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“The rupture generation” : nineteenth-century Nahua intellectuals in Mexico City, 1774-1882

Segovia Liga, A.

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Author: Segovia-Liga, A.

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Chapter 6

Land and *Parcialidades* under Attack

Introduction

After Mexico officially declared its independence from Spain in 1821, major political and social changes took place in the newly formed country. Influenced by both the Constitution of 1812 and the political theories of European liberalism, the new Mexican authorities sought to reorganize and consolidate the governing institutions in the country based on these political theories. Some of these policies greatly harmed the indigenous communities' access to and control over their lands and resources. In particular, the newly appointed Mexican authorities considered that several institutions that had operated during the end of the colonial regime under indigenous supervision did not follow the basic precepts of the political liberalism of the new government.⁵⁵⁵ Consequently, the new political approach in Mexico turned against the corporatism that indigenous institutions represented. As a result of this, the *Colegio de San Gregorio* was the subject of changing government regulations that eventually prevented the participation of Indigenous Peoples in the administration of an institution that they traditionally claimed belonged to them.

While Juan Rodríguez Puebla, Francisco Mendoza y Moctezuma, Pedro Patiño Ixtolinque and Faustino Chimalpopoca jointly worried about and defended the right to keep the indigenous community in charge of the administration of the *Colegio de San Gregorio* in Mexico City, another serious issue started to affect the indigenous *parcialidades*. Although the *parcialidades* had ceased to officially exist in 1820, the assets and properties that formerly belonged to these entities remained under various changing jurisdictions.⁵⁵⁶

Both the economic and social complexity that existed within the composition of these former indigenous *parcialidades* made it impossible for the laws of the 1820's to accomplish their goals of turning these entities from their corporate nature of ownership into individual property. As the modern scholar Andrés Lira asserted:

La idea fundamental era que los indígenas participaran en la sociedad política que se fue definiendo como ideal y que acabaría por expresarse en la Constitución Política de la Monarquía Española [...] A la Constitución siguieron decretos de

⁵⁵⁵ Manuel Ferrer Muñoz, "El poder legislativo en México durante 1822 y la cuestión indígena," *Jurídica. Anuario del Departamento de Derecho de la Universidad Iberoamericana*, Número 28 (1998): 287-304.

⁵⁵⁶ Woodrow Wilson Borah, *Justice by Insurance: The General Indian Court of Colonial Mexico and the Legal Aides of the Half-real* (California: University of California Press, 1983), 402-404.

las Cortes Generales y Extraordinarias en los que se insistía en el proyecto de incorporar a los indígenas como ciudadanos y la necesidad de dotarlos de propiedad particular.⁵⁵⁷

Hence, the Constitution of Cadiz of 1812 made the issue of property a prerogative, although its definition of “property” relied on the idea of an individual estate, and not a collective or corporative concept. Consequently, after 1812 the political class in the capital of New Spain became characterized generally by the promotion of an agenda that sought the individualization of collective property. In general terms, there were two groups that fit into this agenda: the Catholic Church and communal indigenous properties.

Several politicians and intellectuals analyzed and made arguments about the “positive” impact that individual property could provide for the Indigenous Peoples. Works in this matter of argumentation abounded during the nineteenth century. In this sense, the current official historiography has focused on describing and analyzing the concept that Mexican intellectuals, such as Lucas Alamán, José Luis Mora or Manuel Abad y Queipo,⁵⁵⁸ among many others, had about collective indigenous property. Nevertheless, little attention has focused on the opinions or desires that indigenous intellectuals had about maintaining community properties under their indigenous control. Thus, this chapter will focus on reviewing the way in which Nahua intellectuals reacted towards all of these new reforms that affected their heritage, their local economy, as well as their style of life, and even their social ties.

6.1 Education as the Basis of the New Mexican Citizenship: The Hard Battle for the *Colegio de San Gregorio*

During this period, the principle of sovereignty expressed in the Constitution of 1812 influenced the main changes that both the newly created Republic and the government of Mexico City experienced.⁵⁵⁹ Based on these principles of popular participation, voting and citizenship became the major achievement of this newly created Mexican Republic.⁵⁶⁰ In this manner, education remained an important obstacle in shaping Mexico, since the authorities expected that every Mexican holding citizenship and having the right to vote should at least be able to read and write

⁵⁵⁷ Andrés Lira, *Comunidades indígenas frente a la Ciudad de México*, 45-45.

⁵⁵⁸ For instance, see José María Luis Mora, *Obras sueltas de José María Luis Mora, ciudadano mejicano* (Paris: Librería de Rosa, 1837), cvviii; also see Manuel Abad y Queipo, *Representación sobre la inmunidad personal del clero* (1799) in Colección de documentos para la historia de la guerra de independencia de México de 1808 a 1821, ed., J. E. Hernández y Dávalos (México: José María Sandoval Impresor, 1878), also consider the works and arguments expressed by Valentín Gómez Farías and Anastasio Bustamante regarding this issue, see A. Hale, *El liberalismo en la época de Mora, 1821-1853* (México: Siglo XXI Editores, 1999).

⁵⁵⁹ Salomón Díaz Alfaro, “El Distrito Federal Mexicano. Breve historia constitucional,” *Estudios jurídicos en torno a la Constitución Mexicana de 1917, en su septuagésimo quinto aniversario* (México: UNAM, Instituto de Investigaciones Jurídicas, 1992).

⁵⁶⁰ Timothy E. Anna, *Forging Mexico, 1821-1835* (Nebraska: University of Nebraska Press, 2001), 194-196.

in Spanish.⁵⁶¹ This political argument of the necessity of an educated electorate is exemplified by one of the first attempts of the new State to regulate the providing of public education to the population, the Education Plan of January 18, 1827. This plan indicated that:

Todo ciudadano debe saber leer y escribir. Así se dispone a tomar la ilustración necesaria para gobernarse a sí mismo, dirigir a su familia y sostener los derechos de la nación con lo que se consigue ser hombre bueno, excelente padre de familia y ciudadano exactísimo.⁵⁶²

Due to these reasons, education remained one of the most important topics for Mexico City's government. Therefore several colleges and schools remained open and functioning during the subsequent years after 1820. In order to maintain the good performance of these schools, the newly established government created a series of committees in order to analyze the conditions in which these schools remained after the turbulent first decades of nineteenth century.

In a document dated on January 21, 1824, the executive branch of the new government organized a committee to visit the *Colegio de San Gregorio*. This newly formed committee had the duty of inspecting the conditions in which this institution worked. Pedro Patiño, who at that time occupied the position of director of sculpture at the *Academia de San Carlos*, Juan Rodríguez Puebla, and Francisco de Mendoza y Moctezuma, among others, served on this commission. The members of this commission wrote a final report after undertaking the official visit to the *colegio*. Sadly, their report gave evidence of certain damages that decades of political and social unrest had caused to the school:

[...] en 21 de enero de 1824 una visita compuesta de los Sres. Lic. D. Juan de Dios Rodríguez Puebla coronel; D. Francisco Moctezuma y don Pedro Patiño Ixtolinque, director de escultura en la Academia de San Carlos, teniendo por secretario al entonces coronel D. José María Tornel. Esta visita dio su informe el 22 de noviembre del propio año, escusándose del retardo por el desorden en que se encontraron todo. En consecuencia, exponen al gobierno el mal estado tanto de las rentas como de la educación de los colegiales, que a la sazón no tenían más que un maestro de escuela y otro de música, con la dotación de 200 pesos anuales, saliendo a los colegios de San Ildefonso y Seminario los que ya habían acabado las primeras letras, y el trato que se les daba era muy áspero e indigno de un establecimiento de educación.⁵⁶³

⁵⁶¹ Ernesto Meneses Morales, *Tendencias educativas oficiales en México, 1821-1911: la problemática de la educación mexicana en el siglo XIX y principios del siglo XX* (México: Universidad Iberoamericana, 1998), 106.

⁵⁶² *Ibid.*, 894.

⁵⁶³ José María Pérez Hernández, *Diccionario geográfico, estadístico, histórico, biográfico de México* 3 (México: Cinco de Mayo, 1875), 568.

As we can gain from this source, the *Colegio de San Gregorio* had survived in poor conditions, and in terms of the administration and the students' performance; additionally, it seemed that the institution had experienced a period of bad administration during the turbulent years of independence.

The fact that Patiño Ixtolinque, Rodríguez Puebla and Mendoza y Moctezuma were members of this first commission to evaluate the conditions in which the school functioned demonstrates that they had all been influential characters within the political sphere, and enjoyed a good reputation even among individuals from outside their communities. It is highly probable that the members of the executive branch had chosen Patiño, Rodríguez and Mendoza for this task as they were Indigenous Peoples who had previous ties to the *Colegio de San Gregorio*.

The same source mentioned that on January 31, 1826, the government created the *Junta Directiva del Colegio*, which included Mr. Juan José Espinosa de los Monteros, as president; General Don Miguel Cervantes, Dr. Don José María Iturralde, and Don Pedro Patiño Ixtolinque; and Licenciado Don José María Jáuregui as secretary. This *Junta* was the first governing body that the school had after the Congress officially declared the independence of Mexico.

While the corresponding authorities kept working towards the organization of different institutions, the political life of these indigenous intellectuals did not cease. In 1827, Pedro Patiño Ixtolinque appeared as the legal representative of the *parcialidades* in Mexico City, fighting against the approval of an issued act that stipulated that properties administrated by these entities must be distributed individually among their particular members.⁵⁶⁴ In 1828, there is another document addressing Pedro Patiño, as a member of the governing *Junta* of the *colegio*, asking him to accept the sons of the North American Cherokee leader Bob, to be enrolled in the *Colegio de San Gregorio*.⁵⁶⁵

⁵⁶⁴ *El gobernador del distrito acompaña la representación que hace de las cámaras Pedro Patiño como apoderado de las parcialidades para que se suspenda el reglamento formado para partir los bienes de ellas*, AGN, México Independiente, Justicia Negocios Eclesiásticos, Justicia, Volumen 47, Expediente 50 y 51, fojas 364-477.

⁵⁶⁵ *Sobre que se admita a educarse en el de San Gregorio los hijos del jefe de los charaques llamado Bob*, 1828, AGN, Justicia-Instrucción Pública, Volumen 1, Expediente 21, fojas 109-111. The relationship established between Pedro Patiño and the Cherokee leader Bob became associated with a series of events that are significant for the history of the Cherokee people. In 1828, the Cherokee nation published its first newspaper, the *Cherokee Phoenix*, in New Echota the capital of the Cherokee nation, by using the Cherokee language and the syllabary developed by the Cherokee intellectual Sequoyah. Also, in May of 1828 the Cherokee nation signed a treaty known as the "Treaty of Washington" or the "Treaty with the Western Cherokee" with the government of Washington D.C. This treaty represented one of the first of several "removals" that the Cherokee experienced at hands of the federal government of the United States of America. In this particular treaty, the federal government of the United States drove out the Cherokee people from the territories of the Arkansas and the region east of the Mississippi river. Although the majority of the Cherokee people declared this treaty as fraudulent, the U.S. Congress ratified the accord within three weeks after its signature. According to the sources "a considerable number [of Cherokees] refusing to submit to the treaty or to trust any longer the guarantees and promises, crossed the Red River into Texas and joined the Cherokee colony already located there by region of the bowl under Mexican jurisdiction." The precariousness and social instability that the Cherokee experienced

Meanwhile, the Board of Governors of the *Colegio de San Gregorio* continued with their mission of improving the classes that the school offered to their students. In January 19, 1829 Pedro Patiño Ixtolinque reviewed an initiative presented by Deputy José María Tornel and the Secretariat of the Chambers of Deputies. This proposal suggested the creation of two courses of Grammar, an annual course on Philosophy, one on Theology, another on Civil Law, one on Cannon Law, and another on Public Law, as well as a course on Medicine and one on the Mexican Language or Nahuatl.⁵⁶⁶

The creation of new courses for the *curriculum* of the *Colegio de San Gregorio* became part of a complex and ambitious program to reform the entire educational system of Mexico.⁵⁶⁷ According to this plan, the colleges of San Juan de Letrán, Minería and San Ildefonso remained competitive enough in terms of curricula; however, the *Colegio de San Gregorio* seemed to offer lesser courses for Mexican students in comparison to the other colleges. During the first months of 1829, one of the main purposes of the educational plan focused on incorporating all of the colleges of higher education in Mexico City into a complex and competitive system, for which it was necessary to offer more courses in the *Colegio de San Gregorio*. In addition to this educational plan, the main purpose of incorporating more courses into the curriculum of the *colegio* focused on offering more opportunities for acquiring knowledge for its indigenous students. As the document states:

La Comisión se abstendría hoy de aprovar su dictamen reservándose hacerlo para cuando concluyera el expediente dicho sino estuvierese persuadido de la urgente necesidad que hay de propagar las luces prontamente en la miserable clase indígena hundida en la objeción e ignorancia mas vergonzosas, y que de los supremos poderes deben sacarla por cuando medios dicta la prudencia y se hallan a su alcance y poderío los que de lo contrario veríamos comunicada de ruina demasiado avanzada.⁵⁶⁸

The core complaint of this document reveals that the *Colegio de San Gregorio* remained a semi-segregated institution by having a high number of indigenous students who attended its classes. Also, this excerpt suggests that both the civil authorities and the Indigenous Peoples who composed the Board of Governors of the school knew about this situation and agreed to preserve it in the best interests of Indigenous Peoples, which explains the likely reason why the signature of approval of Pedro Patiño appears in this document. The document also reveals the special

during the “first period of removal” in the United States may have motivated the leader Bob to send his sons to Mexico in order to gain access to higher education through the willingness and recommendations made by Pedro Patiño to the members of the board of governors of the *Colegio de San Gregorio* in Mexico City.

⁵⁶⁶ *Erección de cátedras en el Colegio de San Gregorio*, 1829, AGN, Justicia-Instrucción Pública, Volumen 1, Expediente 31, número 8, 1829, fojas 196-203v.

⁵⁶⁷ Ernesto Meneses Morales, *Tendencias educativas oficiales en México*, 109-110.

⁵⁶⁸ *Erección de cátedras en el Colegio de San Gregorio*, f. 197r.

interests that both the political class in Mexico, as well as the indigenous authorities of the college, had in improving the educational opportunities that the Indigenous Peoples had, at least in Mexico City, in order to better “integrate them” into the newly established political and social system. Thus, the document stated in support of this idea: “[...] sin ilustración señores no hay costumbre, no hay virtudes, no hay observancia de las leyes, y sobre todo no hay república.”⁵⁶⁹

Through the content of this document we can see the enthusiasm that both politicians and the indigenous authorities of the *Colegio de San Gregorio* shared in incorporating and making the indigenous sector of the population a responsible, informed and conscious group that could exercise their rights and obligations as citizens. Both groups believed that this would only succeed if Indigenous Peoples remained on equal terms for educational opportunities in comparison to their non-indigenous counterparts. The fact that the signature of Pedro Patiño appears endorsing this proposal demonstrates the interest that the board of governors of the *Colegio de San Gregorio*, as well as the Indigenous Peoples who remained involved in the college’s administration, had in enjoying the fruits of equality that the newly political system promoted.

It seems that at this point indigenous leaders, at least those involved in matters of education and politics, focused on incorporating indigenous students into a more competitive program that could be similar or equally competitive as the *curriculum* offered by the other colleges, such as San Ildefonso and the *Colegio de Minería*. This argument reveals the pursuit of equality, and not separatism, that the Indigenous People and their intellectuals sought through the reorganization of educational institutions in Mexico City.

This same document also dictated that the Chamber of Deputies had the obligation of protecting and promoting the “purity of the principles promoted by Christianity and good social norms, which were considered as the basis of all the republics: “[...] la cámara deberá hacer otro tanto si quiere que se conserven en su pureza los principios de todos y en su mayor esplendor las virtudes cristianas y sociales que son la base de las repúblicas.”⁵⁷⁰

However, this plan to change the curriculum of the *Colegio de San Gregorio* also included the transformation of the position of the director of the school in order re-fashion it for the new social context. In other words, the tradition of the *Colegio*, according to its *constitutiones*, was to appoint a clergyman to the highest position of the college:

3ª. El Rector y demás sacerdotes que entrasen por ahora, los ha de nombrar el E. S. Virrey a consulta y proposición del comisionado; y gozarán la preferencia o antigüedad en el colegio por la que tuvieren de sacerdotes. En lo subversivo nombrará igualmente su excelencia el Rector a proposición del Señor Ministro

⁵⁶⁹ Ibid., f 197r.

⁵⁷⁰ Ibid., f. 197v.

Protector y los demás sacerdotes los propondrá el rector y comunidad al excelentísimo señor virrey por año del señor Protector, para que con su informe nombre su excelencia al que sea de su agrado; instruido de concurrir en él las circunstancias de voluntario, literato, práctico en los idiomas de los indios, de arregladas costumbres, y demas que se requiere para ates apostólico Ministerio, gozando la antigüedad desde el día de su ingreso en el Colegio: En la propia forma serán nombrados el sacerdote Maestro de escuela, el Tesorero, administrador de Hacienda y recaudador de casas y réditos; y también la señora camarera que ha de tener la santísima imagen de nuestra señora de Loreto para su aseo y adorno [...]⁵⁷¹

As it mentioned, the director of the *Colegio*, according to this charter, had to be a member of the clergy and also be able to speak an indigenous language.⁵⁷² However, these seventeenth-century requirements seemed obsolete for the new social needs of the indigenous community and the city government, not to mention in open affront to the new liberal principles. Thus, part of the transformation of the *colegio* also included the changing of the figure of the director; and the members of the *junta* of the *Colegio de San Gregorio* decided to nominate a secular person for the position of director for the first time. Nevertheless, it is evident that the members of the board of governors of the school made this decision without consulting the indigenous community and the student members and alumni of the college.

