

CAETANA SAYS

NO

WOMEN'S STORIES FROM A
BRAZILIAN SLAVE SOCIETY

SANDRA LAUDERDALE GRAHAM



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CAETANA SAYS NO

PATRIARCHY CONFOUNDED

In the weeks preceding the wedding the usual Catholic preparations were made: Papers were signed, fees paid, banns posted. Then on a spring day in October 1835, on the plantation Rio Claro in the Province of São Paulo, a priest, who had journeyed from the nearby village of Santo Antônio de Paraibuna, prepared to celebrate mass in the plantation chapel. The benches arranged, he readied the altar with its candlesticks that stood four hands high, its missal, bell, and chalice, and placed the holy vestments over his own plain black cassock. Two witnesses stood ready, while the groom waited at the chapel door. The young bride, slow to dress in her best, at last presented herself for the ceremony. The mass said and the matrimonial blessing given, the priest left the plantation and returned home to the village.¹

This pleasant but apparently unremarkable scene discloses a slave wedding, and with this fact it captures our attention. The bride, Caetana, perhaps seventeen years old, and the groom, Custódio, in his mid-twenties, were fellow slaves, or *parceiros*, a term that acknowledged them as companions belonging to a common master, the human property of

¹ Vigararia Geral do Bispado de São Paulo, Libello de Nullidade do Matrimônio, defendant, Custodio by his lawyer, São Paulo, 1836, Arquivo da Cúria Metropolitana, Salvador, Bahia (hereafter cited as ACM-BA), Libello de Divórcio e Justificação de Sevícias, 1839–1874, [pasta 8] (hereafter cited as Nullidade, 1836), fls. 11v, 62–62v, 64; Inventário, Captain Luiz Marianno de Tolosa, Santo Antônio de Paraibuna, São Paulo, 1853 (hereafter cited as Inventário, Luiz Marianno Tolosa, 1853), Arquivo do Forum, Paraibuna, São Paulo (hereafter cited as AF-PSP), Pacote 4, fl. 11v. I have retained the original spelling of personal and place names in quoting or citing manuscript sources; otherwise, I use modern spelling.

Captain Luís Mariano de Tolosa, owner of Rio Claro.² A slave marriage blessed by the church and made legally binding would seem an unusually gracious ending to a tale of slave love.

Far from it. As Caetana later told her dramatic story – and it remains dramatic even through the retelling by a scribe in the inevitably flattening language of court documents – she felt not only a “great repugnance for the state of matrimony,” but she found *this* man particularly distasteful.³

It was their master who, one day, without consulting or even warning her, simply told her she was to marry. Despite his “emphatic tone” she summoned her courage to refuse. But in the end she obeyed, against her will and from fear of Tolosa’s threats; after all, he was her master and “would do what he wanted.” Once married, however, she knew what she must do: She would refuse her husband. This time her determination drew the ire of the other male with visible authority in her life, her uncle and godfather, who threatened to beat her if she did not submit to her husband as a wife should. With few choices left her, late at night Caetana ran from her uncle’s house back to Tolosa himself. In her distress she managed finally to persuade him that she would never willingly accept the marriage. Tolosa relented and separated the couple.

And he did more. He launched a petition before an ecclesiastical court to annul the marriage. The legal process began in the distant city of São Paulo, far from the plantation and Caetana’s direct experience. She was named as plaintiff, Custódio as the pro forma defendant, and two attorneys were appointed as *curadores*, or legal protectors, to act for them in court, the usual procedure in cases involving persons not regarded as legally adults – minor children, mentally defective persons, and slaves. The court duly noted that Captain Tolosa had given permission for the case to proceed, and by late summer, in February 1836, less than four months after the wedding, Caetana’s petition was before the church court.⁴

² Ages, especially slave ages, are often uncertain; when census and court records differed, I took the court records as more likely to be accurate; for Caetana’s age, see Nullidade, 1836, fl. 46v. See *Dicionário da língua portuguesa*, Antonio de Moraes Silva, comp., 2 vols. (Rio de Janeiro: Editora-Empresa Litteraria Fluminense, 1891), vol. 1, p. 480: “O escravo chamava parceiros a seus companheiros na família” – i.e., “the slave called his companions in the [master’s extended] family *parceiros*.”

³ Nullidade, 1836, fl. 11.

