

AN UNCOMFORTABLE SUB DELEGATE: JOSÉ JOAQUÍN DE ARRIOLA (1801-1807)

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ABSTRAC

This paper aims to rebuild the relational strategies of several members of the Chiapas elite during the Bourbon period. Link types that establish the various local officials, through the performance of charges arising from the application of the Ordinance of 1786, and the interest of new officials to be inserted into the local elite networks are analyzed, not always good fortune. This set of interests appear mediated by the application or not of legislative apparatus and use of justice as an instrument of inclusion-exclusion in the new tissue.

Keywords: *Bourbon reforms, subdelegate, Ixtacomitán, elites, justice.*

“The exercise of the few individuals of medium lights that came down to be sub-delegation of those miserable towns where they lived with the reprobate distribution trade with the natives who sacrificed their greed”

(AHCH-UNICACH)¹

To make our analysis we take as an axis the reference of the case against Jose Joaquin Arriola, Deputy Commissioner and later deputy of Ixtacomitan, who, as we refer to in the title, was to become an “uncomfortable official.” To do this, we examine the performance of the sub delegate in the party under his charge. The different actions of the protagonists in the case will be discussed - the sub delegate; the counsel, Mariano Valero, and the oligarch official, Sebastian Esponda y Olaechea. In parallel an outline of the implementation of the Ordinance of Mayors in the province and territorial demarcation of sub delegations are presented.

The regional historiography of the late eighteenth and early nineteenth century of what we know today as Chiapas is quite limited, but not non-existent. We have interesting works that deal with the political situation during this eventful period, such as is the case with the work of Mario Vazquez Olivera (2010) and Jesus Aquino and Arturo Corzo Gamboa (1994). We can also consult the work of Alma Margarita Carvalho (1994) who studies the political evolution of Chiapas since the implementation of the Bourbon Reforms until its annexation to Mexico by analyzing Chiapas elites. Sergio Nicolas Gutierrez, makes a critical study of the opinions of different authors on the process of the annexation of Chiapas to Mexico (1997). Finally, Michel Polushin presents the

¹ Historical archive of Chiapas (Archivo Histórico de Chiapas)- Universidad de Ciencias y Artes de Chiapas. From this point on the AHCH-UNICACH.

results of an investigation of the period, focusing on local government (1999).

Although at first glance it may seem that there have been few studies that have been concerned with the analysis of this historic moment, we must recognize it has been a period that has grabbed the attention of historians, especially from a political perspective. In all of these works the figure of sub delegate appears in a biased manner, despite its importance as an intermediary between the ordinary citizen and the highest levels of the state apparatus.

Chiapas has certain historical characteristics that make it a unique territory. On the one hand, it has always been considered a territory of the border—first as part of the Guatemala Kingdom and later with Mexico. Moreover, the economic interest that might be awakened by different governmental bodies seems to have been zero, which allowed both religious and secular local elites a political independence which resulted in strong economic control, expressed in constant pressure on the indigenous peoples often resting on fraudulent transactions and strategies of resistance developed by the latter (Viqueira Alban, 1994: pp 237-267). This also marked the construction of new forms of relationships and interdependence.

IXTACOMITÁN

José Joaquín Arriola arrived in the Administration of Ciudad Real, and came from the Villa of Durango in the Lordship of Vizcaya, Spain. His first position seems to have been the guardian of the monopoly of tobacco, which was established in Guatemala in 1766.

Unfortunately we do not have information on his training and job performance. What we do know is that in 1800 he was a lieutenant in the party of Ixtacomitán, in the Administration Ciudad Real, during a period when this population depended on

the sub delegation of Tuxtla that was in the hands of Sebastian Esponda y Olaechea.

