

Centre for Lifelong Learning

Assessment Cover Sheet for Anonymous Marking

Module title: 15/16 RS T2 - The Declining Profitability of the Railways

Module code: CED00008M

Module level: M

Tutor: David Turner

Tutor's comments:*General Comments*

The essay is a good effort, that shows the author has a good grasp of many relevant aspects that relate to government legislation and public opinion of the railways in the nineteenth century. It is well-written, is referenced correctly, there are some insightful elements and it has used a wide-range of source material, much of which is not on the set reading list for the module, and this is to be commended. However, the essay spends excessive time discussing the build-up to the 1890s, how legislation was arrived at and the public mood towards the railways, which was not specifically what the question asked about. While this context was important to mention, it could have been truncated, perhaps even into a few paragraphs, as the question explicitly asks about the railways cost position after 1894, the legislation that affected this, and discussion of this should have constituted the bulk of the essay. Also, there are points throughout that need elaborating on, and elements that need describing in greater detail.

Actions to improve

- Make sure answer the question far more directly.
- Try not to allow background to swamp the work.
- Please ensure that you fully explain points.

2nd Marker's comments:

A reasonable attempt and one which attempts to use the concept of strategic drift to understand the railway's response to regulation. This is good, but the essay does not quite achieve this because it tries to include too much discussion and evidence for the allowed word length. To improve on this, work on planning your essays so that you answer the question more directly and don't run out of words.

Signature: D A Turner (1 st marker)	Mark/Grade: 61	Date: 21/03/2016
Signature: K D Tennent (2 nd marker)	Mark/Grade: 61	Date: 21/04/2016

Between 1894 and 1914 the Railway and Canal Traffic Act of 1894 was the most intrusive piece of legislation for the railways' cost position. Do you agree?

"To Generalise is to be an Idiot" William Blake¹

This essay will argue that some legislation during this period, and in particular the 1894 Act, played a role that illuminates the nature of the wider *strategic drift* that most but not all British railway companies were experiencing during this period. Although its initial effect was to be something of a millstone, the delayed effect of the 1894 Act was to trigger the majority of railway companies into attempting to overcome their *strategic inertia*. But other legislation, and wider developments, weighed further against those attempts.

Strategic drift has been defined in the Wiley Encyclopaedia of Management at length, with an entry that begins: "Strategic drift can be defined as a gradual deterioration of competitive action that results in the failure of an organization to acknowledge and respond to changes in the business environment..."²

In plainer English, this is usually about when long-term changes in the environment take place slowly over time, so that the organisation is not triggered into making a strategic decision to adapt effectively to the new circumstances – a variation on the metaphor of the boiled frog³. The organisation is thus in *strategic drift*, and the managers are exhibiting *strategic inertia* if they principally just do more of the same and fail to take the initiative by introducing some strategic changes. This in turn links to the concept of *challenge-response*, in which it is often the case that managers will rise, or be triggered, to respond to a very visible high profile challenge, but not to the 'creeping' long-term challenge. Nevertheless, as William Blake might have warned, there are, as ever, notable exceptions within these generalisations or overall trends to be acknowledged.

After 1870, with the British railway system maturing after the main period of construction ended, some changes in the business environment, and within each

Commented [DT1]: Good introduction. Although, always state *how* you will argue your case in the introduction.

Commented [KT2]: Good - is there a distinct literature on this theory?

Commented [DT3]: Interesting, although what I'd say is that you have three definitions/explanations of 'Strategic Drift' here. One would have saved words

Commented [DT4]: I'm not sure you really needed this.

Commented [DT5]: Perhaps you might want to mention at the end of these paragraphs why introducing these concepts are important.

Commented [DT6]: Reference

¹ Cited in David V Erdman, *The Complete Poetry and Prose of William Blake* (2nd ed.). ISBN 0-385-15213-2. Sadly, Blake seems not to have intended his paradoxical tautology.

