

TO BE A LIBERATED AFRICAN IN BRAZIL:  
LABOUR AND CITIZENSHIP IN THE NINETEENTH CENTURY

by

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## **Abstract**

Almost thirty years after the publication of Robert Conrad's landmark article "Neither Slave Nor Free: the *emancipados* of Brazil," this study of the liberated Africans in Brazil revisits and examines in greater detail the realities of life on the frontier between slavery and freedom in the light of the new scholarship on slavery and abolition in the Americas, Brazilian socio-economic history, and British imperial policy. It focuses on the experience of the 11,000 Africans who were technically emancipated between 1821 and 1856 because of being brought illegally into Brazil after the prohibition of the slave trade, and it assesses the extent to which they were actually able to enjoy freedom.

Like other groups of liberated Africans in territories around the Atlantic, the Brazilian *africanos livres* fell into a special legal category and experienced special labour arrangements. They were put in the custody of the Brazilian government to work as "servants or free labourers" for 14 years, but some were kept for 30 years before being able to enjoy full freedom. The chapters follow the liberated Africans' distinct trajectory and the phases of their personal lives. They explore the circumstances of their nominal emancipation on arrival, the principles of their guardianship and distribution for service, their labour experience, the alternative freedom proposed by the British government, and their struggle for their final emancipation in the 1850s and 1860s.

British Foreign Office correspondence and Brazilian Ministry of Justice records of the liberated Africans' daily lives reveal the conflicts over the meanings attributed to their "freedom." While the British government expected the liberated Africans to be engaged as free wage labourers and to enjoy civil citizenship, the Brazilian government kept them as involuntary labourers with no real autonomy. The reasons for the limitations imposed on the liberated Africans' freedom can be found in the place reserved for virtually all Africans within Brazilian society because of the continuation of the Brazilian slave trade despite its formal prohibition, and in the effect that the presence of liberated Africans had on the Africans who continued to be kept in illegal slavery. In the larger view, this study provides a new interpretation of the impact of British abolitionist policy on Brazilian slavery and addresses the limits of freedom in the century which saw the destruction of the Atlantic slave systems but not the rise of free wage labour and full citizenship for people of African descent living in the Americas.

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inspire involvement in the struggle for full citizenship in Brazil, this work is dedicated to my daughter, Luíza.

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## **Abbreviations**

<b>AESP</b>	<i>Arquivo do Estado de São Paulo</i>
<b>AEx</b>	<i>Arquivo do Exército</i>
<b>AHI</b>	<i>Arquivo Histórico do Itamaraty</i>
<b>AJSP</b>	<i>Arquivo do Judiciário de São Paulo</i>
<b>AN</b>	<i>Arquivo Nacional</i>
<b>AS</b>	<i>Anais do Senado</i>
<b>CMU</b>	<i>Centro de Memória da Unicamp</i>
<b>FO</b>	Foreign Office Series
<b>PD</b>	British Parliamentary Debates
<b>PP</b>	British Parliamentary Papers

## ***Introduction: The meanings of freedom in the nineteenth-century Atlantic world***

The campaign to abolish the Atlantic slave trade in the nineteenth century has been the focus of historians' attention for several decades, yet its human legacy has received little systematic attention. In effect, the history of abolitionism has concentrated on the ideological shift that turned Western opinion against slavery and the slave trade, on the actors and the motives that drove the campaign within the different countries and in the international arena, and also on the logistics of the suppression activities over the course of several decades. Much has been written about the diplomatic negotiations conducted by Great Britain to obtain the agreement to and enforcement of abolition treaties but very rarely does this literature address the people who were the object of such measures, the Africans themselves. What were the implications of abolitionist ideals on the lives of the Africans who were carried to the Americas through the illegal slave trade?

Framed in the name of humanity and morality, the conventions, treaties, and laws for the abolition of the Atlantic slave trade contained provisions to guarantee the freedom of the Africans found on board ships captured during the suppression of the illegal trade. In the system framed by the British, those Africans, referred to as liberated Africans, recaptives, or prize negroes, were to be emancipated and kept under the guardianship of the government for a specified period of formal apprenticeship. The "full enjoyment of freedom" would come only once they had been trained to become useful free labourers. Abolitionist measures created a special category of people whose fates were linked to the century's struggles over freedom and who could be found wherever there were tribunals for the adjudication of ships engaged in the slave trade. In one sense, the "liberated Africans" were symbols of the abolitionists' struggle against the slave trade, and ultimately, against slavery.

The experience of the liberated Africans in the various territories where the category

existed belongs to the history of slavery and abolition in those places, but has been unevenly explored. The territories stood as far apart as Mauritius and Cuba and were as different as Sierra Leone and Brazil, but their histories share many fundamental traits. Liberated Africans, like slaves, freedpersons, and the free population in those different places lived through the changes in the Atlantic system, which in the nineteenth century saw the spread of liberal ideas and free trade to the most remote places. The effects of the liberal and industrial revolutions on the populations of the territories around the Atlantic varied greatly. On the one hand, the spread of liberal ideas inspired the political and economic emancipation of peoples and countries, with the rejection of the social hierarchy and colonial domination of the old regime; on the other hand, the expansion of plantations in the tropics and the acceleration of industrialisation in northern Atlantic countries fostered the rapid growth of the slave trade and the swelling of the industrial working class to provide the ever-growing consumer market with a wider range of products at cheaper prices than in the previous century. The liberated African experience belongs to the tropical regions of the Atlantic world, where slavery came under attack but plantations thrived, renewing the need for coerced labourers.

The history of abolitionism is closely linked to the struggles over the meanings of freedom in the nineteenth century. The principles of liberal democracy had taken new forms since the American and the French Revolutions; the rights of citizenship were the subject of many debates over the course of the century. Who was to be recognised as a citizen of a particular society, with what level of political participation, and who was not, were matters of concern in Europe as well as in the Americas. At the same time, the rejection of human bondage grew, first among religious sects, then among the middle classes of England and the United States, and in due course took the form of a campaign to eradicate the slave trade, slavery, and ultimately, all forms of human bondage. Abolitionists also struggled for free labour relations. Contract labour should replace bonded labour. Wage labour seemed ideal for incorporating largely unskilled

persons with no bonds or property into the labour market voluntarily. The spread of wage labour in the industrialising areas of western Europe and in the northern United States made abolitionists think such labour arrangements would be the solution for the creation of a willing and disciplined work force in the tropics.

In many ways, the handling of the recaptives by the different governments was meant to be a social experiment. Their apprenticeship, a combination of labour training and personal tutelage, should prepare the liberated Africans, considered uncivilised, to be self-motivated and useful members of the societies where they would settle. The experience would stand in contrast to slavery, deemed inexpedient because of its need for coercion. A close study of the experience of the liberated Africans affords a special perspective on the controlled application of the principles of freedom in various territories over the course of many decades. Liberated Africans everywhere shared the distinctive legal status of people freed in the course of the suppression activities who had to remain under the guardianship of the government and undergo apprenticeship for a number of years.

The experience of the liberated Africans in Brazil is the theme of this dissertation. Ever since Robert Conrad's path-breaking article "Neither Slave nor Free: The *Emancipados* of Brazil, 1818-1868"<sup>1</sup> was published almost 30 years ago, in the extensive literature on slavery there have been only scattered references to the group of liberated Africans within Brazil. Interestingly, in attributing the creation of the category of "*africanos livres*" to the Brazilian law for the abolition of the slave trade passed in November 1831, many authors have disconnected the group from their Atlantic counterparts and from the history of the abolition campaign in general. "*Africanos livres*" are shown living and working alongside slaves and freedpersons, sometimes considered as representative of the body of Africans brought into the country at the same time by means of the illegal slave trade. The objective of this work is to explore what set them apart from slaves and

freedpersons in Brazil, and therefore, to reconnect them to the Atlantic history of abolitionism and to the struggles over the meanings of freedom in the nineteenth century.

In 1973, when Conrad published his article, the treatment of the liberated Africans served as an example of the harshness of the Brazilian slave system which had incorporated them almost as slaves even if they were legally free. It contributed to the effort to contradict the prevailing idea that Brazilian slavery had been mild thanks to benevolent masters and to their casual approach to miscegenation, by showing that free persons were treated as slaves and held under the control of the Brazilian government despite the protests of the British Foreign Office officials. Today, a close examination of what Conrad deemed to be a “limbo” state between slavery and freedom reveals more than that, thanks to the findings of the scholarship dedicated in the past thirty years to an examination of slavery, and particularly, of slaves’ lives and expectations.

This work is based on the idea that their emancipation in special circumstances set the liberated Africans apart from other Africans who were kept in slavery, and from the free persons in two senses: the liberated Africans belonged to a special legal category and they were bound to undergo a special labour experience. Therefore, the state of being “neither slave nor free” carried parallel meanings and was tied to different but related developments Atlantic-wide. On the one hand, liberated Africans were legally free persons rescued from slavery but kept under guardianship for a specified period during which they could not enjoy their “full freedom.” In this sense, their lives should be compared to those of free persons of African descent who had struggled to make their way out of slavery and continued to fight for citizenship rights in the territories where they lived. On the other hand, the designed incorporation of the liberated Africans as free labourers after a transitional period of apprenticeship set them within the realm of post-slavery labour engagements. In this sense, the liberated African labour experience should be compared to that of legally free persons wherever they settled and should be set against the

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<sup>1</sup> Conrad, Robert. “Neither Slave nor Free: The *Emancipados* of Brazil, 1818-1868.” *Hispanic American*

various forms of free (non-coerced) and coerced labour that followed the decline of slavery in the nineteenth century. The question addressed in this work is to what degree the liberated Africans in Brazil enjoyed the freedom prescribed to them by the abolitionist measures, considering that their terms of service were spent during a time not only when slavery thrived, but also when the slaves imported through the illegal slave trade reached unprecedented numbers.

To explore the nuances of the state between slavery and freedom where the liberated Africans stood, I made use of the rich documentation of the Brazilian Ministry of Justice regarding their handling. It encompasses a wide range of official documents, from the correspondence passed between the various officials charged with taking care of and assigning liberated Africans for service, to the records of liberated Africans' deaths. Of particular interest is the collection of petitions filed in the 1850s and 1860s when the liberated Africans who survived their terms of compulsory service claimed their right to emancipation. Those petitions contain previously unexplored first-hand accounts of their lives and their opinions about their condition. The records of the Ministry of Justice were complemented by the collection of legislation and selected Brazilian parliamentary debates pertaining to the liberated Africans, and by a study of the *post-mortem* inventories of the hirers for whom they worked. To set the Brazilian experience against the British expectations for the liberated Africans, I have collected the correspondence passed between the members of the British Legation in Rio de Janeiro and the Foreign Office in London, contained in the Foreign Office Slave Trade Series (FO 84).

The collected records document the changes in the official policy towards the liberated Africans between the bilateral convention that created the category in 1817 and their final emancipation decreed in 1864, as well as the controversies that their handling generated. The records also allow the reconstitution of the liberated Africans' lives in Brazil at different stages: their emancipation immediately after capture, their assignment for service, their working

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*Historical Review* 53 (1973): 50-70.

experience (in private homes or in public institutions), their occasional transfer within the country, and finally their death or their final emancipation. The identification of individual lives over the course of many decades is facilitated by the fact that the government generated detailed nominal listings to fulfil its obligation to account for the liberated Africans' whereabouts. The reconstitution of liberated Africans' lives has never been accomplished for the other Atlantic territories where the category existed, with the exception, perhaps, of Sierra Leone. My analysis of the liberated African experience in Brazil, therefore, is based not only on the discussion of the policies that guided their treatment, but also on the evidence of their effect on the individual liberated Africans' lives, and, whenever possible, on the evidence of the Africans' reactions to them.

The concentration on the sources produced by the Ministry of Justice and officials in Rio de Janeiro has imposed certain limitations. Although by far the majority of the nearly 11,000 Africans rescued from the illegal slave trade between 1821 and 1856 were emancipated either by the Anglo-Brazilian mixed commission court, by Navy Auditors, or by judges in and around the city of Rio de Janeiro, activities against the illegal slave trade also took place outside of the imperial capital, at different places along the Brazilian coast, resulting in the existence of liberated Africans emancipated and handled by provincial authorities in important slave-trading ports such as Maranhão, Pernambuco, and Bahia. The experience of the liberated Africans emancipated in provincial capitals or sent outside of Rio de Janeiro by the imperial government is addressed in the dissertation whenever the sources found in the Ministry of Justice records allow, or whenever those could be complemented by provincial sources. Given the centralisation of the Brazilian administration procedures, accomplished particularly between the 1830s and 1850, it is unlikely that provincial policy towards the liberated Africans differed significantly from that framed in the imperial capital. However, because the social configuration in Rio de Janeiro was different from that of the provincial capitals, there may have been more room for autonomy

outside the imperial capital, or, otherwise, more chance to be denied their right to freedom. Only further research in state archives will tell. Although not comprehensive, the Ministry of Justice records account for a wide range of the situations experienced by the liberated Africans in the whole country.

The chapters are arranged to follow the liberated Africans' distinct trajectory. Chapter 1 deals with the defining moment of their capture during the activities to repress to the slave trade and their subsequent emancipation. It presents an overview of British abolitionist activities and of the results of the suppression of the slave trade in the same period to show how the recaptives constituted a group apart from the slaves. Chapter 2 explores the implications of the liberated Africans' distinct legal status and the workings of guardianship. The changes in the Brazilian government's handling of the group over the years are surveyed, to show that the recognition of the Africans' right to freedom suffered limitations due to the continuation of the slave trade in the 1830s and 1840s. Chapter 3 delves into the liberated Africans' labour experience with private hirers and in public institutions to show where they stood within the range between slave and free, voluntary labour. In that chapter, the range of labour arrangements and occupations held by liberated Africans are compared to those of slaves and other groups of legally free persons engaged in involuntary labour in order to assess the meaning of the Africans' labour experience. Chapter 4 deals with alternative routes for the liberated Africans' freedom. It surveys the handling of liberated Africans in British colonies and addresses the ways in which British ideas about the freedom of the liberated Africans outside the British Empire were gradually refined in the course of their own handling of liberated Africans and as a consequence of slave emancipation. The examination of the Foreign Office correspondence on the subject of the liberated Africans outside the British Empire shows the various phases of British intervention in the matter, which was linked to their struggle for the abolition of the slave trade and of slave labour in the Americas. Chapter 5 addresses the final stage of the liberated African experience: their final emancipation,

that is, their release from guardianship. It is shown that the liberated Africans' "full freedom" after their compulsory term of service did not come easily and that the limits imposed on liberated African autonomy reflected the limited citizenship afforded to certain groups in Brazilian society. A follow-up to the "liberated African question" is developed in the Epilogue, where the influence of this question on Brazilian slave emancipation, and the contacts between liberated Africans and slaves brought into the country by the illegal trade are addressed. It is shown that, although their numbers were small compared to the slave population, the liberated Africans had an impact on Brazilian slavery in the nineteenth century because their presence carried the symbolic meaning that the right to freedom should be extended to more slaves, a meaning on which slaves based their fight in Brazilian courts.

This history of the liberated African experience in Brazil aims to contribute a piece of the puzzle that is the history of abolition in the nineteenth century by addressing the human legacy of the measures set up for the abolition of the slave trade in one territory outside the British Empire where abolition was resisted and where slavery persisted until late in the century. It addresses the impact that the existence of the category and the presence of liberated Africans had on the Brazilian slave system and how this impact may explain the limitations imposed on their freedom. By setting the Brazilian experience in contrast with the liberated African experience elsewhere in the Atlantic, this examination into the limits imposed on the recaptives' enjoyment of freedom in Brazil gives living examples of the wide range of situations found between slavery and freedom in the nineteenth century. The category of liberated Africans stood at the particular juncture where the conflicts over the meanings of freedom in the various Atlantic territories intersected. Through their labour experience, the history of the transition from slavery to different forms of free labour (voluntary or not) in various regions of the Atlantic can be connected; through the study of their legal status and the autonomy afforded to them in different places, the struggles over the extension of citizenship to ex-slaves and their descendants can be compared. Above all,

this examination into the experience of the liberated Africans contributes to the history of abolition in the nineteenth century by reconstructing life histories and giving faces and names to the people in the group who symbolised abolitionist activity, until now treated only as a faceless group and represented by numbers.

## ***Chapter 1 - Emancipation upon arrival: legal freedom for recaptive Africans***

The creation of the category of liberated Africans was a direct, although unforeseen, consequence of the British campaign to abolish the Atlantic slave trade. Legally derived from the legislation and international treaties designed to prohibit the importation of African slaves into the European colonies in the New World, the category of liberated Africans was handled differently in the various Atlantic territories. Nevertheless, liberated Africans throughout the Atlantic had one thing in common: their special legal status of free persons who had to remain under the guardianship of the state for a limited period. This chapter addresses the question of how British abolitionism led to the creation of the category of liberated Africans in the British Empire and ultimately to its extension into the territories in the Americas belonging to Spain, Portugal, and The Netherlands. It also describes the procedures for capture and emancipation of the recaptives in Brazil, along with the context that conditioned their settlement in that country. It shows that their legal freedom presented a challenge to Brazilian society for reasons intrinsic to their group and related to the hierarchy within the Brazilian slave system.

### **British abolitionism and the liberated Africans**

On the eve of the Congress of Vienna and at the height of the massive popular movement in Britain in favour of the abolition of the Atlantic slave trade, Lord Grenville described in Parliament the role Britain was to play before the world:

In this great æra of the re-establishment of Europe, it was her's [sic][Great Britain's] still farther to diffuse the happiness, to extend to other quarters of the globe the exultation of mankind; it was her's [sic] to exhibit to the admiration of the world, the inhabitants of these distant regions as parties in the proud triumph of national independence, to lead them on with willing steps in our joyful procession of victory, and to present them with humble thankfulness an acceptable offering to the throne of mercy; not as captives, but as redeemed; not as the victims of ambition and avarice, polluting our rejoicings by the cruel spectacle of their aggravated wretchedness, but as our fellow

creatures owing to us their happiness, and dating from our successes the completion of their own deliverance. This we might have done: what we have really done I forbear to repeat. The remembrance is afflicting, the recital humiliating.<sup>1</sup>

The image of a victory parade, in which Britain figured as the leader of the civilised world and introduced Africa as one of her followers and dependants, was carefully constructed. Great Britain was associated with expansion: diffusing happiness, extending the exultation of mankind to "the other quarters of the globe," and leading "the inhabitants of those distant regions" in the proud triumph of victory. Africans, as redeemed captives, would be expected to follow the British as subordinates and to show them gratitude for their happiness and redemption. At the height of its political power in Europe after the defeat of Napoleonic France, and having abolished its own slave trade in 1807, Britain constructed for itself the image of the champion of freedom in the civilised world, and launched an extensive and expensive campaign to impose the abolition of the slave trade on other nations. Lord Grenville's speech captures the moment when abolition had ceased to be a factor of division between the economic and humanitarian interests within Britain, and became a matter of national policy to be advanced by the British government itself before the governments of other nations. Rare were the passages of the official documentation of the British suppression campaign where the "official mind" of British abolitionism expressed its expectations and intentions towards Africa and Africans as clearly as in this speech.<sup>2</sup>

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<sup>1</sup> Great Britain, Hansard's Parliamentary Debates, First Series, 28: 313-314, June 27, 1814. Lord Grenville condemned his government for having agreed on the continuation of the French slave trade for five more years, when he thought it should have imposed abolition.

<sup>2</sup> The motives behind British engagement in abolition have been the matter of much debate; see Eric Williams, *Capitalism and Slavery*, (New York: Russell and Russell, 1961); Roger Anstey, *The Atlantic Slave Trade and British Abolition, 1760-1810*, (London: Macmillan, 1975); David Brion Davis, *The problem of slavery in the age of Revolution, 1770-1823*, (Ithaca: Cornell University Press, 1975); Seymour Drescher, *Econocide: British slavery in the era of abolition*, (Pittsburgh: University of Pittsburgh Press, 1977); David Eltis, *Economic growth and the ending of the transatlantic slave trade*, (New York: Oxford University Press, 1987); Howard Temperley, "Capitalism, Slavery and Ideology," *Past and Present* 75 (1977): 94-118. The national engagement in the abolition campaign, which had its peak around the time of the Congress of Vienna, helped foster "British" identity. See Betty Fladeland, "Abolitionist Pressures on the Concert of Europe, 1814-1822," *Journal of Modern History* 38, no. 4 (1966): 355-373; Linda Colley,

British interest in West Africa had grown since the 1780s and was associated with the shift in imperial interests away from America and with the growing concern of a group of humanitarians about the suffering caused by the slave trade. For the best part of two decades, conflicting interests coexisted, since British merchants maintained forts and participated in the slave trade while abolitionists struggled with a colonisation experience intended to prove the expediency of the "legitimate trade." In effect, the settlement of Sierra Leone by free black colonists under the auspices of a chartered company headed by the leading British abolitionist advocates was meant to advance "the abolition of the slave trade, the civilisation of Africa, and the introduction of the gospel there." Even if the colony did not prove to be economically viable, the social experience came to have an impact on subsequent British policy towards West Africa and abolition.<sup>3</sup>

The British settlement of Sierra Leone dated from 1787, when a group of poor free blacks from England engaged to participate in the colonisation plans drawn up by abolitionist Granville Sharp, and became the first settlers of the "province of freedom." The colony was to be a haven for displaced free blacks, poverty-stricken and discriminated against in other parts of the British Empire. In Sharp's plans, the blacks would be peasant-proprietors and would be self-ruled. In 1792, under the direction of the Sierra Leone Company, another group of free blacks, this time loyalists from the American War of Independence, were brought from Nova Scotia to form the core of the new settlement, the first group having been dispersed because of difficult relations with the African natives, among other hardships. The Nova Scotians were faced with limitations on their independence: the company's economic objectives asked for their engagement in

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*Britons: forging the nation, 1707-1832*, (New Haven: Yale University Press, 1992). On the use of the expression "official mind" in the context of Victorian imperialism, see Ronald Robinson and John Gallagher, *Africa and the Victorians: the official mind of imperialism*, (London: Macmillan, 1961).

<sup>3</sup> On British policy towards West Africa in the late eighteenth and early nineteenth century and the foundation of Sierra Leone, see Philip Curtin, *The image of Africa: British ideas and action, 1780-1850*, (Madison: University of Wisconsin Press, 1964); John Peterson, *Province of Freedom: a History of Sierra Leone, 1787-1870*, (London: Faber and Faber, 1969); James W. St.G. Walker, *The Black Loyalists: The Search for a Promised Land in Nova Scotia and Sierra Leone, 1783-1870*, (New York: Africana Publishing

plantation agriculture rather than on their family plots, and the company's paternalism did not allow them to participate in their own government. The company's directors, a select group of abolitionists and benevolent shareholders, were clear about the blacks' inability to rule themselves. This certainty came from a growing feeling of ethnocentrism: according to Walker, "confident that their way was best and feeling a Christian responsibility to care for the weak and oppressed, the directors saw no contradiction in imposing their goals and their methods upon the settlers...although they foresaw a time when the settlers might participate in their own government, it could only come after a period of tutelage," and this because "they accepted without question the right, indeed the duty of superior people to rule over the less fortunate."<sup>4</sup> White rule was firmly established in the "province of freedom" as the Nova Scotians were joined by a group of Jamaican maroons in 1800; the colony's reputation as a refuge for troublesome or unwanted free blacks gained ground.

The moment the abolition of the slave trade was effected, in January 1808, Sierra Leone was taken over by the crown and became the seat of abolitionist operations in Africa. However, for the following three decades, British policy towards West Africa remained under the strong influence of the group of abolitionists previously engaged in the Sierra Leone Company, who had congregated around the newly founded African Institution. It was thanks to the suggestion of Zachary Macaulay that Freetown became, in 1808, the seat of a Vice-Admiralty Court, the tribunal which judged the ships caught by the Royal Navy for their involvement in the slave trade and granted freedom to the African slaves found on board. It was therefore in the context of the suppression activities on the West African coast and under abolitionist influence that Sierra Leone became the privileged location of a new social and labour experiment involving those liberated Africans.

Enslaved Africans from the various areas of the continent that supplied the Atlantic slave

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Company/Dalhousie University Press, 1976).

trade were liberated in Sierra Leone and were settled there between 1808 and 1861. As British colony of few whites and thousands of free black colonists from North America and the Caribbean, Sierra Leone was already unique. The settlement of tens of thousands of Africans of many different cultures and languages, displaced by enslavement but restored to freedom by the British, represented an unprecedented social experiment, for it implied cultural adaptation under British supervision in a very diverse setting and guided largely by missionaries. The fact that it involved free Africans also posed a challenge, for in all the other colonial ventures the British dealt with enslaved Africans and their descendants and only with small groups of free blacks. To guarantee the employment and control of those free persons during the period of their adaptation to their new place of settlement, the British government set up rules for the enlistment or the apprenticeship of the liberated Africans. The handling of the liberated Africans as free persons displaced by enslavement was a social experiment also applied in other territories of the Atlantic touched by the British suppression activities.

After the Congress of Vienna, when Great Britain obtained from European powers their agreement on the need to suppress the slave trade, recognised by all to be "repugnant to the principles of humanity and universal morality," diplomatic negotiations intensified with the greatest slave-trading powers in order to obtain their actual engagement. In 1817 and 1818, Great Britain concluded additional conventions with Spain, Portugal, and The Netherlands, limiting their slave trade and establishing mixed commission courts on both sides of the Atlantic to judge ships suspected of engaging in the trade. Those mixed commission courts would be responsible for the emancipation of the Africans found on board the ships. However, according to the bilateral agreements, the Africans were to be handed to the government of the place where the commission sat, which would supervise their employment "as labourers or free servants" for a limited period.<sup>5</sup>

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<sup>4</sup> Walker, *The Black Loyalists*, 154-5.

<sup>5</sup> Anglo-Portuguese mixed commissions were established in Sierra Leone and Rio de Janeiro; Anglo-Dutch commissions were established in Sierra Leone and Paramaribo, Surinam; and Anglo-Spanish commissions

With the expansion of the British campaign to abolish the Atlantic slave trade, Sierra Leone consolidated its position as the centre for suppression activities on the coast of West Africa, with its Vice-Admiralty Court and several mixed commission courts at work. Thanks to the permanent activities of the West African squadron of the Royal Navy, it was also the location where most ships were taken for adjudication, and consequently, where most liberated Africans were emancipated. Other locations within the British Empire where Africans were emancipated in consequence of the suppression activities included the Cape Colony, the Bahamas, Jamaica, and St. Helena. The handling of the liberated Africans within the British Empire by the governors of the different colonies varied considerably from place to place and was supervised by the Colonial Office.<sup>6</sup>

The Africans emancipated in Cuba, Brazil, and Surinam fell outside British jurisdiction despite having received their emancipation from the mixed commission courts, for according to the terms of the mixed commission regulations, the local governments should be responsible for "guaranteeing their freedom." As the years passed, the British grew more interested in the fate of the liberated Africans, and by the 1830s, British Foreign Office officials entered into negotiations to keep jurisdiction over them. However, the alleged humanitarian concerns about the Africans were discredited when the Africans started to be transported to the British West Indian colonies to serve as indentured labourers and to meet the plantation labour shortage.<sup>7</sup>

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were established in Sierra Leone and Havana. See L. Bethell, "The mixed commissions for the suppression of the transatlantic slave trade in the nineteenth century," *Journal of African History* 7, no. 1 (1966): 79-93. The text of the treaties, additional conventions and regulations of the mixed commissions were reprinted in "Instructions for the Guidance of Her Majesty's Naval Officers employed in the Suppression of the Slave Trade" (1844), *Parliamentary Papers on the Slave Trade*, vol. 8, Irish University Press. For the portions related to liberated Africans, see Appendix 2, Bilateral agreements and legislation pertaining to liberated Africans in Brazil."

<sup>6</sup> See section "The Colonial Office, the colonial administrators and the liberated Africans in British dominions" in chapter 4.

<sup>7</sup> On the British interest in liberated African labour and the African emigration scheme, see David R. Murray, "A New Class of Slaves," in *Odious Commerce: Britain, Spain and the abolition of the Cuban slave trade*, (Cambridge: Cambridge University Press, 1980), 271-297; J.U.J. Asiegbu, *Slavery and the Politics of Liberation, 1787-1861: a study of Liberated African Emigration and British Anti-Slavery Policy*, (New York: Africana Publishing Corp., 1969); Monica Schuler, *"Alas, Alas, Kongo": a social history of*

From the 1780s to the 1810s, abolitionism had passed from being the objective of a small group of religious humanitarians, to a popular national campaign to abolish the whole Atlantic slave trade. The campaign was advanced by the British government itself, through the Foreign Office, the Colonial Office, and the Royal Navy. To advance British interests, guarantee the application of the international treaties, and collect information on suppression activities and on the slave trade and slavery in various parts of the Atlantic, the Foreign Office had a wide network of officials and informants who reported to a separate section, founded in 1819, devoted exclusively to the slave trade. To the officials of the Foreign Office, abolition was government policy and needed no justification. Likewise, their interest in the liberated Africans who fell outside British jurisdiction was guided by their belief that the British were responsible for the Africans' freedom. The exact meaning of liberated Africans' freedom was a source of conflict between Britain and the other countries, as legal freedom and free labour became subject to redefinition in the following decades.

### The abolition of the Brazilian slave trade and its human consequences

British withdrawal from the slave trade in 1808 left the activity to the Portuguese, Spanish, Dutch, and French traders. Brazil was the largest market for slaves, and it meant that Portuguese traders (for the most part based in Brazil) had the largest share of the Atlantic trade in slaves. A vital element of the Portuguese colonial system, the slave trade linked Brazilian ports to numerous ports on the coast of Africa, joining in a complex dependency the economies of Rio de Janeiro and Angola, Bahia, and the gulf of Bénin. British pressure for the abolition of the slave trade came at a time when the Portuguese court had been transferred to Brazil under the protection of the British fleet, and Rio de Janeiro enjoyed a particularly prosperous situation in the South Atlantic system, with its slave traders in close contact with Angola. To supplement the

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*indentured African immigration into Jamaica, 1841-1865*, (Baltimore: The Johns Hopkins University Press, 1980). On the British interest in the Africans emancipated in Brazil, see chapter 4.

demand for slaves for the new sugar plantations in the Southeast, the coffee boom in the Paraíba Valley drove the demand for slaves to unprecedented levels after 1810, the year when the Portuguese were compelled to sign an agreement to collaborate in the gradual abolition of the slave trade.<sup>8</sup>

"Alliance and friendship" between Great Britain and Portugal were renewed following the Portuguese compromise of keeping the slave trade within its own dominions, and sealed in a treaty signed on February 19, 1810. Five years later, in the convention signed on January 22, 1815, Portugal conceded more: it agreed to ban the trade north of the Equator and to engage in the enforcement of the abolitionist measures. It was only the additional convention signed on July 28, 1817, that regulated the workings of abolition: the countries conceded the mutual right to search vessels suspected of engaging in the slave trade, and agreed on the setting up of mixed commission courts on both sides of the Atlantic to handle the adjudication of captured ships and the emancipation of the Africans found on board the ships condemned for illegal trading. The diplomatic documentation and secondary literature attest to the reluctance of the Portuguese crown to accept such significant limitations on what was considered a vital part of the colonial economy.<sup>9</sup>

It was therefore in the context of the British imposition of abolition agreements on Portugal that the category of liberated Africans was created in Brazil.<sup>10</sup> The only agreed-upon

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<sup>8</sup> Manolo Garcia Florentino, *Em Costas Negras: uma história do tráfico atlântico de escravos entre a África e o Rio de Janeiro - séculos XVIII e XIX*, (São Paulo, Cia. das Letras, 1997), 37-50. On the Brazilian slave trade see also Joseph C. Miller, *Way of Death: Merchant Capitalism and the Angolan Slave Trade, 1730-1830*, (Madison: 1989); Pierre Verger, *Flux et reflux de la traite des nègres entre le golfe de Bénin et Bahia de Todos os Santos du XVIIe au XIXe siècle*, (Paris, The Hague: Mouton, 1968); Luis Henrique Dias Tavares, *Comércio proibido de escravos*, (São Paulo: Ática, CNPq, 1988).

<sup>9</sup> Leslie Bethell, *The abolition of the Brazilian slave trade: Britain, Brazil and the slave trade question, 1807-1869*, (Cambridge: Cambridge University Press, 1970), 1-26. For a discussion of the implications of British pressure for the abolition of the slave trade in Brazil, see Alan K. Manchester, *British preeminence in Brazil, its rise and decline: a study in European expansion*, (Chapel Hill: University of North Carolina Press, 1933).

<sup>10</sup> This opinion goes against current scholarship, which attributes the creation of the category to the Brazilian law for the abolition of the slave trade passed in 1831. In fact, this "national" interpretation of the origin of the category blinds Brazilian historiography to the Atlantic significance of the liberated African

bilateral disposition regarding the liberated Africans was contained in the seventh article of the regulations for the functioning of the mixed commission courts:

In case of the condemnation of a vessel for an unlawful voyage, she shall be declared lawful prize... [sold by public sale]; and as to the Slaves, they shall receive from the Mixed Commission a certificate of emancipation, and shall be delivered over to the Government on whose territory the Commission, which shall have so judged them, shall be established, to be employed as servants or free labourers. Each of the two Governments binds itself to guarantee the liberty of such portion of these individuals as shall be respectively consigned to it.<sup>11</sup>

The responsibility over the liberated Africans, clearly by then considered a by-product of the suppression activities, was divided between the two contracting countries, each of which simply agreed to guarantee the Africans' freedom by employing them as servants or free labourers. The dispositions clearly derived from those in use within British dominions regarding the recaptives. Both the Portuguese reluctance to enforce abolition and the extraneous origin of their legal category would in due course influence the treatment conferred on the liberated Africans in Brazil.

The exchange between the officials of the two countries in the mixed commission courts showed how far the Portuguese were willing to collaborate with the British in the enforcement of the abolition treaty. The liberated Africans, by force of the bilateral agreements, were caught in the middle of several administrative disputes. The Anglo-Portuguese mixed commission court established in Rio de Janeiro functioned from 1819 to 1822, and adjudicated only one ship: the *Emília*, in 1821, from which 352 Africans were emancipated. Conflict over their handling started as soon as they were delivered over to the responsibility of the Portuguese government, when the

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experience. See Beatriz G. Mamigonian [Bessa], "Out of Diverse Experiences, a Fragmentary History: A Study of the Historiography on Liberated Africans in Africa and the Americas" (paper presented at the SSHRC/UNESCO Summer Institute "Identifying Enslaved Africans: the 'Nigerian' Hinterland and the African Diaspora", York University, Canada, July 1997).

<sup>11</sup> "Regulations for the Mixed Commissions annexed to the Additional Convention Signed by Great Britain and Portugal for the Abolition of the Slave Trade on 28 July 1817," reprinted in Great Britain, Parliament, "Instructions for the Guidance of Her Majesty's Naval Officers employed in the Suppression of the Slave

British captors of the prize charged the mixed commission court for the expenses of caring for the Africans between the time of landing the cargo and that of the condemnation of the ship by the court. The British commissioners argued that the mixed commission should bear the costs and reimburse the captain of the capturing vessel. However, the Portuguese commissary judge, José Silvestre Rebello, disagreed: he argued that the Portuguese had been losing all their capital and expected profits for the benefit of the British when the Africans were liberated in Sierra Leone, and that in the case of the condemnation of the *Emília*, the Portuguese had lost the cost of its cargo and half the price of the ship and were compensated only by the service of the Africans. He thought, then, that the British should pay for the costs of the maintenance of the Africans because they already had a positive balance from the acquisition of so many individuals in Sierra Leone, and suggested, sarcastically, that the British "should consider this petty sacrifice a natural consequence of their purified philanthropy."<sup>12</sup>

British interest in the fate of the liberated Africans handed over to the Portuguese government gave rise to numerous minor diplomatic conflicts. Already, only four months after their emancipation, one simple complaint by the British commissioners that some of the Africans from the *Emília* were still at the Lazaretto waiting to be hired caused the Portuguese commissary judge to receive a strong reprimand from the Secretary for Foreign Affairs, which passed into the records of the mixed commission. He was exhorted to refuse to answer inquiries pertaining to matters beyond those prescribed in the regulations of the mixed commission, because it was

to go beyond the limits of his functions for the British commissary judge to interfere by making similar requests, and in an official manner, for which he is not authorised by the above-mentioned convention and regulations; he may not base his argument either on the alleged humanitarian interest towards those freed persons, or on any special recommendation he may have from his government, because neither of those give him the right to exact information from this country, which

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Trade," *Parliamentary Papers*, 1844.

<sup>12</sup> Rebello to Dinis, 7/8/1821, Arquivo Histórico do Itamaraty (hereafter AHI), Comissão Mista, lata 51 maço 4.

administrative march he has to accept with resignation.<sup>13</sup>

The Portuguese government's unwillingness to accept British interference in its handling of the liberated Africans reflected its resentment of the pressures it suffered on the issue of the slave trade, which continued despite the prohibition.

The independence of Brazil in September 1822 brought suppression to a halt and called for the negotiation of an abolition treaty with the new government of the nation. In the Anglo-Brazilian treaty signed on November 23, 1826, and ratified on March 13 of the following year, the government of D. Pedro I renewed the abolition agreements previously signed between Portugal and Great Britain and consented to the imposition of a three-year limit to the trade. Under those agreements, the whole Brazilian slave trade would be deemed illegal after March 13, 1830. At home, the signature of the abolition treaty widened the gap between Pedro I's government and Brazilian deputies in the Assembly because it was seen as contrary to the country's interests. It was accepted only because British recognition of Brazilian independence had been conditional upon abolition. Considering the nationalist climate surrounding the abolition question, it is not surprising that the functioning of the Anglo-Brazilian mixed commission court in Rio de Janeiro after 1830 was never a genuine collaborative act.

Pedro I fell under strong criticism for many reasons, including his handling of abolition. Lacking support for his government, he abdicated from the throne in April 1831 because of strong popular pressure. The installation of three regents who would exercise power on behalf of the young D. Pedro II and who would share power with the National Assembly and the Senate represented the takeover of the government by Brazilians and the beginning of the "national" phase in Brazilian politics. The handling of the abolition of the slave trade by the Brazilian central government during the Regency period took decisive turns; the most important of them was the

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<sup>13</sup> Minutes of the Anglo-Portuguese Mixed Commission, 4/12/1821, Arquivo Nacional (hereafter AN), cód. 184, vol. 2.

passage of the abolition law of November 1831.

### **The abolition law of November 1831 and the projected re-exportation of the liberated Africans**

The debate held in the Brazilian Senate in the months of May and June 1831 on the bill proposed by the Marquis of Barbacena for the prohibition of the importation of slaves into Brazil contains revealing arguments about the inconvenience of keeping the African recaptives in the country. Framed to impose penalties on the slave traders and to establish new procedures for handling the recaptives, the bill was motivated by the continuation of the trade after prohibition came into effect in March 1830 and by the Brazilian legislators' desire to provide a "national" solution to the prohibition of the slave trade. In fact, it was admitted that the Brazilian people "were persuaded that Brazil had been forced to yield to the British in the abolition of the slave trade to keep in harmony with them, but that the government agreed with abolition yet would turn a blind eye to smuggling."<sup>14</sup> It was the intention of the legislators and of the government, therefore, to publicise the Regency's intolerance of the continuation of the slave trade and to set up its own repression scheme, with penalties based on the Brazilian criminal code, overshadowing the role of the mixed commission court and bypassing the unpopular bilateral agreements on which it based its activities.

The bill contained a departure from the bilateral agreements on the matter of the handling of the recaptives. Whereas the mixed commission regulations determined that each of the two governments would be responsible for the freedom of the portion of the Africans liberated in its territory, the marquis de Barbacena proposed that the recaptives be sent back to Africa at the expense of the slave traders. "Re-exportation," as the matter was framed, was a key subject in the abolition bill, and seemed to be implicitly justified by "national reason," since it was not openly justified by Barbacena himself. Two opposing schemes to handle the recaptives were discussed,

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<sup>14</sup> Anais do Senado (hereafter AS), 1831, 15/6/1831, 365.

based on two very different conceptions of their character. Senator Almeida e Albuquerque espoused the views of a portion of his countrymen when he said that the greatest advantage of abolition was "to move away from us the barbarous race that spoils our customs, the education of our children, the progress of industry, and everything else that might be useful, even our pure language."<sup>15</sup> He vehemently rejected the idea of keeping the recaptives in Brazil and wanted them taken to the coast of Africa. The Marquis of Inhambupe disagreed with his fellow senator about the sources of evil in Brazilian society:

It is not the black colour that makes these men prejudicial to our society; they are men like us and we have seen many of them develop talents when the circumstances were positive; it is the excess of slavery that makes them inert, that keeps them in stupidity, that takes away their dignity, that makes them vicious...All this, as I have said, is inherent to the state of slavery and not to the black colour, nor to the African race.<sup>16</sup>

Antônio Luiz Pereira da Cunha, the Marquis of Inhambupe, had served as the Police intendant in 1821 at the time of the emancipation of the Africans from the *Emília* and was familiar with the Portuguese legislation concerning their apprenticeship and with the treatment conferred to the liberated Africans in Sierra Leone. He suggested that the recaptives be freed and entrusted to people who would be obliged to educate them as free persons and not as slaves, and he was certain that after approximately seven years they would be able to enjoy their complete right to freedom. Inhambupe rejected the idea of re-exportation for it seemed unfeasible since they would likely be enslaved again. However, those rejecting the presence of free Africans in the country were in the majority, and the bill was approved in the Senate and later in the Assembly with the re-exportation clause. Nevertheless, the actual re-shipment of the recaptives was never to take place.<sup>17</sup>

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<sup>15</sup> AS, 1831, 15/6/1831, 366.

<sup>16</sup> AS, 1831, 15/6/1831, 372.

<sup>17</sup> In the following years, the Brazilian Ministry of Justice reported on the negotiations conducted with foreign powers regarding asylum for the recaptives from Brazil. No positive outcome resulted from those negotiations. See Alberto Costa e Silva, "As relações entre o Brasil e a África Negra, de 1822 à 1ª Guerra Mundial," *Cadernos do Museu da Escravatura*, no. 4 (1996). See section "The Foreign Office and the

A secondary agenda in the discussion of the abolition law that had significant implications for the handling of the liberated Africans and for the history of Brazilian slavery itself during the nineteenth century has passed unnoticed by historians until now. It concerned the extent of the application of the law to the illegally imported Africans, as senators argued the wording of the first article of the bill, which read: "All the slaves who enter the territory or the ports of Brazil coming from outside of it, will become freedpersons."<sup>18</sup> An important debate ensued after Senator Luiz José Oliveira Mendes, the Baron of Monte Santo, reminded his colleagues of the Africans who had been illegally imported after the prohibition of the slave trade and asked for a clear declaration that the law be applied to all the Africans imported since the abolition of the slave trade by the bilateral agreements.<sup>19</sup> He was persuaded that they had the same right to freedom as the Africans who would be emancipated once the law came into effect and expected the government to guarantee it. The Viscount of Alcântara, too, argued for the emancipation of those Africans and rejected arguments favouring the property rights of their present owners: "The treaty has freed these men who have entered our soil and the violence of whoever abusively kept them as slaves and has resold them cannot invalidate their unexpirable rights."<sup>20</sup> The position defended by the Marquis of Barbacena and by the majority of the Chamber was that the law should apply only to the future cases, not to the past ones, for "if it looked to the past it would cause in the whole of Brazil such a disorder, that would itself bring along others," the details of which he preferred to omit but trusted that everybody knew what he meant. Barbacena admitted the right to freedom of all the illegally enslaved Africans but refused to declare it in the law, expecting individuals to go through the justice system and claim their rights

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liberated Africans in Brazil" in chapter 4.

<sup>18</sup> "Art. 1: *Todos os escravos que entrarem no território ou portos do Brasil, vindos de fora dele, ficarão libertos....*" *Anais do Senado* (hereafter AS), sessão 31/5/1831, 254. The article established exceptions to the rule, to be applied to the slaves who served as crew of vessels trading in Brazilian ports, and to runaways, who would be returned to their countries and masters.

<sup>19</sup> By that proposition, all the slaves imported since the treaty had come into effect, on March 13, 1830, would be freed. Later, the Count of Lages added that all those affected by the additional convention of 1817, that is, imported from the North of the Equator since 1818, should be considered free as well.

<sup>20</sup> AS, 1831, 15/6/1831, 368.

with proof of their illegal importation.<sup>21</sup>

A few revealing arguments were raised by the senators while they were trying to convince themselves of the difficulties involved in the extension of the right to emancipation to all illegally imported slaves. It would be impossible, Barbacena and others argued, to prosecute the owners of illegally-imported Africans, since the slaves had already changed hands a few times, and were owned "in good faith." Senator Oliveira, however, rejected that idea:

Everybody knows that whoever buys a new slave does it because he has just arrived from the Coast of Africa; a new black cannot be taken for a *ladino*, there is nobody who cannot distinguish them at first sight.<sup>22</sup>

Significantly, the most important reasons for refusing to touch on past smuggling cases were deemed "political." Senator Rodrigues de Carvalho reminded them that the illegal slave trade had brought to Bahia between 10,000 and 15,000 slaves, and asked the senators to consider the consequences of their abrupt emancipation:

If that happens, they will all enter into a revolution right away, because only one person who knows how to read is necessary to, upon reading these dispositions, incite all the others; and even if none of the blacks knows how to read there will be no lack of people, who, in the spirit of revolt so abundant nowadays, will look for those blacks and advise them.<sup>23</sup>

Rodrigues de Carvalho suggested that, if emancipated, those Africans should be re-exported without delay at the expense of their present owners, or else "Brazil will be full of free blacks, *boçais* many of them, who can do us great harm."<sup>24</sup> It was feared that with no occupations or means of subsistence, and aided by "ill-intentioned people," the freed persons, estimated at between 40,000 and 50,000 in the whole country, would rise and threaten the prevailing order. The proposition to free the illegally enslaved Africans was finally rejected based on Barbacena's last point: he argued that philanthropy could not be put before "the reflexion [on] the

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<sup>21</sup> AS, 1831, 15/6/1831, 370

<sup>22</sup> AS, 1831, 15/6/1831, 365.

<sup>23</sup> AS, 1831, 16/6/1831, 377-8

<sup>24</sup> AS, 1831, 16/6/1831, 377-8.

consequences resulting from the sudden appearance of thousands of freed blacks without occupations, at a time when the government has neither the physical nor the moral force to contain them and the others who will be seduced by them."<sup>25</sup>

At the end of the debate, the links between the groups of people considered dangerous to the social order became clear: it was feared that "ill-intentioned people" would influence the Africans who had the right to be freed and infuse them with "the abundant spirit of revolt" common in those days. The Africans just rescued from slavery, in their turn, could seduce the slaves (significantly not named but mentioned as "others"), and everybody agreed that the government was not strong enough to handle the pressure in those days of intense political agitation and social turmoil.<sup>26</sup> The Africans who had been illegally imported into the country and were currently held as slaves were therefore seen as potentially dangerous to the social order. If freed, they would have to be expelled from the country. The chosen option was to keep them in slavery and disregard their right to freedom. However, the continuation of the slave trade after prohibition multiplied the number of Africans illegally held in slavery and slowly undermined the legal basis on which the Brazilian slave system rested.<sup>27</sup> Ironically, Africans were blamed for the corruption of Brazilian customs.

### **To be a free black in a slave society**

Rejecting the introduction of new Africans and criticising their presence in the country were regarded as common sense during the first half of the nineteenth century by Brazilian public opinion. A consequence of the campaign for the abolition of the slave trade and of the paradigm

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<sup>25</sup> AS, 1831, 21/6/1831, 410.

<sup>26</sup> Popular revolts shook just about every province of the Empire between 1831 and 1832; plans were made to evacuate the Emperor from Rio de Janeiro in case anarchy took over and the northern provinces seceded from the Empire. Until 1850, revolts by the free population broke out in several provinces and were in turn severely repressed by the "forces of order." See José Murilo de Carvalho, *A Construção da Ordem: a elite política imperial; Teatro de Sombras: a política imperial*, 2 ed., (Rio de Janeiro: Ed. UFRJ/Relume-Dumará, 1996); Sérgio Buarque Holanda, ed., *O Brasil Monárquico; Dispersão e Unidade*, 4 ed., vol. Tomo II Vol. 2, *História Geral da Civilização Brasileira* (Rio de Janeiro: Difel, 1978).

<sup>27</sup> On the debate over the legality of slavery for the slaves imported after abolition, see the Epilogue.

shift that operated in a nation heavily dependent on the slave trade, the rejection of Africans took different forms and was accentuated after independence, when the Brazilian elite were prompted to choose the foundations for the new nation. Africans were seen as responsible for the corruption of customs in Brazilian society, particularly for the whites' rejection of regular and manual labour. Opinions varied as to whether it was intrinsic to their "race" or induced by their enslavement, but the "barbarous African character" came to be seen as an undesirable trait in the formation of Brazilian nationality.

Brazilian social hierarchy derived from the combination of the preexisting European social principles imported by the Portuguese and the principles of race discrimination that emerged from plantation slavery. A man's "place" in society depended on his legal status (slave, freed, or born free), on his colour (white, mixed blood, or black), on his occupation and property (landowner, bureaucrat, servant, skilled artisan, etc.), and on his level of adaptation to Brazilian society ("newly arrived and unacculturated" Africans standing at the bottom of the scale). The combination of such rankings worked effectively to institute discrimination against the upward mobility of free blacks, although conditions varied considerably from the eighteenth to the nineteenth century and from region to region within Brazil.<sup>28</sup>

The 1824 Constitution of the Brazilian Empire abolished the restrictions imposed by the *Ordenações Filipinas* on the social mobility of free people of colour and erased the legal sanction for the privileges conferred on the Portuguese nobility composed by *cristãos velhos* (Christians by four generations). Before that, people of African descent could not ascend to certain public and ecclesiastical posts or to honorific titles.<sup>29</sup> The "racial" composition of Brazilian society, however,

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<sup>28</sup> Stuart B. Schwartz, "A Colonial Slave Society," *Sugar Plantations in the Formation of Brazilian Society: Bahia, 1550-1835*, (Cambridge: Cambridge University Press, 1985), 245-63.

<sup>29</sup> On *Ancien Régime* hierarchy within Portuguese society and limitations imposed on the rights of Native Indians, Muslims, Jews, Gypsies and particularly "new" Christians, see Maria Luiza Tucci Carneiro, *Preconceito Racial no Brasil Colônia: os cristãos novos*, (São Paulo: Brasiliense, 1983); on the range of limitations imposed on free blacks in Colonial Brazil, see A.J.R. Russell-Wood, "Colonial Brazil," *Neither Slave nor Free: the freedman of African descent in the slave societies of the New World*, edited by David W. Cohen and Jack P. Greene, (Baltimore: The Johns Hopkins University Press, 1972), 84-133. On the

was peculiar. Just before independence, Brazil had 3,500,000 inhabitants, 40% of whom were slaves and 6% Native Indians. Of the 54% of the population classified as free, half were whites and half were *pardos* (free coloured). By the turn of the nineteenth century Brazil had the greatest free coloured population of any slave society in the Americas. Free coloureds were involved in numerous political struggles at the end of the colonial period and during the first decades of independence, fighting for their rights as "Brazilians." They did not oppose slavery; instead, they wanted to be recognised as having the same rights and privileges as white Brazilians and opposed restrictions on their social mobility, property, or voting rights.<sup>30</sup> Although the category of free blacks was far from homogeneous, their participation in the political struggles for independence and during the Regency period showed that they endorsed the prevailing order which kept African slaves at the bottom of the social hierarchy and manumission as the sign of compliance with the rules of the system.

The investigation conducted by Hebe Mattos on the meanings attributed to freedom by slaves and by people recently risen from slavery in the Brazilian Southeast during the nineteenth century showed that freedom was associated with spatial mobility and with proprietorship. When slaves gained certain a certain level of spatial mobility and autonomy, they were slowly entering the world of free persons. Freedpersons used their mobility and autonomy to search for acceptable labour engagements, and their goal was to settle down as small landowners or sharecroppers, eventually owning a few slaves as well. To be truly free meant to be a proprietor and remove oneself from work. The conditions for such upward mobility were limited but existed throughout the late colonial and early imperial period. By the second half of the nineteenth century, conditions had changed. Slave ownership, as a result of the abolition of the slave trade, became more concentrated than before, and the access to land was made more difficult for freedpersons. Interestingly, Mattos noted, the reference to free people's "colour" in the official registers

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conflicts over colour restrictions in nineteenth-century Brazil, see Hebe Maria Mattos, *Escravidão e cidadania no Brasil monárquico*, (Rio de Janeiro: Zahar, 2000).

gradually disappears over the course of the century. Freedom was no longer associated with whiteness, and slavery was no longer the state of all people of colour.<sup>31</sup>

Particular limitations applied to freedpersons and especially to Africans in nineteenth-century Brazil. Brazilian imperial society legally discriminated against those who had recently risen from slavery, limiting the social mobility of freedpersons. Brazilian-born freedpersons, provided they met the property requirements, could vote only in primary elections, and could not vote for or become deputies or senators because they had not been born free (*ingênuos*). Those who joined the Army were eligible to become officers in black or *pardo* regiments; the National Guard, on the other hand, did not accept freedpersons as officers. In addition, officially, the Catholic Church did not accept freedpersons into its clerical orders; only the legitimate children of ex-slaves could aim for the priesthood.<sup>32</sup> Freed Africans were deemed "foreign" and therefore had no political rights. The struggles for citizenship encompassed only those born in Brazil, reinforcing the discrimination against Africans, who were always to remain at the bottom of the social scale.

The rejection of and discrimination against Africans, which grew in the course of the

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<sup>30</sup> Mattos, *Escravidão e Cidadania*, 16.

<sup>31</sup> Hebe Maria Mattos [de Castro], *Das Cores do Silêncio: os significados da liberdade no sudeste escravista - Brasil, século XIX*, (Rio de Janeiro: Arquivo Nacional, 1995). These issues are also addressed, from a sociological perspective, by Orlando Patterson; see H. Orlando Patterson, *Slavery and Social Death: a comparative study*, (Cambridge, Mass.: Harvard University Press, 1982); Patterson, *Freedom in the Making of Western Culture*, Vol. 1, (New York: Harper Collins, 1991).

<sup>32</sup> Karasch, *Slave life in Rio de Janeiro*, 365-66. Maria Inês Côrtes de Oliveira, *O liberto: seu mundo e os outros, Salvador 1790-1890*, (São Paulo: Corrupio, 1988), 29-30; Agostinho Marques de Perdigão Malheiro, *A Escravidão no Brasil: Ensaio Histórico-Jurídico-Social*, facsimile edition ed., 2 vols., vol. 1, (São Paulo: Edições Cultura, 1944 [1866]), 179-184. Elsewhere in the slave societies of the Americas, free people of colour also faced legal restrictions. In the United States, the first nation to establish a constitutional liberal regime and keep the slave system, the number of free blacks increased dramatically after the American War of Independence. By 1810, free blacks were 5% of the free population and 9% of the black population in the Southern states. Mostly American-born and mixed-blood, the free blacks carved for themselves a niche and forged their own communities in response to growing discrimination. In fact, contrary to the liberty ideals of the Revolution, Southern legislatures and local administrations consistently set restrictions on free blacks' mobility, voting and property-holding rights in the course of the first decades of the nineteenth century. Increasingly, even manumission became controlled or outright prohibited. Ira Berlin, *Slaves without masters: the free Negro in the antebellum South*, (New York: Pantheon Books, 1974), 15, 138-9. The scholarship on free blacks in the Americas has been steadily growing. See Cohen and Greene, eds., *Neither slave nor free*, and the more recent debates in Jane Landers, ed., *Against the Odds:*

century, reflected two widespread and interconnected fears held by Brazilians: that of the numerical predominance of Africans in the population, and that of their engagement in resistance to the slave system. Both prospects seemed possible and even concrete at certain points during those decades.<sup>33</sup> Slave resistance, in those times of political turmoil such as the independence period and the early 1830s, was an added factor of instability in the system. In Bahia, there had been several insurrections and plots led by West Africans (Yoruba and Hausa) since 1807, but it was the Muslim Uprising of 1835 in Salvador that triggered the strongest reaction against Africans country-wide.<sup>34</sup> Because the revolt had a clear ethnic component in addition to its religion-based organization, West Africans (*Minas* or *Nagôs*) sold to other provinces were all suspected of being prone to resistance. The city of Rio de Janeiro had never seen a slave uprising, but in the 1830s, its chief of police acted preventatively and kept an eye on suspected Africans.<sup>35</sup> Around the capital of the Empire, in the booming coffee-growing region of the Paraíba Valley, the 1830s were a decade of "terror panic" for planters and whites alike, as discussed by Flávio Gomes. Many instances of runaway communities and violent resistance were recorded, among them one uprising in Vassouras involving more than 200 slaves, most of whom were Africans recently imported into the country.<sup>36</sup> Planters' hopes that differences in ethnic origins would hinder slave organisation vanished slowly as the slave trade made the Paraíba Valley predominantly West-Central African. Inter-ethnic alliances among bantu-speaking slaves and freedpersons were suspected to be at the root of a major plot for an insurrection uncovered in

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*Free Blacks in the Slave Societies of the Americas* (London: Frank Cass, 1996).

<sup>33</sup> See the discussion on "the evils permeating Brazilian society" in Jaime Rodrigues, *O Infame Comércio: Propostas e experiências no final do tráfico de africanos para o Brasil (1800-1850)*, (Campinas: Editora da UNICAMP/CECULT, 2000), 31-68.

<sup>34</sup> João José Reis, *Slave Rebellion in Brazil: The Muslim Uprising of 1835 in Bahia*, (Baltimore: The Johns Hopkins University Press, 1993); João José Reis, "Um balanço dos estudos sobre as revoltas escravas baianas," in *Negociação e Conflito: a resistência negra no Brasil escravista*, ed. by João José Reis and Eduardo Silva (São Paulo: Companhia das Letras, 1989), 87-140.

<sup>35</sup> See Mary C. Karasch, *Slave Life in Rio de Janeiro, 1808-1850*, (Princeton, NJ: Princeton University Press, 1987), 219.

<sup>36</sup> Flávio dos Santos Gomes, *Histórias de Quilombolas: mocambos e comunidades de senzalas no Rio de Janeiro - século XIX*, (Rio de Janeiro: Arquivo Nacional, 1995), 202-209; and also Rodrigues, *Infame Comércio*, 55-62.

1848. At that point, the continuation of the slave trade started to be seen as a threat to the internal stability of the slave system.<sup>37</sup> Collectively, Africans were increasingly portrayed as dangerous, while individually, they were framed as strangers, foreigners to the desired nation.

However, suspicion was not directed only at enslaved Africans. Freed Africans, who were seen to have joined slaves in the Muslim uprising and in other revolts, were also perceived as a threat to the stability of the system. Freed Africans, according to the Constitution of the Empire, had limited citizenship: as foreigners, they could not vote or be elected, could not enlist in the Army, the Navy, or the National Guard; and could not join religious orders. Just as for other freedpersons, their spatial mobility was controlled by the obligation to carry a passport every time they left their municipality; it was issued only contingent upon the examination of their "regular behaviour." The justification for such control was clear: it was "presumed and suspected that those blacks incite and provoke the riots and commotion which have shaken those who are found in slavery."<sup>38</sup> The Legislative Assembly of Bahia issued laws after the Muslim uprising which took drastic measures to incite Africans to leave the province, including imposing an annual registration before the police department and the payment of a high tax of 10\$000 réis. Under constant suspicion and subject to random searches and imprisonment, freed Africans faced restricting conditions of work and life in the major Brazilian cities in the first half of the nineteenth century, just as the importation of African slaves rose to unprecedented levels and the civil status of free persons of colour was subject to debate.

### The capture and emancipation of the Africans rescued from the illegal slave trade

It was due to their capture during the suppression activities (and subsequent emancipation) that the Africans destined to be slaves became liberated Africans instead. From the moment of

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<sup>37</sup> Robert W. Slenes, "'Malungu, ngoma vem!': África coberta e descoberta do Brasil," *Revista da USP*, no. 12 (1991/1992): 48-67, and the correspondence between the British legation in Rio and the Foreign Office in 1850.

<sup>38</sup> Manuela Carneiro da Cunha, *Negros, Estrangeiros: os escravos libertos e sua volta à África*, (São Paulo:

capture, the recaptives' experiences differ from those of the Africans who remained in slavery, and although shared by a small proportion of the Africans brought to Brazil in the Atlantic slave trade, those experiences deserve to be recounted and analysed according to their distinctive elements. To be freed by the mixed commission or by Brazilian judges upon arrival in Brazil had a special significance within the Brazilian slave system, as it was a procedure which differed from the usual manumission negotiated between the master and the slave and attained by others, if ever, only after many years of slavery. This section will explain and discuss the ways through which slaves became liberated Africans, and their experiences of this process.

The procedures for the emancipation of the Africans illegally imported into the country varied according to the legislation on which they were based. Africans were emancipated by the mixed commission court sitting in Rio de Janeiro and by Brazilian judicial authorities in various places along the Atlantic coast, based either on the bilateral agreements or on the Brazilian laws for the abolition of the slave trade. The distribution of the emancipations over the years shows the different phases of the suppression activities conducted on the Brazilian coast. Measured against the total number of slaves imported in the same period, the volume of the slave trade touched by the suppression activities was minimal. For the whole period of the suppression campaign, David Eltis estimates that enforcement agencies intercepted 1 in 5 ships engaged in the slave trade and 1 in 16 of the slaves embarked. The Anglo-Brazilian mixed commission court and Brazilian judicial authorities emancipated in Brazil between 6,700 and 11,000 Africans. Even considering the number of Africans who, meant for the Brazilian market, were emancipated by British authorities in Sierra Leone or in other British colonies, the impact of suppression on the Brazilian slave trade was very small. While an estimated 11,000 Africans were seized and emancipated, 760,000 others entered the country illegally and were kept in slavery.<sup>39</sup>

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Brasiliense, 1985), 74, citing a decree issued on 14/12/1830.

<sup>39</sup> See Appendix 1, Table 1: Africans brought by the illegal slave trade to Brazil and Africans emancipated by the Mixed Commission Court and by Brazilian authorities, 1830-1856; Eltis, *Economic Growth*, 97-101.

The mixed commission court of Rio de Janeiro operated between 1819 and 1822 (as the Anglo-Portuguese court), and again between 1830 and 1845 (as the Anglo-Brazilian court), and was responsible for the adjudication of 45 ships captured off the Brazilian coast by British or Brazilian cruisers, for engaging in the illegal trade. Because of the way they were set up, to judge only British or Portuguese (later, Brazilian) ships, they were rendered ineffectual in repressing the illegal trade once it took foreign flags. Moreover, due to limitations in the treaty, which, despite negotiations, was never amended to include "equipment clauses," the mixed commission could not condemn a slave ship if it did not actually have slaves on board. Although some changes in the procedures of the commission were introduced by the British to that effect, they were never incorporated into the treaty and caused continuous dispute during the judgements. Those technical reasons, coupled with the lack of co-operation of the Brazilian government with the suppression campaign advanced by Great Britain, explain the small number of ships actually brought to and condemned by the mixed commission sitting in Rio de Janeiro, as compared to the volume of the illegal trade during the period. Of the 45 ships brought before it between 1821 and 1845, the commission condemned 22 as good prizes, restored 15 ships to their owners, declared itself incompetent to adjudicate 5 ships, handed 2 to be judged by the Brazilian judicial authorities, and never handed down a decision on the last ship tried.<sup>40</sup>

The ships brought before the mixed commission had been captured off the coast of Brazil, either by a British cruiser or by a Brazilian vessel of war engaged in the suppression of the slave trade, and had been conducted by the prize captors to the port of Rio. Normally, the crew and the slaves awaited the adjudication on board the ship, under the responsibility of the capturing crew, in less than ideal circumstances. Having already endured the harshness of the

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The number of Africans listed is based on verified records; many more apprehensions that could not be included in the calculation were made by Brazilian authorities. The total number of Africans emancipated in Brazil comes from Brazilian government figures produced in the late 1860s. See section "Accounting for all the liberated Africans: the register" in chapter 5.

<sup>40</sup> See Appendix 1, Table 2: Ships brought before the Anglo-Portuguese and Anglo-Brazilian mixed commission court in Rio de Janeiro, 1821-1845.

middle passage for an average of 43 days, the slaves were kept in the ship during the process of adjudication, which lasted another 43 days between the arrival at the port and the issuing of the sentence, at the cost of the lives of many recaptives.<sup>41</sup> Although the capturing crew attempted to provide sufficient clothing, food, and medical treatment, the conditions on board the ships, sometimes very bad at the time of capture, could not be significantly improved. Moreover, the animosity toward the British engagement in the suppression of the Brazilian slave trade was sometimes directed at the prize ships, which were attacked by angry mobs. In such circumstances, the Africans awaiting their emancipation on board risked being "rescued" from the captors and taken into slavery again. An extreme case was that of the *Rio da Prata*, captured in November 1834, and condemned only in February 1835: of the total cargo of 523 slaves brought to the port, only 222 were emancipated, and this because a number of slaves had probably died, but nearly 200 were stolen one night from the ship by a group of persons pretending to be justices of the peace.<sup>42</sup>

Mortality during the period of adjudication was high and added to the mortality from the transatlantic passage. Several factors contributed to the mortality in the slave trade: the length of time spent between the moment of capture and the moment of shipment and the diseases contracted by Africans in the barracoons, the treatment (food, space, medical care) provided during the trip, and the length of the voyage. David Eltis has shown that suppression activities affected mortality in the trade indirectly: slave traders' strategies adopted in the 1840s to avoid interception involved a longer time for slaves in the barracoons and shorter passages on faster but more tightly packed ships. The data for the shipments that were intercepted and brought for

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<sup>41</sup> Calculation of the length of the voyage for the ships brought before the mixed commission was obtained from David Eltis et al., *The Transatlantic Slave Trade* [CD-Rom] (Cambridge University Press, 1999), from a sample of 10 ships apprehended; calculation of the duration of the adjudication was presented by Bethell, *The Abolition of the Brazilian Slave Trade*, 143, based on 15 cases brought before the mixed commission between November 1833 and April 1838.

<sup>42</sup> See the testimony of Scottish physician William Cullen on this case, in Robert E. Conrad, *Children of God's Fire: a documentary history of Black slavery in Brazil*, (Princeton, NJ: Princeton University Press, 1983), 334-8; Bethell, *The Abolition of the Brazilian Slave Trade*, 138.

adjudication at the Anglo-Brazilian mixed commission court differ little from the trends, but reveal that the recaptive Africans had to endure additional time on board the slave ships, and that under these circumstances, more of them died as a result of the trade. For some shipments, the large difference between the number of Africans who arrived in Brazil and the number of Africans who were actually emancipated shows the result of attacks on the places where they were held in deposit. Still, from the *César*, for example, 20% of the Africans died during the Atlantic passage and a further 6% died while the ship was judged by the mixed commission court. It could be argued that slaves in the illegal trade died in the same proportion after having landed, but there is reason to believe that the period of adjudication actually extended the suffering and contamination of the middle passage for the Africans who had been "rescued" from slavery.<sup>43</sup>

Compared to the data collected by the British on the workings of the mixed commission, information on Brazilian participation in the suppression of the slave trade is scarce. There has been no comprehensive study of the national engagement in abolition for the period before 1850, and although local authorities along the coast apprehended several slave ships during this period, the national data has never been systematically compiled. Any information discussed here, therefore, is based on incomplete sources, and often inferred from the material available on the liberated Africans who were distributed for service, making it impossible to calculate the mortality rate between the time of arrival and the time of distribution for service.

The Brazilian government did engage in the activities to suppress the slave trade before 1850; it should in fact be credited not only for passing the abolition law of November 7, 1831, but also for enforcing it to some extent at sea and on land during the 1830s and 1840s. The intensity of its engagement, however, fluctuated over the years according to a complex mix of political factors. The failure of the Brazilian central government to obtain the abolition of the trade, and, in fact, its apparent connivance with the illegal slave trade in the 1830s and 1840s is discussed at

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<sup>43</sup> See Appendix 1, Table 3: Africans emancipated by the Mixed Commission Court and mortality during

length in the literature, and fuels a debate on whether the British or the Brazilians should be credited with the suppression of the Brazilian slave trade in the 1850s. I will not take part in this debate, but will try to redress a historical injustice: the apprehension of newly imported slaves made by Brazilian authorities during the 1830s and 1840s shows that even if suppression measures were not popular or unanimous, a small number of officials (navy officials, municipal judges) did, in fact, advance them throughout Brazilian territory, and the proof lies in the existence of the Africans they liberated.<sup>44</sup>

The procedures followed by Brazilian authorities for the emancipation of the Africans brought into the country by the illegal trade were different from those of the mixed commission; they were based on the national legislation for the abolition of the trade, which changed its scope in 1831 and not only targeted the slave trade at sea, but also prohibited the importation of new Africans into the country. Before that, from 1819 to 1822, the slave trade conducted outside Portuguese dominions and north of the Equator in Africa was condemned by the Anglo-Portuguese additional convention, and ships were subject to capture and condemnation. However, only one ship was judged by the mixed commission, and that was the *Emília*, while most of the slave trade conducted from the Brazilian northeastern ports of Bahia, Pernambuco, and Maranhão fell within the prohibited area. Brazilian judicial authorities, in at least one case, condemned a slave ship and emancipated Africans before the abolition treaty came into force in 1830: that case occurred in Maranhão, in 1826, and concerned the *Carolina*, with its cargo of 133 slaves.<sup>45</sup>

The abolition law of November 7, 1831 was issued to establish national legislation and procedures for abolition that could be applied by judicial authorities throughout the country, and

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the middle passage and during adjudication.

<sup>44</sup> See Appendix 1, Table 4: Africans emancipated by Brazilian authorities, 1830-1856.

<sup>45</sup> Robert Edgar Conrad, *World of Sorrow: the African Slave Trade to Brazil*, (Baton Rouge: Louisiana University Press, 1986), 72-74. Local authorities applied the royal decree issued in 1818, which set the penalties for and regulated the enforcement of abolition effected by the additional convention of 1817. Dudley to Gordon, 12/5/1827, FO 84/71. A thorough look into the correspondence between the presidents of the northeastern provinces and the central government in Rio should yield more information about the suppression activities conducted there.

also to change the handling of the Africans recaptured from the slave trade. The enforcement of abolition immediately after the law passed seems to have been taken seriously by many local authorities. A number of ships were seized and authorities had to deal with a significant number of African recaptives. However, the failure of the imperial government to regulate the provision that called for their re-exportation proved disastrous. Politically, it demonstrated to the slave traders, to the public, and to British observers that the government lacked the strength and support to enforce a decision made by the legislature; in practice, it left hundreds, perhaps more than one thousand, recaptives without proper care. Although the number of ships and Africans captured by Brazilian authorities between 1831 and 1834 has never been known, scattered evidence suggests that it was significant.<sup>46</sup>

During those years, the recaptives were handled first by the customs judges (*juízo de contrabandos*), who took the ships in charge and put the Africans "in deposit" under the custody of the city's police intendant. The place where they were held in the early 1830s was probably the one known as "*Depósito Geral da Cidade*" (the city's general or public deposit), where slaves and valuables were kept while awaiting judicial decisions. That deposit kept "over 500 slaves and large sums [of cash?]" in June 1832, prompting the official responsible to ask for guidance on how to proceed, because of "the vigilance and caution necessary under the present circumstances."<sup>47</sup> He alluded to the unsafe conditions at the deposit and to the constant threat that the Africans could be taken away and sold back into slavery. The failure of the imperial

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<sup>46</sup> Correspondence from the customs judges reaching the Minister of Justice in the early 1830s reports numerous captures and suspicions of illegal slave trade. See, for example, the apprehension of the Portuguese Brig *Trajano*, which came from Luanda with 44 people on board and approximately 25 "new" Africans, some of whom had been registered as crewmembers to evade the abolition law, and others of whom were registered as free Africans coming to Rio to conduct business; see Lucio Soares Teixeira Gouvea to Diogo Feijó, 4/9/1831, AN, IJ6 469. Likewise, in the provinces, numerous apprehensions were made, such as one of over one hundred Africans in Pernambuco in January 1833, reported by the British commissioners to the Foreign Office; George Jackson and Frederick Grigg to Palmerston, 18/2/1833, FO 84/138; Jackson and Grigg to Palmerston, 31/5/1833, FO 84/138.

<sup>47</sup> Diogo A. Feijó to José Antônio da Silva Maia, 1/6/1832, *Regimentos e Avisos da Secretaria de Estado e Negócios da Justiça* reprinted in: *Diogo Antônio Feijó, org.* Jorge Caldeira, (Rio de Janeiro: Ed. 34, 1999), 259.

government to effect the actual reshipment of the recaptives back to the coast of Africa, as the Assembly and the Senate had decided, caused a concentration of liberated Africans in the public deposit that, in those days of weak political allegiances and little commitment to the abolition cause, had unfortunate consequences for the Africans. The fact that no emancipation records or signs of their distribution for service have survived regarding the recaptives from the Brazilian suppression activities between November 1831 and June 1834 indicates that the Africans had probably been stolen and re-enslaved, or died.<sup>48</sup>

On June 30, 1834, Eusébio de Queirós Coutinho Mattoso Câmara, the director of the newly founded House of Correction opened up a registry of the *africanos boçais* sent there, and from that date on, that penal institution would centralise the deposit and distribution of liberated Africans.<sup>49</sup> The logs show that the Brazilian judicial authorities were still active in the application of the abolition law: four young male Africans were emancipated in May from a brig named *Peregrino*; three others found in a private house in *Pertinanga* were declared *boçais* and emancipated by the justice of the peace of the second district of the Sacramento parish of Rio de Janeiro. In fact, throughout the period of the prohibition of the trade, justices of the peace emancipated Africans found to have been recently imported into the country.<sup>50</sup> The procedure, based on articles 9 and 10 of the decree issued on April 12, 1832, asked for an interrogation of the African (through an interpreter) to ascertain his/her importation after the prohibition date.

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<sup>48</sup> Already in 1831, Regent Feijó complained about the confusion in his own government's administration of the liberated Africans. In 1834 he called the attention of minister of justice Aureliano Coutinho to the unknown fate of many liberated Africans emancipated in the early 1830s, including "a few hundreds" emancipated in Santos, São Paulo, by a local judge in 1831. Diogo A. Feijó, "Relatório do Ministro da Justiça, 1832," in *Diogo Antônio Feijó*, ed. Caldeira, 83-93; and Diogo A. Feijó, "Governo Geral," *O Justiceiro*, 27/11/1834.

<sup>49</sup> *Assentos referentes aos Africanos remetidos para a Casa de Correção, 1834-1836*, AN, códice 399. In the book, the name, nation, physical traits, height, and emancipating authority for each African were recorded, as well as their date of death or departure for service. The log shows that justices of the peace emancipated numerous newly imported Africans who had already landed and been sold, on the grounds of being "*boçais*." In the 1840s, Eusébio de Queirós was to become the Chief of Police of Rio de Janeiro, the largest of the slave cities in the Americas, and in 1850, he was the Minister of Justice responsible for the enforcement of the abolition of the slave trade.

<sup>50</sup> I have not seen any compilation of information on those small apprehensions except for that made in the 1860s, which listed 50 such emancipations, made between 1835 and 1837, and which can be found in

Usually, just the fact that the recaptive could not speak Portuguese was the decisive proof of his/her recent arrival.

The handling of the recaptives by the Brazilian government at the moment of emancipation did not change significantly after the closure of the mixed commission. A few seizures were effected in the late 1840s near Rio de Janeiro, and the Africans received letters of emancipation either from the Municipal Judge or from Judges of Orphans, and were held at the House of Correction until the Ministry of Justice and the Judge of Orphans assigned them to work. That was the case of the 425 Africans emancipated from the patacho *Subtil*, seized by the Brazilian cruiser *Correio Brasileiro* in 1845, and also that of the cargo of young Africans apprehended on Jurujuba beach, near Niterói, in 1848.<sup>51</sup>

The second Brazilian law to abolish the slave trade, issued on September 4, 1850 by Minister of Justice Eusébio de Queirós, instituted new procedures for the judgement of ships caught in the illegal trade but did not significantly change the handling of the recaptives. The proceedings of the Navy Auditor combined two separate actions: judgement of the ship for illegal trading and verification of the recent importation of the Africans, which followed the procedures already in place, which had been adopted by local judicial authorities in the 1830s. Local police authorities were still charged with the search and apprehension of the ship and the Africans, but now it was the auditor who conducted the judgement. The Africans were all taken to the House of Correction in Rio from wherever their apprehension had taken place (sometimes as far as the neighbouring province of Espírito Santo), and were kept in deposit there during the judgement of their right to emancipation. The emancipation of the Africans depended on the determination of their illegal importation into the country and not on the illegal status of the ship, as was the case

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*Ofícios relações e processos sobre Africanos livres, 1834-1864*, AN, IJ6 471.

