights and measures is repealed by ch. 310, Acts, 1909.

contingent office expenses for himself and his inspectors such sum as may be necessary, to be paid out of the treasury of the commonwealth.

The commissioner shall assume all such duties pertaining to the care, custody and furnishing of standard weights, measures and balances, and the inspection of weights, measures and balances, and the sale of various articles, as are now imposed on the treasurer and receiver general or upon the deputy state sealer of weights and measures by the Revised Laws and acts in amendment thereof and in addition thereto, and shall have all powers now vested in and may do all acts required of said officers for these purposes. He shall cause to be enforced all laws relating to the using or giving of false or insufficient weights or measures, shall keep a record in detail of the work of his office, and shall annually, during the first week of January, make a report thereof to the general court.

Sec. 3
Duties and powers of commissioner

The inspectors shall, under the direction of the commissioner, aid him in performing the duties of his office, and shall have the necessary powers now vested in the deputy state sealer of weights and measures for this purpose.

Sec. 4
—of inspectors

Every city and town sealer of weights and measures shall annually during the month of November, make a report of the weights, measures and balances tested, sealed or condemned by him, together with an inventory of the standards and working apparatus in the possession of his city or town, to the commissioner of weights and measures.

Sec. 5
City and town sealers to make annual report

City treasurers and town treasurers if so directed by the selectmen, shall, upon request to the treasurer and receiver general, be provided, at the expense of such cities and towns, with duplicate sets of said apothecaries' weights and apothecaries' liquid measures, as described in section six, which shall be used as standards in the respective cities and towns in which they are kept.

Rev. Laws, 1902, ch. 62 (1807)
Sec. 14
Cities and towns to have same

The several county,¹ city and town treasurers shall, at the expense of their respective counties, cities, and towns, provide therein accessible places for the safe and suitable keeping and preservation of the weights, measures and balances furnished by the Commonwealth, which shall be used only as standards. Said treasurers shall have the care and oversight thereof; shall see that they are kept in good order and repair; and if any of them are lost, destroyed, or irreparably damaged, shall, at the expense of the county,¹ city or town, replace the same by similar weights, measures or balances. Counties, cities and towns may effect insurance on such weights, measures and balances, for their own benefit.

(1602-3, 1700, 1800, 1848, 1877, 1807)
Sec. 15
Safe-keeping of weights

The standards, except those of apothecaries' weight and apothecaries' liquid measure, which are in the custody of county ¹ treas-

(1738-9, 1700; 1803, 1847, 1848, 1800; 1807, 1910)

¹ See note on p. 188.

Sec. 17
County and town
standards to be tested

urers shall, at least once in every ten years, and such standards which are in the custody of city and town treasurers shall, at least once in every five years, be tried, adjusted, and sealed by the treasurer and receiver general or by his deputy. At least once in every three years the standards of apothecaries' weights and of apothecaries' liquid measures which are in the custody of county treasurers shall be compared with and adjusted by those in the custody of the treasurer and receiver general, and such standards in the custody of city and town treasurers, with those of the treasurer and receiver general or of the county treasurer. Every treasurer who neglects to have the standards in his care so sealed shall forfeit not more than fifty dollars.

(1692-3, 1799, 1863, 1876,
1877)

Sec. 18
Appointment of seal-
ers and gaugers

The mayor and aldermen of cities and the selectmen of towns shall annually, in March or April, appoint one or more sealers of weights and measures, or one sealer and one or more deputy sealers to act under the direction of the sealer, and they may also appoint gaugers of liquid measures; and may at any time remove such sealers, deputy sealers and gaugers, and appoint others in their places.

Removal

(1799)

Sec. 19
Sealers accountable
to towns for standards

Every sealer of weights and measures shall receive from the treasurer of his city or town a set of the standards and a seal, and shall give a receipt therefor, stating the condition in which they are received; and he shall be accountable to his city or town for the due preservation thereof in like condition until he returns them to the treasurer.

(1705-6, 1730-1, 1738-9,
1799, 1800, 1847, 1907)
Sec. 20, as amended
by Acts, 1907, ch. 283

Each treasurer, seal
er, etc., to have a seal

The treasurer and receiver general and his deputy, the county¹ treasurers, and the city and town sealers shall keep seals for their use. The seals of the treasurer and of his deputy shall bear the letters "C. M." and those of the county treasurers and city and town sealers shall be of such type as shall be approved by the deputy sealer. Any such treasurer or sealer who neglects to keep

Seals to be approved

a seal in accordance with the provisions of this section shall forfeit not more than twenty dollars, and whoever, without being duly authorized to do so, impersonates a sealer or deputy sealer of weights and measures by the use of a seal or otherwise, or has in his possession an imitation or counterfeit of a seal used by a sealer or deputy sealer of weights and measures, shall be punished by a fine of not more than fifty dollars.

Penalty for imperson-
ating sealer

(1692-3, 1738-9, 1799;
1847, 1876; 1877)
Sec. 21
Annual notice of ad-
justment

Sealers of weights and measures shall annually give public notice by advertisement, or by posting in one or more public places in their respective cities and towns, notices to all inhabitants or persons having usual places of business therein who use weights, measures or balances for the purpose of selling goods, wares, merchandise or other commodities or for public weighing, to bring in

¹ See note on p. 188.

their weights, measures and balances to be adjusted and sealed. Such sealers shall attend in one or more convenient places, and shall adjust, seal, and record all weights, measures and balances so brought in.

After giving said notice, said sealers shall go to the houses, stores, shops or vehicles of persons who neglect to comply therewith, and shall adjust and seal their weights, measures and balances. Any person who shall neglect or refuse to exhibit his weights, measures or balances, used for the purpose of weighing or measuring, to a sealer or deputy sealer, or whoever hinders, obstructs or in any way interferes with a sealer or deputy sealer in the performance of his duty shall be punished by a fine or not more than fifty dollars.

(1705-6, 1790, 1817, 1863, 1870, 1876, 1877, 1910)
 Sec. 22, as amended by Acts, 1910, ch. 209
 Place of sealing

Said sealers shall go once a year, and oftener if necessary, to every hay and coal scale and to every platform balance within their respective cities and towns which cannot be easily or conveniently removed, and shall test the accuracy of, adjust and seal the same.

(1705-6, 1835, 1847, 1876)
 Sec. 23
 Hay scales

Whoever uses scales, weights or measures, for the purpose of buying or selling any commodity may, if he desires it, have his weights and measures, used for such purpose, tested and sealed by the sealer of weights and measures.

(1870, 1876)
 Sec. 24
 To test weights upon request

Apothecaries and all other persons dealing in drugs, medicines or merchandise commonly sold by apothecaries' weight or by apothecaries' liquid measure shall, at least once in three years, cause such weights and measures so used to be tested and sealed either by the county treasurer or by the sealers of weights and measures in the respective cities and towns in which they carry on business. County¹ treasurers, for the purpose of this section, shall be sealers of weights and measures in their respective counties.

(1897)
 Sec. 25
 Test of apothecaries' weights

Whoever sells or deals in drugs, medicines or merchandise which require the use of apothecaries' weights or apothecaries' liquid measures or in the sale of which they are commonly used, and does not have such weights and measures tested in accordance with the provisions of this chapter shall be punished by a fine of not less than five nor more than fifty dollars for each offence.

Sec. 26
 Penalty for failure to test

If a sealer of weights and measures cannot seal any weights, measures and balances in the manner before provided, he may mark them with a stencil or by other suitable means, so as to show that they have been inspected; but he shall in no case seal or mark as correct any weights, measures or balances which do not conform to the standards. If such weights, measures or balances can be readily adjusted by such means as he has at hand, he may adjust and seal them, but if they cannot be readily adjusted, he shall affix to such weights, measures or balances a notice forbidding their

(1877)
 Sec. 27
 Marking weights

¹ See note on p. 188.

use until he is satisfied that they have been so adjusted as to conform to the standards; and whoever removes said notice without the consent of the officer affixing the same shall for each offence forfeit not more than fifty dollars, to be equally divided between the city or town and the complainant.

Sec. 28
Sealers to have duplicate sets

A sealer or his deputy, when visiting the place of business of any person for the purpose of testing any weights, measures or balances, may use for that purpose such weights, measures or balances as he can conveniently carry with him; and each city and town shall furnish its sealer with one or more duplicate sets of weights, measures, and balances, which shall at all times be kept to conform to the standards provided by the Commonwealth; and all weights, measures and balances so sealed shall be deemed to be legally sealed, as if they were tested and sealed with the standard weights, measures and balances.

(1877, 1897)
Sec. 29
May seize for evidence

A sealer or deputy sealer of weights and measures may seize without a warrant such weights, measures or balances as may be necessary to be used as evidence in cases of violation of the law relative to the sealing of weights and measures; and they shall be returned to the owners or forfeited as the court may direct.

(1883)
Sec. 30
Seizure of unlawful measures

A sealer or deputy sealer of weights and measures, or any person specially authorized by the mayor and the aldermen or selectmen, may seize any measures which are in the possession of the vendor of merchandise and which are used or intended to be used for measuring merchandise offered for sale by him if they are not of the shape or dimensions, or are not sealed, as required by law; any such vendor who has in his possession such measures, with intent to use them in violation of law, shall be punished by a fine of not more than twenty dollars for each offence, and such measures, upon proper proceedings, shall be destroyed. Such possession of such measures shall be prima facie evidence that they were intended to be used in violation of law. Violations of the provisions of this section shall be prosecuted by said officers.

(1863, 1870, 1876, 1897)
Sec. 31
Incorrect weights

If any person informs a sealer of weights and measures that he has reasonable cause to believe, or if such sealer has reasonable cause to believe that a weight, measure or balance used in the sale of any commodity within his city or town is incorrect, said sealer shall go to the place where such weight, measure or balance is, shall test it and mark it according to the result of the test; and if it is incorrect and cannot be adjusted, he shall attach thereto a notice of that fact and forbidding the use thereof until it has been made to conform to the authorized standard. If a sealer has reasonable cause to believe that a weight, measure, scale, balance or beam has been altered, since it was last adjusted and sealed he shall enter the premises in which it is kept or used and shall ex-

Suspected measures

amine the same. Whoever uses a weight, measure or balance after refusing permission to a sealer to test it shall be punished by a fine of not less than ten nor more than one hundred dollars.

All weights, measures and balances which cannot be made to conform to the standard shall be stamped "Condemned" or "CD" by the sealer. All weights, measures and balances in the possession of a merchant or vendor that are not used for the purpose of buying or selling, or for the purpose of weighing and measuring for hire or reward shall be plainly marked by the sealer with the notice stating that such articles have not been sealed in accordance with the provisions of this chapter. Whoever removes said notice without the consent of the person affixing the same shall be punished by a fine of not more than fifty dollars.

(1870, 1876, 1807, 1010)
Sec. 32, as amended
by Acts, 1910, ch. 209
Weights to be marked
"condemned," when

Notice

Penalty for removal of

Whoever uses, or has in his possession with intent to use, a false or condemned weight, measure, scale, balance or beam for weighing or measuring any commodity sold or exchanged may for each offence be fined not more than fifty dollars. The possession of such weight, measure, scale, balance or beam shall be prima facie evidence that the same was intended to be used in violation of law.

(1863, 1876, 1807, 1006)
Sec. 33, as amended
by Acts, 1906, ch. 215
Penalty for using false
weights

Each sealer of weights and measures, including the county treasurers, shall receive a fee of one dollar for sealing each platform balance if weighing five thousand pounds or more, and fifty cents if weighing less than that amount, and three cents each for sealing all other weights, measures, scales, beams or balances. He shall also have a reasonable compensation for all necessary repairs, alterations and adjustments made by him.

(1602-3, 1730-1, 1738-0,
1743-4, 1790, 1847,
1870, 1876)
Sec. 34
Fees of sealers

Cities and towns may establish ordinances and by-laws providing that the sealer of weights and measures shall be paid by a salary, and that he shall account for and pay into the city or town treasury the fees received by him by virtue of his office; and if such salary is paid, no fees shall be charged for services rendered under the provisions of section twenty-one.

(1863, 1876)
Sec. 35
Sealers may be paid
salaries

Vibrating steelyards may be used if each beam and the poises thereof are annually tried, proved and sealed by a sealer of weights and measures.

(1800, 1816)
Sec. 36
Steelyard

Whoever sells or, if by the custom of trade such weights, measures, scales, beams or balances are provided by the buyer, buys by any other weights, measures, scales, beams or balances than those which have been sealed as before provided or as provided in chapter sixty-three shall forfeit not more than twenty dollars for each offence to the use of the person suing therefor.

(1705-6, 1738-0, 1790,
1847, 1851, 1807)
Sec. 37
Unsealed weights

Penalty.

The seller may recover the fair market value of goods, wares or merchandise sold if they were, for the purposes of the sale, weighed or measured upon scales, measures, weights, beams or balances

(1875, 1878)
Sec. 38
Value of goods sold by
unsealed weights, how
collected

which were not sealed according to law, or by a person not a sworn weigher, measurer or surveyor, or by a person not authorized by law to weigh or measure the same, if such sale is made in good faith and the purchaser is not injured thereby.

(1826)
Sec. 39
Hundredweight, how
construed

If commodities are sold by the hundred weight, it shall be understood to mean the net weight of all packages of not more than one hundred pounds avoirdupois; and all contracts concerning goods sold by weight shall be understood and construed accordingly.

Sec. 40
Rules for weighing

Every public weigher of goods or commodities shall weigh the same according to the provisions of the preceding section, and shall make his certificate accordingly; and for each refusal or neglect he shall forfeit not more than ten dollars. Every weigher of goods appointed by a city or town and every weigher for hire or reward shall be a public weigher within the provisions of this section.

Public weigher

(1823)
Sec. 41
Measures for salt and
grain

If the city council of a city or a town accepts the provisions of this section or has accepted the corresponding provisions of earlier laws, every measure by which salt or grain is sold shall in addition to being conformable in capacity and diameter to the public standards, have a bar of iron, approved by a sealer of weights and measures, across the middle thereof at the top, and a bar or standards of iron, approved as aforesaid from the center of the first mentioned bar to the center of the bottom of the measure; and every such measure shall be filled by shoveling such salt or grain into the same, and the striking thereof shall always be lengthwise of the first described bar. And whoever sells or exposes for sale any salt or grain in any other measure, or fills or strikes such measure in any other manner than is provided in this section, shall forfeit fifty cents for every bushel of salt or grain so measured, filled, or stricken; but salt may be measured from vessels in such measures as are used by the government of the United States, or, as authorized by any city or town, in tubs or in proportional parts of hogsheads, without bars.

(1863)
Sec. 42
Appointment of
weighers of boilers

The mayor and aldermen of a city or selectmen of a town in which boilers and heavy machinery are sold shall appoint, and may remove, one or more persons, not engaged in the manufacture or sale thereof, to be weighers of boilers and heavy machinery, who shall be sworn to the faithful performance of their duties. The board appointing them may fix their fees, which shall be paid by the seller.

(1900, 1901, 1909)
Sec. 43, as amended
by Acts, 1909, ch. 531
Glass bottles and jars
used for milk and
cream to be sealed,
when; how marked;
legal measures, when

Glass bottles or jars which are used for the distribution of milk or cream to consumers, and which hold, when filled to a level with the bottom of the cap or stopple, not less than seven ounces and six drams and not over eight ounces and two drams; not less than fifteen ounces and five drams and not over sixteen ounces and four

drams; not less than thirty-one ounces and four drams and not over thirty-two ounces and four drams; not less than forty-seven ounces and three drams and not over forty-eight ounces and five drams; not less than sixty-three ounces and two drams and not over sixty-four ounces and six drams, shall be sealed as measures under the provisions of section twenty-one or by the manufacturer. All dealers in milk or cream who use glass bottles or jars for the distribution of milk or cream to consumers, which have not been sealed by the manufacturer, shall bring in such bottles or jars to the office of the sealer of weights and measures in their respective cities and towns, to be sealed as aforesaid; but no fee shall be charged or received for sealing them. If a bottle or jar has once been sealed by the sealer of weights and measures or by the manufacturer, it shall not in any case be necessary to have it sealed again at any time while it is used for the distribution of milk or cream to consumers. Glass bottles or jars sealed under the provisions of this section shall not be legal measures except for the distribution of milk or cream to consumers. Such bottles or jars as are sealed by the manufacturer shall be marked with the name, initials, or trademark of the manufacturer, and by any other mark which the commissioner of weights and measures may require. The sealing of such bottles or jars by the manufacturer shall not be held to affect the provisions of law relating to the giving of false measures, or the using of a false measure, or the having in possession of a false measure with intent to use.

Paper or fibre bottles and jars which are used for the distribution of milk or cream to consumers, and which hold, when filled to a level with the bottom of the cap or stopple, not less than eight, sixteen, thirty-two, forty-eight or sixty-four ounces, shall be sealed as measures under the provisions of section twenty-one of chapter sixty-two of the Revised Laws, or of chapter three hundred and twenty-three of the acts of the year nineteen hundred and six, or by the manufacturer in the manner provided in section forty-three of chapter sixty-two of the Revised Laws, as amended by chapter five hundred and thirty-one of the acts of the year nineteen hundred and nine, and when so sealed may be used in the manner provided by law for glass milk jars and bottles. Every such bottle or jar shall have plainly stamped upon it by the manufacturers the words:—"Penalty for re-use, twenty-five dollars."

Whoever re-uses any such paper or fibre bottle or jar for distributing milk, cream or other liquid used for food, after such bottle or jar has been once used therefor, shall be punished by a fine of not more than twenty-five dollars for each offence.

Acts, 1910, ch. 462
Sec. 1
Sealing paper bottles
and jars

Sec. 2
Penalty for re-use

Acts, 1906, ch. 323
 Sec. 1
 Bottles or jars to be sealed by sealer upon notice, when

Any sealer of weights and measures who shall have been notified by any dealer in milk or cream who uses glass bottles or jars for the distribution of milk or cream that the said dealer has in his possession not less than six gross of such glass bottles or jars which have not been sealed, shall forthwith cause the same to be sealed in accordance with the provisions of section forty-three of chapter sixty-two of the Revised Laws, at a suitable place provided by the said dealer.

Sec. 2
 Fee

The fee to be charged for sealing bottles or jars under the provisions of this act shall be fifty cents per gross, to be retained by the sealer of weights and measures: *provided, however*, that if he is paid a salary by the city or town he shall account for and pay into the treasury of the city or town all fees received under the provisions of this act.

Sec. 3
 Repeal

All acts and parts of acts inconsistent herewith are hereby repealed.

Acts, 1909, ch. 541
 Sec. 1
 Testing and sealing of taximeters

The provisions of chapter sixty-two of the Revised Laws relative to the testing and sealing of weights, measures and balances shall apply to all taximeters and other forms of measuring devices which are used upon vehicles for determining the cost of transportation; provided, that the testing and sealing of such devices shall be performed by the commissioner of weights and measures of the commonwealth and not by the sealers of weights and measures in cities and towns. All such devices shall be tested as to the correctness of measures and values indicated by them, and the commissioner of weights and measures is empowered to make such rules and regulations as he may deem necessary to insure accuracy in the use of the said devices.

Commissioner of weights and measures empowered to make rules and regulations

Sec. 2
 Commissioner to seal, condemn or seize, when

The commissioner of weights and measures shall seal the said devices when tested and found to be correct, and shall mark, condemn or seize the same if incorrect, in accordance with the provisions of said chapter sixty-two applicable to weights, measures and balances, and all penalties imposed by said chapter for violation of the provisions thereof relative to weights, measures and balances shall also be applicable to the said devices.

Sec. 3
 Fee

The commissioner of weights and measures shall collect a fee of one dollar for each device sealed under the provisions of this act, and such fees shall be paid by him monthly into the treasury of the commonwealth.

Acts, 1909, ch. 412
 Sec. 1
 Provisions of ch. 62 of Revised Laws applicable to weighing and measuring devices used for hire or reward

The provisions of chapter sixty-two of the Revised Laws relating to the adjustment, testing and sealing of weights, measures and balances shall apply to all weighing and measuring devices used for the purposes of weighing and measuring for hire or reward.

Sec. 2
 Testing sealing, etc. of such devices

A sealer or deputy sealer shall seal such devices when they are tested and found correct, and shall mark, condemn or seize such

devices if found incorrect, in accordance with the provisions of said chapter sixty-two applicable to weights, measures and balances; and all penalties imposed by said chapter for violation of the provisions thereof relative to weights, measures and balances shall also apply to the devices aforesaid.

Penalties

The provisions of chapter sixty-two of the Revised Laws relating to the adjusting, testing and sealing of weights, measures and balances shall apply to all scales, balances, computing scales and other devices having a device for indicating or registering the price as well as the weight of the commodity offered for sale. All such computing devices shall be tested as to the correctness of both weights and values indicated by them.

Acts, 1907, ch. 535
Sec. 1
Computing devices to be tested

A sealer or deputy sealer shall seal such devices when tested and found correct, or shall mark, condemn or seize such devices if incorrect, in accordance with the provisions of said chapter sixty-two applicable to weights, measures and balances, and all penalties imposed by said chapter for violation of the provisions thereof relative to weights, measures and balances shall also be applicable to such devices.

Sec. 2
Penalties, etc.

Provisions of ch. 62 to apply

So much of chapter sixty-two of the Revised Laws and of all acts in addition thereto or in amendment thereof as provides that counties shall be furnished with standard weights and measures by the commonwealth, and that county treasurers shall have the care and custody of the same and shall act as sealers of weights and measures is hereby repealed.

Acts, 1909, ch. 310
Sec. 1
Ch. 62 of Revised Laws repealed as to counties and county treasurers

All sets of standard weights, measures and balances furnished by the commonwealth, and now in the custody of county treasurers, may be sold by the commissioner of weights and measures of the commonwealth, and the proceeds of such sale, after deducting the necessary expenses in connection therewith, shall be paid into the treasury of the commonwealth.

Sec. 2
County standards may be sold

The weights and measures of the metric system may be employed and used in this Commonwealth, and no contract or dealing shall be deemed invalid and no pleading in any court shall be open to objection because the weights or measures are stated therein in terms of the metric system. The metric weights and measures received from the United States and now in the treasury of the Commonwealth may be used as authorized public standards of weights and measures, and shall in no case be removed from the treasury except under necessity for their preservation or repair.

Rev. Laws, 1922, ch. 63
(1877)
Sec. 1
Metric system authorized

The following tables shall be recognized in the construction of contracts and in legal proceeding as establishing in terms of the metric system the equivalents of the other weights and measures expressed therein and may also be used for computing, determining

Sec. 2
Effect of various measures

and expressing in customary weights and measures the weights and measures of the metric system.¹

Sec. 3
Duties of State and
town treasurers

The duties of the treasurer and receiver-general and his deputy and the duties and responsibilities of the treasurer of each town, with respect to the keeping, care, verification and use of the standard weights and measures of the metric system, shall be the same as those established by law with respect to other standard weights and measures.

(1877, 1890)

Sec. 4
Sealing of metric
weights and measures

The deputy state sealer shall verify, adjust and seal all metric weights and measures brought to him for that purpose. The sealer of weights and measures in each town which has received the standard metric weights and measures shall verify, adjust and seal all metric weights and measures brought to him for that purpose from within the county in which such town is situated, and he shall receive a reasonable compensation therefor; but he shall claim no fees for any sealing, verification or adjustment for the performance of which he may otherwise receive compensation by salary paid by the town.

(1877)

Sec. 5
Duties of persons us-
ing metric system

Every person who uses weights or measures of the metric system for the purpose of selling any goods, wares merchandise or other commodities shall have them adjusted, sealed and recorded by an authorized sealer of weights and measures, and shall thereafter be responsible for the correctness and exactness of the same; and every person who illegally or fraudulently uses the metric weights or measures shall be liable to the same penalty to which he would have been liable if he had used other weights and measures.

Acts, 1902, ch. 159
Sec. 1
The office of weigher
of coal may be held by
either sex

No person shall be deemed ineligible to hold the office of weigher of coal in any city or town by reason of sex.

Rev. Laws, 1902, ch.
57, p. 563
(1836, 1847, 1861)
Sec. 39
Weighing and in-
spection of hay and
straw

Whoever, in a city or town for which an inspector is appointed, sells pressed or bundled hay or straw which has not been inspected and weighed as before provided, shall forfeit two dollars for each bale or bundle so sold; but no such inspection and weighing need be made unless the vendee at the time of purchase requires it.

(1830, 1854, 1891)
Sec. 82
Inspection and sale of
bark

The city council of a city may establish ordinances, with suitable penalties, not exceeding five dollars for any one violation thereof, for the regulation of the sale of prepared wood, slabs and edgings for fuel, when sold by the load, and for the inspection, survey, measurement and sale of bark for fuel or manufacturing purposes brought into said city for sale, whether the same is exposed for sale in ranges or upon a cart or other vehicle; and said city may provide for the appointment of such surveyors, inspectors and other officers as may be necessary to carry into effect said ordinances and may establish their fees.

¹ Here follows the conversion tables as adopted by the Congress of the United States. See United States Laws.

The mayor and aldermen of a city or the selectmen of a town shall appoint, and may remove, weighers of coal, one of whom at least shall not be engaged in the business of selling coal, who shall be sworn, and by whom all coal shall be weighed. No person shall be ineligible for appointment because of the fact that he is not a resident of such city or town, notwithstanding provisions to the contrary in any general or special act or city charter.

(1840, 1850, 1855, 1865, 1870)
Sec. 83
The weighing of coal

Coal shall be sold by weight, and, except when sold by cargo, two thousand pounds avoirdupois shall be the standard for the ton. Coal in quantities of less than one hundred pounds, shall be sold in bags or baskets, and shall be kept until delivered in the same bags or baskets in which the goods are weighed, and coal thus sold shall be exempt from the provisions of section eighty-eight of this chapter. Such bags or baskets shall be plainly marked with the name of the person who puts up the same and the weight of the coal therein with words in solid Roman capital letters at least one inch in height.

(1840, 1850, 1855, 1870, 1884, 1804, 1901, 1907)
Sec. 84 as amended by Laws, 1907, ch. 228, sec. 1
Coal to be sold by weight and measure

Section eighty-five of chapter fifty-seven of the Revised Laws is hereby repealed.

Laws, 1907, ch. 228

Coke in quantities of less than one hundred pounds, and charcoal in any quantities, shall be sold by weight or by measure, and shall be kept until delivered in the same bags or baskets in which the goods are weighed or measured, and coke and charcoal thus sold shall be exempt from the provisions of section eighty-eight of this chapter. When sold by weight, such bags or baskets shall be plainly marked with the name of the person who puts up the same and the weight of the coke or charcoal therein, the words so marked being in solid Roman capital letters, at least one inch in height. Coke sold in quantities of one hundred pounds or more shall be sold only by weight.

Sec. 2
Repeal
Rev. Laws, 1902, vol. 1, ch. 57
(1901, 1908)
Sec. 86 as amended by ch. 205, Acts, 1908
Sale of coke and charcoal

Baskets used in selling coke or charcoal by measure shall be of the capacity of two bushels, of one bushel, or of one half bushel, Massachusetts standard dry measure. They shall be sealed, and their capacity plainly marked thereon by a sealer of weights and measures of the city or town in which the person using them resides or does business, and shall be filled level full. Bags of coke or charcoal or unpacked kindling wood not exceeding six inches in length sold or offered for sale by measure shall contain, and shall be sold as containing, one half bushel, dry measure, standard aforesaid, of said goods, and shall be plainly marked with the name of the person who puts up the same, and the words in capital letters, each at least one inch in height,—“ONE HALF BUSHEL,”—and kindling wood may be sold in bundles not less than twenty-seven inches in circumference: *provided*, that the wood shall be cut not less than two and one quarter inches long.

(1901, 1909)
Sec. 87 as amended by Acts, 1909, ch. 424
Baskets and bags, capacity and sealing

Acts, 1909, ch. 424
Sec. 2
Enforcement

The commissioner of weights and measures of the commonwealth and the sealers of weights and measures in cities and towns shall cause the provisions of the preceding section to be enforced, and whoever violates any provision of this act shall be punished by a fine not exceeding fifty dollars for each offence.

Rev. Laws, 1902, vol. 1, ch. 57

(1901, 1910)
Sec. 88 as amended
by Acts, 1910, ch. 219
Selling coal or coke
by weight

Whoever sells coke, charcoal or coal by weight shall without cost to the purchaser cause the goods to be weighed by a sworn weigher of the city or town in which they are weighed, and shall cause a certificate stating the name and place of business of the seller, and either the identifying number, of which a permanent record shall be kept, or the name of the person taking charge of the goods after the weighing, as given to the weigher on his request, the tare weight, and the quantity of the goods, to be signed by the weigher. Such certificate shall be given to said person and shall by him be given only to the owner of the goods or his agent when he unloads the same; and every such person, owner or agent shall, on request and without charge therefor, permit any sealer of weights and measures of any city or town to examine the certificate and to make a copy thereof.

Sec. 89, as amended
by Acts, 1910, ch. 219
Sealer may direct
goods to be weighed

A sealer of weights and measures of a city or town in which any quantity of coke, charcoal or coal for delivery is found may, in his discretion, direct the person in charge of the goods to convey the same without delay or charge to scales designated by such sealer, who shall there determine the quantity of the goods, and, if they are not in baskets or bags, shall determine their weight with the tare weight, and shall direct said person to return to such scales forthwith after unloading the goods; and upon such return, the sealer shall determine the tare weight. The scales designated by the sealer as aforesaid may be the public scales of the city or town or any other scales therein which have been duly tested and sealed, and shall be such scales as are in his judgment the most convenient of those available.

Public scales

(1901, 1902)
Sec. 90, as amended
by Acts, 1902, ch. 453
Record to be kept of
weights and measures

A sealer of weights and measures of a city or town and a sworn weigher shall keep in a book used by him solely for that purpose a record of all baskets sealed by him as aforesaid, and of all weighings and determinations of quantities of coke, charcoal or coal made by him as aforesaid. Such record shall be made at the time of measuring or weighing, and shall state the day and hour of the measuring or weighing, the name and place of business of the seller of the goods, the name of the owner of the baskets or of the purchaser of the goods as given to him on his request by the person taking charge of the baskets or goods after weighing or measuring, the capacity of the baskets measured or quantity of goods determined, and the name of said person, and, in the case of a re-weighing as aforesaid, shall state the weight as given in the cer-

tificate and as determined by him. No charge shall be made by any such sealer for anything done under the provisions of this and the two preceding sections.

Whoever violates any provision of the seven preceding sections or fails to comply with any request for information or direction made under authority thereof, or gives a false answer to any such request, shall for each offence be punished by a fine of not more than fifty dollars; and whoever shall be guilty of any fraud or deceit relative to the weighing, selling or delivering of coke, charcoal or coal, shall for each offence be punished by a fine of not more than one hundred dollars. Sealers of weights and measures shall cause the provisions of the seven preceding sections to be enforced in their respective cities and towns.

Sec. 91, amended,
Acts, 1902, ch. 453
Penalty

Sealers to cause enforcement

A vendor of coal, coke or charcoal who has in his possession a basket, bag or other measure which does not conform in every particular to the requirements respecting it, with intent to use or permit it to be used in measuring coal, coke or charcoal sold or offered for sale, shall be punished by a fine of not more than twenty dollars, and such basket, bag or measure shall be destroyed.

(1758-9, 1772-3, 1833;
1852, 1853, 1859, 1883,
1884, 1894)
Sec. 92
Penalty for having
illegal coal, etc., measures

The mayor and aldermen of a city or the selectmen of a town shall appoint one or more persons whose duty it shall be to seize all baskets, bags or measures used or intended to be used for measuring coal, coke or charcoal, which do not conform to the foregoing provisions, to arrest without warrant any person who has in his possession such baskets, bags or measures and to prosecute him under the provisions of the preceding section. The tribunal by which he is convicted shall order said baskets, bags and measures to be destroyed.

(1758-9; 1772-3, 1796,
1852, 1853; 1859)
Sec. 93
Seizure of illegal
measures; arrest, etc.

It shall be unlawful for any person, firm or corporation to engage in or carry on the business of selling coal or coke, as principal or agent, in any city or town, at wholesale or retail, either by maintaining a place of business or by peddling the same from house to house, or otherwise, without first obtaining a license so to do from the secretary of the Commonwealth.

Acts, 1903, ch. 484
Sec. 1
Licensing dealers in
coal and coke

The said license may be granted by the secretary of the Commonwealth for such period, and upon such conditions and terms as may be prescribed in cities by ordinance and in towns by by-laws, and upon the payment of such fees, not exceeding one dollar for each year of its continuance, as may be prescribed by the secretary.

Sec. 2, as amended by
Acts, 1906, ch. 434
License

Fees therefor

The said licenses may be suspended or revoked at any time by any justice of the superior court, after due hearing, upon complaint in such form as he may require, for using false weights or measures, for charging exorbitant or excessive prices, for conspiring, combining unlawfully with other persons, or unlawfully

Sec. 3, as amended by
Acts, 1906, ch. 434
Licenses may be
revoked
False weights and
measures, etc.

discriminating in the conduct of said business, or for any other just and sufficient reason.¹

Sec. 5
Public notice of li-
cense

It shall be the duty of any licensee as aforesaid to give public notice that he holds the license by displaying the word "Licensed," and the number of his license at his place of business and on all vehicles employed by him in his business and in such other manner as the licensing authority may direct. It shall be unlawful for any such persons, firms or corporations not so licensed to designate themselves as licensed or to use the word "licensed" upon any vehicle or in any place.

Sec. 6
Penalty for violations

Whoever violates any provision of this act shall be punished by fine of not more than fifty dollars or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment.

Rev. Laws, 1902, ch.
56, p. 543

(1756-7, 1803, 1809;
1819, 1830; 1834,
1839, 1850, 1879)

Sec. 7
Standard weights,
Packing and branding
fish

Under the supervision of the inspector general and his deputies, respectively, all kinds of split pickled fish and fish for barrelling, all codfish tongues and sounds, halibut fins and napes, and swordfish, if said articles are intended for export, shall be well struck with salt or pickle in the first instance, and preserved sweet and free from rust, taint or damage; and if they are found in good order and of good quality, they shall be packed in tierces containing three hundred pounds each, in barrels containing two hundred pounds each, in half barrels containing one hundred pounds each, or in packages containing less than one hundred pounds each, on which the number of pounds therein shall be plainly and legibly branded. Every cask, kid or package shall be packed with good clean salt suitable for the purpose, and, after packing with sufficient salt to preserve its contents, shall be headed or well secured and filled up with a clean strong pickle.

(1602-3, 1756-7, 1803,
1804, 1809, 1834,
1867)

Sec. 14
Casks, quality and ca-
pacity

Casks which are used for packing or repacking pickled fish intended for export, unless they contain less than twenty-five pounds weight, shall be made of sound, well-seasoned white oak, ash, red oak, spruce, pine or chestnut staves, with headings of either of said kinds of wood, and, if of pine, such headings shall be free from sap and knots and planed; the barrels, half barrels and tierces shall be well hooped with at least three good hoops of sufficient substance on each bilge, and three hoops of the like quality on each chime; the barrel staves shall be twenty-eight inches in length, and the heads shall be seventeen inches between the chimes; the barrels shall contain not less than twenty-eight nor more than twenty-nine gallons each, the half barrels not less than fifteen gallons each and the tierces not less than forty-five nor more than forty-six gallons each. Each cask shall be made in a workmanlike manner, and branded on its side near the bung with the name of the maker.

¹ Sec. 4 repealed by Acts of 1906, ch. 434.

Boxes used for packing smoked alewives or herrings shall be made of good sound boards sawed and well seasoned, the sides, top and bottom of not less than half inch and the ends of not less than three-quarters inch boards, securely nailed; and such boxes shall be seventeen inches in length, eleven inches in breadth and six inches in depth, in the clear, inside.

(1807)
Sec. 20
Boxes, quality and capacity

If fish are sold by the quintal, it shall be understood to mean a quintal of one hundred pounds avoirdupois, and all contracts relative to fish sold in this manner shall be construed accordingly.

(1837)
Sec. 27
Quintal, weight of

If clam bait is sold by the barrel, it shall be construed to mean a fish barrel of not more than twenty-nine nor less than twenty-eight gallons, and containing twenty-six gallons of clams and not over three gallons of pickle. If a disagreement arises between the purchaser and seller respecting the quantity in a barrel, either party may have the barrel measured by the inspector of fish; and if it does not contain the aforesaid number of gallons of clams, the seller shall receive pay for the number of gallons it contains, and shall pay the expense of measuring and coopering; otherwise the purchaser shall pay such expense.

(1803, 1838, 1840, 1844, 1849, 1807)
Sec. 28
Clam bait, contents of barrel of, etc.

The mayor and aldermen of cities and the selectmen of towns, in which salt water fish are landed from vessels, shall annually appoint a public weigher of fish, who shall hold office for one year from the time of his appointment and until his successor is appointed, shall be sworn to the faithful performance of his official duties and shall give bond with sureties in the sum of five thousand dollars.

(1888)
Sec. 29
Weighers of fish

All fish when landed from vessels or boats shall be weighed by such weigher or his deputies, upon the request or demand of the buyer or seller of such fish or of the master, agents or a majority of the crew of such vessel or boat; and the weigher shall issue a certificate of weight to the seller and a duplicate to the buyer.

Sec. 31
Fish to be weighed upon request or demand

The deputies shall make report to the weigher of the fish weighed by them, and he shall keep a complete record of such weight with the date of weighing, the name of the vessel from which the fish were taken and the person for whom the fish were weighed. Such scales, beams, measures or balances as may be required by the weigher or his deputies shall be properly sealed according to law and be under his supervision.

Sec. 32
Record of weight, etc., to be kept

The fees for weighing shall be twenty cents per one thousand pounds, but in no case less than one dollar, and shall be paid by the person applying to have the fish weighed. The deputies shall pay to the weigher two cents per one thousand pounds for all fish weighed by them.

Sec. 33
Fees for weighing

A weigher or any of his deputies who violates his oath of office shall be liable to a penalty of not less than twenty-five nor more than one hundred dollars and shall forfeit his position.

Sec. 34
Penalty on weigher, etc., for violating oath of office

Rev. Laws, 1902, vol. 1, ch. 57, p. 557 (1875)
 Sec. 1
 Weighers of beef

In each city or town where beef cattle are sold for the purpose of market or barrelling, the mayor and aldermen or selectmen shall appoint one or more persons, conveniently situated in such city or town and not dealers in cattle, to be weighers of beef, who shall be sworn.

Sec. 2
 Fees

Fees for weighing cattle shall be paid by the vendor and shall be twenty cents for each of the first five; fifteen cents for each of the second five; ten cents each from eleven to twenty, inclusive; five cents for each above twenty; also twelve and one-half cents for each certificate which shall contain the weight of each of the cattle weighed for one person, unless the vendor requests a division thereof.

(1606, 1720-1, 1850)
 Sec. 3
 Weight of loaves

A loaf of bread for sale shall be two pounds in weight. Bread, unless composed in chief part of rye or maize, shall be sold in whole, half, three-quarter and quarter loaves, but not otherwise.

(1850)
 Sec. 4, as amended by Acts, 1909, ch. 191
 Price list to be posted

In each shop or place where bread is sold by retail a legibly printed price list of the different kinds and qualities of loaves sold there, with the price thereof by the loaf and by the half, three quarter and quarter loaf, shall be conspicuously placed.

(1800, 1850)
 Sec. 5
 Bread to be weighed, etc.

Bread, when sold, shall, upon request of the buyer, be weighed in his presence and, if found deficient in weight, additional bread shall be delivered to make up the legal weight.

(1800, 1850, 1908)
 Sec. 6, as amended by Acts, 1908, ch. 197
 Penalty
 Sealers to cause enforcement

Whoever violates any provision of the preceding three sections shall be punished by a fine of not more than ten dollars for each offence. The sealer of weights and measures in the respective cities and towns, or the commissioner of weights and measures of the commonwealth, shall cause the provisions of the said three sections to be enforced.

(1850)
 Sec. 7
 Rolls and fancy bread

The provisions of the four preceding sections shall not apply to rolls or to fancy bread weighing less than one-quarter of a pound.

(1869, 1873, 1874, 1878, 1888, 1896)
 Sec. 11
 Sale of fertilizers regulated

Every parcel or lot of commercial fertilizer or fertilizer material which is sold or offered or exposed for sale within this commonwealth shall be accompanied by a plainly printed label containing the number of net pounds of fertilizer in the package, * * *

(1695-6, 1700-1, 1858)
 Sec. 21
 Fruits, etc., to be sold by dry measure

All fruits, vegetables and nuts, if sold by measure, shall be sold by dry measure, and whoever violates the provisions of this section shall forfeit not more than ten dollars for each offence.

(1900, 1901, 1909)
 Sec. 22, as amended by Acts, 1909, ch. 350
 Baskets for berries, size of
 Penalty for violation

Baskets or other receptacles holding one quart or less which are used or intended to be used in the sale of strawberries, blackberries, cherries, currants, blueberries, raspberries or gooseberries shall be of the capacity of one quart, one pint or one half pint, Massachusetts standard dry measure. Whoever sells or offers for sale a basket or other receptacle holding one quart or less to be used in the sale of any of the aforesaid fruit which does not conform to said standard, and whoever sells or offers for sale any of the aforesaid

fruit in any basket or other receptacle holding one quart or less which does not conform to said standard, shall be punished by a fine of not less than five or more than ten dollars for each offence. Said baskets or other receptacles shall not be required to be tested and sealed as provided by chapter sixty-two, but the sealer or deputy sealer of weights and measures of any city or town or the deputy sealer of the commonwealth may, if he so desires, and shall, upon complaint, test the capacity of any basket or other receptacle in which any of the aforesaid fruit is sold or intended to be sold; and if the same is found to contain less than the standard measure he shall seize the same and make complaint against the vendor.

Chestnuts, walnuts, cranberries and all other berries when sold shall, subject to the provisions of the preceding section, be measured by the strike or level measure. (1850, 1851)
Sec. 23
Nuts, etc., measured
by the strike

In all contracts for the sale and delivery of wheat, corn, rye, oats, barley, buckwheat, cracked corn, ground corn or corn meal, ground rye or rye meal, or feed, or any other meal except oatmeal, cider apples, beans or peas, the same shall, except as provided in chapter sixty-two, be bargained for and sold either by the bushel or by the cental. (1813, 1840; 1855, 1880,
1888)
Sec. 25
Grain and meal, how
sold
Sales by bushel or
cental

The mayor and aldermen of cities and selectmen of towns shall annually appoint one or more measurers of grain; and if only one is appointed by them, they may authorize him to appoint deputy-measurers. (1742-3, 1762-3, 1855)
Sec. 26
Measurers of grain to
be appointed

Each of such measurers and deputies shall, upon request of a party to a contract for the sale by the bushel of any quantity exceeding one bushel of either of the articles mentioned in section four of chapter sixty-two, ascertain the weight thereof and give a certificate of the number of bushels, as ascertained by weight according to the rule prescribed in said section. (1762-3, 1855)
Sec. 27
—duties of

Whoever sells or delivers by the bushel any quantity, exceeding one bushel, of either of the articles aforesaid, if the same has not been weighed by one of the measurers of grain, shall forfeit to the purchaser two dollars for every measured bushel so delivered which does not contain the required number of pounds. (1840, 1855)
Sec. 28
Penalty for short
weight

If said articles are sold by the cental, the measurers and their deputies, upon application as before provided, shall give a certificate of the number of centals of the same; and whoever sells and delivers a quantity of the same exceeding one cental, if it has not been weighed by said measurers, shall forfeit to the purchaser ten dollars for every lot, purporting to be a cental, which contains less than one hundred pounds. (1880)
Sec. 29
Certificate of sale by
cental

The fees of measurers of grain shall be prescribed by the mayor and aldermen or by the selectmen of the several places in which they are appointed, and one-half shall be paid by the seller and one-half by the purchaser. (1762-3, 1855)
Sec. 30
Fees of measurers

Sec. 31
Penalty for light
weights

If a measurer or deputy measurer uses, or has in his possession with intent to use for the purposes herein provided, any false weight, scale, balance or other instrument for weighing, or colludes with the purchaser or seller with intent to defraud the other party, or makes and utters a false and fraudulent certificate under the provisions of this chapter, he may be removed from office by the mayor and aldermen or selectmen, and shall also on conviction thereof be punished by a fine of not more than five hundred dollars and by imprisonment for not more than six months.

(1823)

Sec. 32
Size of casks, etc., for
gunpowder

Gunpowder manufactured in this commonwealth shall be put into strong and tight casks containing twenty-five, fifty or one hundred pounds each, or quantities of not more than five pounds, into copper, brass or tin canisters and closely covered with copper, brass or tin covers.

(1824)

Sec. 35
Weighers of hay

If the city council of a city or town accepts the provisions of this section or has accepted the corresponding provisions of earlier laws, the mayor and aldermen or selectmen may from time to time appoint, for a term not exceeding one year, weighers of hay who shall have the superintendence of the hay scales belonging to such city or town, and shall weigh hay offered for sale therein and any other articles offered to be weighed. Such weighers of hay may be at any time removed by such mayor and aldermen or selectmen. Cities and towns may establish ordinances and by-laws for the regulation of hay scales and of the compensation of weighers of hay. A person who, not having been so appointed, sets up hay scales in a city or town for the purpose of weighing hay or other articles shall forfeit to the use of such city or town twenty dollars a month, so long as such scales are continued.

(1835, 1847, 1861)

Sec. 36
Inspectors of pressed
hay and straw

The mayor and aldermen of a city or the selectmen of a town in which pressed or bundled hay or straw is sold may, on the petition of ten or more voters thereof, annually appoint one or more inspectors of pressed or bundled hay and straw, who shall be sworn. They may remove any inspector so appointed, fill any vacancy and fix the fees for inspecting, weighing and marking, which shall be paid by the person employing the inspector.

(1847, 1861)

Sec. 37
—duties of

Each inspector shall provide himself with proper scales, weights, seals and other suitable instruments and, on request of the owner or seller, shall inspect and weigh all pressed or bundled hay and straw within the limits of the city, town or ward for which he may be appointed.

(1836, 1847, 1861)

Sec. 38
Pressed hay and
straw, how numbered
and marked

Bales or bundles of hay or straw so inspected, which are found to be sweet, of good quality and free from damage or improper mixture shall be branded or marked "No. 1." Such bales or bundles of hay or straw of a secondary quality shall be branded or marked "No. 2." Bales or bundles of hay or straw found to be

wet or damaged, or which contain substances not valuable as hay or straw, as the case may be, shall be branded or marked "Bad." Each bale or bundle so inspected shall be branded or marked with the name of the inspector, the city or town for which he is appointed, the month and year when the inspection is made and the net weight of the bundle.

Whoever, in a city or town for which an inspector is appointed, sells pressed or bundled hay or straw which has not been inspected and weighed as before provided, shall forfeit two dollars for each bale or bundle so sold; but no such inspection and weighing need be made unless the vendee at the time of purchase requires it.

A dealer in ice who refuses or neglects to provide scales for each wagon used by him for the delivery of ice or, on request of the purchaser of ice, refuses or neglects to weigh the same when delivered or gives false weight shall for each offense be punished by a fine of not more than fifty dollars.

Whoever, having charge of the delivery of ice from a wagon, not being a dealer in ice, refuses on the request of the purchaser of ice to weigh the same when it is delivered or gives false weight, shall be punished by a fine of not more than ten dollars.

No stone lime manufactured within this commonwealth shall be sold or exposed to sale, or shipped on board a vessel in casks, unless it is well burnt and pure, in good and sufficient new casks, containing either fifty or one hundred gallons each, made of well-seasoned heads and staves, with ten good and sufficient hoops on each cask, well driven and sufficiently secured with nails or pins.

Whoever sells, exposes for sale, ships or receives on board a vessel in casks, any lime manufactured in this commonwealth, other than such as is contained in casks made according to the provisions of the preceding section and having the aforesaid marks or brands respectively, shall forfeit one dollar and fifty cents for each cask sold, exposed for sale, shipped or received on board a vessel; but the provisions of this chapter shall not restrain any person from retailing lime by the bushel or other quantities, when not in casks.

The mayor and aldermen of a city or selectmen of a town may establish regulations, with suitable penalties, relative to the appointment of a surveyor and the survey and measurement of marble, soapstone and freestone of every description, foreign or American, imported or brought into such place for sale.

Every cask of wrought, cut or wire nails or brads shall be marked or branded on the head by the manufacturer, in plain, legible letters, with his name and the net weight of the contents of the cask.

(1836, 1847, 1861, 1902)
 Sec. 39, as amended
 by Acts, 1902, ch. 459
 Penalty for selling
 without inspection, etc.

(1890)
 Sec. 45
 Ice dealers to have
 scales

Sec. 46
 Penalty for giving
 false weight

(1785, 1793, 1794, 1796,
 1802, 1800)
 Sec. 50
 Quality of lime and
 casks

(1800)
 Sec. 51
 Penalty

(1857, 1862)
 Sec. 54
 Survey of marble, etc.

(1799, 1802, 1826, 1837,
 1892)
 Sec. 56
 Casks, how branded

(1817, 1856)
 Sec. 60
 Sales of potatoes, onions, and salt

In order to ascertain the mean or true weight of potatoes, onions or salt, the vendor shall weigh ten measures at least in every hundred bushels, five measures at least in every fifty bushels and two measures at least in every less quantity than fifty bushels sold, unless the vendor and vendee appoint a third person to measure or ascertain the weight or quantity of the same or unless they agree on such weight or quantity, or unless the amount sold does not exceed ten bushels and the vendee does not require the same to be weighed. Whoever sells potatoes, onions or salt, without so ascertaining the weight, shall forfeit two dollars for every bushel sold and in like proportion for a greater or less quantity, to the use of the person who first prosecutes therefor.

(1860, 1878, 1880)
 Sec. 61
 Sewing thread to be labeled

Spools or packages of thread

Every manufacturer of cotton, linen or silk sewing-thread, and every person engaged in putting up such thread on spools, or in packages of four ounces weight or less not wound on spools, shall, before the same is offered for sale, affix to or impress upon each spool of such thread, and upon each package of such thread not wound on spools, a label or stamp designating the quantity of thread which each spool or package contains, either by giving the length in yards or by giving the weight.

(1860, 1878)
 Sec. 62
 Penalty for neglecting to affix label

Any such person who neglects to affix such label to or to impress such stamp upon each spool and package of thread, or affixes to or impresses upon, or causes or suffers to be affixed to or impressed upon, any spool or package of thread intended for sale, a label or stamp specifying that such spool or package contains a greater number of yards or a greater quantity of thread by five per cent than such spool or package contains, shall forfeit five dollars for each spool or package so without a label or stamp or falsely labelled or stamped, which is sold or delivered to any person to be sold, one-half of which shall be to the use of the commonwealth and one-half to the use of the person who sues therefor.

(1860, 1878, 1880)
 Sec. 63
 Penalty for selling thread falsely

A merchant, jobber or trader who sells or offers for sale cotton, linen or silk sewing thread, put up either on spools, or in packages of the weight of four ounces or less not wound on spools, which is not labelled or stamped, or which is falsely labelled or stamped as regards length or quantity by an amount greater than five per cent of the true length or quantity, shall be liable to the penalty provided in the preceding section.

(1878)
 Sec. 64
 Certain bobbins exempted

Ready wound bobbins of thread adapted for use in sewing machine shuttles shall be exempt from the provisions of the three preceding sections.

(1705-6, 1758-9, 1772-3, 1779-80, 1796)
 Sec. 75
 Measurers of wood and bark

The city council of a city and a town shall annually choose one or more measurers of wood and bark, who shall hold office during the year and until others are chosen and qualified in their stead,

and who shall be sworn. Towns may, by vote fixing the number to be chosen, delegate the appointment of such measurers to the selectmen.

Such measurers may, in the manner prescribed for surveyors of lumber in section seven of chapter sixty, be licensed to act in a town adjoining that for which they are elected or appointed.

Cord wood exposed for sale shall be either four, three or two feet long, including half the kerf; and the cord of wood, being well and closely laid together, shall measure a quantity equal to a cord of eight feet in length, four in width and four in height.

If firewood or bark which is exposed for sale in a market or upon a cart or other vehicle is offered for sale before it has been measured by a public measurer of wood and bark and before a ticket thereof signed by him has been delivered to the driver, certifying the quantity which the load contains, the name of the driver and the place in which he resides, the driver and owner shall for each load thereof severally forfeit five dollars.

Measurers of wood and bark in any city or town shall be entitled to such fees for their services as the mayor and aldermen or selectmen shall establish; and the fees shall in each case be paid to the measurer by the driver and shall be repaid by the purchaser.

Cord wood brought by water into a city or town for sale, and landed, shall be measured by a public measurer; and for that purpose the wood shall be corded and piled by itself in ranges, making up in height what shall be wanting in length, and, being so measured, a ticket shall be given to the purchaser, who shall pay the stated fees for such service. Cities and towns may establish ordinances and by-laws, with suitable penalties, for the inspection, survey, measurement and sale of wood, coal and bark for fuel brought into such places for sale, and may also provide for the appointment of inspectors, surveyors and other officers and establish their fees.

Each wharfinger, carter or driver who conveys firewood or bark from a wharf or landing place shall be furnished by the owner or seller with a ticket certifying the quantity which the load contains and the name of the driver; and if firewood or bark is thus conveyed without such ticket accompanying the same, or if a driver refuses to produce and show such ticket on demand to any sworn measurer, or to give his consent to have the same measured, or if such ticket certifies a greater quantity of wood or bark than the load contains in the opinion of the measurer after measuring the same, the driver and owner shall for each load thereof forfeit five dollars. The provisions of this chapter shall not extend to a person who transports, carts or causes to be transported or carted

(1894)
Sec. 76
Measurers may act in adjoining town

(1705-6, 1758-9, 1772-3, 1796, 1827)
Sec. 77
Cordwood, dimensions of

(1758-9, 1772-3, 1779-80, 1796)
Sec. 78
Penalty for selling wood, etc., not measured

(1705-6, 1710-11, 1758-9, 1772-3, 1779-80, 1796)
Sec. 79
Fees of measurers

(1799, 1830)
Sec. 80
Measurement of water-borne wood

Fee ticket

(1758-9, 1772-3, 1779-80, 1796, 1799)
Sec. 81
Tickets showing quantity in load

from a wharf or landing place to his own dwelling house or store cord wood or bark which he has purchased on a wharf or landing place, or which he has landed thereon upon his own account.

Rev. Laws, 1902, ch. 61, p. 581
(1871)

Sec. 5
Annual test of surveyors' apparatus

All apparatus for linear measurements used by a land surveyor shall be annually tested and proved by the sealer of weights and measures in the city or town in which such surveyor resides or has his office, and all chains, tapes or other apparatus used for linear measurements which cannot be made to conform to the standard shall be marked "condemned," or "CD.," by the sealer of weights and measures, and shall not thereafter be used by any surveyor for measuring land, under a penalty of twenty dollars for each offence.

Sec. 6
Appointment of persons to test

The mayor and aldermen of a city or the selectmen of a town may appoint a suitable person, other than the sealer of weights and measures, to test and prove such measuring apparatus.

Sec. 7
Tests to be based upon State standards

The standards used for such tests shall be based upon and shall correspond to the standards furnished by the commonwealth to sealers of weights and measures.

Sec. 8
Fees

The fees for such testing and proof of each article of apparatus shall be twenty-five cents, and shall be paid by the person presenting the apparatus for test.

Rev. Laws, 1902, vol. 2, ch. 115, p. 1103
(1803, 1828)

Sec. 88
Weights of banks to be proved every five years

The directors of each bank, once in five years, shall have the weights used in it compared, proved and sealed by the treasurer and receiver general,¹ which shall supersede so far as respects such bank the sealing of its weights by the city or town sealer.

Sec. 89
No tender of gold valid, unless, etc.

No tender by a bank of gold, weighed with weights other than those compared, proved and sealed as required in the preceding section, shall be legal; and the payer or receiver may also require that the gold shall be weighed in each scale, and the mean weight resulting therefrom shall be considered the true weight.

Rev. Laws, 1902, vol. 2, ch. 196, p. 1690
(1709-10, 1728-9, 1762-3, 1795)

Sec. 63
Millers to keep scales, etc.

A miller occupying and using a grist mill who neglects to provide himself with scales and weights or a vibrating steelyard to weigh corn, grain and meal to and from the mill, when required, or who refuses so to weigh corn, grain or meal when required, shall for each offence forfeit to any person who sues therefor not more than five dollars.

Acts, 1907, ch. 394
Sec 1, as amended by acts, 1911, ch. 163
Penalty for giving false weight or measure

Whoever, himself or by his servant or agent or as the servant or agent of another person, gives or attempts to give false or insufficient weight or measure shall for a first offence be punished by a fine of not more than fifty dollars, for a second offence by a fine of not more than two hundred dollars, and for a subsequent offence by a fine of fifty dollars and by imprisonment for not less than thirty nor more than ninety days.

¹ By an act of 1907, ch. 534, acts 1907, all duties pertaining to the care, custody, and furnishing of standard weights and measures, etc., devolving upon the treasurer and receiver general and upon the deputy state sealer, are transferred to the commissioner of weights and measures.

The civil service commissioners may prepare rules, which shall take effect when approved by the governor and council in the manner provided by law, for including within the classified civil service all principal or assistant sealers of weights and measures holding office by appointment under any city or any town of over ten thousand inhabitants, whether such officers are heads of principal departments or not, and also for including within the said service the inspectors of weights and measures of the commonwealth.

Acts, 1909, ch. 382
Sec. 1
Sealers of weights
and measures in classi-
fied civil service



MICHIGAN

The weights and measures, together with the scales and beams, and those made in conformity therewith, which are now, or may hereafter be deposited in the treasury of this state, shall be preserved by the treasurer, and be the public standards.

Miller's Comp. Laws,
1897, ch. 124, D. 1555
Sec. 4882
Standards

The treasurer of the state shall be the state sealer of weights and measures, and he shall have and keep a seal, which shall be so formed as to impress the letter "M" upon the weights and measures, and scales and beams, to be sealed by him, with which he shall seal all such authorized public standards of weights and measures, and all the weights and measures, and scales and beams to be provided by the several counties, when examined by said treasurer, and found to be in conformity with the standard weights and measures, and scales and beams aforesaid.

Sec. 4883
State sealer
Duties

The board of supervisors of each county for which the same have not already been obtained, shall procure, for the use and at the expense of their county, a complete set of weights and measures, and scales and beams, in exact conformity with those remaining in the state treasury; except that the same may be made of such suitable materials as the supervisors may direct, which shall be tried and proved by the said treasurer, and be by him sealed and certified.

Sec. 4884
Supervisors to procure standards from
State sealer

When so sealed and certified, such weights and measures, scales and beams, shall be deposited with the county clerk, who shall be the sealer of weights and measures for the county, and the same shall be kept by him as the standard of weights and measures for the county; and the said clerk shall also provide and keep a seal similar to the seal required to be kept by the state treasurer, with which he shall seal the weights and measures, and scales and beams, to be provided by the several townships.

Sec. 4885
County standards to be deposited with clerk

His duties

Once in every five years from the first day of January, eighteen hundred and forty-five, each county clerk for the time being shall cause the said standards in his keeping to be tried, proved and sealed by the state standards, under the direction of the state treasurer.

Sec. 4886
County standards to be tried once in five years

If the board of supervisors of any county which has not heretofore provided such standards, shall neglect for six months to provide the same, and cause them to be tried and proved, and sealed

Sec. 4887
When county standards to be procured by treasurer

as aforesaid, and delivered to the clerk of the county, it shall be the duty of the clerk to notify the county treasurer of such neglect, and such county treasurer shall immediately provide such standards, and cause the same to be tried, proved, sealed, and deposited as aforesaid, at the expense of his county.

Sec. 4888
Standards for each
township, how procured

The township board of each township shall procure to be made and provided, when it shall not heretofore have been done, for the use, and at the expense of the township, a complete set of weights and measures, and scales and beams, in conformity with the standards kept by the clerk of the county, which shall be tried, proved, and sealed, and certified by the county clerk, by the standards remaining in his office, and such weights and measures, scales and beams, so tried, sealed and certified, shall be delivered to, and kept by the clerk of the township, as standards for the township; such township standards to be made of such suitable materials as the township board shall direct; and the said board shall also provide a seal similar to the state seal, to be kept by the township clerk.

Sec. 4889
Township sealer, his
duty

The township clerk of each township shall be the sealer of weights and measures therein, and shall have the care and custody of the standard weights and measures of his township, and shall seal weights and measures, scales and beams, used within his township, after having tried and proved them by the township standards.

Sec. 4890
Notice of annual seal-
ing

The clerk of each township shall, once in each year, some time in the month of April, put up a written notice in three of the most public places in the township, stating therein the time and place when and where he will attend such of the inhabitants as live within the limits described in the several notices aforesaid, and seal all such of their great and small scales, beams, weights and measures, as are found to be accurate, and as they shall bring for that purpose.

Sec. 4891
Compensation of
township clerk

The township clerk shall be entitled to demand and receive from the person for whom the service is rendered, for trying, proving, and sealing as aforesaid, three cents for each scale, beam, weight or measure found not to be conformable thereto, and two cents for each scale, beam, weight or measure found to be conformable thereto.

Sec. 4892
Annual visit to stores,
etc., to try weights and
measures

The township clerk shall go, once in every year, to the houses, stores and shops of such merchants, traders, retailers of spirituous liquors, and of such other of the inhabitants of the township, using scales, beams, weights and measures, for the purpose of buying and selling, as shall neglect to bring or send in their scales, beams, weights and measures, and he shall there try, prove, and seal the same.

For the services required in the last preceding section, the township clerk shall be entitled to demand and receive of such merchants, or other persons, double the fees hereinbefore provided for the like services, together with four cents for every mile he shall necessarily travel for that purpose, going out and returning home.

Sec. 4893

Double fees

The county clerk shall be entitled to receive from each township clerk a fee of three cents, for the first sealing of every weight, measure, scale, or beam, and two cents for every subsequent sealing of the same.

Sec. 4894
Fees of county clerks
for sealing, etc.

If the township board of any township, after notice to them that the standard of weights and measures for the county have been deposited with the county clerk, shall neglect, for the space of six months, to provide standard weights and measures for their township, as above directed, it shall be the duty of the township clerk forthwith thereafter to procure the same at the expense of the township.

Sec. 4895
When township clerk
to procure standard

If any sealer of weights and measures shall neglect to perform his duty, as prescribed in this chapter, he shall forfeit, for each neglect, the sum of five dollars.

Sec. 4896
Penalty on sealer for
neglect, etc.

The vibrating steelyards, which have heretofore been allowed and used in this state, may continue to be used; but each beam, and the poises thereof, shall be annually tried, proved, and sealed, by a sealer of weights and measures, like other beams and weights.

Sec. 4897
Vibrating steelyards

When any commodity shall be 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 sold by weight, shall be construed accordingly, unless such construction would be manifestly inconsistent with the special agreement of the parties contracting.

Sec. 4898
Construction of cer-
tain contracts

The half bushel and the parts thereof shall be the standard measure for fruits and other commodities customarily sold by heaped measure; and in measuring such commodities the half bushel or other smaller measure shall be heaped as high as may be, without especial effort or design; and the standard measure of charcoal shall be twenty-seven hundred and forty-eight cubic inches for each and every bushel thereof.

Sec. 4899
Standard measure of
fruits, etc.**Bushel of charcoal**

That whenever wheat, rye, shelled corn, corn on the cob, corn meal, oats, buckwheat, beans, clover seed, timothy seed, flax seed, hemp seed, millet seed, blue grass seed, red top seed, barley, dried apples, dried peaches, potatoes, potatoes (sweet), onions, turnips, peas, cranberries, dried plums, castor beans, salt, mineral coal, Hungarian grass seed, orchard grass seed, osage orange seed, shall be sold by the bushel and no special agreement as to the

(1863)
Sec. 4900
Produce sold by
bushel ascertained by
weight

measure or weight thereof shall be made by the parties, the measure thereof shall be ascertained by weight, and shall be computed as follows, viz: ¹

Weight per bushel of grain and other products	Lbs. per bush.		Lbs. per bush.
Wheat.....	60	Beans.....	60
Rye.....	56	Clover seed.....	60
Corn, shelled.....	56	Timothy seed.....	45
Corn on the cob.....	70	Flax seed.....	56
Corn meal.....	50	Hemp seed.....	44
Oats.....	32	Millet or Hungarian grass seed.....	50
Buckwheat.....	48	Blue-grass seed.....	14
Red top seed.....	14	Peas.....	60
Barley.....	48	Cranberries.....	40
Dried apples.....	22	Dried plums.....	28
Dried peaches.....	28	Castor beans.....	46
Potatoes.....	60	Michigan salt.....	56
Sweet potatoes.....	56	Mineral coal.....	80
Onions.....	54	Orchard grass seed.....	14
Turnips.....	58	Osage orange seed.....	33

(1871)
Sec. 4901
Weight of bushel
stone lime

That whenever stone-lime is sold, and no special agreement is made by the parties, the bushel shall consist of seventy pounds.

(1877)
Sec. 4902
Apples

That whenever apples are bought or sold by weight forty-eight pounds shall constitute a bushel.

(1881)
Sec. 4903
Duty of persons
weighing cattle, etc.

That every person who shall weigh for any person purchasing, or selling, or offering for sale, any live stock, neat cattle, sheep, swine, poultry, or other live animals, or any beef, pork, mutton, fowls, or other animals when dressed, or any hay, grain, or produce, shall make a true and correct weight or weights thereof, and give to the purchaser and seller, or person offering the same for sale, when requested, the true, full, correct, and gross amount of any and all such weights.

Correct weights to be given

Sec. 4904
Penalty for violation of act

Every person who shall willfully violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding fifty dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment, in the discretion of the court.

(1871)
Sec. 4905
Size of peach baskets

That the quantity known as a box or basket of peaches shall contain seven hundred and sixteen and four-fifths cubic inches, or one-third of a bushel strict measure.

(1869)
Sec. 4906
Barrels

That the quantity known as a barrel of fruit, roots, or vegetables shall be that quantity contained in a barrel made from staves twenty-seven inches in length, and each head sixteen and one-half inches in diameter, or ordinary flour-barrel size.

(1877)
Sec. 4907
Fruit, etc., not to be sold in less quantities than represented

That when any person or persons, party or parties, shall offer for sale or sell in any township, village, or city, within this state, any fruits or vegetables contained in drawers or cases, boxes or

¹For convenience in printing a slight change has been made in arrangement of these articles.

baskets, represented to hold one bushel or any fractional part thereof, said drawers, boxes, cases, or baskets, shall be of the dimensions to hold, and shall hold the quantity offered for sale or sold, whether by the bushel of thirty-two quarts or any fractional part thereof.

Any person or persons violating the provisions of the foregoing section, upon conviction before any court of competent jurisdiction, shall be liable to a fine not less than five dollars nor more than twenty dollars, and imprisonment for a term not to exceed three months, or either or both, in the discretion of said court.

Sec. 4908
Penalty

That all manufacturers of peach baskets and other fruit packages designed for the shipment of peaches, grapes and plums, and all shippers and dealers in the same, shall mark or cause to be marked in a plain manner on the outside, otherwise than the bottom, of such baskets or packages, the capacity of each basket or package in pounds at the rate of one pound for each forty-three and eight-thousandths cubic inches of space contained in such basket or package.

(1805)
Sec. 4909
Fruit baskets to be
marked as to number
of pounds

Any manufacturer of or dealer in peach baskets, or other fruit packages designed for the shipment of peaches, grapes and plums, who shall sell or offer to sell such baskets or packages without complying with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined not less than twenty-five dollars nor more than one hundred dollars, and stand committed to the county jail until such fine and costs are paid.

Sec. 4910
Penalty

Every village subject to the provisions of this act, shall, in addition to such other powers as are [conferred] confirmed, have the general power and authority granted in this chapter, and the council may pass such ordinances in relation thereto as it may deem proper, namely:

Comp. Laws, 1897,
vol. 1, p. 889
Sec. 2769
General powers of
councils—villages

Twelfth. To provide for the inspection and sealing of weights and measures, and to enforce the keeping and use of proper weights and measures by venders [vendors].

Every city incorporated under the provisions of this act, shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned; and the council may pass such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, namely:

Sec. 3107
General powers of
city corporations

Eighteenth. To regulate the inspection, weighing, and measuring of brick, lumber, firewood, coal, hay, and any article of merchandise;

Inspection and measuring
certain merchandise

Nineteenth. To provide for the inspection and sealing of weights and measures and to enforce the keeping and use of proper weights and measures by venders [vendors].

Inspection and sealing
of weights and
measures

Comp. Laws, 1897,
vol. 2, p. 1596
Sec. 5069
Miller to keep scales
and weigh grain, flour,
etc.

Every miller occupying and using a grist mill, shall be provided with scales and weights, or a vibrating steelyard, to weigh corn, grain, flour and meal, delivered at and taken from the mill, if required; and if he shall neglect to keep himself so provided, or shall refuse so to weigh corn, grain, flour or meal, when required by any person delivering or taking away the same, he shall forfeit, for each neglect or refusal, not less than one dollar, nor more than five dollars.

Penalty for neglect or
refusal

Comp. Laws, 1897
Sec. 11575
Obtaining property by
false pretenses

Every person who, with intent to defraud or cheat another, shall * * * or by means of any false weights or measures, obtain a larger amount or quantity of property than was bargained for, or by means of any false weights or measures, sell or dispose of a less amount or quantity of property than was bargained for, if such land or interest in land, money, personal property, valuable thing, larger amount obtained or less amount disposed, shall be of the value of twenty five dollars or less, shall be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding three months; and if such land, or interest in land, money, personal property, valuable thing, larger amount obtained, or less amount disposed of, shall be of the value of more than twenty five dollars, such person shall be punished by imprisonment in the said prison not more than ten years or by fine not exceeding five hundred dollars and imprisonment in the county jail not more than one year.

Pub. Act 208, 1909, p.
372
Sec. 1
Certain mill products

When mill products of wheat, corn, rye or buckwheat, known as flour, grits, meal or compounds of the same, are placed or packed in barrels, fractional parts of a barrel or sacks to be sold or billed to any person or persons within this State, the standard weight or measure of a barrel or the fractional part thereof, shall be as follows, viz:

Standard weights per
barrel

One hundred and ninety-six pounds for a barrel;
Ninety-eight pounds for one-half barrel;
Forty-nine pounds for one-quarter barrel;
Twenty-four and one-half pounds for one-eighth barrel;
Twelve and one-fourth pounds for one-sixteenth barrel;
Six and one-eighth pounds for one-thirty-second barrel.

Weights to be placed
in barrel, etc.

The full and correct weight as herein established shall be placed in said barrel or fractional part thereof by the manufacturer, company, dealer, person or persons filling the same, and the weights as herein established shall be the legal weights in this State for such packages when they are bought or sold, offered or exposed for sale, or in possession with intent to sell, or sold and delivered, ordered or billed.

Sec. 2
Short weights

No person or persons shall sell, offer or expose for sale in this State by the barrel, or by the fractional parts of a barrel as herein established, any of the mill products specified in section one hereof,

unless the barrel or fractional part of such barrel shall contain the full weight of such mill product as is provided for in section one hereof.

Before any package containing the mill products or compounds of such mill products specified in section one of this act shall be sold or offered or exposed for sale in this State, the number of pounds contained therein shall be plainly printed or stamped on the face label in plain English letters and numbers not less than one-half inch high. When such packages are sold as one-half, one-quarter, one-eighth, one-sixteenth or one-thirty-second of a barrel they shall be so marked in addition to the number of pounds marked thereon as herein provided.

Sec. 3
Weight to be marked
on package

No manufacturer, company, dealer or person shall abstract any part of the mill products from the standard packages or fractional parts named in section one, and sell such package as a barrel or fractional part of a barrel as defined in section one.

Sec. 4
Abstraction of con-
ents unlawful

Any manufacturer, company, dealer, person or persons who shall knowingly sell, offer or expose for sale or for distribution in this State any package containing mill products of the cereals enumerated in section one which are stamped or labeled with a greater number of pounds than such package actually contains, or who shall put up or sell in this state any of the mill products of the above named cereals in a manner contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars and the costs of prosecution or by imprisonment in the common jail or the Michigan Reformatory at Ionia for not less than ninety days nor more than one year or by both such fine and imprisonment in the discretion of the court for each and every offense: Provided, however, That nothing in this act shall be construed to cover or affect sales or shipments made to any manufacturer, company, dealer, person or persons outside of this State and not intended for sale or shipment back into this State.

Sec. 5
Penalty

It shall be the duty of the Dairy and Food Commissioner to investigate all complaints of violations of this act, and to take all steps necessary to its enforcement. It shall be the duty of all prosecuting officers of this State to prosecute to completion all suits brought under the provisions of this act upon complaint of said Commissioner or any person.

Sec. 6
Dairy and food com-
missioner
Duties of

That any person or persons who shall sell or offer for sale in this state any commercial fertilizer, the retail price of which exceeds ten dollars per ton, shall affix on the outside of every package containing such fertilizer a plainly printed certificate, stating the number of net pounds therein; * * * .

Comp. Laws, 1897, p.
1574
Sec. 4965
Commercial ferti-
lizer; net weight to be
shown

Pub. Act 12, 1905,
p. 20
Sec. 13
Weight to be marked
on packages of feeding
stuff

Any manufacturer, company, person or persons who shall sell, offer or expose for sale or for distribution, in this state, any concentrated commercial feeding stuff used for feeding live stock, shall furnish with each car, or other amounts shipped in bulk, and shall affix to every package of such feeding stuff, in a conspicuous place, on the outside thereof, a plainly printed statement, clearly and truly certifying the number of net pounds in the car or package sold or offered for sale, * * *

Penalty

(f) Any manufacturer, importer, company, agent, person or persons, who shall sell, offer or expose for sale, without first complying with the provisions of this act, any commercial feeding stuff, * * * shall, upon conviction thereof, be fined not less than one hundred dollars for the first offense, and not less than three hundred dollars for every subsequent offense, and the offender shall also be liable for damages sustained by the purchaser of such feeding stuff on account of such misrepresentation.

Pub. Act 100, 1905,
p. 146
Sec. 26
State inspector to test
mine scales

The State Inspector of Mines is hereby empowered to test all scales used in connection with the weighing of coal in or about the coal mines. He shall have full access to everything used in the weighing of coal.

MINNESOTA

There is hereby created a department to be known as the department of "Weights and Measures," hereafter referred to as the Department, and it shall be under the jurisdiction of the Railroad and Warehouse Commission, hereafter referred to as the Commission, which shall have supervision and control over all weights, weighing devices and measures in the state.

Laws, 1911, ch. 156
Sec. 1
Department created

The Commission shall appoint a commissioner of weights and measures and such deputies and other employees as may be necessary to carry out the provisions of this chapter and fix their compensation. The Commissioner of weights and measures and the deputies shall give a bond in the sum to be fixed and approved by the Commission. The Commission shall provide for such examinations as it may deem necessary to determine the qualifications and fitness of appointees.

Under jurisdiction
Railroad and Ware-
house Commission

Sec. 2
Commission to ap-
point commissioner and
deputies

Bond

The Commission shall prescribe and adopt such rules and regulations as it may deem necessary to carry out the provisions of this chapter, and it may change, modify or amend any or all rules whenever deemed necessary, and the rules so made shall have the force and effect of law.

Sec. 3
Rules, authority of
commission to adopt
and change

—force of

The Department shall take charge of, keep and maintain in good order the standard of weights and measures of the state and submit them to the Bureau of Standards of Washington, D. C., for certification when it is deemed necessary; and shall keep a seal so formed as to impress the letters "MINN" and the date of sealing upon the weights and measures that are sealed; it shall test, correct and seal, when found to be accurate, at least once every year and as much oftener as may be necessary, all the copies of the standards used throughout the state for the purpose of testing the weighing or measuring apparatus used in the state, and keep a record thereof; it shall have general supervision of the weights, measures, and weighing or measuring devices offered for sale, sold or in use in the state; and shall, upon the written request of any person, test or calibrate weights, measures, weighing or measuring devices and instruments or apparatus used as standards in the state; it shall keep a complete record of the standards, balances and all testing and sealing apparatus owned by the state, and shall annually during the first fifteen (15) days of January, make a report of its actions to the Governor of the state.

Sec. 4
Duties of the depart-
ment
—care of State stand-
ards

—test other standards

—to have general su-
pervision of weights and
measures, etc.

—to keep record

Annual report

Sec. 5
Authority of depart-
ment

The Department or any of its employees shall have power to inspect and test all weights, scales, beams and measures of every kind, instruments and mechanical devices for measurement, and tools, appliances or accessories connected with any or all such instruments for measurement that are kept, offered or employed within this state by any person in determining the size, quantity, extent, area or measurement of quantities, things, produce, articles for distribution or consumption, offered or submitted by any person for sale, hire or reward; and it shall at least once in each year, and as much oftener as may be deemed necessary, see that the weights, measures and all apparatus used in the state are correct. In the general performance of this duty the Department, or any of its employees, may enter or go into and upon any stand, place, building or premises to stop any vendor, peddler, junk dealer, coal wagon, ice wagon, delivery wagon or any dealer whatsoever and require him, if necessary, to proceed to some place which the sealer may specify for the purpose of making proper tests. Scales, weights, measures or weighing or measuring instruments that are found, upon inspection, to correspond with the standards in the possession of the Department shall be sealed with proper devices to be approved by the Commission. Any employee shall condemn, seize and may destroy incorrect weights, measures or weighing or measuring devices which, in the judgment of the Department cannot be satisfactorily repaired, and such as are incorrect and yet may be repaired, shall be marked as "Condemned for repair," in the manner to be prescribed by the Department. The owners or users of any scales, weights, measures, or weighing or measuring instrument which have been so disposed of shall have the same repaired or corrected within thirty (30) days and the same shall not be used or disposed of in any way without the consent of the Department.

Weights, measures,
etc., may be con-
demned, seized, or de-
stroyed, when

Sec. 6
False scale, weight,
measures, etc., sale or
use of

Any person who shall offer or expose for sale, sell or use, or have in his possession a false scale, weight or measure, or weighing or measuring device, or any weight or measure or weighing or measuring device which has not been sealed within one year, as provided by this law, or use the same in the buying or selling of any commodity or thing; or who shall dispose of any condemned weight, measure, or weighing or measuring device, or remove any tag placed thereon by any authorized employe of the Department, or shall sell or offer or expose for sale less than the quantity he represents; or sell or offer or expose for sale any such commodities in the manner contrary to law; or shall sell or offer for sale or have in his possession for the purpose of selling, any device or instrument to be used to, or calculated to, falsify any weight or measure, or shall refuse to pay any fee charged for testing or sealing or

condemning any scale, weight or measure, or weighing or measuring device, shall be guilty of a misdemeanor and shall upon conviction be fined a sum not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) or by imprisonment for not less than ten (10) days nor more than ninety (90) days, and the costs of such proceedings. No scale, weight, measure, or weighing or measuring device that has been sealed by the Department shall be used, sold or exposed for sale until the fee charged for the service has been paid.

Misdemeanor
Penalty

Any person hindering, impeding or restricting in any way any employee of the Department while in the performance of his official duty shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) or by imprisonment for not less than ten (10) days nor more than ninety (90) days for each offense.

Sec. 7
Hindering or restricting any employee

Misdemeanor
Penalty

The said Department and all authorized employees under the provisions of this act are hereby made special policemen and are authorized and empowered to arrest, without formal warrant, any violator of the statute in relation to weights and measures, and to seize for use as evidence and without formal warrant, any false weight, measure, or weighing or measuring device or package or kind of commodity found to be used, retained or offered or exposed for sale or sold in violation of the law.

Sec. 8
Police power

There is hereby appropriated from any monies in the state treasury, not otherwise appropriated, the sum of ten thousand dollars (\$10,000) to carry out the provisions of this act.

Sec. 9
Appropriation

The State Treasurer and the county treasurer of the various counties shall deliver to the Department all standards of weights and measures, balances, testing apparatus and sealing equipment now in their possession within ninety (90) days after the passage of this act.

Sec. 10
State and county treasurers to deliver standards to the department

The Commission shall fix the fees for inspecting, testing, sealing or condemning any scales, weights, measures, and weighing or measuring devices. All money appropriated or so collected, and all fines and penalties for violating any provisions of this law, shall be paid into the State Treasury and known as the "Weight and Measure Fund" and paid out only on the order of the Commission and Auditor's warrant. The money in said fund, or so much thereof as may be necessary, are hereby annually appropriated to the payment of salaries, fees and expenses of officers and employees of said Department.

Sec. 11
Fees, commission to fix

Fees and fines, disposition of

The word "person" shall be construed to mean person or persons, corporation, partnership, stock company, or the agent or employee thereof.

Sec. 12
Definition

This act shall not apply to nor repeal Section 2059 of the Revised Statutes of 1905, Chapter 357 of the Laws of 1907, or Chapter 319 of the Laws of 1909.

Sec. 13
Act does not repeal certain acts

Sec. 14
Repeal

All acts or parts of acts conflicting with the provisions of this law are hereby repealed, and this act shall take effect and be in force from and after the first day of July, 1911.

(1903)
Rev. Laws, 1905, ch.
50

Sec. 2724
Dry measure

The standard measure of capacity for commodities sold by dry measure shall be the bushel containing 2150.4 cubic inches. The half bushel, peck, half peck, quarter peck, quart, and pint shall be derived by successively dividing that measure by two.

Sec. 2725
Liquid measure
Wine gallon

The standard measure of capacity for liquids, except beer and milk, shall be the wine gallon, containing 231 cubic inches; and 31.50 gallons shall constitute a barrel, and 63 gallons a hogshead.

Milk and beer meas-
ure

The standard measure of capacity for beer and milk shall be the gallon containing 282 cubic inches.

Sec. 2726
Lineal measure, etc.

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.

Sec. 2727
Hundredweight

In contracts for the sale of goods or commodities, unless a contrary intention appears, the term "hundredweight" shall mean 100 pounds avoirdupois.

(1895, 1897)
Sec. 2728
Standard weight of a
bushel, etc.

In contracts for the sale of any of the following articles, unless a contrary intention appears, the term "bushel" shall mean the number of pounds avoirdupois herein stated:

Corn in ear, 70; beans, peas, wheat, clover seed, and Irish potatoes, 60; broomcorn seed and sorghum seed, 57; shelled corn and rye, 56; sweet potatoes, 55; onions and rutabagas, 52; buckwheat, hemp seed, rape seed, beets and green apples, 50; barley, millet and Hungarian grass seed, 48; carrots and timothy seed, 45; blueberries and parsnips, 42; currants and gooseberries, 40; cranberries, 36; oats, 32; dried apples and dried peaches, 28; charcoal, 20; bluegrass, orchard grass and red-top seed, 14; plastering hair, unwashed, 8; plastering hair, washed, 4; coal, 80; but if sold by the ton the weight shall be 2,000 pounds; lime, 80; but if sold by the barrel the weight shall be 200 pounds, and a cord of wood shall mean 128 cubic feet.

Whoever, in buying, shall take any greater number of pounds or cubic feet to the bushel, ton, or cord, as the case may be, than is herein allowed, or in selling shall give any less number, shall be guilty of a misdemeanor.

Rev. Laws, 1905
Sec. 727
Powers of council

The village council * * * shall have power to adopt, amend or repeal all such ordinances, rules and bylaws as it shall deem expedient for the following purposes: * * *

Markets
Public scales

10. To establish and regulate markets, provide public scales, appoint a weighmaster, and restrain sales in the streets.

Rev. Laws, Supp.
1909, ch. 9, p. 172
(1907)

Sec. 775-17
Inspectors of meters

That in addition to the powers heretofore granted by law to the cities and villages in this state, which power shall not be limited or abridged by the provisions of this act, there is hereby granted to the

council or governing board of any such city or village the power and authority to appoint inspectors of gas, electric light, heat and water meters.

Such inspector shall have power and authority to, at all reasonable hours, inspect and read any gas, electric light, heat or water meters, whether the same be connected with a plant owned by such municipality, or owned or operated by any person, corporation or association in said city or village. Such inspection may be made either under the direction of the council or governing board of any such city or village, or at the request of any private owner or patron of any such gas, electric light, heat or water plant, and such inspector—when requested or required so to do—shall report upon the condition of any such meter and in reference to such other matters concerning the same as shall be required of such inspector, that the term of office of such inspector shall not be for a longer period than two years and that the said inspector's salary shall not exceed fifteen hundred dollars annually.

Sec. 775—18
Duties, etc.

The council or governing board of any such city or village shall have the power and authority to fix and determine the compensation to be paid to or received by such inspector, and his term of office.

Sec. 775—19
Salary

That any city containing not to exceed ten thousand inhabitants, or any village or borough in this state, is hereby authorized and empowered to maintain a public wagon scales therein as hereinafter provided.

(1905)
Sec. 775—35
Public wagon scales

The common council of any such municipality is hereby authorized and empowered to buy, establish and maintain public wagon scales in such municipality, and said council is hereby authorized and empowered to hire, buy and maintain scales already in use in said municipality, the same to be used and maintained as a public wagon scale in such municipality for the public use therein.

Sec. 775—36
Acquisition and maintenance

The common council of such municipality wherein such public scales are maintained shall have control of such scales and shall make such rules or regulations in regard to the maintenance and use of the same as they shall deem proper, and said council shall annually appoint a public weighmaster, whose duty it shall be to have charge of such scales and properly weigh all articles and commodities thereon as hereafter provided and give a statement in writing of the weight of such articles or commodities weighed thereon to the person applying to have such article weighed, and such statement shall be prima facie the correct weight of said articles or commodities, and the common council shall fix the compensation of said weighmaster, which compensation shall be paid out of the treasury of such municipality, and shall, from time to

Sec. 775—37
Rules and regulations

Duty of weighmaster

Compensation

time, fix the price to be charged for weighing any article or commodity thereon, and the weighmaster shall collect such charge at the time of weighing such article or commodity, and he shall at the end of each month pay all moneys collected by him for such charge into the treasury of the municipality and file with the recorder of such municipality a statement of the amount of such money collected.

Sec. 775—38
Scales to be tested

Who may use

Such scales shall be tested, stamped and sealed by the sealer of weights and measures, before being used, and as often thereafter as may be necessary. Any person either buying or selling any article or commodity by weight to be delivered in such municipality wherein such public scales are maintained may have the same weighed upon such public scales by paying the fee charged for weighing thereon.

Sec. 775—39
Where not to apply

Provided that this act shall not apply to any city having a charter which provides for a city weighmaster.

Rev. Laws, 1905, ch.
101, p. 1077
Sec. 5115
Use of false weights
a misdemeanor

Every person who shall injure or defraud another by using, with knowledge that the same is false, a false weight, measure, or other apparatus for determining the quantity of any commodity or article of merchandise, or by knowingly delivering less than the quantity he represents; or who shall retain in his possession any weight or measure, knowing it to be false, unless it appears beyond a reasonable doubt that it was so retained without intent to use it, or permit it to be used, in violation of the foregoing provisions of this section; or who shall knowingly mark or stamp false or short weights or false tare on any cask or package, or knowingly sell or offer for sale any cask or package so marked—shall be guilty of a misdemeanor.

Rev. Laws, Supp.
1909, ch. 21, p. 478
(1907)
Sec. 1771—2
Weight to be marked
on package

Every manufacturer, individual, association, co-partnership, corporation, agent or employee (all hereinafter included in the term "person"), who shall sell, offer or expose for sale or distribution in this state any concentrated commercial feeding stuff, used for feeding live stock, shall furnish with each car or other amount shipped in bulk, and shall affix to every package or receptacle containing such feeding stuff, in a conspicuous place on the outside thereof, a distinct and plainly printed label clearly and truly certifying the net weight in pounds of feeding stuff in such car or receptacle, * * * and whenever any feeding stuff is sold at retail in bulk or in packages belonging to the purchaser, the agent or dealer, upon request of the purchaser, shall furnish to the purchaser a certified copy of the statement contained upon the label aforesaid.

Sec. 1771—3
Penalty

Any person who shall sell, offer or expose for sale or distribution in this state any concentrated feeding stuffs without comply-

ing with the requirements of this act, * * * shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than ten dollars nor more than one hundred dollars, or imprisonment not less than ten days nor more than ninety days.

No person shall sell any spice or condiment which is adulterated as hereinbefore defined, unless each receptacle or package in which the same is kept for sale or sold, shall have securely affixed in a conspicuous place upon the side thereof, and plainly separated from other reading matter, a separate and distinct white label, upon the outside face of which label shall be printed in the English language in black ink, in type not smaller than double pica, the words "mixed and adulterated", and immediately following upon the same label, in color, style and manner aforesaid, there shall appear the common English name of the spice or condiment which such receptacle or package contains, together with the net weight of such contents; and such label shall also contain the name and address of the manufacturer or packer of such spice or condiment. No person shall sell any unadulterated spice or condiment, unless the net weight of the contents of the receptacle or package shall plainly appear in a conspicuous place thereon.

Rev. Laws, 1905, ch. 21, p. 353
(1897)
Sec. 1762
Net weight to be marked on packages of spice, etc.

The railroad and warehouse commission, hereafter called the commission, is hereby authorized and directed to inspect all sealing devices made for the purpose of sealing scales known to be on the market, and to officially approve any device considered by the commission to be a proper and safe device to be used in the sealing of scales.

(1900)
Rev. Laws, Supp. 1909, ch. 28, p. 570
Sec. 2100-1
Sealing device for scales

When directed to do so by the commission, any person or company owning and operating a scale under the jurisdiction of the commission is hereby required to install such scale with some sealing device which has the official approval of the commission.

Sec. 2100-2
Sealing device, when required

Any person or company failing within thirty days after notice to install such sealing device when directed to do so by the commission, shall be subject to a penalty in the sum of one hundred dollars. It shall be a felony for any person to change, break or tamper with, or cause to be changed, broken or tampered with, the sealing device or sealing thereof after the same has been properly installed and inspected by some authorized agent of the commission.

Sec. 2100-3
Penalty for failing to install

For tampering with

The railroad and warehouse commission shall have power to enforce reasonable regulations for the weighing of cars and of freight offered for shipment in carload lots. All track scales used by common carriers for the purpose of weighing carload freight shall be under the control and jurisdiction of the commission and subject to inspection, exempt from the jurisdiction

Rev. Laws, Supp. 1909, ch. 28, p. 533
(1907)
Sec. 1980-8
Inspection of track scales

of sealers of weights and measures. The entire cost of such supervision and inspection shall be a proper charge against the common carriers interested in or owning the several scales, the same to be paid upon the statement rendered by the commission. All moneys collected shall be credited to the grain inspection fund.

Rev. Laws, 1905, ch.
28, p. 406
(1895)
Sec. 2059
Inspection of scales

All scales in such terminal warehouses, or used for weighing grain in railroad yards at terminal points, shall be under the control of the state weighmasters and subject to inspection by them, exempt from the jurisdiction of sealers of weights and measures. They shall be inspected at the request of any person interested in any grain weighed or to be weighed thereon. If found incorrect, the cost of inspection shall be paid by the owner thereof; otherwise by the person requesting inspection. No scales found incorrect shall be used until re-examined and found correct.

Sec. 2072
Weighmasters and
weighers

The commission shall appoint at each terminal point a state weighmaster and such weighers as may be necessary, who shall have the control of the weighing of all grain subject to state inspection, except when otherwise ordered by the party shipping the same. Every such weighmaster and weigher shall give bond to the state in the sum of five thousand dollars, conditioned for the faithful discharge of his duty.

Sec. 2073
Weighmaster's rec-
ords and certificates

All weighmasters and weighers shall keep such records as may be prescribed by the commission, and shall furnish to any person for whom weighing is done a certificate under his hand, showing the amount of each weight, the number and initial letter or other distinctive mark of each car weighed, place and date of weighing, and contents of car. Such certificate shall be prima facie evidence of the facts therein certified.

Sec. 2074
Fees

The fees for inspection and weighing shall be fixed by the commission, and shall be a lien upon the grain. If the grain is in transit, such fees shall be paid by the carrier and treated as advance charges, and, if received for storage, by the warehouse man, and added to the storage charges. * * *

Rev. Laws, Supp.
1909, ch. 28, p. 566
(1907)
Sec. 2090-1
Grain-standard
bushel

No person purchasing, selling or storing grain in any public local warehouse in this state, as the same is now or may be hereafter defined by law, shall use any other measure for such grain than the standard bushel, and no other number of pounds shall be used or called a bushel than the number of pounds provided by law as the standard weight of the kind of grain in question.

Rev. Laws, Supp.
1909, ch. 28
(1909)
Sec. 2105-1
Inspection and weigh-
master's certificates

Every elevator company, corporation, copartnership, association or individual, operating any elevator, building or place in this state for the purchase, storage or deposit of any grain or other farm commodity, shall be entitled to receive from, and shall demand of, the officer whose duty it is to issue the same, the official

certificate of inspection in duplicate, together with the weighmaster's certificate in duplicate for any grain or other farm commodity shipped from any such elevator, building or place and inspected and weighed as provided by the laws of this state.

All milk or cream received or purchased for the purpose of manufacturing the same into butter or cheese shall be received or purchased by weight, and payment therefor shall be upon the basis of the butter fat contained therein. The standard pipette for measurement of milk shall have a capacity of seventeen and six tenths cubic centimeters, and the standard pipette for the measurement of cream shall have a capacity of eighteen grams by weight. The standard test tube or bottle for milk shall have a capacity between zero and ten on the graduated scale, marked on the neck thereof, of two cubic centimeters of mercury, at a temperature of sixty degrees Fahrenheit, and for cream a capacity of six cubic centimeters of mercury, at the same temperature, between zero and thirty on the scale. Any person who shall use any other measure or test for milk or cream sold or purchased at prices determined by the proportion of butter fat contained therein; any person who shall manufacture or sell a cream or milk pipette or measure which is not correctly marked or graduated as herein provided; any person who shall use or employ any other appliance than the Babcock test for ascertaining the butter fat content of milk or cream; any person who shall under-read, overread or otherwise falsify or manipulate the reading of such test, or who shall falsely state, certify or use in the purchase or sale of milk or cream a misreading of such test, whether the test or actual reading shall have been made by such person or by any other person, shall be deemed guilty of a misdemeanor.

Rev. Laws Supp. 1909, ch. 21, p. 471, (1909)

Sec. 1743 Milk to be sold by weight

Babcock test to be used

Penalty

Terminal points as designated by this act shall mean the cities of St. Paul, Minneapolis, Duluth and South St. Paul.

Laws, 1905, ch. 196 Sec. 1 Terminal points Weighing and inspection of hay, etc.

The railroad and warehouse commission, hereinafter designated "the commission," shall designate at convenient places, on the several lines of railway entering terminal points in this state, tracks to be known as public hay tracks. The different railway companies either separately or jointly are hereby required to provide suitable tracks to meet the requirements of this act. Such public hay tracks may be established on each individual line of railway, or they may be so established as to serve for two or more railways.

Sec. 2

Public hay tracks

All hay and straw shipped to terminal points unless otherwise directed by the consignor shall, by the common carrier transporting the same, be brought to and delivered at one or another of such public hay tracks, for the purpose of being weighed and inspected as hereinafter provided.

Sec. 3 Delivery at tracks

Sec. 4
Weighing

All hay and straw so received shall be weighed and inspected by duly appointed weighers and inspectors of hay and straw under such rules and regulations as the commission shall establish.

Sec. 4, as amended
by Laws, 1911, ch. 186,
p. 238, sec. 1
Weighing

All hay and straw so received shall be weighed and inspected by duly appointed weighers and inspectors of hay and straw under such rules and regulations as the commission shall establish.

Weighing empty, no
charge for

All carriers shall return, free of switching charge for weighing empty, all cars not reconsigned that have been weighed loaded with hay or straw, to the scale on which the same was weighed, or some other scale under the charge of the state, used for weighing hay and straw. Weight on reconsigned cars may be had by the use of the weight of the loaded car and the marked stencilled weight on the car. Any carrier failing to comply with any of the provisions of this act shall be subjected to a penalty of twenty-five dollars (\$25.00) to be recovered by the aggrieved shipper.

Sec. 5
Track scales

It shall be the duty of all common carriers transporting hay to such terminal points to construct and maintain at such public hay tracks as may be established by the commission, suitable track scales of such size and capacity as the commission shall direct. If in its judgment it is necessary, the commission may order that such track scales be housed in such a manner as to insure accuracy.

Control of
weighmasters

state

All scales at such hay tracks shall be under the control of state weighmasters and subject to inspection by them, exempt from the jurisdiction of sealers of weights and measures. They shall be inspected at the request of any person interested in any hay or straw to be weighed thereon. If found incorrect the cost of inspection shall be paid by the owner thereof; otherwise by the person requesting inspection. No scales found incorrect shall be used until re-examined and found correct. *Provided* that nothing in this act shall be so construed as to prevent the use of such scales by the owner for the purpose of weighing any other commodities in carload lots.

Sec. 6
Appointment of
weighers and inspectors

The Commission shall appoint a suitable number of persons to perform such weighing and inspecting of hay and straw. Such weighers and inspectors shall be under the immediate supervision of the chief inspector of grain. In case of dissatisfaction of any interested person with the official acts of any inspector reinspect- ing may be had upon application to the aforesaid chief inspector of grain or either of his deputies. A final appeal from the decision of said chief inspector of grain or his deputy inspectors may be made to the board of final review, to be provided for by the commission under the rules it shall establish. The decision of such board of review shall be final, provided the commission may provide suitable rules for the cancellation of any certificate of inspection issued upon original inspection; reinspect- ing or upon

Reinspecting

Board of final review

final review when it appears that owing to the manner in which cars of hay or straw were loaded it was impossible for the inspector to obtain a fair sample.

The commission shall adopt all necessary rules and regulations for the weighing and inspecting of hay and straw at such terminal points.

Sec. 7
Rules

In case any person or railway corporation or any of their agents or employes shall refuse or prevent the aforesaid weighers and inspectors of hay and straw from having free access to their scales and tracks in the regular performance of their duties as such weighers or inspectors of hay and straw, they shall forfeit to the State of Minnesota the sum of one hundred (100) dollars for each offense, such penalty or forfeiture to be paid to the state treasurer for the benefit of the hay inspection fund hereinafter created, and shall also be required to pay all costs of prosecution. All weighers and inspectors of hay and straw shall take an oath of office the same as required of deputy grain inspectors, and shall give a bond to the State of Minnesota in the penal sum of five thousand (\$5,000) dollars with good and sufficient sureties to be approved by the commission, and conditioned in like manner as the commission require from the chief inspector of grain. The bonds given by such weighers and inspectors of hay and straw shall be filed in the office of the secretary of state and suit may be brought upon said bond, or bonds, in any court having jurisdiction thereof for the use of the person so injured.

Sec. 8
Penalty for interfering with weighers or inspectors

Oath

The chief inspector of grain shall have the power to remove any of said weighers or inspectors of hay and straw at pleasure.

Sec. 9
Removal of weighers

Such weighers and inspectors of hay and straw shall be governed in the performance of their duties by such rules and regulations as may be provided by the commission; the commission shall have power to fix the rate of charges for the weighing and inspecting of hay and straw and the manner in which the same shall be collected, which charges shall be regulated in such manner as will in the judgment of the commission produce sufficient revenue to meet the necessary expenses of the weighing and inspecting service, and no more; the commission shall fix the amount of compensation to be paid to the weighers and inspectors of hay and straw and prescribe the time and manner of payment thereof, which compensation shall be paid out of a hay inspection fund, hereinafter created, on the order of the commission.

Sec. 10
Fee
Compensation

No weigher nor inspector of hay or straw nor any of the sureties on their bond, or bonds as the case may be, shall during his term of service be in any way interested in the handling, storing, shipping, purchasing or selling of hay or straw, or any of their prod-

Sec. 11
Bonds

ucts, nor in the employment of any person or corporation engaged therein, nor shall they be members of any board of trade or organization of like character.

Sec. 12
Removal of weighers

Upon complaint in writing of any person to the commission, supported by reasonable and satisfactory proof that any weigher or inspector of hay and straw has violated any of the rules prescribed for his government, or has been guilty of any improper official act, or has been found inefficient or incompetent for the duties of this position, such person shall be by the commission immediately removed from office.

Sec. 13
Penalty for improp-
er sonation

Any person not duly appointed and qualified, who shall assume to act as a weigher or inspector of hay and straw, shall be guilty of a misdemeanor and be punished by a fine of not less than fifty (\$50) nor more than one hundred (\$100) dollars.

Sec. 14
Penalty for neglect
and bribery

Any duly authorized weigher or inspector of hay and straw who shall be guilty of any neglect of duty or who shall knowingly or carelessly weigh or inspect any hay or straw improperly, or who shall accept any money or other consideration, directly or indirectly, for any neglect of duty or any improper performance of duty as such weigher or inspector of hay and straw, or any person who shall improperly influence or attempt to influence any weigher or inspector of hay and straw in the performance of his duties as such weigher or inspector, as the case may be, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than one hundred (\$100) dollars nor more than one thousand (\$1,000) dollars or shall be imprisoned in the county jail not less than thirty (30) days nor more than one year, or both, in the discretion of the court.

Sec. 18
Weighers to keep rec-
ord

All weighers of hay and straw provided for by this act shall be required to make true weights under the penalties hereinbefore provided, and in addition thereto shall keep a correct record of all weighing done by them at the hay tracks where they are stationed, in which record shall be entered an accurate account of all hay, straw, or other property weighed, or the weighing of which was supervised by them or their assistants, giving the amount of each weight, the number of the car or cars weighed, if any, the initial letter of said car or cars weighed, where weighed, date of weighing and contents of car.

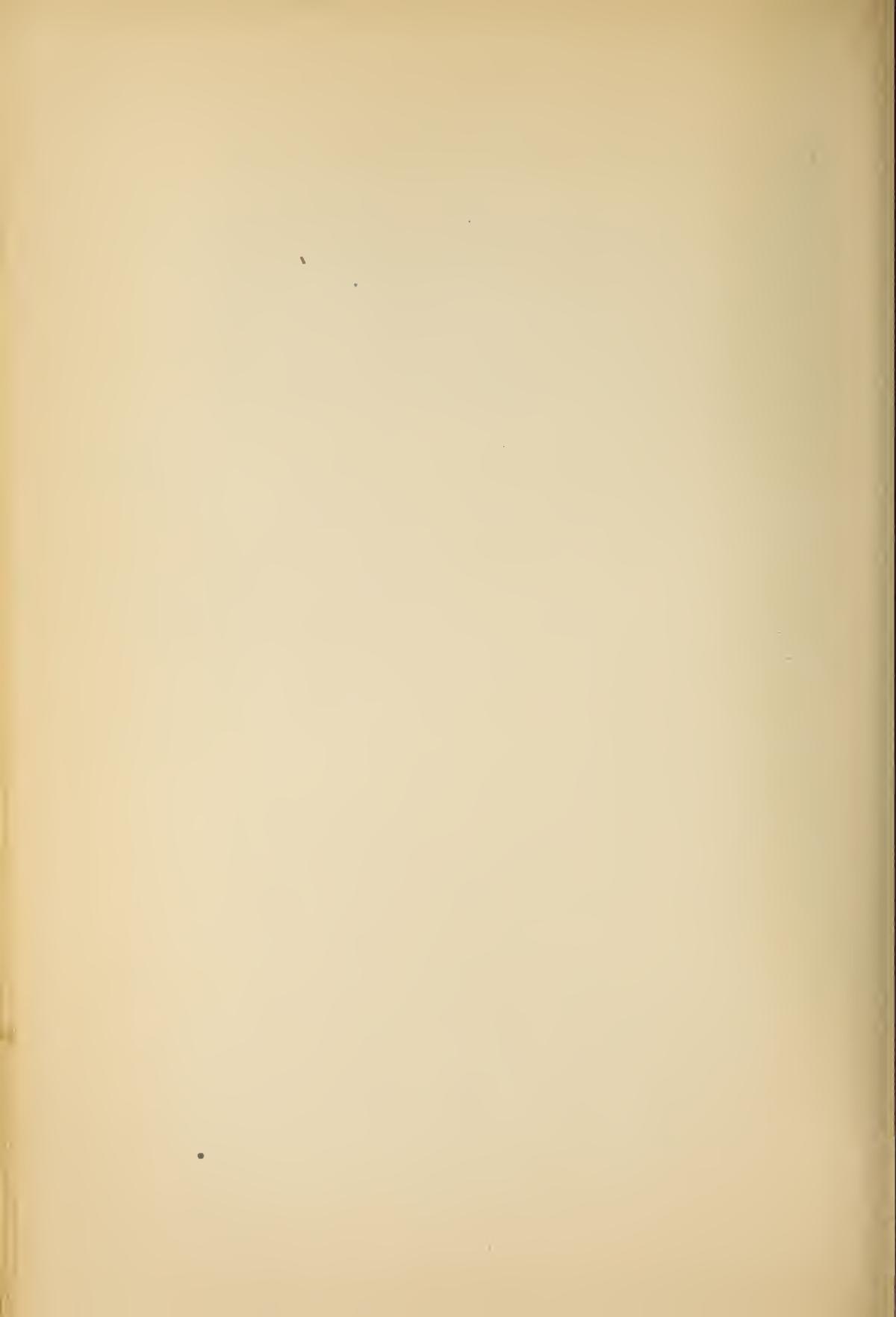
Sec. 19
Certificates

Said weighers and inspectors of hay and straw shall give upon request of any person interested certificates under their hand and seal showing the amount of each weight, or if inspected, the grade, number of car or cars weighed or inspected, if any, the initial of said car or cars, hay yard where weighed or inspected, date of weighing or inspecting and contents of car, *provided* that such certificate of weights shall be admitted in all actions either at law

or in equity as prima facie evidence of the facts therein contained, but the effect of such evidence may be rebutted by other competent testimony.

It shall be the duty of the commission to assume and exercise a constant supervision over the hay and straw interests of this state; to supervise the handling, weighing, inspecting and storage of hay and straw; to establish all necessary rules and regulations for the weighing, grading, inspecting and reinspecting of hay and straw, and for the management of all public hay tracks at terminal points in this state as far as such rules and regulations may be necessary to enforce the provisions of this act, or any law in this state in regard to the same; to investigate all complaints of fraud or oppression in the hay and straw trade, and to correct the same as far as may be in their power.

Sec. 21
Supervision



MISSISSIPPI

The standards established by congress are the standards of weights and measures in this state; and a fac-simile of each is deposited with the secretary of state, as well as at each of the state institutions of learning. The secretary of state and the proctors of those institutions are authorized to conform and seal all weights and measures brought to them, and to receive the fees allowed therefor. And on all sales by weight of the agricultural products hereinafter named, the number of pounds per bushel as stated in the following schedule, shall be the true and legal standard, viz: ¹

Code, 1906, ch. 150,
p. 1364
Sec. 5065, as amended
Mch. 12, 1900
Standards of weights
and measures

	Pounds.		Pounds.	Standard weight of bushel
Wheat per bushel	60	Timothy seed per bushel	45	
Corn in the ear do	72	Blue grass seed do	14	
Corn shelled do	56	Hemp seed do	44	
Cotton seed ² do	32	Salt do	50	
Rye per bushel	56	Corn meal do	48	
Buckwheat do	48	Ground peas do	24	
Barley do	48	Malt do	38	
Oats do	32	Bran do	20	
Peas do	60	Stone coal do	80	
White beans do	60	Lime, unslacked do	80	
Castor beans do	46	Sorghum seed do	42	
Irish potatoes do	60	Corn meal, bolted do	44	
Sweet potatoes do	60	Corn meal, unbolted do	48	
Onions do	57	Flour in barrels net	196	
Turnips do	55	Flour in one-half barrels do	98	
Dried peaches do	33	Flour in one-fourth barrel sacks		
Dried apples do	26	net	48	
Clover seed do	60	Flour in one-eighth barrel sacks		
Flax seed do	56	net	24	
Millet seed do	50	Meal in barrels net	200	
Hungarian grass seed do	50			

All contracts for work or labor done, or anything to be sold and delivered, will be construed to have been made according to the standards, unless the parties stipulate to the contrary.

Sec. 5066
Contracts

The board of supervisors of every county, and the mayor and board of aldermen of every city, may procure the standards of weights and measures duly sealed by the secretary of state or some proctor, and consisting of one weight of fifty pounds, one of twenty-five pounds, one of fourteen pounds and one of seven pounds; two

Sec. 5067
Standard for counties
and cities

¹ For convenience in printing a slight change has been made in arrangement of these articles.
² See also section 5070.

of four pounds, two of two pounds, and two of one pound, avoirdupois; one measure of one yard, and one of one foot, cloth measure; one measure of half a bushel, one of one peck, and one of one-half peck, dry measure; one measure of one gallon, one of one-half gallon, one of one quart, one of one pint, and one of one gill, wine measure.