Within this context, in 1829, the clergyman Don Juan Francisco Calzada remained as the director of San Gregorio. Nevertheless, during those years the aging Calzada started to suffer dementia and due to this reason he left his position. Facing this opportunity, the board of governors decided to propose the nomination of Don José María Guzmán⁵⁷³ as the new director of the school.⁵⁷⁴ The discontent from this unilateral decision made by the board of governors resulted in a series of documents that eventually became printed as a pamphlet, and along with another series of complaints that the indigenous communities filed against this proposal. Several indigenous leaders signed one of the first published complaints entitled *Clamores de la miseria ante el supremo gobierno*, including Faustino Chimalpopoca Galicia, then only 24 years old, who appears in the documentation for the first time.⁵⁷⁵ The person who authored this written

⁵⁷¹ *Constituciones del Colegio de San Gregorio de México, aprobado por el excelentísimo Sr. Virrey don Félix Calleja, por el superior decreto de 27 de julio de 1815*, AGN- Justicia-Instrucción Pública, Volumen 1, Expediente 52 o 46, número 8, legajo 13, fojas 389-408, 391v-392r.

⁵⁷² *Ibid.*, f. 398v.

⁵⁷³ According to Lucas Alamán, *Diccionario Universal de Historia y de Geografía*, Tomo 2 (Mexico: Librería Andrade, 1853), 385, Dr. Y Mtr. Don José María Guzmán was an “[...] antiguo alumno, catedrático de teología en la universidad y senador por Durango. Desde 1829 hasta 23 de octubre de 1833 que se convirtió el colegio [de San Pedro y San Pablo] en establecimiento de jurisprudencia.”

⁵⁷⁴ *Nombramiento hecho a José María Guzmán como catedrático de filosofía del colegio de san Yldelfonso*, 1807, AGN, Instituciones Coloniales, Indiferente Virreinal, Cajas 3000-3999, Caja 3575, Expediente 9.

⁵⁷⁵ Among other signatures included in this document are Evaristo Huemaitl.-Felix Ximenez, -José María Sandoval.-Bartolo Patiño.- Br. José María Reyes, Cura de Calnali.-Faustino Chimalpopocatl y Galicia- José Soberanis.- Rafael Pérez.- José Crescencio Cano.- Domingo Salazar.- Antonio Galicia.-Cayetano Galicia.-

complaint, Francisco de Mendoza y Moctezuma, apparently worked as the organ player at the church of Loreto, at that time attached to the *colegio*. However, both Pedro Patiño Ixtolinque and Juan Rodríguez Puebla's signatures are notably absent in this document.

This testimony denounced the board of governors of the college, arguing that they did not consider the opinion of the members of the indigenous community involved in the school's affairs. Similarly, this document also stated that the members of the board deliberately excluded Indigenous Peoples from giving an opinion about the candidates who might occupy the position of the directorship of the school. Both the signatories and their constituents complained about the marginal role that they, the direct beneficiaries and indigenous administrators of the school, played in the process of electing new candidates for the position of the directorship for the school. When most influential Indigenous Peoples realized that the nominee for occupying the position of director of the school was not a member of the clergy, they complained before the members of the board of governors, and also before the presidency of the republic. The response of these Indigenous People was to nominate and to endorse *Presbítero* José Calixto Vidal, a clergyman, as their candidate to occupy the position of director of the *Colegio de San Gregorio*.⁵⁷⁶

This proposal rested on the argument that Calixto Vidal was a former student of the *colegio*, where he studied Latin and graduated with a degree in Philosophy, Theology and Cannon law. The presbyter Calixto Vidal had earlier served as chaplain, and he also worked as the director as well as a clergyman at the *Colegio Seminario de Tepoztlán*. Even though Don José María Guzmán had excelled in his career as an academic, there is no evidence about his indigenous heritage. In contrast, Calixto Vidal, a native of the town of San Miguel Xometla, in the current State of Mexico, proudly held the status of "*indio noble*"⁵⁷⁷ as well as a very impressive curriculum:

Con deseos de instruirse pasó a esta capital por los años de mil setecientos noventa y cuatro, y habiendo conseguido lugar en dicho colegio, el mismo año comenzó sus estudios, yendo a asistir a clases de San Ildefonso, en donde por su continua aplicación logró tener en las de Gramática por competencias y aprovechamiento

Mariano Galicia.-Juan Rodríguez Acatlán.- José Sabás Nájera.- Eusebio Antonio Dávila.-Anastacio Rosas.- Antonio Contreras.-Catarino Torre.- Crescencio Contreras.-Victor Salazar.-Luis Miravalle.-Juan Pablo Carrera.- Rafael López. Estanislao Rincón y Macario Torres. See, *Clamores de la miseria ante el supremo gobierno*, marzo 1829, AGN, Justicia-Instrucción Pública, Volumen 1, Continuación del Expediente 44.

⁵⁷⁶ *Clamores de la miseria ante el supremo gobierno*.

⁵⁷⁷ *Consta por información jurídica que el bachiller don José Calixto Vidal colegial actual del real Colegio de San Gregorio de México, es hijo de legitimo matrimonio de Don Hilario Nicolás Vidal y de Doña Rosalía María, indios nobles del pueblo de San Miguel Xometla de la doctrina de San Agustín Acolma*, 22 de noviembre de 1803, AGN, Tribunal Superior de Justicia, Alcaldes Ordinarios, Procesos Civiles, Caja 52, Expediente 17.

con preferencia de sus condiscípulos las mejores oposiciones públicas con especial elección de sus maestros, y de que le dieron las correspondientes calificaciones.⁵⁷⁸

Similarly, Vidal had achieved a degree at the National University:

En nueve de enero de noventa y nueve se graduó de Bachiller en la Real Universidad previo el actillo de constitución que ahí defendió. En el mismo año pasó al Colegio Tridentino Seminario a estudiar lugares teológicos, y concluidos prosiguió allí mismo Sagrada Teología [...] ⁵⁷⁹

Calixto Vidal's curriculum and his noble origin demonstrated his involvement in the development of the educational system for Indigenous Peoples,⁵⁸⁰ and his supporters advocated for his candidacy, arguing that they had the right to be represented by an indigenous director since the *Colegio de San Gregorio* still remained ostensibly an indigenous college:

Nadie tomará más interés por nuestras cosas de San Gregorio, que los mismos que han sido sus alumnos: y esta es sin duda la razón porque todos los colegios ansían ser gobernados por alguno que les haya dado para indígenas, es congruentísimo que en su provecho sean las provisiones de los empleos que en él hay, y principalmente cuando se trata de persona tan ameritada en dicho Seminario, y para cuantos pueblos lo conocen por los bienes que les ha hecho [...] ⁵⁸¹

Also, this document represented a reminder to the board of governors of the school about the obligation that they had to follow the *constituciones* of the *colegio* in electing the new director. According to their own words, the petitioners argued that they were only asking the members of the board to follow the rules issued for directing the school:

Nosotros no venimos a pedir cosas que graven al erario, ni a solicitar otra cosa que la observancia de unas constituciones que aún están vigentes, y que se atropellaron por el gobierno despótico de los virreyes” insistimos pues en que se nombre Rector al Presbítero Vidal por ser nulo el nombramiento que se hizo en el Dr. Guzmán. ⁵⁸²

The indigenous individuals who supported the complaint in the “*Clamores...*” focused on the idea that only a director of an indigenous background would be able to achieve the ultimate

⁵⁷⁸ Ibid., f. 1r.

⁵⁷⁹ Ibid.

⁵⁸⁰ See Manuel Ferrer Muñoz, “La difícil andadura del Colegio de San Gregorio,” in *Liber Ad Honorem Sergio García Ramírez* (México: Universidad Nacional Autónoma de México, Instituto de Investigaciones Jurídicas, Tomo I, 1998), 193-210.

⁵⁸¹ Ibid.

⁵⁸² Ibid.

goal of placing the college on an successful future academic path to compete with the higher educational institutions. However, the authors of this document failed to mention the noble status that Mr. Vidal held, which in their own minds no doubt gave him an additional benefit for serving in the position of director of the college. This argument adds importance to the indigenous' claim that the "indios caciques" from Tacuba under the colonial regime had played an important role in the foundation, maintenance and economic support of the *Colegio de San Gregorio*. In this sense, we can interpret the content of the present document not only as a complaint presented by influential Indigenous Peoples against the arbitrary decision taken by the board of governors, but also as a desperate measure on the part of this indigenous group to keep the directorship of the college under the power of the traditional indigenous nobility.

The rejection against the decision taken by the members of the board of governors from this group of Indigenous Peoples did not stop there. On April 7 in the same year of 1829, and during the brief period of the presidency of Vicente Guerrero, Pedro Patiño Ixtolinque, then serving as a "vocal" or representative of the members of the board of the college, published another document which he addressed directly to President Guerrero. In this document entitled *Representación al excelentísimo señor presidente don Vicente Guerrero a favor de la educación de los indios*,⁵⁸³ Pedro Patiño argued that the second and third articles of the *constituciones* of the college stipulated that the director of San Gregorio must be clergyman able to speak an indigenous language, and that contrary to these stipulations, Mr. Guzmán did not come from an indigenous background:

Estas, y otras razones expuse con tesón en la Junta; pero todas, señor excelentísimo, fueron desatendidas, porque a lo que conozco, la opinión de los señores de la Junta, estaba prevenida muy de ante mano en favor del señor Guzmán, quien ni ha hecho su carrera en dicho Colegio, ni es sacerdote, no es idioma, y ni es indio, que para la educación de ellos, es para mí la circunstancia que más pesa.⁵⁸⁴

Additionally, Patiño emphasized the fact that Calixto Vidal, a former student of the *colegio*, had intimate knowledge about the school's situation, and the difficulties and needs that the cloister required to solve their current problems. In this document Patiño makes subtle mention about the educational reforms that were taking place at that moment, as well as the expectancy that existed about the new "*plan general de estudios*:"

[...] que el Presbítero Vidal, así porque es sacerdote, como por ser idioma, según lo pide la constitución peculiar de dicho *Colegio* en sus artículos segundo y tercero, constitución que está vigente, y que lo estará mientras que el congreso

⁵⁸³ *Representación al excelentísimo señor presidente don Vicente Guerrero a favor de la educación de los indios*, 1830, AGN, Ramo Justicia Instrucción Pública, Volumen 1, Expediente número 44, fojas 285-287.

⁵⁸⁴ *Ibid.*

general no de el plan general de estudios en que precisamente se va a ocupar según entiendo.⁵⁸⁵

Similarly to the previous published document, in this one Pedro Patiño denounced the board of governors for marginalizing the indigenous community from the participation in this process:

[...] los mismos alumnos del *Colegio* con otros muchos indios, formaron sus representaciones, pidiendo, humildes como siempre, que se proveyera la plaza de Rector en el presbítero Vidal; pero cuál fue nuestra sorpresa cuando vimos, que el decreto a la petición era, que no se podía atender a nuestra exposición por haberse verificado ya el nombramiento hecho el trece del mismo día.⁵⁸⁶

Pedro Patiño also accused the members of the board of corrupting the process of the election of director of the school:

El día trece en la noche, acordó la Junta la terna: el catorce del mismo por la mañana, se puso dicho acuerdo en limpio ¿cómo, pues, se proveyó la vacante en la noche del trece, día que no siendo de correo, no estuvo abierto el despacho? Dejo a la consideración de V. E. el juzgar de un hecho que tanto nos ofende, y que generalmente hemos sentido, tocando a V. E. poner el remedio en este grave mal, así como en otros muchos que nos aquejan.⁵⁸⁷

Apparently, based on these previous documents, the major issue that the indigenous community faced throughout this process was their exclusion in decision-making process of an institution that they considered as part of their communal property. According to this perspective, the fact that the indigenous community of San Gregorio remained marginalized from the process of electing a new director, not only violated the regulations of the school, but it also attacked the sovereignty of the Indigenous People over their own communal property.

It seems that the pressure and the written complaints that these Indigenous Peoples sent to the President of the republic had an important effect since the board of governors withdrew the candidacy of Mr. Guzmán and instead put forward the nomination of Juan Rodríguez Puebla. However, the appointment of Rodríguez Puebla also did not satisfy the indigenous community of San Gregorio. For instance by 1829, the year that the board of governors put forward the nomination of Rodríguez Puebla for the position of director of San Gregorio, Mr. Rodríguez Puebla already had a very reputable career as politician (see Chapter 4 of this work). The document that officially positioned him as the board's candidate as director of the *colegio*

⁵⁸⁵ Ibid.

⁵⁸⁶ Ibid.

⁵⁸⁷ Ibid.

included a brief summary about Mr. Puebla's credentials for occupying the position as director, as well as the name of the other two candidates who also competed for the position:

El licenciado don Juan de Dios Rodríguez, Ministro del Supremo Tribunal de Justicia de Durango, alumno que fue del Colegio, su visitador y su particular protector en términos de haberle proporcionado muchos adelantos. En segundo lugar propone al Bachiller don Francisco Cornelio Domínguez, cura de Taxco, y en tercero al licenciado don José Ignacio González Casalmuro, cura de Tuchi.⁵⁸⁸

The appointment of Juan Rodríguez for the position of director also did not satisfy the demands of the indigenous *vocales*, or representatives of the school. Instead, they complained again arguing that Juan Rodríguez did not belong to the clergy. This condition of being a member of the clergy in order to occupy the position of director resulted in a direct benefit for the school as it saved resources since the director could play both the position of director and *capellán*. Thus, as Juan Rodríguez did not belong to the clergy, his detractors argued that the school had to spend resources to appoint a chaplain. Also, the main complaint focused on the fact that these elements were directly against the *constituciones* of the school. Therefore, the *vocal* Pedro Patiño expressed:

[... que] se anule el nombramiento interino hecho a favor del Lic. D. Juan Rodríguez, por ser opuesto a sus constituciones [323v] que previenen que el nombrado sea sacerdote, tanto por el ahorro de capellán que resulta, como porque aquella casa al mismo tiempo que es de instrucción literaria es también de ministerio espiritual, y en esto fundan su solicitud, quejándose de la Junta Directiva porque dicen que ha procedido con arbitrariedad y desatendido su primera representación en que reclamaban esta infracción de sus constituciones.⁵⁸⁹

Similarly, Pedro Patiño also denounced that the election of Rodríguez Puebla did not rely on the support of the indigenous community, but rather his nomination only had the support of the representatives from the current government. Later on several Indigenous Peoples and leaders of the *ayuntamientos* from different towns sent another letter of complaint to the members of the *Junta* demanding the appointment of José Calixto Vidal as the director of the *colegio*, as well as the immediate removal of Rodríguez from the said position. This letter preceded another one presented by two more indigenous intellectuals, Francisco de Mendoza y Moctezuma and Estanislao Rincón.⁵⁹⁰

Facing the constant resistance from the leaders of different indigenous communities, the members of the *junta* were forced to review the content of the last *Constituciones* issued by the viceroy Callejas as well as the bylaws of 1826 concerning the conditions under which the *colegio*

⁵⁸⁸ *Sobre el nombramiento de don Juan Rodríguez Puebla para rector del Colegio de San Gregorio*, f. 323r.

⁵⁸⁹ *Ibid.*

⁵⁹⁰ *Ibid.*, fs. 324v.

must function. Through the detailed revision of these regulations the members of the *junta* found enough arguments to reiterate their decision in appointing Rodríguez Puebla as director. They argued that the same *constitutions* allowed the members of the *junta* to update and act in favor of carrying out the reforms and arrangements that they considered convenient. Finally, the members of the board of governors placed Rodríguez Puebla in the directorship of the school in 1829. However, the discontent did not end with his appointment.

In this situation, the opponents of the appointment of Rodríguez Puebla then argued in a subsequent complaint that, as director “[...] el Rector Rodríguez es incapaz de dirigir un colegio, que mira a los alumnos con aversión, los obliga a barrer, a desyerbar la huerta y hasta a limpiar los comunes [...]”,⁵⁹¹ even worst, his adversaries also denounced him to “be a persecutor of the indigenous literature.”⁵⁹² The content of this formal complaint, condensed into one extensive file, displayed the indigenous community’s redundant arguments against Rodríguez Puebla, arguing that he did not hold a religious position, and that this disqualified him to be the director of the *Colegio de San Gregorio*. Not only that, but in the same year of 1829 the complainants published another document addressing President Vicente Guerrero entitled *Representación al excelentísimo señor presidente Don Vicente Guerrero a favor de la educación de los indios*, in which Pedro Patiño, as the lead author, accused the members of the *junta* of infringing upon a law in an afterhours session in order to give an advantage to the *junta*’s favorite candidate, adding this to the argument that Rodríguez was not “indio.”⁵⁹³

This conflict for the appointment of the director of the school had no precedent in the history of the institution. Moreover, the argument presented by the adversaries of the *junta*’s ultimate decision, arguing that Rodríguez did not have any indigenous background, appears exaggerated. However, based on the evidences presented in the previous cited document, I suggest that the persona of Juan Rodríguez represented a series of interests associated with the new regime that conflicted with the indigenous ideals, in contraposition to the figure of the “*indio noble*” Calixto Vidal who represented their traditionalist interests.