Ixtacomitán was north of the Municipality, very close to Tabasco, within the Zoque cultural area Zoque. At the time of the conquest the region already had a rich cocoa production activity that continued throughout the colonial period, although with some fluctuations in quantity and quality of production. We need to recall that between 1670 and 1684, the price of cocoa fell 30 pesos the load to only 10 pesos (AGI, Guatemala, 44 exp. 38 ff. 11v-14).²

During the sixteenth and seventeenth centuries the cocoa trade was monopolized by senior mayors who commercialized the product, sending it to New Spain and the Metropolis, which came through the port of Veracruz. Juan Pedro Viqueira pointed out that the Spaniards were not interested in cocoa production, which was left to the indigenous that allowed some to amass considerable fortunes such as what happened with Francisco de Santa Cruz in the early eighteenth century (Viqueira Alban, 1997 8C).

This region was also a source of cheap labor for the cocoa plantations of Tabasco (Gerhard, 1991: 34, p. 36). The economic importance of the Riverside of Ixtacomitán can be seen in the appointments of lieutenants by the senior mayors, who watched over their interests which in principle should be for the crown. It seems that in the late seventeenth century, the diocese began to appoint a Dominican priest to administer only the inhabitants of the Riverside – of which the great majority were not indigenous - in addition to those that were in Ixtacomitán and who attended to the natives of this town and its annexes (Viqueira Alban, 1997).

It is precisely the area of the Riverside de Ixtacomitán with its cocoa haciendas, which had flourished during the second

² General Archive of the Indias (Archivo General de Indias). From here on referred to as AGI

half of the seventeenth century, the only one in the area of Chapultenango into which it was inserted, that escaped the economic downturn that occurred in the region in the early eighteenth century. However in light of this, the difficulties were many, including: the falling price of cocoa which we previously mentioned, and the shortage of labor despite having a large number of blacks and mulattos. The latter situation led the owners of the haciendas, who were mostly mestizos, to see the need to attract the indigenous to the area (Viqueira Alban, 1997 8C).

The situation in the area did not look very good in the late eighteenth century. A report generated in 1792 in response to inquiries made by members of Guatemala on trade in cocoa production in the Administration, reported that the only parties in which the appreciated product was produced were: Ixtacomitán, Soconusco, Tila and Moyos. However, the exposure of the situation that had these plantations had were not very *alagüeñas*: “... those of Ystacomitan , for refusing to bear fruit for some years now because of a extremely strong south wind that fights the plants: and others for lack real cultivation”(AHCH-UNICACH, background from Manuel Orozco and Berra, TI doc. 11-1ff (ms), 1st) But this was not the only one, as specified in the same report of the products being produced in the province, which should be added: indigo ink, pepper, coffee, achiote, tobacco, sugar cane, Balm of Mary, sweetgum³ , vanilla, sarsaparilla, *Fistola* cane , *palo santo*, Palo Brazil, cotton, wild grains and many other fruits.

But the miserable situation that the report exposes when it comes to the parties of the Administration of Ciudad Real is due to, according to the mayor Augustine Quantas de las Zayas, the ban that the Ordinance of Mayors applied with respect to the ratings and divisions that were permitted previously by the senior mayors.

³ This is a tree from the Altingiaceae, family, also known as the amber tree whose resin is used for medicinal purposes and in the elaboration of perfumes.

Despite the situation of impoverishment lived by every party of the Administration, it seems more than likely that economic activities that were previously monopolized by the senior mayors and a group of local oligarchs continued to be exercised through the control of trade in contraband, by the same actors. It is precisely the relational networks built by members of certain families with senior mayors of major municipalities of Chiapas that allowed for the underpinning of the economic, social and political position of the Esponda family - Olaechea in this particular region, as discussed in the following section.

THE ESPONDA- OLAECHEA FAMILY AND THEIR INTERESTS IN IXTACOMITÁN

Of course, the interest of our research is not to conduct a thorough portrait of this family, perfectly designed by Sergio Nicolas Gutierrez Cruz, but to show the data in a rudimentarily manner that can be helpful for our study.

