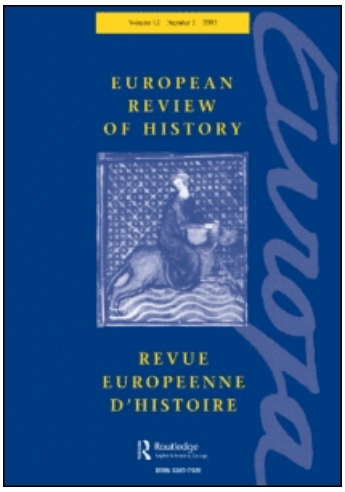


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Keila Grinberg

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# Slavery, manumission and the law in nineteenth-century Brazil: reflections on the law of 1831 and the 'principle of liberty' on the southern frontier of the Brazilian empire[1]

Keila Grinberg*

*Rua Soares Cabral, 66/802, 22240-070 Rio de Janeiro – RJ, Brazil*

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This paper aims to discuss the process of delegitimisation of Brazilian slavery in the second half of the nineteenth century. Several reasons contributed to delegitimise the slave regime in Brazil, such as the end of the Atlantic slave trade, the rise of the average price of a slave and the growing number of manumissions. A large number of these manumissions were obtained through freedom suits, in which slaves brought lawsuits against their masters arguing in the courts that they had the right to be freed. The paper focuses specifically on the freedom suits initiated in the late 1860s on the border of Brazil with Uruguay. In these lawsuits, slaves argued that, because they had crossed the border and stepped on free Uruguayan soil, they had the right to be freed once they returned to Brazil. Lawyers based their petitions on an 1831 law that prohibited the entrance of slaves into Brazilian territory. It also demonstrates that the free soil concept, after being considered juridically legitimate by the courts, was used by abolitionist lawyers throughout the country in the 1870s, contributing to the political movement that ended the slave regime in Brazil.

**Keywords:** slavery; manumission; free soil; Brazil; foreign affairs; 19th century



Studies of the freedom suits brought by slaves within the boundaries of the nineteenth-century Brazilian empire are numerous and well known. So too are discussions concerning the suits' role in weakening the legitimacy of slavery in Brazil, a process that accelerated with the end of the Atlantic slave trade in 1850.[2] In general it is argued that, although these suits were often the fruit of the individual actions of slaves or their lawyers, their effects touched a large number of people, due to the repercussions the sentences had both among slaves and among lawyers, judges and jurists, an influence that is demonstrated by the sentences' publication in the specialised journals of the time.[3]

Among these cases, those in which the arguments refer to the vigilance of 1831 Brazilian law concerning the end of the Atlantic slave trade are particularly interesting. Known as 'the law for the English to see', due to the English pressure to abolish the Atlantic slave trade, the law of 7 November 1831 expressly established that, from that date on, slaves could not enter the Brazilian empire; according to the law's first article, 'All slaves who might enter the territories or ports of Brazil from the outside will be free'. That the law would never be put into practice, something that was already well known by 1832, is made clear by the discussions that took place in Brazil's Legislative

*Email: keila.grinberg@gmail.com

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Assembly.[4] But the law would also never be revoked, even when the Euzébio de Queiróz Law – which finally prohibited the entrance of slaves into Brazilian territory – was put in place on 4 September 1850. Given that, could the 1831 law serve as the legal basis for freedom suits brought by Africans who arrived after 1831 and their descendants?

Numerous judges and jurists of Rio de Janeiro's Appeals Court asked themselves that question when faced with freedom suits which argued principally that their protagonists had been the victims of the clandestine slave trade and, as such, had been enslaved not only unjustly (something that could be said of all enslavements), but also illegally. When the cases involved slaves from the extreme South of the empire, in frontier areas bordering the recently created República Oriental do Uruguay (in 1828), the response to this question could be more complicated still, as it was often argued that any slave who had crossed the border with that country and then returned to Brazil should also be included in the scenario foreseen by the 1831 law, and thus freed as soon as they stepped onto Brazilian territory.[5] This paper will analyse these cases.

