



Federal Admiralty and Maritime Jurisdiction

Part 2: Historical Background

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This Legal Sidebar post is the second in a five-part series that discusses the bases and scope of U.S. admiralty and maritime jurisdiction. Last year, a [supply-chain bottleneck](#) arose at the nation's ports with as many as 101 container ships waiting for berths at the nation's Los Angeles and Long Beach ports in the weeks before Christmas. These [delays](#) added to the time it took to deliver the goods to market and increased the costs of transporting them. Claims for breaches of maritime contracts related to shipping delays may fall within U.S. admiralty and maritime jurisdiction. As a result, Congress may be interested in how this area of law operates. Additional information on this topic can be found at the [Constitution Annotated: Analysis and Interpretation of the U.S. Constitution](#).

The Constitution's Framers were familiar with the concept of a separate and specialized admiralty jurisdiction. Prior to the Founding, the [British Crown](#) commissioned vice-admiralty courts in the American colonies. These courts, which were subordinate to the English admiralty courts, exercised jurisdiction independent from the colonial courts of common law and equity over maritime cases arising in the colonies.

In the years leading up to the American Revolution, the jurisdiction of the independent vice-admiralty courts led to disputes between the colonists and the British Crown. For example, the [colonists objected](#) to the Crown's prosecution of colonists in the vice-admiralty courts, without trial by jury, for allegedly violating a British tax law, the 1765 Stamp Act. In 1774, the [First Continental Congress's delegates](#) cited this extension of British admiralty courts' jurisdiction "beyond their ancient limits" as one of the major grievances against Great Britain. Denial to the colonists of trial by jury in the vice-admiralty courts helped to motivate the colonists' 1776 [Declaration of Independence](#), which cited the British King depriving the colonists "in many cases, of the benefits of Trial by Jury" as a justification for separating from Great Britain.

After declaring independence, each state established its own admiralty courts. [State admiralty courts](#) adopted a wide variety of procedural practices, particularly with respect to the availability of jury trials. Although the [Articles of Confederation](#) authorized Congress to establish a tribunal to hear appeals from state admiralty courts in prize cases, which historically involved vessels captured during wartime and brought into the United States, this appeal mechanism failed to resolve many conflicts among state admiralty court decisions.

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Records of the Federal Convention of 1787 do not provide much insight into the Framers' reasons for conferring admiralty jurisdiction on the federal judiciary. Delegate Charles Pinckney's plan for the federal government, which he had submitted to the Convention, would have authorized Congress to establish separate admiralty courts in each of the states. In addition, the issue of admiralty jurisdiction received a brief mention in a Convention debate over whether the Constitution should specifically create lower federal courts. Delegate James Wilson argued that the "national Government" should have jurisdiction over admiralty cases because they would often implicate controversies with foreign parties that should remain outside of state court jurisdiction.

Toward the end of the Convention, the Committee of Detail, which was responsible for drafting the Constitution, included the clause granting the federal judiciary admiralty and maritime jurisdiction in one of its drafts. This clause would establish uniform federal jurisdiction to resolve conflicts among the states with respect to prize cases, and the Convention delegates appear to have accepted it without controversy.

Writing in the *Federalist Papers* in support of the Constitution's ratification, Alexander Hamilton maintained that even the most adamant opponents of a strong central government acknowledged that the federal judiciary should take cognizance of admiralty cases. Such cases, he wrote, "depend on the laws of nations, and so commonly affect the rights of foreigners, that they fall within the considerations which are relative to the public peace." Some of the Framers argued that admiralty jurisdiction should extend to the adjudication of prize cases involving the capture of foreign ships and torts involving foreign ships, both of which could implicate foreign affairs. [Hamilton](#) also argued that federal courts should have exclusive jurisdiction in admiralty cases in order to provide uniform practices with respect to jury trials, which varied widely in state courts.

By giving the federal judiciary jurisdiction over admiralty cases—and authorizing Congress to regulate that jurisdiction—the Framers sought to ensure that federal courts would resolve cases that might implicate the nation's foreign policy. The Framers also recognized that uniform federal admiralty jurisdiction could protect maritime commerce from the diverse and unpredictable procedural rules that state admiralty courts had applied under the [Articles of Confederation](#). After the Constitution's ratification, commercial maritime activity continued to expand throughout the United States. The importance of uniform admiralty jurisdiction grew as the nation acquired new territories with inland waters and new inventions like the steamboat increased commerce on U.S. waterways.

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