

THE

# AMERICAN LAW REGISTER.

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NOVEMBER, 1857.  
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## SHIPS' LIGHTS, AND THE RULE OF THE ROAD.<sup>1</sup>

The increased number of cases of collision, between British vessels, of late years, is a fact which admits of no dispute; though it is, beyond question, a fact which reflects strongly upon our national character for seamanship and maritime skill. In speculating upon the causes of this fact, a problem presents itself, the solution of which will be doubly satisfactory; for, in seeking the occasion of our misfortunes, we shall probably discover, at the same time, the means of lessening them. The circumstances under which this great evil has developed itself, are, as is justly stated by Mr. Rothery, "the greater speed and greater number of all descriptions of vessels now navigating the seas in all directions."

But these are rather the conditions under which the accidents have happened, than reasons why they should continue to happen, if our rules of navigation are sufficient for the purposes for which they were framed. But though we have in this general fact no direct solution of the difficulty, yet it may lead us to what will both explain and remedy it. For upon it is fairly raised the important question, whether the present rules for the navigation of vessels,

<sup>1</sup> By H. C. ROTHERY, Esq., M.A., Registrar of the High Court of Admiralty and Appeals. This article, from the Law Magazine for August, 1857, p. 220, is a review of a small pamphlet by the Admiralty Registrar, and deserves attention with us no less than in England.—EDS. AM. L. REG.

and the lights at present in use, are adequate to meet the vastly altered circumstances of British shipping?

Some of these rules were made or adopted at an early period of our national seamanship, when vessels were few, and their progress through the water was slow. Others have been framed in later days by the wisdom of Parliament, and under its sanction, after the growth of collisions had been observed. But in spite of old rules and new—in spite of Trinity House regulations for the number, the color, and the position of lights—the evil has grown, and continues to grow, steadily and ruthlessly. Under these circumstances, the fault may fairly and probably be laid at the door of the rules and regulations themselves. A candid and scientific inquiry into their sufficiency and adaptation to these times, with well-considered suggestions as to what should be substituted for any insufficiency and shortcoming in them, is a subject for a *savant* and a philanthropist. In Mr. Rothery's *brochure* we have this important subject treated in a manner worthy of its consequence and gravity. It is a most valuable contribution, and has already received the attention which it merits from the Board of Trade, and will, without doubt, lead ere long to beneficial changes in the matters of which it treats. We therefore feel it our duty to call our readers' attention to its suggestions and recommendations. At the outset, Mr. Rothery proposes to extend to sailing vessels the use of the colored lights which are at present confined to steamers; and upon this extension he bases the changes which he recommends to be made in the rules of sailing. By the present practice, sailing vessels at night only carry or exhibit a single white or bright light, while steamers carry three lights—a bright one at the mast-head, a green one on the starboard-side, and a red one on the port-side.

It appears a curious circumscription to confine side-lights to steamers, while there is nothing to prevent a sailing vessel from carrying them commodiously and ostensibly. If they are useful and requisite in the one, it is a necessary consequence that they must be so in the other. No purpose can be served, and no object can be attained, by carrying out such a distinction between these two classes of vessels.

The utility of the side-lights is proved. In the case of a steamer, it can be at once known, from the color of the light seen, which side of that vessel is towards you, and, consequently, where her head is, and by approximation what her course is.—Now all these circumstances, if they show a risk of collision, at the same time indicate to the seaman's mind the very means of avoiding it.

This is the case of the colored lights.

But when a single white light is seen, whether a-head or on either bow, it gives no warning or *indicium* whether there is or is not a danger of collision—whether the vessels are going clear of each other, or are crossing each other's course. Irreparable time is lost in this speculation, during which the vessels close upon each other, and a collision is the result. The white light may, therefore, be said to be more often deceptive than useful. It either indicates danger, without showing the way to avoid it, or it gives no sign of danger at all.

From the lights, Mr. Rothery passes to a consideration of the rule of the road. There are at this present time two distinct rules—the old one, and the statutory rule of the port-helm. By the old rule are determined all questions between foreign vessels, and between a British and a foreign vessel, and it is still prescribed by the Admiralty for the guidance of Queen's ships. It may be thus stated:—That a vessel going free shall give way to a vessel on a wind; that a vessel close-hauled on the port-tack, shall give way to a vessel close-hauled on the starboard-tack; and that a steam vessel shall always give way to a sailing vessel.

