“MONSTROUS AND ILLEGAL PROCEEDINGS”: LAW, SOVEREIGNTY AND REVOLUTION IN THE RÍO DE LA PLATA BORDERLANDS, 1810-1880

Volume One

Joseph P. Younger

A DISSERTATION
PRESENTED TO THE FACULTY
OF PRINCETON UNIVERSITY
IN CANDIDACY FOR THE DEGREE
OF DOCTOR OF PHILOSOPHY

RECOMMENDED FOR ACCEPTANCE
BY THE DEPARTMENT OF
HISTORY

Adviser: Jeremy I. Adelman

November 2011
ABSTRACT

This dissertation explores the history of the Río de la Plata borderlands over the course of the 19th century as the region underwent a violent transformation from imperial periphery to part of a regional, export-oriented state system. It focuses on the contested grounds in the eastern half of the Río de la Plata drainage along the Uruguay River. It begins by examining the region’s dissent into revolutionary violence at the beginning of the 19th century. The collapse of imperial authority on the Iberian Peninsula tore apart the foundations of the old colonial order in the borderlands. Sovereign frictions then combined with revolutionary state projects in the periphery to preclude new national structures from emerging.

While acknowledging these violent conflicts, this dissertation is fundamentally a story about the law. It explores the institutional and legal structures that peripheral inhabitants developed in order to survive in their violent world. This dissertation argues that the region’s residents developed a set of legal practices – borderlands legalities – that were uniquely suited to the conditions they encountered in their contested ground. These practices drew upon elements of local autonomy that had arisen in the initial revolutionary upheavals against the Spanish empire. They also tapped into traditional concepts like vecindad to express notions of personal standing in the community. Traders and landowners used these local building blocks to develop dense webs of connections that sustained commerce along the region’s rivertine trading arteries.

This dissertation argues that these alternative legalities proved surprisingly durable. With their political and economic relationships rooted in systems premised on cross-border trade and local legal practices, borderlands inhabitants jealously guarded their autonomy from the efforts of elites in putative national capitals to erect boundaries and police their
world. It was only in the final third of the 19th century that governments in the region
developed sufficient strength to compel allegiance from their peripheries. Even then,
borderlands courts remained critical sites where prickly questions regarding the nation and
its peripheries were negotiated. By using the courts, the inhabitants of national peripheries
retained their power to define their personal allegiances and political associations.
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abstract</td>
<td>iii</td>
</tr>
<tr>
<td>Acknowledgments</td>
<td>vii</td>
</tr>
<tr>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td>1 Into the Vortex</td>
<td>24</td>
</tr>
<tr>
<td>2 The (Re)emergence of Borderlands Legalities</td>
<td>61</td>
</tr>
<tr>
<td>3 Sovereign Conflicts</td>
<td>119</td>
</tr>
<tr>
<td>4 Borderlands Legal Politics and Renewed Factional Divisions</td>
<td>146</td>
</tr>
<tr>
<td>5 Political Power and Property Rights</td>
<td>201</td>
</tr>
<tr>
<td>6 Slaves and the Legal Politics of Citizenship</td>
<td>258</td>
</tr>
<tr>
<td>7 Conflicts and Compromises</td>
<td>296</td>
</tr>
<tr>
<td>8 Negotiating Nations</td>
<td>331</td>
</tr>
<tr>
<td>Conclusion</td>
<td>365</td>
</tr>
<tr>
<td>Bibliography</td>
<td>371</td>
</tr>
</tbody>
</table>
As campinas andavam infestadas de aventureiros, fugitivos do Presídio e da Colônia do Sacramento, homens sem lei e sem pátria, homens às vezes sem nome.

The countryside was infested with adventurers, fugitives of Presídio and Colônia do Sacramento, men without law and without a country, men at times without names.

**Erich Verissimo, O tempo e o vento**
ACKNOWLEDGEMENTS

Like the wandering gauchos (or gaúchos) of Erico Verissimo’s sweeping epoch of Rio Grande do Sul, I began this project in a wilderness. My goal was to enter a world that appeared lawless and find the laws of these men without countries or even at times names. Before I could hope to accomplish this task, however, I had to find my own way through the borderlands. To do so, I journeyed to a dozen archives in a half-dozen cities in three countries. In the process, I have accumulated a great many debts to those kind enough to guide my way intellectually, materially and emotionally along this winding road. This dissertation is the result of the many hands that have been selflessly extended to pick me up when I was down and to return me to the path when I feared this venture lost.

To begin my mapping of the borderlands, I relied on a number of sources of support at Princeton University. The Program in Latin American Studies and the Princeton Institute for International and Regional Studies provided travel grants for an initial research trip to the archives in Montevideo. Friends and colleagues also contributed invaluable support in formulating the project. My adviser Jeremy Adelman offered patient guidance and a calm hand throughout the many moments when I felt lost and overwhelmed. Hendrik Hartog kept me focused on the law and the invaluable insights of legal historiography. Lauren Benton offered valuable comments on my prospectus, as well as guidance in the Uruguayan archives that served to orient me throughout this project. Friends like Jamie Kreiner, Jessica Lowe, Anne Twitty, Chris Shannon, Chris Moses, Benjamin Schmidt, Dael Norwood and Alex Bick offered me sound advice and probing questions throughout. Through these consultations, workshops and meetings, the contours of this project began to first emerge in my mind.
To tell this story – to fully map the borderlands – required a lengthy research trip. Such trips demand money, but also faith in the traveler. The Brazilian Studies Association provided funding for a summer of research in the archives in Porto Alegre. Research in Argentina and Uruguay was made possible by a grant from the Fulbright Hays Doctoral Research Program. This project would have been impossible without this assistance. I hope the results provide some repayment.

My journey to South America brought both clarity and befuddlement. When I became lost in the mazes of the archives, numerous friends, both old and new, appeared to guide me. Regina Xavier threw open the doors at the Universidade Federal do Rio Grande do Sul for me. Arthur Avila did the same on two occasions, as well as provided me with an early outlet for my research in the university’s online journal. Mariana Thompson Flores, Fabricio Prado, Luís Farinatti, Graciela Garcia and Marcia Volkmer all offered insights into my initial findings when I desperately needed it and put up with my Spanish-tinged Portuguese. Alex Borucki and Ana Frega proved invaluable and extremely patient guides to the archives in Uruguay. In Buenos Aires, Jennifer Adair and Federico Sor helped me to navigate the dangerous shoals of the national archives. Laura Morena offered assistance with a number of logistical issues, finding me places to stay in Buenos Aires and again in Corrientes. Sujay Rao proffered useful insights and sound advice in Corrientes, as well.

Throughout my journey, the staff and librarians of various archives imparted daily assistance in completing my research. I am forever grateful for their professionalism as they worked to recover documents that in many cases had fallen victim to destructive neglect. I am particularly thankful to the archivists in Paraná, Entre Ríos, who opened the doors to the archive to me when the A,H flu had officially closed all government buildings for a month. This, and numerous other small acts, made this project possible.
Upon returning to the United States to sort out this research, the Institute for Historical Studies at the University of Texas at Austin, provided me with support and a place to orient myself. Julie Hardwick, Jorge Cañizares-Esguerra and Courtney Meador all opened doors for me. The staff at the Benson Library and the Tarlton Law Library also offered tireless assistance over the course of two years of writing. A generous grant from the Whiting Foundation provided me with financial support during my final year of writing this manuscript. I also had the opportunity to present portions of this dissertation at the American Historical Association, the Law and Society Association and student conferences at both Princeton and Columbia University. Several persons also offered assistance completing this dissertation. Brad Wolaver used his technical skill to produce a nice map. Clyde P. Younger read a draft version of this dissertation cover to cover, providing useful comments throughout. Mary Ruth Younger gave patience, understanding and love when I needed it. Bella and Lady Bird sat at my feet throughout years of research and writing. I promise them both a good scratch and ball toss.

The greatest thanks, however, has to go to the person closest to this project. Joanna Wolaver has been with me all along. She journeyed with me through the borderlands, from Porto Alegre to Corrientes and back again. She gave me comfort and a smile when I seemed lost and tired. She has lived with this project as much, if not more, than I have. Her friendship and love remains always the rock upon which I stand. This dissertation is dedicated to you, mi amor y compañera.
MAP 1 - THE RÍO DE LA PLATA BASIN
INTRODUCTION

In early 1828, a French merchant named Juan Manuel Ferrer appeared before the courts in Montevideo requesting that the assets of his partner, Pedro Francisco Berro, be seized. Around the tribunal, war raged over the fate of the Banda Oriental, roughly the present-day nation of Uruguay. The Banda was a former Spanish frontier province and at that moment part of the Brazilian empire. When Ferrer brought his case, however, Brazilian control did not extend beyond Montevideo’s walls. Outside of the capital, Uruguayan rebels and their allies from the Argentine Confederation held control over most of the countryside. With them was Pedro Berro. Upon learning that Ferrer intended to seize two properties located on the other side of the front, Berro drafted a letter to the court claiming that Ferrer, “a foreigner,” who had “only by chance found himself under the guarantees of the Imperial Government,” was seeking to force him to “appear before authorities that do not pertain to me.” Ferrer responded that “regardless of the state of war between the empire and the Argentine Republic, I would have submitted my claim before this same tribunal and issued summons to the Justices of said Republic so that they would compel the appearance of Argentine Citizen Don Pedro Francisco Berro” in Montevideo. Ferrer further contended that the war made filing the case in Montevideo even more appropriate. He argued that because of the siege, it was as if Berro had “become a vassal of the Great Sultan and had established his domicile in Constantinople.” It would be foolish to require him to chase “the goods that the new Muslim vassal [Berro]” had left behind in Montevideo throughout the rebellious countryside. Ferrer could only hope to

1 D. Juan Manuel Ferrer c. D. Pedro Francisco Berro, AGN-SJ. Montevideo. Civil: 1º Turno, F-6 (1828), 28-28bis. For a full list of the archives consulted and the abbreviations used for them throughout the footnotes in this dissertation, please see the bibliography.
obtain justice within the confines of the city and the remaining limits of imperial jurisdiction.

The accusations that Ferrer and Berro traded suggest the variety of challenges that the massive violence spawned by two decades of revolutionary upheavals posed for the Río de la Plata’s inhabitants. Notions of national identity, political boundaries and private law rights became inextricably intertwined with the ebb and flow of repeated military campaigns. These conflicts appeared especially acute outside of the small port-cities of Montevideo and Buenos Aires. Ferrer’s sarcastic analogy between the countryside beyond the city’s walls and distant caliphates typified the deep divisions between coastal capitals and their hinterlands. For Ferrer and others in these outposts, divisions between city and country corresponded neatly with boundaries between law and lawlessness. The besieged merchants and politicians that gazed out into the borderlands from behind the ramparts felt certain that what little notion of law remained in the embattled region surely ended at the gates of their small trading communities scattered along the Río de la Plata’s coasts.

But how did the inhabitants of Río de la Plata’s vast rivertine networks and grasslands beyond these ports view their situation? How did they grapple with the crisis of order spawned by revolutionary violence? What solutions did they arrive at to resolve seemingly intractable conflicts over sovereignty? For Ferrer and many contemporary intellectuals, the answer was to descend into anarchy. The Argentine author Domingo Sarmiento powerfully encapsulated this view in his famous duality of “civilization” and “barbarism.” For Sarmiento, the periphery was a spawning ground for despotic rulers like

---

2 Ibid., 31-31bis.
Juan Manuel de Rosas and Facundo Quiroga, Rosas’ fearsome and ultimately tragic lieutenant. In this telling, law only arrived in the periphery when national cores could draw upon the wealth produced from a thriving export economy based on agrarian staples to impose order.

Yet, what does the story of the Río de la Plata’s path from colonial outpost to export-oriented agricultural dynamo look like if we reverse our gaze and look through Berro’s eyes? This dissertation answers this question by examining the Río de la Plata’s contested borderlands over the course of the 19th century. It explicitly seeks to place what traditionally has been at the edge of accounts of the formation of national identities and institutions center stage. It focuses on a region where strands of state authority had badly frayed, simultaneously corroded by local rebellions against distant and seemingly illegitimate authorities as well as from rival sovereigns seeking to incorporate the possessions of their weakened rivals. At the same time, however, it looks at how peripheral inhabitants exploited sovereign rivalry and weakness to forge commercial relationships loosely stitching the borderlands together. This dissertation describes how in the process of responding to and shaping the twin realities of political disillusion and commercial integration, peripheral inhabitants like Berro defined the Río de la Plata’s transformation into a regional state system over a century of conflict.

This dissertation is also a story about law. It asks what solutions to the problems of law, order, the state and their boundaries have radial state-formation stories in Río de la Plata missed. It describes the institutional and legal structures that peripheral inhabitants in the region’s contested borderlands developed in order to cope with the challenge of order. This is not to deny the violent nature of their world. In fact, it is an attempt to put the struggles in a region where “no one [had] an enduring monopoly on violence” at the heart of the story
in order to understand the social products spawned by sovereign frictions. This dissertation argues that the violent fraying of the colonial order and the vacuum of authority left in the wake of revolutions paved the way for the peripheral legal and political order that emerged. As control over the Río de la Plata’s borderlands rapidly shifted from one power to another, peripheral inhabitants developed flexible institutions to maneuver and even prosper. The most salient feature of this alternative order in fact was that it developed in the absence of and in at least partial opposition to state-centered law. Instead, it drew upon shared conceptions of local autonomy and justice, blending them with cross-border relationships rooted in patronage and factional connections to provide the juridical underpinnings for a system uniquely suited to the demands of the region’s contested ground. Like the borderlands, it was a system that could operate between states as much as within them.

While this dissertation conceptualizes violence as the progenitor of alternative legalities, it also sees the existence of alternative legalities as the trigger for renewed violence. As state cores recovered from revolutionary chaos and began to extend their authority and institutions out into the borderlands, they encountered vigorous defenders of rival, peripheral legal relationships premised on the absence of centralized power and laws. In resisting state control, borderlands inhabitants also exploited rival state projects, using the tensions between each to preserve legal relationships that sustained their power and place in peripheral societies. Ultimately, would-be state framers had to contort centralized models in order to reconcile peripheral legalities with national authority, ensuring that traces of these former practices and relationships found their way into seemingly consolidated state structures.

---

By moving between stories of law and violence in this way, this dissertation weaves together histories of an extremely contested space with narratives of an underlying order. By doing so, this dissertation can reframe the long-term reordering of the Río de la Plata into a state system as a dynamic and dialectic process in which regional peripheries played a critical role. It argues that the borderlands’ experience of seemingly intractable conflict and the legal structures and practices it developed profoundly shaped each other. They equally influenced the eventual contours of the region’s states that slowly arose to govern them. It is a story that is revealed only from the periphery inwards. It can be told only by giving equal weight to the Río de la Plata borderlands’ geographies and the borderlands legalities the region’s inhabitants fashioned for themselves there.

**Borderlands Geographies**

Rivers have always defined the Río de la Plata basin. The region’s river system drains a vast portion of the South American continent that stretches from the Bolivian highlands across the swamps of the Pantanal to the coastal mountains of southeastern Brazil. The Paraná and Paraguay rivers occupy the western half of the Río de la Plata basin, joining together near the city of Corrientes. Stretching more than a mile across at various points, these rivers open the center of the continent to navigation by ocean-going vessels for hundreds of miles. To the east and closer to the heart of this dissertation’s story, the Uruguay River drains a much smaller, but still significant portion of Brazil’s Atlantic highlands. More rocky and shallow than the lower Paraná, the Uruguay also possessed several significant fall barriers. These rocky shoals, situated between the towns of Itaqui and São Borja in Brazil, and above the town of Salto in Uruguay, necessitated extensive portages except during the high waters of the rainy season. The two rivers converge into the Río de la Plata estuary, the largest in the world. The muddy freshwater outflows from this massive
system frequently extend out into the blue waters of the Atlantic Ocean for hundreds of miles.

Plains and rolling grasslands link the majority of this river system together. Particularly along the Uruguay as it winds north and gradually east to São Borja, numerous dry washes — or arroyos — break up the gently undulating landscape. The region possessed little mineral wealth. But what the well-watered plains did have were ideal soils for pasturing animals. Following their initial introduction by the first European settlers, wild cattle and horse herds rapidly spread across the grasslands. The vast emptiness of the pasturelands until well into 18th century further facilitated the spread of feral cattle. Only small groups of Indians occupied the plains for hundreds of miles between the Río de la Plata estuary and the distant Atlantic highlands along the southern fringes of Portuguese Brazil. On the eastern banks of the Uruguay, sparse groups of nomadic Charruan and Minuan Indians, numbering only in the hundreds, were scattered over a vast territory roughly the size of the U.S. state of Washington. A larger population of Indians resided in what is today the Argentine Littoral, but their numbers remained miniscule in comparison to the vast civilizations in the Andean and Mexican highlands or even indigenous settlements in the eastern half of North America.5

Only the Guaraní to the north had developed large, sedentary societies that captured European attention. The few Europeans to settle in the region gravitated towards these Guaraní settlements in Paraguay. There, they created a rudimentary economy based on the expropriation of indigenous agricultural surpluses and the harvest of yerba mate, a bitter tea, for export. Towards the end of the 16th century, the Jesuit Order likewise established itself

in the continental interior. They developed a chain of missions across Paraguay into modern-day Rio Grande do Sul, Brazil, where they missioned to tens of thousands of Guarani. The missions became the focal points of the early colonial economy and served as the bulwark of the Spanish empire on its southern peripheries.

The bulk of this dissertation’s story occurs in the eastern half of the Río de la Plata’s drainage south of the Jesuit territories in Paraguay. Framed by the Uruguay River to the west and the Atlantic Ocean to the east, these lands were zones of particularly sharp conflict between the Portuguese and Spanish empires. From the earliest moments of European contact in the region, the history of the Río de la Plata’s eastern rivers and plains surrounding the Uruguay evolved in the long shadow of the Treaty of Tordesillas. Fashioned in Rome at the very dawn of the Atlantic empires in 1494, the treaty purported to define the limits between the Spanish and Portuguese empires in the western hemisphere. In reality, the treaty codified European ignorance of South America’s geography. The first Europeans would not arrive in the Río de la Plata until fourteen years after its putative division. Not surprisingly, the Iberian powers could not reach any definitive agreement as to where their imperial boundaries lay. The treaty became more of a statement of imperial destinies than a practical delineation of their respective spatial spheres. In the Río de la Plata borderlands, the extended struggle to push Portuguese boundaries to their “natural” limit at the Uruguay’s mouth reflected the legacies of these initial, nebulous attempts to define Brazil’s southern peripheries. These incursions, and Spanish resistance to them, were the salient feature of the region’s colonial history.6

As the Iberian colonies in South America entered their final decades, the eastern Río de la Plata borderlands remained a contested region between empires. It also represented a space where its residents could use those conflicts to secure limited room for maneuvering in the face of elite commercial incursions, and where peripheral military officials balanced conciliation and coercion to sustain their tenuous authority. In short, the experience of escalating imperial frictions occurring in the Río de la Plata until the outset of the 19th century and the practices of the indigenous and subaltern groups taking advantage of them echo many of the themes in the historiography focusing on borderlands regions throughout the Americas and beyond. Groundbreaking studies by Richard White in the Great Lakes region and David Weber in the southern and southwestern territories of the United States have explored the conflicts and compromises that imperial weakness made possible in the zones of friction between them. These stories of the “middle ground” reframed the borderlands as places where the inability of one group to project definitive power produced a great deal of space for creative negotiations between diverse groups. Borderlands, including the Río de la Plata, began to be thought of as “zones of historical interaction” that fostered a host of complex social relationships, pacts and accommodations instead of lawless spaces beyond imperial control.

The observations of this earlier borderlands scholarship have also led to increased attention to the geographies in which these convergences occurred. The work of Stephen Aron in particular has focused on the role of rivers in his “American confluence” to capture

---


the fluid character of borderlands relationships and the importance of interactions along these corridors in defining them. At its most powerful, careful attention to the way peripheral geographies shape social relationships have led to a rethinking of the connections between imperial sovereignty and space altogether. Scholars like Lauren Benton have noted that sovereignty within empires is often “geographically uneven,” operating as “complex puzzles of positive and negative space.”

For all of their careful attention to space and social relations, however, borderlands scholarship and its heirs have struggled to address the radical 19th century transformations from empires to nation-states. The Río de la Plata, like other American borderlands, experienced a dramatic and violent transition from imperial outpost to putative national territory in the first decades of the 19th century. Throughout the Americas, the Atlantic Revolutions and Napoleonic Wars laid waste to the colonial pacts that held trans-Atlantic empires together. Within the Spanish zone of the Río de la Plata, the disintegration of imperial authority severed trading networks linking Buenos Aires to Andean mining centers. Devoid of revenue, the old viceregal capital could no longer sustain the colonial relationships upon which it relied to control the borderlands. The Spanish territories in the Río de la Plata splintered into multiple and warring provinces. While Brazil retained its territorial integrity throughout these revolutionary upheavals, it lacked the resources to exploit Spanish

---


weakness and consolidate its own hold over the borderlands. By the 1820s, no nation could lay definitive claim to the Río de la Plata’s contested grounds.\textsuperscript{11}

Unfortunately, as the colonial systems in the Río de la Plata and elsewhere collapsed, the nuanced narratives of borderlands accommodations and interactions have tended to disappear with them. Complex, layered sovereignties and spaces are followed, somewhat seamlessly, by either the absolute sovereignties of nation-states or absolute forms of violence.\textsuperscript{12} The Río de la Plata borderlands appear swept along in the tide, with little voice in the transition beyond resistance to the weak national projects attempting to fill in for collapsed empires.

This dissertation argues, however, that the cultural accommodations, geographic ambiguities and legal complexities that the scholarship on borderlands and imperial sovereignties has described did not disappear into the revolutionary vortex. Rather, they intensified throughout the 19\textsuperscript{th} century as borderlands inhabitants actively maneuvered between competing national projects to maintain their own autonomy from any one centralized authority. Borderlands residents proved adept at moving between rival systems. They crossed borders along chains of commercial and political connections to escape military conflicts and pursue economic opportunities. In the process, peripheral inhabitants profoundly shaped how the transformation from empire to nation-state would occur in the region. They did so at least in part on their own terms and through their own institutions.


\textsuperscript{12} Stephen Aron and Jeremy Adelman, "From Borderlands to Borders: Empires, Nation-States, and the Peoples in between in North American History," \textit{American Historical Review} 104, no. 3 (1999). Adelman and Aron argued that the 19\textsuperscript{th} century transition from rival empires to nation-states throughout the Americas produced a fundamental shift in economic, cultural, and social relationships on their peripheries. The most salient feature of this transformation was the hardening of borders.
and geographic conceptions. Extending observations about layers of imperial sovereignty and complex geographies of authority well into the 19th century, therefore, provides a powerful way to map these transformations and restore peripheral voices and perspectives. It also serves to historicize the sometimes static or distant character of borderlands narratives by demonstrating how these liminal spaces survived and changed over time.

**Borderlands Legalities**

This dissertation argues that the law provides an important and formerly overlooked vehicle to assess these dramatic transformations in the Río de la Plata borderlands over the course of the 19th century. For a region divided by multiple sovereigns and beset by factional violence, it initially seems surprising to even speak of law at all. The Río de la Plata experienced nearly incessant warfare in the period between 1810 and 1870. Yet this dissertation shows that alongside these military struggles, the law and legal practices were incredibly important to borderlands residents. Litigants and their allies doggedly fought, sometimes for decades, over legal questions. They spent resources to secure written evidence and witnesses from far-flung locations throughout the borderlands. Moreover, even in towns experiencing protracted factional and international military conflicts, local attorneys represented important figures in the political universe. They served as key lieutenants in struggles over access to justice and the definition of legal rights. There may not have been clearly defined states, but there was clearly law in the borderlands – and it mattered deeply to the people there.

By placing law at the center of the borderlands story, this dissertation also addresses a broad and persistent narrative in the historiography of the Río de la Plata that has described the borderlands as a lawless region defined solely through its opposition to outside control. The origins of this interpretation lay with Sarmiento and other national political
figures in the mid-19th century such as Bartolomé Mitre. Writing from the perspective of national centers, these men saw the borderlands as strictly delaying the creation of the nation-state. They understood themselves as not only providing order, but also acting as a check on the “savage democracy” that had produced tyrants like Rosas. In this story, the borderlands are regions to be tamed in the service of national destinies. While obviously offering a more nuanced version of this relationship between the periphery and national cores, Tulio Halperín Donghi provides perhaps the best contemporary expression of this view. In his telling, provincial federalism in the contested interior stood as a powerful roadblock to the consolidation of national institutions and structures.

This is not to suggest that the historiography of the Río de la Plata’s tumultuous 19th century has failed to move beyond the nationalist projects at the heart of traditional liberal dichotomies of law and lawlessness. The work of José Carlos Chiaramonte in particular has reframed peripheral resistance in terms of an intense constitutional struggle between Buenos Aires and its rivertine hinterlands over the distribution of economic and political power. Other scholars have also substantially reinterpreted the initial turbulent decades following independence, finding a great deal more order than previously supposed. By way of example, Noemí Goldman has argued that even Juan Facundo Quiroga, Sarmiento’s archetype for lawless “barbarism,” derived much of his legitimacy from the operation of

---

local legal norms and practices in his home province of La Rioja. Similarly, Ana Frega has explored the shared notions of popular sovereignty and local autonomy underpinning the political programs of caudillos like José Artigas in Uruguay. Scholars have also looked closely at the federalist political ideologies forged during and after the Rosas years. For example, careful studies by Ricardo Salvatore in Buenos Aires and Ariel de la Fuente in La Rioja have shown that federalist ideologies grew out of the lived-experiences of oppression, political violence and economic conflicts. What has emerged through these detailed studies is a more complex picture of the Río de la Plata’s interior as it evolved from viceroyalty to regional state system. These narratives incorporate alternative strands of constitutionalism, economic interests and social experiences.

Brazilian historiography has traditionally approached the 19th century from a sharply different perspective than the scholarship on the former Spanish colonies. In lieu of violent ruptures and lawlessness, the dominant theme of imperial literature has been persistence. Much like the scholarship on the former Spanish territories within the Río de la Plata, however, Brazilian historiography focusing on the 19th century has increasingly found

complex legal and political relationships percolating below broad structures of imperial continuity. Rather than taking the consolidation of an elite landowning class for granted, these accounts have focused on the process through which these groups articulated their power within the contours of an evolving Brazilian society. For example, Richard Graham’s groundbreaking study demonstrated how patronage relationships formed the connective tissue with which the empire exercised control over its vast territories, working through local elites to ensure social order.\textsuperscript{21} In a similar vein, Thomas Flory has explored how reforms of the judicial structure during the “liberal decade” between 1827 and 1837 consolidated the authority of a new landowning class at the local level.\textsuperscript{22} Focusing particularly on Rio Grande do Sul, Stephen Bell has explored the complex evolution of the \textit{gaucho} ranching economy, rejecting notions that it was mired in traditionalism and economically stagnant.\textsuperscript{23} Similarly, Roger Kittleson has examined the role of popular urban communities in driving the political transformation from liberalism to positivism in Porto Alegre over the later half of the 19\textsuperscript{th} century.\textsuperscript{24} Taken together, these works have stressed the importance of focusing on local practices, law and social relations in narrating the Brazilian empire’s gradual evolution over the long 19\textsuperscript{th} century.

One of the goals of this study is to bring these observations about the multifaceted nature of the Río de la Plata’s political development in the wake of the collapse of authority during the revolutionary decades into conversation with a growing body of legal scholarship.

\textsuperscript{23} Bell, \textit{Campanha Gaúcha}. A “\textit{gaucho}” is a common nickname for the residents of Rio Grande do Sul province.
\textsuperscript{24} Roger Alan Kittleson, \textit{The Practice of Politics in Postcolonial Brazil: Porto Alegre, 1845-1895} (Pittsburgh: University of Pittsburgh Press, 2006).
that has greatly expanded the spaces in which law or at least “law-like” practices and institutions regulate social relations. Seminal works by Robert Ellickson, Carol Greenhouse, Barbara Yngvesson and David Engel have shown that a great deal of disputes are resolved outside of the realm of formal law, either through shared applications of agreed social standards or in highly localized, informal settings only marginally connected to institutions like courts and judges. Once order is divorced from the reaches of formal law, these scholars have noted that legal practices built around shared notions of justice and experience can extend into a virtually limitless number of settings unbound by national jurisdictions. Consistent with this observation, John Phillip Reid explored how settlers on the American frontier turned to traditional conceptions of ownership and possession to define property rights beyond the limits of state authority in the United States’ west. In a similar vein, Dylan Penningroth has demonstrated how even in the absence of formal legal rights or access to the courts, slaves in the southern United States established and sustained customary property rights through networks of personal relationships. Charles Cutter has stressed the importance of the daily practices at the base of the Spanish colonial legal system in the Mexican borderlands to the maintenance of imperial loyalty even in the absence of definitive political control. Lauren Benton has reframed the Uruguayan borderlands as a region defined by “legal pluralism” in order to understand how states gradually clarified sovereign boundaries by addressing prickly questions of foreign status and identity within the national

political community. These scholars have consistently shown that we are likely to find law and legal practices in peripheral and “stateless” spaces if we look beneath outward appearances of violence and disorder.

Building upon these observations about the pervasiveness of law and the deep currents of underlying order that have emerged from the historiography throughout the Americas, this dissertation describes the alternative legal order that developed in what was perhaps the Río de la Plata’s most contested zone. To describe this order, this dissertation draws primarily upon a set of more than five hundred civil and criminal court cases from local tribunals in the sharply disputed grounds along the Uruguay River in the middle decades of the 19th century. These cases provide evidence of a borderlands legal order that, in lieu of colonial pacts or formal, state-centered legal relationships, fundamentally rested on personal reputation, reciprocal connections and traditional notions of local citizenship or vecindad. These shared notions, or “legalities” to use Christopher Tomlins term, provided a framework for borderlands residents to vindicate their legal rights and establish their social place in a turbulent world.

Borderlands legalities revolved around local law and legal institutions. At its most basic level, “local law” was just that – local. It rested less upon doctrine than on the local connections a litigant could draw upon in establishing a claim. This in turn reflected the internal logic of the growing trading networks linking various borderlands nodes together.

---

along rivertine trading corridors. What made sense in terms of establishing the economic connections necessary to sustain cross-border trade equally made sense in vindicating legal rights. Assembling local allies in support of legal claims not only protected an individual’s legal position, but also further crystallized reciprocal ties and personal allegiances that formed the bedrock of commercial chains.

As litigants struggled to secure their legal rights, they equally sharpened cross-border factional allegiances. Powerful figures in the borderlands, men like Justo José Urquiza in Entre Ríos and David Canabarro in the Brazilian borderlands, secured their bases of power by guaranteeing legal relationships and offering localized justice as a form of patronage. Whenever state actors sought to clamp down on either cross-border economic connections or the local juridical relationships underpinning them, they faced powerful and entrenched opposition from a host of borderlands figures. In fact, resistance to centralized state authority proved so intractable precisely because it was rooted in these borderlands legalities and not in lawlessness or anarchy. These relationships also proved surprisingly durable. Even as centralized states gradually extended their institutional authority and coercive power over their peripheries in the 1860s and 1870s, borderlands actors could still compel states to incorporate elements of their own legalities into national legal structures.

State-Formation from the Outside-In

This dissertation utilizes the observations about alternative borderlands legalities also as a means to describe the legal history of a region where there was little agreement as to the basic elements of sovereignty. In this way, it informs other works that have likewise stressed the conflicts at the heart of emerging national structures. For example, scholars in recent years have focused on the role of subaltern groups in struggles over national identities and destinies. Innovative studies by Marixa Lasso, Peter Blanchard and Peter Guardino among
others have examined the ways in which subalterns exploited elite conflicts in the decades following independence to compel their inclusion within emerging national political communities and “use state institutions for their own ends.”

In the Río de la Plata, José Artigas embodied the radical possibilities created by the fissures among colonial elites in the wake of independence. Important works by the research team of Lucía Sala de Touron, Nelson de la Torre and Julio C. Rodríguez in particular have brought the social revolution underpinning Artigas’ military campaigns and land distribution programs to the fore. As they made clear, this revolution, like others throughout Latin America, created spaces for radical, popular demands to influence state formation processes. Yet, as the uncertainty in the decades following independence gave way to more established state structures and systems of elite domination, subaltern groups have tended to disappear from narratives of citizenship and state formation. Crushed by the Brazilian invasion and the subsequent counterrevolution in the Banda Oriental, Artigas’ subaltern supporters struggled to retain the vestiges of their short-lived agrarian revolution in the emerging Uruguayan and Argentine states.

---


33 Nelson de la Torre, Julio C. Rodríguez, and Lucía Sala de Touron, Después de Artigas (1820-1836) (Montevideo: Ediciones Pueblos Unidos, 1972).
strains articulated by men like Artigas and his followers continued to emerge in borderlands courtrooms, exploiting fissures in both local factions and between competing sovereigns to carve out important spaces for subaltern resistance.\textsuperscript{34}

The importance of local courts throughout the borderlands demonstrates a pressing need to include them in the list of sites where peripheral and subaltern groups negotiated social relations and actively sought to influence and at times resist the imposition of state control.\textsuperscript{35} As Sarah Chambers has noted, although courts were important sites for historians of the colonial period, post-independence studies have generally neglected them as places where subalterns and the state negotiated the meanings of honor, citizenship and freedom. Chambers persuasively argued that the courts were critical arenas in the struggle to define the social rights at the heart of emerging national projects in the wake of independence.\textsuperscript{36} Similarly, Carlos Aguirre has looked at slaves’ use of the courts to secure legal rights in early republican Lima, Peru.\textsuperscript{37} Lauren Benton has also returned to the courts in order to explore

\textsuperscript{34} In this sense, this observation draws upon the careful analysis of republican discourse and subaltern identities under Juan Manuel de Rosas explored in works by Hilda Sabato and Ricardo Salvatore. Hilda Sabato, ed. Ciudadanía Política y Formación de las Naciones: Perspectivas Históricas de América Latina (Mexico City: El Colegio de Mexico: Fideicomiso Historia de las Américas, 1999), Salvatore, Wandering Paysanos.


\textsuperscript{36} Sarah C. Chambers, From Subjects to Citizens: Honor, Gender, and Politics in Arequipa, Peru, 1780-1854 (University Park, Pa.: Pennsylvania State University Press, 1999).

\textsuperscript{37} Carlos Aguirre, Agentes de Su Propia Libertad: Los Esclavos de Lima y la Desintegración de la Esclavitud, 1821-1854 (Lima: Pontificia Universidad Católica del Perú, 1993).
how the legal demands of the large Brazilian population in the Uruguayan borderlands triggered reforms that led to the consolidation of state-centered sovereign models.\textsuperscript{38}

Yet even these sophisticated studies have tended to view the courts in rather passive terms. They have seen the courts as places where preexisting notions of rights, citizenship and state borders are articulated. What they have neglected is the active role courts played in defining and shaping the alternative legalities operating in the contested spaces between rival national projects. The decade-long legal struggles described in this dissertation attest to the fact that the courts were important locations for clashes between factions over fundamental questions of not only the content of borderlands legalities, but also membership in the local and cross-border communities that determined their content. The stakes in these court proceedings were high. Their course was often tightly intertwined with violence. The conflicts swirling around borderlands courtrooms in turn sharpened factional affiliations and political identities. In the process, local legal struggles opened up spaces for nation-states to enter into the fray and work through webs of borderlands legalities to secure their own authority. By focusing on the courts as active spaces where borderlands legalities blended with efforts to forge national boundaries and identities, this dissertation can explain how the strands of the state formation process intertwined with the lived-experiences of peripheral actors. It also provides a way to look at how borderlanders influenced the contested process of forging the region’s state system.

\textsuperscript{38} Benton, "The Laws of This Country." Other colonial scholars that have focused on the courts include: Steve J. Stern, Peru’s Indian Peoples and the Challenge of Spanish Conquest: Huamanga to 1640, 2nd ed. (Madison, Wis.: University of Wisconsin Press, 1993), Sergio Serulnikov, Subverting Colonial Authority: Challenges to Spanish Rule in the Eighteenth-Century Southern Andes (Durham: Duke University Press, 2003). Serulnikov’s work in particular has reframed the courts as important sites for indigenous resistance to the colonial state, particularly in connection with the Túpac Katari and Túpac Amaru rebellions in the 1780s in the Bolivian highlands.
Bringing the courts back into the story also reveals the importance of private law rights to state formation narratives. Securing property in the borderlands involved cross-border networks of both propertied and subaltern groups. These webs of relationships operating around securing property rights in the borderlands played an important and neglected role in shaping political identities in the periphery. The act of litigating property rights, which involved the public expression of localized notions of personal status and the assembly of numerous witnesses in a particular forum, became a critical moment in which to forge factional associations in the borderlands.

**The Organization of the Dissertation**

This dissertation sketches the Río de la Plata borderlands’ transformation from colony to national periphery over the long course of the 19th century from the initial revolutionary upheavals in the 1810s until the tentative consolidation of a regional state system in the 1870s. Adopting this periodization allows for the exploration of how borderlands legalities and the social relationships they embodied in the periphery intersected with structural shifts in the region’s economy and state institutions. The bulk of the narrative focuses on the eastern Río de la Plata basin. This includes the northern reaches of modern-day Uruguay, the western campanha region of Rio Grande do Sul and the eastern portions of the Argentine Littoral in Entre Ríos and Corrientes. It moves between a close analysis of the legal practices and politics occurring in select fora in the region, such as Salto, Uruguay, and Alegrete and Uruguaiana, Brazil and broader, political and economic narratives of transformation. The Uruguay River itself provides the backbone of this story, linking the towns along its course together.

The first chapter in the dissertation begins with the collapse of the old colonial order. It examines the end of the Spanish empire in the Río de la Plata as its colonial possessions
were swept up in trans-Atlantic imperial rivalries. The chapter argues that as imperial structures faltered, however, conflicts over what should emerge in their wake produced a vacuum of political authority. Chapter two then explores the emergence of an alternative legal and political order in the borderlands. It focuses particularly on the connections between local law and cross-border trade. Chapter three then explores the growing conflicts between these borderlands legalities and efforts to centralize state authority by Rosas and his blanco ally Manuel Oribe in Uruguay. It concludes with the triumph of borderlands coalitions and the end of a particularly violent era of regional conflict in the early 1850s.

Chapter four then focuses more closely on the local operation of these borderlands legalities in a particularly contested zone along the Uruguayan and Brazilian border. It explores how litigation in local fora led to sharpened factional identities that ignited violent conflicts behind borders even as would-be state framers attempted to constitute new nations through constitutions and political “fusions.” Chapter five then expands this discussion by exploring how sharpening local clashes radiated outwards across the borderlands along chains of commercial connections and reciprocal ties. It further explores how resurgent states, particularly under the leadership of men like Bartolomé Mitre in Argentina, utilized these conflicts to begin to bolster national authority in the borderlands. Chapter six examines how these simultaneous conflicts between local factional rivals and between the periphery and newly assertive national cores created spaces for subalterns to exploit elite fissures to assert their own rights in borderlands courts. These various strands of conflict ultimately helped propel the region into the six-year Paraguayan War.

Chapter seven then looks at efforts to forge new state pacts in the wake of the Paraguayan conflict. It covers the period in the late 1860s and early 1870s when states began to project their authority into the borderlands more aggressively. It also explores the efforts
of borderlands leaders to negotiate new compromises between the core and periphery to preserve some degree of local autonomy. Chapter eight then concludes by examining how even as states seemingly consolidated their authority in the borderlands by extending institutions out to their new national peripheries, local inhabitants proved adept at folding preexisting borderlands legalities into state-centered legal venues.
CHAPTER 1

INTO THE VORTEX

IN THE SOUTHERN WINTER OF 1806, A SQUADRON OF BRITISH SHIPS SAILING FROM
the Cape of Good Hope entered the Río de la Plata estuary. Within days British forces had
occupied Buenos Aires and the Spanish viceroy had fled into the interior. The initial British
successes were short-lived as local Creole militias beat back the invaders.¹ The political
ramifications of the events in 1806, however, were profound. The British invasion signaled
the beginning of a process that would lead the Río de la Plata viceroyalty inexorably towards
revolution, independence from Spain and internal dissolution. More than two decades later,
the region would emerge from the revolutionary vortex deeply fragmented. It would find
itself divided over seemingly intractable issues regarding the political, social and economic
aspects of the new governments vying to replace the colonial order that had been swept
away.

Within four years of the British invasions, the centuries-old Spanish empire was for
all practical purposes dissolved in the Río de la Plata. The constitutional crisis touched off
by Napoleon’s capture and imprisonment of the Spanish King, Fernando VII, accelerated
events. As the French invasions devastated the metropôle, local elites throughout the
Spanish colonies began to question whether the empire itself could be sustained. For the
Creole defenders in the Río de la Plata, the experience of successfully protecting their own
territories from the most powerful empire on Earth produced a growing sense that even if
the empire survived, it would have to do so on substantially different terms. When they
finally assumed the mantel of authority in the bloodless May revolution of 1810, they did so
not to destroy the empire, but to assert their local autonomy within it.

¹ “Creole” is a general term for “American Spaniards.”
Removing the old colonial order, however, was far easier than securing loyalty for a new American system based in Buenos Aires. Almost immediately, the May revolution unleashed powerful centrifugal forces throughout the old viceroyalty as local elites from Upper Peru to Paraguay questioned the legitimacy of porteño-led government. A rapid transfer of power gave way to a long civil war over questions of who possessed the right to rule the old viceroyalty and on what terms. What began as a struggle for self-rule ended by producing a profound vacuum of political authority.

The contested grounds between the Spanish and Portuguese empires in the eastern Río de la Plata were at the center of these revolutionary conflicts. Here, social tensions combined with sovereign frictions to produce the revolution’s most radical projects and its most violent confrontations. José Artigas, the mounted commander of the Spanish blandengues cavalry in the borderlands, led a growing uprising that fused demands for local autonomy with populist outrage against merchant elites in the coastal capitals of Buenos Aires and Montevideo. Artigas attempted to remake the borderlands into a multiethnic polity of small landowning farmers. This radical vision was too much for the elites in the region. They began negotiations with the Portuguese empire to crush the oriental general’s movement in the eastern borderlands. Eventually, the Portuguese invaded and attempted to seize the borderlands for themselves. As they did so, however, they witnessed their own dominions crumble under the strains of more than a decade of war – first against Artigas and then against the Argentine provinces.

---

2 *Porteños* are residents of Buenos Aires.

3 An “oriental” is a common nickname for residents of the Uruguayan Republic. The term, literally meaning “easterner,” refers back to the province’s old colonial moniker as the Banda Oriental or “east bank” of the Río de la Plata estuary.
The continual conflicts between rival sovereigns over the borderlands erected powerful barriers to the consolidation of a new regime. Equally important, the memories of the popular rebellions against distant and seemingly illegitimate authorities bolstered federalist opposition to successive porteño-dominated governments. The Río de la Plata borderlands were not merely the “middle ground” between rival Spanish and Portuguese states. They were a place where the very definition of what it meant to belong to a centralized state was subject to debate. Artigas encapsulated a sovereign vision in the borderlands that completely rejected outside rule. The region was defined not only by conflicts between rival state projects emanating from the old imperial cores, but also the desire to create an autonomous local order. These layers of conflicts ensured that the process of state formation and legal development would be particularly fraught. The borderlands became a bleeding ground where no one power could hold sway. The old colonial order had been broken, but erecting something new in its place remained, after twenty years of warfare in the borderlands, a distant dream.

Colonial Frictions

Imperial conflicts evolved slowly and unevenly over the course of three centuries. Development in the Río de la Plata basin remained almost non-existent throughout the 16th century outside of the Paraguayan missions. The Jesuit territories established a strong, though at times problematic, presence for the Spanish Crown. The missions also attracted Portuguese raiders, known as bandeirantes, seeking to capture indigenous laborers and sell them into slavery in central Brazil. Throughout the 17th and early 18th centuries, these raids on the Jesuit reductions represented the central front in the imperial skirmishes between the Iberian powers over the region. Away from the missions, however, settlement lagged. Although Spanish migrants had founded, abandoned and then reestablished Buenos Aires,
the city remained a sparsely populated backwater. It subsisted largely on contraband traffic with the distant Andean highlands and their vast silver deposits.\(^4\)

This began to change in the early decades of the 18\(^{th}\) century. Growing international rivalries over American wealth and Atlantic trade slowly transformed the Río de la Plata’s rivertine network into an important prize for the Iberian powers. Economic and political conflicts over the estuary intensified noticeably when the Portuguese empire established a military fortress at Colônia do Sacramento directly across the Río de la Plata estuary from Buenos Aires in 1680. The outpost initially provided the Portuguese with a “backdoor” to Andean silver. This in turn bolstered the region’s role as an artery for contraband. The Portuguese presence and the growing drain of the smuggling economy on the imperial treasury soon forced Spanish officials into strengthening their own position in the estuary. The Spanish founded a rival military outpost on the Río de la Plata’s eastern shore at Montevideo in 1726 to check the Portuguese advance.

The Portuguese responded to the growing Spanish military activity on the Río de la Plata’s eastern edges by pushing to expand their own imperial possessions in Brazil southwards. In 1737, the Portuguese established the first coastal settlements in what would become the province of Rio Grande do Sul. To support development in the region, the Portuguese crown granted large tracts of land – or sesmarias – to military officials settling in the region. Chasing free lands, military glory and rumors of easy wealth from gold or the capture of Indians, Portuguese settlers flowed southwards in small, but growing numbers. Imperial boundaries had little meaning for these migrants. Their settlements extended well into territories claimed by the Spanish. Beyond even these limits, Portuguese settlers made a

\(^4\) Even by 1750, Buenos Aires’ population was only 12,000. Sheridan, ed. *Contested Ground: Comparative Frontiers on the Northern and Southern Edges of the Spanish Empire*, 6.
habit of conducting armed raids deep into the Banda Oriental for wild cattle. Much of this bounty was then sold back to Spanish merchants or exported through Colônia to northern Brazil. The Portuguese also actively developed alliances with indigenous tribes throughout the borderlands. They encouraged raids on Spanish cattle herds and outposts. The borderlands became a tumultuous and violent space.⁵

As the Spanish and Portuguese empires rubbed against each other in the Río de la Plata, imperial officials in their metropôles worked to mitigate their increasingly costly defense obligations by clarifying the blurred boundaries between their possessions. Through the Treaty of Madrid (1750) and the Treaty of San Ildefenso (1777), the two sides attempted to resolve centuries-old ambiguities between the Iberian empires in the Río de la Plata’s eastern reaches. The two treaties, however, did little to prevent conflicts on the ground. Throughout the 1760s and 1770s, the rival empires traded Colônia between them as they jostled for position at the river network’s mouth. As they swapped possessions along the coasts, the Jesuit missions in the interior equally became a chip in imperial negotiations and conflicts. When the Spanish offered up Jesuit lands to the Portuguese under the Treaty of Madrid, the Order and their Indian allies bucked imperial calculations and openly defied Portuguese expansion. The Portuguese ultimately crushed the indigenous rebellions after bitter fighting. With the Jesuits now representing an independent source of power inconsistent with both empires’ designs to consolidate their positions in the region, the Spanish and Portuguese worked to end the mission project. In the 1760s, the Iberians expelled the Jesuits from their empires altogether. With the collapse of the missions, the surviving Guarani population drifted out into the borderlands. These groups blended with

---

smugglers and other imperial outlaws to raid peripheral properties and settlements. In the process, they exacerbated simmering conflicts along the eastern reaches of the Uruguay River drainage.

As the Iberian empires struggled over the eastern Río de la Plata, they equally confronted broader crises that threatened their very survival. Intensifying rivalries between aggressive European imperial states led to a nearly permanent state of war across the Atlantic basin. Both Iberian empires saw their possessions and commercial sinews swept up in the conflicts between the British and French for supremacy in the Atlantic World. To avoid becoming prey, they turned to reforms to secure the resources necessary to sustain the costs of international warfare. The Spanish in particular embarked on a campaign to reorganize their imperial possessions. The so-called Bourbon reforms aimed to foster more commerce and extract greater wealth from internal trading networks. The reforms also sought to modernize the empire’s centuries-old administrative structure. This culminated in the creation of the Río de la Plata viceroyalty in 1776. In a single administrative stroke, Buenos Aires replaced Lima as the official artery for South American silver. Over final decades of the 18th century, the port experienced explosive growth. It became a powerful commercial center not only for the silver trade, but also for the export of hides from its rivertine hinterlands. The end of trading restrictions between ports within the Spanish empire in 1778 further stimulated not only the port’s development, but also Montevideo’s growth across the estuary in the Banda.

As the economic center of gravity within the Spanish empire’s South American possessions tilted decisively towards the Río de la Plata estuary, frictions between the Portuguese and Spanish over the region correspondingly increased. With the ports of Buenos Aires and Montevideo developing into important commercial centers, the ranching
operations surrounding them also rapidly expanded. In particular, the disputed borderlands became important for the export of salted beef and other products to slave centers in Spanish Cuba and Portuguese Brazil. With feral cattle now representing an important economic asset in its own right, localized conflicts between settlers in the borderlands became endemic. Displaced indigenous groups from the Paraguayan missions combined with Portuguese contraband traders to raid Spanish *estancias* throughout the region, seizing cattle “as never before and in alarming proportions.” The commercial revolution in the borderlands also aggravated social tensions. The large landholdings springing up particularly in the Banda as the beef and hide export trade expanded tended to displace smaller Spanish settlers lacking title to their lands. Small landholders fumed against distant Spanish officials and their elite commercial allies in Buenos Aires and Montevideo.

Despite these rumblings, imperial structures remained sufficiently robust to contain the political and social conflicts between coastal capitals and their interior hinterlands. As the 19th century dawned, however, external shocks to the pillars of imperial authority in the Iberian Peninsula would transform colonial frictions in the Río de la Plata into full-scale revolutions. Although they did not know it, the inhabitants of the Río de la Plata in 1800 stood on the edge of a precipice. The ensuing wars would both ravage the viceroyalty and open up new sovereign possibilities that were previously unthinkable. At the same time, the social and political struggles that had characterized the Río de la Plata borderlands for centuries would continue to make the goal of imposing a new order on the region frustratingly elusive.

---

6 Ibid., 208. See also Bell, *Campanha Gaúcha*, 32.
Imperial Collapse and Fragmentation

The contest between England and France for supremacy throughout the Atlantic World produced the shocks leading to collapse of the structures of the Iberian empires. Throughout the 18th century, the two Atlantic rivals had engaged in an increasingly intense global battle to control the trans-Atlantic economy. The strains of the conflict had scarred both powers. England had already lost the majority of its overseas possessions on the North American mainland. In France, the monarchy saw itself swept away by an increasingly radical republican revolution. While traumatic for these powers, they were potentially fatal for the weaker Iberian empires that were often more prey than players in these trans-Atlantic struggles. With their empires already overstretched by the conflicts, both Spain and Portugal labored to remain neutral while they tried to enact reforms necessary to protect their overseas possessions.

The expanding scope of the imperial conflict in the wake of the French Revolution, however, ensured that neither fading power could escape the violence. Rather, the events in 1789 set the stage for the climatic act in the century-long struggle between the two Atlantic powers. Drawing upon the French Revolution’s (and counterrevolution’s) kinetic energy, Napoleon rose to power as France’s new ruler and eventual emperor in 1799. Napoleonic forces swept across the continent, expanding the conflict with the British throughout Europe and the Middle East. The Peace of Amiens (1802) provided a brief pause in the struggles between France and England. By 1804, however, the two powers were again at war with the Iberian empires squarely in the crosshairs. Dominant militarily on land but unable to match the English at sea, Napoleon sought to squeeze his rivals by closing the European mainland to British trade. The demands of Napoleon’s Continental System gradually drew Spain into a war with England that it had desperately sought to avoid. In 1805, the
combined Spanish and French navies sailed from Cádiz to face the British fleet at Cape
Trafalgar. Lord Nelson decimated the continental armada, ensuring British dominance over
the Atlantic. Spain had lost access to her overseas possessions. The peninsular economy lay
in ruins.\footnote{Jaime E. Rodríguez O., \textit{The Independence of Spanish America} (Cambridge: Cambridge
University Press, 1998).}

The rapidly shifting events in Europe equally resonated in the Río de la Plata’s
borderlands. Coaxed by Napoleon into war with Portugal, Spain saw her valuable
possessions in the eastern Río de la Plata under assault from advancing Brazilian forces. To
solidify their position against the Spanish, the Portuguese now exploited tensions between
borderlands settlers and absentee landowners throughout the Banda. The Portuguese allied
themselves with aggrieved indigenous groups and landholders. These groups in turn used
the Portuguese presence to protect their contraband trade and their possessory land claims.
In classic borderlands fashion, Charruan Indians in particular entered into a number of pacts
with the Portuguese to oppose Spanish authorities in order to secure lands for themselves.
They also used borderlands alliances to blunt the incursions of absentee landowners from
Spanish commercial centers on the coasts. Contraband exploded and the revenues flowing
into viceregal coffers in Buenos Aires sharply declined.

Alarmed by rural “lawlessness” and desperate to contain the illegal cross-border
trade with the Portuguese, Spanish officials sought to bolster both settlement and law
enforcement on its peripheries. Traveling into the borderlands in order to investigate the
1801 conflict, Spanish officer and reformer Felix de Azara filed a scathing report on
conditions in the interior. Azara’s \textit{Memoria sobre el estado rural del Río de la Plata en 1801}
described a lawless world in which its inhabitants “saw no order in anything, only lakes,
rivers, deserts and a few vagrant and naked men wandering after wild beasts and bulls.”

To address this, Azara proposed the Spanish crown develop a chain of agricultural settlements along the border. In Azara’s vision, these outposts of small, settler farmers not only would civilize the region and prevent contraband, but also serve as a first line of defense against the Portuguese. To police the borderlands, Azara and his successors turned to the same Spanish contrabandists and indigenous groups that operated beyond their authority. Among them was José Gervasio Artigas, a former smuggler who entered the Spanish services under Azara as a mounted cavalry commander along the Portuguese frontier. The mounted blandengues skirmished with Portuguese and indigenous raiders along the border. They also labored to protect settlers in the turbulent borderlands and discourage contraband trade. As Artigas campaigned, he built his personal reputation as a source of order in the countryside. He deftly used threats of violence but also carefully orchestrated accommodations with peripheral inhabitants to maintain Spanish authority.

The simmering conflicts throughout the first decade of the 19th century in the Río de la Plata borderlands intensified with the 1806 British invasion. With continental markets closed off by Napoleon, British merchants turned their sights to Spain’s American colonies. Without authorization from London, British forces under Sir Home Popham set sail to assault what was believed to be the poorly defended Río de la Plata viceroyalty. Arriving in June of 1806, some 1,400 British troops quickly occupied Buenos Aires. Like the Iberian powers before them, they aimed to control the mouth of the Río de la Plata’s vast drainage area and with it access to the large silver deposits at Potosí. The British equally hoped to pry

---

open the region’s consumer markets to goods piling up on merchants’ docks in the metropôle.

The invasion was a disaster from the start. British forces occupied the viceregal capital with little resistance. The Spanish viceroy, Marqués de Sobremonte, fled Buenos Aires and retreated into the interior. Although prudent, the viceroy’s actions further underscored the increasingly obvious inability of peninsular authorities to defend their colonial possessions. With the departure of colonial officials, the task of resisting the British fell upon the local Creole militias. The French-born Santiago de Liniers, along with prominent porteño leaders like Juan Martín de Pueyrredón and Cornelio de Saavedra, rallied local forces in Montevideo. Marching across the delta, they quickly defeated and captured the British. A second British invasion under John Whitelocke the following year in 1807 first occupied Montevideo and then advanced against Buenos Aires. As the force entered the viceregal capital, it met fierce local resistance. Locals poured burning oil on the exposed British from rooftops over the narrow streets of San Telmo. After two days of heavy fighting, the exhausted British had failed to take the capital. Cutoff, the British sued for peace and abandoned the Río de la Plata altogether.10

The British invasions reoriented porteño society. Creole elites had led the successful defense of their own colony. In the wake of the second invasion, a popular council had deposed the hapless Sobremonte. Following his triumphs, Liniers became the new viceroy. More importantly, the political authority of the Creole militias, along with the Creole-dominated Buenos Aires cabildo, waxed in the post-invasion colonial order. Unable to

---

defend its possessions, peninsular authority over the Río de la Plata revealed itself to be an anachronistic and burdensome relic for the Spanish Americans in the region. The future of the Río de la Plata’s colonies appeared to lie in self-governance, albeit while still formally adhering to the old empire.

Events in the Iberian Peninsula rapidly intensified the ongoing transformation in the Río de la Plata, pushing Buenos Aires towards revolution. In 1807, Napoleon obtained permission to cross Spanish territories in order to seize pro-British Portugal. The Portuguese monarch narrowly escaped the advancing French forces. The royal court fled on British warships across the Atlantic to Brazil. Arriving in 1808, Rio de Janeiro became the new imperial capital. With Spain and Portugal ostensibly at war with each other as the proxies of the British and French, the move alarmed Spanish subjects throughout the Río de la Plata. Local authorities, still recovering from the British invasions, feared that the long-simmering conflicts over the borderlands with the Portuguese would reignite as the empire turned its gaze southwards. Officials in Buenos Aires immediately undertook efforts to reduce tensions with imperial Brazil in order to avoid costly military entanglements along the old viceroyalty’s eastern peripheries.

Events from Europe, however, continued to run ahead of attempts in the Río de la Plata to ease political unrest. With his troops across the Pyrenees, Napoleon elected to seize the Spanish monarchy. Conflicts within the Spanish dynasty provided the opening for Napoleon’s plan. He persuaded the Spanish king, Fernando VII, to travel to France. Napoleon ostensibly promised to resolve remaining disputes with his recently deposed father, Carlos IV, over the Spanish throne. With both Bourbon monarchs under his control in Bayonne, Napoleon instead compelled the young king to abdicate the thrown. Napoleon then named his brother Joseph as the new Spanish monarch. Popular opposition to the
French occupation and new king exploded throughout the peninsula. On 2 May 1808, crowds took to the streets in Madrid and confronted French troops. Within days, the popular uprisings had spread into a general revolt against the French. The Spanish resistance initially fragmented into a number of local representative bodies. It was soon consolidated into a new entity, the Junta Central, based in Seville. The opposition Spanish government struggled to resist the advancing French armies for the next year. By early 1810, however, Napoleon’s forces had driven the Spanish opposition from much of the peninsula. The rump of the Spanish resistance took refuge on the island-city of Cádiz under the protection of the British navy.  

From colonists’ perspective in the Americas, Spain appeared hopelessly lost. The growing power vacuum in the imperial core quickly triggered conflicts between rival factions in the Río de la Plata over who would rule in the name of the captured king. The majority of Creoles backed Liniers. Peninsular Spaniards, however, correctly sensed their traditional hold on power slipping away under the new viceroy. Utilizing their dominant position in Montevideo, European Spaniards rallied around Governor Francisco Javier Elío. Elío rejected viceregal authority and ordered the creation of a new junta to govern the Río de la Plata. Secretly, Elío also began to reach out to Princess Carlota, Fernando’s sister and wife of Portugal’s prince regent in Brazil. Carlota had proclaimed herself regent of Spain and the Indies, offering to rule in her brother’s absence. For Elío and the European Spaniards, the prospect of a new monarch offered a means to save their own declining position in the colonies. At the same time, however, it also meant subordinating the Río de la Plata entirely to the Portuguese crown. This was something the majority of American Spaniards decisively opposed. To avoid this, the peninsulares equally reached out to the Junta Central in Spain.

---

11 Rodríguez O., *The Independence of Spanish America*, 49-82.
They requested that the *Junta* appoint a new viceroy that would be friendlier to the European Spaniards’ interests than Liniers.

Representatives from Montevideo finally succeeded in convincing Spanish officials that the French-born Liniers was a traitor who would tender the viceroyalty to Napoleon and his brother. The *Junta Central* appointed Baltasar de Cisneros, a veteran of Trafalgar, as the new viceroy. Cisneros’ arrival in Montevideo in 1809 temporarily defused the tensions between the two ports. Despite accusations of treason, Cisneros successfully arranged for a peaceful transition of power. Liniers renounced his office and Cisneros pardoned the militia commander. Once in office in Buenos Aires, Cisneros faced the delicate task of bridging the growing chasm between European and Creole Spaniards. He was not up to it. Lacking funds, Cisneros was forced to continue to rely on the Creole militias in the capital to maintain order. At the same time, the European faction continued to demand that the new viceroy restore their privileged position within the colonies.

Caught between the two factions, Cisneros sided with the Creoles, particularly on the issue of trade. In November of 1809, he acceded to American demands to open Buenos Aires’ port to free trade. This action, aimed directly at the trading privileges of peninsular elites, heightened tensions between political rivals both in Buenos Aires and between the viceregal capital and European-controlled Montevideo. It also revealed the eroding political power of the viceregal office, now almost wholly dependent on Creole militias to maintain control in the capital.\(^{12}\)

The colonial apparatus was wobbling. In May of 1810, the rush of events in Spain finally knocked it over. News arrived in the Río de la Plata of the collapse of Spanish resistance on the peninsula and the disbandment of the *Junta Central*. Rumors swirled

\(^{12}\) Halperín Donghi, *Rovolución y Guerra*. 
around Buenos Aires, particularly that Elió might launch an invasion from Montevideo to seize power with the assistance of the Portuguese. Confronted with an institutional crisis and a potential war, the Creoles in Buenos Aires elected to seize power. On 22 May, Creole elites called for a *cabildo abierto*, essentially a meeting of the *vecinos* in the capital, to determine how to proceed.\(^{13}\) During the debates, Creoles asserted the constitutional theory that in the absence of the king, sovereignty reverted to the people. As their designated representatives, the *cabildo* had the duty to rule locally and ensure the survival of the king’s dominions now that Peninsular government had fallen to the French. The assembled *vecinos* elected to assume control of the viceregal government and draft a new constitution. Three days later on 25 May 1810, the Buenos Aires *cabildo* formally deposed Viceroy Cisneros and established a new Creole *junta* led by the militia commander Cornelio de Saavedra.\(^{14}\)

The Creoles in Buenos Aires had peacefully deposed of the old institutions of colonial authority. They positioned themselves as reluctant leaders of a bloodless revolution. One intended only to carry out the will of the people. Yet while they easily toppled the remnants of the colonial government in Buenos Aires, they still faced the challenge of holding the Río de la Plata Viceroyalty together in its absence. In one of its first acts, the new government circulated letters to provincial capitals throughout the viceroyalty detailing the events of 25 May and requesting allegiance. They called upon the provinces to hold elections and send representatives to establish a new government that would rule the viceroyalty in the king’s name. In the interior, however, *porteño* appeals to support the new government encountered deep suspicions. The provinces along the old silver trading routes opposed *porteño* calls for free trade. They feared (correctly) that their inefficient

\(^{13}\) The Portuguese equivalent to the Spanish term “vecino” is *vizinho*. This dissertation uses the Portuguese phrasing when referring to sources in Portuguese throughout.

manufactured products for the Andean highlands would be supplanted by cheaper British imports. Around the mines themselves, memories of the massive Túpac Amaru and Túpac Katari uprisings in the 1780s were still fresh. Any perceived threat to the social order in the highlands alarmed local elites.¹⁵

To shore-up support for the new regime, the Buenos Aires junta launched a military expedition to the highlands. Forces under Juan José Castelli first marched to Córdoba. There, the old Creole military hero Santiago Liniers had organized opposition to the May revolution. Castelli brutally repressed the small group of royalist reactionaries around Liniers and ordered the former viceroy shot. Liniers’ execution heightened fears throughout the interior about the nature of the new regime. As he continued into the highlands towards Potosí, Castelli did little to placate them. In November of 1810, Castelli defeated royalist forces in Upper Peru (Bolivia) and finally occupied Potosí. The porteño general immediately undertook a vicious campaign against local elites. He executed a number of officials in the public square. His army sacked the city and the surrounding countryside, further alienating the local population. Confident, Castelli continued his advance towards Peru. Increasingly overextended, the undisciplined revolutionary army encountered hardened royalist forces under General José Manuel de Goyenench at Hauchi [Hauqui] near the Peruvian border. The royalists shattered the porteño army. The highland population then turned on the porteños,

¹⁵ For a detailed discussion of the economic tensions between the colonial interior and Buenos Aires during the initial revolutionary decades and beyond, see María Alejandra Irigoin and Roberto Schmit, ed. La Desintegración de la Economía Colonial: Comercio y Moneda en el Interior del Espacio Colonial (1800-1860) (Buenos Aires: Ed. Biblos, 2003). For a description of the Andean uprisings in the 1780s, see Serulnikov, Subverting Colonial Authority.
routing them from Upper Peru. Royalist forces pursued Castelli, eventually advancing as far as Tucumán before porteño forces could check their advance.\textsuperscript{16}

Twice more in 1813 and again in 1815, porteño armies attempted to retake the Andean highlands and restore the capital’s old connections to Potosí’s silver mines. Each campaign ended in failure as local opposition and royalists from Peru overwhelmed the “liberating” armies from the Río de la Plata basin. The failure to restore the Andean highlands to Buenos Aires’ control shredded plans for a seamless transition from the old colonial viceroyalty to a new, autonomous American polity. More importantly, Buenos Aires lost the central pillar sustaining its economy – the silver trade. The defeat quickly led to the collapse of the revolutionary junta, deepening the sense of crisis in the capital as rival factions struggled for control.

Opponents of the new government seized upon the reversals in the highlands to reject porteño authority altogether. Upriver in Paraguay, the small community of Creole elites clustered along the Paraguay River in Asunción had expressed suspicions of porteño intentions for the region. Like in Upper Peru, Buenos Aires responded to local wariness with force. A column from the capital marched upriver under the command of Manuel Belgrano in January of 1811. Expecting to be welcomed, Belgrano instead found fierce local opposition to any perceived outside interference in Paraguayan affairs. The Paraguayans defeated Belgrano, driving him from the country for good by March. Fearing that the remaining colonial officials in Asunción might turn the province over to the Portuguese, the Creoles then seized power in Asunción in May. The Paraguayans formed their own Junta Superior. Doctor José Gaspar Rodríguez de Francia quickly came to dominate the institution.

The Paraguayan government proposed a confederation with the *porteños* to the south premised above all on free rivertine trade along the Paraguay and Paraná Rivers. Buenos Aires continued to view the Paraguayans as traitors and refused to negotiate or cede their privileged position at the Río de la Plata’s mouth. Paraguay then declared its independence entirely, turning away from the political conflicts downriver. Throughout the coming decade, Francia consolidated his personal hold on the province. He became Paraguay’s sole, supreme ruler in 1814. Francia governed Paraguay until his death in 1840.¹⁷

Within a year of the May revolution, centrifugal forces had begun to tear the former Río de la Plata viceroyalty apart. Simply put, while Creole elites in the old viceregal capital could readily establish a new representative *junta* to serve their political interests, they could not as easily secure its recognition as the legitimate government for the entire viceroyalty. Rather, regions from Upper Peru to Paraguay could rightly claim the authority to speak for themselves and their interests as Buenos Aires had done. There was no need for intermediaries with divergent ideologies and economic interests. When Buenos Aires failed to coerce allegiance through its initial military campaigns, the question of whether the viceroyalty would survive intact was largely answered. Beyond the breakaway territories in Upper Peru and Paraguay, however, debates over what institutions and social orders would emerge out of the revolution were only beginning. The Río de la Plata’s contested borderlands became the principal arena in which the violent struggles over the nature of the new societies in the region would play out over the course of the next tumultuous decade.

The Revolutionary Apogee

While the loss of the Bolivian highlands severed Buenos Aires’ vital trading connections to the silver mines at Potosí, it was the conflicts in the Río de la Plata’s eastern borderlands that swept away the vestiges of the old colonial institutions. Throughout almost the entire colonial era, the Río de la Plata borderlands had been characterized by conflicts. The commercial revolution in the late 18th century based on the export of jerked beef and hides had exacerbated social tensions between the small landholding population and large absentee landowners based almost exclusively in the coastal capitals of Montevideo and Buenos Aires. The power vacuum created by disintegration of imperial authority caused these tensions to explode throughout the revolutionary decade. Under the leadership of José Artigas, the political upheavals throughout the old viceroyalty produced a social revolution aimed directly at ending the dominance of coastal elites over the interior. The borderlands became not just a battleground between rival sovereigns, but also a breeding ground for a revolutionary state system that rejected them both.

The initial fissures occurred between elites in Buenos Aires and Montevideo. The two ports had long been political and economic rivals. Now, the revolutions on both sides of the Atlantic further exposed the gaps between them. Merchants in Montevideo particularly saw an opportunity in the imperial upheavals to end their traditional subordination to the viceregal capital across the estuary. As Creoles consolidated their grip on Buenos Aires, Montevideo emerged as a royalist redoubt. Immediately following news of the May revolution, authorities in Montevideo ordered Buenos Aires blockaded. Tensions escalated when Governor Elío, who had traveled to Spain prior to the uprising, convinced officials in Cádiz to name him the Río de la Plata’s new viceroy. When he returned to

18 Street, Artigas and the Emancipation of Uruguay, 34-43, 93-106.
Montevideo in January of 1811, he immediately declared war on Buenos Aires. To shore up his base of support in the new capital among his elite cadre of merchant supporters, he further imposed a number of draconian measures on the borderlands. He required landowners to present paper titles to officials in Montevideo and pay taxes. For many small landowners in the interior who had occupied the open countryside without formal title, these moves threatened to usurp their claims in favor of absentee coastal elites. The old tensions between inhabitants in the borderlands and elites along the coast dramatically resurfaced. Elío made matters worse still by again openly courting the Portuguese. This outraged Spaniards in the interior like Artigas who had struggled for decades against their incursions into the Banda. ¹⁹

Elío badly misjudged the situation on the ground. Almost immediately, opposition forces in the Banda Oriental’s interior sought assistance from Buenos Aires against the royalists in Montevideo. Just days after Elío issued his declaration of war against the Creole government across the Río de la Plata, Artigas traveled to Buenos Aires to secure support for a campaign to overthrow the putative viceroy. By the end of February, uprisings against Elío had broken out in the Banda Oriental along the Uruguay River. Having pledged his support for the May revolution in Buenos Aires, Artigas quickly returned to the Banda to join the uprising. He assumed control of the oriental militias as part of a broader expeditionary force from Buenos Aires under the command of José Rondeau. Artigas advanced ahead of the porteño forces and met Elío’s army outside of Montevideo in early May at the battle of Las Piedras. Artigas crushed the royalists, driving them back into

Montevideo’s walled citadel. Rondeau’s combined armies then surrounded the city and began a prolonged siege.\(^{20}\)

At this moment, the old imperial conflicts over the Río de la Plata’s eastern borderlands reemerged and decisively shaped events in the Banda. Elío again reached out to the Portuguese Crown. The Portuguese in turn sensed an opportunity to realize their long-standing dream of extending their dominions to the mouth of the Río de la Plata. For their part, the revolutionary leadership in Buenos Aires desperately needed to avoid conflicts with the Brazilians following the reversals in Upper Peru and Paraguay. As Portuguese forces streamed across the borderlands towards Montevideo, porteño officers opened up negotiations with Elío in order to avoid a direct conflict with the imperial armies. In October, the two sides agreed to an armistice recognizing the viceroy’s authority over the Banda. In turn, Buenos Aires committed to withdraw its forces across the river. The Portuguese promised to evacuate the Banda after securing the interior for the Spanish viceroy and restoring order. In practice, however, imperial forces behaved much more like a permanent occupation force. They carved a swath of destruction across the borderlands as they advanced. The Spaniards in the interior were largely left to fend for themselves.

Frustrated, Artigas withdrew his forces from the Banda Oriental in the wake of the Portuguese invasion. As he retreated, the bulk of the Spanish population in the eastern borderlands migrated with him to avoid the destruction reaped by the Brazilians marching from the north.\(^{21}\) Artigas established an encampment just across the Uruguay River in Entre

---

\(^{20}\) Ibid., 76-80.

\(^{21}\) Some scholars estimate that as much as fifty percent of the Banda’s rural inhabitants joined the migration that later became known as the Uruguayan “Exodus.” In a careful study, Ana Frega places the number closer to twenty-five percent. Frega, *Pueblos y Soberanía*, 142-43. The *Padrón de la Familias* submitted by Artigas to the Revolutionary Government in Buenos Aires in 1811 lists 4,031 individuals as settling on the west bank of the Uruguay out
Ríos. From there, he continued to harass the Portuguese invaders while seething about what he saw as Buenos Aires’ betrayal.

Tensions between Artigas and the government in Buenos Aires temporarily subsided when the Portuguese, succumbing to British diplomatic pressure, finally agreed to withdraw from the Banda at the end of 1812. As imperial forces slowly retreated, the interior and coastal revolutionaries again combined forces to confront the royalists in Montevideo. The new army marched across the Banda and once again laid siege to Elió’s forces inside of the port city’s walls. From the very beginning of the campaign, however, conflicts erupted between Artigas and the porteño commanders. Artigas openly defied his purported superior Manuel de Sarratea. He commanded his own Uruguayan division essentially as a separate army. Sarratea in turn accused the oriental commander of treason. Only the need to form a common front against Elió’s forces prevented the revolutionaries from turning on each other. Officials in Buenos Aires grew so alarmed that they went as far as to replace Sarratea in an attempt to limit the internal squabbles and ensure the success of the siege.

