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Defining the Internal Borders of the Empire: Conceptions of Territory during the Process of Independence. Brazil, 1820 Decade

By Vitor Marcos Gregório

Abstract- The process of construction and consolidation[1] of any modern national State necessarily involves the definition of its territory. That does not end with the geographical aspects of the issue, which are in themselves endowed with the complexity inherent to the delimitation of borders designed to separate "us" (presented as civilized and desirable), from "they" (often associated with barbarism). A national sovereignty's exclusive space, the territory of the 19th century posed a series of practical and theoretical problems that directly influenced the creation of variated governmental apparatus, offering unique opportunities for understanding them. Federation or centralized regime? How were provinces or states divided? What forms of government were adopted in the various parts of the national State? Just some of the central choices that needed to be made throughout the process of constitution of modern States that say a lot about the idea societies had of themselves and of others in the moment they decided to constitute an autonomous national community, in some way, unique.

Keywords: *territory – provinces – constitution – empire of brazil.*

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Defining the Internal Borders of the Empire: Conceptions of Territory during the Process of Independence. Brazil, 1820 Decade

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Abstract- **The process of construction and consolidation[1] of any modern national State necessarily involves the definition of its territory. That does not end with the geographical aspects of the issue, which are in themselves endowed with the complexity inherent to the delimitation of borders designed to separate "us" (presented as civilized and desirable), from "they" (often associated with barbarism). A national sovereignty's exclusive space, the territory of the 19th century posed a series of practical and theoretical problems that directly influenced the creation of variated governmental apparatus, offering unique opportunities for understanding them. Federation or centralized regime? How were provinces or states divided? What forms of government were adopted in the various parts of the national State? Just some of the central choices that needed to be made throughout the process of constitution of modern States that say a lot about the idea societies had of themselves and of others in the moment they decided to constitute an autonomous national community, in some way, unique.**

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Introduction

The study of the different meanings given to the concept "territory" during the Brazilian imperial period requires an exercise in historiographical deconstruction. One of the most important elements for the conformation of the different national states, the territory is frequently considered by the national historiographies as something that pre-exists to the nation itself, as an element forged by nature with the purpose of being occupied by a certain people and a precise administrative apparatus. In this way, we must deal with a true myth of origin in which nation and territory are intertwined, making it almost impossible to identify where one ends and the other begins during the process of forging both administrative apparatus and identity discourses in the 19th century.

Thanks to this discursive construction, the division of geographic spaces between different human groups – a complex and eminently political action – ends up acquiring a natural character that relieves scholars of the need to understand the historical process that culminates in its definition. After all, if it is assumed that a certain area is destined to be occupied by a specific people, the possibility that this fact could not happen disappears from the horizon, and the implementation of the necessary measures to guarantee that the plans formulated in theory becomes real turn to be a matter of less importance in the field of study.

There are works that question the denial of historicity to the process of construction of this concept which is, in its very foundations, historical. Authors such as Charles Maier[2], Stuart Elden[3], David Delaney[4], Benjamin Arnold[5], Peter Sahlins[6], among others[7], have demonstrated in their research that, far from being universal and exempt from debate, the broader idea of what is (or what should be) the territory underwent several resignifications over time, which also varied according to the region, the people, and the political regime in which this process occurred.

Far from being a conceptually neutral term, these works show that the territory is, itself, a complex process of construction and deconstruction, action and reaction, a constant rethinking about a concept that even though is presented as static, in no way can be

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[2] MAIER, Charles S. *Once within borders*: territories of power, wealth, and belonging since 1500. Cambridge, MA: Harvard University Press, 2016.

[3] ELDEN, Stuart. *The birth of territory*. Chicago: University of Chicago Press, 2013.

[4] DELANEY, David. *Territory*: a short introduction. Malden: Blackwell, 2005.

[5] ARNOLD, Benjamin. *Princes and territories in medieval Germany*. Cambridge: Cambridge University Press, 1991.

[6] SAHLINS, Peter. *Boundaries. The making of France and Spain in the Pyrenees*. Berkeley: University of California Press, 1991.

[7] As reference for works that analyze the construction of the concept "territory" as a historical object, with its local and temporal specificities inherent to its resignification, see: CASTELLS, Luis (ed.). *Del território a la nación*: identidades territoriales y construcción nacional. Madrid: Biblioteca Nueva, 2006; JONES, Rhys. *People/states/territories*: the political geographies of British State transformation. Malden: Blackwell, 2007; ALESINA, Alberto; SPOLAORE, Enrico. *The size of nations*. Cambridge, MA: MIT Press, 2005; HANNA, Matthew. *Governmentality and the mastery of territory in Nineteenth-Century America*. Cambridge: Cambridge University Press, 2000; BARTOV, Omer; WEITZ, Eric D. *Shatterzone of Empires*: coexistence and violence in the German, Habsburg, Russian, and Ottoman borderlands. Bloomington: Indiana University Press, 2013; DIENER, Alexander C.; HAGEN, Joshua. *Borderlines and Borderlands*: political oddities at the edge of the nation-state. Lanham: Rowman & Littlefield, 2010; BUCHANAN, Allen; MOORE, Margaret. *States, nations, and borders*: the ethics of making boundaries. Cambridge: Cambridge University Press, 2003.

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understood as such. Even its most classic definition, which presents it as a "defined space under the control of a group of people that establishes more or less clear borders, imposes on it an exclusive sovereignty and makes it respected by external entities", is historically defined; in other words, it did not always exist, nor in all regions of the world.

In this sense, the territory appears as a word, as a concept and as a practice, with each one of these facets - and the relationship between them - understandable from the point of view of historical analysis that makes it, in this way, a privileged object of study and a unique instrument for the understanding of innumerable political, economic, and social processes related to it[8]. If it is true that the state entities that emerged and/or were consolidated throughout the 19th century cannot be adequately understood without a necessary allusion to the question of their territorial definitions, it is also undeniable that these definitions cannot be correctly analyzed without a reference to the analysis of the meaning (or the meanings) that the builders of these entities lent to the territory they intended to define.

João Paulo Garrido Pimenta briefly analyzed how this process of naturalization of territorial spaces occurred in the Brazilian case[9]. In this sense, he pointed out that Francisco Adolfo de Varnhagen, one of the most important Brazilian historians in 19th century, defined the Treaty of Madrid, signed – but not ratified – in 1750 between Portugal and Spain, as the definitive document of the "national borders" even before the existence of the Brazilian national state. He also stated that Rocha Pombo, another historian from the beginning of the 20th century, presented Portuguese America as an entity always destined to be independent and to occupy the space that would later become the territory of Brazil. A direct continuity without any surprise that would be repeated, according to Pimenta, also in the works of Pedro Calmon and Hélio Viana, reaching its apex with Jaime Cortesão in a book published between 1952 and 1956, which was central for several later works[10].

The basic idea presented in the myth of the "island of Brazil", concepted by Cortesão, is this: the geography that would come to conform the Brazilian space must meet an almost geometric shape between the course of two great rivers (Amazon and Prata), whose aquatic sources would have to be found in a large unifying lake. In this way, the Portuguese colony was defined as having, as an essential characteristic, the only space made by nature as one "legendary *fluvio lacustrine* arch", for the simple delight of the European colonizer. Thus, the historical accounts of colonial exploitation disappeared, inherited by the Brazilian state as evidence of divine origin, through a gift of the elements of nature to which no will could resist[11].

This unity, ideologically conferred by the myth of the "island of Brazil", gave to the Portuguese expansionism through the figure of the *bandeirante* a much needed historiographical explanation, since this was a process that dissolved the legal limits imposed by the Treaty of Tordesilhas, signed by Portugal and Spain in 1494. It was based on the premise that the Brazilian State would be constituted as a simple update of the "island of Brazil", thus representing a continuity in terms of cultural space and national consciousness of this colonial-era idea[12]. This would be guaranteed by its national territory, since it would be the same one inherited by the Portuguese centuries before, which would be made official by the already referred Treaty of Madrid. This, also, would give Alexandre de Gusmão (the Portuguese negotiator in these meetings) the right to be later considered the first defender of legitimate Brazilian national interests – even before the very idea of "Brazil" as a sovereign nation were formulated as such.

