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### "The Rule of the Road at Sea, or the Steering and Sailing-Rules."

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## Ebening Meeting.

Monday, May 6th, 1872.

CAPTAIN JASPER H. SELWYN, R.N., in the Chair.

NAMES of MEMBERS who joined the Institution between the 30th April and 6th May, 1872.

### ANNUAL.

Batten, John M., Capt., 8th or King's	Yates, H. Peel, Colonel, R.A.
Regt.	Balfour, Geo. M., Captain, R.N.
Erskine, George, Colonel, late Mil. Train.	Farr, William, Lieut., R.N.
Lewis, J. F., Lieut., R.E.	

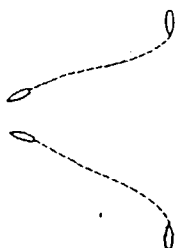
### "THE RULE OF THE ROAD AT SEA, OR THE STEERING AND SAILING RULES."

By W. STIRLING LACON, Esq.

Mr. Chairman and Gentlemen,—During the last eighteen years that I have had the honour of taking an active part in the affairs of this Institution, I have always impressed upon every person desirous of bringing anything before the public in this theatre, the necessity of putting what he is going to say into writing, in order that he may condense his matter into the very smallest compass. But although I have given that advice to others, I find it is impossible for me to do the same myself, not so much because it is a technical subject, as that I am obliged to make use of little models, and therefore I could not work them and read any notes or written lecture at the same time. I am, therefore, going to trust entirely to experiment, that is, to trust throughout to my own memory; and if I should at any time fail, or break down, if you would kindly wait, and give me encouragement—having truth as my guide—I have no doubt whatever that I shall arrive at a satisfactory issue. It has been the custom also in this Institution for a lecturer to deliver his lecture first of all, and then for persons to put any questions to him during the discussion. Perhaps during the time that my models are on the table, it would be more advantageous if gentlemen would put any questions to me where I do not sufficiently explain myself. It would save time, because, probably, if we were to leave it to the end of the lecture, we would not be able to recur to the same position.

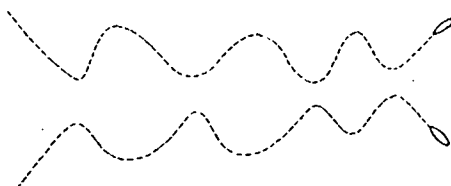
Gentlemen, I desire to point out to you that this subject was brought

Diagram N° 1.



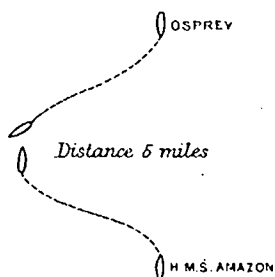
*Diagram lost at the  
Admiralty.*

Diagram N° 2.



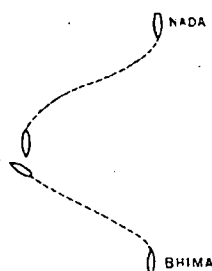
*Course coming over from *Arcturion*.*

Diagram N° 3.



*Both sunk 11 lives lost.*

Diagram N° 4.



*Bhima sunk 79 lives lost.*

Diagram N° 5.

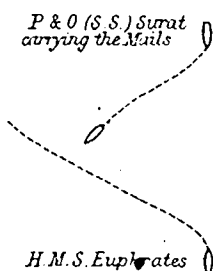
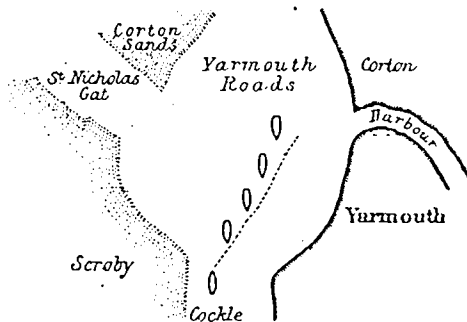


Diagram N° 6.

*28 large Steamers which had been lying at  
anchor followed each other in succession.*



before this Institution six years ago. Two gentlemen, Captains Heathcote and Curme, came here and read papers on the questions of "Collisions at Sea," and "the Rule of the Road at Sea." The Institution devoted a number of its Journal to those subjects, and also to the question of the "loss of life at sea;" Mr. Holland, the member for Evesham (who is now out of Parliament), has brought it six times before the House of Commons; and Sir John Hay, the Chairman of the Council, is about to bring it to-morrow night for the third time, before Parliament. It may be asked, what have I to do with it? As a boy I was a sailor, and for 40 years I had not been at sea, and I had really forgotten all about these matters; but when this question was raised in this Institution, I will read to you what took place—I quote from the Journal of the Institution:—"It was after the discussion upon 'Captain Curme's paper, on Monday evening last, that I went home and pondered deeply upon what I had heard, and it was that night from 12 to 3 a.m. that I lay awake during the very time that the 'Osprey' and 'Amazon' were sinking, and the next morning I carried to the Admiralty a diagram, of which Diagram No. 1 is a copy. I said then (24 hours before we received intelligence of the collision) that vessels meeting in that position would in all probability come to grief. This diagram, illustrating what actually took place in the case of the 'Amazon' and 'Osprey,' was exhibited to members in the library of the House of Commons during that session of Parliament (1867)."

Many other circumstances have occurred, and have so acted upon my mind, that I have felt that I was called upon to press this subject upon public attention, and that it was a sort of mission which was given to me to carry forward. Shortly after this, I wrote the following letter to the Admiralty:—"Most earnestly would I press upon their 'Lordships' consideration the following cases of collision, the consequence of the existing law and that which preceded it:—

"The 'Erin' and the 'Pasha,' in the Straits of Malacca.

"The 'Black Prince' and the 'Araxes,' off the Coast of Spain.

"Her Majesty's ship 'Amazon,' and the 'Osprey,' off the Lizard.

"The 'Mary Nixon' and schooner (name unknown), in the Channel.

"The 'Bruiser' and the 'Haswell,' off Aldborough.

"The 'Colbden' and the 'East Cornwall,' off Orfordness.

"The 'Bhima' and the 'Nada,' in the Red Sea.

"The 'Agra' and the 'Elizabeth Jenkins,' off the Ower's Light, &c., &c."

After this I wrote a whole volume upon the subject in the public journals, and then I thought that I had done enough, and that I required a little recreation, and that the British public required a little recreation also. I decided, therefore, that I would go abroad, and I went to Norway. Now I ask you to follow me, because this is an international question, and the lives of foreigners are dependent upon it as well as those of our own people. After driving a thousand miles and parting with my friends, on my return to Christiania I found myself alone in a foreign country without language and without introduction.

But that very night I met the English Consul and the Norwegian Admiral. I spoke to the latter, and he asked me to come to the Admiralty to him the next day. I went, and I explained "the rule of the road" to him for an hour and a-half. He seemed very much impressed with what I said. He told me that Sweden and Norway were under the same Crown, and that they had independent legislatures, but that they acted in unison. He said, "Are you going to Stockholm? if so, I will give you letters of introduction." He did, and presently I came to Stockholm. At Stockholm they were prepared to receive me, and at the Admiralty at Stockholm six Officers were appointed to meet me. We went into this subject for two hours and forty minutes. I explained to them, as I explained to other Admiralties when I came to them, that I was a private individual without any authority whatever; merely desirous of eliciting truth, and that I was not in a position in any way to ask their opinion or to compromise them with their own Governments. When I got back to London, I received a letter from the Admiralty at Stockholm, saying that Sweden must follow England in "the rule of the road at sea," and thanking me for my noble efforts. That was very strong language to make use of to a total stranger, who had never seen these men but once. They called upon me the next morning at my hotel with a Danish Officer, and with letters of introduction to Copenhagen. In the course of time I came to Copenhagen, and there eight Officers were appointed to meet me. They sat round a table all in uniform, and the same thing took place as at Stockholm.