The conflicts between Artigas and the government in Buenos Aires finally boiled over in April of 1813. In January, the porteño government had requested that provinces throughout the old viceroyalty send representatives to the capital to draft a constitution. In response, Artigas convened his own congress to pen instructions for the Banda’s deputies to the national convention. The instructions created by the Uruguayan convention offered one of the first explicit statements of the federalist ideology percolating throughout the borderlands. The document called for a creation of a confederation of equal provinces with limited powers delegated to a central government. It further asserted the Banda’s right to

reject any and all constitutions produced by the forthcoming assembly. In doing so, the instructions essentially reserved the Banda's full sovereign authority. Reflecting its decidedly anti-"porteño (and centralist) bent, the document finally called for the new capital to be established outside of Buenos Aires. In short, Artigas and his followers essentially demanded complete autonomy within a new, loose federal system. They agreed to surrender only those powers to a future national government that they did not wish to exercise. They would do so when, and only when, they chose.22

Underpinning this federalist vision was a powerful drive to preserve local autonomy and privileges not only within the national government, but within the Banda Oriental as well.23 The instructions openly proclaimed that the “individual sovereignty of the pueblos” was “the sole object of the Revolution.”24 By framing sovereignty as residing in various “pueblos,” the instructions argued that the collapse of imperial authority had reverted power directly to local corporate bodies. This was generally understood to mean the local cabildo, though Artigas’ more egalitarian conception of “pueblos” also included small, more informal settlements established by his followers throughout the countryside. Under the prevailing constitutional theories within the Spanish empire, cabildos properly exercised their sovereign authority as the natural representatives of the will of the people. These bodies had formed pacts with the sovereign to create the empire. Because they had contracted directly with the King, his removal reverted all sovereign powers back to each local body. In launching its May revolution, the Buenos Aires cabildo had based its own power precisely on this

---


23 Ana Frega, "La virtud y el poder. La soberanía particular de los pueblos en el proyecto artiguista," in Salvatore, ed. *Caudillismos Rioplatenses*, 128.

They had rejected the authority of Spanish juntas over them. However, porteños wished to retain their traditional privileges as the former viceregal capital within the new American polity. Power would continue to radiate outwards from the old imperial core. Artigas’ followers directly challenged this notion. In their conception, the king’s removal from the imperial system had dissolved the contract between the cabildos and the rest of the empire. In their radically federalist vision, each local cabildo or their equivalent in the borderlands was now sovereign. They were no more subordinate to Buenos Aires than to the distant juntas in Spain.

The federalist vision in the 1813 instructions also emphasized local standing in the community. Cabildos might represent the will of the people, but only local citizens or vecinos possessed the right to participate fully in municipal government by virtue of their status. Consisting solely of the “most landed [haciendados] and respected of vecinos,” cabildos embodied the close association between personal standing in the local community and municipal government. These bodies in turn desired to guard their traditional privileges and rights under the old colonial structures. This included the power to dispense justice over their jurisdictions. As Ana Frega has shown, the overriding concern in establishing the foundations for a new state was protecting these local rights from outside interference. In short, local privileges and relationships were at the heart of Artigas’ constitutional project. Any larger associations had to be carefully curtailed to “the voluntary association of bodies

---

25 On the corporatist tradition in constitutional theory in connection with the formation of the Argentine state, see Chiaramonte, "Acerca del Origen del Estado el el Río de la Plata," 27-50.
26 Frega, Pueblos y Soberanía.
28 Frega, Pueblos y Soberanía, 234.
that maintained their sovereignty." These notions of local autonomy, standing and justice would continue to play a powerful role in federalist discourse throughout the borderlands in the decades to come.

With the 1813 instructions, the die was cast in the conflict between the loose federalist ideology emerging in the borderlands under Artigas and the stronger, centralized vision of the porteño elites in the old viceregal capital. Officials in Buenos Aires naturally found the federalist program expressed by Artigas and his followers wholly unacceptable. The porteño government rejected Artigas’ delegates, pushing the two sides closer to war. The government in Buenos Aires declared Artigas an outlaw and ordered his arrest. Artigas withdrew his forces from around Montevideo and marched northwards to secure support for his movement along the Uruguay River. Artigas’ demands for provincial equality resonated particularly with the littoral provinces along the Río de la Plata’s interior river network. These provinces had long resented Buenos Aires’ chokehold on the river trade. With Artigas on the march, substantial portions of these provinces now rallied to his side.

By the end of 1813, a full-scale civil war had broken out between the rivertine provinces of Santa Fe, Entre Ríos and Corrientes and the erstwhile central government in Buenos Aires. Artigas’ Federal League, as this loose association soon became known, clashed with porteño forces throughout 1814. In February, Artigas crushed an expeditionary force moving against him in Entre Ríos, guaranteeing his dominance over the Uruguay River basin. By the end of the year, the remaining opposition in Montevideo also collapsed. Artigas moved to consolidate his position by establishing a provisional capital for his new alliance at his

---

military headquarters along the banks of the Uruguay River near Salto and in the center of the borderlands.

Although triumphant for the moment, Artigas still faced a perilous political situation. To the east, imperial armies continued to threaten invasion. To the south, Buenos Aires remained a persistent threat. Although royalist opposition had faltered in Montevideo, the borderlands caudillo faced continued resistance from the city’s merchant community. Artigas had to find a means to forge a new base of power in the borderlands capable of sustaining a fight against these powerful enemies. To do so, Artigas turned to the small landowners in the Banda’s interior in order to establish a bulwark against his coastal enemies. As a former military commander in the borderlands, Artigas was acutely aware of the longstanding social tensions between peripheral inhabitants and coastal merchants over questions of property rights. To sustain his revolution, Artigas now tapped into these conflicts. Artigas drew upon the literature percolating throughout the Río de la Plata discussing the meaning of the revolution in the United States. From it, he articulated a new, Jeffersonian vision for the borderlands. He called for the creation of a class of small landowners, which would form the core of a new republic founded on notions of virtue, equality, patriotism and public service. Once removed from the parasitic yoke of the old colonial system and its vestiges in the viceregal capital, the borderlands could emerge as a prosperous and modern republic. Artigas would be its protector.30

As the conflict between his followers and Buenos Aires intensified, Artigas began to move beyond notions of local autonomy and federalism and embrace a much more radical vision for a new social order in the borderlands. His social revolution reached its apogee in 1815 with the enactment of the Reglamento provisorio de fomento de la campaña y seguridad de sus

---

30 Salvatore, ed. Caudillismos Rioplatenses, 128-33.
hacendados. Declaring that “the most humble will be the most privileged,” Artigas’ regulation sought to establish his republican vision in the borderlands by seizing the properties “of emigrants, bad Europeans and worse Americans” and then redistributing them to his followers in small parcels.\textsuperscript{31} These followers included all social classes in the borderlands, including “Free Blacks, Sambos of the same class, Indians and poor Creoles.”\textsuperscript{32} The end result would be the creation of numerous small landowners throughout the borderlands. This would be a multi-ethnic, republican society where each citizen possessed written title to lands guaranteed by Artigas’ revolutionary government.\textsuperscript{33}

In exchange, the Banda’s population had to agree to settle and work their newly titled lands. This would bolster the borderlands economy by increasing agricultural production. As the borderlands developed, Artigas could use Montevideo’s deepwater port to bypass Buenos Aires and forge new trading linkages with the littoral provinces. In addition, redistributing lands also promised to at long last consolidate order in the interior. Borderlands property rights now directly flowed to land occupiers. With Artigas protecting their properties, the inhabitants in the borderlands would protect his polity. At the heart of the compact was a compromise between the recognition of traditional rights and the acceptance of state authority.

Artigas’ vision of a loose confederation of territories populated by a multiracial mixture of small farmers and ranchers represented an alternative, radical vision of

\textsuperscript{31} Sala de Touron, Torre, and Rodríguez, \textit{Artigas y Su Revolucion}, 92. This phrasing directly targeted royalists in Montevideo (the bad Europeans), Spanish Americans that had supported Buenos Aires (the worse Americans) and large landowners that had simply fled the violence and possessed nothing more than paper titles to vast segments of the borderlands (the emigrants).

\textsuperscript{32} Adelman, \textit{Sovereignty and Revolution}, 281-84, Sala de Touron, Torre, and Rodríguez, \textit{Artigas y Su Revolucion}, 92.

\textsuperscript{33} AA, T. XXI, No. 114, \textit{Reglamento Provisorio para el fomento de la campaña y seguridad de los hacendados de la Provincia Oriental suscrito por José Artigas} (Sep. 10, 1815), at 95.
sovereignty rooted in borderlands politics and identities. It equally threatened not only the dominance of coastal elites, but also that of large landowners scattered throughout the interior. Alarmed, elites throughout the Banda and beyond began to plead for the Portuguese to intervene to check Artigas’ growing revolution. One Portuguese resident of Montevideo demanded that imperial officials “address the most extraordinary violence” of Artigas’ authorities. He claimed that these men had trampled on “his property rights and the laws of the Nation of which he was a member.”

This time, in addition to its old territorial ambitions over the eastern borderlands, the Portuguese monarchy could add fears that Artigas’ social revolution would spread to its dominions. Already, various indigenous communities in the Missiones region had joined Artigas’ movement. The prospect of the revival of a Guaraní polity along the lines of the old Jesuit states particularly alarmed the growing ranching communities along the Brazilian side of the upper Uruguay. For a slaveholding society, a multiracial republic of free persons of color in the southern borderlands was equally appalling. The empire prepared to intervene in the Banda once again.

With the tacit support of the government in Buenos Aires, the Portuguese invaded the Banda in early 1816. It was less than a year after Artigas had formally launched his incendiary land redistribution program. Throughout the borderlands, the advancing imperial forces faced fierce opposition from Artigas and his followers. Artigas’ forces moved northwards along the Uruguay River. They penetrated Portuguese territories around the old Jesuit Missions in an attempt to encourage a broader indigenous revolt. Eventually, superior imperial forces forced Artigas to retreat. Although the Portuguese subsequently captured

---

34 Padre José Gomes Ribeiro al Marques de Alegrete, AHRGS. Livro de registro da correspondência dos Governadores para o Rio de Prata, 1810-1815. A 1.02, Caixa 125 (December 16. 1815).
Montevideo with relative ease, they had little success in securing the interior. The campaign in the borderlands continued for the next three years. Artigas largely engaged in a series of skirmishes, harassing the Portuguese. Imperial forces responded with a brutal scorched earth campaign, devastating the countryside.

The prolonged wars reduced the Banda, formally one of the most dynamic regions in the Spanish empire, to ruins. As the conflict drug on, the financial strains on the imperial government also began to show. Rumblings in the Brazilian northeast in particular threatened to reproduce the civil wars already sweeping the Spanish territories. In 1817, rebels chaffing under imperial taxes and falling sugar prices overthrew the governor in Recife. Imperial troops quickly crushed the short-lived Republic of Pernambuco, but the specter of revolution loomed over the shaky Portuguese edifice. The Brazilian court struggled to hold the empire together as fissures increased between the government in Rio de Janeiro and its peripheries in the north and south.35

Eventually, however, the federalist coalition sustaining Artigas’ opposition to both Buenos Aires and the Portuguese empire began to fray first. Francisco Ramírez, Artigas’ erstwhile ally in Entre Ríos, seized upon his former superior’s weakness to assert his own authority over the borderlands. Artigas promptly invaded Entre Ríos, only to be quickly and finally defeated. Ramírez pursued Artigas as he retreated towards his old base of support in the northern borderlands. Vanquished, Artigas finally crossed into Paraguay and into exile in 1820. Artigas would never return to his native Banda Oriental. His social revolution was over. His dreams of a virtuous borderlands republic were dashed.

Artigas’ defeat did not spell the end of the political conflicts across the Río de la Plata drainage. Instead, it redirected them back towards the old coastal cores. Having temporarily asserted control over much of the upper Uruguay, Ramírez turned his attention back to the porteño government to the south. Estanislao Lopez, the federalist leader of Santa Fe across the Paraná River from Entre Ríos, joined Ramírez’s forces as they marched into Buenos Aires province. In February, the littoral commanders smashed a porteño army, leaving the capital defenseless. Ramírez and Lopez swept into Buenos Aires and sacked the city. Following a brief occupation, the littoral caudillos returned to their home provinces and left the old viceregal capital in chaos. Desperate for order, civilian authorities turned the government over to the provincial military. General Martín Rodríguez and Colonel Manuel Dorrego emerged on the scene to assume control. In the process, they abolished the ineffective Buenos Aires cabildo altogether. By the end of 1820, the revolution had devoured the old institutions of civic rule in the viceregal capital that had launched it a decade earlier.36

The persistent tensions between the borderlands and the coastal cores had exploded throughout the 1810s. These conflicts had produced not only powerful expressions of local autonomy, but also more radical demands for a new multiracial and egalitarian society. Artigas had sought to forge an alternative order throughout the borderlands rooted in these identities. His rivals from the old viceregal capitals and imperial Brazil had dismembered his brief attempt to secure a federalist polity in the interior. In the process, however, borderlands conflicts had accelerated the destruction of the colonial system. By the end of 1820, the political foundations for the Creole elite in Buenos Aires had been destroyed. The 1820s would be about efforts to forge new institutions to govern not only in the former imperial centers, but in the contested borderlands as well.

Sovereign Proclamations and Renewed Conflicts in the 1820s

With the social revolution in the borderlands vanquished, the early 1820s offered a brief moment of relative calm throughout the stormy Río de la Plata. With the imperial court established in Rio de Janeiro, Brazil had managed to navigate the first revolutionary decade without experiencing the widespread violence, political fragmentation and social disruptions of the former Spanish colonies. Following their final victories over Artigas, Brazilian leaders had formally annexed the Banda into the empire as the Cisplatine Province in 1821. Imperial ambitions to extend Portuguese (and later Brazilian) dominions to their “natural” border at the mouth of the Río de la Plata had finally been achieved. However, beneath the triumphant façade, the decade-long wars in the Río de la Plata borderlands had badly strained imperial resources. Soaring inflation resulting from the costs of the war angered the local merchant community in Rio de Janeiro. As imperial resources sagged, tensions on the peripheries increased. The Portuguese empire was at a crossroads.

As they had in the Spanish territories, events across the Atlantic finally led to the collapse of the Portuguese imperial structure in the early 1820s. A liberal revolution erupted in Portugal. Reformers in Lisbon demanded a new constitution, a provisional government and most importantly the return of the Portuguese court to its “proper” place at the center of a European empire. The Portuguese Emperor, João, departed for Lisbon. He left his son Pedro as regent in Rio de Janeiro. Intended to placate the growing revolutionary movement in Portugal, the return of the emperor to the old imperial core only accelerated the rupture between the American and European segments of the empire. Although Portuguese reformers included Brazilian delegates in the new constitutional convention, they represented a decided minority. The assembly quickly adopted a pro-European agenda, drafting a series of measures designed to return Portugal to the center of the imperial
economy. By 1822, the powerful merchants in Rio de Janeiro had seen enough. They threw their support behind a formal rupture.

At this moment, the presence of elements of the imperial family in Brazil proved decisive. Pedro seized the opportunity and declared Brazil formally free from Portuguese rule on 7 September 1822. By taking this action, Pedro ensured that opposition to empire did not evolve into opposition to the monarchy as it had in much of the Spanish territories. The presence of an accepted source of authority equally reduced the danger of a crisis of legitimacy similar to that which had erupted in the Río de la Plata following the May revolution. The Portuguese empire was no more, but a new Brazilian empire had arisen to take its place.37

The new court continued to possess enough gravity to hold the disparate provinces throughout Brazil together within one unified structure – but only just. For the next two decades, the empire faced constant threats to its existence, particularly on its northern and southern peripheries. Back in the Río de la Plata borderlands where imperial authority was weakest, the Brazilian revolution immediately touched off new conflicts. There, disputes between Portuguese forces occupying Montevideo and troops loyal to the new Brazilian empire threatened to destabilize the tenuous peace in the Cisplatine province. Taking advantage of the cracks in the provincial leadership, a number of revolts broke out against the Portuguese occupation. The oriental opposition to the Portuguese, however, was largely uncoordinated. With memories of Artigas’ campaigns still very fresh, important segments in the Cisplatine, particularly in Montevideo, continued to support the Brazilian presence out of fear of a renewed popular uprising. Within a few weeks, the Portuguese dissidents in Montevideo had capitulated to the new Brazilian government and sailed for Europe. When

37 Adelman, Sovereignty and Revolution, 332-42.
Buenos Aires refused to offer any assistance to the uprisings, the revolution in the Banda fizzled out. By the end of 1823, the Brazilian empire again appeared to be in control of its southern borderlands. The uprisings, however, had revealed a deep and turbulent well of resistance to Brazilian dominance just beneath the calm surface. Significant segments of the opposition remained just across the Uruguay River in Entre Ríos awaiting a new opportunity to challenge Brazilian control over the Cisplatine. Renewed warfare in the borderlands appeared imminent.38

Across the Río de la Plata estuary in Buenos Aires, the remnants of the old merchant communities and their new military allies emerged from the chaotic defeats at the end of the revolutionary decade more determined than ever to reassert their authority. Porteño elites wanted to establish the political and financial basis for a new system of national sovereignty. Bernardo Rivadavia was at the center of this movement to forge a national entity in place of the old viceroyalty. A former diplomat and peripheral figure during the initial revolutionary decade, Rivadavia emerged in the 1820s as the dominant voice in the unitarist political faction in Buenos Aires. Drawing heavily on the works of Jeremy Bentham, whom the Argentine leader had met during his diplomatic stint in England, Rivadavia called for the numerous provincial assemblies throughout the old viceroyalty to join together into a “unified” national system. Rather than colonial privileges, Rivadavia and his allies called for the new nation to be governed by the consent of the people. This entailed broadening suffrage rights by extending them beyond merchant elites in the capital and into the countryside for the first time. Once established, the new government would enact clear,

---

universal laws that would further restore the political and social bonds of the old viceroyalty. The end result would be a prosperous, modern polity.  

Throughout the early 1820s, the unitarists in Buenos Aires established their hold over the provincial assembly. By 1824, they sought to extend their constitutional innovations beyond their home province and reunite the interior together under a new constitutional government seated in Buenos Aires. The debates over a sovereign framework quickly reignited the fissures between unitarists in the capital and federalists throughout the interior. For the moment, the unitarists held sway in the constitutional convention. They elected Rivadavia the first president of the United Provinces in February of 1826. The congress then granted the new president broad powers over the economy, foreign affairs and questions of internal security. The efforts to forge a new republic culminated when the assembly, under Rivadavia’s direction, proposed a new constitution later that same year that took direct aim at the remaining elements of provincial sovereignty. In particular, it nationalized the election of deputies, proposed a federal judiciary and formally established the seat of government once again in Buenos Aires.

Federalists in the new United Provinces loudly complained about the direction of their putative national government. With tensions already running high, renewed warfare in the Río de la Plata borderlands signaled the demise of Rivadavia’s unitarist project almost as soon as it appeared. Following their defeats in 1823, many orientales had taken refuge across the Uruguay River in Entre Ríos. Opposition leaders such as Juan Antonio Lavalleja and

---


41 Ibid., 138.
Manuel Oribe traveled to Buenos Aires. There, they lobbied the government to support their efforts to recover the Banda for the United Provinces. The Brazilian empire’s tenuous control over its Cisplatine Province finally faltered in early 1825. Thirty-three exiles from the Banda crossed the Uruguay River under Lavalleja’s command, touching off a political revolution against the occupying Brazilians. By October, an oriental congress elected deputies to the national assembly in the United Provinces, formally incorporating the Banda back into the territories of the old viceroyalty.\[42\]

With the rebellious Banda now part of the United Provinces, the Brazilian empire declared war against the Argentines as well. The conflict quickly devolved into a brutal war between the two powers on the opposite ends of the Río de la Plata over the possession of the Uruguayan borderlands between them. Lavalleja’s forces quickly captured much of the Banda’s countryside, leaving Brazilian troops hemmed in on the coast. The Brazilian emperor Pedro then personally traveled to the southern borderlands to take command of military operations. The two forces finally clashed when armies from the United Provinces invaded Río Grande do Sul in early 1827. In February, imperial forces met the advancing Spanish at Ituzaingó. There, the United Provinces’ army battered the Brazilians, effectively ending their efforts to retake its rebellious province militarily. A year latter in 1828, Fructuoso Rivera, one of Lavalleja’s oriental lieutenants, raided Brazilian territories throughout eastern Missiones. Rivera’s campaign devastated the region while securing resources for Argentine forces and fame for the oriental commander. After these reversals, the imperial government began to look for a diplomatic solution to a conflict that threatened their still very tenuous authority. Within the empire, opposition to Pedro’s increasingly ineffective rule rose. The regime survived, but only barely. Eventually, the discredited

---

Pedro abdicated the throne in 1831, leaving power to a cadre of advisers around his young son.\textsuperscript{43}

Despite their relative military successes, the United Provinces could never score a decisive victory that could end the borderlands war. Imperial armies continued to menace the Banda. The ebb and flow of constant military movements again devastated the borderlands and drained resources away from the combatants.\textsuperscript{44} While the Brazilian empire sagged under the weight of the conflict, the much more fragile national government in the United Provinces collapsed altogether. Even before the war intensified in 1826, Rivadavia faced fierce federalist opposition to the new national constitution. The war then strained the fragile finances sustaining Rivadavia’s government. As the new state faltered, federalists throughout the countryside rose to demand that the substantial powers accorded to the new national government under the constitution be rolled back. In 1827, Manuel Dorrego, the federalist general and governor of Buenos Aires Province, forged a new Federal Pact designed to unify provincial opposition to the porteño centrist. The final act in the unitarist tragedy occurred when the lines of credit supporting Rivadavia’s government collapsed on the London markets. Facing a financial and military disaster, Rivadavia renounced the presidency and fled the country. The national government imploded with his departure, leaving behind a fragmented confederation of provinces. Dorrego entered the city and established provincial authority over the former national capital. Once again, political efforts to unify the old viceregal territories under a new national government had failed.\textsuperscript{45}

\textsuperscript{43} Adelman, \textit{Sovereignty and Revolution}, 391.
\textsuperscript{44} Street, \textit{Artigas and the Emancipation of Uruguay}, 351-66.
\textsuperscript{45} Adelman, \textit{Sovereignty and Revolution}, 386-91.
Conclusion

In 1828, the exhausted powers sued for peace in the borderlands. With English assistance, they negotiated a compromise through which the Banda Oriental became the independent Uruguayan Republic. The creation of this new “buffer” state, however, did not signal the consolidation of state authority over the borderlands. Rather, it marked the inability of any one power in the region to control the contested grounds between them permanently. After nearly two decades of war, deep political divisions remained throughout the Río de la Plata over fundamental questions of sovereignty. The 1828 peace had created a new state, but the northern Uruguayan borderlands, devastated by decades of military violence, social revolutions and political turmoil, remained stateless.

Revolutions and independence had washed away the old colonial order, but had failed to produce new national entities to take its place. Two decades of violence had produced a deep crisis for elites in coastal capitals and for the inhabitants of the borderlands. As the third decade following the May revolution in Buenos Aires dawned, the crisis of order sweeping across the borderlands in the wake of the revolutions overthrowing colonial governments remained unresolved. Throughout the 1830s and 1840s, violent conflicts to control the borderlands would continue. However, beneath the surface of the constant struggles, a new order born out of the shared traditions of local autonomy and justice was in fact emerging. These structures would powerfully shape the evolution of the Río de la Plata’s contested ground over the coming decades. We now turn to these peripheral solutions to the problem of order engendered by the vortex of revolution.
CHAPTER 2

THE (RE)EMERGENCE OF BORDERLANDS LEGALITIES

Two decades of military and political conflicts unleashed by the collapse of imperial authority in Spain and Portugal had torn apart the foundations of the old colonial order throughout the Río de la Plata. Always a zone of conflict, the borderlands had become the theater for not only clashes over rival sovereign projects, but also over the social order that would eventually emerge from the revolutionary process. With no institution or group able to hold sway for any sustained period of time, exhausted rivals had sought a respite from sovereign struggles through a brokered peace that established an independent Uruguayan state. The creation of a “buffer state” and the erection of further artificial national divisions across the borderlands, however, represented only a temporary truce in the battle to control this contested ground. The absence of an agreement on the basic elements of a more permanent political order continued to vex would-be state-makers throughout the basin, producing weak and fragmented provincial governments that rose and fell along with the military fortunes of their titular leaders.

Throughout the 1830s and 1840s, conflicts over sovereignty only intensified as competing state models throughout the region clashed behind and across borders. These conflicts pitted international coalitions of Argentine unitarists, Uruguayan colorados and riograndense republicans against their local federalist, blanco and loyalist rivals. The existence of these coalitions fundamentally reflected the region’s deeply interconnected nature. The porous boundaries along the periphery in particular meant that local conflicts almost always possessed an international dimension. Blurred boundaries ensured that no one side could gain a permanent hold on the region, deepening the violence and instability in a vicious cycle. The path forward in the borderlands seemed treacherous and unmarked.
Beneath the chaos sweeping across the borderlands, however, a new order was in fact slowly reemerging on the ground. The same forces producing factional conflicts and cross-border violence were linking the Río de la Plata’s economy together through commerce. These trading ties, particularly along the Uruguay, created increasingly dense webs of cross-border connections as merchants and landowners sought to expand economic opportunities and shield themselves from the ebb and flow of military campaigns. As commercial relationships developed across borders, borderlands inhabitants equally molded institutional structures and legal practices together to cope with the twin realities of cross-border trade and violence. They particularly turned to familiar local institutions and identities that had remained present, although latent, within the multiple layers of imperial sovereignty that characterized the colonial period. These notions of local autonomy and rights had risen to the surface during Artigas’ revolutionary moment. Borderlands elites worked to combine aspects of local autonomy from Artigas’ original state project with their desire to protect the existing social order. In the absence of imperial laws, borderlands inhabitants turned to local legal practices in order to regulate their emerging trading relationships. The various strands of reciprocity and reputation they deployed became the bedrock for borderlands legalities.

This chapter explores the emergence of borderlands legalities in the Río de la Plata’s contested periphery in response to the crisis of order sweeping the region. It looks at the efforts of traders and landowners in the borderlands to forge cross-border relationships to facilitate commerce. In lieu of a state-centered legal order, these borderlands traders relied on their personal reputations to develop ties across the region. These connections in turn supported reciprocal relationships designed to protect assets and claims across borders at important nodes along trading routes. The end result was a flexible system that could
operate throughout the borderlands and between states to protect commercial sinews and vindicate legal rights. This peripheral order not only permitted traders and landowners in the borderlands to survive the political turmoil around them, but also enabled the creation of vast new forms of personal wealth for men like Justo José Urquiza. Urquiza in particular used his growing economic status and his military acumen to expand his political power, providing a counterweight to state-centered projects flowing from the coastal capitals beyond the borderlands.

After looking at the strategies employed by borderlands traders to create commercial chains, this chapter then drops down to the local level to examine the legal practices and institutions that played a critical role in sustaining them. Local legal norms and trading relationships complimented each other. While personal reputation, reciprocal ties and political connections proved vital to cross-border commerce, the declaration and enforcement of these relationships occurred in local courtrooms throughout the region.

To prevail in these diverse local fora, litigants assembled the testimony of prominent local elites. The testimony of honorable vecinos in support of a judicial claim simultaneously accomplished two things. First, it provided the main source of evidence to support individual legal rights. The frequent absence of written records in particular made local knowledge critical to delineating property rights and disentangling commercial claims within trading communities. Second, it publicly expressed the system of personal allegiances rooted in reputation and reciprocity that formed the basis for commercial relationships throughout the borderlands. Within this framework, litigation became about much more than the mere recovery of property or money. It served as a key moment in which borderlands traders and landowners, as well as their local allies, could make the often-tacit connections and understandings sustaining their commercial and political associations explicit to the broader
community. Local courts became important arenas in which the practices underpinning borderlands legalities could be reaffirmed. As a result, inherited imperial categories of local citizenship or belonging like vecindad took on renewed significance. Defining their boundaries became an important source of power. The reactivation of these concepts within the new system of borderlands legalities in turn provided a vital source of stability. They began to resolve prickly questions of political and social identities in a region that continued to be beset by intense struggles over sovereignty itself. Local autonomy, borderlands legalities and blurred boundaries all went hand-in-hand.

**Rosas and the Borderlands Commercial Revolution**

While the peace brokered by British diplomats creating an independent Uruguayan republic in 1828 produced a short-lived calm in the borderlands, the financial and political toil of the war only deepened conflicts in the centers of the Argentine Confederation and the Brazilian empire. In Argentina, the unitarian government under Bernardino Rivadavia collapsed under the financial strains of the prolonged conflict. When Argentine forces under General Juan Lavalle returned from the battlefield to find a new, federalist government under General Manuel Dorrego, they promptly revolted. Lavalle seized power, assassinating Dorrego in the process. As José Barrán declared, the murder “filled the trench separating the two parties with blood.”

Buenos Aires again slipped into chaos.

The conflicts in Buenos Aires, however, heralded the rise of a new source of power in the port. Outraged, federalist caudillos outside of Buenos Aires rallied around Juan Manuel de Rosas. Rosas was one of wealthiest landowners in Buenos Aires province. In this sense, he represented a new political force that rooted its power and wealth in ranching activities

---

and staple exports instead of the old colonial merchant trade. Utilizing his personal wealth and standing within the provincial rancher community, Rosas fashioned a base of support through an astute mixture of republican populism and harsh measures designed to ensure political order in the countryside. Rosas overthrew Lavalle’s unitarists, driving them into exile in the Uruguayan Republic. The provincial assembly proclaimed Rosas the new governor in early December 1829. Under Rosas’ direction, the assembly began enacting draconian measures to tramp down on political opposition and consolidate Rosas’ authority. Rosas became “the Restorer of Laws.”

Having secured leadership in the province, Rosas turned to consolidating his political power within the dominant federalist coalition. In 1832 he left the office of Governor and promptly undertook a brutal campaign to pacify the indigenous populations along Buenos Aires’ southern frontier. He then distributed the spoils of war to his political allies. At the same time, he worked behind the scenes to undermine successive provincial governments. Through this combination of military action and political subterfuge, Rosas established himself as the sole source of order in the province. In 1835, Rosas triumphantly returned to the governorship and further consolidated his grip on power. The provincial legislature granted him “the sum of public powers” for five years, accelerating the drift towards authoritarian rule. Rosas quickly suppressed what remained of the political opposition. With his grip on the government secure, he then used periodic plebiscites to extend his

---

2 Tulio Halperín Donghi famously described this process as the “ruralization of the bases of power.” Halperín Donghi, Revolución y Guerra, 380-404. Domingo Sarmiento similarly picked up on this invasion of the urban space by the American countryside in his dichotomy of civilization and barbarism. Sarmiento, Facundo.

3 Salvatore, Wandering Paysanos, ———, ed. Caudillismos Rioplatenses.

extraordinary powers and reconfirm his connection to the popular masses. Through this form of “soft dictatorship,” Rosas possessed absolute authority over the province for the next seventeen years.\(^5\)

While the federalist regime in Buenos Aires gradually evolved into an authoritarian government over the course of the 1830s, Rosas adopted a very different strategy in his relations with the interior provinces in the Argentine Confederation. Rather than impose his power directly, Rosas turned to a series of inter-provincial pacts. The most significant of these established a union between Buenos Aires and the three littoral provinces, Santa Fe, Entre Ríos and Corrientes, in 1831. In true federalist fashion, the pact “presumed an association of sovereign and truly equal provinces.”\(^6\) At the same time, however, Rosas ensured that Buenos Aires remained the primer entre pares, particularly in terms of rivertine commerce. He tightened the capital’s grip on overseas trade, funneling customs revenues into provincial coffers in order to sustain his regime.

*Porteño* control over commerce along the Río de la Plata’s river networks chaffed provincial elites. However, the economic boom that quickly spread into the borderlands following the consolidation of political authority under Rosas in Buenos Aires temporarily reduced tensions within the loose federalist coalition. Exports of staples to Europe combined with growing demand for the region’s traditional products of jerked beef and hides to ensure a dramatic expansion of commercial activity along the river networks linking the Río de la Plata to the Atlantic World.\(^7\) Throughout the 1830s and 1840s, eastern Entre

---


\(^6\) Ibid., 120.

\(^7\) Ibid., 121-23.
Ríos in particular witnessed a dramatic rise in trade along the Uruguay River. In their study of exports from the Argentine Littoral, Roberto Schmit and Manuel Rosal examined the increasing prominence of the Uruguay River trade. They argued that this rise reflected the region’s overall success in negotiating the transition from a colonial economy based around the export of silver to a “national” economy integrated by the export of agricultural commodities to growing American and European markets. Focusing on estimated values of goods flowing from Entre Ríos to Buenos Aires between 1831 and 1850, Rosal and Schmit found both an increase in the total value and the percentage of trade coming from eastern Entre Ríos along the Uruguay’s southern reaches. According to Rosal’s and Schmit’s figures, the average value of goods exported from Entre Ríos between 1831 and 1835 was approximately 5,897,201 paper pesos. Correspondingly, for the period between 1845 and 1850, trade between Entre Ríos and Buenos Aires increased to an annual average of 9,134,032 paper pesos. Moreover, the authors estimate that over the same period, the portion of Entre Ríos’ trade along the Uruguay River increased from 41.5% to 73.1%.


9 Miguel Rosal and Roberto Schmit, Comercio, Mercados e Integración Económica en la Argentina del Siglo XIX (Buenos Aires: Instituto de Historia Argentina y Americana Dr. Emilio Ravignani, Facultad de Filosofía y Letras, Universidad de Buenos Aires, 1995), 98. I use “national” here to indicate a post-colonial economy. I do not intend to imply that national boundaries defined economic activities or commercial linkages. To the contrary, the borderlands politics described in this chapter represented a rejection of putative national limits on economic relationships.

10 The figures for the total trade from Entre Ríos to Buenos Aires for each year are:

1831: 927,865 1832: 1,265,946 1833: 1,408,194 1834: 1,933,181 1835: 1,810,078
The export bonanza along the Uruguay temporarily assuaged the old federalist complaints about the porteño chokehold on the Río de la Plata’s rivers. Rosas could also call upon a sense of federalist unity in the face a common, foreign threat to sustain his privileged position at the mouth of the river. Answering calls from the foreign-dominated merchant community in Montevideo, French naval forces blockaded Buenos Aires in 1838 in order to force Rosas to open the river to free trade. While this first blockade proved largely unsuccessful, a combined British and French naval force was more effective in sealing off Buenos Aires in order to compel it to open the Río de la Plata directly to European traders. A British squadron eventually sailed up the Paraná, hoping to link up with unitarist forces and their allies to overthrow Rosas’ regime. European efforts to undermine Rosas, however, only tightened his grip on power within the federalist coalition as they confronted a common threat from the unitarists and their European allies. When these efforts failed to overcome Rosas and his federalist allies’ dominant position on land, the European powers again withdrew from the region.

While they did not alter the balance of power, the European naval blockades did hasten the gradual reorientation of commercial traffic away from the Paraná River and towards the Uruguay drainage. The ports along Entre Ríos’ Uruguayan coast were well positioned to handle traffic moving from unitarist-controlled Montevideo and bypassing Buenos Aires. Concepción del Uruguay and Concordia in particular prospered during the 1830s and 1840s as export centers for beef products and access points for European goods moving upriver to the Argentine Littoral, Rio Grande do Sul and even Paraguay. Sailing upriver from the Uruguay’s mouth in the Río de la Plata estuary, it was possible to transport

Ibid., 48-50.

Ibid., 71.
goods as far north as the cities of Salto and Concordia on opposite banks of the river. There, a series of rocky shoals – notably the Salto Grande and the lesser Salto Chico – required cargos to be unloaded and carried above the rapids. Once above Salto Grande, however, ships could again navigate the upper Uruguay to Missiones and Rio Grande do Sul. The portage altered the character of the river’s trading activities. Although trade also continued to expand along the upper Uruguay, it did so more slowly than the dramatic growth of the vast saladero or beef salting operations dedicated to beef exports to the south.\textsuperscript{12}

The traffic above the falls also focused more on regional products from both Paraguay and Brazil, including tobacco, \textit{yerba mate} and sugar. These goods augmented the growing overseas commercial operations dominated by the Argentine and Uruguayan littoral regions further downriver.\textsuperscript{13}

Perhaps no cities captured the importance of the growing trade on the upper Uruguay better than Alegrete and the nearby port of Uruguaiana, Brazil. Strategically situated along the overland route connecting eastern Rio Grande do Sul and its network of navigable rivers with the vast ranchlands to the west, Alegrete was a focal point for commercial activity in the emerging borderlands economy. Traveling across the open plains of Rio Grande do Sul’s western \textit{campanhas} towards Alegrete in 1858, Robert Avé-Lallement described the town rising out of the gently undulating grasslands. Avé-Lallement particularly noted the “active commercial spirit” in Alegrete. He commented on the “large number of shops, some very substantial” dotting the plaza around the town’s main square and church.\textsuperscript{14}

At the end of the decade, the population of the city and its surrounding districts exceeded

\textsuperscript{12} Whigham, \textit{The Politics of River Trade}, 79.
ten thousand souls. This made it the second largest comarca, or judicial district, in the Brazilian borderlands behind Bagé to the south.\(^{15}\)

Alegrete’s steadily expanding prosperity, however, was eclipsed by nearby Uruguaiana’s spectacular growth. Founded only in 1840, Uruguaiana quickly grew over the next twenty years into the principal Brazilian port along the Uruguay River. By the late 1850s, the total volume of official trade moving through the city surpassed even that of the city of Rio Grande, Rio Grande do Sul province’s sole oceanic port.\(^{16}\) The growth of Brazilian rivertine ports in the borderlands further stimulated economic activities in both the \(^{17}\) Estado Oriental and Entre Ríos, as the twin-ports of Concordia and Salto emerged as re-export centers for finished goods such as textiles arriving from European markets. In this way, the Uruguay River (and the traders navigating along it) linked together diverse economic spaces and port cities along its banks.\(^{18}\)

By the end of the 1830s, the consolidation of the Rosas regime in Buenos Aires had set the stage for a commercial export boom along the Uruguay. It had also ensured continuing violence. From across the estuary in Montevideo, the old unitarist faction longed to return to power in Buenos Aires. Both Rosas and his enemies gradually aligned themselves with rival political groups emerging in the neighboring republic. Each side would seek to use political conflicts to gain an advantage across the border in the Argentine Confederation. Repeated European interventions against Rosas further exacerbated these

\(^{15}\) Luís Augusto Ebling Farinatti, "Confins Meridionais: Famílias de Elite e Sociedade Agrária na Fronteira Sul do Brasil (1825-1865)" (Ph.D., Universidade Federal do Rio de Janeiro: Instituto de Filosofia e Ciências Sociais, 2007), 45.


\(^{17}\) The Estado Oriental, derived from the colonial name Banda Oriental, was a common term during the 19\(^{th}\) century for the Uruguayan Republic. This dissertation uses the two terms interchangeably throughout.

\(^{18}\) Schmit, \textit{Ruina y Resurrección}, 139-49.
simmering struggles. By 1840, local skirmishes throughout the entire Río de la Plata basin had combined into a regional war that was known simply as the Guerra Grande – literally “the big war.” To continue to exploit the region’s vast commercial opportunities, traders and landowners had to navigate conditions of intense violence in nearly every corner of the basin. The next section of this chapter explores how borderlands residents both expanded trade and protected their legal rights in this violent world through the stories of two individuals.

**Creating Commercial Chains and Borderlands Legalities**

Beginning particularly in the late 1830s, the entire Río de la Plata basin experienced waves of conflict as rival armies moved across borders from Rio Grande do Sul to Buenos Aires. The Guerra Grande devastated the region, destroying properties and cattle herds as military forces scoured the countryside for provisions. Yet, throughout the 1830s and 1840s, trading chains along the Uruguay River and its surrounding territories forged the connective tissue for a new political order defined by the region’s factional politics, violence and blurred national boundaries. The sheer pervasiveness of the violence and disorder throughout the borderlands during the Rosas era tends to mask these practices. This is particularly so because borderlands legalities emerged largely to address the absence of state-centered authority and operate in the Río de la Plata’s contested ground. Born through daily practices and understandings, the creators of borderlands legalities did not produce codes, treatises or legislation attesting to their existence. To understand how borderlands legalities

---

José Pedro Barrán and Benjamin Nahum offered a particularly vivid description of the devastation wrought by the Guerra Grande on the Uruguayan countryside throughout the 1840s. They argued in their exhaustive study of rural Uruguay that the various conflicts reduced herds in the Estado Oriental by more the 50% from the pre-war totals. José Pedro Barrán and Benjamín Nahum, *Historia Rural del Uruguay Moderno*, vol. 1 (Montevideo: Ediciones de la Banda Oriental, 1967), 28-34.
addressed the problem of order and facilitated commerce, it is necessary to look at the concrete experiences of the traders and landowners who developed and utilized them throughout the Río de la Plata’s periphery.

This section does this through the stories of two prominent merchants, Agustín Guarch from Uruguay and Francisco de Lemos Pinto from Rio Grande do Sul. It uses their personal histories in order to delve beneath the military conflicts and into their commercial operations and strategies. This allows us to understand how traders and landowners in the borderlands forged a workable peripheral order on the ground in the absence of more formal, state-centered relationships. Their respective stories also reveal how these cross-border ties fed back into factional allegiances and heightened the stakes in the political and military conflicts sweeping the region.

Agustín Guarch began his career in Montevideo in the 1820s by supplying Brazilian troops occupying the empire’s newly formed Cisplatine Province. The 1825 war between the Argentine Confederation and the Brazilian empire over the borderlands created renewed instability but also new commercial opportunities for Guarch and his allies. Guarch developed political and commercial linkages with Uruguayan General Fructuoso Rivera. During the conflict, Rivera had crossed into the yerba-rich Missiones region along the northern Uruguay River. He plundered Brazilian lands in order to supply his army throughout his campaign against imperial forces. With the end of the war in 1828, Rivera carried thousands of cattle and indigenous laborers with him as he withdrew to the newly created Uruguay Republic. Rivera then used his wartime spoils to secure ties with prominent

---

merchants, traders and landowners. Rivera leveraged this network of commercial and political alliances to propel himself to the Uruguayan Presidency in 1830.

Having established ties with Rivera during the war, Guarch now moved to profit from his increasingly powerful ally’s victory. He joined with other prominent merchants in Montevideo to advance large loans to Rivera’s cash-starved government in exchange for the rights to public lands and the revenue stream from the port city’s customhouse. Domingos Vázquez, a merchant and slave trader, was at the center of this group of creditors. Vázquez arranged loans for the Uruguayan government on increasingly favorable terms, developing what Lucía Sala de Touron termed a “usurious cartel” of merchants tied to the weak national government.21

While Rivera and his allies were triumphant in Uruguay, the war had been a disaster for the Brazilian ranchers in the borderlands. Military campaigns like Rivera’s had repeatedly devastated their ranchlands. After 1828, military defeat and imperial policies exacerbated the riograndense ranchers’ economic hardships and political grievances. Elites in the borderlands already laid the blame for their defeat during the Cisplatine conflict at the feet of imperial military officials from outside the province. On top of this resentment, economic tensions over the legal significance of the new national border pushed the riograndense ranchers closer to open rebellion. During the Cisplatine period, Brazilian ranchers had rapidly moved into the northern Uruguayan pasturelands. The ranchers remained economically tied to their neighbors, but now politically separated from independent Uruguay. In this context, the free flow of cattle across the border became essential for the region’s economy. Yet, it was precisely at this moment that the cash-starved imperial government elected to impose taxes

on cattle crossing the border. The imperial decision reflected not only its pecuniary needs, but also the local efforts of Rio Grande do Sul’s saladero industry to prevent its more efficient rivals in Argentina and Uruguay from dominating the emerging salted beef trade.\footnote{In the absence of refrigeration, salting represented the sole mechanism for preparing beef products for export. Oriental saladeros along the Uruguay in particular exploited economic connections with Brazilian ranchers in this regard. They would receive cattle from the northern Uruguayan and Brazilian borderlands, process it, and then export it in many cases back to Brazil. The jerked meat products primarily served to feed the large slave populations in northeastern Brazil and around the coffee plantations in Rio de Janeiro and São Paulo states. This trade threatened the less efficient saladeros in Rio Grande do Sul. As a result, they lobbied the imperial government heavily for restrictions on the cross-border trade to protect their industries.}

Whatever the reasons, ranchers in the borderlands seethed at the growing exactions from the imperial government. By 1835, the majority of borderlands ranchers had had enough. In September, they marched on Porto Alegre and seized the capital. Although initially maintaining that their action was solely against the corrupt provincial president, the growing military conflict quickly radicalized the movement. Within a year, the “Farrapos” rebels had declared Rio Grande do Sul an independent republic, touching-off a decade-long war throughout the Brazilian borderlands.\footnote{Spencer L. Leitman, Raízes Sócio-Econômicas da Guerra dos Farrapos: Um Capítulo da História do Brasil no Século XIX (Rio de Janeiro: Edições Gral, 1979), Alfredo Varela, Revoluções Cisplatinas e República Ringrandense, 2 vols. (Porto Alegre: Chardron, 1915).}

As political conflicts intensified in Brazil, factional violence likewise exploded in the Uruguayan Republic. In 1835, Manuel Oribe was elected the young republic’s second president. Although initially backed by Rivera, Oribe quickly came in conflict with the Uruguayan caudillo over the latter’s continued desire to maintain control over the countryside. When Oribe attempted to strip Rivera of his military command in 1836, the caudillo revolted. He quickly found support from unitarists under Lavalle fleeing from Rosas in Argentina, as well as from his Farrapos allies in Brazil. Rivera’s army donned red sashes in their campaign,
earning the faction’s colorado title. Oribe’s government, echoing Rosas’ proclamations, ordered all loyal forces to display a white standard with the inscription “Defender of Laws.” Oribe’s faction quickly became known by their emblematic color as the “blancos.”

The renewed violence throughout the eastern borderlands continued to shape Guarch’s network of commercial and political alliances as he moved to exploit the conflicts. Guarch used his connections to Vázquez to increase his own personal landholdings in the borderlands and his political ties to the Rivera government. Each of these in turn facilitated a commercial enterprise that would reach across the borderlands and eventually into Rio Grande do Sul and Corrientes. The first step in the process occurred in 1835 when Rivera personally began selling property to Guarch, Vázquez and other merchants in order to finance his opposition to the newly elected Oribe government. Vázquez in particular received a large tract of land around Salto from Rivera in 1835. Rivera used this funding to launch his unsuccessful 1836 military campaign against Oribe. In this sense, the commercial opportunities Vázquez, Guarch and the other Montevideo merchants found in the borderlands intertwined tightly with the personal and factional conflicts between Rivera and Oribe. Political factions began to cohere precisely around these types of relationships with colorados like Guarch explicitly developing commercial enterprises in the borderlands through personal ties to Rivera. In turn, because these associations were the touchstone of property rights and trading relationships, Guarch’s economic activities and connections fed back into factional political divisions as he worked to protect his assets.

Rivera’s 1836 uprising proved short-lived. Oribe defeated Rivera, but the colorado’s ties to the Farrapos across the border permitted him to enter Brazil and regroup. With

---

Rivera defeated and across the border in Brazil, Guarch left the Uruguayan capital and proceeded to rent several tracts of land from Vázquez between Salto and Brazilian border. From this position in the borderlands, Guarch began to serve as an important factional middleman. He leveraged his connections to merchants in Montevideo like Vázquez along with ties to Rivera to foster commercial relationships with the Brazilian ranching community. When the initial power struggle in Rio Grande do Sul gradually deepened into a full blown civil war in 1836, Guarch was well-placed to secure commercial linkages with the rebellious ranchers just across the border.

To that end, Vázquez issued a power of attorney to Guarch in order to negotiate the sale of his lands around Salto to Farrapos supporters seeking to move their herds across the border to avoid the conflict. Guarch immediately traveled north, crossing the border into Brazil. There, he met with Manoel José de Carvalho, a wealthy rancher with extensive lands between Alegrete and Uruguaiana. The men negotiated the sale of 12 leagues of Vázquez’s land. Guarch consummated the deal with Carvalho in May of 1836. The men agreed for Carvalho to purchase the property through two payments in 1837 and 1838, with the final amount to be determined once the actual property boundaries were affixed through a formal survey. The following year, Carvalho tendered the first payment of 14,000 silver patações, a massive sum, for Vázquez’s tract.

26 Carvalho in fact operated one of the largest ranching operations in the region. At the time of his death, Carvalho possessed the second largest estate in Alegrete for the period between 1831 and 1870. Farinatti, “Confins Meridionais”, 54.

27 APRGS. Alegrete. Tabelionato. Registros Diversos, Registro de hum recibo passado por D. Fructuoso Rivera e D. Elias dos Reis a Manuel José de Carvalho (April 23, 1840), 83. Patações are the Portuguese term for one of the “national” currencies from Argentina circulating throughout the region – the patacón. These were originally silver dollars. Later there were paper bills that in theory could be converted into an equivalent amount of specie.
Guarch’s deal with Carvalho reveals how forging cross-border linkages provided a critical mechanism for borderlands ranchers and traders to cope with pervasive political violence. Specifically, the transaction allowed Carvalho to escape the revolution in his home province while simultaneously securing political and commercial allies in theEstado Oriental to protect his assets there. Arrangements like the one between Carvalho and Guarch provided peripheral inhabitants with room to maneuver as military fortunes on either side of the porous border shifted. They were part of the strategies developed in the periphery to deal with the crisis of order sweeping the region.

Conversely, the specifics of Guarch’s land transaction also reveal how cross-border commercial ties and factional conflicts in the borderlands often reinforced one another in a dialectical fashion. Rather than receive the money directly, Guarch and Vázquez arranged for Rivera, the original donor of their lands along theEstado Oriental’s northern border, to receive payment directly from Carvalho.28 Throughout 1838, Guarch further secured several loans for Rivera in exchange for lands in the northern borderlands.29 These transactions aimed to bolster Rivera’s position as his colorados and their allies throughout the Río de la Plata basin attempted to take advantage of shifting political circumstances to overthrow Rosas and Oribe. Thus, as Carvalho moved to seek refuge from conflicts in Rio Grande do Sul, his efforts financed a growing colorado insurrection in theEstado Oriental.

In this case, international tensions paved the way for Rivera to regain power across the border. As Rosas tightened his control over Buenos Aires province, he equally imposed tariff measures designed to secure porteño control over rivertine trade along the Paraná and Uruguay Rivers. The French government, which sought direct access to the interior markets

28 Ibid.
29 Sala de Touron, Alonso Eloy, and Rodríguez, El Uruguay Comercial, 245.
along the Paraná, strenuously objected to Rosas’ tariff regime. Fueled by unitarist pledges to support free rivertine trade, the French imposed a blockade on Buenos Aires in 1838. The French intervention created the opportunity for Rivera and his allies to again invade the Estado Oriental. Backed by substantial support from the unitarists and the French naval squadron, Rivera seized Montevideo in late 1838. Oribe fled to Buenos Aires, tightening his own personal and political alliance with Rosas. Rivera’s allies now demanded that the triumphant caudillo move against the porteño leader. With Rivera dependent upon his foreign allies to support his own domestic position, he declared war on Rosas in early 1839. Once again, the entire Río de la Plata basin was at war.  

Through transactions like the one with Carvalho, Guarch ensured that Rivera received financing for his 1838 invasion and campaign against Oribe’s blanco government. For Guarch, this made sense on both sides of the border. First, he further tightened his connections to Rivera in the Estado Oriental. This had the advantage of protecting his own personal assets that were linked back to the colorado caudillo. Guarch also solidified his connections to growing local networks of colorados in important trading locations like Salto through further land deals linked back to Rivera’s various grants. This left Guarch well-positioned following Rivera’s defeat of the Oribe government in 1838. Second, the transaction further solidified personal and political alliances with rebellious borderlands ranchers in Brazil. In particular, Carvalho possessed a close relationship with Bento Manoel Ribeiro, the Brazilian general and rancher around Alegrete. Through the sale, Guarch could lay the groundwork for further commercial transactions. This in turn enhanced both his

---

31 Sala de Touron, Alonso Eloy, and Rodríguez, *El Uruguay Comercial*, 245.
web of reciprocal relationships that he could call upon in times of need, as well as his personal prestige.\textsuperscript{32}

As the Farrapos conflict deepened in the 1840s, Guarch leveraged these connections with Carvalho and Rivera to further expand his commercial operations by supplying rebel forces and marketing Brazilian cattle in Montevideo. These transactions followed a similar pattern, reflecting the growing trade connections linking the Río de la Plata borderlands together more generally along chains of reciprocal relationships articulated by factional ties. From his base in Salto, Guarch received orders from Farrapos officials across the border. These orders were usually for military supplies, clothing and smaller merchandise. They also occasionally included “big-ticket” items such as a printing press.\textsuperscript{33} Guarch would then utilize his connections with other \textit{colorado} merchants in Montevideo like Vázquez to make the purchases. He then shipped the items upriver to Salto. From Salto, he would travel overland to near the border. There, he would receive cattle, \textit{yerba} and occasionally tobacco from the Brazilians in exchange for the merchandise. By way of example, in December of 1840, Guarch wrote to Jacinto Guedes da Luz from Salto, informing him that the goods the government had requested from him in Montevideo had arrived. The specific transaction called for Guedes to provide some 1,250 head of cattle to Guarch at the border. Guarch wrote that once the Brazilian “ordered the aforementioned cattle be placed at a favorable

\textsuperscript{32} Bento Manoel Ribeiro initially fought on the imperial side until 1837. He then defected, joining the Farrapos Rebels between 1837 and 1839. Ribeiro subsequently returned to the imperial ranks, shifting his alliance in order to better position himself politically following the end of the conflict.

spot to receive them, I will send immediately for them."

Guarch arranged a similar transaction with Simão Perreria in April of 1841, receiving some 1,300 cattle for goods intended for Farrapos military forces around Alegrete.35

Through these land transactions and commercial agreements, Guarch deepened his personal connections to the Brazilian ranchers across the border. He then used familial bonds to develop them further. Once again, factional associations provided the catalyst for commercial expansion. Specifically, as part of the 1835 land grant from Rivera, Guarch arranged for his brother-in-law, Bonifacio Picant, also to rent substantial lands along the border. With Guarch increasingly connected to Brazilian ranchers, Picant crossed the border and established a commercial house in Uruguaiana. Picant oversaw the flow of goods downriver to Guarch’s own trading establishments in Salto and Montevideo. Picant also integrated himself into the rapidly growing merchant community in the recently established port. Specifically, Picant set up important accounts with Andres Roca and Vicente Seralegui to supply them with goods from downriver.36 Through these commercial ties, Guarch was able to arrange the sale of an additional tract of land to Antonio Jacinto de Oliveira, yet another prominent Brazilian rancher in the borderlands, in late 1841. The dense webs of cross-border commercial ties linking Guarch’s network together were evident in the transaction, with Roca and Seralegui representing Oliveira in Salto.37 Through each commercial deal and land sale, Guarch further enhanced his ties with important allies across

34 CV-5123 (December 12, 1840).
35 CV-7284 (April 26, 1841).
36 Don Luis Miraglia por Doña Augustina Guarch y D. Julian Subsiela sobre liquidación y arreglo de cuentas, AGN-SJ. Montevideo. Civil: 1º Turno, G-4 (1851) (the pages in the proceeding were not numbered).
37 Don Vicente Seralegui por Don Antonio Jacinto de Oliveira c. Don José Luis da Costa Farias sobre desalojo de campo, AGN-SJ. Salto. Letrados Civiles, No. 36 (1852).
the border in Brazil. In this way, he bolstered his own personal reputation and crystallized factional allegiances that protected cross-border relationships.

Guarch’s growing network of cross-border commercial allies in turn provided him with an important hedge against factional reverses on his own side of the border. With Rivera now controlling the Estado Oriental, his unitarist allies demanded support for their own campaign against Rosas. Having fled to Buenos Aires, Oribe equally pressed the porteño leader to support his side in the Uruguayan conflict. In 1839, Rosas’ allies in Entre Ríos crossed into the Estado Oriental to confront Rivera. Rivera soundly defeated them, driving the federalists back across the Uruguay River. Sensing victory, the unitarists under Lavalle invaded the Argentine Confederation in 1840. However, their coalition began to unravel when the French lifted their naval blockade under British pressure. With the port reopened, Rosas sent federalist forces under Oribe’s command to confront Lavalle. After a bloody two-year campaign, the blanco general finally defeated Lavalle’s army, driving it from the Argentine Littoral. Rivera then decisively intervened on behalf of his old allies. He invaded Entre Ríos with substantial support from Corrientes to the north, his Brazilian allies and the remnants of Lavalle’s unitarists. The two Uruguayan generals met in eastern Entre Ríos at the battle of Arroyo Grande on 6 December 1842. They did so representing cross-border coalitions of international allies struggling to control the region. Factional conflicts had completely blurred the Río de la Plata’s porous boundaries.38

Oribe decimated Rivera’s forces at Arroyo Grande and then swept across the Uruguay in early 1843. By February, Oribe had laid siege to Montevideo. Like Artigas and others before him, however, the blanco leader lacked sufficient strength to overcome the walled-city’s defenses. Although defeated on land, the colorados and their unitarist allies in

38 Barrán, Apogeo y Crisis, 22-23.
Montevideo maintained a lifeline through the Uruguayan capital’s deepwater port. Fearing that Rosas would gain control over the entire Río de la Plata, French and now British naval forces intervened to ensure that Montevideo’s port remained open. The two European powers also began once again to blockade Buenos Aires, closing off rivertine traffic along the Paraná. Despite the blockade, Rosas and his allies remained dominant on land. With the blancos unable to take the Uruguayan capital and the colorados unable to challenge Oribe in the countryside, the conflict devolved into a prolonged stalemate.

Rivera’s defeat in 1843 had precluded Guarch from conducting his cross-border trade with the Farrapos rebels. To address this, the colorado merchant drew upon his existing relationships in order to continue his commercial operations between Montevideo and ports along the Uruguay River. Once again, Guarch’s brother-in-law played a key role. Working with Guarch, Picant established ties to Restuaración. The town was situated just across the Uruguay River from Uruguaiana in Corrientes. Picant also expanded his operations upriver by opening a trading house in São Borja. Picant developed a growing trade with the Madariagas. They were a powerful correntino family led by Joaquim and Juan Madariaga. The previous year, the two brothers had overthrown the Rosas supported government in Corrientes. Picant and Guarch, allied with the colorados in the Estado Oriental and with the opposition forces to Rosas throughout the borderlands, took advantage of the situation to supply the Madariagas with weapons and other items. They received mules and horses from the correntinos in São Borja throughout much of 1844 in exchange. Picant could then market the horses to his Farrapos allies, while using the mules to ferry other goods overland.  

---

39 Don Luis Miraglia por Doña Augustina Guarch y D. Julian Subsiela sobre liquidación y arreglo de cuentas.
In short, over the course of a decade of warfare, Guarch had strategically used personal and political alliances to build a commercial empire that stretched from Montevideo to Brazilian ports along the upper Uruguay and the Argentine Littoral. Once established, the reciprocal relationships borne out of trading ties and property transactions provided an important mechanism to secure its continued viability. By way of example, we can see how Guarch used his prior dealings with Domingos José de Almeida to navigate the often-shifting factional connections across the border in Brazil. This provided the Uruguayan merchant with a means to protect his legal rights in a number of local fora. The connections between the two men first appear in the record in the late 1830s when they became involved in negotiations to supply the Farrapos army. The specific transaction initially involved an agreement between Bento Ribeiro and Guarch to provide clothing, other military provisions and a printing press to the Farrapos rebels around Alegrete. In exchange, Ribeiro agreed to tender yerba to Guarch in Salto in advance, along with cattle following the delivery of the goods in Brazil. Fructuoso Rivera, by then in control of the Estado Oriental, further agreed to secure the cross-border exchange.\(^{40}\)

When Bento Ribeiro defected from the Farrapos and rejoined imperial forces in 1839, the proposed transaction ran into immediate trouble. Ribeiro wrote to Guarch, informing the merchant that he no longer needed to fulfill the contract with the rebel government.\(^{41}\) Farrapos officials arranged for Simão Francisco Pereira to cross the border and meet with Guarch in Montevideo.\(^{42}\) When Pereira arrived, Guarch indicated that he was “still ready to supply the goods that were then in Salto.”\(^{43}\) He now demanded, however, that

\(^{40}\) CV-2156 (n/d).
\(^{41}\) CV-4830 (November 10, 1840).
\(^{42}\) Ibid.
\(^{43}\) Ibid.
the Brazilians satisfy a list of new conditions that the Uruguayan merchant argued were necessary to address the increased risk associated with the transaction. First, Guarch now demanded that the cattle be provided before he sent the supplies across the border into Brazil. He further requested that the Brazilians tender the cattle across the border in the Estado Oriental. He indicated that he could not cross the border safely given the conditions in the neighboring republic. In short, Guarch used the fact of Ribeiro’s defection to exact a better deal from his embattled trading partners.

At the same time, however, Guarch also used the negotiations over the Ribeiro contract to seek help from Brazilian officials in the Alegrete courts. In particular, Guarch drafted a letter to Almeida requesting that he intervene on his behalf by issuing a summons to Manoel José de Carvalho to appear in court. Recall that Carvalho purchased land from Domingos Vázquez in northern Uruguay, agreeing to make two annual payments. Carvalho had made the first payment, funneling the money through Fructuoso Rivera in 1837. Guarch now demanded Carvalho answer charges that he had defaulted on the second one. The previous month, Guarch had traveled to Alegrete. He had requested that Carvalho tender the remaining balance on the property plus interest. According to Guarch, when he appeared in Alegrete:

> It was not possible to obtain any result and given this fact I found it necessary to present to the Honorable juiz de direito of that town the demand [carta precatória] that I have attached for Your Excellency; however, I shortly had to abandon this project because the only judge was the municipal, Araújo, brother of Carvalho’s son-in-law, and given the state of things, in entering into said suit I was certain that I could place a stone over him and not obtain any result at all.44

Guarch requested that Almeida ensure that he could obtain justice in the matter by appointing an impartial judge. By doing so, the Uruguayan turned to the same factional ties

44 CV-5122 (November 10, 1840).
that he had employed to first arrange the original land transaction in order to secure a verdict against Carvalho. Guarch did so at a moment of maximum leverage because Almeida no doubt recognized that Guarch could walk away from the commercial contract given Ribeiro’s defection. Put differently, Guarch indicated that legal protection from Almeida and others across the border in various local fora was a precondition for continuing commercial relationships. Guarch maintained his merchant business by carefully exploiting his leverage within reciprocal relationships like the one with Almeida to protect his legal rights.

When Oribe defeated Rivera and seized control of the Uruguayan borderlands in 1843, these reciprocal ties across the border again proved vital to maintaining Guarch’s and Picant’s trading operations. We have already seen how Guarch shifted his overland commerce to the Uruguay River in order to maintain his connections with the Brazilians. Guarch further used these trading relationships to bolster his faction’s political position by supporting the correntino opposition to Rosas. When the Farrapos conflict ended in 1845, Guarch and Picant took advantage of the stability across the border to seek assistance from prominent Brazilians to recover debts for commercial transactions back in the Estado Oriental. In 1846, Picant wrote to Joaquim dos Santos Prado Lima, a local rancher and former police chief under the Farrapos in Alegrete. Prado Lima now served as Alegrete’s juiz municipal. In his letter, Picant requested help in recovering nearly 5,000 patacones from Eduardo Fernandez. Fernandez was another Uruguayan merchant engaged in overland transactions with Brazilian ranchers during the Farrapos War. According to Picant, Fernandez had received more than 7,000 head of cattle from him in connection with his commercial dealings with the Farrapos. After Oribe’s victory, however, Fernandez refused to make payment. This refusal perhaps reflected the fact that Fernandez’s own commercial
operations lay in ruins across the border. Like Picant, however, Fernandez still possessed substantial assets in the Brazilian borderlands, particularly around Alegrete. Picant sought to use his commercial ties to Prado Lima and other Farrapos in the town to recover his lost funds.45

Upon receiving the letter, Prado Lima sprung into action. He issued an embargo on Fernandez’s assets in the town. He then ordered Fernandez to appear before him in a reconciliation proceeding (a necessary procedural prelude to litigation). When the reconciliation failed, Prado Lima ordered Fernandez to appear in a formal hearing regarding the debt. In preparation for the litigation, Picant retained Francisco de Sá Brito, a local lawyer and former judge that was also Prado Lima’s personal friend and political ally. As we will see in detail in chapters four and five, local factional politics may have influenced Prado Lima’s and Sá Brito’s decision to assist Guarch and Picant. Specifically, the two men formed part of a faction increasingly at odds with Bento Ribeiro and his family in Alegrete. Obtaining a verdict for Guarch and Picant, one of Ribeiro’s old trading partners prior to his defection, might bolster their own position and personal prestige while publicly manifesting their hold on local legal institutions. Whatever the rationale, prior reciprocal allegiances clearly benefited Guarch and Picant. In front of a friendly judge and represented by one of his local allies, the outcome of the case was never in doubt. Picant received title to assets subject to the embargo, ensuring at least a partial recovery from his loses across the border.46

As Guarch and Picant used factional alliances in Uruguay and Rio Grande do Sul to expand their cross-border commercial trading networks in the 1830s and 1840s, another Brazilian merchant, Francisco de Lemos Pinto, was pursuing similar strategies to move in the

45 Don Luis Miraglia por Doña Augustina Guarch y Don Julian Subsiela sobre liquidación y arreglo de cuentas.
46 Ibid.
opposite direction from Porto Alegre out into the Uruguayan borderlands. Lemos Pinto’s initial commercial activities began when he entered into a partnership with Bernardino Martins de Menezes to operate a meat salting plant in the city of Triumpho in central Rio Grande do Sul. While Menezes was a prominent rancher in Triumpho, Lemos Pinto possessed substantial ties to the merchant community in Porto Alegre. Through the agreement, the two men brought their respective local connections together within a single commercial enterprise. From this base, the two partners then pushed their economic operations westwards over the next ten years. They purchased slaves, cattle and lands around Alegrete throughout the 1830s. Finally, in 1836, the men acquired land from Adão Carvalho, Manoel José de Carvalho’s son, across the border in Uruguay.47

Much like Guarch’s land transaction with Manoel Carvalho, the fact that Lemos Pinto chose to purchase the Uruguayan property from Adão Carvalho was no accident. The Carvalhos possessed close personal and commercial ties to the Ribeiro family in the Brazilian borderlands and the colorado faction around Salto through their transactions with Guarch, Rivera and Vázquez. Lemos Pinto’s purchase provided access not only to the economic assets necessary to administer his commercial operations, but also to the local networks of factional allies necessary to protect it. It further reflected the increasingly intertwined nature of borderlands economic relationships. The cross-border commercial linkages that extended outwards from Montevideo and Porto Alegre overlapped through repeated property sales, personal affiliations and factional ties. These economic and political associations formed the basis of the reciprocal obligations at the heart of commercial dealings and ultimately factional affiliations.

47  *Francisco de Lemos Pinto e Maria Guedes de Menezes e outros*, APRGS. Triumpho. Cartório Civil e Crime. Ordinarios, No. 414, Maço 15 (1846). Lemos Pinto and Menezes purchased the land around Bella Union, Uruguay.
As Guarch had used these elements to deepen his trading ties to the borderlands during the Farrapos Rebellion, Lemos Pinto similarly used his commercial and political associations to expand his operations during the war. Throughout the late 1830s and early 1840s, Lemos Pinto supplied rebel forces. His operations centered particularly around Alegrete. There, he maintained correspondence with important local elites like Prado Lima and Domingos José de Almeida.\(^48\) Almeida in particular interceded on Lemos Pinto’s behalf, ensuring the safe passage of his goods even as Lemos Pinto attempted to cross enemy lines from the borderlands into Rio Pardo and Porto Alegre.\(^49\) Through this assistance, Almeida once again bolstered his own political position. He acted as an important resource in facilitating commercial relationships while hardening connections with traders stretching from Montevideo to Porto Alegre.

Much like Guarch and Picant had availed themselves of personal connections and reciprocal relationships borne through cross-border transactions during periods of acute crisis for their commercial operations, Lemos Pinto adopted a similar stance when his partner died in the Farrapos conflict in 1838. Lemos Pinto alleged that while he worked to maintain his commercial enterprise during the war, Menezes’ widow Maria Guedes de Menezes, had exploited the conflict in an attempt to control as much of the partnership’s assets as possible. In particular, Menezes arranged for her brother-in-law, Antonio Rodrigues da Fonseca Aranjo, to seize both the charqueada in Triumpho, as well as cattle in Uruguay in the early 1840s. Fearing that the partnership’s assets would be looted, Lemos

\(^{48}\) CV-5469 (November 9, 1838); CV-2165 (December 6, 1841).
\(^{49}\) CV-1752 (May 22, 1841).
Pinto sought to have the property declared his in Triumpho in 1846. His legal action, however, became bogged down in a prolonged probate proceeding over Menezes’ estate.\footnote{Francisco de Lemos Pinto c. Maria Guedes de Menezes e outros, APRGS. Triunfo. Cartório Civil e Crime. Orfãos e Ausentes. Inventarios, N. 10, Maço 1 (1844).}

Faced with a dead-end in the Triumpho courts, Lemos Pinto turned to his personal reputation within the merchant community in Porto Alegre and his commercial and political allies in the borderlands to protect his legal rights. In 1849, Lemos Pinto appeared before the juiz de direito in Porto Alegre seeking to have the partnership’s assets frozen. In support of his claim, Lemos Pinto presented the testimony of several “vizinhos” in Porto Alegre. They detailed the scope of the partnership and noted that its assets had yet to be liquidated.\footnote{APRGS. Alegrete. Tabelionato. Registros Diversos, \textit{Lançamento de huns documentos} (May 14, 1849), 30.}

As we will see more fully in the next section, summoning these witnesses represented an important mechanism for establishing legal claims in local fora throughout the borderlands. It also embodied the reciprocal relationships underpinning trading connections along cross-border chains.

Lemos Pinto then proceeded to use his trading relationships out in the borderlands in order to leverage his evidence from the Porto Alegre proceeding to protect his assets. Not waiting for a final judgment in the riograndense capital, Lemos Pinto took his petition and testimony and traversed his entire trade network. He registered it with public notaries in Triumpho and Alegrete.\footnote{In contrast to the common law system in the United States, public notaries in Civil law systems were and continue to be important judicial officials. Civil law countries generally require notaries to record nearly all transactions involving real estate, marriage, and many corporate acts. Notaries equally conduct a number of functions frequently handled by judicial officials in the United States such as the sale of real property. For a survey tracing the history of the modern notarial institution from Roman to contemporary Civil law systems, see P.A. Malavet, "Counsel for the Situation: The Latin Notary, A Historical and Comparative Model," \textit{Hastings International and Comparative Law Review} 19 (1996).}

Not satisfied with this, Lemos Pinto further presented his
evidence to Bento José de Farias, the Vice-Counsel for the Uruguayan government. José also notarized it, apparently for use in the Estado Oriental’s courts. Interestingly, Manoel José de Carvalho, who had originally sold land in Uruguay to Lemos Pinto, appeared on his behalf as a witness to the registration. Carvalho’s appearance once more suggested how reciprocal ties could be used to protect legal rights. Although Lemos Pinto ultimately never tried the case (or at least, no record of the proceeding survives), his actions show how he used his commercial associations to begin the process of establishing a legally cognizable claim by assembling both documentary, but also reputational evidence.

The experiences of traders, landowners and local elites like Guarch and Lemos Pinto provide a window into the borderlands legalities underpinning trading relationships stretching across the Río de la Plata’s peripheral hinterlands. Each man carefully maneuvered to establish alliances with important allies across the borderlands. They used these connections to navigate multiple political conflicts and shelter assets from military reverses in different parts of the borderlands space. At the same time, the reciprocal ties growing out of trading relationships provided a resource upon which both Guarch and Lemos Pinto drew in order to protect their legal rights in diverse venues throughout the region.

As Guarch, Picant, Lemos Pinto and others developed commercial linkages and turned to reciprocal relationships to secure their legal rights, they also created opportunities for powerful political figures like Rivera to enhance their own personal prestige by using their positions to foster and protect these ties. We already glimpsed this through Guarch’s

---

54 APRGS. Alegrete. Tablionato. Registros Diversos, Lançamento de hum papel da venda e compra particular entre partes como Comprador Bernardino Martins Munis e Francisco de Lemos Pinto como vendedor Manoel José de Carvalho (February 15, 1851), 60.
dealings with Vázquez and the Carvalho family. Rivera emerged as a critical link in the original land transactions between the men. Rivera also used his political position to accord protection to the cross-border property relationships the transaction embodied throughout the early 1840s. For this reason, the Carvalhos, Guarch and Vázquez funneled funds back into Rivera’s military campaign, bolstering the colorado caudillo’s political position and with it his status as a key guarantor of borderlands economic relationships.

**Borderlands Legalities, Rivertine Trade and Justo Urquiza**

Perhaps no figure represented the possibilities that the borderlands commercial revolution offered for enhancing personal and political clout better than Justo José de Urquiza. The powerful rancher and political leader of Entre Ríos province was at the center of the growth of the lower Uruguay’s export-oriented ranching economy. Urquiza proved particularly adept at forging commercial associations with a number of prominent merchants and traders along the Uruguay. Over time, these efforts permitted Urquiza to amass a huge fortune. Urquiza’s economic might and military acumen, in turn, facilitated the enterriano leader’s political rise. Urquiza’s experience reveals not only the economic dynamism of the borderlands, but also how the relationships cemented through the system of borderlands legalities could foster the emergence of powerful political figures capable of rivaling putative national leaders like Rosas.

