

## CHAPTER X

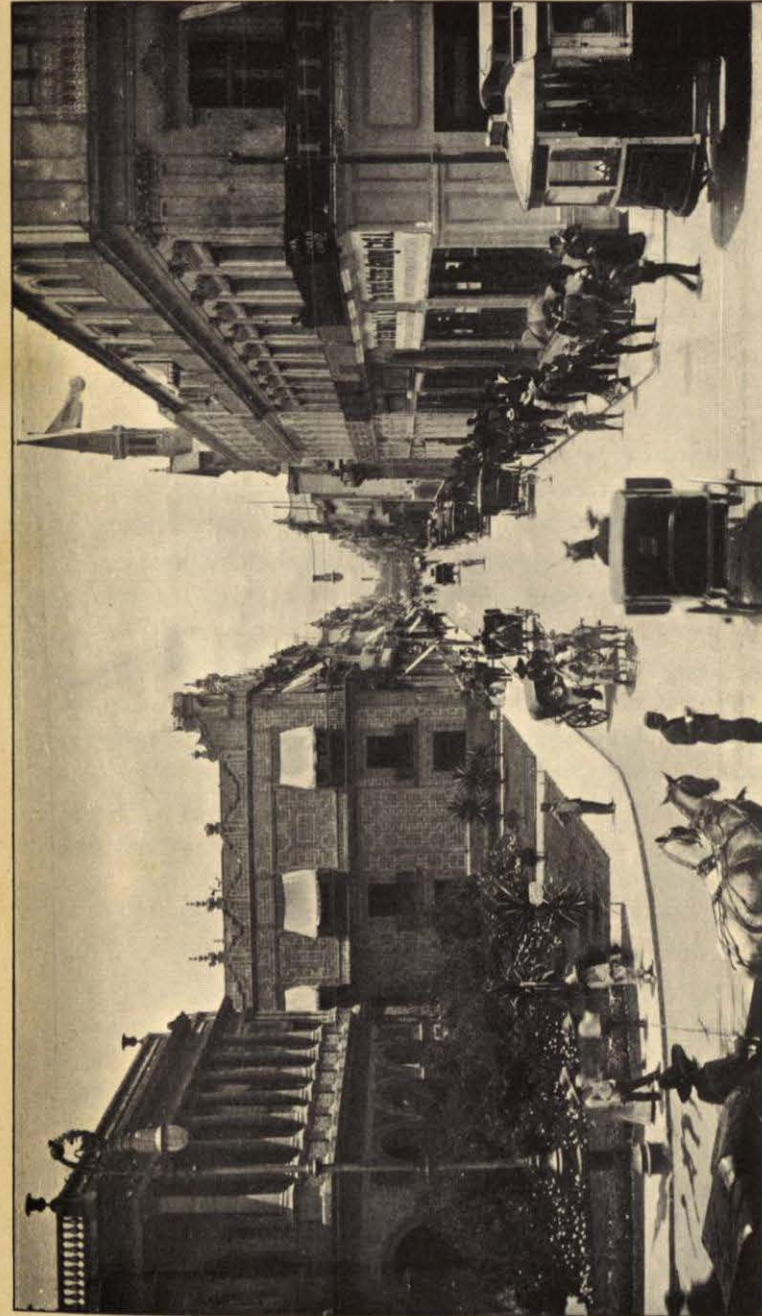
Police Courts—The law and its interpretation—Trivial arrests—Detention of accused—*Habeas Corpus*—Police Courts procedure—Fines—Treatment of prisoners—Judges as Visiting Justices—*Code Civile*—Prison scenes—A Mexican desperado—Saltillo State Prison—Some foreign inmates—Police statistics—Foot Police—Mounted Police—Fire Brigade Section—Wages and Allowances—Different Departments.

THE Mexican Constitution originally promulgated February 5th, 1857, and since amended, stipulates that "arrest, except for offences meriting corporal punishment, is prohibited," as is also "detention without trial for a longer period than three days (72 hours), unless justified as prescribed by law."