Francisco and Salvador Olaechea, descendent from the Navarra family, came to America in the early eighteenth century. The first was named governor of the Soconusco on August 17, 1731 and it appears that the capital available during his arrival was rather low, a situation that remained similar during his office. This circumstance probably caused Francisco's decision to leave the province and try his luck in other provinces that were part of the *Audiencia* of Guatemala (Gutierrez Cruz, 2009: pp 43-45.).

Sebastian, the other Olaechea brother, was for a short period of time in the Soconusco but later decided to take the road north to settle in the Zoque party, a region that is found Ixtacomitán. During this first generation the family agreed to certain positions through marriage alliances. Sebastian Esponda married the daughter of Captain Martín de Michelena from Navarre and obtained property, since in 1751 he appears as the owner of haciendas

and he held certain positions within the City of Ciudad Real, as appointed mayor (Gutierrez Cruz, 2009, p. 37). This designation was marked by a confrontation with the mayor, Francisco Elias y Zaldívar, who refused to recognize the chosen officials for the town council of Ciudad Real. The basis of this negative struggle was control of the supply of beef in town. This event resulted in that Sebastian would not go into business with the senior mayors. This view was soon abandoned since in 1768, when he was the receiver of accolades and favorable winds in the Tuxtla party, he received a royal decree which stated that the province was to be divided into two large mayoralties: Tuxtla and Ciudad Real.

This event involved the direct intervention of a higher authority in their self-interests that existed in the Zoque region; therefore, it was decided to establish a relationship with the Mayor appointed to Tuxtla, Juan Oliver, by offering to marry the only daughter who was single, Josefa Antonia- a marriage that did not occur until 1778 when John Oliver was no longer Mayor (Gutierrez Cruz, 2009: p. 53).

Due to this fact the marriage of his other daughter, Maria Gertrudis, occurred who was betrothed to nephew, Salvador Esposito, from Spain who became administrator of the estate of his uncle and father-in-law in Ixtacomitán. Thus a triad was formed : Sebastian Olachea – Juan de Oliver - Salvador Esposito, who controlled the area of Ixtacomitán.

In the commercial relationship established between indigenous and Spanish, they sold those manufactured goods or food products for cocoa or *grana*, that served as currency, but the Spaniards turned them into goods for export. The stores that Oliver gave responsibility to Juan Salvador Esposito in Solosuchiapa and Ixtacomitán, controlled trade in the area. The goods from Ciudad Real and Tuxtla were kept in the stores and then sold to the natives. The goods ... arrived to the hands of the senior mayors who traded them to the viceroy of New Spain or to Spain (Gutierrez Cruz, 2009, pp. 54-55).

The Polanco bishop in 1778 recommended to the Crown, that in the circumstances of indigenous exploitation, divisions were abolished and there was a return to one more mayor for the whole province-but his request was ignored.

Thanks to Juan de Oliver, the first mayor of Tuxtla, Olaechea managed to consolidate his position in the area. In this way he managed to have his nephew, Salvador Esponda, the title of sergeant major of militia in Ixtacomitán in 1770. The intention was for Esponda to eliminate the consumption of aguardiente liquor in the region but interestingly, it resulted in the creation of a smuggling network in confabulation Juan Oliver (Gutierrez Cruz, 2009: p. 55).

Sebastian Esponda subsequently renewed his partnership with the next mayor, Luis de Engrava y Ovalle. In this agreement, Engrava was recognized by Olaechea as mayor and military ruler, and on the other, Olaechea received the ability to appoint a deputy for the Ixtacomitán party which accounted the trade in cocoa. Olaechea's position led him to seek more profits as he could- he had ten thousand pesos in funds for other towns of the Mayor and which made reference to as "cotton to yarn and blankets, petticoats, backpacks, grana, chayote, hats and machetes" but you could also place a justice administrator in Tecpatán, Jiquipilas and if necessary, in Jitotol. Proceeds would be divided between him and the Mayor. This agreement encompassed five years but if Olaechea died the pact would remain with his heirs. Ironically Sebastian Olaechea died six days after signing the agreement and the company remained in the hands of his sons, Juan de Oliver and Salvador Esponda.

