

Safe Harbors and Compulsory Custody: *Casas de Depósito* in Mexico, 1750–1865

Lee M. Penyak

Tomas de Barrera, 19 years old and Spanish, was swept off her feet by the charm of Lieutenant Colonel don Pedro Jiménez de los Cabos in 1750 when they attended an engagement party in Atitalaquia. Jiménez approached her, nonchalantly unlaced the ribbon from her braid, and placed it in his pouch. During the following two days they enjoyed strolls together, and the aspiring suitor met with Tomasa's mother. The courtship both accelerated and degenerated a few days later, however, when don Pedro arrived on horseback at the young woman's house with six of his servants and told her that "*tonight we're going to leave.*" Tomasa later confessed in court to having fully understood and consented to don Pedro's plan. But when he arrived later that evening, she had changed her mind out of "respect for her mother" and resisted his persuasions to ride off with him as planned. One of don Pedro's servants then forced Tomasa to mount Pedro's horse and physically struggled with several women who tried to stop the abduction. Don Pedro and Tomasa went to a nearby ranch and maintained "illicit commerce" for nine days.¹ Tomasa testified that her abduction had not been carried out with deceit and declined to press charges against don Pedro. But the magistrate decided to investigate further because their unacceptable behavior had caused great "scandal and publicity" and, therefore, threatened social control.² Don Pedro was jailed at the munic-

The author wishes to thank Hugh Hamill, Jacques Barbier, Debbie Ramón, Jonathan Amith, and the *HAHR* readers for their valuable comments.

1. Archivo General de la Nación, Mexico City, (hereafter AGN), Criminal, vol. 560, exp. 11, fols. 279–81, Tomasa de Barrera (1750), emphasis in original.

2. Steve J. Stern notes that women sometimes used the weapon of scandal "by creating such a loud, divisive, and potentially threatening ruckus that male authorities had to intervene whether they liked it or not." See his *The Secret History of Gender: Women, Men, and Power in Late Colonial Mexico* (Chapel Hill: Univ. of North Carolina Press, 1995), 108.

ipal council and Tomasa was sent to a *casa de depósito*. She was released into her mother's custody a week later and threatened with further confinement if she failed to live "honestly" in the future. Don Pedro was fined five hundred pesos, which were to be given to the cathedral in Mexico City.³

Every society creates methods of social control to enforce gender norms and sexual roles. In Mexico, *casas de depósito* functioned as one of a broad sweep of protective and punitive institutions for adolescent and adult women during the colonial period and throughout much of the nineteenth century. The *depósitos* were houses of good reputation where magistrates placed problematic females so that they could benefit from the "decent" example of their hosts. Some women were confined so that they would enjoy safe harbor during ecclesiastical divorce proceedings or engagement; others were placed in compulsory custody because they had failed to abide by norms regulating appropriate female behavior. Sometimes these females were removed from their customary social networks and spaces by ecclesiastical and civil officials because they had failed to fulfill their proper roles as daughters, señoritas, mothers, or wives; other times women voluntarily interned themselves so as to facilitate changes in their own lives.

Scholars have described the *casa de depósito* as an institution that primarily provided temporary custody or safe haven for women with marriage problems. Silvia M. Arrom, for example, analyzes *depósito* from the perspective of divorce cases brought before ecclesiastical officials in Mexico City from 1790 to 1857. After petitioning ecclesiastical courts for divorce, women seeking the dissolution of their marriage were confined to private homes where they remained safe from potentially violent husbands. In her study of marriage selection, Patricia Seed explains that during the early colonial period women who had planned to marry suitors whom their parents rejected were sometimes placed in *depósito* with host families. These homes provided women with the opportunity to contemplate their decision away from potentially violent parents. She reveals, however, that as the colonial period progressed, both church and state worked together to prevent the continuation of these so-called secret marriages and instead supported the right of parents to select more suitable spouses for their children. As a consequence, notes Seed, *depósito* began to be used "in a variety of other circumstances for which it had not been intended."⁴

3. AGN, Criminal, vol. 560, exp. 11, fol. 288, Tomasa de Barrera (1750).

4. Silvia Marina Arrom, *The Women of Mexico City, 1790–1857* (Stanford: Stanford Univ. Press, 1985), 212–17; and Patricia Seed, *To Love, Honor, and Obey in Colonial Mexico: Conflicts over Marriage Choice, 1574–1821* (Stanford: Stanford Univ. Press, 1988),

This article evaluates *casas de depósito* in Mexico City and central Mexico from 1750 to 1865, and primarily focuses on those “other circumstances”—such as adultery, premarital sexual relations, incest, and rape—to which Seed refers. It explores the basic nature of the *depósito*, examines the responsibilities of both host family and guest, and suggests how this institution changed over time. Of particular value is the way research demonstrates the contested nature of gender rights, and how adolescent and adult women sometimes used this institution to foster change in their own lives. This study of *casas de depósito*, therefore, serves as an acute lens on gender in Mexico, and allows the reader to develop a feel for relations between the sexes, and between parents and children.