The rule of the port-helm is laid down in the 296th section of the Merchant Shipping Act, and applies only to British vessels.—Its effect may be thus stated:—That when two vessels are meeting one another, so as to involve a risk of collision, if they continue their respective courses both shall port their helms, so as to pass one another on the port-hand.

To both these rules Mr. Rothery takes exceptions. The old rule is open to this grave objection: At night it is frequently utterly impossible to make out whether the vessel which you are meeting

is going free, or is on a wind. "Look then at the result," observes Mr. Rothery; "the vessel close-hauled on the port-tack, seeing another vessel approaching at night, keeps her course, not knowing whether the other vessel is not going free; for if she is, the port-tack vessel is bound to keep her course close to the wind. They approach close to one another, and then it is discovered, but too late, that the approaching vessel is close-hauled on the starboard-tack, and a collision almost inevitably takes place, it being the bounden duty of the starboard-tack vessel to keep her course close-hauled to the wind.

"And here let me observe, that two vessels approaching one another from different directions, necessarily have the wind from somewhat different quarters. The direction in which a ship receives the wind is a resolved direction, arising partly from the direction of the wind, partly from the motion of the vessel. This will be at once seen in the case of a steamer. Suppose her to be going ten knots with the wind *directly aft*, blowing with a velocity of only five knots, she would in that case receive the wind *directly a-head* with a velocity of five knots. In the same way a sailing vessel, by her own motion, brings the wind as it is called a little a-head, which gives her the idea that she is going nearer to the wind than she in fact is, and consequently, that the vessel approaching her has the wind more free than she in fact has it."

We call our readers' attention to this passage, as well because it states a philosophical fact of very considerable importance in considering our subject, as also because it accounts for the discrepancies so often observed between the statements of the crews of two conflicting vessels, and which may thus be accounted for without the necessity of imputing perjury to either crew. As each vessel drew the wind a little a-head, it consequently appeared to the respective crews more free from their opponents. Under such circumstances as we have described, the old rules are good for nothing, for the simple reason that the parties are in complete ignorance which of them to apply—whether to keep their wind or give way. But the mischief does not stop there. It equally occurs where the rules have been strictly adhered to.

Cases occur where a close-hauled starboard-tack vessel, by starboarding her helm would avoid a collision with a vessel on the port-tack; but she renders it inevitable by keeping her course. And when a collision would be prevented in such a case by both the vessels putting their helms down and going about, the starboard-tacked vessel makes it a certainty by not giving way.

The rule of the port-helm next comes under Mr. Rothery's comment. This rule has been decided to apply only to the case of two vessels meeting end on, or nearly so. The decision thus leaves out the cases of vessels crossing each other's course, and of vessels approaching each other close-hauled on opposite tacks. These cases are therefore subject to no rule whatever. The helmsman of the one vessel may put his own helm either to port or to starboard; and he can never be sure what course will be taken by the vessel which he is meeting. To the port-helm rule, therefore, Mr. Rothery states two objections: first, that "it does not provide for the case of vessels crossing each other's courses, or approaching one another close-hauled on opposite tacks, which is the most frequent occasion of a collision." And, secondly, that "there being no rule for such cases, it induces in seamen an impression that they are bound to port their helms whenever there is a risk of collision, or whenever they are approaching each other, whatever may be the circumstances and the relative positions of the two vessels."

After having opened his subject in the mode which we have endeavored to follow, Mr. Rothery proceeds in an interesting detail to propound and explain his own recommendations and suggestions, the *rationale* of which is further elucidated by diagrams.

*En resumé*, Mr. Rothery proposes the following rules for a vessel meeting or crossing another by day:—

- |   |                     |                        |
|---|---------------------|------------------------|
| “1.—If both vessels are meeting end on          | - - - -             | Port.                  |
| 2.—If they are passing to port                  | - - -               | Port.                  |
| 3.—If they are passing to starboard             | - - -               | Starboard.             |
| 4.—If a vessel be seen a-head, or nearly a-head | } Go astern of her. |                        |
| crossing  |                     |                        |
| 5.—If broad on either bow, and crossing         | -                   | { Keep away from her.” |