Until a few years ago, the historiography of slavery in Brazil still echoed the popular saying that the 1831 law was never really put into practice.[6] More recent studies, however, have shown that the 1831 law, although never effectively applied, had consequences that were probably never foreseen by its legislators. Elciene Azevedo and Beatriz Galotti Mamigonian have shown in their work that the 1831 law was resuscitated by abolitionists such as Luis Gama to argue in freedom suits that, as the law was never revoked, a good proportion of the individuals considered slaves in the late 1860s were being held in captivity illegally.[7]

Recuperating the history and use of this argument in freedom suits brought throughout the Brazilian empire can help us to deepen our analysis of the role of the 1831 law in the de-legitimisation of slave labour in Brazil.[8] Yet the study of freedom suits brought in the extreme south of the empire between 1867 and 1869 adds yet another dimension. In these cases, besides referring to the 1831 law, the slaves' defenders frequently used the argument of 'the principle of liberty', whereby any slave who stepped on free soil automatically gained the right to freedom. According to this line of reasoning, for these lawyers, cases from the Brazilian empire's southern frontier, and specifically those referring to slaves who had crossed the international border (most commonly with Uruguay, but also with those of Argentina and Peru), involved re-enslavement, as these slaves had achieved their freedom simply by crossing the border and stepping ontp the territory of those countries. A similar argument was used in France and England to free slaves who had travelled with their masters from the Caribbean in the eighteenth century, as well as in the United States to argue for the freeing of slaves who travelled from slave states to free over the course of the nineteenth century.

In the specific case of the freedom suits analysed here, such situations sparked a series of debates and diplomatic incidents between Brazil, Uruguay and Argentina, mainly after the signing of extradition treaties between Brazil and each of the two countries in 1851 and 1857, respectively. The debate on the concept of the frontier in the nineteenth century thus orients this paper – a frontier, in this context, that simultaneously divided two independent nations, one a republic and the other an empire, and separated liberty from freedom.

On October 15, 1865, the following text was published in the *Jornal do Commércio*:

> For the *Eastern* vice-consul and national authorities to take into consideration in order to lift from slavery an unhappy soul as free as we are: We received a letter from the *Estado Oriental*[9] that relays the following details. The parda Joana Felícia, slave of the late Felicíssimo Amarante, born on the coast of Candiota, in 1835, went at two years of age with her owner, who at that time was Manuel Amaro da Silveira, and his family to a ranch, in the *Estado*

> *Oriental* … where she stayed for ten years, at the end of which time, in 1847, she returned once more to the coast of Candiota with her owner's family, and stayed there for nearly five years. During this time, Manuel Amaro da Silveira wished to sell his slaves, but since they declared themselves free, he was unable to make the sale.

In 1852, *senhor* Silveira returned with his entire family to the Jescas ranch (in the *Estado Oriental*), from which they departed after three months for a place called Florida, leaving Joana Felícia and her companions to be turned over to the younger *senhor*. Joana's companions, as they were free, kept leaving the house until, one morning in 1854, all of them disappeared, leaving Joana Felícia abandoned with her two-month-old child, who was named Georgina. At about 3 o'clock that afternoon, more or less, Joana Felícia was sitting with her child on her lap, crying because she did not know where her companions had gone and found herself entirely abandoned, when two men she had never seen before and did not know arrived, threw her child to one side, placed her on the saddle and fled, walking always through forests and behind mountains, never seeking straight and populated paths. It would seem that everyone had purposely arranged to leave the house, in order for Joana Felícia to be safely abducted with no one around to ask for help.

Joana Felícia was led by two individuals whom we know only by their first names – Clarimundo and José – to the Passo da Maria Gomes, in (the city of) Piratinim, and was delivered in the home of Joaquim Brás to a gentleman named Aparício Barbosa. He took her to Pelotas and handed her over to the late Felicíssimo Manuel Amarante so that he could sell her to Rio de Janeiro; but as the family liked Joana Felícia, they kept her, it is said, in exchange for a debt that Manuel Amaro da Silveira owed to the late Amarante. Joana Felícia went through all of this, free, only to become captive. Her daughter Georgina was a slave of senhor Amaro da Silveira in Jaguarão, and should also have been free by virtue of the laws of the country. Senhor Manuel Montano, his wife, and *senhor* Tito Chaves and his family, residents of Jaguarão, knew Joana Felícia perfectly well from the *Estado Oriental*, as did many other people from Jaguarão.

