

ADMIRALTY COMMITTEE

Maritime vs. Admiralty Law



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Chair

“Maritime” law is the law of the sea. It refers to the entire body of law, rules, legal concepts and processes that relate to the use of marine resources, ocean commerce, and navigation. It arose out of necessity as man made use of ships to carry goods and passengers and, in written form, dates back thousands of years to Old Babylonian 1800 B.C. cuneiform letters dealing with maritime collisions and ship leasing. The unique quality of the sea and its hazards created the need for legal solutions and doctrines which had no application on land. Maritime law is international in scope. There is broad agreement among nations as to the basic principles, without which international commerce would be difficult or impossible.

“Admiralty” Law is the body of statutory and judge-made case law and rules applicable to an individual country. It is narrower than “Maritime” law in that it is the private law of the country and broader in that it covers inland as well as ocean waters. Admiralty courts were first created in England to allow the Crown to control and supervise jurisdiction over maritime affairs considered to be too important to be handled by the local courts. Admiralty courts were itinerant, presided over by Crown-appointed naval officers. As naval officers, the admirals had responsibility for discipline, as well as maintaining peace and order, and adjudication of maritime cases concerning piracy, wrecks, spoils, and property found at sea. So, too, in the U.S. it is the federal government which controls admiralty courts and the applicable laws and rules.

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Note: All my maritime articles published in *The SideBar* are available on my website: www.barbcooklaw.com.