References to women guarded, protected, and punished in private homes are found in both ecclesiastical and secular records. The 82 cases that were used for this study are categorized in table 1.⁵ Information comes primarily

78–79, 178. Josefina Muriel refers briefly to *depósitos*, but only in reference to *recogimientos*, another custodial institution. See her *Los recogimientos de mujeres: respuesta a una problemática social novohispana* (Mexico City: Universidad Nacional Autónoma de México, 1974), esp. 146–47. Ramón A. Gutiérrez briefly mentions *depósito* for women who planned to marry in two of his works: “From Honor to Love: Transformations of the Meaning of Sexuality in Colonial New Mexico,” in *Kinship Ideology and Practice in Latin America*, ed. Raymond T. Smith (Chapel Hill: Univ. of North Carolina Press, 1984), 246; and *When Jesus Came the Corn Mothers Went Away: Marriage, Sexuality, and Power in New Mexico, 1500–1846* (Stanford: Stanford Univ. Press, 1991), 254. Arrom states that the institution of the *depósito* was “unique to the Hispanic world.” In more recent studies, however, it has become apparent that other Latin countries placed women in *depósito* or at least used this same term to describe female confinement. For instance, María Beatriz Nizza Da Silva notes that women were placed in *depósito* in colonial Brazil during their divorce proceedings. Lucia Ferrante notes in her study of women’s shelters in Bologna that some women were sent to convents in the form of *depósito*. See, respectively, Arrom, *Women of Mexico City*, 212; María Beatriz Nizza Da Silva, “Divorce in Colonial Brazil: The Case of São Paulo,” in *Sexuality and Marriage in Colonial Latin America*, ed. Asunción Lavrin (Lincoln: Univ. of Nebraska Press, 1989), 315; and Lucia Ferrante, “Honor Regained: Women in the Casa del Soccorso di San Paulo in Sixteenth-Century Bologna,” in *Sex and Gender in Historical Perspective*, eds. Edward Muir and Guido Ruggiero, trans. Margaret A. Gallucci (Baltimore: Johns Hopkins Univ. Press, 1990), 47. For an overview of women’s correctional facilities, see Sherrill Cohen, *The Evolution of Women’s Asylums since 1500: From Refuges for Ex-Prostitutes to Shelters for Battered Women* (New York: Oxford Univ. Press, 1992).

5. The term *engagement* is used for those cases wherein women requested to be placed in *depósito* so that they could pursue wedding plans without parental opposition. There are no references to premarital sexual relations or indications that their male partners had given verbal or written promises to marry. *Palabra de casamiento* was a verbal

from complete trials that contain declarations of the accused, statements by their lawyers, medical reports where necessary, petitions by prisoners and their families, and final judgments. The number of cases listed for each category is not meant to denote frequency. Emphasis was placed on locating and examining cases not usually associated with *casas de depósito*; thus, cases of women using this institution as the traditional safe harbor provided during ecclesiastical divorce and during the period of contemplation preceding marriage have received less than proportionate attention.

Of the 82 female *depósito* cases under study, 60 (74 percent) are from Mexico City, 15 (18 percent) from the present-day Estado de México, 6 (7 percent) from Hidalgo, and 1 (1 percent) from Querétaro. All of the cases, therefore, are from the central region of Mexico. Seventy-one percent of the cases occurred between 1750 and 1820; 29 percent between 1830 and 1865. Information on ethnicity is available in 42 cases, all before 1820. Women who identified themselves as Spanish or Indian make up the vast majority of protagonists, 48 percent and 40 percent respectively, while mestiza and castiza women make up only 5 percent each and morisca women 2 percent. An examination of the marital status of 79 of these women reveals that 59 percent were single, 33 percent were married, and 8 percent were widows; documentation on the age of the women sent to a *casa de depósito*, available in 37 cases, reveals that the average age was 20, with the youngest only 12 and the oldest 40. Finally, an examination of 57 of these documents reveals that females were consigned to nonrelatives 86 percent of the time; those few women placed with family members were more likely to be involved in cases that dealt with engagement or ecclesiastical divorce. Social background was not a factor determining placement, nor was age; women of all social backgrounds and ages were sent to live with nonrelatives.

Insight into the many facets of the *casa de depósito* can be gleaned from the

or written wedding promise. In *palabra* trials women claimed that their suitors tricked them into commencing sexual relations only to renege on their marriage proposals shortly thereafter. Women did not receive promises to marry in "premarital sex" cases. The term separation is used here for those cases wherein women fled from their husbands because of alleged verbal and physical abuse, but in which there are no references to ecclesiastical divorce (permanent separation) proceedings. The 82 cases were compiled from the following archival collections (listed in order of importance for this study): AGN, Criminal; Archivo Judicial del Tribunal Superior de Justicia, Mexico City (hereafter AJTSJ), Depósitos de Personas; AGN, Hacienda; AGN, Presidios y Cárceles; AJTSJ, Penales; AGN, Matrimonios (third series); AGN, Acordada; and AGN, Inquisición.

