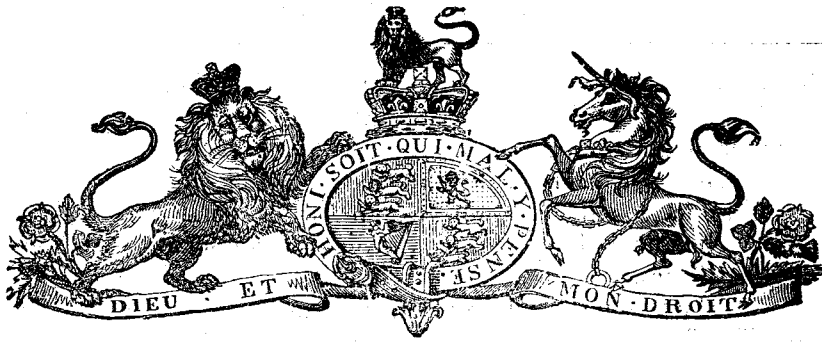


# T A S M A N I A



1893.

ANNO QUINQUAGESIMO-SEPTIMO

VICTORIÆ REGINÆ,

No. 23.

Amended by 62 Vict. No. 41

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## AN ACT for the better Prevention of A.D. 1893. Frauds in the Sale of Manures for Agri- cultural Purposes. [14 November, 1893.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1** The Short Title of this Act is “The Manure Adulteration Act, 1893.” It shall come into operation on the first day of *January*, One thousand eight hundred and ninety-four. Short title.  
Commencement  
of Act.

**2** In this Act, if not inconsistent with the context—

“Manure” means and includes artificial and all other manures for agricultural, horticultural, or pastoral purposes, other than farm-yard and stable manure, lime, and marl:

“The Analyst” means the person for the time being holding the office of Government Analyst in *Tasmania*:

“The Minister” means the Responsible Minister of the Crown administering this Act.

Interpretation.

**3** Every person who sells any manure, in any quantity not less than one hundredweight, shall deliver to every purchaser of such manure at the time of purchase, or not later than the delivery thereof to the Vendor of manure  
to give invoice-  
certificate there-  
with.

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

purchaser, an invoice-certificate which shall be printed or legibly written, and shall have at the foot thereof the written or printed signature of such vendor or his agent.

Every such invoice-certificate shall state—

- I. 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 ;
- II. The figure, word, trade-mark, or trade-description which shall be stamped upon or affixed to every sack, barrel, case, or other package containing any portion of such manure delivered with such invoice-certificate ;
- III. The nature and description of such manure ;
- IV. In the case of "artificial" or mixed or unspecified manures, the percentages of soluble and of insoluble phosphoric acid and their equivalents as phosphate of lime ; the percentage of nitrogen and its equivalent as ammonia, and the percentage of potash ; and the nature of the substance or substances from which such phosphoric acid, nitrogen, and potash have been derived ;
- V. In the case of "raw," or "green bones," or "bone-dust," or "boiled bones," the percentage of phosphoric acid and its equivalent as phosphate of lime, and of nitrogen and its equivalent as ammonia ;
- VI. In the case of "dissolved bones," or "bone superphosphate," the percentages of soluble and of insoluble phosphoric acid and their equivalents as phosphate of lime, and of nitrogen and its equivalent as ammonia, and the substance or substances from which such soluble and insoluble phosphates of lime and nitrogen have been derived ;
- VII. In the case of "nitrate of soda," the percentage of pure nitrate of soda, and nitrogen and its equivalent as ammonia ;
- VIII. In the case of "mineral superphosphates," the percentage of soluble phosphoric acid and its equivalent as phosphate of lime ;
- IX. In the case of "sulphate of ammonia," the percentage of nitrogen and of ammonia ;
- X. In the case of "Peruvian, Chesterfield, Malden, Long Island, Green Island, and similar natural guanos," the percentage of phosphoric acid and its equivalent as phosphate of lime, and of nitrogen and its equivalent as ammonia ;
- XI. In the case of "muriate of potash," the percentage of pure muriate of potash and its equivalent as potash ;
- XII. In the case of "kainit," the percentage of sulphate of potash and of potash ;
- XIII. In the case of "basic slag," the percentage of phosphoric acid and its equivalent as phosphate of lime ;
- XIV. In the case of "nitrate of potash," the percentage of pure nitrate of potash, and of nitrogen and its equivalent as ammonia.