Sec. 5068
Inspector of provisions
to be keeper of stand-
ards

The inspector of provisions appointed for the county or city shall be the keeper of the standards of weights and measures, and shall seal by such standards all measures brought to him; but if there be no such officer, the clerk of the circuit court and the clerk of the city shall be respectively keepers of the standards for the county and city, and shall seal weights and measures brought to them, and receive the fees allowed.

Sealing and fees

Sec. 5069
Stamps for sealing
measures

The boards of supervisors and mayors and boards of aldermen shall respectively provide the proper stamps or brands with which to seal weights and measures.

Sec. 5070
Cotton seed

Unless otherwise agreed upon, a bushel of cotton-seed shall be thirty-two pounds avoirdupois.

Sec. 5070 A, as en-
acted by ch. 206, Laws,
1908, p. 212
Coal, ton of
Box or barrel of

The standard weight of coal shall and is hereby established at two thousand (2000) pounds to the ton, or two hundred (200) pounds to the box or barrel, and unless otherwise agreed upon, coal shall be sold by the ton of two thousand pounds, or the box or barrel of two hundred pounds.

Sec. 5071
Measure of charcoal

Unless otherwise agreed upon, charcoal shall be sold by measure, and the measure of charcoal shall be a barrel of the capacity of three and one-quarter bushels.

Sec. 5072
Measure of saw logs,
etc.

The table known as "Scribner's Lumber and Log book by Doyle's Rule" is the standard rule of measurement by which sawlogs and square timber shall be measured. The use of any other rule of measurement is unlawful; and any person who shall use any other rule which gives a less number of feet in a given log, shall be guilty of a misdemeanor, and punished accordingly, and be liable to any person injured for triple damages.

Sec. 5073
Dealers to have none
but sealed measures

When the county or city is supplied with the standards of weights and measures, every dealer therein shall have none but sealed weights and measures, and the weights shall be so sealed as that the removal of any part of the filling will destroy or deface the seal; and every dealer having, in such case, any weight or measure which has not been duly sealed, shall be guilty of a misdemeanor, and shall, moreover, forfeit ten dollars for every day he may have any unsealed weight or measure.

Sec. 5074
Selling by false
weights or measures

If any person shall sell anything by any false weight or measure, whereby another shall be cheated; or if any person shall sell any light-weight loaf or package, calling the same a pound or other quantity, or if any person shall sell any under-capacity bottle or

other vessel, calling it a pint, quart, or other quantity, he shall be guilty of a misdemeanor and fined not less than ten dollars, and imprisoned not less than ten days.

The correct name and the true net weight of the contents of each and every hogshead, barrel, box, cask, bale, sack or package of flour, corn meal, cotton-seed meal and of any and all other kinds of feeding stuff made from cereals of any kind, whether pure, mixed or adulterated, and whether sold in single packages or lots, shall be plainly marked, branded or stenciled in large legible letters and figures, upon the exterior of such hogsheads, barrel, box, cask, bale or package, and it shall be unlawful for any person, firm or corporation or the agent, employe or representative of any person, firm or corporation to sell or exchange or offer for sale or exchange any of such mill products, so packed or contained, until the provisions hereof have been complied with.

Sec. 5075
Food packages to be labeled

If any person shall violate the provisions of the two preceding sections he shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in the sum of not less than twenty-five dollars nor more than one hundred dollars.

Sec. 5077
Penalty

The powers hereby granted shall be exercised by the mayor and board of aldermen of the respective cities, towns, and villages, as hereinafter set forth:

Code, 1906, ch. 99
Sec. 3315
Powers; how exercised

(Ninth). To prescribe rules for the weighing and measurement of every commodity sold in the municipality, in all cases not otherwise provided by law, and provide for the measuring of wood and fuel and the weighing of coal and determine the place or places for the sale of the same, and fix the fees and duties of the person authorized to perform the duties herein named; and to provide for the inspection and condemnation of coal-oil, gasoline, naphtha, and all other inflammable and combustible oils, fluids, or gases used for heating or lighting purposes, when the same shall not be of the quality and standard prescribed by ordinance.

Sec. 3325
Weighing, measuring and inspecting

If any purchaser or weigher of cotton shall deduct from the true weight of any bale or package thereof any amount whatever, as scalage, with intent to diminish the sum to be paid or credited to the seller, he shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten dollars nor more than twenty.

Code, 1906, ch. 28, p. 479
(1888)
Sec. 1370
Scalage

If any purchaser of cotton shall fail to account to the seller for the actual weight of the cotton bought, except where the amount of the deduction is agreed upon between them, or adjudged by a disinterested person for them, he shall be guilty of a misdemeanor, and, on conviction, shall be punished as prescribed in the last section.

Sec. 1371
Actual weight

Every owner or occupier of a mill grinding for toll shall keep and use therein sealed measures of half-bushel and peck, and a

Code, 1906, ch. 97
Sec. 3296
Millers to keep sealed measures and toll dishes

sealed toll dish, and shall measure all grain by strike measure, under penalty of paying five dollars for every such failure, recoverable, with costs, before a justice of the peace, to the use of the informer; but this shall not apply to plantation mills.

Code, 1906, ch. 103
Sec. 3517
Standard measure for
oysters

That a standard measure for oysters is hereby established, which said measure shall consist of a tub or other round vessel of the following dimensions, to wit: It shall measure seventeen inches in diameter inside at the bottom and twenty-one and one-half inches inside at the top, and fourteen and one-half inches inside from bottom to top, the unit of such tub or measure to be in the shape of inverted frustum of a cone. Two of these measures filled to the top shall make one barrel, and all oysters bought or sold in this state in the shell shall be measured in a measure of this dimension or measure holding a fraction or multiple thereof, and it shall be unlawful for any person to have in his possession any measure for oysters in the shell which shall differ in size from the measure herein provided for, or to demand or require a greater or less measure in buying or selling; and no vessel or measure shall be used in buying or selling oysters until it has been measured and stamped by the oyster inspector with a metal tag or stamp, showing the quantity of oysters such measure will hold. It shall be the duty of the oyster inspector to make such measurements and to visit for that purpose each place where oysters are bought and sold as required, not to exceed once in each month during the canning season, and shall keep a book in which shall be recorded the dimensions of all vessels so measured. And for each stamp the chief inspector shall receive the sum of twenty-five cents from the person, persons or corporation to whom it is issued. The chief inspector shall keep a book to be known as the "oyster measure record," in which he shall register the names of each person, firm or corporation to whom he has issued such stamp and the date of issuance; and said record shall be open for the inspection of the public during business hours; and for every false or fraudulent issuance of said stamp or for every stamp issued without a record thereof being kept, in the "oyster measure record," the chief inspector shall be guilty of a misdemeanor and shall, on conviction, be fined the sum of fifty dollars, one-half of which shall be paid to the person or persons informing on the chief inspector.

Laws, 1908, ch. 107,
p. 99
Sec. 5
Packages of feed-
stuffs be to marked
with net weights

That all persons, manufacturers, companies, dealers, or agents, before selling or offering for sale for use in this state, any commercial feeding stuff, shall attach to each bag, barrel or other package, the name of the feeding stuff, if any, the net weight of the package, the name and address of the manufacturer. * * *

That the jurisdiction of cotton weigher of the town of Pontotoc in Pontotoc County (which office is created by Chapter 351 of the Sheet Acts of 1888) be, and the same is hereby, extended so as to be co-extensive with the County. The said cotton weigher shall hold his office until the next general county election, to be held in the year 1907, and until his successor has been elected and qualified, and his successor shall be elected at the same time, and for the same term as other county officers. The Board of Supervisors of said county are hereby authorized and empowered to require the cotton weigher of said county, by an order duly entered on their minutes, to appoint a sufficient number of deputies and to station one at each cotton market place in said county to weigh all cotton sold at such place as in their discretion is proper to meet the public demand. The fee of each cotton weigher shall be ten cents for each bale of lint cotton weighed by him, but he shall be entitled to no compensation from parties who may decline to have him weigh their cotton.

Laws, 1906, ch. 212,
p. 253
Sec. 1
Cotton weigher of
Pontotoc County to be
elected
Duties of

Fees

That the office of Cotton Weigher for Smith county, in said state, is hereby created, which shall be filled at an election to be held in said county at the next general election. Said election to be held in compliance with the general election laws of this state. The said cotton weigher, when elected, shall enter upon the discharge of the duties of said office on the first Monday in September after his election, and shall hold his office until the first Monday of January, 1912, and until his successor is elected and qualified. The successors of said officer shall have the same qualifications and be elected at the same time and in the same manner, and shall hold their office for the same term as the other county officers of said county. Before entering upon the discharge of his duties, said cotton weigher shall take the oath prescribed by section 268 of the Constitution of this state, and shall enter into bond with two or more sureties in the sum of five hundred dollars (\$500), conditioned for the faithful discharge of the duties of said office, without fraud or favor or partiality. Said bond to be approved by the board of supervisors of said county; but the governor is hereby authorized and empowered to appoint a cotton weigher for Smith county to serve until his successor is duly elected and qualified. The said appointee to take the oath and give the bond above prescribed before entering upon his duties.

Laws, 1906, ch. 218,
p. 260
Sec. 1
To create the office of
cotton weigher for
Smith County

That said cotton weigher is hereby empowered to appoint as many deputies as he may deem necessary, who are authorized to act as his deputies at any place in said county where cotton is to be weighed.

Sec. 2
Deputies

It shall be the duty of said cotton weigher to weigh all cotton sold in or shipped from any village, town or city in said county, and

Sec. 3
Fee for weighing

he shall be entitled to receive as compensation ten (10) cents for each bale of cotton weighed by him, to be paid by the seller. But it shall be optional with the owners of cotton as to whether said owners shall have their cotton weighed by said public weigher.

Sec. 4
Deductions for wet
or damaged cotton

It shall be the duty of said cotton weigher to make all proper deductions for wet or damaged cotton weighed by him, and he shall give to the seller a certificate showing the number and net weight of each bale of cotton weighed by him.

Laws, 1906, ch. 227,
p. 268
Sec. 1
To create the office
of cotton weigher in
Winston County

That the office of cotton weigher for Winston County, in said State [Mississippi], is hereby created, which shall be filled in the same manner and at the same election of 1907 as the other county officers [offices] are filled. The said cotton weigher, when elected, shall enter upon the discharge of the duties of said office, on the first Monday of January after his election, and shall hold his office until the first Monday of January, 1912, and until his successor is elected and qualified. The successors of said officer shall have the same qualifications and be elected at the same time and in the same manner and shall hold their office for the same term as the other county officers of said county. Before entering upon the discharge of his duties said cotton weigher shall take the oath prescribed by section two hundred and sixty-eight of the constitution of this State, and shall enter into bond, with two or more sureties, in the sum of \$1,000, conditioned for the faithful discharge of the duties of said office, without fraud or favor or partiality, said bond to be approved by the board of supervisors of said county.

Sec. 2
Cotton weigher may
appoint deputies

That said cotton weigher is hereby empowered to appoint as many deputies as he may deem necessary, who are authorized to act as his deputies at any place in said county where cotton is to be weighed.

Sec. 3

Compensation

It shall be the duty of said cotton weigher to weigh all cotton sold in or shipped from any village, town or city in said county, and he shall be entitled to receive as compensation ten cents for each bale of cotton weighed by him, or deputies, to be paid by the seller. Nothing herein contained shall be so construed as to prevent anyone from withholding his cotton from said cotton weigher, and said cotton weigher shall not be entitled to fees on cotton not weighed by him.

Sec. 4
Deduction for wet
cotton

It shall be the duty of said cotton weigher to make all proper deduction for wet or damaged cotton weighed by him, and he shall give to the seller a certificate showing the number, net and gross weight of each bale of cotton weighed by him.

MISSOURI

The clerk of each county court shall provide, at the expense of the county, one measure of one foot, or twelve inches, English measure; one measure of three feet, or thirty-six inches, English measure, denominated one yard; one half bushel measure, which shall contain one thousand seventy-five and one-fifth cubic inches, denominated dry measure; one gallon measure, which shall contain two hundred and thirty-one cubic inches; one half-gallon measure, which shall contain one hundred and fifteen and one-half cubic inches; one quart measure, which shall contain fifty-seven and three-fourths cubic inches. Also, one set of weights, called avoirdupois weights, and one seal, with initials of the county inscribed thereon; which measures, weights and seal shall be kept by the clerk of the county court of each county.

Rev. Stat., 1909, vol. 3, ch. 125, p. 3700
 Sec. 11961
 County clerk to procure weights and measures
 Length
 Capacity

So soon as the weights and measures are provided, the clerks of the county courts shall cause notice thereof to be given at the court-house door, for two months; and any person who shall knowingly keep any measures or weights, and buy or sell any commodity whatsoever by such weights or measures as shall not correspond with the weights and measures deposited in the clerk's office, shall, for every such offence, forfeit and pay to the party injured ten dollars, to be recovered by civil action before any justice of the peace of the county.

Weight

Sec. 11962
 Notice

Clerks of the county court shall, with the seal aforesaid, seal all weights and measures presented to them for that purpose, that correspond with the county standard.

Sec. 11963
 Sealing

The hundredweight shall consist of one hundred pounds avoirdupois, and twenty such hundreds shall constitute a ton.

Sec. 11964
 Ton

Whenever the articles hereinafter named shall be sold by the bushel, and no special agreement as to the measurement or weights thereof shall be made by the parties, the bushel shall consist of the following number of pounds, viz.:¹

Sec. 11965
 Legal weights of bushel of various produce

	Lbs. per bush.		Lbs. per bush.
Wheat.....	60	Shelled corn.....	56
Beans.....	60	Flax seed.....	56
Clover-seed.....	60	Unshelled corn.....	70
Irish potatoes.....	60	Barley.....	48
Peas.....	60	Oats.....	32
Split peas.....	60	Bran.....	20
Rye.....	56	Onions.....	57

¹ For convenience in printing a slight change has been made in arrangement of these articles.

	Lbs. per bush.		Lbs. per bush.
Dried peaches	33	Corn-meal	50
Dried apples	24	Millet	50
Buckwheat	52	Green peas, unshelled	56
Castor beans	46	Green beans, unshelled	56
Hemp-seed	44	Apples	48
Blue-grass seed	14	Peaches	48
Timothy-seed	45	Pears	48
Cotton seed	33	Hungarian grass seeds	48
Salt	50	Malt	38
Mineral coal	80	Top-onions sets	28
Coke	¹ 2, 680	Red-top seed	14
Charcoal	¹ 2, 680	Orchard grass seed	14
Sweet potatoes	56	Sorghum seed	42
Parsnips	44	Osage orange seed	36
Common turnips	42	Cucumbers	48
Carrots	50	Tomatoes	45
Rutabagas	50		

And whenever apples shall be sold by the barrel and no special agreement is made as to the size of the barrel by the parties, the size shall be as follows: Length of barrel, twenty-eight and one-half inches, with chins of three quarters of an inch at the ends; the diameter of the heads shall be seventeen and one-quarter inches, and the diameter of the center of the barrel inside shall be twenty and one-half inches.

Sec. 11966
Timber

All plank and sawed timbers and lumber shall, unless otherwise agreed by special contract, be sold by board measure.

Sec. 11967
Flour, weight of barrel, sack

A barrel of flour shall consist of 196 pounds net; a sack of flour shall consist of 98 pounds net; a half sack of flour shall consist of 48 pounds net; a quarter sack of flour shall consist of 24 pounds net; no manufacturer or dealer in flour shall sell flour in barrels, sacks, half sacks, or quarter sacks containing a less amount of flour than the amounts above specified. Before any barrel, sack, half sack or quarter sack of flour shall be sold, the number of pounds therein contained shall be plainly labeled or stamped thereon. Any person who shall sell any package of flour which shall be stamped or labeled with a greater number of pound[s], net than such package actually contains, or who shall put up or sell flour in any manner contrary to the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than ten dollars nor more than one hundred dollars.

Sec. 11968
Fraudulent weighing of ore

Any person or persons who keep any public or private scales and weigh for themselves or others, mineral, lead, zinc, coal and other ores, who knowingly take more than ten hundred pounds for one thousand or more than twenty hundred pounds avoirdupois for one ton, or fail to correctly balance his or their scales before weighing, or shall fail or neglect to account for each fractional part of a thousand or ton, as the case may be, in weighing

¹ Cubic inches per bushel.

any of the ores herein named, which ores are bought and sold by the thousand or ton, shall, for every such offense, forfeit and pay to the party injured a sum not less than twenty dollars nor more than fifty dollars, to be recovered by civil action before any justice of the peace in the county.

Every sale of grain, seed, hay or coal shall be made on the basis of actual weight thereof, and any purchaser of grain, seed, hay or coal, who shall deduct any amount from the actual weight or measure thereof, under claim of right to do so by reason of any custom or rule of a board of trade or any pretense whatsoever, shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not less than ten dollars nor more than one hundred dollars for each and every offense.

(1909)
 Sec. 11969
 Sale of grain, etc., to be made by actual weight

Penalty for deductions

No agent or broker selling any grain, seed, hay or coal shall have authority, under claim of right to do so by reason of any custom or rule of a board of trade, to sell any grain, seed, hay or coal only on the basis of the actual weight thereof, and any contract of sale of any grain, seed, hay or coal made in violation of sections 11969 and 11970 of this article shall be null and void.

Sec. 11970
 Authority of agent and broker, selling grain, etc.

The council may prescribe rules and provide methods by ordinance for the inspection, weighing and measuring of any commodity sold in the city in all cases not otherwise provided for by law, and may provide for the selling, weighing and inspecting of meats, poultry and vegetables, of butter, lard and other provisions and articles of food; and may provide for the inspecting and measuring of wood, coal and fuel, lumber, shingles, timber and all kinds of building material, and shall have power to appoint inspectors and measurers; and may make provisions for the inspection of steam boilers, and all steam heating apparatus, and to license engineers using steam boilers in the city, and may regulate the place or places where hay, lime, lumber, timber, wood, coal and all kinds of fuel shall be exposed for sale, and fix the fees of the person or persons appointed to perform the duties named in this section.

Rev. Stat., 1909, vol. 3, ch. 84, art. 2, p. 2914
 (1893)

Sec. 5841
 Inspection, weighing, etc.

* * * All scales used for the weighing of property in public warehouses or public elevators shall be subject to examination and test by any duly authorized state scale inspector, and no scales shall be used for the weighing of grain after being found incorrect until put in order and found accurate and approved for further use by an authorized state scale inspector.

Rev. Stat., 1909, vol. 2, ch. 60, p. 2124
 (1893, 1907)
 Sec. 6800
 Warehouse scales

A violation of any of the preceding provisions of this article, except in cases covered by sections 6778, 6792 and 6797, by any warehouseman, elevatorman, owner, lessee, manager or employe of public warehouses or elevators, created by this article, is declared a misdemeanor, and upon conviction thereof, the violator

Sec. 6801
 Violation of preceding section—penalty

shall be fined not less than one thousand nor more than five thousand dollars, one-fourth of such fine to be awarded and paid to the informer of such misdemeanor.

Sec. 6826
Weighers, duties of,
etc.

The board of railroad and warehouse commissioners shall appoint suitable persons to act as weighmasters at such places in this state where state grain inspection and weighing may be established in conformity with the provisions of this article; said weighmasters shall, at the places aforesaid, supervise the weighing of all grain which may be subject to inspection and weighing, and at all warehouses or elevators where there are no such scales as hopper scales, there shall be provided in such case by such warehouseman or elevatorman or railroad having, upon the order of the board of railroad and warehouse commissioners, track scales or other proper scales upon which the gross, tare and net weight of each car, wagon or other package shall be taken, but at all warehouses or elevators having hopper scales the net weight of grain contained in such car, wagon or other package shall be taken on such scales and certificate of weight of such weighmasters in the discharge of their aforesaid duties shall be prima facie the basis of settlement between the buyer and seller. And such state weighmaster shall have the entire control of such scales.

Sec. 6828
Warehousemen and
elevatormen to furnish
scales

It shall be the duty of the person or persons doing a public warehouse or public elevator business under this article to provide and maintain suitable scales upon which all grain tendered to him or them for storage, transferring, handling or mixing shall be weighed under the supervision of a state weighmaster, as provided for in this article. Said scales shall be located at the most convenient point upon the track of some railroad running into or adjoining such warehouse or elevator. It shall further be the duty of the person or persons doing a public warehouse or public elevator business under this article, at some convenient time, at least once a year, or when the railroad and warehouse commissioners order it, after giving fifteen days' notice, and under the supervision of an authorized state weighmaster or inspector of the state grain inspection department, to weigh and inspect all grain at such time or times then in such warehouse or elevator, and to report to the warehouse registrar the result of such weighing and the actual amount of each kind and grade in such warehouse or elevator. During such time as such weighing is going on, the receiving and shipping of grain into and from such warehouse or elevator shall be discontinued until such general weighing has been completed.

To weigh grain in
store, when

Sec. 6829
Railroads to provide
scales

At all terminal or other points within this state wherever state grain inspection may be established, it shall be the duty of all railroads to provide on the order of the board of railroad and ware-

house commissioners, suitable wagon scales in their unloading yards, upon which all grain handled by them, subject to inspection and weighing, may be weighed as required by this article. Said scales shall be located at places to be designated by the board of railroad and warehouse commissioners of this state, and it shall be the duty of said commissioners to see that the provisions of this article are strictly enforced.

* * * And any weighmaster who shall knowingly falsely weigh any grain, or shall knowingly give any false or untrue certificates as to the weight of grain, or who shall knowingly violate any of the provisions of this article, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, or shall be imprisoned in the county jail, or in the city of St. Louis, in the jail of said city, not less than six months nor more than twelve months, or by both such fine and imprisonment.

Sec. 6830
Penalty for fraudulent weighing, etc.

The board of railroad and warehouse commissioners is required to supervise the inspection and the weighing of all hay at points within this state, for storage or sale, where state grain inspection or state hay inspection has been established or may hereafter be established by said commissioners.

(1905)
Sec. 6832
Board to inspect weighing of hay

The board of railroad and warehouse commissioners are hereby empowered to prescribe such rules and regulations for the enforcement of the provisions of the preceding section as will as nearly as possible conform to the requirements of law now in force regarding the state inspection and weighing of grain, requiring such a bond of inspectors and weighers of hay for the faithful performance of duty as in the judgment of said commissioners is sufficient, and prescribing such fees for inspection and weighing of hay as shall be reasonable. The penalties now provided by this article for a failure to comply with the law regarding state grain inspection shall also apply to hay inspection as by the preceding section required.

Sec. 6833
Board to prescribe rules and regulations, fees, etc.

Penalty

The mayor and common council shall have power within the city, by ordinance, not inconsistent with the Constitution or any law of this state or of this article:

Rev. Stat., 1909, vol. 2, ch. 84, art. 2, p. 2697
(1909)

Sec. 8588
Powers of mayor and council of cities of the first class

Weights and measures used by traders, dealers and common carriers to be tested

XXIV. To require all traders or dealers in merchandise or property of any description which is sold or measured or weighed, and all common carriers using weights and measures, to cause their weights or measures to be tested and sealed, and to be subject to inspection.

XXV. To regulate and provide for inspecting and measuring of firewood, lumber, shingles, timber, posts, staves, headings and all kinds of building materials, and for measuring all kinds of mechanical work, * * *

Regulation and inspection of certain articles

Inspection and weighing of hay, lime, fuel, etc.

To regulate inspection of articles and appoint weighers, gaugers and inspectors

To regulate weight and quality of bread

Rev. Stat., 1909, vol. 2, ch. 84, art. 3, p. 2804
Sec. 8800

Power and duties of mayor and council of cities of second class

To cause weights and measures to be tested and sealed

To provide for measuring wood, etc.

To provide for weighing hay, etc.

To regulate inspection of provisions; to appoint weighers, gaugers and inspectors, etc.

To regulate weight and quality of bread

Rev. Stat., 1909, vol. 2, ch. 81, p. 2642
Sec. 8432
Penalty for using false scales

XXVI. To provide for the inspection and weighing of hay, lime, stone coal, charcoal and all kinds of coal used for fuel or for heating purposes, and the place and manner of weighing the same.

XXVII. To regulate the inspection of beef, pork, flour, meal and other provisions, whiskey and other liquors to be sold in barrels, hogsheads and other vessels or packages; to appoint weighers, gaugers and inspectors, and to prescribe their duties.

XXVIII. To regulate the weight and quality of bread to be sold or used in the city.

The Mayor and common council shall have power within the city, by ordinance, not inconsistent with the constitution or any law of the state, or of this article;

XXIII. To require all traders or dealers in merchandise or property of any description which is sold by measure or weight, and all common carriers using weights and measures, to cause their weights or measures to be tested and sealed by the proper officer, and to be subject to his inspection. The standard of such weights and measures shall conform to those established by law.

XXIV. To regulate and provide for inspecting and measuring fire-wood, lumber, shingles, timber, posts, staves, headings, and all kinds of building materials, and for measuring all kinds of mechanical work, and to appoint one or more measures and inspectors therefor, and to make provisions for the inspection of steam boilers, and all steam heating apparatus, and to license engineers using steam boilers in said city.

XXV. To provide exclusively for the inspection and weighing of hay, lime, stone coal, charcoal and all kinds of coal used for fuel or for heating purposes, and the places and the manner of weighing the same.

XXVI. To regulate the inspection of beef, pork, flour, meal and other provisions, whiskey and other liquors to be sold in barrels, hogsheads, and other vessels or packages; to appoint weighers, gaugers and inspectors, and to prescribe their duties and regulate their fees: Provided, That nothing herein shall be so construed as to require the inspection of any articles enumerated herein which are to be shipped beyond the limits of this state, except at the request of the owner thereof or his agent.

XXVII. To regulate the weight and quality of bread to be sold or used in the city.

That every owner, agent or operator of any coal mine in the state, employing miners at bushel or ton rates, shall provide at such mine or mines accurate and suitable scales of standard manufacture upon which shall be weighed all coal coming out of such mine or mines; said scale or scales to be located at a reasonable distance from the point where the coal is delivered to the surface

opening of the mine or mines, and in no case shall said scale or scales be located at a greater distance from said surface opening of the mine or mines than one hundred feet. Any owner, agent, operator, person, or persons having or using any scales or scale for the purpose of weighing the product of the miners' labor, and so arranges or constructs said scale or scales, or by any contrivance therewith connected causes the fraudulent weighing of such coal or said product, or who shall knowingly resort to, permit or employ any person or means whatsoever, by reason of which said product of the mine is not correctly weighed and reported in accordance with the true weight and the provisions of this article, shall be deemed guilty of a misdemeanor, and shall, upon conviction for each and every offense, be punished by a fine of not less than two hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail for a period not to exceed ninety days, or by both such fine and imprisonment; proceedings to be instituted in any court of competent jurisdiction.

That the Coal Mine Inspector of this state shall be ex-officio inspector of weights, measures and scales used at coal mines, and he is hereby empowered and it shall be his duty to test the scales used to weigh coal mined in the mines of this state at least every six months, to ascertain whether or not such scales correctly measure the weight of such coal, and if defects or irregularities are found, such scales which prevent correct weights and measurements the inspector shall call the attention of the mine owner, agent or operator to said defects and direct that the same be at once properly adjusted and corrected. If the owner, agent or operator of any coal mine in this state, shall refuse to allow such inspector to properly test the scales used at such mine or mines, or shall fail or refuse to put such scales in proper adjustment and condition, so that the same shall correctly weigh the coal mined after being notified by said inspector so to do, such owner, agent or operator shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not exceeding five hundred dollars, or be confined in the county jail not exceeding six months, or both in the discretion of the court, and it shall be the duty of the prosecuting attorneys in the respective counties to prosecute any person, firm or corporation violating the provisions of this Section the same as any other misdemeanor cases.

* * * and shall always keep at such mill a half bushel and a peck measure, tried and sealed by the clerk of the county court, and proper toll dishes for such measures.

There is hereby established the Bureau of Dairying, which shall be under the direction and control of the department of agriculture. The chief of such bureau shall be styled and known as the state dairy commissioner.

Sec. 8434
Inspector to test scales

Rev. Stat., 1909, vol.
2, ch. 80, p. 2632
Sec. 8405
Mills shall keep
measures

Laws, 1909, p. 113
Sec. 1
Bureau of dairying
created

Sec. 7
State standard milk
measures

Pipettes shall, for milk, have a capacity of seventeen and six tenths cubic centimeters; and the state standard test tube or bottles for milk shall have a capacity of two centimeters of mercury at a temperature of sixty degrees Fahrenheit between "zero" and ten on the graduated scale marked on the necks thereof; for cream, eighteen drams shall be used, and the standard test tube or bottles for cream shall have a capacity of six cubic centimeters of mercury at a temperature of sixty degrees Fahrenheit between "zero" and thirty on the graduated scale marked on the necks thereof; and it is hereby made a misdemeanor to use any other measure, pipette, test tube or bottle to determine the per cent. of butter where milk or cream is purchased by, or furnished to, any creamery or cheese factory where the value of said milk is determined by the per cent. of butter fat contained in the same. Any manufacturer, merchant, dealer or agent in this state who shall offer for sale or sell any milk or cream pipette, or measure, or test tube, or bottle which is not correctly marked or graduated as herein provided for, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of from \$50.00 to \$100.00 with costs of suit.

Sec. 8
Violations; penalty

It shall be unlawful for any manager, owner, agent or any employee of a cream or cheese or butter factory to manipulate or under-read the Babcock test, or any other contrivance used for determining the quality or value of milk, or to run any such machine at a speed of less than 600 revolutions per minute for a period of less than eight consecutive minutes, or to falsify the record thereof, or to pay for such milk on the basis of any measurements except the true measurement as hereby determined. Whoever shall be guilty of violating this section shall be punished by a fine of from \$50.00 to \$100.00, with costs of suit.

MONTANA

The Secretary of State is hereby declared to be and is the ex officio state sealer of weights and measures. The county clerks of each county are hereby declared to be deputy sealers of weights and measures of their respective counties. The sealer of weights and measures of each municipal corporation are hereby declared to be deputy sealer of weights and measures of their respective municipal corporations. All deputy sealers of weights and measures shall receive no compensation, other than such as may be provided by law and shall be paid by the county or municipal corporation respectively.

Laws, 1911, ch. 34
Sec. 1
Secretary of state ex officio State sealer
Deputy sealers, who are

How paid

The Secretary of State as ex officio state sealer of weights and measures is hereby authorized to appoint not to exceed two deputy state sealers of weights and measures to be designated inspectors of weights and measures. Said inspectors of weights and measures shall receive a salary of one hundred and fifty dollars (\$150.00) per month and all necessary expense incurred in making any inspection of weights and measures. The inspectors and deputy sealers of weights and measures shall have authority to do and perform any and all acts authorized by this act under the direction and supervision of the state sealer of weights and measures. All bills and accounts or expenses incurred by the state sealer of weights and measures or by the inspectors of weights and measures shall be presented to and allowed by the state board of examiners in the same manner as provided for other claims contracted for and on behalf of the state of Montana. All fees collected by the state sealer of weights and measures, or by the inspectors of weights and measures provided for in this act shall be paid by the state sealer of weights and measures, at least once each quarter, to the state treasurer for the use and benefit of the State of Montana.

Sec. 2
Deputy State sealers

Salary

Duty and authority

Fees, disposition of

The state sealer of weights and measures shall have full authority and supervision over all deputy sealers of weights and measures or any deputies appointed as deputy county sealers of weights and measures and of all sealers of weights and measures which are now or may hereafter be appointed by any municipal corporation organized under the laws of the State of Montana. Said state sealer of weights and measures shall have general supervision

Sec. 3
State sealer, authority and duty of

over the weights and measures of the state. He shall take charge of the standards of weights and measures and shall procure at the expense of the state any weights and measures that may be necessary and shall cause them to be kept and in no case removed from a fire proof vault in his office except for the purpose of certification or repairs. He shall maintain said standards in good order and shall submit them once in ten years to the National Bureau of Standards for certification. He shall correct the standards of the several counties, cities and towns as often as he may deem necessary and at least as often as once in five years and where not otherwise provided by law he shall have general supervision of the weights and measures or measuring and weighing devices of the state in use in the state.

Sec. 4
State sealer and inspectors, duties of

Said state sealer of weights and measures or his inspectors shall visit the various counties, cities and towns in the state in order to inspect the work of the deputy sealers and in the performance of his duty he, or his inspectors, may inspect weights and measures and balances which are used for buying or selling goods, wares, merchandise or other commodities and for public weighing, and shall upon a written request of any citizen, firm or corporation or educational institution of the state, test or calibrate weights and measures, weighing or measuring devices or apparatus used as test standards in the state. He or his inspectors shall at least once annually test all scales, weights and measures used in checking the receipts or disbursements of supplies of every state institution and he shall report in writing his findings to the executive officer of the institution concerned.

Sec. 5
State sealer and deputy county sealers may make inspections

The state sealer of weights and measures or the deputy county sealers of weights and measures or inspectors of weights and measures may, in the discharge of their duties, inspect weights and measures.

Annual inspection

It is hereby made the duty of the state sealer of weights and measures or his inspectors or the deputy sealers of weights and measures to at least once each year, inspect all weights and measures, balances, measuring or weight devices of different kinds throughout the state of Montana. The state sealer of weights and measures shall prepare a certificate of suitable size to be attached or affixed to all weights or measures or measuring devices so tested. Said certificate shall bear a fac simile signature of the state sealer of weights and measures and shall be countersigned by the inspectors of weights and measures, or the deputy sealer of weights and measures or such inspectors of weights and measures as may be designated by any municipal corporation. The certificates as prepared by the state sealer of weights and measures shall be numbered in consecutive order and shall have

printed or stamped upon such certificate the year and shall be furnished to the deputy inspectors of weights and measures of each county or the inspectors of weights and measures in any municipal corporation by the state sealer of weights and measures upon application therefor. The county inspector of weights and measures or inspector of weights and measures in any municipal corporation shall pay to the state sealer of weights and measures for all such certificates so issued to him the sum equal to the actual cost of the number of certificates so received.

From and after the first day of August, 1911, it shall be unlawful for any person or persons, firm or copartnership, corporation or association of persons engaged in the trade of buying or selling, purchasing or disposing of or dealing in any merchandise or commodities to any person or persons in the State of Montana without first having had the weights and measures, scales or measuring devices used by them for the purpose of determining the amount or quantity of any article or articles of merchandise, tested and a certification attached thereto by the state sealer of weights and measures or by inspectors of weights and measures or by deputy sealers appointed by any municipal corporation in the State of Montana. Such certificate shall be attached or placed in a conspicuous place upon such weighing or measuring device. Any person or persons using any weight or measure or scale or other measuring device after the first day of August, 1911 or annually thereafter, which has not been tested as provided by this act shall, upon conviction thereof, be deemed guilty of a misdemeanor and fined in a sum not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00). Any person or persons who shall be deemed guilty of a second offence as provided in this act shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) and each and every successive day any person or persons using any weights or measures, scales or other measuring devices shall be and is hereby declared to be a separate and distinct offense.

Sec. 6
Unlawful to use un
sealed apparatus

Penalty

Every person or persons, firm, copartnership or corporation engaged in the trade of buying and selling or as a public weigher or user of weights and measures shall, between the first day of January and the first day of March each year, have his weights, measures, balances and scales adjusted and sealed, and may for that purpose present them at the office of the deputy sealer of weights and measures of the county or city wherein he resides and whenever any person presents weights, measures, balances and scales to be

Sec. 7
Weights and meas-
ures to be tested, when

adjusted and sealed the deputy sealer of weights and measures of the county or city must forthwith adjust and seal all weights and measures brought to him for that purpose.

Sec. 8
Sealers to make in-
spections, when

After the first day of March of each year, the sealer of weights and measures, or his inspectors or the deputy sealers of weights and measures of the county or city, shall visit the places of business and enter upon the carts, wagons or vehicles then in use for the business of all persons engaged in the trade of buying and selling or selling who have weights, measures or balances which have not been sealed during the current calendar year and try, adjust and seal the same. He shall at least once every six months try, adjust and seal every hay scale, wagon scale, railroad track scale or platform scale or balances used in the trade of buying and selling or selling or for public weighing.

Sec. 9
State sealer and in-
spectors, authority of

The state sealer of weights and measures or his inspectors or any deputy sealer of weights and measures shall have power to inspect, test, try and ascertain if they are correct, all weights, scales, beams, measures of every kind, instruments or mechanical devices for measurement, and the tools, appliances or accessories connected with any or all such instruments or measurements used or employed within the state by a proprietor, agent, lessee or employe in determining the size, quantity, extent, area or measurement of quantities, things, produce, articles for distribution or consumption offered or submitted by such person or persons for sale, for hire, or award.

Sec. 10
Irregular inspections

The state sealer of weights and measures or his inspectors or deputy sealers of weights and measures may at irregular intervals examine the commodities sold or offered for sale and test them for correct weight, measure or count. He or his inspector or deputies may for the purposes above mentioned and in the general performance of their official duties, enter or go into or upon and without formal warrant, any stand, place, building or premises or may stop any vendor, peddler, junk dealer, coal wagon, ice wagon or any dealer whatsoever, for the purpose of making the proper tests; and in the exercise of such duties they shall have full police power to enforce any and all reasonable measures for testing such weights and measures, and also in ascertaining whether false or short weights and measures are being given in any sales or transfer of articles or merchandise taking place within the state. Whenever the state sealer of weights and measures or his inspectors or deputies have reason to believe that any person or persons, or corporation is violating the provisions of this act or any act relating to weights and measures they shall submit the evidence to the properly constituted authority in the county in which such violation occurs who shall

Police power

Prosecutions

thereupon prosecute the persons alleged to have violated the provisions of this act or any act relating to weights and measures.

The state sealer of weights and measures shall keep a complete record of all work done under his direction and shall make an annual report not later than the first day of January of each year, preceding the meeting of the Legislative Assembly. The inspectors of weights and measures and deputy sealers of weights and measures shall keep a complete record of all work done by them under and by direction of the state sealer of weights and measures and shall report to the state sealer of weights and measures, not later than the fifth of each month, of all work done by them for the preceding month. The state sealer of weights and measures shall provide a system of records to be kept by all deputy sealers of weights and measures, together with blank reports, upon which all reports of said sealers of weights and measures are to be made. The form of record provided by the state sealer of weights and measures for all deputy sealers of weights and measures shall be the form to be observed and kept by them and after the said state sealer of weights and measures shall have prescribed the form of said records, said records and all books and papers shall be filed in the office of the county clerk or city clerk and become a record of said office.

Sec. 11
Records

Reports

The state sealer of weights and measures shall have the authority to remove any inspector of weights and measures who fails, refuses or neglects to perform any duty imposed upon him by the state sealer of weights and measures. And shall report such facts in relation to such inspectors of weights and measures to the governor of the state of Montana with his approval endorsed thereon. Any person authorized to seal weights and measures in accordance with this act who shall without duly verifying the weights and measures of any person by comparison with the standard of weights and measures, stamps a weight or measure or attaches thereto a certificate that said weight or measure has been duly tested, is hereby declared, upon conviction thereof, to be guilty of a misdemeanor and shall be subject to a penalty of a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00).

Sec. 12
Inspectors, removal of
by State sealer

Misdemeanor to seal
without verifying

Penalty for

Every weight for use in trade, except when the small size of the weight renders it impracticable shall have the denomination of such weight permanently marked on the top side thereof in legible figures or letters; and every measure of capacity for use in trade shall have the denomination and kind thereof permanently marked on the outside of such measure in legible figures or letters.

Sec. 13
Weights, how
marked

A weight or measure not in conformity with this section shall not be stamped by the state sealer of weights and measures or inspector of weights and measures or deputy sealers of weights and measures.

Sec. 14
Apothecaries'
weights

Apothecaries and all other persons dealing in drugs, medicine and merchandise commonly sold by apothecaries' weights or by apothecaries' liquid measure shall at least once in two years cause such weights and measures so used to be tested and sealed by officers authorized under this act to inspect weights and measures.

Sec. 15
Weights and measures, use forbidden, when

If any weights, measures or balances can be readily adjusted by such means as the sealer of weights and measures may have at hand, he may adjust and seal them, but if they cannot be readily adjusted, he shall affix to such weights, measures or balances, a notice forbidding their use until he is satisfied they have been so adjusted as to conform with the standard. Any person or persons who remove said notice without the consent of the officer affixing the same shall, upon conviction, be fined in a sum not to exceed fifty dollars (\$50.00).

Penalty for removing notice

Sec. 16
Weights, measures, etc., condemned, when

All weights, measures and balances which cannot be made to conform to the standard of weights and measures as herein provided shall be stamped "Condemned" or "C. D." by the sealer of weights and measures.

Sec. 17
Weights, measures, etc., may be seized, when

The state sealer of weights and measures or inspector of weights and measures or deputy sealer of weights and measures may seize without a warrant such weights, measures or balances as may be necessary to be used as evidence in case of violation of any act relative to the sealing of weights and measures. They shall be returned to the owners or forfeited as the court may direct.

Sec. 18
Itinerant peddlers and hawkers to have apparatus tested

All itinerant peddlers and hawkers using scales, balances, weights and measures shall take the same to the office of the state sealer of weights and measures or inspector of weights and measures or deputy sealer of weights and measures, before any use is made thereof, and have the same sealed and adjusted annually; and any such persons failing to comply with the provisions of this section shall be fined not less than five (\$5.00) nor more than one hundred dollars (\$100.00) for each offense, and every day such person shall use such scales, balances, weights, or measures without having the same adjusted and sealed as hereinbefore provided for shall constitute a separate and distinct offense. Any itinerant peddler or hawker found using any ice scale shall be subject to a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each offense.

Penalty for failure

Sec. 19
Milk and cream, how sold

All milk, cream, and skimmed milk shall be sold only by standard wine measure, and by or in measures, cans, jars, bottles, or other vessels or receptacles which shall, prior to being used in such sale, be sealed by the sealer of weights and measures of the town where the person so using the same shall usually reside in this state, or of the town where such milk shall be sold for use; and every person selling any of the same contrary to this section, or delivering any of

Jars, bottles, etc., to be sealed

the same sold contrary hereto, shall be fined for the first offense not less than fifty dollars (\$50.00) and not exceeding one hundred dollars (\$100.00) and for any subsequent offense not less than one hundred dollars or imprisonment not to exceed ninety days, or both such fine and imprisonment. Any purchaser of milk, cream, or skimmed milk having reason to believe that any measure, can, jar, bottle, or other vessel or receptacle in which milk, cream or skimmed milk is sold and delivered to him is not of sufficient size or capacity to contain, by standard wine measure, the amount thereof purchased may apply to the sealer of weights and measures, which sealer shall test the capacity of the same and issue to such purchaser his certificate stating the capacity thereof; and if such capacity according to such certificate shall be less than the amount purchased, such purchaser may make complaint and deliver such certificate to any officer authorized to make complaints for the violation of this act.

Penalty

Purchaser may request test by sealer

No person or corporation shall, after the 1st day of January, 1912, sell or offer for sale within the state of Montana any milk or cream in bottles or in glass jars unless each of said bottles or glass jars in which said milk or cream is sold or offered for sale shall have blown into it or otherwise indelibly and permanently indicated thereon in a legible and conspicuous manner the capacity thereof; and the state sealer of weights and measures or inspector of weights and measures or deputy sealer of weights and measures the right at any time to examine any bottle or glass jar in which milk or cream is sold or offered for sale in the state of Montana or which is used by any person or corporation for the purpose of containing milk or cream to be sold or offered for sale in order to ascertain whether such bottle or jar is of a capacity not less than that which it purports to be; and if any such bottle or jar is of a less capacity than that which it purports to be, or, if any such bottle or jar shall not have blown into it or otherwise indelibly and permanently indicated thereon in a legible and conspicuous manner its capacity as aforesaid, the person or corporation selling or offering for sale milk or cream in any such bottle or jar, or having in his or its possession any such bottle or jar to be used or which has been used for the purpose of containing milk or cream to be sold or offered for sale in said state of Montana shall, upon conviction, be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for each offense; and each and every bottle or glass jar found in the possession or any person or corporation used or to be used, or which has been used by such person or corporation for the purpose of containing milk or cream to be sold or offered for sale in the state of Montana, which shall be found to be of a less capacity than that blown into

Sec. 20
Bottles and jars for milk and cream to have capacity permanently marked

Penalty

the same or otherwise so indelibly and permanently indicated thereon, or which shall not have blown into or otherwise indelibly and permanently indicated thereon in a legible and conspicuous manner the capacity as aforesaid, shall constitute a separate and distinct offense on the part of such person or corporation, and upon conviction such person or corporation shall be fined in a sum not less than ten dollars (\$10.00), nor more than three hundred dollars (\$300.00).

Separate offense,
what constitutes

Sec. 21
False balance, etc.

Penalty for use or
possession of

A person who uses, or has in possession for use in trade, any weight, measure, scale balance, steelyard, or weighing machine which is false or incorrect shall be fined not more than one hundred dollars (\$100.00), or in case of a second offense, not more than two hundred dollars (\$200.00), and any contract for gain, sale or dealing made by the same shall be void and the weight, scale, measure, balance or steelyard shall be liable to be forfeited.

Sec. 22
Weight or measure
to be legal, when

A weight or measure duly stamped by the state sealer of weights and measures or inspector of weights and measures or deputy sealers of weights and measures, or by the National Bureau of Standards shall be a legal weight or measure throughout the state, unless found to be false or incorrect and shall not be liable to be re-sealed because used in any other place than that in which it was originally stamped.

Sec. 23
Selling by less quan-
tity

Penalty for

Whoever sells or offers for sale a less quantity than represented, or sells in a manner contrary to law shall be guilty of fraud and shall be fined not more than one hundred dollars (\$100.00), or in case of a second offense not more than two hundred dollars (\$200.00).

Sec. 24
Tolerances

The state sealer of weights and measures shall, after consultation with and with the advice of the National Bureau of Standards, establish tolerances for use in the state of Montana, and said tolerances shall be the legal tolerances in the state of Montana.

Sec. 25
Neglecting or refus-
ing to produce weights
and measures for seal-
er; obstructing and hin-
dering

Penalty for

A person who neglects or refuses to produce for the state sealer of weights and measures or inspectors of weights and measures or deputy sealers of weights and measures, all weights, measures or balances in his possession and used in trade, or on his premises, or refuses to permit the said officers to examine the same, or obstructs the entry of said officers, or otherwise obstructs or hinders a sealer under this law or violates any of the provisions of this act shall be fined not more than one hundred dollars (\$100.00) and in case of a second offense, not more than two hundred dollars (\$200.00).

Sec. 26
Fees

The state sealer of weights and measures or the inspectors of weights and measures or deputy sealer of weights and measures

shall demand and receive before the delivery of the certificate provided for in this act the following fees:

For inspecting and sealing scales of a capacity of 40,000 pounds and upward, each	\$5. 00
For inspecting and sealing scales of a capacity of 24,000 pounds up to 40,000 pounds, each	4. 00
For inspecting and sealing scales of a capacity of 6,000 pounds up to 24,000 pounds, each	3. 00
For inspecting and sealing scales of the capacity of 2,500 pounds up to 6,000 pounds, each	2. 00
For inspecting and sealing scales of the capacity of 240 pounds up to 2,500 pounds, each	1. 00
For inspecting and sealing scales of the capacity of 2 pounds up to 240 pounds, each 50
For inspecting and sealing hopper scales, each	2. 50
For inspecting and sealing two bushel, one bushel and one-half bushel measures, each 10
For inspecting and sealing any other dry measures, each 10
For inspecting and sealing every automatic weight machine or every instrument or device of a capacity of less than three tons used for weighing or measuring any person or animal for hire or reward, each	1. 00
For inspecting and sealing liquid measures of the capacity of one gallon and upwards, each 20
For inspecting and sealing any other liquid measures, each 10
For inspecting and sealing yard measures, each 10
For inspecting and sealing any linear measure for each 3 feet 10
For sealing bottles and jars each per dozen 25

The fees provided for in this section if collected by the state sealer of weights and measures or inspectors of weights and measures shall be demanded and received for the use of the state of Montana. Where the inspection of weights and measures is made by any deputy sealer of weights and measures the fees herein provided for shall be demanded and received by said deputy sealer of weights and measures for the use and benefit of the county or city respectively in the following manner.

Fees, for whom received

Twenty-five per cent of all fees received by deputy sealers of weights and measures shall be paid to the state of Montana and seventy-five per cent of all moneys collected under the provisions of this act shall be retained by the city or county as the case may be.

—disposition of

Any deputy county sealer of weights and measures or any deputy city sealer of weights and measures who fails, neglects or refuses to perform any duties or acts provided for in this act, or as may be provided for by any regulations promulgated by the state sealer of weights and measures, the state sealer of weights and measures is hereby authorized to designate some other duly elected, qualified and acting official of the respective county or city to act as deputy sealer of weights and measures.

Sec. 27
Deputy sealers, removal of by state sealer

The state sealer of weights and measures is hereby authorized to make and promulgate such rules and regulations for the government, guidance and direction of inspectors of weights and

Sec. 28
Rules, authority of state sealer to promulgate

measures and deputy county and city sealers of weights and measures in conformity with this act, as may be necessary to carry out the provisions of this act in a uniform manner. Such rules and regulations when promulgated by the state sealer of weights and measures, with the approval of the Governor of the state of Montana endorsed thereon, shall have the same force and effect as if provided for in this act. Such rules and regulations shall be published at least once in a newspaper of general circulation in each county and city of the state of Montana.

Sec. 29
Violation of act; penalty for

Any person or persons violating any of the provisions of this act where no other penalty is provided shall, upon conviction thereof, be fined in a sum not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00), or by imprisonment in the county jail not less than thirty nor more than ninety days.

Sec. 30
Sealers are deputy sheriffs

The state sealer of weights and measures, inspectors of weights and measures or deputy sealers of weights and measures of the various cities, towns and counties, throughout the state shall be, by virtue of their respective offices, deputy sheriffs and as such shall have power to arrest and detain any person violating the provisions of this act without warrant.

Sec. 31
Fees collected for violation of act; disposition of

All fees collected for violation of the provisions of this act shall be paid to the state treasurer for support and maintenance of the department of weights and measures. All justices of the peace and clerks of district courts who may collect any fees imposed for the violation of the provisions of this act must, not later than the fifth day of each month, transmit to the state sealer of weights and measures all moneys so collected and the state sealer of weights and measures shall pay the same to the state treasurer taking his receipt therefor.

Sec. 32
Repeal

All acts and parts of acts in conflict herewith are hereby repealed.

Sec. 33
In effect

This act shall be in full force and effect from and after its passage and approval.

Rules and regulations

Rules and regulations promulgated by the State Sealer of Weights and Measures for the guidance and control of Inspector or Deputy Sealers of Counties and Municipalities within the state of Montana. Approved March 28, 1911.

Rule I
Inspector, duty of

It shall be the duty of the Inspector of Weights and Measures to advise with and to have a general supervisory control over all deputy sealers of weights and measures in each county or municipal corporation of the state, under the direction and control and in the absence of the State Sealer of Weights and Measures.

Rule II
Inspector to perform duties empowered on state sealer

The Inspector of Weights and Measures shall visit such counties and municipal corporations as often as directed and required by the State Sealer of Weights and Measures and shall perform all

duties empowered by the laws of the State of Montana on the State Sealer of Weights and Measures.

It is hereby made the duty of all deputy County or City Sealers of Weights and Measures, immediately after the 1st day of May, 1911, and the 1st day of March, 1912, and annually thereafter, to try, adjust and seal all weights, measures or balances in accordance with the law.

Rule III
Inspections to be
made, when

Deputy County or City Sealers of Weights and Measures shall, whenever requested by any person, and within a reasonable length of time thereafter, visit the place of business of such person and try, adjust and seal all weights and measures as requested.

Rule IV
Inspections to be
made upon request

Inspectors and Deputy Sealers of Weights and Measures shall, each month, make out and forward to the State Sealer of Weights and Measures, reports of all transactions for the preceding month, upon the proper blanks furnished by the State Sealer of Weights and Measures. Said reports shall be accompanied with all moneys due the state, received by such Inspector or Deputy Sealer of Weights and Measures during the preceding month.

Rule V
Monthly report

Deputy Sealers of Weights and Measures shall pay all moneys collected by them for the purposes designated in Section 26, of this Chapter to the County or City treasurer as the case may be. And the county and city treasurer shall pay to the State Sealer of Weights and Measures 25% of all money collected by the Deputy Sealers of Weights and Measures, not later than the fifth day of each and every month.

Rule VI
Moneys collected, to
whom paid, when

Any weight, measure or balance of whatever description that cannot readily be adjusted by inspector or deputy sealer of weights and measures shall be marked "Out of Order" and shall not be used by any person until proper repairs shall have been made on the same and the sealer or inspector or deputy sealer of weights and measures shall have properly stamped the same as correct.

Rule VII
Weight, measure or
balance which cannot
be readily adjusted,
how marked

Any scale, weight or measuring device or balance when worn out and cannot be repaired or readily adjusted shall be marked "Condemned" or "C. D." and any one using a scale, weight, measure or balance that is stamped "C. D." shall be subject to punishment as provided by the laws of the state of Montana.

Rule VIII
Weight, measure,
etc., condemned, when,
how marked

All blanks or other materials furnished by the state sealer of weights and measures to any county deputy or city deputy sealer shall be paid for by the county or city respectively to the state sealer of weights and measures the actual cost thereof.

Rule IX
Blanks

The weights and measures accepted and used by the government of the United States at the present time, except as hereinafter provided, are the lawful standard weights and measures of the State.

Code, 1907, vol. 1, ch.
9, p. 588
Sec. 2009
Standards

Sec. 2010
Yard

The standard yard is the unit or standard measure of length and surface from which all other measures of extension, whether lineal, superficial or solid, are derived and ascertained.

Sec. 2011
Subdivisions of yard

The yard is divided into three equal parts, called feet, and each foot into twelve equal parts called inches; for measures of cloths and other commodities commonly sold by the yard, it may be divided into halves, quarters, eighths, and sixteenths.

Sec. 2012
Rod, mile
Chain and link

The rod, pole, or perch, contains five and a half yards, and the mile one thousand, seven hundred and sixty yards; the chain for measuring land is twenty-two yards long, and divided into one hundred equal parts, called links.

Sec. 2013
Acre

The acre for land measure must be measured horizontally, and contains ten square chains, and is equivalent in area to a rectangle sixteen rods in length and ten in breadth; six hundred and forty acres being contained in a square mile.

Sec. 2014
Units of weight

The standard avoirdupois and troy weights are the units or standards of weight from which all other weights are derived and ascertained.

Sec. 2015
Division of pound

The avoirdupois pound, which bears to the troy pound the ratio of seven thousand to five thousand, seven hundred and sixty, is divided into sixteen equal parts, called ounces; the hundred weight consists of one hundred avoirdupois pounds, and twenty hundred weight constitute a ton. The troy ounce is equal to the twelfth part of a troy pound.

Ton

Sec. 2016
Liquid measures

The standard gallon and its parts are the units or standards of measure of capacity for liquids, from which all other measures of liquids are derived and ascertained.

Sec. 2017
Barrel and hogshead

The barrel is equal to thirty-one and a half gallons, and two barrels constitute a hogshead.

Sec. 2018
Solid measure

The standard half bushel is the unit or standard measure of capacity for substances other than liquids, from which all other measures of such substances are derived and ascertained.

Sec. 2019
Peck, etc.

The peck, half peck, quarter peck, quart and pint measures for measuring commodities other than liquid are derived from the half bushel by successively dividing that measure by two.

Sec. 2020
Heaped measure

The measures of capacity for charcoal, ashes, marl, manure, Indian corn in the ear, fruit, roots of every kind, and for all other commodities commonly sold by heap measure, are the half bushel and its multiples and subdivisions; and the measures used to measure such commodities must be made cylindrical, with plane and even bottom, and must be of the following diameters from outside to outside: The bushel nineteen and a half inches; half bushel, fifteen and a half inches; and the peck, twelve and a third inches.

All commodities sold by heap measure must be duly heaped up in the form of a cone; the outside of the measure, by which the same are measured, to be the limit of the base of the cone, and such cone to be as high as the article will admit.

Sec. 2021
Manner of keeping

Contracts made within this state for work to be done, or for anything to be sold or delivered by weight or measure, must be construed according to the foregoing standards.

Sec. 2022
Contracts

The ton consists of twenty hundred pounds, but a ton of mineral coal is expressed by the conventional quantity of twenty-six and one-third bushels of seventy-six pounds each. A bushel of each of the articles hereinafter named consists of the number of pounds affixed to each to-wit:

Sec. 2023, as amended
by Acts of 1876 and 1901
Ton
Weight per bushel

	Pounds.		Pounds.
Apples and pears.....	45	Onions.....	57
Barley.....	48	Parsnips.....	50
Beans.....	60	Potatoes.....	60
Beets.....	50	Peas.....	60
Bran.....	20	Rye.....	56
Buckwheat.....	52	Salt.....	50
Carrots.....	50	Seeds:	
Coal, mineral.....	76	Blue grass.....	14
Corn in the ear.....	70	Clover.....	60
Corn, shelled.....	56	Timothy.....	45
Corn meal.....	50	Flax.....	56
Hay per ton.....	2,000	Hemp.....	44
Lime unslacked.....	80	Hungarian grass.....	50
Malt.....	30	Turnips.....	50
Oats.....	32	Wheat.....	60

Any person, persons, companies or corporations who shall violate the provisions of this Section by demanding, exacting, or taking more than the prescribed number of pounds per bushel or per ton as fixed by the provisions of this Section, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than One Hundred Dollars, nor more than Five Hundred Dollars, or by imprisonment in the County Jail not less than three nor more than six months or by both such fine and imprisonment in the discretion of the court.

Violation

Penalty

That, from and after the passage of this law, unless otherwise agreed to between the contracting parties, the following shall constitute the legal measurement for hay in stack in the State of Montana: Four hundred twenty-two (422) cubic feet shall constitute a ton of clean, native, blue joint hay, after thirty days and up to three months settlement in stack, but, when the same shall have been over six months in the stack, three hundred and forty (340) cubic feet shall be considered a ton. As to all other kinds of hay, after the same shall have settled in stack from sixty days up, five hundred and twelve (512) cubic feet shall constitute a ton of alfalfa or rough slough grass, after the same shall have been in the stack thirty (30) days and up to one (1) year. Four

(1907)
Sec. 2024
Measurement of hay
in the stack

Number cubic feet to
ton

Method of measuring

hundred and fifty (450) cubic feet shall constitute a ton of clean timothy and clover after the same shall have been in the stack thirty days, and up to one year. Making measurements of hay in stack, the following is hereby made the legal method of measurement, to-wit: The width and length of the stack shall be measured, and the distance from the ground against one side of the stack to the ground against the other side of the stack, directly over and opposite, shall be taken in linear feet and inches, and then the width shall be subtracted from the measurement over the stack, as above indicated, the result divided by two, and the result so obtained multiplied by the width, and the result thus obtained multiplied by the length, which will give the number of cubic feet contained in the stack, and the tonnage shall thereupon be determined by dividing the total number of cubic feet by the number of cubic feet allowed under the provisions of this Act for a ton.

Political Code, 1907,
vol. 1, Art. XIII, p. 65
Sec. 222
Standards for county
sealers

Copies of the original standards, to be made of such material as the State Sealer directs, must be deposited by him in the office of the county sealers of the respective counties of this State, at the expense of the counties, which are severally responsible for the preservation of the copies respectively delivered to them.

Sec. 223
Standards to be
marked

The State Sealer must cause to be impressed on each of the copies of such original standards the letter "C" to indicate the word correct, and such other device as he may direct for the particular county; which device must be recorded in the State Sealer's office, and a copy thereof delivered to the respective county sealers.

Penal Code, 1907, p.
624
Sec. 8489
False weight

Every person who, in putting up in any bag, bale, box, barrel, or other package, any hops, cotton, wool, grain, hay, or other goods usually sold in bags, bales, boxes, barrels, or packages, by weight, puts in or conceals therein anything whatever, for the purpose of increasing the weight of such bag, bale, box, barrel, or package, with intent thereby to sell the goods therein, or to enable another to sell the same, for an increased weight, is punishable by fine of not less than twenty-five dollars for each offense.

Penalty

Penal Code, 1907, ch.
9, p. 670
Sec. 8702
False marking

Every person who knowingly marks or stamps false or short weight or measure, or false tare, on any cask or package, or knowingly sells or offers for sale, any cask or package so marked, is guilty of a misdemeanor.

Sec. 8703
Ton, pound

In all sales of coal, hay, and other commodities, usually sold by the ton or fractional part thereof, the seller must give to the purchaser full weight, at the rate of two thousand pounds to the ton; and in all sales of articles which are sold in commerce by avoirdupois weight, the seller must give to the purchaser full weight, at the rate of sixteen ounces to the pound; and any person violating this section is guilty of a misdemeanor.

The standard measure of capacity for milk shall be the gallon containing two hundred thirty-one (231) cubic inches; the half gallon shall contain one hundred fifteen and five tenths (115.5) cubic inches; and the quart one-fourth as much as the gallon and the pint one-half as much as the quart.

Laws, 1911, ch. 138, Sec. 16
Standard measure for milk

The standard measure for the sale of butter and cheese in the State of Montana shall be sixteen (16) ounces (avoirdupois weight) to the pound when wrapped or put up in container exclusive of the wrapper or container. Where weight and measures are stated in pounds and ounces they shall be exclusive of the wrapper or other container, and each pound shall contain sixteen (16) ounces, each ounce containing four hundred and thirty-seven and one-half (437½) grains. Any person, persons, firm or corporation selling or offering for sale any article of food as a pound, or any multiple thereof, the net weight of which is less than sixteen (16) ounces, or a proper multiple thereof to represent the number of pounds sold or offered for sale, shall be guilty of a misdemeanor; Provided, a reasonable variance shall be permitted, and that tolerances shall be established by rules and regulations made by the State Board of Health in accordance with the provisions of this act.

Standard measure for butter and cheese

Weight and measures to be exclusive of wrapper or container

Selling by short weight a misdemeanor

Tolerances

It shall be the duty of each and every county attorney to investigate charges of violation of this act, made against persons, companies, corporations, made in his county and to prosecute all cases where evidence of guilt is shown.

Sec. 19
County attorney to prosecute

Any person or persons violating section eight, nine, ten, eleven, twelve or thirteen of this act, shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by imprisonment for not less than six months or more than one year, or by both fine and imprisonment for each offense.

Sec. 20
Penalty

Any person or persons violating any other section of this act shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), or by imprisonment for not less than thirty days nor more than six months, or by both fine and imprisonment for each offense.

Penalty

That it shall be unlawful for any person, persons, association or corporation, to knowingly expose for sale or sell within the State of Montana, without first having obtained from the Secretary of State a license to sell any coal as hereinafter provided.

Laws, 1911, ch. 80, p. 147
Sec. 1
License to sell coal

Every person, persons, association or corporation desiring to act as agent for or to sell at retail, coal within the limits of the State of Montana, shall make an application in writing to the Secretary of State, setting forth his or their residence, together with the names of two or more responsible citizens of the State of Montana as references.

Sec. 2
Application for license, how made

Sec. 3
Secretary of state to
issue license

The Secretary of State shall thereupon issue a license for such applicant for one year, except as hereinafter provided, which license shall set forth the name of the person, persons, association or corporation, and be kept conspicuously posted in his, their or its place of business.

Sec. 4
Fee for license

Every person, persons, association or corporation shall pay annually, upon the issuance of such license as hereinbefore provided, the sum of one dollar (\$1.00), to the Secretary of State as a license fee.

Sec. 5
License, duration of

Licenses shall be for one year unless revoked as subsequently provided herein.

Sec. 6
Coal, how sold

In all sales of coal the seller must give to the purchaser full weight at the rate of two thousand pounds to the ton.

Sec. 7
License may be re-
voked, when

The Secretary of State shall have power to revoke the license of any person, persons, association or corporation upon conviction of a second violation of any law regulating the sale of coal within the State of Montana; but no such revocation shall be made until due notice to the person, persons, association or corporation so complained of, is given; and for the purpose of this section the said Secretary of State, or his authorized agents, shall have power to administer oaths and compel the attendance of persons, and the production of books, papers, etc.

Sec. 8
Misrepresentation in
sale of coal

No person, association or corporation shall be permitted to misrepresent to the public respecting any coal offered for sale, nor to sell coal of any particular name or from any particular mine under the name or designation of another coal or mine.

Sec. 9
Violation a misde-
meanor
Penalty

Any person offending against the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars (\$500.00), and not less than fifty dollars (\$50.00) or to be imprisoned for a term not exceeding six months in the County Jail, or by both such fine and imprisonment.

Sec. 10
Repeal

All Acts and parts of acts in conflict herewith are hereby repealed.

Sec. 11
In effect

This Act shall be in full force and effect from and after its passage.

(1905)
Code, 1907, Pt. IV,
Title II, p. 848
Sec. 2899
County commis-
sioners may establish pub-
lic scales

The Board of County Commissioners of any county is hereby authorized, in its discretion, when petitioned by twenty-five or more residents and freeholders of the county, to establish and locate public scales at any suitable location selected by the county commissioners within the county.

Sec. 2900
Capacity of scales

Such scales shall be purchased by the county, and be not less than five tons weighing capacity, and shall be provided with glass or open front which can be observed by the one weighing without

dismounting from wagon, and shall be the property of the county, and at all times be under its control and subject to the will of the county commissioners.

The Board of County Commissioners shall appoint at each place where public scales are established by them, a public weigher, who shall have the custody and care of such property, and who shall give a bond to the county in the sum of \$500.00, conditioned for the safe-keeping of the same, and for the faithful and impartial discharge of the duties incident to his trust in office.

Sec. 2901
The Board of County Commissioners to appoint public weigher

It shall be the duty of each public weigher to keep a stub record of all weighing done by him, which record and the receipt issued such public weigher shall show for whom property was weighed and the character and kind thereof, and shall constitute prima facie evidence of the facts therein contained; and all such stub records, or other records which the county Commissioners may require him to keep, shall at all times be open to public inspection during business hours, between 7.00 A. M. and 6.00 P. M. of any day, save and except Sundays and legal holidays, and such public weigher shall file a sworn statement with the county recorder of the county, as prescribed by the County Commissioners thereof, which statement shall show the date and character or kind of property weighed, for whom weighed, and a complete statement of all fees collected.

Sec. 2902
Duty of public weigher

Such public weigher shall receive not to exceed ten cents for each receipt issued by him, and shall be governed by such rules and regulations as may be from time to time prescribed or adopted by the Board of County Commissioners, and he may be removed at any time by such board.

Sec. 2903
Rules and regulations

Any public weigher, under the provisions of this act, who shall make any false or fraudulent receipt of any weighing done by him, or shall be guilty of any collusion with any other person or persons for the purpose of deceiving any person or persons in regard to the correctness of weights, or who shall fail to comply with the requirements of the preceding section, is guilty of a misdemeanor.

Sec. 2904
False receipts

Hereafter a cubic foot of water (7.48 gallons) per second of time shall be the legal standard for the measurement of water in this state.

(1890)
Political Code, 1907,
div. 2, Pt. 4, p. 1412
Sec. 4854
Measurement of water—cubic foot

Where water rights expressed in miner's inches have been granted, one hundred miner's inches shall be considered equivalent to a flow of two and one-half cubic feet (18.7 gallons) per second; two hundred miner's inches shall be considered equivalent to a flow of five cubic feet (37.4 gallons) per second, and this proportion shall be observed in determining the equivalent flow represented by any number of miner's inches.

Sec. 4855
Miner's inch—equivalent in gallons

Laws, 1911, ch. 120,
p. 264
Sec. 10
Ex officio sealer of
weights and measures

The state coal mine inspector is hereby made, equally with the county clerk, ex officio sealer of weights and measures, in so far as the same relates to coal mines and coal mining, and as such is empowered to test and compare all weights and measures used in weighing and measuring coal at any coal mine, or used in measuring air passages or other openings in coal mines, with the standards of weights and measures kept by the county clerk of any county. Upon the written request of any coal mine owner or operator or ten coal miners employed at any one mine, it shall be his duty to test and prove any scale or scales at such mine against which complaint is directed, and if he shall find that they or any of them do not weigh correctly, he shall call the attention of the mine owner, lessor or operator to the fact and direct that said scale or scales be at once overhauled and readjusted so as to indicate only true and correct weights, and he shall forbid the further operation of such scale until such scales are adjusted. In the event that such test shall conflict with any test made by any county sealer of weights and measures, or under and by virtue of any municipal ordinance or regulation, then the test by such state coal mine inspector shall prevail.

Sec. 11
Standard test weights
to be furnished

For the purpose of carrying out the provisions of this act, the state coal mine inspector shall be furnished by the state with such sets of standard weights suitable for testing the accuracy of track scales, and of all smaller scales at mines, as may in the judgment of the state coal mine inspector be necessary; said test weights shall remain in the custody of the state coal mine inspector for use at any point within the state, and for any amounts expended by him for the storage, transportation or the handling of the same, he shall be fully reimbursed upon making entry of the proper items in his expense voucher.

Laws, 1911, ch. 120,
p. 279
Sec. 46
Must not use false
weights

Any person or persons having or using any scale or scales for the purpose of weighing the output of coal at mines must not arrange or construct them so that fraudulent weighing may be done thereby, and must not knowingly resort to or employ any means whatsoever by reason of which such coal is not correctly weighed and reported in accordance with the provisions of this act.

NEBRASKA

The standard of weights and linear measures shall be the same as that established by act of congress for the several states, except that the ton shall consist of two thousand pounds.

A bushel shall consist of two thousand one hundred and fifty cubic inches. The half-bushel, peck, and half-peck shall consist of the proper division and subdivision of the bushel.

A gallon shall consist of two hundred and thirty-one cubic inches.

A pound avoirdupois shall consist of seven thousand grains in Troy weight.

A bushel of each of the articles enumerated in this section shall consist of the number of pounds respectively affixed to each, viz:

	Pounds.		Pounds.
Apples, dried.....per bushel..	24	Potatoes, sweet.....	50
Barley.....	48	Peas.....	60
Beans, castor.....	46	Rye.....	56
Beans, white.....	60	Seeds:	
Bran.....	20	Blue grass.....	14
Buckwheat.....	52	Clover.....	60
Coal, stone.....	80	Flax.....	56
Corn, ear.....	70	Hemp.....	44
Corn, shelled.....	56	Hungarian grass.....	50
Corn meal.....	50	Millet.....	50
Hair for plastering.....	8	Osage orange.....	32
Hay.....per ton..	2,000	Sorghum.....	50
Honey, strained.....per gallon..	12	Timothy grass.....	45
Lime, unslacked.....per bushel..	80	Salt.....	50
Malt, barley.....	30	Turnips.....	55
Oats.....	32	Wheat.....	60
Onions.....	57	Spelts.....	40
Onions sets.....	25	Alfalfa.....	60
Peaches, dried.....	33	Green apples.....	48
Potatoes, Irish.....	60		

Any person who shall knowingly keep false weights or measures, and shall buy and sell articles thereby, shall forfeit and pay, upon conviction, a fine of not less than five nor more than twenty-five dollars, to be recovered before any court having competent jurisdiction; the fine shall be appropriated to the use of common schools in the same county; he shall also be liable to the injured party in double the amount of damages, with costs of suit.

Cobbey's Comp. Stats., 1909, ch. 59, p. 2235

(1866, 1903)

Sec. 12250
Standards
Ton
Sec. 12251
Bushel

Sec. 12252
Gallon

Sec. 12253
Pound

(1866, 1900)

Sec. 12254, as amended in 1909
Weight per bushel

Ton of hay
Gallon of honey

(1901)
Sec. 12255
False weights and measures
Fine

¹ For convenience in printing a slight change has been made in arrangement of articles.

(1897)
 Sec. 12256
 Public scales

That scales may be erected in the State of Nebraska for public use at public expense. Provided, that counties under township organization may adopt the privilege granted by this act by townships. At the annual meeting of such township such meeting may determine the location and number of such scales to be erected and located in said township and levy a tax to pay for same.

Sec. 12257
 Weighmaster

When such scales shall be erected it shall be the duty of the "Township Board" to appoint a weigh-master upon petition of the electors living in the immediate vicinity of the scales so located, who shall, under oath, promise to perform the duties of his office faithfully and honestly and the weigh-master so appointed shall continue in office until removed by the "Township Board," or by resignation.

Sec. 12258
 Scales, testing

The scales shall be first class and of standard make. The Township Board shall from time to time, as in their judgment seems necessary, test the scales as to their accuracy and properly adjust the same.

Sec. 12259
 Disputes

Whenever disputes arise between two parties within the limits of the Township where such scales are located, over the first weighing of any article, the same shall be weighed a second time on said public scales; and the weigh-master's receipt therefor shall be final.

Sec. 12260
 Weighmaster, salary

The Township Board shall fix and regulate the fee or salary of said weighmaster and the fees for weighing, Provided nothing in this act shall be construed to prevent the public from using such scales, without employing the weighmaster, subject to the rules to be made by the Township Board of such township.

Sec. 12261
 Townships u n d e r
 commissioner system
 Petition for scales

Townships in counties under commissioner system, wishing to adopt the provisions of this act, shall petition to the commissioners of such county, and where a majority of the electors so petition, the same shall be granted: Provided, that all duties and powers imposed upon Township Officers by the provisions of this act where counties are under Township organization system shall be performed by the county commissioners of counties under commissioner system.

(1907)
 Sec. 12262
 Brick, size

That the standard size of brick sold in the State of Nebraska shall be eight and one-fourth ($8\frac{1}{4}$) inches long, four (4) inches wide and two and one-half ($2\frac{1}{2}$) inches thick.

Sec. 12263
 Brick, selling

It shall be unlawful for any person, persons or corporation to sell any brick of any other size than that specified in section 1 [12262] of this act, without notifying the purchaser in writing of the size of such brick at the time of the sale.

Sec. 12264
 Contractors

Any contractor or builder who shall furnish any brick not of the standard size provided in section 1 [12262] of this act, shall be considered as subject to the provisions of this act.

Any person, persons or corporation violating any of the provisions of this act, shall, on conviction, be fined in any sum not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars.

Sec. 12265
Penalty

There is hereby created a Food, Dairy and Drug Commission for the State of Nebraska, for which the usual facilities for transacting its business and carrying out the provisions of this act shall be furnished, the same as for other executive departments of the state government.

Cobbey's Comp.
Stats., 1909
(1907)
Sec. 9818
Commission created.

The Governor of this State is hereby made the Food, Drug and Dairy Commissioner of said Commission and there is hereby devolved upon him the duty of executing all the provisions of this act and all other acts in force or which may be hereafter enacted relating to food, drug and dairy products; * * *. In executing the provisions relating to food, drug and dairy products; the Food, Drug and Dairy Commissioner, shall, from time to time, make, promulgate and enforce such rules and regulations as may be necessary or proper to a prompt and effective enforcement of this act, in accordance with its true intent. * * *

(1907)
Sec. 9819
Commissioner may
make and enforce rules
and regulations

(a) The following foods when sold in package form require a statement on the outside of the package of the net weight or measure of the contents:

Regulation No. 16
promulgated by the
Commissioner
Statement of weight
or measure

Lard, and its substitutes, cottolene.

Wheat products which include flour, crackers, bran, puffed wheat, cream of wheat, wheat flakes or any food made substantially from wheat.

Oat products—oatmeal, and any food made from oats.

Corn products—corn meal, corn flakes, etc.

Mixtures of the above products.

Sugar—loaf sugars in packages, granulated in sacks, syrup and molasses, in cans or pails.

Tea, coffee and dried fruits.

The above does not apply to packages put up by the retailer.

(b) A reasonable variation from the stated weight for individual packages is permissible, provided this variation is as often above as below the weight or volume stated. This variation shall be determined from the changes in the humidity of the atmosphere, from the exposure of the packages to evaporation or to absorption of water, and the reasonable variations which attend the filling and weighing or measuring of a package.

(c) In a recent decision, the State Supreme Court held that all wheat products and lard sold in package form must be labeled with the net weight. This includes in the case of wheat products, crackers, and all kinds of cookies sold in package form.

In the case of lard, all lard and its substitutes put up in packages.

After January 1, 1912, all mixtures and compounds of lard must be labeled with the net weight.

Notice is hereby given that on and after July 1, 1911, all packages of crackers, cookies and lard must bear a statement of the net weight.

Cobbey's Comp.
Stats., 1909
(1907)
Sec. 9825
Package foods, net
weight required

That for the purpose of this act an article shall also be deemed to be misbranded: * * * In the case of food, or malt, spirituous or vinous liquors: * * * Third. If sold for use in Nebraska and in package form, other than canned corn; if every such package, as branded and named below, does not have a correct statement clearly printed, on the outside of the main label, of the contents and also of the net weight or measure of the contents exclusive of the container, viz, all dairy products, lard, cottolene, or any other article used for a substitute for lard, wheat products, oat products and corn products and mixtures, prepared or unprepared, sugar, syrup and molasses, tea, coffee and dried fruit.

Retail packages ex-
empt

Provided, however, that the provision shall not apply to packages put up by the retailer, nor to packages on hand by any retailer at the time of taking effect of this act. Fourth. In case of liquids, other than medicines, if the true quantity in container thereof is not correctly stated thereon. Fifth. If the package containing it, or the label thereon, shall bear any statement, design or device

False labeling forbid-
den

Prizes, premiums or
gifts

shall be false or misleading in any particular. Sixth. In case of food products, if there be contained in the package any gifts, premiums or prizes. Provided, that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases: First. In the case of mixtures or compounds which may be now or from time to time hereafter, known as articles of food, under their own distinctive names, and not an imitation of, or offered for sale, under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced, the net weight or measure of contents, and in case of syrups the per cent of each ingredient composing said food. Provided that the net weight or measure shall not apply to mixtures and compounds on hand prior to January 1, 1912. * * *

Net weight or meas-
ure of contents re-
quired

Cobbey's Comp.
Stats., 1909
(1900)
Sec. 9852X1
Misbranded paints,
penalty for selling

Whoever shall expose for sale or sell within this state, any paint which is labeled or marked in any manner so as to tend to deceive the purchaser as to its nature or composition, or which is not accurately labeled as hereinafter required, shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars, and not more than one hundred dollars, or by imprisonment in the county jail not exceeding sixty days.

The label required by this act shall clearly and distinctly state the name and residence of the manufacturer of the paint, or the distributor thereof, or of the party for whom the same is manufactured and show the name, * * *. Said label to clearly state in addition to the before mentioned matter, the quantity contained in the package, this in the case of liquid or mixed paints, to be designated in U. S. standard gallons or fraction thereof, and in the case of paste or semipaste paints such as commonly sold by weight to be shown by weight avoirdupois. Said label shall be printed in the English language in plain, legible type.

(1909)
Sec. 9852x2
Labeling of paints,
weight or measure to
be marked

In addition to the powers herein granted, cities governed by this act shall have power by ordinance:

(1905)
Cobbey's Comp.
Stat., ch. 37, art. 1
Sec. 7611
Additional powers

(Applicable to cities heretofore incorporated as cities of the metropolitan class¹ and all cities which shall attain a population of 100,000 inhabitants.)

To regulate the weighing and measuring of hay, wood, and other articles exposed for sale, and of all coal sold or delivered within the city, and to provide for, license, and regulate the inspection and sale of meats, flour, poultry, fish, milk, vegetables and all other provisions or articles of food exposed or offered for sale in the city, and to prescribe the weight and quality of bread exposed or offered for sale in the loaf. Also to provide for the inspection of weights and measures or weighing apparatus.

Sec. 7618
Weights, measures,
and inspection

Bread

In addition to the powers herein granted, cities governed under the provisions of this act shall have power by ordinance:

(1907)
Cobbey's Comp.
Stat., 1909, ch. 37, Art.
II, p. 1379
Sec. 8028
Ordinances and pow-
ers

(Applicable to cities having a population of more than 40,000 and less than 100,000 inhabitants.)

To establish standard weights and measures, and regulate the weights and measures to be used in the city, and to regulate the measuring of every commodity sold in the city, in all cases not otherwise provided by law, and to prohibit the use of imperfect weights, measures and weighing apparatus.

Sec. 8045
Regulate weighing
and measuring

To provide for the inspection and weighing of hay and grain and coal, the measuring of wood and fuel to be used in the city, and to determine the place or places of the same, and to regulate and prescribe the place or places of exposing for sale hay, coal and wood; to fix the fees and duties of persons authorized to perform such duties.

Sec. 8046
Inspect and regulate
sale of fuel, grain, and
hay

In addition to the powers herein granted, cities governed under the provisions of this act shall have power by ordinance:

(1907)
Cobbey's Comp.
Stat., 1909, ch. 37, Art.
III, p. 1433
Sec. 8326
Powers

(Applicable to cities having less than 40,000 and more than 25,000 inhabitants.)

To regulate the weighing and measuring of hay, wood, and other articles exposed for sale, and of all coal sold or delivered

Sec. 8363
Regulate markets,
weights and measures

¹ Omaha.

Bread

within the city, and to provide for licensing and regulating the inspection and sale of meats, poultry, fish, milk, vegetables, and all other provisions or articles of food exposed or offered for sale in the city, and to prescribe the weight and quality of bread exposed or offered for sale in the loaf. Also to provide for the inspection of weights and measures or weighing apparatus.

Cobbey's Comp.
Stat., 1909, ch. 37, Art.
IV, p. 1487
(1901)

Sec. 8547
Ordinance—powers

In addition to the powers herein granted cities governed under the provisions of this act shall have power by ordinance:

(Applicable to cities having a population of from 5,000 to 25,000.)

(1901, 1905)
Sec. 8576
Weights and measures

To establish standard weights and measures and to regulate weights, meters and measures to be used in the city, and to regulate the weighing and measuring of every commodity sold in the city, including water, gas and electric light in all cases not otherwise provided by law, and to prohibit and punish the use of imperfect weights, measures, weighing apparatus and meters.

Sec. 8577
Inspect fuel and feed

To provide for the inspection of electric light, water and gas meters, and the inspection and weighing of hay, grain and coal and the measuring of wood and fuel to be used in the city, and to determine the place or places of the same, and to regulate and prescribe the place or places of exposing for sale of hay, coal and wood and to provide for the appointment of an inspector and to fix the fees and duties of the inspector and of other persons authorized to perform such duties.

Cobbey's Comp.
Stat., 1909, ch. 37, Art.
V, p. 1541
(1970)

Sec. 8912
Additional powers

In addition to the powers hereinbefore granted cities and villages under the provisions of this chapter, each city and village may enact ordinances or by-laws for the following purposes.

(Applicable to cities having a population of from 1,000 to 5,000 inhabitants, and to villages having a population of from 200 to 1,500 inhabitants.)

Sec. 8935°
Established weights and measures

To establish standard weights and measures and regulate the weights and measures to be used in the city or village, and to regulate the weighing and measuring of every commodity sold in the city or village, in all cases not otherwise provided by law.

Sec. 8936°
Inspection and weighing of merchandise

To provide for the inspection and weighing of hay, grain, and coal, the measuring of wood and fuel to be used in the city or village, and to determine the place or places of the same, and to regulate and prescribe the place or places of exposing for sale hay, coal, and wood; to fix the fees and duties of persons authorized to perform the duties named in this subdivision.

Cobbey's Comp.
Stat., 1909, p. 320
(1873, 1893)
Sec. 2214
Fraud in weighing commodities

Any person or persons who shall knowingly and wilfully sell, or direct, or permit any person or persons in his or their employ to sell any commodity or article of merchandise, and make or give any false or short weight or measure, or any person or persons owning or keeping, or having charge of any scales or steelyards

for the purpose of weighing live-stock, hay, grain, coal, or other articles, who shall knowingly and wilfully report any false or untrue weight, whereby any other person or persons may be defrauded or injured; such person or persons shall be fined in any sum not exceeding fifty (\$50) dollars, or be imprisoned in the jail of the county not exceeding thirty (30) days, at the discretion of the court, and also be answerable to the party defrauded or injured in double damages.

That every person, firm or corporation engaged in operating any railroad within the state of Nebraska, over which coal and other commodities in carload-lots shall be transported for hire, shall equip the line of its track and thereafter maintain thereon in good order track-scales of sufficient capacity to weigh full carloads of any and all kinds of merchandise, coal, grain or other property that may be transported over the said railroad, and to weigh the same at the request of any owner, consignor or consignee of such property and furnish written certificates of such weights to such owner, consignor and consignee as hereinafter provided.

Such track-scales shall be so installed and maintained at all division stations along the line of such railroads within the state of Nebraska, and at such other stations as the State Railway Commission shall from time to time direct.

The owner, consignor or consignee of any carload lots of grain, coal, merchandise or other property in course of transportation over any railway within the state, transporting the same for hire, may request in writing any agent of the operators of such railway to weigh any such carloads of grain, coal, merchandise or other property in course of transportation and, upon such request being received, it shall become the duty of the operators of such railroad to weigh the car or cars designated in such written request, together with their contents, upon such track scale as may be designated in such written request over which such car or cars in the regular course of transit will thereafter pass, and deliver to the person making such request a written certificate, showing the name and number of the car so weighed, the date of the taking of such weight and the place where weighed, with the number of pounds of gross and net weights, and after deducting the tare marked on the car from such gross weight, the certificate so executed and delivered shall be admissible evidence against such railway company in any legal proceeding thereafter instituted or then pending against any such carrier weighing and transporting the property contained in such car or cars of all the facts stated in such certificate.

(1907)
Cobbey's Comp.
Stat., 1909, ch. 47, p.
1890
Sec. 10610
Track scales

Sec. 10611
Same, where in-
stalled

Sec. 10612
Weighing certificates

Sec. 10613
Same, where no
scales

Wherever any carload lot of merchandise, coal, grain or other property shall be delivered for transportation for hire to any carrier by railroad within this state consigned to any person at a station on the line of the railroad of such carrier, or upon any other railroad within this state, where no track scale is located and maintained, and such car in the course of transit will not pass a track scale on the line of such connecting carrier, it shall immediately become the duty of such initial carrier to cause the same to be weighed in the manner required by the third section of this act on the track scale located nearest the station to which such car is consigned, and to stamp upon the way bill for such car, all of the matters required to be set out in the certificate provided for in the third section of this act; but where coal, grain, merchandise or other property in carload-lots is consigned to stations where track-scales are located and the consignee requests the same weighed, such weights shall be taken, both gross and tare, with the car uncoupled, on such track scales at the point of destination.

Sec. 10614
Violation of act

Any railroad company operating in this state violating any of the provisions of this act, by neglecting or refusing to furnish weights as herein provided, shall upon conviction thereof be fined in the sum of one hundred dollars for each and every such violation, to be recovered by the state in an action in its name upon complaint of any owner, consignor or consignee of the property which such carrier may refuse to weigh, made before any court of competent jurisdiction.

Sess. Laws, 1911, ch.
95, D. 359, sec. 3
Weighing cars,
freight

The Nebraska State Railway Commission shall have power, and it shall be its duty to enforce reasonable regulations for the weighing of cars and of freight offered for shipment or transported within this state.

Sec. 4
Track scales

All track scales used by common carriers for the purpose of weighing freight in carload lots within this state shall be under the control and direction and jurisdiction of the Commission and subject to inspection by it or under its direction.

Sec. 5
Same, inefficient

The Commission shall have power either on its own motion or on complaint being made to determine whether any such track scale is defective or inefficient, or whether the time, manner or method of using same is unreasonable, ineffective or unjust, and shall have power to condemn any such scale found to be defective or inefficient and prohibit the use of the same while in that condition, and to render such decision and to make such order, rule or regulation as may be deemed necessary or advisable.

Sec. 6
Violation of act; pen-
alty

Any officer, agent or representative of any Railway Company or common carrier who shall violate any of the provisions of this act, or who shall fail or refuse to obey and carry out any decision, order, rule or regulation of the Nebraska State Railway Commis-

sion duly entered in conformity with the provisions of this act, shall be guilty of a misdemeanor and upon conviction shall be fined for each offense a sum of not less than \$100 nor more than \$500, or by imprisonment in the county jail not less than ten days nor more than thirty days, or both, within the discretion of the court.

All cream sold in the State of Nebraska for the purpose of butter-making shall be tested for butter fat by the following prescribed method: the Babcock test shall be employed, and samples used in testing shall be weighed on a suitable scale or balance, and where eighteen grams are used as a sample the same shall be tested in a nine inch bottle graduated to at least five-tenths per cent, or where nine grams are used as a sample the same shall be tested in a six inch bottle graduated to at least five-tenths per cent, also graduated to give full reading of the test, and in all tests the column of butter fat shall be read between the temperature of one hundred and twenty degrees and one hundred and forty degrees Fahrenheit; and all bottles, glass-ware and scales used in making tests of milk or cream as herein required shall have stamped thereon the approval of the Food, Dairy and Drug Commission.

Cobbey's Comp.
Stat., 1909, ch. 44, p.
1727 (1907, 1909)
Sec. 9838
Milk and cream; how
tested

The standard of measurement for flowing water shall be a cubic foot per second of time, both for determining the flow of water in natural streams and for the purpose of distribution therefrom when appropriations have been made for direct flow. The standard of measurement of the volume of water shall be an acre-foot, equivalent to 43,560 cubic feet, and when water is stored in any natural or artificial reservoir, it shall be used for determining the capacity of such storage reservoirs, the amount stored and the amount used therefrom. What is known as the miner's inch shall be regarded as one-fiftieth of a cubic foot per second in all cases.

Cobbey's Comp.
Stats., 1909
(1895)
Sec. 6811, as amended
by Sess. Laws, 1911,
ch. 153, sec. 23, p. 510
Water, standard of
measurement

Miner's inch



NEVADA

The standard weights and measures as have been adopted by the Government of the United States of America, and such weights, measures, balances and measuring devices as heretofore have been, or hereafter may be, furnished this state by the United States, as standard weights, measures, balances and measuring devices, shall be the legal standard of weights and measures throughout the State of Nevada. This section shall not prevent the use of the weights and measures of the metric system, authorized by congress of the United States, as it appears in the revised statutes of the United States.

Laws, 1911, ch. 43, p.
37
Sec. 1
Government stand-
ards of weights, meas-
ures, etc., adopted

The unit of standard measure of length and surface, from which all other measures of extension, whether lineal, superficial or solid, shall be derived and ascertained, is the standard yard, adopted by the Government of the United States. The yard shall be divided into three equal parts, called feet, and each foot into twelve equal parts, called inches. For the measure of cloth and other commodities commonly sold by the yard, it may be divided into halves, quarters, eighths and sixteenths.

Sec. 2
Defining yard and
fractions

The rod, pole or perch shall contain five and a half standard yards, and the mile, one thousand seven hundred and sixty such yards. The chain for measuring land shall be twenty-two standard yards long, and be divided into one hundred equal parts, called links.

Sec. 3
Defining rod, etc.

The acre for land measure shall be measured horizontally, and contain ten square chains, and be equivalent in area to a rectangle sixteen rods in length and ten rods in breadth. Six hundred and forty acres shall be contained in a square mile.

Sec. 4
Acre and square mile
defined

The perch of mason work or stone shall consist of twenty-five cubic feet.

Sec. 5
Perch

The units of standards of weights from which all other weights shall be derived and ascertained shall be the standard avoirdupois and troy weights adopted by the Government of the United States.

Sec. 6
Units of weight

The avoirdupois pound which bears to the troy pound the ratio of seven thousand to five thousand seven hundred and sixty, shall be divided into sixteen equal parts called ounces. The hundred-

Sec. 7
Pound

weight, except of pig iron and iron ore, shall consist of one hundred avoirdupois pounds, and twenty hundredweight shall constitute a ton. The troy ounce shall be equal to the twelfth part of a troy pound. Whenever hereafter in this act the word pound is used it shall mean the avoirdupois pound unless otherwise distinctly specified.

Ton
Ounce

The unit of standard measure of capacity for liquids from which all other measures of liquid shall be derived and ascertained shall be the standard gallon, adopted by the Government of the United States. The half-gallon, quart, pint, half-pint and gill measures for measuring liquids shall be derived from the gallon by dividing it and each successive measure by two.

Sec. 8
Gallon
Quart
Pint
Gill

The barrel shall contain thirty-one and one-half gallons and two barrels shall constitute a hogshead.

Sec. 9
Barrel
Hogshead

The unit of standard measure of capacity for commodities other than liquids, from which all other measures of such commodities shall be derived and ascertained, shall be the standard bushel measure adopted by the Government of the United States. The half-bushel, peck, half-peck, quarter-peck, quart and pint measures for measuring commodities other than liquids shall be derived from the bushel by dividing it and each successive measure by two.

Sec. 10
Bushel, etc.

Whenever any of the following articles shall be contracted for, or sold, or delivered, and no special contract or agreement shall be made to the contrary, such sale and computations for payment or settlement thereof shall be by weight. The net weight per barrel or bushel, or divisible merchantable quantities of a barrel or bushel, shall be as follows: ¹

Sec. 11
Barrel and bushel of
certain commodities

Wheat flour—	Pounds.	Corn meal—	Pounds.
Per barrel.....	196	Per bushel sack.....	48
Per half-barrel.....	98	Per half-bushel sack.....	24
Per quarter-barrel sack.....	49	Per quarter-bushel sack.....	12
Per one-eighth-barrel sack.....	24		
Per one-sixteenth-barrel sack...	12		

And the following commodities per bushel:

	Pounds.		Pounds.
Wheat.....	60	Bran.....	20
Rye.....	56	Beans.....	60
Indian corn on the ear.....	70	Clover seed.....	60
Kaffir corn.....	56	Hungarian and millet seed.....	50
Rice corn.....	56	Potatoes.....	60
Corn, shelled.....	56	Sweet potatoes.....	50
Sorghum seed.....	50	Turnips.....	56
Buckwheat.....	50	Flaxseed.....	56
Barley.....	48	Onions.....	57
Malt.....	32	Salt.....	80

¹ For convenience in printing a slight change has been made in arrangement of articles.

	Pounds.		Pounds.
Castor beans.....	46	Parsnips.....	50
Hemp seed.....	48	Carrots.....	50
Native blue-grass seed.....	14	Beets.....	56
English blue-grass seed.....	22	Tomatoes.....	56
Timothy seed.....	45	Peaches.....	48
Dried peaches.....	33	Shelled dried peas.....	60
Dried apples.....	24	Alfalfa seed.....	60
Green apples.....	48	Oats.....	32

A standard loaf of bread sold or offered for sale in this state shall weigh one pound and a standard loaf of bread need not be labeled with a statement of its weight. Whenever a loaf of bread sold or offered for sale weighs more or less than a pound, it shall be labeled in plain, intelligible English words and figures with its correct weight, together with the name of its manufacturer.

Sec. 12
Standard bread loaf

Butter in a standard package or container, sold or offered for sale in this state, shall weigh one pound and a standard package or container of butter need have no statement of the net weight of its contents thereon. Whenever butter is sold or offered for sale in a package or container, the net weight of which is more or less than one pound, such package or container shall be labeled in plain intelligible English words and figures with the correct net weight of its contents, together with the name of the manufacturer or jobber.

Sec. 13
Butter

All milk or cream that is sold or offered for sale in this state in bottles shall be sold or offered for sale only in bottles containing standard gallons, half-gallons, quarts, pints or half-pints. All other liquid commodities shall be sold only by standard liquid measure or standard weight, except where parties otherwise agree.

Sec. 14
Milk or cream

Berries and small fruits whenever sold or offered for sale in this state in boxes, shall be sold or offered for sale in boxes containing a standard dry quart or dry pint, and if said boxes contain more or less than this amount the information must be given the purchaser, or such boxes must be labeled in plain, intelligible English words and figures with a correct statement of the quantity of its contents.

Sec. 15
Berries, etc.

A standard cord of firewood sold or offered for sale in this state shall be and contain one hundred and twenty-eight cubic feet, well stowed and packed. And when delivering firewood to a purchaser the vender shall give, or cause to be given therewith to such purchaser, a written statement of the quantity, in terms of the standard cord, of the firewood so delivered.

Sec. 16
Firewood

A standard ton of coal sold or offered for sale in this state shall weigh two thousand pounds. And when delivering coal to a purchaser the vender shall give, or cause to be given, therewith to such purchaser a written statement of the weight, in terms of the standard ton, of the coal so delivered. When coal is sold by the sack the contents of such sack shall weigh one hundred pounds.

Sec. 17
Ton of coal

Sec. 18
All packages to bear correct statement of weight, number, etc.

It shall be unlawful for any person to put up any commodity or article of merchandise into a package or container and sell or offer for sale in this State such commodity or article of merchandise in that form without having such package or container labeled in plain, intelligible English words and figures with a correct statement of the net weight, measure or numerical count of its contents; *provided*, that nothing in this section shall prevent the putting up of commodities or articles of merchandise, which have been previously sold by net weight, measure or numerical count, into packages or containers for the purpose of delivering or transporting such commodities or articles of merchandise.

Proviso

Sec. 19
Sale by true net weight
Mutual agreement, when

It shall be unlawful for any person to sell or offer for sale in this State any commodity or article of merchandise, except by true net weight, measure or numerical count, except where the parties otherwise agree. Contracts for work to be done, or for anything to be sold by weight or measure, shall be construed according to the standards hereby adopted as the standards of this State, except where the parties have agreed upon any other calculations or measurement, and all statements and representations of any kind referring to the weight or measure of commodities or articles of merchandise shall be understood in the terms of the standards of weights or measures aforesaid.

Sec. 20
False or short weight or measure unlawful

It shall be unlawful for any person, in buying or selling any commodity or article of merchandise, to make or give false or short weight or measure, or to sell or offer for sale any commodity or article of merchandise less in weight or measure than he represents, or to use a weight, measure, balance or measuring device that is false and does not conform to the authorized standard for determining the quantity of any commodity or article of merchandise, or to have a weight, measure, balance or measuring device adjusted for the purpose of giving false or short weight or measure, or to use in buying or selling of any commodity or article of merchandise a computing scale or device indicating the weight and price of such commodity or article of merchandise upon which scale or device the graduations or indications are falsely or inaccurately placed, either as to weight or price.

Sec. 21
Penalties

Any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and, upon conviction thereof before the Justice of the Peace having jurisdiction of the offense, shall be fined in a sum not to exceed two hundred dollars, or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment, and any weight, measure, balance or measuring device which shall have been used by him in such violation shall be ordered confiscated and destroyed. He shall also be liable in damages to the party injured by his violation

Treble damages to sufferer

in treble the amount of the property wrongfully taken or not given and twenty dollars in addition thereto, to be recovered in a court of competent jurisdiction. The selling and delivery of any commodity or article of merchandise shall be prima facie evidence of the representation on the part of the vender, that the quantity sold and delivered was the quantity bought by the vendee. There shall be taken into consideration the usual and ordinary leakage, evaporation or waste that there may be from the time a package or container is filled by the vender until he sells the same. A slight variation from the stated weight, measure or quantity for individual packages is permissible; *provided*, that variation is as often above as below the weight, measure or quantity stated.

Proviso

It shall be the duty of the district attorney to prosecute all violations of the provisions of this act occurring within his county.

Sec. 22
District attorney to
prosecute

The director of the Nevada Agricultural Experiment Station is hereby designated and constituted ex officio sealer of weights and measures and shall be charged with the proper enforcement of the provisions of this act, and he may appoint such deputy or deputies as he may deem necessary therefor. He shall have the care and custody of the authorized public standards of weights and measures and of balances and other apparatus of all kinds owned by the state under section one of this act. He shall maintain the state standards in good order and submit them at least once in every ten years to the National Bureau of Standards for verification. He shall at once, after the approval of this act, obtain from the Government of the United States all standard weights and measures mentioned in this act which this state does not at that time own.

Sec. 23
Official sealer

It shall be the duty of the sealer and his duly authorized deputy to test and prove all weights, measures, balances and measuring devices, when requested so to do by any person, without expense to such person, and when the same are found or made to conform to the authorized standards he shall seal and mark such weights, measures, balances and measuring devices with a seal to be kept by him for that purpose. It shall be the duty of the sealer and his deputy to inspect and test all weights, measures, balances and measuring devices and when any weight, measure, balance or measuring device is found by the sealer or his deputy or deputies to be false or untrue or not of the approved type, or which does not conform to the standards, or which cannot be made to conform to the standards by such means as the sealer or his deputy may have at his disposal he shall condemn the same and mark it condemned in a conspicuous manner, and such condemnation mark shall not be removed or defaced except by authorization of the said sealer or his deputy. It shall be the duty of the sealer and his deputy to

Sec. 24
Duties of sealer and
assistants

inspect packages or containers of commodities or articles of merchandise, put up and sold or offered for sale in this state, and he shall mark in a conspicuous manner any package or container which does not have a statement of the net weight, measure or numerical count of its contents on it, and such mark shall not be removed or defaced except by authorization of the said sealer or his deputy. Whenever the sealer or his deputy has reason to believe that there has been a violation of any of the provisions of this act he shall swear to, or cause to be sworn to, a complaint before the justice of the peace having jurisdiction, charging the suspected person with a misdemeanor, and shall take charge of, pending the trial of the accused person, the weight, measure, balance or measuring device used in such suspected violation.

Sec. 25
Powers of sealer and deputies

The sealer and his duly authorized deputy shall have full power to enter any premises in or on which any weights, measures, balances or measuring devices may be located or used for the purpose of trade, or any premises in or on which any commodities or articles of merchandise are put up into packages or containers for the purposes of trade, for the purpose of inspecting, adjusting, sealing, condemning or marking such weights, measures, balances, or measuring devices and such packages or containers.

Sec. 26
Unlawful to obstruct sealer or deputies

It shall be unlawful for any person to hinder, obstruct or in any way interfere with the sealer or his duly authorized deputy while in the performance of said inspection, and it shall be unlawful for any person to fail to produce upon demand by the sealer or his deputy all weights, measures, balances or measuring devices and all packages or containers of commodities or articles of merchandise, in or upon his place of business or in his possession, for use in manufacture or trade. Any such person so violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in a sum not to exceed one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

Sec. 27
Sealer must test before condemning weights, etc.

If the sealer or any one of his deputies shall seal any weight, measure, balance or measuring device before first testing and making the same conform to the authorized standard or if he shall condemn or take charge of any weight, measure, balance or measuring device without first testing the same, the one so doing shall be deemed guilty of a misdemeanor and upon conviction thereof in a court of competent jurisdiction shall be subject to a fine of not less than five dollars nor more than one hundred dollars.

Sec. 28
Neglect of duty by sealer or deputies, how punished

If the sealer or any of his deputies neglects to keep the standards under his charge in good order or repair, or suffers any of them through his neglect to be lost, damaged or destroyed, or fails to perform any of the duties imposed upon him by this Act, the one

so doing shall be deemed guilty of a misdemeanor and upon conviction thereof, in a court of competent jurisdiction, shall be subject to a fine of not less than ten dollars nor more than two hundred dollars.

The sealer shall keep a record of all the weights, measures, balances or other measuring devices sealed, and of all convictions had and confiscations made under this Act and shall make an annual report to the Governor on or before January first of each year, a copy of which shall be filed with the National Bureau of Standards. He shall issue from time to time regulations for the guidance of his deputies and the said regulations shall govern the procedure to be followed by the aforesaid deputies in the discharge of their duties.

Sec. 29
Sealer to keep record

The terms "package" and "container" as used in this act shall include any carton, box, barrel, bag, keg, drum, bundle, jar, jug, crock, demijohn, bottle, crate, basket, hamper, pail, can, parcel, package or paper wrapper.

Sec. 30
Terms defined

The term "person" as used in this act shall be construed to impart both singular and plural as the case demands and shall include corporation, company, society and association. When construing and enforcing the provisions of this act omission or failure of any officer, agent or other person acting for or employed by any corporation, company, society or association within the scope of his employment or office, shall in every case be also deemed omission or failure of such corporation, company, society or association, as well as that of the person.

Sec. 31
Person defined

The sum of four thousand dollars (\$4,000) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the compensation of sealer, deputy or deputies, office supplies and for apparatus necessary to carry out the provisions of this act. The state controller is hereby authorized to draw his warrants for the sum herein appropriated in favor of the Nevada Agricultural Experiment Station, and the state treasurer is hereby directed to pay the same.

Sec. 32
Appropriation

This act shall take effect June first, nineteen hundred and eleven. All acts and parts of acts in conflict with or inconsistent with this act are hereby repealed.

Sec. 33, as amended
by Laws, 1911, ch. 145
In effect
Sec. 34
Repeal

The city council shall have the following powers:

Laws, 1907, ch. 125,
p. 255
Sec. 28
Powers of city council

50. To provide for the inspection and sealing of weights and measures.

51. To enforce the keeping and use of proper weights and measures, by vendors.

Weights and meas-
ures
Enforcement

NEW HAMPSHIRE

The standard weights and measures of this state shall be those received from the United States, and the ale or beer measures of the capacity of two hundred and eighty-two cubic inches to the gallon, provided or to be provided by the state treasurer. All scale-beams, weights, and measures owned by the state shall be deposited and carefully kept in his office by the treasurer, and shall be used as standards and for no other purpose.

Pub. Stat. and Sess. Laws, 1901, ch. 125, p. 390 (1860)
Sec. 1 Standards Ale gallon

The state treasurer shall carefully keep the standards of weights and measures belonging to the state, and perform all duties in relation thereto, and for the compensation prescribed by law.

Pub. Stat. and Sess. Laws, 1901, ch. 16, p. 107
Sec. 9 State treasurer to be custodian of standards

The state treasurer shall try and prove by the state standards all such scale-beams, weights, and measures as shall be brought to him for that purpose.

Pub. Stat. and Sess. Laws, 1901, ch. 125, p. 390 (1864)

A sealer of weights and measures for each county shall be appointed by the governor, with advice of the council, who shall hold his office until another is appointed. He shall safely keep the standard scale-beams, weights, and measures of the county, shall permit them to be used only as standards, and shall cause any deficiencies therein to be immediately supplied, at the expense of the county.

Sec. 2 Proving of Sec. 3 County sealer Duties

The county sealer shall, once in every three years, try and prove the standard scale-beams, weights, and measures of the county by the state standards, and shall be allowed for the same a reasonable compensation by the county commissioners; and he shall try and prove by the county standards all scale-beams, weights, and measures brought to him for that purpose by any town sealer.

Sec. 4 County sealer to try and prove county standards

Any town, at the annual meeting, may choose, by majority vote, one or more collectors of taxes, * * * sealers of weights and measures, measurers of wood and bark, surveyors of lumber, cullers of staves * * * and such other officers as it may judge necessary for managing its affairs, who shall severally perform the duties prescribed by law.

Pub. Stat. and Sess. Laws, 1901, ch. 43, p. 176 (1870)
Sec. 25 Sealers of weights and measures and other officers; appointment of

The selectmen of each town shall provide the town sealer with a full set of scale-beams, weights, and measures. If they shall neglect to provide any scale-beam, weight, or measure necessary to

Pub. Stat. and Sess. Laws, 1901, ch. 125, p. 390 (1848)
Sec. 5

make such full set, after notice of the deficiency and a reasonable time to procure the same, they shall forfeit for each offense ten dollars.

⁽¹⁸⁶⁴⁾
Sec. 6
Duties of town sealer

The sealer of weights and measures chosen in each town shall carefully keep the town standards, and permit them to be used only as standards; shall once in three years cause them to be tried and proved by the county sealer, for which he shall be allowed by the selectmen a reasonable compensation; and shall try and prove by said town standards all scale-beams, steelyards, weights, and measures which shall be presented to him for that purpose.

Compensation

^(1864, 1875, 1901)
Sec. 7
Duties of sealers

Every sealer of weights and measures in a town or city shall once in each year, within three months after the first of April, visit and examine every place where scales or measures are used for the purchase or sale of any goods or commodities, and shall examine all such scales or measures.

⁽¹⁸⁶⁴⁾
Sec. 8
Platform scales

Such sealer shall go to and there try and prove any local platform or other fixed scales, when applied to for that purpose, and shall receive for such service a reasonable compensation.

Sec. 9^o
Sealing

The county and town sealers shall seal all scale-beams, weights, and measures found conformable with the standards, with the seals heretofore used, if any; otherwise the county sealer may use such seal as he may select, a description thereof being first lodged in the office of the secretary of state; and the town sealer shall use such seal as the town may adopt by vote describing the same.