² Tanya Sammut-Bonnici, "Strategic Drift", *Wiley Encyclopedia of Management* (Vol 12: 1-4, Online 2015), Abstract

³ A metaphor, not necessarily zoologically correct, used for example in Daniel Quinn's *The Story of B* (1996) to warn people against the dangers of ignoring gradual changes

company, were to be expected. The responsible managers needed to be able to recognise the nature of these changes, and decide what actions they should take in response. The key argument here is that in the years around the start of the twentieth century most of those managers were a little better at responding to the clearly signposted changes in their business environment than they were to the gradual incremental and less-obvious changes – and that this syndrome can be illuminated by looking at the part played by government legislation during this period.

Commented [DT7]: Good, but how?

From the start of the railways, government in Britain had been caught in more than one dilemma about how to intervene, and indeed whether to intervene at all. The precedent of the canals had been that entrepreneurs would identify routes and infrastructure, and government would approve through private Acts of Parliament, and the railways followed this precedent. There was no serious question of the British government, of either main party, adopting the 'state design' approach of the newly independent country of Belgium in the 1830s. In Britain the ethos of the time was *laissez-faire*, to permit free enterprises to flourish or not through the process of competition.

Commented [DT8]: Why is it important that we talk about this period?

But immediately after the practical experience of the Stockton and Darlington it became evident that the other precedent set by the canals – separation of infrastructure and carrier – could not be followed by the railways.⁴ Since it was clearly necessary, for operational reasons, for the railways to act as carriers on the infrastructure they already commanded, the resulting spectre of *monopoly* presented government with its first and its recurring dilemma.

Commented [KT9]: I think there is a danger this essay is drifting a little too. Make any discussion of a previous but relevant period short - what matters here is how this influences the post- 1894 situation.

Parris showed that even within the *laissez-faire* ideology of the time it was perfectly possible to consider applying government intervention to ensure that the market was working for the benefit of the consumer, and that the 1833 Factory Act was an early example of this. Moreover, it established the first four government inspectors, who initially had considerable administrative, legislative and judicial powers.⁵ The dilemma for government was not therefore about

Commented [DT10]: This is all very interesting, but you need to be clearer about how this material – which is talking about an era long before the period the question asks about – ties into answering it.

Commented [DT11]: What did this do?

Commented [DT12]: Over what?

⁴ Gourvish reports that this was accepted by a Select Committee in 1839. T R Gourvish, *Railways and the British Economy 1830-1914* (London: Macmillan 1980), 49

⁵ Henry Parris, *Government and the Railways in Nineteenth Century Britain* (Routledge & Kegan Paul 1965), 203-6

whether it was *ever* right to intervene, but to decide in which instances they should intervene, and then how.

The 1844 Act, including the process that led to it as well as the way it was subsequently operated, was the main early illustration of this dilemma with railways being worked through within British government. There was a recognition that some regulation was needed to prevent the monopolies from being too exploitative, but also there was watering down of the early drafts and a caution about its potential capacity to introduce national ownership of railways. The provisions to regulate railway charges and potentially to purchase new railways outright were taken from the new Board to the Treasury and never implemented⁶; the Railway Board itself was abolished in 1846. The fact that in 1844 the factory inspectors lost their powers to make regulations and act as magistrates⁷ further illustrates the ebb and flow nature in practice of how the dilemma for government was evolving.

By the 1890s a groundswell of public opinion that was critical of railway companies had become established. William Galt had followed up his 1844 appeal for Railway Reform with an 1865 sequel that explicitly likened the conveyance rates charged for goods by railway companies to taxation:

Nothing, however, can be more certain than that the sixteen and a half millions sterling paid by merchants, traders, carriers, and other freighters to the railway companies in 1863, and what has been paid every preceding year, is an indirect tax levied continually on the public: as much so as our customs and excise duties...⁸

This was a firm nudge towards characterising railways as a public utility rather than as a group of competing enterprises, and this mindset became increasingly widespread by the turn of the century. The apparently capricious nature of railway charges did of course lend credence to this perception, as will be discussed further below.

But there were at least two other factors that would have embedded within the perception of many of the public that the railways should be viewed more as a

Commented [DT13]: Please put the Act's full title.

