

Card games: daily resistance in Rute (Córdoba) in the second half of the 18th century

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Abstract

In the Provincial Historical Archive of Cordoba has recently registered the transfer of a documentary section of civil justice from Rute. The value of the information referring to quotidian life in this village is extraordinary and among the multiple practices described as crime we have selected the card games for the interest of the interrelation norm-practice-representations, the participation of all social groups, the exhibition in public and private spaces, etc. The result is a polyhedral mosaic in which fun, transgressions and quotidian resistances are intertwined in a town in movement, and in which the illustrated reformist dispositions become blurred by the pulse between leisure and legislation.

Keywords: Rute, card, resistance, law, quotidian.

A. INTRODUCTION

This article is the result of the research carried out on the documentation of the Rute Local Justice fund (Court of First Instance and Instruction) kept in the Provincial Historical Archive of Córdoba (AHPCO). In addition to Rute, this fund includes the towns of Benamejí, Iznájar, Palenciana and other ascribed municipalities such as Cuevas de San Marcos and Cuevas Bajas in Malaga. It is unpublished documentation, nothing studied, with some conservation problems as it was abandoned for so long in the Rute County Archive until 1972 when it was decided to transfer it to the AHPCO. It is a fund of great wealth for the historian and incredibly voluminous. In fact, it is still in cataloging and classification and is only described and available for consultation until 1835.

What we could highlight from this work is its innovative nature because it analyzes one of the many forms of resistance to the norm, card games, from novel perspectives such as: first, from judicial documentation, because in addition to this being scarce For the Spanish case, never before had a study of this topic been carried out based on this type of documentation; second, in a rural setting and in the second half of the century XVIII, since the studies on card games always have focused on the urban world and especially on the XVII century; and third and perhaps most importantly, from a historical perspective, since the scarce research on this subject at the European level has been mainly raised from the philological point of view. In summary, in this article the society of the Old Regime has been studied paying attention to the role that each

individual plays in the social body, their relationships and dynamics, as well as the actions of local justice. The fact that one of the many practices of a society in a municipality and in such a specific time frame is analyzed has its reason for being in that it serves as a magnificent example for the greater purpose of reconstructing history from an inductive method.

The use of judicial documentation to study card games makes it possible to clearly know the legislation of the time, the actors who intervene divided into two sides, the justice and the offenders, the actions of said justice (ways of proceeding), everyday life in a specific place and time, the social extraction, place of origin, age, sex, etc., of the active and passive agents, among many other elements that allow the historian to reconstruct the social and cultural reality (and even policy) of a given context. On the other hand, this type of documentation is not without a series of problems:

1. The writing corresponds to the perspective of justice embodied by the notary. Although the statements of witnesses and prisoners are collected, they always depend on what is asked by the judge.
2. Real knowledge of the event is impossible: it always depends on three views, that of justice, that of the criminals and that of the witnesses, who may either have ties with the latter or quite the opposite, providing us with any case subjective information.
3. On many occasions, the car is closed abruptly, without giving the option to know the future of the subjects involved and even the causes of that cessation.

Regarding the methodology followed, it must be stated that first a superficial analysis was made of all the documentation kept in the AHPCO, examining the job possibilities it could offer. After having classified this documentation and having divided it into four fields, "family", "land", "conflicts" and "leisure", the latter was chosen. Regarding leisure, two objects of study were presented: card games and parties, a subject of which only two files appeared. Finally, the theme of card games was chosen, as it provided a complete and more than enough information for our purpose, with nine files in which a case was opened for the crime of playing cards. Afterwards, each of the files was read in depth and in detail, collecting all the information and organizing it in a data table containing the signature, the date, the summary put into the document by the AHPCO and the key ideas. . At the same time, an entire bibliography was emptied that dealt with the subject in question, the spatial and temporal context, justice in the Old Regime, etc.

B. METHOD

Research was conducted using qualitative methods. With this qualitative method, researchers attempt to reveal the universal essence of phenomena personally experienced by a group of individuals in depth (Esterberg, 2002; Moleong, 2017). Data was collected through several techniques, including observation techniques, focus group discussions, and documentation studies. Data analysis was carried out through three analysis processes, namely coding, merging codes that emerged into themes, verification of themes through theory and follow-up interviews, and drawing conclusions.

C. RESULT AND DISCUSSION

1. THE CRIME OF PLAYING NAIPES: LEGISLATION AND SPEECHES

Games represent human nature in all its fullness: they offer fun, entertainment, escape, socialization, but also competitiveness, greed, tension, conflict. This dilemma is one of the great dilemmas that societies have had when it comes to organizing themselves in relation to recreational activities: although the game is invented as recreation and relief from bodily and spiritual work, subjects also used to use them for very away from mere entertainment; to indulge in vices and "leisure" understood as laziness. Thus, an attempt would be made to regulate, regulate, organize and control all playful manifestations.

The criminal regulations on games start in Roman law, but it is in medieval legislation where we find that what was prohibited were specifically games of chance such as dice, the first of its kind that was widespread in the Middle Ages. The element of money and gambling, together with the fights and hauls that occurred as a consequence, were only aggravating factors that motivated gambling to appear in the laws, as in the *Games* of Alfonso X and the one known as *Ordinance of the tafurerías* of Maestro Roldán (Abad, 2011). King John II would be the one who for the first time included the word "playing card" in a law, because due to the prominence of dice games, card games broke out at the end of the Middle Ages (Palacio, 2005).

Already in the Modern Age, the legislation on card games will expand and evolve at the same time that said game was gaining full prominence among the recreational activities of the population. In these laws of the Habsburgs little was innovated, but the provisions of the previous laws were maintained by introducing slight changes: it was punished to play with high stakes or those that exceeded the fixed limit (of 2 reales according to Carlos I) and were already in money or in kind, using their own home or establishment as gambling dens (more severe penalties would be imposed on the owners, such as double the fine for a player) and the right to claim the amount lost in gambling and the imprisonment of the player in case of not being able to pay the fine (Abad, 2011)

It is in the XVIII with the Bourbons in power when the legal panorama in general and, specifically on leisure, changes radically. Although Felipe V and Fernando VI had already introduced certain novelties in the laws such as naming some games directly (*bank, sacanete, stop , pharaoh, set, chance, baceta*), they were only laying the foundations for the great legislative work of the king more important in the regulation of leisure in our country:

“He is the one who dedicates more attention and detail to his laws for leisure and, specifically, card games, trying at the same time to unify in a single law everything that was established and what he himself has on this subject”.

The real pragmatic sanction of October 6, 1771 is the most extensive and detailed of the laws promulgated in Spain against gambling, and the one that in fact we are referred to in the studied documentation of the Provincial Historical Archive of Córdoba up to four times : in the files of August 1786, September 1787, June 1789 and September 1791. Entitled “Prohibition of gambling, luck and chance games, in accordance with the provisions of the preceding laws; with a declaration of the allowed way of playing”, this pragmatic begins by pointing out the ineffectiveness of all those previous regulations, whose prerogatives have led to this law. It also highlights the facts that gambling causes the ruin of many families, the distraction of subjects and the conflicts and events that arise as a result of an environment in which gambling is mixed with alcohol. In the first provisions of this pragmatic, the prohibition of playing or allowing to play certain games at home is established “or any other kind of naipes that are of luck and chance, or that are played by stake, even if they are of another kind and do not go specified here”. This leads us to deduce that there would be card games in which chance did not predominate for the most part, but logically all depend to a greater or lesser extent on luck. Other games of chance are also included, such as *birbis* , *goose* or *auca* , *dice*. The most innovative thing about these Bourbon legal norms is that the center of attention is placed on the lazy or ill-tempered, those “without trade, roots or occupation, habitually devoted to gambling or gamblers, gambling dens or crooks, who commit or are used to committing fraud or fraud” (Palacio, 2005) .

