



Project
MUSE[®]

Today's Research. Tomorrow's Inspiration.

NEW AVENUES FOR DOMESTIC DISPUTE AND DIVORCE LAWSUITS ALONG THE U.S.-MEXICO BORDER, 1832–1893

Omar S. Valerio-Jiménez

After the Mexican-American War (1846–1848), the United States assumed control over the area in southern Texas between the Nueces and Rio Grande rivers. As former Mexican citizens became U.S. citizens, American civilian officials obtained control over marital relations in the newly annexed territory. Using court records from Mexico and the United States, this article compares the domestic dispute and divorce lawsuits of residents living under Mexican jurisdiction between 1832 and 1846 to those living in the same region under United States jurisdiction between 1849 and 1893. Jurisdictional changes increased women's legal freedom to resolve domestic disagreements, introduced new legal marital expectations, and decreased the Catholic Church's legal influence over marital relations. This analysis suggests a reinterpretation of the post-annexation era; rather than being a period characterized by declension, it was one filled with both positive and negative results.

In 1834, María Nepomucena Benavides appeared in a Laredo court to accuse José María Cisneros, her husband, of striking and insulting her. Cisneros countered that he had asked Benavides about her lack of attention to their children; unsatisfied and angry at her response, he struck her. Benavides, in turn, accused him of ignoring the family upon his return from outings and dances. She also faulted his negative attitude towards their children and his refusal to help with the housework. Acknowledging the children's condition, Benavides explained feeling overwhelmed since she was solely responsible for the housework and childcare. The court admonished the feuding couple about their marital obligations and convinced them to reunite. The agreement, however, was obtained only after the court threatened Cisneros with punishments should marital problems persist. According to the judgment, Cisneros would incur a five-peso fine and eight days in jail if he continued to abuse his wife. The court also warned Benavides to avoid angering her husband with her responses.¹

This was a typical outcome for nineteenth-century domestic dispute cases in the *villas del norte* (northern towns) near the Rio Grande's mouth at the Gulf of Mexico. Spanish-Mexican residents had been living along the river since the middle of the eighteenth century when they established these seven towns.² The churches, government offices, and businesses in the

villas del norte served a population living not only in the towns but also in a geographically large rural area consisting primarily of livestock ranches.³ Couples who aired marital grievances before the municipal courts often felt pressured to reunite under threats of punishment. Some women resisted this pressure, but others rejoined unhappy marriages.⁴ The resolution of such marital disputes in Mexico depended on the courts, the community, and the Catholic Church. This arrangement changed abruptly in 1848 when the United States annexed Mexico's Far North. Residents of the newly annexed territory could no longer seek the municipal court's assistance in reconciling troubled marriages. But Mexican Americans, who had acquired American citizenship, did gain an easier way to end those marriages.⁵

Studies of Latin America and the United States West have demonstrated the significance of divorce for understanding gender relations in society. Divorce in colonial Latin America was not permitted. Ecclesiastical divorce (i.e., a legal separation that prohibited remarriage) was possible but rare because numerous obstacles dissuaded couples from legally separating, including the Catholic Church's disapproval.⁶ For the American West, the opposite was true, because western states passed liberal divorce laws to attract westward-moving migrants. Most American divorce studies, however, have focused on non-Mexicans' use of the courts.⁷ Scholarship in Chicana/o history has also largely ignored divorce prior to the twentieth century.⁸ Rather, studies of nineteenth-century Chicana/o history have described the dramatic changes in class and gender relations that occurred after American annexation by examining intermarriage, property holding, and religious practices. This scholarship describes a period of declension as Mexican Americans suffered political, social, and economic losses.⁹ In one of the few studies to examine marital separations among nineteenth-century Mexican women, Miroslava Chávez-García found that some women in southern California successfully secured divorces after 1848. According to Chávez-García, divorce led to mixed results for women; while it offered the possibility of independence, divorcées suffered economically due to a lack of alimony, child support, and adequate property division.¹⁰

This article explores changes in domestic dispute and separation lawsuits created by shifting legal jurisdictions in the nineteenth century. It compares the lawsuits of residents of the Lower Rio Grande border region living under Mexican jurisdiction in the first half of the nineteenth century to those living in the same region under American jurisdiction in the second half of the nineteenth century. The jurisdictional change transferred control of marital relations from Mexican religious authorities to American civil officials. Using legal records from civil courts in Mexico and the United States, I show how this region underwent dynamic change as different cultures, religions, and civil communities intermixed to create a new society.¹¹ The

transformation of domestic disputes and marriage separations illustrates an increase in women's legal freedom to resolve domestic disagreements, new legal expectations regarding spousal responsibilities, and a decrease in the legal influence of the Catholic Church over marital relations. This study shows that American annexation did not lead exclusively to negative changes; it also opened new opportunities for women. However, it does not equate U.S. rule with "progress" as did the old triumphalist literature on Texas.¹² Instead this study suggests a reinterpretation of the post-annexation period; rather than being an era of decline, it was a more complex period with both positive and negative results.

If marital woes interrupted domestic life in Mexico, an aggrieved spouse could appeal to acquaintances or relatives. Employing a strategy that historian Steve Stern has termed "pluralization of patriarchs," wives asked such male allies as relatives, priests, or employers to intervene on their behalf.¹³ Antonio Castillo of Laredo interceded in such a manner by charging his son-in-law, Andrés García, with striking Castillo's daughter in 1834. The court sided with Castillo, reprimanding García for easily resorting to violence, and suggesting that García "correct his wife's faults by scolding or advice rather than [by] blows."¹⁴ When persuasion did not alter their husbands' behavior, some wives left their home to live independently or with relatives. Most who did so suffered from physical abuse or a lack of financial support. However, women were still legally bound to return to their spouses. Ylario Villarreal successfully used a Matamoros court to pressure María Reducinda Gutiérrez, who had left due to a lack of financial support, to return home.¹⁵ Men initiated far fewer domestic dispute lawsuits than did women, and usually after their wives abandoned them. Once women left to escape physical mistreatment, they were unlikely to return. Often they had decided to separate permanently from their husbands—either through an unofficial arrangement or an official legal separation.¹⁶

When extralegal means failed, wives filed charges in *juicios de conciliación* (trials of conciliation), accusing their husbands of a range of mistreatment, including financial neglect, physical attacks, and adultery. Trials of conciliation were held in each of the *villas del norte*, where a judge (a councilman) presided over the court with the assistance of two arbitrators (elite men). Residents of various class, gender, and racial backgrounds had access to the courts of conciliation. Seeking to preserve marriages, officials attempted to reconcile couples by reaching compromises. A successful conciliation often involved a judge's threat of future punishment should problems persist, a husband's promise to reform, and a reminder for the couple to adhere to their marital obligations.¹⁷ Among twenty-nine domestic dispute cases from 1832 to 1846, the courts secured eighteen reconciliations. The courts of conciliation relied on social pressure from the arbitrators,

judge, and community to enforce the compromise agreement. Magistrates could also legally pressure feuding couples. In seventeen of eighteen cases where reconciliation was reached, the judge threatened or fined the couples in order to obtain their agreement.¹⁸

In seeking marriage reconciliations, the civil courts followed the Catholic doctrine on marriage, which stipulated that “those whom God united under the bond of matrimony cannot and should not be parted.”¹⁹ The civil courts’ rulings predictably reminded spouses of marital obligations and Catholic responsibilities. In 1833, Miguel Balleto and Guadalupe Robles accused one another of adultery. Both requested dissolution of their marriage, but the judge and arbitrators persuaded them to reconcile. To eliminate any extramarital temptations, the judge banished the couple’s respective lovers from Matamoros, while the arbitrators urged the couple to “forgive one another, reminding them of the obligations that, in their [marital] state, we have as Catholics.” Thus civilian judicial officials cooperated with ecclesiastical authorities in enforcing the Catholic Church’s view of marriage as a sacrament that could not be dissolved.²⁰

