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**ARCHIVO FERNANDO TORREBLANCA
FONDO PLUTARCO ELÍAS CALLES**

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DESCRIPCIÓN: Dos páginas recortadas del "New York Herald Tribune". Una es del viernes 26 de agosto de 1938 y reproduce en inglés el texto íntegro de la nota en la que se renueva la demanda del gobierno de Estados Unidos al gobierno de México para establecer un arbitraje que decida la cantidad de tierra que tiene que pagar México a los norteamericanos, cuyas propiedades fueron expropiadas por los gobiernos revolucionarios. Este texto fue escrito y entregado por Cordell Hull, Secretario de Estado, al embajador de México en Washington, el Dr. Francisco Castillo Nájera. La nota se titula "Full Text of U.S. Note to Mexico Renewing Demand for Arbitration on Land Seizures". Consta de siete apartados y en ella se explica que la cantidad aproximada que se debe pagar a los granjeros norteamericanos por tierras expropiadas es de más de 10 millones de dólares; y que de acuerdo con el derecho internacional no importa si fue confiscación o expropiación, que esa cantidad debe pagarse que el gobierno de Estados Unidos, no admite sino el principio de la justicia y oportuna compensación, de acuerdo con las leyes internacionales, que está por encima de cualquier otro ordenamiento particular y se muestra sorprendido y molesto ante el argumento que esgrime el gobierno de México de que reconoce la deuda pero que la pagará de acuerdo a sus propias leyes y tiempos.

El gobierno de Estados Unidos sugiere la inmediata instalación de una comisión que represente a las dos partes y que decida cuánta es la tierra en litigio y cuánto se tiene que pagar, de no ponerse de acuerdo los representantes sugiere un tercero en discordia nombrado por los miembros del Tratado de Gondra, firmado por México y E.U.A. en Santiago de Chile el 3 de mayo de 1923. Manifiesta Cordell Hull su voluntad de seguir cooperando con el gobierno de México en lo más

cordiales términos, pero sí exige el cumplimiento de la indemnización a los norteamericanos afectados.

El otro texto es la primera plana del "New York Herald Tribune" del 5 de septiembre de 1938, que tiene una nota marcada con lápiz azul, que se titula "Mexican Note Rejects Hull's Protest over seized lands", en la que se comenta la declaración que entregó el Secretario de Relaciones de México del gobierno del Gral. Lázaro Cárdenas, Sr. Eduardo Hay, al embajador de Estados Unidos en México, Sr. Josephus Daniels, que es la respuesta a la nota enviada por Cordell Hull, Secretario de Estado, el 22 de agosto de 1930. Hay justifica la expropiación de bienes y tierras por causa de utilidad pública; justifica que el pago se posponga e incluso se cancele cuando las condiciones del país así lo exigen. Se hace una transcripción completa de la nota de Hay, que contiene exposición de motivos, causas que justifican la expropiación y confiscación cuando el bienestar colectivo así lo exige. Se hace una transcripción completa de la nota de Hay, que contiene exposición de motivos, causas que justifican la expropiación y confiscación cuando el bienestar colectivo así lo exige. Acude a ejemplos de países que han incorporado a sus leyes la prevalencia de la utilidad pública sobre la privada, tanto si los afectados son nacionales como extranjeros. Esta carta responde al requerimiento del gobierno de Estados Unidos para que el de México restablezca un fondo para pagar el valor de todas las tierras expropiadas a norteamericanos desde que inició la revolución.

México acepta que para solucionar este asunto del pago y del valor de las tierras expropiadas, se forme una comisión en la que estén representadas las dos partes y que si no se llega a un arreglo se designe un tercero en discordia, elegido entre los miembros de la Comisión Permanente del Convenio de Gondra. Por último, el mensaje de Hay transcribe lo dicho por el General Cárdenas ante el Congreso, en el que se muestra dispuesto a llegar a un arreglo con Estados Unidos en este conflicto y lamenta que continúe la campaña contra México; que quienes la llevan a cabo, no toman en cuenta que nuestros países son distintos, nuestros problemas diferentes, pero el ánimo de ser amigos es el mismo. Que ambos gobiernos desean un arreglo justo.



THE WEATHER
Today: Fair and cooler
Tomorrow: Fair and continued cool
Temperatures Yesterday: Max., 82; Min., 64
Detailed Report on Page 26

VOL. XXVIII No. 33,531

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MONDAY, SEPTEMBER 5, 1938

Mexican Note Rejects Hull's Protest Over Seized Lands

Flatly Refuses to Cease
Expropriations or Set
Aside Fund for Prompt
Settlement of Claims

Door Is Left Open For Further Parley

Breach Between Nations
Is Widened and Trade,
Financial and Business
Relations Put in Chaos

From the Herald Tribune Bureau
WASHINGTON, Sept. 4.—The Mexican government, in a new note made public today, in effect stood pat on its rejection of demands of the United States for prompt settlement of claims for \$10,132,388 worth of American-owned lands seized in the last eleven years under its agrarian policy.

The note, delivered Friday, obviously widened the breach between the two governments, already severely strained, though it was not regarded as closing the door entirely to further discussions. It followed, in detailed terms, the position enunciated on the day of its delivery in a speech by President Lazaro Cardenas, which emphasized the absolute conflict of principles adhered to by the two administrations.

In the note, signed by Eduardo Hay, Mexican Foreign Minister, the Mexican government flatly refused to halt land seizures pending adjustment of the controversy or to set up a fund from which claims could be settled immediately after determination, and adhered to the legal principle which, Cordell Hull, Secretary of State, has charged, would "replace the rule of just compensation (in international law) by the rule of confiscation."

Note Disappoints Officials
The note was made public without official comment here simultaneously with release in Mexico City. Despite the lack of comment, however, it was plain that officials who had studied the text over the week end had found it even less satisfactory than its predecessors in the correspondence on the agrarian land-seizure controversy.