This pragmatics also established the betting limit that would supposedly turn a legal game into an illegal one: a fleece real. This rule is curious and controversial even in this work when trying to find the specific border that separated legal from illegal gambling. Pino Abad affirms that “if you bet more than what is authorized, gambling, which was initially allowed, becomes illegal and, therefore, liable to punishment” (Abad, 2011).

Likewise, jail time is maintained in the absence of being able to pay the fine for the crime of playing cards, the right to restitution of what was lost in the game is remembered and playing is prohibited on working days and hours: from six in the morning until twelve and from two in the afternoon until eight at night . Gambling was also banned in “taverns, pubs, inns, inns, liquor stores and cafes, and in any other public house”, except for *checkers* , *chess* , *royal tables* and *backgammon* “in the houses of tricks or billiards” (Abad, 2011) .

He also dedicates a section to the role of justice: it regulates that fines are distributed between the royal chamber, judge and complainant. But as we'll see later it is common that the charges were officially by any individual justice (Abad, 2011).

Next, a somewhat ambiguous rule is established that could be further broken by the local courts: it is stated that, when proceeding to apprehend criminals for gambling, in the case of being public places (taverns, cafes, tables of tricks and billiards, etc.), it would be enough to have news or well-founded misgivings of the contravention, but in the case of private homes, "it must first contain summary information that in them contravenes the provisions of this law." On the other hand, "the apprehension or formal complaint should not be necessary when proceeding against the gamblers and vagrants habitually devoted to this kind of vices" (Palacio, 2005) . If the concept of vague already presented a certain difficulty in defining its definition, we can imagine the relativity of justices when the law is applied on this occasion, that is, it would be given to subjective interpretation and, possibly, either to abuses or well to laxity.

What we find later is that it seems that justice did not seem to fulfill its mission correctly so that on July 13, 1782 it was promulgated an order stating that the factions should be published six to six months. Despite the almost constant publication of sides and remembering everything that was legislated, instead of reducing the commission of crimes derived from gambling, it seems that it was growing notably (Abad, 2012) . This is perfectly verified in the documentation of the Rute judicial fund kept in the Provincial Historical Archive of Córdoba. If we take a quick look at the years of the nine records studied, we find that between the pragmatics of 1771 and the royal order of April 6, 1786, we only have two of them in which allusion is made to card games, one of December 1775 related to an attack with justice and other abuses committed by two brothers, and another in 1776 with the use that the guest made of the rented house as a gambling house. From that royal order of 1786 and that of April 30, 1787, the number of files multiplied exponentially in just over a decade, up to seven: August 1786, September 1787, August 1789, June 1789, September 1791, February 1794 and November 1799. We can see very clearly how from the fact that in 1782 it was ordered that admissions be published every six months and that since 1786 a series of very in a row, in a very short time the files grow in number due to playing cards.

Parallel to the legal effort of the monarchs and the State to try to minimize the multiple disorders that card games produced in the social corpus, the work of the moralists who with their treatises tried to discipline society from the ethical point of view was equally important and moral. They proliferated in the Modern Age at the same time that the cards took center stage, finding us with the names of Diego del Castillo, Pedro de Medina, Francisco de Alcocer, Luis Vives, Francisco Luque Fajardo and Pedro de Calatayud, among many others. The ideas that put them in common were those of laziness and inattention to the tasks that the game

produced, ruin due to greed and vice that ended up harming the player's family, etc (Ruiz-Ortiz, 2012)

Although the condemnation of card games by the power and the moralists was implacable, a different reality showed us some writers who reflected in their writings various concepts in the form of metaphors and similes of the cardiac cosmos, which gives us an account of the strong roots of the card game in society and possibly the mastery of it by these writers such as Miguel de Cervantes, as defended by Jean-Pierre Étienvre (Etienvre, 1990).

2. THE WORLD OF NAIPE

Due to both the incredible fame and practice of card games from the 16th century and the unique features that the Spanish deck presents, a vast vocabulary was invented and proliferated that would be reflected in a multitude of literary works, although it was essentially used in popular culture, and especially in the card game underworld. This made it difficult for justice, which had to know this enigmatic vocabulary, and it also hampered the study of historians and philologists themselves.

Thus, for example, the same card game was known as the Vilhán game, a somewhat mystical figure who is pointed out as the introducer of playing cards in Spain. The Spanish deck, derived from the Italian tarot of the 15th century, with 48 numerical cards, but with the novelty of the pints (stripes or discontinuities that each card presents on the upper and lower edge according to the suit), was known as a *real book* or *books from Vilhán* . The pints gave rise to expressions such as *knowing* or *getting by the pint* and each suit or letter even had its own qualifier (the two of clubs was the *gallows* , the jack the *soldier* or the *whore* , etc. A very widespread term was that of *flower* or *floreo* to refer to cheating. And of course the names receiving the types of games were the most varied: *rentoy* , *Thirty and a* , *flower* , that of *carteta* , that of *laps* or *returned* each one dubious origins and rules and regulations that in some cases they have not reached us or they would be different from those of today (Fernandez, 2005) .

3. PLAYING TAGS ON ROUTE BETWEEN 1775 AND 1799

Next, we will present the results of the investigations based on the nine files of the Rute Local Justice fund kept at the AHPCO. Logically, card games would be one of the many playful manifestations that would take place in a subbetic town such as Rute, but that would be one of the most practiced.

First, we must bear in mind that the different laws were progressively prohibiting gambling in public places, especially illicit games (except in the case of tricks or billiards houses). The legal regulations were not concerned so much with the existence of gambling houses as such as that in any place they were gambling in breach of the law. However, Bourbon law would regulate a rigid persecution of any public gambling house and anyone who allowed to play in his own house, as we discovered for example in one of the Questions formulated by the justice to a neighbor of Rute: "Asked if the declarant knows that similar games of embitte are prohibited by order of his Majesty, nor that they are allowed in the houses that perform it" (AHPCO, n d) .

In fact, as a result of the relative closure of gambling dens, especially since the pragmatics of 1771, clandestine gambling houses(Ansón Calvo, 1977), would proliferate , that is, those owned by an individual who, in exchange for committing a crime, would charge a percentage to the players, the called cheap or bribe (the latter used more correctly to qualify the benefit received by the owner).

These clandestine gambling dens are the ones that we find most in the documentation relating to the town of Rute: of the eight files in which the gaming spaces are collected, six are the cases of private houses. In one of them, in the statement of the witness Juan Lucas Galisteo on the case against the brothers Juan Antonio and Bartolomé de Campos, it refers to "[...] that when [Bartolomé] found out about the prison of his brother Juan Antonio, he left the house where he was playing cards with a pistol and went to look for the Round" (AHPCO, n d). It should be added that these gambling dens could be either fixed and known by the neighbors or improvised, turning any house into a gambling house, as is the case of Juan Bautista Cerdón's. The latter, who was with his wife and family in the brandy factory that he had located in the district of La Hoz, sent his son Juan Bernabé Cerdón home to get bread. Near the door were Isidro Molina and Diego Palomo who cajoled the waiter into playing a game of *cané* inside house (AHPCO, n d).