Commented [DT14]: By whom?

Commented [DT15]: But you have not told me what the Act was trying to do.

Commented [DT16]: What was this?

Commented [DT17]: This paragraph needs far more description.

Commented [DT18]:

Commented [DT19]: Good, but this seems to be the overall point, and should have come at the start of the sections.

⁶ Parris, *Government and the Railways*, 56

⁷ Parris, *Government and the Railways*, 206

⁸ William Galt, *Railway Reform, Its Importance and Practicability Considered as Affecting the Nation, the Shareholder, and the Government*, (London: Longmans, 1865), 99

public service than solely as competing commercial enterprises. One, the 1854 'Cardwell' Act, is only mentioned fleetingly by either Parris or Gourvish⁹, and then principally for its lack of effect in practice on railway rates. However, the long term effect on public perception that would have been made by formally designating railways and canals as "common carriers", and establishing the principle of equal charging under equal circumstances, should not be underestimated. This designation would become part of the new mindset.

Commented [DT20]: Good, but make it clearer how the 'mindset' ties into responding to the question.

Alongside this the second of these factors would have been the everyday experience for both businesses and private citizens of the postal system since 1840. After the establishment of postage stamps that year, this state-run operation had moved increasing quantities of objects around the whole country frequently and reliably, with a very transparent system of charges that worked through what was in effect a huge amount of cross-subsidisation. That most of these letters and parcels were moved in practice by rail would have only highlighted in the minds of business people and private citizens the contrast between the consistency of the Post Office's rates and the apparently highly inconsistent nature of the rates charged by railway companies¹⁰. So although Irving, Gourvish and others highlight how unpopular rail companies became during the 1880s and 1890s¹¹, this groundswell had long-term as well as short-term origins.

Commented [DT21]: I notice the comment in the footnote. Move the content of it to the main text. Galt's comment is a direct example of the point you are trying to make.

Commented [DT22]: A good observation

The fact that by 1886 carriage rates were classified into 2,753 commodities in seven classes, and then often not even carried at their 'class' rates but at 'special' rates¹², only confirmed the perception of traders and the wider public of the capricious nature of rail charges. (The problem was due to the historical development of legislation governing rates at a time when the railway companies were unable to calculate specific costs for specific journeys.¹³)

Commented [DT23]: Define this.

Commented [DT24]: You jumped into this a bit. The paragraph would have benefitted from an opening line.

⁹ Gourvish, *Railways and the British Economy*, 50

¹⁰ Galt explicitly cites Sir Rowland Hill's reform of the Post Office as a precedent for the state to take up its 21-year option to buy up the post-1844 railways after 1865: Galt, *Railway Reform* (1865), 306-7

¹¹ Irving, 'The Profitability and Performance of British Railways, 1870-1914' *The Economic History Review*, New Series, Vol. 31, No. 1 (Feb., 1978), 54, and Gourvish, *Railways and the British Economy*, 47-8, 55-6

¹² P J Cain, 'Traders versus Railways: The Genesis of the Railway and Traffic Act of 1894', *The Journal of Transport History*, (September 1973), 66

¹³ *Ibid*, 66

The trend within Parliament towards both increasing the quantity and widening the nature of government intervention in the railways after 1870 therefore partly reflected the evolution of public opinion as well as a changed perception of the railways by the legislators themselves. As Alderman described¹⁴, by the end of the nineteenth century the 'Railway Interest' had led to a broadly pro-regulatory Liberal Party, and a minimum interventionist Conservative Party. In this context the Bills to introduce and then make compulsory various safety measures, and those aiming to regulate railway rates, were seen by the companies as incremental threats to be resisted (and implemented with sullen acceptance if and when enacted), rather than as changes that should prompt a more strategic rethink. Hence for the first part of the period after 1870, most railway companies were primarily in *strategic drift*, and their managers were showing *strategic inertia*.

Commented [DT25]: I am not sure that the point you are making is particularly clear.

