Court of Admiralty. After independence, the states established admiralty courts, from which at a later date appeals could be taken to a court of appeals set up by Congress under the Articles of Confederation.[852] Since one of the objectives of the Philadelphia Convention was the promotion of commerce through removal of obstacles occasioned by the diverse local rules of the states, it was only logical that it should contribute to the development of a uniform body of maritime law by establishing a system of federal courts and granting to these tribunals jurisdiction over admiralty and maritime cases.[853]

The Constitution uses the terms "admiralty and maritime jurisdiction" without defining them. Though closely related, the words are not synonyms. In England the word "maritime" referred to the cases arising upon the high seas, whereas "admiralty" meant primarily cases of a local nature involving police regulations of shipping, harbors, fishing, and the like. A long struggle between the admiralty and common law courts had, however, in the course of time resulted in a considerable curtailment of English admiralty jurisdiction. A much broader conception of admiralty and maritime jurisdiction existed in the United States at the time of the framing of the Constitution than in the Mother Country.[854] At the very beginning of government under the Constitution, Congress conferred on the federal district courts exclusive original cognizance "of all civil causes of admiralty and maritime jurisdiction, including all seizures under laws of impost, navigation or trade of the United States, where the seizures are made, on waters which are navigable from the sea by vessels of ten or more tons burthen, within their respective districts as well as upon the high seas; saving to suitors, in all cases, the right of a common law remedy, where the common law is competent to give it . . . ."[855] This broad legislative interpretation of admiralty and maritime jurisdiction soon won the approval of the federal circuit courts, which ruled that the extent of admiralty and maritime jurisdiction was not to be determined by English law but

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[852] G. Gilmore & C. Black, The Law of Admiralty ch. 1 (1957).

[853] The records of the Convention do not shed light on the Framers' views about admiralty. The present clause was contained in the draft of the Committee on Detail. 2 M. Farrand, supra at 186–187. None of the plans presented to the Convention, with the exception of an apparently authentic Charles Pinckney plan, 3 id. at 601–04, 608, had mentioned an admiralty jurisdiction in national courts. *See* Putnam, *How the Federal Courts Were Given Admiralty Jurisdiction*, 10 Cornell L.Q. 460 (1925).

[854] G. Gilmore & C. Black, supra at ch. 1. In DeLovio v. Boit, 7 Fed. Cas. 418 (No. 3776) (C.C.D. Mass 1815), Justice Story delivered a powerful historical and jurisprudential argument against the then-restrictive English system. *See also* Waring v. Clarke, 46 U.S. (5 How.) 441, 451–59 (1847); New Jersey Steam Navigation Co. v. Merchants' Bank of Boston, 47 U.S. (6 How.) 34, 385–390 (1848).

[855] § 9, 1 Stat. 77 (1789), now 28 U.S.C. § 1333 in only slightly changed form. For the classic exposition, *see* Black, *Admiralty Jurisdiction: Critique and Suggestions*, 50 Colum. L. Rev. 259 (1950).