

act, entitled "An act to regulate the manufacture and sale of commercial fertilizers; providing for its enforcement, and prescribing penalties for its violation," approved the twenty-fifth day of March, Anno Domini one thousand nine hundred and one;" further defining commercial fertilizers," is hereby further amended to read as follows:

"Commercial fertilizers" defined.

Sale of certain fertilizers forbidden.

Tobacco fertilizer.

Section 7. The term "commercial fertilizers," as used in this act, shall be construed to mean any and every substance imported, manufactured, prepared, or sold for fertilizing or manuring purposes, except the dung of domestic animals, marl, lime, and wood ashes, and not exempt by the provisions of section one of this act. No commercial fertilizer containing less than one per centum of [ammonia] *nitrogen* or one per centum of available phosphoric acid (P_2O_5) or one per centum water soluble potash (K_2O); nor any mixed fertilizer or mixture composed of two or more ingredients containing less than fourteen per centum of total plant food, namely,—not less than one per centum of [ammonia] *nitrogen* or one per centum of available phosphoric acid (P_2O_5) or one per centum of water soluble potash (K_2O),—shall be sold, offered for sale, or exposed for sale in this Commonwealth. No commercial fertilizer having the word "tobacco" as part of its brand or trade name, shall contain muriate of potash, manure salts, kainit, or any other commercial potash combined with chlorine as chloride of potash. [This amendment shall take effect and be in force January first, one thousand nine hundred and twenty-six.]

APPROVED—The 22d day of June, A. D. 1931.

GIFFORD PINCHOT

No. 225

AN ACT

Requiring persons, associations, partnerships, and corporations, and their agents, herein defined as dealers and brokers, engaging in the business of buying, receiving, selling, exchanging, negotiating, or soliciting the sale, resale, exchange, or transfer of certain domestic animals, to be licensed by the Department of Agriculture; providing for the revocation of such licenses; imposing certain duties on such dealers and brokers, and their agents; conferring powers on said department; and providing penalties.

Dealers and brokers in domestic animals.

Section 1. Be it enacted, &c., That—(a) The word "department," as used in this act, shall mean the Department of Agriculture.

(b) The word "animals," as used in this act, shall mean and include horses, mules, bulls, steers, oxen, cows, heifers, calves, swine, sheep, and goats.

Department of
Agriculture.

(c) The word "dealer" or "broker," as used in this act, shall mean any person, copartnership, association or corporation engaged in the business of buying, receiving, selling, exchanging, negotiating, or soliciting the sale, resale, exchange or transfer of any animals, but shall not be construed to include (a) any duly incorporated agricultural cooperative association in its dealings with its members, or (b) any person, association, copartnership or corporation who or which does not handle in the aggregate more than one hundred animals in any one license year, or (c) any person, copartnership, association or corporation who or which, by dispersal sale, is permanently discontinuing the business of dairying, breeding, raising or feeding animals or (d) any butcher or packer who receives animals exclusively for immediate slaughter, or (e) that part of the business of a farmer which consists of buying or receiving animals for grazing and feeding purposes and the sale or disposal of such animals after the grazing and feeding period.

Definitions.

(d) The term "agent," as used in this act, shall mean any person, firm, association, partnership or corporation buying or receiving or soliciting or negotiating the sale of animals for or on behalf of any dealer or broker.

Section 2. On and after December thirty-first, one thousand nine hundred and thirty-one, no dealer or broker shall engage in or carry on business as such unless duly licensed as hereinafter provided. No agent shall act for any dealer or broker unless such dealer or broker is duly licensed, and has designated such agent to act in his behalf and notified the department in his application for license, or given official notice in writing, of the appointment of such agent and requested the department to issue to such agent an agent's license. Such dealer or broker shall be accountable and responsible for the contracts made by said agents.

Licensure.

Agents.

Dealers responsible
for agent's
contracts.

Section 3. Each dealer or broker, engaged in such business for the purposes aforesaid, shall, annually, on or before December first, file an application with the department for a license to transact such business. The application shall state the nature of the business as herein above set forth, the breed, classes or kinds of animals which the applicant proposes to handle, the name or names of the person or persons applying for the license, and, if the applicant be an association, partnership or corporation, the full name of each mem-

Application for
license.