⁴ *Ibid.*, 1836, fls. 11v, 47v, 24v. Church procedure for hearing such cases was established in Sebastião Monteiro da Vide, *Constituições primeiras do Arcebispado*

Annulment petitions appear infrequently in church records. Among the more than 700 cases housed in Salvador at the Curia Archive and in Rio de Janeiro at the National Archive, including appellate cases sent to the High Court at Bahia from other parts of the empire, most couples who wanted to end their marriages sought a “divorce,” that is, separation. Only a scattering of persons asked for annulments, and of those who did, Caetana’s is the only slave case I discovered.⁵ When they did occur, annulments could be lengthy affairs. Caetana’s petition was under consideration for nearly five years, from February 1836 when proceedings were initiated in São Paulo until October 1840 when ecclesiastical judges of the High Court in Bahia, having reviewed the appealed case, confirmed the lower court’s decision.

The thick bundle of papers resulting from their ecclesiastical inquiry requires some assessment. What can be learned from legal texts is inviting because they contain drama, conflict, a story. There is exquisite detail supplied by nine witnesses, pages of formal allegations, attorneys’ briefs, and judges’ opinions recorded over that long time. We are lucky to have Caetana’s case, and only because Tolosa relented and went to court do we know about it at all. But it is a retrieved story and the very mode of its recording – according to judicial language and procedure – means that it provides evidence slanted to answer certain questions and not others. We know actions and even sequences of actions, but most often motivations must be inferred. Church lawyers elicited testimony that bore on annulment, while we want to know why a young slave woman fought fiercely against being married. These sources cannot readily or directly reveal the interior life of the woman who engages our

da Bahia. Feitas e ordenadas pelo . . . 5º Arcebispo do dito Arcebispado do Conselho de Sua Magestade: Propostas e aceitas em o synodo diocesano que o dito Senhor celebrou em 12 de junho do anno de 1707. Impressas em Lisboa no anno de 1719 e em Coimbra em 1720. . . . (São Paulo: Typ. “2 de Dezembro,” 1853), Liv. 1, Tit. 74, nos. 320–323 (hereafter cited as *Constituições primeiras*, 1853). The authority of the *Constituições primeiras*, 1853 was extended to independent Brazil by Decreto e Resolução, 3 November 1827, and recommended by Aviso, 25 June 1828; quoted in M. J. de Campos Porto, *Repertorio de legislação ecclesiastica desde 1500 até 1874* (Rio de Janeiro: Garnier, 1875), p. 191.

⁵ The complete name of the city, São Salvador da Bahia de Todos os Santos, or Holy Savior of the Bay of All Saints, is usually shortened to Salvador and used interchangeably with Bahia, which was, confusingly, also the name of the province and now of the state. Arquivo da Cúria Metropolitana, Salvador, Bahia; Arquivo Nacional, Rio de Janeiro, Seção do Poder Judiciário (hereafter cited as ANRJ-SPJ). In Salvador I identified 28 annulment cases, nearly half of which originated in Bahia; the others were appealed from all parts of the empire.

curiosity so many years after her time. Having found the appealed case at the church archive in Bahia with the original included in its pages, I returned to Paraibuna and the place where it all began to trace the surrounding events. By adding local census lists, wills, and the property inventories prepared for purposes of probate to the annulment record, I can reconstruct lived contexts, sketch likely scenarios, and suggest unfamiliar possibilities.

These same sources lead out from the immediate events of Caetana's story to the multiple contexts in which it was embedded and shed light on the fuller society of which Rio Claro was so small a part: village life; conflict among planters; patterns of land ownership, debt, and inheritance; the institutions of civil authority; and church law. Occurrences of slave marriages, uses of godparenthood, hierarchies of labor, distinctions in living conditions, the precariousness of slave family life and the stability of it – all these are brought into new relief when viewed through this slave woman's experience. We are able to consider the dealings of male reputation and the uses of male authority, both civic and domestic; planter friendship; hoped-for female celibacy; and the rankings of authority within a slave family.

And further, this remarkable and surely unique legal text enables us to discover how events in one small realm of slave–master relations, when seen close up, are instructively revealed to be more complex and less arbitrary than we suppose. It would be easy to dismiss Tolosa as the powerful master and Caetana as the helpless slave, but that gloss does not work. He did order her to marry, and she knew she had to obey; but she struggled, and he relented. A nearly model household of patriarchal, slave-owning order became problematic when Caetana said, “No.” Because of her the entire hierarchy of males – owner, uncle, husband, and church – was thrown into turmoil. So it is a story with a twist: a regretful master, a tough slave family, and an indifferent church. In this society of radically skewed power, more choices existed for all sides than we first imagine. Caetana's vision of liberty was not escape from bondage, but simply an unmarried life. Her struggle was not directed against slavery in any standard political sense, but was young female resistance against male authority. It is not what we expect, but it is what happened.

