

DEPARTMENT OF COMMERCE AND LABOR
BUREAU OF STANDARDS
S. W. STRATTON, Director

THIRD ANNUAL CONFERENCE
ON
THE WEIGHTS AND MEASURES OF
THE UNITED STATES

HELD AT THE BUREAU OF STANDARDS
WASHINGTON, D. C.
MAY 16 AND 17, 1907



WASHINGTON
GOVERNMENT PRINTING OFFICE
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LIST OF DELEGATES WHO ATTENDED THE CONFERENCE



R. J. BECK,
Superintendent of the State Capitol,
Harvard, Ill.

ALFRED E. BENT,
State Treasurer,
Denver, Colo.

PHILIP COOK,
Secretary of State,
Atlanta, Ga.

L. A. FISCHER,
Chief of Weights and Measures Division,
Bureau of Standards,
Washington, D. C.

J. W. HAARER,
Deputy State Sealer of Weights and Measures,
Lansing, Mich.

W. C. HASKELL,
Sealer of Weights and Measures,
Washington, D. C.

B. V. HILL,
Professor of Physics, University of Kansas.
Lawrence, Kans.

S. V. MATTHEWS,
State Commissioner of Banking,
Charleston, W. Va.

D. C. V. PALMER,
Deputy State Sealer of Weights and Measures,
Boston, Mass.

G. H. PETTIS,
State Sealer of Weights and Measures,
Providence, R. I.

F. REICHMANN,
State Superintendent of Weights and Measures,
Albany, N. Y.

J. W. RICHARDSON,
Register of the Land Office and ex officio Superintendent of Weights and Measures,
Richmond, Va.

E. B. ROSA,
Acting Director of the National Bureau of Standards,
Washington, D. C.

W. P. STAFFORD,
Associate Justice, Supreme Court of the District of Columbia,
Washington, D. C.

E. B. THOMAS,
Professor of Physics, Ohio State University and State Sealer of Weights and Measures,
Columbus, Ohio.

J. SUTTON WALL,
Chief Draftsman, Department of Internal Affairs,
Harrisburg, Pa.

G. L. WELD,
State Superintendent of Weights and Measures,
Iowa City, Iowa.

H. A. R. WOOLF,
Chief Inspector of Weights and Measures of Baltimore,
Baltimore, Md.

A. N. YODER,
State Sealer of Weights and Measures,
Butte, Mont.

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^a Later appointed commissioner of weights and measures for Massachusetts.

REPORT OF THE THIRD CONFERENCE ON WEIGHTS AND MEASURES,

HELD AT THE BUREAU OF STANDARDS,
WASHINGTON, D. C., MAY 16 AND 17, 1907.



FIRST SESSION (MORNING OF THURSDAY, MAY 16, 1907).

The meeting was called to order at 10.15 o'clock in the lecture room of the Bureau of Standards by the secretary, who introduced Dr. E. B. Rosa, Acting Director of the Bureau.

Professor ROSA. I am sorry, gentlemen, that the Director of the Bureau is not here to welcome you this morning. He has taken, as you know, a very great interest in these gatherings, and had planned to be here—in fact, fully expected he would be here—but on account of important business in the Bureau he was detained from getting away on his trip to the West, so that it has been impossible for him to get back in time for this meeting. In his place, however, I take very great pleasure in welcoming you to the Bureau and hope that you may find time, either during the sessions or afterwards, to visit the laboratories of the Bureau, not only the various laboratories where weights and measures are tested, but the other laboratories. Every room is open to inspection and you will find a great deal of interest. It is not necessary to be a thorough specialist in every line to see things of interest in the various laboratories of the Bureau.

As you know, the work carried on in the various departments here depends very much on the standards of length and mass, with which you are chiefly concerned. As, for example, in electrical work we do not have a standard ampere, in the same way that you have a standard meter, to measure electric current, but our electrical measurements depend fundamentally upon these same units of length and mass, with which you are concerned, in addition to that of time, so that when you fix a standard for measurement of electrical current, the standard for measurement of electrical resistance, or other units, we are really basing them directly upon the unit of length and the unit of mass as well as the unit of time.

Your work, so far as I understand it, is concerned almost entirely with the measurement of length, mass, and volume, but there may

come a time, in the not distant future, when it will be otherwise, possibly looking out also for electrical measurement. It does not seem to be practicable at once, but the testing of electrical measuring instruments is something of very great importance. The work before you is of interest and very great value. There is no doubt whatever that the States ought to get together in the matter of laws concerning weights and measures. It is not a credit to this country that trade should be carried on according to different standards in different States, and this body has within it the power to accomplish a great deal of good in securing uniformity in the laws throughout the country. But when you have the laws, that is very little, of course, if they are not observed, and this body has within it the power to stir up public sentiment to the end that the laws may be respected and observed, and enforced, when necessary, by penalties.

Just at this time a great deal of attention is being given to the matter of requiring the great corporations to observe the laws, and to cease from oppressing weaker rivals or competitors in business, and the Government, or certain branches of the Government, has received the approval of the country in their efforts to make great railroad corporations and other corporations observe the laws. There is no more reason why these great corporations should be compelled to observe laws than that the retail dealers should be compelled to observe them. And the burden falls always upon the public through the oppression, extortion, and fraud connected with these smaller transactions, which are of course vastly greater in number than the larger ones. Therefore it seems to me that this body can bring about measures which should result in great good throughout the country. We are behind other countries in this respect, and it ought not to be many years before the United States should be fully up to the advance made by the leading nations of the world in this particular.

I am glad to see so many here, and I hope that the number will increase until all the States are represented regularly at this annual conference. As I am not a member of this body, I will ask some one who is a member to take charge and proceed with your business.

Mr. PETTIS. You had better act until we get some one. I move that Mr. Fischer be made chairman of this conference.

Mr. REICHMANN. I second that motion.

Mr. FISCHER. I have my hands full, without undertaking the duties of the chairmanship. I was elected secretary of the society last year and have been acting in that capacity ever since, and the

matters I will have to look out for will make it impossible for me to act as chairman; and, moreover, I think it would be better for some one from your own number to act in this capacity.

Mr. REICHMANN. Mr. Chairman, in view of the fact that Mr. Fischer can not serve, I would like to nominate Mr. Palmer, of Massachusetts, for chairman. He is also vice-chairman of the executive committee, and I would be glad to have him act as chairman.

Mr. PETTIS. I second the motion.

Professor ROSA. It is moved and seconded that Mr. Palmer, of Massachusetts, act as temporary chairman in the absence of the regular chairman of this convention.

Mr. PALMER. I have just arrived and so do not know anything about the plans for this meeting, and I would rather someone else act as chairman.

Mr. FISCHER. Mr. Palmer knows as much about the plans as any member present, and I certainly hope he will be elected.

Mr. Palmer was elected temporary chairman by acclamation, and assumed the chair.

Mr. PALMER. I know absolutely nothing about what the secretary has planned for this meeting, and I shall simply say that I am glad to be with you again and glad to see so many here. Perhaps I shall have something more to say later. We will now proceed with the roll call.

The secretary called the roll, the following-named members being present:

Mr. BECK, Illinois.

Mr. BENT, Colorado.

Mr. COOK, Georgia.

Mr. FISCHER, Washington, D. C.

Mr. HAARER, Michigan.

Mr. HASKELL, District of Columbia.

Mr. HILL, Kansas.

Mr. MATTHEWS, West Virginia.

Mr. PALMER, Massachusetts.

Mr. PETTIS, Rhode Island.

Mr. REICHMANN, New York.

Mr. RICHARDSON, Virginia.

Mr. STAFFORD, Vermont.

Mr. THOMAS, Ohio.

Mr. WALL, Pennsylvania.

Mr. WELD, Iowa.

After the roll call the chairman asked for the report of the executive committee.

Mr. FISCHER. I wish to submit a draft of a set of laws that has been prepared by the executive committee for discussion at this meeting. I will read the provisions if it is so desired.

The CHAIRMAN. Perhaps it will be best to do that when we take up the general discussion. Has the executive committee anything else to report?

Mr. FISCHER. I might also report that the question of getting the opinion of the Attorney-General as to whether Congress has the power to enact legislation making the use of false weights or measures in any part of the country an offense was referred to the Department of Commerce and Labor and by the Secretary referred to the Solicitor of that Department. It was deemed by the former Secretary that the Solicitor was competent to pass on the question, but up to the present time we have received no report from him. The gentleman to whom the question was referred has vacated the office, and it has since been referred to Mr. Earle, the present Solicitor. I understand the Secretary of Commerce and Labor will give us the opinion of the Solicitor this afternoon when we call on him. I might also announce now that we have an engagement this afternoon at 4 o'clock to meet the Secretary. He will no doubt give us some of his own views on the questions we are here to discuss. I would like to announce further that at 1 o'clock luncheon will be served here at the Bureau; so the gentlemen may understand this and not make any other arrangements.

The CHAIRMAN. The next thing is the reports from the delegates.

Mr. FISCHER. Heretofore it has been the custom of the delegates present to make a report. The information given in the reports is extremely valuable, not only to the Bureau, but to the other delegates. It is of course interesting to those delegates from States in which nothing is being done to find out what is being done in the other States, and especially in those States in which a great deal is being done. I think a very valuable part of our meeting is this exchange of experience which makes it possible for us to find out what is being done in the various States. That is principally what we had in mind when these meetings were arranged.

The CHAIRMAN. I will call on Mr. Yoder, of Montana, to report on the conditions in his State. This will, I believe, be the first time that Montana has been represented.

Mr. YODER. Mr. Chairman, Montana so far has not paid attention to the standards of weights and measures. While we have laws on

this subject, we have not very many, and no law has ever been enacted by the legislature to carry them into effect. I am here for the purpose of listening to those delegates who have been here before and learn what they have been doing in their States. I thought perhaps I could take home something with me that would be beneficial to us. Montana has not even a set of balances or measures. When I first went to the capital as an officer, there were requests made for tests, and when I looked into the matter was advised that the balances were stored away in a certain vault in the capitol building, but I found there were none there. I had been told that the Government at Washington would be pleased to furnish us with a set of balances. However, I suppose we have not taken it up in the proper manner to get balances. I thought by applying to our Representative and Senators that the standards might be furnished. If the matter were put before our legislature in the proper light when it meets again, I believe very helpful laws might be enacted. I believe the State of Montana will be perfectly in accord with the other States to enact uniform laws to bring about such measures as will tend to compel people to use correct weights and measures. That is all I wish to say at this time. Perhaps after hearing from the other States I may be able to talk more particularly.

Mr. PETTIS. I always supposed that the Government had furnished every State with standards.

Mr. FISCHER. All the older States have been, but three or four of the newer States have not.

Mr. RICHARDSON. Mr. Chairman, I would like to ask a question of the member who has just taken his seat. He says that the United States Government furnished each State as it came into the Union with a set of weights and measures. Is that correct?

Mr. FISCHER. Weights, measures, and balances; that is correct, Mr. Richardson; but here it appears that balances have not been supplied.

Mr. RICHARDSON. There is no law compelling a State to use them after receiving them; that is, it is altogether optional with a State whether it adopts the weights and measures furnished by the National Government?

Mr. FISCHER. Yes.

Mr. RICHARDSON. That is what I wanted to find out. We will suggest to the member from Montana through our executive committee a plan as to how he should proceed in this matter.

Mr. YODER. Mr. Chairman, just one word more. In the State of Montana there is no sealer of weights and measures appointed.

The secretary of state is ex officio sealer of weights and measures, and because he has no deputy to assist him perhaps accounts for the fact that no more has been done. Those States having a sealer of weights and measures to look out for that alone are better prepared to tell us how we should proceed.

The CHAIRMAN. For the benefit of new delegates I would be very glad to give any of them any information about Massachusetts law that I can. We have a compilation of the laws relating to weights and measures revised to within two years. A new edition is to be issued very shortly, and if you will give me your name I will be very glad to mail you a copy. I will not undertake to say anything about our old laws, because most of you have heard so much about them. I will simply mention one or two things which we have done in Massachusetts this year.

We have had quite a number of weights and measures acts passed; that is, more than we have had for some years. In Massachusetts, as you perhaps know, the weights and measures department is under the direction of the treasurer and receiver-general of the State, he being sealer of weights and measures ex officio. At my suggestion he made a recommendation to the legislature this year in his annual report that the office be divorced and that it be made a separate commission. He also made recommendations for the enactment of more stringent laws regarding false weights and measures. The bill for divorcing the department of weights and measures has been drawn up, but I do not have a copy with me, as it has not been printed. It is now before the ways and means committee. I was before the committee on mercantile affairs, which favorably reported the bill unanimously. It calls for the establishment of the office of commissioner of weights and measures, with an inspection force of four inspectors, designated as inspectors of weights and measures. They take up the present function of the deputy sealer of weights and measures of the State. I have every reason to believe that the bill will be passed. It is before the ways and means committee simply waiting for a hearing until I get back from this conference. I believe that the committee will report it practically as it is.

We also had a law passed relative to uniformity of seals of the sealers of weights and measures. I find in some of the cities where we have inspection of milk jars carried out quite thoroughly, thousands and thousands of jars being tested, that some of the milk dealers have been marking their jars with the sealer's mark, and under the present laws of Massachusetts it would be hard to convict

them. We would have to try them under the general law for impersonating a state officer, which is a very roundabout way of getting at it, of course. The proposed law is quite short, and I will read it to you.

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.

The state treasurer under the present law is the state sealer, and my title is that of deputy sealer. Of course, if the bill establishing a department of weights and measures becomes a law, the commissioner will assume all the responsibilities that are now put upon the deputy sealer. But under the existing law we had to pass it with the provision that the deputy sealer should perform such functions.

Here is another law which was passed and sent to the governor April 9, 1907. It is an act relating to the sale of coal in small quantities. Our previous law provided for the sale of coal in quantities of 100 pounds or more by weight and for less than 100 pounds by measure—that is, by the bushel or half bushel—and bushel baskets and half-bushel baskets had to be sealed. We found that was rather unhandy for some of the dealers. They complained at length about it, and so we had this law passed, which provides that all coal shall be sold by weight. For coal delivered in quantities of less than 100 pounds it is not necessary to have a weight slip accompany the bag. The law reads in part as follows:

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 letter at least one inch in height.

We have another act, but I do not seem to have it here, which is one of the broadest and best acts we have had passed this year. It provides against, and makes it a criminal offense to give, false weights and measures. In previous instances where we found persons had been given short weights and measures we have had to proceed in one of two ways—one for the obtaining money under false pretenses and the other for larceny—and of course the procedure in the latter case is very unsatisfactory where the larceny is small. It is a long drawn out process, and while we have prosecuted any number of cases it is very undesirable because the sealer of weights and measures does not want to devote his time to it, especially in places where paid by fee.

We have a law on the statute books, signed by the governor some time this month, which provides that it is a criminal offense to give

false weights and measures. It is not necessary to prove intent. Most of our laws in Massachusetts are encumbered with that word "intent," and in a great many instances it is hard to prove. The new law simply says "whoever gives false weights and measures shall be punished by a fine in the first instance of not more than fifty dollars, in the second instance of not more than one hundred dollars, and in the third of not more than fifty dollars and six months in prison." The penalty is very severe, and I questioned whether it would pay or not, but it did; there was no question about it.

The other bill which is before the legislature now is an act providing for the testing and sealing of weights and measures, etc. I will read it to you.

SECTION 1. 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.

SEC. 2. 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 relating to weights, measures and balances shall also be applicable to such devices.

At the present time in Massachusetts the sealers of weights and measures in the various cities and towns test the pound and ounce values but pay no attention to the computing value on the chart which shows the money value of the article weighed. He puts on the seal, and the natural supposition of anybody who looks at it is that the seal covers the money computations as well as the pound and ounce values. This has been a hard-fought measure, but at the present time it has passed successfully one branch, the senate, and is now before the house for action, having passed two readings there, and will come up this week for the third, and will be held over until I get back.

The constitutionality of the bill has been raised and the matter has been referred to our attorney-general for an opinion. One of the scale companies which is affected by it wished to have two amendments attached to the bill, which in my opinion would kill it, and that matter has been referred to the attorney-general for opinion as to what the effect on the general bill would be if the amendments are passed. All these bills are very important, especially the false weights and measures bill, a bill which I think should be passed in every State.

There has been great interest taken in the question of weights and measures in Massachusetts. This year I have spoken before quite a number of different associations in relation to this subject, and only within the last two weeks I spoke before the Massachusetts Retail Grocers' Association, and they got very enthusiastic over the matter. That was rather a surprise to me, because my work during the past year has been largely among the grocers, and I expected to have considerable opposition to any weights and measures bill which we might have before the legislature, especially this computing-scale bill, because there is something like 5,000 of them in use in Massachusetts to-day, and this bill as passed will undoubtedly have some effect of changing the present system of using those scales.

I expected some antagonism, as I say, but they got very enthusiastic about it there. They found that the sealer of weights and measures was cooperating with them; they found he was going to be of very great assistance to them in passing any legislation which they might want—for instance, national legislation, something touched upon in previous conventions here, and something which I think we will have to take up before very long; that is, some laws on interstate package, or interstate customs of trade, which came up in connection with the pure-food bill. I think if the bill had been generally known to the grocers' trade, what the effect of it would be, that the clause which was stricken out of the bill would have been adopted. At the present time in our State the grocer or merchant who sells goods which do not have the net weight on the package is very liable to be tried under the present laws, because customs and trade establish certain commodities to be sold by weight, and naturally the customer or purchaser comes in and asks for a given quantity of goods, such as a pail of lard. He will ask for a 2, 3, 5, or 10 pound pail of lard. As a matter of fact, my examinations in the State show that very few of the pails of lard which are supposed to hold 3, 5, or 10 pounds do hold them, the 10-pound pails holding in many instances $8\frac{3}{4}$ pounds. It is the custom of the merchant to charge for the same quality of lard in pails 1 cent per pound more than is charged for that sold from tubs. But that is only one case. There is print butter, for instance, which is ordinarily sold as 1 pound and one-half pound prints. I have found, notwithstanding the fact that we have had quite a number of inspections for two or three years in our large cities, that creameries have been selling butter as a pound which weighs from 13 to $14\frac{1}{2}$ ounces. In some places they have been found 5 ounces short, 5-pound boxes holding 4 pounds and 12

ounces, or 4 pounds and 11 ounces, or, in one instance, 4 pounds 9½ ounces. Now, the grocer or merchant sells this in response to an inquiry by the customer for 5 pounds of butter, and a price is charged accordingly, therefore the grocer is liable for larceny because he deliberately sells the customer 4¾ pounds. As a matter of fact, the grocer sells the goods exactly as he received them. He is the innocent party, therefore the grocers ought to support any movement which makes for honest weights and measures, and I know that in our State the grocers and merchants are awakening to the state of things. Since I have been at Worcester, at this Massachusetts convention, I have been invited by the grocers' associations of Vermont and New Hampshire to talk to them on the same subject.

The executive committee of the Boston Retail Grocers' Association, which is one of our largest organizations there, has told me that in any legislation regarding weights and measures we have before the legislature the grocers' association will be glad to help and be very glad to go before the legislature itself with their indorsements. At the meeting which I addressed and to which I have referred, they adopted a resolution favoring bills for honest weights and measures.

It simply shows that the merchants themselves are beginning to wake up to the matter, and when I began to quote some statistics to show them some of the inspections I had made there, showing the number of pounds of butter sold daily throughout the State and the number of instances of shortage, they themselves realized the necessity of some such legislation as this. I think it is a very good plan for the sealers of the different States, and those who know something about weights and measures, to go before some of these organized bodies and tell them some of the facts in relation to weights and measures. That is one of the hardest things which I have to deal with, to educate the public up to the fact that they are actually being cheated. I know that Mr. Pettis, of Rhode Island; Mr. Reichmann, of New York; and Mr. Haskell, of the District of Columbia, will bear me out in this statement. It is really surprising to see people come to my office absolutely ignorant of the fact that false weights and measures are being used all over the country. I do not recall anything else at this particular time that I want to say. This is a practical report of the general conditions in the State of Massachusetts at the present time, and the progress we have made there during the present year. I may mention other things later as they come to my mind.

Mr. REICHMANN. I want to ask a question. What office do you hold—are you sealer of weights and measures in Massachusetts?

The CHAIRMAN. I am deputy sealer. The state treasurer is by virtue of his office sealer of weights and measures *ex officio*. As a matter of fact, it comes under the treasurer and receiver general. That was owing to the fact, as I understand it, that at the time the standards were furnished by the United States, the state government looked about for some bonded officer to charge with the care of standards. The state treasurer was practically the only bonded officer.

Mr. FISCHER. All the Federal Government did was to turn them over to the governor of the State, and he selected a proper custodian.

The CHAIRMAN. I suppose it was because the treasurer was the only state officer who was bonded. We in turn when we issued our standards to the various cities and towns throughout the State, issued them to the care of the town and city treasurers, they being the only bonded officers. As a matter of fact, the entire responsibility and the charge of the work in Massachusetts was left to me. I will be glad to answer any other questions.

Mr. RICHARDSON. I hope you will request speakers who follow to say what office they hold in their State or what office the sealer is under, to save asking questions of each one as they address us.

The CHAIRMAN. That is a very good suggestion, and will the delegates please bear it in mind. I shall now call on Mr. Bent, of Colorado.

Mr. BENT. Mr. Chairman and gentlemen, my office is that of state treasurer of Colorado, and the constitution of our State provides that a state treasurer shall not succeed himself. Therefore we change our state sealer every two years. Last January our governor received a communication from the Director of this Bureau sending copies of the reports of the previous meetings held by this organization, which was the first information I had, or that the present governor had, that we had a state sealer. Our laws are quite complete, yet inoperative. They are quite severe, providing severe penalties for infractions relative to improper weights and measures. After having received this communication from the Bureau of Standards, I began to investigate the matter, and discovered our set of standards stored away in the subbasement of the capitol with every evidence to show that they had never been used. Our laws, I think, are very deficient in that they provide for county commissioners to select county sealers without making any specific provision for the city sealer and his duties. The state treasurer is not, under

our statutes, clothed with any authority, and therefore the law has become absolutely inoperative. We have later passed statutes providing for the inspection of coal-mine outputs, and the weights of coal to be used by our coal-mine inspectors, in disputes that might arise between the miner and the operator of coal mines. We also have elaborate laws relative to the measure of water for irrigation, and our state engineer with his deputies is very efficient in measuring water. But the very important question of giving the public a square deal on weights and measures on our commodities has been sorely overlooked in Colorado. With a view to being in a position to intelligently advise this body when I reached here, I sent communications to all the county clerks throughout the State asking them a list of questions, and, similarly, I sent the questions to the mayors of the principal towns and cities throughout the State. The questions were asked with a view to getting some condensed information as to the condition of affairs in our State. I presume that is what this meeting is desirous of learning in every State. The questions were as follows:

Have you a sealer of weights and measures? If so, where did your city procure a set of standards? Who inspects your set of standards? Is your sealer paid a salary or fee? Please state salary. Please state fee. How often does your sealer inspect weights and measures? Does your present system of inspection in your judgment properly protect the public? If not, what would you suggest? Please answer by return mail.

Similar questions were sent to county clerks referring to county sealers (we have 59 counties), and the essence of the answers received was that there were no sealers in 49 out of 59 counties in the State. This goes to show that the county commissioners paid little attention to the present statutes relating to the appointment of county sealers. The fact was also disclosed that none of our towns and cities have sealers, with exception of three or four of the larger ones. The cities of Denver, Colorado Springs, and Pueblo are the only ones which have any sealers, and Denver seems to be the principal city in which we have any attempt at regulation and inspection. I conferred with the mayor of Denver, who is a very up-to-date and progressive man, but he had not become thoroughly versed with the machinery in connection with the sealer. However, he advised me that they had a sealer to whom a salary was paid, and that a fee was charged merely sufficient to pay the expenses of the office. The sealer is supposed to make the rounds once a year. Of course, you gentlemen who are thoroughly familiar with this business know better than I whether

that is sufficient and protects the public. I do not think it does. I think that that is a most unfortunate condition, and what brings me so far East is that I feel deeply interested in aiding Colorado in securing the advantage of the information that might be derived from this conference and others, and also the advantages that the Federal Government holds out to the States which desire to take up the question in a scientific and systematic manner. I mean a manner which will produce results. I shall be very much interested in learning all I can at this conference, and I should be glad to hear from the gentlemen who have come directly in contact with the detail work, because there are many questions that doubtless will arise in connection with the detail work of a sealer with which the layman is not familiar. I think that this is a straight business proposition, and when it comes to the details of the question they should be handled by technical men. But the broad question of getting the people of the various States interested in protecting themselves is what appeals to the man who feels the interest of the people of his State, and the man who is in a position to interest the people of his State. By this method of inquiry a change has taken place in the city of Denver within the last two months.

The system of inspection of weights and measures has been really improved, and I think the city of Denver is now in a position to take the work up actively, and I think likewise throughout our entire State, every tradesman, every legitimate tradesman, in every line would welcome proper inspection of weights and measures. Every manufacturer in every line should welcome standard packages, throughout this Union. I should be glad to cooperate with this organization so long as I am connected especially with this work, which when elected I did not know was a duty of mine.