The decision of the *junta* of including an indigenous person who did not have any close relationship to the traditional colonial-indigenous system of organization demonstrated a clear affront from the members of the *junta* against the “ancient regime.” Not only this action, but the inclusion of the signatures of Francisco de Mendoza y Moctezuma, Pedro Patiño and Faustino Chimalpopoca on this document reveals that for these indigenous intellectuals of noble origins, Rodríguez represented a break with tradition and, in their opinion, an outright transgression of what seemed to them to be the norm regarding the favoritism that the members of the indigenous nobility had within the political spheres.

⁵⁹¹ Ibid., f. 326r.

⁵⁹² Ibid.

⁵⁹³ *Representación al excelentísimo señor presidente Don Vicente Guerrero a favor de la educación de los indios*,” f.285.

In this sense we must not forget that Rodríguez Puebla did not belong to the ancient indigenous nobility of the Valley of Mexico, but rather he came from a very modest family of *aguadores*, and that he had also had scaled the social ladder due to his own merits, and not his family's social status, which he had obtained from having gained access to higher education. Thus, Rodríguez Puebla represented and embodied the values promoted by the new regime in which successful individual efforts resulted in the possibility of fruitful careers based on pure merits. Also, the argument presented by Patiño Ixtolinque against Rodríguez that asserted that Rodríguez was not an "*indio*" could even been seen by the members of the new board of governors as an illegal argument within this context since the Constitution of Cadiz in 1812 had eradicated the segregation of the population through the system of *castas*. In any case, the argument presented by Patiño Ixtolinque, which sought to damage the reputation of Rodríguez as a member of the community, resulted in vain. The decision taken by the members of the *Junta* regarding this issue seemed to have the authorization and support of the members from the highest political levels since Rodríguez Puebla, in spite of his unpopularity, remained in the position of director of the school, an act that Patiño Ixtolinque also denounced through his publication of *Representación al excelentísimo presidente*.⁵⁹⁴

At this point, the transformation of the *Colegio de San Gregorio* with the designation of Rodríguez Puebla as the director of the school represented only the beginning of the major transformations that the institution endured in order to survive. However, as further documentation also demonstrates, Rodríguez Puebla never had the intention of snatching away the economic control that indigenous communities had over the school. He also did not demonstrate the desire to keep Indigenous Peoples away from accessing the educational opportunities offered by the *Colegio San Gregorio*. Instead, Rodríguez sought to turn the school into a more competitive educational institution and to achieve a similarly high level of scholarship just as that existence in San Ildefonso, San Pedro y San Pablo, and the University of Mexico.

Nevertheless, in 1829, the year Juan Rodríguez officially took possession as rector of the *Colegio de San Gregorio*, the group of Nahua leaders wrote another complaint in which they once again asked for the removal of Juan Rodríguez Puebla as rector of the school. This complaint reached print and received the title of *Representaciones hechas ante el supremo gobierno a favor de los abatidos indios*. However, this time those who signed this written demand changed the language in which they expressed their opinion about Juan Rodríguez, now providing a positive assessment about the administration of Rodríguez:

⁵⁹⁴ The letter of complaint that Pedro Patiño Ixtolinque sent directly to the President Vicente Guerrero in order to denounce the irregularities in which Rodríguez Puebla was elected, demonstrates that the highest representative of the executive power did nothing or did not achieve anything against Rodríguez Puebla. See *Representación al excelentísimo señor presidente Don Vicente Guerrero a favor de la educación de los indios*.

Confesamos con la más sincera ingenuidad, que nuestra gratitud está comprometida con la persona de D. Juan Rodríguez, porque su oficiosidad se ha decidido a favorecer a este su antiguo Colegio; como su verdadero hijo le ha procurado los mayores bienes, y ha sacrificado con su obsequio de quietud [...] Jamás olvidaremos los beneficios con que nos ha distinguido, y su memoria, durando más allá de nuestra existencia, se transmitirá a la más remota posteridad.⁵⁹⁵

Nonetheless, all of these kind words and good evaluations about the performance of Rodríguez's role in leading the school were not enough as they argued that his appointment did not follow the already mentioned *constituciones* of the school. In the end, the main purpose of this complaint focused again on demanding the removal of Rodríguez as rector and instead appointing D. José Calixto Vidal.⁵⁹⁶ In this document Patiño revealed that the initiative of gathering together prominent Nahua people against the appointment of Rodríguez Puebla was Patiño's own idea:

Para llenas mi deber, en medio de la cortedad de mis luces, he procurado, según he podido, remover los obstáculos, y fijas la atención en unión de mis hermanos, en aquellos sujetos capaces de satisfacer por sus luces, las ideas ambiciosas del bien de mis hermanos los indios [...] ⁵⁹⁷

Patiño continued his complaint by stating again that Rodríguez was not a clergyman and was not able to speak an indigenous language. Additionally, Patiño argued in his favor that every citizen had the obligation to demand the appropriate compliance and enforcement of the institutions and their laws. Accordingly, the appointment of Rodríguez Puebla represented, for him, a fragrant violation of the internal laws of the *colegio*.

The changes within the interior of the *Colegio de San Gregorio* continued in the following years, and it seems that the indigenous population had little voice in these matters. However, apparently these complaints succeeded in at least getting the Junta to appoint José Calixto Vidal as the assistant director of San Gregorio.⁵⁹⁸ Surprisingly, this conflict over the appointment of Juan Rodríguez Puebla as rector in 1829 did not end that year. As late as 1834 another bitter exchange of opinions against the Rodríguez Puebla reached print in the newspaper *El Mosquito Mexicano*.

In the first letter published in *El Mosquito Mexicano*, the writer, who identified himself as "E. E.," explained that Juan Rodríguez himself had complained about the appointment of Mr.

⁵⁹⁵ *Representaciones hechas ante el supremo gobierno a favor de los abatidos indios*, 1829, AGN, Justicia-Instrucción Pública, Volumen 1, Expediente 48, fojas 294-296.

⁵⁹⁶ *Ibid.*, 3.

⁵⁹⁷ *Ibid.*, 5.

⁵⁹⁸ See Lucas Alamán, *Diccionario de Historia y Geografía*, Tomo 2, 401.

Guzmán as rector of the *colegio* arguing both that Mr. Guzmán was not clergyman, and that he did not speak an indigenous language. However, the same document also accused Rodríguez Puebla of accepting the position of rector of the school under the same circumstances that he had used to criticize Mr. Guzmán. Similarly, in this text the unknown author accused Rodríguez Puebla, as rector, of expelling several indigenous students who had also opposed Rodríguez's appointment. This letter also accused former presidents Vicente Guerrero and Anastasio Bustamante of backing up Rodríguez. Similarly, the writer of this complaint pointed out that Rodríguez did not follow a zealous responsibility for the religious instruction of the students at the *colegio*.⁵⁹⁹ This is not surprising if we consider the fact that Rodríguez, a lawyer and a philosopher, would contemplate it most important for the students of San Gregorio to follow a more secular education in order to keep them competitive with their student counterparts from San Ildefonso or the University of Mexico. Concerning this matter, it is interesting to note that the author of this piece still referred to the economic improvements that Rodríguez had achieved towards the student of San Gregorio:

La ventaja que han logrado los jóvenes bajo la dirección del ciudadano Rodríguez, es bastante conocida aun de ellos mismos. Ha procurado ganarles la voluntad, haciendo se les den bancos de cama y colchones, ropa interior y exterior limpia cada ocho días: no ha mucho consiguió se diese a cada uno de ellos frac, sombrero y demás para salir a la calle, chocolate por la mañana y por la tarde con bizcochos [...]⁶⁰⁰

This statement also reveals that Rodríguez Puebla's interest in providing indigenous students not only education, but also the social skills necessary to contribute to the establishment of a positive relationship with their other classmates from San Ildefonso and the University of Mexico. Thus, even his detractors recognized that Rodríguez Puebla provided these indigenous students with appropriate clothing to denote their status as students, which eventually would empower them and provide them with self confidence.

Among other accusations expressed in this published note, is that Rodríguez was not making an appropriate use of the resources of the *colegio* which their community had destined to provide financial aid to three indigenous students from other states of the republic. Not only that, but it seems that in the process of turning the *Colegio de San Gregorio*'s students into more competitive individuals, the author of this letter, as well as other indigenous representatives, complained that the students had developed an anti-clerical position:

Los alumnos bajo la dirección del Sr. Rodríguez, han progresado con especialidad en ideas impías y anti-religiosas, y las manifiestan en sus conversaciones con

⁵⁹⁹ "Comunicados," martes 19 de agosto de 1834, *El Mosquito Mexicano*, Número 46.

⁶⁰⁰ Ibid.

libertad, frecuencia y notable escándalo de los que los oyen. Censuran con acrimonia nuestra religión santa, y las jerarquías eclesiásticas, infamándolas al modo y estilo de los impíos. Más no es extraño: pues es muy natural que el Sr. Rodríguez les haya sugerido estas ideas, y haya trabajado sin cesar con el fin de disponerlos para que lleguen a ser con el tiempo los apóstoles de la tolerancia religiosa [...]⁶⁰¹

This was precisely what Rodríguez Puebla sought to achieve: to make of San Gregorio's students critical thinking individuals able to debate not only religious ideas and dogma, but probably also to enable them to discuss important political and social matters that might concern them. Under Rodríguez' administration, as I have stated previously, he sought to improve the scholarly level of the *Colegio de San Gregorio* and attempt to insert this institution into a new level of intellectuality independently from its religious roots. This does not mean that under the orders of Rodríguez Puebla the school had stopped teaching religious classes, but rather that he probably had a different approach to presenting this knowledge to their students, probably moving away from memorizing religious dogmas, as he complained in his early years in his pamphlets. Instead, I assume that Rodríguez Puebla pushed the education of the school towards a more philosophical approach. It is true that Rodríguez Puebla openly praised Masonic lodges, especially the one from York.⁶⁰² The author of this document concluded that it was necessary to remove Rodríguez Puebla from his position since "he was poisoning San Gregorio's students with moral venom."⁶⁰³

As a response to this publication, in issue number 50 of the same newspaper (*El Mosquito Mexicano*), an author under the pseudonym of "The friend of truth" (*El amigo de la verdad*) offered several counter arguments in defense of Rodríguez Puebla.⁶⁰⁴ The first statement of "The Friend of the Truth" is that Rodríguez Puebla never stopped the religious education at the *colegio*, as his adversaries argued. This author also stated that Don Antonio Icaza, as the treasurer of the school, had administrated the resources in such way that both the alimentation and dignity of the students had improved. Moreover, the writer pointed out that the school had been practicing in its classrooms the critical thinking that had been absent for a long time:

Diré para concluir que los colegiales de San Gregorio antes del rectorado del Sr. Rodríguez, se hallaban en el mayor abandono, y no faltó tiempo en que comiesen vaca, durmiesen en petate, y bebiesen atole: su educación tampoco era muy atendida, pues aunque dizque se les enseñaba la doctrina, el resultado era que los adelantos en lo moral no se conocían [...] ¿cuándo San Gregorio había figurado

⁶⁰¹ Ibid.

⁶⁰² José María Mateos, *Historia de la Masonería en México desde 1806 hasta 1884* (México: n/e, 1884), 50.

⁶⁰³ "Comunicados," martes 19 de agosto de 1834, *El Mosquito Mexicano*.

⁶⁰⁴ "Comunicados," martes 2 de septiembre de 1834, *El Mosquito Mexicano*, Número 50.

en México, y sido reputado como verdadero colegio, sino hasta el tiempo del Sr. Rodríguez?⁶⁰⁵

What remains as a fact, is that Rodríguez Puebla indeed exposed the *colegio* and its students to a more global scholarly perspective that forced them to confront the philosophical and political ideas recently coming out of Europe.⁶⁰⁶

Nevertheless, the complaints of the anonymous writer who published in *El Mosquito Mexicano* did not stop. Furthermore, the unknown author continued publishing letters against Rodríguez, but now refuting his supporters by using the pseudonym of “*El legítimo amigo de la verdad*,” or the “Legitimate friend of the truth.”⁶⁰⁷

Without a doubt the directorship of Juan Rodríguez Puebla in the *Colegio de San Gregorio* remained as one of the major changes that both the institution and the indigenous communities experienced. Nevertheless, the most dramatic transformation in the nature and administration of the school occurred with a proposition presented by the deputy José María Irigoyen in 1828. The proposal presented by Mr. Irigoyen in the Congress on January 3 of 1828 focused on an integral plan to transform not only the organization of all colleges of higher education in México City, but it also presented a new basis for the creation of a national library that would be open to the public.⁶⁰⁸ This educational plan had the additional purpose of expanding public education and making it accessible to a larger number of individuals.⁶⁰⁹ Another essential part of this proposal centered on gathering the *Colegio de San Gregorio*, the *Colegio de San Ildefonso* and the *Colegio de San Juan de Letrán* into one institution. Since these three colleges used to serve a segregated population during colonial times, the main purpose of putting them under a single administration promoted a sense of equality promoted by the new political atmosphere of 1828.⁶¹⁰

Nevertheless, this initiative directly affected the involvement indigenous communities exercised over the economic administration of the college. This proposal resulted in one of the major dispossessions suffered by indigenous communities from Mexico City under the new liberal government. Faced with this alarming situation, Francisco de Mendoza y Moctezuma

⁶⁰⁵ Ibid.

⁶⁰⁶ *El Rector del Colegio de San Gregorio pide que de la parte que toca a la instrucción pública de las herencias transversales, se tomen 250 pesos para pagar las inscripciones en periódicos europeos que aquel Colegio tiene y para que algunas colecciones que están en el [¿], 1848, AGN, Justicia-Instrucción Pública, Volumen 3, Expediente 10, fs. 61-63.*

⁶⁰⁷ “Comunicados,” viernes 17 de octubre de 1834, *El Mosquito Mexicano*, Número 63; and “Comunicados,” martes 21 de octubre de 1834, *El Mosquito Mexicano*, Número 64.

⁶⁰⁸ *International Dictionary of Library Histories*, Volume 1 & 2, ed. David H. Stam (London –New York: Routledge, 2001), 532.

⁶⁰⁹ Manuel Ferrer Muñoz, *La formación de un estado nacional en México. El Imperio y la República Federal: 1821-1835* (México: Universidad Nacional Autónoma de México, Instituto de Investigaciones Jurídicas, 1995), 311.

⁶¹⁰ About this major change see Manuel Ferrer Muñoz, “La difícil andadura del colegio de San Gregorio durante el siglo XIX.”

decided to address a formal complaint to the President of the Republic in which he explained, on behalf of the leaders of different indigenous communities from Mexico City, the school's students, and other intellectuals, the importance of keeping the *Colegio de San Gregorio* as a school for exclusive benefit and under the economic administration of the Indigenous Peoples. The *Ciudadano Valdés* printing house released the said complaint entitled *Ya le pesa a ciertos hombres que se ilustren los indios*. In this document, Mendoza y Moctezuma not only gave evidence of the concerns that the indigenous communities had about losing their power of influence in the affairs related to the school and the properties attached to it. Mendoza y Moctezuma also gave evidence to the prevalent discrimination and lack of "equality" that the new educational establishments practiced against their indigenous students.⁶¹¹ As an example of this failed attempt of the fusion of two schools into one, Mendoza y Moctezuma mentioned the case of the *Colegio de Comendadores Juristas de San Ramón Nonato* and the *Colegio de San Juan de Letrán*,⁶¹² which occurred in 1828. In this case, the College of San Juan de Letrán absorbed the college of San Ramón, which also resulted in the end of influence of the clergy in these institutions which resulted in the decline of both schools. Concerning this Mendoza y Moctezuma asserted:

[...] ya lo estamos viendo en las penurias que padecen los colegiales de S. Ramón después de su agregación al de San Juan de Letrán, cuando antes sus rentas, y sin las que hoy produce el colegio reducido a casa de vecindad, tenían lo bastante para vivir con comodidad [...] ⁶¹³

Similarly, Mendoza y Moctezuma presented the same argument that Patiño Ixtolinque had previously stated in order to defend the pecuniary and social influence that indigenous communities held in the affairs that concerned "their" school: the invulnerable right to property. In defense of this argument Mendoza y Moctezuma cited the Constitution of 1824:

[...] el derecho de propiedad es invulnerable, lo dice la carta federal: el colegio de San Gregorio en su origen y establecimiento, y sus particulares dotaciones, son privativamente para la educación y sustento de los indios, por cuya consideración parece que por lo menos era de oírse á los ayuntamientos antes de resolverse la reunión. ⁶¹⁴

Before the imminent loss of control over San Gregorio, Mendoza y Moctezuma cited the main argument that Juan Rodríguez had previously presented in a session of the congress on October

⁶¹¹ *Ya les pesa a ciertos hombres que se ilustren los indios*, 1-4.

⁶¹² For more information about this school, see Ricardo León Alaín, "San Ramón Nonato: Puente entre el colegio de San Nicolás Obispo de Michoacán y la Real Universidad de México," in *Colegios y universidades. Del Antiguo régimen al liberalismo, Volumen II*, eds., Enrique González and Leticia Pérez Puente, 97-110 (México: Universidad Nacional Autónoma de México- Centro de Estudios Sobre la Universidad, 2001).