The 1894 Railway and Canal Traffic Act helped to bring a turning-point to this trend, it is argued here, because alongside other developments in the 1890s (notably the increased cost of coal and wages¹⁵) it eventually triggered railway managers into reorganising and improving their operations. The Act enabled traders to dispute any increase in rates above that in December 1892, but its effect on railway management was delayed, as Cain has shown, in that companies were still able to raise some rates up to 1900, but after that they won no cases (even one where a restored rate remained no higher than in 1892), and the managers accepted that rate rises were no longer possible.¹⁶ So in response to rising costs such as the more-than-doubling of the cost of coal and coke in the four years up to 1901, as rates could no longer be increased more managers worked on improving railway management as the twentieth century started,

Commented [DT26]: Okay. But you need to show why this was so. You have said it, but where is the evidence?

Commented [DT27]: Only on application.

Commented [DT28]: Give the reader firmer figures.

Commented [DT29]: In what way – perhaps give examples.

¹⁴ G. Alderman, *The Railway Interest*, (Leicester University, 1973)

¹⁵ H Pollins, in *Britain's Railways: An Industrial History*, (Newton Abbot: David & Charles, 1971), 95, cites the prices of both coal and labour as the key factors around 1900, though he implies that labour was the bigger factor, a conclusion reached more emphatically by R J Irving, in 'The Profitability and Performance of British Railways, 1870-1914' *The Economic History Review*, New Series, Vol. 31, No. 1 (Feb., 1978), 57, where he argues that rising wages were a larger proportion of railways' costs than stores or fuel, and that the latter had actually fluctuated in price somewhat rather than simply risen.

¹⁶ P J Cain, 'The British Railway Rates Problem', *Business History Vol 20, Issue 1*, (June 1978), 87-9

when there was a greater emphasis on running the railways more efficiently rather than on either resisting or working around government regulation.

Naturally, it must nevertheless be acknowledged that within the wide variety of railway companies of the time there were variations and exceptions, such as Scotter introducing improved management on the LSWR from his appointment as general manager in 1885¹⁷, and the Taff Vale's attempt to reintroduce paternalist labour management within other costcutting measures from 1891, among others, yet the halt in decline of the **overall** trend pattern only started from the end of the century. According to the Board of Trade's Railway Returns, operating ratios slowly deteriorated to about 1900, and then stabilised until 1914¹⁸. Irving demonstrates that an improved operational efficiency was achieved on the freight side, though not on the passenger side.¹⁹

The 1894 Act, following the recommendations of a Select Committee, proved once again to be a compromise²⁰ between the perceived need for the state to act against apparent abuse of monopolistic power and the desire to avoid the quasi-nationalisation that detailed price-fixing would have entailed. Thus it was a credible response to the clamour from the complaining 'trader lobby'. In the short term the railway companies had gained in 1893 the rate increases they had desired following the introduction of the Provisional Orders after the 1888 Act, but as prices rose at the turn of the century they were in effect locked into these as fixed rates until at least 1913, when this regulation was relaxed. Cain uses the phrases, "a millstone around the companies' necks", and a "Trader's Charter"²¹, to describe the financial effects on the railways during this period, but there was also a deeper detrimental effect on this industry. Even though the railway companies' handling of the political process from 1891, and the blanket adoption of the new maximum rates from January 1893, were probably in reality more about a series of misjudgements than a conspiracy, their actions certainly looked

Commented [DT30]: Good!

Commented [DT31]: The strength of your argument should highlight points - do not use italics and/or bold.

Commented [DT32]: Provide the figures

Commented [DT33]: How?

Commented [DT34]: But the question asks about the impact of the Act on company finances, not how the act was come to.

Commented [DT35]: Be more descriptive of what happened.

Commented [DT36]: Define this.

¹⁷ David Turner, "Managing the "Royal Road": The London & South Western Railway 1870-1911," (Unpublished PhD Thesis. University of York, 2013), 227-30, however argues that Scotter's improvements were managerial and financial rather than operational.

¹⁸ Gourvish, *Railways and the British Economy*, Table IV, 42. Irving too cites this trend.

