

advance his personal interests. By changing his allegiance in March 1821, to join Iturbide's associate José Joaquín de Herrera, Santa Anna achieved instant promotion to colonel and received command of Veracruz province. Backed by the soldiers of the *tierra caliente* (hot lowlands), he was ready for an even greater role as a caudillo on the national stage. Even in defeat, he could fall back upon the support of the people of the *tierra caliente*.

SOURCES

Almost all of the material used in this study came from primary sources in the Archivo General de la Nación in Mexico City. For published work on Santa Anna, see William Hardy Callcott, *Santa Anna: The Story of an Enigma Who Once Was Mexico* (Norman, 1936); Oakah L. Jones, *Santa Anna* (New York, 1968); and Ann F. Crawford, ed., *The Eagle: The Autobiography of Santa Anna* (Austin, 1967). For recent studies of the period, see Brian R. Hamnett, *Roots of Insurgency: Mexican Regions, 1750–1824* (Cambridge, 1986); and Stanley C. Green, *The Mexican Republic: The First Decade, 1823–1832* (Pittsburgh, 1987).

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Agustín Marroquín: *The Sociopath as Rebel*

Eric Van Young

The Mexican struggle for independence was especially complex. As Prussian scientist and traveler Alexander von Humboldt pointed out in the early nineteenth century, Mexico enjoyed the richest and most diversified economy of all the Spanish possessions. Its population in 1814—at 6,122,000 the largest in Latin America—consisted of Spaniards, Creoles (American-born Spaniards), mestizos, mulattoes, blacks, and Indians. Mexico City was the second largest in the Spanish empire, after Madrid, and there were also other major cities in the colony, such as Guadalajara, Puebla, Guanajuato, and Valladolid (Morelia). The majority of the Mexican population, especially the Indians, lived in the countryside. Law and order in the countryside and small towns frequently was erratic at best. The Spanish simply did not have the resources to police adequately all of their extensive domain, although some would argue that the relative lightness of administration was a calculated imperial policy to defuse resistance. In fact, rebellions had been few and those usually directed at specific abuses, but ethnic tensions smoldered beneath the surface of this dynamic society.

Father Miguel Hidalgo's "Grito de Dolores" of September 16, 1810, ignited the Independence Wars and attracted "patriots" who responded for many reasons, personal as well as political. For example, Agustín Marroquín began his career as an outlaw in the 1790s, landed in jail several times, and finally was executed in 1811 as one of Hidalgo's patriotic followers. Marroquín forces us to question again what independence meant to the soldiers who fought for it (or against it). Ironically, he was a Creole and not part of the colored masses generally thought of as Hidalgo's followers. As he examines Marroquín's life, author Eric Van Young keeps in mind historian Eric Hobsbawm's theory of social banditry. Van Young concludes, however, that Marroquín committed his crimes for his own satisfaction and wealth and not because he was playing the role of a Robin Hood pleasing the poor with crimes against the rich.

This essay also allows us to examine Spanish administration and criminal justice in the last days of the empire. From what we find we might characterize colonial justice as either ineffective or surprisingly

generous to common criminals. Retribution came more swiftly—and with fatal results—to Marroquín for his role as a patriot (or traitor, as the royalists would have it) than it did for his crimes as a robber and murderer.

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A SHOOT-OUT IN GUADALAJARA

On Monday morning, November 11, 1805, the chief magistrate of Guadalajara, don Tomás Ignacio Villaseñor, one of the most important citizens of one of New Spain's most important provincial capitals—a major landowner and the scion of an illustrious family of ancient, conquistador lineage—sat down to write an account of a police action the previous night and to initiate formal criminal proceedings against the bandit Agustín Marroquín and several accomplices. Informed that a highly suspicious group of men were living in a house in the city's *barrio* (quarter) of the Colegio de San Diego, and that the men never ventured out of the house during the daytime but only at night, Villaseñor had resolved to investigate the matter, as was his duty. Around midnight of Sunday, November 10, he had gone to the house with a large detachment of armed soldiers and constables, whom he prudently placed around it. After repeated knockings on the door and injunctions to open in the name of the king, all of which failed to produce any response from the darkened house, Villaseñor ordered the soldiers to break down the door with their rifle butts. Forcing their way into the house, they were greeted with a hail of bullets, and in the ensuing shoot-out two of the soldiers were wounded. Marroquín and an associate, half dressed, were pursued into the patio of the house by several soldiers. Urged by one of these to give himself up to the king's justice, Marroquín replied, “I'll give myself up, you bastard!” and shot the man at point-blank range, although not fatally. Throwing down their pistols, Marroquín and his confederate were arrested along with five unarmed men encountered hiding in various parts of the house and stable, and three women and the landlord

found cowering in one of the bedrooms of the house. A number of witnesses to the incident attested that Marroquín had said openly that if he had stayed at his original post in the living room when the soldiers invaded the house, he would have been able to kill six or seven of them. The bandit also inquired ominously of one young officer the name of the magistrate who had commanded the party “in case some day we meet again.”

Agustín Marroquín was to remain imprisoned in Guadalajara almost exactly five years to the day of his capture. He was freed in November 1810 by Father Miguel Hidalgo's talented and loyal lieutenant José Antonio (“El Amo”) Torres when Torres took the city for the rebel cause and almost immediately emptied the local jails. Hidalgo made Marroquín a captain in the rebel army within a matter of days, and he apparently held the priest's confidence until both were captured by royalist forces the following winter and executed in the early summer of 1811. Marroquín's name is that most commonly associated, besides Hidalgo's own, with the mass executions of European Spaniards that took place in Guadalajara during December and January 1810–11. How had Marroquín come to be in Guadalajara, and what were the outlines of his career prior to 1810? In attempting to answer these questions we can gain insight into the nature of late colonial Mexican society—a sense of its color and texture—as well as into the nature of the social space created by rebellion, and of at least one of the types of men that erupted into that space. While the social matrix of Marroquín's life is less clear than that of some other secondary leaders, and his short revolutionary career in some ways less representative of the era of rebellion as a whole, his personal story is nonetheless a kind of metaphor for an entire aspect of the period and worth the retelling in and of itself.