As we can see, in the second generation a breakthrough occurs in the conquest of the political and economic interests of the family. The male sons-Friar Manuel , Esteban Vital and Basilio Antonio (interim governor of the Soconusco and the Mayor of Verapaz) - held positions within the church and the army, while daughters contracted marriage with individuals who provided

them with a strengthening of family fortune . Maria Gertrude married Salvador Esponda and Josefa Antonia with Juan de Oliver, the first Mayor of Tuxtla. In this generation there was an increase in the acquisition of properties.

In the third generation there would be another step upwards.. On the one hand, Manuel Esponda y Olaechea, son of Mary Gertrude and Juan Oliver, who served as sub delegate in the Tonalá party in the early nineteenth century. Although his performance was not very prominent we can point out that he was accused of the crime of cowardice, a fact that never managed to be proven, despite his intention to retire with honors with the rank of lieutenant colonel which was not granted (Gutierrez Cruz, 2009, p. 63). Sebastian Esponda y Olaechea became a lawyer, one of the few in the province, and was elected Member of Parliament; However, his career was cut short by his death on a trip to Cadiz. One of the most significant events was the fight he had with counsel Mariano Valero from 1805-1811. Esponda y Olaechea died, and the conflict dragged on until 1817. It would be Mariano Valero who became one of the protagonists of the lawsuit filed against Jose Joaquín Arriola.

As we can see the family used several strategies to achieve its social-political rise : marriages, the incursion into church and military life, the detention of charges relating to taxation, the foray into political office, and the inclusion in different networks and education (Gutierrez Cruz, 2009, pp. 81-86). Obviously, all these tactics enabled them to achieve a strong economic position and control over various parties; among them, those in Ixtacomitán.

LOCAL OLIGARCHIES IN THE ADMINISTRATION OF CIUDAD REAL

The Administration of Ciudad Real was created in 1786. After the formal organization that was expected of the prov-

inces, such as Chiapas, Tuxtla and the Soconusco, they played a key role - a subordinate power - to the economic and political revitalization of the Spanish crown. But the establishment of the administration in Chiapas had as an antecedent the creation of the Mayor of Tuxtla in 1768, leaving the territory made up of two major municipalities: that of Tuxtla and Ciudad Real. This separation, in the words of Michael A. Polushin, had to do with the idea of facilitating and rationalizing taxes, especially that of cocoa. All taxes were collected in rural communities, sent to Tuxtla and Ciudad Real where the Mayor cleared the accounts, between his salary of 1,000 pesos and sent the surplus to Guatemala (Polushin, 1999 p. 53).

On the other hand, it is important to note that the city of Ciudad Real was an institution with an intermittent life. This was dissolved in 1751, for an issue that was raised by its members and the Mayor to try to define who should control the supply of meat in the city. As will be evident, the Crown sided with the Mayor, dissolving the council. As specified by Michael Polushin, from this time forward the senior mayors reached unprecedented power and the members of the local elite, who until then had enjoyed that privilege by detaining positions in the local council, had to conform to it- with the Mayor appointing them as lieutenants, of course with the subsequent result of building relationships of codependency and cronyism (Polushin, 1999 p. 137). However, the form of economic monopoly exercised by senior mayors, resulted in repeated efforts to reestablish the council which was not achieved until 1782, thanks to the intervention of Bishop Francisco Polo who had arrived in Chiapas in 1770. That is, when the Ordinance of Mayors was applied, creating the Administration of Ciudad Real in 1786, the council had been reestablished for only a little time.

The restitution of the council was a process that was delayed for three years. At first, the bishop was requested to make a list of fifty worthy residents of the city, while from the Administration

of Guatemala determined the value of the positions. We must remember that at the time of the Habsburgs and until the implementation of the municipalities, several positions were venal with the most “coveted” being the town councilman . Even taking this into account, it was not easy to find neighbors willing to fill the offices of the municipality. In 1782, these positions has been filled but the mayor, Ignacio Coronado, did not look kindly on the intrusion of the city council in his jurisdiction, and he applied a bureaucratic ritual and had to wait until January 1783 for the ordinary election for mayors and other unsaleable positonis.