I then came to Hamburgh, and I wish to direct your attention to what took place. I asked the landlord of my hotel if he could bring me into contact with any gentleman who could forward the object I had in view. It so happened that he sent me to a gentleman who turned out to be one of the Senators of Hamburgh. By his instrumentality we got together the same evening eight competent men, masters of ships, and others, who met at seven o'clock. I went into the question the same as at Copenhagen and Stockholm for about two hours and a-half, and nothing could exceed the enthusiasm of these gentlemen. After our discussion was over, they told me a reporter was present, and that what had taken place should be reported in the newspapers, and that a copy with a translation should be sent to me in London. On my arrival in London in about ten days, it was quite evident that the Hamburgers had in the meantime communicated with England, for instead of receiving what I expected, I received a letter signed by all the gentlemen who were at the meeting, repudiating everything, and charging me with having come among them, and knowingly told them deliberate falsehoods. Few Englishmen would quietly have put up with this, and would have answered them probably in not very courteous language, but I was carrying forward a great question, and I am proud to read to you my reply, which is published by Parliament, for gentlemen, I did not allow my temper to interfere in any way with the object I had in view. "I received the letter which has been addressed to me from Hamburgh. But previous to this I had made a report of what had taken place

in the various cities on the Continent. But I will take care that a copy of your letter shall be appended to the report, and that a copy shall also be forwarded to the various cities named. It is a question of human life, and I have no interest whatever in the matter; but Hamburg may rest assured that into whatever hands this question may fall, and by whomsoever it may be dealt with, it will be in a spirit of gentlemanly feeling, generosity, and forbearance, antagonistic to the letter which has been addressed to me from Hamburg." Gentlemen, has there been anything underhand here? It is not for me to say that. But shortly after this, the correspondence of the Board of Trade with Hamburg was moved for in the House of Commons, and something else was laid upon the table. I repeat it. The correspondence of our Board of Trade with Hamburg was moved for in the House of Commons, it was ordered, and something else was laid upon the table.

After this I came to the Hague, and got an introduction to the Member for the Hague, who, it turned out, had commanded a frigate in Japan. I was with him an hour, and he gave me a letter to the Admiralty at the Hague, telling me, "When you get back to London, send me all the particulars, and I myself will bring the question before the States General." I then came to Brussels, still with no introduction, but with truth as my guide. I called at the Foreign Office (at Brussels they have no Admiralty) and stated my case in a very few words. They said, "Will you call again to-morrow morning." I called the next morning and was told, "I am desired by the Minister to inform you that he will immediately telegraph down to Ostend to assemble all the Captains in the port, and when you get to your hotel a letter shall be sent to you, accrediting you to go down on the part of the Government." In consequence of this I went down to Ostend. At an assemblage of all the Captains in the port we went into this case thoroughly, and at the end of our discussion, the Captain-Superintendent rose, and, addressing me said, "Sir, we are unanimously in favour of your propositions, and we think that they ought to be immediately translated into every foreign language." I went on to Paris and presented myself at the *Ministère de la Marine*. But France was, with England, the author of the existing rules; and, finding that there was reluctance to entertain the question, to use the words of Tennyson in his Northern Farmer, "I just coom'd away." I have received a communication from Washington to say "You have sent quite enough to Washington to enable the people here to judge of the merits of the case." And I have also received the thanks of the Minister of Marine at Rio, through their Minister in London.

Having said all this in order to show you the importance of this inquiry, I will now point out to you what was the position of this question when it was first brought under the notice of this Institution. This is a pamphlet "On the Rule of the Road for Steamers," which was issued at that time by the Association for the Protection of Commercial Interests as respects wrecked and damaged property (Lloyd's). There are three diagrams, and explanatory letter press, with A, B, C, and D, with one dot, two dots, and three dots. I will leave it

upon the table for the inspection of any gentleman; but I question whether any senior wrangler at Cambridge could understand it.

Much about the same time there was issued from the Board of Trade, a paper containing a compass within a compass, and 480 questions. The Board of Trade have also issued 10,000 copies of "nursery rhymes," and a catechism. It is a new style of legislation in this country; and when I come to the end of my lecture I shall tell you what those "nursery rhymes" are. Now, how stands this question as regards Parliament? Parliament left it in this way ten years ago, that Her Majesty might on the joint recommendation of the Admiralty and the Board of Trade, alter and amend these laws. You will lay particular stress upon the word "joint," because anything that one does without the other is perfectly illegal. On the 22nd of February, 1867, the Admiralty wrote the following letter to the Board of Trade:—"My Lords Commissioners of the Admiralty having received numerous letters on the subject of the rules and regulations respecting lights to prevent collisions at sea, I am commanded by their Lordships to acquaint you, that they would propose, should the Lords of the Privy Council for Trade concur, to appoint a naval Officer, and to request an elder brother of the Trinity House to meet with him, and consider what mode, if any, can be adopted to lessen the danger of collisions, and whether any change is expedient; and my Lords would be glad if a gentleman from the Board of Trade could join in the consideration of the subject." On the 14th of June the Admiralty again wrote to the Board of Trade:—"Having laid before my Lords Commissioners of the Admiralty your letter of the 3rd instant on the subject of the International Steering and Sailing Rules, I am commanded by their Lordships to acquaint you, for the information of the Lords of the Committee of Privy Council for Trade, that my Lords were, and are still prepared to appoint an Officer to aid in the consideration of the subject, but that as the Lords of the Committee of Privy Council have expressed such strong objections to re-open the case, my Lords do not intend to take any further steps in the matter."

The Admiralty having retired from the case altogether, and the co-operation which ought to exist between the two departments having ceased, surely the time had arrived for the interference of Parliament. Mr. Holland has six times brought the question before the House of Commons, and Sir John Hay twice.

Mr. Holland, writing to the President of the Board of Trade, March 2nd, 1869, says:—

"I must be allowed an expression of regret at your refusal to take into consideration 'the rule of the road at sea,' as brought last week before the House of Commons by Sir John Hay. Your reply to that gallant gentleman cannot be looked upon as satisfactory by any one who has investigated the present working of the rules. Although, like yourself, no sailor, I have been so struck with the frequency of collisions at sea, that I determined upon ascertaining what there was in the regulations admitting of their constant occurrence, and I found that the rules which were enacted in 1862 are framed contrary to the custom of the sea, and the practice of seamen; not with regard to



"steam-ships only, but the rule for sailing-ships, which had obtained for centuries, was altered at the same date. Now had Sir John Hay's request of an enquiry into the causes of collisions been acceded to, this would have been made evident.

"For the last two years and a-half I have paid much attention to the subject of collisions at sea, and I have six times in the House of Commons either moved for papers, or asked questions of Government connected with these Rules of the Road, but on each occasion of my doing so I have received either an evasive reply, or have had a promise—which has never been fulfilled—of the papers being forthcoming after communications (which were pending) had taken place with France and other Governments.

"I now beg to call attention to the fact that the Rules of the Road at Sea, common to other nations with ourselves, have been altered, and amended, without communication with those nations (the Order in Council of August 4th, 1868, is an instance of this), and that, therefore, the grounds on which you declined the consideration of Sir John Hay's suggestions surely are not tenable.

"From the single wish to frame regulations such as may prevent the loss of life at sea to the fatal extent which at present prevails, I pray you, Sir, to give the question of 'the Rule of the Road at Sea' your best consideration."

Mr. Holland, being out of Parliament, the President of the Board of Trade, in answer to Sir John Hay, says, February 26th, 1869:—

"With respect to the question which has been put by the hon. and gallant gentleman, the member for Stamford, the House will hardly expect that I, who am not a sailor (a laugh), should enter into minute and technical points to which he has drawn attention. The rules now in force are, I may add, very simple. They are such that any person may learn them, as a child does a nursery rhyme, in a very short period, and it is impossible that a man sober, in his senses, and not panic stricken by the events of the moment, should not be able to remember and apply them. They are taught to all masters and mates of ships; who cannot obtain their certificates until they thoroughly understand them."

