

**GENERAL STATUTES**  
*of*  
**MINNESOTA**  
**1923**

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when convicted, the same shall be paid out of the county treasury, unless otherwise ordered by the court. The attorney general or county attorney in each county may issue subpoenas and compel the attendance of witnesses in behalf of the state or county without payment of fees in advance, and in criminal cases the witnesses for the defendant shall also be compelled to attend without payment of fees in advance, and failure to attend after being served with a subpoena shall subject any witness to be proceeded against in the same manner as provided by law in other cases where payment of fees is required to be paid in advance. The clerk of any court in which a witness has attended in behalf of the state in a civil action shall give such

witness a certificate of attendance and travel, which shall entitle him to receive the amount from the county treasurer. (2720) [5786]

21-458; 45-281, 47+810; 50-232, 234, 52+650; 90-348, 351, 97+101.

**7018. Turning fees into county treasury**—Unless otherwise provided by law, every county official in the state of Minnesota receiving a stated salary shall receive the same in full compensation for all services and expenses whatsoever, and shall, on the first Monday of each month, file with the county auditor a correct statement of all fees received by him, and turn the same into the county treasury. (2721) [5787]

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

7018  
210-NW 105

## CHAPTER 50

### WEIGHTS AND MEASURES

**7019. State treasurer to keep standards**—The state treasurer shall keep weights, measures, and scales which shall conform to the standards established by law, and shall test thereby all weights, measures, and scales presented to him by any county sealer, and when he finds them accurate, shall stamp upon them, with a seal kept for that purpose, the letters "Min." (2722) - [5788]

**7020. County sealers — Deputies — Fees** — Every county treasurer shall be the sealer of weights and measures for his county. He shall keep a full set of weights, measures, and scales, and in January, 1910, and in every fifth January thereafter, and whenever new ones are procured, shall cause the same to be tested and sealed by the state treasurer; and he shall test thereby all weights, measures, and scales presented to him, and when he finds them accurate, shall stamp upon them, with a seal kept for that purpose, the letters "Min." He shall receive five cents for every weight, measure, or scale tested. He may appoint deputy sealers, whose appointments shall be filed with the register of deeds. (2723) [5789]

**7021. Dry measures**—The standard measure of capacity for commodities sold by dry measure, shall be the bushel containing 2150.42 cubic inches. The half bushel, peck, half peck, quarter peck, quart and pint shall be derived by successively dividing that measure by two. (R. L. § 2724, amended '13 c. 560 § 1) [5790]

**7022. Liquid measure**—The standard measure of capacity for liquids, shall be the wine gallon, containing 231 cubic inches; and 31.50 gallons shall constitute a barrel, except for fermented malt liquors, which shall be a barrel of 31 gallons, and 63 gallons a hogshead. (R. L. § 2725, amended '13 c. 560 § 2) [5791]

**7023. Lineal measure**—The standard measure of length, from which all other measures of extension, lineal, superficial, or solid, shall be derived, is the yard, of 3 feet, or 36 inches. (R. L. § 2725, amended '13 c. 560 § 2) [5792]

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

**7024. Hundredweight**—In contracts for the sale of goods or commodities, the term "hundredweight" shall mean 100 pounds avoirdupois. (R. L. § 2727, amended '13 c. 560 § 3) [5793]

**7025. Standard weight of bushel, etc.**—In contracts for the sale of any of the following articles, the

term "bushel" shall mean the number of pounds avoirdupois herein stated:

