

PRATT AND MACKENZIE'S
LAW OF HIGHWAYS

BEING THE LAW OF
HIGHWAYS, MAIN ROADS, STREETS, AND BRIDGES

IN TWO PARTS

I.—THE LAW OF HIGHWAYS CONSIDERED INDEPENDENTLY OF
STATUTE LAW

II.—STATUTES RELATING TO HIGHWAYS, MAIN ROADS, STREETS,
AND BRIDGES

BY

JOSHUA SCHOLEFIELD,

One of His Majesty's Counsel,

AND

ARCHIBALD W. COCKBURN, M.A.

Barrister-at-Law; of the Inner Temple and the Oxford Circuit.

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PREFACE

TO THE SEVENTEENTH EDITION.

SINCE the publication of the last edition in 1911 the law relating to highways has been enriched by numerous judicial decisions, and in particular the law of "extraordinary traffic" has attained greater certainty. In this edition the book has been thoroughly revised. We have included more than four hundred references to cases decided since the last edition went to press, and have added over a hundred references to decisions prior in date to 1911. It has also been necessary to include a certain number of new Statutes, such as the Ministry of Health Act, 1919; the Ministry of Transport Act, 1919; the Acquisition of Land (Assessment of Compensation) Act, 1919; the Roads Act, 1920; the Defence of the Realm (Acquisition of Land) Acts, 1916 and 1920; the Unemployment (Relief Works) Act, 1920; and the Emergency Powers Act, 1920.

The most striking changes in the law have perhaps been the transfer of powers relating to highways from the Local Government Board, first to the Minister of Health, and later from that Minister to the Minister of Transport; the supersession by the Minister of Transport of the Road Board and the Light Railway Commissioners; and his acquisition of most of the Board of Trade's powers in relation to roads, bridges, and traffic.

By the Ministry of Transport Act, 1919, and the Roads Act, 1920, new and important powers are vested in the Minister with regard to the development, improvement, and maintenance of roads and to the regulation of traffic. Many of these powers are of great practical importance, and we may mention in particular those relating to the closing of highways.

To the Minister of Transport Parliament has delegated powers to make orders and regulations of a far-reaching character. Such orders and regulations are frequently made, amended, and rescinded, and, although every effort has been used to make this book a full and correct statement of its subject, the practitioner is advised to satisfy himself on all occasions with regard to the latest orders and regulations.

The vast and rapid development of motor traffic in recent years and the neglect of the roads and bridges during the Great War have made the present time a critical one in the history of the King's Highway. The old problem how to accommodate the highways to increased and novel traffic and to avoid the restriction of such traffic within present limitations is with us in an urgent and intensified form. We observe in the spheres of politics and litigation the struggle between the often opposed interests of the State, the local authority, the railway or canal company, and the users of traffic. It is certain that during the next few years fresh legislation will be effected from time to time, and the law of highways will become an increasingly important, and, it is to be feared, an increasingly complicated subject.

We are indebted to our friends Mr. Frank T. Vachell, M.C., of the Middle Temple, and Mr. Stephen R. Benson, and Mr. John Rowlatt, M.C., both of the Inner Temple, for their assistance in the reading of the proofs.

JOSHUA SCHOLEFIELD.
ARCHIBALD COCKBURN.

TABLE OF CONTENTS.

	PAGE
PREFACE	v
TABLE OF STATUTES	xi
TABLE OF CASES	liii

PART I.

THE LAW OF HIGHWAYS INDEPENDENT OF STATUTE.

CHAP.		PAGE
I.	Highways in General	1
II.	Dedication of Highways	17
III.	Ownership of the Way	58
IV.	Repair and Non-repair of—(a) Highways	75
	(b) Bridges	102
	(c) Remedies for Non-repair	118
V.	Obstructions and Nuisances	125
VI.	Extinguishment and Diversion of Highways	159

PART II.

STATUTES RELATING TO HIGHWAYS.

