

## BIBLIOGRAPHICAL SECTION

### DOCUMENTARY SOURCES FOR COLONIAL HISTORY

The article printed below is a translation of a paper entitled "Fuentes Documentales para la Historia Colonial", read by Dardo Estrada, assistant director of the Biblioteca Nacional of Montevideo, July 28, 1917, before the Instituto Histórico y Geográfico. The paper was published by the above named institution with a preliminary discourse (pp. 5-9) by Dr. Gustavo Gallinal.<sup>1</sup> In his brief talk, Dr. Gallinal notes that the creation of the Instituto Histórico y Geográfico of Uruguay has provided a common meeting ground for men whose studies are devoted to matters directly related to national science, thus fulfilling a hope long cherished in Uruguay. Sr. Dardo Estrada has devoted his life to bibliographical, historical, and geographical studies, publishing in 1912 his *Historia y Bibliografía de la Imprenta en Montevideo*.

The following discourse on documentary sources is of importance, for the study of the growth of the national feeling in Uruguay, for the development of institutions, and for local history. It should be of service especially to those whose studies are leading them more and more to specialize in definite fields.

#### I

This lecture, in a certain sense, and so far as I am personally concerned in it, is only a program of work for future development with respect to colonial history. As this program is executed and developed with documentary factors, although they do not circulate

<sup>1</sup> Instituto Histórico y Geográfico: Fuentes Documentales para la Historia Colonial. Conferencia leída el Día 28 de Julio de 1917 por Don Dardo Estrada, con un Discurso Preliminar del Doctor Gustavo Gallinal. Montevideo, Imprenta y Casa Editorial "Renacimiento", Librería "Mercurio" de Luis y Manuel Pérez, 1918. Pp. 39.

in print, I must be permitted to set forth summarily and very briefly the present judgment relative to the manner of working over historical material at its sources—a judgment applied to the collection of documents which is the reason for this exposition.

In historical material there is generally felt an assertion that is not discussible, namely that the foundation of all knowledge of the past is rooted in the indications which historical epochs continually leave of themselves, whatever be their nature, whether remains, monuments, tools, medals, written documents, literature.

Bernheim, the most trustworthy of the German authors who have treated of historical methodology, on perceiving this assertion and referring to the sources of knowledge divides them into two classes, namely, indications and tradition. By indications he understands the deeds or consequences of a deed which still exist; and by tradition, the idea or interpretation transmitted by that deed down the years through the human intellect.

In this way, Bernheim, and together with him almost all the authors of treatises, establish a category on historical sources.

In the first term they include the deeds or their results in their strictest sense, acting through themselves, without any commemorative or future purpose, as for instance, a human remainder such as language, institutions, the products of industry, administrative and social documentation; while the order called "tradition", represented by everything that may have a recording purpose, such as medals, pictures and sculptures, annals, chronicles, and memoirs, occupies a subordinate position.

It does not escape the authors of treatises that this subordination of the traditional order to that of indications is up to a certain point unfair, for if a given epoch be studied solely by its indications, although it is true that we do subtract one of the factors which contributes most in setting the understanding awry, namely, the greater or less degree of passion or of interest injected by the person who transmits to posterity an event of which he was the author or spectator, in exchange we neglect to take advantage of a very efficacious aid furnished us by the memoirs of a contemporaneous generation because of their better information.

On this account the methodology of today counsels us not to take account solely of the indications of Bernheim nor the contemporary testimony, but to make a methodical arrangement of both materials which may permit us to include the most significant factors of the proc-

ess which it is desired to place in relief, by showing the very essence of the epoch by the study of groups of documents organized into systematic series, and with the richness and necessary abundance, in order to show the woof of the historical process in all its amplitude.

The dominant standard among the present-day Uruguayan historical authorities has been to give the preference in their studies to all the traditional factors. So true is this that one may rest assured that there remains no memoirs or individual relation touching our history that is not known to us; while on the other hand, many groups of documents which might explain colonial epochs and events decisively are found almost unexplored.

To give information on one of these, not indeed, one of the most important, although one very useful and necessary for a more exact knowledge of our past is the purpose of this lecture, since the Historical and Geographical Institute in the second article of its ordinances has expressly enacted that it will form and publish collections of documents, and since it is that body which must undertake with true scientific spirit this series of activities ahead of all speculative labor.