José Honório Rodrigues was another historian who tended to saw, in the colony, the national state that was still very far from being constituted. In his analysis of the historiography produced between the 17th and the beginnings of the 19th century, Rodrigues presented the accusation that these authors "did not have totalizing concerns, limiting themselves to making only episodic narratives of regional trajectories". This would be the reason why, in this period, efforts to build local historical narratives (for instance, of the French presence in the making of Maranhão state; the Amazon history through disputes between Portuguese, English and Dutch militaries; or the "bandeirante" or Jesuit trajectories, important for the São Paulo and southern Brazil history) were numerous, but none of it was capable of accounting for one Brazilian "general history".

According to Rodrigues, what made this general panorama even more bleak was the fact that authors such as Sebastião da Rocha Pita demonstrated, in their works, "anti-Brazil and pro-Portugal" sentiments, thus producing "servile" analyzes whose main objective was to be read only by the Portuguese people, never by Brazilians. Thus, books "stripped of the essence of the national character" would be created, a criticism that completely loses its meaning when we remember that its target are studies carried out at a time in which there was still no trace of Brazilian nationality in the Portuguese colonies of America[13]. Furthermore, the

[8] ELDEN, Stuart. Op. Cit.
[9] PIMENTA, João Paulo Garrido. *Estado e nação no fim dos impérios ibéricos no Prata (1808-1828)*. São Paulo: Hucitec. 2006.
[10] Ibidem.
[11] MAGNOLI, Demétrio. *O corpo da pátria*: imaginação geográfica e política externa no Brasil (1808-1912). São Paulo: Editora Unesp, 1997.
[12] Ibidem.
[13] PIMENTA, João Paulo Garrido. *Estado e nação*… Op. Cit., p. 42-43. For an interesting analysis of the multiple identities existing in

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concept of "national" had, them, a completely different meaning related to the ones concepted during the 19th and 20th centuries, as many authors have demonstrated in the last few years[14].

João Paulo Garrido Pimenta offers an important explanation to why the national territory cannot be considered as a natural and unquestionable continuity of the spatial organization forged by the Portuguese metropolis for its colony[15]. According to this author there is, between these two spatial realities, a basic political contradiction, generally disregarded by the interpretations that tend to evaluate one as an inevitable consequence of the other: the State that led to the conformation of a certain territory, in the American continent, could only arise as a negation (or overcoming) of the colony that preceded it and of everything it represented.

In this sense, in the colonial system there was a political regime strongly centered on the figure of the monarch, respected and feared by all as the only person appointed by God to decide on the fate of his subjects and to dispose of the lands bequeathed to him by inheritance from his predecessors which, in turn, had conquered them in almost immemorial times through wars, conquests and donations. With the political independence, proclaimed in 1822, a system forged on the liberal principles of the 19th century emerged, based on popular participation through the action of elected parliamentarians, and in which the emperor owed his power to a delegation carried out by his subjects. In this new arrangement the monarch, far from having rights and duties granted to him by the divinity himself (the only entity to whom he would be, ultimately, responsible), had them rigidly defined by a Constitutional charter, and could no longer legislate or judge according to their free will, since specific powers had been created in law for these purposes. The territory, in this new political reality, ceased to be a personal property inherited by the bearer of the crown and the scepter of his elders, and became the space for the jurisdictional action of a nation through its representatives, who were solely responsible for defining and organizing it.

Empirical analysis seems to confirm this theorization. In fact, the comparison between the processes for creation of new administrative units in the Portuguese colony and those that took place after the political rupture with the European metropolis shows a remarkable difference in terms of rites, vocabulary and issues raised. In the ones that took place during the so-called Portuguese Ancien Régime personalist terms abound, centered on the figure of the monarch who was presented as solely responsible for the decision to re-divide his lands determining, in the same act, the necessary measures to guarantee that this action resulted in the objectives deemed as useful or necessary. In those carried out after 1822, the process of territorial reorganization became an arduous and complex sequence of debates and decisions, in which multiple and contradictory ideas and objectives were formulated before one of them were approved and sent to imperial sanction. Besides the Parliament, such debates could take place (actually, it was intended to take place) in any public spaces in which public opinion was free and able to express its ideas clearly, defending its positions and contesting the contrary ones.

The press frequently acted as one of these spaces, either by publishing letters and articles in periodicals, or by renting their printers to publish books and pamphlets. At the same time, the new political system allowed the population without access to these means to also express themselves through the conservation of an instrument originating from the Ancien Régime - the petitions and representations sent to the parliamentarians, who would be responsible for taking final decisions on whether to attend or reject it. Chosen by suffrage to represent the nation, bearer of a sovereignty that until then was concentrated exclusively on the person of the monarch, only deputies and senators could present, approve, and reject proposals that would imply significant changes in the space of exclusive action of this same sovereignty: the national territory. The differences could hardly be more accentuated. The political rupture of 1822 which, unpredictable until its last political movements, imposed the need to create a new state apparatus, forged a political discourse that, rescuing elements of an idealized territorial past, aimed to create and consolidate a new constitutional monarchy.

Portuguese America even in the years closest to the beginning of the process of political rupture with the European metropolis, see: JANCSÓ, István; PIMENTA, João Paulo Garrido. Peças de um mosaico (ou apontamentos para o estudo da emergência da identidade nacional brasileira). *In*: MOTA, Carlos Guilherme (org.). *Viagem incompleta*: a experiência brasileira (1500-2000): formação: histórias. São Paulo: Editora Senac SP, 2000. p. 127-176.

[14] As references, among others: GUERRA, François-Xavier. A nação moderna: nova legitimidade e velhas identidades. *In*: JANCSÓ, István (org.). *Brasil*: formação do Estado e da nação. São Paulo: Hucitec, 2003. p. 33-60; CHIARAMONTE, José Carlos. Metamorfoses do conceito de nação durante os séculos XVII e XVIII. *In*: JANCSÓ, István (org.). *Brasil*: formação do Estado e da nação. São Paulo: Hucitec, 2003. p. 61-92; KEMILÄINEM, Aira. *Nationalism*: problems concerning the word, the concept and classification. Jyväskylä: Kustantajat, 1964; GELLNER, Ernest. *Nations and nationalism*. Malden: Blackwell, 2006; GAT, Azar; YAKOBSON, Alexander. *Nations*: the long history and deep roots of political ethnicity and nationalism. Cambridge: Cambridge University Press, 2013; HOBSBAWM, Eric J. *Nações e nacionalismo desde 1780*: programa, mito e realidade. Rio de Janeiro: Paz e Terra, 2002; HOBSBAWM, Eric J.; RANGER, Terence (org.). *A invenção das tradições*. Rio de Janeiro: Paz e Terra, 2002; ROSSOLILLO, Francesco. Nação. *In*: BOBBIO, Norberto; MATTEUCCI, Nicola; PASQUINO, Gianfranco. *Dicionário de Política*. Brasília, DF: Editora da Universidade de Brasília; São Paulo: Imprensa Oficial do Estado, 2000. p. 795-799.

[15] PIMENTA, João Paulo Garrido. *Estado e nação*… Op. Cit., p. 50-51.

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I. The Captaincies: Territory as Property of the King

The decree that determined the creation of the captaincy of Sergipe, published on July 8, 1820, was abundant in personalist nature terms, leaving no room for doubt about the ideology that governed the making of this decision:

> It is very convenient for the good regime of this kingdom of Brazil, and for the prosperity to which I propose to elevate it, that the Captaincy of Sergipe de El-Rei have a government independent of that of the Captaincy of Bahia: that until now has been from the government of Bahia, declaring it totally independent, so that its Governors govern it in the manner practiced in the most independent Captaincies, communicating directly with the competent Secretariats of State, and being able to grant *sesmarias* in the form of My Real Orders.[16]

It was Dom João VI who proposed to guarantee the prosperity of his kingdom, adopting measures that suited his "good regime". After identifying, by means not explained in the document, that it suited the "good regime" of his kingdom to "exempt" Sergipe from the "subjugation" in which it found itself in relation to the government of Bahia, the monarch decided to declare it independent so that it could receive the administrative apparatus already established in other captaincies, which would allow faster communication with the higher levels of power and, therefore, greater agility in the adoption of measures deemed necessary for the development of the new administrative unit that was thus created.