A LIFE OF CRIME

Marroquín's life is largely a blank until we encounter him at the age of about twenty, under prosecution for a number of serious offenses and already with a full-blown criminal career of some years behind him. An American Spaniard (Creole), he was born in about 1774 in the provincial city of Tulancingo, to the northeast of Mexico City, the center of an extended rural jurisdiction embracing a population of about thirty-five thousand.¹

Although nothing is known of his parentage or early life, there are strong cumulative indications that he came from much the same type of middling rural background as many other provincial revolutionary chieftains, or perhaps even a cut above. For one thing, he was literate. For another, what we know of his family, his marriage, at least some of his personal associations, and possibly his wider social connections tends to indicate a middling status in provincial society. His uncle, don Francisco Marroquín, was a priest in the Tulancingo area who enjoyed good relations with local land-owning Creoles and sheltered his errant nephew on at least one occasion, when Agustín was recuperating from an illness. Marroquín's wife, doña Dolores Saldierna, was the daughter of a local estate administrator. One of Marroquín's best friends was a local schoolteacher from a small village in the Zempoala district, a Spaniard named Joseph Diosdado. At one point Agustín worked as a mule driver for a Mexican nobleman resident in Mexico City, a post it is unlikely he would have obtained without some personal connection, however minimal. Furthermore, the fact that Marroquín held the position of sergeant in the provincial militia of Tulancingo, and was by virtue of his position immune from civil prosecution because of the military *fuero*, also indicates a certain social cachet.²

As far as Marroquín's personal characteristics are concerned, one has the impression of a man at once *devious* and *ingenuous*, charming but inconstant and, on occasion, sadistic, capable of being ingratiating with authorities but prone to challenge authority figures, personally fearless and even reckless, generous and acquisitive, petulant, intelligent, and given over entirely and without conscience to a life of idleness when he could manage it and of *undiscriminating crime against individuals and the state whenever his resources dwindled*. In short, Agustín Marroquín probably can reasonably be described as a *sociopathic personality*.³ He had at least two mistresses recorded in the documents relating to him, and he was strongly implicated in the alleged murder of one of their husbands. He was a notoriously good judge of horseflesh, enjoyed some fame as a bullfighter, and obviously liked to live well. Marroquín was openhanded with his confederates and others; he enjoyed the reputation in his bandit days of being "generous" and of having an easy, intimate manner. He was an object of not unsympathetic curiosity among people whom he had not victimized, and one witness in an 1805 robbery

case involving Marroquín attested that he and a local woman had wanted very much to meet the famous highwayman in person.

We first pick up Marroquín's criminal trail in 1795, by which time he was already a robber of considerable notoriety in his hometown of Tulancingo. At the age of twenty he was known as an habitué of *pulquerías* (pulque shops),⁴ games of chance, and cockfights. He was a well-known figure on the streets of Tulancingo and was obviously the central member of a little group of criminal associates. He made himself persona non grata among the decent citizens of Tulancingo not only by his swaggering wantonness but also by his preying upon businesses in the town through extortion and robbery, a pattern he was to maintain, as circumstances allowed, over the next decade. Given his obvious intelligence and the equally obvious counterproductiveness of thus fouling his own nest, his local criminal activity suggests a studied defiance and insouciance, a provocative "catch-me-if-you-can" attitude borne out in the impression conveyed by his own statements and later activities.

Marroquín apparently had served at least one term in jail by the age of twenty, probably for tobacco smuggling. In this same year of 1795 he was brought up on charges (the nature of which are vague) and, after briefly attempting to claim sanctuary in a church, was sent to jail in Mexico City and then in Tulancingo. After serving more than two years he escaped in December 1797, smashing through the half-open door of the town jail while several Indian laborers were cleaning out the night soil of the inmates. He was not reapprehended until February 1799. In the meantime, he went to the Gulf Coast, near Veracruz, where he was taken on as an employee by a prominent local hacendado on the recommendation of Marroquín's uncle, the priest. Here Marroquín contracted a serious fever and was forced, after only a short time, to return to the upland area of his hometown in order to recuperate in its more salubrious climate. He remained in his uncle's house in Tulancingo for several months. His health recovered, Marroquín went to the nearby pueblo of Santo Tomás, where he occasionally stayed with his schoolmaster friend Diosdado, a bachelor about forty years old. It was in this man's company that Marroquín was arrested by members of the *Acordada* (New Spain's rural constabulary) at the beginning of 1799.

Marroquín's movements, apart from his sojourn near the coast and his return to the Tulancingo area, are somewhat difficult to

trace during the thirteen months between his escape and recapture. During this time he was accused of a number of crimes and of different criminal associations, and the incomplete record of his trials is typically vague on which charges were resolved in his favor and which against him. Then, too, he was married by now and probably had children, but his wife remains a shadow playing across the background of his career. She was to continue so for the rest of his official, documented life, her place usurped by Marroquín's mistresses and criminal accomplices.

What is clear from the records is that, at the very least, Marroquín and Diosdado had stolen about one dozen oxen from a hacienda in the area of Zempoala, a small town near Tulancingo, sometime shortly after the former's escape from jail in 1797. These oxen Marroquín had hidden for a time on the estate administered by his father-in-law (without the man's knowledge), selling some of the butchered meat locally and the rest of the animals to some Indians on the road to Texcoco and in the town of Texcoco itself. Marroquín was accused of a variety of crimes putatively committed over the course of the next year or so, including a number of robberies, a murder, several assaults, and cattle rustling. During the course of the investigation in 1799, several crimes for which Marroquín had been under indictment during his imprisonment from 1795 to late 1797 surfaced again, including the robbery of some silver at the mining town of Zimapan, a house robbery in Zempoala (on which occasion, when a little girl laughed at him, he swaggeringly told her that "he was a man capable of even bigger things"), the theft of some horses that he attempted to sell to the district magistrate of Zempoala, and unspecified crimes in and around Puebla.

