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[Back to Research Guides page](#)

Admiralty

[General Resources](#)

[Statutes & Rules](#)

[Case Research](#)

[Treaties](#)

[Periodicals](#)

[Treatises on Specialized Topics](#)

[Online Resources](#)

Admiralty law and maritime law are virtually synonymous and are concerned with commerce and navigation over navigable inland waters and the oceans. It includes the law of ships, carriage of goods, harbors, masters, seamen, contracts, marine insurance, salvages, cargo, liens and municipal seizure, marine bankruptcy of ships, etc. Maritime law traces its origins to the ancient maritime countries of the Mediterranean Sea. The United States maritime law is based on British maritime law with the main difference being that the United States extends its jurisdiction to inland navigable waters. The source of admiralty law is an individual state whereas, law of the sea is international law that governs the behavior of countries with regard to such things as marine pollution.

Before 1966, admiralty cases were mostly decided in federal courts under special admiralty rules of procedure. Now the Rules of Civil Procedure along with the Supplemental Rules for Certain Admiralty and Maritime Claims are applied in admiralty cases. These procedural rules may be found in Federal Civil Judicial Procedure and Rules (Reserve Coll. KF 8820 A192 U55). Today, as well, the law of the state with significant contacts applies when there is no federal statute governing the proceedings.

This pathfinder provides an overview of key resources available within or through this library. While it is by no means all encompassing it provides logical starting points for research into admiralty and maritime law.

General Resources

For a most informative and extremely comprehensive article on the process for doing legal research in this subject see:

Chanin, **Specialized Legal Research**, 293-336, (Ref KF 240 S64 1987). Updated regularly.

Brief listings of important admiralty research sources along with index terms to use in legal encyclopedias, digests, periodical indexes and ALR can be found in:

West's Legal Desk Reference, Statsky, et. al. (Ref KF 387 W49 1990), "Research by Subject" section, under "Maritime Law," and "Sea, Law of."

Beginning points for basic substantive information in the area of admiralty are:

The Law of Admiralty, Gilmore and Black, (Reserve Coll. KF 1104 G5 1975), one of the most authoritative sources, and

Beginning points for basic substantive information in the area of admiralty are:

Admiralty and Maritime Law (Reserve Coll. KF 1104 S36 2001) by Schoenbaum. **Benedict on Admiralty** (Treatise Coll. KF 1104 B4 1974). **Benedict** is the most well known multi-volume treatise. This looseleaf work gives the most up-to-date and comprehensive information on the various subject areas that comprise admiralty. It contains commentaries as well as primary source material such as treaties and congressional documents. (Lexis: ADMRTY:BENADM)

For a quick overviews, consult:

Admiralty In a Nutshell (Reserve Coll. KF 1105 M34 1988). **Moore's Federal Practice** 3d ed.(Treatise Coll. KF8820.A313 M63 1997) Volume 29 of this mult-volume set is devoted entirely to admiralty practice. (Lexis: MATBEN; MOORES)

For broader overviews consult:

Corpus Juris Secundum (CJS) (Core A & B Coll.) under the topic Admiralty, and **American Jurisprudence** 2nd (Core A & B Coll.) under both the topic *Admiralty* and the topic *Shipping*. (Lexis: 2NDARY;AMJUR, Westlaw:AMJUR)

Another source to consult for new information in this area is:

New Directions in Maritime Law (Intl. Coll. K 1155 N48)

For bibliographies on the subject consult:

Yearbook Maritime Law (Intl. Coll. K 29 E171) or **Marine Affairs Bibliography** (Intl. Coll. K 13 A7).

For a general overview of Dade County admiralty practice consult the **Court Handbook For Dade County Lawyers** (Reserve Coll. KFF 599 .D32 C574 1991), chapter 1.

Statutes, Regulations and Rules

Two major acts affecting modern maritime law are the Jones Act, 46 U.S.C. sec. 688 and the Longshore and Harbor Workers Compensation Act, 33 U.S.C. sec. 901 et seq. Other acts governing admiralty include, Death on the High Seas Act, the Admiralty Jurisdiction Act, the Carriage of Goods by Sea Act, and the Limitation of Shipowner Liability Act; all located in Title 46 of the United States Code (Core Colls. A & B.) and in annotated versions of the code (Lexis: GENFED;USCS, Westlaw: USCA) Consult the General Index or Title Index for particular topics. When the name of the Act that interests you is known, be sure to check either the popular names tables in the U-Z index volume of United States Code Annotated or Shepard's Acts and Cases by Popular Names volumes (Core A & B Coll.) to locate the exact citation to your Act.