<sup>51</sup> Fifty-eight of them were sent across Guanabara Bay in October and were entrusted to the administrator of the Pedro II Hospice in Botafogo. Apparently they were part of a cargo of 110 Africans seized on a "galera." Of the 74 Africans who entered the Niterói prison in deposit on August 4, 1848, 16 had died by mid-October. Juiz Municipal to Eusébio Queirós, 18/10/1848, AN, IJ6 471; Nunes to Queirós, 6/11/1841

in the mixed commission procedures. The Navy Auditor Court was responsible for the emancipation of 2,246 recaptives between September 1850 and early 1854; of those, 988 had been apprehended at sea and 1258 on land.<sup>52</sup>

### **The first experiences of the recaptives in Brazil: apprehension, baptism and naming**

*Um negro novo não se confunde com um ladino;  
não há ninguém que não os possa distinguir à primeira vista.*  
—Senator Oliveira, 1831

Among the first experiences of the recaptive Africans in Brazil, those of their apprehension, their baptism, and their naming were certainly remembered and reinterpreted by the Africans in the following years. Besides being often one more traumatic experience in their lives, their apprehension and subsequent emancipation were the rites that symbolised the passage from slave to liberated African status. The records of the apprehension and registration procedures kept in the Navy Auditor's or in the judicial trial records provide the most detailed testimonies of those experiences, thanks to the description of the details of the procedure, and the interrogation of some recaptive Africans.

While most liberated Africans had been apprehended at sea by cruisers which took the slave ship and their cargo as prizes for adjudication, and a small proportion of them had been apprehended alone or in small groups by police officials, the most detailed accounts come from the seizures made on land immediately after disembarkation. The Africans apprehended in October 1851 at "*Fazenda da Pontinha*" in Bahia, for example, had been hastily disembarked from the *Relâmpago* at Itaparica, because their ship was being chased by a Brazilian vessel of

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[1848?], AN, IJ6 471; Nunes to Queirós, 24/10/1848, AN, IJ6 471.

<sup>52</sup> "Resolução de 1/4/1854 - Sobre o requerimento do Auditor de Marinha José Baptista Lisboa reclamando sobre a inteligência dada ao decreto n. 731 de 14/11/1850," in *Imperiais Resoluções tomadas sobre Consultas da Seção de Justiça do Conselho de Estado*, ed. José Próspero Jehovah da Silva Caratá (Rio de Janeiro: Garnier, 1884), vol1, 431-2. Other apprehensions were judged in the provinces and are not included in that calculation; they include the cases of the *Relâmpago*, the *Mary E. Smith*, and the ones conducted in Santos, São Paulo, and Serinhaém, Pernambuco. For a tentative compilation of apprehensions conducted by Brazilian authorities, see Appendix 1, Table 4: Africans emancipated by Brazilian authorities,

war. The captain ordered them thrown overboard "so that they could reach the land," which they did with the help of two blacks in a canoe. After the disembarkation, which claimed the lives of 14 of them, the remaining Africans were guided by two white men on horses through the paths leading to the house of the *engenho* belonging to Hygino Pires Gomes. Having reached it at eight in the evening, the Africans were given clothes or loincloths by the master and two other men, and probably fed, since large quantities of meat, flour, rice, and biscuit were later found in the empty house.<sup>53</sup> At five in the morning the next day, when the police force approached, the Africans were taken to the woods behind the house and the crew members sent to the city of Bahia on a sailing boat conducted by a creole slave of Hygino's. Not only did the Africans endure all the tension from having to be hidden from the authorities, but they were also witnesses to an armed confrontation between Hygino's armed slaves and the police force before they were apprehended. Three hundred and thirteen Yoruba, Ewe, Nupe, Hausa and also some West-Central African men and women who had embarked in Lagos became liberated Africans in Salvador, Bahia, while about 500 others not captured became slaves in the sugar or tobacco plantations of the Recôncavo.<sup>54</sup>

In the course of showing the slave traders in the early 1850s their real intention to stop the slave trade and prevent the importation of new Africans, the government conducted numerous apprehensions, many of those as "eventful" as the one in Bahia. "New" Africans were often found

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1830-1856.

<sup>53</sup> At the house, fitted as a makeshift lodge, police found clothing with "B.D" monograms, belonging to the Venezuelan captain of the *Relâmpago*, Benito Denisan, and books and maps belonging to the ship. Among the books, histories of Portugal, England, Spanish literature, navigation tables and a folk medicine guidebook. Among the maps, there were two of the African coast, two of the coasts of Brazil and Africa, two of the West Indies and the Gulf of Mexico and one of part of the Atlantic, including parts of America, Africa and Europe. See Rodrigues, *Infame Comércio*, 157.

<sup>54</sup> "Consulta de 27/01/1853 - Processo que se formou contra Hygino Pires Gomes e seus escravos por cumplicidade no crime de importacao de africanos livres," in *Imperiais Resoluções*, ed. Carotá, vol. 1, 332-340, Rodrigues, *Infame Comércio*, 156-8, 189-190. See also Pierre Verger, "Ruses et subterfuges de la traite clandestine des esclaves, 1810-1851," in *Flux et reflux*, 403-443; Bethell, *The Abolition of the Brazilian Slave Trade*, 358-9. The ethnic breakdown of the *Relâmpago* recaptives (among other Africans in Bahia) was used to study African ethnicity in Maria Inês Côrtes de Oliveira, "Retrouver une Identité: Jeux Sociaux des Africains de Bahia (v.1750-v.1890)" (Doctorat nouveau régime, Paris IV, 1992). I am grateful to Maria Inês for giving me access to the information on the liberated Africans from her database.

amidst existing slaves and had to be sorted out. The 199 Africans apprehended by the deputy chief of police of the province of Rio de Janeiro on Marambaia Island in early February 1851 were found in large and small groups, scattered over different parts of the island. Of those recaptives, 16 were found near a whaling station and had to be separated from the existing slaves of the station, 30 others were found hiding in the woods near another beach, and on the next day, 153 were apprehended amidst many slaves in a rural property called "Sítio da Serra d'Água," at a short distance from the shore. They had all disembarked four or five days before the apprehension. One interpreter ("*um língua*") had come to shore with them, as well as three crew members. In the search, the police found "three bags that belonged to the persons who had come with the Africans in the voyage, one of them the assistant of the Africans' owner, D. Francisco Riveirosa, and a horizontal clock." In this and in other cases, the Africans and the crew members apprehended were taken to Rio de Janeiro, where the rest of the procedures took place. Having been hastily sorted by the police officials during their apprehension, the recaptives underwent an interrogation, meant to confirm each person's right to emancipation. In this case, the interrogation conducted by the Navy Auditor demonstrated that they had not all come in the same ship, but they were declared nevertheless to have arrived at about the same time. One African, baptised as Firmino, "understood and could speak the Portuguese language" and pointed out five others who "could speak a little of the white man's language." They all declared that "it was the first time they came to the white men's land, having come from their land not long before, and disembarked a few days before then in the place they were apprehended, which was an island, the first white men's land they saw."<sup>55</sup> The inability of most of them to speak Portuguese and the declaration of

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<sup>55</sup> They declared "*que era a primeira vez que vinham a terra de brancos, tendo vindo ha pouco tempo de sua terra, e desembarcado ha poucos dias no lugar em que foram presos, que era uma ilha, primeira terra de brancos que viram.*" "Resolução de 30/6/1851 - Sobre o processo da apreensão de 199 africanos boçais na Ilha de Marambaia sendo confirmada em parte a sentença do Auditor de Marinha," in *Imperiais Resoluções*, ed. Carotá, vol. 1, 273-79. That declaration, apparently a standard rendition of what the Africans declared, was repeated in numerous other interrogations conducted by Navy Auditor José Baptista Lisboa. For a discussion of other interrogations conducted during the repression of the slave trade in 1850, see Rodrigues, *Infame Comércio*, 171-207. I am grateful to Jaime for having shared his notes on the Navy Auditor judgements.

their recent arrival to the country confirmed their right to emancipation. Sometimes, however, "ladinos" passed as "boçais" and received their emancipation as newly imported Africans.<sup>56</sup>

The experience of the Africans apprehended in Itabapoana, in the province of Espírito Santo, in 1851, was that of many others. The 121 Africans brought before the Navy Auditor at the House of Correction on May 10 for baptism and interrogation had been apprehended by the police delegate of Itapemirim a few days before and sent to Rio on board the vessel of war *Thetis*. Four of their shipmates had died during the voyage, which had also brought the crewmembers of their slave ship, the *Segundo*, to be detained in Rio on board the prison ship *Dona Januária*. The Navy Auditor had decided not to conduct the baptism, registration, and examination procedures on the *Thetis* upon their arrival in Rio because the accommodations were not suitable, there was no priest, and a number of Africans were sick and needed immediate care. On May 10, the Africans apprehended in Itabapoana were brought before the Navy Auditor and the assistant to the bishop of the parish of Sant'Anna, who presided over the procedures for their baptism and interrogation. First, priest José Manoel Esteves baptised each of the Africans, giving them Christian names and declaring their protector to be Our Lady and their godfather, Marcos José Pereira de Oliveira. After that, with the help of one of the liberated Africans who served as an interpreter, a numbered list was made containing the name, presumed age, declared "nation," and body marks for each of the Africans emancipated. Following that, the auditor proceeded to question six liberated African men who "understood and spoke the Portuguese language reasonably well," and learned that they had arrived from the coast of Africa a few days before they were apprehended, and that it was the first time they had come to "white men's land." They declared not knowing how many they were in total, but conceded that there were a few others who were not with them at that moment.<sup>57</sup> The Africans who spoke Portuguese gave the names of some of the ship's crewmembers and declared

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<sup>56</sup> For a discussion of slaves who wanted to pass as liberated Africans, see the Epilogue.

<sup>57</sup> "Sendo esta a primeira vez que vinham à terra de brancos, e não sabiam o nome do navio e finalmente não sabiam o número em que tinham vindo, mais [sic] que eram poucos mais além dos que com eles vieram presos." Auto de Perguntas in Traslado-officio do processo da presa feita em Itabapoana, pelo delegado de

that their master on board was the captain, Cordeiro. The pilot, Pinto, had run away at the time of disembarkation. The other Africans were collectively interrogated, with the aid of the interpreter, to confirm that they had all come on the same ship, and this procedure served to prove to the two persons charged with the investigation that all 121 Africans under consideration had been recently imported: "not only are they entirely and perfectly *boçais* for not understanding a word of Portuguese, but also for their physical appearance and other signs that they bear."<sup>58</sup>

Nine days after that, 17 other Africans apprehended in Itabapoana were brought to the House of Correction and went through the same proceedings; they were recognised to be all from the same shipment. In total, 114 boys and men were emancipated, along with 24 girls and women. The records of the Navy Auditor's proceedings also show that between May 10 and June 20, 24 of the liberated Africans died in the nursing station of the House of Correction from diarrhea and smallpox. On June 20, the Navy Auditor passed the final sentence on the process of the Africans apprehended at Itabapoana, declaring them "free and emancipated from slavery" because of having been imported after the prohibition of the trade, as set by the law of November 7, 1831. The liberated Africans were then formally delivered to the responsibility of the government, and their letters of emancipation were issued.

The liberated Africans apprehended in Itabapoana were young, predominantly male and originally from Congo North in West Central Africa. In fact, this cargo had a high proportion of males and young slaves: almost three-quarters of the Africans were between 8 and 14 years of age, and more than 80% were males. Those figures were unusually high if compared to the composition of the cargoes of slave ships apprehended between 1821 and 1841, in which just above half of the Africans were under 14 years of age, and 71.5% of them were males, but not exceptional if compared to the overall data for the late 1840s, which already showed the tendency

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Itapemirim, de 121 africanos boçais, May - June 1851, AN, AGM - cx.13.197, processo 12.

<sup>58</sup> Sentença in Traslado-ofício do processo da presa feita em Itabapoana, AN, AGM – cx. 13.197, processo 12.

of growth in the number of children and males in the slave trade bound to southern Brazil.<sup>59</sup> Data for the other ships apprehended in the 1850s reinforce this trend: the *Rolha*, apprehended in Macaé in the province of Rio de Janeiro in October 1850, had a similar proportion of young slaves (73.6%), but a comparatively high proportion of females (45%); the *Jovem Maria*, apprehended in Ilha Grande in December 1850, like the *Segundo* of Itabapoana, had 80% of male slaves on board.<sup>60</sup> Although the sexual imbalance among recaptives influenced their subsequent lives just as it did for slaves, their age at emancipation had further implications that may have limited their enjoyment of freedom.

Their Christian names were given them by the priest during the ceremony of baptism, first to the women and girls, then to the boys and men, in alphabetical order of female and male first names. Theirs were common Portuguese names and, unlike those given in Sierra Leone to the recaptives, had no historical, humorous, or heroic inspiration.<sup>61</sup> Unlike the practice in Cuba, their African names were not recorded, and it is exceptional to find references in the Brazilian official documentation to their use by the Africans.<sup>62</sup> The liberated Africans would henceforth be identified by their given Christian names and by the ethnic origin recorded during the baptism and naming ceremony, when an interpreter helped to translate, from each African's declarations or from the language spoken, their origins in Africa.<sup>63</sup> Unlike other freedpersons, who had names

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<sup>59</sup> Eltis, *Economic Growth*, tables B1 and B2, 256-7.

<sup>60</sup> See Appendix 1, Table 5: Sex and Age of Africans apprehended between 1821 and 1841; and Table 6: Sex and Age of Africans apprehended in the 1850s.

<sup>61</sup> Asiegbu recounts that in Sierra Leone there were liberated Africans named "John England," "William Scotland," "Abolition Clarkson," "Philanthropy Sharp," "Ajax," "Alabaster," "Kneebone," and so on; see: Asiegbu, *Slavery and the Politics of Liberation*, 25-6. A fac-simile edition reproduces the listings of names, nations and body marks of the Africans from the *Especulador*, *Ganges*, *Leal*, *Paquete de Benguela* and *Asseiceira* shipments; *Marcas de escravos: listas de escravos emancipados vindos a bordo de navios negreiros, 1839-1841*, Publicações históricas (Rio de Janeiro: Arquivo Nacional, 1989).

<sup>62</sup> The lists of emancipation of the liberated Africans freed by the Havana mixed commission contain the African names and the Christian names for all recaptives, information which will prove useful for researchers in the identification of their actual ethnic origins. Some of the liberated Africans in Brazil used different names in their daily lives, and that sometimes caused problems with the bureaucracy later on when it was time to identify them so they could receive their emancipation; on this question see chapter 5.

<sup>63</sup> When the African was unable to speak, or nobody was found who could understand his/her language, no ethnic origin was recorded, such as in the case of the African man baptised as Martinho, from the *Feliz*, emancipated in 1839, who could not speak and therefore no ethnic origin was recorded for him, or the case

and surnames, the liberated Africans would be identified in the same way as that applied to African slaves: by their first names and their "nation." Their naming and identification demonstrated, from the beginning, how they would be treated. The records of emancipation also contain a registration of their body marks, either tribal markings or brands done during the slave trade.<sup>64</sup> Moreover, sometimes the lists contain information about their presumed age (probably estimated by the priest, the clerk, or the judicial authority), height, and physical description (the shapes of the face, the nose, the mouth, and the ears). That thorough recording makes the liberated Africans probably the best individually identified group in imperial Brazil.<sup>65</sup>

All the information was taken in order to formally guarantee their right to freedom and to ensure that they would not be re-enslaved. For the liberated Africans, then, the ceremony of baptism and registration meant their formal emancipation. In addition, at the moment of their distribution for service, the Judge of Orphans was to show each African his/her letter of emancipation and explain the conditions under which they were to serve "as freedpersons." Brazilian legislation called for the distribution to the liberated Africans of numbered tin plaques, which were to be worn hanging from their necks and would contain information on their free status.<sup>66</sup> Formally, the liberated Africans were as free as all those who had been manumitted or freed at birth. Symbolically, after the hardships of their enslavement in Africa and the trip across "the big salt water," to survive the ordeal and be emancipated might have been perceived as a

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of the young man baptised as Pedro, apprehended in Cananéia, São Paulo, in 1850: Africans from different "nations" existing at the House of Correction were called forward to translate what he said, but "none could understand the language spoken by the African nor make himself/herself understood by him." See AN, *Junta do Comércio, Emancipados da Escuna Emília*, Cód.184 vol. 3; Rodrigues, *Infame Comércio*, 187-188.

<sup>64</sup> Those were used later to verify the identities of the liberated African, at death or final emancipation, but were not reproduced in the daily records of their labour assignment or transfers from one place to another.

<sup>65</sup> The set of records that served as a reference for the Ministry of Justice, the curator, and the police was the one held by the clerk responsible for their registration, the "*Escrivão de Africanos livres*." His set of books, organized by "shipments," listed probably every liberated African emancipated in Rio de Janeiro or sent there from other provinces.

<sup>66</sup> Likewise, each African liberated in Sierra Leone, once registered by the Liberated African Department, "received a small metal ticket which was tied around his neck, containing the individual's registry number." Peterson, *Province of Freedom*, 187.

"rebirth" by many of them.<sup>67</sup>

Their cultural diversity, reflected in the multitude of different "nations" recorded in the lists, would influence their adaptation to the country. The ethnic composition of the liberated Africans emancipated in Rio de Janeiro matched that of the slaves imported into the Southeastern region during the same period; the seized ships can be taken as samples of the slave trade meant to supply the expanding economy of Rio de Janeiro's hinterland. Using a sample of 4,000 liberated Africans to verify the sources of the transatlantic slave trade directed to Rio de Janeiro, Mary Karasch found that they were predominantly from West Central Africa (79.7%), with a sizeable group from East Africa (17.9%) and a very small proportion from West Africa (1.5%). The ethnic composition of the slave population of Rio de Janeiro was not significantly different.<sup>68</sup> Liberated Africans, therefore, found themselves among many of their equals and would share with slaves the experience of adapting to life in Brazil, among people of their own regions and from other regions of Africa, among creole slaves and among whites. Ethnic divisions and the refashioning of ethnic identities among the African population of Rio de Janeiro were reflected mainly in the existence of distinct religious organisations. Liberated Africans would join existing communities of slaves and freedpersons of their own "nations," to meet people with whom they would worship, work, marry, and celebrate. Their special status probably had little influence over how they experienced their cultural encounter with the "New World."

Over the years, liberated Africans successively faced emancipation as a diverse group, united by the enslavement and recapture experience. Their age, sex, and ethnic origin would influence the way they perceived and reacted to their emancipation and all their subsequent experiences. However, their diversity, recorded for the purposes of identification, was not taken into account by their emancipators when it came to guiding them through their new lives as

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<sup>67</sup> There are accounts from Sierra Leone that liberated Africans felt this way. Peterson, *Province of Freedom*, 187. For the Africans' impressions of the middle passage, see Schuler, *Alas, Alas, Kongo*.

<sup>68</sup> Karasch, *Slave Life in Rio de Janeiro*, 12-15.

freedpersons. At the moment of their emancipation, the liberated Africans were, in the eyes of those who emancipated them, a group of unacculturated people, many of them very young, definitely unable to survive by themselves in the country. It was, therefore, this perceived "unpreparedness" for their lives as freedpersons that justified their obligation to serve, under government control, for a number of years.

The category of liberated Africans was created by international agreements for the abolition of the trade, and, therefore, was extraneous to the structure of the societies where they existed. In Brazil, their apprehension, their baptism and naming, and their treatment in the first months after arriving were certainly engraved in their memories for a long time. Many of their fellow shipmates died during this period, and those who survived must have gradually acquired the sense that this experience marked the distinctiveness of their legal status. Not only in Brazil but everywhere, to be emancipated by force of the legislation regulating abolition made recaptives special freedpersons: they were "unseasoned" Africans who had not gone through many years of slavery and "earned" manumission the way other freedpersons had. To facilitate their adaptation to the country, the legislation determined a period during which they would be under the control of the state, employed as free labourers or engaged in the military. They were to be free but to remain in the custody of the state during this seasoning period. How their freedom was handled in a slave society such as Brazil is the question addressed in the next chapter.

## **Chapter 2 - Distribution for service: freedpersons under guardianship**

The bilateral agreements signed by Great Britain, Portugal and Brazil for the abolition of the slave trade gave to each government the obligation to "guarantee the liberty" of the Africans emancipated in its territory and determined that they were to be "employed as servants or free labourers."<sup>1</sup> This chapter analyses the Brazilian government's policy towards the Africans emancipated by force of treaty and by Brazilian legislation and discusses the details of the handling of this group of freedpersons in parallel with the social and political climate in the country. A discussion of the evolution of the legislation and a description of the government administration of the recaptives from the 1820s to the 1850s reveals the Brazilian solution to the existence of this extraneous category of newly arrived Africans freed in special circumstances, which challenged the way Africans would normally fit into the hierarchy of Brazilian slave society.

### **Guardianship and compulsory service: the special status of the liberated Africans**

Based on the principles set forth in the regulations of the mixed commission courts, which determined simply that the recaptives from the illegal slave traders should be emancipated and remain under the responsibility of the local government to serve as "servants or free labourers," the Portuguese administration in 1818 issued a royal decree containing further instructions on their handling. The decree was designed to regulate the prohibition of the Portuguese slave trade and to establish the penalties for those engaged in the illegal traffic, according to the limits imposed by the bilateral agreements signed in 1815 and amended in 1817.<sup>2</sup> In addition, the

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<sup>1</sup> Those regulations were attached to the Anglo-Portuguese additional convention for the abolition of the slave trade signed in 1817, and they remained in force under the Anglo-Brazilian abolition treaty, despite numerous British attempts to amend them between 1830 and 1845. For the diplomatic exchange concerning the liberated Africans landed in Brazil, see chapter 4. For the portion of treaties and legislation pertaining to liberated Africans in Brazil, see Appendix 2: Bilateral agreements and legislation pertaining to liberated Africans in Brazil.

<sup>2</sup> The royal decree issued on January 26, 1818, regulated the penalties and other questions arising from the suppression of the slave trade conducted north of the Equator. It referred to the bilateral treaty of January 22, 1815, and the additional convention of July 28, 1817; Kingdom of Portugal and Brazil, *Alvará com força de lei de 26 de janeiro de*

Portuguese royal decree of 26 January 1818 established the government's system to deal with the liberated Africans, by combining the regulations set up in the British Empire to deal with the recaptives and the Portuguese legal and administrative structure to handle incapable persons.

The section of the decree devoted to the handling of the liberated Africans stipulated that they should be put under the custody of the district auditor's council or the authority charged with the care of the Indians, who would distribute them among private persons or public institutions to serve as freedpersons for 14 years. Either enlisted in the public service ("in the navy, at the forts, in agriculture, or in the mechanical trades") or rented to private persons of recognised integrity, the liberated Africans should remain subject to the orders of the people who signed pledges to "feed, clothe, and teach them Christian doctrine, and a craft or other suitable work." The principle of the system, namely, putting the liberated Africans under government protection for a limited term and providing the means for their welfare by distributing them among responsible persons and public institutions was similar to the instructions which regulated the existence of liberated Africans in the colonies of the British Empire.<sup>3</sup> The Portuguese administration, following the British example, established that the recaptives would have to go through a long term of service before they were eligible for "full freedom." In both cases, the system was set up to avoid burdening the administrations' finances with the care of those displaced freedpersons.<sup>4</sup> Its secondary effects of curtailing the Africans' freedom and providing cheap labourers for public stations and private persons would in due course overshadow the system's protective spirit.

The system designed by the British for the handling of the liberated Africans was the fruit

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1818, Coleção das Leis do Brasil, 1818, 7-10.

<sup>3</sup> Issued in March 1808, following the abolition of the British slave trade, an Order in Council determined that the recaptives should be enlisted in the Army or Navy, or apprenticed to "prudent and humane masters or mistresses... either in the same or other colonies, to learn such trades, handicrafts, or employment as they may seem most fit for, or most likely to gain their livelihood by, when their apprenticeship shall expire." R.R. Kuczynski, *Demographic Survey of the British Colonial Empire*, v. 1 - West Africa (London: Oxford University Press, 1948), 113.

<sup>4</sup> Debates over the costs of the maintenance of the recaptives, such as the one held in 1821 in the Anglo-Portuguese court over the Africans of the *Emília* discussed in chapter 1, were common in the mixed commission daily affairs.

of the influence over the Colonial Office of the abolitionists of the African Institution. It was modelled after the system of apprenticeship operating in Britain under which young labourers were bound to masters for a usual period of seven to fourteen years, to be trained in crafts. After the signing of an indenture contract, masters became responsible for feeding, housing, clothing and caring for their apprentices and for teaching them their trade. It was both a method of technical training designed for the pre-industrial labour market and a form of social insertion for pauper children.<sup>5</sup> Although in Britain in the first decades of the nineteenth century apprenticeship was under strong criticism because of the abuses it sanctioned in the early industrial age, its core features were nevertheless chosen to be applied to Africans recaptured from the slave trade in territories across the Atlantic. Likewise, the option of recruiting liberated Africans into the Navy and into military stations served multiple functions: it put those displaced persons under rigid military control, engaged them (and their labour) in the country's military and strategic objectives, and gradually forced the assimilation of the liberated Africans into the territories they were forced to adopt.<sup>6</sup>

Deemed in the eyes of imperial administrators "barbarous" and unfit to enjoy their right to freedom, the liberated Africans needed a transition period before they could enjoy the status of freedpersons with full privileges. Recruitment and apprenticeship seemed the ideal solutions for achieving that goal, since they provided the means to distribute the responsibility of the protection and control over the Africans among different groups and at the same time fostered their insertion into the labour market, by encouraging their employment and education in a craft or trade. The compulsory term of service (of varying lengths in different places) was intended to facilitate the adaptation of the recaptives, socially and geographically displaced by enslavement, to their new

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<sup>5</sup> Joan Lane, *Apprenticeship in England, 1600-1914*, (Boulder, Colorado: Westview Press, 1996).

<sup>6</sup> In the British Empire during the Revolutionary Wars, Africans emancipated in Sierra Leone were enlisted into the West Indian Regiments, the Royal African Corps and the Royal African Colonial Corps, thanks to a special relaxation in the law that forbade the recruitment of "aliens" into the army. Roger Norman Buckley, *Slaves in Red Coats: the British West India Regiments, 1795-1815*, (New Haven: Yale University Press, 1979), 130. In Brazil, Africans were never enlisted into the army, but served subsidiary functions in many military establishments.

places of residence. Only "fitness and good conduct" could abbreviate the 14-year limit stipulated by the Portuguese royal decree. Combining labour training, social control, and cultural adaptation in a compulsory labour system, imperial authorities expected the liberated Africans to "prove themselves worthy of enjoying their complete right to freedom."

### Assimilation through compulsory service: Indians and blacks in the formation of the Brazilian nation

Portuguese legislation concerning the liberated Africans mirrored British instructions on the subject, but the idea of apprenticing displaced persons was not strange to Portuguese America. In the first decades of the nineteenth century, royal instructions authorised the capture and indenture of Indians who waged war on Portuguese settlements in the interior of Brazil, or who resisted being incorporated into them. The treatment of the Indians prescribed in the instructions was the same as that suggested for liberated Africans: care and protection were to be exchanged for labour. However, in this case, indenture had an additional punitive character. There are interesting parallels to be traced between the treatment of the Indians and that of the liberated Africans in Brazil. In fact, a comparison of the bodies of legislation concerning the two groups helps to put into context the purpose of the apprenticeship applied to African recaptives, and to explain the place reserved for those groups in the formation of the Brazilian nation.

The instructions for the treatment of Indians and those for the management of liberated Africans in early nineteenth-century Brazil had much in common. Royal charts dating from 1808 and 1809 on the handling of Indians in the two regions of Minas Gerais and São Paulo that were the object of new white settlement recommended the indenture of Indians to farmers or military personnel for a limited term, whenever they were in insufficient numbers to be formed into Indian settlements. The holders of the Indians were responsible for their support, clothing and religious instruction for 12 years (or 20 years for children under 12), and would use their free labour as compensation for their treatment and education during any period when the Indians were either

too small or too "ignorant" to serve.<sup>7</sup> Significantly, indenture was also indicated for the Indians made prisoners in the process of contact and settlement of the Guarapuava plains in São Paulo, and it was intended as a means of bending their resistance to the alternative institutional solution for their "civilisation," that is, their confinement in Indian settlements. The Indians made prisoners of war in the plains of Guarapuava were to remain under captivity for the limited term of 15 years; they were distributed among the officials and soldiers of the military expedition, who could sell the Indians' service to other people within the time stipulated for their temporary captivity. Religious preachers were to watch that the only violence inflicted on them was intended to "repeal their primitiveness and barbarity."<sup>8</sup> Indenture, in this case, served primarily as a method of imposing a cultural change, and of punishing the Indians who violently opposed white settlement. The Indians' free labour rewarded their masters' disposition to keep them under tight control despite their resistance.

The drive behind this forceful conversion remained the same as it had been in the previous three hundred years: the Portuguese crown wanted the colonisation of the territory to benefit from Indian labour. The means adopted to achieve this end varied from time to time and according to the region, with varying degrees of authorised violence. Labour arrangements ranged from the enslavement of Indians to the establishment of indenture contracts between colonists and Indians that were mediated by the Indian settlement administrators. After Brazilian independence, Indian servitude was prohibited and the indentures cancelled. Following the new burst of frontier expansion and the development of nationalist thinking in the nineteenth century, the means for the incorporation of the Indians into the body of the nation were the subject of a renewed debate. The employment of coercive methods, including slavery and servitude, was criticised by those who wanted the Indians incorporated into Brazilian society "through their own will" and only after

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<sup>7</sup> Kingdom of Portugal and Brazil, *Carta régia de 2/12/1808*, in Manuela Carneiro da Cunha, ed., *Legislação indigenista no século XIX* (São Paulo: Edusp, 1992), 66-69.

<sup>8</sup> Kingdom of Portugal and Brazil, *Carta régia de 1/4/1809*, in Cunha, ed., *Legislação indigenista*, 69-72.

having recognised the superiority of "civilised society," but all agreed that the Indians should be brought to the "benefits of civilisation," and even that this process was inevitable in the long term. At stake in this contested debate were the imperial government's plans to provide a national labour force to support the country's economic growth once the importation of African slaves ended.<sup>9</sup>

The "benevolent" plans to incorporate the Indians into Brazilian society in the nineteenth century were no longer driven by religious faith or guided by spiritual authorities. Indian settlements, or reductions, were the result of the concentration of Indian tribes of one region into a limited territory and served a double function. The settlements concentrated the Indians of one region, thus clearing the adjacent land for white settlement, and also served as a pool of labourers to be contracted through the mediation of the director of the settlement. Settled Indians, or *índios aldeados*, suffered a quick process of expropriation and acculturation throughout the nineteenth century that was favoured by the shifting imperial policy regarding their rights and status. At the basis of this process was the drive to incorporate the Indians into the country's labour force, in the name of bringing them into the Brazilian nation.<sup>10</sup>

At the same time as this process took place, the prospects of the incorporation of blacks and native Indians into the new nation were addressed by numerous intellectuals. In the mind of leading liberal thinker of the independence period, José Bonifácio de Andrada e Silva, the newly independent country should favour free over slave labour and should gradually incorporate

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<sup>9</sup> José Bonifácio de Andrada e Silva, "Apontamentos para a civilização dos índios bravos do Império do Brasil," in *Projetos para o Brasil*, ed. Miriam Dolnikoff (São Paulo: Cia das Letras/Publifolha, 2000); Agostinho Marques de Perdigão Malheiros, *A Escravidão no Brasil: ensaio histórico-jurídico-social*, 2 vols., vol. 1 (São Paulo: Edições Cultura, 1944), 299-335. The debate is addressed in Lúcio Tadeu Mota, "O Instituto Histórico e Geográfico Brasileiro e as propostas de integração das comunidades indígenas no estado nacional," *Diálogos (Maringá)* 2 (1995): 149-175.

<sup>10</sup> Beatriz Perrone-Moisés, "Índios livres e índios escravos: os princípios da legislação indigenista do período colonial (séculos XVI a XVIII)," in *História dos Índios no Brasil*, ed. Manuela Carneiro da Cunha (São Paulo: Fapesp/Cia das Letras/Secretaria Municipal de Cultura, 1998), 115-132; Manuela Carneiro da Cunha, "Política indigenista no século XIX," in *História dos Índios no Brasil*, 133-154. For an overview of the contact, see Robin M. Wright, "Destruction, resistance, and transformation - southern, coastal, and northern Brazil (1580-1890)," in *The Cambridge History of the Native Peoples of the Americas*, ed. Frank

Indians and freedpersons into its project to become a civilised nation modelled after European examples. Two of his important projects presented before the short-lived Constituent Assembly in 1823, *Apontamentos para a civilização dos índios bravos do Império do Brasil*, and *Representação à Assembléia Geral Constituinte e Legislativa do Império do Brasil sobre a escravatura*, addressed the handling of the Indians and the gradual abolition of slavery, and revealed the formulation of a social as well as a labour policy for the new nation.<sup>11</sup>

Blacks were to be rescued from social exclusion and incorporated into the "civilised" nation, as a matter of public security. José Bonifácio argued for the amelioration of slavery and for gradual slave emancipation with the hope of diffusing slave hostility and white fear and of seeing the maintenance of white control over ex-slaves through patronage.<sup>12</sup> Echoing British abolitionist discourse, he proposed an amelioration scheme that would convert slaves, deemed "immoral brutes" into "useful and active citizens of good habits."<sup>13</sup> In José Bonifácio's project, freedpersons were to receive plots of land from the state, and vagrancy laws were to be faithfully enforced to coerce vagrants, particularly coloured men, to work in agriculture or in industry.<sup>14</sup>

Bonifácio condemned the indenture of Indians and expected the Indian settlements to be the places where missionaries would teach them morals and religion and would demonstrate the advantages of regular labour over what he thought was their "natural state of laziness and wandering." The man who was later hailed as the patriarch of Brazilian independence believed the Indians should be employed in the production of foodstuffs and in other occupations they were fit for, and should be gradually incorporated into the population by miscegenation with

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Salomon and Stuart B. Schwartz (Cambridge: Cambridge University Press, 1999), 287-381.

<sup>11</sup> The two projects have been recently reprinted in José Bonifácio de Andrada e Silva, *Projetos para o Brasil*, ed. Miriam Dolhnikoff, (São Paulo: Cia das Letras/Publifolha, 2000).

<sup>12</sup> Andrada e Silva, *Projetos para o Brasil*, 32

<sup>13</sup> Andrada e Silva, *Projetos para o Brasil*, 31

<sup>14</sup> Articles 10 and 24 of José Bonifácio's project for the gradual emancipation of slavery.

whites and mulattos.<sup>15</sup> His plans were to foster the creation of peasant villages from the flourishing Indian settlements.

José Bonifácio's writings reflect contemporary thinking about race, and they contributed to an ongoing debate about the convenience of the use of Africans as labourers in the newly independent nation. Decades before the spread of scientific racism and the development of biological explanations for differences among human groups, liberal thinkers in the early nineteenth century, basing their ideas on egalitarian principles from the Enlightenment, saw native Indians and blacks as inferior to whites in cultural terms, but capable of "climbing to Caucasian levels" through adequate education.<sup>16</sup> By the beginning of the nineteenth century, the treatment to be conferred on free Indians and Africans was justified by the need to bring them to the realm of "civilised" persons. Indians and Africans alike, seen as potential labourers, were also seen as "barbarous," "uncivilised" and "brutes" who, even if they were legally free, needed to go through a period of compulsory and controlled labour to become "useful labourers." Apprenticeship or indentured labour served that end.

### The administration of the liberated Africans: the laws and their interpretation

The study of the handling of the liberated Africans by the Brazilian administration from 1821 through to the 1860s reveals how the principles set out in the royal decree issued in 1818 were gradually adapted by the imperial government and how the changes in turn limited the Africans' enjoyment of their legal freedom. Correspondence between the various administrative posts responsible for the care of the liberated Africans records the centralisation of decision-making in

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<sup>15</sup> Andrada e Silva, *Projetos para o Brasil*, 61 and 65, respectively. In his project for the civilisation of Native Indians, the settlements where natives would be "advanced in the process of civilisation" should receive hard-working whites and mulattos, but not "pretos" (Africans). In Bonifácio's scale of "levels of civilization," Indians should not marry blacks. Although in his writings the outright rejection of Africans was not yet developed, he clearly put creole slaves and mulattos before "pretos" in all his discussions of merit and capabilities among blacks.

<sup>16</sup> Stephen Jay Gould, *The mismeasure of man*, (New York: Norton, 1981), 30-72. On late nineteenth-century racism in Brazil, see Lilia Moritz Schwarcz, *O Espetáculo das Raças: Cientistas, Instituições e Questão Racial no Brasil, 1870-1930*, (São Paulo: Companhia das Letras, 1993).

the Ministry of Justice, completed around 1850, and the suppression of the role played by the Judge of Orphans in the care of the recaptives. In parallel with that process, the government refined its use of liberated African labour, drawing them towards a pool of compulsory labourers used in public service around the country.

The distribution of the 352 Mina liberated Africans emancipated from the *Emília* in 1821 by the Anglo-Portuguese mixed commission in Rio de Janeiro apparently followed the instructions laid out in the 1818 decree. They had been in deposit at the Lazaretto, and their assignment started soon after July 31, the date when the mixed commission declared the ship's condemnation and the emancipation of the Africans. The Police Intendant received 41 liberated Africans (including three women) to be employed in the public lighting service. He was responsible for clothing them in shirts, vests, trousers and caps before taking them away to the Police station where they would stay. He signed a pledge stating his responsibility to "feed and dress them, teach the Christian doctrine and instruct them in trades, domestic services and civil obligations, enabling them to become useful to the public and to themselves." The Police Intendant also pledged to favour the liberated Africans when hiring persons to perform their duties after their terms of 14 or 12 years of service had expired. The Africans would receive daily allowances of 100 to 160 réis to cover their expenses, and it was understood that the yearly sum to which they were entitled would be equivalent to that paid by private hirers who rented the liberated Africans' services at public auction.<sup>17</sup>

The liberated Africans from the *Emília* served their terms in times of political turmoil and administrative changes, which may explain the lack of documentation of their administration. Early in 1836, instructed by Lord Palmerston to investigate the recaptives' whereabouts 14 years after their emancipation, British commissioners George Jackson and Frederick Grigg reported that they had found 60 of them, along with another 200 or 300 freed Africans, on their way back

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<sup>17</sup> José Clemente Pereira to Antônio Luiz Pereira da Cunha, 10/09/1821, AN, Cód. 363.

to Africa. Concerning their terms of service, Jackson and Grigg found out that the Africans in question had found their way around the prescribed instructions for apprenticeship and had obtained considerable autonomy by hiring themselves out, paying their hirers an agreed amount and keeping the rest of their earnings for themselves. Some of them had paid their way out of apprenticeship by compensating their hirers for the remaining time of their terms of service, as if they were buying their manumission. The commissioners admitted that many Africans probably had had worse fates than the ones described and disapproved of the unorthodox labour engagements involving those liberated Africans they had met, judging that the system was "far from fulfilling the humane intentions of His Majesty's Government when [it] was framed."<sup>18</sup>

The inquiry over the fate of the liberated Africans from the schooner *Emília* was part of the Foreign Office agenda regarding the Africans emancipated by the Anglo-Brazilian mixed commission court in Rio de Janeiro. A secondary theme in their mandate to follow the application of the bilateral agreements for the suppression of the slave trade, the question of the liberated Africans occupied British officials in the Brazilian legation intermittently over decades. Deeming themselves responsible for the recaptives handed over to the Brazilian administration for apprenticeship, British officials insisted on obtaining information regarding their distribution and handling. Their judgements, based on the little they were able to find, revealed their interpretations of the Brazilian system for handling the liberated Africans and the changes in British policy regarding recaptives Atlantic-wide. Significantly, most of their arguments were constructed around the major pieces of legislation issued by the Brazilian government for the administration of the liberated Africans. However, the actual application of such legislation and the day-to-day administration of the group by the Ministry of Justice were beyond their reach and a world apart from the Brazilian official reports. By the time the commissioners inquired about the fate of the liberated Africans from the *Emília*, the legislation regulating the distribution of the

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<sup>18</sup> George Jackson and Frederick Grigg to Palmerston, 5/3/1836, FO 84/198.

liberated Africans landed in Brazil had been supplemented by two major pieces that were issued during the Regency period, the first "national" phase of Brazilian politics, and that departed from the original bilateral agreements.

The first one was the abolition law of November 7, 1831. It prohibited the importation of slaves into the country and punished all persons involved in the illegal activity. The first article of the law declared free all slaves taken into Brazilian territory from abroad and determined that they would be apprehended and kept by the government until being reexported back to Africa. Although that measure was never put into practice, the fact that it contradicted the mixed commission regulations on the handling of the recaptives raised concerns among the British and was addressed in the commissioners' correspondence with the Foreign Office in the early 1830s. George Jackson was concerned that the Brazilian government would not fulfil the responsibility it assumed through the 1826 treaty to care for the Africans emancipated by the mixed commission sitting in Brazilian territory. According to the British official, the Brazilian government decision to send the recaptured slaves back to Africa was against the "benevolent intentions" of the stipulations regarding the Africans existing between the two countries and would "greatly aggravate the misery of those who were the object of them."<sup>19</sup> Moreover, he rightly sensed the tendency among Brazilian authorities to conduct the suppression activities on the grounds of Brazilian legislation, circumventing the mandate of the mixed commission court. He feared that the condemnations of ships engaged in the illegal trade would be based not on the bilateral agreements but on the 1831 law, repeating what had happened in January 1832 in the adjudication of the *Camilla* by the mixed commission court. In that case, as with other captures, the Brazilian government had demonstrated its firm determination to send the recaptives away instead of keeping them as liberated Africans under apprenticeship.<sup>20</sup>

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<sup>19</sup> Jackson to Palmerston, 2/4/1833, FO 84/138.

<sup>20</sup> Jackson and Frederick Grigg to Palmerston, 18/2/1833, FO 84/138; Jackson to Palmerston, 23/01/1833, FO 84/138.

The second fundamental piece of legislation issued during the Regency period for the administration of the liberated Africans was a set of instructions for their distribution for service issued by the Ministry of Justice in October 1834. It came after three years of confusion and poor administration of the growing number of Africans emancipated during the suppression activities conducted by Brazilian authorities. In 1834, the foundation of the House of Correction, a new penal institution subordinated to the Police administration, gave the opportunity to the Ministry of Justice to centralise the deposit and distribution of liberated Africans under its responsibility. Urged by the arrival of more than 300 Africans emancipated from the *Duquesa de Bragança* and the *Santo Antônio* into the House of Correction and by the consequent expenses to be made for their maintenance, on October 29, 1834, Aureliano Coutinho authorised the Judge of Orphans and the Chief of Police to hire out the services of the liberated Africans to private persons and public institutions. The resolution to send them back to Africa had not been abandoned, but the Africans could not wait indefinitely for the negotiations that were being conducted by the Ministry of Foreign Relations to find them asylum on the coast of Africa.<sup>21</sup>

The administrator of the works being conducted at the House of Correction would have the preference of choosing and keeping the Africans needed for that institution; others would be hired out by the Judge of Orphans. The people who hired the services of the liberated Africans through public auctions or who were granted a concession for their services pledged to return the Africans as soon as the government made a decision about their reexportation. The Africans were to be informed that they were free and would serve in compensation for food, clothing and care. The salary paid by the hirers for the Africans' services would be kept by the Curator and would contribute to the reexportation fund. The liberated Africans were to wear around their necks little tin pendants containing their letter of emancipation and signs for their identification. The notice also included the measures to be taken in case a liberated African died or ran away. There was no

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<sup>21</sup> Brazil, *Aviso 29 de Outubro de 1834, com Instruções relativas à arrematação dos Africanos ilicitamente introduzidos no Império*, 29/10/1834, AN, IJ6 469.

mention whatsoever of a limit on their term of service and no reference was made to the royal decree issued in 1818.

While British officials expected the Brazilian government to follow the vague principles laid out in the mixed commission regulations (and detailed in the 1818 decree), the administration of the liberated Africans followed a different course in the 1830s and 1840s. Not only had the principles of apprenticeship disappeared from the instructions issued in 1834, under which the concession of the liberated Africans' labour resembled a simple indenture, but because of the assumption that they would be sent back to Africa, there was also no longer a set limit for their term of service. The implications of those measures were all too clear: although legally free, the liberated Africans were kept under strict government control during and beyond the prescribed 14-year term of service. The Ministry of Justice files on the administration of the liberated Africans from the 1830s to the 1860s testify to the changing interpretation of their rights by government officials and also to the Africans' struggle to enforce their legal freedom.

### **Helena Mozambique and the Africans emancipated prior to November 1831: the validity of the royal decree of January 1818**

A singular case from 1843 provides clues about the interpretations by liberated Africans, their hirers and the Brazilian administration of the legislation concerning that special category. It comes from the correspondence exchanged by the Curator of liberated Africans with the section of the Ministry of Justice in charge of the Africans' affairs. In a petition that reached the Ministry of Justice, Lucinda Rosa de Miranda applied to take over the responsibility for two liberated African women who had been hired by her deceased mother, Ana Joaquina Rosa. She stated that the services of the two women, Helena and Justiniana, both registered as Mozambique, had been hired by her mother through a public auction in April 1831 for 14 years, a term that would expire in 1845. She expressed the knowledge that, after the legislation passed in November 1831 and the instructions issued in 1834, the distribution of liberated Africans was made with no limit on their

term of service. She asked, then, to keep the services of the two women, under the instructions laid out in 1834, offering to sign a new pledge and pay the regular fees for their service. The Curator of liberated Africans, José Baptista Lisboa, provided information to the Minister of Justice about the legal circumstances of the case, confirming that the two Africans were hired by Ana Joaquina Rosa on April 22, 1831 "for fourteen years, because at that time the hiring was regulated by the royal decree of January 24, 1818 – article V and not by the law of November 7, 1831 [...] which was succeeded by the instructions of October 29, 1834 and their amendments on November 19, 1835." According to Lisboa, there was a clear difference in the treatment to be dispensed to those hired according to the 1818 decree and to those hired according to the 1834 instructions. The service of the two Africans in question, in his opinion, was limited to 14 years, should end on April 22, 1845, and could not be extended, for "the law of November 7, 1831 and instructions on the subject precisely regulate the distribution of [only] those imported after that date, and for those there is no limitation for the term of service." However, Lisboa found a middle ground: not wanting to deny the hirer's plea to keep the two African women under her orders, he suggested the extension of the concession up to April 1845, testifying before the Ministry's officials that Ms. Lucinda Rosa de Miranda was worthy of such a responsibility.<sup>22</sup>

Helena, one of the African women implicated in the case, took the opportunity of her hirer's death to petition for final emancipation, aided by her Portuguese partner, a tradesman engaged in the flour business and residing at rua do Cano. In her petition, lawyer Hermógenes Francisco de Aguiar Pantoja demonstrated great mastery of the legislation by citing and arguing for the validity of all bilateral agreements concerning the abolition of the slave trade for the purpose of regulating the liberated Africans' term of service. In the absence of any instruction on the subject in the newer legislation, he argued, the royal decree of January 1818 should be in

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<sup>22</sup> José Baptista Lisboa to Honório Hermeto Carneiro Leão, 1/09/1843, AN, IJ6 523.

force.<sup>23</sup> Helena had worked for twelve years, from 1831 to 1843, "fulfilling obligations and respecting her masters," and asked for a reduction of the term of fourteen years, offering to compensate the National Treasury for the difference. Curator Lisboa, called to give his opinion on her petition, did not argue against her right to final emancipation after the end of the term, but he did not recommend its anticipation either. He clearly adopted the hirer's stand rather than Helena's, deeming the African woman to be under the pernicious influence and manipulation of her Portuguese lover. Apparently, the couple had tormented Ana Joaquina Rosa to death in their attempts to force the hirer to give up Helena's services: they pressed charges against her, possibly accusing her of ill-treatment, and forced her to endure the unsatisfactory behaviour of Helena, who had become "perverse in her bad words and actions." Following the Curator's opinion, both the Judge of Orphans and the ministry official denied Helena's claim. There was no denial of her right to emancipation, but no concession either. In fact, the decision followed the course adopted by the Brazilian administration regarding the liberated Africans' rights: a very selective compliance with the terms of the legislation.

This case from 1843 clearly shows that hirers, government officials and liberated Africans alike recognised that those emancipated before and after the November 1831 law were subject to different sets of legislation. According to a common interpretation of liberated Africans' rights in the 1840s, the recaptives distributed for service before the 1831 law were entitled to emancipation after 14 years of service, while those distributed according to the Brazilian legislation were not. Other cases confirm that this widespread belief was probably government policy. In 1849, when André Mina-Nagô refused to be sent for service at the House of Correction with other liberated Africans assigned to it, and claimed he wanted his release "in order to enjoy his entire and full freedom," the Judge of Orphans agreed that the African was not concerned by that order and commanded his release. He ruled that André had been distributed for

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<sup>23</sup> Helena Moçambique, Petição de Emancipação, 14/10/1843, AN, IJ6 471.

service in April 1831, for a limited term of 14 years (just as Helena had been), and should no longer continue to serve at the House of Correction alongside other Africans not entitled to the same rights.<sup>24</sup>

Scattered information attests to the fact that the right of the earlier group of liberated Africans to be fully emancipated after the 14-year term was observed by the imperial government. The Ministry of Justice reports of 1867 and 1868 mention that 354 liberated Africans had received their final emancipation through a notice passed on July 15, 1835. Additionally, notarial records testify that during the 1840s a number of Africans who had been recaptured from the *Destemida* and emancipated by the mixed commission court on January 22, 1831, had their letters of emancipation notarised, a sign that they obtained "full freedom" after having completed their 14-year terms.<sup>25</sup> The majority of the liberated Africans did not have the same prospects.

### **Centralising the administration of the liberated Africans in the 1830s and 1840s**

The Africans emancipated after the abolition law of 1831 were officially distributed for service only after the Ministry of Justice gave up waiting for the result of the negotiations to send them back to Africa and authorised their distribution through the instructions laid out in the notice issued on October 29, 1834.<sup>26</sup> For a brief period, the practice adopted before November 1831 of conducting public auctions to hire out liberated Africans to those persons who offered the highest amount for their services was revived. After children under 6 were hired out for up to 50\$000 réis

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<sup>24</sup> Juiz de Órfãos to Eusébio de Queiros, 12/03/1849, AN, IJ6 471.

<sup>25</sup> At least four liberated from the *Destemida* registered their letters with notaries between 1841 and 1845. Two other Africans, Felisberto Linguata Moange and Marcos Pestu Muxicongo, had survived the wreck of the brig *Lisboa* and registered their letters of emancipation in 1841 "following an agreement with the British consul, after having completed the 14-year term of service" in: AN, 2o. ofício de notas do Rio de Janeiro, livro 70, 233 and 233v., registry dated 24/4/1841. I am grateful to Manolo Florentino for sharing the notarial records relating to liberated Africans.

<sup>26</sup> Between November 1831 and October 1834 there are no records of the distribution of liberated Africans for service, but only accusations that they disappeared from deposit, or that they were distributed by Judges of Orphans without the keeping of orderly records.

per year at a public auction conducted in November 1834, the rules for distribution changed. The prospect that the hirers might have the "sinister intention to enslave those poor creatures" haunted Minister Aureliano Coutinho, who ordered auctions suspended and Africans to be granted to honest and respectable persons instead.<sup>27</sup>

To incorporate new practices and anticipate abuses, those instructions were amended on November 19, 1835.<sup>28</sup> The decree regulated the concession of liberated Africans to private hirers, obligating the hirers to pay a salary (actually rent) for their services that would be applied towards their reexportation to Africa, and listing the reasons that would justify the cancellation of the concession. The Africans were to serve in Rio de Janeiro or in other capitals and were not to be taken away from the cities unless government officials in Rio or the presidents of the provinces authorised their hirers to do so. The Curator of liberated Africans and the judges of orphans would be responsible for verifying that the instructions were observed. Significantly, the regulations did not mention the bilateral agreements or the 1818 decree, which limited their term of service to 14 years, and neither did they discuss the labour terms of the Africans' employment. Willingly or not, the imperial government made the task of guaranteeing the liberated Africans' freedom ever more difficult, in a period when corruption was generalised and government officials had little power to enforce the law.<sup>29</sup>

The distribution of liberated Africans for service was conducted by the Judge of Orphans, with the approval of the Ministry of Justice. The public and official method of distribution was described in the new instructions issued in 1835: the judge would announce the distribution in the newspapers, and potential hirers would petition in writing for liberated Africans, stating their civil

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<sup>27</sup> Aviso Ministério da Justiça, 1/12/1834, AN, IJ1 168. Buying a slave the same age in Salvador cost at that time between 150\$000 and 230\$000 réis; Maria José de Souza Andrade, *A mão de obra escrava em Salvador, 1811-1860*, (São Paulo: Corrupio/CNPq, 1988), 178-179.

<sup>28</sup> Brazil, *Alterações feitas às Instruções que acompanham o Aviso expedido pela Secretaria de Estado dos Negócios da Justiça, com data de 29 de Outubro de 1834, e de que faz menção o Decreto desta data*, 19/11/1835, Correio Oficial, 24/12/1835.

<sup>29</sup> Diogo Feijó interpreted the 1834 instructions as reviving the 1818 decree, but no one else did.

status, place of residence, and occupation, in addition to declaring what they needed the Africans for and how much they offered to pay annually for their services. The judge would proceed to the selection and prepare a list of hirers, indicating the number of liberated Africans to be distributed to each one, and this list would be approved or amended by the Ministry of Justice or the presidents of the provinces. The customary method of distribution was in fact much less public: the concessions made through personal selection by the Judge of Orphans, and also through the orders of the Ministry of Justice.

The hirers signed terms of responsibility before the registrar of the liberated Africans, pledging to "feed, clothe, care for, and educate them in morals and religion, (...) to inform the judge if they died or ran away, and to employ them in services suitable to their strength and age."<sup>30</sup> The concession did not involve a monetary transaction except for the advance payment of one year of the African's salary, usually fixed by the Judge of Orphans at 12\$000 réis. Extra-officially, there were accusations that the Judge of Orphans received bribes for the concessions as high as 150\$000 réis for one liberated African.<sup>31</sup> The liberated Africans' certificates of freedom were handed to the hirers. Those issued by the mixed commission court subordinated their service to the mixed commission regulation and to the royal decree of January 24, 1818; those issued by the Judge of Orphans cited the instructions of October 29, 1834 and their alterations issued on November 19, 1835.<sup>32</sup>

The analysis of a sample of 955 Africans emancipated between 1834 and 1838 from the shipments of the *Duquesa de Bragança*, *Continente*, *Novo Destino*, *Rio da Prata*, *Cezar*, *Angélica*, and *Amizade Feliz*, and from small seizures made by local authorities reveals the

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<sup>30</sup> Lauriana ou Edeltrudes, Petição de Emancipação, 6/2/1860, AN, IJ6 523. The registrar of the liberated Africans kept a registry with the records of concessions, transfers and deaths of liberated Africans.

<sup>31</sup> Samo and Grigg to Aberdeen, 22/12/1843, PP IX (1845).

<sup>32</sup> Samo and Grigg complained that there were two different issuing officers for liberated Africans' letters of emancipation. The letters returned to the Ministry of Justice on the occasion of the liberated Africans' deaths attest to that fact; Justiça, Africanos – Cartas de libertação e Mapas de Falecimento, 1831-1863, AN, IJ6 467.

differences in the distribution of liberated Africans among private hirers and among public institutions. The great majority of the recaptives (82%) were distributed to hirers, while a relatively small number (18%) were sent to institutions. This distribution was gender-biased, since women were distributed predominantly to private hirers (95%) while the percentage of men distributed to institutions (25%) was higher than the group percentage. Those differences accounted for contrasting working experiences that were seldom analysed by contemporaries.<sup>33</sup>

The distribution among hirers demonstrated a peculiar concentration but was at the same time socially widespread. Well-known members of the imperial elite had many liberated Africans in their service, while the great majority of the hirers (including people of low and middle income) had only one or two. The corruption surrounding the concessions made to hirers and the abuses committed against liberated Africans in their custody were the subject of criticism directed at the government in newspapers and in political tribunes. Accusations of connivance at the wrongful enslavement of liberated Africans led the government to issue strict instructions for the issuing of death certificates and the registration of the Africans' deaths. The experience of liberated Africans working for private hirers was highly criticised; that of the Africans serving in public institutions was in fact much worse and was often overlooked by critics.<sup>34</sup>

Because of British pressure and parliamentary criticism, the 1840s saw fundamental changes in the Brazilian administration of the recaptives' labour distribution, in line with the process of centralisation that touched the whole political sphere. Already in 1840, an exceptional case exposed a power struggle between the Judge of Orphans and the Ministry of Justice

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<sup>33</sup> See Appendix 1, Table 7: Distribution of liberated Africans according to sex and place of work. Tables with information on the liberated Africans of the *Duquesa de Bragança* (1834), *Continente* (1835), *Novo Destino* (1835), *Rio da Prata* (1835), *Angélica* (1835), *Amizade Feliz* (1835), and *Cezar* (1838), and of apprehensions made by local judges between 1835 and 1837 prepared by the Ministry of Justice probably in 1864 or 1865 contain compiled information about where each liberated African was put to work (name of the hirer or institution), what became of him/her (death, emancipation, escape, unknown) and when (date of death or emancipation). Those tables were completed with information gathered from petitions of emancipation and registries of death of liberated Africans. The total number of Africans listed is 955; IJ6 471 – Ofícios, relações e processos sobre Africanos livres, 1834-1864, AN.

<sup>34</sup> See chapter 3.

concerning the enforcement of the 1835 instructions regarding the concessions of liberated Africans to private hirers. In May 1840, called upon by Margarida Rita da Conceição, the Minister of Justice intervened and revoked the Judge of Orphan's decision to cancel Conceição's concession of the services of the liberated African woman Januária Rebola. The judge had made the decision, following what was prescribed in the 1835 instructions, because Conceição had not paid the salary for the services of the liberated African woman. Conceição, however, appealed to the highest authority, and the decision proved that the law applied only to those who did not have well-placed patrons in the government hierarchy. Neither the fact that Conceição hired out the liberated African woman to a third person nor that she infringed the instructions by not paying the salary counted in the final decision: the minister was concerned that the Judge of Orphans could not defy his will.<sup>35</sup> Two months later, new instructions on the collection of the liberated Africans' salaries discharged the Judge of Orphans and charged the Municipal Receiver office with this function. Gradually, the Ministry of Justice diminished the authority of both the Judge of Orphans and the Curator to influence the distribution, care and administration of the liberated Africans.<sup>36</sup>

In this movement to take charge of the administration of the liberated Africans, the Ministry of Justice instituted new procedures for the registry of the deaths of liberated African and ordered the compilation of information regarding the whereabouts of those distributed in the 1830s. Starting in 1839, the Curator sent a monthly report to the ministry containing the number of liberated Africans employed by private hirers who had died in the previous month, along with their certificates of emancipation duly annotated with the date of death and checked against the body of the African in question. This measure facilitated the record-keeping in the liberated African register by the clerk assigned to the Africans' matters. After Curator José Batista Lisboa took a post as a Navy Auditor in April 1844, the newly appointed Curator Mascarenhas, as

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<sup>35</sup> Lourenço Caetano Pinto to Francisco Ramiro de Assis Coelho, 8/05/1840, AN, Diversos SDH - cx. 782 pc. 1.

<sup>36</sup> A decree issued on 2/7/1840 ordered the Municipal Receiver Office to control the collection of liberated Africans' annual salary (rent), discharging the Judge of Orphans from this function; it was mentioned in Luiz de Assis

ordered by the liberal ministers in office, proceeded with a thorough inquiry into the recaptives' affairs. This time, the fate of the liberated Africans who had been sent to public institutions was also checked, leading to the collection of fundamental data.<sup>37</sup> Certainly moved by the pressure exerted in the Assembly and the Senate over the corruption in the handling of liberated Africans, and also influenced by a critical report prepared by the British commissioners in 1843, successive governments worked in the second half of the 1840s to fix the most apparent abuses and to find ways to avoid criticism over the matter.<sup>38</sup>

The distribution of the more than 400 Africans emancipated from the ship *Subtil*, captured by the Brazilian ship *Correio Brasileiro* in 1845, was the last in which private hirers were contemplated. The next large shipments of Africans captured in the course of the Brazilian government's suppression efforts, in 1848 and in the following years, were destined to serve in public institutions and in other provinces. That fundamental change in the distribution policy, which became official in the abolition law passed in September 1850, anticipated the transformations that the conservative governments would impose on the administration of the liberated Africans in the 1850s. The ambiguous application of the laws and the controversies over the administration of the liberated Africans demonstrated the Brazilian government's uneasiness with the existence of that category of free persons under its formal guardianship.

### **The illegal slave trade and the Africans emancipated after 1831**

The thousands of Africans emancipated between November 1831 and September 1850 served their terms in the midst of conflicting trends regarding their administration: a reflection of the

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Mascarenhas to Paulino Limpo de Abreu, 18/11/1845, AN, IJ6 523.

<sup>37</sup> José Carlos Pereira M. Torres to Manoel Antônio Galvão, 19/12/1844; Mascarenhas to Galvão, 3/3/1845; Mascarenhas to Galvão, 30/03/1845, AN, IJ6 523.

<sup>38</sup> Commissioners John Samo and Fred Grigg prepared a lengthy report on the situation of the liberated Africans in Brazil in 1843 which accused the Curator and the government at large of disregarding the instructions and curtailing the Africans' right to freedom. John Samo and Frederick Grigg to Aberdeen, 22/12/1843, PP IX (1845). For the British interference on the liberated African question in Brazil, see chapter 4.

Brazilian government's internal struggles and the pressures it was suffering over its failure to stop the illegal slave trade. The centralisation of power by the imperial government in Rio de Janeiro, attained through the suppression of popular and liberal demands, was reflected in the administration of the liberated Africans during this phase. Their legal freedom became a mirage once their guardianship, touched by the government's "conservative turn," became only a justification for social control.

The 1830s and 1840s have been characterised as the final phase of the period of "the construction of order" in Brazilian imperial politics. Since the transfer of the Portuguese royal court to Brazil in 1808, Rio de Janeiro had become the seat of government and the capital of the empire, previously administered by Lisbon. Rio de Janeiro came to be, in the words of Maria Odila Dias, a metropolis in the interior of the empire.<sup>39</sup> The recognition of such a centralisation by the regional elites that were used to a distant administration took decades to achieve and was completed only after the repression of numerous revolts. The political elite responsible for the central government, although made homogeneous by their education in law at the University of Coimbra in Portugal and at the Law Schools in Olinda and São Paulo, struggled all through the period to resolve their dissensions over how to divide the power with the provincial elites who represented the local interests. In the early 1830s, there were attempts to decentralise political power, give some autonomy to the provinces and to locally-administered justice, but by as early as 1837, the conservatives had taken power and started a gradual centralisation that culminated in 1850. For the politicians who conducted the process, it meant the eradication of "disorder" through the repression of dissent and the establishment of a "conservative order."<sup>40</sup>

From the first years of the 1830s, when the establishment of a liberal regime seemed

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<sup>39</sup> Maria Odila Silva Dias, "The Establishment of the Royal Court in Brazil," in *From Colony to Nation: Essays on the Independence of Brazil*, ed. A.J.R. Russell-Wood (Baltimore: The Johns Hopkins University Press, 1975), 89-108.

<sup>40</sup> José Murilo de Carvalho, *A Construção da Ordem: a elite política imperial; Teatro de Sombras: a política imperial*, 2 ed., (Rio de Janeiro: Editora UFRJ/Relume-Dumará, 1996); Ilmar Rohloff Mattos, *O Tempo Saquarema*, (São Paulo: Hucitec, 1987).

possible and ideal, to 1850, when the conservative centralisation had been completed, successive governments lacked the strength or the will to curb the slave trade. The trade picked up in intensity immediately after its prohibition in 1830 and 1831 and expanded considerably year after year despite its illegal status, fuelled by growing demand from the expanding economy. With the connivance of Brazilian government officials at different levels, it brought to the country tens of thousands of illegal slaves every year. In the 1830s and 1840s, contemporaries came to perceive the continuation of the slave trade as a serious threat to the slave system. The high proportion of Africans in the slave population became undesirable not only for their intrinsic foreign and "barbarous" character, but for their collective potential for rebellion, revealed in many instances of slave resistance recorded in the 1830s.<sup>41</sup> For the imperial administrators, the threat posed by African resistance implicitly justified tight control over the liberated Africans.

Moreover, the continuation of the slave trade affected the lives of liberated Africans in another significant way. Echoing the debate held in the Senate in 1831, perceptive critics noted that the continuation of the slave trade posed a fundamental legal threat to the nation: the slaves imported illegally were *de jure* free according to the 1831 law, and they could legally claim their freedom. Two major political figures of the Regency period pointed to the validity of this interpretation of the abolition law. Aureliano Coutinho, the Minister of Justice at the time of the growth of the illegal slave trade, had a clear perception of its implications. Trying to enforce the ban, he suggested to the justice of the peace of Vassouras in 1833 that he should convince himself and the inhabitants of that plantation district that

Besides committing a crime with such a trade, they promote and dig a future abyss for themselves and their families, for when those Africans become *ladinos* and know that they are free, they will not refrain from the struggle to get away from this captivity that is condemned by law. Neither the law nor the government in

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<sup>41</sup> Jaime Rodrigues, *O Infame Comércio: Propostas e experiências no final do tráfico de africanos para o Brasil (1800-1850)*, (Campinas: Editora da UNICAMP/CECULT, 2000), 50-5; Flávio dos Santos Gomes, *Histórias de Quilombolas: mocambos e comunidades de senzalas no Rio de Janeiro - século XIX*, (Rio de Janeiro: Arquivo Nacional, 1995), 202-19.

such cases will guarantee to their owners such a property... It is easy to conceive the disastrous consequences that can follow the continuation of such an abuse.<sup>42</sup>

For Aureliano Coutinho, there was no doubt that the slaves imported illegally were actually free and that their illegal captivity posed a threat to the prevailing order. Although the right to emancipation extended to all the Africans imported after 1831, only a very few were legally emancipated.

Admitting this interpretation of the 1831 law, in 1834 regent Diogo Feijó justified the difficulties encountered in enforcing abolition during his term in office by pointing to an intrinsic contradiction between the law and the hierarchy of Brazilian slave society. In his eyes, and in those of other Brazilians, it was not fair to free newly imported African slaves and to keep creoles in perpetual slavery; he proposed gradual emancipation instead:

Gradual extinction [of slavery] would follow the age and origin of the slave, with all precautions dictated by prudence and politics, for the slave and society's sake. This way we would enforce a reasonable and fair practice, the extinction of slavery; but to prevent *boçal* Africans, in great part destined to become slaves of their fellow countrymen, from being slaves in Brazil, while those born here, raised among the children of white folk, educated according to Brazilian ways and often the product of mixed marriages will continue to be slaves for the following generations! It is a miserable contradiction that is clear to the mean intelligence of our simple folk. It is useless to describe slavery in horrible colours; one should rather condemn as traffickers in blood and human flesh the traders in humans; how can our planters combine these expressions with the perpetuity of the slavery of creoles, approved by law? If we want applicable laws, they ought to be entirely fair...<sup>43</sup>

Feijó made a clear distinction between African and creole slaves: the first ones had been enslaved "by their countrymen" for reasons intrinsic to their own societies (which he seemed to assume were justified), while the others had been born and raised in Brazil, educated according to the country's ways and were even sometimes close to whites in physical appearance. For the general

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<sup>42</sup> Aureliano de Souza e Oliveira Coutinho to Juiz de Paz da Villa de Vassouras, 5/12/1833, FO 84/138.

<sup>43</sup> Diogo A. Feijó, "O Tráfico dos Pretos Africanos," *O Justiceiro*, 25/12/1834, reprinted in Jorge Caldeira, ed., *Diogo Antônio Feijó* (Rio de Janeiro: Ed. 34, 1999), .

population (and for himself, too), creole slaves were more deserving of freedom than African slaves, for they were closer to whites in cultural and physical ways. In that point resided the contradiction between the abolition law and the social hierarchy of Brazilian slave society: the abolition law determined the emancipation of *boçal* Africans, who had not even been "acculturated" yet and, by society's standards, belonged at the bottom of the hierarchy. Feijó suggested that Brazilian society (represented by the planters) was not ready to accept the condemnation of slavery and that any campaign should target the slave trade and the traders; he insisted, moreover, that keeping creoles in slavery and emancipating *boçal* Africans was unfair, implying that everybody assumed newly arrived Africans were the ones to be kept in slavery.

It seems clear, therefore, that the law for the abolition of the slave trade as it was framed, dictating the emancipation of newly imported Africans, was popularly seen as contradictory to the hierarchy of Brazilian slave society and that the Brazilian government could never combine both political power and will during those years to enforce it. The discussion held in the Senate in 1831 demonstrated that the Brazilian government chose to evade the right to emancipation of the Africans illegally brought to the country after the abolition of the slave trade. The course adopted regarding those who had been apprehended and had become "liberated Africans" was also conservative. As undesirable testimonies to the right that should be extended to all Africans brought to Brazil after abolition, the liberated Africans emancipated after 1831 were kept under the government's guardianship for an unlimited term of service. Legal freedom was only a mirage for liberated Africans, often seen by Brazilians as the bottom of the social scale, a perception well illustrated by a list of "best and worst things" published in 1849 by the Bahian humorous newspaper, *A Marmota*, in which "not being a slave" ranked best and "being a liberated African" ranked worst of all things. The justification given was that liberated Africans "could not free themselves."<sup>44</sup>

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<sup>44</sup> *A Marmota* (Bahia), 2/5/1849, 4. I am grateful to Hendrik Kraay for this reference.

## **The abolition of the slave trade and the liberated Africans in the 1850s and 1860s**

Deeming itself free from having to comply with bilateral agreements, the Brazilian government chose its own course for the care of the liberated Africans after the regulations for the mixed commissions expired in 1845. Even if the administrative structure and the officials' attributions remained the same, the procedures for the handling of the recaptives changed, reflecting the new social, economic and political conditions in the country. In fact, the 1850s and 1860s were pivotal decades in Brazilian history, recognised as a phase of political stability and economic prosperity. During this period, the administration of the Africans emancipated in the 1830s and 1840s and of those captured during the Brazilian government's successful campaign to end the slave trade in the 1850s effectively combined social control and labour extraction.

The law enacted on September 4, 1850, which empowered Navy Auditors to judge the ships engaged in the illegal slave trade, determined in its sixth article that the slaves apprehended during the suppression activities were to be reexported at the expense of the government but in the meantime should be distributed among public institutions for service.<sup>45</sup> The new act reinstated the government's intention to send the Africans away and repeated the instructions to keep them under government guardianship, thus consolidating what had been established in previous legislation. It made clear, however, that the concessions of liberated Africans' services to private hirers were strictly prohibited. In practice, those procedures had been in place since the Chamber of Deputies debated the details of a new law for the abolition of the slave trade in September 1848 and agreed on that point.<sup>46</sup>

The House of Correction continued to centralise the distribution of liberated Africans in the 1850s, as a big wave of Africans were emancipated during the suppression activities

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<sup>45</sup> Brazil, *Lei n. 581 de 4 de setembro de 1850 - Abolição do Tráfico de Escravos*, 4/9/1850, Coleção de Leis do Império do Brasil, 1850.

<sup>46</sup> Leslie Bethell, *The abolition of the Brazilian slave trade: Britain, Brazil and the slave trade question, 1807-1869*, (Cambridge: Cambridge University Press, 1970), 293.

conducted by the Brazilian government in the early years of the decade. Newly emancipated Africans were put in deposit there awaiting their assignment, in groups, to other sectors of the public administration or to the other provinces of the Empire. Their age and health conditions influenced the distribution process, which Eusébio de Queirós, the Minister of Justice at that time, dramatically described before his fellow deputies one year later:

When apprehensions succeeded one another; when the House of Correction received them by the hundreds; when by the dozens they were sent to the wards; when there was no sufficient accommodation for them, not even in the provisional quarters, neither in Ponta do Caju nor in Praia Vermelha; when ophtalmia, smallpox, and dysentery epidemics, among others, became so frequent due to the poor condition of certain shipments, the Government fervently desired to find people to receive those Africans, to separate them from the nucleus that was so harmful to public health. There was no lack of people who wanted them, but they should not be given to private hirers, and the public institutions and public works wanted to choose only those who were suitable for work; but if we adopted such a procedure, the House of Correction would be converted into an asylum for invalids, decrepits and children. Besides, there was a humanitarian consideration of great consequence that prevented the Africans' distribution to follow such a method, and it was the separation of families, that was not acceptable for the Government; thus, we determined that not only the families should not be separated, but that the proportions of age and sex should be kept during the distribution. With such conditions, along with that to pay for the expenses made from the apprehension until the delivery, there were few who wanted to receive the Africans, and it embarrassed the Government in such a way that the favour was in finding somebody to receive them, rather than in giving them away.<sup>47</sup>

Eusébio de Queirós's vivid description of what he classified as "an embarrassment" that his government had to handle did not explain why the liberated Africans could not be distributed among private hirers, but explained in detail the rules that governed the distribution of the many hundreds of Africans captured from slave ships in 1850 and 1851 who crowded the House of Correction. In effect, the ministry's documentation suggests that the director of the House of

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<sup>47</sup> "Discurso do Conselheiro Eusébio de Queirós Coutinho Mattoso Câmara em 16/7/1852 (Câmara dos Deputados), transcribed in Agostinho Marques de Perdigão Malheiro, *A Escravidão no Brasil: Ensaio Histórico-Jurídico-Social*, facsimile edition ed., 2 vols., vol. 2, (São Paulo: Edições Cultura, 1944 [1866]), 286-7.

Correction chose the composition of the groups of liberated Africans who were considered for distribution to the provinces or the institutions and charged the expenses of caring for the recaptives between the time of apprehension and the date of delivery to those who received them. There were complaints of biases in the distribution and also of misunderstandings about the costs involved.<sup>48</sup> The representative for the Casa de Misericórdia of Porto Alegre, in the southern province of Rio Grande do Sul, gave up half of the concession that had been made to that hospital and took only 25 recaptives with him, for "the liberated Africans existing at the deposit in the House of Correction are so small and still so unable to serve that ... they can only be a burden during these first years instead of an assistance to that establishment."<sup>49</sup>

Queirós's description of the conditions under which the recaptives were distributed came as a response to accusations that he had favoured the *Sociedade de Mineração da Província do Mato Grosso*, a mining company also engaged in the opening of a road between Mato Grosso and Pará, with the concession of 100 liberated Africans. The company's shares had increased in value since the concession made in August 1851, and Queirós was accused of favouring members of the company, part of his circle of friends. Even taking into account the poor state of health and the low age of the recaptives, the former minister did not convincingly argue that under his administration only humanitarian purposes guided the concessions of liberated Africans; instead, the whole discussion disproved Eusébio's assertion that the "favour consisted in finding somebody to receive them, rather than in giving them away."<sup>50</sup>

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<sup>48</sup> Informal note addressed to Secretaria da Justiça in October 1851, AN, IJ6 469; José de Araújo Ribeiro to Eusébio de Queirós, 6/12/1851, AN, IJ6 468.

<sup>49</sup> Araújo Ribeiro to Eusébio de Queirós, 27/09/1851, AN, IJ6 468.

<sup>50</sup> In 1864, when the Ministry of Justice asked the presidents of the provinces for information on the whereabouts of the liberated Africans sent there in the early 1850s, the House of Correction produced many lists of the Africans distributed to the provinces and institutions. Diretor Casa de Correção to Secretaria de Negócios da Justiça, 25/07/1864, AN, IJ6 468; Correção to Justiça, 9/07/1864, AN, IJ6 468; Correção to Justiça, 7/07/1864, AN, IJ6 468/IJ6 16. The province of São Paulo received a concession of 135 liberated Africans from the Ministry of Justice between December 1851 and March 1852, the Baron of Antonina received a concession of 61 liberated Africans in February 1851 for the undertaking of a road between São Paulo and Mato Grosso, and the Mining Company of Mato Grosso was granted 100 liberated Africans in August 1851. From the early date of this concession, it can be inferred

In the 1850s and 1860s, the concessions of liberated Africans were still political, and sometimes economic, favours, but on a different scale that hid the personal relations and interests under an institutional framework. The requests and concessions made to charitable institutions, which were not discontinued after 1850, attest to that fact. The Ministry of Justice granted the services of liberated Africans to numerous churches, convents, and brotherhoods of Rio de Janeiro and other cities, requested under the justification that those organisations could not afford to rent slaves.<sup>51</sup> In the name of advancing the country's development, the imperial government also favoured numerous private ventures besides the mining company of Mato Grosso with the concession of liberated Africans. Some of the enterprises of the prominent entrepreneur Irineu Evangelista de Sousa, the Baron of Mauá, received Africans from the House of Correction to compose their labour force.<sup>52</sup>

In the 1850s, the distribution of liberated Africans from the House of Correction benefited numerous sectors of the imperial and provincial administrations located in and around the city of Rio de Janeiro, such as Rio's Municipal Chamber, the Military School, Hospital Pedro II, the departments of Public Works in the city and in the province of Rio, and the newly founded Institute for the Blind and Institute for the Deaf. It appears, however, that the institutions that already had a large contingent of liberated Africans in the previous decades did not receive newly arrived recaptives in great numbers. Instead, they were sent in groups to new ventures away from

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that the company was favoured by the Minister of Justice at least in the choice of the Africans engaged. Two liberated Africans from those captured in Itabapoana, Espírito Santo, were part of this concession.