Urquiza was born in Concepción, Entre Ríos, in 1801. His father, Josef Narciso Urquiza, was one of the original European settlers in the area. By the outbreak of the revolutions in Buenos Aires, Josef Narciso had developed a modest, although prosperous property along the Uruguay in eastern Entre Ríos. Urquiza spent a good portion of his childhood in Buenos Aires at the college of San Carlos. After graduating in 1816, he gained his initial commercial experience and connections working at Buenos Aires’ port. In 1819,
Urquiza returned to Entre Ríos to work in the Urquiza family’s growing ranching and rivertine trading enterprises.

Throughout this period, the Urquiza family supported the federalist caudillo Francisco Ramírez, an old ally of José Artigas, in his struggles against unitarists in Buenos Aires. His defeat and death in 1821 brought reprisals, with both Josef Narciso and Justo José being arrested. After a failed coup by his brother Cipriano and others against the new provincial governor, Lucio Mansilla, Urquiza fled the province altogether in 1823. Much like Guarch, Urquiza’s commercial operations grew out his efforts to navigate the shifting political fortunes of allies like Ramírez. Urquiza first began transporting hides along the Uruguay in 1821. He sailed his ship the “Dolores” between Paysandú, where his brother resided, and Concepción.55 Following his exile in 1823, he traveled to Curuzú-Cuatiá, a small outpost in eastern Corrientes. There, he established a trading enterprise with Vicente Montero that linked eastern Entre Ríos with the ranchlands in Corrientes to the north.56 When Urquiza returned to Concepción in 1824, he used his growing connections upriver to expand his commercial operations further. Montero and Urquiza, along with a third merchant, Juan Barañao, formed a partnership to purchase ranchlands around their commercial outpost in eastern Corrientes. The men would then ship meat, hides and yerba downriver to Urquiza’s establishment in Concepción as well as to Buenos Aires.57

By 1829, Urquiza had developed a niche as an important commercial middleman. Urquiza would receive clothing, household wares and other imported goods from Buenos Aires at his warehouses in Concepción and then ship them either overland throughout Entre

---

55 Beatriz Bosch, Urquiza y Su Tiempo, 2a ed. (Buenos Aires: Editorial Universitaria de Buenos Aires, 1980).
56 Ibid., 13-20.
57 Ibid.
Ríos or by ship to Montero’s outpost in Curuzú-Cuatiá. The then twenty-eight year-old merchant continually expanded the partnership’s small fleet of trading vessels. He further established a commercial enterprise to supply horses across the river in the Estado Oriental. As his business ventures prospered, he plunged his profits into land. He purchased a large tract in Entre Ríos in 1829 for some 10,000 pesos. Montero and his other trading partners would drive cattle there. Urquiza then marketed them to overseas exporters. The entrerriano merchant used the proceeds to purchase further imports, completing an ever-expanding commercial cycle. By the 1830s, Urquiza possessed trading ties to communities throughout the borderlands.

As Guarch had deepened his ties with Rivera and the colorados in Uruguay and the Farrapos in Brazil throughout the 1830s in order to secure commercial opportunities and political protection, Urquiza used his growing trade network to foster cross-border alliances with Oribe’s blancos. During Rivera’s 1838 campaign, Urquiza funneled munitions and supplies to Oribe and his blanco allies. When Rivera’s victory threatened his rivertine commercial operations, Urquiza joined the federalist military campaign against the colorados. In this way, Urquiza’s personal wealth increasingly became intertwined with military service. Rosas’ control over customs revenues in Buenos Aires allowed him to sustain a rudimentary state and militia. Elsewhere, weak provincial governments simply lacked the resources to fund repeated military ventures. This left financing for borderlands armies in private hands. Already one of the wealthiest rivertine traders, Urquiza could use his commercial enterprises to support his political ambitions. Conversely, Urquiza’s ability to summon an army offered a means for him to secure his trading chains along the Uruguay, protect his personal allies

---

58 Ibid., 23.
59 Ibid.
and punish his rivals. Once again, cross-border trade and peripheral violence marched in lockstep with each other.

When Rivera defeated the federalist coalition, Urquiza returned to Entre Ríos and prepared to meet the inevitable unitarist invasion. He used his commercial contacts in Corrientes in an attempt to gain influence over the Madariagas, arranging for a meeting between the correntino family and Montero in Curuzú-Cuatiá. When these negotiations failed, he prepared to meet them militarily. Urquiza decimated advancing forces from Corrientes at the battle of Pago Largo in 1839. Following the victory, Urquiza ordered the execution of hundreds of correntino prisoners. In this sense, Urquiza made clear the duality of borderlands commerce and military combat. While he developed alliances with federalist allies throughout the region to foster trade, the enterrriano merchant-general was more than willing to turn to massive acts of political violence to defend them. By turning to force, he could position himself as a defender of the rivertine trade—a necessary partner in all commercial transactions. The order encapsulated by borderlands legalities did not exist in spite of violence, but in many instances because of it.

Urquiza’s support for the federalist cause on the battlefields in the Estado Oriental and Corrientes in turn created further political and commercial opportunities along the Uruguay River. Urquiza continued to consolidate ties to prominent federalists like Rosas in Buenos Aires. With Rosas’ blessing, Urquiza became governor of Entre Ríos in 1842. From this new political perch, Urquiza could again expand his trading networks. He added more ships to his commercial fleet. He then plunged his growing wealth back into politics, which in the 1840s meant military campaigning. Urquiza commanded a division under Oribe at Arroyo Grande. Urquiza also followed Oribe across the river after the victory. As the conflict between Oribe and Rivera devolved into a prolonged siege, Urquiza leveraged his political
alliances with the blancos to open up further trading connections into the Estado Oriental. Perhaps more importantly, when the European powers blockaded Buenos Aires in 1845, Urquiza rapidly worked to open up Entre Ríos’ ports along the Uruguay to overseas trade in defiance of Rosas. The move expanded upon the already growing rivertine trade, producing a commercial explosion connecting Entre Ríos to Corrientes and Rio Grande do Sul’s interior ports. Regarding the river trade, Urquiza wrote to Antonio Crespo, Urquiza’s handpicked successor to the entrerriano governorship, expressing his “complete satisfaction [with the commerce of our ports along the Uruguay] and for that reason disposed that things continue in the same manner.”

By the mid-1840s, Urquiza had established himself as the dominant political, military and commercial figure along the Uruguay River’s expanding trading networks. He had made a massive fortune. Urquiza’s commercial network reached its zenith with the establishment of Santa Cándida, a vast saladero operation along the banks of the Uruguay near Concepción. By 1849, Urquiza’s salting operations were processing around 1,000 animals per month. The plant continued to grow throughout the early 1850s. Urquiza progressively increased its efficiency by installing steam driven motors to pump water into the factory, as well as rationalizing the slaughtering process. His palatial residence, the San José Palace near his saladero in eastern Entre Ríos, doubled as the de facto capital not only for Urquiza’s home province, but also for many of his trading partners throughout the borderlands. This center of authority served as one of the principal sites in the intractable sovereign conflicts between the borderlands and putative national centers like Buenos Aires for the next thirty years.

60 Schmit, Ruina y Resurrección, 141.
Urquiza’s commercial acumen and military prowess had placed him at the center of sovereign storms.

By virtue of his wealth and power, Urquiza had emerged as a singular figure in the borderlands. Yet, the mechanisms he used to secure his economic and political prominence were not unique. Rather, Urquiza had created his status through the same strategic use of personal and political alliances as Guarch and Lemos Pinto. In short, Urquiza’s strength flowed out of the same borderlands trading relationships stitching the region together. He represented the potential of borderlands legalities, the cross-border relationships secured by reputation and reciprocity, to create vast reserves of wealth and political influence that were not explicitly bound by state borders.

Local Law and the Legalities of Cross-Border Trade

Through the careful selection of local allies, business partners and political protectors throughout the borderlands, merchants and landowners like Guarch, Lemos Pinto and Urquiza wove together strands of cross-border connections necessary to carry-out their growing commercial operations. The men faced conditions of extreme instability and violence, which constantly threatened to undermine their enterprises. Yet, beneath the surface of intense violence and seeming anarchy in the borderlands, they forged an alternative order adapted to the realities of cross-border factional conflicts. This order permitted their businesses to survive and even thrive in the blurred borderlands space. Within this framework, commercial success depended upon securing reciprocal connections to local power networks across borders. Political power and personal prestige in turn flowed from defending these relationships.

As the experiences of men like Guarch, Lemos Pinto and Urquiza suggest, for all of the region’s economic dynamism, growing commercial relationships and factional
connections up and down the river took place largely in the absence of reliable state institutions and national laws governing trading relationships.\textsuperscript{62} But as we have already seen, the absence of state-centered law did not mean lawlessness. Rather, for traders operating throughout the borderlands, securing legal rights meant drawing upon a number of shared principles and values rooted in personal solidarities, reputation and reciprocity. These diverse strands combined into a set of practices or borderlands legalities adapted to the realities of factional politics and cross-border violence. They provided a means to vindicate legal rights and establish each man’s social place in a turbulent world. These relationships proved not only critical to sustaining commercial enterprises, but also the personal and political power of the men at their center.

But how did borderlands traders enforce these relationships in the absence of formal state structures? This section argues that they did so by turning to local legal norms and institutions. Local courtrooms offered an important and familiar institutional site in which to articulate borderlands legal principles. As we saw in the previous chapter, ideas of local autonomy and justice played a powerful role in revolutionary discourse. Artigas had drawn on conceptions of “free pueblos” in his fight to secure local autonomy from porteño control. While the radical content of Artigas’ social revolution clearly alarmed the merchant and landowning elites throughout the periphery, embracing the importance of local legal norms and institutions did not appear so radical.\textsuperscript{63} Rather, localized justice, like the reciprocal trading relationships forged by Guarch and others, fundamentally rested upon a person’s standing within the community. Linked to personal status and not abstract categories of national identity, local justice also proved uniquely suited to addressing the blurred identities


\textsuperscript{63} Ana Frega, “La virtud y el poder” in Salvatore, ed. Caudillismos Rioplatenses.
and shifting political circumstances that merchants, landowners and others faced in a context of widespread military violence. In short, local courts provided an ideal institutional venue in which peripheral inhabitants could publicly express and defend the legalities underpinning their cross-border political and commercial ties. In this way, cross-border commercial connections bolstered ideologies of local autonomy and identity, ensuring their survival in the borderlands.

An excellent example of how litigants could seek to use local legal institutions to protect the rights and reputations at the heart of borderlands legalities occurred in late 1848. A ship traveling up the Uruguay River from Montevideo to Uruguaiana docked in Concordia in order to portage goods around the river’s twin saltos. Gregorio Blanes, a Uruguayan merchant from Salto, immediately appeared before the local alcalde ordinario to request that officials embargo some 500 patacones in the possession of Francisco Vidiella, a Brazilian merchant.\(^6^4\) Blanes alleged that the debt stemmed from a series of transactions between himself and another merchant, Francisco Barú, “who had emigrated from this province and currently is in Uruguaiana.” Blanes stated that “being the declarant a creditor of said Señor Barú . . . he humbly requests that Your Mercy make D. Francisco Vidiella deposit with a responsible person the stated quantity of 500 patacones.” He then offered the written testimony of three vecinos of “known reputation and probity” in support of his claims to the money in question.\(^6^5\) Based on the evidence from the prominent local merchants before him, the alcalde ordinario granted the embargo pending the outcome of the litigation between the two men.\(^6^6\)

---


\(^{6^5}\) Ibid., 2-2bis.

\(^{6^6}\) Ibid., 5bis.
With his money now in limbo and his commercial operations along the river in jeopardy, Vidiella had no choice but to litigate the matter. The Brazilian trader conceded that he had commercial dealings with Barú. Vidiella further testified that he had received a note from the merchant for 500 patacones. However, Vidiella averred that he had already endorsed the Barú debt over to his associate, Lorenzo Pedrales, in Montevideo. Vidiella then produced a series of documents purporting to establish that the 500 patacones now in his possession in fact belonged to another merchant, Fermin Carbajal. He also noted that he was “a transient in this town.” The pending litigation threatened to impose substantial costs on himself and his business.  

He demanded the release of his money. He claimed that “neither myself nor my interests should have to suffer harms merely because it suits Señor Blanes to be mistaken or because it suits his interests to confuse my payment [to Carbajal] with a debt [Blanes] should seek exclusively from Señor Barú.”

As an admitted outsider in Concordia, Vidiella appeared outgunned in the forum. Rather than attempt to fight Blanes’ local network of vecino witnesses directly, Vidiella employed a number of tactics to introduce the testimony of his own local allies into the rival forum. This set the stage for a potential conflict between two courts in two countries linked together along the Uruguay River’s trading routes. He first retained Ramon Villa, a vecino from Paysandú, Uruguay, to represent him. Villa immediately sought and obtained a transfer of the proceeding from Concordia to the commercial court in Concepción. Vidiella then traveled to Uruguaiana where he could employ his local commercial reputation to secure the legal proof he needed to triumph over Blanes and his allies downriver. The Brazilian merchant filed an auto de justificación seeking to establish that the embargoed assets in

---

67 Ibid., 3bis.
68 Ibid., 4.
69 Ibid., 8.
Concordia properly belonged to Carbajal. In support of his version of events, Vidiella produced a number of prominent vecinos in Uruguaiana. This included his business associates Manuel Lopes Manjardim and José Gonçalves Vianna. Manjardim and Vianna in turn possessed substantial commercial and political connections throughout the Brazilian borderlands, operating a business in both Uruguaiana and near-by Alegrete. With an array of prominent residents appearing in the proceeding, the Uruguaiana court wasted little time in entering an order declaring that the 500 patacones embargoed downriver in Concordia pertained to Carbajal. The notary in Uruguaiana registered the judgment and then it was duly verified by the Argentine counsel in the city.

Armed with the notarized judgment, Vidiella returned to Concepción in order to regain his assets. He noted that the embargo had interrupted his commercial journey, blocking a number of transactions valued at over 10,000 pesos. More importantly, however, it had also damaged Vidiella’s good name. Vidiella wrote to the court: “He accuses me of falsehoods and in the deductions that flow from this imputation, he dares to stain my well-deserved reputation as an honorable and judicious merchant.”

Vidiella claimed that he had gone to substantial expense to secure proof of his version of the commercial transaction. He now argued that the court should accept his testimony as an

---

70 Documents registered by Vianna in 1853 when he and Manjardim dissolved their partnership provide a glimpse into their commercial activities in Rio Grande do Sul and along the Uruguay River. Vianna indicated that the two men had established their business in Alegrete in 1835. During the Farrapos Rebellion they moved a substantial portion of their operations in Gualeguaychú, Entre Ríos. APRGS. Alegrete. Tableionato. Registros Diversos, Lançamento de uma carta de Antonio Cabrera dirigida a José Gonçalves Vianna (July 5, 1853), 24-24bis. Following the war, they continued to maintain ties to important merchants in Uruguaiana, including Fermin Carbajal. For a description of these commercial networks, see Antonio Lopes Monjardim c. Antonio Joaquim Barbosa, e outros, APRGS. Cartório Civil e Crime. Ações Ordinárias. Alegrete, Maço 35, No. 833 (1853).
72 Ibid., 12.
honorable merchant. His associates in Uruguaiana had publicly confirmed his standing before the tribunal there. He called upon the court “to review and read with attention the transcript [legajo] of the Uruguaiana proceeding” establishing not only his legal position, but also his good name.\(^\text{73}\)

Blanes then filed his own evidence with the commercial court in Concepción. He first claimed that the supposed “proof” produced in the Uruguaiana proceeding was irrelevant. He argued: “Señor Vidiella’s evidence consti[ut]es a mere digression” in the true course of the proceeding.\(^\text{74}\) Blanes then provided statements from his own witnesses in Concordia and Salto establishing that the 500 patacones in Vidiella’s possession did in fact pertain to Barú and was properly subject to Blanes’ embargo. In particular, Francisco Pons, the alcalde ordinario in Concordia that had ordered the embargo, offered testimony claiming that Vidiella had admitted to numerous witnesses that the money belonged to Barú. Based on the evidence of a number of honorable vecinos in Concordia, Blanes argued that the court had little choice but to award him the money in question.\(^\text{75}\)

Both Blanes and Vidiella utilized their local reputations as prominent merchants and officials in Concordia and Uruguaiana to support their claims. Interestingly, the nationality of the two men – one Uruguayan and the other Brazilian – did not enter into the entrerriano court’s discussion. Neither party suggested that it should. Rather, the Concepción court faced the task of resolving a conflict between these two networks of local witnesses linked together through rivertine trade. Moreover, it had to do so without any form of private

\(^{73}\) Ibid., 55.
\(^{74}\) Ibid., 38bis.
\(^{75}\) Ibid., 54-54bis.
international law to guide its decision. In this instance, the court’s verdict was made easier when Francisco Barú suddenly appeared and offered evidence that he had already made full payment to Blanes. With the underlying basis for the litigation repudiated, a panel of merchant vecinos in Concepción found for Vidiella. The court ordered the Concordia embargo lifted.

The sharp dispute between Blanes and Vidiella, as well as their mobilization of their respective commercial communities in Concordia and Uruguaiana to support their legal claims, reflected the importance of local alliances in securing legal rights and commercial reputations. These elements sustained the burgeoning river trade route linking Rio Grande do Sul, Entre Ríos and the port-cities of Buenos Aires and Montevideo together. They embodied the reciprocal associations each man had developed. These cross-border networks emerged to provide assistance in their litigation to protect not only individual legal rights, but also the broader relationships upon which each merchant’s respective rivertine trading chains depended. In this sense, as both Blanes and Vidiella utilized the courts to lay the foundation for their personal claims, they produced a conflict between two cross-border systems. Their two distinct and locally sourced bodies of evidence manifested this clash.

Equally important for understanding how local justice and cross-border trading relationships intertwined is the manner in which Blanes and Vidiella sought to establish their respective legal claims. Specifically, both men depended heavily on their ability to mobilize witnesses to provide testimony in favor of particular legal outcomes. In turn, the evidentiary weight of testimony in a given proceeding hinged on each witness’ personal reputation and political connections. For both Blanes and Vidiella, going to court to litigate their claims

---

76 Benton, "The Laws of This Country," 507. Argentina, Uruguay, Brazil and Paraguay did not enter into a treaty governing international private law rights until 1889.

77 Expediente seguido por D. Gregorio Blanes c. D. Francisco Vidiella, 71bis-72.
meant more than establishing a documentary foundation and legal argument to support their rights. It entailed the public pronouncement of the viability of their own trading networks and the importance of their personal connections in a given forum. It was a statement about their own personal standing in being able to summon witnesses willing to appear on their behalf. In short, the case was about explicitly declaring the often-tacit relationships and practices that made up borderlands legalities and sustained each man’s commercial networks along the river. The legal conflict was as much about defining each merchant’s place within their respective trading networks as it was about obtaining the requested damages.

In general, we can only glimpse the operation of these practices through the actions of merchants and traders like Blanes and Vidiella as they moved between local courts to secure their legal rights. Yet one prominent Brazilian trader, Antônio José Gonçalves Chaves, did offer a more theoretical discussion of the connections between local judicial institutions and trading relationships at the heart of borderlands legalities in his *Memórias economo-políticas sobre a administração pública do Brasil.*

Chaves was originally born in Portugal in 1797 and migrated to Rio Grande do Sul in 1805. He was one of the founders of the coastal trading city of Pelotas, which quickly emerged as an export hub for salted beef products from the *riograndense* countryside. By the 1830s, he had established a commercial operation transporting imported goods by steamship from the deep water port in Rio Grande to Pelotas and then overland to his trading partners in the *campanha.* Through these operations, he developed close commercial and personal ties to prominent borderlands merchants and ranchers like Domingos José de Almeida. When the Farrapos Revolution erupted in 1835, Chaves, like Guarch, took advantage of relationships in both Rio Grande

do Sul and the Estado Oriental to expand his own commercial operations. He arranged several transactions involving the sale of goods and even slaves for prominent Farrapos allies like Almeida, then the treasury secretary for the rebel government, through his merchant contacts in Montevideo. These transactions in turn connected to webs of relationships throughout the borderlands. They included Uruguayan merchants like Guarch who were supplying the Farrapos. In short, like Guarch, Lemos Pinto and others, Chaves was intimately familiar with the process of using personal reputation, reciprocal relationships and political alliances to construct commercial networks throughout the borderlands.

Chaves’ death in 1837 also served as a reminder of the dangers commercial activities posed for cross-border traders. While traveling by steamer between Pelotas and Montevideo, the Brazilian merchant’s ship capsized and Chaves drowned. Chaves’ death reflected the region’s instability in the late 1830s. As war swept the region, the trading routes upon which merchants traveled were increasingly fraught with peril. At the same time, the fact that Chaves continued to remain in constant communication with his old trading partners across the border in Rio Grande do Sul again suggests that commercial linkages and cross-border ties were developing alongside this violence. Chaves’ commercial connections to Guarch and other merchants throughout the borderlands survived his death. In particular, Antonio José Gonçalves Chaves, the eponymous son of the deceased merchant and author, assisted in negotiations and final closing of a land transaction between Guarch and Oliveira. Guarch had originally arranged this sale through his connections in

---

79 CV-221 (August 9, 1837). Ironically, Almeida wrote the letter indicating that he was sending some 1,500 pesos to Chaves some two weeks after his death. Almeida remained unaware of this fact until four days later. CV-222 (August 13, 1837).
Uruguaina and Salto. Chaves and his family constituted yet another of the critical links in Guarch’s commercial chains.

Reflecting his merchant identity, Chaves’ writings were intensely focused on the relationship between law and commerce. Chaves penned his initial discourses in the early 1820s. As a result, he was uniquely concerned with the Portuguese empire’s “abuse” of its Brazilian colonies. Writing anonymously, Chaves railed against the despotic rule of Portuguese governors in Brazil. He argued that the basis of this despotism was the arbitrary authority of the colonial governors who ensured that laws “only possessed valor when they did not offend [them].” This “impunity” rendered Brazil equal to nations such as Turkey or Persia “in the most opaque circles of despotism.”

Chaves argued that instead of the rule of men, “it is the law that has to govern us.” He continued that the law “will exercise a divine and healthy reign over us because it will be made by magistrates of our own choosing who will remain to enjoy with us that good that results from them.” For Chaves, the rule of law promised to reinvigorate the empire, unleashing its commercial energies and leading to the prosperity of its subjects.

Having established his belief in the rule of law as the touchstone of imperial prosperity, Chaves turned in his second discourse to more concrete means to bring about this new legal empire. Chaves argued that the Portuguese governors had practiced their despotic rule by oppressing local governments. This had rendered municipal corporations “null and forgotten” and had led honorable men to “flee from positions in these câmaras.”

To reinvigorate the empire, Chaves called upon the government to restore local legal

---

80 Don Vicente Seralegui por Don Antonio Jacinto de Oliveira c. Don José Luís da Costa Farias sobre desalojo de campo, AGN-SJ. Salto. Letrados Civiles, No. 36 (1852).
81 Chaves, Memórias Economo-Políticas, 26.
82 Ibid., 29.
83 Ibid., 35.
institutions, returning control over them to municipalities. To do this, Chaves sought renewed elections to determine who would control the local administration of justice. He argued that these elections would produce a local government that would pass clear laws in consultation with the values and wishes of “the good men [homens bons] of the town.” In this way, Chaves privileged local knowledge and reputation as important guarantees of good government. Local needs could be met efficiently, municipal offices would possess renewed dignity and respect for law and order could be inculcated from the bottom-up. By stressing the importance of local reputation – the approval of the homens bons – to administration of justice, Chaves also identified important sources for regulating borderlands trading ties. Local judicial institutions and the borderlands legalities underpinning commercial affiliations were intertwined.

With the end of Portuguese rule over the Brazilian territories in 1822, Chaves linked local autonomy with his vision for a new virtuous, constitutional monarchy. He continued to point to the importance of local knowledge and reputation in accomplishing the broader ends of empire. The Brazilian reformer stressed that revitalized local institutions would promote both social order and commercial prosperity, laying a solid foundation for this new reign. On the first point, Chaves noted that because of their status in the community, local officials would enjoy the respect of their constituents. Moreover, keenly aware of local needs, they would likely enact virtuous laws, particularly because they also had to live under them. For Chaves, virtuous laws above all meant laws that facilitated commerce. He argued that clear laws, enacted by laymen attendant to local conditions, would be more likely to permit commercial enterprises to flourish. In contrast, distant professional jurists passed

---

84 Ibid., 39.
complex laws “that they only understood to their advantage; they exploit their immunity to
them, using the obscurity of the same laws to rob the sweat from our brows.”

Chaves dedicated much of the remaining portions of his work to policies designed to
foster commerce. In his fourth discourse, he again argued for the promotion of local legal
institutions in his native Rio Grande do Sul to facilitate trade. He called for local controls
over economic infrastructure. Chaves also argued that provincial legislatures should control
the distribution of uncultivated lands. In this sense, he explicitly linked local justice and
federalism with the promotion of small landowners, agriculture and economic freedom.
Moreover, even if these local institutions failed in their tasks to promote industry and
commerce, accountability lay at the local level. Having selected poor leaders, the povo or
community “could only blame but themselves and lament that among them it did not
possess better citizens.”

Writing in the early 1820s before the full collapse of authority throughout the
borderlands, Chaves certainly did not envision the absence of centralized governments to
watch over the entire system of local justice and trade. However, by linking localized justice,
commerce and the law together in his discourses, Chaves did presage the emergence of local
courts as the institutional expression of borderlands legalities in the 1830s and 1840s in
proceedings like Blanes’ and Vidiella’s. In particular, peripheral courts provided a venue
through which traders and landowners could juridically express the personal and factional
relationships underpinning their trading ties. As Chaves suggested, obtaining justice in
borderlands courtrooms meant mobilizing networks of local connections to vindicate legal
rights. In turn, by establishing claims through the public testimony of honorable vecinos –

85 Ibid., 38.
86 Ibid.
Chaves’ *homens bons* – with longstanding connections to the local forum, merchants and landowners could publicly manifest and reinforce their personal reputation and connections. In this way, they enhanced their local status and with it the possibilities for further commerce. As a result, local courtrooms became critical arenas of struggle over the disparate elements of alternative borderlands legalities underpinning both factional politics and cross-border trade.

The importance of publicly manifesting the webs of connections sustaining personal reputations and trading networks to obtain justice in local fora often led to substantial efforts to track down and obtain testimony from dozens of diverse witnesses. For example, the Brazilian attorney, Mathias Teixeira de Almeida, and Joaquim dos Santos Prado Lima, his political rival in Alegrete, went to great lengths to secure a series of prominent witnesses to support their respective property claims. As we will see in more detail in chapters four and five, both Teixeira and Prado Lima produced dozens of local witnesses to support their respective property rights, with the local court specifically highlighting the “age, wealth and character” of Prado Lima’s witnesses in ruling in his favor.87

In assigning weight to this testimonial evidence, courts also frequently cited the amount of time a given witness had resided in a particular forum. Courts rested decisions on the testimony of “*antiguos vecinos*” on a number of occasions.88 Conversely, recent arrivals

---

88 See, e.g., *Expediente promovido por Don Joaquin Antonio Nuñez, como apoderado de Doña Franctia Lascano, apelando de la sentencia del Juzgado de Paz de esta sección, que obtuvo en su favor Don Antonio Martines, sobre el mejor derecho de posesión á un terreno*, AGN-SJ. Salto. Letrados Civiles, No. 8 (1850), 11bis. The court declared that a decision of the *juez de paz* concerning the ownership of a particular tract of land was erroneous because it contradicted the “*antiguos vecinos* of known probity.” Other examples from Salto include *Don Francisco Caballero c. Don Joaquin Noqueira sobre propiedad de una charca*, AGN. Salto. Letrados Civiles, No. 15 (1870), 10 (land ownership established through the testimony of “*antiguos vecinos*”); *Don Francisco...*
were considered suspect, particularly if they lacked connections to local power networks. There was a certain irony in all this given that merchants, landowners and traders in the borderlands were in nearly constant motion. What became important in securing one’s status as a vecino often lay in its recognition from local elites and officials.

As borderlands traders like Blanes, Vidiella and Chaves placed their faith in prominent local vecinos to police their trading relationships, these groups in turn jealously guarded their power to delineate the boundaries between insiders and outsiders in the forum. In this way, the operation of borderlands legalities further increased centrifugal tensions even as commercial relationships brought the region closer together. Consider the statements by local officials in the eastern Uruguayan city of Minas. They sought to ban Manuel Cabral from even appearing in court as a witness and legal representative. To do so, the alcalde ordinario, Bartolomé Arambillete, drafted a letter to judicial representatives in Montevideo. In it, he commented: “Señor Cabral came from Montevideo some months ago without any relation or connection to this Pueblo.”

Arambillete went on to note that Cabral was “not a vecino nor a citizen, but a foreigner without any known trade or way to make a living when by his age he should rightfully have one.” It is interesting that the alcalde explicitly drew a distinction between Cabral’s “foreignness” and his status as a vecino. This was critical in the borderlands city given its large and powerful Brazilian population. Despite their nationality, these residents certainly possessed the requisite social standing to appear in court. The alcalde also linked credibility with economic activity in the town. In short,

---

_Caballero c. Don Joaquín Noqueira sobre propiedad de una charca_, AGN. Salto. Letrados Civiles, No. 15 (1870) (land rights established based on the testimony of six “antiguos vecinos” around the Uruguayan city of Belen).

89 _Alcalde Ordinario de Minas, Bartolomé Arambillete al Juez L. de lo Civil en Montevideo_, AGN-SJ. Montevideo. Civil: 1° Turno, C-7 (1835), 1.

89 **Ibid.**, 1-1bis.
Arambillete drew the line between credible insider and outsider around distinctly local conceptions of residence coupled with personal status connected to one’s trade. Cabral was an outsider that had only recently appeared in the town and lacked ties to the existing local elite. Cabral simply did not possess the requisite personal prestige to offer credible counsel and evidence in the tribunal. Through these types of decisions, local courts could police which individuals could establish political, social and economic ties with the forum. This power to regulate membership in the local elite and access to justice went to the heart of borderlands legalities. Rhetorical appeals to rights and justice linked up explicitly with the internal logic of localized power networks and the trading relationships they sustained.

**Vecindad**

As the *Cabral* case and others suggest, these various strands of personal character, economic status and connections to the local forum coalesced around *vecindad*. *Vecindad* was a complex term conveying both physical proximity – literally meaning neighbor – and a form of local citizenship and the status to match. *Vecindad* stood at the heart of the local systems of justice at the center of borderlands legalities. The concept of *vecindad* originated in Castile during the reconquest. It originally applied to settlers occupying lands recovered from retreating Muslim communities on the Iberian Peninsula as Christian armies pushed southwards. As the reconquest ebbed, *vecindad* came to be associated more practically with membership within the community. This implied not only a number of political and economic rights, such as the ability to participate in local elections, but also enhanced social

---

92 The mechanisms to establish *vecindad* varied between local communities, but one could generally acquire the status of *vecino* by possessing a fixed residence within a town, practicing a trade, and/or serving in the local militia. Djenderedjian, "Roots of Revolution," 647.
status. Public recognition of one’s status as a vecino indicated membership in the local elite.93 As Tamar Herzog succinctly described, “being a vecino meant acceptance and not being one meant rejection.”94

These social and political aspects of vecindad played an important part in the establishment of local governments throughout the Río de la Plata borderlands in the late-eighteenth century. The expansion of the late-colonial ranching economy, as well as the Spanish imperial government’s drive for settlement produced a growing focus on legally recognizing population centers.95 Along with the legal establishment of towns came the creation of local cabildos, the representative bodies at the heart of the Castilian municipal system of justice. In turn, because only vecinos could participate in local elections for the cabildo, vecindad retained its critical political function. In particular, cabildos largely regulated formal access to land in the late-colonial borderlands. This ensured that vecindad carried with it access to substantial economic opportunities. It also offered the chance to improve one’s social standing.96

In the decades following the collapse of the Spanish empire, vecindad continued to play an important role in defining social and political relationships. As such, it provided a fixed point – a familiar concept – that survived revolutionary upheavals to foster renewed commerce. Within the framework of borderlands trade, vecindad continued to play a significant, if less outwardly radical role than under Artigas, in the ensuing judicial struggles

94 Herzog, Defining Nations, 7.
95 Djenderedjian, "Roots of Revolution," 645-47.
96 Ibid.: 654-55.
over the recognition of property rights in the new Uruguayan Republic. By drawing upon notions of local autonomy and identity, it also reinforced the ideologies underpinning Artigas’ early borderlands sovereign project. This ensured their continuing salience for the region’s inhabitants even as states struggled to consolidate their hold on the contested ground.

The 1828 conflict between Carlos Anaya, a prominent merchant and politician in Montevideo, and the “vecinos of Rocha” offers a good example of the continuing importance of vecindad for defining identities and securing property rights in the decades following independence. In the case, Anaya attempted to claim a tract of land located near the eastern Uruguayan city. The property in question apparently formed part of the town’s communal holdings (the ejido). Anaya received the property in recognition of his “constant services” to Uruguay during its struggle for independence. When Rocha’s vecinos learned that the new government in Montevideo had granted Anaya the tract, they immediately filed a collective petition demanding that the Montevideo courts overturn the erroneous donation. They argued that the national government lacked the power to alienate locally held properties, particularly without first consulting the assembled vecinos. They further seized upon the fact that Anaya was not a vecino in the town. They declared: “[Anaya] is not entitled to the onerous title of vecino domicilado because he has only arrived here by chance.”

---

97 Ibid.: 666.
98 Expediente promovido por D. Carlos Anaya, denunciando por su propiedad pública y pidiendo en enfiteusis el terreno denominado Rincon de Rocha, AGN-SJ. Montevideo. Civil: 1º Turno, A-10 (1828).
99 Ibid., 3bis.
100 Ibid., 43bis-44.
They reasoned that “one has to reside here for 10 years to possess that title in order to call himself a vecino of this town under the Law.”

Given Anaya’s status as an outsider, they concluded that he could not properly claim any right to the town’s common property. In the face of strong local opposition, the courts in Montevideo suspended Anaya’s petition and called for further investigation. What is striking, however, is the sharp division between the local, and in this case collective, allocations of property rights by Rocha’s vecinos and Anaya’s claims based on service to the nation. Much like the distinctions drawn by local elites in Minas to exclude Cabral from appearing in their tribunal, local ties trumped nebulous national categories. These types of conflicts between traditional local aspects of sovereignty and nationalized projects beyond the borderlands reflected the continuing importance of vecindad in establishing local claims to legal entitlements. They echoed back to the federalist vision in Artigas’ 1813 instructions of a loose conglomeration of sovereign pueblos exercising their traditional local rights. This was particularly so in the face of perceived intrusions by outsiders. It also set the stage for a fundamental collision over sovereign models as would-be nations (or the political factions claiming to represent them) attempted to assert control over the administration of justice along their putative peripheries.

Although the Anaya case involved a dispute between an elite merchant and the “vecinos of Rocha,” the emphasis the latter placed on their own status as settled residents in support of their legal claims also suggested an effort to draw a sharp contrast between vecindad and the wandering population inhabiting the borderlands. In this sense, while vestiges of Artigas’ radical legalities might remain latent in ideas of local citizenship, peripheral elites sought to limit its social implications in shaping their own system of

---

101 Ibid.
borderland legalities around vecindad. Traders and other elite borderlands residents on the move for economic and political reasons had to overcome suspicions accorded outsiders by developing a variety of strategies to ensure continued access to the localized justice. They did so by emphasizing elements of personal prestige and reciprocity that were articulated through factional political alliances. By stressing their social position and their connections to other men of honor in a given forum, merchants and landowners in the periphery could retain the flexibility of localized justice and autonomy while restricting its more radical implications. The testimony of honorable vecinos conferred local standing to outsiders – the same social status that facilitated the creation of borderlands trading relationships.

The eyewitness testimony of “honorable vecinos” provided the critical evidentiary underpinnings for a number of legal rights, even trumping contrary written evidence on occasion. One example of the role of vecino testimony in general and of the personal character of the vecinos in particular played in supporting legal claims comes from the 1837 land dispute between Petrona Perez and Maria Zabala de Hornos in Concepción del Uruguay.¹⁰² The case boiled down to a disagreement over land boundaries stemming from the probate of Perez’s husband’s estate. Perez claimed that Hornos had illegally surveyed and then occupied a portion of her property. Perez faced two obstacles in pursuing her claim. First, she lacked a definitive legal title to occupy the tract. Second, Hornos possessed a survey from 1826 that supported her rights to the disputed lands.

Confronted with this written evidence, however, Perez offered testimony from eight vecinos in the town. She noted: “It is not possible to present information in a character more serious, more legal and more orderly: it is before a competent Judge; it is rooted in the

¹⁰² Petrona Perez, viuda de D. Pantaleon Panelo, reclamando de Doña Maria Zabala de Hornos la devolución de una fracción de campo de propiedad de la testamentaria de su esposo que ocupa idebidamente, AGPER. Hacienda. Serie IX, Subserie E, Civiles s/n (1837).
unanimous and respected testimony of honorable vecinos, impartial and long-standing [antiguos] settlers of lands in the area I am claiming.” Perez further stated that the witnesses had appeared “solemnly” before the local alcalde mayor and “two other witnesses of recognized impartiality” to give their statements regarding the land boundaries. She concluded that such powerful testimony trumped all other forms of proof, “meriting complete faith and belief” by the court.103

Hornos’ attorney, Gilberto Rivero, responded that the written documents should decide the dispute. However, he then spent the bulk of his pleadings focusing on the character of the witnesses. He noted that several of the witnesses were not “vecinos of the town” but Perez’s relatives. He further pointed out that others were of advanced age, incapable of testifying regarding the facts at hand. He concluded: “The witnesses presented by Doña Petrona Perez do know what they are talking about.”104 What is interesting is that Rivero felt compelled to challenge the testimony at all given the apparently strong documentary evidence in his client’s favor. Moreover, he did so in a manner designed to distance the witnesses from their status as local vecinos with intimate knowledge of the facts in question. His response reflected the potential power of the testimony of honorable vecinos in the borderlands, even in the face of a contradictory written record. The verdict did so as well. The court concluded that the land needed to be resurveyed. This voided Hornos’ documentary proof regarding the legal boundaries of her property.105

This brief vignette from Entre Ríos again suggests the centrality of vecindad in forging the requisite evidence necessary to establish legal claims. Beyond important issues of legal strategy and factual proof, however, vecino status also offered important practical advantages,

103 Ibid., 55bis.
104 Ibid., 194-194bis.
105 Ibid., 225bis.
particularly in commercial litigation. One important aspect for litigants like Blanes seeking to embargo goods within a given forum was that vecinos were exempt from having to offer a bond in order to initiate legal actions. This enabled potential litigants to confiscate goods merely with the order of friendly local officials. In the process, they gained substantial bargaining power with merchants like Vidiella who potentially saw their perishable goods wasting away on foreign docks as they waited for legal disputes to be resolved.

On occasion, this could trigger disputes over whether plaintiffs in fact were vecinos and properly immune from the financing requirement. One sharp exchange over this issue occurred in Manuel Tavarez’s efforts to recover some 800 head of cattle under a contract with Alejandro da Roza. Facing an embargo of his property, da Roza objected to the court that Tavarez, a Brazilian citizen, had erroneously filed his petitions as a “hacendado and vecino” in order to avoid posting the requisite financing. Da Roza argued that Tavarez, “lacking property or connections [in Salto]” should have to provide a bond to cover the costs of the litigation, as well as any economic losses.106 Tavarez strenuously objected, declaring da Roza’s actions to be “illegal.”107 The court never ruled on the matter, ultimately leaving Tavarez free to pursue his actions without posting a bond.

Deeply rooted in local ties, knowledge and social standing, vecindad continued throughout the mid-19th century to constitute an important element in establishing legal claims in local courtrooms in the borderlands. In this sense, it provided a legal framework that balanced intensely localized forms of justice and deepening cross-border commercial connections. One’s status as a vecino served as a consistent reference point in a number of fora throughout the borderlands. Traders and landowners like Guarch and Picant, but also

107 Ibid.
powerful figures like Urquiza, depended upon establishing local connections to bolster their commercial enterprises. At the same time as they forged commercial relationships, they developed ties to local vecino elites that could provide the necessary testimony, evidence and prestige to support them. Obtaining this testimony then fed back into their commercial systems by publicly manifesting not only an individual’s personal character, but also emphasizing the reciprocal relationships between partners that made trade possible. In short, traditional notions of local standing and citizenship like vecindad and cross-border trading relationships complemented each other, producing a peripheral order that operated alongside the political violence sweeping the region.

**Conclusion**

Throughout the 1830s and 1840s, traders faced conditions of extreme political instability and violence. Yet, they could equally recognize the Río de la Plata basin’s economic potential as it oriented itself towards the export of agricultural staples to the Atlantic World. The challenge was to develop mechanisms to secure trade and protect legal rights in the absence of consolidated nation-states. The personal and factional connections forged by merchants and landowners as they moved across borders and along trading routes addressed this problem. These relationships provided a solution that could be simultaneously rooted in local notions of citizenship and status like vecindad and carried across boundaries to a number of fora wherever political vagaries and commercial opportunities required.

Concepts like vecindad provided a juridical mechanism familiar to theorists like Chaves and merchants like Guarch that embodied localized justice, reciprocity and personal reputation. They used these concepts as flexible platforms upon which to link together strategic nodes to establish cross-border economic relationships adapted to political and
economic necessities in the borderlands. As such, these borderlands legalities were simultaneously local and international in scope. By the 1840s, these relationships had congealed into a robust trading system along the Uruguay River and its surrounding borderlands. These chains linked colorados like Guarch and Picant moving along their commercial networks between Montevideo and the upper Uruguay as well as blancos and their federalist allies like Urquiza in the Argentine Littoral together. These mutually reinforcing systems of borderlands trade and legalities prospered because they ignored national divisions and instead emphasized personal and factional connections.

As the system developed, the absence of national boundaries became less of a hindrance for the borderlands trade than a precondition for its continued existence. At the same time, problems lurked as the region became more integrated. In particular, the borderlands legalities developed by merchants, landowners and traders to achieve commercial success and political power in the vacuum left by the collapsed colonial order depended explicitly on the blurred boundaries and local autonomy provoked by incessant war. Attempts to impose national boundaries and centralized authority on these practices, therefore, threatened the very underpinnings of the borderlands’ emerging commercial system. As we saw in the Cabral case, the imposition of nationalized legal categories equally challenged localized notions of justice, citizenship and status embodied by concepts like vecindad. By the late 1840s, efforts to reconstitute state-centered authority over the region were underway. New conflicts over borderlands sovereignty loomed
Chapter 3

Sovereign Conflicts

The reactivation of borderlands legalities to resolve the persistent crisis of order in the Río de la Plata’s contested interior had provided one mechanism to sustain trade. As the 1830s progressed, however, the very success of the relationships underpinning the region’s commercial chains began to rub against renewed attempts to impose national legal categories and political boundaries on the interior. In particular, Rosas, the self-proclaimed “restorer of laws,” utilized the expanding export-economy to promote a rival state project in which Buenos Aires retained its monopolistic authority over its putative rivertine hinterlands. European interventions and the continued presence of the old unitarist faction in Montevideo provided a common enemy that temporarily suppressed the sovereign divisions between borderlands legalities and porteño-dominated models. With their political and economic relationships, as well as their personal reputations, rooted in systems premised on cross-border integration and localism, however, borderlands inhabitants would inevitably clash with these efforts to police new borders and impose new, abstract legal categories.

These sovereign conflicts between borderlands legalities and more state-centered forms of government defined the 1830s and 1840s. They produced nearly incessant violence across the Río de la Plata’s borderlands. The eastern borderlands along the Uruguay River once again emerged as the center of these sovereign storms. Here, the creation of the Uruguayan Republic in 1828 produced escalating tensions on both sides of the new national border, particularly among the Brazilian ranching community. Frictions between riograndense ranchers and imperial elites attempting to impose revenue measures on cross-border trade ultimately exploded into a decade-long civil war in 1835. The “Farrapos Revolution,” as the war became known, threatened the very existence of the Brazilian empire. When the conflict
was finally resolved through an uneasy truce in 1845, battles between borderlands inhabitants and coastal elites shifted to Uruguay. *Blanco* leaders similarly attempted to regulate borderlands relationships in the name of new national interests by ultimately prohibiting the export of declining cattle herds to Brazil. In response, aggrieved *riograndense* ranchers repeatedly swept across the border to seize their cattle and undermine *blanco* efforts to erect divisions between themselves and their vast pasturelands in the small republic’s northern reaches.

By 1850, the prolonged conflicts in Uruguay’s northern borderlands converged with growing resistance in the Argentine Littoral to *porteño* efforts to reassert their control over the Río de la Plata’s rivertine trade. These disputes culminated in the 1852 campaign by Urquiza, the powerful merchant and general, to defeat Rosas. His triumph over Rosas at the battle of Caseros reflected the power of peripheral inhabitants to resist would-be state borders and national laws. The victory by Urquiza’s peripheral coalition ushered in a new conjecture in the sovereign conflicts between coastal elites and the inhabitants of Río de la Plata’s contested borderlands. Each side would continue to labor to forge the terms of a more permanent political order – one that remained frustratingly elusive.

**Revolution in the Brazilian Borderlands**

Almost before the ink had dried on the 1828 treaty between Argentina and Brazil establishing the newly independent Uruguayan Republic, tensions emerged over the erection of a national boundary dividing the eastern borderlands. The three-year Uruguayan conflict and the subsequent loss of the Cisplatine Province had devastated many *riograndense* ranchers on both sides of the border. Many lost valuable pasturelands outright. Perhaps more importantly, Brazilians faced the loss of access to remaining Uruguayan herds. The economic dislocations resulting from Uruguay’s independence produced growing political
conflicts between peripheral ranchers and the empire. Brazilians in the borderlands already blamed imperial incompetence for the defeat. As the ranching elites in Rio Grande do Sul’s western *campanha* deployed borderlands legalities to forge a new basis for commercial prosperity, they again clashed with more centralized notions of imperial and national sovereignty emanating from Rio de Janeiro and Montevideo. These ever-deepening fault lines eventually erupted in a massive revolution that threatened the fragile unity of the Brazilian empire.¹

The defeated Brazilian ranchers did not remain passive in the face of the 1828 division of their borderlands world. As we saw in the last chapter, they almost immediately began to forge commercial and political linkages across the Uruguayan border in order to reestablish their ranching operations. Men like Agustín Guarch served as important intermediaries by securing property for their Brazilian allies and establishing reciprocal economic and political linkages that provided a vital source of order. These relationships revolved around borderlands courthouses. There, litigants drew upon traditional juridical concepts like *vecindad* to secure legal rights and cement commercial and political allegiances. Because borderlands legalities were simultaneously integrated and local, they necessarily hinged upon open borders and flexible identities that were frequently at odds with putative national categories. As Maria Padoin pointed out, Brazilian ranchers in this period “sought to avoid imperial and Uruguayan orientations, providing continuity to struggles for free passage” across the border.²

The movement of Brazilian ranchers back into the newly created Estado Oriental repeatedly triggered conflicts between state-centered legal norms and borderlands legalities

---

¹ Leitman, *Raízes*.
² Padoin, *Federalismo Gaúcho*, 82.
premised on cross-border trade and vecindad. Over the course of the 1830s, these clashes would escalate into full-scale civil war. Consider the case of João de Silva Tavarez. Throughout the 1820s, Tavarez had established a prosperous ranching operation that stretched across Rio Grande do Sul and into the Cisplatine Province. He used his wealth and position to gain a judicial office, becoming juiz de direito in the borderlands city of Herval near the Uruguayan frontier. Tavarez saw his ranching operations ruined during the 1825 war. He later wrote that “he [had] lost all of his cattle, animals (horses and bulls) and some slaves . . . that he [had] possessed in that province [of Uruguay].” In order to recover from his losses, Tavarez almost immediately began to rebuild his ranching operations in the new Estado Oriental. Following the war, he reconstructed his original ranch in the Uruguayan department of Cerro Largo. He further began expanding his commercial activities throughout the borderlands in the early 1830s by entering into several contracts to move cattle across the border into Brazil. In short, Tavarez turned to the same tactics as men like Guarch, Lemos Pinto and Urquiza to develop cross-border commercial ties and local allegiances.

Tavarez’s cross-border operations, however, came into conflict with efforts to enforce new national divisions and identities during a legal dispute in the Cerro Largo and Montevideo courts. The proceeding arose out of a disagreement between Tavarez and Tomas Sosa over a sale of land and cattle located along the Brazilian border in 1832. Sosa agreed to sell his ranch in Cerro Largo to Tavarez. In exchange, Tavarez promised to market both men’s cattle located on the property across the border in Brazil. Tavarez

---

further agreed to provide payments to Sosa in consideration for the original land deal. In short, the transaction mirrored many cross-border commercial agreements established during this period. Tavarez leveraged his personal connections in Brazil to facilitate a land sale in the Uruguayan Republic.

Problems arose with the contract in 1835 when Tavarez allegedly refused to make any additional payments. Sosa’s wife, Maria Montiel, appeared before the alcalde ordinario in Cerro Largo to demand payment. According to Sosa’s petition, the local judge interpreted Montiel’s petition as a request to rescind the entire contract. This effectively permitted Tavarez to avoid payment. When Tavarez attempted to remove several thousand head of cattle across the border to Brazil, Sosa filed an action to embargo the allegedly stolen goods and other assets in the Montevideo courts. In doing so, he directly confronted local officials who appeared sympathetic to Tavarez’s position. The petition also implicitly challenged the local court’s conclusion that Tavarez represented a credible insider in the town, worthy of trust regarding the transaction.

Local leaders in Cerro Largo responded by accusing Sosa of violently assaulting Tavarez’s properties. Ramon Montero, a juez de paz in the borderlands department, wrote the court in Montevideo and alleged that Sosa:

went to the [his] old property, but currently Tavarez’s, with some eight men (the better part of them armed), his wife and some slaves, and despite presenting an order to him from the juez de paz so that he not interfere nor perturb Tavarez’s men, he ignored it and forcibly took possession of one of the ranch houses where he left his wife and three armed men and several Blacks that he took from the settlement.5

Sosa disputed the allegations that he had invaded Tavarez’s property. Rather, he painted a picture of local officials all too willing to permit Tavarez to abscond with his assets across the border to Brazil. He commented: “Tavarez, by means of his so very active allies and in

5 Ibid., 66.
complete bad faith, hurries to remove every class of cattle in his possession.” Sosa likely had a point. The court in Cerro Largo certainly had labored to interpret his contractual agreements in a manner designed to protect Tavarez’s rights to move cattle across the border. Local leaders had penned briefs accusing him of violence and implicitly impugning his personal reputation. Sosa probably understood the balance of forces against him. He brought his judicial action away from Cerro Largo’s courts in Montevideo to better his own chances of victory.

Tavarez’s political allies out in the borderlands responded aggressively to Sosa’s attempts to shift the case to Montevideo. They did so in a typical borderlands fashion by drawing upon webs of local connections. They secured a guarantee from Hilario Amaro de Silveira, another prominent Brazilian rancher in the region, to compensate Sosa for any cattle he might obtain through his legal action in Montevideo. Amaro’s intervention again reflected the local politics of reciprocity and reputation at the heart of borderlands legalities. By guaranteeing the deposit, Amaro positioned himself to protect order in the countryside and preserve Tavarez’s cross-border trading arrangements. He further could use his prominent local position to blunt any outside interference in the local judicial decision. In short, Tavarez’s problem accorded Amaro the opportunity to manifest his role as a critical figure in maintaining borderlands commercial relationships. By obtaining such a guarantee from Amaro, Tavarez could also publicly manifest his own personal standing in the community by summoning a prominent guarantor of his character. Like in so many other commercial disputes in the borderlands, the case for Tavarez and Amaro was about defining each one’s place within their respective trading and political worlds.

---

6 Ibid., 17bis.
7 Ibid, 140bis.
Sosa almost immediately responded. He filed another petition in Montevideo challenging Tavarez’s proposed deposit. In particular, Sosa argued that the embargo over the disputed assets had to remain in place until the contractual matter could be resolved because any guarantees coming from Cerro Largo were inherently unreliable. In making this argument, Sosa squarely placed the issue of whether Amaro in fact was a vecino of Cerro Largo before the Montevideo court. Sosa argued that Amaro was “an unknown person,” in essence lacking the requisite connections to the local forum.\(^8\) Sosa elaborated that Amaro could not guarantee the debt because “he was a Brazilian citizen whose interests, in addition to being in the countryside, were located so close to the border that they disappear from one day to the next.”\(^9\) He finally noted that if the court accepted any guarantee, the assets needed to be transferred to Montevideo and away from the lawless border and its blurred national boundaries.

Tavarez was incredulous. He wrote to the court:

> Your honor, it is public and notorious and surely your mercy will not ignore that [Amaro] is a substantial landowner and one of the principal hacendados in Cerro Largo, possessing a large fortune consisting primarily of lands populated by considerable herds of cattle sufficient to satisfy the requested financing six times over.\(^10\)

Tavarez argued that these possessions, rooted in webs of cross-border commerce, represented the touchstone of vecindad. As proof, Tavarez pointed to fact that Amaro had served as alcalde ordinario in Cerro Largo on numerous occasions. He declared: “If the quality being a Brazilian subject was not an obstacle to fulfill that post, there is even less reason for it to preclude him from serving as a guarantor, even more so when the only thing required of

\(^8\) Ibid., 140bis.
\(^9\) Ibid., 143.
\(^10\) Ibid., 141.
him from this task is to possess plain and honorable qualities.”¹¹ In Tavarez’s eyes, Amaro appeared to be the consummate vecino. He was deeply rooted in the borderland town’s political and economic webs. His prominent local office reflected his personal standing. His national identity was irrelevant to the question. Tavarez argued: “it was simply impertinent to enter into questions of verifying whether [Amaro] was a Brazilian subject or citizen of this Republic.”¹²

The court in Montevideo disagreed. It declared Tavarez’s proposed deposit invalid. In reaching its decision, judicial officials in the capital accepted Sosa’s argument that national citizenship overrode Amaro’s extensive local connections and his “plain and honorable qualities.” This must have been a blow to both Amaro and Tavarez. The verdict called into question their personal standing within their respective webs of economic and social relationships. At the same time, the case’s aftermath suggests the durability of borderlands legalities and the ability of peripheral inhabitants utilizing them to resist forcibly judicial incursions from national centers on the coasts. Following the verdict, Sosa bitterly complained to the court that Amaro was now actively assisting Tavarez in moving his cattle across the border. This time, Sosa accepted the reality on the ground. He entered into a settlement with Tavarez, brokered by Amaro, for a portion of the disputed cattle. In doing so, Sosa reconfirmed the primacy of local order and cross-border reciprocities over abstract national categories.¹³

While the efforts of coastal jurists in Montevideo to undermine personal reputations, local autonomy and cross-border trading ties might be brushed aside by riograndense ranchers like Tavarez and Amaro, Brazilian revenue measures were a different story. Desperate for

¹¹ Ibid., 146bis.
¹² Ibid.
¹³ Ibid.
funds, the imperial government took steps in both 1830 and 1831 to assert fiscal control over its southern border with the Uruguayan Republic. The government established tariff controls at key points such as Alegrete, Bagé and São Borja in order to collect taxes on cattle bound for the neighboring republic. Even more onerous, they imposed a 15% tax on cattle imported from Uruguay. This final measure enraged a borderlands ranching community that increasingly relied on pasturing herds across the border.\textsuperscript{14}

Efforts to enforce the measures frequently met with armed resistance. Local judicial officials simply turned a blind eye to incidents between tax collectors and borderlands ranchers. These low level skirmishes between elites in the \textit{campanha} and imperial officials laid bare the sharply divergent conceptions of the borderlands space that each side possessed. For the ranchers in Rio Grande do Sul, the borderlands were an economically integrated region. Their reciprocal trading chains stretched across multiple boundaries, linking various nodes of prominent local \textit{vecinos} together. For imperial elites in Rio de Janeiro, the borderlands trade was something else entirely – contraband. Cross-border commerce was something to be taxed and controlled. These fundamentally distinct sovereign definitions remained unresolved throughout the 1830s. The borderlands again seethed.\textsuperscript{15}

Political tensions across the border in Uruguay finally lit this \textit{riograndense} powder keg. In particular, as ranchers on both sides of the border forged relationships to facilitate their cross-border trading operations and advance their political ambitions, conflicts between them destabilized the borderlands. Much like Tavarez, Bento Gonçalves da Silva maintained

\textsuperscript{14} Leitman, \textit{Raízes}, 133-36.
\textsuperscript{15} Mariana Flores da Cunha Thompson Flores, "Contrabano e Contrabandistas na Fronteira Oeste do Rio Grande do Sul (1851-1864)" (M.A., Universidade Federal de Rio Grande do Sul, 2007). Flores frames these disputes over the meaning of contraband in terms of a “dynamic frontier” that simultaneously captures ideas of borderlands porosity and interconnectedness, as well as the national boundaries drawn across them.
close alliances on both sides of the border in order to sustain his ranching operations in Cerro Largo. Although born in Brazil, Gonçalves had spent much of his life around the Uruguayan city. He first settled there following the 1811 Brazilian invasion, establishing a small shop in the town. He fought against Artigas during the 1816 campaign. By 1820, imperial officials named him commander of the frontier militia for the entire region around Cerro Largo and Herval. During the Cisplatine period, he further expanded his ranching operations and his connections to the vecinos in the borderlands department.¹⁶

The riograndense rancher and officer again fought against Uruguayan rebels during the republic’s war for independence in 1825. His service, however, revealed the tensions between personal allegiances in the borderlands and more abstract, national divisions. During the war, Gonçalves had frequently received permission from both Brazilian military commanders and Uruguayan forces under Juan Antonio Lavalleja to enter his ranch lands and protect his herds. Through these transactions, Gonçalves cemented a personal friendship with Lavalleja, his putative enemy in the conflict. While perhaps disloyal, Gonçalves’ tactics were effective in ensuring that his “properties were not prejudiced in any way” by the Uruguayan general’s forces.¹⁷ Once again, these types of personal arrangements reflected the inherent tensions over sovereignty in the borderlands. What made sense in advancing one’s economic interests and legal rights on the ground frequently clashed with national loyalties and divisions.

While Gonçalves’ actions raised eyebrows during the conflict, his continuing association with Lavalleja following the war only increased doubts about his allegiances.

¹⁷ Leitman, Raízes, 107-08. Gonçalves did claim that he sustained substantial losses during the conflict, in part to justify his own defiance of imperial orders.
Throughout the early 1830s, the Uruguayan commander and Fructuoso Rivera, the current president, appeared locked in an escalating struggle to control lands and cattle throughout the countryside. Whereas merchants like Agustín Guarch and his Brazilian associates around Uruguaiana and Alegrete had gravitated towards Rivera’s circle, Gonçalves served as Lavalleja’s ally and protector throughout the borderlands around Cerro Largo. When Lavalleja prepared to revolt against Rivera’s government in 1832, Gonçalves facilitated transactions between the Uruguayan commander and Brazilian merchants in order to bolster his Uruguayan allies’ military and political position. In exchange, Lavalleja promised “that all the Brazilians who assisted him in his undertaking would receive title to their lands immediately after the war.”

Once again, reciprocal relationships drove borderlands ties on both sides of the border.

When Lavalleja’s 1832 uprising against Rivera failed, Gonçalves arranged for the Uruguayan commander to retreat across the border and take shelter in Rio Grande do Sul. The imperial government quickly grew alarmed at the incursion of a foreign force into its territory. It ordered the provincial president, Manuel Antonio Galvão, to secure their disarmament and departure from Brazil. The empire could ill-afford a conflict. It was still recovering from the prolonged war with Argentina over the borderlands. In 1831, Pedro I had abdicated the throne in the face of growing opposition to his regime’s failed economic policies. At the time, his son, Pedro II, was only six years old. A regency government consisting largely of Brazilian liberals took charge of imperial affairs. The new government

---

18 Ibid., 109.
19 Rivera employed a similar tactic following his 1838 defeat at the hands of Manuel Oribe. In that instance, Rivera took refuge around Alegrete, reflecting his connections with the merchants and political leaders in that community.
struggled to hold the empire together as it enacted economic and political reforms. Renewed violence in the southern borderlands was out of the question.\textsuperscript{20}

With the empire’s stability very much in doubt, the Regency’s new leaders were particularly alarmed by the growing connections between Lavalleja and Rosas. Upon crossing the border, Lavalleja had in fact immigrated to Buenos Aires to secure federalist support for a renewed campaign against Rivera. Seeking to avoid becoming further embroiled in the Río de la Plata’s struggles, the Brazilian government adopted a position of strict neutrality in Uruguayan affairs. Consistent with this policy, it again ordered Gonçalves to cease sheltering and disband Lavalleja’s small army.

The growing rift between imperial policy and Gonçalves’ personal interests in maintaining his political allegiances across the border, in no small part to bolster his substantial economic interests throughout the borderlands, threatened to boil over. Desperate to avoid renewed warfare along its southern periphery, officials in Rio de Janeiro summoned Gonçalves to the capital in an effort to reduce tensions in late 1833. While Gonçalves maintained his loyalty to the emperor, accusations of treason continued to poison the waters. For the moment, the weak imperial government managed to preclude an open break largely by guaranteeing Gonçalves autonomy in his command along the border. The deepening tensions with figures like Gonçalves, however, continued to reflect the underlying conflicts between borderlands identities and efforts from imperial and national cores to impose boundaries on cross-border relationships and allegiances.

By 1834, the strains between the Brazilian empire and the inhabitants in its southern borderlands had finally proved too great to avoid a direct confrontation. In April, Antônio

Fernandes Braga, the provincial president, accused Gonçalves of conspiring to incorporate Rio Grande do Sul into the Uruguayan Republic. Braga then attempted to strip Gonçalves of his command. At the same time, Braga also removed Bento Manoel Ribeiro from his frontier command around Alegrete for likewise violating imperial mandates by openly aiding Fructuoso Rivera. Ribeiro’s own activities linked up closely to the commercial chains established by Agustín Guarch and others from Montevideo across the borderlands to Alegrete and Uruguaiana. Braga threatened to undermine the entire reciprocal system of which Rivera and Ribeiro were key participants. In effect, Braga’s actions towards Gonçalves and Ribeiro amounted to an open invitation to revolt.

The two commanders rallied support throughout the borderlands. In 1835, they marched on Porto Alegre, taking the provincial capital on 20 September 1835. They quickly deposed Braga and requested that the imperial government appoint a new president. The Farrapos Revolution was underway. The initial movements against Braga ostensibly aimed only to end the abuses of his administration. This included restoring the relative autonomy of borderlands commanders like Ribeiro and Gonçalves to conduct their cross-border economic and political operations without undue interference from provincial or imperial officials. Even at this stage, the Regency government in Rio de Janeiro moved to placate the rebels by appointing a new provincial president, José de Araújo Ribeiro, with substantial ties to the borderlands.

A broader conflict, however, was now unavoidable. For Gonçalves and his allies, the outbreak of hostilities opened up the possibility for a much more radical rupture with the empire. When Araújo Ribeiro arrived in Rio Grande do Sul in December, the provincial assembly refused to recognize his authority. Araújo Ribeiro then set up a second government in the coastal city of Rio Grande and prepared for civil war in the province. The empire now ordered substantial forces into its rebellious southern territories. Although imperial armies quickly recaptured Porto Alegre, they made little progress in the rebellion’s interior heartlands. The fighting further radicalized many of the rebels. Following several clashes with imperial forces, the Farrapos rebels declared independence from the empire altogether on 11 September 1836. The declaration immediately splintered the riograndense opposition. A number of prominent borderlands elites like Bento Ribeiro rejected independence. Instead, Ribeiro asserted that the true purpose of the revolts was strictly to remove the former provincial president and secure local autonomy. Tensions among the various Farrapos commanders over the question of whether to pursue republican independence or remain as an autonomous province within the empire continued for the duration of the conflict.

Despite these divisions, the Farrapos Republic forged ahead. Rebels established the new republic’s capital in the borderlands city of Piritini in late 1836. The Farrapos government successfully blunted imperial efforts to retake the province, managing even briefly to widen the campaign to the neighboring Brazilian state of Santa Catarina in 1839 and 1840. Still, the rebels could not retake Porto Alegre or the other principal cities along the province’s southern coasts. By the early 1840s, the conflict devolved into a stalemate with imperial forces secure in the province’s cities and the Farrapos dominant in the western campanha along the Uruguayan border.
Frustrated by the lack of progress, imperial officials appointed Luís Alves Lima e Silva (more commonly known by his title as the Barão de Caxias) provincial president in late 1842. Caxias immediately embarked on a concerted campaign to end the conflict. He raised a large army of some 12,000 troops and advanced into the interior. Over the next year, Caxias captured most of the principal cities in Rio Grande do Sul. Deprived of their bases of operation in the Brazilian *campanha*, the remaining Farrapos rebels increasingly resorted to raids against imperial forces from across the border in Uruguay. With the rebels on the run but hardly defeated, Caxias also adopted a number of conciliatory policies that explicitly played upon the tensions within the opposition over the question of independence. In particular, he opened negotiations with rebel commanders like David Canabarro who supported reunification with the empire so long as local autonomy could be guaranteed.  

On 1 March 1845, the two sides reached an agreement to end the conflict. To secure the peace, Caxias made substantial concessions to the rebels. The empire agreed to assume all of the former republic’s debts, Farrapos officers retained their prior ranks and could return to service in the imperial army and the province could elect its next president. The Ponche Verde Treaty in effect restored the old status quo. It recognized imperial authority over its southern peripheries, but equally codified the personal autonomy and political power of elite Brazilian ranchers in the borderlands. While a failure politically, the revolution had, for the moment, reconciled the system cross-border economic relationships and localized justice throughout the borderlands with the broader framework of imperial federalism. This uneasy truce, however, did not yet end sovereign conflicts. Threats now emerged across the border in the Uruguayan Republic. The stage was set for a decisive clash between

---

borderlands legalities and rival models emanating from Buenos Aires and the Estado Oriental.

**Californias and Cross-border Conflicts**

While calm temporarily returned to Rio Grande do Sul in 1845, tensions increasingly flared up in neighboring Uruguay over efforts to consolidate control over borderlands commercial chains. Throughout the Río de la Plata basin, the *Guerra Grande* continued to rage. Manuel Oribe, Rosas’ close ally, had decisively defeated Rivera and his unitarist supporters at the battle of Arroyo Grande in late 1842. The following year, Oribe had driven Rivera from the Uruguayan countryside, forcing the *colorado* leader to take refuge behind Montevideo’s walls. Rivera’s various attempts to break the siege and defeat Oribe by launching invasions from Rio Grande do Sul failed in the mid-1840s. By 1847, Oribe’s *blancos* possessed absolute control over the Uruguyan interior.

Although dominant in the countryside, Oribe and his federalist allies from Argentina lacked sufficient resources to capture Montevideo itself. Protected by the British and French navies, Montevideo’s port could ensure almost indefinite *colorado* resistance. European naval blockades of Buenos Aires also guaranteed that the besieged city received the bulk of the trans-Atlantic trade flowing into the region. This provided the *colorado* government with revenues to continue the struggle. Without access to Montevideo’s customs receipts or European financial assistance, Oribe resorted to a number of unorthodox and increasingly dangerous measures to sustain his campaign. In 1845, Oribe began confiscating numerous tracts of land belonging to *colorados*. These moves once again began to destabilize cross-border reciprocal ties between *colorados* and many prominent *riograndense* ranchers. Inevitably, Brazilian ranchers grumbled that *blanco* officials had wrongly seized their properties. They loudly complained to politicians in Porto Alegre and Rio de Janeiro, conspicuously
cataloguing illegal property confiscations and violence by blanco officials. An 1845 letter signed by over a hundred Brazilian landowners in the Estado Oriental complained that Oribe’s lieutenants “extorted as much as [they] needed from Brazilians, without paying them, without even providing a sheet of paper . . . considering the Brazilian fazendas to be common goods.”

Despite the rumblings of the powerful Brazilian ranching community, Oribe’s desperation led him to impose further revenue measures that were sure to aggravate tensions. One pressing need was to protect the country’s diminishing cattle herds. These herds constituted the blancos’ principal remaining economic resource. Their control by “foreign” ranchers was unacceptable. Anger over Brazilian ranching operations also reflected the growing “nationalist” tendencies within the blanco faction. Confronting European naval blockades, blanco party leaders like Bernardo Berro began to call for the end of foreign interventions into Uruguayan affairs altogether. In an 1847 article, Berro railed against foreign infiltrators from both Europe and Buenos Aires that “had conspired against the legal government that had housed and protected them.” He demanded the “orientalization” of the republic’s domestic affairs in order to restore order to the countryside. He wrote: “the cause of the pueblo oriental is not the cause of any one person, but is the cause of order and of the laws that represent that principle.” The presence of a foreign and lawless minority threatened these ideas. Brazilian ranchers and European merchants alike would have to accept Uruguayan laws in order to remain as guests in the


Manuel Herrera y Obes and Bernardo Prudencio Berro, El Caudillismo y la Revolución Americana: Polémica (Montevideo: Biblioteca Artigas, 1966), 122.
Berro’s calls for a uniform, national system of law that dispensed with exceptions for foreigners would emerge again and again in the coming decades.\textsuperscript{27}

By the late 1840s, these nationalist sentiments and economic necessities compelled Oribe to risk angering the powerful Brazilian landowners in the borderlands. Mirroring the imperial policies that had triggered the Farrapos war, Oribe first demanded tax payments for the export of cattle into Rio Grande do Sul. Frontier commanders in the northern borderlands like Diego Lamas immediately took steps to prosecute what was now contraband trade across the border. Unable to stem the flow of cattle, Oribe then prohibited their export entirely in 1848.\textsuperscript{28}

Much as the imperial government had done a decade earlier, Oribe’s measures aimed to consolidate his government’s authority over economic resources in the borderlands by seeking to enforce national divisions. They provoked a similar response from the aggrieved Brazilians throughout the western campaña. Prominent local elites began to organize large-scale raids into the Estado Oriental to seize cattle. These “californias,” in reference to the ongoing gold rush in the United States, embodied borderlands legalities premised on cross-border reciprocities and local reputations. At the most basic level, the raids violently manifested the rejection of the imposition of artificial national boundaries on what was an integrated economic space. Protecting property across the border through the \textit{california} raids

\begin{itemize}
\item \textsuperscript{26} Ibid., 124.
\item \textsuperscript{27} For a discussion of the role of the Brazilian presence in propelling Uruguayan legal reforms forward, \textit{see} Benton, "The Laws of This Country.,” Susana Bleil de Souza and Fabricio Prado, "Las Representaciones del Brasil en el Discurso de Los Constructores de la Identidad Uruguaya en el Siglo XIX," in \textit{Fronteras, Indígenas y Migrantes en América del Sur}, ed. Hector Hugo Trincher (Córdoba, ARG: Centro de Estudios Avanzados, 2002).
\item \textsuperscript{28} Barrán, \textit{Apogeo y Crisis}, 33-34.
\end{itemize}
also provided prominent local elites with a mechanism to enhance their own personal standing as guarantors of cross-border economic relationships.\textsuperscript{29}

Once again, borderlands courtrooms represented important arenas in which to articulate reciprocal ties. Litigation also provided a means to bolster the personal reputations of local leaders vying to protect Brazilian property rights across the border. The criminal charges against Hypolito Firio Cardoso and Cándido Figuero for allegedly organizing an incursion of over three hundred Brazilians into Uruguay in 1847 provide a good example.\textsuperscript{30}

The proceeding began with a complaint from Diego Lamas, Oribe’s \textit{blanco} lieutenant. Lamas drafted a letter to Brazilian officials demanding justice for several incursions organized by Cardoso and Figuero to remove cattle from across the border. Lamas noted that “a considerable number of \textit{vizinhos} of this frontier had cooperated for this end.”\textsuperscript{31} Figuero’s inclusion is particularly interesting because he possessed commercial relationships dating back to the Farrapos Rebellion with Agustín Guarch and other \textit{colorado} merchants across the border.\textsuperscript{32} His alleged participation in the raids again suggests that cross-border reciprocal relationships were at work in driving the \textit{californias}.

Faced with Lamas’ claims, Brazilian officials filed criminal charges against the two commanders for violating the empire’s stated policy of strict neutrality in Uruguayan affairs. The nature of the trial, however, suggests that officials in Alegrete were less interested in defending Uruguayan sovereignty than in publicly manifesting Cardoso’s and Figuero’s legal protection of Brazilian property. To that end, Cardoso and Figuero appeared in the Alegrete courts in a public jury trial. Selected exclusively from property owners, the jury embodied

\textsuperscript{29} Ibid.
\textsuperscript{31} Ibid., 10
\textsuperscript{32} CV-4434 (February 18, 1841).
the concept of “honorable vecinos” appearing in local fora to offer reputational testimony. The jury dismissed the charges against Cardoso outright. However, it did authorize charges against Figuero on much weaker evidence. In response, Figuero produced ample proof that at the time of the invasion he was conducting operations around Santana do Livramento, making it “impossible” for him to have participated. The Alegrete jury then dismissed the case. The acquittal effectively ratified the actions of the Brazilian commanders. It publicly manifested the support of the local community for the California raids. In the process, it bolstered the commanders’ personal prestige as defenders of the local community and its cross-border rights.

As Oribe and his blancos struggled to control Uruguay’s northern borders, their efforts increasingly clashed with the borderlands legalities underpinning the authority of prominent Brazilians. Throughout 1848, the collisions between these two sovereign conceptions progressively escalated. By 1850, Francisco Pedro de Abreu, one of the most prominent frontier commanders, had organized a fighting force of some 1,500 men to conduct raids to seize cattle and affect reprisals against Uruguayan violations of Brazilian properties. The repeated raids and reprisals once again destabilized the borderlands. Imperial officials again found themselves being pulled into the political conflicts raging throughout the Río de la Plata. This time, however, the empire would side with its borderlands subjects in their struggles against the extension state-centered sovereignties and putative national divisions.