SETTINGS

The settings for Caetana's story – fazenda, town, county – begin with the property owned in the 1830s by Captain Tolosa and his wife, Dona Ana

Joaquina Moreira de Tolosa. About Tolosa's background we know next to nothing, only that he was a "Brazilian citizen," despite his Spanish-sounding name, and born in Taubaté, while Ana Joaquina was the daughter of the prominent Moreira da Costa family, also of Taubaté, the important regional center on the Paraíba River some ten leagues, or about forty miles, northwest of Paraibuna. Ana Joaquina almost certainly had inherited from her parents' vast lands, lands secured in the eighteenth century as a royal grant from Portugal's ruling sovereign by her father and a kinsman, probably a brother: lands a league across and three leagues deep located between the Paraitinga and Paraibuna Rivers. An inventory of the Tolosas' holdings drawn up in 1834 described a patchwork of lands measured not by a surveyor's coordinates but marked by references to neighbors such as the 424 *braças* of irregularly bounded lands bordering the royal land grant once made to a now-deceased priest, or the half league of land between lands belonging to a Dona Marciana and the widow Dona Maria Custódia. There was no need to record full names; contemporaries would recognize them. References to equally familiar features of the landscape such as "below the winter waterfall" (apparently dry during other seasons) or "beyond the Paraibuna River" located other plots. Another parcel was simply a "quantity of land" half a league deep, another was a "small portion of land where Antônia da Cunha lives." Landholdings were not contiguous, and no single number neatly summarized the area they covered, but knowing that at least four pieces of land each ran half a league or about two miles deep and a fifth measured nearly four miles square, we can say that Rio Claro's lands were extensive, if not vast. Well watered by the Paraibuna River, which in turn flowed into the Paraíba, these lands also included substantial tracts of "wilderness" or virgin forest.⁶

Like most properties in the district, Rio Claro's cultivated lands were devoted principally to coffee. While census reports for 1830 and 1835

⁶ São Paulo (state), Arquivo do Estado de São Paulo (hereafter cited as AESP), *Repertório das sesmarias concedidas pelos Capitães Generais da Capitania de São Paulo desde 1721 até 1821* (São Paulo: Tip. do Globo, 1944; rpt., São Paulo: Secretaria de Estado da Cultura, 1994), 67 (hereafter cited as *Repertório das sesmarias*); Inventário, Anna Joaquina Moreira, Santo Antônio de Paraibuna, São Paulo, 1834 (hereafter cited as Inventário, Anna Joaquina Moreira, 1834), AF-PSP, Pacote 7, fls. 2, 15–17v; Land register, Antonio Tertuliano dos Santos, Santo Antônio de Paraibuna, São Paulo, 10 May 1856, Registro no. 241, AESP, Registro de Terras da Província de São Paulo, vol. 43, Paraibuna, 30/6/1854–30/5/1857, fl. 64 (hereafter cited as Registro de Terras, 1856).

indicate that Tolosa also grew substantial amounts of corn, beans, and rice, 1835 figures for exports from the nearest port show that only small amounts of these products (and some tobacco) went to market outside the region, suggesting that planters used these crops mostly to feed themselves and their slaves, from time to time selling small surpluses locally. And like the many planters who also raised cattle, horses, or pigs, Tolosa slaughtered or sold livestock to others in the county.⁷ Coffee, on the other hand, counted as the valued export. First planted in Brazil in 1727 in the Amazon region, coffee did not become commercially significant until the 1820s, when a handful of soon-powerful families settled the middle Paraíba River Valley and began to ship coffee through the port of Rio de Janeiro. About the same time, coffee appeared upriver in northern São Paulo province and in areas between the river valley and the coast. As early as 1814 a São Paulo official, Manuel da Cunha de Azeredo Souza Chichorro, the man who later appears as Tolosa's friend and Caetana's unsolicited ally, informed the captain-general that the counties of the captaincy "planted much coffee."⁸ And the trees flourished. In the 1830s, when only one sugar mill owner could be counted among eighty-three big coffee planters and another 267 small-scale farmers who raised some coffee and cattle, coffee clearly provided the district's economic fulcrum.⁹