Three features of Marroquín's style as a criminal emerge clearly during this 1795–1799 period. First, there was his strong tendency to associate with groups of criminal confederates rather than act alone. At one point his cohorts included several men of "ill fame," and later still, upon his arrest in Guadalajara in 1805, he headed a large group of people. While group banditry was by no means unusual, given the necessity of substantial armed force in such encounters, Marroquín's clear leadership role among his confederates indicates a certain gregariousness (perhaps even charisma?) and a first-among-equals status, which he took with him, as we shall see, even into the prison environment. Second, there was about Marroquín's doings a certain self-conscious panache, alluded to earlier and emphasized by his tendency to engage in

criminal acts in his own hometown as well as by his attempt to sell stolen horses to one of the local magistrates. Although many small-time local criminals and village incorrigibles preyed on their neighbors, Marroquín's geographic range (across most of central Mexico) and his general predilection for assault and robbery on the highways and in rural areas tend to indicate that his crimes in and around Tulancingo were not committed out of a lack of alternatives or professional imagination but were an active choice. Third, and related, Marroquín insisted on violently resisting arrest on at least three occasions, thus putting himself at considerable risk of injury or death and aggravating the crimes for which he was being apprehended.

Marroquín had demonstrated his tendency to resist arrest first in 1795, when he was captured by armed Acordada constables. Upon his reapprehension in early 1799, he led the constables a chase on horseback, and when his horse fell under him he grabbed his own two carbines (one of which was found to be heavily charged), planted himself squarely in the road, and faced his pursuers defiantly, although no shots were actually exchanged. As we have seen, his capture in Guadalajara six years later involved a Bonnie-and-Clyde-style shoot-out that miraculously cost no lives. Furthermore, on all three occasions Marroquín insisted on using threats and provocative language against his captors after he was in custody. In 1795 he threatened that his confederates would free him on the road or break him out of jail; in 1799 he called his captors "cabras" (shegoats); and in 1805 he made fairly explicit threats of vengeance against the arresting magistrate, Villaseñor.

These latter two characteristics particularly—the criminal panache and the defiant provocativeness—suggest that Marroquín's style was, in part at least, a public statement, a conscious stance of some kind. While it is true that Marroquín's career gives absolutely no sign of what we have come to think of, following the work of the English historian Eric Hobsbawm, as social banditry—that is, of Robin Hood-style crime: of any sense of a social inequity to which Marroquín saw his actions as a corrective, or of any shred of a notion of redistributive justice—his criminal activities as theater probably had a wide audience. No less a personage than the viceroy himself once referred to Marroquín as "el famoso reo" (the famous criminal). It seems likely, therefore, that Marroquín's activities were widely known, although what those actions may have meant to people other

than his victims (who apparently never included the very poor, it should be noted) is a matter of speculation. Nonetheless, it is difficult to believe that the highly visible clashes of Agustín Marroquín and other such men with the police, the state, and the comfortable citizens of provincial society had no impact on popular awareness or lacked any resonance with popular discontent. What had a highly personal tone and significance to the criminal, then, may have had quite another kind of meaning for a society under stress as a whole.

Marroquín's own declaration, made in Mexico City shortly after his arrest in early February 1799, betrays a certain ingenuous quality beneath an understandable effort to exculpate himself from the various crimes of which he stood accused. He was, he stated, a native of Tulancingo, twenty-six years of age, and a rural laborer; he made no mention of his wife or of his position in the Tulancingo militia. He acknowledged that he was under suspicion for a robbery and murder but denied complicity in the crimes (he was shortly vindicated), saying he was at the home of his ecclesiastical uncle recuperating from fever and praying with his wife when the murder was committed. He admitted the jailbreak in 1797 and the theft of the oxen in company with Diosdado but denied guilt in any of the other crimes ascribed to him or involvement with his alleged band of accomplices. The jail escape he justified by claiming he had grown desperate over the delays in his case (not implausible given the slowness with which the machine of royal justice ground), and his bearing of arms as a necessity for one making his living in the countryside. In general he portrayed himself with some skill as a simple rustic, guilty at worst of poverty and a few mistakes in judgment.

In the meantime, during the years of his imprisonment and illicit freedom, something of a legal controversy had erupted among the viceregal authorities in Mexico City, officials of the *Acordada* and the militia, and local authorities over which jurisdiction had the right to try Marroquín, whose membership in the militia regiment of Tulancingo presumably entitled him to certain legal immunities and protections. Because of the political delicacy of the question, Viceroy Branciforte summoned an extraordinary commission sometime in 1797, which advised that despite Marroquín's military status, he should be tried by the civil authorities. The case was thus kicked back to the latter at just about the time Marroquín was escaping from the Tulancingo

jail, his fatigue at the protractedness of his case undoubtedly relating to just this question.

After his reappréhension at the beginning of 1799, Marroquín was jailed in Mexico City, where he remained until early 1802, presumably on charges of escaping jail and of rustling and, possibly, on the basis of one or another of the outstanding indictments against him. When the case was reviewed sometime in 1801, the crown attorneys of Mexico City's chancellery court pointed out that Marroquín had served about five years during his two imprisonments, had been completely absolved of the murder charge, the most serious accusation, and had "established in the service of the jail distinguished merit." In a sanguine tone the prosecutors asserted that Marroquín, "finding himself chastened in this way, it is prudently hoped will mend his ways because of what he himself, his wife, and his children have suffered over more than six years, and with his separation from those companions who corrupted him." In early January 1802 he was freed from jail by order of Viceroy Marquina.