One of the main reasons for the implementation of the regime of municipalities in the colonies was the consolidation of public finances, to ensure and improve revenue administration. Thus the administrative system exercised by mayors or magistrates was headed by unpaid positions. With municipalities, a salary was proposed for officials to prevent any other activity other than the administration of public resources (Lira Gonzalez, 1998, p. 31). Now, if what the Bourbons wanted was administrative decentralization to exclude local groups of power by loyal officers to the Crown (Carmagnani, 1994, p. 51), in the case of Chiapas occurred precisely the opposite, since the actions that were taken precisely favored these groups.

Elite akin to the first settlers and conquerors of the territory were losing strength in the various confrontations between them and the senior mayors of the province; indeed, it seems that the “primitive” elite were losing power at the same time the city of Ciudad Real came and went intermittently from the scene. When the municipality resurged in 1782, people who held positions belonged to a new elite, with certain characteristics: descendants of “heads of families” that arrived in Chiapas Peninsula in the first half of the eighteenth century and belonged to a group of merchants / landowners. As indicated by Jerome Romero in the case of Sonora, and we think can be applied to the Chiapas province:

... These gentlemen found the opportunity to become owners of economic and military power and therefore of social prestige, essential in such a stratified society such as that of New Spain, which allowed them to establish appropriate mechanisms to facilitate the formation of their own political class (Jerome Romero, 1998, p. 24).

So when the council was reconstituted in 1783, there were three families who monopolize positions: Robles, Gutierrez and Coello, who gradually joined Esponda - Olaechea and Farrera, which had nothing to do with “traditional” powerful families in Ciudad Real and had forged their fortunes while protected by the higher mayors of Tuxtla.

JOSÉ JOAQUÍN DE ARRIOLA: THE UNCOMFORTABLE DEPUTY

José Joaquín de Arriola was appointed lieutenant commissioner to the Ixtacomitán party on May 31, 1801 (AGCA, Leg. 50, exp. 571)⁴, under the sub delegate of Tuxtla. His predecessor, Juan Domingo Patoni, had been deputy of Ixtacomitán since at least since 1792 and would be appointed acting deputy of the party in 1803, the date in which our protagonist was put under house arrest. We make this clarification because obviously Patoni was a subject of confidence to the Esponda- Olaechea family, and it was not in vain that he had helped Maria Gertrudis to appoint a legal representative when the occasion required and, of course, had turned a blind eye to fraudulent businesses of the family in the area..

It is precisely in 1801 when Jose Joaquin de Arriola, newly appointed deputy of the party, began to have problems with the

⁴ General Archive of Central America. From here on is noted as AGCA.

administration authorities: the priest of Ixtacomitán Jose Manuel Lopez, and the deputy of Tuxtla, Sebastian Esponda y Olaechea. We offer a question- who supported Arriola for his appointment? We believe that it was surely not Sebastian Esponda but we do not yet have that information.

The lawsuit began as a power struggle between the ecclesiastical authority, in this case represented by the Dominican priest, and the civil authority by Lieutenant Jose Joaquin de Arriola. We must remember that in the Municipality of Ciudad Real the judicial hierarchy and scope of the parties were an extension of existing parishes and that the figure of Lieutenant derived from the vertical relationship with the senior mayors (Polushin, 1999, p. 171). Before the events and hostility of the priest, Jose Joaquin on a temperamental outburst sent his resignation to the sub delegate of Tuxtla Sebastian Esponda y Olaechea. We must remember that, as we noted earlier, the family had economic power in the region of Ixtacomitán and permanence of an external lieutenant, oblivious to their interests, which was not satisfactory. This is why Sebastian Esponda soon accepted the resignation of the lieutenant and decided to reintegrate his post to Juan Domingo Patoni, its predecessor, with which the family had probably had a more fruitful relationship. This decision was supervised by Mariano Valero, legal advisor to the mayor Augustine de las Quentas Zayas, with whom Esponda had a disagreement; since in several occasions the first had been seen as the second interfered in functions that, according to counsel, were of his position-he had been appointed secretary to the mayor, a non-existent position, but was allowed to have knowledge of all the issues that were followed by the counsel. Valero wrote a document to Sebastian Esponda indicating that he admitted he was surprised that the resignation had not been on sealed paper, which went against the Royal Treasury, and had not respected the authority that only the mayor had. In another event the Lieutenant forced Ixtacomitán Indians to sign a letter requesting the tenure of his office, taken from lieutenant Arriola;