⁷ Mappa dos Habitantes alistentes desta Segunda e Nova Com[panhi]a da Freguesia de S[anto] Antonio de Parai'buna distrito da Villa de Jacarehei, em apresentes com seus Nomes, Empregos, Naturalidades, Idades, Estados, Cores, Ocupações, Cazoalidades que acontecerão em cada huma de Suas Respectiveas familias desde a fatura da data do anno antesedente, AESP, Seção de Manuscritos (hereafter cited as SM), Maços de População, Jacarei, Santa Branca, Parai'buna, 1830–1850, Maço 2, Parahybuna, 2ª Companhia, 1830, Caixa 86, Ordem 86, Fogo 89, Luiz Marianno de Toloza (hereafter cited as Mappa dos Habitantes, 1830); 1º Distrito de Santo Antonio pertencente ao Municipio de Parahybuna, 1835, AESP-SM, Maços de População, Jacarehy, Santa Branca, Parahybuna, Maço 2, Caixa 86, Ordem 86, 1830–1850 (hereafter cited as 1º Distrito de Santo Antonio de Parahybuna, 1835); Daniel Pedro Müller, *Ensaio d'um quadro estatístico da província de São Paulo: Ordenado pelas leis provinciais de 11 de abril de 1836 e 10 de março de 1837*, 3rd rpt. ed., intro. Honório de Sylos (São Paulo: Governo do Estado de São Paulo, 1978), pp. 124–129, 231–233.

⁸ Affonso d'Escragnoille Taunay, *Pequena história do café no Brasil (1727–1937)* (Rio de Janeiro: Departamento Nacional do Café, 1945), pp. 31–39, 54, 44–45; the quote appears on p. 44.

⁹ Müller, *Quadro estatístico*, pp. 241–242, 130; 1º Distrito de Santo Antonio de Parahybuna, 1835; and População da Freguezia de Santo Antônio de Parai'buna, Agosto de 1832, AESP-SM, Maços de População, Jacarehy, Santa Branca,

How rich had coffee made Tolosa? A rough measure of his wealth can be calculated following Daniel Pedro Müller's 1838 estimate that a vigorous coffee bush yielded two pounds of coffee per year. In 1834 approximately 30,000 coffee bushes grew at Rio Claro. Consistent with this estimate, in 1830 Tolosa marketed 2,000 *arrobas*, or about 63,400 pounds of coffee.¹⁰ Tolosa's crop might seem paltry compared with the 1850s, when coffee in the middle Paraíba Valley was at its zenith and a single planter harvested coffee from several hundred thousand bushes, but measured against others at more or less the same time in this part of the valley, Tolosa was a major producer. As one among the county's eighty-three coffee fazendas, Rio Claro nevertheless accounted for nearly one-tenth of all the coffee sold from the county in 1830.¹¹ About forty years old when Caetana's case began, Tolosa must have begun to grow coffee as a relatively young man, putting him among the first generation of planters to stake their fortunes and their futures on coffee. The gamble paid off. In the 1830s, assuming an annual crop of at least 2,000 arrobas at an average top price of 3,200 réis per arroba, Tolosa could anticipate a

Parahybuna, Maço 2, Caixa 86, Ordem 86, 1830–1850 (hereafter cited as População da Freguezia de Santo Antônio de Parahybuna, 1832).

¹⁰ Müller, *Quadro estatístico*, p. 27; Inventário, Anna Joaquina Moreira, 1834, fl. 17. Writing about the middle Paraíba Valley in 1885, C. F. van Delden Laërne, *Brazil and Java: Report on Coffee-Culture in America, Asia, and Africa* (London: W. H. Allen, 1885), pp. 328–329, shows that old trees produced on average less than one pound of coffee annually. Luiz Marianno de Tolosa, Mappa dos habitantes, 1830, Fogo 89.

¹¹ Laërne, *Brazil and Java*, pp. 328–329; Müller, *Quadro estatístico*, pp. 125, 129–130; Taunay, *Pequena história do café*, p. 55; Lista Geral dos Habitantes, e Existentes, na 3^a Comp[anhi]a de Ordenança da Villa de Jacarehy com declaração de Seus Nomes, Empregos, Naturalidades, Idades, Estados, Cores, Ocupações e Casualidades que acontecerão em cada huma de Suas Respectivas Familias, desde a factura da Lista antecedente, 1829, Fogo 12, Claudio José Machado (hereafter cited as Lista Geral dos Habitantes, 3^a Companhia, 1829); Anno de 1829, Lista Geral dos Habitantes, e Existentes, na 6^a Comp[anhi]a de Ordenança da Villa de Jacarehy com declaração de Seus Nomes, Empregos, Naturalidades, Idades, Estados, Cores, Ocupações e Casualidades que acontecerão em cada huma de Suas Respectivas Familias, desde a factura da Lista do anno antecedente, Fogo 1, Custodio Ferreira Braga (hereafter cited as Lista Geral dos Habitantes, 6^a Companhia, 1829); José Lobato de Moura e Silva, *ibid.*, Fogo 23; 1828, Lista dos Habitantes, e Existentes, na 3^a Companhia, de Ordenança da Villa de Jacarehy com declaração de Seus Nomes, Empregos, Naturalidades, Idades, Estados, Cores, Ocupações e Casualidades que acontecerão em cada huma de Suas Respectivas Familias, desde a factura das Listas [illegible], 1828, Fogo 37, Ignacio Bicudo de Gouveia (hereafter cited as Lista dos Habitantes, 1828).

