

# The *Casa de Depósito*

## A Protective and Punitive Institution For Problematic Women<sup>1</sup>

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Plaza Santo Domingo, in nineteenth century Mexico City.

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 engage-

ment; 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 change in their own lives.

This article evaluates 82 cases dealing with *casas de depósito* in Mexico City and central Mexico from 1750 to 1865 and primarily focuses on illicit sexuality and violence such as premarital sexual relations, adultery, incest and rape. References to women guarded, protected and punished in private homes are found in both ecclesiastical and secular records.

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Seventy-one percent of the cases occurred between 1750 and 1820; 29 percent between 1830 and 1865. 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 right, 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.<sup>2</sup>

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 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 Mercedes 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.<sup>3</sup>

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’ rela-

tives, 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, their male relatives were at times successful in convincing judges to replace the home with another.

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. 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 exam-



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ple." Information on this case ends with Ezeta's recommendation that the court respect Francisca's wishes.<sup>4</sup>

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 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 parish house because "Spaniards have few houses in this area and those that do are usually away with their businesses; for this reason she can not be placed in *depósito*." 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 Lieutenant 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.<sup>5</sup>

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 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."<sup>6</sup> María Ruiz provides yet another example. In 1805 when she was placed in Don Miguel Almonte's house, she worked as a servant. 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."<sup>7</sup>

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."<sup>8</sup> 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

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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."<sup>9</sup>

While some women asked to be given temporary shelter, 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.<sup>10</sup>

Enclosure in *casas de depósito* shows 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.

There was, however, an obvious gender bias in the institution of *casa de depósito* and in punitive prison sentences. Whether protective or punitive, *depósito* was used to control female sexuality. No comparable institution existed for men. This double standard was especially made clear in the cases 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.

Those few documents that mention *depósito* after 1841 deal with either marriage disputes, parent-child disputes or child custody battles. The decrease in documentation 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." Josefina 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 institu-

tions." 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 *casas de depósito* as a juridical option for magistrates.<sup>11</sup>

Women who engaged in pre-marital sex, adultery, incest or prostitution in Mexico between 1750 and 1865 challenged gender roles by demonstrating 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 right and obligation and "did not consent passively to the implications of their status." Women 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.<sup>12</sup> ■■■

## NOTES

<sup>1</sup> Parts of this article were originally published as "Safe Harbors and Compulsory Custody: *Casas de Depósito* in Mexico, 1750-1865" in *Hispanic American Historical*

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<sup>2</sup> For further analyses of the *casa de depósito*, see Marina Arrom, *The Women of Mexico City, 1790-1857* (Stanford: Stanford University Press, 1985), pp. 212-217; and Patricia Seed, *To Love, Honor and Obey in Colonial Mexico: Conflicts over Marriage Choice, 1547-1821* (Stanford: Stanford University Press, 1988), pp. 78-79, and 178.

<sup>3</sup> Archivo General de la Nación (AGN), Mexico, Criminal, vol. 536, exp. 10, fol. 270, María Ruiz (1805). Archivo Judicial del Tribunal Superior de Justicia, Mexico (AJTSJ), Depósitos de Personas, leg. 1, exp. 18, fols. 9, 14, Adela Arcinas (1852).

<sup>4</sup> AJTSJ, Depósitos de Personas, leg. 1, exp. 14, fols. 6, 8, 23 and 24, Francisca Osollo (1841).

<sup>5</sup> AGN, Criminal, vol. 622, exp. 1, fol. 6, María Micaela Alemán (1761); AGN, Criminal, vol. 123, exp. 8, fol. 124, Eusebia María (1780); AGN, Criminal, vol. 362, exp. 3, fol. 168, María de la Merced Santoyo (1802); AGN, Criminal, vol. 24, exp. 6, fol. 353, Juana Inés (1755).

<sup>6</sup> AGN, Criminal, vol. 41, exp. 5, fol. 340, María Apolinaria García (1810).

<sup>7</sup> AGN, Criminal, vol. 536, exp. 10, fol. 270, María Ruiz (1805); AGN, Presidios y Cárceles, vol. 20, exp. 16, fol. 307, María Marcela Rivera (1791).

<sup>8</sup> Steve J. Stern, *The Secret History of Gender: Women, Men, and Power in Late Colonial Mexico* (Chapel Hill: University of North Carolina Press, 1995), p. 101.

<sup>9</sup> AJTSJ, Penales, leg. 12, exp. 10, fols. 4-5, Antonia Manuela (1832); AGN, Criminal, vol. 584, exp. 1, fol. 6, Petra Paula de Rosas (1757).

<sup>10</sup> AJTSJ, Depósitos de Personas, leg. 1, exp. 13, fols. 1-2, Guadalupe Figueroa (1840); AGN, Criminal, vol. 24, exp. 6, fols. 348, 353-56, Juana Inés (1755).

<sup>11</sup> Richard N. Sinkin, *The Mexican Reform, 1855-1876: A Study in Liberal Nation Building* (Austin: University of Texas Press, 1979), pp. 116-169; Pilar Gonzalbo Aizpura, "La Casa de Niños Expósitos de la ciudad de México: Una fundación del siglo XVIII," *Historia Mexicana* 31:3 (1982), p. 427; Josefina Muriel, *Los recogimientos de mujeres: respuesta a una problemática social novohispana* (Mexico City: Universidad Nacional Autónoma de México, 1974), pp. 143, 218-224.

<sup>12</sup> Stern, *op. cit.*, p. 85.