
Flight, Feuds, and Tavernas: Intimacy between Enslaver and Police Control in Pelotas, Brazil, 1880–1888

PATRICK BUCHANAN, PRESBYTERIAN COLLEGE

In April of 1886, a freedman (*forro*) stabbed a slavehunter sent by his ex-enslaver. Witnesses and authorities interpreted this freedman's actions as flight and the police returned him to his ex-enslaver. One year later, in 1888, a freedman stabbed a Portuguese man after he tried to pick a fight. After some pressure from a municipal authority, the police admitted that they sent this ex-slave to his "former master" (*ex-senhor*) after they detained him. One year before this freedman's disappearance, a fourteen-year old shot and killed a friend, both of whom were free Afro-Brazilians (referred to as *pretos*, or "blacks"). The legal consensus was that the murder was an accident. The jury found the fourteen-year old guilty of "imprudent" involuntary manslaughter. Although these scenarios differed, all three of these cases highlight the interplay between crime and its punishment in the city of Pelotas, Rio Grande do Sul.

Legally, control over crime fell into the hands of the police in 1841 with the Law of 3rd December, including crimes of the enslaved and formerly enslaved. The imperial Minister of Justice nominated a police chief for each province and, in hierarchical style, the police chief chose subordinate delegates and subdelegates of police to oversee particular municipalities.¹ As one contemporary legal scholar explained, this system "established a centralizing apparatus, which descends from the emperor to the ward inspector."² Police became concerned with "public safety" (*seguridade pública*) on the streets, in social spaces, and in areas where the formerly enslaved lived and worked now that enslavers held no authority. Practically, however, the role of the police depended on location. Control over freed and free laborers became much more of a police issue in the imperial capital, Rio de Janeiro, and major urban centers like Recife or Porto Alegre

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1. The Law of 3rd December, 1841 can be found in Atas do Poder Legislativo, *Coleção das Leis do Brasil*, 1841, pp. 75–95.
 2. Aureliano Cândido Tavares Bastos, A Província Estudo Sobre A Descentralização no Brasil, 1870. 110. Quoted in Thomas Holloway, *Policing Rio de Janeiro* (Stanford: Stanford University Press, 1993).

(Rio Grande do Sul's capital) than in the smaller town of Pelotas.³ Here, the police acquiesced to the enslaver, or the former enslaver.

The cases explored in this article indicate how an older version of social control and policing was enforced but also act as an interface between this older enslaver authority and newer police authority. Criminal records (*processos criminais*) are the documents each case study derives from. These records were a collective documentation of a crime's initial report, witness testimonies, legal trial, and the final verdict. They depicted the behavior of and encounters between the accused and the victim. Covertly, criminal records also portrayed how both the police and enslavers navigated punishment. The three criminal records discussed in this article depict Afro-Brazilian Pelotense as either linked to an ex-enslaver or entirely unlinked to an enslaver as they were free by descent. Although criminal records are not unique to the archives of Pelotas, they expose a history unique to the town. Criminal records center the authorities, criminals, and bystanders together in one document that allows the historian to analyze each actor and the criminal process. By extension, then, these *processos criminais* depicted the authority over the enslaved, the transition from slavery to freedom, and ideas of social control.

The first three sections of this article explore each case in detail. The final section considers the relationship between police and enslavers in each of the cases, which is best described as "intimate ambiguity." The section headings for each case are intentional. I connect the "slave" in case I (Caetano, crioulo of the Barão de Correntes) and "ex-slave" in case II (Gil, ex-slave of Jose Bento de Campos Filho) to their previous "owners" because this was how they were referred to in the criminal record. It was also how police and witnesses recognized both freedmen. They remained tied to their "ex-owners" and placed in their custody rather than the state's.⁴ The accused in case III (Jose Martins da Silva) was born free, so he faced punishment differently as a man without an enslaver attached. Caetano and Gil were *freed* and Jose Martins da Silva was *free*.

3. Thomas Holloway, *Policing Rio de Janeiro* (Stanford: Stanford University Press, 1993); For Recife, Pernambuco, see: Martha Huggins, *From Slavery to Vagrancy in Brazil: Crime and Social Control in the Third World* (New Brunswick, N.J.: Rutgers University Press, 1985); Cláudia Mauch, *Ordem pública e moralidade. Imprensa e policiamento urbano em Porto Alegre na década de 1890* (Santa Cruz do Sul: Edunisc/ANPUH-RS, 2004).

4. In the analytical sections, terms such as "slaves," "slaveholder," "master," "senhor," and "owner" are avoided. They are replaced with enslaved, formerly enslaved, enslaver, and ex-enslaver.

Contextualizing Pelotas

First, there are important regional, social, and economic contexts to consider. Pelotas was not as large as the market city and provincial capital, Porto Alegre, but was an important market town and nexus as one of the southernmost municipalities in the southernmost province of the country.⁵ Pelotense economy centered on *charque*, a type of meat jerky dried and fed to poor laborers or the enslaved. Daily life consisted of *charque* production on *charqueadas* (meat-processing plants), urban development and labor, as well as market trading in houses, hotels, and ports. Socially, the populus curated an urban life made possible by the proximity of *charqueadas* to town.⁶ Their labor force constructed these spaces. Current or formerly enslaved Pelotense conducted the majority of menial labor from *charque* production in-season to bricklaying and masonry in the off-season (*entressafra*).⁷ More skilled jobs tended to fall in the hands of recent Portuguese immigrants or formerly enslaved Pelotense with artisanal backgrounds.

Pelotas experienced a significant economic downturn. *Charque* exportation in Pelotas fell in the 1870s and 1880s because of its inferiority to meat processing elsewhere. Brazil's biggest importer, Britain, preferred *charque* from Argentina and Uruguay's advanced *charqueadas* with competitively low prices. Pelotas otherwise relied on slave economies in the Americas as enslavers historically fed the enslaved with *charque*; however, only Cuba and Brazil maintained enslaved labor in the 1880s (until 1886 and 1888, respectively). The strongest market for Pelotas, then, was internal: slave-based economies like the coffee plantations in the southeast or the sugar *engenhos* (mills) in the northeast. However, pressures from abolition-era Britain, who outlawed the slave trade and now lobbied for

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5. Slavery in Rio Grande do Sul reflected this spatiality. Slaveholding patterns varied between the pastureland (West) and the market towns (East) like Pelotas and Porto Alegre, mainly according to technological and political changes during and after the late nineteenth century. Not all enslavers maintained their enslaved workforce as long as *charqueadores* did, since landownership ebb-and-flowed in the late nineteenth century. Stephen Bell, *Campanha Gaúcha: A Brazilian Ranching System, 1850–1920* (Stanford: Stanford University Press, 1998); Joseph Love, *Rio Grande Do Sul and Brazilian Regionalism, 1882–1930* (Stanford: Stanford University Press, 1971).
 6. The history of urban social life in Pelotas dates back to the 1840s, according to Dalila Müller, and they were inherently anti-enslaved and anti-laborer. Dalila Müller, *Feliz a população que tantas diversões e comodidade goza: espaços de sociabilidade em Pelotas (1840–1870)* (São Leopoldo: Universidade do Vale do Rio dos Sinos UNISINOS, 2010).
 7. Ester J.B. Gutierrez, *Barro E Sangue: Mão-de-Obra, Arquitetura e Urbanismo Em Pelotas, 1777–1888* (Pelotas: Editora e Gráfica Universitária, UFPel).

abolition in Brazil, prompted enslavers across the nation to consider labor alternatives. *Charqueadores* (*charque*-producing enslavers) responded to this and diversified their investments, including investments in the enslaved.⁸ In other words, enslavers considered new labor alternatives that still kept the enslaved under their control.

For enslavers, granting freedom increasingly became an alternative to maintaining slavery, especially in non-agrarian regions like Pelotas. Even large enslavers freed the enslaved. As Jonas Vargas argued, many *charqueadores* were wealthy enough to maintain labor and not sell the enslaved in the interprovincial trade toward the coffee cycle or sugar operations.⁹ Instead, they often freed and contracted-out the enslaved for a specific period of time. This occurred in many highly-populated regions like Rio de Janeiro, São Paulo, or Recife (Pernambuco) as well.¹⁰ Rio Grande do Sul gradually transitioned from slavery as these regions did, signifying how many Riograndense elites deemed this transition in labor viable. In fact, 1884 marked the *de jure* emancipation of slavery, four years prior to national abolition.

