

Hon. Mr. McKenzie.

MANURE ADULTERATION.

ANALYSIS.

<p>Title.</p> <p>1. Short Title. Commencement of Act.</p> <p>2. Interpretation.</p> <p>3. Vendor of manure to give invoice-certificate therewith. Invoice-certificate to give a guarantee of nature, origin, and composition.</p> <p>4. Marks of identification to be stamped on or affixed to packages.</p> <p>5. Penalty for not furnishing certificate or a mark of distinction. Penalty for misrepresentation. Penalty for second or subsequent offence.</p> <p>6. Power to purchaser of manures to have them analysed.</p> <p>7. Provisions for dealing with samples.</p> <p>8. Provision when sample is not divided.</p>	<p>9. Provision for sending sample through the post-office.</p> <p>10. Form of Analyst's certificate.</p> <p>11. Quarterly report to Colonial Secretary.</p> <p>12. Proceedings against offenders.</p> <p>13. Certificate of Analyst to be <i>prima facie</i> evidence for the prosecution.</p> <p>14. Defendant to be discharged if he prove that he bought the article in the same state as sold, and with a warranty.</p> <p>15. Penalties for forging or fraudulently applying certificates.</p> <p>16. Other remedies not to be affected.</p> <p>17. Colonial Secretary may give temporary powers to County Council to obtain samples for analysis.</p> <p>18. Penalty for refusing to sell sample to Inspector. Schedule.</p>
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A BILL INTITLED

AN ACT for the better Prevention of Frauds in the Sale of
Manures for Agricultural Purposes.

Title.

BE IT ENACTED by the General Assembly of New Zealand, in Parliament assembled, and by the authority of the same, as follows:—

- 5 1. The Short Title of this Act is "The Manure Adulteration Act, 1892." It shall come into operation on the first day of *January, March*, one thousand eight hundred and ninety-three.
- 10 2. In this Act, if not inconsistent with the context,—
"Analyst" means any person appointed as an analyst under "The Adulteration Prevention Act, 1880 :"
"Manure" means and includes artificial and all other manures for agricultural purposes, other than farm-yard and stable manure, *lime, refuse from fellmongeries, gasworks, tanneries and such like.*
- 15 3. Every person who sells any manure shall deliver to every purchaser of such manure in any quantity not less than *one ten* hundredweight, at the time of purchase, or not later than the delivery thereof to the purchaser, an invoice-certificate which shall be printed or legibly written, and having the written or printed signature at the
- 20 foot thereof of such vendor or his agent.
Every such invoice-certificate shall state—
(1.) The names in full and the place of business or places of business of the manufacturer and vendor of such manure, if manufactured within the colony, and, if imported, then the name and place of business of the vendor ;

Short Title.
Commencement of Act.

Interpretation.

Vendor of manure to give invoice-certificate therewith.

Invoice-certificate to give a guarantee of nature, origin, and composition.

Provision for sending sample through the post-office.

9. If the Analyst does not reside within two miles of the residence of the person requiring a sample of the manure to be analysed under the provisions of this Act, such sample may be forwarded to the Analyst through the post as a registered parcel, subject to any regulation which the Postmaster-General may make in reference to the carrying and delivery of such sample, and the charge for the postage thereof shall be deemed to be one of the charges of this Act, or of the prosecution, as the case may be.

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Form of Analyst's certificate.

10. The certificate of the analysis shall be in the form set forth in the Schedule hereto, or to the like effect, and shall state explicitly in what particulars, if any, and to what extent, the result of such analysis materially differs from the statements set forth in the invoice-certificate delivered to the purchaser of the manure so analysed; and a copy of the Analyst's certificate shall be sent forthwith by the said purchaser to the vendor of the manure or his agent.

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New clause.

1. The certificate of analysis shall also state the total value of the manure sampled, on the basis of the value per unit per ton, published by the vendor, any difference between such total value and the price charged for such manure to be allowed for by vendor at the unit price specified in invoice. Should such deficiency exceed the following limits, that is to say, phosphates (sol. or insol.), three per cent.; potash, one per cent.; nitrogen, one per cent, such deficiency to be allowed for by vendor at double the aforesaid unit values until they reach the following limit: Phosphates, six per cent.; potash, two per cent.; nitrogen, one and a half per cent. Should the certificate of analysis show a greater difference than herein provided for from the statements of the invoice certificate, the vendor shall be liable on summary conviction before a Resident Magistrate, for the first offence to a penalty not exceeding twenty pounds and not less than two pounds, and for a second or any subsequent offence to a penalty not exceeding fifty pounds and not less than five pounds.

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Struck out.

Proceedings against offenders.