Table 1: Reasons Women Were Placed in *Depósito*:
Central Mexico, 1750–1865

<i>Reason</i>	<i>Number</i>	<i>Percent</i>
Engagement, premarital sex, <i>palabra de casamiento</i>	20	24.4
Adultery	19	23.2
Incest, incest-rape, rape abduction	18	21.9
Ecclesiastical divorce, separation from husband	14	17.1
Child custody, parent-daughter dispute	6	7.3
Prostitution	4	4.9
Not stated	1	1.2
Total	82	100

variety of contexts in which the word *depósito* was used in Mexican court cases. In addition to the *depósito* of women, this word was also used to denote the impounding or embargo of the material possessions of defendants during a trial; it could even refer to animals placed in custody as evidence during bestiality cases. For example, the property of Juan de Dios Contreras, accused of adultery in 1753, was embargoed and placed in *depósito* by Judge don Francisco Ladrón de Guevara. He placed a granary of Contreras's corn in the care of don Pablo Martínez, who was "handed the key to said granary and obliged to keep said corn under guard and trustworthy safekeeping." Animals were also placed with a caretaker during trials. In an 1807 bestiality trial from Huichapan, it was noted that "the said goat is to be deposited in the care of don Juan Ignacio Sánchez de la Baquera."⁶ Similar instructions were given to those people who were selected to receive and care for females in their homes. Magistrates placed visitation restrictions on certain family members. The heads of household were warned not to allow husbands or boyfriends to visit the interned woman if the case involved her well-being, ecclesiastical divorce, or illicit sexual relations. Even parents could be enjoined from visiting their daughter if she had asked to be placed in *depósito* because of her pending marriage. Hosts were also ordered to report any signs of bad conduct to the proper authorities and to deliver the woman to court officials upon request.

An 1805 trial from Mexico City includes some of the special instructions that these custodians received. María Ruiz, who claimed that she had been raped by Manuel Lanuza, was placed in the home of a certain don Miguel

6. AGN, Criminal, vol. 184, exp. 6, fols. 139, 163, Juan de Dios de Contreras (1753); see also vol. 200, exp. 3, fol. 96, Agustín Martín (1807).

Almonte. Almonte and his wife were told “to look after her upkeep and conduct” and to notify magistrates “in the event that María Luisa showed signs of disorder.” Unruliness might be used by hosts as justification to evict women. On June 14, 1852, doña Merced Jacine Anaya, owner of the house in which Adela Arcinas had been confined, wrote a letter to the judge stating that “she cannot continue here beyond today; I’ve achieved nothing, and every day it becomes more inconvenient for me to keep the said child.” Adela was transferred to her godfather’s house.⁷

Husbands whose wives had sought *depósito* frequently had the right to place restrictions on whose house might be selected. They sometimes rejected the homes of their wives’ relatives, especially their mothers, on the grounds that these women might give their wives troublesome advice or try to prevent the couple’s reunion. The fathers of women placed in *depósito* occasionally rejected the homes that had been selected by their daughters or the court. Therefore, although women might state their preferences for a particular host family, their male relatives were at times successful in convincing judges to replace the selected home with another.⁸

Family members of a woman housed in *depósito* were expected to provide the host family with money for her sustenance and clothing and even, at times, a bed. If a woman was interned for having participated in illicit sexual relations, her partner might be expected to pay a monetary fee to the owner of the house. Such was the case with Soledad Sevilla and Achile Gómez. On May 13, 1830, a magistrate arrived at their Mexico City home and informed them of a judge’s order to place Sevilla in *depósito*. Witnesses testified that the couple had maintained illicit sexual relations and that Sevilla had purposely aborted a fetus, first by having a barber bleed her and then by drinking a concoction made of celery and unspecified powders. Achile Gómez was ordered to “bear the cost of her support, paying her maintenance, medical treatment, and anything else necessary, as well as the costs of these proceedings and those that develop until the conclusion of this affair.” As with other men involved in illicit

7. AGN, Criminal, vol. 536, exp. 10, fol. 270, María Ruiz (1805); and AJTSJ, Depósitos de Personas, leg. 1, exp. 18, fols. 9, 14, Adela Arcinas (1852).

8. For examples in which males had their female relatives placed in certain homes, see AJTSJ, Depósitos de Personas, leg. 1, exp. 6 bis, fol. 22, María de la Luz Arango (1832); leg. 1, exp. 16, fol. 6, Josefa Carrera (1845); leg. 1, exp. 17, fol. 1, María de Jesús Landa (1846); leg. 1, exp. 18, fol. 6, Adela Arcinas (1852); leg. 1, exp. 24, fol. 1, Manuela Cobacho (1858); and leg. 1, exp. 45, fol. 1, Gonzala Estrella (1864).

relationships, he was warned not to communicate in any way with the woman placed in *depósito*.⁹

But not all families or partners cooperated with the *depositarios*, nor did they all fulfill their financial responsibilities. As a result, the personal comfort and security that many such adolescent and adult women experienced varied from case to case. Some stated that they lacked personal goods such as adequate clothing or a bed, while others went out of their way to laud the goodwill of their sponsors. An 1841 case provides examples of both hardship and gratitude. Francisca Hermenegilda Osollo had fled her adopted mother's house because of alleged physical abuse. Licenciado Luis Ezeta, the owner of the house in which Osollo was subsequently enclosed, testified that the effects of these beatings were displayed on the young woman's body when she arrived at his house, with nothing more than the clothes on her back. Two weeks later he appeared before the magistrate to complain that the girl's mother had continually refused to provide clothing, and that "the girl cannot even leave her bedroom because she is so dirty and ashamed of the undergarments that have covered her body for nearly a fortnight." Officials ultimately went to the mother's house and requested Francisca's clothes. Francisca's situation had notably changed a year later, however, when she wrote a letter to court officials stating that she now desired to live with her father. She also thanked Licenciado Ezeta and "every member of his family" for providing her with "the best treatment . . . a good education and Christian example." Information on this case ends with Ezeta's recommendation that the court respect Francisca's wishes.¹⁰