<sup>51</sup> In fact, the services were often used for personal purposes, such as in the case of the superior nun from the Convent of the Sacred Heart of Mary who received liberated Africans to help in her move from the convent to her new house. On concessions made to brotherhoods, convents, and churches, see Baronesa de Sorocaba to Justiça, 30/01/1858, AN, GIF1 6D-136; Irmandade de S.Vicente de Paula to Justiça, AN, GIF1 6D-136; Madre Piora do Convento das Freiras do Coração de Maria to Justiça, 04/01/1856, AN, Diversos SDH - cx. 782 pc. 2. Even if private concessions were no longer made, liberated Africans at the service of public institutions often provided private services to their administrators. Such was the case of one official (the *vedor*) of the House of Correction, who was allowed by the Director to use the services of four liberated Africans. The case was brought before the Emperor, during a crisis in the administration of that institution, and mentioned in his diary; Begonha Bediaga, *Diário do Imperador D. Pedro II* [CD-Rom] (Museu Imperial, 1999), entry for 9/9/1862.

<sup>52</sup> The Amazonas Navigation Company, founded in 1852 by prominent entrepreneur Baron of Mauá, received Africans from the House of Correction in 1858. Correção to Justiça, 27/06/1864, AN, IJ6 469.

the turbulent capital of the empire. Liberated Africans were granted in large numbers to the sectors engaged in the economic exploration of the country's inland potential. They worked in the construction of roads, they were engaged in public works in numerous provincial capitals, and were even sent to frontier colonies destined to advance the settlement of the interior and establish fruitful relations with native peoples.<sup>53</sup> In sending the liberated Africans away from Rio de Janeiro and having them engaged in the economic development of the country, the imperial government combined social control and an effective labour policy.

In addition to the large contingent of newly arrived recaptives, the House of Correction also accommodated a growing number of liberated Africans whose hirers had died or given up their services. Those who had been first emancipated in the early 1830s and distributed for service after 1834 completed their 14-year terms of service in 1848 and in the following years and became increasingly restless and unruly, to the point that their hirers preferred not to keep them. Such was the case of Maria Rebola, emancipated from the ship *Angélica*, and granted to hirer Francisco do Rego Quintanilha in January 1836. Since 1851, Quintanilha complained, her conduct had become "very bad, beyond the superlative": she no longer obeyed his orders; she worked only for herself as a washerwoman, no longer for the hirer's family; and accused his hirer of "stealing her services."<sup>54</sup> Like her, there were countless other liberated Africans who refused to obey their hirers or administrators after their term of service expired and who claimed their final letters of emancipation. Keeping them under control became an unyielding battle for all the officials charged with their administration. The solution, instead of general emancipation, was to keep a good proportion of the time-expired Africans in the pool of labourers that benefited public institutions in the city of Rio and provided people for the imperial government's frontier projects.

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<sup>53</sup> A sample of the institutions that received liberated Africans can be found in Robert E. Conrad, "The *Emancipados*: Neither Slave nor Free," in *World of Sorrow: The African Slave Trade to Brazil* (Baton Rouge: Louisiana State University Press, 1986), 154-170, in a transcription of a list obtained by the British officials in Rio de Janeiro, enclosed to Hunt to Russell, 22/3/1865, FO 84/1244.

<sup>54</sup> Maria Rebola, Petição de Emancipação, 17/06/1857, AN, GIF1 6D-136. Maria had been working for Quintanilha for

The decision to no longer distribute recaptives among private hirers can be attributed to a complex set of circumstances. Adopted in 1848 during a debate in the Chamber of Deputies on new legislation for the abolition of the slave trade, the resolution took into account the negative repercussions that such a distribution would have had in the public opinion. Until then, liberated Africans had been associated with the government's reluctant engagement in the abolition process, and with the corruption surrounding their distribution and treatment in the previous decade. The prohibition against repeating the generous distributions of newly arrived Africans among a chosen elite made in 1834-35 and in 1839-41 emphasised the change in spirit within the imperial administration regarding abolition. The deputies certainly also considered the social atmosphere under which they were living, with the slave trade at its peak, British pressure for abolition reaching Brazilian harbours and the serious threat of a major slave uprising.<sup>55</sup> To grant liberated Africans to private hirers meant, according to common knowledge, letting more Africans into the streets of Rio de Janeiro to fend for themselves and mingle with African and creole slaves and freedpersons. The deputies' decision to not allow the private concessions of liberated Africans was a political decision, with social implications and repercussions.

The new procedures for distribution prevented the coexistence of "old" and "new" liberated Africans in private households and possibly were intended to avoid socialisation between the two "generations" of recaptives, by letting it take place only in the controlled environment of the public service. Far from the considerations that guided the 1818 decree, under which the guardianship of the recaptives was associated with a labour system resembling apprenticeship, their handling by the 1850s was guided primarily by concern with social control.

Inscribed in the bilateral agreements and common to all the places where liberated Africans existed was the idea that the Africans freed during the activities to suppress the slave

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21 years when she petitioned for emancipation.

<sup>55</sup> See chapter 1.

trade needed government protection during the period of adaptation to the territory where they would live as freedpersons. In Brazil, the conflict within the slave society's hierarchy represented by the category of liberated Africans influenced the way the government engaged in its protection of the recaptives. Documentation from the Ministry of Justice section responsible for the handling of the liberated Africans attests to changes in the laws and in the interpretation of the liberated Africans' rights that reinforced the ministry's control over their lives and resulted in the continuation of their terms of service beyond the prescribed 14-year limit. Over the years, liberated Africans were distributed among private hirers, public institutions, and provincial projects to serve as free labourers, yet as an "undesirable" category of freedpersons under the permanent control of the Brazilian government, their labour experience was to be a peculiar one.

### ***Chapter 3 - Liberated Africans at work: free involuntary labourers***

To be legally free did not guarantee to the liberated Africans their spatial mobility or their right to self-determination. Instead, using the excuse that they needed an apprenticeship period, the Brazilian imperial government kept them under control for decades. Against the backdrop of the continuation of the illegal slave trade, and amidst a growing climate of connivance with the trade and impotence to suppress it, the newly arrived recaptives were distributed by the imperial government to serve private hirers or public institutions as "free labourers." This chapter addresses the conditions under which they served their mandatory terms of service and assesses their labour engagement in contrast to that of other categories of labourers (slaves and free persons) in Rio de Janeiro and in selected settings in the provinces during the same period. To do so, it discusses their employment by private hirers and public institutions and the occupations taken by the liberated Africans, all of which illuminate their peculiar situation of being free yet involuntary labourers.

The context in which the liberated African labour experience took place was particularly significant: prompted by the imminent termination of the forced migration which had brought about 3 million African slaves to Brazil by the beginning of the nineteenth century, the slave system suffered changes that would bring about its gradual decline. The proportion of free labourers in the workforce gradually expanded, as different groups of free labourers were incorporated into the expanding labour market. European immigrants composed the most visible group. Native Indians, the free poor (blacks, whites, and *mestiços*), and liberated Africans (on a very small scale) were also legally free labourers; however, their experience has received less attention in the literature than that of European immigrants.

#### **Slavery and free labour in Brazil in the nineteenth century**

The historiography of labour in nineteenth-century Brazil has crystallised around the idea of a

"transition" from slave to free labour and has for many years studied this history in hindsight. Because in the 1880s the mass immigration of European labourers became the solution for the collapse of the slave system in the coffee plantations in São Paulo, historians have portrayed the emergence and establishment of free labour relations as applying exclusively to European immigrants, and as being consolidated only after the collapse of slavery. Coupled with labour historians' disregard for non-wage labour relations and particular neglect of slavery, this perspective has relegated the first 300 years of Brazilian labour history to oblivion in the study of the country's labour relations, as historian Sílvia Hunold Lara has aptly argued. From the limited perspective of those who see the Brazilian nineteenth-century mosaic of labour arrangements as a gradual decline of the slave system coupled with the gradual emergence of free labour relations in European settlements scattered throughout the country and in the attempts to employ European labourers on the coffee plantations, Brazilian labour history in the nineteenth century revolves around the parliamentary debates, and the private and government actions to foster the establishment of European immigrants in the country.<sup>1</sup>

However, the existence of a sizeable proportion of free persons in the Brazilian population throughout the nineteenth century points to the fact that the Brazilian economy sustained previously overlooked alternatives to the master-slave relations, and that European immigration did not inaugurate free labour relations in the country. If 69.2% of the total population of 3.5 million in 1819 and 84.7% of the population of nearly 10 million in 1872 were free persons and only some of them were property holders, it can be considered that there were numerous social categories besides masters and slaves in the country.<sup>2</sup> Considering, too, that in 1872 the foreign population represented only 3.8% of the total population of the country, and that

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<sup>1</sup> Sílvia Hunold Lara, "Escravidão, Cidadania e História do Trabalho no Brasil," *Projeto História: Revista do Programa de Estudos Pós-Graduados em História e do Departamento de História da PUC/SP* 16 (1998): 25-38; for the traditional (and not so old) view of the "transition" to free labour, see Ademir Gebara, *O Mercado de Trabalho Livre no Brasil*, (São Paulo: Brasiliense, 1986); Emília Viotti da Costa, *Da Senzala à Colônia*, (São Paulo: Difel, 1966).

<sup>2</sup> "Demografia," in *Estatísticas Históricas do Brasil: séries econômicas, demográficas e sociais* (Rio de Janeiro: IBGE, 1987), 30.

half of that contingent was composed of Africans, the distortion operating in the historiography in overemphasising the experience of Europeans with free labour in the nineteenth century becomes all too clear.<sup>3</sup> Those "national labourers" and the variety of labour arrangements in which they were engaged are currently the subject of a fertile field of research previously indicated by only a few groundbreaking works.<sup>4</sup> Combined with a regionalised interpretation of the changes sustained by the slave system over the course of the nineteenth century, the new scholarship provides a more complex picture of labour relations in the country and indicates the coexistence of slavery with numerous forms of free non-wage labour arrangements, coerced or not.

The shift in the research focus away from the exporting sector and towards the internal economy has revealed a complex and strong economic system that could hardly be strictly defined as "colonial." Not only was there room for internal accumulation, but the Brazilian economy also proved to be relatively independent from international fluctuations in the late eighteenth and early nineteenth centuries. This strength was found in the many branches of the economy geared towards supplying food and other products to the internal market. The internal sector certainly benefited from the expansion of the export economy, but did not suffer from the retractions of the international markets as the other branch did. Live cattle, jerked beef, hides, and manioc flour were some of the most important products that circulated in the internal market and generated small fortunes.<sup>5</sup> Whole regions of the country were integrated with the national economy in this function, and within a province, certain municipalities dedicated themselves to

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<sup>3</sup> *Repertório Estatístico do Brasil - Quadros Retrospectivos*, (Rio de Janeiro: IBGE, 1986), 1: 12; Luiz Felipe de Alencastro and Maria Luiza Renaux, "Caras e modos dos migrantes e imigrantes," in *História da Vida Privada no Brasil: Império*, ed. Luiz Felipe de Alencastro, História da Vida Privada no Brasil (São Paulo: Companhia das Letras, 1997), 300.

<sup>4</sup> Maria Sylvia de Carvalho Franco, *Homens Livres na Ordem Escravocrata*, (São Paulo: Ática, 1974); Hebe Maria Mattos de Castro, *Ao Sul da História: Lavradores Pobres na Crise do Trabalho Escravo*, (São Paulo: Brasiliense, 1987); Hebe Maria Mattos de Castro, *Das Cores do Silêncio: os significados da liberdade no sudeste escravista - Brasil, século XIX*, (Rio de Janeiro: Arquivo Nacional, 1995); Peter Eisenberg, *Homens esquecidos*, (Campinas: Ed. da UNICAMP, 1989); Denise A. Soares de Moura, *Saindo das Sombras: Homens Livres no Declínio do Escravismo*, (Campinas: Área de Publicações CMU/ Editora da Unicamp, 1998).

<sup>5</sup> The new perspective on the economy and society of Rio de Janeiro at the turn of the nineteenth century has been synthesised in João L. R. Fragoso and Manolo Florentino, *O Arcaísmo como Projeto: Mercado Atlântico, Sociedade*

the supply economy. The clearest example of the strength of the non-exporting economy is that of the province of Minas Gerais: previously considered stagnant after the decline of the mining exports in the late eighteenth-century, it has been found as the most active slave-buying and slaveholding economy in the country during the nineteenth century.<sup>6</sup>

The new interpretation of the labour transformations that occurred in Brazil in the nineteenth century goes beyond the picture that characterised the period simply as that of the dissolution of slavery in the Northeast due to the decline in sugar production followed by the rise of a strong slave system around the coffee plantations in the Southeast.<sup>7</sup> A regionalised analysis of the decline of slavery shows that in the Central-West (Goiás and Mato Grosso) the decline of mining and the move towards subsistence farming and cattle ranching led to the adoption of free yet non-wage labour through variations in sharecropping arrangements. In the South (Rio Grande do Sul, Santa Catarina and Paraná), the cattle farms linked to the jerked beef business (charqueadas) suffered from the competition with Argentine beef and declined in the second half of the century; their slaves were sold through the internal slave trade to the Southeast. Numerous settlements of European immigrants based on small plots of land and on family labour transformed the Southern economy in the nineteenth century and intensified its integration within the national economy through the production of foodstuffs for the internal market. In the North (Pará and Amazonas), the extractive economy was not based on African slave labour but on other forms of coerced labour (Indian indenture, for example); with the rubber boom in the second half of the century the extractive economy reinforced its labour force by the engagement of Northeastern migrants expelled by the severe droughts in their region.

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*Agrária e Elite Mercantil no Rio de Janeiro, c.1790-c.1840*, (Rio de Janeiro: Diadorim, 1993).

<sup>6</sup> Roberto Borges Martins, "Minas Gerais, Século XIX: Tráfico e Apego à Escravidão numa Economia Não-Exportadora," *Estudos Econômicos* 13, no. 1 (1983): 181-209; Douglas Cole Libby, *Transformação e trabalho em uma economia escravista: Minas Gerais no século XIX*, (São Paulo: Brasiliense, 1988).

<sup>7</sup> The following discussion on the labour configuration of the different regions in the nineteenth century comes from João Luís Fragoso, "Economia Brasileira no Século XIX: Mais do que uma Plantation Escravista-Exportadora," in *História Geral do Brasil*, ed. Maria Yedda Linhares (Rio de Janeiro: Campus, 1990), 145-196.

The labour transformations in the two regions most closely linked to the external market, that is, the Northeast and the Southeast, followed different courses. The perceived decline of sugar production in the Northeast during the nineteenth century has been the subject of new interpretation, and now it appears that the sugar economy actually expanded, even during the unfavourable international conditions of the second half of the century. The slave system was hit by the abolition of the slave trade in 1850 and by the rise in slave prices that created an important internal slave trade in the rich areas of the Southeast. However, wage labour was not the main substitute for slave labour. The various sharecropping arrangements that coexisted with slavery (*morador, agregado, rendeiro, parceiro*) were reinforced, and seasonal wage labour was also employed. The Northeast had a significant non-landholding free population, which reduced the need to import labourers from elsewhere.<sup>8</sup>

In the Southeast (Minas Gerais, São Paulo, Rio de Janeiro), the coffee boom transformed the landscape, from the 1830s and 1840s on, moving up the Paraíba Valley, into the West of São Paulo (Campinas) in the 1850s and into the "new" west (Ribeirão Preto) in the 1870s. The coffee revolution took land previously devoted to subsistence agriculture and sugar, consolidated landholdings, and by the second half of the nineteenth century, had in the big "paulista" coffee plantation its greatest symbol. Coffee, with its extraordinary profitability, became the major export crop and took over first place in the export chart in the 1840s, supporting the country's previously unfavourable commercial balance for many decades. Coffee plantations and their massive labour demand reinforced and expanded slavery in the Southeast and justified the ambiguous government policy towards the abolition of the slave trade in the 1830s and 1840s. After the effective abolition of the trade in the 1850s, coffee and its subsidiary economy in the Southeast were supplied by the internal slave trade that brought slaves to the plantations from other regions and from the cities. With the gradual decline of slavery in the other regions over the

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<sup>8</sup> See particularly Peter Eisenberg, *The Sugar Industry of Pernambuco, 1840-1910*, (Berkeley: University of California Press, 1974).

course of the decades, in the 1880s the Southeast presented different responses to abolition. In Rio de Janeiro and in Minas Gerais, the "national" labour force (poor whites, free blacks, and ex-slaves) negotiated its space on the plantations through sharecropping arrangements or had access to small plots of land in frontier areas. In São Paulo the planters insisted on attracting European immigrants to indenture contracts that were the subject of much conflict. Ex-slaves and free blacks either emigrated or had access to only seasonal labour on the plantations. The large landholders, particularly *paulista* coffee planters, represented a strong lobby in defence of the slave system and in the debates regarding the importation of labourers into the country.<sup>9</sup>

In the urban scene the transformations in the labour market during the course of the nineteenth century also saw the decline in the use of slave labour. The timing and conditions of the strengthening of the wage labour market depended greatly on regional variations. Particular features of urban slavery, such as the hiring out and the self-hire systems, gave the urban labour market special characteristics in slave cities in the nineteenth century. Slaves could be hired to perform any kind of service and dominated some sectors of the economy, such as transportation; the slaves themselves kept part of their earnings. The proportion of slaves in the population of large Brazilian cities reached a peak by the middle of the century, declining after the importation of new Africans stopped in the 1850s. The same flow that drained the Northeast, North, South, and Central-West of their slaves towards the Southeastern coffee plantations affected the urban centres. In addition, the rise in the number of manumissions (mostly self-purchase) can account for the decline in the number of slaves and the rise in the number of freedpersons in the cities, particularly after 1871. Cities were affected differently by European immigration. Rio de Janeiro received a large number of Portuguese immigrants, starting in the 1840s, who took jobs in the commercial sector. Salvador did not receive as many immigrants, but was the destination for

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<sup>9</sup> Warren Dean, *Rio Claro: A Brazilian Plantation System, 1820-1920*, (Stanford: Stanford University Press, 1976); Stanley Stein, *Vassouras: A Brazilian Coffee County, 1850-1900*, (Cambridge, Mass.: Harvard University Press, 1957); Ana Lúcia Duarte Lanna, *A Transformação do Trabalho*, (Campinas: Editora da Unicamp, 1989); Paula Beiguelman, *A Crise do Escravismo e a Grande Imigração*, 2 ed., (São Paulo: Brasiliense, 1981).

freedpersons from the interior of the province or from other provinces. Although the number of people engaged in wage labour expanded, the proportion of labourers who remained independent "earners" (*ganhadores*) was not negligible. Overall, the market for wage labourers expanded slowly and absorbed freedpersons, free persons of colour, and immigrants, although their contacts were not without conflict.<sup>10</sup>

The important regional and temporal variations in the disintegration of the slave system and in the expansion of the use of free labour accounts for the difficulty of presenting a comprehensive synthesis of the Brazilian "transition" process. It is clear, however, that throughout the country, and particularly in the rural areas, slavery was not followed by wage labour relations, but by a variety of coerced or non-wage labour arrangements. In addition, it should be noted that the predominant labour force in this "transition" was not foreign but national. This conclusion is rarely reached in the traditional historiography, which ignores the role of free blacks, Indians, poor whites, and mixed-race labourers in the country's labour contingent. A close examination of slavery and master-slave relations, with emphasis on the export economy, has eclipsed the investigation of other contemporary labour relations that involved a numerically important but amorphous labour force in activities not directly related to the export economy. It is clear that the historiography has so far downplayed coerced labour relations and the national labour force and concentrated on the experience of European labourers. An examination of the labour experience of the liberated Africans will provide a glimpse of the changes in nineteenth-century labour relations from the perspective of one category of free labourers who did not

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<sup>10</sup> Luiz Felipe de Alencastro, "Proletários e Escravos: imigrantes portugueses e cativos africanos no Rio de Janeiro, 1850-1872," *Novos Estudos - CEBRAP* 21 (1988): 30-56; Sidney Chalhoub, *Visões da Liberdade: uma história das últimas décadas da escravidão na Corte* (São Paulo: Companhia das Letras, 1990); Mary C. Karasch, *Slave Life in Rio de Janeiro, 1808-1850* (Princeton, NJ: Princeton University Press, 1987); Eulalia Maria Lahmeyer Lobo, *História do Rio de Janeiro (do capital comercial ao capital industrial e financeiro)*, 2 vols., vol. 1 (Rio de Janeiro: IBMEC, 1978); João José Reis, "The Revolution of the *Ganhadores*': Urban Labour, Ethnicity and the African Strike of 1857 in Bahia, Brazil," *Journal of Latin American Studies* 29, no. 2 (1997): 355-393; João José Reis, "De olho no canto: trabalho de rua na Bahia na véspera da Abolição," *Afro-Ásia* 24 (2000): 199-242; Maria Odila Leite da Silva Dias, *Quotidiano e Poder em São Paulo no século XIX*, 2 ed. (São Paulo: Brasiliense, 1995); Marcus J.M. de Carvalho, *Liberdade: rotinas e rupturas do escravismo, Recife, 1822-1850* (Recife: Ed. UFPE, 1998).

participate in the wage labour market.

### Serving private hirers: protection and obedience

More than 80% of the liberated Africans distributed for service in the 1830s were granted to private hirers. That number included 95% of all the females and 75% of all the male liberated Africans distributed in the period.<sup>11</sup> Public criticism of the hirers' treatment of the liberated Africans and accusations of their illegal enslavement constrained the Ministry of Justice to change the rules of distribution of liberated Africans in the late 1840s. Behind the actual handling of the liberated Africans by their hirers and the criticism it received were different (and changing) notions of the labour obligations involved in the liberated Africans' mandatory term of service. In the eyes of many people, their experience resembled that of slaves, yet the government officials responsible for guaranteeing their freedom interfered only in extreme cases of abuse. This section examines the labour experience of the liberated Africans who served private hirers and explores the ways in which it was related to slavery in nineteenth-century Rio de Janeiro.

### Who were the hirers of liberated Africans?

Ministry of Justice records of the administration of the liberated Africans during the various stages of their terms of service provide the names of the persons to whom the Africans had been entrusted and an array of information on the relationships between the hirers and the Africans. The information contained in the death and emancipation records, the correspondence from the Curator of liberated Africans, the petitions for emancipation, and the tables compiled in the 1860s on the fate of the liberated Africans distributed for service in the 1830s, complemented by an inquiry into the hirers' *post-mortem* inventories, reveal details of the hirers' social standing through their wealth and slaveholding size. The result, the identification of the hirers of liberated

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<sup>11</sup> The distribution of liberated Africans for service was discussed in chapter 2; see Appendix 1, Table 7: Distribution of liberated Africans for service according to sex.

Africans, provides clues to an explanation of the particular labour arrangements and occupations for which they engaged the Africans.

The distribution of liberated Africans for service followed a peculiar social concentration. The majority of hirers received only one liberated African, and three-quarters of the Africans served their terms alone or in groups of up to four liberated Africans. In contrast, eight hirers at the top of the scale received between nine and twenty-two Africans each, numbers which surpassed the limit established by the 1835 decree.<sup>12</sup> Unlike slaveholding, the concentration of liberated Africans reflected not wealth but social prestige. It derived from the rules established in December 1834, when minister Aureliano Coutinho decided to prohibit the auctioning of the liberated Africans' services to those who offered the highest bids and determined that the Judge of Orphans should instead grant them to "people of recognised correctness and integrity" of his own choice.<sup>13</sup> As a result of that decision, the services of liberated Africans became political favours, and the group of hirers can be seen as a particular selection of people linked to the imperial government.

Hirers of liberated Africans were for the most part civil servants, members of the political elite, or persons that the imperial government chose to reward. Most of them were not particularly wealthy. That was the case of Army Captain Luís Carlos da Costa Lacé, who was granted the services of Tobias Cassange in 1836, took him to Rio Grande do Sul in 1844 when his duties forced him to move south, and died in 1869, leaving a property in Petrópolis for his two daughters, and no slaves.<sup>14</sup> Many of those who were granted the services of liberated Africans were scientists who served in one of the imperial academies or schools: Emílio Joaquim da Silva

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<sup>12</sup> The top two percent of hirers had more than nine liberated Africans, or 13.7% of all Africans distributed in the 1830s. See Appendix 1, Table 8: Concentration of liberated Africans working for private hirers.

<sup>13</sup> Aviso da Secretaria da Justiça para Juiz de Órfãos, 1/12/1834, AN, IJ1 168; see Appendix 2.

<sup>14</sup> Tobias had been apprehended inland on his way to Minas Gerais, and was emancipated by the Judge of the Sacramento parish in Rio de Janeiro in November 1835. He survived to receive his final emancipation in 1864. Luiz Carlos da Costa Lacé, Pedido de remoção do Africano livre Tobias para o Rio Grande do Sul, 6/08/1844, AN, IJ6 471; Luís Carlos da Costa Lacé, AN, Inventário *post-mortem*, 1869; Tobias Cassange's record is in AN, IJ6 471.

Maia, for example, taught botany and zoology at the Pedro II College, and had two liberated Africans in his service until 1855, when both were emancipated<sup>15</sup>; João Vicente Torres Homem was a renowned medical doctor, a member of the Imperial Academy of Medicine who practised at the Misericórdia Hospital, and for a while was the hirer of liberated African Carlos, who was emancipated in 1863.<sup>16</sup>

The majority of the hirers who could be identified were officials of the imperial bureaucracy or members of the political elite.<sup>17</sup> People such as Francisco Xavier Bontempo, high-ranking official at the Navy Ministry; Caetano Maria Lopes Gama, the Viscount of Maranguape; Senator for Rio de Janeiro and member of the Council of State; and Frederico Carneiro de Campos, the director of the Imperial Gunpowder Factory, all had liberated Africans in their service. Aureliano de Souza e Oliveira Coutinho, Senator, Councillor, and prominent statesman of the 1830s and his wife, Narcisa Emília de Andrade Vandelli, maid of honour to the empress and herself the granddaughter of José Bonifácio de Andrada e Silva had, combined, at least 13 liberated Africans, while the Honório Hermeto Carneiro Leão and his wife Maria Henriqueta Neto Carneiro, the Marquis and Marquise of Paraná, had, combined, 21 liberated Africans in their service.

Many hirers received liberated Africans as rewards for services performed to the Empire: that was the case of English admiral John Taylor, who, having defended "the Brazilian cause" in the battles for independence in 1822 and 1823, remained in the country and engaged in the

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<sup>15</sup> Emílio Joaquim da Silva Maia, AN, Inventário *post-mortem*, 1860; Gertrudes Conga, Petição de Emancipação, 1/10/1855, AN, Diversos SDH - cx. 782 pc. 2; the records of the liberated Africans can be found in AN, IJ6 471. On Maia's scientific engagements, see Lorelai Kury, "Ciência e Nação: Romantismo e História Natural na obra de E. J. da Silva Maia," *Revista História, Ciência, Saúde - Manguinhos* 5, no. 2 (1998): 267-91, and Warren Dean, *With broadax and firebrand: the destruction of the Brazilian Atlantic forest*, (Berkeley: University of California Press, 1995).

<sup>16</sup> Augusto Victorino Alves Sacramento Blake, *Dicionário Bibliográfico Brasileiro*, 7 vols., (Rio de Janeiro: Tipografia nacional, 1883-1902), IV, 63-65; Aviso de Emancipação de Carlos Quissamã, 23/11/1863, AN, IJ6 16.

<sup>17</sup> The political elite, according to José Murilo de Carvalho, was composed of a group of people who acted interchangeably as state councillors, deputies and senators, presidents of the provinces, and ministers of state. José Murilo de Carvalho, *A Construção da Ordem: a elite política imperial; Teatro de Sombras: a política imperial*, 2

repression of regional revolts such as the *Confederação do Equador*, in the northeastern provinces around Pernambuco in 1824. He was granted the services of Frederico Macua, who survived into the 1860s and was emancipated. Fittingly, the greatest Brazilian military hero of the imperial period, known as "*o pacificador*" ("the peacemaker") for his engagement in the repression of all the provincial revolts in the 1830s and 1840s, Luís Alves de Lima, earned not only the title of Marquis of Caxias in the 1830s, but also the concession of the services of 22 liberated Africans. He was the hirer with the largest number of liberated Africans.<sup>18</sup>

The hirers' *post-mortem* inventories, spanning from 1848 to 1883, confirmed that the concentration of liberated Africans did not follow wealth patterns: the wealthiest hirers, those who had the most slaves, were not the ones who held the most liberated Africans.<sup>19</sup> The inquiry into the socio-economic profile of hirers confirmed that they were most often owners of slaves and urban properties rather than engaged in productive activities such as commerce or industry. Only a few (7 of 33) had rural properties and had important slaveholdings.<sup>20</sup> Overall, compared to a sample of inventories from Rio de Janeiro in the 1860s, hirers' inventories from the same period revealed that they had smaller slaveholdings than the overall population: while almost 35% of the slaves in Rio's inventories for 1860 and 1865 lived in slaveholdings of ten or more slaves, none of the hirers who died in the 1860s had more than six slaves.<sup>21</sup> The combined data points, therefore,

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ed., (Rio de Janeiro: Ed. UFRJ/Relume-Dumará, 1996).

<sup>18</sup> All those liberated Africans were granted in 1834-35, from the shipments of the *Duquesa de Bragança*, *Angélica*, and *Amizade Feliz*; their records are in AN, IJ6 471. Interestingly, prominent conservative statesmen, such as Bernardo Pereira de Vasconcellos or Eusébio de Queirós, did not have liberated Africans in their service. For a list of hirers, compiled from the records of the Africans distributed for service in the 1830s and those emancipated between 1859 and 1864, see Appendix 3: List of hirers of liberated Africans.

<sup>19</sup> See Appendix 1, Table 9: Number of slaves and liberated Africans held by hirers; it compiles the number of slaves held by hirers at the time of their death (listed in the *post-mortem* inventories) and the number of liberated Africans they held at different times, registered in different sources (petitions for emancipation, listing of their fates, death registries, emancipation lists). The number of liberated Africans may have been higher. Although the two sets of information do not refer to the same moment in time, they provide a general comparison between slaveholding and "liberated African holding."

<sup>20</sup> See Appendix 1, Table 10: Socio-economic profile of the hirers of liberated Africans.

<sup>21</sup> See Appendix 1, Table 11: Slaveholdings of Rio de Janeiro slaveowners and of hirers of liberated Africans, 1860s. I am grateful to Manolo Florentino for providing me with data from inventories for 1860, 1865, and 1870.

to the identification of hirers as people related to the imperial government in different ways, and, for the most part, as owners of urban properties and small slaveholdings.

Hirers' inventories revealed one aspect of the liberated African experience never discussed in the documentation related to their administration: the Africans' domestic proximity to slaves. Maria Angola, for example, first emancipated from the *Duquesa de Bragança* in 1834, worked for Genoveva Maria da Conceição, a relatively poor hirer, who left one house in the rural district of Inhaúma and four slave women when she died in 1860. Maria worked alongside Joana and Fortunata, also listed as Angola, and creole slaves Gracia and Izaura.<sup>22</sup> Likewise, Martinho Congo was a boy when he was first emancipated from the *César* in 1838 and he served hirer Antônio Francisco da Rocha Freire, until Freire died in 1862 leaving two creole slaves: 5-year old Rosinha Parda and 24-year old Francisca Parda, who could sew and starch clothes and specialised in preparing sweets. Even without taking into consideration the occupations in which liberated Africans were engaged, the fact that they lived and worked in proximity to slaves might have influenced the way they were treated by their hirers. A young liberated African new to the household would not likely be treated better than the hirer's old slaves just because he or she was legally free. In fact, the presence of slaves in the household may have prevented liberated Africans from receiving the distinctive treatment called for by their legal category.

### **Antônio José and Leonarda Angélica de Castro, Severo Congo, and the many Africans named Fidelis**

It is in the inventories of the hirers with the largest slaveholdings that the proximity between liberated Africans and slaves reveals its hidden implications. Of all the hirers' inventories found, the largest slaveholder was Antônio José de Castro. He died in 1856 leaving rural properties and 60 slaves. His wife, Leonarda Angélica de Castro, received in 1835 two liberated Africans

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<sup>22</sup> Maria Angola was emancipated in 1865 after 30 years of service. Three of her slave mates were probably older than she was: Gracia and Fortunata were 80, Joana was 70; Izaura was only 29. Three of them were permanently injured or too sick to work. Genoveva Maria da Conceição, Inventário *post-mortem*, 1860, AN; Maria's record is in AN, IJ6

emancipated by the justice of the peace of the Sant'Anna parish, Fidelis Rebolo and Joaquim Cassange. In 1838 and 1839 she was granted an additional unknown number of liberated Africans: we know only that two of them died in the early 1840s, and that one petitioned for emancipation in 1856. Fidelis and Joaquim could not be accounted for by the Ministry of Justice, and their fates were given in 1865 as "unknown."<sup>23</sup> What could have been their fates?

Antônio José de Castro had likely been a slave trader converted into a landowner, which in itself is interesting.<sup>24</sup> The possibility of identifying slave traders among hirers of liberated Africans puts the system of distribution of the liberated Africans for service in perspective and casts a shadow over the whole administration of the liberated Africans. Ever since the Portuguese Crown transferred to Rio de Janeiro, slave traders had been closely related to the court of D. João VI, and filled numerous prestigious posts in the administration.<sup>25</sup> After the trade became illegal, their public prestige diminished, although many of them, such as Manoel Pinto da Fonseca, reportedly enjoyed the admiration of Rio de Janeiro's "high society" and had their wishes defended in the Chamber of Deputies and the Council of State well into the 1840s.<sup>26</sup> That slave traders (or their wives) could be granted responsibility for liberated Africans speaks to their good relations with justices of the peace, judges of orphans, and officials in the Ministry of Justice,

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<sup>23</sup> Antônio José de Castro, AN, Inventário *post-mortem*, 1856; Leonarda Angélica de Castro, AN, Inventário *post-mortem*, 1863. The records of the first emancipation and unknown fate for Joaquim Cassange and Fidelis Rebolo can be found in AN, IJ6 471, while the death records for Agostinho Congo, emancipated from the *Brilhante* in 1838 and deceased in January 1841, and Guilhermina Ungaranguê, emancipated from the *Feliz* in 1839 and deceased in February 1843, are given in AN, IJ6 467.

<sup>24</sup> A person by this same name is listed among slave traders active in Rio de Janeiro between 1811 and 1830 in Appendix 26 of Manolo Florentino, *Em Costas Negras: uma história do tráfico de escravos entre a África e o Rio de Janeiro*, (São Paulo: Companhia das Letras, 1997); on merchants converted into landowners, see João Luís Ribeiro Fragoso, *Homens de Grossa Aventura: Acumulação e Hierarquia na Praça Mercantil do Rio de Janeiro, 1790-1830*, (Rio de Janeiro: Arquivo Nacional, 1992); Fragoso and Florentino, *O Arcaísmo como Projeto*.

<sup>25</sup> Florentino, *Em Costas Negras*, 204-8.

<sup>26</sup> A harsh critique of the social prestige of the slave traders in the mid-1840s was made by Brazilian Foreign Minister, the Baron of Cairu, quoted in Hudson to Palmerston, 12/1/1847, FO 84/678, and discussed in Leslie Bethell, *The Abolition of the Brazilian Slave Trade: Britain, Brazil and the Slave Trade Question, 1807-1869*, (Cambridge: Cambridge University Press, 1970), 290. Jaime Rodrigues discusses the gradual shift in the Brazilian public opinion towards viewing slave traders as "pirates," Jaime Rodrigues, *O Infame Comércio: Propostas e experiências no final do tráfico de africanos para o Brasil (1800-1850)*, (Campinas: Editora da UNICAMP/CECULT, 2000), 127-142.

which in turn, puts in question the Brazilian government's intentions towards guaranteeing the freedom of the liberated Africans. Not many of the hirers of liberated Africans were directly involved in the slave trade, but not all hirers were completely detached from it either. Although only one other inventory listed a slave whose given age indicated his illegal importation, other hirers, too, were probably buyers of illegally imported African slaves, not only conniving with but feeding the demand for the "infamous trade." If the slave population of the city of Rio de Janeiro grew from about 50,000 to 78,000 between 1828 and 1849, it was particularly because of the importation of new Africans,<sup>27</sup> which meant that in the hirers' households or in the city streets, the continued slave trade put liberated Africans in contact with enslaved Africans, many of them illegally imported into the country.

The composition of Antônio José de Castro's slaveholding is impressive: he had 49 Africans and 11 creole slaves. At least half of the Africans, given their ages, could not have been imported before the abolition of the trade in 1830, which clearly points to his close connection with (and possible participation in) the illegal slave trade. For the most part, the slaves were engaged in agricultural work, but there were many skilled slaves who specialised in bricklaying, woodworking, shoemaking, tailoring, and lacemaking, as well as the most common domestic occupations, such as cooking, and washing, starching, and ironing clothes. Some of his skilled slaves were apparently hired outside of the household and earned their master daily cash sums. Among the slaves of Castro's wife, Leonarda Angélica, were five Africans and one creole slave, all but one of them above 40 years of age by 1863.

What about the liberated Africans? The only one known to have survived until emancipation, Severo Congo, had been rented out to commercial companies as a cook for years when he petitioned in 1856.<sup>28</sup> The others were listed as dead or missing. There is reason to

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<sup>27</sup> Karasch, *Slave Life in Rio de Janeiro*, 61, Table 3.1.

<sup>28</sup> At the time, Severo worked for Bard, Kloig and Co., located at Rua dos Pescadores, 12. He also resided there. He had served the merchant Perry Shaw, established at Rua Direita, 34, for 6 years. Severo Congo, *Petição de Emancipação*,

suspect that they might have been enslaved, thus confirming the rumours that liberated Africans were listed as dead and exchanged for dead slaves, although Agostinho Congo and Guilhermina Ungarangue, listed as dead in the 1840s, and Joaquim Cassange, whose fate was unknown in 1865, do not appear by those names in either of the two inventories.<sup>29</sup> The search for Fidelis Rebolo, however, yielded more than one match. Antônio José de Castro had two slaves named Fidelis, but they were too young to be the liberated African in question. His wife, on the other hand, in addition to five old slaves had one named Fidelis, given as a 38-year-old Mozambique. It is not unlikely that the liberated African was listed as a slave in the hirer's inventory, even if the recorded African origins do not match. Fidelis, the liberated African, could have been ten when he was first emancipated; he had grown up among so many illegally enslaved Africans that his free status could not be enforced without the risk of slave insubordination. The presence of liberated Africans among slaves, and particularly illegally imported slaves, may well have prompted hirers to reflect on their ability to control their slaves. In fact, only the hidden fear of unfaithfulness on the part of one's slaves could explain the naming of so many slaves *Fidelis*...

### **The labour arrangements and occupations of liberated Africans who served private hirers**

Liberated Africans and slaves shared not only their masters but very often their occupations, too.

The petitions for emancipation filed by the Africans in the 1850s and 1860s offer direct accounts

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July 1856, AN, Diversos SDH - cx. 782 pc. 2.

<sup>29</sup> British Foreign Office officials accused the Brazilian government of turning a blind eye to the enslavement of liberated Africans by their hirers. One common practice, according to different sources, was to present the Curator with the dead body of a slave to fake the death of the liberated African, thus transferring identities. The transfer of the concession of the liberated African's services to a different hirer also made control by the administration more difficult and facilitated their enslavement. Mulatto abolitionist José do Patrocínio admitted in 1885 that his father, João Carlos Monteiro, vicar of Campos and deputy at the Rio de Janeiro Provincial Assembly had had liberated Africans at his service who ended up sold as slaves to pay off his debts after his death. Hudson to Palmerston, 17/11/1846, FO 84/634; José do Patrocínio, "Semana Política," *Gazeta da Tarde*, 16/05/1885, reprinted in Robert E. Conrad, *Children of God's Fire: a documentary history of Black slavery in Brazil* (Princeton, NJ: Princeton University Press, 1983), 462-466.

of their labour arrangements with their hirers and revealing chronicles of their conflicts. Liberated Africans working for private hirers enjoyed different degrees of autonomy ranging from secluded domestic service or rural labour to self-hire agreements. Investigating their occupations and labour arrangements and particularly their ability to earn money for themselves, to live on their own, or to simply move around the city will serve to gauge liberated Africans' lives against those of slaves and free labourers.

A number of liberated Africans spent their terms of service in rural settings, working on their hirers' farms. To take liberated Africans outside the limits of the city where their distribution had taken place required special authorisation from the Ministry of Justice, but hirers had little trouble securing it, relying on the same prestige that had earned them the grant of the liberated Africans' service. It was feared that far from the eyes of their Curator, liberated Africans would be more prone to abuse and enslavement than if they stayed in the city. In fact, the treatment conferred on the liberated Africans depended very little on the presence of the Curator but rather on the hirers' intentions towards the Africans. A few examples will show how the treatment of the liberated Africans taken to rural areas varied.

When he died in 1848, José Antônio Carneiro owned a few urban properties, a rural estate on the Island of Sapucaia, and 31 slaves. His slaves were predominantly male (28 of them) and African (29 of them) and most were employed in fishing activities. The only liberated African recorded to have been granted to Carneiro, Lauriano Congo, who had been emancipated in 1836 by the justice of peace of the 3<sup>rd</sup> district of the São José parish, could not be accounted for by Ministry of Justice officials in 1865. He had most probably been engaged in the same rural occupations as his hirer's slaves, and may have benefited from the death of his hirer and been able to lead his life independently, or may have been taken as a slave without the knowledge of government officials. Given his proximity to so many slaves, the second prospect is the more

plausible of the two.<sup>30</sup>

Hirers often moved their liberated Africans and their slaves between their urban and rural properties. The services of Izidoro, Sérgio, and Honorato Benguela and Luiz Angola, first emancipated in 1835 from the *Rio da Prata*, were granted to José Francisco Bernardes, a merchant in Rio de Janeiro who owned a small fortune in urban properties and 19 slaves when he died in 1855. Fifteen of Bernardes' slaves were also from Africa: 14 men and one woman, ranging from 33 to 93 years of age in 1855, which means that the four liberated Africans, probably young at the time they arrived in Brazil, grew up in the midst of African slaves brought to Brazil in the last years of the legal trade or in the first years after its prohibition.<sup>31</sup> He obtained permission from the Judge of Orphans to take Izidoro, Sérgio, and Honorato to his farm in the rural district of São João de Marcos in 1847, after they had spent twelve years in the city. Although their occupation is not known, this change of setting to a rural area can hardly have benefited the liberated Africans' mobility and autonomy, at a time when they had already made contacts, gained practice in urban life, and could have lived on their own.

The liberated Africans whose services were granted to Joaquim Cândido Soares de Meirelles also spent their terms of service in rural occupations, but their hirer seemed to be respectful of their free status. Meirelles, a graduate from the *Ecole de Médecine de Paris* was a founder of the Brazilian Imperial Academy of Medicine; he was also a representative in the Rio de Janeiro provincial assembly and in the 1840s represented Rio in the National Assembly.<sup>32</sup> The numerous liberated Africans in his service lived on his rural estate in Cantagalo and were able to

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<sup>30</sup> José Antônio Carneiro, AN, Inventário *post-mortem*, 1848; Lauriano Congo's record is in AN, IJ6 471.

<sup>31</sup> José Francisco Bernardes, AN, Inventário *post-mortem*, 1855. The size of his fortune and the profile of his slaves raise a suspicion that Bernardes may have been related to the slave trade. A person by the name Francisco José Bernardes was listed among slave traders active in Rio de Janeiro between 1811 and 1830 in Appendix 26 of Florentino, *Em Costas Negras*. José Francisco Bernardes declared that he was a trader in Rio de Janeiro (*negociante na praça do Rio de Janeiro*) and lived at 138 rua larga de S. Jorge when he applied for authorisation to take the liberated Africans from the city; Juiz de Órfãos to Min. da Justiça, 4/5/1847, AN, IJ6 471. Sérgio and Honorato were emancipated in the 1860s, Luiz died in 1855, and Izidoro's fate was unknown in 1865; their records are in AN, IJ6 471.

form families: in 1856 he petitioned for emancipation on behalf of eight of them, among whom there were two couples, one of them with five children. A man of colour, Meirelles was possibly the person who founded a school for blacks in Rio, where it was preached that blacks were as intelligent as and physically stronger than whites.<sup>33</sup> Whether liberated Africans were the object of his educational activities or not only further research will clarify; at present, he appears in the documentation as a protective hirer. What is not clear is the labour arrangement under which liberated Africans served their mandatory terms on their hirer's farms: Were they given small plots of land? Could they market cash crops? How many days a week did they serve their hirers? Arrangements in the urban setting can perhaps illuminate the answers to those questions.

Requests for the concession of liberated Africans that reached the desks of Ministry of Justice officers often declared that the Africans would be employed as servants and would perform domestic service. The daughters of the late colonel Nepomuceno, Theodora Raquel and Balbina Benigna, went as far as asking the ministry for "the concession of a *slave* for the heavy duties that their poor health prevents them to perform," expecting that their father's military services and their own well-kept decency justified such a grant.<sup>34</sup> Their request was denied, not because of the way it was framed but because in the mid-1850s private concessions were no longer granted and liberated Africans were in the process of being emancipated. In the 1830s and 1840s nothing was seen as wrong with a hirer justifying the request for a liberated African by stating a need for someone to perform heavy duties at home, or by presenting the fact that he or

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<sup>32</sup> Blake, *Dicionário Bibliográfico Brasileiro*, IV, 117-8.

<sup>33</sup> João José Reis, "Identidade e Diversidade Étnicas nas Irmandades Negras no Tempo da Escravidão," *Tempo*, no. 3 (1997): 7-33, 31 n. 43. Records show Esperança, Matheus, Hércules, Ezequiel (all Benguela), Severino Congo, Paula Congo, Agda Rebola, Sabino Benguela and his wife Carolina Climane [Quelimane], Eusébio Benguela and wife Luíza Samba, Ignácio Oamba and Tibúrcia Benguela were all under Meirelles' services; Joaquim Cândido Soares de Meirelles to Justiça, 16/2/1841, AN, IJ6 471.

Severino Congo, Paula Congo, Agda Rebola, Sabino Benguela, Carolina Quelimane, Eusébio Benguela, Luiza Samba and Ignacio Oamba, Petição coletiva de emancipação, 1/04/1856, Diversos SDH - cx. 782 pc. 3, AN; Ignácio Oamba, Petição de Emancipação, 10/06/1864, AN, IJ6 523.

<sup>34</sup> Emphasis added; Theodora Raquel e Balbina Benigna Nepomuceno da Silva to Justiça, 8/5/1856, AN, Diversos SDH - cx. 782 pc. 3.

she could not afford to rent a slave for that service.<sup>35</sup> In the city, the most common occupation of liberated Africans was that of domestic servant, and from the documentation it appears that liberated Africans and slaves were thus employed interchangeably.

Liberated Africans serving hirers in their households performed all the usual domestic tasks, often alongside the hirers' slaves. Liberated African men cooked, took care of the grounds, and served as coachmen. Liberated African women cooked, washed, starched, ironed or sewed clothes, and took care of their hirers' children, with varying degrees of autonomy to leave the house. Being part of the world of domestic servants meant that some liberated Africans in the service of well-to-do families were kept in the confines of the household, following the emerging bourgeois prescriptions for the separation of public and private domestic life.<sup>36</sup> Such must have been the case of Eufêmia Benguella, who took care of her hirer's children and two of his grandchildren as a wet nurse. Eufêmia, who had been emancipated in October 1840 from the *Paquete de Benguela*, had served the family of lieutenant-colonel João Victorino Alves Machado for 16 years and had two children of her own when her hirers petitioned for her emancipation in 1856. According to her petition, after receiving her final emancipation, she wanted to stay with the family she had served for so many years, and "continue to care for her adopted and underage children."<sup>37</sup> Eufêmia almost certainly lived with her hirers and received small compensation for her services, exchanging protection for obedience, in the words of Sandra Lauderdale-Graham.

Other liberated Africans, because of their occupations and by their own arrangements with their hirers, were able to move around the city. Working as a washerwoman, for example, implied that most days would be spent outside the house, in creeks or in public water fountains

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<sup>35</sup> That's what Navy Lieutenant José Joaquim Souza Lobo Júnior did: he argued that with his small salary he could not afford to rent a slave to serve his family, which included two small children. José Joaquim de Souza Lobo Júnior to Justiça, 15/05/1857, AN, GIF1 6D-136.

<sup>36</sup> Sandra Lauderdale Graham, *House and Street: the domestic world of servants and masters in nineteenth-century Rio de Janeiro*, (Cambridge: Cambridge University Press, 1988).

<sup>37</sup> Eufêmia Benguella, Petição de Emancipação, 2/10/1856, AN, Diversos SDH - cx. 782 pc. 2.

where one would come into contact with other women, slave and free, and with the busy life of the city. Numerous liberated African women worked as washerwomen and were able to serve families other than only their hirers', in this way earning money. Such was the case of Maria Rebola, whom hirer Francisco do Rego Quintanilha accused of ceasing to obey him and of wanting to work only outside the house, an arrangement by which, according to him, "she made good money."<sup>38</sup>

A number of liberated Africans worked as domestic servants not for their hirers, but for third parties to whom the hirers had rented their services. Liberated Africans' services were advertised in the newspapers either for general household chores or for specific occupations, such as cooks or wet nurses. It was a particularly lucrative business for the hirers, since the rent they earned from the Africans' services in a month was the equivalent of what they paid (or sometimes failed to pay) the government in "liberated Africans' salaries" in a year, that is, 12\$000 réis.<sup>39</sup> The Africans themselves did not receive any payment, and sometimes complained about being treated as slaves, as in the case of Maria, who came before Curator Figueiredo in 1853, saying that ever since she had been captured and emancipated she had felt enslaved "either for having served some people who did not distinguish her condition or type of work, or else for being sent to the House of Correction just like other slaves." Maria complained of illnesses caused by the heavy service that her different masters had forced her to perform. Figueiredo reported to the minister that Maria's services at that time were rented to Mariana Joaquina de Porciúncula for 14\$000, as if she were a slave of Alzira Montez, and offered a rare comment criticising the practice of renting out liberated Africans.<sup>40</sup> Renting out liberated Africans' services was a very common

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<sup>38</sup> Maria Rebola, Petição de Emancipação, 17/06/1857, AN, GIF1 6D-136; her case was discussed in Chapter 2.

<sup>39</sup> British commissioners Samo and Grigg reported on this practice in 1843, in a report that came as close as British officials would get to understanding the workings of "apprenticeship" in Brazil; John Samo and Frederick Grigg to Aberdeen, 22/12/1843, PP IX (1845).

<sup>40</sup> "É inqualificável o proceder de algumas pessoas que tem a seu cargo africanos livres, que os alugam a bom preço; isso tem que acabar, Exmo Senhor, se eles são confiados para o serviço destes particulares eles não deviam proceder como procedem." Figueiredo to Ramos, 7/03/1853, AN, IJ6 523.

practice, never forbidden in the instructions regulating their distribution nor severely condemned by the Curator of liberated Africans or the Ministry of Justice.

Another common arrangement between hirers and liberated Africans was one that favoured the hirers and also allowed the Africans to keep some money for themselves. Depending on the agreement, the liberated African could live on his or her own and see the hirer only once a week when the pay was due. The Africans hired themselves out in the streets of Rio de Janeiro and had to bring back to the hirer a calculated sum from their daily earnings. A common "*jornal*" agreement was 480 réis, which amounted to 12\$000 réis in a month with 25 working days. Whatever the liberated Africans earned in excess of what they had to pay their hirers was their own. The system allowed the liberated Africans considerable mobility and autonomy, particularly if instead of living in their hirer's household, the Africans were allowed to live on their own. However, conflicts arose on the subject of hirers' responsibilities and on the payment arrangements.

To be "*ao ganho*" meant that one would be responsible for finding work and performing it independently in the streets of Rio de Janeiro. In that environment, liberated Africans mingled with slaves, freedpersons, and Portuguese immigrants. Women earned money as laundresses, seamstresses, cooks, and street sellers. In Rio de Janeiro, as in Salvador, slave and freed women, and particularly those from the West Coast of Africa, controlled the marketing of foodstuffs, both in fresh produce coming from the rural areas and prepared foods to be enjoyed "on the go." Men earned their "*jornais*" in various specialised occupations, such as masons and carpenters, and also in the popular position of "*carregadores*" (carriers). Slaves and freed persons *ao ganho* were an important part of the urban workforce in large cities, and liberated Africans were among them.<sup>41</sup>

Details of the labour arrangements between hirers and liberated Africans emerged

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<sup>41</sup> Luiz Carlos Soares, "Os escravos de ganho no Rio de Janeiro do século XIX," *Revista Brasileira de História* 16 (1988): 107-142; Cecília Moreira Soares, "As Ganhadeiras: Mulher e Resistência Negra em Salvador no século XIX," *Afro-Ásia*, no. 17 (1996): 57-71; Reis, "The Revolution of the *Ganhadores*"; Reis, "De olho no canto."

whenever there were conflicts and the Africans thought they had been unfairly treated. In an attempt to avoid Dionísia Angola's emancipation, her hirer Joaquina Amália de Almeida declared to the police that "she was poor and relied on the daily earnings of the African," when in fact, as Dionísia later revealed, she had five slaves. Not only did hirers of liberated Africans not hide from the government the fact that they supported their own idleness with the Africans' earnings, but they also thought it was a legitimate argument for keeping them. Dionísia asserted that she was capable of living on her own, since she had been paying a *jornal* of 480 réis per day and supporting herself: her hirer not only did not supply her with food or clothing but also forced her to go out on rainy days or when she was sick to earn her *jornal* as a washerwoman.<sup>42</sup> These personal stories revealed to the government officials during the process of emancipation give a rare glimpse of the daily labour negotiations between liberated Africans and their hirers and reveal glaring similarities with those conducted between slaves and their masters. In fact, liberated Africans knew they were treated as slaves, but imposed limits. Dionísia expected her hirer, like all masters, to support her by providing food and clothing in exchange for her services. Furthermore, she expected humane treatment from her hirer/master, who, instead, forced her to work in poor weather conditions or when she was sick. Complaining about her hirer to the government officials was her weapon in this power struggle, but it was used only because she knew the times had become favourable.<sup>43</sup>

The arrangement between João Benguela and his hirer João Caetano de Almeida França was another illustration of the payment of *jornal*. João reported that França had numerous other liberated Africans in his service, but it was not clear whether they all laboured under the same

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<sup>42</sup> Dionísia Angola, Petição de Emancipação, May 1855, AN, GIF1 6D-136. Dionísia Angola had been serving her hirer, Joaquina Amália de Almeida, for almost 16 years, ever since she had been emancipated from the *Especulador*, in May 1839.

<sup>43</sup> Slaves too, often resorted to asking for the imperial government's interference in their relationships with their masters if they deemed they had received unfair or unlawful treatment. For more on the liberated Africans' struggle for emancipation and the Brazilian government's policy towards liberated Africans in the 1850s and 1860s, see chapter 5.

arrangement. João must have been a very valuable labourer, but his occupation was not declared. He said he paid his hirer ten *tostões* per day, and it was when he refused to raise his *jornal* to 4 *patacas* and França threatened to sell him to São Paulo that he decided, along with his mates, to complain to the Judge of Orphans.<sup>44</sup> Hirers believed that in addition to conducting the same labour arrangements with liberated Africans and slaves, they could also dispose of the Africans as if they were slaves; in fact, scattered information attests that many of them did precisely that.<sup>45</sup>

In the broad range of liberated Africans' labour arrangements, those who enjoyed more autonomous lives were the ones who could live on their own. Attalo, for example, worked as a carpenter and received from councillor João Carneiro de Campos the authorisation to live on his own. Attalo was single and lived, probably in a collective residence, at 4B, rua dos Inválidos in Rio de Janeiro while his hirer lived across the bay, in Niterói. It is reasonable to think that he did not have to pay *jornal*. Apparently neither did Marinha Sunde after the death of her hirer, Fortunato Mazziotti. Marinha petitioned for emancipation in 1857 just so that she had a document to confirm her "right to full freedom to support herself on her own" because she wanted to "continue to hire herself out in Niterói, where she lives."<sup>46</sup> Luiz Nagô, on the other hand, had proposed an arrangement to Manoel Banhez Planal Montenegro under which he would live on his own and pay his hirer 14\$000 per month, but he failed to honour the payment for six months. Montenegro told the police that Luiz had bought and freed a woman slave and had for that reason been in jail under theft accusations. The hirer was particularly upset that Luiz never consulted

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<sup>44</sup> José Benguela, Cross-examination, 29/09/1855, AN, GIF1 6D-136. One *tostão* silver coin was worth 100 réis, and one *pataca* silver coin was worth 320 réis. We gather, then, that João paid a daily sum of 1000 réis and that França asked him for 1280 réis, which the African refused to pay. Currency table: Katia M. de Queiroz Mattoso, *To Be a Slave in Brazil, 1550-1888*, (New Brunswick, N.J.: Rutgers University Press, 1986), 225. On the variation of the daily sum (*jornal*) due to slave masters in Salvador, see João José Reis, *Slave Rebellion in Brazil: The Muslim Uprising of 1835 in Bahia*, trans. Arthur Brakel (Baltimore: The Johns Hopkins University Press, 1993), 161. For the complaints of physical abuse that Maria Angola brought against França, see Emancipação to 29/9/1855, AN, Diversos SDH - cx. 782 pc. 3.

<sup>45</sup> British Foreign Office officials perceived that the transfer of liberated Africans' services from one hirer to another was common and facilitated their enslavement, for the administrators "lost sight and forgot about them." Hudson to Palmerston, 17/11/1846, FO 84/634. It is likely that some transfers involved a monetary transaction between the parties.

him on his affairs; little did he know that Luiz had a network of West African partners and used his living-out arrangement to vanish into the "black city."<sup>47</sup>

To be free to choose where to live, and when and where to work, and to be able to keep the fruits of their labour was the common objective of most liberated Africans once they had completed their term of service. That they had to wait for their second emancipation to be able to enjoy that freedom speaks to the peculiarity of their situation. The labour arrangements in which the liberated Africans distributed to private hirers could be found were no different from the ones in which masters engaged their slaves in the city of Rio de Janeiro. Liberated Africans in rural occupations most probably worked in the same way slaves did and had the chance to negotiate with their hirers small "privileges" within the system, such as the chance to build small huts where they could live with a partner, or to sell produce from the small plots of land they cultivated. However, they could not leave their hirers' farm without authorisation to do so, and probably did not earn any more compensation for their labour than slaves did.

In the city, too, the labour arrangements existing between hirers and liberated Africans were remarkably similar to those agreed upon by masters and slaves. If compared to the renting out of slaves by masters, the extension of the practice of renting out the services of liberated Africans or of letting them offer their services in the streets of Rio and earn money from their labour shows that the hirers of liberated Africans were not constrained to making "free labour" arrangements. Serving their own hirers as domestic servants, being rented out to third parties, or hiring themselves out and bringing "home" an agreed weekly sum meant that the liberated Africans could not accumulate the fruits of their labour and benefited their hirers instead. Given the complexity of the urban labour market in the first half of the nineteenth century and the fact that labour relations were increasing translated into monetary transactions, to observe that

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<sup>46</sup> She had a two-year-old son named José. Marinha Sunde, Petição de Emancipação, 16/10/1857, AN, GIF1 6D-136.

<sup>47</sup> Luiz Nagô, Petição de Emancipação, setembro de 1856, AN, Diversos SDH - cx. 782 pc. 3. For more on Luiz, Cyro and other "*mina*" Africans, see below.

proportionately few liberated Africans worked in exchange for cash payments and that even fewer were able to keep part of their earnings clearly demonstrates that they did not rank higher than slaves in the labour market.

An examination of the occupations in which liberated Africans were engaged, as compared to those of free and slave persons, also confirms that perception. Of the liberated Africans examined, most appear to have been engaged as domestic servants, an occupation requiring minimal skills which did not offer prospects of self-employment or autonomy after emancipation. Even if some liberated Africans specialised in activities such as cooking, sewing, or washing clothes and could expect to earn money by performing those services, they would share the labour market with slaves and ex-slaves. There were remarkably few liberated Africans who declared themselves to be employed as skilled labourers (most as masons and carpenters), and those also shared the market with slaves. What is particularly interesting is their absence from the mechanical and commerce sectors. I have discovered only one liberated African who was employed in a manufacturing (or rather artisanal) activity, and that was Carlos, who worked in his hirer's small factory for producing feather objects.<sup>48</sup> If one followed the argument proposed by Carlos Lima, that the sector in which one master employed his slaves reflected his own standing in the productive hierarchy, and applied it to the occupations of liberated Africans, it would become clear that the absence of liberated Africans from the mechanical and commerce sectors reflected their hirers concentration in non-productive activities.<sup>49</sup> That the hirers of liberated Africans were predominantly civil or military servants of the imperial government and neither particularly wealthy nor engaged in productive activities has already been shown, and the information on the occupations of the liberated Africans seems to confirm that idea. What did the particular concentration of liberated Africans in domestic and slave-like occupations and their

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<sup>48</sup> José de Moraes Silva, pedido de restituição do Africano livre Carlos, 7/1/1856, AN, Diversos SDH - cx. 782 pc. 2.

<sup>49</sup> Carlos A. M. Lima, "Sobre a lógica e a dinâmica das ocupações escravas na cidade do Rio de Janeiro, 1789-1835," in *Escravidão: Ofícios e Liberdade*, ed. Jorge Prata de Sousa (Rio de Janeiro: Arquivo Público do Estado do Rio de

hirers in non-productive activities mean for the Africans themselves and for Brazilian society?

The concentration of liberated Africans in the same types of occupations performed by slaves clearly demonstrates that, although legally free, they did not enter the labour market as free persons, but rather as new slaves. As new apprentices in their hirers' households, liberated Africans were given the same tasks as new slaves, and eventually settled into the same kinds of occupations and labour arrangements, which varied only according to each African's own merits and skills. They were bound by the same limits as slaves. Had the liberated Africans been treated as free labourers, either they would have been allowed after a few years to move out from those initial occupations and arrangements into others more common to free persons or they would have served as apprentices in skilled trades from the beginning, and in due time would have been allowed to work independently. Instead, liberated Africans were kept in slave occupations and under the same constraints to serve and obey their hirers as slaves had regarding their masters. Labour freedom, they were led to think, would come only when their term of service ended. In the meantime, they served in non-productive activities and supported with their earnings a conservative bureaucratic elite who was building up its domination over the rest of Brazilian society.

To have the liberated Africans kept virtually as slaves by their hirers was not a plan premeditated by any of the imperial administrators but was gradually inscribed in government policy as Africans were increasingly seen as dangerous to the social order because of their potential for resistance and because of the incompatibility of their free status with the slave hierarchy. The option of distributing them to a select group of hirers and of favouring their employment in non-productive activities was, therefore, not only a choice which kept them under strict subordination, but also a refusal to engage them in free, autonomous labour. In this sense, the liberated Africans served as gifts to political allies in exchange for political support, and, in

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Janeiro, 1998), 11-32.

addition, their economic potential as free labourers was "sterilised" and used to reproduce and reinforce the social hierarchy of Brazilian society. In preventing a true experience of free labour and supporting the accumulation of wealth in non-productive sectors, the imperial policy towards liberated African labour showed the "archaic objective" of the Brazilian bureaucratic elite at work.<sup>50</sup>

### Serving the state: confinement and socialisation

The labour experience of the liberated Africans who served in public institutions was different from that of the liberated Africans granted to private hirers, but was also marked by the conservative labour policy of the Brazilian imperial government. Liberated Africans in public institutions did not have the "master" figure of a hirer; instead, they worked under the orders of administrators and overseers who also dealt with slaves and free labourers. Their socialisation was also very different from that experienced by the liberated Africans who were granted alone or in small groups to private hirers: liberated Africans in public institutions often lived and worked with many other liberated Africans, which in some cases facilitated the formation of stable groups and families. In the 1830s, only one-fifth of all the liberated Africans distributed for service by the imperial government were sent to public institutions; in the 1850s all the liberated Africans emancipated in the last years of the slave trade were engaged in public institutions and imperial colonisation projects. The experience of the liberated Africans employed by the imperial government in Rio de Janeiro and in selected imperial ventures in the provinces is addressed in this section and provides a window into the world of state-sponsored coerced labour in nineteenth-century Brazil.

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<sup>50</sup> Fragoso and Florentino studied the investment behaviour of members of the merchant elite at the turn of the nineteenth century and noted, that their tendency to "sterilise" capital in rural activities and in activities involving less risk than commercial or industrial activities reflected their preference for the reproduction of the social hierarchy in Brazil and in Portugal over economic development. Fragoso and Florentino, *O Arcaísmo como Projeto*. The conservatism of the Brazilian political elite in the first half of the nineteenth century is discussed in Ilmar Rohloff Mattos, *O Tempo Saquarema*, (São Paulo: Hucitec, 1987); Carvalho, *A Construção da Ordem; Teatro de Sombras*.

## **Life in the closed confines of public institutions: liberated Africans, state slaves, prisoners, and free labourers**

Liberated Africans could be found in virtually all public institutions linked to the central government and also in many non-governmental institutions such as brotherhoods and other civil societies, from the mid-1830s right up to the mid-1860s. In fact, as the imperial government engaged in new activities and its administration became more complex, it always used liberated African labour. An analysis of the occupations held by liberated Africans and the terms under which they worked offers rare insight into the nature of state labour, and particularly the Brazilian government's labour policy, in the decades when the slave trade came under attack and the discussion about the use of free labour became the order of the day.<sup>51</sup>

In 1840, in an attempt to take stock of the situation of the liberated Africans who had been distributed to public institutions, Minister of Justice Paulino de Abreu asked the Judge of Orphans for a list of the institutions that received liberated Africans, with the number of Africans each one received and information about their fates. The figures he received concerning 961 liberated Africans provide a basis for an understanding of the subject.<sup>52</sup> In August 1840, as the compiled information shows, there were liberated Africans serving in small and large contingents in institutions such as the National Library or the Imperial Gunpowder Factory. There were also many liberated Africans employed in public works under the municipal and provincial administrations. The largest contingent of liberated Africans could be found in the War and Navy Arsenals and in the House of Correction, each of them with more than 100 Africans, while in

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<sup>51</sup> There is no comprehensive analysis of labour in Brazilian public institutions, but separate assessments of individual institutions. See Juvenal Greenhalgh, *O Arsenal de Marinha do Rio de Janeiro na História*, 2 vols, (Rio de Janeiro: Arsenal de Marinha, 1951/1965); Carlos Eugênio Líbano Soares, "Da Presiganga ao Dique: os capoeiras no Arsenal de Marinha," in *A capoeira escrava e outras tradições rebeldes no Rio de Janeiro (1808-1850)* (Campinas: Editora da Unicamp/CECULT, 2001), 247-322; Jorge Luiz Prata Sousa, "Africano livre ficando livre: trabalho, cotidiano e luta" (Doutorado, Universidade de São Paulo, 1999); Jaime Rodrigues, "Ferro, trabalho e conflito: os africanos livres na Fábrica de Ipanema," *História Social*, no. 4-5 (1998): 29-42; Maria Aparecida Silva, "Itapura - Estabelecimento Naval e Colônia Militar (1858-1870)" (Tese de Doutorado em História, Universidade de São Paulo, 1972); Florence, "Resistência Escrava em São Paulo: A luta dos escravos da fábrica de ferro São João de Ipanema, 1828-1842," *Afro-Ásia*, no. 18 (1996): 7-32.

<sup>52</sup> Diocleciano A. C. do Amaral to Paulino Limpo de Abreu, 3/9/1840, AN, Diversos SDH - cx. 782 pc. 1 reproduced in

institutions such as the National Library, the Hospital of the Carmo, and the Pedro II College, there were no more than 10 each. Male liberated Africans represented 92% of those serving public institutions, which meant some of those groups did not have any female liberated Africans.

Although the figures presented in the report relative to the number of liberated Africans who had died by that time are not reliable for comparing the mortality rates of the various stations, they point to the overall high mortality among the liberated Africans serving public institutions. By July 1840, 13% of the liberated Africans sent to public institutions between 1835 and 1839 had died, and among them were proportionately more males than females: 14% of the male and 4% of the female liberated Africans distributed to institutions had died. The disproportion is striking and represents just the tip of the iceberg: further data reveals how harsh was the labour regime in public institutions, particularly for male liberated Africans.

Of the 122 male liberated Africans sent for service in the Navy Arsenal of Rio de Janeiro between 1836 and 1839, 46 had died by the beginning of January 1845. Details about their identities reveal that those who died had all been emancipated from the *Carolina*, the *Ganges*, or the *Diligente* between March and June of 1839, and had served for anywhere between a month and five years. The mortality was higher in their first years: nineteen died in the first year and nine more in the second; overall, 34% of the liberated Africans distributed to the Navy Arsenal between 1836 and 1839 died in the first five years after emancipation.<sup>53</sup> The high mortality of newly arrived Africans in their first years in the country is usually attributed to their "seasoning" process of becoming used to the new conditions of work, new diseases, poor food, and ill treatment.<sup>54</sup> However, if this data from the Navy Arsenal is compared to other data on liberated African mortality, it reveals substantial and until now unexplored differences between the

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Appendix 1, Table 12: Liberated Africans sent to public and non-governmental institutions and to public works.

<sup>53</sup> "Relação dos pretos africanos livres que existem neste Arsenal da Marinha até hoje 14 de dezembro de 1844" and "Relação dos pretos africanos livres que tem falecido neste Arsenal de Marinha desde 15/3/1839 até o presente mês de fevereiro de 1845," attached to Luiz de Assis Mascarenhas to Manoel Antônio Galvão, 30/03/1845, AN, IJ6 523.

<sup>54</sup> Karasch, *Slave Life in Rio de Janeiro*, 96-99.

experiences of liberated Africans working for private hirers and those employed at public institutions. In this new light, the high mortality at the Navy Arsenal provides a bleak picture of the labour conditions in public institutions.

Compiled data on the liberated Africans distributed for service in the 1830s shows that 28.4% of liberated Africans serving public institutions died in the first five years after emancipation, while considerably fewer of those serving private hirers (15%) died in the same period.<sup>55</sup> The disproportion lies particularly in the mortality during the first year after arrival and can be attributed partly to the fact that hirers may have received the liberated Africans who enjoyed better health, and partly to the precarious care for the infirm in the public institutions. While one hirer would probably oversee the care dispensed to the few liberated Africans he or she received, directors of institutions or overseers would not give the same attention to individuals in the groups assigned to them. The heavy work performed by liberated Africans, particularly in the public works, in the road projects, and in the arsenals, was also one possible reason for their high mortality in the first years. Interestingly, the disproportion between the mortality of liberated Africans working for private hirers and public institutions disappears in the period between the sixth and tenth years of service, and favours those in private institutions between the eleventh and fifteenth years of service.<sup>56</sup> Overall, the variation in mortality rates reflects the differences between the lives of liberated Africans in institutions and those serving private hirers; documents from the institutions and the Africans' own petitions provide further details of their labour experience.

The majority of the liberated Africans in the service of the state worked alongside other liberated Africans within the larger group of labourers employed by the institutions. It meant not only that they often spent their terms of service with some of their shipmates, but also that they

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<sup>55</sup> See Appendix 1, Table 15: Terms of service of deceased liberated Africans according to place of work.

<sup>56</sup> For a further discussion of mortality and the different fates of liberated Africans working for hirers and for institutions, see Chapter 5.

had to relate to the other labourers who worked with them: slaves and free persons. In establishments such as the Gunpowder Factory, the Navy and War Arsenals in Rio, or the Ironworks of Ipanema in the province of São Paulo, liberated Africans were part of a complex industrial labour force who produced vital military equipment and supplies for the country and employed not only state slaves and liberated Africans but also Brazilian-born and foreign skilled labourers. The labour arrangements and occupations of the liberated Africans show, however, that they were treated as slaves rather than as free labourers.

In the major public institutions of the Empire, liberated Africans joined existing groups of state slaves. Known as "*escravos da nação*" ("nation slaves"), state slaves had been acquired through purchase, donations, and natural reproduction; they lived and worked in the public establishments of the crown or the imperial state, such as the Santa Cruz Farm, the Navy and War Arsenals of Rio de Janeiro, the Gunpowder Factory, and the Ironworks of Ipanema.<sup>57</sup> Through marriage and the bonds created by their common status, state slaves appeared to have formed stable communities in the institutions they served. They had little access to manumission until the first half of the nineteenth century, particularly because their opportunities to earn cash were limited; in the administrators' attempts to break their bonds and increase their productivity, they were moved from one institution to another quite often. Administrators' reports of "behaviour problems" with nation slaves and complaints about the inefficiency of their labour provide signs of the slaves' daily passive resistance.<sup>58</sup> Their numbers not augmented by the purchase of new Africans, but only by births and the occasional acquisitions of creole slaves, the groups of state slaves tended to age and to decrease in number by natural death from 1830 onwards. The arrival

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<sup>57</sup> Again, there is no comprehensive study of state slaves in the imperial period. References to their existence are scattered in works dealing with public institutions or the crown. See, for example, Greenhalgh, *O Arsenal de Marinha*, 2: 179-185; Lilia Moritz Schwarcz, *As Barbas do Imperador: Pedro II, um monarca nos trópicos*, (São Paulo: Cia. das Letras, 1998), 234.

<sup>58</sup> Nation slaves petitions are presented and discussed in Carlos Eugênio Líbano Soares, "Clamores da escravidão: requerimento dos escravos da nação ao Imperador, 1828," *História Social*, no. 4-5 (1998): 223-228; Florence, "Resistência Escrava em São Paulo.

of the liberated Africans at the institutions, viewed from this perspective, only filled the void left by the deceased and aging state slaves; they supplied labour for the indispensable tasks that required a committed and reliable labour force and that were rejected by free labourers.<sup>59</sup>

Although they sometimes had a special overseer, and their records were often kept in separate registries, liberated Africans usually shared lodging, food, and occupations with slaves. In 1844, in the Navy Arsenal of Rio de Janeiro, a sizeable military complex located on *Ilha das Cobras* ("Snakes' Island") and in adjoining buildings on the shore of the city's harbour, the 61 existing liberated Africans shared their daily lives with 170 state slaves, of whom 110 were adult Africans, 37 were adult creoles, and 18 were children.<sup>60</sup> The Navy Minister's report for that year showed that the largest group of liberated Africans was employed on board the frigate *Cábrea*; others served in the Navy Hospital, on the launches, and at the Arsenal; and a few were employed in the workshops. In all those locations, liberated Africans worked alongside slaves; a sign of their labour engagement lies in the fact that there were proportionally more male slaves than liberated Africans employed in the workshops, that is, engaged in skilled trades. A more detailed account of the occupations of the liberated Africans and the state slaves at the Navy Arsenal was given by the Arsenal's inspector in 1849:

Those staying at the *Cábrea* are employed daily in the various and diverse jobs of that frigate, in the launches and tug boats, in transportation, in lifting and mooring ships and floats; those quartered on board the brig *Imperial Pedro* are employed, some in the workshops, other on the launches, and some with the slave

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<sup>59</sup> The inspector of the Navy Arsenal recommended the purchase of 50 new African oarsmen in 1824 and justified his preference for state slaves instead of hired slaves, not only because the treasury would save the payment of their daily rent, but also because of "the difference between the service of a hired slave (*escravo jornaleiro*) and that of a slave belonging to the public treasury, for the last is always available while the first is only for the hours of the prescribed service." Francisco da Silva Pacheco to Francisco Villela Barboza, 27/12/1824, transcribed in Greenhalgh, *O Arsenal de Marinha*, 2: 170. In 1851, the person holding the same post, in his report to the Navy Minister, acknowledged that liberated Africans performed the heaviest tasks of the Arsenal, for "it was impossible to find free recruits who would subject themselves to such harsh tasks," Greenhalgh, *O Arsenal de Marinha*, 2: 178.