12. When the Analyst, having analysed any sample of manure, shall have given his certificate of the result, from which it may appear that such manure has been materially or wilfully misrepresented in the invoice-certificate thereof in any of the particulars required under section three of this Act to be truly stated in such certificate, or that any other offence against any of the provisions of this Act has been committed, the purchaser causing the analysis to be made may take proceedings for the recovery of the penalty or penalties herein imposed for such offence or offences in a summary manner before any Resident Magistrate or two Justices of the Peace acting under "The Justices of the Peace Act, 1882."

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Certificate of Analyst to be prima facie evidence for the prosecution.

13. 12. At the hearing of the information in such proceedings, the production of the certificate of the Analyst shall be sufficient evidence of the facts therein stated, unless the defendant shall require that the Analyst shall be called as a witness, and that the part of the sample retained by the purchaser shall be produced.

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14. If the defendant in any prosecution under this Act prove to the satisfaction of the Justices or Court that he has purchased such manure from another person, with an invoice-certificate signed and delivered to him by such person, that he had no reason to believe at the time when he sold such manure that it was misrepresented in such certificate, and that he sold such manure in the same state as when he purchased it, he shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor, unless he shall have given notice that he will rely on the above defence.

Defendant to be discharged if he prove that he bought the article in the same state as sold, and with a warranty.

15. 13. Every person who forges, or utters knowing to be forged, for the purposes of this Act, any certificate as provided for under this Act is guilty of a misdemeanour, and is punishable, on conviction, by imprisonment for a term not exceeding *two* years, with hard labour.

Penalties for forging or fraudulently applying certificates.

Every person who in any proceedings under this Act wilfully applies to any package containing manure a certificate, or a mark of identification corresponding to such certificate, given or used in describing or identifying any other and different manure or package thereof is guilty of an offence under this Act, and is liable, on summary conviction, to a penalty not exceeding *twenty* pounds and not less than *two* pounds.

11. 14. Every Analyst appointed as aforesaid shall report quarterly to the Colonial Secretary the number and nature of the articles analysed by him under this Act during the foregoing quarter, and shall specify the result of each analysis, and the sum paid to him in respect thereof.

Quarterly report to Colonial Secretary.

16. 15. Nothing in this Act contained shall affect the power of proceeding by indictment, or take away any other remedy against any offender under this Act, or in any way interfere with any right or remedy by civil process at law or equity which any party aggrieved by any offence against this Act might have had if this Act had not been passed.

Other remedies not to be affected.

17. 16. The Colonial Secretary may at his discretion issue an order authorising a County Council, for any period of time specified in such order, to appoint one or more Inspectors who, if so directed by the County Council at any time during the period specified in such order, shall obtain samples *as provided in section seven of this Act, and from the bulk of each lot* of any manures offered for sale within such county, and shall be entitled to obtain an invoice-certificate thereof from the vendor, as provided in section *three* of this Act, and shall submit the same to be analysed by the Analyst appointed as aforesaid, and such Analyst shall with all convenient speed analyse the same, and give a certificate to such Inspector, wherein he shall specify the result of such analysis, and shall state explicitly in what particulars, if any, such result materially differs from the statements set forth in the invoice-certificate.

Colonial Secretary may give temporary powers to County Council to obtain samples for analysis.

18. 17. If any such Inspector shall so apply to purchase any package or portions of a *not less than five* packages of such manures so offered for sale within the county, and shall tender the price for the quantity he shall require for the purpose of analysis, not being more than shall be reasonably requisite, and the person offering such manures for sale

Penalty for second or subsequent offence.

shall refuse to sell the same to such Inspector, or to deliver to him an invoice-certificate thereof, as provided in section *three* of this Act, then such person shall be liable to a penalty not exceeding *ten* pounds, and not less than *one* pound.

Schedule.

SCHEDULE.

“THE MANURE ADULTERATION ACT, 1892.”—FORM OF ANALYST'S CERTIFICATE.

To [*Here insert the name of the person submitting the article for analysis*].
 I, THE undersigned, Public Analyst under “The Adulteration Prevention Act, 1880,” do hereby certify that I have received on the _____ day of _____ 18____, from [*Here insert the name of the person delivering the sample*], a sample of _____ for analysis, and have analysed the same, and declare the result of my analysis to be as follows:—

I am of opinion that the said sample contained the parts as under [*or, the percentages of constituent substances as under*] :—

I have examined the invoice-certificate tendered or delivered with said sample, and find that it corresponds with the results of my analysis [*or, that it differs from the results of my analysis in the following particulars: that is to say,—*]

Observations.

By Authority: GEORGE DIDSBUY, Government Printer, Wellington.—1892.