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Mexico Defies U. S.; Won't Free Consul

Continued From Page One... the payment being made by Senator Mexico, who has been Mr. Jenkins's attorney.

Soon after Mr. Jenkins's release his attorney was charged with being an accessory of his principal's abduction and later all correspondence in Mr. Jenkins's possession was seized and he was placed under surveillance on a charge of having conspired with Cordova for the carrying out of an alleged false abduction.

El Paso, Tex., Nov. 27.—(By A. P.)—Persistent rumors of the kidnapping of a girl of Villa Ahumada in the state of Chihuahua, following the execution of General Felipe Angeles, called upon the leader at Chihuahua City yesterday.

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PALMER BOOM HAS OLD-GUARD BACKING

No Ground to Believe It Opposed at Home, Says Parke Davis

TO GET STATE DELEGATES

Washington, Nov. 27.—(By A. P.)—The text of the reply of the Mexican Government to the note of the United States asking the immediate release of William O. Jenkins, which was received here last night follows: "Mexico City, November 26, 1919."

There is no ground for believing Palmer will be contested by Representatives Steele and Dewitt and others of the "old guard" in Pennsylvania Democracy, Davis declared.

Palmer's presidential prospects enter into consideration very largely. It is felt by Pennsylvania Democrats in the capital that if he should be nominated and elected the national committee from Pennsylvania would be more or less a figment, as Palmer would control the patronage, and that if he were not elected the committee would find himself hampered with the usual heritage of "dead debt."

Palmer's Boomer Optimistic... Parke Davis predicted here today that Palmer would be not only nominated but elected.

Palmer's friends are perturbed by the Executive Public Ledger's story on his high cost of living program. They are confident, however, that results from his campaign will be mainly long before next year's election.

Text of Mexican Reply to U. S. Note on Jenkins

El Paso, Tex., Nov. 27.—(By A. P.)—The text of the reply of the Mexican Government to the note of the United States asking the immediate release of William O. Jenkins, which was received here last night follows:

"Mexico City, November 26, 1919. "Mr. George L. Sumner, acting charge d'affaires for the United States of America: "I am instructed by the president of the republic to answer herewith your note of November 20, which you addressed to the Mexican Government on instructions from the State Department of the United States.

"You will, no doubt, realize the fact that the Mexican Government, in its former precedent of international right, or even of reason, is invoked in the demand for the immediate liberation of Mr. Jenkins, who, as you know, is at present under the jurisdiction of a judge of the city of Puebla. "The Mexican Government cannot see what the foundation for such a demand might be. It believes that it can only be the power of the country that makes it, although the United States has expressed the desire on various occasions that right and justice should be the basis of its diplomacy, and respect for weak countries the basis of its international relations on the continent.

"Laws 'Misunderstood' "The terms of the note, which I am answering, are intended by my government to an imperfect understanding of our penal laws. The imprisonment is neither unjust nor arbitrary, as your note states, since Mr. Jenkins himself has signed contradictory statements regarding the kidnapping of which he was a victim. The judge has had ample foundation to suppose that he was guilty of the crime of falsifying judicial declaration, and this has caused his imprisonment.

"Nevertheless, this imprisonment does not of itself signify that Mr. Jenkins is guilty, because such a verdict only is established by a definitive judgment.

"Your excellency knows that the criminal proceedings in Mexico involve three classes of imprisonment: preventive, when it is suspected that a person has criminal complicity in an act; formal, when against the accused there is sufficient evidence in the judgment of the magistrate to suppose that the accused is guilty of the crime, and ordinary imprisonment, which involves a definitive sentence as the penalty for a crime and the guilt of the accused duly proved. The two first classes of imprisonment are not legally penalties, but restrictions for the benefit of the accused, pending investigation. The judgment may also declare the innocence of the accused.

"Refuses to Seek Bail "Mr. Jenkins has undergone a preventive detention, first, and then a formal imprisonment of seventy-two hours. It became of this that he was rearrested, and this is a fact that seems to be considered by the Government of the United States as persecution or a series of injuries that are inflicted unjustly on the consul.

"In the course of the trial, at any time, the accused may ask and obtain his liberty on bail. The Mexican law is very liberal about this, since all that is necessary is a request and the production of the sum fixed by the judge. Mr. Jenkins's refusal to exercise this right, notwithstanding that he was asked to do so several times, and the fact that the judge has fixed for him as bond the sum of 1000 pesos, cannot permit him strictly to call himself the victim of injuries which he has brought upon himself.

"Mr. Jenkins, finding himself, then, involved in a trial that is being conducted according to law, under the jurisdiction of a judge whose proceedings are open and are constantly under the vigilance of public opinion, which is interested in learning the truth of the affair, the Mexican Government hands itself under the necessity of not being able to accede to the demand for liberation contained in the note to which I am replying, and it has for this strong reasons founded on the rights of reason and the considerations of constitutional character.

"As to the first rights, the government believes no other government can make analogous claims for the subjects abroad save in the case where justice is denied or where the sentence is notoriously excessive, which is also in international law a denial of justice, and that the practice which has been

invariably observed has been that of waiting for the tribunals having cognizance of a case involving a foreigner to pronounce a judgment that, as I have said, if it were notoriously unjust would be the only basis for a claim.

"As to the constitutional viewpoint, our political constitution establishes as a fundamental principle the separation of the executive power from that of the judiciary, and the scope of this executive does not have the power to interfere in the business of the latter.

"Likewise, the autonomy of the various states is guaranteed in our constitution, and by virtue of the federative structure of the Mexican republic the federal power cannot intervene in affairs which, like that of Mr. Jenkins, belongs properly and exclusively to the authorities of the State of Puebla. For this reason, the executive could not order the judge having jurisdiction of the case to free Mr. Jenkins, because this latter functionary could, with reason, refuse to obey such an order. The executive would thus be lacking in the first duty of all government—a duty that he has always tried to observe—that of respecting the laws of the country and causing them to be respected.

"Therefore, such a line of conduct, in the opinion of the Mexican Government, cannot unfavorably affect the relations of friendship which fortunately exist between it and the United States—especially since the matter is so simple a one—in which by a simple request, Mr. Jenkins could be at liberty and having his cause free from friction in the fact that the laws of each are applied equally to citizens and foreigners.

"In the United States, at times, Mexican consuls have suffered imprisonment for some acts involving the law of the United States. Although, in the opinion of the Mexican Government, such imprisonment was not justifiable, never has it asked that the application of the laws of the United States be not made in each case, for the Mexican Government always observes respect for foreign laws, and does not claim that Mexicans abroad should occupy, because they are Mexicans, a position of exception or privilege.

"Neither in the United States nor in Mexico can a citizen on trial be freed by an executive order, and it would be strange if an American citizen in Mexico should have more rights than he would have in his own country.

"The government of Mexico likewise cannot concede to American citizens more rights than Mexicans enjoy in the United States.

"The American Government seems to labor under the conviction of the absolute innocence of Mr. Jenkins, in spite of the fact that the case is in progress of investigation. The Mexican Government, without trying to claim that Mr. Jenkins is guilty, confines itself to submitting the foregoing considerations to the United States, permitting itself to hope that the Department of State will postpone its judgment until the courts have handed down their decisions, with the assurance that in the bosom of Mexican judges there does not lie the desire to injure or persecute Mr. Jenkins, but rather that they are possessed of a genuine desire to proceed according to justice.

"I take the occasion, etc. "HILARA MEDINA. "The only text of the reply received here was in Spanish. A representative from the Mexican consulate general handed a copy of the Spanish version to the press without comment.

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