The sanguine, pious hopes of the crown prosecutors and judges were not to be fulfilled. Although Marroquín's movements during early 1802 are not known, by the summer he was living in the provincial town of Apam, to the northeast of Mexico City, about midway between the capital and Tulancingo, working in some capacity on a local hacienda. During 1802 and the first months of 1803, Marroquín managed to establish a kind of reign of terror in Apam, engage in theft and extortion (or so it was alleged), and carry on an affair with the wife of a local innkeeper.

Specifically, the royal magistrate of the district, reporting to the viceroy, asserted that Marroquín was well known to the principal citizens of the town for his "violent resolution and daring" in crime. The official continued: "This man has made himself so feared, and has the town so terrorized, that the more comfortable citizens are forced to render as tribute whatever he asks of them as loans, since were they not to do so they would be the victims of his violence." In other words, he was shaking people down. He habitually rode through the town streets heavily armed and openly defiant of local officials and the *Acordada*, and he said of the latter that it would require an army of constables to capture him. More than one merchant of the town claimed that Marroquín extorted money from him in his store at night. In addition to these incidents of strong-arm extortion,

Marroquín was accused by the local tithe collector of having stolen a number of horses and mules from him. Finally, Marroquín had become amorously involved with María Nava, the wife of an Apam innkeeper. Marroquín eventually took her with him on the crime spree that ended in Guadalajara, where she was arrested with him. Nava, witnesses testified, was much given to putting noxious herbs in people's food and drink (an inauspicious habit, one would think, for her husband's establishment). Induced by her involvement with the famous highwayman, she did the same thing with her husband's chocolate, it was generally believed, thus driving him insane, into brief residence in the asylum of San Hipólito in Mexico City, and to a premature death.

Aware of the impending move to arrest him (his apprehension having been the subject of a "very secret" correspondence between the Acordada administrator and the viceroy in Mexico City), Marroquín, in one of his disarmingly ingenuous actions with an apparently disingenuous motive, brought the matter into the public domain, as it were, by writing directly to Viceroy Iturrigaray in an attempt to exculpate himself. "This is not the first time I have been slandered in this way," he wrote, and then detailed his tranquil life in Apam and his innocence. Realizing that protestations of injured innocence would probably not suffice, Marroquín voluntarily presented himself before the viceregal authorities and was jailed on May 7, 1803. From prison he again wrote directly to the new viceroy, protesting his innocence and demanding that his alleged crimes be proved against him:

There will perhaps be some accusation against me, because in this world no-one is without enemies; but if I am a perverse and delinquent man, let it be specified what crimes I have been accused of in which I am culpable, and what people I have harmed, because it is not enough to say vaguely that a man is bad: the facts and occasions of that badness must be specified and proved. What, then, are the facts that make me feared, bold, and delinquent? I have provoked no-one, nor injured or mistreated anyone; I have not committed kidnapping or robbery; so that, if I am bad, there should have been proof of my excesses.

The crown prosecutor once more found compelling reasons to urge Marroquín's release and substantial exoneration. He believed that the crimes that could be proved against Marroquín were not of any gravity; that María Nava was (only temporarily,

as it turned out) happily back with her husband; and that Marroquín's voluntary surrender argued strongly in his favor. Furthermore, his long-suffering wife and her father testified to his innocence, and Marroquín was able to obtain a bondsman in Mexico City. Then, too, the admittedly exaggerated, nearly hysterical notoriety attaching by this time to Marroquín's doings (apparently every highway robbery in the Valley of Mexico was ascribed to him) may have had, paradoxically, a deflationary effect on his criminal stature in the eyes of the central authorities. In any case, in June 1803, Agustín Marroquín was released on bond by the viceroy but admonished to keep away from Apam and carry no dangerous weapons.

By the end of the year Marroquín, probably through some personal connection, had secured a position as a mule driver for the marquis of Jaral de Berrio, one of the wealthiest of Mexico's titled aristocrats. The employment provided an occasion for yet another scrape with the law. Returning from the marquis's estates in the interior of the country in February 1804, Marroquín was driving a mule train on the road ahead of his master's coach and other entourage. Upon reaching the pass of Barrientos on the way into Mexico City, Marroquín had an encounter with a group of mule drivers and their animals heading in the opposite direction. Heated words were exchanged, tempers flared, and a fight ensued in the road (the marquis, from his coach, was a witness). The strangers pelted Marroquín with rocks, and he drew a long knife and attacked the group, severely wounding one of their number, Juan José Mendoza. The wounded man brought a complaint before the royal authorities, who jailed his assailant. Marroquín was again out of jail shortly, his bond posted by a merchant of Mexico City and influence exerted in his behalf by his powerful employer. But the following spring (April 1805) Mendoza died, apparently due to complications (an infection, one imagines), from the wound inflicted by Marroquín. This mischance resulted in Marroquín's being jailed once again by the Mexico City authorities. A small monetary settlement with the victim's family (possibly underwritten by the marquis) secured Marroquín's release from jail within a short time.

Marroquín was to remain free only until his capture at Guadalajara the following winter. What impelled him to embark on the crime spree that eventually took him west to the capital of New Galicia and into his (in every sense) fatal encounter with

insurrection—whether lack of means, boredom, disillusion with his chances in Mexico City, or some change in personal circumstances—can only be guessed at, but by the summer of 1805 he apparently had left the viceregal capital (although not, for the moment, others of his old haunts) behind forever, and, *sans famille*, had begun to make his way across central Mexico.