¹⁹ Irving, 'The Profitability and Performance of British Railways', 61

²⁰ P J Cain, "Traders versus Railways", 77

²¹ Ibid, 80

like conspiracy, and embedded in the minds of many that they were greedy monopolists that needed to be reined in.

This did not solve Parliament's dilemma about how far government should interfere – compromise and uncertainty of action continued to be evident until after the First World War – but the 1892-4 rates crisis does seem to have embedded the unfavourable opinion of the railway companies in the eyes of many other businesses and the wider public.

There was some uncertainty about how the effects of the 1894 Act would work out in practice, but although rail companies mounted some successful defences of 1893 rates between 1895 and 1900, the 1899 landmark case of *Smith and Forrest versus the London and North Western and Others* convinced the Commissioners that railway companies' statistical evidence in defence of further rate rises was inadequate²², and this was why managers largely accepted that higher rates could now no longer be achieved²³.

Commented [DT37]: In what way.

As for operating the railway businesses themselves, although Crafts *et al* have shown that some individual companies (NER for example) were improving their TFP (Total Factor Productivity) before 1900, the majority did not until after that date, and then only marginally, as is shown therefore in the overall trend²⁴. They say that the 1894 Act and its aftermath had a “galvanizing” (though not “dramatic”) stimulus to railway management²⁵. While there were clearly many other factors involved, it would still seem fair to observe that many railway managers were now more responsive to a highly visible development such as an Act and its later legal judgement than they were to incrementally declining performance figures²⁶. Irving too, a proponent of the view that poor operational

Commented [DT38]: Other way round – ‘Total Factor Productivity (TFP)’

Commented [DT39]: Good observation

²² The Commissioners ruled that a general argument about rising costs was insufficient; companies should make a case concerning the specific rate at issue – something the companies were unable to do – Irving, ‘The Profitability and Performance of British Railways’, 58

²³ P J Cain, ‘The British Railway Rates Problem 1894-1913’, 87

²⁴ Nicholas Crafts, Terence C. Mills, Abay Mulatu, ‘Total factor productivity growth on Britain’s railways, 1852–1912: A reappraisal of the evidence,’ *Explorations in Economic History* 44 (2007), Table 5, 618

²⁵ *Ibid*, 630

²⁶ Companies’ actions now, post c1900, seem to contrast with the earlier relative non-response to the challenge of managing the shorter working hours for rail staff employed in safety-related tasks (principally signalmen) introduced by the 1889 Regulation of Railways Act.

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management was the key cause of long-term declining profitability, concludes that there was a positive response after the 1899 judgement.²⁷

²⁷ Irving, 'The Profitability and Performance of British Railways,' 65. This view is also supported in N Crafts, T Leunig & A Mulatu, 'Were Railway Companies Well Managed in the Early Twentieth Century?', (*The Economic History Review*, 2008), 12

Cain has argued that government intervention (or the prospect of it), was a relevant – but not the only – factor in the minds of managers as they sought to restore railway profitability during this period, with Government policy being historically inconsistent, because of the pull of conflicting interests²⁸. When the companies sought Parliamentary approval for various forms of combination in the early 1900s, they were not prepared to pay the price demanded in return, in the form of more regulation of rates and wages. Thus the original Bill to attempt a virtual amalgamation of the “Three Greats” (‘Greats’ Northern, Central and Eastern) fell by the wayside²⁹, and it was a major Parliamentary struggle even to get the 1913 Act passed that eased the provisions of the 1894 Act.

Commented [DT40]: I think you could have given a bit more time to this.

Meanwhile by then Parliament had passed several Acts affecting the railways, and two of them could be argued as having a major long-term effect on the fortunes of the railways³⁰. One was the 1906 Trade Disputes Act, which by providing trade unions with statutory immunity enabled them to press much more strongly for improved wages and conditions. The whole story of how it was passed with a much more sweeping liberty for trade unions than that originally drafted seems to reflect either the state of public opinion, or MPs’ perception of that public opinion, concerning the plight of workers and probably railway workers in particular following the Taff Vale judgement of 1901. Certainly, it meant that in ‘bottom line’ terms the ability of rail companies to control their wage bill became seriously weakened, as the 1911 crisis illustrates.