yearly gross income at Rio Claro of 6,400,000 réis, or the equivalent of about \$4,288 calculated in 1830s U.S. dollars, on which he then paid a 5 percent agricultural tax to the province and a 7 percent imperial export tax. It was a substantial income, enough to buy two houses in town or as many as ten prime male slaves. The estate Tolosa and his wife owned jointly had a net value in 1834 of more than 55 million réis, or in 1834 dollars about \$43,450.¹² Among his fellow planters Tolosa was a solidly rich man in a prospering economy.

Ownership of Rio Claro is not a simple matter to reconstruct. As the 1834 inventory makes clear, Tolosa and his wife together owned only half the estate's largest parcels of land and half the coffee bushes, as well as half the cattle, mules and mule teams, pigs, sheep, and goats, and therefore half the profits. On the other hand, they owned outright the houses, work sheds for carpentry and blacksmithing, tools, corn cribs, and the mills for grinding corn and sugar – that is, the physical plant. The slaves listed in 1834 numbered somewhat more than half those counted in a census of the entire fazenda in 1830. Assuming that new slaves were bought or born in the intervening four years, their number suggests that Tolosa and Dona Ana Joaquina also owned half the slaves at Rio Claro.¹³

Who, then, was the other half-owner? Tolosa's household in 1830 included two resident priests, the Reverends Valerio de Alvarenga Ferreira and Manuel Inocência Muniz Barreto. About Father Manuel we know only that he continued to live at Rio Claro and was a friend to Father Valerio, who mentioned him in his will. Father Valerio, however, was important at Rio Claro as Tolosa's partner and joint owner of the fazenda. The transcript of Caetana's marriage certificate identified Caetana and Custódio as "slaves of the Reverend Valerio de Alvarenga Ferreira and Company," although throughout the pages of the annulment petition Tolosa appears as sole owner of both slaves. Certainly, Tolosa made the decisions. How the two men came to form a partnership is unknown, and

¹² Mappa dos habitantes, 1830, Fogo 89, Luiz Marianno de Toloza; Müller, *Quadro estatístico*, pp. 122, 210. I have converted Brazilian currency to U.S. equivalents at the time using Julian Smith Duncan, *Public and Private Operation of Railways in Brazil* (New York: Columbia University Press, 1932), p. 183. See the Note on Spelling and Currency. José Claudio Machado, *Lista Geral dos Habitantes, 3ª Companhia*, 1829, Fogo 12, in 1829 sold coffee on the Rio de Janeiro market for 3,300 réis per arroba, confirming Müller's estimate; *Inventário, Anna Joaquina Moreria*, 1834, fls. 11, 15–26v, 33v.

¹³ *Inventário, Anna Joaquina Moreira*, 1834, fls. 15–26v.

no visible family tie connecting Father Valerio to either Tolosa or his wife (he was not a brother and coheir, for example) explains his financial involvement with Rio Claro. Perhaps the priest had backed Tolosa by investing in Rio Claro, or, conversely, perhaps he had the land and Tolosa the capital. In any case, sometime before 1847, when the priest made his will, they had dissolved their partnership, but continued to do business intermittently. The priest referred affectionately to Tolosa as “my good, constant, and loyal friend and partner,” and “greatly trusting his integrity,” appointed him executor of his estate. By the time the priest died in 1848, his stake in Rio Claro had been reduced to only half a sugarcane field, a quarter portion of some tea-producing land, and half the value of a lean-to and a stucco wall, while he owned substantial holdings in land and coffee and orange trees on three other fazendas, a warehouse, and houses in town. Without children, grandchildren, or living parents to receive his property as the law required, Father Valerio was free to appoint as his heirs the widow Gertrudes Teresa de Jesus (their relationship is never explained, although it likely had more to do with the priest’s role as local patron than concubinage), and Tolosa. Tolosa’s share was a tract of land at the fazenda Cedro, miles away from Rio Claro, with more than half a mile of frontage and “more or less” three miles deep, virgin land that one day would be further divided among his children.¹⁴