Corn, in ear, 70; beans, (except lima beans, scarlet runner pole beans and white runner pole beans, and broad windsor beans) smooth peas, wheat, clover seed, Irish potatoes and alfalfa, 60; broom corn seed and sorghum seed, 57; shelled corn, (except sweet corn), rye, lima beans, flaxseed and wrinkled peas, 56; sweet potatoes and turnips, 55; onions and rutabagas, 52; buckwheat, hempseed, rapeseed, beets, green apples, walnuts, rhubarb, hickory nuts, chestnuts, tomatoes, scarlet runner pole beans and white runner pole beans, 50; barley, millet, Hungarian grass seed, sweet corn, cucumbers and peaches, 48; broad windsor beans, 47; carrots, timothy seed and pears, 45; parsnips, 42; spelt or spilts, 40; cranberries, 36; oats and bottom onion-sets, 32; dried apples, dried peaches and top onion-sets, 28; peanuts, 22; blue grass, orchard grass and red-top seed, 14; plastering hair, unwashed, 8; plastering hair, washed, 4; lime, 80; but if sold by the barrel the weight shall be 200 pounds. (R. L. § 2728, amended '13 c. 560 § 4) [5794]

**7026. Standard measurement of wood**—In all contracts for sale of wood the term "cord" shall mean 128 cubic feet of wood, in four foot lengths; and if the sale is of "sawed wood," a cord shall mean 110 cubic feet when ranked, or 160 cubic feet when thrown irregularly or loosely into a conveyance for delivery to the purchaser; and if the sale is of "sawed and split wood," a cord shall mean 120 cubic feet, when ranked, and 175 cubic feet when thrown irregularly and loosely into a conveyance for delivery. ('13 c. 560 § 5) [5795]

**7027. Standard weight of coal, charcoal and ice**—In all contracts for the sale of coal, charcoal, and ice, the term "ton" shall mean 2,000 pounds. A sale of coal, charcoal and ice, except by weight is hereby prohibited. ('13 c. 560 § 6) [5796]

**7028. Standard weight of flour**—In all contracts for the sale of flour, the term "barrel" shall mean 196 net pounds avoirdupois. ('13 c. 560 § 7) [5797]

**7029. Fractional parts**—All contracts for the sale of a fractional part of a bushel, barrel, ton or cord of any article or commodity on which the legal weight or measurement per bushel, barrel, ton or cord has been established, shall require and mean a like fractional part of the legal and established weight or

measurement per bushel, barrel, ton or cord. ('13 c. 560 § 8) [5798].

7030. Penalty for violation—Whoever, in buying, shall take any greater number of pounds or cubic feet to the bushel, barrel, ton or cord, as the case may be, than is herein allowed and provided, or in selling, shall give any less number, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100), or by imprisonment for not less than ten (10) days nor more than ninety (90) days in the county jail, and the cost of such proceeding. ('13 c. 560 § 9) [5799]

7031. Variations—Duty of railroad and warehouse commission—The railroad and warehouse commission shall establish uniform tolerances or reasonable variation to take care of unavoidable shrinkage, and of scale variations in handling and weighing of any of the articles mentioned in this act. ('13 c. 560 § 10) [5800]

7032. Sealing—Every person engaged in any business requiring the use of weights or measures shall cause those used by him to be tested and sealed by the county sealer. Every person who shall buy, sell, or dispose of any goods or commodities by an unsealed weight, measure, or scale kept by him, or shall know-

ingly use any such weight, measure, or scale which has been sealed, but is incorrect, shall be guilty of a misdemeanor; but no contract of sale shall thereby be rendered void. (2729) [5801]

67-232, 69+910. Under former statute (39-143, 39+299). 121-321, 141+298.

7033. Testing upon request—Upon written request of any person aggrieved, and payment of one dollar, and mileage at the rate of twenty cents per mile going and returning, the county sealer or his deputy shall test any weights, measures, or scales used in his county, whether already sealed or not. If such sealer or deputy shall give to the person complained of prior notice of such testing, he shall be guilty of a misdemeanor. (2730) [5802]

7034. Neglect to procure standards—Whenever a county treasurer is requested in writing to procure any standard of weight or measure required by law to be kept by him, he shall procure the same within twenty days thereafter, or forfeit to the county one hundred dollars, at the suit of any interested person. (2731) [5803]

7035. Fines—All fines collected under the provisions of this chapter shall be paid to the county treasurer for the benefit of the school fund of the county where the action is brought. (2732) [5804]

7036-38  
211-NW 161  
7036  
29-144  
7036  
156-M 458  
200-NW 849  
161-M 10  
7038-40  
156-M 445  
7036  
230nw 812