If marital difficulties could not be overcome, a spouse could seek an ecclesiastical divorce, but success was nearly impossible. Mexican law required that couples attend two *juicios de conciliación* before seeking a legal separation. In these civil trials, officials actively sought to preserve marriages, especially when both spouses were culpable for marital discord. Only after all avenues to reconciliation had been exhausted would judges give an interested party the documents necessary to file for a legal separation in an ecclesiastical court.²¹ The aggressive attempts of civil authorities to reunite bickering couples ensured that few obtained permission to file for an ecclesiastical divorce. Only eleven couples gained approval to approach an ecclesiastical court, such as the one in Matamoros.²²

During the first half of the nineteenth century, the Catholic Church was the only institution authorized to grant marital separations in Mexico. Since the church sought to preserve marriages, ecclesiastical divorces and annulments were very rare.²³ An ecclesiastical divorce permitted the couple to separate legally but neither individual could remarry while their spouse still lived. The church granted only a temporary ecclesiastical divorce in cases where one of the spouses physically mistreated the other, habitually neglected their marital obligations, contracted a contagious disease, attempted to lure the other into crime, or practiced heresy or paganism. Religious officials expected temporarily separated couples to reunite after the marital difficulties were overcome. Permanent separations were granted only if a spouse (but not both) committed adultery and witnesses corroborated the transgression. Divorce was not permitted in Mexico under civil law until 1917.²⁴

The spouse who lost the separation proceedings incurred severe economic and personal penalties. An ecclesiastical divorce was granted in favor of a litigant and against her / his *guilty* spouse. A guilty man not only lost child custody, his wife's dowry, and their community property, but also was required to provide financial support for his family after the legal separation. A guilty woman lost custody of her children older than three years of age and forfeited the right to her husband's financial support. If convicted of adultery, a wife also lost ownership of her dowry and community property. The court required the guilty party to pay for court costs. These punitive consequences made the *threat* of an ecclesiastical divorce an effective tool to pressure husbands to reform. Cecilia Figueroa threatened to separate legally from Francisco Leal in 1842 because he failed to provide financial support and treated her contemptuously. The couple agreed to reconcile after Leal promised to change his behavior and after his employer, acting as his surety, promised to punish any future infractions.²⁵ Due to the severity of ecclesiastical divorce proceedings, a legal separation was typically the last resort for women whose warnings were ignored.²⁶

Women benefited more than men did from legal separations because they gained independence and regained legal rights previously held by their husbands. In the *villas del norte*, wives filed for legal separations in each of the eleven non-reconciled *juicios de conciliación* (see Table 1). Most had already physically separated from their husbands and moved into their relatives' homes. Once legally separated, women gained the right to litigate independently and to live apart from their husbands, who were required to provide them with financial support.²⁷ However, enforcing this financial support after a legal separation was difficult, especially when the marriage had failed because a husband was not providing for his family. The legal right to live independently was especially important for women who suffered from domestic abuse. Wives also recovered control of their dowries, their share of community property, and custody of their children. Upper- and middle-class women were more likely to seek legal separations to regain control over their property than poor women, who often chose informal separations.²⁸ Economic independence proved critical for women whose husbands' lack of support had brought misery upon their family and forced them to work for wages outside the home.

During the lengthy separation proceedings, women lived in a safe-house called a *depósito*. The *depósito* protected the wife from her husband's influence and possible physical assaults while she pursued litigation. It also protected the family's honor as the residents of the *depósito* were entrusted with ensuring the wife's faithfulness; the courts did not make similar arrangements to confirm the husband's fidelity, reflecting the double standard of honor and sexual purity that scholarship on Latin America has identi-

Table 1. Legal Separation Lawsuits in Matamoros and Laredo, 1832–1846, Archivo Histórico de Matamoros and the Laredo Archives.

Number of lawsuits	Women as plaintiffs	Men as plaintiffs	Successful lawsuits filed (women : men)
11	11	0	0 : 0

fied.²⁹ Because the court forced the husband to pay for his wife's *depósito*, he frequently insisted on choosing the house. When the wife chose the house, the husband often argued that his spouse enjoyed too much freedom and urged the court to enforce her seclusion. Wives wanted to live with their parents or relatives and often complained that their seclusion was a punishment.³⁰ Violence and bitter disputes over the safehouse's location plagued several lawsuits involving *depósito* in the *villas del norte*.³¹

Husbands maintained a considerable financial advantage during legal separation proceedings because they controlled the couple's property. This economic control allowed elite men to live comfortably, hire attorneys, and to punish their wives by refusing to pay for their *depósito* expenses. The bitter disagreements during separation proceedings were further aggravated by child custody disputes. María Concepción Solís's legal separation proceedings against Sabas Olivares illustrate his financial clout as well as the animosity over child custody and *depósito*. While the ecclesiastical court considered her request, Solís obtained custody of their seven-year-old daughter. The proceedings included challenges over child custody, adultery accusations, *depósito* disagreements, and mutual accusations of moral degeneracy. Solís persuaded officials to allow her to leave the original *depósito* for her parents' house. But the court reversed its decision after hearing Olivares's complaint that Solís spent excessively and her parents were too lenient, allowing her to attend a bullfight and a dance. Describing her disadvantaged economic position, Solís replied that she "did not have the resources to hire an attorney as had her husband (despite declaring himself insolvent)."³²

The acrimony of legal separation proceedings increased the possibility of violence and the need for the *depósito*. Some wives feared their husbands based on past patterns of violent behavior. Others were aware that local men had badly beaten, and occasionally killed, their wives over domestic disputes.³³ Those women who lived far away from relatives were especially vulnerable and in need of protection. In 1833, a priest testified about the danger faced by María Concepción Flores. While walking past her residence, the priest and a parishioner had come to her aid as Flores ran away from her knife-wielding husband. Subsequently, the priest placed Flores in *depósito* at his own residence while she sought an ecclesiastical divorce to escape

a fifteen-year marriage plagued by physical abuse and a lack of financial support; her husband provided no support during her *depósito*.³⁴ Though they urged most feuding couples to reconcile, local Catholic clergy were supportive of legal separation for marriages involving domestic violence. In such cases, the *depósito* served a useful purpose.

Women suffering from domestic violence were the most likely to persevere through the numerous legal obstacles and press for an ecclesiastical divorce. Escaping domestic violence was women's most common reason to seek separations (as it was elsewhere in Latin America).³⁵ After unofficially separating from her abusive husband, one woman sought a legal separation in response to her husband's legal attempts to force her to return home.³⁶ For the eleven women from the *villas del norte* who refused to reconcile with their husbands, the danger posed by their violent husbands outweighed any social stigma attached to an ecclesiastical divorce. It is unclear from extant documents if these eleven litigants were successful.