Mr. BECK. I might say for Illinois that the law there makes the secretary of state the sealer ex officio. Also, in connection with that, each county clerk is ex officio sealer of the county. The duty of the state sealer is to test and mark certain sets of scales, measures, and weights for the various county clerks who provide for testing weights for dealers. That is as far as the law is enforced in the State of Illinois. The secretary of state has no authority to prosecute; he is simply there to test the weights and measures for the county sealers. As superintendent of the state capitol for the last ten years, it has been part of my duty to look after the details of this work. There are probably 75 out of 100 counties that have never made a request

upon the state authorities to have a set of weights and measures tested. Various municipalities have sets which they have had tested at the state capitol; but aside from that this is about as far as the weights and measures question has ever been discussed or handled in our State.

I have with me a copy of the state law, which I will leave with the secretary, in case any gentleman would care to look it over.

Mr. FISCHER. I would like to ask Mr. Beck whether the present law differs from that given in the compilation prepared by the Bureau of Standards two years ago?

Mr. BECK. No; there has been no change. On receiving the synopsis or digest of laws that was sent us by this Bureau we prepared a bill and did submit it at the last legislature, but found it was so near like the old law that it was not pushed.

The CHAIRMAN. We will now hear from Mr. Cook, of Georgia.

Mr. COOK. Mr. Chairman, the State of Georgia has not been represented at the previous conferences which have been held, not from any lack of interest that we felt in the subject, however. Last year the representative appointed by the governor was prevented from being here at the appointed time.

We do not have in our State what is known as a state sealer. Our law requires the governor of the State to procure and furnish to the ordinary of each county (some States call that officer the probate judge) a uniform set of weights and measures, and this has been done. A year ago we divided up our State and made nine more counties. We have since that time furnished those new counties with standards. Our laws on the subject of weights and measures are based, I believe, in every respect, as far as they go, upon the standards of the United States Government. But they do not go far enough. For instance, we have no law upon our statute books for the measurement of electrical power used by manufacturers and consumers of light and heat in the larger cities. That is a matter that is handled absolutely by the parties who own these plants. They make their measurements and charges. We pay for what we get, and oftentimes I feel that we pay for a good deal we do not get; but I do not know. It is a new thing, and our law has never covered that point.

The ordinary of each county is furnished, as I said, with standards of weights and measures, and they are required under the law to test each year the weights and measures, and oftener if they deem it necessary, of merchants and others who use weights and measures in their business. In our larger cities we have city weighers appointed by

local governments. Their salary is paid by the city. They weigh coal, but their duties extend no further than that. All coal that we consume in the city of Atlanta is weighed by city weighers, and we feel pretty well assured that we get the quantity that we pay for, and that we get good protection.

Georgia feels an interest in this subject. Her representative to-day knows very little about the subject, and is here desiring to learn more from the gentlemen who have attended previous conferences, and I desire to state that we will be very glad in our State to cooperate with the other States in this matter.

A great trouble that now exists is the lack of uniformity in the various States as to what constitutes a bushel. For instance, in my State I can buy a bushel of corn of 56 pounds, and if I sell it to my neighbor across the Alabama line I have to put in 2 more pounds of corn in order to make it good, as he wants 58 pounds; and that discrepancy exists more or less with various other commodities.

I am very sure that I do not know anything that I can say to you gentlemen that would enlighten you upon this important subject. I am here more to be taught than to try to teach.

The CHAIRMAN. I know that Mr. Haskell, of the District of Columbia, has something interesting to report to us. We will be glad to hear from him.

Mr. HASKELL. Mr. Chairman and gentlemen, I have prepared a little paper or talk upon these matters that I am expecting will be here in a very short time. I do not know that I have anything to say that the paper will not cover.

On page 79 of the large book you have before you (Laws Concerning the Weights and Measures of the United States, 1904), you will find a report that covers the situation in the District of Columbia pretty thoroughly. There have been some little changes in that law since the book was published, but not material changes. The penalty in the District of Columbia for selling by short weight is very severe, as high as \$100 fine for each offense, and also imprisonment not to exceed six months for nonpayment of the fine. We find that the public is certainly protected and saved from a great loss by the enforcement of the laws in the District of Columbia. We have the hearty cooperation of the Commissioners of the District of Columbia, and of Congress, whom we are directly under; and also of the police court.

But this little talk that I have prepared will perhaps illustrate some matters pertaining to the inspection, sealing, etc., in the District that may be of interest.

The CHAIRMAN. The next gentleman to be heard from is Mr. Weld, of Iowa, whom we are glad to have with us again.

Mr. WELD. I made my maiden speech here two years ago, and unfortunately for myself was detained from being present at the meeting of the association last year.

In response to the suggestion that we label ourselves in advance, I would say that the office I hold is state superintendent of weights and measures in Iowa. This is a separate office created by the constitution and rewarded with a salary of \$50 a year. The holder of the office is required to furnish a bond in the sum of \$5,000 a year. As I never ask private parties to go on my bond, it has cost me about \$10 or \$12, and this leaves me a net profit of \$38 or \$40, as a salary, which serves no purpose whatever except an occasional trip to Washington like this, which is very much enjoyed.

The history of the matter is that the office is connected with the State University of Iowa, by the removal of the capital from Iowa City to Des Moines in 1858. The office was connected with the state administration of Iowa City, and on the removal of the capital to Des Moines and the location of the university upon the old capitol campus, the office was left there and a little building for the accommodation of the students was used.

The question of supervision of the weighing and measuring of commodities seems to be a very broad one fundamentally. It goes to the very root of the whole question of commerce and trade. Our legislatures and our National Government have been at great pains to pass pure-food laws, and these laws are no more important, as a matter of fact, than those which are intended to procure the exchange of proper quantities of the different commodities in question. It makes no difference whether one house in its competition with another gets ahead of it by adulteration or short weight.

This whole question of fraud in exchange is largely due to the keen competition between manufacturers and jobbers in commodities. I do not think it is fundamental or to any great extent an index to the dishonesty of the American people. If we look into the matter a little, as I have done quietly, since attending the last convention, we find that the offender is not the retail merchant. The retail merchant is very anxious to sell 16 ounces for a pound. He wants to know, and is very glad to know, if his scales are defective, at least that is the experience we have with our people. Of course, in Iowa we have few large cities, and I think that is an advantage to us. The large cities contain a great class of ignorant people—an element which can be

imposed upon—and that is where most of the mischief is done. With us the people know one another very well, and the idea of cheating in that way would hardly occur to anyone, because it could be so easily detected.

The question of package goods, however, is one that needs to be looked after. We can buy a package of soda biscuits for 5 cents in Iowa—I do not know if it is the same in the District of Columbia—but I do not know how much a package of soda biscuits weighs. And the trouble is, I do not care. I suppose that is the great point with the question of package goods. We simply buy them because they are convenient in form, convenient to handle; they are in good condition in these packages, and we simply buy them without regard to what they weigh. In Iowa there is no law requiring that package goods be stamped with their net weights.

Mr. HASKELL. We pay about 6 or 8 cents a pound for these crackers.

Mr. HAARER. They cost 8 cents a pound in boxes.

Mr. WELD. Now, what we want in my State is not so much this sort of legislation. We do not want legislation where it is necessary to have sentiment aroused. We have law enough to cover the situation. We want something to control the gas companies, electric-light companies, and water companies, who are charging for power and service nobody knows what. I do not know whether I get a thousand cubic feet of gas when I pay for it or not; I do not know anything about it. We have no means of testing our meters. I have no reason to believe that I am being cheated, but I have no means of knowing. It is the same with the water meters. There is no official inspection of water meters. I do not know that there is any law regarding inspection. The water companies and gas companies do inspect their meters. Whether the work is honestly done or not is a matter of opinion. My opinion is that in most cases it is honest, but we are simply at the mercy of these companies. And now that electric light has come into use so largely a standard is certainly necessary, and we have no means of securing it. We want laws to cover these points. In fact, it seems to me we need this whole subject of inspection of commodities and apparatus reorganized and put under one heading. It all properly belongs together, and should come under one head. There is ample room for a state officer to devote his whole time to the matter of organizing this inspection.

Once in a while we have a prosecution that is of a radical nature. In one of the towns of Iowa, since I was here last, a peddler was prosecuted for selling a short half bushel of apples. I got a telephone

message one night calling me to this particular town to testify as to whether or not it was a correct half bushel which this peddler had. The half bushel was one of those so-called fifth bushel baskets that fruit dealers sell fruit in, and he had used that as a peck measure and sold apples in it. Of course, he may have known what he was doing, and he may not. I have an idea that there is a good deal of that going on; I am sure there is. I believe that in this particular case the prosecution was due to a sort of anti-Hebraic sentiment, more than anything else, as the man was a Jew. He was prosecuted and should have been convicted so far as the use of the false measure was concerned, but the fact is that the county in which this offense was committed was one of the counties in which there are no county standards of weights or capacity; they knew nothing of them at all. Consequently the man was simply excused by the jury on account merely of having no means of testing the measure.

This is a matter in which public sentiment has to be aroused, simply a matter of policy. I do not think the difficulties which we find are due to dishonesty.

Of late years I have been keeping in the office a ton of iron test weights, and I have had several calls for them. I am constantly getting correspondence which shows that there is no general knowledge as to the proper channels through which to seek relief. It does not seem to be generally known that the counties should appoint sealers of weights and measures, and that the proper course for the farmer who wants to know whether his scales are correct or not is for him to go to the county sealer. I frequently have calls from farmers and merchants wanting to know how they should proceed to have their scales tested; and when I reply that they should go to their county sealer, they say that they have none. I tell them that they must get their board of supervisors to appoint one; but they will not do it because it costs so much. These men do not like the expense of \$200 or \$300 that is necessary to set up the county sealer in business, and then the payment of his stipend, whatever that may be, in addition. They simply do not feel that conditions warrant this expense. They leave it for the next administration to do, and present a very economical budget on their own account. Of course, in such a case as that I simply say to these men, "You have no adequate protection; no adequate inspection. I am not authorized to come out and inspect scales; it is not my business. My only duty is to see that the counties are provided with sets of standards when they are applied for." To persons requesting to have scales tested, I say: "If you want a ton of test weights to satisfy yourselves, and will pay

the freight on them, I will send them along." I simply see that these weights are kept in order, and they go about here and there doing service. That is no inspection, of course; but I have reason to believe that as far as it goes it is inspection. These are intelligent men and can tell whether or not their scales are correct, up to a certain limit. It is honest enough as far as it goes. The very way inquiry is made shows it is with honest intention.

I saw a device the other day, which was shown to me on the train by a man with whom I was talking. He was a stranger to me, and was led on in utter ignorance of the fact that I had any interest in such matters. The device simply dumbfounded me, and I wish I had it to show to you. Perhaps some of you have seen it. It is exceedingly clever, and it may be worth while for you to understand it. It consisted of a little piece of steel made to fit over the edge of a balance or scale, and was thin on one side and thicker on the other [illustrating on blackboard]. You can easily see that a beam or bar resting upon the knife-edge could be shoved from one side to the other by simply capping the knife-edge of the balance with that little steel cap.

Mr. FISCHER. Was he trying to sell it?

Mr. WELD. No; I tried to find out about it, and fear I showed too much interest at the outset. I tried to get hold of it and find out what he was doing with it, and he showed me the outfit, and said that he had picked it up somewhere, but did not tell me where. I rather suspected he was a commercial traveler.

Mr. REICHMANN. It was a patented article, I presume?

Mr. WELD. No; not a patented article. As he was a commercial traveler, I suspected he was putting his customers onto this little trick of shifting their scales and changing the leverage without it being appreciable and by methods which could easily be removed so that no inspector could detect it.

Mr. FISCHER. I might say that one thing, or the principal thing, that led the Bureau of Standards to take up the subject of weights and measures inspection was the large number of inquiries we used to get from local authorities, local sealers, and individuals in the various States, wanting to know where they could get their weights and measures inspected. They seemed to think that was a function of the Government; and apparently no provision had been made in various States to do this, in some of them at least.

There is another thing Mr. Weld spoke of that seems to be a very common difficulty to overcome, and that is the indifference of the people. It has gotten so now that people rather expect to be cheated.

It seems that way. They do not expect to get more than 14 ounces for a pound, and they do not seem to care whether they do or not. They say, in fact, if you require full weight we will have to pay for it. I have heard a similar criticism of the pure-food law. A number of people find objection to it here in the city now because prices of commodities have gone up. The dealers have to charge more, and some people object because they have to pay it. In other words, some housekeepers would rather have something that is impure and pay less than to get a pure article and pay what it costs.

Mr. PETTIS. The people in Rhode Island want 16 ounces for a pound.

Mr. REICHMANN. It is my experience in weighing commodities sold to retail trade that people pay more when they get 14 ounces for a pound than when they get 16.

Mr. FISCHER. There is no doubt but what the whole thing breeds a spirit of dishonesty. It has gotten so that a man can not be in business and be honest, to tell the truth. In other words, to give full weight he has to charge more, and people are apt to go to the man who makes the cheapest price.

The CHAIRMAN. Professor Weld spoke about packages of Uneeda biscuit. At the convention at which I spoke, and to which I have referred here, the president of the National Retail Grocers' Association was there, and spoke, and made a point of it with considerable pride that the executive committee of their association had been able by a conference with the National Biscuit Company to bring about a reform in the selling of packages in bulk, that is, in cans of 5 and 10 pounds. Previous to this agreement with the National Biscuit Company the grocers had been compelled to pay for the cardboard separating the layers of crackers, which was weighed with the product. The agreement provides that the net weight of crackers only will be charged for. The president of the association very forcibly brought to the attention of the delegates the fact that once in a while they should weigh their packages and find out if that custom still existed in different sections of charging for the cardboard.

The CHAIRMAN. The next on the list is Mr. Hill, of Kansas.

Mr. HILL. I am in the department of physics at the University of Kansas, and am here as the representative of Chancellor Strong, who is, by the law of the State of Kansas, ex officio state sealer of weights and measures. There is no provision made for a deputy state sealer, and what little work has been accomplished has been done by one of the inspectors in our department.

The State was supplied with a set of standards some years ago. Part of those standards have been for a long time in the possession of our department, and part of them were found last January at the state capitol, at Topeka. The metric standards of mass had been put on exhibition there. They had been originally sent out in a case; this case had been opened so that the standards could be seen. While at present our standards of capacity are in pretty good condition, the standards of mass are in very bad condition. The standards of length are probably in good condition, and need not be tested. The legislature gave an appropriation with the university appropriation last February, which will enable the chancellor to reequip the State with an up-to-date set of standards. The learning of the requirements is one thing that brought me here at this time. There has been very little done in the State. So far as I can find out from the men who have been doing the actual comparing, there has been one 50-pound weight and one 10-pound weight sent in for comparison. There have been a number of letters of inquiry received from various counties that were from time to time becoming aware that they had a county sealer who was liable to a fine of \$50 if he failed to provide himself with a set of weights and measures which were to be compared at the State University. There were some half dozen of these letters received. Reply was made stating what the law required and where proper standards could be gotten, and so far I do not know that any of those men have acknowledged our letter of instructions.

This is about the condition up to date of the standards in the State of Kansas. I think, with the other gentlemen, that the standards of some other commodities, such as water, gas, and electric power, should also be taken up. In Kansas, as in Iowa, we have no large cities, no city of over 50,000, and I think most of the trouble, when it does occur, takes place in the larger cities. I do not think there is much intention to defraud in the State of Kansas. But as I have said, the question of weights and measures is to be taken up and new equipment supplied.

The CHAIRMAN. We would now like to hear from Mr. Woolf, of Maryland.

Mr. WOOLF. Mr. Chairman, in Maryland we have very little inspection other than in Baltimore city, where I am chief inspector of weights and measures, in addition to my duties as clerk to the city comptroller. The sealers there are termed inspectors of weights and measures, and a recent ordinance has placed them upon a salary basis, instead of fees, as in the past. Some few years ago some councilmen

tried to abolish inspections entirely by authorizing the district inspectors to bring to the office all weights and measures they found defective, and they brought about 1,600 to the office in one year. Last year by confiscation of these measures we had only about 300. We had only ten arrests last year for giving false weight and measure; and only three complaints throughout the city of persons giving false weights. So far this year we have had only one. I do not know of anything else I can say of interest.

Mr. RICHARDSON. Before you take your seat I would like to ask you a question. You state in your remarks that Baltimore had a sealer; what about the State?

Mr. WOOLF. We term them inspectors there. The State has no sealer. There are local conditions that provide for them if we want them; but there are none. In the coal-mining region I understand there is one; and there are weighers of hay near the large cities and towns, who are appointed by the governor of the State.

Mr. PETTIS. These acting as weighers have nothing to do with weights and measures?

Mr. WOOLF. No; there is no other inspection done except in Baltimore.

Mr. FISCHER. I have been told, Mr. Woolf, that the practice in Maryland, among some people, at any rate, was to water the hay.

Mr. WOOLF. I never heard of that. I live too deeply in the city to know anything about hay.

Mr. FISCHER. We have this testimony from citizens in the State of Maryland.

I also want to ask, Mr. Woolf, in regard to the size of oyster baskets. Is there any such standard as a bushel basket?

Mr. WOOLF. They sell them by baskets; wire bushel baskets.

Mr. FISCHER. Are they supposed to contain a bushel?

Mr. WOOLF. Yes; they have to be wire or of sheet iron with inch holes.

Mr. FISCHER. Is not that rather a new law?

Mr. WOOLF. No; it was passed about ten years ago, I suppose.

Mr. RICHARDSON. You will find that on page 182 of your edition of state laws.

The CHAIRMAN. The next on the list is Mr. Haarer, of Michigan.

Mr. HAARER. Mr. Chairman, in Michigan the state treasurer is the state sealer of weights and measures, and as deputy treasurer I become the deputy sealer of weights and measures. There has been nothing done in our State in regard to this matter. Two years ago the former deputy, Mr. Fowler, was here, but in a few days after he

returned from the conference he resigned, so the department lost the benefit of his trip.

I came here mainly to be enlightened on the subject, because I think it is a matter in which the people should be very much interested, although I think as a rule they are not.

Our law provides that the county clerk of each county shall be the county sealer of weights and measures. We have 83 counties, all of which I think have no standards of weights and measures. About two weeks ago I compiled laws on the subject, which are somewhat antiquated (I think passed in 1845 or thereabouts). I compiled them in small pamphlet form, and mailed a copy to each county with a circular calling attention to the pamphlet, stating that we had the standards of weights and measures in the office and were prepared at any time to seal their weights and measures. In response thereto I received a telephone message from one of the county clerks who wanted to know what it meant, and whether we intended to enforce the law. I told him there was no provision for enforcing the law. "Well," he said, "we will not get them then." From another county clerk I received a letter stating that the supervisors had ordered weights and measures, and that they would be sent direct to our department to be tested and sealed. I think some of the other counties will follow along the same lines.

There is no provision whatever in the law for the state sealer to go out himself, or to appoint anyone to go out, and inspect either weights or measures; and there should be some radical amendment to our present law. I would like to see, and I presume there will be some suggestions made for, a uniform law, which could be introduced in the legislatures and provide a remedy. We are very much at sea with the present system. Our hands are practically tied and we can not do anything. I am willing to listen to suggestions from others. I came here, as I said, purely to gain some knowledge on the subject.

The CHAIRMAN. Mr. Yoder, of Montana, is the next in order.

Mr. YODER. At the beginning I believe I stated how conditions were in our State, so I will not take up your time now.

Mr. RICHARDSON. Please give us your title.

Mr. YODER. State sealer. In Montana the secretary of state is ex officio sealer of weights and measures.

The CHAIRMAN. Mr. Reichmann, of New York, is next on the list. I know he has something interesting to tell us.

Mr. REICHMANN. I have been deeply interested in the subject of weights and measures for a number of years. Last December I was appointed state superintendent of weights and measures of New York.

Conditions in New York State, although we are the most populous State in the Union and should be doing something, have been very chaotic so far as weights and measures are concerned. We will try to pass a bill this year which will more specifically state the duties of the state superintendent of weights and measures, and those of county, city, and town sealers, and definitely impose fines. Heretofore the general law has been only that the duties of the state superintendent were to have general supervision of the weights and measures of the State, compare them once in ten years, and have tested and sealed all county and city standards. In general terms that does not mean anything. Then it gives some provisions making the giving of false weights and measures a misdemeanor, which means that if you want to prosecute anyone you will have to resort to the penal code, an old and lengthy process, quite out of date; whereas in the bill I have had introduced it specifically states that a fine will be imposed in each case, and makes it obligatory upon the state superintendent to travel through the State and see that every county and city is doing its work, and also, what is very important and which should be the case in every State, the state superintendent, as well as every sealer of weights and measures, is made a prosecuting officer so that he can arrest without a warrant. That bill will undoubtedly be passed. Unfortunately, the legislature is not yet through with its deliberations on various other subjects, so I can not report at this meeting a definite result.

The salary of the state superintendent of weights and measures heretofore has been \$300 a year. Dr. Lewis Boss, director of the Dudley Observatory, has been too busy (and very rightly so, because I think he should not have taken his time for such things) to go down and collect that salary for the last five years, for which reason the legislature has not appropriated anything for that department. However, this year I think the ways and means supply bill will go through the senate, probably this week, and will make ample provision for the department of weights and measures.

I had thought of saying some few things on the subject of weights and measures in general, but in view of the fact that there are a number of gentlemen who have not been here before it might be well also to enumerate a few specific instances of short weights and measures, after stating the general condition in the State.

Recurring then to the general conditions, the only three cities which are really doing anything are Buffalo, Rochester, and New York. In the city of New York Mr. Derry is handicapped by the

fact that he has an inadequate appropriation for the department and not a sufficient number of inspectors. Besides the chief of the department and the deputy chief, he has only eighteen inspectors, which, in a city the size of New York, is, you might say, ridiculous.

I followed the scheme which the gentleman from Colorado and those from other places followed, in sending out circulars to the mayor of every city, to every county clerk, and to the clerk of every board of supervisors in the State; and the summary of the answers was very amusing to Governor Hughes, as well as to the gentlemen of the ways and means finance committee, to whom I showed this report.

I do not believe, from my experience in the last four years, that the people as a rule, even in smaller cities, are giving honest weight and measure, for two reasons. In the first place they are not giving the correct weight and correct measure on account of lack of inspection and ignorance on the part of the dealers, which is clearly shown by statistics of foreign countries, particularly in Canada. And secondly, for the reason of the dishonest tendencies of the dealer. If there is no regulation, no constraint put upon the dealer, in the way of having correct weights and measures, it really puts a premium upon the giving of short weights and measures, because in competition even the smallest places (and New York is not any different from any other place) one man tries to outdo another in an endeavor to make a sale. In no case in the experiments I tried have I found that where a sale was being made of groceries or dry goods at cut prices that full measure was given. In other words, sales were made at practically the same price, only they cut down the weight or measure given, and simply bamboozle the people. I take it that the whole question is not a scientific one at all; it is an economic question, pure and simple. It is simply a question of exchange of values. If I pass across the counter a \$5 bill, and the man gives me a pocketful of change, I count every penny of it, as every person would, to see that I get the correct amount. But, if I pass across the counter \$1 for 20 pounds of sugar, and I get 16 or 17 pounds, it is not convenient for me or for any purchaser, to carry around with him certified weights and measures to certify the transaction. Consequently this kind of protection is more necessary than police protection for the people who can not protect themselves, namely, the poorer classes.

This fact was brought home to me very emphatically by a little investigation Mr. Derry made in the city of New York on 100-pound bags of coal. Coal is sold to the poorer classes in bags supposed to contain 100 pounds. His eighteen inspectors found over a thousand

shortages in one week, the average shortage on 100 pounds being about $24\frac{1}{2}$ pounds. That means that the poorer people, who could least afford it, were paying \$12 to \$16 a ton for their coal, and getting only $75\frac{1}{2}$ pounds instead of 100. I mention this simply as an instance. It goes through every commodity that is bought or sold. As an illustration, I went around to see Mr. Woolf, in Baltimore, last fall. After I left his office I bought at a confectioner's stand several ice-cream pails. I have also collected them in Washington, Boston, Buffalo, and Chicago. I have taken them home and measured them, and I have yet to find a pail represented as a quart that will measure over $1\frac{1}{2}$ pints. That is not the fault of the dealer selling them. The purchaser is paying from 20 to 40 cents a quart and is getting only three-fourths of what he is paying for. That is like the case of a merchant I know of who sells goods at cost prices—that is, he claims he does—while he is actually selling at nominally the same price, but is getting rich simply by cutting down on the weights and measures.