> This unhappy woman, who is captive against the law and the rights of humanity, should expect much. To the zeal of the Eastern Vice-consul, who has been a true gentleman in the exercise of his honorable employment and a dignified police chief, whose acts always follow the strictest justice, I denounce this act with the greatest truth and clarity, so that the unhappy Joana Felícia, free as those born free, can be pulled from the black captivity in which she lies.'[10]

In 1865, when the Jornal do Commércio published this story – sadly, it is still not known how Joana Felícia's misfortunes reached the main Brazilian newspaper, in Rio de Janeiro – the parda Joana Felícia had already confronted difficulties in protesting before the courts against her own and her daughter's illegal enslavement. The difficulties began in Pelotas, when she tried, as the indigent person she was, to obtain state legal aid to start a freedom suit. The first two legal advocates indicated by the judge refused the task; the third accepted, but then asked 'to be guided by a (real) lawyer as he did not have the preparation necessary to argue a freedom suit well; … as he had no one to counsel him he took the position that it was necessary to resort to learned people from the other places'.[11]

All of these problems in finding someone to represent her in court certainly demonstrated the strength of Joana Felícia's case, and it was not by chance that it ended up in the newspaper.[12] The very lawyer of the person who claimed to be Joana Felícia's owner argued, in her defence, that the fact that Joana had lived in Uruguay did not give her a right to freedom, as there were 'in the capital of that state more than a few slaves of Brazilians, and many nearby who are employed in beef jerky-making establishments'.[13] That is, there were countless slaves living illegally in Uruguay; in that case, according

to the lawyer, how could the courts accept the freedom suit of a lone slave, who claimed to have been free ever since she entered Uruguay, at two years of age?

Joana Felícia crossed the frontier between Brazil and Uruguay at various times, a fact that was confirmed by witnesses. As her advocate argued, this act alone was sufficient for her to be granted liberty according to the law of 7 November 1831. But that was not all; the advocate also argued that 'Joana Felícia was free even before she returned to the empire, where she was badly and unjustly sold. When Manuel Amaro da Silveira emigrated to Uruguay, the Uruguayan Republic had long since abolished slavery, and if the authorities tacitly permitted it, that did not make it any less against the laws and constitutions of that country.'[14] It was useless to argue, on the part of the supposed owner, that this was an exceptional situation and that, in practice, the possession of slaves by Brazilian owners was tolerated in the frontier regions between Brazil, Argentina and Uruguay: the initial lower-court judge of Jaguarão, the Appeals Court of Rio de Janeiro[15] and the Supreme Court all confirmed that, according to the law of 7 November 1831, Joana Felícia and her daughter should be free, as they had been ever since they had returned to Brazil after having walked on Uruguayan soil.

Although not all freedom suits had such happy endings, the fact that one did occur here raises various analytical possibilities, only preliminarily explored in this paper. The first of these has to do with the degree to which contemporaries accepted as natural a situation in which slaves passed freely through frontiers and remained on Argentine and Uruguayan territory, and did not seem surprised by cases involving robbery and re-enslavement. The second is related to the frequency with which these cases occurred; in this case, it is interesting to note that the novel element was not the movement of slaves per se, but rather the very concept of the frontier, which had begun to be redefined in the Southern Cone after the Independence Proclamation of the United Provinces of the River Plate in 1810.[16]

