

agree on the verdict the same shall be signed by all the jurors who concur therein, and the clerk of said court shall enter on his minutes the number of said jurors concurring in said verdict.

Sec. 3. Inconsistent acts repealed.—All acts or parts of acts inconsistent herewith are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after July 1st, 1913.

Approved March 13, 1913.

CHAPTER 64—H. F. No. 80.

An Act to prevent the sale, offering or exposing for sale or having in possession for the use or for purpose of sale within this state, of a silencer for shot-gun, revolver, rifle or other fire-arm, defining a silencer and providing penalties for violation.

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

Section 1. Use of silencers prohibited.—No person shall within the state of Minnesota sell or offer or expose for sale, or have in possession for use upon or in connection with any rifle, shot-gun, revolver, or other fire-arm or have in possession for purposes of sale any silencer for a shot-gun, revolver, rifle or other fire-arm.

Sec. 2. Possession prima facie evidence.—In any prosecution hereunder proof of the having such silencer in possession by any person shall constitute prima facie evidence that same was had in possession of such person for use contrary to the provisions of this act.

Sec. 3. Construction of word "silencer."—A silencer within the meaning of this act is defined as a mechanical device or construction or instrument designed or intended to be temporarily or permanently attached to or used in connection with any shot-gun, revolver, rifle, or other fire-arm for the purpose of lessening or reducing the volume of sound caused by the discharge of or by the firing of such gun, rifle, revolver or other fire-arm.

Sec. 4. Violation a misdemeanor.—Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

Approved March 13, 1913.

CHAPTER 65—H. F. No. 155.

An Act to amend Section Four (4) of Chapter Two Hundred and Thirty-One (231) of the General Laws of Minnesota for

1905, as amended by Chapter Three Hundred Ninety-Eight (398) of the General Laws of Minnesota for 1909, relating to sentence of persons pleading guilty of crime.

Be it enacted the Legislature of the State of Minnesota:

Sec. 1. Not to apply where punishment exceeds ten years in penitentiary.—That Section Four (4) of Chapter Two Hundred Thirty-One (231) of the General Laws of 1905 as amended by Chapter Three Hundred Ninety-Eight (398) of the General Laws of 1909 be and the same hereby is amended so as to read as follows:

“Section 4. That in all cases where a person charged with a criminal offense shall have been held to the district court for trial by any court or magistrate, and in all cases where any person shall have been committed for trial and is in actual confinement or in jail by virtue of an indictment or information pending against him, the court having trial jurisdiction of such offense or of such indictment or information or proceedings shall have the power at any time, whether in term or vacation, upon the application of the prisoner in writing, stating that he desires to plead guilty to the charge made against him by the complaint, indictment or information, or to a lesser degree of the same offense to direct the county attorney to file an information against him for such offense, if any indictment or information had not been filed, and upon the filing of such information and of such application, the court may receive and record a plea of guilty to offense charged in such indictment or information, or to a lesser degree of the same offense and cause judgment to be entered thereon and pass sentence on such person pleading guilty, and such proceedings may be had either in term time or in vacation, at such place within the judicial district where the crime was committed as may be designated by the court.

And whenever such plea is received at any other place than the county seat of the county wherein the crime charged in the indictment or information was committed, the sheriff or his deputy shall take the defendant to the place designated by the court, and the county attorney and clerk of district court, or his deputy, of the county wherein the crime charged in the indictment or information was committed, shall attend the hearing for the purpose of taking part in the proceedings and recording the plea of the defendant and entering judgment thereon.

And the expense of the sheriff, clerk of district court or their deputies, and county attorney, necessarily incurred and paid by them in attending on such proceedings shall be a charge on the county wherein the crime charged in the indictment or information was committed, and shall be allowed and paid by the county commissioners of said county in the same manner as other claims against the county.

This section shall not apply to cases where the punishment for the offense to which the prisoner desires to plead guilty may exceed *ten* years imprisonment in the state's prison.

Provided, that no plea of guilty shall be received or entered under the provisions of this section, unless the person charged in the indictment or information be represented by competent counsel, and in case he shall have no counsel the court shall appoint competent counsel to appear for such accused, and the fees of such attorney shall be paid in the manner provided in Section 4789, and the court shall not accept such plea of guilty or pass sentence thereon unless it is fully satisfied that the accused has had his action properly considered and advised by competent counsel.

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

Approved March 13, 1913.

CHAPTER 66—H. F. No. 231.

An Act to regulate the sale of berries and small fruits, and the containers in which they are sold.

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

Section 1. **Containers for small fruits to be of legal size.**—It shall be unlawful for any person to sell, offer for sale, or give away, any containers for the distribution of berries or small fruits in less quantities than one bushel, unless said containers are of the capacity of one quart, one pint, or one-half pint, or multiples of a quart standard dry measure, and all sales of raspberries, blackberries, blueberries, currants, gooseberries, strawberries, and similar berries, and all plums, cherries and similar small fruit, in less quantities than one bushel shall be by dry measure, or in containers as above specified. The possession of containers for berries or small fruit shall be presumptive evidence that they were to be used for distribution.

Sec. 2. **Not to be refilled.**—In no case shall said containers be refilled for use in the sale of berries or small fruits of any kind whatsoever.

Sec. 3. **Violation a misdemeanor.**—Any person violating the provisions of this law shall be guilty of a misdemeanor and punished by a penalty of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than ninety days.

Sec. 4. This act shall take effect and be in force from September 1, 1913.

Approved March 13, 1913.