Most of what can be pieced together about Marroquín's activities between June and November 1805 is based on testimony and accusations that surfaced after his capture at Guadalajara, so that although some of it is very credible and vivid, much of the material in the record is at worst apocryphal or garbled, and at best lacks immediacy and specificity. His first move had been north and west, into the Bajío region, where he was the major suspect in a highway robbery that netted some ten thousand pesos, committed near the Villa of San Felipe, in the district of San Miguel el Grande (later San Miguel Allende), on June 29, 1805. By this time he was the leader of a group of brigands estimated at twenty men. The royal treasurer of Sombrerete also accused Marroquín and his band of having stolen about seven thousand pesos of royal funds on their way to the mining town in late June 1805 and of having robbed a local merchant of a lesser amount. Although Marroquín denied any knowledge of or complicity in either crime, the evidence for his having masterminded the San Felipe robbery brought a conviction. A crime to which he did confess, although he minimized his role in it, was the theft of some three thousand pesos from a house in the village of Acaxochitlan, near Tulancingo (he had doubled back on his own trail), in September 1805. The victim of the robbery, don Nicolás Pastrana, clearly identified Marroquín, stating that the highwayman "attempted only to disguise his voice by trying to talk like a [European] Spaniard." Other witnesses also placed Marroquín at the scene of this robbery. During the incident two men were nearly killed, and a gunfight ensued in the town cemetery between several armed locals and the fleeing robbers, one of whom was later captured and implicated Marroquín as the leader of the bandits. At this same time other witnesses came forward with the accusation that Marroquín had been involved in large-scale tobacco smuggling, the crime for which he had first been sent to jail a decade previously.

Apparently at this point Marroquín, in the company of at least some of his habitual accomplices, returned to the Bajío area and made stops in Salamanca, León, and other towns on his way to

San Juan de los Lagos. With him in the party were María Nava and another young creole woman, María Vicenta Partida, who testified later that Marroquín had bought her a house in Apam and that she had been his mistress for two years or more. Arriving at San Juan de los Lagos in early October 1805, the party of seven to ten people stayed at first in an inn and then rented a house for a month. María Nava posed as Marroquín's wife and prayed daily (perhaps for the elimination of her amorous rival) to the local manifestation of the Virgin, while Agustín posed as don Francisco Villaseñor, a buyer of horses and mules from Cuernavaca. In the rented house in Lagos the highwayman set up an illegal card game, which he kept going at all hours of the day and night. His continual winning of large amounts in cash and jewels (the sum of ten thousand pesos was later mentioned, but it is not clear whether this was recovered when he was arrested) became the talk of the town. Although one witness in Lagos asserted that no "distinguished" citizens of the town gambled with the new arrival, apparently a priest and several local estate owners did play. Wanting to avoid being recognized by anyone at the huge annual livestock and trading fair that was to begin in Lagos on November 1, Marroquín and his party moved on via Jalostotitlan and Tepatitlan to Guadalajara, where, as we have seen, they were shortly captured and jailed.

DE PROFUNDIS⁵

The lengthy parenthesis in Agustín Marroquín's criminal career constituted by his five-year imprisonment in Guadalajara was filled with complex legal argument and controversy, further accusations, and development by the protagonist of an unusual but, one imagines, for him characteristic *modus vivendi* to ease the rigors of his captivity. Immediately upon the news of his capture becoming generally known, a flood of accusations came to the attention of the Guadalajara authorities, ascribing to Marroquín numerous unsolved crimes in several different towns. Prosecution of Marroquín's case and of that of his associates was entrusted to don José Pérez de Acal, a veteran sergeant major of the provincial militia of Guadalajara, and *alcalde ordinario* (magistrate) of the city in 1805. Pérez de Acal, much given to public questioning of his own competence in legal affairs and to lamenting the complexity of the charges at the same time as he

expressed moral and civic outrage at Marroquín's criminality, stated his position strongly, if rather extravagantly, from the beginning:

All these excesses, judged juridically, give unequivocal proof of the crimes committed by Marroquín and his accomplices, and of the notoriously disorderly life of this man, always with the object of oppressing humanity, of scandalizing and terrorizing all these towns to the point of plunging them into mourning . . . and gaining by these impious means not only the money to support himself, but also making his name famous, as he has accomplished by these reprehensible means, so noxious to public society.

The thicket of jurisdictional and legal complications, the necessity of having local officials and witnesses from distant towns make depositions, and the strictly observed rights of the accused in reviewing and responding to those depositions in various ways led to interminable delays in the case and generated an enormous pile of documentation that had to be reviewed by prosecutors and judges at every stage of deliberation. Notwithstanding the general scrupulosity with which Pérez de Acal and other royal officials handled the case, Marroquín's previous notoriety established in the minds of such functionaries a strong *prima facie* case for his guilt and that of his associates. Added to this was the perceived need to make of the famous highwayman an example in order to discourage the wave of brigandage prevalent in central New Spain in general, and in the Guadalajara region in particular, at the end of the eighteenth and the beginning of the nineteenth centuries, characterized by one high judicial official in Mexico City as a "flood of evildoers."

In finally summarizing his case, in a statement dated the last day of 1808, Pérez de Acal referred to Marroquín as "famous and singular in the present epoch for his boldness and temerity, and for the wantonness with which he has thrown himself into the commission of many very execrable evils." Reviewing Marroquín's criminal career, Pérez de Acal pointed to the brigand's own admission that by the age of twenty-two he had already committed so many crimes as to win for himself "renown for his wickedness," and that even when he was behaving well he gained his livelihood from gambling and smuggling. Having committed any number of crimes all punishable by death, Marroquín should be so punished, concluded the prosecutor: he should be hanged,

and then his severed head displayed publicly in Acaxochitlan for two weeks and his right hand in Guadalajara. For the accomplices, Pérez de Acal recommended long sentences at hard labor and public floggings. A trained lawyer in Guadalajara, asked independently to review the prosecutor's findings and proposed sentence, suggested reducing Marroquín's punishment to public flogging and ten years at hard labor in a *presidio* (military prison). The intendant of Guadalajara agreed in April 1809, and the Mexico City military tribunal confirmed the sentence in September. The sentence for the bandit leader finally came down to ten years' hard labor at a military fortress in Havana, and two hundred lashes, but this punishment only applied to the charge of resisting the king's troops, since this was the only crime the military jurisdiction was competent to try. The crimes of a non-military nature—comprising the bulk of the outstanding charges—were left to the Audiencia of Guadalajara for sentencing, but owing to the necessity of gathering more testimony in these cases, the actions were still pending before the court in September 1810 when Marroquín was freed from prison by the rebels. The two hundred lashes were administered publicly to Marroquín, as to his chief accomplice, Felipe Rodríguez, on Wednesday, October 4, 1809. One has no difficulty at all in imagining that a *gachupín* (European Spaniard) later died for each lash.

