

FERTILIZERS.

CHAPTER 101.

[H. B. No. 130—Heath.]

SALE AND ANALYSIS OF COMMERCIAL FERTILIZERS.

AN ACT to Regulate the Sale and the Analysis of Commercial Fertilizers, and Prescribing a Penalty for the Violation Thereof.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. DEALERS MUST AFFIX CERTIFICATE ON PACKAGES. CONTENTS.] Every person who shall sell, offer or expose for sale in this state any commercial fertilizer or any material to be used as a fertilizer, the selling price of which exceeds five dollars per ton, shall stamp on or affix to each package of such fertilizer, in a conspicuous place on the outside thereof, a plainly printed statement which shall certify as follows:

1. The number of net pounds of fertilizer in the package sold or offered for sale.
2. The name, brand or trade mark under which the fertilizer is sold.
3. The name and address of the manufacturer of the fertilizer.
4. The chemical composition of the fertilizer expressed in the following form and order:
 - Per cent phosphoric acid soluble in water.
 - Per cent phosphoric acid reverted.
 - Per cent phosphoric acid insoluble.
 - Per cent phosphoric acid total.
 - Per cent nitrogen in nitrates.
 - Per cent nitrogen as ammonia.
 - Per cent nitrogen total.
 - Per cent potash soluble in water.
 - Per cent chlorin.

If any such fertilizer be sold, offered or exposed for sale in bulk, such printed statement shall accompany every lot and parcel so sold, offered or exposed for sale.

§ 2. WHAT DEEMED VIOLATION.] It shall be a violation of the provisions of this act if the statement required by section 1 of this act shall be false in regard to the number of net pounds of fertilizer in the package sold, offered or exposed for sale, or in the name, brand or trade mark under which the fertilizer is sold, or in the name and address of the manufacturer of the fertilizer. It shall also be a vio-

lation of the provisions of this act if any commercial fertilizer or material to be used as a fertilizer shall contain a smaller percentage of nitrogen, phosphoric acid or potash than is certified therein, when such deficiency shall be greater than one-third of one per centum of nitrogen, or one-half of one per centum of available phosphoric acid (or one per centum of total phosphoric acid in the case of undissolved bone,) or one-half of one per centum of potash soluble in distilled water.

§ 3. CONDITIONS TO BE COMPLIED WITH BEFORE OFFERING FOR SALE.] Before any commercial fertilizer or any material to be used as a fertilizer is sold, offered or exposed for sale in this state, the manufacturer, importer or person who causes the same to be sold, offered or exposed for sale, shall file with the North Dakota government agricultural experiment station a certified copy of the statement prescribed in section 1 of this act, and, in addition, such statement shall be filed thereafter annually during the month of December. Each manufacturer, importer or person, before selling, offering or exposing for sale in this state any brand of commercial fertilizer, shall annually, during the month of December, pay to the director of the North Dakota government agricultural experiment station a license fee of twenty dollars for each and every brand of fertilizer, bearing a distinctive name, brand or trade mark, which said manufacturer, importer or person is to sell, offer or expose for sale in this state during the calendar year next succeeding said payment; provided, always, that the placing of any new brand upon the market at any time during said calendar year shall be preceded by such payment. Each manufacturer, importer or person who has complied with the provisions of this act relative to filing the aforesaid certified statement and to the payment of the aforesaid license fee shall be entitled to receive a certificate from the director of said station setting forth said facts. Said director shall pay all money received as aforesaid to the treasurer of the North Dakota government agricultural experiment station, which treasurer, when said money is so appropriated by the board of trustees of said station, shall pay the money so received, or so much of it as may be necessary, in maintaining the expenses of enforcing the provisions of this act. Said board of trustees shall report annually the expenditures so incurred for salaries, laboratory expenses, chemical supplies, traveling expenses and printing.

§ 4. WHAT PROHIBITED.] No person shall sell, offer or expose for sale in this state leather or its product or other inert nitrogenous material in any form, as a fertilizer or as an ingredient of any fertilizer, unless an explicit printed statement of the fact shall be conspicuously affixed to every package of such fertilizer, and shall accompany every parcel or lot of the same.

§ 5. PENALTY FOR VIOLATION.] Every person violating any of the provisions of this act shall forfeit and pay to the people of the

state of North Dakota the sum of one hundred dollars for every such violation.

§ 6. CERTIFICATE OF CHEMIST PRESUMPTIVE EVIDENCE.] Every certificate duly signed and acknowledged by the chemist of the North Dakota government agricultural experiment station, at Fargo, relating to the analysis of any commercial fertilizer, shall be presumptive evidence of the facts therein stated.

§ 7. WHAT CONSTITUTES VIOLATION.] The doing of anything prohibited by this act shall be evidence of the violation of the provisions of this act relating to the things so prohibited, and the omission to do anything directed to be done shall be evidence of a violation of the provisions of this act relative to the things so directed to be done.

§ 8. DIRECTOR OF EXPERIMENT STATION TO ENFORCE.] The director of the North Dakota government agricultural experiment station is charged with the enforcement of the provisions of this act, and for this purpose, may employ agents, chemists and experts, and whenever he shall know or have reason to believe that any penalty has been incurred by any person for the violation of any of the provisions of this act, or that any sum has been forfeited by reason of any such violation, he shall report the said violation with a statement of the facts to the state's attorney for the district wherein the offense is committed, who shall begin proceedings according to the state law.

§ 9. EMERGENCY:] This act shall take effect when approved.

Approved March 19, 1903.

FISHWAYS.

CHAPTER 102.

[H. B. No. 262—Buttz.]

FISHWAYS.

AN ACT to Amend Section 1653 of the Revised Codes of 1899, Relating to Fishways.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That section 1653 of the revised codes of 1899 be amended and re-enacted to read as follows:

§ 1653. COUNTY COMMISSIONERS SHALL BUILD FISHWAYS.] Whenever the owner or occupant of any such dam neglects or refuses to construct such fishway or chute over the same, the commissioners of the county in which such dam is maintained shall proceed