Today, perhaps for us who are making investigations in the colonial past, the most urgent labor is that of gathering together the necessary elements from which that history will be written later by ourselves or by a more fortunate generation.

## II

The present Archivo de la Escribanía de Gobierno dates from the creation of the government at Montevideo in 1750.

In it are conserved all the *expedientes* originating in the government, namely, the political, criminal, administrative, and litigious.

As the governor of Montevideo was also Judge of all ships entering the port, the archives contain everything relating to the entrance and clearing of sea-going vessels; and in his character as subdelegate of the royal treasury, all the *expedientes* of an economic nature and those relating to landed property. Although it is quite certain that the governor of Montevideo did not hear many matters in the last instance, and that they were referred to the authority of the viceroy or to the royal pretorial *audiencia* at Buenos Aires, as soon as the matter was judged and sentenced, the *expediente* was returned to Montevideo with the provision taken thereon, in order that it might be executed and filed in the archives.

This was the procedure during the Spanish régime. During the Portuguese and Brazilian period of control, there was added those *expedientes* which originated in the intendency of the army and province, and those relating to the chamber of justice.

In order that the *expedientes* might be consulted, there exists an index, at once both alphabetical and chronological, which is of great use for the study of the documents. This was compiled by the present archivist, Fernando H. Marfetán.

Some time ago, for the purpose of publishing them as a documentary contribution, I made ten very voluminous groups from the material in those archives. These documents, copied entire and with absolute faithfulness to the original spelling, in accordance with the dictates of the most modern historical criticism, I divided as follows: 1) Political and military government; 2) Royal treasury; 3) The *cabildos*; 4) Supplies; 5) Ecclesiastical affairs; 6) Collection of *cedulas*; 7) Foundations; 8) Royal customs; 9) Public lands; 10) Contraband and confiscation.

Within each section, I selected only the really significant factors, about which I grouped the whole mass of documents belonging to the process, as abundantly as was necessary to demonstrate its true historical character.

In them appears and moves the whole administrative and social life of the city and of the country in its most absolute sense: all the administrative connections of the colony with their secular institutions, scarcely modified by time throughout their centuries of life; and all the social connections unfolding about those institutions, only adapting themselves to those institutions so far as was permitted by the needs of a formative epoch which created its own institutions until the time of its greatest differentiation, which the 25th of May, 1810, ushered in suddenly.

This collection embraces also the period included between the initial moment of the struggles for emancipation and the year 1825, as a necessary complement to a better understanding of the deep foundation of some of those institutions, which being outstripped in the revolutionary period after the suppression of the régime that gave them life. Their survival, although denatured and precarious, marks the point of transition between the colonial epoch, and the days of the Republic.

In this lecture, in giving special attention to each group, I shall limit the indication to very few pieces, simply those necessary to give an approximate idea of the richness of each division, in order that I may not make this exposition as long as it is arid and fatiguing.

*(1) Political and military government*

This is the most heterogeneous and the largest group of documents, and refers, in general, to the last years of the colony. It is composed of 79 *expedientes*, of which I shall mention chiefly one relating to the English control of Montevideo. This *expediente* refers almost entirely to the goods landed by the English traders, free of duties, but which, when the city was returned to Spanish control, owing to this *expediente*—drawn up in the royal pretorial *audiencia* of Buenos Aires—had to pay all the *Derecho del Círculo*, the city of Montevideo being considered for this sole purpose as a place where goods were placed in bond. The purchasers, who appear there, were not all from Montevideo, for there were also some from Buenos Aires who made their purchases through their agents in Montevideo. The *expediente*, which is quite bulky, abounds in intrigues and accusations, and has an economic as well as a political character. The original is in very poor condition.

In the year 1808, appears a package of loose papers and rough drafts, as well as some originals relative to the first movements of the revolution.

There are official despatches and letters from Liniers and Elio that arose through the criminal actions brought in Buenos Aires with respect to Princess Carlota, Paroissien, Alzaga, and Rodriguez Peña.

Many confidential documents of considerable interest are found, which explain the events of those days, as for instance, the original minutes taken on the night of the arrival at Montevideo of Colonel Goyeneche and the rough drafts of two long and very confidential official despatches from Elio to the Council of the Regency, which are especially interesting. These rough drafts must be originals, for after signing them, Elio made some corrections of detail in them with his own hand.

