

Colonial traditions. The misconduct of the Spanish military authorities ended at length in exciting a real and wide-spread intolerance of Spanish domination throughout Cuba. Then came suspicion and hostility on the part of the authorities, ending in the horrible resort to ruthless deportation, or "concentration," of the inhabitants, and a general devastation of the country, in the name of saving it from the banditti. What may be permissible by laws of war in the case of hostile military operations, is not defensible when exercised on such an immense and disastrous scale, towards the mass of a subject population, which it is the duty of the Government to protect. It was an admission of incompetence in the work of defence; or it was a declaration of hostility towards the whole people of the Island. In either case it was an insufferable breach of the parental duty of a Government. A Government which can only maintain order by ruining and destroying its people has abdicated its position and assumed that of a mere foreign oppressor.

Nevertheless, this situation did not come under any of the rules of international law as a justification for interference. International law has a great respect for the rights of force. Force, however brutally exercised upon lawful subjects, is not interfered with, provided these three conditions are present: (1) That the acts are done by the legally constituted Government in the assertion of its authority. (2) That they are regular military or penal measures for the suppression of insurrection. (3) That the Government is powerful enough to make them effective. The measures of the Spanish Government, even if construed as acts of hostility, directed against the whole Cuban people, were technically permissible, because the Government had the power to make them effective. The Government had in fact by these means, to a great extent, "pacified" the island. It had made a desolation and called it peace.

While the grounds of interference in the affairs of an adjoining state were so strictly limited by international law as not to reach the case of Cuba, the Anglo-Saxon common sense of the United States people called for the application of the same device by which an early English Parliament delivered English jurisprudence from the narrow fetters of the common lawyers. If no precisely similar writ was to be found, let one be made to suit the case.

The American revolution was an economic protest more than a political revolt. Had the assertion of British Parliamentary