

Application.—Sec. 4. This act shall not apply to any city operating under a home rule charter, framed pursuant to section 36 of article 4 of the Constitution of Minnesota.

Sec. 5. All acts and parts of acts inconsistent herewith are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 15, 1911.

CHAPTER 156—H. F. No. 617.

An Act entitled "An Act creating a department of weights and measures, to be under the jurisdiction of the Railroad and Warehouse Commission, defining its duties and powers and providing penalties for interference therewith."

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

Department of weights and measures.—Section 1. There is hereby created a department to be known as the department of "weights and measures," hereafter referred to as the department, and it shall be under the jurisdiction of the railroad and warehouse commission, hereafter referred to as the commission, which shall have supervision and control over all weights, weighing devices and measures in the state.

Commission to appoint a commission of weights and measures.—Sec. 2. The commission shall appoint a commissioner of weights and measures and such deputies and other employees as may be necessary to carry out the provisions of this chapter, and fix their compensation. The commissioner of weights and measures and the deputies shall give a bond in a sum to be fixed and approved by the commission. The commission shall provide for such examinations as it may deem necessary to determine the qualifications and fitness of appointees.

Rules and regulations to be prescribed by commission.—Sec. 3. The commission shall prescribe and adopt such rules and regulations as it may deem necessary to carry out the provisions of this chapter, and it may change, modify or amend any or all rules whenever deemed necessary, and the rules so made shall have the force and effect of law.

Department to take charge of standard of weights and measures.—Sec. 4. The department shall take charge of, keep and maintain in good order the standard of weights and measures of the state and submit them to the bureau of standards

of Washington, D. C., for certification when it is deemed necessary; and shall keep a seal so formed as to impress the letters "MINN" and the date of sealing upon the weights and measures that are sealed; it shall test, correct and seal, when found to be accurate, at least once every year and as much oftener as may be necessary, all the copies of the standards used throughout the state for the purpose of testing the weighing or measuring apparatus used in the state, and keep a record thereof; it shall have general supervision of the weights, measures, and weighing or measuring devices offered for sale, sold or in use in the state; and shall, upon the written request of any person, test or calibrate weights, measures, weighing or measuring devices and instruments or apparatus used as standards in the state; it shall keep a complete record of the standards, balances and all testing and sealing apparatus owned by the state, and shall annually during the first fifteen (15) days of January, make a report of its actions to the governor of the state.

Power of inspection given.—Sec. 5. The department or any of its employees shall have power to inspect and test all weights, scales, beams and measures of every kind, instruments and mechanical devices for measurement, and tools, appliances or accessories connected with any or all such instruments for measurement that are kept, offered or exposed for sale, or sold, or used or employed within this state by any person in determining the size, quantity, extent, area or measurement of quantities, things, produce, articles for distribution or consumption, offered or submitted by any person for sale, hire or reward; and it shall, at least once in each year, and as much oftener as may be deemed necessary, see that the weights, measures and all apparatus used in the state are correct. In the general performance of this duty the department, or any of its employees, may enter or go into and upon any stand, place, building or premises to stop any vendor, peddler, junk dealer, coal wagon, ice wagon, delivery wagon or any dealer whatsoever and require him, if necessary, to proceed to some place which the scaler may specify for the purpose of making proper tests. Scales, weights, measures or weighing or measuring instruments that are found, upon inspection, to correspond with the standards in the possession of the department shall be sealed with proper devices to be approved by the commission. Any employee shall condemn, seize and destroy incorrect weights, measures or weighing or measuring devices which, in the judgment of the department cannot be satisfactorily repaired, and such as are incorrect and yet may be repaired, shall be marked as "condemned for repair," in the manner to be prescribed by the department. The owners or users of any scales, weights, measures, or weighing or measuring instrument which have been so disposed of shall have the same

repaired or corrected within thirty (30) days, and the same shall not be used or disposed of in any way without the consent of the department.

False scales prohibited—Violation a misdemeanor.—Sec. 6. Any person who shall offer or expose for sale, sell or use, or have in his possession a false scale, weight or measure, or weighing or measuring device, or any weight or measure or weighing or measuring device which has not been sealed within one year, as provided by this law, or use the same in the buying or selling of any commodity or thing; or who shall dispose of any condemned weight, measure, or weighing or measuring device, or remove any tag placed thereon by any authorized employee of the department, or shall sell or offer or expose for sale less than the quantity he represents; or sell or offer or expose for sale any such commodities in the manner contrary to law; or shall sell or offer for sale or have in his possession for the purpose of selling, any device or instrument to be used to, or calculated to, falsify any weight or measure, or shall refuse to pay any fee charged for testing and sealing or condemning any scale, weight or measure, or weighing or measuring device, shall be guilty of a misdemeanor and shall upon conviction be fined a sum not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) or by imprisonment for not less than ten (10) days nor more than ninety (90) days, and the costs of such proceeding. No scale, weight, measure, or weighing or measuring device that has been sealed by the department shall be used, sold or exposed for sale until the fee charged for the service has been paid.

Impeding work of official a misdemeanor.—Sec. 7. Any person hindering, impeding or restricting in any way any employee of the department while in the performance of his official duty shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) or by imprisonment for not less than ten (10) days nor more than ninety (90) days for each offence.

Authorized employes made special policemen.—Sec. 8. The said department and all authorized employes under the provisions of this act are hereby made special policemen and are authorized and empowered to arrest, without formal warrant, any violator of the statute in relation to weights and measures, and to seize for use as evidence and without formal warrant, any false weight, measure, or weighing or measuring device or package or kind of commodity found to be used, retained or offered or exposed for sale or sold in violation of law.

Ten thousand dollars appropriated.—Sec. 9. There is hereby appropriated from any monies in the state treasury, not otherwise

appropriated, the sum of ten thousand dollars (\$10,000) to carry out the provisions of this act.

Treasurers to deliver standard of weights and measures now in their possession.—Sec. 10. The state treasurer and the county treasurers of the various counties shall deliver to the department all standards of weights and measures, balances, testing apparatus and sealing equipment now in their possession within ninety (90) days after the passage of this act.

Commission to fix fees for inspection.—Sec. 11. The commission shall fix the fees for inspecting, testing, sealing or condemning any scales, weights, measures, and weighing or measuring devices. All money appropriated or so collected, and all fines and penalties for violating any provisions of this law, shall be paid into the state treasury and known as the "weight and measure fund" and paid out only on the order of the commission and auditor's warrant. The money in said fund, or so much thereof as may be necessary, are hereby annually appropriated to the payment of salaries, fees and expenses of officers and employes of said department.

Construction of the word "person."—Sec. 12. The word "person" shall be construed to mean person or persons, corporation, partnership, stock company, or the agent or employee thereof.

Not applicable to certain sections and chapters.—Sec. 13. This act shall not apply to nor repeal section 2059 of the Revised Statutes of 1905, chapter 357 of the Laws of 1907, or chapter 319 of the Laws of 1909.

Certain acts and parts of acts repealed.—Sec. 14. All acts or parts of acts conflicting with the provisions of this law are hereby repealed, and this act shall take effect and be in force from and after the first day of July, 1911.

Approved April 15, 1911.

CHAPTER 157—H. F. No. 155.

An Act to amend sections 1 and 3 of chapter 370 of the General Laws of Minnesota for 1909 relating to the issue of bonds by cities of over 50,000 inhabitants for the construction of new fire engine houses and buildings, etc.

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

One hundred thousand dollar bond issue authorized.—Section 1. That section 1 of chapter 370 of the General Laws of Minnesota for 1909 authorizing the issuance of bonds by any