As there has always been much talk of the thefts and looting of which our archives have been the object, the most famous of which was the one that was occasioned upon the withdrawal of the troops of Alvear in 1815, I include here the inventories which were drawn up before the government notary, one relative to the documents which were able to be recovered and the other to those which were not found after the sack. These inventories are very interesting, not only because they inform us of what we lost, but also because they show up that act of vandalism in its true proportions.

In the year 1816 appears an *expediente*, which by its character, is unique in these archives. It is a petition from Presbyter Manuel Amenedo Montenegro, priest of San Carlos, requesting that oriental [*i.e.*, Uruguayan] citizenship be granted him. As proof of his adhesion to the cause of the patriots, he presents many letters from Artigas, Alvear, Otorguez, and Rondeau, acknowledging the receipt of gifts of money and goods made to the patriotic armies during the years 1812-1816. Artigas calls him a friend in his letters and treats him with deference.

In 1825, there appears a package with traces of a confidential *expediente* relative to an investigation of the persons present at the secret meetings held, as was charged, in the outskirts of the city, apparently for the purpose of celebrating the triumph of Bolívar in Huamanquillo. *Expedientes* of this kind are quite numerous, especially for the Portuguese and Brazilian period. The persons and even the *lampoons* which circulated in manuscripts were the subjects of *expedientes*.

There was a pamphlet, entitled *La Plutónica*, which had been published in 1823 by the Press of the Brothers Ayllones. This was denounced to the officials of justice as appears in an *expediente* entitled "Infraction of the printing law." Only the title and two or three insignificant details are left, although enough to make one suspect that the *expediente* treats of a political writing. The *alguacil* withdrew these pamphlets in order to destroy them, not only from the shops where they were on sale, but as the names of the purchasers were obtained, they were demanded one by one and destroyed. However, it is evident from the *expediente* that perhaps one copy may have been saved, namely, that acquired by Canon Vidal, who said when it was demanded that it had been *worn out*.

## (2) *Royal Treasury*

In this section, I have grouped everything relating to public property and the manner of its manipulation; certain *expedientes* called "Temporalities," which were those relating to the property of the Society of Jesus, which upon the expulsion of that body became the property of the Crown, and were administered on its account; and the entire departments of the *Tithes and Excise*.

This group is rounded out by the various lists and salaries of employees that exist, and certain *expedientes* of auctions, of services, and of public incomes effected by the Royal Treasury, such as that of the *faena de lobos* of 1789, which contains data and news of interest.

The various attempts of the royal treasury to regulate the department of taxes and duties are also included, such as that initiated by the Junta of Planters in 1804, which is the most important and richest in reports and throws considerable light on various economic matters of the epoch. In 1825, at the breaking out of the revolution, it had not yet terminated. Although incomplete, this is a capital piece for the study of economic history.

### (3). *The Cabildos*

The institution of the cabildos, including the *expedientes* of their erection, functioning, and operation in the interim from the first years of society in Uruguay, those *expedientes* relating to personal merits and services and those contributed collectively by the nuclei of population or by the institutions representing them, forms the largest section.

The oldest *expediente* is that of the creation of the cabildo of Santo Domingo de Soriano in 1566, which has been published in part.<sup>2</sup>

The other *expedientes* relative to foundations are as follows:

1782.—*Expediente* of the creation of a half cabildo in Santa Lucia.

1788.—*Expediente* relative to an increase of *regidores* in the cabildo of Montevideo.

1793.—*Expediente* relative to the sale of the offices of *regidores* in the cabildo of Montevideo.

1800.—Erection of an elective cabildo in San José.

1804.—Increase of four members in the cabildo of Montevideo.

1805.—Definitive creation of the cabildo of San José.

1812.—Creation of the cabildo of Maldonado.

1825.—Creation of the cabildo of Paysandú.

The above are complete *expedientes* of the creation of cabildos—for there is a constancy in various others from which their history may be reconstructed—[as for instance], of the creation of the cabildo of the Colony of Sacramento.

These documents are not exclusively royal *cédulas* of "erection" or "confirmation," under which title they are known, but generally, except in the case of the cabildo of Montevideo, which has a direct foundation, they are created upon the petition of the inhabitants of the places specified. The petitions are generally made in long expositions in which are recounted the history of the place, its vicissitudes, the services lent by it to the crown, accompanied by statistical data of

<sup>2</sup> By Isidro de María, in *Páginas Históricas*.

the population and the wealth of the environs, and all the explanatory news that was thought opportune for interesting the goodwill of the viceroy.

