

Coal Company's Offences 1943

At a special sitting of Tisbury Justices on Wednesday, Colonel F S Kennedy Shaw CBE presiding, Mr W Farley Rutter pleaded guilty on behalf of Messrs J Wescott & Sons Ltd, coal merchants of Shaftesbury, to 17 summonses of supplying coal in excess of the permitted quantity during the period January 1st 1943 to March 31st 1943.

Mr Walter Ireland, prosecuting, said that during the period in question, each householder should have received 15 cwts. On March 26th an Enforcement Inspector visited the premises of the Company and from their books ascertained that the following customers in Semley had received the following excess amounts:

Walter J Beaton 13cwts
Wm J Ellis and Geo H Derrick 5cwts each
Stanley J Rays and Geo J Scammell 10cwts each
Arthur Hull 5cwts
L A Hiscock and Henry King 10 cwts each
James Pike, Wm A Doel and J Miles 5cwts each
A Coward 10 cwts
Samuel B Chapman 5 cwts
John A Hull 15cwts
Frederick Taylor 7 cwts
Lady Napier Sedgehill, 20cwts

Jas Thos Woodman, 23, Salisbury-street, Shaftesbury, a director of the company, said their driver was called up and he (witness) had to undertake the driving and delivery in addition to his managerial duties. The books were kept by Mr Wescott, the managing director, and just after Christmas he went to London for two serious operations and was out of business until May.

Most of the customers mentioned lived near Semley Station and during the period in question, they were flooded out with deliveries of coal and the Railway Company were pressing them to clear the coal. The yard was completely stacked out and there was nowhere to store the coal.

The Railway Company had submitted a claim for £136 4s for demurrage owing to the firm being unable to clear the coal. Although the persons named were over supplied with coal during the period mentioned, they did not receive the quantity to which they were entitled in subsequent periods and they had therefore not received more coal than they were entitled to. The firm had about one thousand customers.

Mr Ireland said each period must be taken separately. Mr Rutter said although the firm had committed a technical offence, it was not deliberate and people had not obtained more coal than they were entitled to.

The Government had divided the year into periods and that would be comparatively easy if the merchants received their supply of coal to correspond with these periods, but they did not. In addition, the country journeys had to be so arranged as to entail the minimum use of petrol.

Mr Ireland said it was unfortunate that the explanation was not given at the time of the enquiry. Had the Company wished to deliver additional supplies during any one period, they could have obtained a licence to do so.

In imposing a fine of 5s for each offence with an advocate's fee of 21s and £2 costs, a total of £7 6s, the Chairman said there was no doubt an offence had been committed, although he was bound to say that the Bench had very considerable sympathy with the coal merchants in these very difficult conditions.

There was no intention of dishonesty and no-one got more coal than he or she was entitled to.

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