Judges declared that finding houses that were considered "decent, honorable, and safe" was not always an easy task. Part of their difficulty undoubtedly stemmed from their own preconceived ideas as to which members of society could fulfill the role of a trustworthy custodian. A 1761 adultery trial from San Antonio Singuilucan suggests that officials preferred the homes of Spaniards. Domingo Larraguibel, the ecclesiastical judge, said that María Micaela Alemán, accused of adultery, was being held prisoner in one of the rooms of the

9. AJTSJ, Depósitos de Personas, leg. 1, exp. 5, fols. 3–12, Soledad Sevilla (1830). No charges were ultimately filed against Sevilla for the alleged abortion because the fetus was never recovered and therefore could not be entered as evidence. Gómez promised to marry her as soon as he returned from a business trip to France. The last information we have on Sevilla is that she changed her house of *depósito* on 7 Aug. 1830 because of "an inconvenience" with her previous host.

10. Ibid., leg. 1, exp. 14, fols. 6, 8, 23–24, Francisca Osollo (1841).

parish house because “Spaniards have few houses in this area, and those that do are usually away tending to their businesses; for this reason she can not be placed in *depósito* in the home of a Spaniard.” Officials frequently designated their own homes or those of their relatives as among the select few appropriate for the care of these women. Eusebia María, accused of adultery by her husband in 1780, was assigned to the home of the alférez Nicolás de Barreda. Other examples include María de la Merced Santiago, accused of adultery in 1802, who was sent to the house of the *escribano* Joaquín Barrientos, and Juana Inés, accused of adulterous incest with her brother-in-law in 1755, who was sent to the house of don Juan Manuel de Guzmán, the *alguacil mayor* investigating her case.¹¹

Before independence, notaries in New Spain were particularly conscientious of recording the ethnic background of individuals who appeared before them. It is for this reason that we know that so many of the persons who received women in *depósito* were of Spanish background. Documents after 1821, however, are less complete in this respect than those recorded during the colonial period and usually do not reveal the ethnicity of the parties involved. Nonetheless, these documents do provide clues as to the social status of those whose homes were preferred. In the cases under study, four of these individuals were referred to as *licenciado*, two men as court clerks, one man as a colonel, and one woman as the widow of a general. We do not know if these people would have been considered “Spanish” during the colonial period, but their titles suggest that homes selected during the republican period continued to be owned by socially powerful members of society.

While most women were sent to homes headed by men, gender did not seem to be a necessary prerequisite when selecting *casas de depósito*. Women were sent to live in homes headed by nonrelated women in 15 cases. In 1783 doña Petra Cubillos, accused by her husband of adultery, was removed from jail and placed in a home because of illness. Doña Joaquina Picaso and her brother, don Esteban Picaso, were to receive Cubillos and “maintain her in a state of *depósito* and as prisoner.” María Antonia Contreras, accused of participation in an adulterous affair with a married man, was put in the house of María de Casso. Casso was described to the court as a “person of satisfaction” and as someone who in the past had proved to be reliable. The document also

11. AGN, Criminal, vol. 622, exp. 1, fol. 6, María Micaela Alemán (1761); vol. 123, exp. 8, fol. 124, Eusebia María (1780); vol. 362, exp. 3, fol. 168, María de la Merced Santoyo (1802); and vol. 24, exp. 6, fol. 353, Juana Inés (1755).

states that she “has others in her charge,” which suggests that several women might be placed in the same house at the same time.¹²

Hosts who chose to receive women may have offered their own homes for reasons of prestige or because they truly wanted to help educate and support these women. Philanthropy was a long-standing goal in New Spain, and the good intentions demonstrated by the owners of these homes undoubtedly helped a state with limited resources. Nine documents specifically mention, however, that women were sent to work as servants, sometimes receiving a salary, and that the hosts clearly benefited from their labor. Even in those cases wherein *depositarios* did not make specific reference to the responsibilities of women interned in their homes, it seems probable that these women were expected to participate in household chores and provide services in return for their maintenance. In 1810, for example, María Apolinaria García—Spanish, single, and 13 years old—was enclosed in a house after her stepfather raped her. The owner of the house intervened when the girl’s mother requested that she be sent elsewhere. He said that the young girl had demonstrated herself to be “rather weak” during the three months that she had been earning a salary as a servant in his house.¹³ María Ruiz, discussed above, provides yet another example. In 1805 she was placed as a servant in the house of a certain don Miguel Almonte. And María Marcela Rivera, a 30-year-old, single Indian woman from Querétaro, was confined to the house of don Manuel de los Ríos in 1792 “with salary and relief appropriate to her class.”¹⁴

Women not placed in the houses of officials or “honorable” families were sometimes sent to live with one of their relatives. During her trial for prostitution, María Guadalupe Rojas, described as Spanish, single, and 16 years of age, was first confined in the home of a government official. She was cleared of the

12. AGN, Hacienda, box 492, exp. 25, fol. 51, Petra Cubillos (1783); and AGN, Presidios y Cárceles, vol. 20, exp. 16, fol. 308, María Marcela Rivera (1791).