What, I would ask, becomes of the great bulk of the maritime population who are not taught these rules, nor the nursery rhymes, nor their catechism, and know nothing whatever about them?

Again, on April 25th, the President says:—

"From all the advice I am able to act upon, I think it would be very disadvantageous to appoint a committee, and disturb in this country, by inquiry, any question which all maritime countries at least believe to be satisfactorily settled."

Yet, at this very time, the Board of Trade were in negotiation with the French Government, and the communications are very much in the style of the Association's pamphlet above mentioned.

On reading in the Parliamentary proceedings what has been addressed to the French Government, I feel positively ashamed for the honour of my own country. But I go further, and when I find this reply, "*Cet article me paraît dangereux dans sa réponse; il y a là une*

"appréciation qui va bien au delà du texte du règlement international," I say if a proposition has been made to any foreign Government which will bear such a construction, who made it?

Mr. BRASSEY, M.P. : May I ask what the proposition was?

Mr. LACON : I cannot tell; the above is the answer. But I will go further. It is impossible that an Order in Council can be issued without the concurrence of the Admiralty, because, if you recollect, I read to you that the *joint* concurrence of the Admiralty was necessary. But I am going to shew you presently that an Order in Council has been issued. How was it then issued without the concurrence of the Admiralty? I say that the concurrence of the Board was never obtained, that the question was never submitted to the Board.

We will now go back to the Privy Council, and I am going to show you what a dilemma we have been brought into. The Board of Trade applied to the Privy Council for an Order in Council, and the Privy Council write, 11th February, 1868,\* "I have the honour to acquaint you, for the information of the Board of Trade, that I have laid before the Lord President of the Council and the Lords of the Judicial Committee your letter of the 21st of January, enclosing certain memoranda and diagrams, intended to explain to sea-faring men the rules established by the Order in Council of the 9th of January, 1863, and requesting to be informed whether their Lordships see any objection to the official issue by the Admiralty and the Board of Trade of the memoranda and diagrams in question, and I am directed by their Lordships to give the following answer to this question:—

"It does not lie within the province of their Lordships to offer any opinion on the merit of these memoranda and diagrams for nautical purposes. They confine themselves therefore to the obvious remark, that the promulgation by authority of these explanatory memoranda and diagrams would naturally suggest the inference that the existing rules, which have the force of law, are not sufficiently clear and explicit, and that the diagrams by which those rules are accompanied do not accomplish their object.

"In other words, the existing rules are condemned by the course proposed to be taken; and in the eyes of the class of persons whose duty it is to apply the sailing regulations the interpretation would be apt to supersede the enactment.

"The opinion which the Lords of the Judicial Committee have formed on this subject is, however, mainly based on their Lordships' experience as the High Court of Appeal for maritime causes; and it is chiefly to the legal consequences of the proposed 'memoranda and diagrams' that their Lordships have addressed their attention.

"The direct legal consequences would be a nullity, inasmuch as it is admitted that these 'memoranda and diagrams' have no legal authority whatever; but the indirect consequences would, their Lordships apprehend, prove exceedingly inconvenient. It is proposed to place in the hands of sea-faring men two documents, the one purporting to explain the other. If they are absolutely identical in form, it is

“ difficult to see what is gained by this addition. If they are found to vary, however minutely in expression or purport, the commentary, which is of no authority, would, in practice by seamen, supersede the text, which is the law. It would be difficult to make a seaman understand the principle of law by which he would be absolutely precluded from pleading these ‘memoranda and diagrams’ in a collision suit, whilst he would be held liable by the Court for the slightest deviation from the rules themselves.

“ Their Lordships must observe that it appears to them dangerous in principle to attempt to give in an official paper that interpretation of the existing law which appertains to courts of justice only; and no one can tell until a given case arises, and is argued, whether there is perfect harmony between the letter of the rules and these ‘memoranda and diagrams,’ or whether the latter may not contain directions and explanations tending to mislead the seaman.

“ Moreover, it must be remembered that the concurrence of all the maritime Powers has been obtained to the existing rules, which have become therefore at this time the general law of the sea. No such concurrence has been obtained for these ‘memoranda and diagrams.’ They may or may not be accepted and adopted by foreign nations. But if Great Britain were to set the example of issuing an official paper to explain and illustrate her own rules, there is no reason that each of the maritime powers should not do the same thing in other forms, and instead of the uniformity of regulation which has been happily established, the question might relapse into confusion.

“ On these grounds the Lords of the Judicial Committee think that the official publication of these documents is open to serious objections, more especially with a view to the application of that legal liability which it is the duty of courts of justice to enforce in cases of collision at sea.

“ If the existing rules are imperfect they ought, in their Lordships’ judgment, to be rendered more complete by the addition of further rules emanating from the same power as the rules themselves and clothed with the authority of the law. But the interpretation of the rules must, according to all sound legal principles, rest with courts of justice alone, and cannot safely be assumed or anticipated by any administrative department of Her Majesty’s Government.”

Notwithstanding this letter of the Privy Council, notwithstanding the action of the Admiralty; the Order in Council of August the 4th, 1868, was issued explaining the rules, and altering and overriding the interpretation of them, as laid down by the Admiralty Courts both in England and Ireland. This Order in Council has not received the concurrence of the Foreign Powers, parties to the rules of 1863; and on March 9th, 1869, the Board of Trade sent the following instructions to the Foreign Office:—“ In short, it is for each country to act in such a manner as her laws and method of procedure may require, in order to promulgate and give effect to the explanation of the rule.”

The CHAIRMAN: Mr. LAcon, I must ask you to allow me to take the

sense of the meeting, because these statements involve the conduct of two departments of the State. Technicalities are what we discuss here.

Mr. LACON: I am coming to the technicalities, because I have nearly finished on this point. On the 22nd of December last the *Shipping Gazette* says, "That the learned Judge of the Admiralty Court has "adhered to the principles enunciated by Dr. Lushington, and has not "been guided by the Order in Council," and asks "Whether the Law "Officers of the Crown should not be instructed to give their opinion "as to the power of the Government to interpret a statute by such a "declaration as that of the Order in Council referred to."

Now, as the Chairman has suggested to me, we will go into the technicalities of the subject; and first of all I will ask you to dismiss from your minds entirely the question of steam, because a sailing vessel and a steam vessel are two wholly different things. We must first entertain the question of sailing ships, and ask what was the condition of things previous to those rules being issued.

For centuries there had been no written law. The custom and practice of the sea had obtained ever since we were a maritime country—and this custom and practice obtain to this moment, notwithstanding the existence of the rules; eight-tenths of the sea-faring population never having heard of the rules at all, and the remainder probably imperfectly understanding them. Now, what is Sir John Hay proposing? He says, If you must have a rule, make your rule and your custom the same; put your custom and practice into words. When I say that so large a proportion as eight-tenths of the sea-faring population never heard of these rules, is it to be wondered at, when the Navy know nothing about them? Let me quote from the letter of a gallant Admiral in the *Times* of November 27th, 1866. Since I have been connected with this subject, I have never taken any notice of an anonymous writer; but Admiral Ryder, like a British Admiral, always carries his flag at his mast head, and is never ashamed of what he is doing. He says: "I have good reason for believing that the alteration which was made by an Order in Council in the sea rule of the "road in 1863 is not so generally understood by the young Officers of "the Royal Navy and the merchant service as it should be. It is "urgently necessary that the Officers of the watches—who in the "smaller men-of-war may be midshipmen, and sometimes warrant "Officers, should know the existing Rules of the Road by heart, so as "to be able to apply them on the shortest notice. I beg to suggest to "the Officers who have, or who are likely to have, the charge of the "watches at sea in any of Her Majesty's ships, that if they cannot "obtain a copy of the Addenda to the Admiralty Instructions (which "Addenda are out of print), and if they cannot obtain a copy of "the Regulations for Preventing Collisions at Sea (which have been "issued by the Board of Trade, and are supplied to men-of-war on "demand), they would do well to cut this letter out of a copy, of the "*Times* and keep that portion of it which contains the extract from "the existing regulations in their pocket-books for frequent reference; "otherwise, the same fate may await the vessels under their charge

"which overtook Her Majesty's ship 'Amazon,' and the steamer 'Osprey' in the early part of this year."

