

Mr. T. Mackenzie.

ARTIFICIAL MANURES ADULTERATION.

ANALYSIS.

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A BILL INTITULED

AN ACT for the better Prevention of Frauds in the Manufacture and Sale of Artificial 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:—

1. The Short Title of this Act is "The Artificial Manures Adulteration Act, 1891." It shall come into operation on the first day of January, one thousand eight hundred and ninety-two. Short Title.
Commencement
of Act.

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

Every person who in any such invoice-certificate misrepresents any manure sold by him in any of the particulars required to be stated under the provisions of section *three* of this Act shall be guilty of an offence against this Act, and shall be liable, on summary conviction as hereinafter provided, for the first offence to a penalty not exceeding *twenty* pounds, and for the second or any subsequent offence to a penalty not exceeding *fifty* pounds.

Moreover, in every case of a second or any subsequent offence against this Act, it shall be lawful for the Court, in addition to any penalty provided by this Act, to order the offender's name, occupation, place of abode, and place of business, and particulars of his punishment under this Act, to be published, at the expense of such offender, in such newspaper or newspapers, or in such other manner, as the Court may think fit to prescribe. 5

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

3. Every person who sells any artificial manures shall deliver to every purchaser of such manure in any quantity not less than one 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 signed in writing at the foot thereof by such vendor or his agent. 10

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, and the country from which such manure has been imported; 15
- (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; 20
- (3.) The nature of such manure, and whether consisting of one material or compounded with an admixture of added substances; 25
- (4.) In the case of "compound artificial manures," the nature and the percentage of the several constituents, and especially the percentage of soluble phosphate of lime, of insoluble phosphate of lime, and of nitrogen, or its equivalent as ammonia; 30
- (5.) In the case of "raw," or "green bones," or "bone-dust," or "boiled bones," the percentage of tribasic phosphate of lime and of ammonia; 35
- (6.) In the case of "dissolved bones," or "bone superphosphate" the percentage of soluble and of insoluble phosphate of lime, and of ammonia, and the substance or substances from which such soluble and insoluble phosphates of lime and ammonia have been derived; 40
- (7.) In the case of "nitrate of soda," the percentage of pure nitrate of soda; 45
- (8.) In the case of "mineral superphosphates," the percentage of soluble phosphate of lime; 50
- (9.) In the case of "sulphate of ammonia," the percentage of ammonia; 55
- (10.) In the case of "Peruvian, Chesterfield, Malden, and Green Island guano," its origin, the percentage of phosphates calculated as phosphate of lime, and of ammonia; 60
- (11.) In the case of "muriate of potash," the percentage of pure muriate of potash; 65
- (12.) In the case of "kainit," the percentage of sulphate of potash; 70

(13.) In the case of "basic slag," the percentage of phosphoric acid equal to the basic phosphate of lime.

4. Every person selling or offering for sale any artificial 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, trademark, or trade-description corresponding to the figure, word, trademark, 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 purchaser of any artificial manure under the provisions of this Act shall be entitled, on payment to an Analyst appointed under "The Adulteration Prevention Act, 1880," 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 shall deliver to such Analyst, within one month from the purchase and delivery of such manure, a sample thereof, sufficient in quantity for the purposes of such analysis, in the manner provided in the *next* section.

Power to purchaser of manures to have them analysed.

6. The person purchasing any artificial 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 any package thereof, or any sufficient sample of the contents of such package, into three 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 one of the parts to the vendor or his agent; he shall afterwards retain one of the said parts for comparison, and submit the third part, if he deems it right to have the same analysed, to the Analyst.

Provisions for dealing with samples.

7. If the vendor or his agent do not accept the offer of the purchaser to divide in his presence the package or sample of the contents of such package of manure so purchased, the Analyst, on receiving the sample thereof for analysis, shall divide the same into two parts, and shall seal or fasten up one of those parts, and shall cause it to be delivered, either on receipt of the sample or when he supplies his certificate, to the purchaser, who shall retain the same for production in case proceedings shall afterwards be taken in the matter.

Provision when sample is not divided.

8. 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.

Provision for sending sample through the post-office.

9. 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 differs from the statements set forth in the invoice-certificate delivered to the purchaser of the manure so analysed.

Form of Analyst's certificate.

Quarterly report to Colonial Secretary.

10. 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.

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Proceedings against offenders.

11. 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 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.

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

13. If the defendant in any prosecution under this Act prove to the satisfaction of the justices or Court that he has purchased such artificial 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 they were 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.

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Penalties for forging or fraudulently applying certificates.

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

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

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Other remedies not to be affected.

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.

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

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

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County Council at any time during the period specified in such order, shall obtain samples 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
 5 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 differs from the statements set forth in the invoice-
 10 certificate.

17. If any such Inspector shall so apply to purchase any package or portion of a package 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
 15 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, shall be liable to a penalty not exceeding *ten* pounds.

Penalty for refusing to sell sample to Inspector.

SCHEDULE.

Schedule.

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.