

TRINIDAD AND TOBAGO.

*Fertilizers and Feeding Stuff's Ordinance, 1895.*

No. 19.—1895.

*17th June.*

AN ORDINANCE respecting the sale of Agricultural  
Fertilizers and Feeding Stuffs.

[L.S.]

F. NAPIER BROOME,

GOVERNOR.

*27th June, 1895.*

**B**E it enacted by the Governor of Trinidad and  
Tobago with the advice and consent of the Legis-  
lative Council thereof as follows :—

1. (1) Every person who sells for use as a fertilizer of the soil any article manufactured in the Colony or imported from abroad shall give to the purchaser an invoice stating the name of the article, and whether it is an artificially compounded article or not, and what is at least the percentage of the nitrogen, soluble and insoluble phosphates and potash, if any, contained in the article, and this invoice shall have effect as a warranty by the seller of the statements contained therein. Warranty on sale of Fertilizer.

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- (2) For the purposes of this Section an article shall be deemed to be manufactured if it has been subjected to any artificial process.
- (3) This Section shall not apply to a sale where the whole amount sold at the same time weighs less than half a hundredweight.

Warranty on  
sale of Feeding  
Stuff.

- 2. (1) Every person who sells for use as food for cattle any article which has been artificially prepared shall give to the purchaser an invoice stating the name of the article and whether it has been prepared from one substance or seed or from more than one substance or seed, and this invoice shall have effect as a warranty by the seller of the statements contained therein.
- (2) Where any article sold for use as food for cattle is sold under a name or description implying that it is prepared from any particular substance, or from any two or more particular substances, or is the product of any particular seed, or of any two or more particular seeds, and without any indication that it is mixed or compounded with any substance or seed, there shall be implied a warranty by the seller that it is pure, that is to say, is prepared from that substance, or those substances only, or is a product of that seed or those seeds only.
- (3) On the sale of any article for use as food for cattle there shall be implied a warranty by the seller that the article is suitable for feeding purposes.

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- (4) Any statement by the seller of the percentages of nutritive and other ingredients contained in any article sold for use as food for cattle, made after the commencement of this Ordinance in any invoice of such article or in any circular or advertisement descriptive of such article, shall have effect as a warranty by the seller.
3. (1) If any person who sells any article for use as a fertilizer of the soil or as food for cattle Penalties for breach of duty by seller. commits any of the following offences, namely :—
- (a.) Fails without reasonable excuse to give on or before or as soon as possible after the delivery of the article, the invoice required by this Ordinance ; or,
  - (b.) Causes or permits any invoice or description of the article sold by him to be false in any material particular to the prejudice of the purchaser ; or
  - (c.) Sells for use as food for cattle any article which contains any ingredient deleterious to cattle or to which has been added any ingredient worthless for feeding purposes, and not disclosed at the time of sale he shall, without prejudice to any civil liability, be guilty of an offence against this Ordinance, and on summary conviction before any Stipendiary Justice of the Peace shall,

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- (1) For a first offence forfeit and pay any sum not exceeding Twenty Pounds, and in default of payment shall be imprisoned with or without hard labour for any term not exceeding three months; and
- (2) For any subsequent offence shall forfeit and pay any sum not exceeding Fifty Pounds, and in default of payment shall be imprisoned either with or without hard labour for any term not exceeding six months.
- (II) In any proceeding for an offence under this Section it shall be no defence to allege that the buyer having bought only for analysis was not prejudiced by the sale.
- (III) A person alleged to have committed an offence under this Section in respect of an article sold by him shall be entitled to the same rights and remedies, civil or criminal, against the person from whom he bought the article as are available to the person who bought the article from him, and any damages recovered by him may, if the circumstances justify it, include the amount of any forfeiture or penalty and costs paid by him on conviction under this Section, and the costs of and incidental to his defence on such conviction.

Power  
to appoint  
Analysts.

4. The Governor may appoint an Agricultural Analyst or Analysts, hereinafter referred to as "the Analyst," who shall be remunerated for his or their services in such

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manner as the Governor may by Regulation approved by the Legislative Council allow.