Towards Caseros

---

33 *Justiça c. Hypolito Firio Cardoso e Cândido Figuero*. Figuero’s alibi actually was not very good. The jury without a doubt knew that Cardoso could have easily crossed the border and participated in the raids from Santana do Livramento.
As the 1850s dawned, the persistent clashes between peripheral and state-centered sovereignties continued to beset the Río de la Plata’s eastern borderlands. Although Brazilian ranchers had grown particularly restless with Uruguayan efforts to enforce national divisions bisecting their commercial operations, the blancos and their federalist allies in the Argentine Littoral retained their unquestioned military supremacy. Rosas and his allies had largely vanquished their unitarist opponents by the end of the 1840s. They had likewise overcome successive European naval blockades, using the British and French intervention to bolster support for the defense of “American” interests. By 1848, Buenos Aires was once again open to trans-Atlantic trade and its vital customs revenues. But as a triumphant Rosas, like his Uruguayan ally Oribe, moved to consolidate his regime’s control over the borderlands trade, he provoked a powerful backlash from his putative federalist allies in the Argentine Littoral. Aggrieved elites throughout the borderlands began to forge a new coalition to confront Rosas, preserve their local autonomy and protect their trading networks across the Río de la Plata’s interior.

Urquiza was at the center of the gradually emerging opposition to Rosas in the early 1850s. Throughout the 1840s, Urquiza had continued his political ascent. He had become one of Rosas’ most effective and important federalist surrogates. With Rosas’ blessing, Urquiza was elected governor of Entre Ríos in 1842. For the next few years, the new governor engaged in nearly constant military actions against Rosas’ unitarist and colorado rivals. He assisted Oribe’s successful campaign across the Uruguayan countryside in 1843. He then engaged in a prolonged struggle against the unitarists and their allies in Corrientes. Following his decisive victory over unitarist forces at the battle of Vences in late 1847, Urquiza installed his own ally, Benjamin Virasoro, to the governorship of the neighboring province. Urquiza now controlled the entire Argentine Littoral. Through these actions,
Urquiza reiterated his role as the political and military guarantor of the commercial revolution along the lower Uruguay. In the process, he enhanced his personal prestige and the corresponding power of his commercial associates as they extended trading linkages.\textsuperscript{34}

While Urquiza continued to serve as Rosas’ most important lieutenant, his economic success began to produce frictions with his erstwhile ally in Buenos Aires. The Guerra Grande had been a personal bonanza for the entreteriano leader. When Oribe encircled Montevideo, Urquiza had used his ever-expanding commercial connections along the Uruguay and his rivertine flotilla to supply the besieged city. The European naval blockade of Buenos Aires only further increased trade towards his warehouses along the Uruguay. By the late 1840s, Urquiza had become one of the principal importers of manufactured goods in the Río de la Plata basin. He now possessed sufficient wealth to expand his landholdings and construct the largest salting plant in the region. Through these operations, he further augmented his profits by exporting hides and salted beef to Europe. Along with agricultural staples, he cornered the gold export market as well.\textsuperscript{35}

So long as Rosas and Urquiza faced a common enemy, their relationship prospered. Rosas drew upon the deeply rooted opposition to the unitarists and their European allies throughout the Littoral to paper over differences between Buenos Aires and the interior. The end of the European naval blockade in 1848, however, laid the growing commercial tensions between the thriving rivertine ports throughout Entre Ríos under Urquiza’s protection and Buenos Aires bare. Urquiza and his allies had flourished through their growing cross-border trading relationships, particularly with merchants in Montevideo. With the European blockade now lifted, Rosas sought to reassert porteño control over the rivertine

\textsuperscript{35} Bosch, \textit{Urquiza y Su Tiempo}. 

140
traffic along the Uruguay. Rosas first prohibited direct trade between the Argentine Littoral and Montevideo in 1849. This effectively closed off the re-export trade at the center of Entre Ríos’ economy. Merchants along the rivertine interior scoffed at porteño demands that they surrender profitable trade routes in order to support Buenos Aires’ monopoly on the overseas trade. Rosas further took steps to end the steady drain of specie from Buenos Aires into Entre Ríos and to Urquiza in particular by banning gold shipments to the littoral provinces. For the cash-starved interior, denying access to hard currency threatened to undermine the delicate webs of credit stitching commercial relationships together. In short, Rosas threatened the very foundations of rivertine prosperity.36

Rosas’ efforts to restore Buenos Aires’ special position as the regulator of commercial linkages along the Río de la Plata’s river networks provoked an immediate reaction in the interior. Urquiza once again asserted his position as the political guarantor of the Uruguay River trade, petitioning Rosas to reconsider his policies. When Rosas refused, Urquiza moved to protect his cross-border trading relationships, as well as his personal reputation, by beginning to forge a coalition to now confront Rosas and his ally Oribe. At this moment the besieged colorados in Montevideo began to encourage Urquiza to break with Rosas in the name of his province’s right to maintain its advantageous economic position. The colorados equally reached out to the aggrieved Brazilian ranching community by offering concessions designed to reopen the northern Uruguayan borderlands. These concessions included foregoing any and all taxes on the export of cattle from Uruguayan pasturelands into the empire.

For more than a decade, the unitarists and colorados in Montevideo had been repeatedly frustrated in their efforts to defeat Rosas through alliances with the British and

36 Barrán, Apogeo y Crisis, 40-41.
French. Now, within months of the end of the European intervention, they were forging a much more powerful coalition. What linked these diverse groups together was a repudiation of efforts by Rosas and Oribe to impose national boundaries and controls on the webs of economic and political relationships stretching across the interior. In effect, the decades-old sovereign frictions between the former viceregal capital and its hinterlands reemerged in the late 1840s. Ironically, the unitarists in Montevideo were now seeking to benefit from these discords.

As the fissures between the Río de la Plata’s interior and coastal capitals reopened, the Brazilian empire once again seized the opportunity to bolster its own political position. Officials in Rio de Janeiro now aggressively took up the banner of the former borderlands rebels in Rio Grande do Sul. They loudly complained of abuses by blanco officials and demanded protection for Brazilian property. Equally telling, they now called for enhanced trading rights across the border. In October of 1850, the empire broke off diplomatic relations with Buenos Aires, ostensibly over the issue of Uruguayan independence.

With the Brazilian empire now openly backing borderlands opposition to Rosas, the path was clear for Urquiza to move against his former federalist allies in Buenos Aires. In early 1851, Urquiza took advantage of the reauthorization of Rosas’ authority to conduct foreign relations for the Argentine provinces to announce his formal opposition to the porteño leader. In doing so, Urquiza not surprisingly drew upon intensely localized notions of justice. In writing to local leaders throughout Entre Ríos, Urquiza stressed that provinces “such as Entre Ríos possess an awareness of the role they represent and the high interests they administer, such that instead of recognizing a Supreme Leader and obeying what he
would order, they intend to be respected and consulted.”

Urquiza then expanded upon this notion of local rights in a subsequent proclamation in which he declared: “Entre Ríos does not intend to obey anyone but its own authorities nor serve any other interests than the well-known interests of the Confederation.” These declarations of provincial rights then culminated in a formal proclamation on 1 May 1851 that Rosas no longer possessed the power to dictate Entre Ríos’ relationships with foreign governments – particularly its trade relationships with Montevideo and the European powers. The statement amounted to a declaration of war.

Again, Urquiza promptly took steps to defend the trading chains stretching from Montevideo along the Uruguay River to Entre Ríos and Rio Grande do Sul. Along with Entre Ríos, Corrientes threw its support behind Urquiza’s campaign against Rosas. The combined forces from the Argentine Littoral first invaded Uruguay. As Urquiza moved against Oribe and his blancos, Brazilian forces equally spilled across the Uruguayan border. Oribe’s support in the Estado Oriental collapsed and he quickly sued for peace. The coalition now turned its attention to Rosas. An allied army consisting of Argentine, Uruguayan and Brazilian forces marched into Buenos Aires province and confronted Rosas at Monte Caseros on 3 February 1852. Urquiza’s army soundly defeated Rosas. Some two weeks later, the entrerriano leader entered Buenos Aires city. Rosas fled into exile in England, where he would remain until his death in 1877.

The coalition that defeated Rosas and Oribe drew their economic and political authority from the cross-border commercial relationships that they had meticulously forged

---

37 Julio Irazusta, Urquiza y el Pronunciamiento (Buenos Aires: La Voz del Plata, 1952), 94.
38 Ibid., 123.
39 Ibid., 128.
40 Barrán, Apogeo y Crisis, 44-46.
in the previous decades. By the early 1850s, these relationships had become sufficiently robust to blunt attempts to impose national limitations on their scope. Acting in the name of local autonomy, but with an eye towards broader relationships secured by reciprocity and personal reputations, borderlands elites had triumphed in the first round of sovereign conflicts over the region’s political and economic divisions.

**Conclusion**

Throughout the 1830s and 1840s, efforts to impose national boundaries and legal categories on the borderlands repeatedly collided with dense webs of integrated trading networks stretching across the Río de la Plata. The success of these trading chains, particularly in the eastern borderlands along the Uruguay River, rested upon the ability to move goods, cattle and money across boundaries without interference from outside officials. Rather than states, these trading relationships depended upon reciprocal ties and local reputations to sustain them. For men like Urquiza, protecting these simultaneously integrated and localized borderlands systems provided a source of wealth and power. Attempts to erect national divisions and slice up these borderlands associations threatened to bring the entire edifice down. For this reason, each successive attempt to do so, whether in Brazil, Uruguay, or ultimately Argentina, met with fierce and concerted resistance from peripheral elites. Eventually, Urquiza and his allies succeeded where European naval blockades and unitarist politicians had failed, bringing an end to Rosas’ rule over Buenos Aires.

The victory over Rosas and Oribe represented a triumph for models of borderlands sovereignty premised upon local laws and cross-border connections cemented together through factional political alliances and personal reputations. The Caseros coalition largely agreed on the need to defeat sovereign models that interfered with their borderlands legal,
economic and political relationships. The victory did not, however, resolve questions of regional sovereignty or national boundaries. It also did not end factional conflicts over legal rights and personal reputations. Rather, as we will see in the next few chapters, the local legal politics of the 1850s and 1860s that arose out of the military and political conflicts of the proceeding decades possessed within them the seeds for further international warfare. These struggles in turn were driven by the need to resolve prickly questions over sovereignty and private law rights. Borderlands courtrooms would be at the center of these clashes as strands of violence and law again entangled together.
CHAPTER 4

BORDERLANDS LEGAL POLITICS AND RENEWED FACTIONAL DIVISIONS

IN THE WAKE OF THEIR TRIUMPH AT CASEROS, INHABITANTS THROUGHOUT THE

Río de la Plata basin started to sort out the consequences of two decades of warfare. They once again began to confront questions of how to solve the persistent problem of order throughout the region. In the eastern borderlands along the Uruguay, where the military clashes of the previous decades had been most intense, political leaders in Montevideo sought to end factional conflicts by “fusing” the blancos and colorados together through accords and compromises. The goal was to forge the basis for a new national dialogue and with it a new elite politics. Reformers hoped to overcome the sharp political conflicts over questions of sovereignty and social order that, as we have seen, had produced nearly incessant wars in the decades following the 1810 revolutions. Central to these efforts was the persistent belief that once the anarchy in the borderlands ended, new states could finally begin the process of consolidating their hold on the contested ground along the Uruguay. In these “fusionist” visions, law could finally be extended into the interior now that archaic political divisions had been suppressed.

The programs of would-be constitutionalists, fusionists and state-builders to tramp down conflicts and forge workable coalitions in the name of state authority collided sharply with the alternative legalities that continued to define personal and political identities in the borderlands. While military conflicts had momentarily ended, local struggles over borderlands courtrooms continued. At stake was the ability to control the local systems of justice and cross-border trading networks that had arisen in the proceeding decades. As a result, courtrooms became centers for renewed hostility over the power to define borderlands legalities. In turn, these local conflicts in and around borderlands courtrooms
fed back into broader political disputes. In particular, the very centrality of the law to defining factional power, personal reputations and reciprocal ties led to increasingly sharp local struggles. These clashes in turn radiated through the networks of commercial and political associations stitching the tightly integrated borderlands together. As the 1850s progressed, therefore, the loose coalitions of elites envisioned by reformers progressively ceded ground to more sharply defined factional assemblages. These entities centered on powerful figures like David Canabarro, among others, who organized allies to control courtrooms throughout the borderlands. The peripheral solutions to the problem of order in the previous decades now began to lay the foundation for new rounds of sovereign conflicts.

This chapter explores how borderlands legalities produced increased political tensions and factional rivalries. It does so by dropping down to the local level and looking at the relationship between litigation and sharpening factional disputes over the course of the 1850s. It maps the conflicts in and around courthouses in two strategic fora in the Brazilian and Uruguayan borderlands. The first, Alegrete, Brazil, witnessed a decade-long conflict to control the administration of justice in the town. These factional clashes involved legal proceedings, elections and pervasive violence. This chapter examines how the prolonged struggle to control Alegrete’s courthouse propelled the creation of much more sharply defined political coalitions. The second section explores renewed conflicts between the old blanco and colorado parties in Salto, Uruguay around issues of personal reputation and political power. Here, litigation over juicios de imprenta, a particularly public proceeding held in the town’s theater, provided much of the impetus for local struggles to control borderlands legalities. In each forum, litigation remained a critical moment in which local rivals could publicly express their commercial and political associations and define their place within the
borderlands world. Local courts became important arenas in which the practices underpinning borderlands legalities could be reasserted. In Alegrete and Salto, it was not the absence of law, but the pervasive need to control it that propelled factional violence forward.

**The Continuing Search for Order**

With the end of two decades of intense military conflicts, the Río de la Plata’s inhabitants could once again envision creating a new political order. In Argentina, debates over old sovereign questions emerged almost immediately in the wake of Rosas’ departure for England. Here, tensions between the rivertine interior and Buenos Aires resurfaced in sharp debates over a new constitution for the Argentine provinces. Following his victory at Caseros, Urquiza had swept into Buenos Aires and imposed federalist control over the port. Gathering victorious provincial delegates together in nearby San Nicolás, he received interim national authority over the Argentine Confederation’s military, commercial and diplomatic affairs. Urquiza intended to use his new powers to break from Rosas by establishing a more permanent constitutional government. When he departed Buenos Aires for a constitutional convention in Santa Fe, however, Buenos Aires almost immediately rose in protest against the “despotic” nature of _enterrriano_ leader’s broad authority. By the end of 1852, Buenos Aires had seceded from Urquiza’s confederation. The rupture set the stage for a decade of renewed conflict throughout Argentina concerning the relationship between the interior and Buenos Aires.¹

Even after the initial rumblings in Buenos Aires against Urquiza and his federalist allies in the interior, constitutional drafters continued their efforts to forge a basis for a new national government. Legal theorists like Juan Alberdi seized the constitutional gathering to

---

advance their visions for a new national framework that above all aimed to resolve the persistent crisis of order in the old viceroyalty. Alberdi’s vision, set down in his *Bases y puntos de partida de la organización política de la República Argentina*, was of a strong central executive who possessed sufficient authority to quell the divisive conflicts between warring provinces.²

Urquiza seized Alberdi’s work, incorporating it into the 1853 Constitution that would become his confederation’s founding law. At the same time, Urquiza personally tempered federalist concerns by publicly pronouncing his respect for the autonomy of the various provinces within the new national framework. As such, the new regime was a delicate balance, reflecting the unresolved tensions between personal authority, unity and local autonomy plaguing the putative Argentine state.³

Attempts to paper over the gap between Buenos Aires and the interior with a new constitution under Urquiza’s purview, however, only succeeded in pushing the two sides further apart. Almost immediately after its ratification, Buenos Aires viewed the new document with suspicion. Particularly alarming was the proposed division of the city of Buenos Aires from the rest of the province. The move challenged Buenos Aires’ special status as the *primer entre pares* of the provinces. Without its own governor, the port saw its traditional power and autonomy threatened under the new framework. Worse still, Urquiza was elected the first president of the Argentine Confederation in 1854. The presence of a powerful federalist executive from the interior was too much for coastal elites to tolerate. Buenos Aires refused to enter the new government. But separation did not end the city’s ambitions to reunite the provinces into a national polity. Rather, *porteño* elites like Bartolomé

---

Mitre and others set out to ensure that the organization of any new Argentine state under the terms of the 1853 Constitution would remain firmly under Buenos Aires’ control.

While Argentina attempted to reconcile ideas of local autonomy and federalism by forging more stable state structures through the 1853 Constitution, other areas of the Río de la Plata worked to suppress sovereign conflicts through tacit compromises among elites. The broader political developments in Rio Grande do Sul throughout the 1850s and 1860s reflected these efforts to foster personal relationships to reduce tensions and avoid the prickly questions of peripheral sovereignty. As the province emerged from the Farrapos Rebellion in the late-1840s, the recent memory of internal disorder and continuing conflicts across the border in Uruguay encouraged provincial elites to reject ideological divisions. The province’s post-revolutionary politics instead emphasized unity, reconciliation and personal alliances among the elite class in the name of order.

At the provincial level, this led to the formation of two nebulous political groupings. These two entities embodied the post-revolutionary desire to create a politics of elite “persons” bound together by reputation and mutual respect rather than “parties” that splintered along ideological lines. The first, termed the Liga [League], aimed to overcome the traditional divisions between the Liberal Party, associated with the Farrapos rebels, and the centralist Conservative Party by combining the two into a political coalition. Although designed to unify the province’s political factions, the Liga’s formal creation in 1852 prompted the creation of a “Contra-Liga” [Counter-League], itself combining moderate conservatives, as well as the majority of provincial liberals. Manoel Marques de Souza, the Barão de Porto Alegre, led the Contra-Liga. The Barão had led the 1851 Brazilian invasion of the

---

Estado Oriental and had fought at Caseros in Argentina. His faction now drew its electoral strength, particularly in the borderlands, from the Barão’s personal prestige. By 1855, the Barão’s alliance, reformed as the Partido Liberal Progressista [Progressive Liberal Party], had expanded from its base in the western campanha. It triumphed in the provincial elections throughout Rio Grande do Sul. The Contra-Liga’s political victory, however, initially brought little change at the provincial level as both the Liga and their progressista rivals stressed a common desire to conduct “politics by principles.”

Principles that remained deliberately ill-defined in order to reduce long-standing ideological tensions, particularly regarding the relationship between local elites in the borderlands and imperial authorities in Porto Alegre and Rio de Janeiro.

Across the border in the Uruguayan Republic, similar efforts to reduce factional conflicts and forge a state were underway. Uruguay had been the central front in the Río de la Plata’s decade-long sovereign struggles. Over the course of the 1840s, armies from neighboring Brazil and the Argentine Confederation had repeatedly invaded the small republic. With each campaign, forces on both sides seized cattle throughout the countryside to sustain their forces. By the end of the conflict, the Uruguayan borderlands ranching economy had been devastated. José Pedro Barrán estimated that Uruguayan herds declined from some 6 to 7 million head to around 2 million over the course of the 1840s. The salting industry that had emerged along the Uruguay River collapsed. Desperate ranchers returned to the old colonial practices of simply slaughtering and curing cattle when and where they needed.

---

found them. In the disorder, plagues of wild dogs roamed the borderlands and attacked the remaining herds.\textsuperscript{6}

The conflicts during the \textit{Guerra Grande} had also revealed the persistent inability of the small “buffer” state to escape foreign intervention in its domestic affairs. As we saw in the preceding chapter, struggles between the unitarists and federalists across the Uruguay in the Argentine Confederation continued to spill over into the Estado Oriental. Similarly, Brazilian ranchers repeatedly challenged Uruguayan authorities. These incursions ultimately culminated in the 1851 Brazilian invasion that ended nearly two decades of war between the \textit{colorados} and \textit{blancos}. The invasion also reaffirmed the empire’s longstanding right to intervene in Uruguayan affairs. Imperial power over its small neighbor was formally codified in five treaties ratified in October of 1851. The treaties established a permanent alliance between the two countries, provided loans to the Uruguayan government and harsh conditions for their repayment, guaranteed free commerce across the border, fixed national boundaries and ensured the return of fugitive Brazilian slaves to their masters. The treaties further gave the Brazilian government the right to intervene in Uruguayan affairs to ensure that recurring factional conflicts did not undermine the national government.\textsuperscript{7}

Utilizing their rights under the 1851 agreements, Brazilian forces repeatedly crossed into Uruguay to assert their control over the tumultuous republic. For much of the decade, the imperial army served as the ultimate arbiter of domestic political disputes. It also brokered favorable economic arrangements for its subjects in Uruguay’s northern borderlands. Thus, while ostensibly respecting Uruguayan sovereignty, the imperial government clearly intended to ensure that the small republic could not govern itself.

\textsuperscript{6} Barrán, \textit{Apogeo y Crisis}, 50-52.
\textsuperscript{7} Juan E. Pivel Devoto and Alcira Ranieri de Pivel Devoto, \textit{La Guerra Grande, 1839-1851} (Montevideo: Editorial Medina, 1971), 100-04.
Brazilian officials opened secret negotiations with the British and French to incorporate Uruguay back into the imperial fold. Once again, the small nation’s very existence appeared to hang in the balance.⁸

With Uruguay’s economy in ruins and its independence continually threatened by its larger neighbors, political leaders throughout the 1850s embarked on an aggressive campaign to restore order in the countryside, reduce factional conflicts and establish a legal basis for the fractured republic’s national government. The touchstone of this effort was the outright elimination of the traditional blanco and colorado factions. In their place, separate political associations would be “fused” into a new national identity.⁹ Bernardo Berro, the blanco statesman and eventual president of the Uruguayan Republic in 1860, provided much of the theoretical underpinnings for the fusionist movement. Viewing the vast scale of the destruction in the countryside, Berro argued that for the small republic to survive and prosper it had to develop a sense of national identity for the first time. He called upon the warring factions in the country to accept the peace at the end of the Guerra Grande. He pointed out that both sides had famously agreed that war had produced “neither victors nor vanquished.” This philosophy of shared responsibility for the conflict had to now guide the country’s politics. Berro in particular argued that the old parties were not divided by “ideas” but by “events.” Now that the “events” of the Guerra Grande were at an end, the country no longer possessed a need for its traditional factional allegiances. Berro claimed that by fusing these parties together, the nation could overcome its deep divisions. This did not mean the end of parties or political clashes. Rather, in Berro’s telling, fusionism was a transitional

---

⁹ Ibid., 53-56.
period; a “necessary prelude to the creation of those parties of ideas that are compatible with peace and the ordinary development of free institutions.”

These fusionist efforts to forge a new national coalition based in Montevideo began with the election of Juan Giró to the presidency in 1852. Berro served as his Interior Minister. Giró, a blanco during the war, embarked on a campaign to incorporate important elements of the colorado faction into his government. Giró nominated Venancio Flores, a prominent colorado military officer in Montevideo, to the position of the capital’s jefe político. He further appointed César Díaz, another colorado officer, his Minister of War. Still, these initial efforts to fold colorados and blancos into the new government largely failed to overcome political conflicts. The government faced constant financial hardships and crushing debt obligations to the neighboring Brazilians. Giró resorted to ever-increasing taxes on Montevideo’s powerful merchant community to keep the government running. Eventually, Giró’s government collapsed when colorados in Montevideo revolted against his policies.

With the failure of their initial efforts to tramp down factional divisions, the fusionists in Montevideo sought to establish a new basis for the project through the creation of a plural executive. The old leaders of the Guerra Grande, Fructuoso Rivera and Juan Lavalleja, along with Flores, made up the new 1853 triumvirate. Although initially successful in unifying elites in the capital, the uneasy balance ended when Rivera and Lavalleja died in early 1854. Almost immediately, old factional divisions reemerged. In this instance, the blanco party rose in opposition to Flores. Flores in turn requested aid from the Brazilian government. Some 5,000 imperial troops occupied Montevideo for nearly year. Flores eventually fled the country for Buenos Aires.

---

The 1855 occupation reinvigorated efforts to forge a fusion between the traditional political rivals. Elites in the Montevideo focused their attention on controlling the country’s interior. Berro was particularly open about the need to impose order on the countryside. Berro, joined by prominent elites in Montevideo supporting the fusionist movement, called for the end of the rule of rural caudillos who defied central authorities. Andrés Lamas, the colorado diplomat and politician, emerged as one of the most prominent advocates for the fusionist movement in Montevideo. Lamas served as the republic's plenipotentiary envoy to the Brazilian government from 1840 until 1876. In this capacity, he played a critical role in securing Brazilian support for the 1851 campaigns to defeat Rosas and Oribe. He also had a lead role in negotiating the 1851 treaties that accorded the imperial government substantial authority over Uruguay’s domestic affairs.

With the Guerra Grande now over, however, Lamas became a forceful advocate for Uruguayan sovereignty and the end of its tutelage to the Brazilians. In 1855, Lamas penned a lengthy manifesto entitled simply Andrés Lamas a sus compatriotas that forcefully advocated for the fusionist project. Like Berro, Lamas called for the end of the traditional political divisions between the colorado and blanco parties and the creation of new parties of ideas. Lamas sharpened Berro’s arguments, however, by directly calling for the country’s coastal elites to forge a new alliance to usurp the authority of rural caudillos. Lamas described the old rural elite as “vultures” that “fed upon the men of our countryside.” He continued that for the inhabitants in the interior, “there was no rule or protection of law.” This rendered the countryside little more than a “school for Vandals.” Lamas instead envisioned a government of “those vecinos most interested in local prosperity in the interior.” These new sources of

power necessarily would derive their authority from the law rather than from brute force. In Lamas’ telling, it was up to the country’s “natural leaders” – by which he meant the elites in the capital – to put aside their differences and establish a legal basis upon which a new class of official could arise in the interior.¹²

These new efforts to establish a unified national government that could govern the tumultuous republic ultimately bore fruit with the election of Gabriel Pereira to the presidency in 1856. Upon assuming office, Pereira declared that “whoever rules, half of the pueblo oriental cannot and must not remain in eternal tutelage to the other.”¹³ Pereira took immediate steps to end factional divisions. He outlawed any public meetings that might take on factional overtones. He further worked to build a base of support both in Montevideo and in the countryside for his new, non-factional government. At the same time, Pereira confronted the interior caudillos. In 1858, he defeated an uprising led by the colorado general César Díaz. Pereira ordered the defeated caudillo and his followers shot following their capture after the battle of Quinteros.¹⁴

With the government’s resounding victory, the countryside was, for the moment, pacified. Further, the old political divisions in the capital receded as various factions unified behind Pereira’s triumphant government. In 1860, Pereira became the first Uruguayan president since Rivera’s initial government in the 1830s to complete a full term in office. The fusionist program appeared to be slowly consolidating national authority over the troubled republic. Yet factional divisions did not disappear in Uruguay or across the border in Rio Grande do Sul. Rather, even as fusionists placed their faith in the power of the law to

¹² Ibid., 77-78.
¹³ Barrán, Apogeo y Crisis, 61.
¹⁴ Ibid.
end political violence in the interior, factional conflicts to control local courthouses throughout the borderlands were intensifying.

**Lawyers, Judges and Faktional Legal Politics in Alegrete, Brazil**

In January of 1853, a prominent local merchant in Alegrete, Manoel de Freitas Valle, appeared before the district court in the town to complain of judicial misconduct and electoral violence directed against him. He testified that following the end of the Farrapos Rebellion in 1845, Alegrete had returned to “constitutional life, producing peaceful elections without the presence of any disputes [devergencia] between the most prominent men of the town.”

Freitas Valle claimed, however, that two years later “divisions had already appeared” as a result of the creation of a faction led by Joaquim do Santos Prado Lima. According to Freitas Valle, Prado Lima’s “opposition” had triumphed in the 1847 elections. He testified that by 1849, there were even more conflicts, but again Prado Lima and his allies retained control in the town. He now claimed that Prado Lima’s faction was using the courts against him in order to prevent him from serving on the electoral board overseeing the 1852 elections. He alleged they had orchestrated his arrest based on false charge that he had conspired to murder another merchant.

As Freitas Valle’s story suggests, efforts to reduce political tensions throughout the Brazilian borderlands through the creation of elite coalitions increasingly collided with sharp local struggles over reputation and rights swirling around courthouses. Rather than political ideology, efforts to use local courts to control the complex relationships of reciprocity and

---

16 Ibid., 336-336bis.
reputation at the heart of borderlands legalities drove the escalating electoral conflicts between the *Liga* and *Contra-Liga* throughout the 1850s forward.\(^\text{17}\)

Local elites struggled to ensure factional success at the provincial and national levels in order to gain access to webs of patronage flowing down from the government. *Juízes de direito* [district judges] were of particular importance. The provincial president in Porto Alegre ostensibly controlled all aspects of the judicial appointment process. This reflected his power as the imperial government’s chosen representative to place the law-trained, bureaucratic elite into important positions of local government.\(^\text{18}\) In practice, however, district judges in the Brazilian borderlands almost invariably possessed substantial local connections prior to their arrival. Once in place, district judges stood at the juridical pinnacle of borderlands *comarcas* – or judicial districts. They possessed appellate jurisdiction over both *juízes municipais* [municipal judges] and *juízes de paz*, as well as original jurisdiction over substantial civil and criminal matters.\(^\text{19}\)

As a result, the arrival of a new judge represented an important moment in which factions could shape the apportionment of justice in their favor, offering their factional allies recognition of their legal rights in exchange for continued loyalty. Controlling the local administration of justice reflected the underpinnings of borderlands legalities. Traders and landowners depended heavily on their ability to mobilize witnesses to provide testimony in favor of particular legal outcomes. They turned to local webs of connections to secure the broader relationships upon which their respective trading chains depended. Local legal conflicts involved not only disputes over pecuniary issues (though these were clearly

\(^{17}\) Graham, *Patronage and Politics*, Flory, *Judge and Jury*.


important) but also dealt with defining one’s place within trading networks and the local social order. Controlling the courthouse – the central place were these stands of borderlands legalities were assembled and articulated – was a vital source of power for rival local elites.

Because the courthouse stood at the center of borderlands networks of reciprocity and reputation, factional conflicts frequently revolved around it. The courthouse itself was an informal space. The administration of justice occurred in whatever civic buildings were available. These sites ranged from churches, as was frequently the practice in Alegrete, to police offices, theaters, commercial houses and even on occasion private residences. The unofficial nature of the tribunal in part reflected the predominance of written pleadings in many cases. Oral arguments and jury trials were rare, leaving little need for a permanent public forum for hearing cases. At the same time, it also reflected the intensely local and personal nature of many of the proceedings in the borderlands. The goal for claimants in going to court and for judges in issuing a verdict was to express personal connections and local relationships, not necessarily manifest the authority and majesty of a distant and abstract state.

The city of Alegrete provides an excellent example of the central role litigation and legal politics played in the borderlands. Conflicts to defend the alternative legalities that sustained local reputations and cross-border reciprocal ties produced an escalating series of clashes over control of local courtrooms, judicial posts and the law. These struggles ultimately exacerbated factional divisions on both sides of the border. With its comarca

---

For instance, Manoel de Freitas Valle’s proceeding and the subsequent investigations occurred in Alegrete’s church. As we will see in the next section, the uniquely public juicios de imprenta proceedings in Salto occurred in the local theater that is (still) situated just off the town’s main square. Other cases, such as the dispute between Manuel Blanes and Francisco Vidiella occurred in commercial offices in Concordia, as well as a more formal commercial tribunal in Concepción, Entre Ríos.
including Uruguaiana and its prosperous hinterlands, Alegrete was equally a strategic center for borderlands politics and the legal proceedings that intertwined with them. Like in the rest of Rio Grande do Sul, the political divisions between the *Liga* and *Contra-Liga* appeared in Alegrete during the 1852 elections. Although the town itself was staunchly Liberal, factions divided along lines of personal loyalty to competing political heads as they struggled to control and expand networks of privilege and political patronage.

In Alegrete, the *Contra-Liga or progressistas* centered on Bento Manuel Ribeiro, his son Severino Ribeiro de Almeida and his nephew Francisco Ribeiro de Almeida. Bento Ribeiro had fought for both the imperial government and the Farrapos rebels during the provincial revolution. He had switched sides three times as military fortunes shifted. Following the war, the family continued its military service. Bento remained an officer in the imperial army. Severino in turn served as a commander in the National Guard along the border near Uruguaiana, as well as in Alegrete. The Ribeiros were also successful ranchers. During his travels, Avé-Lallemant passed through their ranch located between Uruguaiana and Alegrete. He described the family as the “most esteemed throughout the region.”

The traveler particularly noted the Ribeiro’s wealth. He commented: “the ranch is a model of order and provision. The residence is massive and well constructed. I even found a library there, a sign of considerable progress in such wild regions.” As political lines sharpened after the 1860 elections, the Ribeiros remained committed to the *progressistas*, backing their slate in regional and national elections.

Opposing them in Alegrete was a second group loosely aligned with the *Liga*. They were locally led by Joaquim dos Santos Prado Lima, a former Farrapos official. Like the

---

22 Ibid.
Ribeiros, Prado Lima possessed lands west of the city along the road to Uruguaiana. Prado Lima equally had substantial connections to borderlands elites. He served on the town council in the 1830s and 1840s. He was also the commander of the local police forces during the Farrapos Rebellion. Following the war, Prado Lima used that influence to place prominent allies in the local judiciary. His son-in-law, José Vaz Alves de Castro Amaral, became a municipal judge in Alegrete in the early 1850s. Prado Lima also had ties to a number of leaders in nearby Uruguaiana, including Zeferino and Analeto Nolasco and Manoel Vianna Marques, the municipal judge there. To balance the influence of the Ribeiros, Prado Lima’s faction further gravitated towards David Canabarro, the region’s frontier military commander based in Santana do Livramento. Prado Lima and his allies ultimately supported Canabarro’s Partido Liberal Histórico – what would ultimately become known as the Liberal Party – throughout the 1860s.²³

In 1853, these two political rivals collided in the Alegrete courts when Freitas Valle brought charges of political bias and unlawful judicial conduct against Amaral. The dispute originated when two armed men entered the home of José Ferreira da Silva Bastos in March of 1852. They did so apparently in order to attack him and his mistress. Bastos managed to drive the assailants from his home. In the process, the men left several objects identifying them as members of the National Guard stationed in the town. Bastos immediately complained to the local police captain, as well as to the National Guard commander, Luiz José Ferreira. Bastos, however, was unable to identify the soldiers in question. After only a brief investigation, the case appeared to be a dead-end.²⁴

According to Freitas Valle’s complaint, however, Amaral seized upon the event in order to attempt to influence the impending municipal elections. In the process, he transformed what appeared at first to be a simple criminal act into a major political battleground. As both a supporter of the Ribeiro faction and a member of the election board, Freitas Valle represented a tempting target for Prado Lima’s supporters. Freitas Valle argued that with the 1852 election approaching, Amaral, a supporter of the Liga’s candidates, reopened the investigation. He issued a summons against him for “conspiracy to commit attempted murder.” As Freitas Valle pointed out (correctly), conspiracy to commit attempted murder was “a crime that has never existed.”

Convinced of his innocence, Freitas Valle sought to continue to serve on the election board despite the charges pending against him. On election day, however, Prado Lima appeared at Alegrete’s church with the juiz de paz and several police officers. When Freitas Valle appeared to assume his post on the election board, Prado Lima presented him with a warrant from Amaral and then placed him under arrest. Despite Amaral’s actions, the Ribeiro faction triumphed in the 1852 elections. The victory probably was cold comfort for Freitas Valle because he continued to languish in prison a month afterwards.

However, the Ribeiro’s electoral victory ensured that the factional battle over the Alegrete courthouse and Freitas Valle’s freedom was far from over. Freitas Valle’s attorney, Mathias Teixeira de Almeida, petitioned the provincial president, João Lins Vieira Cansanção de Sinimbú, to conduct a full investigation into the matter. Teixeira’s appearance in the proceeding was no accident. Rather, Teixeira was a central figure in the Ribeiro faction’s strategy to gain political control over Rio Grande do Sul’s borderlands. Born in Cruz Alta, Teixeira only arrived in Alegrete after the end of the Farrapos War. The reasons for his

---

25 Ibid., at 14-14bis.

162
move to Alegrete were unclear. During Freitas Valle’s trial, Teixeira’s political enemies in Alegrete accused him of murdering a man and then fleeing the town. More likely, Teixeira traveled to Alegrete to deepen his connections to the Ribeiro network. He possessed longstanding commercial ties to both Freitas Valle and the Ferreira Bica family, each of which was politically and socially connected to the Ribeiros. As the judicial seat for much of these families’ commercial and ranching operations, Alegrete offered Teixeira an excellent venue to deploy his legal skills to assist his political allies.

Whatever his reasons, Teixeira quickly developed a thriving legal practice supporting the Ribeiro faction throughout the borderlands from his base in Alegrete. Teixeira appeared in numerous cases in Alegrete and Uruguaiana on behalf of the Ribeiros and their factional allies as both an attorney and public prosecutor. Teixeira’s prominence in the town and in the Ribeiro faction attested to the importance of controlling the local courthouse and with it the expression of borderlands legalities. The Ribeiros cared deeply about the law and spent important resources sustaining Teixeira’s position as the public face of their local judicial apparatus. At the same time, Teixeira was more than willing to resort to violence in connection with litigation. In this way, Teixeira reflected the Janus-faced nature of borderlands legalities, with law and violence tightly intertwining in the service of protecting personal reputations, reciprocal connections and local political power.

Teixeira’s background also embodied the legal, yet local and partially stateless nature of borderlands legalities. Despite being the most prominent lawyer in Alegrete for nearly three decades, Teixeira lacked formal legal training. However, Teixeira was clearly well versed in the law. Teixeira possessed a large legal library at the time of his death in 1874 and

26 Ibid., Diário do Rio Grande, no. 1250 (January 30, 1853), included with the case.
his pleadings frequently referenced important treaties and code provisions.\textsuperscript{28} To borrow Mary Sarah Bilder’s description of James Madison, Teixeira represented something of a demi-lawyer, a reader (and in this case, practitioner) of the law who had not been formally licensed.\textsuperscript{29} Teixeira’s position was so significant (and so profitable) to the Ribeiros that when challenged on this point in 1856, they quickly arranged payment of some 5,400$000 reais – a substantial sum – to the Counselor of State in Rio de Janeiro. In return, Teixeira received a license to practice in Alegre’s jurisdiction for three years “despite having not received a law degree.”\textsuperscript{30}

Teixeira’s role as a “strategic intermediary” between his faction and the provincial government emerged immediately in the Freitas Valle case.\textsuperscript{31} In framing his petition to Sinimbú, Teixeira reemphasized the fact that Amaral had used his judicial post to attempt to subvert the electoral process. He wrote that it was “notorious that these proceedings were organized with electoral ends in mind.”\textsuperscript{32} Teixeira claimed: “there can be no doubt that Judge [Amaral], who directly attacked the individual liberty of the petitioner, preventing him from exercising his political rights and making him suffer a violent imprisonment, has sought to aid his own movement and his own spirit of vengeance.”\textsuperscript{33} Moreover, Teixeira argued that not only had Amaral imprisoned his client for political ends, he had also arbitrarily suspended his court’s public notary. Teixeira’s inclusion of this fact in the petition is telling. Suspending the public notary meant that Amaral had effectively prevented the legal

\begin{footnotesize}
\begin{tabular}{rl}
28 & Ibid. \\
30 & Registro de uma província de licença para advogado passado ao Advogado Mathias Teixeira de Almeida, APRGS. Alegrete. Tabellonato. Registros Diversos, Livro 4 (February 1, 1856), 14. \\
32 & Manoel De Freitas Valle c. José Alves de Castro Amaral, Juiz Municipal, 16bis. \\
33 & Ibid. \\
\end{tabular}
\end{footnotesize}
verification of filings in his forum. By denying Freitas Valle and other petitioners access to a notary, Teixeira implied that Amaral could in effect cover his tracks. Amaral had seized control of the mechanism intended to ensure documentary veracity and was now deploying it for his own political ends. Teixeira thus impugned Amaral’s reputation as a reputable official. He could not be trusted to dispense justice in the town.34

Amaral offered a starkly different interpretation of the events leading up to the election in his own letter to the President Sinimbú. In his telling, the preliminary investigation into Bastos’ complaint had largely been a sham intended to protect one of the Ribeiro faction’s representatives on the election board. He pointed out that Teixeira, acting in his capacity as public prosecutor, conducted the initial investigation into the matter and found no reason to pursue the case. After reopening the investigation, however, Amaral established that Freitas Valle had actively impeded officials from arresting the men on the night of the crime. Although he lacked sufficient proof to convict Freitas Valle, his actions in issuing the summons were entirely legitimate. Amaral argued that the complaints against him stemmed from Freitas Valle’s desire to avoid justice and from Teixeira’s desire to destroy the judge’s reputation. He concluded by arguing that if he had committed any mistakes during his tenure, it was ignoring the powerful influence of politics and elections in the town. He wrote that “as a Judge, popular commotions are foreign to me and primarily it is to free law [direito livre], sovereign of the city in election, to which I have responded.”35

With allegations of electoral fraud and judicial bias flying, Sinimbú agreed to appoint a new district judge, Antonio de Oliveira da Silva, to resolve the conflict. The pending arrival of the new district judge emboldened the Ribeiros. Their actions again attested to the

34 Ibid.
35 Ibid., 28.
extent to which borderlands legalities were entangled with violence. The Ribeiros’ first act appeared to be the murder of Francisco de Assiz Paula Rocha, another public notary in Alegrete. According to witnesses, two National Guardsmen “stabbed Rocha in the street” and then fled to Freitas Valle’s residence.36 The Diario do Rio Grande, a newspaper allied with the Liga against the Ribeiros’ progressistas, accused Luis Ferreira of orchestrating the crime. It further alleged that Mathias Teixeira de Almeida was the mastermind behind the wave of violence surrounding the legal investigation of his client and political ally. The paper claimed that Teixeira used the killing to not only intimidate political rivals, but also as a pretext to convene a military tribunal against Amaral and Prado Lima. The article continued:

“gathering officials together for a pro forma investigation of such a horrible crime, [Ferreira] appointed as the director of the ad hoc war tribunal the well-known and flamboyant Mathias Teixeira de Almeida, who had served as the principal instigator of these intrigues.”37

Eventually, Teixeira ordered soldiers to raid Prado Lima’s house. Amaral and his father-in-law fled the city.38 The article lamented that little could be done against the men because they “enjoyed the protection of the Barão do Porto Alegre” and his Contra-Liga allies.39

The increased violence against Prado Lima and Amaral no doubt reflected the Ribeiro faction’s growing confidence in its political position. By appointing da Silva as the new district judge in the town, Sinimbú signaled to the Ribeiros his support for their side in the judicial and electoral conflict. The Diario de Rio Grande also suggested that political motivations underlay da Silva’s appointment. The paper noted that the judge was Teixeira’s

38 Ibid.
39 Ibid.
“intimate friend and relative.”\textsuperscript{40} The appointment also shed further light on Teixeira’s role as a conduit between local factional conflicts and provincial level politics. Teixeira had initially petitioned Sinimbú, bringing the ongoing factional and electoral conflict swirling around Alegrete’s courthouse to the attention of the government in Porto Alegre. Through his petition, Teixeira provided Sinimbú with a vehicle to support the Ribeiros and the Contra-Liga while maintaining an ostensibly neutral position vis-à-vis the local electoral struggle. In effect, Teixeira’s legal maneuverings ensured that he and the Ribeiros received valuable political patronage from the provincial president. This strengthened their position in the town and their ability to bestow further patronage through the courts on their allies.

Further, once the provincial government responded by naming a new district judge, Teixeira ensured that his faction took full advantage by launching both a criminal investigation and a violent assault against Prado Lima and Amaral.

The sustained factional conflict over Alegrete’s judicial post also reveals how borderlands legalities shaped the way local rivals engaged with each other. Although Teixeira and Amaral each resorted to violence to control the courthouse, they equally worked to frame their own conduct as in the service of neutral legal principles. We can see this again in Amaral’s testimony to da Silva following his arrival. Amaral claimed that the animosity between Teixeira and himself stemmed from an earlier incident between the two men. Amaral alleged that Teixeira had attempted to obtain the dismissal of rape charges against one of his clients by bribing him. Amaral refused. Since that incident, however, Teixeira had made no secret of his intention to “employ any means in order to persecute [him]” until he left his judicial post and abandoned the town.\textsuperscript{41} In leveling these charges,

\textsuperscript{40} Ibid.

\textsuperscript{41} \textit{Manoel De Freitas Valle c. José Alves De Castro Amaral, Juiz Municipal}, 293.
Amaral directly challenged Teixeira’s personal reputation. The fact that Teixeira would ignore allegations of sexual assault for strictly political ends called into question his status as an “honorable vecino” in Alegrete. Once again, personal reputation emerged as a central front in factional struggles over borderlands legalities.

Amaral juxtaposed Teixeira’s dishonor with another familiar theme: the image of the neutral application of the law under assault for political ends and personal ambition. Although this obviously was a convenient stance for Amaral to take, both his and Teixeira’s repeated insistence on the “legality” of their actions reflected the rhetorical strategies borderlands factions employed to win control of the courthouse. Because each side ultimately hoped to gain power to secure the recognition of status and rights within the system of borderlands legalities, both factional rivals necessarily framed their conflicts in juridical terms. This in turn fed back into their own personal reputations, enhancing their authority to provide justice for their allies.

With da Silva in place, the resolution of the proceeding was largely an afterthought. Da Silva continued to take evidence in the matter. Each side called multiple witnesses representing a cross-section of the town’s vizinhos. After numerous delays and jurisdictional squabbles, da Silva exonerated Amaral. Yet, the acquittal was a Pyrrhic victory. Teixeira and Ferreira had successfully driven the former judge from the town. They had also shown Amaral’s political patron and father-in-law to be powerless to stop their assault on one his faction’s principal judicial officials. At the same time, Teixeira had secured the appointment of da Silva, his relative and ally, to the highest judicial post in Alegrete’s comarca. Viewed from this perspective, Amaral’s ultimate exoneration only further fed into Teixeira’s persistent narrative that his faction, and their judicial allies, administered justice in an impartial manner. It bolstered their own personal reputations as both powerful, but also just
men. They were capable of protecting reciprocal legal relationships throughout their borderlands comarca and worthy of the status of honorable vizinhos.

The factional struggles in Alegrete around the 1852 elections quickly radiated outwards through the Brazilian borderlands. As the Ribeiros used their control over Alegrete’s courthouse to project their influence throughout the comarca, their success produced new tensions with other, powerful members of the borderlands elite. In these struggles, David Canabarro, the region’s frontier military commander, emerged as the Ribeiros’ principal rival. Over the course of the 1850s and early 1860s, the collision between these competing factions exacerbated tensions not only over control of local resources, but also over the role of the central government in the borderlands. In this way, local legal politics helped to shape the broader political debates concerning the relationship between the imperial state and its periphery, as well as heightening tensions over political conflicts beyond its southern borders.

Having seen his faction defeated in Alegrete, Amaral turned to the courts in the nearby city of Uruguaiana. There, both he and Prado Lima were close allies with Zeferino Nolasco and his brother Analeto, as well as another municipal judge, Manoel Marques Vianna. Amaral brought charges against Freitas Valle for defamation resulting from the allegations against him for judicial misconduct. Perhaps sensing that Uruguaiana was a much more hostile forum than the Alegrete courts, Freitas Valle immediately challenged the Uruguaiana tribunal’s jurisdiction over the matter. The Uruguaiana court promptly rejected Freitas Valle’s claim, demanding that he appear to answer the charges. However, having triumphed on the jurisdictional question, Amaral appeared to drop the matter.42

Amaral’s decision not to pursue his action against Freitas Valle might have hinged on the fact that Teixeira now was actively challenging his faction in both the Uruguaiana and Alegrete courts. Before da Silva’s investigation even began, Teixeira had already used his growing control over the courts in Alegrete to attack the Nolascos and Vianna. Teixeira’s first salvo again involved allegations of judicial impropriety, this time by Vianna and Analeto Nolasco, the judge’s official notary. According to Teixeira’s complaint, both Vianna and Nolasco had used their positions to compel Laurindo Antonio de Souza to accede to an illegal partition of his father-in-law Jeronimo Ferreira Serpa’s estate. They allegedly did so in order to confiscate a number of cattle located on his property. Teixeira claimed the two men arranged for Isabel Romana Bienda to make a claim on the estate’s assets on the grounds that she was Serpa’s former wife. Teixeira asserted that the men entered a fraudulent judicial decree. Analeto Nolasco then traveled to de Souza’s land with several National Guard soldiers to claim several hundred head of cattle. Teixeira argued to the Alegrete court that if Vianna’s and Nolasco’s conduct was allowed to stand, “the right of property that the Law guarantees in all of its plentitude will be only an illusion and a phantasm with which to hurl [its] owners who are laboring under the false impression that such a right is real and the Law is the norm for all of our actions into the abyss.” He noted that it was “public knowledge” that Nolasco had received some 78 head of cattle from the estate assets “in compensation for his good services.” Teixeira concluded that “the facts of the case reveal the deplorable condition to which the town of Uruguaiana has fallen” and “without a vigorous repression of corrupt and lawless officials, the inhabitants of the town will have to suffer greatly.”

---

44 Ibid., 2.
45 Ibid., 2bis.
Nolasco and Vianna responded that they had done nothing more than assist Bienda in recovering her rightful portion of the estate. According to Nolasco, the National Guard soldiers “that accompanied [him] went to the ranch at the invitation of some of the heirs of the estate, not by [his] orders.” Rather than provoke violence, his sole aim was to control it and ensure the legal and peaceful distribution of contested assets. Vianna and Nolasco argued that allegations of coercion had only arisen with Teixeira’s arrival. They claimed that the Ribeiros’ lawyer had “spread complaints against the Respondents, seeking witnesses throughout the town in order to support his allegations [queixas].” Far from their own misconduct, it was the Ribeiros’ legal henchman that threatened order in Uruguaiana.  

While the proceeding in the Alegrete courts against Vianna and Nolasco continued, the factional conflicts between the Ribeiros and their rivals to control Uruguaiana intensified. First, Francisco d’Araujo Câmara, Benton Manoel Ribeiro’s son-in-law and head of the local border police, attempted to arrest Zeferino Nolasco. Then, in 1854, Manoel Dória da Luz, a prominent local ally of the Ribeiros, brought further charges against Manoel Marques Vianna. Again appearing in Alegrete, Dória alleged he was “coming to respond to charges against me brought by my enemy and adversary Manoel Marques Vianna.” He argued that Vianna had “assaulted his character” by accusing him of several crimes. According to Dória, the charges against him stemmed from his unwillingness to provide false testimony against another man, Vicente Seraligue, in an investigation of contraband by members of the town’s merchant community. Dória claimed that the allegations of contraband were fraudulent. They were designed only for the Nolascos to extort money from honest

---
46 Ibid.
47 Ibid.
48 Flores, "Contrabano e Contrabandistas na Fronteira Oeste do Rio Grande do Sul (1851-1864)", 107-08.
49 Ibid., 108.
merchants. Dória then argued that Amaral “was the leader of this small and discredited band, or faction, whose stripe does not possess the slightest glimpse of love of justice, probity or generosity.” Not surprisingly, the Alegrete court agreed, citing Vianna for abuse of office.\(^50\)

In doing so, the Ribeiros, through Teixeira, continued to challenge Amaral, Prado Lima and their allies throughout the western borderlands, accusing them of corruption and lawlessness at every turn. Conversely, with each legal decision, the Ribeiros further established their claim to be the sole source for justice and legal rights in Alegrete’s *comarca*. The Ribeiros’ ability to control the Alegrete courts and use them against their factional rivals throughout the borderlands permitted them to consolidate their wealth and power in the town by serving as the protectors of the personal reputations and reciprocal relationships of their allies. In short, the court was an invaluable resource in securing their place as the lynchpin of the system of borderlands legalities that defined Alegrete’s commercial and political life.

The obvious power flowing from the control of Alegrete’s courts, however, equally made it a tempting target for other elites along the border. By the late 1850s, the Ribeiros’ dominant judicial position in Alegrete was under assault from another important borderlands figure with ties to Prado Lima and his allies, David Canabarro. Prior to the Farrapos Rebellion, Canabarro was a rancher and merchant in Santana do Livramento along the Uruguayan border. Through his modest commercial operations, Canabarro had developed a number of political and personal ties in Alegrete, particularly with the Prado Lima family. The Prado Limas had assisted Canabarro in setting up a commercial partnership in the town

\(^{50}\) Ibid.
in 1834. Joaquim dos Santos Prado Lima had also supported Canabarro’s entry into the town’s Masonic lodge in 1841.\textsuperscript{51}

With the outbreak of the Farrapos Rebellion, Canabarro joined the rebel army. He rose through the ranks to become the head of insurrectionary forces by the end of the conflict. After the rebels’ ultimate defeat in 1845, Canabarro remained in the army. He returned to his home in Santana do Livramento to serve as the region’s frontier military commander. Canabarro used the prestige of his military command to expand his commercial interests. He also acquired considerable property around the border town. In addition, Canabarro led a division in the 1851 Brazilian invasion of the Estado Oriental. This further enhanced his connections across the border, particularly with the \textit{colorado} faction. By the mid-1850s, Canabarro had become one of the most prominent military and commercial figures in the Brazilian borderlands.\textsuperscript{52}

Canabarro’s position as a frontier military commander offered him an important mechanism to influence elections in Alegrete by ensuring that soldiers under his command backed his chosen candidates. Much like Teixeira situated himself in an intermediary position between local politics and the state through his legal practice, military commanders like Canabarro could equally operate as intermediaries between the central government and the local population through their military office. As Luís Farinatti described in his study of elite strategies for maintaining their power in the Brazilian borderlands, military commanders like Canabarro and Bento Manoel Ribeiro could utilize their positions to secure the service of the local population in exchange for protection.\textsuperscript{53} In turn, the ability of borderlands elites to call upon progressively larger segments of the population for military service conveyed on

\textsuperscript{51} Caggiani, \textit{David Canabarro}, 33-34, 97.
\textsuperscript{52} Ibid., 153-57.
\textsuperscript{53} Farinatti, "Confins Meridionais", 169-81.
them political and social prestige. This augmented their power both locally and in the eyes of the state. When they were not campaigning militarily, important frontier commanders like Canabarro could use their substantial resources and prestige to influence local electoral politics. In the process, they could further consolidate their position in the social hierarchy.

The Ribeiros also possessed their own web of military connections. Canabarro’s overall military command of the region, however, accorded him an increasingly dominant position in local politics. Simply put, as the ranking military figure in the comarca, Canabarro could summon more resources to influence electoral conflicts. Canabarro could also use his personal power to discipline the Ribeiros. By way of example, Canabarro requested that the provincial president relieve both Severino and Feliciano Ribeiro from their local military commands for insubordination during the initial moments of the Paraguayan invasion in 1865. This reflected his power over his rivals in the military sphere. In doing so, Canabarro wrote that the Ribeiros “have never served or will serve to command or fulfill their roles that they have procured in the National Guard.”

Even five years before this, the Ribeiro faction had recognized the danger Canabarro’s substantial power to summon the National Guard to vote in local elections posed for its own position in Alegrete. In 1860, Teixeira and several other prominent political allies had drafted a letter to the provincial president. In it, they openly stated that they feared that “Canabarro and his electoral agents will exploit their positions as frontier commanders as a means to coerce the vote of unfortunate soldiers in the National Guard.”

Their fears were well founded. Canabarro threw his support behind Geminiano Antonio

---

54 CV-3467 (March 6, 1865).
Vital de Oliveira, securing his election as a municipal judge in Alegrete in 1860. Vital immediately launched an investigation into Teixeira’s and Freitas Valle’s involvement in the 1852 killing of Paulo Rocha in connection with the violence against Prado Lima and Amaral. With the tables turned, Prado Lima now served as an alternate judge in the proceeding, taking evidence from witnesses against his former persecutors. The investigation bore fruit. Vital produced evidence that Teixeira had secured safe passage for one of the two soldiers that had allegedly murdered Rocha to his home town of Cruz Alta and then ultimately across the border to Corrientes. Backed by Canabarro, Prado Lima and his local allies now appeared to be pushing the line between legal actions and illegal violence back in their favor.

Rather than answer the charges against him, Teixeira responded by bringing suit against Vital for misconduct. Teixeira’s allegations stemmed from a decision by Vital finding that a *pardo* woman, Theodora, was legally a slave. It certainly helped Teixeira’s case that Vital was likely playing fast and loose with the law. Theodora’s purported owner had filed a petition seeking to establish her status as a slave. Vital, however, had reframed the entire proceeding as a petition by Theodora for her own freedom. As a result, Vital effectively shifted the burden of proof on to what probably seemed to him to be a powerless defendant. We can speculate that in doing so, Vital provided another form of legal protection to one of Canabarro’s local factional allies. By ensuring that the Brazilian master’s property rights to Theodora remained legally intact, he could further cement reciprocal ties between his patron and a prominent *vizinho* in the town.

---

56 *Justiça ex-ofício c. Tenente Geminiano Manoel Casal*, 18bis
57 Ibid., 215-218.
The Ribeiro faction saw to it that Theodora could vehemently contest Vital’s move. Angelo Muniz da Silva, Alegrete’s district judge, concluded that Vital had ignored substantial evidence in rendering his decision. He concluded that Theodora had in fact been born across the border in Uruguay and therefore was legally free. The Tribunal de Relação in Rio de Janeiro ultimately heard the case. They affirmed da Silva’s finding and ordered the municipality to pay the costs of the appeal. The eventual appeal to the high court in Rio de Janeiro of a case involving the legal status of an Brazilian woman of color again demonstrates the extent to which factional politics could embed itself in “mundane” judicial actions. Legal rights were never too far removed from political conflicts. It also reveals the importance of controlling the courthouse for solidifying factional allegiances. Although Canabarro’s strength in the town was waxing, the Ribeiros used their control of the district court to maintain their power over the distribution of private law rights. In this way, they ensured their position as the ultimate arbiters of personal reputations and reciprocal ties in the city. They remained necessary parties to the system of borderlands legalities that governed Alegrete’s political and commercial relationships.

Yet, as the Ribeiros increasingly saw their own political power tied to their control over Alegrete’s legal offices, they faced a dilemma. On the one hand, they had to draw closer to the provincial president to sustain their position. Recall that the president

---

59 It is unclear whether Theodora ultimately benefited from the successful appeal on her behalf. The appeal concerned allegations of criminal misconduct by the judge and did not explicitly seek to reverse the findings of the underlying proceeding. It is entirely possible that her owner simply departed with their legal judgment in tow, unchallenged by local officials more interested in weakening Oliveira than obtaining justice for Theodora. As we will see in chapter six, however, such factional disputes often did create spaces for persons in the lower strata of the borderlands social hierarchy to assert a variety of claims in order to enhance their own social standing. “Brazilian slaves” proved particularly adept at utilizing factional politics in this way to support their claims to Uruguayan citizenship and with it their own freedom.
controlled the appointment of district judges.\textsuperscript{60} Thus, by channeling their strength through the judiciary, Teixeira and the Ribeiros’ political authority ultimately hinged upon maintaining at least a working relationship with the provincial executive. On the other hand, the system of borderlands legalities they defended was deeply rooted in conceptions of local autonomy. Throughout the 1850s, the \textit{progressistas} had sought to paper over these issues at the provincial level through personal relationships. The Ribeiros’ local rivals did not face the same problem. Canabarro’s strength, although rooted in his own military office, flowed from his ability to recruit and deploy borderlands residents in the service of the state. His strength lay, therefore, precisely in his relative autonomy from the central government and the personal nature of his command. There was no need for him to avoid conflicts with provincial authorities.

In this way, the fissures around control of the reputational and reciprocal relationships at the heart of borderlands legalities began to intersect with political tensions at the provincial level between centrally-appointed provincial presidents and the locally-elected legislature. That is to say, control over the courts accelerated the reemergence of ideological divisions throughout the Brazilian borderlands. As Newton Carneiro described in his discussion of the rise of the Liberal Party as the representative of Rio Grande do Sul’s regional identity, conflicts between the provincial president and legislature emerged as one of the dominant features of political life in the late 1850s.\textsuperscript{61} One of the most important powers the imperial cabinet possessed was the ability to appoint provincial executives throughout Brazil’s far-flung provinces. Provincial presidents in turn used their broad powers over the state’s administrative and judicial apparatus to “ensure the viability of centralism as the

\textsuperscript{60} Carneiro, \textit{A Identidade Inacabada}, 142.
\textsuperscript{61} Ibid., 141.
management form for Brazilian politics." Within the imperial political structure, however, a host of centrifugal forces aligned against the centralizing pull of the executive branch. Most prominently, the provincial legislature, along with the provincial vice-president that served in the president’s (often-frequent) absence, worked to check executive initiatives and preserve local autonomy. In Rio Grande do Sul, the legislature served as the focal point for the “regional reaction” against imperial officials. It acted as a site where regional elites could articulate their own political power and negotiate the conditions of their continued loyalty to the empire. The broader structural conflicts between the provincial president and legislature came to a head in 1859. President Ângelo Muniz da Silva Ferraz’s close relationship with the provincial conservative party led a group of liberals to reject the old Liga and Contra-Liga coalitions. They fashioned a new, exclusively liberal party. They named the new entity the Partido Liberal Histórico (Historic Liberal Party or later simply the Liberal Party) in order to assert its place as the “authentic” heir to the liberal revolutionary tradition. The new party’s first test was in the 1860 elections. These tensions between the conservative Ferraz and the Liberals equally played out in Alegrete’s local political divisions. With the Ribeiros progressively more associated with the executive branch of the provincial government through the judiciary, Canabarro sought to further stoke the political tensions between the provincial legislature and the president to assist his efforts to secure his own faction’s power in the comarca. The frontier commander quickly allied himself with the Liberals, using his influence in the borderlands to support their slate of candidates in the areas under his

---

62 Ibid., 142.
63 Ibid., 144.
military control. By engaging in these provincial level debates, Canabarro could blunt the Ribeiro faction’s control of the judiciary.\textsuperscript{64}

The 1860 elections constituted a critical moment in the ongoing struggle between the Ribeiros and Canabarro for control over Alegrete. As the elections approached, Teixeira made a formal appeal on behalf of the town council to the provincial government to remove Vital from his judicial post.\textsuperscript{65} Although ostensibly concerning Vital’s misconduct, the letter focused much more on the dangers to public order resulting from his factional allies who had secured his original election. Teixeira wrote:

\begin{quote}
Beginning in December [of 1859], two parties had formed to contest elections; one being created by the Superior Commander of the National Guard and of the Frontier David Canabarro . . . and the other consisting of the vast majority of the enlightened and cultured persons in the town.\textsuperscript{66}
\end{quote}

The letter noted that the Ribeiros and their local allies had supported various provincial governments based on a shared belief in order, regardless of political persuasion. In exchange for its “moderation,” the faction had consistently enjoyed the support of the town’s elites. Now, however, through his ability to coerce the support of National Guard, Canabarro and “his electoral agents” threatened public order.\textsuperscript{67} The letter continued:

\begin{quote}
In this City, Bach. Geminiano Antonio Vital de Oliveira, juiz municipal, who has become one of the most visible leaders of [Canabarro’s] party, has, in addition to writing virulent accusations that have been profusely published in the Echo do Sul against his adversaries, used his authority and all other means at his disposal to triumph in the electoral conflict.\textsuperscript{68}
\end{quote}

The letter pointed out that judicial officials associated with Canabarro were openly manipulating the law. This was clear evidence of the lengths to which the faction would go

\begin{footnotes}
\item[64] Ibid.
\item[66] Ibid.
\item[67] Ibid.
\item[68] Ibid.
\end{footnotes}
to gain power at the expense of public order, the electoral process and judicial impartiality. The petitioners requested the provincial government intervene to secure “the liberty of the vote” by dismissing Vital and Canabarro from their posts until at least after the election.69

Teixeira and his allies had other reasons to focus their efforts on Vital. In particular, the judge represented Canabarro’s preferred candidate to stand for his new Liberal Party in the local elections. Canabarro seemed concerned about the campaign against his judicial ally. In a letter to yet another municipal judge in São Borja, Timoteo Pereira da Rosa, Canabarro discussed whether they would have to substitute Vital for another candidate due to the charges pending against him. Canabarro seemed confident, however, that “this would not happen because the voters in Alegrete want [Vital] anyway.”70 The letter suggested Canabarro’s belief that the Liberal Party possessed sufficient electoral strength to overcome Teixeira’s political and juridical attacks on their local members.

Teixeira’s appeals to the provincial government, however, worked. Three weeks after receiving the letter, Ferraz dismissed Canabarro from his National Guard command.71 O Brado do Sul, celebrating the decision, noted: “[A]s supporters of the Ribeiros, we all must be ecstatic to see their enemy deprived of one of his most powerful sources for illegal influence [ações] over the will of the frontier inhabitants.”72 Teixeira and his allies further forced Vital to step down from his judicial post. For the moment, the Ribeiros were in control.

Yet although initially successful, Teixeira’s strategy of appealing to the provincial president and using the courts to blunt Canabarro in the borderlands ultimately eroded his

69 Ibid.
70 CV-3427 (November 6, 1861).
71 Brado do Sul, No. 150 (September 15, 1860).
72 Ibid.
faction’s strength. In particular, as the Ribeiros and their progressista allies drifted closer to the conservative provincial presidents to maintain their hold of local judiciaries and the patronage they could provide, their opponents in the borderlands increasingly pressed for more autonomy from the central government. Canabarro and the Liberals made peripheral autonomy a central feature of their identity. The party’s ideology, articulated by Felix da Cunha in 1863, explicitly demanded “administrative decentralization and municipal reforms” to grant localities greater rights. This position proved particularly attractive in the Brazilian borderlands. The region quickly became the new party’s bulwark, attracting support from prominent liberals previously in both Liga and Contra-Liga coalitions such as Manuel Luiz Osório.73

The 1860 elections marked an inflection point in which local legal conflicts over the role of the central authorities and the borderlands military elite intersected with provincial and national level developments. Canabarro’s dismissal from his National Guard post did not diminish his success as a political agent. Vital’s election to municipal judge in 1860 was only the first of a series electoral victories over the progressistas throughout the 1860s. With powerful figures like Canabarro forming the electoral bedrock for the revived Liberal Party in the province, the fissures between central and regional identities that had been percolating around borderlands courthouses exploded onto the broader political stage. Canabarro’s faction slowly altered the balance of power in the Brazilian borderlands. Local legal politics, however, remained at the center of the story. Canabarro’s embrace of an explicit ideology of local autonomy reflected the conflicts over borderlands courthouses occurring throughout the region. Canabarro’s continued effort to install his allies in local judgeships highlights the importance these offices for securing political power. For Canabarro, Vitals’ appointment as

73 Piccolo, ed. *A Revolução Farroupilha: História e Interpretação* 142.
a district judge in Alegrete in 1865 signaled his and the Liberals’ definitive triumph over the Ribeiros and the progressistas in Alegrete. Canabarro and his party of new, ideologically focused Liberals would dominate Rio Grande do Sul’s politics for the next two decades until the collapse of the empire in 1889.

The increasing assertiveness of the borderlands Brazilian Liberals did not escape the notice of the imperial government. With the decade-long Farrapos Rebellion still a recent memory, imperial officials had good reason to believe that growing tensions in the borderlands could produce renewed civil war. At the same time, the complaints of prominent borderland ranchers and committed Liberals like Antonio Souza Netto about persistent violations of Brazilian property rights in the borderlands, particularly at the hands of coercive blanco officials in the Estado Oriental, flowed across the desks of bureaucrats in Porto Alegre and Rio de Janeiro. In connection with Netto’s claims, a newspaper from Rio Grande do Sul declared: “if nationality does not suffice so that our compatriots’ interests are respected, it is worth nothing.” Imperial officials now found it necessary to again focus their attention on conflicts around property rights and across national boundaries along its southern borders.

Over the course of the 1850s, Alegrete experienced nearly constant factional fighting to control the administration of justice in the town. The intensity of these struggles reflected the nature of borderlands legalities and their vital importance to defining one’s social standing and personal power in a tumultuous world. Judicial officials like Teixeira and Amaral, as well as military officers and landowners like the Ribeiros and Canabarro spent substantial resources to control the courts and to secure success in litigation because it

---

74 CV-3454 (February 15, 1865).
75 Barrán, *Apogeo y Crisis*, 84.
mattered greatly to their own power. Through these conflicts, they also sharpened factional allegiances. Ultimately, law and violence in the Brazilian borderlands proved too deeply entangled to permit the formation of elite coalitions to end political struggles. State leaders would have to solve the problem of order in the borderlands by working within these factional conflicts over law, not by trying to suppress them.

**The Factional Theater of Salto, Uruguay**

Leaders like Berro and Lamas had hoped to resolve the persistent problems of order in the borderlands through the creation of national identities and the extension of respect for the law. In doing so, they equally aimed to extend the authority of coastal elites over the borderlands and tame the factional divisions that threatened the Uruguayan Republic’s sovereignty. However, as we saw in Alegrete, struggles over borderlands courts meant that instead of fostering national identities, legal politics engendered ever-sharpening factional divisions. Fusionist efforts to suppress political rivalries in the borderlands faltered as they encountered alternative legalities premised on local control of the courthouse. The persistent clashes to control borderlands legalities reflected the deeply entangled nature of law and violence in local fora and the difficulties states would face to control both.

In Salto, these fault lines proved particularly pronounced over questions of personal reputations. Much like Alegrete, Salto was extremely prosperous in the 1850s. The port city took advantage of its strategic location at a portage point around the Uruguay River’s twin falls (thus, the town’s name “salto” or falls) to control much of the region’s rivertine trade at mid-century. In addition, Salto’s jurisdiction extended across the entire northern portion of the Estado Oriental, encompassing the rich pastures that formed the heart of the borderland’s ranching economy. The booming trade on both sides of the Uruguayan and Brazilian border produced numerous economic and political alliances whose lifeblood was
the reputation of representatives and their ability to use it to gain access to justice at each local link along commercial chains.

Because local reputation played such a critical role in obtaining justice and maintaining borderlands commercial relationships, cases involving assaults on personal honor constituted a central front in factional legal politics in the town. A review of some 23 juicios de imprenta from the Salto courts reveals how factions challenged the reputation of their enemies while working to protect the status of their own allies through these types of judicial proceedings. These reputational battles intertwined with conflicts over the distribution of private law rights. In particular, as local officials sought to delineate property rights and offer protection for commercial transactions to bolster their local support, their rivals brought their reputations into question. In doing so, they laid the basis for challenging the legitimacy of legal claims altogether. They equally created renewed possibilities for factional conflicts around borderlands courtrooms.

Juicios de imprenta, which involved in one commentator’s words “abuses of the freedom of the press,” were uniquely public proceedings. Within this general rubric, juicios de imprenta covered an expansive range of topics, including general defamation of character, injury through “offensive allusions to honor or reputation” and publishing false criminal allegations against another. To bring charges, an aggrieved litigant petitioned the alcalde ordinario, presenting complete copies of the offending publication. The alcalde ordinario then was required by law to summon both litigants to a “public place” in order to select a jury to hear the initial proceeding. The alcalde ordinario received a list of seventy names of “citizens” over the age of twenty-five to hear the matter. He then selected seven names at random in front of

---

the parties and the public, with each party having the opportunity to strike four. Once empanelled, this initial jury reviewed the evidence and issued a public proclamation as to whether there were grounds for a full trial.77

If a simple majority of the preliminary jury ruled that the trial could proceed, the judge then conducted a second sort for a new seven-man jury. Before the trial, the juez de crimen collected all copies of the offending publication available. The parties then appeared in front of a jury for a public hearing. Each witness could present evidence, question witnesses and “make statements regarding the merits” of the case. Following the conclusion of these oral presentations, the jury entered deliberations. Once the jury reached a verdict, again by a simple majority vote, the court’s public notary was required to read the full verdict publicly. If convicted, the defendant had the right to request a third jury to review the case, again in a public proceeding. The final jury’s verdict in the matter, however, could not be appealed. In short, local juries had the definitive say in juicios de imprenta.78

The intensely local and public nature of juicios de imprenta made them fertile grounds for factional rivals to challenge the personal reputations of their enemies. At the same time, these cases provided a public stage for prominent vecinos to manifest their ability to obtain justice, protect their reputation and even enhance their status in the eyes of the local public. The stakes in these conflicts were high. The outcome reflected the ability of local networks to appear on behalf of honorable vecinos in order to protect their legal rights and commercial reputations. In this way, defamation cases combined issues of private legal rights with notions of public accountability, with local factional elites serving as the gatekeeper between those spheres.

77 Ibid.
78 Ibid.
A series of defamation actions between Manuel Tristani and José Parejas regarding several articles published in two competing local newspapers provides an excellent example of how these local, public conflicts over reputation intertwined with factional politics.\(^7\) The conflict originated when Tristani printed allegations that Parejas had defrauded a number of vecinos in his newspaper El Comercio del Salto.\(^8\) The article further implied that Parejas, a colorado, had willfully ignored orders by local officials to appear in court. Parejas sued Tristani for defamation. Appearing before the jury, Tristani turned the tables on Parejas. He first asked for the jury’s “indulgence because I am new and foreign here in Salto, a city in which I came to establish myself on account of the cultured and well-educated fame with which the magnanimous Oriental Republic of Uruguay has distinguished itself.”\(^9\) Tristani continued that since his arrival in the town to set up a newspaper, “he had found himself barbarously and unjustly insulted by the calumnious José Pareja” in the pages of El Salteño.\(^1\) Parejas was the editor of the rival paper. Despite Parejas’ misconduct, however, Tristani made clear that he did not wish to continue a dispute between vecinos that might serve only to inflame factional tensions. He agreed to retract his article even though he claimed it was accurate. In doing so, he positioned himself as a voice of moderation and order.

