

50617 3..2..1... "Admiralty" by Definition

Clients and friends often ask me where the term "admiralty" came from and why this type of law is so different from the rest of the law.

The brief answer requires a look at european history and in particular, british history. Ever since babylonian and ancient Greek times, concepts unique to the maritime trade like "jettison" - the shipmaster's right to throw cargo overboard to save the ship, and "bottomry" in which a ship owner's debts are cancelled if the ship is lost, gave rise to special courts in ports throughout the mediterranean. This ancient law is referred to as "Rhodian sea law," named for the Greek city of Rhodes which was a busy seaport in its day - the Charleston of the Mediterranean.

In medieval times, each coastal european town developed its own law over mariners. By about 1450, most european countries had overtaken these renegade courts and absorbed them into their national codes of laws. In the British Isles, however, the coastal towns flourished as Britain's shipping industry dominated others. In those days the king decided which courts of law heard which different types of cases. Some cases were heard by judges appointed by the Church, other by judges from the borroughs or cities. Beginning with Henry the 8th, the King began assigning nautical cases dealing with bills of lading, collisions at sea, lost cargo, seaman's wages and the like to the highest ranking officer in his navy, or his "lord high admiralty," who would in turn delegate the cases to what was called the High Court of Admiralty. Courts competed for cases, because they could exact court fees from the

parties. The admiralty courts took further unique twists and turns responding to the demands of the nation's busy fleet because they had to compete with the landside courts for parties' court fees.

In 1776, each new state of the United States had its own court of admiralty, and it wasn't until 1789 that the U.S. government stepped in and adopted the british admiralty court system. In superseding the state courts, the founding fathers saved for suiters all the common law remedies that they had in the state courts. Like the tide itself, modern admiralty and maritime law has ebbed and flowed through the years, and is constantly in flux. It is a great tradition and challenge for the lawyer and mariner alike.

More next week on the Admiralty Docket. Until then, remember, your rights and responsibilities change as you approach the shore, and may God Almighty grant you pleasant sailing.