Provided that no person shall, while holding the office of the Analyst under this Ordinance, engage in any trade, manufacture or business connected with the sale or importation of articles used for fertilizing the soil or as food for cattle.

5. (1) Every buyer of any article used for fertilizing the soil or as food for cattle shall, on payment to the Analyst of such fee as may by Regulations made by the Governor be prescribed and allowed, be entitled within ten days after delivery of the article to the buyer or receipt of the invoice by the buyer, whichever is later, to have the article analysed by the Analyst and to receive from him a certificate of the results of his analysis.

Power for purchaser to have Fertilizer or Feeding Stuff analysed.

(2) Where a buyer of an article desires to have the article analysed in pursuance of this Section he shall take three samples of the article and shall cause each sample to be marked, sealed and fastened up, and shall deliver or send by post one sample with the invoice or a copy thereof to the Analyst and shall give another sample to the seller and shall retain the third sample for future comparison.

Provided that the Analyst or some person authorized by him in that behalf, with the approval of the Governor, shall, on the request either of the buyer or of the seller, and on payment either by such seller or buyer, as

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the case may be, to the Analyst of such fee as by Rules and Regulations made by the Governor may be allowed, take the samples on behalf of the buyer.

- (3) The certificate of the Analyst shall be in such form and shall contain such particulars as the Governor may direct, and the Analyst shall report to the Governor as he may direct.
- (4) At the hearing of any civil or criminal proceeding with respect to any article analysed in pursuance of this Section, the production of a certificate of the Analyst shall be sufficient evidence of the facts therein stated, unless the defendant or person charged requires that the Analyst be called as a witness.
- (5) The costs of and incidental to the obtaining of any analysis in pursuance of this Section shall be borne by the seller or the buyer in accordance with the results of the analysis, and shall be recoverable as a simple contract debt.

6. If any person knowingly and fraudulently

- (a) tampers with any parcel of fertilizer or feeding stuff so as to procure that any sample of it taken in pursuance of this Ordinance does not correctly represent the contents of the parcel ;  
or

Penalty for tampering.

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- (b) tampers with any sample taken under this Ordinance ;

he shall be guilty of an offence against this Ordinance, and on summary conviction before any Stipendiary Justice of the Peace shall forfeit and pay any fine not exceeding Twenty Pounds, and in default of payment shall be imprisoned with or without hard labour for any term not exceeding six months ; or he may be imprisoned for any term not exceeding six months without the option of a fine.

7. (1) A prosecution for an offence under this Ordinance may be instituted by the person aggrieved or by any Commissioned or Non-commissioned Officer of Police or Police Constable or by any Warden or any person authorized by such Warden or by any body or association authorized on that behalf by the Governor, but in the case of an offence under Section 3 a prosecution shall not be instituted by the persons aforesaid or by any body or association aforesaid except on a certificate of the Attorney-General that there is reasonable ground for such prosecution. Prosecution  
and Appeals.
- (2) Any person aggrieved by a summary conviction under this Ordinance may appeal to the Supreme Court according to the provisions of "The Summary Convictions Appeal Ordinance, 1875," or according to the provisions of any future Ordinance regulating Appeals from Summary Convictions.

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Interpretation  
and applica-  
tion.

8. (1) For the purposes of this Ordinance the expression "cattle" shall mean bulls, cows, oxen, heifers, calves, sheep, goats, swine, horses, mules, and asses. The expressions "soluble" and "insoluble" shall respectively mean soluble and insoluble in water.

(2) This Ordinance shall apply to wholesale as well as to retail sales.

Short title.

9. This Ordinance may be cited as "The Fertilizers and Feeding Stuffs Ordinance, 1895."

Tobago.

10. This Ordinance shall not apply to Tobago.

Passed in Council this Seventeenth day of June, in the year of Our Lord one thousand eight hundred and ninety-five.

CHAS. J. ROOKS,  
*Acting Clerk of the Council.*

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