I.	Highways, Main Roads and Streets	163
	The Highway Act, 1835 (5 & 6 Will. 4, c. 50)	170
	The Highway Act, 1862 (25 & 26 Vict. c. 61)	361
	The Highway Act, 1863 (26 & 27 Vict. c. 61)	408
	The Highway Act, 1864 (27 & 28 Vict. c. 101)	409
	The Public Health Act, 1875 (38 & 39 Vict. c. 55)	462
	The Highways and Locomotives (Amendment) Act, 1878 (41 & 42 Vict. c. 77)	537
	The Highway Act Amendment Act, 1885 (48 & 49 Vict. c. 18)	600
	The Local Government (England and Wales) Act, 1888 (51 & 52 Vict. c. 41)	601
	The Public Health (Buildings in Streets) Act, 1888 (51 & 52 Vict. c. 52)	654
	The Public Health Acts Amendment Act, 1890 (53 & 54 Vict. c. 59)	659
	The Highways and Bridges Act, 1891 (54 & 55 Vict. c. 63)	678
	The Private Street Works Act, 1892 (55 & 56 Vict. c. 57)	676
	The Barbed Wire Act, 1898 (56 & 57 Vict. c. 82)	690

CHAP.	PAGE
I. Highways, Main Roads and Streets— <i>continued.</i>	
The Local Government Act, 1894 (56 & 57 Vict. c. 73) ...	692
The Local Government (Determination of Differences) Act, 1896 (59 & 60 Vict. c. 9)	756
The Local Government (Adjustments) Act, 1913 (3 & 4 Geo. 5, c. 19)	757
The Lights on Vehicles Act, 1907 (7 Edw. 7, c. 45)	762
The Public Health Acts Amendment Act, 1907 (7 Edw. 7, c. 53)	766
The Development and Road Improvement Funds Act, 1909 (9 Edw. 7, c. 47)	792
The Development and Road Improvement Funds Act, 1910 (10 Edw. 7, c. 7)	808
The Ministry of Health Act, 1919 (9 & 10 Geo. 5, c. 21) ...	812
Ministry of Health Act, 1919 (Date of Commencement) Order, 1919	817
Ministry of Health (Transfer of Powers as to Gas Undertakings) Order, 1920	818
Ministry of Health (Transfer of Powers as to Water Undertakings) Order, 1920	819
The Ministry of Transport Act, 1919 (9 & 10 Geo. 5, c. 50) ...	820
Ministry of Transport (Board of Trade Exception of Powers) Order, 1919	840
Ministry of Transport (Board of Trade Exception of Powers) (Amendment) Order, 1922	841
Ministry of Transport (Ministry of Health Exception of Powers) Order, 1919	842
Ministry of Transport (Road Board Transfer of Powers) Order, 1919	843
II. Locomotives on Highways—	
The Locomotive Act, 1861 (24 & 25 Vict. c. 70)	855
The Locomotives Act 1865 (28 & 29 Vict. c. 83)	867
The Highways and Locomotives (Amendment) Act, 1878 (41 & 42 Vict. c. 77)	874
The Locomotives on Highways Act, 1896 (59 & 60 Vict. c. 86)	882
The Locomotives Act, 1898 (61 & 62 Vict. c. 29)	891
Model Byelaws (Locomotives)	914
The Motor Car Act, 1903 (3 Edw. 7, c. 38)	917
General Order as to Use and Construction of Motor Cars, March 9th, 1904	939
Motor Cars (Use and Construction) Amendment Order, 1909, April 19th, 1909	944
General Order—Registration and Licensing—November 19th, 1903	945
Heavy Motor Cars, Regulations as to Weight, Conditions of Use, Construction and Speed, December 27th, 1904	953
Heavy Motor Car (Amendment) Order, 1907, February 11th, 1907	960
Heavy Motor Car (Amendment) Order, 1921, May 19th, 1921	963
The Finance (1909-10) Act, 1910 (10 Edw. 7, c. 8)	965