I think Mr. Palmer will bear me out in stating that it is almost impossible to find a peddler or junk dealer who has a spring scale which is not false. I had here last year a number of them that I had collected. Since then I have collected over a bushel more of false spring scales. The necessity for a thorough and vigorous inspection of weights and measures is because the people will not protect themselves. It is a very difficult thing to do. Suppose here is a person who knows that he is being cheated; that he is getting 14 ounces of butter for a pound, or, in seven cases out of twenty-four as I found, is getting less than 11 ounces, when he is paying for a pound. Then it is necessary to go in a roundabout way and ask some person to issue a warrant to arrest the dishonest dealer; then ask that person to go to court to testify against the offender. It is almost impossible to get this done. For that reason the sealer of weights and measures should be a prosecuting officer, and be able to arrest without warrant. The state laws ought to be so worded that a definite specific fine will be imposed for each violation. The mere fact that a person has in his possession a false scale or weight, and is selling by it, ought to be sufficient evidence for his arrest.

It is difficult to know where to begin or where to end when speaking of the way people are being defrauded by the use of spring balances and yard measures which are short, and which by the way, are exceedingly prevalent in almost every county. It is almost impossible, at even the smallest places, to find counter tacks 36 inches apart. I have found some less than 33 inches.

The use of liquid quarts for dry quarts is very prevalent, and it is a practice that can not be seen on the face of it. I doubt whether Mr. Fischer, if I were to show him a quart measure could tell without making a careful examination, whether it was a dry or liquid measure, and the layman certainly could not do so.

I think the time has come in New York State when the people are beginning thoroughly to appreciate the importance of this subject. In conclusion I want to say that there is absolutely nothing that will help the cause as much as getting the newspapers behind you. Every newspaper is very anxious at any and all times to get any sort of information on short weights and measures.

If at any time I can be of any assistance, I will be very glad to do so, because I believe it is of fundamental importance for the people to have honest quality and honest quantity, and I believe one is just as important as the other.

Mr. HASKELL. I would like to say a word in answer to the gentleman from New York. While his statements in some respects are not exaggerated, I think in some cases they are. My experience of ten years here in Washington has led me to believe that the people are not dishonest.

Mr. REICHMANN. No, I do not mean that.

Mr. HASKELL. We have to have prisons, and we have to have judges to take care of a class of people who are not honest; but that, in my judgment, does not cover the whole territory or the whole number of people. In the inspection and weighing of coal, our experience has led us to believe that a large percentage of short weight was through the carelessness of the weighmasters. Of course, we have had individual cases and a great many of the intentional short weighing of coal. We have about 4,800 spring balance scales in the city of Washington, and I disagree with the gentleman from New York, for I do not think that 10 per cent of these spring-balance scales are out of order or not up to the weighing of a standard weight; but it is the 10 per cent where the necessity, in my judgment, comes in for the office of a superintendent of weights and measures, to look after that class of people who intentionally try to defraud.

Perhaps it might be of interest to some of the gentlemen (I made this statement I think two years ago) to know the manner in which the business is done in our office. In the first place, we have in the District of Columbia about 5,000 places that we visit yearly. We have in our office a record of those places, giving the kind of business carried on, the number and kind of scales in each, on a card about 6½ by 4 inches, so arranged that it carries five years' inspections. We have

the city divided into routes, so that on each working day of the year we have a certain territory that is covered by the inspectors. When an inspector visits a place of business he has before him on this card a record of the condition as found of the scales or measures in use in that place of business. We have that for the purpose of ascertaining whether in our judgment the intent is to defraud. If we find the same condition a second time in a man's place, we are of the opinion that he is intending to sell by short weight, and consequently we prosecute him.

In the inspection of coal, which comes under the sealer of weights and measures in the District, we have authority to stop a wagon load of coal any time on the street and verify its weight. In other words, the law requires that each dealer shall send out with each load of coal a certificate showing the gross or tare and the net weight of that load of coal, and there is a large penalty for not doing so. We have authority to request that certificate, and then we take the coal to a District scale and verify its weight. Four or five years ago it was seldom that we did not find a load of coal that would be from 40 to 60 pounds, and sometimes more than 100 pounds, short. From our investigations we found that it was largely due to the carelessness of the weigh-masters in their hurry to get the load on and off. After a few prosecutions we now have a very much better condition of affairs. To illustrate: Within a month I had two inspectors out on the coal business, and with one exception we found that the coal being sold was up to standard weight, which is 2,240 pounds to the ton in the District. But of course the matter has to be watched carefully all the time. There is no question as to the necessity of it. I do not want to think that all the people are dishonest, because my experience has led me to think and believe that it is the intention of a very large percentage of dealers to honestly deliver what people ask for; but it is the other percent that we have to look out for. In the paper I have prepared I have notice of some few instances which will be of interest, and which I think will beat the device described by Mr. Weld for giving short weight.

I might say in regard to the cards of which I have spoken, that we have at the office at all times a complete record, we think, of the business done by each inspector, showing back now seven years, the inspections in each place and the conditions as found, which is very convenient for reference. They are made up into bunches of 40 to 50, or what would be a day's work. At each place of business inspected the inspector leaves a receipt, so that there can be no question by the

proprietor of the place of business that he has paid his fee, or that we are there too early, or anything of that kind. Our inspections are semiannual, and in that way the dealer as well as our office knows when his inspections are due.

Mr. RICHARDSON. Before you take your seat, let me ask you, How do you test the correctness of spring scales?

Mr. HASKELL. By standard weights.

Mr. RICHARDSON. Do you hang them on?

Mr. HASKELL. Yes; we have a frame.

Mr. RICHARDSON. Suppose, for instance, you hang a pound weight onto the hook of a spring scale in order to force the scale down and it does not throw it down to a pound, you consider then it is not correct?

Mr. HASKELL. Yes.

Mr. RICHARDSON. If it draws it over a pound, you do not consider it correct?

Mr. HASKELL. No, sir; it must draw a pound. If over or under, it would not be correct.

Mr. RICHARDSON. I thought maybe if it went over you would let it go as correct.

Mr. HASKELL. No, sir. I want to say that we are as anxious and as careful in one case as in the other. We find many such cases where the merchant has scales which are giving more than the standard, and we take as much pains and are as careful to rectify that condition as we are the other.

Mr. RICHARDSON. I do not mean anything serious by that remark.

Mr. HASKELL. No; I know.

Mr. PETTIS. Mr. Chairman, I want to join with my friend, Mr. Haskell, the sealer of Washington. Our experience in Rhode Island tells us that the established merchant is the honest man every time.

Mr. HASKELL. I might say, Mr. Chairman, in line with a matter that you suggested or spoke of a short time ago, that we have the hearty cooperation of a great many of the dealers in Washington, and we also have the hearty cooperation of the Association of Retail Grocers through their officials, and in no case do they interfere when they find a violation of the law. I feel that they are as anxious to have that looked after as we could be ourselves.

Mr. PETTIS. Mr. Chairman, I have here a spring balance scale. We do not find them in stores; we find them among the itinerant peddlers or people of that sort. As I said before, the established merchant or man of business is the honest man.

Mr. REICHMANN. Mr. Chairman, Mr. Haskell certainly misunderstood me, because I certainly believe that most people are honest; but I do believe that there are a lot of dishonest people, even in the smallest towns. It is my firm opinion that the lack of laws and regulations puts a premium upon short weighing, and I personally believe that carelessness is as much dishonesty as anything else. I think Mr. Haskell would find, as well as Mr. Pettis or anyone else, that if the inspections of weights and measures in each town were discontinued three years, when he came back he would find an enormous percentage of weights that were incorrect.

Mr. PETTIS. I agree with you fully.

Mr. REICHMANN. The established merchants who buy their goods and sell them at a reasonable living profit are giving honest weight and measure; but they are not the ones to whom the poorer classes are going, and they are not the ones who are advertising in large red letters and posters the bargain sales on every Saturday, or whatever day they have.

Furthermore, I do not, most emphatically, agree with Mr. Haskell that the dealer, especially that class of dealers, should know when the inspector is coming to his place to inspect weights and measures, because if he is dishonest that simply gives him a clue that on that day he must fix up his scales for inspection. I think Mr. Palmer will bear me out that that rule is not followed in the State of Massachusetts.

In regard to dishonesty, when Mr. Derry (sealer of New York City) went into office about two years ago, in January, there had been practically no inspection, and it was necessary to confiscate or condemn thousands and thousands of balances and weights and measures. I am glad to say, however, that he reports in the next year's inspection there was a lesser percentage found. I think that sort of thing has been the experience of every State or county where inspection has been tried. Particularly was it so in Canada, where the inspection was first started. I do not have the figures exactly right, but something like 8 per cent of the weights had to be condemned. After that it dropped to a constant showing of 1 or 2 per cent, indicating either carelessness or dishonesty. A large per cent is carelessness, I grant you, but I think that is the very thing we should watch. The junk dealer who goes from one place to another, the huckster who has spring scales and sliding balance, the ragman, and others similarly engaged, particularly need watching. The poor people are the ones who are patrons of that class of dealers and need protection. As I have said, this is not a scientific question; it

is simply an economic or sociological one. It is the duty of the sealer of weights and measures to protect the people who can least protect themselves. The man who is buying his coal by the ton or carload is not going to get cheated, because he is buying from a dealer who is responsible. But I know a thousand people who are being cheated, and with no inspection it puts a premium on dishonest practices. Here is a man, for instance, with a little store who wants to increase his business. The next man to him in the block is slightly dishonest, and says to this man; "It is a sort of general custom in trade to give 14 ounces for the pound." He begins to give 14 ounces. If he can give 14 he can give $13\frac{1}{2}$ ounces, and if he can give $13\frac{1}{2}$ he can give 12 ounces; and by the time one would get down to the end of the block he would be getting practically nothing. Those are actual facts. It is not because I believe a majority of the people are dishonest at all, but I believe the majority of the people are trying to get all the dollars and cents they can. Their conscience is rather flexible, and if they see everyone around them doing certain things they think it legitimate. It is largely a question of carelessness and ignorance, but carelessness of that sort, in my mind, is dishonesty.

Mr. PETTIS. The remark I made was to advise the gentlemen from the Western States and other States where they have no system of weights and measures how things are going in the city of Washington, and in the cities in Massachusetts and in Rhode Island, where we have inspection every year. We do not find anything wrong among our regular dealers, except some little thing occasionally; but we do find things wrong among the itinerant peddlers.

Now, to show you gentlemen the necessity for your States adopting this system of examining scales and measures, I will give you a brief illustration. I was appointed state sealer in 1890. My predecessors had been old gentlemen who paid little attention to these matters. I went into office on March 10. On July 4 I had collected 1,200 wooden measures. In Rhode Island, when we find anything wrong with a measures, we take it and break it up. From that time until the end of the year I got 600 more, making 1,800 the first year. The next year I found less than 100.

Mr. REICHMANN. I want to say in conclusion that if any gentleman here is not acquainted with the detail work of a city sealer I know no place in the United States where he can get better information than right in Mr. Haskell's office, and without his permission I have repeatedly told persons coming to Washington, interested in

weights and measures, to be sure and call on Mr. Haskell, who could give them plenty of practical information.

The CHAIRMAN. I do not think the point has been brought out quite clearly, that a system of frequent and sufficient inspection is the keynote of the whole weights and measures proposition. While I agree that we have honest merchants in the State of Massachusetts, I feel that frequent inspection should be paid to the merchants' scales as to anyone's else, and at such time as they know absolutely nothing about our coming around. The honest man does not fear inspection; he rather welcomes it. It protects him against dishonest competition. We have rather peculiar conditions in Massachusetts. We have what is called syndicate or chain stores. These stores are operated by managers. They are controlled by a corporation or by one individual. One man in Boston controls over 160 stores at the present time, in and around greater Boston, extending as far west as Springfield, a distance of 100 miles from Boston. This man buys in carload lots, sometimes in whole train loads. He operates these stores from the city of Boston and has managers who have charge of the different stores. These men are charged with so much goods, and the man who makes the largest showing of profits, with a certain percentage for depreciation, is the man who gets the best job, and they change frequently. In some cases these managers change in from one to two months. The longest time I found one manager in control of a store was six or seven months. So you see how frequently they change. In 7 instances out of 15 inspections in these stores where a computing scale was being used, I found a 10-pound size paper bag folded and tucked underneath the pan. In the seven different instances in those stores apparently the manager was honest, to all intents and purposes, but the inspections showed that the practice was dishonest.

In the city of Holyoke we have a particularly efficient man as sealer of weights and measures. It is one of the first places in the State where we attempted to enforce some kind of strict regulations in regard to pound prints of butter. Under the old law, as I have stated, it was a rather roundabout way to bring prosecutions. He made something like 18 or 19 inspections and found 14 or 15 instances where pound prints of butter were short. He came to me and asked what he could do under the law. I told him what he could do, and made the suggestion that he give the matter to the local papers, not mentioning any names, but telling the amount of the shortage. He did this. And next day almost everybody in town when buying

butter asked the grocer, "This is not one of those short-weight prints of butter of which we have read in the paper?" In a short time the sealer had all the grocers in town at his office asking what they were going to do. These prints came from the creamery and were sold just as they were received. He told them they could sell what they had on hand without prosecution, but thereafter they must notify the creamery to give them correct weight. I will tell you of another case in Holyoke in regard to ice-cream boxes. The sealer made inspections and found the ice-cream boxes short; and in going around he was incidentally shown a letter which a dealer submitted from a box concern in another State, which stated that they were allowed a certain tolerance on boxes and that they made their boxes to come within this tolerance—that is, for the dealer to give the smallest amount possible—and the District of Columbia was quoted as being the authority for giving the tolerance. The local sealer asked me if there was any national law. I told him I knew of no national law. I got in communication with Mr. Haskell and found they did make a tolerance, I do not remember how much, but I told him that so far as we were concerned in Massachusetts the boxes must hold 32 ounces. The local sealer notified the dealers not to place their order with this concern. The dealers had an agent come to see the local sealer, and they came over and were going to put him out of the office, because in the next town there was no such rigid inspection; it was not required that these boxes should be of a certain size. But the sealer adhered to his position that boxes would have to contain 32 ounces. Boxes were submitted which would hold 32 ounces, and the dealers began ordering boxes. In almost every instance they were found to be all right. About two weeks ago the sealer called on a man who bought one gross of boxes from this same concern, on the statement that they were made in accordance with the new requirements, and were marked 32 ounces. He was curious, and upon examination found that they held only 30 ounces. This is an instance where the manufacturer of the boxes knew the provisions of the law; knew the position of the sealer who had stated that he could not sell anything but boxes of proper size in that town, and the dealer naturally supposed he was getting such boxes, whereas they were 2 ounces short. So, as I have said, a system of frequent inspection is the keynote of the whole proposition of inspection of weights and measures.

Mr. PETTIS. I move we adjourn until this afternoon.

The motion was carried, and accordingly at 1.30 o'clock the convention took a recess for luncheon.

SECOND SESSION (AFTERNOON OF THURSDAY, MAY 16, 1907).

The CHAIRMAN. Gentlemen, we will now come to order. Mr. Richardson, of Virginia, has to leave early, and if there is no objection, I will call on him to speak next.

Mr. RICHARDSON. You need not expect very much of a talk from me, notwithstanding the voluminous lot of things I have here in this book. I am not going to put all of them off on you this evening.

As an introductory to my remarks, I wish to state that I am glad to see such an increase in the number of delegates present over our two previous meetings, and I think this is an indication that the good seed has been sown and that it will soon result in a full ear. I congratulate the Northern and Eastern States on the interest they have taken in this matter, and I very much regret that my section of the country is so sparsely represented here, being represented by Mr. Matthews, from West Virginia; Mr. Cook, from Georgia; Mr. Woolf, from Maryland; and myself, from Virginia—four of us in all. But the South will wake up some of these days when she finds out she is receiving too little weight.

Since our last meeting I have written to all the judges of the courts, county and municipal, in our State. We have 100 counties and 18 cities. I have had replies from 82 counties and cities, and 36 have not been heard from. Sixty-five counties have no sealers and 17 cities and counties have sealers. In quite a number of replies received from judges of these different counties they said they had not appointed any sealer for their county and deemed one unnecessary. The people are so honest it is unnecessary to watch them with a county sealer! Now, whether that is true or not I do not know. It may be; I hope it is true. Our capital city, Richmond, I find on investigation has no sealer of weights and measures. I called the attention of the city authorities to the fact, and they went to work, and, through their judge, had a sealer appointed, who is a very active man and has been looking into matters. After he was appointed he had me examine his outfit, which had been previously furnished to the city by the State through my office, and he has been since that time making examinations, especially of dry measures, as that kind is used mostly by the

hucksters in the city in measuring potatoes, apples, etc., and he finds in making these investigations that their measures are not made according to the specifications. Whether that is the fault of the dealer or the manufacturer of these measures I am unable to say. According to the specifications a bushel measure must be $18\frac{1}{2}$ inches in diameter and 8 inches deep. A half bushel must be 14 inches in diameter and 7 inches deep, and a peck $11\frac{1}{4}$ inches by $5\frac{1}{2}$ inches. He found on investigation that some of the hucksters were using a bushel measure that was, say, 16 inches in diameter but the height more than 8 inches. On measuring a bushel of apples in that elongated measure the inspector could not get as many apples in it as he could in a vessel containing the same number of cubic inches but built on the schedule plan. The inspector said he did not know whether the merchants did not know any better, or whether the manufacturers of these measures did not know better. Anyhow, he notified the merchants that they would have to have their measures conform to the standards, and if they did not do so the measures would be confiscated. So that is the situation in Richmond. The other counties and cities reported as having sealers say that they are doing very little, or have very little to do.

Now, there has been a great deal said here about dishonest dealers, etc., some of our members taking the position that there are dishonest ones, or carelessly dishonest ones, and others taking the position that there are not, but I am led to believe from the remarks of our venerable member from Rhode Island that his State was in pretty bad shape when he took charge of the position of sealer of weights and measures, from the number of imperfect measures he reported as having destroyed soon after he took charge. I am glad to see from his reports that he has matters all right up there now. It is very natural for some people to get all they can, and for others to "can" all they get, so you will have to watch over that business a little.

I think it has been clearly and more forcibly demonstrated at this meeting than at any previous one of this association that there is some necessity for a general law on this subject. States that have laws are not complying with them in a great many respects, although they have the necessary outfit of standards. Other States having an outfit make no effort at all in that direction, and while I am a States' rights man I would be willing to suggest, or have the executive committee suggest, to Congress to pass a law forcing every State to adopt a uniform standard, and let it be under the control of the United States Government. Then we will have straight laws.

I am sorry that I have not been able to learn what our executive committee is going to report regarding a model law, and as I will have to leave you this evening I can not get a copy of the law unless I get it in printed form.

Mr. FISCHER. It will undoubtedly be printed.

Mr. RICHARDSON. I want to have it printed in my paper at Richmond, giving a synopsis of what occurred at the meeting, what States were represented, etc.

I am certainly glad to meet my old friends of the association here again, and also glad to make the new acquaintances. If these resolutions, Mr. Chairman, which the executive committee is going to suggest are what these different delegates think they ought to be, and you have them sent to the different States, I think that it will be a stimulus to the other States to go to work, as well as to those represented at this conference.

Mr. FISCHER. I do not see why we should not make such recommendations as the conference thinks proper, and that of course is what I had in mind, and I think that is what the executive committee had in mind in preparing it.

Mr. RICHARDSON. I think the sooner this matter is completed the better it will be. There is no question but there is a need of some general law on this subject and some system in every State. If it is left to the States themselves, there are very few of them going to attend to it properly. They appoint incompetent men as sealers because it is considered an office of minor importance, at least in my State.

Mr. PETTIS. I want to urge upon you gentlemen to get to work on this measure when you go home and do what you can to have state sealers of weights and measures appointed.

Mr. RICHARDSON. I think our executive committee will attend to that particular thing. That is one of the prime things that should be suggested in that recommendation, especially, that there shall be a state sealer. I do not know whether it is within the province of Congress to suggest the salary for a state sealer. If the office is to become a United States office, it would be in its province to do so. That is what I am in favor of doing and I don't believe it will amount to anything unless that is done. I was going to state a moment ago that nearly every man here representing a State and engaged in the business of sealing of weights and measures, has some other office on his shoulders. I am in the same position. I am register of the Virginia land office, which is one of the most important

offices in the State to the people in the State and very important to the people in West Virginia. I am not only register of the land office, but I am superintendent of grounds and buildings. Then I come in as superintendent of weights and measures, and my next job is that of superintendent of the capitol police.

Well, gentlemen, I certainly feel more encouraged at this meeting than at any other I have attended, and I hope by the time we get back here again Congress will have passed the bill as framed by your executive committee, and we will be in a position to go right ahead to have a state sealer of weights and measures appointed, and let all the States be furnished with an up-to-date set of testing instruments; then we can go ahead.

I will not take up any more of your time. I have with me an abstract of the laws governing the sealing of weights and measures in my State, which I will be glad to give to as many of you as I have copies with me if you desire to have them. I do not think they will have any effect on you particularly, except they may give you an idea as to how inspection is done, or at least supposed to be done, in the State of Virginia.

The CHAIRMAN. We will now hear from Mr. J. Sutton Wall, of the department of internal affairs of Pennsylvania.

Mr. WALL. I have the honor to represent the Keystone State—Pennsylvania—in this meeting, and in anticipation of addressing you, I have prepared a paper which I will read.

History and archæology tell us that standards of weights and measures were used by the Egyptians and Romans long prior to the beginning of the Christian era, and similar devices have continued in use by other nations down to the present time to meet the demands of trade and the industrial arts. The necessity for the establishment of uniform standards of weights and measures attracted public attention in the early colonial days of Pennsylvania, as shown by the records of the colonial assembly of that period, and led to the adoption of English standards in the early history of the proprietary government of this State.

The first notice in the laws of Pennsylvania of an attempt to legally establish standards of weights and measures is found embraced in an act passed November 27, 1700, by the general assembly under William Penn, as proprietor and governor of the Province, entitled, "An act for regulating weights and measures," as follows:

Be it enacted, That in each county of this province and territories there shall be had and obtained, within two years after the making of this law, at the charge of each

county, to be paid out of the county levies, standards of brass, for weights and measures, according to the King's standards for the exchequer; which standards shall remain with such officer in the counties aforesaid, as shall be from time to time appointed by the Governor, with the advice of the Council: And every weight, according to its scantling, and every measure, as bushels, half-bushels, pecks, gallons, pottles, quarts and pints, shall be made just weights and measures, and marked by him that shall keep the standards. And that no person within this province and territories shall presume to buy or sell by any weights or measures, not sealed or marked in form aforesaid, and made just according to the standards aforesaid, by the officers in whose possession the standards remain, on penalty of forfeiting five shillings to the prosecutor, being convicted by one Justice of the Peace of the unjustness of his weights or measures. And that once a year at least, the said officer, with the Grand Jury, or the major part of them, and for want of the Grand Jury, with such as shall be allowed and appointed by the respective County Courts aforesaid for assistants, shall try the weights and measures in the counties aforesaid; and those weights and measures as are defective to be seized by the said officer and assistants: Which said officer, for his fees, for making each bushel, half-bushel and peck just measure, and marking the same that is large enough when brought to his hands, shall have ten-pence; and for every lesser measure, three-pence; for every yard, three-pence; for every hundred and half-hundred weight, being made just and marked, three-pence; for every lesser weight, one penny. And if the weights and measures be made just before they be brought to him, then to have but half the fees aforesaid for marking the same. And if the said officer shall refuse to do anything that is enjoined by this law, for the fees appointed, and be duly convicted thereof, (he) shall forfeit five pounds, to the use of the Proprietary and Governor.

II. *Provided always and it is hereby enacted*, That the brass half-bushel, now in the town of Philadelphia, and a bushel and peck proportionable, and all lesser measures and weights coming from England, being duly sealed in London, or other measures agreeable therewith shall be accounted and allowed to be good by the aforesaid officer, until the said standards shall be had and obtained.

III. *And be it further enacted*, That no person shall sell beer or ale by retail, but by beer measure, according to the standard of England.

This act was supplemented by another act passed on the 19th day of January, 1733-4, by which millers, bottlers, and bakers were required to bring their weights and measures, once in three years, to the standard kept in each county. This last act was repealed April 5, 1781. Several acts were passed for the inspection of domestic commodities, but nothing further appears on the statute books bearing strictly on the subject of weights and measures until the act of March 29, 1813, entitled "An act for regulating weights and measures," passed as a supplement to the act of 1700, and relating solely to the city and county of Philadelphia.

On March 10, 1818, an act was passed, entitled "An act establishing a standard weight for grain and foreign salt." On April 2, 1822, an act was passed, entitled "An act prescribing the duties of the sealer of dry measures of the city and county of Philadelphia." This act

required the sealer of dry measures to keep in his custody and possession all the standard dry measures of the city, by which all the dry measures of said city and county were to be regulated and adjusted, all of which it was his duty to seal with a brand of the arms of the Commonwealth of Pennsylvania, the initial letters of his name, and the date of the current year. It also stipulated a schedule of fees to be charged by the sealer, and specified penalties for noncompliance with the law by the makers, venders, and proprietors of dry measures in said city and county.

The act of March 29, 1813, and the last-named act were repealed February 17, 1827. April 5, 1830, an act was passed repealing the act of 1827, and reviving the act of 1822.