13. AGN, Criminal, vol. 41, exp. 5, fol. 340, María Apolinaria García (1810). In her study of colonial Venezuela, Kathy Waldron does not use the term *depósito* to describe those women who for having participated in illicit sexual activities were forced to work as servants in private homes. Her findings, however, suggest that she was outlining the same institution. Waldron states that “invariably, single women found guilty of violating the moral code were placed under the care of an *hombre formal*, nearly always a prominent married white male of the community. Forced to live in this man’s house, subject to his will and authority, many single women were reduced to servile positions for having engaged in sexual activity.” See her “The Sinners and the Bishop in Colonial Venezuela: The *Visita* of Bishop Mariano Martí, 1771–1784,” in Lavrin, *Sexuality and Marriage*, 171.

14. AGN, Criminal, vol. 536, exp. 10, fol. 270, María Ruiz (1805); and AGN, Presidios y Cárceles, vol. 20, exp. 16, fol. 307, María Marcela Rivera (1791).

charge that had been brought against her but found guilty of having maintained an illicit relationship with a soldier, with whom she had a child. "In order to avoid a relapse," stated the prosecutor assigned to the case, "María Guadalupe Rojas [should] be put in a secure and honorable house [by] . . . handing her over to one of her relatives."¹⁵ María Josefa Gorga Rivera, a single morisca woman from Mexico City, was confined in her mother's house in 1808 after her husband accused her of adultery. Her mother, María Josefa Díaz, was obliged to "keep her in her presence in the state of *depósito* and at the disposal of the *señor* [provisor y vicar general and to hand her over upon request." The fact that Rivera was morisca and confined in her mother's house again demonstrates that it was not only Spanish women who were placed in the custody of their parents.¹⁶

The *casa de depósito* was perceived by women and men alike as less severe and less of a social stigma than other forms of compulsory custody, such as prisons or *recogimientos*.¹⁷ In 1783, for example, Ignacia Balvina López, jailed in a *recogimiento* in Puebla for the crime of making and distributing *tepache* (a fermented drink made from pulque, pineapple, and spices), asked that her four-year prison sentence be commuted to equal time in a "*casa de satisfacción*." In 1770 Joseph Osalta complained to the court that his fiancé, María Anna Almonte, had been unfairly removed from a *casa de depósito* and sent to an ecclesiastical jail. She had originally requested enclosure while the couple's wedding was being planned, but had been later sent to the jail because the *depositario* no longer wanted her in his house. Osalta protested that it was not dignified for his honor "nor for the said doña María Anna to be subject to this type of confinement." In another case, doña Petra Cubillos, placed in *depósito* during her 1783 adultery trial, was subsequently found guilty and sentenced to be held in a *recogimiento* for as long as her husband desired. The judge decided on the harsher sentence of the *recogimiento*, he said, because Cubillos and her accomplice had even dared to go on excursions together to the Basílica de Guadalupe and, therefore, had not even respected "the most sacred place in America."¹⁸

15. AJTSJ, Penales, leg. 7, exp. 48, fol. 11, María Guadalupe Rojas (1792).

16. AGN, Matrimonios (third series), box 217 (89), exp. 9, fol. 7, María Josefa Gorga Rivera (1808).

17. Prisons and *recogimientos* (houses of seclusion under the guidance of religious, where promiscuous women, both single and married, were sent to repent for their sexual excesses and lived as a community) were other punitive institutions where women were occasionally sent. For examples of each, see Colin M. MacLachlan, *Criminal Justice in Eighteenth-Century Mexico: A Study of the Tribunal of the Acordada* (Berkeley: Univ. of California Press, 1974); and Muriel, *Recogimientos de mujeres*.

18. AGN, Acordada, vol. 7, exp. 7, fols. 49–53, 1783, Ignacia Balvina; AGN, Inquisición, vol. 1333, unnumbered exp., fol. 69, 1770, María Ana Almonte; and AGN,

Sometimes, both members of a couple were jailed immediately upon arrest, and then the woman was confined in *depósito* as her punishment. For example, on December 16, 1784, María Josefa Tenorio and José López, both previously arrested for maintaining illicit relations, were caught again in the same house and sent to the ecclesiastical jail. María Josefa Tenorio insisted that López had pledged to marry her and that their five-year relationship had produced a child. For his part, López denied having made a promise to marry. Tenorio was sentenced to live in an “honorable” house and warned that she would be remitted to a *recogimiento* if she ever tried to contact López again. López was freed after paying a 100-peso fine. Once again the *casa de depósito* is revealed as less severe than other punitive institutions.¹⁹

The practice of placing women in *casas de depósito* as their final sentence continued at least until 1858. In that year, a certain don Casimiro appeared before the judge of Ixmiquilpan and stated that his 14-year-old daughter Justa had been abducted from his house. Once brought under custody, however, Justa admitted that she had willingly fled from home with the intention of maintaining an illicit relationship, but that she had changed her mind and subsequently turned herself in. Judge Ramón de la Sierra referred to her in his final decision as a “loose” woman who “had succumbed to the first invitation . . . when in view of her young age she should have maintained her naïveté and innocence.” “For having fled from her parents’ house,” he sentenced her to four months of “rigorous *depósito*” in the same house where she had been confined during the trial.²⁰ *Depósito*, therefore, might not only be used to place women in temporary custody, but also as part of their final jail sentence.

