

## No. VIII.

SYDNEY COAL  
DELIVERY.

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### An Act for regulating the sale and delivery of Coal in the City of Sydney and its vicinity. [27th October, 1845.]

Preamble.

**W**HEREAS it is expedient to regulate the sale and delivery of Coal in the City of Sydney and its vicinity Be it enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That all coal which shall be sold from and out of any ship or vessel in the Port of Sydney or at any place within the City of Sydney or within the distance of five miles from the Obelisk in Macquarie-place in the City of Sydney shall be sold by weight and not by measure.

All coal to be sold by weight.

For preventing the sale of one sort of coal for another.

2. And be it enacted That if any seller or sellers of or dealer or dealers in coal shall knowingly sell one sort of coal for and as a sort which they really are not or knowingly sell wet coal with the view of fraudulently increasing its weight within the said Port of Sydney or at any place within the City of Sydney or within the distance of five miles

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miles from the Obelisk aforesaid every such seller or sellers of or dealer or dealers in coal shall forfeit and pay for every such offence the sum of ten pounds per ton for every ton of coal so sold and so in proportion for any smaller quantity. Penalty £10.

3. And be it enacted That with any quantity of coal exceeding five hundred and sixty pounds delivered from any lighter ship barge or other craft or from any wharf warehouse or other place within the City of Sydney or within the distance of five miles from the Obelisk aforesaid the seller or sellers thereof shall deliver or cause to be delivered to the purchaser or purchasers thereof or to his her or their agent or agents or servant or servants immediately on the arrival of the cart waggon or other carriage or lighter barge or craft in which such coal shall be sent and before any of such coal shall be unloaded a paper or ticket in the form following that is to say— Seller's ticket to be sent with coal.

“ Mr. A. B. (*here insert the name of the buyer*)

“ Take notice That you are to receive herewith (*here insert the number*) tons (*here insert the name of the coal as 'Ebenezer' if any particular sort is ordered or contracted for and if ordered or contracted for specify the colliery*) coal in (*here insert the number of*) sacks containing (*here insert the weight*) pounds of coal in each sack.

“ Signed C. D. (*here insert the name or names of the seller or sellers in words at full length.*)

“ E. F. (*here insert the name of the carman in words at full length*) The Act of 9 Victoria No 8 directs that with any quantity of coal exceeding five hundred and sixty pounds a paper or ticket describing the quantity and if any particular sort is ordered or contracted for the sort of coal sent by the seller shall be delivered to the purchaser or his agent or servant before any part of such coal shall be unloaded that a weighing machine shall be carried with every waggon cart or other carriage and the carman is required to weigh gratuitously any sack or sacks of coal which shall be chosen by the purchaser or his agent or servant and if any carman refuses to weigh such sack or sacks of coal as aforesaid or drives away the cart waggon or other carriage before the coal is weighed or otherwise obstructs the weighing thereof he is liable to a penalty not exceeding twenty pounds.”

And in case any such seller or sellers do not deliver or cause to be delivered such ticket as aforesaid to the purchaser or purchasers of such coal or to his her or their servant or servants before any part of such coal is unloaded every such seller shall for every such offence forfeit and pay any sum not exceeding twenty pounds and in case the carman driver or other person attending such cart waggon or other carriage or the person having the charge of the lighter barge or craft laden with any such coal to whom any such ticket shall have been given by or by the orders of the seller in order to be delivered to the purchaser shall (having so first received the same from the seller or any person by the direction of the seller) refuse or neglect to deliver such ticket to the purchaser or purchasers of such coal or to his her or their servant or servants before any part of such coal shall be unloaded such carman driver or other person so offending shall for every such offence forfeit and pay any sum not exceeding twenty pounds. Penalty on seller for neglect. On carman driver &c.

4. And be it enacted That all coal sold from any lighter barge or other craft or from any wharf warehouse or other place within the City of Sydney or within the distance of five miles from the Obelisk aforesaid in any quantity exceeding five hundred and sixty pounds except coal carried and delivered in bulk as hereinafter mentioned shall be Coal to be delivered in sacks containing a certain quantity.

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Coal may be delivered in bulk.

be carried and delivered to the respective purchasers thereof in sacks each sack containing either one hundred and twelve pounds or two hundred and twenty-four pounds net. Provided always that any coal sold from any ship lighter barge or other craft or from any wharf or place within the City of Sydney or within the distance of five miles from the Obelisk aforesaid in any quantity exceeding five hundred and sixty pounds may be carried and delivered to the respective purchasers thereof if they think fit in bulk in carts or other carriages or in any lighter barge or other craft.

Carman to carry a weighing machine in his cart.