Documents from trials of conciliation and divorce petitions provide a window into legal marital expectations. Like wives throughout Latin America, women who filed for a legal separation often contrasted their husband's violent behavior and other failings with their own fulfillment of domestic responsibilities.³⁷ Their arguments, shaped by the law, strategically employed their society's prescribed gender roles, including an acknowledgement of a wife's subordination to her husband. In one petition, a woman described herself as an ideal wife who offered the "caress of a woman who is tender, friendly, and docile." Women argued that they fulfilled their domestic duties by assisting their husbands, raising their children, and preparing the family's food. In return, women expected their husbands to provide for and protect their families. One petitioner accused her husband of abusing the power entrusted to him in marriage. She observed that the canonical teachings that assigned "men as head of the home" did not have the desired legal effect when men "forgot their obligations and abused that superiority."³⁸ These findings agree with historian Silvia Arrom's conclusion that some Mexicans accepted women's submissiveness to their husbands, but disagreed on its degree. Women who filed for separations were not claiming equality with men. Rather, they pursued such lawsuits because women disagreed about the extent of their subordination or believed husbands had abused their "superior position."³⁹

The women involved in domestic disputes and legal separation lawsuits in the *villas del norte* had varied backgrounds. All had Spanish-language surnames and most were born in Mexico. Two cases involved interethnic couples: a Mexican woman married to an Anglo-American man, and another Mexican woman married to an African American man. Interethnic marriage was not uncommon in the *villas del norte* because Matamoros's

port attracted many foreign merchants and artisans. The occupations and property listed in the lawsuits reveal that various social classes had access to the courts. Elite women were partly motivated by the financial and legal independence that resulted from an ecclesiastical divorce. Control of community property and the dowry were rarely relevant for poor women, so they often avoided costly and lengthy legal separation proceedings by pursuing non-sanctioned separations.⁴⁰ While the financial and legal control recovered by securing an ecclesiastical divorce provided motivation for some women, ending physical abuse or mistreatment was an overriding factor in seeking a legal separation.

Rio Grande society underwent a great transformation in the mid-nineteenth century due to jurisdictional changes. The Republic of Texas, independent from 1836 to 1845, claimed but did not control the disputed region between the Nueces and Rio Grande rivers. Instead, Mexico held jurisdiction over the *villas del norte* until the conclusion of the Mexican-American War in 1848.⁴¹ Thereafter, residents saw their communities split by the new international border because some owned land on the Mexican side of the Rio Grande while others owned property on the U.S. side. Among the original *villas del norte*, only Laredo and Dolores (located on the left bank) became part of the United States. Residents witnessed the creation of twin cities along the river as new municipalities sprang up opposite the older Mexican settlements. The American cities would henceforth be the centers for the religious, government, and business proceedings (conducted increasingly in English) of the residents on the river's left bank. Mexicans continued living across a vast rural area encompassing livestock ranches, but now an international boundary divided those with newly acquired American citizenship from their families and friends with Mexican citizenship.

American annexation altered the lives of Mexicans in the ceded territories. As former Mexican citizens became Mexican Americans, they gradually lost economic, political, and social power to newcomers. Anglo-American squatters, lawyers, and speculators obtained property from the old Mexican American landed elite through legal and extralegal means. Mexican Americans also struggled to adjust to an American society that criminalized their cultural activities, racialized them as nonwhite, and limited their civil rights. As Mexican Americans' occupational opportunities shifted from skilled to unskilled labor, women entered the work force in greater numbers while witnessing few gains in literacy and enduring suspicions for moral laxness.⁴² Nevertheless, Mexican Americans adapted to the new legal system by filing several types of litigation, including domestic abuse and divorce suits. A few delays and obstacles accompanied the jurisdictional transition, as American courts along the border did not operate until 1850 and the first divorce case was not filed until 1853.⁴³

The legal avenues to combat domestic abuse in the newly annexed territory decreased after American annexation. Unlike their counterparts across the river, women in southern Texas could not appeal to courts of conciliation to resolve marital problems.⁴⁴ This loss worked against women who sought legal means to reform their marriages. Women's first legal option was the mayor's court, where the officials were typically Anglo-American and non-Spanish-speaking. Unlike Mexican courts of conciliation, the mayor's court in Texas was not required to reconcile feuding couples, but rather to punish any violations of the law. This was a significant distinction with important legal implications. Women could only appeal to the mayor if they wished to charge their husbands with a crime. Some did, while others chose such extralegal means as relying on community pressure to reform their marriages. However, such community involvement did not have the courts' legal backing as it had in Mexico. Because Mexican American men's social status and legal power diminished significantly under U.S. rule, Mexican American women adapted their "pluralization of patriarchs" strategy by appealing to Anglo-American male neighbors, employers, and in-laws.⁴⁵

Although courts of conciliation were not available after 1848, women in Texas gained the ability to punish their husbands for domestic violence more readily. However, women who pursued criminal charges against their husbands had to accept the possibility that their husbands' punishment might hurt their families' financial standing. In 1866, for example, Mrs. Echarete protested her husband's arrest despite suffering his vicious assault, which provoked a miscarriage and threatened to end her life; she eventually dropped domestic violence charges against him because the family needed his financial support.⁴⁶ A mayor could impose a fine, jail time, or hard labor on public works projects for men guilty of domestic abuse. Jesús Ramírez received such a sentence for beating his wife; he was forced to labor on the city's streets for ten days. If officials determined that a domestic abuse case involved felonious assault, they transferred the case to the district court, where men could receive up to ten years in the penitentiary.⁴⁷

While women in Texas lost a legal option to reconcile marriages, they gained the recourse to legally and unequivocally end marriages. Divorce was not an uncomplicated benefit for all women. Some might have preferred the option to legally reconcile their marriages rather than ending them to assume sole responsibility for supporting and raising their children. However, women who believed their marriages were unsalvageable no longer had to endure two trials of conciliation before requesting a divorce. Like marriage, divorce became a civil matter. Border residents witnessed the Catholic Church's loss of power over matrimonial matters in the United States, but its continued control over marriage in Mexico. Since American civil courts were not bound by any church's policies, Texas residents witnessed more

religious freedom in matrimonial matters than their counterparts in Mexico. Texas gave the district courts jurisdiction over divorce in 1837, and four years later established precise grounds for granting a divorce. The grounds included adultery, abandonment, and cruel treatment "which made living together insupportable." Violence was not an immediate cause for divorce unless "it was a 'serious' danger and might happen again."⁴⁸ The availability of divorce after 1848 had a tremendous impact; the number of divorce petitions along the border in Texas increased dramatically throughout the nineteenth century (see Table 2).⁴⁹

Marital separation proceedings in Texas were similar to those in Mexico. Men continued to hold the upper hand during divorce proceedings in Texas because husbands controlled the couple's property until the divorce was finalized. The judicial audience (judges, jurors, lawyers, and interpreters) in Texas, as in Mexico, remained elite and male. However, its ethnic composition changed because Anglo-Americans were more prominently represented. Like their counterparts in Mexico, Texas women seeking a divorce typically did so because their husbands had committed adultery, inflicted physical abuse, or failed to provide financial support. Husbands usually filed for divorce after their wives abandoned them. As in Mexico, a spouse lost custody of his / her children if the court determined that he / she was guilty of adultery.⁵⁰

Despite these similarities, the procedure for obtaining a marital separation was considerably different in Texas from that in Mexico. Unlike in Mexico, where the Catholic Church might grant temporary legal separations, Texas laws granted only permanent divorces. The process was speedier in Texas because petitioners filed for divorce only in civil court, while those in Mexico were required first to consult civil authorities before petitioning the ecclesiastical court.⁵¹ Moreover, the Catholic Church lost all legal influence in civil court proceedings in Texas. Once trials began, most verdicts followed quickly with some decisions granted within a day. While few couples legally separated in Mexico, most who sought divorce in Texas succeeded. Among 169 divorce petitions in Cameron and Webb counties between 1849 and 1893, 133 (78.7 percent) were successful, three were denied, seventeen were dropped, and six were dismissed. The outcome of the remaining ten lawsuits is unknown because the cases were changed to another county or the documentation ended. Mexican Americans accounted for 188 (55.6 percent) of 338 total litigants, of whom 102 were Mexican women or 60.4 percent of the total number of women.⁵² The percentage of Mexican Americans suing for divorce was significant, but less than their proportion of the population since Mexican Americans accounted for at least 77 percent of the population of Cameron and Webb counties from 1850 to 1900 (see Tables 3 and 4).