Crystallizing a situation which is regarded as leaving the trade, financial and business relationships between the two nations in a state of chaotic uncertainty, the note not only reiterated the Cardenas government's position but added new emphasis to certain points which previously had not been projected so strikingly into the high-lights of the conflict.

The general tenor of the note was viewed as confirming the previous indications that the Mexican government was standing determined for what the United States government regards as the abolition, or virtual emasculation, of the doctrine of just compensation and the substitution of the doctrine of confiscation in a very sweeping manner.

From the Washington viewpoint, as repeatedly expressed, there can be no basis for working out settlements if there is not to be any fixed principle of compensation, such as should exist between debtor and creditor, or at least a real lump sum arrangement. The Mexican note's tenor suggested therefore, that discussion of details or minor things had been subordinated to the larger question of "just compensation versus confiscation." The Mexican government, in effect, now asserts more bluntly than before a right to seize without payment because it has a law on the subject.

Opposes "Academic" Talk

At the outset of his note, Foreign Minister Hay expressed a desire to refrain from entering into an "academic" discussion of opinions regarding international law lest, instead of clarifying existing problems, it "alienate us from the spirit which friendship and mutual respect impose on us."

He challenged Secretary Hull's view that the Mexican position was contrary to fundamental principles of international law, to ethics and to democratic practices, Mexico, he said.

(Continued on page 2, column 1)

Business Chances

MANUFACTURER wants metal novelties, large production, royalty basis. E. M. Murray, 1170 Broadway.

"Every time we use your Classified section it seems to bring us very satisfactory results. The last ad brought us work to keep us busy. We are very pleased with results."

Another advertiser writes: "In consequence of our ad in your 'Business Opportunity' column we were able to select a gentleman to our complete satisfaction."

If you have some legitimate business enterprise in which you wish to interest Herald Tribune readers, advertise in the Business Opportunity column. Sunday rate 12c a word, Weekday rate 11c a word.

Bullitt and Bonnet Warn Hitler He Faces Front of 3 Democracies

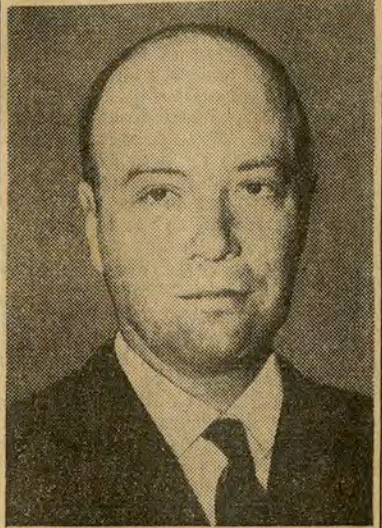
U. S. Envoy, at Unveiling
of Monument, Says 'No
One Can Prophesy' if
America Will Join War

By John Elliott
By Wireless to the Herald Tribune
Copyright, 1938, New York Tribune Inc.
LA POINTE DE GRAVE, France, Sept. 4.—On the eve of the Nazi party congress at Nuremberg, where Chancellor Adolf Hitler is expected to make a fateful pronouncement concerning Czechoslovakia, the German dictator was warned by Georges Bonnet, French Foreign Minister and William C. Bullitt, American Ambassador, that if he upsets the peace of Europe he will probably find himself confronted by a coalition of the three most powerful democracies—the United States, France and Great Britain.

The occasion for these speeches was the dedication on Lafayette Day of an impressive 225-foot-high cement shaft which has been erected at the mouth of the Gironde river near Bordeaux to mark the spot where Lafayette embarked for America in 1777 and where the first A. E. F. detachments landed in 1917. The cornerstone was laid almost twenty years ago, in 1919, by the late President Raymond Poincare.

Making his first public address since he became Foreign Minister five months ago, Bonnet categorically reaffirmed France's intention of fulfilling her obligations under the treaty of alliance with Czechoslovakia if the latter should be attacked by Germany, asserting:

"We do not dissimulate the gravity of the Czechoslovakia problem. In any case, France will remain faithful to the pacts and treaties which she has undertaken." Never, he added, was Franco-American solidarity more evident than today.



Herald Tribune photos—Acme
Ambassador William C. Bullitt
(at top) and Georges Bonnet,
Foreign Minister of France

and never have the relations between France and Britain been so close.

Delivering his speech in impeccable French, Bullitt confirmed the

(Continued on page 6, column 2)

Roosevelt Goes Into Maryland Bearing Gifts

Promises His 'Neighbors'
They Will Get New Bridge;
Speech Today Expected
to Press Tying Purge

By Albert L. Warner
A Staff Correspondent

MORGANTOWN, Md., Sept. 4.—Delicately carrying the New Deal purge into southern Maryland, heart of territory claimed by the black-listed conservative Senator, Millard E. Tydings, President Roosevelt promised the tobacco and corn farmers of this out-of-the-way peninsula a two-mile bridge across the Potomac River.

There was nothing in the President's remarks about Senator Tydings, whom he has made his arch foe in the Democratic ranks. Nor was there any mention of Representative David J. Lewis, New Deal opponent of Tydings in the Senatorial primary which comes September 12.

But the little gray-haired Representative, a big beam on his face, stood right next to Mr. Roosevelt as the latter looked across the sparkling Potomac to the Virginia shore and then assured an audience which

(Continued on page 5, column 2)

500,000 Nazis Awaiting Hitler At Rally Today

Party Congress to Eclipse
Past Records, With Czech
Issue Dominant; Fuehrer
to Speak 6 Times in Week

By The Associated Press

NUREMBERG, Germany, Sept. 4.—Chancellor Adolf Hitler will make a grand entry into Nuremberg tomorrow for the Nazi party congress, with Czechoslovakia the issue in the foreground and Austria in the background.

Der Fuehrer will lead the party, which he founded and used as a springboard to world power, through eight days of speech-and-policy-making. His annual keynoting proclamation will be read Tuesday, reviewing Nazi achievements and pointing the way to the future, and Hitler will make at least six speeches during the congress.

