

# Traffic laws way back when the penalty for parking was death

Traffic control did not come into being with the advent of motorised vehicles. It was already in existence in the ancient Eastern civilisations, although in much simpler form. In Ninive in Mesopotamia, for instance, there were traffic signs in the form of clay tablets bearing hieroglyphics, on both sides of the paved procession streets which led to the temples and other places of worship. They warned that anyone who dared to leave a vehicle there would be liable to pay the death penalty. These clay tablets can be regarded as the predecessors of the present-day traffic signs.

Traffic problems next existed for the city administration of Rome. There was already a traffic ordinance here which dictated that only gentlemen employed in public service, priests, priestesses of the vesta and visitors from other towns were permitted to travel about in the streets of the town in wheeled vehicles from the sixth to the sixteenth hour of the day.

The right was shared for a time by the ladies of the town, who on festive occasions were allowed to drive through the streets of the town during the daytime in a *carpentum*, which was a decorative two-wheeled vehicle drawn by two horses. This, however, only applied to honourable ladies - ladies of doubtful repute were excluded. This concession, however, was withdrawn again by Julius Caesar since traffic conditions in the streets of the town became increasingly difficult. If any men who were not among the privileged users of the streets wanted to use a vehicle within Rome during the daytime, they had to obtain permission from the senate. This, however, was only granted very seldom.

Goods could only be transported during the night, for, as was the case in most of the large towns of antiquity, Rome belonged to the pedestrians during the day. The exceptionally narrow and moreover crooked alleys were a favourite haunt of the Romans who were dedicated to the good life.

The traffic ordinance was in force for 400 years. An indication of the extent of the noise during the night is given by Rome's poet Juvenal (approx. 58 – 140 A.D.) when he asks: "How is sleep possible there? The carts which rattle through the narrow streets and the curses of the drivers when they have to stop, would keep a sea-cow from sleep or even the Emperor Claudius himself."



After the fall of the Roman Empire in 476 A.D. nobody bothered about the upkeep of the roads. The Germanic tribes who had taken over do nothing about it. The roads, however, had been built to last and they did not fall into decay. The inheritors of the Roman road network in Germany (or Germania as it was then called), the Merovingian and Carolingian dynasties, recognised the fact that they could only ensure their economic strength and protect the existence of their state if they had good roads.

The beginners of a traffic control system began to grow up. All aliens, i.e. all those who were not resident within those particular borders, were forbidden to use any roads but the military highways. The main reason for this was in fact a financial one, for a toll was exacted on the military roads.

In about 1220/30 therefore, it came about that the oldest right of way order was laid down, which said:

"The king's highways shall be wide enough for one vehicle to be able to make way for another. The empty vehicle shall make way for the loaded vehicle and the lighter vehicle shall make way for the heavily loaded one.

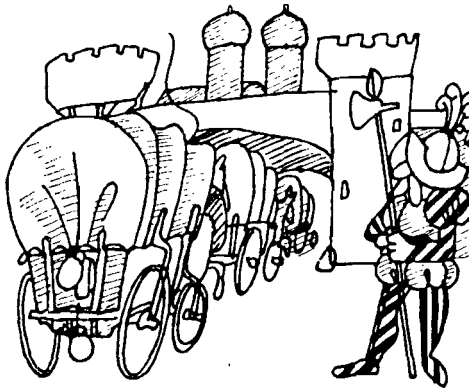
The rider shall make way for the vehicle and the pedestrian for the rider. If, however, a vehicle is following a rider or pedestrian and they are on a narrow road or a bridge, then the vehicle shall stop and wait until they have gone across."

In addition to road and bridge tolls, the forced use of roads, the so-called staple rights i.e. the right of certain cities to force travelling merchants to exhibit their wares for sale there and the regulations governing salvage and wreckage were among the greatest traffic obstructions in the Middle Ages. Since it was impossible to travel along the majority of roads without having to pay a toll, either a road or a bridge toll often had to be paid again after only a few kilometres. Merchants and carriers therefore endeavoured to avoid these annoyances by using other roads which also led them to their destination. The usufructuaries issued decrees which proclaimed that it was against the law to use any roads other than those prescribed, although the Public Peace of Mainz proclaimed that all roads should be open to everyone. No-one, however, took any notice of this.

