

**RAILWAY AND CANAL TRAFFIC:
THE REGULATION OF THE
RAILWAYS ACT, 1873, AND
OTHER RAILWAY AND CANAL
STATUTES**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649508020

Railway and Canal Traffic: The Regulation of the Railways Act, 1873, and Other Railway and Canal Statutes by J. M. Lely

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

J. M. LELY

**RAILWAY AND CANAL TRAFFIC:
THE REGULATION OF THE
RAILWAYS ACT, 1873, AND
OTHER RAILWAY
AND CANAL STATUTES**

Railway and Canal Traffic.

THE
REGULATION OF RAILWAYS ACT,
1873,

AND OTHER

RAILWAY AND CANAL STATUTES:

CONTAINING THE LAW OF

TRAFFIC FACILITIES,
UNDUE PREFERENCE,
THROUGH RATES,

CANAL MAINTENANCE,
WORKING AGREEMENTS,
RAILWAY ARBITRATIONS,

AND OTHER MATTERS WITHIN THE JURISDICTION OF THE

RAILWAY COMMISSIONERS;

WITH THE

General Orders, Forms, and Table of Fees.



BY

J. M. LELY, ESQ.,

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

LONDON:

HENRY SWEET, 3, CHANCERY LANE;
STEVENS & SONS, 119, CHANCERY LANE;
Two Booksellers and Publishers.

1873.

TO
THE RIGHT HONORABLE
CHICHESTER FORTESCUE, M.P.,
President of the Board of Trade,