The retraction did not end the conflict between the two editors. Rather, Parejas used the proceeding to publish a response attacking Tristani’s character in El Salteño. Tristani represented a tempting target for Salto’s colorados for a variety of reasons. As an initial

\(^9\) Ibid.
\(^1\) Ibid.
In 1852, Tristani was an outsider. He was born in Spain and had only arrived in Montevideo in 1852. Tristani worked as a lawyer and journalist in the Uruguayan capital. Tristani also befriended Manuel Oribe, penning several articles praising the *blanco* general following his death in 1857. In 1859, Tristani crossed the Uruguay River to Argentina. He first settled in Paraná, Entre Ríos and then moved to Rosario in Santa Fe province in 1860. There, he edited the newspaper *El Eco Comercial*, which supported the Argentine Confederation in its struggle against Buenos Aires. When the confederation collapsed in 1862, Tristani left Argentina for Salto.

Almost as quickly, he was embroiled in litigation. Tristani’s paper aligned itself with the local *blanco* faction. This meant largely supporting the *blanco*-controlled municipal government. Tristani openly associated with important *blancos* like Pedro Real, the *alcalde ordinario* in the town. For Salto’s *colorado* faction, challenging Tristani’s personal reputation offered an effective means to attack Salto’s *blanco* leadership. Once again, local connections and personal reputations provided the backdrop for the litigation. Because the declaration and enforcement of these relationships occurred in local courtrooms throughout the borderlands, challenging a faction’s authority to speak for the community provided an important means to win allies along trading routes and manifest one’s own ability to dispense justice. Within the framework of borderlands legalities operating around Salto’s theater, the litigation between Tristani and Parejas was about much more than each man’s personal reputation. Rather, the webs of factional associations that relied on “honorable vecinos” to

---

85 Ibid., 105-6.
sustain reciprocal ties and political power converged in the proceeding. The case was about establishing each man’s and faction’s place in a turbulent borderlands world.

With so much at stake, Tristani not surprisingly mounted a spirited defense. He filed his own defamation action against Parejas. In doing so, he set the stage for a dramatic conflict between the two men and their respective factions on the day of the jury trial. Reflecting the distinctly public nature of defamation proceedings and their importance for asserting both personal reputation and factional power, Salto’s municipal theater served as the venue for the trial. An article in *El Salteño* described the scene: “Yesterday at the appointed hour we were in the Theater, the designated place for the trial that had to take place with Tristan – As this was a novel spectacle in Salto, a large crowd had invaded the theater” to witness it.\(^86\) Tristani, however, failed to appear. After about forty-five minutes, Parejas asked the public notary charged with the jury selection to locate the presiding judge, Pedro Real, to inquire about Tristani’s whereabouts. Parejas then decided to search for Tristani himself. Walking into the streets outside of the theater near Salto’s central plaza towards the local courthouse, Parejas located Tristani speaking to several men. Parejas wrote that “knowing the maneuvers with which one can elude justice, I that saw the hour draw near when I could wash the dark stain that Rogelio Tristany had vilely thrown upon my honor . . . I could not contain myself when I saw the calumnious one standing, calm, with a cheery air at the door of the courthouse.”\(^87\) In front of a small crowd, Parejas then yelled: “Tristany!! You will have more honor in here (signaling to the theater). That is the place in which you should be and you sir are afraid to enter!!” According to Parejas’ account,

---

\(^86\) *D. Manuel R. Tristani c. D. José Parejas por publicación de injurias en prensa, El Salteño* (June 12, 1862), included with the proceeding.

\(^87\) Ibid.
Tristani then attempted to attack him, only to be restrained by several other men at the scene.  

The factional ties underpinning the very public collision between Parejas and Tristani became clearer as the two men traded accusations in the press as to what had transpired at the theater and courthouse. According to Parejas, when Real had conducted the jury selection the day before, several potential jurors had recused themselves. He claimed that Real had used this as a pretext to delay the proceeding. According to Parejas, Real then “taking advantage of my desire that I had and still have to bring Tristany before the court of the public . . . granted a delay to Rogelio Tristany, and in that act undermined the definitive character of these proceedings according to the spirit and letter of the relevant laws.” Parejas accused Real of delaying the proceeding because he wanted to protect his political ally. He concluded by claiming that if “Tristany values his reputation and good name” he will appear in the theater and submit to the “verdict of the entire town.”

Tristani responded by arguing that the incidents in the street following the aborted proceeding had nothing to do with the dispute between the two men. Rather, Tristani argued that “the Parejas question is a question of faction [partido], sustained by a circle that exists here against the Gefe Político [Dionisio Trillo] and the Alcalde Ordinario [Pedro Real].” Tristani argued that in effect, Parejas and his colorado allies were using a simple procedural issue to attempt to discredit prominent blanco officials in order to advance their faction’s larger goal of promoting disorder and violence.

In yet another article in Parejas’ newspaper, the colorados responded: “The question of Mr. Parejas with Tristany has no other basis than to inform the authorities of their failure

---

88 Ibid.
89 Ibid.
90 Ibid., 2.
to comply with the law: this is not and cannot be a question of faction [partido], it is, yes, a question of the dignity, the honor, the liberty, and the guarantees of the citizens and inhabitants of this Republic.”91 Parejas and his allies argued that it was Tristani and the blancos that were working to sow divisions in the city and subvert the laws. They wrote: “there are not circles here Tristany, here there are free men that as citizens have the right and the obligation to raise their voices when the authorities of their country violate the laws and fail in their obligations.” They colorfully called upon the readers to cast their own judgment over which party in Salto abused its power: “ask yourselves to which party does Tristany belong? In this way, we will find out if those who have sacrificed justice are blancos, colorados, blacks, yellows, or the greens.”92

What emerges from the series of articles is how tightly personal reputation and factional allegiances intertwined in Salto’s juicios de imprenta. As Tristani and Parejas challenged each other’s honor in their personal dispute, they drew upon their factional connections to support their legal maneuverings around Salto’s courts, theater and in the streets. At the same time, the theatrical nature of the juicio de imprenta cases made them important scenes for factions to express their power to protect personal reputations publicly. The trial served as a stage for the blancos and colorados in the town. It offered each side a public opportunity to manifest their respective political power to the town’s vecinos. Successfully impugning a rival’s reputation reduced his power to serve as an “honorable vecino” witness for his allies. This in turn lessened his faction’s broader power to provide justice for its members, both locally and throughout the borderlands. As we saw in the

91 Ibid., 3 (emphasis in the original).
92 Ibid. (emphasis in the original).
litigation in Alegrete, questions of personal reputation were never fully divorced from factional struggles.

In much the same way, these local factional struggles to solidify their reputation intertwined with the power to dispense private law rights to their factional allies. We already glimpsed the connections between access to justice and cross-border trade in Agustín Guarch’s use of carefully constructed webs of commercial relations to vindicate his legal rights in Alegrete throughout the 1830s and 1840s. These reciprocal ties with men like Prado Lima were vital to Guarch’s commercial prosperity. This in turn fed back into his reputation as a trader, enhancing his reciprocal ability to provide legal and pecuniary patronage to his factional allies in the colorado party. He repeatedly did so, arranging a number of transactions between colorados and prominent merchants in Uruguaiana. These merchants in turn possessed connections back to Prado Lima’s faction, completing the cycle.

The juicios de imprenta in Salto reveal similar relationships between the reputation of officials and the legal recognition of property rights. In particular, the public forum of the juicio de imprenta once again provided a vehicle for factional rivals to challenge unfavorable legal actions against their allies and seize the power to restore their property rights in the eyes of the community. Two cases involving Miguel Santos Martinez, a local attorney, public notary and military officer in Salto reveal the interconnected nature between disputes over local reputation and conflicts over property rights. The conflict began when Martinez, a committed blanco, became involved in an ejectment proceeding filed by Ignacio Bastos Pereira against Antonio Perez.93 Pereira alleged that Perez had unlawfully trespassed on his property by grazing cattle against his permission for a number of years. Accompanied by the

local police, Martinez traveled to the disputed tract. He then negotiated a settlement that permitted Perez to remain on the land under a contract with Pereira.94

Through his actions, Martinez secured legal recognition of Pereira’s property rights from Perez. Obtaining such a declaration of legal title often was more important to landowners like Pereira than formal occupation. Much like trading relations and personal reputations, property rights often hinged on what honorable vecinos in the forum believed to be true. Publicly declaring ownership to the community therefore was critical.95 The case is silent as to how Martinez specifically obtained Perez’s signature. We can speculate, however, that when confronted by the local police and a blanco attorney with connections to prominent civilian and military leaders around Salto, Perez had to accept the offer.

With Martinez bolstering his reputation by securing Bastos’ property rights through a mixture of legal actions and force, Perez turned to courts to challenge the attorney’s actions by attempting to undermine his legal standing in the town. In his struggle, Perez could count on Jacinto Llupes. The disputed property was around the settlement of Mataojos. Llupes was the frontier commander in that district. The commander viewed Martinez’s actions as an intrusion into his own authority to determine property rights within his jurisdiction. He accused Martinez of favoring his own factional allies at the expense of local vecinos under his purview.96

Llupes launched a vicious assault in the Salto press against Martinez, challenging Martinez’s reputation as a figure able to dispense justice in any matter. Llupes began by asserting that Martinez had no standing in the town: “Martinez is such a well-known person

94 Ibid., 15-20.
throughout the country that his words can offend no one; his reputation is such that there is no reason to attack it, given that every good citizen already knows he is motivated by envy, boundless ambition, and avarice.”97 Having stated that Martinez did not warrant a response, however, Llupes then proceeded to provide a detailed history of his rival’s conduct. Llupes wrote that having severed under Oribe during the blanco siege of Montevideo throughout the Guerra Grande, Martinez had “distinguished himself through his cowardice.”98 In the face of the 1851 Brazilian invasion, Martinez had fled across the border to Entre Ríos. In the process, he had abandoned his wife and family. Once the conflict ended, Martinez had returned to Tacuarembó. He served as the public notary in the borderlands department. According to Llupes, he caused nothing but trouble. Llupes wrote: “so well-known were the Scribe of Tacuarembó’s actions, which in the name of reform caused such a turmoil [desquicio] in the town” that he ordered Martinez’s arrest in order to end his intrigues. Llupes then “escorted” Martinez to Montevideo. In doing so, he had “liberat[ed] Tacuarembó of Martinez but not to this day of the discords he had sowed.” Through these accusations, Llupes set up an explicit contrast between his own actions and Martinez’s. In his telling, Llupes represented the forces of order, legality and unity. In contrast, Martinez brought disorder and division to the borderlands. The implication here was clear: Martinez and his allies did not represent the law.99

Llupes then broadened his attack against Martinez and his blanco allies. He wrote that having been discredited by him in Tacuarembó, Martinez “came to be under the protection of General Don Diego Lamas.” Llupes treaded carefully, arguing that the powerful military commander had “tried his hand at reforming [Martinez], but could not prevent his attempts

97 Ibid., El Comercio del Salto, Año IV, No. 42 (July 9, 1862), included with the case.
98 Ibid.
99 Ibid.
to divide and his old manias.” Rather than being complicit in Martinez’s schemes, Llupes argued that Lamas effectively lacked either the power or the will to restrain his protégé. In this way, Llupes linked blanco officials throughout the borderlands to lawless coercion and factional divisions without directly implicating their own conduct. In effect, Lamas lacked the power to restrain his lieutenants and ensure law and order. In this sense, Lamas failed in his basic obligations to provide justice. Through this type of argument, Llupes could undermine Lamas’ reputation as a reliable source of legal rights, bolstering the colorado case against their factional rivals.

Not surprisingly, Martinez immediately brought a juicio de imprenta against Llupes. In it, he challenged a number of statements in the article. As the trial neared, colorados and blancos maneuvered to influence the outcome. Several prominent colorados refused to participate in the trial, receiving multiple fines of 25 pesos for neglecting their civic duties. The colorados perhaps realized that a conviction was likely and sought to avoid conferring any legitimacy to the case in the public’s eye. The blancos made sure that proceeding went forward. Dionicio Trillo, the jefe político of Salto’s department, issued an order for Llupes to appear in the proceeding. He threatened the police commissioner with arrest if he failed to appear to answer the charges. Trillo’s actions ensured that despite the lack of participation by Salto’s colorados, the trial could proceed in the public theater in early October of 1862.

At trial, Antonio Perez appeared on Llupes’ behalf. This brought the dispute between the police commissioner and Martinez back to the original conflict over Perez’s personal property rights. Perez confirmed Llupes’ allegations that Martinez had abandoned

100 Ibid.
101 Ibid., 22-22bis.
his wife. He claimed that she “was in my house, maintained by me.”

Perez went on to allege that because he cared for Martinez’s wife, the *blanco* attorney “repaid my favor by arranging for me to lose half the lands in my possession, and the proof is in the letters against me he drafted in favor of the Brazilian Ignacio Bastos [Pereira].” Perez’s testimony offered a powerful rebuke for Martinez’s actions in securing the property for Pereira. Perez accused Martinez of failing to care for his family and then using the property action to attempt to cover up his misdeeds. By framing the property dispute in terms of Martinez’s unwillingness to support his own family, Perez directly challenged Martinez’s personal honor. Unable to accept his responsibilities as a male in the private sphere, Martinez was not entitled to respect or power in the public one either. Born out of neglect for patriarchal duties, Pereira’s claim to the property had no legally cognizable validity.

This dual assault by Perez and Llupes on Martinez’s personal honor and his corresponding ability to use his position in the local government to determine property rights clearly alarmed prominent *blancos* in the town. The jury in the Llupes trial, devoid of *colorados*, issued a harsh judgment against the frontier commissioner. They declared that his statements warranted a full criminal investigation. Martinez further brought a second proceeding against Perez for damages stemming from his public testimony at the Llupes trial. Martinez requested that Diego Lamas issue an order arresting Perez so that local

---

102 Don Miguel S. Martinez e. D. Antonio Peres por injurias, 1.
103 Ibid.
104 Here, I am drawing up Sarah Chambers work connecting notions of “republican citizenship” with the state’s recognition of masculine authority in the private sphere. Chambers, *From Subjects to Citizens*.
105 Juicio de imprenta promovido por Miguel S. Martinez e. D. Jacinto Llupes, 37.
106 Don Miguel S. Martinez e. D. Antonio Peres por injurias.
officials could ensure that he appeared at the second trial.107 Lamas issued the order, but Perez never appeared and the file ended.

Because juicios de imprenta directly involved issues of reputation and private law rights that constituted the core elements of borderlands legalities, the litigants in defamation cases often served as proxies for more powerful local elites as they jostled for prominence in the town. A final case between Angel Galina and Victor Delort demonstrates how factional leaders used the juicio de imprenta proceedings to challenge their rivals by attacking the reputation of more vulnerable allies. Like many elite conflicts, the case originated with a dispute between Pedro Real and Angel Tejo over property boundaries.108 Tejo, a committed colorado with close ties to the Brazilian ranchers in the region, had been a strong and open critic of the blanco government in Salto. When César Díaz launched his abortive revolution in 1858, Tejo had complained bitterly that local officials had used the uprising to seize his property.109 As the 1860s progressed, the increasing conflicts between the blanco and colorado factions in the borderlands merged with a personal conflict between Real and Tejo over a survey of their respective lands.

The factional and personal tensions between Tejo and Real came to a head when El Salteño published a series of letters purportedly from Delort to another man named Serby. The letters addressed the proposed settlement of the boundary dispute through a formal survey. In the first letter, Delort alleged that Galina was hopelessly biased in favor of Angel and Pastor Tejo. He wrote: “if you thought it was possible that a surveyor [agromensor] that has measured the lands claimed by Misters Real and Tejo, having surveyed it with a compass

107 Ibid., 22.
108 Juicio de imprenta promovido por D. Angel Galina c. D. Victor Delort, AGN-SJ. Salto. Penales, No. 38 (1862). The pages of this proceeding were not numbered.
and the titles of each litigant in hand, do you think it possible that that surveyor could assure *in good faith* to Mr. Real that he is correct in his resolution [of the matter].”\(^{110}\) The second letter then noted that Galina could only produce such a survey through “ignorance or malice” against Real.\(^{111}\) The final letter in the series concluded that Galina “had proceeded in bad faith, plotting with the Tejos when [he] requested that Real agree to a settlement” to defraud him of his lands.\(^{112}\) The letter concluded that “it would be best that an impartial public decide the consequences” for Galina’s actions.\(^{113}\)

The publication of the three letters poses a couple of mysteries. First, *El Salteño* published Delort’s letters. As we saw in the Tristani case above, *El Salteño* supported the *colorado* faction against the local *blanco* government. It appears unusual that it would accuse its own allies, the Tejos, of attempting to manipulate a legal proceeding. Second, how did the private letters come to be published in a *colorado* newspaper? The answer appears to lie in Galina’s petition in the defamation proceeding. Galina argued that the letters revealed a plot by Delort and Real to escape an unfavorable judgment regarding the boundary dispute. Galina asserted:

> armed with the letter [Delort] had maliciously obtained from Mr. Serby, he libeled me infamously, imputing that I conspired with the Tejos in order to surprise Mr. Real, perhaps simply for vile interest, because in lieu of suspending the proceeding [delineating the land], he could use the impartial public to solve his dilemma.\(^{114}\)

In other words, the letters revealed a plan to allege bias against Tejo and Galina, manipulating the public to reverse a judicial determination. Both through the letters and

\(^{110}\) *Juicio de imprenta promovido por D. Angel Galina c. D. Victor Delort, El Salteño*, no. 252, fragment included with the case.

\(^{111}\) Ibid.

\(^{112}\) Ibid.

\(^{113}\) Ibid.

\(^{114}\) Ibid.
their publication, the private dispute between the two rival landowners spilled over into the town’s public arena of theatrical and factional justice.

The case proceeded to trial where a jury acquitted Delort of any wrongdoing in the publication of the letters. Galina and Delort continued to battle each other, however, in the courts and in the press. One year later, they appeared on opposite sides in another boundary dispute between Brazilian rancher Adão Carvalho and Eduardo de las Carreras. Carreras claimed that following the death of Gregorio Lecoq, a prominent Uruguayan landowner in the region, Carvalho and Galina had attempted to exploit the circumstances by “conducting a secrete boundary survey.” Pedro Real ordered a new survey conducted by Delort. The Carvalhos then retained Agustín Sañudo to represent them in the matter. Sañudo provided legal counsel to a number of prominent colorados and Brazilians in Salto’s tribunals. His presence underlined the political stakes in the proceeding. However, while the two sides were assembling their respective allies for another judicial clash, the proceeding inexplicably ended. It is possible the parties settled their case. It is more likely that the proceeding’s remaining pages have simply been lost.

The conflicts between Galina and Delort represented a collision of personal reputation between the two surveyors. They also constituted a broader dispute between their respective factional patrons over their ability to dispense justice and dictate property rights. The juicio de imprenta between the two men simultaneously involved questions of not only which survey possessed legal validity, but also which faction could publicly manifest its power to control the legal determinations of nebulous property rights. Victory for either the Tejos’ or Real’s survey claim revealed their ability to obtain justice. Correspondingly, a

---

116 Ibid.
judgment declaring their rival’s survey claim unlawful worked to undermine the reputation of their representatives in the boundary dispute. With their underlying claims based on an unlawful measurement and supported by the testimony of dishonorable men, the winning faction could effectively cut off their rival’s access to justice.

The clashes around Salto’s courthouse again revealed the intertwined nature of law and violence in the borderlands. Conflicts over personal reputation constituted a central front in defining commercial relationships and local political power. Viewing this turbulent borderlands world, Bernardo Berro and others correctly perceived that national identities were weak in the borderlands. However, they erred in assuming that the absence of states meant the absence of law. The prolonged struggles between blancos and colorados over personal reputations and legal rights again revealed the centrality of law to the inhabitants in the Uruguayan borderlands. These were not lawless spaces inhabited by rural caudillos. Instead, it was the presence of alternative legalities that propelled factional conflicts forward and ensured the persistence of peripheral political divisions.

**Conclusion**

Throughout the early 1850s, elites in the borderlands formed a number of political coalitions designed to suppress factional conflicts and overcome the pervasive violence that had swept the region. In Rio Grande do Sul, these efforts occurred mainly through the promotion of elite personalist politics. In the embattled Uruguayan Republic, coastal elites strived to control their rural hinterlands by extending national laws into the interior. In each case, reformers sought to establish a framework for new states to govern their peripheries. Despite these efforts, struggles to define legal rights, personal reputations and factional associations continued to swirl around courthouses. These conflicts over borderlands
legalities prevented political equipoise in the 1850s from taking hold. Law and violence remained entangled together.

At the same time, these factional conflicts to control borderlands courthouses and with it the ability to define property rights and personal reputations began to open up spaces for regional and national leaders to secure bases for their own authority. The intersection between highly localized legal struggles and the deeply interconnected nature of borderlands trading and landowning chains amplified the stakes in disputes over borderlands legalities. The next chapter turns to the ebb and flow of these conflicts over private law and national sovereignty.
CHAPTER 5

POLITICAL POWER AND PROPERTY RIGHTS

SHARP FACTIONAL CONFLICTS OVER THE ADMINISTRATION OF JUSTICE DEFINED

the political life of important borderlands towns like Alegrete and Salto throughout the 1850s and early 1860s. In each location, borderlands courts served as critical arenas in which local rivals could publicly express commercial and political associations. They were also centers for renewed factional violence. Control of the local courthouse marked a faction’s dominance in a given forum. It also highlighted the centrality of the law in the borderlands for shaping a host of political and economic relationships. The familiar local institutions and practices making up the system of borderlands legalities provided a vital source of order for borderlands inhabitants in a tumultuous world.

Litigation over property rights was a central front in these struggles in and around courthouses throughout the borderlands. Questions over the scope of these rights involved the public expression of personal status and factional power. The assertion of private law rights went to issues at the very heart of borderlands legalities. In each local forum, litigation over property played an important role in two ways. First, litigation offered a mechanism to attack the property claims of factional enemies. Legal challenges to ownership could potentially erode a rival faction’s economic power. This in turn weakened the ability of opponents to leverage their personal reputations to secure other legal rights. Second, the power to define property rights offered elites like the Ribeiros, Canabarro and others an important resource. Defending property claims provided a mechanism to crystallize reciprocal relationships that were vital to commerce. Securing allies in this fashion then fed back into local legal conflicts by broadening the ranks of vecinos that could offer evidence in other legal proceedings. Through their testimony, these witnesses could further bolster a
faction’s standing within a given community. This equally solidified their substantive legal rights, completing a virtuous cycle.

Local legal practices and institutions accordingly played a critical role in defining property rights. At the same time, the lands at issue were seldom limited by local or even national boundaries. The properties of Brazilian ranchers in particular stretched across the Río de la Plata borderlands. They created a tightly unified economic space. As such, the power to declare private law rights in one forum inevitably influenced the webs of relationships stitching the borderlands together. The drive to secure property rights for allies across the border produced renewed conflicts as factional rivals jostled to influence litigation.

The cross-border clashes between factions in multiple courtrooms over competing property claims in turn opened up spaces for putative national leaders to bolster their own authority in the borderlands. Throughout the 1850s, Argentina experienced particularly sharp conflicts between rival national projects. Bartolomé Mitre, the porteño statesman and military commander, confronted Urquiza’s loose confederation of interior provinces in a decade-long struggle to forge a new national coalition. To prevail, each side worked to forge local allies throughout the borderlands. By the early 1860s, local efforts to control the definition of private law rights converged with these continuing struggles over sovereignty to lay the groundwork for renewed international conflict. In this way, local legal politics became increasingly entangled with persistent clashes over national laws, identities and boundaries.

In order to explore the relationship between borderlands legalities and sovereign conflicts, this chapter begins by returning to the local level. In particular, it looks at the factional legal politics that went into constructing and then ultimately undermining the
property of Joaquim dos Santos Prado Lima in Alegrete. It then broadens its focus to look at how Alegrete’s rival factions similarly clashed over the definition of property rights in the neighboring Uruguayan Republic. They did so in order to secure additional allies in their escalating struggles to control courthouses back in Brazil. The effect of these repeated interventions was to destabilize the region and invite further disputes over the role of the prominent Brazilian ranching community in the Uruguayan borderlands.

The third section then broadens the context even further in order to explore the escalating conflicts over sovereignty in the Argentine provinces in the 1850s. It looks at how emerging national political leaders like Mitre and Urquiza aggressively courted local allies in their efforts to build national coalitions. The final section then looks at how these efforts to use local disputes over borderlands legalities to lay the foundations for political power all began to converge in northern Uruguay. The numerous connections criss-crossing this extremely contested ground ensured that almost every litigation over property rights could potentially alter the balance of power between factions in other parts of the borderlands. The very pervasiveness of law and the importance of securing legal rights for political allies increasingly acted as a catalyst for renewed violence.

Factional Conflicts and Property Rights.

Within the framework of borderlands legalities, the act of litigating property rights was a critical moment in shaping personal power and political associations. The conflicts in and around the Alegrete courts from the previous chapter provide a window into the connections between factional politics and property rights. They particularly reveal how the ability to declare nebulous property rights within the system of borderlands legalities offered a powerful mechanism to reward allies and punish rivals. Numerous cross-border commercial connections ensured that local conflicts over property rights intertwined with
broader struggles to define political power and sovereign boundaries. Dropping down to the local level first, however, grounds these struggles in the system of borderlands legalities we have been exploring throughout this dissertation. Specifically, it frames the importance of personal reputation and reciprocal ties in establishing the foundation for property rights. These local underpinnings in turn propelled cross-border factional conflicts forward.

Once again, Mathias Teixeira de Almeida and Joaquim dos Santos Prado Lima were central figures in various judicial clashes to define property rights in Alegrete. As we have seen, Prado Lima was deeply embedded into the sinews of local power relationships. He used his political connections to amass significant land holdings west of Alegrete along the road to Uruguaiana throughout the 1830s. Prado Lima then turned to his allies in the judicial system to manifest his property rights publicly. In the process, he augmented his personal reputation and deepened reciprocal ties with other prominent vizinhos in Alegrete.

Consider Prado Lima’s purchase of a tract of land from Valentin Bueno de Camargo in 1830. The tract in question formed part of a sesmaria grant from the Portuguese crown in 1814. Upon purchasing the property, Prado Lima immediately confronted a number of persons occupying portions of the land. They included Joaquim Machado Leão. Prado Lima brought an ejectment action against Leão in 1833 and then entered into a contract with Leão to rent the land back to him. Prado Lima’s actions squared with notions of reputation and reciprocity at the heart of borderlands legalities. As Gabriela Garcia has observed, the fact that Prado Lima went through a judicial proceeding only to then rent the land back to Leão indicated that he was not primarily interested (at least initially) in actually occupying the land in question. Instead, his actions aimed at having his title to the land publicly

acknowledged by both court and possessor. The goal was to buttress the connection between Prado Lima’s desired property rights and the legal allocation of land titles. In the process, he could further enhance his reputation as a man connected to the law. This served to augment his personal status in the town. It also established a reciprocal relationship with Leão that Prado Lima could potentially access in subsequent proceedings that might require testimony from local witnesses. In short, he again drew upon the local practices that collectively constituted borderlands legalities to forge his property rights in Alegrete.

Following the conclusion of the contract, however, Prado Lima and Leão again came into conflict. As a result, Prado Lima brought a second judicial action against Leão in 1836. Having failed to forge a contractual relationship, he now called upon his local connections to push Leão from the property altogether. In particular, Prado Lima appeared before Francisco de Sá Brito Junior, Alegrete’s juiz de direito, to pursue his claims. Sá Brito and Prado Lima were old political allies. In 1834, Prado Lima joined with several other members of the town council to support Sá Brito in his dispute with Agostinho José Lourenço over possession of Alegrete’s district judgship. Occurring on the eve of the Farrapos Rebellion, the conflict pitted local elites like Prado Lima against the provincial president. Lourenço claimed that he possessed the authority from the provincial executive to assume the judicial post in the town. Prado Lima and the rest of Alegrete’s town council vehemently opposed the move. In March of 1834, the council drafted a letter to the provincial president stating:

“[W]e could not remain silent in the face of such a change, and it is with the patriotic zeal of your fellow citizens of this Province in maintaining our institutions, with due respect to the social pact between Brazilians, that we

118 Garcia, "O Domínio da Terra".
119 AHRGS. Câmara de Alegrete: Correspondência Expedida, Sobre conflicto de jurisdições suscitada entre os B. Sá Brito Junior e Agostinho José Lourenço (March 20, 1834).
Lourenço wrote his own letter to the president, noting that “a number of the principal Citizens of this town have been traveling along the frontier, soliciting opposition to me.”

The clash between Lourenço and Sá Brito provides another example of the ongoing tensions throughout the 1830s between borderlands inhabitants and central authorities. As we have seen, imperial officials in the mid-1830s were engaged in a concerted effort to control the southern borderlands. Appointing Lourenço provided a mechanism to enforce imperial laws – particularly revenue measures – regulating the cross-border activities of Alegrete’s ranching community. At the same time, removing a prominent local judge like Sá Brito threatened to destabilize the reciprocal relationships that linked localized nodes of justice together throughout the borderlands. Not surprisingly, Lourenço’s nomination provoked a sharp backlash. By defending Sá Brito, Prado Lima and his allies equally defended the borderlands economy and the town’s local autonomy. They also publicly manifested their connections to Sá Brito and other local judicial officials. With the outbreak of the Farrapos Rebellion, Sá Brito retained his district judgeship in Alegrete under the rebel government. He served in that capacity until 1842.

Having helped secure Sá Brito’s judicial office in Alegrete, Prado Lima now drew upon his reciprocal relationships with the juiz de direito to vindicate his property rights. He entered the court bringing with him his history of political support for the judge. What Sá Brito now offered in return was the ability to declare Prado Lima’s property rights publicly. Educated at the elite Coimbra University in Portugal, as well as at the academia de São

---

120 Ibid.
121 AHRGS. Câmara de Alegrete: Correspondência Expedida, Carta dirigida ao Illmo Exmo Sen Presidente desta Provincia sobre Bacharel Francisco de Sá Brito Junior (June 2, 1834).
Paulo, Sá Brito was one of the few jurists in the Brazilian borderlands that possessed formal legal training in the 1830s. Sá Brito reviewed the evidence and then laid out each step taken by Prado Lima in confirming his rights in detail. He concluded that Leão’s acceptance of the rental contract had established Prado Lima’s “possession and dominion over said land.” The verdict ratified Prado Lima’s maneuvers to establish his ownership of the disputed tract. In doing so, it also bolstered the long-standing ties between the two prominent vizinhos. They had drawn upon these connections to sustain their place in the community. Sá Brito’s careful delineation of his old allies’ property claims had reaffirmed the durability of their association.

As Prado Lima’s political fortunes declined throughout the 1850s, however, his property rights became subject to increasing judicial scrutiny. In 1855, Teixeira filed suit on behalf of Francisca Oliveira Lisboa against Prado Lima. Lisboa sought to recover land originally held by her husband, Colonel Gabriel Gomes Lisboa. According to her complaint, her husband had originally acquired the land, located along the Quaraí River, through a sesmaria grant in 1822. During the 1825 Uruguayan war, Lisboa lost possession of the tract and the corresponding documentation establishing his title. The case then took an interesting turn in 1831. Having lost his title, Lisboa nevertheless managed to secure a new copy from the national government. Rather than return to his reclaimed land, he instead opted to rent it to José Ribeiro de Almeida, the brother of Bento Manoel Ribeiro. José

---

123 Ibid., 57. Even by 1859, Sá Brito remained one of only three persons in Alegrete possessing a legal degree. AHRGS. Câmara de Alegrete: Correspondência Expedida, Letter to Ilmo. Exmo. Senhor Comendador Patricio Corrêa da Camara Digno. Vice Presidente d’esta Provincia (May 12, 1859) (the other two men were Geminiano Antonio Vital de Oliveira, and Francisco Vieira Braga Junior).


Ribeiro later sought to purchase the land outright through a partnership with Antonio Jacinto de Oliveira, another prominent landowner in Alegrete. The deal fell through with the outbreak of the Farrapos War in 1835. Lisboa supported the imperial forces. As a result, he again lost his land when the rebel government confiscated it. Lisboa alleged that Prado Lima, taking advantage of his position as Chief of Police and Frontier Commander, received a new title from the rebel government. Lisboa later perished during the revolution. It was up to his heirs to reclaim his land following the end of the conflict in 1845.126

Francisca Lisboa’s account hints at how personal ties and political connections combined to forge property rights along the unstable border. Although her complaint does not suggest that Lisboa and José Ribeiro entered into an agreement regarding access to the land, this is likely what occurred. Given the difficulty of petitioning Rio de Janeiro for a new title, Lisboa needed to tap into his network of political connections and economic resources to reach the distant imperial court. These were precisely the resources that José Ribeiro and his brother Bento Manoel Ribeiro could offer in order to reestablish Lisboa’s claim. Conversely, José Ribeiro obtained access to land on favorable terms, deepening a useful alliance in the process.

These ties also likely explain how Lisboa’s widow found herself in court some ten years later with the Ribeiros’ attorney, Teixeira, by her side. Lisboa’s property rights became entangled in the sharp factional conflicts swirling around Alegrete’s courthouse throughout the 1850s. Teixeira aimed to use the proceeding to attack Prado Lima’s personal reputation and economic assets. The attorney based his legal strategy on Prado Lima’s abuse of power.

126 Ibid. Importantly, Leão and Teixeira could not claim the actions of the Farrapos government were invalid per se. The 1845 Ponche Verde Treaty ending the riograndense rebellion had provided rebels with a general amnesty. This included protection for certain property rights obtained from the Farrapos government during the war. Former rebels zealously guarded such claims against judicial encroachment.
Teixeira claimed that Prado Lima had utilized his political position to seize Lisboa’s land and to ensure his continued occupation for the next decade. Teixeira spoke from experience. In 1847, the Ribeiros had appealed to the provincial president, Manuel Antonio Galvão, to look into Lisboa’s land claim. When the president requested information from the local town council in the matter, the members replied in support of Prado Lima.127 With Prado Lima’s faction now weakened after the rise of the Contra-Liga in the 1852 elections, however, the time was right to attack his property rights through judicial channels. Teixeira argued that the courts now had to return the land to its “rightful” owners.

Prado Lima asserted a novel defense to Teixeira’s allegations against him. He insisted that he did not own the lands in dispute. He rather argued that the terms of the original sesmaria grant established that Lisboa’s tract in fact belonged to a neighbor, José Alves Gavião. Prado Lima drew upon his own web of local connections in order to bolster his case. He produced thirteen witnesses in support of his claim that his lands had never belonged to the Lisboa family. The testimony echoed familiar themes within the language of borderlands legalities. Multiple vizinhos testified that it was “public and notorious” that Gavião, and not Prado Lima, actually controlled the lands Lisboa was now claiming.128 It is important remember that such claims were often all courts had to go on. The vague terms in typical sesmaria grants could not definitively settle boundary disputes.129 Prado Lima’s legal strategy transformed the case into a confrontation over which litigant could muster the most testimonial support for his or her property claims. The personal knowledge and reputations

127 AHRGS, Câmara de Alegrete: Correspondência Expedida, Câmara de Alegrete ao Manoel Antonio Galvão, No. 490 (May 7, 1847).
of “honorable vizinhos” once again provided the foundation for Prado Lima’s substantive legal rights.

Teixeira equally recognized the importance of personal testimony for establishing property claims. He immediately sought to marshal together testimony favoring Lisboa’s claim, as well as undermine the credibility of Prado Lima’s numerous witnesses. Teixeira traveled widely. He took depositions from the neighboring towns of Uruguaiana and São Gabriel. He further arranged for the local judge to travel to the disputed lands in order to better determine the boundaries in question. At the same time, Teixeira accused Prado Lima’s witnesses of bias. He argued that three of the men called to testify possessed a direct financial stake in the outcome of the proceeding. In addition, Teixeira noted that several of the witnesses were Prado Lima’s relatives. This, combined with their vague testimony as to the property’s true boundaries, compelled the court to discredit it. Collectively, Teixeira’s efforts aimed not only to demonstrate Lisboa’s property rights, but also publicly manifest the numerous webs of reciprocal connections between the Ribeiros and important vizinhos throughout the borderlands. The case was as much about demonstrating political power as securing substantive rights.130

For the moment, however, Prado Lima’s allies stood firm. The trial court noted that all of Prado Lima’s witnesses’ testimony, although occasionally vague, was consistent. It further found Prado Lima’s witnesses persuasive. The court wrote that the “ages, wealth, and character of the same, are additional proof to guarantee the facts regarding possession.”131 Reflecting the substantial resources at his disposal, Teixeira appealed the case to Porto Alegre and then to the Tribunal de Relações in Rio de Janeiro. Both courts confirmed

---

131 Ibid., 24bis.
the trial court’s judgment. The considerable expenses required to bring the case all the way to the high court reflected how serious Teixeira and the Ribeiro faction were in depriving a powerful enemy of his economic resources. However, Prado Lima continued to possess sufficient political and social connections to ward off their claims. Nevertheless, he and his political allies were now on the defensive.

The breakthrough against Prado Lima came in 1860 with the temporary dismissal of David Canabarro from his military command. With Canabarro’s ability to influence events reduced, the stage was set for Teixeira to again challenge Prado Lima’s property claims in a new proceeding in 1861. ¹³² In this second case, Teixeira brought a suit against Prado Lima on behalf of Joaquim Leão. Leão’s complaint alleged that he had originally purchased lands now occupied by Prado Lima from Antonio Ferreira da Cunha in 1833. Leão (through Teixeira) claimed that he had owned and occupied the land without incident until 1838. He testified, however, that “during this Province’s revolution he was violently dispossessed [of his property] by means of armed force, his land and cattle seized by Joaquim dos Santos Prado Lima, then Chief of Police in the revolutionary government.”¹³³ Faced with threats of violence and having already lost 3,000 head of cattle, Leão left the area. Echoing Lisboa’s earlier claims, Leão argued that it was only now, nearly twenty-five years after Prado Lima originally ejected him from his land, that he could seek restitution for his losses.

Prado Lima offered a dramatically different interpretation of events in his response. He alleged that Ferreira had taken advantage of the turmoil caused by José Artigas’ invasions in 1815 to occupy the lands in question illegally. Although military authorities had ordered Ferreira off the property on several occasions, Ferreira had again exploited the disorder

¹³² Joaquim Marchado Leão v. Joaquim Dos Santos Prado Lima.
¹³³ Ibid., 2.
caused by the 1825 Cisplatine War to remain. It was only in 1830 that Prado Lima finally obtained a judgment from the local juiz de paz ejecting Ferreira from the tract. Any claim Leão might assert based on Ferreira’s ownership had been thoroughly adjudicated and discredited by Alegrete’s courts. Prado Lima also pointed to the multiple legal judgments he had obtained against Leão. He further produced the 1836 contract in which Leão himself appeared to recognize his property rights. Prado Lima concluded by arguing that “only through scorn [irrisão] can one classify such actions emanating from a legal authority as derisive, null and a criminal assault upon property rights.”

Teixeira in turn attacked Prado Lima’s carefully constructed legal precedents by seeking to disentangle the strands of law and coercion intertwined within them. He argued that rather than reflecting Prado Lima’s legitimate legal rights, the numerous judgments against his client were “monstrous and illegal proceedings” that only confirmed his opponent’s coercive practices. The court, Teixeira and the vizinhos throughout Alegrete following the case no doubt understood that the coercive actions allegedly taken by Prado Lima throughout the 1830s against Leão were a normal part of establishing property rights. Yet by associating Prado Lima with “illegal proceedings” instead of valid decrees from Alegrete’s courts, Teixeira could make clear to the local audience that the Ribeiros’ factional rivals could no longer secure the recognition of substantive legal rights for their allies. At least in Alegrete, Prado Lima was now outside of the systems of localized justice that constituted borderlands legalities.

Not surprisingly given the shifting political circumstances in the town, the court agreed. The court first concluded that Leão had purchased legitimate title to the disputed

134 Ibid., 38.
135 Ibid., 76.
lands in question in 1833. The court then declared all prior judicial actions in the case to be the products of unlawful force. In discussing the contract between Leão and Prado Lima, the court made its reasoning particularly clear:

The coercion in which the respondents presented their titles, and the alternative to sign the agreement or be constrained to vacate within twenty-four hours that the aforementioned respondents subjected [Leão] demonstrates the lack of his own judgment, invalidating the act for not possessing within it the spontaneity and mutual exchange of real or presumed rights that is the basis of all agreements.\textsuperscript{136}

The court equally declared the 1833 and 1837 judgments against Leão to be “against clear law and in distain for all procedures.”\textsuperscript{137} It found them invalid because of Prado Lima’s personal connections to the judges. Taken together, the court concluded that Prado Lima’s numerous legal proceedings and documents, “[b]eing based upon patently void and ludicrous acts, the means by which the respondents ejected the claimants from their legitimate possession of the lands in question,” failed support any legally cognizable property right.\textsuperscript{138}

The judgment represented a triumph for Teixeira and his political allies. Teixeira’s decade-long series of cases against Prado Lima was not so much about gaining control over property. Rather, the litigation was about obtaining the right to determine what constituted property rights in Alegrete’s courthouse. For this reason, it was not enough to eject Prado Lima from his land. Teixeira’s goal was to manifest publicly his faction’s power to convey property rights to their political allies. Through the case, Teixeira had managed to redraw the locally defined boundaries between legal insider – the honorable \textit{vizinhos} – and the lawless outsider to his faction’s advantage. Conversely, the legal proceedings served as a warning to allies and enemies alike: born out of political connections, property rights depended on the

\textsuperscript{136} Ibid. (the judgment was not paginated).
\textsuperscript{137} Ibid.
\textsuperscript{138} Ibid.
continued ability of a landowner’s chosen faction to control the courts. Monstrous and illegal proceedings lurked behind the local factional struggles over borderlands legalities. The conflicts between Prado Lima and Teixeira reflected the centrality of personal standing within the community to the vindication of legal rights. As we have seen, however, the intensely local nature of borderlands legalities operated alongside chains of reciprocal connections that stitched the contested region together. Given the integrated nature of the borderlands, local clashes to manifest reciprocal allegiances, declare personal status and define substantive rights readily flowed across putative national boundaries. As the 1850s progressed, the property rights of Brazilian ranchers across the border in Uruguay became embroiled in struggles to control the administration of justice in Alegrete and throughout the Brazilian campanha. These factional clashes over the definition of property rights would once again propel the long-standing sovereign frictions over the borderlands forward.

**Borderlands Legalities Across Borders**

As the sustained assault on Prado Lima’s property claims revealed, dictating the boundaries of private law rights offered an important source of political power for factions controlling courthouses in the borderlands. Yet while Prado Lima struggled in Alegrete to retain “his” lands in that forum, he equally worked to disentangle the rights of his commercial associates and factional allies across the border. In 1847, Prado Lima intervened in an ongoing dispute over Agustín Guarch’s estate. Eventually letters from Prado Lima, Sá Brito and Manuel Dória da Luz found their way to the courts in Montevideo. The evidence permitted Guarch’s widow and her colorado allies to secure title to her deceased husband’s properties.¹³⁹

¹³⁹ *D. Luis Miraglia por Doña Augustina Guarch y D. Julian Subsiela sobre liquidación y arreglo de cuentas.*
The appearance of testimony by Prado Lima and his judicial allies in the distant Montevideo courts suggests that the importance of personal reputations and reciprocal ties did not stop at national borders. The integrated nature borderlands legalities ensured that declarations of property rights in one forum critically influenced substantive legal rights in others. For the numerous Brazilian ranchers residing across the border in the Estado Oriental in particular, the local legal struggles in Alegrete had the potential to shape their legal rights. Frequent warfare and continuing political instability had made property boundaries in the Uruguayan Republic even more blurred than in Brazil. Brazilian ranchers struggled, often with each other, to define their respective rights in Uruguay. In doing so, they equally looked to factional connections back in Brazil to win legal recognition for their claims. This opened further spaces for powerful figures like the Ribeiros and David Canabarro to use the courts to bolster their political alliances, personal reputations and reciprocal ties. From this perspective, it is not surprising to see Prado Lima active in property cases on both sides of the border. Securing judicial victories for political allies, even in tribunals as far away as Montevideo, cemented cross-border webs of reciprocal connections that could be subsequently deployed in local struggles.

The prolonged dispute between Manoel de Almeida Lima and Manoel Rodrigues da Silva provides an example of how factional legal conflicts behind borders played a critical role in establishing substantive legal rights across the borderlands. At the same time, it equally suggests how providing local justice to political allies in the borderlands could propel cross-border conflicts forward. Like many cases in the 1850s, the conflict between Lima and da Silva had its origins in the borderlands wars of the 1840s. Lima testified that in 1842 he

possessed some 3,500 head of cattle along the Arapey River in the Estado Oriental. Oribe’s defeat of the *colorados* and the subsequent invasion of the Uruguayan countryside “forced him to move himself and his family to [Rio Grande do Sul] on account of the civil discords of that state.”

Lima alleged that da Silva then began taking advantage of his forced absence to “lay his hands on said cattle without [his] permission or approval.”

In 1848, however, Lima decided to challenge da Silva’s “theft” in the Uruguayan courts. In typical borderlands fashion, Lima drew upon local allies to sustain his claim. Lima turned to Francisco Estolle, a merchant from Concordia, Entre Ríos, to prosecute his case against da Silva in Salto. Lima granted a power of attorney to Estolle in 1848. Lima’s choice in a legal representative reflected the political calculations that necessarily went into securing property rights. Established just across the Uruguay River from Salto, Estolle possessed close personal ties not only to town’s merchant community, but also to *blanco* officials on both sides of the border. Estolle had used these connections to amass land in Salto with the help Gregorio Blanes and other prominent *blancos* in the town in 1849.

Lima must have felt that Estolle’s political ties to the dominant *blanco* faction could make a difference in vindicating his legal rights.

Estolle immediately went to work. He appeared before the *juez de paz* in Salto in order to compel da Silva to answer charges. Da Silva and Estolle then proceeded to negotiate a settlement. The agreement granted Lima the rights to remove some 3,500 head

---

141 Ibid., 6.
142 Ibid., 6-6bis.
143 For Estolle’s land transactions in Salto, see AGN. Administrativo. Salto: Denuncias de Solares, 1833-1849. Libro 569, No. 60 (1849). Shifting political fortunes for his allies brought Estolle’s property in the Estado Oriental into question by the 1850s, resulting in several rounds of litigation against him. See, e.g., *La morena Maria Artigas c. Don Francisco Estolle sobre un terreno*, AGN-SJ. Salto. Letrados Civiles, No. 8 (1858); *Don Manual Cayres en representacion de D. Antonio Breyo c. Don Francisco Estolle por cobro de pesos*, AGN-SJ. Salto. Letrados Civiles, No. 19 (1865).
of cattle from the da Silva’s lands, provided that he do so within three months. Upon
learning of the settlement, Lima was outraged. Lima claimed that blanco control of the
countryside made it impossible for him to remove any cattle from the lands in question,
much less within the three months designated by the agreement. Lima stated bluntly: “as
soon as I learned of the agreement, knowing it could not be executed, I refused to accept it
before fully protesting against such an absurd and grievous contract.”

144 He argued that he had only granted Estolle the authority to seek recovery of his lands and property across the
border. Estolle did not possess the power to enter into any settlements designed solely to
ratify da Silva’s illegal conduct. Lima claimed that Estolle and da Silva had essentially
colluded with blanco officials to abscond with his property.

Lima then worked to void the Salto settlement back across the border in Brazil.
Lima obtained a decree from subdelegado de policía in Santana do Livramento in 1854 declaring
the settlement illegal and da Silva liable for the theft of Lima’s cattle. In his pleadings in the
later Alegrete case, Lima again attacked the settlement as illegal, stating: “it is clear that the
respondent’s warhorse, the settlement, was obtained only through an insidious ruse.”

145 Lima appeared to have a strong case. Blanco misconduct towards Brazilian ranchers across
the border was a familiar and persuasive theme in the courts throughout the Brazilian
borderlands. He had had no trouble obtaining a judicial decree in Santana do Livramento
linking da Silva to fraudulent transactions across the border.

As the case evolved, however, the factional conflicts between the Ribeiros and
Canabarro in Alegrete began to influence the dispute over property rights across the border
in the Estado Oriental. Lima’s initial appearance in Santana do Livramento was no accident.

144 Manoel de Almeida Lima c. Manoel Rodrigues da Silva, 7.
145 Ibid., 92bis.
Now facing an impasse in Uruguay, Lima turned to Canabarro for assistance in resolving the matter in his favor. This was a common practice. Canabarro heard petitions from a number of Brazilians seeking to vindicate disputed legal rights across the border in Uruguay. Canabarro’s military command and vast ranchlands were in located in border town.\textsuperscript{146}

Although the records of the Santana do Livramento proceeding unfortunately did not accompany the case, it is all but certain that the police official there was Canabarro’s ally and subordinate. In typical borderlands fashion, da Silva confronted Canabarro’s involvement by equally drawing upon his ties to the Ribeiros in Alegrete. The appearance of Mathias Teixeira on da Silva’s behalf again signaled the Ribeiro faction’s interest in the cross-border litigation. Teixeira’s first act in the case was to argue that the Alegrete court did not need to consider the Canabarro-arranged Santana do Livramento order because police officials there lacked jurisdiction in the matter.\textsuperscript{147}

Lima’s efforts to enforce the Santana do Livramento decision also reveal how factional politics in Alegrete impacted his cross-border property dispute. Rather than bring his claim against da Silva in Alegrete’s jurisdiction, Lima avoided the courts there and traveled to São Gabriel, Brazil. Appearing before a juiz de paz, Lima attempted to compel payment from da Silva by bringing criminal charges against him. Given Lima’s careful selection of a friendly forum for his criminal complaint, it was not surprising that he successfully obtained a judgment finding da Silva guilty of larceny for his activities in Uruguay.

Teixeira responded by drafting a letter to the provincial president demanding that the action be withdrawn. Teixeira argued:

\textsuperscript{146} Caggiani, \textit{David Canabarro}.
\textsuperscript{147} \textit{Manoel de Almeida Lima c. Manoel Rodrigues da Silva}, 93-93bis.
[Lima] contracted with an untrained and poorly educated official, which he promised to pay a significant share of the proceeds of his case. The supposed lawyer understood that frightening the Respondent [da Silva] with the prospect of a criminal proceeding could, as the French say, make him ‘sing’ [cantar].

Teixeira further published a letter in the Porto Alegre newspaper O Mercantil, commenting that the provincial government “should not tolerate these abuses of the law, insolently attacking the sacred rights of a persecuted citizen.”\(^{149}\) Teixeira demanded that the case be “remanded to the Honorable juiz do direito da comarca.”\(^{150}\) This meant ordering the case back to the Alegrete courts where he could better influence the proceedings.

Teixeira’s direct appeal to officials in Porto Alegre also represented another strategic move on the attorney’s part to connect his faction’s protection of local property claims to the broader webs of provincial politics. Teixeira could accomplish two things by appealing to the provincial government. First, he once again framed his own faction’s conduct as explicitly legal. He juxtaposed the Ribeiros’ actions against the coercive practices of Canabarro’s allies. Teixeira could use the proceeding to communicate a consistent narrative to the provincial government that his faction promised the best possibility of maintaining order in the borderlands. Second, the letter also exploited the Ribeiro supported Contra-Liga’s increasingly dominant position in provincial politics. The case provided the provincial president with an easy opportunity to express his support for the dominant faction in both the legislature and in the borderlands by acknowledging their legal right to resolve the dispute. In turn, by obtaining an order remanding the case to the Alegrete courts, Teixeira could emphasize his faction’s ability to dispense justice and resolve property disputes in their allies’ favor. Given these circumstances, it is not surprising that the government agreed with Teixeira’s argument that the police order and criminal sentence were illegitimate and

\(^{148}\) Ibid., 103.

\(^{149}\) Ibid., O Mercantil, Ano V, No. 35 (February 10, 1854) included with the case.

\(^{150}\) Ibid., 103.
coercive acts. The case was remanded to the Alegrete courts so that it could properly be decided as a civil matter “in accordance with the law.”\textsuperscript{151}

Teixeira had secured his faction’s right to disentangle the cross-border property dispute between Lima and da Silva in the Alegrete courts. Teixeira then constructed a narrative designed to protect his own allies’ property claims. Much like he had done in his prolonged struggle with Prado Lima, Teixeira immediately began to reframe Lima’s conduct as an unlawful, coercive attempt to exploit borderlands political instability. In Teixeira’s telling, shortly after Estolle and da Silva completed their negotiations, Francisco Pedro de Abreu had launched a massive “\textit{california}” raid across the border. Abreu had sought to seize Brazilian cattle that the \textit{blanco} government had allegedly confiscated. He had further aimed to destabilize the borderlands by encouraging an imperial intervention to open the border and remove the \textit{blancos} from power. The raid itself was a failure. Diego Lamas, the \textit{blanco} military commander in the region, defeated Abreu’s forces.

\textit{Blanco} officials immediately began retaliating against Brazilian ranchers suspected as participating in Abreu’s incursion. According to Teixeira’s brief, Lima utilized his connections with the \textit{blancos} in Salto to “persuade Col. Diego Lamas . . . that [da Silva] had taken part in this invasion.”\textsuperscript{152} Fearing reprisals, da Silva had fled the country. Lima then proceeded to use the settlement document as a launching point for asserting complete dominion over the disputed property. Teixeira alleged that Lima went with the local \textit{teniente alcalde} to survey da Silva’s lands. This belied his claims to have rejected the Salto settlement.\textsuperscript{153} Teixeira alleged that over the next two years Lima regularly removed cattle from the land “under the protection of the military commander and absolute authority of

\begin{flushleft}
\textsuperscript{151} Ibid., \textit{O Mercantil}, Ano V, No. 35 (February 10, 1854), 3.
\textsuperscript{152} Ibid., 13bis-14.
\textsuperscript{153} Ibid., 103bis.
\end{flushleft}
that department, Colonel Diego Lamas.”¹⁵⁴ Teixeira argued that Lima entered into an agreement with Lamas to remove cattle from da Silva’s lands. He concluded that his client, “[found] himself beyond the law, like so many others, when Lamas destroyed all of their possessions.”¹⁵⁵

The district court in Alegrete agreed with Teixeira’s version of events. It concluded that Lima’s purported property rights instead represented the poisonous fruit of illegal blanco coercion. Much like he had done against Prado Lima in their local dispute, Teixeira again demonstrated his faction’s ability to dictate private law rights by obtaining a verdict in da Silva’s favor. By effectively providing legal patronage to factional allies, Teixeira could enhance his own faction’s political position in Alegrete’s comarca. This time, however, the Alegrete court’s decision impacted the property rights of two Brazilians across the border in Uruguay. The determination of property rights in the neighboring republic represented an important front in the clashes between the Ribeiros and Canabarro to control the administration of justice in Alegrete. Their interventions in conflicts over land, herds and other rights, particularly within the large Brazilian community located in the northern Uruguayan borderlands, provided the rival factions with a means to bolster reciprocal ties.

Teixeira’s emphasis on blanco coercion also underlined how these legal maneuverings to win allies in Brazilian struggles fed back into local legal clashes occurring on both sides of the border. The persistent violence between blancos and colorados created a wealth of opportunities for Brazilian elites to intervene in disputes in the neighboring republic. As the governing blancos attempted to adjudicate property rights in the Uruguayan Republic, the constant interventions by the Ribeiros and Canabarro provided factional rivals with a

¹⁵⁴ Ibid.
¹⁵⁵ Ibid.
resource to challenge those outcomes. For Salto’s colorados, establishing connections with prominent Brazilian elites across the border offered a mechanism to bolster their position in the clashes to control their local courthouse. The peripheral legal relationships critical to securing property claims in local fora on either side of the border were again setting the stage for renewed violence across the borderlands.

Canabarro again provides a good example of the ebb and flow of these legal struggles over private law rights on both sides of the border. As his personal conflicts with the Ribeiros heated up in Alegrete in the early 1860s, Canabarro began to intervene aggressively in property disputes in Uruguay. The Brazilian commander offered assistance to a number of merchants based in Alegrete throughout the early 1860s in property and commercial disputes across the border. For example, Canabarro aided José Gonçalves Vianna, a merchant in Alegrete, in securing several contested tracts of land around the Uruguayan city of Tacuarembó. Vianna represented precisely the type of ally Canabarro needed in his struggle with the Ribeiros in Alegrete. Although born in Portugal, Vianna had lived most of his life in Alegrete. He had operated a commercial house in the town since the 1830s. He further possessed trading ties to merchants up and down the Uruguay River through a partnership with another Alegrete merchant, Manuel Manjardim. In connection with his commercial operations, Vianna had also provided testimony as an “honorable

---

156 Uruguay, Documentos Oficiales Injustificados de la Conducta de las Autoridades Departamentales de la República Oriental del Uruguay Contra las Aculaciones de la Cámara Brasileira (Montevideo: Imprenta de El País, 1864), 33-34.

157 These ties included cities like Gualeguaychú in Entre Ríos, Buenos Aires, Montevideo, as well as nearby Uruguayan and Salto. APRGS. Alegrete. Tabelionato. Registros Diversos, Lançamento de uma carta de Antonio Cabrera dirigida a José Gonçalves Vianna (July 5, 1853), 24-24bis; APRGS. Alegrete. Tabelionato. Registros Diversos, Lançamento de um Recibo passado por Antonio Manjardim a José Gonçalves Vianna (July 5, 1853), 24bis-25bis; APRGS. Alegrete. Tabelionato. Registros Diversos, Lançamento de uma convenção e quitação extrajudicial passada por Manuel Lopes Manjardim a José Gonçalves Vianna (July 5, 1853), 25bis.
“vizinho” in Alegrete’s courts on several occasions. He perhaps also bore a grudge against the Ribeiros. Vianna had been a business partner with Francisco Paulo Rocha, Alegrete’s public notary until his 1852 murder. As we saw in the last chapter, Canabarro’s faction had repeatedly accused Teixeira and the Ribeiros of orchestrating the killing. Both Canabarro and Vianna, therefore, had ample reasons to forge a mutually beneficial alliance to resolve various legal disputes and questions stretching from Alegrete across the borderlands. To sustain relationships like the one with Vianna, Canabarro necessarily became embroiled in disputes over property rights in the Estado Oriental. As it had in the dispute between Lima and da Silva, Canabarro’s aid to Vianna bolstered the reciprocal ties between the two men. These could then be deployed back in Alegrete’s courthouse if and when the need arose.

Canabarro similarly intervened in the 1852 dispute between Manuel Policarpo Tavarez and Alejandro Antonio da Roza. In that case, Tavarez had used his connections to the colorado faction in Salto to secure a verdict for 336 head of cattle. As a result of the verdict, Antonio Fernandez de Lima, a Brazilian military commander and Canabarro ally, had lost cattle promised to him by da Roza. Canabarro sprung into action. He used his political influence to block a subsequent sale of cattle to Miguel Gelabert, a correntino merchant, until Tavarez made Fernandez whole by tendering several head of cattle to him. Through his actions, Canabarro secured the continued support of an important military ally.

---

160 D. Manuel Policarpo Tavarez cobrando 800 reses a D. Alejandro Antonio da Roza.
Canabarro did not limit his activities strictly to commercial transactions either. As we will see more fully in the following chapter, Canabarro also frequently used his military position to protect his allies’ claims to fugitive slaves. For example, Canabarro intervened on multiple occasions on behalf of José Ferreira and his brother Cypriano in their attempts to recover their alleged fugitive slaves in the Uruguayan courts. In the case of Fermin Ferreira, this led to a sharp conflict with José’s brother, Joaquim. Joaquim in turn had commercial connections with the Ribeiros in Brazil and important colorados like Agustín Sañudo in Salto. Their clash over the rights to Fermin exacerbated factional tensions in both Alegrete and Salto.\textsuperscript{162} In other cases, however, events went smoother. Canabarro secured Uruguayan assistance in the capture of another fugitive slave, José Pedro, for Cypriano in 1861.\textsuperscript{163} In addition to his influence in protecting his allies’ property in persons, Canabarro worked to make his presence felt by conducting frequent, small-scale incursions across the border in order to capture deserters and ensure the peace.\textsuperscript{164} Through these steps, Canabarro could communicate his willingness to offer protection for the property and commercial rights of his political allies across the border.

Canabarro’s actions did not go unnoticed in Uruguay either. Blanco officials in Tacuarembó loudly complained that Canabarro was interfering with the Republic’s ability to administer justice over its own territories. A frustrated Tristan Azambuya, Tacuarembó’s political head, wrote to the government in Montevideo regarding Canabarro’s activities. In his letter, he complained that a number of Brazilian landowners “had sent claims to


\textsuperscript{163} Causa del moreno José Pedro (esclavo huido), AGN. Salto. Jefatura (1861).

\textsuperscript{164} Ministro de gobierno al Sor. Gefe Politico del Dept. del Salto, AGN. Salto. Jefatura (August 5, 1859).
Brigadier Don David Canavarro... that he has then recognized based solely on the simple word of his compatriots.”

Azambuya noted that his own actions against many of the Brazilian landowners “had been affected in response to orders authorized and sent by the superior tribunals in [Montevideo].” He labored only to follow “judicial orders” and ensure “public order” in the countryside. Canabarro’s repeated interventions threatened the “degeneration of justice on the part of the courts” in the Republic.

Blanco officials were equally alarmed by the potential for these interventions to produce violent factional clashes between themselves and their colorado rivals. The dispute between Manuel Vicente Ylla and Bernardino Alves Nogueira Jubim offers a good example of how Canabarro’s efforts to secure property for his allies across the border produced spasms of violence throughout the Uruguayan borderlands. The initial conflict began in 1857 when Jubim took title to a tract of land located near the Brazilian border around Santana do Livramento. Jubim originally received the land from Manuel Ferreira Bica. Bica was one of Jubim’s commercial partners. Bica in turn possessed close personal and commercial ties not only to the Ribeiros, but prominent members of the colorado faction in and around Salto. Bica and Canabarro also harbored deep personal animosities against one another dating to the Farrapos War when Bica effectively refused to serve under Canabarro’s command.

---

165 Uruguay, Documentos Oficiales, 33-34.
166 Ibid.
167 AGPC. Fondo Mantilla. Archivo Valdés, v. 18, Antonio Luis al Joaquin Madariaga (October 14, 1847); Testimonio del Testamento de D. Manuel Ferreira Bica, AGN-SJ. Salto. Letrados Civil, No. 11 (1876), 8bis.
168 In 1844, Canabarro stopped just short of accusing Bica of treason when he requested a discharge from the army as a result of his ill-health. Canabarro wrote that he had “to observe that those officials seeking a discharge during the current crisis lack the patriotism necessary to animate them, such as Tenente Manuel Ferreira Bica, a boy, with illnesses, that could continue to serve.” CV-3385 (March 23, 1844).
These old animosities set the stage for new clashes over Jubim’s property rights around Salto in the early 1860s. The webs of associations between the Ribeiros, Canabarro and their Uruguayan allies ensured that important members of Salto’s political community would quickly become involved in the case. Agustín Sañudo, a colorado attorney in Salto, stood at the center of Bica’s network of borderlands commercial connections. He defended the Brazilian in numerous civil and criminal proceedings in the Salto courts as he moved across the borderlands.\(^{169}\) In much the same way, Sañudo represented Jubim in his initial dispute over his new property. Sañudo claimed that José María Carneiro, another Brazilian, had “violated [atropelló . . . [Jubim’s] property rights.”\(^{170}\) Following Sañudo’s initial complaint, the matter appeared to be resolved.

Carneiro, however, intervened in 1863 in another commercial dispute between Jubim and Manuel Moreira da Fontoura to again challenge the former’s property claims.\(^{171}\) Jubim died before the litigation could even commence. The rancher’s death touched off a much more aggressive attempt by Ylla to seize Jubim’s lands altogether.\(^{172}\) Ylla, along with Carneiro, immediately filed a complaint against Jubim’s widow, Doña Encarnación Garces de Jubim. In it, the men sought a substantial portion of Jubim’s former lands. With Sañudo’s

\(^{169}\) Sañudo also directly funneled information regarding events around Salto to Bento Ribeiro. In an 1851 letter from José Madariaga to Gregorio Valdés, Madariaga indicated that a “Sañudo” had supplied information to Ribeiro regarding commercial and political events in the department, including reports on negotiations between Diego Lamas and Urquiza over the pending invasion of the Estado Oriental. AGPC. Fondo Mantilla. Archivo Valdés, v. 18, José Madariaga al Señor Gregorio Valdés (May 12, 1851).

\(^{170}\) Asunto de José Maria Carneiro, AGN. Salto. Jefatura (1859).

\(^{171}\) Incidente promovido por Dr. José Maria Carneiro solicitando vista de un expediente seguido entre Fontoura y Jubim, AGN-SJ. Salto. Letrados Civil, No. 15 (1863).

\(^{172}\) The case is silent as to the causes of Jubim’s death.
assistance, Garces won her case against both Carneiro and Ylla. She then proceeded to rent a portion of the disputed property to Antonio Fernandez, another Brazilian.\(^{173}\)

Having lost in Salto’s courts, Ylla resorted to violence in order to regain control of the property he believed to be his. According to Fernandez, Ylla entered his home and “threatened to shoot him if he did not vacate the land he was renting.”\(^{174}\) Shortly thereafter, he orchestrated a criminal investigation against Fernandez with the help of several colorado allies. Fernandez, speaking through Sañudo, argued that the investigation was nothing more than a sham. He claimed that Ylla had sacked his sister’s house. The Brazilian rancher then demanded that she sign a statement that Fernandez had stolen a number of cattle from him. Based on the statement, Ylla then filed a complaint with the frontier police commissioner seeking Fernandez’s arrest.\(^{175}\) After a brief investigation, the police commissioner wrote to Luis Piris, the blanco departmental commander in Salto. He reported that after interviewing several witnesses, he had established that Fernandez had in fact stolen cattle from Ylla and other vecinos in the area. He concluded: “what I can tell you is that there is an almost a general clamor” regarding Fernandez.\(^{176}\)

Sañudo howled that the “police commissioner” was nothing more than Ylla’s subordinate. The charges against his client were merely a pretext for ejecting Fernandez from the property so that Ylla could seize it for himself. The colorado attorney proclaimed:

[I]n due time, I will prove that the proceeding brought against [Fernandez] is entirely void, based as it is on biased and fraudulent depositions, the offspring of the unjust dominion that Colonel Ylla has exercised, clumsily

\(^{173}\) Sumaria contra Antonio Fernandez por abigeato, AGN-SJ. Salto. Penales, No. 44 (1865). The underlying facts occurred in 1863.

\(^{174}\) Incidente promovido por Dr. José Maria Carneiro solicitando vista de un expediente seguido entre Fontoura y Jubim, 13bis.

\(^{175}\) Sumaria contra Antonio Fernandez por abigeato.

\(^{176}\) Ibid., 9.
Sañudo argued that authorities could not tolerate such a violent assault on Fernandez and by proxy on Jubim’s estate and maintain any semblance of order in the countryside. Piris agreed. He ordered Fernandez to be released. Piris then ordered Ylla’s arrest. Before Uruguayan officials could act, however, Ylla crossed the border into Brazil. There, he immediately sought protection from Canabarro in the commander’s stronghold in Santana do Livramento. Ylla then claimed that blanco officials had violently dispossessed him of his rightful lands. He demanded justice from his powerful patron.

Canabarro aggressively intervened in Ylla’s case on both sides of the border. He petitioned the provincial president in Rio Grande do Sul regarding the illegal “confiscation” of Ylla’s lands. He further sought allies across the border to aid Ylla. He reached out to Andrés Rivas, a prominent colorado rancher around Salto, to provide support for Ylla’s claims. In the process, Canabarro and prominent Brazilians like him further ratcheted-up tensions over property rights back in the Estado Oriental. By the 1860s, the increasingly violent conflicts around the property rights of Brazilian ranchers spilled over into the factional struggle between blancos and colorados. As we saw in detail in the last chapter, conflicts between factional rivals over questions of personal reputation and political power were swirling around Salto’s courthouse and theater. Throughout the early 1860s, these local conflicts began to merge with cross-border political disputes over property and sovereignty.

Officials in Montevideo had grown increasingly alarmed by their inability to control the sizeable Brazilian population in the northern borderlands. Following his election in 1860, Bernardo Berro, the fusionist Uruguayan president and blanco, began once again to adopt a series of measures designed to assert control over the country’s porous borders with

---

177 Ibid., 16.
Brazil. Berro ended a decade of free trade between the two countries by annulling the 1851 commercial treaty and imposing taxes on Brazilian goods crossing the border. As we will see in much greater detail in the next chapter, he also took measures aimed at ending the Brazilian practice of importing slave labor into the ostensibly free Uruguayan territories through the use of lengthy and frequently coercive peonage contracts. 178

Berro’s efforts to “nationalize our destiny” aimed at least in part to end interventions by Canabarro, the Ribeiros and other prominent Brazilian ranchers in Uruguay’s domestic affairs. As Manuel Oribe had learned a decade earlier, however, regulating borderlands relationships in the name of Uruguayan interests equally threatened webs of cross-border associations. Thus, as Berro and others sought to end borderland disturbances over property rights in cases like Ylla’s, Vianna’s and Lima’s, they encouraged Brazilian opposition to their own government.

As they had during the 1840s, the colorado faction again positioned itself to take advantage of the growing tensions between the Uruguayan government and the Brazilian ranching community. Following their 1858 defeat at Quinteros, the colorados had remained largely disorganized on a national scale. Venancio Flores, its most prominent leader, was in exile in Buenos Aires following his political defeat in 1856. Although temporarily dormant, the colorados remained extremely active locally throughout the northern Uruguayan borderlands. Salto’s colorados continued to clash with the blancos to control local legal institutions and practices. Prominent colorados also maintained close personal and political ties to the Brazilian ranching community. As Brazilians like the Ribeiros and Canabarro reached across the border to influence litigation and then protect the property rights of their

178 Barrán, Apogeo y Crisis, 80-84.
allies, colorados drew upon the relationships forged through these interactions to secure support for their faction.

By the early 1860s, conflicts over questions of private law rights in the northern Uruguayan borderlands had become endemic. Across the Uruguay River in the Argentine Confederation’s provinces, similar local clashes over personal reputations, reciprocal connections and private law rights began to intersect with debates over sovereignty. Along the Argentine Littoral in particular, the long-standing tensions between peripheral leaders like Urquiza and porteño elites were again escalating. Like in the Uruguayan borderlands, both sides sought local allies – this time in their struggles to forge broader national projects. The next section explores these national aspirations.

**Borderlands Legalities and National Aspirations**

As the conflicts in the northern Uruguayan and Brazilian borderlands intensified over cross-border property rights and factional associations throughout the 1850s, the persistent tensions concerning the relationship between Buenos Aires and the interior provinces were also reemerging in Argentina. As we saw in the previous chapter, Rosas’ defeat in 1852 had failed to resolve the deeply rooted disagreements between Urquiza’s federalist coalition and elites in Buenos Aires. The fault lines between the old viceregal capital and its putative peripheral hinterlands continued to preclude the formation of a workable national system. These clashes over the sovereign construction of the Argentine state would continue to define the country’s political life for the next two decades.