Now, I was present at the Court-Martial after the collision between the "Amazon" and the "Osprey;" and, standing outside the door, surrounded by the Captain, Officers, and men of the "Amazon," they one and all declared that they had never heard of these regulations, and they supposed if they had been sent on board they had been relegated to the gunner's store. Somehow this came to the ears of the then First Lord of the Admiralty (Sir John Pakington), and he wrote to me to verify it—which I did. Here then was a case of a merchant ship acting under the rules, and Her Majesty's ship acting under no rules at all. Both were sunk, and, besides eleven lives, the country suffered the loss of a fine new ship, fully equipped, besides paying for the "Osprey" to the tune of about £35,000.

Before entering into details as regards the existing rules, and what Sir John Hay proposes as amendments to them, let me call your attention to four points, applying both to the rules for sailing vessels and also to those for steamers. You will notice in both cases the rules begin with the expression—"If two ships." This is utterly wrong; for a man is not only expected to command his own ship, but to be influenced by, if he cannot control, another. Through fog or thick weather, or his eyesight from any cause not being over clear, he cannot tell whether it is green to green, or green to red, and he goes on approaching his object in order to find out!! He finds this out when it is too late, and then probably puts his helm hard-a-port, according to "Cocker."

Sir John Hay says, both as regards sailing ships and steamers, that every vessel shall be a law to herself and mind her own business, and that a steamer having anything on her port or starboard side shall go away from it.

Besides this, there are in both cases "two rules," and it is impossible to say where one begins and the other ends; one vessel may therefore be acting under one rule, and the other vessel under the other. Again, there is the remarkable expression, "If there is risk of collision." What is risk of collision, and how are two men in different ships to know, in order to act upon, what is the risk of collision; because if one thinks that there is risk of collision, he acts according to the rules, whereas the other, if he thinks there is no risk of collision may be acting regardless of them.

The other point is the indefiniteness of language of these rules. It is not a question as to what was the intention of the framers of these rules in using the expression "nearly end-on;" but the law as it now stands by the interpretation and decisions of the law courts is—that a ship having another two points and a half on her starboard side is bound to port and cross the other's path. And the Right Honourable the President of the Board of Trade says, "That it would be very disadvantageous to appoint a Committee, and disturb in this country" "by inquiry any question which all maritime nations at least believe to" "be satisfactorily settled."

I will now read to you the custom and practice of the sea, which

Sir John Hay proposes to put into words, and you can compare it presently with the existing law, and say which is the more simple, or likely to be understood by our seafaring population. You will notice that in Sir John Hay's rule for sailing ships, no mention is made of the helm, and in the rules no mention is made of the word "tack," sailors knowing and understanding nothing else.

"A sailing ship on the port tack shall give way to a sailing ship on the starboard tack; a sailing ship with the wind free shall give way to a sailing ship close hauled. Where two sailing ships, each with the wind free, meet on opposite courses, the ship which has the wind on her port side shall pass to leeward of the ship with the wind on her starboard side."

Now for the rules.

"If two sailing ships are meeting end-on, or nearly end-on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

"When two sailing ships are crossing so as to involve risk of collision, then, if they have the wind on different sides, the ship with the wind on the port side shall keep out of the way of the ship with the wind on the starboard side; except in the case in which the ship with the wind on the port side is close hauled and the other ship free, in which case the latter ship shall keep out of the way; but if they have the wind on the same side, or if one of them has the wind aft, the ship which is to windward shall keep out of the way of the ship which is to leeward."

Then, as if to throw doubts upon the minds of men at the critical moment of action—

"In obeying and construing these rules, due regard must be had to all dangers of navigation; and due regard must also be had to any special circumstances which may exist in any particular case, rendering a departure from the above rules necessary in order to avoid immediate danger.

"Nothing in these rules shall exonerate any ship, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case."

Then, to simplify matters, the Order in Council which has not yet been concurred in by other powers, is as follows:—

"The said two Articles, numbered 11 and 13 respectively, only apply to cases where ships are meeting end-on, or nearly end-on, *in such a manner as to involve risk of collision*. They consequently do not apply to two ships which must, if both keep on their respective courses, pass clear of each other.

"The only cases in which the said two Articles apply are when each of the two ships is end-on, or nearly end-on to the other; in other words, to cases in which *by day* each ship sees the masts of the other in a line, or nearly in a line with her own; and *by night* to cases in which each ship is in such a position as to see both the side lights of the other."

"The said two Articles do not apply *by day* to cases in which a ship "sees another *ahead* crossing her own course; or *by night* to cases where "the red light of one ship is opposed to the red light of the other; or "where the green light of one ship is opposed to the green light of the "other; or where a red light without a green light, or a green light "without a red light, is seen ahead; or where both green and red lights "are seen anywhere but ahead."

You may laugh; but that is the law.

We will now pass on to steamships, the rules being the same, with the exception of the two following, which must be substituted for the two first rules quoted above:—

"If two ships under steam are meeting end-on, or nearly end-on, so "as to involve risk of collision, the helms of both shall be put to port, "so that each may pass on the port side of the other.

"If two ships under steam are crossing, so as to involve risk of collision, the ship which has the other on her own starboard side shall "keep out of the way of the other."

Sir John Hay, acting in the spirit, although he is no longer able to follow in the letter of the custom and practice of the sea, has put forward the following simple and concise rule:—

"A steamship having another

"end-on shall port,

"on her port side shall port,

"on her starboard side shall starboard, and stop."

I beg of you to keep your eyes upon this rule during the various illustrations which I am about to put before you, because, if as a safe rule or guide, it should fail in any one case, I am prepared to abandon it. It will be noticed that if a vessel has another on her port side, she may go on in safety, because, should the other be crossing her path, or presenting her starboard side, or green light, she (the latter) would be bound to turn away and *stop*. For the same reason, if a vessel has another on her starboard side, she should turn her head away, and be prepared to stop, because if the other is crossing her path, she must be presenting her port side, and red light, and is entitled to pass on.

To port the helm and go to the right is the rule, and starboard the helm and go to the left the exception, the one involving safety, and the other danger and caution.

Sir John Hay says the helm, and not what you see, is the first consideration, and that were such a law to be passed, any vessel hereafter striking another with her stem ought to be condemned.

Diagram No. 2 represents what happened to myself, coming over from Antwerp in a dark night. We saw a steamship on our port side, we came together, and we sheered off. Presently we came together a second time, and we sheered off. Then we came together a third time, and sheered off again. Once more we tried it on, and sheered off again, and I do not know what became of us afterwards, for I went to bed; but Sir John Hay says that the steamship having another on her starboard side, shall starboard and *stop*.