In the meantime, while his judicial fate was being decided, Marroquín was not idle in prison but managed to build a small empire and alleviate for himself the discomforts of prison life. In October 1809, after Marroquín's sentence had been confirmed and the lashes administered, Intendant Roque Abarca, who had taken an interest in Marroquín's case because of the involvement of the viceregal authorities and the notoriety of the defendant, noted that the famous highwayman had done quite well for himself within a few days of his capture in late 1805. "The prisoner Agustín Marroquín entered jail with ordinary clothing and with no money; and within a few days it was noticed that he had purchased new clothing, that he was managing business interests [*que manejaba intereses*], that he was loaning money, and trading." Abarca further noted that during the past few years several employees of the prison had petitioned the intendant to release Marroquín, prompting him to comment that the prisoner had a "party" of supporters in jail. More recently, Abarca said, Marroquín, the conditions of whose confinement required him

to be chained in a cell, was encountered by the intendant "free in the prison yard, dressed magnificently, and what drew my attention even more was that his baggage gave signs that he was ready to mount a horse." Apparently some prison employee, presumably having been bribed by the bandit, had forged an order with the signature of the royal prosecutor for the release of Marroquín. Abarca's chance arrival at the jail ruined the plot, but he was never able to determine who the accomplice had been.

An even more circumstantial description of jail life at the time gives a hint of Marroquín's position in the social hierarchy of the Guadalajara prison. In April 1810 a prison guard accused an inmate, Gabriel Mesa, before a city magistrate of having had homosexual relations with several other prisoners, an accusation of *pecado nefando* (unnatural crimes), which brought an immediate investigation by the authorities. Mesa, a young Indian (seventeen years old) from a nearby village, was an army deserter. In response to the serious charges against him, he said he had been the passive victim of yet another prisoner, Máximo Rivera, an older Spaniard, who was the only man with whom he had committed any *torpezas* (indecencies). Mesa testified that he had awakened one November night to find himself with an erection and Rivera on top of him "moving up and down upon the witness, thus penetrated." Mesa managed to withdraw himself before ejaculation (an important point in the judges' minds), struck Rivera several times, and told the older man to go back to his own bed in the communal dormitory. During the following weeks Rivera importuned Mesa nearly every night to repeat this performance, once or twice coming to Mesa while he slept and fondling him "with the object of putting [him] in a state so that penetration would be possible." Mesa consistently refused these overtures and acts, at one point reminding Rivera that he and several fellow inmates were in the midst of a course of spiritual exercises being conducted by a priest.

Rivera, in jail for stealing livestock, denied the charges, as did two other men accused by the prison guard of having relations with Mesa. Several other prisoners accused each other of varying degrees of homosexual involvement, but none of the accused admitted any culpability except Mesa, and he only with Rivera. In June of the following year (1811) medical examinations of the accused were ordered by the civil authorities, but several physicians agreed in detailed opinions that these would be inconclusive. Marroquín was dragged into the case by name when

Rivera requested that the bandit be questioned regarding Rivera's behavior in prison. This Marroquín asserted was blameless, but he accused another man, Guadalupe Silva, earlier involved in the accusations and cross-accusations of the prisoners, of involvement with Mesa.

Shortly after this testimony, Marroquín was released from prison with the former inmates, and the investigation was taken up again by the authorities only after Marroquín's death and the reappréhension of Mesa, Silva, and others in 1811. Silva's defense attorney in an 1811 deposition impugned Marroquín's testimony by suggesting that Rivera was his creature, that both "abhorred Silva and abused him because he would not submit to them," and that Marroquín had suborned the testimony of several witnesses against Silva. This charge drew forward a flood of testimony against the deceased Marroquín, painting him as the cruel, unprincipled, would-be kingpin of the prison. One witness affirmed that Marroquín indeed had tried to suborn him to testify against Silva, and another that Marroquín persecuted Silva because the latter "did not agree with [Marroquín's] twisted ideas and perverse faction; [Marroquín] hated other prisoners as well because they did not countenance his thefts and the discord he created, so that there was no other convict in the jail more troublesome [than Marroquín]." Yet another inmate affirmed that Marroquín's bad conduct in the jail was "notorious," and still another that Marroquín hated Silva because of his failure to "humble himself" before the bandit chieftain.

Making sense of the accusations and counteraccusations is a bit difficult, but it appears that Marroquín, in attempting to organize the inmates to suit his own ends, persecuted Silva, Mesa's friend, and that Mesa accused Rivera, Marroquín's cohort, out of revenge. This was substantially the finding of the advising attorney in the case, who also found sufficient circumstantial evidence that Silva and Mesa had been sexually involved with each other, however, to recommend moderate punishment for them (two years at hard labor on public works projects for Silva, and remittance to the military authorities for Mesa).

THE REBEL

The next-to-last item in Marroquín's voluminous dossier, which opens the most well-known chapter in his career, is a laconic note from Father Hidalgo's famous Lieutenant José Antonio

Torres to the effect that the notary of the Audiencia should give back to Marroquín any property that had been impounded at his capture five years earlier. Marroquín, who had been freed when Torres took the city and emptied the jails in mid-November, duly signed the receipt on November 25, 1810, and received back his property.