Already in 1813, the issue of the movement of slaves close to the border had begun to worry Portuguese authorities, as is evident in a document entitled the 'Complaint of the Portuguese Government Urging the Delivery to Brazil of Slaves who have Taken Refuge in the Territory of the United Provinces of the River Plate'. In this document, the Portuguese government complained about a decree that declared 'free any and every slave from a foreign country who sets foot on this territory by virtue of the simple fact of having set foot here'. In the complaint, the Portuguese stated further that they were uneasy about the flights of slaves from the captaincy of Rio Grande do Sul toward the territories of the United Provinces (later, Argentina and Uruguay) which were already happening on a large scale, and they also threatened to revisit the armistice of 26 May 1812.[17] The issue had already provoked an exchange of correspondence between Portugal and Lord Stragford, the British Minister in Rio de Janeiro, as well as letters from Lord Stragford to the United Provinces of the River Plate, asking for the immediate return of escaped slaves and an 'end to the fatal effects' of the decree.[18] Following threats from both governments, Buenos Aires responded by revoking the decree, but not without emphasising that the granting of liberty for all slaves brought from foreign countries simply by virtue of setting foot on its territory was an internal regulation, which for that reason could not 'give cause for complaint or offense to any foreign government.'[19] In February of the following year, the Buenos Aires government returned again to the subject, emphasising that, with that decree, they were not referring to slaves who might run away from Brazil (who, in that case, should be returned to their owners), but rather to those who had been 'introduced, through commerce or sale, against the dispositions that prohibited slave traffic'.[20] In 1838, the Argentine province of Corrientes decreed that it recognised the property rights and dominion of Brazilian owners over any slaves that might flee across the border, and would

allow them to be returned to Brazil.[21] The movement of slaves to Uruguayan and Argentine territory was the specific subject of extradition treaties with Uruguay in 1851 and Argentina in 1857.[22] In both of these cases, the text of the treaty emphasised the ease with which the borders of these states were traversed, and established that slaves who crossed the frontier without the consent of their owners, or against their will, had to be returned to Brazil, so long as the possession and ownership of the captives in question was proved and the returned slave was not punished for the escape.[23]

Re-enslavement, mainly by means of kidnapping and theft, also preoccupied the Brazilian and Uruguayan authorities, as was evidenced in reports from the minister of Foreign Relations in 1859 and 1861. In the first, the minister of Foreign Relations alluded to Uruguay's complaint about the 'robbery of persons of color to be sold' in Rio Grande do Sul. In one of the cited cases, a house had been attacked by two Brazilians, who had taken a three-year-old child; in another case, the report stated that 'two colored minors' had been 'stolen near Aceguá and later sold as slaves in Rio Grande'; the children's family now demanded 'their rescue and return'. The minister said further that 'part of this complaint was verified, and one of the minors, who had been sold with the name Domingos and said his name was João Serapio, was judicially deposited in the village of Piratinim'.[24] In 1861, the minister reiterated that 'the imperial government has alerted the president of the province of Rio Grande do Sul about the theft of minors of color in the Eastern State, in order to be sold as slaves in Rio Grande do Sul'.[25]

Although all of the treaties, agreements and correspondence between Brazil and its neighbouring countries emphasised the need to return to Brazilian masters any slaves who might have escaped across one of the borders without his or her owner's permission, the issue was not quite so simple. In 1856, Eusébio de Queiroz, by then the president of Rio de Janeiro's Appeals Court, consulted with the Council of State, asking if 'a slave resident in a foreign country might enter the empire, and not only remain enslaved, but even be turned over to his master by his country's judicial authorities'. The question was motivated by the Appeals Court's review of the case of a slave who had committed a crime, and whose owner lived in Uruguay. The Council of State's opinion, which was considered notable at the time and generated a famous official notice on the subject on 20 May 1856, reached the following conclusions:

(I) That the Law of November 7, 1831 intended not only to end the traffic in new blacks, but also to reduce the number of slaves in Brazil, and thus also those freed by law;
(II) That its dispositions included, inevitably, the case of a slave who, with his owner's consent, might have gone to a foreign country and then re-entered the empire.[26]