Even in about 1156 Henry the Lion had caused the salt road bridge near Föhring which spanned the river Isar to be burned down, so that he could force the lucrative salt trade farther upstream, as the salt toll would then benefit the settlement of Munich which had been founded by him.

The compulsive use of roads, however, had further worse consequences. Those who owned the roads did nothing to maintain them, since the people who used the roads were forced to use them whether they were maintained or not. They therefore fell more and more into decay and as a consequence of this situation, drivers of vehicles had to make frequent use of fresh teams of horses. There was a time when whole villages made a living from just hiring out teams of horses for a high rent.

Emperor Charles IV, for instance, had a new road built between Görlitz and Zittau and forbade the use of the old road. However, he had stationed more toll posts along the new road than were previously on the old one, which of course brought him in considerable profits.



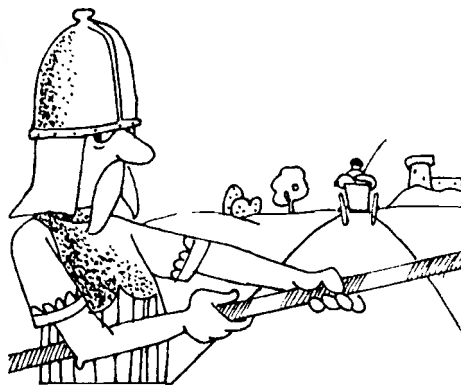
The Emperor didn't even have to pay extortionate costs for the construction of the new road, since there were men along the way who were obliged to provide any manual labour required or work connected with the teams of horses and who therefore bore the greater part of the costs.



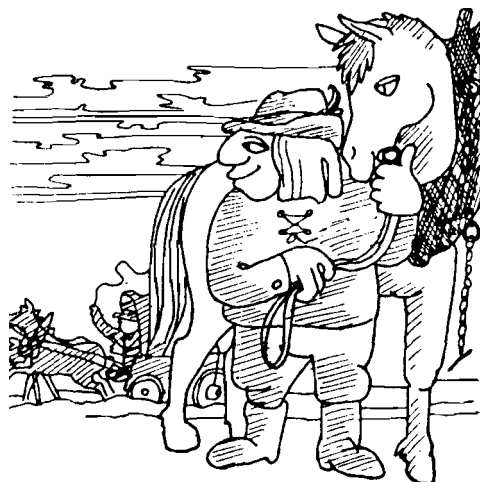
An example can be quoted from a traffic regulation of the 15th Century: "The salt road, which is the only road to be used for this traffic, stretches from Reichenhall through Trostberg and Wasserburg to Munich, where the Duke's coat of arms has been erected at the cross-roads so that no-one can lose the way. The salt must be stored, the duty on it paid, be ready for sale and be within the city walls of Munich from sunrise to sunset. If anyone deviates more than a mile from the road, he will forfeit his cart load and be penalised."



This also shows how the usufructuaries kept a careful watch on the salt traffic to make sure that it used only the prescribed salt road. It can also be mentioned at this point that the staple rights also applied to certain



waterways. Leipzig, for instance possessed the staple rights for a section of the shipping on the Elbe. According to this, all the trading vessels which sailed along the section of the river were compelled to load their goods onto a freight vessel, convey them to Leipzig and exhibit them for sale there.



There was yet another law that made things very difficult for traffic and this was the salvaging right which said that the total goods of a vehicle whose axle touched the road if the vehicle toppled over or the wheel broke became the property of the owner of the road. This proves that in those times there was no interest whatsoever in improving the catastrophic condition of the roads, for what lord of the manor would have a road repaired which in its unrepaired condition provided him with a regular income so easily acquired?



The development of overland traffic was therefore restricted for a long time due to the many traffic regulations and obstructions. It was not until the privileges were abolished and a form of traffic control established which was based on the interests of the traffic alone, that traffic could develop unrestricted. A contributive factor to this was also the standardisation of the various traffic and highway codes in existence at the beginning of this Century which has been successfully brought about in the present day highway code.

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