

**WEIGHT AND MEASURE LAWS**

The United States department of commerce and labor has just published a book of 564 pages, entitled "State and National Laws Concerning the Weights and Measures of the United States." This volume has been compiled in the bureau of standards by William Parry, under the direction of L. A. Fischer, chief of the division of weights and measures. It is extremely valuable to all who are interested in honest weights and measures, showing, as it does, at once how much and how little has been done by the federal and state legislatures to protect buyers. Congress has done very little in the way of enacting laws concerning the subject, its measures being principally designed to facilitate the collection of customs and to establish standard weights for coinage. Aside from this, federal legislation on the subject has been devoted to the regulation of conditions in the District of Columbia, over which, of course, congress has exclusive jurisdiction. It is not altogether a fair comparison, but the extent of the legislation is roughly shown by the relative space required in the present publication to set forth the laws in the various states. First, it may be said that the federal statutes, including those relating to coinage, require only sixteen pages, and that the local weights and measures laws relating to the District of Columbia also occupy sixteen pages. Alaska's quota is only eight lines, and Arizona's one page. On the other hand, Massachusetts' laws occupy twenty-six and a fraction pages; New York's, sixteen pages, and Pennsylvania's, thirty pages.

How chaotic the general situation is at present the compiler of the volume shows in his introduction. He says:

"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 custom houses 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 custom houses 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; 6½ pounds of kerosene in Kansas; 7½ pounds of linseed in Ohio, and 11 pounds of sorghum molasses in Indiana. These legal weights do not accord with the true volume of one 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 five 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 in Missouri is 2,680 cubic inches. Some states require, furthermore, 'heaped measure,' others 'struck measure,' the heap sometimes being required to be '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 2,000 pounds and in others at 2,240 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 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 the limited space available here it is not possible to give even a summary of the laws of the several states relating to weights and measures, so various are they, but a brief reference to some of the provisions is not altogether without interest. Massachusetts, which has one of the most comprehensive series of laws governing the subject, broadly covers the sale of all merchandise in the following sections, as amended only last year:

"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 offense be punished by a fine of not more than fifty dollars, for a second offense by a fine of not more than two hundred dollars, and for a subsequent offense by a fine of fifty dollars and by imprisonment for not less than thirty nor more than ninety days."

New York state, in its statutes, provides that:

"A person who, with intent to defraud:

"1. Puts upon an article of mer-

chandise, or upon a cask, bottle, stopper, vessel, case, cover, wrapper, package, band, ticket, label, or other thing, containing 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 labelled 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."

Vermont's law contains the following section: "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." It confers full power upon the state commissioner of weights and measures in the following clause: "The state commissioner may make suitable rules and regulations to govern the selling of commodities."

One of the most important commercial states, Illinois, has very meagre laws on the subject of weights and measures, and they relate principally to food products, farm products, and mine products. One clause in the law authorizes the city council in cities, and the president and board of trustees in villages and incorporated towns to require that a list of products enumerated in the act, including grain, flowers, fruit, vegetable products, meats, fish, dairy products, dry groceries, etc., be sold by standard weight or numerical count. Nowhere in the Illinois laws is there any provision specifically covering the sale of general merchandise, except the ordinary general provisions establishing the usual standard of weights and measures.

Pennsylvania has enacted the following law: "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 his 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 imprisonment for not less than thirty nor more than ninety days, at the discretion of the court." This provision is similar to the one quoted from the Massachusetts' laws, but provides a heavier fine for the third and subsequent offenses than the Massachusetts' law.

Ohio has what seems to be a very comprehensive law, as it contains the following clause which appears to apply to all classes of merchandise: "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 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."

There is no question that the subject of weights and measures is receiving more attention from consumers and law-makers now than ever before. Buyers of all classes of merchandise now realize that much deception has been practiced in the past through the manipulation of weights, tares and so-called trade customs, which has resulted in the growth of what may fairly be termed illegitimate competition and the substitution of inferior goods for goods of standard quality and real integrity. During the past twenty months the Cordage Trade Journal has printed much to indicate some of the abuses that have been practiced, not only to the detriment of the ultimate consumers, but also to the loss of honest manufacturers, jobbers and retailers. It is highly desirable that fair laws governing weights and measures should be enacted and strictly enforced, so that all manufacturers and merchants, to say nothing of consumers, shall have a fair basis upon which to operate. The Cordage Trade Journal is in favor of the simplest and fewest laws, with the least complicated legal machinery possible which will produce this result. It suggests to its readers that they carefully consider the subject, to the end that any necessary reforms may be made.—Cordage Trade Journal.

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