Despite the protests of the president of the Rio Grande do Sul Province, and despite the fact that the memorandum was rectified by two others on 20 July and 10 September 1858, the Notice of 1856 came to play a role in all of the freedom suits of slaves who crossed the frontier to Uruguay. In practically all of these cases, the Appeals Court, following the interpretation of the 1831 law, sided with the slave. This state of affairs left room for rumours to circulate about the benevolence with which the Brazilian authorities viewed the manumission of slaves in such conditions. And not without reason. In 1858, responding to a query from the president of the province of Rio Grande do Sul about the case of slaves mortgaged in Brazil and subsequently brought to Uruguayan territory, Eusébio de Quieroz and the Viscount of Uruguay wrote the following opinion, which was

subsequently approved by the Emperor and countersigned by José Maria da Silva Paranhos, minister of Foreign Affairs:

> The slave is unaware of the transactions of which he is the object, he does not, and is never able to, examine them, he simply obeys his master. If that master brings him to the *Estado Oriental*, whatever obligations might be contracted in his regard, whether or not there are mortgages, by that simple fact, the slave acquires his liberty, he is free in that republic (of Uruguay) and he is free in Brazil. Both governments are obliged to maintain the rights that were ceded to him, neither can one demand his return, nor can the other grant it. This interpretation is so well-established that the Imperial government [... in a previous case] determined the following: Finally, those slaves who are contracted out or undertake services authorized by their owners in the aforementioned territory and then return to the province of Rio Grande do Sul must also be considered free, since, by the general principle explained above, the fact of staying or having stayed in a country where slavery is abolished, with an owner's permission, immediately grants a slave the status of a freedperson.[27]



With this citation, I conclude my first argument; we may not know yet the volume of slave movement across the borders, but its importance is proved by the intense exchange of diplomatic correspondence on the subject. My second argument deals specifically with the discussions concerning the validity of the Law of 7 November 1831 in the empire. In none of the freedom suits judged either by lower courts or by Rio de Janeiro's Appellate Court (Tribunal de Relação) was the validity of the 1831 law contested: discussions were based on attempts to contest the facts presented by both parties: whether, for example, the slave in question had really crossed the border, or had been born in Uruguay, or whether he or she had gone to a certain place on his or her owner's orders. But in no case did any lawyer or judge argue that, because it had never been put into effect, or because of the Euzébio de Quieroz law of 1850, the 1831 law could not be considered valid.

In this sense, the recurrent use of the 1831 law in these suits serves only to fortify the argument of researchers such as Elciene Azevedo and Beatriz Mamigonian, according to which the law of 1831 was not only in clear effect during the nineteenth century but also made possible, in practice, the manumission of a large number of slaves.[28] Some of the first to realise this were some of those who were interested in the abolition of slaves on a grand scale, such as the abolitionist lawyer Luiz Gama, the Conselheiro Macedo Soares and Perdigão Malheiro, all at the end of the 1860s. An abolitionist use of these kinds of freedom suits can even be posited, although that line of analysis has not yet been fully explored. After all, if slaves had crossed the borders between Brazil, Uruguay and Argentina since those frontiers had been demarcated, and if the question had been repeatedly dealt with by the authorities of all three countries at least since the 1850s, why was it only in the mid-1860s that this argument began to appear in freedom suits brought before Rio's Appeals Court (Corte de Apelação)? Although the hypothesis requires further research, it seems reasonable to suspect, as Elciene Azevedo has, that the abolitionist use of the 1831 law, begun by Luiz Gama in São Paulo, spread to the four corners of Brazil, provoking the appearance of similar suits from Bahia to Rio Grande do Sul.

Even beyond the relationship between the occurrence of freedom suits based on the 1831 law and the emergence of the abolitionist movement in the courts, it is especially interesting to explore the relationship between these cases and the frontier quarrels that had occurred since the beginning of the nineteenth century, when, beyond the physical frontiers, the very notion of border began to be defined.

