



The American Admiralty

Erastus C. Benedict

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Reprint of the first edition. At the time of its publication there were other popular treatises on the subject in use by American lawyers, but the particularly American viewpoint and practicality of Benedict's treatise enabled it to surpass the others. Now in its seventh edition, it is still the premier work on the subject. In addition to covering American maritime law and practice in the courts, Benedict includes comprehensive discussions of trial by jury, the ancient jurisdiction of the English admiralty, the strife between the Common Law Courts and the Admiralty in the 16th and 17th centuries, the English admiralty at the time of the American Revolution; and the admiralty jurisdiction of the state courts of admiralty, the British colonies, Scotland and Ireland, France and other portions of Continental Europe. An appendix contains rules for the United States Supreme Court, the United States District and Circuit Courts and fee schedules, statutes and forms. Benedict [1800-1880], a noted lawyer and educator, was considered "one of the foremost admiralty lawyers of his day." He developed his expertise in admiralty law during his years as deputy clerk in the United States District Court for the Southern District of New York. Dictionary of American Biography I: 177. CONTENTS I. General View II. Jurisdiction III. Constitutional Construction IV. Admiralty and Maritime Law V. The ancient Jurisdiction of the English Admiralty VI. The strife between the Common Law Courts and the Admiralty in the 16th and 17th Centuries VII. The English Admiralty at the time of the American Revolution VIII. The Admiralty Jurisdiction of Scotland and Ireland IX. The Admiralty and Maritime Jurisdiction of the British Colonies X. The Jurisdiction of the State Courts of Admiralty XI. The Admiralty and Maritime Jurisdiction of France and other portions of Continental Europe XII. "Admiralty" and "Maritime" XIII. Trial by Jury-Suits at Common Law-Suits in Personam-Commerce XIV. The Maritime Law-Maritime Contracts XV. Ships and Vessels XVI. Seas-Lakes-Rivers XVII. The Question considered on Authority XVIII. Admiralty Practice-The Organization of the Courts XIX. The Practice of the American Admiralty Courts historically considered XX. The General Character and Course of Admiralty Proceedings XXI. Practice of the District Court.-The Libel XXII. Commencement of the Suit XXIII. Mesne Process XXIV. Interlocutory Sale or Delivery of Property XXV. Return of Process-Default-Appearance XXVI. The Pleadings after the Libel XXVII. Amendments and Supplemental Pleadings XXVIII. Stipulation and Bail XXIX. Seamen's Wages XXX. Prize Causes XXXI. Hearing XXXII. Decree XXXIII. Execution XXXIV. Petitions-Motions-Orders-Rules-Notices XXXV. Admiralty and Maritime Crimes XXXVI. Limitations XXXVII. THE CIRCUIT COURTS OF THE UNITED STATES. Their Jurisdiction and Practice in Admiralty and Maritime Cases XXXVIII. THE SUPREME COURT OF THE UNITED STATES. Its Jurisdiction and Practice in Admiralty and Maritime Cases APPENDIX.

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