

Act No. 65, 1901.

SYDNEY COAL  
DELIVERY.

An Act to consolidate the Acts relating to the sale and delivery of coal in Sydney and its vicinity. [24th December, 1901.]

**B**E it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Short title.

**1.** This Act may be cited as the “Sydney Coal Delivery Act 1901.”

Repeal.

**2.** The Acts mentioned in the First Schedule to this Act are to the extent therein expressed hereby repealed.

Interpretation.

**3.** In this Act unless the context or subject-matter otherwise indicates or requires:—

“Carman” includes driver or other person attending a cart.

“Cart” includes waggon or other carriage.

“Justice” means justice of the peace.

“Lighter” includes barge or other craft.

“Purchaser” includes the servant or agent of a purchaser and any person acting by or under the authority of a purchaser.

**4.**

*Sydney Coal Delivery.*

4. This Act shall apply only to coal which shall be sold from and out of any ship lighter 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 said city.

Application of Act.  
9 Vic. No. 8, s. 1.

5. All coal shall be sold by weight and not by measure.

Coal to be sold by weight.  
*Ibid.*

6. Every seller of or dealer in coal who knowingly—

Penalty for selling  
one sort of coal for  
another, and selling  
wet coal.

(a) sells one sort of coal for and as a sort which it really is not or  
(b) sells wet coal with a view of fraudulently increasing its weight  
shall on conviction be liable to a penalty of ten pounds per ton of coal so sold and so in proportion for any smaller quantity.

*Ibid.* s. 2.

7. All coal sold in quantities exceeding five hundred and sixty pounds shall unless the purchaser thereof desires it to be delivered in bulk be carried and delivered to the purchaser in sacks each containing either one hundred and twelve pounds or two hundred and twenty-four pounds net.

Coal to be delivered  
in sacks unless  
purchaser wishes it  
delivered in bulk.

*Ibid.* s. 4.

8. The seller shall with any quantity of coal exceeding five hundred and sixty pounds deliver or cause to be delivered to the purchaser immediately on the arrival of the cart or lighter in which the coal is sent and before any of the coal is unloaded a ticket in the form in the Second Schedule to this Act.

Seller's ticket to be  
sent with coal.  
*Ibid.* s. 3.

9. (1) Every seller who does not deliver or cause to be delivered to the purchaser a ticket as and when required by the preceding section shall on conviction be liable to a penalty not exceeding twenty pounds.

Penalty on seller.  
*Ibid.* s. 3.

(2) Every carman or person in charge of a cart or lighter laden with such coal to whom a ticket has been given by or by the orders of the seller for delivery to the purchaser who refuses or neglects to deliver such ticket to the purchaser as required by the preceding section shall on conviction be liable to a penalty not exceeding twenty pounds.

Penalty on person in  
charge of vehicle or  
lighter.  
*Ibid.*

10. (1) Every carman of any cart laden with coal for sale or for delivery to the purchaser thereof by any seller or dealer in or carrier of coal shall have placed in on or under his cart a perfect weighing machine.

Carman to have  
weighing machine on  
his cart.  
10 Vic. No. 2 s. 2.

(2) Every carman who fails to have a perfect weighing machine placed in on or under his cart shall for every such offence be liable on conviction to a penalty not exceeding twenty pounds.

Penalty.  
*Ibid.*

(3) Coal carried in bulk or in a cart belonging to the purchaser may be carried without the carman being obliged to carry a weighing machine therewith or any person being liable to any penalty for neglecting so to do.

Coal in bulk or  
carried in purchaser's  
cart.  
*Ibid.*

11. Every carman of a cart in which coal is carried in sacks for delivery to the purchaser who—

Penalty on carman  
for refusing to weigh  
coal

(a) neglects or refuses when required to weigh by the said machine any one or more of such sacks chosen by the purchaser with the coal therein and afterwards without any coal therein

*Ibid.* s. 7.

(b)

*Sydney Coal Delivery.*

for driving away  
without weighing

(b) drives away or permits the cart to be driven away without weighing such sack of coal

for obstructing  
purchaser in  
weighing.

(c) hinders obstructs or otherwise prevents the purchaser from examining the said machine or weighing all or any of the sacks of coal in the cart

shall on conviction be liable to a penalty not exceeding twenty pounds nor less than five pounds.

All coal sent must be  
weighed if purchaser  
desires.

9 Vic. No. 8 s. 8.

**12.** (1) Whenever a purchaser has required any sack of coal to be weighed and finds the coal therein to be deficient in weight he may signify to the carman of the cart his desire to have all or any part of the coal contained in the cart weighed or re-weighed in the presence of a police officer or other indifferent and credible person and thereupon the carman shall remain at or before the house or premises of the purchaser with the coal and cart until the coal is weighed.