Contents.

ber of such association or partnership or the names of the officers of the corporation, and the name of each agent of such dealer or broker, and the city, borough, town or township and the post office address at which the business is to be conducted.

Applicant to satisfy department as to character and good faith.

The applicant shall further satisfy the department of his or its character and good faith in seeking to engage in such business. The department shall thereupon issue to such applicant a license, entitling the applicant to conduct the business of acting as a dealer or broker, as in this act defined, at the place named in the application until the thirty-first day of December next following, and to each of his or its agents, a license to act as agent for such dealer or broker until the thirty-first day of December next following.

Issuance of licenses.

Investigation.

Section 4. The department, through its officers or employes, shall have the power to investigate, upon complaint or of its own motion, the record of any applicant applying for or of a dealer or broker holding a license, or their agents, and, for such purpose, may examine the ledgers, books of accounts, memoranda, or other document of any such applicant dealer or broker or agent, and may take testimony thereon, under oath, but information relating to the general business of any such applicant dealer or broker or agents disclosed by such investigation and not relating to the immediate purpose thereof shall be deemed of a confidential nature by the department.

Information of confidential nature.

Refusal or revocation of license.

Section 5. The department may refuse to grant or may revoke a license when it is satisfied of the existence of the following reasons:

Reasons.

(a) Where the applicant or licensee has violated the laws of this Commonwealth or official regulations governing the inter-state or intra-state movement, shipment, or transportation of animals;

(b) Where there have been false or misleading statement or statements as to the health or physical condition of the animal or animals with regard to official tests or quantity of animals, or the practice of fraud or misrepresentation in connection therewith or in the buying or receiving of animals or receiving, selling, exchanging, soliciting, or negotiating the sale, resale, exchange, or shipment of animals;

(c) Where there has been a continual course of dealings of such a nature as to satisfy the department of the inability or unwillingness of the licensee properly to conduct the business of a dealer or broker;

(d) Where the licensee engages in buying or receiving animals, or receiving, selling, exchanging, soliciting, or negotiating the sale, resale, or exchange of animals, that are diseased or exposed to disease and likely to transmit disease to other animals or human beings;

(e) Where the licensee fails to practice measures of sanitation, prescribed by the department, of premises or vehicles used for the confining, stabling, yarding, housing, holding, or transporting of animals;

(f) Where there has been a continual or persistent failure to keep records required by the department or by law, or where there is a refusal on the part of the licensee to produce books, accounts, or records of transactions in the carrying on of the business for which such license is granted.

Section 6. Every dealer, broker and agent shall keep such accounts, records, and memoranda as to fully and clearly disclose all transactions involved in his business, including the true ownership of such business by stockholders or otherwise.

Records.

Section 7. Every dealer and broker licensed under the provisions of this act, and carrying on or conducting business under such license, shall post, in a conspicuous place in or at the place of business of such licensee, a copy of such license furnished by the department, to be kept so posted and exposed for inspection by any person or persons who may properly be authorized to make inspections. The licensee and each of his agents shall at all times, when buying or receiving animals, or receiving, selling, exchanging, soliciting, or negotiating the sale, resale, or shipment of animals, carry an agent's card, which shall be exhibited to persons when negotiating with or soliciting business from them, and such card shall also be exhibited to officers or employes of the department when requested by them.

Posting of license.

Licensee to carry agent's card.

The department is authorized to formulate, adopt, promulgate, and enforce rules and regulations for the purpose of carrying into effect the provisions of this act.

Rules and regulations.

Section 8. Any person, association, partnership, corporation, or agent, violating, failing, or refusing to comply with any of the provisions of this act, shall, upon conviction in a summary proceeding, be sentenced to pay a fine of not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100.00) and costs of prosecution, and, in default of payment of such fine and costs, shall be sentenced to undergo imprisonment in the county jail for not less than ten or more than thirty days.

Violation of act.

Penalty.

Section 9. All fines imposed and collected under the provisions of this act shall be paid into the State Treasury, through the Department of Revenue, and credited to the General Fund.

Disposition of fines.

Section 10. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal.

APPROVED—The 22d day of June, A. D. 1931.

GIFFORD PINCHOT