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8. Jonas M. Vargas, "Os charqueadores de Pelotas, suas estratégias familiares e a transmissão de patrimônio (1830–1890)" in *Anais do XXVI Simpósio Nacional de História—ANPUH* (São Paulo, Julho 2011); Jonas M Vargas, "Negócios, família e riqueza entre os Barões do charque" *História e Economia: Revista interdisciplinar*, Vol. 14, Nº. 1, 2015, págs. 87–106.
 9. Jonas M Vargas, "Das charqueadas para os cafezais? o tráfico interprovincial de escravos envolvendo as charqueadas de Pelotas GS) entre as décadas de 1850 e 1880" in *Escravidão e Liberdade: Temas, Problemas e Perspectivas de Análise* (São Paulo, Alameda Editorial, 2012); Jonas M Vargas, "Abastecendo plantations: A inserção do charque fabricado em Pelotas (RS) no comércio atlântico das carnes e a sua concorrência com os produtores platinos (século XIX)" in *História* (São Paulo) v.33, n.2, p. 540–566, jul./dez, 2014.
 10. Freedmen existed throughout colonial and imperial Brazil. In urban areas especially. For a comprehensive bibliography and discussion of freedmen in slave-era Brazil, refer to chapter Chapter 9, "Freedmen in a Slave Society" in Herbert S. Klein and Francisco Vidal Luna, *Slavery in Brazil* (Cambridge: Cambridge University Press, 2009). However, near the end of slavery manumission (cartas de liberdade/cartas de alforria) was often granted in order to contract out labor and perpetrate linkages between ex-enslaver and ex-enslaved. For Rio de Janeiro, see: Célia Maria Marinho de Azevedo, *Onda Negra, Medo Branco: O Negro No Imaginário Das Elites—século XIX* (Rio de Janeiro, RJ: Paz e Terra, 1987). For São Paulo, see: Maria Helena Pereira Toledo Machado, *O plano e o pânico: Movimentos sociais na década da abolição*, 2 ed. (São Paulo: Editora da Universidade de São Paulo, 1994). For Recife, see Brodwyn Fischer, "Slavery, Freedom, and the Relational City in Abolition-Era Recife" in *The Boundaries of Freedom Slavery, Abolition, and the Making of Modern Brazil* (London: Cambridge University Press, 2022).

Pelotense police transformed too. As Caiuá Cardoso Al-Alam argued, Pelotas in the 1870s and 1880s turned to public imprisonment as a means for social control, an increasingly common solution near slavery's demise in the 1880s.¹¹ Similarly, Amanda Ciarlo Ramos' study of enslaved crime in the second half of the nineteenth century indicates that crime was interpersonal and increasingly a matter of police authority, not just enslaver authority.¹² While the three cases presented in this study indicate that the police did not handle all crime during and after these transformations, there is no doubt that policing did change over time. What is important to remember is the unique interplay between Pelotense enslavers and the police in the cases presented in this article, especially compared to larger cities.

Porto Alegre, São Paulo, and Rio de Janeiro were cases in point. In Porto Alegre, crime and its punishment became a matter for police authorities as the population ballooned in the years after the Empire came to an end in 1889.¹³ Elsewhere, crime and its punishment was more comparable to Porto Alegre than to Pelotas. As the urban epicenter of the coffee-export trade, São Paulo changed in terms of European immigration and emancipation in the city. Patronless (without a guardian or "boss") immigrants and Afro-Brazilians soon became a problem for the police.¹⁴ In Rio de Janeiro, criminal records reflected the city's socioeconomic dynamics. As the seat of the Imperial crown, a large population and high number of freedmen prompted the implementation of a large police force.¹⁵ These cities contrasted with Pelotas because of the latter's relationship between the police and enslavers.

The transition from slavery to freedom evinced in the cases of Caetano, Gil, and Jose Martins da Silva occurred amidst greater national and regional transitions. Brazil became a Republic in 1889 and Rio Grande do Sul erupted in revolution between those who supported the Republic

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11. Caiuá Cardoso Al-Alam, *Palácio das misérias: populares, delegados e carcereiros em Pelotas, 1869–1889*. 274 f. Tese (Doutorado em História) (Pontifícia Universidade Católica do Rio Grande do Sul, Porto Alegre, 2013).
 12. Amanda Ciarlo Ramos, *Cruzando a linha em tempos de incerteza: crimes de cativos em Pelotas no contexto de intensificação do tráfico interno* (segunda metade do século XIX) (Porto Alegre: UFRGS 2018).
 13. Brazil transitioned to a republic, the "First Republic." Cláudia Mauch. *Ordem pública e moralidade. Imprensa e policiamento urbano em Porto Alegre na década de 1890* (Santa Cruz do Sul: Edunisc/ANPUH-RS, 2004).
 14. Boris Fausto, *Crime E Cotidiano: A Criminalidade Em São Paulo, 1880–1924* (São Paulo: Brasiliense, 1984).
 15. Sidney Chalhoub, *Trabalho, Lar E Botequim: O Cotidiano Dos Trabalhadores No Rio De Janeiro Da Belle Époque* (São Paulo: Brasiliense, 1986)

and those who opposed it. This Federalist Revolution placed issues of states' rights and leadership in Rio Grande do Sul front-and-center.¹⁶ Meanwhile, a labor force lay in limbo as Riograndense enslavers emancipated their enslaved workers and incorporated immigration policies for Europeans to colonize, and effectively whiten, regions of the state. These European *colonos* did not erase formerly enslaved laborers from history but simply displaced them. The police and ex-enslavers continued to control the formerly enslaved as they did prior.

The following criminal cases are not representative of the larger documentary collection from 1880s Pelotas. Still, they presented the nature of punishment for three Pelotense, freed or free. They demonstrated that the police did not holistically manage crime and punishment even if their role changed over time alongside economic, social, and political changes.

Case I: Caetano, crioulo slave of the Baron of Correntes, 1886

In April 1886, ex-slave Caetano stabbed a slavehunter in the *Hotel Estrella do Sul*. The slavehunter, also known as a *capitão de matto* ("bushmaster"), arrived on orders from his ex-enslaver, the Barão de Correntes.¹⁷ Since the *capitão* claimed to be sent by the Barão and witnesses recognized him as such, the official legal record recognized Caetano's actions as flight. In short, Caetano's emancipation meant nothing as the Barão de Correntes produced a letter of manumission which freed him under the stipulation that he completed a labor contract. The case of Caetano demonstrated the authority that an ex-enslaver held over a freedman who became a contracted laborer.¹⁸ The ability of an ex-enslaver to hire a slave hunter and retrieve an ex-slave-turned-laborer from the police reflected the same authority that enslavers held in the decades prior to abolition and the subsequent growth of the police.¹⁹ It implied that contract labor was an extension of the enslaver's economic and juridical control over the enslaved.

16. A classic text on the causes and effects of the Federalist Revolution and its impacts on identity- and state-formation is: Joseph Love, *Rio Grande Do Sul and Brazilian Regionalism, 1882–1930* (Stanford: Stanford University Press, 1971). See also Campanha Gaúcha, which tracks cattle ranching practices before and after the revolution. Stephen Bell, *Campanha Gaúcha: A Brazilian Ranching System, 1850–1920* (Stanford: Stanford University Press, 1998).

17. This was a royal title, his legal name was Felisberto Ignacio da Cunha.

18. From here on, I often refer to formerly enslaved as contract laborers, freedmen, or ex-slave. In any case, Caetano and Gil are in a state of contractual servitude because of their socioeconomic links to their ex-enslavers.

19. Remember that abolition in Rio Grande do Sul occurred in 1884 as opposed to national abolition in 1888.

This control manifested in the detainment of Caetano and the *capitão's* assumed authority. In the official arrest report, locals apparently shouted *agarra, agarra* ("grab him, grab him") as Caetano vaulted a wall in flight from the Hotel. Witnesses of the altercation managed to pull him down and detain him. One particular witness who lived near the hotel claimed that he saw the *capitão* fall down and yell: "Grab this *negro*, who gave me these wounds."²⁰ Both the *capitão* and the witnesses captured Caetano in that immediate moment. Evidently, the assumption was that Caetano fled from an authority sent to capture him and no one asked questions, including the police.