The other clandestine gambling dens attested correspond to the houses of Cristóbal de Arévalo, Pablo Valbuena and Domingo de la Luz (the latter functioned as a barber shop). Owning a gambling house or allowing to play in one's own was a crime that was punishable by a fine that was double the one imposed on players, depending on their social category. Perhaps this redoubling of the penalty, as Pedro Gómez de la Serna and Juan Manuel Montalbán assure in *Elements of Civil and Criminal Law in Spain* , was due to the fact that "it was based on the different presumption of criminality; because the mere gamer is frequently drawn to these houses of doom by means of deception and artifice, the other people who are punished are because of the evils that they are trying to prevent" (Abad, 2011) . Well, to try to avoid punishment, in his case, Cristóbal de Arévalo alleged in his defense that Mr. Enrique Carrillo

was leasing him those houses to which he had just moved and that "when the declarant entered to live in them, they were already going to play in said houses some people. In addition, he embraces compassion and continues: "and those who did so after the declarant moved to them gave him some rooms to buy bread, with the reason that the declarant was ill and had many small children." And to incriminate his landlord, "the declarant cannot decide whether Don Enrique gave permission for them to play or charge varatto" (Palacio, 2005) . This is tremendously interesting, because we can intuit that perhaps one way to reduce the penalty was not to charge the cheap (although in this case it should be called bribery, as mentioned above).

The concept of cheap has appeared to us many times. According to the *DRAE* , on this occasion it means "amount of money that the owner of the gambling den charged the players for using it". Later we will be presented with another meaning of the concept.

The case of Pablo Valbuena is difficult to analyze, since the document is missing a part of the upper area, perhaps because we do not get to know why he is not convicted or called to testify (although it seems that he was absent in the moment), in addition to the fact that the document has little length and details. However, this file serves to illustrate an aspect reflected in the great pragmatics of Carlos III: the way of proceeding of justice when playing in private homes . The file only states that the magistrate, accompanied by a fiscal promoter, three field guards and two ordinary bailiffs arrive "at Pablo Balbuena's doors, and on the occasion of having a man come out of their doors at the same time, and some indications of playing cards in the aforementioned houses, entered them" (Palacio 2011) . That at no time is it clarified what those indications were, highlights the idea that we presented of the imprecision or ambiguity of this norm, which is effectively given to relativity in the interpretations of justice, so we can suppose that the king left to opinion of "the Judges" (in this case the magistrate of rute) in which cases to intervene and with how much vehemence. In Cristóbal de Arévalo's file, every luxury of detail is given to prove and legitimize having entered his house, in accordance with the provisions of pragmatic (AHPCO, n d).

Without a doubt the most interesting and illustrative case is that of Domingo de la Luz. Everything points to the fact that this Rute barber obtained a small profit as a garitero, as the witness Gabriel Sánchez affirms: "in fact he entered that house that is gambling and those who gamble pay their interest" . From the descriptions that witnesses and inmates give us, the "store" (the work area) connected with the kitchen, adjacent to or close to a room where the games were played. At no time is it mentioned where this Domingo was, perhaps working from what is deduced from two statements. It is indicated that his wife and son were in said "game room" with the gamblers and other individuals.

In general, what is most strange is that both Domingo de la Luz and Pablo Valbuena are barely mentioned, no statement is taken or punished despite having statements and indications of committing a crime, just the opposite of the case of Cristóbal de Arévalo .

A separate case is that of Antonio Caballero, alias Guindas, whose landlord, Juan García Algar, initiated a request to the attorney to kick him out because on the day of San Miguel in 1775 "they were playing" in the rented house, in addition to that the players and Knight himself were imprisoned (AHPCO, n d).

Among the public spaces in which cards were played, we find in the chosen documentation a town square and a tavern. Regarding the first, the crime scene is named "the public square and doors of the chapter houses", something that at first glance may seem somewhat surprising if we take into account the rigid prohibition of playing in public places, and more being in the open air, in full view of all. In fact, it was several surrounding residents who, faced with "[the] much scandal, [...] They had complained [to the corregidor] about the disorders that were being experienced during nap time [...]" . This is a very clear example of total violation of the norm. There were about ten individuals (among eight and thirteen), some of whom alleged that they were in their daily chores.

The tavern could be considered as the public space of sociability par excellence in Spanish society. In these places an environment was distilled where the mixture of alcohol, vice and money could light a wick that the Order feared; Most of the altercations in taverns were motivated by playing cards, as Mantecón explains . Francisco de Paula Pulido's "public tavern houses" were located on Rutian street del Pilar, which was known as "a public place where he sells wine and brandy", where on June 3, 1789 six men began to play, " two of the strangers" (Thomson, 1999). In his statement, the innkeeper was reminded by asking if:

"It is certain that, due to the published factions or good government auttos, it is forbidden that, in taverns or any public stall of wine and other liquors, there are gatherings, seats, and unless anything is played under certain penalties, and if so it is because the declarant allowed that in the morning that day those that consist of these cars sat down to play".

To which he replied that it was "true the context of the question and that because the declarant was not at home, the aforementioned men began to play." In addition, he had added that he had not collected the jar of spent wine that were being sent" . However, two of the six prisoners accused the innkeeper, stating that they had his consent to play.

With regard to time coordinates, we take into account the months, days and hours. Of the nine files, five are made up between June and October, in a summery climate, perhaps more conducive to recreation. However, the attack between the justice system and the brothers Juan Antonio and Bartolomé de Campos occurred on Christmas night in 1775 when “[...] the increased number of people of all kinds who walk through the streets and see parties in the houses to rejoice in this present time of the Holy Birth of Our Redeemer”. In addition, some groups decreed "that no one walks through the streets from ten o'clock at night upwards or together in gangs but is alone and in public places". Juan Antonio de Campos was alone and in the dark of night, becoming quickly nervous when the patrol closed in on him. The interesting thing is to observe how the justices know of the irremediable fun, games and parties that take place on such an important date in all the houses of the town, so they give a lax margin of tolerance that could logically be overcome. And so it happened at the home of Bernabé Ximénez where the round, according to the ordinary minister Juan Lucas Galisteo, "had come in to disrupt a time of festivities that there were" , and according to Francisco Aguilar "had and gone [...] to disrupt a function that had” .

On the other hand, in the case of the barber-garitero Domingo de la Luz, it seems that all the men in the neighborhood or town came to shave because it was, possibly, November 1, All Saints' Day, as referred to several times in Document.

Another aspect to observe is the hours, because we must bear in mind that in the pragmatics of October 6, 1771, it is prohibited to gamble on working days and hours, from six in the morning to twelve and from two in the afternoon. until eight at night (Palacio 2011) . At 11 p.m. on September 15, 1787, he caught himself playing four men at Cristóbal de Arévalo's house, of which Francisco José Remigio Molero confessed that “because it was the following holiday day, he began to play with the said Arévalo, Ravasco and Fields”; and at 1 am on September 29, 1791 to seven subjects in Pablo Valbuena's house. And from 10 pm and throughout the night of February 20, 1794, the game was played in the houses of Juan Bautista Cordón. As we can see, it is mostly at night and in "private" gambling houses where gambling takes place, except in the cases of Francisco de Paula Pulido's tavern, which happened at 10 am on June 3, 1789; in which they began to play in the public square at 2.30 pm on August 6 of the same year (which, as we have already pointed out, caused a scandal at siesta time); and in that of the barber shop on Domingo de la Luz, where the game was played between 7 a.m. and 9 a.m. on All Saints' Day in 1799. Of these three cases, which fall within the illegal hours for the game, only in that of the tavern, said regulation becomes important when stating that “in attention to the published good government factions so that in any public position on working days no person is admitted to them for games or that [they] are given a seat , get prisoners to those referred to in the Royal Prisons of this town [...] ”. In fact, Bartolomé de Campos himself, in his trial of 1775, answered”

that if he has played cards it has been the days that he has enjoyed a lot of entertainment " . So, was it allowed to play on the days that custom set as holidays? We cannot know.

