

WARRANTY

CHAPTER 238.

(H. B. No. 113—Judiciary Committee.)

FIXING TIME AND WARRANTY.

An Act Fixing the Time and the Manner of Warranty, and Making Contracts Made in Violation Thereof Void.

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

Sec. 1. REASONABLE TIME TO DISCOVER DEFECTS.) Any person, firm or corporation purchasing any gas or oil burning tractor, gas or steam engine, harvesting or threshing machinery for their own use shall have a reasonable time after delivery for the inspection and testing of the same, and if it does not prove to be reasonably fit for the purpose for which it was purchased the purchaser may rescind the sale by giving notice within a reasonable time after delivery to the parties from whom any such machinery was purchased, or the agent who negotiated the sale or made delivery of such personal property or his successor, and placing same at the disposal of the seller.

Sec. 2. PROVISIONS CONTRARY TO PRECEDING SECTION VOID.) Any provision in any written order or contract of sale, or other contract which is contrary to any of the provisions of this Act is hereby declared to be against public policy and void.

Approved February 26, 1919.

WEIGHTS AND MEASURES

CHAPTER 239.

(S. B. No. 27—McNair.)

LEGAL WEIGHTS AND MEASURES.

An Act Establishing Legal Weights and Measures for Commodities Bought, Sold, and Exchanged Within the State of North Dakota, Repealing Section 3006 of the Compiled Laws of 1913, Relating to and Defining the term "bushel" and providing penalties for the Violation Thereof.

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

Sec. 1. DRY MEASURE.) The standard measure of capacity for commodities sold by dry measure, shall be the bushel containing 2150.42 cubic inches. The half bushel, peck, half peck, quarter peck, quart and pint shall be derived by successively dividing that measure by two.

Sec. 2. LIQUID MEASURE.) The standard measure of capacity for liquids shall be the wine gallon, containing 231 cubic inches; and 31.50 gallons shall constitute a barrel, and 63 gallons a hogshead.

Sec. 3. LINEAL MEASURE.) The standard measure of length, from which all other measures of extension, lineal, superficial or solid, shall be derived, is the yard, of 3 feet, or 36 inches.

Sec. 4. HUNDREDWEIGHT.) In contracts for the sale of goods or commodities the term "hundredweight" shall mean 100 pounds avoirdupois.

Sec. 5. STANDARD WEIGHT OF BUSHEL, ETC.) In contracts for the sale of any of the following articles, the term "bushel" shall mean the number of pounds avoirdupois herein stated:

Alfalfa, 60 pounds.
Apples, 50 pounds.
Apples, dried, 28 pounds.
Barley, 48 pounds.
Beans, 60 pounds.
Beans, White Runner Pole, 50 pounds.
Beans, Broad Windsor, 47 pounds.
Beans, Lima, 55 pounds.
Blue Grass seed, 14 pounds.
Bran, 20 pounds.
Beets, 60 pounds.
Buckwheat, 42 pounds.
Broom corn seed, 30 pounds.
Bromus inermis, 14 pounds.
Corn, shelled, 56 pounds.
Corn, Sweet, 48 pounds.
Corn, in the ear, 70 pounds.
Clover seed, 60 pounds.
Coal, stone, 80 pounds.
Chestnuts, 50 pounds.
Cucumbers, 48 pounds.
Carrots, 45 pounds.
Cranberries, 36 pounds.
Flaxseed, 56 pounds.
Hempseed, 50 pounds.
Hickory nuts, 50 pounds.
Hungarian grass seed, 48 pounds.
Lime, 80 pounds.
Millet, 50 pounds.
Oats, 32 pounds.
Onions, 52 pounds.
Onions, bottom sets, 32 pounds.
Onions, top sets, 28 pounds.
Orchard grass seed, 14 pounds.
Potatoes, sweet, 46 pounds.
Potatoes, Irish, 60 pounds.
Peas, 60 pounds.
Peanuts, 22 pounds.
Peaches, dried, 28 pounds.

Pears, 45 pounds.
Parsnips, 42 pounds.
Plastering Hair, unwashed, 8 pounds.
Plastering Hair, washed, 4 pounds.
Rye, 56 pounds.
Rapeseed, 50 pounds.
Rutabagas, 52 pounds.
Rhubarb, 50 pounds.
Salt, 80 pounds.
Speltz, 40 pounds.
Sorghum seed, 57 pounds.
Turnips, 60 pounds.
Timothy seed, 45 pounds.
Tomatoes, 50 pounds.
Wheat, 60 pounds.
Walnuts, 50 pounds.