In this regard, both the court disputes of slaves seeking liberty and the diplomatic relations between Brazil, Uruguay and Argentina allow us to glimpse something important. The concepts of nation and nationhood, so crucial to the construction of sovereign nations over the course of the nineteenth century, were also involved in the

definition of 'free soil', or of the 'principle of liberty', based on the idea that free soil could confer liberty on an individual.[29] After all, and not by chance, the consolidation of these countries' independence occurred during the same period in which they began to define the frontiers between 'legitimate' and 'illegitimate' slavery, attempting to establish the extent of owners' power over their slaves and the conditions in which slaves could legitimately change their judicial status, gaining their liberty. Arguing for the maintenance of slavery well into the nineteenth century, when various nations had already rejected it, implied an acceptance that the slave labour regime was circumscribed to a bounded territory, as the institution no longer enjoyed large-scale legitimacy.

Evidently, the 'principle of liberty' and the notion of free soil were not inventions of the nineteenth century. Ever since 1569, slavery had been held to be inconsistent with the British juridical tradition; in that year, in the so-called Cartwright case, a serf imported from Russia was considered free by the authorities because 'England was too pure an air for a slave to breathe in'.[30] Although no details are known about the case, it is known to have created a legal precedent, as it was used as an argument in cases involving slaves taken to England from the British colonies in the Caribbean during the eighteenth century. At the end of that century, the discussion about the status of James Somerset, a slave who had fled from Jamaica, definitively closed the question in England by establishing that, in the absence of positive laws on slavery, all persons who stepped on English soil had to be considered free.[31] In France, representatives of the French state also had to decide about the status of slaves brought by their owners from the French colonies of the Caribbean. Although they tried at various times to restrict slaves' demands, the maxim that there could be no slave in France – that is, that every slave who stepped on French soil had to be freed – won in the courts and allowed the manumission of many people over the course of the eighteenth century.[32]

Although national states did not always recognise the validity of the principle of free soil, decisions taken in the courts, in various circumstances, always ended up generating effects far broader than the legislators' intentions. This was demonstrated in cases that occurred in the United States, where outcomes were based on British decisions, and also in the very use of the 1831 law in Brazil. Speaking of the United States, it is worth mentioning that the country definitively rejected the principle of free soil in 1850, in the famous Dred Scott case, where an enslaved man argued that he had the right to freedom because he had passed through a free state with his owner. Although he managed to gain a favourable sentence in the lower court, he lost in the higher courts, because it was established that, as a black man, he was not a citizen of the United States and, as such, he could not bring a case in an American court. Instead of accepting that the free states of the Union created free soil –thus relativising the very concept of slavery – the United States opted to institutionalise the concept of race as an essential component of American citizenship. There, linked to race, slavery was not a condition – which, as such, could be modified – but rather an attribute from which individuals had no way of escaping.

The disputes around the principle of free soil, typical of modern transatlantic slavery, are fundamental to understanding the way in which recently independent countries conceptualised their citizenships; to recognise the idea that territory creates rights is also to recognise that one's status is given by one's place of birth and family, not by eternal subjugation to an authority or by immutable attributes, as was characteristically believes in the *ancien régime*.

What we can glimpse in the movement of slaves in the frontier region in the extreme South of the Brazilian empire, in the conflicts that movement generated, and in the various juridical and political decisions made by different authorities over the course of the

nineteenth century, is that an individual's status can change depending on the place where he or she is, the place he or she lives in, or the place where he or she was born. In Brazil, even against the will of the majority of authorities and legislators, the definition of territory was linked to the possibility of the acquisition of rights. If territory created rights, conceiving of slavery in that period implied recognition of the limits of its juridical legitimacy, which were delimited by the modern, independent state and by the concepts of nation, nationhood and citizenship attributed to it. For that reason, the notion of the border ought to be implicit in our reflections on nineteenth-century Brazilian slavery. After all, being on the right or wrong side, for many people, made all the difference.

