

priated from any moneys in the treasury not otherwise appropriated to purchase, locate and establish a scale for the weighing of tomatoes and other vegetables sold by weight in said Centre Market Space, and immediately after the location the said scales shall be purchased and put in place for the purpose of this and the following section.

1910, ch. 738 (p. 330).

28. There shall be appointed by the governor a weigher, who shall be charged with the duty of weighing all tomatoes and all other vegetables sold by weight brought to the said market for sale by the wagon load, who shall receive therefor the sum of ten cents per wagon load for performing these services, two cents of which shall be paid by him quarterly to the comptroller, to whom he shall give bond in the penalty of one thousand dollars, and the balance he shall retain as his own compensation for the services hereby imposed and performed; provided, that, besides the two cents, he shall pay all excess over \$1,000 to the comptroller, it being the intent of this section that he shall only receive \$1,000 per annum as his salary, to be paid entirely from his fees, at 8 cents net per load. The said vegetables shall be weighed in full wagon loads, and after their delivery to the purchasers his wagon and the empty boxes shall be returned to said scales and the weight thereof shall be deducted from the gross weight as shown by the first weighing, and the said packers shall be required to pay for said vegetables at the weight certified by said weigher. In case the boxes in which said tomatoes are contained shall not be returned, the said weigher shall weigh ten empty boxes, and the average weight shall be established as the weight of all boxes contained in any wagon or wagons so weighed by him, and any packer who shall refuse to pay for the same according to the certificate of said weigher shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$10, nor more than \$50, for each offense; and any driver of any wagon who shall sell, dispose of or barter any of the produce in his wagon which has been sold to a packer or other purchaser between the time of the weighing of the same and the delivery to the purchaser, shall be deemed guilty of a misdemeanor, and, upon conviction before a justice of the peace, shall be fined twenty-five dollars for each offense.*

*Although the act of 1910, ch. 353 (page 324), which repealed and re-enacted article 97, does not refer specifically to either the act of 1906, ch. 331, which added certain sections to that article, or to the act of 1910, ch. 299 (page 329), which repealed and re-enacted section 33 of article 97 (the latter act being approved before the act of 1910, ch. 353), presumably the legislature intended to repeal article 97 as amended by the acts of 1906, ch. 331, and 1910, ch. 299, and hence, the latter acts are not codified.