From these files, we have also analyzed which games are illegal and their possible rules (number of players, ways of playing, etc.), which we have found mostly in the *Dictionary of the Royal Spanish Academy* and on websites specialized in card games . Following a chronological order, in the 1775 file on the Campos brothers, several witnesses report that they are given to "the games of naypes", without saying whether the legal ones or the illegal ones, while other witnesses such as Salvador de la Cruz Porras They affirm that "that I have heard the card games that have been played [...] have been played and on the occasions that they have had time to do so" (AHPCO, n d).

In the following file, from 1776, in which it is requested that the Guindas be dispatched from his landlord's house, he only mentions that they were playing cards and that justice entered and imprisoned everyone present, from which we deduce that they were playing illegally (prohibited games, high stakes, or due to some scandal or conflict?).

José Roldán in 1786 was condemned not so much for playing specifically forbidden games (as mentioned) but for being "a man who was badly entertained in games of naypes, drunkenness and robbery". That is, his processing is more focused on not being applied to work and labeling himself as lazy and wasteful of his wages: «such a day that he works as a masonry pawn, the witness who took the pawn or half has played it in games prohibited as the witness has seen " (Builes Cesteros, 2017) .

In 1787 we already found the first illicit game: the "*jiley*". According to the *DRAE* , the *gilé* , *giley* or *forty- one* is a "card and stake game that aims to score the greatest number of points with cards of the same suit" . Marc Fontbona in *History of gambling in Spain* explains a little more its regulations. Regarding the number of players "it can vary, [but] the most indicated is that four participate", which coincides with what is reflected in document (Silvestri, 1999) . In the court order the following is explained: "four men were found half hidden, and the table where they were playing was found, and three separate decks of the white cards of the figures, which denoted that they were playing a prohibited game" (Fernandez, 1866). We do not know the reason for this reasoning, because according to what was consulted, it was played with 28 cards by removing the Sixes, Fives and Fours from the 40 (obviously of each suit). In fact, the same inmate Francisco José Remigio Molero affirms that there were "three separate decks of cards and provided to play *jiley* " . In the statements one of the questions asked is "if it is clear to him that the aforementioned game of *jiley* , like those of more than embitte, luck and chance, are prohibited by the Royal Pragmatic Sanction of His Majesty with certain penalties

and fines for those who violate them", To which he answered something that is repeated in subsequent statements:" that because the declarant is not well versed in business (others will say "because he is not instructed in paperwork") and if only applied to his work as a gardener, no He *knows* neither by ear nor by understanding that such *jiley* game is prohibited ". All those arrested declared something similar: that they were playing it, but that they did not know it was forbidden, except Simón Leal and Cristóbal de Arévalo, possible gamblers and garitero, respectively. All of them also stated that as they had been playing the game for a short time, according to Remigio, "no amount of consideration had been crossed because it was fun" , although Juan Antonio de Campos, for his part, confessed that "more than about four or five reales "(Mera Costas, 2016), which exceeded the limit imposed in the pragmatics of 1771.

In another file we find that before the moment when the magistrate's entourage arrived, Sebastián de Ravasco and Simón Leal, who were "going to cows" (half in the bet) with Vicente de Arévalo, were playing the *flower* , "game of cards that present different varieties " , which" is played with three cards and the one that joins three of a suit is said to make a flower " . On this move, Ravasco declares that "he won about thirty or forty reais" from Arévalo and Leal, who caused him to withdraw and go out into the street. Curiously, Arevalo is the only one who affirms that the other two were playing *pecao* "which is also a stake game like *jiley* "; "Card and stake game in which the preferred luck is that of nine points and you cannot exceed that number" . If the whole process is a mystery, the final order is even more so when reading that "[...] with attention to having the inmates confessed that they are playing *jiley* and *flower* that are de embitte and one of those prohibited by the Pragmatic Sanction of October 6, one thousand seven hundred and seventy one" . I do not know completely why "one of the forbidden" is noted if both card games were forbidden because they were stakes and chance. What we can assume is that it refers to one of them, the *flower* specifically listed as illegal gambling in this pragmatic (Palacio, 2005).

A la *flor* also played in the town square in August 1789 Tomás Molina, Alonso Muñoz and Francisco Gómez, alias Business . However, the latter stated that the three of them were playing at " *thirty-one* ochavos and for having fun for a while and not being a game of interest, [...] but they did not go through anything for a short time" .

In June 1789, in Francisco de Paula Pulido's tavern six men were caught playing " *rentoy embiado* ". This was a more popular game and it was tremendously complex to play. JP Étienvre devotes a detailed study to this "card game and stake, between two, four, six or eight people, in which three cards are dealt and a draw is made, the two being the highest value in each suit and signs are allowed between colleagues" . Étienvre affirms that this game, which has survived to the present day known as one of the games of the Renaissance, is a "markedly

plebeian game" , defined as "a game of companions" who could be signed as in the mus. The author collects in his work a multitude of references to this game in literary sources, going so far as to state that it seems that "little money was needed for this game" and that said game "seems to have been, more than another, typical of the Andalusians" (Étienvre, 1990).

On the other hand, the magistrate ordered "that the clerk [picks up] the deck they were playing with for me, since as some [reales and] four quarters in eighths that were on the table as [...] groping, one of them picked them up. said men" . That the document specifies that it is "embed" possibly due to the fact that it was a modality in which it was sent. In any case, even if the courts affirmed that said amount of money was found on the table, according to the statements of the defendants, what was being played between friends was either a vase of wine "which had already been spent" or be "a slight (or short) thing".

We return to August 1789 to the Plaza de Rute to talk about another very common game: *thirty-one* . Juan Peña and Antonio Guerrero threw a game "under the Arches" of said Plaza at " *thirty-one parade* " among the group of individuals that had formed on that hot summer afternoon and where, as previously mentioned , others had played or were playing *flower* . But the thing is that they were also playing a *thirty-one* (just) Vicente de Dios and "the son of Antonio de la Fuente whom they name Cupido". The adjective "genset" in the game of *thirty-one* may be due to another mode of play. In any case, when the authorities arrived at the scene, "some threw the deck and others fled". It is not stated what or how much was bet.

In September 1791, at Pablo Valbuena's house, Juan Antonio de Campos, Pedro de Mangas and Juan Pulido were playing *cané* , the same game played by Juan Bautista Cordón's son, Isidro Molina and Diego Palomo in February 1794. From *caló*, *cané* was a "game of chance similar to the *mountain* " and to the *baceta* . According to certain sources, it was a variant of the *mountain* and it came from the *sucker* (Aranda Arribas, 2019), all of them illegal games. We have not found more details about the *cané* , although we can deduce that it was played between three or at least an odd number of people.

However, with respect to the first case, the only player who is caught, Juan Pulido, states that what they were playing was a *secansa* ("sequence"), a "card game similar to *thirty-one* , of which differs in which there is stake when the players have ali or *secansa* " , " meeting of two or three equal cards in the number or in the figure". This game is the one that produced in November 1799 that, in the house of Domingo de la Luz, Juan de Lanzas received a stab. José de Campos, Miguel Cuadrado, Juan de Lanzas and Juan Cordón Arrebola organized in pairs, the first two against the last two, and "they began to play *secansa* for half a jug of brandy that they had spent". Miguel Cuadrado declared:

“That the brandy they played had already been spent and had been lost by the declarer and José de Campos, who paid nothing for table and shuffling reasons because when playing a la secansa nothing is given, as they do when they play *cané* and others games that is when you pay” (Espanola & Madrid, 1970) .