This pattern of dispersed and discontinuous landholdings – smaller parcels of land squeezed in among larger tracts with diverse owners – had wide-ranging social implications and is key to understanding land tenure in early nineteenth-century Brazil. Paraibuna fazendas were not miniature sovereign empires, but reflections of a community’s complex interactions over time, by which inheritance and debt split up original land grants and allowed a creditor to intrude into another planter’s lands. The law stipulating that all children inherit equally from their parents’ estate conspired against a plantation remaining intact for long, and if each child received a share of both the more and the less valuable lands, then a fazenda would be even more quickly fragmented.¹⁵ Of course,

¹⁴ *Mappa dos Habitantes*, 1830, Fogo 89, Luiz Marianno de Tolosa; Inventário, Padre Valerio de Alvarenga Ferreira, Santo Antônio de Paraibuna, São Paulo, 1848 (hereafter cited as *Inventário, Padre Valerio de Alvarenga Ferreira*, 1848), AF-PSP, Pacote 1, fls. 3, 5, 6v, 18v–20v; for the marriage certificate, see *Nullidade*, 1836, fls. 62–62v; for references to Tolosa, see *Nullidade*, 1836, fls. 1, 8, 51v, and *passim*.

¹⁵ Candido Mendes de Almeida, comp. and ed., *Código Philippino; ou Ordenações e leis do reino de Portugal, recopilados por mandado d’el-rey D. Philippe I.* 14 ed.

heirs could forestall dividing valuable land into uselessly small sections by agreeing to administer a fazenda jointly, each receiving a portion of its product, and thereby retain the original boundaries. But only for a time. Eventually, their deaths would occasion further division to their heirs, and breaking up the land into ever smaller units became unavoidable.

Debt further fragmented the ownership of large holdings. Planters rich in land and slaves were frequently cash poor, finding it necessary to buy on credit luxuries from abroad, even basic food supplies to feed their laborers, and above all additional slaves. For all practical purposes, banks that lent to ordinary citizens did not exist in Brazil before the 1860s. The Banco Commercial e Agrícola, established in 1857, operated principally to supply merchants with short-term commercial services and issued few mortgages to planters in its first years. This was instead an “economy of obligation” and credit a face-to-face matter that depended on trust and reputation. In Paraíba in the 1830s and ’40s, family members continued the long-standing practice of borrowing from each other or from other more solvent planters, while grown children secured loans against their future inheritances. Most planters dealt on credit with their commission agents, the men who managed the sale and export of their coffee in the major trading centers such as Rio de Janeiro, and who deducted what a planter owed in installments from his income. Loans were often carried for years at normally high interest rates, with land or slaves mortgaged for collateral, and when these private lenders foreclosed they were drawn into real estate transactions and the sale of land in order to recover their capital. If not settled during a planter’s lifetime, debts were discounted from the value of the estate before the heirs received their shares. In this way property regularly passed out of the hands of a principal family to other, more distant relatives or to unrelated associates.¹⁶

segundo a primeira de 1603 e a nona de Coimbra de 1824. Adicionada com diversas notas . . . (Rio de Janeiro: Typ. do Instituto Philomathico, 1870), Liv. 4, Tit. 96, 97 (hereafter cited as *Codigo Philippino*, 1870), describes inheritance law and division of property among heirs as practiced in Brazil after independence from Portugal; a similar division of large holdings into smaller ones occurred among Bahia sugar estates. See B. J. Barickman, *A Bahian Counterpoint: Sugar, Tobacco, Cassava, and Slavery in the Recôncavo, 1780–1860* (Stanford: Stanford University Press, 1998), pp. 105–108; Katia M. de Queirós Mattoso, *Bahia: A cidade do Salvador e seu mercado no século XIX* (São Paulo: Hucitec, 1978), pp. 40–44; Katia M. de Queirós Mattoso, *Bahia, século XIX: Uma província no império* (Rio de Janeiro: Nova Fronteira, 1992), pp. 462–463.

¹⁶ On early rural banking in Brazil, see Stanley J. Stein, *Vassouras: A Brazilian Coffee County, 1850–1900* (Cambridge: Harvard University Press, 1957), esp.

These many transactions produced a complex and tightly connected, but nevertheless small, society in which kinship and commerce combined in contrary ways to serve as both its foundation and its undoing. Rio Claro was no exception. In 1834, with coffee production in the region at record levels, Tolosa and his wife owed nearly one-fifth the value of their holdings in debt, very likely incurred in the purchase of African slaves and the opening of new coffee fields.¹⁷ Thirteen years later, if the priest's estate amounted to a considerable sum, so too did his debts, more than half the value of his estate, which, however, scarcely distinguished him from most of his neighbors. By the time of his death, Father Valerio was bound to Marcelino José de Carvalho, a landowner in his own right and heir to the largest fortune in Paraibuna (and probably a relative), by a sizable debt, and by another twice as large to a big moneylender based in Rio de Janeiro with lucrative business dealings all along the coast, Antônio Tertuliano dos Santos. The estate paid them both, not with cash but with lands from the fazenda Cedro (Santos almost certainly selling his portion), the same fazenda from which Tolosa also inherited land from the priest, a prime example of a larger holding carved into smaller tracts and going into the hands of multiple owners.¹⁸