For Urquiza and his allies in the Argentine Littoral, the solution to these prickly questions over sovereignty was to create a loose coalition of equal provinces. They also envisioned a new national government explicitly designed to counterbalance the economic and political power of Buenos Aires. Urquiza would play a key role in facilitating the
coexistence of these provincial and national identities. On the one hand, the 1853 Constitution consolidated a substantial amount of power in the executive. This could provide Urquiza with the means to resolve local conflicts and impose order on the national territory. At the same time, however, Urquiza’s federalist credentials and vast network of reciprocal relationships with local elites provided assurances that provincial autonomy would be respected. Where Urquiza would intervene much more directly was in Buenos Aires. He could use his broad powers to check the political and economic predominance of the port and its provincial hinterlands. The new constitution also promised to sever the city of Buenos Aires from its surrounding territories so as to weaken the porteño position further. Collectively, these measures were designed to restore balance and order to a revived confederation.179

For its part, Buenos Aires refused to accept the loss of its special status within Urquiza’s proposed federalist system. Bartolomé Mitre emerged as the leader of porteño opposition to Urquiza’s confederation. Mitre was born in 1821. Like many unitarists, he had fled Buenos Aires for Montevideo in 1837. Having lived much of his life in opposition to Rosas, Mitre was now determined to erect an institutional framework that could prevent the rise of a new generation of “lawless” caudillos from the interior. Immediately upon his return to Buenos Aires, Mitre began to advocate for a strong central government that could impose order on the rebellious provinces. While his idea of a strong executive appeared to square with Urquiza’s own constitutional vision, Mitre believed that Buenos Aires had to remain in control of the country’s reunification. This reflected an old porteño conception that

179 Scobie, La Lucha por la Consolidación, 32-51.
law ended at the port city’s gates. The interior was a “barbarous” region that threatened the rule of law. It had to be controlled by the civilized elites in Buenos Aires.\textsuperscript{180}

To carry out his vision, Mitre turned his considerable intellectual and military skills to the task of combating Urquiza’s rival confederation. Mitre took to the press to oppose Urquiza’s plans to reorganize the Argentine state. He railed that Urquiza was nothing more than a “despot” who lacked “law, norms, or any entity to serve as a counterweight to his powers.”\textsuperscript{181} Eventually, Urquiza cracked down on Mitre and his allies. In June of 1852, he ordered their newspapers closed. He further ordered Mitre to leave Buenos Aires or face arrest. This repression, however, only confirmed the fears of many porteño elites that Urquiza intended to impose his rule – and that of the peripheral provinces – on Buenos Aires by force. The fragile coalition between Buenos Aires and interior elites that had defeated Rosas collapsed. On 11 September 1852, Buenos Aires rose up in an open revolt.\textsuperscript{182}

The entrerriano leader worked to quell the opposition, particularly through the enactment of the 1853 Constitution. Urquiza’s hesitancy to use his advantageous military position to crush the rebellious porteños reflected the interior’s economic weakness. To sustain a national project, Urquiza required access to customs revenues from Buenos Aires. He also needed the support and capital of Buenos Aires’ prosperous merchant community. Without the acquiescence of the porteño elite, he could only maintain his putative national project through his personal fortune, reciprocal ties and military prowess. Fiscal weakness and internal divisions would plague the Confederation throughout its brief existence.\textsuperscript{183}

\textsuperscript{180} Adelman, \textit{Republic of Capital}, 198.  
\textsuperscript{181} Scobie, \textit{La Lucha por la Consolidación}, 44-45.  
\textsuperscript{182} Ibid., 56-59.  
\textsuperscript{183} Ibid., 153.
Urquiza’s efforts to placate his rivals in Buenos Aires failed. Mitre and his allies continued to lead the charge to break with the Confederation in the early 1850s. By the end of 1853, Buenos Aires had declared its *de facto* independence. Ironically given the growing conflict between Buenos Aires and the interior provinces, Mitre largely accepted the 1853 constitutional framework that established a strong executive. Mitre’s goal was not ultimately to gain independence for his home province. Rather, Mitre intended to secure its predominance within the national framework. Mitre perceived that a powerful executive from Buenos Aires could direct a transformation from warring provinces to a modern, centralized polity. Urquiza’s rival system of autonomous provinces bound together through personal relationships represented the principal roadblock to Mitre’s vision. The stage was set for a decade-long clash between Urquiza’s interior confederation and Mitre’s Buenos Aires as they maneuvered to forge their competing sovereign visions.\(^{184}\)

Mitre and his *porteño* allies drew upon an increasingly vibrant economy to sustain their efforts. With the British and French naval blockades lifted, Buenos Aires emerged as a major export center to European markets. With trade booming, customs revenues flowed into *porteño* coffers. As Buenos Aires thrived, the Confederation languished. Urquiza labored to bypass Buenos Aires and encourage overseas commercial traffic to ports along the Uruguay and Paraná rivers through favorable tariff regimes. The Confederation’s modest efforts, however, paled in comparison to Buenos Aires’ growing economic might. They equally failed to meet the Confederation’s expenses. Throughout the 1850s, the Confederation struggled to remain solvent. A merchant in Paraná neatly summed up the Confederation’s finances in 1857, writing that “there are no funds in the treasury and we do

not yet know where they are going to come from.” Urquiza still possessed a large fortune and he used it to finance his military operations personally. But without revenues, the Confederation itself failed to emerge as a true state structure. The survival of the interior union hinged exclusively on Urquiza.

Despite his government’s penury, Urquiza still commanded substantial military resources and the overwhelming allegiance of provincial leaders. Unable to defeat Urquiza in a direct confrontation, Mitre used his superior financial resources to court allies throughout the Río de la Plata in an effort to erode the Confederation from within. The frequent local clashes between factional rivals in the borderlands provided a vehicle for Mitre to begin to forge a coalition to challenge Urquiza’s confederation. Mitre’s strategy also revealed an important aspect of his new national framework. Specifically, while Mitre worked to consolidate Buenos Aires’ hold on the Argentine provinces, he also sought to build his personal authority at least in part by using aspects of borderlands legalities. The result would be a state in which porteño-centered sovereign models were dominant, but alternative legalities would likely continue to play an important role in defining political relationships on its periphery. Like Urquiza, Mitre could utilize the substantial powers granted to the executive under the 1853 Constitution to arbitrate the relationship between national power and local legal and political associations.

Corrientes provides a good example of the process Mitre employed to bring his sovereign visions to reality. The province had long been a bastion of opposition to porteño control over the Río de la Plata’s rivers. The merchant community in the city of Corrientes had led much of the provincial opposition to Rosas. Under Juan Pujol, correntino merchants

185 Scobie, *La Lucha por la Consolidación*, 155.  
186 Ibid., 154-86.
and elites now supported Urquiza’s confederation. Along the Uruguay River, however, prominent local ranchers resented the political dominance of the merchant community in the capital. Departmental military leaders in the province’s southern and eastern borderlands around Curuzú-Cuatiá, Mercedes and Monte Caseros opposed attempts by the provincial government to control their local territories.

Nicanor Cáceres was the most politically prominent of these local correntino chieftains. Cáceres had allied with Urquiza throughout the 1840s in opposition to the provincial government in the city of Corrientes. With Pujol now backing Urquiza’s national government, Mitre reached out to Cáceres. Mitre utilized Buenos Aires’ greatest asset – its wealth – to support Cáceres and other local commanders in their opposition to the correntino government. With Mitre’s logistical support, Cáceres launched an uprising against Pujol’s government in 1854. Pujol, with the assistance of the Confederation government in Paraná, quickly suppressed the revolt. However, Cáceres managed to retain his grip on the province’s southern departments.187 Through his support for Cáceres, Mitre succeeded in ensuring a “permanent disequilibrium” in Corrientes that precluded the complete consolidation of the Confederation’s authority.188

Throughout the 1850s, Mitre continued to encourage these types of low-level skirmishes between local leaders like Cáceres and Pujol. Cáceres and other commanders in the correntino borderlands along the Uruguay in turn continued to use their connections to the porteños to secure their own autonomy within the province. A particularly prickly subject for

187 Urquiza engaged in similar activities, using his personal wealth and power to secure allies. Cáceres appeared to play both sides strategically (although ultimately unsuccessfully). Urquiza renewed his ties to Cáceres in 1855 in order to use the local caudillo to pressure Pujol into maintaining his support for the Confederation. Ibid., 122, n. 12.
the region’s departmental commanders was provincial attempts to assert greater control over the recruitment of militias. Several departmental heads loudly protested the provincial government’s efforts to bypass them in recruiting correntino forces. A local leader from Curuzú-Cuatiá informed the government that it “would lose its prestige” in the department if it continued the recruitment of “vecinos” there. Mitre could use these types of highly localized conflicts to pry upon the interior and forge a basis for porteño hegemony.

Mitre’s efforts ensured that numerous local factional clashes were simmering throughout the Confederation. The combined weight of these interventions threatened to destabilize Urquiza’s government. By the late 1850s, the Confederation and Buenos Aires were engaged in nearly constant proxy wars along numerous local fault lines throughout the interior. As they jostled for local allies and waged an ongoing financial war against each other, Buenos Aires and the Confederation slowly moved towards open war. Events reached a breaking point in 1859. Increasingly starved for revenue and struggling to hold the Confederation together, Urquiza finally sought to compel Buenos Aires to rejoin the interior provinces through force. Urquiza swept into Buenos Aires province in October of 1859 and defeated Mitre at the Battle of Cepeda. Following the defeat, Buenos Aires reluctantly agreed to reenter the Confederation. To smooth the transition, Buenos Aires received several important concessions. Buenos Aires city would not be federalized. Further, with the notable exception of customs revenues, all provincial resources would remain within the province.

Although he had successfully brought Buenos Aires back into the fold, political conflicts now erupted within the Confederation itself over the role of the former breakaway

---

189 Ibid., 119-20.
190 Adelman, Republic of Capital, 216.
province within the national framework. The impending end of Urquiza’s six-year term as the Confederation’s president further destabilized the personal coalitions sustaining the fragile political unity in the interior. In March of 1860, Santiago Derqui was elected the Confederation’s second president. Urquiza continued, however, to hold sway over much of the Confederation through his personal power and associations. Desperate to carve out an independent political base, Derqui began to court elements within the Confederation that opposed Urquiza’s concessions to Buenos Aires.

As Mitre, Urquiza and Derqui all maneuvered to control power within the new national alignment, local tensions sparked another explosion of violence. This time a conflict between pro-Mitrista forces and the Derqui-allied governor, José Antonio Virasoro, in San Juan province touched off events in late 1860. In November, forces led by Antonio Aberastain assassinated Virasoro and seized power. Derqui responded by brutally crushing the uprising. He ordered the execution of Aberastain and many of his followers. Outraged, elites in Buenos Aires broke off negotiations with the Confederation over reunification. The two sides rapidly moved towards war. 191

Urquiza reluctantly took to the field again in an effort to preserve the fragile union between Buenos Aires and the interior. He marched south and met Mitre’s forces along the Pavón River on 17 September 1861. The fighting produced no clear winner. The battle’s aftermath did. Urquiza elected to withdraw from the field and retreat back to Entre Ríos. The federalist commander then refused pleas from Derqui’s government to resume the campaign. Instead, Urquiza now began to work with Mitre in an effort to strike a grand compromise between provincial autonomy and national consolidation. Urquiza hoped to exchange loyalty to Mitre’s new national framework for the continuing right to control

191 Scobie, La Lucha por la Consolidación, 301-17.
peripheral economic and political relationships. In the short-term, however, Urquiza’s passivity spelled doom for the Confederation. The interior government had always been largely bound together through Urquiza’s personal ties and military reputation. With Urquiza now refusing to fight, opposition to the porteños quickly unraveled. By November, Derqui had fled Paraná for Montevideo.\textsuperscript{192}

Mitre moved quickly to consolidate his hold over the Confederation once and for all. He marched northwards into Santa Fe. From this position, Mitre drew upon his own coalitions of local allies throughout the interior to corner Urquiza and reduce his sway over the Confederation’s remnants. Mitre again acted with particular force in Corrientes. In November, Mitre supported an uprising in the southern portion of the province against the pro-Urquiza governor, José María Rolón. Opposition to Rolón had been building throughout the province since he assumed office in 1859. The governor’s continued efforts to rein in the local department heads in the province’s southern and eastern borderlands provoked particularly sharp clashes. With Urquiza no longer able to control events from Entre Ríos, the departmental commanders joined with a small group of pro-Mitre supporters in the provincial capital to overthrow Rolón. As the revolution broke out, Mitre in turn lavished financial and logistical support on the rebels.\textsuperscript{193}

With the revolution underway, Mitre then turned to one of his principal lieutenants, Venancio Flores, to secure the province. This reflected another prong in Mitre’s decade-long strategy to fashion alliances throughout the region. Mitre had reached out to a number of displaced colorados from Uruguay’s factional conflicts. Flores, the exiled colorado commander, had become one of Mitre’s most effective surrogates. He commanded the

\textsuperscript{192} Adelman, Republic of Capital, 219-20.
\textsuperscript{193} Buchbinder, Caudillos de Pluma, Scobie, La Lucha por la Consolidación, 373-75.
porteño cavalry at Cepeda and Pavón. Flores now marched into Corrientes to protect the rebel government and ensure that Urquiza and his remaining allies in Entre Ríos could not intervene from the south. By moving into Corrientes, Flores could also link up with his colorado and Brazilian supporters. As we will see in greater detail in the next section, these various groups began activity coordinating an invasion across the Uruguay to overthrow their factional rivals.

By the end of 1862, Mitre’s triumph over the Confederation was complete. Building upon the 1853 constitutional framework, Mitre established the ligaments of a new, unified republic. Buenos Aires was at its head. Mitre became president of the Argentine Republic on 12 October 1862. But Mitre’s rise also pointed to the durability of borderlands legalities even within his emerging national model. As Pablo Buchbinder explained, it was Mitre’s ability “to negotiate and arbitrate the conflicts between different groups of local power” that proved critical to the installation of his national regime in the early 1860s. Yet, the localized clashes that Mitre had successfully utilized to propel himself to power also threatened to embroil his new government almost immediately into borderlands conflicts. Political allies like Flores ensured that simmering disputes over sovereignty in the Argentine Littoral converged with the vigorous cross-border conflicts over private law rights in northern Uruguay. Flores’ presence just across the Uruguay River in Corrientes particularly elevated the factional tensions between blancos and colorados throughout the Uruguayan borderlands. Conditions were ripe for another dramatic escalation of borderlands violence that would nearly topple the sovereign structures Mitre had labored so hard to construct.

194 Buchbinder, *Caudillos de Pluma*, 123.
Converging Conflicts

By the early 1860s, the various sovereign conflicts percolating around the Río de la Plata began to converge with the endemic local clashes over personal reputations and private law rights. Within the system of borderlands legalities, establishing authority meant entering into the dense webs of local and cross-border relationships. As we saw in the previous sections, these connections were necessary not only secure legal rights, but also played an important role in forging the basis for broader provincial and national projects. The struggle to control local legal relationships and cross-border reciprocal connections began to set the stage for much broader conflicts in the northern Uruguayan borderlands.

Like their Brazilian and Uruguayan counterparts, merchants and landowners in the Argentine Littoral were tightly linked to both local allies and trading partners across the borderlands. Mitre and Urquiza repeatedly clashed in Corrientes in particular as they jostled to establish local allegiances. They engendered not only localized disputes, but also conflicts along integrated chains of reciprocal connections. Consider the example of Miguel Gelabert. Gelabert was a merchant based in the correntino borderlands around the town of Mercedes. In 1857, Gelabert and his commercial partner, Pedro Madariaga, discovered some two ounces of gold had been stolen from a safe in their offices. The juez de crimen in Mercedes, Miguel Abendaño, was slow to respond. Abendaño requested that the merchants wait until additional officials arrived to conduct the investigation. After some six days, the men complained about the judge’s inaction in the matter. Abendaño then publicly accused Gelabert and Madariaga “of being the thieves of [their] own Capital.”195 The judge publicly threatened to arrest the men if they continued to pursue the matter.

The correntino merchants responded by writing to Gregorio Valdés, Gelabert’s uncle, for aid. They requested that he compel Abendaño to at least permit an investigation that could recover their capital and clear their names. As the proceeding drug on, Gelabert in particular appeared to grow more desperate. He demanded a meeting with Abendaño, only to be told that he “must be tired after coming to see [the judge] some twenty times before.” Frustrated, Gelabert declared to his uncle in another letter that “all [Abendaño] wants is that all matters end up swept under his desk.” He continued, “I have nothing more to add except that we cannot do anything because what can we do when the judge is sympathetic [apadecinado] toward the accused? And when he can only make himself believe that we are the thieves.” Gelabert concluded, frustration dripping off the page, that “the matter will continue for who knows how long.”

Abendaño’s unwillingness to protect Gelabert’s property, as well as his thinly veiled assaults on the merchant’s personal reputation, reflected local political divisions. Gelabert and Madariaga possessed close ties with Pujol’s government in Corrientes capital. They wrote to Valdés, Pujol’s interior minister, requesting aid in the litigation. Abendaño in contrast was associated with the departmental military commanders in the southeastern sections of the province that opposed Pujol’s government. Mitre had courted these local commanders throughout the 1850s in an effort to undermine correntino support for Urquiza and the Confederation. Gelabert’s personal and commercial crisis in Mercedes appeared to flow directly from these much broader factional divisions.

197 Ibid.
198 Buchbinder, Caudillos de Pluma, 88-100.
Gelabert’s struggles to address Abendaño’s challenge to his personal reputation equally provides a window into how these interventions into correntino politics by Mitre and Urquiza could radiate outwards throughout the borderlands. Gelabert wrote that Judge Abendaño continued “to defame him” throughout Corrientes, “abusing his authority” in order to destroy Gelabert’s name and “causing him innumerable pecuniary hardships, delay and disgust.”\(^1\)

With the case in Mercedes at an impasse, Gelabert faced growing troubles throughout his commercial network. By 1858, his creditors had lost faith in his ability to sustain his commercial obligations in the face of continuing legal uncertainty. Gelabert wrote that they had begun to confiscate his property to pay his debts throughout Corrientes.\(^2\)

Gelabert fled the province and traveled to Alegrete. From there, he turned to his commercial and factional contacts in both the Brazilian borderlands and around Salto in an effort to restore his reputation and resolve the criminal matter. Gelabert first contacted Jacinto Llupes, a prominent colorado in Salto, in order to gain his assistance in resolving his commercial problems back in Corrientes. He further wrote to several merchants in Concordia, Entre Ríos, requesting letters reaffirming his status as a merchant in good standing.\(^3\)

Gelabert arranged a letter of credit from José Carevaros, a merchant in Concordia, to guarantee his outstanding debts. The letter proved critical to restoring Gelabert’s commercial operations. It also provided another example of the importance of

---

\(^1\) AGPC. Fondo Mantilla. Archivo Valdés, v. 18, Miguel V. Gelabert al Sor. D. Gregorio Valdés (August 14, 1857).
\(^2\) AGPC. Fondo Mantilla. Archivo Valdés, v. 18, Miguel V. Gelabert al Sor. D. Gregorio Valdés (July 21, 1858).
\(^3\) AGPC. Fondo Mantilla. Archivo Valdés, v. 18, Miguel V. Gelabert al Sor. D. Gregorio Valdés (September 11, 1858).
assembling witnesses (in this case, written ones) who could publicly declare one’s personal standing in the borderlands.

Gelabert also kept his commercial contacts abreast of his efforts to track down the original criminals from Mercedes. Suspicions now fell on a former apprentice in his commercial house, Manuel “Gallegos” Cristobo. A breakthrough occurred when Cristobo surfaced in Salto. Gelabert’s colorado allies in the town immediately secured Cristobo’s arrest. The subsequent trial quickly divided along factional lines. Diego Lamas, the blanco frontier commander, demanded that Cristobo be released for lack of evidence against him. Several prominent colorados, including Angel Tejo and Mariano Cabral, in turn insisted on a criminal trial. Observing the proceedings, Gelabert wrote to his uncle back in Corrientes. In his letter, he questioned how Lamas “could find this man innocent.”

Gelabert noted, however, that he continued to “receive the protection of Angel Teo [Tejo], Mariano Cabral and D. Jacinto Real” in the matter. These connections ensured that he might receive justice because these men “were the true owners of Salto.” Despite these assurances, however, Lamas secured Cristobo’s release.

Gelabert’s appeals to his political allies in the colorado faction in Salto again highlight the connections between cross-border reciprocal ties and the local factional battles swirling around the city’s courthouse. Gelabert remained in close communication with both Angel Tejo and Jacinto Llupes. Recall that these were two of the principal colorado participants in Salto’s juicios de imprenta. Gelabert recognized that securing Cristobo’s arrest depended upon his connections with these men. This in turn fed back into the local factional clashes over Salto’s courts. While Tejo and Llupes maneuvered to assist Gelabert, their blanco rivals

\[202\] Ibid.
\[203\] Ibid.
worked to challenge their ability to provide justice for the correntino merchant. Lamas in particular used his power to prevent Tejo and Llupes from securing justice for their ally. Cristobo’s release became a tool to damage the personal, legal and commercial reputations of factional rivals on both sides of the river. In this sense, legal proceedings – and judicial outcomes – reflected the constant ebb and flow of personal power and prestige as political opponents maneuvered for position in even the most seemingly prosaic legal matters.

Despite his failure to obtain justice in Salto, Gelabert continued to utilize his factional connections to pursue Cristobo. After several months of delays, Gelabert received word that Cristobo had traveled to Brazil. Gelabert contacted officials and quickly obtained Cristobo’s arrest in Uruguaiana. Triumphantly, Gelabert wrote about his ability to secure justice against his former apprentice:

It seems that a substantial part of the Province [of Corrientes] knows well an event which honors me, the capture of the thief Gallego in Brazil; despite the infamous nature of three or four miserable types, more judges have appeared in my name and to their good credit and reason have blunted their infamous pretensions.204

Through this statement, Gelabert explicitly recognized the vital role local networks of witnesses linked through factional political alliances stretching across the borderlands played in his quest for justice and personal honor. As he pursued Cristobo from forum to forum and navigated the shoals of local legal politics, Gelabert’s continued ability to locate and deploy “more judges” proved vital in undoing the damage that the factional struggles in Mercedes had caused to his commercial enterprise.

Gelabert’s case again underlines the intensely localized, but also deeply integrated nature of borderlands legalities. His legal troubles stemmed from a disagreement with a judge in Mercedes in what appeared to be a relatively mundane criminal matter. The conflict

between himself and Abendaño, however, reflected the much larger clashes occurring throughout the Argentine provinces as Mitre and Urquiza sought to forge national coalitions. To defend his rights, Gelabert turned to his *colorado* allies in the Estado Oriental and to the merchant community in Alegrete. As they moved to assist him, they opened up further divisions between themselves and *blanco* officials. The various strands of local relationships and cross-border reciprocal ties converging in Gelabert’s case defined the region’s sovereign struggles. Within this framework, any dispute over property rights could become a battleground for political rivals to exploit in their drive to control the borderlands.

Manuel Bica’s experience provides a good example. Bica came from a prominent family of Brazilian ranchers located around Rio Pardo, Brazil, in the central portion of Rio Grande do Sul province. His family later migrated to Alegrete and established a ranching operation there. With the outbreak of the Farrapos War in 1835, Bica joined the republican cause, serving until 1844. Bica then married the daughter of Antonio José de Oliveira, a wealthy rancher in Alegrete. Another of Oliveira’s daughters married Antônio Mâncio Ribeiro, Bento Manoel Ribeiro’s son. Through his marriage, Bica forged social and political connections with the Ribeiro family and their factional allies throughout the Brazilian borderlands.

Bica crossed the border into Uruguay sometime in the late 1840s. There, he developed a number of commercial and political connections with prominent members of the *colorado* faction. Like many Brazilians, Bica used these connections to obtain property. He purchased a ranch near the Brazilian border between Alegrete and Salto in the early 1850s. Bica also benefited from the 1851 Brazilian invasion of the Estado Oriental.

---

205 CV-3385 (March 21, 1844).
Following the campaign, he expanded his commercial and ranching operations through a purchase of “all the cattle on 14 leagues of land” from Manuel Lavalleja.\footnote{Doña Juana L. de Lavalleja dando información contra D. Juan José de Bergos Giloca, AGN-SJ. Salto. Letrados Civiles, No. 24 (1852), 3. The case involved claims that Lavalleja’s estate owed money to Giloca from a separate commercial transaction.}

Bica’s growing prominence in the region, however, led to an assault on both his personal reputation and property rights. The initial proceedings against Bica began in 1852 when Manuel Gándara, an attorney from Montevideo, accused Bica of trespassing on land owned by Domingos Vázquez. The case went nowhere. The Salto courts failed to issue even a summons for Bica to appear in the matter.\footnote{Don Manuel G. Gándara c. Manuel Ferreira Bica, AGN-SJ. Salto. Letrados Civiles, No. 39 (1852).} For the next three years, Bica continued to consolidate his economic and political position. In 1855, however, Gándara brought a much more serious challenge to Bica’s personal reputation, economic position and political associations. Gándara alleged that Bica had defrauded Francisco Suarez Souto, another Brazilian rancher around Salto.\footnote{Don Manuel G. Gándara, apoderado general de D. Francisco Suarez Souto, reclamando cantidad de ganados de D. Manuel Ferreria Vica, AGN-SJ. Salto. Letrados Civiles, No. 11 (1855).} The transaction in question involved a transfer of cattle both in Brazil and the Estado Oriental. According to Gándara, Souto had agreed to sell some 1900 head of cattle in Brazil to Bica in 1849. In exchange, Bica had promised to provide Souto the same number of cattle in the Estado Oriental. The two men likely were swapping cattle on both sides of the border to avoid the blanco government’s restrictions on cattle exports to Brazil. The timing of the two transactions might also indicate that Bica was protecting his assets from blanco officials. Bica could use his transaction with Souto to remove cattle from the country without risking confiscation.

Gándara alleged that Souto kept up his end of the bargain. He had transferred the cattle to Bica as planned in 1849. When Souto had traveled to Uruguay two years later to
complete the exchange, however, Bica had allegedly welched on the deal. According to Gándara, Bica allegedly had resold “his” cattle to another man. Gándara wrote: “Vica had operated in bad faith, selling cattle that two years earlier had ceased to pertain to him.”

After conducting further investigations into the matter, Gándara concluded that Bica had engaged in a number of fraudulent transactions in order to solidify his commercial position and personal wealth. Gándara wrote that “it is undeniable that Vica is one of those men that, unable to get out of [desconocer] the obligations he had undertaken, appeals to all manner of artifice to fool his creditors.” Gándara made it clear that Bica was dishonorable and had abused the trust of his trading partners. He demanded Bica’s immediate arrest until his creditors could sell-off his estate to recover their losses.

Gándara had filed suit fully six years after the alleged commercial fraud. Like similar cases in Alegrete, the timing of Gándara’s fraud allegations suggests that blanco officials may have been more concerned with attacking Bica’s current political and economic position than actually securing justice for Souto. The rapid response by judicial officials further supports this interpretation. Pedro Real, the blanco alcalde ordinario in Salto, immediately ordered an investigation into Gándara’s allegations. Bica, however, refused to appear. Real ordered Bica’s arrest. He then froze Bica’s assets so as to compel him to answer the civil fraud charges pending against him.

Bica responded by seeking assistance from his own judicial allies. The juez de paz around Mataojos where Bica resided claimed that he had been unable to locate the Brazilian rancher. Gándara was furious. He wrote to Real, now demanding the arrest of the juez de paz as well for refusing the “punctual compliance with that which your mercy [Judge Real] has

---

209 Ibid., 1.
210 Ibid., 6.
ordered.”\textsuperscript{211} Gándara complained that “there is no plausible reason for the delay.”

Gándara’s alarm was well justified. With fraud allegations pending against him in front of a blanco judge, Bica appeared to be using his political connections with the juez de paz to flee. Gándara wrote to Real, stating that the juez de paz “had no interest in pursuing the Dispatch from this tribunal before [Bica’s] evasion to the neighboring province of Corrientes.”\textsuperscript{212}

During the month-long delay, Bica in fact had shifted most of his fungible assets across the border into Corrientes and out of the Salto court’s jurisdiction. Still determined, Gándara traveled to Paysandú. He requested that the judge there embargo Bica’s remaining goods to cover his commercial debts. In Paysandú, Gándara again pointed to Bica’s reputation. He noted “the respondent does not have well-known roots here” and “his notorious bad faith makes it likely he will abscond with additional goods.”\textsuperscript{213} In short, Bica was an outsider: the opposite of an honorable vecino. He could not be trusted to respect the court’s jurisdiction, his creditors’ rights or his commercial obligations. The court in Paysandú issued a contempt order against Bica. Back in Salto, Real issued a similar demand against Bica and the juez de paz.\textsuperscript{214} By then, Bica had crossed into Corrientes.

Bica had escaped, but at the cost of much of his property in the Estado Oriental. Gándara seized possession on behalf of several creditors of Bica’s substantial landholdings.\textsuperscript{215} Bica’s commercial operations in the Estado Oriental were crippled. This posed a problem not only for his personal economic situation, but also for that of his factional and familial allies in Alegrete. Recall again that the Ribeiros were engaged in a prolonged battle with Canabarro over political control of the Brazilian borderlands. Each

\textsuperscript{211} Ibid., 6bis.
\textsuperscript{212} Ibid.
\textsuperscript{213} Ibid., 8-8bis.
\textsuperscript{214} Ibid., 10.
\textsuperscript{215} Ibid.
side sought to dictate the distribution of private law rights on both sides of the border. For the Ribeiros, the loss of an important political ally like Bica posed a substantial problem. They had failed to protect an important ally’s property in the Estado Oriental. Such a reversal threatened to undermine their political power and personal reputations back in Brazil. Much like Miguel Gelabert had suffered economically based on a perceived inability to obtain justice in Mercedes, the judicial defeat of a prominent ally in the Estado Oriental equally threatened the Ribeiros’ claims to be able to dispense justice and protect the legal rights of their factional allies. Once again, the shock waves from a single legal reversal could radiate across the borderlands and produce renewed conflicts in a variety of strategic locations.

With his honor in question across the border in the Estado Oriental, Bica had to work to restore his own personal prestige in Corrientes. Bica settled in the *correntino* department of Monte Caseros. The department was situated in Corrientes’ southern and eastern borderlands along the west bank of the Uruguay River. Here, both Mitre and Urquiza were engaged throughout the 1850s in a struggle to influence the local departmental commanders in their ongoing conflicts with the distant provincial government in the city of Corrientes. Urquiza quickly moved to establish a relationship with the exiled Brazilian rancher. The two men entered into a commercial partnership in 1855. Bica agreed to supply Urquiza’s vast *saladero* with cattle from his *correntino* ranch. Urquiza’s commercial ties to the Brazilian rancher also provided a political ally in his own struggles to control the *correntino* borderlands. The two men began forging a reciprocal relationship that could be deployed in the province’s intensifying political conflicts.  

---

On the back of Urquiza’s support, Bica began to integrate himself into the political conflicts between the provincial government and the local leaders dominating the ranchlands in the southeastern portion of the province. Bica threw his support behind the pro-Urquiza faction operating in the region. His connections to Urquiza in turn bolstered his local political position. By 1859, Bica became juez de paz in the department. A year later, he served on the departmental commission in charge of the distribution of public lands. Bica also assumed a prominent place in the militia. He served as an officer in the local forces in the early 1860s. Through Bica’s growing status, therefore, Urquiza gained a beachhead in the correntino borderlands. This assisted his own efforts to bring the province further into his political orbit.

At the same time, Bica’s various offices ensured that the Brazilian possessed substantial control over the distribution of economic and legal rights throughout the department. Bica used this position to benefit his personal and political allies. He distributed patronage in order to cement his position in the town and enhance his status in the process. Bica apparently was quite aggressive in selling public lands. In an 1863 letter to the provincial government, officials in Monte Caseros alleged that Bica had failed to account for a number of land sales as required by law. They also alleged that he owed the department some 500 pesos stemming from the transactions.

---

219 AGPC. C.O., T. 175, D. Solano Romero al S.S. Ministros Drs. D. Juan E. Torrent y D. Wenceslao Diaz Colodrero (January 2, 1862). The letter notes that Bica arranged for funding from taxes to supply the Monte Caseros militia.
220 AGPC. C.O., T. 189, José Belmont al S.S. el Sor. Ministro Gral. de Gobierno D. Juan José Camelino (October 24, 1863).
Bica had used commercial and political alliances throughout the borderlands to rebuild his personal reputation and commercial connections in Corrientes. He then used his renewed power to undermine his blanco rivals back across the Uruguay River in Salto. A case in 1859, the same year Bica became juez de paz in Monte Caseros, shows how Bica deployed his personal reputation and connections to challenge his factional rivals. The case began when Manuel Rodriguez petitioned officials in Salto for a dismissal from the local militia. Rodriguez argued that his conscription into the Uruguayan army was illegal because he was a Brazilian citizen. In order to pursue his petition, Rodriguez appeared before the Brazilian vice-counsel in Salto. He obtained a letter establishing his national identity. Blanco officials were unimpressed. Lucas Piris flatly refused to acknowledge the letter, arguing bluntly that he knew Rodriguez and his family personally and that they were Uruguayan. He ordered Rodriguez arrested.

Bica seized Rodriguez’s case as an opportunity to challenge the blanco officials in Salto that had driven him across the river into Corrientes. Bica first ensured that the Brazilian vice-counsel in Salto investigated the matter. He then sent written evidence to Salto with Teodoro Bravo, an entreriano merchant. The documents purported to establish that Rodriguez in fact had been born across the border in Alegrete. He further arranged for Rodriguez’s mother to draft a petition on her son’s behalf. Given that Rodriguez’s mother was illiterate and required assistance even signing her name, Bica likely played a substantial role in drafting her statements. Not surprisingly, the petitioned echoed Bica’s claims that

---

221 Celador Manuel Rodríguez, sumaria información para declarasen la nacionalidad de dicho individuo en virtud de haber presentado carta de ciudadano Brasileño, AGN. Salto. Jefatura, No. 240 (1859).
222 Ibid., 4.
Rodriguez was born in Alegrete. Rodriguez’s mother then demanded that the Brazilian vice-counsel protect her son’s rights as a Brazilian subject.223

Blanco officials were skeptical. Diego Lamas wrote that it was “public and notorious” that Rodriguez was Uruguayan.224 Lamas added that wherever Rodriguez might have been born, he had lived in Uruguay for more than fifteen years and served in the National Guard voluntarily for some time. This rendered him an Uruguayan citizen under national law. Undaunted, the Brazilian Vice-Counsel sent a second petition to Lamas. In it, he argued that he had issued “a certificate [papeleta]” to Manuel Rodriguez declaring him a Brazilian subject based on the documentary evidence in the consulate’s archives. With Rodriguez now in prison for desertion, the Vice-Counsel wrote: “As a representative of my country, I am sorry to say to Your Mercy that it is painful to me to see the rights of His Majesty’s subjects disregarded.”225 The Vice-Counsel demanded Rodriguez’s release. When none was forthcoming, he petitioned the Brazilian embassy in Montevideo to resolve the “abuses” of borderlands officials towards Brazilian subjects.

Through these types of legal proceedings, Bica and his factional allies began to alter the balance of power back across the border in the Estado Oriental. In essence, Bica had used his connections throughout the borderlands to manufacture an international incident that confirmed persistent Brazilian accusations that blanco officials in Uruguay routinely violated the rights of imperial subjects and in doing so offended the sovereignty of the empire. At the same time, Bica bolstered his own reputation on both sides of the border as someone who could assist his allies in vindicating their own legal claims.

223 Ibid.
224 Ibid., 12.
225 Ibid., 11.
The incident also revealed how imperial officials could be pulled into borderlands disputes over property rights. What began in the 1850s with allegations of fraud had by 1860 escalated into a direct confrontation between the Brazilian consulate and Uruguayan officials in Montevideo. Bica’s efforts to protect his own property and personal reputation in the Estado Oriental equally began to intertwine with the conflicts between Mitre and Urquiza to secure local political allies in the correntino borderlands. Flores had occupied Corrientes to support Mitre’s provincial allies. With the province now secure, Flores now utilized his connections with Mitre to prepare an invasion of the Estado Oriental. Flores actively drew upon his connections to the ranching communities in Corrientes and the colorados in Uruguay to assemble a small force. Not surprisingly, Mitre supported Flores’ efforts. A colorado triumph promised to increase his own influence in the neighboring republic by providing a more reliable ally than Berro. It also promised to further weaken Urquiza by surrounding Entre Ríos on all sides with pro-Mitrístas forces.226

Mitre again provided logistical support for his old ally by supplying arms and finances to the Uruguayan general. Within a year, Flores was ready to invade the Uruguayan borderlands. On 19 April 1863, Flores crossed the Uruguay on a ship provided by Mitre’s government. Colorado and Brazilian groups quickly bolstered his ranks. Despite substantial support from both Brazil and Argentina, Flores still lacked sufficient strength to confront the Uruguayan government directly. The colorado general avoided pitched battles, maneuvering his smaller force across the borderlands. The goal was to destabilize Berro’s government and lay the groundwork for an intervention from either Argentina or Brazil.227

226 Barrán, Apogeo y Crisis, 88-90.
227 Ibid.
To recover his own property in Uruguay from Gándara and others, Bica equally depended on his alliances with prominent colorados in Salto. Flores’ invasion offered Bica a chance to restore his ranching operations, personal reputation and political prominence in Uruguay. Despite his past commercial ties to Urquiza, Bica switched his allegiance to Mitre’s coalition in Corrientes. He supported the 1861 liberal uprising overthrowing the correntino government. Bica’s support for Mitre almost certainly reflected a strategic calculation that the latter’s success in Argentina would open the doors for an invasion across the river into Uruguay. Bica then actively supported Flores’ invasion, using his property along the Brazilian and Uruguayan border to support the colorado caudillo’s initial operations. He further ensured that the jurisdictions under his sway in Corrientes actively participated in Flores’ campaign. In several letters informing Mitre of the reaction in Corrientes to events in Uruguay, Mitre’s correntino ally Cáceres reported that Bica’s district of Monte Caseros was a hotbed of colorado recruitment and support. Bica appeared to be at the center of events across the borderlands as Flores’ campaign against his blanco rivals began.

The Brazilian factional struggles to secure private law rights for their allies in the Estado Oriental now also converged with Flores’ campaign. Bica’s support for Flores

---

228 AGPC. C.O., T. 204, Ministerio de Relaciones Exteriores al S.S. el Sor. Gobernador de la Provincia de Corrientes Dr. D. M. G. Lagranja (January 9, 1865). Details of Bica’s service emerged when he attempted to claim damages through the Brazilian consulate for losses in the province. His rivals argued that by virtue of his service in the Argentine Army as a lieutenant colonel under Mitre, Bica had forfeited his Brazilian citizenship. Once again, the ambiguities of borderlands connections and national legal categories appeared to converge around Bica.

229 Comisiaria de Policía de la 7º Seccion Juan Ugarte al Sor. Gefe Político y de Policía del Departamento, D. Antonio Sagarra (March 30, 1863); AGN. Salto. Jefatura; Comisiaria de Policía de la 7º Seccion Juan Ugarte al Sor. Gefe Político y de Policía del Departamento, D. Antonio Sagarra, AGN. Salto. Jefatura (July 3, 1863). The latter letter noted that Bica had traveled to Entre Ríos to support Flores.

positioned the Ribeiro faction to gain from a *colorado* triumph. The Ribeiros, however, were not alone in these efforts to secure *colorado* support. Canabarro, their rival, now equally threw his weight behind Flores to gain influence. Canabarro funneled “munitions, men and logistical support” to the *colorados.*

Canabarro’s support served two mutually reinforcing purposes. First, he could use military assistance to continue his efforts to forge reciprocal relationships that proved vital in protecting the property rights of his allies. Second, his support equally ensured that the borderlands would remain commercially open and integrated.

Canabarro also turned to his old allies from previous property disputes to ensure ties with Flores. In his efforts to influence events in the Estado Oriental in his favor, Ylla in particular offered Canabarro a powerful lieutenant. Eduardo Castellanos, the departmental commander in Tacuarembó described Ylla’s participation in the 1863 *colorado* campaign in vivid terms:

> [G]iven that I have not been in the department since July of last year [1863], I cannot say exactly which Brazilians resident there are currently in Flores’ ranks, but in service of the truth, I must state that up until the moment of my departure, the only *hacendado* that took active part in the revolutionary movement was D. Manuel Vicente [Y]lla.

Ylla’s marked prominence alongside Salto’s *colorados* represented another revolution in the cycle of litigation of property rights, cross-border legal conflicts and violence. With the help of Canabarro and his web of local *colorado* allies, Ylla reclaimed possession of Fernandez’s tract in 1864.

---

233 The Ribeiros’ *colorado* ally in Salto, Agustín Sañudo, continued efforts to displace Ylla under the *colorado* government in the late 1860s. Eventually, Antasio Saldaña ordered Ylla to vacate the property or face charges. For subsequent events regarding the ongoing dispute between Ylla and the Jubim family over the land, see *Casa de los herederos del finado Bernardino Alves Noguiera Jubim*, AGN-SJ. Salto. Penales (1869); *Juzgado Ord. del Departamento al Sor. Gefe*
Cases like Lima’s and Ylla’s provided significant incentives for Canabarro and the Ribeiros’ to use their substantial political and judicial power to dictate the property rights of their allies across the border. Each side struggled to influence events in Uruguayan courtrooms in order to establish their ability to dictate property rights back across the border in Alegrete. In the process, they further fueled factional violence in the neighboring republic. As conflicts across the border deepened in the early 1860s, Canabarro and the Ribeiros worked to position themselves to benefit through their support for their *colorado* allies. In doing so, they enhanced their ability to deploy resources in their political struggles back in Brazil.

The 1863 Flores invasion marked a moment in which the local struggles over borderlands legalities in Alegrete, Salto and the southern *correntino* borderlands all converged with broader sovereign struggles. The reciprocal ties that sustained cross-border property rights and commercial relationships pulled powerful figures like the Ribeiros, Canabarro and even Mitre into sharp local clashes to define legal relationships. At the same time, the clashes between them to secure their own political authority regionally and in Mitre’s case nationally, propelled further conflicts in borderlands courts over legal relationships forward. The northern Uruguayan borderlands became a crossroads where numerous actors labored to define property rights, factional associations and national systems simultaneously. With Flores’ campaign underway, the layers of local, national and international conflicts further elevated the stakes throughout the periphery. A final, climatic clash to define private law rights and national sovereignties in the borderlands loomed.

**Conclusion**

---

*Político y de Policía del Departamento Coronel D. José A. Reyes*, AGN. Salto. Jefatura (February 24, 1869); *Al Señor Gefe Político y de Policía del Departamento Coronel D. Eugenio Castro*, AGN. Salto. Jefatura (September 1, 1869).
Borderlands inhabitants in the early 1860s moved through a region in which local factions doggedly fought over the allocation of property rights. These local struggles in turn converged with persistent sovereign frictions. To prevail, merchants and landowners reached out to political allies throughout the borderlands to sustain their personal reputations and properties. Powerful figures like Canabarro, Bica and Mitre equally sought to use local divisions over control of borderlands courtrooms and private law rights to enhance their authority and build support for their sovereign visions. The result was that even mundane decisions over property boundaries could trigger conflicts throughout the borderlands as powerful rivals jostled to secure allies in their incessant factional and sovereign clashes.

As these conflicts among elites grew progressively sharper, subaltern groups throughout the Río de la Plata also began to exploit elite divisions to win their own legal rights. Brazilian slaves proved especially adroit at utilizing elite divisions around the courthouse and over sovereignty to improve their standing. Their strategic use of elements of borderlands legalities to win their freedom, however, added further fuel to the escalating political fires in the borderlands. The next chapter turns to these the interconnected struggles over slavery, sovereignty and citizenship as they pushed the Río de la Plata borderlands ever closer towards renewed warfare.
CHAPTER 6

SLAVES AND THE LEGAL POLITICS OF CITIZENSHIP*

CÁNDIDO XAVIER AZAMBUJA APPEARED BEFORE OFFICIALS IN SALTO IN 1859. HE demanded the return of an alleged fugitive slave, Pedro, pursuant to the terms of the 1851 Extradition Treaty between Brazil and Uruguay.1 According to his testimony, Pedro had fled from his brother Geronimo’s estancia located near the Brazilian town of Bagé close to the Uruguayan border. Upon questioning, Cándido admitted that Pedro and Geronimo had been in the Estado Oriental briefly in 1851 in order to drive several herds of cattle back into Brazil. They argued, however, that Pedro returned with his master and had never been to the Uruguayan Republic before or since. In response, Pedro argued that he was not a fugitive Brazilian slave, but rather a “natural of this republic.”2 Pedro claimed that he was born in Tacuarembó. He promptly produced the baptismal records to prove it. Pedro went on to note that his entire family consisted of free Uruguayans like himself. He then claimed that Cándido had repeatedly attempted “to make him a slave.”3 He had gone so far as to remove him forcibly from his home and carry him across the border into Brazil. He requested protection from these continued threats to his and his family’s basic rights under Uruguayan law.

Pedro’s invocation of Uruguayan citizenship in his family’s struggle against his purported master and Cándido’s assertion of his rights under the 1851 Extradition Treaty

---

* A version of this chapter entitled “‘Naturals of This Republic’: Slave Law, Sovereignty and the Legal Politics of Citizenship in the Río de la Plata Borderlands, 1845-1864” will appear in a forthcoming edition of Law & History Review.

1 Información relativa al negro Pedro, reclamando como esclavo, AGN. Salto. Jefatura (1859); República Oriental del Uruguay. Tratados y Convenios Internacionales: Suscritos por el Uruguay en el Periodo Mayo de 1830 a Diciembre de 1870 (Montevideo: Secretario del Senado, 1993), 34-7.

2 Ibid., 2bis-3bis.

3 Ibid.
neatly encapsulated the ongoing conflicts in courtrooms throughout the borderlands over
the scope of national laws and the boundaries of national political communities. On the one
hand, Cándido viewed the borderlands as a unified space in which economic necessity and
the need to discipline the rural labor force trumped national boundaries and legal divisions.
Conversely, Pedro’s argument challenged Cándido’s efforts to flatten the distinctions
between legalized slavery in Brazil and theoretical freedom across the border in the Estado
Oriental. For persons of color like Pedro and his family seeking to escape slavery in the
borderlands, borders mattered. To vindicate his legal standing, Pedro and his family
employed citizenship as a resource against their Brazilian master’s attempts to extend slavery
across the borderlands either in de facto or de jure forms.

The previous two chapters explored local clashes to control borderlands courts.
They also examined how factional struggles, particularly over property rights, intertwined
with frictions over sovereignty in the borderlands. This chapter looks at how subaltern
appeals like Pedro’s brought these various divisions into ever-sharper focus. Like the
property rights we saw in the last chapter, “slave citizenship” claims involved networks of
subalterns that stretched across borders. These webs of relationships proved vital in
securing adequate resources for judicial struggles. They also provided individual persons of
color with a means to develop reciprocal ties with elites in strategic locations throughout the
borderlands. In short, claims like Pedro’s utilized many of the familiar elements of
borderlands legalities to secure legal rights. At the same time, Pedro and other persons of
color had to work diligently to exploit the frictions throughout the borderlands to prevail in
litigation. Claims to Uruguayan citizenship proved particularly potent because they
simultaneously exploited local factional divisions and broader sovereign conflicts. In the
process, however, they further exacerbated local and regional tensions by adding issues of
labor discipline to the list of volatile political disputes swirling around borderlands courtrooms.

This chapter delves into the citizenship claims of persons of color like Pedro in the northern Uruguayan borderlands. The first section provides a brief background on the borderlands slave system. It looks at the history of slave resistance in the context of the region’s pervasive military conflicts. The demands of the Guerra Grande ultimately led to Uruguayan manumission. It equally prompted Brazilian efforts to nullify its impact on their cross-border ranching operations through a variety of mechanisms designed to preserve labor discipline. The second section then explores how slaves responded to attempts by Brazilian masters like Cândido to reenslave them by developing collective strategies to construct their Uruguayan citizenship. The third section then links these local conflicts over the citizenship of persons of color in the borderlands to broader debates over national sovereignty. It looks at how Uruguayan legal reformers responded to disputes over “slave citizenship” by attempting to solidify respect for national identities and laws. Yet, in doing so, the conflicts around citizenship spilled out of borderlands courtrooms. The final section examines how competing political factions played upon tensions over national identities to link their local struggles to rival state projects. In doing so, they further accelerated the region’s march towards war.

Slave Law and Borderlands Conflicts

For Brazilian masters in the 1850s, slaves were critical and increasingly valuable assets. In a region characterized by chronic labor shortages, slave labor formed the bedrock of the riograndense ranching economy.⁴ Although vital, slave labor was equally problematic

---

⁴ The scholarship concerning the importance of slave labor in the Río de la Plata borderlands has undergone a substantial revision in recent years. Traditional interpretations
for Brazilian ranchers. In the best of times, maintaining a functional labor force required constant negotiations between master and slave over the terms of their relationship. The persistent sovereign frictions in the borderlands further complicated these already fraught relationships. Throughout the colonial period, Brazilian slaves had used the proximity of the Spanish frontier as a resource against their masters. The collapse of the Spanish empire further opened up spaces for persons of color to advance their social standing. Artigas’ radical borderlands revolution had drawn significant strength from slaves, former slaves and other subaltern groups. Brazilian fears that Artigas’ movement might infect their own slave societies played an important part in their counterrevolutionary invasions. Yet, the failure by the Brazilians and their rivals to create stable sovereign structures throughout the 1810s and 1820s ensured that ample spaces remained for persons of color – slave or free – to challenge the existing social order.


There are significantly fewer works on the slave economy from the Uruguayan perspective. The best work on the subject of slave labor along the Uruguayan frontier is Alex Borucki, Karla Chagas, and Natalia Stall, *Esclavitud y Trabajo: Un Estudio Sobre Los Afrodescendientes en la Frontera Uruguaya (1835-1855)* (Montevideo: Pulmón Ediciones, 2004). João José Reis and Eduardo da Silva, *Negociação e Conflito: A Resistência Negra no Brasil Escravista* (São Paulo: Companhia das Letras, 1989).
The chronic instability engendered by the Guerra Grande presented an even more acute threat to the Brazilian slave labor system. As violence engulfed the Río de la Plata, slaves streamed across the border into Uruguay and the Argentine provinces to enter the military, work as contract laborers or to join with other relatives. The problem of slaves crossing the border became more pronounced as Rivera turned to manumission to meet the demands for adequate manpower to conduct his military campaigns. As early as 1841, the Colorado general engaged in the widespread recruitment of both Uruguayan and Brazilian slaves fleeing from their masters. Following his defeat at Arroyo Grande in 1842, Rivera and his Colorado allies faced a crisis. Oribe’s blancos swept into Uruguay, threatening to overwhelm the remaining Colorado opposition in Montevideo. Desperate to defend the Uruguayan capital, the Colorado legislature moved to abolish slavery in the Estado Oriental altogether. Rivera immediately incorporated some 1,400 newly freed blacks into his forces defending Montevideo’s ramparts. Oribe encircled the capital and began a prolonged siege. Oribe’s constant need for soldiers to sustain his campaign, however, led him to follow a similar path as his Colorado enemies. The blanco commander gradually incorporated slaves into his army around the city. In 1846, blanco leaders joined their Colorado rivals in abolishing slavery. With this declaration, born of military necessity, the Uruguayan border with Brazil became a juridical boundary separating ostensibly free and slave labor systems. For riograndense

8 Borucki, Chagas, and Stalla, Esclavitud y Trabajo, 34-5.
9 Ibid., 36-7.
10 Ibid., 44-50.
11 Barrán, Apogeo y Crisis, 24.
ranchers operating throughout the borderlands, labor discipline became even more difficult to maintain.

As Brazilian slaves exploited Uruguay’s prolonged factional conflicts to cross borders and move towards freedom, their masters faced a crisis. By the late 1840s, Brazilian ranchers in the southern borderlands regularly denounced the “enormous difficulties and harms” caused by slaves fleeing into neighboring countries. The end of the international slave trade in 1850 only heightened tensions as the cost of slave labor began to rise precipitously. In particular, increasing internal demand for slaves in São Paulo and Rio de Janeiro, the dynamic core of the developing Brazilian coffee plantation economy, made borderlands slaves valuable sources of labor and capital.

Relieved of the increasingly intense pressure from the British in connection with the slave trade, elites in Rio de Janeiro could also turn their attention to the southern borderlands. Imperial officials had looked on nervously as the Guerra Grande progressed throughout the Río de la Plata region in the late-1840s. The decade-long Farrapos Revolution had already threatened to topple the empire. Deep tensions remained. The empire engaged in a vigorous effort to secure the tenuous loyalty of the powerful riograndense ranching community by aggressively pursuing their complaints against Oribe’s blancos. Old sovereign frictions with the Argentine provinces also played a role in encouraging imperial intervention. Elites in the imperial core feared that Rosas could strengthen Argentine control over Uruguay through his ties with Oribe’s blancos. Brazilian ranchers and their

---

12 AHRGS. Correspondência da Câmara Municipal de São Borja. Lata 258, Maço 333 in Petiz, Buscando a Liberdade, 64.
colorado allies played upon these fears. They actively courted an imperial intervention to
maintain their cross-border economic system and their access to the slave labor necessary to
operate it. Eventually, the Brazilian army, along with Urquiza’s forces from the Argentine
Littoral, combined to defeat Rosas and Oribe in just a few short months.14

Although the colorados had triumphed, they did so by surrendering substantial
elements of Uruguayan sovereignty to the advancing Brazilians. In exchange for imperial
support, the colorado government acceded to a host of demands from Brazilian ranchers by
ratifying five treaties in October of 1851. Particularly important was the Extradition Treaty,
which guaranteed the return of “fugitive” Brazilian slaves to their masters.15 Collectively, the
1851 Treaties represented an unequivocal triumph for the Brazilian ranchers. The
agreements effectively ensured Brazilian political and economic dominance over its smaller
neighbor.16 The riograndense elite had once again redrawn sovereign lines around the
borderlands political community to secure their economic rights and ensure labor discipline.
Yet, the success of ranchers did not spell the end of debates over sovereignty or over the
boundaries of Brazilian slave law. Such disputes shifted from the battlefield to borderlands
courtrooms over the next two decades as slaves renewed efforts to forge their freedom in a
series of legal cases in which citizenship, sovereignty and factional conflicts tightly
intertwined.

“[When we] returned to Brazil, he treated [me] like a slave”

With the end of the Guerra Grande bringing renewed assertions of imperial influence
over the borderlands, fugitive slaves had to confront new and aggressive arguments that

14 Barrán, Apogeo y Crisis, 40-41.
15 Pivel Devoto and Ranieri de Pivel Devoto, La Guerra Grande.
Brazilian slave laws followed them into Uruguay and rendered their flight to freedom meaningless. At the same time, the economic devastation caused by the war and the constant threat of Brazilian intervention (and even annexation) led Uruguayan leaders to embark on a concerted effort to end factional violence and channel conflicts into legal venues. The old factional rivalries between the blancos and colorados, however, had quickly reemerged around borderlands courthouses. The intervention by powerful Brazilians like David Canabarro in numerous property disputes across the border had further increased factional tensions. Throughout the 1850s, persons of color moved to exploit these local and national fault lines among elites to secure their freedom. In the process, they sharpened conflicts over national sovereignty.\(^\text{17}\)

Returning to Pedro’s claims to Uruguayan citizenship from the introduction, we can see the efforts of slaves to emphasize national divisions in the borderlands. We can equally see how the Azambujas’ response promoted an erosion of Uruguayan sovereignty. In asserting Uruguayan citizenship, Pedro emphasized how important the border, despite its innate porosity, was for his legal rights. He noted that he had frequently crossed the border with his purported master in the late 1840s and early 1850s in order to assist in removing cattle from the Estado Oriental. Each time, Geronimo’s treatment of him changed as they traveled across national and juridical boundaries. Pedro testified: “He paid [me] when we were on this side of the frontier line, during which time he treated [me] well, but afterwards when [we] returned to Brazil, he treated [me] like a slave.”\(^\text{18}\) The practice continued until blanco officials intercepted one of Geronimo’s convoys and charged the Brazilian rancher with contraband. Rather than face the charges, Geronimo fled to Brazil. Pedro quickly took

\(^{17}\) Barrán and Nahum, *Historia Rural del Uruguay Moderno*, 60.

\(^{18}\) Información relativa al negro Pedro, reclamando como esclavo, 4bis-5. The original testimony is recorded by a scribe and therefore written in the third person.
advantage of his situation by enlisting in Tacuarembó’s police forces. After serving there for some six months, he grew dissatisfied with his commanding officer, whom he described as an “extremely fat pardo” and left his post. He then traveled to Salto where his brother also worked as a police officer to attempt to find a similar position there.\footnote{Ibid., 4bis.}

Pedro’s service in the Uruguayan police forces in Salto and Tacuarembó formed the first part of his strategy to establish his Uruguayan citizenship in the eyes of authorities there. Mirroring strategies of other Brazilians slaves entering the armed forces, Pedro immediately embedded himself in the Estado Oriental through service to the country. Brazilian slaves in the borderlands used military service to secure their freedom by forging clientelistic alliances with local elites. Similarly, Pedro’s police service created vertical allegiances between himself and his commanders that he could then draw upon in order to check attempts to reenslave him. The image of Pedro actually policing the border is quite striking. Through his service, he could establish his own citizenship and the connections necessary to support it.

Pedro’s family also played a key role in establishing his Uruguayan citizenship. Pedro took advantage of familial connections to gain work in the Salto police force. He utilized his brother’s position to locate new potential elite allies and better economic opportunities in the process. Pedro also described in his testimony how his family had saved him when the Azambujas had forcibly abducted him from his home in order to sell him to another master in Brazil. Pedro’s father had “gone to look for him.” He ultimately prevented Cândido and Geronimo from selling him, although he failed to obtain his return to the Estado Oriental.\footnote{Ibid., 3bis.}

Given both Pedro’s father’s willingness and ability to cross the border, and the relative success of his mission, we can speculate that Pedro’s father must have possessed social and
familial connections on the Brazilian side of the frontier. These cross-border networks of solidarity played a critical role in forging some limited rights for slaves and other marginal groups as they moved throughout the borderlands space. We can see vividly how this worked at Pedro’s trial when his mother and other family members in Tacuarembó offered testimony regarding Pedro’s baptism in Uruguay. Pedro’s mother, Catarina, had not only retained possession of Pedro’s baptismal records, but was also in a position to bring this written evidence to the Salto courts.\textsuperscript{21}

In this sense, the construction of Pedro’s citizenship was a collective enterprise undertaken by his family.\textsuperscript{22} The family spent resources, both in crossing borders and producing evidence in court, to protect Pedro’s status as a free Uruguayan. Pooling resources from across the borderlands to forge legal rights made sense. The family no doubt understood the perilous proximity of the Brazilian slave system. Pedro’s own testimony indicated that his former masters had attempted on several occasions to reenslave other members of his family in Uruguay. Facing a collective threat to its freedom, the family had to develop a cohesive strategy to check the power of Brazilian masters to extend the slave system across the border. This strategy revolved around emphasizing their own identity as Uruguayan citizens and their right to legal protection from their own government against foreign incursions.

Pedro’s case in Salto presented a critical test for the family’s long-term project to solidify its claims to Uruguayan citizenship and freedom. They appeared well prepared for juridical conflict. In the face of legal documents establishing Pedro’s citizenship, testimony from family members and records of military service, Cándido had to backtrack. He now

\begin{flushright}
\textsuperscript{21} Ibid., 4bis.
\textsuperscript{22} Ademir Gebara, \textit{O Mercado de Trabalho Livre no Brasil, 1871-1888} (São Paulo, SP: Brasiliense, 1986), 129-30, Petiz, \textit{Buscando a Liberdade}.
\end{flushright}
conceded that Pedro had been baptized in Uruguay, but continued to claim that he was born in Brazil and properly a slave. He then asked for a delay in the proceeding so that he could produce additional evidence to establish his claim. With Cándido seemingly off-balance, a judicial finding that Pedro was a free Uruguayan citizen seemed imminent.

Yet as Pedro’s family worked to erect boundaries around his nationality to protect him from slavery, Cándido also drew upon his reciprocal relationships with Uruguayan officials. These borderlands associations provided a mechanism to extend his property claims across the border to reach his putative slave. Cándido did this by presenting a letter from João Xavier de Azambuja, indicating that he had sold Pedro to his son, Geronimo, in 1847. Azambuja admitted that the two had not registered the original sale. Rather, they had only used a “private document” which “had been lost.” But now that the slave had fled his son’s custody, he offered up the letter as proof of his son’s property rights over Pedro. The letter, written in full awareness of the ongoing litigation, seemed to offer fairly weak evidence of actual ownership. The fact that the Azambujas’ petition was to Diego Lamas also indicated that the documents would not be sufficient to support their claims. Recall that during the Guerra Grande, Lamas had fought against the incursions of Brazilian ranchers into the Estado Oriental. He had also consistently demanded respect for Uruguayan laws from Brazilian officials. In short, Lamas appeared to be a stalwart supporter of blanco efforts to forge Uruguayan sovereignty over its northern borderlands.

At the same time, however, Lamas also utilized cross-border reciprocal relationships with a number of Brazilians to facilitate his commercial operations. He then used these connections to augment his standing in Salto and other jurisdictions. This is to say, like the Azambujas and others, Lamas was well versed in the system of borderlands legalities that

---

23 Información relativa al negro Pedro, reclamando como esclavo, 4bis.
defined their respective places in the periphery. With this in mind, if we view Cândido’s actions not from the perspective of challenging the validity of Pedro’s claims to Uruguayan citizenship but as an attempt to cement cross-border connections between his family and Lamas, the documents become much more powerful. That is to say, we need to again situate his appeal within the system of borderlands legalities operating in the periphery. João Xavier de Azambuja, the letter’s author, possessed long-standing social and economic connections with the Uruguayan commander. By presenting the letter to Uruguayan officials, Cândido emphasized these cross-border associations and the borderlands porosity underpinning them. Put differently, the personal connections between the two elite men trumped the sovereign divisions upon which Pedro’s family depended for their freedom.

We can see how Diego Lamas had availed himself of these connections with João Xavier in another litigation in Alegrete in 1854. In that proceeding, Jeremias José Nunes, a landowner in Uruguaiana, had sought the recovery of a number of cattle from the heirs of Liberato Guterres pursuant to a contract between the two men. According to Nunes’ petition, the contract stipulated that Guterres gained the rights to market all of Nunes’ cattle located across the border in the Estado Oriental. In exchange, Guterres agreed to pay Nunes some four pesos per head of cattle, less any “tax” payments he made to Lamas for the right to extract the cattle from Nunes’ lands. Guterres then allegedly removed 502 head of cattle from the Estado Oriental without making payments to either Lamas or Nunes. When Guterres subsequently died, his heirs refused to honor the agreement. They claimed
that the cattle in question pertained to the family and were not subject to the contractually mandated payments.\textsuperscript{24}

In short, for Lamas to recover his tax payments under the agreement, Nunes had to establish that the cattle Guterres extracted from the Estado Oriental were his. João Xavier appeared in support of Nunes’ claim, detailing the negotiations that had led up to the original agreement between Nunes, Lamas and Guterres. João Xavier testified:

\begin{quote}
[I]t was true what [Nunes] claimed . . . for the reason that the convention was negotiated in his presence, and even more so because said Colonel Diego Lamas, with whom the witness [João Xavier] had friendly relations would not consent for [Nunes] to enter into possession of his lands without payment to remove the embargo on them, paying that quantity of four contos pesos in taxes, on whose part [divida] the deceased Liberato Guterres was obligated.\textsuperscript{25}
\end{quote}

João Xavier’s testimony was critical to obtaining the requested relief. The rancher possessed numerous ties to prominent merchants and politicians in Alegrete. As an “honorable vizinho,” his word required respect. Lamas no doubt recognized this fact as well. The testimony publicly expressed an important relationship between the two men – one that Lamas had to honor to preserve access to Alegrete’s courts in the future. Once again, leveraging one’s reputation by offering testimony provided a powerful means to fashion durable alliances across the borderlands.

João Xavier’s testimony also revealed several things about his prior connections with Lamas in the Estado Oriental. João Xavier openly testified to his friendship with the blanco commander. This friendship proved instrumental in orchestrating the transaction in question. An 1850 report detailing the losses suffered by Brazilian landowners in Uruguay during the Guerra Grande makes clear that Lamas was occupying Nunes’ lands, using them to...

\textsuperscript{24} Jeremias José Nunes c. Doña Delmire Caetana Guterres e seus filhos, cujo autor sequem por appelação para a relação do distrito, APRGS. Alegrete. Cartório Civil e Crime. Ações Ordinarias, Maço 35, No. 843 (1854).

\textsuperscript{25} Ibid. The litigation record for this proceeding does not contain page numbers.
supply his troops. By the time of the report, Brazilian officials claimed that only some 500 head of cattle remained out of the original 2,000 on the tract. Interestingly, the same document indicated that João Xavier remained in possession of both his lands and cattle in the Estado Oriental. This fact alone suggests that João Xavier’s claims to personal friendship were not merely passing statements in his testimony, but real and capable of influencing his commercial opportunities on both sides of the border. With Lamas in complete control of Nunes’ lands, João Xavier likely used his friendship with the blanco commander to arrange a mutually beneficial transaction to market a portion of Nunes’ cattle through Guterres. When Guterres’ heirs attempted to back out of the deal, João Xavier further testified in support of Nunes’ and by proxy Lamas’ claims.

Given this background, Cândido’s letter invoked much more than basic documentary evidence of Pedro’s ownership. Rather, the letter represented a direct response to Pedro’s attempts to erect a permanent juridical division between himself and the Azambujas in Brazil. It emphasized a long-standing and continuous cross-border relationship between Lamas and João Xavier. This relationship had been repeatedly cemented by commercial dealings, reciprocity and mutual assistance in litigation. What is striking is that the letter called upon Lamas, a committed blanco, to reject slave appeals to Uruguayan sovereignty and instead treat the borderlands as a single, integrated space. In the process, the letter implicitly asserted the limits of state-centered institutions while at the same time turning to them to ensure labor discipline.

And it worked. Lamas promptly ordered officials to conduct further investigations into Pedro’s citizenship claims. Authorities questioned other residents in Tacuarembó.

---

27 Ibid., No. 470
They obtained testimony establishing that although Pedro was baptized in the Estado Oriental, he had in fact been born across the border in Brazil as the Azambujas claimed. Having successfully undermined the written evidence supporting his Uruguayan citizenship, officials turned to his familial connections. The investigators obtained evidence from members of Pedro’s family that the former slave was not Catalina’s son, but in fact her stepson. He had been born in Brazil to another woman and then moved to the Estado Oriental with his Brazilian father. The testimony was certainly damning — particularly so, given that Brazilian officials maintained the position that regardless of other evidence, the nationality of the father exclusively determined that of his children. It is less clear whether it was truthful. With authorities now questioning individual family members from an admittedly vulnerable minority, it is entirely possible that officials used threats or even violence to construct the record they wanted. Moreover, it technically should not have mattered. Because Pedro had fled Brazil prior to the 1851 invasion, he was not covered under the terms of the Extradition Treaty and, therefore, legally free. Regardless, in the end the renewed investigation had effectively pried Pedro from his web of familial connections. It had rendered him isolated and vulnerable to reenslavement. Based on this evidence, local officials ordered Pedro returned to Cándido as a Brazilian slave.

Pedro’s case reveals the complex manner in which slave citizenship claims and borderlands legalities intertwined. Pedro and his family developed sophisticated strategies to assert their membership in the Uruguayan political community and clarify its boundaries. Yet by attempting to propel the process of state formation and national identification forward in the service of personal freedom, they invited a response from their purported

28 Información relativa al negro Pedro, reclamando como esclavo, 13bis-14.
Brazilian masters that resulted in the further erosion of Uruguay’s sovereign boundaries. This response flowed directly from the now familiar elements of borderlands legalities. These stressed cross-border connections. They also implied the extension of Brazilian slave laws across the borderlands. In this sense, the legal strategies by both slaves and masters in Pedro’s case reprised the long-standing sovereign conflicts between putative national legal systems and the alternative, peripheral legalities in the borderlands. Masters and slaves alike repeatedly clashed over the contours of these competing legalities and identities as they worked to secure their rights and define their places in an extremely fluid world.

The ambiguities of citizenship were particularly problematic because they threatened internal order. While Brazilian masters might emphasize cross-border connections to blunt slave efforts to claim Uruguayan citizenship, factional legal conflicts throughout the borderlands complicated these efforts. Slaves proved adept at exploiting the tensions created by factional struggles to control the administration of justice on both sides of the border in their efforts to escape Brazilian slave laws. A series of cases surrounding Fermin Ferreira offers an example of the importance of factional conflicts in creating the necessary space for slaves to win their freedom. It also provides evidence of the potential for slave strategies to engender further violence. The case began in October of 1856 when José da Asumpção Ferreira, a Brazilian subject, appeared before local officials in Salto. He requested Fermin’s return as a fugitive slave. The police in Salto acted quickly, arresting Fermin that same day. Under questioning, Fermin readily admitted that he had been a slave in Brazil. He testified that Emilio Manuel Moreira, a resident in the city of Rio Pardo in the central

---

30 José da Asumpção Pereyra, subdito Brasiler y apoderado general de su madre Dn. Bernadina Maria Pereyra, residente en la Provincia de Río Grande al Gefe Político Dn. Diego Lamas, AGN. Salto. Jefatura (1856). In the police investigation, Uruguayan officials refer to the Ferreira family as Pereyra. In their own documents submitted in connection with the investigation, they refer to themselves as Ferreira. I use the family’s spelling throughout.
portion of Rio Grande do Sul, originally owned him. In either 1836 or 1837, he traveled with his master from Brazil to the Estado Oriental, where he served as Moreira’s ranch foreman [capataz].

Factional violence quickly transformed Fermin’s and his master’s relationship. In 1837 forces loyal to Rivera sacked Moreira’s property and forced Fermin into military service. Fermin served in the colorado army for about a year. He then deserted and sought refuge with his former master. By this point, Moreira had himself sought the protection of Manuel Ferreira. Moreira took up residence on Manuel Ferreira’s ranch near Mataojos in the vast open countryside between Salto and the Brazilian border. As the Guerra Grande intensified in the late-1830s, Fermin took full advantage of his master’s weakness. Facing declining economic prospects and likely fearing for his safety, Moreira fled the Estado Oriental. According to Fermin’s testimony, Moreira “wanted to bring him to Brazil.” Fermin refused. He declared his intention to remain in Manuel Ferreira’s service in the Estado Oriental. Facing little choice in the matter, Moreira crossed the border without his slave. He subsequently sold Fermin to Manuel Ferreira in an attempt to recoup some of his losses. In effectively forcing his sale, Fermin proved adept at locating and then exploiting the divisions between two Brazilian slave owners in order to remain in Uruguay as a “free” laborer. Fermin had also effectively gained access to his new patron’s connections to the colorado faction. These factional connections served as a platform from which Fermin could

---

31 Ibid. The police investigation records for this case were not numbered.
32 Ibid.
33 Fermin’s strategy of effectively seeking a new master was relatively common. Petiz, Buscando a Liberdade.
34 Fermin’s freedom remained relative because he continued to be bound to Manuel Ferreira through a labor contract. However, Fermin and Manuel Ferreira now negotiated his service in a context in which Fermin was legally free, potentially offering the former slave a substantial chip to bargain for better conditions. Fermin had to stay in Uruguay to retain this power.
pursue further rights. They would prove critical as he mobilized social resources to protect his claim to free status under Uruguayan law.

Much like Pedro had worked to construct networks of solidarity throughout the borderlands, Fermin also actively sought to enhance his social alliances in Salto by assisting other Brazilians of color fleeing from bondage. For example, Silmei Petiz describes an incident in which another Brazilian slave, Maria, fled from Bernadina Maria Ferreira, Manuel Ferreira’s wife, to Salto in the early 1850s. Bernadina complained bitterly to Brazilian officials that the Uruguayan police had delayed arresting the slave. She testified that they had demanded additional documentation in order to establish ownership. By the time Bernadina could provide sufficient proof of her rights, Maria had disappeared. Bernadina alleged that Maria remained “hidden somewhere in the village of Salto.” Although the letter made no reference to Fermin, we can speculate that his presence in Salto provided a reason for Maria to flee across the border to that city. He could also offer protection from her Brazilian masters after she arrived there. By again adeptly exploiting borderlands instability, Fermin appeared to have created the necessary space for other slaves to move towards freedom. In the process, he tightened webs of connections. He could turn to these relationships if and when the need to litigate his free status arose. Like many of the elites we have seen throughout this dissertation, Fermin proved adept at operating within the cross-border networks that defined borderlands legalities. Like Pedro, his membership in the Uruguayan political community was becoming a collective project.

Fermin also undoubtedly ratcheted-up the pressure on his erstwhile Brazilian masters as their valuable economic assets disappeared across the border to join him. Renewed

---

35 Petiz, Buscando a Liberdade, 69.
36 Ibid., quoting AHRGS. Grupo Documental Estatística, Lata 531, Maço 1.
conflict over Fermin’s continued presence in Uruguay loomed. The 1851 Brazilian invasion provided Fermin’s Brazilian owners with an opportunity to test his carefully constructed relationships. Manuel Ferreira’s death immediately prior to the Brazilian campaign further ensured that Fermin would once again be swept up in these factional and international conflicts. A dispute quickly erupted between two of Manuel Ferreira’s sons, Joaquim and José Ferreira, over Fermin. José aligned himself with his brother Lucio and his mother, Bernadina. They claimed that Fermin properly belonged to Bernadina as a slave and should be returned to Rio Pardo in Brazil. José probably had good reason to do this: he owed Joaquim and other creditors money. José further faced accusations in the Brazilian courts that he had defrauded several prominent officials in Alegrete. He had ultimately been arrested in 1852. By retaining Fermin for his mother, José likely could obtain access to a valuable asset. This could better his economic prospects and his ability to pay his debts. In the process, he could perhaps restore his damaged personal reputation.

José acted quickly to secure his alleged property by entering into a contract with David Canabarro. The contract purported to rent Fermin to the Brazilian general in order to serve his forces in the 1851 campaign. José’s contract with Canabarro for Fermin’s services again needs to be understood in light of the factional conflict between Canabarro and the Ribeiros for control over Alegrete’s comarca. Recall that the Ribeiro faction held sway over Alegrete’s courts throughout the 1850s. José faced criminal charges there. Moreover, José’s brother, Joaquim, possessed growing commercial connections to the Ribeiros and their allies.

39 José da Assumpção Pereyra, subdito Brasileiro y apoderado general de su madre Dn. Bernadina Maria Pereyra.
in the Estado Oriental. At the heart of these ties was his commercial partnership with Agustín Sañudo. Sañudo was close to a number *colorados* in the local government. They could assist him in his efforts to enforce the partnership’s commercial contracts, collect debts and protect its dealings. Through these ties, Sañudo and Joaquim developed a cross-border business supplying commercial wares to their ranching allies.\(^{40}\) With Joaquim drawing closer to the Ribeiro faction, José likely turned to Canabarro in order to secure a powerful ally in his criminal trial in Alegrete. Likewise, he could advance his own claim to Fermin and with it his ability to repay his brother.