Juan Cordón Arrebola confirms the above, but adds nuances and details:

“[...] And being to finish the game finding the witness with eighteen points, the Field moved a tasquera that there were no more than fourteen, this with which they were watching that they affirmed it was eighteen”.

In fact, according to this process, that would be the motive for the fight that was mounted shortly after in said house. He also adds: “because of the *dryness* he did not pay anything, [...] Those who play *Cané* and other games pay the cheap to the owners of the houses”.

Finally, when analyzing the judicial documentation of Rute, it is necessary to take into account the agents, both active and passive, who develop the specific situation, identifying some of them with the names they received at the time.

Those who head each judicial document and the real protagonists are logically the local justices, those of Rute. This judicial body fulfilled the role of whistleblower of the crime, which directly opens the process, being composed of "his mercy the Mr. Lawyer [...] of the royal Chanchillería of the city of Granada, Corregidor of this said town", the fiscal promoter , the lieutenant deputy mayor, a bailiff or the ministers ordinary. In turn, they were assisted or accompanied almost always of a scrivener, ordinary ministers, camp guards or even a "voluntary departure of Aragon". The usual thing was that, if they had well-founded news of being illegally gambling, an individual from the court or magistrate and clerk would attend along with the aforementioned (as in the latter case) or they would discover a crime in a round. A magnificent example of this is when the magistrate Salvador Infante Vejarano y Gil goes out on the road, because:

“His mercy has received several news reports of various neighbors of this village, especially day laborers and poor people, getting together in some houses to play cards, thereby distancing themselves from taking care of their homes, and families, lacking for these in the assistance of food and dressed, and to the tasks of the field, with which they earn their wages, wishing their mercy in performance of the duties of the ministry that I exercise to remedy this disorder on the occasion of a group of volunteers from Aragon being in this town ” (Elorza, 2008) .

The most striking thing is when he says that "having taken [convite] not to blame ordinary ministers to prevent them from spreading the word". This shows us the minimal confidence that the magistrate himself had in these ministers, something that we could confirm through the file of June 3, 1789, since among those who were playing *rentoy "embiado"* in Francisco de Paula's tavern "Pablo Ravasco and Juan de Campos, these two ordinary ministers of this court," were found, both 38 years old. In their statements, the two realize that the parties were not ignorant about playing during working hours "card games in taverns and public places", but if one said that it was "a short thing that was played", the Another added that "he contravened it at the request of his friends and because it was a slight thing that was crossed". This only confirms that the forbidden cards were played by everyone, even those who knew the crime it involved. In fact, it is paradoxical that Pablo Ravasco himself participated in the imprisonment of Simón Leal on the night of September 16, 1787 for having played *flower* in the houses of Cristóbal de Arévalo (AHPACO, n d).

As Ángel Alloza well summarizes, "an essential characteristic of the Castilian penal system was the difference so wide between what the law prescribed what the judges sanctioned ", ie, the judges acted to their own devices. What we must highlight more and that is clearly stated in the records examined is that the harshness in imposing the punishment depended more on the seriousness and circumstances surrounding the crime than on the provisions of the law (Dedieu, 2002).

On the opposite side of justice we find the side of the offenders or transgressors, whether active or passive. Perhaps the most relevant is the figure of the professional player or what we could currently consider as a gambler: the gambler. The most accurate definition is the one provided by Zabaleta: "he says a continuous and unbridled card player [...]. These people seem to be irretrievably wrong, because if they win, they play because they won, and if they lose, because they lost" (De Vega, 2018) . Although they may seem similar concepts, the gambler differs from the *trickster* or cheater in that the latter is not a vicious and always wins, and a crook is always a gambler (as a seasoned player), but a gambler may not be a cheater . Also in the *Dictionary of Authorities* it is clarified that gambler "was taken in the old for the one who played with tricks, and tricks or bends to win his opponent" (De Vega, 2018).

In the judicial documentation of Rute we can recognize through some indications who that player was who knew the rules of the game, who possibly *flourished the card* (to arrange it to cheat) and very surely knew about the legal regulations that weighed on it. In the documentation chosen only on one occasion we find this term written to refer to the brothers of José Antonio and Bartolomé de Campos, because according to the witness Juan de Campos

it was "public and notorious that they are the greatest Taurus in this town". Most of the witnesses provided by the justice testify, like Juan de Aranda, "the bad way of life that they have in ratterias, probocations, naypes games, use of prohibited weapons and no application to work and to be executing many *ynfamias* with asylum of the Parish Church where they have their habitation " (AHPCO, n.d) . However, it seems that Bartolomé was the one who most dedicated himself to gambling, as when, for example, Juan Lucas Galisteo confirms that "the most he entertains himself is playing cards all the time". Other witnesses contributed by the defense, as we have already exposed previously, would say that what Bartolomé played was fair games and in hours of "laziness", which, however, does not mean that we could consider him a very assiduous player, a gambler.

Thus we go on to describe the agents who already appear in a more specific criminal situation, trying to identify them with the name they could receive in the language of the *Vilhanesque* world . In file 58 of file 2302 of 1776 on the office of Antonio Caballero, alias Guindas, we are only informed that "the players" were put in jail, among whom was Guindas, but we cannot detail anything else. And in file 12 of file 2326 of 1786, on the prison of José Roldan for "badly entertained in games of naypes, drunkenness and ratteries", only these elements are mentioned. He himself would declare that when he won some "pawn or half" he did not waste it on gambling and drink, but took it to his widowed mother for bread. To survive he also ran errands to some women of the village. This poor man, who was "starving needed" because he had prosecuted him in 1785 (with the alias of Lanuza) by another series of shoplifting .

On the night of September 15, 1787, four individuals were found playing " *jiley* " at the home of Cristóbal de Arévalo. The latter had no choice but to let the justices pass who, when they entered the "upper room" where the gangsters were having fun, saw how the lamp was quickly extinguished and they hid, which was notoriously suspicious. It was never known who put out the lamp, since all would declare that they had not noticed it because of their embarrassment. That night, before this situation occurred, Sebastián Ravasco, a day laborer, and Simón Leal, a baker , had been playing the *flower* , who was halfway in the bet with Vicente de Arévalo, a day laborer. Despite the fact that Leal left the house because the money had been spent, he would be the only one who "asked if said game of the *flower* and others that are of stake by Real Pracáticas de SM said he ignores the context of the question". The others would respond to what we already said before that they did not know anything about papers or businesses and therefore did not know if the " *jiley* " or the *flower* were prohibited, something that on the other hand is strange because precisely due to the illiteracy of the time all order or side was proclaimed. We cannot therefore identify with certainty whether the Loyalist was a gambler, because if so, he would very possibly have continued playing, although it does seem

clear that he had quite a bit of idea of playing cards. Cristóbal de Arévalo, a sick laborer with many small children, would answer exactly the same thing, but everything points to the fact that he would be a true garitero: almost all confessed that Sebastián Ravasco gave him "three reales for varatto reason" for having beaten the *flower*. Simón Leal would answer that he did not give up for having lost; Ravasco himself confirmed it in his statement and Arévalo alleged that he went to his father's house and that "when he returned to his own, he found the said ones already standing, but nevertheless the declarant understood that they had been playing both, but ignored what game, and Ravasco is true, gave the declarer the three reales that are expressed". The other four who were left playing "jiley" obviously did not give him cheap for not having time to play something. Arévalo himself also stated that, as he was rented in that house and having moved "about fifteen days ago", "he has not seen other people enter them other than the ones he has referred to, who have done so once or twice, but declarer has not understood which games they have used". Of those who were playing "jiley", Francisco José Remigio Molero, "a gardener in Isidro Navajas' own garden," declared that "the declarer, in order to have fun for a while, because it was the next holiday, began to play with the sayings Arevalo, Ravasco and Campos". The latter, also a day laborer, would add some nuances: that he was "by chance in them playing cards" and that "since nothing usually goes except that night, he cannot say to whom the varato is paid". The only ones who do not mention if it was their first time playing or if they were playing for fun are Vicente de Arévalo and Sebastián Ravasco, although they do state that they do not know that such games were prohibited (AHPACO, n d).