The convention, always an event of superlative figures, will eclipse its past records because of the addition of participants from Austria, annexed March 13. Five hundred thousand Nazis in all will be there officially; hundreds of thousands of visitors are expected.

Advance information indicated

(Continued on page 6, column 7)

Summary of Today's News

CARDINAL'S DEATH

Cardinal Hayes, 70, dies in his sleep at vacation camp. Page 1
Leaders of all faiths express regret at Cardinal's death. Page 1
Cardinal's funeral to be held Friday after 4 days' mourning. Page 10
Priests at Cathedral in tears announce Cardinal's death. Page 12

FOREIGN

Mexico rejects U. S. protest, straining relations. Page 1
Bullitt and Bonnet warn Hitler of democratic front. Page 1
Sudetens call Hitler their Fuehrer, ask annexation. Page 1
Hitler makes grand entry today at Nazi party congress. Page 1
Spanish rebels claim gains of 'many miles' on Ebro front. Page 1
French Army leaves canceled to bolster Maginot line. Page 6

NATIONAL

Roosevelt, off for 'purge,' promises Maryland new bridge. Page 1
Lever wins Greve Trophy race; pilot hurt in crash. Page 3
California woman flees kidnaper hideout, returns home. Page 3

WASHINGTON

Army to ask 8,000 more soldiers to man planes and tanks. Page 8
Radicals said to favor Jackson or Ickes for President. Page 6

LABOR

Amos Pinchot tells Lewis New Deal menaces labor's rights. Page 8
Dr. Van Reuten calls on labor leaders to be mature. Page 9

SPORTS

Australians upset Budge and Mako in Davis Cup doubles. Page 17
Two hurt as Notre Dame, Gold Cup speedboat entry, sinks. Page 17
Greentree beats Jaguars, 15-9, in start of open polo. Page 18
Yankees down Senators, 7-4, Gordon hitting two homers. Page 19
Giants split with Dodgers and drop to fourth place. Page 19
U. S. team wins rifle match at Camp Perry. Page 20

CITY AND VICINITY

"Dixie" Davis's sister to resume stand in Hines trial. Page 1
Cross Bay Boulevard closed as bridge pier sinks into bay. Page 1
Butler hits third-term; describes dangers to democracy. Page 2
Democrats consider Tremaine as nominee for Governor. Page 4
Montauk goes wild west in local talent rodeo for charity. Page 13
Brisk breezes keep holiday beach crowds out of water. Page 13
Books and Things, by Lewis Gannett. Page 9
Drama and music. Page 8
Church news and sermons. Page 9
Society and resorts. Page 15
Fashion and food news. Page 16
Detailed weather report. Page 26
Radio programs. Page 26
Today's calendar of events. Page 26
Army and Navy orders. Page 26
Real estate news. Page 26, 27
Obituary articles. Page 12

EDITORIALS AND MISCELLANY

Editorials. Page 14
Henry J. Allen on Mexico. Page 13
On the Record, by Dorothy Thompson. Page 13
The Bridge Deck. Page 16
H. T. Webster's cartoon. Page 20
"Mr. and Mrs." Page 26
Nature story. Page 16
Cross-word puzzle. Page 27

MARINE AND SHIPPING

Incoming, outgoing ships. Page 26
Liner Queen Mary due here this morning on 99th crossing. Page 26

FINANCIAL MARKETS

Stock quotations 22 Curb deal 23
Bond dealings 23 Cable rap 21
Foreign exchange 23 Bank stocks 24
Financial notes 22 Wheat 21-22
Business records 24 Cotton 25
Further upturn in steel mill rate seen for autumn. Page 21
London finds "unreal" quality in attack on pound sterling. Page 21
Monthly over-counter. Page 25

Today's AUCTION SALES
See next-to-last page—Adv.

Czech Nazis Hail Hitler as Our Fuehrer

Harvest Festival Crowds
Defy 'Horst Wessel' Ban
and Shout 'We Want
Our Homeland in Reich'

Henlein in Parley With Runciman Aid

Germany's Decision Held
Secret, but Sudetens
Suspect 'Lid Is Off' as
Police Make No Move

By Walter B. Kerr
By Wireless to the Herald Tribune
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PRAGUE, Sept. 4.—Czechoslovakia's Sudeten Germans for the first time publicly acknowledged Chancellor Adolf Hitler as their Fuehrer today and said they wanted their homeland within the frontiers of Germany. This declaration was made at three meetings near the German border, one of them attended by Konrad Henlein, Sudeten Nazi chieftain.

The Sudeten Nazis demonstrated today as they never before dared to demonstrate. At Decin (Tetschen) in the north they sang the forbidden Horst Wessel song while Czech police looked on helplessly. It was a Sudeten outburst of feeling following the return of Henlein from his talks with Hitler at Berchtesgaden. Henlein himself said nothing, but obviously he had passed along the word that the lid was off.

The government in Prague was grimly silent. Yet these demonstrations failed to cause much worry among members of the unofficial British mediation mission headed by Viscount Runciman. During the morning Runciman's chief aid, Frank Trelawny Arthur Ashton-Gwatkin, had talked with Henlein for two hours and had heard from him the instructions issued by Hitler. Ashton-Gwatkin was not overly troubled by what he heard. Prague had the impression tonight that the Sudeten Germans had been ordered to continue negotiating, but at the same time to hold out for their original onstrate enough force from the Czechs the greatest possible concessions.

The occasion for today's three meetings of Sudeten Germans was the annual harvest festival. As Ashton-Gwatkin said, Henlein stood on the platform while George Woellner, a Sudeten Nazi member of Parliament, talked to the crowd.

"In our fight," Woellner said, "there can be no compromise. The Sudeten demands for autonomy as laid down in the eight points declared at Karlsbad (Karlovy Vary) are only the beginning. The Sudetens are not alone in this fight. Behind them stand 76,000,000 Germans. The German wants no war. He wants the 3,500,000 Sudetens, who form an essential part of the great German people, to enjoy their full rights."