## Notes

1. Translated by Brodwyn Fischer.
2. See, among others, Chalhoub, *Visões da Liberdade*. Lara, *Campos da Violência*; Mattos, *Das Cores do Silêncio*; Pena, *Pajens da casa imperial*; Mendonça, *Entre A Mão e os Anéis*; by the same author, see also "A arena jurídica e a luta pela liberdade." Azevedo, *Orfeu de Carapinha*. Abrahão. *As Ações de Liberdade de Escravos do Tribunal de Campinas*. Grinberg, *Liberata – a lei da ambigüidade* and *O Fiador dos Brasileiros*.
3. Nequete, *O Escravo na Jurisprudência Brasileira*.
4. Conrad, *Tumbeiros: o tráfico de escravos para o Brasil*.
5. In 22 lawsuits archived at the Appeals Court of Rio de Janeiro, the 1831 law is mentioned; 11 of those occurred on the Southern border of the Brazilian empire, in cities such as Uruguaiana e Jaguarão (Box 3685 No. 13.196; Box 3689 No. 12394; Box 3684 No. 12847; Box 3683 No. 12465; Maço 216 No. 3221; Box 3680 No. 2; Box 3686 No. 12057; Box 3690 No. 13794; Box 3694 No. 12126; Box 3679 No. 11689; Box 3690 No. 12162). National Archives, Rio de Janeiro.
6. Rodrigues, in *O infame comércio*.
7. Luis Gama (1830–1882), son of an African woman, was born free in Bahia, but was sold as a slave by his father in the province of São Paulo. After learning how to read and write by himself and convincing his master that he was born as a free person, he became an advocate, being known as the main abolitionist advocate in Brazil. Azevedo, "O Direito dos Escravos" and Mamigonian, "To be a liberated African in Brazil." See also Zubarán, "Slaves and Contratados" and "Escravos e a Justiça; Silva, *Os escravos vão à Justiça* and Argemiro Eloy, "*A Lei de 7 de novembro de 1831 e as ações cíveis de liberdade na cidade de Valença (1870–1888)*."
8. On re-enslavement in Brazil, see Freitas, "Slavery and social life; Monteiro, *Negros da terra*, Faria, *A Colônia em Movimento*; Chalhoub, *Visões da* Liberdade, op. cit. Grinberg, "Re-escravização, direitos e justiças no Brasil do século XIX."
9. *Estado Oriental do Uruguay*, meaning the State of Uruguay.
10. *Jornal do Commercio,* ano 4, no 69, 15 de outubro de 1865. Unknown author.
11. Box 3679, number 11689, 1865, 16v. Appeal Court, National Archives, Rio de Janeiro. In the freedom lawsuits in Brazil, the advocate can refuse to defend a slave.
12. Excerpts of this lawsuit were published inthe *Revista do Instituto da Ordem dos Advogados Brasileiros*. Rio de Janeiro, Typographia de A.M. Coelho da Rocha, 1868. Similar cases were also published in specialised journals such as *O Direito* and *A Gazeta Jurídica.*
13. Box 3679, number 11689, 29.
14. Box 3679, number 11689, 67.
15. Until 1874, when the Regional Tribunal of Porto Alegre and São Paulo were created, the Appeals Court of Rio de Janeiro was in charge of all lawsuits that had their sentences appealed in the Brazilian territory (except for the lawsuits files in the Northeastern provinces, such as Pernambuco and Bahia, that were judged by the Appeals Court of Bahia). See Keila Grinberg, *Liberata*.
16. The area of Uruguay (called before *Colônia do Sacramento*, or *Banda Oriental*) was disputed by Spain and Portugal from the beginning of the colonisation in the Americas. In 1801, Portugal exchanged the area with Spain for the *Misiones* region. The Portuguese decided to re-conquer the Uruguayan area exactly at the time independence movements arose in the area.

From 1810, when the Províncias Unidas do Rio da Prata was created under the leadership of Buenos Aires, until 1820, the area was disputed between Portugal and Argentina. In 1825, three years after Brazilian independence, Uruguay began its own independence movement that ended in 1828 with the creation of the Uruguayan Republic. Fausto and Devoto, *Brasil e Argentina*; Palácios and Moraga, *La independencia y el comienzo de los regímenes representativos*.

