

**THE LAW RELATING TO ENGINEERING; A
COURSE OF SIX LECTURES DELIVERED AT
CAXTON HALL, WESTMINSTER, IN 1910-1911,
BEFORE THE SOCIETY OF ENGINEERS
(INCORPORATED), AND THE JUNIOR
INSTITUTION OF ENGINEERS (INCORPORATED)**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649087587

The law relating to engineering; a course of six lectures delivered at Caxton hall, Westminster, in 1910-1911, before the Society of Engineers (incorporated), and the Junior Institution of Engineers (incorporated) by L. W. J. Costello

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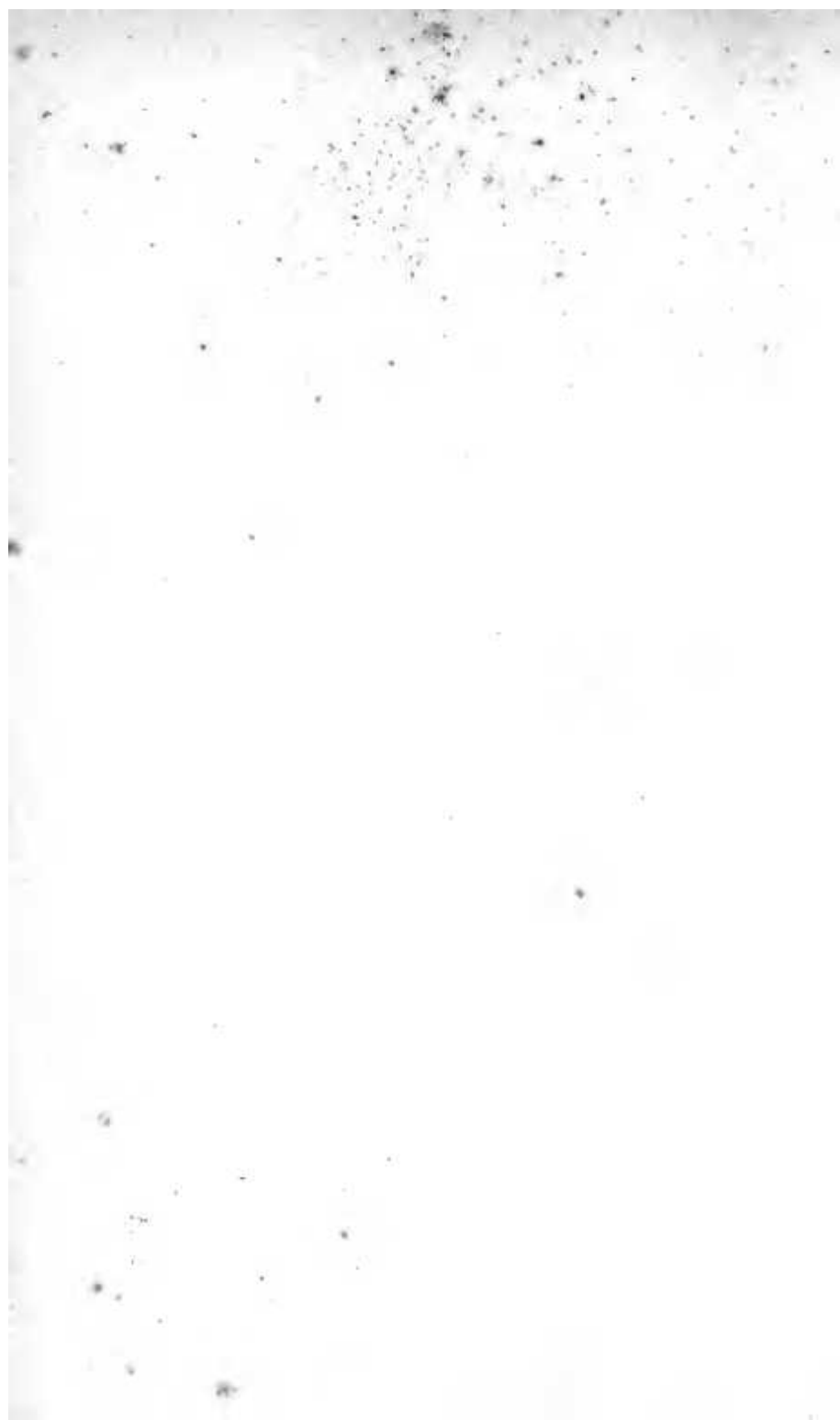
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A COURSE OF
SIX LECTURES

Delivered at Caxton Hall, Westminster, in 1910-1911,
before

THE SOCIETY OF ENGINEERS (INCORPORATED),
17, Victoria Street, Westminster,
and

THE JUNIOR INSTITUTION OF ENGINEERS (INCORPORATED),
39, Victoria Street, Westminster.

BY

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WITH AN INTRODUCTION BY

THE RT. HON. LORD JUSTICE FLETCHER MOULTON, M.A., F.R.S.,
Past President of the Junior Institution of Engineers.