CHAP.	PAGE
II. Locomotives on Highways—continued.	
The Finance Act, 1920 (10 & 11 Geo. 5, c. 18)	963
The Roads Act, 1920 (10 & 11 Geo. 5, c. 72)	972
Road Vehicles (Registration and Licensing) Order, 1921	991
Road Vehicles (Registration and Licensing) Regulations, 1921, March 9th, 1921	994
The Finance Act, 1921 (11 & 12 Geo. 5, c. 32)	1013
Road Vehicles (Part Year Licensing) Order, 1921	1014
Local Taxation (Licence Officers) Order, 1922	1016
Road Vehicles (Trade Licences) Regulations, 1922, De- cember 14th, 1922	1018
III. Highways interfered with by Railways—	
The Highway (Railway Crossings) Act, 1839 (2 & 3 Vict. c. 45)	1022
The Railway Regulation Act, 1842 (5 & 6 Vict. c. 55)	1024
The Railways Clauses Consolidation Act, 1845 (8 & 9 Vict. c. 20)	1026
The Abandonment of Railways Act, 1850 (13 & 14 Vict. c. 83)	1049
The Railways Clauses Act, 1863 (26 & 27 Vict. c. 92)	1050
The Light Railways Act, 1896 (59 & 60 Vict. c. 48)	1052
Rules as to Applications for Orders authorising Light Rail- ways under Light Railways Acts, 1896 and 1912	1058
Additional and Amending Rules as to Applications under Light Railways Acts, 1896, 1912 and 1921	1068
IV. Tramways on Highways—	
The Tramways Act, 1870 (33 & 34 Vict. c. 78)	1070
The Statutory Undertakings (Temporary Increase of Charges) Act, 1918 (8 & 9 Geo. 5, c. 34)	1125
The Tramways (Temporary Increase of Charges) Act, 1920 (10 & 11 Geo. 5, c. 14)	1128
Board of Trade Model Regulations	1131
V. Bridges—	
The Statute of Bridges, 1530-1 (22 Hen. 8, c. 5)	1134
The Highways and Bridges Act, 1670 (22 Car. 2, c. 12)	1141
The Statute of Bridges, 1702 (1 Anne, c. 12)	1141
The County Bridges Act, 1740 (14 Geo. 2, c. 88)	1145
The County Bridges Act, 1803 (Lord Ellenborough's Act, 43 Geo. 3, c. 59)	1147
The County Bridges (Repairs) Act, 1812 (52 Geo. 3, c. 110)	1153
The County Bridges Act, 1814 (54 Geo. 3, c. 90)	1157
The County Bridges Act, 1815 (55 Geo. 3, c. 143)	1158
The County Bridges (Loans) Act, 1841 (4 & 5 Vict. c. 49)	1162
The County Bridges Loans Extension Act, 1880 (43 & 44 Vict. c. 5)	1166
The Municipal Corporations Act, 1882 (45 & 46 Vict. c. 50)	1167
VI. Miscellaneous—	
The Towns Improvement Clauses Act, 1847 (10 & 11 Vict. c. 34)	1170
The Town Police Clauses Act, 1847 (10 & 11 Vict. c. 89)	1180

CHAP.	PAGE
VI. Miscellaneous— <i>continued</i> .	
The Public Authorities Protection Act, 1893 (56 & 57 Vict. c. 61)	1190
The Criminal Appeal Act, 1907 (7 Edw. 7, c. 23)	1197
The Costs in Criminal Cases Act, 1908 (8 Edw. 7, c. 15)	1198
The Defence of the Realm (Acquisition of Land) Act, 1916 (6 & 7 Geo. 5, c. 63)	1199
The Defence of the Realm (Acquisition of Land) Act, 1920 (10 & 11 Geo. 5, c. 79)	1205
The Acquisition of Land (Assessment of Compensation) Act, 1919 (9 & 10 Geo. 5, c. 57)	1206
Acquisition of Land (Assessment of Compensation) Rules, 1919, December 2nd, 1919	1215
The Unemployment (Relief Works) Act, 1920 (10 & 11 Geo. 5, c. 57)	1219
Ministry of Transport (Unemployment Relief Works Procedure) Order, 1920, December 18th, 1920	1225
The Emergency Powers Act, 1920 (10 & 11 Geo. 5, c. 55)	1229
Emergency Regulations (No. 4), 1921, June 27th, 1921	1231
VII. Accounts—	
The Local Authorities (Expenses) Act, 1897 (60 & 61 Vict. c. 72)	1238
Extracts from General Orders of Local Government Board—	
Local Boards Accounts Order, March 22nd, 1950	1289
Financial Statements Order, 1921, December 14th, 1921	1250
Audit Stamp Duty (Local Authorities) Order, 1921, December 14th, 1921	1254
The Audit (Local Authorities, etc.), Act, 1922 (12 & 18 Geo. 5, c. 14)	1256
Accounts (Annual Audit) Order, 1922, August 11th, 1922	1257

APPENDIX.

