

# WEIGHTS AND MEASURES

## CHAPTER 273.

[H. B. No. 275—Special Committee on Weights and Measures]

### INSPECTION OF WEIGHTS AND MEASURES.

AN ACT Designating the Sheriff of Each County Inspector and Sealer of Weights and Measures, Prescribing His Powers, Duties and Compensation, Defining the Standard of Weights and Measures for the Inspector and Prescribing the Penalties for Violation of this Act.

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

§ 1. SHERIFF INSPECTOR OF WEIGHTS AND MEASURES. DEPUTY.] The sheriff of each county within the state shall be the inspector and sealer of weights and measures. He shall have power to appoint a deputy to perform the duties hereinafter provided, who must be a person qualified by experience and training to intelligently perform the same, but he may be a regular deputy sheriff provided he has the qualifications above described. The deputy shall have the same power and perform the same duties under this article as the inspector and sealer and shall take and subscribe the oath required by other county officers.

§ 2. TESTS, MADE WHEN. RECORD.] The inspector and sealer or his deputy shall once in each year test all weights and measures, scale beams, patent balances, steelyards and other instruments used in weighing or measuring any commodity sold by weight or measure in his county by the duplicates of said weights and measures as are hereinafter provided; provided, the inspector of weights and measures or his deputy may test wagon scales oftener than once each year if he has reason to believe that the same are not weighing correctly. He shall give to the person in charge of such weights or measures a certificate of the correctness thereof, if found to be correct, and if found to be incorrect, he shall cause the same to be corrected, if he can and if not he shall mark the same "condemned" and in case of short weights or measures that cannot be corrected he shall condemn, confiscate and keep the same for evidence. He shall keep a record of all such certificates issued by him and of all his transactions under this article, and shall file with the county auditor during the month of December of each year a statement showing the date of examination and giving the names of the persons, firms or corporations whose scales, weights and measures have been by him examined, and setting out against such names an enumeration of any scales, weights or measures by him so condemned.

§ 3. STANDARD ESTABLISHED.] 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.

§ 4. COUNTY COMMISSIONERS PURCHASE DUPLICATE WEIGHTS AND MEASURES.] The board of county commissioners of each county shall purchase such duplicates of weights and measures enumerated in section 2191 of the code of 1905, as are deemed necessary for the use of the inspector in the carrying out of the provisions of this act, which duplicates shall be paid for by the county and be delivered to the inspector who shall be responsible to the county under his bond as sheriff for their delivery to his successor in office.

§ 5. FEES.] The inspector and sealer of weights and measures shall be entitled to demand and receive for his compensation for the inspection hereinafter 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 scales of from three to twenty tons capacity, each . . . . .	1.50
For inspecting and sealing dormant scales, each . . . . .	1.00
For inspecting and sealing movable platform scales, each . . . . .	.50
For inspecting and sealing beams weighing one hundred pounds and upwards, each . . . . .	.25
For inspecting and sealing hopper scales, each . . . . .	1.00
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
Provided, that when any establishment uses more than three of such scales the fee for inspection of which is twenty-five cents each, then any further number shall be tested for fifteen cents each, and with each scale tested and 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 . . . . .	.25
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 liquid measures of less than five gallons and not less than one gallon . . . . .	.15
For inspecting and sealing anything less than one gallon . . . . .	.10
For inspecting and sealing any board or cloth measure, each . . . . .	.10

When the inspector and sealer shall find any of the instruments or articles used in weighing or measuring to be wrongly adjusted, misconstrued, 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 receive for such service fifty cents per hour for the actual and necessary time consumed in making such corrections and shall receive just compensation for any material used in such correction.

§ 6. PENALTY FOR FALSE WEIGHTS AND MEASURES.] If any person knowingly uses a false weight, measure, scale, balance or beam after such weight, measure, scale, balance or beam has been adjusted and sealed and alters it so that it does not conform to the public standard and fraudulently makes use of it, he shall forfeit for each offense fifty dollars, and every inspector and 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 such disability is removed and such scale, balance or beam shall be kept sealed until such fine is paid. The inspector or sealer 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 as heretofore provided, he may adjust and seal them, but if they cannot by him be adjusted he shall affix to such weight, measure or balance a notice prohibiting their use until he is satisfied that 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. The sealer or deputy sealer of weights and measures may seize without 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.

§ 7. COMPLAINTS, HOW LODGED.] Any person believing any dealer is violating the provisions of this act may make complaint, in writing, to any inspector or sealer or his deputy and deposit with him five dollars, setting forth the particular facts relating to 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 scales, weights and measures respecting the matter complained of, by his duplicates, and if found to conform thereto he may convert the five dollars so deposited to his own use as his fee for such services. If he finds that any of the matters so complained of are true he shall return the five dollars to the complainant and it shall be his duty forthwith to arrest the person in charge of such scale and take him before a justice of the peace in the county for

trial and upon conviction such person, whether the owner or not, shall be guilty of a misdemeanor and punished accordingly. In all such cases the sealer or deputy sealer making the test shall make and swear to the complaint and shall be entitled to the same fees as allowed officers making an arrest upon a warrant, besides the sum of one dollar for making the test.

§ 8. PENALTY FOR MISLEADING INSPECTOR.] Any person who shall willfully obstruct or mislead the inspector or sealer in the execution of his duties as herein provided, shall be subject to conviction and punishment therefor in the same manner as is now provided for the conviction and punishment of persons opposing or hindering an officer ministerial, judicial or executive, under the laws of the state and the inspector and sealer 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.] Whereas, there is now no law providing for the inspection of weights and measures by the sheriffs of each county, therefore, this act shall take effect from and after its passage and approval.

Approved March 23, 1907.

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## WORKHOUSES

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### CHAPTER 274.

[H. B. No. 107—Dean]

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#### COUNTY WORKHOUSES.

AN ACT Authorizing and Prescribing the Manner in Which County Workhouses May Be Erected and Maintained.

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

§ 1. COUNTY WORKHOUSES, HOW PROVIDED.] The board of county commissioners of any county shall, whenever they deem it advisable, vote upon the question of providing a workhouse wherein persons confined to the county jail of said county shall be compelled to work at hard labor, and said board of county commissioners shall prescribe the kind of work such convicts shall be employed at and furnish the necessary tools and materials. Such vote shall be in all respects conducted by the said board of county commis-