A manual of international law

Gallaudet Edward Miner
Title: A manual of international law

Author: Gallaudet Edward Miner

This is an exact replica of a book. The book reprint was manually improved by a team of professionals, as opposed to automatic/OCR processes used by some companies. However, the book may still have imperfections such as missing pages, poor pictures, errant marks, etc. that were a part of the original text. We appreciate your understanding of the imperfections which can not be improved, and hope you will enjoy reading this book.
Production Note

Cornell University Library produced this volume to replace the irreparably deteriorated original. It was scanned using Xerox software and equipment at 600 dots per inch resolution and compressed prior to storage using CCITT Group 4 compression. The digital data were used to create Cornell's replacement volume on paper that meets the ANSI Standard Z39.48-1984. The production of this volume was supported in part by the Commission on Preservation and Access and the Xerox Corporation. Digital file copyright by Cornell University Library 1991.
A MANUAL OF INTERNATIONAL LAW.

BY

EDWARD M. GALLAUDET, Ph. D., LL.D.,

PRESIDENT AND PROFESSOR OF MORAL AND POLITICAL SCIENCE IN THE COLLEGE FOR DEAF-MUTES, WASHINGTON, D. C.

A. S. BARNES & CO.,
NEW YORK, CHICAGO AND NEW ORLEANS.
1879.
Entered according to Act of Congress, in the year 1879,
By E. M. GALLAUDET,
In the office of the Librarian of Congress, at Washington.
PREFACE.

In preparing the following pages, the writer has endeavored to present within a moderate compass the principles of International Law, as recognized in the civilized world at the present time.

The comprehensive work of M. Charles Calvo, *Le droit international theorique et pratique*, published in Paris in 1870-2, has been taken as the basis of this manual: which is, in effect, an abridgment of the treatise of Calvo, with the addition of considerable original matter.

The writer desires to express his great obligations to Hon. Robert S. Hale, of Elizabethtown, New York, Agent and Counsel of the United States before the Mixed Commission on American and British claims, sitting in Washington during the years 1871-2-3, for his patient comparison of large portions of the translations with the original French, and for the suggestion of many valuable illustrations found in cases growing out of the late civil war in the United States; to James C. Welling, LL.D., President of the Columbian University of Washington, for his friendly revision of the Historical Sketch and the first two chapters; to Hon. Henry Stockbridge, of the Baltimore bar, for his kind criticism of the whole work, with especial reference to law terms, as well as for many important corrections of a general nature, and to Professors Samuel Porter and Amos G. Draper, of the College for Deaf-Mutes, for their very valuable assistance in the final revision of the work, and in the reading of the proof-sheets.

The writer ventures to believe that the publication
of this manual may enable many educational institutions to include the subject of International Law in their courses of study, from which they have felt compelled to exclude it on account of the inconvenient size of the text-books hitherto available; and he is not without hope that the many allusions to the influence exerted by the United States on the diplomacy of the world, which will be found in the book, may make it interesting to the general American reader.

KENDALL GREEN, near Washington, D. C., December, 1878.
# CONTENTS

**INTRODUCTION.**

**HISTORICAL SKETCH OF THE PROGRESS OF INTERNATIONAL LAW.**

<table>
<thead>
<tr>
<th>First Epoch—From the times of the Ancients to the fall of the Roman Empire</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>International Law among the ancients</td>
<td>1</td>
</tr>
<tr>
<td>Theory of Cicero; The <em>jus gentium</em> of the Romans; International Law at the end of the epoch</td>
<td>2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Second Epoch—From the fall of the Roman Empire to the Peace of Westphalia: 476—1648</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Influence of Roman Law on the legislation of modern Europe</td>
<td>4</td>
</tr>
<tr>
<td>Canon law; The Rhodian laws</td>
<td>5</td>
</tr>
<tr>
<td>The Amalfitan Table</td>
<td>6</td>
</tr>
<tr>
<td><em>Consolato del mare; Guidon de la mer</em>; Other compilations; Discovery of America: Bull of Alexander VI</td>
<td>7</td>
</tr>
<tr>
<td>Influence of the Papal power on the conquest of the New World; The Reformation</td>
<td>8</td>
</tr>
<tr>
<td>Publicists who preceded Grotius: Machiavelli, Suarez, Victoria</td>
<td>9</td>
</tr>
<tr>
<td>Ayola, Gentilis, Grotius</td>
<td>10</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Third Epoch—From the Peace of Westphalia to the Peace of Utrecht: 1648—1713</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>European equilibrium; Right of intervention; Louis XIV., and his policy after the peace of Westphalia</td>
<td>11</td>
</tr>
<tr>
<td>War for the succession in Spain; The peace of Utrecht: end of the war for the succession</td>
<td>12</td>
</tr>
<tr>
<td>Maritime law and the ordinance of 1681; Free ships, free goods</td>
<td>13</td>
</tr>
<tr>
<td>Contraband of war; The right of blockade; Right of search; Free navigation of the sea</td>
<td>14</td>
</tr>
</tbody>
</table>
vi

CONTENTS.

Publicists of the epoch: Puffendorf, Zouch, Hobbes, Loccenius
Molloy.......................................................... 16

FOURTH EPOCH—FROM THE PEACE OF UTRECHT TO THE CLOSE OF THE SEVEN YEARS’ WAR: 1713—1763...... 17
Results of the treaty of Utrecht.......................... 17
Seven years’ war; Rights of neutrals and belligerents with respect to navigation and commerce; The war of 1756............................................................... 18
Question of precedence; Publicists of the period: Wolff, Vattel, Bynkershoek, Heineccius, Montesquieu, Rutherford, Mably, Dumout, Valin, Pothier, Bertodanno, Burlamaqui................................. 19

FIFTH EPOCH—FROM THE SEVEN YEARS’ WAR TO THE FRENCH REVOLUTION: 1763—1789......................... 23
The partition of Poland; Succession to the throne of Bavaria; Free navigation of the Scheldt........... 23
Intervention of Prussia in Holland; The triple alliance; Independence of the United States of America; French ordinance of 1778.................... 24
Armed neutrality............................................... 25
Publicists of the epoch: Moser, Lampredi, Bentham.. 26

SIXTH EPOCH—FROM THE FRENCH REVOLUTION TO THE PEACE OF PARIS AND THE TREATIES OF VIENNA: 1789—1815.............................................................. 27
Effects of the French revolution upon international relations; Discussion between the United States and France................................................................. 27
The United States and Prussia; The rights of neutrals; Great Britain and the Baltic powers.............. 28
Treaties of Paris of 1814 and 1815; Congress of Vienna and its treaties........................................ 29
Constitutions of Germany and Switzerland, and other questions settled by the Vienna Congress; Publicists of the epoch: G. F de Martens, Kant, Azuni, Koch, Savigny, etc........................................ 30
Decisions and judgments of courts........................ 32

SEVENTH EPOCH—FROM THE CONGRESS OF VIENNA TO THE PRESENT TIME: 1815—1878......................... 32