April 15, 1834, a general act was passed, entitled "An act to fix the standards and denominations of measures and weights in the Commonwealth of Pennsylvania." This act specified that the standard unit of all measures of length shall be the "yard," to conform to that use in this Commonwealth at the date of the Declaration of Independence; that one-third of said yard shall be 1 foot; that one-twelfth of said foot shall be 1 inch; that the standard liquid measure shall be the gallon, to contain 231 cubic inches of the standard aforesaid; that the standard dry measure shall be the bushel, to contain 2,150.42 cubic inches of the said standard; that the standard of weight shall be a pound, to be computed upon the Troy pound of the mint of the United States referred to in the act of Congress of May 19, 1828; and the avoirdupois pound shall be greater than the Troy pound aforesaid in the proportion of 7,000 to 5,760. The fourth section of this act required the governor to procure within three years from the date of the passage of the act a standard yard, to constitute the positive standard of length in this Commonwealth, said standard to be equal in length, at the temperature of melting ice, to the distance between the eleventh and forth-seventh inches on a certain brass scale of 82 inches in length, procured for the survey of the coast of the United States, and now deposited in the War Department; the material of said standard to be brass, and the divisions upon it to be inches and parts of an inch. It also required the governor to procure for the use of the Commonwealth a standard gallon and bushel made of cast brass, a duly authenticated copy of the Troy pound of the mint of the United States, made of the same material, and to have such standards of measures, length, capacity, and weight inclosed in suitable cases and deposited in the office of the secretary of the Commonwealth, to be by him there

carefully preserved. Section 9 of this act also required the governor to provide within three years after its passage, for each of the counties of the Commonwealth, at their expense, positive standards of measures of length, capacity, and weight of the several denominations in common use, duly stamped, to be delivered to the county commissioners for use as standards for the adjusting of weights and measures.

This act required the length of the standard yard to be compared with that of the pendulum vibrating seconds, at a certain and defined spot in Independence Square, in the city of Philadelphia, at an ascertained and convenient temperature and pressure, and the standard of weight to be compared with that of 100 standard cubic inches of water at its maximum density, and at a convenient atmospheric pressure.

April 14, 1835, an act was passed, stipulating that the expense of procuring standard weights and measures as required by the last-named act (act of April 15, 1834), be paid out of any unappropriated moneys in the state treasury, upon the accounts being settled by the proper officers, in the usual manner, which the act of 1834 failed to provide.

April 14, 1838, an act was passed authorizing the governor to have prepared standards of weight, measure, and capacity specified in the act of 1834, and to carry into effect the provisions of that act as soon as possible.

April 15, 1845, a general act was passed, entitled "An act authorizing the secretary of the Commonwealth to distribute copies of the standard of weights and measures, and for the appointment of sealers." This act reaffirmed the main provisions of the act of 1834, with the addition of giving the governor authority to appoint one sealer of weights and measures for the city, one for the county of Philadelphia, and one each for such other of the counties of the Commonwealth as should apply for and obtain copies of the standards, as provided for in the second section of the act, said sealers to hold office for three years. A schedule of fees to be charged by the regulators is given in the sixth section of the act, and penalties for neglect or refusal to comply with the requisitions of the regulators under authority of the act are therein stipulated.

By the act of April 26, 1850, the county commissioners of the several counties of Pennsylvania are authorized to cause to be marked and established at or near their county seats of justice a true meridian line and a fixed standard measure of 2 or 4 pole chains, agreea-

bly with the measure of the standard yard then in the office of the secretary of the Commonwealth, at the cost of the respective counties. This act is still in force and has been complied with in some degree.

The intimate relation between the subject of standards of weights and measures and their inspection has led me to consider them under the same head. From the formation of the Colonial Government under William Penn to the convening of the Constitutional Convention in 1872, there seems to have been no doubt as to the right of the legislature to enact laws on the subject of inspection, and of the governor to act under authority of such laws so enacted.

In the debates connected with the formation of the various articles of the constitution of Pennsylvania in 1872-73, a pronounced opposition to any provision for the creation of a state office or offices for the inspection or measuring of merchandise, was developed. The persistence of this opposition led to the adoption of section 27 of article 3 of the constitution then framed, and which is still in force. This section reads:

That 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.

This was followed by the act of assembly of April 4, 1877, which gave the governor power to appoint one person as sealer of weights and measures in each of the several counties of the Commonwealth, where no such office then existed by law, whose term of office should be for three years and be subject to the laws then in force governing such offices in the Commonwealth.

This was followed by the act of March 8, 1883, which stipulated:

That all laws and supplements thereto, providing for the appointment of sealers of weights and measures in this Commonwealth be and they hereby are repealed.

This act would seem at first glance to take from the governor the right to appoint any class of inspectors pertaining to weights and measures, but it was followed by the act of June 26, 1895, which appears to have been an attempt to restore again that power to him in cities of the first and second class, meaning at present the cities of Philadelphia, Pittsburg, Allegheny, and Scranton.

This in turn was followed by the act of April 11, 1903, appropriating the sum of \$2,500 to carry into effect the former act of June 26, 1895, in the matter of furnishing the several inspectors appointed by the governor in the four above-named cities, with standard weights, measures, and tests, as required by the second section of that act. The duty of furnishing these standards to the

inspectors was, by the second section of said last-named act, imposed on the secretary of internal affairs.

February 26, 1904, Governor Pennypacker informed Hon. Isaac B. Brown, then secretary of internal affairs, that he had, under the provisions of the act of 1895, appointed four persons as inspectors of scales, weights, and measures for the city of Pittsburg, two for the city of Allegheny, and two for the city of Scranton, Pa. It will be observed that this did not include any appointments from the city of Philadelphia, for which city no one had yet been announced.

Secretary Brown then set about to learn the probable cost of the equipments, which resulted in finding that the appropriation was much too small to purchase what would be required under the act for the four cities named. He then declined to take any further action in the matter, on the grounds that the act was in violation of sections 3 and 7 of Article III of the state constitution, and that the appropriation was totally inadequate to purchase the required equipments. Mandamus proceedings were then instituted against Secretary Brown before the Dauphin County court, wherein he was sustained in his refusal to comply with the act on constitutional grounds by that court. The case was appealed to the state supreme court by the attorney-general, and subsequently withdrawn before it was reached on the calendar. Another reason assigned by Secretary Brown for refusal was that under other existing laws of Pennsylvania equipments for the use of sealers of weights and measures must be tested by the United States standards furnished and kept in the office of the secretary of the Commonwealth, and that such standards were not then complete and in condition to be used by reason of the destruction of the state capitol building by fire February 2, 1897.

A bill is now pending in our state legislature entitled "An act to provide for the creation by ordinance in cities and boroughs of the office of inspector of measures and weights, scales, etc., for the appointment of such inspectors and deputy inspectors, for their compensation, and for furnishing to them standards by the secretary of internal affairs at cost, to prescribe fees and charge for inspectors' services, to prescribe their powers and duties, to prescribe the duties of dealers in merchandise with reference to weights and measures, and penalties for the violation thereof, and punishments for fraudulent dealing therewith."

This bill seems to be an attempt to secure the legal enforcement of uniform standards by inspection in the municipalities of the State where business interests and active trade relations are mostly centered, and to avoid the prohibitive features of the constitution.

The first section of this act gives the councils of cities and boroughs the power to create by ordinance offices of inspectors of measures and weights, to fix the term of office, number of deputies, bonds to be given by the deputies, and compensation either in the form of fees or salaries.

The second section provides that the inspectors shall be appointed by the mayors and burgesses with the consent of councils.

The third section provides that each inspector shall be furnished with a set of standard weights, measures, and tests by the secretary of internal affairs, at a reasonable price, as near as may be to the cost thereof, to be paid by the respective city or borough, and each inspector and deputy shall deliver the set of standards held by him to his successor in office under penalty to be fixed by said councils.

The fourth section prescribes the duties of the inspectors.

The fifth and sixth sections prescribe the powers of the inspectors.

The eighth section relates to the inspection of the weights and measures.

The ninth section requires the inspectors and deputies to keep a record of their inspections and report at least once a month to the comptroller or auditor of the municipality the number of measures, scales, etc., sealed, stamped, or marked by him, with the names of the parties for whom the service was rendered.

Sections 10, 11, and 12 relate to fines and penalties.

It is well to observe that while there appears to be no constitutional or statutory inhibition against the adoption or use of standards of weights, measure, and capacity in Pennsylvania, the power of inspection and enforcement seems to be obscure and somewhat questionable under the peculiar provisions of the state constitution. The Constitution of the United States clearly gives Congress the right to fix the standard of weights and measures, also to regulate commerce among the States. Now, since a uniformity of standards among the several States is certainly important to the convenience of interstate trade in such commodities as are required to be sold by weight and measure, it would seem reasonable that Congress ought also to have the right and power to enforce the observance and use of those standards it has the right to fix, either through powers delegated to the Interstate Commerce Commission or some other branch of our National Government, where such powers can not be legally exercised in the States.

The bill above referred to has failed to pass in the last moments of the session of the legislature for want of the necessary time.

Now, we have had no laws since 1883 to enforce the adoption or the use of any standard.

The CHAIRMAN. You state that was before your present legislature's action was taken?

Mr. WALL. It failed to pass for want of time.

The CHAIRMAN. Had it been considered by a committee and reported upon?

Mr. WALL. It passed the senate and had passed a second reading in the house, and was up to the third reading in the house yesterday. The session closes to-day at 12 o'clock, and they had to cut the calendar.

The CHAIRMAN. By whose authority was that bill introduced? Do you know?

Mr. WALL. I think it was introduced in the senate; I can not tell you now by whom.

The CHAIRMAN. It doesn't make any difference. Did the Bureau of Standards have anything to do with it?

Mr. FISCHER. Only so far as we have communicated with Mr. Brown. We have been communicating with him right along.

Mr. WALL. I had a packet of bills to bring over with me, but it was left in my office through oversight.

The CHAIRMAN. I was just wondering whether it would comply with the recommendations of the Bureau. That is all I had in mind. It just simply emphasizes the necessity of uniform legislation. The States are apt to adopt something they compile themselves.

Mr. WALL. I think there ought to be a general law; I think the laws of the United States on this subject ought to be uniform. We have not the power to adopt any such laws under the constitution. We can not pass a law unless we take advantage of that provision which gives the municipal authorities the right. We can not even require the municipalities to do it. We can pave the way and make it so they can do it in a legal form, but we can not make it compulsory—so declared by the attorney-general of our State. I am satisfied that there is a great necessity for uniform legislation in the State of Pennsylvania on account of manufacturing interests; I can see it very plainly. While I am not in close contact with business interests at present, with States in such shape as ours, I do not know what we can do at the present time unless the matter is taken up by the National Government. However, we might do something in aid of executing it.

The CHAIRMAN. Do I understand that the office you represent at the present time has anything to do with the supervision of weights and measures at all so far as the care and custody of the standards go?

Mr. WALL. In 1850 Pennsylvania was furnished with a set of standards by the United States Government. They were used until 1897, when our capitol was burned. Then they undertook to saddle the business, the duty of furnishing scales, weights, and measures, on the department of internal affairs. The secretary of state is charged with the care of the standards.

The CHAIRMAN. He still has the care and custody of those instruments at the present time?

Mr. WALL. Part of them were destroyed by the fire, and the secretary of state has the other part that is in use. Secretary Brown, I think, communicated with the Department of Commerce and Labor here on the subject, and we learned that since one set had been furnished we could not get another set without paying for them, and were advised they would cost about \$500.

The CHAIRMAN. The next on the list is Mr. B. F. Thomas, of Ohio, with whom quite a number of us are acquainted. We are glad to see him again.

Mr. THOMAS. Mr. Chairman, there is very little to report since last year from the State of Ohio. As those of you who were here last year probably remember, the professor of physics in the State University is ex officio state sealer, made so because the former state sealer and secretary of state had, whenever questions arose in connection with weights and measures, called in the professor of physics in the university to advise and to carry out the duties of his office. Mainly, however, the transfer from the secretary of state to the professor of physics was made because the standards which had been furnished by the Government under the joint resolution of 1836 were not properly cared for in the office of the secretary of state, and at the time the transfer of authority was made it was proposed for lack of room in the office of the secretary of state to remove the standards into the basement of the capitol building, where, of course, conditions would have been much worse. That is the reason why the professor of physics is ex officio state sealer.

The duties of the state sealer as prescribed by the State of Ohio are very simple. He is to have custody of the standards furnished by the General Government, and is to furnish the county auditors as ex officio county sealers with copies of the standards furnished by

the General Government. That is the extent of his duties so far as the standards of weight, measure, and capacity are concerned. He is also charged with the duty of testing and certifying meter provers which the gas companies of the State are required to keep for the verification of meters, which they are required to have tested by the state sealer. That comprises the full line of duties of the state sealer in Ohio. He has no power of any sort with regard to the requiring of reinspection of county auditors' standards, nor is he empowered to do anything whatever toward the enforcement of the laws of the State concerning the use of weights and measures. He is allowed by law to furnish to municipalities, on payment of the cost of them, duplicate sets of the standards of weights and measures such as are furnished to county auditors.

With regard to the operation of the laws regarding weights and measures in the State, I can only say that the local sealers of weights and measures in a number of the cities of the State are exercising increased vigilance in the matter of enforcement of the laws. With the exception of some two or three particulars, however, the enforcement of the laws is left under the supervision of local ordinances.

I am quite anxious to see the conference come to some conclusion as to what action should be taken with regard to weights and measures. It seems to me we have had a good deal of relating of experiences, but we do not seem to have gotten to the point yet of recommending anything of uniform action by the States. I raised the question at the last meeting which I suppose we are to have answered this afternoon at the office of the Secretary of Commerce and Labor regarding the practicability, or the possibility, of a national law regarding the enforcement or observance of standard weights and measures. It seems to me that if the National Government has—and it has without doubt—the right to prescribe, and in a way control, local commerce—not to say interstate commerce—and the character of the equivalent which a man must give for goods which he purchases, it ought to have likewise the power to enforce the way in which a purchaser gets his goods for which he must pay a nationally recognized equivalent, not in case, but in value. The currency offered in buying a bushel of potatoes in your local market has to be currency of the kind recognized by the United States. If you offer a counterfeit 50-cent piece, you come under the operation of national laws right away, but if the dealer offers you a counterfeit half-bushel of potatoes he is not under that law. I do not think that is right. I raise the question whether it is in the

power of the National Government to provide for the enforcement in local commerce of the use of correct weights and measures. If it can not be done, the question is a more difficult one to deal with, because each one of us has a local legislature to deal with, and as Mr. Wall has just stated a local legislature is not always amenable to argument on the question of weights and measures. Some States may agree—I hope the majority of the States in the Union will agree—to adopt some uniform policy in regard to such matters. Whether we can get all the States to do it is the question in my mind. However, I am anxious to see some attempt made in that direction.

The CHAIRMAN. Mr. George H. Pettis, of Rhode Island, is next.

Mr. PETTIS. Mr. Chairman and gentlemen, Mr. Wall, of Pennsylvania, has given us the early history of weights and measures in Pennsylvania. Allow me to say that in 1641, five years after Roger Williams located at Providence, John Clark was empowered by the town council of Newport to proceed to Boston to get a set of weights and measures. Newport and Portsmouth were two towns consolidated at that time. The other two towns were Warwick and Providence. Afterwards they were consolidated, when the general assembly adopted laws in regard to weights and measures; and from that day to this we have been foremost in this regard of any State in the Union.

With reference to the matter of a state sealer and with a view to building up legislation in those States having no adequate laws on the subject of weights and measures, I wish to call your attention to the second paragraph on page 357 of the book before you (*Laws Concerning the Weights and Measures of the United States, 1904*), under the head of Rhode Island, which reads in part, as follows:

There shall be a state sealer of weights, measures, and balances, who shall be sworn to the faithful performance of his duty.

It then states what his duties are, when he shall be appointed, and that he has charge of all materials, etc.

The statute further provides (p. 368) that—

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 chapter 167 of the General Laws, and all acts in addition thereto or in amendment thereof, 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 said chapter 167 of the General Laws of Rhode Island, or of any acts in addition thereto or in amendment thereof.

If a sealer finds a peddler going around with a measure that has been taken apart and lapped over, he places him under arrest. The offender is prosecuted, and invariably (there has never been a failure to convict) he is fined \$20 and costs.

I have brought along two things to show you. Here is a spring-balance scale with a sliding face to it. We have taken up 140 of these in Rhode Island in the last three years, and each party was fined \$20 and costs. This particular scale has a little history, and I will relate it for your benefit.

As state sealer I go around to all the towns and go through half a dozen or more of the stores, picking them out as I go along, and I look over their scales and weights to see if the town sealer is attending to his duties. I was at Berwyn attending to my duties, and, walking down the main street, I saw a peddler. I said to the town sealer, "Let us go over there and see that peddler." The peddler went into a carpenter shop, and we went in there after him. I said, "Who owns this team out here?" One of the young fellows said he (the peddler) owns it. I said, "Let me see the scale." He handed me over a good scale. I said, "Let me see your other one." He said that he had no other, but I knew better. I knew that they carried them in their hip pockets. I reached over into his hip pocket, and as I got my hands on it he gave me a push. I closed in with him, and threw him on the floor, and landed on top. He got this scale out of his pocket and tried to throw it on the counter. I got the scale, however, and took him down to the station house. He was fined \$20 and costs.

Now, here is a matter in connection with milk bottles which I wish to mention, but I do not want to find any fault with Mr. Palmer or with the State of Massachusetts. In the city of Boston there are five men who mark bottles. They test the bottles, and if they find them correct an inspector puts a "B" like that on a bottle [indicating on blackboard], another puts a "B" like that on another bottle, and a third writes a "B" like that, etc. Now, in the State of Massachusetts I think there are something like 20 towns commencing with "B," so how are you going to tell where that seal was made? In Rhode Island we have a distinguishing stamp for each town. This is the way we stamp a bottle [exhibiting bottle]. I would like to have you look at it. We mark tin and copper measures with seal stamps like this [illustrating]. For instance, the town of Berwyn will be "B. S.," and then we stamp the date on. We have a large

seal with which to stamp dry measures. "P. S. 07" means Providence seal, 1907.

As to my duty as state sealer, I go once in three years to the 38 towns and examine the town standards. The General Government about 60 years ago furnished us with three magnificent big standard balances, with a set of avoirdupois weights, 50 pounds, gold-plated, each one of them under a glass case by itself. Each town buys a working set with which the inspector goes with a wagon from store to store. Inspectors are not allowed to take those state standards out of the office. I would not think of taking out of my office one of those weights or measures which have been furnished by the Government.

There are a number of gentlemen here this year who were not at the last meeting. Last December I sent a copy of my annual report, containing the laws in regard to weights and measures in Rhode Island, to those who attended last year's conference, and on my return home after this meeting I will be glad to send copies to all present who have not received one.

The CHAIRMAN. We will hear from Mr. Matthews, of West Virginia, next.

Mr. MATTHEWS. Mr. Chairman and gentlemen, I do not know that it is hardly becoming for me to undertake to make any remarks on this occasion. We have no such office as sealer of weights and measures in my State. I was requested by the governor to come here and attend this meeting in order to obtain some information, so that I might intelligently recommend to the legislature some acceptable measures to regulate weights and measures in West Virginia.

Of course, you all know that West Virginia is a mining State, and our principal industry is coal mining, and the people who own coal mines have it mined by the ton or bushel. West Virginia is comparatively a new State and the endeavor among its citizens is to keep pace with the best States of the Union, and I assure you that I have paid attention to the remarks made here by the representatives of the States, and tried to gather information which will help us in getting some laws passed.

It occurs to me that if we want to get a national law on the subject of weights and measures, that this body should prepare resolutions and officially recommend them to Congress. I think we can get some laws passed in West Virginia that would be beneficial. I am ready to help you in any way that I can. This is my first visit and I hope

you will pardon me if I have suggested too much, as a new member, but I want you to understand I am with you on anything for the betterment of conditions.

Mr. FISCHER. I think I can assure the delegates that the committee will have something definite to present to-morrow, but it seems to me that even if it had been ready to present to-day it would have been a great deal better for the new members to be somewhat educated to consider the various provisions of the law which will be presented. It is not a bad thing, after all, to have that come up to-morrow. I am quite sure that to-morrow the committee will be ready to present a draft of laws which will be partly national and partly to be adopted by the States.

I would also like to say that in addition to the States which have representatives here, a number of other States appointed delegates, namely, Wyoming, Kentucky, Nebraska, New Hampshire, North Dakota, Utah, and Wisconsin. These gentlemen did not come, and I think in almost every case it was because there were no funds from which their expenses could be paid and they did not seem to take enough interest in the matter to come at their own expense. In addition to that every one of the governors, with the exception of perhaps seven or eight, expressed a great deal of interest in the matter, and stated that they would bring the matter to the attention of the legislature, and in some cases it was brought to the attention of that body. In New Mexico a law was passed providing for county sealers, and enough money was appropriated to provide the State with a new set of weights and measures, and also all the counties with sets of weights and measures. The Bureau of Standards was asked to order the weights and measures, seal them, and send them down there, the expenses to be paid by the State. I think it can be said for all the States that they have interested themselves in this matter.

The CHAIRMAN. We should adjourn in a few minutes in order to keep our appointment with the Secretary at the Department.

Mr. REICHMANN. I move that we now adjourn and proceed in a body to the Secretary's office, and that we meet to-morrow morning at 9.30 o'clock promptly.

The motion was carried, and accordingly at 3.15 p. m. the conference adjourned and proceeded to the office of the Secretary of Commerce and Labor.

RECEPTION AT THE SECRETARY'S OFFICE.

Arriving at the Department, the delegates were introduced by Mr. Fischer to Secretary Straus.

Secretary STRAUS. Gentlemen, I am very glad to welcome you here. I feel that you have come here for a very useful and very important purpose, and I wish to assure you that this Department is anxious and desirous and willing to cooperate with you in every way possible in carrying out the purposes for which you came and the duties that devolve upon you in your respective States.

In the early history of our country we had to do the most needful things. We are now doing additional things that are practically valuable in a scientific way; and in this Department especially, which I preside over, when we bring together the heads of our bureaus, as we have recently formed the practice, 12 or 15 different chiefs, it is like bringing together the faculty of a great university. It is a pleasure that we have at the head of the various bureaus real experts in their various lines. I must say that politics has played very little or no part in the constitution of this Department; we know very little about politics here, but we know considerable about business, and are trying to run the Department on those lines.

It is a very strange fact, which doubtless has occurred to each one of you, that whereas this Government has from the very beginning, by the very necessity of things, carried out that provision of the Constitution that provided for money, the National Government has never taken up the accompanying subject of standards of weights and measures. Of course, it is not quite so pressing as the question of money, but it is of very great importance.

We must dignify commerce in every way possible, and I think the most important way to do that is to make its standards absolutely reliable. Those of you who are acquainted with the development of business in the last twenty-five or thirty years, especially in our larger cities, know we have come practically to the one price. A child can go into the large magazines of our big cities and buy with as much confidence as an expert can. They have one price and that ends it. That was an enormous elevation of the dignity of commerce. Now we want to make the question of standards such, too, that nobody can be deceived. We want to make them just as reliable as money. It is of the very highest importance. I feel a special interest in it because I believe that the people who suffer most from

dishonest measures and dishonest standards are the poorer people of the country; those who live on wages are the ones that are made to suffer. The rich do not suffer. The man who goes into the big stores and buys in large quantities has his various products weighed and measured. Take great hotels, or any large concern which buys supplies—they check off everything; they never suffer. But it is the ignorant and the poor, and the more ignorant and poorer they are the more are they cheated and deceived by false weights and measures.

I feel that I am talking to men who know more about this subject than I do, but I wish to say this to you—you may not agree with me, and I therefore throw it out in a suggestive way—but I am firmly convinced that what the Constitution intended and clearly provided for, the fixing of weights and measures by national legislation, was wise. I see no reason why this subject should not be one that should be treated nationally. It is better all around. We have 45 different Commonwealths in this country, and just as we have one money, that passes from one end to the other of these Commonwealths so that you do not need even to look at it, so we should have one standard of weights and measures which will be exactly the same in Alaska as in Florida, and the only way to acquire absolute uniformity is through national legislation.

Now, some time ago the subject was referred here from the Bureau of Standards as to whether this is a subject of national legislation. It was submitted to the Solicitor of this Department, with whom I had been consulting, for the purpose of this very meeting, and I have before me the opinion of the Solicitor, from which I will read you a few extracts (of course you are familiar with the constitutional provision, which is contained in section 8 of Article I, which reads, "The Congress shall have power to coin money, regulate the value thereof, and of foreign coin, and to fix the standard of weights and measures"):

The power to fix the standard of weights and measures having been granted to Congress without limitation and a clause containing the grant having been transferred from the Articles of Federation, where it was exclusively contained, the view has been taken that it remains now as formerly, a power exclusively vested in Congress, and it is regarded as doubtful whether the enactment of any State on the subject is of any validity whatever, even though Congress has wholly neglected to attend to this regulation.