Indeed, the police interrogated Caetano and the *capitão* but not any witnesses. Caetano told the delegate of police that a "contract with Simplicio Coelho, to whom he was enslaved, ended in August of the past year, and that he was therefore free." Caetano claimed to be contracted to a different man but not the Barão. This was not a far-fetched claim, as enslavers often hired out their enslaved or former enslaved to complete contracts if necessary.²¹ If true, this made the Barão's attempt to capture Caetano unjust. Caetano also claimed he did not know the *capitão de matto* that he stabbed: "yesterday was the first time that I met him."²² The record did not indicate that Caetano fled from the Barão or from Pelotas, only that there was a clash between him and the *capitão*. It seems, then, that Caetano acted in self-defense against an unknown assailant. In any case, the police proceeded with their investigation.

The authorities inevitably determined that Caetano was not free. The authorities assigned a lower level judicial official known as a "custodian" (*curador*) to assess the legal status of Caetano. The custodian procured documentation from the Barão de Correntes that granted freedom to over fifty enslaved people under the condition that they work for him under contract. This document indicated that Caetano did not complete his contract. Caetano owed the rest of the year (1886) in labor to the Barão, who alternatively allowed him to work his own livestock or land in return for wages if he so desired.²³ This matched Caetano's claim that he worked

20. Both quotes can be found in: *Fundo: Comarca de Pelotas, Subfundo: Tribunal do Jury, Auto de Prisão em Flagrante, 1886*, p. 5–7.

21. For context and historiography on this subject, refer to chapter Chapter 9, "Freedmen in a Slave Society" in Herbert S. Klein and Francisco Vidal Luna, *Slavery in Brazil* (Cambridge: Cambridge University Press, 2009).

22. *Fundo: Comarca de Pelotas, Subfundo: Tribunal do Jury, Auto de Perguntas ao Ofendido Alexandre Pinto de Souza, 1884*, 16.

23. *Fundo: Comarca de Pelotas, Subfundo: Tribunal do Jury, Contracto de Serviços do Coronel Felisberto Ignacio da Cunha, 17*.

elsewhere for Simplicio Coelho. Although Caetano worked freely under contract, the custodian concluded that he was not able to defend himself in the court of law. He was not a citizen in “full freedom” (*plena liberdade*) even though he was freed and claimed his contract was over.²⁴ Caetano’s perception of working for someone other than the Barão was a different interpretation of his contract with the Barão. It was certainly not an extraordinary perception, given the stipulation that he could work elsewhere, raise cattle, and own land. However, the Pelotense police and legal apparatus did not have the legal understanding of the transitional status that Caetano occupied, and it simply did not matter given his labor contract to his ex-enslaver. Thus the Barão sent out a *capitão* and retrieved Caetano from the police because of this ambiguity. Caetano was free on paper, but not in reality.

Caetano’s return to his ex-enslaver rather than the police was a matter of non-citizenship. The Barão’s use of a known slavehunter and the legal custodian’s presentation of Caetano’s contract meant he held authority over him because of a lack of legal freedom. This was common, even for “house slaves” and those typically favored by enslavers.²⁵ Enslaver authority trumped freedom and it also trumped police authority; local status quo generally accepted such relationships. Listening to the Barão was a practical matter for the police: Caetano may have resisted capture, but he returned to his former enslaver and no longer presented a threat.

Not all regions reflected this relationship. As Maria Helena P.T. Machado demonstrated in São Paulo, enslavers turned to the police to control the mounting insurrectionary fervor of the enslaved since the latter did not find contracted labor to be an accommodative, legitimate alternative to slavery.²⁶ This was true for Rio de Janeiro as well.²⁷ Enslavers needed the police to assert control against mass revolt. Pelotense enslavers were no different but those like the Barão opted to free their enslaved before

24. Constantino Lúcio Jardim, *Fundo: Comarca de Pelotas, Subfundo: Tribunal do Jury, Deferimento mandado por Constantino Lúcio Jardim*, 14.

25. Especially, though not exclusively, women. In Sandra Lauderdale Graham’s *Caetana Says No*, she argued that the lives of both female enslaved and enslaver were limited by male enslaved or patron authority. Of course, there was an important legal and philosophical element of property and paternalism in the life of the formerly enslaved, Caetana, that was absent in the enslaver’s life. Sandra Lauderdale Graham, *Caetana Says No: Women’s Stories from a Brazilian Slave Society, New Approaches to the Americas* (Cambridge: Cambridge University Press, 2002).

26. Maria Helena Pereira Toledo Machado, *O plano e o pânico: Movimentos sociais na década da abolição*, 2 ed. (São Paulo: Editora da Universidade de São Paulo), 1994, 68–86.

27. Célia Maria Marinho de Azevedo, *Onda Negra, Medo Branco: O Negro No Imaginário Das Elites—século XIX*. Rio de Janeiro, RJ: Paz e Terra, 1987.

the onslaught of revolt and national abolition.²⁸ Moreover, Pelotas had no police apparatus strong enough to handle the recently enslaved.

Caetano's story indicated that enslaver control remained even after emancipation. The ex-enslaver did not have to go through police channels to control ex-enslaved flight and easily took control of the case with the right documentation. Even when Caetano resisted capture, the judicial apparatus deemed it logical to turn over an "ex-slave" to their "ex-senhor" turned contract-manager. Given this assumption of control over a free Pelotense, contractual servitude was merely an extension of outright ownership. This was explicit in Caetano's case. Witnesses recognized who the *capitão de matto* was and stepped in to stop Caetano, assuming that he was enslaved. In fact, the *capitão* explicitly referred to Caetano as a "negro," oftentimes synonymous for "slave."²⁹ The legal custodian determined that Caetano did not hold full citizenship and the police did not push the matter any further. To all of the Pelotense involved, including the police, the *capitão* merely did his job. Unlike legitimate contract labor, Caetano remained an individual best left to his ex-enslaver's judgement. Indeed, the Barão was well-equipped to handle the affair; with over 50 enslaved, the Barão was amongst the largest enslavers in Pelotas and certainly knew the importance of controlling his labor force in light of recent abolition in the province (1884).³⁰ He knew the importance of extending his control post-manumission by restricting Caetano's flight since it was a problem across the nation.

Flight was common across Brazil, especially in the 1880s, looking different based upon the location but posing the same problem. In São Paulo, enslaved flight turned to outright revolt, especially because of the influx of slavery in the coffee economy. The enslavers utilized the police apparatus and tried to restrict this revolt collectively but failed for two reasons. First, there were simply too many of the enslaved in collective revolt or passive revolt (flight, slowed labor production, or property destruction).³¹

28. Maria Cláudia Moraes Leite, *Cativeiro e liberdade: as alforrias nas charqueadas pelotenses (1880–1884)* (Porto Alegre: UFRGS, 2011).

29. *Fundo: Comarca de Pelotas, Subfundo: Tribunal do Jury, Auto de Prisão em Flagrante, 1886*, 12–14.

30. For slaveholding patterns, including the amount of the enslaved that "large" enslavers held, see: Jonas M Vargas, "Das charqueadas para os cafezais? o tráfico interprovincial de eSscravos envolvendo as charqueadas de Pelotas GS) entre as décadas de 1850 e 1880" in *Escravidão e Liberdade: Temas, Problemas e Perspectivas de Análise* (São Paulo, Alameda Editorial, 2012).

31. In addition to an analysis of abolitionist political philosophy, Célia Maria Marinho de Azevedo argued that the sheer amount of flight and resistance prompted a shift in

Second, São Paulo's port city, Santos, became a sort of Underground Railroad, where abolitionists facilitated—not produced—flight into the city. Flight was clandestine and autonomous but linkages with white Santos abolitionists existed.³² In Maranhão, on the other hand, the relative wilderness of the region allowed the enslaved to flee into the surrounding forest and even work in various economies, whether provincial (telegraphs) or local (mining).³³ In Espírito Santo, next to the province of Rio de Janeiro, the enslaved chose to flee *into* slavery, as one group managed to do under a slave hider (*acoitador de escravo*) who owned a plantation.³⁴ In Pelotas, flight did not happen *en masse*, but it is certainly conceivable that clandestine flight occurred as it did in Caetano's case.³⁵ It happened even when the enslaved person was freed, with the Barão showing no hesitation in sending a slavehunter after Caetano.³⁶

Caetano's case also reflected the cases of enslaved Pelotense who committed crimes yet avoided police punishment—unless solicited by the enslaver. A decade earlier, one enslaved person stabbed another enslaved person and fled into the wilderness, eventually returning to the enslaver. The enslaver, however, brought him back to the police precisely because of the damage caused to another person's property, as Brazil (and other nations in the Atlantic world) legally classified the enslaved.³⁷ This per-

labor practices. At the very end of the 1880s, many enslavers began to see the value in contractual freedom. *Onda Negra Medo Branco, o Negro no Imaginário Das Elites Século XIX* (Rio de Janeiro: Paz e Terra), 1987.