Federal Rules of Civil Procedure, "Supplemental Rules for Certain Admiralty and Maritime Claims." Found in each edition as follows:

U.S. Code: With Title 28 (vol. 15, pp. 837-847)

U.S.C.A.: With Title 28 (vol. containing Rules 71A-End, pp. 327-451)

U.S.C.S.: With Court Rules at end of set (vol. containing Rules 60-End, pp. 583-620)

Marine Laws, Navigation and Safety. 4th ed Loose-leaf (Treatise Coll. KF110 1994. U5.) It excerpts statutory and treaty law in several areas including: General-Regulatory authorities-Vessels-Ship mortgages-Officers, masters and seamen-Radio-Navigation-Carriage of goods and passengers-Clearance of vessels-Regulation of vessels engaged in domestic commerce and in trade with possessions, territories, and the Commonwealth of Puerto Rico.

Code of Federal Regulations. (Core A & Ref Coll.)

Applicable titles and chapters include:

Title 29: "Labor" (Lexis: LABOR;CFR, Westlaw: CFR)

Chapter XVII, pts. 1915-1922

Covering such topics as: Safety and health regulations for longshoring; Marine terminals; Occupational safety and health standards for shipyard employment; and Harbor Workers' Compensation Act-Rules of practice and investigational hearings relating to the Longshoremen's and Harbor Workers' Compensation Act

Title 33: "Navigation and Navigable Waters" (Lexis: INTLAW;CFR, Westlaw: CFR)

Chapter I: "Coast Guard, Department of Transportation"
Chapter II: "Corps of Engineers, Department of the Army"
Chapter IV: "Saint Lawrence Seaway Development Corporation,
Department of Transportation"

Title 46: "Shipping" (Lexis: INTLAW;CFR, Westlaw: CFR)

Chapter I: "Coast Guard, Department of Transportation"
Chapter II: "Maritime Administration, Department of Transportation"
Chapter IV: "Federal Maritime Commission"

Case Research

The list that follows is very selective. Be sure to consult **BARON**, the online catalog, by subject if you are doing specialized case law research in this field. An excellent place to begin case law research is **American Maritime Cases**, (Gov Docs. KF1101.A2 A43). It is an unofficial reporter of United States federal and state cases, important arbitration decisions, it also includes some unpublished reports plus selected Canadian, British, and European court cases. It is accompanied by series of digests. Its comprehensive index proves far easier to search for cases than the more general federal and state digests. Also, be sure to consult **Admiralty Law of the Supreme Court**, 3d ed. (Treatise Coll. KF 1103 B33 1979) for the highest court's decisions on this topic. If your research should take you to the West Digest system, be sure to consult the scope note each jurisdiction's digest provides under the topic **Admiralty** and do not forget to consult the digest's descriptive word index under various topics of interest.

Pike and Fisher's Shipping Regulation Reports (Loose-leaf Coll. KF 1101.5 P55) has regulatory and administrative law judge decisions of such administrative law agencies as the Secretary of Transportation, the Federal Maritime Commission, the Maritime Administrator and the Maritime Subsidy Board. It also contains texts of laws, legislative history, regulations and policy statements of various agencies. Read the use instructions if you are using this source for the first time.

Decisions of the Federal Maritime Commission (Gov. Doc KF2609 .A556) Covers decisions of the Federal Maritime Commission and its predecessor bodies, the Federal Maritime Board and the Maritime Administration of the U.S. Department of Commerce. However, it lags very far behind in publication; the most recent volume, printed in 2000, covers decisions only through June 1987.

The U.S. courts look to English law for guidance, and **Lloyd's Law Reports** (3rd floor, International: KD 1815 A2 L79, Westlaw: LLOYDS-RPTS) and **Lloyd's Arbitration Reports** (3rd floor, International: K2400 .A13 L569) should be consulted when no U.S. precedent has been set on a legal issue, or when there are contrary state court precedents dealing with the same issue of law.

Treaties

Consult **International Maritime Conventions** (Intl. Coll. K1150 .A35 A77 1991) or the **Admiralty and Maritime Law Guide** for text of major treaties. See the TREATIES pathfinder for more information about finding treaties in the Law Library.

Periodicals

Specialized journals in the admiralty area include:

The Journal of Maritime Law and Commerce (Anglo-Am Periodical , Lexis: ADMRTY;MARLWC, Westlaw: JMARLC)

Lloyd's Maritime and Commercial Law Quarterly (Anglo-Am Periodical)

Ocean Development and International Law: The Journal of Marine Affairs (Intl. Coll. K 15 C42).