the person responsible for making the inquiries was Sebastian Esponda as sub delegate of Tuxtla- a position he held since 1799 (AGCA, Leg. 45, exp. 528).

Following this event in 1802, Arriola asked Augustin de las Quantas Zayas, mayor of Ciudad Real at the time, to include him in the short list for the post of Assistant representative of Ixtacomitán- this petition is curious since it included positive recommendations from the priest with whom he had his first dissent in the party. Despite the good reports, the mayor decided not to include him, but surprisingly chose José Domingo Patoni in third place (AGCA, leg. 200, exp. 1509). An important fact that probably determined the decision of the mayor was that same year and Sebastian Esponday Olachea was dispatched as interim counsel in the Municipality of Ciudad Real (AGCA, Leg, 213, exp.1575).

Finally, after expressing his complaint to the authorities of Guatemala, Arriola received confirmation of his appointment as deputy of the Party of Ixtacomitán in 1802 (AGCA, Leg. 213, exp. 1573). Definitely nothing could be done by the interim lawyer, Sebastian Esponda, against a decision that came directly from Guatemala.

However, we keep in mind that since the early nineteenth century the sub delegations went from the initial three - in the provinces of Tuxtla, Chiapa and Soconusco - to become eleven. This change and fragmentation of the territory was given by the effort of the Bourbons to streamline tax administration and the jurisdiction of the territorial units, since the problem Intendance of Ciudad Real resulted in lieutenants who exercised their office in two different sub-delegations as was the case for Robles from the sub delegation of Chiapa and Tuxtla at the same time - and, what was even more disturbing, the fact that the individual accounts of the lieutenants were grouped as part of its debt to the royal treasury; thus the settlement of the actual accounts of the respective sub-delegation became very confusing. Indeed, as Polushin noted in areas such as Ixtacomitán and Blanquillo river, which were im-

portant centers of smuggling, the locals had not paid much attention to taxes belonging to the royal treasury. Ironically Sebastian Esponda y Olaechea was partially responsible for the creation of the sub-delegation Ixtacomitán and for the arrival of the uncomfortable sub delegate Jose Joaquin de Arriola. Obviously Esponda's arguments focused on the distance between this party and the capital of the sub delegation that he wielded, making it nearly impossible to monitor tax administration and establish order in the region. At the bottom was his interest in climbing positions in the provincial administration, aspirations in which the problems between him and his lieutenant Arriola could have been a serious obstacles; a failure in the settlement of accounts could bring dire consequences. In this manner evading the responsibility for supervision and the passing of the new deputy, who was under the watch of the Royal Treasury and the mayor (Polushin, 1999, pp. 179-80).

PROCESS ANALYSIS

José Joaquín de Arriola was appointed Commissioner Subdelegate of Ixtacomitán in 1800 by the Mayor of the Augustine de las Quentas Zayas. On January 22, 1802 the mayor of Ciudad Real presented the three candidates for the election of the deputy of Ixtacomitán, newly founded sub delegation. Of the three candidates, there did not appear the name of Arriola. The Commissioner filed a complaint with the Administration of Guatemala, whose President called for a review . When the order to review the case came forward, it was oserved to the interim mayor Counsel, Mariano Valero Advisor, which reported that although there had been complaints they did not pertain to him and he considered that

“... Should report impartially for the sake of better service to God and the King -Arriola was the only and most appropriate of those who were submitted to the sub delegation, for the motive might

strengthen the commanded during the interim ,according to ordinances, of inferring that Arriola was no longer acting as judge in the Party. “(AGCA, Leg. 201, exp. 1519). The latter circumstance, according to authorities, justified Arriola had created enmity with some people.