⁶¹³ *Ya les pesa a ciertos hombres*, 2.

⁶¹⁴ Ibid.

11, 1824 in which Rodríguez stated the need to keep the school for and under indigenous supervision:

[Rodríguez] probó demostraciones casi matemáticas, que los indios no pueden educarse en otro colegio que en el suyo, atendido los principios y vicios con que vienen a él, en su encogimiento natural, y lo difícil que es apartarlos de la befa de sus colegas, cuyas causales entre otras son de bastante peso para que ni sirvan de retrayente a los que existen, ni menos a los que en lo de adelante puedan venir a él [...]⁶¹⁵

These cited testimonies demonstrate that indigenous leaders and intellectuals saw the discrimination and the lack of equal opportunities that indigenous students would had by attending other colleges and not the *Colegio de San Gregorio* as a threat. Based on this, Francisco de Mendoza y Moctezuma also presented testimony, making a motion before the Mexican Congress on March 4, 1828, arguing against combining San Gregorio and the other colleges into a single unit of higher education.⁶¹⁶

This demand, and Mendoza y Moctezuma's motion in congress, both reveal the high importance of the *Colegio de San Gregorio* as an institution where students with indigenous backgrounds received not only an introduction to what higher education meant, but also it offered a place where these indigenous students became acculturated to their new status as college level students of higher education. Thus, the *Colegio de San Gregorio* accomplished very important social mission by preparing indigenous students with the necessary social skills to succeed in their studies after they transferred into the other colleges in which the "indigenous element" remained minimally present. In this sense, the *Colegio de San Gregorio* worked as an institution that offered these indigenous students a space in which to exercise an effective transition into an urban educational environment.

It is also very possible that before this conflict the Supreme Government of the Federation through its *Junta Directiva* renewed a *Reglamento* originally issued on October 11, 1824, and that the *junta* eventually actualized on February 21 of 1826. An important portion of this document focused on discussing how the assets that formerly belonged to the Hospital de los Naturales would from then on be administered by the *Junta* of the *Colegio de San Gregorio*. However, in another important section of this document, the *Junta* also referred to the recent changes to the former *Constituciones* of the school, stating that "notable transformation had been

⁶¹⁵ Ibid., 2.

⁶¹⁶ According to the debates and documents of the Mexican congress for the session on March 4, 1828, Francisco Mendoza y Moctezuma personally made his motion before the congress against the educational proposal of Irigoyen. See *Historia parlamentaria de los Congresos Mexicanos de 1821 a 1857*, Volume 5, (Mexico City: Impr. Madero, 1882), 83.

introduced.”⁶¹⁷ It seems that the resources obtained from the *Hospital de los Naturales* increased considerably the economic resources of the *Colegio de San Gregorio*. These resources should have served to support the financial aid for students at the *colegio*. Nevertheless, the same group of people who opposed Juan Rodríguez Puebla as the school’s director, once again complained about the way Rodríguez Puebla administrated these new funds, and again, most of the disagreement came from the misinterpretation that the authorities and several members of the *Junta* had about the regulations of the school’s *Constituciones*.⁶¹⁸

This is probably the reason why in 1843 the Congress issued the “*Plan General de Estudios de la República Mexicana*” in which it clearly stated that the *Junta Directiva* of the *Colegio de San Gregorio* would be subordinated to the *Junta Directiva General de Estudios* from Mexico City.⁶¹⁹ According to this document:

Título VI. De la Junta Directiva General

Artículo 77. Habrá una Junta Directiva general de estudios en la capital de la República.

Artículo 78. Esta Junta se compondrá del Rector de la Universidad de México y Rectores de los colegios de San Ildefonso, Letrán y San Gregorio, del Director del Colegio de Medicina, del Director del Colegio de Minería, del Presidente de la Compañía Lancasteriana, y de tres individuos de casa carrera nombrados por el Gobierno. Será presidente neto de la Junta, el Ministro de Instrucción Pública, y Vicepresidente el rector de la Universidad de México.⁶²⁰

Similarly, this document stated that the *Colegio de San Gregorio* had been turned into an institution that mostly offered preparatory studies for students willing to apply to the university, and other disciplines, except for the career of “*foro*” or law.⁶²¹

Thus, the major social mission accomplished by the *colegio* of preparing indigenous students for the academic urban life would have been affected though the imposition of the already mentioned reforms. The leaders of indigenous communities, as well as the Nahuatl intellectuals, quickly realized that the *junta*’s idea of “providing social equality” did not mean providing equity to all parties involved in this process. Thus these reforms ultimately left behind the indigenous students. This may explain not only the affection, but also the way in which some of the former students from San Gregorio praised this institution. For instance, later in 1865 Faustino Chimalpopoca, one of the *Colegio de San Gregorio*’s former students, made a nostalgic sketch of the school building. As we can notice from the legends included in his drawing,

⁶¹⁷ *Reglamento dado por el supremo gobierno de la Federación de la Junta Directiva del Colegio de San Gregorio*, 1830, AGN, Justicia-Instrucción Pública, Expediente 50, fojas 305-309, f. 306v.

⁶¹⁸ “Comunicados,” viernes 17 de octubre de 1834, *El Mosquito Mexicano*, Número 63.

⁶¹⁹ *Plan General de Estudios de la República Mexicana* (México: Imprenta del Aguila), 18 de agosto de 1843, AGN, Justicia Instrucción Pública, Volumen 84, Expediente s.n., fs. 61-63, f.16.

⁶²⁰ *Ibid.*, 8.

⁶²¹ *Ibid.*

Chimalpopoca wished to keep alive a visual testimony about the importance that this institution had for him and for other prominent characters, such as Rodríguez Puebla and his brother who both had shared classrooms with Chimalpopoca.

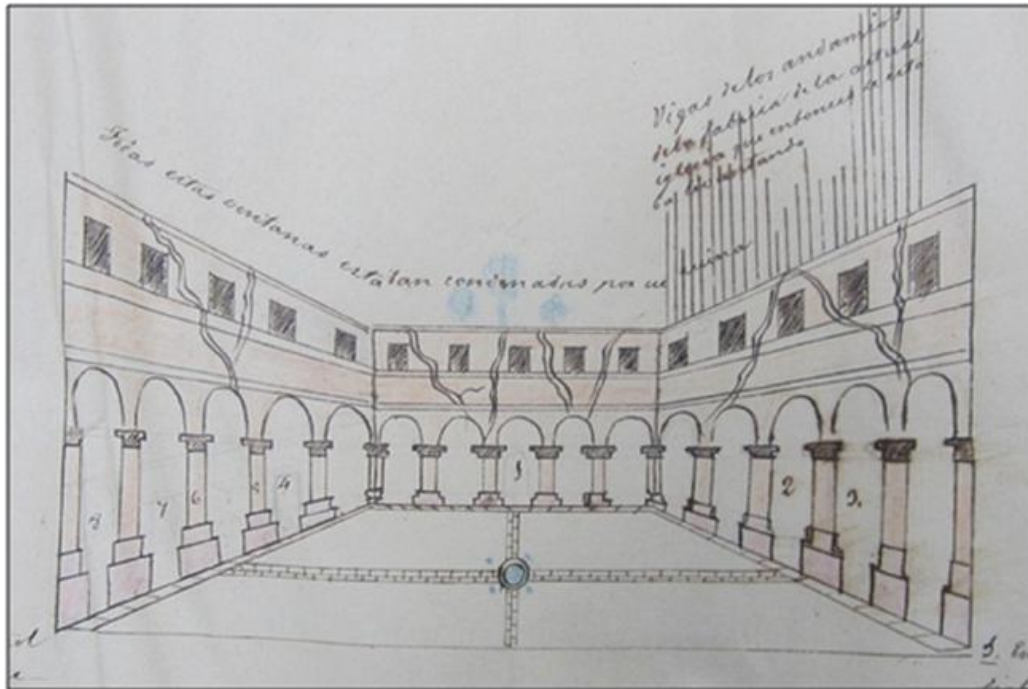


Figure 13. Detail of the *Colegio de San Gregorio*, sketch drawn by Faustino Chimalpopoca in 1865. Taken from *Historia de San Gregorio*, in “Documentos históricos de Chimalpopoca,” Colección Antigua, NC 25, BHMNAH, México. Picture taken by the author.

In another document, Mendoza y Moctezuma described the school as an asylum where the so-called “despised” indigenous class attended schooling in order to “de-coarsen themselves” and learn the basic rudiments that they needed to be good republicans.⁶²² Nevertheless, in this second letter Mendoza y Moctezuma also argued that the members of the *Junta* of San Gregorio did not consider the opinion of the members of the indigenous communities, nor did they listen to what they had to say about the management of the *colegio*. Similarly, in this document Mendoza y Moctezuma also accused the director in charge, Rodríguez Puebla, of trying to expel Calixto Vidal (the favorite candidate for the Indigenous Peoples to take office as director of the school) from his position as assistant director, and from the *junta* due to Rodríguez’s sense of resentment against Vidal.⁶²³ In the particular case of this document, the request presented by Mendoza y Moctezuma, in representation of several communities and indigenous leaders, focused on also asking for the removal of some members of the *junta*, and instead for the appointment of other individuals of proven indigenous background. In this way, according to

⁶²² *Carta de don Francisco de Mendoza y Moctezuma*, 1833, AGN- Justicia-Instrucción Pública, Volumen 1, Expediente 49, fojas 297-304v, f.297r.

⁶²³ *Ibid.*, f. 300v-302r.

their arguments, indigenous communities would have a legal representative of their interests seated in the *junta*, which would allow these communities to maintain some influence in the decisions affecting the school. Also, another constant request centered on demanding active indigenous participation in the matters concerning the school by arguing that not even during the colonial times, nor during the French invasion of Spain, had indigenous communities remained as misrepresented as they remained at that moment:

[...] que la clase que represento cansada de sufrir desaires y escarnios ajenos del gobierno paternal que substituyo al tirano de los capetos de nuevo ha querido por mi conducto esforzar sus clamores, con la única esperanza de que alguna vez serán atendidos los miserables Yndios.⁶²⁴

Due to the aggressive and determined tone that Mendoza y Moctezuma used in this letter, it can be assumed that after writing and exposing several complaints before the corresponding authorities, Indigenous Peoples quickly realized that the changes proposed by the authorities for the administration of the college were imminent, with or without their approval.

6.2 Weakening Indigenous Autonomy: *Parcialidades* Come under Attack

Throughout the entire period of the nineteenth century, the new federal government established in Mexico after 1824 threatened the very existence of the indigenous *parcialidades*. Probably one of the first laws issued specifically in order to modify the collective nature of the *parcialidades* remained the regulation issued on November 27, 1824, under the presidency of Guadalupe Victoria. This decree formally declared the *parcialidades* as extinct and proposed the distribution of the communal properties of the *parcialidades* among those individuals who formed part of this corporation. In other words, this decree turned the collective properties owned and administered by the *parcialidades* into individual private properties. The decree explained that:

Sobre los bienes de las que se llaman parcialidades de San Juan y Santiago
El soberano congreso general constituyente de los Estados Unidos Mexicanos ha
tenido a bien decretar.

1. Los bienes que han quedado de las que se llamaron parcialidades de San Juan y Santiago se entregarán a los pueblos que las componían como propiedad que les es perteneciente.
2. El gobierno nombrará otra junta compuesta de siete individuos de los mismos que componía las parcialidades, para que [126] le presenten a su aprobación con la brevedad posible un reglamento de la manera en que han de invertir o distribuir los bienes expresados.⁶²⁵

⁶²⁴ Ibid., f. 397v.

⁶²⁵ “Número 441. Decreto de 27 de noviembre de 1824.- Sobre los bienes de las que se llamaban parcialidades de San Juan y Santiago,” in *Legislación Mexicana. Colección completa de las disposiciones legislativas expedidas*

The main purpose of this decree was to officially make the Indigenous People a group of individual owners of their own private lands by disarticulating the corporative character of the landholdings of the indigenous *parcialidades*. Nevertheless, this drastic transformation eventually affected the way in which indigenous communities participated and became involved in matters that concerned their communities.

According to Andrés Lira, this decree turned into an immediate means of discord in the indigenous communities instead of providing for a secure and reliable set of rules that would allow the incorporation of Indigenous People, at least in an individual form, into the political realm. The major problem with this decree centered on the fact that it legally dissolved an entire system of administration over indigenous communal lands, while at the same time keeping the same previous system of the *parcialidades* in control over other aspects of local administration. This strange adaptation instead of eliminating the system of *parcialidades*, in reality, only mandated in theory the extinction of the *parcialidades*. In actual practice, the government continued to apply certain laws of the newly “extinguished” institutions which allowed these *parcialidades* to remain somewhat functional.⁶²⁶

The political discourse in Mexico during the nineteenth century, mostly based on the precepts of the Constitution of Cadiz of 1812, attempted to extend both political and social equality to the vast majority of male Mexicans, including Mexico’s Indigenous Peoples. After the declaration of Independence in 1822, this right to political and social equality extended also to the descents of African enslaved people. However, this principle of equality, as the political theory dictated, had to be related and constructed based on individual access and owning of property of qualified citizens. Thus, the only citizens understood in Mexican law, were those who individually owned property. In this sense, the simple existence of a principle of “collective property” represented a difficulty for politicians in their attempt to apply in an equal manner the newly issued laws pertaining to citizenship.

The new official regulations concerning property also affected other communal institutions, such as schools and hospitals. And of course, these laws also impacted upon the *Colegio de San Gregorio* in Mexico City, one of the most important indigenous institutions for the education of the community. The way in which these newly issued laws affected the assets of the school became quickly evident as seen above. However, any subsequent lack of collective resources invested in the college also represented less participation from the indigenous community as a collective unit.

Due to these reasons, Patiño Ixtolinque, Francisco de Mendoza y Moctezuma, Juan Rodríguez and Faustino Chimalpopoca all focused their efforts on defending the *Colegio de San*

desde la Independencia de la República, ordenada por los licenciados Manuel Dublan y José María Lozano, Tomo I (México: Imprenta del Comercio, 1876), 744.

⁶²⁶ Andrés Lira, *Comunidades indígenas frente a la Ciudad de México*, 58.

Gregorio as an indigenous institution organized for and administered by Indigenous Peoples (see previous chapter of this work).⁶²⁷ There is vast documentation that is currently housed across different archives in which reveals how indigenous communities organized themselves in order to maintain their collective property under their administration and control.

The attempts that both the colonial and Mexican authorities made towards the extinction of indigenous communal property from 1812 onward prevailed within the political agenda during the entire nineteenth century. Early on, in the later eighteenth century, the bishop of Michoacán, Manuel Abad y Queipo and later the clergyman Jose María Luis Mora, for mentioning only a few, had argued about the vices and disadvantages that holding communal property resulted for the indigenous communities. Based on the political ideas from the European Enlightenment and new political liberalism, the Mexican national politicians considered that the continued existence of the *parcialidades* in particular, served as a clear example of communal property, which remained a major aspect, for these politicians, of the paternalistic measures left over from the colony. Consequently, under the new laws, Mexico's new citizens had to be free and living without any type of paternalistic tutelage over them.⁶²⁸ Thus, according to the political perspective of the time, civil equality necessarily came with the eradication of any type of special treatment that made distinctions among and between any of the groups of individuals that formed the nineteenth century Mexican society. Concerning this, Mora argued that:

Aunque ninguna ley prohibía a los indios tener tierras en propiedad, muy poca o raras veces llegaron a adquirirlas porque les faltaba el poder y la voluntad de hacerlo: acostumbrados a recibirlo todo de los que gobernaban y a ser dirigido por ellos hasta en sus acciones más menudas como los niños por sus padres, jamás llegaban a probar el sentimiento de la independencia personal.⁶²⁹

This sentiment against the existence of communal property spread out all over the territory of Mexico, and it not only affected the indigenous communities from Mexico City. The idea that communal property remained a colonial holdover permeated the political class through the new states of Mexico. Although nineteenth-century documents exhibit a series of ideas against communal property and the negative effects that this type of landholding organization had over Indigenous Peoples, little is known about their own actual opinion about this issue.

Onto this stage we can trace the important role that Nahua intellectuals played in this debate. For instance, Pedro Patiño Ixtolinque appeared as the *apoderado* or legal representative

⁶²⁷ Luis G. Labastida, *Colección de leyes, decretos, reglamentos, circulares, ordenes y acuerdos relativos a la desamortización de los bienes de corporaciones civiles y religiosas y a la nacionalización de los que administraron las ultimas: Estas disposiciones han sido ordenadas y aclaradas con los estudios é informes que alcanzaron la aprobación del gobierno* (México: Tipografía de la Oficina Impresora de Estampillas, Secretaría de Hacienda y Crédito Público, 1898), XV.

⁶²⁸ Donald J. Frasser, "La política de desamortización en las comunidades indígenas, 1853-1872," *Historia Mexicana* 66, Núm. 2 (octubre-diciembre 2016): 621.