^(1864, 1875)
Sec. 10
Fees

The state treasurer shall receive ten cents, the county sealer ten cents, and the town sealer twenty-five cents for each and every scale-beam, steelyard, or scale, and ten cents for each measure examined and sealed, excepting where more than five scales or measures belonging to one person or firm are sealed, in which case the fee shall be one half of that sum for each additional measure; all fees to be paid by the party or parties whose scales, weights, or measures are examined. The sealer shall give to the party or parties a certificate of the examination, which shall contain the number of scales, weights, or measures sealed by him, and the date thereof. He shall keep a record thereof in a book provided at the expense of the town or county for which he was appointed, which shall state the number of scales, weights, and measures sealed by him, the parties for whom they were examined, and the date thereof.

Certification

Records

⁽¹⁸⁶⁴⁾
Sec. 11
Sealer's neglect

Any sealer who shall refuse or neglect to perform any duty required by law shall forfeit for each neglect or refusal ten dollars.

^(1875, 1911)
Sec. 12
Giving false weight or measure; possessing false or unsealed apparatus; penalty for

Whoever, himself, or by his servant or agent, or as the servant or agent of another person, firm or corporation, is guilty of giving false or insufficient weight or measure, or whoever, for the purposes of buying or selling, shall have in possession any scales,

steelyards, balances, or other weighing or measuring device so adjusted as to falsely weigh or measure, or which have not been sealed as hereinbefore provided, subject to such exemptions and provisions as may appear elsewhere in the laws of this state, shall be punished by a fine of ten dollars for each offense. The sale of any commodity that is falsely branded as to weight or measure shall be punishable by a like penalty. But in all proceedings under this section, any deviations from the represented weight or measure of a commodity, falling within the tolerations adopted or which may be adopted by the National Bureau of Standards, shall not be prosecuted. And it shall be the duty of sealers to file the necessary information with the proper chief of police or county solicitor, whenever they may secure satisfactory evidence of the violation of any of the provisions of this section, and such chief of police and county solicitor shall prosecute these offenses to final judgment and sentence. *Provided*, that in prosecutions under this section involving the sale of food and drugs, health officers shall have concurrent jurisdiction with sealers.

Commodity falsely branded as to weight or measure; penalty for

When any commodity shall be sold by the hundred weight, it shall be understood to mean the net weight of one hundred pounds avoirdupois; and all contracts concerning goods sold by weight shall be construed accordingly, unless otherwise distinctly expressed.

Sec. 13^o
Hundredweight

Every public or town weigher of goods or commodities shall weigh the same, and certify the weight thereof accordingly; and for each neglect or refusal to do so he shall forfeit five dollars.

Sec. 14^o
Public weigher's duty

All measures by which fruit and other things, excepting charcoal, are usually sold by heaped measure shall be of the following dimensions: The bushel, not less than eighteen and a half inches in diameter inside; the half-bushel, not less than thirteen and three quarters inches in diameter inside; the peck, not less than ten and three quarters inches in diameter, inside; and the half-peck, not less than nine inches in diameter inside.

Sec. 15^o
Heaped bushel measure

Every basket or other measure by which charcoal shall be measured or sold shall be not less in its average diameter than twenty inches, and of a depth sufficient to contain eighteen gallons level measure, which shall be accounted two bushels, or one strike.

Sec. 16^o
Charcoal measure

Any person using a weight, measure, scale or balance after a sealer has demanded permission to test the same and has been refused such permission shall be liable to a penalty not less than ten nor more than fifty dollars.

Laws, 1911, ch. 88, p. 92
Sec. 1
Refusing to allow sealer to test apparatus; penalty for

All weights, measures, scales and balances that cannot be made to conform to the standard shall be marked or stamped Con-

Sec. 2
Condemned apparatus

demned or C D by the sealer; and no person shall thereafter use the same for weighing or measuring any commodity, sold or exchanged, under penalty of not less than twenty nor more than one hundred dollars

Sec. 3
Sealer may adjust apparatus, when; may condemn apparatus, when

If such weights, measures, scales or balances can be readily adjusted by such means as he has at hand, he may adjust and seal them; but if they cannot be readily adjusted, he shall affix to such weights, scales, balances or measures a notice forbidding their use until he is satisfied that they have been so adjusted as to conform to the standards and whoever removes said notice without the consent of the sealer affixing the same shall for each offense be fined not less than ten nor more than twenty-five dollars.

Removing sealer's notice, penalty for

Sec. 4
Seizing apparatus

A sealer or deputy sealer of weights and measures may seize without a warrant such weight, measures, balances or scales as may be necessary to be used as evidence in case of violation of the law relating to the sealing of weights and measures; such weights, scales, measures and balances to be returned to the owner or forfeited as the court may direct.

Sec. 5
Testing apparatus believed to be altered

Every sealer who has reasonable cause to believe that a weight, measure, scale or balance has been altered since it was last adjusted and sealed, may enter the premises in which it is kept or used, and shall be allowed to test and examine the same.

Sec. 6
In effect

This act shall take effect on its passage.

Pub. Stat. and Sess. Laws, 1901, ch. 126
Sec. 1, as amended by Laws, 1901, ch. 32, p. 525

Loaves of soft bread offered for sale shall weigh either half a pound, or one, one and a half, two, three, or four pounds each; and soft biscuits shall weigh either four or eight ounces each.

Weight of bread
Sec. 2, as amended
Feb. 27, 1901
Penalty

If anyone shall sell or offer for sale any loaves of soft bread or any soft biscuits that shall weigh less than the requirements of the preceding section, he shall be fined ten dollars for each offense.

Sec. 3, as amended
Mar. 31, 1911
Weight of grain per bushel

In proceedings brought under section 12 of the Public Statutes for false or insufficient weight or measure in connection with the sale of any of the articles hereinafter mentioned, the following weights and provisions shall govern: Except where the parties shall expressly agree to sale by measure, a bushel shall contain the number of pounds as hereinafter set forth: Apples, 48; dried apples, 25; beets, 60; small white beans, 60; soy beans (*glycine hispida*), 58; barley, 48; bran, 20; buckwheat, 48; Indian corn, 56; corn meal, 50; cracked corn, 50; cranberries, 32; carrots, 50; clover seed, 60; flax-seed, 56; herds grass or timothy seed, 45; Japanese barnyard millet (*P. crusgalli*), 35; lime, 70; oats, 32; onions, 52; pears, 58; peaches, 48; dried peaches, 33; peas, 60; parsnips, 45; roasted peanuts, 20; green peanuts, 22; Irish potatoes, 60; sweet potatoes, 54; quinces, 48; rye, 56; rye meal, 50; coarse salt, 70; fine salt, 50; shorts, 20; tomatoes, 56; turnips, 55;

wheat, 60. All fruits, nuts and vegetables, if sold by measure, shall be sold by dry measure, United States standard, and shall be measured by level measure. Baskets or other receptacles holding one quart or less, which are used in the sale of strawberries, blackberries, cherries, currants, blueberries, huckleberries, raspberries or gooseberries shall be of the capacity of one quart, one pint, or one-half pint, United States standard dry measure. Whoever sells or offers for sale, or has in possession with intent to sell, any of the aforesaid fruit in any basket or other receptacle holding one quart or less which does not conform to said standard, or conforming to said standard, is not level measure, shall be punished by a fine of ten dollars for each offense. Said baskets or other receptacles shall not be required to be tested and sealed as provided by chapter 125, Public Statutes, but any sealer or health officer may test the capacity of any basket or other receptacle in which any of the aforesaid fruit is sold or intended to be sold; and if the same is found to contain less than the standard measure, or if the quantity of such fruit is otherwise less than as herein provided, he shall seize the same and make complaint against the vendor.

Fruits, nuts, vegetables, and berries, how sold

Penalty for violation

Baskets may be seized, when

Milk shall be bought and sold by wine measure, the standard for which shall be two hundred and thirty-one cubic inches to the gallon, and for subdivisions of the gallon in the same proportion.

Pub. Stat. and Sess. Laws, 1901, ch. 127, p. 410 (1860, 1869)

All measures or vessels used in the sale of milk shall be tried and proved by the standard of wine measure, and the quantity they hold agreeably to such standard shall be marked thereon. Any person selling any milk by any other than measures so tried, sealed, and marked, shall forfeit for each offense ten dollars.

Sec. 12 Measure of milk
Sec. 13 Measures for milk to be tried and proved by standard of wine measure

All milk cans used by persons engaged in the business of purchasing milk at wholesale, shall be sealed annually by the sealer of weights and measures in the city or town where the purchaser resides; and no milk can shall be sealed which does not contain one or more quarts, and the capacity of the can shall be legibly marked upon it by the sealer.

(1860, 1873)
Sec. 14 Milk cans to be sealed and marked annually

When milk is purchased by the can, such can shall hold eight quarts of milk and no more.

(1873)
Sec. 15 Capacity

Any person violating the provisions of the two preceding sections shall be fined not more than fifty dollars.

Sec. 16 Penalty

All cord wood exposed for sale shall be either four feet, three feet, or two feet long, including half the kerf, and, being well and closely laid together, a quantity measuring eight feet in length, four in width, and four in height shall constitute a cord.

Pub. Stat. and Sess. Laws, 1901, ch. 126, p. 394 (1873)

It shall be the duty of measurers of wood and bark to measure any wood or bark whenever requested, and to give a certificate thereof; and they shall be paid for the service, by the party re-

Sec. 14 Cord wood, how measured

(1883)
Sec. 15 Measurers of wood and bark

- Duties and fees requesting the same, forty cents for each hour or fractional part of an hour necessarily spent by them, when the quantity to be measured exceeds twenty coras, and four cents a cord when it is twenty cords or less.
- Sec. 16
Refusing or neglect-
ing, penalty If any measurer, upon tender of his fees, shall unreasonably neglect or refuse to measure or certify any wood or bark brought to him for that purpose, or shall give any false certificate, he shall for each offense forfeit five dollars.
- Pub. Stat. and Sess.
Laws, 1901, ch. 128, p.
403 Surveyors of lumber shall survey all plank, boards, spars, slit work, shingles, clapboards, and timber previous to the sale thereof, and shall measure the same if necessary, having due consideration for drying and shrinking, making reasonable allowance for rot, knots, and splits. They shall mark the same anew according to the just contents thereof, if requested by the seller or purchaser, and give a certificate of the quantity and sorts, if required, on payment therefor.
- Sec. 1
Duties of surveyors of
lumber
- Sec. 3
Standard thickness
of plank The standard of thickness of merchantable plank shall be two inches, and when any plank of a different thickness shall be purchased, it shall be admeasured and calculated by that standard.
- Sec. 4
Ship timber, how
measured All round ship timber shall be measured according to the following rule: A stick of timber sixteen inches in diameter and twelve inches in length shall constitute one cubic foot, and in the same ratio for any other size and quantity; forty feet shall constitute one ton.
- Sec. 5
Timber by thousand,
how measured All round timber, the quantity of which is estimated by the thousand, shall be measured according to the following rule: A stick of timber sixteen inches in diameter and twelve inches in length shall constitute one cubic foot, and the same ratio shall apply to any other size and quantity. Each cubic foot shall constitute ten feet of a thousand.
- Pub. Stat. and Sess.
Laws, 1901, ch. 128, p.
405 All shingles offered for sale in this state shall be straight, four inches wide, free from shakes and worm holes; shall be split or sawed in a longitudinal direction crosswise the grain, and shall be designated and known according to their quality as "No. 1," "No. 2," "No. 3," or "refuse."
- Sec. 7
Shingles, sizes:
- "Shaved shingles No. 1" shall be eighteen inches long, seven-sixteenths of an inch thick at the butt end, shall be free from knots and sap, and shall be breasted.
- "No. 2" shall be at least seventeen inches long, three-eighths of an inch at the butt end, and clear of knots and sap.
- "No. 3" shall be at least fifteen inches long, and three-eighths of an inch thick at the butt end * * *
- Sec. 8
Admeasurement;
number in bundle No shingles shall pass inspection unless so packed as to contain by admeasurement one quarter of a thousand in each round bunch, and either one thousand or one-half or one-quarter of a

thousand in each square bunch. Each bunch or bundle shall be branded upon the butt, "No. 1" "No. 2" "No. 3" "refuse" or "O," according to the quality; and also with the abbreviation "N. H." which brand last mentioned shall be furnished by the town.

All white oak butt staves shall be at least five feet in length, five inches wide, and one inch and a quarter thick on the heart or thinnest edge and every part thereof.

Sec. 10
Staves, hoops, etc.,
sizes of

All white oak pipe staves shall be at least four feet eight inches long, four inches broad in the narrowest part and not less than one inch thick on the heart or thinnest edge.

Pipe staves

All white oak hogshead staves shall be at least forty-two inches long, and not less than three-quarters of an inch thick on the heart or thinnest edge.

Hogshead staves

All white oak barrel staves for foreign market shall be thirty-two inches long, and for home use shall be thirty inches long, and all shall be half an inch thick on the heart or thinnest edge.

Barrel staves

All white oak hogshead and barrel staves shall be, one with another, four inches in breadth, and no less than three inches in breadth in the narrowest part, and those of the last breadth shall be clear of sap.

White oak staves

All red oak hogshead and barrel staves shall be of the same length, width, and thickness with the white oak hogshead and barrel staves aforesaid.

Red oak staves

All staves shall be well and proportionately split.

Splitting

All shooks shall be forty inches long, and not less than two and a half inches wide at the ends, and full half an inch thick when dressed.

Shooks

All white oak hogshead heading shall be one inch thick, thirty inches long, and not more than five pieces to one head.

Headings

All hogshead hoops shall be made of white oak, brown ash, or walnut, of good and sufficient substance, well shaved, and either ten, twelve, or fourteen feet in length; the oak and ash hoops shall not be less than one inch broad, and the walnut hoops not less than three-quarters of an inch broad at the least; all hoops of ten, twelve, and fourteen feet respectively shall be made up in distinct bundles by themselves containing twenty-five hoops each; and each bundle intended for exportation shall be branded on the band thereof with the brand of the town whence exported.

Hoops

All hoops and staves shall hereafter be counted and sold by the decimal hundred.

Counted by decimal
hundred

All contracts for the sale and purchase of raw or unmanufactured cotton, made within this state, shall be taken and deemed to be contracts for sale and purchase at actual weights, exclusive of the weight of bagging, rope, iron ties, or straps, or any other material in which the cotton may be packed.

Pub. Stat. and Sess.
Laws, 1901, ch. 126
(1870)

Sec. 17
Contracts for purchase and sale of cotton, how construed

- Where there is no special agreement as to the amount of tare to be allowed on each bale, every bale of raw or unmanufactured cotton sold or offered for sale within this state shall have legibly marked upon it, or upon some tag securely fixed thereto, the gross weight of such bale, and the aggregate weight of the bagging, rope, and ties, or other materials in which the cotton is packed, together with the name of the weigher.
- Sec. 18
Marking of bales
- For the purpose of ascertaining the weight of the packing material upon cotton, according to the provisions of this chapter, and in the absence of a special agreement as to tare, it shall be lawful to weigh by sample; but there shall be an actual weighing of the packing materials of at least one bale in ten of each lot, after the same shall have been stripped or removed from the bale.
- Sec. 19
Tare, how ascertained
- Any town or city may appoint one or more public weighers of coal or other merchandise. Such weighers shall be appointed in towns by the board of selectmen and in cities by the body which appoints the city sealers of weights and measures, and shall hold office during the term of office of the body by which they are appointed, and until their successors are chosen and qualified, subject, however, to removal at any time by the body from which they derive their appointment.
- Laws, 1901, ch. 33, p. 525
Sec. 1
Public weighers; appointment and tenure of office
- All coal and hay sold by weight in any city or town adopting the provisions of this act shall be weighed by one of such public weighers, at the expense of the seller. The weigher shall deliver to the seller or his agent, a certificate of the weight of all merchandise weighed by him, which certificate shall be delivered by the seller to the buyer or his agent at the time of the delivery of such merchandise. The weigher shall keep a record of all such certificates, which record shall at all times be open to inspection by any person interested therein.
- Sec. 2
To weigh coal and hay at expense of seller
- No person shall act as a public weigher of coal or other merchandise of which he is either the buyer or seller, or a servant or agent of the buyer or seller, or in the sale whereof he has any interest.
- Sec. 3
Interested person not to act as weigher
- Every person selling to any city or town by weight any merchandise the weight whereof is more than one hundred pounds, shall furnish therewith the certificate of the public weigher of said city or town at his own expense.
- Sec. 4
Sales to towns
- Any person, not a city or town, purchasing by weight any merchandise the weight whereof is more than one hundred pounds, other than coal or hay, may require therewith the certificate of a public weigher of the city or town in which such purchaser resides, such certificate to be delivered with said merchandise at the expense of the seller.
- Sec. 5
Certificate to be furnished on demand of purchaser
- Public weighers shall be paid such fees, not exceeding ten cents for each weighing and the certificate and record thereof, as shall
- Sec. 6
Fees

be prescribed by the body by which they are appointed, which shall be in full for the use of their scales, for the certificates furnished by them, for the recording thereof, and for all services performed by them in their official capacity.

Any city or town may appropriate money for and may erect and maintain public scales within the limits of any public highway, or on any lands leased or purchased by them of the owners, and shall have power for this purpose to lease or purchase such lands or to take them in the same manner as lands are taken for public highways.

Sec. 7
Powers of cities and towns
Public scales

Any person who shall sell any merchandise without furnishing therewith the certificate of a public weigher as required by the provisions of this act, or any public weigher who, on tendering to him of his lawful fees, shall refuse to perform any duty imposed upon him by the provisions of this act, shall be punished by a fine of not more than twenty dollars.

Sec. 8.
Penalty

This act shall be in force only in such cities and towns as shall by lawful vote of the town or of the city council, adopt its provisions. When lawfully adopted in any city or town, it shall continue in force until the vote by which it was adopted shall be rescinded.

Sec. 9
Adoption of this act optional with town or city council

Any town or city which has adopted, or may hereafter adopt, the provisions of chapter thirty-three, laws of the State of New Hampshire passed January Session 1901 may be exempted from the provisions of section three of said chapter, by lawful vote of the town, or by vote of the city councils.

Laws, 1907, ch. 18, p. 21
Sec. 1
Towns may reject certain provisions of public weigher act

A dealer in ice who on request of the purchaser of ice, refuses or neglects to weigh the same when delivered or gives false weight shall for each offense be punished by a fine of not more than fifty dollars. Whoever, having charge of the delivery of ice from a wagon, not being a dealer in ice, refuses on the request of the purchaser of ice to weigh the same when it is delivered or gives false weight, shall be punished by a fine of not more than ten dollars.

Laws, 1907, ch. 20, p. 22
Sec. 1
Ice to be weighed on delivery; penalty

That for the purposes of this act an article shall be deemed to be misbranded: * * *

Laws, 1907, ch. 48, p. 47
Sec. 4
Misbranded foods

In the case of foods:

Third. If in package form, and the contents are stated in terms of weight or measure, they are not correctly stated on the outside of the package.

Every manufacturer, company or person, who shall sell, offer, or expose for sale or for distribution in this state any concentrated commercial feeding-stuff used for feeding farm live-stock, shall furnish with each car or other amount shipped in bulk and shall affix to every package of such feeding stuff, in a conspicuous

Sess. Laws, 1901, ch. 35, p. 528, as amended by Sess. Laws, 1911, ch. 195, p. 257
Sec. 1
Feeding stuff to bear statement of weight

place on the outside thereof, a plainly printed statement clearly and truly certifying the number of net pounds in the package sold or offered for sale, the name or trademark under which the article is sold, the name of the manufacturer or shipper, the place of manufacturer [manufacture], the place of business, * * *.

When sold at retail

Whenever any feeding-stuff is sold at retail in bulk or in packages belonging to the purchaser, the agent or dealer, upon request of the purchaser, shall furnish to him the certified statement named in this section.

Sec. 2
Definition

The term concentrated commercial feeding-stuffs, as used in this act, shall include linseed meals, cottonseed meals, pea meals, cocoanut meals, gluten meals, gluten feeds, maize feeds, starch feeds, sugar feeds, dried brewer's grains, malt sprouts, hominy feeds, cerealine feeds, rice meals, oat feeds, corn and oat chops, wheat, rye, and buckwheat bran and middlings, ground beef or fish scraps, mixed feeds, and all other materials of similar nature; but shall not include hays, and straws, the whole seeds nor the unmixed meals made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat and broom corn

NEW JERSEY

The words "weight and measure" or "weights and measures" as used in this act shall be deemed to mean and to include any weight, measure, scale beam, patent balance, spring scale, steel-yard, tape, counter measure, receptacle of any kind, or any other instrument or apparatus and acces[s]ories connected therewith used in weighing or measuring any commodity, fluid, or article of merchandise.

Sess. Laws, 1911, ch. 201, art. 1
 Sec. 1
 Weights and measures defined

The word "superintendent" as used in this act shall be deemed to mean in all instances superintendents of weights and measures.

Superintendent

The word "assistant" shall be deemed to mean assistant superintendent of weights and measures.

Assistant

The standards of weights and measures in this State shall be those recognized or furnished by the United States.

Sec. 2
 Standards
 Sec. 3
 Pounds per bushel

On all sales by weight of the agricultural products hereinafter enumerated the number of pounds per bushel, as stated in the following schedule, shall be true and legal standard:

	Lbs. per bush.		Lbs. per bush.
Apples.....	50	Onions.....	57
Apples (dried).....	25	Peaches, matured.....	50
Barley.....	48	Peaches, dried, peeled or unpeeled..	33
Beans.....	60	Peas.....	60
Beets.....	60	Potatoes (Irish).....	60
Buckwheat.....	50	Potatoes (sweet).....	54
Carrots.....	50	Rye.....	56
Clover seed.....	60	Sugar cane (amber).....	57
Flaxseed (linseed).....	55	Timothy seed.....	45
Indian corn or maize.....	56	Wheat.....	60
Oats.....	30		

When a fractional part of the bushel is sold, the fractional part of the above weights shall be required.

The standard gross ton shall consist of two thousand two hundred and forty (2,240) pounds. The standard net ton shall consist of two thousand (2,000) pounds.

Sec. 4
 Standard ton

The standard measure for a barrel of cranberries shall be one hundred quarts. Barrels to be used for buying or selling cranberries in this State, or for transporting the same outside of this State shall be of the following size, to wit: head, sixteen (16) inches diameter; staves, twenty-eight and one-half (28½) inches long;

Sec. 5
 Cranberry barrel

Marked

bilge, fifty-eight and five-eighths ($58\frac{5}{8}$) inches outside circumference. Such barrels shall be branded or stenciled in a durable manner "standard."

Sec. 6
Cranberry bushel
and crates

The standard measure for a bushel of cranberries shall be thirty-two (32) quarts, rounded measure; that crates (or boxes) to be used for buying or selling cranberries in this State or for transporting the same outside of this State shall be of the following size, to wit: twenty-two (22) inches in length, twelve (12) inches in depth and seven and one-half ($7\frac{1}{2}$) inches in width inside clear measure.

Sec. 7
Use of liquid measures

No person shall use a liquid measure in the purchase or sale of other than liquid commodities.

Sec. 8
Coal and grain sold
by weight

All grain, coal, coke or charcoal, regardless of quantity, shall be sold by weight. No person, firm or corporation shall deliver or cause to be delivered any grain or coal in amounts exceeding one hundred pounds without each sale or delivery being accompanied by a delivery ticket and duplicate thereof: *Provided*, That there shall be a delivery ticket and duplicate thereof delivered with each load of grain or coal sold and delivered. On both tickets there shall be distinctly and indelibly expressed, in ink or otherwise, the quantity or quantities in pounds of grain or coal, coke or charcoal contained in the cart, wagon or other vehicle used in such delivery, the name of the purchaser thereof, and the name of the dealer from whom purchased. One of such tickets shall be delivered to the person receiving such coal, and the other ticket shall be retained by the seller of the grain or coal: *Provided, however*, That the provisions of this section shall not apply to grain, coal, coke or charcoal sold to be delivered by the entire car or cargo direct from the vessels, boats or cars containing the same to one destination, and accepted by the purchaser on the original bill of lading or invoice as proof of weight: *Provided further*, Grain, coal, coke, or charcoal in quantities less than one hundred pounds may be sold by the standard dry measure.

Proviso

Delivery tickets

Proviso

Proviso

Sec. 9
Superintendents and
assistants
Organization

The department of weights and measures shall consist of a State superintendent, of assistant State superintendents, of county superintendents and assistant county superintendents and of a municipal superintendent and assistant municipal superintendents of weights and measures, as hereinafter provided. Each person appointed as hereinafter provided as either superintendent or assistant superintendent shall, before entering upon his duties, take an oath of office, as provided by law.

Sec. 10
Appointment of State
and county superin-
tendents

The Governor, by and with the advice and consent of the Senate, shall appoint a State superintendent for a term of five years. The governing bodies of the respective counties shall designate the county superintendent. In addition, the governing body of any municipality may, by ordinance, provide for the office of municipal

Municipal superin-
tendents

superintendent of weights and measures and may designate the municipal superintendent; but when such municipal body shall have adopted such ordinance, the clerk of said municipality shall forthwith file, with the State superintendent, a certified copy of said ordinance, and the person so designated shall forthwith be entered upon the records of the State superintendent as the municipal superintendent of weights and measures: *Provided*, That in any municipality where by ordinance there already exists departments of weights and measures as provided by law, such department shall continue in existence, which fact shall be certified to the State superintendent as herein provided, and persons holding the position of sealer and assistant sealer of weights and measures under such ordinance, shall continue in office until the expiration of the term for which they were originally appointed, and upon the expiration of their term their successors shall be appointed as in this act provided; but the former officers shall hereafter be known by the titles designated in this act and shall conform to the regulations herein provided: *And provided further*, That two or more counties or two or more municipalities may by agreement employ the same superintendent with the powers and duties of the county or municipal superintendent, as the case may be, which fact shall be certified to the State superintendent in the manner as above provided for such certification.

Proviso

Proviso

The State superintendent may appoint three assistant State superintendents. The respective county and municipal superintendents may, upon resolution of the respective governing bodies of said counties or municipalities, appoint assistant county or municipal superintendents. The number of such superintendents and assistant superintendents for such county or for such municipality shall be fixed by the governing body of such county or such municipality. No other persons shall be engaged within the State for compensation in the capacity of superintendent, sealer or inspector of weights and measures; nor shall any other person act in any official capacity as such superintendent, sealer or inspector, provided that the State superintendent may at his discretion temporarily appoint honorary or special superintendents with all the powers of the regular county or municipal superintendents. Such honorary or special superintendents shall serve without compensation.

Sec. 11
Assistants

Honorary superintendents

The State superintendent shall possess scientific and technical knowledge of the construction and use of standards of weights and measures. All county and municipal superintendents and all assistant superintendents shall be persons of sufficient scientific knowledge to properly inspect, examine and report on the technical condition of said standards. All officers except the superin-

Sec. 12
Technical knowledge
necessary

Civil service to apply
tendent shall be subject to the regulations of the State Civil Service Commission in municipalities which have adopted civil service.

Sec. 13
Salaries

The salary of the State superintendent shall be twenty-five hundred dollars (\$2,500.00) per annum; the salary of the assistant superintendent shall be twelve hundred dollars (\$1,200.00) per annum, except in first-class cities, where the salary shall not be less than one thousand eight hundred dollars per annum, and in second-class cities the salary shall not be less than one thousand five hundred dollars per annum; the salary of the county and municipal superintendents shall be fixed by the governing body of such county or such municipality, but shall not exceed fifteen hundred dollars (\$1,500.00) per annum.

Sec. 14
Authority of superintendents

The State superintendent and all assistant State superintendents, county and municipal superintendents and their assistants, shall have full power and authority to weigh or have weighed grain, coal, or other commodities while in transit from the dealer therein to the purchaser thereof, either at the request of the buyer or on the initiative of the superintendent or his assistant, either State, county, or municipal, and it shall be the duty of the State superintendent to send his assistant into any county of the State where county superintendent had not been appointed, and said superintendent may send said assistant into any county of the State, and the expenses of said assistant inspectors while making said tour of inspection shall be paid out of the fund provided by law for the Department of Weights and Measures.

Sec. 15
Duties of superintendents of weights and measures
Possession, keeping, and certification of standards

It shall be the duty of each county and municipal superintendent to take charge of all copies of the standards adopted by this act as the standards of the State, which shall be by order of the State superintendent entrusted to his care as the official standard of such county or municipality; and shall take all other precautions necessary for their safe-keeping and for their maintenance in good order. The State superintendent shall be the custodian of all standards now the property of the State received by law from the federal government or which may hereafter be legally procured from or certified to by the National Bureau of Standards, and he shall submit all standards of said State once in ten years to the said National Bureau of Standards for certification. He shall correct the standards of the several counties and municipalities, and shall at least once in five years compare the same with those in his possession.

Supervising authority

The State superintendent shall have general supervision of the administration of the provisions of this act; shall make such rules for the administration of the affairs of his office and of the offices of the county and municipal superintendents as may be necessary

for its proper enforcement. He shall have general supervision over the work of the said county and municipal superintendents. The assistant State superintendents shall be under the direct control of the State superintendent; the assistant county and assistant municipal superintendents shall be under the direct control of the superintendent of their respective counties or municipalities, and shall have all the powers and authority of a superintendent of weights and measures in making inspections and measurements.

The jurisdiction of the county superintendents of weights and measures and their assistants shall extend throughout the county for which they were appointed except there be appointed municipal superintendents as above provided, in which case the jurisdiction of the county superintendents will not extend to such municipalities. But nothing in this act shall prevent any county or municipal superintendent or assistant from making official inspections in any municipality in this State upon the designation of the State superintendent.

Sec. 16
Jurisdiction of county
officers

Upon the request of any citizen, firm, corporation or other interested party made to the superintendent of the State or the superintendent of any municipality or county thereof, such superintendent shall cause test to be made of any weights or measures; and if such weight or measure be found correct, or be made correct, such superintendent or assistant shall affix thereto the seal of the department certifying to the correctness thereof.

Sec. 17
Tests

Seal of correctness

It is the purpose of this act that all the weights and measures used in trade within this State shall be tested and sealed at least once in every two years; and it hereby becomes the duty of every county or municipal superintendent to cause such inspection of the weights and measures used within his jurisdiction to be made as heretofore provided.

Weights and meas-
ures tested and sealed
biennially

Whenever any weight or measure has been duly tested as herein provided for, and has been found correct, the superintendent or assistant making the test shall properly seal the same. If such weight or measure shall not be found correct or it shall not be possible to make it correct, said weight or measure shall not be used, but shall be disposed of as hereinafter provided. It shall be the duty of the State superintendent and his assistants to direct and assist the county and municipal superintendents in making inspections, and such State superintendent may also make rules and regulations which shall govern the sale of commodities. Every person so employed under any section of this act shall devote all his time to the duties of the office. Each superintendent and assistant superintendent shall be furnished with a badge displaying his official number, and shall exhibit the same when demanded at

Sec. 18
Inspections and rules
for sales

Official badge

any time during the performance of his duties. It shall be the duty of the State superintendent to design, number, register and issue such badges.

Sec. 19
Supply information

It shall also be the duty of the State superintendent to disseminate such information to the citizens of this State as will tend to protect them from the use of false weights and measures.

Records

Every superintendent shall keep a complete record of all standards examined by him, and every municipal and county superintendent shall annually, within ten days after the first day of January, make a sworn report of his work to the State superintendent, which report shall contain a transcript of the report of all inspections, and the State superintendent shall, before the fifteenth of February, make a report to the Legislature which shall contain, besides any recommendations or suggestions deemed necessary or desirable, an abstract or digest of the reports of the municipal and county superintendents.

Annual tests in State
departments

The State superintendent or one of his assistants shall at least once annually test all weights and measures used in checking the receipt or disbursement of supplies in any department or institution maintained wholly or in part by the State. He shall keep a complete record of all the orders and rules of his department, of all the standards, balances and other apparatus in his custody belonging to the State, and shall take an itemized receipt from his successor in office of all such standards, balances and other apparatus.

Sec. 20
National standards
procured

It shall be the duty of the State superintendent to procure a set of standards properly certified by the National Bureau of Standards, which shall be paid for out of the funds of the State.

Standards for counties
and municipalities

It shall be the duty of the superintendent of each county or municipality to procure such standards, and the necessary testing and sealing apparatus, to be paid for out of the funds of the county or municipality, as the case may be.

Exclusive use of
standards

In no case shall said standards, whether furnished by the United States or duly certified by them, be used by any superintendent for any other purpose than proving or adjusting standards of weights and measures as provided for in this act, and all assistant superintendents shall be provided with suitable standards or copies thereof for use in the performance of their duties.

Sec. 21
Official seal

The State superintendent shall provide a suitable official seal to be used by him during his term of office and duly surrendered by him to his successor.

Certificates of author-
ity

He shall also provide for himself and for the use of the county and municipal superintendents, seals or certificates of proper form and wording to be attached to standards of weights and measures which shall have been approved in pursuance of the provisions of this act.

Whenever any inspection of weights and measures has been made as hereinbefore provided upon the request of the owner thereof, if any weights and measures so inspected shall be found not to conform to the legal standard, the superintendent or assistant superintendent shall notify such owner in writing that the use of such weight or measure is illegal. Within fifteen days after the serving of such notice the owner thereof shall have such weight or measure corrected or substituted for another, and notify in writing the superintendent of such county or municipality to that effect, or shall deliver to such superintendent within said time the defective weight or measure for confiscation; and for his failure to so do, he shall be liable to a fine of twenty-five dollars.

Sec. 22
If tests show deviation

Upon the first official inspection of any weight or measure, except where the inspection is made upon the request of the owner thereof as provided for in the preceding section, if such weight or measure shall be found to deviate from the legal standard, and the deviation shall be of such nature as not to be easily known or ascertained by the owner thereof, it shall be lawful for the owner to correct such weight or measure, so that it may conform to the legal standard, and upon failing to do so, within two days after such inspection it shall be lawful for the superintendent to take possession of and destroy such weight or measure. If the said deviation or the causes thereof shall be patent or easily seen or easily capable of being known by the owner thereof, it shall become the duty of the superintendent or assistant superintendent to immediately take possession of and destroy such weight or measure, and the owner thereof shall be liable to a penalty of five dollars in addition to any other penalties and punishments herein provided.

Sec. 23
Correction of error if slight

If error easily detected, penalty

If any weights or measures theretofore sealed and certified as correct shall be found thereafter to be incorrect, the owner thereof shall be liable to a penalty of ten dollars.

Sec. 24
Incorrectness after sealing

After one year from the passage of this act it shall be unlawful for any person to buy or sell goods by the use of any weight or measure which has not been tested and sealed according to the provisions of this act, under penalty of twenty-five dollars; *Provided*, That no contract shall be declared void unless one of the contracting parties has been injured by the use of the weight or measure not tested and sealed.

Sec. 25
After a year all weights and measures must be tested

Proviso

Any person who injures or defrauds another by using, or causes to be used, with knowledge that the same is false, a false weight, measure, or other apparatus, for determining the quantity of any commodity, or article of merchandise, or sells or exposes for sale less than the quantity he represents, is guilty of a misdemeanor.

Sec. 26
Penalty

Sec. 27
Retention of false
scales a misdemeanor

A person who retains in his possession any weight or measure, knowing it to be false, unless it appears beyond a reasonable doubt that it was so retained without intent to use it, or permit it to be used in violation of the last section, is guilty of a misdemeanor.

Sec. 28
Improper marking

A person who knowingly marks or stamps false or short weights, or false tare on any cask or package, or knowingly sells or offers for sale any cask or package so marked, is guilty of a misdemeanor.

Sec. 29
Deviation allowable

The State superintendents of weights and measures shall fix tolerances or allowable deviations from the standards as herein prescribed, and he may change the same from time to time, but in no case shall such allowable deviation be less than one-half of one per centum. No penalty shall be imposed for such an allowable deviation. It shall be the duty of the inspector, however, to cause all weights and measures to conform as nearly as possible to the standard, before sealing.

Sec. 30
Each piece a separate
violation

The use, ownership or possession of each separate weight or measure in violation of any of the provisions of this act shall be deemed as separate violations thereof. Nothing herein shall be construed to create a penalty for any deviation in weights or measures from the standard as herein set forth when such deviation shall be to the disadvantage of the owner thereof.

Sec. 31
Scale of penalties

Any deviations from the official standards herein prescribed, either in weights or measures or in packages, crates, barrels or other receptacles in which any commodity is sold or offered for sale, which shall exceed the allowable error as set forth in section twenty-nine hereof by more than three times the amount of such allowable error, shall be punished by a penalty double that otherwise prescribed, and should such deviation exceed such allowable error by more than five times such allowable error, the penalty shall be three times that otherwise provided. The penalty or punishment for an offense or penalty incurred under any of the provisions of this act shall be double that otherwise prescribed herein, upon its being shown that such person has heretofore been fined, punished or convicted under the same or any other section of this act, providing the act, or omission upon which such second penalty or offense is based shall have occurred after the conviction or recovery for such first offense.

Penalty doubled for
second offense

Sec. 32
Presence of scales
presumption of use

For the purposes of this act, proof of the existence of weights or measures in or about any building, inclosure, stand or vehicle in or from which it is shown buying or selling is commonly carried on, shall be presumptive proof of their regular use for such purposes and of their ownership by the person so using or possessing them, and such facts shall be deemed to remain established until disproved beyond reasonable doubt.

Each weight or measure used by any superintendent or assistant superintendent as a standard for testing the weights and measures used in buying or selling shall be stamped or marked by the superintendent of such county or municipality in such manner as he may determine. A certificate which certifies to the correctness of such weight or measure, designating the same by number, and giving the date of its comparison with any of the standard weights and measures deposited with any State, county or municipal superintendent as in this act provided, shall be presumptive evidence that such weight or measure has continuously since the date of such comparison conformed with the said standards and the national and State standards. Such certificate shall be signed by the superintendent of the State or the superintendent of such county or municipality, and any certificate substantially setting forth the above facts and purporting to be so signed by such a superintendent shall upon its production be admitted as such presumptive evidence, without further proof of its authenticity.

Sec. 33
As to authenticity of standards

No person shall in any way or manner hinder or molest any duly authorized superintendent or assistant superintendent in the performance of the duties herein imposed upon him, under penalty of one hundred dollars for every such offense.

Sec. 34
Penalty for hindering official

No person shall refuse to exhibit any weights or measures to any of said superintendents or assistant superintendents for the purpose of being so inspected and examined, nor shall any person refuse to admit such officer to his store, or place of business, during the usual hours for business, nor shall any person who may be buying, selling or delivering goods, liquids or commodities from any wagon or conveyance refuse to permit such officer to examine any weights or measures which may be in or about such conveyance, under the penalty of twenty-five dollars for every such offense. No person shall alter or change in any manner any weight or measure, or allow the same to be done, after the same has been tested and sealed by any officer or inspector under the authority of this act, so that the same shall weigh or measure incorrectly, under penalty of one hundred dollars for each such offense.

Sec. 35
Penalty for refusing to exhibit weights, etc.

Penalty for altering sealed weights

Any person violating any of the provisions of this act for which a specific penalty has not been provided shall be liable to a penalty of ten dollars.

Sec. 36
General penalty

Whenever any weight or measure is sold or delivered after sale to any person within this State for the purpose of use in the purchase of or in the sale of commodities, such weight or measure shall be of the legal or true standard as heretofore provided in this act, and any person selling a false weight or measure with knowledge that it is to be used in weighing or measuring commodities shall be liable to a penalty of fifty dollars.

Sec. 37
New scales to be standard

Penalty for selling false scales

Sec. 38
Action if scale easily
arranged to defraud

Whenever any superintendent shall find that a particular weight or measure is so constructed as to facilitate the perpetration of fraud, he may decline to seal the same, and in such case shall report his act to the State superintendent, who shall thereupon make an investigation, and if satisfied that its use is prejudicial to the best interests of the public shall make an order that such standard shall be treated as an unlawful standard. Such order may be reviewable both as to the law and to the fact upon application to the Supreme Court.

Sec. 39
Recovery of penalties

An action to recover any penalty incurred under the provisions of this act may be brought in the name of the State of New Jersey by any duly appointed superintendent or assistant superintendent. It shall be the duty of the city attorney of any municipality wherein such violation shall take place, to assist in the prosecution of the same, unless such municipality has no municipal superintendent of weights and measures as provided for in section ten hereof, in which case the public prosecutor of the county wherein such violation shall take place, shall assist in such prosecution.

Disposition of penalties

All fines or penalties collected from persons offending against the provisions of this act shall be paid by the magistrate receiving the same into the county treasury of such county, unless such penalty was incurred within a municipality or municipalities having a municipal superintendent as provided in said section ten, in which case such penalty shall be paid into the treasury of such municipality or municipalities pro rata.

Sec. 40
Act how construed

This act shall be deemed a public act, and shall be liberally construed. Should any section or provision thereof be held unconstitutional or invalid, it shall not be held to affect any other section or provision hereof.

Sec. 41
Repeal

All acts or parts of acts inconsistent with provisions of this act shall be and the same are hereby repealed, and this act, except as hereinbefore provided, shall take effect on May first, one thousand nine hundred and eleven.

Effective

Sess. Laws, 1908, ch.

259
Sec. 14
Public scales

The mayors of cities and boroughs and the governing bodies of other municipalities are hereby authorized to designate stationary or movable scales, suitable for the purpose of weighing coal. The owners thereof may tender the same for public use, in such convenient parts of the municipality and in such numbers as shall be deemed necessary, on which the coal and vehicle in which the same is carried may be weighed at the request of the purchaser of the coal. The designation of such scales shall be in writing, and a notice thereof shall annually be inserted in a newspaper circulating in the municipality. The owners of the scales so designated shall provide, at their own expense, test weights, and the said scales shall be subject at all times to the inspection and

Notice of

Test weights

supervision of the official sealer or inspector of weights and measures, if there be such in the municipality. The owner of such scales shall employ, at his expense, a competent weigh master, and shall be entitled to charge for weighing coal and the vehicle containing the same a fee not exceeding twenty-five cents for each load; *provided*, that empty vehicles returning to such scales after delivery of the coal weighed therein shall be reweighed without additional charge. The owner of scales so designated shall enter into bond to the municipality in which such scales are situated in the sum of one hundred dollars, conditioned that the said scales shall be kept in such condition as at all times to properly register the weight of coal, and that the person weighing coal thereon shall perform his duties faithfully and furnish correct certificates to all persons having coal or vehicles weighed at such scales. Any owner of such scales, or any agent or representative of such owner, or any weigh-master employed by him, who shall be in any manner concerned in any fraudulent weighing of coal or vehicles, at such scales, shall be liable to a penalty of fifty dollars for each offence. Every owner of such scales shall keep a book in which shall be entered in ink a memorandum of every load of coal weighed at such scales, showing the name of the person, firm or corporation delivering said coal, the net weight thereof as shown by the delivery ticket thereof, the name of the purchaser thereof, the gross weight of the coal and vehicle, and net weight of the coal as weighed, and the date of the weighing thereof; such books shall be open to the inspection of the purchaser and seller of the coal.

Every purchaser of coal before accepting delivery of the same, may require any load of said coal to be weighed at his expense either at scales designated under the provisions of section four [fourteen], nearest to the point of delivery, or, if the seller so prefer, at the public scales of the municipality, if such there be. Upon request of the said purchaser or his servant or agent, the driver or other person in charge of any vehicle containing coal to be delivered to said purchaser shall take the vehicle containing coal immediately and directly to such scales, and shall there have said vehicle and the coal contained therein weighed, and shall at the time exhibit to the person weighing the same the delivery ticket accompanying such load and permit a copy of said ticket to be made, and after the delivery of the coal shall take the empty vehicle from which the same was delivered immediately and directly to the same scales to be weighed. A certificate of the weight of such coal, so weighed as aforesaid, shall thereupon be furnished to the purchaser of such coal by the person in charge

Certificate

Penalty for fraudulent weighing

Record

Sec. 15
Purchaser may require load weighed

Procedure

Certificate of weight

Penalty for refusing
to weigh load

of the scales at which said coal is weighed. If any seller of coal shall refuse to permit coal purchased from him to be weighed, at the request of the purchaser or his servant or agent as herein provided, or if any driver or other person in charge of a vehicle containing coal or from which coal has been delivered, shall refuse to take the same, at the request of the purchaser or his servant or agent as aforesaid, immediately and directly to the scales for the purpose of having the same weighed, or the empty vehicle re-weighed, or if any such driver or other person in charge of a vehicle containing coal shall fail, upon the request of the purchaser or his servant or agent as aforesaid, to go immediately and directly to the scales for the purpose of weighing the said coal and vehicle, and reweighing the empty vehicle, or shall refuse to exhibit to the person weighing the same the delivery ticket or refuse to permit a copy of said ticket to be made, the person, firm or corporation selling the said coal shall be liable to a penalty of fifty dollars for each offense.

Sec. 16
How penalties recovered

The penalties provided by this act shall be recoverable in an action upon contract at the suit and for the benefit of the municipality in which the said seller of coal shall have made the sale, which action may be brought in any court having jurisdiction of civil suits for the amount demanded.

Sec. 18
Penalty for falsely
weighing live stock, hay

If any person or persons, corporation or corporations owning or keeping or having charge of any scales or steelyards for the purpose of weighing live stock, hay or grain shall knowingly and willfully report any false or untrue weight whereby any other person or persons, corporation or corporations may be defrauded, deceived or injured, such person or persons, upon conviction thereof, shall be fined in any sum not exceeding fifty dollars, or be imprisoned in the county jail not exceeding thirty days, or both, at the discretion of the court, and also be answerable to the party defrauded in double damages, to be collected in an action of debt before any court having competent jurisdiction.

Sec. 19
Record kept at public scales

Whenever the person or persons, corporation or corporations keeping such scales or steelyards shall weigh any of the aforesaid articles for hire or reward, he or they shall, on demand of the party interested, report the weight of such article or articles, in writing, to the owner thereof, and shall keep a record of the same in a suitable book to be kept for that purpose.

Sec. 20
Standard peach
basket

The standard size of peach baskets shall be sixteen (16) quarts Winchester half-bushel measure. The height of the basket shall be twelve and one-quarter ($12\frac{1}{4}$) inches, the width across the top shall be thirteen and one-half ($13\frac{1}{2}$) inches; that the inside measurement shall contain one thousand and seventy-five and ten one-hundredths ($1075\frac{10}{100}$) cubic inches. Each basket shall be

How marked

marked "Standard N. J." upon the staves just below the rim in Roman letters, which marking shall be burned on or printed thereon with permanent red paint in a straight line. Each of them shall not be less than one inch (1) in length, and not less than one-half ($\frac{1}{2}$) inch in width. All person or persons, corporation or corporations who shall manufacture for sale, or who shall offer or expose for sale any basket to be used for shipping or selling peaches, not standard, shall distinctly and durably stamp, brand or mark upon such basket upon the stave just below the rim the number of quarts such basket contains.

Other size baskets
distinctly marked

All person or persons, corporation or corporations who shall manufacture, sell or offer or expose for sale, or have in his, her or their possession with intent to sell, or to use any peach basket or baskets not stamped, branded or marked as required thereby, shall, for every such offence, forfeit and pay a fine of not less than twenty-five dollars and not more than fifty dollars, to be recovered, with costs, in any of the courts of this State having cognizance thereof, in any action to be prosecuted by any prosecutor of the pleas in the name of the State. The one-half of such recovery shall be paid to the informer, and the residue shall be applied to the support of the poor in the county where such recovery is had.

Sec. 21
Penalty for using
baskets not properly
stamped

No person or corporation shall hereafter sell, offer for sale, or receive for the purpose of sale, any milk, skimmed milk or cream, except such sale, offer or receipt for sale, shall as to quantity be based upon the liquid gallon, containing two hundred and thirty-one cubic inches, or the liquid quart, containing fifty-seven and seventy-five one hundredths cubic inches, or the proper and complete liquid subdivisions thereof.

Laws, 1907, ch. 150,
p. 387
Sec. 1
Standard measure
for sale of milk

Any cans originally containing more or less than forty quarts of milk or cream shall be labeled or tagged, naming in quarts the original capacity of liquid measure of such cans of milk or cream, but no can originally containing forty quarts liquid measure shall be labeled or tagged.

Sec. 2
Marking of milk cans

Nothing in this act shall be construed as prohibiting the buying or selling of milk or cream either by weight or on the butter fat basis.

Sec. 3
May be sold by
weight

Any person violating any of the provisions of this act shall be liable to a penalty of fifty dollars, to be recovered in an action of debt, before the Small Cause Court, or District Court, by any person who may desire to sue therefor, who shall be designated in the state demand and summons as plaintiff, and when recovery is had such penalty shall be paid to the county collector of the county in which the said violation occurred. * * *

Sec. 4
Penalty

Laws, 1900, ch. 29, p. 46
Sec. 1
Weight to be marked on packages of feeding stuff

Every lot or parcel of concentrated commercial feeding stuff, as defined in section two of this act, used for feeding domestic animals, sold, offered or exposed for sale within this state, shall have affixed thereto, in a conspicuous place on the outside thereof, a legible and plainly printed statement, clearly and truly certifying the number of net pounds of feeding stuff contained therein, the name, brand or trade mark under which the article is sold, the name and address of the manufacturer or importer. * * *

Sec. 5
Penalty

Each and every manufacturer, importer, agent or person selling, offering or exposing for sale in this state any concentrated commercial feeding stuff, as defined in section two of this act, without the statement required by section one of this act, * * * shall be fined not exceeding one hundred dollars for the first offense, and not exceeding two hundred dollars for each subsequent offense.

Laws, 1896, ch. 178, p. 261
Sec. 1
Bread to be sold by weight

That hereafter all bread sold in this state shall be sold by weight, and the weight of all loaves of bread offered for sale shall be specified by the baker or dealer to the consumer, if said consumer require it; all bread sold shall be free from all impure or foreign substances or any material injurious to health.

Sec. 2
Penalty

Any person offending against the provisions of this act by refusing to specify the weight when so required, or by falsely specifying said weight intentionally or by wilfully inserting in bread made or sold by him any impure or foreign substance or material injurious to health, shall, upon conviction therefor, be punished by a fine not exceeding the sum of twenty-five dollars for each offense, in the discretion of the court. Any offenses under this act shall be cognizable in cities before recorders or police magistrates exclusively where there are such magistrates, and in towns, cities and other places where there is no such magistrate, before a justice of the peace.

Laws, 1907, ch. 217, p. 487
Sec. 4
Misbranded foods

* * * For the purposes of this act an article shall also be deemed to be misbranded * * *

In the case of food: * * *

If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

NEW MEXICO

The weights and measures, as adopted by the United States government, and at present in use for the purposes of said government, be and the same are hereby adopted and established as the legal weights and measures of the Territory of New Mexico.

All persons purchasing or selling with or by any other weights and measures than such as have been approved and sealed, as by this act required, shall be deemed guilty of a misdemeanor, and shall be fined, on conviction, in a sum not less than twenty dollars, nor more than one hundred dollars.

The inhabitants of each county, shall apply to the probate judge thereof, within the term of thirty days from the publication of the notice for such purpose, to cause a comparison of their weights and measures, and for the judge of probate to give them his approval in the comparison, and in addition to the general seal, he shall place thereon the peculiar one of the county.

The secretary, for the comparisons, approved with the seal, which he may prepare for each county, as also the judges of probate for those which they prepare in their respective counties, shall receive twenty-five cents, for each measure from the person who wishes such comparison.

Any judge of probate who shall alter the measures, and approve the same, for any person who may solicit it, shall be punished by a fine of not less than fifty dollars, nor more than two hundred dollars, which shall be placed in the county treasury, if they be convicted and sentenced in the district court.

That the secretary of the Territory of New Mexico be and he is hereby required to procure as soon as possible from the proper department of the Federal Government, the necessary standard of weights and measures for this territory, which shall be deposited in his office for the greater security thereof.

As soon as said standards of weights and measures shall be provided and deposited in the manner required in the foregoing section, each probate judge, in order to provide for their respective counties, on receiving information that the said standard has been received and deposited as aforesaid, shall apply in person, or

Comp. Laws, 1897,
vol. 1, title 42, ch. 1, p.
1036

(1852)
Sec. 4185
Standards adopted

Sec. 4186
Buying and selling

Sec. 4187
Application for ap-
proval

Sec. 4188
Fees

Sec. 4189
Alteration

(1867)
Sec. 4190
Secretary to procure

Sec. 4191
County standards

through some person in whom he has confidence, to the secretary of the territory, in order that the said secretary furnish him with exact weights and measures as deposited in the said office of the said secretary; and said comparison of said standards shall be the model for weights and measures in the respective counties; and every two years thereafter the judges of probate shall cause a comparison to be made with the said standard of weights and measures deposited with the secretary of the territory.

Sec. 4192
Expense of standards

The secretary of the territory shall provide and deposit in his office, the standard mentioned in section 4190, at the expense of the territory; and in order to provide therefor, on presentation of the account for transportation and other expenses in obtaining said standards as made by the said secretary, the auditor of public accounts of this territory shall draw a warrant on the territorial treasury for the amount of the account thus presented, and the treasurer shall pay the same out of any funds in his hands belonging to the said territory: Provided, That the said account shall not exceed the sum of fifty dollars.

Sec. 4193
Expense of comparison to be paid by county

The judges of probate of this territory shall obtain a comparison with the standard that has been deposited in the office of secretary of the territory, at the expense of their respective counties.

Sec. 4194
Yard substituted for vara

The vara measure is hereby suppressed, substituting in lieu thereof as the legal measure in this territory, the yard, this being the measure generally approved in the United States.

Sec. 4195
Enforcement; duty of

The probate judges of the different counties, of which this territory is composed, are hereby required to enforce compliance with the law relative to weights and measures, by requiring the same to be presented to said judge annually for his comparison and approval: Provided, That any person who shall fail to comply with said duty shall be liable to suffer the penalty imposed by law for such violation.

Sec. 4196
Penalty

Any probate judge who shall fail to comply with the duties herein specified, on conviction thereof before the district court, shall suffer a fine for such omission in any sum not less than two hundred, nor more than five hundred dollars.

Comp. Laws, 1897,
Vol. I, title 8, ch. 5, p.
399-400

(1865)
Sec. 1391
Using false weights
and measures

Any person or persons who shall, with malice and to the injury of the people or to any individual, alter or reduce the legal weights and measures, regulated according to the standard established in this territory, sections four thousand one hundred and eight-five to four thousand one hundred and ninety-six, use any false measures, on conviction thereof before the court of a justice of the peace, or upon indictment before the district court, shall be tried and sentenced as is provided by said sections.

The following rule and method of measuring loose hay in the stack, and specifying the cubical contents of a ton of loose hay, is hereby established.

Laws, 1901, ch. 34, p. 65
 Sec. 1
 Rule established for measuring hay

Measure the stack for length, width, and the "over," to get the "over," throw a tape line over the stack at an average place, from ground to ground, drawing it tightly.

Sec. 2
 Measuring a stack of hay

Multiply the width by the over and divide this result by four.

Multiply result of division by the length, for approximate cubical contents of stack.

To reduce to tons, for hay that has stood in stack less than 20 days, divide cubical contents by 512, for more than 20 and less than 60 days divide cubical contents by 422, for more than 60 days divide cubical contents by 380.

Tonnage of hay stacked twenty days and for hay stacked sixty days

Example. Stack measures 17 feet wide, 58 feet long, and 36 feet over. Stack has stood 15 days.

Multiply 17 by 36 equals 612.

Divide 612 by 4 equals 153.

Multiply 153 by length 58 equals 8874 which gives the cubical contents in feet.

Divide 8874 by 512 equals $17\frac{3}{10}$ tons in stack.

There is hereby created in each of the several counties of the Territory of New Mexico, now existing or which may hereafter be created, the office of Inspector of Weights and Measures.

Laws, 1907, ch. 98, pp. 241-244
 Sec. 1
 Creating office inspector of weights and measures

The Board of county commissioners in each of the several counties of the Territory of New Mexico are hereby authorized and empowered to appoint in their respective counties an Inspector of Weights and Measures. The first appointment under this Act shall be made by the several boards of county commissioners immediately after the passage of this Act and said officer so appointed shall hold his office for the term ending the first Monday in January, 1909, or until his successor is duly appointed and qualified, unless sooner removed for cause by said Board.

Sec. 2
 Board of county commissioners to appoint

Term

The Secretary of the Territory is hereby authorized and directed to purchase through the National Bureau of Standards as soon as possible after the passage of this act, a complete set of standards of weights and measures duly tested and certified to by said bureau, which set of standards shall be kept in the office of the secretary at the territorial capitol.

Secretary of Territory to secure standards

There is hereby appropriated out of any funds in the territorial treasury, except the interest fund, the sum of five hundred (\$500.00) dollars for the purchase of said set of standards, which shall be paid upon warrant drawn by the territorial auditor supported by certified voucher of the Secretary of the Territory.

Appropriation for

The Board of County Commissioners of each county in this Territory is hereby authorized and directed to purchase as soon

Board of commissioners to secure from

as possible after the passage of this act, through the Secretary of this Territory, a complete set of standards for the use of the Inspector of Weights and Measures for such county, which set of standards shall conform as to accuracy with the territorial set of standards in the office of the Secretary of the Territory.

Sec. 3
Duties of inspector

It shall be the duty of the inspector of weights and measures, appointed under the provisions of the preceding section, before entering upon the discharge of his duties to take an oath as prescribed by law and furnish bond in the sum of one thousand dollars (\$1,000.00), signed by two or more good and sufficient sureties, or by some bonding company authorized to do business in the territory of New Mexico, to be approved by the board of county commissioners and to be conditioned for the faithful discharge of his duties. After taking the oath of office and furnishing bond as herein required, it shall be the duty of said inspector at intervals not less than five nor more than seven months apart to examine and test the accuracy of all weights, measures, scales and other devices used for weighing or measuring any article for sale which may be used in such a manner that the accuracy of them may be of pecuniary interest to any citizen other than the owner or user thereof; to stamp with a suitable seal to be prescribed by the board of county commissioners, each measure, scale, or other device for measurement or weight, which he may find to conform or which shall be made to conform to the standard prescribed by the laws of the United States and of this Territory, and deliver to the owner thereof a certificate of the accuracy thereof; to seize in the name of the Territory all false weights, measures, scales, or other devices for measurement or weight, which he may find and which the owner shall refuse to have immediately made to conform to said laws; and he shall keep a record of all scales, measures, or other such devices inspected by him, specifying date, place of inspection and the name or names of the person or persons for whom the inspection was made, and shall report his findings under oath to the board of county commissioners at the session next succeeding any tour of inspection.

Sec. 4
Dealer must give
weight ticket

It shall not be lawful for any licensed dealer to sell or deliver any hay, coal, coke, charcoal, fire wood or other fuel, unless the delivery of such article or articles shall be accompanied by a delivery ticket, signed by the person, firm or corporation selling said hay or fuel, stating in tons, fractional parts thereof or pounds avoirdupois the weight thereof in the vehicle used for said delivery, unless it be wood, when the quantity shall be expressed in cords or fractional parts thereof. Said ticket shall also state the name of the seller and purchaser, and said ticket shall be delivered to the purchaser of any such article by the seller in all sales

of the same and at the time of delivery; and any such dealer who shall knowingly violate the foregoing provisions of this Section or who shall knowingly sell, deliver, or attempt to sell or deliver any short, false or fraudulent weight or measure of any of the articles hereinbefore mentioned, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars, and upon second conviction for a like offense his license shall be revoked and no license shall be granted to such dealer to engage in the same business or occupation for a period of one year thereafter.

The salary of such Inspector of Weights and Measures shall be one hundred (\$100.00) dollars per annum, payable semi-annually out of the current expense fund of the county wherein he is appointed, and he shall be allowed in addition to such salary the sum of fifty (\$50.00) dollars for traveling expenses for each trip of inspection, and he shall collect in the name of the Territory from each person, partnership or corporation, the sum of fifty cents (50c) for each and every scale of every kind or character examined, tested and sealed by him, and the sum of twenty-five cents (25c) for each and every measure tested by him, and shall after each trip of inspection, make under oath an itemized statement of all such moneys so collected by him, which money shall be paid over by such inspector to the county treasurer of said county, and placed to the credit of the current expense fund, but no inspector shall receive any compensation other than the salary hereinbefore provided, and the fifty (\$50.00) dollars traveling expenses for making each trip of inspection.

Sec. 5
Salary of inspectors

Any person who sells or offers for sale any commodity whatsoever, by any false weight or measure, not corresponding with the weights and measures adopted by the United States government and in use by such government, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars; and upon a second conviction for a like offense, any license under which he may be doing business shall be revoked, and no license shall be granted to such person to engage in the same business or occupation for a period of one year thereafter. Such person shall also forfeit to any person injured by the commission of such offense the sum of twenty-five (\$25.00) dollars to be recovered in a civil action, either before or after conviction.

Sec. 6
Penalties for violations of this act

The office of Inspector of Weights and Measures may be created by any incorporated city, town or village, under this act, by ordinance, and his duties, fees, and emoluments fixed by said ordi-

Sec. 7
Cities and towns may have inspector
Duties to be fixed

nance. Such ordinance shall otherwise conform to the provisions of this act. Whenever such office is so created by any municipality, the duties of the Inspector of Weights and Measures appointed by the board of county commissioners shall be confined to the parts of the county outside of the city, town or village creating such office by such ordinance.

All acts and parts of acts in conflict herewith are hereby repealed, and this act shall take effect and be in force from and after the date of its passage.

That the owner or agent of each coal mine within this territory, at which the miners are paid by weight, shall provide at or near such mine suitable scales of standard make for the weighing of all coal mined.

The owner or agent of such mine shall require the person authorized to weigh the coal delivered from said mine to be sworn, before some person having authority to administer an oath, to keep the scales correctly balanced; to accurately weigh and to record a correct account of the amount weighed of each miner's car of coal delivered from such mine, and such oath shall be kept conspicuously posted at the place of weighing. The record of the coal mined by each miner shall be kept separate and shall be open to his inspection at all reasonable hours, and also for the inspection of all other persons pecuniarily interested in such mine.

In all coal mines in this territory the miners employed and working therein may furnish a competent check-weighman, who shall at all proper times have full right of access and examination of such scales, machinery or apparatus, and seeing all measures and weights of coal mined and accounts kept of the same: *Provided*, That no more than one person on behalf of the miners collectively shall have such right of access, examination and inspection of scales, measures and accounts at the same time and that such person shall make no unnecessary interference with the use of such scales, machinery or apparatus. The agent of the miners as aforesaid shall, before entering upon his duties make and subscribe to an oath before some officer duly authorized to administer oaths, that he is duly qualified and will faithfully discharge the duties of check-weighman. Such oaths shall be kept conspicuously posted at the place of weighing.

Any person, company or firm having or using any scale or scales for the purpose of weighing the output of coal at mines so arranged or constructed that fraudulent weighing may be done thereby, or who shall knowingly resort to or employ any means whatsoever by reason of which such coal is not correctly weighed or reported in accordance with the provisions of this act, or any weighman or check-weighman who shall fraudulently weigh or record the weights of such coal, or

Sec. 8
Repeal

(1880)
Comp. Laws, 1897, p.
601
Sec. 2350
Owners of coal mines
to provide scales

Sec. 2351
Weighmaster to be
sworn as to duties

Sec. 2352
Miners may have
competent check weigh-
man

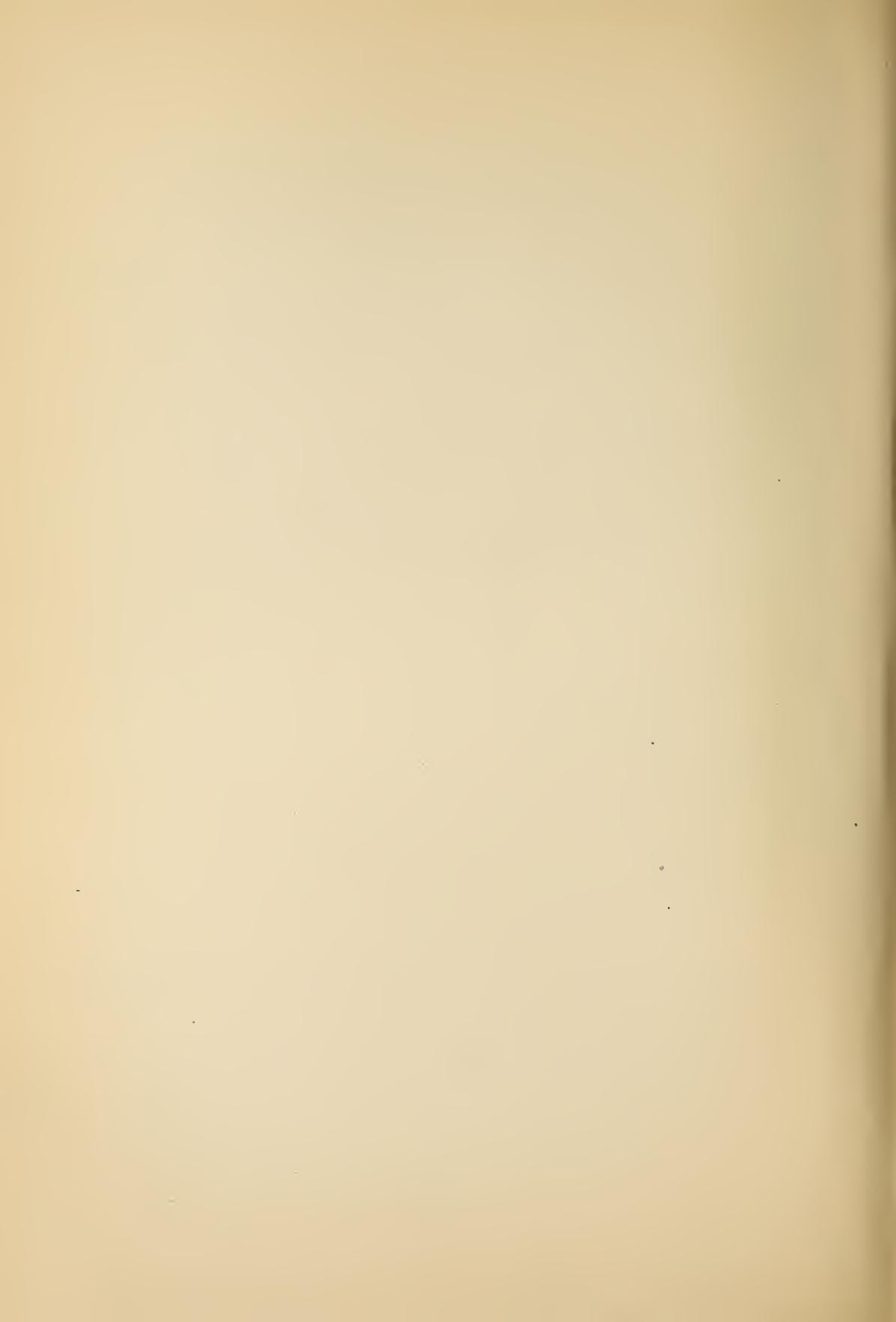
Sec. 2353
Using of fraudulent
scales or conniving at
false weights a misde-
meanor

receive at or connive at, or consent to such fraudulent weighing, shall be deemed guilty of a misdemeanor, and shall upon conviction for each such offense be punished by a fine of not less than two hundred dollars (\$200), nor more than five hundred dollars (\$500), or by imprisonment in the county jail for a period not to exceed sixty days, or by both such fine and imprisonment, proceedings to be instituted in any court of competent jurisdiction. Penalty

Any person, owner or agent operating a coal mine in this territory who shall fail to comply with the provisions of this act, or who shall obstruct or hinder the carrying out of its requirements shall be fined for the first offense not less than fifty dollars (\$50), nor more than two hundred dollars (\$200); for the second offense not less than two hundred dollars (\$200), nor more than five hundred dollars (\$500), and for the third offense not less than five hundred dollars (\$500): *Provided*, That the provisions of this act shall apply only to coal mines whose products are shipped by rail and shall not apply to mines where suitable scales of standard make furnished by any railroad or transportation company or through which the coal is shipped are used for weighing. Sec. 2354
Failure to comply with
provisions of this act

Penalty

NOTE.—The above chapter of the session acts has the following note: Above act, though regularly passed and approved, has no enacting clause.



NEW YORK

This chapter shall be known as the "General Business Law."

The standard weights and measures that were furnished to this state by the government of the United States, in accordance with a joint resolution of congress, approved June fourteenth, eighteen hundred and thirty-six, and consisting of one standard yard measure and one set of standard weights, comprising one Troy pound, and nine avoirdupois weights of one, two, three, four, five, ten, twenty, twenty-five and fifty pounds respectively; one set of standard Troy ounce weights, divided decimally from ten ounces to the one ten-thousandth of an ounce; one set of standard liquid capacity measures, consisting of one wine gallon of two hundred and thirty-one cubic inches, one-half gallon, one quart, one pint and one-half pint measure; and one standard half hushel, containing one thousand and seventy-five cubic inches and twenty one-hundredths of a cubic inch, according to the inch hereby adopted as standard, and such new weights, measures, balances and other apparatus as may be received from the United States as standard weights, measures, balances and apparatus in addition thereto or in renewal thereof as well as such weights, measures, balances and apparatus as may be added by the state department of weights and measures and verified by the national bureau of standards shall be the standard of weights and measures throughout this state.

The units or standard measures of length and surface, from which all other measures of extension, whether lineal, superficial or solid, shall be derived and ascertained, are the standards of length designated in this article. For measures of cloths and other commodities commonly sold by the yard, the yard may be divided into halves, quarters, eighths, and sixteenths. The rod, pole or perch, contains five and one-half yards; the mile, one thousand seven hundred and sixty yards. The chain for measuring land is twenty-two yards long and is divided into one hundred equal parts called links. The acre for land measure, shall be measured horizontally and contain ten square chains, equivalent in area to a rectangle sixteen rods in length and ten in breadth; six hundred and forty acres being contained in a square mile.

(1900)
Con. Laws—general
business law, vol. 2, p.
1173, ch. 20, art. 1
Sec. 1
Short title
Sec. 2, art. 2, as
amended by chs. 187
and 470, Laws, 1910
Description of weights
and measures

Sec. 3, as amended by
Laws, 1910
The unit of length
and surface

Sec. 4, as amended by
Laws, 1910
Units of weight

The units or standards of weight from which all other weights shall be derived and ascertained, shall be the standard weights designated in this article. The hundred-weight consists of one hundred avoirdupois pounds and twenty hundred weight are a ton. In all transactions relating to the sale or delivery of coal two thousand avoirdupois pounds in weight shall constitute a legal ton.

Sec. 5
Units of capacity

The units or standards of measure of capacity for liquids from which all other measures shall be derived and ascertained shall be the standards designated in this article. The barrel is equal to thirty-one and one-half gallons and two barrels are a hogshead. The parts of the liquid gallon shall be derived from the gallon by continual division by the number two, so as to make half gallons, quarts, pints, half pints and gills. The peck, half peck, quarter peck, quart, pint and half pint for measuring commodities which are not liquids shall be derived from the half bushel by successively dividing that measure by two. The standard of measure for buying and selling strawberries, raspberries, blackberries, currants, gooseberries, plums, cherries, cranberries and other small fruits shall be the quart, which shall contain when even full sixty-seven and two-tenths cubic inches; the pint, which when even full shall contain thirty-three and six-tenths cubic inches; the half pint, which when even full shall contain sixteen and eight-tenths cubic inches; multiples of the quart, which when even full shall contain like multiples of sixty-seven and two-tenths cubic inches.

Sec. 5a, as enacted
by Laws, 1910
Bottles or jars for milk
and cream

Bottles used for the sale of milk and cream shall be of the capacity of half gallon, three pints, one quart, one pint, half pint and one gill, filled full to the bottom of the cap ring or stopple. The following variations on individual bottles or jars may be allowed: six drams above and six drams below on the half gallon; five drams above and five drams below on the three pint; four drams above and four drams below on the quart; three drams above and three drams below on the pint; two drams above and two drams below on the half pint, and two drams above and two drams below on the gill. Bottles or jars used for the sale of milk shall have clearly blown, or otherwise permanently marked, in the sides or bottom of the bottle the name, initials or trade-mark of the manufacturer and a designating number, which designating number shall be different for each manufacturer and may be used in identifying the bottles. The designating number shall be furnished by the state superintendent of weights and measures upon application by the manufacturer, and a record of the designating numbers and to whom furnished shall be kept in the office of the superintendent of weights and measures.

Any manufacturers who sell milk and cream bottles to be used in this state that do not comply as to size and marking with the provisions of section five-a shall suffer a penalty of five hundred dollars, to be recovered by the attorney-general in an action to be brought in the name of the people of the state of New York. Any dealer who knowingly uses for the purpose of selling milk or cream jars or bottles purchased after this law takes effect that do not comply with section five-a as to marking and capacity shall be deemed guilty of giving false or insufficient measure.

Sec. 5b, as enacted by Laws, 1910

Penalty

The measure of capacity for all commodities commonly sold by heap measure shall be the half bushel and its multiples and subdivisions. The measures used to measure such commodities shall be cylindrical, with plain and even bottom, and of the diameter of nineteen and one-half inches from outside to outside if a bushel; fifteen and one-half inches if a half bushel, and twelve and one-third inches if a peck.

Sec. 6
Heap measure

All commodities sold by heap measure shall be duly heaped up in the form of a cone, the outside of the measure to be the limit of the base of the cone, and the cone to be as high as the commodities will admit.

The standard measure of capacity for bran and shorts shall be forty quarts to the bushel. The measure used for measuring such commodities shall be round, with a plain or even bottom, and it shall be thirteen and one-half inches in diameter in the clear at the top, and fifteen inches and one-half in diameter in the clear at the bottom, and of sufficient depth to contain such number of quarts, when stricken with a round, straight stick or roller of uniform diameter.

Sec. 7
Measure for bran and shorts

Whenever any commodity specified in this section is sold by the bushel, and no special agreement is made by the parties as to the mode of measuring, the bushel shall consist of seventy pounds of lime or coarse salt; sixty pounds of wheat, peas, potatoes, clover-seed or beans; fifty-seven pounds of onions; fifty-six pounds of Indian corn, rye or fine salt; fifty-five pounds of flax-seed; fifty-four pounds of sweet potatoes; fifty pounds of corn meal, rye meal or carrots; forty-eight pounds of barley, apples or buckwheat; forty-five pounds of herds-grass, timothy seed or rough rice; forty-four pounds of Sea island cotton seed; thirty-three pounds of dried peaches; thirty-two pounds of oats; thirty pounds of upland cotton seed; twenty-five pounds of dried apples; twenty pounds of bran or shorts. For a fractional part of the bushel a like fractional part of the above weights shall be required.

Sec. 8, as amended by Laws, 1910
Number of pounds to the bushel

A barrel of pears, quinces or potatoes shall represent a quantity equal to one hundred quarts of grain or dry measure. A barrel of apples shall be of the following dimensions: head diameter,

Sec. 9
Barrels of apples, quinces, pears, and potatoes

seventeen and one-eighth inches; length of stave, twenty-eight and one-half inches; bulge, not less than sixty-four inches outside measurement, to be known as the standard apple barrel. Or where the barrel shall be made straight or without a bulge, it shall contain the same number of cubic inches as the standard apple barrel. Every person buying or selling apples, pears, quinces or potatoes in this state by the barrel, shall be understood as referring to the quantity or size of the barrel, specified in this section, but when potatoes are sold by weight, the quantity constituting a barrel shall be one hundred and seventy-four pounds. No person shall make, or cause to be made, barrels holding less than the quantity herein specified, knowing or having reason to believe that the same are to be used for the sale of apples, quinces, pears or potatoes, unless such barrel is plainly marked on the outside thereof with the words "short barrel" in letters of not less than one inch in height. No person in this state shall use barrels hereafter made for the sale of such articles of a size less than the size specified in this section. Every person violating any provision of this section shall forfeit to the people of this state a sum of five dollars for every barrel put up or made or used in violation of such provision.¹

Sec. 10
Construction of con-
tracts

All contracts made within the state for work to be done, or for the sale or delivery of personal property, by weight or measure, shall be taken and construed according to the standards of weights and measures adopted in this article.

Sec. 11, as amended
by Laws, 1970
Duties of state super-
intendent of weights
and measures

The state superintendent of weights and measures shall take charge of the standards adopted by this article as the standards of the state; cause them to be kept in a fireproof building belonging to the state, from which they shall not be removed, except for repairs or for certification, and take all other necessary precautions for their safe-keeping. He shall maintain the state standards in good order and shall submit them once in ten years to the national bureau of standards for certification. He shall correct the standards of the several cities and counties and, as often as once in five years, compare the same with those in his possession, and where not otherwise provided by law he shall have a general supervision of the weights, measures and measuring and weighing devices of the state, and in use in the state. He shall upon the written request of any citizen, firm, corporation or educational institution of the state, test or calibrate weights, measures, weighing or measuring devices and instruments or apparatus used as

¹ The attorney general of New York has rendered an opinion to the effect that section 263 of the agricultural law repeals section 9 of the general business law so far as the matter relates to barrels for apples, pears and quinces, but the section of the general business law controls so far as regards barrels of potatoes. In consequence of this opinion the state superintendent of weights and measures has issued instructions to the effect that a sealer of weights and measures has nothing to do with barrels for apples, pears and quinces, but is only concerned with barrels used for potatoes, which barrels should be 100-quart barrels.

standards in the state. He, or his deputies or inspectors by his direction, shall at least once annually test all scales, weights and measures used in checking the receipt or disbursement of supplies in every institution under the jurisdiction of the fiscal supervisor of state charities and he shall report in writing his findings to said fiscal supervisor and to the executive officer of the institution concerned; and at the request of said officers the superintendent of weights and measures shall appoint in writing one or more employees, then in actual service, of each institution, who shall act as special deputies for the purpose of checking the receipt or disbursement of supplies. He shall keep a complete record of the standards, balances and other apparatus belonging to the state and take receipt for the same from his successor in office. He shall annually during the first two weeks of January make to the legislature a report of the work done by his office. The state superintendent, or his deputies or inspectors by his direction, shall inspect all standards used by the counties or cities at least once in two years and shall keep a record of the same. He, or his deputies or inspectors at his direction, shall at least once in two years visit the various cities and counties of the state in order to inspect the work of the local sealers and in the performance of such duties he may inspect the weights, measures, balances or any other weighing or measuring appliances of any person, firm or corporation.

The state shall have a complete set of copies of the original standards of weights and measures adopted by this article, which shall be used for adjusting county standards, and the original standards shall not be used except for the adjustment of this set of copies and for scientific purposes.

Sec. 12
Copies of standard
weights and measures

The state superintendent of weights and measures shall see that the foregoing provisions of this section are complied with and procure such apparatus and fixtures, if the same have not already been procured, as are necessary in the comparison and adjustment of the county standards.

He shall cause all the city and county standards to be impressed with the emblem of the United States, the letters "N. Y.," and such other devices as he shall direct for the particular county.

There shall be a county sealer of weights and measures in each county, who shall be appointed by the board of supervisors and hold office during the pleasure of such board. He shall be paid a salary determined by the board of supervisors and shall be provided by them with the necessary working equipment of standard weights and measures. He shall take charge of and safely keep the county standards. Where not otherwise provided by law, the

Sec. 13, as amended
by Laws, 1910
County sealer; duties
of county sealer; duty of
supervisors

county sealer shall have the power within his county to inspect, test, try and ascertain if they are correct, all weights, scales, beams, measures of every kind, instruments or mechanical devices for measurement and the tools, appliances or accessories connected with any or all such instruments or measurements used or employed within the county by any proprietor, agent, lessee or employee in determining the size, quantity, extent, area or measurement of quantities, things, produce, articles for distribution or consumption offered or submitted by such person or persons for sale, for hire or award. He shall at least twice in each year and as much oftener as he may deem necessary see that the weights, measures and all apparatus used in the county are correct. He may for the purposes above mentioned, and in the general performance of his official duties, enter or go into or upon and without formal warrant, any stand, place, building or premises or may stop any vender, peddler, junk dealer, coal wagon, ice wagon or any dealer whatsoever, for the purposes of making the proper tests. Whenever the county sealer finds a violation of the statutes relating to weights and measures he shall cause the violator to be prosecuted. The county sealer shall keep a complete record of the work done by him and shall make an annual report to his board of supervisors, and an annual report, duly sworn to, not later than the first of December to the state superintendent of weights and measures. The county sealer of weights and measures shall forthwith on his appointment give a bond, with sureties to be approved by the appointing power, for the faithful performance of the duties of his office and for the safety of the local standards and such appliances for verification as are committed to his charge and for the surrender thereof immediately to his successor in office or to the person appointed by the proper authority to receive them.

Semiannual inspection

Record Report

Sec. 14, as amended by Laws, 1910
City sealer

There shall be a city sealer of weights and measures to be appointed by the mayor with the approval of the common council of each city. He shall be paid a salary to be fixed and determined by the board or body authorized to determine salaries of city officials, and no fees shall be charged or received by him or by the city for the inspection or testing of weights, measures or weighing or measuring devices. He shall perform in his city the duties of and have like powers as a county sealer in a county. This section shall not apply to the city of New York.

Sec. 15, as amended by Laws, 1910
Weights and measures to be sealed

Whenever the sealer of a city or county compares weights and measures and finds that they correspond or causes them to correspond with the standards in his possession, he shall seal and mark such weights and measures with the appropriate devices.

(1909)
Con. Laws, ch. 20, art. 13

All wheat flour, rye flour, Indian meal or buckwheat meal manufactured in this state for exportation shall be packed in good strong

casks made of seasoned oak or other sufficient timber, and hooped with at least ten hoops, three of which shall be on each chime, and properly nailed.

Sec. 220
How packed

The casks shall be of two sizes only. One size shall contain one hundred and ninety-six pounds of flour or meal, with staves twenty-seven inches long and each head sixteen and one half inches in diameter; and the other size shall contain ninety-eight pounds, with staves twenty-two inches long and each head fourteen inches in diameter, or with staves twenty-seven inches long and each head not more than twelve inches in diameter. But Indian meal may likewise be packed in hogsheads which shall contain eight hundred pounds.

Sec. 221
Size of casks

The casks shall be made as nearly straight as may be, and their tare shall be marked on the head with a marking iron; they shall be branded with the weight of the flour and meal contained therein, and branded or painted with the initial letter of the christian name and the surname at full length of the manufacturer thereof; except hogsheads of Indian meal, on which the weight only shall be branded.

Sec. 222
How casks shall be marked and branded

Every such cask of wheat flour shall also be branded as follows: If of a very superior quality, "extra superfine"; if of a quality now branded "superfine," with the word "superfine"; if of a third quality, "fine"; if of a fourth quality, "fine middlings"; if of a fifth quality, "middlings"; if of a sixth quality, "ship stuffs."

Sec. 223
Casks of wheat flour, how branded

Each cask of rye flour intended for the first quality shall be branded with the words "superfine rye flour," and each cask intended for the second quality, with the words "fine rye flour."

Sec. 224
Casks of rye flour, how branded

Each cask of Indian meal shall be branded with the words "Indian meal"; and each cask of buckwheat meal, with the letter and the word "B meal."

Sec. 225
Casks of meal, how branded

A person shall not knowingly offer for sale any cask of flour or meal upon which the tare is undermarked, or in which there is a less quantity of meal than is branded thereupon. A manufacturer of flour or meal shall not undermark the tare of any cask, or put therein a less quantity of meal than is branded thereupon; but if the light weight of any such cask has been occasioned by some accident unknown to the manufacturer, and which happened after the packing of the cask, it shall not be deemed a violation of this section.

Sec. 226
Prohibition against wrong marking

A person violating any provision of this section shall forfeit to the people of the state the sum of five dollars for every such violation.

Penalty

No person shall alter or counterfeit any brand marks, whether state or private, made under the provisions of this article, or put any flour or meal in any empty cask previously used and branded,

Sec. 227
Counterfeiting marks prohibited

and offer the same for sale in such cask without first cutting out the brands.

Penalty

A person violating the provisions of this section in regard to altering or counterfeiting any brand marks shall forfeit to the people of the state the sum of one hundred dollars for each such violation, and a person violating any other provision of this section shall forfeit to the people of the state the sum of five dollars for each such violation.

Sec. 228
Prohibition against
the sale of mixed flour

No person shall knowingly offer for sale as good wheat flour, any flour which contains a mixture of Indian meal, or any other mixtures, or any unsound flour. A person violating this section shall forfeit to the people of the state the sum of five dollars for each such violation.

Sec. 229
Prohibition against
the transportation of In-
dian meal on deck
Penalty

No person having charge of any vessel shall transport, into the city of New York, any Indian meal upon the deck of any vessel.

Every person violating this section shall forfeit to the people of the state twenty cents for every barrel and eighty cents for every hogshead transported in violation of this section.

(1000)
Con. Laws, ch. 20,
art. 14
Sec. 240
Beef and pork
Barrels and tierces,
how made

All barrels in which any pork or beef is repacked, shall be of good, seasoned white oak or white ash staves and heading, free from every defect; and each barrel shall contain two hundred pounds of beef or pork.

The barrel shall measure seventeen and one-half inches between the chimes, and be twenty-eight inches long, and hooped with twelve good, hickory, white oak or other substantial hoops. If made of ash staves, it shall be hooped with at least fourteen hoops. The staves and heads shall be of good thick stuff, the heads not less than three-quarters of an inch thick; and each stave, on each edge, at the bilge, shall not be less than one-half an inch thick, when finished. The hoops shall be well set and driven, and the barrels branded on the bilge with at least the initial letters of the cooper's name. The half barrel shall contain not less than fifteen, nor more than sixteen gallons, and be made in proportion to and of like materials as a whole barrel, and shall contain one-half of the quantity of beef or pork of the whole barrel.

The tierce shall be made in proportion to and of like materials as a barrel, and shall contain three hundred pounds of beef or pork.

Sec. 241
Barrels in Suffolk,
Kings, Queens, and
Nassau Counties

All beef and pork which is repacked in and exported from the counties of Suffolk, Kings, Queens and Nassau, may be packed in barrels as nearly straight as may be, made of good, seasoned red oak staves and heading of the growth of such counties respectively, free from sap and every defect and made otherwise as above directed.

Sec. 242
Qualities of pork

Every barrel of pork shall be branded on one of its heads by its name, and contain either "mess pork," "prime pork" or "cargo

pork." "Mess pork" consists of the sides of good, fat hogs, exclusive of all other pieces. "Prime pork" is pork of which there is in a barrel not more than three shoulders, the legs being cut off at the knee joint, not more than twenty-four pounds of heads which have the ears and snouts cut off, the snouts cut off to the opening of the jaws, and the brains and bloody grizzle taken out of the heads; and the rest made up of side pieces, neck and tail pieces. "Cargo pork" is pork of which there is not in a barrel more than thirty pounds of head and four shoulders, and it shall be otherwise merchantable pork. "Side pork" so repacked, shall be cut from the back bone to the belly, in pieces about five inches wide, and which in weight are not under four pounds; otherwise, the barrels containing the same shall not be branded merchantable pork.

Every person putting up hops for sale or exportation shall mark or stamp on each bale or other package containing the same, in a legible manner, the initial letter of his christian name, and his surname at full length, and the gross weight of such bale or package, before its removal from the place where the hops are put up.

(1909)
 Con. Laws, ch. 20,
 art. 15
 Sec. 250.
 Bales of hops to be
 marked

A person violating this section shall forfeit to the people of the state the sum of five dollars for each such violation.

Penalty

No person shall intermix with any hops any foreign or improper substance, or in any manner adulterate their quality.

Sec. 251
 Adulteration of hops
 prohibited; counterfeit-
 ing marks

No person shall counterfeit the marks on any bale or package of hops, or empty any bale or package of hops so marked, for the purpose of putting therein other hops for sale or exportation, without first erasing such marks.

A person violating any provision of this section shall forfeit to the people of the state the sum of one hundred dollars for each such violation.

Penalty

A bale of hops sold in this state shall not weigh less than one hundred and seventy-five nor more than two hundred and ten pounds. The tare to be deducted is five pounds. The standard weight of sacking for baling is not less than twenty-four nor more than thirty ounces for each yard; five yards thereof is the maximum quantity to be used for each bale, and any excess in the weight of such sacking or other extraneous matter used in baling may be deducted as additional tare.

Sec. 252
 Standard weight of
 hop bales and tare
 thereon

Every person who puts up and presses any bundle of hay for market shall mark or brand, in a legible manner, the initials of his name or the initial letter of his christian name and his surname at full length, and the name of the town in which he resides, on some board or wood attached to such bundle of hay. Such hay may be sold with or without deduction for tare, and by the weight as marked, or any other standard weight as agreed between seller and buyer.

Sec. 253
 Bales of hay to be
 marked

Penalty

A person violating this section shall forfeit to the people of the state the sum of five dollars for each such violation.

Sec. 254
Prohibition against
the adulteration of hay

No person shall put or conceal in any such bundle of hay any wet or damaged hay, or other materials, or hay of any inferior quality to that which plainly appears upon the outside of such bundle.

Penalty

A person violating this section shall forfeit to the people of the state the sum of five dollars for each such violation.

Sec. 255
Weight to be marked
on bale

The gross weight shall be plainly marked on each bale of hay or straw sold or offered for sale in this state; and no baled hay or straw shall be so sold or offered for sale which weighs less than such gross weight after deducting five pounds from such bale for shrinkage. And no baled hay or straw shall be so sold or offered for sale with more than twenty pounds of wood to the bale, the weight of which is two hundred pounds or upward, or more than ten pounds of wood for bales weighing less than two hundred pounds.

Penalty

A person violating any provision of this section shall forfeit to the people of the state the sum of five dollars for each such violation.

Laws, 1911, ch. 825
Sec. 1
Amendment

Chapter twenty-five of the laws of nineteen hundred and nine, entitled "An act relating to general business, constituting chapter twenty of the consolidated laws," is hereby amended by inserting therein a new article to be article twenty-five-a, to read as follows:

(1911)
Con. Laws, vol. 2, ch.
20, art. 25a
Sec. 383
Coal, coke, and char-
coal to be sold by weight

Coal, coke and charcoal shall be sold by weight except as hereinafter provided. A person, firm or corporation shall not attempt to sell or deliver less than two thousand pounds by weight to the ton of coal, coke or charcoal, or a proper proportion thereof in quantities less than a ton, and such coal, coke or charcoal shall be duly weighed on scales that have been tested and sealed by the official charged with such testing; provided, however, that in all cases thirty pounds to the ton shall be allowed for the variation in scales and wastage.

Sec. 384
Delivery tickets

No person, firm or corporation delivering coal, coke or charcoal shall deliver or cause to be delivered any quantity or quantities of coal, coke or charcoal, without each such delivery being accompanied by a delivery ticket, and a duplicate thereof, on each of which shall be in ink, or other indelible substance, distinctly expressed in pounds the quantity or quantities of coal, coke or charcoal contained in the cart or wagon or other vehicle used in such delivery, with the name of the purchaser thereof and the name of the dealer from whom purchased. One of such tickets shall be delivered to the purchaser specified thereon, and the other of such tickets shall be retained by the seller.

The preceding section shall not apply to coal delivered by the entire cargo direct from the vessel containing the same to one destination and accepted by the purchaser on the original bill of lading as proof of weight, or from a full car loaded with coal; but with every such delivery of an entire cargo or carload of coal there shall be delivered to the purchaser thereof by the consignor, one of the original bills of lading or shipping notices issued to or by the person, firm or corporation by whom the coal was loaded into the vessel or car from which such coal is delivered to the purchaser of the entire cargo or carload thereof, on each of which bills of lading there shall be in ink or other indelible substance distinctly expressed the date and place of loading such cargo or car and the number of pounds contained therein.

Sec. 385
Proviso as to delivery of entire cargo or carload of coal

Baskets or bags used for the delivery of coal, coke or charcoal, shall be of such capacity as to hold stricken full approximately one hundred pounds of anthracite coal; but baskets or bags of other sizes used for delivery may be used if the amount of anthracite coal they will contain stricken full is indelibly marked on the outside thereof in solid roman capital letters at least three inches in height. When the coal, coke or charcoal is sold in quantities less than one hundred pounds in baskets or bags or pails, the provisions of section three hundred and eighty-four shall not apply, but such baskets, bags or pails shall have the weight of the contents plainly marked on the outside side thereof in solid roman capital letters at least one inch in height; but charcoal or coke in quantities less than one hundred pounds may be sold by standard dry measure, and in such cases the bag, basket or pail shall have plainly marked on the outside side thereof the capacity in terms of standard dry measure in solid roman capital letters at least one inch in height.

Sec. 386
Sizes of markings of bags and baskets

A weights and measures official of the state, of the city or of the county who finds any quantity of coke, coal or charcoal ready for delivery, may in his discretion direct the person in charge of the goods to convey the same without delay to scales designated by such official, who shall there determine the quantity of the goods and shall determine their weight with the weight of the vehicle in which they are carried and shall direct said person to return to such scales forthwith upon unloading the goods, and upon such return the official shall reweigh the vehicle in a manner similar to that in which it was weighed with the goods. The scale designated by the official as aforesaid may be any scale which has been duly tested and sealed and shall be such scales as are in his judgment the most convenient of those available.

Sec. 387
How coal, coke, or charcoal may be reweighed

No seller of coal, coke or charcoal shall refuse to permit a weights and measures official to weigh the coal, coke or charcoal purchased from him to be reweighed at the request of the purchaser or at the

Sec. 388
Seller shall not refuse to allow coal, coke, or charcoal to be reweighed

request of the weights and measures official. No driver or any other person in charge of the vehicle containing coal, coke or charcoal or from which coal, coke or charcoal has been delivered shall refuse to take the same at the request of the purchaser or of the weights and measures official to scales as aforesaid for the purpose of having the same weighed, but when there is a charge for weighing such charge shall be paid by the one making the request.

Sec. 389
Penalties

A violator of any of the preceding sections shall be guilty of a misdemeanor and shall upon conviction be liable to a fine of not over fifty dollars for the first offense and not over one hundred dollars or two months' imprisonment, or both, for the second and each subsequent offense.

Sec. 389a
Application of article
Laws, 1911, ch. 825
Sec. 2
Repeal

This article shall not apply to the city of New York.

Sections one hundred and fifty to one hundred and sixty, both inclusive, of chapter twenty-six of the laws of nineteen hundred and nine, entitled "An act in relation to cities, constituting chapter twenty-one of the consolidated laws," are hereby repealed.

Sec. 3
In effect

This act shall take effect September first, nineteen hundred and eleven.

(1909)
Con. Laws, ch. 20,
art. 26
Sec. 390
Marking canned goods

No packer or dealer in hermetically sealed, canned or preserved fruits, vegetables or other articles of food within this state, excepting canned or condensed milk or cream, shall sell or offer the same for sale for consumption within this state, unless the cans or jars containing the same shall have plainly printed upon a label thereupon, with a mark or term clearly indicating the grade or quality of the articles contained therein, the name, address and place of business of the person or corporation canning or packing them, or the name of the wholesale dealer in the state selling or offering the same for sale, and the name of the state, county and city, town or village where packed, preceded by the words "packed at."

If containing soaked goods or goods put up from products dried or cured before canning, there shall also be printed upon the face of such label in good legible type, one-half of an inch in height and three-eighths of an inch in width, the word "soaked."

Goods imported from foreign countries of foreign manufacture shall not be subject to the provisions of this section.

Penalty

Any person violating any of the provisions of this section shall forfeit to the city, village, or town where the violation occurs, the sum of fifty dollars, if a retail dealer, and the sum of five hundred dollars, if a wholesale dealer or packer.

Sec. 391, as amended
by Laws, 1909
Penalties for marketing small fruits or baskets or selling fruit therein

Any person in this state who sells or offers for sale fruit packages that are of less than the standard sizes and capacity as defined in section five, or any person who sells or offers for sale fruit in packages that are of less size or capacity than those defined in section

five, shall be deemed guilty of a misdemeanor and upon conviction thereof in any court of competent jurisdiction shall be fined not less than five dollars and not more than twenty-five dollars, for each violation and each sale shall constitute a separate violation, but a variation of not more than seven per centum shall not be deemed a violation under this section.

A person, firm or association who purchases fruit or farm produce in barrels, boxes or other packages, and empties, or causes to be emptied, such barrels, boxes or other packages, and repacks, or causes to be repacked therein the same or other fruit or farm produce, shall, before any such repacked barrel, box or other package is sold, or offered or exposed for sale, erase or otherwise obliterate the name of the grower or producer, if found thereon. Every such person, firm or association selling, or offering or exposing for sale fruit or farm produce which has been emptied from and repacked in the barrels, boxes or other packages in which they were purchased, without erasing or otherwise obliterating the name of the grower or producer of such fruit or farm produce, if found thereon, as above provided, shall be subjected to a penalty of fifty dollars for each barrel, box or other package of fruit or farm produce so sold, offered or exposed for sale.

Sec. 392
Repacking fruit and
farm produce

Penalty

No person shall sell, offer or expose for sale in this state, any ginseng roots or seeds foreign to the United States, or ginseng roots or seeds raised from stock imported from any country outside the United States, except in packages to which shall be securely affixed a label, stating in plain English language, the name of such foreign country in which the roots or seeds were originally grown.

Sec. 393
Marking ginseng

Every person or firm engaged in the manufacture of sewing, darning, crochet, or embroidery thread of cotton, linen or silk, or in putting up such thread on spools or in balls, skeins, tubes, bobbins, cones or other packages, shall before the same is offered for sale, affix to or impress upon each spool, ball, skein, tube, bobbin, cone or other package of thread so manufactured or put up, a label or stamp designating its weight in pounds and ounces or length in yards; provided, that where from the shape or size of the package it is impossible so to affix such label or stamp, the same shall be affixed to the box in which such packages are put up. If any such person or firm shall neglect to affix to, or impress upon, any such spool, ball, skein, tube, bobbin, cone, package or box such label or stamp, or shall, with intent to deceive, affix to or impress upon any such spool, ball, skein, tube, bobbin, cone, package or box a label or stamp specifying that it contains a number of yards or a quantity of thread greater by five per centum or more than it does in fact contain, then such person or firm shall forfeit the sum of twenty dollars for each spool, ball, skein, tube, bobbin, cone, pack-

Sec. 394
Marking thread

age or box, which, without such label or stamp, or falsely so labeled or stamped, shall be sold, or be delivered to any person to be sold, said sum of twenty dollars for each violation of this section to be recovered in an action by any person or firm who will sue for the same, one-half whereof shall be paid to the state treasurer.

Penalty

Any person or firm knowingly selling any sewing, darning, crochet or embroidery thread of cotton, linen or silk either without a label or stamp specifying the quantity or length thereof, or with a label and stamp falsely stating such quantity or length, shall forfeit the sum of twenty dollars for each spool, ball, skein, tube, bobbin, cone, package or box so sold without label or incorrectly labeled, said sum of twenty dollars for each violation of this section to be recovered in an action by any person or firm who will sue for the same, one-half whereof shall be paid to the state treasurer.

Sec. 395
Marking oyster kegs
and cans

Every person engaged in putting up oysters for sale in kegs or cans, or offering them for sale in kegs or cans, not previously marked or branded, shall mark or brand such kegs or cans with the true quantity of oysters in pints, quarts or gallons, which they may respectively hold, and not more than one-quarter of such quantity shall be liquid.

Penalty

Every person violating any provision of this section shall forfeit to the city, village or town where the violation occurs, the sum of one hundred dollars for every such violation.

(1909)
Con. Laws, vol. 2,
p. 1273, ch. 21, General
City Laws.
Sec. 161
Bills of lading; pen-
alty for altering

A person guilty of altering with intent to defraud, any original bill of lading issued by the person, firm or corporation by whom the coal was loaded into the vessel in which such coal is transported to any city of the first or second class, in this state, or of uttering any such bill of lading so altered, or who is guilty of making, preparing or subscribing or uttering a false or fraudulent manifest, invoice or bill of lading thereof, or removing any part of such cargo of coal without having the amount thereof certified to in writing on such original bill of lading, by the person, firm or corporation receiving the coal so removed, and by the captain of the vessel containing such cargo, is punishable by imprisonment in a state prison, not exceeding three years, or by a fine not exceeding one thousand dollars, or both, and the delivery of any fraudulent bill of lading to any purchaser of coal shall be presumptive evidence of uttering the same with criminal intent.

Penalty

(1909)
Con. Laws, vol. 5, p.
3645, Second Class Cit-
ies Law, ch. 53, art. 14
Sec. 211
Sealer of weights and
measures

The sealer of weights and measures shall, within the city, have the powers and perform the duties of sealers of weights and measures of towns under the general laws of the state. He shall supervise the weighing of coal and perform such other duties as may be prescribed by law or ordinance of the common council. He shall receive a salary, to be fixed by the board of estimate and apportionment, and no fees shall be charged or collected by him or by the city for his services.

No surveyor shall give evidence in any cause depending in any of the courts of this state, or before arbitrators, respecting the survey or measurement of lands which he may have made, unless if required, either such surveyor shall make oath, or it shall otherwise be shown that the chain or measure used by him was conformable to the standards of the state which were the standards of state at the time such survey was made. An official certificate of any state, county, city, village or town sealer elected or appointed pursuant to the laws of this state, or the oath of such surveyor, that such chain or measure conformed to the state standard which shall have been furnished any such sealer pursuant to the provisions of the laws of this state, shall be prima facie evidence of such conformity, and an official certificate made by any such sealer that the implement used in measuring such chain or other measure was the one provided under such laws for such purposes, shall be prima facie evidence of that fact.

Code Civil Procedure
Sec. 811a, as amended
by Laws, 1900, ch. 65
Testimony of surveyor
and proof of standard of
measurement

The expression "article of merchandise," as used in this article, signifies any goods, wares, work of art, commodity, compound, mixture or other preparation or thing which may be lawfully kept or offered for sale.

(1900)
Con. Laws, vol. 4, p.
2531, Penal Law, ch. 40,
art. 40
Sec. 420
Article of merchan-
dise defined
Sec. 421
Untrue and mislead-
ing advertisements

Any person, firm, corporation or association, or any employee thereof, who, in a newspaper, circular or other publication published in this state, knowingly makes or disseminates any statement or assertion of fact concerning the quantity, the quality, the value, the method of production or manufacture, or the reason for the price of his or their merchandise, or the manner or source of purchase of such merchandise, or the possession of rewards, prizes or distinctions conferred on account of such merchandise or the motive or purpose of a sale, intended to give the appearance of an offer advantageous to the purchaser which is untrue or calculated to mislead, shall be guilty of a misdemeanor.

Any person, firm, corporation or association or any employee thereof who violates any provision of this section shall be liable to a fine of not less than twenty-five nor more than one hundred dollars for each offense.

Penalty

A person who, with intent to defraud, while putting up in a barrel, bag, bale, box, or other package, cotton, hops, hay, or any other article of merchandise whatever, usually sold by weight in such packages, places or conceals therein any other substance or thing whatever, in a case where special provision for the punishment thereof is not otherwise made by statute, is guilty of a misdemeanor.

Sec. 434
Concealing foreign
matter in merchandise

A person, who, with intent to defraud: 1. Puts upon an article of merchandise, or upon a cask, bottle, stopper, vessel, case, cover, wrapper, package, band, ticket, label, or other thing, containing

Sec. 435
False labels

or covering such an article, or with which such an article is intended to be sold, or is sold, any false description or other indication of or respecting the kind, number, quantity, weight or measure of such article, or any part thereof, or the place or country where it was manufactured or produced or the quality or grade of any such article, if the quality or grade thereof is required by law to be marked, branded or otherwise indicated on or with such article; or,

2. Sells or offers for sale an article, which to his knowledge is falsely described or indicated upon any such package, or vessel containing the same, or labeled thereupon, in any of the particulars specified; or,

3. Sells or exposes for sale any goods in bulk to which no name or trade-mark shall be attached, and orally or otherwise represents that such goods are the manufacture or production of some other than the actual manufacturer or producer, in a case where the punishment for such offense is not specially provided for otherwise by statute,

Is guilty of a misdemeanor.

Sec. 436
Using false marks as
to manufacture

A person, who, with intent to defraud or to enable another to defraud any person, manufactures or knowingly sells or causes to be manufactured or sold, any article, marked, stamped or branded or incased or inclosed in any box, bottle or wrapper, having thereupon any engraving or printed label, stamp, imprint, mark or trade-mark which article is not the manufacture, workmanship or production of the person named, indicated or denoted by such marking, stamping or branding, or by or upon such engraving, printed label, stamp, imprint, mark or trade-mark, is guilty of a misdemeanor.

Sec. 437
Penalty for selling
half wine not labeled

A person who sells, offers for sale or manufactures with intent to sell, any wine known as "half wine," which is not stamped, marked or labeled as required by law, is guilty of a misdemeanor.

(1000)
Con. Laws, ch. 40,
art. 42

Sec. 451
Weighmaster making
false entry of weight of
canal boat

A weighmaster upon any of the canals belonging to this state, and a clerk of such weighmaster, who makes a false entry of the weight of any boat, or cargo of any boat, navigating such canal, or who makes a false certificate of the light weight of any boat, knowing such entry or certificate to be false, is guilty of a misdemeanor.

(1000)
Con. Laws, ch. 40,
art. 216

Sec. 2210
Requiring more than
the legal weight for a
bushel

Where potatoes, grains or other agricultural products are sold by the bushel, without agreement as to the weight, any person requiring a greater number of pounds for a bushel than as prescribed by section eight of the general business law is guilty of a misdemeanor.

Sec. 2411
Using false weights
and measures

A person who injures or defrauds another by using, with knowledge that the same is false, a false weight, measure, or other appa-

ratus, for determining the quantity of any commodity, or article of merchandise, or by knowingly delivering less than the quantity he represents, is guilty of a misdemeanor.

A person who retains in his possession any weight or measure, knowing it to be false, unless it appears beyond a reasonable doubt that it was so retained without intent to use it, or permit it to be used in violation of the last section, is guilty of a misdemeanor. Sec. 2412
Keeping false weights and measures

A person who is authorized or enjoined by law to arrest another person for a violation of the last two sections, is equally authorized and enjoined to seize any false weights or measures found in the possession of the person so arrested, and to deliver the same to the magistrate before whom the person so arrested is required to be taken. Sec. 2413
False weights and measures authorized to be seized

The magistrate to whom any weight or measure is delivered pursuant to the last section, must, upon the examination of the defendant, or if the examination is delayed or prevented, without awaiting such examination, cause the same to be tested by comparison with standards conformable to law; and if he finds it to be false, he must cause it to be destroyed, or to be delivered to the district attorney of the county in which the defendant is liable to indictment or trial, as the interests of justice in his judgment require. Sec. 2414
Weights and measures may be tested by committing magistrate and destroyed or delivered to district attorney

The possession or use by any person of any false weight, measure or other apparatus for determining the quantity of any commodity or article of merchandise is presumptive evidence of knowledge by such person of the falsity of such weight, measure or other apparatus. Sec. 2414a, as enacted by Laws, 1911, ch. 53
Presumption of knowledge

Upon the conviction of the defendant, the district attorney must cause any weight or measure in respect whereof the defendant stands convicted, and which remains in the possession or under the control of the district attorney, to be destroyed. Sec. 2415
False weights and measures to be destroyed after conviction of offender

A person who knowingly marks or stamps false or short weights, or false tare on any cask or package, or knowingly sells or offers for sale any cask or package so marked, is guilty of a misdemeanor. Sec. 2416
Stamping false weight or tare on casks or packages

A person who:

1. Sells or offers for sale baled hay or straw containing more than twenty pounds of wood to the bale, the weight of which is two hundred pounds or upward, or more than ten pounds of wood to the bale the weight of which is less than two hundred pounds; or, Sec. 2417
Regulations for sale of baled hay and straw

2. Sells or offers for sale any bale of hay or straw upon which the correct gross weight is not plainly marked or which weighs more than five pounds less than the gross weight so marked thereupon,

Is guilty of a misdemeanor

Cons. Laws — Agri-
cultural Law, art. 9
Sec. 220

Statement to be at-
tached to package of
fertilizers.

No person, firm, association or corporation shall sell, or offer or expose for sale any commercial fertilizers or any material to be used as a fertilizer, the selling price of which exceeds five dollars per ton, unless such fertilizer or material shall be accompanied by or shall have affixed to each and every package in a conspicuous place on the outside thereof, a plainly printed statement which shall certify as follows:

1. The number of net pounds of fertilizer in the package sold or offered for sale.

2. The name, brand or trade mark under which the fertilizer is sold.

Cons. Laws — Agri-
cultural Law, art 11
Sec. 263

Barrels; apples,
pears, and quinces.

