

New Zealand.



ANALYSIS.

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1892, No. 38.

Title.

AN ACT for the better Prevention of Frauds in the Sale of Manures for Agricultural Purposes. [11th October, 1892.]

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

Short Title.
Commencement of Act.

1. The Short Title of this Act is "The Manure Adulteration Act, 1892." It shall come into operation on the first day of March, one thousand eight hundred and ninety-three.

Interpretation.

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.

3. Every person who sells any manure shall deliver to every purchaser of such manure in any quantity not less than 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 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,

Vendor of manure to give invoice-certificate therewith.

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

- if manufactured within the colony, and, if imported, then the name and place of business of the vendor;
- (2.) The figure, word, trade-mark, or trade-description which is to be stamped upon or affixed to every sack, barrel, case, or other package containing any portion of such manure delivered with such invoice-certificate;
 - (3.) In the case of "artificial manure," the percentage of soluble phosphate of lime, of insoluble phosphate of lime, and of nitrogen, or its equivalent as ammonia;
 - (4.) In the case of "bone-dust" or "bone-meal," the percentage of tribasic phosphate of lime and of ammonia;
 - (5.) In the case of "nitrate of soda," the guaranteed percentage of pure nitrate of soda;
 - (6.) In the case of "mineral superphosphates," the guaranteed percentage of soluble phosphate of lime;
 - (7.) In the case of "sulphate of ammonia," the guaranteed percentage of ammonia;
 - (8.) In the case of "guanos and mineral manures," the guaranteed percentage of the various phosphates and their calculated equivalents as phosphate of lime, and of ammonia;
 - (9.) In the case of "muriate of potash," the guaranteed percentage of pure muriate of potash;
 - (10.) In the case of "kainit," the guaranteed percentage of sulphate of potash;
 - (11.) In the case of "basic slag," the guaranteed percentage of the various phosphates and their calculated equivalents as basic phosphate of lime;
 - (12.) The value per unit per ton the vendor attaches to each constituent of said manures, such unit-value to be the basis of valuation.

4. Every person who sells or offers for sale any manure, as provided by the preceding section, shall brand upon, or durably affix to, or cause to be branded upon or durably affixed to, every sack, barrel, case, or other package containing any portion of such manure, the name of the manufacturer or vendor, and a figure, word, trade-mark, or trade-description corresponding to the figure, word, trade-mark, or trade-description stated in the invoice-certificate, as provided in the preceding section.

Marks of identification to be stamped on or affixed to packages.

5. Every person who sells any manure in any quantity not less than ten hundredweight and fails to deliver to any purchaser thereof an invoice-certificate as provided in section three of this Act, or who fails to stamp upon or affix to every package of such manure a mark of identification as provided in section four of this Act, is guilty of an offence against this Act, and is liable, on summary conviction, for the first offence to a penalty not exceeding ten pounds and not less than one pound, and for the second or any subsequent offence to a penalty not exceeding twenty-five pounds.

Penalty for not furnishing certificate or a mark of distinction.

Penalty for misrepresentation.

Penalty for second or subsequent offence.

6. Every purchaser of any manure under the provisions of this Act is entitled, on payment to an Analyst of such sum as may be agreed upon between such person and the Analyst, to have such manure analysed by such Analyst, and to receive from him a certificate of the result of such analysis, and for such purpose the said person shall deliver or

Power to purchaser of manures to have them analysed.

Provisions for
dealing with
samples.

send to such Analyst, within fourteen days after the delivery of such manure, and before bulk is otherwise broken, a sample thereof, sufficient in quantity for the purposes of such analysis, in the manner provided in the next section.

7. The person purchasing any manure under the provisions of this Act with the intention of submitting the same to analysis shall, after the purchase shall have been completed, forthwith notify to the vendor or his agent selling such manure his intention to have the same analysed by the Public Analyst under this Act, and shall offer to divide in the presence of the vendor or his agent, and immediately on the delivery of the said purchase, any sufficient sample of the contents of such packages into five parts, to be then and there separated, and each part to be marked and sealed, and fastened up in such manner as its nature will permit, and shall, if required to do so, proceed accordingly, and shall deliver two of the parts to the vendor or his agent; he shall afterwards retain two of the said parts for comparison, and submit the fifth part, to have the same analysed, to the Analyst.

Analysis of samples.

8. The vendor or his agent may also send one of their portions of the sample as herein provided to any Analyst, and should the analysis so obtained be different from that obtained by purchaser, as provided for by section six, then one or both remaining parts of samples shall be forwarded to the School of Agriculture Analyst at Lincoln, the mean of the three analyses to be accepted.

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.

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.

Nature of certifi-
cate.

11. 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 (soluble or insoluble), three per centum; potash, one per centum; nitrogen, one per centum, such deficiency to be allowed for by vendor at double the aforesaid unit-values until they reach the following limit: Phosphates, six per centum; potash, two per centum; nitrogen, one and a half per centum. 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.

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.

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

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.

14. Every Analyst 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.

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.

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; 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.

17. If any such Inspector shall so apply to purchase portions of 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 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.

Penalty for refusing
to sell sample to
Inspector.

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.

WELLINGTON: Printed under authority of the New Zealand Government,
by GEORGE DIDSURY, Government Printer.—1892.