The freedom to grant *sesmarias* also needed to be guaranteed, since it was about the right to usufruct an exclusive property of the crown. It is reasonable to assume that this decision was motivated by the reception of petitions from wealthy residents of Sergipe, or even reports from the region's administrators. But if so, it is also necessary to recognize that emancipation did not precede any broader debate in which broader strata of society were invited to participate. Ultimately, the decision was up to the monarch as the owner of the land whose organization was intended to be reformed and the bearer of a sovereignty that was confused with his own person. This formula had already been adopted before, as the decree promulgated on September 16, 1817, demonstrates:

> It is very convenient for the good regime of this Kingdom of Brazil, and for the prosperity to which I propose to elevate it, that the Province of Alagoas be dismembered from the Captaincy of Pernambuco and have its own Government that discreetly employs itself in the application of the most convenient means for this purpose to obtain the advantages that their land and situation can offer for the general benefit of the State and the particular benefit of its inhabitants and of my Royal Treasury: I exempt them absolutely from the subjection in which they have been to the Government of the Captaincy of Pernambuco, erecting a Captaincy with an independent government that governs it in the manner practiced in the other independent captaincies, with the faculty of granting *sesmarias*, according to my real orders, and reporting everything directly to the competent Secretariats of State. And in view of the good qualities that compete in the person of Sebastião Francisco de Mello e Povoas: I would like to appoint him Governor to serve for a period of three years or more, until he has a successor.[17]

In this decree Dom João was more specific, making clear what was expected from the rulers of the new administrative unit: the maximum use of natural resources and their economic potential in the sense that, with them, they could achieve the maximum possible benefit in favor of the Portuguese State, the inhabitants of the region that was now emancipated, and the royal treasury. This measure was taken in a very specific context. Just four months before, one of the most serious protesting movements against the old Portuguese regime had been defeated with great difficulty in the captaincy of Pernambuco, guaranteeing the restoration of an order that seemed increasingly threatened by the constant flow of news originating from the rebellious Spanish colonies, then in struggle by its independence[18]. To guarantee the achievement of the objectives outlined with the creation of the new captaincy, Sebastião Francisco de Mello e Póvoas was chosen, coming from a family that had close ties with the relatives of Sebastião José de Carvalho e Melo, the Marquis of Pombal, and that already had rendered several military services to the Portuguese crown. Póvoas, following his lineage, had also adopted the career of the officership when he was enlisted in the Real Armada, in 1806, becoming a captain, in 1808[19].

In the administrative area, Póvoas had already acquired some experience during the five years in which he governed the captaincy of Rio Grande do Norte (1811-1816). Considered one of the least expressive

[16] BRASIL. Decreto de 8 de julho de 1820. *In*: COLECÇÃO das Leis do Brazil de 1820. Rio de Janeiro: Imprensa Nacional, 1889. p. 48-49. Disponível em: http://bd.camara.gov.br/bd/handle/bdcamara/18335. Acesso em: 15 maio 2020. Tradução pelo autor

[17] BRASIL. Decreto de 16 de setembro de 1817. *In*: COLECÇÃO das Leis do Brazil de 1817. Rio de Janeiro: Imprensa Nacional, 1890. p. 58. Disponível em: http://www2.camara.leg.br/atividade-legislativa/legislacao/publicacoes/doimperio/colecao1.html. Acesso em: 15 maio 2020.

[18] PIMENTA, João Paulo Garrido. *A independência do Brasil e a experiência hispano-americana (1808-1822).* São Paulo: Hucitec: Fapesp, 2015; BERNARDES, Dênis Antônio de Mendonça. *O patriotismo constitucional*: Pernambuco, 1820-1822. São Paulo: Hucitec: Fapesp; Recife: UFPE, 2006; DUTRA, Eliana de Freitas; MOLLIER, Jean-Yves (org.). *Política, nação e edição*: o lugar dos impressos na construção da vida política: Brasil, Europa e Américas nos séculos XVIII-XX. São Paulo: Annablume, 2006.

[19] SANTOS, Fabiano Vilaça dos. Além da anedota: uma revisão da trajetória do governador Sebastião Francisco de Melo e Póvoas. *Acervo*: Revista do Arquivo Nacional, Rio de Janeiro, v. 25, n. 1, p. 139-160, jan./jun. 2012. Disponível em: https://bit.ly/3gs5fao. Acesso em: 16 maio 2020.

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command posts in Portuguese America on a scale that began with the government of captaincies such as Rio de Janeiro, Minas Gerais, Pernambuco or Bahia and ended with the command of those of lesser economic and political importance - in addition to that recently created (exactly the case of Rio Grande do Norte when governed by Póvoas, and that of Alagoas in 1817), it still represented a sign of deference of the monarchy towards those individuals from families that, if they were not one of the most important of the empire, had already provided some relevant services to the crown[20].

These appointments constituted the necessary counterpart of a political and social relationship that preserved several elements of the old rules of vassalage, according to which loyalty to the sovereign should be rewarded with the offer of commendations that varied according to the importance of the services provided. For families whose members had accomplished great deeds, possibly endangering large amounts of goods and people or ensuring the survival of the kingdom or ruling dynasty, greater advantages. For those lineages made up of vassals faithful to the Crown but, for some reason, devoid of such heroic or noteworthy acts, minor counterparts (but still full of meaning in deeply hierarchical societies, such as those of the Ancien Régime) were destined. The appointment to the government of the newly created captaincy of Alagoas or, in even more explicit terms, to the command of the also new captaincy of Piauí, dismembered from Maranhão in 1811, are examples of this type of concession:

> D. João by the grace of God, Prince Regent of Portugal and the Algarves, etc. I make it known to those who see this letter of mine that there is in respect for the good with which Amaro Joaquim Raposo de Albuquerque has served me; I would like to nominate him Governor of the Captaincy of Piauí, which I am served to dismember from the General Captaincy of Maranhão, so that his administration may be entirely independent of the one he was subordinate to, in order to be in the interests of those peoples and of my royal service, whose employment will exercise the said Amaro Joaquim Raposo for a period of three years and as long as I have him for good and do not appoint him a successor, and with the said government there will be the salary, which competes to him, paid in the form of my real orders, and will enjoy all the honors, powers, command, jurisdiction and authority that he has, and that his predecessor enjoyed, and the more that my royal orders and instructions are granted him. Therefore, I order the interim Government of the Captaincy of Piauí and the Officials of the Chamber to swear to the said Amaro Joaquim Raposo, and to all the Officers of war, justice and finance, I also order that they obey him in everything, carry out his orders and mandates, as to its governor; and the said Amaro Joaquim Raposo will swear in my chancellery, in the usual way, that will be signed on the back of this charter of mine; and before departing this Court, he will pay homage to the said government in my royal hands, according to the usage and custom of these Kingdoms; that a certificate from my Secretary of State will be presented. And for the sake of firmness, I ordered him to present this document signed by me and sealed with the great seal of my Arms[21].

Certainly Amaro Joaquim Raposo de Albuquerque provided, before receiving this charter, relevant services to the Portuguese crown (or, at least, he belonged to a family that had provided them). With this document it was time to receive the retribution, which should be thanked through the accomplishment of the due tributes already foreseen by the "usage and customs" of the kingdom. In this way, Piauí became one of the administrative units of Portuguese America, dismembered from Maranhão which, like Bahia (in the case of Sergipe) and Pernambuco (in the case of Alagoas), could do little to prevent the division of its territory. This was yet another decision taken by the monarch which, for that very reason, could not be challenged. Very different – and longer – would be the processes of creating new provinces after the constitution of the Brazilian national state, in 1822.

