

The Origins of the Rules of the Road

by Charles Dana Gibson (1928–2019), posthumously submitted by E. Kay Gibson

Until near the end of the nineteenth century, there were no international rules for the passing and overtaking of vessels on the high seas. For passing and overtaking on inland waters, some rules did exist worldwide, but these were far from universal, either in application or compatibility with all nations. In Europe, navigation rules were usually implemented through pilotage systems under which foreign-flag vessels took on local pilots when entering the respective nation's inland waters. Pilotage was the insurance that native mariners would be at a ship's con.

At home, the US did not have any federal laws or regulations for meeting or overtaking situations on its inland waters up until about 1897. Nor did it have federal laws or regulations standardizing signals or running lights. Some states and/or port jurisdictions had developed individualized regulations, and these—as in Europe—were in the main implemented by pilotage requirements. Again, as in Europe, there were more often than not considerable differences in rules from jurisdiction to jurisdiction.

With the advent of the American Civil War, traffic on many United States inland waterways and harbors increased many-fold over what it had been in peacetime. This was especially true on Chesapeake Bay and its tributaries. At one point on the Chesapeake alone, the Army's Quartermaster Department had under its direct control 190 ocean and coastal-class steamboats, 60 steam tugs towing an aggregate of over 100 barges, and forty sail vessels. Additionally, there was a large number of Union naval craft in support of operations being conducted on the Bay's rivers and estuaries. Besides all this, there was the normal commercial traffic servicing the civilian economy via the many ports bordering the Chesapeake Bay. Many of the Quartermaster Department's ships were crewed by men who had minimal knowledge of local navigation customs; the Navy ships weren't much better. The absence of local knowledge could at times produce considerable chaos. The Navy, which had been suffering an inordinate amount of collision damage, decided to do something about the problem. On 4 May 1864, it issued *General Order No. 34*, which was distributed widely to all shipping interests on the Bay. *General Order No. 34* specified rules for meeting and overtaking for both steam and sail vessels, as well as signals for passing and lights to be shown at night. If nothing else, the Navy hoped to limit its liability when faced with admiralty court actions. On 13 August,

the War Department issued its own separate order (*General Order No. 246*), which reiterated the language of the Navy Department's *General Order No. 34*. The Army's order was to be "immediately adopted on all vessels owned or chartered by the Quar-

termaster Department of the Army." Although Congress did nothing regarding rules applicable to commercial vessels until well after the Civil War, the 1864 Navy and Army rules set the stage for the standardization of collision avoidance for the remainder of that conflict—at least on the Chesapeake.

In 1890, navigation rules were put into international practice for both commercial and naval vessels on the high seas, following the first International Maritime Conference held the year before in Washington, DC, where the rules were discussed and finalized. These rules, which became known as the International Rules of the Road, were ratified by all participating nations—the United States

included as one of the parties. In 1897, the US Congress passed legislation for meeting and overtaking on United States inland waters. To these were added rules dealing with sound signals and lighting.

Since their original adoption, both the International Rules and the US Inland Rules have been amended several times, either by treaty to which the US was party or, in the case of the Inland Rules, through domestic legislation. Despite these many changes, it is interesting to note that for both the International and the Inland meeting and passing rules, there has been little alteration from that which made up the Navy's *General Order 34* back in 1864. †

Captain Charles Dana Gibson (1928–2019) was a licensed Tugmaster, Oceans, and Master of Inspected Steam and Motor Vessels, 500 tons, Oceans, Issue 8. He played a prominent historian's role in the 1988 court decision that granted veterans' status to members of the American oceangoing merchant marine who actively sailed between 7 December 1941 and 15 August 1945. Captain Gibson was the author/co-author of eight books on aspects of maritime history and the recipient of numerous awards including the Distinguished Service Award given by the US Merchant Marine Academy, the Captain K. C. Torrens Award from the Council of American Master Mariners, and the K. Jack Bauer Award given by the North American Society for Oceanic History.



Two Clippers — Nocturne by Montague Dawson (1890–1973)
oil on canvas, 39⁷/₈ x 49⁷/₈ inches

Navigation lights were first required in the US when Congress passed a law in 1838 requiring steamboats to carry signal lights between sunset and sunrise, but no details regarding color or placement were provided. The act was amended in 1849 to include sailing vessels.