The following day Hidalgo arrived in the city at the head of an army of some seven thousand men. What Marroquín had been doing during the preceding few days is not clear, but presumably he was sufficiently visible so as to come to the notice of the insurgent chief, who probably knew something of him from years before. At some point during the next two weeks, most likely toward the end of November, Hidalgo drew Agustín Marroquín into his inner circle of trusted lieutenants and commissioned him a captain in the insurgent forces. A Guadalajara ecclesiastical official, Dr. Velasco, later described the scene with a pen dipped in acid, referring to Marroquín as Father Hidalgo's "repugnant bodyguard"

whom Hidalgo made a Captain in an officers' staff meeting, and by the most theatrical act declared him free of any ill fame [*libre de toda nota*], receiving from him an oath of loyalty, and blessing him placed the epaulets upon shoulders which still bore the two hundred lashes placed there by Justice in our streets fourteen months before such a quixotic scene.⁶

The freeing of Marroquín and his rapid absorption into the inner circle of Hidalgo's cohorts almost certainly helped to alienate prominent creole commanders in the insurgent forces, such as Ignacio Allende and Mariano Abasolo, who abhorred the marginal social elements attracted to the movement and deeply mistrusted its popular base, and with whom in any case the priest was already on very bad terms.

Whatever Marroquín's relationship to Miguel Hidalgo or the insurgent movement as a whole, and whatever his other activities at Guadalajara and after, it is certain that he was centrally involved in the infamous mass executions of several hundred European Spaniards that took place in the city during the latter two weeks of December 1810. The evidence for this is his own confession and the accounts of witnesses and subsequent writers on the period. Precisely why Hidalgo ordered the executions has never been made clear. Hidalgo himself claimed that the executions were ordered to placate his Indian followers. Later historians

claimed that Hidalgo did it out of simple viciousness, or alternatively that he essentially overreacted to continual rumors and some evidence of plots against his life by Creoles and *gachupines*. On the whole, Hidalgo's own argument of pressure from the popular sectors of his supporters is the most credible explanation.

The executions began on the night of December 12 and continued for the rest of the month. Although the chronology of the executions and of Marroquín's role in them is difficult to reconstruct with any precision, it seems likely that he was involved in them at the start and intermittently thereafter. Marroquín himself, in brief testimony after his capture with Hidalgo and others in the spring of 1811, claimed that he had carried out the execution of one contingent of forty-eight Europeans, on a date unspecified, as he was on his way out of the city to scout the approaching enemy forces. Apparently this was done in conjunction with another insurgent commander named Alatorre, who had received a warrant from Hidalgo's own hand with the names of European prisoners being held in the Colegio de San Juan. Alatorre delegated the task to Marroquín who, with his men, conducted the prisoners to the *cerro* (hill) de San Martín, a few miles distant from the city, beheaded the prisoners, and left the bodies in a pit the insurgents had dug. The same Dr. Velasco who penned the disdainful description of Hidalgo's commissioning of Marroquín added to the account a lurid tableau of the executions in which the prisoners were naked and were "yielded up to the barbarous fury of the Indians, who killed them with lances, throwing their bodies into the depths of the canyon." Informed testimony implicated Marroquín in still more instances of mass executions, although he himself denied this, and several other incidents, some possibly apocryphal and some based on solid documentation, give a picture of Marroquín's relationship to these events and the apparent coolness with which he gave himself over to the political executions of European Spaniards in Guadalajara in these months.

On January 17, 1811, the enormous but untrained and unwieldy insurgent army led by Miguel Hidalgo met a quick and decisive defeat at the hands of a much smaller but militarily more effective royalist force led by Félix María Calleja, royalist commander in chief and future Mexican viceroy, at the bridge of Calderón, about thirty miles east of Guadalajara. Hidalgo and his lieutenants fled north from Guadalajara, hoping to regroup and eventually gain support from the United States, but these

hopes were not to be realized. Betrayed by a one-time insurgent officer in the north of New Spain, Hidalgo and a large party were captured at Acatita de Bajan, between Saltillo and Monclova, on March 21, 1811. It is quite clear from accounts of the capture that Hidalgo's twenty-man mounted escort, which surrendered without resistance, was commanded by Agustín Marroquín, another indication of the confidence the insurgent leader had placed in the highwayman. In the meantime Marroquín, who apparently had been with Hidalgo since the flight from Guadalajara, had not been idle. He admitted under interrogation in Chihuahua that while the party was on the road between Matamoros and Saltillo they had encountered a carriage with two European Spaniards and their families inside, and that Marroquín himself had ordered the men executed on the spot. After the capture at Bajan, Marroquín was jailed in an improvised prison cell in Chihuahua's former Jesuit college. On May 10 he was led with two lesser officers to the city's Franciscan convent and executed by firing squad. A terse entry appended to Marroquín's criminal dossier in Guadalajara the following September acknowledged that it was well known that the highwayman had been brought to justice in Chihuahua the preceding spring, and that one of his former associates, Felipe Rodríguez, had been arrested as an insurgent and was at that time in jail in the city.

The career of Agustín Marroquín is a clear and particularly well-documented example of the way in which social deviance and marginality can overlap or conflate with rebellion. Moreover, whether crime or delinquency was antecedent to rebellion, or rebellion to crime or delinquency, is not always so clear in the Mexican context. Now, that acts of criminality or delinquency should occur within the context of revolutionary violence, or that criminals and delinquents should be injected into the insurgent moment, would by no means be unusual in the history of rebellion in general, or of collective violent protest in the early modern period in particular. And arriving at a quantitative assessment as to whether one set of such collective phenomena—say, the French Revolution, the classical European grain riot, or the uprisings of the common people in early modern Italian cities—was more characterized by nonprogrammatic criminal behavior than another would just as obviously be impossible. Nonetheless, one is left with the impression in the Mexican case that there was an even greater than usual characteristic fluidity between the two types of social phenomena.

