

Children's Dormitories

Although, as has been noted, children were allowed to stay in the first Public Dormitory (1889) and also in the Dormitory established by the Beneficencia (until the year 1929) there has always been a feeling that special institutions should be organized to deal with the problem of homeless children. For years literally hundreds of children could be found at night huddled together in the parks and in other public places.

One of the more recent of the numerous unsuccessful attempts which have been made to provide a place for these unfortunate children is that announced in 1920 by the Director of Public Charities in the following words:

"Another sorrow has been mitigated; another social deficiency has been repaired... Eight public dormitories depending from the Department of Public Charities have now been opened to do away with this evil /of homeless children sleeping in the streets/. More than 250 children now find shelter for the night and breakfast in the morning in these dormitories... And in order that the greatest number possible may take advantage of these institutions, a bus service has been established to collect the homeless children on the streets and convey them to said establishments..." (19)

For what reason these eight dormitories ceased to function and whether they were successful or not in meeting the situation they were attempting to deal with is not known. It is known, however, that they do not exist at the present time and that the "social deficiency" they were supposed to "repair" remains about as bad as ever.

El Dormitorio Público para Niños (The Children's Dormitory
of the Associated Public Charities)

In November of 1927 the Associated Public Charities of Mexico City inaugurated a special children's dormitory. The announced purpose of this institution was "to afford protection to homeless children so that they will not be left to sleep out of doors."

The Dormitorio para Niños is located in a beautiful old building which was originally an annex to the Soledad church. It contains several large sleeping rooms and is well equipped with beds (steel cots), mattresses, sheets, pillows, and blankets. There are shower baths, school- and play-rooms, a moving-picture hall, kitchen, etc. Apparently nothing is lacking. The capacity of the place is 200 children. No admittance fee is charged; the children may enter at any hour. Supper and breakfast consisting of tea with milk and a large-size roll are served at 9 p.m. and 6 or 6:30 a.m. (depending on the season). Most of these children are newsboys, bootblacks, or canesteros (basket carriers) around the markets^{where} for a few centavos where they help customers carry their bulky purchases of vegetables and flowers.

In the evening, there are classes in primary school work and a story hour from 7 to 9. On Tuesdays and Thursdays, moving pictures are shown.

The average daily attendance at the Children's Dormitory for 1928 was 55; for 1929 it was 65. The cost of operating the establishment during 1929 was approximately 13,387 pesos. When one considers the pleasantness of the place, the generally good condition of the equipment, and attendance of 55 or 65 seems to be incredibly low. The present administration in the Department of Public Charities

is of the opinion that the way in which the dormitory is managed may have some appreciable effect on the numbers going there. Perhaps the place is too clean and orderly; perhaps there is too much discipline and too institutional an atmosphere for children who know nothing either of cleanliness or discipline. The Central Offices are now endeavoring to see what results a few basketballs, indoor baseballs, games, and so forth, will have on the attendance. The children themselves have asked for boxing gloves.

Mesones (Transient Lodging Houses)

It has already been pointed out that the Public Dormitory founded in 1889 was established with a view to mitigating in some measure the plight of the unfortunate people who were forced to sleep in the unspeakable lodging houses (mesones) located in the tenement districts of the city. The extent to which the Public Dormitory succeeded in doing away with the mesones may be judged by reference to the following description written in 1911 and taken from John Kenneth Turner's Barbarous Mexico. (20)

"A mesón of the poor is a pit of such misery as is surpassed only by the galeras, the sleeping jails, of the contract slaves of the hot lands -- and the dormitories of the Mexican prisons... In the mesones the ragged, ill-nourished wretches from the city's streets come to buy with three precious copper centavos a brief and scanty shelter -- a bare spot to lie down in, a grass mat, company with the vermin which squalor breeds, and rest in a sickening room with hundreds of others -- snoring, tossing, groaning brothers and sisters in woe.

"The conditions in all /of these mesones which I visited/

I found to be the same. The buildings are ancient ones -- often hundreds of years old -- which have been abandoned as unfit for any others use than that of sleeping places for the country's poor. For 3 centavos the pilgrim gets a grass mat and the privilege of hunting for a bare spot large enough to lie down on. On cold nights the floor and yards are so thick with bodies that it is very difficult to find footing between the sleepers. In one room I have counted as many as two hundred...

