

## Protection of Manufacturers.

### CHAPTER 110.

#### PROTECTION OF MANUFACTURERS OF BEVERAGES FROM LOSS OF CASKS, BOTTLES, ETC.

**AN ACT to Protect Manufacturers and Dealers in Ale, Beer, Soda Water and Other Beverages from the Loss of their Casks, Bottles, Boxes and other Packages.**

*Be it enacted by the Legislative Assembly of Dakota Territory:*

§ 1. REGISTER OF DEEDS TO RECORD TRADE MARK.] That it shall be the duty of the register of deeds of any county within the Territory, on the application of any person or firm domiciled within his county, in the Territory of Dakota, or of any corporation created under the laws of this Territory, engaged in the manufacture or sale of ale, porter, lager beer, soda water, mineral water or other beverages in packages, to record in a book suitable for the purpose, a description of the names, brands or trade-marks used by such persons or party for marking his casks, barrels, kegs, bottles, jugs, fountains, boxes or other packages, which book shall be and remain a public record in his office.

§ 2. FEE FOR RECORDING.] That the register of deeds shall collect of any such person, firm or corporation making application to have any such description of name, brand or trade-mark recorded in said register of deeds office a registration fee of one dollar for each and every such description of name, brand or trade-mark before the same be received for record and entered upon the books of the register of deeds office.

§ 3. MISAPPROPRIATION OF CASKS, ETC., DEEMED LARCENY.] That if any person or persons shall willfully and without the consent of the owner, appropriate to his or their own use, sell, destroy or otherwise dispose of any such casks, barrel, keg, bottle, jug, box, fountain or other package, not the property of himself or themselves, and having thereon the names, marks or brands

of any such manufacturer or dealer, the person or persons so offending shall be deemed guilty of larceny and be subject to all the provisions of the law applicable to such offense.

§ 4. PENALTY FOR DESTROYING CASKS, ETC.] That if any person shall unlawfully and maliciously obliterate, injure or destroy the names, marks or brands affixed to any cask, barrel, keg, bottle, jug, fountain, box or other package used or intended to be used for the purpose aforesaid and not the property of himself, the person so offending shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding sixty days, or both, as the court may deem proper.

§ 5. FOREIGN CORPORATIONS ENTITLED TO PROTECTION OF THIS ACT.] That any person or firm residing out of the Territory, or any corporation created under the laws of any other State or Territory, engaged in the business mentioned in section one, shall be entitled to the privilege and protection of this act. *Provided:* They cause the record to be made, as provided in said section one, in the office of the register of deeds of the county or counties where they or their duly authorized agents have their place of business within the Territory.

§ 6. This act to take effect and be in force from and after its passage and approval.

ENDORSED.—Received at Executive Office, February 25, at 1:30 P. M.

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**Note by the Secretary of the Territory.**

The foregoing act having been presented to the Governor of the Territory for his approval, and not having been returned by him to the House of the Legislative Assembly in which it originated, within the time prescribed by the Organic Act, has become a law without his approval.

GEO. H. HAND,  
*Secretary of the Territory.*