

law was in existence then. It appears, therefore, that our government is going to abandon the contracted and illiberal view which has been taken, of American neutrality of late years, and will give an interpretation to the law more in consonance with its action in former times—with the sentiment of the people and republican liberty in this hemisphere.

It was said lately by a distinguished European writer, after he had travelled in this country and when contemplating the power and glorious future of it; that the time was near when the United States would change the old public laws of nations and would create new ones for the world, in accordance with free institutions and popular rights. General Grant seems to comprehend the true policy and destiny of the country, and is disposed to act accordingly in the case of Cuba, though the short-sighted and timid old fogies and hair-splitting lawyers in his Cabinet are a heavy drag upon him. The neutrality laws are not adapted to this great republic nor to the circumstances surrounding it, and ought to be repealed or modified. But while they exist they should not be strained in the interests of despotism, monarchical government on American soil, or against a people like the Cubans struggling heroically to be free. The government is right in the course it has taken with regard to the Spanish gunboats; for they were intended to crush the Cubans and to keep that people under a frightful despotism. The American people will heartily approve of the noble, bold and timely action of the President. But it does not go far enough. The belligerent rights of the Cubans should be officially proclaimed at once, and the government should resolve that Cuba shall be free.

Would the recognition of Cuban independence lead to war with Spain? That is a question which may trouble some people. A war with Spain would be like child's play to the United States. Spain could not touch this country, and as to her boasted navy, we could utterly destroy it in a few weeks. Cuba and Porto Rico would be taken in a few days, and all the trouble ended about these colonies forever. Spain could not do as much damage to American shipping as her colonies would be worth to us, nor would the cost of the war amount to more than that. But the recognition of Cuban belligerency or independence is not a cause of war, and unless the Spanish government should be perfectly crazy it would not make it so. Spain is not in a condition and has no way of raising the means to go to war with the United States. She could get no assistance from the Powers of Europe and little sympathy. We have no idea that she would enter upon such a Quixotic and hopeless conflict. Still, if she should, that ought not to deter this country from favoring the Cubans, from promoting the cause of republican liberty in this hemisphere, from extending our political and commercial interests, and from taking advantage of the present crisis in Cuba to carry out that broad American policy which is our inheritance. We hope the President has made up his mind to act in accordance with such a comprehensive and patriotic view of the Cuban question, and in that case he will be sustained by both the people and Congress.

Cuba, Spain and the United States.

The action of the government in seizing and "libelling," as in technical legal language it is called, the thirty Spanish gunboats is of much more importance, both as regards Cuba and the new interpretation of international law, than is generally supposed. Our readers know that the Spanish government had built, or, to use more precise language, had contracted for the building of, thirty gunboats in the United States. Fifteen were constructed at Mystic, ten at Brooklyn and five at Greenpoint. When those that were first finished and ready for sea were about to sail the government forbid them leaving, and placed a guard over them to prevent their escape from American waters. This was done ostensibly upon the representation of the Peruvian Minister that peace had not been established between his country and Spain, and that these gunboats might operate directly or indirectly against Peru. This was, as a matter of form and to fulfil the conditions of diplomatic correspondence, a sufficient reason at the time. But the Spanish government, being anxious to get the gunboats out to make war upon the Cubans, and having shipped their armament to Cuba, avowed its readiness to make a pledge that these war vessels should not be used against Peru. The government at Washington, however, still held the gunboats under surveillance. Now, when all are completed, a formal demand has been made by Spain for their release. Upon this the President sent for Mr. Pierrepont, the United States District Attorney for New York, and gave him instructions to seize anew the whole fleet, to "libel" it, in the phraseology of the law, and to submit the case to the United States District Court, sitting as a court of admiralty and maritime jurisdiction. It will be seen, then, that the disposal and future movements of these gunboats await the decision of the United States Court.

The feature in this action of the government which deserves special notice is the new issue raised, while the old one with regard to Peru is not abandoned. The new ground of refusal to let the gunboats go and to libel them is that the neutrality laws prohibit the fitting out of any vessel to cruise or commit hostilities against any "colony, district or people" with whom the United States are at peace. Of late years no such application or interpretation of the neutrality laws has been made. The law has only been applied to protect the subjects, citizens or property of any "foreign prince or State" with whom the United States are at peace from war vessels or warlike expeditions fitted out in American waters. In former times, it is true, the government did extend the protection of the neutrality laws to a "colony or people" at war as well as to the subjects, citizens or property of foreign princes and States. An example of this was seen in the case of the Venezuelan privateer Josefa Segunda, in 1820. Venezuela was then a colony of Spain, fighting for its independence, as Cuba is now, and had not been recognized by the United States as a belligerent power; yet when the privateer, Josefa Segunda brought into an American port a Spanish merchant vessel as a prize of war the United States Supreme Court decided against the application of Spain for the surrender of this captured merchantman, on the ground that war actually existed between the colony of Venezuela and Spain. The prize was declared lawful property of the insurrectionary colony, though there had been no recognition of the belligerency of the insurgents by the United States. It should be remembered, too, that the present neutrality