Purchaser to obtain  
witness to weighing.  
*Ibid.* s. 9.

(2) A purchaser desiring coal contained in a cart to be weighed shall procure the attendance of a police officer or other indifferent and credible person at the weighing of the coal and all the sacks shall be weighed both with and without the coal with the machine attached to the cart by the carman in the presence of the purchaser and of the police officer or other indifferent and credible person or in case the purchaser does not attend the carman shall proceed to weigh the coal in his absence.

Carman to weigh in  
absence of purchaser.

Penalty on carman  
for driving away  
before coal is  
weighed.  
*Ibid.* s. 8.

(3) Every such carman who without the consent of the purchaser drives away or permits the cart to be driven away before the coal contained therein is weighed shall on conviction be liable to a penalty not exceeding twenty pounds.

Penalty on carman  
for refusing to weigh.  
*Ibid.* s. 9.

(4) If the carman neglects or refuses to weigh the coal he shall on conviction be liable to a penalty not exceeding ten pounds and the police officer or any other person present may weigh the coal.

Powers of police officer  
to weigh coal.

Penalty on seller for  
sacks short of weight.  
*Ibid.*

(5) If upon the weighing any sack does not contain either one hundred and twelve pounds or two hundred and twenty-four pounds of coal net the seller shall on conviction be liable to a penalty not exceeding five pounds for every sack found deficient in weight.

Coal in quantities of  
560 lb. or less may not  
be sold without being  
weighed.  
*Ibid.* s. 10.

**13.** (1) All coal sold in quantities of five hundred and sixty pounds or less shall be weighed before delivery to the purchaser and in his presence if required.

Penalty.  
*Ibid.*

(2) Every seller of or dealer in coal who fails to comply with the provisions of this section shall on conviction be liable to a penalty not exceeding five pounds.

Penalty for using unjust  
weighing machine or  
light weights.  
10 Vic. No. 2, s. 3.

**14.** (1) Every carman who uses an unjust weighing machine or light weights shall on conviction be liable to a penalty not exceeding twenty pounds. (2)

*Sydney Coal Delivery.*

(2) The employer of a carman so using an unjust weighing machine or light weights shall on conviction be liable to a penalty of not less than twenty pounds nor more than one hundred pounds to be recovered by action of debt in the Supreme Court.

Penalty on employer.  
10 Vic. No. 2, s. 3.

(3) All such weighing machines and weights may be examined seized and forfeited if found defective in manner directed by the Weights and Measures Act, 1898.

Examination of  
weighing machines  
and weights.

*Ibid.*

**15.** (1) Any penalty under section six and section twelve subsection five shall—

Recovery of penalties.  
9 Vic. No. 8 s. 11.

(a) if it does not exceed the sum of twenty pounds be recovered in a summary way before two or more justices

(b) if it exceeds the sum of twenty pounds be recovered by action of debt in the Supreme Court.

(2) Whenever a penalty is recovered under this Act the informer shall be entitled to his costs and charges to be ascertained and assessed by the justices before whom the case is heard.

Costs of informer.  
11 Vic. No. 43 s. 2.

**16.** (1) Whenever a carman or other person employed by a seller of or dealer in coal is convicted of an offence against this Act the penalty shall be paid by the employer and shall be recovered from him in a summary way before two justices.

Penalties incurred  
by carmen may be  
recovered from  
employers.

9 Vic. No. 8, s. 12.

(2) Such carman or other person shall be liable to repay to the employer the amount of the penalty and costs attending the same and in case of non-payment thereof the amount of such penalty shall be recovered by the employer against such carman or other person in a summary way before two justices.

Employer may  
recover from over  
carman.  
*Ibid.*

## SCHEDULES.

## FIRST SCHEDULE.

Reference to Act.	Title or short title.	Extent of repeal.
9 Vic. No. 8 ...	An Act for regulating the sale and delivery of coal in the city of Sydney and its vicinity.	The unrepealed portion.
10 Vic. No. 2 ...	An Act to amend the Act for regulating the sale and delivery of coal in the city of Sydney and its vicinity.	The whole Act.
11 Vic. No. 43 ...	An Act to amend certain Acts of the Governor and Legislative Council of New South Wales with respect to the appropriation of fines and penalties.	The whole Act.

## SECOND

## Act No. 66, 1901.

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*Forfeiture of Leases.*

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## SECOND SCHEDULE.

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 "Sydney Coal Delivery Act, 1901," directs that with any quantity of coal exceeding five hundred and sixty pounds a 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 before any part of such coal is unloaded that a weighing-machine shall be carried with every cart and the carman is required to weigh gratuitously any sack or sacks of coal chosen by the purchaser and if the carman refuses to weigh such sack or sacks or drives away the cart before the coal is weighed or otherwise obstructs the weighing thereof he is liable to a penalty not exceeding twenty pounds.

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