

**Illustration.**

To illustrate: If the employee sustain the loss of an eye and thereafter sustain the loss of the other eye, or the loss of an arm, and would thereby be entitled to compensation as for total and permanent disability, such employee, after sustaining his first injury, may, contract that upon the loss of his remaining eye or arm, as the case may be, he shall be entitled to recover for the loss of the second eye, or arm, as the case may be, in the amount scheduled for the loss of one eye or arm, as the case may be, and he shall not be entitled to compensation as for total and permanent disability."

**Emergency.**

Section 2. An emergency is hereby declared to exist and this Act shall be in full force and effect immediately upon its passage and approval.

Approved March 8, 1939.

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**CHAPTER 50.****AN ACT**

[S. B. 25]

To establish standards of weights and measures; to provide for the inspection and sealing of appliances used for weighing or measuring; to provide penalties for violations of the provisions of this Act and to appropriate the sum of \$500.00, and repealing laws in conflict herewith.

*Be it enacted by the Legislature of the Territory of Alaska:*

**Standard weights  
and measures  
adopted.**

Section 1. Standards. The standards of weights and measures in this Territory shall be those adopted and now used or that may be adopted and used by the United States.

Section 2. Treasurer, Ex-officio Inspector of Weights and Measures. The Treasurer shall be ex-officio in-<sup>Treasurer inspector of weights and measures—duties, etc.</sup>pector of weights and measures and of weighing and measuring appliances. It shall be his duty to procure and keep such standard sets of weights and measures as may be found necessary to carry out the provisions of this Act; he shall test or cause to be tested, by such standards, all weights, measures, weighing and measuring appliances and devices used in the ascertainment of weight or measure in the buying, selling, or transporting, of goods, wares, merchandise, or other commodities and to seal such as are found accurate with an appropriate seal or mark to be kept by him for that purpose; such mark or seal shall be placed so as to be easily seen, and shall show the date on which the inspection is made.

Section 3. Incorrect Weights and Measures. The in-<sup>Incorrect weights and measures.</sup>pector shall condemn and seize incorrect weights or measures or weighing or measuring devices that, in his judgment, are not susceptible of satisfactory repair; but such as are incorrect and yet may be repaired he shall mark with a tag, "condemned for repairs." The owner or user of any weights or measures or weighing or measuring appliance so marked or tagged shall have the same repaired or corrected within ninety days unless, upon satisfactory showing, the inspector shall extend such time, and he shall neither use nor dispose of the same in any way, but shall hold the same at the disposal of the inspector. Any weight or measure, weighing or measuring appliance, that has been condemned for repairs and has not been repaired as required in this section, shall be confiscated by the inspector.

Section 4. Identification. Any person may send any weight, measure, weighing or measuring appliance <sup>verification and testing.</sup> intended for use in this Territory to the inspector for verification and testing. Such person shall give his

name and address in full, a description of his occupation or business, and the purpose for which and the place where the same is to be used, and a complete record of such information shall be made and kept by the inspector.

Changing or removing—  
misdemeanor  
penalty.

Section 5. Changing or Removing Marks. Any person who shall wilfully or fraudulently change any weight, measure, weighing or measuring appliance after the same has been inspected, tested and sealed by the inspector, or who shall remove or destroy any tag or mark or seal which has been placed in or thereon by the inspector for the purpose of this chapter shall be liable upon conviction to pay a fine of not to exceed Five Hundred, (\$500.00), Dollars or be imprisoned for a period not to exceed one year.

Inspectors—  
duties—powers.

Section 6. Inspector—Deputies—Police Powers. The inspector may deputize the employees in his or any other Territorial department, with the consent of the head of such department, to aid him in the performance of the duties assigned to him under the provisions of this chapter and he and his authorized agents or assistants are hereby made special policemen and are authorized and empowered to arrest without formal warrant any violators of any provisions of this chapter, and to seize for use as evidence, without formal warrant, any false weight, false measure or false weighing or measuring appliance found to be used or intended to be used for sale of any commodity in this Territory and may, in the performance of his official duties, enter or go into or upon, without formal warrant, any public place, building, or premises to make such tests as may be necessary to carry out the provisions of this Chapter.

Using unsealed  
weights and  
measures.

Section 7. Using Unsealed Weights and Measures. After the weights, measures, or weighing or measuring appliances of any person, firm or corporation have been tested and sealed or tested and condemned, such person, firm or corporation may use weights, measures, or

weighing and measuring appliances thereafter acquired and not yet tested, provided he or it shall first procure a seal from the inspector and shall permanently affix the same to the particular weight, measure or appliance. The inspector may, in his discretion, deliver such seal, appropriately marked, to the applicant. Any weight, measure or appliance bearing such seal may be used until the inspector shall test and seal or test and condemn the same in the manner as in this Act provided. Nothing herein shall be construed as authorizing or permitting the use of any false weight or measure, or weighing or measuring appliance whether the same be tested or not.

Section 8. Incorporated Towns. The inspector upon request of any incorporated town, is hereby authorized to loan to such incorporated town, for use therein, the official standards of weights and measures under such reasonable rules and regulations as he may prescribe.

Section 9. City Ordinances. None of the provisions herein contained shall be construed to alter, modify or repeal any ordinance relating to weights and measures now adopted by any municipality in this Territory, provided that no ordinance relating to weights and measures shall establish standards of weights and measures other than such as will conform to those adopted by this Territory.

Section 10. "Weight" means "Net Weight". Whenever any goods, wares, merchandise, or other commodity is sold on a basis of weight, it shall be unlawful to employ any other weight in such sale than the net weight of such goods, wares, merchandise, or commodity.

Section 11. False Weights or Measures. Any person who offers or exposes for sale, sells, or uses in the buying or selling of any goods, wares, merchandise, or other commodities or things, a false weight or measure,

or weighing or measuring appliance which has not been sealed by the inspector or who sells less than the quantity he represents or who violates any provision of this Chapter for which a specific penalty has not been provided, or shall knowingly mark or stamp a false weight or measure or false tare upon any cask or package, or shall knowingly sell or offer for sale any cask or package, so marked, or who uses or has in his possession for the purpose of selling or using any device or instrument to be used to falsify any weight or measure is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding Five Hundred Dollars or imprisonment not exceeding one year or by both such fine and imprisonment.

**Appropriation.**

Section 12. There is hereby appropriated the sum of Five Hundred Dollars for the purchase and acquisition of Standard Sets of weights and measures, scales and such other apparatus as may be necessary to carry out the provisions of this Act.

**Repeal of conflicting acts.**

Section 13. Repeal. That Chapter 10, Session Laws of Alaska, 1937, and Section 4832, Compiled Laws of Alaska, 1933, all other Acts and parts of Acts in conflict herewith are hereby repealed to the extent of such conflict.

Approved March 8, 1939.