<sup>60</sup> Sousa, "Africano livre ficando livre," 119, from the Relatório do Ministério da Marinha, 1844. The table is transcribed in Appendix 1, Table 16: State slaves and liberated Africans at the Navy Arsenal, 1844, and the percentage of slaves and liberated Africans in each function analysed in Table 17: Distribution of adult male state slaves and liberated Africans in the functions of the Navy Arsenal, 1844.

women in the ordinary cleaning of the Arsenal; while it is from those serving on land that we select those who go to the pen with carts to transport the meat to all the war boats, other transports and unarmed ships, to carry the sick and the dead; and finally, [they are also employed] in running aground ships, launches, antennas, masts, large rods, and [for that] I order them removed from all the workshops ... ever since the galleys who performed these and other heavy labours were removed to the construction of the dike on *Ilha das Cobras*; adding to that the fact that many times these jobs are reinforced by the colonists who are employed as servants in the works of *Ribeira Nova*, where they usually don't stay.<sup>61</sup>

According to the Arsenal's inspector, therefore, liberated Africans and nation slaves were employed in the heavy work of assisting the ships' operations and for menial tasks such as cleaning and carrying the sick and the dead. Liberated Africans, state slaves, and galley prisoners performed in the Navy Arsenal all the services that were refused by free persons.<sup>62</sup> The inspector explained that liberated Africans and slaves were removed from the workshops whenever they were needed for simpler tasks, demonstrating how fundamental their manpower was and how unimportant and dispensable their labour training was regarded by the administration.

Slaves and liberated Africans received the same compensation for their labour: food and clothing. In the budget for slaves and liberated Africans, the Navy Arsenal had provisions for the men's clothing (they received two shirts, two pairs of trousers, and one coat twice a year, plus one cover and one hat every year) and for daily payments of 140 réis for every adult and 110 réis for every labouring child. It was from the money of their daily payments (which apparently did not reach the labourers) that the slaves and liberated Africans' food was purchased by the Arsenal. According to the inspector, they were served three meals daily: dried meat and manioc flour porridge at lunch, beans with meat and pork fat at dinner, and rice with pork fat at night. Women's and children's clothing, medicine, or special chicken meals for pregnant women were

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<sup>61</sup> Greenhalgh, *O Arsenal de Marinha*, 2: 177-8.

<sup>62</sup> Galley prisoners (*galés*) had been condemned to serve in public works with their legs permanently chained. It was the second worst punishment listed in the Criminal Code, after the death sentence. Thomas H. Holloway, *Policing Rio de Janeiro: Repression and Resistance in a 19th-century City*, (Stanford: Stanford University Press, 1993).

not in the budget but were bought with leftover money.<sup>63</sup>

There can be no doubt that the liberated Africans received the same treatment as the slaves in the Navy Arsenal: not only did they perform the same functions and receive the same food and clothing, but they also received (or failed to receive) the same amount for their services. The chronic need for labourers felt throughout the first half of the nineteenth century at the Arsenal had led to different solutions for the performance of many of its functions: For example, the recruiting of native Indians, free unemployed labourers, and prisoners or the hiring of private slaves. Instead of receiving training to perform skilled functions, which would allow them greater autonomy, liberated Africans were employed among those involuntary labourers. Skilled labourers were in high demand both in the public and private sectors. Several sections of the Navy Arsenal employed free labourers, and their payment varied according to their level of specialisation. While an experienced *torneiro de ferro* (wheeler?) was employed in 1843 for the daily sum of 4\$000 réis, in the late 1840s, colonists from the Azores were engaged as oarsmen and servants for the monthly sum of 8\$000 to 10\$000 réis plus food in their first year of contract. For practically the same type of service performed by the liberated Africans, the Azorean colonists received in the first year of their contract twice the amount paid to the Africans, and probably more in the following years, which clearly proves that the liberated Africans were treated not as free but as involuntary labourers.<sup>64</sup>

That the labour regime in the public institutions was more rigid than the one practised by private hirers is clear from various sources. Liberated Africans who had become insubordinate and refused to obey their hirers' orders were often transferred to institutions where, it was expected, they would be subjected to stricter discipline. That was the case of Maria Benguela,

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<sup>63</sup> Inspector Antônio Pedro de Carvalho to Minister of the Navy, 19/10/1844, in *Relatório do Ministro da Marinha*, 1844, cited in Sousa, "Africano livre ficando livre," 121.

<sup>64</sup> Greenhalgh, *O Arsenal de Marinha*, 2: 174. It is possible that these Azorean colonists were the ones mentioned previously as being employed in the works of the *Ribeira Nova* and recruited by the inspector to perform the hard work alongside liberated Africans and slaves.

who, according to hirer João de Almeida Brito, "was unworthy of being in a respectable home" and was moved to the House of Correction "for the sake of improving her conduct."<sup>65</sup> In many institutions, liberated Africans and other workers were subject to military discipline, which limited their spatial mobility: they needed special authorisation to leave the institutions and were punished for disobeying their overseers. Those seen as "unfit" were never authorised to circulate freely in the city: Firmina Benguela did not leave the House of Correction for four years because, according to the director, "she had given herself in to the vice of drunkenness."<sup>66</sup> Moreover, liberated Africans in the service of public institutions had less chance than others to accumulate cash, for not only did they receive little or no pay for their labour, but they could work outside the institutions only on Sundays and holidays.<sup>67</sup> In fact, the rigorous regime of the public institutions must have given liberated Africans the impression that there was no way out, for not only was emancipation a dim perspective, but running away also rarely guaranteed freedom for long: of the 29 liberated Africans reported as runaways in 1865, only one belonged to a public institution, and that was Ambrósio Benguela, who ran away from the works at the House of Correction in 1837, three years after being emancipated from the *Duquesa de Bragança*.<sup>68</sup>

What explains the fact that liberated Africans were kept as involuntary workers in public institutions by the same administration that should have fostered their treatment as free labourers? What may have been justified in the beginning by the newly arrived Africans' need for protection

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<sup>65</sup> João de Almeida Brito, Pedido de exoneração de responsabilidade sobre Maria, 25/10/1856, AN, Diversos SDH - cx. 782 pc. 2. Even if she had been serving for the previous 16 years since her emancipation from the *Paquete de Benguela*, the director of the House of Correction did not recommend her final emancipation, feeling that her presence in the institution benefited "public morality." Maria Benguela, Petição de emancipação, 24/12/1856, AN, Diversos SDH - cx. 782 pc. 2.

<sup>66</sup> Firmina Benguela, Petição de emancipação, 07/03/1862, AN, GIF1 5E-130.

<sup>67</sup> The director of the House of Correction reported that the liberated Africans in the service of that institution had the authorisation to work for private persons on Sundays and holidays, and that they kept the money they earned from this extra labour; Carlos Honório Figueiredo to Luís Antônio Barbosa, 4/07/1853, AN, IJ6 523. In 1861, the Police Corps commander offered gratuities for labourers who would work on holidays planting grass on the headquarter's grounds. The director of the House of Correction offered the services of galley prisoners on weekdays or the voluntary service of liberated Africans on Sundays. Justiça to Comandante Geral do Corpo Policial da Corte, 19/8/1861, AN, IJ6 15.

<sup>68</sup> See Appendix 1, Table 13: Liberated Africans' fates according to place of work.

and guidance during a period of adaptation soon took the shape of a permanent indenture. Liberated Africans not only did not collect compensation for their labour, but they were also not allowed to leave the institutions and choose other occupations and employers. The fact that the Brazilian imperial government kept liberated Africans under strict control and employed them in various government projects could have been a response to the lack of free labourers in the market. However, the influx of a significant mass of free immigrants, particularly Portuguese, starting in the second quarter of the century, challenges the argument that the continued coercion exerted over liberated Africans was due to the lack of voluntary labourers. Indenture contracts with Portuguese as well as with other foreign colonists on plantations and in the city became more common than ever in the 1840s. It has been argued that the income of Portuguese labourers into Rio de Janeiro drove wages down and induced the sale of slaves away from the city, where they could be more profitably worked and more efficiently controlled.<sup>69</sup> The coercion of liberated Africans was not to be attributed to the lack of free labourers in the market; instead, it could be related to the imperial government's continued need for coerced labourers for public works and frontier projects and to the perceived need to keep the liberated Africans under strict control, independently of their labour value. The Brazilian government's labour policy towards the liberated Africans in the 1850s and 1860s reinforces this interpretation.

### **Liberated Africans as labourers on the Brazilian frontier in the 1850s and 1860s**

After 1850, liberated Africans were no longer distributed for service among private hirers; instead, the imperial government had them all distributed among public institutions and frontier projects. Given that private hirers had treated them as slaves and engaged a great number of them to hire themselves out in the streets of Rio, and that in public institutions they had also been

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<sup>69</sup> Luiz Felipe de Alencastro, "Proletários e Escravos"; Rosana Barbosa Nunes, "Portuguese migration to Rio de Janeiro, 1822-1850," *The Americas* 57, no. 1 (2000): 37-61. In the Navy Arsenal there were Chinese and Portuguese indentured labourers. Greenhalgh, *O Arsenal de Marinha*, 2: 155.

treated as slaves but kept under strict control, the choice in the 1850s to keep all liberated Africans under government control reflected the imperial administrators' rejection of any liberated African autonomy. The government had the choice, in 1850, of adopting labour arrangements with liberated Africans that were different from the ones previously practised. The changes it actually adopted, however, showed that the use of liberated African labour was governed by the need for coerced labourers as well as the concern about social control.

The newly arrived Africans kept in Rio de Janeiro were assigned by the Ministry of Justice to serve at various old and new institutions that required unskilled labourers. There, they mingled with many liberated Africans who had worked beyond the prescribed 14-year term of service. Emperor D. Pedro II, in his administrative visits to public institutions in 1862, reported in his diary having encountered liberated Africans in the Weapons' Factory of Conceição, in the public cemetery, in the National Typography, in the House of Correction, in the Santa Cruz Fortress, and in the department of public works.<sup>70</sup> He attested to the poor conditions under which they lived and worked; he also noticed that most liberated Africans had completed their terms of service and should have been emancipated by then. The Emperor reported an administrative crisis at the House of Correction in early September 1862, during which there were rumours of a workers' rising; he noticed that "insubordination was pervasive."<sup>71</sup> He was absolutely correct: liberated Africans working for public institutions were growing increasingly restless after having completed their terms of service and noticing that other liberated Africans were emancipated; the records of their assignments to different institutions and return to the House of Correction attest to the difficulty of maintaining their obedience.<sup>72</sup> It is not surprising that the imperial government

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<sup>70</sup> Begonha Bediaga, *Diário do Imperador D. Pedro II* [CD-Rom] (Museu Imperial, 1999), entries for 3/1/1862, 13/2/1862, 9/6/1862, 23/6/1862, 1/8/1862, 5/9/1862 and 15/12/1862. One could hardly find a public institution where liberated Africans were not employed. There were liberated Africans, too, at the National Art Academy, at the Military Hospital, at the Navy Hospital Santa Isabel, at the Military School, at the Astronomic Observatory, at the Institute for the Blind, at the Medical School, at the Telegraph, and even at the National Archives.

<sup>71</sup> In his words, "*lavra muita insubordinação.*" Bediaga, *Diário do Imperador*, entry for 5/9/1862.

<sup>72</sup> Institutions returned the liberated Africans to the House of Correction complaining that they refused, sometimes

had found in the practice of sending liberated Africans away from Rio de Janeiro the solution to many of its problems with them.

Approximately one-third of the Africans recaptured in and around Rio de Janeiro during the Brazilian government's repression of the illegal slave trade in the early 1850s were sent to the provinces.<sup>73</sup> They were joined, years later, by groups of liberated Africans who had served their 14-year terms and were sent away from the imperial capital after receiving emancipation. The new solution adopted by the imperial government to employ liberated Africans away from Rio de Janeiro served both its social control policy and its frontier development projects. The category of liberated Africans served as a contingent of mobile coerced labourers engaged in countless development projects across the country. The concern about their individual apprenticeships contained in the earlier legislation had gradually disappeared from the government's handling of the group.

The idea of sending liberated Africans to the frontier may have come from the Baron of Antonina, a powerful cattle merchant and later senator for the province of Paraná, who was engaged in promoting the exploration of "new" territories and the opening of a road linking São Paulo to the western province of Mato Grosso through the plains of Paraná. The venture, authorised and supervised by the Ministry of the Interior, comprised exploration, contact with natives, and the foundation of outposts at regular intervals. The most important of such settlements were to be the Military Colony of Jataí and the adjoining Indian settlement of São Pedro de Alcântara, located on the Tibagy River.<sup>74</sup> The Baron of Antonina received in 1851 the

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violently, to behave; on liberated African resistance, see below.

<sup>73</sup> This estimate is based on information on the "shipment" of liberated Africans to the provinces contained in the Ministry of Justice correspondence, and on the estimate given by the Navy Auditor of the number of Africans apprehended and emancipated by his jurisdiction.

<sup>74</sup> For more on the Baron's biography and explorations, see Maria Cristina Wissenbach, "Desbravamento e catequese na constituição da nacionalidade brasileira: as expedições do Barão de Antonina no Brasil meridional," *Revista Brasileira de História* 15, no. 30 (1995): 137-155; and Lúcio Tadeu Mota, *As colônias indígenas no Paraná provincial*, (Curitiba: Aos Quatro Ventos, 2000), 6 n. 9; the legislation regulating the foundation of those Indian settlements has been reprinted in Manuela Carneiro da Cunha, ed., *Legislação indigenista no século XIX* (São Paulo:

concession of 61 liberated Africans from the House of Correction, and six others from the Iron Foundry of Ipanema to be engaged in this project. In 1854, he received 18 others from Ipanema. Presumably, they were employed in the hard labour of road opening and in the provision of the auxiliary services necessary to the settler outposts. Years later, in 1864, in the thriving Indian settlement of São Pedro de Alcântara, there were 43 liberated Africans working alongside 600 natives (*Cayuás* and *Coroados*) and 60 whites. They harvested corn, beans, rice, and sugar cane and produced sugar and *aguardente*.<sup>75</sup>

Many of the imperial government's colonisation plans in the southwest relied on liberated African labour. According to the regulations for the Indian settlements of Paraná and Mato Grosso issued in 1857, liberated Africans from the military colony of Jataí and the Indian settlement of São Pedro de Alcântara were to take part in the founding of seven other such settlements, further west.<sup>76</sup> Another large contingent of liberated Africans was to be engaged in a separate venture aimed at establishing communication with Mato Grosso: the opening of an inland road in the western part of the province of São Paulo and the foundation of the military colony of Itapura, on the Tietê River. Between 1858 and 1861, liberated Africans and state slaves were transferred with their families from the Iron Foundry of Ipanema, in Sorocaba, to the military colony of Itapura. There, under the auspices of the Ministry of the Navy, they worked in the establishment and maintenance of the frontier outpost from which navigation to Mato Grosso was tested and where new roads were opened.<sup>77</sup>

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Edusp, 1992), 206-9.

<sup>75</sup> "Lista dos Africanos livres entregues ao Barão de Antonina para serem empregados na estrada de São Paulo para o Mato Grosso em 12/02/1851 e 6/3/1851," attached to Correção to Justiça, 28/07/1864, AN, IJ6 468; "Relação dos AL e escravos entregues ao Barão de Antonina por intermédio do seu procurador Vicente Roiz de Carvalho, conforme as ordens do Exmo governo da Província," in "Mappa dos escravos e Africanos livres existentes na Fábrica d'Ypanema" and "Quadro da actual distribuição do serviço", 30/10/1854, AESP, lata 5216; Feliciano Nepomuceno Prates to Francisco Ignácio Marcondes Homem de Mello, 6/6/1864, AESP, lata 5216; Mota, *As colônias indígenas*, 69-79.

<sup>76</sup> Carneiro da Cunha, ed., *Legislação indigenista*, 241.

<sup>77</sup> See *Relatório do Ministro da Marinha* for 1859, 1860, 1861, 1862 under "Estabelecimento Naval de Itapura"; Camillo de Lellis e Silva to José Joaquim Fernandes (President of the Province of São Paulo) Torres, 16/7/1858,

Liberated Africans were also sent, through the orders of the imperial government, to the northern frontier. In 1856, 25 liberated Africans from the captured ship *Mary E. Smith* were sent to Amazonas from Bahia, and 12 others were sent from Pernambuco (possibly from those captured at Serinhaém) to be engaged in the colonies of the Company for Steam Navigation of the Amazon. Six others were sent later for that same purpose.<sup>78</sup> In addition to newly-arrived Africans, time-expired, or "emancipated Africans," were sent from Rio de Janeiro to the provinces of Amazonas and Pará to serve at the military colony of Óbidos, at the Navy Arsenal, or in public works; a significant number of them ended up engaged to private hirers.<sup>79</sup>

The experience of André Lualle and Honorata Benguella can serve as an example of the lives of liberated Africans on the frontier.<sup>80</sup> In 1864, the two were listed as a married couple, André and Honorata Pirataca, in the documentation of the military colony of Itapura, on the frontier between São Paulo and Mato Grosso. André was engaged in the opening and maintenance of the road to Avanhandava, and Honorata worked as a washerwoman. He was 46 and she was over 60 years of age. Honorata had two daughters: Marciana was 20 and single, and made tallow candles; and Maria do Rosário was 25, married to Cantidiano Lualle, and worked in the field. Her two daughters had been born when Honorata served at the Iron Foundry of Ipanema. Honorata had been emancipated from the *Orion*, in January 1836, and had arrived in

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AESP, lata 268 n. 1063; Relação dos escravos e AL escolhidos em Ypanema os quais já se acham em Santos e que tem de seguirem para Mato Grosso, 24/7/1860, AESP, lata 5216; and also Silva, "Itapura - Estabelecimento Naval e Colônia Militar."

<sup>78</sup> Bahia to Justiça, 30/07/1864, AN, IJ6 469; Pernambuco to Justiça, 5/8/1864, AN, IJ6 469.

<sup>79</sup> Justiça to Ministério da Agricultura, 12/9/1861, AN, IJ6 15; Francisco de Paula de Negreiros Sayão Lobato to José Joaquim de Siqueira, 18/09/1861, AN, IJ6 468; Correção to Justiça, 27/6/1864, AN, IJ6 469. A list of liberated (and "emancipated") Africans in Amazonas in 1864, containing their occupations, dates of arrival in the province, and notes on their behaviour is attached to Adolpho de B. C. de A. Sousa to Zacarias Gois e Vasconcellos, 29/7/1864, AN, IJ6 469. On the Africans transferred to Amazonas and Pará, see chapter 5.

<sup>80</sup> The following description comes from a combination of different sources, from emancipation records to listings produced in Ipanema and Itapura. See Zacharias Góes e Vasconcellos to Juiz de Órfãos, 25/06/1864, AN, IJ6 16; Relação nominal dos Africanos livres, maiores e menores, extrahida do livro de matrícula dos mesmos, organizada em julho de 1849, declarando os que actualmente existem nesta Fábrica, os que tiverão destinos e os que falleceram, 27/10/1851, AESP, lata 5216; Silva, "Itapura - Estabelecimento Naval e Colônia Militar," 105; List of Africans emancipated from the *Orion*, AN, Cód.184 vol. 3.

Ipanema in early April, with at least 20 of her shipmates. In Ipanema, she had worked in the field, probably cultivating the factory's grounds, possibly raising animals. All the other women in Ipanema, except for Joaquina who was the factory's cook, worked in the field as well.<sup>81</sup> André had also come to Itapura after having served in Ipanema. André had probably been emancipated from the *Subtil* in July 1845 and had arrived in Ipanema in the following month, with a group of at least 40 of his shipmates. In 1854, the Iron Foundry of Ipanema had 155 nation slaves and 133 liberated Africans in its service, and engaged free labourers for many of its functions, specialised or not.<sup>82</sup> Proportionally more slaves than liberated Africans were engaged in skilled occupations, and that distribution was attributed by director Raposo to the fact that the slaves in Ipanema "are the most intelligent and practical in those occupations [the internal, specialised functions at the factory], for they had been trained to perform them ever since their childhood, as children of the institution that they are."<sup>83</sup>

André and Honorata had served their terms in Ipanema amidst a large group of other liberated Africans and an established community of state slaves. They had been among the first to be recruited for the new imperial venture, projected to "establish direct communications through the interior of the country with the province of Mato Grosso."<sup>84</sup> Honorata, her two daughters, and

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<sup>81</sup> Elsewhere, in plantations and in other rural activities, women were also predominantly field hands. At the foundry, their engagement in field work can be attributed to the fact that most were of childbearing age and could not be expected (or relied upon) to perform industrial tasks; in November 1854, among the 60 women (slaves and liberated Africans), eleven were breastfeeding and four were awaiting delivery. Francisco Antonio Raposo to José Antônio Saraiva, 30/10/1854, AESP, lata 5216. See Appendix 1, Table 18: Active and inactive labourers in the Iron Foundry of Ipanema, 1854, and Table 19: Occupations of active slaves and liberated Africans at the Iron Foundry of Ipanema, 1854.

<sup>82</sup> See "Mappa dos escravos e Africanos livres existentes na Fábrica d'Ypanema" and "Quadro da actual distribuição do serviço", 30/10/1854, AESP, lata 5216. One of the many free labourers in Ipanema, German miner William Seibel, was engaged for 5 years at the yearly salary of 280\$000 réis, but his function was not essential, according to director Jardim, for "the minerals could be found above the ground and the slaves themselves could distinguish them." The factory also contracted the services of carters to transport the coal whenever it was needed. They were free persons, locals from the region, who, during their engagement for a small yearly salary, enjoyed the benefit of being exempt from service in the National Guard. Ricardo Gomes Jardim to Vicente Pires da Motta, 15/03/1849, lata 5216, AESP; Francisco Antonio Raposo to José Silva Saraiva, 31/10/1854, AESP, lata 5216.

<sup>83</sup> Francisco Antonio Raposo to José Antônio Saraiva, 30/10/1854, lata 5216, AESP.

<sup>84</sup> "Viagem de exploração aos Rios Iguatemy, Escopil e Ivinheima," attached to Relatório do Ministério da Marinha, 1862.

André had left Ipanema in mid-1858, along with 28 other liberated Africans and a number of slaves. They had all been carefully chosen for their age and strength for the pioneering work in the opening up of a road further west and in the founding of the projected "colony and military establishment" of Itapura.<sup>85</sup> In the following years, lured by the promise of an independent peasant life, more liberated African families accepted their transfer from Ipanema to Itapura. However, they continued to be employed as compulsory labourers in the essential functions of the colony: the maintenance of the road that linked Avanhandava to Itapura and the cultivation of food. In 1864, when Honorata and André were finally emancipated by an order of the Ministry of Justice along with 70 other liberated Africans from Itapura, they had been serving the imperial government for 28 and 19 years, respectively. The liberated Africans had been formed into the "Labour Corps of Itapura" in the previous year and had been promised the same treatment as third class colonists, including the grant of a plot of land, but they did not see those promises fulfilled.<sup>86</sup> Their work had fostered the settlement of small proprietors along the Avanhandava road and had initiated contact with the Native Indian tribes that would soon be expelled by the expansion of white settlement.<sup>87</sup> However, the liberated Africans left Itapura after emancipation without reaping the benefits of their own labour.<sup>88</sup>

Liberated Africans in the service of the imperial government in frontier projects had a very distinctive labour experience, possibly the harshest of all. They had virtually no mobility. The work in which they were engaged did not show any intention on the part of the government

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<sup>85</sup> Camillo de Lellis e Silva to Jose Joaquim Fernandes Torres, 16/7/1858, lata 268 n. 1063, AESP; Camillo Lellis e Silva to Jose Joaquim Fernandes Torres, 13/8/1858, lata 268 n. 1063, AESP.

<sup>86</sup> Silva, "Itapura - Estabelecimento Naval e Colônia Militar," 102-107. British consul William Christie criticised the continuous engagement of liberated Africans emancipated by the mixed commission court and the imposition, by the regulation of the corps, of six more years of compulsory service. For the diplomatic exchange regarding the Africans at Itapura, see UK, "Correspondence respecting liberated slaves in Brazil, PP LXXIII (1863), and below, chapter 4.

<sup>87</sup> "Viagem de exploração," 1.

<sup>88</sup> The liberated Africans left Itapura towards the capital of the province to receive their letters from the Judge of Orphans. In 1872 there were 22 "African" families in Itapura and 9 in Ipanema. For a long time, those considered "Africans" included the liberated Africans themselves, plus their children and grandchildren. Silva, "Itapura - Estabelecimento Naval e Colônia Militar," 108.

to train them for skilled occupations or for autonomous labour. In fact, the transfer of liberated Africans away from Rio de Janeiro and their continuous engagement as servants or as involuntary labourers in military colonies, Indian settlements, public works, and arsenals demonstrated the imperial government's disposition to optimise the use of that pool of involuntary labourers in its service by employing them in some of the major imperial ventures of the time. Given the economic boom of the 1850s and early 1860s and the imperial government's commitment to economic development in the form of subsidies, political support, or direct involvement, it would be fair to say that the involuntary labour of liberated Africans greatly contributed to the country's economic development during those decades.<sup>89</sup> Moreover, the transfer of liberated Africans to the frontier reinforced the unwritten policy that they should be kept in subordination and under close government control, preferably away from the imperial capital.<sup>90</sup> Taken as a whole, the labour experience of the liberated Africans in Brazil from the 1820s to the 1860s represented one particular form of involuntary labour within the range of labour relations existing in the country during that period.

### Of subjugation and involuntary labour: liberated Africans and the imperial government's labour policy

There is little doubt that the terms of engagement under which liberated Africans worked could not be classified as "free labour." However, it was not slavery either, at least in legal terms. The liberated Africans' case fits into the large spectrum of compulsory labour relations that coexisted with slavery in nineteenth-century Brazil. An examination of the way in which the liberated Africans themselves interpreted and reacted to their situation raises questions that help to explain

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<sup>89</sup> Caio Prado Jr., *História Econômica do Brasil*, 37 ed., (São Paulo: Brasiliense, 1970 [1945]), chapter 20; Tamás Szmrecsányi and José Roberto do Amaral Lapa, eds., *História Econômica da Independência e do Império* (São Paulo: Hucitec/Fapesp, 1996).

<sup>90</sup> Since there were no economic factors pushing liberated Africans from the city or pulling them towards the interior, it can be assumed that the government was driven by its concern with social control. This conclusion reinforces Sidney Chalhoub's argument that the expansion of slave autonomy and frequent acts of slave resistance influenced masters in selling their slaves away from Rio de Janeiro; Sidney Chalhoub, *Visões da Liberdade: uma história das últimas décadas da escravidão na Corte*, (São Paulo: Companhia das Letras, 1990).

their peculiar condition. If compared to the experience of other groups of voluntary and involuntary labourers, that of the liberated Africans reveals the limits of the imperial government's commitment to free labour.

Liberated Africans' petitions for emancipation, exceptional collective petitions to their Curators or to judges of orphans, Ministry of Justice correspondence with the director of the House of Correction and hirer's petitions "giving up" the services of liberated Africans are the best sources of verification of the Africans' opinions about their terms of service and their reactions to the way they were treated by hirers and by overseers in the public institutions. From the ceremony in which they were named, baptised, and emancipated, they had retained the idea that they were free and that they had to serve for 14 years before receiving their "complete freedom." Yet everywhere they worked with slaves and were treated as if they were slaves themselves. Liberated African reaction to their condition, therefore, often combined the awareness of their legal status with the use of the slaves' code of resistance and negotiation.

Cases of liberated Africans who complained about what they thought was "unfair" treatment on the part of their hirers have already been discussed here. Dionísia Benguela, the washerwoman who was forced to work on rainy days or when she was sick, complained that her hirer did not even feed or clothe her. João Benguela decided to gather his mates and appeal to the Judge of Orphans when his hirer wanted to raise his *jornal* and threatened to sell him to São Paulo. Maria complained to Curator Figueiredo that the people who rented her services "did not distinguish her condition or type of work." In those cases, as in countless others, liberated Africans used the same codes slaves used to judge their condition. Masters were expected to feed, clothe, and care for the health of their slaves; hirers were expected to do the same with the liberated Africans under their care. The type of working arrangement under which slaves or liberated Africans would be engaged depended on a mutual agreement, and slaves or liberated Africans reacted if any changes were made without their consent. Slaves tried to interfere with

their sale; liberated Africans tried to interfere with their transfers between hirers, and to or between institutions. They knew they were not supposed to be sold.<sup>91</sup> The clearest proof that many liberated Africans lived by the slave code was that they associated their final emancipation with manumission. Plácido Cabinda, for example, earned *jornal* as a bricklayer and believed in his hirer's promise that she would free him when she died.<sup>92</sup> Beliza, from the Gunpowder Factory, asked for her emancipation and offered to give a slave to take her place, or to pay the sum corresponding to her value.<sup>93</sup> Custódia Rebola, too, offered to pay the sum corresponding to the time she had left to serve.<sup>94</sup>

The fact that they were not private slaves but rather freedpersons under the custody of the imperial government put the liberated Africans in an awkward situation. Liberated Africans serving public institutions were subject to the orders of people in different administrative levels, none of them authorised to decide on exceptional matters before input from the Ministry of Justice. The course of Anastácio Abondo's petition for authorisation to marry Eufrásia Ganguella is illustrative. Both liberated Africans served at the Lepers' Hospital in Rio, and Anastácio's petition was examined and judged not only by the administrator of the hospital, but also by an official in the police department, by the Judge of Orphans, and by an official at the Ministry of Justice. Opposition was raised against the marriage, for it could stir up problems with the other Africans serving at the hospital and because there were no accommodations for them to live as a couple there. It was only because the Judge of Orphans and the ministry's clerk preferred to support the marital engagement of the two liberated Africans for moral reasons that the couple's

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<sup>91</sup> It did not prevent some hirers from doing that, which left the liberated Africans with the burden of reaching out to the right government officials and complaining. This situation happened to many liberated Africans, including Lázaro Mina, who was arrested in Rio de Janeiro after running away from his "owner" in Lorena, in the province of São Paulo. Diogo A. Feijó to Juiz de Paz da Freguesia da Candelária, 16/3/1832, Regimentos e Avisos da Secretaria de Estado e Negócios da Justiça, in Jorge Caldeira, ed., *Diogo Antônio Feijó* (Rio de Janeiro: Ed. 34, 1999), 251. It was the Curator of liberated Africans who defended them in court when that happened. Luiz de Assis Mascarenhas to Paulino Limpo de Abreu, 8/10/1845, AN, IJ6 523.

<sup>92</sup> Plácido Cabinda, Petição de emancipação, 9/11/1856, AN, Diversos SDH - cx. 782 pc. 3.

<sup>93</sup> Beliza, Petição de Emancipação, 04/1856, AN, Diversos SDH - cx. 782 pc. 2-3.

plans received official sanction.<sup>95</sup> Any other demand pertaining to liberated Africans in public institutions was likely to be taken through the same bureaucratic steps.

Liberated Africans serving private hirers, on the other hand, were almost exclusively dependent on their hirers' decisions. Government officials interfered as little as possible in the relationship between hirers and liberated Africans in order to avoid weakening the hirers' power over the Africans. That was particularly true in the 1830s and 1840s, when the social tension justified tight control over slaves and freedpersons alike. The cases of the two liberated Africans who sought refuge at the House of Correction in early November 1836 are typical. An eleven or twelve-year old girl, Rosa was the only servant in Manoel José Simões' house. She was verbally and physically abused for falling behind in the many tasks she was assigned by Simões' wife, and ran away, expecting protection from government authorities. Rosa was so adamantly opposed to returning to her hirer that she attempted suicide by jumping into a well at the House of Correction. The Curator of liberated Africans, the person responsible for preventing hirers' abuses and for guaranteeing the liberated Africans' well being, made the following suggestion after assessing the case:

I think she absolutely must be returned to the custody of her hirer, so that her behaviour does not become a precedent for serious abuses on the part of others. Nevertheless, in order to keep her in some degree of subjugation, her hirer should employ some docility, and he should have his wife assign the girl a less heavy burden of labour. If then she does not submit, I recommend that she be turned over to the authorities so that strong and exemplary punishment might be applied.<sup>96</sup>

As the Curator himself made clear, the problem in accepting Rosa's complaints against her hirers lay in establishing a precedent for other liberated Africans who would look for protection from

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<sup>94</sup> Custódia Rebolo, Petição de emancipação, 6/7/1856, AN, Diversos SDH - cx. 782 pc. 3.

<sup>95</sup> The case revealed that male and female wards in the Lepers' Hospital were separated by iron bars (or gates?) which were locked at dusk, and that liberated African men and women were locked in with the inmates in the separate wards. Anastácio Abondo, Pedido de permissão para casar-se com Eufrásia Ganguela, 08/1862, AN, IJ6 468.

<sup>96</sup> The discussion of Rosa's case is in Holloway, *Policing Rio de Janeiro*, 117-120, and the Curator's recommendations are quoted from there, substituting "hirer" for "renter" in Holloway's translation of *arrematante*.

the imperial government whenever they had problems with their hirers. Instead, he expected hirers to be able to keep liberated Africans in subjugation and resort to the government only in case of extreme need. He adopted the same principle when he rejected Agapito's complaint that his hirer, Agostinho Feliciano, made him work on Sundays and holidays, fed him poorly and late in the day, and did not pay him for his services. The Curator sent the liberated African back to his hirer and recommended some punishment so that he would learn not to run away and not to complain about his situation, "for eating late and inferior bread is not the same as not eating and being ill-treated."<sup>97</sup> For the imperial government, the priority in the handling of liberated Africans was to keep them under subjugation and not to defend their rights as freedpersons.

Every attempt by liberated Africans to assert their different status was repressed as "insubordination." Some cases were dealt with as part of the daily problem with discipline, such as that of Jacinto, who served at the House of Correction and, reprimanded by the overseer of liberated Africans for speaking to him without removing his hat, responded by saying "he would not doff his hat to the emperor himself, much less to an overseer." The next day, when he was to receive punishment for his insult in the form of a few strokes of the *palmatória*, Jacinto refused to submit to it and attacked the overseer with a knife. Five people were needed to contain and disarm him. Jacinto was then charged with attempted murder and held at the Aljube prison to await trial, for the government authorities thought it necessary to make an example of him for the other liberated Africans at the House of Correction, who should "be kept under all discipline and respect."<sup>98</sup> Other complaints were formal and addressed to the Curator of liberated Africans, to judges of orphans, or to senior administrators. In those cases, the liberated Africans stressed their free status, demanded better treatment, or complained that their term of service had expired. Still,

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<sup>97</sup> Holloway, *Policing Rio de Janeiro*, 119.

<sup>98</sup> The case, from January 1845, was discussed in Holloway, *Policing Rio de Janeiro*, 215, which is also the source of the quotes. Apparently Jacinto received his final letter of emancipation from the Judge of Orphans, so that he could stand trial "as a free man rather than as a legal ward of the state." If the "insolent" Jacinto was the one Jacinto Benguela, from the shipment of the *Duquesa de Bragança* existing at the House of Correction in 1845, he had served for 10 years already, see AN, IJ6 471.

their acts were considered "insubordination." The best documented case of the liberated Africans' formal struggle to have their rights enforced is that of a group of Mina (West-African) men who served their first 14 years at the Navy Arsenal in Bahia. When they complained to the president of the province of Bahia that their terms of service had been completed and demanded their final emancipation, they were transferred to Rio de Janeiro. Some of them were taken to the Iron Foundry of Ipanema, where, within a month of their arrival, they presented a petition to the local judge in the nearest city. In truncated but emphatic wording, the Mina liberated Africans made clear that they knew they were free, that they had already completed the agreed upon period of service, and that they would no longer submit to the conditions under which they were held. Once more, the reaction, in the name of "order and subordination," was to remove them from the group of liberated Africans in which they could instill undesirable ideas, and send them elsewhere.<sup>99</sup>

The records of the Ministry of Justice show signs of increasing restlessness among liberated Africans serving private hirers or public institutions after the late 1840s. Hirers "gave up" the services of liberated Africans who had become "insubordinate," "violent," "insolent," or "unworthy to serve in a private home." The Africans were then transferred to the service of public institutions. Administrators of the public stations or institutions returned to the House of Correction the Africans who, like Evaristo Mina, "infused [ideas of] insubordination into his mates" and had to be "closely watched," a difficult task in the Public Lighting service where he worked.<sup>100</sup> The House of Correction in Rio de Janeiro also received liberated Africans who were deemed "incorrigible" in their own provinces, who then joined the number of Africans whom the administrators had difficulty in controlling.<sup>101</sup> The liberated Africans were constantly shifted from

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<sup>99</sup> The complaint the "Mina" liberated Africans took to the Judge of Orphans in Sorocaba in 1849 has been transcribed and discussed in Rodrigues, "Ferro, trabalho e conflito"; the trajectory of those liberated Africans, from Bahia to Rio de Janeiro, and their relentless struggle for their rights has been addressed in Beatriz Gallotti Mamigonian, "Do que 'o preto mina' é capaz: etnia e resistência entre africanos livres," *Afro-Ásia* 24 (2000): 71-95.

<sup>100</sup> Iluminação Pública to Justiça, 21/10/1850, 4/1/1851, AN, IJ6 469.

<sup>101</sup> Justiça to Presidente da Província da Bahia, 3/10/1861, AN, IJ6 15. From Bahia, between June and July 1862, the House of Correction received at least seven liberated Africans deemed "incorrigible" because of their apparently

one institution to another, as administrators asked for "intelligent and faithful," "healthy and strong," "well-behaved and submissive" liberated Africans and returned them for being "incorrigible", "insubordinate", or "given to drunkenness and theft."<sup>102</sup> According to those records, it appears that the invisible system that kept liberated Africans under relative control (although never under subjugation) had been gravely weakened by the early 1850s.

How should liberated African resistance be interpreted? It would be wrong to assume that all liberated Africans had the same level of awareness about their condition. A great proportion of them arrived in the country and were first emancipated when they were very young; furthermore, liberated Africans in general had more chance to socialise with slaves than with other liberated Africans in their hirers' homes. Therefore, the realisation of the implications of their condition as freedpersons came with time, maturity, and contact with other people. The interpretation of their acts of resistance has to take that awareness into account. Even then, since personal reactions and strategies differed, no generalisation is possible. It appears that individually liberated Africans reacted in the same way slaves did to the same harsh labour conditions, poor food, and undue punishment. Many ran away, but they could not enjoy freedom for long, since they were chased and recaptured. Many complained and were punished for their acts of "insubordination." Many negotiated reasonable conditions with their hirers. If it is assumed that most of them were aware of their free legal status, then the question should be: what kept them as coerced labourers? Naturally, just as in other coerced labour systems, there is no simple answer.

Liberated Africans were a peculiar group of coerced labourers. They formed a separate legal category, created during the campaign for the abolition of the Atlantic slave trade. As labourers, they never had to be recruited; instead, their obligation to serve for a limited time was a

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chronic involvement with petty theft that gave them the nickname "*ratoneiros*." Pedro Mina, Petição de emancipação, 15/01/1863, AN, IJ6 523; the information on liberated Africans in Bahia was generously shared by Maria Inês Cortês de Oliveira.

<sup>102</sup> The records of the Ministry of Justice for liberated Africans during the period between 1859 and 1864 are a good source for evaluating their transfers from one place to another within the public service; AN, IJ6 15, IJ6 16.

by-product of their emancipation. The imperial government was at the same time the guardian of their freedom and their employer. During their terms of service, they were employed in the same occupations as slaves, in tasks that free persons would refuse to perform, for they were either menial or dangerous, and the pay would not attract labourers free to choose their occupations. Severely limited in their spatial mobility, liberated Africans were kept as coerced labourers by the threat of physical punishment and by collusion among government officials, who turned a blind eye to their complaints. Most of all, they stayed because they believed they would be freed after the completion of the term of compulsory service. It was after having endured what they believed to be their term of temporary captivity and not seeing the fulfilment of the promised emancipation that their "unfreedom" became most clear. Because they worked alongside slaves, liberated Africans may have seen their own legal freedom as an advantage; if they had contact with other groups of coerced labourers, they would realise it was not.

There were other state-sponsored or legally sanctioned coerced labour schemes in nineteenth-century Brazil. Native Indians, for example, were engaged in various forms of involuntary labour. Those who lived in Indian settlements were recruited by the settlement directors and put to work for the state, but were also illegally engaged to private individuals, even in the cities. Non-settled Indians could be subject to indenture contracts drawn up by the judges of orphans, the authorities responsible for all those deemed incapable of ruling themselves (such as orphans, Indians, liberated Africans, and freedpersons). Prisoners of war were indentured to their captors for 15 years. Under those different forms of labour engagement, Native Indians participated in exploratory and pioneer expeditions into the interior of the country, provided new settlements with vital supplies, and participated in military campaigns against maroons and other rebels.<sup>103</sup> Like that of liberated Africans, their engagement was justified by the attempt to apprentice them in "white" ways but was most often used to impose personal subjection and to

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<sup>103</sup> Carneiro da Cunha, ed., *Legislação Indigenista*, 27-9.

maintain social control.<sup>104</sup>

Another form of state-sponsored coerced labour scheme comparable to that of the liberated Africans took place in the northern province of Pará between 1838 and 1859 and involved Indians, *mestiços*, and free blacks. The so-called "*Corpos de Trabalhadores*" were instituted during the repression to the *Cabanagem*, a region-wide rebellion in which the mixed-race population opposed the white ruling elite, both Brazilian-born and Portuguese, from approximately 1835 to 1841. Because the people seen to be attracted to the rebel ranks were in the lower strata of Amazonian society and were mobile and autonomous because they lived off the forest and resisted any subjection, the recruitment into the forced labour corps was used as a way both to prevent the rebellion from spreading, and to establish control over that population. Into the labour corps were drafted "Indians, *mestiços*, and blacks who are not slaves or property-holders, nor have occupations to which they devote themselves full-time," that is, anybody considered "vagrant and idle" or "non-productive." The recruited persons from every municipal division were formed into a company, and the companies from a region, into a corps. The recruited labourers occupied the lowest ranks of a militarised hierarchy and were forced to perform public work duties or were assigned to serve private persons. The contracts were to be supervised by justices of the peace. According to the regulations, whenever there was no work to be performed, the labourers were to be put to work cultivating tracts of empty land, the fruits of their labour going towards their clothing and the rest being given to mendicants through the districts' vicars. This last provision makes explicitly clear the fact that the corps were not formed primarily to respond to a labour shortage, but to impose control and "regular" labour habits on subsistence farmers or tradesmen of Indian origins.<sup>105</sup> The president of the province of Pará

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<sup>104</sup> In the case of the Indians, the pressure related to their land was also an important feature of this process. Regional and temporal variations in the relations between Native Indians and "civilised" society in Brazil are discussed in Manuela Carneiro da Cunha, ed., *História dos Índios no Brasil*, 2 ed. (São Paulo: Fapesp/Cia das Letras/Secretaria Municipal de Cultura, 1998).

<sup>105</sup> On the *Corpos de Trabalhadores*, see Claudia Maria Fuller, "Repensando identidades e controle social: raça e trabalho na província do Pará," (unpublished paper, 2000); on race and the *Cabanagem*, see David Cleary, "Lost

admitted, in 1849, that potential recruits to the *Corpos de Trabalhadores* were

nearly sixty thousand individuals of the male sex, who, deprived by law of political rights, under no systematic subjection, unemployed and given up to themselves and to an indolent and unbound life, would fluctuate amidst the rest of the useful and laborious population, who comprise a disproportionate minority.<sup>106</sup>

By depicting as opposing groups the majority of "unbound unemployed" and the "useful and laborious" minority, the president of the province made it explicit that one of the main objectives behind the forced labour recruitment was to establish subjection over the free poor population, who had no voting rights and no stake in the maintenance of the *status quo*. Although legally free, all those persons who were neither slaves nor proprietors were considered dangerous to the social order and therefore potential recruits for coerced labour arrangements. Elsewhere in the country, free people were subjected to coerced labour for other reasons as well.

The severe drought that hit the Northeastern provinces on different occasions in the second half of the century not only forced the sale of most of the region's slaves to the Southeast but also put pressure on the free poor population to migrate or to enter into coerced labour arrangements to guarantee their subsistence. Migration flowed towards the rubber boom in the Amazon and the coffee plantations in the southeast. Those who stayed in the region were the object of various coerced labour programs set up by provincial authorities, sometimes in conjunction with the imperial government. In Pernambuco and Ceará, poverty-stricken free people were forced to work without pay in sugar and cotton plantations; in Bahia, the ministry of Agriculture reported the foundation of colonies with "national" labourers.<sup>107</sup>

At the same time, the imperial government supported military colonies and colonies

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Altogether to the Civilised World': Race and the *Cabanagem* in Northern Brazil, 1750-1850," *Comparative Studies in Society and History* 40, no. 1 (1998): 109-35.

<sup>106</sup> President of the Province of Pará's speech before the Provincial Assembly, 1849, quoted in Fuller, "Repensando identidades," 8.

<sup>107</sup> Robert Edgar Conrad, *The Destruction of Brazilian Slavery, 1850-1888*, (Berkeley: University of California Press, 1972), 44; Relatório Ministério da Agricultura, 1860, 20.

involving Native Indians, but the historiography usually concentrates on the government's efforts to foster colonisation with immigrant workers. Seen in a larger context, the Brazilian "dilemma" between colonisation and immigration, that is, between the options of fostering the settlement of European labourers in small properties or favouring the spread of indenture contracts with labourers of any nationality meant to be engaged in the coffee plantations, takes on a different meaning.<sup>108</sup> Historians have already recognised that it was not a shortage of labourers that justified the need to bring foreign workers into the country, but the difficulty in attracting the "nationals" voluntarily, given the hard labour demanded and the reduced monetary compensation offered. Historically, free labourers had been kept at the margin of the productive system, engaged only to perform dangerous tasks such as clearing the forest for the establishment of plantations or subsidiary functions such as transportation or subsistence production, a division of labour that permitted the effective use of the slave labour force.<sup>109</sup> It is revealing to perceive that faced with the end of the slave trade in the 1830s and 1840s, and having to adapt to its effective abolition in the 1850s and 1860s, the imperial government itself did not move towards a better use of the labourers under its own control. Instead, the experience of the imperial and provincial governments with Indians, freed persons, the free poor in general, and liberated Africans shows that the members of the white elite were not ready to treat them as free persons, giving them autonomy and small plots of land, and letting them become (or continue to be) independent workers. Instead, at every occasion on which the government had to deal with those groups, they were bound to be engaged as coerced labourers in subsidiary activities and to be kept on the margins of the productive system. This predisposition to exclude those groups of workers from the universe of "free labour" explains why, despite their numbers, they did not figure prominently in the debates over the future of labour in the country. Only European immigrants were seen as

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<sup>108</sup> Alencastro and Renaux, "Caras e modos," 291-335.

<sup>109</sup> Kovarick, *Trabalho e vadiagem: a origem do trabalho livre no Brasil*, (São Paulo: 1987); José de Souza Martins, "A produção capitalista de relações não-capitalistas de produção: o regime de colonato nas fazendas de café," in *O cativo da terra* (São Paulo: Livraria Editora Ciências Humanas, 1979), 9-93.

suitable free labourers, and, in the second half of the nineteenth century, that idea was reinforced by the use of arguments based on racial prejudices.<sup>110</sup>

Slavery, but not compulsory labour, was considered an institution of the past by policymakers in nineteenth-century Brazil. The experience with the liberated Africans and the other groups of labourers discussed in this section supports the idea that instead of a gradual "transition to free labour," the country experienced the expansion of unfree labour along with the decline of slavery and the expansion of other coerced labour arrangements.<sup>111</sup> The labour experience of the liberated Africans, in this case, is an illustrative example. Bound to be slaves, they were emancipated by the enforcement of the treaties and legislation that abolished the slave trade. Instead of being trained and engaged as free labourers, they were kept as involuntary workers in the same way as so many other groups of free persons deemed "unfit for freedom." That the labourers in the category created by abolitionists as part of an Atlantic-wide policy to end the slave trade and undermine slavery ended up as coerced labourers speaks to the nature of and the limits to the "transition to free labour" in Brazil.

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<sup>110</sup> See Célia Maria Marinho de Azevedo, *Onda Negra, Medo Branco: o negro no imaginário das elites no século XIX* (Rio de Janeiro: Paz e Terra, 1987).

<sup>111</sup> Fragoso supports this shift in interpretation, which should be strengthened by the inclusion of the "marginalised" labourers into the mainstream of Brazilian labour history, as called for by Eisenberg and Lara; Fragoso, "Economia Brasileira no Século XIX"; Eisenberg, *Homens esquecidos*; and Lara, "Escravidão, Cidadania e História do Trabalho." Atlantic-wide, the expansion of indentured labour after the abolition of the slave trade and slavery in the British Empire have received fresh interpretations lately; see particularly Stanley L. Engerman, "Servants to Slaves to Servants: Contract Labour and European Expansion," in *Colonialism and Migration; Indentured Labour Before and After Slavery*, ed. P.C. Emmer, Comparative Studies in Overseas History (Dordrecht: Martinus Nijhoff Publishers, 1986), 263-294; David Northrup, *Indentured Labor in the Age of Imperialism, 1834-1922*, (New York: Cambridge University Press, 1995). For more on coerced labour and the British perspective on "free" labour, see chapter 4.

#### ***Chapter 4 – Other meanings of freedom: the British Foreign Office and the liberated Africans in Brazil***

The British government demonstrated a vivid interest in the fate of the liberated Africans emancipated by the mixed commission court sitting in Rio de Janeiro. Seen as part of the application of the bilateral agreements for the abolition of the slave trade, the handling of the liberated Africans occupied Foreign Office officials with as much engagement, though not with the same intensity, as did the issues relating to the capture and condemnation of slave ships. The correspondence between the Foreign Office in London and its representatives in Brazil – the members of the British Legation in Rio de Janeiro, the consuls in various provincial capitals, and the British judge and arbitrator of the Anglo-Brazilian mixed commission court – demonstrates how, from the 1820s to the 1860s, the interest in the fate of the liberated Africans followed the changes in British policies towards the abolition of the Atlantic slave trade and towards labour and citizenship in its own territories.

This chapter addresses the British interference in the Brazilian government's handling of the liberated Africans and assesses, beyond the criticism of the Brazilian unwillingness or incapacity to treat liberated Africans as freedpeople, the hidden debate in which officials of the two nations were engaged concerning the contrasting meanings of freedom and their application to the recaptured Africans. British Foreign Office officials were involved in a massive diplomatic and naval campaign to abolish the international slave trade; a campaign that entailed the spread of abolitionist ideas to slave holding and slave societies. Their actions reflected the ongoing British experience with liberated Africans in different territories around the Atlantic (from Sierra Leone and the Cape Colony to the British West Indies) and also the changing conditions which brought slave emancipation and new free (non-wage) labour experiences to the colonies in the 1830s. Brazilian government officials, on the other side, were the guardians of an unstable social order, at a time when the country struggled over citizenship but also expanded the slave system through

the illegal importation of Africans. The liberated Africans' rights to freedom were subject to different interpretations and applications by Brazilian and British officials; those contrasts will be explored in this chapter.

### British abolitionism, free labour, citizenship and the liberated Africans

The massive abolitionist campaign advanced by the British government with the backing of the British public which was aimed at the complete abolition of the Atlantic slave trade and the condemnation of slavery in the Americas in the nineteenth century was responsible for fundamental transformations in the way slave and free labour were perceived in the western world. Not only was slavery vigorously condemned and ultimately abolished from British territories and other countries where it was the main labour system, but free labour was also redefined and had its borders expanded.<sup>1</sup> Those transformations, achieved over the course of nearly a century (if dated from the first abolition motions in the British Parliament in the 1790s to the abolition of slavery in Brazil in 1888), were the result of a paradigm shift that the British extended to other nations. A naval and diplomatic campaign undertaken immediately after the British slave trade was abolished in 1808 and carried on for six decades until the end of the slave trade to Cuba in 1867 was responsible for the most visible of the abolitionist efforts: the signing of treaties, the capture and condemnation of slave ships, and the emancipation of the slaves found on board illegal ships. The less visible signs of the abolition campaign, that is, the ideological struggles over free labour that gave meaning to it, have not yet been properly explored.

For decades, historians have debated the motivations and actors that drove the British abolition campaign. Most of the work has concentrated on attempting to clarify which groups were involved with and interested in abolition in order to assess the validity of Eric Williams'

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<sup>1</sup> Seymour Drescher, "Free Labor vs. Slave Labor: The British and Caribbean Cases," in *Terms of Labor: Slavery, Serfdom, and Free Labor*, ed. Stanley Engerman (Stanford: Stanford University Press, 1999), 50-86.

thesis linking abolition with the expansion of industrial capitalism.<sup>2</sup> Historians have explored the engagement of a host of interest groups in the abolition campaign and thoroughly analysed the economic scenario; they tend to attribute the pressure to effect the abolitionist measures to middle-class public opinion that, because of the religious sects, became convinced of the wrongful character of slavery and was ready to support measures that even went against the country's economic interests.<sup>3</sup> Different groups lent support to abolition at different times: the groups motivated by religion and humanitarian feelings were behind the movement all along but needed the support of those opposing the expansion of the British slave trade within the Caribbean to pass the first legislation abolishing the slave trade in 1806-7; they then needed the mass support of British public opinion to turn international abolition into government policy in 1814-15. Once incorporated into the British government's agenda, and particularly after the emancipation of slavery in the British West Indies passed in Parliament in 1833, the abolition campaign united Britain in a crusade that needed little further justification and moved ever more decisively against the surviving Atlantic slave systems.

The eradication of slave labour, first in British colonies and then in other territories, was the ultimate objective of the abolitionist movement, even if the strategies adopted by the different groups engaged in the campaign had to be successively updated. Slavery was condemned on moral grounds for it had become a symbol of the most extreme subordination, exploitation, and dehumanisation humans could inflict on fellow human beings and seemed incompatible with the

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<sup>2</sup> Eric E. Williams, *Capitalism and Slavery* (New York: Russell and Russell, 1961[1944]).

<sup>3</sup> The literature on British abolitionism is extensive; the main works debating Williams' propositions are David Brion Davis, *The problem of slavery in the age of Revolution, 1770-1823*, (Ithaca: Cornell University Press, 1975); Roger Anstey, *The Atlantic Slave Trade and British Abolition, 1760-1810* (London: Macmillan, 1975); Seymour Drescher, *Econocide: British slavery in the era of abolition* (Pittsburgh: University of Pittsburgh Press, 1977); David Eltis, *Economic growth and the ending of the transatlantic slave trade*, (New York: Oxford University Press, 1987). The investigation has concentrated on the actors, motives, and developments of the metropolis, rarely incorporating the slaves themselves or the colonial perspective at the forefront of the analysis. For criticism of the "metropolitan" view and an assessment of the influence of the slaves on the process of slave emancipation, see Cedric J. Robinson, "Capitalism, Slavery and Bourgeois Historiography," *History Workshop* 23 (1987): 122-140; Michael Craton, "What and Who to Whom and What: The Significance of Slave Resistance," in *British Capitalism and Caribbean Slavery: the legacy of Eric Williams*, ed. Barbara Solow and Stanley L. Engerman (Cambridge: Cambridge University Press, 1987), 259-282.

enlightened spirit of the times.<sup>4</sup> On economic grounds, slave labour was condemned for not developing in the labourers the positive attitude towards work that was expected of free persons according to the new utilitarian doctrines. In eighteenth-century England, free labour had been increasingly associated with wage labour and had gradually lost the sense it had in pre-industrial times, when "freemen were freeholders," and freedom meant self-employment or the avoidance of wage labour.<sup>5</sup> Free labour in the new sense integrated labourers in the economy through their disposition to work beyond the level of necessity and their disposition to consume non-essential goods. Wages represented incentives for productivity and eliminated the need for coercion. British abolitionism not only aimed at bringing legal freedom to slaves in the Americas, but also expected slaves to embrace the free labour ideology.<sup>6</sup>

The illusions held by abolitionists and the dilemmas faced by the British government and by the West Indian planters during the campaign for the emancipation of slaves in the British West Indies, during the transitional period of apprenticeship, and in the aftermath of full emancipation are well covered in the literature. British slave emancipation was part of an experiment in social engineering meant to prove that labour should be extracted through positive rather than negative incentives, and thus, that free persons, both at home and in the colonies, made better labourers than those kept by coercion.<sup>7</sup> The aftermath of British slave emancipation would prove, or so British reformers expected, that both the social order and the productivity of the sugar islands would not be altered once the slaves became free. Moreover, British slave emancipation encompassed another dimension: freedom, in the political sense, had been inextricably linked to citizenship since the beginning of the Age of Revolution. According to Thomas Holt, the "essence of the contract" between the British government and ex-slaves at the

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<sup>4</sup> David Brion Davis, *The problem of slavery in Western culture* (Ithaca: Cornell University Press, 1966).

<sup>5</sup> Eltis, *Economic growth*, 19.

<sup>6</sup> Howard Temperley, "Capitalism, Slavery and Ideology," *Past and Present* 75 (1977): 94-118.

<sup>7</sup> Eltis, *Economic growth*, 22; See also William A. Green, *British slave emancipation: the sugar colonies and the great experiment, 1830-1865* (Oxford: Oxford University Press, 1976).

time of emancipation meant they would have to be treated as full British subjects.<sup>8</sup> The shortcomings of those promises and expectations were evidenced by post-emancipation protests, which were due particularly to the slaves' own aspirations not having been taken into account. In due course, between the late 1830s and the mid-1860s, the post-emancipation realities forced the reshaping of abolitionist tactics and of British policy towards the colonies.

The ideological implications of the British abolitionist campaign for the independent countries and territories outside of Britain's political reach have not been studied in the same detail. Mistrusted because of its economic interest in hurting its competitors, particularly in the world market for sugar, Britain advanced the campaign against the slave trade nonetheless, and justified it in humanitarian terms. The literature has concentrated on the most visible aspects of the campaign: the diplomatic and naval struggle to negotiate and enforce abolition treaties. The underlying debate has addressed the question of whether economics played an important role in motivating British engagement in abolition.<sup>9</sup> In this literature, the ideological impact of British abolitionism on the societies which were the object of the British campaign has rarely been assessed. In fact, whenever there has been a focus on those societies' response to the campaign, the superiority of the British ideology of free labour has been assumed and has remained uncontested; abolition has been shown as an inevitable end.<sup>10</sup> Overall, there has been no direct

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<sup>8</sup> Thomas C. Holt, "The essence of the contract: the articulation of race, gender, and political economy in British emancipation policy, 1838-1866," in *Beyond Slavery: Explorations of Race, Labor, and Citizenship in Postemancipation Societies*, ed. Frederick Cooper, Thomas C. Holt, and Rebecca J. Scott (Chapel Hill: University of North Carolina Press, 2000), 33-59.

<sup>9</sup> Leslie Bethell, *The Abolition of the Brazilian Slave Trade: Britain, Brazil and the Slave Trade Question, 1807-1869* (Cambridge: Cambridge University Press, 1970); P.C. Emmer, "Abolition of the abolished: the illegal Dutch slave trade and the mixed courts," in *The Abolition of the Atlantic Slave Trade: Origins and Effects in Europe, Africa and the Americas*, ed. D. Eltis and J. Walvin (Madison: University of Wisconsin Press, 1981), 177-192; David R. Murray, *Odious Commerce: Britain, Spain and the abolition of the Cuban slave trade*, (Cambridge: Cambridge University Press, 1980); Arthur F. Corwin, *Spain and the Abolition of Slavery in Cuba, 1817-1886* (Austin: University of Texas Press, 1967); Robert Edgar Conrad, *World of Sorrow: the African Slave Trade to Brazil* (Baton Rouge: Louisiana University Press, 1986); R.E. Conrad, "Economics and Ideals: the British Anti-Slavery Crusade Reconsidered," *Indian Historical Review* 15, no. 1-2 (1988-89): 212-32; Pierre Verger, *Flux et reflux de la traite des nègres entre le golfe de Bénin et Bahia de Todos os Santos du XVIIe au XIXe siècle* (The Hague, Paris: Mouton, 1968).

<sup>10</sup> Richard Graham, "Changing Patterns of Labor: Slave Trade and Slavery," in *Britain and the Onset of Modernization in Brazil, 1850-1914* (Cambridge: Cambridge University Press, 1968), 160-186.

assessment of how the changes in British abolitionist policy over the decades that followed the experience with slave emancipation in the British West Indies have influenced the abolition campaign that targeted the international slave trade. In other words, it remains to be studied exactly what role the experience of the Colonial Office with abolition and emancipation in the colonies played in the Foreign Office policy towards abolition in territories such as Brazil and Cuba.<sup>11</sup>

The existence of groups of liberated Africans in all the territories touched by British abolitionism opens the way for a comparative analysis of the real British engagement with freedom and free labour. The very nature of the category "liberated Africans," created as a by-product of the suppression activities and meant to accommodate those "rescued" from slavery, carries a sense of an abolitionist experiment. In this sense, a close analysis of the handling of liberated Africans in different territories allows the study of the application of the abolitionist ideals of freedom and free labour in real, not ideal, circumstances. The following sections attempt to draw parallels between the Colonial Office's changing policy towards liberated Africans in British dominions, from 1808 to the 1840s, and the policy advanced by British Foreign Office personnel for liberated Africans outside of British jurisdiction, in Cuba and, most particularly, in Brazil. Ultimately, the analysis aims to show how early nineteenth-century meanings of freedom and free labour for policy-makers were transformed by the experience of actual emancipation processes and of crises within slave systems.

## The Colonial Office, the colonial administrations and the liberated Africans in the British Empire

The handling of the Africans emancipated from the ships condemned for illegal slave trading by

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<sup>11</sup> Asiegbu has suggested a connection among the labour need in British colonies in the post-emancipation period, the passage of the Palmerston and Aberdeen Acts (1839 and 1845 respectively) aimed at repressing the slave trade under Portuguese and Brazilian flags, and the set-up of the African emigration scheme to transport the recaptives from those captures to the British West Indies as indentured labourers; see J.U.J. Asiegbu, *Slavery and the Politics of Liberation, 1787-1861: a study of Liberated African Emigration and British Anti-Slavery Policy* (New York:

mixed commission courts or Vice-Admiralty courts in British colonies was at first regulated by an Order in Council issued in March 1808. It determined that the recaptives should either be enlisted in the West India Regiment or in the Navy, or be apprenticed "to prudent and humane masters and mistresses...to learn such trades, handicrafts, or employments as they may seem most fit for, or most likely to gain their livelihood by, when their apprenticeship shall expire."<sup>12</sup> The Collector of Customs in each colony was responsible for their enlistment, assignment for service, and well being. Despite the lack of a comprehensive comparative treatment in the literature, the experience of the liberated Africans in British territories as far apart as the Cape Colony and the Bahamas was very similar. The only exception was Sierra Leone, where the large numbers of liberated Africans frustrated colonial administrators' attempts at regulating apprenticeship, and the Africans were able to lead more or less autonomous lives.<sup>13</sup>

The distribution of the liberated Africans among British territories was determined by the peculiar geography of suppression activities: their places of emancipation followed the location of the courts of Vice-Admiralty or courts of mixed commission responsible for the condemnation of ships engaged in the slave trade, and also the fluctuations of the suppression efforts. Sierra Leone was the point of confluence of suppression activities on the coast of Africa, as the seat of four mixed commission courts and the Vice-Admiralty court that together were responsible, from 1808 until the 1860s, for the emancipation of nearly 100,000 recaptives.<sup>14</sup> The Vice-Admiralty Court in Cape Town emancipated about 2,100 Africans between 1808 and 1816, and over 3,000 after

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Africana Publishing Corp., 1969).

<sup>12</sup> Asiegbu, *Slavery and the Politics of Liberation*, 27.

<sup>13</sup> A survey of the scattered literature on liberated Africans across the Atlantic demonstrates the potential for comparative analysis and the many parallels and contrasts among their experiences that bridge different imperial systems. See Beatriz G. Mamigonian, "Out of Diverse Experiences, a Fragmentary History: A Study of the Historiography on Liberated Africans in Africa and the Americas" (paper presented at the SSHRC/UNESCO Summer Institute "Identifying Enslaved Africans: the 'Nigerian' Hinterland and the African Diaspora", York University, Canada, July 1997).

<sup>14</sup> Nearly 100,000 recaptives were emancipated in tribunals located in Sierra Leone, although only between 60,000 and 70,000 were landed in that colony. John Peterson, *Province of Freedom: a History of Sierra Leone, 1787-1870* (London: Faber and Faber, 1969), 13-4, Asiegbu, *Slavery and the Politics of Liberation*, Appendix VII, 191-214.

1839.<sup>15</sup> In the British West Indies, nearly 4,000 Africans were emancipated between 1808 and 1819.<sup>16</sup> The assessment of the labour experience of the liberated Africans by the Colonial Office would influence changes in their geographic distribution after the 1830s; voluntary and involuntary migration would place liberated Africans in greater numbers in colonies where their labour was most needed: Trinidad, Jamaica, and British Guyana, particularly, would receive more than 32,000 recaptives from those emancipated in Sierra Leone, St. Helena, and Cuba between 1841 and 1867.<sup>17</sup>

Only a small proportion of the recaptives were recruited into the imperial service.<sup>18</sup> The majority were left to be handled by colonial authorities, who were guided only by the Privy Council's order of 1808 and their own personal principles. In Sierra Leone, the large numbers of recaptives arriving each year prevented the operation of apprenticeship. Governors tried different schemes to assimilate the liberated Africans, who ended up living in independent and missionary-led village communities in the interior of the colony. In the villages, the recaptives' contact with European law and customs was mediated by the missionaries and eased by the fact that they were among people of the same ethnic origin.<sup>19</sup> The autonomy they earned from the government's incapacity to deal with their numbers was unparalleled in other British territories, where the social configuration was also not that of the "Province of Freedom." Elsewhere in the British Empire, the recaptives lived through the critical years between the abolition of the slave trade and slave emancipation, when slavery was under attack both from without and within. At the Cape Colony,

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<sup>15</sup> Christopher Saunders, "Liberated Africans in Cape Colony in the first half of the nineteenth century," *International Journal of African Historical Studies* 18, no. 2 (1985): 223-239.

<sup>16</sup> Alvin O. Thompson, "African 'recaptives' under apprenticeship in the British West Indies, 1807-1828," *Immigrants & Minorities* 9, no. 2 (1990): 123-144.

<sup>17</sup> Asiagbu, *Slavery and the Politics of Liberation*, Appendix VI, 189.

<sup>18</sup> On this understudied aspect of the engagement of recaptives, see Roger Norman Buckley, *Slaves in Red Coats: the British West India Regiments, 1795-1815* (New Haven: Yale University Press, 1979); Roger N. Buckley, *The British Army in the West Indies: Society and the Military in the Revolutionary Age* (Gainesville: Florida University Press, 1998).

<sup>19</sup> Peterson, *Province of Freedom*, 189-228.

in the Bahamas and elsewhere, the recaptives were indentured to local people, providing their masters with cheap, non-skilled labour for terms of up to 14 years. Liberated Africans shared the labour market with slaves, and shared with them the same working conditions and arrangements: they were either employed directly by their masters or hired out to third parties and did not benefit from the fruits of their labour in any form.<sup>20</sup> By the 1820s, it was clear to the Colonial Office that the handling of the liberated Africans had taken directions not envisaged when the principles were set up in 1808.

James Stephen, the under-secretary of State for the colonies exposed in 1811 the justification for the need to apprentice the liberated Africans:

Africans or new negroes, as they are called, neither being intelligent enough to protect their own freedom, nor able immediately to work for their own subsistence...it was necessary in respect of them, to give, for their own sakes, the power of enlisting or apprenticing.<sup>21</sup>

In the reasoning of the person responsible for the implementation of abolitionist measures in colonial policy, recaptive Africans were not ready to enjoy complete freedom and needed a period of adaptation to the places of settlement so that they learned the meaning of their legal status and acquired the means to support themselves independently. Freedom, for Stephen, encompassed both a legal and a labour aspect. Learning how to conduct themselves as free persons ("protecting their own freedom") and how to apply their labour for their own benefit were interrelated processes, which he associated with the degree of adaptation to the colonial setting. Between that of the creole blacks, born and raised in the West Indies, and that of the "new Africans" was the stage of the "seasoned negroes, or negroes who have been long enough in the West Indies to have learned some European tongue & some method of gaining a subsistence." Given the possible

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<sup>20</sup> Saunders, "Liberated Africans in Cape Colony; C.Saunders, "'Free, yet Slaves': Prize Negroes at the Cape Revisited," in *Breaking the Chains: Slavery and its Legacy in the 19th Century Cape Colony*, ed. Nigel Worden and Clifton Crais (Johannesburg: Witwatersrand University Press, 1994), 99-115; Howard Johnson, "The Liberated Africans in the Bahamas, 1811-1860," *Immigrants & Minorities* 7, no. 1 (1988): 16-40.

<sup>21</sup> James Stephen to Liverpool, 14/7/1811, CO 23/58, cited in Johnson, "The Liberated Africans in the Bahamas," 28.

range of variation, he admitted that

Great difficulties would have arisen in drawing the lines between the sufficient & insufficient degrees of *Creolisation*, if I may use the term (it would be an insult to these poor creatures to call it *civilisation*) which might create fitness & unfitness for immediate freedom in that country.

"Fitness for freedom," for Stephen, could be measured by the degree of adaptation to the country of a certain individual, part of a process which he termed "creolisation"; to learn the language (and with it the social codes) and to find the means of making a living were part of the process.<sup>22</sup>

Apprenticeship should serve the function of providing both labour and social training during this period of adaptation. Masters would benefit from the labour of the apprentices in exchange for the food, clothing, care, and training they provided. It was assumed that for a certain period in the first years, "new" Africans were not productive enough to compensate their masters for the costs of their maintenance. Children, sick people, and nursing mothers, particularly, were not fully productive in the first years after their arrival, and therefore they were, in the eyes of the masters, burdensome. The indentures under which the liberated Africans were assigned for service were based on those principles. Over time, the standards of a fair apprenticeship were gradually refined, as the Colonial Office took a stand in favour of the liberated Africans and against the interests of the colonial elites. The meanings of freedom and free labour were at the centre of this development.

The commissioners of inquiry sent by the Colonial Office to the colonies in the 1820s to investigate the conditions of the apprenticeship of the liberated Africans and to report on their fitness to be fully liberated collected ample evidence to prove that apprenticeship had been little different from slavery. The liberated Africans had usually been indentured for the maximum term of 14 years irrespective of their ages, and had been put into service under the same arrangements used with slaves. They had been given the same food and clothing rations as slaves and been

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<sup>22</sup> According to this reasoning, complete freedom implied being creole; even if being creole did not necessarily mean

employed in the same occupations. Those varied according to the economy and the labour market of each colony; the employment of the liberated Africans corresponded to the sector of activity of their masters. At the Cape Colony, in the Bahamas, or in other West Indian colonies, liberated Africans had been employed in productive activities – in agriculture, in salt-raking, or in trades – as well as in the service sector as servants, both in the urban and rural areas of the colonies. The commissioners gathered that there had been little of the "protective" side of apprenticeship applied: virtually no special labour training, and also no religious teaching. More importantly, they found out that the liberated Africans had not been receiving any monetary compensation for their labour during the long years of their indentures.<sup>23</sup>

The reports of the commissioners motivated a reassessment of the application of apprenticeship to the liberated Africans in the British colonies. Although the Colonial Office failed to prepare consistent new rules for the care of the recaptives, over the years, from the mid-1820s onwards, their handling by the colonial authorities showed signs of change. First, there was the issue of how to deal with the "time-expired" liberated Africans, that is, those who had completed their terms of apprenticeship. In the Bahamas, they were settled in a tract of land in New Providence where they were expected to cultivate individual plots they would gradually purchase. The settlement, known as Headquarters, was deliberately located far from white settlement, and still Governor Carmichael Smyth's interest in the Africans' welfare was viewed with resentment by the colonial elite.<sup>24</sup> In the opinion of Mr. Poitier, the local collector of customs responsible for the purchase of the land in 1825, people who kept an interest in slavery resented the view of "His Majesty's well-clad free Africans coming into our market, bending

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being free.

<sup>23</sup> Saunders, "Liberated Africans in Cape Colony;" Saunders, "'Free, yet Slaves';" Alvin O. Thompson, "African 'recaptives' under apprenticeship in the British West Indies, 1807-1828," *Immigrants & Minorities* 9, no. 2 (1990): 123-144; Johnson, "The Liberated Africans in the Bahamas."

<sup>24</sup> Johnson, "The Liberated Africans in the Bahamas," 22-3; Michael Craton and Gail Saunders, "Transition not transformation: Apprentices, liberated Africans, and the reconstructed oligarchy, 1834-1860," in *Islanders in the Stream: a history of the Bahamian people* (Athens: University of Georgia Press, 1998), 3-31.

under the horse loads of provisions, the produce of their voluntary labour, industry and keen desire of acquiring property."<sup>25</sup> The insistence of certain colonial authorities and of the Colonial Office on guaranteeing the freedom of the liberated Africans was a means of showing to the colonial elites the British government's firm commitment to abolition. Interestingly, freedom was associated with voluntary labour, industry, and entry into the realm of proprietorship.

The reappraisal of the apprenticeship system as it applied to liberated Africans led to drastically shorter terms of indenture for the recaptives landed after that period. As colonial governors experimented with what seemed to be more appropriate ways to prepare recaptives for full freedom, the usual long terms of indenture with no monetary compensation were seen as discouraging to the recaptives. Governor Colebrooke of the Bahamas was convinced that a period of six months was sufficient for adult Africans to adjust to their new status and new setting. He pointed to what he thought facilitated the recaptives' adaptation, believing that

... there can be no ground for withholding from them for any time, the full advantages of their industry on the plea of preparing them to provide for themselves. Indeed with the aid of their more experienced countrymen and encouraged by their example they readily acquire a knowledge of the value of their labour, and work most satisfactorily when their wages are paid to them weekly.<sup>26</sup>

For the governor, the apprenticed liberated Africans benefited from the contact with other Africans of the same origins, who served as models and guides in the new modes, both cultural and, particularly, economic. From his statement, it appeared as though newly arrived recaptives, placed with "their more experienced countrymen" quickly learned the rules of the free labour market and demonstrated motivation by the incentives of weekly wages. While the Africans' quick conversion to capitalist thinking is unlikely to have happened, the governor's testimony to the role of fellow Africans in the adaptation of the recaptives points out an alternative to the traditional apprenticeship. Colebrooke was convinced that shorter indentures and the settlement

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<sup>25</sup> Poitier to Bathurst, 8/2/1825, CO 23/74, cited in Johnson, "The Liberated Africans in the Bahamas," 23.

of liberated Africans as independent peasants constituted the best way to handle the adaptation of the recaptives to the colonies. This alternative, suitable for non-plantation colonies with an open frontier, stood at one end of the spectrum of actual applications, with the long 14-year apprenticeship at the other end. In the middle were the more traditional (although shorter) indentures, with terms varying according to the age of the recaptives, the colonial setting and the circumstances.

The handling of the liberated Africans in the slave colonies of the British Empire was influenced by the process of slave emancipation in different ways. On the one hand, the Colonial Office interfered with the colonial authorities' administration of the recaptives to prevent the use of their indentures as state-sponsored slavery; on the other hand, the pressure from planters and potential employers to acquire their labour intensified. Slave emancipation in the West Indies, extended over four years by the transitional period of apprenticeship, had heightened the debate on the "readiness" of slaves and recaptives to become free labourers. In the colonies where land was available, and otherwise whenever possible, ex-slaves refused to work on plantations, preferring squatting or small peasant proprietorship to wage labour.<sup>27</sup> Moreover, the emancipation process had sharpened the contrast between slave and free labour regarding the payment of wages in such a way that any unpaid labour such as that performed by recaptives during their indentures would then be considered closer to slave labour by the standards of the Colonial Office. However, the imperatives of the sugar economy in the plantation colonies pressed colonial officials to consider indenture as the solution to the planters' need for coerced labourers, and the engagement of the liberated Africans seemed a natural choice.

The colonial officials' dilemma over the alternatives for liberated African engagement is well illustrated by the debate on the most suitable destination for the recaptives brought from

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<sup>26</sup> Colebrooke to Grenelg, 1/11/1836, CO 23/97, cited in Johnson, "The Liberated Africans in the Bahamas," 31.

<sup>27</sup> Michael J. Craton, "Reshuffling the Pack: The Transition from Slavery to Other Forms of Labor in the British Caribbean, ca. 1790-1890," *New West Indian Guide* 68, no. 1 & 2 (1994): 23-75.

