

tion of reservoirs for the storage of water for irrigation purposes on such lands; therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1905.

WEIGHTS AND MEASURES.

CHAPTER 194.

[S. B. No. 215—Carroll.]

WEIGHTS AND MEASURES.

AN ACT Regulating Weights and Measures, Creating the Office of Inspector of Weights and Measures, Providing for the Appointment of Inspector and Prescribing His Powers, Duties and Compensation.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. OFFICE OF INSPECTOR CREATED.] There is hereby created the office of inspector of weights and measures. An inspector shall be appointed by the governor and shall hold his office for the term of two years unless sooner removed for cause by the governor.

§ 2. MUST GIVE BOND.] The said inspector shall, before entering upon the duties of his office, execute a bond to the state of North Dakota in the sum of five thousand dollars with two or more securities, to be approved by the governor, conditioned for the faithful performance of the duties of his office and which said bond shall be further conditioned to pay any and all damages caused to any citizen of the state of North Dakota by reason of his having violated any of the duties of his office, and any person aggrieved shall have a right of action on said bond in the same manner as though the same had been given for his individual protection.

§ 3. DUTIES OF INSPECTOR.] It shall be the duty of said inspector or one of his deputies to inspect and examine at least once in six months, all weights, measures, scale beams, patent balances, steel yards, and other instruments used for weighing and measuring any commodity sold by weight or measure in the state of North Dakota, or to determine the amount due any person for the doing of anything which is dependent upon the weight or measurement of the thing to be done or to be delivered within this state. The inspector shall have power, or a deputy inspector authorized by him who has a commission signed and sealed by the inspector, to test any and all scales, at any time, but shall not collect fees therefor oftener than twice in each calendar year.

§ 4. COMPENSATION.] The inspector of weights and measures

shall be entitled to demand and receive as his compensation for the inspection herein provided for and the furnishing to the person whose weights and measures are inspected a certificate of such inspection, the following fees: For inspecting and sealing railroad and track scales of the capacity of twenty tons and upwards, each three dollars; for inspecting and sealing scales of from three to twenty tons capacity, each two dollars; for inspecting and sealing dormant scales, each one dollar; for inspecting and sealing movable platform scales, each fifty cents; for inspecting and sealing beams weighing one hundred pounds and upwards, each fifty cents; for inspecting and sealing hopper scales, each one dollar; for inspecting and sealing counter scales, each twenty-five cents; for inspecting and sealing every patent balance beam, steel yard or other instrument used for weighing other than the above enumerated, twenty-five cents; and with each scale sealed by him he shall inspect and seal one set of weights without any additional charge or compensation; for inspecting and sealing any two bushel or one bushel measure, each fifty cents; for inspecting and sealing any other dry measure, each ten cents; for inspecting and sealing liquid measures of a capacity of five gallons and upwards, each twenty-five cents; for inspecting and sealing liquids in less than one gallon or more than five gallons, each twenty cents; for inspecting and sealing any measure of less than one gallon capacity, ten cents; for inspecting and sealing any board or cloth measure, each ten cents; and in any case where he may at the request of the owner employ labor or material in making any scale, weight or measure accurate, he shall be entitled to just compensation therefor.

§ 5. STANDARD OF WEIGHTS AND MEASURES.] The standard of weights and measures shall be the standard adopted by the government of the United States, and any person who knowingly uses for the purpose of purchase or sale or keeps for public use a weight, measure, scale, balance or beam which does not conform to the standard of weights and measures adopted by the state, or who alters a weight, measure, scale, balance, or beam, after it has been adjusted and sealed, so that it does not conform to such standard, and fraudulently makes use thereof, shall be fined for each offense fifty dollars; to go to the state.

§ 6. SECRETARY OF STATE TO FURNISH WEIGHTS.] The inspector shall provide and keep the following weights which shall be furnished, sealed and approved by the secretary of state: One set of weights from one ounce to four pounds; one ten pound weight; one twenty pound weight; and thirty fifty pound weights; one half bushel, one peck, one gallon, two quart, one quart, one pint and one-half pint wine measure.

§ 7. PENALTY FOR USING FALSE WEIGHT.] If any person knowingly uses a false weight, measure, scale, balance or beam, after such weight, measure, balance or beam has been adjusted and sealed, alters it so that it does not conform to the public standard and frau-

dulently makes use of it, he shall forfeit for each offense fifty dollars, which fine to go to the state, and every sealer who has reasonable cause to believe that a weight, measure, balance or beam has been altered since it was last adjusted and sealed, shall enter the premises in which it is kept or used and shall examine the same, and if found tampered with shall have power to seal them in such a manner that they cannot be used until said disability is removed, and said scale, balance or beam shall be kept sealed until said fine is paid. The inspector shall in no case seal or mark as correct any weights, measures or balances which do not conform to the standard; if such weights, measures or balances can be readily adjusted by such means as he has at hand, he may adjust and seal them, but if they cannot be readily adjusted he shall affix to such weights, measures or balances a notice forbidding their use until he is satisfied they have been so adjusted as to conform to the standard, and whoever removes said notice without the consent of the officer affixing the same shall for each offense forfeit a sum not exceeding fifty dollars. A sealer or deputy sealer of weights and measures may seize without a warrant such weights, measures or balances as may be necessary to be used as evidence in case of violation of the law relating to the sealing of weights and measures, such weights, measures or balances to be returned to the owner or forfeited as the court may direct.

§ 8. PENALTY FOR OBSTRUCTING OR MISLEADING INSPECTOR.] Any person who shall wilfully obstruct or mislead the inspector in the execution of his duties as hereby prescribed, shall be subjected to conviction and punishment therefor in the same manner as is now provided for the conviction and punishment of persons obstructing or hindering any officer, ministerial, judicial or executive, under the laws and authorities of the state, and the inspector shall have full power and authority for the various purposes named to examine any weights, measures, scales, balances or beams.

§ 9. REPEAL.] All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

§ 10. EMERGENCY.] An emergency exists in this, that there is now no law providing for the office of inspector of weights and measures for this state, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 4, 1905.