

## CHAPTER 178.

AN ACT TO PREVENT AND PUNISH FRAUD IN USE OF FALSE STAMPS, BRANDS, LABELS OR TRADE MARKS.

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

SECTION 1. Any person or persons who shall knowingly and willfully forge or counterfeit, procure to be forged or counterfeited, any representation, likeness, similitude, copy or imitation of the private stamps, brands, wrapper, label or trade mark, usually affixed by any mechanic, manufacturer, druggist, merchant or tradesman, to and upon the goods, wares, merchandise or preparation of said mechanic, manufacturer, druggist, merchant or tradesman, with intent to pass off any work, goods, manufacture, compound or preparation, to which such forged or counterfeited representation, likeness, similitude, copy or imitation is affixed or intended to be affixed as the work, goods, manufacture, compound or preparation of such mechanic, manufacturer, druggist, merchant or tradesman, shall, upon conviction thereof, be deemed guilty of a misdemeanor, upon conviction thereof, and shall be punished by imprisonment in the county jail for a period [of] not less than six (6) months nor more than twelve (12) months, or fined not more than five thousand dollars (\$5,000).

Penalty for counterfeiting trade marks,

SEC. 2. Any person or persons who shall, with intent to defraud any person or persons, body corporate or politic, have in his or their possession any die or dies, plate or plates, brand or brands, engraving or engravings or printed labels, stamps, imprints, wrapper or trade marks, or any representation, likeness, similitude, copy or imitation of the private stamps, imprint, brand, wrapper, label or trade mark, usually affixed by any mechanic, manufacturer, druggist, merchant or tradesman, to or upon articles made, manufactured, prepared or compounded by him or them, for the purpose of making impressions, or selling the same when made, or using the same upon any other article made, manufactured, prepared or compounded, and passing the same off upon the community as the original goods, manufactures, preparations or compounds, of any other person or persons, body corporate or politic, or who shall, wrongfully and fraudulently sell or use the genuine stamp, brand, imprint, wrapper, label or trade mark, with intent to pass off any goods, wares, merchandise, mixtures, compounds, or other articles not the manufacture of the person or persons, body corporate or politic, to whom such stamp, brand, imprint, wrappers, label or trade mark properly belongs, as genuine and original, shall, upon conviction thereof, be deemed

Penalty for having in possession any die, plate, brand, etc., with intent to defraud.

guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not less than six (6) months, nor more than twelve (12) months, or be fined not more than five thousand dollars (\$5,000).

Penalty for vending or keeping for sale goods, etc., with false stamp affixed.

SEC. 3. Any person who shall vend or keep for sale any goods, wares, merchandise, mixture or preparation, upon which any forged or counterfeit stamps, brands, imprints, wrappers, labels or trade marks shall be placed or affixed, and intended to represent the said goods, wares, merchandise, mixture or preparation, as the genuine goods, wares, merchandise, mixture or preparation of any other person or persons, knowing the same to be counterfeit, shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars (\$500) in each case so offending, and shall also be liable in a civil action to the person or persons whose goods, wares, merchandise, mixture or preparation is counterfeited or imitated, or whose stamps, brands, imprints, wrappers, labels or trade marks are forged, counterfeited, placed or affixed, for all damages such person or persons may or shall sustain by reason of any of the acts in this section mentioned, and may be restrained or enjoined by any court of competent jurisdiction from doing or performing any of the acts above mentioned.

Penalty for using similar words of another with intent to defraud.

SEC. 4. Any person or persons who shall, with intent to defraud any person or persons, body corporate or politic, knowingly affix or cause to be affixed to or upon any bottle, case, box or package containing any goods, manufacture, mixture, preparation or compound, any stamp, brand, label, wrapper, imprint or trade mark, which shall designate such goods, manufacture, mixture, preparation or compound, either wholly or in part, the same to the eye, or in sound to the ear, as the word or words, or some of the words used by any other person or persons, for designating any goods, manufacture, mixture, preparation or compound manufactured or prepared by or for such other person or persons, or who shall knowingly sell or expose, or offer for sale, any such bottle, case, box or package, with any such stamp, brand, label, wrapper, imprint or mark, affixed to or upon it, shall, provided such person or persons so affixing or causing to be affixed, any such stamp, brand, label, wrapper, imprint or mark, or so selling or exposing or offering for sale any such bottle, case, box or package, shall not have been the first to employ or use such words to designate wholly or in part, any goods, manufacture, mixture, preparations or compound, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not less than six (6) nor more than twelve (12) months, or be fined not more than five thousand dollars (\$5,000,) and shall also be liable to the party aggrieved in the penal sum of one hundred dollars (\$100) for each and every offense, to be recovered by him in a civil action.