. Thus the Crown approved the appointment of Arriola made on March 18, 1803, while recognizing the aforementioned circumstances. That same year it arrived the new mayor of Ciudad Real, Manuel de Olazabal, when Arriola had still not submitted his finances.

It is following the appointment of Arriola as deputy when the cases against him began to accumulate, he dealt with the distribution of businesses- an activity that was totally banned for sub delegates – and he physically assaulted people of the district, extorted the population and conducted trade in contraband (AGCA, Leg. 159, exp. 1148) ... but perhaps his greatest crime was losing respect of the local priest and the mayor Agustin de las Quantas Zayas (AGCA, Leg. 203, exp. 1526). The deputy was not too long in the post – in 1803 Arriola escaped from house arrest , running away to Guatemala (AGCA, Leg. 200, exp. 1514).

During the trip to Ciudad Real in September 1803, the new mayor passed Ixtacomitán where the complaints against the sub delegate were reported and he immediately asked the Court to revoke the appointment. This action angered Arriola who soon sent letters of contempt to the Mayor, who rebuked him at different times, which ended with Arriola’s arrest without asking the opinion of a lawyer. Arriola sent a representative to the Administration of Guatemala, which: “... was secretly introduced through a window of the Palace” (... AGCA, Leg 201, 1519 exp, f 9) In the document that was presented, Arriola complained about the hardness of his arrest and lack of application of the formalities of law, so the President decided to take legal course to report in view of the opinion of prosecutor and legal counsel. At this time it was considered that the mayor was acting on personal hatred. The result was the re-

lease of Arriola and the removal of house arrest. This change allowed the deputy José Joaquín Arriola to escape to Guatemala where he presented his complaint of the wrongs that had been perpetrated against him.

This process reached the highest levels, as the king dictated by royal decree in 1804, requiring an in-depth investigation of the case. After having considered all of the causes and after several interrogations, they concluded that they had no legal basis and it seemed that these were magnified by the mayor and his secretary, Sebastian Esponda. The final resolution was the payment of criminal costs of 2188 pesos and three quarters, to the guarantors of Mayor Olazab, who by then had already died, and to the beneficiaries that Esponda had as secretary, a position at that time that he no longer wielded – we can recall what Esponda made his toughest decisions not acting as a secretary but later as the sub delegate and as the attorney of the royal taxes - concluded that: “... (they) have more paper than substance, and show more commitment in their heat and zeal for monitoring the administration of justice. (AGCA, Leg. 201, exp. 1519, p. 92) This is why, by taking each one apart, the prosecutor found no grounds to prosecute Arriola and 1806 called for him to be acquitted of all the charges against him.

The documents that were consulted correspond to criminal proceedings and as such are composed of three parts: the actor, the defendant and the judge. Normally the person who set in motion the criminal action was the judge who requested a trial to punish the offenders and the imposition of the punishment for the offense. Recall that, as Garriga states: “... [the] justice, [was] conceived as perpetual and constant - to give everyone what is theirs ... power that should maintain the established social equilibrium” (Garriga, 2009, pp 204. -5) .

Throughout this process, presented here in a summarized form, the accused, Arriola, filed a request or complaint to the regency of the criminal court. In the royal decree of March 11

of 1776, there were established important modifications to the indian administrative system, among them an increase in salary and the positions in the civil and criminal areas, but one of the most important innovations was the introduction of the regency in the indigenous audiences. This position was, in the majority of the occasions, conducted by the president of the Administration in such a way that as some authors note, seemed that the functions were superimposed and created permanent rivalries between distinct levels of the indigenous administration, which is known as a “system of counterweights.”