Sec. 6. STANDARD MEASUREMENT OF WOOD.) In all contracts for sale of wood, the term "cord" shall mean 128 cubic feet of wood, in four-foot lengths; and if the sale is of "sawed wood," a cord shall mean 110 cubic feet when ranked, or 160 cubic feet when thrown irregularly or loosely into a conveyance for delivery to the purchaser; and if the sale is of "sawed and split" wood, a cord shall mean 120 cubic feet, when ranked, and 175 cubic feet when thrown irregularly and loosely in a conveyance for delivery.

Sec. 7. STANDARD WEIGHT OF COAL, CHARCOAL AND ICE.) In all contracts for the sale of coal, charcoal and ice the term "ton" shall mean 2,000 pounds. A sale of coal, charcoal and ice, except by weight is hereby prohibited.

Sec. 8. STANDARD WEIGHT OF FLOUR.) In all contracts for the sale of flour, the term "barrel" shall mean 196 net pounds avoirdupois.

Sec. 9. FRACTIONAL PARTS.) All contracts for the sale of a fractional part of a bushel, barrel, ton or cord of any article or commodity on which the legal weight or measurement per bushel, barrel, ton, cord, gallon or fractional parts has been established, shall require and mean a like fractional part of the legal and established weight or measurement per bushel, barrel, ton or cord.

Sec. 10. PENALTY FOR VIOLATION.) Whoever in buying shall take any greater number of pounds or cubic feet to the bushel, barrel, ton, cord, gallon or fractional part, as the case may be and as herein allowed and provided, or in selling shall give any less number shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) or by imprisonment for not less than ten (10) days nor more

than ninety (90) days in the county jail, and the cost of such proceeding.

Sec. 11. VARIATION.) The State Inspector of Grades, Weights and Measures shall establish uniform tolerance or reasonable variances to take care of unavoidable shrinkage and all scale variations in handling and weighing any of the articles mentioned in this Act.

Sec. 12. REPEALING CLAUSE.) Section 3006 of the Compiled Laws of North Dakota for the year 1913 and all other Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 13. Whereas an emergency exists in this, there is no law in the State of North Dakota establishing a standard of weights and measures, an emergency is hereby declared to exist and this Act is necessary for the peace, happiness and welfare of the State and shall be in force and effect from and after its passage and approval.

Approved February 18, 1919.

CHAPTER 240.

(S. B. No. 26—Morkrid.)

SALE OF SMALL FRUIT

An Act to Regulate the Sale of Berries and Small Fruit and the Containers in Which They Are Sold and Providing Penalties for Violation Thereof.

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

Sec. 1. It shall be unlawful for any person to sell, offer for sale or give away any containers for the distribution of berries or small fruit in less quantities than one bushel unless said containers are of the capacity of one quart, one pint, one-half pint or multiples of a quart standard dry measure, and all sales of raspberries, blackberries, blueberries, currants, gooseberries, strawberries and similar berries, and all plums, cherries and similar small fruit in less quantities than one bushel shall be by dry measure or in containers as above specified. The possession of containers for berries or small fruit shall be presumptive evidence that they were to be used for distribution.

Sec. 2. In no case shall said containers be refilled for use in the sale of berries or small fruits of any kind whatsoever.

Sec. 3. Any person violating the provisions of this Act shall be guilty of a misdemeanor and punished by a penalty of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) or by imprisonment in the county jail for not less than Ten days nor more than Ninety days.

Sec. 4. Whereas an emergency exists in this, there is no law in the State of North Dakota regulating the sale of berries and

small fruits, an emergency is hereby declared to exist and this Act is necessary for the peace, happiness and welfare of the state and shall be in force and effect from and after its passage and approval.

Approved February 14, 1919.

CHAPTER 241.

(H. B. No. 42.—McLarty.)

STATE INSPECTION OF GRADES, WEIGHTS AND MEASURES.

An Act Designating the State Inspector of Grades, Weights and Measures, Sealer and Inspector of Weights and Measures; Prescribing His Powers and Duties; Defining the Standard of Weights and Measures; Providing Penalties and Repealing Sections 2998, 3001 and 3002 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Inspection and Sealing of Weights, Fixing Fees, Authorizing the Appointment of Deputy Inspectors and Providing for Their Compensation and Regulating the Use and Sale of Weights and Measures and Making an Appropriation.

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

Sec. 1. The State Inspector of Grades, Weights and Measures, hereinafter referred to as the Inspector, shall be the Inspector and Sealer of Weights and Measures and shall have supervision and control over all weights, weighing devices and measures in this State. He shall furnish bond in the sum of five thousand dollars and perform the services herein designated without additional compensation therefor.