32. Maria Helena Pereira Toledo Machado, *O plano e o pânico: Movimentos sociais na década da abolição*, 2 ed. (São Paulo: Editora da Universidade de São Paulo), 1994.
33. Johnathan A. Abreu, "Fugitive Slave Communities in Northern Brazil between 1880 and 1900: Territoriality, Resistance, and the Struggle for Autonomy." *Journal of Latin American Geography* (April, 2018. 17(1): 195–221.
34. Yuko Miki, "Fleeing into Slavery: The Insurgent Geographies of Brazilian Quilombolas (Maroons), 1880–1881," in *The Americas*, 68, no. 4., 2012, 511–517.
35. A quilombo (escaped slave community) did exist in the 1850s and became a larger concern for Pelotense officials like elsewhere. Historians have transcribed and published the criminal reports, with preliminary analyses. See Natália Garcia Pinto, Paulo Roberto Staudt Moreira and Caiuá Cardoso Al-Alam, *Os calhambolas do General Manoel Padeiro: práticas quilombolas na Serra dos Tapes* (São Leopoldo: Oikos Editorial, 2020).
36. It is worth noting here that Abolitionism also intensified enslaver and landowner fears concerning flight *en masse*. See: Maria Helena Pereira Toledo Machado, *O plano e o pânico: Movimentos sociais na década da abolição*, 2 ed. (São Paulo: Editora da Universidade de São Paulo), 1994; see also: Célia Maria Marinho de Azevedo, *Onda Negra, Medo Branco: O Negro No Imaginário Das Elites—século XIX*. Rio de Janeiro, RJ: Paz e Terra, 1987.
37. *Registros da Presença Negra*, Copiador de ofícios—Correspondência recebida, data: 03.04.1871.

son's return to his enslaver, like Caetano's return to the Barão, would have allowed him to return to work quicker. However, it also would have placed this enslaver in a dispute with another enslaver, which would have been more problematic than losing production capacity. Thus, it was not so much about recognition of police authority as it was about avoiding a dispute with another enslaver. Since Caetano's crime did not involve another enslaver, it was insignificant enough that the Barão called for his return from police custody. In short, whether an enslaver needed to avoid dispute or demanded the return of an ex-enslaved in flight, the police acquiesced to their needs.

Even when the enslaved turned themselves into the police, they ended up in the enslaver's custody. In 1881, an enslaved Pelotense killed a companion and wounded another.³⁸ He turned himself in to the police rather than the enslaver, who eventually pressured the police to let him go. The enslaver's intervention altered the course of punishment in his favor despite the enslaved person's decision to go to the police first. This explains Caetano's return to his ex-enslaver: it was simply the way the police handled matters. Moreover, conflict between the enslaved in flight and slave hunters were not anomalies. In 1881, an enslaved Pelotense fought to the death with a *capitão* sent after him.³⁹ Such instances reflected the enslaver's method of punishment through the use of a *capitão* and likely informed the handling of Caetano's case.

These glimpses into the crime and punishment of enslaved Pelotense emphasize the ambiguity of responses but the singular nature of punishment. Some of the enslaved felt it necessary to flee to their enslaver or to the police, while those like Caetano and the enslaved Pelotense who fought the slavehunter felt it necessary to defend themselves from *any* authority sent after them. In terms of punishment, however, enslavers maintained control over the enslaved and formerly enslaved because the police acquiesced. This was not just *de facto* but explicit in Pelotense society, as the ability for an enslaved person to be sent back to an enslaver after expenses are paid for "transportation and sustenance" was implemented in municipal ordinance in 1871.⁴⁰ What was *de facto* is this rule's extension into freedom for a "non-citizen" like Caetano.

38. 2nd Relatório do Presidente da Província (Porto Alegre: 1881).

39. Relatório do Ministério da Justiça (Rio de Janeiro: 1880/1881).

40. AHRS. Copiador de ofícios—Correspondência recebida, data: 10.03.1871, de: tenente Prudêncio José da Silva (delegado de polícia de Pelotas), para: José de Araújo Brusque (chefe de Polícia desta província). In *Registros da Presença Negra*.

Questions remain about why Caetano fled and what his relationship with the Barão entailed other than labor. It is unclear why Caetano claimed he was free, knowing as he did of the contract with his former enslaver. Did Caetano flee or was he confronted while working under Simplicio Coelho and forced to return to the Barão? This remains a mystery, but the criminal record nonetheless unpacks the intimate relationship between enslavers and the police in terms of social control over “deviant slaves” (contracted or enslaved) who acted against the order of slavery. Even a freed, contracted laborer like Caetano remained under the authority of his ex-enslaver, not the state. The authority of the Barão intentionally trampled upon Caetano’s freedom and the police deemed such a dynamic acceptable. This authority went without question, even when there was no contract like the Barão’s to support extended ownership and despite intervention by a municipal authority.

Case II: Gil, ex-slave of José Bento de Campos Filho, 1888

Two years after Caetano’s case, a freedman named Gil exchanged heated, inebriated words with a Portuguese immigrant named Henriques Timotheo da Silva. They met in a *venda* (shop) but in separate parties. Henriques tried to pick a fight and pursued Gil as he fled, who then stabbed Henriques in the chest. Witnesses detained Gil and took him to the subdelegate. After some pressure from the municipal judge, the police admitted that they sent Gil to his “former master” (ex-senhor) and did not try him for the crime of injury. According to doctors’ investigations, the injury was rather serious, putting Henriques out of work for “more than 30 days.”⁴¹ The record ended when the municipal judge (*juiz municipal*) called a subpoena for Gil and interrogated witnesses about Gil’s location.

Gil disappeared from the eyes of the municipal judge, but witnesses knew he did not disappear: he returned to his ex-enslaver’s *charqueada*. However, he was not under contract as Caetano was, presenting an additional layer of enslaver authority in Pelotense criminal procedure. Witness perspectives and the conflict between municipal authorities offer a complex portrait of the control that ex-enslavers held in the lives of the formerly enslaved even when there was no labor contract. The case in general portrayed the contradictions in authority over an uncontracted freedman. Even when a local authority refused to accept Gil’s return to the *charqueada* and no contract bound Gil, the ex-enslaver remained in control.

After Gil’s initial detainment, the police questioned the owner of the *venda* who had the best recollection of the initial exchange of words. As

41. Fundo: Comarca de Pelotas, Subfundo: Tribunal do Jury, *Auto de Corpo de Delicto pro-cedido na pessoa de Henriques Timotheo da Silva*, 1888, 2.

the owner told the police, a “half-drunk” Henriques accused Gil of begging for money:

Go away, because you have no money and you did not lose any money,” to which Gil responded: “he had lost some, yes.” To this, Henriques got up and hit Gil, who responded, “Go away, do not mess with me because I am not awake [*desperto*] today, although any day we meet on the road I will respond to these insults.” At that point Henriques said “Before we encounter one another on the road, it is better that it be now.” And taking Gil by the arm, [Henriques] took him outside. Gil, still aware that Henriques had a weapon in-hand went away, saying he was “not disposed toward trouble [*baralhos*].”⁴²

Henriques Thimotheo da Silva claimed to have no recollection of who stabbed him. He only heard secondhand that it was a “*preto* [black man] of Jose Bento de Campos Filho.”⁴³ If Henriques chased Gil after an exchange of words, forgetting that Gil stabbed him is a curious oversight since Henriques was in sound enough mind to initiate the feud and exchange such words. Nonetheless, Gil did not want conflict to ensue, portraying an important reluctance to feud. Despite Henriques’ obvious instigation, Gil ended up in the hands of the police and eventually his ex-enslaver for an altercation that he did not initiate.