*Expedientes* relative to the friction of the cabildos with the governors and viceroys are also very numerous.

Something is already known of the quarrel of 1782 between the *corregidores* Haedo and Bauzá and Governor del Pino, which resulted in the royal *cédula* of December 4, 1784, adjusting the quarrel in a manner favorable to the *corregidores*, as is recounted by Bauzá in his *Historia de la Dominación Española en el Uruguay*. However, there are many documents relative to the quarrel and jurisdiction, which were generally reviewed by the monarch.

In the matter of police and administration, their number is enormous. Edicts alone, relative to the Carnival, on the cleaning of the city, the bad treatment of slaves, public holidays, appraisement of products, the administration of the lands of the city, lighting, public cleanliness, and taxes on doors and windows, are found and all matters falling under the jurisdiction if the term "policing of the city," would embrace an incalculable number of pages.

On the rivalry between the different jurisdictions, of the cabildos, there are several *expedientes*, the most interesting of which is that which the cabildo of Mercedes initiated in 1824 against the cabildo of Soriano, composed of 159 folios; and that initiated in 1825 by the inhabitants of Minas and Rocha in the government intendancy, in which they claimed the right to elect their *alcaldes* freely, but to which the cabildo of Maldonado was opposed alleging that it had always appointed them directly as commissioned judges of its jurisdiction.

There is a vast group of *expedientes* filled with the personal affairs of the members of the cabildos, and others in which the whole capitular body had a share.

In 1794, Matias Sánchez de la Rozuela brought suit, because in the Corpus Christi procession of that year, the priest of the Metropolitan Church did not give him a lighted torch as he did the other members of the cabildo, either because there was not a sufficient number of torches or simply because he forgot it.

Although *expedientes* of this class are abundant, the most interesting is one of 1812, in which the cabildo appears as a body to protest before the governor to the effect that in the festivities and solemn acts with which the promulgation of the Constitution of Cadiz of 1812 was celebrated, the cabildo and royal tribunal of commerce went to com-



munion on that day in a single body, and the cure of the Metropolitan Church, the virtuous priest, Juan Lloveras did not give the "peace be with you" to the royal tribunal of commerce until after he had given it to the members of the cabildo when the turn of the people came and the other inhabitants who were present at the ceremony. This curious and prolix *expediente* is nevertheless very interesting. In it the prerogatives of the royal tribunal of commerce and of the cabildo respectively are set forth very clearly.

When we reach the year 1825, there comes in a series of *expedientes* relating to "exemptions" to accept capitular posts in the cabildos of San José, Canelones, and Santa Lucia. Almost all those exempted were very prominent men in the revolution, among whom was Joaquín Suárez. In regard to exemptions a bulky *expediente* among the most interesting of all, appears in the year 1803. There is no inhabitant of any importance in the city who does not figure in it. These exemptions in 1803 originated in the creation of bodies of militia in which all the most distinguished men of the city figured as officers and sub-alterns—men who protected by the military *fuero* refused to accept the "burdens of the republic" as they called it.

There are also several legajos relative to the public schools of the cabildo.

This group relating to the cabildos contains 87 *expedientes*.

#### (4) *Supplies*

The Department of *Supplies* and everything relating to the control of business is massed together in one group, which forms of itself a large chapter of economic history.

Among the various aspects presented by this group, the incessant struggle of the cabildo against the monopolies appears and may be followed easily. The most interesting of the *expedientes* of this nature is that relating to the water supply in 1793, because of the energetic opposition shown against it by the cabildo, and in particular by the syndic of the city, Matías Sánchez. The latter, with very solid, although very poorly expressed arguments, defended the rights of the inhabitants splendidly in a long report which the cabildo made its own.

The monopolists offered in exchange for the exclusive right of supplying the city with water to give 200 pesos annually toward the building of the Metropolitan Church. There are 36 *expedientes*.

(5) *Ecclesiastical affairs*

This is the least bulky of all the groups, a fact which is explained perfectly if one bear in mind that the government of Montevideo had no ecclesiastical jurisdiction of its own, and that it depended on the bishopric of Buenos Aires, in whose archives lie all the canonical *expedientes* of the erection of churches and chapels, as well as all those relating to ecclesiastical merits and services.