Facing little choice, Fermin once again found himself in the army. The following year, José then granted a power of attorney to Lucio. He authorized him to submit a formal request to Canabarro for the return of Fermin. Canabarro agreed to José’s request. Lucio then seized Fermin and prepared to bring him back to Brazil.\(^{41}\) In response, Fermin quickly moved to counter José’s efforts by seeking out his factional and familial rivals. While traveling with Lucio to Brazil, Fermin fled and took refuge with Joaquim at his *estancia* along the Brazilian border. Within weeks he was back in the Estado Oriental under Joaquim’s protection and out of José’s reach. He remained so until his arrest in Salto in 1856. Once again, however, Fermin drew upon his network of factional connections to blunt José’s efforts to return him to Brazil. Not only did Joaquim appear on his behalf in the proceeding to testify as to his free status, but Sañudo represented him in the matter. Facing conflicting evidence from two Brazilians and a former slave with legal representation, local officials likely opted for the *status quo ante* and released Fermin. His free status in Uruguay was again secure.

\(^{40}\) Ibid.
\(^{41}\) Ibid.
Digging deeper, however, we can see how Fermin’s success in reaffirming the national legal divisions separating him from his former masters in Brazil exacerbated faction tensions. The case also demonstrates yet again how in this renewed conflict, citizenship quickly reemerged as a central element in disputes over property rights. At the time of his arrest in 1856, Fermin was carrying papers concerning a pending commercial litigation between Sañudo and José Ferreira over José’s debts to Sañudo’s partner, Joaquim. Sañudo sought to garnish José’s assets located in Salto to compel payment on a substantial debt to the partnership. In response, José appears to have first wanted to seize Fermin. Perhaps he hoped to “sell” him back to Joaquim to satisfy the debt. When this failed and the court declared Fermin to be free, José then offered to make payment by assigning Sañudo a negotiable instrument from Canabarro. Sañudo flatly refused to accept the note. He argued that “the documents [José] Ferreira has presented do not have any value in the present matter, nor do I have anything to do with them.”

The reasons for Sañudo’s concern flowed directly from the nature of his own alliances across the border in Brazil. Like his related commercial enterprise, Sañudo’s legal practice in Salto relied heavily on ties to the Ribeiros and their allies on both sides of the border. By the 1850s, the colorado attorney had developed a burgeoning practice protecting the Ribeiro faction’s legal rights and commercial assets. By way of example, Sañudo served as Manuel Ferreira Bica’s lawyer in numerous legal proceedings in Salto. He served as the executor of Bica’s will and trustee of his estate upon his death in 1876. Recall that Bica was Bento Manuel Ribeiro’s brother-in-law and a close ally of the faction across the border. He

---

43 Ibid., 30bis. The note in question originated from a commercial transaction between Luis Gonzaga Ferreira and Antonio José de Vargas in 1852 in connection with Canabarro’s 1851 Uruguayan campaign against Oribe.
44 Testimonio del Testamento de D. Manuel Ferreira Bica, 8bis.
was also a personal enemy of Canabarro, with the two men harboring deep personal animosities against one another dating back to the Farrapos War. Given Sañudo’s association with the Ribeiros, obtaining payment from their political enemy appeared next to impossible.

Sañudo therefore challenged the payment in court. He argued that there was no way to ensure that the documents in question “were real,” nor “whether the signature appearing on them actually was that of a Notary Public.” The Salto court agreed, finding José’s proposed method of payment unacceptable. The court ordered José’s embargoed goods to be auctioned off to satisfy his debts to Sañudo. The colorado attorney appeared to have won. Rather than settle matters, however, the judgment instead produced a new round of factional violence as José sought to escape the verdict and his creditors by tapping into his own network of political allies. On 15 May 1858, police sergeant Francisco Peralta entered José Abadie’s pulpería outside of Salto where Joaquim and several other men had gathered. There is only vague testimony as to what specifically transpired in Abadie’s business, but at some point Peralta shot and killed Joaquim. What is clear, however, is that immediately following the killing, José, along with the police commissioner Leon Piris and several other men with close political ties to the acting head of the department, Lucas Piris, seized Joaquim’s assets and records. Paulino Aguirre, a juez de paz with jurisdiction over Joaquim’s properties, then upheld the men’s actions as a valid embargo. José had violently regained control of the assets he had lost in his litigation with Sañudo.

---

45 Don Agustín Sañudo c. Don José da Asunción Ferreyra, cobrando especialmente 751 patacones, 30bis-31.
46 Felizberta Benita de Mota por la Casa de Joaquín Gonzaga Ferreira, AGN-SJ. Salto. Letrados Civiles, No. 25 (1858).
47 Leon Piris and Lucas Piris may be related. However, I have been unable to locate any archival evidence affirmatively establishing this fact.
In response, Sañudo returned to the courts. He appeared before Judge José Chirif on behalf of Joaquim’s widow, Felizberta Benita da Mota, in order to challenge the seizure.\(^48\) Chirif was Sañudo’s political ally, supporting the colorados locally in Salto.\(^49\) To that end, Chirif had resigned his position on Salto’s junta económica-administrativa in 1856 in protest over political disputes between the two factions in connection with that year’s national elections.\(^50\) By 1858, however, he was back in a judicial post and ready to help Sañudo defend his partnership’s assets from José.

In connection with the new litigation, Sañudo returned to the language of citizenship to defend his property rights against violent, factional incursions. Benita, probably speaking through Sañudo, wrote a letter detailing the events following her husband’s death. In it, she emphasized her status as both a women and a foreigner in warranting protection from the court: “Weak and defenseless by the nature of my sex, I seek \(\text{busco}\) the protection of the laws of this country under which I am living as a foreigner, along with the security that the Constitution accords my person and my interests.”\(^51\) Not surprisingly, the national divisions she invoked were much more hazy than her letter implied. Benita (and Sañudo) drew upon her foreign status to protect her estate from the violent conduct of her Brazilian brother-in-law and his local allies. She further did so in order to protect Sañudo’s commercial assets.

Everyone involved in the litigation no doubt understood these ambiguities. Yet, by framing her position in terms of citizenship, Benita effectively nationalized her family’s cross-border dispute. In making this move, Benita and Sañudo once again situated their own conflict as

\(^{48}\) Felizberta Benita de Mota por la Casa de Joaquim Gonzaga Ferreira.

\(^{49}\) Chirif also possessed connections to Venancio Flores. Flores wrote to Chirif in 1865, referred to him as his “esteemed friend” and thanking him for his help with the war effort. Venancio Flores al Señor Don J. Cherif, AGN. Salto. Jefatura (September 7, 1865).


\(^{51}\) Felizberta Benita da Mota por la casa de Joaquim Gonzaga Ferreira, 5bis.
part of a broader narrative of confiscation of Brazilian property by Uruguayan officials.\textsuperscript{52} This was a typical \textit{colorado} refrain. It echoed their support for appeals nearly a decade earlier by Brazilian ranchers to imperial officials to protect their property across the border and in the process intervene to weaken the \textit{blancos} then controlling the countryside.

This new proceeding presented another opportunity for Sañudo and his factional allies to not only protect their commercial interests, but also attack their \textit{blanco} rivals by again linking them to violations of the rights of Brazilian residents. Not surprisingly, Judge Chirif seized the chance Sañudo presented him. He ordered the estate assets returned to Sañudo as Benita’s trustee. Yet the new order still did not resolve matters. Aguirre responded that he could not carry out the request. Enraged, Sañudo complained that the court should not tolerate a response from Aguirre “as brutal as it is stupid.”\textsuperscript{53} Chirif then issued a second order demanding that the \textit{juez de paz} comply with the decision and eject the trespassers. Aguirre continued to drag his feet. It appeared that the two Uruguayan judicial officials might come to blows over the property dispute. The file then suddenly ends, perhaps indicating that Sañudo and Chirif finally succeeded in enforcing their rights or more likely grew tired of litigating them.\textsuperscript{54}

Sañudo’s and Fermin’s respective uses of citizenship to support their positions revealed how much a threat debates over the boundaries of citizenship could be for internal order. As Fermin attempted to protect himself and other Brazilians of color from the slave system across the border, he disturbed cross-border economic connections and produced new rounds of factional violence. Faced with the seizure of his property, Sañudo equally turned to distinctions between citizen and foreigner to articulate a basis for legal protection.

\textsuperscript{52} Benton, "The Laws of This Country."
\textsuperscript{53} Felizberta Benita da Mota por la casa de Joaquim Gonzaga Ferreira, 11.
\textsuperscript{54} Ibid., 13-14.
In doing so, however, he opened up the possibility that local factional conflicts could spill across borders as Brazilians called upon their government to protect their property rights. The ambiguities around national categories and sovereign boundaries flowing from the slave citizenship cases and their fallout remained at the center of borderlands storms.

As slaves like Fermin and Pedro sought to secure their freedom by appealing to national and factional divisions in the borderlands, their masters deployed their own cross-border connections to blunt those arguments. In the process, masters and slaves reopened both the factional wounds and sovereign debates that plagued the borderlands. Specifically, by provoking conflicts over the boundaries of citizenship and legal rights, slaves successfully placed the Brazilian labor discipline practices developed in the wake of the Guerra Grande directly at odds with Uruguayan sovereignty. Buffeted by threats to national sovereignty on the one hand and factional violence on the other, Uruguayan legal reformers increasingly found it necessary to harden boundaries around citizenship. They would seek to convert borderlands slaves into members of the political community. This became a basic condition of national independence.

**Slaves, Sovereignty and Order**

In a fiery 1857 article in the Montevideo newspaper “El Nacional,” Juan Carlos Gomez, one of the most ardent opponents of Brazilian influence in the northern borderlands, asked “what remained of Uruguayan sovereignty?” The author’s answer was “tutelage” to Brazilian masters.\(^{55}\) In another article, he called upon Uruguayans to remember the blood spilled in resisting Brazilian imperialism. He declared that “we are, more than

\(^{55}\) Juan Carlos Gomez, *Juan Carlos Gomez: Su Actuación en la Prensa de Montevideo*, vol. 2 (Montevideo: Imprenta Artística y Encuadernación de Dornaleche Hermanos, 1921), 298-300.
anything, *Orientales.*

Gomez’s invocation of Uruguayan identity in response to foreign oppression reflected a growing body of reformist literature that focused on the pressing problem of defining citizenship. Given the large population of Brazilian ranchers who owned nearly one-third of Uruguay’s territory in 1860, questions of citizenship in the borderlands became intertwined with the coastal elite’s desires to secure Uruguayan control over its putative national territory. As slaves invoked Uruguayan citizenship to secure their own rights in borderlands courtrooms, they tapped into these growing concerns over Uruguayan sovereignty. In the process, they linked their personal fates to that of the national political community. As the examples of Pedro’s and Fermin’s cases revealed, the erosion of Uruguayan sovereignty threatened not only the rights of her citizens in the borderlands, but internal order. Conflicts over slave citizenship in particular could destabilize cross-border economic relations and touch off new rounds of factional conflict. To solve the dual problems of sovereignty and order, Uruguayan reformers had to resolve the problem of slave citizenship.

Even before the end of the *Guerra Grande*, Uruguayan diplomats had expressed concerns that the routine practice of Brazilians enslaving black Uruguayans threatened the country’s sovereignty. For example, Juan José Poyo, the Uruguayan Counsel for the coastal city of Río Grande, drafted a sharp letter to the *colorado* government complaining of the continual enslavement of black Uruguayan soldiers by Brazilians in the borderlands. Poyo wrote: “we have seen disgraced blacks covered with the wounds of [the battles of] *Arroyo Grande*, the *Yi* and *India Muerta*, infamously sold by their supposed masters to other masters.

---

56 Ibid., 14.
57 Benton, "The Laws of This Country," 505-09, Prado, "Las Representaciones del Brasil."
still yet more cruel and greedy.” Poyo argued that the Uruguayan government had to act to curb these abuses and protect its citizens. He wrote: “If the government believes that all these cases are trifles that do not merit its attention, and that do not offend the dignity of the laws of the Republic, the best thing it can do is dismiss all of her diplomatic agents and counsels in the empire as superfluous.” Poyo drafted the letter in the connection with an ongoing dispute over his own credentials. This likely influenced his thinking on the role of diplomatic officials. Nevertheless, his comments reflected the growing sentiment among elites in Montevideo that the protection of black citizens, particularly those that had served the country in battle, was linked to the broader fate of Uruguay. Simply put, the country had to retain the power to define and police the boundaries of its own political community or else it forfeited its basic rights as a sovereign nation.

Throughout the 1850s, demands by blacks that their citizenship be respected continued to vex diplomatic officials concerned with Uruguayan sovereignty. An excellent example of this is Andrés Lamas’ complaints that Brazilian officials in the borderlands routinely disregarded citizenship certificates issued to Uruguayans. Lamas himself had ample experience in dealing with questions of citizenship. He served as the plenipotentiary envoy to the Brazilian government from 1840 until 1876. He negotiated the 1851 treaties that figured so prominently in frontier and national politics during the 1850s and 1860s. Lamas was also deeply committed to the “fusionist” movement in Montevideo. Recall that Lamas had railed against “lawless” practices in Uruguay’s interior. The conduct of Brazilian officials

58 Juan José Poyo, Juan José Poyo a Sus Concidadanos (Rio Grande: n.p., 1850), 15.
59 Ibid.
60 Although ostensibly a colorado, Lamas is a difficult figure to situate ideologically. Lamas seemed to chase power, supporting both Berro’s blanco government and then later Venancio Flores’ colorado rebellion when his campaign against the Berro government gained strength in 1864.
ranchers, like that of local Uruguayan caudillos, directly challenged the national legal order Lamas wished to construct.

In his diplomatic capacity, Lamas had maintained correspondence with Poyo. He had taken a particular interest in the incidents Poyo cited in his letters. Lamas requested detailed information on several cases allegedly involving the enslavement of Uruguayan blacks. He carried those protests directly to the imperial court. Lamas also drafted a series of letters to imperial statesmen in Rio de Janeiro in the late 1850s. In them, he upbraided authorities primarily in Rio Grande do Sul for impressing Uruguayan citizens into the Brazilian military. Echoing the arguments we saw in Pedro’s case, imperial authorities justified the practice by claiming that under Brazilian law the father’s citizenship determined the citizenship of his children. This was so regardless of their place of birth or subsequent conduct. In advancing this argument, riograndense leaders in essence conceptualized citizenship as permanently adhering to Brazilian subjects. This had the obvious advantage of foreclosing the types of strategies employed by fugitive slaves like Pedro and Fermin to construct juridical barriers between themselves and the Brazilian slave system across the border. For Brazilian leaders, slave citizenship claims had to be limited to maintain social order. By way of example, Roger Kittleson described how angry legislators in Rio Grande do Sul responded to one slave’s assertion that her Uruguayan citizenship exempted her from reenslavement in Brazil. The provincial deputies argued that linking freedom and place of

---

62 *Carta del Legación Oriental del Uruguay en el Brasil* (April 14, 1857), *reprinted in* Andrés Lamas, "La Nacionalidad de Los Hijos de Brasileños Nacidos en la República," *Revista Histórica de la Universidad* I, no. 1 (1907): 202-12. Although Lamas did not make direct mention of the race of the soldiers in these particular letters, it was well understood by all parties that the practice at issue was the capture and enslavement (or impressments) of black soldiers in the borderlands. Borucki, Chagas, and Stalla, *Esclavitud y Trabajo*, 149-51.
birth together constituted an “anarchic doctrine” that had to be rejected.\(^{63}\) Although the specific case cited by Kittleson occurred after the outbreak of the Triple Alliance War, it accurately reflected the pre-war position of Brazilian elites in the borderlands on the question of slave citizenship. Once born into the slave system, they remained subject to its jurisdiction. Blood trumped borders.\(^{64}\)

It also offered a geographic conception of Brazilian sovereignty that Lamas found completely unacceptable. In his letters, Lamas argued that riograndense authorities sought to “denationalize Oriental citizens against their will, violently.”\(^{65}\) He pointed out that Brazilian law did not recognize the right of any foreign nation to determine the scope of Brazilian citizenship. He noted that Uruguay had always respected Brazilian sovereignty towards its subjects in this regard, even when it was against her own interests in doing so. This flowed from a basic principle of sovereign government: each nation possessed absolute authority to determine the processes by which foreigners could become citizens. As a sovereign nation of equal rank, Uruguay was entitled to respect for its particular path to citizenship.\(^{66}\)

For Lamas, the touchstone of this reciprocal respect between nations was the recognition of certificates of citizenship issued by Uruguayan officials. Lamas argued that it was a basic element of national sovereignty for counselor officials to “recognize, declare, document, and sustain” legitimate claims to Uruguayan citizenship.\(^{67}\) In exercising this function, the certificate of citizenship issued by duly constituted officials served as


\(^{64}\) This ran directly counter to the 1830 Uruguayan Constitution, which established natural citizenship through birth in the Republic. Rodriguez, El Digesto Nacional.

\(^{65}\) Lamas, "La Nacionalidad de Los Hijos," 205.

\(^{66}\) Ibid.: 207.

\(^{67}\) Ibid.
“complete proof of oriental nationality.” Failing to respect these legal declarations constituted a fundamental assault on Uruguayan sovereignty and the principle of the rule of law. Lamas continued:

The man that presents [a certificate of citizenship] has become oriental; and as Brazilians have the liberty to naturalize themselves as orientales, one cannot fail to recognize, contradict or nullify that act without attacking the constitutional liberty of such men [and] without attacking the law [derecho] of the nation that recognizes it and admits him as its son.

Brazilian complaints that such certificates were issued without the requisite legal proof were of no import. Rather, Lamas argued that respect for national sovereignty demanded absolute adherence to the counselor infrastructure each nation had mutually established in the borderlands.

Such respect was also fundamental to ensuring order. Lamas argued that it was in the mutual interest of both the Brazilian empire and the Uruguayan Republic to delineate juridical boundaries and sovereign divisions clearly in order to avoid continual conflicts that produced the borderlands caudillos that plagued both countries. He wrote: “What the Republic does not want, what the imperial government does not want, is confusion, contradiction, abuses and violence . . .” By recognizing the sovereign acts of counselor officials issuing certificates of citizenship, authorities in the borderlands could reduce the confusion around citizenship claims and correspondingly diminish the opportunities for conflict over its content.

By the early 1860s, renewed warfare across the border in Argentina made these efforts to clarify sovereign boundaries even more pressing. As we saw in the previous chapter, Bernardo Berro’s government warily looked on as the protracted war between

---

68 Ibid.: 208 (emphasis in original).
69 Ibid.
70 Ibid.: 212.
Bartolomé Mitre’s unitarist forces in Buenos Aires and Urquiza’s federalist confederation in the interior threatened to spill across Uruguay’s borders. Building upon the reformist concerns over its own sovereignty, Berro embarked on a concerted campaign to “nationalize” the northern borderlands to ensure order and preclude sovereign conflicts behind its borders from touching off a new round of international warfare.\(^{71}\)

Reflecting the government’s concerns regarding its sovereign authority over its own territory flowing from the slave cases, a central portion of the Berro government’s strategy focused on reigning in Brazilian labor practices flaunting Uruguayan manumission laws. One area of particular concern was the Brazilian usage of peonage contracts to ensure that slaves still under their control in Uruguay remained effectively in bondage. The contracts required Brazilian slaves essentially to work for a number of years, typically twenty-five, in order to indemnify their masters for their manumission. For Brazilian landowners confronting abolition, such contracts effectively served as a proxy for continued slavery by ensuring the fixed labor supply they needed.\(^{72}\) They further represented a mechanism by which Brazilian masters could extend elements of imperial sovereignty across the borderlands using mechanisms of private law. Masters typically drafted the documents across the border in Brazil in highly coercive and informal proceedings. They then had the documents notarized in the presence of Uruguayan officials, effectively obtaining judicial approval for their continued use of the labor of their now “former” slaves.

Arguing that these peonage contracts were an affront to Uruguayan sovereignty, the Berro government worked to restrict their practice. The government limited the length of the contracts to seven years and imposed a number of restrictions on their registration with

\(^{71}\) Barrán, *Apogeo y Crisis*, 80.
Uruguayan notaries. These included requirements that former slaves’ declarations had to be taken independently of their masters to guard against undue coercion. The efforts to reform peonage contracts aimed directly at consolidating Uruguayan control over the borderlands by demanding that Brazilian ranchers fully respect national laws. In this sense, they again revealed how conflicts over slave citizenship in the borderlands combined with broader concerns over sovereignty and order to promote a campaign to harden the boundaries around citizenship. If Uruguayan authorities permitted elements of imperial private law to nullify internal definitions of legal rights and citizenship, national sovereignty would be little more than a chimera.

**Deepening Conflicts**

Reformers like Poyo, Lamas and Berro recognized that the combination of weak legal institutions and factional conflicts threatened national sovereignty. They struggled for the authority to determine and police the boundaries of the political community, itself, as well as the rights and obligations governing it. Working through state institutions like the courts, slaves connected their own freedom to these broader concerns over sovereignty and order. They developed collective legal strategies to blunt attempts by their purported Brazilian masters to extend slave laws across the borderlands. They called upon the state to protect the legal and social rights associated with Uruguayan national identity. In doing so, they demanded more crystalline sovereign boundaries to separate them from the slave system in Brazil. In this manner, definitions of citizenship and social rights blended with efforts to clarify national boundaries and impose order within their geographic extent. Through their micro-level actions, slaves worked to propel these disparate aspects of

---

73 Ibid., 141-43.
Uruguayan state formation forward in the borderlands in a concerted effort to improve their own social standing.

Yet the very interconnected nature between national boundaries and social rights so evident in the borderlands slave citizenship cases rendered attempts to define each inherently unstable. As elites and subalterns turned to cross-border networks to assert their rights in borderlands courts, their conflicts over categories like citizenship and property increasingly implicated persistent disputes over nebulous national divisions. By the early 1860s, rival state formation projects in Argentina and Brazil, and the tensions over national boundaries they engendered, provided factional rivals in the borderlands with the opportunity to articulate starkly different conceptions of sovereignty and citizenship through their webs of borderlands connections.

As we saw in the previous chapter, Mitre and his allies in Buenos Aires had established a new Argentine Republic in 1862. They in turn backed Venancio Flores’ political aspirations in Uruguay. In 1863, Flores had crossed the Uruguay River and occupied Uruguay’s northern borderlands. Although officially proclaiming their neutrality, Mitre’s government openly ensured that Flores received a steady supply of munitions in his struggle with Berro’s constitutional government. In exchange, Mitre received assurances from Flores that he would assist him in his own campaign to further consolidate his Argentine state.74

As Uruguay’s colorado faction increasingly linked its power to that of the emerging centralized Argentine state under Mitre, their Brazilian allies worked to connect their legal rights in the borderlands to the imperial efforts to solidify its authority along its southern and western peripheries. Throughout the 1850s, Brazilian relations with the Paraguayan

74 Barrán, Apogeo y Crisis, 88-96.
Republic over issues of rivertine trade and national boundaries had grown increasingly acrimonious. The two sides particularly clashed over a number of settlements in the Mato Grosso region in the empire’s far western reaches. These Brazilian outposts were thousands of miles from the empire’s coastal core. Brazilian officials had sought access to the Paraguay River in order to promote commerce with their far-flung possessions. For its part, Paraguay remained suspicious of Brazilian incursions along its borders. The two sides nearly went to war over the issue in the mid-1850s. In 1856, the Paraguayans reversed course and entered into a treaty granting the Brazilians free navigation.

The Paraguayans continued, however, to contest the Brazilian occupation of a large portion of Mato Grosso. As the 1860s dawned, the two sides continued to eye each other warily. Talks over the border question in Mato Grosso had not clarified the issue. By 1864, the imperial government already was planning its campaign against Paraguay in order to ensure rivertine access to the empire’s vast interior. Imperial belligerence also flowed from an increasing assertiveness on the part of Brazil’s coastal elites. With export revenues surging, officials in Rio de Janeiro reveled in the growing power of their “American empire.” The old dreams of extending its boundaries to the mouth of the Río de la Plata remained ever present in imperial discourse. Appeals from riograndense ranchers connected with this expansionist sentiment. Men like Antonio Netto argued that Brazil should aggressively extend its borders into the Río de la Plata. Persistent narratives of abuses by Uruguayan officials (particularly blancos) against the borderlands ranching community fed once again into imperial desires to control the borderlands.

---

76 Bandeira, *La Formación*.
Flores and his allies now worked to stoke these tensions further. In doing so, they utilized the local factional conflicts swirling around borderlands courtrooms over citizenship claims to provoke renewed confrontations over sovereignty. Inverting Andrés Lamas’ narrative of Brazilian conscriptions of Uruguayan citizens, one common tactic was to accuse blancos of wrongfully impressing Brazilian and Argentine citizens into the armed forces. Such arguments were useful tactics because they joined narratives of Uruguayan disorder with the growing nationalist rhetoric in Argentina and Brazil that aimed to tramp down regional rivals and consolidate central state control.

Another example from Salto shows how this process worked. Some five days following Flores’ crossing from Argentina into the Uruguayan borderlands, the Argentine Vice-Counsel in Salto, Juan Coronada, issued a formal complaint to blanco officials. He alleged that many of the soldiers serving in the armed forces were Argentine citizens and exempt from military service. During the next few months, Coronada followed his initial letter with a number of other communications. He identified dozens of alleged Argentines in the blanco armies. Not surprisingly, colorados in Salto provided much of the information for Coronada’s claims. For instance, Coronada indicated that Agustín Sañudo had established the “true” citizenship of several soldiers serving in the local garrison.78

The factional conflicts over citizenship became even starker when Pastor Tejo replaced Coronada as the Argentine Vice-Counsel in October of 1863. Tejo was a committed colorado and personal enemy of the local blanco leadership. Already, Tejo’s brother, Angel, had engaged in prolonged disputes with Lucas Piris over the confiscation of

his cattle in 1858. Recalling also that Angel had clashed with Diego Lamas over allegations that Manuel Cristofo had stolen some two ounces of gold from Miguel Gelabert, the correntino merchant. By 1863, Angel had joined Flores’ revolution. With his brother openly opposing the government militarily, Pastor Tejo used his position as Vice-Counsel to attack Piris and the other blancos in the town legally. Citizenship was Pastor’s chief weapon.

Antonio Sagarra, the acting blanco commander in Salto, accused Tejo of being the “hidden hand” trying to obtain the release of several of his former peons conscripted from his brother Angel’s ranch on the spurious grounds that they were Argentine citizens. Sagarra noted that the men in question had actively conspired against the government along with their patron. He had offered them the opportunity to avoid treason charges by agreeing to serve in the government’s forces. Pastor now was attempting to use his position as Vice-Counsel to interfere with the just resolution of their cases. Ultimately, the Uruguayan government ordered Pastor to abandon his post when it severed diplomatic relations with the Argentine government. Almost immediately, Joaquim María Viana, the Brazilian Vice-Counsel in Salto, stepped in to fill the void created by Pastor’s departure. He declared in a letter to the salteño government that the Argentine citizens remaining in the town should now be “considered under the protection of the Government of His Majesty the Emperor of Brazil.”

---

79 Lucas Piris al Sor Gefe Político interino del Departamento del Salto D. Bernardino Alcain, AGN. Salto. Jefatura (March 30, 1858).
80 Miguel V. Gelabert al Sor. Gregorio Valdés (September 11, 1858).
82 Vice-Consulado do Brasil Joaquim María Viana al Señor Gefe Política y de Policía del departamento del Salto, Caballero D. Antonio Sagarra, AGN. Salto. Jefatura (December 24, 1863), 1.
Through these types of demands, Flores and his allies linked their revolution to the Brazilian government’s attempts to consolidate its own authority over the southern borderlands. The growing conflicts across the Uruguayan border provided an opportunity to secure the support of the powerful ranching elites in Rio Grande do Sul and Uruguay, along with a reliable international ally. To support these aims, diplomatic negotiations were underway between the blanco government in Montevideo and imperial officials led by José Antonio Saraiva. Saraiva’s demands explicitly included the discharge of all Brazilians wrongfully impressed into the Uruguayan military, as well as punishment for civil and military commanders guilty of criminal violations against imperial subjects. These negotiations above all aimed to pave the way for a Brazilian invasion. Pastor and his local allies were providing the Brazilian government with continuing evidence of the violation of her subjects’ (as well as Argentine citizens’) rights throughout the borderlands in an effort to redraw political boundaries to serve their personal interests. In short, they lent legal support to imperial military plans.

Conclusion

Disputes over the meaning of citizenship played out in a number of different fora and in a multitude of ways for borderlands residents. For Brazilian slaves like Fermin Ferreira, their own freedom hinged on their skills in navigating national legal differences and factional conflicts to advance their rights. Claiming free status also required mobilizing collective networks of solidarity to pry open factional divisions. It equally demanded a sophisticated sense of where to deploy these resources, when to assert citizenship, how to appeal to national law and when to turn their backs and simply run. The ephemeral nature

---

84 Ibid., 148.
of warfare in the borderlands further shaped these strategies. It required constant attentiveness to changing conditions as rival nations fought to control the borderlands. As slaves struggled to restrict the juridical reach of the Brazilian slave system, more elite residents along the frontier like Cándido Azambuja and Agustín Sañudo worked to maintain cross-border commercial ties while preserving their own rights and legal privileges through factional and familial alliances.

In the end, the individual assertions of citizenship by fugitive slaves and the national reform projects they provoked could not be separated from the destabilization and violence they sought to exploit, respond to and often unwittingly engendered. Cross-border commercial relationships and political ties meant that asserting or strengthening frontier divisions often led inextricably to violent collisions between networks that could benefit or be harmed by such actions. The strategic choices made by slaves deepened these conflicts and laid bare the tensions around sovereign divisions. These debates over the meaning of the border served as a continuous source of fuel for factional brushfires. By the mid-1860s, the persistent clashes between state-centered sovereign models and borderlands legalities had once again reached a breaking point. A few weeks after Pastor Tejo’s dismissal from his counselor post in Salto, the Brazilian government acted. Imperial forces crossed the border to attack the blanco government. The Triple Alliance or Paraguayan War had begun.
CHAPTER 7

CONFLICTS AND COMPROMISES

By the mid-1860s, elites throughout the Río de la Plata pondered questions of the relationship between increasingly assertive national projects and the continuing resistance to them in the periphery. Even as frictions along the Uruguayan and Brazilian border over questions of social standing and national sovereignty threatened to drag the entire region towards war, prominent figures were engaged in a concerted effort to develop practical solutions that could reconcile local autonomy with national systems.

Urquiza in particular understood the need to resolve the conflicts between national and local authorities to preserve his own personal power and political position. Urquiza’s vision rested on two fundamental observations about the evolving relationship with the central state. First, his experience with the Confederation had made it clear that the Argentine state could not exist without Buenos Aires. The increasing economic and military ascendancy of that province had permitted Mitre to establish his own networks of connections throughout the borderlands and challenge Urquiza’s dominant position over political affairs. With Urquiza no longer able to hold the Argentine Confederation together through personal associations, he recognized that he would have to concede to porteño demands for a more centralized state.

Second, although Buenos Aires would now be the head of the nation, Urquiza understood that he still possessed sufficient strength to carve out space within this national framework for his own province and political allies. Urquiza’s solution was to strike a balance between provincial autonomy and national consolidation by attempting to position himself as a moderating influence between the more radical sovereign models on either side.
In effect, he hoped to exchange loyalty to the new nation for the recognition of his continued right to control peripheral economic and political affairs.

As Urquiza positioned himself as a broker between national cores and their rebellious peripheries, however, renewed violence throughout the region progressively weakened the *enterrriano* leader’s personal authority. The Brazilian invasion of Uruguay and the subsequent outbreak of the Paraguayan War in particular radicalized federalists throughout the region. Federalist opposition to forced military drafts also produced waves of rebellions in the Argentine interior throughout the late 1860s. The strains caused by these internal and external conflicts doomed Urquiza’s initial efforts to forge a grand compromise between peripheral federalists and the centralizing forces within the Argentine state under Mitre. Unable to contain “dissident” federalist forces in his own province, Urquiza found himself increasingly isolated politically. His declining fortunes culminated in his assassination at the hands of the federalist movement he once led in 1870.

But the forces motivating Urquiza’s willingness to negotiate the terms of emerging state systems in the borderlands did not dissipate with his death. Rather, the turmoil throughout Uruguay and the Argentine Littoral only clarified the inability of elites to reject centralized nation-states. In Argentina, national forces, taking advantage of their increasing technological superiority, isolated and then finally crushed the dissident federalist uprising in Entre Ríos under Ricardo López Jordán. The campaign made clear that peripheral leaders could no longer hope to challenge the power of the nation-state directly. Recognizing this fact, even López Jordán’s subsequent rebellions sought to mimic Urquiza’s strategy by exploiting metropolitan tensions to carve out spaces within the dominant national system for personal and provincial interests.
Negotiating in the Shadow of Wars

In the wake of Pavón, Urquiza recognized that the Argentine Confederation lacked the economic resources to exist without Buenos Aires and the revenues from its port. Urquiza had used his substantial prestige and wealth to hold the Confederation together, but he lacked the resources personally to sustain the demands of state-making. He now understood the growing limits on the autonomy from Buenos Aires that he had spent the majority of his life defending. Urquiza recognized that the new national state possessed sufficient political and economic power to force federalists in the borderlands “to accept minimal rules of political conduct.”[1] Yet, the question of what those rules would be within the national structure remained unresolved. By engaging with national authorities in Buenos Aires when they needed his substantial power and prestige most, Urquiza hoped to shape the relationship between his province and the larger state to his advantage.

Urquiza’s posture suggested a delicate balance between supporting the traditional federalists that continued to invoke his name as a rallying cry for autonomy from Buenos Aires and backing Mitre and the porteño-dominated national government. This meant that even as Urquiza forged an alliance with Mitre that would form the foundation for the emerging Argentine state throughout the 1860s, the entrerriano leader continued to guard his personal control over Entre Ríos zealously. In the aftermath of Pavón, Urquiza succeeded in keeping national forces outside of the province. Even as his power declined on a national scale, therefore, Urquiza’s absolute control over the province’s military forces permitted him to remain an economic and political force. Urquiza then leveraged his local position to bolster trading relationships beyond provincial boundaries. From San José, Urquiza dispensed both justice and credit to his personal allies. He continued to use his reputation to

---

guarantee their commercial relationships. As Beatriz Bosch noted, Urquiza’s palatial residence was a virtual “Mecca for litigants” in the late 1860s.²

Urquiza’s challenge was to reconcile these longstanding aspects of local autonomy and cross-border trade – the defining aspects of borderlands legalities – with a unified national system dominated by Buenos Aires. He aimed to do so precisely by using his position as a lynchpin in the peripheral legal order to place real limits on the radical federalists that saw open warfare as the natural response to porteño incursions into the region. Urquiza repeatedly affirmed his desire to serve as a moderating influence. Writing to Mitre, Urquiza expressed:

[His] confidence that when they judge me for not being carried away [sustraido] by the passions of my friends and that of those who are not, it was because it was my duty to cast them aside in perpetual sacrifice to the principle I have always been compelled to serve, the protection of the law for all beneath an empire of liberty.³

The key for Urquiza was to restrain the “passions” in his own province while keeping the national government at arms length.

The endemic local clashes over property, citizenship and personal reputations complicated Urquiza’s project to strike a balance between local autonomy and emerging national power. These conflicts had reached particular intensity in the Uruguayan borderlands. There, colorados and blancos had already left the courthouse for the battlefield. Venancio Flores, the colorado general and close ally of Mitre, had invaded the country’s northern borderlands. Flores continued to resist the national government largely by relying on a steady stream of munitions and other support from both Mitre’s government and Brazilian allies like David Canabarro and the Ribeiros. Blancos in turn began to court federalists across the Uruguay River by playing on the old tensions between the Argentine

² Bosch, Urquiza y Su Tiempo, 642.
³ Mitre and Mitre, Archivo Mitre, vol. 25, 68.
Littoral and Buenos Aires. In 1863, Diego Lamas had written to Urquiza’s lieutenant, Ricardo Lopéz Jordán, warning: “if the colorados obtain the Uruguayan government . . . they will soon strike blows against parties in Entre Ríos in the interests of the circle of demagoguery in Buenos Aires, our common enemy.”4 Radical federalists increasingly clamored to intervene in the Estado Oriental on behalf of the blancos. The factional conflicts across the river threatened to explode.

Urquiza struggled to contain the Uruguayan fighting by arranging negotiations between the combatants. Urquiza possessed relationships with both sides. Despite opposing him militarily on several occasions, Flores had entered into a number of commercial arrangements with Urquiza. He also had ties to many of Flores’ Brazilian allies like Manuel Ferreira Bica. Urquiza hoped to use his connections with “so many friends on each side” to forge an end to the “unjust conflict.”5 Urquiza also correctly sensed the potential for the factional struggles in Uruguay to upset the delicate balance in the borderlands, particularly if Brazilian forces intervened on behalf of the colorados. Urquiza stressed that “I have undertaken [negotiations] at the last moment in order to avoid complications with Brazil, whose part in this struggle I can do nothing but condemn.”6

By the mid-1860s, however, the factional divisions in Uruguay had become too deep to be resolved by negotiations. Local disputes over borderlands legalities had, throughout the 1850s, sharpened political tensions as each side struggled to protect the personal reputations and property rights of factional allies. These local clashes over borderlands courthouses had equally become intertwined with disputes between successive “fusionist”

---

5 Bosch, *Urquiza y Su Tiempo*, 610.
6 Ibid.
governments in Montevideo and Brazilian ranchers and their *colorado* allies on the periphery over basic questions of national sovereignty. Mitre’s political maneuverings in support of Flores had provided to final push towards war. The conflict now further radicalized coastal elites in Montevideo. In 1864, Atansio Aguirre was elected president. Where Berro had sought to “fuse” traditional parties together in order to encourage the “nationalization” of Uruguayan affairs, Aguirre now pushed the rebellious *colorados* from the government. Aguirre then moved to crush Flores once and for all in the borderlands. *Blanco* leaders in Montevideo also adopted an increasingly strident tone towards Argentina and Brazil. Aguirre called for the elimination of all “foreign” influences in the Uruguayan countryside. Writing to Urquiza in order to reject his peace overtures in September of 1864, Aguirre made it clear that he blamed Brazilian and Argentine interference for the ongoing rebellion in the borderlands:

> If the neighboring governments in Brazil and Buenos Aires, instead of interesting themselves in the peace of this country, which cannot take hold without respect for its authority, instead of contributing to the suffocation of revolutionary discord, protect and foment it, it is then impossible to obtain the peace you desire, despite my sacrifices to obtain it.\(^7\)

Simply put, the conflict concerned fundamental questions of Uruguayan sovereignty. Aguirre could brook no compromises on such questions and hope to govern in any real sense. With the national government unwilling to compromise with the powerful forces on its peripheries, Urquiza realized his efforts to contain the Uruguayan conflict were destined to fail. Urquiza expressed his anger at the *blanco* president, writing that there was nothing left to do “but let events run their course.”\(^8\)

As Urquiza feared, Brazilian forces crossed into Uruguay in support of Flores and the *colorados* shortly after Aguirre’s refusal to negotiate. By the end of 1864, the residents of

---

\(^7\) Mitre and Mitre, *Archivo Mitre*, v. 2, 79.

\(^8\) Ibid., v. 2, 85.
the *entrerriano* littoral looked on in horror as the combined Brazilian and *colorado* armies, with
the tacit support from Mitre’s government in Buenos Aires, besieged the Uruguayan city of
Paysandú. From 3 December 1864 until 2 January 1865, more than 5,000 allied troops
surrounded a *blanco* garrison under the command of Leandro Goméz. Imperial warships
bombarded the city from the Uruguay River. Despite lacking supplies and artillery, Goméz
steadfastly refused to surrender. Eventually the *blancos* were overwhelmed. The *colorados*
entered the city and captured Goméz. They then executed him along with the surviving
officers in the public square.⁹

The warnings from men like Diego Lamas appeared to be coming to pass. Federalist
calls for a “popular crossing” to oppose the Brazilians, the *colorados* and their *porteño* allies
increased throughout eastern Entre Ríos.¹⁰ Urquiza continued his tact of trying to contain
the conflict, but his options were growing more limited. By the beginning of 1865,
Paraguayan officials wrote to Francisco Solano López, the country’s president, arguing that
“General Urquiza will have to take a decisive action within a few days, it no longer being
possible for him to continue as he has.”¹¹

Urquiza’s hesitance began to open up spaces for other federalists in the province to
bolster their own positions in an effort to challenge the *entrerriano* leader’s dominance.
Ricardo López Jordán was at the center of these movements. López Jordán came from a
prominent ranching family around Paraná in western Entre Ríos. In 1829, the family had
established ties with the Urquizas. Justo José’s older brother Cipriano had married López
Jordán’s sister Teresa. López Jordán’s own career began in 1841 when he enlisted at age

⁹ Washington Reyes Abadie and Andrés Vázquez Romero, *Crónica General del Uruguay*,
¹¹ Reyes Abadie and Vázquez Romero, *Crónica General del Uruguay*, v. 4, 450.
nineteen in the provincial militia under Urquiza’s command. In typical fashion, Urquiza fostered López Jordán’s military and ranching career. This again cemented the reciprocal ties at the heart of his trading networks and political power throughout the borderlands. López Jordán quickly rose through the ranks in the militia. He fought with Urquiza at Caseros. He eventually served as one of Urquiza’s principal lieutenants in the Confederation army, commanding the *entrerriano* cavalry at Pavón. As López Jordán gained prestige on the battlefield, Urquiza facilitated his transition into politics. He arranged for López Jordán’s election to the Confederation’s national assembly in 1856. Urquiza also sold lands around Concordia to López Jordán on favorable terms in an effort to cement their commercial connections.12 Despite these ties, however, the relationship between the two men had always been somewhat cold. This probably reflected López Jordán’s personal ambitions. Urquiza’s conciliatory project above all aimed to ensure the *entrerriano* leader’s continued dominance over his home province. To increase his own political role, López Jordán had to embrace an alternative to Urquiza’s negotiated nation in the form of a more radical federalist vision.

The younger López Jordán had also risen to prominence primarily as a military officer. He consistently favored much more direct confrontation with Buenos Aires. López Jordán had viewed Pavón as a victory for the Confederation. He pleaded with Urquiza to invade Buenos Aires province to assert federalist dominance over their *porteño* rivals. Urquiza’s unwillingness to oppose Mitre militarily following the battle outraged the *entrerriano* commander. López Jordán further frowned on Urquiza’s failure to challenge the *porteño* campaigns against their federalist allies in the interior. Throughout 1863, for instance, Mitre

---

slowly crushed uprisings by Angel Vicente Peñaloza in La Rioja province. Peñaloza, known as “Chacho,” had invoked Urquiza’s name repeatedly in his opposition to Mitre. Urquiza, however, spurned Peñaloza’s requests for aid. The short-lived rebellion ended with Peñaloza’s assassination in November of 1863. However, it lingered on in federalist ideology of resistance to porteño oppression. Urquiza’s steadfast refusal to intervene in the La Rioja conflict pushed López Jordán to begin to oppose his former patron openly. In 1864, López Jordán solidified his position as the head of the “dissident federalists” by running for provincial governor against Urquiza’s chosen candidate. Although soundly defeated, the growing conflicts in Uruguay bolstered López Jordán’s reputation as a more radical alternative to the increasingly conciliatory governor.

These intensifying internal conflicts within Argentina paralleled the heightened political tensions throughout the region as the Brazilian invasion of the Estado Oriental set off a chain of events that led the entire Río de la Plata towards war. These conflicts only further radicalized the dissident federalists and eroded the middle ground upon which Urquiza hoped to erect his own national project. Solano López, the Paraguayan president, intervened in the Uruguayan conflict on behalf of the blanco government. López also began to court an alliance with Urquiza. He sent representatives to meet with the entrerriano leader in an attempt to revive the old federalist alliance against both the Brazilian empire and Buenos Aires. Although deeply suspicious of the growing Brazilian presence just across the Uruguay River, Urquiza continued to advocate neutrality. By keeping the Argentine Provinces out of the deepening conflict, Urquiza might still be able to use his personal

---

13 For a detailed description of the uprising and the popular politics and meaning of Peñaloza’s rebellion, see De la Fuente, *Children of Facundo*.

authority to contain the more radical federalists like López Jordán and avoid a rupture in his
fragile alliance with Mitre’s national government.

Urquiza once again attempted to placate both sides in the Uruguayan conflict to limit
its impact in the Argentine Republic. Urquiza opened Entre Ríos to blancos fleeing from
Flores and the colorados across the river. Deposed Uruguayan President Aguirre, Diego
Lamas, Lucas Piris and other prominent blancos gathered in eastern Entre Ríos under
Urquiza’s protection. Urquiza wrote to Mitre that providing asylum for “persons of all
political strips was also a calling for this Province, and even Rosas had to respect it.”15 At
the same time, Urquiza openly advised Mitre to remain neutral in the pending conflict
between Paraguay and the Brazilian empire. He wrote that the republic should exercise its
authority “to influence the outcome of this foreign [extraña] conflict without being
enveloped in someone else’s [ajeno] interest.”16 There may have also been an implicit threat.

By sheltering the blancos, Urquiza made clear that he could still throw his support behind the
dissident federalist cause. In effect, Urquiza implied that he would remain loyal to Mitre in
exchange for autonomy in conducting his own local affairs, as well as the ability to regulate
and protect cross-border relationships. Renewed military conflicts threatened the delicate
balance Urquiza was attempting to construct. However, it could also topple Mitre’s efforts
to establish porteño hegemony over the new Argentine state. Urquiza was quite blunt on this
point, writing to Mitre that “[o]ur still incipient political organization could fail like on other
occasions and perhaps more terribly if we adopt sterile efforts towards imprudent and
agitated passions.”17

15 Bosch, Urquiza y Su Tiempo, 635.
16 Ibid., 618.
17 Mitre and Mitre, Archivo Mitre, v. 2, 95.
The calculation for Mitre’s government was entirely different. Following their victory at Pavón, Mitre had engaged in a prolonged campaign to establish national authority over the traditionally federalist provinces in the interior. Mitre’s stance in Uruguay and later against Paraguay in many ways represented a logical extension of these domestic conflicts. In particular, they provided the porteño leader with a means to erode bases of federalist opposition throughout the Río de la Plata basin. Yet, Mitre did not directly press for war against the Paraguayans. Like Urquiza, Mitre feared the growing Brazilian influence in the basin. He sought to position Argentina to take advantage of the tensions between the Paraguayans and the Brazilians. Mitre, therefore, fashioned a strategy designed to restrict Paraguayan involvement in the Uruguayan conflict by prohibiting Paraguayan passage through Argentine territory. At the same time, however, Mitre refused Brazilian requests for support for their planned naval blockade of Paraguayan ports on the Paraná River. Through these actions, Mitre hoped to push military conflicts away from Argentine borders, while still using the Paraguayan presence to limit Brazilian activities throughout the Río de la Plata basin.18

The Triple Alliance War and the Limits of Radical Federalism

Mitre, however, miscalculated that he could contain tensions with Paraguay without provoking an open conflict. Confident that the federalists and emigrant blancos in the Argentine Littoral would rally to his side, Solano López invaded Corrientes in early 1865. Paraguayan forces advanced on two fronts. Troops moving along the western flank quickly

18 Whigham, The Paraguayan War, 238-54. Whigham particularly rejects “revisionist” notions that Mitre aimed to provoke Paraguay into a conflict. He writes: “Mitre harbored great ambitions for himself and his country. Revisionists are right in supposing that he wished to forge a new hegemonic order in the Plata with Buenos Aires dominant over all the other provinces of the old viceroyalty, including Paraguay and the Banda Oriental. His plans, however, never included provoking the Paraguayans into a genuine war with Argentina.” Ibid., 252.
captured the city of Corrientes. To the east, Paraguayan troops entered Brazil and captured Uruguaiana and the *correntino* port of Restauración just across the river.\(^{19}\) The invasion ensured that Mitre and the national forces under his command would now enter the conflict along with the Brazilian empire and the *colorados* in the Estado Oriental. Brazilian diplomats promptly opened up negotiations with the Argentine government on the terms of an alliance against Paraguay. On 12 and 13 June 1865, Argentina, Brazil and Uruguay exchanged ratifications of their Triple Alliance against the Paraguayans. The entire Río de la Plata basin was once again at war.\(^{20}\)

Mitre’s intervention presented Urquiza with a dilemma. Mitre requested troops from Entre Ríos to support his campaign against the Paraguayans in Corrientes. If Urquiza refused, he risked undermining his exclusive control over Entre Ríos’ still substantial armed forces and perhaps provoking an internal civil war. On the other hand, dissident federalists like López Jordán clamored for him to support the Paraguayans. López Jordán openly declared that Mitre, not Paraguay, represented the true enemy in the conflict. He wrote: “You [Urquiza] call on us to fight against Paraguay. Never, my General, for that nation is our friend. Call on us to fight the Brazilians and the *porteños* and we will be ready – for they are our enemies.”\(^{21}\) Despite the protests from the dissident federalists, Urquiza again decided to throw his support behind Mitre. This stance likely reflected Urquiza’s sense that opposing the new national government carried with it unacceptable risks, both for himself and his vision for an Argentine nation built around a union of coequal provinces. It also reflected the central guiding principle in Urquiza’s political maneuvering in the wake of Pavón – direct opposition to the national state was no longer a real possibility. Urquiza

\(^{19}\) Ibid., 263.
\(^{20}\) Ibid., 276.
\(^{21}\) Ibid., 330.
reasoned that it was better to work within national structures to negotiate provincial rights than to engage in futile conflicts in the name of traditional federalism.

Yet as Urquiza labored to work within the new reality of a national system oriented around Buenos Aires, he began to lose his grip on the older elements of personal reputation and reciprocity that formed the touchstone of his political power in the borderlands. Regardless of the growing tensions within the federalist ranks, Urquiza continued to possess sufficient personal prestige and power to mobilize substantial forces at the outset of the Paraguayan conflict. By July of 1865, he had assembled some eight thousand troops. Urquiza marched north to an encampment along the correntino frontier at Basualdo. As Urquiza made final arrangements to confront Paraguayan forces in Corrientes, however, rumors began to swirl among his forces. When Urquiza traveled back to Concordia to meet with Mitre, his army rose in open revolt. Mitre and others immediately suspected López Jordán and other federalists of orchestrating the uprising in order to discredit Urquiza and lay the groundwork for an open rebellion against the national government. Reports indicated that groups of officers had traveled throughout the camp encouraging troops to revolt by proclaiming that Urquiza himself had “gone home.” 22 Although allegations of a conspiracy among Urquiza’s federalist lieutenants could never be definitively proven, the Basualdo incident unquestionably weakened the entrerriano leader’s hold on the province and its armed forces. Urquiza’s son, Diogenes, clearly recognized it as an assault on his father’s reputation. He pled with Urquiza to form a new army to show that “his prestige has not fallen or that he is not a traitor or as stupid as the ill-willed would suppose.” 23

22 Ibid., 342.
23 Bosch, Urquiza y Su Tiempo, 628.
Urquiza struggled to reorganize his forces. In an effort to lure his soldiers back to camp, Urquiza issued a decree absolving the Basualdo deserters. By October, he had gathered a new, smaller army, only to watch it again dissolve in another open revolt.\(^{24}\) News of the second uprising radiated throughout the borderlands. Salto’s newspaper, *El Eco de los Libres*, openly asked what had become of the “loyal and honorable soldiers of Entre Ríos, that, full of patriotism, had stood with their illustrious candililo through all the tides of war?”\(^{25}\) The same question could have been asked about Urquiza’s ability to mobilize military forces. Urquiza no longer appeared to have the power to summon his native province to support his political projects. Following the second uprising, Urquiza effectively surrendered. He returned to San José and resigned himself to sitting out the war.

The mutinies signaled Urquiza’s decline in the province and the rise of men like López Jordán who openly opposed the war and the national government.\(^ {26}\) With each successive revolt, the strength of the forces threatening to pull apart the fragile Argentine union grew. Conversely, Urquiza’s ability to leverage his personal reputation and his vast network of reciprocal connections to act as the glue that could hold both federalist and nationalist interests together within a single political system grew weaker. The distance between borderlands legalities and Mitre’s porteño-centered sovereign model remained too great for even Urquiza to bridge. Mitre correctly perceived the implications of the uprisings, writing that “of course General Urquiza has fallen at Basualdo and that a revolution has occurred in Entre Ríos, a revolution that will have repercussions later.”\(^ {27}\)

\(^{24}\) Whigham, *The Paraguayan War*, 405-06.

\(^{25}\) *El Eco de los Libres*, n. 151 (November 20, 1865), 1.

\(^{26}\) Whigham, *The Paraguayan War*, 342.

\(^{27}\) Bosch, *Urquiza y Su Tiempo*, 628.
The repercussions from the war would also be quickly felt. The allied forces had expected a quick victory over the Paraguayans. Despite Urquiza’s failure to join the campaign, the combined Brazilian, Argentine and Uruguayan armies quickly drove the Paraguayans from Rio Grande do Sul and Corrientes. In early 1866, the allies crossed into Paraguay. Once on Paraguayan soil, the nature of the conflict shifted dramatically. The poorly supplied allied forces advanced slowly along the Paraguay River. They pushed the Paraguayans to the north towards Asunción. Eventually they reached the heavily fortified Paraguayan positions around Curupaití. On 22 September 1866, the allies launched a massive assault. The entrenched Paraguayans carved up the allied columns. They particularly punished Mitre’s forces. By the end of the day, more than 2,000 Argentines – almost half of Mitre’s army – had perished.28

Following the defeat, the war bogged down into a prolonged siege. Disease particularly savaged the allied armies. Cholera broke out on both sides of the front in April of 1867. Some 4,000 allied soldiers – the vast majority Brazilian – died during the first outbreak alone. Only with the appointment of the Barão de Caxias, the old rio-grandense president and victor over the Farrapos rebels, did conditions improve. Caxias restored order in the allied camps, increased hygiene measures and secured adequate supplies for his forces. Under his command, the now predominantly Brazilian army began a brutal war of attrition against the Paraguayans. The fall of the Paraguayan fortifications at Humaitá in August of 1868 signaled the beginning of the end of the conflict. Caxias entered Asunción in January of 1869. López continued to resist for another year until Brazilian forces finally killed him in

---

28 Chris Leuchars, To the Bitter End: Paraguay and the War of the Triple Alliance (Westport, CN: Greenwood Press, 2002), 140-54.
battle in March of 1870.\textsuperscript{29} By the end, almost 200,000 Paraguayans, more than 60% of the population, had died during the war. The Brazilian losses, included those from disease, were estimated at nearly 100,000.\textsuperscript{30}

For their part, Argentine forces in Paraguay never recovered from the defeat at Curupaiti. Mitre largely abandoned military operations. He played only a supporting role during Caxias’ campaigns. By the end of 1866, fewer than 5,000 troops were in active service in Mitre’s national army. The vast majority had been secured through brutal impressments.\textsuperscript{31} Resistance to these forced levies became a rallying cry for federalists throughout the countryside. As Ariel de la Fuente persuasively argued, this recruitment and the repression accompanying it, transformed the war “into an unprecedented social and political conflict of national dimensions.”\textsuperscript{32} With their involvement in Paraguay winding down, fighting between the federalists and Mitre now erupted in Argentina’s interior. By the end of 1866, a number of northern and western provinces rallied around Juan Saá and Felipe Varela in a renewed federalist campaign against Mitre’s government. Mitre returned from Paraguay in 1867 to confront the federalist rebels. The porteño general energetically lead a vicious campaign that devastated the region. Oppressive measures against the local populations followed the national army’s military victories as Mitre and his allies moved to extinguish federalist opposition once and for all in the interior.\textsuperscript{33}

Urquiza had once again managed to steer Entre Ríos away from these political conflicts. Moreover, unlike in the interior, local elites throughout the Argentine Littoral had

\textsuperscript{29} Ibid., 168-90, 213-31.
\textsuperscript{30} Ibid., 236-37.
\textsuperscript{32} De la Fuente, \textit{Children of Facundo}, 170.
\textsuperscript{33} Ibid., 164-76.
largely prospered by supplying the allied forces fighting in Paraguay. This temporarily eased political pressures. Yet, as the 1868 national elections approached, the political violence in the interior began to spill over into Río de la Plata borderlands as well. Urquiza himself made preparations to run for national office. He secured support from federalist allies throughout the littoral provinces for his candidacy. In Corrientes, however, tensions over Urquiza’s campaign exploded into open violence. Recall that Mitre and Urquiza had both maneuvered to exploit the struggles between the provincial government and departmental heads in the southern correntino borderlands. Mitre had backed a revolution by Nicanor Cáceres and others against José María Rolón in 1861. Seven years later, the federalist Evaristo López held the governorship largely with the continued backing of Cáceres and other prominent correntino ranchers. Evaristo López also appeared likely to support Urquiza in the coming elections. Seeking to check the power of the federalists in the province and secure support for their own electoral slate, the opposition liberals overthrew the governor. Cáceres quickly organized his own forces and marched towards the correntino capital. The liberals in the capital urgently requested that Mitre send national forces to support their still tenuous position. Cáceres issued similar calls for aid from the federalists in Entre Ríos. In effect, Cáceres now reached out to Urquiza in an effort to check the power of the national government. The long-simmering conflict between the provincial federalists and the national liberals that Urquiza had worked to contain now appeared to be finally boiling over. It did so along the old fault lines between local borderlands leaders and their provincial and national rivals.

34 Rock, *State Building*, 42.
The national government sent an “observation force” of some 2,000 men under Emilio Mitre’s command. Urquiza ordered López Jordán to the correntino border, but with strict orders not to enter the province. Gathering a force of dissident federalists and emigrant blancos, López Jordán eagerly awaited orders to assist Cáceres. When Urquiza hesitated, again trying to avoid a confrontation between the federalists in his province and the national government, López Jordán grew irate. He wrote to several allies:

I have been disillusioned by my joy to see . . . our general and friend on the terrain we have long wished for, but from the news today, the man has returned to his calm, killer of his true interests, those of his party and of the country as a whole, God help him.36

López Jordán and his fellow dissidents had been discussing a rebellion against Urquiza throughout the past year. Now, as outside national and federalist forces converged on the province, López Jordán took his first openly defiant step. As Cáceres and the correntino liberals prepared to meet around Arroyo Garay, López Jordán invaded Corrientes. He soundly defeated the correntino liberal forces. He then advanced towards the national observation army. A confrontation between the national government and the dissident federalists in Entre Ríos and Corrientes appeared imminent.

While triumphant on the battlefield, the correntino conflict and the struggles in the interior had successfully limited Urquiza and the federalists’ influence in the national elections. Urquiza carried only the delegates from his native Entre Ríos, Santa Fe and besieged Salta. Elsewhere, after some electoral maneuvering, Domingo Sarmiento, the strident critic of provincial governors like Urquiza, emerged as Mitre’s successor. Recognizing the danger of an open civil war, Urquiza immediately worked to broker a peace with Sarmiento’s new government. Once again, the negotiations produced terms that appeared extremely favorable to the national government. Liberals remained in power in

36 Duarte, *Urquiza y López Jordán*, 141.
Corrientes. This effectively nullified López Jordán’s military triumph. The dissident federalist paper, *La Nación Argentina*, accused Urquiza of “leaving his friend hanging [colgados].” The article ominously warned that “his allies in Entre Ríos would no longer accompany him in this politics of muddied waters.” López Jordán announced his resignation from his command in disgust. Urquiza was no longer able to restrain the two warring sides without losing the complete faith of the radical members of his own party. Little hope remained for his project of negotiating a solution to the relationship between his province and the national government. Rather, López Jordán made it clear that their relationship would have to be determined through force.

Throughout 1869, López Jordán and his allies laid the groundwork for political revolution in Entre Ríos. In mid-April of 1870, Urquiza’s efforts to reconcile federalist autonomy with national destinies came to a violent end. On the night of 11 April 1870, a group of some thirty men entered Urquiza’s residence shouting “*viva* López Jordán, death to the traitor Urquiza.” After a few brief moments of confusion, the men located Urquiza and shot him four or five times as he attempted to arm himself in his study. The leader of Entre Ríos for the past thirty years was dead. A similar uprising in Concordia resulted in the murder of two of Urquiza’s sons, Waldino and Justo Carmelo. With the uprising under way, López Jordán issued a proclamation to local officials advising them that he would maintain “order and the law until the constitutional authorities in the province could assemble themselves.”

The dramatic decline in Urquiza’s personal reputation had certainly facilitated his killing. Even at the time of his death, however, the *entrerriano* leader remained a lynchpin in

---

37 Ibid., 151.
38 Bosch, *Urquiza y Su Tiempo*, 713.
39 Ibid.
the reciprocal trading relationships at the heart of borderlands legalities. News of his murder produced shock and paralysis throughout the Río de la Plata borderlands. López Jordán attempted to take advantage of the confusion. His allies gained control of the provincial legislature and elected him provisional governor. While López Jordán clearly hoped to keep the national government at bay, Urquiza’s assassination also ended the implicit bargain guaranteeing the province’s relative autonomy from porteño control. Sarmiento ordered national troops into Entre Ríos for the first time, finally producing the intervention that Urquiza had labored for the past decade to avoid.

The subsequent campaign also dramatically revealed what Urquiza had recognized throughout his political maneuverings in the 1860s – the growing power of the national government to impose order on its peripheries. Despite his prominence in the province, López Jordán consistently lacked the resources to mount anything beyond a guerrilla campaign. When he did confront national forces directly, his irregular mounted forces faced an increasingly well-armed and professional national army. At Santa Rosa, near Urquiza’s old capital of Concepción del Uruguay, the introduction of new Remington rifles and Krupp cannons decimated López Jordán’s ranks.\textsuperscript{40} Within a year, López Jordán had been largely driven from Entre Ríos. He made a last attempt to salvage his federalist revolution by invading Corrientes. At Ñaembé, López Jordán confronted combined correntino and national forces. The latter, under the command of future Argentine President Julio A. Roca, laid down accurate and devastating fire on the entrerriano cavalry. With his forces destroyed, López Jordán fled across the Uruguay River into the Estado Oriental and eventually Rio Grande do Sul.\textsuperscript{41}

\textsuperscript{40} Salduna, \textit{La Rebelión Jordanista}, 301, Newton, \textit{Ricardo López Jordán}, 122-23.
\textsuperscript{41} Salduna, \textit{La Rebelión Jordanista}, 320-23.
López Jordán’s defeat clearly demonstrated the growing power of the central government to subdue rebellious provinces by force. This did not mean, however, that the dissident federalists now willingly accepted porteño control. Rather, López Jordán would launch two more uprisings in 1873 and 1876 against national authorities in the province. In these rebellions, however, López Jordán attempted, with much less success, to recreate Urquiza’s strategy of working within the national system to secure provincial autonomy. In each case, the enterrriano commander forged relationships with competing national politicians, seeking to leverage his rural power base to gain concessions from metropolitan allies. In his final 1876 campaign, López Jordán went so far as to enter into an alliance with Mitre and his liberals in their own struggle over the question of the federalization of Buenos Aires city. Ironically, López Jordán’s final defeat came fighting to sustain porteño dominance in the national system in order to revive his waning fortunes in his home province.42

**Local Autonomy and State Power in Uruguay**

The same tensions that ultimately produced López Jordán’s uprising in 1870 equally occurred across the Uruguay River in the Estado Oriental. The Paraguayan War itself was even less of a national project in Uruguay than in Argentina. With substantial elements of even the victorious colorados largely disinterested in the conflict, Uruguayan involvement was limited to efforts by Flores and a small circle of supporters. Flores himself participated only briefly in the war. He returned to Uruguay in 1866 after less than a year of fighting.43

Although Flores’ Paraguayan campaign was brief, his absence opened up rifts within the colorados that mirrored those of the federalists across the river. In particular, the party

---


splintered into “traditional” and “conservative” factions. Flores aligned with the former. Upon his return, Flores worked to consolidate his personal authority at the head of the colorados. Flores governed largely by fiat. He attempted to use his political allegiances to consolidate the national government’s hold on the rebellious republic. As Flores cracked down, however, he faced opposition from the same local colorado leaders that he had relied on for support. By 1868, Flores sought to end his formal dictatorship by ceding power to his handpicked civilian successor. The blancos remaining in Montevideo sensed a moment when they could reassert their political power, particularly with the colorados themselves divided over the relationship between the local and national government in the countryside. Bernardo Berro led an uprising in which a small number of blancos attempted to provoke a mutiny among the city’s garrison with shouts of “viva Paraguay!” At the same time, another group of revolutionaries intercepted Flores in the street and assassinated the colorado general. Berro, unaware of Flores’ death (which may have actually been the work of his conservative colorado opponents), ordered his own supporters to disband when it became clear that the city’s forces would not follow the blancos. Captured on his way home, the former Uruguayan president was led to the city’s cabildo, shown Flores’ body and then shot.44

The assassinations of both Flores and Berro touched off a renewed wave of political instability throughout the republic. A deepening economic crisis, along with growing political turmoil in Argentina, further heightened tensions. The Uruguayan economy in particular had experienced a significant wartime boom as it exported supplies to troops at the front. By 1868, the wartime bonanza was already coming to an end. A number of local caudillos within the colorado ranks rose up against the government to protest the deteriorating economy. Men like José Gregorio Suárez and Máximo Pérez also aimed to reassert their

relative independence from Montevideo now that Flores was no longer in power. Much like Urquiza had done throughout the 1860s, the new Uruguayan president, Lorenzo Battle, struggled to chart a course between forces in the capital that wanted to impose national authority on the countryside and the colorado dissidents demanding autonomous control over their local affairs. Lacking the personal reputation to cement such relationships, however, Battle largely contented himself with serving as the pragmatic head of “a federation of regions.”

López Jordán’s revolution in Entre Ríos transformed the ongoing skirmishes between national authorities and local elites into a full-scale war by reigniting factional divisions in theEstado Oriental. The exiled blancos in Entre Ríos joined the dissident federalists in an open revolt against the weakened colorado government in Montevideo. Timoteo Aparicio, a prominent blanco caudillo, launched the Revolución de la lanzas by crossing the Uruguay from Entre Ríos and capturing Salto. For the next two years, regular and irregular forces from both sides swept across the Uruguayan countryside. The violence once again devastated the ranching industry. When the conflict finally ended in 1872, the blancos proved much more successful than López Jordán at securing local space within the new Uruguayan national system. Specifically, they obtained an agreement to control several interior departments. This effectively established their factional authority over selective areas of localized justice.

With the end of the Revolución de las lanzas, the Uruguayan state appeared to fragment back into a collection of regions only marginally governed by the country’s central authorities. A series of weak civilian national governments failed to reign in the violence. Regardless of faction, the disorder throughout the early 1870s weighted heavily on the

---

45 Barrán and Nahum, Historia Rural del Uruguay Moderno, 221.
country’s ranching elites. In response to the violence during the Revolución de las lanzas, a number of prominent ranchers established the Uruguayan Rural Association to lobby the government to protect their properties. In an 1872 letter, for instance, the association requested the government “once and for all bring about the end of the corrupt practice of violently supplying troops [through cattle seizures], with the result that, under the guise of authority, these deplorable acts will no longer be committed.”\footnote{Ibid., 234.} Between 1872 and 1875, a steady stream of petitions flowed across the desks of Uruguayan officials in Montevideo demanding assistance from the government to protect property rights and secure the peace.

Petitions like the ones from the Uruguayan Rural Association did not just reflect concerns over property. Throughout the borderlands, the Paraguayan War and the subsequent uprisings in the early 1870s equally threatened the existing social order. These tensions often played out along racial lines. For example, in the immediate aftermath of the Revolución de las lanzas, judicial officials in Salto confronted a case in which a black Uruguayan laborer directly challenged his master’s authority over him. According to witnesses, the incident began when José María Marcelino de Souza became involved in a heated argument with Juan da Silva, a laborer on his ranch.\footnote{D. Francisco J. Fernandez en representación de D. Juan da Silva querellando criminalmente c. D. José María Marcelino de Souza, AGN-SJ. Salto. Penales, n. 29 (1872).} According to witnesses, Marcelino threatened to “cut da Silva’s ears off” for defying him. In reply, da Silva declared that “there were no slaves in the Oriental Republic” and that he “was not a Portuguese subject.” Following the exchange, Marcelino left, but then apparently later returned with a gun to kill da Silva outright. He further threw da Silva off his property, refusing to pay wages owed to his former peon.\footnote{Ibid.}
Da Silva subsequently retained Francisco J. Fernandez to represent him in the matter. The record does not indicate why Fernandez took the case, but the proceedings involving Fermin Ferreira a decade earlier permit us to speculate that elite rivalries once again created spaces for Uruguayans of color to utilize the courts to seek greater legal rights. Whatever his personal reasons, however, Fernandez articulated what must have appeared to local officials as a radical definition of citizenship and equality before the law in his attack on Marcelino. He wrote that “after four years of service and abuse” Marcelino had “flagrantly violated the Constitution of this Republic, cruelly punishing and then throwing [da Silva] from his land without paying him for the sweat from his brow.” Fernandez then drew explicit distinctions between Uruguay and neighboring Brazil. He contended that Marcelino’s conduct might be “excused in breast of barbarous pueblos or where a man is considered to be property.” He continued: “But, in this Republic, whose wise laws apply to all its inhabitants and with the same degree of equality, such conduct is intolerable, an insult to democratic institutions and a crime.”

In response to Fernandez’s assertions of legal equality, Marcelino, speaking for himself, turned to the familiar language of personal status and reputation. Marcelino offered to the court evidence that he “was a man that enjoyed a good reputation” and was “beloved by vecinos and his family.” He then provided statements from several witnesses attesting to his character and personal standing in the community. Tomas Benitez’s testimony was typical. Benitez commented that “over the years that he had known Mr. Marcelino he was a good vecino, hard-working and honorable, esteemed by everyone and his family.” Marcelino declared to the court that Fernandez and da Silva had “offended my honor” and that “when

49 Ibid.
these absurd and unwarranted charges are shown to be false, the accuser will be condemned to the full extent of the law.”

Fernandez then wrote to the court requesting that Marcelino be arrested. They argued that if Marcelino left town, he could “instruct and intimidate witnesses” before the eventual trial. Fernandez then broadened his argument, claiming that the matter “should be resolved here in the presence of the accused and his accuser with all the independence that the truth, the base or all justice, requires.” Fernandez concluded that this face-to-face encounter between equals was necessary to preserve “the honor and rights of my client” along with “the rectitude and dignity of the Your Mercy’s office and public justice.” Fernandez’s demands also represented a kind of social leveling. Specifically, he called upon a self-described “honorable vecino” and property-owner to stand face-to-face in a formal proceeding and answer charges from his black peon.

The court both refused to arrest Marcelino or hold him accountable for his actions. The file ended without any additional proceedings against the landowner. Still, da Silva’s implicit rejection of Marcelino’s status had to trouble officials. The willingness of Fernandez to then link such an assertion to ideas of equality before the law and national citizenship also had to be alarming. This was particularly so in light of the disruptions caused by Aparicio’s two-year campaign against the national government and the continuing low level disturbances occurring throughout the Uruguayan countryside in the mid-1870s. In response, local elites in Salto, along with hacendados in the Uruguayan Rural Association, began explicitly to reframe their relationship with the national government by equating patriotism with adherence not only to national laws, but also to local social hierarchies. This

---

50 Ibid.
51 Ibid.
is to say, they began to link ideals of local status and rights to more state-centered sovereign frameworks. As we will see in more detail in the last chapter, this provided a foundation for negotiations between peripheral and coastal elites over the terms of their relationship. Borderlands courts would also provide one of the principal venues in which they worked out the terms of the compromise.

The relationship between interior elites and Montevideo reemerged as an important political issue in the borderlands press, as well. A lengthy article in Salto’s *El Progreso* newspaper in January of 1876 openly discussed the need to reconstitute the fragmented Uruguayan state and its local identities in order to preserve both property and the status of property owners. The article began by contrasting the work of the Rural Association, “composed of a group of enlightened vecinos of different nationalities” and “true apostles for the public good” with those men that “have been working like a virus to corrupt the social body.” This latter group had fostered “political passions in a struggle with no quarter.” As a result, Uruguay continued to lack a government with sufficient strength to foster “the conservation and development of material interests.” Given this reality, the article called for a new “patriotism” that could overcome the “political frenzy” that had so damaged the nation’s wealth. The touchstone of this new patriotism was an “adhesion to the land” and to “social solidarity” at the local level in order to form “a strong and happy town [pueblo] through the free coexistence of individuals.” To make sure this felicitous result came to pass, however, it was necessary “to strengthen the prestige and power of the necessary authorities.” This meant ensuring that the “Superior Government” possessed the tools to

---

52 *El Progreso*, Año II, n. 7 (January 11, 1876), 1.
protect “the development of those good elements [read – the ‘enlightened vecinos’]” in the town.53

Embedded within the article’s language was an implicit compromise. On the one hand, the article referenced the language of borderlands legalities. It highlighted the patriotism of vecinos, regardless of nationality. In this way, it echoed traditional, peripheral definitions of citizenship. These definitions were premised more upon local standing than national boundaries. At the same time, however, the article now linked these peripheral notions of status with explicit support for the national government and its laws in the service of maintaining the proper social order in rural society. In short, the article envisioned an arrangement in which local elites maintained their place in the social hierarchy. This included an emphasis on localized connections above strict national identities. Peripheral elites would offer their loyalty to the national government in exchange for the protection of these relationships. It envisioned the same types of compromises between local autonomy and national authority that had underpinned Urquiza’s failed political project across the Uruguay.