II. The Making of Provinces in the Empire of Brazil: The Constitutional Project of 1823, and the Constitution of 1824

The first debates on the administrative division of the newly created Empire of Brazil took place during the work of the Constituent Assembly of 1823 and were part of a much broader discussion, which dealt with its political configuration. Unitary State or Federalism? A regime based on the existence of a central government, with an exclusive monopoly for making decisions concerning the policies adopted in all corners of the country, or a system organized in such a way that the competences of the administration were divided between the central and provincial powers, holders of the necessary autonomy to adopt the measures considered pertinent to their internal affairs?

The issue of federalism, presented as an "eminently Pernambuco political sensitivity" at the beginning of the 19th century[22], involved the defense of very clear political and economic interests. In his view, it was born from the desire that, once the unity that linked the kingdoms of Portugal, Brazil and the Algarve had

[20] MONTEIRO, Nuno Gonçalo. Governadores e capitães-mores do império atlântico português no século XVIII. *In*: BICALHO, Maria Fernanda; FERLINI, Vera Lúcia Amaral (org.). *Modos de governar*: ideias e práticas políticas no império português (séculos XVI-XIX). São Paulo: Alameda, 2005. p. 93-115.

[21] BRASIL. Carta Patente de 30 de maio de 1811. *In*: COLECÇÃO das Leis do Brazil de 1811. Rio de Janeiro: Imprensa Nacional, 1890. p. 59-60. Disponível em: http://www2.camara.leg.br/atividade-legislativa/legislacao/publicacoes/doimperio/colecao1.html. Acesso em: 16 maio 2020.

[22] MELLO, Evaldo Cabral de. *A outra independência*: o federalismo pernambucano de 1817 a 1824. São Paulo: Editora 34, 2004. p. 13

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been broken, political sovereignty would immediately revert to the provinces. In this way, these political units would be free to agree on a new constitutional order that would keep them together, if they saw this solution as interesting, or else to make use of the right to constitute themselves separately under the political system that best served them. Only the specific interests of each region should serve as a guide for the path to be followed, whether in the sense of conforming a constitutional union, or in any other way[23].

This project was strengthened with the transfer of the Portuguese monarchical administrative apparatus to Rio de Janeiro, in 1808. This was due to the fact that from then on this captaincy – and the economic elites based there – began to rely on a privileged relationship with the Crown to the detriment of all the others, the royal presence being responsible for making the income from the economic development of all the regions of Portuguese America flow to it. In this way, an asymmetrical situation would have been configured, by virtue of which Rio de Janeiro came to be seen as a "parasite of the Portuguese Empire", attracting the "hatred of all the provinces". Hatred that would become stronger in those located to the north, in which the advantages reaped from the new political situation were considered minor, even if the burden to be paid for belonging to the Portuguese empire was not reduced in the same proportion[24].

In this sense, the impossibility of taxing a large part of imports to the colonies (due to a trade treaty signed with England in 1810), combined with the need to finance the establishment of the Portuguese bureaucratic apparatus in Rio de Janeiro, made the Crown resort to new and greater charges on cotton and sugar production, precisely the main sources of funds for the Pernambuco economy. This new reality created, in the eyes of its elites, a situation of suffocation that meant that all the discontent previously focused on Lisbon was redirected to the new capital, located in the south. From this point of view, the subjection to the government located there became doubly vexing, since now the people of Pernambuco would have to resort, for the solution of their internal problems, to another captaincy until then understood as an equal. According to the historian Evaldo Cabral de Mello, "nativist resentment concluded that Lisbon was no longer in Lisbon, but in Rio"[25].

In this way, the defense of the federative system was presented as an attempt to rid the other regions of Portuguese America (in this case Pernambuco, specifically) from a situation presented as extremely harmful. The federal government emerged as a political regime capable of guaranteeing each province the ability to manage its own interests in the way that best suited them, thus putting an end to the justifications for sending large amounts of money to Rio de Janeiro which, as a "parasite of the Empire", only occupied it in his own interests without reverting any resources into policies that would please the other parts of the Empire. The Pernambuco elite, from this point of view, would not be separatist. After independence, it was willing to participate in the composition of the new State, as long as the political arrangement to be adopted would favor this federalist solution. Frei Caneca himself, leader of the Confederation of Equator[26], had defended the monarchic regime, in 1823, if he granted autonomy to the provinces. It would have been only with the defeat of this solution, materialized with the closing of the Constituent Assembly by D. Pedro I, that these groups would start to defend separatist proposals[27].

Ivo Coser analyzes, in his work, important elements for the understanding of this broader debate through the study of the concepts of "centralization" and "federalism" presented in speeches given in the Constituent Assembly of 1823[28]. At that time, the idea of centralization was practically the same one that would remain throughout the 19th and 20th centuries: a central government with a strong concentration of attributions, responsible for maintaining the unity of the State through its action in its various localities. An important point is that this concept was more about the end than about the means since centralization could occur either through a federative political arrangement or through a unitary system[29]. In other words, the decision for a centralist solution did not exclude, a priori, the option for a federative-type regime, since this configuration was

[23] Ibidem. It is important to remember that this conception of the constitutional organization of national states as a result of a voluntary adhesion of its various parts is not an exclusive innovation of the Pernambuco case, being present in several moments of the process of rupture of the former Spanish colonies with their metropolis at the same time. Cf. PIMENTA, João Paulo Garrido. *A independência do Brasil*… Op. Cit.; CHIARAMONTE, José Carlos. *Cidades, províncias, estados*: origens da nação argentina (1800-1846). São Paulo: Hucitec, 2009; TERNAVASIO, Marcela. *Historia de la Argentina, 1806-1852.* Buenos Aires: Siglo Veintiuno, 2013; OSZLAK, Oscar. *La formación del Estado argentino*: orden, progreso y organización nacional. Buenos Aires: Ariel, 2012; ARNALDI, Waldo et al. *Argentina*: la construcción de un país. Buenos Aires: Sudamericana, 2009; entre outros.

[24] MELLO, Evaldo Cabral de. Op. Cit.

[25] Ibidem, p. 35.

[26] Colocar nota explicando brevemente o que foi a confederação do Equador

[27] Ibidem. Miriam Dolhnikoff disagrees with this interpretation, arguing that the federalist project was not exclusive to the elites of Pernambuco and Bahia, but also to several other provinces, such as São Paulo and Rio Grande do Sul, cases analyzed in her book. Likewise, according to the author, the closing of the Constituent Assembly did not mean the definitive defeat of this proposal which would later have returned with force and become victorious through the promulgation of the Additional Act of 1834 (DOLHNIKOFF, Miriam. *O pacto imperial*: origens do federalismo no Brasil. São Paulo: Globo, 2005).

[28] COSER, Ivo. *Visconde do Uruguai*: centralização e federalismo no Brasil, 1823-1866. Belo Horizonte: Editora UFMG; Rio de Janeiro: Iuperj, 2008.

[29] Ibidem.

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one of the possible strategies to endow the central government with the necessary capacity to act throughout the territory, but it prevented that the specific type of federation proposed during the 1823 debates prevailed.

For the federalists of the Constituent Assembly, the provinces should be understood as sovereign states with full autonomy to legislate on everything that would concern to their specific interests. They could even reject the constitutional charter that was being drafted since, after the conclusion of the works, the sovereignty temporarily delegated to the Assembly would return to the provinces which could or could not accept the presented provisions[30]. In this sense, the definition of territorial unit would only be guaranteed when all parts of the former Portuguese colony freely declared that they accepted the new Constitution; before that fundamental moment, therefore, there would be no State but only a group of legislators striving to guarantee its viability.

The success of the enterprise would be determined, in a unique and exclusive way, by the scrutiny of the regions that, as intended, would be the components of the nation. The new empire was equated, according to this view, with a society formed by individuals – the provinces – who had in the pursuit of their own interests the reason for their existence, according to the classical liberal formulation[31]. From this individual search, the "happiness" of the nation would emerge just as in civil society the "public good" would emerge from everyone's search for their own happiness. It did not matter, in this sense, what form of government would be adopted to achieve this desideratum. The most important thing was that each province had to have the widest possible freedom to serve its specific interests. The general progress of the new Brazilian institutional arrangement would emerge from each one's ability to achieve this objective.