The Highway Rate Assessment and Expenditure Act, 1882 (45 & 46 Vict. c. 27)	1259
The Highway Act, 1773 (13 Geo. 3, c. 78)	1261
Memorandum as to powers and duties of Parish Councils and Parish Meetings, under the Local Government Act, 1894, with respect to Rights of Way, Roadside Wastes, Commons, Village Greens and Recreation Grounds	1270
Memorandum as to the powers and duties of Rural District Councils, under the Local Government Act, 1894, with respect to Rights of Way, Roadside Wastes and Commons	1280
Circular—The Roads Act, 1920	1285
Circular—The Finance Act, 1920	1295
Registration and Licensing of Motor Vehicles	1299
Classification of Roads	1306

TABLE OF STATUTES.

NOTE. Where more than one reference is given, the number in heavier type indicates where the section is set out.

	PAGE
20 Hen. 3, c. 1. (Statute of Merton, 1235)	1278, 1283, 1284
18 Edw. 1, st. 1. (Quia Emptores, 1290)	92, 93
23 Edw. 3. (Statute of Labourers, 1349)	270
28 Edw. 3, c. 9. (Sheriffs, 1354)	1134
14 & 15 Hen. 3, c. 6. (New Ways (Kent), 1522)	160
22 Hen. 3, c. 5. (Statute of Bridges, 1530—1)	102, 114, 562, 1134, 1135, 1140, 1167
s. 1	1134, 1136
s. 2	645, 1135
s. 3	1136, 1142
s. 4	1138
ss. 5, 6	1139
s. 7	113, 1139
26 Hen. 8, c. 7. (Highways (Sussex), 1534)	160
1 & 2 P. & M. c. 12. (Impounding of Distress, 1554—5), s. 2	427
2 & 3 P. & M. c. 8. (Highways, 1555)	331
5 Eliz. c. 4. (The Labourers, Servants, etc. Act, 1562), s. 48	270
c. 13. (Highways, 1562)	331
43 Eliz. c. 2. (The Poor Relief Act, 1601)	178
c. 4. (Charitable Uses, 1601)	227
21 Jac. 1, c. 16. (Statute of Limitations, 1623)	64, 65, 159, 223
22 Car. 2, c. 12. (The Highways and Bridges Act, 1670), s. 2	1141
5 & 6 W. & M. c. 11. (The Certiorari Act, 1694), s. 3	325, 326
1 Anne, c. 12. (Statute of Bridges, 1702)	106, 562, 1141
s. 1	1142
s. 2	1138, 1143
s. 3	1143
s. 4	1144
s. 5	1139, 1144
s. 6	1139, 1144
s. 7	1145
ss. 8, 9	1145
s. 10—14	1145
6 Geo. 1, c. 6. (Carriage, Excessive Loads, 1720)	170
12 Geo. 2, c. 29. (The County Rates Act, 1738)	1146, 1153, 1157, 1161
ss. 6, 7	377
s. 13	1138
14 Geo. 2, c. 33. (The County Bridges Act, 1740), s. 1	111, 1145
16 Geo. 2, c. 18. (The Justices Jurisdiction Act, 1742), ss. 1, 3	446
18 Geo. 2, c. 33. (Regulation of Carts on Roads, 1744)	170
22 Geo. 2, c. 57. (The Turnpike Act, 1749)	235
24 Geo. 2, c. 43. (Highways, 1750)	170
28 Geo. 2, c. 14. (The Justices' Clerks' Fees Act, 1753)	348
30 Geo. 2, c. 22. (Highways, 1756)	170
7 Geo. 3, c. 11. (The Bentham Moor Inclosure Act, 1767)	82
c. 42. (Highways, 1766), s. 57	160, 1141
c. lxxiii. (Stonehouse Creck (Bridge Building), 1767)	648, 649, 1097
8 Geo. 3, c. 5. (Highways, 1767) s. 3	160
13 Geo. 3, c. 78. (The Highway Act, 1773)	171, 172, 189, 190, 199, 207, 231, 248, 331, 341, 344, 349, 1147, 1148, 1149, 1261
s. 1	179