Tulane Maritime Law Journal (Anglo-Am Periodical, Lexis: ADMRTY;MARLAW, Westlaw: TLNMLJ)

Treatises on Specialized Topics

There are many specialized topics within the area of admiralty so only a few major works will be listed here. For further research into a particular topical area, check both **BARON** and the periodical indexes under subjects such as Admiralty; Bills of Lading; Carriers; Commerce; Commercial Law; Freedom of the Seas; Insurance, Marine; International Law; Maritime Law; Naval Law; Salvage; Shipping; Territorial Waters; and Transportation.

Texts dealing with maritime personal injury and death include:

The Law of Seamen (Treatise Coll. KF 1121 N64 1985),

Handbook of Seamen's Damages for Death and Injury (Treatise KF 1132 H66 1983),
and

The Law of Maritime Personal Injuries (Treatise Coll. KF 1107 Z9 N37 1990)

In the area of carriage of cargo and charter parties, the Library's holdings include:

Carriage of Dangerous Goods by Sea (Intl. Coll. K 4178 D3 H46 1985),

Carver's Carriage by Sea (Intl Coll. KD 2810 A73 B7),

Documents of Title Under the Uniform Commercial Code, 2d ed. (Treatise Coll. KF 924 .H46 1990),

The Legislative History of the Carriage of Goods By Sea Act (Intl. Coll. KF 1099 .52 . A15 1990).

Marine Cargo Claims (Intl. Coll. K 1168 T48 1988),

Payne and Ivamy's Carriage of Goods by Sea (Intl. Coll. KD 1819 P2 1986),

Transport Laws of the World (Intl. Coll. K 4025.4 T7),

World Shipping Laws (Intl. Coll. K 1150 W67).

The Library's holdings in the area of salvage include:

Kennedy's Law of Salvage (Intl. Coll. KD 1834 S4 K46 1985), and

Works dealing with maritime liens include:

How to Secure a Maritime Lien (Intl. Coll. K 1188 B6 H37 1981), and **Maritime Liens and Claims** (Intl. Coll. K 1188 B6 T47 1985).

For actions involving limitation of liability doctrine, consult:

The Law and Practice of Marine Insurance and Average (Treatise Coll. KF 1135 P35 1987) by Parks for claims involving marine insurance or general average, and for a digest of case law under this topic, consult **Marine P & I Policy Annotations** (Treatise Coll. KF 1135 A59 M37 1982), and **Limitation of Liability for Maritime Claims** (Intl. Coll. K 1168 A41976 G75 1986).

The Law of Collision at Sea (Intl. Coll. K 1169 M36 1987) for claims dealing with ship collision.

For Arrest of Vessels in various countries consult:

Maritime Law Handbook (Intl. Coll. K1155.4 M36 1987).

Research in the field is fascinating and varied. Because of admiralty law's international scope, the holding in the United States case you are researching may affect the affairs of other countries.

Online Sources

The Internet is an increasingly useful resource for starting your research on admiralty. Following are a few sample sites.

[Admiralty and Maritime Law Guide](#) is published by Todd Kenyon, and admiralty attorney. This site has the text and information on statutes, cases, treaties, proposed legislation and more.

[Council on Ocean Law](#) provides the text of Law of the Sea and other conventions as well as other ocean law policy information.

[Findlaw](#) provides links to a collection of articles and government documents on various general admiralty and maritime law topics.

[Firstgov.gov](#) provides links to United States government documents.

[Judge John R. Brown Admiralty and Maritime Collection](#), University of Houston

[Legal Information Institute Law About...Admiralty](#)

[Maritime Law Association of the United States](#)

[Institute of Maritime Law](#) provided by the University of Southampton is an excellent source for UK and EC admiralty and marine materials.

[Panama Admiralty Law Report](#) provided by the Panamanian law firm of Pardini & Associates.

[LEXIS'](#) admiralty library (ADMRTY) has U.S. courts/awards, U.K. courts, U.K. legislation, agency orders, U.S. Code/CFR/Federal Register materials, boat registrations, trade journals, and some law reviews. LEXIS has an exclusive license to materials in American Maritime Cases (coverage back to 1923). AMC citations can also be Shepardized on LEXIS.

[Oceans and Law of the Sea](#) UN site related to the Law of the Sea convention, including reports, resolutions, the International Tribunal for the Law of the Sea and more.

[WESTLAW'](#)s coverage includes case law, statutes and legislative history, administrative law, directories, and legal texts and periodicals. Consult a recent WESTLAW directory or use the online database finder to locate the materials you need.

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