Henriques not only initiated the conflict but also drew the conflict out of the *venda*. After the two men argued, they ended up at a watering well (*cacimba*) next to two houses. Initially, one of the homeowners heard someone say “let go of the club” and another say “I won’t let go,” followed by a blow. The homeowner ran out armed and saw the wounded Henriques next to Gil. He did not detain Gil since he was too “robust” to capture alone and a neighboring homeowner resisted his attempt to restrain Gil. The latter neighbor “thought Gil committed no crime and that it was not true that he was armed.”⁴⁴ In any case, Henriques and the first homeowner went to the subdelegate of police, who immediately decided that Gil was to blame.⁴⁵ Despite a witness’s resistance to Gil’s detainment, he still ended

42. Fundo: Comarca de Pelotas, Subfundo: Tribunal do Jury, 7th *Testemunho de Nicolao Mandarin*, 1888.

43. For the rest of the section, I will refer to Campos Filho as “ex-enslaver” or “former enslaver” for clarity. Fundo: Comarca de Pelotas, Subfundo: Tribunal do Jury, *Auto de perguntas feitas a Henriques Thimotheo da Silva*, 1888, 5.

44. Fundo: Comarca de Pelotas, Subfundo: Tribunal do Jury, 2nd *Testemunho de Bernardino Jose Vieira*, 1888, 11.

45. Fundo: Comarca de Pelotas, Subfundo: Tribunal do Jury, 3rd *testemunho de José Ribeiro Pereira*, 1888.

up in police, and eventually enslaver, custody. This resistance was a foreshadowing of the municipal judge's resistance, which also failed to alter the status quo.

The centerpiece of the case was Gil's disappearance. The subdelegate believed Gil left town, "having been told by his ex-senhor that [he] had fled."⁴⁶ This was not a sufficient explanation for everyone. The municipal judge, who had to approve the legal proceedings before the case proceeded or closed, found Gil's disappearance to be suspicious enough to recall key witnesses, including Gil. The official of justice who attended to the judge's orders failed to find Gil. His former enslaver said he did not know where he was ("não sabia dele").⁴⁷ However, when the investigators questioned the witnesses about Gil's disappearance three of them knew of his whereabouts, including the shop owner. This time, the shop owner admitted that he went with the subdelegate to the place of the injury and witnessed him move Gil to his ex-enslaver's *charqueada*. The very same subdelegate that claimed to know nothing of Gil's disappearance took him to the ex-enslaver. The criminal record ended here and Gil remained in his former enslaver's custody.

Only after the subpoena did the police ask witnesses where Gil went after his arrest, yet quite a few knew it was to his former enslaver. The police did not bother to officially conclude the inquiry simply because everyone assumed it to be the right course of action—almost everyone. The municipal judge did not heed to the assumption that Gil ought to return to his ex-enslaver as easily as local police, local legal authorities, or the witnesses did. For the judge, the private relationship between an ex-enslaver and ex-enslaved did not matter as much as legal and public control of the case. He was alone in his concern.

The judge's actions were not unique to Gil's story. The municipal judge in the 1880s tended to intervene on what the Pelotense public saw as "private matters." In 1884, he intervened in private matters on a *charqueada*, arresting members of a *charqueador's* cargo ship. Apparently, "almost all of the press condemned the procedure . . . and as if this was not enough violence, the three sailors were taken to jail—tied up!"⁴⁸ Just like the witnesses and subdelegate's assumption that policing Gil was the private concern of the ex-enslaver, on the other end of the spectrum they saw a breach of property, and laborers, as unacceptable.

46. Fundo: Comarca de Pelotas, Subfundo: Tribunal do Jury, 1888, 9.

47. Juiz Municipal, Fundo: Comarca de Pelotas, Subfundo: Tribunal do Jury, 1888, 17.

48. The name of the municipal judge is not mentioned in the newspaper. The role changed hands often so the judge in Gil's case is potentially a different person. *A Nação*, in *A Federação* (Porto Alegre: 1884), Edição 229, p. 2.

In the same week, the police arrested an enslaved Pelotense for murder and later sent him back to his owner. The municipal judge requested that the enslaved person in question return to jail but he could not be found. Shortly thereafter, Pelotense locals found this person dead on the outskirts of town. Whether or not the enslaved Pelotense died by his enslaver or sickness, his limited status as a citizen meant that his enslaver took matters into its own hands, as was the case for Gil.⁴⁹ For the police, there seemed to be no reason to incarcerate when the enslaver handled his enslaved, or formerly enslaved such as Gil. Gil's return to his former enslaver was not merely a matter of debt, as it was for Caetano: It was a matter of ex-enslaver authority over life and death. Even when the municipal judge questioned matters, the authority of the enslaver was sufficient enough for the police and witnesses involved in these instances. It was simply the nature of slavery and freedom on-the-ground.

In fact, the public found any breach to this slave order disagreeable, not only the municipal judge's breach. One newspaper in 1873 reported the murder of an enslaved worker after he refused to help a Portuguese dockworker unload cargo both because of his age and because the ship-owner was not present. This "lamentable and atrocious occurrence" led to the stevedore's arrest and imprisonment.⁵⁰ The newspaper emphasized the "atrociousness" that was an enslaved Pelotense's death but they were not concerned for the enslaved in general. There was no such outcry at the deaths of the enslaved at the hands of their enslavers or at the disappearance of Caetano and Gil. What was disagreeable was the unacceptable actions of the municipal judge and the stevedore. It was the enslaver's accepted authority that normalized this perspective of unacceptability.

Another element that defined Gil's case was the nature of imprisonment in Pelotas. Historian Caiuá Cardoso Al-Alam has demonstrated that incarceration in Pelotas was an important method of social control. The typical prisoner was an enslaved person, brought there by their enslaver or the police because of vagrancy (*vadiagem*) or flight. Pelotense imprisonment followed a labor framework: "The local elites continued to support the task of policing, also sustaining the production of local wealth, under the sanction of the State, legitimized by the discourse of order."⁵¹ Since the state sanctioned prisons and elites supported its

49. *A Federação*, 1884, no. 229, p. 2.

50. *O Constitucional* (Porto Alegre: 1873), Edição 54, p. 1.

51. Caiuá Cardoso Al-Alam, *Palácio das misérias : populares, delegados e carcereiros em Pelotas, 1869–1889*, 274 f. Tese (Doutorado em História) (Pontifícia Universidade Católica do Rio Grande do Sul, Porto Alegre, 2013), 92. See also Martha Huggins, who found

implementation, particularly because it was an alternative to labor under *their* regime, the municipal judge's disagreement with Gil's disappearance was a feckless attempt to assert public control over enslaver control. There was an ambiguity in the police's incarceration of Afro-Brazilians yet simultaneous acquiescence to enslaver's needs that did not change when an enslaved person was freed or a local official disagreed.

Crime in general reflected such ambiguity, not just the police and carceral apparatuses. Historian Amanda Ciarlo Ramos argued that most enslaved or freed crime was interpersonal and occurred on the *charqueada*. Moreover, Ramos demonstrated that local and national law in the 1870s increasingly became a vestige of discourse that offered new avenues for the enslaved since law served the interests of enslavers less and less as Porto Alegre continued to centralize under the project of nationalization.⁵² However, both Caetano and Gil challenged this transition. In their case, the enslaver was central in punishing a freed but contracted ex-enslaved Pelotense in flight (Caetano) and a formerly enslaved Pelotense with no contract (Gil). Rather than question Ramos' arguments, consider that the cases of Caetano and Gil expose the ambiguity of police and enslaver authority. Not every municipal authority agreed with enslaver control and the police were still involved in certain aspects of social control, particularly initial detainment and investigation. Nevertheless, Caetano and Gil's ex-enslavers held the final say.

Like Caetano, Gil's case was the product of the relationship between ownership and punishment. Whether contracted or uncontracted freedmen, both Caetano and Gil were not citizens in the full sense, or else the police and legal system would have handled their crime. Even when the police were theoretically in charge of capturing, questioning, and punishing a criminal, Caetano and Gil ultimately remained in the custody of their ex-enslavers. Sometimes legal authorities like the municipal judge in Gil's case did not agree to the relationship between police and enslaver authority but they failed to alter this relationship. It was not the first time this legal authority failed to assert public control in private matters, either. The life of Gil was ultimately the ex-enslaver's concern even though he held no contract over him. This begs the question: what happened when there was no enslaver or patron to punish the accused?

that Recife's incarceration was also a method of controlling non-productive Recifeense. Martha Huggins, *From Slavery to Vagrancy in Brazil: Crime and Social Control in the Third World* (New Brunswick, N.J.: Rutgers University Press, 1985).