The term "barrel" when used in transactions of purchase or sale of apples, pears or quinces shall represent a quantity equal to one hundred quarts of grain or dry measure, and such barrels shall be of the following dimensions: head diameter, seventeen and one-eighth inches; length of stave, twenty-eight and one-half inches; bulge, not less than sixty-four inches outside measurement. If the barrel shall be made straight, or without a bulge, it shall contain the same number of cubic inches as the barrel above described. Any person or persons making, manufacturing or causing to be made or manufactured barrels for use in the purchase or sale of apples, pears or quinces, or any person or persons packing apples, pears or quinces in barrels for sale or selling apples, pears or quinces in barrels containing a less quantity than the barrel herein specified shall brand said barrels upon each end and upon the outside, conspicuously, in letters one and one-half inches in length with the words, "short barrel."

NORTH CAROLINA

No trader or other person shall buy or sell, or otherwise use in trading, any other weights and measures than are made and used according to the standard prescribed by the congress of the United States: *Provided*, that this chapter shall not prevent the citizens of the state from buying and selling grain by measure as may be agreed upon between the parties.

Revisal, 1905, ch. 77,
p. 920
(1741, 1866)
Sec. 3063
Standards

The board of commissioners of each county shall, at the charge of their county, procure standard sealed weights of half hundred, quarter hundred, ten pounds, five pounds, two pounds and one pound, one-half pound, one-quarter pound, two ounces, one ounce, one-half ounce, gauging rod and waist sticks; yard sticks, half bushel, peck, half peck, quarter peck, and one-eighth peck; gallon, half gallon, quart, pint, half pint, and gill measure, of the United States standard, sealed and branded "N. C."

(1741, 1827, 1866, 1881)
Sec. 3064
To be provided by
board of county com-
missioners—Branded

The measure of an acre of land shall be equal to a rectangle of sixteen poles or perches in length and ten in breadth, and shall contain one hundred and sixty square perches or poles, or four thousand eight hundred and forty square yards; six hundred and forty such acres being contained in a square mile.

Revisal, 1905, ch. 77,
p. 920
Sec. 3065 °
Acre; pole; perch
Land measure

A bushel of wheat shall be 60 pounds; of Indian corn, 56 pounds; of corn meal, 48 pounds; of rye, 56 pounds; of barley, 48 pounds; of oats, 32 pounds; of flax seed, 55 pounds; of clover seed, 60 pounds; of pease, 60 pounds; of rough rice, 44 pounds; of buck-wheat, 50 pounds; of corn in ear, 70 pounds; of cotton, Sea Island, 44 pounds; of soy beans, pease, lupines, lentils, vetches, lucerne, 60 pounds; of Japan clover in hulls, 25 pounds; of Burr clover, in hulls, 8 pounds; of castor beans, 46 pounds; of sun-flower seed, 24 pounds; of broom corn, 46 pounds; of hemp seed, 44 pounds; of rape seed, 50 pounds; of mustard seed, 58 pounds; of teosinte, 59 pounds; of sorghum, kaffir corn and millets, 50 pounds; of Johnson grass seed, 25 pounds; of orchard grass seed, red top grass seed, blue grass seed, seed of Brome grasses, tall meadow seed, oat-grass seed, seed of all the Fescue grasses except the tall and meadow fescue 14 pounds; [of] turnips, 50 pounds; [of] onions, 57 pounds; [of] sweet potatoes, 56 pounds; [of] Irish potatoes, 56 pounds; [of] green apples, 48 pounds; of tall fescue

(1856-7, 1881, 1885, 1905,
1909)
Sec. 3066, as amended
by Laws, 1909, ch. 835,
p. 1224
How many pounds to
a bushel

and meadow fescue grass seed, 24 pounds; timothy grass, 45 pounds; chestnuts, walnuts and hickory nuts free from hull, 50 pounds; apple seed, 40 pounds; of peanuts, 22 pounds; of cotton seed, 30 pounds; but this section shall not be construed to prevent the purchase and sale by measure. If any person shall take any greater weight for one bushel of the several articles than is herein named he shall forfeit and pay the sum of twenty dollars for each separate case to any person who may sue for the same.

Penalty

(1741, 1797, 1893)
Sec. 3067
Penalty for using, un-
tested

If any person, after demand by the standard keeper for permission to examine and adjust the same, shall buy, sell, or barter by any weight or measure which shall not be tried by the standard, and sealed or stamped as aforesaid, he shall, for every such offence, forfeit and pay forty dollars; and if any person shall sell and deliver by less measure than the standard, he shall forfeit and pay for each offence forty dollars to the person suing therefor.

(1867, 1881)
Sec. 3068
Standard keeper; ap-
pointment of
State keeper
Appointed by gover-
nor; keeper of capitol,
when

The governor is authorized to appoint a suitable person to take care of the balances, weights and measures, and perform the duties relating to weights and measures, heretofore imposed on the governor, and such other duties as the governor may prescribe, touching said balances and weights and measures; and he shall take from such person a bond with surety, to be approved by the governor, in the penal sum of five hundred dollars for the safe keeping of said weights and measures, and for the performance of all his duties. And in case the governor fails to appoint, or the person appointed fails to qualify or discharge said duties, the keeper of the capitol shall be *ex officio* keeper of weights and measures, and discharge the duties and receive the compensation provided.

(1881)
Sec. 3069
Duties of

It shall be the duty of the keeper of weights and measures, under the direction of the governor, to procure and furnish, at prime cost, to any of the counties, upon an order of the board of county commissioners, any of the standard sealed weights and measures required by law to be kept, and he is hereby authorized, by and with the approval of the governor, to contract for the manufacture of plain, sealed weights substantially made of iron, steel or brass, as the county ordering may direct; yard stick made of substantial wood, each end neatly covered with metal, sealed, marked and stamped "N. C."; half bushel, peck, half peck, quarter peck, and one-eighth peck, made of substantial, well seasoned wood, with secure metallic binding and casing; gallon, half gallon, quart, pint, half pint, and gill measure, made of light sheet copper with iron handles. He shall procure and furnish as herein provided to the board of commissioners of any county ordering the same, dry and liquid sealed measures and yard stick made of brass or copper.

It shall be the duty of the state standard keeper to supply to each county, which shall call for the same, such standard weights as the standard keeper of such county shall demand, duly sealed, such county paying to the state treasurer the actual costs of such weights, upon the certificate of the state standard keeper.

(1866-7)
Sec. 3070
State standard keeper to supply counties

It shall be the duty of the state standard keeper to keep a book, in which he shall keep an accurate account of all the weights and measures by him delivered, and the expenses incurred by him in the purchase of such weights and measures, subject to the inspection of the state treasurer and the general assembly.

Sec. 3071
Standard keeper to keep record

The state standard keeper shall be allowed such compensation for his services as the governor shall deem adequate, not exceeding one hundred dollars a year.

Revisal, 1905, vol. 1, ch. 66

(1866-7, 1881)
Sec. 2759
Compensation of standard keeper

The weights and measures, stamps and brands thus provided, shall be kept at the court house of the respective counties by a standard keeper, to be elected by the board of commissioners for the term of two years; and the person thus elected shall, before the board of county commissioners, take the oaths required for public officers and also an oath of office. But the Standard Keeper may remove the weights and measures, stamps and brands from the court house, not to exceed 60 days in any one year, for the purpose of testing weights and measures throughout the county. This Section shall not apply to the counties of Beaufort, Bertie, Bladen, Cumberland, Currituck, Gaston, Halifax, Lincoln, Montgomery, Moore, Northumberland, Rutherford, Warren and Yancey, and in these counties the office of standard keeper is abolished. Provided, that if complaint be made to the board of commissioners of Cumberland County that any person has reason to believe that the weights or measures of any merchant or trader are improper or erroneous, then the said board may appoint some competent person to make an examination of such weights and measures.

Revisal, 1905, ch. 77
(1741, 1816, 1827, 1883, 1880, 1801, 1803, 1901, 1903, 1905, 1911)
Sec. 3072 as amended by Pub. Local Laws, 1911, ch. 706, p. 1173
County standard keeper; appointment; tenure

Every person, firm or corporation using weights and measures of any and every kind which shall be used in buying or selling or bartering, or for hire, or in fixing or determining the amount of toll or charge or rate for any service shall allow or permit the standard keeper of the county to try, examine and adjust by the standard, at least once every two years, all the said weights and measures of any and every kind used as aforesaid, and every person, firm or corporation who shall neglect to comply with the requirements of this section shall forfeit and pay fifty dollars, to be recovered at the suit of the standard keeper, one-half to his use and the other half to the use of the county wherein the default occurs. It shall be the duty of the standard keeper, when practicable, to mark, by stamp or brand, the weights or measures found or made

(1741, 1818, 1823, 1866-7, 1880, 1801, 1803, 1901, 1903, 1905, 1911)
Sec. 3073, as amended by Laws, 1909, ch. 695 and Pub. Local Laws, ch. 446, p. 685
Examination of weights and measures

Forfeit for neglect

Stamp and certificate of correctness

Counties excepted

to agree with the standard, and shall give a certificate of such examination and adjustment, stating the weights and measures examined and adjusted. This section shall not apply to the counties of Beaufort, Bertie, Bladen, Currituck, Gaston, Halifax, Lincoln, Montgomery, Moore, Northampton, Rutherford, Swain, Warren, Yancey and Ashe, and in these counties the office of standard keeper is abolished. In Wilson County, whenever any person, firm or corporation has had his or its weights and measures tried by the standard, and sealed or stamped as aforesaid, such person, firm or corporation shall not be required to have them tried by the standard again, unless some responsible person in the county of Wilson shall make oath, and file the same with the standard keeper of said county, that he has reason to believe that said weights or measures are not properly adjusted; that notice shall be given the owner of said weights or measures that complaint has been made under oath, as aforesaid, and then the owner of said weights and measures shall have his weights and measures tried, as herein provided, and for failure shall then be subject to the penalties mentioned in section 3067. In Nash County whenever any person has had his weights and his measures tried by the standard and sealed or stamped as aforesaid, he shall not be required to have them tried by the standard keeper again unless some responsible person in the county of Nash shall make oath and file the same with the standard keeper of said county, that he has reason to believe that said weights or measures are not properly adjusted. That notice shall be given the owner of said weights or measures that complaint has been made under oath as aforesaid, and then the owner of said weights and measures shall have his weights and measures tried as herein provided, and for failure shall then be subject to the penalties mentioned in section three thousand and sixty-seven.

(1866-7)
 Sec. 3074
 Destruction of apparatus

In every instance where the standard keeper shall have before him for adjustment, or shall find in the possession of any person, intending to use the same, any weight or measure that cannot be adjusted so as to meet the requirements of the law, it shall be the duty of the standard keeper to destroy the same.

Revisal, 1905, ch. 66
 (1870, 1871, 1875, 1880)
 Sec. 2780
 Fees of standard keepers

Standard keepers shall be entitled to receive the following fees, and no other, namely: for examining and adjusting a pair of steel-yards, twenty-five cents; every weight of half a pound and upwards, five cents; every set of weights below half a pound, including one piece of each denomination, five cents; for a yard stick, or other measure of cloth, five cents; every bushel, half bushel, peck or other measure used in measuring grain, meal or salt, ten cents; each measure for liquors or wines, three cents, and for extra work on bushel and half-bushel measures a sum not exceeding twenty-five cents in any one case; for every surveyor's chain, fifty cents.

All millers shall keep in their mills the following measures, namely, a half bushel and peck of full measure, and also proper toll dishes for each measure; but the toll allowed by law may be taken by weight or measure at the option of the miller and customer.

Revisal, 1905, ch. 52,
p. 647
(1777, 1885)
Sec. 2121
Measures kept, toll
by weight

All oysters measured in the shell shall be measured in a circular tub with straight sides and straight, solid bottom, with holes in the bottom not more than one-half inch in diameter. The said measure shall have the following dimensions: A bushel tub shall measure 18 inches from inside to inside across the top, 16 inches from inside to inside chimb to the bottom and 21 inches diagonal from inside chimb to top. All measures used for buying or selling oysters shall have a brand, to be adopted by the oyster commissioner, stamped therein by said commissioner, assistant commissioner, or his lawful inspectors. All measures found in the possession of any dealer not meeting the requirements of this section shall be destroyed by said oyster commissioner, assistant commissioner or inspector.

Revisal, 1905, ch. 58,
p. 716
(1903)
Sec. 2417
Dimensions of oyster
measure

If any person shall in buying or selling oysters use any measure other than that prescribed by law for the measurement of oysters, or if any dealer in oysters shall have in his possession any measure for measuring oysters other than that prescribed by law, he shall be guilty of a misdemeanor and be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Sec. 2399
Using illegal meas-
ures for oysters

The standard measure for a surveyor's chain shall be twenty-two standard yards, a standard half or two-pole chain shall be eleven standard yards, a standard quarter or one-pole chain shall be five and one-half standard yards; but every person using a surveyor's chain, half chain or quarter chain for measuring land shall every two years test the same in the manner hereinafter provided.

Revisal, 1905, ch. 77
(1889; 1899)
Sec. 3075
What is a surveyor's
chain; tested

If any person who shall use any chain for measuring land without having the same first measured and sealed by the standard-keeper, or who shall use the same for a longer period than two years without bringing it to the standard-keeper and having the same measured and sealed by him, he shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding ten dollars.

Revisal, 1905, ch. 81
(1889)
Sec. 3684
Surveyor's chain
tested

If any person shall pack for sale, sell or offer for sale in this State any corn meal except in bags or packages containing by standard weight two bushels or one bushel or one-half bushel or one-fourth bushel or one-eighth bushel respectively, each bag or package of corn meal shall have plainly printed or marked thereon whether the meal is "bolted" or "unbolted," the amount it contains in bushels or fractions of a bushel, and the weight, he shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not exceeding thirty days: *Provided* That the pro-

(1905)
Sec. 3810
Corn meal

visions of this section shall not apply to the retailing of meal direct to customers from bulk stock when priced and delivered by actual weight or measure.

(1874-5)
Sec. 3816
Cotton, weighing of

If any weigher or purchaser of cotton shall make any deduction from the weight of any bag, bale or package of lint cotton, for or on account of the draft, turn or break of the scales, steelyards, or other implement used in weighing the same, or for any other cause except as herein allowed, the person so offending shall be guilty of a misdemeanor, and fined three hundred dollars or imprisoned, in the discretion of the court: *Provided*, That the weigher may make such proper deduction as shall be agreed on by him, and the seller, or his agent, for water, dirt or other foreign substance, in or on such bag, bale, or package of cotton, or for other just cause.

Revisal, 1905, Vol. II,
ch. 99, p. 251
(1791, 1807, 1810)

Sec. 4642
Barrel of flour to
weigh, what; what
flour to pass inspection

Each barrel of flour exposed to sale in, or exported from, the State by land or water shall contain one hundred and ninety-six pounds, and each half-barrel ninety-eight pounds or sacks of ninety-eight pounds, half-sacks of forty-nine pounds, one-fourth sacks twenty-five pounds, one-eighth sacks twelve pounds of net flour, well ground, bolted and packed, merchantable and of due fineness, without any mixture of coarse flour, or flour of any other grain than wheat; and every barrel shall be made of good seasoned wood, tightened with ten hoops, sufficiently nailed with flour nails in each chine-hoop, and three nails in each upper bilge hoop; and the dimensions shall be as follows, namely: The staves shall be twenty-seven inches in length, and the head seventeen and one-half inches in diameter; and the half barrel shall be of the following dimensions, namely: The staves twenty-three inches in length, and the head twelve and one-half inches in diameter; and every miller or manufacturer of flour for sale or exportation shall provide and keep a distinguishing mark or brand, containing the initials of his christian name, and his surname at length, with which he shall brand every cask or sack, or legal fraction thereof, of flour, and mark thereon the net and tare weight, before the same shall be removed from the place where it was bolted; and every miller or manufacturer shall receive the sum of ten cents for bolting, packing and nailing every barrel of flour bolted, and that only.

Sec. 4663 °
Sawmill lumber and
tun timber, how meas-
ured

All tun and square timber and sawmill lumber at the several markets and mills in the state shall be measured by superficial or board measure; and any person who shall sell such timber by any other measure shall pay ten dollars for every offense.

(1784, 1889)
Sec. 4667
Sale of firewood in
towns to be by cord

All firewood sold in incorporated towns shall be sold by the cord and not otherwise; and each cord shall contain eight feet in length, four feet in height and four feet in breadth; and shall be corded by the seller, under the penalty of two dollars for each offense, to the use of the informer.

All cotton sold in the town of Wilmington shall be weighed, under the penalty of one hundred dollars for any bale sold without being weighed by the proper officer. This does not apply to cotton bought elsewhere and brought to Wilmington for export.

(1856-7)
Sec. 4674
Cotton sold in Wilmington to be weighed

Cotton shall be weighed by the inspectors of flour and provisions, who have been or who may be, from time to time, appointed by the board of county commissioners of New Hanover.

Sec. 4675
Who to weigh

The board of county commissioners of said county shall, from time to time, fix the fee, not to exceed ten cents per bale, for the weighing of the aforesaid articles, and until said board shall determine said fee, the inspector shall be entitled to receive the following fee viz., for every bale of cotton weighed, ten cents.

Sec. 4676
Board of county commissioners fix fee

NORTH DAKOTA

A bushel of each of the articles enumerated in this section shall consist of the number of pounds avoirdupois respectively affixed to each:

(1901, 1903)
Sec. 2188
Weight of bushel

	Pounds.		Pounds.
Barley.....	48	Onions.....	52
Beans.....	60	Potatoes, Irish.....	60
Bran.....	20	Potatoes, sweet.....	46
Buckwheat.....	42	Peas.....	60
Beets.....	60	Rye.....	56
Broom corn seed.....	30	Salt.....	80
Corn, shelled.....	56	Turnips.....	60
Corn, in the ear.....	70	Timothyseed.....	45
Clover seed.....	60	Wheat.....	60
Coal, stone.....	80	Speltz.....	40
Flax seed.....	56	Millet.....	50
Lime.....	80	Apples.....	50
Oats.....	32	Bromus Inermus.....	14

A ton of hay shall consist of two thousand pounds; or by measurement, three hundred and forty-three cubic feet after the same shall have been stacked thirty days or such time as may be agreed upon between the parties.

Sec. 2189^a
Ton of hay

A perch of mason work or stone shall consist of twenty-five feet, cubic measure.

Sec. 2190^a
Perch of stone

The state treasurer shall procure and keep in his office the following standards of weights and measures, which shall conform in every particular to the United States standards of weights and measures: One bushel, one half bushel, one peck, one half peck, one quart, one wine gallon, one wine half gallon, one wine quart, one wine pint, one wine gill. Such measures shall be made of copper or other suitable and substantial material; also one surveyor's chain thirty-three standard feet in length, one yard measure, one foot measure and one inch measure; also one one hundred pound weight, one fifty pound weight, one twenty-five pound weight, one ten pound weight, one one pound weight, one half pound weight, one quarter pound weight, one eighth of a pound, one one sixteenth of a pound or one ounce weight, one set of apothecaries weights from one pound to one grain, one set of troy weights from one pound to one grain; besides such other scales, beams and balances as shall be necessary to test other weights by these

(1885)
Sec. 2191
Kept by State treasurer
Standards
Capacity

Length

Weight

Balances

standards; which measures, weights, scales, beams and balances are hereby declared to be the legal standards of weights and measures for this state. Such treasurer shall be charged with the custody and be accountable to the state for the proper use and care of the same. Such standards shall be used only for testing the standards provided for in this article, and such treasurer shall keep a record of all county weights, measures, beams, and balances, marked and tested by him.

Custody

(1885, 1893)
Sec. 2192
Public scales

The board of county commissioners of any county is authorized in its discretion, when petitioned by fifteen or more residents and actual farmers of the county, to establish and locate public scales at suitable railway stations in its county.

(1893)
Sec. 2193
Care and capacity of scales

Such scales shall be purchased by the county, and shall be under cover, and of not less than five tons' weighing capacity, and shall be the property of the county, and at all times under its control and subject to removal when the county commissioners shall so require.

Sec. 2194
Appointment of weighmasters

The board shall also appoint at each place where it establishes such scales, a public weighmaster, who shall have the custody and care of such property, and who shall give a bond in the sum of five hundred dollars, conditioned for the safe keeping of the same and for the faithful and impartial discharge of his duties.

Sec. 2195
Weighmasters to keep record

Each public weighmaster shall keep a stub record of all weighing, which record and the receipt of such weighmaster shall show for whom property was weighed, and shall, with such receipt, constitute prima facie evidence of the facts therein contained.

Sec. 2196
Compensation

Such public weighmasters shall receive such compensation and shall be governed by such rules and regulations as may be adopted by the board of county commissioners, and may be removed at any time by such board for cause.

Ch. 57, p. 1508.
Sec. 9257
False weights and measures

If any person with intent to defraud, uses a false balance, weight or measure, in the weighing or measuring of anything whatever that is purchased, sold, bartered, shipped or delivered, for sale or barter, or that is pledged or given in payment, he shall be punished by fine not exceeding one hundred dollars nor less than five dollars, or by imprisonment in a county jail not more than thirty days, or by both such fine and imprisonment, and shall be liable to the injured party in double the amount of damages.

Sec. 9258
Retaining same

Every person who retains in his possession any weight or measure, knowing it to be false, unless it appears beyond a reasonable doubt that it was so retained without intent to use it, or permits it to be used in violation of the last section, shall be punished as therein provided.

Sec. 9259
Officer may seize same

Every person who is authorized or enjoined by law to arrest another person for a violation of sections 9257 and 9258, is equally

authorized and enjoined to seize any false weights or measures found in the possession of the person so arrested, and to deliver the same to the magistrate before whom the person so arrested is required to be taken.

The magistrate to whom any weight or measures is delivered, pursuant to the last section, shall, upon the examination of the accused, or, if the examination is delayed or prevented, without awaiting such examination, cause the same to be tested by comparison with standards conformable to law; and if he finds it to be false, he shall cause it to be destroyed, or to be delivered to the state's attorney of the county in which the accused is liable to prosecution or trial, as the interests of justice in his judgment may require.

Sec. 9260
May be tested and destroyed

Upon the conviction of the accused, such state's attorney shall cause any weight or measure in respect whereof the accused stands convicted, and which remains in the possession or under the control of such state's attorney, to be destroyed.

Sec. 9261
Duty of State's attorney

Every person who knowingly marks or stamps false or short weight or false tare on any cask or package, or knowingly sells or offers for sale any cask or package so marked, is guilty of a misdemeanor.

Sec. 9262
Stamping false weight or tare

The sheriff of each county within the state shall be the inspector and sealer of weights and measures. He shall have power to appoint a deputy to perform the duties hereinafter provided, who must be a person qualified by experience and training to intelligently perform the same, but he may be a regular deputy sheriff provided he has the qualifications above described. The deputy shall have the same power and perform the same duties under this article as the inspector and sealer and shall take and subscribe the oath required by other county officers.

Laws, 1907, ch. 273, p. 445
Sec. 1
Sheriff inspector of weights and measures

The inspector and sealer or his deputy shall once in each year test all weights and measures, scale beams, patent balances, steel-yards and other instruments used in weighing or measuring any commodity sold by weight or measure in his county by the duplicates of said weights and measures as are hereinafter provided; Provided, the inspector of weights and measures or his deputy may test wagon scales oftener than once each year if he has reason to believe that the same are not weighing correctly. He shall give to the person in charge of such weights or measures a certificate of the correctness thereof, if found to be correct, and if found to be incorrect, he shall cause the same to be corrected, if he can and if not he shall mark the same "condemned" and in case of short weights or measures that cannot be corrected he shall condemn, confiscate and keep the same for evidence. He shall keep a record of all such certificates issued by him and of all his transactions under this

Sec. 2
Tests made, when

May test wagon scales, how often

May confiscate Record

article, and shall file with the county auditor during the month of December of each year a statement showing the date of examination and giving the names of the persons, firms or corporations whose scales, weights and measures have been by him examined, and setting out against such names an enumeration of any scales, weights or measures by him so condemned.

Sec. 3
Standard established

The standard of weights and measures shall be the standard adopted by the Government of the United States and any person who knowingly uses for the purpose of purchase or sale or keeps for public use a weight, measure, scale, balance or beam which does not conform to the standard of weights and measures adopted by the state, or who alters a weight, measure, scale, balance or beam after it has been adjusted and sealed so that it does not conform to such standard and fraudulently makes use thereof, shall be fined for each offense Fifty Dollars.

Penalty for use of
false apparatus

Sec. 4
County commissioners purchase

The board or county commissioners of each county shall purchase such duplicates of weights and measures enumerated in section 2191 of the Code of 1905 as are deemed necessary for the use of the inspector in the carrying out of the provisions of this act, which duplicates shall be paid for by the county and be delivered to the inspector who shall be responsible to the county under his bond as sheriff for their delivery to his successor in office.

Duplicate weights
and measures

Sec. 5
Fees

The inspector and sealer of weights and measures shall be entitled to demand and receive for his compensation for the inspection hereinafter provided for and the furnishing to the person whose weights and measures are inspected, a certificate of such inspection, the following fees:

For inspecting and sealing railroad and track scales of capacity of 20 tons and upwards.....	\$3. 00
For inspecting and sealing scales of from 3 to 20 tons capacity, each.....	1. 50
For inspecting and sealing dormant scales, each.....	1. 00
For inspecting and sealing movable platform scales, each.....	. 50
For inspecting and sealing beams weighing 100 lbs. and upwards, each.....	. 25
For inspecting and sealing Hopper scales, each.....	1. 00
For inspecting and sealing counter scales, each.....	. 25
For inspecting and sealing every patent balance, beam, steelyard or other instrument used for weighing other than the above enumerated, each.....	. 25

Proviso

Provided that when any establishment uses more than three of such scales the fee for inspection of which is 25 cents each then any further number shall be tested for 15 cents each, and with each scale tested and sealed by him he shall inspect and seal one set of weights without any additional charge or compensation.

For inspecting and sealing any two bushel or one bushel measure, each.....	\$0. 25
For inspecting and sealing any other dry measures, each.....	. 10
For inspecting and sealing liquid measures of a capacity of Five gallons or more, each.....	. 25
For inspecting and sealing liquid measures of less than five gallons and not less than one gallon.....	. 15
For inspecting and sealing anything less than one gallon.....	. 10
For inspecting and sealing any board or cloth measure, each.....	. 10

When the inspector and sealer shall find any of the instruments, or articles used in weighing or measuring to be wrongly adjusted, misconstrued, out of repair or in any other condition which can be remedied by him, it shall be his duty to correct such scale or measure and he shall receive for such service fifty cents per hour for the actual and necessary time consumed in making such corrections and shall receive just compensation for any material used in such correction.

Pay per hour for services

If any person knowingly uses a false weight, measure, scale, balance or beam after such weight, measure, scale, balance or beam has been adjusted and sealed and alters it so that it does not conform to the public standard and fraudulently makes use of it, he shall forfeit for each offense fifty dollars, and every inspector and sealer who has reasonable cause to believe that a weight, measure, balance or beam has been altered since it was last adjusted and sealed shall enter the premises in which it is kept or used and shall examine the same and if found tampered with, shall have power to seal them in such a manner that they cannot be used until such disability is removed and such scale, balance or beam shall be kept sealed until such fine is paid. The inspector or sealer shall in no case seal or mark as correct any weights, measures or balances which do not conform to the standard. If such weights, measures or balances can be readily adjusted as heretofore provided, he may adjust and seal them, but if they cannot by him be adjusted he shall affix to such weight, measure or balance a notice prohibiting their use until he is satisfied that they have been so adjusted as to conform to the standard and whoever removes said notice without the consent of the officer affixing the same shall for each offense forfeit a sum not exceeding fifty dollars. The sealer or deputy sealer of weights and measures may seize without warrant such weights, measures or balances as may be necessary to be used as evidence in case of violation of the law relating to the sealing of weights and measures, such weights, measures or balances to be returned to the owner or forfeited as the Court may direct.

Sec. 6
Penalty for false weights and measures

Notice prohibiting use of incorrect apparatus

May seize apparatus to be used as evidence

Any person believing any dealer is violating the provisions of this act may make complaint, in writing, to any inspector or sealer or his deputy and deposit with him five dollars, setting forth the particular facts relating to such violation and that he has reason to believe that the same are true. Upon such complaint such sealer or his deputy shall forthwith test the scales, weights and measures respecting the matter complained of, by his duplicates, and if found to conform thereto he may convert the five dollars so deposited to his own use as his fee for such services. If he finds that any of the matters so complained of are true he shall return

Sec. 7
Complaints
How lodged

the five dollars to the complainant and it shall be his duty forthwith to arrest the person in charge of such scale and take him before a Justice of the Peace in the county for trial and upon conviction such person, whether the owner or not, shall be guilty of a misdemeanor and punished accordingly. In all such cases the sealer or deputy sealer making the test shall make and swear to the complaint and shall be entitled to the same fees as allowed officers making an arrest upon a warrant, besides the sum of one dollar for making the test.

Charge for making arrest, charge for testing

Sec. 8
Penalty for misleading inspector

Any person who shall wilfully obstruct or mislead the inspector or sealer in the execution of his duties as herein provided, shall be subject to conviction and punishment therefor in the same manner as is now provided for the conviction and punishment of persons opposing or hindering an officer ministerial, judicial or executive, under the laws of the state and the inspector and sealer shall have full power and authority for the various purposes named to examine any weights, measures, scales, balances or beams.

Rev. Codes, 1905, p. 546

The city council shall have power:

(1880, 1905)
Sec. 2678
General powers of city council
To provide for the place and manner of selling commodities

35. To establish markets and market houses and to provide for the regulation and use thereof.

Regulate selling of bread

36. To provide for the place and manner of sale of meats, poultry, fish, butter, cheese, lard, vegetables, and all other provisions, and regulate the selling of the same.

Regulate selling, etc., of lumber, firewood, etc.

37. To regulate the sale of bread in the city and prescribe the weight and quality of the bread in the loaf.

Weights and measures, sealing of, etc.

39. To regulate the inspection, weighing and measuring of lumber, firewood, coal, hay, and any article or merchandise.

Vendors to use correct weights and measures

40. To provide for the inspection and sealing of weights and measures.

Rev. Codes, 1905

41. To enforce the keeping and use of proper weights and measures by vendors.

(1891)
Sec. 2242
Handling, weighing, and storing of grain

It shall be the duty of the commissioners of railroads to supervise the handling, weighing, and storing of grain and seed; to establish all necessary rules and regulations for the weighing of grain and for the management of the public warehouses of the state, so far as such rules and regulations may be necessary to enforce the provisions of this article or any law in this state in regard to the same, investigate all complaints of fraud or oppression in the grain trade of this state, and correct the same as far as it may be in their power.

Rev. Code s, 1905, p. 1479

Sec. 9047
Omitting to mark baled hay

Every person who, in putting up or pressing any bundle of hay for market, omits to put the number of pounds in each bundle or bale so put up, for which he sells or offers to sell it, is guilty of a misdemeanor.

Every person who, in putting up in any bag, bale, box, barrel or other package, any hops, cotton, hay or other goods usually sold in bags, bales, barrels or packages, by weight, puts in or conceals therein anything whatever for the purpose of increasing the weight of such bag, bale, box, barrel or package, is punishable by a fine of twenty-five dollars for each offense.

Sec. 9048
Fraudulently increasing weight

Every lot or parcel of any "concentrated commercial feeding stuff," as defined in section three, used for feeding farm live stock, sold, offered or exposed for sale in the state, shall have affixed in a conspicuous place on the outside thereof, a legible and plainly written statement, clearly and truly certifying the number of net pounds contained therein, the name, brand or trade mark under which the article is sold, the name and address of the manufacturer or importer, * * *.

Laws, 1907, ch. 197, p. 322
Sec. 1
Weight to be marked on packages of feeding stuff

The term "concentrated commercial feeding stuffs," as here used, shall not include hays, straw, whole seeds nor the unmixed meals made directly from seed of wheat, rye, speltz, barley, oats, Indian corn, buckwheat, or broom corn, and neither shall it include wheat, rye, buckwheat, brans or middlings not mixed with other substances, but sold separately as distinct article of commerce, nor pure grains ground together.

Sec. 2
Feeding stuffs exempted

The term "concentrated commercial feeding stuffs," as here used, shall include linseed meals, cotton seed meals, cotton seed feeds, pea meals, cocoanut meals, gluten meals, gluten feeds, maize feeds, starch feeds, sugar feeds, dried brewer's grains, dried distiller's grains, malt sprouts, hominy feeds, cerecline feeds, rice meals, dried beef refuse, oat feeds, corn and oat chops, corn and oat feeds, corn bran, ground beef or fish scraps, meat and bone meal, clover meals, condimental foods, poultry foods, stock foods, patented, proprietary or trade marked stock and poultry foods (whether to be used as foods or medicines), mixed feeds, other than those composed solely of bran and middlings mixed together, or pure grains ground together, and all other materials of similar nature not included in section two.

Sec. 3
Feeding stuffs to be labeled

Each and every manufacturer, importer, agent, or person, selling, offering or exposing for sale in this state any "concentrated commercial feeding stuff," as defined in section three of this act, without the statement required by section one of this act, * * * shall be fined not exceeding one hundred dollars for the first offense, and not exceeding two hundred dollars for each subsequent offense.

Sec. 5
Penalty

It shall be unlawful for any person, firm, association, co-partnership or corporation doing business in the state to purchase or receive any wheat, oats, barley, flax, or other grains at a different weight for the bushel measure than the number of pounds fixed by the laws of our state, and no dockage shall be taken or received on

Laws, 1909, ch. 211, p. 316
Sec. 1
Unlawful to buy at other than legal weight

Dockage

same, excepting on such grains as the grain inspection boards for the terminal markets of the states of Minnesota and Wisconsin place a dockage.

Sec. 2
Penalty

Any person, firm, association, co-partnership or corporation found guilty of violating the provisions of this act shall be guilty of a misdemeanor and be fined not less than twenty-five nor more than one hundred dollars for each and every offense.

Laws, 1907, ch. 195, p.

315
Sec. 1
Adulterating a n d
misbranding f o o d s
and beverages

It shall be unlawful for any person, either himself or while acting as agent or servant of any other person or corporation to manufacture for sale, sell, offer or to have for sale, to solicit orders for, to store or to deliver within the state any article of food or beverage which is unwholesome, misbranded, adulterated or insufficiently labeled within the meaning of this act. The having in possession of such adulterated, unwholesome, misbranded or insufficiently labeled article or articles shall be deemed as prima facie evidence of the violation thereof. For the purposes of this act all condiments, extracts, vinegars, or other substances used in the preparation or compounding of foods or food products and beverages shall be deemed as articles of food.

Sec. 2
W h a t constitute
adulteration

Any article of food or beverage shall be considered as misbranded, unwholesome, adulterated or insufficiently labeled within the meaning of this act:

True net weight to be
stated

Ninth. If every package, bottle or container does not bear the true net weight, the name of the real manufacturer or jobber, and the true grade or class of the product, the same to be expressed on the face of the printed label in clear and distinct English words in black type on a white background, said type to be in size uniform with that used to name the brand or producer.

Sec. 1
Articles of food or
beverage to be sold by
weight, measure, or nu-
merical count

Every article of food or beverage as defined in the statutes of this state shall be sold by weight, measure or numerical count and as now recognized by trade custom, and shall be labeled in accordance with the provisions of the food and beverage laws of this state. Only those products shall be sold by numerical count which cannot well be sold by weight or measure. All weights shall be net, excluding the wrapper or container, and shall be stated in terms of pounds, ounces and grains avoirdupois weight, and all measure shall be in terms of gallons of two hundred and thirty-one (231) cubic inches or fractions thereof, as quarts, pints and ounces. Reasonable variations shall be permitted and tolerations therefor shall be established and promulgated by the food commissioner.

Every lot of lard or of lard compound or of lard substitute, unless sold in bulk, shall be put up in pails or other containers holding one (1), three (3), or five (5) pounds net weight, or some whole multiple of these numbers, and not any fractions thereof. If the container be found deficient in weight, additional lard, compound or substitute, shall be furnished to the purchaser to make up the legal weight. The face label shall show the true name and grade of the product, the true net weight, together with the true name and address of the producer or jobber. If other than leaf lard is used, then the label shall show the kind, as "Back Lard," or "Intestinal Lard." Every lard substitute or lard compound shall also show, in a manner to be prescribed by the food commissioner, the ingredients of which it is composed, and each and every article shall be in conformity with, and further labeled in accordance with the requirements under the food laws of this state.

Laws, 1911, ch. 236,
Sec. 2, p. 355
Weight of lard or lard
substitutes when put
up in containers

A loaf of bread for sale shall be two pounds in weight. Bread, unless composed in chief parts of rye or maize, shall be sold only in whole, half and quarter loaves and not otherwise. Bread, when sold, shall, upon request of the buyer, be weighed in his presence, and if found deficient in weight additional bread shall be delivered to make up the legal weight, except that this section shall not apply to rolls or to fancy bread weighing less than one-quarter of a pound. Provided every loaf, half loaf, quarter loaf or other loaf of bread which does not weigh the full legal weight required by this section when plainly labeled with the exact weight thereof, shall not be deemed in violation of the provisions of this act.

Sec. 3
Weight of standard
loaves of bread

Weight of other
loaves

Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and for the first offense shall be punished by a fine of not less than \$5.00 nor more than \$100.00 and the necessary costs, and for the second and each subsequent offense he shall be fined not less than \$50.00 nor more than \$100.00, or ninety days in jail or both at the discretion of the court.

Sec. 4
Penalty

OHIO

The standard weights and measures furnished this state by the secretary of the treasury of the United States under a resolution of Congress, approved June 14, one thousand eight hundred and thirty-six, shall be the legal standard of weights and measures throughout the state. This chapter shall not prevent the use of the weights and measures of the metric system, authorized by congress of the United States, as it appears in the revised statutes of the United States.

Gen. Code, 1910, Title II, ch. 32
(1861, 1875)
Sec. 6403
Standards, those furnished by United States Government; metric system

Contracts for work to be done, or for anything to be sold by weight or measure, shall be construed according to the standards hereby adopted as the standards of this state.

Sec. 6404°
By what standard contracts construed

The unit of standard measure of length and surface, from which all other measures of extension, whether lineal, superficial or solid, shall be derived and ascertained, is the standard yard, in possession of the secretary of state, and furnished by the government of the United States. The yard shall be divided into three equal parts, called feet, and each foot into twelve equal parts, called inches. For the measure of cloths and other commodities commonly sold by the yard, it may be divided into halves, quarters, eighths and sixteenths.

(1867)
Sec. 6405
Yard, the standard measure of length and surface

The rod, pole or perch shall contain five and a half such yards, and the mile, one thousand seven hundred and sixty such yards. The chain for measuring land shall be twenty-two yards long, and be divided into one hundred equal parts, called links.

Sec. 6406°
Contents of a rod, pole, perch, mile, or chain
Links

The acre for land measure shall be measured horizontally, and contain ten square chains, and be equivalent in area to a rectangle sixteen rods in length and ten rods in breadth. Six hundred and forty acres shall be contained in a square mile.

Sec. 6407°
Acre

The perch of mason work or stone shall consist of twenty-five cubic feet.

Sec. 6408°
Perch of mason work or stone

The standard measure of a cord of fire-wood or tan-bark shall be one hundred and twenty-eight cubic feet, well stowed and packed.

(1869)
Sec. 6409
Cord of fire-wood or tan-bark

The units or standards of weight from which all other weights shall be derived and ascertained shall be the standard avoirdupois

Sec. 6410°
Standard weights

and troy weights furnished this state by the United States government.

(1861)
Sec. 6411
Pound and its subdivisions; ton

The avoirdupois pound, which bears to the troy pound the ratio of seven thousand to five thousand seven hundred and sixty, shall be divided into sixteen equal parts called ounces. The hundred-weight except of pig-iron and iron ore, shall consist of one hundred avoirdupois pounds, and twenty hundred weight shall constitute a ton. The troy ounce shall be equal to the twelfth part of a troy pound.

Sec. 6412^o
Gallon

The unit or standard measure of capacity for liquids, from which all other measures of liquids shall be derived and ascertained, shall be the standard gallon, and its parts, furnished this state by the government of the United States.

(1851, 1880, 1896)
Sec. 6413
Barrel and hogshead, and branding thereof

The barrel shall contain thirty-one and one-half gallons, and two barrels shall constitute a hogshead. Barrels, for the purpose of containing apples, potatoes, onions or other fruit, produce or vegetables, shall be made of staves of seasoned timber, twenty-eight and one-half inches in length with cut heads of seventeen and one-eighths inches in diameter and shall measure at the bulge not less than sixty-six inches in circumference, outside measure. Such barrel shall be known as "the standard barrel," and on the outside of one or more of the staves thereof shall be stamped or branded the words "State of Ohio, standard," the name of the cooper or manufacturer thereof and the name of the city or town nearest to which the cooper shop or place of business of such manufacturer is located.

Sec. 6414^o
Half-bushel

The unit or standard measure of capacity for substances other than liquids, from which all other measures of such substances shall be derived and ascertained, shall be the standard half-bushel measure furnished this state by the government of the United States, the interior diameter of which is thirteen inches and thirty-nine-fortieths of an inch, and the depth is seven inches and one-twenty-fourth of an inch.

Sec. 6415^w
Subdivisions of half-bushel

The peck, half-peck, quarter-peck, quart and pint measures for measuring commodities other than liquids, shall be derived from the half-bushel measure by dividing it and each successive measure by two.

(1861)
Sec. 6416
Heaped measures
Sec. 6417
How dry* commodities measured

Articles usually sold by heaped measure shall be heaped in a conical form as high as such articles permit.

Measures for measuring dry commodities not usually heaped shall be struck with a straight stick, with the edges rounded. Commodities other than liquids, when sold by the gallon or less, shall be sold by the dry measure.

A bushel of the respective articles hereinafter mentioned shall be the amount of weight, avoirdupois, in this section specified, viz: ¹

	Pounds.		Pounds.
Wheat.....	60	Hungarian grass seed.....	50
Rye.....	56	Lime.....	70
Timothy seed.....	45	Coke.....	40
Hemp seed.....	44	Bituminous coal.....	80
Millet seed.....	50	Cannel coal.....	70
Buckwheat.....	50	Corn, shelled.....	56
Beans.....	60	Corn in the ear.....	68
Peas.....	60	Popcorn in the ear.....	42
Hominy.....	60	Tomatoes.....	56
Irish potatoes.....	60	Apples.....	50
Sweet potatoes.....	50	Peaches.....	48
Onions.....	55	Turnips.....	60
Dried peaches.....	33	Carrots.....	50
Dried apples.....	24	Beets.....	56
Flaxseed.....	56	Oats.....	32
Barley.....	48	Clover seed.....	60
Malt.....	34		

(1860, 1875, 1877, 1882, 1884, 1885, 1880, 1887, 1890, 1893)
Sec. 6418
Standard weight of bushel

All articles hereinafter mentioned, when sold, shall be sold by avoirdupois weight or numerical count, unless by agreement of all contracting parties, viz: apples, peaches, pears, plums, quinces, cranberries, prunes, raisins, dates, figs, dried apples, dried peaches, apricots, rice, beans, green beans, carrots, onions, parsnips, Irish potatoes, sweet potatoes, tomatoes, turnips, beets, sugar beets, peas, green peas, cabbage, cauliflower, endive, lettuce, spinach, sauerkraut, barley, bran, buckwheat, corn in ear, shelled corn, wheat, rye, oats, sweet corn in ear, shelled sweet corn, hominy, dried sweet corn, popcorn in ear, shelled popcorn, bluegrass seed, broom corn seed, canary seed, cotton seed, castor oil bean, pine tree products and vegetable oils, clover seed, timothy seed, hemp seed, Hungarian grass seed, malt, millet, onion sets, orchard grass seed, rape seed, red top seed, English walnuts, black walnuts, hickory nuts, Brazil nuts, pecans, almonds, filberts, coal, coke, lime, salt, sugar, tea, coffee, bulk spices, cheese, butter, oleomargarine, lard, fresh and salt meats, fish, game fowls, flour, corn meal, chopped feed, pepper in bulk, and candy in bulk. Nothing in this section shall apply to seeds and other articles in sealed packages. The provisions of this act shall in no way apply to goods sold or bought in car lots until said goods are sold at retail. Whoever sells or offers for sale any article in this section enumerated, in any other manner than herein specified, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than \$10 nor more than \$100 for the first offense, and not less than \$25 nor more than \$200 for the second offense, or imprisoned not more than three months, or both.

Sec. 6418-1 as enacted by Laws, 1911, p. 421
Articles to be sold by weight or numerical count

¹ For convenience in printing a slight change has been made in arrangement of these articles.

(1847, 1875)
 Sec. 6419
 Bushel for measuring
 stone coal and lime

The standard bushel of stone coal, coke and unslacked lime, shall contain twenty-six hundred and eighty-eight cubic inches; and the measure for measuring such articles shall contain two bushels, and be of the following interior dimensions: twenty-four inches diameter at the top, twenty inches at the bottom, and fourteen and one-tenth inches deep.

(1869, 1875)
 Sec. 6420
 When coal sold by
 weight; when by meas-
 urement

Sales of coal shall be by weight; and two thousand pounds avoirdupois shall constitute a ton thereof; but where coal can not be weighed, it may be sold by measurement.

(1875)
 Sec. 6421
 Selling coal in viola-
 tion of provisions

Whoever sells stone coal in violation of this chapter shall be liable to the person to whom such coal is sold and delivered in treble damages. If the defendant in such action does not reside in the county where the mine is located, service may be had upon him by leaving a copy of the summons at his place of business. A judgment recovered in such action shall be a lien upon all property of such defendant in the county from the day of service. This section shall not apply to a person or corporation mining or selling less than fifteen thousand bushels of coal annually.

(1885)
 Sec. 6422
 Standard of measure-
 ment for bushel of char-
 coal

The standard of measurement for a bushel of charcoal shall be twenty-seven hundred and forty-eight cubic inches.

(1861, 1891, 1910)
 Sec. 7965, amended,
 May 10, 1910
 State sealer and
 standards of weights
 and measures

The state dairy and food commissioner shall be state sealer. The standards of weights and measures adopted by the state shall be deposited in a suitable room at Columbus, and be by him kept in suitable cases, to be opened only for the purpose of comparing them with such standards the copies which by law are furnished for the use of the several counties, cities or villages, unless by joint resolution of the general assembly, or upon a call of either house for information, or by order of the governor for scientific purposes. The state dairy and food commissioner shall, upon the passage of this act, and once every three years thereafter, require each county auditor and city or village sealer, in this state, to present all standards of weights and measures in their possession to him for comparison with the standards adopted by the state, and the dairy and food commissioner shall condemn and destroy all of such standards as do not conform with the standards adopted by the state. Each county auditor and each city and village sealer shall be required to procure copies of all the original standards adopted by the state named in section seven thousand, nine hundred and sixty-six of the General Code, except such standards now in their possession as the state dairy and food commissioner shall find to conform with the standards adopted by the state. It shall be the duty of the state dairy and food commissioner to advise and assist all county, city and village sealers, and generally be charged with the enforcement of all laws relating to weights and measures, and in the per-

formance of such duties he may use the services of any persons employed under his department. The state dairy and food commissioner or any person employed by him for that purpose may try and prove any weights, measure, balance and any other weighing or measuring device, on request from any person, and when the same are found or made to conform to the state standards shall cause the same to be sealed and marked, as provided in section two thousand six hundred and sixteen of the General Code.

The state dairy and food commissioner or his deputy, or any other duly authorized sealer of weights and measures or his deputy, may inspect and test any weight, measure, balance or other weighing or measuring device, wherever the same is used, or maintained for use, and if such weight, measure, balance or other weighing or measuring device is found to be false or fraudulent, or cannot be made to conform to the legal standard, the same shall be condemned and confiscated by the said sealer or deputy sealer.

Sec. 7965-1 as enacted by Laws, 1911, p. 426
Food commissioner or his deputy, etc., may inspect and test scales, etc., when

May condemn and confiscate, when

(1867)
Sec. 7966
Copies of standards for use of counties

Copies of the original standards of the following materials, shall be procured by the state sealer for the use of each county in this state, not already furnished, in pursuance of law, and be delivered by him to the auditor thereof: One-half bushel measure, of one-eighth inch copper, with brass rim; one gallon measure, of one-sixteenth inch copper, with brass rim and handle; one-half gallon, one quart, one pint, and one-half pint measure, to be made in the same manner and of the same material; fifty, twenty-five, twenty, ten, five, four, three, two and one pound weights, avoirdupois, to be made of cast iron, turned, polished, and trimmed; and one-half pound, one quarter pound, two ounce, one ounce, half ounce, and quarter ounce weights, troy, to be made of brass; one brass yard measure, graduated into feet, inches and tenths.

The state sealer shall cause to be impressed on each of the copies, so to be delivered to the counties, the letter "O," and such other device for each county as he directs before its deposit in the county auditor's office. Such device shall be recorded in the state sealer's office, and a copy thereof furnished to the auditor of the proper county.

Sec. 7967
Device on county standards

The state sealer shall furnish like copies of the original standards to the sealer of any city or village upon application therefor, and payment of the cost thereof, by such city or village.

Sec. 7968
Like copies to be furnished to cities and villages

The state sealer shall render accounts to the auditor of state of all moneys by him paid or liabilities incurred in procuring and delivering copies of the standards to the counties; and the auditor shall audit such accounts and draw his warrants on the state treasurer for the amount he finds due, which must be paid

Sec. 7969
Expenses

by the treasurer out of any moneys to the credit of the general revenue fund.

(1876, 1891)
Sec. 7970
Inspection of gas and
meters

The state sealer of weights and measures shall have charge of all the apparatus and property, belonging to the state, intended for the inspection of illuminating gas and gas meters, and the testing of the registration of meter-provers; he shall test the registration of all meter-provers that may be presented to him for that purpose, and stamp and seal all such meter-provers, so tested, that are found correct. For testing the registration of gas meter-provers, to be paid by the persons requiring such service, he shall be allowed the sum of five dollars for each meter-prover tested.

(1861, 1910)
Sec. 2615, amended
May 10, 1910
County sealer

By virtue of his office, the county auditor shall be county sealer of weights and measures and shall be responsible for the preservation of the copies of the original standards delivered to his office. It shall be the duty of the county auditor to see that all state laws relating to weights and measures be strictly enforced throughout his county and to assist generally in the prosecution of all violations of such laws.

Sec. 2616, amended
May 10, 1910
Duties of county
sealer; weights, meas-
ures, etc., must be
sealed

The county sealer shall compare all weights and measures, brought to him for that purpose, with the copies of standards in his possession. When they are made to conform to the legal standards, the officer comparing them shall seal and mark such weights and measures. No weight, measure, balance or other weighing or measuring device shall be used or maintained for weighing and measuring in this state unless such weight, measure, balance or other weighing or measuring device has been sealed or marked by the state dairy and food commissioner, or any employee of said commissioner detailed for that purpose, or by the county sealer or by the sealer of the city or village in which the same is used or maintained, by stamping upon each the letter "O" and the last two figures of the year in which it has been compared with legal standards, adjusted and found or made to conform to said standards, with seals to be provided by said dairy and food commissioner for that purpose. Whoever violates any of the provisions of this section shall be fined not less than fifty dollars nor more than one hundred dollars for the first offense and for each subsequent offense shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned for not more than ninety days or both. A justice of the peace, police judge, or mayor shall have final jurisdiction in such cases as in cases of violation of law relating to the adulteration of food and drink and dairy products.

(1861)
Sec. 2617
County sealer shall
deliver copies to suc-
cessor

When a county sealer resigns, is removed from office, or removes from the county, he shall deliver to his successor in office the standards, beams, weights, and measures in his possession. In

case of the death of a county sealer his representatives shall, in like manner, deliver to his successor in office such beams, weights and measures.

In case of neglect or refusal to deliver such standards entire and complete, the successor in office may maintain a civil action against the person so refusing or neglecting, and recover double the value of such standards as have not been delivered, with costs of suit, which shall be by him appropriated to the purchase of such standards as are required in his office.

Sec. 2618
Penalty for refusal

No surveyor shall give evidence in a cause pending in any of the courts of this state, or before arbitrators, respecting the survey or admeasurement of any lands, unless such surveyor makes oath, if required, that the chain or measure used by him was conformable to the standards of this state.

Sec. 2619
Surveyors' chains,
and testimony

If any person hereafter uses any weights, measures, or beams, in weighing or measuring, which do not conform to the standards of the state, or any other measures established by law, whereby a dealer in, purchaser, or seller of, any commodity or article of traffic is injured or defrauded, such dealer, purchaser, or seller, may maintain a civil action against the offender, and if judgment is rendered him, he shall receive double damages and costs of suit.

Sec. 2620
Penalty for using
false weights and
measures

The provisions of the preceding two sections shall not be enforced in any county, unless it has been furnished with copies of the standards of this state, at least six months previous to such measuring or surveying.

Sec. 2621
When not to be en-
forced

Each county sealer of weights and measures shall appoint by writing under his hand and seal, a deputy who shall compare weights and measures wherever the same are used or maintained for use within his county, or which are brought to the office of the county sealer for that purpose, with the copies of the original standards in the possession of the county sealer, who shall receive a salary fixed by the county commissioners, to be paid by the county, which salary shall be instead of all fees or charges otherwise allowed by law. Such deputy shall also be employed by the county sealer to assist in the prosecution of all violations of laws relating to weights and measures.

(1861, 1894, 1898, 1910,
1911)
Sec. 2622, as amended
by Laws, 1911, p. 426
Deputy sealer of
weights and measures

Salary

Duties

Each sealer may receive for his services, the following fees: For sealing and marking every beam, ten cents; for sealing and marking measures of extension, at the rate of ten cents per yard, not exceeding twenty-five cents for any one measure; for sealing and marking each weight, five cents; for sealing and marking liquid or dry measures, if of one gallon or more, ten cents, and if less than one gallon, five cents; and a reasonable compensation for marking such weights and measures, so as to conform to the standards.

(1861)
Sec. 2623
Fees

(1861, 1908)
 Sec. 4318
 Sealer of weights and measures
 Cities and villages
 Appointment and term

The mayor may appoint a sealer of weights and measures, who shall hold office co-extensive with the term of office of the mayor who made his appointment, and until his successor is appointed and qualified, unless otherwise removed from office.

Sec. 4319
 Qualification and compensation

The sealer of weights and measures shall be a competent person for the position, and shall receive a salary fixed by ordinance, to be paid by the corporation, which salary shall be instead of all fees or charges otherwise allowed by law or ordinance.

Sec. 4320
 Oath and bond

Before entering upon his duties, the sealer of weights and measures shall take the oath of office required by law, and give bond to the corporation in such amount as is prescribed by ordinance, with security to the approval of the Mayor, and conditioned for the faithful performance of his duties.

Sec. 4321
 Comparison with county standards

At least once in three years, the sealer of weights and measures shall compare the copy of standards in his possession with those in the office of the county sealer.

(1861, 1911)
 Sec. 4322, as amended by Laws, 1911, p. 426
 Comparison and sealing of weights and measures
 Weighing and measuring devices, etc.

The sealer of weights and measures shall compare all weights and measures, balances, weighing and measuring devices used in the purchase and sale of commodities with the copies in his possession. Any weights and measures, balances, and weighing and measuring devices having a device for indicating or registering the price as well as the weight or quantity of commodities shall be tested by him both as to correctness of weight or quantity and value indicated by them; such sealer shall seal such weights and measures, balances and weighing and measuring devices as shall be tested and found correct, and, after ten days notice in writing to the owner, shall condemn or seize such as are found to be incorrect, and shall seal such weights and measures, balances, weighing and measuring devices having a device for indicating or registering the price as well as the weight or quantity of commodities only when correct both in indications of weight or quantity and value, and shall condemn or seize such in which the graduations or indications are found to be false or inaccurately placed either as to weight or quantity or value.

May be seized, when

(1860, 1877, 1908)
 Sec. 13106
 Selling by false weights

Whoever, in buying or selling any property, or directing or permitting an employe so to do, knowingly makes or gives a false or short weight or measure or whoever has charge of scales or steelyards fixed for the purpose of misweighing an article bought or sold, or, having scales or steelyards for the purpose of weighing property, knowingly reports a false or untrue weight, or whoever uses in the sale of a commodity a computing scale or device indicating the weight and price of such commodity upon which scale or device the graduations or indications are false, or inaccurately placed, either as to weight or price, shall be fined not more than fifty dollars.

Whoever sells and delivers stone-coal except at legal weights and measures, shall be fined not less than five dollars nor more than fifty dollars or imprisoned not less than five days nor more than thirty days.

(1875, 1877)
Sec. 13107
Selling stone coal by unlawful weights or measures

Whoever, in selling berries or other small fruits, uses a measure other than the standard dry measure bushel or a fraction thereof, shall be fined not less than ten dollars nor more than fifty dollars.

(1894)
Sec. 13108
Measure for small fruits

Whoever, being a commission merchant, miller, dealer, grain inspector, corporation, firm, association or person, or an officer, agent or employe thereof purchasing or receiving wheat in barter or exchange for flour, or otherwise, from the original producer, his agent or employe, for testing or determining the weight, grade, milling or market value thereof, uses a measure other than the standard half-bushel or uses a measure that is a fractional part of such standard half-bushel, furnished this state by the United States, shall be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned in jail not more than thirty days, or both. Fines collected under this section shall be paid into the county treasury to the credit of the county fund.

Sec. 13109
Miller, grain dealer, etc., must use standard half-bushel

Whoever makes, sells or offers to sell or dispose of, or has in his possession with intent to sell or dispose of, an article of merchandise marked, stamped or branded with the words "sterling" or "sterling silver," or incased or inclosed in a box, package, cover, wrapper or other thing having thereon an engraving or printed label, stamp, imprint, mark or trade-mark, indicating or denoting that such article is silver, sterling silver or solid silver, unless nine hundred and twenty-five one-thousandths parts of the metal of which such article is manufactured is pure silver, shall be fined not more than one hundred dollars.

(1896)
Sec. 13112
Manufacture or sale of goods improperly marked "sterling" or "sterling silver"

Whoever makes, sells or offers to sell or dispose of, or has in his possession with intent to sell or dispose of, an article of merchandise marked, stamped or branded with the word "coin" or "coin silver," or encased or inclosed in a box, package, cover or wrapper or other thing, having thereon an engraving or printed label, stamp, imprint, mark or trade-mark, indicating or denoting that such article is coin or coin silver, unless nine hundred one-thousandths parts of the metal of which such article is manufactured is pure silver, shall be fined not more than one hundred dollars.

Sec. 13113
Manufacture or sale of goods improperly marked "coin" or "coin silver"

Whoever, with intent to defraud, constructs or uses a false meter for measuring and registering the gas consumed under a contract with a gas company, shall be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(1859)
Sec. 13127
Making or using false gas meters

Whoever puts up or packs goods or articles sold by weight, into a case or package, and fails to mark thereon the gross, tare and net weights thereof in pounds and fractions thereof, or, with intent to defraud, transfers a brand, mark, or stamp placed upon

(1856, 1865, 1877)
Sec. 13128
Failure to mark weights on packages; transfer of brands; re-packing

a case or package by a manufacturer, to another case or package, or, with like intent, repacks a case or package so marked, branded or stamped with goods or articles of a quality inferior to those of such manufacturer, shall be fined not more than five hundred dollars or imprisoned not more than six months, or both.

Gen. Code, 1910, p. 777 (1902, 1908) Sec. 3616 Powers of municipal corporations (1902, 1904, 1908) Sec. 3651 To seize false weights, etc. All municipal corporations shall have the general powers mentioned in this chapter, and council may provide by ordinance or resolution for the exercise and enforcement of them.

To regulate the weighing and measuring of hay, wood and coal, and other articles exposed for sale, and to provide for the seizure, forfeiture and destruction of weights and measures, implements and appliances for measuring and weighing which are imperfect or liable to indicate false or inaccurate weight or measure, or which do not conform to the standards established by law and which are known, used or kept to be used for weighing or measuring articles to be purchased, sold or exposed for sale.

Gen. Code, 1910, p. 1301 (1857) Sec. 5993 Penalty for under-marking tare on barrels of flour, etc. A manufacturer of flour or meal, or packer of meat, butter, lard or other packed article sold by weight, under-marking the tare upon a hogshead, cask, box or barrel, or part thereof, or placing thereon a less quantity than that marked or branded thereon as specified by law, shall forfeit the hogshead, cask, box or barrel, or part thereof, and half the contents thereof. One-fourth of such entire contents shall go to the party injured, prosecuting the case, with such other damages as he may sustain, and the other fourth to the use of the poor of the township where the conviction is had. The residue shall be accounted for to such manufacturer or packer, who shall be notified by such inspector. Such forfeiture shall not take place, nor conviction be had, when the light weight was occasioned after leaving such manufacturer or packer, if such packing was done according to law.

Flour and meal shall be packed in well-made barrels of seasoned timber, twenty-seven inches in length, when finished, with a cut head of seventeen and one-half inches, tightly bound, with ten smart hoops or six flat hoops two inches broad, secured with four nails in each end hoop, and three nails in each outward bilge hoop. Such barrel shall contain one hundred and ninety-six pounds of flour or meal, and the tare thereof shall be marked on the head of such barrel by the miller, with a marking iron. The weight of the flour or meal shall be branded on the barrel with a branding iron, to be provided by him for that purpose. * * *

(1830-1) Sec. 5998 Flour barrel, size of Weight and tare of barrel of flour to be marked thereon

A miller or mill owner shall brand or cause to be branded on the head of each barrel or side of each sack the weight and quality of the flour or meal contained therein, and the initial letter of his Christian name and his surname in full; or if the mill is owned or operated by more than one person, then the name of such persons

(1876, 1891) Sec. 5999 Weight of flour to be branded on barrel or sack

or such company. If a miller, mill owner or company neglects to so brand such flour or meal, or packs or exposes it for sale in a barrel or sack of a less quantity or poorer quality than is branded thereon, he or they shall forfeit and pay for each offense ten dollars for the use of the county, and be liable to the person injured in double the amount of damages sustained.

Penalty

Barrels for beef or pork shall be made of sound, well-seasoned white oak timber, clear of sap wood, twenty-nine inches in length, with a cut head of seventeen and a half inches in diameter, bound with strong hoops, one-third of the length thereof, at each end. When packed and headed up, the outward hoop on each end shall be secured with four nails of suitable size.

(1830-1)
Sec. 6002
Regulation barrels for
beef or pork

Half barrels for beef or pork shall be made of sound, well seasoned white oak timber, clear of sap, twenty-four inches in length, with a cut head fourteen inches in diameter, bound with hoops one-third the length thereof, at each end, the outward hoops thereof being secured with at least three nails of suitable size.

Sec. 6003
Regulation half-bar-
rels for beef or pork

A barrel of beef or pork, packed for exportation, shall contain two hundred pounds of sound, clean, well slaughtered meat, that is well fattened. * * *

Sec. 6004
Weight of barrel of
beef or pork

When linseed, flaxseed or lard oil is sold by the barrel, without a special agreement as to the measurement thereof, the standard for linseed or flaxseed oil shall be seven and one-half pounds to the gallon; and for lard oil, seven and two-fifths pounds to the gallon.

(1857, 1869)
Sec. 6006
Weight of gallon of
linseed oil, etc.

Inspectors shall inspect barrels intended for linseed, flaxseed or lard oil, and, before filling them, ascertain the weight thereof and when so inspected and weighed, mark on such barrel the weight thereof with marking irons, provided by the inspector for that purpose, with his name and the name of the county.

Sec. 6008
Inspector to weigh
empty barrel and brand
weight thereon

A barrel of fish shall contain two hundred pounds, and a package or vessel, being or purporting to be a fractional part of such barrel, shall contain a like fractional part of two hundred pounds net, of fish, exclusive of salt, brine and package. A barrel or other vessel of fish packed or sold in this state, shall have the number of pounds contained therein distinctly branded upon the head thereof.

(1872)
Sec. 6016
What barrel of fish
shall contain

Manufacturers of salt shall have it sufficiently drained, and packed in good barrels made of good, sound, seasoned timber; the head and bilge hoops to be nailed with not less than four nails in each hoop. The head shall be bored with a metallic instrument not less than one inch in size. The name of the manufacturer shall be distinctly branded on the head thereof. Salt sold at the manufactory shall be marked with the net weight in figures, directly under the name, with good, durable paint.

(1852)
Sec. 6020
Net weight to be
marked on barrels of
salt

A manufacturer refusing to comply with the next preceding section shall forfeit for each offense the sum of fifty cents per barrel, to be collected by any person in a civil action.

Sec. 6021
Penalty

(1844)
 Sec. 6029
 How tare of salt barrels regulated

The inspector of salt shall regulate the tare of barrels as follows: barrels weighing less than three hundred pounds shall be tared at thirty pounds; barrels weighing over three hundred and less than four hundred, shall be tared at thirty-five pounds; and barrels weighing over four hundred pounds shall be tared at forty pounds.

{1830-1}
 Sec. 6036
 Tare and net weight to be marked on butter firkins

Butter and lard shall be packed in tight and well seasoned firkins or kegs, on each of which shall be marked with a marking iron, the tare and net weight of the contents thereof. * * *

Sec. 6037
 Tare and net weight to be marked on biscuit casks

Casks containing biscuits, packed for exportation, shall be of a like size and quality as those specified for flour in this chapter, and the tare and net weight shall be marked thereon with a marking iron. * * *

Sec. 6038
 Dimensions, weight, and tare of pot and pearl ash barrels

Pot and pearl ashes, subject to inspection, shall be placed in barrels of well seasoned white oak or white ash, hooped with substantial hoops for at least ten inches from each end, the staves not to be more than thirty-one inches nor less than thirty inches in length. The head of a pot ash barrel shall not exceed nineteen inches, and that of a pearl ash barrel, twenty-one inches in diameter; and no barrel shall be tared less than fifty-six pounds. Barrels weighing fifty-six pounds or more shall be so tared. An inspector of pot and pearl ashes shall empty the barrels containing them brought to him for inspection, examine and determine the quality; and repack and brand the head of each barrel as prescribed in this chapter.

(1861)
 Sec. 6039
 Weight to be marked on packages of soap and candles
 Penalty

Manufacturers of soap and candles shall mark upon each package or box thereof offered for sale the name of the manufacturer, and the net weight avoirdupois of the contents thereof, in legible letters and figures. A manufacturer neglecting or refusing to comply with the provisions of this section or placing in such box or package a less quantity than is marked or branded thereon shall forfeit one dollar for each offense and pay the costs of prosecution. Forfeitures collected hereunder shall be paid into the treasury of the county in which they are collected.

(1908)
 Sec. 6334
 Net weight and measure to be marked on packages of paint

The label on paint sold by measure shall show the net measure of the contents of the container, and on paint sold by weight, the net weight of the contents of the package.

Sec. 13168
 Penalty

Whoever violates any provision of law relating to the labeling of paints, mixed paints and similar compounds or white lead by manufacturers or distributors thereof, shall be fined not more than fifty dollars, and for each subsequent offense shall be fined not less than fifty dollars nor more than one hundred dollars, or imprisoned not less than thirty days nor more than one hundred days, or both.

Gen. Code, 1910, p. 239

Each person, firm or corporation desiring to sell or offer for sale within this state any feed stuffs shall furnish with each car load

or quantity in bulk thereof, or affix to each package thereof in a conspicuous place thereon, a plainly printed certificate of the number of net pounds in each car or quantity in bulk, or in each package, the name or trade mark under which it is sold, the name of the manufacturer or shipper, the place of manufacture and a chemical analysis of the product to be sold * * *

(1904, 1908)
Gen. Code, 1910, p. 241
Sec. 1129
Weight to be marked on packages of feedstuff

Each person, firm or corporation who manufactures, sells or offers for sale in the state a commercial fertilizer, which means any substance for fertilizing or manurial purposes, except barn yard manure, marl, lime and plaster, shall affix to each package in a conspicuous place on the outside thereof, a plainly printed certificate which shall state the number of net pounds contained therein, the name, brand or trade mark, under which it is sold, or offered for sale, the name of the manufacturer, with his or its postoffice address. * * *

(1881, 1893, 1908, 1911)
Gen. Code, 1910, p. 241
Sec. 1139, as enacted by Laws, 1911, p. 125, sec. 1
Fertilizer to bear statement of net weight

Food, drink, flavoring extracts, confectionery or condiment shall be misbranded within the meaning of this chapter: * * *

Gen. Code, 1910 (1908)
Sec. 5785
What is misbranding of food, etc.

3. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package; * * *

Whoever uses a standard measure of milk or cream other than that which is defined in this section, where milk or cream is purchased by or furnished to creameries or cheese factories and where the value of such milk or cream is determined by the per cent of butter fat contained therein by the Babcock test, shall be fined not less than twenty-five dollars nor more than one hundred dollars. In the use of the Babcock test the standard milk measures or pipettes shall have a capacity of 17.6 cubic centimeters and the standard test tubes or bottles for milk shall have a capacity of two cubic centimeters for each ten per cent marked on the necks thereof. The standard unit of cream for testing shall be eighteen grams.

Gen. Code, 1910, p. 2707 (1904)
Sec. 12722
Penalty for use of false standard measure for milk or cream

Whoever offers for sale or sells a milk pipette or measure, test tube or bottle which is not correctly marked or graduated as provided in the next preceding section, shall be fined not less than twenty-five dollars nor more than one hundred dollars.

Sec. 12723
Penalty for sale of falsely marked pipette

The Chief inspector of mines and each district inspector shall receive his necessary and legitimate traveling and other expenses, incurred in the discharge of his duties, not to exceed sixty-five dollars for any month. Itemized statements of such expenses approved by the chief inspector, shall be filed with the auditor of state. The expenses incurred in the purchase of weights, measures, and all instruments and chemical tests, for use in the discharge of their duties, shall be paid on the certificate of the chief inspector, from the contingent fund provided for his use.

Gen. Code, 1910, p. 190 (1874, 1884, 1885, 1888, 1908, 1910)
Sec. 904
Purchase of weights, etc.

(1874, 1884, 1885, 1910)
 Sec. 907
 Duties and compensation of district inspectors of mines, as sealers of weights and measures

The district inspectors of mines are hereby invested with all the powers and authority of county auditors, as sealers of weights and measures in the different counties of this state. For services performed as such sealers, they shall receive the same compensation as county auditors when acting as county sealers, but shall exercise such authority in connection with weights and measures only at mines in their respective districts.

Gen. Code, 1910
 (1866)
 Sec. 9326
 Illuminating unit of measure

The standard or unit of measure for the sale of illuminating gas by meter shall be the cubic foot, containing sixty-two and three hundred twenty-one one-thousandth pounds avoirdupois weight of distilled or rain water, weighed in air, of the temperature of sixty-two degrees Fahrenheit's scale, the barometer being at twenty-nine and one-half inches.

(1867)
 Sec. 9327
 Meters to be sealed and stamped
 Penalty for failure to seal and stamp

No meter shall be set unless it is tested by a meter-prover, sealed and stamped as hereinafter provided. A company authorizing the setting of a meter, or allowing it to be used by a consumer of gas, without being so sealed and stamped, shall forfeit and pay not less than twenty-five nor more than one hundred dollars, to be recovered upon the complaint of such consumer, in the name of the state, before any court of competent jurisdiction.

(1866, 1891)
 Sec. 9328
 Gas companies to furnish certain apparatus

At the expense of the gas companies of this state, there shall be provided by the state sealer of weights and measures, at the Ohio state university, a standard measure of the cubic foot, and such other apparatus as in his judgment is necessary for the performance of his duties under this chapter.

(1867, 1908)
 Sec. 9329
 Meters; testing of

Meters in use shall be tested on the request of the consumer, in his presence, if desired, with a meter-prover, tested and sealed as provided by law, by an officer or servant of the company. If the meter be found to be correct, and it shall be deemed correct if there be no greater variation than three per cent, the party requesting the inspection shall pay a fee of twenty-five cents, and the expense of removing it for the purpose of being tested. The re-inspection shall be stamped on the meter. If proved incorrect, no fees or expense shall be paid by the consumer, and the company shall furnish a new meter without charge to the consumer. No gas company shall charge rent for meters.

Fee

OKLAHOMA

If any person with intent to defraud, use a false balance, weight or measure, in the weighing or measuring of anything whatever that is purchased, sold, bartered, shipped or delivered for sale or barter, or that is pledged, or given in payment, he shall be punished by a fine not exceeding one hundred dollars nor less than five dollars, or by imprisonment in the county jail not more than thirty days, or by both such fine and imprisonment, and shall be liable to the injured party in double the amount of damages.

Comp. Laws, 1909
Sec. 2644
False weights and
measures

Fine

Every person who retains in his possession any weight or measure, knowing it to be false, unless it appears beyond a reasonable doubt that it was so retained without intent to use it, or permit it to be used in violation of the last section, shall be punished as therein provided.

Sec. 2645
Retention is punish-
able

Every person who is authorized or enjoined by law to arrest another person for violation of the first two sections of this article, is equally authorized and enjoined to seize any false weights or measures found in the possession of the person so arrested, and to deliver the same to the magistrate before whom the person so arrested is required to be taken.

Sec. 2646
May be seized

The magistrate to whom any weight or measure is delivered, pursuant to the last section, shall, upon examination of the accused, or if the examination is delayed or prevented, without awaiting such examination, cause the same to be tested by comparison with standards conformable to law; and if he finds it to be false, he shall cause it to be destroyed, or to be delivered to the district attorney of the county in which the accused is liable to indictment or trial, as the interests of justice in his judgment require.

Sec. 2647
May be tested and
destroyed

Indictment

Upon the conviction of the accused, such district attorney shall cause any weight or measure in respect whereof the accused stands convicted, and which remains in the possession or under the control of such district attorney, to be destroyed.

Sec. 2648
Shall be destroyed,
when

Every person who knowingly marks or stamps false or short weight, or false tare on any cask or package, or knowingly sells or offers for sale any cask or package so marked is guilty of a misdemeanor.

Sec. 2649
Stamping false
weights or false tare

A ton of hay shall consist of two thousand pounds; or, by measurement, three hundred and forty-three cubic feet, after the

Sec. 8887
Hay, ton of

same shall have been stacked thirty days, or such time as may be agreed upon between the parties.

Sec. 8888
Perch of stone

A perch of mason work, or stone, is hereby declared to consist of twenty-five feet cubic measure.

Laws, 1910
Sec. 1
Bushel weights

Whenever the articles hereinafter named shall be sold by the bushel, and no agreement as to weights or measures thereof shall be made by the parties, the bushel shall consist of the following number of pounds, viz.:

Salt.....	80	Apples.....	48
Mineral coal.....	80	Peaches.....	48
Corn in shuck.....	72	Pears.....	48
Corn, unshelled.....	70	Cucumbers.....	48
Wheat.....	60	Hungarian grass seed.....	48
Beans.....	60	Broom corn seed.....	48
Peas.....	60	Castor beans.....	46
Split peas.....	60	Tomatoes.....	45
Irish potatoes.....	60	Timothy seed.....	45
Clover seed.....	60	Parsnips.....	44
Alfalfa and alsike (or Swedish) seed.....	60	Hemp seed.....	44
Onions.....	57	Common turnips.....	42
Rye.....	56	Bermuda grass seed.....	40
Corn, shelled.....	56	Malt.....	38
Flax seed.....	56	Osage orange seed.....	36
Green peas (unshelled).....	56	Dried peaches.....	33
Kaffir corn.....	56	Oats.....	32
Sweet potatoes.....	55	Cotton seed.....	32
Buckwheat.....	52	Top onion sets.....	28
Carrots.....	50	Dried apples.....	24
Rutabagas.....	50	Peanuts.....	22
Corn meal.....	50	Bran.....	20
Millet.....	50	Blue grass seed.....	14
Sorghum seed.....	50	Red top seed.....	14
Rape.....	50	Orchard grass seed.....	14
Barley.....	48	Coke.....	² 2,680
		Charcoal.....	² 2,680

A ton shall consist of two thousand (2000) pounds of the article or commodity named.

Comp. Laws, 1909
(Snyder), ch. 22, p. 549
Sec. 1827
Creating office of public weigher

The office of public weigher is hereby established and constituted one of the regular county officers for the several counties of this State, and all persons elected to such office at the general election held in 1907, are hereby declared to be public weighers for their respective counties and shall hold their offices until the expiration of the terms of the county officers elected at said election. * * * At the general election in 1908, and each two years thereafter, the qualified voters of the county shall elect some person to such office and the term of such office shall expire at the time of the expiration of other county officials.

Sec. 1828
Who eligible

No person shall be eligible to the office of public weigher who is not at the time of his appointment or election a legal voter, resident in his county.

¹ For convenience in printing a slight change has been made in arrangement of these articles.
² Cubic inches per bushel.

The public weigher may appoint one or more deputies in each precinct of his county, which deputy shall have all the powers conferred upon the public weigher, and shall be answerable to all the penalties prescribed for the violation of this Act; * * * Deputy weighers shall be confined in their jurisdiction to the limits of their respective precincts. They shall keep a record of their transactions as herein prescribed for the public weigher, which record shall be open at all times to public inspection; Provided further, all deputy weighers appointed under the provisions of this Act shall, before entering upon the duties of their offices, be approved by the board of county commissioners.

Sec. 1830
Deputy weighers

The public weigher shall hold an office at the county seat, said office being provided by such public weigher at his own expense, and he shall also provide his own record books, blanks, stationery, and in no event shall the State of Oklahoma become liable for any of the expenses incurred in the operation of the office of public weigher. All books, reports, or other records in the office of such public weigher, or of any deputy weigher, shall be delivered to their successors in office. All public weighers and all deputy weighers shall provide, at their expense, by purchase, or lease, all scales, essential for conducting their business, and in no event, shall the State of Oklahoma become liable for the cost thereof.

Sec. 1831
Office, etc.

Scales to be provided

It shall be the duty of the sheriff of each county, in person or by his regular deputies, to inspect and test all scales used by the public weigher or any deputy weigher and such scales shall be tested with the United States standard weights, and such sheriff shall place his seal upon all such tested scales, at a conspicuous place, which seal shall be prima facie evidence of such test, and such test shall be made once each three months, upon all scales so used, and said sheriff shall make a report, in writing, setting forth the date of such test, the result thereof, and specifying the scales, so tested, together with the name of the public weigher, or deputy weigher, using such scales, and where the same are located. Such report shall be filed in the office of the county clerk within five days after the inspection is made. Said sheriff or the deputy making such test, shall verify each report so filed, stating that the same is a correct, true and exact report of the condition of the scales mentioned therein, and any failure upon the part of the sheriff to comply with the provisions of this section shall be a misdemeanor and upon conviction shall subject such offending official to a fine of not less than ten nor more than one hundred dollars, for each scale so omitted from inspection and any sheriff making a misstatement of facts, or who reports any scale to be in a condition other than their true condition, shall be deemed guilty of false swearing, and

Sec. 1832
Sheriff to inspect
scales used by weigher

Violation; penalty for

Fees for inspecting
public scales

upon conviction shall be punished by imprisonment in the penitentiary for not less than one, nor more than two years; Provided, however, that a sheriff or any deputy sheriff shall receive as compensation for inspecting any public scales of any such public weigher, or deputy weigher, the sum of one dollar for each scale inspected; and Provided, further, that if as many as five citizens sign a written request to the sheriff designating any public scale and asking for an official inspection thereof, such sheriff shall comply with such request and make such inspection and test at any time, not oftener, however, than once each thirty days, and the fees allowed for such special inspection and test shall be the same as above provided.

Special test of scales

Sec. 1833
Duties of

It shall be the duty of every public weigher or deputy weigher within his county to receive, inspect, and weigh according to the standard weights of the United States, all cotton, grain, of every kind, live stock, hay, cotton seed, coal, wood, broom corn, and all other farm products sold by weight, and such articles shall be weighed by such weigher, in the order in which they are received, and he shall at the time of such weighing make a record in duplicate form, either upon a stub attached or by a carbon duplicate sheet, such records to be in a binding, and kept for future reference. Such record shall contain a statement as to the article, its gross and net weight, its condition and the date of its weighing, together with the description of any marks, brands, or other peculiarity essential to the complete description thereof. A copy of such entry shall be furnished the person applying for such weights. Said statement of the record of each weight shall be signed by the official weigher, and all such weights when so made by the public weigher shall be taken as the legal weight of any commodity mentioned in this section.

Sec. 1834
Fees

A public weigher, or any deputy weigher, shall receive for his services in weighing any article, the following schedule of fees: Ten cents for each load or draft weighed separately: Provided, such public weigher shall not be allowed compensation for any extra weighing which may be essential in determining the net weight of any article or load. The public weigher, or any deputy weigher, shall be allowed and is hereby granted a lien upon any article or product weighed for the fees above mentioned, and such fee shall attach to and follow such article into the hands of the purchaser, and shall not be barred or canceled by any sale or transfer of such article during the day upon which article is weighed. Provided, That the deputy weighers shall be allowed to retain as their compensation the sum of eight cents for each load or draft weighed separately the residue of the price allowed hereunder shall be paid by the deputies to the county weigher at the close of the month. The

books and records of all county weighers or deputy weighers shall at all times be open to inspection by any citizen.

The purchaser of an article, weighed upon the official scales of any public weigher or deputy weigher, shall receive and accept such weights as official and correct; Provided, nothing herein shall prevent the purchaser and seller of cotton or other products from agreeing upon the proper dockage of the cotton or article sold, which may be net, and no other person shall hold themselves out as a public weigher. No person shall be appointed as county weigher or deputy weigher or weigh for the public who is in any wise interested as a dealer or speculator, or as an agent or employee of any firm, company or corporation, in the sale or purchase of cotton, grain, live stock, hay, cottonseed, coal, broom-corn, and all other farm products sold by weight; provided, that wherever and whenever cattle are bought or sold, either for shipment or slaughter, and the buyer or seller shall so demand, such cattle shall be weighed by the public weigher, the fee to be paid equally by the seller and purchaser. At all places where cattle are bought and sold either for slaughter or shipment, the public weigher shall provide a safe and sufficient inclosure around his scales, so that cattle can be weighed in lots of five or more at one draft. Any person or persons, firm or corporation, who shall violate any of the provisions of Section ten of this act [this section], shall be liable to the public weigher for damages in a sum not to exceed five dollars, for each load or draft so unlawfully weighed, to be recovered in any court having competent jurisdiction thereof; Provided, that nothing in the provisions of this act shall be construed so as to prohibit any farmer or producer from weighing his own products. Provided, further, that this act shall not be construed as to require the weighing of vegetables, poultry, eggs or dairy products. Provided, further, that the sheriff or his deputy shall have the same authority for regulating all scales either public or private if they be used to weigh for the public, either with or without hire.

Any public weigher or deputy weigher violating any of the provisions of this act, or refusing to receive and weigh any commodity herein, or who incorrectly weighs the same shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than \$10, nor more than \$100, in the discretion of the court; if convicted in the district court, may be removed from [office] and any person, either a purchaser or dealer, in any of the commodities weighed upon such private scales who, with intent to cheat or defraud any person, firm or corporation with plates, sand packs, false packs or water packs, in cotton, or uses any device, trick or scheme for the purpose of obtaining false weights to his advantage, or to the disadvantage of any person, firm or corporation, and every

Sec. 1835
Weights are official;
proviso

Sec. 1836
Penalties

Fraudulently increasing weight

ginner of cotton or other person who is a party to such defrauding, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than \$10, nor more than \$100, and upon the second conviction any such person shall be, in addition to said fine, confined in the county jail not less than thirty (30) nor more than one hundred and twenty (120) days. Any public weigher or deputy weigher, or any other person who knows of the perpetration of any such deception or fraud, shall make a report thereof to the grand jury of his county, and if it be the public weigher, or the deputy weigher, he shall file a written report with the records of his office, setting forth the facts, naming the person guilty of such deception, and the failure to so report shall subject the party or weigher to a fine of not less than five (\$5) nor more than twenty-five (\$25) dollars. Any person, firm or corporation, who in violation of provisions of this act weigh any of the products mentioned herein for other persons, and who exact or receive any charges therefor, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten (\$10) nor more than one hundred (\$100) dollars; Provided, however, that any person, firm, or corporation may weigh any product for any other person; Provided, such person, firm or corporation so weighing is a bona fide purchaser of such product, but no charges shall be made or received for such weighing, under the penalty aforesaid, and provided further, that this shall not be construed to prevent any person or dealer from weighing their own products.

Comp. Laws, 1909, p. 323
 Sec. 691
 Regulations of weights and measures

The council may prescribe rules for the weighing and measuring of every commodity sold in the city, in all cases not otherwise provided for by law, and may provide for the inspection and weighing of hay, grain and coal, the measuring of wood and fuel, and determine the place or places of the same, and regulate and prescribe the place or places of exposing for sale, hay, coal and wood, and fix the fees and duties of the persons authorized to perform the duties named in this section.

(Applicable to cities of the first class.)¹

Sec. 2476
 Omitting to mark hay

Every person who, in putting up or pressing any bundle of hay for market, omits to put the number of pounds in each bundle or bale so put up, for which he sells or offers to sell it, is guilty of a misdemeanor.

Sec. 2477
 Increasing the weight of barrels, boxes, etc.

Every person who by putting up in any bag, bale, box, barrel or other package, any hops, cotton, hay or other goods usually sold in bags, bales, barrels or packages, by weight, puts in or conceals therein anything whatever for the purpose of increasing the weight of such bag, bale, box, barrel or package, is punishable by a fine of twenty-five dollars for each offense.

¹Cities of 2,000 population or more may become cities of the first class upon petition of 35 per cent of electors.

It shall be the duty of all ginner or gin owners in this state to brand and number and place thereon the weight of each bale of cotton ginned at their respective gins. * * *

Comp. Laws, 1909, ch. 21
 Sec. 1574
 Cotton to be branded, numbered, and weight marked
 Sec. 1581
 Penalty

Any person, firm, company or corporation operating a gin within this state who shall fail to comply with the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five nor more than one hundred dollars

The term concentrated commercial feedings stuffs, as herein used, shall include wheat bran, wheat shorts, linseed meals, cotton seed meals, pea meals, cocoanut meals, gluten meals, gluten feeds, maize feeds, starch feeds, sugar feeds, dried brewer's grain, malt sprouts, hominy feeds, cereal feeds, corn and oat chops, corn chops, rice meals, rice bran, rice polish, rice hulls, alfalfa meals, oat feeds, ground beef or mixed fish feeds and all other materials of similar nature not included in section 1 of this act.

Sess. Laws, 1910-11, ch. 113, P. 247
 Sec. 1
 Concentrated commercial feeding stuffs--what included

The term concentrated commercial feeding stuffs as herein used shall not include hay and straw, the whole seed or grains of wheat, barley, rye, oats, indian corn, rice buckwheat, or broom corn or any other whole or unground grain or seed.

Sec. 2
 Same, what excluded

Every lot or parcel of concentrated commercial stuffs as defined in section 1, of this act, used for feeding farm live stock, sold, offered or exposed for sale in the State of Oklahoma for use within this state, shall have printed on a tax tag, * * * a plainly printed statement clearly and truly certifying:

Sec. 3
 Tax tag; net weight to be marked

- (a) The number of net pounds of feeding stuff in the package;
 - (d) The name and address of the manufacturer or importer;
- * * *

It shall be unlawful for any mine owner, lessee, or operator of coal mine in this state employing miners who are paid by the quantity of coal mined by them to use any other than a recognized standard scale or to pass the out put of coal mined by said miners, over any screen or any other device until the same shall have been weighed and duly credited to the miner sending the same to the surface and accounted for at the legal rate of weights, as fixed by the law of Oklahoma; * * * and any owner, agent or operator of any coal mine in this state who shall knowingly violate any of provisions of this section, shall be guilty of a misdemeanor, and, upon conviction shall be punished by a fine of not less than two hundred nor more than five hundred dollars for each offense, or by imprisonment in the county jail for a period of not less than sixty days nor more than six months or by both such fine and imprisonment, proceedings to be instituted in any court having competent jurisdiction.

Comp. Laws, 1909, p. 1019
 Sec. 4331
 Screening coal; weighing same; penalty

Sec. 4332
Weighman, oath of

The weighmen employed at any mine shall, before some person authorized to administer oaths, take and subscribe to the oath (or affirmation) as prescribed by the constitution, to do justice between the employer and employee and to weigh truly and correctly the output of coal from the mines as herein provided.

Sec. 4333
Check weighman,
rights of

The miners employed by or engaged in working for any mine owner, operator or lessee of any mine in this state, shall have the privilege, if they desire, of employing at their own expense, a check weighman, who shall have equal rights, powers, and privileges in the weighing of coal as the regular weighman, who shall subscribe to the same oath (or affirmation) as regular weighman. Said oath or affirmation shall be kept conspicuously posted in the weigh office, and any regular weigher of coal or person so employed, who shall knowingly violate any of the provisions of this article, or any owner, operator, or agent of any coal mine in this state who shall forbid or hinder miners employing or using check weighman, in the discharge of his duties, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred (\$100) dollars, nor more than five hundred dollars for each offense, or by imprisonment of not less than thirty days nor more than six months, proceedings to be instituted in any court having competent jurisdiction. Whenever the commissioner of labor shall be satisfied that the provisions of this section have been so violated it shall be his duty to prosecute the person or persons guilty thereof, and upon conviction therefor shall be punished as provided in this section.

Sec. 4334 as amended,
Laws, 1910
Standard scales

Every owner, operator or agent of any coal mine in this State employing miners at bushel or ton rates, shall provide at such mine or mines accurate and suitable scales, of standard manufacture, upon which shall be accurately weighed all coal coming out of such mine or mines before being screened or placed in railroad cars; and scale or scales to be located at a reasonable distance from the point where the coal is delivered to the surface opening of the mine or mines; and any owner, agent, operator, person or persons, having or using any scale or scales for the purpose of weighing the product of the miner's labor, and so arranges or constructs said scale or scales, or by any contrivance therewith connected causes any fraudulent weighing of such coal or said product, or who shall knowingly resort to, permit or employ any person or means whatever, by reason of which said product of the miners' is not correctly weighed and reported in accordance with the true weight and the provision of this article, shall be deemed guilty of a misdemeanor, and shall upon conviction for each and every offense be punished by a fine of not less than two hundred (\$200.00) dollars, nor more than five hundred (\$500.00) dollars, or by imprison-

Fraudulent weighing

ment in the county jail for a period of not less than sixty (60) days nor more than six (6) months, or by both such fine and imprisonment, at the discretion of the court.

The chief mine inspector or assistant mine inspector, shall be ex-officio inspector of weights, measures and scales used at coal mines, and he or either of them is hereby empowered and it shall be his or their duty to test all scales, correctly measure the weight of such coal, and if defects or irregularities are found, and such scales which prevent correct weights and measurements the inspector shall call the attention of the mine owner, agent, or operator to said defects, and shall direct the same be at once properly adjusted and corrected, and if the owner, agent or operator of any coal mine in this state shall refuse to put such scales in proper adjustment and condition, so that the same shall correctly weigh the coal, after being notified by the inspector to do so, such owner, agent, or operator shall be deemed guilty of a misdemeanor for each offense and upon conviction therefor shall be fined not exceeding five hundred dollars or be confined not exceeding six months in the county jail, or both in the discretion of the court, and it shall be the duty of the prosecuting attorneys in their respective counties to prosecute any person, firm, or corporation, violating the provisions of this section, the same as in other misdemeanor cases.

Sec. 4335
Inspection of mine scales

Penalty

* * * All scales used for the weighing of property in public warehouses shall be subject to examination and test by any duly authorized inspector, the expense of such tests by inspector to be paid by the warehouse man where scales are so tested, and no scales shall be used for the weighing of grain after being found incorrect, until put in order and found accurate and approved for further use by an authorized inspector.

Comp. Laws, 1909
Sec. 8850
Public warehouse scales tested

A violation of any of the preceding provisions of this act * * * by any warehouseman, owner, lessee, manager or employee of public warehouses created by this act is declared a misdemeanor, and, upon conviction thereof, the violators shall be fined not less than one thousand nor more than five thousand dollars, one-fourth of such fine to be awarded and paid to the informer of such misdemeanor.

Sec. 8851
Violation; misdemeanor

Whenever any coal is shipped over any common carrier from any point within the State of Oklahoma to any other point within the said State, the common carrier transporting such coal shall issue a bill of lading stating the true weight of the coal so transported.

Comp. Laws, 1909
(Snyder), ch. 9, art 5,
p. 277
Sec. 483
Bill of lading for coal to show weight

When said coal arrives at its destination, the said carrier shall cause the same to be weighed at that point, provided it has scales at that point, and if not, then it shall cause said coal to be weighed at the nearest track scales on its line between the point of shipment

Sec. 484
Coal weighed at destination
Liability for shortage

and the point of destination, and if the weight of said coal at the point of delivery is less than the weight set out in the bill of lading, the carrier delivering to the consignee shall be liable to the consignee for all deficiencies in weight, less the natural shrinkage, which shall not exceed one per cent for a one hundred and fifty mile haul or less and one and one-half per cent on more than a one hundred and fifty mile haul; and the measure of damage of the consignee for such deficiency or shortage shall be the value of the deficiency if the freight has not been paid; and in weighing cars of coal they shall be detached from the train and in the event the loss or shortage does not occur on the delivering line, the carrier delivering to the consignee shall be entitled to recover from the carrier upon whose line the loss or shortage occurred, such amount for the loss or shortage as the carrier delivering to the consignee may be required to pay to the consignee as may be evidenced by any receipt, judgment, or transcript thereof.

Sec. 485
Connecting lines

In case any coal shipped shall be carried over the lines of the connecting carriers, the carrier receiving said coal shall cause the correct weight thereof to be placed in the bill of lading, and such coal shall be reweighed when delivered to the connecting carrier, and the value of the coal at the point of destination shall be the measure of damages.

Sec. 486
Refusal to weigh;
consignee may weigh,
when

In case the carrier shall fail or refuse to weigh said coal at its destination or at the nearest track scales to the point of destination between said point and the point of shipment, the consignee may weigh said coal and his weights shall be prima facie evidence of the amount of coal received, and the carrier shall be liable in damages as set out in this act for any shortage between the actual quantity received at the point of destination and the amount named in the bill of lading; Provided, that if the consignee shall have the coal weighed at the point of destination, on other than track scales, an allowance of ten pounds per ton shall be deducted from the weight.

Sec. 487
Refusal to weigh
Penalty

Any agent, servant or employee of any carrier who shall fail or refuse to weigh any coal at its point of destination, or shall knowingly or wilfully make false weights of such coal, or in case there are no track scales at the point of destination, at the nearest track scales passed in its transit, from its point of shipment, such agents, servants or employees shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or be imprisoned not less than thirty days nor more than sixty days or both such fine and imprisonment.

Sec. 488
Shipments into State

Whenever any coal shall be brought into this state by any carrier where the point of shipment is outside of the State, the same

shall be weighed by the carrier at the nearest track scales within the state to the State line, and after being so weighed, as to its further carriage all of the provisions of this act shall apply thereto in the same manner as if the shipment originated within this State.

In case any contention shall arise between the consignee and the carrier in regard to the shortage of coal on any car, the car shall be weighed first while loaded and then the empty car shall be weighed again and the actual gross and net weights shall be ascertained, and the stencil weight of any car marked thereon shall not be taken in any case as a true weight of said car.

The State Board of Agriculture shall be charged with the duties of enforcing the provisions of this act.

Mill products hereinafter mentioned shall have the following standard weights: Barrels of flour, in wood, one hundred and ninety-six (196) pounds net; half barrels, in wood, ninety-eight (98) pounds net; one-fourth barrels, in sacks, forty-eight (48) pounds gross; one-eighth barrels, in sacks, twenty-four (24) pounds gross. Corn meal, in sacks, thirty-five (35) pounds gross; half sacks, seventeen and one-half ($17\frac{1}{2}$) pounds gross; one-fourth sacks, eight and three-fourths ($8\frac{3}{4}$) pounds gross. And all feed made from cereals of any kind, whether pure, mixed, or adulterated, one hundred (100) pounds per sack gross.

The correct name and true weight of the contents of each and every barrel, box, sack, bale, cask or package of any of the foregoing products, whether sold in single packages or lots, shall be plainly marked, branded, or stenciled in letters and figures, not less than two (2) inches in length and not less than one-eighth ($\frac{1}{8}$) of an inch in width, upon the exterior of such barrel, box, sack, bale, cask or package, in a conspicuous place on the head in case of barrel, and the front or branded side in case of sacks, bales or packages, and it shall be unlawful for any person, firm or corporation, or the agent, employee, or representative of any firm or corporation to sell or exchange any such product so packed or contained until the provisions hereof have been complied with.

If any person shall knowingly violate the provisions of this act, he shall be guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than twenty-five dollars (\$25.00), nor more than one thousand dollars (\$1,000.00), and each violation shall be deemed a separate offense, which fine or fines shall be recovered in any court of competent jurisdiction, without bond or advance costs.

Any manufacturer, dealer or other person who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent any inspector or other person in the performance of his duty in connec-

Sec. 489
In case of dispute over
shortage

S. C. S. Laws, 1910,
Chap. 32, P. 46
Sec. 1
Board of Agriculture
to enforce act
Sec. 2
Standard weights

Sec. 3
Name and weight
stamped on package

Sec. 4
Violation
Penalty

Separate offense

Sec. 5
Obstructing inspec-
tors

tion with this act shall be guilty of a misdemeanor and shall, upon conviction, be fined not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00).

Sec. 6
Seizure of products
for violation

Any member of the Board of Agriculture shall have the privilege of seizing any mill product and cereal sold in the state in violation and contravention of the provisions of this act, and may proceed by writ of provisional seizure against the mill products and cereals so sold in the hands of whomsoever they may be and wheresoever he may find them, regardless of the residence of the owner thereof to recover the fines and penalties due for the illegal sale thereof, by presenting a petition to a competent judge or magistrate, within whose jurisdiction said mill products and cereals are found, stating on oath at the foot of the petition the amount and nature of the demand, the mill products or cereals on which the privilege exists, and praying that the mill products and cereals be seized to satisfy the claim and pay the costs of the suit.

OREGON

The weights and measures, together with the scales and beams, and those made in conformity therewith, which are now or may hereafter be deposited in the treasury of this state, shall be preserved by the treasurer and be the public standards in this state.

Bellinger and Cotton's Code, 1902, vol. 2, title 38, ch. 6, p. 1477
 Sec. 4617
 Standards established

The treasurer of the state shall be the sealer of weights and measures, and he shall have and keep a seal, which shall be so formed as to impress the word "Oregon" upon the weights and measures, scales and beams, to be sealed by him, with which he shall seal all such authorized public standards of weights and measures, and all the weights and measures, scales and beams, to be provided by the several counties when examined by said treasurer and found to be in conformity with the standard weights and measures, scales and beams, aforesaid.

Sec. 4618.
 Treasurer of State to be sealer.

When any commodity shall be 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 sold by weight shall be construed accordingly, unless such construction would be manifestly inconsistent with the special agreement of the parties contracting.

Sec. 4619
 Hundredweight

Whenever wheat, rye, Indian corn, oats, barley, clover seed, buckwheat, dried apples, dried peaches, potatoes, or pears shall be sold by the bushel, and no special agreement as to the measure or weight thereof shall be made by the parties, the measure thereof shall be ascertained by weight and shall be computed as follows:¹

Sec. 4620
 Weight of bushel

	Lbs. per bush.		Lbs. per bush.
Wheat.....	60	Buckwheat.....	42
Clover seed.....	60	Dried apples.....	28
Rye.....	56	Peaches.....	28
Indian corn.....	56	Potatoes.....	60
Oats.....	32	Apples.....	45
Barley.....	46	Pears.....	45

The half bushel and parts thereof shall be the standard measure for charcoal, fruits, and other commodities customarily sold by heaped measure, and in measuring such commodities, the half bushel or other smaller measure shall be heaped as high as may be without special effort or design.

Sec. 4621
 Half bushel

¹ For convenience in printing a slight change has been made in arrangement of these articles.

Sec. 4622
Dimensions of a hop
box

A hop box shall be thirty-six inches long, thirty inches deep, and eighteen inches wide, measurement upon the inside, and shall contain nineteen thousand four hundred and forty (19,440) cubic inches.

Sec. 1832
Using false weights,
etc.

If any person shall knowingly use any false weight or measure, and shall thereby defraud or otherwise injure another, or shall knowingly mark or stamp a false weight or measure or false tare upon any cask or package, or shall knowingly sell or offer for sale any cask or package so marked, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than one year, or by fine not less than fifty nor more than five hundred dollars.

Laws, 1905, ch. 137,
p. 247
Sec. 1
Weight of hops
Sess. Laws, 1911, ch.
123, p. 168
Sec. 1
Standard apple box
Sec. 2
Dimensions of

That a box of hops for picking purposes shall contain fifty pounds weight and no more.

There is hereby created and established a standard size for apple boxes for the State of Oregon.

The standard size of an apple box shall be eighteen inches long, eleven and one half inches wide, ten and one half inches deep, inside measurement.

Sec. 3
Special size of box

That the special size of apple boxes shall be twenty inches long, eleven inches wide, and ten inches deep, inside measurement.

Sess. Laws, 1911, ch.
179, p. 289
Sec. 3

It shall be unlawful for any person, firm, association, or corporation to sell, offer or expose for sale any short weight butter within the State of Oregon. All butter sold, or exposed or offered for sale in rolls, prints or squares within the State of Oregon shall be plainly narked, "eight ounces, full weight," "sixteen ounces, full weight," "twenty-four ounces, full weight," or "thirty-two ounces, full weight," and every roll, print or square sold, or offered or exposed for sale shall contain the number of ounces marked thereon; and any person, firm, association or corporation violating any of the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$25.00 nor more than \$100.00, or by imprisonment in the county jail for not less than thirty days nor more than six months, or both such fine and imprisonment.

Butter, full weight of
roll, print or square re-
quired
Definite sizes re-
quired

Violation; penalty

Laws, 1905, ch. 209,
p. 347
Sec. 14
Weight of butter

Every square or roll of butter kept exposed or offered for sale or sold in the state of Oregon shall contain not less than eight ounces, sixteen ounces, or thirty-two ounces, and each square or roll shall be plainly marked with the number of ounces they contain.

Laws, 1907, ch. 10,
p. 18
Sec. 1
Fertilizers; weight to
be marked on package

(a) Every lot, parcel, or package of commercial fertilizers or materials to be used for manurial purposes (excepting the excreta of domestic animals) sold, offered or exposed for sale within this state, the selling price of which exceeds \$5 per ton, shall be accompanied by a plainly printed label, stating the name, brand and trade mark, if any there be, under which the fertilizer is sold,

also the number of net pounds of fertilizer contained in the packages, the name and address of the manufacturer, importer or dealer, the place of manufacture * * *

Any party selling, offering, or exposing for sale, any commercial fertilizer without the statement required by section one of this act, or with a label stating that said fertilizer contains a larger percentage of any one or more of the constituents mentioned in said section than is actually contained therein, except as provided for in section four, or respecting the sale of which all the provisions of this act have not been fully complied with, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall forfeit and pay to the state of Oregon the sum of one hundred (\$100) dollars for every such violation.

Sec. 8
Penalty

* * * For the purpose of this act an article shall be deemed to be misbranded.

Laws, 1907, ch. 167,
p. 318
Sec. 2
Misbranded food

3d. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package or container in English words.

It shall be unlawful for the owner, manager, agent, or any employe of a creamery, cheese, or condensed milk factory to manipulate, or under-read or over-read the Babcock test, or any other contrivance used for determining the quality or value of milk or cream, or to make any false determination by said Babcock test or otherwise.

Laws, 1905, p. 355
Sec. 24
Babcock test, false
determination by, un-
lawful

PENNSYLVANIA

No state office shall be continued or created for the inspection or measuring of any merchandise, manufacture, or commodity; but any county or municipality may appoint such officers, when authorized by law.

Const., Art. III
(1879)
Sec. 27
Inspection of merchandise

That the establishment of a Bureau of Standards be and is hereby authorized, in the Department of Internal Affairs of Pennsylvania, for the purpose of regulating and maintaining a uniform standard of legal weights and measures in this Commonwealth, to conform with the original standards of weights and measures adopted by Congress, and verified by the National Bureau of Standards; and to assist in securing the enforcement of laws relating to sealers of weights and measures, now in force or that may hereafter be enacted.

Pub. Laws, 1911. p.
1118
Sec. 1
Bureau of standards
Department of Internal Affairs
Legal weights and measures

That as soon as practicable after the final passage and approval of this act, the Secretary of Internal Affairs shall appoint a competent person to serve as Chief of the Bureau of Standards, whose duty it shall be to have custody of the State standards of weights and measures; shall compare, test, and regulate all weights and measures of all city and borough sealers now in office, or who may hereafter be appointed, in the Commonwealth of Pennsylvania, with the State standards when presented at his office for that purpose; shall certify to their correctness by affixing his official stamp thereto, with his name and date of examination clearly marked thereon; shall preserve in his office an appropriate record of services rendered and work performed by him, or under his direction, in pursuance of this act; shall file in his office annual and other reports received from the local sealers; and shall, on or before the thirtieth day of November in each year, submit a report in writing to the Secretary of Internal Affairs, for publication as a separate document in book form, setting forth, in sufficient detail, the work done in said bureau and the work reported to him by the local sealers, together with such other matter relating to that subject as may be deemed of value and interest to the citizens of this Commonwealth. The chief of said Bureau of Standards shall receive a salary of two thousand dollars per annum, payable as other employees of said Department are now paid, and all necessary

Sec. 2
Chief of the bureau of standards

Duties

Annual report

Salary

expenses incurred in the discharge of his official duties under this act. The Secretary of Internal Affairs may assign such additional assistance, from the clerical force of his department, to the work of said bureau as he may find necessary from time to time.

Sec. 3
Standard of weight,
length, and capacity

That in order to carry this act into effect, it shall be the duty of the Secretary of Internal Affairs of this Commonwealth to procure, as soon as practicable after the passage of this act, a complete set of standards of weight, length, and capacity, to be verified by the Bureau of Standards of the United States Government, and to conform with the standards of weight, length, and capacity established by the National Congress, at a cost not exceeding the sum of two thousand five hundred dollars, to be paid for on warrant of the Auditor General, out of funds of the State Treasury, which sum is hereby specifically appropriated for that purpose, or so much thereof as may be necessary.

Appropriation

Sec. 4
Rooms

The Board of Public Grounds and Buildings are hereby required to furnish a suitable room or rooms, in the State Capitol Building, for the safekeeping and convenient use of said standards of weights and measures and for office use of said Bureau of Standards.

Sec. 5
Expenses
Appropriation

That the sum of three thousand six hundred dollars is hereby specifically appropriated for traveling and other contingent expenses of said Bureau of Standards, for the two years commencing June first one thousand nine hundred and eleven, or so much thereof as may be necessary.

Stewart's Purdon's
Digest, p. 5072
(1834)

Sec. 2
Measures of capacity

The standard of liquid measure shall be the gallon, to contain two hundred and thirty-one cubic inches, of the standard aforesaid, and no more; and the standard of dry measure shall be the bushel, to contain two thousand one hundred and fifty cubic inches and forty-two hundredths of a cubic inch, of the standard aforesaid, and no more.

Sec. 5
Standard gallon and
bushel

It shall be the duty of the governor to procure, within three years after the passage of this act, for the use of this commonwealth, a standard gallon and bushel, to conform to the provision of section second of this act, the material of said standard to be of cast brass.

Sec. 8
How standards to be
verified

It shall be lawful for the governor of this commonwealth, when he shall deem it expedient, to have tested the conformity of said positive standards of measure and weight to the foregoing provisions of this act, or to the natural invariable standards hereinafter provided; and if congress shall at any time hereafter establish standards of weight and measure, the standards aforesaid shall be made to conform thereto.¹

Sec. 9
Standards to be fur-
nished to counties

It shall be the duty of the governor to provide, within three years after the passage of this act, for each of the counties of this Commonwealth, at the charge of the counties respectively, positive

¹ See P. L., 1911, act 842, sec. 1, p. 383, this work.

standards of measures of length, of capacity and of weight of the several denominations in common use or such of them as may be necessary for the accurate and convenient adjustment of weights and measures, said standards to be of approved construction carefully compared with the State standards aforesaid, and made of the same material, and having caused the same to be duly stamped, to have them delivered to the commissioners of the counties respectively, to be used as standards for the adjusting of weights and measures and for no other purpose.

It shall be the duty of the commissioners of the respective counties, at least once in every ten years and oftener if they have reason to believe it necessary, to cause the standards of the respective county to be examined and tried and if necessary, to be corrected or renewed according to the standards of the Commonwealth heretofore referred to.

Sec. 10
Examination, correction, and renewal

The governor of this commonwealth be and he is hereby authorized to have prepared standards of weight, measure and capacity, specified in the act of assembly, passed April 15th, 1834; and he be authorized to carry into effect the provisions of the said act as soon as practicable.