Sec. 2. The Inspector of Weights and Measures shall appoint a Chief Deputy Inspector of Weights and Measures and such other deputy inspectors and employees as may be necessary to carry out the provisions of this Act, and fix their compensation. The Chief Deputy Inspector of Weights and Measures and all deputies shall give a bond in a sum to be fixed and approved by the Inspector. The Inspector shall provide for such examinations as he may deem necessary to determine the qualifications and fitness of deputy inspectors. All salaries and other expenses shall be paid by the Inspector out of the fees collected hereunder, provided, that the same shall not exceed the sum of Twenty Thousand Dollars per annum. There is hereby appropriated out of the moneys in the State Treasury not otherwise appropriated the sum of Ten Thousand Dollars for the purpose of carrying out the provisions of this Act, to be repaid to the State Treasury out of the fees collected hereunder.

Sec. 3. The Inspector shall prescribe and adopt such rules and regulations as he may deem necessary to carry out the provisions of this Act, and he may change, modify or amend any or all rules whenever deemed necessary, and the rules so made shall have the force and effect of law.

Sec. 4. The Inspector shall take charge of, keep and maintain in good order the standard of weights and measures of the State, and submit them to the Bureau of Standards at Washington, D. C., for certification when deemed necessary; and shall keep a seal so formed as to impress the letters "N. Dak." and the date of sealing upon the weights and measures that are sealed; and shall test, correct and seal, when found to be accurate, at least once every year and as much oftener as may be deemed necessary, all the copies of the standards used throughout the State for the purpose of testing and weighing or measuring apparatus used in the State, and keep a record thereof; shall have general supervision of the weights, measures and weighing or measuring devices offered for sale, sold or in use in the State; and shall, upon the written request of any person, or without such request test or calibrate weights, measures, weighing or measuring devices and instruments or apparatus used as standards in the State. He shall keep a complete record of the standards, balances and all testing and sealing apparatus owned by the State, and shall annually, during the first fifteen days of January, make a report of his actions to the Governor of the State.

Sec. 5. The Inspector or any deputy inspector shall have power to inspect and test all weights, scales, beams and measures of every kind, instruments and mechanical devices for measurement, and tools, appliances or accessories connected with any or all such instruments for measurement that are kept, offered or exposed for sale, or sold, or used or employed within this State by any person in determining the size, quantity, extent, area or measurements of quantities, things, produce, articles for distribution or consumption, offered or submitted by any person for sale, hire or reward; and shall, at least once in each year, and as much oftener as may be deemed necessary, see that the weights, measures and all apparatus used in the State are correct. In the general performance of this duty the Inspector or any deputy inspector may enter or go into and upon any stand, place, building or premises to stop any vendor, peddler, junk dealer, coal wagon, ice wagon, delivery wagon or any dealer whatsoever and require of him, if necessary, to proceed to some place which the Inspector or deputy inspector may specify for the purpose of making proper tests. Scales, weights, measure or weighing or measuring instruments that are found, upon inspection, to correspond with the standards in the possession of the department shall be sealed with proper devices to be approved by the commission. Any deputy inspector shall condemn, seize and destroy incorrect weights, measures or weighing or measuring devices, which, in the judgment of the department cannot be satisfactorily repaired, and such as are incorrect and yet may be repaired shall be marked as "condemned for repair" in the manner to be prescribed by the Inspector. The owners or users

of any scales, weights and measures, or weighing or measuring instruments which have been so disposed of shall have the same repaired or corrected within thirty (30) days, and the same shall not be used or disposed of in any way without the approval of the Inspector.

Sec. 6. All moneys collected by the department for special services, fees and penalties, shall be paid into the State Treasury of North Dakota, and credited to the State Public Grain Grading and Weighing Fund.

Sec. 7. The Inspector of Weights and Measures shall demand and receive 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 capacity of twenty tons and upwards.....	\$3.00
For inspecting and sealing dormant scales, each.....	2.00
For inspecting and sealing movable platform scales.....	1.00
For inspecting and sealing beams weighing one hundred pounds and upwards.....	.25
For inspecting and sealing hopper scales, each.....	1.50
For inspecting and sealing counter scales, each.....	.25
For inspecting and sealing every patent balance, beam, steelyard or other instrument used for weighing other than the above enumerated, each.....	.25
For inspecting and sealing any two-bushel or one-bushel measure25
For inspecting and sealing any other dry measure, each.....	.10
For inspecting and sealing liquid measures of a capacity of five gallons or more, each.....	.25
For inspecting and sealing anything less than one gallon.....	.10
For inspecting and sealing liquid measures of less than five gallons and not less than one gallon.....	.15
For inspecting and sealing any board or cloth measures, each10

When the Inspector or his deputy shall find any of the instruments or articles used in weighing or measuring to be wrongly adjusted, misconstructured, out of repair, or in any other condition which can be remedied by him, it shall be his duty to correct such scale or measure and he shall collect for such service seventy-five cents per hour for the actual and necessary time consumed in making such corrections and just compensation for any material used in such correction.

