

INTERNATIONAL COURTS OF ARBITRATION

by
Thomas Balch
1874

Fourth Edition
Edited with an Introduction and Additional Notes
by
Thomas Willing Balch

Library of Congress Cataloging-in-Publication Data

Balch, Thomas, 1821-1877.

International courts of arbitration / by Thomas Balch.

p. cm.

Originally published: Philadelphia : Allen, Lane and Scott, 1912. 4th ed., edited with an introduction and additional notes.

Includes index.

ISBN 1-57588-756-8 (alk. paper)

1. Arbitration, International. 2. International courts. I. Title.

KZ6250.B35 2003
341.5'22--dc21

2003047813

This acid-free reprint was digitally archived under the strict quality control guidelines established by William S. Hein & Co., Inc.'s "Preservation Program" This program was established to preserve the integrity of legal classics for future generations of legal researchers.

This paper meets the requirements of
ANSI/NISO Z39.48-1992 (Permanence of Paper).



Printed in the United States of America.

INTERNATIONAL
COURTS OF ARBITRATION

BY

THOMAS BALCH

1874

FOURTH EDITION

EDITED WITH AN INTRODUCTION AND ADDITIONAL NOTES

BY

THOMAS WILLING BALCH

PHILADELPHIA
ALLEN, LANE AND SCOTT
1912

INTRODUCTION.

THOMAS BALCH was born at Leesburg, Loudon County, Virginia, July 23d, 1821, but belonged to a Maryland family. He was a grandson of the notable Rev. Dr. Stephen Bloomer Balch (Princeton, class of 1774) of Georgetown, originally in the State of Maryland, but now a part of the city of Washington. He was descended from Col. Ninian Beall, to whom Lord Baltimore made a grant in 1703 of the Rock of Dumbarton upon which a part of the city of Washington is now built. Among his ancestors also, were Robert Brooke, and Colonel Thomas Brooke, the latter a member of the Provincial Council of Maryland, and both acting-Governors of that province, the former in 1652 and the latter in 1720. Mr. Balch entered Columbia College (now Columbia University) in the autumn of 1838 with the class of 1842, and studied there three years,

when illness forced him to leave. At the end of his Freshman year, he received a silver medal for standing at the head of his class in geometry. His classmate, Abram S. Hewitt said that "Tom Balch was the master of English style in the class." He studied law with Stephen Cambreling and was admitted to the New York Bar in 1845; to the Philadelphia Bar in 1850; and on January 5th, 1855, upon motion of the Hon. Thomas Ewing of Indiana, he was admitted to practice at the Bar of the Supreme Court of the United States over which his kinsman, Roger Brooke Taney, then presided as Chief Justice. Besides the present monograph, Mr. Balch wrote much on historic and economic subjects. In 1853 he was elected a member of the Council and Domestic Corresponding Secretary of the Historical Society of Pennsylvania. The same year he was one of the founders of the Seventy-Six Society, an association formed at Philadelphia for the publication of manuscripts and the re-printing of rare books relating to the period of the American Revolution; and of the four books published by the society, he was the editor of two: *The Examination of Joseph Galloway* (1855) and *Papers relating to the Maryland Line* (1857). In 1855 he also published *Letters and Papers re-*

lating chiefly to the *Provincial History of Pennsylvania*, a book better known as the "Shippen Papers." His principal work, *Les Français en Amérique*, was published at Paris in 1872. He was also an honorary member of the American Whig Society of Princeton University, a member of the *Société de la Législation Comparée* of Paris, and a corresponding member of the Virginia Historical Society. From 1859 to 1873 he lived in Europe, making an occasional trip home. He died at his home in Philadelphia on March 29th, 1877.

This monograph was first published in *The Law Magazine and Review* (London) for November, 1874 (page 1026), and afterwards in this country. In the present reprint I have incorporated some changes in the phraseology that I found in the annotations in the author's own copy, on which he had written "author's copy." I have added also notes 17 and 24 taken from the same source; the notes left by him of his interview in November, 1864, with President Lincoln; Mr. Huntington's communication of April 21st, 1865, on the death of Richard Cobden, to the *New York Tribune*; and a few other foot notes. Mr. Balch's original open letter upon the *Alabama* question will be found in the *New York Tribune* of May 13th,

1865, on the fourth page and in the last column, under the title: "England and the United States."

Mr. Balch's letter of March 31st, 1865, addressed to Mr. Huntington, proposing an International Court of Arbitration to decide the Alabama claims, is reprinted in facsimile from the *New York Tribune* in America of May 13th, 1865, and *Social Science* in England of March 15th, 1867, and will be found facing respectively pages 12 and 16.

The notes added by the editor are enclosed in brackets and marked with his initials.

THOMAS WILLING BALCH,

Editor.

PHILADELPHIA, May 13th, 1912.

INDEX.

	PAGE
<i>Alabama, The</i>	vii, 1, 5, 12, 28, 30, 39, 51, 61
Arbitration, Court of International	9, 10, 13, 14, 24, 26, 27, 32 33, 51, 57
Asser, T. M. C.	16
Balch, Thomas	v, vi, 11, 12, 16, 17, 22, 28, 51, 52, 53, 54
Banks, General	10
Columbia College (University)	v
Cobden, Richard	vii, 8, 10, 20, 21, 24, 53
Darby, W. Evans	8
Field, David Dudley	17
Flanders, Henry	62
Greeley, Horace	10
Grotius	26
Hackett, Frank Warren	19
Hewitt, Abram S.	vi
Huntington, W. H.	11, 12, 21, 51
Kern, J. C.	15
<i>Law Magazine and Review</i>	vii
Lawrence, William Beach	6, 34, 35, 53
Lincoln, President	2, 10, 21, 62
L'Institut de Droit International	11, 16, 31, 35, 41
Lorimer, James	11, 27, 28, 29, 31, 42, 52, 55
Louter, J. de	8
Moore, John Bassett	8
Moreau, Henry	61
Napoleon the Third	2
Northcote, Sir Stafford	17
Nys, Ernest	8

	PAGE
Oppenheim, Lassa.....	9
Pollock, Sir Frederick, Bart.....	9
Pennsylvania, Historical Society of.....	vi
Prévost-Paradol.....	11
Princeton University.....	v, vii
Reid, Whitelaw.....	27, 28
<i>Revue de Droit International et de Législation Comparée</i> ...	16, 17, 42
Rolin-Jaequemyns.....	16, 42
<i>Social Science</i>	16, 17
Vesnitch, Milenko R.....	9
Virginia Historical Society.....	vii
Wharton, Francis.....	6
Westlake, John.....	8, 16, 17, 35
Yeaman, George Helm.....	56
Zuinglius.....	26