The defense of a concept of federalism that defined the constituent parts of the former Portuguese colony as sovereign entities possessing autonomy to even refuse being part of the new national state gains highlighted importance when analyzing the debates around the second article of the constitutional project of 1823. This, in turn, is directly related to three others, which form the first title of the document, called "the territory of the Empire of Brazil":

> *Title I*
> From the Territory of the Empire of Brazil
>
> *Art. 1:* The Empire of Brazil is one, and indivisible, and extends from Oyapock river to thirty-four and a half degrees to the south.
>
> *Art. 2:* It comprises the provinces of Grão Pará, Rio Negro, Maranhão, Piauí, Ceará, Rio Grande do Norte, Paraíba, Pernambuco, Alagoas, Sergipe d'El Rei, Bahia, Espírito Santo, Rio de Janeiro, São Paulo, Santa Catarina, Rio Grande do Sul, Minas Gerais, Goiás, Mato Grosso, the Islands of Fernando de Noronha, Trindade, and other adjacent islands; and, by Federation, the Cisplatina.
>
> *Art. 3:* The Brazilian Nation does not waive the right it may have to certain other possessions not included in article 2.
>
> *Art. 4:* The Territory of the Empire shall be conveniently divided into Counties, these into Districts, and the Districts into Terms, and in these divisions natural limits and equality of population shall be taken into account, as far as possible.[32]

It is not the purpose of this paper to carry out an in-depth analysis of these debates, but only to draw attention to the richness of detail with which the Brazilian territory was regulated in this proposal, which ended up not being adopted. There is, here, a real concern in defining and naming exactly which provinces made up the new country, how they should be subdivided and under what title they were being incorporated into the new state. It is even possible to advance the hypothesis that it is from the definition as a gathering of the former parts of the Portuguese colony in America that this descriptive effort arises. It would be the union of the provinces, through the free acceptance of the charter that was being drawn up, that would make the new empire one and indivisible. In this sense, it would emerge from the union of preexisting administrative units that guaranteed its viability through a broad agreement accepted by all and concretized in the constitutional charter. First there were the provinces, and only then, from an agreement between them, would the Brazilian national state be born.

The fourth article is very eloquent in this sense, as it precisely defines the way in which these fundamental units of the Brazilian territory could be subdivided: into counties, districts, and terms, whenever possible respecting natural limits and equality of population. Not a word is said about the possibility of creating new provinces from the division of the existing ones; the possibility of the emergence of new administrative units is contemplated only in the third article, through the incorporation of possessions not included in the description made in the second article. These may seem minor details, but they gain a new dimension when placed face to face with the provisions of the Constitution granted in 1824 (and which would govern the country's destinies for 65 years), which defines the territorial organization of the empire as follows: "Art. 2 – Its territory is divided into provinces, in the form in which it is currently found, which may be subdivided, such as asking for the good of the State".[33]

[30] Ibidem.
[31] Ibidem.

[32] PROJECTO de Constituição para o Império do Brazil. *In*: MARTINS, Eduardo. *A assembléia Constituinte de 1823 e sua posição em relação à construção da cidadania no Brasil*. 2008. Tese (Doutorado em História) – Universidade Estadual Paulista, Assis, 2008. p. 177-193.
[33] BRASIL. Constituição Política do Império do Brazil. Carta de Lei de 25 de março de 1824. *In*: COLECÇÃO das leis do Império. Rio de

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The differences are striking. The four articles of the 1823 project were condensed into a single one in the Constitution granted by Dom Pedro I the following year. The precise definition of the territory of the empire that was planned to be built, the meticulous naming of its constituent parts, the exact circumscription of the possibilities for redividing the provinces was replaced by a simple and direct formula, one could say almost simplistic, but loaded with implicit meanings that should be analyzed even if briefly.

The first sentence of this article, precisely the one intended to define the territory of the new national state, presents a direct opposition to the conception present in the 1823 project. While in the latter the empire is formed from the union of preexisting units, in the former the idea is completely inverted through the formulation "its territory is divided into provinces". It seems beyond doubt that we are dealing with different conceptions of territorial space. In the 1824 Charter, the empire is divided into provinces, thus constituting a primordial unity[34].

José Antônio Pimenta Bueno (1803-1878), Marquis of São Vicente, in his analysis of the Brazilian Constitution written in the mid-19th century, was one of the theorists of the imperial political system who made a big effort to explain why national unity preceded the provinces in the new state, and not the other way around. According to his definition of the Brazilian territory, this would be constituted by all the possessions that the Portuguese monarchy had in America at the time of emancipation. The justification for this principle rests on the same logical construction based on the idea of the ancestry of national spaces, as analyzed above:

> The Portuguese owned all these territories together with the Brazilians, just as the Brazilians owned the overseas territories, too. Separating, and constituting the Brazilians in independent nationality, they separated and constituted themselves with all the possessions that the common Crown had in Brazil. This was the territorial condition inherent to their emancipation, this fact and right confirmed by the recognition of their independence, as well as by nations in general, and particularly by the Portuguese nation.[35]

Based on the assumption of an ancestral nation formed by Portuguese and Brazilian people, designations formed during the independence process[36], Pimenta Bueno conceived a dichotomous reality according to which, from the political rupture between both parties, the inheritance of the American portion of the former Portuguese empire by the new Brazilian state emerges as an obvious and undeniable consequence. If, in the Spanish colonies, this transition occurred in a traumatic way creating the conditions for division of the old administrative units, in Brazil it would have been a practically automatic fact confirmed by the recognition of all countries and, very specifically, of the Portuguese themselves.

In this thesis there is no space for the regional identities present in the debates held in the Constituent Assembly of 1823. What is more, any possibility of the formative parts of the nation refusing to be part of it is completely denied, as a refuse to accept the *fait accompli* recognized by all. That is the definition of a political dogma recognized by the author himself as a sacred attribute arising from the independence of the nation, and as the primordial bases of its interior and exterior greatness: the indivisibility of its territory[37]. In this sense, indivisible as it was, the Brazilian empire would be formed by provinces that were nothing more than circumscriptions, local or partial units of "one and the same general unit". This justified the constitutional possibility of its free subdivision, with a view only to the good of the State[38], and exempted the country's main law from providing about its exact spatial disposition.

Unlike the 1823 project, the Constitutional Charter of 1824 opened a wide margin of interpretation for the conditions under which Brazilian provinces could be subdivided. They could be, certainly, in counties, districts and terms, governmental strategies adopted to facilitate the administration of the provincial space – in theory, at least. But, from now on, they could also be subdivided into new provinces opening an unprecedented possibility for the territorial organization of the empire. Although only two new administrative units of this type were created during the entire monarchic period (Amazonas, separated from Grão-Pará in 1850; and Paraná, former São Paulo´s county, in 1853), both after years of arduous parliamentary debates[39], numerous projects of emancipation circulated in parliament throughout the nineteenth

Janeiro: Imprensa Nacional, 1824. v. 1, p. 27. Disponível em: https://bit.ly/3cGhpdq. Acesso em: 16 maio 2020.

[34] Another interesting possibility of explanation for the lack of detailing of the constituent provinces of the Empire in the Constitution of 1824, is the safeguarding of expansionist interests related to other regions, such as, for example, Angola, in Africa. It is, however, a hypothesis that requires extensive research that goes far beyond the limits of this article to be proven.

[35] BUENO, José Antônio Pimenta. Direito público brasileiro e análise da constituição do império. *In*: KUGELMAS, Eduardo (org.). *José Antônio Pimenta Bueno, Marquês de São Vicente*. São Paulo: Editora 34, 2002. p. 79-80

[36] About this matter, among others: RIBEIRO, Gladys Sabina. *A liberdade em construção*: identidade nacional e conflitos antilusitanos no Primeiro Reinado. Rio de Janeiro: Relume-Dumará, 2002; BERBEL, Márcia Regina. *A nação como artefato*: deputados do Brasil nas cortes portuguesas, 1821-1822. São Paulo: Hucitec, 2010; COSTA, Wilma Peres; OLIVEIRA, Cecília Helena de Salles (org.). *De um Império a outro*: formação do Brasil, séculos XVIII e XIX. São Paulo: Aderaldo & Rothschild, 2007; PIMENTA, João Paulo Garrido. *Estado e nação*… Op. Cit.