(1838)
Sec. 12
Governor to procure standards

The secretary of the commonwealth be authorized and directed to procure, as soon as practicable, suitable cases for the standards of weights and measures now in his office,¹ and to prescribe and publish the terms upon which standards, of approved construction, carefully compared with the state standards aforesaid, shall be furnished to the commissioners of the several counties of the commonwealth, according to the directions of the act of 15th of April 1834, entitled "An act to fix the standards and denominations of measures and weights in the commonwealth of Pennsylvania."

(1843)
Sec. 13
Standards to counties

The original standards of weights and measures furnished by the United States, and now in the office of the secretary of the commonwealth,¹ shall remain in the case provided for that purpose, which shall only be opened under the direction of the governor or the said secretary, for the sole purpose of comparing such standards with the copies hereinafter described, unless by a joint resolution of the two houses of the legislature, or on the call of either house, or by permission of the governor, for scientific purposes.

(1845)
Sec. 14
When and how cases to be opened

Copies of such original standards, for general use, to be made of such materials as the governor and the said secretary shall direct, shall be transmitted by them, on application therefor, to the county commissioners of each county in this commonwealth,

Sec. 15
Copies to be transmitted to the several counties

¹ Care of standards transferred to the Chief of the Bureau of Standards by act 842, sec. 2, P. L., 1911.

at the expense of the several counties to which the same are sent, and not otherwise.¹

Sec. 16
How stamped

The said secretary shall cause to be impressed on each of the copies of such original standards the letters Pa., and such other additional device as he shall direct for the particular county; which device shall be recorded in the secretary's office, and a copy thereof transmitted to the respective county commissioners.

(1845, 1883)
Sec. 17
Verification of county standards

It shall be the duty of the county commissioners receiving such standards as aforesaid, and their successors in office, in every five years, and oftener, if they shall have reason to believe it necessary, to cause such standards so received by them or their predecessors in office, to be tried and examined, to be corrected or renewed, so as to conform exactly to the standards prepared according to act of congress, and deposited in the office of the secretary of the commonwealth as aforesaid.

(1850)
Sec. 18
Acts for appointment of sealers of weights and measures repealed

All laws and supplements thereto, providing for the appointment of sealers of weights and measures in this commonwealth be and they hereby are repealed.²

Sec. 19
True meridian to be fixed

The county commissioners of the several counties of this commonwealth are hereby authorized and directed, within two years from and after the passage of this act, to cause to be marked and established on some inalienable property belonging to the county, or on such property as the commissioners of the county may hereafter acquire for that purpose, at or near the seat of justice of the several counties, a true meridian line, and a fixed standard measure, of two or four pole chain, agreeing with and made after the measure of the standard yard now in the office of the secretary of the commonwealth; and the cost whereof to be paid out of the respective county treasuries.

Sec. 20
Notice thereof to be given; surveyors to adjust their compasses and chains thereby; true bearings to be noted in surveys

When the said true meridian lines, and the measures of the said standard two or four pole chain, shall have been so marked and established as aforesaid, the said county commissioners shall give public notice thereof, in one or more newspapers of their respective counties, or otherwise, for at least three successive weeks; and it shall be the duty of every land surveyor in this commonwealth, after such notice has been given as aforesaid, in the month of April in each year, to adjust and verify his compass by one of the said meridian lines, and to ascertain the variation of its needle from the true meridian, and his chain by one of the said measures

¹ This act was repealed by the act of Mar. 22, 1859, sec. 1, P. L. 198, as to the counties of Franklin, Lancaster, Montgomery, Bucks, Berks, Lehigh, Dauphin, and Westmoreland. But its provisions were again extended to Montgomery County, by the act of Feb. 20, 1867, P. L. 233, and to Dauphin County by the act of Feb. 20, 1872, P. L. 121. The act of 1845 was also repealed as to the counties of Lebanon, Adams, Washington, Cumberland, and Perry by the act of Apr. 2, 1860, P. L. 511; and as to the county of York by the act of Feb. 23, 1858, P. L. 44. By the act of Apr. 3, 1867, P. L. 692, the commissioners of Northampton County were required to obtain copies of the standards, as provided by this section.

² This office, however, still exists in some municipalities by virtue of ordinance. (See Ambrose v. Murphy, 52 P. L. J. 198, 1904.)

of the said standard two or four pole chain. And the said surveyors shall thereafter, in all their returns of surveys, or writings concerning surveys of land, and lines run by the compass, note the bearings or courses of such surveys and line so as to show the true, and not the magnetic bearing, together with the date of such survey or tracing of lines.

Any surveyor, after notice given as required by the provisions of this act, who shall neglect or refuse to comply with the requirements of this act, by making any survey with an unadjusted compass or chain, he shall, for every such neglect or refusal, pay the sum of ten dollars, on complaint made by any person interested in such survey, before the justice of the peace nearest to the tract or lot of land so surveyed, to be recovered as debts of like amount are by law recoverable; one-half thereof to the person making the complaint, and the other half to the treasurer of the school district in which such survey is made, for the use of said district.

Sec. 21
Penalty for surveying with unadjusted compass or chain
Penalty

It shall be the duty of the commissioners of the several counties aforesaid to procure a book to be kept in their office; and every surveyor, on having adjusted his chain and compass aforesaid, shall enter therein the variation of his compass from the true meridian, whether east or west, and the day on which he adjusted his chain and compass, and shall subscribe his name thereto, for future reference.

Sec. 22
Duties of commissioners

The denominations of linear measure of this commonwealth, whereof the yard as heretofore provided is the standard unit, with the relations thereof, shall be as follows:

(1834)
Sec. 23
Denominations; linear measure

Twelve inches make one foot.

Three feet make one yard.

Five and a half yards make one rod, pole or perch.

Forty rods make one furlong.

Eight furlongs make one mile.

The denominations of superficial measure of this commonwealth, whereof the square of the linear yard, as heretofore provided, is the standard unit, with the relations to said standard and to each other shall be:

Sec. 24
Of superficial measure

Thirty and one-fourth square yards make one pole or perch.

Perch

Forty square poles make one rood.

Rood

Four square roods make one acre.

Acre

Six hundred and forty acres make one square mile.

The denominations of liquid measure of this commonwealth, whereof the gallon as heretofore provided is the standard unit, with the relations to said unit and to each other, shall be:

Sec. 25
Liquid measure

Four gills make one pint.

Gill

Two pints make one quart.

Quart

Four quarts make one gallon.

Gallon

Barrel	Thirty-one and a half gallons make one barrel.
Hogshead	Two barrels make one hogshead.
Pipe	Two hogsheads make one pipe.
Tun	Two pipes make one tun.
Sec. 26 Dry measure	The denominations of dry measure of this commonwealth, whereof the bushel as heretofore provided is the standard unit, with the relations to said standard and to each other, shall be:
Bushel	Four pecks make one bushel.
Peck	And the minor divisions of the peck shall be its aliquot parts: Provided, That the form of the dry measure shall be conical; that the diameter of the circle of the top of the measure shall be not less than one-twentieth greater than the diameter of the bottom of the measure, and the height not more than nine twelfths of the diameter of the bottom.
Sec. 27 Troy weight	The denominations of weight of this commonwealth, whereof the troy pound as heretofore provided is the standard unit, with the relations thereof to said standard and to each other, shall be:
Pennyweight	Twenty-four grains make one pennyweight.
Ounce	Twenty pennyweights make one ounce.
Pound	Twelve ounces make one pound.
Sec. 28 Avoirdupois weight	The denominations of weight of this commonwealth, whereof the pound avoirdupois as heretofore provided is the standard unit, with the relations to said pound and to each other, shall be:
Ounce	Sixteen drams make one ounce.
Pound	Sixteen ounces make one pound.
Quarter	Twenty-five pounds make one quarter.
Hundredweight	Four quarters make one hundred.
Ton	Twenty hundreds make one ton.
(1801) Sec. 29 Weight of a cord of a bark	From and after the passage of this act, the standard weight of a cord of hemlock, oak or other bark, when sold by the cord or ton, shall be two thousand pounds for each and every cord, and two thousand pounds for each and every ton.
Sec. 30 Charcoal measure	The standard measure of charcoal shall be two thousand five hundred and seventy-one cubic inches for each and every bushel thereof, and when sold by weight a bushel shall be eighteen pounds (commercially dry) for all hard wood, and fifteen pounds (commercially dry) for all soft wood.
Weight per bushel	
Sec. 31 Repeal	All other acts or parts of acts inconsistent herewith are hereby repealed.
(1805) Sec. 32 Clover seed, weight per bushel	From and after the passage of this act the standard weight of a bushel of clover seed shall be sixty pounds.
Sec. 33 Repeal	All acts or parts of acts inconsistent herewith are hereby repealed.
Sec. 34 2,240 pounds avoirdupois to make a ton of anthracite coal	On and after the first day of July, Anno Domini one thousand eight hundred and ninety-five, two thousand two hundred and forty pounds avoirdupois shall make and constitute a legal ton

of anthracite coal throughout this commonwealth in all transactions between retail coal dealers and their customers.

Any person, firm or corporation guilty of violating the provisions of section one of this act whereby it is attempted to sell less than two thousand two hundred and forty pounds to a ton, or a proper proportion thereof to quantities less than a ton, shall, upon conviction thereof before any justice of the peace or alderman, after hearing on complaint made, shall be liable to a penalty not exceeding fifty dollars, recoverable as like penalties are within this commonwealth: Provided, That in all cases forty pounds shall be allowed for the variation in scales.

Sec. 35
Selling less for a ton

All fines recovered under this act shall be paid to the treasurer of the county wherein the action is brought.

Tolerance

Sec. 36
Fines

All laws or parts of laws inconsistent with or contrary to this act are hereby repealed.

Sec. 37
Repeal

From and after the first day of May next, stone coal brought from any mine situate within the State of Pennsylvania, to the city or county of Philadelphia, for sale, shall be disposed of by weight or by the bushel measure, and if by the latter, each bushel shall weigh at least eighty pounds; and so when the same is re-sold, whether by wholesale or retail, it shall in like manner be sold by weight or measure, if by the latter, the bushel shall contain at least eighty pounds, and in the same proportions for any greater or less measure.

Stewart's Purdon's
Digest, vol. 4, p. 5076
(1822)

Sec. 38
Weight of bushel of
anthracite coal in Phila-
delphia

If any person or persons selling coal by the bushel, or by any greater or less measure, shall not give at least eighty pounds for each bushel so sold, and so in proportion for any greater or less measure, such person or persons shall for every such offense forfeit and pay five dollars, to be recovered in the same manner as debts for the same amount are by law recoverable, one-half to be paid to the guardians or overseers of the poor of the city, district or township, where the offense is committed, and the other half to the person prosecuting for the same.

Sec. 39
Penalty for violation
of act

Whereas, it has become absolutely necessary, for the better protection of the citizens at large, as well as for the honestly disposed dealers, that some measure be taken to prevent fraud and secure fair and honest competition in the retail coal trade in the city of Philadelphia; therefore,

Sec. 40
Preamble

On and after the first day of November, one thousand eight hundred and seventy-one, the legal standard ton for anthracite coal shall be two thousand two hundred and forty pounds avoirdupois weight.

(1871)
Sec. 41
Standard ton of an-
thracite coal in Phila-
delphia

For the purpose of carrying into effect the provisions of this act, the city of Philadelphia shall be divided into three districts; the first district shall comprise all that portion of the said city lying

Sec. 42
City divided into
three districts
Boundaries

south of the south side of Chestnut street; the second district shall comprise all that portion of said city north of the south side of Chestnut street, extending to the south side of Girard avenue, and also to the south side of the track of the Pennsylvania railroad west to the intersection of Girard avenue therewith; the third district shall comprise all the remaining portion of said city north of the south side of Girard avenue, and also of the south side of the track of the Pennsylvania railroad west of the intersection of Girard avenue therewith.

Sec. 43
Appointment of inspectors

The governor shall appoint one inspector, and select and common councils of the city and county of Philadelphia are hereby authorized and empowered to elect one inspector, and the mayor of the said city to appoint one inspector, within thirty days from the date of the passage of this act, and every three years thereafter a person of suitable qualifications, who shall be styled an inspector; the said inspectors shall decide by lot among themselves the district which each one of said inspectors is to occupy.¹

Sec. 44
Who not eligible

No person interested in the mining or sale of coal shall be eligible under the provisions of this act.

Sec. 45
Duties of inspectors

It shall be the duty of the inspectors to examine, as soon as practicable, and previous the first day of November, one thousand eight hundred and seventy-one, every cart, wagon or other vehicle used for the delivery of anthracite coal in their respective districts, and to ascertain, by measurement or otherwise, the capacity of said vehicles; and if the cart, wagon or other vehicle will contain two thousand two hundred and forty pounds or fractional parts thereof, avoirdupois weight, of hard white ash Schuylkill coal, said inspector shall put in a conspicuous place on said vehicle his stamp or brand, made for such purpose and denoting the capacity of said vehicle.

Sec. 46
Coal carts and wagons to be stamped

On and after the first day of November, one thousand eight hundred and seventy-one, it shall be unlawful for any cart, wagon or other vehicle to be used in delivering anthracite coal within the city of Philadelphia, unless the said inspector's stamp or brand is placed thereon; and every person found violating this provision shall be subject to the penalty or penalties as hereinafter provided.

Sec. 47
Inspectors may order carts, wagons, etc., to be weighed

The said inspectors are hereby authorized and empowered, at their discretion, to order any cart, wagon or other vehicle, used by any retail coal dealer in delivering anthracite coal, to be brought to any scales within four hundred yards of the place where said coal shall have been loaded, or within four hundred yards of the place of arrest by the inspector, that have been regulated by the proper officer within twelve months then preceding, and thereon

¹ Quære, whether the office of inspector was abolished by art. 3, par. 27, of the State constitution, supra, vol 1, p. 167, *Campbell v. Taggart*, 2 W. N. C. 93, 1875.

the said inspector shall take the weight of the vehicle loaded, and after the coal shall have been taken to its destination, or immediately, if the owner or driver shall desire the same, the said inspector shall take the weight of the vehicle unloaded.

If the said inspector shall find the weight of coal, contained in the said vehicle, to be less than two thousand two hundred and forty pounds avoirdupois for a ton, and for a fraction of a ton, in a relative proportion, being less than said vehicle was represented to contain, allowing forty pounds for constantly changing weight of animal and vehicle, the said inspector shall notify the dealer owning said coal, so found to be deficient in weight, of the same, and of the penalty incurred.

Sec. 48
If weight less than standard, dealer to be notified

The salary of each of the said inspectors shall be the sum of sixteen hundred dollars per annum, commencing on the first day of November, one thousand eight hundred and seventy-one, to be paid from the city treasury, on a warrant drawn by the mayor of the city; and each of the said inspectors shall be qualified upon oath to perform honestly and truly their several duties to the best of their abilities.

Sec. 49
Salary of inspectors

Qualified on oath

To provide means for the payment of the salaries of the said inspectors, each retail coal dealer in the city and county of Philadelphia, shall pay an annual tax, commencing on the first day of July, one thousand eight hundred and seventy-one, equal in amount to the mercantile tax now in force, to be assessed and collected in the same manner and by the same officers as the said mercantile tax is now collected, and the amount so collected to be paid into the hands of the city treasurer.

Sec. 50
Tax on coal dealers

For each cart, wagon or other vehicle used by any retail coal dealer in delivering anthracite coal in the city of Philadelphia, stamped by the said inspectors, and which stamp is the consumer's guarantee of its proper capacity, the owner shall pay to the said inspector one dollar.

Sec. 51
Fee for stamp

Every retail coal dealer in the city of Philadelphia who shall use any cart, wagon or other vehicle in delivering anthracite coal in said city, which shall not have been stamped by the said inspectors as heretofore provided in this act, shall be compelled to pay a fine of ten dollars, one-half of which shall go to the city and one-half to said inspector.

Sec. 52
Fine for using cart or wagon not stamped

For the refusal of any driver of any such vehicle to comply with the request of any of said inspectors to drive to a weigh scale: Provided, The scales designated are within four hundred yards of the place where the said coal shall have been loaded, the said inspector may order the driver under arrest, and take measures to weigh said coal himself; said driver, for such refusal,

Sec. 53
Penalty for refusal to comply with order of inspector

shall be compelled to pay a fine of five dollars, one-half to go to the city, the other half to the said inspector.

Sec. 54
Penalty for refusing
use of scales

Any person who shall refuse to permit the scales chosen by said inspector to be used by him, shall be compelled to pay a fine of ten dollars, one-half of which shall go to the city, the other half to the said inspector.

Sec. 55
Sending out loads
below standard weight

Any retail coal dealer sending out into the highway a load of anthracite coal, containing less than two thousand two hundred and forty pounds avoirdupois for a ton, except when delivering fractions of a ton, or if delivering a fraction of a ton and said fraction of a ton contain less relatively than the legal standard of two thousand two hundred and forty pounds avoirdupois, the dealer so acting shall be compelled to pay a fine of fifty dollars, one half to go to the city and one-half to the said inspector.

Sec. 56
Repeal

All acts or parts of acts inconsistent with or contrary to this act are hereby repealed.

(1872)

Sec. 57
Penalty for reducing
size of stamped cart or
wagon

Any person who shall change or alter the size or capacity of any cart, wagon or other vehicle, used in delivering anthracite coal in the city of Philadelphia, and stamped under the provisions of an act to which this is a supplement, with intent to defraud, by the reducing of such cart, wagon or other vehicle to a less capacity than is indicated by the stamp thereon, shall be guilty of a misdemeanor, and upon conviction thereof, shall be compelled to pay a fine not exceeding fifty dollars and undergo an imprisonment not exceeding six months: Provided, however, that neither of the coal inspectors of said city shall be prevented from altering the size or capacity of any stamped cart, wagon or other vehicle used for the delivery of anthracite coal in said city, and restamping the same.

Sec. 58
Stamp to be in fast
colors
Replacing
Penalty

The stamp shall be put upon each cart, wagon, or other vehicle in fast colors, by the inspector of the district in which it belongs; and when it shall become obliterated from any cause, the owner of such cart, wagon or other vehicle shall have the same re-stamped, and pay therefor to the said inspector the sum of one dollar; and upon the failure or neglect of the said owner to comply with the provisions of this section, he shall be compelled to pay a fine of ten dollars.

Sec. 59
Penalty for delivering
coal in unstamped cart
or wagon

Any person delivering or causing to be delivered anthracite coal into any unstamped cart, wagon or other vehicle used for the delivery of anthracite coal by retail, within the city of Philadelphia, with knowledge that such cart, wagon or other vehicle is used for such purpose within the said city, shall be compelled to pay a fine of ten dollars for each offense.

Sec. 60
Tickets to be deliv-
ered; penalty for refusal

It shall be unlawful for any retail coal dealer of the city of Philadelphia, to deliver any quantity or quantities of anthracite coal,

which shall have been sold by weight, without each such delivery being accompanied with a delivery-ticket, whereon shall be distinctly expressed in tons, fractional fourths thereof, or pounds avoirdupois, the quantity or quantities of coal contained in the cart, wagon or other vehicle used in such delivery, with the name of the purchaser thereof, and the dealer from whom purchased; and for each failure or refusal to produce such delivery-ticket, when called for by either of the inspectors or the purchaser of the coal, the driver or owner of the vehicle shall be compelled to pay a fine of ten dollars.

The said inspectors are hereby authorized and empowered, at their discretion, to order any cart, wagon or other vehicle used by any retail coal dealer in delivering anthracite coal within the city of Philadelphia, to be taken back to the place where the said coal shall have been loaded: Provided, The place of arrest be within four hundred yards thereof, where the inspectors may take the weight of the vehicle loaded; and after the coal shall have been taken to its destination, or immediately if the owner or driver shall desire the same, the said inspector shall take the weight of the vehicle unloaded; and for the refusal of any driver of any such vehicle, to comply with the order of any of said inspectors, to drive back to the place where the coal shall have been loaded, he shall be compelled to pay a fine of ten dollars.

Sec. 61
Loaded vehicles may be ordered back to be weighed

Penalty for refusal of driver to comply with order

All penalties provided by this act, and the act to which this is a supplement, shall be recoverable by action of debt in the same manner as penalties are now by law recoverable, to be brought in the name of the coal inspector; one-half of said fines and penalties to go to the city of Philadelphia, and the other half to go to the said inspector; and corporations and companies violating this act, or the act to which this is a supplement, shall incur like penalties with individuals.

Sec. 62
How penalties recoverable

Each of the said coal inspectors shall have authority to arrest, or direct any police officer or constable of the city of Philadelphia to arrest, any person or persons found violating this act or the act to which this is a supplement, and take him or them before any alderman or justice of the peace of the city of Philadelphia for a hearing.

Sec. 63
Inspectors may arrest or cause arrest for violation of act

The inspectors appointed under the provisions of an act to which this is a supplement, shall hold their offices for the full term of three years from the first day of November, Anno Domini, one thousand eight hundred and seventy-one, or until their successors shall be duly appointed and qualified.

Sec. 64
Term of office of inspectors

All acts or parts of acts inconsistent with or contrary to this act are hereby repealed.

Sec. 65
Repeal

⁽¹⁸⁷⁸⁾
 Sec. 66
 Weight of bituminous coal

The standard weight of bituminous coal, in this commonwealth, shall be seventy-six pounds to the bushel, and two thousand pounds shall be one ton.

Sec. 67
 Penalty for violation

If any person or persons, engaged in the business of mining bituminous coal, shall fix or establish, or shall attempt to fix or establish, any other number of pounds, by agreement or contract, to be a bushel of bituminous coal, than as is provided for in the first section of this act, such person or persons shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not less than five hundred and not exceeding one thousand dollars, and all penalties recovered under this act shall be paid into the treasury of the state.

⁽¹⁸⁴⁹⁾
 Sec. 68
 Standard measure of bushel of bituminous coal

The standard bushel for the measurement of bituminous coal shall, from and after the first day of January 1850, contain 2688 cubic inches even measure, and this act shall not affect contracts made before that time: Provided, This act shall go into immediate operation in the county of Allegheny, from and after its passage.

⁽¹⁸⁵⁰⁾
 Sec. 69
 Standard weight of bituminous coal in Allegheny County

Where disagreements arise between the seller and buyer of bituminous coal, in the county of Allegheny, as to the measure of good merchantable coal, put into the wagon, car or cart, at the mouth of the pit, or at any of the wharves in the county of Allegheny, a standard of weight shall be established, of seventy-six pounds avoirdupois to the bushel of merchantable coal.

Sec. 70
 Duties of weighmaster

On the parties disagreeing as to the measure of coal, and consenting to have the load or loads weighed and taken to a properly adjusted scale, the weighmaster of said scale shall superintend the weighing of the suspected load, estimating the number of bushels by the standard weight of seventy-six pounds to the bushel; for which service he shall be entitled to the usual fee or fees charged for similar draughts, to be paid by the party in error, on the presentation of a certificate of weight by the said officer; the amount of said fee to be collected as debts of like amount are recoverable by law.

⁽¹⁸⁵¹⁾
 Sec. 71
 How quantity of coal to be ascertained in Allegheny County

The third and fifth sections of the act establishing a uniform standard of bituminous coal in Allegheny county, passed April 6th, Anno Domini 1850, be and the same are hereby repealed, and hereafter all controversies in said county in regard to the quantity of coal contained in any cart, wagon or other vehicle, shall be ascertained in the manner provided for by the 1st and 2nd sections of the act to which this is a supplement: Provided, however, That where the coal is sold and delivered into boats where the weight cannot conveniently be ascertained, then the standard fixed in the act of March 23rd, 1849, shall continue unchanged.

Sec. 72
 Councils to regulate the same by ordinance

The select and common council of the cities of Pittsburg and Allegheny, and the town councils of the incorporated boroughs in

the county of Allegheny, are hereby authorized to provide and establish some mode to ascertain the weight of coal sold within said cities and boroughs, and impose suitable penalties upon all persons violating the provisions of the acts of assembly on the subject.

From and after the passage of this act, any coal dealer or hauler in Allegheny county, who has had his wagon or cart weighed or branded according to the provisions of the ordinance of the councils of the city of Pittsburg of eighth March, one thousand eight hundred and fifty-two, in pursuance of an act of Assembly of twelfth April, one thousand eight hundred and fifty-one, shall not be compelled to have his or their wagon or cart measured in pursuance of the provisions of the act of twenty-third March, one thousand eight hundred and forty-nine, but said branding and weighing shall be deemed sufficient for all purposes.

(1853)
 Sec. 73
 Weighing and branding wagon or cart under Pittsburg ordinance sufficient

The standard weight of bituminous coal in the city of Allegheny be and is hereby declared to be seventy-six pounds avoirdupois to the bushel of merchantable coal.

(1859)
 Sec. 74
 Standard weight of bituminous coal in Allegheny City

The select and common councils of the city of Allegheny are hereby authorized and empowered to pass ordinances to establish scales, or some other method to ascertain the weight of coal sold within the limits of said city, and to regulate and compel persons to use said scales, or other mode of weighing coal, and may impose such penalties and forfeitures on them as they may think proper, (not exceeding one hundred dollars for any offense), for violating the provisions of said ordinances.

Sec. 75
 Councils may pass ordinances to install scales, etc.
 May impose penalties

All laws inconsistent herewith are hereby repealed.

Sec. 76
 Repeal

The standard weight for coal in the borough of Greensburg, in the county of Westmoreland, shall be seventy-five pounds to the bushel; and the burgess and the town council of said borough may, and they are hereby authorized and empowered to pass such ordinances as will be necessary to prevent the sale of coal in said borough, otherwise than by the standard weight herein specified, which weight shall be ascertained and determined by the public scales in the said borough, and said burgess and town council shall have power to impose such fines and forfeitures as they may deem necessary to insure a faithful compliance with said ordinances, and collect the same as like fines and forfeitures are by law collected.

(1852)
 Sec. 77
 Weight of bushel of coal in Greensburg
 Powers of borough corporation

The standard measure of coke, manufactured from bituminous coal, when sold by the bushel, shall be two thousand six hundred and forty-eight cubic inches, and the standard weight per bushel shall be forty pounds.

(1866)
 Sec. 78
 Bushel of coke

From and after the first day of September next the bushel used for the measuring of lime in the city and county of Philadelphia, and in the counties of Bucks, Montgomery, Delaware, Chester,

(1819)
 Sec. 79
 Measurement of lime

Dimensions of bushel
measure used

Lancaster and York, shall be of the following dimensions, to wit: thirteen inches and a half in diameter at the bottom in the clear, fifteen inches diameter at the top in the clear, and thirteen inches and forty-seven hundredths perpendicular depth in the clear.

Sec. 80
Appointment of
measurers

It shall be the duty of the several courts of common pleas, within the city and counties aforesaid, to appoint one or more suitable persons in each of said counties, as to them shall appear necessary, whose duty it shall be, after being for that purpose duly sworn or affirmed, by a judge, alderman or justice of the peace of the city, or proper county, and a certificate of such qualification, filed in the prothonotary's office, to procure a brand and mark every bushel, intended to be used for the measuring of lime, with the letters L. B., in the manner that weights and measures are now stamped or marked in the city of Philadelphia; for which service he shall be entitled to receive twenty-five cents for each bushel so stamped or marked.

Duties

Fees

Sec. 81
Penalty for violation

If any person or persons, in the city or counties aforesaid, shall use, for the measuring of lime, a bushel of any other dimensions, or not stamped as is hereinbefore directed, he or they shall forfeit and pay the sum of five dollars for every such offense, to be recovered before any alderman or justice of the peace, upon due proof to him made, in the same manner that debts of the like sum are recoverable, to be paid to the treasurer of the county wherein the offense was committed, for the use of the county.

(1856)
Sec. 82
Unslaked lime;
measurement of

The standard bushel for the measurement of unslaked lime, in the county of Allegheny, shall contain two thousand one hundred and fifty, forty-two one-hundredths cubic inches, even measure.

(1864)
Sec. 83
Sale of shingles, etc.,
by the thousand

It shall not be lawful for any person or persons engaged in the business of purchasing, collecting or furnishing shingles or hoop-poles, shaved hoops, straps, shucks, staves and heading, of any kind of material whatsoever, used in the manufacture of wooden vessels, to demand or deliver more than ten hundred pieces in number for one thousand; and that when any or either of the above-mentioned articles of lumber be purchased or sold by the thousand, it shall be so considered, any custom or usage to the contrary notwithstanding.

(1873)
Sec. 84
Sale of timber on the
Ohio

It shall be lawful for any persons having timber, boards or other lumber upon the Ohio river, or any of its tributaries, in this state, to sell the same under any measurement they may agree upon, or under measurements which may be made by any person or persons whom they and their vendees, under contract, may select, any local law, usage or ordinance to the contrary notwithstanding: Provided, That square timber shall be measured with the usual five-inch hook, unless the parties shall otherwise contract.

The governor be and he is hereby authorized and required to appoint a measurer of marble, whose duty it shall be faithfully to measure all marble in the rough brought into the city and county of Philadelphia for sale, when thereto required by the parties, or either of them, whose compensation shall be one cent per foot for cubic marble, and one-fourth of a cent per foot for slab marble.

(1838)
 Sec. 85
 Measurer of marble
 to be appointed
 Duties

Compensation

From and after the passage of this act the weight of a bushel of onions shall be fifty pounds.

(1805)
 Sec. 86
 Weight of a bushel of
 onions

All acts or parts of acts inconsistent herewith are hereby repealed.

Sec. 87
 Repeal

From and after the passage of this act, the weight of a bushel of potatoes, shall be fifty-six pounds.

(1801)
 Sec. 88
 Weight of bushel of
 potatoes

All acts or parts of acts inconsistent herewith are hereby repealed.

Sec. 89
 Repeal

On and after the first day of August, Anno Domini one thousand nine hundred and one, each and every keg of black blasting powder used, manufactured or sold in and around the coal mines of this Commonwealth, shall contain twenty-five pounds of said black blasting powder, standard weight; every one-half keg shall contain twelve and a half pounds of said black blasting powder, standard weight, and every quarter keg shall contain six and one-quarter pounds of said black blasting powder, standard weight; each of said kegs to be plainly stamped with the name of the person, firm or corporation manufacturing said powder, and also the number of pounds of powder contained in said keg.

(1901)
 Sec. 90
 Weight of kegs of
 black blasting powder
 regulated

Kegs to be stamped
 with weight of powder,
 etc.

Any manufacturer or dealer in said black blasting powder, making or selling, or causing to be made or sold, any keg, half-keg or quarter-keg of said black blasting powder containing less weight of said powder than specified in this act, or which keg shall not be stamped as required in section 1 of this act, shall be subject to a penalty of five dollars for each and every keg, half-keg or quarter-keg, manufactured or sold, which does not contain the respective weights of black blasting powder set forth in the foregoing section.

Sec. 91
 Penalty

It shall not be lawful for any other person, firm or corporation, save only such person, firm or corporation whose name shall be stamped on said kegs, to use any such stamped keg for the purpose of containing said black blasting powder.

Sec. 92
 Who may not use
 kegs

Any person, firm or corporation violating the provisions of section three of this act shall be subject to a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00).

Sec. 93
 Penalty for wrongful
 use of kegs

All acts or parts of acts inconsistent herewith are hereby repealed.

Sec. 94
 Repeal

(1817)
 Sec. 95
 Standard dimensions
 of cord of wood in Phila-
 delphia

The standard dimensions of a cord of wood or bark for fuel, exposed to sale within the city and county of Philadelphia, shall be eight feet in length, four feet in breadth, and four feet in height, containing one hundred and twenty-eight feet, solid measure; but if it shall so happen, before the first day of September next, that any wood brought to market shall be under the average length of four feet, including one-half the kerf, the deficiency shall be made up in breadth or height.

Sec. 96
 Length of cord wood

Piling cord wood

From and after the first day of September next, all cord wood brought to market within the city and county of Philadelphia, shall be at least four feet in length, including one-half the kerf, and the cord shall be computed at the rate of eight feet in length, four feet in breadth and four feet in height, well stowed and packed, the straight wood shall be placed or caused to be placed by all venders of cord wood compactly in the lower part of the pile, and the crooked wood in the upper part thereof, and a reasonable and fair allowance shall be made by all corders or venders of wood for the loss sustained by crooked or uneven wood; nor shall any corder of wood purchase any wood for the purpose of selling the same again, by which sale he may derive a compensation or profit; and the same is hereby declared to be unlawful.

Corder not to buy to
 sell for profit

Sec. 97
 Seizure and forfeiture
 of wood

From and after the first day of September next if any person shall expose to sale within the city and county of Philadelphia any wood less than four feet in length, it shall be liable to be seized by any corder of wood and forfeited, one-half to the use of said corder, and the other to the guardians of the poor of the city, district or township in which it shall be seized; but in case the person exposing the wood for sale, shall deem himself aggrieved thereby, he may appeal to any alderman or justice of the peace of the city, district or township in which the seizure is made, who shall hear, try and determine the same: and if any person shall, within the said limits, sell as a cord of wood or bark, for fuel, any quantity less than the standard measure prescribed by this act, unless the same shall have been previously measured by a corder, and is sold without any change since such measurement, he shall forfeit and pay the sum of ten dollars; and if any corder shall refuse or neglect to perform the duties enjoined upon him by this act, he shall for every such offense forfeit and pay the sum of ten dollars; and if any corder shall purchase any wood for the purpose of selling again, he shall forfeit and pay the sum of one hundred dollars, which several penalties and forfeitures may be recovered as debts of a similar amount are by law recoverable before any alderman or justice of the peace within the city, district or township in which the offense shall have been committed, and shall be one-half for the use of the person prosecuting for

Penalties for viola-
 tions of act

How recoverable

them, and the other for the guardians of the poor of the said city, district and township.

In case any maker, vender or proprietor of beams, scales, weights or measures, within the city or county of Philadelphia, or county for which a sealer has been appointed, shall neglect or refuse to comply with the requisitions which the regulator of weights and measures is authorized and directed to make; or shall sell by false beams, scales, weights or measures, such person or persons so offending shall, for each and every offence, forfeit and pay the sum of five dollars, which may be sued for and recovered as debts of the like amount are by law recoverable, for the use of the poor of the city, district or township, in which such fine shall have been incurred: Provided, That the provisions of the 5th and 6th sections of this act shall not be so construed as to extend to such beams, scales, weights and measures, as shall not be used by the proprietors thereof, for the purpose of buying or selling [by] the same.

(1845)
Sec. 98
Penalty for disregarding requisition of regulator

It shall be the duty of any person or persons offering dry measures for sale, within the limits of the city and county of Philadelphia, to have the same stamped and sealed by the proper officer of said city and county, and any person found guilty of offering or exposing for sale any dry measure, without having the same sealed and adjusted by the proper officer as aforesaid, shall be liable to a penalty of five dollars for every such offence, to be collected as debts of like amount are now collected, one-half to go to the informer, and the other half to the use of said county.

(1842)
Sec. 99
Penalty for selling unadjusted measures in Philadelphia

Any person who shall, in any way, alter any measure, so that the capacity thereof is diminished, after the same shall have been adjusted and sealed, or shall, in buying or selling, use any measure so altered; and any person who shall alter any scale, beam or weight, so as to impair the adjustment thereof, after the same shall have been adjusted and sealed; and any dealer, vender or weigher, who shall have in his possession any scale, beam, weight or measure so altered as aforesaid; shall, on conviction thereof, before any alderman or justice of the peace, forfeit and pay the sum of ten dollars; and if the person so convicted refuse or neglect to satisfy such forfeiture, with costs, immediately, or produce goods and chattels sufficient whereon to levy the said forfeiture, together with cost, then the said alderman or justice of the peace shall commit the offender to the jail of the county wherein the offence was committed, there to be kept at hard labor for the space of thirty days.

(1846)
Sec. 100
Penalty for using false or altered measures

Any person who shall be convicted as aforesaid, and shall think himself or herself aggrieved by such conviction, may remove the proceedings by certiorari to the next court of quarter sessions,

Sec. 101
Record may be removed by certiorari

held for the city or county wherein the offence shall have been committed; and on the hearing of the certiorari, the court may, if they think proper, examine testimony; but no judgment shall be reversed for any matter of form, if it shall be proved to the satisfaction of the court, that the offence charged has been committed by the defendant.

Sec. 102
Appropriation of penalties

One moiety of the forfeitures in money accruing and becoming due for any offence against this act, shall be paid to the overseers or guardians of the poor of the city, borough or township, wherein the offence shall have been committed, and the other moiety to the person or persons who shall prosecute and sue for the same.

(1850)
Sec. 103
Penalty for selling by short weight or measure

Whenever any description of manufactured goods, commonly called dry goods or groceries, shall be sold by the piece, in packages or by weight, and the said pieces or packages shall be marked or represented to contain a certain number of yards, pounds or ounces, and the same shall be sold as containing that number or weight, when in fact the said pieces or packages shall contain a less number of yards, or pounds or ounces, than so represented, the seller or manufacturer thereof shall forfeit and pay to the purchaser a sum equal to double the value of the quantity or weight found to be deficient, to be recovered by action of debt, in any court of law, or before any alderman or justice of the peace in this commonwealth, in the same manner that debts of like amount are now by law recoverable.

(1883)
Sec. 104
Penalty for using false scales, weights, and measures

Any person or persons who shall wilfully use and sell by false beams, scales, weights and measures, any article, merchandise, commodity or thing, shall be guilty of a misdemeanor, and on being convicted thereof, shall be sentenced to pay a fine not exceeding two hundred dollars, and to undergo an imprisonment not exceeding three months, or both, or either, at the discretion of the court.

(1876)
Sec. 105
Penalty for fraud in baling hay

Any person or persons within this commonwealth who shall sell, or cause to be sold or exchanged, in any manner whatsoever, baled hay, straw or other material of a like nature, by weight, and shall include in the weight of said baled hay, straw or other substance of a similar nature, any concealed or exposed matter, for the purpose of increasing the weight, shall be deemed guilty of a misdemeanor; and on being convicted thereof, shall be fined not exceeding one hundred dollars, and imprisoned not exceeding six months, either or both, at the discretion of the court.

(1895)
Sec. 107
Appointment of inspectors; term; salary

The governor of this commonwealth shall appoint such number of inspectors as may be designated by the county commissioners, in the cities of the first and second class of this commonwealth, to inspect scales, weights and measures who shall be paid monthly out of the county treasury, except in cities co-extensive with the

county, when the same shall be paid out of the city treasury, such salary as may be fixed by said commissioners; they shall serve for a term of four years, unless removed by death, resignation or other cause.¹

Each inspector shall be furnished with standard weights, measures and tests by the secretary of internal affairs of this commonwealth.²

Sec. 108
To be furnished with standards

The duty of each inspector shall be to visit every place not more than four times a year, where measures, scales and weights are used or sold, including all market houses, shops, stores and all places where meats, provisions and other articles are sold by weight or measure in said cities, to inspect, regulate and adjust the same.

Sec. 109
Adjusting weights and measures

The inspector to have power and to seize all fraudulent scales, weights and measures, wherever found, and which cannot be regulated and adjusted, to use the same as evidence in any action of law against the party or parties in whose possession they are found.

Sec. 110
Power to seize fraudulent scales, weights, and measures

Any person or persons purchasing new scales, weights or measures that do not contain the stamp of the inspector shall, before using them, notify the inspector of the district and have them tested, and all scales, weights or measures that cannot be adjusted by the inspector shall be removed and destroyed.³

Sec. 111
New scales, weights, and measures must be adjusted

Any person, upon arrest and conviction before a magistrate or justice of the peace for refusing to allow his scales, weights and measures to be inspected, shall be fined ten dollars and costs of court, or be sentenced to imprisonment for a period of not more than ten days. Any person who shall, after his scales, weights and measures have been inspected in accordance with the provisions of the fifth section of this act, alter or cause to be altered his said inspected scales, weights and measures, so that they be decreased in size or amount, or who shall substitute for said inspected weights and measures any other weight and measure of smaller size or amount shall, upon arrest and conviction before a magistrate or justice of the peace, be fined not more than twenty dollars and cost of court, and in default of the payment of such fine and costs shall be imprisoned for a period of not more than ten days.

Sec. 112
Penalty

¹ By the act of Apr. 11, 1903, sec. 1, P. L. 165, \$2,500 was appropriated to carry this act into effect. But both this act and the act of 1903 were held to be unconstitutional in *Commonwealth v. Brown*, 7 Dauphin Co. 235, 1904; this act, on the ground that its title was defective, and that it was local legislation; and the act of 1903, on the ground of defective title.

² This section was reenacted by sec. 2 of the act of Apr. 11, 1903, P. L. 166.

³ When a merchant uses scales which weigh correctly, according to the standards of weight prescribed by the laws of the United States, and of this State, every 2 ounces of merchandise and multiple thereof up to 24 pounds, the scaler of weights and measures (where that office still exists), cannot confiscate the scales because they are not graded to weigh the odd ounces, and will be enjoined from confiscating them. *Ambrose v. Murphy*, 52 P. L. J. 198, 1904.

Sec. 113
Repeal

All acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Pub. Laws, 1903, Act
124, p. 165
Appropriation to carry
into effect the statute
concerning inspectors

That the sum of two thousand five hundred dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the Secretary of Internal Affairs, for the purpose of carrying into effect section one and two of an act, entitled "An act to provide for the appointment of inspectors by the Governor, for the cities of the first and second class of this Commonwealth, to inspect scales, weights and measures, and providing for their compensation" approved the twenty-sixth day of June, one thousand eight hundred and ninety-five.¹

Sec. 2
Inspectors to be fur-
nished with standards

Each inspector shall be furnished with standard weights, measures and tests, by the Secretary of Internal Affairs of this Commonwealth.

Stewart's Purdon's
Digest, 13th ed., vol. 2,
p. 1803 (1818)

Sec. 6
Standard weights of
bushel

The several kinds of grain hereafter mentioned, which are now usually bought and sold by measure, shall, from and after the passing of this act, be regulated according to the following standard weight per bushel, to wit: The weight of each bushel of wheat shall be sixty pounds; of each bushel of rye or corn, fifty-eight pounds; of each bushel of barley, forty-seven pounds; of each bushel of buckwheat, forty-eight pounds; and of each bushel of oats, thirty-two pounds: Provided, That nothing in this act contained shall be so construed as to prevent any person or persons from selling and buying the several kinds of grain aforesaid by measure.

(1845)

Sec. 7
Standard weights per
bushel

The standard weight of rye and Indian corn in this commonwealth shall be fifty-six pounds for each and every bushel thereof.

Sec. 8
Weight of salt per
bushel

Each and every bushel of foreign salt shall be bought and sold by weight per bushel, in the manner following, to wit: The weight of each bushel of coarse salt shall be eighty-five pounds, each bushel of ground salt, seventy pounds, and each bushel of fine salt, sixty-two pounds: *Provided, nevertheless,* That nothing herein contained shall be so construed as to prevent any person or persons from selling or buying the several kinds of salt aforesaid by measure.

(1897)

Sec. 13
Weight of a bushel of
oats

From and after the passage of this act the weight of a bushel of oats shall be thirty-two pounds.

Sec. 14
Repeal

All acts or parts of acts inconsistent herewith are hereby repealed.

Pub. Laws, 1877, p.
40
Weight of salt per
barrel

All salt manufactured by evaporation, within the limits of this commonwealth, and put in packages purporting to be a barrel, said package shall contain two hundred and eighty (280) pounds of salt, and this exclusive of the weight of the package.

¹ Acts of Apr. 11, 1903, and June 26, 1895, declared unconstitutional, Stewart's Purdon's Digest, vol. 4, p. 5024, footnote 3.

By the measurer of corn and salt: In performing the duties enjoined upon him by law, for every one hundred bushels of corn and salt, seven cents.

Stewart's Purdon's
Digest, vol. 2, p. 1645
(1821)
Sec. 62
Fees for measuring
salt

By the deputies of the said measurer, for every one hundred bushels of corn which they shall measure and keep an account of agreeably to law, fifteen cents.

And for every one hundred bushels of salt which they shall measure and keep an account of, ten cents.

It shall not be lawful for any person to offer or sell or offer for sale within the city of Philadelphia any hay or straw by the bale unless the exact gross and net weight shall be legibly and distinctly marked on every such bale of hay or straw, under a penalty of ten dollars for each bale of hay or straw sold or offered for sale, in contravention of the provisions of this ordinance.

Stewart's Purdon's
Digest, 13th ed., vol. 2,
p. 1826 (1875)
Sec. 1
Hay and straw
Weight to be marked
on bale
Penalty

Any person or persons within this commonwealth who shall sell, or cause to be sold or exchanged, in any manner whatsoever, baled hay, straw or other material of a like nature, by weight, and shall include in the weight of said baled hay, straw or other substance of a similar nature, any concealed or exposed matter, for the purpose of increasing the weight, shall be deemed guilty of a misdemeanor; and on being convicted thereof, shall be fined not exceeding one hundred dollars, and imprisoned not exceeding six months, either or both, at the discretion of the court.

(1876)
Sec. 2
Penalty for fraud in
baling hay and straw

Penalty

Hereafter all baled hay and straw shall be properly bound with wire, rope or other material to hold it in bundle, and the correct weight shall be plainly marked on each bale.

(1901)
Sec. 3
Correct weight to be
marked

The wood or other material used in baling cut hay shall not exceed in weight eight per centum of the weight of the entire bundle, and no wood, except for a marking block, shall be used in baling long hay or straw.

Sec. 4
Weight of baling ma-
terial

Any person who shall mark a bale of hay or straw higher than its actual weight, or who shall use more than eight per centum of its weight of wood or other material to hold it in bundle, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars, in the discretion of the court before whom conviction may be secured.

Sec. 5
Certain acts misde-
meanor

All laws or parts of laws inconsistent herewith are hereby repealed.

Sec. 6
Repeal

That the several boards of county commissioners and the mayor of the several cities of the Commonwealth may, and are hereby authorized to, appoint such numbers of competent persons as inspectors of weights and measures as they may deem proper to protect the public from use of false weights and measures, and whose duties it shall be to faithfully enforce and execute the laws of the Commonwealth, now in existence or which may be hereafter

Pub. Laws, 1911, p.
275
Sec. 1
Weights and meas-
ures
Inspectors

Proviso
Jurisdiction of in-
spectors enacted with reference to weights and measures: *Provided*, That the county inspectors of weights and measures shall have no authority to inspect weights and measures in cities, or to execute the laws of the Commonwealth in regard to the same, or the ordinances of municipalities as they apply to cities, within limits of their respective counties. Neither shall the city inspectors have any jurisdiction outside of their respective cities.

Compensation and
expenses The compensation and expenses of such county inspectors shall be fixed by the respective boards of county commissioners, and paid by appropriations directly from the proper county treasuries; and the compensation of city inspectors shall be fixed by ordinance, such compensation and allowances for expenses shall be paid by appropriations made from the respective city treasuries.

Sec. 2
Standard tests That all county and city inspectors so appointed shall be supplied, at the expense of their respective counties and cities, with standard tests of weights and measures, in conformity with those established by the Government of the United States or the Bureau of Standards of the State and the laws of this Commonwealth; and to ensure the accuracy of these tests they shall be compared with the standard tests to be purchased by the Secretary of Internal Affairs; and, when so compared and their correctness established, they shall be so stamped or marked in such manner as may be established by the rules and regulations, hereinbefore referred to, to be put in force by said Secretary of Internal Affairs and approved by the Governor of the Commonwealth.

Custody of standards The inspector shall take charge of and safely keep the standards. Where not otherwise provided by law, the inspectors shall have the

Inspection of weights, measures, etc. power, within their respective jurisdictions, to inspect, test, try, and ascertain if they are correct, all weights, scales, beams, measures of every kind, instruments or mechanical devices for measurement, and the tools, appliances, or accessories connected with any or all such instruments or measurements, used or employed within the city by any proprietor, agent, lessee, or employe in determining the size, quantity, extent, area, or measurement of quantity, things, produce, articles for distribution or consumption, offered or submitted by any person or persons for sale, for hire, or award. He may, for the purpose above mentioned and in the general performance of his duty, enter or go into or upon, and without formal warrant, any stand, place, building, or premises, or may stop any vendor, peddler, junk-dealer, coal-wagon, ice-wagon, or any dealer whatsoever, for the purpose of making proper tests. Whenever the sealer finds a violation of the statute relating to weights and measures, he may seize, without a warrant, such weights measures,

Right of entry

Seizures

or balances as may be necessary to be used as evidence in case of violation of the law relative to the sealing of weights and measures, and they shall be held until otherwise directed by the court.

Whoever himself, or by his servant or agent, or as the servant or agent of another person, is guilty of giving false or insufficient weight or measure, shall, for the first offense, be punished by a fine of not more than fifty dollars; for a second offense, by a fine of two hundred dollars, and for a subsequent offense, by a fine of one hundred dollars, and by imprisonment for not less than thirty nor more than ninety days, at the discretion of the court.

Sec. 3
Violations

Penalty

It shall be unlawful for any inspector to use any tests or standards, or to attempt to use the same, in ascertaining the correctness or accuracy of weights and measures, until such comparisons are made and their accuracy established, and so stamped or marked; and any inspector violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction therefor shall be fined not exceeding one thousand (\$1,000) dollars, or undergo imprisonment for a period not exceeding one year, or both or either, at the discretion of the court.

Violation of inspector

Penalty

All acts or parts of acts inconsistent with the provisions of this act be and the same hereby are repealed.

Sec. 4
Repeal

79. Every borough within this commonwealth that hereafter may be incorporated by an act of the general assembly, or by the court of quarter sessions of any county, shall have power—

¹ Stewart's Purdon's
Digest, 13th ed., vol. 1,
p. 492
(1851)
Boroughs, powers of

* * * * *

97 XI. To make all needful regulations respecting markets and market-days, the hawking and peddling of market-produce and other articles in the borough, and for the inspection and measurement or weight of cord-wood, hay, coal and other articles sold or offered for sale in the borough.

Power to regulate
markets, etc.; inspect
tion and measurement
of articles

* * * * *

100 XII. To regulate annually the scales, weights and measures within the borough, according to the standard of the commonwealth.²

(1903)
Power to regulate
scales, weights, and
measures

62. To regulate the weighing and measuring of every commodity sold in the city, in all cases not otherwise provided by law; to provide for and regulate the inspection and weighing of hay, grain and coal, and the measuring of wood and fuel, to be used in the city, and to designate the place or places of the same; and to regulate and prescribe the place or places for exposing for sale hay, coal and wood, and to demand and receive reasonable fees

(1901)
Stewart's Purdon's
Digest, 13th ed., vol. 3,
p. 3018
Municipal corpora-
tions, second class, cor-
porate powers of
To regulate the
weighing and measur-
ing of commodities; sale
of hay, coal, and wood

¹ This act is prospective only. (Commonwealth v. Montrose Borough, 52 Pa. 391, 1866.)
² The county sealer had jurisdiction within the borough, concurrently with the borough officer. (Wilkesbarre v. Bloom, 1 Luz. L. Obs. 148, 1861.)

for inspection, weighing and measuring, as aforesaid, and for the regulation and stamping of weights and measures.¹

(1880)
Stewart's Purdon's
Digest, 13th ed., vol. 3,
p. 3120
Municipal corpora-
tions, third class, cor-
porate powers of
Weights and meas-
ures
Hay, coal, and wood

50. To regulate the weighing and measuring of every commodity sold in the city in all cases not otherwise provided by law; provide for and regulate the inspection and weighing of hay, grain and coal and the measuring of wood and fuel to be used in the city, and to designate the place or places of the same, and to regulate and prescribe the place or places for exposing for sale hay, coal and wood, and to demand and receive reasonable fees for inspection, weighing and measuring as aforesaid, and for the regulation and stamping of weights and measures.

Pub. Laws, 1911, P.
533
Sec. 1
Cities of the first class
Sale of anthracite
Delivery ticket

That in all cities of the first class throughout this Commonwealth, in the sale of anthracite coal by retail, every cart, wagon, or other vehicle used in delivering such coal shall be accompanied by a delivery ticket for the purchaser, which shall state clearly the quantity of coal contained therein, the name of the purchaser or delivery address, name of the dealer by whom sold and delivered, and the name of the driver in charge.

Violations

Any person, firm, or corporation who shall violate the provisions of this section, shall, on complaint of purchaser, be liable to a penalty not exceeding fifty dollars (\$50.00), to be collected by a summons issued before any justice of the peace or magistrate, the action to be brought in the name of the city where the offense is committed, and said penalty shall be paid into the city treasury.

Penalty

Sec. 2
Petition

Upon the petition of any twenty-five reputable citizens, in any city of the first class in this Commonwealth, it shall at any time hereafter be lawful for the court of quarter sessions, the territorial jurisdiction of which includes such city, to designate, by order or decree, as public scales such stationary scales as may be recommended, provided, or located by such petitioners, with the consent of owner or lessee of same, to whom the court shall issue a certificate as an official public weigh-master, and a sign, as such, shall be conspicuously displayed on the premises. The said appointment as such official weigh-master is to continue, with all its privileges, duties, and obligations, till revoked by the court, on petition of such weigh-master, or on other cause shown on petition to the court, signed by ten reputable citizens living in said city. Such weigh-stations may be located in different parts of such cities, and in such convenient number and locality as shall be proper and necessary for the convenient weighing of coal. Such weigh-master, or his agent, for whom he shall be responsible, shall be in attendance at such scales, and shall be entitled to charge a fee of thirty cents (\$0.30) per load of coal weighed;

Public scales

Official public weigh-
master

Fee

¹ See the acts of June 26, 1895, P. L. 386, and Apr. 11, 1903, P. L. 165, supra. Municipal corporation, 245-251, relative to inspectors of scales, weights, and measures in cities of the first and second class, which were held unconstitutional in *Commonwealth v. Brown*, 7 Daugh. Co., 235, 1904. (See p. 41, this book.)

empty vehicles returning to such scales after delivery of the coal so weighed shall be reweighed without further charge. An index of all scales so designated shall be kept for public inspection in the office of the clerk of the court of quarter sessions: *Providing*, No person engaged in the coal business, or employed in the same, shall be appointed an official weigh-master, and that no official scales be located on the premises where coal is sold.

Index

Proviso

Sec. 3
Bond of weigh-master

Conditions

Every weigh-master of such scales, so designated, shall execute a bond payable to the city in which such scales are situate, in the sum of one thousand dollars (\$1000.00), with one or more sufficient sureties to be approved by the court, conditioned that said scale shall be tested by a competent scale maker at least once every three months, and be kept at all times in condition to properly and accurately register the weight of coal; and, further, that the weigh-master provided for such scales will perform his duties honestly and faithfully, and will furnish correct certificates to all persons having coal or coal conveyances, aforesaid, weighed at such scales. Upon proof that any of the conditions of any such bond have not been complied with, or have been violated, the city to which such bond is given may recover the amount thereof in proper action.

Sec. 4
Scale book

Entries

Official record

Certificate as evi-
dence

Each weigh-master of scales thus designated as weigh-stations, as aforesaid, shall keep a book, in which shall be accurately entered, in ink, a memorandum of every load of coal weighed at such scales; showing the name of the person, firm, or corporation delivering said coal, and the name of the driver, or other person in charge of such delivery; the net weight thereof, as shown by the delivery ticket herein provided for, furnished by such person, firm, or corporation, the name of the purchaser thereof; the gross and net weight of the coal so weighed; the name of the weigh-master or his agent weighing the same, and the date of weighing. Said book shall be an official record, and all certificates delivered by such weigh-masters or their agents shall be copies of the entries contained therein, and shall be received in all the courts of this Commonwealth as evidence of the facts therein required to be certified or entered. It shall be the duty of the county commissioners of such counties to provide all official weigh-masters with blank books and certificates prepared in conformity with the provisions of this act, but each weigh-master must provide his own books and certificates when not supplied by the county commissioners.

Sec. 5
False weighing or
certification

Any weigh-master of such scales, or any agent or representative of such weigh-master, who shall be guilty of, or in any manner engaged or concerned in, any false or fraudulent weighing of coal at such scales, or who shall give any false or fraudulent certificate of

Penalty	the weight of coal at such scales, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars (\$500.00), or by imprisonment not exceeding one year, or both.
Sec. 6 Rights of purchaser	It shall be the privilege or right of any purchaser of anthracite coal, delivered by cart, wagon, or other vehicle, in any of the cities of the first class of this Commonwealth, before accepting the same, to have all of said coal or any load of it weighed, at his expense, at any of the weigh-stations designated under the provisions of section two of this act, provided, such weigh-station is located within ten city blocks of the place of loading or of the place of delivery of said coal; and may require that any cart, wagon, or conveyance, aforesaid, containing coal intended to be delivered to him, shall be taken by the driver or other person in charge thereof immediately and directly to such scales, for the purpose of having the same weighed; and, after the delivery of such coal, said purchaser may also require that the cart, wagon, or conveyance, aforesaid, in which said coal is delivered, shall be taken by the driver or person in charge thereof immediately back to said weigh-station, by the most direct route and without unnecessarily stopping on the way, to be weighed at the expense of such purchaser; and a certificate of the weight of such coal, so weighed as aforesaid, shall thereupon be furnished to the purchaser of said coal by the weigh-master, or his representative at such scales, at which such coal was so weighed, and a duplicate of said certificate shall thereupon be forwarded, at the expense of the weigh-master of such scales, to the person, firm, or corporation delivering said coal:
Weighing of coal	
Weighing of vehicle	
Certificate	
Proviso	<i>Provided,</i> That whenever coal is to be so weighed, such purchaser must allow the driver in charge thereof reasonable opportunity to notify the person, firm, or corporation selling said coal, so that such person, firm, or corporation, or a representative thereof, may be present at the weighing, should they so desire:
Proviso	<i>Provided also, however,</i> That no purchaser shall avail himself of the privileges of this act, in providing for the weighing of his coal, unless he shall have first tendered to the person in charge of the delivery the sum of fifty cents (\$.50) for each ton of coal to be weighed, as compensation for cartage for his employer:
Cartage	Provided also, That this method of weighing shall not be binding on any purchaser of coal if he shall not deem it convenient, satisfactory, or expeditious.
Refusal of seller	The refusal of the seller of the coal to allow the same to be weighed, as provided by this act, shall render the person, firm, or corporation selling the said coal liable to a payment of a penalty of fifty dollars (\$50.00), which may be recovered by civil action, brought in the name of the city wherein such act occurs, before any justice
Sec. 7 Penalty	

of the peace or magistrate; and which penalty, as well as the amount or amounts which may be collected on the bonds, under section three of this act shall when collected be paid into the treasury of said city. Any police officer or constable of any city of the first class, when called upon, shall have power without warrant to arrest any driver or other person, charged with the delivery of coal as aforesaid, who shall refuse to take such coal to the scales and permit the same, or the wagon, cart, or conveyance aforesaid, to be weighed in accordance with the provisions of section six of this act; and such driver or other person so arrested, shall be subject to a fine or penalty of five dollars (\$5.00), to be collected by summary conviction before any magistrate or justice of the peace, and when collected to be paid into the city treasury, and in default of payment, such person so convicted may be committed by said justice of the peace or magistrate to the county prison, for a term not exceeding five days.

Police powers

Refusal of driver

Penalty

Each and every magistrate or justice of the peace in cities of the first class shall keep a docket, in which shall be entered a full and complete record of the proceedings had before him for the violation of any of the provisions of this act.

Sec. 8
Docket

All acts or parts of acts inconsistent or in conflict with this act are hereby repealed.

Sec. 9
Repeal

This act shall take effect sixty days from the date of its approval.

Sec. 10

That on and after the first day of July, one thousand nine hundred and seven, it shall be unlawful for any person, firm, or corporation to sell or offer for sale, or demand from any person offering for sale, either wholesale or retail, within the State of Pennsylvania, any milk, skim-milk, and cream according to any other standard of measurement than that known as the liquid, or wine, measure, containing two hundred and thirty-one cubic inches to the gallon: Provided, That nothing in this act will prevent the sale of milk, skim-milk, and cream by weight or percentage of butter-fat.

Pub. Laws, 1907, act
56, p. 63
Sec. 1
Milk, skim - milk,
and cream

Standard of measure-
ment

Proviso

Every person, firm, or corporation, and every officer, agent, servant, or employe of such person, firm, or corporation, who shall violate any of the provisions of this act; or any person, firm or corporation, and every officer, agent, servant, or employe of such person, firm, or corporation, demanding, offering, and receiving a greater measure than that specified in the first section of this act, shall be deemed guilty of a misdemeanor, and, upon the conviction thereof in the court of quarter sessions of the proper county, shall be sentenced to pay a fine of not less than twenty-five dollars and not more than one hundred dollars, with costs of prosecution, or undergo imprisonment not exceeding thirty days, or both, at the discretion of the court.

Sec. 2
Violation

Penalty

Sec. 3
Repeal

All acts or parts of acts inconsistent herewith are hereby repealed.

(1797)
Stewart's Purdon's
Digest, 13th ed., vol. 1,
p. 540
Bread to be sold by
weight

All loaf bread made for sale within this commonwealth, shall be sold by the pound avoirdupois; and every baker or other person offering the same for sale shall keep at his or her house, or at such other place at which he or she shall at any time offer or expose for sale any bread, sufficient scales and weights, lawfully regulated, for the purpose of weighing the same; and if any baker or other person shall sell or offer for sale any loaf bread, in any other manner, the contract respecting the same shall be void;¹ and the person offending against this act shall, on conviction, forfeit and pay the sum of ten dollars for every such offense, one-half to the use of the informer, and the other half to the use of this commonwealth; and it shall be the especial duty of the clerk of the market, in any place where such an officer is appointed, to discover and prosecute all persons offending against this act.

Penalty

Stewart's Purdon's
Digest, 13th ed., vol. 1,
p. 992
(1871)
Sec. 384
Clams and oysters to
be sold by count or tale
in Philadelphia

It shall be unlawful for any person or persons to sell unopened clams or oysters, within the city of Philadelphia, in any other way than by count or tale; and the same shall be counted at the time and place of sale and before delivery; and any person or persons offending against this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not less than twenty-five dollars, and not exceeding one hundred dollars, or undergo an imprisonment, not exceeding six months, or both at the discretion of the court.

Penalty

Pub. Laws, 1909, p.
395
Sec. 1
Concentrated com-
mercial feeding stuffs
to bear net weight

Every barrel, bag, pail, parcel, or other package of concentrated commercial feeding stuffs, as defined in section two of this act, used for feeding domestic animals, also condimental stock and poultry-food, and patented, proprietary, or trade-marked stock and poultry-food, possessing nutritive value combined with medicinal properties, sold, offered, or exposed for sale, within this state, shall have affixed thereto, in a conspicuous place on the outside thereof, a legible and plainly-printed statement in the English language, clearly and truly certifying the number of net pounds of feeding-stuff contained therein, the name, brand, or trade mark under which the article is sold; the name and address of the manufacturer or importer, * * *.

Sec. 2
Definition

The term "concentrated commercial feeding-stuff," as used in this act, shall include cottonseed meals, cottonseed feeds, linseed meals, gluten meals, gluten feeds, pea meals, bran meals, peanut meals, cocoanut meals, maize feeds, starch feeds, sugar feeds, dried distillers-grains, dried brewers-grains, malt sprouts, hominy feeds, cerealine feeds, maizeline feeds, rice meals, dried beet pulp, dried-molasses beet pulp, corn bran, clover meal, alfalfa meal, and feeds,

¹ Act is still in force. (Johnson v. Kolb, 3 W. N. C. 273, 1876; West Easton v. Zuck, 8 North Co. 117, 1901.)

molasses grains, molasses feeds, ground beef or fish scraps, and other animal and vegetable by-products, mixtures bearing distinctive names and all other mixtures of similar nature, used for feeding domestic animals including poultry; also condimental stock and poultry-food, and patented and proprietary, or trade-marked stock and poultry-food, possessing nutritive value combined with medicinal properties and mixed feeds other than pure grains ground together, and mixed feeds other than mixtures of wheat-bran, and wheat middlings, neither shall it include hays, straws, and corn stover, whole grains, nor the unmixed meals made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat, broom-corn, flaxseed, sugar-cane, and sorghum; nor shall it include wheat, rye and buckwheat brans, middlings or shorts, not mixed with other substance but sold separately as distinct articles of commerce; nor pure grains ground together; nor wheat-bran and wheat middlings mixed together, not mixed with any other substance, and known in the trade as "mixed feed,"
* * *

Every package of commercial fertilizer sold, offered, or exposed for sale, for manurial purposes within this commonwealth, except the dung of domestic animals, lime, marl, and wood ashes, shall have plainly stamped thereon the name and address of the manufacturer or importer and his place of business, the net weight of the contents of the package, the brand or trade-name of the fertilizer the package contains, * * *.

Pub. Laws, 1909, p. 344
Sec. 1
Commercial fertilizers

Net weight to be stamped

The term "commercial fertilizer" as used in this act, shall be construed to mean any and every substance imported, manufactured, prepared, or sold for fertilizing or manuring purposes, except the dung of domestic animals, marl, lime, and wood ashes, and not exempt by the provisions of section one of this act.

Sec. 5
Definition

Any miner employed by an individual, firm or corporation for the purpose of mining coal, shall be entitled to receive from his employer, and failing to receive, then to collect, by due process of law, at such weights as may have been agreed upon between the employer and the employed, full and exact wages accruing to him for the mining of all sizes of merchantable coal so mined by him, whether the same shall exist in the form of nut or lump coal; and in the adjudication of such wages, seventy-six pounds shall be deemed one bushel, and two thousand pounds net, shall be deemed one ton of coal: Provided, That nothing contained in this act shall be construed to prevent operators and miners contracting for any method of measuring and screening the coal mined by such miners, as they may contract for.¹

Stewart's Purdon's Digest, 13th ed., vol. 3, p. 2554 (1883)

Sec. 21
Miners to be paid for the quantity of coal mined, irrespective of size

Weight of bushel

Ton
Contracts for measuring

¹ This proviso would seem to be repealed as to bituminous coal mines by the act of July 15, 1897, P. L. 286, infra 438-440. (See p. 412, this work.)

Sec. 22
Cars to be of uniform
capacity

To be branded by
mine inspector

Penalty for violation

Exceptions

Stewart's Purdon's
Digest, 13th ed., vol. 3,
p. 2607

(1807)

Sec. 438
Screening bitumi-
nous coal before weigh-
ing prohibited

Sec. 439
Violation of this act
declared a misde-
meanor

Sec. 440
Repeal

At every bituminous coal mine in this commonwealth, where coal is mined by measurement, all cars, filled by miners or their laborers, shall be uniform in capacity at each mine; no unbranded car or cars shall enter the mine for a longer period than three months, without being branded by the mine inspector of the district, wherein the mine is situated; and any owner or owners, or their agents, violating the provisions of this section, shall be subject to a fine of not less than one dollar per car, for each and every day, as long as the car is not in conformity with this act; and the mine inspector of the district where the mine is located, on receiving notice from the check measurer or any five miners working in the mine, that a car or cars are not properly branded, or not uniform in capacity, according to law, are used in the mine where he or they are employed, then, inside of three days from the date of receiving said notice, it shall be his duty to enforce the provisions of this section, under penalty of ten dollars for each and every day he permits such car or cars to enter the mine: Provided, That nothing contained in this section shall be construed or applied to those mines who [that] do not use more than ten cars.

It ¹ shall be unlawful for any mine owner, lessee or operator of any bituminous coal mine in this Commonwealth, employing miners at bushel or ton rates, or other quantity, to pass the output of coal mined by said miners over any screen or other device which shall take any part from the weight, value or quantity thereof, before the same shall have been weighed and duly credited to the employee sending the same to the surface and accounted for at the legal rate of weight fixed by the laws of this Commonwealth.

Any owner, lessee or operator of any bituminous coal mine, violating the provisions of this act, shall be deemed guilty of a misdemeanor, and shall upon conviction, for each and every such offense be punished by a fine of not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars, or by imprisonment in the county jail for a period not to exceed ninety days, or by both such fine and imprisonment, at the discretion of the court; proceedings to be instituted in any court of competent jurisdiction.

All acts or parts of acts inconsistent herewith be and the same are hereby repealed.

¹ Constitutionality of this act questionable; vd. Stewart's Purdon's Digest, vol. 3, p. 2607, note (b).

PHILIPPINE ISLANDS

That the metrical system of weights and measures as authorized by sections 3569 and 3570 of the Revised Statutes of the United States, and at present in use in the Philippine Islands, shall be continued.

Stat. L., vol. 33, pt. 1,
ch. 1408, p. 928, Phil.
Tariff Rev. Law, 1905
Sec. 9
Metric system estab-
lished
Equivalents

The meter is equal to 39.37 inches.

The liter is equal to 1.0567 quarts, wine measure.

The kilogram is equal to 2.2046 pounds, avoirdupois.

The following abbreviations shall be employed in the tariff:

Sec. 7
Abbreviations

G. W. = gross weight.

N. W. = net weight.

Hectog. = hectogram.

Kilo. = kilogram.

Kilos. = kilograms.

Hectol. = hectoliter.

The fundamental system of weights and measures throughout the Philippine Islands shall, subject to the qualifications herein-after contained, be the system known as the metric system, with the following units:

(1906)
Comp. of Acts of Phil.
Com., 1908, ch. 336, p.
1120; Act No. 1519, Phil.
Com.
Sec. 7
Fundamental system
—metric system
Meter, unit of length

(a) The unit of length shall be the length at the temperature of zero degrees centigrade of the standard measure Numbered Seventy-one, now preserved in the Bureau of Science and certified to by the International Bureau of Weights and Measures, or the length, at the temperature of zero degrees centigrade, of the international standard meter established by the International Bureau of Weights and Measures, and now kept at Sevres, France. This length shall be known as the meter.

(b) The unit of area shall be either the square meter, or an area of one hundred square meters known as the are.

Are, unit of area

(c) The unit of cubical contents or capacity shall be either the cubic meter, or the one-thousandth part thereof known as the liter.

Liter, unit of capacity

(d) The unit of weight shall be the weight at Manila of one-millionth of a cubic meter of pure water at the temperature of four degrees centigrade, or the one-thousandth part of the standard kilogram certified to by the International Bureau of Weights and Measures, designated by the symbol "L," and now preserved in the Bureau of Science. The unit of weight shall be known as the gram.

Gram, unit of weight

Sec. 2
Use of metric system
authorized

The use of these weights and measures, with all their decimal multiples and submultiples, together constituting the metric system, is hereby authorized.

Sec. 3
Until Jan. 1, 1909,
units of weights
Spanish avoirdupois
ounce

Until the first day of January, nineteen hundred and nine, the use of the following is authorized:

—Spanish avoirdupois
pound

(a) As a unit of weight, the Spanish avoirdupois ounce of twenty-eight and seventy-five hundredths grams.

—arroba

(b) As a unit of weight, the Spanish avoirdupois pound of sixteen ounces—that is, of four hundred and sixty grams.

—quintal

(c) As a unit of weight, the arroba of twenty-five Spanish avoirdupois pounds—that is, of eleven thousand five hundred grams.

—picul or pico

(d) As a unit of weight, the quintal of one hundred Spanish avoirdupois pounds—that is, of forty-six thousand grams.

(e) As a unit of weight, the picul (or pico) of one hundred and thirty-seven and one-half Spanish avoirdupois pounds—that is, of sixty-three thousand two hundred and fifty grams.

—international carat
or quilate

(f) As a unit of weight, the International carat or *quilate* of two hundred and five milligrams.

—scale or balance

(g) Any scale or balance graduated in the above units.

Units of capacity
—cavan

(h) As a unit of capacity, the cavan of seventy-five liters. It is the volume of a cube each side of which is four thousand two hundred and seventeen ten thousandths of a meter.

—ganta

(i) As a unit of capacity, the ganta of three liters. It is the volume of a cube each side of which is one thousand four hundred and forty-two ten thousandths of a meter.

—chupa

(j) As a unit of capacity, the chupa of three hundred and seventy-five thousandths of a liter. It is the volume of a cube each side of which is seven hundred and twenty-one ten thousandths of a meter.

—apatan

(k) As a unit of capacity, the apatan of nine thousand three hundred and seventy-five hundred thousandths of a liter. It is the volume of a cube each side of which is four thousand five hundred and forty-three hundred thousandths of a meter.

—arroba

(l) As a unit of capacity, the arroba of sixteen liters. It is the volume of a cube each side of which is two thousand five hundred and twenty-one ten thousandths of a meter.

Units of length
—Spanish inch

(m) As a unit of length, the Spanish inch of two hundred and thirty-two ten thousandths of a meter.

—foot

(n) As a unit of length, the Spanish foot of twelve inches—that is, of two hundred and seventy-nine thousandths of a meter.

—vara

(o) As a unit of length, the vara of three Spanish feet—that is, of eight hundred and thirty-six thousandths of a meter.

—braza

(p) As a unit of length, the braza of two varas—that is, of one and six hundred and seventy-two thousandths meters.

(q) As a unit of area, the square braza of two and seven hundred and ninety-five thousandths square meters. Units of area
—square braza

(r) As a unit of area, the loán of one hundred square brazas—that is, of two hundred and seventy-nine and five-tenths square meters. —loán

(s) As a unit of area, the balita of one thousand square brazas—that is, of two thousand seven hundred and ninety-five square meters. —balita

(t) As a unit of area, the quifon of ten thousand square brazas—that is, of twenty-seven thousand nine hundred and fifty square meters. quinon

(u) As a unit of area, the cavan of three thousand six hundred square brazas—that is, of ten thousand and sixty-two square meters. —cavan

In all measurements involving the fixing of internal revenue on alcohol or its purchase and sale, the basis for calculating the value of said alcohol shall be its percentage purity by weight as determined by its specific gravity: *Provided, however,* That the Gay-Lussac alcoholometer, which is standardized at fifteen degrees centigrade and which reads in percentages of ethyl alcohol by volume at fifteen degrees centigrade, may be used in determining the value of distilled spirits as defined in section seventy-one of Act Numbered Eleven hundred and eighty-nine: *And provided further,* That nothing in this Act contained shall be construed to repeal any of the provisions of Act Numbered Eleven hundred and eighty-nine.

Sec. 4
Calculating value of alcohol

Gay-Lussac alcoholometer used in determining value of distilled spirits

Until otherwise provided by law, the use of the English system of weight and measures in the purchase and sale of manufactured lumber is authorized, and until the first day of January, nineteen hundred and nine, the use is authorized of any scale or balance graduated in English avoirdupois pounds, together with the necessary set of weights therefor: *Provided,* That said scale or balance can be shown to have been in use in the Philippine Islands before the date of the passage of this act.

Sec. 5, as amended by Pub. Laws, 1907-1909, vol. 7, act 1843, p. 48
—continued as to manufactured lumber until Jan. 1, 1909

The English avoirdupois pound is equal to four hundred and fifty three and six tenths grains. English avoirdupois pound

The Secretary of the Interior, at the request of the provincial board of any province, may extend in that province, for not more than two years beyond January first, nineteen hundred and nine, the time during which any of the above-mentioned scales or balances, weights, and units of weights and measures shall be authorized, or may in such province fix the value of any other weights or measures now in common local use, and authorize their use, until not later than two years after January first, nineteen hundred and nine.

Sec. 6
Extension of time by Secretary of the Interior

Sec. 7
Legal weights and measures

The weights and measures herein authorized, together with such simple multiples and submultiples thereof as are expressly designated and recognized as such, shall be the only legal weights and measures in the Philippine Islands. These, and no others, shall be officially sealed and licensed.

Sealing and licensing

Sec. 8
Metric system used in all official documents

The metric system shall be used in all official documents. No weights or measures except those of the metric system shall be employed in any contract, deed, or other document, publicly and officially attested: *Provided always*, That in ordering commodities or articles from other countries the standards of weights and measures commonly used in such countries in selling such commodities or articles may be employed.

Sec. 8, as amended by Pub. Laws, 1907-1909, vol. 7, act 1843, p. 48

And provided further, That in the purchase and sale of manufactured lumber the English system of weights and measures may be employed.

Sec. 9
Collector of internal revenue to procure dies, stamps, etc., for sealing weights and measures

The Collector of Internal Revenue, with the approval of the Secretary of Finance and Justice, shall decide what dies, stamps, brands, stencils, tags, or other appliances shall be used for sealing and marking weights and measures and shall procure the same together with such apparatus for sealing weights and measures as are necessary for carrying out the purposes of this Act and shall distribute the same to inspectors and sealers of weights and measures as they may be required. Such printed forms and blank certificates as may be necessary shall be prepared, furnished, and distributed to inspectors and sealers of weights and measures by the Collector of Internal Revenue.

—distribution

—printed forms, etc.

Sec. 10
Fundamental standards

The fundamental standard weights, measures, and instruments for determining specific gravity for the Philippine Islands shall be deposited in the Bureau of Science and shall be kept under the care and direction of the Director of the Bureau of Science. The Collector of Internal Revenue shall call upon the Director of the Bureau of Science for such comparisons of secondary standards with the fundamental ones as he may deem necessary, and such comparisons having been made in the Bureau of Science the secondary standards shall then be stamped with or otherwise designated by an appropriate mark or seal to be selected by the Director of the Bureau of Science, and shall be accompanied by a certificate setting forth the variation of these secondary standards from the fundamental ones. If in the judgment of the Director of the Bureau of Science such variation in any instance is of sufficient magnitude to warrant the condemnation of any such secondary standard, it shall be condemned and destroyed in the presence of the Director of the Bureau of Science or his authorized deputy. A full set of secondary standards shall be kept, subject to the use of the public, in the provincial building by each provincial treasurer.

—deposited in Bureau of Science

—secondary standards, comparison of

Certificate

—condemnation and destruction

—secondary standards for use of public

The Collector of Internal Revenue shall provide for the frequent testing of all balances, scales, weights, and measures used in the Government work or maintained for public use by any province or municipality, either causing them to be tested at the Bureau of Science or by such persons as shall be designated as inspectors of weights and measures by the Governor-General or as shall, after due authorization by the Philippine Commission, be appointed inspectors of weights and measures. He shall also be responsible for the inspection and calibration of all provincial and municipal standards of weight and measure.

Sec. 11
Testing of Govern-
ment balances, etc.

Inspection and cali-
bration of standards

The Purchasing Agent shall keep in stock a reasonable number of such weights and measures as the Director of the Bureau of Science shall decide are best adapted to serve as provincial and municipal standards, and shall sell such standards to provinces and municipalities at cost plus ten per centum.

Sec. 12
Weights and meas-
ures kept by purchasing
agent

—for sale to provinces
and municipalities

It shall be the duty of the inspectors of weights and measures to inspect and test balances or scales, weights and measures, and to report upon the condition thereof in the districts assigned to them and according to instructions given them by the Collector of Internal Revenue, and it shall be their duty to collect evidence of any infringement of this Act or of fraud in the use of weights and measures or of neglect of duty on the part of any officer engaged in sealing weights and measures, and to present such evidence at once to the Collector of Internal Revenue and also to the proper prosecuting officers.

Sec. 13
Duty of inspectors

The sealing and licensing of weights and measures shall be the duty of the provincial treasurers and their deputies and of the inspector of weights and measures of the city of Manila and his deputies, in their respective territories, under rules and regulations prescribed by the Collector of Internal Revenue with the approval of the Secretary of Finance and Justice. For the purposes of this Act these officers shall be termed "sealers of weights and measures."

Sec. 14
Sealers of weights
and measures, duties of

Sealers of weights and measures shall be prepared to seal and license without undue delay any scale or balance, weight or measure which fulfills the requirements of the law, and they shall furthermore appoint and publish the period during which they will be present in each of the municipalities or districts within their territory, prepared to seal and license scales or balances, weights and measures. Such period shall be sufficiently long to enable the duty to be performed without undue interference with the business of the municipality.

Sec. 15
Sealing and licensing

Whenever the Collector of Internal Revenue learns that the weights and measures in any place are not promptly and satisfactorily sealed, or that any abuses connected with the sealing of

Sec. 16
Unsatisfactory sealing

—notice to treasurer weights and measures exist, he shall notify the treasurer of the province in which these conditions exist, or the inspector of weights and measures of the city of Manila, as the case may be, and he shall report such notification and the causes thereof to the Executive Secretary.

—report to executive secretary

Sec. 17
Correct scales or balances, weights, and measures

—sealing of

Sec. 18
Charges for sealing weights and measures

—for a linear measure

(a) as amended June 1, 1908, act No. 1843, P. 48, Pub. Laws, vol. 7, 1907-1909

—for a measure of capacity

—for a scale or balance

—proviso

—for a scale or balance graduated in a system other than the metric

—set of weights sealed free

Sec. 19
Fees, disposition of

All correct scales or balances, weights and measures authorized by this Act, and of such manufacture and in such condition that they furnish as little opportunity as possible for the commission of fraud, and satisfying all other requirements prescribed and published by the Collector of Internal Revenue, shall be sealed upon presentation to the authorized sealer of weights and measures and upon the payment of the proper charges.

Charges for sealing weights and measures shall be made according to the following schedule:

(a) For a linear measure: Not over one and one-half meters, ten centavos; over one and one-half meters, twenty centavos; for a linear measure used in measuring manufactured lumber, not over one yard, ten centavos; over one yard, twenty centavos: *Provided*, That for a linear measure not in the metric system other than a measure used for measuring manufactured lumber the charge shall be doubled.

(b) For a measure of capacity: Not over ten liters, twenty centavos; over ten liters, thirty centavos: *Provided*, That for a measure over one liter that does not contain an even number of liters, and for a measure between one liter and one deciliter that does not contain an even number of deciliters, the charge shall be doubled.

(c) For a scale or balance graduated solely in the metric system: With a capacity of over three thousand kilograms, three pesos; with a capacity of over three hundred and not over three thousand kilograms, one peso and twenty centavos; with a capacity of over thirty and not over three hundred kilograms, sixty centavos; with a capacity not over thirty kilograms, thirty centavos: *Provided*, That for an apothecary balance or other balance of precision the charge shall be doubled.

(d) For a scale or balance graduated wholly or partly in any other system than the metric the charge shall be fifty per centum greater than for a scale or balance of the same capacity wholly in the metric system.

(e) With each scale or balance a complete set of weights for use therewith shall be sealed free of charge. For each extra weight the charge shall be five centavos.

All fees collected for sealing and inspecting weights and measures shall be considered as internal revenue and shall be disposed of as provided in section one hundred and forty-nine of Act Numbered

Eleven hundred and eighty-nine for the disposition of the proceeds of the poll or cedula personal tax.

After the thirty-first day of December, nineteen hundred and seven, no person who makes a practice of buying and selling goods of any description may procure the sealing of any linear measure of any other system than the metric, unless he has had sealed within twelve months a linear measure of the metric system, nor shall he procure the sealing of any measure of capacity of any other system than the metric, unless he has had sealed within twelve months one measure of capacity of the metric system: *Provided*, That the provisions of this section shall not apply to buyers and sellers of manufactured lumber.

Sec. 20, as amended by Pub. Laws, 1907-1909, vol. 7, act 1843, p. 48
After Dec. 31, 1907
—sealing of linear measures, etc.

—not applicable to sale of manufactured lumber

Payment for the sealing of scales and balances, weights and measures shall be made according to the schedule herein contained by internal-revenue stamps, which shall be affixed to the proper certificate or receipt in such a manner and by such persons as shall be prescribed by the Collector of Internal Revenue. The certificate or receipt so prescribed shall serve as a license to use for one year from date of sealing said scales and balances, weights and measures, provided that they suffer no deterioration or damage. Said certificate or receipt shall be kept by the person to whom it has been issued and shall be exhibited on the demand of any authorized sealer or inspector of weights and measures.

Sec. 21
Payment for sealing

—certificate exhibited on demand of inspector

No scale, balance, weight, or measure offered for sealing, which is found by the sealer to be incorrect, or which otherwise fails to satisfy the requirements prescribed and published by the Collector of Internal Revenue, shall be sealed until corrected or made to satisfy the above-mentioned requirements. Sealers and inspectors of weights and measures shall render to owners of scales, balances, weights, or measures found to be incorrect or otherwise failing to satisfy the requirements prescribed and published by the Collector of Internal Revenue, such assistance in correcting or modifying such scales, balances, weights, or measures as they may be able to give.

Sec. 22
Incorrect scales, balances, etc.

Sealers of weights and measures shall procure internal-revenue stamps from the Collector of Internal Revenue in suitable quantities, shall give receipts therefor, and shall be responsible for the return of said stamps or their face value in money on the demand of the Collector of Internal Revenue.

Sec. 23
Stamps procured by sealers

Sealers of weights and measures shall keep a record of all scales or balances, weights or measures sealed or rejected by them and of all licenses and certificates issued and of the names of the licensees and of all charges paid by the affixture of internal-revenue stamps, and they shall permit the inspection of this record by any inspector of weights and measures or any authorized representative

Sec. 24
Record to be kept by sealers

—inspection

of the Insular Auditor. They shall furnish such information to the Collector of Internal Revenue or the Insular Auditor as may from time to time be required.

Sec. 25
Purchase of weights
and measures by Bu-
reau of internal reve-
nue

If at any time the purposes of this Act are frustrated by the lack of suitable weights and measures for sale by public dealers at reasonable prices, the Collector of Internal Revenue may, with the approval of the Secretary of the proper Department, obtain through the Purchasing Agent such accurate weights or measures as may be needed, and cause them to be distributed and offered for sale by sealers and inspectors of weights and measures at a price not to exceed twenty per centum above their cost to the Bureau of Internal Revenue at the place of delivery. Sealers and inspectors shall, however, make it distinctly understood that the purchase of said weights or measures is in no sense compulsory, and that no inducement for their purchase is offered except such as is apparent from their price or construction. No regulations or restrictions shall be made in favor of said weights and measures to the detriment of other vendors of weights and measures.

—sale by sealers and
inspectors

Sec. 26
Violations by Govern-
ment officers and em-
ployees

Any Insular, provincial, or municipal officer or employee charged with the inspecting or sealing of weights and measures who attempts, commits, aids, knowingly permits, or suffers through neglect of his duties any infringement of this Act, or the perpetration of any fraud in the inspecting, or sealing, or use of weights and measures, or who fails to report to the proper authorities his knowledge or reasonable suspicion that any such infringement or fraud has been, is being, or is to be practiced or attempted, or who sells or furnishes internal-revenue stamps at more or less than their face value, or who knowingly demands the affixture of internal-revenue stamps in greater or less amount than that required by law, or who practices any other extortion or unfair discrimination, or who asks or accepts, in connection with the discharge of his official duties, any money, gift, or privilege, except money taken in exact payment for internal-revenue stamps as herein provided, or who makes use for the gain of himself or another of any information obtained in the discharge of his duties, or of any power derived from his official position, or who knowingly makes any false official report, or who is interested in the manufacture or sale of any scale or balance, weight or measure, except as herein provided, shall be punished by a fine not exceeding one thousand pesos or by imprisonment for not exceeding two years, or by both such fine and imprisonment in the discretion of the court.

—punishment

Sec. 27
Fraud

Any person who fraudulently imitates any mark, stamp, brand, tag, or other characteristic sign used to indicate that weights and measures have been officially sealed; or who alters in any way the certificate given by the sealer as an acknowledgement that

the weights and measures mentioned therein have been duly sealed, or who makes or knowingly sells or uses any false or counterfeit stamp, certificate or license, or any die for printing or making stamps, certificates or licenses, which is an imitation of or purports to be a lawful stamp, certificate or license of the kind required by the provisions of this Act, or who erases the cancellation marks on any stamp, certificate, or license previously used, or who alters the written or printed figures or letters or cancellation marks on any stamp, certificate, or license used or issued, or who has in his possession any such false, counterfeit, restored, or altered stamp, certificate, or license for the purpose of use or reuse of the same in the payment of fees or charges imposed in this Act, or in securing any exemption or privilege conferred by the provisions of this Act, or who procures the commission of any such offenses by another, shall for each such offense be fined not less than two thousand pesos nor more than ten thousand pesos and shall be imprisoned for not less than one year nor more than five years, in the discretion of the court.

—punishment

Any person who uses in the purchase or sale of anything any scale or balance, weight or measure that has not been officially sealed within twelve months, or who fails to exhibit his license on the demand of any authorized sealer or inspector of weights and measures, shall be punished by a fine not exceeding five hundred pesos or by imprisonment for not exceeding one year, or by both such fine and imprisonment in the discretion of the court: *Provided, however,* That if the judge shall ascertain that the person using such unsealed scale or balance, weight or measure or failing to exhibit a license as above provided has lived in such remote regions that it has been impracticable for him to procure the official sealing or to obtain the license required, no penalty shall be imposed.

Sec. 28
Use of scale or balance, weight, or measure not sealed in accordance with law

—punishment

Any person making a practice of buying or selling by weights or measures, who has in his possession any scale or balance, weight or measure which has not been presented for sealing at the first official opportunity therefor, or who fails to exhibit all the scales or balances, weights or measures in his possession at the demand of any authorized sealer or inspector of weights and measures, shall be fined not exceeding one thousand pesos; this fine to be additional to any penalty which may be imposed by the application of the section next preceding: *Provided, however,* That the Secretary of Finance and Justice may, in his discretion, grant a permit to a merchant or dealer who has scales, balances, weights, or measures in his possession at the time of the passage of this Act for the purposes of sale only to retain in his possession such scales, balances, weights, or measures without sealing until the same shall be sold or otherwise disposed of for actual use.

Sec. 29
Failure to present scales, etc., for sealing
—punishment

—proviso

Sec. 30
Use of false scales,
etc.
—punishment

Any person who, with fraudulent intent, alters any scale or balance, weight or measure after it is officially sealed, or who knowingly uses any false scale or balance, weight or measure, whether sealed or not, or who fraudulently represents the weight or measure of anything to be greater or less than it is, shall be punished by a fine of not less than two hundred pesos nor more than four thousand pesos or by imprisonment for not less than three months nor more than two years, or by both such fine and imprisonment in the discretion of the court.

Sec. 31
Payment to informer

Any person, except an internal-revenue agent or officer or other public official engaged in sealing or inspecting weights and measures, who voluntarily gives information leading to the arrest and conviction of anyone violating this Act shall be rewarded in the sum of twenty pesos or in the sum of one hundred pesos if the person convicted is a public officer or employee concerned with the sealing or inspecting of weights and measures, or any officer or employee of the Bureau of Internal Revenue. The informer shall be ascertained and stated in the judgment of the court, and the reward shall be paid by the provincial treasurer of the province in which the arrest and conviction is had out of collections accruing to that province by virtue of the provisions of this Act, and the sums so paid shall be deducted from the receipts before the same are distributed between the province and its municipalities.

Sec. 32
Contracts unaffected,
when

No contract made before January 1, 1907, shall be affected by the provisions hereof.

Comp. of Acts of
Phil. Com., ch. 114, p.

485
Sec. 1149
Measurement of timber

The volume of all round timber shall be ascertained by multiplying the area of the small end by the length of the log. The volume of all squared timber shall be ascertained by multiplying the average cross section by the length, to which twenty-five per centum shall be added for loss in squaring. The volume of all sawn timber shall be ascertained by multiplying the average cross section by the length, to which fifteen per centum shall be added for loss in sawing.

Comp. of Acts of
Phil. Com., 1908, p. 415
Sec. 818

That for the purposes of this chapter an article shall also be deemed to be misbranded:

If in the package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

PORTO RICO

The metric system and the nomenclature thereof shall obtain throughout Porto Rico.

The standard meter is the unit of standard measure or length and surface from which all other measures of extension whether lineal, superficial, or solid, are derived and ascertained.

The meter is divided into ten equal parts called decimeters, into one hundred equal parts called centimeters, and into one thousand equal parts called millimeters [millimeters].

The decameter contains ten meters, the hectometer one hundred meters, the kilometer one thousand meters and the myriameter ten thousand meters.

The hectare for land measure must be measured horizontally and contains ten thousand square meters, the are contains one hundred square meters, and the centare one square meter.

The standard liter and its parts are the units or standards of measure of capacity for liquids, from which all other measures of liquids are derived and ascertained.

The liter is divided into ten equal parts called deciliters, and into one hundred equal parts called centiliters, and into one thousand equal parts called milliliters.

A decaliter contains ten liters, a hectoliter one hundred liters, and a kiloliter one thousand liters.

The unit of cubic measure or value is the standard cubic meter or stere, this being a cube whose edge is one meter in length.

The cubic meter or stere contains 1,000 cubic decimeters; the cubic decimeter 1,000 cubic centimeters, and the cubic centimeter, 1,000 cubic millimeters.

The standard gram is the unit or standard of weight, from which all other weights are derived and ascertained.

The gram is divided into ten equal parts called decigrams, into one hundred equal parts called centigrams and into one hundred [thousand] equal parts called miligrams [milligrams].

A decagram contains ten grams, a hectogram one hundred grams, a kilogram one thousand grams, a myriagram ten thousand grams, a quintal one hundred thousand grams, and a millier one million grams.

Polit. Code, 1902
Sec. 230
Metric system estab-
lished
Sec. 231
The standard for
measures of extension

Sec. 232
Subdivisions

Sec. 233
Multiples

Sec. 234
Land measures

Sec. 235
The unit of capacity

Sec. 236
Subdivisions

Sec. 237
Multiples

Sec. 238
Cubic measure

Sec. 239
Cubic measure

Sec. 240
Unit of weight

Sec. 241
Subdivisions

Sec. 242
Multiples

- Sec. 243
Contracts involving
weights or measures Contracts made within Porto Rico for work to be done, or for anything to be sold or delivered by weight or measure, must be construed according to the foregoing standards.
- Sec. 244
Custody of the stand-
ards The authorized standards shall be kept in the office of the Treasurer of Porto Rico and every city and village shall keep a set of regulating standards for purposes of verification.
- Sec. 245
Supervision of
weights and measures The Treasurer of Porto Rico shall exercise supervision over the system of weights and measures and shall send an inspector to make investigations whenever he deems it advisable.
- Sec. 246
Penalties The penalties for using, marking or stamping false weights and measures, or selling therewith, shall be as provided for in the Penal Code.
- Penal Code, 1902
Sec. 474, as amended
by Laws, 1908, P. 93 * * * Every person who in putting up in any bale, bag, box, barrel or other package any sugar, tobacco, coffee, rice, or other goods usually sold in bales, bags, boxes, barrels or other packages, by weight or otherwise, puts in or conceals therein any extraneous substance whatever for the purpose of fraudulently increasing the weight or measurement of such bale, bag, box, barrel or other package with intent thereby to sell the goods therein, or to enable another to sell the same, for more than the actual weight or measurement of such goods, is punishable by fine not less than twenty-five dollars for such offense, or confined in jail for not less than thirty days or by both fine and imprisonment in the discretion of the court.
- Fraudulently increas-
ing weight or measure A false weight or measure is one which does not conform to the standard established by law.
- Penalty Every person who uses any weight or measure, knowing it to be false, by which use another is defrauded or otherwise injured, shall be punished by imprisonment for not exceeding six months or by fine not exceeding two hundred dollars, or by both.
- Sec. 480
False weights and
measures Every person who knowingly marks or stamps false or short weight or measure, or false tare, on any cask or package, or knowingly sells or offers for sale, any cask or package so marked, shall be punished by imprisonment for not exceeding six months or by fine not exceeding two hundred dollars, or by both.
- Sec. 481
Penalty for using Every person who knowingly marks or stamps false or short weight or measure, or false tare, on any cask or package, or knowingly sells or offers for sale, any cask or package so marked, shall be punished by imprisonment for not exceeding six months or by fine not exceeding two hundred dollars, or by both.
- Sec. 482
Penalty for marking
false weights on casks
or packages In all sales of sugar, coal, and other commodities, usually sold by ton or fractional parts thereof, the seller must give to the purchaser full weight, and any person violating this section shall be punished by imprisonment for not exceeding six months or by fine not exceeding two hundred dollars, or by both.
- Sec. 483
Full weight and
measure must be given In all sales of merchandise, wares, articles of food or drink or whatever else is purchased by weight or measure, the seller must give to the purchaser full weight or measure, and any person violating this section shall be punished by imprisonment not exceeding six months or by fine not exceeding two hundred dollars, or by both.
- Sec. 484
Penalty In all sales of merchandise, wares, articles of food or drink or whatever else is purchased by weight or measure, the seller must give to the purchaser full weight or measure, and any person violating this section shall be punished by imprisonment not exceeding six months or by fine not exceeding two hundred dollars, or by both.

RHODE ISLAND

The weights, measures and balances received from the United States, and now in the custody of the state sealer, and such new weights, measures and balances as shall be received from the United States as standard weights, measures and balances in addition thereto or in renewal thereof, shall be the authorized standards by which all town standards of weights and measures shall be tried, proved and sealed.

(1803)
Gen. Laws, 1909, ch.
194, p. 630
Sec. 1
Standard of weights,
measures, and bal-
ances established

There shall be a state sealer of weights, measures, and balances, who shall be sworn to the faithful performance of his duty. At the January session of the general assembly in the year A. D. 1911, and in each fifth year thereafter, the governor, with the advice and consent of the senate, shall appoint some person to succeed the person then holding such office; and the person so appointed shall hold his office until the first day of February in the fifth year after his appointment. Any vacancy which may occur in said office when the senate is not in session shall be filled by the governor until the next session thereof, when he shall, with the advice and consent of the senate, appoint some person to fill such vacancy for the remainder of the term.

Sec. 2, as amended by
Pub. Laws, 1901, ch.
809, p. 27.
State sealer of
weights, measures, and
balances

The state sealer shall have the exclusive custody and control of the standards so received by the state from the United States, which standards shall be kept in a suitable fire proof place to be provided by the state. He shall have the oversight of all the standards furnished by the state to the various towns and cities, and shall keep a complete list of the same and shall see that they are kept in good order and repair. He shall also keep the standards belonging to the state, furnished by the United States, in perfect order, and shall keep a complete list of the same, and shall take a receipt for the same from his successor in office. His office shall be kept open at least two specified days in each week. He shall try, prove and seal all town standards of weights, measures and balances brought to him for that purpose, the compensation for which is hereinafter provided.

Sec. 3
Duties of the State
sealer

The state sealer shall furnish a set of standards of weights, measures and balances, at such cost as he may deem proper, to each city or town that in his judgment shall not have a suitable set, the same to be paid for by the state on the order of the state auditor

Sec. 4
Set of standards for
towns, when and how
furnished

on the general treasurer, the said set to consist as follows: one even balance of the capacity not less than one hundred pounds; one brass yard-gauge; five iron dry measures, one each of the following capacities: one-half bushel, one peck, one-half peck, two quarts, and one quart; six iron wine measures, one each of the following capacities: one gallon, one-half gallon, one quart, one pint, one-half pint, and one gill; five iron ring weights, avoirdupois standard, one each as follows: fifty pounds, twenty-five pounds, twenty pounds, ten pounds, and five pounds; ten brass weights, avoirdupois standard, one each as follows: four pounds, two pounds, one pound, eight ounces, four ounces, one ounce, one-half ounce, one-quarter ounce, one-eighth ounce, one-sixteenth ounce; together with a suitable case or cabinet to contain the same. He shall also furnish each town and city, at the expense of the said town or city, a portable even-balance scale, with a set of weights and measures, to be used by the said town or city sealers in the discharge of their duties as hereinafter provided.

Towns and cities to be furnished standards

Sec. 5
Inspection by the State sealer. Record and report thereof

The state sealer may, in the discharge of his duties, inspect the weights, measures and balances of any person or persons, which are used for selling any goods, wares, merchandise or other commodities, or for public weighing in any town or city in this state, and if he finds the same to be inaccurate he shall forthwith inform the mayor of the city or the president of the town council, as the case may be, and such mayor or president shall at once call the attention of the town or city sealer thereto. The state sealer shall keep a record in detail of the towns and cities visited by him in the performance of his duties; of the weights, measures and balances tested and sealed by him; and he shall annually, during the first week in December, make a report to the governor of his doings for the year.

Sec. 6
Town sealer to send inventory annually to State sealer

The sealer of the different towns and cities shall make an inventory of the weights, measures and balances furnished by the state and the condition of the same, on a blank prepared for that purpose, in the month of October of each year, and shall forward the same to the state sealer of weights and measures.

Sec. 7
Deputy town sealers

The different town councils of the several towns, and the boards of aldermen of cities, may appoint, upon recommendation of their respective town or city sealers, one or more persons as deputy-sealers of their town or city, who shall assist the said town or city sealer and, in the absence from duty of such town or city sealer, shall perform all the duties of town or city sealer as may be required of them for the time being.

Sec. 8
Town sealer to take charge of the weights, measures, and balances furnished by the State

Every town or city sealer shall, at the expense of his town or city, provide therein a suitable place for the safe keeping and preservation of the weights, measures and balances furnished by the state, which shall be used only as standards, and shall not be taken from

the office. He shall have the care and oversight thereof; shall see that they are kept in good order and repair; and if any portion of them are lost, damaged or destroyed, shall, at the expense of the town or city, replace the same by similar weights, measures or balances. He shall procure, at the expense of his town or city, a suitable set of sealing stamps for stamping dry and wine measures, with the date of the year thereon, and, for coal and wood baskets, a branding iron, with letters not less than one-half inch high and the date of the year thereon.

Every town or city sealer who neglects to provide a suitable place for keeping such weights, measures or balances, or suffers any of them through his neglect to be lost, damaged or destroyed, shall be fined the sum of not less than twenty nor more than fifty dollars.

Sec. 9
Penalty for neglect

Every town or city sealer shall, once at least in every three years, have the standard weights, measures and balances in his custody tried, adjusted and sealed by the state sealer, who shall receive as compensation therefor the sum of fifteen dollars, which sum, together with the necessary expenses incurred by him in so performing such service, shall be paid by the town or city to which such set of standards belongs.

Sec. 10
Town standards are to be adjusted triennially by the State sealer

Every town or city sealer shall annually, at the expense of his town or city, advertise or post up notifications in public places in different parts of his town or city, for every person engaged in the trade of buying or selling, or as a public weigher, who uses weights and measures, to bring in within a certain time, in each notification limited, being not less than one month from the date of such notification, his weights, measures, balances and scales to be adjusted and sealed, and he shall forthwith adjust and seal all weights and measures brought to him for that purpose.

Sec. 11
Town sealer to advertise annual sealing of weights, etc., used in trade
Annual sealing

After the expiration of the time limited in the notification which is required to be given in the preceding section, the sealer of weights and measures in every town or city shall visit the places of business, and enter upon the carts, wagons, and other vehicles then in use for business, of all the persons engaged in the trade of buying and selling or of selling, who have weights, measures, or balances which have not been sealed during the current calendar year, and try, adjust, and seal the same. He shall go at least once in every six months to every hay scale, coal scale, wagon scale, railroad track scale, or platform scale or balance used in the trade of buying and selling or of selling or for public weighing, in his town or city, which is not brought to him under the provisions of the preceding section, and try, adjust, and seal the same.

Sec. 12, as amended by Pub. Laws, 1899, ch. 615, p. 156
Sealer to seal weights, measures, scales, and balances

For every neglect of duty prescribed in the next preceding section the town or city sealer shall be fined a sum not exceeding

Sec. 13
Penalty of town sealer for neglect of duty

twenty dollars; and every town or city sealer who shall seal any weight, measure or balance otherwise than according to the town or city standard, duly tried, proved and sealed by the state sealer, shall be fined not exceeding fifty dollars nor less than twenty-five dollars.

Sec. 14, as amended
by Pub. Laws, 1896,
ch. 354, P. 59
Fees of town and
city sealers

The sealer of weights and measures, in any town or city shall receive a fee of three cents for every weight, wine or dry measure sealed by him at his office; he shall receive a fee of five cents for every yard-stick or yard-measure sealed by him; and for sealing every spring-balance of a capacity less than one hundred pounds he shall receive a fee of twenty-five cents; for every spring-balance of a capacity of one hundred and less than five hundred pounds, fifty cents; for every platform scale, of a capacity of five thousand pounds or more, one dollar; for every balance of a capacity of less than five thousand pounds, fifty cents; for every steel-yard of a capacity of fifty pounds or less, twenty-five cents; and for every steel-yard of a capacity over fifty pounds, fifty cents; every scale or balance used for weighing people shall be tested, and if found correct shall be sealed by said sealer, and he shall receive a fee of fifty cents for each and every scale or balance so sealed. If any of the said scales or balances are found to be incorrect, then they shall be condemned and their use forbidden as hereinbefore provided. For proving and sealing coal and wood baskets he shall receive a fee of fifteen cents each, and for every charcoal basket, so sealed, twenty cents; he shall also have a reasonable compensation for all repairs, alterations, and adjustments which it may be necessary for him to make, made by him, and for the expenses incurred in visiting any place, as provided for in section twelve of this chapter. Such fees and compensation shall be paid to said sealer by the person owning or using the weights, measures, or balances so adjusted and sealed. Every person violating the provisions of this section shall be fined not exceeding twenty dollars for each offence, one-half thereof to go to the town or city and one-half to the complainant. All said fees received by any sealer of weights and measures of any town or city shall be retained by him as compensation for his services, except as hereinafter provided. Any town or city council may at any time by ordinance fix an annual salary for the sealer of weights and measures of such town or city, and in such case said fees received by him shall be paid over by him to the town or city treasurer, at the time or times prescribed by any ordinance of such town or city.

Penalty

Salary

Sec. 15
Unlawful weights,
etc., are prohibited and
may be seized

No person engaged in the trade of buying and selling shall have or permit to be kept at his place of business or upon any cart, wagon or other vehicle used by him in carrying on his business, any weight, measure or balance of whatever description which is

not at the time duly sealed in accordance with this chapter, or which, having been sealed, is no longer correct. If such weights, measures or balances can be readily adjusted by such means as the sealer has at hand, he may adjust and seal them; but if they cannot be readily adjusted, he shall either seize such weights, measures and balances forthwith and destroy them, or shall affix to the same a notice forbidding their use until he is satisfied that they have been so adjusted as to conform to the standards; and whoever removes said notice without the consent of the officer affixing the same, shall for each offence be fined not less than twenty nor more than fifty dollars, one-half to the town or city and one-half to the use of the complainant.

Duty of sealers

Every person engaged in the trade of buying and selling, or of selling, or as a public weigher, who shall use or permit to be used for him, or have in his possession at his place of business, or upon any cart, wagon, or other vehicle which is used by him in carrying on his business, or upon his person while engaged in his business, any weight, measure, balance, or scale of whatever description, unless such weight, measure, balance, or scale shall have been duly sealed in conformity with the provisions of this chapter, and every such person who alters any weight, measure, balance, or scale, after it has been duly sealed, so that it does not conform to the United States standard, or has in his possession any such weight, measure, balance or scale, which has been so altered, and every such person who shall use or permit to be used for him, or have in his possession, as aforesaid, any weight, measure, balance, or scale which he has refused to allow to be examined or sealed by the sealer of weights and measures, or deputy sealer, according to the provisions of this chapter, or who shall use or permit to be used for him, or have in his possession any spring balance having a sliding or adjustable face-plate or index, or any measure not made of the shape or dimensions required by law, shall be fined the sum of twenty dollars for each offence, one-half thereof to the use of the town or city in which the offence shall have been committed, and one-half thereof to the complainant.

Sec. 16, as amended by Pub. Laws, 1899, ch. 615, and Pub. Laws, 1902, ch. 974
Penalty for use of weights not sealed, and for altering weights, etc., after same have been sealed

Penalties

Every person who knowingly sells any commodity by weight or measure for a greater quantity than is actually delivered to the purchaser thereof, shall be fined not exceeding one hundred dollars or be imprisoned not exceeding three months.

Sec. 17
Penalty for fraudulent sale by weight or measure

Every person who shall keep hay-scales or platform-balances for public use shall cause the same to be tried and sealed at least once in six months by a sworn sealer of weights and measures.

Sec. 18
Hay scales and platform balances

Every person who shall keep hay-scales or platform-balances for public use, or shall weigh or suffer to be weighed in such scales or balances any articles of merchandise, unless such scales or bal-

Sec. 19
Penalty for using same if not sealed

ances shall have been tried and sealed as provided in the preceding section, shall be fined one hundred dollars.

Sec. 20
Who to seal same, if
the office of sealer is
vacant

Whenever the owner or keeper of such hay-scales or balances shall apply to the mayor of the city or president of the town council, as the case may be, or to any person by him appointed for the purpose in any town or city in which the office of sealer of weights and measures shall from any cause be vacant, to try such scales or balances, and to seal the same if found correct, such mayor, president or persons so appointed shall try such scales or balances and seal the same if found correct; and in case of his neglect so to do, such owner or keeper shall be exempt from the fine prescribed in the next preceding section.