However, this group does not fail to have an interest of its own if the characteristic nature of one of its divisions be considered which is formed by a series of *expedientes* initiated by the citizens and inhabitants of certain places of the region, and in which the erection of churches and parish houses was argued before the civil authority. Thus the foundation of churches takes on a free and spontaneous character. There are *expedientes* relating to the churches of Maldonado, Paysandú, Pintado,<sup>3</sup> Viboras, Solís, Pan de Azúcar, and Durazno. Some *expedientes* refer to the churches of Montevideo, and there are *expedientes* also that refer to the convent of St. Francis and the House of Exercises, founded in 1813.

One *expediente* relates to the rebuilding of the church of La Colonia in 1823, which is especially interesting.

During the period of the Portuguese invasion, the royal troops which occupied the city of La Colonia converted the church into a powder magazine. Control having been secured, they only occupied the upper part, notwithstanding the protests of the cabildo and the whole body of the inhabitants, as appears in the respective records. On this account several open cabildo meetings were held, until on the 14th of December, 1823, when there was a severe storm, a bolt of lightning set off the powder magazine, destroying not only the church but causing the loss of all its jewels and other furnishings. As this occurred in the early morning hours when the crowds are thickest, they had to lament the death of several persons. This *expediente* was negotiated in the Intendency of the Army and Province, and the church was rebuilt at the cost of the public treasury, and all its sacred ornaments and vessels were likewise replaced.

In the year 1805 appear an *expediente* relative to the construction of a church in Puerto Deseado, Patagonia, which has some very interesting details.

<sup>3</sup> There are two *expedientes* for this place, one of which was published in *Revista Histórica*, under the direction of Luis Carve, while the other is still unpublished.

Relative to the church of Maldonado there is a legajo which merits special mention. It tells how in 1810 the priest and vicar of Maldonado, one Gabino Fresco, loaned to Juan Mendoza, a citizen of the place, a large sum of money belonging to the fabric of the church, which in that epoch was lent out at the rate of five per cent annually for the purpose of increasing the funds. Juan Mendoza was a wealthy citizen, the owner of several vessels plying as far as the Rio Grande. But Mendoza having died during a passage of arms, apparently fighting in favor of the Portuguese cause, his widow, taking advantage of this fact, succeeded in getting the Baron de la Laguna to intervene in her favor, and the payment of the interest was excused and she settled by paying only the sum received by her husband.

Among the series of expositions and replies and counter replies presented by the various parties engaged therein, appears a great number of facts and details very interesting for the social history of the period. In regard to money, it was not only Juan Mendoza who had borrowed at interest, for various others appear and even the cabildo took its share, until the capital having become very greatly diminished, by order of Delegate Barreiro, the last of it was taken in 1818, because of the urgent necessities of the province.

With respect to the jurisdiction of curacies in the region there are several *expedientes*. The most interesting for the abundance of its date of general interest, and for the rank of the persons intervening therein, is that sustained by the curacy of Santa Lucia against that of Canelones, which is quite bulky. Dr. José Valentín Gómez was priest of Canelones.

There is also a regular number of appointments as parish priests in the region.

This group is formed of 47 *expedientes*.

#### (6) *Collection of Cédulas*

The collection of royal *cédulas* and royal orders which I have formed is quite extensive and embraces the most diverse matters. Some of them are found attached to various *expedientes*, being either the originals or included in authorized testimonials.

Among the most important are the following:

Royal order of November 24, 1783, relative to the treatment to be given to chaplains in the army.

Royal order of 1786, in regard to the trade of the Indies.

Royal order of August 12, 1792, in regard to the quarrel between the viceroy and the *alcaldes*.

Royal order of July 19, 1798, establishing in Buenos Aires a tribunal of medicine independent of that of Castile. There is another royal order of 1803 establishing the same tribunal in Montevideo, independent in its turn of Buenos Aires.

Royal order of June 8, 1805, ordering the judges and guardians of minors to account for the amounts appearing in the causes in which they intervene.

Royal order of December 15, 1806, in regard to the militia *fueros* on land and sea.

Royal order of March 14, 1807, in regard to the establishment of the fees of the admiralty court.

Royal order of May 17, 1807, in regard to the method of mourning employed by the military.

Royal order of December 12, 1807, in regard to the houses of the Inquisition.

Royal order of January 20, 1809, thanking the tribunal of trade of Montevideo for the services rendered to the Crown during the English invasions. There is another order of the same date thanking Mateo Magariños for personal services.

Royal order of July 9, 1809, creating in Montevideo the court of appeals.

There are 74 *expedientes*.

