

package of fertiliser." Now, there is one failure there. It is proposed to add to this same clause 8 the way in which samples shall be taken, because in clause 8, as it stands, it simply says that the Inspector shall go in and take a sample from any package. There is only one package apparently, and it looks so further on—subsection (4), clause 9. So that if there were a thousand tons, and he takes it from "any package," it is not a fair test for the thousand tons. Following the English regulations, they now propose the following: "(a) A number of bags are to be selected as follows—viz., not less than two bags where the quantity does not exceed one ton, and for every additional ton an additional bag, provided that in no case need more than ten bags be sampled. (b) A sufficient quantity of the fertiliser is to be drawn from each bag so selected, and thoroughly mixed after all lumps are broken."

10. You agree with those suggestions of the Stock Department?—Yes, to a certain extent; but, so far as the details of them are concerned, I think, as in the English Act, they should be in the form of regulations. An Act cannot be altered so readily as regulations under an Act can. That is what I would like in this case—to have regulations under the Act.

11. *The Chairman.*] Have we regulations in existence now?—No. In this clause 8, as proposed by the Stock Department, there is a subsection which will nullify the Act.

12. *Mr. Massey.*] As suggested by the Stock Department?—Yes. I want to try and get the Act made as useful as I can for all purposes. I am trying to be as impartial as I can both on behalf of the vendors and the farmers. The Department says, "The sample shall be taken in the presence of the vendor or other responsible person in his employ." Now, if that becomes law, all the vendor has to do is not to be present or authorise any one. "The sample shall be taken in the presence of the vendor"—in that case the Inspector or his representative can do nothing. There is another point to be specially considered there, too. It says the sample may be taken from the bags. The English regulations require that not only shall a portion be taken from each bag, but, further, that the whole bag shall be turned out and mixed up on a wooden floor, and from this the sample is taken. The English regulations say, "15. The selected bag or packages are to be emptied separately on a clean and dry stone or wooden floor, worked up with a spade, and one spadeful from each set aside. The separate spadefuls are then to be thoroughly mixed, and any lumps broken up by the hand or spade. From this mixture three samples, each from $\frac{1}{2}$ lb. to 1 lb. in weight, are to be taken and carefully and securely packed." There is another point to be considered. Sometimes we get manure sent in bulk to the farmer. I have myself sampled truckloads of guano, and I have known bones to be sent in bulk in trucks. Now, you have no provision for cases like that, and you are therefore at the mercy of the vendor—

13. *The Chairman.*] Is that provided for in the English Act?—I cannot say. I do not think it is; but it is a point which has to be considered. Now, as to the notification required to be given by the Inspector, the Stock Department suggest the following: "Not less than two clear days' notice shall be given to the vendor by the Inspector of the time and place at which he intends to take such sample." There are places, particularly in the North, which the vendor could not possibly reach in two days, and he would be entirely at the mercy of the people who authorised or gave such notice. Again, you would want a pretty large army of Inspectors if there is much work coming on under the Bill. The Act says that the Stock Inspectors appointed under "The Stock Act, 1893," shall be deemed to be Inspectors under this Act; still, there might be a call for the Inspectors to other different parts, and I should advise that the constables should also be Inspectors under this Act. I have not much more to say. In clause 11 there is a peculiar feature—

14. Would that officer be the person to see these samples taken?—Yes.

15. *Mr. Massey.*] You would intrust that to any constable?—Yes, I think so. They take samples under the Adulteration Act and under the Licensing Act. There is a point there I would strongly urge: that when the Inspector seals his sample he should also give the opportunity to the vendor to seal it also. It is so in only one Act that I know of, and that is the Licensing Act. It is wise, and it is a certain safeguard. In clause 11 of the Fertilisers Act it says, "In any proceedings under this Act the production of a certificate of the results of an analysis purporting to be signed by an Analyst shall be evidence that the fertiliser was submitted for analysis in accordance with this Act, and of the identity of the fertiliser analysed, and of the result of the analysis, without proof of the signature of the Analyst." They are putting a great deal on the Analyst there. They are not only asking him to be sure of his own analysis, but also sure of the identity of the fertiliser; in fact, you are making him go bail for the Inspector as well on a point of which he has no knowledge. It may be all right in point of law, but it certainly is complicated. In the second portion of clause 12 it would make it appear that it is just possible that the Analyst may be paid for attendance. It says, "If on such hearing it appears to the Court that the Analyst was called on frivolous or insufficient grounds the defendant shall be liable to pay the costs of the attendance of the Analyst." Now, the Analyst may be sent all over the country, and it is possible that somebody may pay him, but I cannot say there is much hope for him. I do not think there is much more to deal with. As I have said, I would like to see regulations under this Act. Regulations can be altered easier than an Act can. There is room for regulations to take up these different points I have mentioned. I also wish to repeat what I have said with regard to the English Act. To my mind, the English Act is superior to anything we have ever had. Since it has been the law it has done good work. The Hon. Mr. McKenzie brought in a Bill in 1892 which was as near the Act as possible, and, with the one small alteration of the method of sampling, it would have met all the requirements and would have been a perfect Act. I am now speaking of the Bill as introduced by Mr. McKenzie. That Act followed the English Act. In this Act we have gone in the opposite direction. That one was drawn in the direction of the English Act, and largely in favour of the farmer. This one is drawn on the model of the American Acts. The American Acts are largely brought out by the manure trusts, as at present they are masters of the situation. Therefore the closer you can get to the English Act the better it will be.