

Section 3, subsection (2). Delete clause 2; refer to section 5. Where the manufacturer resides outside the colony it should be sufficient if the vendor in New Zealand registers.

Section 6, subsection (1). Strike out the words "in his possession or." The objection to this is that the labelling of manure as it goes into store is almost impracticable. Large quantities arriving by train or steamer would require to be analysed while lying in the railway or wharf sheds. This would cause a delay in taking delivery which would not be permitted by the Department. It would further entail considerable expense on the vendor which would necessarily be passed on to the purchaser. Above all, it is unnecessary, as in a manufacturer's business the bulk of the material going into store is not sent out to the farmer in the same form, but is used in producing a manufactured manure. To insist on the raw material as well as the finished article being subject to this Act would mean double analysis without any additional protection to the purchaser.

Section 9, subsection (1). After the word "shall" add the following: "in the presence of a responsible person in the employment of the vendor."

Section 9, subsection (2). A provision should be inserted whereby the vendor shall have the right to have his portion of the sample also analysed by an independent analyst before the hearing of a case where proceedings are taken. In this section omit the words "the third part shall be retained by the Inspector," and insert a fresh clause as follows: "The third part shall be sealed, both by the Inspector and by the vendor or his authorised agent, and shall be forthwith deposited with the Inspector of Factories, to be produced only by the order of the Court if required."

Section 9, subsection (4). The method provided in the Bill for taking a sample is not sufficiently comprehensive. There is no objection to the amount of the sample (4 lb.). From the nature of the composition of mixed manures it is necessary in order to obtain a fair sample that the sample should be representative of the bulk, and this can be attained only by having several samples taken from different packages and mixed, the final sample being taken from the mixture.

Section 9, subsection (5). After the word "Inspector" add the following: "in the presence of a responsible person in the employment of the vendor."

Section 10. Delete all words after the word "attached." The Analyst is a chemical expert, not an agricultural expert, and it should be a matter for the Court to decide, after hearing evidence, whether any difference disclosed by the analysis is to the prejudice of the purchaser or not. To leave the clause as it stands would be to put it in the hands of the Analyst practically to decide the case before it was heard.

Section 11. Omit the words "and of the identity of the fertiliser analysed." This, if included, would prevent any proof of mistake where an obvious error had occurred through confusion of samples.

Section 12, subsections (1) and (2). No provision is made for a copy of the analysis being supplied to the vendor in a case where proceedings are to be taken. In common justice this should be provided for. In fact, in every case where samples are taken by the Inspector the result of the analysis should be forwarded to the vendor. Further, if proceedings are taken in regard to any particular sample, a limit of time should be specified within which time the proceedings should be taken. As to the presence of the Analyst at the Court, he should be present as a matter of course, to be cross-examined if necessary, and only in case of a conviction should the vendor be called upon to pay the expenses of his attendance.

Section 16. Add the following: "But in the case of an analysis by the Government Analyst proving unsatisfactory, publication shall be withheld until the vendor shall have had an opportunity of having the sample left with him by the Inspector also analysed." Also add, "Nothing in this Act shall apply to special manures manufactured to the order of purchasers." It is a common custom with many farmers to specify certain mixtures which they wish prepared for themselves. In such cases vendors simply wish to be saved special registration. The provisions of the Bill are so drastic that vendors feel that a fair amount of protection must be granted to them.

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