A 1758 incest trial in Mexico City demonstrates that prison sentences were considered too onerous for pregnant women; instead they were sent to private homes. Manuel José Ruiz, the court-appointed representative of Isabel Anastacia Sánchez, wrote the ecclesiastical judge to inform him that within a few days his client would give birth. She had been jailed immediately following

Hacienda, leg. 492, exp. 25, fol. 73, 1783, Petra Cubillos. It is unclear whether Ignacia Balvina López was arrested for making or selling the beverage. Only four other cases among those I studied make reference to honor, two deal with adultery, and two with *palabra de casamiento*. References to honor are probably more prevalent in cases dealing with marriage among Spaniards. See Seed, *To Love, Honor, and Obey*, esp. 61–74.

19. AGN, Criminal, vol. 597, exp. 10, fol. 231, María Josefa Tenorio (1784).

20. *Gaceta de los Tribunales de la República Mexicana*, 20 Oct. 1860, vol. 1, no. 42, 680–82; originally cited in Julia Tuñón, *El álbum de la mujer: antología ilustrada de las mexicanas*, vol. 3: *El siglo XIX (1821–1880)* (Mexico City: Instituto Nacional de Antropología e Historia, 1991), 161–62.

initial charges, he said, and she lacked “indispensable foodstuffs, as well as the medicines that she requires.” He stated that it was customary that delinquent women “who find themselves pregnant” be taken out of jail and put in *depósito*. His client was subsequently released into the custody of her brother, who was instructed to restrict her freedom “to go about freely . . . [and] surrender her to jail as soon as she convalesces from her delivery.”²¹

Many women asked to be placed in *depósito* to resolve their own situations. Their actions support Steve Stern’s contention that “women mobilized the patriarchs of the local infrastructure—village authorities, priests, [and] local elders”—so that they could use the legal system to their own advantage.²² Some requested safe havens so they could make marriage plans without familial influence or so they could proceed with ecclesiastical divorce cases. Others sought refuge from abusive and negligent spouses or because they desired to leave their parents’ homes. All were determined to adapt this sometimes punitive institution into one that could protect them and provide them with the time they needed to assess their best course of action. In 1832, for example, Antonia Manuela told a judge in Mexico City that she feared her husband’s notorious cruelty so much that “it would be best that I be placed in permanent *depósito*.” To avoid further violence, the judge had her placed in the home of Juan Cruz Alvarado. Paula de Rosas, kidnapped and raped in Ixmiquilpan in 1757, told the magistrate assigned to her case that she also feared for her life. “She asked me to place her in safety,” stated the official, and for that reason he ordered that she be sheltered “in the house of one of the honorable residents of this town.”²³

In 1802 María Agustina Soria dramatically demonstrated how a young woman could use *depósito* to effect her marriage to the man of her choice, even though certain *pragmáticas* gave parents the final say over the marriages of minors.²⁴ In that year, Soria appeared before Licenciado Villanueva in Mexico

21. AGN, Criminal, vol. 640, exp. 2, fols. 28–29, Isabel Anastacia Sánchez (1758).

22. Stern, *Secret History of Gender*, 101.

23. AJTSJ, Penales, leg. 12, exp. 10, fols. 4–5, Antonia Manuela (1832); and AGN, Criminal, vol. 584, exp. 1, fol. 6, Petra Paula de Rosas (1757).

24. Parental influence in spousal selection became increasingly strong as the colonial period progressed and noticeably increased after a royal decree on marriage was promulgated by Charles III in 1776. This edict, implemented in Spain’s colonies two years later, on 7 Apr. 1778, made parental consent obligatory for persons under the age of 25 who wished to marry. Racial disparity, however, was to be the sole reason for parents to prevent their children’s marriage. Other factors, such as inferior economic or social standing, were deemed insufficient reasons for parents to prevent a marriage from taking

City and announced her desire to marry don Bartolomé de Rillo y Alvarez, even though she had not yet received permission from her father. She also feared that her brother would sequester her in a parish house in order to put an end to her plans. To circumvent this possibility, María petitioned the magistrate to confine her to a *casa de depósito* so that she might solicit her father's permission unencumbered. Villanueva granted her request and sent her to the house of don Cayetano León. A few days later, María asked officials to go and seek permission for her to marry from her father, Lieutenant Felipe de Soria, who resided in Huichapan. In her request, however, María placed specific conditions on her father. If he refused to consent to her marriage, then he or a representative on his behalf should be required to appear in court to explain the reasons. If he did not do so, her father would forfeit his parental rights in the case. When the *subdelegado* of Huichapan asked him if he would consent to his daughter's plans for marriage, don Felipe de Soria said that he would not, due to his previous knowledge of her illicit relationship and her partner's reputation for being "a libertine man possessed of vices." As specified in María's request, however, don Felipe was then required to travel to Mexico City and explain his reasons.²⁵