It is precisely this case which is a clear example of how the law is exercised by the criminal courts to the jurisdiction, represented by the figure of the mayor, whose legitimacy and ultimate goal lay in maintaining the established order (Garriga came before, 2009, p. 205). In this manner the judges are constituted as managers of public affairs through a judicial model of government by the courts and their agents which allow the maintenance of order.

However, in this concrete case it became clear that the mayor Manuel de Olazabal, clad in powers of justice and duty, had contravened the fundamental precept that should govern the actions of the judges: to remain oblivious to their private interests. By acting as a private person, guided by their emotions or disaffections, they had to repair the damage and guilt by paying court costs for their creditors catches since, as noted above, in 1806 the mayor had died.

CONCLUSIONS

As we all know, the sub-delegations, from the implementation of the Royal Order of 1786, were an important link between ordinary people and the higher levels of the state apparatus. They had broad powers dealing with the *four causes* -justice, war,

police and taxes in indigenous regions, while in the mixed areas where Spanish and Indians coexisted, they should leave the causes of justice and police in the hands of ordinary mayors, dealing only with finances and war (Margadent, 1988, p. 671). Although the intention of the Bourbons, by introducing these roles, was to reach the lower layers of society and end the frauds committed by senior mayors, the truth is that they soon began to perform the same abuses that had occurred previously.

Now these sub-delegates, representatives of power in the party, depended on the cooperation of the Community authorities to apply the rules of indigenous law in everyday life (Hensel, 2010, pp. 41-62). However, it is also true and no less important, at least in the province of Chiapas, was that the local representatives will have the approval of local elites, who did not necessarily pertain to the party they intended to govern.

Many other sub delegates committed abuses and interfered in the divisions and participated in smuggling. However, José Joaquín Arriola –a newcomer who had failed to create bonds of cooperation with the closed local elite of Chiapas - had the misfortune to arrive at a party controlled by one of the most influential people of the time, Sebastian Esponda y Olachea.

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Información en que consta que no fue el vecindario de Ixtacomitán el que pidió que permaneciese el Teniente del partido Don José Joaquín de Arriola sino que este indujo a los vecinos a firmar las representaciones, AGCA, Legajo 50, exp. 571.

El procurador Roxas sobre que se apruebe el título librado a favor del licenciado Sebastián Esponda de subdelegado de Tuxtla, AGCA, Leg.45, exp. 528.

Nombramiento de Subdelegado de Ixtacomitán a José Joaquín de Arriola y la causa formada por el Sr. Intendente contra el mismo o la de que resultó prisión, AGCA, leg. 200, exp. 1509.

Representación de don José Joaquín de Arriola para que el señor gobernador intendente Don Agustín de las Quentas Zayas le tuviese presente en la Terna para la subdelegación de Ixtacomitán, AGCA, Leg, 213, exp.1575.

Oficio del Presidente sobre haber nombrado para subdelegado del partido de Ixtacomitán a Don José Joaquín de Arriola, AGCA, Leg. 213, exp. 1573.

Real cédula particular de 19 de noviembre de 1804 para que la Regencia se aboque al conocimiento de todas las causas pendientes contra el subdelegado de Ixtacomitán Don José Joaquín de Arriola, AGCA, Leg. 201, exp. 1519; f. 8

Sobre fraude de alcabalas y exceso de cargas de Cacao introducidas sin guía en Tuxtla, contra Don José Joaquín de Arriola, AGCA, Leg. 159, exp. 1148.

Testimonio de expediente instruido sobre desacatos repetidos por Don José Joaquín de Arriola ...contra la autoridad y decoro... AGCA, Leg. 203, exp. 1526.

Testimonio de expediente formado a consecuencia de la fuga que ejecutó Don José Joaquín de Arriola, AGCA, Leg. 200, exp. 1514.