I think I can state without any doubt that that conclusion to which the Solicitor refers is not correct; I mean that presumption, as he shows, is not correct. The States have absolute power to regulate this so long as the National Government has not taken it up, but

when the National Government does take the matter up then it supercedes all state regulations. I think there is no doubt about that legal conclusion as to the interpretation of that clause of the Constitution to which I have just referred. Therefore it all depends upon you gentlemen, and those other States that are not represented here, as to whether you feel the need for the motif of this clause of the Constitution. If you do, then it is very easy to prepare a law that will make the standard of weights and measures and the standards throughout the country uniform, and also provide for their regulation and inspection. The law is no good unless carefully enforced. Of course, the National Government can enforce it, and if it passed and came under this Department, as it likely would, I can assure you I will do everything in my power to see that it is very carefully enforced. If you agree with me in the conclusion that I have intimated as to the desirability of a national law on this subject, I hope that you will formulate something before you separate, and if you require any legal assistance in drafting such a measure as you would be willing to recommend to your separate States I will be glad to place at your disposal for consultation and for assistance the very able Solicitor of this Department.

I welcome you here and I am deeply interested in your work, and I shall do everything in my power to strengthen the Bureau of Standards so that it may render not only in this respect but in the many important respects in which its activities are enlisted for the benefit of the people in all the States. I thank you very much. [Applause.]

MR. PETTIS. Does not the General Government to-day have the supervision of the weights and measures? Do not we have the same weights and measures throughout the whole of our grand country?

Secretary STRAUS. Not precisely; the standard varies. I think Mr. Fischer can give some light on that subject from a practical point of view.

MR. FISCHER. Mr. Secretary, so far as weights and measures are concerned—the pounds and bushels—they are uniform, but so far as use of them is concerned, they are not uniform. For example, we have different laws regarding the capacity of a bushel for commodities in different States. There are a number of different gallons used in the United States; in that sense the standards are not the same.

MR. PETTIS. I know that in New Mexico two measures are used for the measurement of grain, etc., that we do not have in any other part of the country. They are legal measures there.

Secretary STRAUS. Those are Spanish measures?

Mr. PETTIS. Yes, sir.

Mr. WELD. Mr. Secretary, I think the greatest difficulty we encounter is not lack of uniformity in the standards themselves. I think there is perfect agreement as to the value of the pound, for instance, throughout the whole country. But the difficulty is in the enforcement of any sort of inspection of our standards; and it seems to me (and I think I am right) that the principal thing we have to deal with is the securing of legislation which will secure, or guarantee, uniform inspection, uniform penalties, and so forth, in regard to this particular matter. In this I think I express the views of the delegates.

Mr. THOMAS. Mr. Secretary, I do not wish to propound conundrums exactly, but I wish to express a question which is in my own mind; not necessarily for answer now, but one to which I should like an answer in the course of time, and it is this: The section of the Constitution from which you have quoted, in connection with the opinion of your Solicitor, is perfectly clear in placing the question of weights and measures alongside that of the currency, as to the powers of the National Government; but the question in my mind is whether there has been at any time, by Congress or otherwise, or in connection with the powers and functions of the National Government, any delegation of that power as to weights and measures to the several States.

I know that in the State of Ohio, when the set of standards were submitted to it, under the joint resolution of Congress in 1836, that the copies were sent there with a recommendation to the governor and the legislature of Ohio that they should be adopted as the legal weights and measures for the State of Ohio. Now the question in my mind is whether that recommendation was made in consequence of some delegation of power to the States by the General Government, or whether it was simply an administrative question on the part of the Treasury Department, from whom the weights and measures came. In that case the question would arise as to the power of the National Government at this time to override that former action, and to take the whole question out of the hands of the States, and to administer it in its entirety as to the specification of weights and measures which may be lawfully used. And furthermore, as to the exercise of police power in the enforcement of these regulations, there is no question whatever. Practice shows us that the Government does exercise police power throughout all the States and Territories in connection with the currency question, and as the power to establish a currency and to establish weights and measures occurs side by side in the same sentence, it would seem to me that, in the absence of any

other action by the National Government delegating or limiting its powers in that respect, that section ought to carry with it also the power on the part of the National Government to exercise police power with regard to weights and measures. That is the whole question.

Secretary STRAUS. I think I can answer you.

Mr. THOMAS. If you will do so, I will be pleased.

Secretary STRAUS. I think I am correct in saying that if there was anything of that kind to which you refer, it must have been simply an administrative recommendation, as a guidance or an aid to the State.

Has the National Government a right? If it has a right, is it desirable? Now, that is for the States to decide, because the States have a full right to regulate it themselves—there is no doubt about that in the absence of national legislation under this clause of the Constitution. Of course, that raises another question, but I think there ought not to be any disposition, so far as the executive departments of this Government are concerned, to arrogate any additional power. They have power enough unless it is necessary in order to carry out a measure that such power should be assumed. Now, if every State would have a convention and would get together, they could regulate that among themselves fully. The difficulty about those things usually has been to get 45 different bodies together to agree upon something. That involves a great deal of practical difficulty unless the subject is extremely pressing. And all that the people are interested in, or all that those people are interested in for whom we are concerned, is that they do get honest weights and honest measures.

Now, the very fact that these regulations have not been made in every State, and in many States where made are not enforced, would seem to indicate that something better is needed. I suppose that better results could be obtained if we had important delegations from all the States together, and they would go home and make an appropriate canvass for their separate States, and if the laws are not correct have them amended so that they would be; and then after they are made see that they are enforced. I think you gentlemen are the best judges of whether anything should be done; and, if anything should be done, how it should be done. I am merely laying before you that it could be done nationally. I do not advocate it. I simply want to tell you what is the opinion of the Department upon the subject.

Mr. PETTIS. Mr. Secretary, I would like to state a case to you and to the gentlemen of the Bureau of Standards, showing necessity for proper action by the General Government in this matter of weights and measures. In the State of Massachusetts, in 1890-91, a law was passed in regard to the inspecting of milk jars and bottles. Milk is delivered throughout the country in half-pint, pint, quart, and 2-quart jars. It was found on inspection there that nearly one-half of them were short measure. Now, we of Rhode Island and Connecticut had no law. Consequently when the jars were condemned by the inspectors of Massachusetts on account of short measure, they were sent into Rhode Island and Connecticut. There were 100,000 short milk jars sent into the little State of Rhode Island. Last year our legislature passed a law, which went into effect on July 1, whereby we inspect milk jars, and we got rid of the short-measure jars. But Connecticut had no law, and the condemned jars were sent there. I have been told that a great many condemned jars have been sent into New York State.

Now there is a case where the General Government should take action, it seems to me.

Mr. RICHARDSON. I want to ask if I understand you right, Mr. Secretary. As I understand you, you say that no State can be forced without its own consent to adopt any United States standards which have been adopted by Congress. Is that right?

Secretary STRAUS. Well, what I meant to convey was this, that no State can be compelled to pass laws to regulate the standard of weights and measures unless it so chooses. It is a matter entirely within its own concern, unless the National Government takes up the question and passes a general law upon the subject. In other words, the Constitution vests the National Government with the power of making laws to regulate this subject; but in the absence of exercising that power through legislation, each State is free to do as it chooses.

Mr. RICHARDSON. That is what I understood you to say.

Mr. FISCHER. Mr. Secretary, I think we have taken up as much of your time as we ought to in this matter. I am sure that I voice the sentiment of all those present when I say that we are greatly indebted to you for your remarks, and also for the opinion of the Solicitor which you have obtained for us.

THIRD SESSION (MORNING OF FRIDAY, MAY 17, 1907).

The CHAIRMAN. Gentlemen, we will now come to order, and I will ask the Secretary to read Mr. Haskell's paper.

The Secretary read Mr. Haskell's paper, which is as follows:

The government of the District of Columbia is administered by a board of three Commissioners, having in general equal powers and duties. Two of them, who must be actual residents of the District for three years next before their appointment, and have during that period claimed residence nowhere else, are appointed from civil life by the President of the United States, and confirmed by the Senate, for a term of three years each. The other Commissioner is detailed from time to time by the President of the United States from the Engineer Corps of the United States Army. Although Congress has the exclusive legislative authority in the District of Columbia, it has empowered the Commissioners to make certain regulations of a municipal nature.

The Bureau of Standards has kindly provided each of us with a compilation of the laws concerning weights and measures of the various States, and as the laws of the District of Columbia relating to this matter were explained at a previous meeting of the state sealers I shall not refer to them in detail.

Nearly everyone knows the general purposes of the weights and measures law. The sealer is charged with the protection of the consumer against short weight and measure and the sharp dealing of dishonest merchants.

Occasionally startling cases of efforts to cheat by short weight or measure are uncovered by the inspectors in their rounds, and it may be of interest to cite a few of the many attempts to defraud which have come to our notice. I recall the case of a man who dealt in coal in a small way, who was found selling 1,000 pounds for a half ton. This man's plan was ingenious. He would go among his friends and solicit orders for coal, and then go to one of the big dumps to buy his supply. To the wholesaler he would declare that his wagon would hold only 1,000 pounds and thus get a short load, while to his customers he would deliver 1,000 pounds as a bona fide half ton. The legal

weight of a ton of coal in the District is 2,240 pounds. He was given the maximum sentence.

One of the prize schemes employed in defrauding the public was an electro-magnet, used by a junk dealer to pull down the scale beam to his own profit. The magnet was so strong that with it a large iron bar a yard long could be lifted from the floor. Another well-planned scheme to defraud was that of a driver for an oil company. Detectives were employed by the local manager of the company to apprehend the man, about whom many complaints of short measure had been made. An inspector from the sealer's office caught him. His scheme was to effect a short measure by placing two pieces of wood 2 by 4 by 12 inches, inside a standard and sealed 5-gallon can, one on each side, and braced in position by a piece of broom handle. In this way he would lessen the contents of the can to less than 4 gallons. The mechanism of the woodwork was such as to be easily removed when an inspector approached.

The inspectors often detect and arrest coal peddlers in the act of delivering 3 pecks of coal for a bushel. Such dealers generally operate in neighborhoods where the poorer people live. The court usually imposes a fine of \$75, with six months in jail as the alternative, in such cases.

We do not seal milk jars in the District of Columbia, but we have established, by taking a case into the courts, that they are measures and subject to inspection. We look after this inspection by visiting the dairies frequently and by inspecting jars from the delivery wagons on the street. When short-measure jars are found, prosecution follows. By this method we have succeeded in abolishing the use of short milk jars to a minimum, as the parties who might be disposed to use them know by experience that violations will be energetically prosecuted, and, not knowing when an inspector may drop in on them, either at their place of business or on the street, they are careful to see that the jars they use are correct. We probably cover in this way the inspection of 250,000 jars, which is a large per cent of the number used in the District. This method saves the office an endless amount of labor, and the result desired is obtained.

One of the most frequent causes for short weight during the past year seems to have been due to the use of a certain computing scale, which in the majority of instances is found starting on the 1 or 2 ounce mark. We would be glad of a means of abolishing its use in the District. The grocer is usually given the benefit of the doubt the

first time the indicator is found out of place, but the next time no leniency is shown him. The aggregate saved to the public annually by the activity of the sealer and his assistants may be illustrated by the following: It is estimated that we visit semiannually 5,000 places in the city of Washington where scales, weights, and measures are used. Perhaps one-half this number are using more than one scale, but, to be within the limit, let us confine the estimate on the basis of only one scale to each place of business, and see what the loss to the public would be without proper protection. Each of these scales will average 40 weighings per day. Five thousand scales, 1 ounce short each, used 40 times in 1 day would show a loss to the public of 200,000 ounces; 300 days would show a loss of 60,000,000 ounces, or 3,750,000 pounds. Taking tea, coffee, sugar, butter, rice, potatoes, flour, etc., it would be but fair to place an average price of 10 cents per pound on the commodities weighed thereon, which would mean a yearly loss of \$375,000.

Few people realize the amount in the aggregate which is saved by the vigilance of the officials whose duty it is to inspect weights and measures. There are few schemes worked upon the people where the loss is so extensive as through the system of weights and measures.

During the fiscal year ended June 30, 1906, 19,996 inspections of scales, weights, and measures were made, which does not include the milk-bottle inspections above referred to. Of this number, 439 inspections were made for the United States Government and 66 for the District of Columbia, for which no fees were collected. The sealer is not authorized to collect fees for the inspection of government scales, and the inspections are made as a matter of courtesy. This work was accomplished with a field force of two assistants.

One hundred and fourteen cases were presented for prosecution during the fiscal year 1906, and fines to the amount of \$730 were imposed. One offender was sentenced to serve eleven months and twenty-nine days and another five months for violation of the weights and measures law. Before presenting a case to the police court it is investigated very carefully, as we occasionally find instances where there is no intent to defraud, and prosecution would be persecution.

There is a determination on our part not to permit the use of anything in the line of scales, weights, or measures that would even suggest misrepresentation.

The force is kept busy every week day in the year in a systematic canvass of all manner of mercantile establishments and hucksters'

carts, ice wagons, and junk dealers' carts, and in examining ice-cream boxes, berry boxes, milk jars, etc. So many of these articles have been condemned that merchants now frequently do not order boxes or measures, nor the manufacturers make them for the Washington trade, until they have submitted samples to the office for approval as to capacity.

In addition to the inspection of weights and measures, the sealer of the District of Columbia has immediate supervision of the District markets and market masters, the public hay scales and weighmasters, inspectors of flour, lumber, wood, and the fish-wharf privileges.

In this city the sealer is fortunate in having the hearty cooperation of the honorable Board of Commissioners, together with that of a large number of the most reputable dealers and the officers of the Retail Grocers' Association.

Many difficulties are encountered in the administration of a weights and measures office, and what seems to be needed most is national legislation and a uniformity of laws relating to weights and measures in the several States.

In conclusion, I wish to thank Doctor Stratton and Mr. Fischer for the many courtesies which they have extended to me personally and to my office.

The CHAIRMAN. At the meeting last year the executive committee was directed to draw up a set of model national and state laws, to be submitted to this body for discussion. I will call on the secretary to present the report of the committee.

The SECRETARY. I would suggest that we read the whole report and then afterwards take it up section by section. The report is divided into two parts; the first has to do with proposed national legislation, and, second with matters intended for the consideration of the state legislatures.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce and Labor is authorized to furnish a complete set of standard weights and measures adopted or accepted by the National Bureau of Standards to any State under the following conditions:

SECTION 1. That the office of state inspector be established.

SEC. 2. That facilities such as suitable quarters and equipment be provided for the state inspector at the expense of the State or Territory.

SEC. 3. That the state inspector be required to make an annual report to the governor, a copy of which shall be sent to the National Bureau of Standards, giving, among other information, the number of weights, measures, and balances tested, sealed, or condemned by him, together with an inventory of the standards and apparatus in his possession.

SEC. 4. No weighing or measuring device shall be used for the purpose of trade until the type has been approved by the National Bureau of Standards. Any type so approved may be used anywhere in the United States: *Provided*, That nothing in this act shall prevent the state or local inspector from condemning such device if its operation should be defective.

SEC. 5. Model regulations for the guidance of state and local inspectors shall be prepared by the Bureau of Standards in cooperation with the National Association of State Inspectors.

SEC. 6. The model regulations, prepared and issued by the National Bureau of Standards, shall govern the procedure to be followed by the state and local inspectors in inspecting, testing and sealing all weights, measures, balances, or measuring devices.

SEC. 7. The net quantity of the contents of all packages shall be plainly stated in terms of weight or measure on the outside of the package.

The CHAIRMAN. The sections which follow are intended for consideration by the state legislatures:

SEC. 8. The weights, measures, and balances received from the United States, under a resolution of Congress approved June fourteenth, eighteen hundred and thirty-six, 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 county and municipal standards of weights and measures shall be tried, proved, and sealed.

SEC. 9. There shall be a state inspector of weights and measures at an annual salary of at least two thousand dollars, said inspector to be appointed by the governor with the advice and consent of the senate.

SEC. 10. The state inspector shall have the exclusive custody and control of the state standards received from the National Government, which shall be kept in a fire-proof room provided by the State when not in actual use. He shall maintain the state standards in good order, and submit them once in ten years to the National Bureau of Standards for inspection.

SEC. 11. The state inspector shall keep a complete record of standards, balances, and other apparatus in his possession, and take a receipt for the same from his successor in office.

SEC. 12. The state inspector of weights and measures shall be sworn, and shall give bond to the State for five thousand dollars, conditioned on the faithful discharge of his duties.

SEC. 13. The state inspector shall inspect all standards used by the county and municipal inspectors at least once in two years, and shall keep a record of same, and see that they are kept in proper adjustment with the state standards. He shall visit the various cities and towns of the State in order to inspect the work of the local sealers, and in the performance of his duty he may inspect the weights, measures, and balances of any person or corporation which are used for buying or selling goods, merchandise, or other commodities and for public weighing.

SEC. 14. The state inspector shall provide, at the expense of the State, the local sealers with the proper instruments, seals, or labels for marking weights, measures, and balances examined by him, and any person who forges or counterfeits such instruments, seals, or labels shall be liable to a fine not exceeding fifty dollars.

COUNTY AND MUNICIPAL SEALERS.

SEC. 15. Every county and municipality in the State shall appoint a sealer, with a sufficient number of deputies to inspect at least once every year every weight, measure, balance, or measuring device of any kind used in trade within the jurisdiction of said county or municipality.

SEC. 16. Any two or more local authorities may combine the whole or any part of their districts upon such terms and in such manner as may be agreed upon.

SEC. 17. An inspector 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 had been appointed by each of the authorities who are parties to the agreement.

SEC. 18. Every county and municipality shall provide the local sealer with suitable standards, apparatus, and quarters to enable him to properly perform his duties, all of which shall be subject to the approval of the state inspector.

SEC. 19. It shall be the duty of the sealer to faithfully devote his time to the performance of the duties of his office, and to test all weights, measures, scales, beams, steelyards, and other machinery used for weighing or measuring in trade, within his district, at least once in every year; and, upon being notified, in writing, by any person that any weight, measure, scale, beam, steelyards, or other machinery for weighing or measuring any article intended to be purchased or sold in such district is inaccurate, or believed to be so, or not according to the standard, to at once make an examination of the same.

And in the exercise of such duties he 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 such district.

SEC. 20. Every local inspector shall make an annual report of the weights, measures, and balances tested, together with an inventory of the standards and working apparatus, to the state inspector.

SEC. 21. All weights, measures, and balances which can not be made to conform to the standards shall be marked or stamped "cd." (condemned) by the sealer.

SEC. 22. The local sealer shall publish once a month the names and occupations of all persons convicted for the use of fraudulent weights, measures, balances, or measuring devices.

SEC. 23. Any person who neglects or refuses to produce for said sealer all weights, measures, or balances in his possession, or on his premises, or refuses to permit the sealer to examine the same, or obstructs the entry of the sealer or otherwise obstructs or hinders a sealer under this law, shall be liable to a fine not exceeding twenty-five dollars, and in a second offense of fifty dollars.

SEC. 24. A local standard which has become defective in consequence of any wear or accident, or has been repaired, shall not be legal, nor be used by the local sealer until it has been reverified by the state inspector.

SEC. 25. Any sealer of weights and measures shall forthwith, on his appointment, give bond in the sum of one thousand dollars for the due performance of the duties of his office, and for the safety of the local standards, and the stamp appliances for verification committed to his charge, and for the surrender immediately on his removal or cessation from office to the person appointed by the proper authority to receive them.

SEC. 26. If a sealer stamps a weight or measure without duly verifying the same by comparison with a local standard, or is guilty of any breach of duty imposed upon him

by law, or otherwise misconducts himself in the execution of his office, he shall be liable to removal or to pay a fine not exceeding two hundred dollars for each offense.

SEC. 27. A local 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 state superintendent within two years of the time at which it is used.

GENERAL REGULATIONS.

SEC. 28. No weight, measure, balance, or measuring device of any kind shall be used in trade until it has been examined and sealed by the state or local inspector.

SEC. 29. All computing devices shall be tested as to the correctness of the values, and all values, whether in money, figures, or graduations, shall be correctly placed, so that when any commodity is weighed thereon the money value registered shall be the true value of the commodity weighed.

SEC. 30. Every weight, except when the small size of the weight renders it impracticable, shall have the denomination of such weight stamped on the top or side thereof in legible figures or letters; and every measure of capacity shall have the denomination thereof stamped on the outside of such measure in legible figures and letters.

A weight or measure not in conformity with this section shall not be stamped by the state or local sealer.

SEC. 31. Every person who uses, or has in his possession for trade, any weight, measure, scale, balance, steelyard, or weighing machine which is false or unjust shall be liable to a fine not exceeding twenty-five dollars, or in the case of a second offense fifty dollars, and any contract for gain, sale, or dealing made by the same shall be void, and the weight, measure, scale, balance, or steelyard shall be liable to be forfeited.

SEC. 32. A weight or measure duly stamped by an inspector shall be a legal weight or measure throughout the State, unless found to be false or unjust, and shall not be liable to be restamped because used in any other place than that in which it was originally stamped.

SEC. 33. Where any fraud is willfully committed in the using of any weight, measure, scale, balance, or steelyard, or weighing machine, the person committing such fraud, and every person party to the fraud, shall be liable to a fine not exceeding twenty-five dollars, or in the case of a second offense fifty dollars.

SEC. 34. All dealers in milk and cream who use glass bottles or jars for the distribution of milk or cream to consumers 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, 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.

SEC. 35. 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 or measure, puts in or conceals therein anything whatever, for the purpose of increasing the weight or measure 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 or measure, is punishable by fine of not less than twenty-five dollars for each offense.

The CHAIRMAN. Gentlemen, you have heard the report of the executive committee. There is a great mass of material for discussion and we want every delegate to have an opportunity to be heard, but in order to get through to-day we will have to follow some particular plan. What we want to bring out is the outline of a general law, and then I think we should submit it for final revision to the legal adviser of the Department of Commerce and Labor, who will probably be conversant with States rights, etc. He could then take what we have outlined and prepare it for national and state legislation. I will ask Mr. Fischer if he has any suggestions.

Mr. FISCHER. So far as the details are concerned, we need not argue over them so much. I think we could get the assistance of the Solicitor to put the bill in proper shape, if that is the sense of the meeting. It seems to me, however, we ought to fix the amount of the fines, penalties, etc. I have had mimeograph copies made of the report for the convenience of members in discussing the bill section by section.

Mr. PETTIS. May I ask, Mr. Chairman, what disposition is going to be made of this matter after we get through with it?

The CHAIRMAN. Whatever disposition the conference decides. It is entirely within the province of the delegates to decide what shall be done with the matter. I will ask Mr. Thomas, of the executive committee, if he has anything to say.

Mr. THOMAS. Mr. Chairman, there are some points in connection with certain paragraphs there that it seems to me could very well be changed to advantage; but suggestions as to what changes should be made I think ought to come in connection with a consideration of the report section by section. If this report of the committee is to be submitted by the officers of the conference and by the members here present to the several legislatures of the States with the view to obtaining legislation along the lines suggested in that report, it seems to me we had better make it as complete as we can, to suit local conditions as they are known to the members of the conference present. The more completely a suggested bill can cover the conditions in the field, the better it will be received by the legislative bodies of the States. At least that is my opinion. And if we undertake the consideration of the report in that way it seems to me it will be wise to take it up section by section.

The CHAIRMAN. The chair is ready to entertain a motion to proceed with a discussion of the bill.

On motion, it was agreed to consider the report of the executive committee section by section; and the secretary proceeded with the reading of the first paragraph.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce and Labor is authorized to furnish a complete set of standard weights and measures adopted or accepted by the National Bureau of Standards to any State under the following conditions:

Mr. HASKELL. You spoke of "States;" does that include the District of Columbia?

The SECRETARY. It was intended to include the District of Columbia and the Territories. They are quite as important as the States, and should be included.

Mr. REICHMANN. I think it would be well to specifically designate what is included.

Mr. HASKELL. I move to amend the paragraph so as to include the Territories and the District of Columbia after the word "State."

The amendment was agreed to and the section adopted.

The secretary read section 1, which is as follows:

SECTION 1. That the office of state inspector be established.

Mr. HASKELL. I move that there be substituted for the word "inspector" the words "superintendent of weights and measures."

Mr. REICHMANN. The meaning of the words "inspector," "superintendent," and "commissioner" convey altogether different ideas in different States, on account of established customs in those States. I believe that we had better leave that to Congress.

The CHAIRMAN. In the bill now before the Massachusetts legislature a commissioner and deputy inspectors are provided for.

Mr. YODER. The state officer has a different function to perform than that to be performed by county or city sealers, and it seems to me that he might be properly termed "commissioner" or "superintendent" rather than "inspector," and the term sealer might more properly be reserved for these minor officers who do the actual work of testing and sealing in the field.

The CHAIRMAN. We ought to bear in mind that this office is going to be clothed with considerable dignity some day.