María might have been disappointed with her father's decision. More likely, however, she had anticipated his opposition and was determined to use every means available to realize her wedding plans. Seeking *depósito* was an important tool at her disposal. It gave her time to plan her strategy away from interfering relatives. Moreover, she undoubtedly knew that her father's absence from Mexico City hindered the exercise of his parental authority. Nine days after he was first contacted in Huichapan, magistrates reminded Lieutenant

place. The *pragmática* issued in Spain declared that everyone "from the highest classes in the state to the lowest subjects, without exception" would fall under its rubric. Its New World variant restricted parental review to marriages involving the offspring of Spaniards or Indians. Specifically, the edict excluded "mulattos, blacks, mestizos, and members of other similar mixed races who are publicly known and reputed as such." Unions between the descendants of Spaniards and Indians were technically valid. For a more thorough discussion of the 1776 *pragmática*, see Susan M. Socolow, "Acceptable Partners: Marriage Choice in Colonial Argentina, 1778–1810," in Lavrin, *Sexuality and Marriage*, 210–12; Waldron, "Sinners and the Bishop," 162; and Seed, *To Love, Honor, and Obey*, 200–5, 223. Parental role in marriage selection is further examined in Robert McCaa, "Marriageways in Mexico and Spain, 1500–1900," *Continuity and Change* 9 (1994). Marriage and patriarchy is discussed in Richard Boyer, "Women, *La Mala Vida*, and the Politics of Marriage," in Lavrin, *Sexuality and Marriage*.

25. AJTSJ, Depósitos de Personas, leg. 1, exp. 1, fols. 1–7, María Agustina Soria (1802).

Soria of his obligation to travel to Mexico City. He declined, stating that he did not have authorization from his commander to abandon his post. Due to these circumstances, Soria added, he consented to his daughter's wishes even though she "had demonstrated herself to be ungrateful by not having [previously] communicated her intention." The document ends with a note from the scribe stating that María had received permission to proceed with her marriage.²⁶

While some women asked to be given temporary shelter and others were transferred from prison to a *casa de depósito* for health reasons, still others must have found their conditions under temporary custody unbearable, since they requested a transfer to other homes or chose to run away. In a case from 1840, for example, Guadalupe Figueroa told a judge that she could no longer stand the hunger and abuse she suffered in the home of doña Tomasa Castañeda. Instead, she fled to the house of don Ignacio Yáñez, who agreed to hold her at the disposition of the court. Juana Inés, an Indian widow from Xilotepec charged with having an illicit relationship with her brother-in-law, also fled her *depósito*. On September 27, 1755, she was sent to the home of the *alguacil mayor*, don Juan Manuel de Guzmán, who was told to "keep her completely under guard, in confinement." Sixteen days later, however, Guzmán reported that "the prisoner" had waited until everyone was asleep the previous evening and then had opened the door of his house and run away. The magistrate ordered that officials employ "all means possible" to capture her.²⁷

Conclusion

Enclosure in *casas de depósito* and final jail sentences given to women show no evidence of bias based on ethnicity. Regardless of whether they were Indian or Spaniard, adolescent and adult women were equally likely to be placed in *depósito* and then sent to jail, or vice versa. The same apparent lack of bias is found when women were sent to work as servants. Five of nine such cases provide information on ethnicity; three women were Indian and two Spanish. In none of these five instances did family members strongly intervene on behalf of these women. It seems likely that those sent to work as servants were poor or had no family and, therefore, no means of support.

26. Ibid., fols. 9–10.

27. AJTSJ, Depósitos de Personas, leg. 1, exp. 13, fols. 1–2, Guadalupe Figueroa (1840); and AGN, Criminal, vol. 24, exp. 6, fols. 348, 353–56, Juana Inés (1755). Women and female youth changed from one *casa de depósito* to another in 9 of the 82 documents used in this study.

There was, however, an obvious gender bias in the institution of *casas de depósito* and in punitive prison sentences. Whether protective or punitive, *depósito* was an institution that controlled female sexuality. No comparable institution existed for men. This double standard was made especially apparent in those instances associated with spousal choice. Women were confined to private homes whereas their male partners continued to enjoy freedom of movement. Moreover, as previously demonstrated, males also had the right to restrict the placement of their female relatives to homes they deemed appropriate.

Two references to male youth placed in *depósito* were found, both toward the end of the years under study. The placement of males in this previously female institution demonstrates its changing nature over time. Both these cases began in the 1860s as the result of custody disputes between parents. In a case from 1861, for example, Concepción Alcántara asked that her son, Alejandro, be placed in *depósito* away from both the boy's father and her first husband. She told a judge in Mexico City that she had married Agustín Toleda 14 years previously, but that he had abandoned her after a couple of years. Her two-year-old son was the product of an illicit and more recent relationship that she had had with José María Alvares y Castro. In the second case, doña María de Jesús Saucedo requested that her son, Benito, be placed in *depósito* and away from his father, for "fear that once [his father] knows the reason for this demand he might hide the aforementioned Benito."²⁸ As noted earlier, material possessions might be placed in *depósito* during court trials. These youths were similarly "embargoed" during their custody arrangements.