CHAPTER 51

INTEREST AND NEGOTIABLE INSTRUMENTS

INTEREST

7036. Rate of interest—The interest for any legal indebtedness shall be at the rate of six dollars upon one hundred dollars for a year, unless a different rate is contracted for in writing; and no person shall directly or indirectly take or receive in money, goods, or things in action, or in any other way, any greater sum, or any greater value, for the loan or forbearance of money, goods, or things in action, than eight dollars on one hundred dollars for one year; and in the computation of interest upon any bond, note, or other instrument or agreement interest shall not be compounded, but any contract to pay interest, not usurious, upon interest overdue, shall not be construed to be usury. Contracts shall bear the same rate of interest after they become due as before, and any provision in any contract, note, or instrument providing for an increase of the rate of interest after maturity, or any increase therein after making and delivery, shall work a forfeiture of the entire interest; but this provision shall not apply to notes or contracts which bear no interest before maturity. (R. L. '05 § 2733, G. S. '13 § 5805, amended '23 c. 70 § 1)

An oral contract for interest in excess of six per cent, is void as to the excess (63-258, 65+452; 72-536, 75+744). A contract in an instrument to pay interest on interest overdue thereon is illegal (2-350, 302; 3-339, 238; 4-51, 26; 19-67, 45; 24-267; 93-4, 100+379). But interest on overdue interest may be recovered if the contract therefor is in the form of interest coupons (25-314; 29-08, 77, 11+228; 39-122, 124, 39+74, 140; 93-4, 100+379). A contract for a greater rate of interest after maturity is illegal (3-339, 238; 3-347, 246; 22-19; 24-43, 33-144, 22+633; 39-122, 39+74, 140; 51-485; 53+767). But such a stipulation does not render the entire contract void but simply works a forfeiture of all interest (51-485, 53+767; 62-498, 65+84). A note with no provision as to interest bears the legal rate of interest after maturity (18-429, 386). Interest is recoverable at the legal rate on a "legal indebtedness" (15-217, 169; 67-160, 69+715, 1069; 78-129, 133, 80+831).

Interest as a legal incident to demand for damages (124-266, 144+954). Validity is presumed; and the law of the state governs upholding validity of notes as against laws of state rendering same usurious, when no express or actual interest appears in the instruments (128-35, 150+231). A person has no vested rights in the defense of usury (132-20, 155+765). Test of usury (132-325, 156+667). Parties residents of Wisconsin, there executed notes and mortgage on land security in Minnesota, transaction construed a Minnesota contract (141-402, 170+346). Compounding of interest on policy liens (151-41, 185+946). Highest legal rate of interest besides collection and attorney's fees, not usurious (155-30, 192+111). Rate of interest increase, if unpaid at maturity, does not render note non-negotiable, but works a forfeiture (195+284). 7037

See also 293 Fed. 60. 167-M 321

7037. Usurious interest—Recovery—Every person who for any such loan or forbearance shall have paid or delivered any greater sum or value than in § 7036 allowed to be received may, by himself or his personal representatives, recover in an action against the person who shall have received the same, or his personal representatives, the full amount of interest or premium so paid, with costs, if action therefor be brought within two years after such payment or delivery: Provided, that one-half of the amount so recovered shall be paid by the officer collecting the same into the treasury of the county where collected, for the use of common schools. (2734) [5806] 7038

7038. Usurious contracts invalid—Exceptions—All bonds, bills, notes, mortgages, and all other contracts and securities whatsoever, and all deposits of goods, or any other thing, whereupon or whereby there shall be reserved, secured, or taken any greater sum or value for the loan or forbearance of any money, goods, or things in action than hereinbefore prescribed, shall be void except as to bona fide purchasers of negotiable paper, in good faith, for a valuable consideration and before maturity, as hereinafter provided. But no

27 7030  
351  
7036  
128  
12-NW 2  
7036-38  
69-M 332  
7036  
244nw 74  
244nw 338  
245nw 145  
245nw 624

7037  
209-NW  
7038  
211-NW 4