Mr. HAARER. If this movement continues to grow, as we hope it will, it may be, as I have observed with respect to other public officials appointed by the governors of the States, that in many cases they will desire to be called commissioners; they will not wish to be called sealers or inspectors. And I anticipate from my observations in con-

nection with other state organizations that if we were to call the state officers "sealers" or "inspectors," they would themselves soon be lobbying to have the title changed. Now, I am speaking very plainly, but this opinion is also the result of my observations of the deputies who have served under me. I do not blame them for it. It is a position that ought to be distinct and separate from the local officials, and I am very much in favor of the word "commissioner." I think it is a very good term. If there are no technical objections, I move to amend the section by substituting the word "commissioner."

Mr. WOOLF. I want to support that motion. Two years ago we appointed a dairy and food commissioner; but the people who do the inspecting in the dairy-inspection service are called inspectors. An inspector is some one who is supposed to be under the commissioner.

Mr. REICHMANN. The term "commissioner" has an altogether different meaning in New York. There we have a superintendent of insurance, not commissioner. I am not saying anything against the term "commissioner," but the point is, will it suit existing conditions in the State of New York?

The CHAIRMAN. I think we will find it altogether impossible to draft a law to comply with the conditions in each State.

Mr. WALL. In Pennsylvania the word "commissioner" is used, and suits very nicely. The subordinates are called inspectors, and might be sealers, for that matter.

It was finally agreed to substitute the words "commissioner of weights and measures" for "inspector" in section 1, and throughout the proposed law wherever the word "inspector" occurs, so that section 1 reads as follows:

SECTION 1. That the office of state commissioner of weights and measures be established.

The secretary read section 2, which is as follows:

SEC. 2. That facilities, such as suitable quarters and equipment, be provided for the state commissioner of weights and measures at the expense of the State or Territory.

On motion, section 2 was adopted as read.

The secretary read section 3:

SEC. 3. That the state commissioner of weights and measures be required to make an annual report to the governor, a copy of which shall be sent to the National Bureau of Standards, giving, among other information, the number of weights, measures, and balances tested, sealed, or condemned by him, together with an inventory of the standards and apparatus in his possession.

Mr. WELD. I move to amend that section by substituting the words "filed with" for "sent to" and "in addition to other information" for "among other information."

Mr. BENT. It seems to me, Mr. Chairman, that this report which the commissioner will be required to make might be more complete. It would be of interest to the governor to know the number of prosecutions, and various other information, which the commissioner could give. There might be some other detailed information that the Bureau of Standards might want to know.

The CHAIRMAN. The executive committee went into that question, and we thought that that might seem somewhat arbitrary, and so we suggested the phrase "such additional information as might be required." Perhaps it would be statistics in relation to his work. That phrase was suggested.

On motion, section 3 was adopted as amended, and reads as follows:

SEC. 3. That the state commissioner of weights and measures be required to make an annual report to the governor, a copy of which shall be filed with the National Bureau of Standards, giving, in addition to other information, the number of weights, measures, and balances tested, sealed, or condemned by him, together with an inventory of the standards and apparatus in his possession.

The secretary read section 4:

SEC. 4. No weighing or measuring device shall be used for the purpose of trade until the type has been approved by the National Bureau of Standards. Any type so approved may be used anywhere in the United States: *Provided*, That nothing in this act shall prevent the state commissioner of weights and measures or local inspector from condemning such device if its operation should be defective.

Mr. WELD. Is that a clause which would refer to all manufacturers of scales and other appliances?

Mr. FISCHER. Yes; if they devise a new type. As it is now, a manufacturer can make a certain type of scale and sell it throughout the country. By and by it is objected to in one State, and can not be sold in that State, but can be sold in any other. It seems to me that if there is any objection to a type, and it is sustained, that the Bureau ought to have authority to withdraw its indorsement. That is done in every European country. No machine or measuring device can be sold anywhere in England unless it has been approved by the National Standards Department, and it seems to be rather an essential requirement. That is the reason back of it.

Mr. WELD. You would not compel a manufacturer of scales to submit all of his scales, but only one, to show the type?

Mr. FISCHER. The Bureau of Standards has no authority at present to compel a manufacturer of scales to conform with any requirements. Very often a little authority exercised by the Bureau in this respect would settle costly controversies between rival manufacturers. Of course, if any particular type gets out of order and does not operate properly, a local inspector should have the authority to condemn it; but if the Bureau or some department of the National Government does not have this authority, then a type of machine may be permitted in one State and not in another. That would be a great hardship for the manufacturers and greatly complicate their business.

Mr. BECK. What does type mean?

Mr. FISCHER. Your idea is that the term "type" is not definite enough.

Mr. BECK. Yes; type is too indefinite.

Mr. FISCHER. Of course, we have a definite thing in mind when speaking of a type. A weighing device with a drum is one type, and an equal arm balance is another. Such devices are occasionally tested by the Bureau, but we have no authority to prohibit the sale and use of such scales, even if the construction should be such as to facilitate fraud. We merely test the particular apparatus submitted and report to the owner the results of our investigations.

Mr. REICHMANN. If the Bureau had the authority to sanction or prohibit the manufacture and sale of any type, it would only be necessary to test one sample.

Mr. FISCHER. It seems to me it would save a great deal of confusion to have some official or some bureau of the Government decide whether a type is a proper one or not. The Bureau should also have authority to withdraw its sanction of a type should it subsequently be found that it does not operate properly or is defective in design. We do not claim to be infallible, and may be mistaken. I think that when new types were submitted the Bureau would endeavor to get the opinion of this body. If it could be deferred until we had a convention we would certainly submit the question to this body before we passed on it.

Mr. YODER. I would like to ask if this section which we are considering now is to be submitted to our several state legislatures, or is it part of a national law?

Mr. FISCHER. It is intended as the basis for a national law.

Mr. YODER. Some one said yesterday that as the Government controlled the making of the money so it should also supervise the weights and measures. So it should also pass upon any new types

of weighing devices or measuring devices before they are put upon the market. I am very strongly in favor of that paragraph. The several state legislatures would have to conform to that law, although they might differ, perhaps, in the method of carrying it out.

Mr. WOOLF. I believe it is the opinion of most of the members present that the provisions of this paragraph are very good. The only question that might arise is as to the phraseology from a legal standpoint, but I believe that is to be left to the Solicitor of the Department.

Mr. FISCHER. Yes.

Mr. WOOLF. I would suggest that after we adopt all these various paragraphs, a motion be made that the paragraphs may be altered by the Solicitor, so long as the alterations conform to the general idea and are made exclusively from a legal standpoint.

Mr. FISCHER. I would like to say that that is what the committee had in mind. I realize myself that the phraseology is very defective, indeed, from a legal point of view. The provisions were very hurriedly framed. A great many of the paragraphs were taken from English laws, some from German, and some from our own state laws, etc., and the arrangement was not expected to be final.

Mr. REICHMANN. Mr. Chairman, I move that the clause which I have just handed to the secretary be added to section 4.

The secretary read the clause, which is as follows:

Monthly bulletins giving a description of any weighing or measuring device approved by the National Bureau of Standards shall be sent to the state officer of weights and measures of each State.

Mr. FISCHER. Just as soon as the English Board of Trade approves a type, an illustrated description of it is sent to all inspectors.

Mr. PETTIS. Would the publishing of a monthly bulletin require any legislation? Is not the Bureau now authorized to send out such information without additional action by Congress?

Mr. REICHMANN. Doctor Stratton and Mr. Fischer will not be here forever, and we are looking to the future.

On motion, section 4, with the amendment offered by Mr. Reichmann, was adopted, and the section now reads:

SEC. 4. No weighing or measuring device shall be used for the purpose of trade until the type has been approved by the National Bureau of Standards. Any type so approved may be used anywhere in the United States: *Provided*, That nothing in this act shall prevent the state commissioner of weights and measures or local inspector from condemning such device if its operation should be defective.

Monthly bulletins giving a description of any weighing or measuring device approved by the National Bureau of Standards shall be sent to the state officer of weights and measures of each State.

The secretary read section 5, and on motion it was adopted without amendment:

SEC. 5. Model regulations for the guidance of the state commissioner of weights and measures and local inspectors shall be prepared by the Bureau of Standards in cooperation with the National Association of State Commissioners.

The secretary read section 6:

SEC. 6. The model regulations, prepared and issued by the National Bureau of Standards, shall govern the procedure to be followed by the state commissioner of weights and measures and local inspectors in inspecting, testing, and sealing all weights, balances, or measuring devices.

The CHAIRMAN. I do not believe that there would be any trouble in getting all sealers to work according to regulations prepared by the Bureau of Standards.

Mr. FISCHER. Such model regulations are prepared by the national standards departments in the principal European countries, and are used by the local inspectors.

Mr. BENT. It seems to me that section 5 as it now reads is almost the same as section 6, which we are discussing.

Mr. FISCHER. Section 5 provides that the regulations shall be prepared by the Bureau of Standards, but it does not state that the state sealers shall use them.

Mr. BENT. We are going to rely on the Bureau of Standards for the technical nature of this, and I think it is the proper authority to appeal to and to guide this movement. I therefore move that section 6 be combined with section 5, for in reading the two sections I notice that it will be necessary to combine them in order to get the sense of them.

The CHAIRMAN. You wish to give the Bureau authority to establish these regulations?

Mr. BENT. That is exactly what I think about it.

Mr. REICHMANN. Unless a State does by law adopt it the state sealer could establish his own regulations.

The CHAIRMAN. You think it would be better to have national legislation rather than state legislation?

Mr. REICHMANN. Yes. Suppose a State does not prescribe by law what regulations the sealer shall use, then he can use any that he sees fit.

Mr. WELD. It seems to me that this section properly belongs under the proposed state legislation. The first five sections are intended for national legislation, and section 5 provides that the Bureau of Standards draw up regulations for the guidance of the local inspectors, and then, under the proposed state legislation, the local

inspectors could be required to adopt the regulations prepared by the Bureau of Standards. If we can not get the legislatures to pass these laws and to require local inspectors to conform to them, we might just as well go home. We have laws concerning seals and marks and everything of that kind at the present time. What we desire now is to get uniform legislation. If we can get the legislatures interested in this matter to the extent of adopting legislation uniform with the other States, I do not believe that section 6 is going to offer much difficulty.

MR. REICHMANN. I believe the clause really belongs in the sixth section.

MR. HAARER. I agree with the gentleman from New York and believe he is right in this matter, for this reason: At the present time many of the laws in the various States are somewhat indefinite and their enforcement is lax. Now, if regulations were laid down by the Bureau of Standards, I think it would hasten state legislation on the subject.

MR. BENT. I desire to emphasize the importance of this. It seems to me one of the most important questions that has come up. If the Bureau of Standards can not be relied upon as a guide for the carrying out of the duties of the various inspectors throughout the States, then we will have no guide for the performance of the details of this work. I think it is highly important that this clause be made a part of the proposed act to be passed by Congress relative to the Bureau of Standards.

THE CHAIRMAN. Suppose section 6 is submitted to the State of Connecticut, for instance, and the legislature does not see fit to adopt it, but if it is already adopted by the National Government, the State will have to follow it.

On motion section 6 was adopted as read, as part of the proposed national legislation.

The secretary read section 7:

SEC. 7. The net quantity of the contents of all packages shall be plainly stated in terms of weight or measure on the outside of the package.

MR. FISCHER. If we are going to recommend any national legislation it seems to me this is a case where we ought to recommend it. This same paragraph was stricken from the national pure-food bill. We should put ourselves on record as being in favor of it, and if we indorse such a measure it might go through. It was opposed by the canners, who did not want to state on the outside how much their cans contained.

The CHAIRMAN. I am not in sympathy with that.

Mr. HAARER. I do not see how a State could enforce it in regard to interstate commerce.

Mr. REICHMANN. A State can enforce it, and should make it a misdemeanor on the part of anyone selling goods in the State the weight or measure of which is not plainly stated.

The CHAIRMAN. It will jeopardize the whole bill by antagonizing a certain class of dealers interested. They are doing all they can to prevent any legislation of this kind. The grocers in my State adopted a resolution in regard to weight appearing on packages, and the national grocers were going to adopt them, but that is going to be impossible in this bill.

Mr. FISCHER. I have been told by Representative Mann that he intends to introduce that question and try to have it passed next Congress. He has by no means given it up. So it seems to me if we could indorse it here for adoption by Congress it would assist him.

On motion section 7 was adopted as read, as part of the proposed national legislation.

The secretary read section 8 (first section of proposed state legislation):

SEC. 8. The weights, measures, and balances received from the United States, under a resolution of Congress approved June fourteenth, eighteen hundred and thirty-six, 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 county and municipal standards of weights and measures shall be tried, proved, and sealed.

On motion, section 8 was adopted without amendment.

The secretary read section 9:

SEC. 9. There shall be a state commissioner of weights and measures at an annual salary of at least two thousand dollars, said commissioner to be appointed by the governor with the advice and consent of the senate.

Mr. REICHMANN. I think that we had better leave out the question of salary, making it read that "there shall be a commissioner at an annual salary of blank dollars, to be appointed by the governor, with the advice and consent of the Senate."

The CHAIRMAN. In some States the appointments are not approved by the senate. Personally I think it very unwise to attempt to dictate to any legislature what to pay a state officer. I think we shall encounter opposition on that point at once if we attempt it.

Mr. HAARER. I move to amend the section so that it will read:

That there shall be a state commissioner of weights and measures to be appointed by the governor in such manner and at such salary as may be fixed by the respective state legislatures; and deputy commissioners may be appointed as required.

On motion, section 9 was adopted as amended, and reads:

SEC. 9. There shall be a state commissioner of weights and measures, to be appointed by the governor in such manner and at such salary as may be fixed by the respective State legislatures; and deputy commissioners may be appointed as required.

The secretary read section 10:

SEC. 10. The state commissioner of weights and measures shall have the exclusive custody and control of the state standards received from the National Government, which shall be kept in a fireproof room provided by the State when not in actual use. He shall maintain the state standards in good order, and submit them once in ten years to the National Bureau of Standards for inspection.

MR. FISCHER. I would like to ask the chairman if once in ten years is sufficient to test the state standards.

MR. REICHMANN. You mean for verification? You are bringing up the same question that was brought up in the executive committee. We spoke of balances and standards. It would not mean that balances and the working apparatus should be sent here. It was suggested by Mr. Palmer that a federal inspector go from State to State to see whether the balances are in order, and only such apparatus as could not be thus verified need be sent to the Bureau. It would be rather expensive to send all the apparatus down here.

MR. FISCHER. It says the state standards; nothing else.

MR. REICHMANN. Previously we referred to the balances as state standards.

THE CHAIRMAN. Do you not supply States with standard balances, Mr. Fischer?

MR. FISCHER. We have not done that for many years. The only reason the States were supplied with balances in the early days was because they could not be purchased, and the Government felt it was just as necessary to furnish balances as standards, but I do not believe that any State has been furnished with them in the last ten years.

On motion, section 10 was adopted as read.

The secretary read section 11, which was adopted without amendment:

SEC. 11. The state commissioner of weights and measures shall keep a complete record of standards, balances, and other apparatus in his possession, and take a receipt for the same from his successor in office.

The secretary read section 12, which was adopted without amendment:

SEC. 12. The state commissioner of weights and measures shall be sworn and shall give bond to the State for five thousand dollars, conditioned on the faithful discharge of his duties.

The secretary read section 13, which was adopted without amendment:

SEC. 13. The state commissioner of weights and measures shall inspect all standards used by the county and municipal inspectors at least once in two years and shall keep a record of same, and see that they are kept in proper adjustment with the state standards. He shall visit the various cities and towns of the State in order to inspect the work of the local sealers, and in the performance of his duty he may inspect the weights, measures, and balances of any person (or corporation) which are used for buying or selling goods, merchandise, or other commodities and for public weighing.

Mr. REICHMANN. I move to insert after the words "state commissioner of weights and measures" the words "or deputy commissioner." I am obliged to visit every city and town personally, because the law does not provide for a deputy superintendent with authority to assume the duties of the superintendent of weights and measures.

Mr. WELD. I believe that point is important, and I second Mr. Reichmann's motion.

The CHAIRMAN. Do you want to state what the functions of the deputies shall be and what authority they shall have?

Mr. WELD. Deputy commissioners will have the same authority as commissioners—that is, they will represent the commissioners.

The CHAIRMAN. It would be advisable to specify the duties of the deputy, otherwise the courts would have to be called upon to construe as to what authority he had. It might be claimed that he was only the deputy commissioner and he was not authorized by law to take up the duties of the commissioner.

Mr. WELD. My idea is to leave the matter undefined; merely provide here for deputies, and leave open the question as to whether these deputies are to be appointed by the governors or the commissioners themselves, and also leave the specific duties of the deputies unspecified.

On motion, section 13 was amended and adopted, and reads as follows:

SEC. 13. The state commissioner of weights and measures, or deputy commissioner, shall inspect all standards used by the county and municipal inspectors at least once in five years, and shall keep a record of same, and see that they are kept in proper adjustment with the state standards. He shall visit the various cities and towns of the State in order to inspect the work of the local sealers, and in the performance of his duty he may inspect the weights, measures, balances of any person (or corporation)

which are used for buying or selling goods, merchandise, or other commodities and for public weighing.

The secretary read section 14:

SEC. 14. The state commissioner of weights and measures shall provide, at the expense of the State, the local sealers with the proper instruments, seals, or labels for marking weights, measures, and balances examined by him, and any person who forges or counterfeits such instruments, seals, or labels shall be liable to a fine not exceeding fifty dollars.

The CHAIRMAN. I objected to this before the executive committee because I do not think it would be good policy for the state commissioner to attempt to supply local sealers with seals, etc. For instance, in the State of New York, the business of supplying seals to the local sealers would involve the expenditure of thousands of dollars annually. In Massachusetts we have adopted this year a law providing that the seals of the sealers of weights and measures shall be of a uniform type and that they shall be approved by the state department. The town and city seals bear, where possible, the imprint of the local seal, and in order to have this appear on the seal it is necessary that they shall be printed by the local printers, who can readily secure a copy of this seal. If we were to have them printed in Boston, we would have to send all over the State to get the individual seals of the different towns. I do not think it would be wise for any state officer to attempt to control the issue of supplies to all city sealers.

Mr. PETTIS. I do. It may not do in larger States, but that plan works very well in Rhode Island. Every year, before the 1st of January, I send to every town and sealer a seal stamp like I showed you yesterday, for tin and copper measures, and a large one for dry measures, and a branding iron with which to brand baskets. I supply them and the town pays for them. We have five or six different-colored seals. This year the color is red, next year it will be green, and the next year after yellow.

Mr. REICHMANN. I thoroughly agree with the chairman in what he says. It would be a considerable expense to a large State to supply the cities. No county, city, or town is going to object to spending two or three hundred dollars a year to provide appropriate seals and stamps, but if you were to ask the legislature of the State of New York for \$4,000 to buy seals and stamps for the different cities and towns you would meet objection.

Mr. FISCHER. I move we pass over that section and take it up in connection with the duties of county and municipal sealers.

The motion was carried.

The CHAIRMAN. Section 14 has been passed over and section 15 is to be called section 14.

The secretary then read section 14, which was adopted without amendment:

SEC. 14. Every county and municipality in the State shall appoint a sealer, with a sufficient number of deputies to inspect at least once every year every weight, measure, balance, or measuring device of any kind used in trade within the jurisdiction of said county or municipality.

The secretary read section 15:

SEC. 15. Any two or more local authorities may combine the whole or any part of their districts, upon such terms and in such manner as may be agreed upon.

Mr. THOMAS. It seems to me in connection with sections 14 and 15 that there is going to be some difficulty on account of the different methods of subdividing the States into local governing sections. In Ohio the county is the municipal unit next to the State. In some States there are no county organizations, and what would suit Ohio would not suit those States having no county organizations. The county organization I think prevails in most of the States, and I think it would be better to make such provision, as is already done in some of the States, that, in case of the failure of any township or town or village to appoint an inspector as provided for in these two sections, the duty of the county inspector should be exercised by the county auditor or treasurer of such localities.

The CHAIRMAN. How many States are there that have no provision for the appointment of local sealers of weights and measures?

Mr. FISCHER. There are a number of such States.

The CHAIRMAN. I thought every State had provided for that. There might be included some phrase to the effect that sealers shall be appointed consistent with the present law, whether county, town, or borough.

Mr. FISCHER. I think we can rely on the States to modify this to suit local conditions. In the case of Rhode Island, having only township organizations, the law would have to read "every township," and in the case of Massachusetts, "every city and town." The States could modify this to suit their conditions.

Mr. REICHMANN. I move the adoption of this section, with the understanding that the secretary explain that broad meaning to the Solicitor of the Department.

The CHAIRMAN. Do you not want the same thing to apply to section 14?

Mr. REICHMANN. Yes.

Section 15 was then passed, with the understanding that it was adopted subject to amendment by the state authorities.

The secretary read section 16:

SEC. 16. An inspector 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 had been appointed by each of the authorities who are parties to the agreement.

Mr. WELD. In many States there are counties in which there is no town of any size.

Mr. FISCHER. The idea is for two or three neighboring counties to combine where each one separately could not afford to have a sealer.

Mr. WELD. Would the county officer have jurisdiction within a city located within the county?

Mr. FISCHER. I believe we will have to leave the matter to the States.

Mr. WELD. That is just my idea.

On motion, section 16 was adopted as read.

The secretary then read section 17:

SEC. 17. Every county and municipality shall provide the local sealer with suitable standards, apparatus, and quarters to enable him to properly perform his duties, all of which shall be subject to the approval of the state commissioner of weights and measures.

On motion, section 17 was adopted without amendment.

The secretary then read section 18:

SEC. 18. It shall be the duty of the sealer to faithfully devote his time to the performance of the duties of his office, and to test all weights, measures, scales, beams, and steelyards, or other machinery used for weighing or measuring in trade, within his district, at least once in every year; and, upon being notified, in writing, by any person that any weight, measure, scale, beam, or steelyards, used in trade, or other machinery for weighing or measuring any article intended to be purchased or sold in such district, is inaccurate, or believed to be so, or not according to the standard, to at once make an examination of the same.

And in the exercise of such duties he 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 such district.

Mr. WOOLF. The question of a deputy is not considered there.

Mr. FISCHER. We have not provided for any deputy at all for these local inspectors.

Mr. YODER. I think each State would regulate that matter.

Mr. FISCHER. If a deputy is appointed, he will be given authority to act as inspector.

The CHAIRMAN. If there is no objection, the words "or deputy sealer" will be inserted where necessary.

Mr. HAARER. We are making quite a few changes in these various sections and I would suggest that, after they have all been adopted, there be a final resolution made for the adoption of the entire report as amended; and that there be embodied in the resolution a request that the Solicitor make all sections conform with each other. I think that could be left very well to the Solicitor, and is what we should do.

The CHAIRMAN. I think that must be done.

On motion, section 18 was adopted subject to amendment.

The secretary read section 19:

SEC. 19. Every local inspector shall make an annual report of the weights, measures, and balances tested, together with an inventory of the standards and working apparatus, to the state commissioner of weights and measures.

On motion, section 19 was adopted after being amended to read as follows:

SEC. 19. Every local sealer shall make an annual report of the weights, measures, and balances tested by him, together with an inventory of the standards and working apparatus, to the state commissioner of weights and measures.

The secretary read section 20:

SEC. 20. All weights, measures, and balances which can not be made to conform to the standards shall be marked or stamped "cd." (condemned) by the sealer.

Mr. REICHMANN. To "condemn" does little good. They ought to be "confiscated." There is no reason why, if a weight, measure, or balance is condemned, it can not be used again in trade, unless it is destroyed.

The CHAIRMAN. Why should a man lose his property, even if it is not correct? If milk jars are condemned a man can use them for some other purpose, or his wife can use them for ketchup or preserves. I do not believe in confiscation.

Mr. HASKELL. If a scale is in such condition that it has to be condemned, why should it not be put out of use? Why should it not be destroyed? It is very apt to get into use again. The purpose is to get out of use weights, measures, and balances of any kind that are not correct and up to standard. In the District of Columbia if we find a scale that is not fit to be used, and in such condition that it can not be repaired, we destroy it—put it out of use. If the man wants the old iron, we give it to him, but it can not be used as a scale again.

Mr. REICHMANN. I was in Mr. Greiner's office in Chicago talking to his first deputy, who told me that they had tried the experiment of marking some measures "condemned." The next week they found the same measures in use over in the other end of the city. In Chicago if the apparatus can not be repaired they destroy it.

Mr. HASKELL. In the past we allowed the use of such scales in the manner mentioned, and I do not think there was hardly a day went by that we did not find those scales in junk dealers' shops, they having been sold to the dealer for 50 cents or \$1 or whatever the owners could get for them. The junk dealer would fix them up for use. We would find that they had been in use again for two or three months before we discovered them. So we have adopted a law in the District of Columbia which requires that when a scale is condemned as unfit for use it shall be destroyed by the sealer.

Mr. PETTIS. In Rhode Island when we find a scale that is out of order, and it can not be readily repaired, we put a card on it condemning it, stating that this spring, balance, or platform scale, as the case may be, has been examined and found incorrect. But if the scale is beyond repair we break it up.