17. "Nota do governo português ao das Províncias Unidas do Rio da Prata", November 30, 1813, in Ministry of Foreign Affairs Report, 1857, Annex E, number 14, 40.
18. Nota do ministro britânico nesta Corte ao supremo governo das Provincias Unidas do Rio da Prata", November 27, 1813, in Ministry of Foreign Affairs Report, 1857, Annex E, number 15, 41.
19. "Nota daquele governo [de Buenos Aires] ao ministro de S.M. Britânica nesta Corte", December 28, 1813, in Ministry of Foreign Affairs Report, 1857, Annex E, number 16, 42.
20. "Nota do governo das Províncias Unidas do Rio da Prata ao de S.M. Fidelíssima", February 1, 1814, in Ministry of Foreign Affairs Report, 1857, Annex E, number 17, 43.
21. "Lei de Corrientes do ano de 1835 decretando a devolução dos escravos fugidos do Brasil", in Ministry of Foreign Affairs Report, 1857, Annex E, no 18, 44.
22. Slavery was abolished in Argentina in 1853 (ratified by the 1860 Constitution) and in Uruguay in 1842. Uruguay ended the slave trade in 1830. Stalla et al., *Esclavitud y trabajo*. Also *Los morenos y pardos durante la Guerra Grande – una aproximación a su situación en la frontera.* Departamento de Historia del Uruguay, Universidad de la República, 2000 and Piccolo, "Considerações em torno da interpretação de leis abolicionistas numa província fronteiriça: Rio Grande do Sul."
23. "Tratado celebrado entre o Brasil e a República Oriental do Uruguai, para a entrega de criminosos e desertores, e para devolução de escravos ao Brasil.", October 12, 1851, in Ministry of Foreign Affairs Report, 1851, Annex F, number 7, 29. "Tratado de extradição de 14 de dezembro de 1857 entre o Imperio do Brasil e a Confederação Argentina", in Ministry of Foreign Affairs Report, 1857, Annex E, number 13, 36. Brazil also signed an extradition treaty with Peru on October 23, 1851, which was debated in "notas reversais trocadas entre o ministro do Brasil no Peru e o governo daquela república fixando as regras que se tem de observar na extradição de escravos fugidos." In Ministry of Foreign Affairs Report, 1854, Annex L, pp. 12–15.
24. Ministry of Foreign Affairs Report, 1859, 92.
25. Ministry of Foreign Affairs Report, 1861, 54.
26. Nequete, *O Escravo na Jurisprudencia Brasileira*, 134. See also Macedo Soares, *Campanha Jurídica pela Libertação dos Escravos (1867–1888)*, 79–83.
27. *Parecer do Conselho de Estado de 20 de março de 1858,* Brasil – Uruguai. Extradition, Slaves. Itamaraty Historical Archives, number 5/58.
28. Azevedo, *O direito dos escravos*. Mamigonian, op. cit.
29. Benton, "Constructing Sovereignty."
30. Grinberg, "Freedom Suits and Civil Law in Brazil and in the United States"; Higginbotham, *In the Matter of Color*, 321.
31. Finkelman, *An Imperfect Union*; Fehrenbacher, *Slavery, Law, Politics; Oakes*, *Slavery and Freedom*.
32. Peabody, *There are No Slaves in France*.

## Notes on contributor

Keila Grinberg is an Associate Professor at the Universidade Federal do Estado do Rio de Janeiro (UNIRIO). She holds a PhD from Universidade Federal Fluminense (Rio de Janeiro, Brazil) and has been a fellow at the University of Maryland and the University of Michigan at Ann Arbor. She is currently a Visiting Professor at Northwestern University. Her work deals with Slavery and Legal History in the Atlantic World. Grinberg has authored several books and articles; among them are 'Liberata: a lei da ambiguidade' (Rio de Janeiro: Relume Dumará, 1994); O *Fiador dos Brasileiros: escravidão, cidadania e direito civil no tempo de Antonio Pereira Rebouças* (RJ, Civilização Brasileira, 2002); *Slavery, Freedom and the Law in the Americas*, with Sue Peabody (Boston and New York: Bedford Books, 2007); 'Slavery, liberalism, and civil law: definitions of status and citizenship in the elaboration of the Brazilian civil code (1855–1916)'. In *Honor, Status, and Law in Modern Latin America*, org. Sueann Caulfield and others (Durham: Duke University Press, 2005);

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