Table 2. Divorce Lawsuits in Cameron and Webb Counties, Cameron County District Court Minutes and Webb County District Court Minutes.

Years	Number of lawsuits	Women as plaintiffs	Men as plaintiffs	Successful lawsuits filed (women : men)
1849–1863	12	7	5	6 : 2
1864–1878	42	29	13	25 : 9
1879–1893	115	53	62	42 : 49

Table 3. Population of border cities and counties.*

Year	Matamoros	Brownsville**	Laredo	Cameron Co. #	Webb Co.
1828	6,700	N / A	2,053	N / A	N / A
1837	16,372	N / A	1,736	N / A	N / A
1850	11,033	2,000	1,173	N / A	N / A
1860	25,000	2,734	1,306	6,028	1,397
1870	40,000	4,905	2,043	10,999	2,615
1880	16,039	4,938	3,521	14,959	5,273
1890	N / A	6,134	11,319	14,424	14,842
1900	8,347	6,305	13,429	16,095	21,851

*Sources: Antonio N. Zavaleta, "'The Twin Cities': A Historical Synthesis of the Socio-Economic Interdependence of the Brownsville-Matamoros Border Community," in *Studies in Brownsville History*, ed. Milo Kearney (Brownsville, TX: Pan American University at Brownsville, 1986), 125–73; Hinojosa, *Borderlands Town*, 123; David E. Lorey, *United States-Mexico Border Statistics since 1900* (Los Angeles: UCLA Latin American Center Publications, 1990), 33; Daniel D. Arreola, *Tejano South Texas: A Mexican American Cultural Province* (Austin: University of Texas Press, 2002), 157; Alonzo, *Tejano Legacy*, 97; and Montejano, *Anglos and Mexicans*, 94–95.

**Brownsville and Laredo are the county seats of Cameron and Webb counties, respectively. Population shifts are partially explained by the arrival or departure of large groups during the Mexican-American War, U.S. Civil War, the railroad's arrival in the 1880s, and hurricanes and a cholera epidemic in the 1880s. The city of Brownsville and the counties of Cameron and Webb were established after 1848.

#The 1850 federal census enumerated the population of Cameron, Webb, and Starr counties together as 8,541.

Among the acceptable grounds for divorce, adultery was the hardest to prove in court. If a couple had married outside the state, Texas law required that they be state residents when the adultery occurred to use infidelity as grounds for divorce. As in Mexico, a spouse's admission of guilt was not

Table 4. Percentage of Mexican American and Anglo-American Population in Border Counties.^{##}

Year	Cameron Co.		Webb Co.	
	MA	AA	MA	AA
1850	80	10	--	--
1860	77	14	86	8
1870	77	16	79	13
1880	87	9	86	8
1890	91	8	90	9

^{##}The remaining percentages are made up of other ethnic and racial groups. Source: Arnoldo De León and Kenneth L. Stewart, *Tejanos and the Numbers Game: A Socio-Historical Interpretation of the Federal Censuses, 1850–1900* (Albuquerque: University of New Mexico Press, 1989), 12.

sufficient. Neither was an uncorroborated charge admissible. The court required a plaintiff who accused her / his spouse of adultery to provide a third party as witness. These requirements made adultery the least popular charge.⁵³ Only seven plaintiffs charged their spouse with adultery; six of these were successful. A female defendant had the remaining lawsuit dismissed, and later successfully countersued for divorce, charging abandonment. Since adultery was hard to prove, spouses of unfaithful parties frequently sued for divorce on other grounds. Adulterous spouses often deserted their marriages, so plaintiffs could charge abandonment, cruel treatment, or multiple failings. Women were likely to cite a variety of reasons for seeking a divorce because Texas laws enforced a double standard in divorce cases charging adultery. A man could obtain a divorce if his wife “shall have been taken in adultery” once. In contrast, in order to obtain a divorce based on adultery, a woman had to prove her husband “lived in adultery with another woman.”⁵⁴

Texas law gave judges latitude to interpret “cruel treatment” to include both physical and mental abuse reasons for divorce. A woman could charge mental cruelty if her husband wrongly accused her of infidelity in public but failed to prove his accusation. Spouses could also be held liable for mental anguish if they repeatedly insulted, outraged, or provoked their partners. Plaintiffs who accused their spouses of cruel treatment usually cited various failings including drunkenness, criminal activities, adulterous relationships, or abandonment.⁵⁵ The option to use “cruel treatment” as grounds for divorce gave women in Texas more choices to leave bad marriages than their counterparts in Mexico, whom officials often pressured to reconcile their marriages.

Abandonment was the easiest charge to prove. Texas law defined abandonment as physical separation with an intention to leave the marriage. An individual had to wait three years after their spouse's desertion before suing for divorce. The plaintiff could not be responsible for causing the separation, but a wife who left her husband to escape his cruelty could sue for divorce based on abandonment if she remained separated from him for three years. This provision gave Texas women more options to leave an abusive marriage than women in Mexico because Texas officials, unlike Mexican authorities, could not pressure a married woman to live with her husband. However, women in Texas could not obtain financial support while they remained separated from their husbands during the three years required to claim abandonment. A liberal aspect of state law allowed a new resident to file for divorce based on abandonment even if the couple was not living in Texas when the abandonment began. Since the deserting spouse in abandonment cases usually defaulted, the court easily granted the divorce. Among nineteen abandonment lawsuits in Cameron and Webb counties, seventeen were successful, one was denied, and the outcome of one is unknown. The number of actual abandonments was likely higher, since courts failed to list the grounds for numerous divorce lawsuits in which defendants frequently defaulted. Eighty-nine lawsuits (52.7 percent of total) involved a defendant who defaulted (forty-seven women and forty-two men). The large number of spouses who abandoned their troubled marriages in southern Texas parallels the desertion trends found for other parts of the American West.⁵⁶

Abandonment lawsuits depict marriages plagued by several problems. Wives described partners who were physically abusive and neglected to provide financial support. Husbands complained about wives who refused to accompany them to their present residence or who left their home. Several women had initially accompanied their husbands but eventually returned to their former homes because they were unhappy with the rustic environment in southern Texas. Most individuals who abandoned their spouses moved to other regions of the United States or crossed into Mexico. Spouses in Mexico also deserted their marriages without official sanction, but abandoned spouses had limited legal recourses. An abandoned wife in Mexico was required to prove that reconciliation was impossible in order to obtain a temporary legal separation. Only then could she reclaim her financial and physical independence. But the couple remained legally married. In contrast, an abandoned spouse in Texas could divorce and sever all links to the wayward partner. Divorce permitted an abandoned wife to reclaim her birth name, exercise full custody of her children, and remarry. Several women, including Francisca García Brooks, followed this path after their husbands abandoned them. García Brooks divorced Edward Brooks in

1875, reclaimed García as her name, and married Francisco Benito within nine months.⁵⁷

Lax legal and residency requirements made Texas a convenient place to divorce. Like other western states, Texas implemented liberal residency requirements to make it easier for newcomers to vote. But they also made divorce easier. By the mid-1880s, Texas consistently ranked among the top ten divorce-granting states.⁵⁸ The increase in divorces was not limited to Texas. The national divorce rate increased five times faster than the nation's population growth rate throughout the latter half of the nineteenth century.⁵⁹ The number of Texas divorces was affected by the so-called "interstate divorce trade" as residents of neighboring states moved to Texas specifically to divorce. Along the United States-Mexico border, the "divorce trade" adopted international dimensions as some couples married in the *villas del norte* while under Mexican jurisdiction and later divorced after the United States had acquired control over some of the towns. In 1830, María de las Nieves Salinas, for example, married José Pablo Mendiola in Laredo under Mexican jurisdiction. They lived together until 1858 when she sued for divorce in Laredo under American jurisdiction. Despite the couple's divorce, their family remained observant Catholics as three of their children subsequently married in the same Catholic parish as their parents.⁶⁰