The missing element was an assertive central state. The Uruguayan army would fill the void civilian authorities in Montevideo had failed to do. Much like the internal conflicts in Argentina during the course of the Paraguayan War, the Revolución de las lanzas brought the Uruguayan national army to the center of political life. The conflicts in the early 1870s in particular transformed the Uruguayan military from largely a factional entity tied to particular commanders like Flores into a professionalized force associated for the first time with the Uruguayan nation. Career officers like Lorenzo Latorre also benefitted from the army’s new role. Born only in 1844, Latorre represented a new generation of officers that had come of

53 Ibid.
age after the Guerra Grande’s divisive struggles. Rather than engaging in commercial enterprises and ranching as men like Urquiza and Flores had done, he received his education and training from the Uruguayan military school in Montevideo. During the Revolución de las lanzas, Latorre rose to the rank of colonel. He commanded infantry battalions against Aparicio’s blancos. Throughout the two-year conflict, he gained a reputation for both bravery, as well as professionalism. Contemporaries noted that forces under his command rarely committed “excesses” either against captured enemies or property. With weak civilian governments unable to impose order in the Uruguayan countryside, elites increasingly clamored for army to assume control and impose this type of discipline on the national as a whole.  

Latorre heeded their call. He seized the government in early 1876. Using the military as his base of authority, Latorre then embarked on what Lauren Benton termed “a resolute strengthening of central political power” during the course of his dictatorship between 1876 and 1880. At the center of this agenda was an alliance between the ranching elites and the national armed forces to secure the social order and with it economic prosperity. The most visible representation of this new alliance between the military and ranchers was the Rural Code. Actually enacted just before the coup, but substantially modified under Latorre’s regime, the Rural Code provided a host of draconian tools to protect property. Among other things, the Code reinforced existing vagrancy laws, required greater documentation to establish ownership of cattle and imposed stiff penalties for cattle theft. Answering calls from newspapers like El Progreso, the Code also reformed the rural

police forces to better protect cattle. Likewise, it reconfirmed the social hierarchy in the countryside by including provisions like mandatory private surveys of property that were designed to favor powerful local ranchers with the economic resources to conduct those types of diligences.\(^56\) The coercive power of the national military stood as the backstop to all these reforms. Thus, as national governments in the early 1870s repeatedly demonstrated their ability to defeat opposition forces in open combat, they also offered elites on their peripheries incentives to recognize their legitimate authority in the borderlands. These elements of coercion and compromise formed the twin pillars upon which support for national entities rested.

**War in the Brazilian Borderlands**

The efforts in Argentina and Uruguay to strike a balance between local legal norms and broader national structures were equally occurring in Brazil. Like in the rest of the Río de la Plata, the military conflicts associated with the Paraguayan War played an important role in the process. The war represented a much more direct and traumatic event for the Brazilian empire in general and Rio Grande do Sul in particular than for its southern neighbors. Paraguayan forces had invaded Rio Grande do Sul, capturing Uruguaiana in 1865. Even after allied forces drove the Paraguayans from Brazilian soil, however, Rio Grande do Sul remained the central staging area for the increasingly Brazilian-dominated conflict. The province also supplied the bulk of imperial military forces.\(^57\)

As it had in Argentina and to a much lesser extent in Uruguay, the Paraguayan War represented a truly national mobilization for the first time in the empire’s history. As the

\(^56\) Barrán and Nahum, *Historia Rural del Uruguay Moderno*, 499-516.

war progressed, it also produced a concerted campaign to modernize and professionalize the armed forces. Elsewhere these forces tended to inexorably strengthen the power of the central state. In Rio Grande do Sul, however, gaúcho liberals proved adept at navigating the tensions between centralizing authority and regional autonomy in a way that eluded Urquiza. Specifically, while Urquiza had seen his efforts to support the Paraguayan campaign collapse at Basualdo, prominent elites in the Brazilian borderlands successfully used the war to establish their loyalty to the empire. David Canabarro and Manuel Osório among others directed significant portions of the campaign. Critically, Brazilian borderlanders did not have to fear more radical federalist alternatives. Although in several instances, local rivals like the Ribeiro family in Alegrete worked to undermine their authority, this opposition largely came from political groups like the progressistas that depended on central authorities for their own power. With their federalist flank secure, the war offered riograndense liberals the opportunity to continue to advocate for provincial autonomy while fighting for the imperial cause. As a result, by the early 1870s, the Liberal Party had become the dominant force in the province.58

As gaúcho liberals worked to secure their own autonomy, however, they were equally careful to ensure that centrifugal forces did not get out of hand. Brazilian slave masters forming the bulwark of the ascendant Liberal Party in Rio Grande do Sul equally shared the concerns expressed by Uruguayan elites about popular dissent welling up from below. During the course of the war, rumors swirled throughout the borderlands of impending slave uprisings instigated by foreign agitators from Paraguay or the Estado Oriental. While these claims often amounted to little more than paranoid fears of phantom slave

58 Love, *Brazilian Regionalism*, 73-75. Love notes that although the war facilitated the centralization of the Brazilian political system, but that local and regional leaders remained critical to the Liberal Party, particular under the leadership of Silveira Martins.
conspiracies, the steady stream of slaves fleeing across the border into the Uruguayan Republic was all to real and alarming to borderlands masters. Worse still, Brazilians of color, both slave and free, increasingly appropriated patriotic calls to military service to demand a greater role in *riograndense* society. These calls propelled the abolition movement forward throughout the province in the 1870s, particularly around Porto Alegre. Gaspar Silveira Martins, the dominant figure within the Liberal Party throughout the 1870s, reflected the unease of the ranching class towards popular assertions of legal rights. As the abolition movement advanced, he stressed the need for order so that “the enthusiasm for liberty does not become prejudicial to the life of the citizens who constitute the more intelligent classes.”

Thus, while *gaúcho* liberals may have consolidated their political authority over their elite rivals, they continued to confront fierce and growing challenges to their economic authority and social standing from below. Within this framework, concerns over order played a prominent role in liberal discourse. Provincial recognition of the local autonomy of powerful landowners rested precisely on their ability to keep the peace in the countryside and check the “enthusiasm for liberty” that Martins identified. This in turn involved a partnership between local elites and the state that centered on the courts. Elites in the borderlands were expected to discipline their charges. They then utilized their control over public institutions like the local courts to signal to provincial authorities their ability to control potentially rebellious populations.

Conversely, the failure to maintain order constituted a serious charge that had to be aggressively combated. For example, Athanasio dos Santos Loureiro brought charges for

---

60 For a general discussion of popular politics in Rio Grande do Sul during this period focusing on Porto Alegre, see Ibid.
criminal libel in the Alegrete courts against José Evaristo dos Anjos in 1866 over allegations that he failed to control not only soldiers under his command, but also several slaves on his property. Evaristo, a progressista ally of the now exiled Ribeiro faction, penned an article in the local paper, *El Alegretense*, in which he claimed that Loureiro and another man, Manoel Pereira del Valle, had imprisoned several soldiers. Evaristo alleged that they did so in order to punish them for alerting authorities about several slaves crossing the border into Corrientes. Evaristo claimed that the two men “engaged in contraband on a vast scale.”

The article further implied that the two men had used their slaves in these operations, sending them to the *correntino* town of La Cruz to smuggle goods across the river. When the slaves attempted to flee, the two organized “a posse” that crossed into Corrientes and not only captured the slaves, but threatened to murder the local police chief. The article lamented: “the violence practiced by authorities in a neighboring state where many Brazilians reside and have substantial interests is a scandal that could provoke reprisals for which innocents will pay the costs.”

It concluded by asking if “the government will permit this to continue.”

The implication of the article was clear. Loureiro and his local liberal allies had failed in their duty to maintain order. In particular, they had placed personal profits above social peace by permitting slaves to cross the Uruguay River. Worse still, when they could not control them, they provoked an international incident that threatened to undermine substantial Brazilian property interests in a neighboring country further. Provincial officials responded to these charges by requesting additional investigations into the matter. The local frontier commander drafted a response to the provincial government, ensuring them that the

---

62 Ibid., 7.
matter was overblown and that reports stemmed more complaints from a local merchant against the town’s leaders than from any real threat to order. Loureiro then brought suit to protect his own reputation against the “articles impugning his character and position in the town.”

The file ultimately ended without any additional action on Loureiro’s libel suit. The seriousness with which both local and provincial officials took the claims, however, reflected the obsession with order on the Brazilian periphery. As gaúcho liberals in Porto Alegre asserted their autonomy from the imperial government, they equally kept in mind their need to control the countryside. These forces combined to ensure that even as riograndense elites complained about the central government’s “tyranny,” they willingly supplied the bulk of fighting forces for the national cause in the Paraguayan War. They forged a compromise in which the state recognized their own relative autonomy and social standing in exchange for military service and order in the countryside – two elements that peripheral elites in the Brazilian borderlands were more than happy to provide. Viewed from this perspective, Rio Grande do Sul’s “seigneurial liberalism,” to borrow Roger Kittleson’s term, provided a mechanism by which peripheral elites in the Brazilian borderlands could successfully fold themselves into the empire.

Conclusion

By the end of the 1870s, elites in the borderlands connecting Argentina, Brazil and Uruguay had largely incorporated themselves into national systems. Technical advances like the Remington repeating rifle combined with the growing professionalization of the military to erode the ability of mounted caudillo armies like those under Lopéz Jordán and Timoteo

---

63 Ibid.
Aparicio to resist state control. Able to coerce peripheral elites to recognize their authority, central governments now equally offered them mechanisms to secure their political and personal positions at the local level. For borderlands power brokers, this combination of carrot and stick meant that loyalty to some form of a national entity was no longer in question. But this still left open questions raised by Urquiza and others over just how the balance between peripheral autonomy and national authority would be struck. As we will see in the final chapter, borderlands courtrooms played a critical role in reconciling borderlands and centralized legalities together within a single national system.
CHAPTER 8

NEGOTIATING NATIONS

Although the military conflicts of the late 1860s and early 1870s revealed the power of the state to coerce peripheral elites to work within the framework of national systems, they equally encouraged them to do so by guaranteeing their own preeminence in local settings. In Uruguay, where the central state still possessed significantly less power than in Argentina or even Brazil, persistent concerns about maintaining order pushed local elites to embrace a more assertive national government. In a similar vein, the perceived threat of widespread social uprisings connected in particular with the Paraguayan campaign ensured that local elites in Rio Grande do Sul would continue to work within national frameworks that guaranteed their social standing. This combination of pressure and persuasion gradually fostered the legitimacy of would-be state structures. The question became less whether there would be national authorities on the periphery and more about on what terms they would govern.

To varying degrees, therefore, compromises like the one Urquiza had envisioned were being enacted throughout the Río de la Plata borderlands by the 1870s. In negotiating the terms of these relationships, borderlands courts played a decisive role. The ability of courts to serve simultaneously as sites of integration and disintegration made them vital arenas in the process of negotiating nations. On the one hand, courts provided a mechanism for states to declare their authority over their peripheries. Legal reforms such as the professionalization of the judiciary, the creation of federal courts and the proliferation of legal codes all played a prominent role in centralizing authority. At the same time, the courts provided a mechanism for borderlands legalities to survive within national structures. Courts continued to represent important arenas where local political factions could publicly
pronounce their power to determine property rights and commercial reputations. For states in the region, ratifying these outcomes became an important part of ensuring order on their peripheries, as well as the continued loyalty of important local actors. The relationships between national peripheries and state centers became the dominant theme in local legal politics. Local elites particularly sought to manipulate national judicial authorities in order to attain their desired allocation of legal rights. In the process, peripheral inhabitants increasingly shifted their gaze away from legal relationships in other parts of the borderlands and towards national capitals.

Even as their world finally became “bordered,” the ability of peripheral inhabitants to fold borderlands legalities into emerging state structures reflected the enduring power of their alternative legal order.¹ Local practices, law and social relations remained a vital source of order for the inhabitants of new national edges. The diverse strands of these relationships had to be continuously negotiated within national legal systems. In the end, the prevalence of law on the peripheries of nations did not signal the long-delayed taming of the “lawless” borderlands. Rather, it marked the triumph of law as the dominant field of struggle over the identities, rights and associations that now constituted the Río de la Plata’s regional state system.

In order to explore these compromises, this chapter returns for a final time to the courthouses in Salto and Alegrete. In each setting, local legal politics remained a central feature in municipal life. The courthouse retained its place as a vital source of personal and factional power. At the same time, we can equally glimpse the important role of national judicial officials in these local legal struggles. In each forum, the courthouse became a critical arena in which the terms of the region’s national projects were forged.

¹ Adelman, "From Borderlands to Borders."

332
Local Legal Practices and National Compromises in Salto

As the Uruguayan countryside recovered from the violence of the early 1870s, courtrooms quickly reemerged as places to articulate local relationships and the legalities defining them. Equally important, however, these legalities began to provide a vehicle in which increasingly assertive states could negotiate their relationship with local elites in order to consolidate national allegiances. This did not mean stability. Political violence continually threatened to undermine local and state authority. But steadily increasing centripetal forces ensured that although nations remained unfinished projects, the center now possessed a legitimate place in the constant struggles over borderlands legalities. Slowly, borderlands legalities became an uneasy part of national legal systems. In the process, they ceased to be “borderlands legalities” and instead became local legalities bounded by borders. But their importance for defining the place of peripheral inhabitants in their local settings remained.

A series of cases from Salto again provides a glimpse into the important persistence of local legal norms regarding personal reputation. They also demonstrate the continued connections to the distribution of property and maintenance of commercial relationships in the town. At the same time, they offer an example of how centralizing forces within the Uruguayan state forged their own legitimacy in the borderlands by refereeing these relationships. The first case began in late 1874. An article appeared in Salto’s newspaper *La Aspiración Nacional* [The National Aspiration] regarding the local junta económico-administrativa’s [JEA] actions in connection with the distribution of public lands.² The article itself consisted mostly of the comments by Agustín Guarch, the eponymous son of the former salteño

---

² *La Aspiración Nacional*, Año III, n. 244 (August 7, 1874). AGN. Sección Administrativa. Salto: Junta Económico-Administrativa. Caja 1865-1874, 1. Guarch’s original statements in front of the JEA appear to have occurred when the junta adjudicated the dispute between the Falcon group and Raffo in April of 1874. The materials in the JEA files appear to be a summary of the entire incident.
merchant, prominent colorado and member of Salto’s JEA. Guarch addressed claims to public lands by a local merchant company, Falcon, Fructuoso, Paiva y Cia. According to Guarch, his fellow JEA members had improperly concluded that the lands in question belonged to Gabriela Pareja de Raffo, the wife of the now-deceased José Raffo. Raffo originally received the tract through a grant from Salto’s JEA in 1864. Guarch alleged that the 1864 grant, however, suffered from several procedural irregularities. These rendered it invalid. Guarch noted that because of these prior infirmities, the JEA now had to bid the land out properly. The Falcon group should be free to purchase it.\(^3\)

Guarch commented that he had no real opposition to Raffo. Rather he had to act in order to “save the honor and dignity of the junta [that is] compromised in this matter” as well as “my own is particular.” He continued: “No authority can nor must respect, nor render valid, anything that is not based upon the law.” Guarch then set out the reasons for why the 1864 grant was illegal. He claimed that Raffo possessed an affirmative duty to “subdivide the land in question into solares, enclose them, and then settle them.” Because Raffo failed to do so, the result was a “concentration of donations” in the hands of a single recipient. Guarch alleged that this was improper. Faced with this reality, Guarch concluded that accepting Raffo’s legal titles would be akin to “recognizing a property that she does not possess and would amount to defrauding the junta of its own interests; it is a misstep that gives rise to favoritism and which must disappear.”\(^4\)

Despite Guarch’s exhortations to the JEA, the other members had concluded that Raffo did possess a valid title. With his position rejected by local officials, Guarch then made his disagreement public by publishing the article. Guarch’s actions, and particularly his

\(^3\) Ibid., 1.  
\(^4\) Ibid., 1-2.
pointed link between the “honor” of the JEA and the outcome of the land dispute, directly challenged the personal reputations of the other members. Francisco Guimaraens, the president of the JEA, responded by publishing his own interpretation of events in *La Aspiración Nacional*. He expressed his surprise that the paper would publish “the unjust charges that Mr. Guarch, member of the corporation over which I preside, has levied against my person.” He argued that the JEA had done nothing more than attend to Gabriela Raffo’s legitimate property rights. Guarch’s allegations were wholly inaccurate.

The sharp dispute between Guarch and Guimaraens over Raffo’s property rights quickly moved beyond the JEA and into the local courts as the matter became more public and controversial. Falcon filed suit on behalf of his partners seeking to have the JEA’s decision reversed. Shortly thereafter, an article by Bernardo Gomez appeared in *La Aspiración Nacional* attacking David Larrondo and indirectly members of the JEA aligned with Guarch for their role in the Raffo proceeding. Gomez in turn had represented Raffo in her legal battle before the JEA over the disputed property. Gomez now accused Guarch of conspiring with a “circle of exploiters” to alienate the public lands in and around the town. Gomez declared that Larrondo was the leader of this ring of speculators. He represented a tempting target. He was an outsider from Buenos Aires. Gomez played up this fact. He emphasized that Larrondo’s law degree and his connections to persons in Montevideo and the Argentine capital permitted him to “win over the friendship of the Secretary of the JEA [Guarch].” Gomez alleged, however, that the “perennial [perenne] presence in the Junta of the supposed Doctor came to the attention of various merchants

---

7 Ibid., 1.
and others.” These men “insinuated to the President of the Corporation [Guimaraens] that they believed (and not in error) that [Larrondo] was engaged in some sort of abuses contrary to the interests of the general public.” In this way, Gomez implicitly aligned Guimaraens with the interests of Salto’s prominent vecinos. Gomez deliberately sought to place himself and his allies on the JEA in the position of protectors of the community and its economic interests.  

Gomez then drew an explicit contrast between these virtuous local leaders and Guarch and his supporters. Gomez made clear that the struggle over the Raffo tract and others was about which group the city could properly trust to manage local economic resources. Gomez went into detail about the specific land transactions conducted by the “speculative circle” around Larrondo and his allies. He noted that Larrondo had himself claimed some 14 tracts of land on which “old vecinos” had settled. He further claimed that Emilio Thevenet, a prominent local official and ally of Guarch’s on the JEA, had conspired to claim another tract of land from a local widow. Gomez alleged that Thevenet had used his claims to extort some 500 pesos from the woman. Finally, Gomez referenced the Falcon group’s actions against Raffo.

Gomez’s accusations again touched on the shared principles and values rooted in personal reputations and reciprocity that made up notions of vecindad. Gomez assailed the reputation of the Guarch faction. He stressed their assault on the property rights of established vecinos. He took pains to note instances in which they sought to defraud women of their rightful claims. Gomez’s implication was clear: as outsiders motivated by their

---

8 Ibid.
9 Ibid.
personal interests, Guarch’s faction could not be trusted to defend the town’s values or control of its government. They simply were not vecinos in good standing.\textsuperscript{10}

Gomez’s allegations formed the first part of an assault on the personal reputations of Guarch and his allies in the town. Gomez continued his challenge to Guarch’s allies by raising questions about their commercial dealings. In early September, a broadsheet directed to “the Public” appeared throughout the town.\textsuperscript{11} It accused Angel Castroman, a local merchant, of counterfeiting a number of Bolivian silver coins. The document further alleged that Castroman had received assistance in the scheme from Miguel C. Reilly, a prominent local businessman, attorney and personal friend of Guarch’s. Castroman immediately brought suit against Gomez for libel. The two men appeared in Salto’s theater for a public jury trial regarding the allegations. At the public proceeding, Gomez called upon the town’s “honorable vecinos” to weigh the evidence that Castroman had in fact engaged in counterfeiting monies in the town. Gomez further alleged that local officials, mainly Miguel Reilly, had sheltered Castroman. Gomez claimed that Reilly had provoked this litigation in order to discredit him and protect his political and commercial allies. Gomez noted that despite Reilly’s machinations, the “independence and impartiality” of the jury system, “one of the most beautiful conquests of our glorious independence,” would ensure he received justice.\textsuperscript{12} Gomez’s confidence, however, was misplaced. The jury found him guilty of libel against Castroman. They ordered the attorney to retract his accusations and pay unspecified damages and costs. Gomez then unsuccessfully appealed the verdict to the alcalde ordinario.\textsuperscript{13}

\textsuperscript{10} Ibid.
\textsuperscript{11} \textit{D. Angel Castroman c. D. Bernardo Gomez, acusando una publicación de este ultimo}, AGN-SJ.
\textsuperscript{12} Ibid., 22.
\textsuperscript{13} Ibid.
The jury’s verdict represented a victory for Guarch and his allies in their struggle to establish their personal authority over the town’s civil institutions. In essence, the verdict ratified their status as members of the local merchant and political community. They were honorable vecinos, not speculative outsiders and criminals. They deserved a voice in deciding the local allocation of property rights in Salto’s courts. At the same time, however, this did not ensure Guarch and his allies victory in their broader struggle to control the JEA. The alcalde ordinario assigned to hear Falcon’s claims, Bernabé Mendoza, was Guimaraens’ political ally.14 Guimaraens also still appeared to possess the support of the bulk of the local merchant community.

The struggle between Guarch’s and Guimaraens’ respective factions to define their places in the community had followed the familiar script of local legal politics in the borderlands. With their dispute hanging in the balance, each side now aggressively sought to manipulate national authorities in order to bolster their local positions. This was not unprecedented either. Recall that Canabarro and the Ribeiros had occasionally petitioned the provincial government for aid in their legal struggles. What was different now was the extent to which national authorities became involved in the conflict. Defining the terms of this involvement and securing it in support of competing local interests became the central front in the town’s legal struggles.

14 One at least one occasion, Mendoza used his judicial post to directly assist Guimaraens. Specifically, during the 1876 probate proceeding over the estate of Manoel Ferriera Bica, Mendoza arranged for an expedited proceeding that resulted in a verdict favorable to Guimaraens and his family’s claims on the estate. This apparently resulted in the cancellation of several significant claims by creditors. Emilio Thevenet later reopened the proceeding, awarded some 400 pesos to Mauricio Castagnet, and ordered investigations of other claims. D. Mauricio Castagnet c. La sucesion de D. Manuel Ferreira Bica, por cobro de pesos. AGN-SJ. Salto. Letrados Civiles, n. 23 (1876).
Guarch first sought to tip the scales in his favor through direct appeals to the government in Montevideo. Even before the civil trial between Falcon and Raffo commenced, he petitioned national authorities to intervene in the matter on his behalf. Guarch drafted an open letter to Saturnino Alvarez, the Interior Minister in José Elluari’s colorado government. Guarch detailed the growing dispute among the JEA members. Guarch also emphasized the illegal practices by the other members of the JEA. Guarch stressed that the decision in Raffo’s favor did not occur in a regular proceeding, but rather in a private meeting at Guimaraens’ house. He argued that such a “disposition, dictated in the midst of mysterious shadows, was improper.” Guarch requested that national officials intervene in the matter by sending a special prosecutor [fiscal] “to hear this particular matter and in such way end the litigation that the mistakes by the Honorable Junta has engendered.” Guarch concluded his letter by noting that the favoritism on the JEA not only undermined the law, but also state finances. He argued: “the Government has spent large sums of money to provide lands for the ejido and small farms for this city, but these [programs] for the most part have not been carried out pursuant to the current laws.” The national government had to intervene to ensure that “condemnable favoritism” did not trump the public good.

Guimaraens drafted a response to Guarch shortly after the jury issued its verdict against Gomez in the Larrondo proceeding. Guimaraens began by noting that the JEA’s actions had aimed only to avoid “a venomous affair between vecinos” and that their fears had

---

16 Ibid.
been well-founded now that Falcon had brought suit against Raffo.\textsuperscript{17} The letter then struck a conciliatory tone. Guimaraens welcomed a national intervention if it “would clarify what is or is not the law, providing for us a legal precedent going forward so as to avoid an infinite number of questions that can arise.” Despite stressing to national officials his desire to cooperate in any investigation, Guimaraens concluded by lamenting that the matter could not have been handled locally. He wrote:

\begin{quote}
[W]e [the JEA] regret that our colleague D. Agustín Guarch did not, before directing himself to Your Excellency, make a motion before this Corporation along the same lines, since we like him have no interest in mind other than the welfare, progress and improvement of this department, seeking within the Law that means to realize them.\textsuperscript{18}
\end{quote}

Implicit in Guimaraens’ letter was the idea that this was a local matter “between vecinos.” The national government should intercede only to preserve order and promote clarity. Guimaraens accepted that the national government had a legitimate role to play. However, he also emphasized careful discretion in exercising it. In this sense, he echoed the growing consensus of local elites throughout the borderlands concerning the terms of their relationship with central authorities. National officials could not simply be ignored or rejected out of hand, but neither should they be given free reign to intercede in important local questions of property rights and personal prestige.\textsuperscript{19}

In a separate letter, Bernabé Mendoza, the alcalde ordinario presiding over the Falcon case, made Guimaraens’ implicit limits on the authority of the central government to intervene directly in local legal questions explicit. Mendoza argued that he could “not authorize the intervention [proposed by Guarch and the JEA] because these proceedings are

\begin{flushright}
\textsuperscript{17} Francisco Guimaraens, Juan Castro y Emilio E. Thevenet al Sor. Ministro de Gobierno Dr. D. Saturnino Alvarez, AGN. Sección Administrativa. Salto: Junta Económico-Administrativa (September 24, 1874), 1.
\textsuperscript{18} Ibid.
\textsuperscript{19} Ibid.
following the order designated by the Laws that govern us.”20 If Mendoza acceded to the
tervention of outside authorities, therefore, he “would demonstrate . . . bias against the
Laws and dignity and impartiality that he observes in all of his acts.”21 In penning this letter
to the JEA and national officials, Mendoza framed the neutral application of the law as a
firm limit on the ability of the central government to interfere in the local dispute. Like
Guimaraens, Mendoza did not directly challenge national officials or rule out a contradictory
verdict in the event of an appeal. Rather, he used local fealty to national laws to articulate
the boundaries between local and national power. Local officials had the bulk of the say in
the current matter. In this sense, the law and control of courtrooms permitted Guimaraens
and his allies to proclaim simultaneously their loyalty to the nation, but also their autonomy
from it when it came to important issues of local justice. This was precisely the balance
Urquiza had fatally labored to construct a decade earlier across the river.

In response, officials in Montevideo accepted Mendoza’s arguments about their
respective spheres of authority. The fiscal in Montevideo concluded that “the denounced
irregularities did not in [his] judgment demand any remedy.”22 He continued that the sole
actions by national officials should be to “order Salto’s [JEA] that from here forward it
strictly comply with current regulations.” Regarding any prior violations, the fiscal opined
that any of these could be litigated “before those Tribunals to which those actions properly
correspond.” That is to say, before the local courts. In case there was any doubt in the
matter, the fiscal concluded:

20 B. Mendoza al Sor. Presidente de la Junta E. Administrativa del Departamento Francisco
Guimaraens, AGN. Sección Administrativa. Salto: Junta Económico-Administrativa (August
31, 1874), 1.
21 Ibid.
22 Fiscal al Ministero de Gobierno, AGN. Sección Administrativa. Salto: Junta Económico-
Administrativa (October 1, 1874), 1.
Mr. Guarch attempts to have Your Excellency interfere in these questions so as to adopt resolutions that he finds more appropriate [conveniente]. But, you cannot legally do such a thing. Your Excellency cannot advocate for the hearing and decision of suits that are pending before the Courts and which are within their exclusive competence.\textsuperscript{23}

The fiscal’s letter made clear that the national government would not directly intervene in the dispute. They would leave the matter up to local judicial officials. For Guarch and Falcon, the outcome no longer was in doubt. They dropped their pending claims before Mendoza in Salto rather than litigating them. Guarch subsequently resigned from the JEA. Guimaraens and his allies had successfully asserted their power to determine property rights within Salto’s jurisdiction. In the process, they enhanced their personal and political reputation in the town.

The local political struggle between Guarch and Guimaraens had been momentarily resolved. However, the negotiations over the balance between local autonomy and centralized authority occurring in Salto’s courtrooms around the case only intensified throughout the mid-1870s. At first glance, that relationship appeared to be tilting inevitably towards national authorities in Montevideo. Latorre’s 1876 military coup in particular appeared to mark a fundamental shift in the relationship between the central government and its northern peripheries. Latorre’s rise indeed reflected the growing role of the national military in Uruguayan politics. Legal reforms also played a prominent role in Latorre’s program. He promoted the professionalization of the rural judiciary. He also established departmental judges with legal training [jueces letrados] for the first time in the Republic’s

\textsuperscript{23} Ibid.
history in 1877.\textsuperscript{24} Salto’s first juez letrado, Juan Gil, arrived that same year. After a short stay, Leandro Arteagada replaced Gil as the top judicial official in Salto’s department.\textsuperscript{25}

A closer inspection of Arteagada’s two-year judicial administration in Salto, however, complicates this picture of Latorre’s neat “nationalization” of the judiciary. Arteagada unquestionably represented the authority of the national government in the town. At the same time, the local courts over which he presided remained predominantly fora for local elites to protect their personal reputations and in the process adjudicate their continued authority over property rights. Arteagada’s arrival provided local and national officials with a platform to work out the terms of their relationship. It also revealed the continuing power of aspects of borderlands legalities to define their respective spheres of influence. What had changed was that now the central government had a designated judicial official present to ratify the winners. This raised the stakes in these judicial battles further. It forced each side to channel even more energy into their judicial struggles. It also signaled a shift in the direction of Salto’s legal politics. Judicial struggles now aimed to influence not only local opinion, but also win ratification from the national government in Montevideo. Borderlands legalities persisted, but in a form that incorporated national politics into local equations.

The smoldering struggles among the members of the JEA and other prominent local elites over the Raffo affair seemed to reignite upon Arteagada’s arrival. This time the conflict began over the operation of the city’s stockyards. Tomas Leal possessed a contract with the town to run the facility. Leal equally had relationships with various ranchers in the surrounding countryside. He was also a political ally of Miguel Forteza and Emilio Thevenet

\textsuperscript{24} Juan E. Pivel Devoto and Alcira Ranieri de Pivel Devoto, \textit{El Uruguay a Fines del Siglo XIX} (Montevideo: Editorial Medina, 1973), 37.

\textsuperscript{25} \textit{D. José María Guerra c. D. Atanasildo Saldana por cobre de pesos}, AGN-SJ. Salto. Letrados, n. 2 (1876). This is the first case in Salto’s judicial records heard by a juez letrado del departamento.
on the JEA. The dispute began when Salvador Malta and several other members of the JEA accused Leal of exceeding the authority granted to him by the corporation to run the stockyard. Leal responded to the allegations that he had abused his office by publishing an article in *El Salteño* against Malta and the other commissioners. In the article, Leal implied that the JEA members sought to remove him not for abuse of office, but for asking questions about the organization’s finances. He also indicated that Aleja Castilla, the former head of the department, military official and prominent local rancher, had sought his removal in order to avoid an investigation into his own disputed property boundaries. Leal bluntly asked: “Who in fact exceeded their authority?” His answer was that “the *pueblo* will be the judge.”26 Leal concluded by arguing that he carried out his office “inspired by the two simple words of *honor* and *independence*, and I take solace in the conviction of never having separated from this path.”27

The case quickly proceeded to a jury trial. Leal, however, elected not to appear. Instead, he dedicated himself to attacking the legitimacy of the local proceedings. Leal traveled to Montevideo in order to secure the intervention of officials there in the matter. Leal’s son, Carlos, appeared for his father in Salto’s theater. He argued in essence that the jury selection process was biased. He noted that “the Honorable *alcalde* cannot ignore the fact that among the Jury are citizens that cannot legally form part of the Tribunal, finding themselves precluded by protections the Law guarantees.”28 Despite these protests, the trial continued. The jury then rendered its verdict without hearing any evidence from the Leals. Not surprisingly, they found Thomas Leal guilty and ordered him to pay a relatively small

---

27 Ibid. (emphasis in the original).
28 Ibid.
twenty-five peso fine. Leal promptly appealed the verdict. He also refused to pay any amount owing to the procedural irregularities that were designed solely to “distain my rights and deprive me of my interests.” The proceeding now passed from Salto’s local theater to Arteagada’s court for the final verdict.

Leal’s allegations of local corruption, along with what appeared to be the growing discord between the two rival camps on the JEA, prompted national officials to conduct further investigations. Latorre’s Government Minister, José Maria Montero, appointed Carlos E. Sotto to look into the matter. Sotto tendered his report before Arteagada’s verdict. He noted that both “circles struggling to acquire supremacy here” welcomed his presence as a neutral outsider. After reviewing the complaints, Sotto stated that the JEA “consists entirely of honorable citizens, sons and long-standing [antiguos] vecinos of this locality.” Sotto posited that the controversies dividing the town primarily involved the activities of two men: Emilio Thevenet and Mauricio Castro. Sotto made no recommendations for how officials ought to proceed in resolving the matter. Once his report was in, however, Arteagada wasted little time in upholding the jury selection’s legitimacy. In doing so, he confirmed the outcome favoring Malta and his allies on the JEA.

It is impossible to determine from the documentary evidence whether Arteagada knew of Sotto’s conclusions or even had any contact with national officials prior to his decision. Taken together, however, the documents show a clear pattern of national officials evaluating the strength of the two competing circles and selecting a winner between them. Conversely, as Guarch, Thevenet and others jostled with Guimaraens and the members of

29 Ibid.
30 Ibid.
32 Ibid.
the JEA over their roles within the town, they actively looked to the national government to ratify their position as the dominant faction. This give and take between national and local elites embodied the compromises between borderlands legalities and state-centered legal norms that began to define Salto’s legal politics by the end of the 1870s.

Malta’s case against Thevenet is particularly instructive on this point. While awaiting Arteagada’s decision, both factions arranged for articles detailing the political circumstances surrounding the trial to appear in the Montevideo press. Thevenet penned an article in Montevideo’s La Tribuna criticizing the proceedings. Malta drafted a lengthy reply claiming to correct “the complete ignorance in the capital as to what is occurring in nothing less than the Republic’s second city.”33 The article particularly aimed to make clear Thevenet’s low status in the town. Malta noted: “instead of being esteemed [apreciado] in Salto, he is generally despised.”34 His poor reputation threatened “disorder” that neither local officials nor the national government could tolerate. Malta then concluded with a profession of loyalty. He wrote: “La Tribuna knows that we have been and are ardent defenders of the honorable Government that reigns over our land, and for this reason, we do not wish it to remain unaware of absolutely anything that takes place here that might affect its moral.”35 In a second article the following day, Malta set forth why Latorre’s government should support his side in direct terms: “Colonel Latorre, the honorable Governor of the Republic, would not ignore the reasoned voice of the pueblo when the pueblo says to him that such an employee, having this or that stain, is not dignified to occupy the position in which he

33 Ibid. The case includes a reprint of the article appearing in the Montevideo paper La Tribuna from El Salteño, Año I, n. 186 (December 14, 1876), 1.
34 Ibid.
35 Ibid.
He continued: “Does La Tribuna believe that Col. Latorre, a man of conscience, would not hear the voices of thousands in order to attend to that of two or three wrongdoers.”

Malta’s article neatly encapsulated the dual elements of each side’s strategy to triumph in their judicial struggles. It offered a public demonstration of Guimaraens’ and his allies’ local strength and high regard in the town. This reflected the traditional legal politics of personal reputation. Once again, the courts were being used to make the often-tacit connections and understandings underpinning local political associations explicit to the community. Alongside this message, however, was also a statement to national officials. This emphasized a faction’s ability to maintain order and loyalty. The rivals offered this to the national government in exchange for its support in their skirmish. Latorre’s government was faced with the task of weighing political strengths, recognizing local conclusions regarding reputation and honor, and then conferring the national seal of approval upon the putative winners. In this way, national officials bolstered their place as important and legitimate actors in peripheral communities like Salto.

Having succeeded both in the local courts and in its struggle to secure the approval of national officials, Guimaraens and his allies proceeded to embark on a campaign to push Thevenet and his associates out of the local government entirely. They immediately produced evidence of fraudulent transactions between Thevenet and Miguel Reilly. This included documents purportedly from Guarch to the two men in connection with the 1874 Raffo dispute. Thevenet ultimately resigned his position. As 1877 progressed,

---

36 El Salteño, Año I, n. 183 (December 13, 1876), 1.
37 Ibid.
38 D. Víctor Gomensa en representación de los miembros de la Comisión Extraordinaria Administrativa acusando una publicación del Diario “El Progreso,” AGN-SJ. Salto. Penales, n. 56B
Guimaraens, Malta and their allies broadened their campaign against Thevenet and Reilly. They repeatedly accused them of corruption in the local press. Malta in particular launched an investigation into the “irregular practices” of the local juez de paz, Sergio Guarch. Sergio was Agustín Guarch’s relative. The investigation was likely designed to further drive Guarch and his family from the sinews of local power.

As the Guimaraens faction engaged in a sustained assault on the local reputations of their political rivals, their prominent allies in the town seized the opportunity to settle old scores in connection with property rights and business dealings. In the process, they clarified the limits of the power of national judicial authorities like Arteagada to intervene in local affairs and enforce property rights that went against the tide of local opinion. The specific proceeding began in 1876 with allegations that Teodoro Lafitte, a French citizen, had stolen a number of cattle from nearby ranches and pastured them on his property.

Lafitte retained Agustín Sañudo to represent him in the matter. Sañudo obtained Laffite’s release on a bond. Immediately afterwards, however, over fifty vecinos drafted a letter to Salto’s jefe político demanding justice in the matter. In their letter, they noted the desire of local officials to “protect the laborious and honorable portion of the vecindaria in this vast countryside.” They continued by noting that in the past, the interests of “peaceful and hard-working vecinos” had been “constantly threatened” by men “without respect for the inviolable rights to property and with disdain for national laws.” They argued that these

(1876). The documents were produced in a companion proceeding regarding printed allegations against Thevenet in the local press.


40 D. Salvador Malta denunciando procedimientos irregulares del Juez de Paz de la 1ª Sección, AGN-SJ. Salto. Penales, n. 164 (1877).

41 Sumaría información seguida á Teodoro Lafitte y Manuel Escobar por abigeo, AGN-SJ. Salto. Penales, n. 62 (1876).

42 Ibid., 31.
abuses “no doubt flowed from the impunity and ease with which they could complete all their crimes until now.” The letter claimed, however, that “today” we can “count on a Government wise enough to inspire the best in all the inhabitants of the Republic.” Its officials at long last had committed to “justice and equality before the law.” To that end, the “honorable vecinos” had come before local officials to denounce Lafitte as, “in the judgment of these honorable, laborious and sensitive persons, a bad vecino . . . that lives and eats from that of others.” Whereas in the past, “poor administrators had placed a wall of iron around our desires” the vecinos truly believed a “felicitous dawn has now appeared for the inhabitants of the countryside.” They could obtain justice against criminals like Lafitte.

Officials promptly order Lafitte’s arrest on charges of cattle theft. After several delays, Sañudo appeared before Arteagada to challenge the evidence against Lafitte. He argued that “his client was innocent and moreover the victim of an outrageous libel [calumnia].” He argued that, today, these men “count on their own wrongs” in order to seek justice. Echoing the vecinos, however, Sañudo concluded that under the new administration “it is impossible that libel will triumph over truth and justice.” Sañudo further noted that many of the statements likely were coerced. He claimed a group of men were “roaming the countryside from house to house in order to produce signatures.”

Arteagada faced a difficult decision. The letter from the vecinos represented the sole evidence sustaining Lafitte’s arrest and imprisonment. None of the vecinos had offered sworn statements or appeared in Salto’s tribunals to back up the allegations. Moreover, there was at least circumstantial evidence that the charges against Lafitte represented an attempt by

43 Ibid.  
44 Ibid., 37bis.  
45 Ibid., 38.  
46 Ibid.
local elites to seize the Frenchman’s property. Specifically, José Maria Fernandez Vior and Lafitte had engaged in a long-running dispute over the boundaries between their neighboring lands. Conflicts over the Lafitte tract had begun as early as 1865. Belisario Correa had brought suit during that year against Lafitte in order to seize the property to satisfy debts stemming from a previous partnership. Acting in his role as departmental head, Atanasildo Saldaña had attempted to compel both sides to accept a neutral survey of the lands in order to resolve the dispute. Sañudo and Lafitte, however, argued that Saldaña could not properly adjudicate Lafitte’s property rights. They had the case transferred to Montevideo.47 Vior, Saldaña’s son-in-law, later purchased the Correa tract and other properties around Lafitte’s sometime in the early 1870s. By 1875, Saldaña was again acting as the departmental head in Salto. Saldaña had, according to his creditors, “acquired a great estancia in this Department and had founded upon it a valuable establishment.” Several creditors alleged that in order to avoid paying debts, Saldaña had alienated the property to Vior and another family member.48 Given these circumstances, Lafitte’s land now stood in the path of Saldaña’s powerful interests. Vior certainly was in a position to obtain signatures against Lafitte in an effort to seize his land and stain his reputation.49

Saldaña’s ability to mobilize the voices of the assembled vecinos in the letter represented his considerable strength and personal reputation in the salteño countryside. The letter was a key moment within the old system of borderlands legalities in which Saldaña could publicly pronounce his status as a lynchpin in the community’s system of personal and public

---

political allegiances. Within the framework of the borderlands legal order, the testimony of “honorable vecinos,” whether informal or not, also offered one of the best forms of judicial proof possible. Arteagada, however, refused to recognize it. He wrote that the court had to “judge the matter on the facts, not allegations.” He then dismissed the case. In contrast to his decision in favor of Guimaraens and his allies on the JEA, Arteagada this time directly challenged a powerful local figure. He also publicly repudiated the network of local allies Saldaña had called forth in support of his property rights. As we have seen on a number of occasions, Arteagada’s decision directly confronted Saldaña’s place in the community. Saldaña had to respond forcefully or risk losing his status within his local legal world.

To protect his personal reputation, Saldaña returned to the courts. He also used Salto’s tribunals to articulate the limits on the power of national judicial figures like Arteagada to reject local legal norms. The specific incident involved a fight between Julio Delgado, Arteagada’s bailiff, and Alberto Maldonado, the departmental fiscal. According to witnesses, Maldonado and Delgado had an altercation as they were leaving the residence of Juan Cruz y Costa, the jefe político. Delgado had accused Maldonado of corruption for receiving “considerations” from Mauricio Castro, Salto’s notary public. The allegations connected to Castro’s involvement with Emilio Thevenet and others in their ongoing disputes over the activities of the JEA. Reports then differed as to whether Delgado or Maldonado fired a pistol at the other. Not taking any chances, Arteagada ordered both men imprisoned until the facts regarding the disturbance could be resolved.

Saldaña and his allies seized the incident to discredit Arteagada. The men drafted several letters highlighting Arteagada’s connections to Castro. Recall that Castro had been

---

50 Sumaria información seguida á Teodoro Lafitte, 71bis.
implicated in the central government’s investigation regarding local corruption in several civic contracts. By linking Arteagada to Castro, Saldaña and his associates brought the judge’s ability to administer justice in the town into question. Echoing the arguments made by Guimaraens and his allies against Emilio Thevenet two years earlier, Saldaña was quick to stress the “disorder” in the town regarding Castro’s service.\textsuperscript{52} The men maintained that they “would never fail to recognize” the judge’s authority. They were nonetheless concerned about “arbitrary accusations” against Maldonado in connection with the judge’s own personnel. The implication was clear: Arteagada’s continued presence threatened to result in further violence, perhaps from Saldaña and his allies if they did not receive relief from the government. Latorre’s administration appeared to understand the message. Officials in Montevideo promptly acted. They removed Arteagada from his post before he could conclude the investigation into the Maldonado and Delgado altercation. Officials in Montevideo then appointed Carlos A. Berro to fill the vacated judgeship. Berro promptly transferred the pending proceeding to nearby Paysandú where the juez letrado ordered both men to pay a fine.\textsuperscript{53}

Through these types of proceedings, Saldaña and his allies confirmed their loyalty to Latorre and his designated judicial officials. At the same time, however, they made it clear that their loyalty and cooperation remained contingent upon the central state recognizing their right to use their local reputation and power to control economic resources and secure valuable property rights where they saw fit. In this way, Saldaña used Salto’s courts to negotiate the terms by which national authority would be recognized in the town.

\textsuperscript{52} Ibid., 40.
\textsuperscript{53} Ibid., 40, 47bis.
Operating within this relationship, Berro proved a much more willing judicial partner in Saldaña’s campaign to secure Lafitte’s property. When Vior brought civil charges against Lafitte for unpaid debts, Berro promptly ordered an embargo of the Frenchman’s assets. When Lafitte challenged the order, Berro arrested him. Once again, Sañudo attempted to block the action. The attorney argued that the accusations and Lafitte’s subsequent arrest were simply “pretexts” to compel Lafitte “to once again present his property titles” to Vior. Berro agreed to release Lafitte. He did so, however, solely upon the condition that his lands and possessions be sold at a public auction to satisfy his creditors. Interestingly, Tomas Leal, the former rival of Malta and Guimaraens, purchased the property for an extremely favorable price. Leal then requested that the court “eject the debtor and expropriator [Lafitte] who according to reports absolutely refuses to abandon the property.” Emilio Thevenet then appeared to object. He claimed that Leal had no right to take possession of the property in question until he tendered a bond. Citing the Civil Code, Berro flatly refused Thevenet’s request for a delay. He finally ordered Lafitte’s immediate removal from his former lands.

As Berro’s appointment permitted Saldaña and his allies to consolidate their economic position, Guimaraens completed his efforts to isolate Thevenet and his other rivals on the JEA. In early 1879, El Salteño reprinted several articles from the 1876 dispute between the JEA and Thevenet impugning the latter’s reputation and demanding

---

54 José Maria Fernández Vior c. D. Teodoro Lafitte por cobro ejecutivo de pesos, 56bis.
55 Ibid., 122.
56 Ibid., 125bis.
57 Berro cited art. 1691 of the Uruguayan Civil Code, noting that under its provisions “the first cannot be obligated to comply on his part with the obligations declared in a contract while danger is still present or contingencies have been financed that will be preserved through his actions.” Ibid.
government action to protect the town. The paper then printed new assaults on Thevenet, declaring him to be a “thief.” The article further noted that while Thevenet had brought “outrageous” [tremendo] charges “in the theater, the allegations against him by the entire population that detests him and only looks upon him with distain were even more outrageous.” The article further noted that Latorre’s government had, “in view of Sotto’s report” fully vindicated the JEA’s honor, “a word one cannot direct in the same way towards [Thevenet].”

Confronted again with a direct challenge to his honor, Thevenet brought charges against the paper and the JEA for libel. Berro, however, blocked the action and rejected Thevenet’s claims. In effect, Berro proclaimed the matter of Thevenet’s reputation settled in the town. Further trials to protect his honor were no longer necessary. The verdict in essence reconfirmed the outcome of the local struggle over control of the JEA. The national government’s designated representative publicly declared the relative status of the competing groups in the town. In doing so, the verdict also reaffirmed the relationship between the increasingly dominant faction of local colorados in Salto and Latorre’s national government. Specifically, Berro’s verdicts preserved the rights of elites in the periphery to determine questions of personal reputation and with it the distribution of private law rights locally. In effect, the judge ratified the local outcome. Berro offered the national government’s support, including its ability to eliminate local dissent through the military, in exchange for recognition of its sovereign authority. In this way, the courts played an important role in blending locality and loyalty together to forge the compromises at the heart of emerging states in the borderlands.

59 Ibid.
By the dawn of the 1880s, national judges like Berro had established their place within the legal and political system in Salto. They heralded a shift in which national authorities became participants in the struggles to define the content of borderlands legalities. In the process, they also began to transform the borderlands legal order into one bound much more explicitly by national borders. Throughout the 1880s, the economic and political center of gravity in the Uruguayan interior shifted inexorably away from cross-border connections and towards Montevideo. The advent of cold storage further oriented the interior ranching economy towards the export of beef products to Europe instead of Brazil. Exports flowed out of stockyards in Montevideo and along the lower Uruguay. Immigrants streamed into Montevideo and its surrounding hinterlands. The Brazilian ranching community’s influence in Uruguay’s national politics correspondingly declined. These processes culminated in the final triumph of national authorities over rebellious blanco ranchers in the short-lived 1897 revolution led by Aparicio Saravia.

Through it all, however, Salto’s courts remained a refuge for important aspects of borderland legalities. Notions of vecindad, personal reputation and local factional associations continued to define the town’s legal politics. In this sense, many of the elements of borderlands legalities that would have been familiar to litigants a half century earlier persisted. Even as states appeared to consolidate their hold on putative national territories through modern armies, administrative reforms, codes and a professional judiciary, these elements continued to be warped by the persistence of local legal politics. The courts remained active spaces where older peripheral legal norms could find room within emerging national sovereignties and continue to define the meaning of the law for Salto’s residents.

Reputation and Leadership of the Liberal Party in Rio Grande do Sul
Like the judicial conflicts in Salto, the local legal struggles in Alegrete also sought to capture the attention of the increasingly hegemonic Liberal Party in Rio Grande do Sul. In turn, the gaúcho Liberal Party consolidated its own authority over the Brazilian borderlands around issues of local autonomy and control over legal rights. Much like the colorados in Salto, the Liberal Party utilized its control over borderlands courtrooms to solidify the reputations of its allies while weakening their rivals. In Brazil, however, the success of borderlands ranchers in controlling the provincial government meant that local judicial politics were less about negotiating their continued right to make these determinations than about consistently reaffirming their status as the dominant party through judicial decisions. That is to say, local courts served as a means to bolster the Liberal Party’s dominance over Rio Grande do Sul through the traditional elements of borderlands legalities. This deepened many of the processes that had been underway in the decades following the end of the Farrapos Rebellion in 1845.

In Alegrete, Liberals used the courts to push two prominent allies of the Ribeiro faction, João Christomo dos Santos and Manoel Rodrigues da Silva, from the town’s political life. Recall that Christomo had played a role in the violence surrounding the 1860 elections. He allegedly aided Felippe Neri in fleeing the country after the murder of Francisco Paulo Rocha. With the Liberal Party consolidating its hold over the town and the province by the late 1860s, Christomo’s enemies sought retribution. Manoel Demetrio Ribeiro filed criminal charges against Christomo for allegedly stealing a large number of cattle and then selling the hides in Alegrete. Ribeiro offered evidence from two Paraguayan soldiers. The men testified that Christomo ordered them to take cattle bearing Ribeiro’s mark. The court

---

rejected this evidence, however, finding the testimony unreliable because the two witnesses were not only accomplices to the crime, but also prisoners of war in Ribeiro’s custody.

The verdict, however, represented only a temporary setback for Ribeiro. The following year, he filed a second criminal action for defamation against Christomo. According to the petition, Christomo had accused Ribeiro of being a “thief, murderer, a common grifter [canalba], and shameless.” Ribeiro argued that he could not have his “honor so atrociously stained by [Christomo] and continue to have it be so in the streets and taverns.” Christomo retained Mathias Teixeira de Almeida, his old progressista ally, to represent him. Teixeira noted that Christomo’s statements flowed directly from Ribeiro’s previous and demonstrably false allegations. Teixeira further pointed out that Ribeiro had attempted to coerce testimony from the two Paraguayan witnesses as part of a concerted campaign to “persecute his client.”

Ribeiro was irate. He declared that only men like Teixeira and Christomo “could arrive at the conclusion that one who airs his rights to his injured [damnificada] property before duly constituted authorities and through all legal channels is a persecutor!” Ribeiro stressed that he was following the law. He had duly respected the verdict in his prior proceeding against Christomo. He now deserved justice. This time the court found Christomo guilty of wrongly imputing criminal charges to Ribeiro. It ordered Christomo imprisoned for two months. Teixeira appealed. He argued that the evidence was insufficient to support his client’s conviction. The appellate court, however, confirmed the local verdict.

63 Ibid., 2.
64 Ibid., 24.
65 Ibid., 24-24bis
Upon his release, Christomo found himself almost immediately back before local officials. This time, however, he was accused of attempted murder. According to a number of witnesses, Christomo had fired his pistol at Manuel Francisco, a pardo man, after a heated argument. Christomo fled the town. This left it up to a local jury to convict him “ex-oficio.” Teixeira then appealed the verdict to the juiz de direito, once again arguing that the charges against his client flowed from “persecution” that had already resulted in him “suffering several months imprisonment.” Teixeira noted that the juiz had already acquitted his client on one previous occasion. He also implied that Ribeiro and his allies likely coerced Francisco to testify against his client like they had done previously with the Paraguayan soldiers. Christomo then appeared himself. He testified: “I attribute the charges against me to my enemies that have already attacked the honor of this court.” The court, however, refused to overturn the verdict. It sentenced Christomo to a year imprisonment. The decision in effect confirmed Christomo’s banishment from the local political scene in Alegrete. He was an outlaw, not a vizinho.

A similar fate awaited another one of Teixeira’s clients from the 1850s, Manoel Rodrigues da Silva. The proceeding involved a salacious family drama. According to prosecutors, Rodrigues had become enraged when he learned that his son Cândido had left his home to live with a woman named Merencia. Matters came to a head when Merencia became pregnant and Cândido began requesting sums of money from his father to maintain his lover and his future family. To put an end to the affair, Rodrigues allegedly arranged for his son to leave town in order to conduct business for the family’s ranch. Rodrigues, along

---

66 Traslado de um sumario de culpa em que a Justica e autora e reo o Capitao Joao Christomo dos Santos, APRGS. Alegrete. Cartorio Civil e Crime. Processos Crimes, Maço 88, n. 3090 (1870).
67 Ibid. The trial record was not numbered.
68 Ibid.
69 Ibid.
with his son-in-law Alexander da Cruz, then paid Theodoro d’Araujo and several other men six ounces of gold to kidnap and then murder his son’s lover.\textsuperscript{70} Rodrigues further provided a horse to d’Araujo so that he could escape and then later assisted the men in disposing of the body. An “unnamed laborer” on a neighboring ranch saw the men burying Merencia and alerted officials. The police uncovered the body, tracked down d’Araujo and then arrested Rodrigues for his involvement in the crime.\textsuperscript{71}

Rodrigues again turned to Teixeira to defend him from the charges, but he faced a daunting challenge. Dozens of witnesses appeared in the proceeding. They offered testimony about the long-standing disagreement between Rodrigues and his son. Prosecutors further obtained evidence that Merencia had had “friendly relations” with the Manoel Rodriguez prior to the conflict. They claimed that she had “visited his house on a number of occasions.”\textsuperscript{72} Under questioning, Rodrigues had himself admitted to the dispute with his son. D’Araujo then testified as to the terms of his arrangement to murder Merencia. He asserted that his involvement had been limited only to the kidnapping. He had left Merencia with da Cruz unharmed.

Teixeira attacked this latter testimony. He argued that in fact Rodrigues had only ordered d’Araujo to remove Merencia from the house in which she was living and carry her to a nearby town of São Vicente. The gold was a blackmail payment to keep the girl away from the family. He argued that the actual assailants had exchanged their testimony against Rodrigues for leniency in the proceeding. They had only received “life imprisonment” in lieu of the death penalty. Not surprisingly, however, the local jury was unmoved. They

\textsuperscript{70} A Justiça c. Manoel Rodrigues da Silva, Alexandre da Cruz Santos, Manoel Theodoro d’Araujo, Virginia Paes e Criscelcho da Costa, APRGS. Alegrete. Cartório Civil e Crime. Processos Crimes, Maço 88, n. 3097 (1871) (documents in the file were not numbered).

\textsuperscript{71} Ibid.

\textsuperscript{72} Ibid.
convicted Rodrigues of the murder and sentenced him to “life imprisonment with labor.”

Teixeira appealed the case, again pointing out the deficiencies in the evidence. He further filed a claim against Luis Ignacio Jacques, the delegado de policia leading the investigation, for allegedly abusing his office in gathering evidence against the two men.

Both the local trial and the appeal offered Alegrete’s liberal faction with a golden opportunity to justify the exclusion of their political rivals from the local government and the judiciary. They seized the moment. The local Liberals transformed the trial into an intensely public spectacle. The case involved dozens of witnesses. These “honorable vizinhos” delved into every aspect of Rodrigues’ relationship with his son and the killers. This testimony again appealed to traditional borderlands conceptions of litigation and proof. The evidence also publicly articulated the balance of political forces around Alegrete’s courthouse. The testimony aimed not only at obtaining a conviction. It also sought to push Rodrigues and his progressista allies from the sinews of local power. At the most basic level, Rodrigues had clearly violated norms of patriarchal honor. Whether he ordered the killing or not, he had failed to maintain order in his own household. The result was a violent crime that had disturbed the town. Given the fact that he had failed in the domestic sphere, Rodrigues could not be trusted in the public one either. In contrast, officials in the town could place themselves in the role of defending a defenseless victim. They also protected public decency and order. In doing so, they could proclaim their fitness to rule the town to the local population. They could also use the courts to communicate this fact to provincial officials. The appeal before the provincially appointed juiz de direito offered an opportunity

---

73 Ibid.
74 Manoel Rodrigues da Silva e Alexandre da Cruz Santos c. Luis Ignacio Jacques, Delegado de Policia deste termo, APRGS. Alegrete. Cartório Civil e Crime. Processos Crimes, Maço 89, n. 3100 (1871) [documents in the file were not numbered].
not only to affirm these local findings, but also confirm the diligence of Liberal officials in maintaining order. The *juiz de direito* equally played this role. He noted the thoroughness of the “*subdelegado*” in prosecuting such an important matter.” The court then confirmed the sentence.\(^75\)

The allegations against men like Christomo and Rodrigues clearly were aimed to push important members of the Ribeiro faction, along with their legal lieutenant Mathias Teixeira de Almeida, further from Alegrete’s local government. In effect, much like the contemporaneous disputes in Salto’s courts, they provided a mechanism to signal to provincial officials that the Ribeiros could not be trusted to rule. At the same time, the cases also conveyed an important message about the Liberals that controlled the town. As provincial elites worried about maintaining order in the countryside, the cases placed Alegrete’s dominant faction clearly on the side of the law. In this way, the traditional elements of local justice provided an important means for the Liberal Party to establish its control over the province while maintaining its commitment to social order.

Through these local political shifts, the Liberal Party consolidated its hold on *riograndense* politics throughout the 1870s. In 1872, the Liberals finally gained unquestioned control over the provincial assembly. Gaspar Silveira Martins, a rancher from Bagé, emerged as the Liberal Party’s leader during the decade. Throughout the 1870s, the Liberal Party exercised almost uncontested power over provincial life. It was only in the 1880s that a challenge to their authority emerged in the form of the new Republican Party. Rooted in positivist principles, the Republicans advocated for a dramatic centralization of political authority in both the provincial and national governments. Under the leadership of Júlio de Castilhos, the party developed a base of power around Porto Alegre and the surrounding

\(^75\) Ibid.
Serra throughout the 1880s. The *campanha* remained the bedrock of Liberal opposition. These two poles of *riograndense* society eventually clashed in the 1893 Federalist Revolution. The Republican victory in 1895 marked their triumph in the province’s political life. It also heralded the final turning away from the borderlands politics that had characterized much of the province’s history of the course of the 19th century. The revolution itself was not about cross-border commercial linkages and tariffs, but about the relationship between elites in the *campanha* and Porto Alegre.76

**Conclusion**

An 1877 article appeared in Salto’s *El Progresso* newspaper declaring: “[t]he frontier of yesterday is not the frontier of today.”77 The article focused on the increasing economic prominence of Uruguaiana and the need for Salto to improve its own infrastructure to compete against its rivertine rival. Cross-border trade and movement were not new. However, what was new was that these relationships now operated within a system that recognized the legitimacy of the region’s nation-states. States had shown their growing power to compel peripheral elites to accept their authority. Grasping this reality, borderlands power brokers like Urquiza had taken steps to engage with national authorities in order to fashion the terms of new state structures. A system emerged that blended elements of national law together with local legal norms.

These types of negotiated relationships, facilitated by peripheral courts and enforced by the growing economic and coercive power of national entities, formed the bedrock of the new order emerging in the 1880s. Leaders like Julio Roca in Argentina proved adept at consolidating their own authority by using their control over the military and the treasury to

---

76 Love, *Brazilian Regionalism*.
77 *El Progresso*, Año III, n. 86 (April 26, 1877).
bolster the positions of important local allies in their internal disputes over the right to rule. In a similar vein, the *colorados* in Uruguay consolidated their hold on national politics by carefully arbitrating local disputes like the ones swirling around Salto’s courthouse. *Gaúcho* Liberals equally found ways to articulate local rights, loyalty and order through their control of the courts. Throughout the Río de la Plata’s rivertine interior, the dominant theme of local legal politics became about establishing the terms of the relationship between local elites and national governments. In the process, the “cross-border” aspects of borderlands legalities faded into the background.

At the same time, the peripheral legal order persisted. It retained its power to define personal allegiances, reputations and political associations – now within national frameworks. Local elites zealously guarded their power to dictate legal norms. The enduring power of peripheral coalitions meant that attempts to accelerate the centralization of authority would be met with fierce opposition. The 1893 federalist revolution in Rio Grande do Sul in the name of local autonomy made clear that relationships between the core and periphery had to be continually and carefully recalibrated.

Yet, these breakdowns underscored the importance of the courts in providing a mechanism within state structures to achieve the proper balance between core and periphery and between local and national. Understood in this manner, rather than heralding the final consolidation of nation-states, courts in national peripheries continued to stand as testaments to the inchoate nature of state structures, the multiple legalities upon which they rested and the constant negotiations over their forms. This ensured that for all the changes occurring in the region’s economy, politics and society as the 19th century progressed, would-be national leaders continued to confront the deep persistence of borderlands conceptions.
of legal rights. They did so even as the borderlands slowly became “bordered lands.”

After four years of embarking on aggressive legal and political reforms in Uruguay, Lorenzo Latorre expressed his fatigue and deep frustration in seeing the real limits peripheral authorities had placed on his measures. Leaving office in 1880, he declared: “upon retiring to private life, I am so disheartened as to believe that our country is ungovernable.”

Manoel Ferreira Bica, the old Brazilian rancher and staunch colorado ally, in many ways embodied the types of peripheral figures Latorre ultimately found so difficult to control. He moved between jurisdictions. He drew upon local connections that transcended national boundaries and identities in order to preserve his commercial operations and good name. Even after he permanently settled in Salto after the Paraguayan War, he remained keenly aware of his personal standing in the town. In doing so, he expressed the persistence of older forms of borderlands legalities even as the nation around him developed the trappings of modern state authority and institutions. When Bica appeared at the criminal trial of one of his ranch hands in 1871, he flew into a rage when the judge in the case demanded that he post a bond to ensure his peon would not flee the jurisdiction. Upon hearing the request, Bica had “raised his cane into the air and said to the judge that he was a shit [carajo] and those present were thieves used to robbing the poor, and that he had come to smash [the judge’s] head to teach him how to treat an honorable vecino.”

---

78 Adelman, "From Borderlands to Borders."
79 Abadie, Coronel Lorenzo Latorre, 169.
80 Emilio E. Thivenet denuncia contra Manuel F. Vica, AGN-SJ. Salto. Penales. s/n (1871).
CONCLUSION

IN 1887, THE GREAT URUGUAYAN HISTORIAN AND DIPLOMAT FRANCISCO BAUZÁ published *Estudios constitucionales.*

1 Gazing upon more than a half-century of disorder in the small republic, Bauzá sought to understand why the 1830 Constitution had failed to channel conflicts into state institutions. Bauzá identified many causes, but in one passage he focused particularly on the suppression of local *cabildos* by the Estado Oriental’s founders. He argued that through this action, the country’s founders effectively “disinherited those *pueblos* from control [*tutelar*] over their primordial interests.” He asked: “Who can believe that we, the *vecinos* of Montevideo, possess the understanding to appreciate what Cerro’s *vecinos* require, whose streets we do not go on, whose schools we do not see, whose sanitation does not affect us directly?”

2 He concluded that the drafters of the 1830 Constitution had simply failed to appreciate “the importance of the *municipio.*” By suppressing local governments, the country’s elites had created a vacuum of authority that they could not properly fill.

3 Bauzá’s brief vignette about the suppression of *cabildos* echoed the 1828 statements by Juan Manuel Ferrer from the beginning of this dissertation. Writing nearly sixty years apart, each man ultimately saw the country’s interior as a lawless space. Looking out into the borderlands, they certainly had good reason to take such a position. Weak and fragmented governments had consistently failed to gain permanent control over the contested ground between them. Clashes between rival sovereigns, as well as between factions in the borderlands itself, had produced seemingly endless cycles of violence and instability. The

---

2 Ibid., 57.
3 Ibid., 59.
solution for Bauzá and others was to enact reforms in order to finally extend laws into the countryside.

This dissertation has challenged these notions. It has argued that beneath the pervasive violence, an alternative order had in fact emerged in the Río de la Plata’s interior. The collapse of imperial authority on the Iberian Peninsula tore apart the foundations of the old colonial order in the borderlands. Sovereign frictions then combined with revolutionary state projects in the periphery to preclude new national structures from emerging. In the aftermath of two decades of warfare, however, peripheral inhabitants developed a set of legal practices – borderlands legalities – that were uniquely suited to the conditions they encountered in their contested ground. These practices drew upon elements of local autonomy that had found a voice in Artigas’ failed revolution. They also tapped into concepts like vecindad to express notions of personal standing in the community. Traders and landowners used these local building blocks to develop dense webs of connections that sustained commerce along the region’s rivertine trading arteries. They forged a world that simultaneously operated on local and regional levels.

Contrary to Bauzá’s telling, this dissertation has argued that forms of local legal practices did survive both constitutional changes and revolutionary upheavals in the form of borderlands legalities. This survival in fact played an important role in the intractable conflicts that Bauzá sought to understand. With their political and economic relationships rooted in systems premised on integration and local legal practices, borderlands inhabitants jealously guarded their autonomy from coastal efforts to police new boundaries. They also struggled to control the local systems of justice and cross-border trading networks that defined their world. Litigation secured reciprocal ties and personal allegiances that were vital for commerce. Powerful figures like Urquiza and Canabarro arose to defend legal
relationships and secure local courts for their allies. In the process, they provoked sharp conflicts with their local rivals to control the administration of justice.

The last third of the 19th century did provide a framework for the creation of new states. Fueled by growing revenues from the export of agricultural staples, governments throughout the Río de la Plata developed sufficient power to compel allegiance from their peripheries. But this power only went so far. National leaders had to forge networks of local allies in order to consolidate their authority over the borderlands. Elites in the periphery in turn began to negotiate with putative national figures over the terms of state authority. Borderlands courts represented critical sites where thorny questions regarding the relationship between the nation and its peripheral inhabitants were negotiated. Local legal politics increasingly pivoted around securing the support of national judicial officials in the persistent struggles over reputation, reciprocal relationships and factional associations. In this sense, courts occupied a dual role as units of national integration through the law and of disintegration through privileging local relationships and the legalities defining them.

From this perspective, the consolidation of state authority on the periphery looks more contingent and uneven. As Guillermo O’Donnell observed, nation-states often possess within them zones in which legal power has been effectively “localized” or “privatized.” O’Donnell’s metaphor of a “heat map” in which the extension of state authority across its territories occurs unevenly, creating “brown” or “green” spaces where state-centered laws have failed or only partially penetrated local and regional enclaves seems particularly appropriate. The inhabitants of national peripheries retained their power to define their personal allegiances and political associations. The presence of national judicial

---

figures ensured that state cores played an important, but never exclusive role in these local negotiations. State legal norms would continue to clash with traditional hierarchies rooted in concepts like *vecindad* and reciprocity.

In a way, the story of the Río de la Plata borderlands in the 19th century is also a mirror image of the region’s history in the 20th. The export economies of the 20th century’s first decades enhanced the power of the state, but also fueled the creation of massive popular sectors in coastal capitals throughout the Río de la Plata. Eventually, the collapse of outward-looking economic models in the Great Depression created a renewed crisis of legitimacy. Populist leaders like Juan Perón and Getúlio Vargas worked to broaden the authority of the state even further. These leaders ushered in an era of increasing state control over the economy. They equally utilized new tools of mass culture and communication in an effort to overcome regional heterogeneity and fashion unifying national ideologies. Throughout the region, however, efforts to mobilize mass societies in the service of the nation equally polarized them. Eventually, one state after another in the Río de la Plata slipped back into the vortex of revolutionary violence. The national governments of Argentina, Brazil and Uruguay would all eventually turn to oppressive military regimes to secure order in the face of popular opposition. The power of the state over its citizens and territory had never appeared so extensive.

Yet the Río de la Plata eventually reemerged from the darkness of dictatorships. New forms of solidarity that again transcended national boundaries played an important role in the painful transition to democracy. The “new social movements” that stressed human rights, gender equality and ethnic identities reached across borders in an effort to reshape national processes and identities on a regional and even global scale. Governments throughout the region also embraced liberal reforms that dramatically opened up their
economies to the forces of global capitalism. These processes reached their zenith with the creation of Mercosur, a customs union that sought to recreate the integration of the old cross-border commercial relationships that defined the Río de la Plata borderlands throughout much of the 19th century.

The forces of globalization, however, do not imply a uniform flattening of identities. Rather, it has given rise to alternative solidarities that are often unbound by geographic constraints. As Arjun Appadurai observed, globalization can also paradoxically serve as a powerful “localizing process.” Appadurai argues that global processes can create room for distinct local appropriations of “the materials of modernity.” Local traditions, imaginations and understandings continually refashion products and images targeted to a global audience. Moreover, the world’s increasing interconnectedness paradoxically breeds “local” communities that stretch across space. The local itself becomes redefined around self-forming communities of shared identities and beliefs. Caught in the middle, the nation-state seems under almost constant assault from above and below. Appadurai concludes that the “[n]ation-state, as units in a complex interactive system, are not very likely to be the long-term arbiters of the relationship between globality and modernity.”

Evidence of the growing weakness of the nation-state and national identities seems everywhere. In the Mexican borderlands, drug cartels have erected an illicit economy and a violent form of governance. In the Paraguayan city of Ciudad del Este, outlet malls attract Brazilian shoppers and, according to the United States government at least, international terrorist organizations have found refuge. International corporations have grown increasingly powerful and correspondingly more difficult for national governments to

---


6 Ibid., 19.
control. All of these markers of “globalization” have led to an increased awareness of the presence of alternative legalities that exist alongside and at times in direct opposition to state-centered laws. They offer repeated evidence of the “thinness” of the nation-state in our world.

But the Río de la Plata’s peripheral inhabitants might correctly inquire whether these phenomena are really all that new. Their experience throughout much of the 19th century suggests that states perhaps did not extend their control over their inhabitants as deeply as we have previously assumed. The persistence of borderlands legalities also raises important issues about using the law as a marker of national sovereignty. Rather, legal practices – going to court – may provide a means to limit the reach of putative national projects as much as reify them. Looking at the state and the law from the perspective of Pedro Francisco Berro, Mathias Teixeira de Almeida, Agustín Sañudo, Agustín Guarch and others offers a means to approach the complex and often contingent relationships between the law, legalities and nations. Perhaps the experiences of their borderlands are quite similar to those in our borderless world.
ARGENTINA

Archivo General de la Nación de Argentina, Buenos Aires (AGN-A).
   Sala VII - Particulares
      Archivo Andrés Lamas
      Archivo Urquiza
   Sala VIII - Justicia
      Tribunal Comercial
   Sala IX - Colonial
      Banda Oriental, Comandancia de Fronteras, 1793-1807
      Consulado de Buenos Aires, Correspondencia, 1794-1810
   Sala X - Gobierno
      Banda Oriental. Agente comisionado del gobierno oriental Juan Correa Morales
      Banda Oriental. Estado Cisplatino
      Banda Oriental. Gobierno Intendente
      Comerciales
      Gobierno, Corrientes (1812-1852)
      Guerra Contra el Brasil
      Justicia

Archivo General de la Provincia de Entre Ríos, Paraná (AGPER).
   Fondo Gobierno
      Expedientes Administrativas
      Jefatura de Policía
   Fondo Hacienda
      Civiles
      Crimes
      Correspondencia Judicial
      Expedientes Judiciales
      Civiles

Archivo General de la Provincia de Corrientes, Corrientes (AGPC).
   Correspondencia Oficial
   Protocolos de Escibanos
   Expedientes Judiciales - Interior
      Civiles
      Penales
   Fondo Mantilla
      Archivo Valdés
      Archivo Pampín
Brazil

Arquivo Histórico do Rio Grande do Sul, Porto Alegre (AHRGS).
- Cadernos de Registro, Presidente da Província correspondência com Ministérios e Estado Oriental
- Câmara Municipal de Alegrete, Correspondência Expedida (1832-1869)
- Correspondência expedidas pelos presidentes para enviados especiais, extraordinários, e encargados dos negócios brasileiros em Montevideu, Paraguai e Buenos Aires
- Livro do registro da correspondência dos governadores para o Rio da Prata

- Alegrete
  - Ordinários
  - Processos Crimes
  - Inventários
- Alegrete - Tabelionato
  - Registros Diversos
- Uruguaiana
  - Processos Crimes
  - Inventários

Museu de Comunicação Social Hipólito José da Costa, Porto Alegre.
- *O Brado do Sul* (Pelotas)
- *O Bagense* (Bagé)
- *O Correio do Sul* (Porto Alegre)
- *O Echo do Sul* (Rio Grande)
- *O Povo* (Piratini)

Uruguay

Archivo General de la Nación de Uruguay, Montevideo (AGN)
- Sección Administrativa
  - Jefatura de Salto
  - Junta Económico-Administrativa de Salto
- Particulares.
  - Archivo Lucas Piris

Archivo General de la Nación de Uruguay -- Sección Judicial, Montevideo (AGN-SJ)
- Montevideo.
  - Civil 1º Termo
- Salto.
  - Jueces Letrados Civiles
  - Penales

Biblioteca Nacional, Montevideo.
- *La Aspiración Nacional* (Salto)
- *El Eco de los Libres* (Salto)
- *El Progresso* (Salto)
- *El Salteño* (Salto)


Pivel Devoto, Juan E. Historia de Los Partidos Políticos en el Uruguay. Montevideo: C. García & cía, 1942.