"In not one of the mesones that I visited was there a separate room for the women and the girls, though there were many women and girls among the inmates. Like a man, a girl pays her 5 centavos and gets a grass mat. She may come early and find a comparatively secluded nook in which to rest her weary body. But there is nothing to prevent a man from coming along, lying down beside her and annoying her.

"And this thing is done. More than once, in my visits to mesones, I saw a young and unprotected girl wakened from her sleep and solicited by a strange man whose roving eye had lighted upon her as he came into the place. The mesones breed immorality as appallingly as they breed vermin...

"These places are licensed by the authorities, and it would be a simple matter to require the proprietors to set apart a portion of the space exclusively for women..."

As to the number of people frequenting the mesones, Mr. Turner says:

"A life-long resident once estimated to me that 200,000 people of the country's metropolis, or two-fifths the entire population, spend every night on the stones. 'On the stones' means not on the

streets or in the parks, but on the floors of cheap tenement or lodging-houses. Possibly this is an exaggeration. From my own observations, however, I know that 100,000 would be a very moderate estimate. And at least 25,000 pass the nights in mesones of the poor."

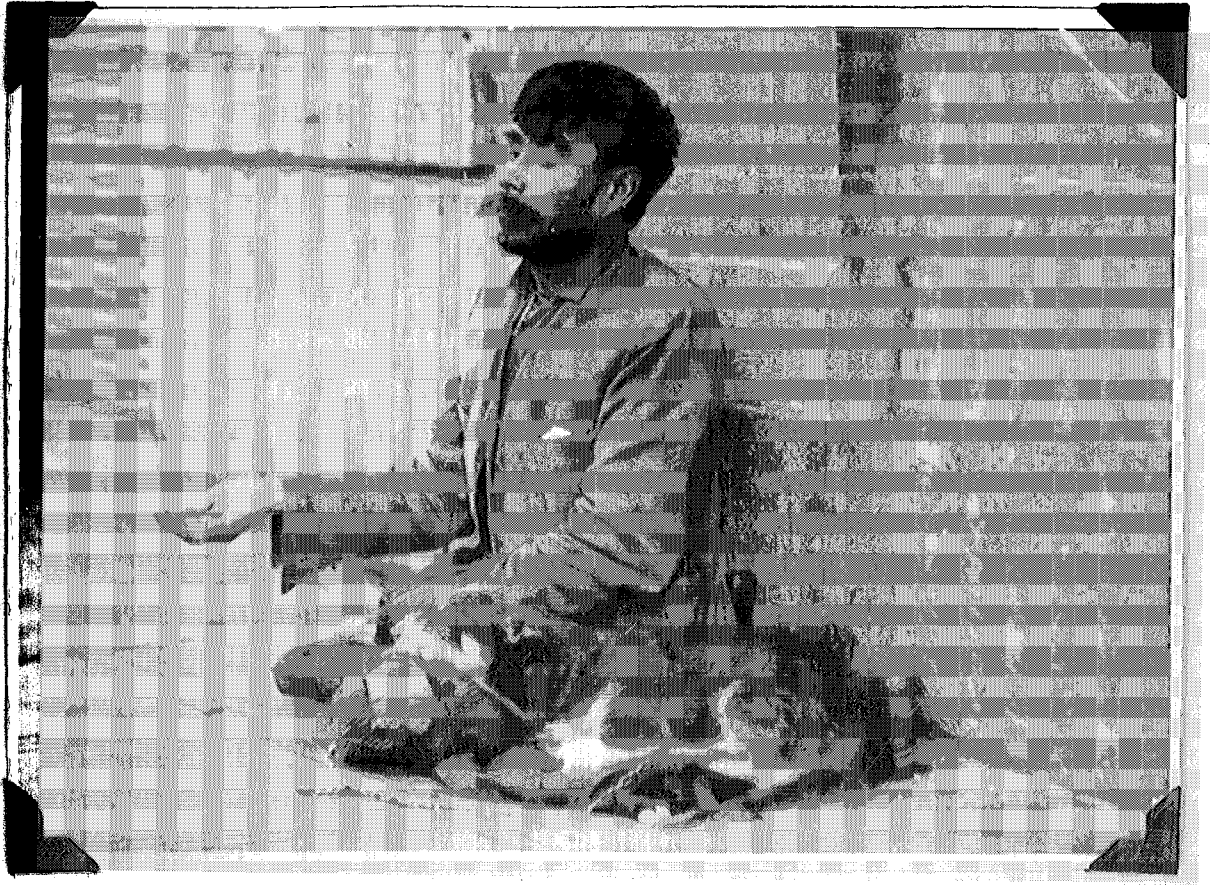
The mesones still exist. And the picture they present today varies only slightly, if at all, from that of 1911. The Section of Sanitary Inspection of the Federal District Department of Public Health lists 17 mesones which it disinfects on an average of every ten days. Their names and addresses are as follows: Las Gallinas (the Hens) at Paraguay 36; Posada de San Antonio (St. Anthony's Inn) or the Posada de los Locos (Crazy Men's Inn) at Callejón del Jardín Garibaldi 7; Mesón de Aldana at Paraguay 15; Martínes de la Torre at Degollado 121; La Suerte (Luck) at Zarco 147; Allende at Panamá 113; Paraíso (Paradise) in Bartolomé de las Casas street 21; Mesón Azul (the Blue Inn), Bartolomé de las Casas 42; El Recreo (Amusement) at Caridad 5; El Registro (the Record) at Manzanares 11; Los Angeles (the Angeles), Callejón de Zavala 23; San Felipe in República de Salvador 198; El Aguila de Oro (the Golden Eagle), Talavera 24; El Sol (the Sun) at Misioneros 29; La Alameda, Manzanares 62; Mixcalco, Mixcalco square 32; Mesón la Democracia (Inn of the Democracy), Salto del Agua square 21. In addition to these, there are the Mesón de San Antonio in Cristóbal Colón street 14 in Tacuba, and one without a name in Bravo street 54.

