

In civil cases the affirmative of the issue must be proved, and when the evidence is contradictory, the decision must be made according to the preponderance of proof.

Proof is to be estimated not only by its own intrinsic weight, but also according to the evidence which it is in the power of one side to produce and of the other to contradict; and, therefore, if weaker and less satisfactory evidence is offered, when it appears that stronger and more satisfactory was within the power of the party, the evidence offered should be viewed with distrust.

TITLE V.

OF THE RIGHTS AND DUTIES OF WITNESSES.

SECTION 163.—A witness, served with a subpoena, must attend at the time appointed, with any papers under his control lawfully required by the subpoena, and answer all pertinent and legal questions; he shall remain in the place where the court is held, subject to the order thereof until dismissed.

SECTION 164.—A witness must answer questions legal and pertinent to the matter in issue, though his answer may establish a claim against himself; but he need not give an answer which will have a tendency to subject him to punishment for a crime or misdemeanor; nor need he give an answer which will have a direct tendency to degrade his character, unless it be to the very fact in issue, or to a fact from which the fact in issue would be presumed. But a witness must answer as to the fact of his previous conviction for felony.

SECTION 165.—It is the right of a witness to be protected from irrelevant, improper, or insulting questions, and from harsh or insulting demeanor; to be detained only so long as the interests of justice require it; to be examined only as to matters legal and pertinent to the issue.

SECTION 166.—Every person who has been, in good faith, served with a subpoena to attend as a witness before a court, judge, commissioner, referee, or other person, in a case where the disobedience of the witness may be punished as a contempt, is exonerated from arrest in a civil action while going to the place of attendance, necessarily remaining there, and returning therefrom.

SECTION 167.—The arrest of a witness, contrary to the preceding section, is void, and when wilfully made, is a contempt of the court; and the person making it is responsible to the witness arrested for double the amount of the damages which may

be assessed against him, and is also liable to an action at the suit of the party serving the witness with the subpoena, for the damages sustained by him in consequence of the arrest.

SECTION 168.—An officer is not liable for making the arrest in ignorance of the facts creating the exoneration, but is liable for any subsequent detention of the party, if such party claim the exemption, and make an affidavit stating:

1. That he has been served with the subpoena to attend as a witness before a court, officer, or other person, specifying the same, the place of attendance, and the action or proceeding in which the subpoena was issued; and,
2. That he has not thus been served by his own procurement, with the intention of avoiding an arrest;
3. That he is at the time going to the place of attendance, or returning therefrom, or remaining there in obedience to the subpoena;

The affidavit may be taken by the officer, and exonerates him from liability for discharging the witness when arrested.

SECTION 169.—The court or officer before whom the attendance is required, may discharge the witness from an arrest made in violation of section one hundred and sixty-five. If the court has adjourned before the arrest, or before application for the discharge, a judge of the court may grant the discharge.

SECTION 170.—All Royal Decrees, and General Orders, Acts and parts of Acts in conflict with this Act, are hereby repealed.

SECTION 171.—This Act shall take effect from and after July 1st, nineteen hundred and five.

Approved March 9, 1905.

AN ACT

TO AMEND SECTION 59, SUB-SECTIONS 13 AND 14, OF THE POLITICAL CODE OF PORTO RICO.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—That Section 59, sub-sections 13 and 14, of the Political Code of Porto Rico, is hereby amended so as to read as follows:

13. For filing certificate of discontinuance of existence, three dollars.
14. For issuing certificate of discontinuance of existence, three dollars.

SECTION 2.—This Act shall take effect from and after its passage.

Approved February 23, 1905.

AN ACT

TO REGULATE THE REGISTRATION AND INSPECTION OF COMMERCIAL FERTILIZERS, FERTILIZER MATERIALS AND CHEMICALS IN PORTO RICO.

Be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1.—All manufacturers, jobbers and manipulators of commercial fertilizers and fertilizer materials to be used in the manufacture of the same, who may desire to sell or offer for sale in Porto Rico such fertilizer and fertilizer materials, shall first file with the Commissioner of the Interior, upon forms furnished by him, the name of each brand of fertilizer, acid phosphates, fertilizer materials, or chemicals, which they may desire to sell in said Island, either by themselves or their agents, together with the name and address of the manufacturer or manipulator, and also the guaranteed analysis thereof, stating the sources from which the phosphoric acid, nitrogen and potash are derived, and if the same fertilizer is sold under a different name or names said fact shall be so stated, and the different brands which are identical shall be named.

SECTION 2.—All persons, companies, manufacturers, dealers or agents, before selling or offering for sale in this Island any commercial fertilizer or fertilizer material shall brand or attach to each package the brand name of the fertilizer, the weight of the package, the name and address of the manufacturer and the guaranteed analysis of the fertilizer, giving the valuable constituents of the same in minimum percentages only. These items shall be branded or attached to packages in the following order:

- (1) Weight of each package, in pounds;
- (2) Brand name or trademark;
- (3) Guaranteed analysis;
- (4) Available phosphoric acid, per cent;
- (5) Nitrogen, per cent;
- (6) Potash, per cent;
- (7) Name and address of manufacturer.

In bone meal, tankage, or other products, where the phosphoric acid is not available to laboratory methods but

becomes available on the decomposition of the product in the soil, the phosphoric acid shall be claimed as total phosphoric acid unless it be desired to claim available phosphoric acid also, in which case the guarantee must take the form above set forth.

SECTION 3.—If any fertilizer or fertilizer materials, offered for sale in this Island, shall, upon official analysis prove deficient in any of its ingredients as guaranteed and branded upon the packages, and if by reason of such deficiency the commercial value shall fall two per cent or more below the guaranteed total commercial value of such fertilizer or fertilizer material, then any note or obligation given in payment thereof shall be collectible in law only for the amount of the actual commercial value as ascertained by said official analysis, and the person or corporation selling the same shall be liable to the consumer for such damages as may be awarded him by a court of competent jurisdiction.

SECTION 4.—All manufacturers and manipulators, or agents representing them, who have registered their brands in compliance with Section 1 of this Act, shall forward to the Commissioner of the Interior a request for tax tags, stating that said tax tags are to be used upon brands of fertilizers or fertilizer materials registered in accordance with this Act, and such requests shall be accompanied by the sum of twenty-five cents per ton as an inspection fee, whereupon it shall be the duty of the Commissioner of the Interior, or his legally authorized agent, to issue such tax tags to parties so applying, who shall attach a tag to each package of said fertilizer or fertilizer materials, which, when so attached, shall be prima facie evidence that the seller has complied with the requirements of this Act.

SECTION 5.—It shall not be lawful for any manufacturer or company, either by themselves or their agents, to offer for sale in this Island any fertilizer or fertilizer material that has not been registered with the Commissioner of the Interior, as required by this Act. The fact that the purchaser waives the inspection and analysis thereof shall be no protection to said party selling or offering the same for sale.

SECTION 6.—The guaranteed analysis of each and every brand of fertilizer or fertilizer material must, without exception, remain uniform throughout the fiscal year for which it is so registered, and in no case, even at subsequent registration, shall the grade be lowered, although the proportion of the available constituents may be changed so that the decrease in one constituent may be compensated for in value by the increase of others. Such proposed change must first receive the approval of the Commissioner of the Interior.