It may be pointed out here that Woellner's total of 3,500,000 Sudeten Germans includes 500,000 who are violently opposed to the Nazi credo. Continuing, the deputy said: "We hate war. We carry on our fight by legal methods. Therefore, the Czechs should not again occupy our villages and others nearby in secret, while in Prague they are negotiating and Lord Runciman is there to give good advice."

Woellner's objection here presumably was that the Czechs had

(Continued on page 6, column 8)

Sinking Span on Cross Bay Road Ties Up Traffic for Rockaways

Cross Bay Boulevard, the chief traffic artery between the Queens mainland and Rockaway Peninsula, was closed at South Channel Bridge at 1 p. m. yesterday when it was discovered that one of the bridge piers was sinking into Jamaica Bay. For more than a month workmen had been engaged in widening the bridge, which links the Rockaways with the island of Broad Channel. In recent weeks there had been considerable blasting of the riprap along the western side of the bridge.

Late Saturday night a watchman discovered that the pier supporting the north end of the drawbridge, at Broad Channel, had subsided nearly two inches, throwing the northern leaf of the span several inches out of line. He summoned James Marcel, one of the consulting engineers on the project, and after a hasty inspection it was determined that the span was in no immediate danger of collapse.

During the morning a diver was lowered into the channel. At the base of the pier, thirty feet below water level at ebbs tide, he discovered that the swirling tides had scoured deep pits about the spilling. Following a consultation between representatives of Madding & Hyland, consulting engineers, and Johnson, Drake & Piper, contractors, it was decided to close the span for an indefinite period.

Immediately police were con-

Rebels Pierce Ebro Defense In New Thrust

Loyalists Admit Loss of 3
Hills in Gandesa Area
as Franco's Tanks Lead
Way in General Advance

Corbera Captured In Fierce Fighting

Severe Toll Is Reported
in Battle; Government
Claims Gains in Drive
on Estremadura Front

By The Associated Press

HENDAYE, France at the Spanish frontier, Sept. 4.—Spanish insurgents reported today they had driven government forces from many miles of fortifications on the Ebro River front in a general advance that opened a new insurgent offensive in Catalonia. Government advisers acknowledged the loss of three hills in the Gandesa sector, but declared the insurgent assaults were turned back at most points.

The powerful insurgent drive began yesterday. Generalissimo Francisco Franco's infantry followed tanks in repeated charges against the government's strong lines west of the Ebro River after punishing aerial and artillery barrages. The opening attacks were against intrenchments held by the government's best shock troops, including international brigades.

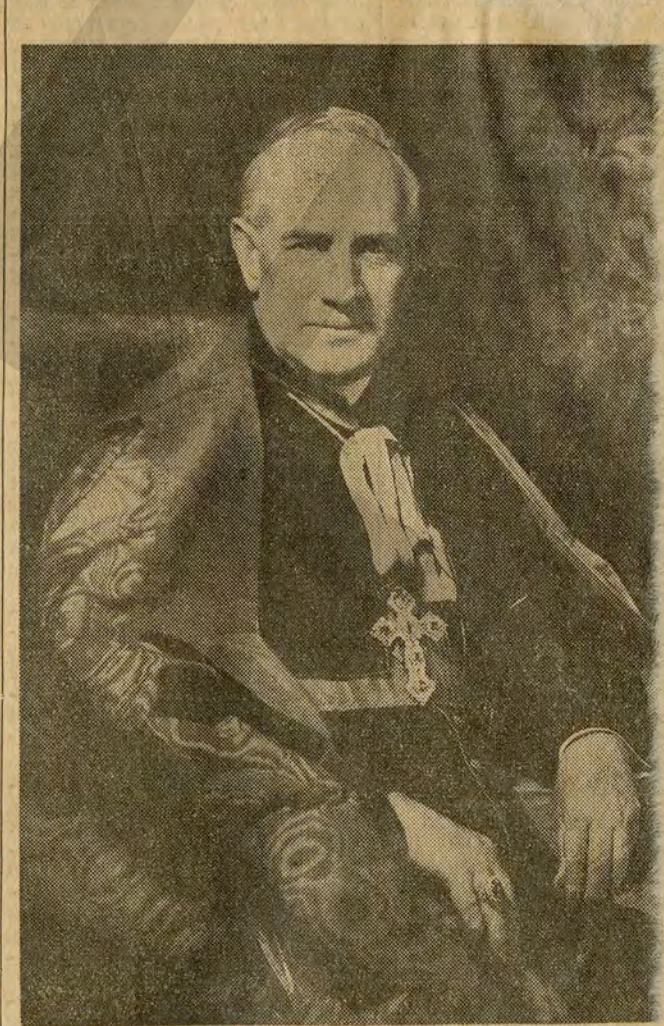
Franco's reports said his troops won important positions on heights near Gandesa, in the lower Ebro Valley, but the sectors of other reported advances were not disclosed. In the Gandesa sector, they said, insurgent infantry captured and pushed beyond Corbera, three miles northwest of Gandesa, on a highway leading through the mountains to the Ebro.

Corbera, a key point in the government line, was the first important village captured by the insurgents in the Ebro Valley since the government flung its lines around Gandesa in July. Insurgent disintegrating said government forces were scattered on both sides of Corbera in the early morning, and that the last defenders were driven from the village's shell-torn streets by noon. An hour later, they said, the insurgent red-and-gold banner was flying from the ruins of Corbera's church.

The insurgents admitted government resistance was stiff, but declared the defense forces suffered heavy casualties in the fierce fighting. Franco's military headquarters estimated government losses at 25,000 since July 25, when the government army pushed across the Ebro River and dug a salient deep into the insurgents' lines in Catalonia. They said renewal of the insurgent drive yesterday added heavily to the government's casualties, but gave no figures of dead or wounded. They said 300 government prisoners had been captured.

