

Weights and Measures.

CHAPTER 151.

AN ACT to Provide a Standard of Weights and Measures for the Territory of Dakota, and for other purposes.

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

§ 1. STANDARD TO BE KEPT BY TREASURER.] The treasurer of the Territory shall procure and keep in his office at the capitol of the Territory, the following standards of weights and measures, which shall conform in every *practical* [practicable] particular to the United States standards of weights and measures, to-wit: One bushel; one half bushel; one peck; one half peck; one quart; one wine gallon; one wine half gallon; one wine quart; one wine pint; one wine gill. Said measures shall be made of copper, or other suitable and substantial material; also one surveyors chain thirty-three standard feet in length; one yard measure; one foot measure and one inch measure; also one one hundred pound weight; one fifty pound weight; one twenty-five pound weight; one ten pound weight; one one pound weight; one half pound weight; one quarter pound weight; one one-eighth of a pound; one one-sixteenth of a pound or one ounce weight; one set of apothecaries weights from one pound to one grain; one set of troy weights from one pound to one ——— besides such other scales, beams and balances as shall be necessary to test other weights by these standards, which measures, weights, scales, beams and balances are hereby declared to be the legal standards of weights and measures for this territory. The said territorial treasurer shall be charged with the custody, and accountable to the Territory for the proper use and care of the same. Said standards shall be used only for testing the standards provided for in section 2 of this act, and said treasurer shall keep a record of all county weights, measures, beams and balances marked and tested by him.

§ 2. COUNTY COMMISSIONERS TO PURCHASE DUPLICATE.] The county commissioners of each county are hereby authorized to purchase such duplicates of the above enumerated weights and measures as they may deem necessary for the use of their respective counties in carrying out the following provisions of this act, which duplicates shall be paid for by the county and be delivered

to the sheriff, who is hereby declared to be the sealer of weights and measures for the county, and may appoint such deputies as he may consider necessary in different parts of the county who shall possess the same powers and perform the same duties under this act as the sheriff may, and may furnish such deputies with such duplicates as the county commissioners may be willing to provide for their separate use, or may allow them to use those provided for himself. Each and every such sealer and deputy sealer of weights and measures, shall give a bond to the county of not less than double the cost of the duplicates furnished him conditioned that he will safely keep and care for such duplicates, and in good condition will turn them over to his successor, and upon said bond shall take and subscribe oath of office of substantially the same form as that administered to other county officers.

§ 3. SHERIFF TO MAKE TEST.] The sheriff as *ex-officio* sealer of weights and measures shall in the month of July in each year, test by his duplicates all scales, weights and measures found by him in his county, used as provided in section 4 of this act, and shall give the person in charge thereof a certificate of the correctness thereof, if found to be correct, and if found to be incorrect he shall cause the same to be made correct if it can so be done, and if not he shall mark the same "condemned." He shall keep a record of all such certificates issued by him and of all his transactions under this act. For testing any measure, weight or scale as provided in this section, he may charge the owner or person in charge the sum of fifty cents; *Provided*, That when any scale is tested the certificate shall cover the weights used with scale and the sealer shall not be allowed to charge more than fifty cents for testing each scale and its several weights.

§ 4. COMMISSIONERS TO PRESCRIBE.] The county commissioners of each county shall prescribe, by resolution to that effect, what kinds and quantities of goods, wares, merchandise, grain, live stock and produce may be sold or exchanged with or without the use of the standard weights and measures and tested scales, and may amend such resolution at any regular meeting; which resolution and amendments shall be entered in the minutes of their meeting and published as part of their proceedings, and it shall be unlawful for any person, firm or corporation by themselves or any representative to use any scale, weight or measure for computing the quantity of any goods, wares, merchandise, grain, live stock or produce to be bought or sold by him or them in any greater quantity than that allowed by the board of county commissioners of the county without having the same conform to the standard provided for by this act, and having the same tested as provided for in section 3 of this act, or under the conditions named in section 6.

§ 5. COMPLAINTS.] Any person believing any dealer is violating any of the provisions of this act or any subsequent resolution of the board of county commissioners made by authority hereof may make complaints in writing to any sealer or deputy sealer and deposit with him five (5) dollars, setting forth the particular facts of such violation, and that he has reason to believe that the same are true. Upon such complaint such sealer or his deputy shall forthwith test the scale, weights or measures respecting the matter complained of by his duplicates and if found to conform thereto he may convert the five (5) dollars so deposited by the complainant to his own use as his fees for such service. If he find that any of the matters complained of be true he shall return the five (5) dollars to the complainant and it shall be his duty to forthwith arrest the person in charge of such scales, and bring him to trial before any justice of the peace in the county, and upon conviction such person, whether the owner or not, shall be guilty of a misdemeanor and punishable in the discretion of the court. In all such cases the sealer or deputy sealer making the test shall make and swear to the complaint in court and shall be entitled to the same fees as allowed officers making arrests upon a warrant, besides the sum of one dollar for making the test. Any sealer may upon his own view of violation of the provisions of this act, or any subsequent resolution made by the board of county commissioners of his county by authority hereof, arrest and bring to trial such offender in the manner above provided.

§ 6. DUTY OF DEALER.] It shall be the duty of every person, firm or corporation who desire to use any scale, weight or measure for computing the quantity of any goods, wares, merchandise, produce, grain or live stock, to be bought or sold by him or them in greater quantity than those provided in the resolutions of the county commissioners of his county, to send by mail a notice to any sealer to test such scales, weights or measures, and it shall be the duty of any sealer receiving such notice to test such scale, weights or measures within ten days and during such time before the same is tested the same may be used for such purpose, and the user shall be liable only for damages in a civil action.

§ 7. This act as to section 1, shall take effect from and after its passage and approval; as to sections 2, 3, 4, 5, 6 and 7, shall take effect and be in force in each county in this Territory upon a resolution to that effect adopted by a majority of the board of county commissioners thereof.

Approved, March 13, 1885.