

JACKSON H. RALSTON

1857-1945

Jackson H. Ralston, a member of the American Society of International Law from its first Annual Meeting onward, an Honorary Vice-President of the Society at the time of his death, a frequent contributor to its JOURNAL and participant at our annual meetings, passed away after a short illness at his home in Palo Alto, California, on October 13, 1945, in his 89th year.

Mr. Ralston's career was typically American. His long life was crowded with varied and useful accomplishment in all three of the vocations from which the ranks of our Society are mainly recruited—the practice of the law, law teaching, and public service. At the age of seven the tragic death of his father, Judge James H. Ralston, who perished in the Nevada wasteland since known as the Ralston Desert, threw him largely upon his own resources. His schooling was intermittent. At the age of 14 he learned to set type and began helping with the family expenses. Jackson Ralston nevertheless graduated in law from Georgetown University at the age of nineteen in 1876. Two years later, in 1878, he began the practice of law at Quincy, Illinois. Shortly thereafter he removed to Washington, D. C., where he practiced for nearly half a century until his “retirement” to California in 1924, where the last twenty years of his life were given over to active participation in civic affairs, writing, lecturing on international law at Stanford University, to delightful association with his friends, and, last but not least, to a serene and happy home life.

Jackson Ralston was a many-sided man. He achieved real distinction as a practitioner in two very different fields of the law—labor law and international law. His interest in labor law doubtless was an outgrowth of his practical experience as a printer. It also resulted in his first service abroad as delegate to France and Italy of the International Typographical Union of North America in 1878. He was for many years the Washington attorney of the American Federation of Labor and as such he successfully conducted the seven-year fight in the *Bucks Stove and Range* case to prevent the leaders of the Federation, Messrs. Gompers, Mitchell, and Morrison, from serving jail sentences for contempt. This necessitated two successful appeals to the Supreme Court of the United States.¹ In this connection mention should also be made of his services as counsel in the earlier case of *Callan vs. Wilson* which established the constitutional right of trial by jury in the District of Columbia.²

¹ *Gompers vs. Bucks Stove and Range Co.*, 1911, 33 App D.C. 83, 516, 221 U. S. 418; Same, 1914, 40 App D.C. 293, 233 U. S. 604; See also *Bucks Stove and Range Co. vs. American Federation of Labor etc.*, 1911, 219 U. S. 581.

² *Callan vs. Wilson* (1887), 127 U. S. 540; Thayer's Cases Constitutional Law, Vol. I, p. 358. It is interesting to note that two of Mr. Ralston's cases, *Callan vs. Wilson* and *Wells vs. Hyattville*, were below selected by Professor Thayer for inclusion in his great case book on constitutional law.

But it is through Mr. Ralston's contribution to the field of international law as practitioner, judge, author, editor, and teacher that he is best known to the members of our Society. Many successful lawyers occasionally essay the practice of international law. Some of them by good fortune make large fees in one or two cases. Mr. Ralston was one of the very few men who really specialized in the practice of international law in the same sense that a man may specialize in corporation law or as Mr. Ralston himself specialized in the constitutional aspects of labor law. Aside from many less known cases involving only private practice or private claims, he appeared in several cases of public importance. He was counsel for Felipe Agoncillo, the representative of the Philippine Republic in Washington in 1899 before the Philippine Insurrection broke out. As Agent of the United States and one of the counsel in the case of the Pious Fund of the Californias against Mexico, the first case to be submitted to The Hague Court, he had the unique opportunity of helping as Agent and Counsel to work out with the Court the broad lines of procedure which have since been followed by that tribunal and which underlie the rules of the Court of International Justice. His successful conduct of this case, in which he obtained recognition of the doctrine of *res adjudicata* in international law and obtained a substantial award in favor of the United States, led to his appointment by the Government of the United States as Umpire of the Italian-Venezuelan Commission of 1903, under which claims amounting to some \$8,000,000 were adjudicated. There were eleven mixed claims commissions sitting in Caracas in 1903. Some were ably conducted, some not so ably. Mr. Ralston as an Umpire was outstanding—a real international judge. His opinions were models in their just disposition of the instant case and valuable to the profession for their able and broad-minded treatment of questions of principle.

His service at The Hague and Caracas directly led to his greatest contribution to the science of international law and to his profession. This was, first, his scholarly edition of the Proceedings of the Venezuela Commissions of 1903, as well as the French-Venezuelan Commission of 1902. A mine of useful precedents was thus made available to the profession. His editorial work on these volumes gave Mr. Ralston an intimate knowledge of many authorities on the little known subject of international arbitral procedure, and doubtless suggested his work on *International Arbitral Law and Procedure*, 1909, subsequently expanded into his *Law and Procedure of International Tribunals*, 1926, with supplement in 1936. This is one of the most useful works in the hands of the practitioner of international law, particularly in the actual trial of cases before international courts. It is an outstanding example of a book (like Hall's *International Law*) which a practicing international lawyer cannot afford to do without as against the flood of theoretical books which any interesting and developing subject like international law naturally and legitimately evokes. That Mr. Ralston was at home in the discussion of the theory and history of international law suffi-

ciently appears from his works on these subjects: *Democracy's International Law*, 1922, *International Arbitration from Athens to Locarno*, 1929, and *A Quest for International Order*, 1941. He was at work on a new edition of *Athens to Locarno* at the time of his death. It is not known whether his notes are in shape to be completed by another.

No estimate of Mr. Ralston would be complete which failed to take note of his deep civic interest. He was a reformer—some would say a radical reformer—in his objectives, but always reasonable and constructive in his methods, always tolerant and respectful of those who differed from him. The writer recalls many lively arguments on all sorts of subjects with Mr. Ralston over many years, but not a suggestion of irritation because of any difference of opinion.

Mr. Ralston's interest in taxation and direct legislation left its mark on the constitutional history of California, where he was born and died, and in Maryland, state of his adoption. In 1892, as President of the Board of Commissioners of Hyattsville, Maryland, he endeavored to put the single tax into operation in that municipality.³ In 1936, in the evening of his life, he strove manfully albeit again unsuccessfully to secure by direct legislation the adoption of a single tax amendment to the Constitution of California. His publications *What's Wrong with Taxation?* and *Confronting the Land Question* deal with the single tax. Although he failed to secure a real trial of the single tax in either Maryland or California, he did write a tax amendment and was co-author of a referendum amendment adopted by Maryland.

These activities inevitably took him into politics. He served as a delegate to the Democratic National Convention in 1908, was a candidate for Congress in the Fifth Maryland District in 1916, and served as Presidential elector in California in 1932.

Frugal in his habits and unostentatious in his way of life, he was generous to a fault when his interest was aroused in what he deemed a matter of principle. He made a personal contribution of \$25,000 to the single tax campaign in California.

Mr. Ralston lived a long, active, useful life. As lawyer, author, editor, and public-spirited citizen he served his community. As a kindly, humorous intensely human man he was at home alike in the Cosmos Club in Washington and the Commonwealth Club in San Francisco. He had the respect of all who knew him, and the affection of those who knew him best.

WILLIAM C. DENNIS

Vice President of the Society

³ See *Wells vs. Hyattsville* (1893), 77 Maryland 125. *Thayer's Cases on Constitutional Law*, Vol. II, p. 1191. See also Note 2, above.