Debt proved rancorous. Carvalho, discontented with the settlement, said the land was appraised at a price inflated four times its true value and sued the estate. He alleged the judge, the scribe of the court, and the appraisers were all "suspect," being "relatives, friends, or dependents" of the executor and heir, Tolosa. In cahoots they had paid favored lenders

pp. 17–20; Joseph E. Sweigart, *Coffee Factorage and the Emergence of a Brazilian Capital Market, 1850–1888* (New York: Garland Publishing, 1987), esp. pp. 125–127. Craig Muldrew uses the phrase for England at an earlier time, but the relationships he examines shed light on practices in early nineteenth-century Brazil, *The Economy of Obligation: The Culture of Credit and Social Relations in Early Modern England* (New York: St. Martin's Press, 1998), esp. pp. 2–4, 125, 148–172. As early as the 1820s residents in the major provincial capitals could invest money or store valuables for safe-keeping at savings banks called *caixas*; see, e.g., Inventário, José da Silva Barros, Salvador, Bahia, 1823, Arquivo Público do Estado da Bahia, Seção Judiciária (hereafter cited as APEB-SJ), 04/1826/2297/13, fls. 4, 5.

¹⁷ Inventário, Anna Joaquina Moreira, 1834, fl. 33v.

¹⁸ Inventário, Maria Custodia de Alvarenga, Santo Antônio de Paraibuna, São Paulo, 1846, AF-PSP, Pacote 7, fls. 1, 2, 25v–52, 65; Land register, Marcelino José de Carvalho, Santo Antônio de Paraibuna, São Paulo, 30 May 1856, Registro nos. 380, 381, 382, 383, 385, 387, AESP, Registro de Terras, vol. 43, Paraibuna, 30/6/1854–30/5/1857, fls. 100, 100v, 101, 101v, 102v; Inventário, Padre Valerio de Alvarenga Ferreira, 1848, fls. 27, 34v, 35v–36v, 44v.

with the most easily sold property, while to those “not in the good graces” of the dead priest, his executor and heirs, useless land was assigned, useless because, as was well known, being high in the mountains Cedro lands were subject to yearly frosts. Their motives were clear: If they had paid what the estate owed, very little would be left for them. Ignoring the point made by Tolosa’s lawyer that in a small place ties of family and friendship were inevitable in almost any transaction, the judge dismissed the suit on legal grounds.¹⁹ Those charged had spent time and money repudiating the accusations of a powerful man from a powerful family who thought himself cheated. Tolosa and Carvalho had probably clashed before. Neither was likely to forget this time, and in this face-to-face country town they would meet often.

Endless comings and goings further connected the surrounding fazendas to the village of Santo Antônio de Paraibuna, such that any neatly drawn distinction between urban and rural life is misleading. No local census counted the town’s population separately, and the only figures are for the parish as a whole: 143 households and nearly 3,000 persons, of whom roughly a quarter were slaves. Nonetheless, certain services clustered in the village and certain business could be done only there. Besides 20 local merchants, the town counted on the skills of five carpenters, a brick or tile maker, six tailors, and six shoemakers, and by 1835 residents supported four blacksmiths, nine shopkeepers who paid rent for their shops, and some 20 women who lived from their sewing. Only four muleteers posted themselves for hire in town because, as the census taker noted in 1832, most planters kept their own; some 39 laborers could be hired on a daily basis. In the two general stores merchants likely stocked and sold farm implements, gunpowder, and salt, or bought hides, corn, or manioc locally for resale.²⁰ Even literacy seemed to belong more noticeably to the village. In addition to the handful whose professions depended on a sophisticated literacy, another 90 townspeople who could read and write lived with a “decent subsistence,” and the single primary school taught 23 boys. (Although surely most of the big land owners and exporters had to be literate, the census did not report on planter literacy.) The village could not supply all needs, however. Anyone who wanted a pharmacist, weaver, goldsmith, cabinetmaker, or

¹⁹ Inventário, Padre Valerio Alvarenga Ferreira, 1848, fls. 60–61, 76v, 89v, 91–91v, 97–97v.