[37] BUENO, José Antônio Pimenta. Op. Cit.

[38] Ibidem, p. 81.

[39] About this matter, see: GREGÓRIO, Vitor Marcos. *Dividindo as províncias do Império.* Curitiba: Appris, 2021.

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century. To motivate them, there were varied economic[40] and political[41] topics, which could also be used as an argument for those deputies committed to prevent the division of their provinces of origin, often presented as liable to serious harm if the proposals were approved in a vote.

Since, according to the Constitution, the provinces of the empire could only be subdivided according to the needs of the "good of the State", and the parliament was constituted as the only governmental instance in which the nation was represented to legislate seeking to this aim, it is simple to understand why it was in this place that the proposals that aimed to create new administrative units from the dismemberment of the old ones were debated and submitted to the votes[42]. This made the approval of emancipation projects a very difficult objective to achieve, since it involved the need to convince deputies from all different regions that the measure was in the general interest of the nation and, as such, deserved to be adopted. In the case of the representatives of the provinces that were to be dismembered, this meant convincing them to vote for a measure that would result in the loss of income, territory, population and, possibly, parliamentary representation of an entire region whose inhabitants had elected them. In the case of representatives of all the others, the only possible strategy was to argue that the creation of a new administrative unit would be useful for the entire country to the point of offsetting a possible increase in public spending, which would certainly have to come accompanied by a corresponding rise in income from tax collection.

But which provinces could be subdivided in the name of "the good of the State"? Here, once again, the Charter of 1824 adopted a formula quite different from that present in the draft of 1823. In its terms, the territory of the empire should be divided "in the form in which it is presently found", a direct sentence that induces the reader to believe that this issue was easily resolved by the drafters of the document and, more importantly, by all those involved in the construction of the new State apparatus. After all, the thesis of territorial continuity was enshrined with this formulation as elaborated by the Marquis of São Vicente and reproduced by several authors in the following decades. Since the territory of the Empire was a direct inheritance of the Portuguese possessions, nothing more logical than consider that its subdivisions should respect the same lines drawn by the European colonizer. The application of this principle in the political reality of the new country, however, was by no means simple or unambiguous. And, within this context, no region of the empire suffered more from the confusion generated by the simplification of its territorial definition than the former region of Rio Negro, located in the province of Grão-Pará.

III. Rio Negro: County or Province?

The question related to Rio Negro, right after Brazilian independence was: according to the new 1824 constitutional charter, should it be considered a district subordinate to the government of Belém, or a province with an autonomous administration? In this specific case, the sentence "in the form in which it is currently found" created a large-scale uncertainty pointed out by the historical actors, analyzed by later historiography and, until today, not completely resolved. Understanding the problem requires a brief digression.

During much of the 18th century, Rio Negro had its own administration, albeit subordinated to that of Grão-Pará. The captaincy was created through a royal charter dated on March 3, 1755; its government was established in early May, 1758, by Francisco Xavier de Mendonça Furtado, brother of the Marquis of Pombal and, therefore, worthy of that typical retribution of the Ancien Régime previously mentioned. The locality of Mariuá was designated as its capital, elevated on that occasion to the category of village and had its name changed to Barcelos. Its first governor was Joaquim de Melo e Póvoas, one of the cousins of the first governor of Alagoas, appointed by the king with the same salaries as the governors of the island of Santa Catarina and of Colonia do Sacramento[43]. This measure responded to concerns about the surveillance of the newly established borders with the Spanish empire (agreed in Madrid, 1750, but not ratified), as well as the proximity of the Dutch, English and French colonies located in the Guianas.

Although officially established, the new captaincy continued to resort to the help of Belém to meet its financial needs, creating a "de facto subordination" that would be referred to for a long time by Portuguese administrators. The documents produced in the last years of the 18th century and in the first years of the 19th century points, on several occasions, to the fact – normal in the colonial administration – that this autonomous captaincy needed to resort to its neighbor endowed with greater resources

[40] Mainly the desire that the resources originated from the collection of taxes in the region that was intended to be erected as a province were reinvested there.

[41] Search for parliamentary representation capable of defending local interests at the national level; desire for greater autonomy to manage the region's internal affairs.

[42] DOLHNIKOFF, Miriam et al. Representação política no Império: crítica à ideia do falseamento institucional. *In*: LAVALLE, Adrian Gurza (org.). *O horizonte da política*: questões emergentes e agendas de pesquisa. São Paulo: Editora Unesp, 2012. p. 97-141; MANIN, Bernard. *Los principios del gobierno representativo*. Madrid: Alianza, 1998; PITKIN, Hannah. *The concept of representation*. Los Angeles: University of California Press, 1967; SARTORI, Giovanni. *A teoria da representação no Estado representativo moderno*. Belo Horizonte: Faculdade de Direito da Universidade de Minas Gerais, 1962.

[43] REIS, Arthur César Ferreira. *História do Amazonas*. Manuas: Officinas Typographicas de Arthur Reis, 1931.

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in search of financial assistance to maintain itself[44]. With the beginning of the Portuguese liberal movement, in August 1820, this was taken to its ultimate consequences creating a situation that would unfold until 1850, the year of the effective creation of the province of Amazonas.

The outbreak of this movement started one of those moments in which decisions and events happened in a short space of time and required quick responses. In a distant region of large dimensions such as the Amazon, where news took a long time to reach its main port – Belém – and, from there, it took even longer to travel to more distant locations, such acceleration of history caused a time mismatch that was difficult to resolve. After all, the news that arrived from Lisbon and Rio de Janeiro gave an account of events that had taken place months ago, and required urgent decisions to be taken that, necessarily, would also need months to become known. In the captaincy of Rio Negro this situation would become even more dramatic, since even its communication with the Belém port was already an activity that, in turn, required a lot of time to be carried out. As a result, the political process ended up "dammed" in the capital of Pará, creating a confusing statute that the 1824 Charter only worsened.

Just to focus on the central events of this process, among an infinity of developments that require extensive research to be understood, it is possible to say that the mismatch began with the arrival of the news of the Portuguese events, which was followed by the adhesion of Grão-Pará and Rio Negro to the liberal revolutionary movement on January 1, 1821, a decision that by no means exhausted the local political disputes around the issue. Once made official, it remained to define the way in which the new political process would be conducted in the province of Pará and in Rio Negro, a moment in which multiple antagonistic projects gained importance that quickly split the ruling groups of both capitals:

> […] in the exercise of command of arms, Brigadier José Maria de Moura was one of the main obstacles to the realization of the political project of the Constitutional party, as he was aligned with a faction of the Pará elite called by some historians as an "absolutist party", which intended to maintain ties with Lisbon but was against the new ideas identified as the source of social and political instability that gripped the province. In fact, the resistance to the implementation of the revolutionary project had many faces: for Moura the pretension of extending to America certain political freedoms prevailing in the European Kingdom was a threat to the maintenance of the unity of the Portuguese nation.[45]

In the captaincy of Rio Negro, the deep political split led to the deposition of Joaquim do Paço by the troops stationed in the town of Barra, later Manaus, on the charge of having refused to adhere to the new Constitution that would be drafted in Portugal. In his place, a Board of Governors was elected, which would be responsible for taking the oath of the new founding pact of the Portuguese nation and for waiting for further instructions from Lisbon. When news of the deposition reached Belém, the government of Pará refused to recognize the election held and sent Joaquim José Gusmão to reorganize the administration, this time following its direct instructions[46]. It is not the purpose of this article to carry out a thorough analysis of this very eventful process. Here the intention is only to draw attention to the fact that between the official accession, on January 1st, 1821; the deposition of Joaquim do Paço, on March 1st; and the formation of the second Rio Negro's Governing Board (this time recognized by Belém), several weeks has passed. The local administration was being reorganized in a tumultuous way, without the news and demands ceasing to arrive from Lisbon.