My observations and inquiries lead to the conclusion that neither of these stipulations is always scrupulously adhered to. Arrests, as a matter of fact, are far too common, and are carried out upon the smallest provocation. My note-book shows me that on January 16th of last year a considerable number of cyclists were arrested in Mexico City by the police for riding without lights. They were taken into custody, marched to the Comisaria, and there were either fined or detained if they could not find the money.

On February 2nd of the same year two native women were arrested in the public park, known as the Alameda, in Mexico City, for sitting on the grass. Walking on the sward is strictly forbidden, and although the grass plots are entirely unenclosed and unprotected by any wires, the regulation is presumably known to the public and must be observed.

It will be seen that in regard to both these offences the usual method with Governments or Municipalities would be to summon the transgressor to appear before the Court and



MEXICO CITY. PLAZA GUADIOLA, SHOWING CALLE DE SAN FRANCISCO.

Photo P. S. Cox.

answer to the charge. In Mexico, however, the offender is arrested publicly, and submitted to what in our opinion would be the indignity of being marched through the streets to the Comisaria. It is only fair to say, however, that the Mexicans themselves attach little or no importance to this procedure, and it entails no subsequent stain upon their character. Noisy disputes, brawling, spitting, and such like offences, are often followed by arrest, even if the brawling is not serious or the committal personally witnessed by the officer who effects the arrest.

The detention of an accused person in prison without trial is, as I have said, sometimes resorted to to-day, although a great improvement in this manifestly unfair treatment of the accused is noticeable, compared with what it used to be. A Canadian resident in Mexico City, now one of the wealthiest and most respected members of the community, informed me that some sixteen years ago, while he was acting as engine-driver on the Central Railway, he had the misfortune to run over and kill a Mexican. He was at once arrested, and put into a filthy prison which contained 1,500 other inmates, kept there for 3 days strictly "incomunicado," and not even allowed to see a lawyer. Subsequently, he was removed to a cell containing but 20 others; but it was 10 full days—namely 240 hours instead of but 72—before he was put upon any sort of trial. As the affair was a pure accident, he was subsequently acquitted.

Another man accused of a similar "offence" was detained for 18 months before being brought to trial; and when I visited the Penitentiary at Saltillo, in the State of Coahuila, a prisoner implored me to represent to the Governor of the State the fact that "he had been in the gaol for 8 months and had never been brought to trial." In this latter case I subsequently discovered that the man was a confirmed scamp, utterly thriftless and refused to do a stroke of work. His detention, therefore, appeared justified.

No doubt the Mexican supreme authorities are mostly unaware of these illegal detentions, and whenever they are brought to their official knowledge the matters are at once carefully inquired into, and relief apportioned. The *habeas corpus* Act is in force here as in all civilised countries, and

has been in our own land since 1679. It is, of course, no new principle of Common Law, as, in 1215, the Magna Charta declared that "no free man shall be taken or imprisoned . . . unless by the lawful judgment of his peers or by the law of the land."

The foreign Ministers accredited to Mexico have many cases of this kind to look into, and never once has their intervention been objected to or denied by the Mexican authorities. Now and again an ignorant judge or a too zealous officer will give rise to a scandal of this sort, as happens sometimes in Merry England (*vide* the Cass case), and frequently, I am sorry to say, in Germany.

In the police courts, or, as they are called, "Juzgados," all small offences are tried and decided, such as assaults, petty larceny, street-disturbances and street-accident cases. Sentences of imprisonment or fines are inflicted here, the longest term being twelve months and the highest fine \$50 (say £5). For an ordinary assault, or a threat to commit an assault, which has been the subject of a police complaint, the accused is fined a minimum of \$20.00 (£2) or 8 days' imprisonment. It generally means, however, that if he has been arrested previously (the custom of issuing a summons to appear, as in England, does not obtain in Mexico), he has to pass at least one night in durance vile, unless allowed out on bail—not a difficult matter to arrange—and let me add that confinement in Mexican prisons, even in the best of them, is very unpleasant indeed.