The mesones registered in the Department of Public Health are licensed to collect an entrance fee -- the fee being five centavos to enter, plus three centavos more if the customer

wishes the privilege of using one of the straw mats piled near the door. It has been estimated that no less than 250 persons on an average sleep in each one of these mesones every night.

Other lodging houses for transients exist, but they are privately managed, meaning that no name appears over the door and that no fee is officially collected upon entrance. Those accepting "hospitality" for the night, however, know from experience that they are expected to make a donation before leaving. (Three of these so-called private mesones are frequented almost entirely by narcotic victims.) Some forty people sleep in each of the private mesones every night.

For the purposes of the present study, the majority of the seventeen officially listed mesones were visited and ^{it} can truthfully said that few if any changes have taken place in the conditions described above for 1911. Today, in some of these places, some pretense is made to separate men and women's departments. Usually this amounts to having a department for men and one for families where single women may go. A few of the mesones make some attempt at cleanliness. One, it was noted, had been newly whitewashed and the attendant was very proud of the fact that a shower bath had been installed, albeit no one used it.



HISTORY OF ATTEMPTS TO CONTROL BEGGING BY LAW

From the earliest times in Mexico, attempts have been made to deal with the problem of mendicancy by the technique known to students of political science as "ordering and forbidding." So far as can be learned, every one of these attempts has failed. Decrees, orders, ordinances, and laws have followed each other in rapid succession, but the institution of begging has continued to flourish through the years and remains today one of the most serious and difficult problems facing the administrative authority. Despite the fact that over and over again it has been demonstrated that the mere passing of a law imposing more or less drastic penalties upon the beggars has no results whatsoever so far as suppressing the institution of begging is concerned, these laws continue to be put on the statute books. The chief value of the brief review of the legal history of begging in Mexico set forth in the following pages has is that of an exhibit of how not to deal with the problem of begging.

The Colonial Period

Of the various and sundry royal decrees, edicts, proclamations, and laws handed down in Mexico during the Colonial period with reference to the subject of vagrancy and begging, four are perhaps worth noting, and of these four two are important enough to be summarized. In 1745, a royal order charged the colonial government with hunting out all vagrants and beggars and placing them either in asylums or putting them to work in the royal arsenals. In 1775 another royal decree again urged the representatives of the king in the New World to round up the beggars and vagrants and impose proper punishments on them. It was not, however, apparently,

until 1806 that any really comprehensive law was passed or any serious attempt made to deal with the beggars by legal means.