Government dispatches reported capture of several hills on the Estremadura front in the southwest, and two advances against insurgent siege lines around Madrid. They said government forces drove back the insurgent line on the road from Las Rozas, northwest of Madrid, toward Escorial, and advanced on the outskirts of the city by exploding a huge mine under insurgent positions. Franco's reports, however, declared government attacks on the Madrid front "were easily beaten back."

Cardinal Hayes In Sleep at Vacation St. Patrick's R



Patrick Cardinal Hayes

Churchmen, Laity and Officials Mourn City's Cardinal of Chicago

Lehman, LaGuardia, Manning Among Those
Pay Tributes to Hayes; Call Death Great
Loss to the Church, City, State and Nation

Leading Roman Catholic officials and laymen and outstanding representatives of other faiths joined yesterday in expressing regret at the death of Cardinal Hayes. Their statements follow:

'Profound Sadness' Is Expressed by Pope

CASTEL GANDOLFO, Sept. 4 (AP).—Pope Pius XI, informed today of the death of Cardinal Hayes, expressed "profound sadness," a Vatican news service said. The Pontiff ordered messages of condolence sent. "The death of Cardinal Hayes is a real loss to the Church," the Vatican secretariat of state said. "He was truly a charitable man and his archdiocese was a model of Catholic life."

Cardinal Hayes's death reduced the College of Cardinals to sixty-five members, of whom thirty-six are Italians and twenty-nine are of other nationalities.

Story of Check Faces Attack At Hines Trial

Mrs. Wendroff, Davis Sister,
to Resume Stand Tomorrow;
State Still to Call 10
or 12 More Witnesses

Mrs. Rose Wendroff, sister and one-time secretary of J. Richard "Dixie" Davis, will return to the witness stand tomorrow as the James J. Hines lottery conspiracy trial enters its fourth week. Mrs. Wendroff must face additional cross-examination on her testimony of last week, in which she said she delivered sums of money to Hines several times, and gave him a \$500 check in June, 1934.

The veteran Tammany leader is on trial in Supreme Court before Justice Ferdinand Pecora and a special jury, charged with having been the political protector of a conspiracy organized in 1932 by the late Dutch Schultz, gang leader, to take over and operate the Harlem policy or numbers game, free of interference from police and courts.

Only a few pieces remain to be placed in the mosaic of evidence prepared against Hines by District Attorney Thomas E. Dewey. The prosecution has presented about forty witnesses in the first three weeks of the case, and ten or twelve are still to testify. Mr. Dewey will need two or three days to wind up his case, and the defense expects to take at least two weeks.

The check of which Mrs. Wendroff testified probably will be the subject of further testimony tomorrow. The District Attorney's office declined to comment on a report that the check was traced to a betting commissioner who sometimes handled wagers for Hines at the New York racetracks.

When he offered the check in evidence

(Continued on page 8, column 2)

ARCHBISHOP AMLETO

NI CIOGOGNANI, Apostolic delegate to the United States, was profoundly sorrowed by the death of our venerated Cardinal bishop. I express heartily my condolences to the clergy and the faithful of the Archdiocese of Chicago, and I unite my prayers with theirs.

ALFRED E. SMITH—

I was shocked and grieved at the death of Cardinal Hayes, a great American, a wonderful friend and a distinguished Cardinal who has passed on to his great reward.

GOVERNOR HERBERT

MAN—I am shocked and beyond expression by the death of Cardinal Hayes, a great leader with a soul of tenderness and an intellect of unusual power. I always was grateful for his friendship and his wise and helpful counsel. He was justly known as "the father of charity," and his life was a model of Christian service.

MAYOR F. H. LAGUARDIA

the death of his Eminence Cardinal Hayes, a great leader and a great citizen. He was not only a great citizen, but a great man. His interest in the people of the City of New York was unlimited and his efforts to improve conditions and bring about a better life for all were constant. He was a man of great courage and great faith, and his death is a great loss to the City of New York and to the Nation.

BISHOP WILLIAM T. MANN

of the Protestant Episcopal Diocese of New York—I am greatly grieved to hear of Cardinal Hayes's death. I have known and greatly esteemed him since the days when I was a chaplain at Camp Upton and he was in charge of the chaplains representing the Roman Catholic Church. His death is a loss to the whole cause of religion and to the community.

THE RIGHT REV. EDMUND F. GIBBONS

Bishop of Albany—The clergy and laity of Albany Diocese join their brethren of New York in deep condolence on the death of their revered Cardinal Archbishop. He loved Albany and he cherished him for his noble character, his piety and charity. He was a great man, but so sweetly human that he never overawed.

MONSIGNOR THOMAS J. McDONNELL

director of the Society for the Propagation of the Faith—

(Continued on page 12, column 1)

In the architecture of New York in 1932, when they became a prelate-apostolic, governed by its own bishop.

Brooklyn and Queens are under the jurisdiction of the Most Rev. Thomas E. Molloy, Bishop of the Roman Catholic Diocese of Brooklyn, which includes Long Island. The Archdiocese of New York are churches, 1,650 priests, one university, nine colleges, eighty-six hospitals, and 266 elementary schools. The archdiocese contributed millions of funds to the Church of Rome throughout all of Europe.

Cardinal Hayes as metropolitan of the New York Archdiocese presided over all the other Roman Catholic bishops in the province. New York, which is co-extensive with New York State, until this year Cardinal Hayes's provincial sphere also included the dioceses in the State of New Jersey but these went under the Most Rev. Thomas J. Walsh, as metropolitan.