⁶²⁹ José María Luis Mora, *México y sus revoluciones*, Tomo I (México: Instituto Cultural Helénico, 1986), 200.

of the former *parcialidades* in a document dated November 22, 1827. In this document, Pedro Patiño Ixtolinque, representing the *parcialidades*, asked the chambers of government (*cámaras de gobierno*) to suspend the previously mentioned law of 1824 that stipulated the individual redistribution and allotment of the communal properties of the *parcialidades*. In this document, Pedro Patiño evaluated the redistribution of the *parcialidades*' properties as patently unfair. However, Patiño also claimed that when he served as a member of the *Ayuntamiento*, he indeed supported the initiative that supported this law. However, Patiño now clarified that the main purpose of re-distributing the properties of the *parcialidades* at first had been designed to benefit the members of these corporations. Nevertheless, as he now argued, when the law was approved, several non-indigenous individuals outside of the *parcialidades* rushed in to purchase these former collective properties, removing them from the direct benefit of Indigenous People:

Amén de entrar en materia creo conveniente para evitar siniestra interpretación hacer dos ligeras indicaciones. Primera, que la ley que manó formar el reglamento ha sido ganada por mí, mediante los pasos, esfuerzos e indicaciones que hice con los individuos que componían la comisión, y con otros del Congreso, de manera que tengo la satisfacción de haber promovido que se diera esta ley benéfica y de que más instancias hubieran sacado este negocio del letargo en que yacía. He creído necesario hacer esta advertencia para que no se entienda que me opongo al cumplimiento de una ley en que he tenido mucha parte, sino a la inteligencia que se ha querido dar. Segunda, que si hago este reclamo es a impulso de los interesados, pues creo haber satisfecho a mi obligación y mi conciencia, con los que ya tenía hechos. Bajo esta prevención paso a manifestar lo que me ocurre y me han manifestado mis poderdantes, añadiendo que como me veo precisado a violentar este ocurso, omito extenderme como pudiera, y solo haré ligeras indicaciones.⁶³⁰

The law issued in 1824 concerning the *parcialidades* and their communal landholdings stipulated that a commission of seven individuals from the *parcialidades* would plan and organize a system of regulations in order to better distribute these properties among the members of the former *parcialidades*. It seems that Pedro Patiño Ixtolinque became one of these seven individuals who issued an internal regulation controlling the distribution of the properties of the *parcialidades*. In the document written in 1827, he presented himself as one of the members who composed this said commission: "Pedro Patiño Yxtolinque, apoderado de los pueblos y barrios que componían las extinguidas parcialidades, nombrado por la Junta de las mismas, por orden

⁶³⁰ *El gobernador del distrito acompaña la representación que hace a las cámaras Pedro Patiño como apoderado de las parcialidades para que se suspensa el reglamento formado para repartir los bienes de ellas, 1827, AGN, México Independiente, Justicia Negocios Eclesiásticos, Justicia, Volumen 47, Expediente 50, f. 373r-373v.*

suprema de otros pueblos [...].”⁶³¹ Also, the *Ayuntamiento* of Mexico City also appointed an additional member to supervise the distribution of these properties from the *parcialidades*.⁶³²

This process of reorganization which had initially started with the Constitution of Cadiz of 1812 had the purpose of eradicating the *parcialidades* and placing these properties under the direct administration of the *Ayuntamiento*, instead of having them administrated through their local indigenous representatives. In this 1827 document Pedro Patiño Ixtolinque complained that the main goal expressed in the original law of redistribution of land among the former owners or members of the *parcialidades* had been misinterpreted to allow non-indigenous individuals to acquire these assets:

Hemos sabido a con bastante sentimiento nuestro que los bienes que pertenecen a los pueblos que antes se llamaron de las parcialidades de San Juan y Santiago se van a repartir en determinadas personas poseyendo lo restante a disposición del muy Ilustrísimo Ayuntamiento de esta capital.⁶³³

Pedro Patiño complained about the disposition that the authorities from Mexico City had toward distributing these properties that had originally belonged to the Indigenous Peoples in the region of Mexico City to non-indigenous individuals, while the remaining assets would be placed directly under the administration of the *Ayuntamiento*. Thus, this newly issued regulation positioned the Indigenous Peoples into a clear disadvantage and limited their effective participation in the political matters that concerned their indigenous communities. Furthermore, in this same document, Patiño continued arguing that:

[...] hemos determinado lo que suscribimos por sí y a nombre de todos los que componen este pueblo grande en otros tiempos menos desgraciados poner en manos de Vuestra suerte a fin de que por cuantos medios le sean posible estorbe un golpe que pone en peor condición nuestra débil existencia que ya es casi nula o insignificante[...]”⁶³⁴

In this brief statement, Pedro Patiño Ixtolinque not only lamented the clear disadvantage in which the misinterpretation of this new law placed indigenous communities, but he also seemed to refer to their condition of being “Indians” as vanishing both as a legal concept, and as a judicial entity.⁶³⁵ According to Pedro Patiño, the idea of redistributing their indigenous communal land among non-indigenous individuals who did not belong to the community would

⁶³¹ Ibid., 373r.

⁶³² *Sobre que se nombre un miembro del Ayuntamiento para entender en el reparto de tierras de las extinguidas parcialidades*, 1827, AHDF, Fondo: Ayuntamiento; Sección: Parcialidades; Volumen 3574, Expediente 31.

⁶³³ *El gobernador del distrito acompaña la representación que hace a las cámaras Pedro Patiño como apoderado*, 366r.

⁶³⁴ Ibid., 366r.

⁶³⁵ “Propuesta para eliminar el término indios de cualquier documento público u oficial,” 17 de marzo de 1824, *El Sol*.

in effect deny the Indigenous Peoples the economic assets to remain cohesively united as a solid entity.

As a direct consequence of these political and territorial changes, the *parcialidades* had to transform and/or reorganize their administration in order to survive. At the same time, non-indigenous land speculators tried to benefit themselves from the new law concerning the *parcialidades* by interpreting the regulations about their redistribution for their own benefit. Thus, Patiño took a moment to explain the complexity and negative aspects of this decision to the corresponding government authorities. He also expressed his own concerns about these measures and the way that they would affect other social benefits that the indigenous communities had already achieved, such as the basic access to education and other social benefits as a corporate ethnic group:

El repartimiento en suertes a los particulares va a producir que no se atiendan los objetos de utilidad común a los pueblos, como son fiestas religiosas, dotación de escuelas, y amigas de primeras letras, socorros en las epidemias, y escaseces de alimentos y otros igualmente sagrados, porque no teniendo los más de los pueblos terrenos suficientes que repartieron, quedando otros para llenar aquellos atendibles objetos, va a resaltar necesariamente que ni los individuos en particular, quedaron socorridos, ni las atenciones comunes desempeñadas.⁶³⁶

The economic collaboration of the *parcialidades* in maintaining the welfare and other social benefits for the indigenous communities in Mexico would eventually suffer from the dismantling of these corporations. By presenting these arguments, Pedro Patiño also emphasized the lack of any existing social and political organizations that might substitute for the work that the *parcialidades* made on benefit of the indigenous community in general. It seems surprising to the modern reader that the authorities at this point decided to ignore the warnings of Patiño Ixtolinque, as well as the arguments of other Indigenous Peoples, which they provided to them concerning the negative effects that this legislation would bring to bear on the indigenous communities, and even more, how these changes would result in detrimental effects for all of the communities in Mexico City.

Thus, Patiño Ixtolinque continued exposing other arguments in this document, such as the ignorance that the authorities apparently had towards the nature and quality of the properties of the *parcialidades*. As heterogeneous and diverse as the geography of Mexico City was, Patiño argued that not all of the properties of the *parcialidades* remained useful enough for agriculture, which the authorities had planned to as the objective of the lands from former *parcialidades*:

Por otra parte verificando el repartimiento a los particulares bajo la condición de que los labren, se les condena a que no le saquen utilidad, porque siendo en lo

⁶³⁶ El gobernador del distrito acompaña la representación que hace a las cámaras Pedro Patiño como apoderado.

general los terrenos propios solo para pastos, y no de labor, si se les obliga a que los destinen a esta, se han de perder necesariamente y lejos de conseguir las medras que se propuso la beneficencia del gobierno [...]⁶³⁷

As Patiño stated, not all the properties referred by the law possessed the qualities to successfully develop agriculture. This excerpt also reveals Patiño Ixtolinque's surprise about the rampant ignorance the authorities had about the social importance of these *parcialidades*. In this excerpt Patiño Ixtolinque also made an attempt to explain the varied economic output that the *parcialidades* represented for the support of Mexico City; for instance, he argued that some communities based their local economy on fishing, hunting, foraging such as the communities of the Candelaria, the members of the Barrio of Santa Cruz Acayucan, among many others, and he argued that some others indeed relied on agriculture, but not all of them.

The criticisms made by Patiño Ixtolinque precisely focused on the fact that the implementation of the law of 1824 ignored the particularities of the land, and in consequence, it also ignored the negative effects that this measure could have on Mexico City's communities and their commerce and agriculture. Patiño Ixtolinque more alarmingly argued for the fact that, contrary to what the law pursued, its ultimate implementation could be catastrophic: instead of turning indigenous communities into agrarian societies made up of individual land owners, this law might instead turn collective farmers into beggars without any indigenous property ownership, either private or communal. So, Patiño continued explaining in depth the possible consequences of creating a landless class of Indigenous Peoples:

[...] se les va a sumir más y más en la miseria. Y si por esta consideración se les deja en libertad de destinar sus terrenos, a lo que la naturaleza misma los tiene destinados, va a resultar sin duda que en lo general los dejen para pastos, en cuyo caso se ven en la necesidad de arrendarlos, y solo se ha conseguido darle este arbitrio con que sin trabajar, adquieran su subsistencia, quitándoles así el amor y el estímulo al trabajo con notorio perjuicio de ellos mismos, y de la sociedad entera, que se resiente de que haya brazos inútiles e improductivos.⁶³⁸

This section of his document is interesting to note, since it contradicted the arguments of several politicians and intellectuals in Mexico about the apparent unproductive economic life of Mexico's Indigenous People. Additionally, Pedro Patiño offered a logical and factual explanation on how Indigenous Peoples could become effectively distanced from laboring and producing on their lands as a direct consequence of the administration's flawed plans for land redistribution, and not, as others have argued, due to their "weakness of spirit" or "the intellectual atrophy that Catholic indoctrination or centuries of colonial tutelage" has caused over Mexico's Indigenous Peoples. In this sense, the view that Pedro Patiño offered can be considered

⁶³⁷ Ibid., 374r.

⁶³⁸ Ibid.

highly rebellious at the time and openly threatening to the status quo of the misconceptions that the members of the political sphere had about Indigenous Peoples. Unfortunately for Mexico City at least, his predictions and warnings proved correct. Furthermore, Patiño Ixtolinque also provided an additional explanation about the mistake that the distribution of these indigenous communal lands in hands of individuals might cause, since those who sought to turn these properties into productive agricultural lands, might also impact upon other aspects of the economy of the city:

Además, aunque los terrenos de su calidad fueren susceptibles de labor, la conveniencia pública, identificada con la de los indios, exige que dichos terrenos, no se destinen a labores. Una ciudad populosa como lo es Mejico, necesita tener pastos muy inmediatos, para mantener la multitud de ganados que consume, y puede arreglarse que casi todos los terrenos que componen los bienes de las parcialidades son los que proveen de pastos a Mejico, y que si se convierten en labores se retira mucho con evidente perjuicio del público y por consiguiente de los mismos indios.⁶³⁹

This criticism, presented in a subtle way, also sought to point out the major mistakes and incorrect assumptions that politicians had made about the way economic daily life functioned in Mexico City. This document reflects not only the preoccupation that indigenous communities from Mexico City had regarding their survival as collective and judicial entities; but in this document Patiño Ixtolinque also expressed the concerns that he had about the eminent growth and expansion of the city. As *regidor*, Pedro Patiño had surely administrated and well knew about laws that concerned the organization of the city and its food supply, and this document is no exception. Also, Patiño Ixtolinque attempted to present his arguments from an objective perspective, or at least from the perspective of an administrator and an inhabitant of the city, who eventually would either benefit or suffer from the reforms issued and approved by the chambers and other authorities.

By presenting his arguments in such way, Pedro Patiño seemed to draw the attention of the corresponding authorities and at the same he criticized this regulation:

La hacienda de Aragón, los potreros de la Mixhuca, Zacatlamanco, Sazahuizco, ambas Candelarias, Romita, Salinas, San Sebastián, Azolocacan, y otros circundan a Mejico o se hallan dentro de él, y lo surten de pastos necesarios pues los ejidos de la ciudad son cortos respectivamente a la población. Quiérense pues, aquellos reduciéndolos a campos de labor. Y se causaría un perjuicio de mucha trascendencia al vecindario. Por esta razón, y por las demás que quedan referidas,

⁶³⁹ Ibid., 374v.

presenta graves inconvenientes en perjuicio de los indios y del público todo la ejecución del reglamento.⁶⁴⁰

The argument here emphasized the concerns that these measures could bring to the city, but it also showed the way that this possible redistribution would transform the very use of lands in Mexico City, which could affect the entire inhabitants of the city, not just the Indigenous Peoples. As he warned, this proposed redistribution might result in a great damage to the economy and sustainability of the city and the local communities. These warnings he hoped, in any case, would demonstrate the inefficiency of the legal proposal discussed in this particular document. Pedro Patiño's exposition made here remained based on the idea that, as he also stated, the major problem for the *parcialidades* was not the law approved in 1824, but rather the way in which the authorities desired to implement the law. Thus, this document had both the purpose of criticizing the way the authorities in Mexico City interpreted the law by attempting to redistribute the properties of the former *parcialidades* among individuals outside of the said *parcialidades*, and also Patiño Ixtolinque disapproved of the misinterpretation that the authorities made of this law.

It is noteworthy that several members of the *parcialidades* signed this formal complaint. This document authored by Pedro Patiño also clarified to the members of the *Ayuntamiento* of Mexico City that the properties of the former *parcialidades* could not be considered as simple *propios* and *arbitrios* that belonged to the *ayuntamiento*, but rather they were the direct property of the Indigenous Peoples of the community:

Los bienes de las parcialidades, repito, no son propios y arbitrios de los pueblos: son sí propiedad de la clase de indígenas, adquirida en virtud de las mercedes, hechas sucesivamente por el gobierno para atender a las necesidades particulares de aquellos. No hay razón ni motivo para despojarlos de su propiedad ni hacer común lo que solo pertenece a determinados individuos [...]⁶⁴¹

Here his arguments center on using the liberal discourse of his detractors related to the connection between the concept of property and its productivity, and both of their relationships to the political participation of individuals in an eloquent challenge to the way that Mexico City's authorities attempted to execute the law of 1824. Patiño Ixtolinque therefore demanded that the authorities respect the nature and original purpose that indigenous properties had. That is the reason why Patiño Ixtolinque seemed to defend the original intent of the law issued in 1824 since in his reading of that law it attempted to keep the properties of the communities in the possession of the members of the indigenous communities, not communally, but rather in an individualized sense.

⁶⁴⁰ Ibid., 374v.

⁶⁴¹ Ibid., 375v.

The major criticism that Patiño Ixtolinque made in 1827 about the interpretation of the law of 1824 focused on the fact that the authorities sought to limit the free will of the Indigenous Peoples by dictating to them the way that they had to make their own properties productive. This measure also seemed decontextualized, according to Patiño Ixtolinque, who argued that it ignored not only the nature and integral role that these indigenous properties played in the development and maintenance of the city, but it also ignored the necessity of the indigenous communities and attempted to exert a mandate that did not apply to the rest of the landowners of the city. It is for these reasons that Patiño Ixtolinque questioned the authorities by expressing:

¿Por ventura las leyes que garantizan [376r] la propiedad solo han de quedar sin efecto respecto de los indios? ¿Por qué fatalidad los bienes de estos han de hacerse comunes a otros? ¿Todavía no se les considera bastante miserables para que se les quiera precisar a partir con los demás los pocos bienes que tienen? ¿Qué la igualdad a de ser tan ominosa para los indios que por ella se les a de obligar a mantener una sociedad verdaderamente leonida, en que las utilidades han de ser comunes, y las pérdidas solo para aquellos? ¿Qué beneficios o qué logros han sentido ni sienten en el día los indios a pesar de la decantada igualdad de los bienes que pertenecen exclusivamente a otras clases?⁶⁴²

The open complaint that Patiño Ixtolinque presented in this document, as he argued, appeared to imply that the law would only be applied to indigenous property, but not to others, which would make this legal concept an unequal interpretation of the law and therefore contrary to the principles of equality that the new government hoped to achieve. However, the same argument that Patiño presented appears also to be contrary to the legal concept of equality, since he claimed that the Indigenous Peoples must be considered as such and that their properties must be respected, by separating from all other properties. Patiño also offered a possible solution to this issue by proposing to create a special commission that could defend the rights of Indigenous Peoples, and not the *parcialidades*:

Formaré una Junta o juntas con la denominación de beneficencia u otra análoga cuyo objeto sea cuidar de la administración o inversión de estos bienes, en provecho exclusivo de sus legítimos dueños. Todos los días estamos viendo esta clase de reuniones sin que por ellas se entienda ofendido el sistema ¿y los indios han de ser solos, la excepción de la regla y solo ellos, no han de entender su intervención en sus asuntos, dejándolos en perpetuo pupilage? Así sucedería sin duda, porque no pudiendo negarse que los bienes de las parcialidades pertenecen exclusivamente a los indios, y que deben emplearse en su beneficio, vendría a

⁶⁴² Ibid., 376r.

resultar que esto se hacía por tercera mano, y que por consiguiente permanecían en tutela lo que ciertamente les es muy ofensivo.⁶⁴³

I consider that this excerpt from the document is especially important for two main reasons. The first one relies on the fact that Indigenous Peoples in general indeed had organized themselves in order to prevent these regulations' damage to their social fabric. The second argument is that the representatives of these communities were fully conscious about the eminent changes that would affect their communities, so they decided to force their inclusion in one way or another in the taking of governmental decisions. The key to these early national defenses of indigenous rights at this point, focused on the important organization, education, political experience, and the skills of these Nahua intellectuals. Unfortunately, I have not yet found any documentation associated to any possible *Junta* that Patiño might have been able to form.

