

whole or in part injured or damaged on arrival at destination, and the general nature and amount of such injury or damage thereto, and such proof shall be prima facie evidence that such injury or damage was caused by the negligence of all the defendants and the amount of loss or damage caused to such property by the negligence of each and every one of the defendants shall be determined by the jury upon the trial of said action from all the evidence in the case, and a verdict rendered accordingly.

Approved April 26, 1907.

CHAPTER 467—H. F. No. 350.

An Act to prohibit the improper stamping of any merchandise made in gold or silver, and providing a penalty.

Be it enacted by the Legislature of the State of Minnesota :

Label.—Section 1. Any person, firm, corporation or association, who or which make for sale any article of merchandise made on whole or in part of gold or any alloy of gold, having stamped, branded, engraved or printed thereon, or upon any card, tag or label attached thereto, or upon any box, package or wrapper, in which said article is encased or enclosed any mark, indicating or designed or intended to indicate, that the gold or alloy of gold, of such article is of a greater degree of fineness than the actual fineness or quality of such gold or alloy, unless the actual fineness of such gold or alloy, in the case of flat ware and watch cases be not less by more than three one-thousandths parts, and in the case of all other articles be not less by more than one-half karat than the fineness indicated by the marks stamped, branded, engraved or imprinted upon any part of such article or upon any cards, tags or labels attached thereto, or upon any box, package or wrapper in which such article is encased or enclosed according to the standards and subject to the qualifications hereinafter set forth, is guilty of a misdemeanor; *provided*, that in any test for the ascertainment of the fineness of the gold or its alloy in any such article, according to the foregoing standards, the part of the gold or its alloy taken for the test analysis or assay shall be such part or portion as does not contain or have attached thereto any solder or alloy of inferior fineness used for brazing or uniting the parts of

said article; *provided further*, and in addition to the foregoing tests and standards, that the actual fineness of the entire quantity of gold and of its alloys contained in any article mentioned in this section (except watch cases and flat ware), including all solder or alloy of inferior metal used for brazing or uniting the parts of the article (all such gold, alloy and solders being assayed as one piece) shall not be less by more than one karat than the fineness indicated by the mark stamped, branded, engraved or imprinted upon such article, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper, in which said article is encased or enclosed.

Standard defined.—Sec. 2. (a) Any person, firm, corporation or association, who or which makes for sale, any article of merchandise made in whole or in part of silver or any alloy of silver, and having marked, stamped, branded, engraved or printed thereon, or upon any card, tag or label attached thereto, or upon any box, package, cover or wrapper in which said article is encased or enclosed, the words "sterling silver" or "sterling," or any colorable imitation thereof, unless 925-1,000ths of the component parts of the metal appearing or purporting to be silver, of which such article is manufactured are pure silver, subject to the qualifications hereinafter set forth is guilty of a misdemeanor; *provided*, that in case of all such articles there shall be allowed divergence of fineness of 4-1,000ths parts from the foregoing standard.

(b) Any person, firm, corporation or association, who or which makes for sale, any article of merchandise made in whole or in part of silver, or of any alloy of silver, and having marked, stamped, branded, engraved or imprinted thereon, or upon any card, tag or label attached thereto, or upon any box, package, cover or wrapper in which such article is encased or enclosed the words "coin" or "coin silver," or any colorable imitation thereof, unless 900-1,000ths of the component parts of the metal appearing or purporting to be silver, of which such article is manufactured are pure silver, subject to the qualifications hereinafter set forth, is guilty of a misdemeanor; *provided*, that in the case of all such articles there shall be allowed a divergence in fineness of 4-1,000ths parts from the (following) standards.

(c) Any person, firm, corporation or association, who or which makes for sale any article of merchandise made in

whole or in part of silver, or of any alloy of silver, and having stamped, branded, engraved or imprinted thereon, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper, in which said article is encased or enclosed any mark or word (other than the word "sterling" or the word "coin"), indicating or designed or intended to indicate that the silver or alloy of silver, in said article, is of greater degree of fineness or quality of such silver or alloy, unless the actual fineness of silver or alloy of silver of which said article is composed be not less than 4-1,000th parts than the actual fineness indicated by the said mark or word (other than the word "sterling" or "coin") stamped, branded, engraved or imprinted upon any part of said article, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which said article is encased or enclosed, subject to the qualifications hereinafter set forth, is guilty of a misdemeanor.

(d) *Provided*, that in any test for the ascertainment of the fineness of any such article mentioned in this section, according to the foregoing standards, the part of the article taken for the test, analysis or assay, shall be such part or portion as does not contain or have attached thereto any solder or alloy of inferior metal used for brazing or uniting the parts of such article; and, *provided further*, and in addition to the foregoing test and standards that the actual fineness of the entire quantity of metal purporting to the silver contained in any article mentioned in this section, including all solder or alloy of inferior fineness used for brazing or uniting the parts of any such article (all such silver alloy or solder being assayed as one piece) shall not be less by more than ten 10-1,000ths parts than the fineness indicated according to the foregoing standards by the mark stamped, branded, engraved or imprinted upon such article, or upon any card, tag or label attached thereto, or upon any box, package, cover or wrapper in which said article is encased or enclosed.

Plating—stamping—branding.—Sec. 3. Any person, firm, corporation or association, who or which makes for sale any article of merchandise made in whole or in part of inferior metal having deposited or plated thereon or brazed or otherwise affixed thereto a plate, plating, covering or sheet of gold or of any alloy of gold, and which article is known in the market as "rolled gold plate," "gold plate," "gold filled" or "gold electro plate," or by any similar designation, and

having stamped, branded, engraved or printed thereon, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which said article is encased or enclosed, any word or mark usually employed to indicate the fineness of gold, unless said word be accompanied by other words plainly indicating that such article or some part thereof, is made of rolled gold plate, or gold plate, or gold electro plate, or is gold filled, as the case may be, is guilty of a misdemeanor.

Terms defined.—Sec. 4. Any person, firm, corporation or association, who or which makes for sale any article of merchandise made in whole or in part of inferior metal having deposited or plated thereon or brazed or otherwise affixed thereto, a plate, plating, covering or sheet of silver, or of any alloy of silver, and which article is known in the market as “silver plate” or “silver electro plate,” or by any similar designation, and having stamped, branded, engraved or imprinted thereon, or upon any tag, card or label attached thereto, or upon box, package, cover or wrapper in which said article is encased or enclosed the word “sterling,” or the word “coin,” either alone or in conjunction with any other words or marks, is guilty of a misdemeanor.

Penalty.—Sec. 5. Every person, firm, corporation or association guilty of a violation of any of the preceding sections of this act, and every officer, manager, director or managing agent of any such person, firm, corporation or association directly participating in such violation or consenting thereto, shall be punished by a fine of not more than \$500, or imprisonment for not more than three months, or both, at the discretion of the court; *provided*, that if the person charged with violation of this act shall prove that the article concerning which the charge is made was manufactured prior to the first day of July, 1907, then the charge shall be dismissed.

Misdemeanor.—Sec. 6. Every person, firm, corporation or association, who with intent to deceive, shall sell any article, falsely branded or marked, contrary to any of the foregoing provisions of this act, knowing the same to be so falsely marked or branded, shall be guilty of a misdemeanor.

Sec. 7. This act shall take effect and be in force from and after Jan. 1, 1908.

Approved April 26, 1907.