²⁰ População da Freguezia de Santo Antônio de Paraibuna, 1832; 1° Distrito de Santo Antonio de Parahybuna, 1835.

notary had to travel to the neighboring town of Jacaréí, some 28 miles away. Tolosa owned at least one house in town, which he perhaps rented out, but just as likely used himself when attending to the business of his several public offices.²¹

A series of overlapping jurisdictions – ecclesiastical, judicial, civil, and military – further tied fazendas such as Rio Claro to the town and eventually to levels of authority beyond its boundaries. Elevated in 1832 from parish to village and thus invested with a municipal council, making it a kind of county seat, Paraibuna assumed responsibility for maintaining public fountains, bridges, and the few inadequate roads that more often than not were thick with mud or choking dust. The traffic that trudged along them was usually persons on foot, mules, and horses; the creaking, fixed-axle ox carts came later. The council also inspected weights and measures, butcher shops, and other suppliers of “wet and dry foodstuffs,” and levied fines on violators of its ordinances. The council conducted its business in borrowed chambers, however, for the only two public buildings in 1838 were the parish church and a building Müller dismissively described as “constructed of wood which serves as a jail.” (He omitted to note, however, that in many places the council and the jail occupied the same building.) Five priests and the lay brotherhood of the Most Holy Sacrament looked after the souls of the 3,169 inhabitants – Caetana’s marriage certificate was there in one of the parish church’s big registry books – while civil justice was served by one municipal judge, a public prosecutor, and two justices of the peace.²²

Tolosa stood out as a man of local authority. In the early 1830s, his fellow parishioners, those qualified by income to vote (the stipulated amount was minimal but had to derive from investment, not common wages), elected him justice of the peace. The post, created by the constitution in newly independent Brazil in 1824, its powers specified and extended three years later, was both a way to avoid clogging the courts with petty squabbles as well as a liberal counter to central authority

²¹ Müller, *Quadro estatístico*, pp. 47, 263, 241; Inventário, Anna Joaquina Moreira, 1834, fl. 11.

²² Helen Nader, *Liberty in Absolutist Spain: The Habsburg Sale of Towns, 1516–1700* (Baltimore: Johns Hopkins University Press, 1990), persuades that in Iberian culture the usually assumed distinctions between urban and rural are seen as too firmly fixed and misleading in their implication of exclusiveness by showing that their connections were many and institutionally rooted. Müller, *Quadro estatístico*, pp. 95–99, 46–47, 247, 253; Nullidade, 1836, fls. 62–62v.

deliberately set outside the channels of appointed positions and patronage through which the emperor gathered and distributed his power. Its creation was a bid to make a local official responsive to local needs. Untrained, but handsomely paid the same salary as a high-ranking magistrate with a degree in the law, the justice of the peace's responsibility to conciliate quarreling, feuding, disorderly, brawling community members before their conflicts reached the courts made him a widely known figure in the county. He resolved doubts about the use of local resources, such as access roads, river crossings, waters used in agriculture, pastures, and small fishing dams, and mediated disputes over hunting rights, boundaries, fences, and the damages caused by slaves or domestic animals. He saw to the conservation of forests. He dealt with threats to public order, breaking up rowdy gatherings and, in case of riot, calling in the troops, who could act only on his explicit order. He was charged with preventing and destroying runaway slave communities. He jailed drunks, put vagrants and beggars to work, got prostitutes to make pledges of good conduct, and divided his district into "blocks" of no more than twenty-five families each in order to count and keep track of the population. He kept a list of wanted criminals, made arrests, interrogated the accused, assembled evidence, enforced municipal regulations, and protected the property rights of orphaned children. He knew his neighbors and a good deal about their affairs.

And as an official elected by a majority of them, he was scarcely impartial. With extensive powers that put him at the center of local disputes where passions ran high, the position itself could be a source of controversy and tension. He also sat on the local board that determined who was eligible to vote, often an openly contentious matter. It was generally thought that a qualified man owed it to his community to serve. Once elected, only serious and prolonged illness allowed a justice of the peace to cut short his three-year term; if he accepted a second term – the accumulated authority would have been a temptation for many men – he could then decline to serve again in this powerful but onerous post.²³ Tolosa was justice of the peace in the years just before

²³ Decreto, 15 October 1827, Brazil, Laws, statutes, etc., *Coleção das Leis do Brasil*, Art. 2, 3, 4, 5, para. 1–6, 8–12, 14–15, 6, and 7 (hereafter cited as *Leis do Brasil*). Thomas Flory, *Judge and Jury in Imperial Brazil, 1808–1871: Social Control and Political Stability in the New State* (Austin: University of Texas Press, 1981), pp. 47–66, interprets the position as inherently controversial, overlapping as it did with existing judicial and police functions, and polarizing political views over the