

guardians appointed by the probate court, may assent thereto in the place of their wards.

Money paid
to trustee
in good faith.

A person who shall actually and in good faith pay a sum of money to a trustee, which the trustee is authorized to receive, shall not be responsible for the proper application of the money, according to the trust; and any right or title derived by him from the trustee in consideration of the payment shall not be impeached or called in question in consequence of a misapplication by the trustee of the money paid.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 19, 1905.

H. F. No. 508.

CHAPTER 340.

Protection
to owners
of various
receptacles
used for
soda water,
etc.

An act to protect the owners of receptacles used in the sale of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, Weiss beer, beer, white beer, malt extracts, other beverages, milk, cream, ice cream and butter.

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

Mark or
device,
filing, pub-
lication.

SECTION 1. Any person engaged in manufacturing, bottling or selling soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, Weiss beer, beer, white beer, malt extract, other beverages, milk, cream, ice cream or butter in any kind of receptacle having the name of such person or other mark or device printed, stamped, engraved, etched, blown, impressed, riveted or otherwise produced or permanently fixed upon the same, may file in the office of the secretary of state for record a description of the name, mark or device so used and cause such description to be printed once in each week for three successive weeks in a newspaper published in the county in which the principal place of business of such person is located, or if the principal place of business of such person is located in another state, then in the county wherein the principal office or depot within the State of Minnesota is located. It shall be the duty of the secretary of state to issue to the person so filing for record a description of such name, mark, or device in his office a duly attested certificate of the record of the same for which he shall receive a fee of one

Certificate
of record,
fee.

dollar. Such certificate in all prosecutions under this act shall be prima facie evidence of the adoption of such name, mark or device, and of the right of the person named therein to adopt and use the same.

SEC. 2. It shall be unlawful for any person other than the one named in the certificate issued by the secretary of state as provided in section one (1) of this act, without the written consent of the person named in such certificate to fill any receptacle bearing a name, mark or device recorded as provided in section one (1) of this act with soda water, mineral or aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, Weiss beer, beer, white beer, malt extract, other beverages, milk, cream, ice cream or butter, or to deface, erase, obliterate, cover up or otherwise remove or conceal any such name, mark or device on any such receptacle, or to buy, sell, give, take, dispose of in any way, or traffic in any receptacle bearing any such name, mark or device. Any person offending against any provision of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for not less than ten (10) days nor more than ninety (90) days, or by a fine of not less than ten (\$10) dollars or more than one hundred (\$100) dollars, and each such receptacle so unlawfully dealt with as herein set out shall be deemed and held to be a separate offense.

Illegal use
of receptacle

Misdemeanor

SEC. 3. Any person having in possession or under control any receptacle bearing any name, mark or device recorded as provided in section one (1) of this act, and not holding a written transfer or bill of sale therefor from the person named in the certificate issued by the secretary of state as provided in section one (1) of this act or other authority in writing from such person, upon demand shall deliver such receptacle to the person named in such certificate or to the authorized agent of such person; and any person failing or refusing to so deliver the same when demanded shall be deemed guilty of a misdemeanor and upon conviction thereof be punished by imprisonment in the county jail for not less than ten (10) days nor more than ninety (90) days, or by a fine of not less than ten (\$10) dollars nor more than one hundred (\$100) dollars.

Deliver to
owner.

SEC. 4. Whenever any person who has filed for record any such name, mark or device or who has acquired from such person in writing the ownership of such name,

mark or device or the right to the exclusive use thereof, or any one representing such person, shall make oath before any magistrate that he has reason to believe and does believe that any receptacle bearing such name, mark or device is being unlawfully used or filled or had in possession by any person such magistrate shall thereupon issue a search warrant to discover and obtain such receptacle; and may also cause the person in whose possession such receptacle shall be found to be brought before him and shall then inquire into the circumstances of such possession, and if it shall be found that such person is guilty of violation of any section of this act he shall be punished as herein prescribed and the possession of the property taken upon such warrant shall be awarded to the owner thereof; but the remedy given by this section shall not be held to be exclusive, and offenders against any provision of this act may also be prosecuted as in case of other misdemeanors.

Search
warrant, etc.

Receptacle
defined.

SEC. 5. As used in this act, the term receptacle shall include not only bottles, siphons, tins, kegs, one-eighth barrels, quarter barrels, half barrels, barrels, boxes, cans and tubs, but all other receptacles used for holding any of the commodities in this act mentioned; the singular may include the plural and the plural may include the singular; the term person may include corporation; and the requirement for a written transfer, bill of sale, authority or consent means that it shall be signed by the person named in the certificate issued by the secretary of state as provided by section one (1) of this act, or by a transferee claiming under a written transfer signed by such person or by an agent whose authority is in writing signed by such person or such transferee.

Word person
to include
corporation.

Deposit upon
receptacles
not held to
be a sale.

SEC. 6. The requiring or taking of any deposit for any purpose upon such receptacle shall not be deemed nor held to be a sale either optional or otherwise in any proceeding under this act.

Laws re-
pealed.

SEC. 7. Chapters 143 and 144 of the General Laws of Minnesota for the year 1895 and Chapter 306 of the General Laws of Minnesota for 1899 are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved April 19th, 1905.