SEC. 5. Any person or persons who, with intent to defraud, or to enable another to defraud any person, shall manufacture or knowingly sell or cause to be manufactured or sold, any article or articles marked, stamped or branded or incased or inclosed in any box, bottle or wrapper, having thereon any engraving or engravings; or printed labels, stamps, imprints, marks or trade marks, which article or articles are not the manufacture, workmanship or production of the person named, indicated or denoted by such marking, stamping or branding, or by or upon such engraving or engravings, printed labels, stamps, imprints, marks or trade marks, shall, upon conviction thereof, be deemed guilty of a misdemeanor, and for such offense shall forfeit and pay a fine of two hundred dollars (\$200), to be recovered with costs in a civil action to be prosecuted by the county attorney of any county in the state, in the name of the county in which said action shall be commenced and the one-half (½) of such recovery shall be paid to the informer, and the residue shall be applied to the support of the poor in the county where such recovery is had.

Penalty for labeling or marking goods your own, manufactured by other parties, with intent to defraud.

SEC. 6. A "trade mark" is a mark used to indicate the maker, owner or seller of any goods, wares, merchandise, mixture, preparation or compound, and includes among other things any name of a person or corporation or any letter, word, device, emblem, figure, seal, stamp, diagram, brand, wrapper, ticket, stopper, label or other mark, lawfully adopted by him and usually affixed to any goods, merchandise, mixture, preparation or compound to denote the same was imported, manufactured, produced, sold, compounded, bottled, packed or otherwise prepared by him.

Definition of the words "trade mark."

SEC. 7. A trade mark is deemed to be affixed to any goods, wares, merchandise, mixture, preparation or compound when it is placed in any manner in or upon either:

How trade mark may be used.

1. The article itself; or
2. A box, bale, barrel, bottle, case, cask or other vessel or package, or a cover, wrapper, stopper, brand, label or other thing in, by or with which the goods are packed, inclosed or otherwise prepared for sale or disposition.

SEC. 8. An imitation of a trade mark, stamp, brand, wrapper or label is that which so far resembles the genuine trade mark, stamp, brand, wrapper or label as to be likely to induce the belief that it is genuine, either by the use of words or letters similar in appearance or in sound or by any sign, device or the names whatsoever.

Imitation of a trade mark, how defined.

SEC. 9. No testimony or evidence given by any person in any civil action to which such person may be a party, or by any other witness in such action, or on any reference or proceeding which may be had in such action, nor any evidence or testimony derived from the books or papers of such party or witness, produced by him as a witness, or otherwise, in such action, or on any reference or other proceedings which may be had therein, can or shall be used in

Testimony in a civil action may be used in a criminal action.

any criminal prosecution against such party or witness, under any of the provisions of this act; nor shall any party or witness refuse to testify or furnish evidence in any civil action by reason of any of the provisions of this act. .

SEC. 10. This act shall take effect and be in force from and after its passage. .

Approved March 9, 1885.

## CHAPTER 179.

AN ACT RELATING TO THE RECORDS IN THE OFFICES OF THE REGISTER OF DEEDS.

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

What records may be admitted as *prima facie* evidence of the contents of the original instruments.

SECTION 1. That in all cases where deeds or other conveyances of real estate within this state, or letters of attorney authorizing the same, have heretofore been actually recorded in the office of the register of deeds, for the county where the real estate thereby affected was at the time of the making of such records, or is situate, whether such deeds, conveyances and letters of attorney were duly and properly admitted to record or otherwise, all such records may nevertheless be read in evidence in any court within this state, and shall be received as *prima facie* evidence of the contents of the original instruments of which they purport to be the records, and all such records shall in all respects have the same force and effect as they would have if such original instruments at the time they were so recorded had been legally entitled to record.

Duly authenticated copies may be read in evidence.

SEC. 2. That duly authenticated copies of aforesaid record may be read in evidence in any court within this state, with the same effect as the records themselves aforesaid; *Provided*, That nothing in this act shall be held to affect any vested rights nor apply to any action commenced or now pending in any of the courts of this state.

Cases now pending not to be affected.

When act to take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 27, 1885.