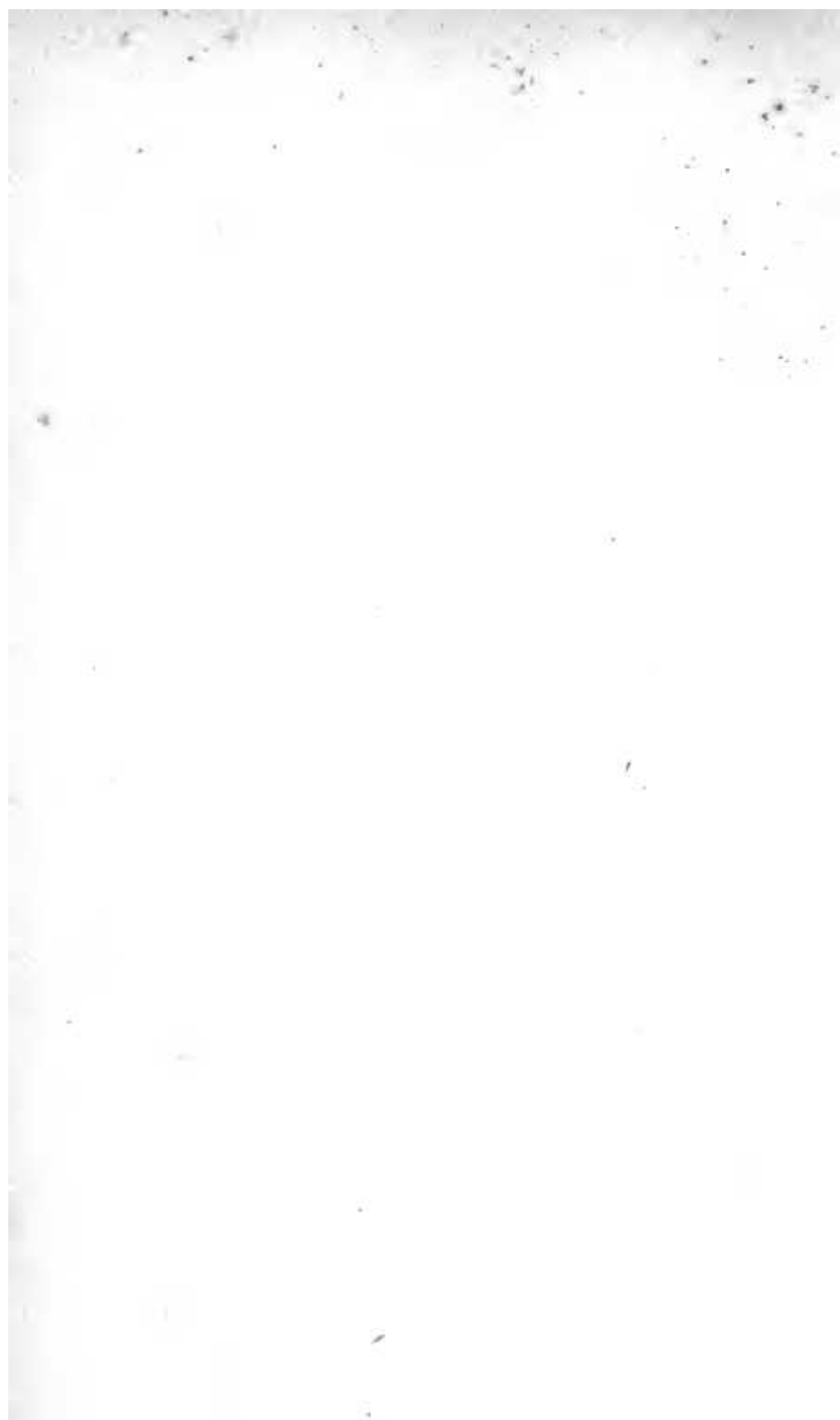
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London, 1911.

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INTRODUCTION.

THE profession of an Engineer involves much more than mere engineering knowledge or even executive skill. In a large proportion of the matters in which he is consulted he has the responsibility of giving advice, and that advice often relates to acts in which the rights of third parties are directly or indirectly involved. This consideration alone would make it desirable that he should have a sound knowledge of such branches of the law as bear upon the questions he has to resolve. But his need of clear legal conceptions does not depend on this alone. He has not only to administer, but often to frame, contracts of a character which, beyond doubt, renders them the most complicated of any that have to be interpreted and pronounced upon by our Courts, and their nature is such that he can only pass on the responsibility to professional lawyers to a small extent. The rest deals with matters so technical that it must remain in his hands.

In countries where law is embodied in codes it is both easy and customary for the various classes of the professional and commercial world to know almost by heart the portions that directly relate to their callings. But in England, where we prefer the elasticity of principles to a servile adherence to any verbal embodiment of them, the task is more difficult and less frequently accomplished. And yet the English system of case law is in my opinion easier and safer for the sensible layman than a codified system would be. With a little care he can familiarise himself with the principles on which our

Courts act, which are wide reaching and rest for the most part on the obvious necessities of the case viewed generally, though the consequences may be strange and even hard when applied to some particular and unusual state of facts. He will find himself more at home in applying principles such as these than in speculating on the interpretation which a Court will place on the specific language of a clause in a code which was probably drafted without any reference to such a case as that to which it is to be applied and to which its language must at any cost be made to fit.

But how is a man to acquire this familiarity with the principle of law which will be needful to him in his profession? It is a thoroughly practical question. He does not seek to become a legal expert but to keep himself and his employers safe. The best motto for him to bear in mind is, "Forewarned is forearmed." Let him learn into what troubles others have come in the past, and how, if at all, the Courts have helped them. He will thus learn the dangers that beset him, the pitfalls of which he must beware. Like a sailor who knows all about the wrecks on a dangerous coast he will be aware of the rocks that have been most fatal and will avoid them. To give to him a judicious selection of the decided cases bearing on the matters with which one in his profession will have to deal—such cases being arranged in such wise that those that relate to each point come together—will be to help him in the best possible manner. He will, no doubt, be dismayed at learning of the countless possibilities of going wrong, but he will also learn what are the principles which, if faithfully adhered to, will lead him unharmed through them all.

These excellent Lectures delivered under the auspices of two Engineering Societies are directly intended to effect this. The perusal of them will benefit the most experienced, and will give invaluable