Texas women had more freedom while divorce lawsuits were pending than did their counterparts in Mexico, who were placed in *depósito* by the courts. Authorities in Texas allowed women to arrange their own lodging. By the time they filed for divorce, most plaintiffs were living apart from their spouses. Texas law, like Mexican legislation, allowed the husband to retain control of the couple's community property while awaiting the trial's outcome. It also gave women the right to file for alimony while the divorce lawsuit was pending.⁶¹ Among the 169 divorce petitions in Table 2, however, only six plaintiffs secured alimony payments. The majority of men had fled the area, and the courts struggled to enforce alimony—a trend common throughout the United States.⁶² Some women also declined to pursue payments because wives who asked for alimony were more likely to confront countercharges from their husbands, to be denied the divorce, and / or to endure slower divorce litigation while the alimony was contested.⁶³ Women's success in securing divorces despite enduring economic hardships in the absence of alimony underscores their determination to abandon abusive marriages.

The high number of Texas divorces can partially be attributed to the relatively mild consequences of divorce under U.S. law. A legal separation was more detrimental to a spouse who lost a lawsuit in Mexico than in Texas. A guilty spouse in Mexico lost control over property and child custody. Texas courts charged the losing party with litigation expenses,

but avoided exacting harsh punishments unless a party was guilty of cruel treatment or adultery. Spouses guilty of adultery forfeited their right to any community property and usually lost child custody as well. If divorce resulted from abandonment, however, the party who lost the judgment did not necessarily lose child custody. The court could grant exclusive custody to a divorce litigant, but only when their spouse was unfit to share custody (e.g., guilty of cruelty).⁶⁴

The legal advantages of marital separations in Texas, as in Mexico, were greater for women than for men. A married woman retained ownership (but not control) of her separate property and shared ownership in the couple's community property. Her husband controlled her separate property and any community property. Furthermore, a married woman could not establish any business contracts without her husband's permission. However, divorcées regained legal control over their separate property and their share of community property in the majority of cases. They could also litigate and establish contracts freely.⁶⁵ Catherine Ashenberger (née Friery), an Irish immigrant, used her share of community property after a divorce to become a successful hardware merchant. Her divorce gave her financial independence, but it also made her solely responsible for raising and supporting her four children.⁶⁶ For upper- and middle-class women, regaining control of their property was critical because it prevented their spouses from mismanaging or selling it. While poor women did not have property on which to rely, their legal and economic independence after divorce became critical as they became single heads of households. For example, Rosalía Galves, a fifty-seven-year-old divorcée, lived alone while working as a servant.⁶⁷ Divorce also appealed to men because it allowed them to leave unhappy marriages, abandon aging wives, and / or absolve themselves of family responsibilities. However, women filed the majority of lawsuits until 1879, when men began filing for divorce in larger numbers. The increase is partly explained by a change in Texas divorce law that altered child custody determinations, requiring judges to consider the children's interests. As a result, magistrates usually gave custody of younger children to mothers and custody of older boys to fathers.⁶⁸ After 1879, men filed ten of thirty-one divorce lawsuits involving child custody. In these ten suits, men obtained full custody of minor children because their wives had either abandoned the marriage or failed to appear in court to contest the divorce.

One of the most important consequences of divorce in Texas was the option to remarry. This option was particularly useful for individuals who had limited financial resources to provide for their children.⁶⁹ Several divorced individuals did not remarry, choosing instead to rely on relatives for assistance. However, the financial and childcare struggles encountered by single heads of households persuaded several women and men to remarry.

By contrast, legally separated individuals in Mexico could only appeal to friends and family for support or they could establish informal unions, but they could not legally remarry until their spouse died. Both women and men in Texas benefited from the ability to remarry because life on the border during the nineteenth century was harsh and could be considerably easier for a couple than for a single person. Of the individuals who were wed after a divorce in southern Texas, most remarried in civil ceremonies within five years of the divorce.⁷⁰

Divorce petitions demonstrate that the legal expectations concerning marital relations in southern Texas had changed from those held in prewar Mexico. Texas court cases continued to describe gendered marital expectations where wives were responsible for childcare and housework while men were responsible for financial support. As in Mexico, women and men in Texas did not follow a domestic ideal that neatly separated their roles into distinct spheres. In addition to caring for their children, many women worked to supplement their husbands' income. Yet husbands continued to enjoy greater legal rights than wives and marriages were not examples of domestic parity. Marriages in southern Texas were far from the companionate ideal that scholars have described for some middle-class spouses.⁷¹ Nevertheless, a change did occur in the manner that spouses described their roles within marriage. Absent from divorce petitions is any mention of wives' subordination to their husbands—an essential element in marital dispute cases in Mexico. In legal records, at least, women no longer had to profess subservience in marriage in order to fulfill social expectations. Moreover, women sought divorce for reasons other than cruel treatment, in contrast to the majority of wives in Mexico. The large number of abandonment cases suggests that deserted wives could gain legal redress under Texas law by divorcing, and thus regain financial and legal independence from absent husbands. As in other parts of the American West, women in southern Texas filed for divorce more often than men (eighty-nine women versus eighty men) from 1848 to 1893, but this began to change toward the end of the nineteenth century. While a legal marital separation was exclusively a female option in the *villas del norte*, it became more complicated after 1848 as men increasingly filed for divorce.

The availability of divorce in the United States provided new avenues for women and men to end troubled marriages, but the application of American laws did not create marital separations nor increase their number. Spouses in Mexico had been separating long before American annexation in 1848. Many had chosen to resolve their marital problems through unsanctioned separations, and a few attempted to obtain an ecclesiastical divorce. After 1848, American laws made divorce available for the first time in southern Texas. Subsequently, the number of legal marital separations

in the region increased. Women and men left unsatisfactory marriages, obtained legal custody of their children, and remarried through civil channels. The increasing number of Mexican Americans who filed for divorce demonstrates their adaptation to a new legal system and suggests their departure from the Catholic Church's teachings on marriage. Yet spouses who divorced did not completely abandon their religious beliefs as they negotiated the contradictions between civil society and their Catholic faith. Several divorced individuals continued attending church services, baptisms, and their children's religious wedding ceremonies. Mexican American women's use of American civil courts to obtain divorces also demonstrated a willingness to exercise new rights, which gave them more power within marriage. Their actions linked them to women elsewhere in the United States and the world who took advantage of legal changes to improve their domestic life.⁷² Nevertheless, divorce did not solve all problems. As historian Eileen Findlay has argued for Puerto Rican women who successfully sought divorce under U.S. jurisdiction, the courts did not provide "full relief"; laws continued to favor men and many divorcées struggled economically after escaping bad marriages.⁷³

American annexation in 1848 began a period of economic dislocation, land dispossession, and political marginalization for Mexican Americans, but it also created new opportunities. The transfer of jurisdiction from Mexico to the United States opened new avenues for women and men to begin, negotiate, and end their marriages. Although the international border separated two distinct legal systems, it did not sever social relations. Border residents occasionally chose spouses who lived on the other side of the Rio Grande, and sometimes individuals crossed the border to escape unhappy marriages (with or without previously securing a divorce). The porous nature of the border offered some individuals a choice of legal options with radically different possibilities. After 1848, women living in the southern Texas region lost the recourse to appeal to a Mexican court of conciliation to resolve marital disputes. But these women gained the ability to more easily punish their husbands for domestic abuse crimes. They also gained the right to divorce. Domestic dispute and divorce lawsuits suggest that women in Texas enjoyed more independence than their counterparts in Mexico. The right to divorce was the most important change since it restored women's independent juridical rights and provided each spouse with the option to remarry.