Should the offence have been committed on a Saturday, it is almost certain that the accused will have to pass Sunday in prison as well as Saturday night. As an Inspector observed to me while I was attending a Court—"Saturday night is a bad one to select for committing an assault. I would certainly suggest some other." The prisoners are permitted to smoke while in custody, and also to receive their food from outside. But as they are always searched and have all their belongings taken from them when they enter the gaol, unless their friends from the outside attend to these small, but to them important, matters, the privilege permitted becomes an empty one.

It is an extremely easy matter to get into a Mexican prison

—as an inmate—but far more difficult to get out of it. Subjects of foreign powers imagine that if they meet with any trouble of this kind it is a very simple matter to send for their Consul (or Ambassador) and be released. This is a very great error to fall into, and I think I may be doing some of my readers a service by pointing out that both the Legation and the Consular Corps interfere only with the greatest reluctance, and only when they are convinced that a miscarriage of justice has been committed. Foreigners living in or visiting Mexico must conform to the rules and regulations of the country, and not offend innocently or intentionally against the law. Arrest, as we have seen, is far too readily resorted to in Mexico, and where proceedings by summons would follow in England. Even the victim of a street accident is "arrested," as well as all witnesses of the occurrence. They are subsequently released, as a rule, after a preliminary inquiry, but the memory of being marched through the streets by a gendarme remains, and the indignity is not very readily effaced. Foreigners should recollect that these customs prevail, and they can avoid tasting of them by conducting themselves with decorum and discretion, especially by absenting themselves from crowds, either as spectators or participants.

Every three months the judges of the Criminal Courts in the Federal District of Mexico pay visits to the prisoners awaiting trial or sentence, and, accompanied by their clerks, interview each man or woman with a view of finding out whether they have any complaints to make—and usually they have several—with regard to the food provided and the treatment meted out to them, at the same time informing them as to the status of their various cases. The intercourse between the judges and the prisoners is quite friendly, and devoid of all formality. Prisoners not actually sentenced (and even some of those who have been) are permitted to receive visits from their friends and their food from without. Only those who are committed upon the capital charge, and who are designated as *rigurosamente incomunicado*, are deprived of these privileges.

The Civil procedure is conceived under the same spirit as the Criminal, except that each particular State has its own

code and its own legislation. Properly speaking, therefore, there is no "Code Civil" in Mexico, or, as it is commonly called, "Code Napoleon"; but, then, the local laws of the Republic of Mexico do not need so much simplification as did the laws of France when Napoleon took them in hand, between 1804 and 1810, and unified them. Where the various States differ in their main laws the variance is not striking, and rather presents itself in the form of application than in the doctrine.

So little "rigorous" is the system, however, in other cases that the prisoners are permitted to wear their own clothes, and, if desired, to keep pets—such as dogs and birds. A pathetic spectacle was presented by a mournful-looking mongrel keeping strict and faithful watch outside the cell of a particularly bad character, one of the few to be confined behind the bars. He could see what was proceeding outside in the courtyard, but he was himself invisible, since he had coiled himself up in the remotest and darkest corner of the apartment. This unhappy man was likewise awaiting death by shooting, his appeal for clemency having been rejected. I pictured the grief of the poor hound, probably the only thing that loved and was loved by him in the whole world, when the dread sentence should have been carried out, and the friendless dog was cast out to find another master. The memory of Bill Sikes and the faithful brute he owned came vividly before me.

The prison at Saltillo, in the State of Coahuila, affords further evidence of the humane treatment to which even the worst and most hardened criminals are subject. The building itself is an old one, and has done service as a penitentiary since the time of the Spanish occupation. It contains some 400 cells, if one may employ the term to apartments which, if small (about 10 ft. × 6 ft.), are extremely light, airy, and clean. The doors, composed of a stout framework and strong but slender iron bars, admit plenty of air, possibly too much for the prisoners' liking during the cold winter months, when night temperature often falls considerably below zero. Each cell contains a small camp-bedstead with the necessary blankets and sheets, a chair and the usual iron utensils. The walls are whitewashed, while the floors are of brick, kept

scrupulously clean. The food, which I had the opportunity of tasting, is both plentiful and thoroughly wholesome—the best of meat served in liberal portions, cakes made of maize, and good, strong coffee. The prisoners have three meals daily, one at least of which consists of meat.