#### (7) *Foundations*

Only four registers exist, and one book relative to the removal of the town called "Las Viboras" to the banks of the creek known as "Las Vacas" where it still remains under the name of Carmelo.

One of the registers has already been published,<sup>4</sup> namely, that relating to the city of Montevideo. The others are as follows: the register of Santa Lucia, together with its commons, plantations, and ranches, accompanied by a map in colors,<sup>5</sup> and the registers of Melo and Batovi. The last has no special interest for us, for as it is located in 30° 36', all its division of land lies in the present limits of Brazil, except a small triangle formed by what is today called "the small fork of the two Pirai," which falls toward the Cerro Largo.

<sup>4</sup> In vol. I. of *Revista del Archivo Administrativo*, directed by Angel G. Costa.

<sup>5</sup> A copy of this map exists in Archivo de Indias, Seville. That cited here is the original.

Of the Villa of Batoví, there appears a topographical map compiled by Félix de Azara.

In the said register of Batoví is found the extensive record then called "Populations," signed by the Marquis de Avilés, March 18, 1800, relative to the foundation of towns in the government of Montevideo.

#### (8) *Royal customs*

It is made up of all the *expedientes* of ships entering and clearing by sea.

They are all alike and have simply a statistical interest for economic history. One notes in them a great monotony, interrupted only at times, as in the case of Tomás Salas, who in 1794, while on his return trip to Spain with a full cargo and his papers according to regulations, combated by strong winds, had to put back to Montevideo. Before the royal officials had time to form a "Summary information" in which the hundred eyes with which Spain watched over the entrances and clearances of its ports might suspect that he had designs of clandestine cargo, he went ashore and before his Majesty's notary made the "most formal protest against the winds and storms" which had forced him to enter the port although it was not his port of destination.

In 1791, there appears a timid attempt for the habilitation of the port of Maldonado, which was due to Cipriano José de Melo. The port was habilitated together with that of La Colonia in 1821, as appears in the *expedientes* relative to the matter.

#### (9) *Public lands*

As the origins of present private ownership are varied, I have grouped together in this division a few prime pieces, which not only mark the diverse origins but also explain how ownership of land was acquired in the colonial period and during the successive dominations suffered by the country until the definitive constitution of nationality in 1830: From gifts made by the viceroys and governors to certain individuals, as a reward for personal merit or for services rendered to the Crown to those originating from direct sales and alienations made by cabildos, governors, and viceroys and even simple comandantes, under the simple authority of settlers.

The most general within the colonial origins are those made by denouncement of individual persons before competent authority, or in

the royal pretorial *audiencia* of Buenos Aires where, after the taking of the evidence of the nature of the unappropriated and waste land and the proper making of a survey, a judgment of auction was given, which was to take place at the doors of the *audiencia*, with the publication according to custom and before the notary of the government—in judgment generally the only bidder was the one who made the denouncement.

Within the formulary of the *expedientes* appear the most characteristic details of the curial literature of the epoch, which today we regard with a certain indulgence, but which then were living formulas which were observed even to their very last details.

When the last announcement was made and ownership was adjudged to the denouncer, the herald never left at the end of the formula without wishing a "Much good may it do you" to the purchaser.

And on taking possession, the one who acquired the land with raised hand walked through the field now belonging to him, cried out, pulled grass and branches from the trees, and gave orders to his peons, and if no one of the inhabitants or owners of adjoining land cited to appear at the ceremony objected to these acts of ownership, the official of justice thereupon noted that the "real, effective, and corporal possession" mentioned in the *Recopilación Indiana* had been taken.

Many other origins exist and many other authorities gave ownership of the land from colonial days to the famous edict of the Baron de la Laguna of November 21, 1821, which reduced the unappropriated lands of the province to a moderate agreement, and opened a special register for the confirmation of preceding titles which I have tried to represent so far as possible.

This group also complements the group relating to "Foundations," inasmuch as the foundations always have annexed to them the division of house lots, plantations, and ranches as occurs with the foundations of Montevideo, Santa Lucia, Melo, and Batoví, which forms another of the known origins, namely, that of the conditional gift made by the founder with express powers to make a gift of the land according to certain limitations: namely, the living on the land for five years and the cultivation or working of the land given, or the construction, if it be the matter of a house lot in town.

#### (10) *Contraband and confiscation*

A long chapter on the social history lies in the enormous mass of *expedientes* of contraband and confiscations between the years 1750 and 1810.