In this Section—

- "Phosphoric acid" shall mean anhydrous phosphoric acid ;
- "Phosphate of lime" shall mean tribasic phosphate of lime ;
- "Potash" shall mean anhydrous oxide of potassium.

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**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.

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

**5** Every person who sells any manure in any quantity not less than One hundredweight and fails to deliver or send 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 and not less than Five Pounds.

Penalty for not furnishing certificate or mark of distinction.

Every person who in any such invoice-certificate wilfully and materially misrepresents any manure sold by him in any of the particulars required to be stated under the provisions of Section Three of this Act is guilty of an offence against this Act, and is liable, on summary conviction as hereinafter provided, for the first offence to a penalty not exceeding Twenty Pounds and not less than Two Pounds, and for the second or any subsequent offence to a penalty not exceeding Fifty Pounds and not less than Five Pounds.

Penalty for misrepresentation.

**6** Every purchaser of any manure shall, if such manure is intended for *bonâ fide* use by the purchaser and not for sale, be entitled, on payment to the Analyst of the sum of Ten Shillings and Sixpence, to have such manure analysed by the Analyst, and to receive from him a certificate of the result of such analysis, and for such purpose the said person shall deliver or send to the Analyst, immediately on 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.

Power to purchaser of manures to have them analysed.

**7** Every person purchasing any manure and intending to submit the same for analysis shall, after the purchase shall have been made, forthwith notify to the vendor or his agent selling such manure his intention to have the same analysed by the Analyst, and shall offer to divide in the presence of the vendor or his agent, and immediately on the delivery of the said purchase, 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 to the Analyst, to have the same analysed.

Provisions for dealing with samples.

**8** 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 purchaser shall notify such refusal

Provision when sample is not divided.

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to the Analyst, who, 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 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 Parcel Post, subject to any special regulation which the Governor in Council may make in reference to the carrying and delivery of such sample, and the charges for the postage thereof shall be paid by the person requiring the analysis, and 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.

Annual report to  
Minister.

**11** The Analyst shall report annually to the Minister the number and nature of the articles analysed by him under this Act during the foregoing year, and shall specify the result of each analysis, and the sum paid to him in respect thereof.

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 two Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*.

19 Vict. No. 8.

Certificate of  
Analyst to be  
*primâ facie*  
evidence for the  
prosecution.

**13** In any proceedings under this Act, 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.

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

**14** If the defendant in any prosecution under this Act proves to the satisfaction of the Justices 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, the Justices shall dismiss the information, but the defendant shall be

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liable to pay the costs incurred by the prosecutor, unless he shall give notice that he will rely on the above defence. A.D. 1893.

**15** 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 misdemeanor, and is punishable, on conviction, by imprisonment for a term not exceeding Four 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.

**16** Nothing in this Act contained shall affect 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** The Municipal Council of any Municipality or of the City of *Hobart* or *Launceston* may, with the consent of the Minister, appoint one or more Inspectors, who, if so directed by the Municipal Council, shall obtain samples of any manures offered for sale within such Municipality or City as the case may be, 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, upon payment by such Municipal Council out of the Municipal Fund of a sum not exceeding Ten Shillings and Sixpence for each sample required to be analysed, 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 statement set forth in the invoice-certificate.

Municipal Council may appoint Inspector to obtain samples for analysis.

**18** The Council of Agriculture may, with the consent of the Minister, appoint one or more Inspectors, who, if so directed by the said Council, shall obtain samples of any manures offered for sale in *Tasmania*, 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, upon payment by such Council out of moneys at its disposal of a sum not exceeding Ten Shillings and Sixpence for each sample required to be analysed, 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 particular, if any, such result materially differs from the statements set forth in the invoice-certificate.

Council of Agriculture may appoint Inspectors to obtain samples for analysis.

**19** If any Inspector appointed under either of the last two preceding Sections shall so apply to purchase any package or portion of a package of such manures so offered for sale within the Municipality or within *Tasmania*, as the case may be, and shall tender the price for the quantity he shall require for the purpose of analysis, not being more

Penalty for refusing to sell sample to Inspector.

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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.

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**SCHEDULE.**

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**"THE MANURE ADULTERATION ACT, 1893."****FORM OF ANALYST'S CERTIFICATE.**

To [*here insert the name of the person submitting the article for analysis*].  
I, THE undersigned, Government Analyst, do hereby certify that I 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.*