(Continued on page 10, column 1)

Text of Mexican Note Rejecting U. S. Stand on Land Seizures

By The United Press
WASHINGTON, Sept. 4.—A translation of the note handed to Josephus Daniels, United States Ambassador to Mexico, by Eduardo Hays, Foreign Minister, on September 2 follows:

Mr. Ambassador:

"I have the honor to reply to your government's note, delivered August 22 of the current year, to the Ambassador of Mexico in the United States of North America, in which there are set forth various opinions regarding international law and views are expressed regarding the laws of Mexico and acts of my government. As a detailed analysis of those views might become a discussion of an academic character which, instead of aiding a better understanding between our respective countries and clarifying the existing problems, might, perhaps, alienate us from the spirit which friendship may have in the past on us. I refrain from entering into a detailed study of the note referred to, limiting myself to upholding the bases of the international position which Mexico has assumed and to fixing the specific points which may serve as a basis for the prompt and definitive solution of the subject.

I cannot, however, fail to express to Your Excellency the regret with which the people and the government of Mexico have seen that your government, disregarding the motives, the causes, and the historical antecedents, political and social, of our agrarian revolution, expresses the opinion that the juridical position maintained by Mexico is contrary to the fundamental principles of international law, to ethics and to democratic practices. Mexico believes, on the contrary, that it has adjusted its acts to the standards of international law, in accordance with the evolution which the traditional concepts of that law have necessarily undergone.

Far from judging that its attitude departs from the standard accepted by the civilized world in general, and by the republics of this continent in particular, my country considers that its interpretation represents the unanimous conviction of the Ibero-American Republics and reflects juridical thought at the present moment. Mexico believes likewise that unless the true meaning of the word "democratic" is changed, it cannot be said that a social reform involving the life of the population of the country can be qualified as anti-democratic.

Obligation for Reform

Confronted with the inescapable obligation of carrying out the agrarian reform—undoubtedly the most important point of the revolutionary program—my government must expropriate [affect] all the lands that may be necessary until their complete distribution, as is ordered by the constitution and the agrarian code of Mexico, laws which establish the duty of indemnifying the owner of the lands taken, although the delivery of the indemnification might have to be postponed.

The rights of society are in this case beyond doubt, and the social necessity is so urgent that its satisfaction cannot be subordinated to the possibilities of an immediate payment. In view of the fact that the aspirations of the collectivity must prevail over individual interests, Mexico cannot refrain from carrying out the redistribution of the land, although in so doing she might likewise affect foreigners.

This attitude of Mexico is not, as Your Excellency's government affirms, either unusual or subversive. Numerous nations, in reorganizing their economy, have been under the necessity of modifying their legislation in such manner that the expropriation of individual interests nevertheless does not call for immediate compensation and, in many cases, not even subsequent compensation, because such acts were inspired by legitimate causes and the aspirations of social justice, they have not been considered unusual or contrary to international law.

As my government stated to that of Your Excellency in my note of August 2, it is indispensable, in speaking of expropriations, to distinguish between those which are the result of a modification of the juridical organization and which affect equally all the inhabitants of the country, and those others decreed in specific cases and which affect interests known in advance and individually determined.

There are numerous examples of nations whose cultural progress is beyond discussion, which have seen themselves obliged, without repudiating the right of property in the abstract, to issue laws which have signified expropriation without immediate payment and sometimes without later compensation. Countries might be mentioned which, under pressure of reasons considered to be of public necessity, have forced private individuals to exchange their gold and their gold certificates for money which has already been depreciated, or which was depreciated immediately afterward.

Those countries have also been under necessity to require private persons, without distinguishing between nationals and foreigners, to receive in payment of obligations, which had been contracted in gold, the already depreciated currency of the country. Because appropriation was indirect in these cases, it was none the less effective, since the owners of gold and gold certificates in the first example, or of credits payable in gold, in the second one, have seen their property diminish without receiving adequate compensation in return.

Notwithstanding that each time that measures of this character

have been decreed, there have not been lacking those who described it as "confiscation pure and simple" and, notwithstanding the fact that they must have caused loss of confidence in investors, and serious disturbances in commerce, the courts of the various countries justified them, in view precisely of the reasons of a superior order and of the public interest which inspired the said measures.

It is true that when these emergency measures were adopted by countries which were economically weak, which desired the respect of their obligations, contracted in gold, with depreciated currency, the creditor nations, representing their nationals, denounced the debtor countries before the Permanent Court of International Justice, accusing them of being transgressors of their rights. But later the same powerful countries which did so could not avoid having recourse to the measures which they had criticized so severely, for the purpose of solving their own problems.

Following the juridical transformations of the law of property, although without destroying it, some states have incorporated in their public law the fundamental principle that interests of individuals are subordinated to those of the community, as was stated by the Spanish constitution of 1931, in whose Article 44 after establishing that "all the wealth of the country, whoever may be its owner, is subordinated to the necessities of the national economy," provides that "properties may be subject to forced expropriation on account of social utility by payment of adequate indemnification, unless it is otherwise provided by a law approved by the votes of an absolute majority of the Cortes."

In the Republic of Czechoslovakia, according to its constitution, the law "can limit the exercise of private property," and "expropriation cannot be effected without previous authorization of the law and indemnification unless a law should provide, either at present or in the future, that indemnification is not granted." (Article 109)

The German constitution declares that "it cannot make any expropriation, except for public utility and in accordance with the law. It will be effected by adequate indemnification, unless a law of the Reich otherwise provides. Respecting the sum of the indemnity, recourse can be had in case of disagreement to the ordinary courts, except for the laws of the Reich which stipulate the contrary."

Cites Agrarian Changes

In addition to the states whose constitutions I have just quoted, it is very interesting to observe that Yugoslavia, Bulgaria, Greece, Estonia, Finland, Latvia, Lithuania, Poland, Rumania and several others have already adopted in their organic regimes agrarian reforms with procedures similar to those established in the fundamental law of Mexico.

In examining the agrarian law of Rumania, the dean of the law faculty of Paris, Mr. H. Berthelmeu, maintains together with a select group of jurists of world reputation, that the application of that law in the important case of the Hungarian optants of Transylvania is not contrary to the standard of international law, and recalls that agrarian laws have been passed which have caused expropriations, with inadequate indemnification, in Prussia (1811), in Austria (1848), in Russia (1861), and even in the United Kingdom of Great Britain, when it included Ireland (Agrarian Reform in Rumania, 1927, pages 50 and 59).