In the year 1806, the then ruling Viceroy, it would seem, decided that matters had reached such a pass, at least in Mexico City, that something must be done, for in the decree or ordinance which he promulgated in that year is introduced by the following observations: "From the moment I took possession of the government of these vast provinces, I saw with surprise the great number of beggars who afflict and mortify the inhabitants of this populous city with their prayers and incessant pleas, and I concluded that these beggars were for the most part vicious, lazy people disguised with the cape of misery, people living in the depths of abandon and perverting by their bad example many persons who, if this example were removed, would be useful to the state." (See appendix A.) The decree then goes on to state that the organization and administration of the public asylum for the poor would be changed. It was forthwith ordered that all of the poor "legitimately prevented from gaining a living by themselves, because of their age, or because of being sick or crippled," were to present themselves within the definite period of five days at the asylum. In that place they were to be attended with all kindness, spiritually as well as physically, and be given, according to their needs, all possible help and assistance." Any further begging or asking of alms publicly or privately in the streets, plazas, boulevards, houses, and churches was strictly prohibited. The penalties and methods of dealing with those who refused to comply with this order are set forth as follows:

"Those who, after the five-day period is passed, are found begging by the officials appointed to collect them...will be

taken to the asylum, if they are legitimately incapacitated and necessitous; and if they be vagrants of the Spanish or mestizo race who under pretext of poverty live without working, I /the viceroy/ shall be informed, and I shall give them over to army service, in the regular standing army, to work in the Havana arsenals, the Veracruz fortresses, the Barlovento and Marianas island guards, the district of the Californias, or to public service works. If they be Indians, I shall dispose of them in accordance with their nature, according to the law. I command the high and low judges of the sections of the city to watch and take care for this point of policy so important to religion and the state; and I beg and charge the ecclesiastic prelates to prohibit the beggars from molesting the faithful with their supplications and prayers in the churches, and to remit all those found in the churches for the disposition of the marquis de Guardiola, in order that he may take them to the asylum for the poor, where they will be examined very scrupulously as provided by the new ordinances."

The last law of the Colonial period applying to the subject of beggars and vagrants was not originally intended for Mexico. That is to say, in 1820 a law was passed for the mother country, Spain, setting forth in detail the manner of defining and classifying beggars and vagrants and the proper methods of proceeding against them. By a royal decree of May 1822, the jurisdiction of this law was then extended to Mexico. The principal feature of the law was that all individuals found guilty of vagrancy or begging should be arrested and summarily sentenced to labor in connection with public works.

Period of Independence to the Penal Code of 1871

With the exception of two measures of minor importance (one a decree of the captain general of Mexico ordering all unemployed and vagrants to be enrolled in the army; and the other a municipal ordinance of Mexico City dated 1827 and ordering that all vagrants caught in public places be arrested), the first law to be promulgated after Mexico had gained her independence from Spain was that of 1828 creating the so-called Beggars Courts in the Federal District and in the territories. This law is very important in the legal history of Mexico for these courts thereby inaugurated, continued in operation until 1875. The proceedings of the courts for Mexico City alone give the records of more than 400 cases of vagrancy, and occupy some seventeen large volumes in the municipal archives.

The Beggars Courts established in the capital city of each political entity in the country by this law consisted in each case of the mayor and two aldermen.

Under the law of 1828, the following definitions of the "vicious and vagrant" are to be found: "Those who, lacking a trade or income, property or rent, live without it being known that their subsistence comes from licit and honest sources... He who, having some patrimony or income, and being the child of a family, is known to have no other occupation than that of frequenting gambling houses, associating with comrades of evil reputation, frequenting suspicious places, and who gives no sign of taking his place in society as a decent citizen... He who, vigorous, healthy, and robust, (or even with a handicap, if such does not prevent his exercising some trade,) maintains himself by begging... The child of a family who, because

of his evil inclinations, his little reverence for and obedience to his parents, and because of his practice of bad habits, is no use at home or in the town for any purpose except scandal and is without propensity for or application to the career given him."

With regard to penalties, the following provisions were made:

"Those who are declared vagrants by the tribunal shall be sentenced to service in the army or navy, in the colonies, or to houses of correction.

"Those unable to work or orphan children under sixteen shall be put in houses of correction, or, lacking these, the latter shall be put to learning a trade under the control and direction of masters who are satisfactory to the political authority.

