

powerless to prevent any band of conspirators from destroying the property rights of other theories with which the periodicals have been full for nearly a year past; but vigorously upholds the exercise of that jurisdiction as it was manifested during the Debs insurrection. His criticism of the objections urged against it will repay careful study. It might have been equally valuable if, instead of mildly passing over Judge GAYNOR's absurd mandamus to the street railroads of Brooklyn to run their cars, he had criticised that illegal proceeding with equal acuteness. But as it is, the pamphlet is in every way deserving of attention, and will doubtless prove of great value, as an aid to the decision of the many similar questions that will surely arise hereafter. Q.

CURRENT EVENTS

OF GENERAL LEGAL INTEREST.

Many articles have appeared recently in current magazines and newspapers relating to the question whether the time has come at which the United States ought to recognize those engaged in the Cuban Revolution as having the rights of belligerents. There is a distinction not generally understood between the recognition of a revolted community as having belligerent rights, and the according to such community recognition as an independent State. The right of a body of subjects rebelling against the lawfully constituted government to which they owe allegiance to claim recognition as belligerents, arises very much sooner than their right to recognition as a separate and independent State. In the latter case it has never been customary to recognize insurgents as a separate State until the time has arrived when they have practically overcome the opposition of the parent State, and have constituted themselves into a separate and distinct nation with an effective government firmly established. For example, Great Britain did not recognize the Spanish Republics of South America as independent States until they had driven out the Spaniards from all parts of South America, except an island on the coast of Chili and a small section of upper Peru. On

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the other hand, Great Britain granted to the Confederate States of America recognition as belligerents immediately after President Lincoln issued his proclamation blockading the ports of the Southern States.

It is not claimed by any one that the time has come when the Cuban insurgents have established a right to recognition as an independent State, but there is at least room for difference of opinion as to whether our Congress should not recognize their rights as belligerents. Strong reasons exist for giving such recognition to revolutionists who can show as good a *prima facie* case for recognition as that of the native Cubans who are now struggling for independence. Apart from the strong sympathy which citizens of this country naturally feel for those who are struggling elsewhere to free themselves from foreign control and to establish a government of a republican character, there is the additional argument that this revolution has assumed such proportions, and has spread over such an extent of territory, as to make it barbarous for the Spaniards to treat these people simply as traitors and deserving punishment as such. It is considered by many people that recognition should not be given so long as the Spanish troops retain possession of the leading cities of Cuba, This argument, however, is more than over-balanced by the fact that at least two-thirds of the total area of the island is in possession of the insurgents, and that the revolution has been continuously maintained for so long a period. It would seem, therefore, that the Cuban revolutionists were entitled to claim the same rights and privileges as those which a recognized State possesses for the purposes of warlike operations. It would seem, also, that the United States is entitled to the advantage which such recognition would afford to it in the way of compelling the Spanish government to treat this country as a neutral between two legitimate combatants. To grant such recognition at the present time would, at any rate, be no more rapid than was the action of Great Britain in according to the Southern States recognition as belligerents within the first month after the commencement of the Civil War.

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