In another file, on June 3, 1789, the tavern keeper Francisco de Paula Pulido declared that "because the declarant was not at home, the six men began to play" at ten o'clock in the morning, "some of them strangers", which the magistrate put in prison. Pedro Guerrero de Campos, "in practice working with a team of bowls that he has", would confirm that because "they were unemployed, with the consent of Francisco de Paula Pulido, they entered his tavern houses and began to play at *rent and emblazoned* a jar of came". This would be the only one that would allude that due to being all year in the field "he has not come to understand the orders of good government and other orders." Francisco Antonio de Piedra Guerrero, a "public surveyor", excused himself by saying that he entered the tavern "at the request of his friends, and that it was a short thing that was crossed." Juan Antonio Fernández, "beast shearer", added that, although he knew about the prohibition of playing cards during working hours, "it was a coincidence and the first time he had done it." Tomás Beltrán Ortega, worker in the "art of wool", Loja neighbor and resident in Rute, he stated "that, although he knows what he was referring to as he was unemployed and it was a short thing, and at the request of some friends, he began to play, believing he was not committing a crime". The two ordinary ministers, and Juan Pablo Ravasco de Campos Granados, declared almost the same: it was a short thing what was at stake and that "I prayed to it contravened friends". Unlike the previous car, and the later ones, in this

one there does not seem to be an explicit intention of meeting to only play cards; playing would be something situational and spontaneous in the gathering of these friends.

Between two and three in the afternoon of August 6, 1789, "several ranches of men were playing cards, prohibited games, which caused much scandal to all those neighbors, and that they had previously complained to the appearing party of the disorders that were being experienced during nap time [...]" . According to the list of fines and costs on the last page of the document, there were thirteen who were playing cards, but also those who were watching. This is where we can first identify the figure of the voyeur. According to Zabaleta, "men go to gambling houses for three purposes, some to play, others to entertain themselves, and others to give them cheap: the latter are called Mirones" . According to Chamorro Fernández, "those who go to gambling houses to get cheap" . We do not know if those who were watching how they played at *thirty-one* and the *flower* , received some kind of "entertainment" (not alms, according to Zabaleta , also called *cheap*), but they also fled like the rest of the players and were punished, with a lighter penalty than yes. In addition to the players and onlookers, the witness Juan Antonio de Piedra Guerrero was in the square, "in charge of putting together the tales of the meat shops of this town every Thursday afternoon of the meat" , who in fact was the only one whom they did not prosecute or punish. Among those apprehended, some would declare that they were working like the day laborers José Guerrero, who "was amused doing his *senacho* for the same reason he did not try to see anything" , and Alonso del Pino, who was "at that time in said Plaza selling some brooms", or the witness Francisco de Écija who "did not see if some people were playing because all that day he was working with Francisco Castro alias el Rubio in the Huertas of the Vindera Party" . Others, like Vicente de Dios, passed through the square "by chance [...], going to an errand "or like Alonso Muñoz, who as a mason laborer went for some beams of the Church and "saw eight or ten men on the stones of the chapter houses, he went towards them and was only a short while" . Most of these accusations would cross or defend themselves as a last this that said there was only "José Guerrero who stood beside the pillar making a *senacho* " . And all of them state that they have not identified any of the individuals who were there, despite acknowledging that they were sitting there watching play (Antonio Guerrero's case), giving some names, such as the case of Juan Antonio Molina, a day laborer, who "He knew being Juan Peña and Antonio Guerrero playing cards at *thirty-one* " . Justice did not have anything easy to convict them "justly", although it only took into account the accusations that were made between them and not the statements of the accused themselves (an example of this is that last case described by Antonio Guerrero) (Zabaleta, 1983).

We discovered a typical situation of a forbidden gambling den in the early morning of September 29, 1791 at Pablo Valbuena's house, where Juan Antonio de Campos, Pedro de Mangas and Juan Pulido played *cané*, "and the others watching or sleeping." Among those who

claimed to be sleeping, we have the day laborers Antonio Tejero and José Ravasco. We do not know what Luis Cortés Campano would be doing because precisely a fragment of the document in which he declares it is missing. In general, this case is quite strange and mysterious, because, first, no statement is taken from Pablo Valbuena or Juan Antonio de Campos or Pedro de Mangas, possible garitero and players, respectively. We assume that, as stated in the final case, they would be absent (fled?) And only Juan José Pulido, Antonio Tejero, José Ravasco and Luis Campano are fined. And second, justice questioned the inmates little: they did not ask if they had gambled something or if they had paid cheaply (Santos, 2017).

As Juan Bautista Cordón denounced in his lawsuit in February 1794, Isidro Molina and Diego Palomo beat their son eight and a half duros, "that my son himself, influenced by them as a minor, took from the ark where I used to cast money". Those two had fulfilled the function that we could equate to that of the so-called *lockers*, *muñidores*, *hookers* or *huggers*, those whose trade and employment were to attract and deceive *white* or innocent (inexperienced) players to take them to the gambling dens so that, almost always, they would be undone by *blacks*, that is, *teachers*, *crooks* or, in general, most versed players in the world of Vilhán (Estepa, 1994).

According to the witness José San Juan, that Thursday, February 20 "around ten o'clock at night" gathered at the houses of Juan Bautista, his son Juan Bernabé, Diego Palomo, Isidro Molina, "a son of Guilina named Salvador", another son of José Guindas and the declarant. This and Salvador, surnamed Porrás, described what happened almost the same: following the statement of the latter, that when they beat the Cordon a certain amount (thirty reales according to him, and two reales according to José San Juan), they told him that they would not play anymore but the waiter replied:

"Let him hiva for money to see if he could avoid (recover what was lost) [...], he went to a high room that falls to the kitchen, and returned with said money, what Diego Palomo said he told Cordón not It would take him that he did not want to play, since those were known to his father, but nevertheless, due to this conservation, they continued playing the said game of cané, and the witness went to sleep at midnight, and the next day Palomo and Molina had lasted the game until the early morning of the next day" (Estepa, 1994).

José San Juan declared: "and as Molina and Palomo started earning the money, they put it in their pocket, and soon the witness fell asleep".

Two other witnesses provided by the complainant, Pedro Redondo and Juan José de Alva, agreed in their testimony: that weeding in José García's feat on Friday, February 21, there was

also Diego Palomo, and “they brought up the conversation about the card game if some won and others lost”, saying Palomo that “he had won seven dollars the night before, but he did not say to whom, where or what game”. Unfortunately the case is closed without providing more witnesses and without knowing if in the end he will return the money or what happens. Let us remember that according to the eighth provision of the pragmatic Sanction of October 6, 1771, the right of the losers to request the restitution of what they won was confirmed within eight courtesy days, showing that it had been lost in play illicit, which in this case is with the presentation of witnesses. On the other hand, what is most intriguing is that no process was opened or at least made a statement from Molina and Palomo, since it was clear that they had played *cané*, an illegal game as we have already seen.