NOTES

I would like to thank Norris Hundley Jr., Sonia Saldivar-Hull, Vicki Ruiz, George J. Sánchez, and the participants in the manuscript workshop at Southern Methodist University's Clements Center for Southwest Studies for their suggestions on earlier versions of this research. I am also grateful to the anonymous *JWH* reviewers whose helpful comments have improved this article.

¹*Laredo Archives, Index to the Municipal Correspondence, 1825–1845, and Verbal Arbitrations and Decisions, 1832–1842*, trans. Robert D. Wood, S.M. (San Antonio: St. Mary's University, 2000), 34:97:55, 29 julio 1834, hereafter cited as IMC in page:folder:document format.

²"Spanish-Mexican" refers to Spanish subjects who became Mexican citizens after Mexico's Independence. "Mexican Americans" refers to U.S. citizens of Mexican ancestry.

³Patricia Osante, *Orígenes del Nuevo Santander, 1748–1772* (Mexico City: Universidad Nacional Autónoma de México, 1997).

⁴Examples of women who resisted official pressure to reunite with their husbands and established informal unions are found in Steve J. Stern, *The Secret History of Gender: Women, Men, and Power in Late Colonial Mexico* (Chapel Hill: University of North Carolina Press, 1995), 234, 275–77; and Eileen J. Findlay, "Marriage, Divorce, and the Construction of Benevolent Colonialism in Puerto Rico, 1898–1910," in *Close Encounters of Empire: Writing the Cultural History of U.S.–Latin American Relations*, ed. Gilbert M. Joseph, Catherine C. LeGrand, and Ricardo D. Salvatorre (Durham, NC: Duke University Press, 1998), 155–57. The prevalence of female-headed households throughout colonial Latin America suggests that many married women informally separated from their husbands; see Rodney D. Anderson, "Race and Social Stratification: A Comparison of Working-Class Spaniards, Indians, and Castas in Guadalajara, Mexico in 1821," *Hispanic American Historical Review* 68, no. 2 (1988): 209–43; and Donald Ramos, "Marriage and Family in Colonial Vila Rica," *Hispanic American Historical Review* 55, no. 2 (1975): 200–25.

⁵The U.S. takeover of Puerto Rico also made divorce widely available, and changed divorce practices among Puerto Ricans; Eileen J. Suárez Findlay, *Imposing Decency: The Politics of Sexuality and Race in Puerto Rico, 1870–1920* (Durham, NC: Duke University Press, 1999), 110–34.

⁶Pedro Grenón, "Nuestros divorcios históricos," *Historia* 3, no. 11 (1958): 5–19; Silvia Marina Arrom, *The Women of Mexico City, 1790–1857* (Stanford: Stanford University Press, 1987); María Beatriz Nizza Da Silva, "Divorce in Colonial Brazil: The Case of São Paulo," in *Sexuality and Marriage in Colonial Latin America*, ed. Asunción Lavrin (Lincoln: University of Nebraska Press, 1989).

⁷Glenda Riley, *Divorce: An American Tradition* (New York: Oxford University Press, 1991); Glenda Riley, *Building and Breaking Families in the American West* (Albuquerque: University of New Mexico Press, 1996); Robert L. Griswold, *Family and Divorce in California, 1850–1890: Victorian Illusions and Everyday Realities* (Albany: State University of New York Press, 1982); and Hendrik Hartog, *Man and Wife in America: A History* (Cambridge, MA: Harvard University Press, 2000), 12–14.

⁸For recent trends in Mexican American historiography, see Deena J. González, "Gender on the Borderlands: Re-textualizing the Classics," *Frontiers* 24, nos. 2 & 3 (2003): 15–29; Ramón Gutiérrez, "Community, Patriarchy and Individualism: The Politics of Chicano History and the Dream of Equality," *American Quarterly* 45, no. 1 (1993): 44–72; Antonia I. Castañeda, "Women of Color and the Rewriting of Western History: The Discourse, Politics, and Decolonization of History," *Pacific Historical Review* 61, no. 4 (1992): 501–33; and David G. Gutiérrez, "The Third Generation: Reflections on Recent Chicano Historiography," *Mexican Studies / Estudios Mexicanos* 5, no. 2 (1989): 281–96.

⁹Albert Camarillo, *Chicanos in a Changing Society: From Mexican Pueblos to American Barrios in Santa Barbara and Southern California, 1848–1930* (Cambridge, MA: Harvard University Press, 1979); Arnaldo De León, *The Tejano Community, 1836–1900* (Albuquerque: University of New Mexico Press, 1982); Sarah Deutsch, *No Separate Refuge: Culture, Class, and Gender on an Anglo-Hispanic Frontier in the American Southwest, 1880–1940* (New York: Oxford University Press, 1987); David Montejano, *Anglos and Mexicans in the Making of Texas, 1836–1986* (Austin: University of Texas Press, 1987); Douglas Monroy, *Thrown among Strangers: The Making of Mexican Culture in Frontier California* (Berkeley: University of California Press, 1989); Lisbeth Haas, *Conquests and Historical Identities in California, 1769–1936* (Berkeley: University of California Press, 1995); Timothy M. Matovina, *Tejano Religion and Ethnicity: San Antonio, 1821–1860* (Austin: University of Texas Press, 1995); Armando C. Alonzo, *Tejano Legacy: Rancheros and Settlers in South Texas, 1734–1900* (Albuquerque: University of New Mexico Press, 1998); and Deena J. González, *Refusing the Favor: The Spanish-Mexican Women of Santa Fe, 1820–1880* (New York: Oxford University Press, 1999).

¹⁰Miroslava Chávez-García, *Negotiating Conquest: Gender and Power in California, 1770 to 1880s* (Tucson: University of Arizona Press, 2004), 89–122.

¹¹Other divorce studies in Texas have focused on counties far removed from the U.S.-Mexico border with few Mexican American residents. Mark M. Carroll, *Homesteads Ungovernable: Families, Sex, Race and the Law in Frontier Texas, 1823–1860* (Austin: University of Texas Press, 2001), 140; and Francelle LeNae Pruitt, "'But a Mournful Remedy': Divorce in Two Texas Counties, 1841–1880" (MA thesis, University of North Texas, 1999), 31–78.

¹²Arnaldo De León, "Texas Mexicans: Twentieth-Century Interpretations," in *Texas Through Time: Evolving Interpretations*, ed. Walter L. Buenger and Robert A. Calvert (College Station: Texas A&M University Press, 1991), 20–49.

¹³Stern, *Secret History of Gender*, 99–107.

¹⁴IMC 39:105:76, 4 noviembre 1834, Antonio Castillo v. Andrés García.

¹⁵Archivo Histórico de Matamoros, Tamaulipas AHM-JUS 3:16, 20 abril 1836, Ylario Villarreal v. María Reducinda Gutiérrez, hereafter cited as AHM-XXX caja no.:expediente no., where XXX is JUS (Justicia) or JUD (Judicial).

¹⁶AHM-JUS 2:11, 10 enero 1833, Pedro Torres v. María Gertrudis (surname missing in original).

¹⁷For a detailed discussion of *juicios de conciliación*, see Miroslava Chávez, "'Pongo mi Demanda': Challenging Patriarchy in Mexican Los Angeles, 1830–1850," in *Over the Edge: Remapping the American West*, ed. Valerie J. Matsumoto and Blake Allmendinger (Berkeley: University of California Press, 1999). AHM-JUS 5:7, 4 mayo 1841, Doña Agripa Losa v. Nieves de la Rosa.

