which may arise between the said Vestries and District Boards or either of them as to the ultimate apportionment of any moneys, costs, expenses, or liabilities, the subject of any such action, suit, or proceeding shall be determined by an arbitrator appointed as herein-before provided.

Existing boards' officers.

11.—(1.) Every person who at the passing of this Act is an officer of either of the said District Boards, and who after the twenty-fifth day of March one thousand eight hundred and ninety-four continues in the service of the Lee District Board or either of the said vestries as an officer thereof, shall in computing the time of his service for the purposes of the Superannuation (Metropolis) Act, 1866, be deemed to have served continuously from the time of the commencement of his service with the Plumstead or Hackney District Board as the case may be.

(2.) Every such officer who in consequence of this Act suffers any pecuniary loss by abolition of office or by diminution or loss of salary, fees, or emoluments, shall be entitled to have pecuniary compensation for such pecuniary loss paid to him, if he has been an officer in the service of the Plumstead District Board by the Plumstead Vestry, or if an officer in the service of the Hackney District Board by the Vestry of Saint Mary Stoke Newington.

(3.) The amount of compensation to be paid to any such officer shall in case of difference be determined by an arbitrator to be appointed by one of Her Majesty's Principal Secretaries of State on the application of the vestry or such officer, and the amount of the award shall be final.

38 & 39 Vict. c. 55.

12. The provisions of section one hundred and eighty of the Public Health Act, 1875 (regulations as to arbitration), shall so far as applicable and subject to the provisions of this Act apply to any arbitration under this Act.

Expenses of Act.

13. The expenses of and relating to the passing of this Act shall be defrayed by the Plumstead Vestry and the Saint Mary Stoke Newington Vestry in equal moieties.

Short title.

14. This Act may be cited for all purposes as the Metropolis Management (Plumstead and Hackney) Act, 1893.

CHAPTER 56.

An Act to amend the Law with respect to the sale of Agricultural Fertilisers and Feeding Stuffs.

[22nd September 1893.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Warranty on sale of fertiliser.

1.—(1.) Every person who sells for use as a fertiliser of the soil any article manufactured in the United Kingdom 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.

(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 other 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.

(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 Act in an invoice of such article or in any circular or advertisement descriptive of such article, shall have effect as a warranty by the seller.

Penalties for breach of duty by seller.

3.—(1.) If any person who sells any article for use as a fertiliser of the soil or as food for cattle 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 Act; 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 the sale,

he shall, without prejudice to any civil liability, be liable, on summary conviction, for a first offence to a fine not exceeding twenty pounds and for any subsequent offence to a fine not exceeding fifty pounds.

(2.) 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.

(3.) 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 fine 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.—(1.) The Board of Agriculture shall appoint a chief agricultural analyst (hereafter referred to as the chief analyst), who shall have such remuneration out of moneys provided by Parliament as the Treasury may assign. The chief analyst shall not while holding his office engage in private practice.

(2.) Every county council shall, and the council of any county borough may, appoint or concur with another council or other councils in appointing for the purposes of this Act a district agricultural analyst (hereafter referred to as a district analyst) for its county or borough, or a district comprising the counties or boroughs of the councils so concurring. The remuneration of any such district analyst shall be provided by the council, or in the case of a joint appointment by the respective councils in such proportions as they may agree, and shall be paid, in the case of a county, as general expenses, and, in the case of a county borough, out of the borough fund or borough rate. The appointment shall be subject to the approval of the Board of Agriculture. Provided that no person shall while holding the office of district analyst engage in any trade, manufacture, or business connected with the sale or importation of articles used for fertilising the soil or as food for cattle.

Power for purchaser to have fertiliser or feeding stuff analysed.

5.—(1.) Every buyer of any article used for fertilising the soil or as food for cattle shall, on payment to a district analyst of a fee sanctioned by the body who appointed the analyst, 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 result of his analysis.

(2.) Where a buyer of an article desires to have the article analysed in pursuance of this section, he shall, in accordance with regulations made by the Board of Agriculture, take three samples of the article, and shall in accordance with the said

regulations 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 district analyst, and shall give another sample to the seller, and shall retain the third sample for future comparison: Provided that a district analyst, or some person authorised by him in that behalf with the approval of the body who appointed the analyst, shall, on request either by the buyer or by the seller, and on payment of a fee sanctioned by the said body, take the samples on behalf of the buyer.

(3.) The certificate of the district analyst shall be in such form and contain such particulars as the Board of Agriculture direct, and every district analyst shall report to the Board as they direct the result of any analysis made by him in pursuance of this Act.

(4.) If the seller or the buyer objects to the certificate of the district analyst, one of the samples selected, or another sample selected in like manner, may, at the request of the seller, or, as the case may be, the buyer, be submitted with the invoice or a copy thereof to the chief analyst, and the seller, or, as the case may be, the buyer, shall, on payment of a fee sanctioned by the Treasury, be entitled to have the sample analysed by the chief analyst, and to receive from him a certificate of the result of his analysis.

(5.) 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 district analyst, or if a sample has been submitted to the chief analyst, then of the chief 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.

(6.) 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.

Penalty for tampering.

6. If any person knowingly and fraudulently—

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

(*b*) tampers with any sample taken under this Act;

he shall be liable on summary conviction to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding six months.

Prosecutions and ap eals.

7.—(1.) A prosecution for an offence under this Act may be instituted either by the person aggrieved, or by the council of a county or borough, or by any body or association authorised in that behalf by the Board of Agriculture, but in the case of an offence under section three shall not be instituted by the person aggrieved or by any body or association except on a certificate by the Board of Agriculture that there is reasonable ground for the prosecution.

(2.) Any person aggrieved by a summary conviction under this Act may appeal to a court of quarter sessions.

Construction and application.

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

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

Application to Scotland.

9. In the application of this Act to Scotland—

(1.) The expression "council of any county borough" shall mean the magistrates and town council of a burgh, and the duties and powers of councils of counties and county burghs shall be performed and be exerciseable in a county by the county councils or district committees thereof, and in a burgh by the magistrates and town council, and the remuneration of district analysts appointed under this Act shall be paid in the case of a county out of the consolidated rate, and in the case of a burgh out of the police or burgh general assessment.

(2.) The expression "burgh" means a burgh which returns or contributes to return a member to Parliament, not being a burgh to which section fourteen of the Local Government (Scotland) Act, 1889, applies.

52 & 53 Vict. c. 50.

(3.) Penalties for offences under this Act may be recovered summarily before the sheriff in manner provided by the Summary Jurisdiction Acts, and any person aggrieved by a summary conviction may appeal therefrom in accordance with the provisions of those Acts.

Application to Ireland.

10. For the purposes of the execution of this Act in Ireland, inclusive of the appointment of a chief agricultural analyst, the Lord Lieutenant acting by the advice of the Privy Council shall be substituted for the Board of Agriculture, and the district analysts shall be the analysts appointed for counties and boroughs in Ireland under the Sale of Food and Drugs Act, 1875, and the additional remuneration of such analysts for their duties under this Act shall be provided in manner directed by the said Act of 1875 and any Act amending the same.

38 & 39 Vict. c. 63.

Commencement of Act.

11. This Act shall come into operation on the first day of January, one thousand eight hundred and ninety-four.

Short title.

12. This Act may be cited as the Fertilisers and Feeding Stuffs Act, 1893.