Commented [DT41]: Good that you have noted this.

Commented [DT42]: I would say Liberal MPs.

Commented [DT43]: Reference. How does it illustrate this? You need to perhaps elaborate on this more.

A second pair of Acts worth considering are the 1896 Locomotives on Highways Act, the one that amended the 1865 Locomotives (‘Red Flag’) Act, and the 1903 Motor Car Act, which had the combined effect of allowing road traffic to operate at up to 20 mph, as well as forgo the infamous ‘red flag’ man. Whereas railways

Commented [DT44]: Which was?

Commented [DT45]: A good consideration.

²⁸ P J Cain, ‘Railway Combination and Government, 1900-14’, *Economic History Review*, Vol. 25, No. 4 (Nov., 1972), 64

²⁹ Cain asserts that this attempted combination was in part the managers’ response to the effects of the 1894 Act in P J Cain, ‘Railways 1870-1914: The Maturity of the Private System’, in eds. Michael J. Freedman and Derek H. Aldcroft, *Transport in Victorian Britain*, (Manchester: Manchester University Press, 1988), 118

³⁰ I have briefly considered and rejected the 1896 Light Railways Act, 1898 Locomotives Act, 1900 Railway Employment (Prevention of Accidents) Act, 1903 Railways (Electrical Powers) Act, 1904 Railways (Private Sidings) Act, 1905 Railway Fires Act, 1906 Workmen’s Compensation Act, 1911 Railway Companies (Accounts and Returns) Act, and the 1912 Light Railways Act as potential ‘competitors’ with the 1894 Act in terms of ‘intruding on the railways’ cost position’.

had been deemed common carriers by the 1854 Cardwell Act, and they had to publish their carriage rates, the comparative liberties for the future haulage industry to choose what and when to carry, and see for themselves what price they had to beat³¹, were clearly going to be a major handicap to the railways in the long-term future – though not in practice until after the First World War.

Commented [DT46]: Hmmm, then how does including it relate to answering the question, which is about the 1894 to 1914 period.

However, the long-term operational difficulties for the railways on these themes were of course principally about the wider growing political power of trade unions generally, and the essential nature of future competition from road haulage - therefore these Acts should perhaps be seen as symptoms rather than as causes of those future difficulties. On those grounds, the 1894 Act probably retains the identity of being the most “intrusive” legislation in this period, albeit by presenting a relatively immediate challenge to the railways’ cost position to which some boards and managers were triggered to seek new solutions when their costs rose markedly prior to 1901.

Commented [DT47]: Although there was also the The Workmen's Compensation Act of 1897 and the 1900 Railway Employment (Prevention of Accidents) Act that might have been worth considering.

It is never easy to track a discernible overall pattern within a myriad of individual cases and exceptions, as the study of the declining profitability of late nineteenth century British railways quickly illustrates. Government policy was just one of the factors involved. It moved from its early dilemmas about interfering towards a greater preparedness to intervene as the railways became increasingly unpopular with the public in general and traders in particular. One effect of the 1894 Act, particularly after the 1899 test case, was to trigger those railway managers (the ones that were still showing *strategic inertia*) into action to reverse their *strategic drift* and to improve their operational performance.

Commented [DT48]: Excellent

Subsequently, however, the 1906 Act then presented them with a new challenge, leading to the industrial crisis just before the First World War and a whole new tide of adverse operating conditions.

2,875 words, plus c200 in footnote commentary

Commented [DT49]: This needs to be precise, it adds to your word count. There are actually 391 words in the footnotes, so overall 3266.

³¹Charlie Walker, *An History of Road Transport* (Wakefield Walker, no date), 148, claims “Because of the doctrine of ‘undue preference’ there was a ready sale for a volume compiled annually by a Midland publishing firm. This set out all the exceptional rates authorised from every good receiving station in the country and was a useful guide to hauliers carrying general cargo.”

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