Sec. 21, as amended
by Pub. Laws, 1899,
ch. 611, p. 154
Weighers of coal and
other merchandise;
how appointed; their
duties

The town councils of the several towns and the boards of aldermen of any city shall appoint one or more persons to be weighers of coal and other articles of merchandise, who shall be sworn and be removable at the pleasure of the town council or board of aldermen appointing them, and shall receive such fees as may be fixed by the town council or board of aldermen of the several towns or cities, which shall be paid by the seller: *Provided*, that no person shall act as a public weigher of coal or other merchandise of which he is either the buyer or seller, or in the sale whereof he has any interest.

Sec. 22, as amended
by Pub. Laws, 1899,
ch. 611, p. 154

Penalty for selling of
coal or other merchan-
dise unweighed, when

Every person who shall sell coal or other merchandise without its being first weighed by a weigher provided for in section 21 of this chapter, when the same shall be demanded by the purchaser, and procuring a certificate of such weight for the purchaser, shall be fined twenty dollars for each offence.

Sec. 23, as amended
by Pub. Laws, 1908, ch.
1583, p. 137.

Coal in quantities of
100 lbs. or more shall
be sold by weight. In
quantities less than 100
lbs. sold by measure
Basket or measure
defined
Ton of coal

Coal, in quantities of one hundred pounds or more, shall be sold by weight, and, except when sold by the cargo, two thousand pounds avoirdupois shall be the standard for the ton. Coal, in quantities less than one hundred pounds, shall be sold by measure, and shall be delivered to the purchaser thereof in the same baskets or measures as are used in measuring it. Said baskets or measures, used in measuring the same shall be of cylindrical form of the following dimensions, in the inside thereof, to wit: Sixteen inches in diameter at the top under the hoop, and twelve and one-quarter inches in depth measured from the highest part of the bottom thereof, and fourteen inches in diameter at the bottom; each of which shall be deemed to be of the capacity of one bushel; or fourteen inches in diameter at the top under the hoop and nine and one-half inches in depth measured from highest part of the bottom thereof, and ten inches in diameter at the bottom, each of which shall be deemed to be of the capacity of one-half bushel. Such measures, in selling, shall be filled level full, and every such

measure or basket shall be sealed by the sealer of the city or town in which the person using the same usually resides or does business.

Every vendor of coal who has in his possession a basket, box, tub, vessel, or other measure not conforming to the provisions of the preceding section, or not sealed as therein provided, with intent to use the same or to permit the same to be used in measuring coal sold or offered for sale, and any person who measures coal sold or offered for sale in any basket or other measure not conforming to the provisions of the preceding section and sealed as therein provided (or otherwise violates any of the provisions of the preceding section), shall be fined not exceeding twenty dollars for each offence.

The legal weights of certain commodities in the State of Rhode Island shall be as follows: A bushel of—¹

	Pounds.		Pounds.	
Apples.....	48	Malt.....	38	Weight of bushel
Apples, dried.....	25	Millet seed.....	50	
Apple seed.....	40	Oats.....	32	
Barley.....	48	Onions.....	50	
Beans.....	60	Parsnips.....	50	
Beans, castor.....	46	Peaches.....	48	
Beets.....	50	Peaches, dried.....	33	
Bran.....	20	Peas.....	60	
Buckwheat.....	48	Peas, split.....	60	
Carrots.....	50	Potatoes.....	60	
Charcoal.....	20	Potatoes, sweet.....	54	
Clover seed.....	60	Rye.....	56	
Coal.....	80	Rye meal.....	50	
Coke.....	40	Salt, fine.....	50	
Corn, shelled.....	56	Salt, coarse.....	70	
Corn, in the ear.....	70	Timothy seed.....	45	
Corn meal.....	50	Shorts.....	20	
Cotton seed, upland.....	30	Tomatoes.....	56	
Cotton seed, Sea Island.....	44	Turnips.....	50	
Flax seed.....	56	Wheat.....	60	
Hemp.....	44	A barrel of flour shall contain.....	196	Barrel
Hungarian seed.....	50	A ton of coal, net.....	2,000	Net ton
Lime.....	70	A ton of coal, gross.....	2,240	Gross ton

Sec. 24, as amended by Pub. Laws, 1908, ch. 1583, p. 137. Penalty for noncompliance with provisions of sec. 23

Sec. 25, as enacted by Pub. Laws, 1900, ch. 758, p. 62. Legal weight of certain commodities

Sec. 26, as enacted by Pub. Laws, 1899, ch. 669, p. 219. Sealers shall be ex-officio constables

May arrest without warrant

The state sealer of weights and measures and the city and town sealers of weights and measures in the various cities and towns throughout the state, shall be, by virtue of their respective offices, special constables, and as such they shall have power to prosecute all persons violating the provisions of this chapter, and shall not be required in such prosecutions to furnish any surety for costs. They shall also have power to arrest upon view without warrant and to detain for a period of not more than twelve hours any person found violating any of the provisions of this chapter.

This act shall take effect immediately.

¹In the original act the words "a bushel of" appeared before the name of each article; the words "shall weigh" appeared after the name of the article, and the word "pounds" appeared immediately after the figures of weight in each case. The arrangement adopted here is for convenience in printing.

Gen. Laws, 1909, ch.
195, p. 638
Sec. 1
Rules for gauging

All casks which shall be gauged in this state shall be gauged by the method or rule commonly called "gauging by Gunter," computing the gallon at two hundred thirty-one cubic inches. Care shall be taken to ascertain, as near as may be practicable, the true average of the head and bung diameter, also of the internal length of the cask; its mean diameter shall be ascertained in accordance with the principles laid down in the work on the subject of gauging by Daniel Anthony, published in Providence in the year one thousand eight hundred seventeen.

Sec. 2
Fees for gauging; and
casks, how branded

The fees for gauging a single cask shall be twenty-five cents, and for gauging any number of casks not exceeding ten, ten cents each, and for any number above ten, seven cents each; the gauger who shall gauge any cask shall fairly mark with branding irons or marking-irons on the head or bulge of each cask the initials of his name and the quantity of the gauge or capacity of such cask.

Sec. 3
Penalty for fraudu-
lent gauging

Every person, not holding the office of gauger, who shall put upon any cask any gauge or other permanent mark to denote the capacity of such cask, or who shall exercise the office of gauger or business of gauging, shall forfeit one hundred dollars for each offence; but nothing contained in this section shall be so construed or held as to apply to the sale of petroleum or any of its products by weight or for exportation from the state.

Sec. 4
Penalty for selling by
unofficial gauging

Every person who shall sell any commodity by any gauge or gauge-mark, which shall not have been made by a gauger appointed under this chapter, shall forfeit the value of such commodity sold.

Sec. 5
Gaugers in Provi-
dence, how appointed

The city council of the city of Providence may, whenever they deem it expedient, appoint for said city a gauger, who may appoint under him such deputy-gaugers as said city council may approve, and for the official conduct of such deputies he shall be answerable. Said gaugers shall be subject to such regulations as said city council may establish not repugnant to law.

Sec. 6
Sales by U. S. gaug-
ers excepted

Nothing in this chapter shall be so construed as to prevent the sale of any commodity under the lawful gauge or gauge-mark of the United States by the inspector of such commodity.

Gen. Laws, 1909, ch.
137, p. 551
Sec. 15
Weight of barrel of
beef or pork

Two hundred pounds of beef shall be considered and taken as a barrel of beef, and two hundred pounds of pork shall be considered and taken as a barrel of pork.

Gen. Laws, 1909, ch.
166, p. 567
Sec. 1
Weighers of cotton

Weighers of cotton may be annually elected by the city councils of the cities of Providence and Newport and by the town councils of the several towns, respectively.

Sec. 2
All cotton to be
weighed

All cotton sold in the state, unless otherwise specially agreed, shall be weighed by the weighers so chosen.

Sec. 3
Duties of weighers

Such weighers shall correctly weigh and record in a book to be kept for that purpose the weight of each bale of cotton, with the

marks and numbers of the bales, and shall mark upon every bale, in plain figures, the weight of the same, and shall make a certificate of each lot of cotton, which certificate shall specify the marks, numbers and weight of each bale.

Such certificate shall be given to the seller of the cotton, and the weigher shall be paid for weighing and marking the same, on the delivery of the certificate, eight cents per bale, and for every duplicate certificate of not exceeding one hundred bales, fifty cents, and fifty cents for every additional one hundred bales.

Every manufacturer of sewing-thread or persons engaged in putting up thread on spools or in packages intended for sale shall, before the same is offered for sale, affix to each spool or package a label or ticket designating the number of yards of thread which such spool or package contains.

Every such person who shall purposely neglect to affix such label to each spool or package of thread, or shall, with intent to deceive, affix or cause or suffer to be affixed a label or ticket to any spool or package of thread intended for sale specifying that such spool or package contains a greater number of yards of thread than such spool or package contains, shall forfeit the sum of fifty dollars for each spool or package so without a label or falsely labeled which shall be sold or be delivered by him to any person to be sold, one-half thereof to the use of the state and one-half thereof to the use of the person who shall sue for the same.

The following parts of all neat-cattle purchased by the hundred weight or slaughtered by any person, such person having contracted to account for the same to the owner or seller of the same, shall be denominated "weighable;" namely, the whole of the several four quarters, the hide, horns and tallow. Every person slaughtering or weighing any neat-cattle and being obliged to account for the same to the owner or seller thereof as aforesaid, who shall not weigh and account for all those parts of such cattle denominated weighable as aforesaid, shall forfeit for every offense twenty dollars.

The town weighers of neat-cattle shall weigh all parts of such cattle made weighable by section one of this chapter, deducting therefrom for green weight not more than two pounds for every hundred pounds of the weight thereof.

The fees of such weigher shall be twenty-five cents per head for all cattle weighed, one-half part of which shall be paid by the seller and one-half part thereof by the buyer.

Every person who shall make or bring into this state any butter firkins or tubs shall brand or mark each one of the same with the weight thereof and with the initial letters of his name, in a plain and durable manner, before he offers the same for sale.

Sec. 4
Fees of weighers

Gen. Laws, 1909, ch.
167, p. 568
Sec. 1
Sewing-thread, how
labeled or ticketed

Sec. 2
Penalty

Gen. Laws, 1909, ch.
171, p. 572
Sec. 1
Weighable parts of
neat cattle

Penalty for not so
weighing and account-
ing for such parts

Sec. 3
Town weighers

Sec. 4
Fees of weigher

Gen. Laws, 1909, ch.
172, p. 573
Sec. 1
Butter tubs to be
branded with weight,
etc.

Sec. 2
Sale without brand
prohibited

No person shall offer for sale any butter by the firkin or tub unless each firkin and tub shall be branded or marked as aforesaid.

Sec. 3
Penalty

Every person who shall offer for sale any butter firkin or tub before the same shall be marked or branded as required in section one of this chapter, or any butter by the firkin or tub, in any firkin or tub not marked or branded as aforesaid, or in any firkin or tub which shall weigh more than the mark or brand on it, allowing two pounds additional for the brine absorbed by the same, shall forfeit five dollars, unless there shall be a special contract in relation to the kind, quantity and quality of the article sold.

Sec. 8
Nuts, shelled beans,
and berries to be sold
by dry measure

Nuts and shelled beans and all kinds of berries, whenever sold by measure shall be sold by dry measure. And any person who shall sell any nuts or shelled beans or any kind of berries by any measure other than dry measure shall be fined not exceeding twenty dollars, one-half thereof to the use of the town or city in which the offense shall have been committed and one-half thereof to the complainant.

Penalty

(1906)
Gen. Laws, 1909, ch.
173, p. 575
Sec. 1
Milk to be sold by
wine measure
Vessels to be sealed

All milk, cream, and skimmed-milk shall be sold only by standard wine measure, and by or in measures, cans, jars, bottles, or other vessels or receptacles which shall, prior to being used in such sale, be sealed by the sealer of weights and measures of the town where the person so using the same shall usually reside in this state, or of the town where such milk shall be sold for use; and every person selling any of the same contrary to this section, or delivering any of the same sold contrary hereto, shall be fined for the first offense not less than fifty dollars and not exceeding one hundred dollars, and for any subsequent offense not less than one hundred dollars or imprisonment not to exceed ninety days, or both such fine and imprisonment. Any purchaser of milk, cream, or skimmed-milk having reason to believe that any measure, can, jar, bottle, or other vessel or receptacle in which milk, cream or skimmed-milk is sold and delivered to him is not of sufficient size or capacity to contain, by standard wine measure, the amount thereof purchased may apply to the sealer of weights and measures of the town in which such milk, cream, or skimmed-milk is delivered to him, which sealer shall, upon the receipt of a fee of twenty-five cents therefor, test the capacity of the same and issue to such purchaser his certificate stating the capacity thereof, and if such capacity according to such certificate shall be less than the amount purchased, such purchaser may make complaint and deliver such certificate to any officer of such town authorized to make complaints for the violation of this chapter, who thereupon shall duly make complaint against and prosecute the person or persons selling or delivering the same, for violation of this section.

Penalties

All firewood offered for sale by the cord shall measure in quantity equal to a cord of eight feet in length, four feet in width and four feet in height, including one-half of the kerf, and be well stowed and closely laid together.

Gen. Laws, 1909, ch. 175, p. 582
Sec. 1
Dimensions of a cord of firewood

Every person who shall sell any fire-wood by the cord in any quantity not well stowed and closely laid together, or who shall fraudulently and falsely represent any quantity of firewood by him offered for sale to be a greater quantity, or who shall sell the same for a greater quantity, than it shall actually measure, or who shall otherwise commit any fraud in the sale thereof, shall be fined twenty dollars.

Sec. 3
Penalty for fraud in sale of firewood

Every basket used in measuring charcoal brought into any town for sale shall be of the following dimensions to wit, nineteen inches in breadth in every part thereof, and seventeen and one-half inches deep, measuring from the highest part of the bottom of the basket perpendicularly to a level with the top of the basket.

Sec. 4
Charcoal baskets

Every basket shall be sealed by the sealer of weights and measures of the town where the person so using the same shall usually reside, or of the town where such coal shall be so measured for sale, and shall also be well heaped.

Sec. 5
Baskets to be sealed; and well heaped

Every person who shall measure charcoal offered for sale in any basket of other dimensions than as aforesaid, or not sealed as aforesaid, shall be fined twenty dollars.

Sec. 6
Penalty for sale by unlawful baskets

The town councils of the several towns may appoint, as occasion may require, some suitable person or persons to seize and secure, within their respective towns, all baskets used for measuring coal that shall not be of the dimensions aforesaid, and sealed as aforesaid, and to prosecute every person who shall be guilty of any violation of any of the provisions of this chapter; but no person shall be obliged to measure charcoal, where the quantity shall be agreed on by the buyer and seller.

Sec. 7
Unlawful baskets to be seized, and users to be prosecuted

All short-wood or kindling-wood sold by the basket shall be sold and delivered in baskets of the following dimensions, to wit: twenty-one inches in diameter at the top under the hoop, thirteen inches in depth, measured from the highest part of the bottom thereof, and seventeen inches in diameter at the bottom. Such baskets in selling shall be well heaped; and shall be sealed by the sealer of weights and measures of the town or city where the person so using the same shall reside, or of the town or city where such firewood shall be offered for sale. Forty-eight baskets of said dimensions shall constitute one cord of sawed wood.

Sec. 8
Dimensions of a basket for sale of kindlings

Baskets to be heaped

Cord defined

Every person who shall sell or deliver any short-wood or kindling-wood in any basket not sealed, or of other dimensions than as provided in the preceding section, shall be fined twenty dollars.

Sec. 9
Penalty for sale by unlawful baskets

The town or city sealers of the several cities and towns, and such persons as the town councils of the several towns may appoint,

Sec. 10
Unsealed baskets to be seized and unlawful use of prosecuted

shall seize and secure all baskets used for measuring coal, short-wood, or kindling-wood, that shall not be sealed, or shall not be of the dimensions provided by law, and prosecute every person who shall be guilty of any violation of the provisions of the laws defining the size of such baskets.

Sec. 11
Penalty for sealing an unlawful basket

Every sealer of weights and measures who shall seal any basket not being of the lawful dimensions, shall be fined twenty dollars.

Gen. Laws, 1909, ch. 176, p. 583

Sec. 1
Measure of fish sold for manure; to be sealed

Whenever fish are sold by measure for manure they shall be measured in a barrel or half-barrel, the barrel containing twenty-eight gallons and the half-barrel fourteen gallons, which shall be sealed by a sealer of weights and measures.

Sec. 2
Penalty for sealing falsely

Every sealer of weights and measures who shall seal any barrel or half-barrel which shall contain a less quantity than prescribed in the preceding section shall be fined fifty dollars.

Sec. 3
Penalty for using unsealed measure

Every person who shall measure any fish sold by the measure in any barrel or half-barrel not sealed according to the provisions of this chapter, shall be fined ten dollars for each offense.

Acts and resolves, Jan. sess., 1910, ch. 571, p. 116

Sec. 1
Commercial fertilizers to bear label giving net weight

Every lot or parcel of commercial fertilizer, or material used for manurial purposes, excepting the dung of poultry and domestic animals in its usual condition, sold, offered, or exposed for sale within this state shall be accompanied by a plainly printed label stating clearly and truly the number of net pounds of fertilizer in the package, * * *.

SOUTH CAROLINA

Weights and measures shall be regulated by the standard fixed by the Congress of the United States.

Code, 1902, vol. 1,
ch. 36, p. 624
(1893)
Sec. 1612
Standard
Sec. 1613
To be kept by State
treasurer

Such weights and measures as have been or may hereafter be furnished this State by the government of the United States shall be kept by the Treasurer, and said weights and measures shall be deemed and taken to be the standard weights and measures, by which all the weights and measures in this State shall be regulated.

The Clerk of the Court of Common Pleas and the General Sessions of each County in this State shall furnish, and is required to keep in his office, the weights and measures established by law, which shall be the standards of all other weights and measures in said County, and to which any person shall have free access to test the same; and the Governor of the State is authorized and required to purchase such standard weights and measures, out of the fines and forfeitures incurred in their respective counties.

Sec. 1614
Clerks of court to
keep; same to be pur-
chased by the governor

That the municipal authorities of the cities and towns of this State of not less than ten thousand inhabitants be, and they are hereby, empowered to require all dealers in coal to weigh all coal sold within the limits of such cities and towns upon the public scales of such cities and towns and to impose a charge therefor of not more than ten cents for each draft.

(1882, 1900, 1902)
Sec. 1995
Coal to be weighed
on the public scales

That said municipal authorities may enforce the provisions of the foregoing Section by such fine and imprisonment as may be now or hereafter prescribed by law for the violation of the ordinances of such cities or towns.

The municipal authorities of cities and towns of this state be, and they are hereby, empowered to require all dealers and sellers of coal, coke, unbaled hay, cattle, cotton seed, or other articles of like nature and character, sold in bulk, by weight, and sold within the limits of any city or town to have the same weighed upon the public scales within such city or town, and to impose a charge therefor of not more than ten cents for each draft, one-half to be paid by the seller, and one-half to be paid by the buyer. Said municipal authorities may enforce the provisions of the act by such fine and imprisonment as may now or hereafter be prescribed by law for the violation of the ordinance of the city or town: Provided, That the provisions of this act shall apply only to Chester county.

Act 305, 1910, p. 620
Sec. 1
Public weighers

Applies only to
Chester County

(1883, 1903)
 Sec. 1615
 Weight of cotton seed
 bolted corn meal
 Weight of corn meal

The weight of a bushel of cotton seed shall be thirty pounds, except the seed of long staple cotton, of which the weight shall be forty-two pounds; and weight of unbolted corn meal shall be forty-eight pounds per bushel; and the weight of bolted corn meal shall be forty-eight pounds per bushel.

Act 85, 1903
 Sec. 1
 Weight of bushel of
 corn meal
 Sec. 2, as amended
 by act 90, 1906, p. 145
 Sale of corn meal and
 grist in bags

The standard weight of a bushel of corn meal, whether bolted or unbolted, shall be forty-eight pounds.

It shall be unlawful for any person or persons to pack for sale, sell, or offer for sale, in this State, any corn meal or grist, except in bags or packages containing by standard weight two bushels, or one bushel, or one-half bushel, or one-fourth bushel, or one-eighth bushel respectively. Each bag or package of corn meal shall have plainly printed or marked thereon whether the meal is "bolted" or "unbolted," the amount it contains in bushels or fraction of a bushel, and the weight: Provided, The provisions of of this section shall not apply to the retailing of meal or grist direct to customers from bulk stock, when priced and delivered by actual weight or measure.

Sec. 3
 Penalty

Any person or persons guilty of violating either of the foregoing sections of this Act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not exceeding one hundred dollars, or by imprisonment not exceeding thirty days, or by both fine and imprisonment, in the discretion of the Court.

Code, 1902, vol. 1, p.
 611
 (1850)
 Sec. 1562
 Quantity of flour in
 barrel

Every barrel submitted for inspection as aforesaid shall contain such quantity of flour or meal as upon inspection shall be found to be of the net weight of one hundred and ninety-six pounds; and each and every half-barrel shall contain such quantity as shall be of the net weight of ninety-eight pounds; and the said Inspector shall cause all barrels or half barrels containing a less quantity to be made of full weight at the expense of the owners thereof.

(1823)
 Sec. 1577
 City council of
 Charleston to regulate
 sale of grain

The City Council of Charleston shall have full power and authority to regulate and control the sale of grain by measurement or weight, or both, sold within the corporate limits of the city, in such manner as will insure a fair, equal and uniform sale and measurement of the same.

Sec. 1583
 Gauging of certain
 liquors sold in Char-
 leston. Appointment and
 term of gauger

All oils, molasses, syrups, wines, vinegar and liquors, (not domestic) sold in the City of Charleston, either by the hogs-head, pipe, puncheon, barrel, cask, keg or tank, shall, before their delivery, be gauged by a sworn Gauger, elected by the City Council of Charleston, whose term of office shall be for four years.

(1746)
 Sec. 1596
 Size and contents
 pork and beef barrels of

Every barrel of pork or beef packed and sold in this State shall contain thirty gallons and two hundred pounds weight of

wholesome, well-cured meat in the same, which shall be weighed by the packers, and well packed with salt and pickle, each piece not to weigh more than eight pounds, and not to be cut or mangled further than to take out the kernels or where the bones require it, and not more than two heads in one barrel of pork. No beef's heads or shanks shall at all be packed.

All oysters sold in the shell in this state shall be measured in a circular tub with straight sides, and straight, solid bottom, with holes in the bottom not more than one-half inch in diameter. The said measure shall have the following dimensions: A bushel tub shall measure eighteen (18) inches from inside to inside across the top, sixteen (16) inches from inside to inside across the bottom, and twenty-one (21) inches from bottom to top of chimb. All measures used for buying or selling oysters shall have a brand, to be adopted by the board of fisheries, stamped thereon by said board, or its lawful inspectors. Any person violating this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), or imprisoned not more than thirty (30) days nor less than ten (10) days. And all measures found in the possession of any such person not meeting the requirements of this section shall be destroyed by said board or its lawful agents.

Act 60, 1906, p. 94
Sec. 28
Oyster measures

—dimensions

Penalty

* * * Each package containing oysters canned in this state, or raw shucked oysters gathered in this state, clams gathered in this state, or terrapins or shad offered for sale or transportation, shall be stamped by the manufacturer with the number of ounces of quantity of oysters, and the number of shad or terrapin, and the number of bushels of clams contained therein, and the number of ounces or fractions of ounces of oysters contained in each can shall be plainly stamped in the metal cap of each can of oysters canned within this state after the first day of May, A. D. 1909. * * *

Sec. 29, as amended
by Act 295, 1910

Quantity to be stamped on packages of oysters, etc.

That every load or parcel of concentrated commercial feeding stuff sold, offered or exposed for sale within this state shall have affixed thereto, or printed thereon in a conspicuous place on the outside thereof, a legible and plainly printed statement, in the English language, clearly and truly certifying the weight of the package (provided that all concentrated commercial feeding stuffs shall be in standard weight bags or packages of 25, 50, 75, 100, 125, 150, 175 or 200 pounds); the name, brand or trade mark under which the article is sold; the name and address of the manufacturer, jobber or importer * * *

Act 304, 1910, p. 613
Sec. 1
Weight to be marked on packages of feeding stuff

The term "concentrated commercial feeding stuffs" shall be held to include all feeds used for live stock and poultry, except

Sec. 2
Definition

whole hays, straw, cotton-seed hulls and corn stover, when the same are not mixed with other materials; nor shall it apply to the unmixed whole seeds or grains of cereals when not mixed with other materials, and when not in damaged condition as determined by inspection to be unfit for feed purposes, mixed or unmixed.

Act 376, 1910, p. 704
 Sec. 1
 Weight of package of fertilizer

That after the approval of this act, every package of commercial fertilizer or fertilizing material, sold or offered for sale in this state, shall contain either one hundred pounds or two hundred pounds each, and the weight thereof plainly printed on such package.

Sec. 2
 Penalty

That any person, firm or corporation violating the provisions of this act, shall, upon conviction, be subject to a fine of ten dollars for each package so sold or offered for sale, or imprisonment not exceeding thirty days.

Act 248, 1907, p. 528
 Sec. 4
 "Misbranded" de- fined

That for the purposes of this act, an article shall also be deemed to be misbranded:

In the case of food:

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Code, 1902, vol. 1, art. 6, p. 621 (1855)

Sec. 1602
 Rules for measuring timber and lumber

"Side and edge measurement" illegal

All ranging timber bought or sold in the markets of this State shall be by board or superficial measurement; and any person or persons who shall buy or sell ranging timber in or for the markets of Charleston or Georgetown, or any other public market in the State, by the rule known as "side and edge measurement," that is to say, by adding the side to the edge, multiplying by the length, and dividing by twelve [(side + edge) × length ÷ twelve] shall be fined for every such act of buying or selling not less than one hundred dollars and not more than three hundred dollars.

(1853)
 Sec. 1603
 No timber to be sold except by board measure

No timber shall be sold or purchased in the City of Charleston by any mode of measurement except that denominated board or superficial measurement (unless by special contract between the parties), which shall alone be done by the Inspectors or Surveyors of timber in the City of Charleston.

Sec. 1604
 Inspectors elected annually

The City Council of Charleston and the Town Councils of Beaufort, Port Royal, and Georgetown, shall each elect annually, for their respective municipalities, one or more Inspectors and Surveyors of Timber, who, before entering upon the duties of his or their office, shall severally execute a bond to the said Council, in the penalty of two thousand dollars, with good sureties, for the faithful performance of the duties of his or their office; and shall also take and subscribe the following oath, to wit: "I, A. B., do solemnly swear (or affirm, as the case may be,) that I will faithfully perform all the duties of Inspector and Surveyor of Timber in the City of Charleston (or town of, as the case may be), as prescribed by the Act of General Assembly providing for the same: So help

Oath of inspector

me God." And said bond shall be recorded in the office of the Secretary of State, and shall be liable to suit at the instance of the State of South Carolina, or of the individuals suffering loss by the violation of the provisions of this Chapter.

It shall be the duty of the said Surveyors and Inspectors to measure all timber in the manner aforesaid brought for sale to the City of Charleston, at the request of any person owning or buying the same, and shall give a certificate to such person, specifying the quality, and kind, and quantity of such timber, and the number of pieces in each lot; which certificate shall be evidence of the matters stated therein, as between the owner and purchasers thereof. But nothing herein contained shall prevent any person or persons from buying or selling timber in bulk without measurement.

(1853, 1856)
Sec. 1605
Inspectors to measure timber as herein directed

All timber and lumber brought to market for sale at the ports of Charleston, Port Royal, Beaufort, and Georgetown, shall be measured and inspected by one of the licensed measurers, selected by the seller and buyer jointly; and the measurer so selected shall be entitled individually to the fee earned by him; and the manner of inspection and classification of both timber and lumber shall be such as may be agreed upon between the buyer and seller.

(1877)
Sec. 1606
Lumber to be inspected by licensed measurers

Should the buyer fail to agree to the selection of a measurer, then the measurement and inspection and classification may be made by any official measurer.

The fees to be received by the measurers shall not exceed the following rates, viz: ten (10) cents per thousand feet for all square, hewn, or round timber; ten (10) cents per thousand feet for all lumber measured by bulk measurement in rafts; and twenty-five (25) cents per thousand feet for all lumber measured and inspected by the piece; the expense of measuring fees to be equally divided between the buyer and seller.

Sec. 1607
Fees

The custom of making a deduction from the actual weight of bales of unmanufactured cotton as an allowance for breakage or draft thereon is abolished; and all contracts made in relation to such cotton shall be deemed and taken as referring to the true and actual weight thereof without deduction; and no tare shall be deducted from the weight of such bales of cotton except the actual weight of the bagging and ties used in baling said cotton; and whenever it shall be agreed between the buyer and seller to deduct tare on cotton bales it shall be as follows: For bales of cotton covered with seven yards of standard cotton bagging and six iron ties the actual tare shall be, and is hereby, fixed at sixteen pounds, and for bales of cotton covered with seven yards of standard jute bagging and six iron ties the actual tare shall be, and is hereby, fixed at twenty-four pounds; and when buyer seller agree to sell at net weight, and when bales of cotton are

Code, 1902, vol. 1, art. 2, p. 601
(1846, 1878, 1880)
Sec. 1543
Tare on cotton prohibited

covered with seven yards of standard cotton bagging and six iron ties, the actual tare shall be, and is hereby, fixed at sixteen pounds, and when bales of cotton are covered with seven yards of standard jute bagging and six iron ties, the actual tare shall be, and is hereby, fixed at twenty-four pounds.

(1890)
Sec. 1547
Cotton bales weighing not less than 300 pounds made merchantable

It shall be unlawful for any cotton buyer to refuse to accept any bale of cotton, after he has bought the same by sample thereof, weighing over three hundred pounds, provided same corresponds in quality with sample bought by.

(1896, 1907, 1907)
Sec. 1552, as amended by act 278, 1907, p. 612
When public cotton weighers may be elected

Upon the petition of fifty or more qualified electors, who are growers of cotton and who reside within five miles of any place in which there may be a cotton market, the County Board of Commissioners of that County shall annually elect one or more public cotton weighers for said cotton markets, whose term of office shall be for one year and until the election and qualification of his or their successor or successors. All cotton weighers in the county of Greenwood, appointed as provided by this section, shall receive as compensation for their services ten (10) cents per bale for each bale of cotton weighed by them, one-half ($\frac{1}{2}$) to be paid by the seller and one-half ($\frac{1}{2}$) by the buyer.

(1896, 1900, 1906)
Sec. 1553, as amended by act 88, 1906, p. 140
Cotton weighers to take oath and give bond. Compensation

Before entering upon the duties of his office, each cotton weigher shall be legally sworn to discharge the duties of the position, by some officer authorized to administer oaths, and shall enter into bond in the sum of three hundred dollars for the faithful performance of his duty, which bond shall be approved by the County Board of Commissioners and filed with the Clerk of the Court of Common Pleas and General Sessions for the County in which said cotton market or markets may be situated. Each weigher shall receive as compensation for his services not more than ten cents for each bale weighed by him, to be fixed by the Commissioners, the same to be paid in equal proportion by the seller and buyer, except in those markets where the weigher may be paid by individuals or corporations, at which markets the seller shall pay nothing.

(1896, 1901, 1900)
Sec. 1554, as amended by act 88, 1906, p. 140
Duties of weigher

It shall be the duty of each weigher to provide a platform and scales with ample facilities for handling cotton with speed and at minimum cost, at which platform or platforms all cotton sold in said market or markets shall be weighed. It shall be the duty of each weigher to weigh fairly and promptly all cotton sold in said market or markets, issuing his own ticket, showing the weight of each bale or package of cotton weighed. It shall be his further duty to adjust any difference between sellers and buyers as to moisture and mixed or false packing. In case of inability from sickness or other cause, and from the first day of March to the first day of September of each year, a weigher may

Deputy weigher

appoint a deputy, who shall take, before entering upon his duties, the usual oath of the office in the manner required for the weigher. The elected weigher shall be responsible on his bond for the official acts of his deputy. Each weigher or his deputy shall devote his exclusive attention to the duties of his office during the cotton marketing season. Each weigher shall test his scales once a month by the standards in the office of the Clerk of Court as provided by law: *Provided*, That the County Board of Commissioners may, for good and sufficient cause shown, remove any such public cotton weigher from his office, after first giving such weigher at least ten days' notice to show cause why he should not be removed; and shall have power to fill any vacancy occurring in the office of public cotton weigher, at the first regular meeting of the said Board after such vacancy occurs: *Provided*, That nothing herein contained shall apply to sales made on plantations or at cotton mills.

The provisions of sections 1553 and 1554 shall not apply to sales made on plantations or at cotton mills, nor to the counties of Charleston, Greenwood, Laurens, Berkeley, Spartanburg, Aiken, Horry, Georgetown, Richland, Saluda, Beaufort, Lancaster, Abbeville, York, Newberry, Kershaw, Oconee, nor to the town of Liberty, in Pickens County, or to Anderson township in Anderson County: *Provided*, further, The mayor or intendant of an incorporated town in Greenwood County, upon petition of twenty-five farmers who live in a radius of five miles, and who are free holders, shall order an election to be held on the first Saturday in August of each year for cotton weigher, and he shall declare the candidate receiving the highest number of qualified electors, weigher for one year from day of said election. All farmers who sell cotton at said depot shall be allowed to vote, *Provided* they reside in Greenwood County: *Provided*, That, in the County of Edgefield for each cotton weigher, his term of office shall be for two years from the date of his election, and until his successor shall have qualified: and *Provided*, further, That in the County of Edgefield the provisions of this act shall apply to all cotton sold or stored in warehouses.

Upon the petition of twenty-five, or more, qualified electors, who are growers and buyers of cotton, or cotton growers or cotton buyers, resident within five miles of Honea Path, the Town Council of said town shall, within thirty days after the receipt of said petition, provide for and annually conduct an election, and in the usual manner of elections in said town, for a public cotton weigher for said town, whose term of office shall be for one year, and until the election and qualification of his successor. At such election all and only cotton growers and

(1806, 1898, 1901, 1910)
 Sec. 1555, as amended
 by ch. 383, p. 716, acts
 1910
 Exceptions to pre-
 ceding sections

(1800)
 Sec. 1556

Cotton weigher for
 Honea Path

Compensation

cotton buyers who are qualified electors and reside within a radius of five miles of the depot in said town, shall be entitled to vote; the said Town Council shall declare the result of said election, and the person receiving the highest number of votes shall be the public cotton weigher for said town, and he shall receive as compensation for his services not exceeding five cents per bale for every bale of cotton weighed, one-half to be paid by the buyer and one-half by the seller; such weigher shall finally adjust and settle all differences or disputes between buyers and sellers as to proper deductions to be allowed from water, dampness, damaged cotton, or any false packing; and the said weigher shall test the scales every morning before weighing cotton, so as to insure accuracy. In case of inability from sickness or other cause, the said weigher may appoint a deputy, who shall take, before entering upon his duties, the usual oath of office in the manner required of the weigher. Before entering upon the duties of his office, said cotton weigher shall be legally sworn to discharge the duties of his position by the Intendant of the town of Honea Path, and shall enter into bond in the sum of three hundred dollars for the faithful performance of his duty, which bond shall be approved by the Town Council of Honea Path, and filed with the Clerk of the Court of Common Pleas for Anderson County. The elected weigher shall be responsible on his bond for the official acts of his deputy.

Sec. 1557
Special provision as
to the election of cotton
weighers in Pickens
and Oconee Counties

There shall be annually elected by the qualified voters of Pickens C. H. township, Easley township, and Liberty township, respectively, in Pickens County, and Seneca township, in Oconee County, a cotton weigher for Pickens,¹ one for Easley, and one for Liberty, and one for Seneca in Oconee County. Such weigher shall be duly sworn to discharge the duties of the position by some officer authorized to administer an oath. The election of such weigher shall be on the third Saturday in August, 1899, the polls to open at 10 a. m. and close at 5 p. m. at each of the said towns, and on the third Saturday in August each year thereafter. The Town Council of each of said towns, respectively, shall appoint three men as managers of said election, and shall give notice of the time and place of holding the same at least ten days before the day of said election.

Weighers to give
bond, compensation of

The said weighers shall respectively enter into bond to the Town Council of his town in the sum of three hundred dollars for the faithful performance of his duties, which bond shall be approved by and filed with the said Town Council of the said Towns in said Counties; and said weigher shall receive as compensation for his

¹ Act 288, 1907, p. 626, provides for the election of a cotton weigher for the town of Pickens.

services ten cents per bale for each bale weighed by him, the same to be paid in equal proportions by the buyer and seller.

It shall be the duty of the said cotton weigher to provide scales and ample facilities for handling cotton sold and weighed. It shall be the duty of the said weigher to weigh all cotton brought to his town for sale fairly and promptly, issuing a ticket therefor, which shall show the weight of each bale. It shall be his further duty to adjust any differences between buyers and sellers as to moisture, mixture or false packing. In case of disability, by sickness or other cause, the said weigher may appoint temporarily a deputy, who shall take the usual oath of office before a Magistrate previous to entering upon his duty.

Duties of weighers

When any false weighing or omission of duty on the part of any one of said weighers occurs, whereby either buyer or seller suffers loss or is injured, such weigher and his bondsmen shall be held liable to the extent of such loss or injury.

Liability of weighers

This section shall not apply to purchasers or weighers of cotton for the Easley Cotton Mills, in the town of Easley, nor to purchasers or weighers of cotton for the Pickens mills, in the town of Pickens.

Exceptions

The County Commissioners of Lancaster County are authorized and directed to order elections to be held in the towns of Lancaster, Heath Springs, and Kershaw, in Lancaster County, on the second Tuesday in August, 1899, and every two years thereafter, for the purpose of electing a public cotton weigher for each of said towns, respectively; and said Commissioners shall make such rules and regulations for the government of such elections as to them shall seem proper; they shall also fix the compensation to be received by each of said cotton weighers, said compensation not to exceed five cents per bale for each bale of cotton weighed by any one of them. Said Commissioners shall canvass the votes polled at said elections, declare said elections, and issue a commission to the person declared elected: Provided, That no person elected public cotton weigher under the provisions of this section shall receive a commission to enter upon the discharge of his duties as such public cotton weigher until he has entered into a good and sufficient bond, with two or more sureties, in the sum of one thousand dollars, payable to said Commissioners, and conditioned for the faithful performance of his duties as such cotton weigher, said bond to be approved by said Commissioners. Any other person than a duly elected and commissioned cotton weigher, charging or receiving any sum or sums of money or other valuable consideration for weighing cotton in said County of Lancaster, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding one hundred dollars, or imprisonment for a term not

Sec. 1558
Election for cotton
weigher in Lancaster
County

exceeding thirty days. The said commissioners are authorized to fill any vacancy caused by the death or resignation of any cotton weigher elected under the provisions of this Section by appointment.

(1910)
Sec. 1558A, as amended by act 19, Sess., Laws, 1911, p. 31, sec. 1

In every city of more than twenty thousand and less than fifty thousand inhabitants, as shown by the last preceding United States census, and within the township in which such city is situated, the purchase and sale of cotton in bales shall be regulated by the provisions of this section. The County Board of Commissioners

Public cotton platform

shall cause to be maintained a public cotton platform adequate to hold not less than three thousand (3,000) bales of cotton, said platform to have a substantial roof, sufficient number of suitable scales, and to be located as accessibly as possible to the railroad, or railroads and to the neighboring cotton warehouse, or warehouses and compresses, if any, for the convenient handling of cotton from said platform to freight trains and to such cotton warehouses or compresses, said platform to be open and accessible to wagons, the cost of maintenance of the same to be paid by the County Board of Commissioners out of funds in their hands. The said County Board of Commissioners shall, on or before the first day of July,

Cotton weigher elected, when

1911, and every four years thereafter, elect and commission for the term of four years one cotton weigher for such city and township: Provided, That said cotton weigher shall not be related within the sixth degree to any member of said Board of County Commissioners. Such cotton weigher, before receiving his commission, shall take and subscribe to the oath of office and enter into a bond, with an approved surety company as surety, in the sum of one thousand dollars for the faithful performance of his duties, payable to the County Board of Commissioners for the use of any party who may be aggrieved, said bond to be approved by said board and filed with the Clerk of Court, the premiums on said bond to be paid by said board. Said cotton weigher shall have a night watchman on duty at said platform from sunset to sunrise of every day, and shall employ one assistant for every day from September 1st to December 31st, and may have other assistants during the year. He shall frequently test the scales at said platform and keep them accurate, and weigh promptly and fairly all cotton offered to him and mark each bale of cotton as indicated by tag of buyer and number of each bale of cotton, and keep together all the cotton of the several buyers, separate and apart from each other, so as to facilitate prompt shipment and issue ticket showing number, mark and weight of every bale weighed by him, and to adjust any differences between sellers and buyers as to moisture and mixed or false packing. Said cotton weigher shall represent neither buyer nor seller of the cotton weighed nor be interested in any

Duties

purchase or sale, except in cotton from his own farm, and shall receive and charge for his services and the use of the platform, fifteen cents for each bale weighed by him, seven cents to be paid by the seller and eight cents to be paid by the buyer, and for such cotton as may remain on the platform for more than three days the said weigher shall collect an additional charge of one cent per bale for every additional day, to be paid by the owner, all cotton to be at the risk of the weigher, loss by fire excepted, for the first three days, and thereafter at the risk of the owner. The said cotton weigher shall, during the cotton season, maintain a blanket insurance to cover at least fifty bales of cotton left upon the platform for sale, and shall compensate himself for the cost of such insurance by deducting the amount thereof from the charge hereinafter provided to be collected for the use of the platform by cotton remaining thereon more than three days. The public cotton weigher, herein provided for, shall appoint a deputy to serve in his place during necessary absence by sickness or otherwise, such appointment to be approved by the Board of County Commissioners, which deputy shall take the usual oath of office, the bond of the cotton weigher being liable for the official acts of such deputy. The public cotton weigher shall weigh, inspect and sample before sale, every bale of cotton brought to said platform for sale, and no cotton shall be sold until after it has been so weighed and inspected. All cotton in bales weighed in such city or township for sale therein and purchased in such city or township at weights ascertained by weighing in such city or township (it being intended hereby not to include under the terms herein cotton bought upon weights stated in bills of lading of shipments to said city or town), shall be brought to said platform for sale, and no cotton in bales shall be sold or purchased in such city, town or township, by any seller or purchaser or agent, except upon certificate that it has been weighed and inspected at such platform by the public cotton weigher or deputy: Provided, That the provisions of this section shall not apply to cotton sold by regular cotton dealers out of recognized cotton warehouses or cotton compresses in such city, town or township, or to cotton weighed upon platforms or at gin houses or bought upon the faith of weights guaranteed by the sellers. The said cotton weigher shall render to the County Board of Commissioners a monthly statement of the cotton weighed by him, and shall pay to said board as compensation for the use of the platform and equipment, after deducting the cost of maintaining the blanket insurance to cover, during the cotton season, at least fifty bales of cotton left upon the platform for sale, as hereinabove provided for, one cent per bale for all cotton weighed on said platform and one-half the amount collected for cotton remaining on the platform

Deputy

Proviso

more than three days. All other moneys received by virtue of the charges herein provided for shall be retained by the cotton weigher for his compensation and expenses. The County Board of Commissioners shall have power to remove from his office the said cotton weigher after at least three days' notice why he should not be removed, and on sufficient cause being shown, and said board shall fill any vacancy in a manner hereinabove provided for the election of a cotton weigher.

Sec. 1558b, as amended by act 19, Sess. Laws, 1911, p. 31
Misdemeanor to violate provisions herein

Any and every person, for himself or his agent, and any corporation, who shall sell or buy in such city or township any cotton bale or bales contrary to the provisions of Section 1558a, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not exceeding fifty dollars, or imprisonment for not exceeding ten days for each offense.

Act 103, 1910, p. 612
Sec. 1
Unlawful to deduct from weight of cotton

That from and after the approval of this act, it shall be unlawful for any person, firm or corporation engaged in the business of buying cotton in this state, as principal or agent, to deduct any sum for bagging and ties from the weight or price of any bale of cotton, when the weight of the bagging and ties does not exceed six per cent of the gross weight of such bale of cotton. In the event that the weight of the bagging and ties exceed six per cent of the gross weight of such bale of cotton, only the excess over the said six per cent may be deducted.

Sec. 2
Penalty

For each and every violation of this act, the offender shall be guilty of a misdemeanor and shall be fined in the sum of not less than five dollars, nor more than twenty-five dollars, or imprisoned not less than ten days, nor more than thirty days: Provided, That this act shall not apply to what is known in the trade as round bales, and bales of cotton which weigh less than three hundred pounds.

Act 125, 1909, p. 194
Cotton weigher for the town of Kershaw

That from and after the approval of this act, there shall be annually elected by the qualified electors, resident within the county of Kershaw, a public cotton weigher, who shall have an office in the town of Kershaw, in said county. Such weigher shall be sworn to discharge the duties of the position by some officer authorized to administer an oath. * * * The said weigher shall enter into bond to the said county supervisor in the sum of three hundred dollars for the faithful performance of his duties, which bond shall be approved by and filed with the said county supervisor, and said weigher shall receive as compensation for his services ten cents per bale for each bale weighed by him, the same to be paid in equal proportions by the buyer and seller. It shall be the duty of said cotton weigher to provide scales and ample facilities for handling cotton sold and weighed. It shall be the duty of the said weigher to weigh all cotton brought to him to be

weighed fairly and promptly, issuing a ticket therefor, which shall show the weight of each bale. It shall be his further duty to adjust any differences between buyers and sellers as to moisture, mixture or false packing. In case of disability, by sickness or other cause, the said weigher may appoint temporarily a deputy, who shall take the usual oath of office before a magistrate previous to entering upon his duty. When any false weighing or omission of duty on the part of said weigher occurs, whereby either buyer or seller suffers loss or injury, such weigher and his bondsmen shall be held liable to the extent of such loss or injury. * * * The person receiving the highest number of votes cast in such election shall be the cotton weigher for the said town, and his term of office shall be for one year and until the election and qualification of his successor.

That from and after the approval of this act, there shall annually be elected in each town in the county of Chesterfield, where cotton is marketed, a public cotton weigher, who shall be sworn to discharge the duties of the position by some officer authorized to administer oaths. * * * In the event of temporary illness or other temporary disability, to discharge the duties of said office, such cotton weigher shall have the right to appoint a deputy to discharge the duties of said office, who shall take the usual oath before entering upon his duties. In the event of vacancy by death or resignation, the town council shall have the right to fill said vacancy by appointment for the unexpired term. * * * The said weigher shall enter into bond to the said town council, in the sum of two hundred (\$200) dollars, for the faithful performance of his duties, which bond shall be approved and filed with the said town council, and said weigher shall receive a compensation for his services eight cents per bale, four cents to be paid by the purchaser and four cents to be paid by the seller. It shall be the duty of such weigher to provide scales for the weighing of such cotton as may be brought to such market, which scales shall be subject to inspection at all times by the clerk of court of said county. It shall be the duty of such weigher to adjust all differences between purchasers and sellers as to moisture or dampness of said cotton, etc. * * *

Act 316, 1910, p. 633
Sec. 1
Cotton weighers in
towns in Chesterfield
county



SOUTH DAKOTA

A bushel of each of the articles enumerated in this section shall consist of the number of pounds avoirdupois respectively affixed to each, viz: ¹

Rev. Pol. Code, 1903,
ch. 27, art. 33, p. 574
Sec. 3166, as amended
by Sess. Laws 1901, p.
314

	Pounds.		Pounds.	
Barley	48	Oats	32	Legal weights of the bushel
Beans	60	Onions	52	
Bran	20	Potatoes, Irish	60	
Buckwheat	42	Potatoes, sweet	46	
Beets	60	Peas	60	
Broom corn seed	30	Rye	56	
Corn, shelled	56	Salt	80	
Corn in the ear	70	Turnips	60	
Clover seed	60	Timothy seed	42	
Lime	80	Wheat	60	
Coal, stone	80	Spiltz	45	
Flax seed	56			

A ton of hay shall consist of two thousand pounds; or, by measurement, three hundred and forty-three cubic feet, after the same shall have been stacked thirty days, or such time as may be agreed upon between the parties.

Sec. 3167
Ton of hay, cubic
measure

A perch of mason work or stone is declared to consist of twenty-five feet cubic measure.

Sec. 3168
Perch of masonry

The Treasurer of this state shall procure and keep in his office at the capitol of the state the following standards of weights and measures, which shall conform in every practical particular to the United States standards of weights and measures, to-wit: One bushel, one-half bushel, one peck, one-half peck, one quart, one wine gallon, one wine half gallon, one wine quart, one wine pint, one wine gill. Said measures shall be made of copper or other suitable and substantial material; also one surveyor's chain thirty-three standard feet in length, one yard measure, one foot measure, and one inch measure; also one one-hundred pound weight, one fifty pound weight, one twenty-five pound weight, one ten pound weight, one one-pound weight, one half-pound weight, one quarter-pound weight, one one-eighth of a pound, one one-sixteenth of a pound or one-ounce weight, one set of apothecaries' weights from one pound to one grain, one set of troy weights from one pound to one grain; besides such other scales, beams and balances as shall

(1885)
Sec. 3169
Standards of weights
and measures to be
kept by state treasurer
Capacity

Length

Weight

¹ For convenience in printing a slight change has been made in the arrangement of these articles.

Scales and balances be necessary to test other weights by these standards; which measures, scales, weights, beams and balances, are hereby declared to be the legal standards of weights and measures for this state. The said state treasurer shall be charged with the custody and accountable to the state for the proper use and care of the same. Said standards shall be used only for testing the standards provided for in section 3170, and said treasurer shall keep a record of all county weights, measures, beams and balances marked and tested by him.

Sec. 3170
County commission-
ers may purchase du-
plicates
County standards

The county commissioners of each county are hereby authorized to purchase such duplicates of the above enumerated weights and measures as they shall deem necessary for the use of their respective counties in carrying out the following provisions of this article, which duplicates shall be paid for by the county and delivered to the sheriff, who is hereby declared to be the sealer of weights and measures for the county, and may appoint such deputies as he may consider necessary in different parts of the county, who shall possess the same powers and perform the same duties under this article as the sheriff may, and may furnish such deputies with duplicates as the county commissioners may be willing to provide for their separate use, or may allow them to use those provided for himself. Each and every such sealer and deputy sealer of weights and measures shall give a bond to the county of not less than double the cost of the duplicates furnished him, conditioned that he will safely keep and care for such duplicates, and in good condition will turn them over to his successor, and upon said bond shall take and subscribe an oath of office substantially the same form as that administered to other county officers.

Sealer

Bond required

Sec. 3171
Sheriff to test weights
and measures

The sheriff as ex-officio sealer of weights and measures shall in the month of July in each year test by his duplicates all scales, weights and measures found by him in his county, used as provided in section 3172 and shall give the person in charge thereof a certificate of the correctness thereof, if found to be correct; and if found to be incorrect, he shall cause the same to be made correct if it can so be done, and if not, he shall mark the same "condemned." He shall keep a record of all such certificates issued by him and of all his transactions under this article. For testing any measure, weight or scale as provided in this section he may charge the owner or person in charge the sum of fifty cents: Provided, that when any scale is tested the certificate shall cover the weights used with scale, and the sealer shall not be allowed to charge more than fifty cents for testing each scale and its several weights.

Fees

Sec. 3172
Kinds and quantities
of food, etc., sold with-
out standard weights
and measures

The county commissioners of each county shall prescribe, by resolution to that effect, what kinds and quantities of goods, wares, merchandise, grain, live stock and produce may be sold

or exchanged with or without the use of the standard weights and measures and tested scales, and may amend such resolution at any regular meeting, which resolution and amendments shall be entered in the minutes of their meeting and published as part of their proceedings; and it shall be unlawful for any person, firm or corporation, by themselves or any representative, to use any scale, weight or measure for computing the quantity of any goods, wares, merchandise, grain, live stock or produce to be bought or sold by him or them in any greater quantity than that allowed by the board of county commissioners of the county without having the same conform to the standard provided for by this article, and having the same tested as provided for in section 3171, or under the conditions named in 3174.

Any person believing any dealer is violating any of the provisions of this article or any subsequent resolution of the board of county commissioners made by authority hereof, may make complaints in writing to any sealer or deputy sealer and deposit with him five dollars, setting forth the particular facts of such violation, and that he has reason to believe that the same are true. Upon such complaint such sealer or his deputy shall forthwith test the scale, weights or measures respecting the matter complained of, by his duplicates, and if found to conform thereto he may convert the five dollars so deposited by the complainant to his own use as his fees for such service. If he finds that any of the matters complained of be true he shall return the five dollars to the complainant, and it shall be his duty to forthwith arrest the person in charge of such scales and bring him to trial before any justice of the peace in the county; and upon conviction such person, whether the owner or not, shall be guilty of a misdemeanor and punishable in the discretion of the court. In all such cases the sealer or deputy sealer making the test shall make and swear to the complaint in court and shall be entitled to the same fees as allowed officers making arrests upon a warrant, besides the sum of one dollar for making the test. Any sealer may upon his own view of violation of the provisions of this article or any subsequent resolution made by the board of county commissioners of his county by authority hereof, arrest and bring to trial such offender in the manner above provided.

It shall be the duty of every person, firm or corporation who desires to use any scale, weight or measure for computing the quantity of any goods, wares, merchandise, produce, grain or live stock to be bought or sold by him or them in greater quantity than those provided in the resolutions of the county commissioners of his county, to send by mail a notice to any sealer to test such scales, weights or measures, and it shall be the duty

Sec. 3173
Complaint on violation of law

Arrest

Procedure

Sec. 3174
Duty of dealer to have weights, measures, and scales tested

of any sealer receiving such notice to test such scale, weights or measures within ten days, and during such time before the same are tested the same may be used for such purpose, and the user shall be liable only for damages in a civil action.

Sec. 3175, as amended
by Sess. Laws, 1909, ch.
263, p. 411
When act takes effect

This article as to Sections 3170, 3171, 3172, 3173 and 3174, shall take effect and be in force, in each county in this state, upon a resolution to that effect, adopted by a majority of the board of county commissioners thereof, and published in each of the official county newspapers of said county; provided, that any such board of county commissioners shall, whenever requested so to do by a petition signed by not less than five per cent of the legal voters of such county, based upon the returns of the last preceding general election in and for such county, adopt and publish such resolution as aforesaid.

Rev. Penal Code,
1903, ch. 50, p. 1171
Sec. 659
False weights and
measures

If any person with intent to defraud, use a false balance, weight or measure, in the weighing or measuring of anything whatever that is purchased, sold, bartered, shipped or delivered, for sale or barter, or that is pledged or given in payment, he shall be punished by fine not exceeding one hundred dollars nor less than five dollars, or by imprisonment in the county jail not more than thirty days, or by both such fine and imprisonment, and shall be liable to the injured party in double the amount of damages.

Sec. 660
Retaining false
weights and measures

Every person who retains in his possession any weight or measure, knowing it to be false, unless it appears beyond a reasonable doubt that it was so retained without intent to use it, or permit it to be used in violation of the last section, shall be punished as therein provided.

Sec. 661
Seizing false weights
and measures

Every person who is authorized or enjoined by law to arrest another person for a violation of sections 659 and 660, is equally authorized and enjoined to seize any false weights or measures found in the possession of the person so arrested, and to deliver the same to the magistrate before whom the person so arrested is required to be taken.

Sec. 662
Weights may be
tested and destroyed

The magistrate to whom any weight or measure is delivered, pursuant to the last section, shall upon the examination of the accused, or if the examination is delayed or prevented, without awaiting such examination, cause the same to be tested by comparison with standards conformable to law, and if he finds it to be false, he shall cause it to be destroyed, or to be delivered to the state's attorney of the county in which the accused is liable to indictment or trial, as the interests of justice in his judgment require.

Sec. 663
Destruction of false
weights or measures

Upon the conviction of the accused, such state's attorney shall cause any weight or measure in respect whereof the accused

stands convicted, and which remains in the possession or under the control of such state's attorney, to be destroyed.

Every person who knowingly marks or stamps false or short weight or false tare on any cask or package, or knowingly sells or offers for sale any cask or package so marked is guilty of a misdemeanor.

Sec. 664
Fraudulent stamps,
tare or package

Any person, firm, company or corporation purchasing grain in the State of South Dakota who shall take or keep a greater number of pounds for a bushel than that established by law is guilty of a misdemeanor.

(1893)
Sec. 665
Standard bushel of
grain
Dockage a misde-
meanor

There shall be appointed in each city of the state, by the city council thereof, at least one public weigher and measurer, and in all incorporated towns at least one such public weigher and measurer, and such public weigher and measurer shall be appointed in April of each year, and shall hold his office for one year and until his successor is appointed and qualified.

(1893)
Rev. Pol. Code, 1903
Sec. 1550
Appointment of pub-
lic weigher

Every city, or town in which such public weigher is appointed, shall furnish to each such public weigher and measurer a set of weights and measures of the United States standard, which shall be under the exclusive control of such weigher and measurer.

Sec. 1552
Standards furnished

It shall be the duty of each such city or town to procure for each public weigher and measurer therein appointed a set of true and exact scales having a capacity to weigh five tons at one time, and shall cause such scales to be set up and properly arranged for weighing in a convenient place in such city or town, to be selected by the city council, and such scales shall be under the control and management of the public weigher and measurer appointed to the same.

Sec. 1553
Scales furnished

It shall be the duty of the public weighers appointed under the provisions of this article to immediately and correctly weigh all articles loads or animals brought for that purpose to the scales over which he has control.

Sec. 1554
Duty of weighers

Such public weigher shall test by his standard weights any scales used by any person dealing with the public, and test all measures brought to him to be tested by the standard measures in his possession, whenever requested so to do by any person interested in the correctness of such scales or measures.

Sec. 1555
Testing measures,
etc.

The public weigher and measurer shall give to every person for whom he does any weighing a certificate showing the gross amount thereof, and shall keep in his office a true and correct copy of the certificate so given, which certificate shall be prima facie evidence of the weight of the article, animal or load so weighed.

Sec. 1556
Certificate

The public weigher shall receive for each weight so made by him a sum of ten cents, and for each scale so tested by him the

Sec. 1557
Fees

sum of twenty-five cents, and for each measure tested by him the sum of twenty-five cents, to be paid by the person for whom such test is made.

Sec. 1558
To keep scales in
good condition

It shall be the duty of the public weigher and measurer to keep the scales over which he has control, by virtue of his office, in condition to make true and exact weighing.

Sec. 1559
Penalty

Any weigher and measurer mentioned in this article who shall make any false or fraudulent certificate of any weighing or measuring done by him, or shall be guilty of any collusion with any other person or persons for the purpose of deceiving any person or persons in regard to the correctness of any scales, weights or measures shall be punished for each offense by a fine of one hundred dollars, or by imprisonment in the county jail for ninety days, or by both such fine and imprisonment.

Sess. Laws, 1903, ch.
210, p. 274
Sec. 1
Scales to be in-
spected

All scales over which any grain, live stock, produce, coal or merchandise of any kind is weighed, in quantities over five hundred (500) pounds either in buying or selling, receiving or shipping, may be inspected as provided in this act, at least once in each month of each year and oftener if occasion requires, as provided for in this act.

Sec. 2
Appointment of in-
spector

The mayor in each city, or the president of the board of trustees or township board in organized townships and board of county commissioners for unorganized townships in any [in]corporated town or village, organized or unorganized townships may, if deemed necessary, appoint a suitable person, resident of said city or town, organized or unorganized townships as city or town, organized or unorganized township inspector of scales whose term of office shall run with and be concurrent with the term of office of said mayor or president of the board of trustees, and said appointment shall be subject to confirmation by the city council of said city or board of trustees of said town. It shall be the duty of said inspector of scales to examine and test each and every scale within the corporate limits of his city or town on which any articles of commerce are weighed in quantities over five hundred (500) pounds when bought or sold, at least once in each calendar month and he shall affix to said scale the day and date of each test by affixing the brand or device, viz.:

Duty

Examined, tested and found correct (or incorrect) as the case may be, this
_____ day of _____.

Inspector.

With his official signature on said brand or device. And he shall keep a record of the day and date and the name and owner of the scale or scales so inspected and in case he finds the scales incorrect, he shall give notice to the person owning or operating

said scale, and said scale shall not be used until it is satisfactorily adjusted.

The owner or person operating said scale or scales where the same are found incorrect and so branded shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a penalty in the discretion of the court in any sum not exceeding one hundred dollars.

Sec. 3
Penalty

For the purpose of service of any process or notice as provided for in this act, any notice or process shall be deemed served on any foreign corporation, railroad corporation or non-resident of the city by leaving a copy of the same with the person in charge of the scale or scales or with the resident agent of the said corporation or railroad corporation or non-resident in said city or town.

Sec. 4
Service of process

The city or town scale inspector shall have the right to inspect and test any and all scales within his city or town limits on which any article of commerce is weighed in quantity over five hundred (500) pounds, either in buying or selling.

Sec. 5
Power of inspector

The compensation of inspector of scales shall be fixed by the city council or board of trustees, township board in organized townships and boards of county commissioners for unorganized townships and shall be paid out of the city, township or county treasury.

Sec. 7
Compensation

It shall be the duty of the railroad commissioners of the state of South Dakota to supervise the handling, inspection, weighing, grading and storage of grain and seeds, to establish all necessary rules and regulations for the weighing and inspection of grain, and for the management of the public warehouses of the state, as far as such rules and regulations may be necessary to enforce the provisions of this article, or any law of this state in regard to the same; to investigate all complaints of fraud or oppression in the grain trade of this state, and to correct the same as far as it may be in their power.

(1890)
Rev. Pol. Code, 1903,
ch. 8, p. 95
Sec. 43r
Duties of railroad
commissioners

Said board of commissioners, or any one or more members thereof, may at any time without notice enter any public warehouse in this state and test and seal all weighing scales and measures used in conducting said warehouse business, and for that purpose the said commission is hereby authorized to provide itself with standard weights and measures.

Sec. 503
Board shall test scales
To provide itself with
standard weights and
measures

Every person, association or corporation transacting the business of a public warehouse man in this state from whose warehouse or elevator grain shall be shipped to any terminal point at which such grain shall be weighed, inspected and graded by the officers of the state wherein such terminal point is situated, and certificates of such weighing, inspection and grading shall be issued by such officers, and every consignee of grain so shipped shall transmit and

Laws, 1909, ch. 77, p.
133
Sec. 1
Weighing of grain at
warehouses

deliver such certificates or true and correct copies thereof to the person having the immediate charge of the warehouse or elevator from which such grain was shipped, within ten days after the issuance of such certificates, and the said certificates shall be open to the inspection and examination of any person who has an ownership interest in such shipment.

Sec. 2
Penalty

Any person, association or corporation violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars nor more than one hundred dollars for each and every offense.

Laws, 1909, ch. 163,
as amended by Laws,
1911, ch. 13, p. 12, sec. 1
Sec. 6

* * * That for the purpose of this act an article shall also be deemed to be misbranded.

In case of food. * * *

Third. Every package-form, bottle or container, if the same does not bear the true net weight, the true net measure or true numerical count, the name of the real manufacturer or jobbers, and the true grade or class of the product, all of which is to be expressed on the face of the principal label in clear distinct English words, so that the same can be plainly read, Provided, that package, bottle, or container on hand at the time of taking effect of this act do not come within the provisions of this paragraph.

Sess. Laws, 1911, ch.
238, p. 413
Sec. 1
Feeding stuffs; defini-
tion of

The term "concentrated commercial feeding stuffs" as used in this act, shall be held to include all feeding stuffs used for feeding live stock and poultry, except whole, unmixed seeds or grains, whole hays, straws and corn stover.

Sec. 2
Stock food; definition
of

The term "stock food" as used in this act, shall be held to include all condimental, patented, proprietary or trade-marked stock or poultry foods in powder form claimed to possess medicinal properties or both medicinal and nutritive properties, whether sold under names such as food, tonic, regulator, powder, conditioner, remedy, or under whatever name it be sold.

Sec. 3
Feeding stuffs to have
net weight marked

Any manufacturer, company, person or persons who shall sell offer or expose for sale or for distribution in this state, any concentrated commercial feeding stuff, shall furnish with each shipment, and shall affix to every package or parcel of such feeding stuffs, in a conspicuous place on the outside thereof, a legible and plainly printed statement in the English language, in type as large as ten point, clearly and truly certifying:

(a) The net weight of the package; provided that all concentrated commercial feeding stuffs shall be in standard weight bags or packages of twenty-five pounds or multiples thereof, or in bulk;

(b) The name, brand or trade-mark;

(c) The name and principal address of the manufacturer or person responsible for placing the commodity on the market; * * * .

Every lot, parcel or package of stock food as defined in section 2 of this act, sold, offered or exposed for sale or distributed within this state shall have affixed thereto a label in a conspicuous place on the outside thereof, containing a legible and plainly printed statement in black ink, in the English language, clearly and truly certifying:

Sec. 7
Stock food to have net
weight marked

(a) The net weight of the package;

(b) The name, brand, or trade-mark;

(c) The name and principal address of the manufacturer or person responsible for placing the commodity on the market; * * * .

TENNESSEE

The standards of weights and measures in this state shall be the same as those adopted by the government of the United States, in accordance with the joint resolution of congress, approved June 24, 1836, copies of which are in the care of the superintendent of weights and measures, in the capitol; that is to say:

Shannon's Code,
1896, Pt. I, title 14, ch.
17, p. 794
(1855-6)
Sec. 3474
Standard of weights
and measures

(1) The standard of length, a copy of a brass scale in the office of weights and measures¹ in Washington, one yard or thirty-six inches in length, at the temperature of sixty-two degrees Fahrenheit.

Length

(2) The standard of liquid measures, a gallon containing two hundred and thirty-one cubic inches such as are shown on the subdivisions of the yard.

Liquid measure

(3) The standard of dry measure, a bushel containing two thousand one hundred and fifty and forty-two hundredths of such cubic inches.

Dry measure

(4) The standard of weights for the precious metals, jewels, etc., a copy of the troy pound of the United States mint, containing five thousand seven hundred and sixty grains; the standard of commercial weights, the avoirdupois pound, containing seven thousand of such grains.

Weight

He (the Superintendent of the Capitol) shall take charge of the standard weights and measures which have been received from the general government, and keep them in the room in the capitol which has been assigned for the purpose, and use every precaution for the perfect preservation of the same.

(1857-8)
Code, 1896, Pt. I, title
3, ch. 2, art. 6, p. 188
Sec. 305
Standards, who to
keep

On his resignation, removal from office, or removal from the seat of government, he shall deliver the state standards to his successor, or to the secretary of state.

Sec. 306
Custody in vacancy

The state standards shall not be used except for the adjustment of county and city standards and scientific purposes.

Sec. 307
State standards, how
used

The governor shall cause to be made, under the direction of the superintendent, a set of standard weights and measures for each county of the state, in conformity to said state standards, and the superintendent shall adjust and verify them thereby as often as necessary.

Sec. 308
County standards

¹ The office of Standard Weights and Measures was changed to the National Bureau of Standards (act of Congress, Mar. 3, 1901).

Sec. 309
County standards,
now used

The county standards are not to be used except for the adjustment and verification of the substitutes which the governor shall cause to be made, under the direction of the superintendent, and furnished to the order of the county court of each county in the state, together with suitable balances, brands, stamps, and other apparatus necessary for the office of a county sealer of weights and measures.

Code, 1896, Pt. I, title
3, ch. 8, p. 235
Sec. 575
County standard
keeper and sealer

There shall be a standard keeper and sealer of weights and measures in each county of the state, who shall be appointed by the county court, and hold his office during the pleasure of the court.

Sec. 576
Where to reside

He shall live at the county town, or as near thereto as a person well qualified can be procured.

Sec. 578
Corporation standard
keeper

The corporate authorities of any city or town may appoint a standard sealer and keeper of weights and measures for such city or town, procuring and having verified suitable standards, at the expense of such corporation; and said officer shall have the same power and authority as the county standard keeper and sealer.

It shall be his duty:

Sec. 579
Duties of standard
keeper

(1) To take charge, and to use every precaution for the perfect preservation, of the standards furnished by the state, so as to avoid touching them with the hand, and any soiling, abrasion, or other injury thereto.

(2) To use the standards to adjust and verify the substitutes or copies furnished him, and for no other purpose.

(3) To adjust the substitutes or copies at least once a year.

(4) To adjust and verify all weights, measures, and other apparatus used for weighing and measuring, that may be brought to him for the purpose by and in conformity with the said substitutes.

(5) To brand or mark with the letter T and the current year, such weights, measures, balances, and other apparatus, as, upon trial or adjustment shall be found correct.

(6) To prove patent balances, steelyards, platform scales, and other balances having poise, with correct weights up to five hundred pounds.

(7) To advertise each year, at the courthouse door, where he may be found with his apparatus for proving and sealing.

(8) On vacating his office, to deliver to his successor, or to the presiding officer of the county court, or chief officer of the city or town, as the case may be, all the standards and apparatus of his office.

Sec. 580
On death, standards
to be delivered to whom

On the death of a standard keeper and sealer, his personal representative, or other person into whose hands the standards

and apparatus of his office may come, shall deliver the same to his successor, or to the presiding officer of the county court, or chief magistrate of the city or town.

No person, except the standard keeper and sealer, shall use a seal, brand or mark, such as is above directed, for marking and sealing.

Sec. 581
Use of seals

No apparatus used for weighing shall be sealed which shall not weigh accurately within one-fourth of a pound in one hundred.

Sec. 582
Apparatus when not sealed. Limits of error

The following shall be the legal and uniform standard of weights and measures in this state for the sale and purchase of the following named products of the farm, orchard, and garden, and articles of merchandise, to wit:¹

Code, 1896, pp. 794-795 (1887)
Sec. 3475
Table of weights and measures

Apples, green bush. per bbl.	2½	Grapes, without stems, pounds per bushel	60
Do lbs. per bush.	50	Hair, plastering do	8
Apples, dried do	24	Hemp seed do	44
Apple seed do	40	Hickory nuts do	50
Barley do	48	Hominy do	62
Beans, dried do	60	Horse radish do	50
Beans, green, in pods do	30	Hungarian seed do	48
Do bush. per bbl.	2½	Land plaster do	100
Beans, castor lbs. per bush.	46	Lime, unslacked do	80
Beef, net lbs. per bbl.	200	Lime, slacked do	40
Beets lbs. per bush.	50	Liquids gals. per bbl.	42
Blackberries do	48	Melon, cantaloupe . . lbs. per bush.	50
Blackberries, dried do	28	Melon, cantaloupe . bush. per bbl.	2½
Blue grass seed do	14	Millet, German, seed, pounds per bushel	50
Bran do	20	Millet, Missouri . . . lbs. per bush.	50
Broom corn seed do	42	Millet, Tennessee . . . do	50
Buckwheat do	50	Oats seed do	32
Cabbage do	50	Onions, button sets . . . do	32
Canary seed do	60	Onions, matured . . . do	56
Carrots do	50	Onions, top buttons . . . do	28
Cement do	80	Orchard grass seed . . . do	14
Charcoal do	22	Osage orange seed . . . do	33
Cherries, with stems . . . do	56	Parsnips do	50
Cherries, without stems . do	64	Peaches, matured . . . do	50
Chestnuts do	50	Peaches, dried . . . do	26
Clover seed, red and white . do	60	Pears, matured . . . do	56
Coal, stone do	80	Pears, dry do	26
Coke do	40	Peanuts do	23
Corn, shelled do	56	Peas, dry do	60
Corn, in the ear, shucked . do	70	Peas, green, in hull . . do	30
Corn, in ear, with shucks . do	74	Peas, green, in hull, bushels per barrel	2½
Corn, green, with shucks . do	100	Pieplant lbs. per bush.	50
Do bush. per bbl.	2½	Plums do	64
Corn, matured, with shucks . do	5	Pork, net lbs. per bbl.	200
Corn, pop lbs. per bush.	70	Potatoes, Irish . . . lbs. per bush.	60
Cornmeal, unbolted . . . do	48	Potatoes, Irish . . . bush. per bbl.	2½
Cornmeal, bolted . . . do	50	Potatoes, sweet . . . do	2½
Cotton seed do	28	Potatoes, sweet . . . lbs. per bush.	50
Cucumbers do	48	Quinces, matured . . . do	48
Fish lbs. per bbl.	200	Raspberries do	48
Flax seed lbs. per bush.	56	Redtop seed do	14
Flour lbs. per bbl.	196		
Gooseberries lbs. per bush.	48		
Grapes, with stems . . . do	48		

Legal weights of barrels or bushels of various products

Legal weights per barrel or bushel of various products

¹ For convenience in printing, a slight change has been made in arrangement of these articles.

Rye seed.....lbs. per bush..	56	Strawberries.....lbs. per bush..	48
Rye grass (Italian) seed.....do....	20	Timothy seed.....do....	45
Sage.....do....	4	Tomatoes.....do....	56
Salads, turnips, kale.....do....	30	Turnips.....bush. per bbl..	2½
Salads, mustard, spinach...do....	30	Turnips.....lbs. per bush..	50
Salt.....do....	50	Velvet grass seed.....do....	7
Sorghum molasses...lbs. per gal..	12	Walnuts.....do....	50
Sorghum seed....lbs. per bush..	50	Wheat.....do....	60

A barrel, dry measure, is by law fixed at five bushels; and proof of a different custom in the neighborhood cannot alter the law. 4 Hum., 106.

(1895)
 Sec. 3476
 Violation a misdemeanor; penalty

It shall be unlawful to buy or sell any of the products of the farm, orchard, or garden, or articles of merchandise, mentioned section 3475, except in strict accordance with the standard of weights and measures provided therein; and it shall be unlawful to dock any of the articles mentioned in said section, delivered in good condition and marketable form, on account of keg or barrel, without allowing value of same. Any person violating this section, or any part thereof, shall be guilty of a misdemeanor, and shall be fined not less than five dollars nor more than fifty dollars for each offense.

(1857-8)
 Sec. 3477
 Apparatus to be proved and sealed yearly

Every person keeping any store, grocery, warehouse, merchant mill, commission house, railroad depot, or any scales or apparatus for weighing or measuring for the public, shall, once in each year, have the weights, measures, and other apparatus used by him proved and sealed.

Sec. 3478
 Penalty for neglect

For every neglect to comply with this provision, the delinquent shall be liable to a penalty of five dollars, to be recovered before a justice of the peace, one-half to the use of the town or county, the other half to the person who sues therefor.

Sec. 3479
 Unsealed apparatus prohibited

Every person not enumerated in section 3477, who shall use weights, measures, or other apparatus in buying or selling which have not been once sealed as required by law, shall be subject to a penalty of one dollar and costs, recoverable as above.

Sec. 3480
 Treble damages and costs

If any person use such weights, measures, and apparatus which have not been sealed according to law, or which have been altered after being sealed, whereby any person shall be defrauded, he shall be subject to an action at law, in which the person defrauded shall recover three times the amount of damages and costs.

Sec. 3481
 Surveyor's chains

Every surveyor shall have the chains or other measures used by him in conformity with the standard.

Sec. 3482
 Metric system legalized

It shall be lawful throughout the United States of America to employ the weights and measures of the metric system, and no contract or dealing or pleading in any court shall be deemed invalid or liable to objection because the weights or measures expressed or referred to therein are weights or measures of the metric system.

Sec. 3483
 Tables of weights and measures

The tables in the schedule hereto annexed shall be recognized in the construction of contracts, and in all legal proceedings, as

establishing, in terms of the weights and measures now in use in the United States, the equivalent of the weights and measures expressed therein in terms of the metric system; and said tables may be lawfully used for computing, determining, and expressing, in customary weights and measures, the weights and measures of the metric system.¹

The secretary of the treasury shall furnish each state, to be delivered to the governor thereof, one set of the standard weights and measures of the metric system for the use of the states respectively. (Act of Congress, July 27, 1866, sec. 1; 14 Stat., 369; 2 Bright, 553.)

Sec. 3484 °
Metric system furnished States

The sealer of weights and measures is entitled to demand and receive, for sealing, fifteen cents.

Code, 1896, pt. 3, title 12, ch. 9, p. 1583
Sec. 6417
Schedule of fees

The fees of a standard keeper and sealer of weights and measures shall be as follows:

1. For proving and sealing each balance beam, patent balance, platform scales, steelyards, or other weighing apparatus, requiring less than one hundred pounds to test. \$0. 10
2. For such as require from one hundred to five hundred pounds to test.25
3. For such as require five hundred pounds or more to test.50
4. For proving and sealing each yard measure.05
5. For proving and sealing each capacity measure of less than one gallon.05
6. Of one gallon or more.10
7. For proving or sealing each weight or poise of less than ten pounds.05
8. Of ten pounds or more.10

He may also charge a reasonable compensation for labor and materials employed in making or attempting to make such weights, measures, or balances as are not correct, conform to the standards; and he may retain such weights and measures as are brought to him for adjustment until his fees are paid.

Sec. 6419 °
Reasonable compensation for correcting weights and measures

He shall also have a reasonable compensation for leaving his office to prove, seal, or adjust weights or measures not brought there for that purpose, said compensation to be fixed by the quarterly court of each county.

(1889)
Sec. 6420
Leaving office

The county court may appropriate moneys as follows: * * *

(14) For weights and measures.

(1827)
Code, 1896, pt. 3, title 7, ch. 3, p. 1491
Sec. 6045
Appropriation

If any person, with intent to defraud, have in his possession, or use, any false balance, weight or measure in any business, trade, or transaction, it shall be a misdemeanor.

(1741)
Code, 1896, pt. 4, title 1, ch. 6, p. 1643
Sec. 6734
False balance, weight, or measure
Sec. 6735
Forfeited

The magistrate granting the warrant of arrest for the offense described in the last section, shall also direct the seizure of the false weights, balances, or measures; and if they are found to be false, they shall be forfeited to the county, and, after being made of the

¹Here followed the tables of the metric system with the equivalents in denominations in use at present. See United States laws, pp. 3 and 4.

standard weight or measure, may be sold and the money paid to the county treasury.

Code, 1896, ch. 10, p. 779
(1801)
Sec. 3374
Contents of flour barrel
rel
Every packer of flour or kiln-dried meal shall put into a barrel the full quantity of one hundred and ninety-six pounds of flour, and into every half barrel the full quantity of ninety-eight pounds of flour.

Code, 1896, ch. 11, p. 781
(1870-1)
Sec. 3385
Tobacco scales, and inspection thereof
The proprietor¹ will keep good and sufficient scales for weighing tobacco, which shall be tested at the beginning of each tobacco year, and every three months thereafter, by the keeper and sealer of weights for the county, and at the time when written application is made by two or more planters or burghers.

(1777)
Code, 1896, ch. 12, p. 790
Sec. 3452
Measures
Sec. 3453
False toll dishes
Millers shall keep in their mills the following sealed measures: One half bushel, one peck, and proper toll dishes for each measure. Every owner keeping a mill, either by himself, servant, or lessee, who shall be convicted of keeping false toll dishes, shall forfeit and pay to the party injured ten dollars, to be recovered before any justice of the peace in the county.

Code, 1896, ch. 14, p. 792
(1839-40)
Sec. 3465
Salt and sugar, sell- ing by marks
Any person selling salt or sugar by the barrel, sack, or bag, purporting by the marks or brands to contain a certain number of pounds or bushels, when in fact the quantity falls short of the amount designated, shall forfeit ten cents for each and every pound or deficiency, to any person who will sue therefor; but nothing in this section shall be construed to prevent the sale of salt or sugar by the mark or brand, if the purchaser is willing to buy by such mark or brand.

(1887)
Code, 1896, art. 3, pp. 194-195
Sec. 339
Duties of check- weighman
At every coal or other mine in this state, where coal or other minerals are mined by weight or measure, the miners, or a majority of those present at a meeting called for that purpose, shall have the right to employ a competent person as check weighman or check measurer, as the case may require, who shall be permitted at all times to be present at the weighing or measuring of coal, also have power to weigh or measure the same, and, during the regular working hours, to have the privilege to balance and examine the scales or measure the cars; Provided, That all such balancing or examination of scales shall only be done in such way and in such time as in no way to interfere with the regular working of the mines; and he shall not be considered a trespasser during working hours while attending to the interest of his employers, and in no manner shall he be interfered with or intimidated by any person, agent, owner, or miner; and any person violating these provisions shall be held and deemed guilty of a misdemeanor, and, upon conviction thereof, he shall be punished by a fine of not less than twenty dollars and not exceeding one hundred dollars or imprisoned, at the discretion of the court.

¹Of tobacco warehouses.

It shall be a further duty of check weighman or check measurer to credit each miner with all merchantable coal or other mineral mined by him, on a proper sheet or book kept by him for that purpose. When differences arise between the check weighman or check measurer and the agent or owners of the mine, as to the uniformity, capacity of scales or cars used, the same shall be referred to the mine inspector of the district where the mine is located, whose duty it shall be to regulate the same at once; and, in the event of said scales or cars proving to be correct, then the party or parties applying for the testing thereof to pay or bear all costs and expenses thereof, but, if not correct, then the owner or owners of said mine to pay the cost and charges of making said examination.

Sec. 340
Further duties; differences, how settled

[It is no interference or intimidation for the mine owner to threaten to close down his mine unless the miners discharge their check weighman. 6 Pickle, 580.]

Should any weighman, agent, or check measurer, whether employed by operators or miners, knowingly or wilfully adopt or take more or less pounds for a bushel or ton than is now provided for by law, or wilfully neglect the balancing or examining of the scales or cars, or knowingly and wilfully weigh coal with an incorrect scale, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be imprisoned in the county jail for not less than three months.

Sec. 341
Penalty for incorrect weighing or measuring

[Weighman employed by the mine owner is subject to the penalty, at least when the miners do not all expressly agree to the incorrect method of weights. 6 Pickle, 575.]

All casks intended for the purpose of containing butter or lard for exportation shall be made of well seasoned timber, the staves not less than half an inch thick, and the heads not less than three-quarters of an inch thick when wrought, the heading well dowed, the cask to have twelve good and substantial hoops, securely nailed or pinned, and to be perfectly tight, and capable of holding said articles in a liquid state.

Code, 1896, ch. 9, p. 779
(1801)

Sec. 3371
Casks, specifications for

Each barrel shall contain not more than thirty gallons, and each half barrel fifteen gallons.

Sec. 3372
Barrel and half barrel

Casks intended to contain flour or meal for exportation shall be made of good seasoned materials, tightened with ten hoops, sufficiently nailed with four nails in each chime hoop, and three nails in each bilge hoop, and shall be of the following dimensions: the staves of the barrel shall be twenty-seven inches long, and the heads seventeen inches in diameter; and the half barrel shall be one half the capacity of the barrel.

(1859-60)
Sec. 3373
Flour barrel, how to be made

It shall be a misdemeanor:

For any person with intent to defraud, falsely to alter any stamp, brand, or mark on any cask, package, box, or bale containing merchandise or produce, made by a public officer ap-

Code, 1896, p. 1644
Sec. 6736 (1)^o
Misdemeanor to alter brands

pointed for that purpose, in order to denote the quality, weight, or quantity of the contents thereof.

⁽¹⁸⁵⁹⁻⁶⁰⁾
Sec. 6740
Penalty for conceal-
ing iron, stone, etc., in
bales of cotton or pack-
ages of tobacco

If the owner or superintendent of cotton gin or tobacco establishments of any kind in Tennessee, shall place any wood, iron, rocks, dirt, or other substance, into any bale of cotton, hogshead or package of tobacco, when packed or baled, for the purpose of adding to the weight thereof, or shall cause the same to be done by others, such person or persons so offending shall be deemed guilty of a felony, and subject to indictment as in other cases of felony, and, upon conviction thereof, shall suffer imprisonment in the penitentiary of the state, for a period not less than two nor more than five years, and shall also pay a fine of five hundred dollars, to be paid into the treasury of the state.

⁽¹⁸⁸⁰⁾
Supp. Code, 1903, p.
566
Sec. 1
Standard half-bushel
measure

It shall be unlawful for any person, commission merchant, miller, dealer, grain inspector, corporation, company, firm, or association, either by himself, itself, officer, agent, or employee, when purchasing wheat from the owner, his agent or employee, to use for the purpose of testing or determining the weight, grade, milling, or market value of wheat, any measure other than the standard half bushel measure furnished this state by the United States; and the use of any fractional part of said standard half bushel measure for such purpose will be a violation of this section.

Sec. 2
Leveling stick

It shall be unlawful to use anything other than a straight stick, with the edges square, for leveling the wheat in said half bushel measure for the purpose of testing the weight, grade, milling, or market value of wheat.

Sec. 3
Penalty

Any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten dollars nor more than fifty dollars for each offense.

Acts, 1909, ch. 548
Sec. 1
Weight falsely
marked

That it shall be unlawful for any merchant or manufacturer or any person to sell within this State any package or quantity of any commodity marked to contain or represented to contain a certain number of pounds or ounces or fractions thereof when, as a matter of fact, it contains a less quantity.

Sec. 2
Tolerance

That every violation of section 1, where the shortage in weight is as much as one per cent of the marked or represented weight, is declared to be and shall be a misdemeanor, and shall be punished by fine of not less than ten dollars nor more than five hundred dollars or by imprisonment in the county workhouse for not more than six months or by both in the discretion of the court.

Code, 1896, Vol. I, ch.
18, p. 797
(1883)
Sec. 3485
Tobacco and cotton
weighers; manner of
election

The county court of any county in the state (a majority of its members favoring the same) may, on the first Monday of July of every year, elect cotton and tobacco weighers for such county, whose duty it shall be to weigh all cotton and tobacco that par-

ties may agree to have weighed by him. The said election shall be by ballot, and the party getting the highest number (provided it be a majority of the votes cast), shall be declared elected.

Before entering upon the duties of his office, said cotton and tobacco weigher shall provide himself with balances or scales, duly tested according to the laws of Tennessee, and shall take an oath faithfully and impartially to discharge the duties of said office, and shall give bond in such penalty as the court may prescribe, conditioned as set forth in said affidavit, and said officer shall hold his office twelve months or until his successor is elected and qualified.

Sec. 3486
Equipment

It shall be the duty of said cotton and tobacco weighers to give and declare exact and just weights, regardless of the condition of the cotton and tobacco.

Sec. 3487
Exact weights

Any cotton weigher elected according to the provisions of this chapter, who shall give or declare any unjust weights, or who shall wilfully violate the previous sections of this chapter, shall be guilty of a felony, and, upon conviction of the same, shall be confined in the state penitentiary not less than one nor more than three years.

Sec. 3488
Penalty for violation

The court may prescribe the compensation for said cotton and tobacco weigher, which shall not be over ten cents a bale, and twenty-five cents a hoghead, to be paid by the party selling the cotton and tobacco.

(1889, 1890)
Sec. 3489
Compensation

It shall be unlawful for any purchaser or weigher of cotton to deduct two pounds, or any number of pounds, known as "scalage" from the actual weight of any merchantable bale of cotton weighed or purchased by them; and purchasers shall account to the seller of cotton, in all instances, for the actual weight of the bale purchased or weighed, except in cases of wet or damaged cotton, or any number of pounds for bagging and ties, when the amount to be deducted shall be agreed upon by the parties buying and selling; but the number of pounds agreed upon to be deducted for bagging and ties shall not exceed their actual weight. For each violation of this section the offender shall be deemed guilty of a misdemeanor, and, upon conviction by a court of competent jurisdiction, he shall be fined not less than ten nor more than twenty dollars.

Sec. 3490
Scalage of cotton prohibited

That every lot or parcel of concentrated commercial feeding stuff sold, offered, or exposed for sale within this State shall have affixed thereto or printed thereon in a conspicuous place on the outside thereof a legible and plainly printed statement, in the English language, clearly and truly certifying the weight of the package (provided, that all concentrated commercial feeding stuffs shall be in standard weight bags or packages of

Acts, 1909, ch. 434,
p. 1631
Sec. 1, as amended
by acts, 1911, ch. 49, p.
91. Feeding stuffs,
weight to be marked

5, $8\frac{1}{3}$, 10, 25, 50, 75, 100, 125, 150, 175, or 200 pounds); the name, brand, or trade-mark under which the article is sold; the name and address of the manufacturer, jobber, or importer; * * *

Sec. 2
Term defined

That the term "concentrated commercial feeding stuffs" shall be held to include all feeds used for live stock and poultry, except whole hays, straws, and cornstover, when the same are not mixed with other materials; nor shall it apply to the unmixed whole seeds or grains of cereals, when not mixed with other materials.

Sec. 15
Penalty

That any manufacturer, importer, jobber, agent, or dealer who shall violate any of the provisions of this Act or the regulations adopted by the Commissioner of Agriculture, upon conviction thereof, shall be fined not exceeding fifty dollars for the first offense nor more than two hundred dollars for each subsequent offense, and the proceeds from such fines shall be covered into the State treasury for use of the department executing the provisions of this Act.

TEXAS

The standard of weights and measures adopted and used by the government of the United States is hereby declared the only legal standard of weights and measures in this state.

Rev. Stat., 1895, ch.
19, p. 1092
(1846)
Art. 5322
Legal standard
(1805, 1001)
Art. 5323 as amended
1901
Weight per bushel

The following shall be the legal number of pounds per bushel:¹

	Pounds.		Pounds.
Wheat	60	Bran	20
Corn, shelled	56	Hungarian grass seed	48
Corn in the ear, shucked	70	Hemp seed	44
Corn, unshucked, in the ear	72	Flax seed	56
Oats	32	Stone coal	80
Barley	48	Charcoal	22
Rye	56	Salt	50
Buckwheat	42	Clover seed	60
White beans	60	Timothy seed	45
Irish potatoes	60	Cotton seed	32
Sweet potatoes	55	Millet seed	50
Onions	57	Peaches	50
Turnips	55	Tomatoes	55
Dried apples	28	Apples	45
Dried peaches	28		

The governor, shall procure, if necessary, at the expense of the state, a set of weights and measures in conformity with the standard used by the government of the United States, and cause the same to be deposited with the treasurer of the state, by him to be safely kept.

(1858)
Art. 5324
Governor to procure standards

The governor is authorized to cause correct copies of such weights and measures to be made under such appropriate seal as he may adopt, and to deliver or cause to be delivered, after the inspection and approval of some competent person by him appointed for that purpose, a full set of such weights and measures to the county judges of the several counties, on their application, and at the cost and expense of their respective counties.

Art. 5325
And furnish copies to counties

The commissioner of agriculture, insurance, statistics and history is hereby authorized to sell sets or parts of sets of standard weights and measures, heretofore manufactured in accordance with articles 5323 and 5325 of the Revised Statutes, at the present cost of manufacturing.

(1889)
Art. 5326
Commissioner of agriculture may sell

When such copies have been made it shall be the duty of the several commissioners' courts to appropriate a sufficient amount of money to enable the county judges of the respective counties

Art. 5327
Counties to pay for same

¹ For convenience in printing a slight change has been made in arrangement of these articles.

to pay for and procure a full set thereof for the use of their counties, and said county judges shall take charge of and keep the same.

Judges to keep the weights and measures

(1846)

Art. 5328
License to make and vend

The commissioners' courts of the several counties are authorized and directed to grant a license to such suitable person or persons as they may think proper to make and vend weights and measures agreeing with the standard furnished by the governor, under such rules and regulations as they may think proper to prescribe; provided, however, that no such weights and measures shall be sold or distributed unless the same have been first examined and approved by the commissioners' courts, or some competent person under their direction and approval.

(1858)
Art. 5329
Testing and stamping

Any person desirous of having his weights and measures tested may have the same done by applying to the county judge, who, if he finds them correct, shall seal them with a seal to be provided by the commissioners' court for that purpose, on which shall be the capital letter "T" and also the letter with which the name of the county begins.

Art. 5330
False weights and measures

Any person who shall sell by any weight, balance or measure that does not correspond to and agree with such copies, or who shall keep the same for the purpose of buying or selling thereby, shall forfeit and pay the sum of ten dollars for every month he may continue to keep the same, one-half of which shall go to the county in which such offence shall have been committed, and the other to the county judge, and it shall be his duty to sue for the penalty incurred by the commission of every such offence before some court of competent jurisdiction.

Art. 5331
Private informer may recover, when

If the county judge shall fail to sue for any such penalty within three months after the same shall have been incurred, any other person may sue therefor and recover one-half thereof for his own use and the other half for the use of the county.

Art. 5332
Forfeitures merely cumulative

Nothing in the two preceding articles contained shall be construed to affect any provision of the Penal Code relating to the use of false weights and measures, nor shall a recovery of any forfeiture by civil action relieve an offender from criminal prosecution or an action for damages resulting therefrom.

Gen. Laws, 1905, ch. 118, p. 227
Sec. 1
Standard weight of flour, etc.

Mill products hereinafter mentioned shall have the following standard weights, viz: Flour, one hundred and ninety-six pounds per barrel, or forty-eight pounds per sack; corn meal, bolted or unbolted, thirty-five pounds per sack, and feed made from cereals of any kind, whether pure, mixed or adulterated, one hundred pounds per sack. Fractional barrels and sacks shall weigh in the same proportion, and these weights shall be net and exclusive of the barrel or sack in which such product is packed.

Sec. 2
Net weight to be marked

The correct name and the true net weight of the contents of each and every hogshead, barrel, box, cask, bale, sack or package

of any of the foregoing products, whether sold in single packages or lots, shall be plainly marked, branded or stenciled in large, legible letters and figures, not less than two inches in size, upon the exterior of such hogshead, barrel, box, cask, bale, sack or package in a conspicuous place, as the head in case of hogsheads or barrels, and the front or branded side in case of sacks, bales or packages; and it shall be unlawful for any person, firm or corporation, or the agent, employe or representative of any person, firm or corporation to sell or exchange or offer for sale or exchange any of such products so packed or contained until the provisions hereof have been complied with.

Products not to be sold without stamp

If any person shall knowingly violate the provisions of this Act, he shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than one thousand dollars, and each transaction shall be deemed a separate offense.

Sec. 4
Penalty for violation

To regulate the inspection of beef, pork, flour, meal, salt and other provisions, whiskey, and other liquors to be sold in barrels, hogsheads, and other vessels and packages; to appoint weighers, gaugers and inspectors, and prescribe their duties and regulate their fees.

Sayles' Civ. Stat.
1897, p. 195
(1875)
Art. 438
Powers of the council. May regulate inspection, etc., of provisions

To regulate the weight and quality of the bread to be sold or used within the city.

Art. 439
May regulate the weight and quality of bread

The Governor is hereby authorized and required to appoint five persons as public weighers in every city which receives annually one hundred thousand bales of cotton on sale or for shipment. In all of the counties in this state in which there are no city or cities in which the governor is authorized to appoint public weighers, the commissioners' court of said county, when presented with a petition signed by a majority of the qualified voters of any justice precinct in their county, praying for the appointment or election of public weighers for said precinct, shall appoint or order to be elected at the next general election one or more suitable persons for public weighers for said justice precinct, the number of weighers for any one precinct to be determined by said court, and should they appoint a public weigher for said justice precinct, he shall hold his office until the next general election, when there shall be elected for said justice precinct his successor, a public weigher, in the manner and form governing the election of other precinct officers; *provided*, the majority of the qualified voters shall be determined by a comparison with the whole number of votes cast at the last general election in such justice precinct for the office of governor; and it is *further provided*, that no person shall be elected or appointed a public weigher unless he shall be a qualified elector in the city or justice precinct for which he is appointed or elected.

Supp. to Sayles' Civ Stat., 1904, title 90, p. 463
(1899)
Sec. 4308
Appointment and election of public weighers

Length of term

All public weighers appointed by the governor or elected for justice precinct shall hold their office for a term of two years and until their successors are appointed or elected, as the case may be, and qualified, subject to removal for misconduct or incompetency in office; *provided*, no person shall be appointed or elected public weigher or deputy public weigher who is interested in the purchase or sale of cotton, wool, sugar or grain; to be weighed, either as principal, agent, factor, commission merchant or employee; *provided*, further, that the commissioners' court may unite two or more justice precincts for the purpose of electing public weighers; *provided*, further, that when the people of any county or subdivision thereof that has an elective weigher, may wish to abolish said office of public weigher, the commissioners' court of said county shall, upon petition to abolish said office, signed by qualified voters at least one-third in number of the whole vote cast for governor at the last preceding election in the county or weighers precinct, as the case may be, order an election to decide whether such office of public weigher of the county or subdivision named in the petition shall be abolished or not.

Interested persons
not to be appointedAbolishment of office,
how effected

Said election shall be held in the same manner as other elections, and if a majority of the votes of the county or subdivision of the county ordering said election shall be cast in favor of abolishing any office of public weigher, the commissioners' court shall declare such office to be abolished within thirty days after the election, and another election for this purpose shall not be held for two years, and no election shall be held for this purpose until two years after said office of public weigher has been created.

No other election for
two years

When a person is appointed or elected public weigher and shall have qualified as provided in article 4309 he shall enter upon the duties of his office and weigh, without unnecessary delay all cotton, wool, sugar, hay, pecans or grain, required to be weighed by him.

(1903)

Sec. 4310
Duties of public
weighersTo mark weight on
bales, etc.

He shall prepare a convenient place or places of easy access to the public in which to perform his duties. He shall mark upon the bales of cotton, hogsheads or barrels of sugar, and bales of wool, or on tags attached thereto, the weights thereof in figures, and shall deliver to the owner or his agents, of all cotton, wool, hay, sugar, pecans or grain, a certificate, or a statement, at the option of the owner in writing with ink or an indelible pencil, setting forth the weights of such cotton, wool, sugar, hay, pecans or grain weighed by him, over his official signature. * * *

Certificate

Sec. 4311
May appoint deputies

The public weighers who shall have been appointed or elected under the provisions of this act, after they have taken the oath of office, and their bonds shall have been approved and recorded in the same manner as the bonds of county officers, shall have

power and authority to appoint as many deputies as may be necessary to enable them to expediently weigh all cotton, wool, sugar, hay, and grain, offered to be weighed in the cities and justice precincts for which they are elected or appointed; *provided*, that no public weigher shall appoint deputies for any place or places not situated in the city or justice precinct for which he is elected or appointed. The public weigher for any justice precinct shall on request of twenty bona fide citizens of any town, railroad station, or other place in his precinct, who are engaged in the buying or selling of cotton, wool, sugar, hay, or grain, appoint a deputy for such town, railroad station or other place. The deputies of public weighers shall take the oath required of their principals, and their principals may require of them a bond with good and sufficient sureties, in the sum of fifteen hundred dollars, to be approved by said principals, and conditioned for the faithful performance of their duties, and the said principals shall have the right to recover in any court having jurisdiction, satisfaction on said bonds for any damages sustained by reason of said deputy or deputies failing to properly perform the duties of their office.

To be appointed on petition

Oath and bond of deputies

All public weighers appointed or elected under the provisions of this act shall keep accurate and well adjusted scales and balances and give accurate weights, and shall have the same tested and certified to as provided by law. All public weighers appointed or elected under the provisions of this act shall be held responsible for their official acts and the official acts of their deputies, and shall be liable at suit for all damages that may have accrued to any person or persons by reason of their failure to perform their official duties.

Sec. 4312
Shall keep accurate scales

It shall not be lawful for any factor, commission merchant, or other person or persons, to employ any other than a public weigher or his deputies to weigh cotton, wool, sugar, hay or grain, or other produce sold or offered for sale in any city or justice precinct having a public weigher duly qualified, and any person or persons violating this provision shall be liable at the suit of the public weigher of such city or justice precinct to damages in any sum not less than five dollars for each bale of cotton, bale or sack of wool, ton of hay or ton of grain so unlawfully weighed, to be recovered in any court having jurisdiction thereof.

Sec. 4314
Factor or commission merchant not to employ other weigher

Weigher may sue violator

Public weighers appointed or elected under the provisions of this act shall receive the following fees: For each bale of cotton weighed, not exceeding ten cents; and when he shall run a cotton yard in connection with his weighing his compensation shall not exceed fifteen cents per bale as yardage for the first month after same is received for storage, and not exceeding ten cents per bale

Sec. 4315
Fees

per month thereafter. For each bale or sack of wool, or hogshead of sugar, or wagon load of hay, pecans or grain, ten cents; for each part of a wagon load of hay, grain or pecans, not exceeding five cents. * * *

(1905)
Sayles' Civ. Stat.,
Supp. of 1906, p. 473
Art. 4316
Owner may weigh
own cotton

Nothing in this Act shall prevent any person, firm or corporation from weighing his own cotton, wool, sugar, hay, grain or pecans in person, providing that in places where there are no public weighers appointed or elected that any person who shall weigh cotton, wool, sugar, grain, hay or pecans for compensation shall be required before weighing such produce to enter into a bond with at least two good and sufficient sureties in the sum of twenty-five hundred dollars (\$2500), approved and payable as in the case of public weighers referred to in this chapter, and conditioned that he will faithfully perform the duties of his office and turn over all property weighed by him on demand of the owner; provided, that this Article shall not apply to merchant flouring mills.

To give bond

Not applicable to mer-
chant flouring mills

Art. 4316a
Liable for damages,
when

Any weigher who qualifies under Article 4316 of this chapter and shall violate any of the provisions or fail to comply with any of such provisions shall be liable at the suit of any person injured, upon his bond for damages that may have accrued to such person by such violation or failure.

Art. 4316b
Failure to comply;
penalty for

Any person who shall weigh or offer to weigh any cotton, wool, sugar, or hides for compensation for the public without complying with all of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding two hundred dollars.

Gen. Laws, 1911, ch.
34, D. 47
Sec. 1
Weight of bagging
and ties used on cotton
to be marked, by gin-
ners

That the owners, lessees, operators or receivers of all cotton gins, in this State, shall stamp or write, upon each and every bale of cotton ginned by them, in plain figures, the weight of the bagging and ties in which the cotton is wrapped, said figures to be written or stamped with indelible ink, and shall be not less than four inches in height and three inches in width, and shall be preceded by the word, "tare," written or stamped upon the bale with indelible ink, the letters composing said word to be not less than four inches in height and three inches in width. Any person wilfully violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than ten, nor more than one hundred dollars.

Penalty for violation

Sec. 2
Weight of bagging
and ties to be replaced,
when

That the owners, lessees, operators or receivers of all cotton compresses in this State, shall write or stamp upon each and every bale of cotton compressed by them, the word and figures placed upon such bale or bales of cotton by the ginner ginning the same, in compliance with section 1 of this act, in the same manner as provided for ginner in said section 1, should such word and figures

be defaced or hidden during the process of compression. Any person wilfully violating the provisions of this section, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than ten (\$10.00) dollars, nor more than one hundred (\$100.00) dollars.

Penalty for violation

Each bale of cotton ginned and each bale of cotton compressed without having placed thereon the word and figures as provided in sections 1 and 2, respectively, of this act, shall constitute a separate offense.

Sec. 3
Separate offense:
what constitutes

It shall be unlawful for any person, firm, corporation, cotton exchange or board of trade, to make a greater deduction for tare, either from the gross weight of any bale of cotton or the price of same than is shown by the figures placed upon the bale in compliance with section 1 of this act.

Sec. 4
Greater deduction for
tare unlawful

Any person, firm, corporation, cotton exchange, or board of trade, or any agent of any person, firm, corporation, cotton exchange, or board of trade who violates the provisions of section 4 of this act, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine, of not less than ten nor more than one hundred dollars.

Sec. 5
Misdemeanor

Penalty

Each bale of cotton from which a greater deduction for tare is made, than is shown by the figures written or stamped upon same, shall constitute a separate offense.

Sec. 6
Separate offense,
what constitutes

The crowded condition of the calendars of both Houses, and the importance of this measure to the people of the State, create an emergency and an imperative public necessity demanding the suspension of the Constitutional rule requiring all bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

Sec. 7
In effect

All corporations, firms or persons, before selling or offering for sale any commercial fertilizer for use within this State, shall brand or attach to each bag, barrel or package a plainly printed statement, showing the brand or name of said fertilizer, the net weight of the contents of the package, the name and address of the corporation, firm or person registering said fertilizer * * *. All branding or labeling must be durable and legible, and so placed and arranged as to be easily read.

Gen. Laws, 1911, ch.
109, p. 218
Sec. 1
Net weight to be
stamped on fertilizers

* * * That for the purposes of this act an article shall also be deemed to be misbranded: * * * (b) In the case of food: * * * (3) if in package form and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Gen. Laws, 1911, ch.
47, p. 76
Sec. 3
Misbranding, what
constitutes

UTAH

The standard of weights and measures adopted and used by the government of the United States is hereby declared the only legal standard of weights and measures of this state.

The State Dairy and Food Commissioner shall be ex-officio sealer of weights and measures, and shall procure and have the custody of the authorized public standards of weights and measures. He shall at least once a year and as often as he may deem necessary, try and prove by such standards all weights, measures, seals [scales], beams, computing scales and other devices having a device for indicating or registering the price as well as the weight of the commodity offered for sale. Computing devices, which may be used by any person at any place within the State, shall be tested as to the correctness of both weight and arithmetical values indicated by them, except within cities wherein there exists a city sealer of weights and measures. He may, however, when deemed necessary, test all the above mentioned apparatus in said cities, if they have not been previously tested by the city sealer of weights and measures. He shall seal such, when found to be correct in the State of Utah, by stamping upon them the letter U with a seal which he shall have and keep for that purpose.

He may also, at any time, inspect the local sealer's outfit as to accuracy, and when found incorrect may have them sent to a responsible manufacturer of sealer's apparatus for repairs, or to the National Bureau of Standards for verification.

Any person dealing in any article of produce or merchandise who shall himself or by his agent or employee use any weight or measure other than the standard herein specified, or who shall himself or by his agent or employee give short weight or measure or less than the full quantity of any article sold, shall be liable for each offense to a fine in any sum less than three hundred dollars, and for all damages accruing for such offense to the party injured.

The State Dairy and Food Commissioner shall collect from the owner and pay into the State treasury for the use of the State the following fees, to-wit: For any steelyards, beam, ground, floor, platform, counter, computing or other scales, by which can be weighed not exceeding 100 pounds, 75 cents.

Comp. Laws, 1907
Sec. 2724
United States standard governs

Sec. 2725, as amended
by Laws, 1911, ch. 107,
title 86
State sealer, duties

Sec. 2728
False standards,
short weight or measure

Sec. 2729, as amended
by Laws, 1911, ch. 107,
title 86
Sec. 1
Fees of State sealer

For any such instrument by which may be weighed over 100 pounds, and not more than 600 pounds, \$1.00; 600 pounds to 2,000 pounds, \$1.50; all over 2,000 pounds, \$2.50.

For any nests or sets of measures, 75 cents.

For any yardstick, dry or liquid measure, 25 cents.

And the weights attached to any scales shall, as to the compensation of the sealer of weights and measures, be considered as parts of the scales; Provided, that where any such weight, measure or instrument, upon subsequent examination, be found correct and shall not require to be stamped a second time, the aforesaid sealer of weights and measures shall not receive more than one-half of the compensation provided for.

Laws, 1911, ch. 107
title 86
Sec. 2
Appropriation

For the purpose of carrying out the provisions of this act, there is hereby appropriated the sum of \$1,000.00 to put in order the weights and measures now on hand and to purchase such additional standards as may be required, and the sum of \$2,400.00 annually, or so much thereof as may be necessary to pay the expenses of making the required tests.

Comp. Laws, 1907
Sec. 2730
Municipal powers
not abridged

Nothing in this title shall be construed to curtail or in any manner abridge the powers of municipal corporations to make such regulations for the trying and proving of weights and measures, scales and beams, as are granted to such corporations by the laws of this state.

Comp. Laws, 1907,
p. 1332
Sec. 4404
False weights or
measures defined
Sec. 4405
Using false weight
or measures

A false weight or measure is one which does not conform to the standard established by the laws of the United States of America.

Every person who uses any weight or measure, knowing it to be false, by which use another is defrauded or otherwise injured, is guilty of a misdemeanor.

Sec. 4406
Marking false weight
or measure; sale

Every person who knowingly marks or stamps false or short weight or measure, or false tare, on any cask, or package, or car, or who knowingly sells or offers for sale any cask or package or other article so marked, is guilty of a misdemeanor.

Sec. 4407
Giving short weight

In all cases of coal, hay, and other commodities, usually sold by the ton or fractional part thereof, the seller must give to the purchaser full weight, at the rate of two thousand pounds to the ton; and in all sales of articles which are sold in commerce by avoirdupois weight, the seller must give to the purchaser full weight, at the rate of sixteen ounces to the pound; and any person violating any provision of this section is guilty of a misdemeanor.