5. And be it enacted That if any carman or driver of any cart waggon or other carriage laden with coal for sale or to be delivered to the purchaser or purchasers thereof by any seller or sellers of or dealer or dealers in or carrier or carriers of coal from any ship lighter barge or other craft or from any wharf warehouse or other place within the said Port of Sydney or within the City of Sydney or within the distance of five miles from the Obelisk aforesaid shall not have placed in on or under his cart waggon or other carriage a perfect weighing machine (which machine shall be of the form size and dimensions to be approved of by the Mayor Aldermen and Councillors of the City of Sydney in Council assembled and deposited in the Police Office in Sydney to which any person shall have access between the hours of ten in the morning and two in the afternoon and shall be provided by the seller or sellers dealer or dealers carrier or carriers of such coal) then and in every such case every such carman or driver of such cart waggon or other carriage not having such machine so placed therein thereon or thereunder shall for every such offence forfeit and pay any sum not exceeding ten pounds and the seller or sellers of or dealer or dealers in or carrier or carriers of such coal shall forfeit and pay any sum not exceeding twenty pounds. Provided always that coal which shall be carried or conveyed in bulk or in any cart waggon or other carriage belonging to the purchaser or purchasers of such coal may be so carried or conveyed without the carman being obliged to carry a weighing machine therewith or any person or persons being subject or liable to any penalty or penalties in respect thereof. Provided also that this clause shall not come into effect until the period of one month shall have elapsed from the lodging of such approved machine in the said Police Office and the advertisement thereof in the *Government Gazette*.

Penalty on carman and seller.

Weighing machine may be altered.

6. And be it enacted That if at any time or times it shall appear to the Mayor Aldermen and Councillors of the City of Sydney in Council assembled that a weighing machine may be made upon a better or more convenient principle or mode of construction than the machine for the time being deposited at the said Police Office they may cause a machine according to such better or more convenient principle or mode of construction to be deposited in the said Police Office in lieu of the machine for the time being deposited there and shall cause notice of such new machine to be given by advertisement in the *Government Gazette* and until the expiration of three calendar months next after such advertisement the machine to be placed and carried as aforesaid in any cart waggon or other carriage may be either similar to such new machine or similar to the machine in lieu of which the same shall have been deposited and after the expiration of such three calendar months the machine to be placed and carried as aforesaid shall be similar to such new machine. Provided always that the carman or driver of any cart waggon or other carriage in which coal shall be carried in sacks for delivery to the purchaser or purchasers thereof from any ship lighter barge or other craft or from any wharf warehouse or other place within the City of Sydney or within the distance of five miles from the Obelisk aforesaid shall and

Carman required to weigh any of the sacks in the cart.

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and he is hereby directed to weigh if he shall be required so to do any one or more of the sacks contained in any such cart waggon or other carriage which may be chosen by the purchaser or purchasers of the said coal or his her or their servant or servants or other person or persons acting on the behalf of such purchaser or purchasers with the coal therein and also afterwards to weigh in like manner such sack without any coal therein.

7. And be it enacted That if any carman or driver of any cart waggon or other carriage in which coal shall be carried in sacks for delivery to the purchaser or purchasers thereof from any ship vessel lighter barge or other craft or from any wharf warehouse or other place within the City of Sydney or within the distance of five miles from the obelisk aforesaid shall neglect or refuse to weigh by the said machine any such sack or sacks of coal in manner hereinbefore directed when thereunto required by the purchaser or purchasers of such coal or by his her or their servant or servants or other person or persons acting by for or under the authority of such purchaser or purchasers or if any such carman or driver shall drive away or permit or suffer the said cart waggon or other carriage to be driven away without weighing in manner herein directed the said sack or sacks of coal or shall hinder obstruct or otherwise prevent the purchaser or purchasers of such coal or his her or their servant or any other person or persons whomsoever from examining the said machine or weighing all or any of the sack or sacks of coal in such his cart waggon or other carriage then and in every such case every such carman or driver so offending shall for every such offence forfeit and pay any sum not exceeding twenty pounds nor less than five pounds.

Penalty on carman for driving coal away without weighing if required.

8. Provided always and be it enacted That if any purchaser or purchasers or his her or their servant or servants or any other person or persons acting by for or under the authority of such purchaser or purchasers who shall require any sack or sacks of coal to be weighed as aforesaid shall find the coal therein to be deficient in weight and shall signify to the carman or other person attending such cart waggon or other carriage his her or their desire to have all the coal contained in such cart waggon or other carriage or any part of such coal weighed or reweighed in the presence of some constable police officer or other indifferent and credible person then and in every such case the carman or driver of such cart waggon or other carriage in which such coal shall be brought shall and he is hereby required to continue and remain at or before the house lodging or other premises of the purchaser or purchasers of such coal with such coal and the cart waggon or other carriage until such coal is weighed and if any such carman or driver shall drive away or permit or suffer to be driven away such cart waggon or other carriage before the coal contained therein shall be weighed without the consent of the purchaser or purchasers thereof or his her or their servant or servants or such other person or persons as aforesaid then and in every such case such carman or driver shall for every such offence forfeit and pay any sum not exceeding twenty pounds.