TO WHOM THE PUBLIC ARE MAINLY INDEBTED

FOR

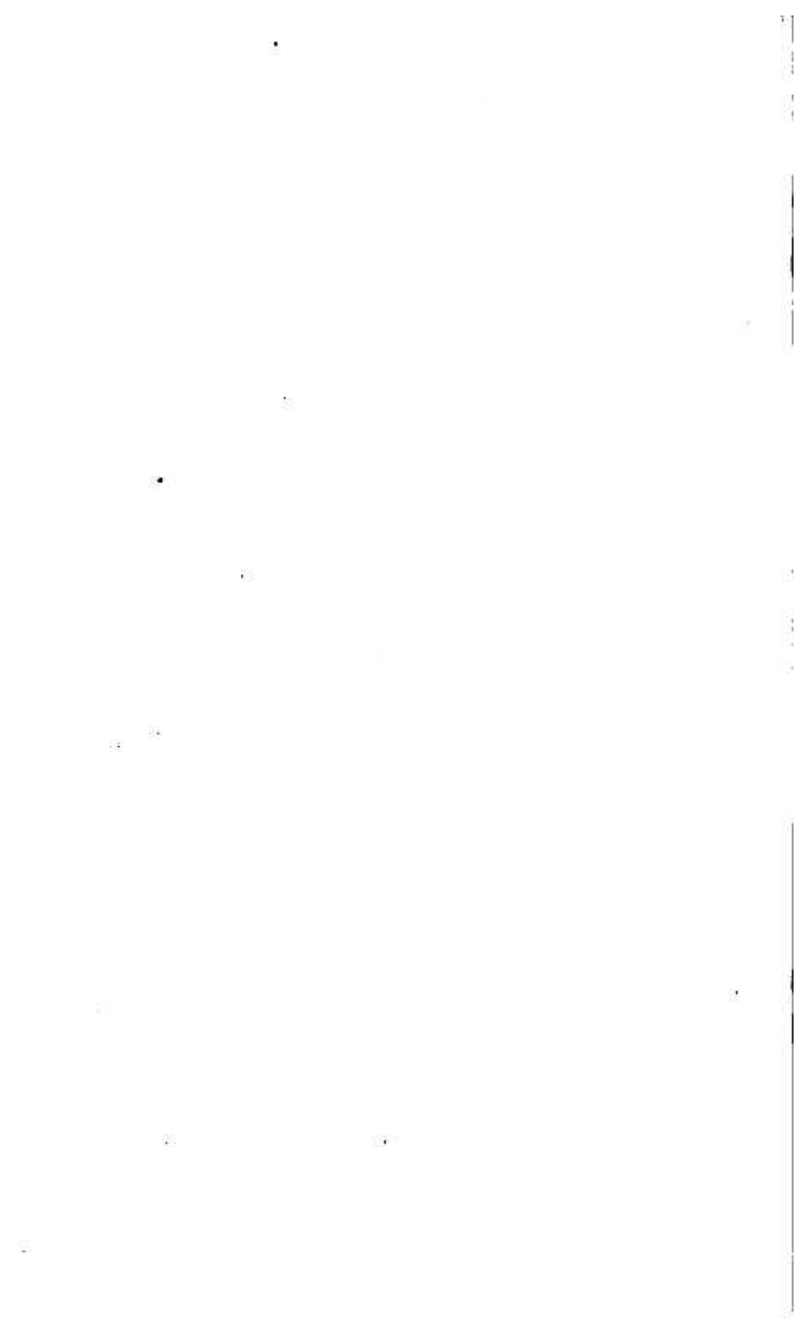
THE REGULATION OF RAILWAYS ACT, 1873,

This Treatise

IS,

BY PERMISSION,

RESPECTFULLY DEDICATED.



P R E F A C E .

THE following pages merely attempt to present, in a mode easy for reference, the legal effect of the Regulation of Railways Act, 1873. The tendency of this measure has been most variously estimated, some persons discovering in it the first step towards State Purchase, and others the triumph of the Railway interest; while the Joint Select Committee upon Amalgamation has predicted that the system of through rates, which the Act now establishes, will have the simple and most desirable effect of procuring traffic to be sent by the "shortest, cheapest, and most convenient route." So much, however, will depend upon the working of the new law by the companies, and upon the administration of it by the Railway Commissioners, that perhaps all that can be said with certainty at present is that the Act cannot fail to redress real grievances in a manner far more effective and satisfactory to all parties concerned than was done by the Railway and Canal Traffic Act, 1854, of which it is the supplement. It is gratifying to note, that both the matter and the form of the numerous General Orders of the Commissioners augur well for the success of the statute which has armed them with so wide discretionary powers.

The plan adopted of editing the Act has been to print with it, in their proper places, the various incorporated enactments, such as the 2nd and 3rd sections of the Act of 1854, enclosed in brackets, so as to distinguish them from their now governing statute, the marginal notes being re-written throughout. The cases upon the Act of 1854 are given, along with extracts from the more important judgments, in a separate chapter, arranged according to the different kinds of traffic to which they had relation, a mode of treatment which the writer pursued as in his opinion best suited to their peculiar and complicated character.

The Report upon which the present Act was founded so well illustrates its scope and object, especially with reference to "terminals" and "bar tolls," that a short account of the Report itself has been inserted, accompanied, it is hoped not inappropriately, by a summary of the more general conclusions of the Committee, collated with those of the Royal Commission of 1865. The writer would take this opportunity of suggesting that, with a view to the more easy working of the Act, the substitution of the clearing-house classification for the present "bald and imperfect" classification to be found in Special Acts, and the consolidation of at least the toll and terminal clauses of the Special Acts themselves, should be effected as soon as possible.

The maintenance and development of the canal system being a leading feature of the Act, the general Canal

Statutes whereby canal companies are enabled to vary tolls, and to become common carriers, have been printed in full in the Appendix. This will also be found to contain selected clauses of the State Purchase Act of 1844, and of the Railways Clauses Act, 1845, together with the whole of the Railway Companies Arbitration Act, 1859.

In conclusion, the writer would acknowledge his obligations to the treatises of Mr. Gilmore Evans on the Railway and Canal Traffic Act, and of Mr. Balfour Browne upon Carriers.

J. M. L.

TEMPLE,
September, 1873.

* * The Office of the Railway Commissioners is, for the present, in
the West Front Committee Room, House of Lords.