Comp. Laws, 1907, p.
1347
Sec. 4475
Penalty for fraudu-
lently increasing weight
of package

Every person who, in putting up in any bag, bale, box, barrel, or other package, any hops, cotton, wool, grain, hay, or other goods usually sold in bags, bales, boxes, barrels, or packages by weight, puts in or conceals therein anything whatever, for the purpose of increasing the weight of such bag, bale, box, barrel, or package, is punishable by a fine of \$25 for each offense.

The city council shall have the powers in the following Sections enumerated: Comp. Laws, 1907, ch. 4, p. 180, as amended by Laws, 1911, ch. 120, p. 206 (1901, 1905, 1911)

To provide for the place and manner of sale of meats, poultry, fish, butter, cheese, lard, vegetables, and all other provisions, and regulate the selling of the same. Sec. 206 General powers of city council

To provide for and regulate the inspection of meats, fruits, poultry, fish, butter, cheese, lard, vegetables, flour, meal, and all other provisions. Sec. 206 x 43 Manner of sale

To provide for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity, and to appoint the necessary officers therefor. Sec. 206 x 44 Inspection of meats, etc.

To provide for the inspection and sealing of weights, measures, computing scales and all weighing and measuring devices indicating arithmetical values as well as weight. Sec. 206 x 45 Inspection of merchandise

To enforce the keeping of proper weights, measures, computing scales and all weighing and measuring devices indicating arithmetical values as well as weight. Sec. 206 x 46 Weights and measures

On each package of butter manufactured and offered or exposed for sale in the State of Utah, there shall be stamped upon the wrapper or package the name of the maker thereof with address of same, and the actual number of ounces contained in said wrapper or package at the time of its manufacture. Sec. 206 x 47 Same. Keeping, enforcement of

Any person, firm, or corporation who offers to sell, or furnish, or deliver for sale, any butter, unless marked as specified in §746 x 26, shall be deemed guilty of a misdemeanor. Comp. Laws, 1907 (1907) Sec. 746 x 26 Weight to be stamped on butter

Misbranded—For the purpose of this chapter an article shall be to be deemed misbranded: In the case of foods: Sec. 746 x 27 Penalty

3. If in package form, and the contents are stated in terms of weight or measure, they are not correctly stated on the outside of the package. Sec. 737 ° Misbranded foods

The Metric System shall be taught in the public schools of the State. Cons., art. 10 Sec. 11 Metric system to be taught

In the use of the Babcock test, the standard milk measures or pipettes shall have a capacity of 17.6 cubic centimeters, and the standard test tubes or bottles for milk shall have a capacity of 2 cubic centimeters for each 10 per cent marked on the necks on the necks thereof; cream shall be tested by weight and the standard unit for testing shall be 18 grams, and it is hereby made a misdemeanor to use any other standards of milk or cream measure where milk or cream is purchased by or furnished to creameries or cheese factories and where the value of said milk or cream is determined by the per cent of butter fat contained in the same or wherever the value of milk or cream is determined by the per cent of butter fat contained in the same by the Babcock test. Sess. Laws, 1911, ch. 69, p. 95 Sec. 6 Use of Babcock test

* * * * *

Misdemeanor

Any manufacturer, merchant, dealer, or agent in this State who shall offer for sale or sell a milk pipette or measure, test tube or bottle which is not correctly marked or graduated as herein provided, shall be guilty of a misdemeanor.

It shall be unlawful for the owner, manager, agent, or employee of a cheese factory, creamery, or condensed milk factory to falsely manipulate or under-read or over-read the Babcock test or any other contrivance used for determining the quality or value of milk or cream, or to make any false determination by said Babcock test or otherwise.

**Sec. 7
Penalty**

Whoever shall violate any of the provisions of this Act, shall be guilty of a misdemeanor, and shall upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than thirty days; or by both such fine and imprisonment, at the discretion of the court.

Comp. Laws, 1907
(1898, 1901, 1903, 1905)
Sec. 1288 x 19
Standard of measure-
ment of water

The standard unit of measurement of the flow of water shall be the discharge of one cubic foot per second of time, which shall be known as a second foot; and the standard unit of measurement of the volume of water shall be the acre foot, being the amount of water upon an acre covered one foot deep, equivalent to 43,560 cubic feet.

Sec. 1529
Mine owners to pro-
vide scales for weigh-
ing coal

The owners, agent, or operator, of every coal mine in this State, at which the miners are paid by weight, shall provide at such mines suitable and accurate scales of standard manufacture for the weighing of all coal which shall be hoisted or delivered from such mines; provided, that when coal is weighed in the miner's car, such car shall be brought to a standstill on the scales before the weight is taken.

Sec. 1530
Weigher to be
sworn. Record of coal
mined

The owner, agent, or operator of such mine shall require the person authorized to weigh the coal delivered from said mine to be sworn before some person having authority to administer an oath, to keep the scales correctly balanced, to accurately weigh and to correctly record the gross or screened weight to the nearest ten pounds of each miner's car of coal delivered from such mine, and such oath shall be kept conspicuously posted at the place of weighing. The record of the coal mined by each miner shall be kept separate, and shall be opened to his inspection at all reasonable hours, and also for the inspection of all other persons peculiarly interested in such mine.

Sec. 1531
Miners may furnish
check weighman.
Duties and powers

In all coal mines in this state the miners employed and working therein may furnish a competent check weighman at their own expense, who shall at all proper times have full right of access and examination of such scales, machinery, or apparatus, and of seeing all measures, and weights of coal mined and accounts kept

of the same; provided, that not more than one person on behalf of the miners collectively shall have such right of access, examination, and inspection of scales, measures, and accounts at the same time, and that such persons shall make no unnecessary interference with the use of such scales, machinery, or apparatus. The agent of the miners as aforesaid shall, before entering upon his duties, make and subscribe to an oath before some officer duly authorized to administer oaths, that he is duly qualified and will faithfully discharge the duties of check-weighman. Such oath shall be kept conspicuously posted at the place of weighing.

Any person, company, or firm having or using any scale or scales for the purpose of weighing the output of coal at mines so arranged or constructed that fraudulent weighing may be done thereby, or who shall knowingly resort to or employ any means whatsoever by reason of which such coal is not correctly weighed or reported in accordance with the provisions of this chapter; or any weighman or check-weighman who shall fraudulently weigh or record the weights of such coal, or connive at or consent to such fraudulent weighing, shall be deemed guilty of a misdemeanor.

Sec. 1532
Fraudulent weighing
a misdemeanor

Any person, owner, or agent operating a coal mine in this state who shall fail to comply with the provisions of this chapter, or who shall obstruct or hinder the carrying out of its requirements, shall be deemed guilty of a misdemeanor; provided, that the provisions of this chapter shall apply only to coal mines in which ten or more miners are employed in a period of twenty-four hours.

Sec. 1533
Penalty for failure to
comply with provisions

It shall be the duty of the coal mine inspector, in addition to his other duties, to examine all scales used at any coal mine in the state for the purpose of weighing coal taken out of such mine; and on inspection, if found incorrect he shall notify the owner or agent of any such mine that such scales are incorrect; and after such notice it shall be unlawful for any owner or agent to use or suffer the same to be used, until such scales are so fixed that the same will give the true and correct weight. Any persons violating the provisions of this section shall be deemed guilty of a misdemeanor.

Sec. 1534
Coal mine inspector
to examine scales

VERMONT

Section 4902 of the Public Statutes is hereby amended so as to read as follows, viz:

Laws, 1910, p. 180.
Sec. 1
State standards

Sec. 4902. The standards of weight and measure that have been or may hereafter be adopted by the United States shall be the standards of weight and measure for this state; and the weights, measures and balances received from the United States under a resolution of Congress, approved June 14, 1836, and such new weights, measures and balances as shall be received from the United States as standard weights, measures and balances in addition thereto, or in renewal thereof, shall be the authorized standards by which all standards of weights and measures of this state shall be tried, proved and sealed.

Prior to December 31st, 1910, and biennially thereafter the General Assembly shall elect a commissioner of weights and measures whose term of office shall be for two years from and including said thirty-first day of December, 1910, and until his successor is elected and qualified, who shall devote his entire time to the duties of his office. He may when necessary appoint inspectors whose remuneration shall not exceed three dollars per day with actual hotel expenses not to exceed two dollars per day, while away from home, and transportation expenses, and he and his inspectors shall be sworn.

Sec. 2
Commissioner, election of
Term

The annual salary of the commissioner of weights and measures shall be fourteen hundred dollars. He shall also receive his necessary expenses when away from home on official business, and said commissioner shall be entitled to such sum for clerical assistance as the auditor of accounts shall deem reasonable.

Inspectors, appointment of, salary, expenses

Sec. 3, as amended by Laws, 1910, act 162
Salary and expenses of commissioner

Said commissioner shall take charge of the standards adopted by the state, cause them to be kept in the Capitol building from which they shall not be removed, except for repairs or for certification, and take all other necessary precautions for their safekeeping. He shall maintain such standards in good order and shall submit them once in ten years to the National Bureau of Standards for certification. He shall correct the standards of the several cities and towns, and, as often as once in five years, compare the same with those in his possession, and where not otherwise provided by law he shall have a general supervision of the

Sec. 4
Duties of commissioner

—to keep standards

—to have them verified
—to correct standards of cities, etc.

weights, measures and measuring and weighing devices of the state, and in use in the state.

Sec. 5
Commissioner and
inspectors, duties of

Said commissioner or his inspectors shall visit the various cities and towns in the state in order to inspect the work of the local sealers and in the performance of his duty, he or his inspectors may inspect weights, measures and balances which are used for buying or selling goods, merchandise, or other commodities, and for public weighing; and shall, upon the written request of any citizen, firm, corporation or educational institution of the state, test or calibrate weights, measures, weighing or measuring devices and instruments or apparatus used as test standards in the state. He, or his inspectors, shall at least once annually test all scales, weights and measures used in checking the receipt or disbursement of supplies in every state institution and he shall report in writing his findings to the executive officer of the institution concerned.

Sec. 6
Commissioner to
keep record

Said commissioner shall keep a complete record of the standards, balances, and other apparatus in his possession, and take a receipt for same from his successor in office. He and his inspectors shall have the power to inspect, test, try and ascertain if they are correct, all weights, scales, beams measures of every kind, instruments or mechanical devices for measurement, and the tools, appliances or accessories connected with any or all such instruments or measurements used or employed within the state by a proprietor, agent, lessee or employee in determining the size, quantity, extent area or measurement of quantities, things, produce, articles for distribution or consumption offered or submitted by such person or persons for sale, for hire, or award.

Sec. 7
Commissioner and
inspectors, duties and
authority of

Said commissioner or his inspectors may at irregular intervals examine commodities sold or offered for sale and test them for correct weight, measure or count. He or his inspectors may, for the purpose above mentioned, and in the general performance of their official duties, enter or go into or upon and without formal warrant, any stand, place building or premises or may stop any vendor, peddler, junk dealer, coal wagon, ice wagon, or any dealer whatsoever, for the purpose of making the proper tests; and in the exercise of such duties they shall have full police power to enforce any and all reasonable measures for testing such weights and measures, and also in ascertaining whether false or short weights and measures are being given in any sales or transfer of articles of merchandise taking place within the State. Whenever the commissioner or his inspectors find a violation of the statutes relating to weights and measures they shall submit the evidence to the properly constituted authority in the county in which such violation occurred who shall thereupon prosecute the offender.

Police power

The commissioner shall keep a complete record of all work done under his direction and shall make an annual report, not later than July first, to the governor.

Sec. 8
Annual report

If a person authorized to seal weights and measures in accordance with this act, stamps a weight or measure without duly verifying the same by comparison with the local standard or is guilty of a breach of any duty imposed upon him by law, or otherwise misconducts himself in the execution of his office, he shall be liable to removal and to pay a fine not exceeding two hundred dollars for each offense.

Sec. 9
Stamping weights, etc., without verifying
Misconduct in office

A town or city standard shall not be deemed legal nor be used by the local sealer for testing any weight, measure or balance, unless it has been verified by the commissioner of weights and measures within five years of the time at which it is used, and whenever necessary.

Sec. 10
Standards, deemed legal, when

Every weight for use in trade, except when the small size of the weight renders it impracticable shall have the denomination of such weight permanently marked on the top side thereof in legible figures or letters; and every measure of capacity for use in trade shall have the denomination and kind thereof permanently marked on the outside of such measure in legible figures or letters. A weight or measure not in conformity with this section shall not be stamped by the commissioner of weights and measures or local sealers.

Sec. 11
Weights and measures, how marked

A person who, after an inspection of his weighing and measuring devices, or either, uses or has in possession for use in trade any weight, measure, scale, balance, steelyard or other weighing or measuring device which is false or incorrect, shall be fined not more than one hundred dollars, or, in case of a second or any subsequent offense, not more than two hundred dollars. After inspection has been made, as above provided, any such false or incorrect weight, measure, scale, balance, steelyard or other weighing or measuring device may be seized by any official acting under authority of this act, and, upon order of the court, the same shall be forfeited.

Sec. 12, as amended by Laws, 1910, act 163
Possessing false or incorrect apparatus, penalty for, when

May be seized, when

A weight or measure duly stamped by the commissioner of weights and measures or his inspectors or a local sealer, or by the National Bureau of Standards shall be a legal weight or measure throughout the state, unless found to be false or incorrect and shall not be liable to be resealed because used in any other place than that in which it was originally stamped.

Sec. 13
Weight or measure, legal, when

Whoever sells or offers for sale a less quantity than represented or sells in a manner contrary to law shall be guilty of fraud and shall be fined not more than one hundred dollars, or in case of a second offense not more than two hundred dollars.

Sec. 14
Fraudulently or unlawfully selling
Penalty for

Sec. 15
Tolerances

The commissioner of weights and measures shall, after consultation with and with the advice of the National Bureau of Standards, establish tolerances for use in the State of Vermont, and said tolerances shall be the legal tolerances in the State of Vermont.

Sec. 16
Rules

The state commissioner may make suitable rules and regulations to govern the sale of commodities.

Sec. 17, as amended
by Laws, 1910, Act 163

Neglecting or refusing to have apparatus examined
Obstructing or hindering officials

A person who neglects or refuses to produce for the commissioner of weights and measures or his inspectors or any local sealer all weighing or measuring devices in his possession and used in trade or on his premises, or refuses to permit the said officers to examine the same, or obstructs the entry of said officers, or obstructs or hinders any official acting under authority of this Act, or knowingly violates any rule or regulation made and promulgated under the authority of section 16 of this Act, or violates any of the provisions of this Act, when no other penalty is prescribed, shall be fined not more than two hundred dollars.

Penalty for, when

Sec. 18
Fines, to whom paid

All fines collected for violations under this act shall be paid to the state treasurer for the support of the department of weights and measures. Justices shall have concurrent jurisdiction with the county court of prosecutions under this act.

Sec. 19
Standards required

Section 4906 of the Public Statutes is hereby amended so as to read as follows:

Sec. 4906. Each town and city treasurer shall provide and keep in repair in his office the following standard measures; one-half bushel, one peck, one-half peck, dry measure, one gallon, one two-quart, one quart, one pint and one-half pint, liquid measure, one yard measure and such scales or weights as the town directs, which shall be proved and sealed by the commissioner of weights and measures.

Sec. 20
Proving and sealing
Fees therefor

Section 4907 of the Public Statutes is hereby amended so as to read as follows:

Sec. 4907. The town and city treasurer shall prove and seal scales, weights or measures presented to him for that purpose by comparison of the same with the standards in his office, and shall be entitled to receive from the person presenting the same ten cents for each article, so sealed, and a reasonable compensation for alterations.

Sec. 21
Standards, how
marked

Section 4908 of the Public Statutes is hereby amended so as to read as follows:

Sec. 4908. The state standards shall be stamped with the letters S. S., and the town standards with the letters T. S., and city standards with the letters C. S.

Sec. 22
Repeal

Sections 4903, 4904, 4905 and 4910 of the Public Statutes and all acts and parts of acts inconsistent with this act are hereby repealed.

This act shall take effect from its passage, except those provisions hereof relating to fines and penalties.

Sec. 23
in effect

A hundred weight shall mean the net weight of one hundred pounds avoirdupois, and a ton, the net weight of two thousand pounds; and contracts or sales concerning the same shall be construed accordingly.

Pub. Stat., 1906, Title 29, ch. 208, p. 951
(1837)
Sec. 4909
Hundredweight; ton

A bushel of wheat, potatoes, peas, clover seed, beets and turnips shall be each sixty pounds; a bushel of beans, sixty-two pounds; a bushel of rye or Indian corn, fifty-six pounds; a bushel of barley or buckwheat, forty-eight pounds; a bushel of India wheat, forty-six pounds; a bushel of oats, thirty-two pounds; a bushel of herd's grass or timothy seed, forty-five pounds; a bushel of apples, forty-six pounds; a bushel of carrots, fifty pounds; a bushel of onions, fifty-two pounds; a bushel of salt, seventy pounds; as the standard weight and measure of the same, in purchases and sales thereof.

Sec. 4910
Bushel of grain and vegetables

The kinds of produce enumerated in the preceding section shall be in good order for shipping; and beets, turnips, carrots and onions shall be reasonably free from the soil in which they grew, and fairly trimmed of their tops.

(1876)
Sec. 4912
Produce to be in good order for shipping

One bushel and three-quarters of a peck shall be deemed a bushel of charcoal, lime or ashes, and contracts concerning the same shall be understood accordingly.

(1828)
Sec. 4913
Bushel of charcoal, lime and ashes

A pile of wood or bark four feet high, four feet wide and eight feet long, well packed, shall be a cord; and, in measuring the length of wood, only one-half the kerf shall be included.

(1855)
Sec. 4914
Cord

The standard measure of milk shall be wine measure.

In bargains for or sales of saw logs or round timber by measure, the number of feet, unless otherwise stipulated by the parties, shall be ascertained as follows: multiply the average diameter of the top of the log, inside the bark, in inches, by half such diameter in inches, disregarding fractions of an inch less than one-half, and regarding fractions greater than one-half as a full inch, and the number obtained as the product will represent the contents in feet of a log of that diameter twelve feet long. If the log is less than twelve feet long, the actual contents will be the same fraction of the above product as the actual length of the log is of twelve feet. If the log is more than twelve feet long, commence at the upper end and measure it into sections of twelve feet; then find according to the above rule, the contents of each section and fractional section. The aggregate of the contents of the sections will be the contents of whole log.

(1876)
Sec. 4915
Milk
(1884)
Sec. 4916
Saw logs and round timber

In contracts for covering roofs with slate, when no underlap is agreed upon, three inches for each course of slate shall be required.

(1890)
Sec. 4917
Roofing slate

(1898, 1902)
 Pub. Stat., 1906, ch.
 213, p. 967
 Sec. 4983
Concentrated commercial feeding stuffs defined

The words "concentrated commercial feeding stuff," as used in this chapter, shall include linseed meals, cottonseed meals, cottonseed feeds, pea meals, cocoanut meals, gluten meals, gluten feeds, maize feeds, starch feeds, sugar feeds, dried distiller's grains, dried brewer's grains, malt sprouts, hominy feeds, cerealine feeds, rice meals, oat feeds, corn and oat chops, corn and oat feeds, corn bran, ground beef or fish scraps, meat and bone meals, mixed feeds other than those composed solely of wheat bran and middlings mixed together or with pure grain, provenders other than those composed of pure grains ground together, condimental stock and poultry foods, patented proprietary or trade-marked stock and poultry foods and other materials of a similar nature not named in the following section.

Sec. 4984
Same

The words "concentrated commercial feeding stuffs," as used in this chapter, shall not include hay and straw, the whole seed nor the unmixed meals made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat, India wheat and broom corn; nor shall it include the wheat, rye, and buckwheat bran or middlings not mixed with other substances but sold separately as distinct articles of commerce, nor wheat bran and middlings mixed together and not mixed with other substances, nor pure grains ground together, when unmixed with substances other than wheat, rye, or buckwheat bran or middlings.

Sec. 4985
Statement of contents Net weight

Every lot or parcel of concentrated commercial feeding stuffs as defined in this chapter, used for feeding farm live stock, sold, offered or exposed for sale, shall have a plainly printed statement conspicuously affixed thereto clearly and truly certifying the number and net pounds of feeding stuff in a package, the name, brand or trade mark under which the article is sold, the name and address of the manufacturer or importer, * * *. If the feeding stuff is sold in bulk at retail or put up in packages belonging to the purchaser, the agent or dealer shall, upon request of the purchaser, furnish him with the certified statement named in this section.

(1882, 1888, 1902)
 Sec. 4976
Commercial fertilizers, net weight to be shown

Every lot or parcel of commercial fertilizer sold, offered or exposed for sale, the retail price of which is ten dollars or more per ton, shall be accompanied by a plainly printed statement clearly and truly certifying the number of net pounds of fertilizer in a package, the name, brand or trade-mark under which the fertilizer is sold, the name and address of the manufacturer or importer, * * *.

VIRGINIA

The weights, measures, and balances received by this state, under a resolution of congress approved the fourteenth day of June, eighteen hundred and thirty-six, and an act of congress approved the seventh day of July, eighteen hundred and thirty-eight, shall be kept in the capitol, in a room to be assigned by the Governor and fitted up for the purpose under his direction; they shall be the public standards of weights and measures in this state.

Code, 1904, title 25,
ch. 86, p. 1001
(1846-7)
Sec. 1907
Standards

The Register of the Land Office shall be Superintendent of Weights and Measures.

(1866-7)
Sec. 1908, as amended
by acts 1910, ch. 207,
p. 327
Superintendent of
weights and measures
(1850-51)

The Governor and the Superintendent of Weights and Measures are authorized and directed to contract for and have manufactured, within the state of Virginia, a sufficient number of sets of balances, weights, and measures (the measures to be made of cast iron, brass, or composition), as will be necessary to supply each county and corporation within the state, not provided with the same. The said balances, weights and measures shall be delivered by the contractor at the office of Superintendent of Weights and Measures as they may be required by said Superintendent, and shall be paid for, on the order of the Governor, out of any money in the treasury not otherwise appropriated.

Sec. 1909
Weights and meas-
ures to be manufac-
tured for counties and
corporations

Upon the application of the court of any county or corporation, the Governor or Superintendent shall furnish said county or corporation with such balances, weights, and measures as the court shall designate; but, before receiving the same, the agent of such county or corporation shall pay into the public treasury the amount paid therefor by the state.

Sec. 1910
How obtained by
counties and corpora-
tions

The court of every county and corporation shall constantly keep for the use and at the charge of such county or corporation, the following weights, measures, and balances, conformable to said standards and sealed by said Superintendent, that is to say: of dry measure, one half bushel, one peck, and one half peck; of wine measure, one gallon, one half gallon, one quart, one pint, one half pint, one gill; one set of brass weights to four pounds, computed

(1846-7)
Sec. 1911
What weights and
measures they shall
keep

at sixteen ounces to the pound, with suitable scales and steel beam; one set of iron weights from one pound to fifty pounds; also of long measures, one yard, and a set of troy weights, from the lowest denomination to eight ounces. All said measures, weights, and balances shall be verified by the Superintendent, and sealed by him in a durable manner, according to its true weight, capacity and length.

Sec. 1912
Where and by whom kept

The weights, balances and measures provided for each county or corporation shall be kept in such place and by such person as may be appointed by the court; such person to be the sealer of weights and measures for the county or corporation.

(1876, 1889, 1897)
Sec. 1913
Weights per bushel, etc.
Cord

A cord contains one hundred and twenty-eight cubic feet, being eight feet long, four feet high, and four feet wide, or the equivalent thereof; and in all measurement of wood, tan-bark or other things subject to such measurements the foregoing shall be the true and legal standard, any usage, by-law or ordinance of any corporation, railroad, or other company to the contrary notwithstanding. And in all sales by weight of the agricultural products hereinafter named the number of pounds per bushel as stated in the following schedule shall be the true and legal standard:¹

	Lbs. per bush.		Lbs. per bush.
Barley	48	Millet seed	50
Beans (white)	60	Oats	30
Blue-grass seed	14	Onions	57
Buckwheat	52	Onions, top sets	28
Chestnuts	57	Orchard grass seed	14
Clover seed	60	Osage orange seed	34
Corn (shelled)	56	Peanuts	22
Corn (in the ear)	70	Peas, black-eyed	60
Corn-meal	50	Potatoes, Irish	56
Dried apples	28	Potatoes, sweet	56
Dried peaches, peeled	40	Plastering hair	8
Dried peaches, unpeeled	32	Rye	56
Flaxseed	56	Salt	50
Hemp seed	44	Stone coal	80
Herds grass (or red top) seed	12	Timothy seed	45
Hungarian grass seed	48	Turnips	55
Lime, unslacked	80	Wheat	60
Malt	38	Cotton seed	32

(1900)
Sec. 1913a
Weight of barrel of apples
Size of apple barrels

When apples are bought or sold by weight in this state, the quantity constituting a bushel shall be forty-five pounds, and the quantity constituting a barrel shall be one hundred and thirty-five pounds. A barrel for use in packing, selling, or shipping apples shall be of the following dimensions: Head diameter, seventeen and one eighth inches; length of stave, twenty-seven and one half inches; bulge, not less than sixty-four inches, outside measurement. Every person buying or selling apples in this state by the

¹ For convenience in printing a slight change has been made in arrangement of these articles.

barrel shall be understood as referring to the quantity or size of the barrel herein specified. No person in this state shall hereafter use or cause to be used, or have in his possession, barrels, for the sale of apples, of a size less than the size specified in this act, unless each of the same is plainly stamped on the outside thereof, and on each head with the words "short barrel" in letters not less than two inches in height. Every person violating any provisions of this section shall forfeit the sum of five dollars for every barrel put up, made, or used in violation of such provision, one-half of which shall go to the informer and one-half to the commonwealth.

Stamping "short barrels"

Penalty

1. On and after August tenth, eighteen hundred and ninety-eight, it shall not be lawful for any person in the State of Virginia to use in the shipment of those agricultural products commonly called truck a barrel of less size and dimensions than as follows, to-wit: the heads or ends shall not be less than seventeen inches; the staves shall not be less than twenty-seven and one-half inches; inside measurements at bilge not less than eighteen and one-half inches, and the height of barrel from bottom head to top end of the stave shall not be less than twenty-six inches; single head or double head from head up, twenty-four and one-half inches. Any person violating this section shall be fined not less than one nor more than five dollars for each offence, and the use of each barrel so prohibited used shall constitute a separate offence.

(1898)
Sec. 1913b
Size of barrels for shipment of agricultural products regulated

2. All barrels manufactured or offered for sale by any railroad company, agent, or transportation company, or any person in this state after the tenth day of August, eighteen hundred and ninety-eight, used or to be used in the shipment of truck shall be of not less dimensions and shall be of not less capacity than the barrels prescribed in section one. Any person or any railroad company, steamboat company, or agent of any transportation company violating this section shall be fined not less than one nor more than five dollars for each offence, and the manufacture and offering for sale of each barrel so prohibited shall constitute a separate offence.

Size of barrels manufactured for sale by railroad company

Penalty

3. Nothing contained in sections one and two shall apply to or prohibit the use or sale of ordinary flour barrels or of half barrels, boxes, or crates.

Use of flour barrels, half barrels, boxes, or crates

4. The fines and penalties prescribed by this act shall be recoverable before a justice of the peace in the same manner as other fines are recoverable by law, and any justice, upon the oath of a creditable person, shall issue a warrant for any one charged with the violation of this act or any part thereof, and the amount recovered therefrom shall be paid into the treasury of the state: provided that the provisions of this act shall not apply to barrels used for the shipment of apples.

Fines recoverable, how

(1901)
 Sec. 1913c
 Capacity of flour barrel. Penalty for less than 196 pounds. Number pounds must be stamped on barrel

Failure to correctly stamp barrels containing flour

Every barrel of flour put up or manufactured in this state shall contain not less than one hundred and ninety-six pounds of flour, and that every barrel of flour put up or manufactured in this state, and every barrel of flour shipped into this state, shall have the number of pounds contained therein plainly stamped on one head.

If any person or firm doing business in this state wilfully or knowingly sell or causes to be sold flour in barrels or packages not so correctly stamped, showing the correct number of pounds contained in such barrels or packages, he or they shall be fined twenty-five dollars; and the sale of every such barrel or package shall constitute a separate offence.

(1901-2)
 Sec. 1913d
 Protection of consumers of coal

Dealer refusing to weigh

Hereafter when a dealer or dealers in coal in cities or towns in this state, where public scales are kept, may be requested by a person or persons buying as much as five hundred pounds of coal at any one time to weigh such coal upon the public scales, said dealer or dealers shall do so upon such request, the person or persons buying the coal to pay the fee for weighing same, if such coal shall be of proper weight, otherwise such fees shall be paid by said dealer. Any dealer refusing to weigh or to have weighed such coal as required in the above section, or to pay such fee for weighing the same as hereinabove set out, shall be fined the sum of five dollars for each offense; Provided, however, that the provisions of this act shall not apply to any dealer or consumer of coal resident in the city of Lynchburg.

(1846-7)
 Sec. 1914
 Proving of sealers' standards, how often

Once in every ten years from the time at which they are first sealed, the said sealers of weights and measures shall cause them to be tried and proved by the said public standards, under the direction of the Superintendent, and sealed by him anew; and if any sealer of weights and measures shall fail to do so, he shall forfeit one hundred dollars.

(1840)
 Sec. 1915
 How often to advertise for proving those of individuals
 Annual testing

Every sealer of weights and measures shall at least once in every year, advertise in some convenient newspaper, or put up notifications in different parts of the county or corporation, of the times and places when and where he will attend for the purpose of trying and proving such balances, weights and measures as may be brought to him for that purpose. Those which may be found or can be made to agree with the standards, shall be sealed by him accordingly, and he shall deface and destroy all such as do not and cannot be made to agree therewith.¹

Sec. 1917
 More than one sealer may be appointed

The court may appoint more than one sealer of weights and measures for its county or corporation and assign to each the district within which he shall act. A full set of weights, measures, and balances shall be provided for each district, and each sealer shall act only in his own district.

¹Sec. 1916 repealed by laws of 1895-96, p. 341.

The sealer of weights and measures of the county or corporation for which the service is rendered shall have five cents for every weight or measure, or scale beam and balance, steelyard and the beams and poises thereof, tried, proved and sealed, or defaced and destroyed by him, said sealers of weights and measures to be paid by the owners, respectively, for whom the service is rendered.

Sec. 1918, as amended by Acts of Assembly, 1910, ch. 207, p. 327.
Fees of sealers; how paid

The seals and other things necessary to enable them to perform their duty shall be procured by the Superintendent and the sealers. The cost of such as are procured by the Superintendent shall be paid on the order of the Governor, and of such as are procured by a sealer of weights and measures, shall be a charge on the county or city by whose court he was appointed.

Sec. 1919, as amended by Acts 1910, ch. 207, p. 328.
Seal, how procured and paid for

A person may call at any time upon the Superintendent, in Richmond, or a sealer of weights and measures in his county or corporation, to try and prove the weights and measures of such person, he paying therefor the regular fees provided for in section nineteen hundred and eighteen.

Sec. 1920, as amended by acts, 1910, ch. 207, p. 328.
How weights and measures sealed at any time
Testing at special times

If any county or corporation court shall refuse to provide and keep the weights, measures, and balances prescribed by law, every judge holding such court shall forfeit one dollar per month thenceforth until they shall be provided.

Sec. 1921
Penalty on judge for refusing to provide them

If the Superintendent or any sealer of weights and measures shall fail to perform any duty imposed on him, he shall forfeit twenty dollars for each offence.

Sec. 1922
Penalty on superintendent and sealers

If any person shall sell or offer to sell any commodity, buy, or keep for buying and selling, or for weighing packages for shipment, any scales, balances, steelyards, weights or measures not sealed according to law, he shall forfeit for each offence a sum not exceeding ten dollars.

Sec. 1923
Penalty for using weights and measures not sealed

Once in every five years the directors of each bank shall have the weights used in such bank tried, proved, and sealed, either by the Superintendent or a sealer of weights and measures.

Sec. 1924
Bank weights and measures, sealing of

No tender by any bank in the state, of gold weighed with weights not so sealed, shall be legal. The payer to, or receiver from, any bank, of gold may require that it shall be weighed in each scale, and the mean weight resulting therefrom shall be deemed the true weight.

Sec. 1925
How gold to be weighed; when tender not legal

All commercial manures, and artificially manufactured or manipulated fertilizers, brought into or manufactured in the State of Virginia, for sale, and sold or kept for sale therein, shall have permanently affixed to every sack, bag, barrel, box, or other package thereof, a stamped or printed label, which shall specify legibly the name of the manufacturer and his place of business, the net weight of such sack, bag, barrel, box, or other package, the component parts of such manure or fertilizer, the percentage,

Code, 1904, ch. 84, p. 981 (1875-6)
Sec. 1891
Fertilizers to be labeled; what label to use; standard measure of manures

by weight, which it contains of the following constituents, viz: Of phosphoric acid, soluble in pure cold water; of phosphoric acid, insoluble in pure cold water; of available ammonia, potash, and soda. And where stable manures, or commercial manures, other than such as are sold or kept for sale in sacks, bags, barrels, boxes, or other packages, are sold or bought in this state by the bushel, or by the cartload, or where the same are upon sale, delivered in this state, the standard of such measures shall be as follows, to-wit: A bushel measure shall be no other than stave measure, which shall be uniform in shape, and of the following dimensions: The bottom to be sixteen and a half inches across, from inside to inside; the top to be eighteen inches from inside to inside, and twenty-one inches diagonally from the inside chine to the top. And in the measurement of such manures the tubs must be filled to a slight rise above the top. All such measures must be branded with the initials of the sealer of weights and measures of the county or corporation where the buyer or seller, or either of them, resides. Twenty bushels of the measure, above provided, shall constitute a merchantable cartload of such manures as are above mentioned.

Measures branded

Acts, 1910, ch. 343,
p. 543
Sec. 34
Oyster measures

Dimensions of

Sale by wine measure, when

It shall not be lawful at any time for any person to buy or sell oysters in this State in the shell by any other than one-half bushel or one bushel metallic measures, and such measures shall be iron circular tubs with straight sides and straight solid bottoms with holes in bottom, if desired, for draining, such holes to be no larger, however, than one inch in diameter. A half bushel tub shall have the following dimensions (all measurements to be from inside to inside): Fifteen inches across the top, thirteen inches across the bottom, and seventeen inches diagonally from the inside chine to the top; and a bushel tub shall measure eighteen and one-half inches across the top, seventeen inches across the bottom, and twenty-one and one-half inches diagonally from the inside chine to the top. When oysters are bought or sold out of the shell it shall be by wine measure, according to the standard prescribed for such measure by section nineteen hundred and eleven of the Code of Virginia, eighteen hundred and eighty-seven [Sec. 1911, Code 1904]. Any person violating any provision of this section shall be fined not less than twenty-five nor more than one hundred dollars for each offense. Moreover, if any inspector or other oyster official have reason to believe that measures not conforming to the above requirements are used on board any vessel or craft, or in any oyster house, he is hereby empowered to search for, seize and destroy such unlawful measures.

Penalty

Measures may be seized, when

Sec. 47

Any person found guilty of resisting or impeding an officer or other person authorized to make arrests, seizures, examinations or other performances of duties under this act shall be fined not

less than fifty nor more than five hundred dollars, and if any person, by threat, force or display of firearms or other weapon, resist or attempt to prevent arrests, seizures, examinations, or other performances of duties, by said officer or other person he shall, upon conviction thereof, be confined in jail not exceeding one month, and fined not less than one hundred nor more than one thousand dollars.

Resistance to officer or authorized person by threats, and so forth

Penalty

Any member of the commission of fisheries, all inspectors and other officers in the service, shall have authority, with or without warrant, to arrest any person and seize any vessel, boat, craft or other thing used in violating any of the provisions of this act, together with the cargo of such vessel, boat, or craft, and they shall have the same authority as constables have to summon the posse comitatus to aid them in making such arrest and seizure; and any vessel, boat, craft or other thing, together with the cargo so seized, when not forfeited to the Commonwealth in proper proceedings, may be held by the inspector or other official who made the seizure or in whose district the same was seized, until the accused has paid the penalty of his offense if upon trial he is found guilty, or has settled the amount agreed on without trial or has, upon trial, been acquitted, as the case may be.

Sec. 48

Who may make arrest or seize vessel

WASHINGTON

The standard of weights and measures in this state shall agree exactly with the standard as recognized and furnished by the United States, and shall, for the purpose of security and verification, be kept in the custody of the secretary of state.

Remington and Bal-
linger's Ann. Codes and
Stats., p. 2199
(1890)

Sec. 9511
Standard

The secretary of state shall be ex officio state sealer of weights and measures, and shall have the care and custody of the authorized public standard of weights and measures. He shall try and prove by such standards all weights and measures, scales and beams which may belong to any county and be sent and brought to him for that purpose by the county sealer, and shall seal such when found to be accurate, by stamping on them the letter "W" with a seal which he shall have and keep for that purpose.

Sec. 9512
Care of, etc.

The county auditor of each county shall be the sealer of weights and measures for the county, and shall have the care and custody of the county standards. He shall procure at the expense of the county, when 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 standards, under the direction of the secretary of state.

Sec. 9513
Care of and proof by
county standards

The secretary of state shall authorize and instruct the county auditor of each and every county in this state in regard to testing and verifying weights and measures within said county, and shall furnish said county auditor with a copy of this act, and the county auditor shall immediately post in his office due notice of his authority and readiness to act as inspector and sealer of weights and measures, and shall advertise the same in two papers in said county for the month of January in each year: Provided, however, That in counties where no newspapers are published, that notices shall be posted in five public places.

Sec. 9514
Instruction of sealers
Notice of sealers

The several county sealers shall try and prove all weights and measures, scales and beams, when requested to so do, and when the same are found or made to conform to the legal standards, they shall seal and mark such weights and measures with a seal to be kept by them for that purpose.

Sec. 9515
Sealing of measures

The state and county sealer of weights and measures in this state shall charge for testing or sealing any beam or scale the sum

Sec. 9516
Fees

of fifty cents: Provided, That no charge shall be made for testing or sealing weights for counter, gold or apothecary scales, and for each and every weight or measure ten cents; for sealing and marking liquid and dry measures, if the same be a gallon or more, ten cents; if less than a gallon, five cents. They shall also be entitled to a reasonable compensation for making such weights and measures conform to the standards established by this act.

Sec. 9517
Cost of county stand-
ards

The expense justly chargeable to any county in this state and incurred in and immediately connected with procuring county standards of weights and measures, and noticing and advertising the same in furtherance of the provisions and intentions of this act, shall, on presentation of proper and sufficient vouchers to the county commissioners, be accepted and paid by the said county.

Sec. 9518
False weights; pen-
alty

That any person in this state who shall, after thirty days subsequent to published notice from the county sealers of weights and measures, as provided in section 9514, be found using any false or fraudulent beam, scale, weight, or measure, and who shall fail or neglect, on written notice of the same from any person aggrieved, or in any way cognizant thereof, to have said imperfect beam, scale, weight or measure duly inspected, and by proper authority adjusted and sealed, or who shall use the same scale, weight or measure subsequent to said notice without correction or adjustment, as provided in this act, any person so offending shall be liable to an action in law and penalty of twenty dollars for each and every offense, to be paid into the county fund.

Sec. 9519
Oath of sealers

The secretary of state and each and every county sealer of weights and measures in this state shall, before entering upon the performance of any official duties described or implied in this title, take and subscribe the following oath or affirmation: "I,, do swear (or affirm) that I will not seal or give any certificate of correctness for any scale, weight or measure but such as shall, as nearly as possible, agree with the standard in my keeping, as the standard of the state of Washington and of the United States, and that I will, to the best of my ability, execute and discharge truly and faithfully the trust reposed in me. So help me God." Which oath or affirmation shall be filed in the office of the secretary of state.

Sec. 9520
Half bushel

In the sale of fruits, vegetables, and all other articles sold by the heaped measure, one thousand two hundred and eighty-two (1,282) cubic inches shall constitute a half bushel.

Sec. 9521
Hundredweight
Ton

The hundredweight shall consist of one hundred pounds, and twenty such hundredweights shall constitute a ton.

Sec. 9522
Bushel

Whenever any of the following articles shall be contracted for, or sold, or delivered, and no special contract or agreement shall

be made to the contrary, the weight per bushel shall be as follows, to-wit: ¹

	Pounds.		Pounds.
Wheat.....	60	Dried apples.....	28
Clover seed.....	60	Peaches.....	28
Rye.....	56	Potatoes.....	60
Indian corn.....	56	Green apples.....	45
Oats.....	32	Pears.....	45
Barley.....	48	Flax.....	56
Buckwheat.....	42		

Whoever in buying any of the articles mentioned in the preceding section, shall take any greater number of pounds thereof to the bushel, or in selling any of said articles, shall give any less number of pounds thereof to the bushel than is allowed by said section, with intent to gain advantage thereby, except when expressly authorized so to do by special contract or agreement to that effect, shall be liable to the party injured in double the amount of the property so wrongfully taken or not given, and ten dollars in addition thereto, to be recovered in any court of competent jurisdiction.

Sec. 9523
Penalty

All baskets for measuring charcoal in this state, shall contain two bushels and shall be of the following dimensions, viz: Nineteen inches in breadth in every part thereof, and seventeen and one-half inches deep, measuring from the top of the basket to the highest part of the bottom and be well heaped: Provided, That nothing in this section shall be construed so as to prevent the use of any basket, box or other measure in conformity with the standard of measurement as provided in this section.

(1877)
Sec. 9524
Charcoal measure

Any person or persons who shall violate the provisions of the last preceding section shall be liable to a fine of five dollars for each and every offense so committed, to be collected in similar manner as other fines for similar cases are now collected, and all fines collected as aforesaid shall belong to the school fund of the county in which such offense or offenses may have been committed.

Sec. 9525
Penalty

The amount of tare to be deducted from the gross weight of each bale of hops grown and hereafter sold in this state is hereby fixed at five pounds per bale. Five yards of baling cloth is the maximum quantity to be used in making the bale, and the standard weight of each yard of baling cloth is hereby fixed at from twenty-four to thirty ounces. The standard weight for a bale of hops is hereby fixed at from one hundred and seventy-five to two hundred and ten pounds. Any vender of hops using heavier sacking than that specified in this section, or using any extraneous matter in the baling thereof, shall have the same deducted as additional tare.

(1890)
Sec. 9526
Deduction of tare on
hops

Bale of hops

¹ For convenience in printing a slight change has been made in arrangement of articles.

(1891)
Sec. 2844
Using false weight or
measure

Every person who uses any weight or measure, knowing it to be false, by which use another is defrauded or otherwise injured, is guilty of a misdemeanor. A false weight or measure is one which does not conform to the standard established by the laws of the United States.

(1886)
Sec. 2845
Failure to give full
weight

In all sales of coal, hay and other commodities usually sold by the ton or fractional part thereof, the seller must give to the purchaser full weight, at the rate of two thousand pounds to the ton; and in all sales of articles which are sold in commerce or trade, by avoirdupois weight, the seller must give to the purchaser full weight at the rate of sixteen ounces to the pound. Any person violating this section is guilty of a misdemeanor.

Remington and Bal-
linger's Ann. Codes and
Stats.

(1900)
Sec. 2637
Using false weights
and measures

Every person who shall injure or defraud another by using, with knowledge that the same is false, a false weight, measure or other apparatus for determining the quantity of any commodity or article of merchandise, or by knowingly misrepresenting the quantity thereof bought or sold; or who shall retain in his possession any weight or measure, knowing it to be false, unless it appears beyond a reasonable doubt that it was so retained without intention to use it or permit it to be used in violation of the foregoing provisions of this section, shall be guilty of a gross misdemeanor.

Remington and Bal-
linger's Ann. Codes and
Stats., p. 1069
(1890)

Sec. 6315
Water measurement
Remington and Bal-
linger's Codes and
Stats., p. 1454

That the unit of measure for water for irrigation, mining, milling and mechanical purposes in this state shall be a cubic foot of water per second of time.

Any such city¹ shall have power:

Sec. 7507
(1890)
General powers of
councils

To provide for weigh-
ing, etc., of food
—and the keeping of
proper legal weights
and measures

16. To establish and regulate markets, and to provide for the weighing, measuring and inspection of all articles of food and drink offered for sale thereat, or at any other place within its limits, by proper penalties, and to enforce the keeping of proper legal weights and measures by all venders in such city, and to provide for the inspection thereof.

Remington and Bal-
linger's Ann. Codes and
Stats.

(1890)
Sec. 9527
Capacity officially
stamped on milk cans

All milk cans or other vessels used for the shipping, sale or dispensing of milk shall have their liquid capacity United States standard, measured and plainly sealed or stamped thereon by any county auditor, as ex officio county sealer, or any of his deputies, in the manner already provided for the sealing of weights and measures.

Sec. 9528
Penalty for use of un-
marked cans

Any individual or corporation owning and using milk cans or other vessels or shipping, selling or dispensing of milk by measurement for a consideration in a can or vessel that has not been officially sealed and its liquid capacity plainly stamped thereon,

¹ Cities of the first class, having a population of 20,000 or more inhabitants.

shall be subject to a fine of five dollars for every offense, and the forfeiture of all unsealed milk cans or vessels found in his or its possession.

Any county sealer shall charge a fee of ten cents for each milk can or vessel so stamped or sealed.

Sec. 9529
Fees for sealing
(1903)

There is hereby created a standard size for apple boxes and pear boxes for the state of Washington.

Sec. 9530
Standard size for apple and pear boxes

The standard size of an apple box shall be eighteen inches long, eleven and one-half inches wide, ten and one-half inches deep, inside measurement. The standard size of a pear box shall be eighteen inches long, eleven and one-half inches wide, eight inches deep, inside measurement.

Sec. 9531
Same — Measurements

Two thousand two hundred forty pounds shall constitute a gross ton of coal, and two thousand pounds shall constitute a net ton of coal.

(1907)
Sec. 9532
Coal, weight of gross and net ton

Any person selling less than two thousand pounds for a ton shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) or imprisoned in the county jail not less than ten days nor more than six months, or fined and imprisoned both, in the discretion of the court.

Sec. 9533
Penalty for short weight

For the purposes of this act an article shall also be deemed to be misbranded: * * *

Remington and Ballinger's Ann. Codes and Stats., p. 777
(1907)

In the case of food: * * * Third.—If the net weight or net measure of such package, bottle or container be given, and it shall not be the true net weight or net measure.

Sec. 5456
Misbranded food

* * * Such railroad company or common carrier shall provide at such place or places as the railroad commission may designate suitable track scales for weighing cars of grain or hay. Such scales shall be under the control of the chief inspector and his weighers. It shall be the duty of the chief inspector or his deputies to examine, test and require the railroad company to correct all scales so provided as often as may be necessary to insure the correct weighing of grain or hay. Whenever scales have been installed by any railroad company or common carrier as above provided, it shall be the duty of the state weigher to use such scales in weighing all grain or hay received over the line of such railway: Provided, that if [in] any mill or terminal warehouse in inspection cities there are provided proper scales and weighing facilities, the chief inspector or his deputies may weigh the grain upon the scales so provided. The chief inspector or one of his deputies shall, at least once each year, examine, test and require to be corrected all scales used in weighing grain or hay at any public warehouse in this state, and after such scale is tested, if found to be correct and in good condition, to seal the weights with a seal provided for that purpose and

Remington and Ballinger's Ann. Code and Stats., p. 957
(1909)
Sec. 5996
Side tracks provided—scales examined

Scales to be tested

issue to the owner or proprietor of such warehouse a certificate authorizing the use of such scales for weighing grain or hay for the ensuing year unless sooner revoked by the chief inspector or his deputy. If such scales be found to be inaccurate or unfit for use, the chief inspector or his deputy shall notify the party operating or using them, and the party thus notified shall at his own expense thoroughly repair the same before attempting to use them, and until thus repaired to the satisfaction of the inspector or his deputy, the certificate of such party shall be suspended or revoked in the discretion of the inspector or his deputy. The party receiving such certificate shall pay to the chief inspector or his deputy the sum of one dollar for each scale, which sum shall be paid into the state treasury.

Remington and Bal-
linger's Codes and
Stats., p. 1316
(1895)
Sec. 7080
State weighers, how
appointed

It shall be the duty of the governor to appoint state weighers, to weigh all shingles and lumber to be shipped beyond the limits of this state. That there shall be one weigher appointed for each of the transcontinental railroads running into this state, and that the office of said weighers shall commence when this act goes into effect. That the term of office of said weighers shall be for the period of four years.

Sec. 7081
Removal of weighers

The governor shall have the power, and it is hereby made his duty, upon receiving a petition in writing from five manufacturers of shingles or lumber, complaining of the wrongful acts of any of said weighers or their deputies, to investigate such charges and in his discretion to remove such weigher and to appoint a successor for such weigher.

Sec. 7082
Oath and bond of
deputy

Each weigher and each deputy weigher shall, before entering upon the duties of his office, take and subscribe an oath that he will faithfully discharge the duties of his office to the best of his knowledge and ability. Each weigher shall execute to the state of Washington a bond with two or more sureties, to be approved by the Secretary of State, in the sum of three thousand dollars, conditioned that he and his deputies will faithfully perform their duties as lumber and shingle weighers and if said lumber and shingle weighers or his deputy shall fail to keep the conditions of said bond, then the person aggrieved by his or their wrongful act shall have a right of action against said weigher and the sureties on said bond, and they shall be liable on said bond for any judgment recovered in such action to the amount of the penalty of such bond. The oath and bond shall be filed with the secretary of state.

Sec. 7083
Railroads to provide
scales

It shall be the duty of each of said railroads to construct scales capable of weighing cars loaded with lumber or shingles shipped from that portion of Washington west of the Cascade mountains at some point on their respective lines and within the limits of this state for the purpose of weighing said lumber and shingles; and

that it shall be the duty of each of said railroads doing business east of the Cascade mountains to maintain scales on the east side of the mountains and within the limits of this state for the purpose of weighing lumber and shingles manufactured on each side of said mountains.

All railroad companies operating any railroad or any part thereof within the limits of this state are required to provide scales and weigh at some common point or points within this state all cars loaded with lumber, shingles or any other forest products destined for shipment to any and all points within the limits of the state, and also carload shipments of said commodities to any and all points outside of the limits of this state. Also that charges for freight on said commodities be based on the weights determined by the weighing stations within the limits of this state. Also that all bills of lading of railroads operating within the limits of this state specify said provision.

(1901)
Sec. 7084
Railroads to provide scales

Freight charges based on weight

Each weigher shall have the right to appoint one or more deputy weighers.

(1895)
Sec. 7085
Deputies

All lumber and shingles to be shipped beyond the limits of this state by railroad shall first be weighed by said weigher or his deputy at the place where said scales are located.

Sec. 7086
Duty of weigher

If any lumber or shingles shall be shipped beyond the limits of this state by any railroad company before being weighed by said weigher or his deputy, said railroad shall be compelled to accept the weight named in the affidavit (if there be any affidavit) attached to the bill of lading, and in all cases where there is no such affidavit attached, said cars of shingles or lumber shall be weighed by said weigher in every instance; any failure to comply with the above requirements shall be adjudged a misdemeanor, and on conviction thereof shall, for each offence, be fined in any sum not less than five hundred dollars nor more than two thousand dollars.

Sec. 7087
Railroads to accept weights

Penalty

Upon weighing said shingles or lumber, the weigher or his deputy shall make out a bill, stating therein the names of the consignor and the consignee, the destination of said car of shingles or lumber and the place from which said car was billed, the name of the railroad owning such car and the number of said car, together with the number of shingles or amount of lumber said to be contained in such car, and the total weight of shingles or lumber contained therein. He shall enter upon the books of his office, to be provided by him and kept for that purpose, a correct copy of said bill, and shall mail or deliver to the consignee two correct copies of said bill, and to the agent of the railroad over which said car is shipped one correct copy of said bill, with the certificates thereto attached, that it is a true and correct bill, which bill so certified shall be presumptive evidence of the facts therein contained.

Sec. 7088
What weigher's bill to contain

Sec. 7089
Fees

Each weigher or his deputy shall receive and collect from the railroad by which said lumber or shingles were received, the sum of fifty cents a car for each and every car of lumber or shingles weighed by him.

Sec. 7090
Basis

When any cars shall have been weighed, as herein designated, the said weight shall constitute the basis by which the weight of said lumber or shingles shall be determined.

Remington and Bal-
linger's Ann. Codes
and Stats.
(1905)

Sec. 8676
Scales at junctions

All railroad companies operating as common carriers within the limits of this state, shall hereafter be required to provide scales, and weigh at junction or at some common point within this state all cars loaded with lumber, shingles or other forest products for shipment.

Sec. 8677
Charges, how based

All charges for freight on said commodities, except where error is apparent, shall be based on the weights determined by the weighing stations within the limits of this state, and all bills of lading of railroad companies operating within the limits of this state shall specify these provisions: provided, this act shall not apply to switching charges or to the handling of logs where the charge is by the car or by the thousand feet.

Sec. 8678
Statement of weight-
shipper's count

Any railroad company's employee acting as weigher shall upon request of any shipper give him a statement showing gross and net weight of any shipment by him. Sworn count and weight of shipper shall be presumptive evidence of true weight where error in railroad weights is apparent.

Sec. 8679
Cars weighed sepa-
rately

All cars shall be weighed on the scales separately, and not attached to other cars and at a standstill.

Sec. 8680
Penalty for violation

In case of violation of the provisions of this act by any railroad company, it shall pay a penalty of twenty dollars (\$20) for every car it shall neglect to weigh and bill within the state as above provided, to be recovered from such company in action where there is any agent of such railroad company who may be served with process, and the penalties recovered under this act shall be paid into the county treasury in such county where action is taken. ["This act" embraces §§ 8676-8681.]

Sec. 8681
May contract regard-
ing weights, when

Nothing contained in this bill shall interfere with the right of the shipper and carrier to enter into a private contract regarding weights when it is impracticable to weigh. ["this bill": §§ 8676-8681.]

Sess. Laws, 1911, ch.
91, p. 398
Sec. 29
Railroads to provide
side tracks

Any railroad delivering grain or hay in cars at any of the places provided with state inspection under this act shall provide convenient and suitable side tracks at such places as the commission [Railroad Commission] may designate, on which all cars of grain or hay delivered by them shall, upon arrival, be set and arranged convenient for inspection, and after inspection such railroad company shall promptly distribute all such cars of grain and hay

and set them at the proper place or places to be unloaded as designated by the consignor or consignee. Such railroad company shall provide at such place or places as the commission may designate suitable track scales for weighing cars of grain or hay. Such scales shall be under the control of the chief inspector and his deputies. It shall be the duty of the chief inspector or his deputies to require the railroad company to correct all scales so provided as often as may be necessary to insure the correct weighing of grain or hay. Whenever scales have been installed by any railroad company as above provided, it shall be the duty of the chief inspector or his deputies to use such scales in weighing all grain or hay received over the line of such railway: Provided, That if any terminal warehouse in inspection cities are provided with proper scales and weighing facilities, the chief inspector or his deputies may weigh the grain upon the scales so provided. The chief inspector or one of his deputies shall, at least once each year, examine, test and require to be corrected all scales used in weighing grain or hay in any of the cities designated as inspection points in this act, or such places as may be hereafter designated, and after such scale is tested, if found to be correct and in good condition, to seal the weights with the seal provided for that purpose and issue to the owner or proprietor a certificate authorizing the use of such scales for weighing grain or hay for the ensuing year, unless sooner revoked by the chief inspector or his deputy. If such scales be found to be inaccurate or unfit for use, the chief inspector or his deputy shall notify the party operating or using them, and the party thus notified shall, at his own expense, thoroughly repair the same before attempting to use them, and until thus repaired to the satisfaction of the inspector or his deputy, the certificate of such party shall be suspended or revoked, in the discretion of the inspector or his deputy. The party receiving such certificate shall pay to the chief inspector or his deputy a reasonable fee for such inspection and certificate to be fixed by the commission, which sum shall be paid into the state treasury. It shall be the duty of the said commission to see that the provisions of this section are strictly enforced.

It shall be the duty of all railroads operating in this state, to provide suitable facilities for the testing of all track scales used by such railroads. The commission [Public Service Commission] is hereby authorized, after a hearing, upon its own motion and after notice to the railroads operating in this state, to order a suitable car or other device or facility to be provided by the railroad companies operating in this state, to be used in testing the track scales used by such railroads, the expenses of providing such car, device or facility to be equitably and reasonably apportioned

To provide track scales

Annual scale test

Fee for inspection

Sess. Laws, 1911, ch. 117, p. 538
 Sec. 19
 Railroads to provide facilities for testing track scales

Test car or device

- among the different railroad companies by the commission. Such car, device or facility shall be used by the commission to test the accuracy of all track scales, and the different railroad companies shall transport and move such car, device or facility without charge therefor, to the different places designated by the commission under such reasonable rules and regulations as the commission may prescribe. Such car, device or facility may be used in adjoining states to test the scales of railroad companies and for that purpose may be taken beyond the limits of the state under such reasonable rules and regulations for the due care and return thereof as the commission may prescribe. The commission is hereby authorized to prescribe and collect a reasonable fee sufficient to cover the cost and expenses connected therewith for the inspection and testing of all scales.
- Track scales tested**
- Fees**
- Remington and Bal-
lenger's ann. Codes and
Stats. (1891)
Sec. 7406
Duty of owner as to
having output of coal
weighed and credited
- It shall be unlawful for any mine owner, lessee, or operator of coal mines in the state of Washington employing miners at bushel or ton rates, or other quantity, to pass the output of coal mined by said miners over any screen or other device which shall take any part from the value thereof before the same shall have been weighed and duly credited to the employee sending the same to the surface, and accounted for at the legal rate of weights as fixed by the laws of the state of Washington.
- Sec. 7407
Weighman of coal
- Rights of employees**
- The weighman employed at any mine shall subscribe an oath or affirmation before a justice of the peace, or other officer authorized to administer oaths, to do justice between employer and employee, and weigh the output of coal from the mines as herein provided. The miners employed by or engaged in working for any mine owner, operator, or lessee, or (of) any mine in this state, shall have the privilege, if they desire, of employing at their own expense a check weighman, who shall have like rights, powers, and privileges in the weighing of coal as the regular weighman, and be subject to the same oath and penalties as the regular weighman. Said oath or affirmation shall be kept conspicuously posted in the weigh office, and any weigher of coal, or any person so employed, who shall knowingly violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each offense, or by imprisonment in the county jail for a period not to exceed thirty days, or by both such fine and imprisonment, proceedings to be instituted in any court having jurisdiction therein.
- Oath and penalties**

WEST VIRGINIA

That the weights, measures and balances received by this State, under a resolution of Congress, approved the fourteenth day of June, one thousand eight hundred and thirty-six, and an act of Congress approved the seventh day of July, eighteen hundred and thirty-eight, shall be kept in the capitol, in a room to be assigned by the governor, and fitted up for the purpose under his direction. They shall be public standards of weights and measures in this State.

Code, 1906, ch. 59, p. 1105
(1860, 1882)
Sec. 2705
Standard weights and measures, where kept

The superintendent of weights and measures shall receive for his services such salary as may be prescribed by law.¹

(1882)
Sec. 2706
Salary
Sec. 2707
Weights and measures for counties
Governor to contract for

The governor and superintendent of weights and measures are authorized, and they are hereby directed to contract for and have manufactured a sufficient number of sets of balances, weights and measures, the measure to be made of cast iron, brass or composition, as will be necessary to supply each county within this State. The said balances, weights and measures shall be delivered by the contractor at the office of the superintendent as they may be required, and shall be paid for on the order of the governor out of any moneys in the treasury not otherwise appropriated.

Upon the application of the county court of any county, the governor or superintendent of weights and measures, shall furnish said county with such balances, weights and measures as the said county court shall designate, but before receiving the same the said court shall pay into the public treasury the amount paid by the State for the same.

Sec. 2708
Delivery to county court; payment for

The county court of each county shall constantly keep for use and at the charge of such court, the following weights, measures and balances, conformable to the said standards and sealed by the superintendent, that is to say: Of dry measure, one-half bushel, one peck, one-half peck; of wine measure, one gallon, one-half gallon, one quart, one pint, one-half pint, one gill; one set of brass weights to four pounds, computed at sixteen ounces to the pound, with suitable scales and steel beam; one set of iron weights from one pound to fifty pounds; of long measure, one yard; and a set of Troy

Sec. 2709
County court to keep on hand weights, etc.
How kept
Standards

¹ Ch. 18 of the Code, as it was prior to the passage of acts 1897, ch. 61, provided that the adjutant general should be ex officio superintendent of weights and measures, but by said acts 1897, ch. 61, said chapter 18 was repealed, and there seems to be no provision in the present ch. 18 for a superintendent of weights and measures.

weights from the lowest denomination to eight ounces; all of said measures, weights and balances shall be verified by the superintendent and sealed by him in a durable manner according to their true weights, capacity and length.

Sec. 2710
Weights and measures to be kept by county

The weights, measures and balances provided for each county shall be kept in such places and by such person as may be designated by the county court of such county, and such person shall be the sealer of weights and measures for the county.

Sec. 2711
To be tested and resealed every ten years

Once in every ten years from the time at which they are first sealed, the said sealers of weights and measures shall cause them to be tried and proved by the said public standard, under the direction of the superintendent, and sealed by him anew, and if any such sealer shall fail to do so, he shall forfeit one hundred dollars.

(1882, 1891)
Sec. 2712
Notices

Proving balances

Every sealer of weights and measures shall at least once every year, advertise in some convenient newspaper, and put up notifications in at least three public places, in every magisterial district of the county, of the times and places when and where he will attend in said districts for the purpose of trying and proving such balances, weights and measures as may be brought to him for that purpose, or which have not been previously tried or proved within three years. Those which may be found, or can be made to agree with the standards, shall be corrected or altered and sealed by him accordingly, and he shall deface and destroy all such as do not and cannot be made to agree therewith. Such sealer shall in all cases furnish the lead, instruments or other things necessary for such correction or alteration and sealing.

Sec. 2713
Duty of sealer of county

The said sealer of each county shall once in every three years go to the mills, stores or shops of every person within his county, who uses balances, steelyards, platform balances, weights or measures, for the purpose of buying or selling, and who has failed for three years to bring or send them in at the times and places notified by him, and also to all hay scales, cattle scales, and platform balances, kept for public use, and there try and prove such scales, balances, steelyards, weights or measures, and seal or deface and destroy them as may be proper. In the cases mentioned in this section, the sealer of weights and measures shall, for such services, have double the amount of his regular fees. Keepers of scales for weighing live stock and other ponderous articles shall have constantly on hand a sealed weight of not less than fifty pounds, for the purpose of testing the correctness of such scales, whenever required by any person desiring to use the same for the purpose aforesaid. Any person violating this section shall be deemed guilty of a misdemeanor, and fined not exceeding fifty dollars.

Double fees

Sec. 2714
Sealer's compensation

Each sealer of weights and measures shall have five cents for every weight or measure, or scale-beam and balance, and ten cents

for each steelyard and the beams and poises thereof, tried, proved, and sealed or defaced and destroyed by him, to be paid by the owners thereof, respectively, for whom the service is rendered. Provided, That such sealer shall not have exceeding twenty-five cents for his regular fees (or where proper not exceeding fifty cents for double fees), for any one scale and set of weights, or for any one set of measures.

The seals and other things necessary to enable them to perform their duty, shall be procured by the sealers, and the costs thereof shall be a charge on their respective counties.

(1882)
Sec. 2715
Seals

A person may at any time call upon the sealer of his county to try and prove the weights and measures of such person, he paying therefor the regular fees, or double the fees if the service be rendered at his own house, store or shop.

Sec. 2716
Any person may call on sealer to test

If the superintendent, or any sealer of weights and measures shall fail to perform any duty imposed on him, he shall forfeit twenty dollars for each offence.

Sec. 2717
Penalty

If any person in the county in which the weights, measures and balances have been provided as required in section five [2709] of this chapter, shall sell or offer to sell any commodity, buy, or keep for buying and selling, any scales, balances, steelyards, weights or measures not sealed according to law, he shall forfeit for each offence a sum not exceeding ten dollars.

Sec. 2718
Forfeiture

Once in every five years the director of each bank shall have the weights used in such bank tried, proved and sealed, either by the superintendent or a sealer of weights and measures.

Sec. 2719
Banks to have their weights tested

No tender by any bank in this state of gold weighed with weights not so sealed shall be legal. The payer to, or receiver from, any such bank, of gold, may require that it shall be weighed in each scale, and the mean weight resulting therefrom shall be deemed the true weight.

Sec. 2720
Tender of gold. How weighed

The standard weight of the articles hereinafter named shall be as follows:¹

(1866, 1882)
Sec. 2721
Standard weight

Lbs. per bush.		Lbs. per bush.	
Bituminous coal.....	80	Flaxseed.....	56
Wheat.....	60	Barley.....	48
Beans.....	60	Oats.....	32
Potatoes.....	60	Buckwheat.....	52
Clover seed.....	60	Timothy seed.....	45
Rye.....	56	Dried peaches.....	33
Corn.....	56	Dried apples.....	25

That "Scribner's rule" for the measurement of logs, lumber and timber of all kinds, is hereby established as the lawful rule in this state for the measurement of all kinds of lumber, logs and timber, unless some other rule be agreed to.

(1883)
Sec. 2722
Timber measure

¹ For convenience in printing a slight change has been made in arrangement of these articles.

Code, 1906, pp. 176-178
(1897)
Sec. 430
Scales and measures—Duty to provide—Duties of sealer—Testing on request—Duties of mine inspector

It shall be the duty of every corporation, company or person, engaged in the business of mining and selling coal by weight or measure, to procure and constantly keep on hand at the proper place, the necessary scales and measures and whatever else may be necessary, to correctly weigh and measure the coal as mined by such corporation, company or person. And it shall be the duty of the sealer of weights and measures for every county in which coal is so mined and sold, to visit each coal mine operated therein, and where such scales and measures are kept, at least once in each year and test the correctness of such scales and measures. The owner or operator of such coal mine, or any two or more of the miners working therein, may in writing require his attendance at the place where such scales and measures are kept, at other times, in order to test the correctness thereof, and it shall be his duty to comply with such requests as soon as he can after receiving such request. If his attendance is required by the owner or operator of such mine, or if by the miners working therein, and the scales or measures tested be found not to be correct, his fees shall be paid by the owner or operators, and if his attendance be required by the miners and the scales or measures tested be found to be correct his fees shall be paid by them. If in any such county there be no sealer of weights and measures, the duties herein required to be done and performed by such sealer, shall be done and performed by the inspector of mines for the district of which such county forms a part.

Sec. 431
Coal cars—Consecutive numbering—Weighing—Marking weight and capacity

Each car used by any such corporation, company or person in removing coal from any coal mine, shall be numbered by consecutive numbers plainly marked and placed and kept thereon as long as such car is so used. And if the coal from such mine is mined, and the miners are paid according to the weight thereof for mining the same, every such car so used shall be weighed upon such tested scales, and the weight thereof shall be plainly marked and placed thereon as long as such car shall be used as aforesaid. If the coal at any such mine is mined, and the miners thereof are paid for mining the same by measure, the number of bushels of coal such car will hold when loaded to its capacity, shall also be plainly marked, and placed and kept thereon as long as such car is so used as aforesaid. And no car shall be used for the purpose aforesaid, after ninety days from the time this act takes effect, until the provisions of this section are complied with.

Sec. 432
Coal to be weighed or measured in cars before screening

All coal so mined and paid for by weight shall be weighed in the car in which it is removed from the mine before it is screened, and shall be paid for according to the weight so ascertained, at such price per ton as may be agreed on by such owner or operator and

the miners who mined the same. And coal mined and paid for by measure, shall be paid for according to the number of bushels marked upon each car in which it is removed from the mine, before it is screened, and the price paid for each bushel so ascertained shall be such as may be agreed on as aforesaid.

In any county in which the mine inspector is required to act as herein mentioned, the county court of such county shall furnish him with whatever is necessary to enable him to discharge his duties, if such court has procured the weights and measures and balances provided for by Chapter fifty-nine of the Code of West Virginia; and if not, the state sealer of weights and measures shall furnish him with whatever may be necessary to enable him to discharge the duties hereby required of him, and the things so furnished him, in either case, shall be returned by him to the person from whom he received them as soon as possible after he has performed the duties for which he received them. But it shall be the duty of every corporation, company or person so engaged in the business of mining coal, to procure and constantly keep on hand a sealed weight of at least fifty pounds, and a sealed measure of at least one bushel, to be used for the purposes of this act.

Sec. 434
Duties of mine inspectors—Duty of operators of mines to keep on hand sealed weights and measures

Any corporation, company or person violating any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall for each offense, be fined not less than twenty-five dollars and not more than five hundred dollars. And the officer, agent or employees of the corporation or company whose duty it was to do or to perform the act, or to cause it to be done and performed, which is the subject of the indictment, may be indicted jointly, with said corporation or company, and upon conviction thereof, in the discretion of the court, he may be imprisoned in the county jail not less than ten nor more than sixty days.

Sec. 435
Penalties

This act shall not apply to any corporation, company or person owning or operating a coal mine in which less than ten miners are employed.

Sec. 436
Mines to which act is applicable

Where the amount of wages paid to any of the persons employed in any manufacturing, mining, or otherwise public enterprise employing labor, depend upon the amount produced by weight or measure, the persons so employed may, at their own cost, station or appoint at each place appointed for the weighing or measuring of the products of their labor a check weighman or measurer, who shall in all cases be appointed by a majority ballot of the workmen employed at the works where he is appointed to act as such check-weighman or measurer.

Sec. 438
Weighing of certain products provided for

Sec. 440.
Law applicable
in what case

This act shall apply to all weights, balances, steelyards, and weighing machines and measures used in any factory, mine, mill or otherwise industrial concerns, for determining the wages payable to any person employed according to the mineral or otherwise products produced by them through their labors.

Code, 1906, ch. 47, p.
797

Sec. 1868.
Powers and duties of
council

28. The Council of such city, town or village, shall have plenary power and authority therein * * * to regulate and provide for the weighing of hay, coal and other articles sold or for sale in the city, town or village; * * *.

WISCONSIN

The weights and measures and the scales and beams, received from the United States under a resolution of congress, approved June 14th, 1836, and such new weights and measures and scales and beams in addition thereto or in renewal thereof, and such as shall be made under the direction of the new state superintendent of weights and measures in conformity therewith, and certified to by the national bureau of standards, shall be the state standards.

Stats., 1898, vol. 1,
ch. 76, p. 1195
Sec. 1658, as amended
by Laws, 1911, ch. 566,
sec. 1
State standards

1. The dairy and food commissioner shall be ex-officio state superintendent of weights and measures. The superintendent may appoint, subject to the rules of the state civil service commission a chief inspector of weights and measures, who shall receive an annual compensation of sixteen hundred dollars, and necessary traveling expenses, and one stenographer for the office of weights and measures, with an annual salary of twelve hundred dollars. The dairy and food commissioner may appoint not more than five additional dairy and food inspectors, at a salary of not to exceed twelve hundred dollars per year and necessary traveling expenses.

Sec. 1659, as amended
by Laws, 1911, ch. 566,
sec. 1
State superintendent
of weights and meas-
ures
Chief inspector, sal-
ary of

2. He shall take charge of the standards adopted by section 1658 as the standards of the state; cause them to be kept in a fire-proof building belonging to the state, from which they shall not be removed except for repairs or for certification; and take all other necessary precautions for their safe-keeping. He shall maintain the state standards in good order and shall submit them once in ten years to the national bureau of standards for certification. He shall keep a seal which shall be so formed as to impress the letters "Wis." upon the weights and measures, scales, and beams sealed by him, and he shall correct the standards of the several cities, and as often as once in five years, compare the same with those in his possession, and shall seal the same when tried and proved to be in conformity to the state standards.

Duties of chief in-
spector

3. He shall have and keep a general supervision of the weights and measures and the weighing and measuring devices of the state, and in use in the state. He or his inspectors by his directions shall, upon the written request of any citizen, firm, or cor-

Duties of
Keep general super-
vision

Test standards, when

poration, or educational institution of the state, test or calibrate weights, measures, weighing or measuring devices, and instruments or apparatus used as standards in this state.

To test weights, etc.,
under control of State
board, when

4. He, or his inspectors by his direction, shall at least once annually test all scales, weights, and measures used in checking the receipt or disbursement of supplies in every institution under the jurisdiction of the state board of control. And he shall report

To report findings

in writing his findings to such board of control and to the executive officer of the institution concerned; and at the request of such officer, the superintendent of weights and measures shall appoint in writing one or more employees, then in the actual service of such institution, who shall act as special deputies for the purpose of checking the receipt and disbursement of supplies.

Special deputies, ap-
pointed, when

To keep record of
State standards

5. He shall keep a complete record of the standards, balances, and other apparatus belonging to the state and take receipt for same from his successor in office. He shall annually, during the second week of January, make to the governor a report of the

To report to governor,
when

To inspect city stand-
ards

work done by his office. The state superintendent, or his deputy or inspectors by his direction, shall inspect all the standards used by the cities at least once in each two years and shall keep a record of the same.

Duties of

6. He, or his inspectors by his direction, shall at least once in each two years visit the various cities of the state in order to inspect the work of the local sealers; and in the performance of

To inspect work of lo-
cal sealers
May make inspec-
tions in stores, etc.

such duties, he or his inspectors by his direction may inspect the weights, measures, balances, or any weight or measuring appliance of any person, firm, or corporation and shall have the same powers as the local sealer of weights and measures. The superintendent of weights and measures shall issue from time to time, regulations for the guidance of all sealers, and the said regulations shall govern the procedure to be followed by the aforesaid officers in the discharge of their duties. In said regulations he shall prescribe the amount of tolerance to be allowed.

Shall prescribe tol-
erances

Office and supplies,
etc.

7. He shall be provided with necessary postage and shall be provided by the superintendent of public property with a suitable room or rooms, necessary office and laboratory furniture and appliances, supplies, stationery, books, and periodicals.

Sec. 1660, as amended
by Laws, 1911, ch. 566
Cities appointing
sealer to keep stand-
ards

The common council of each city appointing a sealer under section 1661 shall procure at the expense of the city and shall keep at all times a complete set of weights and measures, scales, and beams in exact conformity to the state standards, except that they may be made of such materials as the superintendent of weights and measures may direct; all such weights and measures, scales, and beams having been tried and accurately proved by him shall be sealed and certified to by the state superintendent of

weights and measures, and shall then be deposited with and preserved by the city sealer as public standards. Whenever the common council of such city shall neglect for six months so to do, the city clerk, on notification and request by the superintendent of weights and measures, shall provide such standards and cause the same to be so tried, proved, sealed, certified, and deposited at the expense of the city.

Failure to provide standards

1. There shall be a city sealer of weights and measures in all cities having a population of more than five thousand inhabitants according to the last official state or United States census, who shall be appointed by the mayor from a list to be furnished by the state or local civil service board and under the rules of said board. He shall be paid a salary to be fixed by the board or body authorized to fix the salaries of city officials, and shall be provided with suitable office quarters in said city, and no fees shall be charged by him or by the city for inspection or testing of weights, measures, or weighing or measuring devices.

Sec. 1661, as amended by laws, 1911, ch. 566
All cities of 5,000 to have sealer
How appointed

Salary

No fees to be charged

2. Where not otherwise provided by law, the city sealer shall within his city inspect, test, try, and ascertain if they are correct, all weights, scales, beams, measures of every kind, instruments, or mechanical devices for measurement, and tools, appliances, or accessories connected with any or all such instruments or measurements, used or employed within the city by any proprietor, agent, lessee, or employee in determining the size, quantity, extent, area, or measurement of quantities, things, produce, articles for distribution, or consumption, offered or submitted by such person or persons for sale, for hire, or award.

Duties of

3. He shall, at least once in each year or as much oftener as he may deem necessary, see that all weights, measures, and weighing and measuring apparatus used in the city are correct. He may for the purpose above mentioned, and in the general performances of his official duties, with or without formal warrant, enter or go in or upon any stand, place, building, or premises; or may stop any vendor, peddler, junk dealer, coal wagon, ice wagon, or any dealer whatsoever, for the purpose of making the proper tests.

To make annual inspection

Authority

4. Whenever the city sealer finds a violation of the statutes relating to weights and measures, he shall cause the violator to be prosecuted. Whenever the sealer compares weights and measures and finds that they correspond or causes them to correspond with the standards in his possession, he shall seal or mark the same with appropriate devices to be approved by the state superintendent of weights and measures. The sealer shall condemn and seize and may destroy incorrect weights and measures and weighing or measuring instruments which can not be repaired; and such as are incorrect and yet may be repaired, he shall mark or tag as "con-

Sealer to cause prosecution

To seal weights and measures, when
To seize weights, measures, etc., when

demned for repairs" in a manner prescribed by the state superintendent of weights and measures.

To keep record of work done Report to mayor, and to state superintendent

5. The city sealer shall keep a complete record of the work done by him and shall make an annual report to the mayor, and an annual report duly sworn to, not later than the first of December to the state superintendent of weights and measures.

Sealer to give bond

6. The city sealer of weights and measures shall forthwith on his appointment give a bond, with sureties to be approved by the appointing power, for the faithful performance of the duties of his office and for the safety of the local standards and appliances for verification as are committed to his charge and for the surrender thereof immediately to his successor in office or to the person appointed by the proper authority to receive them.

Cities not prohibited from enforcing ordinances, when not in conflict

7. Nothing contained in sections 1658 to 1670a, inclusive, shall be construed as prohibiting cities subject to the provision of this section from enforcing ordinances regulating weights and measures, heretofore or hereafter enacted not in conflict with said sections or the regulations of the superintendent of weights and measures issued in pursuance thereof.

Sec. 1662, as enacted by Laws, 1911, ch. 566, sec. 3 Ex-officio sealers, who shall be Powers and duties

In all territory within this state, except cities subject to the provisions of section 1661, the inspectors of weights and measures appointed under subsection 1 of section 1659 and such assistant dairy and food commissioners and such cheese factory, dairy and food inspectors, and such creamery and dairy and food inspectors as may from time to time be designated by the superintendent of weights and measures shall act, ex officio, as sealers of weights and measures, with like authority, powers, and duties as prescribed for city sealers in subsections 2 to 5, inclusive, of section 1661.

Sec. 1663 Sealer's liability

If any sealer of weights and measures shall neglect to perform any duty imposed by law or shall prove and seal any weight, measure, scale or beam by any public standard which shall not have been tried, proved and sealed as prescribed by this chapter he shall forfeit for each such offense ten dollars.

Sec. 1664, as enacted by Laws, 1911, ch. 566 Police powers conferred upon state superintendent, his inspectors and all sealers

1. There is hereby conferred upon the state superintendent of weights and measures, his inspectors, and all sealers of weights and measures, police power; they shall be provided by the superintendent of weights and measures with suitable badges or insignia of authority and in the exercise of their functions shall exhibit the same, upon demand, to any person questioning their powers, and they are hereby empowered and authorized to make arrests, with or without formal warrant, of any person or persons violating the provisions of any statute relating to weights and measures.

Impersonating or hindering weights and measures officials Penalty for

2. Whoever in any manner whatsoever impersonates or hinders the state superintendent of weights and measures or any inspector or any sealer of weights and measures, in the performance of their

official duties shall be punished by a fine of not less than ten nor more than one hundred dollars.

1. Whenever any of the articles or commodities mentioned in this section shall be sold by the bushel, or fractional part thereof, and no special agreement as to weight thereof made shall be made in writing, the measure thereof shall be ascertained by avoirdupois weight, and shall be computed as follows:

Sec. 1665, as amended by Laws, 1911, ch. 566
Weights per bushel and parts thereof of commodities

2. Sixty pounds for a bushel of wheat, peas, potatoes, clover seed, or beans;

3. Fifty-seven pounds for a bushel of onions;

4. Fifty-six pounds for a bushel of Indian corn, rye, lima beans, wrinkled peas, flax-seed, rutabagas, or tomatoes;

5. Fifty-four pounds for a bushel of sweet potatoes;

6. Fifty pounds for a bushel of corn meal, rape seed, millet seed, beets, green cucumbers, apples, rye meal, carrots, buckwheat, hickory nuts, or fine salt;

7. Forty-eight pounds for a bushel of barley or Hungarian grass seed;

8. Fourteen pounds for a bushel of blue grass seed or red top seed;

9. Forty-six pounds for a bushel of castor beans;

10. Forty-five pounds for a bushel of timothy seed or rough rice;

11. Forty-four pounds for a bushel of hemp seed, parsnips, or sea island cotton seed;

12. Forty-two pounds for a bushel of turnips;

13. Thirty-five pounds for a bushel of cranberries;

14. Thirty-four pounds for a bushel of barley malt;

15. Thirty-three pounds for a bushel of dried peaches;

16. Thirty-two pounds for a bushel of oats;

17. Thirty pounds for a bushel of upland cotton seed;

18. Twenty-five pounds for a bushel of dried apples;

19. Twenty pounds for a bushel of bran or shorts;

20. Seventy pounds for a bushel of coarse salt or lime;

21. Eighty pounds for a bushel of unslaked lime.

22. Eight pounds for a bushel of plastering hair;

23. And two thousand two hundred pounds for a cord of hemlock bark;

24. For a fractional part of a bushel a like fractional part of the above weights shall be required.

25. All dry commodities not otherwise specified in this act shall be bought or sold only by standard dry measures, standard weight, or numerical count except where parties otherwise agree in writing.

Dry commodities, how sold, when

The bushel in struck measure shall contain two thousand one hundred fifty and forty-two hundredths cubic inches. The half bushel and the parts thereof shall correspond in capacity to that of the bushel and shall be the standard measure for fruits, vege-

Sec. 1666, as amended by Laws, 1911, ch. 566

Struck measure, bushel and parts thereof
How filled

tables, and other dry commodities customarily sold by heaped measure; and measuring such commodities, the half bushel or other smaller measure shall be heaped as high as may be without special effort or design.

Sec. 1666a, as enacted
by Laws, 1911, ch. 566,
sec. 5
Milk bottles, capacity
of
Tolerances
Bottles to be marked,
how

1. Bottles used for the sale of milk and cream shall be of the capacity of half gallon, three pints, one quart, one pint, half pint, one gill, filled full to the bottom of the lip. The following variations on individual bottles or jars may be allowed, but the average contents of not less than twenty-five bottles selected at random from at least four times the number tested must not be in error by more than one-quarter of the tolerances: six drams above and six drams below on the half gallon; five drams above and five drams below on the three-pint; four drams above and four drams below on the quart; three drams above and three drams below on the pint; two drams above and two drams below on the half pint; two drams above and two drams below on the gill. Bottles or jars used for the sale of milk shall have clearly blown or otherwise permanently marked in the side of the bottle, the capacity of the bottle and the word "Sealed" and in the side or bottom of the bottle the name, initials or the trade mark of the manufacturer and designating number, which designating number shall be different for each manufacturer and may be used in identifying the bottles. The designating number shall be furnished by the state superintendent of weights and measures upon application by the manufacturer, and upon filing by the manufacturer of a bond in the sum of one thousand dollars with sureties to be approved by the attorney general, conditioned upon their conformance with the requirements of this section. A record of the bonds furnished, the designating numbers, and to whom furnished, shall be kept in the office of the superintendent of weights and measures.

Bottles not complying
with size and marking,
penalty for

2. Any manufacturer who sells milk or cream bottles to be used in this state that do not comply as to size and markings with the provisions of this section shall suffer the penalty of five hundred dollars, to be recovered by the attorney general in an action against the offender's bondsmen, to be brought in the name of the people of the state. Any dealer who uses, for the purpose of selling milk or cream, jars or bottles purchased after this law takes effect that do not comply with the requirements of this section as to markings and capacity, shall be deemed guilty of using false or insufficient measure.

Sealers not required
to test bottles or jars,
when

3. Sealers of weights and measures are not required to seal bottles or jars for milk or cream marked as in this section provided, but they shall from time to time make tests on individual bottles used by the various firms in the territory over which they have jurisdiction, in order to ascertain whether the above provisions are

being complied with, and they shall report violations found immediately to the superintendent of weights and measures.

It shall be unlawful to sell or offer to sell in this state any coal, charcoal, or coke in any other manner than by weight. No person, firm, or corporation shall deliver any coal, charcoal, or coke without each such delivery being accompanied by a delivering ticket and a duplicate thereof, on each of which shall be in ink, or other indelible substance, distinctly expressed in pounds, the gross weight of the load, the tare of the delivery vehicle, and the quantity, or quantities of coal, charcoal, or coke, contained in the cart, wagon, or other vehicle used in such deliveries, with the name of the purchaser thereof, and the name of the dealer from whom purchased. One of these tickets shall be surrendered to the sealer of weights and measures upon his demand, for his inspection, and this ticket or weight slip issued by the sealer when the sealer desires to retain the original shall be delivered to said purchaser of said coal, or his agent or representative, at the time of the delivery of the fuel; and the other ticket shall be retained by the seller of the fuel. When the buyer carries away the purchase, a delivery ticket showing the actual number of pounds delivered over to the purchaser must be given to the purchaser at the time the sale is made.

Sec. 1666b as enacted by Laws, 1911, ch. 566
Articles to be sold only by weight
Delivery ticket

When any commodity shall be 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 sold by weight shall be construed accordingly unless such construction would be manifestly inconsistent with the special agreement of the parties contracting. When any commodity is sold by the ton it shall be understood to mean the net weight of twenty hundred avoirdupois pounds unless such construction would be manifestly inconsistent with the special agreement of the parties contracting.

(1858, 1805)
Sec. 1667
Hundredweight and ton

Special agreements

1. A barrel shall contain thirty-one and one-half gallons, and the hogshead two barrels;

Sec. 1668^o, as amended by Laws, 1911, ch. 566, sec. 6
Barrel and hogshead, capacity of
Gallon
Barrel, of flour

2. A liquid gallon, two hundred thirty-one cubic inches;

3. A barrel of flour measured by weight shall contain one hundred ninety-six pounds;

4. A barrel of potatoes, one hundred and seventy-two pounds.

—of potatoes

5. A barrel of unslaked lime, two hundred pounds.

—of unslaked lime

6. The standard barrel for apples or pears or other fruit, unless otherwise specifically defined, shall have an interior capacity of seven thousand and fifty-six cubic inches, and shall not be less than twenty-six inches between the heads inside; the diameter of the heads shall be seventeen and one-eighth inches, including the beveled edge; the outside bilge or circumference shall be not less than sixty-four inches, the thickness of the staves being four-tenths

—for fruit, etc.

of an inch; provided, however, that any barrel of a different form but of an interior capacity of seven thousand and fifty-six cubic inches shall be a legal barrel.

—for cranberries

7. The standard barrel for cranberries shall measure not less than twenty-five and one-quarter inches between the heads inside; the diameter of the head shall be sixteen and one quarter inches, including the beveled edge; the outside bilge, or circumference, shall measure not less than fifty-eight and one-half inches, the thickness of the staves being four-tenths of an inch. But any barrel of different form, but of the same interior capacity shall be considered a legal barrel.

Crate for fruit

8. A bushel crate for apples, pears, plums, peaches, and other fruits not secondarily contained in quart or other boxes within such crate, shall have an interior capacity of one bushel heap measure.

Bushel crate for cranberries or blueberries

9. A bushel crate of cranberries or blueberries shall have an interior capacity of one bushel struck measure.

Berries in less quantities than a bushel, how sold

10. All sales of blackberries, blueberries, cranberries, currants, gooseberries, raspberries, cherries, strawberries, and similar berries in packages of less than one bushel shall be by the quart, pint, or half-pint dry measure, and all berry boxes sold, used, or offered for sale within the state shall be of the interior capacity of not less than one quart, pint, or half pint dry measure. Any person violating the provisions of this paragraph shall be punished by a fine of not less than five nor more than fifty dollars and by confiscation of the illegal boxes or packages and of the fruit therein contained.

Penalty for violation

Apple and cranberry barrels, how marked

11. Every manufacturer of apple barrels or cranberry barrels shall stamp or brand his name with the letters "W. S." on the outside in plain and conspicuous letters, at least two inches in height, to indicate that such barrel is of the Wisconsin standard size of barrel.

Barrels of less capacity, penalty for use

12. Any person selling apples, pears, cranberries, or other fruit in barrels of less capacity than is herein provided for shall be liable to the purchaser in damages for three times the amount of the shortage therein; and any person who shall stamp or brand any such barrel of less capacity than is herein prescribed, with the letters "W. S." shall forfeit not less than five, nor more than twenty-five dollars for each offense.

Contracts, how construed

13. All contracts for the sale of apples, pears, cranberries, or other fruits by the barrel or crate, unless it is otherwise expressly stipulated shall be construed to mean barrels or crates of the capacity herein prescribed.

Unlawful to use packages of other sizes

14. It shall be and is hereby declared unlawful for any person or persons to bring, transport, or convey into the state, or to sell, offer to sell, or otherwise dispose of for profit, any apples, pears, plums,

blackberries, blueberries, cherries, cranberries, gooseberries, raspberries, strawberries, or other fruits, except the first sale within the state in the original packages, unless the crates, boxes, barrels, or packages wherein the same are contained shall be of the full interior capacity required for sale in the state to comply with all the provisions of this section as fully and completely as if the said packages had been packed, and the said fruit grown in Wisconsin. Any person violating the provision of this paragraph shall be punished by a fine of not less than twenty-five nor more than fifty dollars and by confiscation of the illegal crates, boxes, barrels, or packages and of the fruit therein contained.

Penalty for violation

The standard size of boxes used for picking hops shall be not exceeding three feet long, one and one-half feet wide and two feet deep, inside measure.

(1866, 1867)
Sec. 1660
Hop boxes

No person shall sell, buy or receive in store any grain at any weight or measure per bushel other than the standard weight or measure per bushel fixed by law; and for any violation hereof the offender shall forfeit not less than five nor more than fifty dollars.

(1872)
Sec. 1670
Standard for grain

No person shall determine the grade of any grain which is bought or received in store at any mill, elevator, warehouse or storehouse by the use of any grain tester that is not sealed in accordance with the United States standard of measure and which sealer is not in accordance therewith at the time it is used. When grain is tested at the instance of the seller the tester shall be filled by pouring the grain into it from a scoop or a similar vessel, and when the tester is filled it shall be struck or leveled with three zigzag movements of a straight edge. Any person who shall violate the provisions of this section and thereby cheat or defraud the seller or buyer of any grain shall be punished as is provided in section 4432.

(1872)
Sec. 1670a
Grain tester, how used

Except as otherwise provided by law there is hereby appropriated out of any money in the state treasury not otherwise appropriated a sum sufficient to carry out the provisions of sections 1658 to 1670a, inclusive, such expenditure to be audited under proper vouchers duly certified by the superintendent of weights and measures; but the salaries and expenses of city sealers shall be paid from the city treasuries, respectively.

Sec. 1670b, as enacted
by Laws, 1911, ch. 566
sec. 7
Appropriation

Until the first day of January, nineteen hundred and twelve, nothing contained in this act shall prevent the use, sale, or disposal of crates, boxes, barrels, cream jars and bottles, or packages heretofore lawfully purchased or acquired but not conforming to the standards fixed by section 1668 of the statutes as herein amended.

Laws, 1911, ch. 566.
Sec. 8
Act effective, when

Nothing contained in section three of this act shall interfere with present incumbents of any office in a department of bureau of weights and measures heretofore created and presently existing in any city of the first class.

Sec. 9
Act not to interfere
with present incumbents of office of cities of first class

Stats., 1898.
Sec. 4432, as amend-
ed by Laws, 1911, ch.
566, sec. 6

Unlawful to use or re-
tain any false or un-
sealed weight, meas-
ure, etc.

Any person, who, by himself or by his servant or agent or as the servant or agent of another, shall use or retain in his possession any false weight or measure or any weight or measure or weighing or measuring device to be used in the buying or selling of any commodity or thing which has not been sealed by a sealer of weights and measures within one year; or any person who, by himself or by his servant or agent or as the servant or agent of another, shall sell or offer or expose for sale or keep for the purpose of sale, less than the quantity he represents; or who by himself, or by his servant or agent or as the servant or agent of another, shall use any false weight or measure in buying or selling any commodity or thing, or shall sell or offer or expose for sale or keep for the purpose of sale any commodity in a manner contrary to law; or any person, who, by himself or by his servant or agent or as the servant or agent of another, shall sell or offer to sell or have in his possession for the purpose of selling, any device or machine to be used or calculated to falsify any weight or measure, shall be punished by imprisonment in the county jail not more than three months or a fine of not more than two hundred dollars, upon a first conviction; but, upon a second or subsequent conviction, he shall be punished by imprisonment in the county jail not more than one year, or by a fine of not more than five hundred dollars, or both in the discretion of the court; or any person who wilfully with intent to cheat or defraud the buyer or seller of electric current, gas, water, or steam shall make or cause to be made or aid in the making of any electric conductor, gas pipe, water pipe, steam pipe, or other instrument or contrivance or any connection as to conduct or supply or intended to conduct or supply electric current, gas, water, or steam to any lamp or motor or machine or burner or orifice or appliance from which such electricity, gas, water, or steam may be consumed or utilized without passing through or being registered by a meter, or any person who shall wilfully use a false meter for the measurement of electric current, gas, water, or steam in the buying or selling of the same, or who shall wilfully obstruct or interfere with the working of any meter used for such purposes, so as to cause or be intended to cause a false registration of the amount of electric current, water, gas, or steam consumed with the intent to cheat or defraud the seller or buyer of such electric current, gas, water, or steam, shall be punished by imprisonment in the county jail not more than one year or by a fine not exceeding five hundred dollars; but in case the amount of damages occasioned by such cheat or fraud shall not exceed twenty dollars, he shall be punished by imprisonment in the county jail not more than three months or by fine not exceeding one hundred dollars, and in computing the amount of damages occasioned, the value of such

Penalty for violation

Defrauding buyer or
seller of electric current,
gas, water or steam

Penalty for

electric current, water, gas, or steam shall be the regular current price therefor, charged to the consumer by the seller thereof. But nothing contained in sections 1658 to 1670, inclusive, shall prohibit the use by any person, or by his servant or agent, in good faith, of any unsealed weight or measure or weighing or measuring device purchased or acquired by such person after the last visit of a sealer to such person for the purpose of inspection and sealing of weights and measures, or any sealed weight or measure or weighing or measuring device in his possession after the expiration of one year next after the last inspection and sealing thereof, provided the said person shall have notified the city sealer in cities subject to the provision of section 1661, or the superintendent of weights and measures, respectively, in writing, signed by said person, of the fact that he has such weight or measure or weighing or measuring device, giving the number thereof and a general description of the same, and the place where the same may be found for the purpose of inspection, and shall have received a written acknowledgement of said notice, signed by such city sealer or superintendent of weights and measures.

Use of unsealed weight or measure, etc., under what conditions

Any person, firm or corporation by himself, officer, servant or agent, or as the officer, servant or agent of any other person, firm or corporation, who shall manufacture or solicit or take orders for delivery, or sell, exchange, deliver or have in possession with the intent to sell, exchange or expose, or offer for sale or exchange any article of food within the meaning of section 4600, statutes of 1898, which is misbranded within the meaning of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than ten days nor more than sixty days. The term "misbranded," as used herein shall apply to articles of food, or articles which enter into the composition of food, which, or the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular; or if in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package; and to any food product which is falsely branded as to the state, territory or country in which it is manufactured or produced. * * *

Laws, 1907, ch. 173, p. 650
Sec. 4601a

Foods: false branding of weight, measure, county or contents; prosecution

In the use of the Babcock test, the standard milk measures or pipettes shall have a capacity of 17.6 cubic centimeters, and the standard test tubes or bottles for milk shall have a capacity of 2 cubic centimeters for each ten per. cent. mark on the necks thereof; cream shall be tested by weight and the standard unit for testing

Laws, 1903, ch. 43, p

64
Sec. 1
Babcock test
Stamped measures
for

shall be 18 grams, and it is hereby made a misdemeanor to use any other standards of milk or cream measure where milk or cream is purchased by or offered to creameries or cheese factories and where the value of said milk or cream is determined by the per cent. of butter fat contained in the same, or wherever the value of milk or cream is determined by the per cent. of butter fat contained in the same by the Babcock test.

Sec. 2
Sale by false measure
a misdemeanor

Any manufacturer, merchant, dealer or agent in this state who shall offer for sale or sell a milk pipette or measure, test tube or bottle which is not correctly marked or graduated as herein provided shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section four of this act.

Sec. 3, as amended by
Laws, 1905, ch. 99 sec. 1

It shall be unlawful for the owner, manager, agent or any employee of a cheese factory, creamery, or condensed milk factory to falsely manipulate or under-read or over-read the Babcock test or any other contrivance used for determining the quality or value of milk or cream or to make any false determination of said Babcock test or otherwise.

To underread or over-
read unlawful

Sec. 4, as amended by
Laws, 1905, ch. 99, sec. 2
Penalty

Whoever shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine of not less than twenty-five dollars not more than one hundred dollars for each and every offense, or be imprisoned in the county jail not less than thirty days nor more than sixty days.

Stats., 1898, ch. 84,
D. 1253
Sec. 1735

Each lumber inspector shall, in person or by deputy, at the request of any owner of logs, timber or lumber, after a scalement or measurement thereof, make a bill, stating therein the number of logs, the number of feet, board measure, contained in such logs and lumber, and the number of feet, cubic, running or board measure, contained in said timber, and at whose request the same were scaled or measured and to whom scaled or measured, a copy of which bill he shall enter upon the books of his office, to be provided by him and kept for that purpose, with the marks as they occurred upon the logs. A correct bill of the same shall be given to such owner, with a certificate thereto attached that it is a true and correct bill, which bill so certified shall be presumptive evidence of the facts therein contained and of the correctness of such scalement or measurement in all courts, except in favor of the inspector or deputy inspector who made the same.

Effect of scale bills

(1864, 1866)
Sec. 1736
Rules for measure-
ment of lumber

Each lumber inspector and his deputies shall, in surveying or measuring logs, make such allowance for hollow, rotten or crooked logs as would make them equal to good, sound, straight, merchantable logs; and all logs that are straight and sound are to be measured at their full size, inside the bark at the small end, and all logs over twenty-four feet long and not exceeding thirty-six feet, shall be scaled or measured as two logs, allowing such rise

from the first to the second log as the same may require or as may seem proper in the opinion of the inspector or his deputy. Each lumber inspector shall require of each of his deputies, at the end of each month, a correct account of all the logs, lumber or timber measured by him during the month next preceding, and he shall immediately enter such account upon the books of his office.

The standard rule for scaling or measuring logs in the said districts shall be in accordance with the following table, showing the length of the log in feet, the diameter in inches, and the number of feet of lumber, board measure, contained in each log, to wit:

(1864)
Sec. 1737, as amended by Laws 1901, ch. 451
Standard scale for logs

Length of log in feet.	Diameter of log at small end in inches.										
	6	7	8	9	10	11	12	13	14	15	16
	Scale in feet.										
12.....	10	20	20	30	30	40	60	70	90	110	120
14.....	10	20	20	30	40	50	70	80	100	120	140
16.....	20	30	30	40	60	70	80	100	110	140	160
18.....	20	30	30	40	60	80	90	110	130	160	180
20.....	20	30	30	40	70	80	100	120	140	180	200
22.....	30	40	40	50	80	90	110	130	160	200	220
24.....	30	40	40	60	90	100	120	150	170	210	240

Length of log in feet.	Diameter of log at small end in inches.										
	17	18	19	20	21	22	23	24	25	26	27
	Scale in feet.										
12.....	140	160	180	210	230	250	280	300	340	370	410
14.....	160	190	210	240	270	290	330	350	400	440	480
16.....	180	210	240	280	300	330	380	400	460	500	550
18.....	210	240	270	310	340	380	420	450	520	560	620
20.....	230	270	300	350	380	420	470	500	570	620	680
22.....	250	290	330	380	420	460	520	550	630	690	750
24.....	280	320	360	420	460	500	570	610	690	750	820

Length of log in feet.	Diameter of log at small end in inches.										
	28	29	30	31	32	33	34	35	36	37	38
	Scale in feet.										
12.....	440	460	490	530	550	590	600	660	690	770	800
14.....	510	530	570	620	640	690	700	770	810	900	930
16.....	580	610	660	710	740	780	800	880	920	1,030	1,070
18.....	650	680	740	800	830	880	900	980	1,040	1,160	1,200
20.....	730	760	820	890	920	980	1,000	1,090	1,150	1,290	1,330
22.....	800	840	900	980	1,010	1,080	1,100	1,200	1,270	1,440	1,470
24.....	870	910	990	1,060	1,100	1,180	1,200	1,310	1,380	1,540	1,600

Length of log in feet.	Diameter of log at small end in inches.									
	39	40	41	42	43	44	45	46	47	48
	Scale in feet.									
12	840	900	950	1,010	1,050	1,110	1,140	1,190	1,240	1,300
14	980	1,050	1,110	1,170	1,220	1,290	1,330	1,390	1,450	1,510
16	1,120	1,200	1,270	1,340	1,400	1,480	1,520	1,590	1,660	1,730
18	1,260	1,350	1,430	1,510	1,570	1,660	1,710	1,780	1,860	1,940
20	1,400	1,500	1,590	1,680	1,740	1,850	1,900	1,980	2,070	2,160
22	1,540	1,660	1,750	1,850	1,920	2,040	2,090	2,180	2,280	2,360
24	1,680	1,800	1,900	2,020	2,100	2,220	2,280	2,380	2,480	2,600

Use of other

Other rules may be used at the request of the owner of logs; but in all such cases the bill of the inspector shall state by what rule the logs were scaled or measured.

WYOMING

The weights, measures and balances as adopted by the United States government, and as at present in use by said government, or as may be changed and altered at any time hereafter by said government, are hereby adopted and established as the legal public standard weights, measures and balances of this state, and when received from the United States government shall be turned over to the state librarian who shall be authorized to act as superintendent of weights, measures and balances of this state, and who shall receive out of the state treasury, out of any of the moneys not otherwise appropriated, an annual compensation of one hundred dollars per annum as payment for said services, and the state auditor is hereby directed to pay the freight on said standard balances, weights and measures from Washington, D. C., to Cheyenne, Wyoming, out of any moneys in the treasury not otherwise appropriated.

Mullen's Comp.
Stats., Ann., 1910, ch.
209, p. 801
(1884)
Sec. 3139
Standard

Compensation for
custodian

The state librarian shall be authorized, and is hereby directed to contract for and have manufactured a sufficient number of sets of balances, weights and measures (the measures to be out of tin, cast iron, brass or compositions) as will be necessary to supply each county within the state, the said balances, weights and measures to be delivered by the contractor at the office of the state librarian as they may be required by said state librarian, and they shall be paid for on the order of said state librarian out of any money in the treasury not otherwise appropriated.

Sec. 3140
Purchase of stand-
ards for each county

Upon the application of the county commissioners of any county, the state librarian shall furnish said county with such balances, weights and measures as said commissioner shall designate as required, but before receiving the same, the said county shall pay into the public treasury the amount paid by the state for the same: Provided, that nothing herein contained shall be so construed as to authorize the state librarian to have manufactured at public expense a larger number of sets of balances, weights and measures than may be necessary to fill the call of the county commissioners upon him as above mentioned.

Sec. 3141
Counties to pay for
county standards

The county commissioners of every county shall constantly keep for the use and at the cost of such county, the following weights, measures and balances, conformable to said standards

Sec. 3142
Specified standards
to be kept by counties

and seals, and sealed by said state librarian, that is to say of dry measure, one half bushel, one peck, and one half peck; of wine measure, one gallon, one quart, one pint, and one gill; one set of brass weights up to four pounds, computed at sixteen ounces to the pound, with suitable scales and steel beam; one set of iron weights from one pound to fifty pounds; also, of long measure, one yard and a set of troy weights from the lowest denomination to eight ounces. Each of said measures, weights and balances shall be verified by the superintendent and sealed by him in a durable manner, according to its true weight, capacity or length.

Sec. 3143
Assessor to be custodian and sealer of weights

The weights, balances and measures provided for each county shall be in the keeping of the county assessor, and shall be kept in such place as the county commissioners may determine, and said county assessor shall be sealer of weights and measures for the county in which he is assessor.

(1884, 1886)
Sec. 3144
County standards to be annually tested

Once in each year from the time at which they are first sealed, the said sealer of weights and measures shall cause them to be tried and proved by the said public standards, under the direction of the state librarian, and sealed by him anew, and if any sealer of weights and measures shall fail so to do, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, fined in a sum not exceeding fifty dollars.

(1884)
Sec. 3145
Notice of proving weights in the county

Every sealer of weights and measures shall, at least once in every year, advertise in some convenient newspaper, or put up notifications in different parts of the county, of the times and places when and where he will attend for the purpose of trying and proving such balances and weights and measures as may be brought to him for that purpose. Those which may be found or can be made to agree with the standards shall be sealed by him accordingly, and he shall deface or destroy all such as do not and cannot be made to agree therewith.

(1884, 1886)
Sec. 3146
Annual sealing of weights in the county

The said sealer of balances and weights and measures for each county shall, once in each year, go to the houses, stores or shops of every person within the county (in which he is elected assessor) who uses balances, steel-yards, platform scales or balances, weights or measures, for the purpose of buying and selling, and has failed for one year to bring or send them in at the times or places mentioned, notified and advertised by him, and also to all hay scales and platform balances kept for public use, and there try and prove such scales, balances steel-yards, weights and measures, and seal, or deface and destroy them as may be proper. In the cases mentioned in this section the sealer of weights and measures shall have double the amount of his regular fees.

(1884)
Sec. 3147
Expenses of obtaining seals, by whom paid

The seals and other things necessary to enable them to perform their duty shall be procured by the state librarian and sealers. The cost of such as are procured by the state librarian shall be paid on

the order of the State librarian out of any state funds not otherwise appropriated, and the cost of such as are procured by a sealer of weights and measures shall be a charge on and paid by the county in which he was elected assessor.

Each sealer of weights and measures is allowed to receive for his services fees as follows: For sealing and marking every beam, twenty-five cents; for sealing and marking measures of extension, at the rate of ten cents per yard, not to exceed twenty-five cents on any one measure; for sealing and marking every weight, five cents; for sealing and marking liquid and dry measures, if the same be one gallon or more, twenty-five cents, and if less than one gallon, ten cents; and he may charge a reasonable compensation for time actually and necessarily employed in fixing, altering or repairing defective balances, weights or measures, so as to make them conform to the standard, such compensation in no case to exceed the rate of fifty cents per hour for time actually employed, and he shall make no charge when the time employed is less than fifteen minutes. Such fees received as above provided shall be in full for all compensation as sealer of weights and measures, and no charge shall be made against any county in the state for such services.

Sec. 3148
Fees of county sealers

Any person may call at any time upon the sealer of weights and measures, in his county to try and prove the weights and measures of such person, he paying therefor the regular fees, or double fees, if the service be rendered at his own house, store or shop: *Provided*, That if any person shall call upon the sealer of weights and measures to go to his house, store or shop to perform any duties under this chapter, he shall pay in addition to the fees above provided, the reasonable expenses of such sealer of weights and measures where the distance necessarily traveled shall be over three miles.

Sec. 3149
Sealer to prove
weights on request

Expenses

If any board of county commissioners shall refuse to provide and keep the weights, measures and balances prescribed by law, every member of such board of county commissioners so refusing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than five dollars nor more than fifty dollars.

Sec. 3150
Commissioners
refusing to provide
standards; penalty

If the state librarian or any sealer of weights and measures of any county, shall wilfully or negligently fail to perform any duty imposed on him by the provisions of this chapter, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than fifty dollars for each offence.

Sec. 3151
Neglect of duty by
officers; penalty

If any person shall sell or offer to sell, any commodity by, or keep for buying or selling by, any scales, balances, steelyards, weights, or measures not sealed according to law, he shall be

Sec. 3152
Penalty for using in-
correct weights

deemed guilty of a misdemeanor, and upon conviction thereof fined for each offense in a sum not less than five nor more than fifty dollars: Provided, That if upon such scales, balances, steel-yards, weights or measures being examined and proved by the sealer of weights and measures, they shall prove to be correct, he shall not be liable for the above fine.

(1884, 1886)
Sec. 3153
Banks must have
weights sealed

Once in every year every bank or banking house either public or private, shall have the weights used in such bank or banking house tried, proved and sealed, either by the state librarian or by the sealer of weights and measures in the county in which such bank or banking house is situated.

Sec. 3154
Penalty for failure by
bank

If the officers of any bank, or owner of any banking house shall fail to comply with the provisions of the foregoing section, they shall be deemed guilty of a misdemeanor, and upon conviction thereof fined in a sum not less than five dollars nor more than fifty dollars for each offense: *Provided*, That none of the provisions of this chapter shall be so construed as to prohibit the use of spring or platform scales generally used by butchers or other persons: *Provided further*, That when such spring or platform scales are used by any person or persons they shall be tested at least once in each year, and sealed, as in case of other scales or balances.