Diagram No. 3 represents the collision between Her Majesty's ship

"Amazon" and the "Osprey." The sea was perfectly smooth, with a slight breeze from the north-west. These vessels saw each other five miles off, and as the "Amazon's" fore and aft sails were lifting, and she was going out to the West Indies, the officer of the watch (Sub-Lieutenant Loveridge) starboarded her helm, the look out man shortly after reporting a light two points on the starboard bow; and I would ask any gentleman present if a ship was not entitled to do this—whether the seas would be navigable? I will tell you what afterwards happened; but the following is the decision of the Court-Martial:—"That the collision was occasioned by a grave error in judgment on the part of Sub-Lieutenant Loveridge, the officer of the watch, in putting the helm of the 'Amazon' to starboard instead of to port when first sighting the light of the 'Osprey' (the two vessels being then five miles apart) in contravention of the regulations for preventing collisions at sea." Sub-Lieutenant Loveridge was cashiered, but recommended to mercy. The finding and sentence were ordered to be read on board all Her Majesty's ships in commission. Now what did the "Osprey" do? She is acting under the rules, and she sees the "Amazon" end-on or nearly end-on, and ports her helm, (these vessels are very fast,) and presently she is steering, not by her compass, but by the light of the other vessel (the "Amazon"), and before the collision, was actually almost at a right angle to her course. They soon come into the position indicated in Diagrams 1 and 3, and Sir John Hay says, "that a steamship having another on her starboard side shall starboard and stop," but the Sub-Lieutenant of the "Amazon," (who was cashiered for starboarding,) thought he could go under the stern of the "Osprey" and put the "Amazon's" helm hard-a-port, but he couldn't; the "Amazon" struck the "Osprey" on her port quarter, wrenched off her own prow, which had been specially constructed for ramming, and both were sunk. Mercifully the water was very smooth, or hundreds would have been drowned, instead only of eleven. The poor captain of the "Osprey" told me that his children, who about an hour before were dancing upon the deck, were all drowned. I shook hands with him, and pledged myself that I would never leave the subject until I had brought it before the country. Yesterday an honorable Member met me, and asked if I was well up in the statistics of the "loss of life and property," but I told him that I wanted no statistics, for if one life was lost through any defect in these laws, Parliament was bound to amend them.

I have told you that the "Osprey" was acting under Rule 13, the "Amazon" was acting under no rules at all, because they had never heard of them. If they were sent on board they were sent—(Captain COLOMB: They were in the Addenda at the time on board the ship.)—I am only giving you what I was called upon to verify, and I did verify it. The Officers and men told me they had never heard of the rules.

We will now take another case, the "Bhima" and the "Nada" (Diagram No. 4). The "Nada" was coming up the Red Sea, and the "Bhima" was going down. The "Bhima" had the "Nada" on her starboard side, and when they were within 600 yards of each other,



she put her helm hard-a-starboard. The "Nada" saw the "Bhima" "end-on or nearly end-on," and she ported. In the case of the "Amazon" and the "Osprey," the "Amazon" put her helm hard-a-port; but now the "Nada," put her helm hard-a-starboard, struck the "Bhima," and sunk her, simply for want of Sir John Hay's rule, "that a vessel having another on her starboard side, shall starboard and stop, and let the other vessel pass." This terrible calamity occurred at half-past seven in the evening on a fine night. The passengers of the "Bhima" had been dancing on the deck just half an hour before; and by that unfortunate collision seventy-nine people were drowned. I say it is a justification for me or for anybody else to force this matter upon the attention of the Legislature of the country.

I will take another case, Diagram No. 5. H.M.S. "Euphrates" going up the Red Sea saw the "Surat" coming down. The "Surat" was a Peninsular and Oriental steamer, carrying the mails. The "Euphrates" had the "Surat" on her starboard side; and the "Surat," seeing the "Euphrates" "end-on, or nearly end-on," ported her helm. But the Captain of this ship was a judicious man. He would not drown his passengers or lose his ship. He *stopped*, and let the "Euphrates" go past, which she did at full speed. He sent in to the Peninsular and Oriental Company a report of what the "Euphrates" had done, and the Captain of H.M.S. "Euphrates" made an apology to the Company. The "Surat" was on the right tack, and had the other on her port side, and was entitled to cross the other vessel's path. Instead of that, the "Euphrates" went across her path at full speed. We want a law (that of Sir John Hay) "that if a vessel has another on her starboard side, she shall starboard and stop, and let the other vessel pass."

Further, to show the operations of these laws, this is what takes place in my own country. Diagram No. 6 represents a rough plan of Yarmouth Roads. A vessel is coming in at the Cackle. It is no supposititious case. I have myself seen after a northerly gale, twenty-eight large steamers following each other in succession. This vessel wants to get out at St. Nicholas Gat. She sees one vessel, and if she acts according to law, she must port, she must port to the second, and she must port to the third, and so on in succession. But according to Sir John Hay's rule, she may go anywhere she likes. If she is under starboard helm, she must be prepared to stop, and let another vessel pass, which is under port helm.

Admiral HALSTED: How do you apply the terms port and starboard helm?

Captain COLOMB: Do you mean that she has got her helm over?

Mr. LACON: I should have said, "having another on her port side or on her starboard side." In making a law that a vessel shall port, if she has another on her port side, it does not follow that she should move her helm, unless there is necessity to do so.

In the same way, if you see another vessel's green light on your starboard side, although Sir John Hay says, "a steam-ship having 'another on her starboard side, shall starboard and stop,' it cannot in this case be necessary to stop, but if you are not sure, if it is foggy,

and you cannot make out what you have on your starboard side, surely it is better to stop than have a collision.

Admiral HALSTED: When a vessel is on my starboard side, is that the same as having my helm a starboard?

Mr. LACON: Certainly not. But if you have got another on your starboard side, you shall starboard and stop if you are not certain of what you are doing.

Admiral HALSTED: Very good; that makes it simpler.

Mr. LACON: Because every case of collision occurs by one vessel running into another with her stem. But according to this plan of Sir John Hay, if two vessels do collide, they would collide broadside to broadside; and we are perfectly agreed upon this, that if in future any vessel should strike another with her stem, she ought to be condemned.

Mr. THOMAS GRAY, Assistant Secretary of the Board of Trade: I should like to ask one question. I do not know whether Mr. Lacon is going to give us time to discuss anything that he has said. I am afraid the time is getting short.

Mr. LACON: I will finish, then, because the other points, though really points of very great importance, have been discussed with the Cinque Port pilots.

I said I would lay before you the "nursery rhymes" which have been mentioned in the House of Commons by the President of the Board of Trade. 10,000 copies have been issued by the Board of Trade, and they have been translated into Danish, German, and Italian, as the "British verses." I do not understand Danish or German, but I do understand Italian, and of all the extraordinary poetry that ever I read in my life, when it comes to be Italian, I think I never saw anything like it. Here is a copy of these rhymes, which have been put into the hands of the illiterate population of the Norwegian and Swedish coasts.

Mr. BRASSEY, M.P.: Is that done by order of the Board of Trade of England, or by the order of some other authority?

Mr. LACON: I cannot say whether they were ordered by the Board of Trade of England, but they were issued from the Board of Trade, and sent to all the outposts.

Mr. BRASSEY: If copied into a foreign language by naval authority abroad, it would seem to imply that that authority approved of them.

Mr. LACON: I am glad it is a member of the Legislature who asks that question. It is impossible for me to trace how it has been done; but I will ask you to allow me to read them.

"Meeting steamers do not dread,  
When you see three lights ahead,  
Port your helm and show your red!  
Green to green, and red to red,  
Perfect safety—go ahead!

"If to starboard red appear,  
'Tis your duty to keep clear;  
Act as judgment says is proper  
Port, or starboard, back, or stop her!

"But when upon your port is seen,  
A steamer's starboard light of green,  
There's not so much for you to do,  
The green light must keep clear of you.

"Both in safety and in doubt,  
Always keep a good look-out,  
In danger, with no room to turn,  
Ease her! stop her! turn astern?"

Now *Punch*, who is a very clever fellow, and says a good many things very much to the purpose, says with reference to this:—

"Meeting steamers do not dread,  
When you see three lights ahead;  
Port your helm and go to bed!  
And if you're smashed, what can be said?"

And, in searching for information to lay before you, I copied the following from a lecture given by Mr. Napier, F.R.S. He says:—

"Meeting steamers I'll not dread:  
When I see three lights ahead  
I'll port my helm and show my red,  
And if I'm smashed, what can be said?"

"Green to green—so it's said—  
Is perfect safety—go ahead!  
But if the lubber port, I say  
A collision's likely—Thomas Gray."

I have exhausted my time by a long way. I should like to have gone into points, such as "lights astern" and "danger lights," which are very important, and which have been approved by the Cinque Port Pilots and the French Government. But the result of all that Sir John Hay is going to propose to-morrow night is—and you will see the importance of it as bearing upon the illiterate sea-faring population of the country who have to work them—that these rules are to be reduced from 749 words to 144.