Where we find a large number of agents is in the bustling barber-house of Domingo de la Luz. In one of the rooms near the kitchen, his wife and son were watching, and possibly serving, the four players gathered there, as well as other witnesses named Rafael de Campos, Antonio Tenllado, alias La Caldera, Antonio Guerrero, Gabriel Sánchez, Francisco Gómez, alias el Nene, and Vicente de Arévalo. Everyone witnessed how Juan de Lanzas, for trying to defend his playmate Juan Cerdón Arrebola, received three stab wounds in the chest by Rafael de Campos, José de Campos's brother, alias Pelaes, who had allegedly slapped Cerdón for having insulted him (.Alamillos Álvarez, 2015).

Juan de Lanzas, a 22-year-old laborer, went to that house at eight thirty in the morning (other witnesses would affirm that they were already playing at seven o'clock) and the four mentioned at the *secansa* began to play “for half a jug of brandy they had spent it”. What happened next is very illustrative to understand why the state insisted on regulating gambling. As we deduce from the multiple statements, Pelaes and Cuadrado lost the game, and wanting to play again to get even, Juan Cerdón replied that if they wanted to play again, they should play well. Antonio Guerrero, for his part, would say that “he uttered dirty words that today get used to playing well like *ginojo*”. Gabriel Sánchez went to look for José de Campos Pelaes, commissioned by his wife, and found him at Domingo de la Luz's house “and giving the message from his wife to José de Campos, the game was over and they began to bicker about the plays and then the witness went out to the store portal and they played again, [...] only afterwards [the declarant] came to understand the common people that Juan de Lanzas had been injured”. One of the players, Miguel Cuadrado declared that “tried to play *secansa* a *cachirulo* brandy [...], and with a view to concluding the José and Juan Cerdón principiaron *tasquera* on whether shoved [...], and therefore either they got up tangled up [...], The witness trying to separate them with the others [...] seeing that they were achieving nothing, the witness withdrew, leaving them in their *briega*” (Ramírez Ruiz, (2007).

Vicente de Arévalo, who, looking for Juan Vicente Repullo for a debt of five reales, arrived when "the uneasiness had already begun", and adds that in between them "the woman on Domingo de la Luz, whom the witness he tried to separate her so that no misfortune should happen to him and, not being able to separate her, the witness went out into the street [...]". In fact, most of the witnesses who were not protagonists of the fray say they have gone out on the street, although they most certainly acted as onlookers.

Other witnesses such as Juan Cordón Arrebola add that Juan de Lanzas was thrown into the street by Domingo's wife and her son, and another, Vicente de Arévalo, that "the witness went out into the street from where he saw Juan de Lanzas who took a stone and tried to enter the same house that was closed in this state, and even though Lanzas knocked on the door, the witness withdrew". One aspect that is not mentioned in any part of the document is that relating to the garitero or gariteros, if we include the wife and son of Domingo de la Luz. Neither he is giving evidence or is convicted of anything, which is very strange, especially if we consider the confession of Gabriel Sanchez aforementioned. Taking into account the determined persecution of the king by the planking houses and brigade and gariteros, it is striking that it is not said at any time where said Domingo was (in the "store"?), And if he was there why not went to put order.

Finally, it is in convictions and punishments where the norm and practice ideally converge, observing the own local peculiarities of the justice of Rute and its neighbors. Carlos III in the pragmatic sanction of October 6, 1771 once again demonstrates his desire to compile the preceding laws and sets the following penalties for those who incur the crime of playing illicitly: for nobles and those dedicated to public offices (civil or military) They were fined 200 ducats, and for the rest of the subjects of inferior condition. Also depending on the social category, these fines were doubled if he owned the house where was played .

In general, the fines imposed by the local justice of Rute were much lower than those established in the king's laws. For example, in June 1789 the justice considered imposing fines on "Pablo Ravasco and other consorts" of 600 maravedís each (17 reales and 22 maravedís) and Francisco de Paula Pulido, the tavern keeper, would be doubled the sum amounting to 1200 maravedís (35 reals with 10 maravedís). Thus it is demonstrated, reproducing the words of Mantecón, that "the escapes [of local judges] to the real justice and the validity of forms of discipline distributed in the social body, some subject to local law and custom [...], others no" (Clissa, 2007) .

It is also ruled in said pragmatics that, in the absence of being able to pay the indicated fines, imprisonment is established for ten days, increasing another ten according to the number of times they had been convicted, while in case of being the owner, he was punished with the

double time. We return to the document of 1789 to warn that in this case the monarch's law is correctly imposed: "and in the absence of payment in twenty days in jail to the first, and ten to each of the seconds, warning everyone not to incur again in such an excess because otherwise [they would be] more severely punished (...)". In this case, everyone paid the fines ordered except for the ordinary minister Juan de Campos Granados, whose reaction is tremendously shocking: he limited himself to paying 8 reals of fleece (3.22 silver reals) "with attention to not having satisfied [...] the fine that is imposed on these cars because living in the same jail does not bother him the prison of ten days " .

Cristóbal de Arévalo himself, for being a garitero, was sentenced in 1787 to "twenty days in prisons prevented by said Royal Pragmatic [...]", while the rest of the prisoners were fined 600 reales, which for "being notoriously poor day laborers and without any money ", and when they found that they did not even have property to seize, they were punished with ten days in jail. In this case we see how effectively they are fined in strict compliance with the pragmatics, with a little more than 50 ducats, and double in the case of Cristóbal when he considers himself the garitero.

The process about what happened in the public square of Rute on the afternoon of August 6, 1789 reflects another reality when it comes to imposing punishments on card games. In total there are 13 prosecuted and punished that we could divide them into two groups: players and onlookers. Let us remember that already in the Cortes of 1480 it was established to punish those who received commission from the players, such as gariteros and voyeurs, something that does not appear specifically in the pragmatics of 1771 but which we suppose would be taken into account. With respect to those who played *thirty-one* dry to and *genset* and *flower* , it is condemned to a fine 4 ducats, while the onlookers ("seeing play and juyeron") must pay 2 ducats, except Manuel Sanchez and Andres de la Cruz "the son of Isidore" whose fine was one dukedom. This shows us that possibly, due to the great confusion of participants, whose statements were either defended or contradicted by others, they establish said fines based on whether they seemed to have had more evidence to the contrary, since in the case of the last two they confessed that they passed by chance and saw playing certain individuals, while Andres de la Cruz will recognize a couple of witnesses (Clissa, 2007).

Regarding the regulation of games, there is another aspect mentioned in the different royal laws and, specifically, in that of Carlos III: recidivism. In this circumstance, the fine was double the one previously established and, in the case of the third time, in addition to said fine, he was banished from the place of residence for one year, two being two if he was the owner of the gambling den. The monarch had to decide the punishment, if it was recidivism for the third time, for individuals of his "Royal service" or nobles. In the file about playing *cané* at Pablo

Valbuena's house in 1791 (garitero who is not convicted perhaps for being absent), Juan José Pulido, Antonio Tejero, José Ravasco and Luis Campano are sentenced to the payment of 3 ducats , in addition to the costs, and “they are advised that whenever they are apprehended again in gambling houses, they will be sentenced to six years in prison, for violating the Royal Pragmatic of SM, serving them this cause of charge for their reinsidence”. Neither in the imposition of the fine nor with respect to recidivism, Rute's justice complies adequately with the provisions of said pragmatics. We once again observe a margin of tolerance, possibly due to the low social status of the criminals, since they knew perfectly well that such high sums could not be paid and would have to be imprisoned, without obtaining any benefit to be distributed (Sánchez-Herrador, 2017).