Proviso

(1886)
Sec. 3155
Certain cities to have
public scales

It shall be the duty of said county commissioners to see that every city and town in their county containing two thousand or more inhabitants is provided with public scales for weighing of coal, hay and other merchandise, sold by weight, and that every city and town council in their respective counties shall appoint a city or town weighmaster, whose services shall be paid for by the city or town appointing said weighmaster.

Sec. 3156
Certain weights to be
annually tested

It shall be the duty of the sealer of weights and measures to test all weights and measures that are in use for the sale of liquids or solids in his county, at least once in every twelve months, and he shall bring action against any company or person who may defraud or cheat or attempt to defraud or cheat any person or persons by the use of short weights or measures.

Sec. 3157
City weighmasters to
give weight certificates

It shall be the duty of all city or town weighmasters to furnish a certificate of all merchandise weighed by them to teamsters or other persons who may deliver coal, hay or other merchandise sold by weight, so that said certificate shall be given to the purchaser.

Sec. 3158
Violating this chapter;
penalty

Any person violating the provisions of this chapter shall, upon conviction, be fined in a sum of not more than five hundred dollars, or imprisoned in the county jail not more than six months.

(1876)

Sec. 6010
Using false weights

If any person shall knowingly have, keep, or use any false or fraudulent scales or weights for weighing gold or gold dust, or any other article or commodity, every person so offending shall be

fined not more than five hundred dollars, or imprisoned in the county jail not more than six months.

If any person shall knowingly sell by false weights or measures, or shall knowingly use false weights or measures at any threshing machine, or at any mill, in taking toll for grinding or threshing corn, wheat, rye or other grain and seeds, he shall be deemed a common cheat and shall be fined not more than one hundred dollars, and shall be imprisoned in the county jail not more than six months.

(1895)
Sec. 6013
Selling by false weights

* * * That for the purposes of this act an article shall also be deemed to be misbranded:

Sess. Laws, 1911, ch 144, P. 170
Sec. 9

In case of food:

* * *

Third. If in package form, the net quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure or numerical count; provided, however, that reasonable variations shall be permitted and that tolerances shall be established by rules and regulations made in accordance with the provisions of this act.

From and after the passage of this law, unless otherwise agreed to between the contracting parties, the following shall constitute the legal measurement for hay in stack in the state of Wyoming:

Sess. Laws, 1911, ch. 30, P. 43
Sec. 1
Legal measurement of hay in stacks

Four hundred and twenty-two (422) cubic feet shall constitute a ton of clean, native, blue joint hay, after thirty (30) days up to three (3) months settlement in stack. As to all other kinds of hay, after the same shall have been settled in stack from sixty (60) days and up, five hundred and twelve (512) cubic feet shall constitute a ton of alfalfa or rough slough grass, after the same shall have been in stack thirty (30) days and up to one (1) year. Four hundred and fifty (450) cubic feet shall constitute a ton of clean timothy and clover, after the same shall have been in the stack thirty (30) days, and up to one (1) year.

Making measurements of hay in stack, the following is hereby made the legal method of measurements to wit: The width and length of the stack shall be measured, and the distance from the ground against one side of the stack to the ground against the other side of stack directly over and opposite, shall be taken in linear feet and inches, and then the width shall be subtracted from the measurement over the stack, as above indicated, the result divided by two, and the result so obtained multiplied by the width, and the result thus obtained multiplied by the length, which will give the number of cubic feet contained in the stack, and the tonnage shall thereupon be determined by dividing the total number of cubic feet by the number of cubic feet allowed under the provisions of this act for a ton.

Mullen's Comp. Stats., Ann., 1910, p. 252
(1890-91)

Sec. 742
Legal standard of water measurement

A cubic foot of water per second of time shall be the legal standard for the measurement of water in this state, both for the purpose of determining the flow of water in natural streams, and for the purpose of distributing water therefrom.

Laws, 1911, ch. 74

Sec. 1
Regulating the weighing of coal

It shall be unlawful for any mine owner, lessee, operator, agent or company in this state, employing miners at bushel or ton rates, or other quantities, in mining coal, to pass the output of coal mined by said miners over any screen or any device which shall take any part of the marketable coal from the amount thereof, before.

Mullen's Comp. Stats., Ann., 1910, p. 252

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Sec. 2
Feeding stuffs exempted

The term "concentrated commercial feeding stuffs," as here used shall not include hays, straw, whole seeds nor the unmixed meals made directly from seed of wheat, rye, speltz, barley, oats, Indian corn, buckwheat or broom corn, and neither shall it include wheat, rye, buckwheat, brans or middlings not mixed with other substances, but sold separately as distinct article of commerce, nor pure grains ground together.

Sec. 4
Scales

The owner, lessee, operator, agent or company operating any coal mine in this state, at which the miners are paid by weight, shall provide suitable and accurate scales of standard manufacture for weighing of coal which may be procured from such mines; such owner, lessee, operator, agent or company shall be required to keep United States standard weights to test said scales.

At every mine where the coal mined is paid for by weight it shall be the duty of the weighman and the check weighman to

examine and balance the scales each morning, and in no case shall any coal be weighed until such scales are tested by the United States standard weights and found to be correct: *Provided*, That if the weighman and check weighman shall disagree, work may continue until the inspector of mines can be present, and any erroneous weights made during such time shall be rectified. When differences shall arise between the weighman and check-weighman, or operator, of any mine, as to the correctness of the scales, the same shall be referred to the inspector of mines, whose duty it shall be to see and regulate the same at once. The inspector of mines and miners employed in the mine and others personally interested shall at all proper times have full right of access to and examination of scales or apparatus used for weighing coal in or about said mine.

Any person or persons having or using any scale or scales for the purpose of weighing the output of coal at mines so arranged or constructed that fraudulent weighing may be done thereby, or who shall knowingly resort to or employ any means whatever by reason of which such coal is not correctly weighed and reported in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor and shall upon conviction for each offense be punished by a fine of not less than one hundred dollars nor more than three hundred dollars, or by imprisonment in the county jail for a period not to exceed sixty days, or by both such fine and imprisonment.

Sec. 5
Fraudulent weigh-
ing—Penalty

The provisions of this act shall also apply to the class of workers in mines known as loaders, engaged in mines wherein mining is done by machinery. Whenever the workmen are under contract to load coal by the bushel, ton, or any quantity, the settlement of which is by weight, the output shall be weighed in accordance with the provisions of this act.

Sec. 6
Loaders included

Any and all acts or parts of acts inconsistent with any of the provisions of this act, are hereby repealed in so far as the same conflict with any of the provisions of this act.

Sec. 7
Repeal

APPENDIX

LEGAL WEIGHTS PER BUSHEL OF COMMODITIES

[REPRINTED (WITH SLIGHT REVISION) FROM CIRCULAR NO. 10 OF THE BUREAU OF
STANDARDS]

COMMODITIES FOR WHICH BUSHEL WEIGHTS HAVE BEEN ADOPTED IN BUT A FEW STATES

- Alsike (or Swedish) seed, 60 pounds (Maryland and Oklahoma).
- Beggarweed seed, 62 pounds (Florida).
- Bermuda grass seed, 40 pounds (Oklahoma).
- Blackberries, 30 pounds (Iowa); 48 pounds (Tennessee); dried, 28 pounds (Tennessee).
- Blueberries, 42 pounds (Minnesota).
- Bromus inermis, 14 pounds (North Dakota).
- Burr clover, in hulls, 8 pounds (North Carolina).
- Cabbage, 50 pounds (Tennessee).
- Canary seed, 60 pounds (Tennessee); 50 pounds (Iowa).
- Cantaloupe melon, 50 pounds (Tennessee).
- Caster seed, 50 pounds (Maryland).
- Cement, 80 pounds (Tennessee).
- Cherries, 40 pounds (Iowa); with stems, 56 pounds (Tennessee); without stems, 64 pounds (Tennessee).
- Chufa, 54 pounds (Florida).
- Cotton seed, staple, 42 pounds (South Carolina).
- Culm, 80 pounds (Maryland; United States).
- Currants, 40 pounds (Iowa and Minnesota).
- Feed, 50 pounds (Massachusetts).
- Fescue, seed of all the, except the tall and meadow fescue, 14 pounds (North Carolina).
- Fescue, tall and meadow fescue grass seed, 24 pounds (North Carolina).
- Grapes, 40 pounds (Iowa); with stems, 48 pounds (Tennessee); without stems, 60 pounds (Tennessee).
- Guavas, 54 pounds (Florida).
- Hominy, 60 pounds (Ohio); 62 pounds (Tennessee).
- Horseradish, 50 pounds (Tennessee).
- Italian rye grass seed, 20 pounds (Tennessee).
- Japan clover in hulls, 25 pounds (North Carolina).
- Johnson grass, 28 pounds (Arkansas); 25 pounds (North Carolina).
- Kale, 30 pounds (Tennessee).

- Land plaster, 100 pounds (Tennessee)
Lentils, 60 pounds (North Carolina).
Lucerne, 60 pounds (North Carolina).
Lupines, 60 pounds (North Carolina).
Meadow seed, tall, 14 pounds (North Carolina).
Meal (?), 46 pounds (Alabama); unbolted, 48 pounds (Alabama).
Middlings, fine, 40 pounds (Indiana); coarse middlings, 30 pounds (Indiana).
Millet, Japanese barnyard, 35 pounds (Massachusetts and New Hampshire).
Mustard, 30 pounds (Tennessee).
Mustard seed, 58 pounds (North Carolina).
Oat grass seed, 14 pounds (North Carolina).
Plums, 40 pounds (Florida); 64 pounds (Tennessee); dried, 28 pounds (Michigan).
Prunes, dried, 28 pounds (Idaho); green, 45 pounds (Idaho).
Radish seed, 50 pounds (Iowa).
Raspberries, 32 pounds (Iowa and Kansas); 48 pounds (Tennessee).
Rhubarb, 50 pounds (Tennessee).
Sage, 4 pounds (Tennessee).
Salads, 30 pounds (Tennessee).
Sand, 130 pounds (Iowa).
Seed of brome grasses, 14 pounds (North Carolina).
Shale, 80 pounds (United States).
Spinach, 30 pounds (Tennessee).
Strawberries, 32 pounds (Iowa); 48 pounds (Tennessee).
Sugar-cane seed (amber), 57 pounds (New Jersey).
Sunflower seed, 24 pounds (North Carolina).
Swedish (or Alsike) seed, 60 pounds (Maryland and Oklahoma).
Teosinte, 59 pounds (North Carolina).
Velvet grass seed, 7 pounds (Tennessee).
Vetches, 60 pounds (North Carolina).

In the following pages is given an alphabetical list of commodities for which legal weights (in pounds) per bushel have been more generally adopted by States. Special explanations or conditions affecting the definition are printed in footnotes to these tables.

COMMODITIES FOR WHICH BUSHEL WEIGHTS HAVE BEEN MORE WIDELY ADOPTED—Continued

	Coke	Corn ¹⁶			Corn meal			Cotton seed			Cranberries	Cucumbers	Flaxseed (linseed)	Gooseberries	(Plastering) hair	Hemp seed	Herds grass	Hickory nuts	Hungarian grass seed	Indian corn or maize
		Corn ¹	Corn in ear, husked	Corn in ear, unhusked	Shelled corn	Corn meal ¹	Corn meal, bolted	Corn meal, unbolted	Cotton seed ¹	Sea island cotton seed										
U. S.		56																		
Ala.		70	75	56				32				56								
Ariz.		54																		
Ark.		70	74	56	48			33 ³				56								
Cal.																				52
Colo.		70			50										44					56
Conn.					50			44	48		44	30	55			45				56
Del.																				56
D. C.																				56
Fla.			70	56	48			32	46											
Ga.		70		56	48			30				56		8	44					
Hawaii																				
Idaho ¹⁷																				56
Ill.				56	48							56		8	44					
Ind.		2		56	50						33				44					
Iowa	38	³ 50	⁴ 70	75	56	50						48	56	40	44		50	50		
Kans.		⁵ 70			56							56		⁶ 8	44			50		
Ky.		⁷ 70			56	50						56		8	44			50		
La.		56																		
Me.		56			⁸ 50									11		45				
Md.		⁴ 70		56	48							56			44	45		50		
Mass.				⁹ 50	50					44	30	32	55			45			¹⁰ 56	
Mich.		⁴ 70		56	50							56			44			50		
Minn.		70		56						36			40	⁶ 8	50			48		
Miss.		72		56	48	44	48	32				56			44			50		
Mo.			70	56	50			33				48	56		44			48		
Mont.			70	56	50							56			44			50		
Nebr.			70	56	50							56		8	44			50		
Nev.		⁵ 70		56	48							56			48			50		
N. H.		⁹ 50			50						32	56				45				56
N. J.													55							56
N. Mex.																				
N. Y.					50					44	30		55			45			56	
N. C.		70			48			30		44		55			44		11	50		56
N. Dak.		70		56								56								
Ohio	40		68		56							56			44			50		
Okla.			70	72	56	50		32			48	56			44					
Oreg.																				56
Pa.	40	58																		56
R. I.	40		70		56	50				44	30		56		44			50		
S. C.					¹² 48	48	48	¹³ 30												
S. Dak.			70		56							56								
Tenn.	40		70	¹⁴ 74	56	50	48	28			48	56	48	8	44		50	48		
Tex.			70	72	56			32				56			44			48		
Utah																				
Vt.																45				56
Va.			70		56	50		32				56		8	44	12		48		
Wash.												56								56
W. Va.		56										56								
Wis.					50			44	30		¹⁵ 50	56		8	44			48		56
Wyo.																				

¹ Not defined.
² Corn in ear, 70 pounds until Dec. 1 next after grown; 68 pounds thereafter.
³ Sweet corn.
⁴ In the cob.
⁵ Indian corn in ear.
⁶ Unwashed plastering hair, 8 pounds; washed plastering hair, 4 pounds.
⁷ Corn in ear, from Nov. 1 to May 1 following, 70 pounds; 68 pounds from May 1 to Nov. 1.
⁸ Indian-corn meal.
⁹ Cracked corn.
¹⁰ Shelled.
¹¹ Free from hulls.
¹² Standard weight bushel corn meal, bolted or unbolted, 48 pounds.
¹³ Except the seed of long staple cotton, of which the weight shall be 42 pounds.
¹⁴ Green unshelled corn, 100 pounds.
¹⁵ Green.
¹⁶ See also "Popcorn," "Indian corn," and "Kaffir corn."
¹⁷ See note ²⁰ on p. 7.

COMMODITIES FOR WHICH BUSHEL WEIGHTS HAVE BEEN MORE WIDELY ADOPTED—Continued

	Kaffir corn	Lime		Malt	Millet	Oats	Onions		Orchard grass seed	Osage orange seed	Parsnips	Peaches			Peanuts (or "Ground peas"*)	Pears ¹	Pease		Popcorn ²⁷
		Lime ¹	Unslacked lime				Onions ¹	Onion sets				Peaches ¹	Dried peaches, peeled	Dried peaches, unpeeled			Green pease, unshelled	Peas ¹	
U. S.				26 34		32	57											80 60	
Ala.						32								38 33				60	
Ariz.						32												60	
Ark.					50	32	57	14						33 33				60	
Cal.						32													
Colo.	80					32	57												
Conn.	70					32	52			45				33 33				60	
Del.																			
D. C.																			
Fla.					50	32	56					2 54		33	22	60			
Ga.						32	57							38 33	* 25			60	
Hawaii		80				32													
Idaho ²⁹			80	38		32	57							33					
Ill.				4 35	50	32	48	14	33	55				33					56
Ind.						32								33					
Iowa	56	80			50	32	57	5 30	14	32	42	48		33	33	20	50		6 70
Kans.	56		80	32	50	32	57				52	48		33	33			7 60	28 56
Ky.			35		50	8 32	57	9 36	14					39		* 24			60
La.						32	52												60
Me.						32	52				45								60
Md.	80		4 34	10 50	11 32	57		14				12 40			22			13 60	
Mass.	70					32	52				45	48		33	14 20	58			60
Mich.	70				50	32	54	14	33					28					60
Minn.	80				48	32	52	14	33		42			15 28	33				60
Miss.		80	38	50	32	57								33		* 24			60
Mo.				38	50	32	57	16 28	14	36	44	48	33			48	56	17 60	
Mont.		80	30			32	57				50					45			60
Nebr.		80	30	50	32	57	25		32					33					60
Nev.	56			32	50	32	57				50	48		15 33				7 60	28 56
N. H.	70					32	57				45	48		15 33	14 20	58			60
N. J.						30	57							50	33	33			60
N. Mex.																			
N. Y.	70					32	57							33					60
N. C.	50				50	32	57	14							22				60
N. Dak.	80				50	32	52												60
Ohio	70		34	50	32	55						48	33						60
Okla.	56	80	38	50	32	57	15 28	14	36	44	48	48	33	33	22	48	56		18 42
Oreg.					32									28		45			60
Pa.					32	50													
R. I.	70		38	50	32	50					50	48	33						8 60
S. C.																			
S. Dak.	80				32	52													60
Tenn.	19	80		20 50	32	21 56	22 28	14	33	50	23 50	26		23	24 56	30			60
Tex.					50	32	57					50	28						70
Utah						32	57												60
Vt.						30	52												60
Va.		80	38	50	32	57	28	14	34					40	32	22			25 60
Wash.						32													60
W. Va.						32											8 45		60
Wis.	70	80	26 34	50	32	57				44				33					60
Wyo.						32													

¹ Not defined.
² Green peaches.
³ Green.
⁴ Malt rye.
⁵ Top sets; bottom sets 32 pounds.
⁶ Shelled, 56 pounds.
⁷ Shelled, dry.
⁸ Strike measure.
⁹ Bottom onion sets.
¹⁰ German and American.
¹¹ Shelled.
¹² Peaches (peeled); unpeeled 32 pounds.
¹³ Cowpeas.
¹⁴ Roasted; green 22 pounds.
¹⁵ Not stated whether peeled or unpeeled.
¹⁶ Top onion sets.
¹⁷ Including split peas.
¹⁸ In the ear.
¹⁹ Slacked lime, 40 pounds.
²⁰ German, Missouri, and Tennessee millet seeds.
²¹ Matured onions.
²² Bottom onion sets, 32 pounds.
²³ Matured.
²⁴ Matured pease, 56 pounds; dried pease, 26 pounds.
²⁵ Black-eyed pease.
²⁶ Barley malt.
²⁷ Includes "Rice corn."
²⁸ "Rice corn."
²⁹ See note ²⁰, p. 7.
³⁰ Also green pease, seed pease, and split pease, each 60 pounds.

COMMODITIES FOR WHICH BUSHEL WEIGHTS HAVE BEEN MORE WIDELY ADOPTED—Continued

	Potatoes			Quinces	Rape seed	Red top	Rough rice	Rutabagas	Rye meal	Rye	Salt			Shorts ¹	Sorghum seed	Spelt or spiltz	Timothy seed	Tomatoes	Tur-nips			Wheat
	Potatoes ¹	Sweet potatoes	White potatoes								Salt ¹	Fine salt	Coarse salt						Turnips ¹	Common Eng-lish turnips	Walnuts	
U. S.	60									56												60
Ala.		55	60							56										55		60
Ariz.										56												60
Ark.	60	50				14				56	50			50		60				57		60
Cal.										54												60
Colo.	60									56	80						45					60
Conn.	60	54					45	60	50	56		50	70	20						50		60
Del.																						60
D. C.	60																					60
Fla.		60	60	48						56	60				56					54		60
Ga.		55	60				43			56							45			55		60
Hawaii.										56												60
Idaho ⁹		50	60							56		55	50							55		60
Ill.	60	55								56	50					45				55		60
Ind.										56						45				55		60
Iowa.	60	46		48	50	14		50		56	80			² 50	35	45	50	55		50		60
Kans.	60	50								56	80				50		45	56	55			60
Ky.	⁶ 60	55								56	50	55				45			60			60
La.										32												60
Me.	60							60	50	50		60	70							50		60
Md.	60	60			50	³ 14				56		56	70		50		45	60	60			60
Mass.	60	54		48		45			50	56		50	70	20			45	56	55			60
Mich.		56	60			⁴ 14				56	56						45		58			60
Minn.		55	60		50	⁴ 14		52		56					57		45					60
Miss.		60	60							56	50					42			55			60
Mo.		56	60			⁴ 14		50		56	50				42		45	45		42		60
Mont.	60									56	50						45		50			60
Nebr.		50	60							56	50				50		45		55			60
Nev.	60	50								56	80				50		45	56	56			60
N. H.	⁶ 60	54		48					50	56		50	70	20		45	56	55				60
N. J.										56							45					60
N. Mex.																						60
N. Y.		54	60			45		50		56		56	70	20			45					60
N. C.	⁵ 56	56			50	⁴ 14	44			56				50		45			50	⁶ 50		60
N. Dak.		46	60							56	80					40	45		60			60
Ohio.	⁵ 60	50								56							45	56	60			60
Okla.		55	60		50	⁴ 14		50		56	80				50		45	45	60	42		60
Oreg.	60									56												60
Pa.	56									56		7	62	85								60
R. I.		54	60						50	56		50	70	20			45	56	50			60
S. C.																						60
S. Dak.		46	60							56	80					45	42		60			60
Tenn.		50	60	48		⁴ 14				56	50				50		45	56	50		50	60
Tex.		55	60							56	50						45	55	55			60
Utah.																						60
Vt.	60									56	70						45		60			⁸ 60
Va.		56	56			12				56	50						45		55			60
Wash.	60									56												60
W. Va.	60									56							45					60
Wis.	60	54			50		45	56	50	56		50	70	20			45		42			60
Wyo.																						60

¹ Not defined. ⁴ Seed. ⁷ Ground salt, 70 pounds.
² Sorghum saccharatum seed. ⁵ Irish potatoes. ⁸ India wheat, 46 pounds.
³ Red top grass seed (chaff); fancy 32 pounds. ⁶ Free from hulls. ⁹ See note ²⁰, p. 541.

INDEX

A	Page	Appliances and accessories, may be condemned or seized,	Page
Accessories. <i>See</i> Appliances and accessories.		when.....	197
Acre, equivalent.....	41, 121, 133, 260, 277, 317, 335, 353, 387	unlawful to use, when.....	250
how measured.....	41, 121, 133, 277, 317	weights and measures, etc., certified by National Bureau of Standards no bar to further tests.....	36
Acre-foot of water, defined.....	482	Apricots, how sold.....	355
Advertisements, circulating or publishing untrue or mis- leading.....	331	Are, unit of area.....	413
Agricultural colleges, furnished complete set of all weights and measures adopted as standard.....	4	Arizona, laws.....	25
repairs to standards.....	5	Arkansas, laws.....	27
replacing lost standards.....	5	Arroba, unit of mass.....	414
Agricultural products, barrel for, dimensions.....	493	unit of capacity, value.....	414
use of flour barrel, half barrel, boxes, or crates for, not prohibited.....	493	Ashes, barrel of, minimum weight.....	364
Alabama, laws.....	17	bushel of, equivalent.....	489
Alaska, laws.....	23	measure for, dimensions and form.....	41, 260, 261
Alcohol, calculating value by alcoholometer.....	415	use of heaped measure.....	41, 260, 261
Alcoholometer, Gay-Lussac, used in determining value of distilled spirits.....	415	B	
Ale, wine measure used for collecting revenue.....	9	Babcock test for milk and cream.....	57,
Ale measure, authorized standard.....	285	131, 172, 229, 248, 275, 365, 381, 481, 525	
Almonds, how sold.....	355	Bagging and ties—	
Alewives, boxes for smoked, dimensions.....	203	weight of, baling cloth per yard.....	325, 501
how made.....	203	deductions for.....	93, 441, 469
Alfalfa, weight per bushel.....	541	how ascertained.....	292
Alsike seed, weight per bushel.....	539	not to be included.....	291
Ampere, unit of current.....	8	prescribed.....	93, 441
<i>See also</i> Electrical units.		to be marked.....	476
Anthracite coal, weight per bushel.....	541	Balita, unit of area.....	415
Apatan, unit of capacity, value.....	414	Banks, required to have sealed weights.....	210, 495, 511, 532
Appendix.....	537	tender of gold illegal, when.....	210, 495, 511
Apples—		Bark—	
barrel for, capacity and dimensions.....	171,	cord of, dimensions.....	169, 289, 489, 492
177, 242, 319, 334, 354, 492, 521		number of cubic feet.....	353, 492
how marked.....	171, 319, 492	number of pounds.....	388, 519
of less capacity.....	319, 334	how measured.....	169
of other shape.....	319, 522	measurers.....	288
of other size, unlawful except for first sale within the State.....	522	regulating sale.....	169, 198, 209
number of bushels.....	463	ton of, number of pounds.....	91, 388
weight.....	492	Barley, how sold.....	355
box for, capacity.....	99	weight and measurement per sack.....	19
dimensions.....	27, 171, 177, 380, 503	weight per bushel.....	541
short box, how marked.....	171	Barrel, altering brands or marks.....	119
special size, dimensions.....	380	falsely packed, penalty for selling.....	153
dried, how sold.....	355	marking false tare.....	362
how sold.....	355	number of gallons.....	27,
weight per bushel.....	541	41, 56, 99, 121, 176, 185, 224, 260, 278, 318, 354, 388, 463, 521	
Appliances and accessories, authority of inspectors and sealers to test.....	35,	packing less than required weight.....	118, 362
53, 114, 197, 222, 252, 322, 360, 404, 479, 486, 517		repacking fruit or produce in, without obliterating marks.....	329
		weight to be stamped.....	29
		for agricultural products, dimensions.....	493
		flour barrel, half barrel, boxes, or crates not prohibited... ..	493

	Page		Page
Barrel, for apples, capacity and dimensions.....	171,	Barrel, of flour, weight.....	56, 81, 94,
how marked.....	177, 242, 319, 334, 354, 492, 521	106, 117, 134, 161, 178, 185, 218, 235, 242, 278,	
of less capacity.....	171, 319, 492	323, 340, 362, 377, 431, 438, 463, 472, 494, 521	
of other shape.....	319, 334	of subdivisions.....	81, 94, 106,
of other size unlawful except for first sale within the		134, 161, 218, 235, 242, 278, 323, 340, 377, 438, 472	
State.....	522	to be marked.....	29, 87, 94, 127, 160, 237, 472
number of hushels.....	463	of flour, buckwheat, weight, and of subdivisions.....	218, 219
weight.....	492	of flour, rye, dimensions.....	66, 323
for ashes, pot and pearl, dimensions.....	364	weight, and of subdivisions.....	66, 134, 218, 323
minimum weight.....	364	to be marked.....	218
for beans, dimensions.....	177	for fruit, capacity.....	521
for beans, green, in pods, number bushels.....	463	dimensions.....	216, 354, 521
for beef and pork, capacity.....	324, 438	how handed.....	354
dimensions, and of half barrel.....	324, 363	of other shape, lawful.....	521
how made.....	324, 363	of other sizes unlawful, except for first sale within the	
weight.....	117, 324, 363, 432, 438, 463	State.....	521
for beets, dimensions.....	177	of grain, true weight to be stamped.....	88
for broccoli, dimensions.....	177	of grits, how marked.....	94, 218
for huckwheat flour, weight, and of subdivisions.....	218	tare.....	94
weight to be marked.....	218	tolerance.....	94
for buckwheat meal, dimensions.....	322, 323	weight, and of subdivisions.....	19, 94, 218
how handed.....	322, 323	of kale, dimensions.....	177
how packed.....	322, 323	of lard oil, weight, how ascertained.....	363
weight.....	322, 323	of lime, weight.....	224, 521
for cahhage, dimensions.....	177	of linseed oil, weight, how ascertained.....	363
for cantaloupe, number of hushels.....	463	of meal, dimensions.....	362, 467
for carrots, dimensions.....	177	how handed.....	161, 362
for charcoal, capacity.....	236	how made.....	362, 467
for chops, how handed.....	160	packer to put in full weight.....	416
weight.....	18	weight, and of half barrel.....	161, 235, 362, 438
weight to be marked.....	160	of meal, corn, how marked.....	94, 218
for clam bait, dimensions.....	169	tare.....	94
gallons.....	203	tolerance.....	94
for coal, capacity.....	159, 160	weight, and of subdivisions.....	18, 94, 218, 438, 472
number of pounds.....	236	of meal, Indian, dimensions.....	66, 322, 323
for corn, weight to be marked.....	87	how packed.....	322, 323
for corn, green, with shucks, number hushels.....	463	mishranding.....	322, 323
for corn, matured, with shucks, number hushels.....	463	net weight to be marked.....	66
for corn, on the cob, weight.....	77	tare.....	66
for corn, shelled, weight.....	77	weight.....	66, 322, 323
for cranberries, capacity.....	295	of melons, number hushels.....	463
dimensions.....	185, 295, 522	of onions, dimensions.....	177, 354
of less capacity prohibited.....	185	of oysters, number of tubs.....	20, 238
of other shape, illegal.....	522	of parsnips, dimensions.....	177
of other sizes unlawful except for first sale within the		of pears, capacity.....	319, 320, 334, 521
State.....	522	dimensions.....	177, 334, 521
for feeding stuffs, to bear statement of net pounds.....	89	of less capacity, how marked.....	334
for fertilizer, capacity.....	436	of other shape, unlawful.....	320, 334, 521
how handed.....	160	of other size, how marked.....	319, 320
to bear net weight.....	160	unlawful except for sale within the State.....	522
for fish, capacity, and of half barrel.....	202, 436	of peas, dimensions.....	177
how handed.....	363	of peas, green, in hull, number bushels.....	463
how made.....	202	of potatoes, capacity.....	319, 320
weight.....	202, 363, 463	dimensions.....	177, 354
for flaxseed oil, weight, how ascertained.....	363	how marked.....	88, 319, 320
for flour, size.....	216, 323, 362, 467	number of hushels.....	463
to be considered standard.....	172	other size.....	319, 320
of flour, altering inspectors' marks.....	119	weight.....	56, 150, 169, 185, 319, 463, 521
dimensions.....	81, 216, 323, 362, 467	of potatoes, sweet, dimensions.....	177
mishranding.....	322, 323	how marked.....	88
tolerance.....	94, 95	number of bushels.....	463
		weight.....	185, 463

	Page		Page
Barrel, of proof spirits, number of gallons	10	Beef—	
of quinces, capacity	319, 320, 334	barrel, altering inspector's marks	119
dimensions	177, 334	dimensions	363
other shape	319, 320, 334	how made	324, 363
other size, how branded	320, 334	weight	117, 324, 363, 432, 438, 463
of roots, dimensions	216	fraudulently packing	96, 118, 153
of salt, altering inspectors' marks	119	tierce, capacity	324
giving short weight	406	how made	324
how branded	363	weight	324
tare, regulated	364	Beer, standard gallon	99, 224
weight	402	wine measure used in collecting revenue	9
to be marked	363	Beer measure, authorized standard	285
of soft turpentine, dimensions	92	use in sale of milk	99, 224
how made	92	Beggar-weed seed, weight per bushel	539
of spinach, dimensions	177	Bermuda grass seed, weight per bushel	539
of truck, dimensions	493	Beets, barrel for, dimensions	177
flour barrel, half barrel, boxes, or crates not prohibited	493	how sold	355
of turnips, dimensions	177	weight per bushel	541
number of bushel	464	Berries—	
of vegetables, dimensions	216, 354	basket or box for, capacity	135, 177, 204, 205, 279, 289, 318, 522
Barrel staves, size	291	dimensions	177
Basket or box—		how filled	289, 318
for berries, capacity	135, 177, 204, 205, 279, 289, 318, 522	how marked	135, 279
dimensions	177	may be seized, when	205, 289
how filled	289, 318	may be tested, when	205, 289
how marked	135, 279	not required to be sealed	205
may be seized, when	205, 289	not to be refilled	74
may be tested, when	205, 289	use of other size	204, 205, 289, 328, 522
not required to be sealed	205	variation allowed	328
not to be refilled	74	crate for, capacity	522
use of other size	204, 205, 289, 328, 522	other sizes unlawful except for first sale within the State	522
variation allowed	328	how sold	74, 205, 361, 434
for coal, capacity	327, 430	Beverage, how sold	350
dimensions	430	number of cubic inches to gallon	350
how filled	327, 430	Bill of lading to show true net weight	375
use of basket of different size	327, 430	Biscuits, weight	288
for charcoal, capacity	170, 199, 287, 501	casks for, size	364
dimensions	170, 287, 435, 501	weight to be marked	364
how filled	170, 435	Blackberries—	
how marked	199	basket or box for, capacity	204, 289, 318, 522
required to be sealed	435	how filled	289, 318
seizure of unlawful	435	not conforming to standard	205, 328, 522
for fruit, capacity	216	not required to be sealed	205
dimensions	306	sealers may seize, when	205, 289
how marked	177, 217	may test, when	205, 289
other size, how marked	306	how sold	177, 522
must be of represented capacity	216	variation allowed in sale	328
for kindling wood, number of baskets to cord	435	weight per bushel	539
size	435	Blueberries. <i>See</i> Blackberries.	
unsealed baskets to be seized	435	Blue-grass seed, how sold	242
for shrimp, weight	162	weight per bushel	541
for vegetables, must be of represented capacity	216	Board measure, when used	80, 242, 340, 440
Beans. <i>See</i> Testing of weights and measures; False weights and measures.		Bottle of food, to bear true net weight	458
Beans—		Bottles and jars for milk and cream, capacity	135, 279, 318, 520
barrel for, dimensions	177	how filled	79
number of bushels	463	how marked	194, 255, 318, 520
weight to be marked	88	legal measures, when	194, 195
how sold	355, 435	sealing	194, 196, 254, 434, 520
weight per bushel	541	selling by short bottle	236
weight to be marked	87	tolerance	79, 172, 194, 318, 520
		Box, altering marks	126, 467

	Page		Page
Box, for alewives and herring, dimensions.....	203	Butter, casks for, capacity.....	467
for apples, capacity.....	99	full weight required.....	42, 102, 263
dimensions.....	27, 171, 177, 380, 503	how marked.....	58, 135, 279, 380, 433
short box, how marked.....	171	how packed.....	364
special sizes.....	380	how sold.....	355
for cranberries, dimensions.....	296	marking false tare.....	362
rounded measure used.....	296	weight of standard package.....	135, 279, 380
for fruit or vegetables, must be of represented capacity.....	216	weight to be stated.....	58, 102, 364, 481
for hops, dimensions.....	122, 380, 523	when underweight—	
weight.....	380	how sold and labeled.....	135
for ice cream, tolerance.....	78, 79	wrapper not included.....	263
for peaches, cubic capacity.....	216	Buttons, measure.....	11
for pears, dimensions of standard size.....	593		
for soap and candles.....	364	C	
fraudulently increasing weight.....	25, 262, 372, 424	Cabbage, how sold.....	355
marking false tare.....	362	standard barrel for, dimensions.....	177
repacking fruit in without obliterating marks.....	329	weight per bushel.....	539
standard, how marked.....	177	California, laws.....	33
use of not prohibited for agricultural products.....	493	Canary seed, how sold.....	355
Bran, how sold.....	355	weight per bushel.....	539
measure, form, and dimensions.....	319	Candles, net weight to be marked on packages.....	364
number of quarts to bushel.....	319	Candy, how sold.....	355
number of pounds per bushel.....	541	Canned oysters, clams, etc., how sold.....	439
weight to be marked.....	29, 87, 160	Cannel coal, weight per bushel.....	541
weight per sack.....	19	Cans for milk, capacity to be marked.....	100, 289, 307, 502
Braza, unit of length, value in meters.....	474	mutilating, penalty.....	173
Brazil nuts, how sold.....	355	sealing.....	65, 172, 289, 434, 502
Bread, fancy, provisions not applicable.....	204	size, for wholesale trade.....	173
how sold.....	135, 204, 308, 410	stamping.....	65
price of, to be posted.....	204	Cantaloupe, number bushels to barrel.....	463
regulating weight and quality.....	246, 271, 348, 410, 473	weight per bushel.....	539
seller to keep scales.....	236	Capacity, electrical unit of.....	8
short loaf.....	69, 96	Car, stamping false tare.....	480
to be labeled.....	135, 279, 351	Carat, international carat or quilate, equivalent in milli-grams.....	414
to be weighed, when.....	204	Carrots, how sold.....	355
weight.....	69, 135, 204, 279, 288, 351	standard barrel for dimensions.....	177
weight to be specified to consumer.....	308	weight per bushel.....	541
Breadstuffs, dimensions of container.....	66	Cars, coal.....	28, 29, 375
Brick, cities may regulate inspection.....	217	manner of weighing.....	147, 506
number to foot wall.....	45	mine, how weighed.....	183
number to 8-inch wall.....	45	railroad, how weighed.....	129
size.....	45, 268	neglect or refusal to weigh.....	129
unlawful to use other size, when.....	268	regulations.....	227
Brickwork, perch.....	45	test, how provided.....	507, 508
Brocoli, dimensions of standard barrel.....	177	Cask—	
Brome grasses, seed of, weight per bushel.....	540	for breadstuffs, for exportation, dimensions and weight.....	66
Broom-corn seed, how sold.....	355	how marked.....	66
weight per bushel.....	541	for biscuits, net weight and tare to be marked.....	364
Bromus inermis, weight per bushel.....	539	for butter or lard for exportation, capacity.....	467
Brussels sprouts, sold by dry measure.....	177	how made.....	467
Buckwheat, how sold.....	355	for fish, capacity in gallons.....	202
weight per bushel.....	541	dimensions.....	202
Buckwheat flour, weight of barrel and subdivisions.....	218, 219	how made.....	202
weight to be marked.....	218, 219	for flour, for exportation, dimensions.....	66
Buckwheat meal, how packed and branded.....	322, 323	weight.....	66
weight and dimensions of barrel.....	322, 323	for gunpowder, weight.....	206
Bureau of Science, standards deposited in.....	413, 416	for lime, capacity.....	207
Bureau of Standards, purpose.....	383	how made.....	207
<i>See also</i> National Bureau of Standards.		for nails, how marked.....	207
Burr clover, weight per bushel.....	539	net weight to be branded.....	207
Bushel, table of legal weights in pounds of various commodities.....	539-544	gauging, by Gunter's rule.....	432
<i>See also</i> Units of weights and measures; Measures.		fees.....	432

	Page
Castor beans, weight per bushel.....	541
Castor oil, weight per gallon.....	140
Castor-oil bean, how sold.....	355
Castor seed, weight per bushel.....	539
Cattle, fees for weighing.....	204
weighing, on public scales.....	437
Cattle, neat, correct weight to be given.....	216
weighable parts.....	433
Cauliflower, how sold.....	355
Cavan, unit of area, value.....	415
Cement, weight per bushel.....	539
Cental, measurers of grain to give certificate of sale.....	205
number of pounds.....	186, 205
sale of grain, etc.....	205
Centigrade, thermometric scale, use of, in Public Health and Marine-Hospital Service.....	5
Chain, for measuring land, value. 41, 121, 133, 260, 277, 317, 339, 353	339
how tested.....	339
surveyor's, used in evidence, when.....	359
official certificate for, to be prima facie evidence of correctness.....	331
Charcoal, bags for, how marked.....	199
barrel for, number of bushels.....	236
bushel, equivalent of, in pecks.....	489
number of cubic inches... 45, 56, 64, 178, 215, 242, 356, 368, 388	388
baskets for, dimensions and capacity.....	170, 435, 501
how marked.....	199
sealing.....	435
fee.....	428
box may be used for.....	501
cord, number of bushels.....	170
council may provide for weighing.....	246
delivery ticket for dealer must give.....	312
furnished, when.....	296, 326
required, when.....	521
how sold.....	77, 236, 260, 287, 296, 326, 521
measures.....	77
dimensions and form.....	260
half bushel and parts are standard.....	379
how heaped.....	260, 379
possessing illegal.....	201
seizure.....	201
refusing to allow sealer to weigh.....	327
sealer may reweigh, when.....	200, 327
selling by weight.....	199
ton, number of pounds.....	326
variation in weight allowed.....	326
weight per bushel.....	541
Checkweighman, at mines, duties of, etc.....	21,
48, 109, 119, 130, 143, 154, 184, 314, 374, 466, 482, 508, 534	534
Cheese, full weight, exclusive of wrapper, required.....	263
how sold.....	355
Cherries—	
baskets for, capacity.....	204, 205, 289
not conforming to standard, penalty for use of.....	204, 205, 289
not required to be sealed.....	204, 205, 289
sealers may seize, when.....	204, 205, 289
may test, when.....	204, 205, 289
box for, capacity.....	522
other sizes unlawful except for first sale within the State.....	522
measures for, capacity of standard.....	318
package for, penalty for use of one of less capacity.....	328
sale of, by dry measure.....	177

	Page
Cherries—	
sale of, by level measure.....	289
in less quantity than 1 bushel.....	522
variation allowed.....	328
weight per bushel.....	539
Chestnuts—	
sale of, by dry measure.....	177
by strike or level measure, when.....	205
weight per bushel.....	541
Chinquapins, sale of, by dry measure.....	177
Chops, net weight to be marked.....	18, 29, 160
size of containers.....	18
weight per sack.....	19
Chufa, weight per bushel.....	539
Chupa, unit of capacity, value of in liters.....	414
Cities and towns—	
powers of mayors and councils to bread... 246, 271, 272, 348, 473	473
false weights and measures.....	18, 271, 272, 362
fees and compensation of sealers and inspectors.....	34,
165, 167, 171, 193, 198, 237, 360, 428	428
inspection and weighing of commodities, etc.....	18, 94,
107, 119, 140, 142, 169, 171, 198, 207, 237, 243, 245, 271, 272,	272,
285, 292, 348, 362, 372, 394, 403, 405, 406, 437, 473, 481, 541	541
inspection and inspectors and sealers of weights and measures.....	18,
108, 114, 123, 124, 139, 156, 158, 168, 171, 194, 198, 203,	203,
204, 205, 206, 207, 208, 210, 217, 224, 237, 245, 271, 272,	272,
283, 285, 313, 322, 348, 360, 372, 403, 405, 426, 430, 432	432
keeping correct weights and measures.....	119, 348, 481, 502
public and other sealers.....	18, 142, 165, 224, 293, 304, 405
standards.....	53, 189, 210, 235, 455, 465, 516
Civil service, applicable, when.....	297
what sealers and inspectors in clasified.....	211
Clam bait—	
barrel for, capacity in gallons.....	203
dimensions of.....	169
Clams, number of bushels contained in package to be marked.....	439
unopened, how sold.....	410
Clark's cell, equivalent of volt with reference.....	8
Clover seed, how sold.....	355
weight per bushel.....	541
Coal, barrel or bag.....	160, 199, 236, 279
certificate of weight.....	28,
29, 49, 58, 74, 75, 279, 296, 304, 312, 326, 406, 521	521
fees for weighing.....	292, 304
for public service.....	12
license required for selling.....	201, 263
measure.....	41, 201, 356, 394, 428, 430
penalty for selling contrary to law.....	28,
29, 49, 75, 118, 141, 148, 150, 242, 243, 264, 304,	304,
328, 330, 356, 375, 389, 390, 391, 409, 430, 494	494
railroads, general duties, etc.....	28, 29, 129, 375
scales for weighing.....	21, 62, 191, 247, 427, 456
sold by weight.....	58,
74, 75, 129, 141, 157, 170, 199, 200, 243, 296, 304,	304,
326, 327, 355, 361, 394, 395, 408, 424, 494, 521	521
tolerance allowed.....	326, 389
ton, number of bushels.....	261
number of cubic feet.....	50
number of pounds.....	12,
21, 25, 42, 47, 79, 101, 160, 176, 178, 183, 190,	190,
224, 236, 242, 261, 262, 264, 279, 318, 326,	326,
356, 388, 389, 394, 411, 430, 431, 480, 502, 503	503

	Page		Page
Coal, weighing and inspection.....	75,	Container, required to have net weight marked.....	89, 350, 458
81, 82, 158, 169, 170, 198, 199, 200, 217, 237, 243, 246, 271		weight of article to be exclusive of container.....	350
304, 327, 330, 348, 372, 389, 390, 394, 430, 437, 514, 532		Containers, sealer and deputies may test weight of com-	
Cod liver oil, weight per gallon.....	140	modities put up in.....	282
Coffee, fraudulently increasing weight.....	424	Contracts—	
how sold.....	355	how construed as to bushel.....	224
to bear statement of net weight or measure.....	269, 270	hundred weight.....	149, 194, 224, 287, 379, 489, 521
Coin silver, percentage of pure silver required.....	361	metric system, use.....	3, 464
sale of goods improperly marked.....	361	net weight.....	194, 287, 379, 521
Coinage, decimal system established.....	12	sale, or purchase of, cotton.....	291
of money regulated by troy pound of the Bureau of		fruit in barrels.....	522
Standards.....	2	goods.....	17,
Coins—		41, 87, 105, 118, 122, 135, 215, 235, 261, 280, 353, 379, 424	
gold, denominations of.....	13	grain.....	118, 205
deviations allowed.....	13	meal.....	205
standard of value.....	13	personal property.....	320
tolerated loss of weight by abrasion.....	14	quintal of fish.....	203
gold and silver, standard fineness.....	12	ton.....	149, 489, 521
silver, weight of standard silver dollar.....	13	work.....	17, 41, 87, 105, 122, 135, 235, 261, 280, 320, 353, 424
weight of subsidiary coins.....	13	Cord, length of cordwood.....	398
silver and minor, deviations allowed.....	13	of bark, dimensions.....	169
Coke, bag to be marked.....	199	number of pounds.....	91, 388, 519
bushel for, cubic capacity.....	242, 356, 368, 395	number of cubic feet.....	353
certificate of weight required.....	49, 74, 75, 312	of charcoal, number of bushels.....	170
cities and towns may require to be weighed on public		of kindling wood, dimensions of baskets.....	435
scales.....	437	number of baskets.....	435
delivery ticket furnished, when.....	296	of wood, dimensions.....	82,
required.....	74, 75, 326, 521	92, 169, 209, 289, 340, 353, 398, 435, 489, 492	
how sold.....	355	how packed.....	92, 398
license, dealers must have.....	201	number of cubic feet.....	12, 83, 169, 224, 279, 289, 353, 489, 492
measures, capacity.....	356	vendor to give written statement of quantity.....	279
dimensions.....	356	Corn, measures may be appointed.....	168
possessing illegal.....	201	railroads to weigh, when.....	29
sealer may weigh.....	199, 327	weight per bushel.....	542
selling by weight.....	199, 296, 326, 521	bag of, manner of marking.....	88
ton, number of pounds.....	326	weight to be marked.....	87
variation in weight allowed.....	326	barrel of, manner of marking.....	88
weight per bushel.....	542	weight to be marked.....	87
Collector of internal revenue, to procure and distribute		green, with shucks, number bushels to barrel.....	463
apparatus for sealing.....	416	Indian, in the ear, dimensions and form of measures..	41, 260
Colorado, laws.....	45	how heaped.....	41, 261
Commodities, full weight required.....	38, 39, 42, 502	use of heaped measure.....	41, 260
how sold.....	135, 354, 519	weight per bushel.....	542
may be seized as evidence, when.....	116, 223	in ear, how sold.....	355
testing weight or measure.....	37, 53, 116, 223, 252, 282	matured, with shucks, number bushels to barrel.....	463
Compensation. See Fees and compensations.		on the cob, weight per barrel.....	77, 178
Condiment, net weight to be marked on package.....	227	sack of, capacity.....	19
Congress—		weight.....	19
constitutional powers of, to coin money.....	1	shelled, how sold.....	355
to fix standard of weights and measures.....	1	weight per barrel.....	77, 178
Connecticut, laws.....	51	sweet, dried, how sold.....	355
Constitution—		sweet, in ear, how sold.....	355
power given by, to coin money.....	1	Corn hearts, weight per sack.....	19
to fix standard of weights and measures.....	1	Corn meal—	
State, prohibits creation or continuance of State office..	17, 383	barrel of, how marked.....	94, 472
power given legislature by, to appoint officers.....	33	tare of to be marked.....	94
to regulate weights and measures.....	33	how sold.....	18, 94, 355
Consular reports, manner of expressing weights and meas-		sacks of, how marked.....	94, 339, 377, 472
ures.....	9	number bushels.....	438
Container, defined.....	283	tare of to be marked.....	94
net weight, measure, or count to be marked.....	280	weight.....	18, 94, 106, 134, 278, 339, 377, 438, 472
not included in weight of butter and cheese.....	263	weight per bushel.....	542
not included in marked weight.....	269, 270	weight to be marked.....	18, 237, 339

	Page		Page
Corn meal—		Cranberries—	
Indian, for exportation—		sale of by, dry measure.....	177, 318, 522
barrel of, dimensions.....	66	rounded measure.....	296
tare and net weight to be marked.....	66	strike or level measure.....	205, 318
weight.....	66	weight.....	186
hoghead of, dimensions.....	66	variation allowed in sale.....	328
tare and net weight to be marked.....	66	weight per bushel.....	542
weight.....	66	Crate—	
Corn products, to bear statement of net weight or measure of contents.....	269	for cranberries, capacity.....	185
Corporations, officers and managers of, responsible for weights and measures used.....	40	dimensions.....	185, 296
municipal. <i>See</i> Cities and towns.		how filled.....	296
Cottoline, to bear statement of net weight or measure of contents.....	270	other shape.....	185
Cotton—		for fruit, capacity.....	522
bagging and ties for, weight of prescribed.....	93, 441	other size of unlawful except for first sale within the State.....	523
weight of, how ascertained.....	292	use of, not prohibited for agricultural products.....	493
weight of not to be included.....	291	Cream. <i>See</i> Milk.	
weight of to be marked.....	476	Cucumbers, weight per bushel.....	542
bale of, minimum weight.....	442	Culm, number of bushels to ton.....	11
contracts for, how construed.....	291, 441	weight per bushel.....	539
deductions from weight for, bagging and ties allowed, when.....	93, 441, 469	Currants—	
scalage, unlawful.....	29, 94, 162, 237, 340, 441, 469	container for, capacity.....	204, 205, 289, 318, 522
wet or damaged cotton.....	94, 162, 240, 340, 469	how filled.....	289, 318
exact weight to be given regardless of condition.....	469	may be seized, when.....	205, 289
fees for weighing.....	29, 95, 341, 469	may be tested, when.....	204, 205
fraudulently increasing weight.....	25,	not required to be sealed.....	205
42, 96, 262, 331, 349, 372, 468, 480		of less capacity, unlawful.....	328, 522
how marked.....	30, 93, 373	variation allowed.....	328
railroads to weigh, when.....	29	weight per bushel.....	539
tare on, prohibited.....	441	Current, unit of electrical.....	8
weighing.....	239, 240, 341, 432, 442, 468, 473	<i>See also</i> Electrical units.	
Cotton goods, penalty for misrepresenting quantity.....	178	D	
Cotton platform, regulating of.....	442, 446	Dairy products, to bear statement of net weight or measure of contents.....	269, 270
Cotton seed, how sold.....	355	Dates, how sold.....	355
weight per bushel.....	542	Decimal system, established for coinage.....	12
staple, weight per bushel.....	539	Delaware, laws.....	61
Cotton weighers, appointment and duties.....	239,	Dimensions of measures. <i>See</i> Measures.	
240, 432, 442, 468, 473		Diplomatic reports, manner of expressing weights and measures.....	9
Cottonseed hulls, in bales or packages, weight to be marked.....	95	Director, Bureau of Standards, appointment of, powers and duties.....	1
weight in sack.....	19	to make annual report.....	1
Coulomb, electrical unit of quantity.....	8	Director of Mint, to procure a series of standard weights..	2
<i>See also</i> Electrical units.		District of Columbia, laws.....	71
Councils. <i>See</i> Cities and towns.		Doyle's rule, for measuring logs.....	28, 89, 160, 236
Court. <i>See</i> Evidence.		Drivers, of ice wagon, coal wagon, etc., sealer or inspector may stop.....	37, 114, 115, 192, 222, 252, 322, 404, 409, 486
Cranberries—		Duties. <i>See</i> Officers in charge of standards and testing.	
barrel for, capacity.....	295	E	
dimensions.....	185, 295, 522	Eggs, weight per dozen.....	122
how marked.....	295, 522	Electric meters.....	224
of other shape.....	522	Electrical units, ohm, ampere, volt, coulomb, farad, watt, henry.....	8, 9
of other size unlawful, except for first sale within the State.....	523	Electricity, defrauding buyer or seller.....	524
box for, dimensions.....	296	Electromotive force, unit of.....	8
crate for, capacity.....	185, 522	<i>See also</i> Electrical units.	
dimensions.....	185, 296	Endive, how sold.....	355
of other shape.....	185	English system, equivalents in metric system.....	3
of other size unlawful, except for first sale within the State.....	523	may be employed, when.....	415
how sold.....	355	use continued as to manufacturing lumber.....	415

	Page
Evidence, certificate of correctness shall be.....	303, 331
certificate of public weighmaster to be prima facie...	225, 285
certified weigh bill to be presumptive, when.....	505
delivery of fraudulent bill of lading of coal presumptive.	330
false or unsealed apparatus may be seized for.....	55,
116, 192, 223, 288, 347, 405	
lumber-inspection bill to be presumptive.....	102
pleading in court not deemed invalid on account of use	
of metric system.....	3
presence of weights or measures is presumptive, of use..	302
sale and delivery of commodity shall be.....	135, 136, 281
surveyor may give, when.....	331
surveyor not to give, when.....	359
weighmaster's certificate to be seized as.....	407
F	
False scales, weights, and measures—	
definition and tolerance, definition....	25, 42, 101, 424, 480, 502
tolerance.....	73, 78, 79, 582
procedure and disposition of, may be condemned or	
seized, when.....	38, 54, 55, 63, 72,
73, 77, 116, 126, 137, 138, 156, 166, 170, 176, 192, 193,	
197, 201, 210, 222, 223, 254, 259, 281, 287, 301, 304, 312,	
333, 338, 339, 344, 347, 356, 357, 360, 362, 367, 401, 404,	
405, 428, 435, 439, 454, 465, 487, 494, 496, 510, 517, 530	
may be destroyed, when.....	54, 73, 222, 301, 333, 338,
339, 344, 356, 367, 401, 439, 454, 494, 496, 510, 517, 530	
may be repaired and sold.....	126, 176
tagging and marking of; unlawfully removing tag... 54,	
74, 158, 166, 193, 254, 281, 301, 347, 452	
upon complaint.....	91, 127, 152
use of incorrect track scales prohibited.....	504
unlawfully disposing.....	38
giving false weight or measure.....	25, 46, 55, 57,
73, 75, 91, 101, 106, 117, 118, 126, 136, 140, 142, 153, 207,	
210, 218, 224, 236, 256, 262, 263, 280, 286, 303, 349, 360, 362,	
365, 372, 429, 466, 467, 468, 479, 480, 487, 501, 502, 503, 535	
marking false weight or measure.....	20, 23, 25, 30, 81, 177,
226, 245, 262, 272, 302, 333, 362, 367, 380, 424, 467, 468, 480	
possession.....	206, 236,
256, 267, 286, 302, 333, 344, 367, 399, 454, 465, 487, 502, 524	
selling.....	303
using.....	18, 19, 20, 23, 25, 38, 39, 43, 55, 62, 63,
76, 87, 96, 97, 99, 101, 107, 111, 116, 118, 119, 126, 143, 146,	
149, 152, 156, 160, 162, 167, 170, 193, 201, 222, 226, 251, 266,	
267, 280, 287, 302, 310, 314, 332, 333, 337, 339, 344, 346, 359,	
360, 365, 367, 374, 380, 399, 400, 420, 421, 422, 424, 429, 430,	
436, 454, 464, 466, 472, 479, 480, 500, 502, 511, 524, 531, 532	
Farad, unit of capacity.....	8
<i>See also</i> Electrical units.	
Feed, chopped, how sold.....	355
weight per bushel.....	539
weight per sack.....	134, 472
Feeding stuff, bags and sacks, weight.....	19, 20, 469
definition.....	59,
108, 144, 145, 182, 293, 373, 410, 439, 458, 469, 490	
net weight to be marked.....	20,
59, 89, 96, 108, 128, 144, 145, 182, 220, 226, 237, 238,	
293, 308, 349, 364, 365, 373, 410, 439, 458, 472, 490	
seizure and sale authorized, when.....	89

	Page
Fees and compensation, counties, cities, and towns may	
fix.....	34, 40, 45, 71, 72, 176, 193, 414
for gauging.....	159, 432
for inspecting barrels, casks, etc.....	66
for inspecting lumber.....	80, 126
for measuring.....	205, 209, 289, 304, 397, 403, 441
for sealing glass bottles and jars.....	79, 176
for stamping milk cans.....	65
for stamping oyster measures.....	238
for testing gas meters.....	69, 358, 366
for testing surveyor's apparatus.....	210
for use of test car.....	205
for use of track scales.....	147
for weighing.....	84, 86, 95, 112, 146, 153, 160, 179, 203,
204, 228, 239, 341, 344, 370, 406, 433, 439, 442, 455, 469, 475	
for weighing and inspecting cotton.....	29, 30, 95, 341, 469
of National Bureau of Standards.....	2
of sealers.....	61, 62, 77, 78, 79, 107, 126, 138,
151, 156, 168, 181, 193, 223, 256, 257, 268, 285, 286, 309, 313,	
338, 347, 359, 369, 428, 452, 465, 488, 499, 503, 507, 510, 531	
for labor and material.....	176, 428, 465, 500, 531
of State sealers.....	27, 97, 99, 107, 138, 286, 418, 419, 479
of township sealers.....	214, 215
method of keeping check.....	250
railroad and warehouse commission to fix.....	231
Fertilizer, capacity of barrel of fish used for.....	436
container for, to bear statement of weight.....	18,
29, 160, 204, 219, 334, 365, 380, 411, 436, 440, 477, 490, 495	
Fescue, weight per bushel.....	539
Figs, how sold.....	355
Filberts, how sold.....	355
Firkin, of butter, net weight to be marked.....	364, 433
of lard, net weight to be marked.....	364
Fish, for manure, capacity of barrel and of half barrel....	436
how sold.....	355
number of pounds to quintal.....	203
standard weight of barrel, how marked.....	202, 363, 463
to be weighed upon request.....	203
weighers.....	203
Flaxseed, weight per bushel.....	542
Flaxseed oil, barrel of, weight of, how ascertained.....	363
weight per gallon.....	10, 363
Florida, laws.....	87
Flour, altering inspector's marks.....	119
barrel for, use of, not prohibited for agricultural products.	493
barrel of, dimensions.....	81, 216, 323, 362, 467
weight.....	56,
81, 94, 106, 117, 134, 161, 178, 185, 218, 235, 242, 278,	
323, 340, 362, 377, 431, 438, 463, 472, 494, 521	
weight of subdivisions.....	81,
94, 106, 134, 161, 218, 235, 242, 278, 323, 340, 377, 438, 472	
fraudulently packing.....	95
how marked.....	81, 88, 94, 160
how sold.....	355
packing less than required weight.....	118
tolerance.....	94, 95
weight of, to be marked.....	29,
68, 81, 88, 94, 127, 160, 219, 237, 242, 472	
buckwheat, weight of barrel, and of subdivisions.....	218
mixed, sale of, prohibited.....	324
rye, dimensions of barrel.....	66, 323
weight of subdivisions.....	66, 134, 218, 323
to be marked.....	218
Fodder, to be weighed on public scales.....	84

	Page		Page
Food, full weight must be given in sales	424	Gallon, weight per, for olive oil	140
misbranded as to weight or measure, when	58,	paraffin oil	140
88, 89, 96, 102, 108, 144, 293, 308, 365,		poppy-seed oil	10
381, 422, 440, 477, 481, 503, 525		sperm oil	140
net weight or measure required.	20, 58, 89, 269, 280, 350, 458, 533	turpentine	140
Food and dairy commission created, duties	269	whale oil	140
Fowls, how sold	355	Game, how sold	355
Freestone, cities and towns may appoint surveyor of, and		Ganta, unit of capacity, value	414
make regulations	207	Gas, defrauding buyer or seller	524
Freight charges, based on weight	505	illuminating, standard unit of measure	366
on grains, based on weight	178	weight of cubic foot	366
Fruit—		meter, penalty for furnishing or using false	119, 361, 524
barrel for, capacity	521	tested by meter prover	366
dimensions	216, 354, 521	meters, inspectors may be appointed	224
how branded	354	Gasoline, weight per gallon	140
of other shape unlawful	521	Gauge, standard for sheet and plate iron and steel	7
of other size unlawful except for first sale within the		variations allowed in use	7
State	521	Gauger of coal and coke boats, appointment and duties	158
baskets for, must be of represented capacity	216	of liquids, annual appointment	190
boxes for, must be of represented capacity	216	required to gauge oil, molasses, wines, vinegar, etc., not	
canned or preserved, how marked	328	domestic	438
crate for, capacity	522	Gauging, method for coal and coke boat	159
of other size unlawful except for first sale within the		Georgia, laws	91
State	522	Gifts, food products misbranded when containing	270
dried, to bear statement of net weight or measure of		Ginner to brand weight on cotton	373
contents	269, 270	public, county clerk to test scales of, once a year or	
measure used for, capacity	500	oftener	30
dimensions and form	41, 260	lawful weigher of cotton	30
half bushel and parts	215, 379, 519	required to keep accurate scales	30
heaped measure	41, 260	required to keep record of bales ginned	30
how heaped	41, 261, 215, 379, 520	Ginseng roots, how marked	329
level	289	Gooseberries—	
repacking in barrels, etc., without obliterating marks	329	baskets for, capacity	204, 205, 289
selling in less than standard-size package	328	not conforming to standard, penalty for use	204, 205, 289
Fruits—		not required to be sealed	204, 205, 289
small, sale by dry measure, when	177, 204, 279, 288, 318, 361	sealers may seize, when	204, 205, 289
manner of filling	318	may test, when	204, 205, 289
penalty for use of packages of less capacity	328	box for, capacity	522
variation allowed	328	other sizes unlawful except for first sale within the	
sale by liquid measure	135	State	522
Fuel. See Coal and wood.		measures for, capacity of standard	318
Furlongs, number of, in a mile	387	package for, penalty for use of one of less capacity	328
number of rods	387	sale of, by dry measure	177
		by level measure	289
G		in less quantity than 1 bushel	522
Gallon, for beer, standard used	99, 224	variation allowed	328
for milk	99, 224	weight per bushel	542
number of gallons of water in cubic foot	265	Grain, fraud in weighing	142
number of gallons to bushel of charcoal	287	fraudulently increasing weight	25, 42, 262, 480
weight per, for castor oil	140	freight charges on, how based	178
cod-liver oil	140	measure used for, standard bushel legal	228
flaxseed oil	10, 363	standard half bushel legal	361
gasoline	140	measurers	168, 205
honey, strained	267	regulating sale	438
kerosene	140	sale of, by cental or bushel	205
lard oil	140, 363	weight	140, 141, 243, 296
linseed oil	10, 363	unit of weight	413
linseed oil, raw	140	using unlawful weights or measures	523
linseed oil, boiled	140	weighing and handling	103, 110, 348, 503, 506
menhaden oil	140	weight of, legal required	349
miner's oil	140	reporting false or untrue	306
molasses, sorghum	117, 464	requiring more than legal weight	332
naphtha	140	to be marked	29, 88, 160, 161
neat's-foot oil	140	to be furnished shipper	146

	Page		Page
Inch, of cream, value.....	121	Lime, barrel of number of pounds.....	224
of water, value.....	42, 45, 265, 275	bushel of, equivalent.....	489
Inches, number in meter.....	473	casks for, capacity.....	207
Indian meal, how packed, weight and dimensions of barrel.....	322, 323	how made.....	207
misbranding.....	322, 323	council may provide for weighing.....	246
Indiana, laws.....	113	dimensions of bushel measure.....	395
Induction, electrical unit.....	9	how sold.....	355
<i>See also</i> Electrical units.		unslaked, dimensions and capacity of measure.....	356
Inspectors, of electric meters.....	224	number of cubic inches in standard bushel.....	356
of gas meters.....	224	standard measure for, in Allegheny County.....	396
of lumber.....	79, 125, 441	weight of barrel.....	521
of shingles.....	125	weight per bushel.....	543
of water meters.....	224	Line measure for buttons, equivalent in inches.....	11
<i>See also</i> Officers in charge of standards and testing; Mine inspectors.		Link. <i>See</i> China.	
Instruments. <i>See</i> Appliances and accessories.		Linseed oil, weight per gallon.....	10, 363
Iowa, laws.....	121	boiled, weight per gallon.....	140
Iron, pig, hundred weight.....	278, 354	raw, weight per gallon.....	140
Iron ore, hundred weight.....	277, 354	Liquid commodities, how sold.....	135
Italian rye grass seed, weight per bushel.....	539	Liquid measure. <i>See</i> Units of capacity.	
J		Liquids, barrel for, number of gallons.....	27, 41,
Japan clover, weight per bushel.....	539	56, 99, 121, 176, 185, 224, 260, 278, 318, 354, 388, 463, 521	10
Jars for milk and cream. <i>See</i> Bottles and jars for milk and cream.		fraudulent packing of, penalty.....	153
Johnson grass, weight per bushel.....	539	not domestic, required to be gauged.....	438
Joule, unit of work.....	9	Liter, equivalent in wine measure.....	413
<i>See also</i> Electrical units.		unit of capacity.....	413
Junk dealer. <i>See</i> driver.		Live stock, fraud in weight of shipment of, penalty.....	142
K		neat cattle, etc., correct weight to be given.....	216
Kaffir corn, weight per bushel.....	543	penalty for reporting false weight.....	366
Kale, standard barrel for, dimensions.....	177	Loan, unit of area, value.....	415
weight per bushel.....	529	Logs—	
Kansas, laws.....	133	measuring, Doyle's rule and log book used.....	28, 89, 160, 236
Kegs—		Doyle's rule not applicable, when.....	160
for butter and lard, how made.....	364	rule.....	489, 526
net weight to be marked.....	364	Scribner's rule.....	511
for powder, how stamped.....	397	Scribner's Lumber and Log Book used.....	160, 236
who may not use.....	397	Spaulding's table used.....	43
Kentucky, laws.....	149	table showing number of feet in log of given dimensions.....	527
Kerosene oil, weight per gallon.....	140	<i>See also</i> Lumber.	
Kilogram, equivalent in pounds.....	413	Louisiana, laws.....	155
prototype is fundamental standard.....	6	Lucerne, weight per bushel.....	540
L		Lumber, cities may request inspection.....	217
Land measure. <i>See</i> Chain; Acre.		English system of weights and measures may be employed.....	215
Land plaster, weight per bushel.....	540	how measured.....	80
Lard, casks for, capacity.....	467	inspectors, board of county supervisors may appoint.....	125
fraudulent packing.....	153	duties.....	80, 102, 280, 441, 526
giving less quantity than marked.....	362	should not deal in lumber.....	80
how branded.....	359	vacancies, how filled.....	80
how sold.....	355	plank, how measured.....	290
marking false tare.....	362	standard.....	290
weight of packages prescribed.....	359	Lupines, weight per bushel.....	540
to be marked.....	270, 350, 364	M	
Lard oil, weight per gallon.....	140, 363	Maine, laws.....	163
Lead, number of pounds to ton.....	242	Maize, weight per bushel.....	542
penalty for fraudulent weighing.....	242	Malt, how sold.....	355
Lentils, weight per bushel.....	540	weight per bushel.....	543
Lettuce, how sold.....	355	Manure, capacity of barrel of fish used.....	436
Level measure. <i>See</i> Struck measure.		dimensions and forms of measure.....	41, 260, 496
		how heaped.....	41, 261, 496

	Page		Page
Manure, number of bushels to load	496	Melon, number of bushels to barrel	463
use of heaped measure	41, 260, 496	Menhaden oil, weight per gallon	140
<i>See also</i> Fertilizer.		Merchandise, defined	331
Marble, cities and towns may appoint surveyor of and		fraudulent sale	331, 332
make regulations	207	net weight to be marked, when	280
appointment of measurer of, and compensation	397	true weight or measure required	424
Marl, dimensions and form of measure	41, 260	Meridian, true, and fixed standard measure to be marked	386
how heaped	41, 261	Meter, equivalent in inches	3, 413
use of heaped measure	41, 260	international, where kept	413
Maryland, laws	175	international prototype, is standard	6
Mason work, perch of, number of cubic feet	45,	Meter provers, fees for testing	358
69, 100, 122, 277, 343, 353, 368, 451		meters to be tested	366
Massachusetts, laws	185	State sealer to have charge of testing and sealing	358
Mayor. <i>See</i> Cities and towns.		Meters—	
Meadow seed, weight per bushel	540	gas, consumers may have tested	69
Meal—		fees for testing	366
barrel of, dimensions	362, 467	furnishing or using a false	119
how branded	88, 161, 362	making or using a false	361
weight	161, 235, 362, 438	to be tested by meter prover	366
container to bear true weight	29	water, gas, or electric, council has power to appoint	
half barrel, weight	438	inspectors	24
in bags, barrels, etc., weight of, to be marked	87	Metric postal balances, Postmaster General to furnish to	
sale of, by cental or bushel	205	post offices exchanging mails with foreign countries	3
to have net weight marked	160	ounce, avoiddupois, equivalent in grams for postal pur-	
weight per bushel	540	poses	3
buckwheat, how packed	322, 323	Metric system, authorized	3
misbranding	322, 323	equivalents in English system	3
weight and dimensions of barrels	322, 323	standards of, furnished to States	4
Indian, dimensions of barrels	322, 323	standards of other countries may be employed, when	416
how packed	322, 323	tables of length, mass, capacity, and surface measure	3
misbranding	322, 323	use of, in medical work in War Department	5
transportation of, on deck prohibited	324	in public deeds, contracts, and documents	416
weight of hogsheads	322, 323	in Public Health and Marine Hospital-Service	5
kiln-dried, full weight required	466	in schools	481
Meat—		legal in States	134, 197, 277, 353, 413, 423
penalty, for marking false tare on cask, box, or barrel ..	362	Michigan, laws	213
for flashing a less quantity therein than marked	362	Middlings, casks for, dimensions and weight	66
Meats, fresh and salt, how sold	355	weight per bushel	540
Measures—		weight per sack	19
construction and dimensions, bushel, half bushel, and		Mile, number of furlongs	387
peck	41	number of yards	41, 121, 133, 260, 277, 317, 353
dimensions of, half bushel	76, 354	square, number of acres	41, 121, 133, 260, 277, 317, 335, 353, 387
subdivisions	76	Milk, Babcock test	57, 131, 172, 229, 248, 275, 365, 381, 481, 525
for bran and shorts, capacity	319	bottles and jars for, capacity	135, 279, 318, 520
form and dimensions	319	how marked	194, 255, 318, 520
for charcoal	260, 287, 435, 501	how filled	79
for coal	356, 430	legal measures, when	194, 195
for coke	356	sealing	194, 196, 254, 434, 520
for lime	356, 395, 396	tolerance	79, 172, 194, 318, 520
for manure	41, 260, 496	cans for, marking	100, 307, 502
for marl	41, 260	penalty for not having marked	100
for oysters	20, 180, 238, 339, 439, 496	penalty for mutilating	173
material used	164	sealing	65, 172, 254, 434, 502
minimum diameter of bushel, peck, and half peck ...	164	using of, unsealed	502
used for commodities sold by heap measure	260	inch or gauge of cream	121
used for dry commodities, form and dimensions ...	319, 388	sale of, by beer measure	99, 224
<i>See also</i> Struck measure.		by false measures	236, 365, 525
Measurers, of grain and salt	168, 194, 205	by wine measure	43,
of marble	397	59, 65, 135, 172, 254, 263, 279, 289, 307, 409, 434, 489	
of wood and bark, appointment of	81, 208, 289	in standard bottles	279
must not be dealer in wood	83	samples may be taken for test	59
Mechanical devices. <i>See</i> Appliances and accessories.		vessels used in sale of to be tried and proved	289

	Page
Millet, how sold.....	355
weight per bushel.....	540, 543
Mills, penalty for using false weights and measures.....	107, 533
products of, how marked.....	237, 377
taking false toll.....	47, 533
to brand weight on packages of flour and meal.....	94, 362
to keep measures.....	142, 150, 237, 238, 247, 339, 466
to keep scales.....	210, 217
to keep toll dishes.....	150, 237, 238, 339, 466
to pack corn meal and chops in certain size containers....	18
toll may be taken by weight or measure.....	339
weights and measures to be tested by county sealer.....	510
Mine cars, manner of weighing.....	183
marked as to weight.....	47
Mine scales, fraudulently using.....	143, 314
manner of weighing cars.....	183
operator to provide.....	21,
30, 47, 109, 119, 120, 154, 183, 246, 314, 373, 482, 512, 534	
testing.....	21, 30, 47, 109, 120, 143, 154, 220, 246, 266, 375, 512, 534
Mine inspectors, duties of as to testing and inspecting mine scales.....	22, 30, 109, 120, 143, 154, 220, 266, 365, 375, 483
Mineral, number of pounds to ton.....	242
penalty for fraudulent weighing.....	242
Mineral coal, weight per bushel.....	541
Miner's inch, equivalent.....	42, 265, 275
Miner's oil, weight per gallon.....	140
Mines and mining laws.....	21, 47, 109, 120, 143, 154, 142, 154, 182, 220, 246, 266, 314, 365, 373, 411, 466, 482, 508, 512, 534
Minnesota, laws.....	221
Mississippi, laws.....	235
Missouri, laws.....	241
Molasses, net weight or measure of contents to be stated.....	269, 270
required to be gauged.....	438
sorghum, number of pounds to gallon.....	117, 464
Money, power of Congress to coin and fix value.....	1
Montana, laws.....	249
Municipal corporations. See Cities and towns.	
Mustard, weight per bushel.....	540
Mustard seed, weight per bushel.....	540

N

Nails, cut or wire, net weight to be branded.....	207
Naphtha, weight per gallon.....	140
National Academy of Sciences, duty.....	9
National Bureau of Standards, annual report.....	1
bulletins.....	1
Director, how appointed.....	1
powers and duties.....	1
employees, how appointed.....	1
establishment.....	1
fees for tests.....	1
functions of, for whom may be exercised.....	1
local standards may be certified.....	479
name changed to.....	1
regulations.....	1
State sealer may refuse to compare standards not conforming to type approved.....	136
State sealers' reports to be sent.....	136, 283
State standards and apparatus to be verified by, when.....	33,
51, 113, 136, 221, 250, 281, 298, 317, 320, 383, 384, 485, 515	
State standards procured through.....	311

	Page
National Bureau of Standards, tolerances, State officials to consult with.....	256, 488
prosecutions not to be made if shortage is within.....	286
troy pound.....	2
visiting committee.....	1
weights and measures, certified by, may be sold.....	35, 36
stamped by, legal, when.....	256, 487
Neat cattle, weighable parts.....	433
Neat's-foot oil, weight per gallon.....	140
Nebraska, laws.....	267
Net-weight law.....	58, 89, 270, 280, 350, 458, 533
Nevada, laws.....	277
New Hampshire, laws.....	285
New Jersey, laws.....	295
New Mexico, laws.....	309
New York, laws.....	317
North Carolina, laws.....	335
North Dakota, laws.....	343
Nuts—	
sale of, by dry measure.....	177, 204, 288, 355, 434
by level measure.....	288
by weight or count.....	355
weight per bushel.....	541, 542, 544

O

Oat grass seed, weight per bushel.....	540
Oat products, to bear statement of net weight or measure of contents.....	269
Oats, how sold.....	355
in bags, barrels, etc., weight to be marked.....	87
manner of marking.....	88
to be weighed on public scales.....	84
weight and measurement, per sack.....	19
weight per bushel.....	543
Officers in charge of standards and testing, city and town.....	17,
33, 34, 37, 38, 39, 55, 114, 123, 124, 137, 155, 165, 190, 235, 236, 249, 285, 297, 299, 313, 322, 330, 356, 400, 401, 403, 416, 419, 420, 455, 457, 462, 488, 492, 494, 495, 517, 523	
county.....	17, 18, 27, 33, 34, 37, 38, 39, 40, 43, 46, 47, 53, 54, 61, 91, 106, 114, 123, 137, 138, 150, 155, 164, 213, 236, 241, 249, 285, 296, 299, 311, 312, 321, 337, 339, 345, 356, 358, 359, 493, 437, 452, 462, 472, 492, 495, 499, 512, 530
impersonating, hindering, and obstructing.....	39, 56, 77,
100, 104, 116, 123, 136, 152, 161, 190, 223, 231, 232, 256, 282, 287, 303, 348, 488, 518	
state.....	17, 18, 27, 33, 46, 51, 64, 71, 75, 97, 99, 100, 105, 106, 113, 122, 123, 127, 136, 149, 155, 163, 188, 213, 221, 235, 249, 253, 257, 281, 282, 285, 296, 297, 300, 309, 321, 336, 343, 356, 379, 383, 416, 424, 425, 437, 461, 471, 479, 485, 491, 495, 499, 509, 515, 516, 529, 531
township.....	214
Ohio, laws.....	355
Ohm, unit of resistance.....	8
See also Electrical units.	
Oil—	
weight of barrel, how ascertained, of flaxseed.....	363
of lard.....	363
of linseed.....	363
weight per gallon of castor oil.....	140
cod-liver oil.....	140
flaxseed oil.....	10, 363

	Page	Page
Oil—		
weight per gallon of gasoline.....	140	
kerosene.....	140	
lard oil.....	140, 363	
linseed oil.....	10, 363	
linseed oil, raw.....	140	
linseed oil, hoiled.....	140	
menhaden oil.....	140	
miner's oil.....	140	
naphtha.....	140	
neat's-foot oil.....	140	
olive oil.....	140	
paraffin oil.....	140	
poppy-seed oil.....	10	
sperm oil.....	140	
turpentine.....	140	
whale oil.....	140	
Oils, not domestic, required to be gauged.....	438	
vegetable, how sold.....	355	
Oklahoma, laws.....	367	
Oleomargarine, how sold.....	355	
Olive oil, weight per gallon.....	146	
Onion sets, how sold.....	355	
Onions, ascertaining mean weight.....	208	
harrel for, dimensions.....	177, 354	
how hranded.....	354	
how made.....	354	
how sold.....	355	
Onions and onion sets, weight per hushel.....	543	
Orchard grass seed, how sold.....	355	
weight per hushel.....	543	
Ore, fraudulent weighing.....	242	
iron, hundredweight.....	278, 354	
keeping false scales for weighing.....	101	
ton of, number of pounds.....	242	
Oregon, laws.....	379	
Original packages, not conforming to requirements.....	522	
unlawful to use except for the first sale within the State.....	522	
Osage orange seed, weight per hushel.....	543	
Oysters, harrel for, capacity.....	20, 238	
how sold.....	20, 180, 238, 338, 410	
tuh for, destroyed, when.....	339, 439	
dimensions and form.....	20, 180, 238, 339, 439, 496	
illegal use.....	339	
canned, number of ounces contained in package to be marked.....	439	
in kegs or cans, amount of liquid allowed.....	330	
quantity to be marked.....	330	
out of shell, number of ounces contained in package to be marked.....	439	
sold by wine measure.....	496	
P		
Packages, defined.....	283	
fraudulently increasing weight.....	42, 372	
of butter, weight to be marked.....	481	
of commodities, how marked.....	177	
may be seized as evidences, when.....	55, 116, 223	
may be weighed, when.....	37	
weight to be marked.....	87	
of corn meal, standard weight.....	339	
of feeding stuff, to hear statement of weight.....	20,	
59, 89, 96, 108, 128, 144, 145, 182, 220, 226, 237,		
288, 293, 308, 349, 365, 373, 410, 439, 458, 472, 490		
Packages, of fertilizers, to bear statement of weight.....	18	
29, 160, 204, 219, 334, 365, 380, 411, 436, 440, 477, 490, 495		
of food, to hear statement of weight or measure.....	58,	
88, 89, 270, 280, 350, 458, 533		
original, weight to be marked on, when.....	87	
penalty for altering marks.....	126, 467	
stamping false tare.....	42, 226, 333, 345, 367, 380, 424, 480	
stamping false weight or measure.....	25, 333, 367	
Packet, of apples, capacity.....	99	
Paint, how labeled, quantity to be marked.....	270, 271, 364	
penalty for altering label.....	364	
Paraffine oil, weight per gallon.....	140	
Parsnips, how sold.....	355	
standard barrel for, dimensions.....	177	
weight per hushel.....	543	
Peaches—		
hasket or box for, cubic capacity.....	216	
dimensions.....	306	
manufacturers or dealers to mark capacity in pounds.....	217	
other size haskets, how marked.....	306	
penalty for violation.....	306	
dried, how sold.....	355	
standard crate for, capacity.....	522	
of other size unlawful except for first sale within the State.....	522	
weight per hushel.....	543	
Peanuts, sold by dry measure.....	177	
weight per hushel.....	543	
weight to be marked.....	88	
Pearl ashes, barrels for, dimensions and minimum weight.....	364	
Pears—		
harrel for, capacity.....	319, 320, 334, 521	
dimensions.....	334, 521	
double-headed, dimensions.....	177	
of less capacity, how marked.....	334	
of other shape, lawful.....	320, 334, 521	
of other size, how marked.....	319, 320	
unlawful except for first sale within the State.....	522	
box for, dimensions.....	503	
crate for, capacity.....	522	
of other size unlawful except for first sale within the State.....	522	
how sold.....	355	
weight per hushel.....	543	
Peas, how sold.....	355	
weight per hushel.....	543	
green, barrel for, dimensions.....	177	
how sold.....	355	
green, in hull, number of bushels to harrel.....	463	
Pecans, how sold.....	355	
Peddler. <i>See</i> Driver.		
Pennsylvania, laws.....	383	
Pepper, in hulk, how sold.....	355	
Perch, number of hrick per cubic foot in footwall and in 8-inch wall.....	45	
of hrickwork or mason work defined.....	45	
of stone, number cubic feet to, in boats.....	69	
in cars.....	69	
in piles.....	69	
in walls.....	69	
of stone or mason work, number of cubic feet.....	45,	
69, 100, 122, 277, 343, 353, 368, 451		
<i>See also</i> Rod.		
Person, term defined.....	58, 223	

	Page		Page
Philippine Islands, laws.....	413	Powder, weight of kegs.....	397
Pico or picul, unit of weight.....	414	weight of package.....	144
value in Spanish pounds.....	414	Premiums, food products misbranded when containing..	270
Pig iron, hundredweight.....	278, 354	Prizes, food products misbranded when containing.....	270
Pine-tree products, how sold.....	355	Produce, repacking in barrels, etc., without obliterating	
Pipe, number of hogheads.....	388	marks.....	329
Pipe staves, size.....	291	standard barrel for, dimensions.....	354
Plank, of other thickness, how measured.....	290	how branded.....	354
standard thickness.....	290	how made.....	354
Plastering hair, weight per bushel.....	542	Proof spirits, number of gallons to barrel.....	10
Plums, baskets for, manufacturers or dealers in to mark		standard.....	9
capacity in pounds.....	217	Prunes, how sold.....	355
capacity of standard measures for, how filled.....	318	weight per bushel.....	540
how sold.....	177, 355	Public Health and Marine-Hospital Service, use of metric	
penalty for using package of less capacity.....	328	system in.....	5
standard crate for, capacity.....	522	Public lands, how divided, size of township.....	15
crate of other size unlawful except for first sale within		Public scales, counties, cities, and towns may provide or	
the State.....	522	designate.....	18,
variation allowed.....	328	165, 179, 224, 264, 293, 303, 344, 406, 407, 455, 539	
weight per bushel.....	540	regulations concerning.....	242, 268
Police powers, of sealers and inspectors.....	39,	testing and inspecting.....	125,
54, 55, 116, 223, 252, 258, 431, 486, 518	518	151, 268, 304, 369, 406, 407, 427, 429, 464, 510	
Pop corn, shelled and in ear, how sold.....	355	weighing commodities.....	84, 179, 200, 437, 494, 510
weight per bushel.....	543	weighmasters.....	85,
Poppy-seed oil, number of pounds to gallon.....	10	124, 194, 224, 225, 268, 287, 344, 368, 406, 407, 455, 473, 475	
Pork, altering inspector's marks on barrel.....	119		
barrel of, weight for exportation.....	363	Q	
barrels and half barrels for.....	363	Quantity, electrical unit.....	8
barrels for, capacity of tierce.....	324	<i>See also</i> Electrical units.	
how made.....	324	Quart, wine measure, number in liter.....	413
weight.....	117, 324, 432, 438, 463	Quilate, or international carat, value in milligrams.....	414
fraudulent packing.....	153	Quinces—	
fraudulently measuring weight.....	96	barrel for, capacity.....	319, 320, 334
packing less than required weight.....	118	dimensions.....	177, 334
Porter, wine measure used for, in collecting revenue.....	9	other shape of.....	319, 320, 334
Porto Rico, laws.....	423	other size of.....	319, 320, 334
Postmaster General, to furnish metric balances to post		how branded.....	320, 334
offices exchanging with foreign countries.....	3	how sold.....	355
Pot ashes, barrels for, dimensions and minimum weight.....	364	weight per bushel.....	544
Potatoes, ascertaining mean weight.....	208	Quinon, unit of area, value.....	415
barrel of, capacity.....	319, 320	Quintal of fish, number of pounds.....	203
dimensions.....	177, 354	unit of weight.....	414
how marked.....	88, 319, 320		
number of bushels.....	463	R	
other size.....	319, 320	Radish seed, weight per bushel.....	540
weight.....	56, 150, 169, 185, 319, 463, 521	Railroad and warehouse commission, department of	
how sold.....	355	weights and measures under control.....	221
requiring more than legal weight.....	332	may test and seal scales.....	457
weight to be marked, when.....	87	State weighmasters in, appointed.....	112
sweet—		to inspect all sealing devices.....	227
barrel of, dimensions.....	177	to supervise handling of grain, etc.....	457
how marked.....	88	Railroad commission has supervision of hay and grain	
number of bushels.....	463	weighing.....	506
weight.....	185, 463	Raisins, how sold.....	355
weight per bushel.....	544	Rape seed, how sold.....	355
weight to be marked, when.....	88	weight per bushel.....	544
Poultry, how sold.....	74	Raspberries—	
Pound, English avoirdupois equivalent in grams.....	415	container for, capacity.....	204, 205, 289, 318, 522
number of in kilogram.....	413	how filled.....	289, 318
value of derived from kilogram.....	6	may be seized, when.....	204, 205, 286
Power, electrical unit.....	9	may be tested, when.....	203
<i>See also</i> Electrical units.			

	Page		Page
Raspberries—		Salaries of weights and measures officials, of county, city, and town.....	53, 71, 114, 188, 224, 249, 298, 313, 321, 322, 330, 360, 391, 428, 515, 517
container for, not required to be sealed.....	205	of State officials.....	71, 100, 126, 188, 298, 337, 383, 485, 515, 529
of less capacity.....	204, 205, 328, 522	<i>See also Fees and compensations.</i>	
variation allowed.....	328	Salt, altering inspector's marks.....	119
sale of, by dry measure.....	177	ascertaining mean weight.....	208
weight per bushel.....	547	barrel of, tare.....	364
Record, sealers to keep, of work done.....	39,	weight.....	402
54, 73, 114, 115, 139, 151, 163, 176, 181,		fraud in packing.....	118, 153, 466
200, 283, 286, 300, 312, 322, 345, 419, 518		hogshead of, number of hushels.....	168
State sealers to keep, of work done.....	113,	how sold.....	355
136, 221, 253, 337, 383, 426, 486, 516		measurers.....	168, 194
Redtop seed, how sold.....	355	weight per bushel.....	544
weight per bushel.....	544	weight to be marked.....	363
Registered tonnage of ships.....	16	Sauer kraut, how sold.....	355
Report, Director Bureau of Standards to make.....	1	Scalage, unlawful to deduct for.....	29, 94, 162, 237, 340, 441, 469
Reports, diplomatic and consular, manner of expressing weights and measures.....	9	Scales. <i>See</i> Testing of weights and measures; False weights and measures; Public scales.	
sealers to make.....	54,	Schools, metric system to be taught.....	481
114, 115, 139, 151, 157, 176, 181, 189,		Scrihner's lumber and log book, use.....	160, 236
253, 259, 300, 312, 322, 383, 426, 518		Scribner's rule for measuring timber.....	511
State sealers to make.....	52,	Sea-island cotton seed, weight per bushel.....	542
113, 114, 136, 163, 221, 253,		Sealing device, railroad and warehouse commission to approve, when.....	227
283, 300, 321, 383, 426, 487, 516		Section of land, size.....	15
Resistance, unit.....	8	Seeds, definition.....	128
<i>See also</i> Electrical units.		fraud in weight of shipments.....	142
Rhode Island, laws.....	425	net weight to be marked.....	128
Rhubarb, weight per bushel.....	540	Shad, number contained in package to be marked.....	439
Rice, deductions from weight to be made, when.....	92	Shale, number of bushels to ton.....	11
fraudulently increasing weight.....	424	weight per bushel.....	540
how sold.....	355	Sheet-metal gauge, variations allowed in use.....	7
tare on, to be actual.....	93	Shingles, inspectors.....	125
weight per bushel.....	543	number of pieces to bundle.....	290
Rod, pole, or perch, equivalent.....	41,	thousand.....	396
121, 133, 260, 277, 317, 335, 353, 387		sizes and grades.....	125, 290
Rolls and fancy bread.....	204	weighers.....	504
Roots, barrel for, dimensions.....	216	Ship timber, number of cubic feet to ton.....	290
form and dimensions of measure.....	41, 260	rule for measuring.....	290
how heaped.....	41, 261	Shipmasters, to keep proper weights and measures.....	15
sale by heaped measure.....	41, 260	Ships, mode of measuring tonnage.....	15
Rough rice, weight per bushel.....	544	registered tonnage, manner of measuring.....	16
Rules and regulations—		Shooks, size.....	291
may be made for allowances on weight of food packages.....	58	Shorts, measure for, form and dimensions.....	319
marking weight on food packages.....	269	net weight to be marked.....	160
weighing and handling of grain.....	231, 245, 348	number of quarts to bushel.....	319
weighing of cars and freight.....	274	weight per bushel.....	544
promulgated.....	258, 269	Shrimp, how measured.....	162
State sealer may issue, for guidance of inspectors.....	52,	weight of basket.....	162
113, 114, 136, 221, 257, 269, 488, 516		Silver, coin and sterling, percentage of pure metal required.....	361
Rutabagas, weight per bushel.....	544	Sirups, net weight or measure to be stated.....	269, 270
Rye, how sold.....	355	required to be gauged.....	438
sack of, capacity.....	19	Skein, of sewing silk, length of and number of threads.....	57
weight.....	19	Slate, for roofing, requirements for underlap.....	489
to be marked.....	88	Smithsonian Institution, furnished complete set of all weights and measures adopted as standards.....	4
weight per bushel.....	544	repairs to standards furnished.....	5
Rye Flour—		replacing lost standards.....	5
barrel for, dimensions.....	66, 323	Soap, net weight to be marked on packages.....	364
weight of and subdivisions.....	66, 134, 219, 323	Soapstone, surveyor.....	207
Rye Meal, weight per bushel.....	544	Sorghum seed, weight per bushel.....	544

	Page		Page
South Carolina, laws.....	437	Steam, defrauding buyer or seller.....	524
South Dakota, laws.....	451	Sterling silver, percentage of pure metal required.....	361
Spanish units, inch.....	414	sale of goods improperly marked.....	361
foot.....	414	Stone, perch of—	
ounce.....	414	number of cubic feet..... 45, 69, 100, 122, 277, 343, 353, 368, 451	
pound.....	414	in boats.....	69
Spaulding's table for measuring logs.....	43	in cars.....	69
Specific gravity, standards for determining.....	416	in piles.....	69
Spelt or spilt, weight per bushel.....	544	in walls.....	69
Sperm oil, weight per gallon.....	140	Stone coal, weight per bushel.....	541
Spice, net weight to be marked on package.....	227	Straw, fraud in baling.....	400, 403
Spices in bulk, how sold.....	355	fraud in marking.....	403
Spinach, barrel for, dimensions.....	177	how graded.....	206
how sold.....	355	how sold.....	84
weight per bushel.....	540	tare.....	326
Spirits, concerning internal revenue.....	9	ton.....	84, 117, 178
standard gallon.....	9	variation from weight allowed.....	326, 333
Standard gauge, for sheet and plate iron and steel.....	7	weighing and inspection.....	84, 206, 207, 230, 231
variations allowed.....	7	weight of baling material.....	326, 333
Standard of weights and measures, power of Congress to fix	1	weight to be marked.....	326, 333, 403
Standards—		Strawberries—	
city and town, care.....	34,	basket or box for, capacity.....	204, 289, 318, 522
53, 183, 190, 286, 298, 404, 425, 462, 488, 495		how filled.....	289, 318
duplicate set.....	192, 300, 462	not conforming to standard.....	205, 328, 522
furnishing or procuring.....	33, 53,	not required to be sealed.....	295
158, 189, 285, 300, 356, 357, 401,		sealers may seize, when.....	205, 289
402, 404, 417, 425, 488, 491, 516		may test, when.....	205, 289
list.....	183, 285, 425	how sold.....	177, 522
county, care.....	34, 53,	variation allowed in sale.....	328
62, 64, 175, 197, 285, 298, 386, 404, 437, 471, 495, 509		weight per bushel.....	540
character.....	27, 61, 137, 149, 164, 262, 509	Struck measure, for bran and shorts.....	319
duplicate sets.....	300, 452, 461	for charcoal.....	287
furnishing or procuring.....	17, 27, 33, 46, 53, 92, 123,	how filled.....	105, 118, 149, 354
149, 156, 164, 213, 235, 241, 300, 309, 311, 321, 338, 346,		number of cubic inches.....	56, 519
356, 384, 385, 404, 452, 461, 471, 491, 499, 509, 529, 531		used for nuts and berries, when.....	205
metric.....	3	Sugar, fraudulently increasing weight.....	96, 424
authorized.....	277	full weight or measure required.....	424
furnished States.....	4	how sold.....	355
State, care.....	18, 33, 46, 51, 64,	net weight or measure to be stated.....	269, 270
105, 123, 163, 221, 249, 281, 300, 343, 356,		weight to be marked.....	14
383, 424, 437, 461, 471, 491, 499, 509, 529		Sugar cane, weight per bushel.....	540
duplicate set.....	186, 317, 451	Sunflower seed, weight per bushel.....	540
procuring.....	97, 300, 311, 343, 384	Surveyors, may give evidence concerning measurement	
repairs.....	4	of land, when.....	331
replacing lost.....	4	not to give evidence, when.....	359
what are.....	17, 27, 33, 45, 51, 61, 87, 91, 97, 99, 105, 113,	penalty for using unadjusted instruments.....	387
121, 133, 149, 155, 164, 175, 213, 235, 249, 259, 267, 277,		required to adjust compass.....	386
285, 295, 300, 309, 317, 335, 343, 346, 353, 379, 383, 384,		ascertain variation of needle.....	386
425, 437, 451, 461, 471, 479, 485, 491, 499, 509, 515, 529		verify chain.....	386
township, township board to procure.....	214	Surveyors' apparatus, annual test.....	210
township clerk to procure, when.....	215	to compare to standards.....	464
used in customhouses, repairs.....	4	who may test.....	210
semiyearly comparison.....	14	Swedish seed, weight per bushel.....	539
used at mints or assay offices, penalty for altering.....	14		
State board of health, to cooperate with inspectors.....	139	T	
to enforce laws.....	134	Tare, failing to mark.....	361
to procure standards.....	139	making greater deduction than shown.....	477
State grain commission, duties.....	103	on barrels and casks.....	302, 363, 364
who shall constitute.....	102	on breadstuffs.....	66
State grain inspection department, duties.....	145	on butter.....	362
State hay and grain commission, control of scales.....	103	on cotton.....	93, 292, 441
State railway commission, powers of as to weighing cars		on flour.....	94, 340, 362
and freight.....	273	on grits.....	94
Staves, size.....	291, 396	on hay.....	84, 333

	Page		Page
Tare, on hops.....	325, 501	Tobacco, altering inspector's marks.....	119
on meal.....	94, 362	exact weight to be given regardless of condition.....	469
on meat.....	362	fraudulently increasing weight.....	153, 424, 468
on rice.....	93	packing less than required weight.....	118
stamping false.....	23,	weight to be marked.....	182
25, 42, 66, 81, 101, 226, 262, 333, 345, 367, 380, 424, 455, 480		Tobacco scales, inspection.....	466
Taximeters, commissioner to make rules and regulations.....	196	Tobacco weighers, election.....	468
may be condemned or seized.....	196	Toll. <i>See</i> Mills.	
testing and sealing.....	196	Tolerances—	
Tea, how sold.....	355	allowed on apparatus.....	77, 78, 302, 336, 463
net weight or measure to be marked.....	269, 270	bottles and jars.....	79, 172, 194, 195, 318, 520
Tennessee, laws.....	461	coins.....	13
Teosinte, weight per bushel.....	540	commodities, coal.....	326, 389
Terrapin, number contained in package to be marked....	439	corn meal.....	94
Testing of weights and measures, annual test of standards used at mint at Philadelphia.....	2	flour.....	94
city and town standards.....	18,	fruit packages.....	328, 329
33, 34, 52, 113, 136, 139, 163, 189, 190, 250, 285, 286, 298, 320,		grits.....	94
356, 360, 383, 404, 416, 427, 479, 485, 487, 491, 494, 515, 516		hay.....	326, 333
county standards.....	18, 27, 33,	in general.....	136, 263, 281
34, 51, 62, 64, 106, 113, 133, 136, 164, 213, 250, 285,		package goods.....	58, 269, 468
298, 310, 320, 343, 356, 386, 404, 461, 491, 499, 510, 530		thread.....	57, 329
standards of institutions and private firms.....	4,	ice-cream boxes.....	78, 79
52, 113, 136, 221, 250, 320, 486, 516		in use of sheet-metal gauge.....	8
State standards.....	33,	of Bureau of Standards recognized.....	286
51, 113, 136, 187, 221, 250, 281, 298, 320, 384, 485, 515		prescribing.....	73, 256, 302, 350, 488, 516, 533
trade weights and measures, kept by banks..	210, 495, 511, 532	Tomatoes, how sold.....	355
kept for sale.....	35, 72, 157, 167, 417	weight per bushel.....	544
refusing or neglecting to have tested.....	39,	Ton, number of pounds.....	11,
73, 74, 87, 124, 190, 256, 303, 421, 488		25, 41, 45, 56, 99, 105, 133, 149, 167, 185, 241, 260,	
sealing or condemning without testing or sealing incorrect apparatus.....	39, 139, 253, 282, 309, 487, 518	261, 267, 278, 295, 318, 354, 388, 480, 489, 500, 521	
State officials may test.....	52, 97, 99,	of, bark, number of pounds.....	388
127, 136, 163, 221, 235, 250, 281, 321, 355, 356, 425, 486, 516		of coal, number of bushels.....	11, 47, 261
using unsealed apparatus....	74, 91, 251, 337, 358, 421, 464, 495	number of cubic feet.....	50
when tested annually.....	30, 151,	number of pounds.....	12,
158, 165, 175, 190, 214, 215, 221, 250, 322, 345,		21, 25, 42, 47, 79, 101, 160, 170, 178, 199, 224, 236, 242, 261, 262,	
427, 452, 462, 464, 486, 494, 499, 517, 530, 532		264, 279, 318, 326, 356, 388, 389, 394, 411, 430, 431, 480, 502, 503	
at other periods.....	35, 61, 64, 72, 73, 91, 92, 137, 138,	variation allowed.....	326, 389
139, 254, 259, 299, 312, 322, 337, 360, 401, 424, 455, 510		of culm, number of bushels.....	11
semiannually.....	37, 53, 114	of grain, number of pounds.....	368
testing upon request.....	27, 36,	of hay, how measured.....	262, 311, 533
106, 136, 165, 190, 236, 241, 259, 299, 453, 472, 495, 511, 531		number of cubic feet.....	261, 311, 343, 367, 451, 533
Texas, laws.....	471	number of pounds.....	25,
Thread, variation allowed.....	329	42, 84, 101, 117, 178, 261, 262, 267, 343, 367, 451, 480, 502	
weight or length to be marked.....	57, 208, 329, 433	of hemp, number of pounds.....	150
Therces, for fish, weight.....	202	of lead, number of pounds.....	242
Timber—		of mineral, number of pounds.....	242
cubic foot of, how measured.....	290	of ores, number of pounds.....	242
number of feet.....	290	of shale, number of bushels.....	11
number in ton.....	290	of straw, number of pounds.....	84, 117, 178
how measured.....	340, 396	of timber, number of cubic feet.....	290
how sold.....	242, 440	of zinc, number of pounds.....	242
rule for measuring.....	92, 290, 422, 440, 489, 511, 527	Tonnage—	
"side and edge" measurement illegal.....	440	of ships, mode of measuring.....	16
standard scale.....	527	registered, how measured.....	16
use of other scale.....	527	Tools. <i>See</i> Appliances and accessories.	
Timber inspector, election.....	440	Township, size.....	15
Time, standard for State.....	58	Track scales, fees.....	77, 147, 507, 508
Timothy seed, how sold.....	355	maintenance and supervision.....	63, 227, 230, 244, 245, 274
weight per bushel.....	544	railroads to provide.....	28,
		29, 110, 111, 129, 146, 147, 273, 503, 504, 505, 506, 507,	
		testing.....	77, 109, 227, 427, 503, 506, 507
		tolerance.....	78

	Page		Page
Troy pound, of the Bureau of Standards made standard for coinage.....	2	Vegetables, canned or preserved, how marked.....	328
Truck barrel, dimensions.....	493	dimensions of barrel.....	177, 216, 354
use of flour barrel, boxes or crates not prohibited.....	493	half busbel and parts used.....	500, 519
Tub, for butter, weight to be marked.....	433	bow sold.....	74, 177, 204, 288
for manure, dimensions.....	496	sale by heaped measure.....	500
for oysters, destroyed, when.....	339, 439	Velvet grass seed, weight per busbel.....	540
dimensions and form.....	20, 180, 238, 339, 439, 496	Vendor. <i>See</i> Driver.	
illegal use.....	339	Vermont, laws.....	485
Tun, number of pipes.....	388	Vetches, weight per busbel.....	540
Turnips, barrel for, dimensions.....	177	Vinegar, proof gallon.....	11
how sold.....	355	required to be gauged, when.....	438
number of busbels to barrel.....	464	Virginia, laws.....	491
weight per bushel.....	544	Visiting committee, to Bureau of Standards, period of service of members.....	2
Turpentine, soft, barrels for, dimensions.....	92	Volt, unit of electromotive force.....	8
weight per gallon.....	140	<i>See also</i> Electrical units.	
U		W	
United States, laws.....	1	Wagon scales, cities and towns may maintain, when.....	225
Units of weights and measures—		railroads to provide at State inspection points.....	245
units of length, English system.....	3	sealer to test every six months.....	427
meter and subdivisions and multiples.....	3, 6, 413, 424	Walnuts, how sold.....	355
metric system.....	3	sold by strike or level measure, when.....	25
yard and subdivisions.....	40,	weight per busbel.....	544
	121, 133, 164, 187, 224, 260, 277, 317, 353, 387, 461	Warehouse scales, control of, who has.....	103, 244
units of mass, gram.....	4, 413, 424	inspection.....	103, 111, 146
kilogram.....	4, 6	subject to experiment and test by inspector.....	243
metric system.....	4	subject to inspection.....	375
pound, ratio of avoirdupois to troy.....	41,	to be provided.....	152
	56, 121, 164, 185, 260, 267, 277, 353, 354	Warehouses, establishment.....	152
subdivisions of.....	164, 277, 353, 354	examination of grain and scales.....	111
Spanish units.....	414	inspector to be appointed by fiscal court, when.....	153
troy pound.....	2	penalty for neglect of inspection, etc.....	153
units of surface, are.....	413	scales used in, subject to inspection.....	243
bectare.....	423	supervision.....	145, 146
list given.....	317	use of incorrect scales.....	111
metric system, equivalents in English system.....	4	under management of commissioners of railroads.....	348
Spanish units, equivalents in metric system.....	414, 415	weighing of grain.....	457
square meter.....	423	weighing of tobacco.....	182
square yard.....	40, 121, 277, 353, 387	Warrant. <i>See</i> Police power.	
units of volume and capacity, apatan.....	413	Washington, laws.....	499
arroba.....	413	Water, acre-foot.....	275, 482
busbel and subdivisions.....	41,	cubic foot of, per second, equivalent in miner's inches..	275
	87, 121, 133, 176, 224, 260, 267, 278, 318, 354, 384, 388, 461	manner of measuring.....	263
cavan.....	413	number gallons.....	263
chupa.....	413	unit of measure.....	46, 298, 275, 482, 502, 534
gallon.....	41, 56, 87, 99, 122, 133,	defrauding buyer or seller.....	524
	176, 186, 224, 260, 278, 285, 318, 354, 384, 387, 461, 521	inch of, value.....	45
ganta.....	414	miner's inch.....	42
liter.....	3, 413, 423	Water meters, inspectors of, may be appointed.....	224
material and construction.....	164	Watt, unit of power.....	9
metric units, equivalents in English system.....	3	<i>See also</i> Electrical units.	
Spanish units, equivalents.....	414	Weighers, of beef, appointment.....	24
Upland cotton, weight per busbel.....	542	of boilers.....	194
Utah, laws.....	479	of coal, appointment.....	81, 198
V		must not deal in coal.....	83
Vara, unit of length.....	414	sex no bar to eligibility.....	198
value in meters.....	414	of cotton, duties, etc.....	442, 446
yard substituted.....	310	for Honea Path.....	443
Vegetables, boxes or baskets for, to be of represented capacity.....	216	for Lancaster County.....	445
		for Pickens and Oconoc Counties.....	444
		may be elected.....	442, 447, 444, 445, 446, 468

	Page		Page
Weighers, of fish.....	203	Wisconsin, laws.....	515
of grain.....	153	Wood—	
of hay.....	206	cord of, dimensions. 82, 92, 169, 209, 289, 340, 353, 398, 435, 489, 492	
of neat cattle.....	433	number of cubic feet... 12, 82, 83, 169, 224, 279, 289, 353, 489, 492	
of rice.....	92	number of baskets.....	435
of salt and grain.....	194	corder of, not to deal.....	398
of shingles and lumher.....	504	for public use to be weighed or measured.....	12
of tobacco.....	468	how measured and packed.....	82, 92, 169, 209, 398
Weighman, at mines, duties.....	109,	inspectors and measurers.....	12, 208
	119, 130, 143, 184, 314, 374, 508, 534	sale of, certificate.....	279, 312
Weighmasters, control of, by railroad and warehouse com- mission.....	228, 230	cities and towns may regulate.....	169, 198, 237, 243, 271
for public scales.....	85,	without being measured.....	209
124, 194, 224, 225, 268, 287, 344, 368, 406, 407, 455, 473, 475		seizure.....	398
for railroad track scales.....	147	size of, for cordwood.....	169, 209
impersonating.....	77	kindling, hags for.....	199
making false entry of canal boat weight.....	332	basket for.....	435
penalty for absence from duty.....	84	size of bundles.....	199
State, appointment of, in cities.....	112	Wool, fraudulently increasing weight.....	25, 42, 262, 480
to test track scales.....	503	Woolen goods, penalty for misrepresenting quality.....	178
warehouse.....	42, 244	Work, mechanical, council may provide for inspection and measuring.....	246
Weights. <i>See</i> Testing of weights and measures; False weights and measures.		unit.....	9
Weights and measures, extension of time for use of certain.	415	Wrapper, false, used with intent to deceive.....	332
West Virginia, laws.....	509	not to be included in weight of article.....	263, 350
Whale oil, weight per gallon.....	140	using false marks.....	332
Wheat, how leveled.....	118, 149, 468	Wyoming, laws.....	529
weight and measurement of, per sack.....	19		
weight of, to be marked.....	88	Y	
weight per bushel.....	544	Yard, number of square yards in acre.....	335
Wheat products, net weight or measure of contents to be marked.....	270	substituted for vara.....	310
Whortleherries, sold by dry measure.....	177	value derived from meter.....	6
Wine, penalty for selling "half wine" without label.....	332	Z	
required to be gauged, when.....	438	Zinc, number of pounds to ton.....	242
Wine gallon, used in internal revenue.....	9	penalty for fraudulent weighing.....	242