"When the tribunal makes declaration, it shall express in its sentence the place or point to which the person or persons sentenced are destined, with statement of the time of service. If the sentence is to serve in the army or navy, the time out not to be more than four years.

"Those sent to the colonies shall be placed at the disposition of the person or persons designated by the president of the republic.

"The supreme government may expell from its territory any vagrant foreigners found within it, as soon as the competent tribunal of their place of residence makes declaration that they are vagrants, if they have a residence, and lacking this the declaration of the tribunal of the district where they are found."
(See appendix B.)

It is interesting to note that in the regulations governing the law of 1828 for the first time we encounter a penalty for

those guilty of giving to beggars. These regulations state in article 11 that "It is prohibited under a penalty of a twenty-five peso fine to give alms to those who seek them in the doors and the atria of the churches or in the public plazas and streets, theatres, parks, and other thoroughfares, hotels, cafés, restaurants, and saloons." (Regulations, March 3, 1828)

It would appear that the law of 1828 did not work very well for two years later we find a new law passed, the preamble of which states: "the multitude of beggars which in the doors of the churches, in the streets, on the boulevards, and even at private houses, incessantly importune and demand alms has become so great and such a nuisance that the situation can no longer be tolerated, and effective measures must at once be taken to remedy this abuse." The law then goes on to command (like so many of its predecessors): that all persons in need shall immediately present themselves to the public poor house, and to prohibit further begging in the streets on pain of arrest or imprisonment. (Decree of August 9, 1830) It is not without interest that this same law also states that in view of the financial state of the public poor house it was deemed necessary to appoint various and sundry gentlemen to receive voluntary contributions to be devoted to the assistance of said poor house.

In 1833, it would appear that once again for various reasons the legal machinery for handling beggars and vagrants had ceased to function. At any rate, in that year it was necessary for the President of the Republic to send the following memorandum to the Supreme Court of the Federal District:

"His Excellency, the President of the Republic, realizing the increasing number of vagrants existing in this capital and consider-

ing the lamentable effects on society of this class of people who daily get their subsistence in return for crimes, has dictated for the purpose of the prosecution of the aforesaid vagrants, certain measures which he believes to fall within the orbit of your attributes and which the Court will note in the edict, a copy of which I have the honor to attach.

"His Excellency is convinced that there are enough laws for the correction of the above mentioned evil and even for the conversion of some heretofore disorderly persons into useful citizens. With a view to stimulating into action the authorities who are responsible for the accomplishment of such wise and well-considered laws, the President of the Republic orders me to communicate with the Supreme Court, in order that, by reason of the surveillance which the Supreme Court ought justly to exercise in the judicial branch, it may dictate as many provisions as it may judge necessary to control the evil which is producing such fearful results.

"The ease with which it is said that the Supreme Court absolves vagrants, the majority of them by swearing that they have an occupation which they do not have, the eagerness with which they are believed, the raids which they make going out of the capital to rob travelers in the environs, and the multiple excess they commit, are constantly clamoring for a remedy which will restore to this beautiful city the quiet which it needs.

"The arts, commerce, and industry need men and are ready to offer useful and honest occupation in order to interest them in the public prosperity and lead them from the career of crime. Such laudable purposes, his Excellency does not doubt, may be accomplished through the zeal and cooperation of the respective authorities..."

(August 20, 1833)

The last law of importance to be passed during the period under consideration relating to the subject of vagrancy is dated 1834. This law attempts to attack the problem from a slightly different angle in that it ordered the officials in charge of making up the tax lists for that year to report all individuals discovered without visible means of support. The law then provided that all individuals so listed should "if they were older than sixteen years, be turned over to the vagrants court" and dealt with according to the law of 1828. And if such individuals were "between the ages of 7 and 16, and not in attendance at a school or educational institution, they should...be remitted to the nearest school." This law also stated that beggars and vagrants sentenced to service in the army or navy should under no circumstances be granted freedom until they had completed the term of their sentence; and moreover, such persons were not to be given their liberty in any case unless they were able to show that they had learned a trade or had some occupation by which they could obtain an honest living. (August 8, 1834)

The Penal Codes of 1871 and 1929

The year 1871 marks the date of the promulgation of the first codification of the penal law of Mexico. Articles 854 to 866 of this code classify vagrancy and mendicancy as crimes. Beggars and vagrants are defined as those who, without being legitimately incapacitated for engaging in some honest industry, art, or trade, engage in mendicancy or who refuse to engage in any work for their own support. The code then provides that the proper political authority shall have a right to grant licenses for begging to those persons who can prove that they are incapacitated for work and are lacking in resources on which to live.