52. Amanda Ciarlo Ramos, *Cruzando a linha em tempos de incerteza: crimes de cativos em Pelotas no contexto de intensificação do tráfico interno (segunda metade do século XIX)* (Porto Alegre: UFRGS 2018).

Case III: Jose Martins da Silva, 1887

On an evening in October of 1887, Jose Martins da Silva arrived at a tavern and met his friend, Fortunato. Soon after, Fortunato inspected Silva's recently-acquired hunting rifle (*arma de caça*). Fortunato jokingly pointed it toward himself when Silva grabbed the gun and it suddenly fired. Fortunato's immediate death caused Silva to flee to his home near the tavern. He did not manage to escape, as witnesses followed him and a policeman in the vicinity detained him. The death of Fortunato was an accident. Silva believed the gun was unkempt and unloaded when he pulled it away from Fortunato. Nonetheless, legal authorities tried Silva and found him guilty of "imprudent" involuntary manslaughter.

Silva and Fortunato were both free Black Pelotense. There was no enslaver present, which meant that the authority of the police lay heavier on Silva. This also meant that the police were the punishers only when the involved parties did not have ex-enslavers they either belonged to under contract (Caetano) or were associated with (Gil).

Jose Martins da Silva's background deserves special attention. He was not tied to an enslaver or an ex-enslaver, nor were his parents. Instead, he came from a free family and was only 14 years old at the time of the crime. He was an apprentice bricklayer, a vocation predominantly relegated to Afro-Brazilians given its menial, unskilled nature and the hierarchy of labor in nineteenth (and twentieth) century Brazil. Silva was part of a larger historic population of bricklayers which included many enslaved or formerly enslaved under contract.⁵³ Since Silva was an apprentice at 14, it was likely that his father, possibly a crioulo as well, was a bricklayer. It is important to appreciate the youth of Silva. He was amongst the many young boys who became adults at a premature age, drinking, hunting, and working alongside older laborers. The testimonies hardly recognized Silva's youth, though, since early adulthood was the status quo in Brazil, as Boris Fausto demonstrates.⁵⁴ Silva's age did not alter the course of punishment for his crime but his status as free and patronless (without a former

53. Silva is an outlier in that he was born free. See Ester J. B. Gutierrez' work illustrated the demographic who were predominantly *pedreiros* through hospital documents from Pelotas' Santa Casa da Misericórdia. Ester J.B. Gutierrez, *Barro E Sangue: Mão-de-Obra, Arquitetura E Urbanismo Em Pelotas, 1777-1888* (Pelotas: Editora e Gráfica Universitária, UFPel). See also Gutierrez, *Negros, charqueadas & olarias: um estudo o espaço pelotense* (Pelotas: Editora e Gráfica Universitária, UFPel, 1994).

54. And the early industrial Western Hemisphere. See Philippe Ariés, *Centuries of Childhood: A Social History of Family Life*, translated by Robert Baldick (New York: Vintage, 1962). Cited from Boris Fausto, *Crime E Cotidiano: A Criminalidade Em São Paulo, 1880-1924* (São Paulo, Brasil: Brasiliense, 1984) 91-100.

enslaver) did. Since Silva and Fortunato were unconditionally free, Silva went through the entire judicial process and received a final verdict: guilty of reckless manslaughter.

Parallels arise between this case and the other two studied in this article in terms of witnesses. Public outcry prompted detainment, although in Silva's case detainment was coincidentally immediate—a policeman was close enough to hear the gunshot.⁵⁵ As in Gil's case, the witness testimonies filled in the details of the incident. The shop owner claimed to be too busy to notice the preceding exchanges, but he noticed the gunshot that killed Fortunato. Another witness and several people noticed Silva's shock at the incident. The policeman who heard the gunshot asked witnesses what happened. The drunk Fortunato opened his arms and jokingly pointed the gun at himself, saying "shoot here."⁵⁶ The police believed these witnesses. Witnesses in Silva's case differed in the sense that they mattered more; no enslaver vouched for Silva or stepped in to handle the affair, meaning that witness testimonies became the primary evidence used to find Silva guilty of involuntary manslaughter.

The first witness brought into the investigation held particular importance for the police because he knew Silva and Fortunato. Pascoal Antunes Maciel was the only other Afro-Brazilian at the tavern and evidently the only person who knew Silva personally. When asked if Silva and Fortunato had been in a long-lasting feud (*intriga*), Maciel said that he did not know. When asked if Silva was of good or bad character, Maciel said that "he knew the accused as a heavy wine drinker, and an immature, uneducated one [*indouto*]."⁵⁷ While Maciel's testimony may indicate that many Afro-Brazilians knew each other at least in passing, it more clearly indicated that the police expected such relationships when carrying out their investigations considering that they only asked Maciel such personal questions. With the exception of one witness who vaguely recognized Caetano, no other testimony from Portuguese or white Brazilian witnesses knew the

55. Fundo: Comarca de Pelotas, Subfundo: Tribunal do Jury, *3rd testemunha de Fermino Alves de Menezes*, 1887, 19.

56. Fundo: Comarca de Pelotas, Subfundo: Tribunal do Jury, *3rd testemunha de Fermino Alves de Menezes*, 1887, 20.

57. The translation of "indouto" has proved difficult, but I am relying on "douto" which means learned or educated. Indouto would therefore mean unlearned or without education and it seems to fit in the context of the testimony. See: Fundo: Comarca de Pelotas, Subfundo: Tribunal do Jury, *4th testemunha de Pascoal Annibal Antunes de Maciel*, 1887, 21.

victim or accused in these three cases.⁵⁸ Without an ex-enslaver that witnesses associated Silva with, the criminal record expected (and received) greater information about his personal character and lifestyle. They determined in this manner that Silva was a drunkard and an immature uneducated Pelotense.

There is another important testimony: the witness who sold the recently-acquired hunting rifle. He asked five milreis (the currency of the time) for the gun and Silva gave half of the milreis with a promise to return with the rest on another day. However, they ran into one another at the tavern so Silva requested the gun that night. The gun owner brought it back and only later saw Fortunato handle the gun with Silva. The gun owner believed the incident was the result of a joke (*brincadeira*), because they evidently knew one another and those around them were laughing about it. When asked if he loaded the gun or cleaned it for use, the gun owner replied that he did not clean or load the gun. In fact, it was in poor condition: "Very worn, the trigger not stopping on the second rest."⁵⁹ Silva, who was also questioned, did not contest this testimony.⁶⁰

The case report was replete with detail about the actual circumstances of the crime. The length of the criminal record is significant in and of itself. Silva's case is complete with testimonies, interrogation, defense counsel, and a grand jury. Thus this criminal record presented a robust image of Silva and Fortunato, not just the circumstances and outcome of the incident. A final divergence in Silva's case was his trial under a public jury. With no enslaver to take control, Silva faced police and juridical punishment; the jury found him guilty of recklessness and charged him with involuntary manslaughter. Silva's story is the antithesis to Caetano's and Gil's stories simply because the police handled his punishment under formal legal procedure in the absence of a declared patron or ex-enslaver.

The police similarly handled disputes, vagrancy, and other "deviant" behaviors of patronless Afro-Brazilians elsewhere during this period. For instance, in Rio de Janeiro and São Paulo, an increase in patronless "free slaves" (*livres*) meant that vagrancy, loosely defined as a condition of

58. A bartender who worked across the street from the *Hotel Estrella do Sul* recognized Caetano in passing but not personally. This did not alter the detainment, investigation, and conclusion of the case. Fundo: Comarca de Pelotas, Subfundo: Tribunal do Juri, *Auto de Prisão em Flagrante*, 1886, 6.

59. Fundo: Comarca de Pelotas, Subfundo: Tribunal do Juri, *5th testemunha de Alberto Frederico Augusto de Almeida*, 1887, 24.

