

*In liming materials case*

# Md. judge orders fine, probation, restitution

ANNAPOLIS, MD. — man has been fined \$200, has agreed to make \$230 in restitution to a farmer, and has been placed on one year's probation after pleading guilty to four charges in a liming materials case brought against him by officials of the Maryland Department of Agriculture.

George Morrison of Dargan, Washington County, was charged with selling and delivering to a farmer liming materials which were not of the quality stated, not properly labeled, and of failing to comply with the state's regulations concerning delivery tickets.

As part of the settlement, Morrison agreed to pay Prather Hull of Clearspring, a total of \$230.52 in restitution according to a formula worked out by MDA officials regarding four loads of liming materials which he delivered to Hull's farm.

The formula was based on

claims by MDA's Weights and Measures Section which estimated the lime deliveries were short in weight by some 5 and one-quarter tons out of 32 tons allegedly delivered to Hull.

State chemist Donald Lewis provided the court with official assays of samples of the liming materials which showed the material to contain only 41.6 percent total oxides whereas Maryland law requires materials claimed to be burnt, ground lime to contain a minimum of 60 total oxides. The lower quality of the material was also considered in the restitution formula agreed to by Morrison.

Also present for the trial was Weights and Measures inspector William J. Troup, III who had been working the case since November 1981 when the liming materials deliveries were made by Morrison to Hull's farm.

On hand to back up Troup was Dennis E. Williams, Weights and Measures Inspector from the Virginia Department of Agriculture and Consumer Services which cooperated in the investigation.

The trial was held Friday, February 26, in Washington County District Court before Judge Alan Lipson; Assistant Washington County State's Attorney Kenneth Long acted as prosecutor.

Commenting on the case, Maryland Secretary of Agriculture Wayne A. Cawley, Jr., stated, "Maryland law dealing with liming materials goes back to before the Civil War and is one of the state's oldest consumer protection measures. The teamwork between MDA's Weights and Measures Section and State Chemist office shows that we are vigilant in protecting the farmer.

"In instances where large bulk loads, such as liming materials, are delivered directly to a farmer, trust that the material is what it is claimed to be in quality and quantity is the essence of the transaction.

"We are going to protect our farmers under terms of our laws so that the farmer gets what he pays for. Such cases are unpleasant for us and they are expensive to investigate and take to court.

"Farmers, however, have to help by demanding proper labels,

delivery tickets, and invoices at time of delivery.

"This Department will be the policeman when a policeman is needed. I hope anyone tempted to shave quality and quantity in violation of MDA's regulations will take warning from this case.

"Farmers are having hard enough times these days without being taken in the marketplace for inputs. We just don't let it happen," Cawley concluded.



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