The CHAIRMAN. In Massachusetts we have some dealers who are using almost a cartload of bottles a week, which they submit to the sealer. If these bottles do not conform to the standards, he marks them "condemned," and the man can not use them. If we do not break them up the man has an opportunity to sell them and in that way does not lose all he has paid for them.

Mr. REICHMANN. He does not have to lose anything. If he makes a contract with the firm that makes the bottles, requiring that they be up to the standard, and that he will only pay for those that are, he will be protected.

The CHAIRMAN. We should make the penalty for using condemned articles severer than the ordinary penalty for false weights and measures; but why should we take a man's property from him?

Mr. HASKELL. Why is a counterfeit coin taken from a man? It is as bad to use counterfeit weights and measures as it is to use counterfeit money. The Government does not give a man back the counterfeit money, and so the use of condemned articles should be destroyed.

The CHAIRMAN. When the man made the counterfeit money he knew it was spurious, but the man making these articles for use in trade can not make them mechanically perfect. The dealer in a spirit of fairness brings them to the sealer, and says, "I wish to use these in trade; test them." The sealer tests them and condemns

them. He can put on the result of the test; he can mark the bottle all over with the word "condemned," but there is no reason why the bottles should be taken away from him or that he be prosecuted. Our law says that bottles can be seized for evidence in case there is a prosecution.

Mr. HASKELL. We condemned for one of the railroad companies a 150-ton scale and destroyed the use of it, but we left the metal. We break the levers so that a scale can not be used again.

The CHAIRMAN. I do not believe in that.

Mr. HASKELL. If milk bottles are not destroyed, they are liable to get back into use again. As Mr. Pettis said, Connecticut had to suffer by getting condemned milk bottles from Rhode Island.

The CHAIRMAN. Let Connecticut wake up to the fact that it is getting condemned milk bottles.

Mr. HAARER. Why not settle the difficulty by adding a clause saying "or in his discretion destroy it?" There may be cases where it would not be advisable to destroy them. In the case of a pair of poor scales, it would be a good thing to destroy them.

Mr. REICHMANN. If we leave it to the sealer, he will be criticised by everybody, by the dealer if he destroys and by the public if he does not. He should be authorized by law.

Mr. PETTIS. I move to strike out the word "condemned" and substitute the words "shall be destroyed by the sealer at his discretion."

Mr. REICHMANN. I second the motion.

Mr. FISCHER. I do not think there is any doubt, Mr. Chairman, but what they ought to be destroyed. As to whether it is desirable to pass a law to that effect, I am not positive. Personally I think it ought to be done, and if the people are not educated up to that point they ought to be.

Mr. THOMAS. I am opposed to that motion, because I do not believe a sealer can use discretion as to destroying apparatus. Such a provision would cause him to discharge his public duties in a way that would decrease his efficiency.

Mr. BENT. I agree with the gentleman. It would naturally subject the sealer to severe criticism. I am opposed to the motion.

The CHAIRMAN. The question comes on the amendment to the motion; that is, to substitute the words "shall be destroyed by the sealer at his discretion," for the word "condemned."

The motion was put and not carried.

Mr. BENT. It seems to me that the use of the device might be destroyed without confiscation of the property. A word might be added that will give some latitude.

Mr. YODER. How would you destroy the usefulness of a milk bottle, and yet not destroy it altogether?

Mr. HASKELL. In regard to bottles, we know that in the District of Columbia an agent will go to a dealer and ask "Do you want short bottles, or do you want correct bottles?" and if the agent persuades him to take short bottles they will be condemned when they come under our inspection. If the bottles are short and he can not use them here, he will ship them to some other city. All you have to do is to be firm, and say that such short weights, scales, or measures of any kind can not be used, and the manufacturers will not make them. They will manufacture only what they can sell. In the District of Columbia to-day only 5 per cent of our milk bottles are incorrect. Three years ago it was exactly opposite; there was only 5 per cent that were standard. We have broken that up by being firm and insisting upon having a standard bottle. Bottles can be made within a dram of standard capacity.

The CHAIRMAN. How much is your tolerance?

Mr. HASKELL. Practically the same as in Massachusetts.

The CHAIRMAN. Would the regulations of the Bureau of Standards allow us to establish tolerances?

Mr. FISCHER. The regulations would contain tolerances.

Mr. HASKELL. We do not seal milk bottles in the District of Columbia. If on our first visit to a dairy we find any short bottles, we notify them that those bottles can not be used. We give them a formal notice by a visit to their places. If upon a second visit to the place we find the dealer is still using short bottles, we immediately take him into police court and prosecute him for using short measure. It has required only a very few prosecutions to teach the people when ordering to insist upon correct bottles being delivered. We also have the authority to stop a milk wagon on the street and inspect for short bottles. If we find any, we take the man into the police court.

The CHAIRMAN. Are you allowed under your present law to pass on milk bottles as measures and still not seal them?

Mr. HASKELL. Yes.

On motion, section 20 was amended to read as follows, and adopted:

SEC. 20. All weights, measures, and balances which can not be made to conform to the standards shall be destroyed by the sealer.

The secretary read section 21:

SEC. 21. The local sealer shall publish once a month the names and occupations of all persons convicted for the use of fraudulent weights, measures, balances, or measuring devices.

Mr. BENT. I move to amend the section by substituting the words "state commissioner of weights and measures" instead of "local sealer." In small communities local sealers are apt to be influenced in a way that a state official would not.

Mr. WOOLF. I second the motion.

Mr. FISCHER. Would that not require the local sealer to report to the state commissioner?

Mr. BENT. Exactly. Then it should read this way: "The local sealer shall report to the commissioner and the commissioner cause same to be published."

Mr. BECK. Where would you have that published?

The CHAIRMAN. Leave it to the judgment of the state commissioner.

Mr. BECK. It ought to be done near home.

Mr. BENT. Publicity in a matter of this kind is highly important. Publicity is the greatest rectifier of all these irregularities. If it is not published in a daily paper, it will do little good. There are all kinds of irregularities in little local papers.

Mr. THOMAS. In what sense is the word "convicted" used here; in the court sense?

Mr. FISCHER. That is the intention. If a person is merely charged with an offense and then acquitted by the court, the case would not be published.

Mr. BENT. With Mr. Woolf's consent, I will withdraw my former motion and move an amendment to section 21 so as to make it read as follows:

The local sealer shall report monthly to the state commissioner of weights and measures the names and occupations of all persons convicted for the use of fraudulent weights, measures, balances, or measuring devices, who shall publish the same in a daily paper of general circulation throughout the State.

Mr. Woolf consented to the withdrawal of the former motion.

The motion was carried.

Mr. HASKELL. I want to offer a resolution that the National Bureau of Standards prepare a uniform table of the standard weights per bushel of all commodities used in general commerce in the several States and Territories and the District of Columbia, to be submitted as one of the recommendations of this convention and covered in our recommendations to Congress. I offer this for the reason that the Bureau of Standards has published a table which shows that very few of the States have the same weight for the same commodity. Why

it should be so I can not understand. As the gentleman from Georgia said, in his State one commodity is required to be a certain number of pounds to the bushel, and across the river it is 2 pounds more.

The CHAIRMAN. We have 2 pounds difference in a bushel of onions between Massachusetts and Rhode Island.

Mr. HASKELL. In some of the States 56 pounds is a bushel of potatoes, and in some it is 60. In almost all the States a ton of coal is 2,000 pounds, while in the District of Columbia it is 2,240 pounds. I know the Bureau of Standards has paid a great deal of attention to this matter and has already prepared tables showing the weight of the different commodities in the several States, and it seems to me a recommendation from this body to Congress might have effect in bringing about a uniform system. I would like to hear from Mr. Fischer on this.

Mr. FISCHER. Personally, I have rather avoided that question. It seems to me it is altogether wrong to state that a bushel of wheat or a bushel of potatoes shall weigh a certain amount. I hope it will be possible for us to adopt a new unit, 100 pounds or something of that sort. To perpetuate all these bushels which are not bushels but merely certain weights called bushels, is bad practice.

Mr. YODER. I raise oats that perhaps by the bushel measure weigh 40 pounds. My neighbor's oats will not weigh over 35 pounds. If the measure is taken instead of the weight he would be getting the benefit, while I would be losing on every bushel that I sold. How will we get around that?

Mr. FISCHER. In that case it is fairer to sell by weight than by capacity.

Mr. YODER. In the State of Montana no attention is paid to the bushel. Everything is sold by the pound.

Mr. PETTIS. Eggs should be sold by weight.

Mr. FISCHER. California has adopted a cental of 100 pounds. If we get Congress to legalize these bushel standards, it will be much more difficult to displace them afterwards.

Mr. BROWN. Fix it so that where sold by the bushel it will be so stated.

Mr. FISCHER. The fact that the bushel is different in the different States would make it easier for us to adopt some other standard, and for that reason I would not like to see Congress fix the weights. It would make it very difficult to adopt a new unit later. In California everything is sold by the cental.

A motion to adjourn for luncheon was carried.

FOURTH SESSION (AFTERNOON OF FRIDAY, MAY 17, 1907).

The CHAIRMAN. We will come to order now, gentlemen, and take up the remainder of the proposed law. I will ask the secretary to read section 22.

The secretary read section 22:

SEC. 22. Any person who neglects or refuses to produce for said sealer all weights, measures, or balances in his possession, or on his premises, or refuses to permit the sealer to examine the same, or obstructs the entry of the sealer, or otherwise obstructs or hinders a sealer under this law, shall be liable to a fine not exceeding twenty-five dollars, and in a second offense of fifty dollars.

The CHAIRMAN. The section reads "all weights." Does that mean weights that are used and provided for in section 12, or does it mean weights that are used for the convenience of the owner?

Mr. FISCHER. I move that we modify that so as to read "in his possession and used in trade."

On motion, section 22 was adopted as amended, and reads as follows:

SEC. 22. Any person who neglects or refuses to produce for said sealer all weights, measures, or balances in his possession, and used in trade, or on his premises, or refuses to permit the sealer to examine the same, or obstructs the entry of the sealer, or otherwise obstructs or hinders a sealer under this law, shall be liable to a fine not exceeding twenty-five dollars, and in a second offense of fifty dollars.

The secretary read section 23:

SEC. 23. A local standard which has become defective in consequence of any wear or accident, or has been repaired, shall not be legal, nor be used by the local sealer until it has been reverified by the state commissioner of weights and measures.

On motion, section 23 was adopted as read.

The secretary read section 24:

SEC. 24. Any sealer of weights and measures shall forthwith, on his appointment, give bond in the sum of one thousand dollars for the due performance of the duties of his office, and for the safety of the local standards, and the stamp appliances for verification committed to his charge, and for the surrender immediately on his removal or cessation from office to the person appointed by the proper authority to receive them.

The CHAIRMAN. Would you not provide for deputy sealers?

Mr. FISCHER. I move that the section be amended to read "any sealer or deputy sealer" instead of "any sealer."

On motion, section 24 was adopted as amended, and reads as follows:

SEC. 24. Any sealer or deputy sealer of weights and measures shall forthwith, on his appointment, give bond in the sum of one thousand dollars for the due performance of the duties of his office, and for the safety of the local standards and the stamp appliances for verification committed to his charge, and for the surrender immediately on his removal or cessation from office to the person appointed by the proper authority to receive them.

The secretary read section 25:

SEC. 25. If a sealer stamps a weight or measure without duly verifying the same by comparison with a local standard, or is guilty of any breach of duty imposed upon him by law, or otherwise misconducts himself in the execution of his office, he shall be liable to removal, or to pay a fine not exceeding two hundred dollars for each offense.

MR. PETTIS. I move its amendment by inserting the words "or deputy sealer" after the word "sealer."

MR. WELD. If a man is fined, should he be allowed to remain in office? The section reads, "shall be liable to removal or to pay a fine," etc.

MR. FISCHER. It should depend on how grave the offense was.

THE CHAIRMAN. I think the sentiment would be so strong against him after he had been fined for a breach of duty that it would not do to keep him.

MR. FISCHER. Are there not cases where deputies violate some of the rules where the offense is not sufficiently grave to dismiss them, but where a fine would be sufficient punishment?

MR. HASKELL. The sealer in the District of Columbia can suspend, but it requires the action of the Commissioners to dismiss.

MR. FISCHER. I merely make that as a suggestion.

The amendment was seconded and, on motion, the section was adopted as amended, and reads as follows:

SEC. 25. If a sealer or deputy sealer stamps a weight or measure without duly verifying the same by comparison with a 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 or to pay a fine not exceeding two hundred dollars for each offense.

The secretary read section 26:

SEC. 26. A local 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 state superintendent within two years of the time at which it is used.

MR. REICHMANN. I move to amend the section so that it will read, after the word "balance," "unless it has been verified by the

state commissioner of weights and measures within at least five years of the time at which it is used."

Mr. BECK. I believe that each State will regulate that for itself. I should think that is a matter we need not discuss here.

The CHAIRMAN. The States want something as a guide. This would be more a suggestion than anything else. I think that five years is often enough.

Mr. THOMAS. Section 13, which has already been acted upon, provides that the state commissioner of weights and measures shall inspect all standards used by county and municipal inspectors at least once in two years. Why should we make a change here?

The CHAIRMAN. We will have to make those two sections conform with each other. I do not believe it will be practicable to make an inspection of standards at least once in two years. What do you think about it, Mr. Reichmann, in the State of New York?

Mr. REICHMANN. I do not think that would suit New York.

The CHAIRMAN. I think five years would be the proper limit. A set of standards ought to go for five years used only for standardizing. They would not be used a dozen or fifteen times at the outside.

The amendment was carried, and, on motion, section 26, as amended, was adopted:

SEC. 26. A local 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 state commissioner of weights and measures within at least five years of the time at which it is used.

The secretary read section 27, under the head of "General regulations:"

SEC. 27. No weight, measure, balance, or measuring device of any kind shall be used in trade until it has been examined and sealed by the state commissioner of weights and measures, or local sealer.

The CHAIRMAN. Why should the state commissioner have anything to do with sealing? He ought to inspect, but not seal weights and measures used in trade.

Mr. PETTIS. The attorney-general of Rhode Island has decided that the state sealer of weights and measures has the same rights and privileges as any town or city sealer.

The CHAIRMAN. It is not so in my State.

Mr. FISCHER. I thought you did have authority to inspect?

The CHAIRMAN. I have the power to make inspections; I have the right to enter any building to see that scales correspond with the standards; but that is all. If the apparatus does not conform to the

standards, I notify the mayor or board of selectmen and they cause the provisions of the law to be enforced; or I may prosecute for violations; but I do not attend to the details of sealing, such as are performed by a local sealer of weights and measures. The state commissioner should go around and supervise the local sealer's work, but he ought not to do sealing.

Mr. REICHMANN. An occasion might arise where he would want to do so, in some particular or special case.

The CHAIRMAN. How would a sealer of one of the cities of New York State feel if the state superintendent of weights and measures went into his city and began sealing weights and measures?

Mr. REICHMANN. Suppose a railroad company brings you a depot scale; would you test it?

The CHAIRMAN. Yes; but I test apparatus as a matter of convenience only.

Mr. FISCHER. I do not know whether this clause would lead to any trouble. I did not suppose that any state commissioner would want to do this work.

The CHAIRMAN. But you are making his seal legal.

Mr. FISCHER. It seems to me that if there is any dispute about a matter and an individual or a firm wanted to have its standards examined by a state commissioner he ought to do it.

The CHAIRMAN. That may be, but not so far as placing his seal on it.

Mr. PETTIS. If he tests and examines, he ought to place his seal on it.

Mr. WALL. Suppose you get information that a sealer is not performing his duties. How would you go about to investigate?

The CHAIRMAN. I go to his town or city and make an inspection. If I find he is not doing his work, I usually have a conversation with him. Under the law I am supposed to notify the chairman of the board of selectmen, and the law says they shall cause the law to be enforced.

Mr. WALL. Can you usually determine the question? Suppose he is evading the law; that he is in collusion with some of the people for whom he is making tests?

The CHAIRMAN. I go to the chairman of the board of selectmen or the mayor, who is the administrative officer, and make a formal complaint in writing that the law is being violated. Or, if there is a direct violation of the law, I can make a prosecution personally without consultation.

Mr. WALL. I was wondering how you went about getting the facts.

The CHAIRMAN. Upon complaint, or by personal inspections which I make from time to time. Part of my work consists in going around and making inspections of the standards. I may examine and test scales, weights, etc., of tradesmen precisely the same as a local inspector, but do not attempt to seal them. I look to see if they bear the seal mark. If they do not, I make complaint.

Mr. FISCHER. Inasmuch as the state sealer or commissioner has a better set of standards, I can readily conceive that there might be a number of cases where he would be called upon to seal weights and measures where the local sealer could not do so in a satisfactory manner, just as in the case of the Bureau here we expect to receive weights to standardize which can not be standardized with sufficient accuracy by the state commissioner or local inspectors. And I can see that a business house under certain circumstances might prefer the stamp and seal of the state commissioner.

Mr. REICHMANN. A case of that kind comes up in our knitting mills, where they would rather have the seal of the state officer, and also in the case of drug stores. Ordinarily local inspectors would not have to correct drug-store scales, but according to Massachusetts law they ought to do so.

The CHAIRMAN. I understand the position Mr. Fischer takes, and fully agree with him; but you are establishing a very bad precedent. Suppose, in the case of Mr. Reichmann, a New York merchant would send up to Albany 150 yardsticks to be adjusted by him. He could not refuse, under this broad clause, to seal them.

Mr. REICHMANN. Certainly; I could raise the point that it was not work precise enough to require the work of the state sealer, and that a city sealer was available to do the work.

The CHAIRMAN. I do not think your judgment would be law in this case. You are authorized to seal weights and measures when some one presents them to you for sealing. Your seal is accepted as the final seal on an article, without any regular or local inspection law. It is possible that the whole city of Albany might submit apparatus to you and the local sealer would not have any work to do. You must draw the line sharply between the responsibility and the acts of the state sealer and a local sealer.

Mr. REICHMANN. To my mind that is what it does. It does not say you are compelled to do it.

The CHAIRMAN. Why could you refuse to do it? There is a provision made by law for you to seal weights and measures.

Mr. REICHMANN. You could refuse to do it. You have the right to do so; the work is not required of you.

The CHAIRMAN. I do not believe the state commissioner of weights and measures should test weights in factories. I do not think that is a function of his office.

Mr. HASKELL. The whole trouble is with the fee system. Suppose a state sealer is disposed to work in conjunction with large manufacturing interests, and if a local office is established having to do with weights and measures and the manufacturers see fit to have their apparatus verified by the state sealer, who consents to do the work, where is your local sealer going to get any business?

The CHAIRMAN. What good is his objection going to do if the state sealer sees fit to seal the apparatus?

Mr. HILL. If this is put into effect at all, in a great number of the States, particularly in the West, it is going to be a matter of slow growth before it is ever put into effect in any such way as you have it in Massachusetts, New York, and Rhode Island. It is going to be a long while before a very large number of the towns in the State of Kansas have sealers who would be capable of making these delicate comparisons. As a matter of fact, most of that work which comes up is done at the University of Kansas. It is being concentrated there. Our professor of chemistry, who is state chemist and dean of the School of Pharmacy, has charge of the analysis of drugs, etc. We have to have some such provision for doing that work which the local sealers can not do, and have no provision for doing.

On motion, section 27 was adopted as read.

Section 28 was read by the secretary:

SEC. 28. All computing devices shall be tested as to the correctness of the values, and all values, whether in money, figures, or graduations, shall be correctly placed, so that when any commodity is weighed thereon the money value registered shall be the true value of the commodity weighed.

Mr. HILL. This is a matter in which I am not very deeply versed, but I think that it is a question that is up now in Massachusetts. As nearly as I have found out, it is a question not so much for arbitrary legislation as for consideration as a mathematical problem. Can a scale be made that will show the true value of the commodity weighed?

Mr. PETTIS. They can do it, but will not.

Mr. HILL. The matter of splitting cents depends on what this word means.

The CHAIRMAN. The attorney-general of Massachusetts says that no court must construe anything within the value of one-half cent,

because there is no monetary coin in the United States within the value of 1 cent.

Mr. FISCHER. There is no difficulty in placing, for example, the figures 15 exactly where they belong. If a commodity is selling at 35 cents and happens to come out at 15 cents, can we not place that 15 just where it belongs accurately computed, as accurately as it is possible to do mechanically?

Mr. HILL. The point I was making is whether this word "true" is not the particular word that is making trouble in the Massachusetts law now?

The CHAIRMAN. This is the word that is making the trouble; but we believe the true value can be placed.

Mr. FISCHER. At the present time the values are placed with reference to ounce graduations, and that is the thing we are attempting to obviate. Instead of placing them with reference to ounce marks, we want them placed exactly where they belong, shove them along the drum or let them come a little sooner, as the case may require.

Mr. PETTIS. On those scales you will see the values for the half ounce, the ounce, $1\frac{1}{2}$ ounces, and 2 ounces all shown as 4 cents.

Mr. FISCHER. In selling at 4 cents a pound, these scales show the figure "1" for 2 ounces.

Mr. HILL. I understand that. It would be a matter of using scales for what they were intended. You would hardly expect to sell drugs or jewels on meat scales. That is the only point.

Mr. FISCHER. Still the value can be correctly placed. They should show no figure until 4 ounces have been placed on the scale. Two ounces is not a cent's worth; it is only one-half cent's worth. Consequently, the scale ought not to show anything until there is a cent's worth on the scale, which can be done.

Mr. HILL. My understanding was that it was done within the nearest half cent.

Mr. FISCHER. It is placed now with reference to ounce graduations, and that has been the cause of endless trouble.

Mr. HILL. I am not saying that any one scale is correct. All I was contending for was provided it could be made on the principle claimed for it.

On motion, section 28 was adopted as read.

Section 29 was read by the secretary:

SEC. 29. Every weight, except when the small size of the weight renders it impracticable, shall have the denomination of such weight stamped on the top or side thereof in legible figures or letters; and every measure of capacity shall have the denomination thereof stamped on the outside of such measure in legible figures and letters.

A weight or measure not in conformity with this section shall not be stamped by the state commissioner of weights and measures or local sealer.

Mr. HAARER. Does that mean that the capacity would be blown on every milk bottle?

Mr. FISCHER. It would cost very little to do it, and I think it ought to be done. They simply make a mold and blow it in.

Mr. PETTIS. I am in favor of that.

On motion, section 29 was adopted as read.

The secretary read section 30:

SEC. 30. Every person who uses, or has in his possession for trade, any weight, measure, scale, balance, steelyard, or weighing machine which is false or unjust shall be liable to a fine not exceeding twenty-five dollars, or in the case of a second offense fifty dollars, and any contract for gain, sale, or dealing made by the same shall be void, and the weight, measure, scale, balance, or steelyard shall be liable to be forfeited.

Mr. STAFFORD. I would like to know the meaning of the expression "for trade."

Mr. FISCHER. That carries the same meaning as we have been using before, buying and selling.

Mr. STAFFORD. To sell the scale?

Mr. FISCHER. No; to use it.

Mr. STAFFORD. Then, should it not read "for use in trade," so that the first part of the section would read, "Every person who uses or has in his possession, for use in trade," etc.?

Mr. FISCHER. I move to insert the words "use in" after "for," so that it will read that way.

Mr. STAFFORD. I believe we should leave out the question of knowledge, and make the man liable whether he knows or not.

The CHAIRMAN. Yes. You will have to prove intent. This section ought also to be broad enough to take in scales, just as we do in Massachusetts, to include traveling costs and labor to transport it. It seems to me that is important, and I would suggest that your legal adviser at the Department see that the points mentioned are covered.

Mr. FISCHER. To what scales have you reference?

The CHAIRMAN. Scales used for determining cost of labor in paper factories, wire factories, etc.

Mr. STAFFORD. I do not know that I understand the meaning of the word "trade" in this section.

Mr. FISCHER. The word "trade" is the word used in the English law. I judge they have considered that rather carefully, because they have very rigid laws.

Mr. STAFFORD. It is a very broad word.

Mr. FISCHER. So far as I know their law is very satisfactory. I think anything we can take from the present English law will be satisfactory so far as trade weights and measures are concerned.

Mr. STAFFORD. Does that include expressage?

The CHAIRMAN. Our attorney has construed that the cost of transportation was a commodity.

Mr. FISCHER. It certainly would be if it went by freight.

On motion, section 30 was adopted as amended, and reads as follows:

SEC. 30. Every person who uses, or has in his possession, for use in trade, any weight, measure, scale, balance, steelyard, or weighing machine which is false or unjust shall be liable to a fine not exceeding twenty-five dollars, or in the case of a second offense fifty dollars, and any contract for gain, sale, or dealing made by the same shall be void, and the weight, measure, scale, balance, or steelyard shall be liable to be forfeited.

The secretary read section 31:

SEC. 31. A weight or measure duly stamped by an inspector shall be a legal weight or measure throughout the State, unless found to be false or unjust, and shall not be liable to be restamped because used in any other place than that in which it was originally stamped.

The CHAIRMAN. A change in the first line of that section should be made, because the state commissioner is liable to stamp apparatus. This section and section 27 should be made consistent.