60. Fundo: Comarca de Pelotas, Subfundo: Tribunal do Juri, *Auto de Perguntas de Jose Martins da Silva*, 1887, 6.

homelessness and joblessness, was the most common reason for incarceration. This did not mean that other crimes did not occur nor did it mean that Afro-Brazilians were inherently deviant and vagrant. Rather, it meant that vagrancy was the main misdemeanor worth policing, and patronless free or freed Afro-Brazilians were the primary target because their deviance went against the social and economic order of the city.⁶¹ Policing deviance arose from a general concern for social control in the nation's largest Southeastern cities. In Northeastern cities like Pernambuco, control equated to the retention of labor. There was a substantial outmigration of laborers because of drought and general economic hardship as the price of sugar waned. Vagrancy represented further economic disorder and warranted strict policing according to Pernambucan elites.⁶² The alternative, then, was carceral labor and public works since a patronless Pernambucan was virtually unacceptable because of this labor shortage. However, these cities do not reflect the realities of Pelotas in the 1880s. Crime occurred amongst friends and other laborers in a considerably smaller town. Police control over crime increased much later than in larger cities, where populations were larger and municipalities facilitated public security accordingly.

Again, the fact that Silva's case was complete with testimony, interrogation, and a grand jury indicated that police managed crime and punishment only when the involved parties did not have ex-enslaver associations. Jose Martins da Silva faced the scrutiny of those who witnessed the act and the Pelotense legal system itself. Silva's case is a counterpoint that depicts the limitations of patronless, contractless freedom. Since Silva was completely free and without an enslaver authority to take him into their custody, he was the only one to face public "justice."

"Intimate Ambiguity" amongst Authorities

The cases of Caetano, Gil, and Jose Martins da Silva occurred after Rio Grande do Sul's abolition of slavery (1884) and in the last three years of slavery in Brazil (1886–1888). During—and even after—this period, freedom was limited. The three cases presented in this article reflect the nature of authority in the lives of a contracted freedman, an uncontracted

61. It is worth noting that immigrants became increasingly troublesome for the police in the twentieth century. I merely highlight this aspect since it rang true prior to mass immigration in the two cities. Sidney Chalhoub, *Trabalho, Lar E Botequim: O Cotidiano Dos Trabalhadores No Rio De Janeiro Da Belle Epoque* (São Paulo, SP: Brasiliense, 1986); Boris Fausto, *Crime E Cotidiano: A Criminalidade Em São Paulo, 1880–1924* (São Paulo, Brasil: Brasiliense, 1984).

62. Martha Huggins, *From Slavery to Vagrancy in Brazil: Crime and Social Control in the Third World* (New Brunswick, N.J.: Rutgers University Press, 1985).

freedman, and a free and patronless Afro-Brazilian, respectively. While the police played a role in every case, enslaver authority trumped police authority when a tie with the accused existed. Private (enslaver) authority overstepped public (police) authority whenever possible. In other words, there were unwritten boundaries to freedom for Caetano, Gil, and Jose Martins da Silva. This section analyzes the three cases through paying particular attention to relationships between authorities, especially in comparison with other regions.

Control over crime in the three cases fell to different parties. Collectively, cases I and II proved that the ex-enslaver's authority over a contracted (Caetano) and uncontracted (Gil) freedman was more important to the police than imprisonment and trial. The authority of these former enslavers trumped the authority of the police apparatus implemented in the Law of 3rd December, 1841—yet this private authority fell within the legal bounds of a local ordinance implemented in 1871.⁶³ Legally, the enslaver could reclaim an enslaved person prior to incarceration but only after payment for the police's time and resources.⁶⁴ This extended into freedom from the perspective of authorities (excepting the municipal judge).

However, the very same apparatus implemented over four decades earlier handled the crime of a free Afro-Brazilian and ensured that he faced legal punishment. This presents an intimate relationship between private and public authority over control of the formerly enslaved. Private and public control were both inherent to the policing of Afro-Brazilians, whether enslaved, freed, or free. Control over Afro-Brazilians adapted to the pre-existing enslaver-enslaved dynamic in the wake of freedom, but with some differences. All three freedmen ended up in the hands of the police and then the enslaver. The police in Pelotas were not designed to replace private control, but they played a role in punishing these freedmen, even if it was a limited one.

This relationship between the police and the enslaver did not look the same across all of Brazil. Cities like Rio de Janeiro or Porto Alegre maintained a police apparatus bureaucratized and large enough to begin the work of policing through mostly public means. Even so, the concern with control over Afro-Brazilians was the same. In Rio de Janeiro, the

63. The Law of 3rd December, 1841 can be found in Atas do Poder Legislativo, *Coleção das Leis do Brasil*, 1841, pp. 75–95.

64. See also Section I, footnote 36. AHRS. Copiador de ofícios—Correspondência recebida, data: 10.03.1871, de: tenente Prudêncio José da Silva (delegado de polícia de Pelotas), para: José de Araújo Brusque (chefe de Polícia desta província). In *Registros da Presença Negra*.

police grew alongside the city and Brazilian empire. By the 1840s, when the Law of 3rd December, 1841 centralized the police under imperial, provincial, and municipal authorities respectively, Rio gained a complex surveillance-and-control apparatus. According to Thomas Holloway, Rio's development of a public police apparatus with the Brazilian equivalent of "beat cops" (*urbanos*) both served the propertied class and contributed to a monopoly on the use of force against behavior *they* defined as unacceptable—at least for a time.⁶⁵ Practically, this led to the policing of vagrancy and a consequential night curfew that marginally applied to the enslaved or formerly enslaved.⁶⁶ In Porto Alegre during the Old Republic (1889–1930), formerly enslaved Riograndense were imprisoned at marginally greater rates. However, they also occupied positions in the police force.⁶⁷ The police force inevitably shifted toward "public power" (*poder público*) and service whilst retaining control over the same population as the police did in Rio de Janeiro decades prior.

The police force was not the only way to control this demographic. As Peter Beattie demonstrated, military recruitment (or impressment) was an alternative to vagrancy, especially for Afro-Brazilians.⁶⁸ Effectively, the role of the military was to maintain order through military service itself in the nineteenth century, especially after abolition. The military played the same role on the national level as the police did on municipal and provincial levels.

Pelotas occupied a middle ground between urban police and military control tactics. The town did not have a large police force so the police relied on public detainment to a greater degree. Indeed, social control was a concern for Pelotense witnesses before the police and enslavers even stepped in. Those who witnessed Caetano's attack on the *capitão* brought

65. Holloway, Thomas. *Policing Rio de Janeiro* (Stanford: Stanford University Press, 1993), 157, 166–229.

66. Afro-Brazilians interpretation as criminal and vagrant were present in the law itself, particularly the night curfew implemented in 1840s Rio. See Amy Chazkel, "Toward a History of Rights in the City at Night: Making and Breaking the Nightly Curfew in Nineteenth-Century Rio de Janeiro" in *Comparative Studies in Society and History*, 62, no. 1 (2020):

67. Cláudia Mauch argued that the police force was predominantly white, but in any case the press marked the police force as predominantly Black, associating poor policing with the presence of Afro-Brazilians in it. Cláudia Mauch, *A polícia e os negros em Porto Alegre no início do século XX*. Anais do XV Encontro Estadual de História da ANPUH-RS: História & resistências. Passo Fundo. 21 a 24 de julho. 2020. p. 9. Cláudia Mauch, *Ordem pública e moralidade. Imprensa e policiamento urbano em Porto Alegre na década de 1890* (Santa Cruz do Sul: Edunisc/ANPUH-RS, 2004).

68. Peter M. Beattie, *The Tribute of Blood: Army, Honor, Race, and Nation in Brazil, 1864–1945* (Durham, NC: Duke University Press, 2001).

him to the subdelegate. Henriques Thimotheo da Silva and one of the primary witnesses of Gil's assault summoned the subdelegate. Witnesses pursued Jose Martins da Silva when he fled the tavern. In 1871, the delegate of police indirectly indicated a potential reason for why such "citizens arrest" detainment was necessary: "We do not have sufficient force to patrol an extensive city like [Pelotas] and especially . . . far from the center of the city."⁶⁹ The police failed to comprehensively control crime, but the ex-enslavers did not fail to intervene. Caetano and Gil ended up in the hands of private authority for various reasons, but the police made sure to acquiesce to private authority. Nobody, with the exception of the municipal judge, questioned this relationship given the police's limited strength.