Sec. 8. The word "person" shall be construed to mean person or persons, corporation, partnership, stock company, or the agent or employee thereof.

Sec. 9. All property, apparatus for weighing and measuring supplies, records and correspondence now in the possession of the State Treasurer of North Dakota, shall be transferred to the Commissioner of Weights and Measures, who shall then be-

come responsible to the State of North Dakota for the proper use and care of same.

Sec. 10. Any person who shall offer or expose for sale, sell or use, or have in his possession a false scale, weight or measure, or measuring or weighing device, or any weight or measure or measuring or weighing device which has not been sealed within one year, as provided by this law, or use the same in buying or selling of any commodity or thing; or who shall dispose of any condemned weight, measure, or weighing or measuring device, or remove any tag placed thereon by any authorized employee of the department, or shall sell or offer or expose for sale less than the quantity he represents; or sell or offer or expose for sale any such commodities in the manner contrary to law; or shall sell or offer for sale or have in his possession for the purpose of selling, any device or instrument to be used to, or calculated to, falsify any weight or measure, or shall refuse to pay any fee charged for testing and sealing or condemning any scale, weight or measure, or weighing or measuring device, shall be guilty of a misdemeanor and shall upon conviction be fined a sum not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00) or by imprisonment for not less than ten (10) days nor more than ninety (90) days, and the costs of such proceeding. No scale, weight, measure or weighing or measuring device that has been sealed by the department shall be used, sold or exposed for sale until the fee charged for the service has been paid.

Sec. 11. Any person hindering, impeding or restricting in any way the Inspector or any deputy inspector while in the performance of their official duty shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00) or by imprisonment for not less than ten (10) days nor more than ninety (90) days for each offense.

Sec. 12. The said Inspector and all deputies under the provisions of this Act are hereby made special policemen and are authorized and empowered to arrest, without formal warrant, any violator of the statute, in relation to weights and measures, and to seize for use as evidence, and without formal warrant, any false weight, measure, or weighing or measuring device or package or kind of commodity found to be used, retained or offered or exposed for sale or sold in violation of the law.

Sec. 13. That Sections 2998, 3001 and 3002 of the Compiled Laws of North Dakota for the year 1913 and all other Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed and all Acts not in conflict shall remain in full force.

Sec. 14. Whereas it is necessary for the immediate preservation of public peace, health and safety that immediate relief

be given, an emergency is hereby declared to exist and this Act shall take effect and be in force from and after its passage and approval.

Approved February 26, 1919.

WOLVES

CHAPTER 242.

(S. B. No. 28—Jacobsen.)

WOLF BOUNTY.

An Act Providing for a Bounty for Wolves and Coyotes, Prescribing the Method for Payment, Making an Appropriation Therefor, Prescribing the Penalty for a Violation Thereof and to repeal Sections 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, Chapter 253 of the Session Laws of North Dakota for the year of 1917.

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

Sec. 1. STATE BOUNTY FOR WOLVES AND COYOTES.) For the purpose of encouraging the destruction of wolves and coyotes, a bounty shall be paid by the State of North Dakota, for each wolf or coyote killed, the sum of two dollars and fifty cents. Provided, that no bounty shall be paid for wolves killed by the Extension Division of the North Dakota Agricultural college, through the directors thereof co-operating with the Bureau of Biological Survey of the United States Department of Agriculture.

Sec. 2. SKINS TO BE EXHIBITED.) Any person killing any of the aforesaid animals, to obtain the bounty thereon, shall, within ninety days from the date of the killing, exhibit or cause to be exhibited the skins and skulls of said animal or animals, including the tail and the skin from the forehead, including both ears, to the County Auditor in the county in which said animal or animals were killed, and shall at the same time file with the Auditor an affidavit setting forth that he killed or caused to be killed the animal or animals from which the skin or skins were taken: that the same were killed within the bounds of the county to whose Auditor the same are presented.

Sec. 3. VERIFICATION.) The County Auditor shall, before issuing the certificate hereinafter provided for, require statements of two resident tax payers of the county that they are acquainted with the person presenting the skin or skins and that to the best of their knowledge and belief the animal or animals from which said skin or skins were taken were killed within the limits of said county.

Sec. 4. FRAUD PREVENTED.) The County Auditor shall thereupon call to his assistance either the County Treasurer, or, in his absence, the clerk of the district court, who being present, both