In that same month of March 1821, copies of the decree that ordered the election of the deputies who should act in the Cortes started to arrive in Brazilian ports. This suffrage had to follow specific instructions promulgated for this purpose on November 23, 1820, which, in turn, referred to the same electoral process adopted by the Spanish Constitution promulgated in Cádiz, in 1812. In accordance with these determinations and starting from the numbers presented by the general census carried out in 1801, for every 30 thousand people – excluding slaves and free men without occupation – one deputy should be elected, making a total of one hundred[47]. In these terms, therefore, Rio Negro would not have the right to elect, according to the following correspondence sent to the government of Pará:

> The Province of Grão-Pará is made up of three Counties; the District of Pará which has 61,212 souls, the District of Rio Negro which contains 15,480 souls and the District of Marajó, or Ilha Grande de Joannes composed of 6,742 souls: from April 18, 1821, the Comarca of Pará, considered separately, was supposed to give two deputies; however, the District of Rio Negro cannot appoint any deputy in

[44] MACHADO, André Roberto de Arruda. As esquadras imaginárias: no extremo norte, episódios do longo processo de independência do Brasil. *In*: JANCSÓ, István (org.). *Independência*: história e historiografia. São Paulo: Hucitec. 2005. p. 312.

[45] Ibidem, p. 325-326. The same Historian offers a more complete analysis on the subject in: Idem. *A quebra da mola real das sociedades:* a crise política do antigo regime português na província do Grão-Pará (1821-1825). São Paulo: Hucitec: Fapesp, 2010.

[46] REIS, Arthur César Ferreira. As províncias do Norte e do Oeste. *In*: Sérgio Buarque de Holanda (org.). *O Brasil monárquico, vol. 4*: dispersão e unidade. Rio de Janeiro: Bertrand Brasil, 2010. p. 87-98. (História geral da civilização brasileira; t. 2, v. 4); Idem. *História do Amazona.* Op. Cit.

[47] BERBEL, Márcia Regina. Op. Cit.

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> accordance with Articles 31 and 32 of the Instructions given with the circular of November 22, 1820, and according to art. 35 of the same Instructions must join the immediate District, that is, the District of Pará; the Comarca of Marajó applying the same principles as that of the Rio Negro, its union with the Comarca of Pará is an immediate consequence. Therefore, the meeting of the voters of the three mentioned districts in the capital of Grão-Pará, that is, in the city of Santa Maria de Belém do Grão-Pará, is indispensable, it is of absolute necessity[48].

These documents draw attention for two main reasons. The first is the treatment of "district" given to a region that had been erected by an official act as a captaincy 66 years before. And the second is the logistical problem created by the requirement that all voters living in Rio Negro needed to go to Belém to choose those who would represent them in the constitutional debates, held in Portugal. In addition to the time required for the summons to be known in all villages of the distant captaincy (a few months between leaving Belém, arriving in Barcelos and redistributing it to other towns and villages), there was also the obstacle of distance and costs to the voters to undertake a trip that, by itself, would require an absence of several weeks for a significant portion of the people of Rio Negro, with the consequent interruption of regional economic activities. This in a period of fierce political disputes, as seen earlier, and with the omnipresent risk of interceptions, misplacements and miscellaneous disputes that would certainly surround an undertaking of such magnitude. Considering all the variants, the conclusion that an election carried out along these lines would become completely unfeasible is quite logical and predictable. To resolve the issue, a proposal was made to open an exception in relation to this specific case:

> This Board received the letter that you have addressed along with the map of the pledgers and voters, who must nominate the deputies of the Province of Pará. I was pleased to see that the work of the commission is in accordance with the spirit of the Instructions, adapted as far as possible to the local circumstances of the country, and I would like them to be observed in all their exactness, but seeing that by this method the peoples of this Province should remain still deprived for another year of the benefit of representation in the national Courts, this Board has decided to take upon itself the responsibility of ordering the election of the deputies that belong to the districts of Pará and Joannes Island, leaving to beg the Congress that the District of Rio Negro is privileged to nominate its deputy with the population it currently has: in this respect, you must proceed with a new map considering Rio Negro as a privileged province[49].

Considering that the summoning of Rio Negro voters to Belém would mean a harmful delay in the choice of representatives of the province in the Portuguese Courts, it would be better to carry out the suffrage excluding that region and asking that it could elect its own deputy, even if it did not have the population to do so (it is important to remember that the count excluded slaves and free men without occupation – in this specific case, the indigenous people). Correspondence with this content was sent to Lisbon on July 17, 1821, receiving as a response the assent to the proposition. On January 14, 1822, the elections were finally held, with José Cavalcante de Albuquerque being chosen as deputy and João Lopes da Cunha as an alternate. In this way, Rio Negro was represented as one of the provinces of the Kingdom of Brazil in accordance to the Instructions of 1820, but it was not, however, considered as such by the Governing Board of Pará. Cunha assumed his chair on August 29, 1822, in replacement of Albuquerque who was ill but was able to assume his post on October 12, 1822, more than one month after the date officially adopted as that of independence of Brazil[50].

Between the definition of the holding of elections in Rio Negro and the choice of its representatives in the Cortes, yet another element came to act on the status of local administrations in Portuguese America. This is the decree promulgated on October 1, 1821, which formalized the abolition of the former captaincies and their elevation to the status of provinces, in accordance with the terms already expressed in its first article:

> Article 1 – In all the Provinces of the Kingdom of Brazil, where until now there were Independent Governments, Provisional Government Boards will be created, which will be composed of seven Members in those Provinces which until now were governed by Captains General, namely: Pará, Maranhão, Pernambuco, Bahia, Rio de Janeiro, São Paulo, Rio Grande do Sul, Minas Gerais, Mato Grosso and Goiás; and of five Members in all the other provinces in which until now there were no General Captains but only Governors, including the President and Secretary in both numbers[51].

Then commanded by a Governor, Rio Negro was elevated to the category of province, being entitled to a Provisional Board of Government composed of five members. The problem is that the terms of this decree,

[48] MANUSCRITO avulso presente no Arquivo Público do Pará. Correspondências de diversos com o governo, 1821 apud MUNIZ, João de Palma. *Adesão do Grão-Pará à Independência e outros ensaios*. Belém: Conselho Estadual de Cultura. Reedição da Revista do Instituto Histórico e Geográfico do Pará. Ano VI – Vol. IV. 1922, p. 73, grifo do autor.

[49] CÓDICE manuscrito do Arquivo Público do Pará, n. 774, fl. III apud MUNIZ, João de Palma. Op. Cit., p. 108.

[50] CARVALHO, Manuel Emílio Gomes de. *Os deputados brasileiros nas Cortes Gerais de 1821*. Brasília, DF: Senado Federal, 2003. p. 304.

[51] BRASIL. Decreto de 1º de outubro de 1821. *In*: COLEÇÃO das Leis do Brazil de 1821. Rio de Janeiro: Imprensa Nacional, 1889. pt. 1, p. 35-38. Disponível em: http://www2.camara.leg.br/atividade-legislativa/legislacao/publicacoes/doimperio/colecao2.html. Acesso em: 17 maio 2020. Ortografia atualizada pelo autor.

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enacted on the first day of October, would take months to reach Belém (as usual), and then several more weeks before it could be read in Barcelos. That, of course, assuming it wouldn't be intercepted in its way - a real possibility, as the relations between Lisbon and Rio de Janeiro became more tense thanks to the conflict originated in the debates that took place in Europe[52]. In this context, the manipulation of information became an efficient weapon and was used to exhaustion by both sides. Fact is that: this decree did not reach its final destination (at least not before Greenfell presented himself in the region with his "imaginary fleet" and obtained the adhesion of Pará and Rio Negro to the imperial government of Dom Pedro I[53]).