It was agreed to substitute the words "the state commissioner or local sealer" for the words "an inspector."

Mr. THOMAS. I want to raise one question here which I thought of doing at an earlier period. I think we ought to provide for the recognition of the seal or certificate of the National Bureau of Standards under the state laws. I know that in certain lines of work—in surveying, for instance—the Bureau of Standards has made provision for the testing of surveyors' chains and tapes, a provision which is not easily met or easily carried out by local sealers, and I have known of cases where the question of the seal has come up. I think it would be wise for us throughout the country to recognize this, if not to advocate in certain cases the recognition locally of the certificate or results of tests made by the Bureau of Standards.

Mr. WALL. What would be the expense of testing a steel tape—I mean getting a certificate?

Mr. FISCHER. We charge 75 cents for the total length if it is not greater than a hundred feet, and 10 cents additional for any intermediate marks.

Mr. WOOLF. May I ask who gets that?

Mr. FISCHER. It goes to the National Government.

The CHAIRMAN. Right along with Mr. Thomas's suggestion, it seems that the National Bureau of Standards' mark or stamp has no distinctive mark as to the year. That would be a difficulty in providing for annual sealing of certain articles. It would be necessary for the Bureau of Standards to put on a date mark. One would not want to say that an article sealed by the Bureau of Standards would be good indefinitely. That question could be settled by leaving it to the Bureau of Standards.

The CHAIRMAN. I should think that a limitation should be fixed as to how long the accuracy of a test made by the Bureau of Standards should be recognized. A man might have a scale tested at the Bureau of Standards, then use it in Washington here, and Mr. Haskell would not have any jurisdiction over it, if you say the Bureau of Standards' mark shall be recognized.

Mr. FISCHER. It seems to me that will have to be recognized anyhow. Since we possess the fundamental standards, I do not see how anyone could go back of any certification we might make.

Mr. HASKELL. That is an act of Congress, is it not?

Mr. FISCHER. I do not think it is in our organic act. But our certificate is accepted and has been used in court a number of times, and I should think the state sealer's would be if he were competent; but as far as I know that question has never come up. Of course we do not want to do the work of inspecting trade weights and measures. A number of manufacturers have sent their standards here—people like Fairbanks—and they will no doubt continue to do so.

Mr. THOMAS. Is there any national legislation which will hold in the case of litigation in the State, making a test by the National Bureau of Standards a legal test, as to the correctness of the thing certified?

Mr. FISCHER. I do not think there is; but I would like to see that authority conferred on the Bureau.

Mr. THOMAS. It was my aim to accomplish this. I move as a further amendment to insert after the word "sealer" the words "or by the National Bureau of Standards."

Mr. FISCHER. That would make it a legal weight or measure throughout the United States. It seems to me we ought to have a separate paragraph about that, and perhaps it should go under the national law. I think that ought to be the way to take care of it.

The CHAIRMAN. Why could not the Solicitor, in drawing up this bill, include a separate clause providing that all articles sealed by the Bureau of Standards should be good so far as state inspection goes?

Mr. FISCHER. I think that ought to be done by act of Congress, under the proposed national law, say, after section 5.

Mr. THOMAS. That would not meet all the requirements. As a rule, people would not be informed as to national legislation on the subject; they would be guided by the state laws in regard to state litigation.

The CHAIRMAN. Suppose we have it understood, Mr. Fischer, that when you take up this matter with your legal adviser you suggest to him that he provide a clause to that effect.

Mr. FISCHER. Of course, that is what we want. The Bureau of Standards does not wish to test weights and measures. It is a great inconvenience to the people to send them here, and it certainly is unsatisfactory to us; we do not want it at all. But it seems to me that the large manufacturer who is doing business all over the country ought to be permitted to send his standards here; and there ought not to be any question about a set of standards after we certify to them.

The CHAIRMAN. Those standards do not come under the jurisdiction of the sealer. The manufacturer is simply using them, as a rule, for his own convenience or for standardizing other articles. What do you think about it, Mr. Thomas; do you want to insist?

Mr. THOMAS. I think it can go there. It can do no harm, and I believe it does good. It is important, as I look at the matter.

The CHAIRMAN. Of course, if this is incorporated in the sections to be adopted by the National Government, there would be no necessity for having it in the state law. National law would override anything put on the state statute books, and in that event state legislation would be superfluous. Mr. Fischer, as I understand it, will bear this in mind, and suggest that something of the kind be drawn up.

Mr. FISCHER. I would just as leave have this body take action, and insert it after section 5, if it will. If Mr. Thomas will frame his amendment that way, I would like to have it follow section 5.

Mr. HAARER. I agree with Mr. Thomas that this should be in the part referring to state laws, even though we should put it in the national law, for the reason that in case of litigation you would have the matter in state laws, and action could then be taken in local courts, and the case would not have to be commenced under the national law.

Mr. THOMAS. The point lies not in providing for the exhibition of authority and law by counsel in the course of a case actually in progress. It seems to me it would be better to have it in a place where one who is committing acts which may be subject to litigation can see before committing them how the law on the subject reads. It gives notice to the public that the stamp of the National Bureau of Standards is recognized in the state law. Able counsel prosecuting a case under such conditions will find in the national law provision for it; but the everyday citizen will not. He does not think about national law so much; he is concerned with state law.

Mr. HASKELL. What harm can it do?

Mr. THOMAS. I do not see that it can do any harm.

On motion, section 31, with amendments, was adopted and reads as follows:

SEC. 31. A weight or measure duly stamped by the state commissioner of weights and measures or a sealer, or by the National Bureau of Standards, shall be a legal weight or measure throughout the State, unless found to be false or unjust, and shall not be liable to be restamped because used in any other place than that in which it was originally stamped.

The secretary read section 32:

SEC. 32. Where any fraud is willfully committed in the using of any weight, measure, scale, balance, or steelyard, or weighing machine, the person committing such fraud, and every person party to the fraud, shall be liable to a fine not exceeding twenty-five dollars, or in the case of a second offense fifty dollars.

Mr. PETTIS. Instead of saying "shall be liable," why not say "shall be fined?"

Mr. FISCHER. That is the common and accepted phraseology.

Mr. THOMAS. Is not that section covered by section 30?

The CHAIRMAN. No. One relates to false weights and measures in a person's possession; the other to fraud willfully committed. One might commit fraud with weights and measures which were entirely correct.

Mr. THOMAS. What is the evidence of fraud?

Mr. FISCHER. If one buys a pound of tea, and weighs it on correct scales and finds it weighs 14 ounces, that is evidence of fraud.

Mr. BENT. Not necessarily evidence of willful fraud in all cases.

Mr. HASKELL. I do not think the fine is heavy enough. If a man deliberately places something on his scale for the purpose of defrauding the public, it seems to me the fine in many cases ought to be \$50. In the District of Columbia the fine is not to exceed \$100, in the

discretion of the court. It may be \$5, \$10, or up to \$100. Very often we have cases where the court adjudges the limit of \$100, or six months in jail.

The CHAIRMAN. We have just passed a law which reads as follows:

Whoever shall be guilty of fraud and the giving of false weight and measure shall be for the first offense liable to a fine of not more than fifty dollars; for the second offense, not more than one hundred dollars; and for the third offense not more than fifty dollars and six months' imprisonment.

All laws read in that manner; not more than so much. It gives the judge the right to fine from \$1 up.

A MEMBER. You do not put a minimum?

The CHAIRMAN. No. Our State has practically abolished all such phraseology in the laws. I think there ought to be a term of imprisonment provided for the third offense.

Mr. FISCHER. It seems to me if we fine these people and publish their names and occupations, there never will be a third offense.

On motion, section 32 was adopted as read.

The secretary read section 33:

SEC. 33. All dealers in milk and cream who use glass bottles, jars, or other receptacles for the distribution of milk or cream to consumers shall bring in such bottles, jars, or other receptacles 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, 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, jars, or other receptacles sealed under the provisions of this section shall not be legal measures except for the distribution of milk or cream to consumers.

Mr. HASKELL. We have tried it both ways here, and we have arrived at the conclusion that the best way is this: A measure must be a standard measure, and that being established, if a man uses a measure that is not a standard measure he is liable to prosecution. But when it comes to the question of sealing, as in our large cities, there are five or six hundred thousand bottles to be sealed, and the life of them is not long. I think it was claimed here in a hearing that the life of a bottle was only about twelve days. Now, if one has to go over that number of bottles, say, every sixty days, it would require a force of 25 to 50 men. Who is going to pay that expense when we receive no fees for it? What county, town, or city is going to provide for that?

Mr. YODER. Let each State.

Mr. FISCHER. We also have had that trouble at the Bureau. We have certain regulations in regard to glassware, etc. (apparatus for

chemists), and a great many chemists order according to particular specifications and direct that the apparatus be sent directly to the Bureau to be verified. Now, the result of this has been that a great many manufacturers do not inspect apparatus after it is finished. They send it down to us and let us pick out the good apparatus and stamp it, and send the imperfect back to them. It is a great deal of work for us. The way we are thinking of getting around them now is by charging them a certain amount for the apparatus examined. I believe if that is not done with regard to milk bottles, it will make the city sealer's office a sort of clearing house. He will have to pick out the good from the bad; and they will not make any inspection at all at the factory.

Mr. PETTIS. You pick out one lot that is bad and they will not send any more to you.

Mr. HASKELL. If I understand it rightly, you are merely making suggestions to the different States. This, as I understand it, provides that the bottles shall be delivered at the office of the sealer. Now, very often we have 5 carloads of bottles coming in here at a time, and the capacity of the sealer's office of the District of Columbia is such that we would have to put them in the street. I think it is necessary to get around that some way or other without sealing.

Mr. PETTIS. In Massachusetts, at offices where the sealers are paid salaries, there is no charge for testing bottles. In towns where sealers are paid by fees, when a man brings bottles to be sealed the sealer tests and seals them and the man signs a printed slip stating the number of bottles tested and sealed for him. The sealer takes the slip to the town council when it has a meeting and is paid for his work. I have been trying to get that plan adopted in Rhode Island.

The CHAIRMAN. What is the pleasure of the conference with regard to section 33?

Mr. PETTIS. I move that it be adopted.

The motion was agreed to and section 33 adopted as read.

The secretary read section 34:

SEC. 34. 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 or measure, puts in or conceals therein anything whatever, for the purpose of increasing the weight or measure 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 or measure, is punishable by fine of not less than twenty-five dollars for each offense.

The CHAIRMAN. We should strike out the word "usually" in the phrase "or other goods usually sold," etc.

Mr. HASKELL. Mr. Chairman, what is the meaning of the word "goods?"

The CHAIRMAN. Commodities, I think.

Mr. HASKELL. I would suggest we change the word "goods" to "commodities."

Mr. REICHMANN. Could not this section be worded in more general terms so as to embrace almost any commodity, such as spools of thread, berry boxes, etc.?

Mr. WELD. That is giving short weight or measure, is it not?

Mr. WOOLF. May I ask whether this would include the adding of water to a bale?

Mr. FISCHER. That is what it is intended to do, of course; but whether it does or not, I am not sure. The phrase "puts in or conceals therein for the purpose of increasing the weight," would seem to cover the point in question.

Mr. WOOLF. I move the adoption of section 34.

The motion was agreed to, and section 34 was adopted with the suggested amendments to strike out the word "usually" and substitute the word "commodity" for the word "goods." The section now reads:

SEC. 34. Every person who, in putting up in any bag, bale, box, barrel, or other package, any hops, cotton, wool, grain, hay, or other commodity sold in bags, bales, boxes, barrels, or packages by weight or measure, puts in or conceals therein anything whatever, for the purpose of increasing the weight or measure of such bag, bale, box, barrel, or package, with intent thereby to sell the commodity therein, or to enable another to sell the same, for an increased weight or measure, is punishable by fine of not less than twenty-five dollars for each offense.

The CHAIRMAN. Was there not something we desired to take up at this point?

Mr. FISCHER. Mr. Haskell brought up the question of bushels.

Mr. HASKELL. I move that the question of uniformity of bushels of various articles be referred to the executive committee, to take up the subject in general, and make a report at the next meeting.

The motion was agreed to.

Mr. HASKELL. I move that in the suggestions for laws that we have been considering that wherever the word "States" is used there be added the words "Territories and the District of Columbia," so as to cover the whole country.

The motion was agreed to.

Mr. PETTIS. Mr. Stafford, of Vermont, is here, and as he has not yet addressed the conference, I move that he be asked to do so.

The CHAIRMAN. We would be very glad to hear from Mr. Stafford.

Mr. STAFFORD. This is a matter I do not know anything about. I came here on the suggestion of Mr. Hazen, who has met with you in former years, but who could not come at this time. He said that some matters of legislation were to come up for discussion and possibly I might be able to help a little on those lines, and that is why I came to-day. I have listened with a great deal of interest to what has been said here, but I have no suggestions to make.

Mr. PETTIS. What we would like to hear is something in regard to the condition of affairs in your State.

Mr. STAFFORD. I do not know how they stand with reference to this matter. While I was on the bench at home I do not think I ever had a case of false weights or measures, or anything which you are providing for here.

Mr. REICHMANN. I would like to make a motion to the effect that an article be added to the state regulations, in speaking of the duties of the state officer of weights and measures, that he be made a prosecuting officer as well as a local officer. I do not think that is embodied here, but we can leave it to Mr. Fischer to put it in.

The CHAIRMAN. It is moved and seconded that it is the sense of this meeting that the state officer be made a prosecuting officer as well as state commissioner, so called in this bill, and that Mr. Fischer be instructed to bring this to the attention of the legal officer having it in charge.

The motion was agreed to.

Mr. REICHMANN. I move that the executive committee be asked to draw up a resolution to present to the proper committee of Congress that it is the sense of this organization that the net weight or capacity of the goods should be stamped on all packages sold in the United States.

The motion was agreed to.

Mr. BENT. I move that it is the sense of this association that the compensation to all officers in the discharge of their duties in connection with weights and measures be by salary, and we recommend that the fee system be abolished.

Mr. WELD. That is fees to the officers?

Mr. BENT. Yes; fees to the officers. They to be paid by salary, and any fees collected to be turned over to the municipality or county.

The motion was agreed to.

The CHAIRMAN. If there is no objection, we will now proceed with the election of officers. I find the secretary is provided for, but not the chairman.

Mr. PETTIS. I nominate Dr. S. W. Stratton, Director of the Bureau of Standards.

On motion the nominations were closed and Doctor Stratton was elected chairman by acclamation.

Mr. FISCHER. Mr. Chairman, I think we ought to have a vice-chairman as well, for just such an emergency as arose this year. If it is in order, I would like to nominate Mr. Palmer, of Massachusetts.

On motion the nominations were closed, and Mr. Palmer was elected vice-chairman by acclamation.

The CHAIRMAN. As the secretary is provided for, that completes the officers. Is there not a vacancy on the executive committee to be filled?

Mr. FISCHER. Mr. Hazen, who is not here this year, is a member of the executive committee, and he may consent to act. This matter can be taken care of by the permanent chairman on his return.

Mr. REICHMANN. I am sure that every delegate who is here is very thankful to the members of the Bureau of Standards for the way they have entertained us. We have been very much interested in this organization, and this year we have accomplished a good deal more than ever before, which would have been impossible had it not been for the Bureau of Standards bringing us together. We want especially to thank Mr. Fischer for the enormous amount of work which has fallen on his shoulders in bringing us together.

I move that a vote of thanks be extended to the Bureau of Standards, and Mr. Fischer in particular, for our entertainment.

The CHAIRMAN. It is moved and seconded that this association pass a vote of thanks to the officers and attachés of the Bureau of Standards, especially to Mr. Fischer, for the splendid way in which we have been entertained. We will take a rising vote.

The motion was unanimously agreed to.

Mr. BENT. I move that the executive committee be instructed to draw up and present to Secretary Straus (through its secretary) a resolution thanking him for his interest and cooperation in this matter, and his reception.

The motion was agreed to.

Mr. BECK. I move that a vote of thanks be extended to the chairman for courtesies extended during the meeting.

The motion was adopted by a rising vote.

Mr. FISCHER. I would like to say just a word: So far as being under any obligation to the Bureau of Standards, it seems to me the Bureau

is under obligations to the gentlemen who have come here to represent the different States. The only way we can get any information as to what is going on in the different States at the present time is by getting delegates to come here and tell us about it. I do not see how we could accomplish anything without their aid, and it seems to me instead of being under any obligations to us, we here are under obligations to you for coming. I am sure we are glad to have you come, and glad of the opportunity to entertain you at any time. So far as the Bureau is concerned, it is open to your inspection now or at any time you may happen to be in Washington.

Mr. HASKELL. I move we adjourn.

Mr. REICHMANN. I second the motion.

The motion was carried, and accordingly, at 4.10 p. m., the conference adjourned.

SUGGESTIONS FOR NATIONAL AND STATE LAWS ADOPTED BY
THE NATIONAL CONFERENCE ON WEIGHTS AND MEASURES
AT THE THIRD ANNUAL CONFERENCE, MAY 16-17, 1907.

NATIONAL LAW.

The Secretary of Commerce and Labor is authorized to furnish a complete set of standard weights and measures, adopted or accepted by the National Bureau of Standards, to any State, Territory, and the District of Columbia, under the following conditions:

SEC. 1. That the office of state commissioner of weights and measures be established.

SEC. 2. That facilities such as suitable quarters and equipment be provided for the state commissioner of weights and measures at the expense of the State or Territory.

SEC. 3. That the state commissioner of weights and measures be required to make an annual report to the governor, a copy of which shall be filed with the National Bureau of Standards, giving, in addition to other information, the number of weights, measures, and balances tested, sealed, or condemned by him, together with an inventory of the standards and apparatus in his possession.

SEC. 4. No weighing or measuring device shall be used for the purpose of trade until the type has been approved by the National Bureau of Standards. Any type so approved may be used anywhere in the United States: *Provided*, That nothing in this act shall prevent the state commissioner of weights and measures or local inspector from condemning such device if its operation should be defective.

Monthly bulletins giving a description of any weighing or measuring device approved by the National Bureau of Standards shall be sent to the state officer of weights and measures of each State.

SEC. 5. Model regulations for the guidance of state commissioners of weights and measures and local inspectors shall be prepared by the National Bureau of Standards in cooperation with the National Association of State Commissioners.

SEC. 6. The model regulations, prepared and issued by the National Bureau of Standards, shall govern the procedure to be followed by the state commissioner of weights and measures and local inspectors in inspecting, testing, and sealing all weights, measures, balances, or measuring devices.

SEC. 7. The net quantity of the contents of all packages shall be plainly stated in terms of weight or measure on the outside of the package.

LOCAL LAW.

SEC. 8. 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 county and municipal standards of weights and measures shall be tried, proved, and sealed.

SEC. 9. There shall be a state commissioner of weights and measures to be appointed by the governor, in such manner and at such salary as may be fixed by the respective state legislatures; and deputy commissioners may be appointed as required.

SEC. 10. The state commissioner of weights and measures shall have the exclusive custody and control of the state standards received from the National Government, which shall be kept in a fireproof room provided by the State, when not in actual use. He shall maintain the state standards in good order, and submit them once in ten years to the National Bureau of Standards for inspection.

SEC. 11. The state commissioner of weights and measures shall keep a complete record of standards, balances, and other apparatus in his possession, and take a receipt for the same from his successor in office.

SEC. 12. The state commissioner of weights and measures shall be sworn, and shall give bond to the State for five thousand dollars, conditioned on the faithful discharge of his duties.

SEC. 13. The state commissioner of weights and measures or deputy commissioner shall inspect all standards used by the county and municipal inspectors at least once in five years, and shall keep a record of same, and see that they are kept in proper adjustment with the state standards. He shall visit the various cities and towns of the State in order to inspect the work of the local sealers, and in the performance of his duty he may inspect the weights, measures, and balances of any person (or corporation) which are used for buying or selling goods, merchandise, or other commodities, and for public weighing.

SEC. 14. Every county and municipality in the State shall appoint a sealer, with a sufficient number of deputies to inspect at least once a year every weight, measure, balance, or measuring device of any kind used in trade within the jurisdiction of said county or municipality.

SEC. 15. Any two or more local authorities may combine the whole or any part of their districts upon such terms and in such manner as may be agreed upon.

SEC. 16. An inspector 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 had been appointed by each of the authorities who are parties to the agreement.

SEC. 17. Every county and municipality shall provide the local sealer with suitable standards, apparatus, and quarters to enable him to properly perform his duties, all of which shall be subject to the approval of the state commissioner of weights and measures.

SEC. 18. It shall be the duty of the sealer to faithfully devote his time to the performance of the duties of his office, and to test all weights, measures, scales, beams, and steelyards used in trade, or other machinery used for weighing or measuring, within his district, at least once in every year; and upon being notified in writing by any person that any weight, measure, scale, beam, or steelyard used in trade, or other machinery for weighing or measuring any article intended to be purchased or sold in such district, is inaccurate, or believed to be so, or not according to the standard, to at once make an examination of the same.

And in the exercise of such duties he 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 such district.

SEC. 19. Every local sealer shall make an annual report of the weights, measures, and balances tested by him, together with an inventory of the standards and working apparatus, to the state commissioner of weights and measures.

SEC. 20. All weights, measures, and balances which can not be made to conform to the standards shall be destroyed by the sealer.

SEC. 21. The local sealer shall report monthly to the state commissioner of weights and measures the names and occupations of all persons convicted for the use of fraudulent weights, measures, balances, or measuring devices, who shall publish the same in a daily paper of general circulation throughout the State.

SEC. 22. Any person who neglects or refuses to produce for said sealer all weights, measures, or balances in his possession, and used in trade, or on his premises, or refuses to permit the sealer to examine the same, or obstructs the entry of the sealer, or otherwise obstructs or hinders a sealer under this law, shall be liable to a fine not exceeding twenty-five dollars, and in a second offense of fifty dollars.

SEC. 23. A local standard which has become defective in consequence of any wear or accident, or has been repaired, shall not be legal, nor be used by the local sealer until it has been reverified by the state commissioner of weights and measures.

SEC. 24. Any sealer or deputy sealer of weights and measures shall forthwith, on his appointment, give bond in the sum of one thousand dollars for the due performance of the duties of his office, and for the safety of the local standards and the stamp appliances for verification committed to his charge, and for the surrender immediately on his removal or cessation from office to the person appointed by the proper authority to receive them.

SEC. 25. If a sealer or deputy sealer stamps a weight or measure without duly verifying the same by comparison with a 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 or to pay a fine not exceeding two hundred dollars for each offense.

SEC. 26. A local 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 state commissioner of weights and measures within at least five years of the time at which it is used, or whenever necessary.

GENERAL REGULATIONS.

SEC. 27. No weight, measure, balance, or measuring device of any kind shall be used in trade until it has been examined and sealed by the state commissioner of weights and measures or local sealer.

SEC. 28. All computing devices shall be tested as to the correctness of the values, and all values, whether in money, figures, or graduations, shall be correctly placed, so that when any commodity is weighed thereon the money value registered shall be the true value of the commodity weighed.

SEC. 29. Every weight, except when the small size of the weight renders it impracticable, shall have the denomination of such weight stamped on the top or side thereof in legible figures or letters; and every measure of capacity shall have the denomination thereof stamped on the outside of such measures in legible figures and letters.

A weight or measure not in conformity with this section shall not be stamped by the state commissioner of weights and measures or local sealer.

SEC. 30. Every person who uses or has in his possession for use in trade any weight, measure, scale, balance, steelyard, or weighing machine which is false or unjust

shall be liable to a fine not exceeding twenty-five dollars, or in the case of a second offense, fifty dollars, and any contract for gain, sale, or dealing made by the same shall be void, and the weight, measure, scale, balance, or steelyard shall be liable to be forfeited.

SEC. 31. A weight or measure duly stamped by the state commissioner of weights and measures or a sealer, or by the National Bureau of Standards, shall be a legal weight or measure throughout the State, unless found to be false or unjust, and shall not be liable to be restamped because used in any other place than that in which it was originally stamped.

SEC. 32. Where any fraud is willfully committed in the using of any weight, measure, scale, balance, or steelyard, or weighing machine, the person committing such fraud, and every person party to the fraud, shall be liable to a fine not exceeding twenty-five dollars, or in case of a second offense fifty dollars.

SEC. 33. All dealers in milk and cream who use glass bottles, jars, or other receptacles for the distribution of milk or cream to consumers shall bring in such bottles, jars, or other receptacles 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, jar, or other receptacle has once been sealed by the sealer of weights and measures 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, jars, or other receptacles sealed under the provisions of this section shall not be legal measures except for the distribution of milk or cream to consumers.

SEC. 34. Every person who, in putting up in any bag, bale, box, barrel, or other package, any hops, cotton, wool, grain, hay, or other commodity sold in bags, bales, boxes, barrels, or packages by weight or measure, puts in or conceals therein anything whatever for the purpose of increasing the weight or measure of such bag, bale, box, barrel, or package, with intent thereby to sell the commodity therein, or to enable another to sell the same, for an increased weight or measure, is punishable by fine of not less than twenty-five dollars for each offense.