¹⁸*Juicios de conciliación* from AHM and IMC.

¹⁹Third Mexican Provincial Council in Galván Rivera, *Concilio*, 350, quoted in Arrom, *Women of Mexico City*, 208.

²⁰AHM-JUS 2:11, 10 enero 1833, Miguel Balleto v. Guadalupe Robles. Light Townsend Cummins, "Church Courts, Marriage Breakdown, and Separation in Spanish Louisiana, West Florida, and Texas, 1763–1836," *Journal of Texas Catholic History and Culture* 4 (1993): 97–114.

²¹After receiving this permission, the interested party, usually the wife, could sue in a civil court to determine child custody and temporary living arrangements. Arrom, *Women of Mexico City*, 211.

²²Church officials did not permit me to examine ecclesiastical court records. I read some responses from local ecclesiastical judges in civil court documents, but could not determine the outcome of divorce lawsuits.

²³I found no records of annulment in the *villas del norte*. Cummins found only two annulment cases over a seventy-four year period in his study of Spanish Louisiana, West Florida, and Texas; Cummins, "Church Courts and Marriage," 100. Arrom identified only seven requests for annulment in Mexico City for a sixty-eight year period; Arrom, *Women of Mexico City*, 336n6.

²⁴Mexico's 1859 Law on Civil Matrimony transferred jurisdiction over marital relations to civilian officials, but did not permit divorce. The 1870 and 1884 reforms also altered marital law by liberalizing the grounds under which couples could separate (from bed and board). Silvia M. Arrom, "Changes in the Mexican Family Law in the Nineteenth Century: The Civil Codes of 1870 and 1884," *Journal of Family History* 10, no. 3 (1985): 305, 310–12; Nizza Da Silva, "Divorce in Colonial Brazil," 313; and Arrom, *Women of Mexico City*, 208–12.

²⁵AHM-JUS 5:19, 3 mayo 1842, Doña Cecilia Figueroa v. Don Francisco Leal.

²⁶AHM-JUS 5:7, 2 septiembre 1841, Brigida Ramires v. Pedro González. Arrom, *Women of Mexico City*, 209, 218.

²⁷Arrom, *Women of Mexico City*, 210.

²⁸*Ibid.*, 227–28.

²⁹Asunción Lavrin, "Sexuality in Colonial Mexico," in *Sexuality and Marriage in Colonial Latin America*, ed. Asunción Lavrin (Lincoln: University of Nebraska Press, 1989), 58–67; Patricia Seed, *To Love, Honor, and Obey in Colonial Mexico: Conflicts over Marriage Choice, 1574–1821* (Stanford: Stanford University Press, 1988),

62–64; Ramón A. Gutiérrez, *When Jesus Came, the Corn Mothers Went Away: Marriage, Sexuality, and Power in New Mexico, 1500–1846* (Stanford: Stanford University Press, 1991), 207–40; and Christine Hunefeldt, *Liberalism in the Bedroom: Quarrelling Spouses in Nineteenth-Century Lima* (University Park: Pennsylvania State University Press, 2000), 219, 352–53.

³⁰Arrom, *Women of Mexico City*, 212–16.

³¹Documentation on *depósito* was found in four of the eleven unreconciled cases.

³²AHM-JUD 22:5, 12 marzo 1841, María Concepción Solís v. Sabas Olivares; AHM-JUS 5:4, 27 marzo 1841; AHM-JUS 5:7, 24 mayo 1841; AHM-JUD 23:9, 23 julio 1841; AHM-JUS 5:7, 28 julio 1841.

³³AHM-JUD 16:6, 15 agosto 1838; AHM-JUD 32:11, 13 febrero 1846.

³⁴AHM-JUS 2:24, 9 mayo 1834, María Concepción Flores v. Francisco Quintanilla.

³⁵Arrom, *Women of Mexico City*, 210, 228; and Nizza Da Silva, "Divorce in Colonial Brazil," 319.

³⁶AHM-JUS 2:11, 10 enero 1833, Pedro Torres v. María Gertrudis (surname missing in original); Arrom, *Women of Mexico City*, 210, 226–27.

³⁷Arrom, *Women of Mexico City*, 228–32. Costa Rican civil courts enforced an "upper-class marriage ideal" where husbands were "companionate, affective, and self-sufficient breadwinner[s]," while wives were "submissive and domestic" partners. Eugenia Rodríguez S., "Civilizing Domestic Life in the Central Valley of Costa Rica, 1750–1850," in *Hidden Histories of Gender and the State in Latin America*, ed. Elizabeth Dore and Maxine Molyneux (Durham, NC: Duke University Press, 2000), 85–107.

³⁸AHM-JUS 5:19, 3 mayo 1842, Doña Cecilia Figueroa v. Don Francisco Leal; AHM-JUS 3:7, 1 mayo 1835, C. Eulogio Peres v. su muger (name and surname missing in original); AHM-JUS 2:24, 9 mayo 1834, María Concepción Flores v. Francisco Quintanilla.

³⁹Arrom, *Women of Mexico City*, 230–32.

⁴⁰My findings on the litigants' socioeconomic background agree with Arrom's findings for early-nineteenth-century Mexico City. *Ibid.*, 219–22.

⁴¹Gilberto M. Hinojosa, *Borderlands Town in Transition: Laredo, 1755–1870* (College Station: Texas A&M University Press, 1983); and Alonzo, *Tejano Legacy*.

⁴²Kenneth L. Stewart and Arnolde De León, *Not Room Enough: Mexicans, Anglos, and Socioeconomic Change in Texas, 1850–1900* (Albuquerque: University of New Mexico Press, 1993), 35–38, 68–70; and Arnolde De León, *They Called Them Greasers: Anglo Attitudes toward Mexicans in Texas, 1821–1900* (Austin: University of Texas Press, 1983), 36–48. Recent studies that describe Mexicans' changing racial

status after American annexation include Pablo Mitchell, *Coyote Nation: Sexuality, Race, and Conquest in Modernizing New Mexico, 1880–1920* (Chicago: University of Chicago Press, 2005), and Linda Heidenreich, *“This Land was Mexican Once”: Histories of Resistance from Northern California* (Austin: University of Texas Press, 2007). I also explore the racialization of Mexicans in the postannexation period in a forthcoming book to be published by Duke University Press.

⁴³Cameron County District Court Minutes, microfilm reel 1016160, case 391, Lafayette Woolf v. Avarista Woolf, 15 November 1853, hereafter CCDCM reel no. / case no.

⁴⁴I use “southern Texas” to refer to the border cities (from Laredo in the west to Brownsville in the east) along the Rio Grande.

⁴⁵Additional information on domestic dispute and divorce cases appeared in the following newspapers from the 1860s and 1870s: *Weekly Ranchero* (Brownsville), *Daily Ranchero* (Brownsville), and *The Ranchero* (Corpus Christi). *Daily Ranchero*, 14 February 1867; *Weekly Ranchero*, 13 June 1867.

⁴⁶The newspaper failed to identify Mrs. Echarete’s first name. *Daily Ranchero*, 13 October 1866, 2 November 1866; CCDCM 1016161 / 714, 15 September 1868.

⁴⁷*Daily Ranchero*, 28 May 1867, 30 April 1867, 17 November 1866, 8 June 1867. H. P. N. Gammel, *Laws of Texas 1822–1897* (Austin: The Gammel Company, 1898), 3:221.

⁴⁸Texas initially allowed only a legislative divorce, which involved petitioning the state legislature for a divorce decree, and favored wealthy men with political connections. Norma Basch, *Framing American Divorce: From the Revolutionary Generation to the Victorians* (Berkeley: University of California Press, 1999), 50–53; and Wendy Larson, “A History of Divorce in Texas” (MA thesis, Texas A&M University, 1986), 33.