Pedro Patiño finalized this document by asking the corresponding authorities to cancel the said bylaw. He also proposed to the Chamber of Deputies to permit the participation of the members of the former *parcialidades* in the resolution of this issue:

En tal supuesto interpelado para muchos pueblos me veo en la necesidad de suplicar a V. E. se sirva suspender la ejecución del citado reglamento elevando este ocurso al supremo gobierno para que este [377r] lo pase a las cámaras, en las actuales sesiones para que como uno de los puntos de arreglo del Distrito se sirvan declarar que el objeto de la ley de 24 de noviembre de 824 no fue que se repartiesen los bienes a los particulares, ni que se entregaran a los ayuntamientos, sino a los pueblos, por medio de una Junta de individuos de las parcialidades, que cuidase de su administración, y distribución de sus productos, en objetos comunes, y benéficos a los que componían las parcialidades.⁶⁴⁴

Attached to this conclusion, Patiño Ixtolinque also included a transcription of the law of 1824 for the authorities to review and in order for them to follow its guidelines as they were originally stipulated.

The administration of the territories from the former *parcialidades* remained as one of the major challenges in terms of the administration of the city until at least the end of the nineteenth century in Mexico City. The previous document represented only a small example of the major issues that indigenous communities faced during this period of time in order to maintain their control over the administration of their properties. It seems that the said *junta*, formed by seven individuals, either did not work or did not satisfactorily meet the needs of the indigenous communities. Again in 1829, the representatives and leaders of the former *parcialidades* asked the corresponding authorities to appoint a legal representative that could administer the assets,

⁶⁴³ Ibid., 376v.

⁶⁴⁴ Ibid., 376v-377r.

goods and lands of the former *parcialidades* in benefit of the indigenous communities.⁶⁴⁵ The leaders of the former *parcialidades* at that time also requested that this legal representative should fall under their own direct supervision. After this petition Don Ignacio Paz y Tagle, the Count of Peñasco and Don Alejandro Valdés Ruiz worked as the administrators of the former *parcialidades*' assets. Nevertheless, this work did not succeed since the distribution of the assets left only a minimum amount of resources for the social and financial aid needed by several institutions in the indigenous communities, such as the schools, churches and hospitals. Both clergymen and the leaders of indigenous communities complained about the negative effects that this distribution could bring to their communities, and hearing all of these arguments, the congress temporarily suspended the imminent distribution and dissolved the said *junta*.⁶⁴⁶

6.3 The Land Protectors: Indigenous Intellectuals as Defenders of Communal Lands

The change that Mexican authorities sought to impose on indigenous land ownership not only affected the people from Mexico City, other similar measures were meant to also be applied to indigenous lands in all the regions of Mexico. There are examples of specific laws issued by legislators in other states in order to redistribute and reorganize the lands of corporate indigenous communities in Michoacán,⁶⁴⁷ Oaxaca,⁶⁴⁸ Chiapas,⁶⁴⁹ and the Northern territories, just to mention a few of them. Even the far northern territories of New Spain were not the exception. The amount of documents currently housed in different archives throughout these regions reveal the importance that these measures had and their negative impact on Indigenous Peoples and how they organized themselves.

During this period of time Nahua indigenous intellectuals became involved in the defense of the “former *parcialidades*,” many of them playing a role as the legal representatives of indigenous communities far from Mexico City. While Juan de Dios Rodríguez occupied the position of rector at the *Colegio de San Gregorio*, Pedro Patiño Ixtolinque, Juan Rodríguez and Faustino Chimalpopoca also worked as legal agents for different indigenous communities throughout Mexico. Thus, Pedro Patiño first appeared as the representative of the former

⁶⁴⁵ *Memoria de la Primera secretaria de estado y del despacho de relaciones interiores y exteriores de los Estados-Unidos Mexicanos: leída al soberano Congreso constituyente en los días 14, 15, y 16 de diciembre de 1846*, (México: Secretaría de Relaciones Exteriores, José María Lafragua, Imprenta de Vicente García Torres, 1847), 227.

⁶⁴⁶ *Ibid.*, 227-228.

⁶⁴⁷ See Juan Carlos Cortés Máximo, “La desamortización de la propiedad indígena en una provincia mexicana. Los fines y efectos de la Ley de 1827 sobre reparto de tierras comunales en Michoacán,” *Relaciones. Estudios de historia y sociedad* 34, núm. 134 (Abril, 2013): 263-301.

⁶⁴⁸ For an example about the area of Oaxaca see the extensive work of Luis Alberto Arrijo Díaz Viruell, “Pueblos de indios, tierras y economía: Villa Alta (Oaxaca) en la transición de colonia a república, 1742-1856” (PhD diss. México, El Colegio de México, 2008).

⁶⁴⁹ For a different case on how the *ejido* worked in the region of Chiapas see María Dolores Palomo Infante, “Los Ayuntamientos de los pueblos indígenas de Chiapas en el siglo XIX y su relación con los asuntos de justicia,” in *Anuario de Estudios Americanos* 1, Núm. 66(enero-junio, 2009): 21-46.

parcialidades in Mexico City (1827), but he also later on, in a document dated in 1830, appeared again as representative of certain *barrios* of the city: San Sebastián, San Gerónimo Atlixco and Candelaria Atlampa.⁶⁵⁰

On the other hand, Francisco de Mendoza y Moctezuma appeared both as representative and defender of certain other communities. In 1831, Mendoza y Moctezuma appeared as the defender of the members of the town of Santa María del Palmar (in the current Mexican state of Queretaro).⁶⁵¹ He also served as a representative of the town of Santos Reyes Xaltepeque de la Doctrina de Huallichinango (in the current Mexican state of Puebla);⁶⁵² a representative of the Town of San Juan Bautista Jiquipilco, from the jurisdiction of Yxtlahuaca (the current State of Mexico);⁶⁵³ while also serving as the representative of the town of Santiago Malinaltenango, jurisdiction of Mineral de Zacualpan (near Ixtapa de la San, in the State of Mexico).⁶⁵⁴ In the same period of time, he also represented Santa María Metepec, jurisdiction of San Juan Bautista de Tetela del Volcán (in the State of Mexico);⁶⁵⁵ as well as the representative of several clergymen from Mexico City active at the Cathedral of the city.⁶⁵⁶ In his own home region of Mexico City, he also represented the *vecinos* from El Peñol;⁶⁵⁷ as well as serving as an advocate for the Pueblo de Santiago de Mezquititlan, jurisdiction (in the current State of Queretaro).⁶⁵⁸ He similarly served as the representative of the members of the Town of Santa Ana Sochuca (Xochuca) (near Ixtapa de la Sal) from Tenancingo;⁶⁵⁹ as well as the “natives” of the town of Santa Barbara Tecualoya, from the Malinalco jurisdiction (in the current State of Mexico).⁶⁶⁰ And finally, Mendoza y Moctezuma also served as the official representative of the people from the Pueblo de Nuestra Señora de los Dolores and San Antonio de la Sandía, from the region of San Felipe Albuquerque, in the distant province of New Mexico between the years of 1821 to 1841.⁶⁶¹

In most of the above mentioned cases, both Patiño and Mendoza y Moctezuma received what it was called a “general legal power” to represent the best interests of the these indigenous communities. Although most of these legal powers do not specify the type of business that the

⁶⁵⁰ *Don Pedro Patiño Ixtolinque como representante de los Barrios de San Sebastián- San Gerónimo Atlixco y de la Candelaria Atlampa*, 16 de junio de 1830, AHN, Notaría 360; Notario, José López Guazo; Volumen 2340, fojas 111v-112v.

⁶⁵¹ *Poder General*, 31 de agosto de 1830, AHN, Notaría 163, Notario José María Covarrubias, Asuntos Judiciales, ff. 33v-34v.

⁶⁵² *Poder General*, 7 de octubre de 1831, AHN, Notaría 532, Notario Antonio Pintos, Volumen 3564, ff. 31r-31v.

⁶⁵³ *Poder general*, 20 de octubre de 1831, AHN, Notaría 532, Notario Antonio Pintos, ff. 209r.

⁶⁵⁴ *Poder general*, 12 de diciembre de 1831, AHN, Notaría 532, Notario Antonio Pintos; f. 217r-219r.

⁶⁵⁵ *Poder general*, 25 de mayo de 1833, AHN, Notario, Notaría 532, Notario Antonio Pintos; 310r-310v.

⁶⁵⁶ *Poder general*, 27 de agosto de 1832, AHN, Notaría 529, Notario Ignacio Peña, ff. 1811v-183v.

⁶⁵⁷ *Poder General*, 5 de julio de 1830, AHN, Notaría 530, Notario Eugenio Pozo, Volumen 3551; 2 fojas

⁶⁵⁸ *Poder General*, 20 de junio de 1831, AHN, Notaría 532, Notario Antonio Pintos; fojas 186v-188r.

⁶⁵⁹ *Revocación de escritura*, 12 de octubre de 1839, AHN, Notaría 532, Notario Antonio Pintos, fojas 765v-767r.

⁶⁶⁰ *Destitución de Tierras, tercera sala, Don Francisco de Mendoza y Moctezuma*, 1829-1841, AGN, México Independiente, Poderes Judiciales, Tribunal Superior de Justicia, Caja 0158.

⁶⁶¹ *Ibid.*

community had engaged them to represent in particular, it is of interest to mention a few of the cases in which their legal representation is explicitly explained and the causes for which these communities hired them to defend. Nevertheless, most of the documentation includes very standardized formats for general legal powers of attorney. The following is just one example from the case of the Pueblo of Santa María del Palmar:

En la Ciudad de Mexico a treinta y uno de Agosto de mil ochocientos y treinta: ante mi el escribano y testigos: José Antonio Resendis y José Antonio Mendoza, naturales del Pueblo de Santa Maria del Palmar, jurisdicción de la Villa de la [¿?], y residentes en esta ciudad a quienes conozco, dijeron que por si ya nombre del citado su Pueblo por quien presentan voz y acción de *ratto et grato mamente judicarum solbendo* a manera de fianza, otorgan su poder amplio cumplido bastante cuanto en derecho se requiera y sea necesario, mas pueda y deva valer a Don Francisco Mendoza Moctezuma vecino de esta ciudad general para que en nombre de los otorgantes y de espresado su pueblo de Santa María del Palmar represente sus mismas personas, derechos y acciones haya perciba, demande y cobre de todas y cuales quiera personas del estado, calidad, condición o graduación que sean todas las cantidades de oro, plata, frutos y demás bienes o efectos que a los otorgantes devan o en lo sucesivo debieren en virtud de escritura, vales, cuentas, herencias, legados, cesiones, traspasos, alcances, libros de caja, liquidaciones de ventas, o por otros recados o sin ellos: de lo que recibiere y cobrare otorgue recibos cuentas de pago, lastos, finiquitos, y cancelaciones con renunciación de las leyes de no entrego, no siendo las pagas, por este escribano que de ello de fe y valgan y seas sus firmes como si por los otorgantes y su Pueblo fuesen hechos que desde luego las aprueban y ratifican= tome y pida cuentas a todas aquellas personas que deban darlas al expresado pueblo.⁶⁶²

As we can see from this example, most of the general legal powers granted to Nahua intellectuals followed the same formula. Nevertheless, these documents reflect the need that the indigenous *parcialidades* had for being legally represented after the disappearance of the *Juzgado General de los Naturales* which ceased to exist as a formal tribunal in 1820.⁶⁶³ In these cases, the Nahua intellectuals under investigation here served to fill the gap left behind after the extinction of the *Juzgado de Indios* ceased to control the colonial arbitration of conflicts between indigenous communities and other particular people. Without access to this indigenous court system, problems that existed between and among various indigenous communities, found no outlet for successful resolution in these indigenous cases. Similarly, the early extinction of this

⁶⁶² *Poder general*, 1 de marzo de 1831, AHN, Notaría 163, Notario José María Covarrubias, fojas 33v-34r.

⁶⁶³ See Woodrow Wilson Borah, *Justice by Insurance: The General Indian Court of Colonial Mexico and the Legal Aides of the Half-real* (California: University of California Press, 1983), 389-390, 391-392.

court left indigenous communities in the new nation of Mexico without any easy access to dedicated legal advice.

These documents also demonstrate the many conflicts that existed between indigenous *pueblos* that formerly belonged to the same *parcialidad* and their attempts to reorganize themselves under the new geopolitical and political administration in Mexico City. Hence, it is interesting to note that after the year 1830 the number of general legal powers of attorney letters that the indigenous communities provided to their representatives notably increased. This can be corroborated by a quick over view of the documents regarding this matter housed both at the AGN and the General Archive of Notaries in Mexico City, not to mention the rest of the archives in the city. It seems that in 1830, the authorities in Mexico City conducted a general appraisal of the existing properties in the city in order to better organize the collection of taxes, provide for their management and attempt to begin their redistribution.⁶⁶⁴

For instance, this is the case of a document with date of July 5, 1830 in which Francisco de Mendoza y Moctezuma represented the *vecinos* of the town of El Peñol, in Mexico City.⁶⁶⁵ According to the sources, a series of *ejidos* had formed the community of el Peñol, located between San Lázaro and Coyuya,⁶⁶⁶ presently known as the Peñón de los Baños.⁶⁶⁷ In this document with date of July 5, 1830, the *vecinos* of El Peñol granted a general legal power of attorney to Francisco de Mendoza y Moctezuma in order to take over and conclude the previous lawsuit filed by Don Pedro Lopez against the *vecinos* for hunting ducks and other animals “that the lagoon produces.”⁶⁶⁸ The lands of the Peñol formally belonged to the administration of the *parcialidad* de San Juan, which had specified the proper economic use of the disputed place. So, as early as 1602, documentation exists in which the viceroy specified and legally notified the city that the lands of the Peñol would remain free of cattle.⁶⁶⁹ However, it seems that during the late 18th and early 19th century, the “naturales” from the Barrio de la Resurrección, administrated by the *Parcialidad* of San Juan, had rented some areas of the paddock to certain individuals of the community. Nevertheless, the documentation revealed that the tenants also used to hunt ducks and fish in the lagoon, activities that were not specifically stipulated by the leasing contract, but which had been commonly practiced during pre-conquest times. In this case, Francisco de Mendoza y Moctezuma conducted the legal defense of the people from the Barrio de la Resurrección. This document confirmed the arguments presented by Pedro Patiño earlier before the *Ayuntamiento*. The division of former *parcialidades*’ lands had not only affected indigenous

⁶⁶⁴ *Memoria económica de la municipalidad de México, formada de orden del excelentísimo Ayuntamiento por una comisión de su seno en 1830* (México: Imprenta de Martín Rivera, 1830).

⁶⁶⁵ *Ibid.*, 4.

⁶⁶⁶ *Ibid.*, 124.

⁶⁶⁷ *Anales del Museo Nacional de México V* (México: Imprenta del Museo Nacional, 1908), 23, 274.

⁶⁶⁸ *Poder General*, 5 de julio de 1830.

⁶⁶⁹ *Vuestra señoría confirma el mandamiento del virrey, y su antecesor sobre que no se permita entren ganados en el Peñol de Tepecingo. Peñol de Tepecingo, México, 28 de junio de 1602*, AGN, Instituciones coloniales, Gobierno Virreinal, General de Parte 051, Expediente 165, Volumen 6, fojas 66v.

property, but also the uncontrollable natural resources that other communities had used for their own livelihood. In this case, practices such as hunting and fishing by the *vecinos* became severely limited by the new ways in which the local authorities had distributed the properties from the former *parcialidades*.

In a document with date of October 12, 1839, Mendoza y Moctezuma appeared as the legal representative of the Pueblo of Santa Ana Xochuca, probably his own hometown. In this document Andrés Mendoza y Moctezuma, an ex-fiscal of the said *pueblo*, ceded a property that was known as La Joya to the rest of the Indigenous People so they could sow, cultivate and harvest products. The document also added that these Indigenous Peoples could lease their properties among them, or could sow and harvest them communally in groups, either for their personal or collective benefit. This legal case also stipulated that in this donated land the Indigenous Peoples could also plant wheat without paying any interest.