Each inmate is compelled to bathe in an open-air bath twice during the week, and daily if he so desires. Occupation for the prisoners is not compulsory, but the great majority prefer to put in their time at some kind of work, and the busy hum of the loom, blanket-weaving machines, the carpenters' saws and the boot- and shoe-making departments can be heard from early till late. The prisoners receive at the end of their term of incarceration two-thirds of the payment for their work. This encourages industry and also helps to provide for their families, who would otherwise probably starve during the imprisonment of the wage-earner.

The prison contains some desperately bad characters, and it is somewhat surprising to the visitor to find these malefactors walking about the yards and *patio* of the building entirely at will. One gigantic Mexican was pointed out to me as being under sentence of death, his crime having been the murder of three other prisoners in the very same yard and the very same spot upon which I stood. This herculean ruffian was entirely free to go about the building and to do as he liked, the warders, of whom there were but two to guard a score of prisoners, being unarmed but for a revolver apiece.

The judge, who accompanied me on my visit of inspection, informed me that five men had been shot within the gaol walls during the past four months, all for murder in the first degree, and three remained under the capital sentence pending appeal for clemency to the President. One of these was a German. A fine-looking and most intelligent young American, named Walker, was awaiting his trial upon the charge of having committed an offence precisely similar to that for which young Edalji was sentenced in England some year or so ago, and finally released by the Home Secretary, namely cattle-maiming. A middle-aged Englishman of good appearance, described to me as a positive "genius" as a carpenter, and who was industriously working at his bench when I saw him, was

undergoing his second sentence in the same penitentiary for robbery. Altogether, there were but three foreigners among the prison population of 340, which may be considered a very small average. At times the proportion has been as high as 8 or 10 per cent. I visited most of the prisons in the Republic, and found in every instance that the authorities were not only willing but pleased to show me everything that I expressed any desire to see. The conclusion I arrived at was that, on the whole, the Prison System of Mexico is of a much more lenient and humane nature than that of any other country in the Old or New World.

CLASSES AND NUMBER OF MEN FORMING THE FOOT AND MOUNTED POLICE AND FIREMEN OF THE CITY OF MEXICO, THEIR WAGES AND NUMBER OF HORSES.

FOOT POLICE OF MEXICO CITY.

	Per Day.	Per Year.	Total.
1 Infantry Colonel (chief of the police) ... ..	\$7.00	\$2555.00	
1 Second in command ... ..	5.00	1825.00	
6 First Deputies, each one ... ..	2.20	4818.00	
1 Officer ... ..	3.30	1204.00	
2 Second Deputies, each one ... ..	1.70	1241.00	
Office expenses per month, \$40.00		480.00	
Forage for two horses ... ..	0.30	219.00	
8 Officers of the Company ... ..	3.30	9636.00	
Clothing and equipment per month, \$15 each man ... ..		1440.00	
8 Second Deputies ... ..	1.70	4964.00	
1 Assistant ... ..	2.75	1003.75	
Clothing for the assistant and equipment per month, \$15.00		180.00	
72 Officers, each one ... ..	2.65	69642.00	
Clothing and equipment for each one per month, \$15.00 ... ..		12960.00	
80 First Policemen ... ..	1.80	52560.00	
1800 Second Policemen ... ..	1.50	985500.00	
70 Extra-Policemen ... ..	0.75	16425.00	
Office expenses to the Officer per month, each one, \$8.00 ... ..		768.00	
Lanterns and fuel for the same per month, \$350.00 ... ..		4200.00	
Forage for 81 horses ... ..	0.30	8869.50	
Office expenses per month, \$80.00		960.00	
			\$1.181450.75