Havana to the British West Indian islands after the 1835 revision to the Anglo-Spanish anti-slave trade treaty. An internal document of the Colonial Office, apparently written by several under-secretaries of state, presented the recaptives' engagement in plantation colonies and their settlement as peasants in the Bahamas as two alternative options, with admittedly different effects on the autonomy of the Africans.<sup>28</sup> The establishment of "independent liberated African settlements" would prevent the exploitation of the recaptives' labour by planters and put them under the direct control of the government and its appointed missionaries, thus promoting their "moral education." The engagement of the liberated Africans in labour-hungry plantations, on the other hand, was seen as facilitating their incorporation into the labour market and fostering their integration into society at large. Their subordination was to be justified by their contribution to the "great experiment": in helping to boost the productivity of the sugar colonies in the post-emancipation period, liberated Africans would contribute to the abolition cause in general. Neither of the two alternatives was favoured over the other in the medium term; labour-hungry colonies and the Bahamas received approximately the same share of the nearly 2,000 recaptives emancipated by the Havana mixed commission between 1836 and 1841.<sup>29</sup>

By the late 1830s, the Colonial Office's policy for the handling of liberated Africans laid out in the 1808 Order in Council had been considerably refined. In light of the new thinking about free labour, the long terms of apprenticeship seemed too close to slavery: not only did they favour the exploitation of the recaptives by their masters, but the forced labour with no monetary compensation was also seen as detrimental to the labour habits expected of free persons. Only very short periods of indenture were authorised for newly arrived recaptives; their adaptation to the country was to be demonstrated by their incorporation into the wage labour market. The process of slave emancipation had put colonial officials in the role of defenders of the ex-slaves'

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<sup>28</sup> The document, and its implications for the CO's labour policy towards the liberated Africans are discussed in Rosanne Marion Adderley, "'A most useful and valuable people?': cultural, moral and practical dilemmas in the use of liberated African labour in the nineteenth-century Caribbean," *Slavery and Abolition* 20, no. 1 (1999): 59-80.

freedom, a role they extended to the recaptives. The freedom they defended for the recaptives had changed from a nominal legal freedom with years of subordinate labour training to a combination of legal freedom contingent on the adaptation of the recaptives to the new society and labour freedom represented by the preference for wage labour. As Britain's role in the suppression of the international slave trade intensified, these revised ideas about the freedom of the recaptives would be brought to the negotiations with foreign nations and be confronted with other meanings of freedom.

### The Foreign Office and the liberated Africans in Brazil

The Foreign Office personnel in Brazil in the first half of the nineteenth century comprised the diplomatic officials at the British legation in Rio de Janeiro, appointed consuls in various Brazilian port cities, and the judge and the arbitrator of the Anglo-Brazilian mixed commission court located in Rio de Janeiro. Ever since the transfer of the Portuguese court to Brazil in 1808, Britain had attempted to maintain the close relations it had entertained with Portugal, as represented by the treaties of alliance and friendship and treaties of commerce signed in the early 18<sup>th</sup> century. Renewed economic and strategic interests in the South Atlantic in the early nineteenth century motivated British attempts to renew those ties once Brazil became an independent country. British diplomatic representatives in Brazil worked toward the defence of British interests in the country, notably economic, through the negotiation of commercial treaties and preferential import tax rates. However, despite growing British economic engagement in Brazil over the decades of the expansion of the Brazilian export economy, British political pre-eminence was gradually lost. The prolonged dispute over the abolition of the slave trade and the imposition by Britain of abolitionist ideas and tactics through its diplomatic representatives were

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<sup>29</sup> Adderley, "A most useful and valuable people?", 66.

at the core of the disagreement between the two countries.<sup>30</sup>

In the correspondence between the British representatives in Brazil and the Foreign Office in London, the question of the liberated Africans was dealt with in parallel with the more publicised suppressive activities such as the apprehension and judgement of slave ships and the attempts to negotiate new clauses for the slave trade treaty. It is in the Foreign Office position on the handling of the liberated Africans landed in Brazil, however, that the British ideas on free labour were more clearly expressed. Feeling responsible for the freedom of the Africans emancipated by the mixed commission court, British officials gathered information and reported on the handling of the liberated Africans by the Brazilian government with a view to demonstrating the breaches of the bilateral agreements. Their reports on how the Brazilian government's handling of the liberated Africans departed from the "humanitarian intentions" of the apprenticeship system and, moreover, their attempts to amend the bilateral agreements to gain control over the liberated Africans landed in Brazil show how their actions were motivated at least in part by a heightened sense of moral superiority, a great dose of which could be attributed to their views on freedom and free labour.

### **The failure of apprenticeship and the criticism of the Brazilian government**

The first recaptives emancipated by the Anglo-Portuguese mixed commission court in Rio were the 352 Africans from the *Emília* in 1821. Fourteen years later, the Foreign Office instructed the commissioners to investigate their experiences of apprenticeship and to determine whether they had received their full emancipation or not. In January 1836, Commissioners George Jackson and Frederick Grigg reported having found 60 of those liberated Africans on their way back to Africa with a group of their countrymen. The details of the operation were quite interesting: the group of 200 to 300 free Africans had chartered a British vessel for 5:000\$000 réis to take them to Onin, in

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<sup>30</sup> Alan K. Manchester, *British preëminence in Brazil, its rise and decline: a study in European expansion* (Chapel Hill: University of North Carolina Press, 1933).

West Africa. The commissioners recounted that

the undertaking was chiefly headed by a free black, one of the cargo of slaves brought hither on the *Emília*, and who having acquired some Property and much influence among his emancipated countrymen, had used it in engaging them to return to their native land, and to facilitate which, he had sold several slaves, his own property, and given freedom to six others, who were to accompany him.<sup>31</sup>

In speculating about their motives in leaving Brazil, Jackson and Grigg reported that

some persons suppose that the leaders have been implicated in recent plans of insurrection, and that the Government prefer the getting rid of them, quietly, in this way – others attribute the step to an apprehension on the part of the Blacks, that they may eventually, be forced to leave Brazil – while others incline to the belief that their real object is to procure fresh victims to the same nefarious traffic, from which they have themselves been rescued. ... [W]hen questioned on the subject, they strongly disclaimed any such idea, and one and all declared they were returning with their own free will, and solely from a love of country.<sup>32</sup>

The liberated Africans from the *Emília* were all West Africans, who were known in Rio de Janeiro as "*Minas*."<sup>33</sup> This episode puts them in contact with the larger *Mina* community of Rio de Janeiro at a crucial moment in the history of Brazilian slavery, since in the wake of the Muslim Uprising of January 1835 in Bahia, West Africans around the country were suspected of being actual or potential rebels.<sup>34</sup> The restrictive measures taken by the provincial government of Bahia after the Malê revolt targeted freed blacks specifically, and in particular freed Africans. A scheme for the deportation of those condemned in the revolt or considered unwanted was set up; at the same time, voluntary emigration to West Africa gained momentum.<sup>35</sup> As foreigners, freed Africans were seen as a potential threat to slaves, with no link to or interest in the maintenance of

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<sup>31</sup> George Jackson and Frederick Grigg to Palmerston, 5/3/1836, FO 84/198.

<sup>32</sup> Jackson and Grigg to Palmerston, 5/3/1836, FO 84/198.

<sup>33</sup> The register of their first emancipation is in AN, Junta do Comércio, Códice 184 – vol. 3, Emancipados da escuna *Emília*, 1821.

<sup>34</sup> João José Reis, *Slave Rebellion in Brazil: The Muslim Uprising of 1835 in Bahia*, trans. Arthur Brakel (Baltimore: The Johns Hopkins University Press, 1993).

<sup>35</sup> Verger, *Flux et reflux*, 355-401; Reis, *Slave Rebellion*, 205-30.

the structure of Brazilian society. As the *Mina* community of Rio de Janeiro also became the object of investigation, police looked for evidence of its connection to the rebel *Nagô*s from Bahia, and in particular, for any evidence of Muslim religious practice in the city.<sup>36</sup> While any repatriation of West Africans at that time was bound to be attributed to the strong "push" factors in question, their will to go back to their homeland should not be underestimated. They were freed Africans who had managed to purchase manumission and liberated Africans whose terms of service had expired, and who, having left Africa as slaves, wanted to return as free persons and put down roots there. The voluntary motivation behind the enterprise was stressed in their declaration to the British commissioners that their return was to be attributed to their own free will and to their "love of the country." Not all Africans longing to go back managed to do so, and the same holds true for liberated Africans; that is the reason why the return to Africa of some of the recaptives from the *Emília* should have attracted the attention of the British officers.<sup>37</sup>

About the object of their initial inquiry, the conditions under which the recaptives of the *Emília* had served their apprenticeship, commissioners Jackson and Grigg reported that, upon personal examination,

their general history appears to be that the Persons to whom they were originally hired, died, and that then, the "Curador" being himself deceased, and there being nobody to look after, or take care of them, they have gained a livelihood as they best could: in some instances, their hirers, instead of employing them either for domestic purposes, or to labour regularly at a trade, have allowed them to lead a vagabond life, making as much money as they could, and paying their hirers a certain sum per diem: others of the Blacks have given a sum of money to redeem what might remain of their time of servitude; but in no case, does it appear that any wages have been paid to the parties themselves.

What they found was, in their eyes, strikingly different from what should have resulted from the "protective" provisions of an apprenticeship system. Not only had many of the Africans been

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<sup>36</sup> Mary C. Karasch, *Slave Life in Rio de Janeiro, 1808-1850* (Princeton, NJ: Princeton University Press, 1987), note on page 5; Flávio Santos Gomes, "História, protesto e cultura política no Brasil escravista," in *Escravidão: Ofícios e Liberdade*, ed. Jorge Prata de Sousa (Rio de Janeiro: Arquivo Público do Estado do Rio de Janeiro, 1998), 65-97.

reportedly left without hirers or even a curator, but they had also been put to work without much supervision. In reality, the report shows that the Africans managed to circumvent the instructions for apprenticeship and obtained considerable autonomy in the city while making arrangements with their hirers that allowed them to accumulate some savings. Some had, in fact, paid to redeem from their hirers the remaining time of their terms of service and obtained full emancipation before the stipulated 14-year term. In looking for evidence of the ideal free labour arrangement – the fact that the recaptives of the *Emília* had not received wages was noticed – the commissioners did not accord due importance to the fact that, even if they had been treated as slaves, the liberated Africans had learned their way around the system and, through their own means, had managed to obtain full emancipation. To their superiors in London they reported their disapproval of the unorthodox labour engagements involving those liberated Africans they had met, arguing that the application of the system did not fulfil "the humane intentions of His Majesty's Government when [it] was framed" and indicating "the expediency of subjecting the whole process to a more watchful and efficient control."<sup>38</sup>

Unfortunately, the fate of most liberated Africans was not the same as that of the ones whom Jackson and Grigg met when the Africans were preparing for the new Atlantic journey. The overwhelming majority of the liberated Africans, particularly those emancipated after the abolition law of November 1831 determined their re-exportation, remained under the custody of the Brazilian government longer than 14 years. However, the British (and the Africans) would discover that fact only in the late 1840s, when the survivors among the many Africans emancipated around 1834 and 1835 completed their terms. In the meantime, British commissioners kept trying to get the Brazilian government to share information about the state of the liberated Africans, and failing that, to obtain that information from informal sources.

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<sup>37</sup> Karasch, *Slave Life in Rio de Janeiro*, 320-323.

<sup>38</sup> George Jackson and Frederick Grigg to Palmerston, 5/3/1836, FO 84/198.

Reports of the abuses committed against the liberated Africans rarely failed to reach the British legation. As early as 1827, on the subject of the recaptives from the *Carolina* emancipated in the northern province of Maranhão, British officials reported to the Foreign Office the careless handling of their distribution and control by the provincial government, which had allowed the appointed curator to hold liberated Africans and certain well-placed hirers to move the liberated Africans away from the city.<sup>39</sup> Commissioners soon realised that many liberated Africans emancipated by the mixed commission in Rio were sold and reduced to slavery again despite the instructions set up to protect their freedom. By 1846, British *chargé d'affaires* Hudson had compiled the "tricks" used in Brazil to circumvent the right to freedom of the liberated Africans. According to him, the transfer of liberated Africans from one hirer to another and their employment away from the city of Rio de Janeiro were used as the means of evade government control, and so was the forgery of liberated Africans' death certificates. He knew, too, that the labour of liberated Africans was overexploited by hirers and that the service of liberated Africans was used by corrupt government officials to buy off politicians who might otherwise complain about the matter.<sup>40</sup> In fact, discounting perhaps the high-level government corruption, the same wrongful schemes were known to be practised in Cuba and were found by the commissioners of inquiry appointed by the Colonial Office to be used in British colonies as well.

The difficulty in dealing with liberated Africans as free persons should be attributed to the continued existence of slavery in those territories and not to the particularly corrupted social constitution of any of them. Indeed, after nearly three centuries of African slave trade to the Americas and the consolidation of slave societies in different plantation areas, not to treat Africans as slaves went against the prevailing norm. British criticism of the condition of the liberated Africans in Brazil is, therefore, best understood in the light of the British campaign to convince other nations of the expediency of free labour. In that campaign, the argument in favour

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<sup>39</sup> Dudley to Gordon, 12/5/1827, FO 84/71; Conrad, *World of Sorrow*, 72-4.

of the superiority of wage labour was based on the strong condemnation of the labour practices adopted under slavery.

In at least one instance, British accusations of the mishandling of the liberated Africans by Brazilian authorities were addressed by Brazilian government officials. The underlying debate between the two sides on the best treatment to be conferred on the liberated Africans reveals the different meanings attributed to "freedom" by British and Brazilian officials. The exchange was prompted by the lengthy report prepared by British commissioners, John Samo and Frederick Grigg, on the state of the liberated Africans in Brazil sent to the Foreign Office in December of 1843. Based on informants, they accused the judge of orphans of receiving bribes for the concession of liberated Africans and criticised the Brazilian government for concealing the fact that there were two offices authorised to issue certificates of freedom for the liberated Africans: the judge of orphans and the mixed commission court. They reported that advertisements in the newspapers appeared daily offering liberated Africans for hire, and that they had interviewed one liberated African woman who was used to being employed in this fashion. She had served different persons, and her treatment by them had differed. Samo and Grigg declared that her condition resembled in all respects that of a slave and claimed that her case symbolised the history of all Africans placed by the Brazilian Government under nominal apprenticeship. They also called the attention to the sort of the liberated Africans employed in the public service:

At the House of Correction of this city a gand [sic] of these Africans are kept employed for the most menial and laborious offices of the prison. The allowance given to them of food and clothing, is considerably below that of a slave, and is even inferior in quality. The provision for their lodging is a small low room in the base-court of this institution, wherein at night these poor wretches are placed, or rather packed. Their sufferings and privations can be easily conjectured.<sup>41</sup>

For Samo and Grigg, who justified their inquiry by their "deep interest and anxiety which all, in

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<sup>40</sup> Hudson to Palmerston, 17/11/1846, FO 84/634.

<sup>41</sup> Samo and Grigg to Aberdeen, 22/12/1843, PP (1845): 9.

common with the British nation ... take in the fate and welfare of these natives of Africa," the condition of the liberated Africans, which they associated to slavery, was the "proof of the cruelty and bad faith of the Brazilian Government."<sup>42</sup>

The response came only two years later, after the closure of the mixed commission, but was not less provocative and revealing. The newly-appointed curator of liberated Africans, Luiz de Assis Mascarenhas, resented the tone and the content of the British commissioners' report, but, asked to respond to it by the Brazilian Minister of Justice, he chose to disprove the accusations that the liberated Africans were ill-treated and to demonstrate that the legislation concerning their care was duly and "religiously" followed. His argument was grounded on a particular conception of freedom. In three passages of his letter to the minister, the curator compared the lot of the liberated Africans to that of labourers in Europe, deeming that "many labourers in Europe would consider themselves happy if they had the same chance the liberated Africans had in Brazil." For him, both the Brazilian government and the hirers were unjustly accused of not providing liberated Africans with proper instruction, for they "could not promise to offer them more instruction than that given in Europe by those who hire free labourers." To close his letter, he chose to say that the lot of the liberated Africans in Rio de Janeiro was "very happy" for "he did not know of any liberated African who begged for his living in the streets of such a big city" while in Europe, some "disgraced people did not find food indispensable for life."<sup>43</sup> His virulent tone is to be attributed to the contempt for the British caused by their interference in slave trade matters in the previous decades and fuelled by the enactment of the Aberdeen Act in August of that year, but the curator's words also revealed his thoughts on labour and social control: he presented the guardianship of the liberated Africans as preferable to the free labour market, for guardianship (or slavery, for that matter) did not allow people to go without protection or control while the unregulated wage labour market did. Curator Mascarenhas, like others of his Brazilian

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<sup>42</sup> Samo and Grigg to Aberdeen, 22/12/1843, PP (1845): 9.

contemporaries, probably followed with great interest the debate on the living and working conditions of British industrial labourers.<sup>44</sup> The irreconcilable differences in perspective reflected the different courses already followed by both governments regarding the care of the recaptives; the dispute over those landed in (or destined to land in) Brazil did not stop at the level of mutual criticism.

### **British attempts to amend the apprenticeship system in Brazil**

In the 1830s, the British Foreign Office tried changing the instructions that regulated the apprenticeship of the liberated Africans in Brazil but always met with resistance from Brazilian authorities. Since the instructions were attached to the text of the treaty for the abolition of the slave trade, and the negotiations to amend, renew, or substitute the treaty always met with failure, the bilateral instructions for the care of the liberated Africans handed down by the mixed commission court to the Brazilian government remained limited to article 7 of the mixed commission regulations.<sup>45</sup> In the meantime, the Brazilian government followed its own course, issuing legislation that often departed from the bilateral agreements, and letting its own internal matters influence the administration of the recaptives. Written in reaction to the Brazilian handling of the liberated Africans, but also as the application of the new rules adopted for the indenture of the recaptives in the British West Indies, the new articles and regulations drafted by British Foreign Office personnel to be applied in Brazil are revealing. A look at those new rules prepared over the years and continually revised gives a sense of how British policy towards the liberated Africans in Brazil was influenced by the successes and failures of the suppression

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<sup>43</sup> Luiz de Assis Mascarenhas to Paulino Limpo de Abreu, 18/11/1845, AN, IJ6 523.

<sup>44</sup> The curator's remarks echoed the critique made of industrial labour in England, voiced, for example, by Friedrich Engels in his *The Condition of the Working Class in England* (1845); however, they were influenced not by socialist ideas, but by pro-slavery arguments instead.

<sup>45</sup> See Appendix 2, Bilateral agreements and Legislation pertaining to Liberated Africans in Brazil. The negotiations of new clauses for the slave trade treaty and for its renewal are discussed in the extensive "diplomatic" historiography. Bethell, *The abolition of the Brazilian slave trade*; Antonio Ferreira Cesarino Jr., "A intervenção da Inglaterra na supressão do tráfico de escravos africanos para o Brasil," *RIHGSP*, no. 34 (1938): 10-166; Paula Beiguelman, "A

campaign and by the redefinition of free labour prompted by the process of slave emancipation in British colonies and by the rise of industrial labour in Britain.

In answer to a request from the Foreign Office, after having left his post as judge at the mixed commission court in Rio de Janeiro, Henry Hayne prepared in 1833 a "Draft of regulations for the apprenticing, as well as care and protection of emancipated slaves" to be annexed to future slave trade treaties. Considering that in 1833 the apprenticeship of the recaptives in the British Empire had already been under review and that the Brazilian government itself was planning a radical alternative to it, Hayne's propositions were very conservative. The basic change he proposed to the system already in place was to transfer the responsibility over the recaptives from the local government to the mixed commission court. This way, the mixed commission members would assign the liberated Africans to the masters they chose, appoint the curator, draw up the contracts, and collect the money paid for the Africans' salaries. The mixed commission would also ensure that the liberated Africans received certificates of their full emancipation after their terms of service were completed. Hayne certainly based his ideas on the latest regulations for the indenture of the recaptives in British colonies and suggested that the apprenticeship of Africans under the care of the mixed commissions should be reduced from fourteen to eight years for adults and ten years for children under 13 years of age. Eight or ten years, with a possible reduction of two or three further years was the estimated time after which the Africans would be able to support themselves.<sup>46</sup> Hayne's regulations did not take into account the fact that the Brazilian government was considering discontinuing apprenticeship altogether. At that point, it was negotiating with foreign powers to have the recaptives shipped out of the country, possibly to the coast of Africa, an alternative discussed in the Foreign Office correspondence with the

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extinção do tráfico negreiro no Brasil, como problema político," *Revista de Ciência Política* 1 (1967): 13-34.

<sup>46</sup> "Draft of the regulations for the apprenticing, as well as care and protection of emancipated slaves, under the slave restriction treaties" enclosed in Hayne to George Shee Bart, 28/11/1833, FO 84/138.

commissioners in Brazil and which met with Viscount Palmerston's severe disapproval.<sup>47</sup> Henry Hayne's regulations were based on the principle that, if proper control could be exercised over the system, apprenticeship was the best way to handle the care of the recaptives. The shared responsibility for the recaptives in the country where they were first landed would serve that end. In 1833, the British government was not willing to take charge of the liberated Africans landed in Brazil.

Only two years later, in 1835, the revision to the Anglo-Spanish slave trade treaty arranged for the transfer of the liberated Africans emancipated by the mixed commission court sitting in Havana to British colonies, and the Foreign Office seemed close to negotiating such a clause with Brazil. Such a quick change in British policy towards the recaptives was the result of separate but not disconnected developments. In Cuba, planters and colonial authorities had been uneasy with the presence and continuous arrival of liberated Africans at the island and dreaded the potential effect of the existence of growing numbers of free blacks upon an already unstable slave population.<sup>48</sup> The slave rebellion in the neighbouring island of Jamaica on Christmas 1831 and the appearance of cholera in Havana in the spring of 1833 had given urgency to the Cuban officials efforts to avoid receiving any more recaptives and to dispose of the over 2,000 *emancipados* already on the island. Exchanges between the British Foreign Office and the Colonial Office in 1832 had determined that the recaptives from Havana would be received in Trinidad under certain conditions; the first of such shipments left Havana in 1833.<sup>49</sup>

In Brazil, where the presence of the liberated Africans was also feared, the government had difficulty negotiating an arrangement to fulfil the desire of the National Assembly expressed in the abolition law of 1831 that the recaptives be shipped away from the country.<sup>50</sup> At that point,

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<sup>47</sup> George Jackson to Palmerston, 2/4/1833, FO 84/138; Palmerston to Fox, 5/6/1833, FO 84/141.

<sup>48</sup> David R. Murray, "A New Class of Slaves," in *Odious Commerce*, 271-297.

<sup>49</sup> Murray, "A New Class of Slaves," 278-9.

<sup>50</sup> Alberto Costa e Silva, "As relações entre o Brasil e a África Negra, de 1822 à 1ª Guerra Mundial," *Cadernos do*

the Foreign Office negotiated with Brazil additional clauses for the 1826 abolition treaty that gave to the mixed commission power to condemn ships only fitted for the slave trade and not necessarily with slaves on board. The question of the liberated Africans was part of those negotiations: Brazil wanted Britain to take charge of the recaptives emancipated by the mixed commission sitting in Rio and transport them to one of its colonies; Britain would take them only if the Brazilian government paid the expenses. The failure of the Brazilian government to secure the legislature's ratification of the additional articles to be added to the treaty, that had been agreed upon and signed in July 1835, soured diplomatic relations between the two countries during the following years and prevented the conclusion of the negotiations for the transportation of the liberated Africans to British colonies.<sup>51</sup>

By 1839, the recaptives were seen by the two sides in question less as a burden and more as potential labourers. For almost six years, recaptives emancipated by the Havana mixed commission had been settled in Trinidad, in the Bahamas, and in other British colonies where the transition to slave emancipation had created a demand for indentured labourers. The suppressive measures under review by the British government would greatly augment the flow of recaptives to remain in British custody once the Portuguese slave trade was declared piracy by the Palmerston Act. That year, the Foreign Office moved decisively to force the Brazilian government to agree to share custody of the liberated Africans who were landed in Brazil and to allow those captured by British cruisers to be taken to British colonies. The "Regulations to be proposed to Brazil in respect to the treatment of liberated Negroes" were copied from the ones proposed to Portugal and based on those in force under the Anglo-Spanish amended treaty.<sup>52</sup> They determined that the liberated Africans landed in Brazil would be under the responsibility of

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*Museu da Escravatura* , no. 4 (1996).

<sup>51</sup> On the negotiation of the additional articles to the slave trade treaty, see Bethell, *The abolition of the Brazilian slave trade*, 111-121. On the question of the liberated Africans, Foreign Office to Fox, 4/3/1835, FO 84/179; Palmerston to Ouseley, 27/05/1839, FO 84/286; Wellington to Fox, 11/3/1835, FO 84/179.

<sup>52</sup> "Regulations to be proposed to Brazil in respect to the treatment of liberated negroes" enclosed to Palmerston to

a board composed of the members of the mixed commission, which would supervise their distribution for service and the conditions of their apprenticeship. Under these regulations, the conditions of apprenticeship should be laid out in a contract or indenture, preference should be given to the employment of the Africans in mechanical trades or domestic service, and the terms of service should be limited to seven years for adults and a variable term lasting until age 20 for all those 13 or younger. There were provisions in the regulations to guarantee that liberated Africans worked alongside other liberated Africans of the same ethnic origin and that families would not be split up at the time of their assignment for service. Moreover, going contrary to prevailing practice, the regulations determined that liberated Africans in the service of the state would also have contracts drawn up and that recaptives should have the option to enlist as soldiers or sailors in the Brazilian forces. The majority of the recaptives emancipated once these regulations took effect would not remain in Brazil, however. They were to be delivered to the government of the cruiser that made the capture. The British government engaged to take the recaptives to one of its colonies and to see "that they are treated in conformity with the regulations adopted in the British colonies for the benefit of newly liberated negroes."<sup>53</sup>

Taking charge of the liberated Africans emancipated in Rio de Janeiro was the main objective of the new Foreign Office policy put forth in 1839, although it was still presented as an attempt to amend the administration and working of the apprenticeship system in Brazil. Palmerston justified the change by bringing up correspondence from his minister in Rio dated October 1834 in which Fox aptly discussed the shortcomings of the application of apprenticeship in Brazil while conveying the Brazilian government's disposition to send the recaptives to British colonies. The British minister very convincingly pointed out the difficulties in guaranteeing the freedom of the recaptives in Brazil, where neither the government had sufficient control over the inhabitants "to enable it to prevent the apprenticed blacks from being again fraudulently sold as

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Ouseley, 27/5/1839, FO84/286.

slaves" nor the British commissioners or British authorities had sufficient jurisdiction to "watch over the existence and welfare of the apprentices in a country of wild manners and amazing extent like Brazil." The blame rested on the "planters and proprietors," to whom the liberated Africans were entrusted, and on the "subordinate and local magistrates," who should verify the application of the law, for being, due to "interest and prejudice," against the Africans' right to emancipation. The natural conclusion, and that taken up again by Palmerston in 1839, was that the transfer of the liberated Africans from Brazil to a British colony presented "the best, perhaps the only, means of securing the benefit of freedom to the unfortunate objects most interested in the question."<sup>54</sup>

Like the other drafted regulations and instructions, those prepared in 1839 did not receive the Brazilian government's sanction. However, like other amendments the British prepared to the bilateral agreements on the suppression of the slave trade, they were going to be unilaterally enforced once the negotiations for their acceptance were abandoned. The realisation of the problems with the application of apprenticeship in a slave country and the impossibility of amending its regulations gradually convinced the British, whose sense of righteousness was heightened by the process of slave emancipation in its own colonies, that the recaptives would never enjoy freedom in Brazil. The alternative adopted in the following years was to take them to the British West Indies, where they would serve as indentured labourers.

### **The Foreign Office, the Colonial Office, and the Brazilian connection to the African emigration scheme**

The history of the Brazilian connection to the African emigration scheme has never been addressed in the literature, despite abundant evidence of the condemnation of Brazilian and Portuguese ships bound to Brazil in British Vice-Admiralty courts in the 1840s. The significance

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<sup>53</sup> "Regulations," article 3.

<sup>54</sup> Fox to Palmerston, 15/10/1834, enclosed to Palmerston to Ouseley, 27/5/1839, FO 84/286.

of the Palmerston Act of 1839 and the Aberdeen Act of 1845 in instituting a new phase in the abolition campaign has been thoroughly discussed: in deciding to take Portuguese and Brazilian slave ships to British tribunals, Britain unilaterally gave up the strategy of co-operation and showed her force to the countries reluctant to effectively curb the slave trade.<sup>55</sup> The human consequences of those acts were never addressed yet British policy of diverting to the Vice-Admiralty courts ships that would usually have been taken to the mixed commission in Rio de Janeiro transferred to the British West Indies the liberated Africans who would otherwise have settled in Brazil.

A crisis over the acceptance of appeals of the sentences issued by the mixed commission court in late January and early February 1839 served as an excuse for the setting up of a scheme under which the ships that were to be adjudicated by the mixed commission in Rio de Janeiro were taken to Vice-Admiralty courts in British colonies instead. The problem arose when the Brazilian government insisted that the mixed commission accept appeals of the sentences which had condemned the *Diligente* and the *Feliz* as good prizes. Unofficial amendments to the regulations of the mixed commission had prohibited the appeals, but the Brazilian government did not want to admit officially to having bent to British pressure. In January 1839, as the British minister in Rio, William Gore Ouseley, negotiated with the Brazilian Minister for Foreign Affairs the conditions for the adjudication of ships in the Rio mixed commission court, the recaptives on board the two British prizes were used as bargaining pieces.<sup>56</sup> Ouseley threatened to have the two ships, with a combined cargo of over 500 Africans, sent to Demerara. In fact, passports were requested for the ships and instructions for the voyage were given to Captain Herbert, the commander of the prize crew. The health conditions were poor, and the safety of the recaptives was in danger on board the ships (one recaptive had been stolen from on board the *Diligente*

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<sup>55</sup> Leslie Bethell, "Britain, Portugal and the suppression of the Brazilian slave trade: the origins of Lord Palmerston's Act of 1839," *English Historical Review* 80 (1965): 761-784; Bethell, "Lord Aberdeen's Act of 1845," in *The Abolition of the Brazilian Slave Trade*, 242-266.

during the night of February 10), yet they could not be landed without the risk of attack from the mob, angry at the British and ready to reclaim the recaptives as slaves.<sup>57</sup> It was only after the Brazilian government acceded to the conditions Ouseley laid out that Herbert was told he no longer needed to convey the two ships to the British West Indies, and the recaptives were finally landed and officially emancipated and recorded by the mixed commission court.<sup>58</sup>

The change towards more aggressive diplomatic tactics and suppressive measures adopted by the Foreign Office in the 1840s was part of the larger shift in British policy towards Africa and the West Indies. Abolitionists had begun to doubt the effectiveness of the diplomatic approach to the abolition of the slave trade, since the slave trade had reached peak numbers and defied all control; coercion as a means to an end was increasingly viewed as justified. In Brazil, the Foreign Office moved towards adopting bribery and extra-legal pressure to secure support for abolition; in West Africa, the attacks on slave trade bases paved the way for effective British control over areas with recognised economic potential.<sup>59</sup> In the struggle against the slave trade and the use of slave labour, the role of the liberated Africans changed: up to the 1830s the British government felt responsible for supporting their freedom, and in certain places, their independence; from the 1840s onwards, it expected them to pay for their freedom by contributing to the post-emancipation cause with their labour. Sierra Leone, the centre of abolitionist efforts in the first decades of the century, ceased to be the preferred place for the settlement of recaptives and became, in fact, the source of indentured labourers for the British West Indies.<sup>60</sup>

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<sup>56</sup> W.G. Ouseley to Palmerston, 16/2/1839, FO 84/198.

<sup>57</sup> Herbert was instructed to take the two ships to Demerara, where the adult recaptives would be indentured for periods of five years, the youths for seven years and the children for twelve years. "Memorandum regarding the procedures to take with the liberated Africans from the ships taken from Brazil to the West Indies" enclosed in Ouseley to Palmerston, 4/2/1839, FO 84/285.

<sup>58</sup> Ouseley requested that no appeals were accepted on mixed commission sentences and that the Brazilian government investigated accusations of involvement in the slave trade by the commander of Fort São João.

<sup>59</sup> Eltis, "The ambivalence of suppression," in *Economic growth*, 102-122.

<sup>60</sup> Monica Schuler, *"Alas, Alas, Kongo": a social history of indentured African immigration into Jamaica, 1841-1865* (Baltimore: The Johns Hopkins University Press, 1980), 1-29.

The recruitment of liberated Africans in Sierra Leone to be engaged as indentured labourers in the British West Indian colonies came as one of the attempts to supply the sugar planters with cheap labourers after slave emancipation had removed their control over the ex-slaves. The complex post-emancipation labour market in the colonies had ex-slaves bargaining for wages and working conditions wherever they had the option of establishing themselves outside of direct planter control. An inter-colony migration flowing towards British Guiana, Trinidad, and Jamaica pointed out to the areas where labourers were most needed. Unwilling to bend to the imperatives of a free wage labour market and blaming their difficulties on the unreliability of the ex-slaves, planters in labour-hungry colonies sponsored the recruitment of immigrant labourers from various regions of the world in the 1840s and 1850s, particularly Portuguese, Africans, Chinese, and East Indians.<sup>61</sup> While the immigration of Chinese and East Indian labourers gained importance and regularity in the 1850s, the influx of Africans peaked in the 1840s and ended in the late 1860s, a change directly linked to the flow of British suppressive activities.

The supply of African indentured labourers for British West Indian plantations came through two channels. One, the voluntary recruitment of liberated Africans in Sierra Leone, was set up with the support of West Indian planters and gained the approval of the Colonial Office but was not successful because large numbers of people were not convinced to emigrate. The other, the involuntary transportation of the newly emancipated recaptives to the plantation colonies, proved to be the major source of African immigrants and also the focus of harsh international criticism. The relationship between this scheme and the activities conducted for the suppression of the slave trade was clear. The largest flow of indentured labourers for British West Indian colonies in the years following slave emancipation came directly from slave ships, by way of

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<sup>61</sup> Walton Look Lai, "British West Indian Society and Economy after Emancipation," in *Indentured Labor, Caribbean Sugar: Chinese and Indian Migrants to the British West Indies, 1838-1918* (Baltimore: Johns Hopkins University Press, 1993), 1-18.

British courts of Vice-Admiralty located in Sierra Leone or in St. Helena. It was hard not to suspect British self-interest as a motive for expanding abolitionist activities, since they had become, by the early 1840s, a reliable supply of labour for British colonies.<sup>62</sup>

The co-operation between the Colonial Office and the Foreign Office in the formulation and application of the changes in British abolitionist policies is most clear in the dealings with liberated Africans. From the early 1830s, when the British were reluctant to take charge of the Africans landed outside its territories, to the early 1840s, when the practice was actually deemed expedient, the policies adopted by Britain toward the slave trade and the liberated Africans landed in Brazil and in Cuba were shaped largely by the labour demands and experience in its own colonies. In the 1840s, as the British moved to more aggressive naval and diplomatic measures in the name of the abolition of the slave trade, those were coupled with the self-serving side-effects of funnelling the whole flow of captured ships to British tribunals, and consequently, the recaptives to British colonies. Interestingly, those measures were justified in the Foreign Office correspondence as part of the British crusade for freedom, since it guaranteed that the recaptives were settled in free countries and not in places where slavery persisted.

It was certainly not by coincidence that in the same year, 1841, that the Colonial Office sanctioned the African emigration scheme set up by British West Indian colonial administrations, the Foreign Office moved aggressively towards implementing the Brazilian branch of the recruitment of recaptives and liberated Africans to be indentured in the British West Indies. Palmerston laid out the policy to Ouseley in March: he wanted the liberated Africans emancipated under the bilateral convention prior to that date brought before the mixed commission again, registered and examined to verify "whether they are in a state of entire and perfect freedom," and offered a passage to a British colony, and he also wanted the Brazilian government to agree on the immediate transfer to British authority of all the Africans emancipated in the future by the

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<sup>62</sup> Asiegbu, *Slavery and the Politics of Liberation*, 48-63.

mixed commission court, who would equally be transferred to British colonies.<sup>63</sup> While Brazilian authorities continued to avoid co-operation and certainly did not sanction the plan to recall the liberated Africans dispersed among hirers and public institutions, involuntary recruitment was put into effect. British cruisers started taking to British tribunals ships that would usually be brought before the mixed commission court in Rio de Janeiro.

One such ship was the *Dois de Fevereiro*, a Portuguese brig that left Benguela with 500 slaves on board in January 1841. Only 375 Africans reached the Brazilian coast alive, and 195 were landed before the ship was captured by the British and taken for adjudication in British Guiana. The ship was condemned by the Vice-Admiralty court and the remaining 156 were emancipated in Demerara in May of that year.<sup>64</sup> Palmerston not only approved of the decision taken by his officials in Rio to send the ship to be judged in the West Indies but informed them that orders would shortly be issued to the Admiralty so that all ships taken under the Portuguese flag, with or without slaves on board, should be sent to British colonies for trial. He urged his minister in Rio, Ouseley, to inform the Brazilian government that the same summary proceeding would be adopted with Brazilian ships if it continued to avoid co-operation in the suppressive activities.<sup>65</sup>

Palmerston and Ouseley justified the change in suppression tactics to the Brazilian government by their zealous concern for the welfare of the liberated Africans and recaptives. Repeating their criticism of the treatment of the liberated Africans landed in Brazil, they issued a threat that British cruisers would no longer hand recaptives over to the Brazilian government in

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<sup>63</sup> Palmerston to Ouseley, 12/3/1841, Ouseley to Aureliano, 21/3/1841, reproduced in D. Turnbull, *The Jamaica Movement for Promoting the Enforcement of the Slave-Trade Treaties, and the Suppression of the Slave-Trade* (New York: Negro Universities Press, 1969), 148-52. The proposal reflected the plan drafted by David Turnbull to check the slave trade, presented to the Foreign Office in 1840 and turned into a draft treaty presented to the Spanish government in that same year. Murray, *Odious Commerce*, 134-9.

<sup>64</sup> David Eltis et al., *The Transatlantic Slave Trade* [CD-Rom] (Cambridge University Press, 1999), voyage number 2105. Other ships bound to the Brazilian trade taken to British Guiana were the *Nove Irmãos*, in 1842, and the *Zulmeira*, in 1843, respectively numbers 2176 and 2308 in the dataset. I thank Monica Schuler for having pointed those cases out to me.

case of condemnation by the mixed commission court if the "freedom" inscribed in the bilateral agreements remained unenforced.<sup>66</sup> Over the years, as those provisions were actually enforced and the flow of captured ships and recaptives diverted to British territories generated a number of incidents on the Brazilian coast, the British minister in Rio and Palmerston himself maintained their adamant defence of the freedom of the recaptives under British care and went to great lengths to justify the humanitarian purpose of their measures.

One such incident happened in the northern province and port of Maranhão in January 1846. An unidentified schooner, captured off Cape Lopez by HMS *Alert* and bound to Demerara had put into the port of Maranhão in distress with 57 Africans on board. All but one of the Africans were stolen from on board the prize during the absence of the commanding officer by individuals disguised in military uniform. A lengthy diplomatic negotiation ensued between the British legation in Rio and the Brazilian Minister of Foreign Affairs to try to get local authorities to investigate the case. The incident posed the problem of who should have authority over captured slave ships in Brazilian waters and reached the Council of State.<sup>67</sup> One young man was recovered by police officials in Maranhão and sent to Rio de Janeiro to the care of the British legation; Palmerston wanted all the Africans recovered from Maranhão ultimately sent to British colonies, where, as he had stated years earlier in a similar case, "they would by law be sure of remaining free."<sup>68</sup>

By 1847, British policy toward the liberated Africans in Brazil had completely abandoned the idea of sharing the custody of the liberated Africans landed in the country and supervising

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<sup>65</sup> Palmerston to Ouseley, 23/7/1841, FO 84/365.

<sup>66</sup> Palmerston to Ouseley, 23/8/1841, reproduced in Turnbull, *The Jamaica Movement*, 153-5.

<sup>67</sup> The Council of State chose to avoid open confrontation with Great Britain: instead of ordering that the Brazilian abolition law applied and authorising local officials to detain any slave ship entering Brazilian harbours irrespective of its status as a British prize, the councillors ordered local authorities to turn a blind eye and leave British prizes unmolested. Hudson to Palmerston, 4/9/1846, FO 84/633; Hudson to Palmerston, 11/8/1846, FO 84/633; Hudson to Palmerston, 13/2/1847, FO 84/678; Palmerston to Hudson, 19/4/1847, FO 84/677; Hudson to Palmerston, 24/6/1847, FO 84/678.

<sup>68</sup> Palmerston to Hudson, 20/9/1847, FO 84/677; Palmerston to Ouseley, 21/7/1841, FO 84/365.

their apprenticeship. Instead, it advocated the immediate transfer of recaptives and "others intended to be consigned to slavery" to British territory, where they would be "placed in permanent enjoyment of their freedom."<sup>69</sup> Those provisions, inscribed in the draft of a new treaty for the abolition of the slave trade to be negotiated with Brazil, had been in force since 1841. However, while the transfer of recaptives from the Brazilian slave trade contributed a large portion of the involuntary recruits indentured in the British West Indies in those years and is relatively well-documented, the existence and the extent of the voluntary recruitment conducted in Brazil has remained unknown until now. New evidence from the case of the *Flor de Luanda* offers a clear example of how the emigration scheme amplified the potential for disruption in the slave system that the British interference on the question of the liberated Africans always carried.

Captured off the Maricá islands on the coast of Rio de Janeiro as it landed its cargo of nearly 300 slaves in April 1838, the *Flor de Luanda* was brought before the mixed commission court in Rio but not condemned. Allegedly Portuguese, it could not be judged by the Anglo-Brazilian mixed commission court; the negotiations over its fate involving the British officials in Brazil, the Portuguese consul, and the Brazilian Minister for Foreign Affairs dragged on for months, while the conditions on board the prize worsened. British *chargé d'affaires* Ouseley, concerned with the welfare of the Africans and the expenses incurred by the prize crew for their care, moved at the end of 1838 to apprentice them at the Santa Casa de Misericórdia Hospital and with "respectable English subjects residing in Rio." The conditions were that the Africans should be "employed by them, taught some trade or handiwork, clothed, fed, and taken in some measure as apprentices for the term of 7 years, always liable to be called upon to deliver them up."<sup>70</sup> Eight years later, in 1846, the surviving liberated Africans from the *Flor de Luanda* received their final certificates of freedom from the members of the British legation, who used the occasion to

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<sup>69</sup> "Draft of new treaty for the suppression of the slave trade to be proposed to Brazil" Palmerston to Hudson [1847?], FO 84/677.

<sup>70</sup> Ouseley to Palmerston, 16/04/1839, FO84/285.

convey an example of the treatment they thought liberated Africans in Brazil deserved.

Of the 85 liberated Africans entrusted to the Casa de Misericórdia in 1838, 71 survived to receive their certificates of freedom from the British consul in Rio, Robert Hesketh, at the time of the expiration of their apprenticeship. In a ceremony that undoubtedly had an impact on all those working at the Casa de Misericórdia, two British officials came before the liberated Africans of the *Flor de Luanda* gathered specially for the occasion and delivered to each one their certificates, declaring to each one that he or she was free and should in the future earn his or her livelihood through his or her exertions. Hesketh was instructed to offer a passage to whoever was disposed "to become a free servant or labourer in the British West Indies," and added that those persons would "be treated and protected as British subjects." British officials made it a point to say that those who chose to stay "should no longer look to the British government for protection or employment." That statement, insisting on the fact that the protection the legation extended to the Africans during those years would end, was meant to clarify the terms of the offer, and "let them exercise freely their judgement upon such an important selection."<sup>71</sup>

Likewise, the 34 surviving liberated Africans entrusted to private hirers received their certificates of freedom and were made to choose whether they preferred to stay in Brazil or to go to the British West Indies. In total, 20 of the 71 serving at the Santa Casa de Misericórdia and 8 of the 34 serving private hirers chose a free passage to the British West Indies: a total of 17 men and 11 women who would take with them 7 of their children. The 77 liberated Africans who chose to stay demonstrated their intention to continue working where they were, now as free persons. Four liberated Africans entrusted to the Santa Casa could not receive their certificates along with the others and were not given the chance to take the British offer: three women were too sick to come before Consul Hesketh and one man was serving a ten-year sentence for murder.

What could have influenced their choice to stay in Brazil or to go to a British colony?

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<sup>71</sup> Hesketh and Morgan to Hudson, 1/11/1846, enclosed to Hudson to Palmerston, 15/12/1846, FO 84/634.

Roughly two of every seven Africans of the *Flor de Luanda* took the offer made by the British. The place where they had been employed does not appear to have influenced their choice, since those who chose to go, 17 men and 11 women, were drawn from the Santa Casa and from the service for private hirers in the same proportion as the assignment of the total number of Africans. The striking link among those who chose to go may lie in their family relationships. One in every three women and one in every four men chose to go. All of the women of the *Flor de Luanda* who had children chose to take passage to the British West Indies. Three of them served at the Santa Casa and possibly departed with their husbands. There was an unusual concentration of Cabindas in the emigrant group, suggesting that in the Santa Casa they may have made a collective decision to emigrate. Likewise, the five women who served the same hirer, Mrs. Moke, decided (or were convinced) to depart as a group. Those who chose to stay most likely did not want to depart alone and leave family members or other kin behind.<sup>72</sup> Studies of the patterns of emigration among freed slaves in the U.S. South who departed for Liberia have shown that family ties decisively influenced the choices of staying or starting a new life elsewhere.<sup>73</sup>

There were few liberated Africans from other shipments assigned to the Santa Casa de Misericórdia in 1846 who would have witnessed the final emancipation of the Africans from the *Flor de Luanda*, but the event could not have gone unnoticed by other liberated Africans in Rio de Janeiro. One of the private hirers, a long-time ally of the British, Senator Caetano Lopes Gama, had in his service one female liberated African from the *Flor de Luanda*, Mariana, and two male liberated Africans from the *Rio da Prata*, Fernando and Matheus, who had been serving him since 1835 and would continue until they died without ever receiving their final letters of emancipation.<sup>74</sup> Other hirers of the liberated Africans from the *Flor de Luanda* certainly had

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<sup>72</sup> See Appendix I, Table 21: Emancipated Africans of the *Flor de Luanda* and their choice to emigrate to the British West Indies or to stay in Brazil, according to sex and place of work, 1846.

<sup>73</sup> Eric Burin, "The Peculiar Solution: The American Colonization Society and Anti-slavery Sentiment in the South, 1820-1860" (Ph.D. dissertation, University of Illinois - Urbana-Champaign, 1998).

<sup>74</sup> The records of the liberated Africans from the Rio da Prata in the service of Caetano Lopes Gama are in AN, IJ6 471.

slaves; one of them, identified as Mr. Coats, declared to the British officials that he intended to settle the five emancipated African women he had had in his service with their slave husbands as freeholders on his estate.<sup>75</sup> The news that the liberated Africans from the *Flor de Luanda* had received their final emancipation after a term of service of eight years of apprenticeship under British supervision, and had been given an offer to go to a British colony most certainly spread quickly among the other liberated Africans in the city of Rio, most of whom had already served for more than ten years and did not have any prospect of their final emancipation. In fact, the effect had been calculated by the British officials, who wanted the *Flor de Luanda* to stand as a symbol of their righteous policy towards liberated Africans.

The liberated Africans of the *Flor de Luanda* had been deliberately placed in service with individuals who could be held accountable before the British legation or who deserved British trust. They were British subjects living in and around Rio de Janeiro; Senator Lopes Gama; and German engineer Koeller, who was in charge of the settlement of European colonists in Petrópolis and the building of the royal palace in that nearby mountain location. They were all deemed to be "under the check of public notice and ... not in circumstances easily to be enabled to abuse this trust without detection." British inquiries into the workings of apprenticeship in Brazil had convinced them that Brazilians were not suitable hirers because of "the want of principle, or proper feeling on their part generally, in all matters relating to negroes."<sup>76</sup> The labour experience of the liberated Africans of the *Flor de Luanda* does not seem, however, to have been much different from that of the other liberated Africans in Rio de Janeiro. Those assigned to the Santa Casa de Misericórdia were either engaged in heavy work (stone cutting), in farming, or in domestic/maintenance service (washing, cooking). Those assigned to private hirers were engaged mostly in domestic services, although one British subject employed liberated Africans in salt

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<sup>75</sup> Hudson to Palmerston, 10/7/1847, FO 84/678.

<sup>76</sup> Ouseley to Palmerston, 16/04/1839, FO 84/285.

raking in Itaguaí, two days distant from Rio de Janeiro.<sup>77</sup> German engineer Júlio Frederico Koeller had liberated Africans from other shipments in his service and most probably employed them all in the services of the settlement he directed: forest clearing, road opening, construction of houses, running of the hospital, and in the building of the royal palace itself.<sup>78</sup>

The real differences in the apprenticeship of the Africans of the *Flor de Luanda* were the shorter term of service than that prescribed for others; the close monitoring to prevent abuses, particularly to prevent the re-enslavement of the Africans; and the actual enforcement of the limit on the term of service. If the work performed under apprenticeship was not different from that of slaves, the British made a point of stressing that their engagement of the labour of liberated Africans was different from that of the Brazilian government: a payment of back wages was arranged with the British treasury for all the liberated Africans who chose not to emigrate. Each one received from the members of the British legation 12\$000 for each of the eight years they were employed at the Santa Casa de Misericórdia or with the hirers.<sup>79</sup> The decision to pay back to the liberated Africans of the *Flor de Luanda* the sums paid as rent by their hirers and collected over the years to cover the cost of their maintenance was not originally in the provision of their apprenticeship; it was made by Hudson, the British *chargé d'affaires* in Rio, in consultation with Palmerston and the British Treasury, in order to stress the difference between their handling of the liberated Africans and that of the Brazilian government.<sup>80</sup>

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<sup>77</sup> Hudson to Palmerston, 10/7/1847, FO 84/678. An official of the British legation went, probably once a year, to Itaguaí to inspect the liberated Africans.

<sup>78</sup> Ouseley to Palmerston, 16/04/1839, FO 84/285; he died accidentally in 1847; two of the four liberated Africans from the *Rio da Prata* who were in his service died shortly after and the two others were emancipated only in 1864, after 29 years of service. Those records can be found in AN, IJ6 471. Augusto Victorino Alves Sacramento Blake, *Dicionário Bibliográfico Brasileiro*, 7 vols. (Rio de Janeiro: Tipografia nacional, 1883-1902), V, 260. There is no record of the emancipation of the Africans of the *Flor de Luanda* he had in his charge. In 1853 there were more than 20 liberated Africans listed along with German colonists in the lists of workers engaged in the construction of the royal palace; they worked alongside slaves brought from the Santa Cruz imperial plantation, the Navy Arsenal, and the House of Correction. Lília Moritz Schwarcz, *As Barbas do Imperador: Pedro II, um monarca nos trópicos* (São Paulo: Cia. das Letras, 1998), 234.

<sup>79</sup> Hudson to Palmerston, 10/7/1847, FO 84/678.

<sup>80</sup> Hudson explained that since Lord Aberdeen's 1841 criticism of the Brazilian government's handling of the sums

Hudson's report to the Brazilian Minister for Foreign Affairs exposes the lesson that the case of the *Flor de Luanda* was meant to convey to the Brazilian government concerning the handling of the liberated Africans:

Your Excellency will be gratified by learning that the reports which have been addressed to this Legation at various dates respecting the conduct of the Africans of the *Flor de Luanda* has been in the highest degree satisfactory, and that the expressions of contentedness on their part is the strongest testimony which could be offered of the good treatment which they have received in Brazil and of the happy results, and of the facility of fitting the uneducated and unreclaimed African by due training for that free condition in which he afterwards becomes an useful member of the state which adopts him as a citizen.<sup>81</sup>

For the British official, apprenticeship remained a period of transition during which "the uneducated and unreclaimed African" was trained for freedom. The association between freedom and citizenship was a sign of the new times, and its extension to the liberated Africans in Brazil proof of the way the experience with slave emancipation in the British West Indies influenced the British Foreign Office policy towards slavery and emancipation outside of British territory. That liberated Africans, once they had completed their transitions, could become full citizens of the places where they settled was the message the British intended to convey to those dealing with liberated Africans in Brazil. To the liberated Africans themselves, British officials in Brazil wanted to stress the undue oppression under which they lived, by presenting them with an alternative notion of freedom and, perhaps also, with an escape route.

The ship chartered by the British Emigration Agent in Rio de Janeiro, the *Despatch*, sailed from Rio de Janeiro bound for Trinidad on December 4, 1846. It took 52 people in total: the 28 liberated Africans from the *Flor de Luanda*; seven of their children and fourteen other liberated Africans who had served on board the British receiving ship, the *Crescent*, and three of

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collected as liberated Africans' salaries, he had told the Africans from the *Flor de Luanda* that the British government would pay their salaries at the end of their apprenticeship; in presenting the problem to Palmerston in 1846, he argued that it would be a contradiction not to do so. Hudson to Palmerston, 3/10/1846, FO 84/634; Palmerston to Hudson, 23/11/1846, FO 84/634; Palmerston to Hudson, 10/2/1847, FO 84/677.

<sup>81</sup> Hudson to Brazilian Minister for Foreign Affairs, 15/12/1846, FO 84/634.

their children.<sup>82</sup> The trip, estimated to last 60 days, was an eventful one: after 44 days at sea, the *Despatch* entered the port of Pernambuco leaky and in need of provisions, a situation which did not fail to cause concern with both the master and the British consul, for whom "the need to speedily remove the ship under these circumstances from the port was obvious." The master and the crew were found by the consul to be "drunkards" and "absent-minded" after they set sail to Trinidad on January 29 without the ship's register. The Africans, during this episode, were reported to have been "excited and confused."<sup>83</sup>

Excitement and confusion were complementary, not contradictory, sentiments in those circumstances. The liberated Africans of the *Flor de Luanda* and the others recruited by the Emigration Agent to sail to Trinidad had made the choice to move to and settle in a British colony, where, they were probably told, their treatment as free persons would be much different from that which they had received in Brazil. After having experienced enslavement in Africa, the middle passage, the capture and emancipation in Brazil, and then years of compulsory labour with a view to final emancipation, that moment in their lives must have carried special significance. Unlike the recaptives taken directly from the slave ships to the islands where they would settle, those liberated Africans carried with them the experience of the years they had spent in Brazil, and had a sense of the limits imposed on their settlement as free Africans in a slave society. They must have been excited at the prospect of freedom in the British West Indies, yet confused by the circumstances of their voyage.

The experience of the liberated Africans after they arrived in Trinidad on the *Despatch* in February or March 1846 has yet to be investigated. Instructions were sent from Brazil to the governor of Trinidad, listing their occupations and explaining that the Africans of the *Flor de*

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<sup>82</sup> Hudson to Palmerston, 15/12/1846, FO 84/634. It is not clear how those liberated Africans got to be servants on board the *Crescent* or recruits of the Navy officer; they were probably from prize ships that the British conducted to the British West Indies.

<sup>83</sup> Cowper to Hudson, 1/2/1847, FO 84/678, attached to Hudson to Palmerston, 16/3/1847, FO 84/678.

*Luanda* had already served for eight years under the custody of the British legation in Rio. It was suggested that he should not lose sight of them, for the government owed each one the equivalent of 96\$000 Brazilian réis for their years of service.<sup>84</sup> Whether they were constrained to serve additional short indentures in sugar plantations as were the other recaptives landed in Trinidad in those years or whether they were allowed to settle as an independent group immediately upon arrival remains to be discovered.<sup>85</sup>

The exact volume of the Brazilian branch of the liberated African emigration scheme also merits further investigation. Whether captured on the Brazilian or on the African coast, involuntary recruits made up the bulk of this flow of migrants, which may have taken more than 10,000 Africans bound for Brazil to the British West Indies instead. Even if the Brazilian slave trade reached all-time peaks during that decade, when tens of thousands of slaves were landed every year on the Brazilian coast, the seizure of so many slave ships bound to Brazil and the evidence of the diversion of some of the Africans to British colonies did not go unnoticed in Brazil. In 1844, a note addressed by the Brazilian Minister for Foreign Affairs to British minister Hamilton Hamilton listed, among the other evidence that the British government had broken the bilateral agreement for the abolition of the slave trade, a complaint that the British took to Vice-Admiralty courts ships that should have been brought before the mixed commission, and that the British took charge of the recaptured Africans, thus unilaterally enforcing non-ratified articles of the convention.<sup>86</sup> The report the Brazilian Minister for Foreign Affairs presented to the chambers

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<sup>84</sup> Hudson to F. Hamilton, 28/11/1846, FO 84/634, attached to Hudson to Palmerston, 15/12/1846, FO 84/634.

<sup>85</sup> For a discussion of the experience of liberated Africans in post-emancipation Trinidad, see Adderley, "A most useful and valuable people?", 73-6. A close look into Colonial Office records may yield more information on this particular group.

<sup>86</sup> Nota de 11 de janeiro de 1844, dirigida ao Sr. Hamilton Hamilton, Enviado Extraordinário e Ministro Plenipotenciário da Grã-Bretanha, por S. Excia. o Sr. Paulino José Soares de Souza, Ministro e Secretário de Estado dos Negócios Estrangeiros do Brasil, 11/1/1844, reprinted in Agostinho Marques de Perdigão Malheiros, *A Escravidão no Brasil: ensaio histórico-jurídico-social*, 2 vols., vol. 2 (São Paulo: Edições Cultura, 1944), 189. The issue was also raised in the State Council; "Consulta de 20 de setembro de 1845 - Extinção, por termo, do compromisso bilateral que instituíra as comissões mistas; resposta à nota do ministro britânico," in *Consultas da Seção dos Negócios Estrangeiros* (Brasília: Câmara dos Deputados, 1978), 432-448.

in 1850 gave Brazilians for the first time a quantified notion of the British impact on the slave trade: between 1845 and 1847 alone, 144 ships had been taken by the British; combined, they contained 8,701 enslaved Africans.<sup>87</sup> Even if the Brazilians resented the presence of liberated Africans in the country, they certainly did not favour the idea of supplying the British West Indian colonies with free labourers through their slave trade.<sup>88</sup>

### Apprenticeship, indenture, and the meanings of free labour in the age of abolition

The whole liberated African Emigration scheme received harsh international criticism, particularly from those who questioned the motives of British engagement in the campaign for the abolition of the Atlantic slave trade. Those countries which refused to allow Great Britain the right of search or otherwise refused to cooperate in the abolition campaign found in the transportation of recaptives to the British West Indies a strong reason to believe humanitarian arguments disguised British economic interests. Spain, France, and the United States all reacted to the African emigration scheme, resenting the extensive British use of the recaptives' labour to compensate for the post-emancipation crisis in labour supply for the West Indian plantations. In 1844, Spain cancelled the transfer of liberated Africans from Havana to British colonies and pressed Britain to allow the recruitment of *coolies*, East Indian and Chinese indentured labourers for Cuban plantations. France engaged in the recruitment from slave traders of "free" Africans, on both the West and East coasts of Africa, who were taken to its colonies as indentured labourers,

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<sup>87</sup> Relatório Ministro Relações Exteriores, 1850, of which a copy has been attached to Hudson to Palmerston, 20/2/1850, FO 84/802. Tables 146 e 147.

<sup>88</sup> The transfer of Brazilian ships and their cargos to the British West Indies was harshly criticised in the press. A "General Narvaez" charged the British with hypocrisy: "*E atualmente, a título de colonos, levam para Demerara os escravos que roubam nas costas do Brasil, depois de resgatados na Costa d'África com mercadorias de manufatura inglesa!...Hipócritas! Onde está a diferença do escravo a esse colono, obrigado a trabalhar por vinte anos para um senhor ainda mais bárbaro e interesseiro, porque sabe que nada depende com a aquisição de braços, e é lucro quanto pode arrancar do mísero africano, que no fim dos vinte anos (se tanto vive) está velho e exausto de forças?...*" "A Pirataria Inglesa," *Correio da Tarde*, 16/1/1850, enclosed in Hudson to Palmerston, 20/02/1850, FO 84/802.

*engagés libres*.<sup>89</sup>

Liberated Africans stood at the centre of the major dilemma facing planters and policy-makers at that crucial point in the century, after all but the Brazilian and Cuban branches of the slave trade were abolished and the maintenance of most plantation systems required a steady supply of nominally free labourers. The emancipation experiment in the British colonies was under international scrutiny; British standards for free labour were closely observed. The engagement of the liberated Africans, the very category created by abolitionist activities, stood as a symbol of British commitment to freedom and free labour. British criticism of other countries' employment and treatment of the liberated Africans exposed some aspects of the British ideology of free labour, as already discussed in this chapter. Foreign criticism of the British engagement of liberated Africans in the post-emancipation period exposed, from the other side, confusion over the meaning of free labour adopted by British policy-makers.

A severe critique of the labour engagement of liberated Africans in British colonies in the post-emancipation period came from American observers, in the course of the controversy over American engagement in the abolition campaign and the concession of the right of search to British vessels.<sup>90</sup> Prompted by British criticism of the use of the American flag and the engagement of American citizens in the slave trade, American president Tyler, in a message to Congress on the subject of the slave trade, severely criticised the British government's support of the African emigration scheme, branding the transfer of recaptives to British colonies as a self-serving consequence of British suppression activities, which would, in fact, hinder the effective abolition of the slave trade:

The slaves, when captured, instead of being returned to their

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<sup>89</sup> Asiegbu, *Slavery and the Politics of Liberation*, 48-60. On the French scheme, see François Zuccarelli, "Le régime des engagés à temps au Sénégal (1817-1848)," *Cahiers d'Études Africaines* 2, no. 7 (1962): 420-461.

<sup>90</sup> For the controversy on the American collaboration with Britain in suppression activities in the 1840s, see Hugh G. Soulsby, *The right of search and the slave trade in Anglo-American relations, 1814-1862* (Baltimore: Johns Hopkins Press, 1933), particularly 88-106.

homes are transferred to her colonial possessions in the West Indies, and made the means of swelling their products by a system of apprenticeship for a term of years. It is obvious that while these large interests are enlisted in favour of its continuance (referring to the slave trade), it will be difficult, if not impossible, to suppress the nefarious traffic, and that its results would be in effect but a continuance of the slave trade in another and more cruel form; for it can be matter of little difference with the African, whether he is torn from his country and transferred to the British West Indies as a slave in the regular course of the trade, or captured by a cruiser, transported to the same place, and made to perform the same labour as an apprentice, which is at present the practical operation of the policy adopted.<sup>91</sup>

Forced to defend the British government's course of action, Prime Minister Robert Peel explained the recruitment of African labourers for the British West Indian colonies, putting an accent on the "voluntary" aspect of the system:

If they are captured on the coast of Africa, they are, generally speaking, taken to Sierra Leone, and they are perfectly at liberty to determine for themselves whether they will go or not to the West India colonies. They are also at perfect liberty to determine for themselves whether they will go to the country of which they may be natives.<sup>92</sup>

The same course of action was said to be adopted with the Africans recaptured through the treaty with Spain, and those that Britain failed to deliver to the Brazilian government and kept in the receiving vessel in Rio de Janeiro. According to Peel, they were all given the choice of going back to Africa or of going to the British West Indies. His main argument against American criticism was that

the state of apprenticeship is altogether abolished in the West India colonies. No negro, whether going there voluntarily as an immigrant, or sent there as a captured negro, is placed in a state of apprenticeship. Going there in whatever capacity he is perfectly free and entitled to all the rights of freedmen.<sup>93</sup>

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<sup>91</sup> *Evening Post*, 19-21/03/1845, Parliamentary intelligence, House of Commons session of 19/03/1845, of which a copy is enclosed in Hamilton Hamilton to Palmerston, 4/11/1846, FO 84/634. The quotation is in Mr. Aldam's speech.

<sup>92</sup> Robert Peel, as quoted in the transcription of the House of Commons session of 19/03/1845, enclosed in Hamilton to Palmerston, 4/11/1845, FO 84/634.

<sup>93</sup> Robert Peel, as quoted in the transcription of the House of Commons session of 19/03/1845, enclosed in Hamilton to

Physical mobility and freedom of choice in labour engagement, whether real or only professed, seemed to stand behind the British definition of freedom at that point.

The American minister at the Rio de Janeiro legation, Henry Wise, the person behind president Tyler's censure of the British handling of the African recaptives, followed up in his campaign and addressed in 1846 a lengthy commentary on the ambiguity of British engagement in the abolition of the slave trade to Hamilton Hamilton, of the British legation in Rio de Janeiro. His discussion of the subject of the recaptives, one of his key issues, presented a compelling comparison between the apprenticeship system and the one that replaced it, evaluating their effectiveness with regard to newly arrived Africans. As he prodded Hamilton to explain the exact status of the recaptives, he set out to compare apprenticeship and other contemporary labour arrangements:

Apprentices are ... in every class, under the special protection of [the] court as *parens patriae*, are indented or bound by deed, to serve their masters, and their consideration is maintenance and instruction. They are of a much higher order of servants under the English law than the first class "*intra maenia*", or the third class of "daily labourers", or such as do not live *intra maenia*, and are second only to the class of "stewards", "factors", and "bailiffs." To what class of servants under the English law these captured Africans "perfectly free," who "voluntarily enter into contracts" in the British West India colonies belong, I am not precisely informed. They cannot be special wards of law like parish apprentices, for I am left to infer that the Government has nothing to do with their contracts. They are not, I presume, servants *intra maenia*, for though their contracts must arise upon the hiring, as in [the] case of menial servants, yet but very few of them, if any, are fit to be "domestics." They cannot be "daily laborers" properly, for though they may "be compelled to work because they have no visible effects" and are not likely to be allowed to live as a part of the family, yet I presume, no planter or tradesman would contract to take them for daily wages. They must then partake both of the character of apprentices and of menial servants. Like apprentices they become bound to serve their masters by deed or indenture for a term of years; but unlike apprentices the indentures are not prescribed and regulated by law and do not necessarily bind them to be instructed as well as

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Palmerston, 4/11/1845, FO 84/634.

maintained, and they are not special wards of court.<sup>94</sup>

Wise clearly identified the ambiguity in the recaptives' status as labourers and attributed the problems to the fact that although they should have been engaged and treated as apprentices, they were simply indentured. However, behind his interest in the engagement of the labour of recaptives in the British West Indies lay not a concern for the unfairness of their indenture contracts but a conviction that that kind of freedom did not suit the recaptive Africans. For Henry Wise, "new negroes are savages, untutored, uncivilized – torn from their tribes – taught nothing but 'man's inhumanity to man' ... they are unfit to be 'perfectly free,' and they are utterly incapable of appreciating or enjoying 'all the rights of freemen.'" To pretend, as the British did, to give them the right to choose whether to go to the West Indies or back to Africa, or whether to enter into labour contracts with one employer or the other, the American official contended, was a fallacy.

Henry Wise's opinion, repeating that of many of his contemporaries in the United States, was that free blacks belonged in Africa, not in the Americas. The recaptives, he thought, should "be trained to liberty, fitted for its arduous duties and made duly responsible for their performance." The solution was to send them somewhere in Africa where they would be protected from reenslavement – he suggested Sierra Leone, Liberia, or the Cape of Good Hope – and where, under "some well regulated and humane system of pupilage and education," the Africans would be "made instruments fit to serve mankind and especially their own kind, by being enlightened to become in Africa the missionaries of the Great Christian influence of God's own power to prevent the slave trade." In the American official's opinion, the crusade against the slave trade should be subordinated to an even greater objective, the "civilisation of Africa."

In Britain, too, the link between the campaign for the abolition of the slave trade and the economic and social "development" of Africa had been reclaimed by abolitionists. In the 1840s,

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<sup>94</sup> Henry Wise to Hamilton Hamilton, 31/7/1846, FO 84/634 attached to Hamilton Hamilton (London) to Palmerston, 4/11/1846, FO 84/634.

British and French plans to set up plantations and colonise portions of Africa were initiated; the idea was that legitimate trade should replace the illegal trade. The instruction of African recaptives as agents for the spreading in Africa of European religion and economic practices had been present in the mandate of colonial administrators and missionaries in Sierra Leone and in Liberia from the beginning. The practice had shown, however, that Europeans would not have control over the consequences of their "civilising" mission. Christianised, liberated Africans from Sierra Leone spread throughout much of the West Coast of Africa and became independent traders, forming a middle class that mediated the exchanges between the peoples in the interior and the European merchants.<sup>95</sup>

The objection to the employment of recaptives in the Americas expressed by the American minister, and by other voices that rejected them as "barbarians" was, in fact, not linked to the difficulties in assigning them to fair labour arrangements or to the belief in the highest importance of their mission on their own continent, but rather, was related to the perceived potential danger they represented to slave or post-slave societies. British imperial policy of incorporating recaptives in the West Indian post-emancipation societies nominally as free labourers and full citizens was a calculated move based on previous experience and certainly rushed by the planters' pressing labour needs. As free persons subjected to only one-year indentures, the major impact of the newly arrived Africans on the post-emancipation societies of the British West Indies would be cultural; whatever prejudices existed, they were offset by the economic importance of the Africans as labourers. Elsewhere in the Americas, although the need for continued guardianship was justified by the Africans' "unfitness for freedom," it hid the fact that their potential impact on the enslaved population was still perceived as significant. It was because of their coexistence with the slaves that the liberated Africans could not enjoy the same freedom they did in post-emancipation British West Indies.

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<sup>95</sup> Philip Curtin, *The image of Africa: British ideas and action, 1780-1850* (Madison: University of Wisconsin Press,

## The Foreign Office, slaves, liberated Africans, and the abolition of the Brazilian slave trade

In Brazil, the reaction to the liberated African emigration scheme demonstrated the real and potential impact of British abolitionist pressure on the Brazilian slave system, which had received an influx of unprecedented numbers of African slaves through the illegal trade in the second half of the 1840s and stood at a particularly tense juncture. British diplomatic and naval pressure had gradually increased since the passage of the Palmerston act of 1839; the already strained bilateral co-operation had broken down in 1845 with the closure of the mixed commission court and the passage of the Aberdeen act. In September 1850, when the Brazilian government passed new legislation meant to prohibit the slave trade, it was a result of intense pressure from both external and internal sources. A heightened concern with the social order was one of the motivations, as recent works have shown. The impact of the existence of liberated Africans, and of the British actions for their welfare, on the slave population at large was among the complex set of elements Brazilian policy-makers took into consideration when they effected abolition, as this section will demonstrate.

The historiography on the abolition of the Brazilian slave trade has, until very recently, concentrated on political and diplomatic aspects. In following the successive government and legislative attempts to regulate and effect abolition in the 1830s and 1840s, authors have argued that the lack of consensus and, in fact, the imperial government's lack of political support prevented the success of any measure before 1850. The strength of the conservative party in power and the end of internal dissensions between the central and provincial elites may have, in this sense, contributed to the effective enforcement of the abolition law passed in 1850.<sup>96</sup> British

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1964); Eltis, *Economic growth*, 119-122.

<sup>96</sup> J. L. Alves, "A questão do elemento servil. A extinção do tráfico e a lei de repressão de 1850. Liberdade dos nascituros" (paper presented at the I Congresso de História Nacional, Rio de Janeiro, 1916/1915), *Revista do Instituto Histórico e Geográfico Brasileiro*, número especial, vol. 4, 189-257; Beiguelman, "A extinção do tráfico negreiro no Brasil;" L.H. Tavares, "O processo das soluções brasileiras no exemplo da extinção do tráfico negreiro," *Revista de História* 35, no. 72 (1967): 523-537; José Murilo de Carvalho, *A Construção da Ordem: a elite política*

escalation of diplomatic and naval pressure after 1845 and particularly in 1850, is credited with creating the climate for abolition in the political sphere and among the public, because British interference in Brazilian matters was outright resented. There has been disagreement, raised as early as the 1850s and restated by historians, over Britain's role in the episode.<sup>97</sup> Would the Brazilian slave trade have been abolished without the pressure exerted by the British? I propose to bring to this history a perspective until now completely overlooked and thus contribute a new element to the debate.

Recently, historians have shown that social instability, and particularly the unrest of slaves in and around Rio de Janeiro in the late 1840s, have most probably influenced policy-makers in their decision to enforce the abolition of the slave trade.<sup>98</sup> The continuation of the importation of large numbers of "new" Africans was seen as a potential danger to the stability of the slave system, not only because of the recent outbreaks of epidemic diseases traced to the slave trade, but also because of the Africans' potential for rebellion. Moreover, evidence of slave resistance pointed to the possible influence of British abolitionist activities over the slaves.<sup>99</sup> For Brazilian policy-makers, historians now argue, the abolition of the slave trade represented a strong measure aimed at demonstrating the imperial government's control over its own internal affairs and a clear attempt to avoid further disturbances in the social order, whether from outside or inside. The question of the liberated Africans connects the British role in abolition and the potential for slave unrest at a particularly interesting angle.

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*imperial; Teatro de Sombras: a política imperial*, 2 ed. (Rio de Janeiro: Ed. UFRJ/Relume-Dumará, 1996).

<sup>97</sup> Bethell, *The abolition of the Brazilian slave trade*; Graham, *Britain and the Onset of Modernization*; Antonio Ferreira Cesarino Júnior, "A intervenção da Inglaterra na supressão do tráfico de escravos africanos para o Brasil," *Revista do Instituto Histórico e Geográfico de São Paulo* 34, no. 377 (1938): 147-166.

<sup>98</sup> Sidney Chalhoub, *Visões da Liberdade: uma história das últimas décadas da escravidão na Corte* (São Paulo: Companhia das Letras, 1990); Dale T. Graden, "An Act "Even of Public Security": Slave Resistance, Social Tensions, and the End of the International Slave Trade to Brazil, 1835-1856," *Hispanic American Historical Review* 76, no. 2 (1996): 249-282.

<sup>99</sup> Sidney Chalhoub, "The Politics of Disease Control: Yellow Fever and Race in Nineteenth Century Rio de Janeiro," *Journal of Latin American Studies* 25, no. 3 (1993): 441-463; Robert W. Slenes, "'Malungu, ngoma vem!': África coberta e descoberta do Brasil," *Revista da USP*, no. 12 (1991/1992): 48-67.

The episode of the British seizure of the slaver *Santa Cruz* in January 1850 has been discussed in the contemporary press and in the historical literature as one more piece of evidence of the way the British suppression activities had expanded to Brazilian waters in that crucial year. The *Santa Cruz* was captured after having landed her cargo of slaves in São Sebastião, south of Rio de Janeiro. The ship was considered too unseaworthy to make it to St. Helena for adjudication and was consequently ordered destroyed. The seizures of other slavers and the searches of many ships in Brazilian waters by British cruisers raised heated public protests in the legislature and in the press.<sup>100</sup> There was more to that history than was publicised in the Brazilian press. The correspondence between the British legation in Rio and the Foreign Office point to a connection between British suppression activities and the fear of slave resistance, and moreover, to one way in which slave resistance was linked to the presence of new Africans and liberated Africans in the country. Hudson found out, through his privileged access to the correspondence passed between Brazilian customs officials, that shortly before the landing, a plot had been uncovered among the slaves on board the *Santa Cruz*, through a tip from an African woman, and there had been extensive flogging, resulting in the death of seven Africans. The ship had approximately 680 slaves on board. They were landed, but 50 of them escaped and were recaptured by the owners, with the connivance of the local authorities.<sup>101</sup> Hudson used this information to justify British action against the slave trade, at a moment when the Brazilian Minister of Justice argued that measures such as the ones being carried out "wounded feelings of national dignity and honour" and could turn public opinion against abolition.

Hudson maintained that there was a potential danger in the continuous introduction of

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<sup>100</sup> Bethell, *The abolition of the Brazilian slave trade*, 310.

<sup>101</sup> The correspondence from a Brazilian official who was on board the *Narceja* and investigated the circumstances of the landing of the slaves, testified about what he heard from the local population in São Sebastião: "Antes de descarregar se ia havendo um levante a bordo pelos pretos, tiveram denúncia por uma preta de maneira que houve grande castigo a bordo aonde mataram 7 africanos a pancada, digo surrados, e depois de te-los descarregados fugiram 50 e tantos, foram agarrados por várias pessoas mas o dito Cunha Juiz Municipal os fez entregar ao Dono do Porto tendo o dito Cunha pelo grande serviço [recebido] 500\$000 e um africano." The letter was relayed to the customs inspector and to the Minister of Justice in mid-January. José Joaquim dos Santos to Guarda-Mór da

slaves through the illegal trade in Brazil, and contended that a considerable number of Brazilians viewed "the operations of Her Majesty's cruisers on the coast as the only means of saving Brazil from the ultimate and inevitable effects of this fatal and detestable traffic." To stress his point, he laid out before the Foreign Office highly confidential evidence of a massive plot by slaves in the coffee region of the Paraíba valley which had been investigated by a secret committee of the Rio de Janeiro provincial assembly in 1848. The police authorities of the province had collected evidence of the existence of an organisation of the slaves which extended through key regions of Rio de Janeiro and was suspected of having ramifications in other parts of the empire. Organised by groups of 50 slaves, with a structure possibly based on West-Central African symbols of hierarchy, and engaging the trusted slaves of every plantation, the "society" was set to poison the masters, their overseers, and all free labourers on the plantations, as well as the slaves who would demonstrate loyalty to them. Once all the whites were killed, a "*Corongo*" leader would be invested as king. The provincial representatives who drafted a report based on the evidence collected by the police were convinced of the existence of this society in Rio de Janeiro and its interior, and were alarmed by the indication that the slaves appeared to plot in collaboration with foreign individuals located in the capital who centralised the movement, collected the money, and communicated with the plantations through peddlers travelling through the interior. Those peddlers were credited with "transmitting instructions and animating the blacks by saying that so many blacks should not be subjected to so few whites." Among the conclusions of the provincial representatives was a severe criticism of the "eagerness demonstrated by our planters in the purchase of slaves to maintain their plantations, thus animating and entertaining in large scale the illegal slave trade and the ever-growing introduction of Africans."<sup>102</sup>

The criticism of the continuation of the slave trade was picked up by Hudson in order to

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Alfândega, 6/1/1850, enclosed to Hudson to Palmerston, 20/2/1850, FO 84/802.