We could also include in this situation the case of José Roldan, prosecuted for a vagrant poorly entertained in card games and drunkenness. This subject had already been tried once and was imprisoned from April 1 to September 27, 1785; "It was released freely without any more pain than to anticipate it from now on". On September 19, 1786, it is ordered that, in consideration of being poor and assisting his widowed mother, he be released from prison with the warning that “once he is found without work, knowing that he will be given the fate that, as such a vague one, is imposed by the laws ” , having spent ten days in prison sufficed as punishment.

In 1776, a sentence was handed down to the brothers Juan Antonio and Bartolomé de Campos despite the defense of some witnesses against the accusations of other neighbors about the bad life they were leading: the mayor Francisco de Almoguera condemns them to “serve their Majesty [...] For a period of four years in one of the African Prisons that do not break the penalty of serving them doubled and do not condemn them in costs for not having come [...]”. However, according to a real provision, this penalty is raised to six years. Thus the punishment is much tougher perhaps due to the accumulation of crimes: possession of weapons, shooting with justice, for playing cards and not applying to work, stealing certain fruits and starring in other scandals in the town (Di Gresia, 2017).

Regarding the other files not cited, we do not know the convictions or punishments to which they were subjected, being the cases of the 1776 request for dispatch to Antonio Caballero Guindas , and the previous information of the complaint at the request of Juan Bautista Cordon in 1794 (it only ends with the fact that he had to provide more witnesses).

C. CONCLUSION

At this point, we can establish a series of conclusions drawn from this in-depth investigation. In the first place, the rule established that playing cards was allowed because it did not depend

exclusively on chance, but also on the skill and knowledge of the players, and what was prohibited was to bet amounts above the legally allowed limit at any given time. . Thus, offenders, in their attempt to minimize punishments, claimed to have played little (money or consumer goods). But the reality was that you should never bet anything no matter how insignificant the amount was. In the judicial documentation studied there are games of Playing cards specifically prohibited for relying solely on chance, although any game was also penalized whether a considerable amount or half a jug of wine or brandy was wagered.

An obvious conclusion is that, despite being regulated and condemned by the State and moralists, gambling, from which great evils and damage to order in the lower strata of society could derive, managed to survive solidly today. peoples day. Of course, constant transgression, dictated largely by custom, undoubtedly had the ever-dynamic tolerance of local power. In other words, the rules were applied at the discretion of the local justice and power, as we have seen in the documents examined. It is evident that they would act depending on the vicissitudes of the moment, on the relationships between members of the courts and the players, and a long list of factors that escape the historian. This could explain the absence of statements or apprehensions of certain individuals who they seemed to be quite involved in the crime in question, the uneven imposition of penalties or even the greater or lesser length of the document and amount of details. What is clear is that everyone played cards, from simple laborers to ordinary ministers, taking advantage of the margins left by the law and the practice of justice. All agents, active or passive, were subject to negotiation, tension or relaxation of their attitudes and behaviors according to parameters dictated either by custom or by law or by pure logic, such as when imposing heavy fines to needy laborers.

Finally, the fact of the growth in the number of files based on the laws of Carlos III seems to indicate that it was due to the greater intensity of action of the local justice by the possible demand of the higher powers, and not to a tendency of the Ruteños to play more in that period.

REFERENCES

1. Abad, M. P. (2011). *El delito de juegos prohibidos: análisis histórico-jurídico*. Librería-Editorial Dykinson.
2. Alamillos Álvarez, R. (2015). Hechicería y brujería en Andalucía en la Edad Moderna. Discursos y prácticas en torno a la superstición en el siglo XVIII.
3. Ansón Calvo, M. D. C. (1977). Tarazona y su partido en la época de la ilustración.
4. Aranda Arribas, V. (2019). LOPE HUERTA, Arsenio (Madrid, 2015). El juego en tiempos del Quijote.
5. Archivo Histórico Provincial de Córdoba (en adelante AHPCO), Justicia Local de Rute, legajo 2326, expediente 24, folio 9.
6. Builes Cesteros, R. (2017). La Hispania romana, en la programación de geografía e historia de 1º de la ESO.

7. Clissa, K. (2007). Lenguaje e identidad social en la Córdoba colonial. *Anuario del Centro de Estudios Históricos Profesor Carlos SA Segreti*, (7), 391-410.
8. De Vega, L. (2018). *El acero de Madrid*. Ediciones Cátedra.
9. Dedieu, J. P. (2002). La vara quebrada de la justicia. Un estudio histórico sobre la delincuencia madrileña entre los siglos XVI y XVIII.
10. Di Gresia, L. A. (2007). Conflictos y armonías en el sur bonaerense. Conflictividad, penalidad y extrajudicialidad desde la Justicia de Paz (Tres Arroyos, 1865-1902). *Anuario del Centro de Estudios Históricos" Prof. Carlos SA Segreti"*, 7(7), 41-74.
11. Elorza, R. M. E. (2008). Una expresión restringida que indica grado sumo:" a carta cabal.(Un hombre de bien/honrado a carta cabal)". In *Nomen exempli et exemplum vitae: studia in honorem sapientissimi Iohannis Didaci Atauriensis* (pp. 91-100).
12. Española, R. A., & Madrid, E. (1970). *Diccionario de la lengua española* (Vol. 19). Espasa-Calpe.
13. Estepa, L. (1994). *Teatro breve y de carnaval en el Madrid de los siglos XVII y XVIII: estudios sobre los géneros dramáticos del baile y la folla* (Vol. 7). Comunidad de Madrid. Consejería de Educación y Cultura. Centro de Estudios y Actividades Culturales.
14. Esterberg, K. (2002). *Qualitative methods in social research*. Boston; McGraw Hill.
15. Étienvre, J. P. (1990). *Márgenes literarios del juego: una poética del naipe siglos XVI-XVIII* (Vol. 142). Tamesis.
16. Fernández, B. G. (1866). *Examen histórico del derecho penal*. Sanchez.
17. Fernández, M. I. C. (2005). *Léxico del naipe del Siglo de Oro*. Trea.
18. Mera Costas, P. (2016). *Monárquico, republicano, liberal: biografía política de Manuel Portela Valladares* (Doctoral dissertation, Universidad Complutense de Madrid).
19. Moleong, L. J. (2017). *Qualitative Research Methodology*. Bandung: Youth Rosdakarya.
20. Palacio, Y. A. (2005). Régimen patrimonial del matrimonio desde Roma hasta la Novísima Recopilación. *Revista de Derecho*, (24), 2-31.
21. Ramírez Ruiz, R. (2007). Violencia popular y autoridad pública en la Córdoba del primer tercio del siglo XX.
22. Ruiz Ortiz, M. (2012). Pecados, conflictos y otras transgresiones de la conciencia: prácticas discursivas y vida cotidiana en la Andalucía moderna.
23. Sánchez-Herrador, M. Á. (2017). Taller de historia "La mujer tutelada" del Archivo Histórico Provincial de Córdoba: la dimensión educativa y social del archivo. *Revista Tria*, 21, 139-173.
24. Santos, F. (2017). *Día y noche de Madrid*. Ediciones Cátedra.
25. Silvestri, L. (1999). Experiencia y enciclopedia: figuras de una contamination. *Jorge Luis Borges: Pensamiento v saber en el siglo XX*. Ed. Alfonso de Toro, Fernando de Toro. Madrid: Iberoamericana, 105-117.
26. Thomson, J. K. J. (1999). Conflictividad y Disciplinamiento Social en la Cantabria Rural del Antiguo Regimen. *The English Historical Review*, 114(455), 203-204.
27. Zabaleta, J. D. (1983). El día de fiesta por la mañana y por la tarde. Ed. *Cristóbal Cuevas García*. Madrid: Castalia.