In September of 1929 a new penal code superceding the code of 1871 was enacted. In view of the fact that articles 778 to 787 of this code are the only legal measures now in force in the Federal District relating to vagrancy and mendicancy, it is deemed appropriate to quote them in full at this point:

"He is a vagrant who, lacking licit and known means of subsistence, and being sound in body and mind, does not dedicate himself to honest work for his living.

"The vagrant who, after being warned by the administrative authority or by the Supreme Council of Social Defense and Prevention, to dedicate himself to some honest, remunerative occupation, does not do so within ten days and does not prove incapacity for such occupation, shall be punished by: expulsion /from the district or territory/ for two or three years, or imprisonment in a penal shop for an equal length of time. During the ten days mentioned in this article, the vagrant shall be subject to strict vigilance.

"If the vagrant be a minor, deaf-mute, mentally weak, or psychopathic, a penalty shall be applied in accordance with the provisions of the First Book /of this Code/ for this class of delinquents.

"Until asylums or special shops for beggars are established, or until there are vacant places in those existing, the Supreme Council of Social Defense and Prevention may concede licenses to beg:

I -- To those who prove their permanent incapacity to work and complete lack of resources on which to live.

II -- To those who give proof of being temporarily incapacitated for work and lacking in resources on which to live.

"Licenses shall be good for only such time as the reasons for issuing them continue to exist.

"The beggar who, without fulfilling the requisites fixed by the foregoing article, begs without the necessary license, shall be punished by : one to three years expulsion or imprisonment in a special shop for an equal period.

"The beggar who obtains through fraud or deception a license to beg shall be sentenced as in the foregoing article, considering the deception an aggravating circumstance of the fourth order.

"The beggar who in begging resorts to injury, insult, or threat shall be subject to punishment for these crimes and his license shall be taken from him. In case he has no license the corresponding sentence shall be imposed as provided for in article 782, besides those for the crimes committed.

"The licenses shall have as an essential requisite that of use for individual begging /i.e. they shall not be transferable/. The disregard of this precept shall be punished by arrest of two to six months and loss of license.

"The beggars or vagrants who are caught disguised, carrying arms, skeleton keys, or other instruments which may give reason for suspicion that they intend to commit a crime, shall be punished with arrest of two to six months or more.

"The vagrants or beggars who may be convicted under the foregoing articles shall be liable for five years to an order prohibiting them from entering the district or federal territory in which they committed the crime for which they were condemned and against residing in that district or territory." (See appendix C)

The penal code of 1871, as has been noted above, classified vagrants and mendicants as criminals, and hence if proved guilty subject to imprisonment. However, in actual practice, the records show that the courts operating under this code were very hesitant to sentence to prison persons convicted of vagrancy and mendicancy. To all intents and purposes, the sections of the code referring to such individuals merely remained on the statute books as so many words. The reason for this was that, although according to the code vagrants and beggars could be arrested and imprisoned, neither under the provisions of the Constitution nor of the code could they be forced to work. It is true that most of the prisons in Mexico have as part of their regulations provisions ordering the inmates thereof to engage in certain stated occupations. But if any individual refuses to comply with these regulations he cannot be forced to do so by any legal means. The courts early learned, therefore, that the only result of imprisoning beggars and vagrants was to fill up the jails and penitentiaries with a group of men and women who would refuse to work and were only too glad of the opportunity to pass their time in idleness while the government provided them with shelter and free meals.

It remains to be seen whether the sections in the penal code of 1929 referring to the subject here under consideration will be any better enforced than those in the code of 1871. The new code, it is true, provides for stricter vigilance of prisoners in the penitentiaries and jails and expresses what amounts to a pious desire that these individuals can by education and moral suasion be made to work. However, since no change has been made in the legal situation explained above in connection with the 1871 code, it is

still impossible by legal means to force prisoners to work. It is not without interest in this connection that, although the code was officially declared in effect in December of 1929, up to the present time (June 1930) there has not been a single conviction under the code for vagrancy or mendicancy, and this despite the fact that a thousand beggars, more or less, still practice their "profession" in the public streets of Mexico City.