In the case of Jose Martins da Silva, the police did effectively step in. The police facilitated control in the absence of ex-enslaver authority. What is important to remember, however, were the other Pelotense who defined Silva's punishment. Witnesses in the tavern at the time dictated the story that the jury later determined to be the truth, especially because the police recorded their testimonies before they interrogated Silva and before the jury hearing. The case as presented to this jury centered witness testimonies and the police report over the word of Silva. Moreover, the jury itself was likely composed of local elites under the patronage of enslavers or ex-enslavers—if they were not enslavers themselves.⁷⁰ *Charqueadores*, merchants, politicians, and public officials frequented jury seats and relied on the patronage of local, often enslaver, elites who expected the courts to reflect their benefactorship.⁷¹ Naturally, then, jurists perceived patronless Afro-Brazilian crime in

69. Registros da Presença Negra, Copiador de ofícios—Correspondência recebida, data: 14.03.1871.

70. Other historians have asserted such a dynamic in the system of patronage, which ensured that legal, political, and economic authorities all served particularly wealthy enslavers or landowners. Pelotas was not an exception to this rule. See Jonas Moreira Vargas, "Negócios, família e riqueza entre os Barões do charque (Pelotas-RS, c. 1850—c. 1900)," in *História e Economia: Revista interdisciplinar*, Vol. 14, No. 1, 2015, 87–106. For the importance of patronage in politics in particular see: Richard Graham, *Patronage and Politics in Nineteenth-Century Brazil* (Stanford: Stanford University Press, 1990). For patronage politics in Porto Alegre, see Roger A. Kittleson, *The Practice of Politics in Postcolonial Brazil: Porto Alegre, 1845–1895*, part of the Pitt Latin America series (Pittsburgh: University of Pittsburgh Press, 2006).

71. This was typically the case in Brazil. Municipal organization handled quotidian matters of crime and punishment, development, social space, and local law (ordinanças). Positions associated with these matters were granted to patron's or patronesses' networks, including children, extended family, workers, or anyone politically, economically, or socially affiliated with elite enslavers, businessmen, or politicians. For a study of municipal organization, see Anne Hanley, *The Public Good and the Brazilian State*:

a particularly negative light. Although those involved in the jury remained unknown, public order was the foundation of Silva's punishment from his detainment until his final verdict. Silva's punishment did not fall through the cracks in the absence of private authority. Rather, Silva's case was handled by public authorities. The police played a stronger role than they did in Caetano and Gil's case but they were not alone in punishing Silva.

Intimate ambiguity is the central theme that makes sense of the private-public authority interface. Private control was the preferred method of punishment, not public incarceration and policing. It ensured that "property"—even recently-freed and now contracted "property"—remained a commodity and maintained their social status as a laborer with limited freedom. Private control, then, was an extension of social control, which public authorities like the police set out to assert. Indeed, social control was important enough that it led to the detainment of deviant freedmen before the private authority stepped in. In all three cases the public clamor and "citizens arrest" style of detainment allowed the police to arrest and interrogate the accused. Silva's case depicts how public authority was the fallback whenever a private authority did not exist. The police investigated the incident and questioned witnesses, which influenced what the jury decided about the case. Although the police held a limited capacity in Pelotas and enslavers held legal precedence in punishing enslaved crime, free and patronless Afro-Brazilians did not escape punishment.

As Brodwyn Fischer reminds us about abolition-era Recife, freedom was limited across Brazil: "Degrees of freedom could be lost as well as won; a single sale transformed an urban slave into a rural one, formal freedom could connote conditions no different than domestic slavery, a string of racial and sexual slurs could turn a white daughter into a mulatta prostitute. Only a strong protector, who by his very presence eroded freedom's meaning, could ward against such fates."⁷² Pelotas was no exception to this rule. Freedom did not always translate to equal citizenship or economic independence. Rather, freedom reconceptualized the bondage of slavery into contract labor and patronage in the cases of Caetano and Gil. Freedom forced patronless freedmen like Silva to face the scrutiny of Pelotense citizens, whether witness or jury member, trained to perpetually perceive Afro-Brazilians as "slaves."

Municipal Finance and the Provision of Public Services in São Paulo, Brazil 1822–1930 (Chicago: University of Chicago Press, 2018).

72. Brodwyn Fischer, "Slavery, Freedom, and the Relational City in Abolition-Era Recife" in *The Boundaries of Freedom Slavery, Abolition, and the Making of Modern Brazil* (London: Cambridge University Press, 2022).

Conclusion

The policing of the enslaved did not disappear with their emancipation. Instead, this article examined three cases of freedmen in detail against other regional contexts, studies of Pelotas, and sources from contemporary authorities or newspapers. The cases of Caetano, Gil, and Jose Martins da Silva tell an interwoven story of authority, conflict, and negotiation. Public authority defined the initial arrest and legal procedure but private authority reclaimed their formerly enslaved and enforced the punishment, whether the conflict was flight (Caetano) or feud (Gil). On the other hand, the absence of private authority for Jose Martins da Silva meant that the police were the means of justice, marking a middle-ground that arose near the period of emancipation. Control over freed Afro-Brazilians remained a question with different answers. There was an “intimate ambiguity” between authorities about who enforced punishment.

Boris Fausto’s assertion that the historian’s craft “advises that one treads slowly in a new field. Time teaches us to affirm while doubting a little” is accurate to the three cases investigated through this article.⁷³ Seeing in the cases of Caetano, Gil, and Jose Martins da Silva more “inconclusions” than conclusions is at the core of social history. Although research on criminal records and slavery is an established tradition, historians rarely unearth holistic histories of the enslaved and formerly enslaved in the archives.⁷⁴ What prompted Caetano’s flight, why Gil’s ex-enslaver stepped in, and who, if anyone, Jose Martins da Silva worked under or lived with are elements of life that would speak to the essence of their daily experience and trials. However, they are scarce in the historical record. What is widely available is crime, its punishment, and the intervention of private and public authorities through criminal records. These sources do not document a holistic history but a one sided, prejudiced, incriminating piece of it.

73. His final “inconclusion” is a predecessor to this section heading. Boris Fausto, *Crime E Cotidiano: A Criminalidade Em São Paulo, 1880–1924* (São Paulo, Brasil: Brasiliense, 1984), 287.

74. However, there are some notable works that highlight individual histories of slavery and freedom. See, for example: Zephyr L. Frank, *Dutra’s World: Wealth and Family in Nineteenth-Century Rio de Janeiro* (Albuquerque, University of New Mexico Press, 2004). João José Reis; Flávio dos Santos Gomes; Marcus Joaquim de Carvalho. *O alufá Rufino: tráfico, escravidão e liberdade no Atlântico negro (1822–1853)* (São Paulo: Companhia das Letras), 2010. Sandra Lauderdale Graham, *Caetana Says No: Women’s Stories from a Brazilian Slave Society, New Approaches to the Americas* (Cambridge: Cambridge University Press, 2002).

Rather than overlook criminal records, it is crucial to “critically fabricate” them, as Saidiya Hartman argues.⁷⁵ Without paying attention to the lives of the formerly enslaved, the criminal report, like the archive as a whole, is “a death sentence, a tomb, a display of the violated body, an inventory of property, a medical treatise on gonorrhea, a few lines about a whore’s life, an asterisk in the grand narrative of history.”⁷⁶ Based on the stories of these freedmen and free Afro-Brazilians, there is more to the “story” than a crime being committed or an ex-enslaved being returned to their ex-enslaver. Contract labor in the life of Caetano meant flight from a *capitão* and a return to his former enslaver. Freedom in the life of Gil meant a return to his ex-enslaver rather than judgement under the public court of law. Patronless freedom in the life of Jose Martins da Silva meant trial in the public court of law while particular racial and social preconceptions defined police inquiries, witness testimonies, and the jury’s verdict. Authority did not just change in the wake of slavery—it propagated the same system of oppressive control.

The stories of these three freedmen converge as Afro-Brazilians with a shared history of enslavement in a nineteenth century market-town. They diverge based on their limited freedom under ex-enslaver patronage or their patronless freedom. Caetano, Gil, and Jose Martins da Silva are not “asterisks” but keynote actors in Pelotense history during a time of transition. Their stories are roadmaps for understanding how enslaver and police authorities asserted social control in the aftermath of emancipation.

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75. Saidiya Hartman, “Venus in Two Acts,” *Small Axe* 12, no. 2 (Durham: Duke University Press, 2008): 1–14.

76. Hartman, “Venus in Two Acts,” 2.

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