The foregoing examples have been cited, not in support of the possibility of failing to pay the expropriations on account of public utility, since on this particular point my government has repeated, in conformity with its laws, that it considers itself obligated to indemnify, but to justify the opinion maintained by Mexico that neither juridical nor moral principles are derogated, when it is maintained that the collective interests must prevail over the interests of persons who are nationals or foreigners. Mexico has maintained that the so-called rights of man, among others, the right to property, with its modalities, are not principles of international law, but that their validity is derived from municipal law.

The fact is not disregarded that the contrary opinion upheld by your government has defenders, but it must be admitted that the point of view of Mexico, far from constituting an unusual theory, lacking substance and without a juridical basis, has in its turn the most solid supports. Indeed, the renowned expositor of international law, Oppenheim, affirms the following in the last edition of his famous treatise published by Lauterpacht, in speaking of the rights of the individual, on pages 508 and 509 of the first volume:

"It is said that such rights include the right to existence, the right to protection of honor, of the family, of health, of liberty and of property, the right to exercise the religion of one's choice, the right of emigration and other similar rights, but those rights (they can only be municipal and not international rights) at present do not enjoy any guarantee at all in international law."

Mexico has seen with satisfaction that your government approves its proposal not to demand special or privileged treatment for its nationals, but a just and reasonable treatment in harmony with the generally recognized principles of international law. However, my government does differ from the opinion of that of your excellency, as to equality of treatment having been established to protect the rights of foreigners against the state, since, on the contrary, that principle was formulated precisely in defense of the weak states against the unjustified pretension of foreigners who, alleging supposed international laws, desired to be placed in a position which has been crystallized, as an aspiration of the republics of this continent, the principle which has just been discussed. And it is the states which are economically weak that are obliged to themselves to take all possible precautions against foreign investors who, in exchange for producing some revenues to the treasury while they obtain profits which are at times fabulous, have become an obstacle to the very action of the government.

It is true, as your government affirms in the note to which I am replying, that respect for property rights is recorded in the constitutions of all states of this continent, but it is also recorded that such right must undergo modification or suspensions which the general interest, the basis of law itself, may demand. In such cases foreigners cannot consider themselves as immune from the modifications to which local legislation is subject.

The opinion of Latin America in this respect has already been brilliantly expressed by the illustrious Argentine authority on international law, Calvo, who, using his indisputable authority, maintained in his classic treatise:

"294.—The very serious subject of the constant claims of the great European powers on the governments of the American states is related to this question. All have been based on personal offenses, sometimes real and sometimes padded by their agents, and always painted by them in vivid colors. And the rule that in more than one case the former have tried to impose on the latter is that foreigners deserve greater consideration and greater respect and privileges than the natives themselves of the country in which they reside."

"This principle, the application of which is notoriously unjust and infringes the law of equality of states, and the consequences of which are essentially disturbing, do not constitute a juridical rule applicable in the international relations of those of Europe, and whenever it has been demanded by one, the reply of the other has been absolutely in the negative. It had necessarily to be so, because in the contrary case, relatively weak peoples would be at the mercy of the powerful ones and the citizens of one country would have fewer rights and guarantees than the foreigners residing there."

Gives Government View

After the foregoing approval of the opinion of Mexico with regard to the case under discussion, I shall proceed to set forth point of view of my government, in regard to the manner in which this matter may be settled, taking as a basis a practical arrangement.

In the letter of Under Secretary Mr. Sumner Welles, of June 29 last, mentioned in the note to which I am now replying, Your Excellency's government proposed establishment of a previous deposit as the guarantee of payment for the expropriated lands.

My government considers this proposal unacceptable because it considers it incompatible with the good faith and mutual confidence which should govern the stipulations of an arrangement of this character. Moreover, Mexico, as it has always done, has duly paid in strict compliance with the conditions agreed upon (April, 1934), in which our two governments succeeded in fixing, by means of the "Special Claims Commission," the terms of a pecuniary obligation to correspond to the damages caused by the revolution, whereby it is amply demonstrated how unjust is the proposal contained in the said letter of June 29.

With regard to future agrarian expropriations, I have to advise Your Excellency that my government finds itself legally incapacitated to prevent the application of the agrarian law, for which reason it will limit itself in each case to submitting to the consideration of the commissioners mentioned below the amount and the terms of the respective indemnifications.

My government has noted that

your excellency's government accepts, in order to solve the situation created, the proposal that approval of the value of the expropriated lands, as well as the terms of payment therefore, be submitted to a commission constituted by one representative of each party. In its turn my government accepts that, in case the said representatives should not arrive at an agreement, a third representative, chosen by the Permanent Commission, then be designated, as established by the Gendra pact, whose seat is Washington, and which is composed of the three diplomatic agents who have been accredited there the longest.

Quotes From Message

To terminate this message, I consider it pertinent to transcribe a few sentences uttered by the President of the Republic in his message to the Congress of the Union and which literally read as follows:

"Mexico, maintaining its points of view and respecting the aspects of divergence maintained by the government of the United States, is prepared to facilitate this arrangement, which practical sense has imposed, with a most sincere and friendly desire to consider this discussion terminated, which fortunately has not disturbed the good relations between our governments and our peoples."

"The continuation of this discussion would benefit only the interested and traditional enemies of any good understanding between our two governments, as is demonstrated by the costly, violent and insidious campaign which is being carried on against Mexico in the United States, and in which it is attempted to ignore that each country has different problems and different means of solving them, and that only a lofty, historical, social and human comprehension would interpret the true sense of reciprocity which should govern a fruitful and sincere friendship between the nations, which is necessary to fulfill the higher objective of the pact of Inter-American Solidarity, Co-operation and Harmony, concluded among all the republics of this continent and always renewed with greater faith and decision, not only for their own benefit, but that of the international community."

