

The lives and fortunes of several thousands of American citizens are now in a precarious condition in Cuba, under the excitement of the revolutionary contest between Cubans and Spaniards, and the calls upon the government at Washington for protection and assistance are continually increasing. The numerous questions now arising involve every point of international law affecting friendly intercourse between nations, and possibly involve some which are novel in diplomatic discussion. Besides the great changes which increased facilities of transit and the extension of commerce have introduced in the practices of nations, as concerns residence and trade, there are in the questions arising in Cuba complications of a very curious and interesting character. The recent case of Señor Casanova will probably present some of these for discussion.

The established law of Cuba recognizes three conditions of political status in the population of the island. These are:—First, natural subjects of the crown of Spain; second, persons holding allegiance to other governments, but who have applied for domiciliary letters in Cuba to enable them to do business there; third, foreigners transiently in the island. All persons, whatever may be their political status, are permitted to hold property, real and personal, subject to the laws of the land, regarding taxation and descent. During the past twenty years circumstances of a political nature in some instances, and of a commercial character in others, have induced many Cubans, holding originally natural allegiance to Spain, to emigrate to the United States and acquire citizenship here, abjuring all other allegiance, but at the same time retaining their property in Cuba in whole or in part. Under our political theories every man has the right to choose his allegiance, and Spain has never denied the right of expatriation to its subjects. It has frequently been the practice of these Cuban emigrants to pass equal portions of the year approximately in the two countries, returning to Cuba on the approach of winter, but always carefully procuring passports setting forth their American citizenship.

The case of Señor Casanova is of this latter class. Long before the appearance of the present political troubles in Cuba he came to this country and acquired the rights of citizenship. He purchased property in the vicinity of New York, where his daughter resides permanently; several of his sons he established in business in this city, while others remained in Cuba superintending the large agricultural operations of the family. His own time he divided between New York and Cuba, the sons carrying on large commercial as well as agricultural transactions. Taking no part in the political questions of the day, Señor Casanova supposed that his person and his property would both be safe, and with all the confidence of an innocent man he pursued his daily avocations. Suddenly and without accusation of any kind military searches were commenced on his plantation and continued until the labors were entirely broken up; his son was imprisoned in Havana; large sums of money, which those in business in New York had in bank in Cuba to meet commercial operations, were seized; the business of their house was destroyed, and the father was finally cast into prison. Without a hearing and without trial he was liberated as silently as he had been seized; but nothing of value was returned to him, and he is left to seek justice through the slow and hopeless process of a claim through the government.

We give these particulars because they present a clear view of the evils that await thousands of our fellow citizens in Cuba to-day. Nothing but the prompt and firm action of the government can save them. The treaty of 1795 with Spain is the only treaty we have with that Power that bears upon the question; but the provisions of that treaty are ample, if the government enforces respect for them. In past cases it has been the practice of Spain to evade the stipulations which provide that every American shall know the accusation against him, and be confronted with the witnesses, and have the right of counsel, by claiming that it never was the intention to grant to foreigners rights which are denied to Spanish subjects. But this pretext is a fallacy, for a treaty negotiated, ratified and exchanged between two Powers becomes the supreme law in the dominions of each.

It becomes, therefore, the duty of the Secretary of State to press upon the Spanish government our view of the sacred character of American citizenship, when not implicated in acts against the law, and the case of Señor Casanova presents the most desirable vehicle for this course. If this is not done, not only will justice be denied in the individual case before us, but a great wrong be perpetrated upon those of our countrymen still in peril. It is a general question affecting the honor and interests of the government as well as the safety of citizens, and if it is remanded to the slough of diplomatic correspondence we may well despair. The point is this—may Spain permit her subordinates to ignore her treaty with and solemn duties to us, and by wrapping the evil in courtly phrases deny a remedy when prevention should be our demand?