All the coal sent to be weighed if desired by the purchaser.

9. And be it enacted That such purchaser or purchasers or his her or their servant or servants or other person or persons as aforesaid so desiring such coal contained in such cart waggon or other carriage to be weighed shall and he she or they is and are hereby required to procure the attendance of some constable police officer or other indifferent and credible person to be present at the weighing of such coal and all the said sacks both with and without the coal therein shall accordingly be weighed with the said machine by the carman or other person attending such cart waggon or other carriage in the presence of the purchaser or purchasers of the said coal

Purchaser to procure the attendance of a constable &c. if desirous of having the coal reweighed.

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coal or his her or their agent or agents or servant or servants if they or any of them shall attend to see the same weighed and of such constable police officer or other person and in case such purchaser or purchasers or his her or their agent or agents or servant or servants shall not attend for the purpose of seeing such coal so weighed then such carman or other person shall proceed in the weighing of such sacks in his her or their absence and in case such carman or other person shall refuse or neglect to weigh such sacks or any of them in manner aforesaid he shall forfeit and pay for such offence any sum not exceeding ten pounds and the constable police officer or any other person who may be present may weigh the said sacks or any of them as aforesaid and in case upon the weighing of any such sacks it shall happen that any sack or sacks shall not contain either one hundred and twelve pounds or two hundred and twenty-four pounds net of coal as the case may be then and in every such case the seller or sellers of such coal shall for every such sack of coal that shall be found so deficient forfeit and pay any sum not exceeding five pounds.

No quantity less than 560lbs weight of coal to be sold without being weighed.

10. And be it enacted That all coal sold in any quantity less than five hundred and sixty pounds or in the quantity of five hundred and sixty pounds from any place or from any cart or other carriage within the City of Sydney or within the distance of five miles from the Obelisk aforesaid shall be weighed previously to being delivered to the purchaser or purchasers of such coal and also if required by such purchaser or purchasers or his her or their agent or servant in the presence of such purchaser or purchasers or his her or their agent or servant and if any seller or dealer in coal shall deliver to the purchaser or purchasers thereof within the City of Sydney or within the distance of five miles from the Obelisk aforesaid any quantity of coal less than five hundred and sixty pounds or the quantity of five hundred and sixty pounds without previously weighing the same and also if required by such purchaser or purchasers or his her or their agent or servant in the presence of such purchaser or purchasers or his her or their agent or servant then and in every such case such seller or dealer shall for every such offence forfeit and pay any sum not exceeding five pounds.

Penalties how recovered.

11. And be it enacted That all fines penalties or forfeitures not exceeding the sum of twenty pounds imposed by this Act shall be recovered in a summary way before two or more Justices of the Peace and that all fines forfeitures or penalties exceeding the sum of twenty pounds shall be recovered by action of debt in the Supreme Court of New South Wales and one-half of such fines forfeitures and penalties as exceed twenty pounds shall be paid into the Colonial Treasury and form part of the Ordinary Revenue of New South Wales and the other half shall be paid to the person who shall sue for the same.

Penalties incurred by carmen may be recovered from their employers who may recover them back.

12. And be it enacted That when any carman driver or other person employed by any seller or sellers or dealer or dealers in coal shall have been convicted of any offence against this Act the penalty or forfeiture for the same respectively shall be paid by the seller or sellers dealer or dealers by whom such carman driver or other person shall have been employed at the time when such offence was committed shall be recovered in a summary way before two Justices of the Peace Provided always that such carman driver or other person shall be liable to repay to such seller or sellers dealer or dealers the amount of such penalty and the costs attending the same and in case of non-payment thereof the amount of such penalty shall be recovered by such seller or sellers dealer or dealers respectively against such carman driver or other person in a summary way before two Justices of the Peace.

Form of conviction.

13. And for the more easy and speedy conviction of offenders against this Act Be it enacted That the Justices of the Peace before whom

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whom any person shall be convicted of any offence against this Act shall and may cause the conviction to be drawn according to the following form—

"Be it remembered That on the                          day of  
 "in the year of our Lord                      A. B. is convicted  
 "before us                      two of Her Majesty's Justices  
 "of the Peace for that (*here specify the offence and the*  
 "*time and place when and where committed as the case*  
 "*may be)* contrary to an Act of the Legislative Council of  
 "New South Wales passed in the ninth year of the reign  
 "of Her Majesty Queen Victoria intituled (*here insert the*  
 "*title of this Act).*—Given under our hands and seals the  
 "day and year first above written."

C. D.

E. F.