

PITMAN'S TRANSPORT LIBRARY

GENERAL EDITOR : PHILIP BURTT

THE RIGHTS AND DUTIES OF
TRANSPORT
UNDERTAKINGS

PITMAN'S TRANSPORT LIBRARY

EDITED BY PHILIP BURTT

*formerly Deputy General Manager of the North
Eastern Railway.*

Specially prepared to cover the requirements
of the Institute of Transport's Membership
Examination syllabus.

PORT ECONOMICS : An Elementary Study of Port Affairs

By DR. BRYSSON CUNNINGHAM.

*Author of "Port Administration and Operation," "Cargo
Handling at Ports," "The Principles and Practice of
Dock Engineering," "The Principles and Practice of
Harbour Engineering," "The Dock and Harbour
Engineer's Reference Book," etc.*

THE RIGHTS AND DUTIES OF TRANSPORT UNDERTAKINGS

By H. BARRS DAVIES, M.A., *Solicitor.*

MODERN RAILWAY OPERATION

By D. R. LAMB, M.Inst.T., *Editor of
"Modern Transport."*

RAILWAY RATES : PRINCIPLES AND PROBLEMS

By PHILIP BURTT, M.Inst.T.

ROAD MAKING AND ROAD USING

By T. SALKIELD, M.Inst.C.E., M.Inst.T.

THE HISTORY AND DEVELOPMENT OF ROAD TRANSPORT

By JAMES PATERSON, M.C., M.Inst.T.

AIR TRANSPORT

By Lieut.-Col. I. A. E. EDWARDS, C.M.G.,
Deputy Director of Air Transport.

SIR ISAAC PITMAN & SONS, LTD.

THE RIGHTS AND DUTIES OF
TRANSPORT
UNDERTAKINGS

BY
H. BARRS DAVIES, M.A.
SOLICITOR



LONDON
SIR ISAAC PITMAN & SONS, LTD.
PARKER STREET, KINGSWAY, W.C.2
BATH, MELBOURNE, TORONTO, NEW YORK

1926

PRINTED IN GREAT BRITAIN
AT THE PITMAN PRESS, BATH

P R E F A C E

THIS book, written primarily for students of transport, professes to contain within its narrow covers the whole of the law which directly affects transport. It travels from the highway and the highwayman, by way of the committees of Parliament, to standard Revenue and Road Fund.

Much of its space is occupied by an analysis of recent legislation ; for transport is rapidly evolving and Parliament is pursuing fast with heavy statutory steps. The Ministry of Transport Act, 1919, the Roads Act, 1920, the Railways Act, 1921, and the London Traffic Act, 1924, contain new codes of law which have not yet been worked out by the Courts.

The student starting afresh with nothing to forget would be in a happy state were it not that Acts of Parliament are only understandable with some knowledge of the law which they replace and amend.

By putting these statutes into their setting and clearing away the mass of detail with which they are necessarily encumbered, I hope that their intention may become apparent, and that those whose duty it will be to master the details may find them fitting into a coherent whole.

It is difficult to avoid technical terms in a book which dips into so many fields of law, but where possible such terms have been avoided, and when used they have been explained.

H. B. D.

CONTENTS

	PAGE
PREFACE	V
TABLE OF CASES	ix

CHAPTER I

THE CARRIAGE OF GOODS	I
---------------------------------	---

I. The common carrier and his duty—II. The contract of carriage—III. Private carriers—IV. The Carriers Act, 1830

CHAPTER II

RAILWAY COMPANIES AS CARRIERS	15
---	----

I. Right of the public to use railway—II. Reasonable facilities—III. Inequality and undue preference or prejudice—IV. Disintegration and publication of rates—V. Through traffic—VI. The Railway and Canal Commission—VII. Special Conditions: Railway and Canal Traffic Act, 1854, Sect. 7—VIII. Carriage of animals

CHAPTER III

PERFORMANCE OF THE CONTRACT OF CARRIAGE	39
---	----

I. Duty of carrier—II. Rights of carrier—III. Damages for breach of contract to carry

CHAPTER IV

THE CARRIAGE OF PERSONS	45
-----------------------------------	----

I. Duty to carry—II. Duty as to passengers' safety—III. The contract—IV. Children—V. Damages for breach of contract—VI. Special railway provisions—VII. Offences by railway passengers. VIII. Passengers' luggage

CHAPTER V

RAILWAY CHARGES	61
---------------------------	----

I. Charging powers prior to the Railways Act, 1921—II. Charging powers under the Railways Act, 1921—III. General application of charges—IV. Classification of merchandise—V. Miscellaneous provisions

CHAPTER VI

	PAGE
STATUTORY UNDERTAKERS	74
I. Private Bills—II. The statutory company—III. The Lands Clauses Act—IV. Railways Clauses Acts—V. Provisional and other Orders	

CHAPTER VII

ROADS	93
I. The highway—II. Duty to repair—III. Protection of road—IV. Construction of roads—V. Provisions for the safety of the public—VI. Hackney and stage carriages—VII. Motor vehicles—VIII. The London Traffic Act, 1924	

CHAPTER VIII

INTERNATIONAL REGULATIONS	117
INDEX	121