<sup>102</sup> Copy of report by the Rio de Janeiro Provincial Assembly presented in a secret session on 8/7/1848, enclosed to Hudson to Palmerston, 20/02/1850, FO 84/802. Robert Slenes has been investigating this episode for some time;

spread the alarm over the impending danger it presented to the whole slave system, including

British interests:

Africans, however degraded, are not bale goods, and however cowed by the lash, yet retain that longing for revenge which is common to all men under intolerable oppression, and is strongest in him who is the least civilised. The white man in Brazil has completely brutalised the black man and we now see that the latter "bides his time." The slave trade may, some day, correct itself if left to itself, but it must be at the expense of the white man in Brazil – cheap sugar – and from 15 to 20 millions sterling of British property.<sup>103</sup>

The British official was almost two years late. At the central and provincial levels, the Brazilian government had already reacted to the 1848 scare by investigating and tightening control over the forms of organisation of the slave population.<sup>104</sup> Although slave resistance could never be completely checked, by 1850, the immediate danger of a massive slave revolt seemed to have been avoided.

The other matters raised by the report presented to the Rio de Janeiro Provincial Assembly in 1848 were indicative of the circumstances linked to slave unrest, and are particularly revealing of the fears of government officials and slaveowners. The presence of liberated Africans among slaves was singled out as a factor of instability:

The committee believes the government did a disservice to the country when, short-sightedly, it spread over the interior millions [*sic*] of Africans to whom it was declared they were free, and to whom curators were appointed, who were to continually repeat that proposition and to inspect the way in which those who hired their services treated them. It would be better to have had those Africans re-exported or even given up to their captors.<sup>105</sup>

The Rio de Janeiro Assembly echoed the fears expressed in the Senate debate in 1831 and in the

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however, his findings have not yet been made public.

<sup>103</sup> Hudson to Palmerston, 20/02/1850, FO 84/802.

<sup>104</sup> See particularly Flávio dos Santos Gomes, *Histórias de Quilombolas: mocambos e comunidades de senzalas no Rio de Janeiro - século XIX* (Rio de Janeiro: Arquivo Nacional, 1995); Graden, "An Act "Even of Public Security,"" 271.

<sup>105</sup> Report of the committee of the Rio de Janeiro Provincial Assembly presented in a secret session on 8/7/1848, enclosed to Hudson to Palmerston, 20/02/1850, FO 84/802.

declarations of the ministers of justice in the following years concerning the pernicious influence the presence of the liberated Africans had on the slaves.<sup>106</sup> What was left unsaid, namely the right to freedom of all the slaves imported after the prohibition of the slave trade, was on everybody's mind. The presence of the liberated Africans served to reinforce in the eyes of the slaves, of the slaveowners and of society in general, the existence of that right and the failure of the government to enforce it. The very presence of the liberated Africans was then recognised as a factor causing instability in the slave system. The British interest in their fate was, understandably, a critical issue.

The Assembly committee proposed, among many security measures, the deportation of "foreign individuals judged dangerous to the public order, including among them the liberated Africans."<sup>107</sup> Foreigners were credited with heading the slave organisation, which in the committee members' minds was too complex to have come solely from the slaves:

[The commission] does not believe the blacks have been uniquely moved by their instincts and is instead persuaded a higher intelligence has directed them. The division of the society in circles, an efficient way to propagate it; the regularity of their reunions; their working method; the way to raise the necessary funds; and many other particularities do not match the limited intellectual means usually observed in the black race. There would be less to fear if all could be attributed to their own inspirations, from where, nevertheless, the impulse comes from.<sup>108</sup>

If it is true that the prejudice against blacks, and particularly against "barbarous" Africans, prevented whites from seeing key elements in their organisation and from recognising their capabilities, the reference to the collaboration between the slaves' organisation and foreign individuals was not an unrealistic projection.<sup>109</sup> From time to time in the previous decades,

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<sup>106</sup> See discussion in chapter 1, section "The abolition law of 1831 and the projected reexportation of the liberated Africans."

<sup>107</sup> In the original, "*a deportação do estrangeiro que for julgado perigoso à ordem pública e nesse número se compreendem os africanos livres.*"

<sup>108</sup> Report of the committee of the Rio de Janeiro Provincial Assembly.

<sup>109</sup> Robert Slenes has shown how white discourse on the slave family at the same time denied its existence and provided

foreign free blacks had been investigated by police, suspected of "haitianism," which demonstrated Brazilian slaveowners' fears of the hopes the Haitian revolution inspired in their slaves.<sup>110</sup> The proximity between slaves and foreign sailors, particularly in port cities, created a potential interchange of ideas, ideals, and resistance traditions among Atlantic groups.<sup>111</sup>

This time, however, the government had reason to believe in the existence of an external influence, as the report of the Rio de Janeiro Assembly declared. Although the suspicion remained unspoken, Brazilian officials suspected British abolitionist activity of having influenced the slaves. When officials in Rio de Janeiro shared with the provincial authorities their concern about the extent of the slave organisation that had been uncovered and the driving forces behind it, they reasoned as follows:

In face of such information, the idea comes to mind of the possible combination, or the existence of a plan, more or less diffused among the slaves of different places. Such a criminal combination, if it exists, can be the product of their own inspirations, or of suggestions plotted by some Gregorian society, or agents of slave abolition principles, or any other foreign influence that conspire to put the administration in difficult circumstances in order to impose on it conditions favourable to its own views and interests.<sup>112</sup>

The evidence seemed clear: the slaves had achieved an unprecedented level of organisation in

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elements to help its identification by careful observers. Robert W. Slenes, "Black homes, white homilies: perceptions of the slave family and of slave women in nineteenth-century Brazil," in *More than Chattel: Black Women and Slavery in the Americas*, ed. David Barry Gaspar and Darlene Clark Hine (Bloomington: Indiana University Press, 1996), 127-146; the argument is extended in Robert W. Slenes, *Na Senzala, uma Flor: Esperanças e Recordações na Formação da Família Escrava - Brasil Sudeste, século XIX* (Rio de Janeiro: Nova Fronteira, 1999). In this case, although planters and deputies might not believe in (or prefer to ignore) the slaves' intellectual capacity, they collected evidence to prove beyond doubt the elaborate structure of the slaves' organisation.

<sup>110</sup> Karasch, *Slave Live in Rio de Janeiro*, 326-7, Gomes, "História, protesto e cultura política," 78-9; Jaime Rodrigues, *O Infame Comércio: Propostas e experiências no final do tráfico de africanos para o Brasil (1800-1850)* (Campinas: Editora da UNICAMP/CECULT, 2000), 50-62.

<sup>111</sup> The idea that the Atlantic labouring classes exchanged experiences and ideas on their resistance traditions has been proposed by Linebaugh and has entertained researchers on Brazilian slave resistance for some time. The links between blacks, Irish labourers, British sailors and other "dangerous" categories is developed in Peter Linebaugh and Marcus Rediker, *Many-Headed Hydra: Sailors, Slaves, Commoners and the Hidden History of the Revolutionary Atlantic* (Boston: Beacon Press, 2000). Carlos Eugênio Líbano Soares has explored those links in Brazil, at the Navy Arsenal of Rio de Janeiro, "the crossroads of the South Atlantic." Carlos Eugênio Líbano Soares, *A capoeira escrava e outras tradições rebeldes no Rio de Janeiro, 1808-1850* (Campinas: Editora da Unicamp/Centro de Pesquisa em História Social da Cultura, 2001), 247-304.

their plot. A possible explanation lay in the influence of external agents, either religious or lay abolitionists, although the slaves' own inspiration was not discarded. The conclusion was undeniable: whatever that foreign influence was, it conspired to destabilise the administration in order to press for the advancement of its own objectives.

The association between those suppositions and British abolitionist activity elsewhere could not have gone unnoticed by the most informed Brazilian government officials. Years earlier, evidence had surfaced of the effective involvement of the British consul in Havana, David Turnbull, with Cubans who conspired to achieve independence and slave emancipation. The episode, known as *La Escalera*, justified extensive investigation of and harsh punishment for all those found to be involved, even if the actual existence of a conspiracy and its link to the slave plot or insurrection discovered in late 1843 in Matanzas are not clear.<sup>113</sup> Could Brazilian government officials suspect the existence of such a plot in Brazil?<sup>114</sup> Perhaps they did. They certainly recognised the potential danger associated with the application of some of Turnbull's strategies to the liberated Africans in Rio de Janeiro: since November 1849 the British consul Hesketh had been personally interviewing liberated Africans at the legation and preparing a register with information on them, with a view to pressing for their final emancipation.<sup>115</sup>

Brazilian government officials may also have drawn parallels between the organisation of the "slave society" uncovered in Rio de Janeiro in 1848 and that observed in the Jamaican Christmas Rebellion of 1831-2, when slaves had organised themselves into groups whose leaders

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<sup>112</sup> Rodrigues, *O Infame Comércio*, cited on page 61.

<sup>113</sup> Murray, "The Escalera Conspiracy," in *Odious Commerce*, 159-180; Robert L. Paquette, *Sugar is made with blood: the conspiracy of La Escalera and the conflict between empires over slavery in Cuba* (Middleton, Conn: Wesleyan University Press, 1988).

<sup>114</sup> Although the Foreign Office did not advocate such an involvement by its officials, it is known that in all aspects of British foreign engagements, the activities of the "men on the spot" usually anticipated official policy. Hudson had already hinted, in 1848, that a naval blockade of Bahia would have favoured the outbreak of a slave rebellion there and the destabilisation of the whole slave system. Eltis, *Economic growth*, 114.

<sup>115</sup> On Turnbull's activities as the superintendent of liberated Africans in Cuba see Murray, "The Turnbull affair," in *Odious Commerce*, 133-158; the Hesketh registry is discussed by W.D. Christie, *Notes on Brazilian Questions*, (London: Macmillan, 1865), 36-38.

were elite slaves, using the opportunities offered by their religious practices.<sup>116</sup> If that had been the case, Brazilian officials might have put the blame on "abolitionist agitators" just as the planters had blamed the missionaries in Jamaica. However, slave resistance was driven mainly by the slaves' own agenda and motives found within their own daily routines. Whatever the external influence, it acted as a catalyst for their own plans. The parallel drawn by Brazilian government officials may not have been completely lost, however. The talks of abolition in England have been shown to have influenced slaves in Jamaica in 1831, and British activities for the suppression of the slave trade, and particularly in defence of the liberated Africans, did not go unnoticed by slaves in Brazil. In fact, by 1850, police often found slaves who associated efforts to abolish the slave trade with the British, and with their own right to freedom.<sup>117</sup>

Until now, British influence on the abolition of the Brazilian slave trade has been linked to the naval and diplomatic pressures exerted on the Brazilian government. Evidence from the British activities in the defence of the liberated Africans suggests another reason why Brazilian policy-makers felt pressed to put an end to the slave trade. In addition to their desire to stop supplying British colonies with labourers taken from Brazilian slavers through the liberated African emigration scheme, Brazilian officials also aimed to remove British pressure in abolitionist matters, because it had, by that time, reached the slaves. For two decades, the imperial government and the slave system had absorbed and resisted the British pressure for the abolition of the slave trade. The concerted pressure from the slaves, demonstrated for the first time in 1848, could not be ignored for very long.

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<sup>116</sup> Mary Turner, *Slaves and missionaries: the disintegration of Jamaican slave society, 1787-1834*, 1 ed. (Urbana: University of Illinois Press, 1982).

<sup>117</sup> For discussions on the politics of slave resistance, see particularly Eugene D. Genovese, *From rebellion to revolution: Afro-American slave revolts in the making of the modern world* (Baton Rouge: Louisiana State University Press, 1979); Michael Craton, *Testing the chains: resistance to slavery in the British West Indies* (Ithaca: Cornell University Press, 1982); Reis, *Slave Rebellion in Brazil*; Gomes, *Histórias de Quilombolas*. Flávio Gomes discusses instances of slaves trying to pass as liberated Africans during the repression of the slave trade and exposing their belief in the British role as abolitionists. Gomes, "História, protesto e cultura política no Brasil escravista," 65-97.

## British abolitionism and the liberated African question in the 1850s and 1860s

Brazilian government officials had every reason to suspect that British activities on behalf of the liberated Africans aimed ultimately at slave emancipation in the country. Although nobody in the Brazilian élite denied its necessity, in 1850 one deputy who proposed gradual measures for abolition was deemed a lunatic. In the course of the 1850s and 1860s the question of the liberated Africans afforded the British the opportunity of continuing to advance their abolitionist ideas after the abolition of the slave trade removed an important point in their agenda. In directly pressing successive governments for information and action regarding the liberated Africans, in fomenting public opinion to question the government's failure to emancipate them, and in directly and indirectly influencing the liberated Africans themselves in their quest for final emancipation, the actions of the British officials made an impact on the process of liberated African emancipation and on the subsequent introduction of the "slave question" in the public agenda. This section will address the main points of British policy towards the liberated Africans in Brazil in the 1850s and 1860s, in order to show how the defence of their freedom took on a radical meaning.

Ever since the closure of the mixed commission in 1845, the subject of the liberated Africans had become, for the Foreign Office, one which justified the continuation of British pressure on the Brazilian government for the application of the (now expired) bilateral agreements. The British claimed responsibility for the freedom of the liberated Africans and moved to request information on their state and to press for their emancipation. This time, their actions were not confined to the diplomatic, or usual public arenas: they reached the Africans themselves. On receiving no response to their request for a list of liberated Africans which they had made to the Brazilian Foreign Ministry in 1848, Hudson and Hesketh began to prepare one themselves. From November 1849 to July 1851, consul Hesketh collected information on the liberated Africans working in the city of Rio through personal interviews conducted with them, during which he reportedly "received their complaints" and recorded their information with a

view to affording them "some hope of justice."<sup>118</sup> The impact of that engagement on the liberated Africans' hopes for final emancipation, at a time when those who had arrived in Brazil in the mid-1830s were completing their 14-year terms of service can easily be conceived.

By that time, the British Foreign Office was moving to press for the identification of the liberated Africans who had been first emancipated through the application of the bilateral agreements. In February 1850, Palmerston proposed their personal examination by appointed British and Brazilian commissioners who would "give to them all the full and real enjoyment of that freedom which has been decreed to be their right."<sup>119</sup> Minister Paulino de Souza is reported to have shown no objection to granting final emancipation to the liberated Africans who had completed their service, and even to authorising their emigration to a British settlement or to Liberia.<sup>120</sup> The appointment of such a commission never happened, possibly because Brazilian officials sensed that Palmerston attached great importance to that proposal, which significance actually came to light months later. In November 1850, Palmerston instructed Hudson to propose to the Brazilian government the establishment of a mixed commission court in Rio de Janeiro, which, in his own words "should be empowered to investigate the cases of negroes suspected of being illegally held in slavery in Brazil, and to declare whether such negroes are or are not free." Palmerston claimed that the British government had the right to defend the freedom of all the slaves brought to Brazil in violation of the bilateral convention of 1826, that is, all slaves brought to Brazil since March 1830 and illegally held in slavery. In other words, he moved to undermine the legitimacy of the ownership of a great proportion of the slaves in the country.<sup>121</sup>

Such a move had been devised by David Turnbull during the campaign against the Cuban

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<sup>118</sup> Hudson to Palmerston, 11/11/1850, quoted in Christie, *Notes on Brazilian Questions*, 35.

<sup>119</sup> Palmerston to Hudson, 27/2/1850, quoted in Christie, *Notes on Brazilian Questions*, 33.

<sup>120</sup> Reported in Hudson to Palmerston, 10/10/1850, cited in Christie, *Notes on Brazilian Questions*, 34. Those were probably Paulino's personal views and never became government policy.

<sup>121</sup> Palmerston to Hudson, 5/7/1851, transcribed in Christie, *Notes on Brazilian Questions*, 203-5, making reference to his correspondence of the previous year.

slave trade. In 1840 he had proposed to Palmerston that a definitive blow would be struck at the slave trade if the mixed commission in Havana had its mandate extended and could hear individual cases and declare the freedom of slaves who claimed that they had been imported illegally after the prohibition of the slave trade. At that time, the Foreign Office recognised the applicability of such a revision to the bilateral convention Britain had with Brazil as well, but it was never openly proposed.<sup>122</sup> The proposals made over the years for the extension of the mandate of the mixed commission court sitting in Rio de Janeiro concerned the Africans who had been effectively rescued from slave ships and emancipated by the court, and never addressed (at least not openly) all those who entered Brazil and were not captured during the suppression activities. It could be argued that in November 1850 Palmerston used this new proposal to threaten the Brazilian government regarding its continued neglect of the slave trade problem, particularly since he could not be sure of the effectiveness of the application of the new law for abolition passed in September. However, the link he established between the liberated Africans and all the Africans illegally held in slavery – both groups were entitled to benefit from British protection – is unmistakable and very significant. Although the proposal for bilateral collaboration on the protection of illegally held slaves was dismissed by the Brazilian government, and British action on behalf of the liberated Africans in the following years did not associate them with the larger group, this matter constituted the "hidden agenda" behind British engagement on behalf of liberated Africans in the 1850s and 1860s, as Christie later openly admitted.<sup>123</sup>

Continuous British pressure and liberated African unrest were most certainly behind the decision by the Brazilian government to issue a decree in December 1853 declaring a partial emancipation of the liberated Africans. The Ministry of Justice instituted administrative procedures to verify the completion of the 14-year term of service by the liberated Africans who

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<sup>122</sup> Murray, *Odious Commerce*, 135-137.

had worked for private hirers and to grant them their final emancipation.<sup>124</sup> In the following years, British officials in Brazil would tirelessly press successive governments for the extension of the right to emancipation of the liberated Africans in public service and would raise public awareness about the fate of the entire group. Their right to freedom could no longer be denied, since all the liberated Africans freed by the mixed commission court had completed their prescribed term of service by 1855. The payment of back wages, proposed by Minister Christie after the example set by Hudson in 1846, proved chimerical.<sup>125</sup> In September 1864, after even more liberated African unrest and continued British pressure, the Brazilian government issued a decree ordering the immediate emancipation of all the liberated Africans in the Empire.<sup>126</sup> For this and other reasons, diplomatic relations between Britain and Brazil had been severed between 1863 and 1864. The problem of the emancipation of the liberated Africans in Brazil had also engaged the British House of Commons in July 1864. As the Brazilian government tried to demonstrate the fulfilment of its agreement with the British government regarding the liberated Africans, the limits imposed on their "full freedom," to be discussed in the next chapter, pointed to an attempt to avoid the larger question of the freedom of Africans illegally held in slavery.

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<sup>123</sup> Christie, *Notes on Brazilian Questions*, 80-86, 203-5.

<sup>124</sup> As stated in the text of the decree, the decision was made in consultation with the Council of State and ratified by the Emperor, but the records of the council's decision were not found among the printed sources consulted. For the full text of the decree n. 1303 of December 28, 1853 see Appendix 2, Bilateral agreements and Legislation pertaining to Liberated Africans in Brazil.

<sup>125</sup> Christie, *Notes on Brazilian Questions*, 47-50.

<sup>126</sup> The text of the decree n. 3310 of September 29, 1864 can be found in Appendix 2. For British pressure on the matter in the 1860s, the best source comes from the man who engaged in it: Christie. See Christie, *Notes on Brazilian Questions*; see also Graham, *Britain and the Onset of Modernization in Brazil*, 160-186; Richard Graham, "Os Fundamentos da Ruptura de Relações Diplomáticas entre o Brasil e a Grã-Bretanha em 1863: "a Questão Christie", "*Revista de História* 24, no. 49 (1962): 117-138/379-400. For the connection between the emancipation of the liberated Africans and the debate on slave emancipation, see Eduardo Spiller Pena, *Pajens da casa imperial: jurisconsultos, escravidão e a lei de 1871* (Campinas: Ed. UNICAMP/CECULT, 2001), 273-295. For more on the liberated Africans' reaction to the emancipation process, see chapter 5.

## **Chapter 5 – Final emancipation: the limits to autonomy**

On November 24, 1857, at the police department of the city of Rio de Janeiro the African Carolina Conga appeared before Dr. Izidro Borges Monteiro, the Chief of Police. Asked whether she had requested or asked someone to request her emancipation, she responded that when she was at the plantation she received from little mistress d. Amalia, the daughter of the late Mr. Aureliano a letter hidden in a sugar tin brought to her by *crioulo* Jacintho, a slave of the plantation, and having it read by Antonio de tal, she realised the letter advised her to run away so that the little mistress could obtain her manumission, and that when she came to Niterói with her sick daughter, she received a message from the little mistress brought by one *pardo* man from D. Clara's household where the little mistress lived, telling her to find a way to escape to her house so that she [the mistress] could arrange for her manumission, and that she in fact ran away one night with her daughter Eva, to D. Clara's house, where the little mistress lived and from there they embarked on a boat at night that reached Santa Luzia beach [in Rio de Janeiro], from where they went to rua das Marrecas to the house of Mr. Pedro de Alcântara, with the *pardo* Belmiro, who had been a servant of the late Mr. Aureliano and now lived at D. Clara's house; he had been waiting for her at Santa Luzia beach.<sup>1</sup>

Carolina Congo had been emancipated from the *Duquesa de Bragança* in 1834 and had served her compulsory term at the Paquequer tea plantation near Rio de Janeiro, where she worked with other liberated Africans and with slaves. The plantation belonged to Aureliano Coutinho, the Minister of Justice in the early 1830s who had been directly in charge of the administration of the liberated Africans; it had been sold to a medical doctor, José Francisco Frongeth, who obtained permission to keep the liberated Africans under his responsibility. Carolina had served for more than 20 years when the daughter of Aureliano, Amália Guilhermina, helped her to obtain her final emancipation in 1857. She had had four children and was married to Domingos, a slave of Dr. Frongeth's plantation. Her case reveals many aspects of the daily lives of liberated Africans and their relationships with slaves and free persons, but more than that, it illustrates quite dramatically the liberated Africans' struggle for their final emancipation, which involved petitioning the Ministry of Justice, presenting supporting documents, and proving themselves worthy of "full

freedom." This chapter addresses the petition process from the point of view of the liberated Africans, in an attempt to uncover, through the direct testimony of their petitions, how they had conducted their lives until then and what meaning they gave to their terms of service and to their emancipation. Then, based on the Ministry of Justice files, it assesses the process of emancipation of the liberated Africans, and through the records of the application of the 1853 and 1864 decrees, discusses the limits imposed by the imperial government on the liberated Africans' autonomy.

### At the expiration of the "term of captivity": survival and adaptation

The petitions for emancipation that reached the Curator of liberated Africans or the Ministry of Justice section devoted to the administration of the liberated Africans offer a unique glimpse of the lives of the Africans who had survived their terms of service and also a sample of their opinions about their condition. At that point, a significant portion of those emancipated in the 1830s and 1840s had died, and many of those who had survived showed signs of aging, and of physical and mental illnesses. After so many years in the country, the liberated Africans had formed bonds, had changed names, had had children and had constructed their lives within the limits imposed on them. The petitions indicated that the Africans viewed their compulsory term of service as a period of captivity and expected their final emancipation to bring "full freedom." An assessment of the state of the liberated Africans at the time of their emancipation provides elements for exploring issues related to the social and cultural adaptation of Africans in nineteenth-century Brazil. It is against this background that the government's handling of the category in the 1850s and 1860s can be best understood.<sup>2</sup>

Only a portion of the Africans emancipated at the time of their arrival in the country

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<sup>1</sup> "Cross-examination of the African Carolina Conga," 24/11/1857, AN, GIF1 6-D 136.

<sup>2</sup> The 262 cases of emancipation (sometimes involving more than one petition for each liberated African) all come from Ministry of Justice documentation kept at the Arquivo Nacional in Rio de Janeiro in the following files: IJ6 467, IJ6 468, IJ6 471, IJ6 523, GIF1 6D 136, GIF1 6H 11, GIF1 5E 130, Diversos SDH cx.782 pc.2, and Diversos SDH cx.782 pc.3. I thank Sidney Chalhoub for leading me to some of those files.

survived the 14 years of their compulsory service to be able to claim their full freedom. The records concerning the liberated Africans first emancipated in the 1830s show that, among those whose fates are known, 44.3% died during their term of service.<sup>3</sup> The "seasoning period" – the first three years after their arrival in the country – was particularly harsh, taking the lives of almost one-third of all the newly arrived Africans, with a particularly heavy toll on those who served in public institutions.<sup>4</sup> Over the years, the difference in the death rates according to the place of work reversed: between the 10<sup>th</sup> and the 14<sup>th</sup> year of service, liberated Africans who served private hirers died more often than those working in public institutions, possibly indicating that the daily socialisation with fellow liberated Africans and some form of working agreement arrived at within the institutions after a few years may have favoured their living conditions, while those working for hirers continued to be exploited as before. Liberated Africans died of the same causes as did slaves and the free population: contagious diseases, work-related injuries, and chronic illnesses due to malnutrition or old age.<sup>5</sup> What is striking in the records of the fates of the liberated Africans first emancipated in the 1830s is that many of the liberated Africans served much longer than 14 years and not all were emancipated. The biased proceedings of the emancipation process allowed a portion of the liberated Africans to die while still serving their hirers or institutions and waiting for their final emancipation, even if they had served for 20, 25, or up to 29 years!<sup>6</sup>

The petitions for emancipation and the records of the Ministry of Justice show that many of the liberated Africans who survived beyond the limit of their terms of service were old and sick. Maria Angola, for example, complained that she was "old and blind due to ill-treatment and

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<sup>3</sup> See Appendix 1, Table 14: Term of service of liberated Africans according to their places of work and fates. Among the 731 who had been assigned to work whose fates are known, a total of 324 liberated Africans died during their term of service.

<sup>4</sup> See discussion in section "Life in the closed confines of public institutions" of chapter 3.

<sup>5</sup> On the death rate of slaves and liberated Africans in Rio, and on their diseases, see Mary C. Karasch, *Slave Life in Rio de Janeiro, 1808-1850* (Princeton, NJ: Princeton University Press, 1987), 92-110; 146-184.

<sup>6</sup> See Appendix 1, Table 15: Term of service of deceased liberated Africans according to place of work.

punishment" she had received from her then-deceased hirer João Caetano d'Almeida França.<sup>7</sup> Miguelina Bié was very sick from tuberculosis and parasitic worms, but her hirer Domingos Alves Loureiro continued to treat her, even if she was unable to serve him.<sup>8</sup> The cases of liberated Africans who had become alcoholics were numerous, and for that reason they were sent to be kept under strict control at the House of Correction. One extreme case was that of the liberated African woman Firmina Benguela, who had first been emancipated in 1840 from the *Paquete de Benguela*, completed her term of service for hirer Basílio Quaresma Torreão, and worked for a further four-year term at the House of Correction as a washerwoman. According to the director of that institution in 1862, she appeared to be a very keen worker, but because "she was inclined to the vice of drunkenness...during that long period she was never granted permission to leave the compound."<sup>9</sup>

The survivors were, most of all, people who had endured hard work, physical punishment, and numerous waves of epidemic diseases and had, individually or collectively, constructed their lives around many limitations. The relationships they developed with whites, freedpersons, and slaves provide further evidence of the ambiguity of their status. Most liberated Africans, it seems reasonable to assume, were involved in relationships within the diverse group of Africans in the city. Beliza Nagô, from the Gunpowder Factory, recorded in her petition that she had a sister living in Rio de Janeiro, who ran "a small business."<sup>10</sup> Salustiana Conga wanted her emancipation in order to be able to live in the company of "her godfather, a black married man living in rua da Lapa."<sup>11</sup> Significantly, many liberated Africans made a point of indicating in

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<sup>7</sup> Maria Angola, Petição de Emancipação, 29/9/1855, AN, Diversos SDH - cx. 782 pc. 3.

<sup>8</sup> Domingos Alves Loureiro, Pedido de exoneração de responsabilidade sobre Miguelina Bié, Dec. 1856, AN, Diversos SDH - cx. 782 pc. 2. She was emancipated in January 1857 so that her hirer did not have to pay rent for her.

<sup>9</sup> Firmina Benguela, Petição de emancipação, 07/03/1862, AN, GIF1 5E-130.

<sup>10</sup> Beliza, Petição de Emancipação, 04/1856, AN, Diversos SDH - cx. 782 pc. 2-3. West African women were notorious for controlling the food supply of the city of Rio de Janeiro, from their market stalls and food peddling in the streets. See Karasch, *Slave life in Rio de Janeiro*, 207; Carlos Eugênio Líbano Soares, *Zungú: Rumor de Muitas Vozes* (Rio de Janeiro: Arquivo Público do Estado do Rio de Janeiro, 1998).

<sup>11</sup> Salustiana Conga, Petição de Emancipação, 1/12/1854, AN, Diversos SDH - cx. 782 pc. 2.

their petitions the family relationships and ties they had constructed within the world of free persons. Many liberated African women married or had children with white men. Ricardina Benguela, for example, had a *parda* daughter with a Portuguese butcher, whom her hirer accused of inciting her to be insubordinate.<sup>12</sup> Elizia, who served at the Gunpowder Factory, married a Portuguese bricklayer who also worked there, and they had a six-month-old daughter, Belmira, about whose formal guardianship they had to fight with the authorities.<sup>13</sup>

Liberated African women had limited custody of their children, who were legally born free ("*ingênuos*"). Children born during their mothers' terms in public institutions grew up there and were incorporated into the labour force at age seven.<sup>14</sup> Those who lived with their mothers in private homes usually had the mothers' hirers as formal guardians and were put to work learning trades. Firmino, the ten-year-old son of the liberated African Maria, had a priest for a godfather and teacher of the Christian doctrine (the son of Maria's hirer). The boy helped his godfather in the church services and was assigned to a contract with a tailor in the city. Likewise, the older daughters of Carolina Congo, from the Paquequer plantation, whose cross-examination opened this chapter, had been placed to be trained with seamstresses in Niterói.<sup>15</sup> Those cases seem to indicate that the children of liberated Africans had the chances not offered to their parents to be incorporated into the world of free persons, as free labourers, but the struggle over their legal status shows that that was not the case for all, and that it was not a peaceful process. Liberated Africans often had to insist on gaining custody over their children after they had received their emancipation, or to petition for the emancipation of their children even if they had been born

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<sup>12</sup> Ricardina Benguela, Petição de Emancipação and João Antônio Tavares, Pedido de exoneração de responsabilidade sobre a africana livre Ricardina, May 1856, AN, Diversos SDH - cx. 782 pc. 2/3.

<sup>13</sup> José João de Araújo, Pedido de tutela da menor Balbina, filha da africana livre Elizia, 13/4/1858, AHEx, RQ JJ-256-6281. I thank Hendrik Kraay for sharing his notes relative to liberated Africans.

<sup>14</sup> The documentation of the various institutions show that clearly. See, for example, that of the Iron Foundry of Ipanema.

<sup>15</sup> Maria Rebola, Petição de Emancipação, 17/06/1857, AN, GIFÍ 6D-136; Amália Guilhermina de Oliveira Coutinho, Pedido de emancipação para a Africana livre Carolina Congo, 2/12/1857, AN, GIFÍ 6D-136.

free.<sup>16</sup>

Those examples show that liberated Africans tried to make the transition into the world of free persons and to assert their autonomy, but, they faced many limitations, indicating that they were expected to behave as slaves. This point is further reinforced by an examination of the way they identified themselves and the way they were identified by hirers, administrators, and imperial authorities. The question of naming is an interesting one. Liberated Africans received Portuguese names at the moment of their first emancipation, from the clerk (and sometimes the priest) who recorded their signs and body marks. Their African names were never recorded; in a sense, they were expected to take on new identities. Petitions for emancipation and other records of the Ministry of Justice show that many liberated Africans had taken different first names from the ones initially assigned to them and recorded in the registers. Sancha, from the *Paquete de Benguela*, for example, was baptised as Joana, for according to her hirer Isabel Maria Heredia, "the African declared never having received the sacrament of baptism and asked that that name was given to her."<sup>17</sup> Likewise, Rosa Angola, from the War Arsenal, was registered as Edwiges at the Gunpowder Factory where she was baptised, but "she is known as Rosa by the other liberated African women at the Arsenal."<sup>18</sup> Countless other liberated Africans used names different from the ones initially assigned to them, to the point of confusing the handling of their petitions. The director of the House of Correction testified, in 1856, that "there is hardly any liberated African assigned to a private hirer who does not have two or three names; sometimes the Africans are to blame, sometimes their hirers themselves."<sup>19</sup>

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<sup>16</sup> There are numerous questions in the documentation about the legal status of the children of liberated Africans and their right to full freedom. The question was resolved only in the 1860s. The question will be addressed by further research.

<sup>17</sup> Isabel Maria Heredia, Pedido de exoneração de responsabilidade sobre a africana livre Sancha, Oct.-Nov. 1856, AN, Diversos SDH - cx. 782 pc. 2.

<sup>18</sup> Rosa Angola, Petição de Emancipação, Sept. 1862, AN, II6 468.

<sup>19</sup> The comment, from the Director of the House of Correction presumably to the Ministry of Justice clerks, dated 8/7/1856, is enclosed in Agostinha Rebola, Pedido de correção do aviso de emancipação, 8/4/1856, AN, Diversos SDH - cx. 782 pc. 3.

The liberated Africans' choice of the name by which people would identify them can be interpreted as an attempt to assert their own identities in the face of control by hirers and the administration; the choice of different names by the hirers may indicate their benevolent intentions or else their attempt to hide the liberated Africans from the system set up to guarantee their freedom. In fact, apart from the choice of first names, the system of identification of the liberated Africans left little room for options over the world where they belonged. Liberated Africans, like slaves, were identified in administrative records and by other people by the names of their hirers/masters or their places of work, that is, associated with the people to whom they effectively belonged or the institutions to which they were attached. Like other slaves, they went by only their first names, their origins in Africa sometimes given only as a verification of their identities. Thus, an order issued by the Minister of Justice to the chief of police instructed him to "take to the House of Correction the liberated African by the name of Tibúrcio, whose services had been assigned to D. Antônia Florida Peixoto, to verify after a trial of one year whether this African is worthy of the emancipation he requested," and a notice issued to the Minister of War stated that "the Emperor had granted authorisation for Valeriano Monjolo, at the service of the War Arsenal of Rio de Janeiro to arrange his marriage with the liberated African Christina, of the Sector of Public Works."<sup>20</sup>

Freedpersons, in contrast, adopted surnames. For liberated Africans, only a few references could be found of their use of full names; among them was the record of Esperança Maria do Rosário, whose petition for emancipation came to Rio de Janeiro all the way from Pernambuco, where she served at the Charity Hospital of that province.<sup>21</sup> The use of a full name seems to indicate people who had managed to acquire some autonomy. Such appears to have been the case of Pedro Comba, a "frail and well-behaved" liberated African, who in 1856 worked at the Mint Department and lived by himself at the rua dos Latoeiros, where, the *inspetor de quarteirão*

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<sup>20</sup> Justiça to Polícia, 25/1/1860, AN, IJ6 15.; Justiça to Guerra, 26/1/1860, AN, IJ6 15.

testified, he was known as "Pedro Augusto Simão."<sup>22</sup> Further investigation should show whether Antônio Cornélio Baptista and Theobalda da Rocha, who were emancipated in 1864 after having served at the Department of Public Works, had any special reason to use their full names other than the fact that they were effectively liberated Africans.<sup>23</sup> The fact that only very few cases of liberated Africans using surnames could be found in the documentation consulted points to the extent to which they were treated as slaves, and possibly too, to the extent to which a great proportion of them found no reason not to identify themselves as slaves during their terms of service.<sup>24</sup>

Liberated Africans were often registered as their hirers' slaves when they were jailed for offences they committed. Ignácio Muteca, for example, was arrested for engaging in *capoeira* and was about to be punished as a slave when the Ministry of Justice sector in charge of liberated Africans informed the director of the House of Correction that he was a liberated African whose services had been granted to Guilherme Bandeira de Gouveia.<sup>25</sup> Likewise, Anastácio Libório, the son of liberated African Margarida Uiteca, was retained at the House of Correction under the "false designation of [a] creole slave" of Maria Bernarda de Alvarenga Peixoto, his mother's hirer.<sup>26</sup> Those cases demonstrate that the liberated Africans themselves were not able to declare

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<sup>21</sup> Aviso de Emancipação de Esperança Maria do Rosário, Ministério da Justiça, 12/1/1860, AN, IJ6 15.

<sup>22</sup> Pedro Comba, Petição de Emancipação, 17/11/1856, AN, Diversos SDH - cx. 782 pc. 2. Pedro Comba was first emancipated in 1834 from the *Duquesa de Bragança*, and had served João Bandeira de Gouveia until his hirer died. He was emancipated in November 1856. His record is in AN, IJ6 471.

<sup>23</sup> Aviso de Emancipação de Antônio Cornélio Baptista, Angola, Ministério da Justiça, 4/7/1864 and Aviso de Emancipação de Theobalda da Rocha, Ministério da Justiça, 19/8/1864, AN, IJ6 16.

<sup>24</sup> On the slaves' use of surnames in the US, see Herbert George Gutman, *The Black family in slavery and freedom, 1750-1925*, (New York: Pantheon Books, 1976), 230-56. He contends that the use of surnames by slaves was more common than slaveowners acknowledged, but admits that the accepted practice was for slaves to choose surnames after emancipation.

<sup>25</sup> Guilherme Bandeira de Gouveia, Pedido de exoneração de responsabilidade sobre o africano livre Ignácio, Muteca, 9/10/1857, AN, GIF1 6D-136. As free persons, liberated Africans would not receive physical punishment, which was reserved by law for slaves. On crime, punishment, and the judicial structure to handle those, see Thomas H. Holloway, *Policing Rio de Janeiro: Repression and Resistance in a 19th-century City* (Stanford: Stanford University Press, 1993).

<sup>26</sup> Maria Bernarda de Alvarenga Peixoto, Pedido de exoneração de responsabilidade sobre a africana livre Margarida, Uiteca, 15/06/1856, AN, Diversos SDH - cx. 782 pc. 2.

their correct status at the time of their apprehension. The case of Rômulo Congo, or José, illustrates this point well: he was condemned in 1851 to six years in prison for his participation in the murder of a Portuguese man in Petrópolis; when he was apprehended, he identified himself as "José Congo, a slave of Francisco Jacinto who lived in the Beco das Carmelitas in the Court of Rio de Janeiro." In effect, Jacinto declared that he had "always known him as José," but there is no explanation given for the fact that the liberated African identified himself as a slave or as to what he was doing in Petrópolis when his hirer lived in Rio de Janeiro.<sup>27</sup>

The level of awareness of their distinct legal status varied greatly among liberated Africans until the late 1840s and early 1850s, as the examples have shown. There were liberated Africans such as Anna, who petitioned for emancipation as early as 1843, deeming that she "had already acquired the knowledge necessary to be able to live on her own and support herself as a free woman," and there were others, such as the ones just cited, who passed as slaves well into the 1850s.<sup>28</sup> In the early 1850s, the knowledge of the meaning of liberated African status gradually spread, and was associated with the agitation surrounding the abolition of the slave trade, the completion of the 14-year terms of service of those who were first emancipated in the 1830s, and the issuing of the decree ordering their emancipation. If there has ever been a separate or collective "liberated African identity," it was fashioned in the 1850s when it became clear to liberated Africans that they had been serving long enough, and that their freedom was associated with the prohibition of the slave trade and seemed to be defended by the British.

### The petition process

The decree issued on December 28, 1853, offered emancipation to the liberated Africans who had served private hirers for fourteen years, but it required those entitled to that right to come forward

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<sup>27</sup> Francisco Jacinto Fernandes, Pedido de exoneração de responsabilidade sobre Rômulo Congo, aliás José, 24/10/1856, AN, Diversos SDH - cx. 782 pc. 3.

<sup>28</sup> Anna [Benguela], Petição de Emancipação, 6/3/1843, AN, IJ6 471. Anna Benguela was a girl when she was emancipated in 1835 from the *Rio da Prata*. Her record is in AN, IJ6 471.

to claim it through petitions to the Emperor. The legislation that had regulated their assignment for service since 1834 had not fixed a limit on the term of service for liberated Africans because it was based on the premise that they would be sent back to Africa. The administration had been working since then under the assumption that there was no fixed time limit on their compulsory service. In fact, what seemed to be fixed by the new decree had actually been established by the royal decree of 1818, and was only reiterated in 1853.<sup>29</sup> Furthermore, the decree made an important distinction between the liberated Africans who had served private hirers and those who served in public institutions, favouring the first group and denying the right to emancipation of the second. It also made emancipation conditional on the emancipated Africans' obligation to establish residence wherever they were designated by government officials and to be employed in salaried positions. An analysis of the liberated Africans' petitions and of the records of their handling by the long line of government officials in charge of their evaluation reveals the strategies adopted and the arguments used by the liberated Africans to prove they were "worthy of emancipation" and also shows the peculiar judgement procedures that disproved the government's engagement towards their freedom.

In many ways, liberated Africans' petitions can be compared to freedom suits. During the judicial process meant to prove their right to freedom, slaves remained in deposit away from their masters and depended on the help of curators and on the testimony of people with whom they were familiar. So did the liberated Africans. Unlike freedom suits, though, the petitions of liberated Africans were administrative procedures handled by the Ministry of Justice and did not involve legal arguments by lawyers and judges. The key evidence for obtaining emancipation through the Ministry of Justice based on the 1853 decree was a certificate of the term of service. It consisted of a copy of the liberated African's record of concession to a private hirer or to an

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<sup>29</sup> See the section "The administration of the liberated Africans: the laws and their interpretation" in chapter 2. The text of the decree can be found in Appendix 2, "Bilateral agreements and legislation pertaining to liberated Africans in Brazil."

institution, clearly stating the time elapsed since the beginning of his or her service.<sup>30</sup> This certificate of term of service was attached to the petition for emancipation addressed to the Emperor and delivered to the Ministry of Justice. Sometimes letters of reference from persons for whom the liberated African had worked were attached to the petitions as well, to testify to the African's good behaviour and rectitude.

The judicial proceedings of freedom suits and the administrative proceedings of the petitions for emancipation were very different.<sup>31</sup> Once received by the section of the ministry that handled issues related to the slave trade and liberated Africans, the petition followed a long course during which it received information from the judge of orphans, the curator of liberated Africans, the director of the House of Correction, and the chief of police. An interrogation of the liberated African by the subdelegate of police was part of the proceedings. It was intended to verify the identity of the African in question and to determine whether there was any third-party interest involved in the emancipation process.<sup>32</sup> Each of these authorities determined whether the liberated African deserved emancipation.

Different government officials dealing with the petitions had different ways of considering whether a liberated African deserved emancipation. The judge of orphans and the curator checked the identity of the liberated African against the register and testified to the length of the term he or she had served. They were always in favour of emancipation if the African had served for 14 years, regardless of the place of employment. The chief of police gathered information from the hirer, from the director of the House of Correction where the African had

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<sup>30</sup> There were fees for this service, performed by the registrar of liberated Africans (*escrivão dos Africanos livres*) working at the municipal receiver office (*Recebedoria do Município*).

<sup>31</sup> For a discussion of freedom suits, see Keila Grinberg, *Liberata, a lei da ambigüidade: as ações de liberdade da Corte de Apelação do Rio de Janeiro no século XIX* (Rio de Janeiro: Relume-Dumará, 1994).

<sup>32</sup> The interrogation was summarily registered. The liberated African was asked his or her name and nation, age, and occupation; whether it was by his or her initiative that the petition was made; and whether he or she had been treated with fairness by the hirer of his or her services. In exceptional cases, interrogations were longer and entered into more detail about the relationship with the hirers or about the petition process. See, for example, José Benguela, Cross-examination, 29/09/1855, AN, GIF1 6D-136; and Amália Guilhermina de Oliveira Coutinho, Pedido de

been put in deposit and from supervisors of the liberated African's work. He looked for evidence of obedience, ability to support oneself through regular work, and in particular, for solid indications of the "regular conduct" of the African. The chief of police never failed to mention to his superiors whether the African had drinking or gambling habits. The Ministry of Justice officials who dealt with the petition and summarised it for the minister agreed with the opinion given by the chief of police, whether it supported emancipation or not. The Minister of Justice always had the last word, either denying emancipation or issuing notices of emancipation to the judge of orphans and the chief of police.<sup>33</sup>

All the petitions centred their justification on the fact that the liberated African had completed (and often surpassed) the term of service and that by virtue of the legislation, he or she should be emancipated. However, the wording of the liberated Africans' petitions also included many arguments raised to convince government officials that the petitioner was worthy of emancipation. Demonstrating obedience and respect for the hirers or superiors, proving to have the ability to support oneself through regular work, or showing oneself to be married or to have children to support were some of the common strategies.<sup>34</sup> Dionísia Bié, for example, argued that she was "tired of serving" and wanted to live with her two sons, whose father, named José Guedes, presumably a free man, intended to provide them with "education, moral and religious instruction."<sup>35</sup> Hipólito Angola presented proof that he had secured a contract to work as a house servant for 96\$000 réis per year for a widow living in Gamboa, D. Polucena Roza dos Prazeres.<sup>36</sup>

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emancipação para a Africana livre Carolina Congo, 2/12/1857, AN, GIF1 6D-136.

<sup>33</sup> The procedures established for the petition process were criticized in the early 1860s by Brazilian deputy Tavares Bastos and discussed in the British House of Commons in 1864. See Aureliano Cândido Tavares Bastos, *Cartas do Solitário*, 3 ed. (São Paulo: Companhia Editora Nacional, 1938), 122-146; Great Britain, Parliament, Hansard Parliamentary Debates, 3d ser., vol. 176 (1864), 12/07/1864.

<sup>34</sup> Given the variation in content, I believe that the petitions, despite their having been written by the proxies and having to conform to a certain structure, reflect what the liberated African asked to be written down.

<sup>35</sup> Dionísia [Bié], Petição de Emancipação, 19/03/1856, AN, Diversos SDH - cx. 782 pc. 3.

<sup>36</sup> Hypolito Angola, Petição de emancipação, 29/08/1856, AN, Diversos SDH - cx. 782 pc. 3. He was going to earn 8\$000 per month, while liberated Africans (or slaves) hiring themselves out earned 12\$000. Yet it was a much better salary than the hirers of liberated Africans paid to the government for their services, usually fixed at 12\$000 per

Idalina Umbuí had served at the Misericórdia Hospital and at the Pedro II Hospice and petitioned for emancipation under the argument that she "had acquired illnesses resulting in having her lungs affected, a disease that she cannot treat in reclusion," adding that she intended to work as a house servant for one "honest person with the means to give her treatment and see to her total recovery."<sup>37</sup> The Africans were responding to the expectations of the government officials who handled their cases, for whom those worthy of emancipation "besides having completed the term of service, should have good behaviour and be able to conduct themselves regularly without any control."<sup>38</sup>

As in the slaves' freedom suits, in the petition process, the liberated Africans benefited from outside help at different stages of the process. It was common for liberated Africans to resort to the use of proxies to write their petitions and follow them through the intricacies of the imperial bureaucracy. The Africans probably paid for this service from their earnings. Unlike judicial procedures, the petition processes did not require the liberated Africans to have curators to represent them or lawyers to defend them. Liberated Africans' petitions could be written by anyone who formulated them in the accepted format and were usually done by professionals who announced their services as proxies in the yearly city directory, *Almanak Laemmert*, just under the lawyers' listing.<sup>39</sup> At times, hirers paid the proxies to help the Africans, or wrote the petitions themselves. Ninety percent of the petitions were made in the name of the liberated Africans by

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year. See chapter 3, section "The labour arrangements and occupations of liberated Africans who served private hirers." For an excellent discussion on the world of masters and servants, see Sandra Lauderdale Graham, *House and Street: The domestic world of servants and masters in nineteenth-century Rio de Janeiro* (Cambridge: Cambridge University Press, 1988).

<sup>37</sup> Idalina Umbuí, Petição de emancipação, 05/01/1863, AN, GIF1 5E-130. Idalina had been first emancipated in April 1850, from the *Rolha* and had been first assigned to serve at the Gunpowder Factory. Her final emancipation was issued on 17/6/1863. The fact that she had not completed 14 years of service was not raised during the petition process.

<sup>38</sup> See the various notices sent by the chief of police returning the liberated Africans' petitions properly informed and documented to the Ministry of Justice for their final decision, late in 1854. AN, Diversos SDH cx.782 pc.2-3.

<sup>39</sup> This function was called "solicitador de causas." See for example, the *Almanak Administrativo, Mercantil e Industrial do Rio de Janeiro* ("*Almanak Laemmert*") for 1855.

proxies or by the Africans themselves, but a few were handled by hirers or other curators, in their own names, claiming emancipation for the liberated Africans.<sup>40</sup> Significantly, in 262 cases of emancipation consulted, four were either written or signed by the liberated Africans themselves. In a few other cases, the Africans were able to write but preferred to have the petition written by someone else.<sup>41</sup>

Liberated Africans sought help from their hirers and from other persons willing to support their emancipation claims. Support could come in the form of letters attesting to the good conduct of the liberated African, written by their hirers or by persons for whom they had worked; in the form of testimonies; in the form of guarantees of protection or employment; and also in the form of an engaged participation on behalf of the Africans. Prisca Benguela, for example, received support from the person who rented her services from her hirer. Manoel Antônio Gonçalves de Mello wrote her petition and testified on her behalf, attesting that she had served him as wet nurse for his daughter and always behaved well. At that point, Prisca was making use of a form of help accepted by the Ministry of Justice clerks and at the same time trying to avoid the negative impact the testimony of her hirer could have on her claim. Rosa Lúcia de Jesus, dreading the idea of losing the income she earned from Prisca's services, declared that the African had a very irregular conduct, saying "there was hardly a week when she does not get drunk more than once and hardly a month when she does not run away from home." Prisca's first petition had already been turned down by ministry officials because it had been prepared by a proxy but paid for by a Portuguese man, Joaquim José, possibly her mate, who appeared as a party interested in her emancipation.<sup>42</sup>

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<sup>40</sup> In a sample of 148 notices of emancipation issued between 1859 and 1862, 90% of the petitions had been made in the name of the Africans themselves or by proxies, while only 10% of the petitions had been entered by hirers or administrators of public institutions. AN, IJ6 15.

<sup>41</sup> See Henrique Rebolo, Petição de emancipação, 26/10/1863, AN, GIF1 5E-130; Ildefonso Angola, Petição de emancipação, 21/4/1863, AN, GIF1 5E-130; Lino Africano livre, Petição de Emancipação, 17/11/1856, AN, Diversos SDH - cx. 782 pc. 3; Maria Cabinda, Petição de emancipação, 15/05/1856, AN, Diversos SDH - cx. 782 pc. 2.

<sup>42</sup> Manoel Antônio Gonçalves de Mello, Pedido de emancipação para a africana livre Prisca, 1/8/1857, AN, GIF1 6D-

The case of Carolina Conga, whose interrogation opened this chapter, demonstrated that the African woman benefited from a more engaged type of help than the one usually found in the petition cases. Carolina worked at a tea plantation in Petrópolis that had belonged to Aureliano Coutinho, the Minister of Justice in the 1830s. In her interrogation at the police department in November 1857, she recounted that one day at the plantation she received, hidden in a sugar tin, a letter from Amália Guilhermina ("little mistress"), the daughter of the late Coutinho, encouraging her to run away to Niterói to procure her emancipation. Carolina was helped by an "underground network" of people arranged by "little mistress" to convey the liberated African woman and her daughter to Rio de Janeiro where she found refuge at the house of João Pedro de Alcântara. Amália Guilhermina petitioned on behalf of Carolina, asking for her emancipation and accusing her new hirer, medical doctor Frongeth, of intentionally keeping Carolina in servitude; she instructed the African woman to raise the issue of the ill-treatment she suffered on the plantation. Carolina was sent to the House of Correction to await a decision on her petition, and her daughter was sent to stay with her mother's protector. The African woman was quickly emancipated.<sup>43</sup> The clandestine execution of this operation demonstrates the difficulties that faced liberated Africans who wanted to petition for emancipation against the will of their hirers, or who lived outside of Rio de Janeiro. The quick solution to her case should be attributed to the powerful intervention of Aureliano's daughter in the process. Amália Guilhermina had already helped liberated African Delfina in the previous year, by declaring that she might contract Delfina's services once the African woman received her emancipation.<sup>44</sup> Certain hirers or protectors – ministers, councillors

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136; Prisca Benguela, Petição de emancipação, 12/1855, AN, Diversos - SDH caixa 782 pc. 2. Hirers who wished to obstruct the process of emancipation of the liberated Africans under their service either testified to the bad behaviour or misled the bureaucratic searches for the identity of the African in question. Hirer Joaquina Amália de Almeida, for example, testified that she was a poor woman that depended on the work of Dionísia Angola for her living. Dionísia in her second petition unmasked her hirer, saying she had five slaves and earned her living by hiring them out; Dionísia Angola, Petição de Emancipação, May 1855, AN, GIFÍ 6D-136.

<sup>43</sup> Amália Guilhermina de Oliveira Coutinho, Pedido de emancipação para a Africana livre Carolina Congo, 2/12/1857, AN, GIFÍ 6D-136. Carolina's notice of emancipation was issued on 11/12/1857; she had been first emancipated in 1835, from the *Duquesa de Bragança*.

<sup>44</sup> Delfina Bié, Petição de emancipação, 6/11/1855, AN, Diversos - SDH cx.782 pc.2.

of state, senators, senior government officials – had a powerful influence over the proceedings at the Ministry of Justice and could speed up or block petition processes easily. This is a sign that the social hierarchy among hirers interfered with the liberated Africans' access to final emancipation. This bias was not, however, the only one demonstrated by the Ministry of Justice's handling of the liberated Africans' petitions. A completed term of service was a necessary but not sufficient condition for emancipation.

### **Obstacles on the way to final emancipation**

Seeking to identify a logic that may have guided government officials in dealing with the emancipation of the individual liberated Africans is a fruitless task. Neither a combination of good conduct, ability to support oneself, and obedience nor hirers' guarantees seemed to have ensured the emancipation of the liberated Africans filing petitions. In fact, a very close look at the documentation belies the appearance of faithfulness in the government's offer of emancipation to the liberated Africans. There were traps in the course of the petition process. The recurrence of petitions by liberated Africans who complained that they had been waiting for a positive response to their request for months, the repeated denial of emancipation to the Africans serving in public institutions, and the appeals by liberated Africans who did not receive their final letters of emancipation point to the unwillingness of the imperial government to set the liberated Africans free.

The petitions from liberated Africans serving in public institutions were repeatedly turned down in the 1850s, even if they had completed and often surpassed the 14-year term of service, on the grounds that they were not entitled to the right to emancipation decreed in 1853. Liberated African Lino, for example, had been serving the Municipal Police Corps since December 1835 when he wrote by himself a petition in November 1856 saying that "his term had expired" and that he had behaved well during his term of service, spending it "without committing a single fault." Lino had probably been brought to the service of the *Permanentes* as a young boy and in

his 20 years of service there he must have learned how to read and write. Demonstrating that the level of adaptation to the country and the ability to support oneself or to defend one's own freedom were not measures of the right to final emancipation, Minister of Justice Nabuco de Araújo denied Lino's request four months later because "he was employed in a public institution."<sup>45</sup> Likewise, petitions from liberated Africans serving at the other public institutions in the city were repeatedly turned down. Tertuliano and Catarina, married liberated Africans serving at the War Arsenal in Rio de Janeiro, had been serving since 1839 and 1836, respectively, yet had their "full freedom" denied in 1857 because "their services belonged to a public institution."<sup>46</sup> The same happened to two other couples serving at the War Arsenal: Onofre and Suzana, and Hilário and Carolina.<sup>47</sup> The liberated Africans in public service knew that their mates in the service of private hirers had been receiving their emancipation. They all had been making associations between their term of service and captivity, but for those in the public service, it must have seemed that effectively there was no way out.

The situation justified the emotional plea on behalf of all liberated Africans working in public institutions that was voiced in Desidério Mina's petition. Desidério, a liberated African from the West Coast of Africa, had been first emancipated in 1835 in Bahia and worked for 14 years at the Navy Arsenal in that province. Then, with fellow liberated Africans, he had been transferred to Rio de Janeiro and sent into the interior of the province of São Paulo to work in the Iron Foundry of Ipanema. From there, he had come back to Rio, and in 1855 he served in the First Cavalry Regiment alongside his mate João. They had been serving the imperial government for almost 20 years, yet a previous petition for emancipation had been rejected on the grounds that they served at a public institutions and were therefore not eligible for emancipation. In his new

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<sup>45</sup> Lino Africano livre, Petição de Emancipação, 17/11/1856, AN, Diversos SDH - cx. 782 pc. 3.

<sup>46</sup> Tertuliano e Catarina, Petição de emancipação, 27/01/1857, AN, GIF1 6D-136.

<sup>47</sup> Hilário 2o. e Carolina, do Arsenal de Guerra, Petição de Emancipação, 8/6/1856, AN, Diversos SDH - cx. 782 pc. 3; Onofre e Suzana, do Arsenal de Guerra, Petição de Emancipação, 28/10/1856, AN, Diversos SDH - cx. 782 pc. 3.

petition, Desidério included not only the references to all treaties and legislation that conferred on him a special right based on his origins in Africa, but also a special plea in the name of all liberated Africans who served in public institutions. He declared that he had suffered through "years of unreasonable service and unfair punishment" and asked for the personal interference of the Emperor D. Pedro II, predicting that without his assistance, he and the other liberated Africans who served the imperial government would "be forever true slaves of the same government, at its mere discretion; and with all resources exhausted they would perish under the harshness of such a gloomy fate."<sup>48</sup> Desidério, was an "insider" in public service, knew what he was talking about: many liberated Africans in institutions died after completing their terms of service but before receiving their final emancipation. Members of the British legation in Rio complained to the Brazilian government about the unfair discrimination against the liberated Africans in the service of public institutions, pressing the government to extend the right to emancipation to all liberated Africans. They admitted receiving requests for help from many liberated Africans and interfering on their behalf, helping people such as Desidério in their petition processes.<sup>49</sup>

The restrictions imposed by the Brazilian government were not exclusively aimed at liberated Africans in public service. Up to that time, liberated Africans working for private hirers had a better chance but no guarantee of obtaining their letters of emancipation in a short time. Because it was required that liberated Africans be placed in the House of Correction while waiting for their petitions to go through the ordinary steps, and the House of Correction was the centre for the distribution of liberated African labourers to ministries, to institutions, and to the

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<sup>48</sup> In the original, "*se V.Exa. não se dignar intervir para que seja fielmente executados os tratados e mais convenções e Leis estabelecidas para a completa liberdade e emancipação dos africanos livres em geral, de certo que, o suplicante e os mais africanos livres que se acham ao serviço do Governo Imperial, serão para sempre verdadeiros escravos do mesmo governo a seu mero arbítrio; e assim exaustos de mais recurso algum sucumbirão ao rigor de uma tão negra sorte.*" Desidério, Mina, Petição de emancipação, 4/6/1855, AN, Diversos SDH - cx. 782 pc. 3.

<sup>49</sup> Mr. Jerningham, of the British Legation in Rio, admitted having interceded in favour of Desidério before the Brazilian government. Based on the wording in this petition and the lack of signature, it may have been written or instructed by the British officials. Jerningham to Clarendon, 9/4/1856, printed in W.D. Christie, *Notes on Brazilian*

provinces, the liberated Africans waiting for emancipation were caught in this system and ended up being sent to work in institutions, delaying considerably their emancipation. The trap lay in the fact that the Africans' subsequent petitions were turned down because they were seen as "belonging" to the institutions they were temporarily serving. The case of Ignácio Oanba is emblematic. He was first emancipated in 1839 and served his hirer Joaquim Cândido Soares de Meirelles until 1856, when he and his fellow liberated Africans were placed at the House of Correction to wait for emancipation. His fellows were emancipated, while he was transferred to the Misericórdia Hospital and received his emancipation only in 1864.<sup>50</sup> Minas Quelimane fell into the same trap. Having served private hirers for 14 years, he was sent to the House of Correction in 1855 when his hirer died, and from there transferred to work at the Medical School, then at the Misericórdia Hospital. He repeatedly petitioned to receive his letter of emancipation, which he believed had been issued in 1855, but by then he was seen as a servant of the public institutions and therefore not eligible for emancipation.<sup>51</sup>

In November 1859, the right to emancipation of the liberated Africans serving in public institutions was discussed in the justice section of the Council of State. Councillors admitted that the only reason the liberated Africans working in public institutions should have been excluded from the emancipation offered in the 1853 decree was the government's need for their labour, but expressed their belief in the equality of rights between the two groups and advised the government to extend the decree's provisions to those serving in institutions. Their instruction reveals the type of emancipation favoured by those statesmen:

If the government of His Imperial Majesty is resolved to exempt  
itself from the obligation it contracted to re-export those

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*Questions*, (London: Macmillan, 1865), 223-4.

<sup>50</sup> Ignácio Oanba, Petição de Emancipação, 10/6/1864, AN, IJ6 523; Severino Congo, Paula Congo, Agda Rebola, Sabino Benguela, Carolina Quelimane, Eusébio Benguela, Luiza Samba and Ignacio Oanba, Petição coletiva de emancipação, 1/4/1856, AN, Diversos SDH – cx. 782 pc. 3; Ministério da Justiça, notice of 17/6/1864, AN, IJ6 16. The record of his first emancipation is in AN, cód. 184, vol. 4.

<sup>51</sup> Minas Quelimane, Pedido de entrega de carta de emancipação, 15/01/1856, AN, Diversos SDH - cx. 782 pc. 2.

Africans, it is fair that the aforesaid decree should be extended to those who serve in public institutions. If, however, the number of those Africans is large, the section thinks it would be convenient to adopt some measures to subject them to the inspection of some authority and to disperse them, for example, through some colonies, for the rapid introduction of so many free blacks in the same place where they lived, if not entirely as slaves but at least subject to a certain regimen does not fail to bring inconvenient [consequences]. What is certain is that, in all fairness, being free, they cannot be perpetually subjected to a guardianship so close to slavery, in the expectation of a reexportation that becomes a true fraud.<sup>52</sup>

The councillors of state admitted the similarity between the guardianship of the liberated Africans and slavery and agreed that they should be finally granted release from guardianship, or final emancipation, but did not favour their autonomy. They recommended not only a gradual emancipation but also a controlled one: the Africans were to be dispersed throughout colonies in the interior, inspected by some authority that would evaluate the potential danger of their release. Again, there is one element left unsaid: what inconvenient consequences would arise from the release from guardianship of the liberated Africans at the places where they had been serving for at least 14 years? Who could be bothered by their freedom? The councillors were making an implicit reference to the Africans who had been kept in illegal slavery and whose rights had been increasingly associated with those of liberated Africans. Liberated Africans' full freedom, like their guardianship, was to be limited and controlled because they carried the status that should be, but was not, extended to all illegally imported Africans. The Council of State extended the right to emancipation to the liberated Africans working in public institutions but confirmed the policy followed by the Ministry of Justice in previous years: liberated Africans' emancipation should be gradual and their freedom limited.

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<sup>52</sup> In the original: "*Se porém o número desses africanos for avultado, pensa a Seção que seria conveniente a adoção de algumas providências que os sujeitassem à inspeção de alguma autoridade e que os dispersassem, por exemplo, por algumas colônias, porquanto a rápida introdução de tantos pretos livres no mesmo lugar onde viveram, senão inteiramente como escravos, ao menos sujeitos a certo regimen, não deixa de trazer inconvenientes. O que é certo é que com justiça, sendo livres, não podem ficar perpetuamente sujeitos a uma tutela parede em meio com a escravidão, à espera de uma reexportação que se vai tornando uma verdadeira burla.*" "Resolução de 20/12/1859 - Sobre os africanos livres que estão em serviço de estabelecimentos públicos," in *Imperiais Resoluções tomadas sobre Consultas da Seção de Justiça do Conselho de Estado*, ed. José Próspero Jehovah da Silva Carotá (Rio de

## Elusive emancipation

What happened to the liberated Africans after the Ministry of Justice issued the notices of emancipation is the untold story of their emancipation. Compiled data refers to the dates when the notices were issued, that is, when the Minister of Justice had accepted their petitions. True emancipation may have been close or still quite distant. The notice ordered the judge of orphans to issue a letter of emancipation to be sent to the chief of police who was to deliver it to the liberated African after determining his or her place of residence. The recurrence of petitions by Africans who had had their notices issued but had not received their letters of emancipation calls attention to the existence of a hidden policy in the Ministry of Justice for the administration of the liberated Africans who were entitled to emancipation.

Narcisa Cassange petitioned in December 1855 and again in January 1856 to receive her letter of emancipation, which had already been issued and had sat in the office (or most probably in the drawers) of Rio de Janeiro's Chief of Police. She had been first emancipated in 1835 from the *Rio da Prata* and had served private hirers for 20 years. While she was in deposit at the House of Correction, she had been sent to work at the division of the Misericórdia Hospital which took care of foundlings. In the petition she entered in January 1856, she was careful to attach a copy of the Ministry of Justice notice dated July 30, 1855, that ordered her letter of emancipation issued, yet her request was not granted. She was officially emancipated but had no right to receive her letter!<sup>53</sup> Cases such as Narcisa's, of deliberate withholding of the liberated Africans' letters of emancipation by the chief of police, multiplied in 1856 and 1857, demonstrating a change in the ministry's policy regarding the emancipation of the liberated Africans.

It emerged from the correspondence exchanged between the police and the Ministry of Justice on the subject of the repeated complaints from the liberated Africans that the order to

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Janeiro: Garnier, 1884), 842-43.

<sup>53</sup> Narciza Cassange, Pedido de entrega de carta de emancipação, 18/1/1856, AN, Diversos SDH - cx. 782 pc. 3.

retain the letters of emancipation had come from the Ministry of Justice itself. In effect, the chief of police declared that he withheld the letters after he had received the order from the Ministry of Justice, dated September 9, 1855, to "stop the delivery of letters of emancipation to liberated Africans and the shipment of liberated Africans to the provinces until further notice."<sup>54</sup> As a consequence of that order, all liberated Africans who were waiting for emancipation or who had already had their notices of emancipation issued could not receive their letters. The distribution of the liberated Africans placed in the House of Correction to the various public institutions in need of labour continued, now with a growing number of Africans, since those working for hirers continued to be placed at the House of Correction to wait for emancipation, and those at the service of the institutions were repeatedly denied emancipation. Not surprisingly, the liberated Africans were increasingly restless by the late 1850s and hardly pleased the administrators of the public institutions, who returned to the House of Correction the liberated Africans deemed "incurable" and asked for "well-behaved" and "obedient" ones.<sup>55</sup>

The policy regulating the emancipation of the liberated Africans by the Ministry of Justice combined labour and social control considerations and arrived at its most "polished" format after the recommendations of the councillors of state clearly separated the legal freedom of the liberated Africans from their autonomy. By 1861, the Ministry of Justice had found the way to handle the liberated Africans who were waiting for emancipation: the procedure was to remove them all to the House of Correction and add their names to a list of Africans who were waiting for emancipation. They would be emancipated when the ministry determined where they would be sent.<sup>56</sup> The assignment of liberated Africans in groups to work in the provinces, very common in the 1850s, would now be extended to "emancipated" Africans.

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<sup>54</sup> Antônio Thomaz de Godoy to Thomaz Nabuco de Araújo, 1/10/1856, AN, Diversos SDH - cx. 782 pc. 3.

<sup>55</sup> The records of the administration of the liberated Africans by the Ministry of Justice between 1859 and 1864 are good indicators of their transfers between public institutions. See AN IJ6 15 and IJ6 16.

<sup>56</sup> Lobato to Chefe de Polícia da Corte, 4/6/1861, AN, IJ6 15; Lobato to Chefe de Polícia da Corte, 26/12/1861, AN, IJ6 15.

In apparent contradiction to the new policy, the chief of police received emphatic orders to let the emancipated Africans know that they were then completely free and that they could contract their labour freely and work for whomever they chose.<sup>57</sup> The combination of these orders can be seen in the cases of Bento, Firmo, Epifânio, Joaquim, Policarpo, and Paulo, whose notices of emancipation had been issued in September 1860 and, who, one year later, were still at the House of Correction. In October 1861, they were issued letters of emancipation stating that they were completely free and that they "could" contract their services to councillor Sinimbu, who was moving to the northeastern province of Alagoas. On the same date, correspondence was sent to the president of the province announcing that the Africans would arrive there under contract to Sinimbu and were to be put under government protection. It is clear that the emancipated Africans had no choice in their "voluntary engagement" to go to Alagoas.<sup>58</sup>

Once set, the procedures for emancipation remained unchanged after 1861. The chief of police, when assigning places of residence for the liberated Africans, was guided by the Ministry of Justice's direction to send them away from the city of Rio de Janeiro. Individually, they were given their letters on the condition that they live somewhere else in the province of Rio de Janeiro; in groups, they were sent to distant provinces as labourers in public works, military colonies, or new companies. The presidents of the provinces received the "emancipated" Africans with instructions to keep them under surveillance and were responsible for assigning them for service. This could hardly be considered "full emancipation" by any standard.

The government's concern with the impact of the "emancipated" Africans on other liberated Africans and on slaves emerged in the cases of Delfina and Carolina, the two liberated African women who had once served the late minister Aureliano Coutinho and had received help from his daughter Amália in their petition process. In February 1857, the minister's widow, the

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<sup>57</sup> Lobato to Chefe de Polícia, 6/8/1861 and Lobato to Chefe de Polícia, 5/10/1861, AN, IJ6 15. It is likely that this applied only to liberated Africans with powerful patrons.

<sup>58</sup> Lobato to President of the Province of Alagoas, 31/10/1861 and Lobato to Chefe de Polícia, 31/10/1861, AN, IJ6 15.

Viscondessa de Sepetiba, petitioned the Ministry of Justice to have Delfina, who had already been emancipated, arrested in the House of Correction or sent to another province, for Delfina "had been around her house trying to seduce the other liberated Africans who had also been entrusted to her husband, and also the couple's slaves to run away or give themselves to debauchery, just like she has done."<sup>59</sup> Apparently she had her wish granted and Delfina was probably taken temporarily to the House of Correction as an intimidation measure. The woman soon regained her cherished mobility and kept contacting her old mates: in November of that year she visited Carolina at the same prison-deposit and gave Carolina news from her daughter.

Carolina herself, emancipated in the beginning of 1858, raised concern in the police department when she asked for an authorisation to live in Petrópolis. At the police department, voices were raised against such an authorisation, for "there seems to be a well-founded fear that she intends to live in Petrópolis, where the plantation where she once worked is located, with the intention to seduce the other liberated Africans living and working there to run away, give up their services and come to hire themselves out in this Court [Rio de Janeiro]." The police authorities and the hirers were obsessed with the idea that the liberated Africans, once fully emancipated and finally free from control, would be a very bad example to the liberated Africans still in service and to the slaves. Their ability to lead autonomous lives, supporting themselves by hiring out their services in the streets of Rio de Janeiro, was not praised; on the contrary, it was held against them. However, Carolina wanted to return to the place where she had established her relationships. She had family members in the Paquequer plantation: she was married to Domingos, a slave of Dr. Frongeth's, and had two small sickly daughters who lived with her in addition to the two others apprenticed to seamstresses in Niterói. She had been the plantation's cook, and presumably, among the liberated Africans, the slaves, and the free persons of colour (the *pardo* Belmiro had helped her in the secret night passage across Guanabara Bay) working for

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<sup>59</sup> Viscondessa de Sepetiba, Pedido de recolhimento da Africana emancipada Delfina à Casa de Correção, 02/1857, AN, GIF1 6D-136.

the Sepetibas and the liberated Africans and slaves serving Dr. Frongeth at the Paquequer plantation, she felt part of a community. Even if she applied to live in Petrópolis, saying that she had a contract to work for Francisco de Mello Franco, it was clear that it was a personal reason that made her want to go back. Demonstrating that not even after their second emancipation would liberated Africans be free of government control, the authorisation for her to live in Petrópolis was granted, but the police department in that city was to be advised through the president of the province of Rio de Janeiro to "have her under their eyes" and not to issue her an authorisation to be near the district where the plantation was located.<sup>60</sup>

Some liberated Africans waged relentless struggles to avoid falling into the traps of the petition process and to guarantee that their final emancipation would be unconditional. The fiercest of them was Cyro, the West-African mate of Desidério, in the struggle they conducted, starting in Bahia in 1849, to have their right to freedom enforced after the completion of their terms of service. Cyro had first been emancipated in 1835 and had served for 14 years at the Navy Arsenal in Bahia when he and his mates were transferred to Rio de Janeiro; there, in 1850, his services were assigned to Dionísio Peçanha, a high-ranking official of the Ministry of the Navy. In 1855 and 1856, Peçanha used every means possible to obstruct Cyro's petition, and once the notice of emancipation was issued, to avoid the delivery of his letter of emancipation. The hirer admitted that his intention in having Cyro sent to the House of Correction was to "give an example to the other ones [liberated Africans] he had so that they did not become insubordinate like this one [Cyro]." This concern explained why Peçanha tried to employ his influence to have Cyro, once emancipated, sent to the province of Amazonas, or back to Africa, that is, as far as possible from Rio de Janeiro, where the liberated African man had his network of West African mates set up to fight for their rights. His story did not end there.<sup>61</sup>

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<sup>60</sup> Carolina, Pedido de licença para residir em Petrópolis, 14/1/1858, AN, IJ6 523.

<sup>61</sup> Cyro Mina, Petição de emancipação, 22/03/1855, AN, Diversos SDH - cx. 782 pc. 2-3. More on Cyro below.

For the liberated Africans whose petition processes culminated not in uncontrolled autonomy but in involuntary engagement and transfer to another province, the outcome was very different. Both the Viscondessa de Sepetiba and Dionísio Peçanha knew the imperial government was sending liberated Africans away from Rio de Janeiro and wanted Delfina and Cyro to be sent along. To remove somebody from the place where he or she had formed relationships had long been a form of punishment for criminals, and it appears that the hirers perceived the transfer to faraway provinces to be a form of punishment for the liberated Africans' "disobedience" or "insubordination." The involuntary transfer to the frontier provinces may, in fact, have been used as a threat to liberated Africans who were inclined to claim more independence and autonomy than their hirers and the society at large were willing to afford them. For the imperial government, sending "emancipated" Africans to the provinces not only served the function of "removing them from the theatre of their vices" but also provided frontier projects with much-needed labour.

### **The transfer of liberated and "emancipated" Africans to Amazonas and Pará and the publicity over the "liberated African question"**

The elusiveness of liberated African emancipation in the 1850s and 1860s can be best illustrated by the fates of those who were sent to the northern provinces of Amazonas and Pará after they had completed their compulsory terms of service in Rio de Janeiro. On the frontier, they continued to live and work under the orders of the executive authorities and most probably were not given spatial mobility or freedom to contract out their labour. Instead, they continued to be treated as liberated Africans, even after having been granted their formal emancipation. The public outcry raised in the early 1860s pressed for the immediate emancipation of the liberated Africans who had completed their terms, yet the imperial government's policy of curtailing the Africans' mobility and autonomy demonstrated that Brazilian society was ready to grant them only nominal freedom.