Further evidence of the changing nature of the institution of *depósito* is the fact that from 1841 to 1865 all 15 references to *depósito* in the documentation deal with either marriage disputes (11), parent-child disputes (4), or child custody battles (2). It appears that the *casa de depósito* was no longer being used in those "other circumstances for which it had not been intended," such as adultery, premarital sex, and incest. Instead, women accused of these activities were now being sent to prison during and sometimes after their trials.²⁹ The

28. AJTSJ, Depósitos de Personas, leg. 1, exp. 27, fols. 1–2, Alejandro Alvarez (1861); and leg. 1, exp. 41, fol. 3, Benito Morales (1863). For an earlier (1775) example of male *depósito*, see Stern, *Secret History of Gender*, 162–63.

29. Seed, *To Love, Honor, and Obey*, 178. Summaries and statistical analysis of trials dealing with sex crimes for the years 1841 to 1865 can be found in Lee M. Penyak, *El Ramo de Penales del Archivo Judicial del Tribunal Superior de Justicia* (Mexico City: Instituto Mora, 1993), 12–13, 129–38.

enclosure of boys in homes suggests that during the final years of its usage by Mexican courts, *depósito* functioned primarily as a protective institution.

Few documents mention *depósito* after 1860. This decrease is probably related to the success of the Reform movement when liberals, through laws and the Constitution of 1857, curtailed the privileges of ecclesiastical and military courts and the right of these institutions to own real property, and gave the state sole responsibility of registry. These “efforts to widen the realm of secular powers,” as Richard Sinkin notes, “left [their] mark on every aspect of Mexican life.” This new perspective on state authority and obligation influenced the evolution of protective and punitive institutions. In her study of foundling homes in Mexico City, for example, Pilar Gonzalbo Aizpuru found that by the 1860s the attention given to “children without parents was no longer the charity work of good souls but rather the obligation of the government.” Muriel determined that *recogimientos* were neither established during Maximilian’s reign (1864–67) nor promoted during the Restored Republic. “Liberal ideas,” she states, “initiated the destruction of those colonial concepts that placed women at the same level as a child . . . [in need of] protective institutions.” Similar forces were at work with the *casa de depósito*. Philanthropic families continued to house and aid women and children in need, but over time their charity was less and less coordinated by the state. Women who desired to separate from their parents in order to plan their marriage might seek refuge with one of these families or make their own arrangements and pay for this service in private homes. The Reform signaled the end of *casa de depósito* as a juridical option for magistrates.³⁰

Women who engaged in premarital sex, adultery, incest, or prostitution in Mexico between 1750 and 1865 challenged gender roles by demonstrating

30. Richard N. Sinkin, *The Mexican Reform, 1855–1876: A Study in Liberal Nation-Building* (Austin: Univ. of Texas Press, 1979), 116, 169; Pilar Gonzalbo Aizpuru, “La Casa de Niños Expósitos de la ciudad de México: una fundación del siglo XVIII,” *Historia Mexicana* 31 (1982): 427; and Muriel, *Recogimientos de Mujeres*, 143, 218–224. Arrom notes that *depósito* was ruled out as a juridical option by Justo Sierra “except when a wife was accused of wrong-doing or requested it for her own protection”; see Arrom, *Women of Mexico City*, 215, 339 n. 34. The 1895 penal code from the state of Hidalgo mandates the establishment of educational correction facilities in which minors (between the ages of 9 and 18) might be placed. If these facilities were unavailable, however, minors could be placed “in the home of those persons who have them in their charge.” Nonetheless, sections of the code dealing with abduction, adultery, and bigamy denote prisons as the only appropriate correctional facility for perpetrators of these crimes, regardless of their gender. See *Código penal del estado libre y soberano de Hidalgo* (Mexico City: J. Gaspar de Alba, 1895), Arts. 112, 147, 767–98.

sexual independence. In these cases, the government used the *casa de depósito* as a social control mechanism to punish unacceptable behavior. In other instances, such as engagement and ecclesiastical divorce proceedings, *depósito* was used as a custodial institution to protect women from abusive familial situations. Whether protective or punitive, the *casa de depósito* furthered male-dominated social discipline. But, as Stern suggests, documents dealing with gender and patriarchy also reveal that adolescent and adult women contested gender rights and obligations and “did not consent passively to the implications of their status.” This study demonstrates how they used the *casa de depósito* to obtain protection from violent or potentially violent husbands and relatives; temporary safe haven when abducted, raped or deceived; and separation from parents who had placed unreasonable demands on them. Mexican society restricted and stereotyped the role of women and created tools to enforce its values, but these tools could also be wielded by those they were meant to control.³¹

31. For further discussion of how women's institutions might be used as a form of male domination, see Kristin Ruggiero, “Honor, Maternity, and the Disciplining of Women: Infanticide in Late Nineteenth-Century Buenos Aires,” *HAHR* 72 (1992); and Stern, *Secret History of Gender*, 85.