In another clear case, Mendoza y Moctezuma worked as a defender and legal representative of the people from the towns of Nuestra Señora de los Dolores and San Antonio de la Sandía, from the region of San Felipe of Albuquerque, in New Mexico.⁶⁷⁰ As the previous mentioned examples attest to, in this case the leaders of the *pueblo* gave total power of attorney to Mendoza y Moctezuma to continue a legal action against Don Vicente Sánchez Vergara. According to the records, the Sánchez Vergara family remained as one of the first Hispanic families that settled in New Mexico. This family based its economic pursuits on diverse businesses in the area. During the last years of the Spanish colonial system two members of the Sánchez Vergara family occupied prominent positions in the administration of the territory. José Mariano Sánchez Vergara initially served as the curate at Sandía Pueblo and eventually became the custodian of missions in New Mexico, while his youngest brother, Ignacio María Sánchez Vergara, served as *alcalde* and later on in the capacity as the official *Protector de Indios* in the province of New Mexico. The son of Ignacio, Vicente Sánchez Vergara became Secretary of the Governor of New Mexico, Manuel Armijo (1827-1829), and years later he served as a Deputy to the Mexican Congress in Mexico City. As the documentary evidence suggests, the office of *Protector General of Indios* during the tenure of Ignacio Sánchez Vergara experienced widespread abuses according to the Indigenous People from the region. There are records in which Indigenous Peoples from diverse places throughout New Mexico formally complained about how they were mistreated by Sánchez Vergara, who extorted them for goods and monies, and forced them to provide him with personal service.⁶⁷¹

On the other hand, the Tiwa parishioners similarly accused his brother, Fray Mariano Sánchez Vergara, for also being abusive. In a letter dated 1822, a few years after independence from Spain, a group of Indigenous People from the Pueblo of San Juan requested that the

⁶⁷⁰ *Destitución de Tierras, tercera sala, Don Francisco de Mendoza y Moctezuma*, 316r-322r.

⁶⁷¹ *Santa Ana Indians vs. Alcalde Sánchez Vergara for extortion and forced personal service*, July 28- August 1808, Spanish Archives of New Mexico.

Governor of New Mexico replace Ignacio Sánchez as their protector since he was the brother of Fray Mariano Sánchez, who had committed several faults against the inhabitants of San Juan. In their arguments they clearly demonstrated a conflict of interests with Ignacio continuing to serve as their Protector:

Hemos oído decir que el protector Don Ygnacio Sánchez Bergara pero nosotros no lo queremos, porque no nos defiende y es hermano del padre y por nuestras probessas de no poder colar ha pie asta Durango si algo tuvieren estas diligencias que consultan con el Sor. Provisor [...]⁶⁷²

So, it is evident that the relationship between the Sánchez Vergara brothers and the indigenous inhabitants of New Mexico was not friendly at all, and this relationship turned even bitterer after independence.

The fight for acquiring Sandía Pueblo's lands had a long and complicated history, especially seeing that the legal boundaries of the *pueblo* were not established officially until the later eighteenth century. Nevertheless, the conflict probably the lasted the longest was the dispute that the Sandía Pueblo had with the Rael de Aguilar family during the mid eighteenth century. The Rael family claimed to possess some land that traditionally Sandía Pueblo also claimed. For years the battle for this land went back and forth between both parties and the colonial authorities. This matter reached its peak in 1821 when the people of Sandía turned to the *Protector de Indios*, Ignacio Sánchez Vergara, in order to have the favorable verdict gained by the Rael family repealed; however, in the end the Protector instead of defending the *pueblo*'s interests, instead argued on behalf of the Real family's claims. However, Sánchez Vergara was accused of fraud, "bad faith, and crookedness [when he] tore a hole in the title of ownership with the aim of obtaining half of the land for himself."⁶⁷³

This case also represented a clear-cut conflict of interests since Ignacio Sánchez Vergara was also interested in gaining for himself another parcel of land traditionally held by the *pueblo*. Evidence of this attempt at usurping the *pueblo*'s land claims is found in a written request that Ignacio Sánchez wrote to the Governor of New Mexico requesting title to a piece of land "near" the Indian lands of Sandía Pueblo, arguing that his salary received as Protector was not enough to support his family. The governor denied this petition, arguing that the lands requested actually belonged to the people of Sandía Pueblo. In the same year Ignacio Sánchez made the same request once again, and this time Governor Melgares replied favorably.⁶⁷⁴ This decision upset the people of Sandía Pueblo, especially seeing that evidence existed showing that Ignacio

⁶⁷² *Complaint of Indians of San Juan against Fr. Mariano Sánchez Vergara; request for outside protector*, January 1- March 18, 1822, Mexican Archives of New Mexico, 1r-9r.

⁶⁷³ Malcom Ebright, *Four Square Leagues. Pueblo Indian Lands in New Mexico* (Albuquerque: University of New Mexico Press, 2014).

⁶⁷⁴ *Letter to Governor Melgares, asking whether he may petition for tract land near the Pueblo of Sandía*, "Spanish Archives of New Mexico, Vol. I.

Sánchez, while still serving as the Protector de Indios, had access to the original documents that belonged to Sandía Pueblo. Apparently, in complicity with Eusebio Rael, Ignacio Sánchez purposely perforated the original document and land title and modified the information in the original copy of the Land Grant of Sandía Pueblo in order to favor the Rael family's land claims. According to a witness, the apparent corrupt bargain and deal they had made stipulated that in the case of any successful suit for title to the disputed lands, Ignacio Sánchez would receive a part of the said lands deeded to him by the Rael family.

The blatant personal interest that the Rael and Sánchez Vergara families had in acquiring and speculating in indigenous lands was so evident after 1820 that people from Sandía Pueblo sought a legal representative outside of New Mexico. In this year, the figure of the *Protector de Indios* officially disappeared in Mexico due to the liberal reforms brought about by independence; however, it seems that in practice Ignacio Sánchez continued serving as an informally recognized legal representative of indigenous communities in New Mexico, but at this time even more intent on favoring his own interests as the dispute for lands between the people of Sandía and the Rael family demonstrates. Before this scenario of blatant self-interest and corruption, the people of Sandía Pueblo sought to be represented by a *vecino* of Mexico City and not a person from Durango, which would have been the most common place or district from which they might seek legal advice. In reality, Durango served as the political and legal center assigned to deal with legal problems concerning New Mexican indigenous communities. Their choice of an indigenous legal representative from the capital city actually made a lot of sense.

Francisco de Mendoza y Moctezuma was a good candidate to represent the Sandía Pueblo people for several reasons. Probably the most important reason is that he was a Nahua holding the Moctezuma families' last name, a name that was seen as prestigious by Tiwa people. Another reason is that Mendoza y Moctezuma had been a general advocate for the defense of "Indian property" that was affected by the stipulations on land holdings included in the Constitution of 1824, and he knew how the legal system in Mexico City worked since he was part of a group of Nahua intellectuals engaged in the defense of several "Indian institutions" in Mexico City. Moctezuma also successfully represented several former *parcialidades*, or indigenous communities, in central Mexico in defense of their lands, or had advised them in the process of legally selling their lands to particular individuals.

The battle for lands between the people from Sandía and both the Sánchez and Rael families continued for almost 20 years. Nevertheless, the complaints against each one of the parties involved in this issue only reached local level authorities. Apparently, Francisco de Mendoza Moctezuma played an outstanding role in the defense of the people of Sandía for the first ten years of the conflict, demonstrating that his main role was to represent them before Mexico City's authorities, not in New Mexico. However, this conflict did not find any resolution due to several reasons. One of these was that the authorities in Mexico City were already busy attempting to solve the cases related to Mexico City's indigenous lands. Another reason could be

the remoteness of the Sandía Pueblo, which was far away from the capital, or that the authorities in Mexico City, already interested in distributing the land of indigenous *parcialidades*, had no interest in this case from New Mexico. Also, the image that authorities in Mexico City had about the “*indios del norte*” was so negative, that they probably saw the possession of lands by the Sánchez Vergara family as a step forward to pushing the indigenous population of the area into modernity.

Probably tired of being ignored, in 1841 a delegation of Sandía Pueblo representatives decided to go to Mexico City and present the case before the Supreme Court. In this instance, Francisco de Mendoza y Moctezuma, as their legal representative, wrote a formal complaint to the court, accusing not Ignacio Sánchez, nor the Rael family for the illegal usurpation or dispossession of community lands, but rather accused Vicente Sánchez Vergara, son of Ignacio Sánchez, and Deputy of the Mexican Congress in Mexico City, for illegally appropriating lands that officially, according to the allegation, belonged to Sandía Pueblo. The accusation made by the *Alcalde Auxiliar* of Sandía Pueblo and Mendoza y Moctezuma stated that Ignacio Sánchez Vergara, not limited by the fact that he had mutilated the land grant of the *pueblo*, also removed two pages from the document in order to benefit himself by this destruction and illegally appropriated a portion of Sandía’s Pueblo lands. In this instance, Vicente Sánchez was accused of utilizing his political position to illegally take the lands from the *pueblo*.

It is not difficult to think that, unable to keep the fraud that he orchestrated covered up, and busted by the local legal authorities in New Mexico, Ignacio Sánchez looked for support in the figure of his son, who resided in Mexico City and occupied an important position in the national arena of politics, in order to achieve the dispossession of land from Sandía Pueblo. It is at this point, when the conflict between these parties over the disputed plot of land went from being a merely local problem, and became removed from the territory of New Mexico, leaving behind both the local authorities and protagonists that originally were involved in this process, and eventually turning into a case of corruption and illegal dispossession of land that reached a national level of attention.

As a competition, the people of Sandía Pueblo exhausted their possibilities to gain justice in their access to the local authorities from northern Mexico. Refusing to give up in despite of the constant judicial failures at the local level, the *pueblo* of Sandía sought the support of an authority whom they believed could counterattack the power that the Sánchez Vergara family exercised in Mexico City. In this sense, the figure of Francisco Mendoza y Moctezuma served the people of Sandía Pueblo as a post-independence representation or substitution for the powerful advocate that they had had in the figure of the *Protector de Indios* during the colonial period, with the difference that in this case those who were represented used their power of decision in selecting their representative.

Unfortunately for the historian, there are apparently no more records extant in this case. Moreover, only five years later New Mexico would become part of the United States of America, and although the legal system changed once again, it still did not end the land disputes of Sandía Pueblo. This long term case comes to confirm the level of conflict that Indigenous People had to face in order to keep and administer properties that formerly were part either of *parcialidades* or as indigenous communal lands for their own benefit. At the same time, as this case illustrates, Nahua indigenous intellectuals even after independence were still considered as reliable representatives of indigenous populations and they continued to play an important role in substituting as defenders for the figure of the colonial *Protector General de Indios* and the *Juzgado General de Indios* at the time when the indigenous population had limited access to any judicial apparatus established by the liberals for their self-defense. Moreover, this case also reveals the level to which even distant indigenous communities on the geographical fringes of the Mexican territories remained highly politicized after independence. This case also reveals to the historian how these native communities quickly became aware of their dwindling rights in the new nation, and how rapidly the indigenous populations in Northern Mexico acquired knowledge about how the new national judicial and legal institutions worked, and also how they came to rely on institutionalism in order to have their issues resolved.

Without a doubt, the specific content of these general legal powers of attorney reveal vital information that helps us understand the way legal issues among the members of *parcialidades* and the administration of their assets worked during the early nineteenth century. These documents also provide an insight about the assets that Indigenous People had as communal property and the means through which they leased, and eventually, awarded and sold their properties. An extensive research conducted on this venue will be necessary in order to know more about the administration of the *parcialidades*.

Although in these documents appear the names of Pedro Patiño, Juan Rodríguez and Francisco de Mendoza y Moctezuma, we do not find Faustino Chimalpopoca as legal representatives of indigenous communities at this time, it would not be until the year of 1855, when the Minister of Finance appointed Chimalpopoca as the interim manager of the administration of goods and funds of the former *parcialidades*.⁶⁷⁵ Nevertheless, through this information we know that Faustino Chimalpopoca also occupied an important position within the former *parcialidades*.

The fact that indigenous communities had decided to look to Pedro Patiño Ixtolinque, Juan Rodríguez Puebla, Francisco Mendoza y Moctezuma, and later on to Faustino Chimalpopoca, reveals the good reputation that these individuals enjoyed not only among the indigenous communities, but also in the Mexican political sphere. In the coming years after 1830, the administration of the former *parcialidades* became even more complex. Between 1829

⁶⁷⁵ *Compra venta de inmueble*, 26 de julio de 1856, AHN, notaría 721, notario Agustín Vera y Sánchez, Volumen, 4857; f. 172r.

and 1835 the members of the former *parcialidades* elected mediators that would help them to administrate their assets. In 1835 the leaders of the *parcialidades* again requested that congress appoint a legal representative to administer the *parcialidades*' assets for their collective benefit. The corresponding authorities appointed Luis Velázquez de la Cadena, who occupied himself in developing a clear set of bylaws that future administrators could follow. De la Cadena also carried out an inventory of the properties of the *parcialidades*, at least those in Mexico City. These bylaws were approved on September 20, 1835.⁶⁷⁶ According to his statement, Mr. Velázquez created an entire system of accountability that would allow not only administrators, but also members of the extinguished *parcialidades* to accountably manage the expenses and profits of their own assets. It seems that the administration of the assets of the former *parcialidades* under Velázquez's control remained partially successful.

In his own report, Velázquez de la Cadena assured that due to the new administrative system, he was able to provide money to support local schools of first letters. Additionally, he had created a financial aid program for students who attended the *Colegio de San Gregorio*, or San Ildefonso, and he also emphasized the fact that he had helped to create a sister-school or *escuela amiga* for girls in Mexicaltzingo, among many other achievements:

[...] en Magdalena de las Salinas se les puso un horno para que hicieran ladrillo, y en Nativitas se les dio doscientos pesos para establecer una salitrera: que se han hecho reparos considerables en las iglesias de la Candelaria, Atlampa, Magdalena Salinas, Nativitas, Mexicaltzingo, San Gerónimo Atlixco y San Agustín Zoquipam, [...] se han hecho grandes reparos en la casa cural de Mexicaltzingo y Nativitas, así de nuevo la casa de la escuela de Mixuca[...] y por último se han socorrido ordinaria y extraordinariamente a todos los interesados con proporción a sus fondos y a sus necesidades y se han cortado todos sus litigios, teniendo la satisfacción de que no existe hoy mas negocio que el de nulidad de la venta de la hacienda de Aragón.⁶⁷⁷

However, despite this apparent success several people from the former *parcialidad* of Santiago accused Velázquez de la Cadena of the misadministration of some of their funds. Nevertheless, Velázquez replied that these individuals' real interest focused on selling the Hacienda of Aragon for their own personal benefit.

Nevertheless, the relationship that existed between Mr. Velázquez de la Cadena and the members of the *parcialidades* remained far from optimal. Between the years of 1846 and 1847 several people from the former *parcialidades* wrote and published a series of complaints about

⁶⁷⁶ *Memoria de la Primera secretaria de estado y del despacho de relaciones interiores y exteriores de los Estados-Unidos Mexicanos*, 228. It is interesting to note that Mr. Lafragua offered a detailed account on how the administrator of the *parcialidades* worked and how loose and disorganized the archive referred to the assets of the remaining *parcialidades*.

⁶⁷⁷ *Ibid.*, 233.

the performance that Velázquez de la Cadena has as an administrator of the assets of the *parcialidades*.⁶⁷⁸ One of the major complaints exposed by the members of the former *parcialidades* focused on the fact that Velázquez de la Cadena, as well as previous administrators appointed by the Congress, did not form part of the indigenous community; hence, they ignored the indigenous forms and means of properly administering the goods of the former *parcialidades* for the benefit for their community. In his defense, Velázquez de la Cadena published an open letter in which he presented a report about the way he had managed the assets of the indigenous communities.⁶⁷⁹ Nevertheless, these complaints played an important role since Velázquez de la Cadena was later removed from this position.

The defense that Velázquez de la Cadena presented about his role as an administrator of the former *parcialidades* seems to be a direct response to a written complaint authored by several members of the former *parcialidades*. The title of this published document is *Exposicion que hacen los interesados en las parcialidades, en contra de su ilegal y mal llamado administrador D. Luis Velázquez de la Cadena*.⁶⁸⁰ The members of the indigenous communities authored this complaint in 1847, though it was not publically printed until the year of 1849.

The signatures that appear in this document reveal the important involvement of leaders of diverse indigenous communities in this issue. It is interesting to mention that several of the petitioners who signed this complaint belonged to groups of indigenous women leaders.⁶⁸¹ Even

⁶⁷⁸ *La Presencia del indígena en la prensa capitalina del siglo XIX: catálogo de noticias*, Volumen 2 (México: CIESAS, 1993), 310-311.

⁶⁷⁹ Luis Velázquez de la Cadena, *Exposición que hace al público Luis Velázquez de la Cadena, de su manejo como administrador de las parcialidades y de la manera con que se le ha separado* (México: Imprenta de Lara, 1847), 59.

⁶⁸⁰ *Exposición que hacen los interesados en las parcialidades, en contra de su ilegal y mal llamado administrador D. Luis Velázquez de la Cadena* (México: Tipografía de R. Rafael, 1849).