The case of Honório Benguela and Laudelino, two liberated Africans sent to Pará in

1855, led to a complaint by the British legation to the Minister of Justice. Honório Benguela had been first emancipated in 1839 or 1840 and had served José de Moraes Silva, alongside mate Carlos. Silva had a small manufacture of feather objects and relied on the labour of Carlos to keep the business running. The two liberated African men petitioned for emancipation together, and their notices of emancipation ordered both sent away from Rio de Janeiro: Carlos was to go to São Paulo (possibly to the Indian settlements in Paraná) and Honório was to go to Pará, to serve in the newly founded military colony of Óbidos. Honório was sent to Pará in October 1855, with another "emancipated" African, Laudelino, who was meant to go from there to Amazonas. The two men were kept at the Navy Arsenal of Pará and, according to a complaint voiced through the British consul in that northern capital, Laudelino and Honório were working at the Navy Arsenal and were "guarded and treated as if they were convicted criminals, in worse condition than that of slaves."<sup>62</sup> Indeed, the proof that the engagement of the "emancipated" Africans after their petition process was not voluntary lies in the fact that they were always conducted to the appointed places of employment under police guard. Emancipated by the Ministry of Justice notice dated July 4, 1855, after having completed his compulsory term of service, Honório had been sent to Pará without having the chance to receive his formal letter of emancipation. In August 1861, his letter was still at the office of Rio de Janeiro's chief of police.<sup>63</sup>

The province of Amazonas had recently gained administrative autonomy from Pará. It was the eve of the rubber boom in that region; its economic development was the object of national debate and considerable investment.<sup>64</sup> The recruitment of voluntary labourers, as in other frontier areas was, understandably, a problem. Liberated Africans were present in this imperial

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<sup>62</sup> José de Moraes Silva, pedido de restituição do Africano livre Carlos, 7/1/1856, AN, Diversos SDH - cx. 782 pc. 2; José Thomás Nabuco de Araújo to Presidente da Província do Pará, 16/1/1856, AN, Diversos SDH - cx. 782 pc. 2. Honório and Laudelino's arrival in Pará was confirmed by the official correspondence from the president of that province printed in the *Treze de Maio* (Pará), 13/11/1855. I am grateful to Cláudia Fuller for sharing her notes on the references made to liberated Africans in the newspapers of Pará.

<sup>63</sup> Justiça to Chefe de Polícia, 22/8/1861, AN, IJ6 15.

<sup>64</sup> Roberto Santos, *História Econômica da Amazônia, 1800-1920* (São Paulo: 1980).

venture, just as they were in virtually all others. The Steam Navigation Company of the Amazon, the symbol of the modernisation of the Brazilian economy, received in 1856 the concession of a group of newly arrived liberated Africans, who were to be sent to Amazonas from Bahia and Pernambuco from the recent (and last) captures made during the illegal slave trade. Each of the two provinces was instructed by the Ministry of Justice to send 25 liberated Africans; Bahia sent 25 men from the shipment of the *Mary E. Smith*, while Pernambuco managed only to send 10 men and 2 women from the recent capture made at Serinhaém, for the Africans were allegedly not in good enough health to withstand the voyage to Amazonas.<sup>65</sup>

Amazonas also received a group of emancipated Africans from Rio de Janeiro in 1861, meant to be employed in the province's public works. Thirty men were gathered by the director of the House of Correction from among those who had had their petitions processed and their final emancipation issued. This time, unlike Honório, they received their letters; their emancipation had been conditional upon their transfer to Amazonas. Days before the trip, two other emancipated Africans were made to join the group and on the way to the steamboat *Paraná*, one man, Daniel, managed to escape. Thirty-one emancipated Africans, all single men, arrived in Pará to be relayed to Amazonas in October 1861.<sup>66</sup>

The liberated Africans sent to Amazonas were the object of British interest and were the subject of a diplomatic exchange in 1862 which revealed a new agreement on the meaning of freedom between the governments of the two countries. Following accusations that the liberated Africans sent to the Steam Navigation Company of the Amazon were ill-treated in one of the colonies in Serpa, the British minister in Rio de Janeiro, William Christie, pressed the Brazilian

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<sup>65</sup> José Thomas Nabuco de Araújo to President of the Province of Amazonas, 30/9/1856, AN, IJ6 468; Bahia to Justiça, 30/07/1864, AN, IJ6 469; Pernambuco to Justiça, 5/8/1864, AN, IJ6 469. One of the liberated Africans sent from Bahia died in the voyage to Amazonas, from having thrown himself overboard and drowned.

<sup>66</sup> Correção to Justiça, 27/6/1864, AN, IJ6 469; Francisco de Paula de Negreiros Sayão Lobato to José Joaquim de Siqueira, 18/9/1861, AN, IJ6 468; President of the Province of Pará to President of the Province of Amazonas, 16/10/1861, *Treze de Maio* (Pará), Parte oficial, 26/10/1861, 4. Ironically, the "emancipated" Africans' transportation to Pará was paid for by the money from the fund in which their salaries had been collected. Justiça to

government to emancipate them. His previous complaint, on the subject of the Africans sent to Amazonas in 1861, had received a prompt response from the Minister of Justice explaining that those liberated Africans had received their letters of emancipation and that the president of the province of Amazonas had been instructed to employ them in public works, to pay them the same wages due to free persons, and to employ them according to their abilities. Christie wanted the liberated Africans of the Steam Navigation Company to have the same status as the "emancipated" Africans sent to Amazonas in 1861. His insistence led to exchanges between the Ministry of Justice and the president of the province of Amazonas on the expediency of their emancipation; some of them had not yet completed their 14-year terms of service, yet the Brazilian government officials wanted to demonstrate that they "did not overlook the lot of the liberated Africans."<sup>67</sup>

The fate of the liberated Africans was under public scrutiny those days, thanks to indefatigable minister Christie and a number of Brazilian liberal representatives who brought the issue to the press and to the parliamentary tribunes in 1862. The correspondence on the liberated Africans that passed between the British Foreign Office officials in Brazil and their superiors in London and was published in the Blue Books had been reviewed in articles by liberal deputy Francisco Otaviano in the leading newspaper, *Correio Mercantil*, in 1862, and the governmental dragging out of the emancipation process was harshly criticised by Senator Jequitinhonha and Deputy Madureira in the tribunes. The young liberal deputy, Tavares Bastos, published an informative series of articles detailing the legislation and acts relative to the government's handling of the liberated Africans over the years that made clear the fact that the government had unduly evaded giving the liberated Africans their rightful freedom.<sup>68</sup> By 1862, the Brazilian

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Ministro da Fazenda, 25/9/1861, AN, IJ6 15.

<sup>67</sup> W.D. Christie to Francisco de Paula de Negreiros Sayão Lobato, 19/5/1862, AN, IJ6 469; Justiça to 16/6/1862, AN, IJ6 469; Ministro da Justiça to Ministro de Estrangeiros, 30/11/1861, AN, IJ6 15.

<sup>68</sup> Tavares Bastos, *Cartas do Solitário*, 122-180; Christie, *Notes on Brazilian Questions*, 15, 24-7.

government's failure to guarantee the Africans' freedom after their terms of compulsory service was a public matter and an embarrassment that justified the Ministry of Justice orders issued to Amazonas on the subject of the liberated Africans sent there in 1856.

Of the liberated Africans who had been sent to the Steam Navigation Company, the Ministry of Justice authorised the president of the province of Amazonas to emancipate, those who demonstrated good behaviour, even if they had not completed their 14-year terms. The consultation between officials in Rio de Janeiro and the provincial authority in Manaus revealed that a large number of the Africans had been serving in Amazonas for countless years and that their initial emancipation dates were unknown. In 1863, despite the ministry officials' recognition that they were eligible for emancipation, some of the Africans were still deemed "not deserving of enjoying emancipation" because of their "behaviour problems."<sup>69</sup> Finally, in June 1864, the Ministry of Justice moved to favour unconditional emancipation for all liberated Africans, a decision ratified in the decree issued months later, in September. The orders sent to all the provinces where liberated Africans had been in service authorised local judges of orphans to issue letters of emancipation and the chiefs of police to deliver them, and instructed them to keep registries listing the emancipated Africans and their designated places of residence because "public convenience [required] that the freedom of those *workers* continue under the guaranty of the Imperial Government."<sup>70</sup>

The list of the 60 liberated Africans living in Amazonas in 1864 detailed the occupations and types of engagement of the surviving Africans brought to the province on different occasions in the 1850s and 1860s. Ranging in age from 21 to 61, most were in their thirties and forties and were for the most part male and still single. Their occupations were listed as stonemason, digger,

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<sup>69</sup> Internal document from the Ministry of Justice concerning the emancipation of the liberated Africans in Amazonas, April 1863, AN, IJ6 469; Sinimbu to Presidente da Província do Amazonas, 14/8/1862, AN, IJ6 468.

<sup>70</sup> Emphasis added. See correspondence sent to the provinces of Minas Gerais, Santa Catarina, Bahia, Pernambuco, Amazonas, Mato Grosso, São Paulo, Rio Grande do Sul, Espírito Santo, Paraná, and Ceará between 16/07/1864 and 2/8/1864, AN, IJ6 16.

ironsmith, and predominantly, construction assistant, the least-specialised occupation possible. There were also two cooks. Although they had all been sent to serve either in the public works or in the Steam Navigation Company, in 1864 there were 35 Africans in the public works, 3 listed as "serving private individuals" and 16 listed as "engaged in the service of private individuals." Presumably those listed as "engaged" had some sort of contract and earned salaries while the others did not. However, we cannot be sure. All the women were listed as washerwomen but designated as out of service: they lived with their husbands, and three of them had children who were under their care. The occupations and status of the "emancipated" Africans seemed indistinguishable from those of the Africans who were still serving their compulsory terms, and, to judge from the zeal of the president of the province in keeping track of them, the Africans would not be enslaved but would also never be fully free.<sup>71</sup>

Even if "liberated Africans" had been upgraded to "emancipated Africans" or "workers," they could hardly be considered free from government control, yet this legal freedom – the release from guardianship – was considered the measure of freedom accepted by both the Brazilian government and the British Foreign Office officials. It was the volume of notices of emancipation issued by the Ministry of Justice that preoccupied Christie the most, not so much the type of the Africans' labour engagement after emancipation. He did not object to their involuntary transfer to Amazonas, as long as they were officially free. The agreement between the two governments on the meaning of freedom – limiting it to legal freedom – is significant because it sanctioned the continuation of compulsory labour practices for the liberated Africans. Further research on the whole country should reveal the extent to which liberated Africans remained in their places of employment and previous occupations or moved away. Although the continued involuntary engagement of the liberated Africans who ended up in Amazonas may have been only at the end of the spectrum of the liberated African labour experience, it is

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<sup>71</sup> The list is attached to Adolpho de B. C. de A. Sousa to Zacarias Góis e Vasconcellos, 29/7/1864, AN, IJ6 469.

important to demonstrate that so many liberated Africans were transferred away from Rio de Janeiro into the frontier after they had completed their terms of service and continued to be kept in subjugation after their formal release from guardianship.

### Assessing "the liberated African question" and accounting for all of them

An internal report, entitled "The liberated African question," circulated among officials of the Ministry of Justice just after the September 1864 decree ordered the immediate emancipation of all the liberated Africans in the country. It gave an overview of the legislation and treaties for the prohibition of the slave trade, from the Anglo-Portuguese treaty of 1810 to the Brazilian law of September 1850, and listed the shipments apprehended over the years, giving the number of liberated Africans emancipated by the mixed commission court and by Brazilian authorities before and after 1850. The preparation of such a report and the activities that developed in the Ministry of Justice's section devoted to the care of the liberated Africans in the following years demonstrated the government's decision to put an end to the "liberated African question," to assess its significance, and to dissociate it from the larger issue of slave emancipation. The effort to reach every single living liberated African to grant his or her final emancipation and to record in a comprehensive register all those who had been brought into the country gave unprecedented publicity to the question. It produced, at the same time, the most complete statistics about the liberated Africans' fates ever compiled.

### **"The liberated African question"**

There had never been a systematic assessment of the question of the liberated Africans prepared by a sector of the Brazilian government: neither a report on their labour conditions, nor an analysis of the expediency of their emancipation, nor even a compilation of the numbers of liberated Africans emancipated over the years. Someone would have searched in vain for reports on the state of the liberated Africans or for discussions of their administration in the annual

Ministry of Justice reports. After 1864, however, there was a concerted effort to establish an official version of the "liberated African question" and to give it a conclusion. Ministry of Justice reports and internal documents, and Perdigão Malheiro's assessment give a good sense of how the memory of this "unfortunate issue" was constructed and with what intentions.

The manuscript entitled "The liberated African question" was meant to present introductory and basic information about the existence of liberated Africans in Brazil, in an attempt to provide an official assessment of the question that had been a matter of public debate since at least the beginning of the 1860s. It associated the liberated Africans with the suppression of the slave trade but did not extend its analysis to their actual living and working conditions in Brazil. In fact, in the opinion of an official of the Ministry of Justice called upon to comment on the manuscript, there was not enough about the diplomatic aspect of the question. For Vitorino de Barros, the "liberated African question" could not be dissociated from the British campaign aimed ultimately, he believed, at slave emancipation. Britain, he was convinced, "did not want slave emancipation in Brazil to be a consequence of the work of time and of the maturity of the idea."<sup>72</sup> Barros gave credit to the Brazilian government for dealing with the interminable demands from the British government, associating its efforts with a struggle against a mythical hydra whose many heads were impossible to beat. The Brazilian justice official clearly saw his government's recent reaction to British pressure on the subject of the liberated Africans as an attempt to impose a gradual approach to slave emancipation.

The ghost of an uncontrolled slave emancipation prompted by the extension of liberated African status to all the Africans imported after the prohibition of the slave trade haunted moderate Brazilians, who never lost a chance to voice their support for the emancipation of slaves but had never concretely adopted measures to effect it until then. In fact, it appears that the

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<sup>72</sup> Antônio José Victorino de Barros to Diretor Geral Interino, 5/10/1864, AHI, lata 239 maço 1. The manuscript, "A questão do africanos livres," referred to by Barros was not attached to his comments, but is possibly the same document obtained by the Foreign Office in 1865 attached to Hunt to Russell, 10/3/1865, FO 84/1244.

agitation surrounding the liberated African emancipation, with the British pressing for the emancipation of all slaves brought into the country by the illegal trade and the slaves ready to assume liberated African status, prompted Emperor Pedro II and eminent lawyer and jurist Perdigão Malheiro to take on themselves the task of proposing gradual measures to effect emancipation. Perdigão Malheiro, as president of the Institute of Brazilian Lawyers, proposed in 1863 the gradual extinction of slavery through the emancipation of newborn slaves and Emperor Pedro II three months later urged his councillors, as statesmen, to act promptly to solve the problem of slavery before the circumstances surrounding the abolition of the slave trade repeated themselves. In this sense, the rupture of diplomatic relations with Great Britain in 1863 and liberated African emancipation in 1864 were measures taken to avoid further British interference in Brazilian slavery matters just as the Brazilian government had expected the abolition of the slave trade in 1850 to be.<sup>73</sup> Hydra's heads they were, in the view of the Ministry of Justice official. These circumstances justified their preoccupation with presenting to the public the "liberated African question," which was clearly associated by the British with the right to emancipation of all the Africans brought into the country during the illegal slave trade, not only as separate from the larger and more dangerous question, but as a closed affair.

Thus, the director of the House of Correction declared, in his report of 1865, "this station is completely suppressed at the House of Correction," before presenting the numbers of liberated Africans who had served in that establishment, along with the trades they had learned and their fates. While he probably meant that there were no longer workers belonging to that category in the House of Correction, his use of "station" alludes to the representation of Christ's passion in such a way that the presence in or the passage of the liberated Africans through that prison-deposit-workhouse seemed to be depicted as one of the stations of the cross, or one of the steps

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<sup>73</sup> Eduardo Spiller Pena, *Pajens da casa imperial: juriconsultos, escravidão e a lei de 1871* (Campinas: Ed. UNICAMP/CECULT, 2001), 273-295; Robert Edgar Conrad, *The Destruction of Brazilian Slavery, 1850-1888* (Berkeley: University of California Press, 1972), 70-80; Richard Graham, *Britain and the Onset of Modernization in Brazil, 1850-1914* (Cambridge: Cambridge University Press, 1968), 160-86.

towards emancipation, then suppressed. The director held a distinctly negative view of the liberated African question:

This was a deplorable gift to our society. Such a large number of individuals, fed and taught at the expense of the public treasury, must have given little or no profit to society. The African, once freed, hardly submits himself to regular daily work, since the resources of the country are enough to feed him, and in general they do not care about the future. In this establishment, among the large number of emancipated Africans it is notable that only a few subjected themselves to salaried work...<sup>74</sup>

The director probably resented, as a slave master would, the fact that the Africans left the House of Correction as soon as they were emancipated, rejecting any offer to work there for wages. He expected obedience, subjection, and acceptance of wage labour, and the emancipated Africans disappointed him, preferring to lead independent lives, made possible by the abundant "resources of the country." His words repeated the arguments used by those who defended coerced labour, hinting at the fact that he might not have been favourably disposed toward the unconditional emancipation of the liberated Africans. He certainly displayed an unqualified ingratitude for all the unpaid labour they had performed over the years. His opinion probably represented that of one portion of the public, who could recognise the fairness in the emancipation of the liberated Africans but doubted the validity of that measure for social reasons.

Perdigão Malheiro responded to those opinions when he presented his summary of the "liberated African question" in 1867. Deliberately avoided in his 1863 address to his fellows at the Institute for Brazilian Lawyers, the problem of the liberated Africans received due attention in the book-length essay the eminent lawyer published about Brazilian slavery in 1866 and 1867.<sup>75</sup> Malheiro discussed the fate of the group immediately after his observations about the Brazilian government's efforts to suppress the slave trade, but tried to dissociate the existence of the category and the responsibility for the Africans from the British, giving emphasis to the Brazilian

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<sup>74</sup> "Relatório do Diretor da Casa de Correção," attached to Brazil, Relatório do Ministério da Justiça, 1865.

<sup>75</sup> Pena, *Pajens da Casa Imperial*, 286. Pena also discusses Perdigão Malheiro's contacts with Tavares Bastos on the

legislation and administration instead. He wrongly assumed that the bilateral convention of 1826 determined the Africans' reexportation and never openly mentioned the British attempts to transfer the liberated Africans to the British West Indies. In reviewing the handling of the group by the Brazilian government, the lawyer, who claimed he had served temporarily as a curator, admitted that the Africans had been treated as slaves, discussed some of the problems related to their handling by hirers and administrators, but chose to concentrate on the measures taken by the Brazilian government for their emancipation. He wanted to portray the "liberated African question" as a finished affair and, repeating the debate over the responsibility for the abolition of the slave trade, claimed for the Brazilian government the initiative in emancipating the Africans that Christie had attributed to diplomatic pressure and to Lord Palmerston's speech in Parliament in July 1864.<sup>76</sup>

On the state of the liberated Africans after their final emancipation, he commented as follows:

If some of them have given themselves to idleness, to vice, it should be taken as an effect almost necessary and natural of their previous life and habits, and not to their emancipation. Without education, without incentive to work, without the affection of family members, degraded, therefore just like slaves or even worse than those, it is no wonder that, left to themselves some of them have given in to vice and idleness. However, those who were better treated joined society as useful members, to themselves and to the country; there have been marriages, that is, the constitution of families; and others, following this example, have done the same. The exceptions do not prove anything against emancipation. Everywhere there are individuals, and even free persons who live in worse conditions than those Africans, and in greater degradation and misery. There would be, and there are, other solutions to adopt instead of slavery, forced subjection or quasi-slavery.<sup>77</sup>

Perdigão Malheiro seemed to be responding to public concerns and misgivings about liberated

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subject of gradual abolition.

<sup>76</sup> Agostinho Marques de Perdigão Malheiro, *A Escravidão no Brasil: ensaio histórico-jurídico-social*, 2 vols., vol. 2 (São Paulo: Edições Cultura, 1944), 49-60, 70-75; Christie, *Notes on Brazilian Questions*, 24-25.

<sup>77</sup> Perdigão Malheiro, *A Escravidão no Brasil*, vol. 2, 74.

African emancipation, of the same kind as those voiced by the director of the House of Correction. He felt responsible for justifying the government's measure and did it in abolitionist terms: the degraded state in which some emancipated Africans found themselves was to be attributed to the state in which they were previously held, as with slavery, that denied education work incentives, and made family life difficult. Keeping people in slavery, forced subjection, or quasi-slavery, he argued, was not the solution to the perceived problems of their integration into society. Perdigão Malheiro believed that the liberated Africans who had been well treated had become "useful members" of society, and saw in the Africans' quest to sanction their marital relationships further signs of their attempts at integration.

It is unfortunate that Perdigão Malheiro did not explore this issue further. Had he explained in what measure he expected the emancipated Africans to integrate into society, or had he dared comment on the imperial government's transfers of liberated Africans to the frontier and their continued use as coerced labourers after their emancipation, the meaning he attributed to their freedom could have been clarified. He defended the liberated Africans' emancipation from "slavery, personal subjection or quasi-slavery" just as he defended gradual slave emancipation: in principle. His vote against the conservatives' project for the emancipation of the newborn slaves in 1870-71, although puzzling to some, was explained by the fact that he did not favour freedom over property rights, as Eduardo Pena demonstrated. What motivated his interest in the liberated Africans, then? Perdigão Malheiros was most of all concerned with the social order: he strove to dissociate the "question of the liberated Africans" from the discussion of the rights of the slaves imported during the illegal slave trade, to present that "question" as closed, and to call for a moderate, well-thought-out, and prudent solution to the impending question of slavery.<sup>78</sup>

### **Accounting for all the liberated Africans: the register**

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<sup>78</sup> "Resta somente a magna questão da escravidão existente no Império, e sua conseqüente abolição: questão da maior gravidade e ponderação, que cumpre estudar e resolver com o maior critério e prudência." Perdigão Malheiro, *A Escravidão no Brasil*, vol. 2, 75. Pena, *Pajens da Casa Imperial*, 288.

Officials of the Ministry of Justice did agree on that no assessment of the "liberated African question" would be complete without statistics on the number of liberated Africans imported and distributed to hirers and to public institutions. Moreover, they knew British Foreign Office officials would not be satisfied if the fates of all the liberated Africans could not be accounted for, whether they were deceased or emancipated. Vitorino de Barros even anticipated a dilemma related to the way the information was presented about the liberated Africans whose fates were unknown by the administration and who had presumably been re-enslaved; he knew the British had heard the rumours about those facts but he did not want to create any more cause for diplomatic dispute. He suggested, then, that the person responsible for the statistics should "try to handle the language of numerals in such a way to prevent future embarrassment, that can bring great sorrow to the country."<sup>79</sup>

The British Foreign Office had been pressing for the release of compiled information on the fates of the liberated Africans emancipated by the mixed commission court since at least 1848. Consul Robert Hesketh and *chargé d'affaires* James Hudson even agreed to prepare a register themselves, between November 1849 and July 1851, by notifying liberated Africans through their mates to come to the consulate and give information about their places of work. They gathered information about 857 Africans. A new list was prepared between 1856 and 1860, this time assessing 1,301 Africans with respect to the wages paid for their services by their hirers and the length of their terms of service. From 1861 onwards, William Christie repeatedly pressed the Brazilian government for a list of the liberated Africans, without response. The intention was, obviously, to insist on the final emancipation of the liberated Africans who had completed the mandatory 14-year term but continued to be held by the government far beyond that term.<sup>80</sup>

To judge from the Ministry of Justice reports on the activities conducted between 1865

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<sup>79</sup> Antônio José Victorino de Barros to Diretor Geral Interino, 5/10/1864, AHI, lata 239 maço 1.

<sup>80</sup> Christie, *Notes on Brazilian Questions*, 10-12; 36-38.

and 1869, during those years the register of liberated Africans occupied intensely the section previously devoted to the handling of the liberated Africans. Minister Nabuco de Araújo reported having sent requests for information about the liberated Africans to the presidents of all provinces, to the director of the House of Correction, and to the chief of police in 1865.<sup>81</sup> In 1867, his successor admitted that the task involved many difficulties related to the fact that the available lists of the existing liberated Africans contained no references to correctly identify them, sometimes listing people only by their first names. He also recognised that the ministry under his care had no information whatsoever about the Africans who had been emancipated outside of Rio de Janeiro, who had been handled by the presidents of the provinces. However, his government was eager to prepare a complete register of the liberated Africans in the country, classified by shipments, containing their names, nations, brands, and fates. Africans from 32 shipments, totalling 7,439 people emancipated in the city or in the province of Rio de Janeiro had been accounted for until early 1867.<sup>82</sup>

The preparation of the register was conducted in parallel with the search for surviving liberated Africans entitled to emancipation wherever they might be. In 1867, the minister admitted that liberated Africans had been sent, mainly from Rio de Janeiro, but also from Bahia, Pernambuco and Alagoas, to the interior of the province of Rio de Janeiro and also to the provinces of Minas Gerais, São Paulo, Mato Grosso, Espírito Santo, Amazonas, Pará, Paraíba, Paraná, and Santa Catarina. Distributed for service and handled by the provincial authorities, liberated Africans had been scattered throughout the interior in unknown labour arrangements and were often mixed up with slaves. Judges of Orphans of all districts were instructed to inform the Ministry of Justice about the existence of liberated Africans within their limits, and liberated Africans were expected to receive from the chief of police in each provincial capital their letters of emancipation issued by the judges of orphans. One can only imagine the impact of the

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<sup>81</sup> Brazil, Relatório do Ministro da Justiça, 1865, 10.

measures taken by the imperial government to guarantee the freedom of the liberated Africans had on the population at large, and particularly on the slaves of every district where liberated Africans could be found. In the popular mind, "*africanos livres*" comprised all the Africans imported during the illegal slave trade and not only those who had been captured. Local authorities had the difficult task, not unlike that undertaken by Perdigão Malheiro, of publicising the difference, enforcing the official definition of the category, and making sure that all living liberated Africans were emancipated.

In 1865, from Minas Gerais, the Ministry of Justice received the information that the liberated Africans employed on the plantations of the late João Gualberto Teixeira and José Junqueira Gonçalves Pereira in the distant district of Paraibuna would have trouble reaching the capital of that province; the minister issued orders authorising the local judge of orphans to deliver their letters.<sup>83</sup> Also from Minas Gerais came the news that the municipal judge of Pouso Alegre refused to accept petitions from liberated Africans for he discovered that the vicar of the parish of Santa Anna de Sapucaí was baptising Africans imported after 1831 and registering them as free.<sup>84</sup> The executive authorities had been centralising the processing of petitions and the emancipation of liberated Africans exactly for that reason: to maintain control over who was and who was not considered a liberated African.<sup>85</sup> In 1864 and in the following years, therefore, as liberated Africans everywhere left their places of employment and moved toward the provincial

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<sup>82</sup> Brazil, Relatório do Ministro da Justiça, 1866, 6.

<sup>83</sup> José Thomaz Nabuco de Araújo to Presidente da Província de Minas Gerais, 22/05/1865, AN, IJ6 16.

<sup>84</sup> The episode, from 1862, is discussed in Judy Bieber Freitas, "Slavery and Social Life: Attempts to Reduce Free People to Slavery in the Sertão Mineiro, Brazil, 1850-1871," *Journal of Latin American Studies* 26, no. 3 (1994): 597-619, on page 618, in the context of the application of the law which forbid the illegal enslavement of free people.

<sup>85</sup> In 1862, the Ministry of Justice recognised the right of provincial authorities to judge the right to emancipation of the liberated Africans who had been emancipated and distributed for service there; until then, petitions from the liberated Africans serving in the provinces went to Rio de Janeiro to be processed, resulting in very long delay for the Africans, for their records could not be found in Rio. Lauriana ou Edeltrudes, Petição de Emancipação, 6/2/1860, AN, IJ6 523; Justiça to Chefe de Polícia, 4/2/1862, AN, IJ6 15; Justiça to Presidente da Província de Pernambuco, 29/7/1862, AN, IJ6 15. The government insisted, though, that the judges had no power to handle that; Justiça to Presidente da Província do Rio de Janeiro, 22/3/1859 in Brazil, Coleção de Decisões do Governo Imperial, 1859, 68.

capitals to be accounted for and to receive their final emancipation, the Ministry of Justice officials strove to compile information that would, for the first time, provide statistics on how many had died, how many were emancipated, and how many were unaccounted for. The register, or a *matrícula geral dos Africanos livres*, would, presumably, satisfy the British, establish which liberated Africans had the right to emancipation, and end "the liberated African question."

The public learned, from the reports of the Ministry of Justice relative to the activities conducted in 1867 and 1868, that the work on the register of liberated Africans advanced considerably during those years and had gathered information about 11,008 individuals at the last count. Of those listed, 35% had died, 26% had been emancipated, almost 7% had been re-exported, almost 2% had run away, and 30% were unaccounted for.<sup>86</sup> The liberated Africans who had been sent to the provinces figured prominently among those whose fates were unknown. The government never admitted that some of the liberated Africans might have been re-enslaved.<sup>87</sup> Little explanation was provided concerning the reexportation of 748 liberated Africans, or about the emancipation of 354 of them by a notice issued in the 1830s, which presumably benefited those from the shipments of the *Emília* and the *Destemida* who had their 14-year term limits observed because they had been assigned for service before October 1834.<sup>88</sup>

The public was left with the semblance of a closed question. It had a very negative tone: the liberated Africans had been mishandled by the Brazilian government despite the bilateral agreements and national legislation; they had been re-enslaved, had died, and had worked well beyond the prescribed term of service. The fact that the surviving liberated Africans had received their letters of emancipation seemed to be the last word on their history. Such is the version presented by abolitionist Joaquim Nabuco, in discussing his father's life. Thus, Nabuco admitted

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<sup>86</sup> See Appendix 1, Table 24: Fates of the liberated Africans, according to the register prepared in the 1860s.

<sup>87</sup> See chapter 3, note 29.

<sup>88</sup> The notarial records confirm that liberated Africans from the *Emília*, from the *Destemida*, and from other shipments captured before November 1831 received their final emancipation before the 1853 decree. See chapter 2, note 25.

that "the history of the liberated Africans ... is one of the saddest pages of slavery among us," before going on to review the problems in their administration by the Brazilian government, which he attributed to the interests related to slave property and the slave trade.<sup>89</sup> Afterwards, most writers based their judgement of the question of the liberated Africans on the summaries presented by Tavares Bastos, Perdigão Malheiro, and the Ministry of Justice reports. Skewed as they were to present a resolved and summarised issue, many questions were left unanswered, and many details about the liberated African experience remained unknown.

### **Fragments of the register: new perspectives on the experience of the liberated Africans**

Information on the individual fates of the liberated Africans first emancipated in the 1830s from the *Duquesa de Bragança*, *Continente*, *Novo Destino*, *Rio da Prata*, *Cezar*, *Angélica*, and *Amizade Feliz* shipments, and from small seizures made by local authorities reveals details about the liberated African experience never examined until now. The separation of the liberated Africans by place of service and by sex, and moreover, the calculation of the length of their terms of service until their deaths or emancipation provide, for the first time, results to evaluate important differences in the liberated African experience. Such data represents only a portion of the total number of liberated Africans emancipated in Brazil and calls for further inquiry into the fates of those emancipated in the 1850s and of those handled entirely by the provinces.<sup>90</sup> In general, it provides a sense of "the liberated African question," perhaps shared by contemporaries close to the issue and felt by the Africans themselves, but never exposed in the official

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<sup>89</sup> He praised the role of his father, the late minister and councillor José Thomaz Nabuco de Araújo, in establishing the emancipation process through the 1853 decree, giving him undue credit for the liberated Africans' emancipation without knowing how many petitions by Africans in public institutions his father had turned down. Joaquim Nabuco, "O tráfico e a escravidão," in *Um Estadista do Império* (Rio de Janeiro: Topbooks, 1997), 214-238.

<sup>90</sup> The tables used, relative only to a few of the shipments of liberated Africans, were found among other documents on liberated Africans with no reference to the register or to the rest of the set. Information on the liberated Africans emancipated in the 1850s and emancipated in the provinces is particularly hard to obtain and would prove valuable for the sake of comparison. Mary Karasch used these tables to discuss African mortality, classified by sex and shipment, but did not discuss differences in the places of work or the implications of the length of the Africans' terms of service.

documentation.

The records for the 955 Africans emancipated in the 1830s show approximately the same proportion of emancipations, but more deaths and fewer people unaccounted for than the results of the previous register which covered 11,008 individuals. Of those first emancipated in the 1830s, 28.5% were emancipated, 46.8% died before receiving emancipation, 3% had run away and never been recovered, and 21.6% were unaccounted for.<sup>91</sup> No reference is made to the shipment of Africans from this group back to Africa, and only five liberated Africans are shown as emancipated prior to the issuing of the 1853 decree. The breakdown of these records according to the place of employment of the liberated Africans reveals the first nuances: Africans who served private hirers had higher rates of emancipation than those who served public institutions and also smaller death rates. An even closer look uncovers the striking difference in the terms of service completed by the Africans in the two groups, and in addition, the difference in the terms of service of male and female liberated Africans demonstrates just how difficult it was to reach final emancipation, particularly if one were male and/or worked for the state.

In general, liberated Africans who served public institutions were more likely to have died before receiving their final emancipation than those who worked for private hirers. While 55.6% of the liberated Africans working for the state died and only 19.5% were emancipated, 44.2% of those working for private hirers died and a significantly higher percentage, 30.95% of them, were emancipated.<sup>92</sup> That discrepancy existed not only because the mortality rates in the public service were higher in the early years, but also because the government delayed until the 1860s the emancipation of the liberated Africans working for institutions. Thus, liberated Africans working for the state worked longer terms than did their counterparts in private service. Among those emancipated, none worked less than 24 years, as compared to the 14 years

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<sup>91</sup> In this group, there was one liberated African in jail, representing 0.1% of the total. See Appendix 1, Table 13: Liberated Africans' fates according to place of work.

<sup>92</sup> See Appendix 1, Table 15: Terms of service of deceased liberated Africans according to place of work.

prescribed. Most worked longer.

The records, arranged by the date of the issuing of the notices of emancipation, clearly show the changes in the procedures of the Ministry of Justice and the biases in the granting of emancipation to the liberated Africans between 1853 and 1864. Of the 272 liberated Africans emancipated from the sample of 955 landed, 29% had notices issued between 1851 and 1855, 17.7% between 1856 and 1860, and 53.3% between 1861 and 1866; 20% of the notices were issued in 1864 alone. It becomes clear that in the first two years after the announcement of the 1853 decree, the Ministry of Justice issued a fair number of notices to all the Africans who, in the officials' opinion, were "worthy" of emancipation. That period was followed by a sharp drop in the granting of emancipation notices, with the clear shift in policy marked by the 1855 orders. A gradual move toward emancipation can be seen in the number of notices issued after the Council of State's decision, in December 1859, but it was actually only in 1864 that unconditional emancipation began. More than a quarter of the liberated Africans in this group had been kept by the government until the very end.<sup>93</sup>

Although because of the lack of available data they cannot be compared to the overall number of liberated Africans distributed among private hirers and public institutions, the records of the number of notices of emancipation issued by the Ministry of Justice during each semester between 1859 and 1864 provide a good sense of who the liberated Africans were who had to wait until the very end to be emancipated. It appears that the government held the male liberated Africans who served in public institutions in disproportionate numbers: almost half of all the liberated Africans emancipated between 1859 and 1864 were males working for the state who received their emancipation only in 1864.<sup>94</sup> The delay in their release from compulsory service

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<sup>93</sup> See Appendix 1, Table 22: Notices of emancipation issued by year to liberated Africans first emancipated in the 1830s

<sup>94</sup> See Appendix 1, Table 23: Distribution of emancipations between 07/1859 and 10/1864 by semesters, according to sex and place of work of the liberated Africans.

points most probably to the government's need for their labour. Those numbers are confirmed by the sample of the liberated Africans first emancipated in the 1830s: male liberated Africans worked longer terms than their female counterparts, and those in the public service worked longer terms than those in private service.

Since they were among the first to be affected by the imperial government's rules for distribution issued in October 1834 that were interpreted as not limiting the length of their terms of service, the liberated Africans emancipated in the 1830s had to work the longest terms of service until their emancipation in the 1850s and 1860s. They had all completed 14 years of service when the decree was issued in 1853, yet most of them worked much longer before receiving their final letters of emancipation. How long they worked depended on their gender and their place of employment. Although this sample of liberated Africans emancipated from institutions is small (28 men and 3 women), it is clear that women received their emancipation first. Among the women, 67% of them worked between 20 and 24 years and 33% worked between 25 and 29 years, while 93% of the men worked between 25 and 29 years and 7% worked more than 30 years. A similar gender difference can be found in the sample of 130 male and 103 female Africans emancipated after having worked for private hirers, but in general, they worked shorter terms than those in institutions. While 67% of the women served terms of 15 to 24 years, 53% of the men served between 25 and 29 years before receiving their final emancipation.<sup>95</sup>

What do those figures show that was not already known about the liberated African experience, about the Brazilian government's handling of the group, and about their process of emancipation? First, they show very clearly the striking difference in the experience of the Africans according to their place of work. Some had more chance to be emancipated than others,

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<sup>95</sup> The Africans emancipated during the suppression activities in the 1850s were equally released from guardianship after the 1864 decree, so probably did not endure such long terms of compulsory service. However, because they were not to be distributed among private hirers and were assigned to public service in the provinces in great numbers, record-keeping in Rio de Janeiro was not as complete as for those emancipated in the 1830s and 1840s. Further research will explore the experiences of the two groups comparatively.

some worked shorter terms than others. The implications of some of those differences have yet to be explored: what is the significance of the fact that liberated Africans (both male and female) working for female hirers had a better chance of being emancipated than those working for male hirers? The figures are clear: of the Africans serving female hirers, 34.5% died and 40.3% were emancipated while among the Africans serving male hirers, 46.2% died and 28.9% were emancipated.<sup>96</sup> Similar differences are found among female and male slaveowners' manumission practices: proportionally more female slaveowners manumitted slaves than did their male counterparts.<sup>97</sup> However, liberated African emancipation could not be bought by the Africans or granted by the hirers; it was decided, as shown in the previous sections, by government officials with input from hirers and from the administrators of the institutions where the Africans had served. What did the differences in emancipation rates of male and female liberated Africans, and of Africans working for hirers or for institutions, or for male or female hirers mean if they had little to do with the Africans' own ability to purchase themselves or with their personal relationships with their hirers? They were related to the imperial government's willingness to set them free. To observe the variation in policy is a revealing exercise.

The figures also show exactly how long each African served in excess of the 14 years of compulsory service, and collectively how long they all were held much longer than the period prescribed in the bilateral agreement and in the royal decree of 1818. In other Atlantic territories, liberated Africans served alongside slaves and were subjected to poor working conditions as well, therefore, compulsory labour during the term of service was not exclusive to Brazil. What sets the Brazilian experience apart is the fact that the Brazilian government extended the already long period of guardianship and compulsory service far beyond the prescribed term. Why should that have been so? The retention of all the liberated Africans working for the state, and in particular,

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<sup>96</sup> See Appendix I, Table 26: Liberated Africans' fates according to sex of hirers. Out of the 414 hirers who held 771 liberated Africans, 78% were male and 22% were female.

<sup>97</sup> Karasch, *Slave life in Rio de Janeiro*, 342.

the retention of male liberated Africans until the end of the emancipation process demonstrate that government officials took the state's own labour needs into consideration: the setting up of a system to receive at the House of Correction time-expired liberated Africans working for private hirers and to redistribute them among public institutions in Rio de Janeiro attests to that fact. The councillors of state admitted that the government's own labour needs could be the only explanation for liberated Africans in public institutions not being entitled to emancipation according to the 1853 decree. The government's need for coerced labourers, therefore, is one explanation of the retention of the liberated Africans beyond their terms of service. However, it does not explain why liberated Africans, once emancipated, were transferred away from Rio de Janeiro, and not always to be engaged in public ventures in the frontier provinces.

The councillors of state were very clear in 1859, as other ministers had been on previous occasions: the emancipation of a large number of Africans in a short period was not expedient; Brazilian government officials believed that it could have an undesirable effect on the population at large, and particularly on the slaves. At that time, the councillors recommended renewed control over the Africans and their dispersal "through some colonies." The concerted effort led by the Ministry of Justice and the chief of police to issue conditional emancipation notices determining new places of residence for the liberated Africans illustrates this point. In the 1850s and early 1860s, individual liberated Africans were ordered to move away from Rio de Janeiro into other parts of the province, into other provinces, or even to Africa.<sup>98</sup> The intentions behind the orders were unmistakable, as expressed in the notices issued to Laura Benguela and Firmina Congo, who had served hirer José Baptista Martins de Souza Castellões: their emancipation was conditional upon their residence "*fora da Corte*" and their letters should be delivered only to the

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<sup>98</sup> Within the province of Rio de Janeiro, liberated Africans were sent to Angra dos Reis, Itaboraí, Vassouras, Magé, Cabo Frio, São João do Príncipe, or Niterói. In 167 notices of emancipation which contained conditions for emancipation (of 990 notices), 38% ordered the African to move inside the province, 7% ordered him or her to move to another province, 3% ordered him or her to go to Africa, 18% allowed the liberated African to stay where he or she was, 30% either did not set conditions or allowed the conditions to be set later. See AN, IJ6 15 and IJ6 16. Since it was the Chief of Police who set the place of residence for the emancipated Africans, his records would be more

two liberated African women "on the occasion when, with others, they would be bound to go away from Rio de Janeiro."<sup>99</sup> What had Laura and Firmina done to deserve that treatment? They had incited an African slave of their hirer, Júlio, to claim liberated African status.<sup>100</sup>

Besides labour considerations, therefore, the slow progress and the biases in the process of liberated African emancipation were related to the imperial government's concern with social control, particularly in Rio de Janeiro. This conclusion reinforces the argument put forth by Sidney Chalhoub that the sale of slaves away from Rio de Janeiro in the second half of the nineteenth century was related to slave resistance. Census data show that the slave population in the capital of the empire had peaked in 1849, with 78,000 slaves, who comprised 38,3% of the total population of 205,000 people, and afterwards steadily declined in absolute and relative numbers until slave emancipation in 1888. The usual explanation for the decline in the number and proportion of slaves attributes it to a combination of factors: the arrival of white colonists to compete in the urban labour market, the natural decrease of the population which was not compensated for by new arrivals after 1850, and the sale of slaves by their masters to the plantations in the interior, where coffee plantations were expanding and were fed by an inter-provincial slave trade after the end of the Atlantic trade. Chalhoub showed that besides the high prices commanded by the plantation sector (pull factors), the climate of fear created by slaves who were increasingly defiant of their masters' orders after 1850 was also taken into account by urban slaveowners (push factors), who effectively chose to get rid of their "dangerous slaves."<sup>101</sup>

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accurate for verifying the transfers.

<sup>99</sup> Aviso de emancipação para Laura Benguela e Firmina Conga, 27/9/1861, AN, IJ6 15.

<sup>100</sup> Júlio was returned to his master after going through the petition process with his two female mates. For the Ministry of Justice, he was not a liberated African, but wanted to pass as one ("*era o referido Africano escravo e não livre como se inculcava*"); Justiça to Chefe de Polícia, 1/2/1862, AN, IJ6 15.

<sup>101</sup> Sidney Chalhoub, *Visões da Liberdade: uma história das últimas décadas da escravidão na Corte* (São Paulo: Companhia das Letras, 1990), Karasch, *Slave life in Rio de Janeiro*, 64-66, for census data. Chalhoub criticises Alencastro, who stressed the importance of the pull factors, and the arrival of Portuguese immigrants to take part in the urban labour market. Luiz Felipe de Alencastro, "Proletários e Escravos: imigrantes portugueses e cativos africanos no Rio de Janeiro, 1850-1872," *Novos Estudos - CEBRAP* 21 (1988): 30-56. This debate echoes that which discussed Richard Wade's proposition that slavery and cities were incompatible because of the high cost of security

The liberated African data support Chalhoub's argument because there was no market for liberated Africans. They could not be bought or sold; therefore, they could not be pulled by the plantations, by cities in the interior, or by the frontier areas. They could only be pushed out of the capital city. A number of them continued to be treated as compulsory labourers in government-sponsored frontier projects after their release from guardianship; their transfer can also be attributed to labour demands. However, those who were authorised to lead autonomous lives were ordered to go away from the imperial capital or to demonstrate that they had a settled situation.<sup>102</sup> The imperial government, like the slaveowners, was eager to send the "dangerous" individuals away from Rio de Janeiro.

### Liberated Africans and the struggles over the citizenship of people of African descent in nineteenth-century Brazil

Liberated Africans' actions to press for the recognition of the rights pertaining to their different status on different occasions before their emancipation and their active engagement in their emancipation process were always resented and deemed "insubordination" by government officials and private hirers. It was part of a growing trend that could not be easily repressed, however. People of African descent had increasingly struggled for freedom through legal means since the end of the eighteenth century, and their claims to citizenship led to uneasy responses from the white elites throughout the Americas, and ultimately, to the exposure of the limitations of liberalism. This section addresses the evidence of the liberated Africans' claims to freedom and shows how their engagement was related to the struggles over the citizenship of free Blacks in

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measures. Richard Wade, *Slavery in the Cities: The South, 1820-1860* (New York: Oxford University Press, 1964); Claudia Goldin, *Urban Slavery in the American South, 1820-1860: a quantitative history* (Chicago: University of Chicago Press, 1976); Barbara J. Fields, "Baltimore and the Problem of Slavery in Cities," in *Slavery and Freedom on the Middle Ground: Maryland during the Nineteenth Century* (New Haven: Yale University Press, 1985), 40-62.

<sup>102</sup> Ten percent of the Africans managed to reverse the conditions set for their emancipation by proving that they were married or that they had businesses that kept them in the city. Domingas Unane was authorised to stay in Rio rather than transfer to Vassouras because she had a food stall in Rio; Domingas Unane, Permissão para residência no Rio de Janeiro, 6/12/1860, AN, GIF1 5E 280. Felipe Mina pleaded that he would go to Africa when emancipated, then petitioned to have the condition reversed; Felipe Mina, Petição para remoção de cláusula de reexportação, January 1857, AN, Diversos SDH - cx. 782 pc. 2.

Brazil in the course of the nineteenth century.

Evidence of liberated African opinion about their compulsory term of service points to clear positions about the meanings of freedom. When Anna Benguela stated that she "had already acquired the knowledge necessary to live on her own and gain her subsistence as a freedwoman," she argued that she wanted to be emancipated because she "was not yet free." Her case and many others demonstrate that liberated Africans felt their terms of service to be like slavery for a limited time. This argument was also used by another liberated African woman, Maria Cabinda, when she claimed her right to be emancipated: she stated that "the term of her captivity had expired."<sup>103</sup> Liberated Africans associated freedom with mobility and with the ability to contract their own services and keep their earnings, and they knew that they had not been enjoying freedom. For that reason, Maria Rebola gave up obeying her hirers' orders when her term of service expired, accusing him of "stealing her services."<sup>104</sup> Macária Garangue, known as Maria Cacinha, went as far as presenting in her petition a calculation of the value of her labour, deeming that at 200\$000 réis per year, she had earned a profit of 2:400\$000 réis over 12 years of service to her hirer. She appealed for emancipation, arguing that "captivity is terrible; it is odious in the eyes of His Imperial Majesty."<sup>105</sup>

Although the liberated Africans' level of awareness about their condition and their rights varied, the agitation surrounding the abolition of the slave trade in 1850 and in the following years helped to publicise the meanings of liberated African status. The suppression activities, often conducted after the landing of the "new Africans" and their mixing with slaves, exposed the government's defence of the freedom of the Africans imported after the prohibition of the slave trade. Moreover, the publicity over the actions of the British Naval Squadron following the

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<sup>103</sup> Anna [Benguela], Petição de Emancipação, 6/3/1843, AN, IJ6 471; Maria Cabinda, Pedido de Emancipação, 15/5/1856, AN, Diversos SDH - cx. 782 pc. 2.

<sup>104</sup> Maria Rebola, Petição de Emancipação, 17/06/1857, AN, GIF1 6D-136.

<sup>105</sup> Maria Cacinha [alias Macária Garangue], Petição de emancipação, 19/06/1857, AN, GIF1 6D-136.

Aberdeen Act and the public outrage about British interference in Brazilian affairs exposed British involvement with abolition, which the actions of the members of the British legation in Rio on behalf of the liberated Africans confirmed. If some liberated Africans had already been aware of the 14-year limit to their term of service and had tried to have it enforced, after the issuing of the 1853 decree, that awareness of their right to "full freedom" extended exponentially to more and more of them, and to other groups as well. Liberated Africans became increasingly restless and claimed their freedom. The government's reaction to the instability of the usual system of control over the liberated Africans was, as shown in the previous sections, not to give them their deserved autonomy but to find new forms of renewing control over them.

Liberated Africans' appeals for their freedom were demonstrations of their civic engagement. Like Maria Cacinha, who believed that "His Imperial Majesty" rejected captivity, other liberated Africans framed their petitions in ways that showed that they were aware of their rights and engaged in a quest to have them observed. Deeming themselves subjects of a benevolent Emperor and entitled to certain rights, liberated Africans, just like slaves, often appealed to their protector. Desidério Mina's grave appeal for the Emperor's personal interference on behalf of the liberated Africans in public service is a powerful testimony to the Africans' confidence in the justice provided by the Emperor (even if Desidério did not trust the government). Many collective appeals show Africans' quests for justice that were directed to the public authorities who were in charge of their care. The liberated Africans from the House of Correction complained to their curator that they lived in "quasi-slavery" and had no other guarantee of their freedom than the legislation that protected them.<sup>106</sup> The group of Mina liberated Africans brought from Bahia to the southeast, to which Desidério belonged, in one of their many attempts to assert their right to emancipation, addressed themselves to the judge of orphans in Sorocaba (São Paulo), stating that they had already served beyond the expected term "yet they

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<sup>106</sup> Figueiredo to Barbosa, 4/7/1853, AN, IJ6 523.

continued to serve as slaves, when they were free," adding that "they were not willing to remain in that state."<sup>107</sup> Those demonstrations of awareness of their free status and demand for their rights were never welcomed by Brazilian government officials.

In expecting justice from the Emperor or from his agents, in petitioning for their rights, liberated Africans acted as other groups of disfranchised people had been doing in growing numbers in the nineteenth century. In effect, ever since Brazilian independence, there had been growing pressure from people of African descent to have their citizenship rights recognised. The debates held during the Constitutional Assembly in 1823 and the text of the Imperial Constitution prepared separately demonstrate that the question of the extension of citizenship rights to the ex-slaves and their descendants was a crucial political issue for the young nation. Based on liberal principles, the Imperial Constitution of 1824 recognised, as natural rights, freedom and property. It was silent about slavery. Moreover, it officially abolished legal distinctions based on ancestry, declaring equality under the law for all persons born free. A Civil Code was never approved, however, this fact standing as a sign of the difficult coexistence between slavery and freedom within a liberal legal framework.<sup>108</sup>

Citizenship rights, extended to all free-born Brazilians and Portuguese, entailed the usual civic rights such as spatial mobility and the right to own property, as well as liberal rights such as the right of free speech and the guarantee of physical integrity. Political citizenship was very limited, for electoral franchise became the privilege of a decreasing number of free persons over the course of the nineteenth century.<sup>109</sup> The struggles over citizenship rights took place in a field

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<sup>107</sup> "Diz os fricanos...", Petição dos Africanos livres da Fábrica de Ferro de Ipanema, AESP, Lata 5216,4, reprinted in Jaime Rodrigues, "Ferro, trabalho e conflito: os africanos livres na Fábrica de Ipanema," *História Social*, no. 4-5 (1998): 29-42.

<sup>108</sup> Hebe Maria Mattos de Castro, *Das Cores do Silêncio: Os Significados da Liberdade no Sudeste Escravista - Brasil, século XIX* (Rio de Janeiro: Arquivo Nacional, 1995); Keila Grinberg, "'O Fiador dos Brasileiros': Cidadania, Escravidão e Direito Civil no Tempo de Antonio Pereira Rebouças" (Tese de Doutorado, Universidade Federal Fluminense, 2000); Pena, *Pajens da casa imperial*; Jaime Rodrigues, "Liberdade, Humanidade e Propriedade: os escravos e a assembléia constituinte de 1823," *Revista do Instituto de Estudos Brasileiros* 39 (1995): 159-167.

<sup>109</sup> José Murilo de Carvalho, *A Construção da Ordem: a elite política imperial; Teatro de Sombras: a política imperial*,

that was common to all, either by right or by aspiration, that of the definition of freedom. In practice, freedom was associated with spatial mobility, with personal autonomy, and with entrance into the realm of proprietorship. In the second half of the nineteenth century, it came to be seen increasingly as the opposite of the harsh regime on slave plantations, of the rigid control exercised over slaves, and of gang labour. Slaves and freedpersons, because of living on the border between slavery and freedom, had a definite awareness of what freedom entailed, were used to negotiating concessions, and were always unwilling to give up customary rights. Moreover, slaves and free persons of colour were ready to take grievances over the observance of their rights, customary or positive, to the courts.<sup>110</sup>

Keila Grinberg has shown that there was a significant margin within the legal rules surrounding slavery in all slave areas of the Atlantic at the turn of the nineteenth century, and that slaves used those gaps to their advantage. Freedom suits, customarily appeals to the goodwill of the sovereign ruler, took on new significance and became common judicial procedures for claiming a slave's right to freedom.<sup>111</sup> Moreover, during the course of the nineteenth century, free blacks fought to assert their distance from slavery and their equality with free persons, white or black, by refusing any discrimination on the basis of colour. It should be noted that those struggles hardly went against slavery *per se*. The question was to define clearly the rights of citizens in the new nations.

The debate over the inclusion of freedpersons among citizens of the new Empire illuminates the problems surrounding the incorporation of liberated Africans into Brazilian society. Throughout the colonial period, free status was associated with white colour, and black

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2 ed. (Rio de Janeiro: Ed. UFRJ/Relume-Dumará, 1996), 359-382. Only 10% of the whole population were voters in 1872; less than 1% were voters in 1886.

<sup>110</sup> Castro, *Das cores do silêncio*, 315.

<sup>111</sup> Different legal traditions and new sets of legislation stemming from the separate independence processes did not prevent the existence of similar procedures for dealing with slaves' freedom suits in various areas of Anglo, Spanish and Portuguese America because the suits were based on challenging the property rights over the slaves and not properly on asserting the slaves' own right to freedom. Grinberg, "O Fiador dos Brasileiros," 90-100.

colour was directly associated with slave status; the minority of free blacks was considered a "manageable exception" within the hierarchy. The Constitution of the new nation abolished privileges and colour distinctions among people born free; however, Brazilians grew uneasy about granting citizenship rights to the growing number of people newly risen from slavery. The question of whether a slave, once manumitted, became a citizen with full privileges was a matter for much concern and debate among lawmakers throughout the century. The solution for circumventing the equality among free-born persons was the separation between political and civil citizenship: only proprietors, people "worthy" of political participation would be "full citizens," while the free poor of any colour would be "free" only to remain subordinate to and under the patronage of the landowners, as servants and occasional wage labourers. As for those who acquired their freedom in the course of their lives, their mobility and their occupations would be limited, in an attempt to guarantee their respect for the social hierarchy. In this sense, free persons of colour were to enjoy civil citizenship but not political citizenship, while freedpersons would enjoy limited civil citizenship. However, there were voices against the discrimination of freedpersons, such as that of the mulatto deputy and lawyer Antônio Rebouças, who rejected any nuances in the rights of free and freed Brazilians to citizenship. Slavery for him was a matter of property, not race, and all those "worthy" individuals who could rise from slavery should be considered full civil citizens and part of the nation. The practice was somewhere between the law and his discourse.<sup>112</sup> Africans, however, were never to be considered Brazilian citizens, for they were foreigners.

The Brazilian debates and dilemmas echoed those experienced by people in other Atlantic territories, with the difference that Brazilians held on to slavery much longer than did their British or American counterparts. Slave emancipation in the British Empire, completed after the transitional period of apprenticeship ended abruptly in 1838, had shown the challenges faced

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<sup>112</sup> Grinberg, "O Fiador dos Brasileiros;" Hebe Maria Mattos, *Escravidão e cidadania no Brasil monárquico* (Rio de Janeiro: Zahar, 2000), 35-54; Rodrigues, *Infame Comércio*, 50-55.

by the plantocracy, the ex-slaves, and the imperial authorities at the time when former slaves were to become not only wage labourers but also citizens. Thomas Holt showed that British imperial policy favouring the full citizenship of the ex-slaves in post-emancipation Jamaica was based on updated notions of bourgeois liberalism. Ex-slaves were expected to embrace the virtues of wage labour and bourgeois family domesticity, and to enter into the realm of freedom as law-abiding and contented citizens. The ex-slaves' own expectations of freedom were for the most part different from those ideals, and their determination to keep their autonomy after emancipation resulted in disappointment for imperial administrators and for all those who believed in the unchallenged maintenance of the social order after emancipation. The established elites resented the ex-slaves' political engagement for the threat it represented to the old hierarchies and, in turn, moved to limit black autonomy using racist arguments. It was not because the ex-slaves were not ready to enjoy citizenship, but rather because they insisted on defending their rights that they became disfranchised after 1865, the date of the repression to the Morant Bay rebellion. Parallel experience in the Southern states of the United States during Reconstruction was followed by the disfranchisement of blacks and the institution of racial segregation.<sup>113</sup>

The Brazilian imperial government's experience with liberated African emancipation in many ways resembled that of governments and slaveowners with slave emancipation elsewhere; it also anticipated some of the questions that would arise more than twenty years later, after Brazilian slave emancipation in 1888. Labour and citizenship were two key issues. On the one hand, the engagement choices of the emancipated labourers alarmed government officials and potential employers, who formulated measures to compel those labourers to perform regular,

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<sup>113</sup> Thomas C. Holt, "The essence of the contract: the articulation of race, gender, and political economy in British emancipation policy, 1838-1866," in *Beyond Slavery: Explorations of Race, Labor, and Citizenship in Postemancipation Societies*, ed. Frederick Cooper, Thomas C. Holt, and Rebecca J. Scott (Chapel Hill: University of North Carolina Press, 2000), 33-59; Michael Craton, "Continuity Not Change: The Incidence of Unrest Among Ex-Slaves in the British West Indies, 1838-1876," *Slavery and Abolition* 9, no. 2 (1988): 144-170; Eric Foner, *Reconstruction, 1863-1877*, (New York: Harper & Row, 1988); Thomas C. Holt, *The problem of freedom: race, labour, and politics in Jamaica and Britain, 1832-1938*, *Johns Hopkins studies in Atlantic history and culture* (Baltimore: Johns Hopkins University Press, 1992); C. Vann Woodward, *The strange career of Jim Crow*, 2 ed. (London: Oxford University Press, 1966).

disciplined work. On the other hand, the demonstrations of the emancipated subjects' willingness to defend their autonomy and rights prompted reactions framed in racist terms. The natural conclusion is that it was not because of the liberated Africans' (or the ex-slaves') inability to act as free persons, as whites suggested, that their autonomy was curtailed, but rather because of their insistence on doing so.

Let us go back to the comments made by the director of the House of Correction in 1865 about the emancipated Africans' labour prospects. In addition to being ungrateful for many years of under-compensated collective work, he presented a very negative account of the insertion of the liberated Africans, once emancipated, into the labour market. He complained that they "hardly submit themselves to regular daily work," by which he meant salaried work, attributing this fact to the abundant "resources of the country" which were sufficient for their subsistence. He summed up his disappointment in the Africans' failure to embrace utilitarian notions of the value of their labour by lamenting that "in general they do not care about the future."<sup>114</sup> Perdigão Malheiro attributed the differences in the emancipated Africans' incorporation to society – some "have given themselves to idleness, and to vice" while others "joined society as useful members to themselves and to the country" – to their previous treatment, but he obviously expected them all to adopt "white" values in the long run. The lawyer's rejection of the negative view of the emancipated Africans' prospects was framed as a defence of their right to freedom, and was surely aimed at the voices raised against their full autonomy, although he did not name them.<sup>115</sup>

Echoes of dissatisfaction about liberated African post-emancipation autonomy came, for example, from the province of Paraná. In the 1850s the Indian settlements in that province had received liberated Africans as well as "emancipated" Africans.<sup>116</sup> Work in such frontier outposts was often considered a punishment for "incorrigible" liberated Africans and state slaves. State

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<sup>114</sup> "Relatório do Diretor da Casa de Correção," attached to Brazil, Relatório do Ministro da Justiça, 1865.

<sup>115</sup> Perdigão Malheiro, *A Escravidão no Brasil*, vol. 2, 74.

slaves deemed "harmful to the discipline and cleanliness" of the Navy Arsenal in Rio de Janeiro had been sent to the Colony of Jataí in 1855.<sup>117</sup> At the time the decree determining the unconditional emancipation of the liberated Africans was issued in 1864, the person responsible for delivering the Africans' letters demonstrated his objection to their release from coercion. The deputy chief of police of the province of Paraná doubted the effectiveness of the existing legislation regulating labour contracts:

Because the moral restraint originating from the obligations inscribed in the contracts [called "*de locação de serviços*"] does not seem sufficient to hold back the excesses and insubordinate pretensions of the ignorant Africans, which material consequences the limited resources for public action and policing available to the directors of the settlements will not be sufficient to curb.<sup>118</sup>

The deputy chief of police of Paraná recommended to the president of that province the removal of the Africans from the Indian settlements, suggesting that coercion should continue to be exerted over their mobility and their autonomy in deciding how to engage themselves. He stressed the fact that the Africans had "insubordinate pretensions," which gives a hint about their readiness to claim autonomy. In reaction, the police authority issued a virulent criticism of their influence on the natives, framed in racist terms:

The dark children of the Ethiopian region [are not] the most appropriate persons to foment motivation among the inhabitants of the forests, the desire and love for social life that we ourselves enjoy, breastfed by the doctrinal and salutiferous milk of the Gospel; from the juncture of two ignorances there can never result wisdom from the culture of intelligence and heart.<sup>119</sup>

It is clear that, while they were under coercion, and for many years, the influence of the Africans over the Natives had not appeared to be negative. Once freed, the Africans deserved rejection

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<sup>116</sup> See the section "Liberated Africans as labourers in the Brazilian frontier in the 1850s and 1860s" in chapter 3.

<sup>117</sup> Juvenal Greenhalgh, *O Arsenal de Marinha do Rio de Janeiro na História*, 2 vols., vol. 2 (1822-1889) (Rio de Janeiro: Arsenal de Marinha, 1965), 174.

<sup>118</sup> Cited and discussed in Eduardo Spiller Pena, *O jogo da face: a astúcia escrava frente aos senhores e à lei na Curitiba provincial* (Curitiba: Aos Quatro Ventos, 1999), 94-96.

<sup>119</sup> Pena, *Pajens da Casa Imperial*, 94.

based on their "race."

Apparently, similar objections to the mobility and autonomy of the emancipated Africans were raised by the Chief of Police of Rio de Janeiro after the 1864 decree. The Minister of Justice had to assure him that no measures were necessary in order to regulate the provisions contained in the decree's sixth article, which allowed the Africans to choose their place of residence anywhere in the country, the only condition being that they should declare their residence and their occupation to the police. The chief of police, until then the official in charge of determining the Africans' place of residence and removal from the city seemed concerned about the new provisions. The minister assured him rather secretly, however, that the new legislation contained "the means to *watch over* the aforesaid Africans."<sup>120</sup> Similar reactions to the unconditional emancipation of the slaves followed the May 1888 "*Lei Áurea*."<sup>121</sup>

In the years following their general emancipation, the degree of autonomy attained by the liberated Africans varied. The records of the institutions often incorporate the liberated Africans among the "workers." Thus, their collective treatment by administrators becomes more difficult to ascertain. On the other hand, individually, the former liberated Africans continue to be referred to as "liberated Africans" or simply as "Africans," and evidence of their presence, almost everywhere, is not difficult to find.<sup>122</sup> Their identification as "Africans" well after their emancipation shows that despite Brazilian society's tendency to avoid naming the colour distinctions among free and freed Blacks noted by Hebe Mattos, the Africans remained distinct, presumably not only because of their separate legal status. They were considered true foreigners

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<sup>120</sup> Furtado to Pinto, 31/10/1864, AN, IJ6 16, emphasis added. For the full text of the decree no. 3310 of 24/09/1864, see Appendix 2, Bilateral agreements and legislation pertaining to liberated Africans in Brazil.

<sup>121</sup> Castro, "Nós tudo hoje é cidadão," *Das cores do silêncio*, 309-325.

<sup>122</sup> Thirty-two "liberated Africans" were among more than 800 *Cayoás* and *Coroados* in the Indian settlement of São Pedro de Alcântara in Paraná in 1873. "Chrispim africano," "Thomásia africana," and "Marco africano" were engaged outside the settlement to private persons, earning 500 and 640 réis per day in 1883. Lúcio Tadeu Mota, *As colônias indígenas no Paraná provincial* (Curitiba: Aos Quatro Ventos, 2000), 79 and 109. "Liberated Africans" headed slave families in the Military Colony of Itapura in 1871; with the emancipation of the state slaves in that year, they probably gained mobility. Diretor da Colônia de Itapura to Presidente da Província de São Paulo,

even after 30 or 40 years in the country.

To close this chapter, one last piece of evidence of liberated African "citizen" behaviour can be found in the story of Cyro, the "Mina" liberated African whom hirer Dionísio Peçanha wanted removed to Amazonas after his petition for emancipation had been accepted in 1855. The liberated African had given repeated proof of his determination to defend his rights through the established legal channels. He had been first emancipated in Bahia in 1835 and had served in the Navy Arsenal in Bahia for 14 years when he and other liberated Africans were transferred to Rio de Janeiro. They had just completed their term, and had addressed a complaint to the President of that province in order to claim their right to emancipation. Some of Cyro's mates, including Desidério, were transferred from Rio de Janeiro to the Iron Foundry of Ipanema, where within a month after their arrival they presented to the judge of orphans of the nearby city, Sorocaba, a written petition stating their case and insisting on their right not to continue serving as slaves. The "insubordinate" Mina Africans were transferred back to Rio de Janeiro, where they reconnected with their mates. In the 1850s, when it was time to petition for emancipation, they handled their battles separately, but still acted as a concerted group. João and Cyro went to court to prove that they were really liberated Africans first emancipated in Bahia in the mid-1830s, since no records of their terms of service existed in Rio de Janeiro. They obtained the favourable testimony of two former Navy intendants for whom they had worked in Bahia. Then they went through the petition process separately, but it took three or more petitions each for their claim to be accepted.

When Dionísio Peçanha, Cyro's hirer, managed to have the liberated African transferred to the hard work of the Navy Arsenal, leaving Cyro's two small sons at the House of Correction where the African had been "in deposit" waiting for his letter of emancipation, Cyro issued an ultimatum. Peçanha received a hand-written note addressed to him:

Snr. Pisanjes de Oliveira

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15/02/1872, AESP, lata 269 n. 1064.

Rio de Janeiro 5 de Marco de 1856

Muinto estimarei que estas duas letras os vão achar em perfeita saude em comp[anhia] de quem vm.ce mais estima da toda a fami-milia da Casa do Senhor;

Quero que Vmce. bá tirar o meu filho athe amanhã não quero o meu filho lá quero que me mande dizer que meu filho está solto; e com esta faz tres cartas que tenho escrebido ainda não tive resposta sobre a minha soltura sabado já se foi eu ainda estou a espera para sahir solto

senão quer metir eu faz uma cumunhão que o snr. ade saber que he o preto mina quero que isto se fassa athe tres dias todo o que pesso

deste seu esCrabo

Chiro Pisanjes Africano livre<sup>123</sup>

Cyro complained that this was the third letter he had addressed to Peçanha on the subject, so far with no response. He requested that his hirer go to the House of Correction the next day to release his sons and insisted that Peçanha obtain his immediate release. The liberated African added a threat: if his requests were not granted in three days, Peçanha "would discover what a Mina is capable of." He had written this note himself and signed "*Chiro Pisanjes Africano livre.*"

The formulation of the threat, which used the reputation of rebelliousness and fierceness of the "Mina" in his favour is remarkable.<sup>124</sup> Peçanha had reasons to believe the warning and felt truly threatened. He attached the note to a letter to the Ministry of Justice officials who dealt with Cyro's case, to argue that he did not deserve emancipation, explaining:

This African is resentful and vindictive, as those of his race are in general, and since he feels harmed for having lost the unfair claim he sought against the supplicant, he nourishes terrible thoughts against the supplicant ... a former servant of the State, and head of a large family, with nearly 50 years of good services

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<sup>123</sup> Literal transcription. The note, dated March 22, 1856 is attached to Peçanha to Ministério da Justiça, 26/03/1856 in Cyro Mina, Petição de emancipação, 22/3/1855, AN, Diversos SDH - cx. 782 pc. 2. Cyro's case and the struggle of his group to assert their right to emancipation has been explored at length in Beatriz Gallotti Mamigonian, "Do que 'o preto mina' é capaz: etnia e resistência entre africanos livres," *Afro-Ásia* 24 (2000): 71-95.

<sup>124</sup> All West Africans were called "Mina" in Rio de Janeiro, but according to Mary Karasch, in Rio de Janeiro in the 1840's, "Mina" had taken on the additional meaning of "proud, indomitable, and courageous Arabic-speaking Muslims, who were literate, intelligent, skilled, and energetic slaves and who worked hard to buy their freedom" partly because of the West African character of the Muslim rebellion in Bahia in 1835; Karasch, *Slave Life in Rio de Janeiro*, 26.

to the country, who sees his existence in danger and exposed to the treacherous knife of a barbarian African, fierce and savage with no morals nor religion, an illiterate, who only breathes vengeance.

Dionísio Peçanha, who had previously admitted that he wanted to obstruct Cyro's emancipation to teach a lesson of subordination to the other liberated Africans in his service now invoked the whole range of prejudices against Africans to prove that Cyro was a danger to him and to society in general. He insisted on saying that Cyro was illiterate even if he contradicted himself by attaching Cyro's note to his letter to the ministry. Peçanha did not convince the officials, who on the contrary, were impressed by Cyro's urbanity and correctness and delivered his letter.<sup>125</sup>

This case exposed the use of racist arguments to force discrimination against an individual who had given all the proof necessary that he could live as a free person: Cyro had completed his term of service (he had actually served for 20 years rather than 14) and he earned his living by hiring himself out as a coffee carrier. Moreover, he had a family and was involved in the "Mina" community in Rio de Janeiro. What, in the minds of hirer Dionísio Peçanha and of many other slaveowners and some government officials, justified the need to keep Cyro under subordination? Not his lack of preparation for independent living, but rather on the contrary, his ability to act as a citizen. Cyro demonstrated, and so did other liberated Africans to different degrees, eagerness to defend his rights as a free person. Yet Brazilian society required that every one of its members know his or her own "place" in the hierarchy.<sup>126</sup> The recommendation to discriminate against Cyro by keeping him under subjection (actually, under a harsher regime in Amazonas) even after his second emancipation was an attempt to show him the limit of his

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<sup>125</sup> Chief of Police Cansansão de Sinimbu, who in the following decade would become Minister of Justice, became convinced that "all he [Cyro] wanted was to obtain his emancipation and the custody of his children, one of whom he immediately put in school, and the other handed over to a person to care for, since he was of a very young age." Reporting to Minister Nabuco de Araújo, Sinimbu added that he "was persuaded that whatever were the motives for misunderstanding between this African and the hirer of his services, all was terminated by the enjoyment of freedom and the acquisition of the custody over the children." Sinimbu to Nabuco de Araújo, 11/4/1856 in Cyro Mina, *Petição de emancipação*, 22/3/1855, AN, Diversos SDH - cx. 782 pc. 2.

<sup>126</sup> This point, referring to the treatment of liberated Africans in Puerto Rico, has been developed in Teresita Martínez Vergne, "The Allocation of Liberated African Labour through the Casa de Beneficencia - San Juan, Puerto Rico, 1859-1864," *Slavery and Abolition* 12, no. 3 (1991): 200-216.

freedom: he owed obedience and respect to the imperial authorities, to his hirer and to all white persons. After all, he was not only black, but also African; the national conscience had transferred all the blame for the corruption that the illegal slave trade had fostered onto the people who should have been but were not freed. However, discrimination, it has been shown, was a reaction to the fact that liberated Africans in particular, and people of African descent in general, were moving to assert their citizenship. In the years following the emancipation of the liberated Africans, their engagement became ever more visible.

The handling of the liberated Africans by the Brazilian government during their process of emancipation in the 1850s and 1860s demonstrated once more the limitations imposed by Brazilian society on the freedom of those persons emancipated in special circumstances. The liberated Africans in Brazil, who should have been treated as freedpersons from the moment of their first emancipation, spent their terms of service as slaves and became freedpersons only after their second emancipation. The existence of two sets of letters of emancipation only confirms that fact. Letters were issued for the liberated Africans when they first arrived and new letters were issued when they were granted "the full enjoyment" of their freedom.<sup>127</sup> Liberated Africans elsewhere in the Atlantic also suffered limitations of their freedom and autonomy during their terms of service, but once their terms ended, they enjoyed "full freedom." What set the Brazilian experience apart from that of the British West Indies, for example, was the extension of the terms of service in Brazil much beyond the limit prescribed in bilateral agreements or the national legislation and also the continuation of some form of control over them even after their release from guardianship. The reasons for those limitations were to be found in the place accorded to Africans within Brazilian slave society and in the significance of the special category of liberated Africans to Brazilian slavery in the nineteenth century.

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<sup>127</sup> Robert Conrad reproduced the final certificate of freedom issued in December 1864 for the liberated African César Congo, who had been first emancipated in 1838; Robert E. Conrad, *Children of God's Fire: a documentary history of Black slavery in Brazil* (Princeton, NJ: Princeton University Press, 1983), 339-40.

## ***Epilogue: Liberated Africans and the legality of Brazilian slavery***

Besides committing a crime with such a trade, they [the buyers of illegally imported slaves] promote and dig a future abyss for themselves and their families, for when those Africans become *ladinos* and know that they are free, they will not refrain from struggling to get away from this captivity that is condemned by law. Neither the law nor the government in such cases will guarantee to their owners such a property nor exempt them from the penalties that shall apply to them; it is easy to conceive the disastrous consequences that can follow the continuation of such an abuse.

— Aureliano de Souza e Oliveira Coutinho, 1833

"Nations like men should praise their reputation"; but, on the subject of the trade, the truth is that we don't save any strand of ours. The national crime could not have been more scandalous, and reparation has not begun yet. During Brazil's trial a million testimonies shall rise against us, from Africa's interior, from the ocean's bottom, from the beach barracoons, from the plantation cemeteries, and this silent testimony shall be a thousand times more valuable than any affirmation of generosity and nobleness of the whole nation.

— Joaquim Nabuco, 1883

In the fifty years that separated Aureliano Coutinho's appeal for the enforcement of the slave trade prohibition and Nabuco's criticism of the national engagement in the continuation of the illegal trade, hundreds of thousands of Africans and their offspring continued to be held in illegal slavery despite recognition, by prominent political figures, of the dangers such illegitimate holdings represented to the slave system. The failure of the Brazilian government to enforce the abolition of the slave trade determined by bilateral agreements in 1817 and 1826, and by national decrees in 1818 and 1831, and the introduction, between 1830 and 1856, of an estimated 760,000 Africans illegally held as slaves gave rise to a political and legal conundrum in the second half of the century.<sup>1</sup> The imperial government's handling of the Africans who had been apprehended and

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<sup>1</sup> For estimates of the volume of the illegal trade, see Eltis, *Economic Growth*, appendix A, 243-244. For a brief discussion of the failure of the imperial government to enforce the legal freedom of illegally imported slaves, liberated Africans, and Indians, see Conrad, *World of Sorrow*, 50-6.

emancipated during the suppression activities reminded not only slave owners, lawmakers, government officials, and abolition activists, but also and particularly African slaves of their own illegal captivity, prompting them to question it.

The slaves are conspicuously absent from the classic accounts of slave emancipation in Brazil. The destruction of the Brazilian slave system is commonly attributed to the abolition of the slave trade, which cut the supply of new Africans and favoured important demographic shifts of the slave population within the country, and to a series of laws designed to alleviate the pressure within the slave system and effect gradual emancipation. In that history, the actors are usually the ministers, deputies, and senators who conducted a gradual process of emancipation, and the growing body of abolitionists, who managed to stir public opinion in the 1880s.<sup>2</sup> However, a new interpretation of slave emancipation emerges if the process is viewed from the standpoint of the majority. In new studies, slaves emerge as fundamental actors in this history. It has been established that their resistance to the system, in the form of threats or open rebellion, and their continued questioning of the legal basis for their enslavement consistently and effectively undermined the stability of the slave system and contributed to emancipation.<sup>3</sup> In the new studies on slave emancipation, the slaves, or the threat they represented had a decisive influence on some of the imperial government's most controversial decisions, including the abolition of the slave trade in 1850.<sup>4</sup> The present work contributes to this new interpretation by

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<sup>2</sup> The classic interpretation of the graduality of the process of slave emancipation in Brazil was first given in 1883 by Joaquim Nabuco in *O Abolicionismo*, (Rio de Janeiro: Nova Fronteira, 1998). More recent accounts, but also centered on “elite” actors or on “structural” factors: Robert Edgar Conrad, *The Destruction of Brazilian Slavery, 1850-1888*, (Berkeley: University of California Press, 1972); Emília Viotti da Costa, *Da Senzala à Colônia*, (São Paulo: Difel, 1966). For a discussion of the “birth” of the policy for gradual emancipation among Brazilian lawmakers and a criticism of its legacy for the historiography, see Eduardo Spiller Pena, *Pajens da casa imperial: jurisconsultos, escravidão e a lei de 1871*, (Campinas: Ed. UNICAMP/CECULT, 2001).