A VISITOR: As a sailor, I must say there never were such barbarous rules made in any intelligent country.

Admiral HALSTED said he sympathised strongly with the benevolent objects of the lecturer, and pronounced the rules as barbarous and defective.

MR. THOMAS GRAY: Mr. Chairman and Gentlemen,—I have listened with very much pleasure to Mr. Lacon's diverting lecture. I think he does owe me something in having been able to use my verses to lighten up what otherwise would have been a very dull affair. But I take strong exception to the manner in which Mr. Lacon has treated this subject throughout (No, no). But I do. And I have a right. Mr. Lacon has read extracts from Parliamentary papers, but he has not read the whole of the paragraphs bearing upon the points. Mr. Lacon has told you in effect that the Board of Trade sent this Order in Council to the Council Office without the consent of the Admiralty. Now what is the fact? (MR. LACON: I said that "the concurrence of the Board was never obtained, that the question was never submitted to the Board.") If the notes are correctly taken, I think you will find that in substance what I say is right. At any rate, let me finish what I was about to

read —“ Admiralty, 14th July, 1863. Sir,—Having laid before my Lords Commissioners of the Admiralty your letter of the 6th inst., requesting their statutory concurrence in the Order in Council proposed to be issued on the subject of the Rules of the Road at Sea, I am commanded by their Lordships to express to you their concurrence in the same. I am, &c. Signed H. G. Romaine. To the Assistant Secretary Marine Department, Board of Trade.” The Board of Trade are required by Statute to obtain the concurrence of the Admiralty before they can recommend Her Majesty by Order in Council to move in the matter. And the Board of Trade did obtain that statutory concurrence, and that statutory concurrence is in that letter which was in Mr. Lacon's hands, and he never mentioned it. I think it right to point this out, because otherwise you would have assumed that the Board of Trade had gone against the advice and against the wishes of the Admiralty. The truth is, as every one can see for himself, that the Board of Trade and the Admiralty and the Trinity House are now thoroughly at one on the subject. I am not here to defend the Board of Trade. It is not often that in this Institution opportunities are taken to attack the public departments. The Board of Trade can take care of itself. I am merely about to point out to you one or two other omissions on Mr. Lacon's part. Mr. Lacon referred to a French reply which is in the papers. He did not tell you that that French reply was not an objection to the Rule of the Road at all. It was an objection to an answer in what was called a catechism, and he did not tell you further that, after the French had objected to that one point of the catechism, the catechism was amended and sent back to them, and then they approved of it, and do approve of it at the present moment. It is too much the fashion of many gentlemen to speak of the Rule of the Road at Sea as being made by one department of the State. Whereas the fact really is, that the Rule of the Road at Sea was not made by one department or made by one State, but has been made by competent departments in every maritime State in the world. And those maritime States agree to maintain it as it is. It is useless for me to follow Mr. Lacon through the quotations from his papers, or through the cases he has given you. I am very glad to see that he has discussed these rules which are technical, in an Institution like this, where technical points can be discussed, and I hope he will give us another night on which we can really go into the technical part of it, taking to-night as a mere preamble. If we do so, I think, although I am not a sailor, I can show you that his rules are wrong mathematically, and that they must inevitably lead to collisions instead of preventing them.

A VISITOR: Pardon me, if you are not a sailor, and many gentlemen who are sailors who have left the room, have expressed themselves strongly pleased, why do you make that observation?

The CHAIRMAN: The discussion must not degenerate into a conversation. We shall be delighted to listen to you after this gentleman has done.

Mr. GRAY: I must claim the protection of the Chair. The fact of my not being a sailor will give to the gentleman who has interrupted me, if he is a sailor, the power of refuting more easily what I may say.

Sir GEORGE HODGKINSON: I wish to make one or two remarks. I think Mr. Lacon is entitled to very great praise, but I am sure the approval of his own mind will be his best reward. I believe there can be no subject upon which a man can better bestow his talents than the subject which Mr. Lacon has taken in hand for some years past. I had the pleasure some few years ago of seeing Mr. Lacon on the subject. We have not met since that period. Mr. Lacon knows that I have taken a deep interest in this matter. For two reasons, I think Mr. Lacon is entitled to a great debt of gratitude, on the score of humanity, as well as that it is a matter of policy for the country. The loss of property at sea belonging to this country is probably nearly £100,000,000 a-year. The loss of life I do not know, but it is very large. You see, therefore, it is not only a question of humanity, but it is a question of national importance. I do not say how much of that loss is caused by the want of a Rule of the Road, but the tendency of people now-a-days is to carelessness. And whatever can simplify the rules, or the instructions for men to follow, would be a very great advantage. Many people think that we have too much legislation; and some think that we have not enough. I believe the majority would think that if there is to be any legislation on this subject, we ought to have still more. If the

Rule of the Road could be simplified in some way, it would be desirable, though many persons are of opinion that if sailors would act on the rules which previously existed, they would do much better than they do now. Certain I am that greater care would be taken, for Jack is careful of his own life; but he does not care so much for other people's property. That is, his tendency is to carelessness, and if you had to pay claims as we have had to pay, something like £100,000 in one year, chiefly through their carelessness, you would feel interested in the subject, and desire that something should be done to simplify the way in which people go on. We have in so many cases to deal with widows and orphans, that it makes the duty extremely onerous, and me extremely sensitive. Two years ago I addressed to Mr. Bright three recommendations, a Rule of the Road for rivers, the navigation of barges on the River Thames by steam, so as to make the highway practicable, because it is no longer what it used to be; and also the criminal punishment of mariners in cases of culpable negligence or carelessness, especially when loss of life has occurred. I suppose Mr. Bright would kindly take notice of anything I suggested, and a communication was made to the Conservators as to a Rule of the Road for rivers, and I believe they last year re-enacted the Rule of the Road with regard to the Thames. I could illustrate many cases where people have been going wrong without the slightest knowledge. There are two vessels that I instanced, the "Velocity" and the "Carbon," to show how little the rule is understood, and what a necessity there is for some positive rule. At the trial at common law, the jury found for the "Velocity." On the case being taken to the Admiralty Court, the decision was in favour of the "Carbon." On a motion for a new trial in the Court of Exchequer, the verdict of the jury was upheld. I said "Permit me now to acquaint you that the Privy Council have reversed the decision of the Admiralty Court, having decided in favour of the 'Velocity,' thus rendering decisions at the common law totally at variance with that of the Court of Admiralty." Then the Board of Trade wrote to me, and asked me to furnish them with statistics upon which I based my statement, that the Rule of the Road was attended with loss of life and property. My reply to that was, to refer to the want of unanimity in the decisions of the cases of the "Velocity" and "Carbon." Now, with regard to criminal punishment, I quite admit that, in these days of progress, every man works to get money. As a steamship owner said to me, "If we stopped at every light we saw, we should never get to London," and owners would not like to see their men punished. But I do not see any reason why, if your coachman knocks a man down in the street, and is treated criminally for it, and if he is guilty of negligence, he is punished, the same law should not apply to seamen. We have a law, but common juries cannot be got to apply it. They will not use it. What we want is a public prosecutor, and until we get that I do not think much good will be done. The Government do not wish to appoint one. I do not allude to the reasons why they do not. But I think until somebody is appointed in the shape of a public prosecutor, you will find carelessness go ahead in the most painful way. After what I have said, you will not be surprised that I think the lecturer feels on this matter as a human being, as I do, which you may believe when I tell you that my pecuniary interests are against amending this state of things, because a great part of my occupation arises through the carelessness of sailors. I feel, however, that carelessness is so increasing with navigation that whatever degree of perfection you may attain by legislation, you will still have a vast deal of mischief going on.