It was in this situation that Rio Negro received the news about the Constitution of the new Empire, granted on March 25, 1824 - the one which defined that the Brazilian territory would be "divided into provinces, in the form in which it is currently found". For several politicians of the time, since the region had been constituted a captaincy in 1755, had representatives in the Lisbon Courts and, in theory, had been elevated to province by the decree of 1821, such formulation meant that the Rio Negro was among the gems of the new Imperial Crown. It had, after all, been named as such by the 1823 constitutional project, in case all other antecedents weren't enough. But an imperial decree of March 26, 1824 – the day after the Constitution was granted – would change this perspective. Enacted to define the political representation of the various provinces in the new regime, it indicated the number of deputies that each of the administrative units of the Empire should elect to be part of the new Legislative Power. Contrary to expectations, Rio Negro was not mentioned in this document nor received the appointment of the president who would be responsible for its administration - it remained under the authority of the Provisional Governing Board created in the act of adhering to independence, on November 9, 1823. A situation of complete uncertainty was established.

In 1825, Nunes Ferreira Ramos, nominated as the new government representative in the Barra village, tried to resolve the situation definitively: he interpreted the non-appointment of a president for the Rio Negro as a proof that the region was downgraded to the category of district of the Grão-Pará province, placing itself as the highest authority in the entire region. The conflicts then generated led the president of Grão-Pará, José Félix Pereira de Burgos, to dissolve the Governing Board and to transfer the municipal council of Barcelos, the former capital of Rio Negro, to Barra, where it was supposed to assume a governing role. Decisions that, once sent to Rio de Janeiro, would be approved by the imperial government in 1825 and made official in 1833, through the application of the new Criminal Procedure Code – which changed the name of the former captaincy to Comarca do Alto Amazonas[54].

How to explain this process? Would there have been, effectively, a downgrading of the former province of Rio Negro to the status of county, with the granting of the Constitution of 1824? The root of these questions seems to lie in the meaning of the term *currently* inscribed in the second article of that Charter. What time does it refers to? It is a problem that is difficult to solve, since it is placed in a context of great complexity as showed a few lines ago. But, in general, the historiography that has focused on the issue seems to agree on the fact that the document immediately preceding the Constitution, regarding to the territorial organization of the empire, would be the decree of October 1, 1821[55]. There is, however, another document - generally ignored by researchers - that also proposed to define a territorial order for Brazil and that possibly constitutes a more precise key to understanding the decisions taken about the administrative status of Rio Negro after independence: the Portuguese Constitution approved by the Cortes (which still had Brazilian deputies such as João Lopes da Cunha, from Rio Negro[56]) on September 23, 1822.

Although of short duration (a period of a few months, interrupted already in 1823), it can be said that the Portuguese Constitutional Charter of 1822 was in force for some time in Brazil, at least until the political rupture became a decision with no return – which did not take place on the later celebrated date of September 7th. In addition, for its elaboration it counted on the decisive participation of Brazilian representatives who discussed issues related to the current reality in the American portion of the Portuguese Empire over several sessions. Such is the case of its territorial organization, described and named with detail in the initial project offered for debates on August 12, 1822:

[52] BERBEL, Márcia Regina. Op. Cit.; RIBEIRO, Gladys Sabina. Op. Cit.
[53] MACHADO, André Roberto de Arruda. Op. Cit.; MUNIZ, João de Palma. Op. Cit.; REIS, Arthur César Ferreira. Op. Cit.

[54] MEDEIROS, Vera B. Alarcón. *Incompreensível colosso*: A Amazônia no início do Segundo Reinado (1840-1850). 2006. Tese (Doutorado em História) – Universidade de Barcelona, Barcelona, 2006. p. 262-263
[55] Arthur César Ferreira Reis and João de Palma Muniz indirectly support this interpretation in their analyses, while Anísio Jobim seeks to explain the non-confirmation of Rio Negro as a province, shortly after independence, by intercepting all correspondence sent from Rio de Janeiro to that region in Belém. In this way, it would not have been possible for Rio Negro to send representatives to the court at the meeting of the Constituent Assembly in 1823, leaving its inhabitants deprived of having "representatives who defend their rights". (JOBIM, Anísio. *O Amazonas, sua história*: ensaio antropogeográfico e político. São Paulo: Companhia Editora Nacional, 1957. p. 140).
[56] *Diário do Governo*, Rio de Janeiro, n. 225, 23 set. 1822. Sessão 472, p. 1676. Disponível em: www.books.google.com. Acesso em: 18 maio 2020.

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> Art. 20 – The Portuguese Nation is the gathering of all Portuguese from both hemispheres. Its territory comprises: […]
>
> II. In America, the kingdom of Brazil, which is made up of the provinces of Rio Negro, Pará, Maranhão, Piauí, Rio Grande do Norte, Ceará, Paraíba, Pernambuco, Alagoas, Sergipe, Bahia, Minas Gerais, Espírito Santo, Rio de Janeiro, São Paulo, Santa Catarina, Rio Grande do Sul, Goiás, Mato Grosso, and the islands of Fernando de Noronha, and Trindade. […]
>
> The said territory will be divided accordingly[57].

The similarity with the project formulated by the Brazilian Constituent Assembly in 1823 is remarkable, leading to questions about the possible influence that the Portuguese proposal would have had on the elected deputies to debate the terms under which the new American Empire would be founded. In the 1822 proposal, as in the 1823 one, the provinces were named one by one and it should be noted that in the Portuguese version the possibility of subsequent division of the territory was referred to in very generic terms, unlike the already analyzed Brazilian project. In both, Rio Negro appears named as an autonomous province, but would not remain as such until the signing of the final version of the Portuguese constitution.

Shortly after the reading of this proposal the deputy for São Paulo, José Ricardo da Costa Aguiar D'Andrada (who had already acted as a government representative on the island of Marajó[58]), offered considerations that anticipated a series of questions that would be taken up in the Brazilian parliament years later during the decision-making process that culminated in the creation of the province of Amazonas, in 1850. In his opinion, the enumeration of the Rio Negro as an autonomous province was a mistake, since it would be known to everyone in Brazil that it had always been subordinate to Pará, even though it had its own administration. After outlining a brief description of the administrative positions existing in the village of Barra and its historical dependence on its counterparts in Pará, Costa Aguiar stated, justifying his demand:

> That said, it is first necessary to decide whether Rio Negro should be regarded as a diverse and independent province of Pará, or whether it should be considered as part of that of Pará, continuing to be united to it, and in everything subordinate because otherwise, after passing the article as it is written, there may be inconveniences, conflicts of jurisdiction, and even serious inconvenience to the public service, considering those peoples disconnected from the obedience of Pará, which is why that province (Rio Negro) remains a new, distinct and diverse province[59].

In addition to possible jurisdictional conflicts, the maintenance of the article as presented would mean a significant increase in public spending since it would be necessary to face the expenses of an administration that had always counted on Belém to help it and that, in addition to everything else, would have to be expanded to meet the new demands of an autonomous province – without the necessary means to do so. Consequently, Costa Aguiar's proposal was that the wording of the article be subtly changed from a grammatical point of view, but substantially reformed from an administrative point of view: it was enough for the passage "Rio Negro, Pará" to be replaced by "Pará e Rio Negro" and all the risks presented would be avoided, with the bonus of respecting the history of the entire region. Put to a vote, the idea was quickly approved reuniting the extensive province of Grão-Pará and providing the necessary reference for the territorial continuity enshrined in the Brazilian Constitution of 1824. This hypothesis offers a consistent explanation for the subordination of Rio Negro to Pará after the independence, in apparent contradiction with the terms present in the country's main law, which would not have been clear to contemporary historical actors due to the inherent characteristics of a troubled period in which, especially regarding to northern Brazil, decisions were not always taken with the necessary agility and the information did not always reach its destination.

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[57] *Diário das Cortes Geraes, Extraordinarias, e Constituintes da Nação Portugueza*, Lisboa, ano 2, t. 7, p. 131, 12 ago. 1822.

[58] JOSÉ Ricardo da Costa Aguiar D'Andrada. *In*: MINISTROS do Supremo Tribunal de Justiça: Império. Brasília, DF: STF, [201-]. Disponível em: https://bit.ly/3vphhW1. Acesso em: 17 maio 2020.

[59] *Diário das Cortes Geraes, Extraordinarias, e Constituintes da Nação Portugueza.* Op. Cit.

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