⁶⁸¹ This is the first time I have found a group of leading female leaders signing a document of such a nature. The name of these women community leaders included in the document are Lucía Torres, Francisca Minaya, Petra Torres, Antonia Orozco, Agapita Valdés, María Lucía Ramírez, María de Jesús Ramírez, Gabina Aguirre, Gregoria Gutiérrez, Agustina Suárez, Damiana Gutiérrez, Sóstenes Martínez, Feliciana Suárez, Leonarda Buendía, Luisa Dávila, Lázara Gutiérrez, Brígida Rojas, Dionisia González, María Alvina Ramírez, María Juliana Romero, Emigdia Berlin, Manuela Romero, Vicenta Peña, Luisa Ponce, Guadalupe Escalona, Gavina de Jesús Ortega, Vicenta Peña (her name appears twice), Sabás Escalona, Feliciana Frago, Teresa Zárate, María Tecla Rojas, Maroana Escalona, Serapia Escalona, Francisca Romero, Victoria Hernández, Antonia Coluna, Feliciana Avilez, Damasía Chávez, Cornelia Florez [sic] Casimira Juárez, Ursula Ramírez, Petronila Avilez, Florencia Juárez, María Carmen Aguirre, Francisca Aguirre, Juana Peralta, Margarita Ramírez, Carmen Florez, María Dolores, Juliana Gutiérrez, Francisca Alcalá, Simona González, Josefa Vázquez, María Tiburcia Alvarado, Juana Ciprés, Agapita Riva, Aleja Peralta, Antonia Gutiérrez, Luisa Peña, Pomposa Peralta, Macaria Peña, Soledad Peña, Agustina Suárez, Luz Gutiérrez, María Estéfana Martínez, Teodosia Soria, Trinidad Camacho, Merced Cureño, Lázara Gutiérrez, Cornelia Martínez, María Luciana Gutiérrez, Luisa Martínez, Vicenta Alvarado, Antonia Gutiérrez, Polonia Martínez, Antonia Vázquez, María Dolores, Brígida Martínez, Teodora Peña, Manuela Martínez, Teresa Venegas, Mónica Peralta, Juana Peralta, María Isabel Velasco, Pascuala Rosales, Candelaria Velasco, Juana Cervantes Xoquisco, Lázara Navarro, Abunda Gutiérrez, Juliana Gutiérrez, Isabel Montesdeoca, Guadalupe Sandoval España, Dominga Ramírez, Sebastiana Aguirre, Eufemia Montes de Oca, Mariana Aguirre, Francisca Enriquez, Pioquinta Romero, María Soledad Enriquez, Juana Romero, Romana Valdés, María de Jesús Romero, Fernanda Cureño, Pantaloena Flores, María Rivera,

though the intellectual author or advisor for this document is unknown, the arguments presented in the document deserve a detailed revision since they demonstrate the influence that Nahua intellectuals played on this public issue.

In this document, those who undersigned accused the members of the Congress and authorities in general for considering the Indigenous Peoples as “people without a head, without reasoning, lacking of common sense,” in other words, as simple “subjugated individuals.”⁶⁸² Similarly, the members of the *parcialidades* claimed that the lands on which Mexico had been founded originally belonged to them from the beginning. They concluded that they must have the right to appoint the person who would administer their assets. Thus, those who subscribed accused the members of the Congress of excluding them from this process of election that demonstrated the total lack of respect that the authorities had shown towards the original owners of the land.

The members of the indigenous communities presented these arguments based on the basic principles of justice and natural law represented by quotations from Plato and Virgil. Additionally, while describing an account of the Spanish conquest, those who subscribed emphasized the fact that, after the Spanish created the *parcialidades*, the conquistadors recognized the Indigenous Peoples as their legitimate owners, a matter that the members of the Mexican Congress had ignored.

Additionally, it is interesting to note that the authors of this document blamed the brutal process of conquest for resulting impoverishment and ignorance of the indigenous communities, denying previous arguments from non-Indigenous People about the “lazy” nature of the Indigenous Peoples: “[...] esa raza de razón, y en gran parte europea, destructora de nuestra sociedad, y corrompedora de nuestra moral, cuando todo lo dilapidó, y lo destruyó [...]”⁶⁸³

Thus, the major complaint against Velázquez de la Cadena focused on the fact that while in the process of his appointment the indigenous communities remained alienated. About this statement, the document continued:

Y esto, que se ordenó por soberanos extranjeros, ¿no se ordenará por el soberano gobierno? [Referring to the active role that Indigenous People had while electing their own authorities during the time of the Spanish colonization] ¿El Congreso no seguirá tan nobles huellas, y no prevendrá se cumpla lo que tiene mandado, es decir, que todos sean propietarios, que disfruten de sus tierras, tengan el libre uso

Guadalupe suarez, Dionisia Romero, Lucía Gutiérrez, Micaela Ortega, Josefa Carbajal, Francisca Peña, Regina Ortega, María Víctor San Roque, Francisca Ortega, Angela Peña, Pioquinta Soria, Juliana Aguirre, Soledad Morales, Luciana Villaseñor, Martina Peña, Manuela Bocanegra, Cruz Venegas and Tomasa González. See *Exposición que hacen los interesados en las parcialidades*, 22-23.

⁶⁸² Ibid., 3

⁶⁸³ Ibid., 13.

y aprovechamiento de ellas, y progresen y adelantes y salgan de la abyección, de la miseria, de la embriaguez, y de la superstición e idolatría a que se hallan reducidos?⁶⁸⁴

The second major accusation also emphasized the fact that, by not being an indigenous person, Vazquez de la Cadena ignored several key pieces of information about the proper administration of the former *parcialidades* and the way in which these functioned, which resulted in a poor performance and the ultimate failure in delivering solutions for the basic needs of the indigenous communities. Thus, the authors of this document mocked the apparent achievements that de la Cadena had himself praised. For instance, and as a direct response to the proud improvements that Velázquez de la Cadena had conducted in remodeling diverse buildings, they wrote:

¿Qué nos importan las composturas de tres o cuatro malas paredes de adobe, de miserables y abandonadas capillas, cuando los templos vivos de Dios, los miserables indígenas nacen en la miseria, crecen en medio de la ignorancia, desnudos y revolcándose en el cieno y la inmundicia, y llegan a la virilidad y aun a una vejez precoz, sin más religión que la idolatría de sus padres [...?]⁶⁸⁵

Subsequently, the leaders of these former *parcialidades* also pointed out that, even though Vazquez de la Cadena discovered misrepresentations and bad management of the *parcialidades*' resources by the previous administrators, Vazquez de la Cadena did not pursue any denunciations and/or persecutions of these individuals. This fact discredited one of the main purposes of Cadena as serving as the administrator of the former *parcialidades*. Also, this written complaint similarly emphasized the fact that the members of the indigenous communities were not willing to share any information with Velázquez de la Cadena since they considered that he held the position as administrator from a spurious election from which the Indigenous People had been excluded.

This issue also remained, as a matter for the authors of this complaint, based on a lack of representation of the indigenous communities within the current government, which the Indigenous People alleged took advantage of them by indiscriminately using their human and economic resources in the defense of the territory, including their forced aid in the recent North American invasion, while at the same time neglecting their right to participate in political matters that deeply affected their communities.⁶⁸⁶ As an immediate solution, the representatives of these indigenous communities first requested direct participation in electing and choosing their next administrator; and secondly, they demanded that the next to hold the position must be an indigenous person.

⁶⁸⁴ Ibid., 7.

⁶⁸⁵ Ibid., 9.

⁶⁸⁶ Ibid., 20.

The complaints and issues about the distribution of the assets of *parcialidades* did not end during the first decades of the nineteenth century. On the contrary, this conflict extended and affected not only the *parcialidades*, but also the lands and assets that religious organizations and the Catholic Church also held. For instance, in a document dated on May 12, 1849 the priests and parsons from the *parcialidades* of Santiago and San Juan also expressed their concerns about the bylaws that stipulated the distribution of the assets originally administrated by the former *parcialidades*.⁶⁸⁷ One of the main arguments presented by this group of clergymen emphasized the fact that the lands and assets from the former *parcialidades* did not belong to the “*propios y arbitrios*.” Nevertheless, this complaint also centered on arguing that, since the lands and assets of these *parcialidades* were publicly held in common, these cannot be distributed among the members of the community that originally administrated them, and even less could they be sold to particular persons who did not belong to these *parcialidades*:

Por tanto, pretender que esos bienes se distribuyan entre los individuos de las parcialidades es tan absurdo, como que los que no pertenecemos a ellas, solicitásemos que se nos distribuyesen a perorata los propios de nuestras respectivas municipalidad, cuya pretensión se consideraría por todos los que tuviesen sentido común, en alto grado injusta y perjudicial a la sociedad.⁶⁸⁸

The said complaint not only focused on demanding that the assets from the former *parcialidades* be respected and protected as communal property, but this group of clergymen also argued that the right to preserve these lands under the law remained in the very origins of the *parcialidades*. Thus, those who undersigned presented the arguments of the colonial Laws of the Indies to defend their position. They also argued that even though the new constitution had transformed the juridical persona of “*indios*,” this did not mean that the status of the communal properties had changed as a consequence. Not only that, but the authors of this document also argued that the legislative change did little to redefine the role that indigenous authorities, such as the local *gobernadores*, *alcaldes* and *regidores*, would play in the new social order.

Additionally, the authors of this document also warned the authorities about the negative effects that this measure would bring to the indigenous communities:

[...] que se incorporan en los propios de los Ayuntamientos, y queden por consecuencia al cuidado de estos; pero tampoco estimamos justa esta medida, y si la consideramos en extremo perjudicial. Es cierto que de esta manera no resentiría directamente la sociedad de los graves perjuicio que serían efecto de la división de estos bienes entre los individuos de las parcialidades, en cuyo caso se pulsarían

⁶⁸⁷ *Sumisa representación de los curas párrocos de las parcialidades de San Juan y Santiago, que elevan a la augusta Cámara del Senado, para que se sirva tomar en consideración los males que se seguirán al reparto*, (México:, Imprenta de J. R. Navarro, 1849).

⁶⁸⁸ *Ibid.*, 9.

graves inconvenientes para cubrir los gastos públicos que se pagan con aquellos, y que en esta capital recaerían forzosamente sobre los fondos municipales, hasta disminuidos en estos últimos tiempos y bastante recargados; pero sí causaría un daño muy grave aunque más indirecto, perjudicando a los mismos dueños que quedarían privados de muchas de las ventajas que actualmente poseen.⁶⁸⁹

This asseveration was also presented by the complaint made by Pedro Patiño in which he expressed the economic benefits that the administration of the *parcialidades* had among indigenous communities. In order to second this motion, the clergymen who wrote the present document argued how the schools of “primeras letras” and the instructors in charge of them would be affected by the lack of resources of the *parcialidades* that they depended upon.⁶⁹⁰ Most importantly for these clergymen was the fact that under the new bylaws about the redistribution of the assets of *parcialidades*, the cost of religious services and festivities that had originally been paid by the *parcialidades*, would then become the directly the responsibility of the individuals who, due their pauperized position, would be unable to cover the expenses in their totality. Additionally, these clergymen reminded the authorities of the city that the *parcialidades* also covered a huge part of the expenses that indigenous communities had to cover in terms of education, industry in general, and their public health, and even their basic social aid:

[...] somos testigos de vista, ha proporcionado recursos de suma importancia a los individuos de las parcialidades, ya en casos de enfermedad, ya para la reparación de sus pobres casas, y ya en otros muchos artículos en que los interesados se encontraban necesitados de ellos: ha ministrado también instrumentos para la labranza a algunos pueblos: ha costeado el instrumento de uno, para que los hijos de aquel pudiesen dedicarse al arte de la música; y por último, ha vestido a varios jóvenes, proporcionándoles herramienta para que aprendan diversos oficios, y a otros les ha costeado los libros necesarios para el estudio de las ciencias, pagándoles además a algunos la colegiatura en el Colegio de San Gregorio.⁶⁹¹

The criticism about this new regulation went on in detail analyzing the way that members of the indigenous communities who depended upon the social benefits that *parcialidades* provided to them would be deeply affected. Also, the authors of this document condemned and blamed the *Ayuntamiento*, since it would be in charge of administrating and providing for these benefits to the indigenous communities, which they argued could not be done as efficiently as they were before the said bylaws about the distribution of *parcialidades*’ assets went into effect. In this sense, the only apparent solution to this conflict was, according to the authors of this document, to suppress all the social benefits that the *parcialidades* provided to the indigenous communities.

⁶⁸⁹ Ibid., 11.

⁶⁹⁰ Ibid.

⁶⁹¹ Ibid., 12-13.

6.4 Conclusion to Chapter 6

Through the analysis of several primary sources we have been able to examine the aftermath of the period of the Mexican independence and how the changing laws and regulations affected several types of community properties and indigenous organizations. Although the major political changes brought about by both the Constitutions of Cadiz and the movement of independence affected the indigenous communities, the effects impacted different people according to their social status. Additionally, through an analysis of the sources as we have seen, we can also verify that the opinion that Nahua intellectuals had about how to solve certain matters of contention that affected their rights as members of indigenous groups varied according to the individual context of each intellectual. Unilateral indigenous responses to these events did not exist. For instance, as this chapter has shown, two major factions of Nahua intellectuals within the interior of the *Colegio de San Gregorio* attempted to influence the process of the election of a new director of the school. This particular case represented a matter of high importance for the indigenous communities in Mexico City for several reasons. The first of these reasons focused on the fact that the *colegio* had served as a solid mainstay of indigenous intellectuality and scholarly formation of its pupils for at least two centuries. This school remained the direct inheritor of the original *Colegio de Santa Cruz de Tlatelolco*, and following its tradition, the *Colegio de San Gregorio* served as the only major school for the education of Indigenous Peoples.

During the period of independence, the *Colegio de San Gregorio* became the only institution that could educate the future indigenous citizens and prepare them to successfully insert themselves into the civil and urban life as the new government demanded from them as newly recognized citizens. Nevertheless, Nahua intellectuals and indigenous leaders from diverse communities had different ideas on how this institution might survive the chaotic and quick transitions that an independent country demanded. During this period of time two major issues faced the indigenous communities and demanded resolution: the first one rested on the idea that the *Colegio de San Gregorio* had to necessarily end its segregation as a school specifically for the benefit of only indigenous students and the defense of the new threats to the administration of the collective assets and communal property of indigenous communities. The second issue relied on the transformation that the school faced, from being a religiously organized educational institution into a more secular school. The Nahua intellectual supporters of this second idea defended the argument that the school could provide their students with valuable knowledge about urban life, sophisticated language, and a more secular perspective in terms of political matters in order to contribute to their formation as recently recognized Mexican citizens. Nonetheless, this civic transformation also necessarily jeopardized the collective identity that indigenous communities had created within and around the figure of the *Colegio de San Gregorio*.

The internal Nahua intellectual debate over these major changes within the interior of the school started to also give evidence of the internal divisions that existed between Indigenous Peoples and the Nahua intellectuals who represented them. For instance, we can see how the opposing opinions that Pedro Patiño Ixtolinque, Francisco de Mendoza y Moctezuma and Faustino Chimalpopoca had in comparison to the more secular and deist positions of Nahua intellectuals like Juan Rodríguez Puebla who stood for reinforcing the secular trend that the school should follow. This particular incident is especially interesting since it demonstrates the divisions that existed among this intellectual generation unit of Indigenous Peoples according to their economic, social and family backgrounds. On the one hand, we have Pedro Patiño, Francisco Mendoza y Moctezuma and Faustino Chimalpopoca, among others, who represented the type of old indigenous nobility, whose ideas and concepts had been probably rooted more in late-Mesoamerican elite family structures, which had helped them to maintain their prevailing and influential position as representatives of the indigenous noble and /or upper classes. On the other hand, Juan Rodríguez Puebla represented a new type of indigenous individual who had scaled the social ladder based on their academic merits and excellence in their own professional performance. This exemplifies the complexity that prevailed among the indigenous intellectual group in Mexico City, and the apparent diversity of opinions and positions that both perspectives generated among them. Similar to the period of the Spanish colony, indigenous intellectuals also sought to ensure their continued influential position during the early nineteenth century within the new political establishment. The permanence of the old indigenous nobility, comparable to the experience that this group faced during the early sixteenth century, depended upon their ability to respond efficiently to the changes that the new political and social order demanded from them. In this particular case, we see how Juan Rodríguez represented a new type of indigenous intellectual who did not necessarily belong to the old indigenous nobility. Instead Juan Rodríguez Puebla, the son of an “aguador,” personified a new type of indigenous intellectual who resulted from the “opportunities” that the colonial institutions had offered to individuals like him through the granting of specific access to financial aid. By not being rooted or dependent on a noble tradition of intellectuality, Juan Rodríguez demonstrated a more dynamic position towards the transformation of the *Colegio de San Gregorio* in comparison to his indigenous counterparts who came from noble families.

However, despite their clear and bitter differences about the choices that the school and its administration had to take before the evident changes occurring in the country, both groups participated in efforts to defend the legitimate and natural right that Indigenous Peoples had to hold and administer their properties in a collective manner. Thus, we see Pedro Patiño Ixtolinque, Francisco de Mendoza y Moctezuma, Juan Rodríguez Puebla and Faustino Chimalpopoca all providing legal advice and representation to indigenous communities from all over the territories of former New Spain before the corresponding tribunals in order to help these communities maintain control over their communal assets. This disposition towards representing and defending indigenous communities in the tribunals should not be considered as contradictory at all, since all these individuals were well versed in political ideas set forth in the theory of

natural law, which defended the divine and natural right of peoples to hold and administrate properties for their own individual or collective benefits. Moreover, the ideas rooted in natural law about the concept of self determination, and their own assumed identity as Indigenous People, made these intellectuals agree upon the idea that they were, by divine law, the original inhabitants of the Americas. Thus, they all uniformly believed they had the right to administrate their properties according to their own cultural beliefs and in the favor and for their own benefit.