Mr. TRAILL: I should crave your indulgence for two minutes, and I hope what I have got to say will have some weight. Having had some dozen years' experience, afloat, and having the acquaintance of many able naval Officers, I am happy to be able to say in contradistinction to Mr. Lacon, that I do not know one naval Officer who does not know the Rule of the Road thoroughly. Having had very much intercourse with the mercantile marine of the world, and being daily and hourly in intercourse with Captains and Officers, I can only say this, that no people can wish for the Rule of the Road to be more perfect than they can; and I have heard them universally express their opinion that they should be sorry to see any such alterations as Mr. Lacon would wish, and they expressed themselves satisfied with the present Rule of the Road. That man must have a very mean comprehension who cannot understand it. As regards those nursery rhymes, I can only say that the

superintendents of all the best Companies in this country have ordered from the printers some thousands of copies of them, and have distributed them gratuitously among their Officers, considering them one of the best aids to memory to guide them and keep them out of collisions.

Commander W. DAWSON, R.N. : The gentleman who has just sat down said that he is not acquainted with any Officer who does not understand these rules. I am sorry that I have not the honour of that gentleman's acquaintance, or he would not be able to repeat that statement. I rise because I do not understand the present manifold Rules of the Road at Sea. I have heard a great many lectures on the subject, and I have read a great many pamphlets, and though I have heard another lecture this evening, I am free to say that I do not yet understand all the various applications of these manifold rules. My capacity is not perhaps very large, still I do not think it is below the ordinary run of our seaport population, and I really find these numerous rules exceedingly difficult to comprehend. I have no doubt that if I were to sit down and really try to study them, that I should be able to understand them as well as the differential calculus, or that if I had large experience of their use, I should be quite conversant with their practical application. But I mean to say that I cannot understand all their bearings off hand, and that they cannot be fully understood without that attentive consideration and close study which I do not think it should be necessary for seamen to give in order to comprehend a common every-day sea rule. I am extremely sorry that Mr. Lacon has thought it necessary to allude so much to the different public departments. I was very sorry indeed that some member checked Mr. Gray in the answer which I think he might have given with some little severity and yet with much truth to the animadversions which were made on the Board of Trade. I do not think that those remarks were at all necessary; whilst they rather diverted our attention from the subject before us. I do not wish, therefore, in any remarks of mine to say anything which would reflect upon any public department or upon any official personage. But I think as honest men standing up in this theatre, we ought to speak honestly what our mind is as to the effect of these numerous Rules of the Road at Sea upon collisions. In the good old time there was an idea that the man who was placed in charge of a ship was the proper person to command her. Now, however, there is an idea that the people who are to manage ships afar off on the high seas, are the persons who sit at comparative ease in certain offices at Whitehall. Those gentlemen who sit at a table in an office undertake to tell Commanders of ships what they are to do with their vessels under every conceivable circumstance. The old rule left it entirely to the judgment and seamanship of the Officer to get his ship out of difficulty. All that was laid down for him was one or two general principles, such as—"If you are on the starboard tack you are to hold on your course. If you are on the port tack you are to give way." The Captain of one ship was not to care what the Captain of the other ship thought, or to study how the other ship was to be managed. Now-a-days that is not the case, but every Officer is expected, with hands tied by a set of absolute rules, to command two ships instead of one. He is expected to command his opponent's ship as well as his own vessel. He has to judge of what his opponent is thinking of, and of what his opponent wants to do before he thinks of what he is going to do himself. This appears to me altogether an error in principle. If a principle were laid down by which the attention of each Captain could be exclusively devoted to the movements of his own ship, he would only be required to study the relative position of his own vessel, irrespective of what was passing in the mind of the Commander of the other ship; that would simplify the problems very much. And if that principle could be brought down to the simplicity of the old rule, which was in operation in my boyhood, experienced seamen would not have to sit down to study with so much laborious attention a large number of absolute rules, and to cram their heads with nursery rhymes. Even after a number of absolute rules are understood, it is not easy to determine in a moment on a dark or tempestuous night when a vessel is running very close towards you, and an error of memory might be fatal, which of the nine or ten rules is to be acted under. Acting thus, not on his own judgment and skill but upon memory, the Officer of one ship might by luck hit upon one rule, and his opponent think the case came under another of the nine rules. Even lawyers and judges sitting quietly in arm chairs at Westminster find it often

very difficult to determine that which illiterate seamen are expected to decide off hand in dark nights at a moment's warning with imperfect knowledge of what the other ship is doing. Indeed the decision as to which of the nine rules is to be followed in a given case is rather a lawyer's than a seaman's question. Seaman-like skill is to be thrown to the winds, and the memory of an Order in Council and its official explanations and illustrations is what has alone to be considered. There are many reasons why collisions should multiply under such circumstances. The fact that it requires all these official explanations and official illustrations and so many Orders in Council, and all these lectures to make the present Rules of the Road at Sea understood, even by educated men, shows the difficulty of understanding them. Remember that, in addition to all these official printed explanations, it was necessary for a very high Officer of the Board of Trade, a most intelligent landsman, to go down to the East of London and to personally explain these rules to a seafaring population. I believe that that semi-official explanation was very clear indeed, and that those sailors who heard it understood the rules much better in consequence. But then every seaman was not present. There are somewhere about 50,000 masters and mates in the mercantile marine, and a great many Officers in the Navy. They were, unfortunately, not all in that East-end room, and, therefore, they could not all have the benefit of these personal semi-official explanations. Rules which require explanations upon explanations, whether by word of mouth or by Orders in Council, or by pamphlets, stand condemned by the very necessity of such verbiage. It is not necessary that the rules themselves or the explanations should be wrong, in form, to cause their removal. Such rules and explanations and nursery rhymes might be most valuable in a popular book on seamanship to instruct young men in the elementary portions of their profession. But when such rules and explanations are elevated into hard and fast laws, and are given a legal status, they assume a very different position from that of a midshipman's catechism. They then cease to be advices to young apprentices, and become destructive of all seamanlike experience and skill. Suppose Colonel Henderson were to draw up such precise and absolute rules by which cabmen were to guide their cabs in crossing Oxford Circus, what confusion and collisions would take place. He would have to draw up at least nine or ten rules. But he does not do anything of the kind. The Commissioner of Police supposes that a cabman knows how to drive his cab, and he merely lays down one or two general principles; and he then leaves the cabman to exercise his skill as a driver in getting out of the difficulty in the best way he can. That was the case also at sea in the good old days. We were then told which of the two ships should give way, and that vessel was to get out of the way in such manner as the seamanlike skill of her Commander might determine. But now-a-days a gentleman in a public office on shore sits down at his desk to tell sailors what they are to do under every conceivable circumstance in dark nights at sea. The whole thing appears to me erroneous in principle.

Captain CURME, R.N.: I wish to be considered as speaking merely as a Naval Officer, and not authorised by Lloyd's. I have only lately given up the command of an Indian troop ship, which I had for three years. Whether I understand the rules or not, is for other people to say. I think I do. There may be better ones, but I have never read them. I certainly do not think Mr. Lacon's are. I believe I know our present rules well, because I had taken a great deal of trouble to get them up; and the having commanded one of the Indian troop ships, will be admitted by some of you present to give the right to speak as with some experience. I believe also that the Order in Council of 1863 was a most excellent thing. It struck at the very root of mistakes. Mr. Lacon made a strong point of the detail of "green to green and red to red," &c., being entered into, but it was necessary to do this fully to show people that there are a great number of cases in which it was supposed necessary to move the helm when it was not. All cases are there shown in which it is not necessary to touch the helm, and these being eliminated, it is made plain that there are *very few* cases where it is necessary to touch the helm at all. The Order in Council put this in the plainest language. I consider that every unlearned sailor owes a debt of gratitude to Mr. Gray for those nursery rhymes which have been made so much fun of, because they are excellent for the purpose of helping people to commit the rules to memory. I

cannot tell you how the instructions can be amended. I thought I could six years ago, but I do not think so now.