⁴⁹Puerto Rico experienced a similar explosion of divorce suits after the U.S. takeover. Findlay, *Imposing Decency*, 124.

⁵⁰Gammel, *Laws of Texas*, 2:483–86; and Riley, *Divorce*, 51.

⁵¹Divorce lawsuits in twentieth-century Puerto Rico also led to speedier and more reliable results. Findlay, *Imposing Decency*, 124.

⁵²CCDCM 1016155, 1016156, and 1016160; and Webb County District Court Minutes microfilm reel 1017260, hereafter WCDCM reel no. / case no.

⁵³Gammel, *Laws of Texas*, 2:483–84; George W. Paschal, *A Digest of the Laws of Texas, Containing Laws in Force and the Repealed Laws on which Rights Rest* (Galveston, TX: S.S. Nichols, 1866), 566–68; and Larson, “A History of Divorce in Texas,” 33–35.

⁵⁴Gammel, *Laws of Texas*, 2:484, emphasis added.

⁵⁵Larson, "A History of Divorce in Texas," 36–38; and Paschal, *A Digest of the Laws of Texas*, 566.

⁵⁶Larson, "A History of Divorce in Texas," 35–36. For large desertion rates in the American West, see Bonnie Ford, "Women, Marriage, and Divorce, 1849–1872" (PhD diss., University of California, Davis, 1985), 120–22; Riley, *Building and Breaking Families in the American West*, 118–19; Riley, *Divorce*, 87; and Pruitt, "But a Mournful Remedy," 58–59.

⁵⁷CCDCM 1016161 / 1144, Francisca (García) Brooks v. Edward M. Brooks, 10 December 1875; Cameron County Marriage Records microfilm reel 1016186, p. D518, Francisco Benito and Francisca García, 16 August 1876, hereafter CCMR reel no.

⁵⁸Lynne Carol Halem, *Divorce Reform: Changing Legal and Social Perspectives* (New York: Free Press, 1980), 21–28, 61; Nelson Manfred Blake, *Road to Reno: A History of Divorce in the United States* (New York: Macmillan, 1962), 122, 128–29; and Larson, "A History of Divorce in Texas," 11, 13, 41–44.

⁵⁹Various states (including Connecticut, Indiana, and South Dakota) have been divorce mills; Hartog, *Man and Wife*, 14. Several factors explain the rising divorce rate including the increasing passage of states' divorce legislation, emergence of the modern companionate family, greater economic opportunities for women, stress of the Civil War, increasing mobility of the population, influence of the growing women's rights movement, increasing marriage rates, and greater expectations for marriage; see Riley, *Building and Breaking Families in the American West*, 113–14; Elaine Tyler May, *Great Expectations: Marriage and Divorce in Post-Victorian America* (Chicago: University of Chicago Press, 1980), 6–7; Basch, *Framing American Divorce*, 128–29; Nancy F. Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, MA: Harvard University Press, 2000), 49–55; and Griswold, *Family and Divorce in California*, 2.

⁶⁰Pablo José Mendiola and Doña Maria de las Nieves Salinas, 13 February 1830, entry 531, in Angel Sepulveda Brown and Gloria Villa Cadena, *San Agustín Parish of Laredo: Abstracts of Marriage*, book 1, 1790–1857 (Laredo, TX: Graficas Canepa, 1989); WCDCM 1017260 / 3, Nieves Salinas Mendiola v. Pablo Mendiola, 1858. Carlos Salinas and Paula Mendiola, 25 July 1859, entry 33; Santiago Mendiola and Paula González, 30 April 1862, entry 71; and Edward Frederick Hall and Carolina Mendiola, 20 April 1868, entry 228, in Angel Sepulveda Brown and Gloria Villa Cadena, *San Agustín Parish of Laredo: Abstracts of Marriage*, book II, 1858–1881 (Laredo, TX: Graficas Canepa, 1993). The number of couples that married in Mexico and later divorced in the United States is difficult to determine because divorce records usually do not indicate where the marriage took place. For a fascinating discussion of the "geography of remarriage" after divorce, and occasionally without a divorce, see Hartog, *Man and Wife*, 22–23, 242–86.

⁶¹Once a divorce was final, husbands were not required to continue paying temporary alimony; Gammel, *Laws of Texas*, 3:485; Larson, "A History of Divorce in Texas," 39–40; and James W. Paulsen, "Remember the Alamo[ny]!: The Unique Texas Ban on Permanent Alimony and the Development of Community Property Law," *Law and Contemporary Problems* 56, no. 2 (1993): 8–15.

⁶²Richard H. Chused, *Private Acts in Public Places: A Social History of Divorce in the Formative Era of American Family Law* (Philadelphia: University of Pennsylvania Press, 1994), 147–48; Basch, *Framing American Divorce*, 114; Ford, “Women, Marriage, and Divorce,” 112; Chávez-García, *Negotiating Conquest*, 99–100; and Riley, *Divorce*, 53, 82–83, 90.

⁶³Basch, *Framing American Divorce*, 113–14; and Riley, *Divorce*, 50.

⁶⁴Arrom, *Women of Mexico City*, 209–10; Paschal, *A Digest of the Laws of Texas*, 778; and Gammel, *Laws of Texas*, 3:486. The courts usually granted custody of the youngest children to wives—this trend followed the “tender years” principle where mothers gained custody of infant children; Riley, *Divorce*, 83–84.

⁶⁵Paschal, *A Digest of the Laws of Texas*, 773–78; Elizabeth York Enstam, “Women and the Law,” in *The Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/WW/jsw2.html>. According to Carroll, Texas courts “almost always awarded a divorcing woman her community share and all of her separate property,” even in cases when the wife had committed adultery; Carroll, *Homesteads Ungovernable*, 138. My research did not confirm Carroll’s argument regarding property divisions. For a counter example, see CCDCM 1016155 / 3001, BF Donaldson v. Refugia Garza Girón, 17 May 1855.

⁶⁶CCDCM 1016161 / 1187, Catherine (Friery) Ashenberger v. Joseph Ashenberger, 24 August 1877; U.S. Federal Census, 1870 and 1880.

⁶⁷U.S. Federal Census, 1880.

⁶⁸Larson, “A History of Divorce in Texas,” 43.

⁶⁹On the importance of marriage and remarriage for survival in the nineteenth century, see Hartog, *Man and Wife*, 284. Divorced spouses could remarry through the civil courts and through some Protestant churches; Halem, *Divorce Reform*, 31–33; and Blake, *Road to Reno*, 137–39.

⁷⁰It is difficult to determine the total number of remarriages after divorce due to the prevalence of common names, the possibility of remarriage in a distant county, and the change in women’s surnames after marriage. Working with these limitations, I identified twelve divorced individuals (eight men and four women) who remarried in civil ceremonies officiated by a Justice of the Peace or County Judge; CCMR 1016183.

⁷¹Merril D. Smith, *Breaking the Bonds: Marital Discord in Pennsylvania, 1730–1830* (New York: New York University Press, 1991), 44–75; Basch, *Framing American Divorce*, 97–140; Riley, *Divorce*, 55–59; and Steven Mintz and Susan Kellogg, *Domestic Revolutions: A Social History of American Family Life* (New York: Free Press, 1988).

⁷²Richard Roberts, “Representation, Structure and Agency: Divorce in the French Soudan during the Early Twentieth Century,” *Journal of African History* 40, no. 3 (1999): 389–410; Nancy F. Cott, “Divorce and the Changing Status of Women in Eighteenth-Century Massachusetts,” *William and Mary Quarterly* 33, no. 4 (1976): 584–614; and Riley, *Divorce*, 85–107.

⁷³Findlay, *Imposing Decency*, 131–32.