

## **A Judicial Refusal to Recognize Cuba— A Loan for the Sake of the Lone Star.**

In the case of *LOINEZ vs. QUESADA*, a motion was yesterday made, before Chief-Justice BARBOUR, in the Special Term, Superior Court, to have the defendant's answer stricken out as "false and sham." The facts of the case, which have been already published, are briefly as follows: The plaintiff alleges that while residing at the City of Nassau he lent to the defendant, Gen. QUESADA, \$1,500, to be used in the cause of the Cuban revolt, which sum he now seeks to recover. The answer denies the receipt of the sum claimed, and sets up extraneous matter showing that the transaction, if it did take place, was had under the jurisdiction of Great Britain, and that the money was given to levy war on the Government of Spain, with which the Government of Great Britain was then at peace, and therefore an action for the recovery of the money would not lie. Also, that Gen. QUESADA was now on his way to the United States as an accredited Ambassador of the Cuban Republic, and was therefore without the jurisdiction of the United States Courts. Judge BARBOUR said the Court was bound to take judicial notice that Cuba was not a Government recognized by the United States, and therefore any accredited Ambassador therefrom could not be recognized as entitled to the privileges accorded to representatives of recognized friendly nations. He further held that the only answer available in the case was a denial of the loan of the money, and this having been set up, in order that the demurrer be effectual it must be proven that the answer is both "false and sham." In this respect the plaintiff had failed, and the motion to strike out must therefore be denied, with costs. An order was made accordingly.

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