Captain COLONN, R.N.: Unfortunately I have a good deal to say on this subject; but on this occasion I will not say it. I think, however we may agree with or differ from Mr. Lacon in his views, we must all be quite agreed that he has done his work to-night uncommonly well. I think myself that in those years that he has spent in agitating the subject, he might have effected a great deal more real good than he has done. I cannot say whether it is his misfortune or his fault, but he has the credit of being more an upholder of a particular set of rules of his own or others' devising, and less an upholder of a call which was very strong a little time ago, namely for an inquiry. I am afraid that the urging of a particular set of rules upon a Government department had the effect of checking a full inquiry into the whole subject, and I, having myself made a very extensive—I may say also, a very extended—inquiry into the matter, am quite persuaded that until there is full and complete inquiry held, and a report authoritatively issued by Parliament or some other competent body, we shall perpetually have these questions arising, and we shall have continued disagreements as to what ought to be and what ought not to be the Rule of the Road, and a constant increase in the number of collisions. Now I do not speak altogether without book. Before the loss of the "Amazon" and the "Osprey," it was my duty to go into this question of the Rule of the Road officially, not as to altering the rules, but because I discovered that the then Admiralty Rules, and the Board of Trade Rules, so to call them, exhibited a great discrepancy, and the question was whether our Admiralty Rules should be retained with the Board of Trade Rules, which had already been authoritatively issued to the Navy or abolished. In the middle of this inquiry came that wreck. After that time Captain Brent and I examined all the collision cases which had been tried in the Admiralty Court for the ten previous years, and since then there is hardly a collision case which has been reported in the public press which I have not examined and analysed. It is my habit to this very day every morning to read in the columns of the *Shipping Gazette*—where there is a perfect mine of wealth of that kind—to read the collisions reported since the previous day. In this way I have arrived at some very distinct conclusions. One is that the danger point for ships meeting is, as I have drawn it on the diagram, when their courses differ and cross at an angle of two points; the situation then exhibits the maximum danger, as ships whose courses cross at less than two points, as between those whose courses cross at more than two points. Then I have come to another very distinct conclusion. The facts which precede collisions are almost invariably these:—"X," as you see, observes a ship, or a light a little on her port bow, and she immediately ports. "Y" sees a ship or a light on her starboard bow, and she immediately starboards. These measures are taken as a matter of precaution. The result is, that they remove the point where the courses are crossing further to the right. But in doing that, both ships, as they are advancing, draw nearer to that point, and are getting into greater danger. Whether these be two steamers, two sailing vessels, a sailing vessel and a steam-vessel, these are the facts which generally precede collisions. We may look at what the number of the collisions are. These figures I have taken from the publication of Lloyd's Statistical Committee. They are worth notice. In 1866 there were 1958 collisions reported, of which 193 ships went to the bottom. In 1867 there were 2062 collisions reported, and 185 ships went to the bottom. In 1868 there were 1923 collisions reported, and 169 ships went to the bottom. In 1869 there were 2185 collisions, of which 157 ships were destroyed. The figures for 1870 are not yet obtainable.\* I think simply on that statement of figures, without going one step further, you see that there ought to be a thorough inquiry into this subject. Not the adoption of any particular writer, not taking up this idea or that idea, but to go directly to the fountain head, ascertaining, classifying, and setting out exactly how the collisions occurred, and then we shall be able to apply a remedy, but not before. At present it is not known, and it is not considered generally, how collisions occurred, and that is for the very simple reason

\* The figures for 1871, not yet published, but since kindly furnished to me by Mr. Jeula, are—collisions, 2561, ships sunk, 176.



that it requires a great deal of hard work to get at it, and there are few people who have sufficient interest in the matter to take the subject up in that careful way. Now on the question of the Board of Trade action as to the rules, I hold it to be right in one respect; while, on the other hand, I greatly regret it. Before the explanations were issued in 1868, the Board of Trade had it in their power to have opened the question, and to have appointed, as the Admiralty wished, a Committee of Inquiry, who would have gone into the whole matter. Instead of that they did what I cannot altogether condemn, as I think it was a move in the right direction. They issued an explanation tending greatly to limit the indiscriminate use of the port helm, which was before that one of the greatest causes of collision. But when the Board of Trade issued the explanations, in terms, so to speak, of the lights carried by the ships, they ought at the same time, without a moment's delay, to have looked into the question of this carrying of the lights. That they did not do in any efficient way until last month. I must say in the orders that they have now issued to their surveyors, they have gone a great way, quite as far, perhaps, as any apparently larger description of legislation could have gone—I say they have gone a great way towards limiting the number of collisions by night. It is important to understand that it is by night that we want to limit the collisions. Ships are very seldom sunk in the day time. Two-thirds of the collisions that happen occur at night. Those collisions which happen in the daylight are attended with minor damage, and loss of life is rare. But at night the heavy collisions occur, and the greatest loss of life takes place. The Board of Trade have issued instructions to their surveyors, which go far towards restricting the law of port helm in a still greater degree. But it is not yet quite right. There is a growing danger that the law of "port-helm," that is, the indiscriminate porting of the helm, will become again the custom, unless the greatest possible care is taken of it. Only the other day in the Bristol Channel there were two ships, the "Leopard" and the "Northumberland." The "Northumberland" saw three lights very nearly right ahead, and in obedience to the order, she put her helm to port. The "Leopard," on the other hand, saw only a green light on her starboard bow; she did nothing; there was a collision, and the "Northumberland" was necessarily condemned in the Admiralty Court. All that remains to seamen of this judgment is, that it is still as ever, a safe thing to put the helm a-port. That judgment followed from a faulty fitting of the lights; and the danger of making your law in terms of the lights, is the difficulty of getting your lights to comply accurately with the law. Another point with reference to the explanations. Mr. Lacon stated that the Admiralty Court had refused to recognise the explanations. I think that is a strong term. I know two or three cases where a ship has been condemned by the Admiralty Court, for not porting her helm recently, where, if the explanation had been taken as the rule, they would not have been condemned. And though it is a strong term to say that the Admiralty Court refused to recognise them, it is not too strong to say that they are not yet sufficiently binding upon the Admiralty Court. The consequence, of course, in such a case as the "Leopard" and the "Northumberland," and the "E. S. Webb"—a very well known case—the tendency of both those cases, when the ship which ports is exonerated in the Admiralty Court, is still to encourage seamen to put their helms to port. I regret the Board of Trade action so far, because I think if they had inquired, they might have succeeded in obtaining a sound law, which would have bound the Admiralty Court, and about which there could be no doubt whatever.

The CHAIRMAN: Our time is past, and unless any other gentleman wishes to address the meeting, I will call upon Mr. Lacon to reply.

Mr. LACON: I have no other answer to make but this, that I do not advocate any particular rules. I have brought this question before you; but there is an honourable member present to-night who knows that for the last eight months I have been urging the question of inquiry. Through him I have urged upon Her Majesty's Government to appoint a Royal Commission, because if you have a Royal Commission you can appoint upon that commission such men as Sir Alexander Milne, a man who occupies a very high position as a naval man in this country. The Government has not done so, and the question comes on in the House of Commons to-morrow night; Sir John Hay's motion is only for inquiry.

The CHAIRMAN: Allow me to return your thanks to Mr. Lacon. If only on the

humanitarian side of the question, the importance of the subject cannot be over-rated. There is no doubt that great good will follow from a full discussion of the subject.

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NOTE.—Mr. Lacon wishes to insert the two following rules, of which Sir John Hay has given notice in the House of Commons. There was no time to introduce them in his lecture, but they have received the approbation of the Cinque Port pilots, and the first also the concurrence of the French Government.—ED.

*Lights Astern.*

“Any vessel with fixed lights under weigh, seeing the lights of another approaching, where her own lights cannot be seen, shall exhibit or wave a white light until such vessel has passed.”

*Danger Light.*

“Any vessel ashore or aground in any channel or fairway, shall extinguish her fixed lights, and shall exhibit two white lights, placed horizontally about 3 feet (1 French metre) apart, at the same height from the deck as the anchor light above enjoined to be carried.”

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