The 37 *expedientes* of confiscations of which I have a copy comprehend one full year and form a small picture of the whole movement of clandestine hides on the frontiers of Brazil.

As these *expedientes* were formed with great attention to detail, approximate statistics may be obtained in them of the wealth of the cattle in Uruguay during this period.

Contraband through the customs in Montevideo forms another division not less interesting, with respect to the goods of commerce, and many goods, not properly being contraband, are included under the class of *prohibited* goods, of which the royal treasury took possession.

The parties of wardens stationed along the frontier in order to put a stop to smuggling, often had bloody encounters with parties of the smugglers and other troublesome people who infested the wilderness. The Cerro Largo was the field where most of these encounters took place.

Some *expedientes* report real battles. In 1797, the then captain of Blandengues, José Artigas, in command of a flying party, followed the track of the Portuguese Mariano Chaves for thirty leagues, overtaking him on the precipitous shores of the creek of the Hospital, his advance guard under the command of Sergeant Manuel Vargas exchanging shots with him, and the latter losing two men from Blandengues and having another one wounded.

Choosing among several alternatives, Chaves abandoned the hospital and penetrated into the fort of Santa Ana, where he was captured by Artigas in person and sent to Montevideo together with the confiscated goods that he had. This action is related in a long report, already known in part,<sup>6</sup> and which, written in the hand of Artigas, accompanies an *expediente* of confiscations.

One year before, in 1796, a party of wardens which was scouting along the shores of the Rio Negro surprised and forever defeated one Juan Ignacio Miño, alias, Caracará, the most skillful hide and cattle thief of his time, who was taking toward the frontier a large herd of wild cattle seized from the jurisdiction of the Cerro Largo.

There is almost no *expediente* of confiscations which does not narrate a similar deed. There are 48 *expedientes*.

<sup>6</sup> An extract of the part relating to Artigas was published by Dr. Lorenzo Barbagelata in *Artigas antes de la Revolución*.

## III

And now, I wish to give an impression relative to recent research in a foreign archives, inasmuch as it refers in part to a group of documents which completes in part one of the sections of the archives we are studying.

Some time ago, while at Asunción in Paraguay, I was permitted to visit the Archivo Nacional which is in charge of that illustrious man of letters, Juansilvano Godoi.

As I was by chance looking over a register, I came upon the appointment of an assistant priest of Paysandú made in 1807 by the Bishop of Asunción and confirmed by the Governor Intendant of Paraguay.

Surprised at the discovery, and at the fact that the authorities of Paraguay had a share in the affairs of the government of Montevideo, I made a very lengthy research in the legajos pointed out to me by the paleographer Mariano Bareiro, an employe of the archives, and made an assortment of documents relating to Uruguay, especially one group that has to do with landed property in our country, and of which I am going to give an account.

The reason for the existence of those documents in the Archives of Asunción is clear.

After the expulsion of the Jesuits, the communal régime was maintained for 33 years, namely from 1767 to 1800, when Viceroy Avilés abolished it, and the towns were left with their native *calildos* and other employes or occupations of all the colonial governments.

The land occupied by the Society of Jesus with its *doctrinas* went to form the government of Misiones, being divided into several departments. To the department of Yapeyú, the southernmost, were assigned both shores of the Rio Negro as far up as the Cuareim, penetrating into the ranches almost to the center of the present republic.

When the lands were redivided, the Indians induced by their natural laziness, began to abandon them, and these lands having been occupied by Spanish settlers from Montevideo, the latter finished by pressing in on the Indians so closely by alleging that the lands were abandoned and unappropriated that they forced the intervention of the Viceroy. *Expedientes* were formed, in which the Marquis de Avilés declared that there were no unappropriated lands within the jurisdiction of the towns of the Guaraní. New registers were made following the ruins of the ditches, the hills, and the landmarks, and better rights were established.



The governor of Yapeyú, Francisco Bermudez, reports that in one suit of dispossession, a Spanish deforciant told an Indian woman that he would "show her his title to the ownership of the land". The Indian woman replied: "What I can prove is that my forbears and myself were born here, and you must convince me that you brought these lands from Spain".

Ultimately, many of these settlers leased the lands of the Indians—a lease which was in practice a fiction. All the leases were without payment. From one relation of the Spanish settlers who had settled on the lands of the town of Yapeyú, I take the following at hazard.