This leads us to ask to what degree Marroquín and other insurgents were organically a part of the collectivities in whose names they took up arms against the constituted authorities. In the case of some, their embeddedness in the matrix of family, clan, town, and region, despite the signs of their delinquency and the evidence that they and their families availed themselves of the rebellion to enrich and advance themselves socially, lends some credibility to the view that their actions as insurgent chieftains resonated with the thinking of the rebels they led. In the case of Marroquín, however, it is exceedingly difficult to imagine, and there is no evidence to indicate, that he had even the faintest ideological formulation in his head when he participated in the mass executions in Guadalajara or the other actions ascribed to him, any more than did the plagues sent by God to scourge the Egyptians in the biblical account of Exodus. Certainly his career shows no hint of social banditry, or of connectedness to any community, except possibly a criminal one, or to any interest other than his own; indeed, this is one of the essential characteristics of the sociopathic personality. That there were a great many other individuals similar to Marroquín in their relationship to the collective behavioral and ideological phenomena of the independence rebellions, even if their activities were not so egregiously magnified, is evident from the documents of the time.

NOTES

1. Unless otherwise indicated, "Spaniard" as used here connotes a person of Spanish ancestry born in the New World.

2. The *fuero*, an ancient corporate charter extended to the military and the church, entitled its members, among other privileges, to trial by their own rather than by civil courts.

3. *Sociopathy* is generally defined in psychiatry as an antisocial personality disorder characterized by (1) inability to sustain consistent work behavior; (2) failure to accept social norms with respect to lawful behavior; (3) inability to form an enduring attachment with a single significant other; (4) aggressiveness; (5) impulsivity, or failure to plan ahead; (6) disregard for the truth; and (7) recklessness.

4. Pulque is a traditional Mexican intoxicant made from the fermented juice of a certain species of cactus.

5. *De profundis*, "from the depths," is taken from the prison memoirs of the same title (1897) by Oscar Wilde.

6. Quoted in José Ramírez Flores, *El gobierno insurgente en Guadalajara, 1810–1811* (Guadalajara, 1969), pp. 95–96.

SOURCES

The documentation on Agustín Marroquín was drawn overwhelmingly from unpublished archival sources in Biblioteca Pública del Estado, Guadalajara, Mexico—sec. “Criminal,” bundles 1, 6, 9, 18, 21, 25; and in Archivo General de la Nación, Mexico City, Mexico—sec. “Operaciones de Guerra,” vols. 4A, 145; and “Historia,” vol. 584. A vast literature in Spanish, English, and other languages exists on the Mexican independence struggles, although only occasional references to Marroquín occur in it. The most important recent historical treatments in English are Hugh M. Hamill, Jr., *The Hidalgo Revolt: Prelude to Mexican Independence* (reprint, Westport, CT, 1981); John Tutino, *From Insurrection to Revolution in Mexico: Social Bases of Agrarian Violence, 1750–1940* (Princeton, 1986); Brian R. Hamnett, *Roots of Insurgency: Mexican Regions, 1750–1824* (Cambridge, 1986); and Timothy E. Anna, *The Fall of the Royal Government in Mexico City* (Lincoln, 1978). On Mexican banditry in the nineteenth century, see Paul J. Vanderwood, *Disorder and Progress: Bandits, Police, and Mexican Development* (Lincoln, 1981); and the articles in *Bibliotheca Americana* 1 (November 1982), dedicated to the theme “Social Banditry in Nineteenth-Century Latin America,” Paul J. Vanderwood, ed., particularly Christon I. Archer, “Banditry and Revolution in New Spain, 1790–1821,” pp. 58–59; and William B. Taylor, “Sacarse de pobre: El bandolerismo en la Nueva Galicia, 1794–1821,” *Revista Jalisco* 2 (1981): 34–45. The major works of Eric Hobsbawm are *Primitive Rebels: Studies in Archaic Forms of Social Movement in the 19th and 20th Centuries* (New York, 1965); and *Bandits* (New York, 1969). On the criminal justice system in late colonial Mexico, see Colin M. MacLachlan, *Criminal Justice in Eighteenth-Century Mexico: A Study of the Tribunal of the Acordada* (Berkeley and Los Angeles, 1974). The period of insurgent control of Guadalajara is treated in detail in José Ramírez Flores, *El gobierno insurgente en Guadalajara, 1810–1811* (Guadalajara, 1969).

*Atanasio Tzul, Lucas Aguilar,
and the Indian Kingdom
of Totonicapán*

David J. McCreery

Chiapas was part of the captaincy general of Guatemala, which included all of Central America down to Panama and was a dependency of the viceroyalty of New Spain, or Mexico. Central Americans by and large did not join in the early stages of the Mexican independence struggles led by Fathers Miguel Hidalgo and José María Morelos (1810–1815). When Agustín Iturbide signed an independence treaty with the Spanish viceroy in 1821, Central Americans chose to remain part of an independent Mexico. As emperor (1821–1823), Iturbide unwisely proved insensitive to their local concerns, and Central Americans seized the opportunity of the 1823 revolt against Iturbide to declare their independence from Mexico. The province of Chiapas, however, remained with Mexico rather than join the other Central American republics.

Atanasio Tzul's history allows us to examine the role that the indigenous population played during the independence epoch. A member of the Indian aristocracy, Tzul had been confirmed by the Spanish as a leader of his town. As such, he shared with Spanish officials responsibility for collecting taxes and tribute. Increasing resistance by the Indians to paying tribute led Tzul and Lucas Aguilar, an Indian commoner, to rebel against the Spanish in 1820. Over the years, their rebellion gained fame as part of the independence struggles and as an example of an indigenous people who established their own king and nation.

In his essay, David McCreery points out that the Indians who named Tzul as their king did not necessarily intend to reject their other, more distant, king in Spain. Their rebellion resembled a colonial uprising against a specific grievance more than it did a revolt for independence. The pardon of Tzul and Aguilar in 1821 may have reflected Spanish uncertainty, as McCreery argues, but it also was consistent with the imperial policy of dispensing justice mildly to Indians in order to avoid creating martyrs. The lack of unity among Tzul's Indian villages reveals that, like the Creoles, Indians had different reasons for becoming royalists or patriots. Perhaps this disunity is another clue to Spain's ability to dominate millions of Indians with a minimum of force. Their divisions meant that