

Register of Deeds for an abstract of all mortgages and liens upon grains grown during the year within the county. Such application shall be made prior to June 1st in each year and shall state the name of the elevator and the post office address thereof and shall be accompanied by a fee, in counties wherein the number of such liens so abstracted in the preceding calendar year did not exceed 2,500, of \$5.00; in counties where more than 2,500 and not to exceed 5,000 were so abstracted a fee of \$10.00; and in counties where more than 5,000 liens were so abstracted a fee of \$15.00, to be turned over by the Register of Deeds to the County Treasurer, who shall credit the same to the county general fund.

Sec. 2. EMERGENCY.) An emergency is hereby declared to exist. Therefore this act shall take effect and be in force from and after its passage and approval.

Approved February 19th, 1923.

WEIGHTS AND MEASURES

CHAPTER 344.

(S. B. No. 387—Stevens, Kaldor and Murphy.)

INSPECTION OF WEIGHTS AND MEASURES.

An Act Designating the Sheriff of the Different Counties in the State as Inspectors and Sealers of Weights and Measures, and Giving him power to Appoint a Deputy Inspector; Prescribing his Powers and Duties; Defining the Standard of Weights and Measures; Prescribing Fees to be Charged for Inspection; Providing for Complaints and Penalties for its Violation; Providing for Inspector's Compensation; Naming Custodian of State Standards and Prescribing his Duties; and Repealing Sections 2999, 3000, 3003, 3004, 3005, of the Compiled Laws of North Dakota for 1913 and Chapter 241 of the Session Laws of North Dakota for the year 1919.

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

Sec. 1. 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 herein-after 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.

Sec. 2. 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 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 correction 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's 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.

Sec. 3. 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.

Sec. 4. The board of county commissioners of each county shall purchase such duplicates of weights and measures enumerated in Section 10 of this act, as are deemed necessary for the use of the inspector in the carrying out of the provisions of this article, 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.

Sec. 5. 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, which fees shall belong to the inspector and need not be turned over to the county:

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 measure	\$.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 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 measure, each	\$.10

When the inspector or his deputy 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 collect for such services 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. 6. 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 weights, measure or balance a notice prohibiting their use until he is satis-

fied 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.

Sec. 7. 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.

Sec. 8. 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.

Sec. 9. All standards of weights and measures and all other property, apparatus for weighing and measuring supplies, records and correspondence now in the possession of the State Inspector of Grades, Weights and Measures, as provided in Chapter 241 of the Session Laws of North Dakota for the year 1919, shall be transferred to the Commissioner of Agriculture and Labor who shall then become responsible to the State of North Dakota for the proper use and care of the same.

Sec. 10. The Commissioner of Agriculture and Labor shall procure and keep in his office the following standards of weights and measures, which shall conform in every particular to the United States standards of weights and measures; 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. Such measures shall be made of copper or other suitable and substantial material; also one surveyor's 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 grain; 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 state. Such commissioner of agriculture and labor shall be charged with the custody and be accountable to the state for the proper use and care of the same. Such standards shall be used only for testing the standards provided for in this article, and such commissioner of agriculture and labor shall keep a record of all county weights, measures, beams and balances marked and tested by him.

Sec. 11. That Sections 2999, 3000, 3003, 3004, 3005 of the Compiled Laws of North Dakota for the year 1913, and Chapter 241 of the Session Laws of 1919, and all acts and parts of acts in conflict herewith are hereby repealed.

Sec. 12. An Emergency is hereby declared to exist and this act shall be in full force and effect immediately after its passage and approval.

Approved March 8th, 1923.

WHITE STONE HILLS BATTLEFIELD

CHAPTER 345.

(S. B. No. 263—Kelsh.)

WHITE STONE HILLS BATTLEFIELD.

An Act Relating to the White Stone Hills Battlefield Grounds in Dickey County, and Vesting the Care, Custody, Control and Maintenance of the same in the State Historical Society of North Dakota, as Trustee for the State.

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

Sec. 1. That the care, custody, control and maintenance of