"Rafael Ramirez, in the district of Vera, without payment."

"José Axi, in Paysandú, without payment".

"Santiago, the husband of the *Correntina*, in Queguay; gives meat and a horse to the postboys".

When Captain Jorge Pacheco founded the town of Belén, on the Queguay (not yet the town of Yapeyú) in 1801, the governor of Paraguay, Bernardo de Velasco, as governor intendant of Misiones brought suit against the intendency of Buenos Aires for the possession of the shores of the Uruguay from Rio Negro northward. The *expediente* was paralyzed shortly after by the English invasions. The last provision bears the signature of Liniers.

This group of documents involves an important problem of jurisdiction apart from the interesting aspect it presents in relation to the history of our landed property. Up to what point did the government of Montevideo reach in Indian legislation, and what was its boundary with the intendency of Misiones? In the "Declaration" of the Marquis de Avilés, that no unappropriated lands are found among the Indians, it is stated that the land is not the property of the natives, but that it is always included in the Crown and that the Indians are only tenants. The registers and divisions establish the fact that the land is given at a quitrent, and this is the first trial of tenancy in our country.

Ladies and Gentlemen: This group of documents made up of elements of the Archivo de la Escribanía de Gobierno is capable of being greatly extended. Not only in what refers to the divisions already described, but various new points of gravitation may be formed, about which other aspects of economic and social life may be developed, and which it has been impossible to develop within the narrow limits of this brief review.

If the group were completed and published, we should see an entire process linked up and made organic, which all the living forces of the city and of the colonial region contribute in forming.

The detached institutions of the group would appear in the place really occupied by them in the social medium which they had created; and some meritorious figures now obscured would appear showing forth the real share they had in the formation of the social body, out of which, with the lapse of time, was to spring the future nationality.

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 NOTES

## PERIODICALS IN PARAGUAY

The following list is taken from pp. 158–159 of *Paper, Paper Products, and Printing Machinery in Argentina, Uruguay, and Paraguay*, by Robert S. Barrett (Washington, Government Printing Office, 1918), which is "Special Agents Series" no. 163 published by the Bureau of Foreign and Domestic Commerce.

*Newspapers and Stated Publications in Asunción*

*La Tribuna*, Palmas 425; afternoon daily; established 1915; 8 pages, 16 by 22 inches; circulation, 3,500. Equipment: Augsburg (German) cylinder press; Mergenthaler; three typographs (German). Foreign subscription price, \$12 per annum; advertising rates, \$2.50 per inch per month.

*El Diario*, Estrella 352; afternoon daily; established 1904; 6 pages, 16 by 22 inches; circulation, 3,000. Equipment: Augsburg (German) cylinder press; two Mergenthalers. Foreign subscription price, \$10 per annum; advertising rates, \$2.75 per inch per month.

*El Liberal*, Palma 281; afternoon daily; established 1912; 8 pages, 14½ by 20½ inches; circulation, 2,000. Equipment: Marinoni (French) cylinder press. Foreign subscription price, \$10 per an.; advertising rates, \$2.50 per inch per month.

*Los Principios*, Libertad 47; afternoon daily; established 1908; 4 pages, 16 by 23 inches; circulation, 1,000. Equipment: Marinoni (French) cylinder press. Foreign subscription price, \$12 per an.; advertising rates, \$2 per inch per month.

*El Nacional*, Villarica 211; afternoon daily; established 1916; 6 pages, 16 by 23 inches; circulation, 1,000. Equipment: Marinoni (French) cylinder press. Foreign subscription price, \$10 per annum; advertising rates, \$2 per inch per month.

*Patria*, Alberti 214; afternoon daily; established 1916; 4 pages, 17½ by 26 inches; circulation, 1,000. Equipment: Marinoni (French) cylinder press. Foreign subscription price, \$10 per annum; advertising rates, \$1.50 per inch per month.

*Comuneros*, Benjamin Constant 180; afternoon daily; established 1917; 4 pages, 14 by 20½ inches; circulation, 1,000. Foreign subscription price, \$10 per annum; advertising rates, \$1.50 per inch per month.

*El Noticiero Alemán*, Independencia Nacional 275; biweekly in Spanish and German; 8 pages, 9 by 12½ inches; circulation, 1,000. Local subscription price, \$2 per annum; printed by H. Krause.

*Revista del Comercio*, Palma 182; bimonthly bulletin of the Chamber of Com-