

Admiralty Courts ^[1]

Admiralty Courts

by Robert J. Cain, 2006

See also: [Navigation Acts \(1651, 1660\)](#) ^[2]

Admiralty Courts in the [colonial](#) ^[3] era dealt with maritime issues requiring adjudication, including both criminal and noncriminal matters. Although the [royal Charters](#) ^[4] of 1663 and 1665 granted power to the [Lords Proprietors](#) ^[5] to create courts of admiralty, they never did so. The Navigation Act of 1696, however, provided that the [High Court of Admiralty](#) ^[6] in England could create vice-admiralty courts in the various colonies to enforce the act. One such court established in Virginia in 1697 claimed jurisdiction over North Carolina, but the assertion was successfully resisted by the latter's Governor [Henderson Walker](#) ^[7]. The colony's governor and council thereafter appointed the court's judge, who tried cases without a jury and named the register and other officials. The judge also could designate surrogates for ports where he did not hold court in person. Although few records of the vice-admiralty courts survive for the colonial period or after, it is known that they tried several prize cases during wartime and libeled vessels for violation of the Navigation Acts. The courts also tried cases relating to mercantile activity, such as suits for wages.

In June 1776 the [Council of Safety](#) ^[8] assumed the power of appointing vice-admiralty judges and other court officials for the various ports in North Carolina, a duty to which the [General Assembly](#) ^[9] fell heir after independence. North Carolina's ratification of the [U.S. Constitution in 1789](#) ^[10] brought state control of admiralty courts to an end, since that document extended the judicial power of the United States to "all cases of admiralty and maritime jurisdiction."

Reference:

Carl W. Ubbelohde Jr., "The Vice-Admiralty Court of Royal North Carolina, 1729-1759," *NCHR* 31 (October 1954).

Additional Resources:

The Vice-Admiralty Court of Royal North Carolina 1729-1759, By Carl W. Ubbelohde, Jr., North Carolina Office of Archives & History: <http://www.ncpublications.com/colonial/Nchr/Subjects/ubbelohde.htm> ^[11].

Subjects:

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From:

[Encyclopedia of North Carolina, University of North Carolina Press.](#) ^[15]

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