		MOUNTED POLICE.		
		Per Day.	Per Year.	Total.
Brought forward ... ..				\$1.181450.75
1 Colonel ... ..		\$7.60	\$2774.00	
1 Officer ... ..		5.00	1825.00	
2 Second Deputies ... ..		1.70	1241.00	
Office expenses per month, \$20.00			240.00	
Forage for two horses ... ..		0.30	219.00	
4 Officers of the Company ... ..		3.30	4818.00	
Clothing and equipment per month each one, \$15.00 ... ..			720.00	
4 Second Assistant Deputies ... ..		1.70	2482.00	
1 Assistant ... ..		2.75	1003.75	
Clothing for the Assistant and equipment per month, \$15.00			180.00	
21 Officers ... ..		2.65	20312.25	
Clothing and equipment for the same per month, \$15.00 each one ... ..			3780.00	
41 Sub-Officers (one of them bugle major) ... ..		1.50	22447.50	
360 Policemen ... ..		1.25	164250.00	
1 Marshal ... ..		1.65	602.25	
1 Harness-maker ... ..		1.65	602.25	
1 Armourer ... ..		1.00	365.00	
Office expenses per month, \$8.00 to each Officer of the Company ... ..			384.00	
General expenses per month, \$80.00 ... ..			960.00	
Forage for 427 horses ... ..		0.30	48727.50	
				\$277933.50

FIREMEN FORCE.

1 First Commander (chief of the Company) ... ..	5.00	1825.00	
1 Second Commander ... ..	3.30	1204.00	
5 Officers ... ..	2.65	4836.25	
Clothing and equipment for the Commanders and Officers per month, \$15.00 each ... ..		1260.00	
6 Sergeants ... ..	1.75	3832.50	
70 Firemen ... ..	1.50	38325.00	
1 Veterinary, \$18.00 per month ... ..		216.00	
1 Teacher of Gymnastics ... ..		255.60	
Office expenses to the First and Second Commanders, \$5.00 per month each ... ..		120.00	
Lighting for quarters per month, \$60.00 ... ..		720.00	
Rent for quarters per month, \$100.00 ... ..		1200.00	
Supplies and keeping quarters per month, \$15.00 ... ..		180.00	
Forage for 4 horses ... ..	0.50	780.00	
Forage for 20 horses ... ..	0.30	2190.00	
			\$56894.75

## POLICE OF THE MUNICIPALITIES OF THE FEDERAL DISTRICT.

	Per Day.	Per Year.	Total.
Brought forward ...			\$1.516279.00
4 First Commanders ... ..	\$3.30	\$4818.00	
8 Second Commanders ... ..	2.50	7300.00	
7 Officers ... ..	1.65	4215.75	
30 First Police ... ..	1.25	13687.50	
350 Second Police ... ..	1.00	127750.00	
			\$157771.25
Total ... ..			\$1.674050.25

Last June Colonel Felix Diaz, Inspector-General of Police, raised the pay of the gendarmes to \$1.70 (say 3s. 4d.) per day. The standard of the men now being enlisted is altogether a superior one, and the whole force under Colonel Diaz has been raised to a high state of perfection.

The requirements for entering either one of these services are the following:—

To know how to read and write, to know the city well, to have two good references for good conduct, to have good health (subjection to previous examination by the Physician of the Police Station), to be at least 1.64 metres in height, and not to be over forty years of age.

The foot police are divided into three sections—the street service covering a duty of eight hours, divided into the three sections or shifts so as to give periodical rest to the force; the mounted police, who are employed in the suburbs of the city; the police of the twelve Municipalities of the Federal District, who render the same services as those of the city. The Capital is divided into eight Police Districts under the control of one Commissary, with a salary of \$6.60 a day—or \$2409.00 a year, living in the same house where the station is situated, and the station being open day and night. The Commissaries of Police are considered by law as agents of the Judicial authorities, taking down in writing the first declarations of the accused, having full power to effect arrests and generally to help the Judicial authorities in the preservation of public order.

Each State has a similarly constituted Force, of course, upon a much reduced scale, and each City, Town and Village is correspondingly policed. The general conduct of the men is excellent; and while, as in most—I may say all—countries, excessive zeal or occasional negligence of duty is not unknown, the Mexican Police can, as a whole, be regarded as a thoroughly capable, orderly and efficient force.