I take pleasure in renewing to your excellency the assurance of my highest consideration.

EDUARDO HAYS.

This note was in reply to that of Cordell Hull, United States Secretary of State, on August 22.

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Dice, dominoes, checkers and chess also may be played for money, but El Monte seems to like poker best.

Camps Meet Health Rules

ALBANY, Sept. 4 (AP).—The State Department of Health announced today that more than 1,500 camps in New York met sanitary requirements this year and are "being legally operated." C. A. Holmquist, director of the Division of Sanitation, said that health officers issued 496 camp permits and that seventy-nine camps did not require licenses because they were operated on state-owned lands.

Butler Declares 3d Term a Peril To Democracy

Says Nation Is Menaced by 'Revolution by Taxation' and Growing Bureaucratic Control Over Population

Special to the Herald Tribune
SOUTHAMPTON, L. I., Sept. 4.—A third term for President would be contrary to America's fundamental national policy, Dr. Nicholas Murray Butler, president of Columbia University, said tonight in an address in which he warned that three outstanding dangers confront American democracy. These dangers he listed as: Revolution by taxation, increasing control by bureaucracy of the life and occupations of the population, and that change in the authority of the Presidential office which would in effect give to the President legislative as well as executive power.

To the audience which heard his twelfth annual speech at the Parish Art Museum, Dr. Butler read a resolution adopted by the House of Representatives in 1875, which said that any departure from the anti-third term policy would be "unwise, unpatriotic and fraught with peril to our free institutions."

"To all intents and purposes the language of this very clear and important resolution has become the expression of a national policy which must be looked upon as fundamental," Dr. Butler said. "It has amended the Constitution in fact, although not in form. No President is at all likely himself to propose its reversal or modification, but on the other hand no President can always control the unwise and injudicious activities of some of those who wish to be known to the public as his friends."

Criticizes Alien Doctrines

Developing his main thesis of "Democracy in Danger," Dr. Butler first criticized Communist and Fascist theories of government. Next he struck at the recent attempt to pack the Supreme Court: "The people will resist and punish any attempt to impair the independence of that supreme judicial body which is the only representative they have in what concerns the present-day interpretation of the underlying principles and practice of their government." Then he turned to a discussion of the three dangers that threaten our democracy.

"There are various ways in which the foundations of our American democracy may be undermined subtly and without attracting public

notice," Dr. Butler said. "One of these ways is by revolution through taxation."

"The function of taxation is a democratic social and political order is simply to provide ways and means to carry on an efficient and liberal government by requiring the entire citizenship to contribute, each according to his means, toward the support of that government. But in establishing what this proportion shall be, the ruling principle must be simply the needs of the government well administered, and not any attempt to penalize those citizens of the democratic state who are in more fortunate financial position than their fellows."

"The moment that the power of taxation is used in an attempt to redistribute the national savings and to penalize as though they were criminals those individuals whose honest accumulations are large, that moment taxation has departed from the principles upon which a democracy rests and has started toward the building of a collectivist state, by unseen and almost unsuspected forces."

Damage to Principles

"Moreover, this revolution through taxation goes deep into the underlying principles of democracy and does those principles grave damage."

Dr. Butler was equally emphatic in his denunciation of the "second danger," which he described as a process of setting up administrative boards or commissions in a great variety of fields and then "to attempt by legislation to give them authority practically to control the major portion of the people's business."

"Nothing could be more anti-democratic than that and nothing more adverse to the public welfare," said Dr. Butler. "It is the fixed habit of these commissions and administrative boards, whether Federal or state, steadily to increase the area of their attempted jurisdiction and with more and more particularity to specify and direct the form of business activities of almost every kind."

"Just now an attempt is being made to extend this revolutionary habit in a score of ways, each one

of which represents an expression of the ambition of the busybody and the uplifter, with a concern of what democracy means for those who are engaged in governmental activities are fearful lest the totalitarian state, whether Communist or Fascist, find a foothold in the United States, and yet that which the are doing day by day is to imitate the totalitarian state in the field which has particularly aroused their personal interest and activity."

Powers of Presidency

As to the exaltation of the power of the Presidency, Dr. Butler said: "From the time of George Washington this has been felt by many to be a real danger to the democracy of this nation. There was much discussion of this question in the Constitutional Convention of 1787 itself, and it has not failed to attract public attention from that day to this."

"It is plain on the one hand that the Presidential office must have dignity and authority proportionate to its distinction, and that in the field of administration it should be supreme if it is to be effective. It is when the direct power of the Executive is extended beyond the field of administration to that of policymaking and policy-shaping, which are solely the functions of the legislative branch of the government, that it may easily become a danger to democracy."

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Mexico Tells U. S. It Will Not Halt Seizures

(Continued from page one)

contended, has adjusted its acts to the standard of international law "in accordance with the evolution which the traditional concepts" of that law have undergone.

Combating the suggestion that his government's attitude departs from the general world standard and that of the Western Hemisphere republics, he asserted that "my country considers that its interpretation represents the unanimous conviction of the Ibero-American republics and reflects juridical thought at the present moment."

The concern among private interests in this country over the Mexican government's property policies, it is recalled, has been heightened by fear that other Latin-American governments might undertake similar programs of confiscation of agricultural, oil and other properties.

Another article by Henry J. Allen, discussing conditions in Mexico, appears on Page 13.

City Opens Poker Parlors; Tuesday Is Ladies' Day

Mayor Bans Home Games, Levies 30c-an-Hour Kitty

EL MONTE, Calif., Sept. 4 (AP).—Mayor Nellie E. Teffler and the City Council have brought poker playing here out into the open.

It's illegal to play at home, but five licensed card rooms operate under a recently adopted ordinance. Every twenty minutes the house collects 10 cents from each player for use of the table and his chair. The house takes nothing out of the pot and there is no other charge.

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