<sup>3</sup> Warren Dean, *Rio Claro: A Brazilian Plantation System, 1820-1920*, (Stanford: Stanford University Press, 1976); Sidney Chalhoub, *Visões da Liberdade: uma história das últimas décadas da escravidão na Corte*, (São Paulo: Companhia das Letras, 1990); Hebe Maria Mattos de Castro, *Das Cores do Silêncio: os significados da liberdade no sudeste escravista - Brasil, século XIX*, (Rio de Janeiro: Arquivo Nacional, 1995); Maria Helena Machado, *O Plano e o Pânico: os movimentos sociais na década da Abolição*, (Rio de Janeiro: Editora UFRJ/EDUSP, 1994).

<sup>4</sup> Robert W. Slenes, ““Malungu, ngoma vem!”: África coberta e descoberta do Brasil,” *Revista da USP*, no. 12 (1991/1992): 48-67; Chalhoub, *Visões da Liberdade*; Dale T. Graden, “An Act “Even of Public Security”: Slave

showing that the treatment of the liberated Africans by the imperial government was, in many ways, dictated by the masters' fear of their influence on the stability of the slave system, were they treated as free persons. In this epilogue, this argument is complemented by a discussion of the consequences of the liberated African question to the last decades of slavery in Brazil.

Despite continuous attempts by Brazilian government officials to avoid the association between the liberated Africans and the Africans kept in illegal slavery, by the 1860s it could no longer be avoided. The pressure exerted by British Foreign Office officials on behalf of the Africans emancipated by the mixed commission court had disguised their engagement in a larger abolitionist question: the struggle to enforce the right to freedom of all Africans imported illegally into the country. Even if the institution of a mixed commission court to judge the right to freedom of the Africans brought in after 1830, proposed by Palmerston in 1850, was vetoed by the Brazilian government, British officials continued to exert pressure regarding this issue. William Christie contended that his preoccupation with the Africans brought in during the illegal slave trade was within the rights of the British to press for the enforcement of the bilateral treaties. Christie moved to publicise cases of auction, sale, hiring, inheritance, and transfer of Africans held in illegal slavery; he hoped to prove that the Brazilian government was wrong in refusing to enforce the rights of those Africans and wanted to demonstrate that the legal foundations of the slave system were threatened.<sup>5</sup> The operation set up in the Ministry of Justice section in charge of the liberated Africans in the years following liberated African emancipation in 1864 was aimed at gathering the scattered information about their fates and at making sure that every surviving liberated African received his/her final letter of emancipation, but the government's intention was

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Resistance, Social Tensions, and the End of the International Slave Trade to Brazil, 1835-1856," *Hispanic American Historical Review* 76, no. 2 (1996): 249-282. For a discussion of this argument, see section "The Foreign Office, slaves, liberated Africans and the abolition of the Brazilian slave trade" in chapter 4.

<sup>5</sup> William D. Christie, *Notes on Brazilian Questions*, (London: Macmillan, 1865), 81-86; 203-205. Christie called attention to the newspapers' advertisements that listed Africans who were too young to have been imported during the legal trade. The use of the Africans' ages as proof of illegal importation was later picked up by slaves and abolitionists; see below. British influence on the process of slave emancipation in Brazil is addressed in Richard Graham, "Changing Patterns of Labor: Slave Trade and Slavery," in *Britain and the Onset of Modernization in*

to put an end to “the liberated African question” and to dissociate the liberated Africans from the Africans brought in during the illegal trade and kept in slavery.<sup>6</sup> It proved an impossible task, for the publicity over the liberated Africans’ right to freedom and the search in subsequent years for every liberated African eligible for final emancipation reached unintended targets, fuelling the quest for freedom of the Africans who were illegally held in slavery.

The catastrophic consequences of the continuation of the illegal trade advanced by Aureliano Coutinho in 1833 had been avoided for decades, thanks to the insidious manoeuvres of successive government cabinets. In fact, the Brazilian government's connivance with the slave traders in the 1830s and 1840s was coupled with an implicit guarantee given to slave buyers regarding their illegal property. Even after the government broke its ties with the slave traders in 1850, it kept its support of the slave owners, in the name of avoiding major agitation on the plantations. There was an undeclared public agreement that property rights with respect to illegally imported slaves would not be challenged by government authorities. However, the abolition law of November 7, 1831, remained in force despite serious attempts to repeal it; its first article, it was widely known, declared free all slaves brought to the territory after that date. This law served as the basis for a growing number of judicial actions on behalf of Africans held in illegal slavery.<sup>7</sup>

For the administration, only those Africans who were seized during the suppression activities on the coast or apprehended inland and found to have been recently imported into the country could be considered to have the special status of "liberated Africans." However, scattered

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*Brazil, 1850-1914* (Cambridge: Cambridge University Press, 1968), 160-186.

<sup>6</sup> See the section “Assessing ‘the liberated African question’ and accounting for all of them” in chapter 5.

<sup>7</sup> Feijó had already called for the repeal of the law in 1834, admitting that its enforcement was impossible; in 1837, the Marquis of Barbacena, the minister who had proposed the 1831 bill presented a new abolition bill with a clause especially formulated to legalise the trade that had occurred since 1831. Article 14 stated: “*Nenhuma ação poderá ser tentada contra os que tiverem comprado escravos, depois de desembarcados, e fica revogada a lei de 7 de novembro de 1831, e todas as outras em contrário.*” Diogo A. Feijó, “O Tráfico dos Pretos Africanos,” *O Justiceiro*, 25/12/1834; AS, 30/6/1837, 175-181. For a discussion of the use of the 1831 law in the courts, see Lenine Nequete, *O escravo na jurisprudência brasileira: magistratura e ideologia no 2o. reinado* (Porto Alegre: Revista dos

episodes involving Africans illegally held as slaves show that many of them fought to have their right to freedom enforced. It was not uncommon, for example, during the police raids in the plantations in search of newly introduced Africans in the early 1850s, for an African slave to join the group of seized Africans and act as a *boçal*, pretending not to understand a word of Portuguese. That was the case of Joaquim Cabinda, who during the apprehension of newly imported Africans by the police on the island of Marambaia, near Rio de Janeiro, in 1851, "took off his clothes and got himself a loincloth, mixed with the new ones, and in so acting by refusing to say a word, he was considered as one of them."<sup>8</sup> The situation was repeated during the raids conducted in Bananal, in the Paraíba Valley, between Rio de Janeiro and São Paulo provinces, in 1853. As the police advanced through the plantations in search of the newly imported Africans known to have disembarked in late December 1852 in a place called Bracuí, near Angra dos Reis, the slaves heard that the officials were in search of those who were illegally enslaved, and rumours spread that they all were to be freed. In addition to the many cases of slave "insubordination" denounced by the slave owners and attributed to the imperial government's dangerous intervention in their affairs, there is the case of the African Braz, who was taken to Rio de Janeiro along with the other Africans apprehended in Bananal. Examined by police, he appeared to be 31 years old and spoke fluent Portuguese. Questioned, he alleged being "of those imported after the law of November 7, 1831." He clearly considered himself an *Africano livre*, even if the authorities had listed him as a fugitive slave.<sup>9</sup>

Africans illegally held in slavery demonstrated their knowledge of their rights and went

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Tribunais, 1988), 123-139; 299-353.

<sup>8</sup> José Joaquim de Souza Breves, his owner, complained before the Navy Auditor, that Joaquim was one of 46 of his slaves, including two creoles, who were taken along with newly imported Africans found on his property. "Resolução de 30/6/1851 - Sobre o processo da apreensão de 199 africanos boçais na Ilha de Marambaia sendo confirmada em parte a sentença do Auditor de Marinha," in *Imperiais Resoluções tomadas sobre Consultas da Seção de Justiça do Conselho de Estado*, ed. José Próspero Jehovah da Silva Carroatá (Rio de Janeiro: Garnier, 1884), vol. 1, 273-79.

<sup>9</sup> The controversy over the Bracuí affair and the case of Braz were discussed in Martha Abreu, "O caso do Bracuhy," in *Resgate: Uma Janela para o Oitocentos*, ed. Hebe Maria Mattos de Castro and Eduardo Schnoor (Rio de Janeiro: Topbooks, 1995), 165-195.

to the courts to have them recognized, thus feeding slave owners' fear of threats to their authority. Of all the motives invoked in slaves' freedom suits, importation after the abolition of the slave trade was raised in only a small percentage, but it was the one which had the most explosive potential.<sup>10</sup> After all, it could be applied to a significant number of those who were held in slavery. In addition, its benefits were extended to their offspring almost automatically. In effect, claiming to have been imported after the abolition of the slave trade, and therefore to have been held in illegal captivity for a number of years, was an attack on the legality of slavery with the revolutionary potential to seriously destabilise the slave system if applied collectively. Not surprisingly, that theme moved into the political arena in the second half of the nineteenth century, as more Africans struggled in the courts using this argument.

One figure was instrumental in this battle, and not by chance: Luiz Gama, the son of an African woman many times accused of involvement with insurrections in Bahia, spent his youth as a slave in São Paulo in the 1840s, and as a freed man received informal training in law which allowed him to engage in the defence of slaves in numerous freedom suits.<sup>11</sup> Luiz Gama worked as a clerk at the police department in the city of São Paulo from 1857 to 1869 and in this function participated not only in the administration of the liberated Africans who worked in that province but also in their process of emancipation in the 1860s. In the police department in those years, Gama probably handled the imperial government's orders for a complete register and the emancipation of all liberated Africans in the province. Engaged in radical politics through Masonic lodges and republican circles, Gama built his reputation as an irreducible abolitionist lawyer, acting in freedom suits in São Paulo and the adjoining cities. Thanks to his intelligent

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<sup>10</sup> Keila Grinberg, *Liberata, a lei da ambigüidade: as ações de liberdade da Corte de Apelação do Rio de Janeiro no século XIX*, (Rio de Janeiro: Relume-Dumará, 1994), Mattos, *Das cores do silêncio*, 191-227.

<sup>11</sup> Gama was sold into slavery by his father but later regained his freedom. On his life, and his literary, political, and abolitionist involvement, see Elciene Azevedo, *Orfeu de Carapinha: A trajetória de Luiz Gama na imperial cidade de São Paulo*, (Campinas: Ed. da Unicamp/Cecult, 1999), on which this analysis is based. Additionally, I wish to thank Elciene Azevedo for having pointed out other references to Luiz Gama's use of the 1831 law. In English, see Conrad, *The Destruction of Brazilian Slavery*, 154-5.

strategy of publicising the controversies he helped to raise awareness to the actions of judges and other officials who blocked the freedom suits. His arguments gained the public forum through the press, and sifted back to slaves and slave owners.

Luiz Gama demonstrated a keen interest in the subject of the illegal slavery of all those brought to the country after the prohibition of the slave trade, and insisted, in the courts and in the press, on the enforcement of the 1831 law. For him, the Africans illegally held in slavery were to be considered *Africanos livres* just as the liberated Africans were, and they should be submitted to a brief police procedure of identification and not have to go through the courts to receive their emancipation. Most judges obviously did not share his opinion. In 1869, he lost his job at the police department for having attacked a municipal judge who blocked his action on behalf of the African Jacinto, a runaway slave from Minas Gerais, who claimed he had been brought to the country during the illegal years of the slave trade.<sup>12</sup> After that, and until his death in 1882, he worked exclusively as a lawyer, defending, among others, many Africans who claimed that they were being held in illegal captivity. His radical interpretation of the 1831 law was shared and applied by other lawyers and judges throughout the country, and severely criticised by the government, in what became, according to abolitionist judge Macedo Soares in 1883, "the most momentous problem of the present time."<sup>13</sup>

Judges throughout the country were using the 1831 law to emancipate Africans illegally held in slavery, which heated up the debate over the continued validity of that law, a debate that engaged jurists, lawmakers, and ministers in the 1870s and 1880s. Prompted by a case brought to the Justice section of the Council of State in 1874, the government issued a conservative ruling

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<sup>12</sup> Luiz Gama openly publicised this case and his dismissal in the press. See Azevedo, *Orfeu de Carapinha*, 110-124.

<sup>13</sup> Antônio Joaquim Macedo Soares, *Campanha Jurídica pela Libertação dos Escravos, 1867-1888*, (Rio de Janeiro: José Olympio Editora, 1938). The judge lists a number of court cases from the 1870s and early 1880s in which the 1831 law was used to justify the slaves' right to freedom. In Parliament, the discussion of a bill for the abolition of elderly slaves in 1885 also point to the growing climate of doubt about of the legality and legitimacy of slavery in the country. See Joseli Maria Nunes Mendonça, *Entre a mão e os anéis: a lei dos sexagenários e os caminhos da abolição no Brasil*, (Campinas: Ed. UNICAMP/CECULT, 1999), 159-185.

that was expected to, but did not quell the controversy. The case came from the northeastern province of Rio Grande do Norte, where a number of Africans belonging to the inventory of Inácio de Albuquerque Maranhão had earned their emancipation on the grounds that they had been brought to the country during the illegal trade. The municipal judge of the district and the public prosecutor, with the approval of the president of that province, had conducted a brief investigation following what was prescribed in the decree of August 12, 1832 (which applied to the handling of the Africans illegally brought to the country), and had rejected the appeal made by the heir of the slave owner. In the Council of State meeting in Rio de Janeiro, councillors Visconde de Jaguaray and Nabuco de Araújo considered the matter "very serious for its reach and consequences" and issued a ruling explaining that the 1831 law and its regulating 1832 decree could not apply to the Africans who had not been apprehended as *boçais* at the time of their importation. They noted that the Africans apprehended at the time of their importation had been considered "liberated Africans," had been destined to be re-exported and had finally been emancipated by the decree issued in 1864. For the two distinguished statesmen, after 1850, the judgement of illegally imported slaves was to be conducted by the Navy Auditors, and could be accepted only in the light of the proof of their illegal importation. To strengthen their point, the councillors formulated one more interpretation, and argued it in charged political terms:

It would be a reckless act, in a land where there are slaves, to consider as originated from the trade, under fallible suppositions, those whose importation was not verified by the competent authority which is the Navy Auditor's Council. In addition to that, the words of the first article of the 1854 law – "after the publication of the present resolution," – established the prescription of past facts. This prescription is based on evident demands of the public domain, since a great number of slaves from the importations dated from before the effective repression, importations publicly known but not legally recognised, had been acquired and transmitted *bona fide*, through *inter vivos* or *causa mortis* titles, and it would be a revolutionary measure to snatch them away from their masters without compensation. The truth is that this – prescription – if it does not appear on those words, purposely written in the law, is on everybody's conscience, and has been in practice for more than 20 years,

since the effective repression started.<sup>14</sup>

The Minister of Justice and Nabuco de Araújo admitted that the property rights regarding the slaves illegally brought into the country in the 1830s and 1840s had been customarily considered legal by the government for more than 20 years, and presented the law issued on June 5, 1854, as the act which stated the "prescription of past facts." They were purposely misleading: the cited law considered the jurisdiction of the Navy Auditors over the ships and slaves found during the suppression activities and did not deal with previous importations.<sup>15</sup> In fact, the Council of State made an awkward attempt to find legal terms to justify the government's unjustifiable protection of the slave owners. To block the use of the 1831 law, they used alarming arguments: for them, the idea of applying the 1831 law involved "propaganda for insurrection" and could have "fatal consequences in the provinces where there were great concentrations of slaves"; they also predicted that this action might cause the extinction of slavery in a "disastrous" way, if not as violently as had happened in the United States. Their conservative interpretation of the laws applying to Africans illegally held in slavery was read as a political statement, and their arguments were adopted by all those who wanted to avoid any move beyond a very gradual and controlled process of slave emancipation.<sup>16</sup>

In 1880, Luiz Gama criticised the Council of State's resolution concerning the Navy Auditors' jurisdiction over the illegally imported Africans as "inexact, injuridical, impolitic, and

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<sup>14</sup> "Resolução de 28/10/1874 - Sobre o officio do Presidente da Província do Rio Grande do Norte relativo a diversos Africanos contemplados no inventário do finado Ignácio de Albuquerque Maranhão, senhor do engenho Belém que alegando em seu favor a disposição dos artigos 1o. da lei de 7 de novembro de 1831 e 9o. do decreto de 12 de abril de 1832 reclamam por sua liberdade," in *Imperiais Resoluções*, ed. Caratá, vol. 2, 1721-25.

<sup>15</sup> The first article of the law n. 731 of June 5, 1854 stated: "The competence of the Navy Auditors to prosecute and judge the defendants mentioned in the third article of the law n. 581 of September 4, 1850, will take place after the publication of the present resolution, even when the pursuit of the criminals and of the landed slaves does not happen in the act of disembarkation, but at any distance of the coast where they can be found." Agostinho Marques de Perdigão Malheiro, *A Escravidão no Brasil: Ensaio Histórico-Jurídico-Social*, facsimile edition ed., 2 vols., vol. 2, (São Paulo: Edições Cultura, 1944 [1866]), 243

<sup>16</sup> Recent studies point to the nuances within Brazilian abolitionism and stress the conservatism of jurists and lawyers, many of them statesmen. See Pena, *Pajens da casa imperial*; Keila Grinberg, "'O Fiador dos Brasileiros': Cidadania, Escravidão e Direito Civil no Tempo de Antonio Pereira Rebouças" (Tese de Doutorado, Universidade Federal Fluminense, 2000); Mendonça, *Entre a mão e os anéis*.

unjustified."<sup>17</sup> He cited the famous speech made by Eusébio de Queiroz before the Chamber of Deputies in 1852 to support his argument that the acts committed contrary to the 1831 law were not excused by the subsequent legislation against the slave trade. At the time, Queiroz admitted that the repeal of the 1831 law would have gone against "the principles of law and universal justice," and would have given to the British the wrong impression about the Brazilian commitment to abolish the slave trade. To attack the Council's decision, Gama reminded his readers that in 1850, the government had chosen to keep the previous legislation and to apply it when slaves were apprehended inland and no longer belonging to the slave traders.<sup>18</sup> He took the opportunity to attack the image of then deceased Nabuco de Araújo, "the prince of the national juriconsults," criticising the slave owners' influence on his decisions and alluding to a conservative bias in his government acts.

The discussion of the validity of the 1831 law held in the Senate in 1883 demonstrated that the government had not succeeded in imposing its conservative view and saw its position favouring the graduality of slave emancipation threatened, because the legality of slavery continued to be challenged in the justice system. Senators recognised that the majority of the remaining slaves were comprised of Africans imported between 1831 and 1850 and their descendants, but alluded to the difficulty of obtaining proof of the illegal importations in order to argue that the 1831 law could not be executed. They called for a firm position from the

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<sup>17</sup> Luiz Gama, "Questão jurídica," *A Província de São Paulo*, 18/12/1880, 5.

<sup>18</sup> "Uma tal providência (alude à pretendida revogação das leis de 1818 e 1831), que contraria de frente os princípios de direito e de justiça universal, e que 'excede os limites naturais do poder legislativo,' não podia deixar de elevar por um lado os escrúpulos de muitos, e por outro de provocar enérgicas reclamações do governo inglês, que podia acreditar ou bem aparentar a crença de que assim o Brasil iria legitimando o tráfico, não obstante a promessa de o proibir, como pirataria. Entendo, pois, que tal doutrina é insustentável por mais de uma razão...Um único meio assim resta para reprimir o tráfico, sem faltar às duas condições acima declaradas (impedir a importação e manumitir os importados), e é deixar que a respeito do passado continue "sem a menor alteração a legislação existente, que ela continue igualmente a respeito dos pretos, introduzidos para o futuro, mas que só se apreenderem depois de internados pelo país e de não pertencerem mais aos introdutores. Assim consegue-se o fim, se não perfeitamente, aos menos quanto é possível...Os filantropos não terão que dizer, vendo que para as novas introduções se apresentam alterações eficazmente repressivas, e que para o passado, não se fazem favores e apenas continua o que está." This section of the speech was quoted by Gama. The whole speech has been republished in *Perdigão Malheiros, A Escravidão no Brasil*, vol. 2, 262-287.

government of Conselheiro Lafayette on the validity of the 1831 law, expecting that it would be deemed expired. Senator Ribeiro da Luz, from Minas Gerais, repeated the reasoning contained in the 1874 resolution of the Council of State, but added one more anti-abolition argument: for him, if the 1871 law did not decree the emancipation of the illegally imported slaves as it did for the nation slaves and for those who had been abandoned by their masters, and moreover, if it submitted all slaves to the general registration, it was because it intended to legalise the slavery of the Africans imported between 1831 and 1850. The information contained in the general registration of 1871 had been used, he noted, as the civil record of the slave population in the country ever since.<sup>19</sup> It was one more desperate attempt to stem the growing stream of legal cases brought to the courts. The general registration was, in fact, being used with many "unwanted" results: in freedom suits, records of one individual's birthplace and age contained in the general registration were used to prove that he or she was from Africa and had been imported during the illegal years of the trade.<sup>20</sup>

The dispute over the validity of the 1831 law, which engaged the Council of State, the Senate, and abolitionist journalists and lawyers, was a reflection of the struggle endured by slaves in the justice system to have their rights recognised. As early as 1844, freedom suits based on the abolition law of 1831 reached the Rio de Janeiro Court of Appeal (*Tribunal da Relação*); they were intended to prove the illegal captivity of Africans brought into the country by the slave trade.<sup>21</sup> It appears, though, that the publicity about the process of emancipation of the liberated Africans in the 1850s and 1860s may have prompted even more Africans to challenge their illegal enslavement in court. Sidney Chalhoub discussed the emblematic case of Júlia, an African slave woman who claimed before the municipal judge in Rio de Janeiro in 1866 that she should be

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<sup>19</sup> Macedo Soares, *Campanha Jurídica*, 50.

<sup>20</sup> In 1885, a new slave registration was proposed, which did not include the slaves' birthplace and parentage; Mendonça, *Entre as mãos e os anéis*.

<sup>21</sup> I am grateful to Keila Grinberg for giving me access to her database on freedom suits.

considered an *Africana livre* since she had been imported after the slave trade prohibition law of 1831. She claimed she had served her mistress Maria Joana do Espírito Santo for more than 20 years; therefore, she should be eligible for emancipation according to the decrees issued in 1853 and 1864, which legislated the emancipation of the liberated Africans. Joana gave her version of her arrival in Brazil, during an illegal disembarkation conducted at night in Ponta do Caju, in Rio de Janeiro, in 1845, and brought persons to testify in court that "she had lived as an *Africana livre*" in the neighbourhood of Catete, living by herself and working as a washerwoman for the previous seven or eight years. The judge, however, denied her freedom (and so did the *Tribunal da Relação*) deeming that she had not presented sufficient proof of her status, and rejected the use of autonomy as a valid argument since many slaves lived autonomously in the city of Rio, passing for free persons.<sup>22</sup> Although the only record found of her freedom suit was the municipal judge's sentence, a study of the process of emancipation of the liberated Africans makes apparent that Júlia and her curator followed the course prescribed for liberated Africans who did not have records of their apprehension and emancipation: they were required to try to prove their status before a municipal judge.<sup>23</sup> The recognition of who was entitled to claim liberated African status belonged, therefore, to the local justice; in this forum, the definition of "*Africano livre*" was gradually stretched to apply not only to those who had been apprehended and emancipated by the government but also to everyone who had been imported during the illegal slave trade. Joana did not win her case, but others after her did.<sup>24</sup>

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<sup>22</sup> Chalhoub, *Visões da Liberdade*, 233-5. In a similar case, in February 1862, the ministry of justice ordered that African Júlio be handed back to his owner, José Batista Martins de Souza Castellões, after finding out that he was a slave, even though he tried to pass for a liberated African; Ministro da Justiça to Chefe de Polícia, 1/2/1862, AN, IJ6 15.

<sup>23</sup> If the liberated Africans did not have their certificates of emancipation issued by the registrar of the liberated Africans, they had to prove their status in court. This procedure was undertaken by the liberated Africans transferred from Bahia to Rio de Janeiro who claimed their emancipation in the 1850s: Cyro and João obtained the testimony of the former administrators of the Bahia Navy Arsenal and the Iron Foundry of Ipanema to prove that they were liberated Africans. See chapter 5.

<sup>24</sup> Macedo Soares transcribed one sentence benefiting the African Galdino, brought into the country by the illegal trade and previously held as a slave, passed in Minas Gerais in June 1883 and published in the *Jornal do Comércio* of Rio de Janeiro in July. He listed eight other recent sentences passed since 1880, based on the same argument, also

Thanks to the Africans' struggle in the justice system, by the 1880s, the emancipation of the Africans imported during the illegal slave trade was one of the most important items on the abolitionist agenda.<sup>25</sup> Significantly, this cause was defended as the extension of the right conferred on liberated Africans to all those who had been imported in the same circumstances but not apprehended. In José do Patrocínio's writings, this matter appeared as the necessary conclusion to the process that had seen the prohibition of the trade, the capture, and the final emancipation of the liberated Africans.<sup>26</sup> In fact, in those years, the abolitionists used the expression "*Africanos livres*" to mean all Africans brought into the country after the prohibition of the trade, whether they had been liberated or not, adopting the slaves' interpretation of the expression, rather than the narrow one used by the government.<sup>27</sup> The legal battle of the illegally enslaved Africans for their right to emancipation was actually a struggle for the universal application of the treaties and laws for the abolition of the slave trade, and in this sense, a continuation of the "liberated African question."

One final and symbolic case demonstrates how the struggle conducted by the Africans illegally held in slavery was related to the liberated African experience. In 1871, Luiz Gama

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published in the imperial capital's newspapers. Macedo Soares, *Campanha Jurídica*, 30-31. Separately, the judge enumerated several sentences based on the 1831 law published in the legal journal *Direito*, from 1873 onwards. Without an examination of them it is impossible to see how many of them were cases of Africans brought during the illegal trade. It appears, however, that many of the sentences listed originated from cases from the southern province of Rio Grande do Sul, where the 1831 law was applied to benefit slaves who crossed the frontier with Uruguay; Macedo Soares, *Campanha Jurídica*, 69. The Council of State had issued a resolution in 1856 regarding those cases, confirming the validity of the 1831 law. See: "Resolução de 10/5/1856 - A respeito dos escravos que entram no Império vindos de países estrangeiros," in *Imperiais Resoluções*, ed. Carotá, vol. 1, 599-600. On the freedom suits from Rio Grande do Sul, see Maria Angelica Zubarán, "Escravos e a Justiça: as ações de liberdade no Rio Grande do Sul, 1865-1888," *Revista Catarinense de História*, no. 4 (1996): 87-103.

<sup>25</sup> Nabuco, *O Abolicionismo*, 71-77, Evaristo de Moraes, *A Campanha Abolicionista, 1879-1888*, (Rio de Janeiro: Livraria Editora Freire Ribeiro, 1924), 176-93.

<sup>26</sup> José do Patrocínio, *Gazeta da Tarde*, 11/04/1885, reprinted in José do Patrocínio, *Campanha Abolicionista - Coletânea de Artigos*, (Rio de Janeiro: Fundação Biblioteca Nacional, 1996), 97-101.

<sup>27</sup> Luiz Gama was perhaps the first prominent person to publicly adopt this radical meaning, which the African slaves themselves had already been using. He referred to his mother as *Africana livre*, and not as *liberta*, which means that either she had been a liberated African, or most probably, that he considered she had the right to claim that status for having been imported during the illegal trade, that is, anytime after 1817 since the trade from the West Coast of Africa (and all areas north of the Equator) was prohibited by the 1817 additional convention to the Anglo-Portuguese treaty of 1815.

helped a group of ten Africans and four of their children, most of whom had been kept in slavery in the district of São Bernardo, in São Paulo, to present their case before the courts. Amaro Mina, Adolfo Congo, Adriano Congo, Mariana Congo, Joaquim Correia Mina, Samuel Mina, Alexandre Congo, Amador Mina, Augusto Congo, and Josefa Congo belonged to three different masters and worked in different places but kept their ties from the middle passage. They claimed they had been brought to Brazil together, that their enslavement was illegal, and that they knew that "other Africans brought to Brazil at around the same time were apprehended by police and declared free." Amaro Mina and the others clearly meant that they knew that other Africans had been emancipated for having come in the illegal trade, while they had been kept as slaves. Their actions demonstrated that they had deserted their masters and come to São Paulo in search of their freedom.<sup>28</sup>

Their testimonies and those of the other people they brought to testify revealed startling details of their life histories. They had been brought to the house of alferes Francisco Martins Bonilha in São Bernardo through the clandestine routes of the slave trade sometime after 1844<sup>29</sup> and had not been baptised at the church but at home instead because the vicar of that district had refused to baptise them as slaves. The Africans remembered having come to Brazil "in the company of many of their equals" and named five of their shipmates who lived in São Paulo: Bento, Salvador, Pinheiro, João, and Tristão. The Africans could not be precise about their own ages at the time of their arrival and attributed their ignorance to being "brutish" when they came to the country; however, they based their estimates on phases of their life-cycles: Mariana had been so young she "did not talk yet," Adriano had been "getting facial hair," and the others remembered that they had been "small." Uruguayan shopkeeper Marcelino do Nascimento

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<sup>28</sup> Autos de interrogatório, Amaro e outros africanos, 8/1/1871, AJSP, 2o. ofício civil, cx. 75 (1871). This case has been discussed by Elciene Azevedo in the context of Gama's use of the law of 1831 as an argument in his defence of slaves. See Azevedo, *Orfeu de Carapinha*, 215-228.

<sup>29</sup> Bonilha's slaves had told the Africans that Emperor Pedro II had visited their master's tea plantations two years before their arrival, but the Uruguayan shopkeeper Marcelino do Nascimento Correia could not determine precisely whether the Africans had been there or not during the Emperor's visit to São Bernardo, which took place in 1844.

Correia remembered the occasion when the group was brought to São Bernardo and confirmed that they were then newly introduced Africans, "for they learned how to speak [Portuguese] at their masters' homes." Their history, rich in memories of the slave trade and of the cultural adaptation of Africans in their first years as slaves in Brazil, took a surprising turn during the testimonies of two of their shipmates.

Tristão Antônio José Congo, known by his shipmates as "Chridou," was an African journeyman resident in São Paulo. He declared in his testimony that he was "a bosom friend of the Africans, with whom he had come from the coast of Africa." Asked whether he had lived with his shipmates since the time they were imported, he told the court

They lived together from the moment they left the coast of Africa, until they reached the city of Macaé, in the province of Rio de Janeiro, where he [Tristão] was apprehended by the government, along with many others, and the present men and woman [Adolfo, Amaro, Adriano, Samuel and Mariana] disappeared in such a way that he never knew where they went; after that, when he came to work in the service of the state in *Serra de Santos*, in the district of São Bernardo, the present men and woman met him; they were slaves of the Alferes Bonilha, in that district.<sup>30</sup>

Tristão was a liberated African (by then already emancipated) who had been apprehended by the Brazilian government during the suppression activities in the early 1850s. According to his testimony, the Africans in question had been apprehended, too, along with himself and many others, but went missing (with many others) after they all had to be transferred to the ship that would take them to Rio. He remembered being taken to Rio de Janeiro and staying at the House of Correction for about three years before being sent to serve at the public works in São Paulo, where he met his shipmates again, only to find out that they had been kept as slaves. This testimony was confirmed by that of another liberated African, bricklayer João Pinheiro ("known as Joaquim Castro"), who had been on the same shipment and had been apprehended and emancipated as Tristão had. He, too, had come to São Paulo, had recognised his "*malungos*"

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<sup>30</sup> Autos de interrogatório, Amaro e outros africanos, 8/1/1871, AJSP, 2o. ofício civil, cx. 75 (1871).

(shipmates) in São Bernardo and now testified on their behalf.

This history physically links the liberated Africans and the Africans who were illegally enslaved. Passages in the records show that all those Africans were part of a network that kept them informed of the whereabouts of the others, through which the information about the emancipation of the liberated Africans had been spread. Amaro and the others had come to São Paulo to seek their emancipation upon hearing the news that their other mates had been emancipated. They converged on the farm of another West African, Rosa Mina, in the district of Brás, in São Paulo, where they were apprehended by police as runaway slaves. Amaro explained to the judge:

Although he lived as a slave in Bonilha's house, having heard that other Africans who came with him from the coast of Africa had been declared free, and because he also considered himself free, while Bonilha was still living he and the others left him and came to the house of the said Rosa Mina.<sup>31</sup>

Likewise, Samuel, who worked as a slave for Manuel Toledo Dias in another city declared

When he was in Jundiaí he learned that his mates had come from São Bernardo to this city [São Paulo] to occupy themselves with their freedom, and he came to join the others for this same purpose ... knowing that in this city there lived as free many Africans who came with him from the coast of Africa, and for that reason he judged he had the same right to freedom.<sup>32</sup>

Amaro and the others clearly thought of themselves as having the same right as the liberated Africans who had recently received their final emancipation, even if they had not been apprehended and remained in the custody of the government. This firm conviction and the reliance on the justice system induced them to leave their masters and head to the capital.

Even if such a close relationship with liberated Africans fostered during the middle passage was not shared by all illegally enslaved Africans, the network among Africans of

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<sup>31</sup> AESP. Pedido de Habeas Corpus, Pacientes: Adriano, Amaro, Samuel, Adolpho, Mariana e seu filho Virgilio; curador: Américo Brazilio de Campos, P. 1348 of 1872, quoted in Maria Cristina Cortez Wissenbach, *Sonhos Africanos, Vivências Ladinhas: escravos e forros em São Paulo, 1850-1888*, (São Paulo: Hucitec, 1998), 57.

<sup>32</sup> Wissenbach, *Sonhos Africanos, Vivências Ladinhas*, 57.

different legal status and the conviction that the law of 1831 applied to all was widespread. The situation clearly justified the Council of State's reading that it was "very serious for its reach and consequences." The informal fellowship among Africans was invoked during this process, only to dismiss the testimonies of the two liberated Africans on behalf of their alleged shipmates. Judge Felício dos Santos Camargo did not consider the testimonies of Tristão and João valid ones, for "being Africans and therefore suspect as interested parties in the fate of their equals," their testimonies could not constitute proof on behalf of the enslaved Africans. The judge's ruling is particularly significant because he did not believe the story that they had all been shipmates, and yet admitted that just for being Africans, they tended to support each other "as equals."<sup>33</sup> In the history of Amaro, Adolfo, Adriano, Mariana, Joaquim, Samuel, Alexandre, Josefa, Amador, Augusto, Tristão, and João Pinheiro, we have a physical encounter between the Africans who continued as slaves and those who were apprehended and liberated. They represented the different life experiences derived from the evasion and application of the measures for the suppression of the slave trade. It is symbolic that they were reunited in the end. It is significant, too, that the history of the human legacy of the abolition of the slave trade now has faces and names.

## Conclusion

This examination into the liberated African experience in Brazil has shown that the Africans' enjoyment of their right to freedom was severely limited as a result of the continuation of the slave trade after its prohibition and the consequent maintenance of hundreds of thousands of Africans in illegal slavery. The emancipation of the Africans found on board the ships captured in the illegal slave trade was sanctioned by bilateral agreements and national legislation and inspired by abolitionist principles. The measures determined that the Africans, deemed unprepared to

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<sup>33</sup> The judge ordered them returned to their masters, but the Africans appealed that decision, and their case continued for long months with no recorded solution.

enjoy their right to freedom, should serve as free labourers for a term of 14 years while in the custody of the government. However, slave owners did not favour the presence of Africans emancipated through abolitionist activities alongside the Africans they kept in illegal slavery who had the right to be emancipated as well. For that reason, the liberated Africans' special status was largely ignored, and they were kept at the bottom of the social hierarchy, like other newly imported Africans.

The documentation from the Ministry of Justice concerning the handling of the liberated Africans demonstrates that the changes in policy between the 1830s and 1860s served to reinforce the executive government's control over them and to confirm the evasion of the initial agreements that guaranteed their right to freedom. Liberated Africans worked for private hirers and for public institutions in and around Rio de Janeiro and in other provinces of the Empire during their compulsory term of service. The study has stressed the differences between the labour experience of the liberated Africans who served private hirers and of those who worked for the state, and also between the labour experience of female and male liberated Africans. It has shown that liberated Africans serving private hirers, particularly female liberated Africans, had a better chance of obtaining final emancipation and worked shorter terms than those working for the state. A close examination of liberated African labour engagement demonstrated that they were not treated as free, voluntary labourers, but rather as compulsory labourers. It also revealed that their special legal status did not prevent them from entering the labour market in the position held by new slaves: that of unskilled servants. In fact, the study of the liberated African labour experience has shown that they were deliberately kept in compulsory labour and in servile occupations well beyond the prescribed 14-year term, often for 20 or 25 years, and up to 31 years.

British criticism of the Brazilian government's actions towards the liberated Africans was based on the British handling of liberated Africans within their own Empire, and on their experience with slave emancipation. Over the course of the century, freedom for the British came

to be associated with wage labour and with legal citizenship, even though labour demands fostered the adoption of indentured servitude, and the political engagement of ex-slaves led to their disfranchisement later on. The expectations of the British Foreign Office with respect to the Brazilian government's treatment of the liberated Africans evolved according to the changes in the meanings of freedom. British interest in liberated African labour led to the transfer to British colonies of liberated Africans meant to be landed in Brazil; the transportation was part of the larger African Emigration scheme that supplied the West Indian colonies with indentured labourers in the 1840s and 1850s.

The pressure exerted by British Foreign Office officials on behalf of the liberated Africans emancipated by the mixed commission court was instrumental in raising public opinion in favour of liberated African emancipation in the 1850s and 1860s. Scattered evidence from British Foreign Office correspondence, from the public debates held in Rio de Janeiro, and from Brazilian government documents shows that the decisions to decree liberated African emancipation, in 1853 and 1864, were made amid the fear that British engagement in the issue would fuel liberated African unrest and that the agitation would extend to the Africans illegally held in slavery. The processing of liberated Africans' petitions for emancipation and their final emancipation was also marked by the government's reluctance to set them fully free for fear of their impact on the slaves. That impact could not be avoided, however, because the slaves interpreted the right to freedom of the liberated Africans as pertaining to all Africans brought to Brazil after the abolition of the slave trade. In the years following the process of liberated African emancipation, the number of freedom suits by slaves claiming liberated African status multiplied and the question of the legality of property rights with regard to slaves brought into the country after the prohibition of the slave trade became a major abolitionist issue. Even though they were small in numbers, in this sense the liberated Africans had an impact on the disintegration of the Brazilian slave system.

The examination of the period spent by the liberated Africans in “limbo” between slavery and freedom revealed that their insertion into Brazilian society followed the existing hierarchy and did not yield to new abolitionist ideals. Although legally free since their arrival in the country, liberated Africans were treated as *boçal* slaves and had to prove themselves worthy of their freedom by demonstrating not only their ability to support themselves but also obedience and respect for the social hierarchy. Only after a process that resembled manumission by the state were they allowed to become, effectively, freedpersons. Their experience showed the mechanisms in place within Brazilian society for the maintenance of the *status quo*: the many instances of evasion of the legislation that guaranteed their right to freedom serve as powerful examples of the strong forces within the social hierarchy that sought to avoid the pressures for change from without.

The reconstitution of many life histories of the liberated Africans in Brazil offer an original perspective on the experiences of Africans in the diaspora: the histories show people who were legally free but were kept under subjection, who constructed their lives despite many limitations, and who struggled for their rights and became symbols of the fissures in the legal basis of the slave system. Further research should reveal the influence of family, gender, and ethnicity on their individual and collective lives. As well, the trajectories of the liberated Africans in Brazil should be compared to those of slaves and other groups of free persons and to those of liberated Africans elsewhere in the Atlantic world. Liberated Africans, as living legacies of the abolitionist measures, experienced a wide range of the meanings ascribed to freedom in the nineteenth century.

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**Table 1: Africans brought in the illegal slave trade to Brazil and Africans emancipated by the Mixed Commission Court and by Brazilian authorities, 1830-1856**

Year	Illegal Slave Trade	Mixed Commission Court	Brazilian authorities
1830	41000		
1831	3500		
1832	11100	5	
1833	16700		
1834	21500	329	
1835	40900	282	350
1836	51800	247	
1837	54000		
1838	50800	416	
1839	54400	1583	
1840	29600	269	
1841	18900	322	
1842	20000		
1843	34000		
1844	26200		
1845	21800		425
1846	50400		
1847	59600		20
1848	59600		110
1849	56300		96
1850	31600		1043
1851	5000		2159
1852	1100		24
1853			84
1854			
1855			183
1856	300		384
	760100	3453	4878

Sources: Eltis, *Economic Growth*, table A1, 243-4; FO 84/1244; AN, código 184 vols. 3 and 4; AN, AGM cx. 13.195, 13.196, 13.197; AN, GIF1 280; Relatórios do Ministro da Justiça, 1850-1856.

**Table 2: Ships brought before Anglo-Portuguese and Anglo-Brazilian Mixed Commission Court at Rio de Janeiro, 1821-1845**

Year	Name of Ship	Sentence	Africans	Observation
1821	Emília	condemned	354	
1830	Estevão de Ataíde	restored	281 <sup>1</sup>	
	Feliz Mariana	condemned	260 <sup>2</sup>	
	Eliza	restored	428 <sup>3</sup>	
	Destemida	restored	55 <sup>4</sup>	
1831	Africano Oriental	restored		
	Camilla	condemned	21 <sup>5</sup>	
1833	Paquete do Sul	condemned	339	
	Maria da Glória	restored	224	ship sent to Freetown
1834	Dous de Março	restored	339 <sup>6</sup>	
	Santo Antônio	condemned	69	
	Duquesa de Bragança	condemned	250	
1834	Rio da Prata	condemned	521	
1835	Amizade Feliz	handed to Brazilian authority	340	condemned by Brazilian judge
	Angélica	handed to Brazilian authority	317	condemned by Brazilian judge
	Aventura	condemned	339	
	Continente	condemned	62	
	Novo Destino	restored	239 <sup>7</sup>	
	Orion	condemned	245	
1836	Vencedora	restored	339	
1838	Flor de Luanda	restored	289 <sup>8</sup>	
	César	condemned	207	
	Brilhante	condemned	250	
	Diligente	condemned	302	
	Feliz	condemned	235	
1839	Pompeu	restored		no slaves embarked
	Maria Carlota	condemned		no slaves embarked
	Recuperador	restored		no slaves embarked
	Especulador	condemned	278	
	Carolina	condemned	214	
	Ganges	condemned	419	

<sup>1</sup> Data on slaves comes from FO84/1244; what happened to them is not clear.

<sup>2</sup> There are no records on the presence of liberated Africans from this shipment in Brazil.

<sup>3</sup> Data on slaves comes from FO84/1244; what happened to them is not clear.

<sup>4</sup> The Africans were liberated.

<sup>5</sup> Only 5 free Africans were registered as “emancipated.” It is not clear what happened to the others.

<sup>6</sup> It had landed slaves off São Sebastião, São Paulo.

<sup>7</sup> Coastal trade; two slaves freed. Possible error in the number of slaves recorded.

<sup>8</sup> Africans taken in charge by the British legation in Rio de Janeiro.

	Leal	condemned	364	
	Dom João de Castro	condemned	450 <sup>9</sup>	
1840	Alexandre	restored		
1840	Providência	incompetent to adjudicate		
	Africano Atrevido	incompetent to adjudicate		
	a canoe	incompetent to adjudicate		
	Paquete de Benguela	condemned	281	
	Asseiceira	condemned	332	
1841	Nova Aurora	restored		no slaves embarked
	Convenção	restored		no slaves embarked
1842	Aracaty	condemned	385 <sup>10</sup>	
1843	Nova Granada	no sentence		
	Dous Amigos	restored		no slaves embarked
1844	Bom Destino	condemned	400 <sup>11</sup>	

Sources: FO 84/1244; AN IJ6 467; AN IJ6 471; AN cod.184 vol.4; Eltis et al. *The Transatlantic Slave Trade* [CD-Rom].

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<sup>9</sup> It landed the slave cargo before apprehension.

<sup>10</sup> It had landed the slaves in Alagoas.

<sup>11</sup> It had landed the slaves off Bahia.

**[Table 3 is in landscape format, consult end of file.]**

**Table 4: Africans emancipated by Brazilian authorities, 1830-1856**

Shipment	Place Apprehended	Captor	Date	Africans
<b>Angélica</b>		Dous de Março	Jun. 1835	<b>317</b>
<b>Amizade Feliz</b>		Niger	May 1835	<b>33</b>
<b>Subtil</b>		Correio Brasileiro	July 1845	<b>425</b>
<b>Paquete de Itagoahy</b>			April 1847	<b>20<sup>12</sup></b>
	Niterói, RJ		Oct. 1848	<b>110</b>
<b>Heroína</b>			April 1849	<b>25<sup>1</sup></b>
	Alagoas		June 1849	<b>71</b>
	Santos, SP	Dom Affonso	April 1850	<b>480</b>
<b>Sagas</b>	Cabo Frio, RJ		Sept. 1850	<b>32</b>
<b>Catão</b>	Desterro, SC		Sept. 1850	<b>20</b>
<b>Rolha</b>	Macaé, RJ		Oct. 1850	<b>212</b>
<b>Santo Antônio Brilhante</b>	Macaé, RJ		Oct. 1850	<b>4</b>
<b>Jovem Maria</b>	Ilha Grande, RJ	Urânia	Oct. 1850	<b>290</b>
<b>Tourville</b>	Rio de Janeiro Harbour		Nov. 1850	<b>4</b>
<b>Trenton</b>	Cananéia, SP		Nov. 1850	<b>1</b>
	Manguinhos, RJ		1850/1851	<b>21</b>
	Marambaia, RJ		Feb. 1851	<b>199</b>
<b>Natividade</b>	Marambaia, RJ		1851	<b>466</b>
<b>Tentativa</b>	Ubatuba, SP		Feb. 1851	<b>485</b>
<b>Segundo</b>	Itabapoana, RJ		Apr. 1851	<b>138</b>
	Manguinhos, RJ	Urânia	1851	<b>396</b>
	Ilhéus, BA		1851	<b>112</b>
	Garanhuns, PE		1851	<b>29</b>
<b>Relâmpago</b>	Itaparica, BA	Itapagipe	Oct. 1851	<b>313</b>
	Tramandaí, RS		April 1852	<b>24</b>
<b>Camargo</b>	Bananal, SP		Feb. 1853	<b>84</b>
	Serinhaém, PE		Oct. 1855	<b>183</b>
<b>Mary E. Smith</b>	São Matheus, ES	Olinda	Jan. 1856	<b>384</b>
				<b>4878</b>

Sources: Jaime Rodrigues, *Infame Comércio*; Gláucio Veiga, *O Desembarque de Serinhaém*; FO 84/1244; Caratá, *Imperiais Resoluções*, vol. 1; AN, AGM cx. 13.195, 13.196, 13.197; Relatórios do Ministro da Justiça, 1850-1857.

<sup>12</sup> Estimate based on the numbering of some records of liberated Africans from this shipment found in emancipation and death records.

**Table 5: Sex and Age of Africans emancipated between 1821 and 1841**

Ships	Males	M1	M2	M3	M4	Females	F1	F2	F3	F4	Total
<b>Emília</b>	<b>256</b>	0	125	131	0	<b>96</b>	0	37	59	0	<b>352</b>
<b>Destemida</b>	<b>50</b>	0	35	15	0	<b>0</b>	0	0	0	0	<b>50</b>
<b>Camilla</b>	<b>4</b>	0	0	0	4	<b>1</b>	0	0	0	1	<b>5</b>
<b>Duquesa de Bragança</b>	<b>150</b>	0	122	28	0	<b>88</b>	0	71	17	0	<b>238</b>
<b>Santo Antônio</b>	<b>51</b>	0	36	15	0	<b>40</b>	0	33	7	0	<b>91</b>
<b>Rio da Prata</b>	<b>163</b>	0	126	37	0	<b>59</b>	0	59	0	0	<b>222</b>
<b>Novo Destino</b>	<b>1</b>	0	1	0	0	<b>1</b>	0	1	0	0	<b>2</b>
<b>Continente</b>	<b>30</b>	0	22	8	0	<b>12</b>	0	0	12	0	<b>42</b>
<b>Orion</b>	<b>147</b>	0	0	143	4	<b>100</b>	0	33	67	0	<b>247</b>
<b>Cezar</b>	<b>133</b>	1	79	53	0	<b>57</b>	0	42	15	0	<b>191<sup>13</sup></b>
<b>Brilhante</b>	<b>193</b>	0	87	106	0	<b>32</b>	1	15	16	0	<b>225</b>
<b>Feliz</b>	<b>130</b>	0	66	64	0	<b>87</b>	0	39	48	0	<b>217</b>
<b>Diligente</b>	<b>159</b>	0	49	110	0	<b>43</b>	0	17	26	0	<b>202</b>
<b>Carolina</b>	<b>156</b>	2	74	80	0	<b>54</b>	1	24	29	0	<b>210</b>
<b>Especulador</b>	<b>144</b>	3	51	90	0	<b>115</b>	0	41	74	0	<b>259</b>
<b>Ganges</b>	<b>344</b>	0	200	144	0	<b>35</b>	0	23	12	0	<b>379</b>
<b>Leal</b>	<b>234</b>	0	158	76	0	<b>82</b>	3	41	38	0	<b>316</b>
<b>Paquete de Benguela</b>	<b>156</b>	4	0	0	152	<b>113</b>	5	0	8	100	<b>269</b>
<b>Asseiceira</b>	<b>245</b>	0	1	0	244	<b>77</b>	0	0	0	77	<b>322</b>
<b>Total</b>	<b>2746</b>	<b>10</b>	<b>1232</b>	<b>1100</b>	<b>404</b>	<b>1092</b>	<b>10</b>	<b>476</b>	<b>428</b>	<b>178</b>	<b>3839</b>

Key:

M1: Male children registered with their mothers

M2: Male boys 15 and under

M3: Adult males

M4: Males of unknown age

F1: Female children registered with their mothers

F2: Female girls 15 and under

F3: Adult females

F4: Females of unknown age

Sources: AN, Cód. 184 volumes 3 and 4.

<sup>13</sup> Includes 1 person of unknown sex.

**[Table 6 is in landscape format, consult end of file.]**

**Table 7: Distribution of liberated Africans for service according to sex**

	Male	%	Female	%	Unknown	Total	%
Hirers	437	74.2	317	93.8	19	773	81.0
Institutions	145	24.6	17	5.0	7	169	17.7
Not Distributed <sup>14</sup>	5	0.8	3	0.9	2	10	1.0
Not Registered <sup>15</sup>	2	0.4	1	0.3	0	3	0.3
	589	100.0	338	100.0	28	955	100.0

Source: Tables with information on the liberated Africans of the *Duquesa de Bragança* (1834), *Continente* (1835), *Novo Destino* (1835), *Rio da Prata* (1835), *Angélica* (1835), *Amizade Feliz* (1835), *Cezar* (1838), and of apprehensions made by local judges between 1835 and 1837 prepared by the ministry of justice probably in 1865. They contain compiled information on where each liberated African was put to work (name of the hirer or institution), what became of him/her (death, emancipation, escape, unknown) and when (date of death or emancipation). Those tables were completed with information gathered from petitions of emancipation and registries of death of liberated Africans. The total number of Africans listed is 955; AN, IJ6 471.

**Table 8: Concentration of liberated Africans working for private hirers**

Lib. Africans	Hirers	Total Lib. Africans	% of Lib. Africans	% of Lib. Africans
1	268	268	34.8	75.1
2	80	160	20.8	
3	25	75	9.7	
4	19	76	9.9	
5	4	20	2.6	13.5
6	5	30	3.9	
7	4	28	3.6	
8	1	8	1	
9	2	18	2.3	6.6
10	0	0	0	
11	0	0	0	
12	2	24	3.1	
13	1	13	1.7	4.8
14	1	14	1.8	
15	1	15	1.9	
16	0	0	0	
17	0	0	0	4.8
18	0	0	0	
19	0	0	0	
20	0	0	0	
21	0	0	0	4.8
22	1	22	2.9	
Total	414	771	100	

<sup>14</sup> Deceased before distribution for service.

<sup>15</sup> Place of work not registered.

Source: Same as Table 7.

**Table 9: Number of Slaves and Liberated Africans held by Hirers**

Hirer	Year	Slaves	Liberated Africans **
José Antonio Carneiro	1848	31	1
Domingos Lopes da Silva Araújo	1849	*	4
Antônio Soares Pinto	1850	2	1
Cipriano José de Almeida	1851	6	1
José Antônio de Siqueira	1852	0	2
José Francisco Bernardes	1855	19	4
Antônio José de Castro	1856	60	0
Felício Fortes Bustamante e Sá	1856	11	2
José Manuel da Costa Barros e Azevedo	1857	*	2
Jerônimo Francisco de Freitas Caldas	1857	6	2
Genoveva Maria da Conceição	1860	4	1
Emílio Joaquim da Silva Maia	1860	1	2
Bernardo José de Figueiredo	1860	*	15
Joaquim Mariano Pereira	1861	2	1
Francisco de Paula Brito	1862	0	3
Leonarda Angélica de Castro	1863	6	5
Virgílio José de Lemos	1865	0	1
Maria José de Faria	1866	0	1
Vitorino da Silva de Sampaio	1866	*	1
Gustavo Adolfo de Aguiar Pantoja	1867	*	3
Chripim José dos Santos Moreira	1867	0	3
Luís Carlos da Costa Lacé	1869	0	1
Antônio Francisco da Rocha Freire	1869	2	1
Antônio José Ferreira Braga	1872	*	9
Francisco Ribeiro Queiróz	1872	*	2
Cristóvão José dos Santos	1873	0	2
Lucídio José Cândido Pereira do Lago	1873	1	1
João Pereira de Almeida (Andrade?)	1877	0	6
João Pedro de Almeida	1877	3	3
Fausta Gertrudes dos Anjos	1879	0	1
João Pedro Nunes	1881	0	1
Francisco Lima e Silva	1883	0	4
João Salerno Toscano de Almeida	1883	1	1

\* Slaves not listed in the inventory

\*\* Refers to liberated Africans listed in different series; numbers might have been higher.

Source: Inventários *post-mortem*; IJ6 15; IJ6 16; IJ6 471; IJ6 467; IJ6 469; IJ6 524, AN.

**[Table 10 is in landscape format, consult end of file.]**

**Table 11: Slaveholdings of Rio de Janeiro slaveowners and of hirers of liberated Africans, 1860s**

Slaveholding	Slaveowners				Hirers			
	Invent.	% of Invent.	Slaves	% of Slaves	Invent.	% of Invent.	Slaves	% of Slaves
1-4	44	64.7	97	31.2	5	83.3	10	62.5
5-9	15	22.0	106	34.1	1	16.7	6	37.5
10-14	8	11.8	85	27.3	0	-	0	-
15+	1	1.5	23	7.4	0	-	0	-
Total	68	100.0	311	100.0	6	100.0	16	100.0

Source: Sample of 100 *post-mortem* inventories (50 from 1860, 50 from 1865) from Rio de Janeiro, thirty-two of which did not contain slaves; sample of 15 *post-mortem* inventories of hirers of liberated Africans (1860s), five of which did not contain slaves, and four discarded for being incomplete. Inventários *post-mortem*, Arquivo Nacional.

**[Table 12 is in landscape format, consult end of file.]**

**Table 13: Liberated Africans' fates according to place of work**

	Emanc.	%	Deceased	%	Runaway	%	Unknown	%	Jail	%	Total
Hirer	239	30.9	342	44.2	28	3.6	163	21.1	1	0.1	773
Institution	33	19.5	94	55.6	1	0.6	41	24.3	0	0	169
All	272	28.5	447 <sup>16</sup>	46.8	29	3.0	206 <sup>17</sup>	21.6	1	0.1	955

Source: Same as Table 7.

**Table 14: Term of service of liberated Africans according to their places of work and fates**

Years	Hirers			Institutions			Totals		
	D	E	R	D	E	R	D	E	R
0 - 4	116	0	12	48	0	1	170 <sub>18</sub>	0	13
5 - 9	76	0	7	15	0	0	91	0	7
10 - 14	56	0	2	6	0	0	63 <sup>19</sup>	0	2
15 - 19	38	57	3	9	0	0	47	57	3
20 - 24	37	66	1	12	3	0	49	69	1
25 - 29	10	99	2	2	28	0	12	127	2
30+	0	16	0	0	2	0	0	18	0
	333	238	27	92	33	1	432	271	28

Source: The same as table 7. Sample of 731 liberated Africans with known fates and terms of service.

**Table 15: Terms of service of deceased liberated Africans according to place of work**

Years	Hirers	% of Total Distributed	Institutions	% of Total Distributed
0 - 4	116	15.01	48	28.4
5 - 9	76	9.83	15	8.87
10 - 14	56	7.24	6	3.55
15 - 19	38	4.91	9	5.32
20 - 24	37	4.78	12	7.10
25 - 29	10	1.29	2	1.18
Total	333	43.08	92	54.42
Total Distributed	773		169	

<sup>16</sup> Includes 1 whose place of work was not registered and 10 who died before being distributed for service.

<sup>17</sup> Includes 2 whose place of work was not registered.

<sup>18</sup> Includes 6 liberated Africans whose places of work were unknown.

<sup>19</sup> Includes 1 liberated Africans whose place of work was unknown.

Source: The same as Table 7. Sample of 425 deceased liberated Africans with known terms of service and places of work.

**Table 16: State slaves and liberated Africans at the Navy Arsenal, 1844**

	State slaves						Liberated Africans	Total
	Male			Female				
	African	Creole	Children	African	Creole	Children		
<b>Arsenal</b>								
At the workshops	20	7	5	-	-	-	9	41
At the launches	17	-	-	-	-	-	10	27
At the services of the Arsenal	10	2	-	17	17	-	5	51
<b>In other stations</b>								
At the Headquarters	2	-	3	-	-	8	7	20
At the Frigate <i>Cábrea</i>	27	6	-	-	-	-	26	59
At the Navy Hospital	7	-	-	-	-	-	4	11
Fitting out warehouse	4	1	2	4	3	-	-	14
Cabo Frio lighthouse	4	1	-	-	-	-	-	5
Ilha Rasa lighthouse	2	-	-	-	-	-	-	2
Villegaignon Fortress	1	-	-	-	-	-	-	1
<b>Total</b>	<b>94</b>	<b>17</b>	<b>10</b>	<b>21</b>	<b>20</b>	<b>8</b>	<b>61</b>	

Source: Relatório do Ministro da Marinha, 1844, reproduced in Prata de Sousa, "Africano livre ficando livre," 119.

**Table 17: Distribution of adult male state slaves and liberated Africans in the functions at the Navy Arsenal, 1844**

	State slaves	%	Liberated Africans	%
Workshops (Arsenal)	27	24.3	9	14.7
Launches (Arsenal)	17	15.3	10	16.4
At the service of the Arsenal	12	10.8	5	8.2
Headquarters	2	1.8	7	11.6
Frigate <i>Cábrea</i>	33	29.7	26	42.6
Navy Hospital	7	6.3	4	6.5
Fitting out warehouse	5	4.5	-	-
Cabo Frio lighthouse	5	4.5	-	-
Ilha Rasa lighthouse	2	1.8	-	-
Villegaignon fortress	1	0.9	-	-
<b>Total</b>	<b>111</b>	<b>100.0</b>	<b>61</b>	<b>100.0</b>

Source: Table 16.

**Table 18: Active and inactive labourers in the Iron Foundry of Ipanema, 1854**

	Slaves		Liberated Africans		Total
	M	F	M	F	
Under 7 years of age	17	19	3	3	42
Sickly and invalid	29	16	17	5	67
In active service	30	44	89	16	179
<b>Total</b>	<b>76</b>	<b>79</b>	<b>109</b>	<b>24</b>	<b>288</b>

Source: "Mappa dos escravos e Africanos livres existentes na Fábrica d'Ypanema," attached to AESP, 5216, Francisco Antonio Raposo to José Antonio Saraiva, 30/10/1854.

**Table 19: Occupations of active slaves and liberated Africans at the Iron Foundry of Ipanema, 1854**

Occupations	Slaves	%	Liberated Africans	%	Total
Wheelers	2	2.7	2	1.9	4
Mould makers	3	4.1	3	2.8	3
Melters	3	4.1	7	6.7	10
Ironsmiths	2	2.7	4	3.8	6
Moulders	2	2.7	0	0	2
Carpenters	5	6.7	1	1.0	6
Potters	8	10.8	5	4.8	13
Masons	3	4.1	3	2.8	6
Various – Males	2	2.7	64	61.0	66
Various – Females	44	59.4	16	15.2	60
<b>Total</b>	<b>74</b>	<b>100.0</b>	<b>105</b>	<b>100.0</b>	<b>179</b>

Labourers engaged in "various" occupations were in charge of mining, preparing the coal, handling the animals, cultivating the provision grounds and transporting material.

Source: "Quadro da actual distribuição do serviço," dated 30/10/1854, attached to letter from Francisco Antonio Raposo to José Antonio Saraiva, 30/10/1854, AESP, lata 5216.

**Table 20: Terms of service of emancipated Africans according to place of work**

Years	Hirers	% of Total Distributed	Institutions	% of Total Distributed
15 - 19	57	7,37	0	0
20 - 24	66	8,54	3	1,77
25 - 29	99	12,80	28	16,57
30+	16	2,07	2	1,18
Total	238	30,78	33	19,52
Total Distributed	773		169	

Source: The same as Table 7. Sample of 271 emancipated Africans with known terms of service and places of work.

**Table 21: Emancipated Africans of the *Flor de Luanda* and their choice to emigrate to the British West Indies or to stay in Brazil, according to sex and place of work, 1846**

	Emigrate			Stay			Total Emancipated		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Hirers	2	6	8	9	17	26	11	23	34
Institutions	15	5	20	46	5	51	61	10	71
Total	17	11	28	55	22	77	72	33	105

Source: Hudson to Palmerston, 10/7/1847, FO 84/678.

**Table 22: Notices of emancipation issued by year to liberated Africans first emancipated in the 1830s**

	Hirer	Institution	Total	%
1851	1	0	1	29.0
1852	1	0	1	
1853	3	0	3	
1854	37	0	37	
1855	37	0	37	
1856	11	0	11	17.7
1857	13	0	13	
1858	9	0	9	
1859	2	0	2	
1860	3	10	13	
1861	11	8	19	53.3
1862	21	5	26	
1863	27	0	27	
1864	50	7	57	
1865	11	2	13	
1866	2	1	3	
Total	239	33	272	

Source: The same as Table 7.

**Table 23: Distribution of emancipations between 07/1859 and 10/1864 by semesters, according to sex and place of work**

	Hirers			Institutions			Total
	M	F	T	M	F	T	
1859.2	2	4	<b>6</b>	1	0	<b>1</b>	<b>7</b>
1860.1	13	7	<b>20</b>	5	7	<b>12</b>	<b>32</b>
1860.2	9	14	<b>23</b>	32	7	<b>39</b>	<b>62</b>
1861.1	9	10	<b>19</b>	8	0	<b>8</b>	<b>27</b>
1861.2	6	21	<b>27</b>	6	4	<b>10</b>	<b>37</b>
1862.1	5	3	<b>8</b>	3	0	<b>3</b>	<b>11</b>
1862.2	12	5	<b>17</b>	13	5	<b>18</b>	<b>35</b>
1863.1	-	-	-	-	-	-	-
1863.2	32	16	<b>48</b>	25	2	<b>27</b>	<b>75</b>
1864.1	38	39	<b>77</b>	205	44	<b>249</b>	<b>326</b>
1864.2	13	14	<b>27</b>	268	69	<b>337</b>	<b>364</b>
	139	133	<b>272</b>	566	138	<b>704</b>	<b>976</b>

Key: M = Male; F = Female; 1860.1 and 1860.2 = first and second semesters of 1860 respectively.

Incomplete series: no data between Oct. 1862 and November 1863, compromising the totals for the second semester of 1862 and the whole year of 1863. The second semester of 1864 is complete: no notices were issued after October 20, 1864.

Source: AN, IJ6 15, IJ6 16.

**Table 24: Fates of the liberated Africans, according to the register prepared in the 1860s**

Fates	1867	%	1868	%
Emancipated by the notice issued on 15/07/1835 (1833?) <sup>20</sup>	354	3.30	354	3.22
Reexported	459	4.28	748	6.80
Prison sentence	2	0.02	2	0.02
Received emancipation letters	2447	22.83	2534	23.02
Deceased	3856	35.97	3871	35.17
Runaways	191	1.78	191	1.74
Unkown fates	3410	31.81	3308	30.05
<b>Total</b>	<b>10,719</b>	<b>100.0</b>	<b>11,008</b>	<b>100.0</b>

Source: Relatório do Ministro da Justiça, 1867, 16; Relatório do Ministro da Justiça, 1868, 134.

<sup>20</sup> The 1867 Report gives 1835 and the 1868 Report gives 1833 as the date for the issuing of an emancipation notice benefitting 354 liberated Africans. The text of this notice has not yet been found.

**[Tables 25 and 26 are in landscape format, consult end of file.]**

## ***Appendix 2 – Bilateral agreements and Legislation pertaining to Liberated Africans in Brazil***

**"Regulations for the Mixed Commissions annexed to the Additional Convention to the Treaty of the 22nd January, 1815, between Great Britain and Portugal, for the purpose of preventing the Slave Trade," 28 July, 1817, reprinted in "Instructions for the Guidance of Her Majesty's Naval Officers employed in the Suppression of the Slave Trade" (1844), *Parliamentary Papers on the Slave Trade*, vol. 8.**

Article VII: "In case of the condemnation of a vessel for an unlawful voyage, she shall be declared lawful prize, as well as her cargo, or whatever description it may be, with the exception of the Slaves who may be on board as objects of commerce; and the said vessel, as well as her cargo, shall be sold by public sale, for the profit of the two Governments; as to the Slaves, they shall receive from the Mixed Commission a certificate of emancipation, and shall be delivered over to the Government on whose territory the Commission, which shall have so judged them, shall be established, to be employed as servants or free labourers. Each of the two Governments binds itself to guarantee the liberty of such portion of these individuals as shall be respectively consigned to it."

**"Alvará com força de lei de 26 de janeiro de 1818," *Coleção das leis do Brasil de 1818*, 7-10.**

Eu el-rei faço saber aos que este alvará com força de lei virem que, atendendo a que a proibição do comércio de escravos em todos os portos da Costa da África ao norte do Equador, estabelecida pela ratificação do tratado de 22 de janeiro de 1815 e da convenção adicional de 28 de julho de 1817, exige novas providências que, prescrevendo as justas e proporcionadas penas que hão de ser impostas aos transgressores, sirvam de regra certa de julgar e decidir nos casos ocorrentes sobre este objeto, aos juizes e mais pessoas encarregadas da sua execução; hei por bem ordenar o seguinte:

§1o. Todas as pessoas de qualquer qualidade e condição que sejam que fizerem armar e preparar navios para o resgate e compra de escravos, em qualquer dos portos da Costa da África situados ao norte do Equador, incorrerão na pena de perdimento dos escravos, os quais imediatamente ficarão libertos, para terem os destino abaixo declarado, e lhes serão confiscados os navios empregados nesse tráfico com todos os seus aparelhos e pertences e juntamente a carga, qualquer que seja que a seu bordo estiver por conta dos donos e fretadores dos mesmos navios ou dos carregadores de escravos. E se os oficiais dos navios, a saber, capitão ou mestre, piloto e sobrecarga, serão degradados por cinco anos para Moçambique e cada um pagará uma multa equivalente à soldada e mais interesses que haveria de vencer na viagem. Não se poderão fazer seguros sobre tais navios ou sua carregação e fazendo-se serão nulos, e os seguradores que cientemente os fizerem serão condenados no tresp dobro do prêmio estipulado para o caso de sinistro.

§2o. Na mesma pena de perdimento dos escravos, para ficarem libertos e terem o destino abaixo declarado, incorrerão todas as pessoas de qualquer qualidade e condição que os conduzirem a qualquer dos portos do Brasil em navios com bandeira que não seja portuguesa.

§5o. Os escravos consignados à minha Real Fazenda, pelo modo prescrito no sobredito artigo VII do regulamento para as Comissões Mistas, e todos os mais libertos pela maneira acima decretada, por não ser justo que fiquem abandonados, serão entregues no Juízo da Ouvidoria da comarca e, onde o não houver, naquele que estiver encarregado da Conservatoria dos Índios que hei por bem ampliar unindo-lhe esta jurisdição, para aí serem destinados a servir como libertos por tempo de quatorze anos ou em algum serviço público de mar, fortalezas, agricultura e de ofícios, como melhor convier, sendo para isso alistados nas respectivas Estações, ou alugados em praça a

particulares de estabelecimento e probidade conhecida, assinando estes termos de os alimentar, vestir, doutrinar e ensinar-lhe o ofício ou trabalho que se convencionar e pelo tempo que for estipulado, renovando-se os termos e condições as vezes que for necessário, até preencher o sobredito tempo de quatorze anos; este tempo porém poderá ser diminuído por dois ou mais anos, àqueles libertos que por seu préstimo e bons costumes se fizerem dignos de gozar antes dele do pleno direito da sua liberdade. E no caso de serem destinados a serviço público na maneira sobredita, quem tiver autoridade na respectiva Estação nomeará uma pessoa capaz para assinar o sobredito termo e para ficar responsável pela educação e ensino dos mesmos libertos. Terão em curador, pessoa de conhecida probidade, que será proposto todos os triênios pelo juiz e aprovado pela Mesa do Desembargo do Paço desta Corte ou pelo governador e capitão general da respectiva província, e a seu ofício pertencerá requerer tudo o que for a bem dos libertos e fiscalizar os abusos, procurar que no tempo competente se lhe dê ressalva do serviço e promover geralmente em seu benefício a observância do que se acha prescrito pela lei a favor dos órfãos, no que lhes puder ser aplicado, para o que será sempre ouvido em tudo o que acerca deles se ordenar pelo sobredito Juízo.

**"Lei de 7 de novembro de 1831," *Coleção de Leis do Império do Brasil, 1831, 182-4.***

Art. 1o. Todos os escravos que entrarem no território ou portos do Brasil, vindos de fora, ficam livres. Excetua-se: 1. Os escravos matriculados no serviço de embarcações pertencentes a país onde a escravidão é permitida, enquanto empregados no serviço das mesmas embarcações; 2. Os que fugirem do território, ou embarcação estrangeira, os quais serão entregues aos senhores, que os reclamarem e reexportados para fora do Brasil.

Art. 2o. Os importadores de escravos no Brasil incorrerão na pena corporal do art. 179 do Código Criminal imposta aos que reduzem à escravidão pessoas livres, e na multa de 200\$000 por cabeça de casa um dos escravos importados, além de pagarem as despesas da reexportação para qualquer parte da África; reexportação que o Governo fará efetiva com a maior possível brevidade, contratando com as Autoridades Africanas para lhes darem um asilo.

Art. 7o. Não será permitido a qualquer homem liberto, que não for Brasileiro, desembarcar nos portos do Brasil debaixo de qualquer motivo que seja. O que desembarcar será imediatamente reexportado.

**"Decreto de 12 de abril de 1832 - regulamenta a lei de 7 de novembro de 1831," *Coleção de Leis do Império do Brasil, 1832, 100-1.***

Art. 9o. Constando ao intendente geral da polícia, ou a qualquer juiz de paz ou criminal que alguém comprou ou vendeu preto boçal, o mandará vir à sua presença, examinará se entende a língua brasileira; se está no Brasil antes de ter cessado o tráfico da escravatura, procurando, por meio de intérprete, certificar-se de quando veio da África, em que barco, onde desembarcou, por que lugares passou, em poder de quantas pessoas tem estado, etc. Verificando-se ter vindo depois da cessação do tráfico, o fará depositar e proceder na forma da lei, e em todos os casos serão ouvidos sumariamente, sem delongas supérfluas, as partes interessadas.

Art. 10o. Em qualquer tempo em que o preto requerer a qualquer juiz de paz ou criminal que veio para o Brasil depois da extinção do tráfico, o juiz o interrogará sobre todas as circunstâncias que possam esclarecer o fato e oficialmente procederá a todas as diligências necessárias para certificar-se dele obrigando o senhor a desfazer as duvidas que se suscitarem a tal respeito. Havendo presunções veementes de ser o preto livre, o mandará depositar e proceder nos mais termos da lei.

**"Aviso 29 de Outubro de 1834, com Instruções relativas à arrematação dos Africanos ilicitamente introduzidos no Império," AN, IJ6 469.**

A Regência, em Nome do Imperador o S. Dom Pedro Segundo, vendo não ter passado indo no Corpo Legislativo medida alguma para a pronta reexportação dos Africanos ilicitamente introduzidos no Império, como havia solicitado o Governo Imperial, e como o determina a lei de 7 de Novembro de 1831, vendo crescer as despesas com os que foram depositados na Casa de Correção; considerando ue uma grande parte dessa despesa é improfícua, por ser feita com mulheres e crianças, que nenhum serviço prestam nas obras da referida Casa; Atendendo a outras considerações, como sejam o melhor tratamento e civilização de tais Africanos: Ordena que Vmce. entendendo-se com o Chefe da Polícia a quem ora se oficia a respeito, façam arrematar os serviços daqueles Africanos aí depositados, que não forem precisos aos trabalhos da mencionada obra, seguindo em tudo nesta medida as instruções que acompanham este Aviso, assinado pelo Conselheiro Oficial Maior desta Secretaria de Estado João Carneiro de Campos. Deus Guarde Vme.

Paço em 29 de Outubro de 1834

Aureliano de Souza e Oliveira Coutinho

Para: Juiz de Órfãos desta Cidade

Instruções que acompanham o Aviso desta data

§1o. Separando os Africanos, que o Chefe de Polícia, de inteligência com a Comissão Inspetora das Obras da Casa de Correção, e com o respectivo Administrador julgar necessários para coadjuvarem os trabalhos da mesma obra, preferindo os que já se acham aprendendo ofícios, e tem mostrado mais amor ao trabalho, serão arrematados os serviços dos que restarem de um e outro serpo com as condições seguintes.

1a. Que só os possam arrematar pessoas deste município de reconhecida probidade e inteireza, e só entre estas se dê preferência a quem mais oferecer por ano pelos serviços de tais Africanos.

2a. Que os arrematantes se sujeitarão nos termos de arrematação, a entregar os ditos africanos logo que a Assembléia Geral decidir sobre a sua sorte, ou o Governo os tiver de reexportar; e a vesti-los e trata-los com toda a humanidade, permitindo que o Curador os visite mensalmente para verificar se nesta parte é cumprido o contrato.

3a. Que as pessoas que arrematarem os serviços das mulheres serão obrigaddas a levar com elas algumas das crianças, e a educa-las, com todo desvelo, havendo por isso atenção a que a paga dos serviços seja, neste caso, mais suave aos arrematantes. O prudente árbitro do Juiz regulará esta distribuição, como julgar mais conveniente, e a bem da humanidade.

4a. Que falecendo algum desses Africanos, será o arrematante obrigado a dar parte imediatamente ao Juiz de Paz respectivo para a inspeção do cadáver, na forma do Decreto de 12 de Abril de 1832, e ao Curador para a ela assistir, apresentando o mesmo auto ao Juiz de arrematação para a verba competente. Este juiz o remeterá depois ao Chefe da Polícia para dar baixa no Livro de Inspeção dos tais Africanos.

5a. Que acontecendo fugir algum Africano deverá o arrematante logo dar parte ao Juiz de Paz do seu Distrito, e ao Chefe da Polícia, para a expedição das ordens necessárias para a sua captura; e não aparecendo será obrigado a justificar a fuga e as diligências, que empregou para a prisão do fugido. E por quanto nesta parte pode haver muito abuso, fica muito recomendado ao Juiz a escolha das pessoas de muita probidade e inteireza, a quem só permitirá a arrematarem, embora pessoas suspeitas, ou de equívoca conduta ofereçam maiores quantias pelos serviços dos mesmos Africanos.

6a. Que no ato da entrega ao arrematante o Juiz, por intérprete, fará conhecer aos Africanos, que são livres, e que vão servir em compensação do sustento, vestuário, tratamento, e mediante um módico salário, que será arrecadado anualmente pelo Curador, que se lhes nomear, depositado no Cofre do Juizo d'arrematação, e que servirá para ajudar de sua reexportação, quando houver de se verificar.

§2o. No ato da arrematação o Juiz fará entregar ao Africano em uma pequena lata que lhe penderá ao pescoço, uma carta declaratória, de que é livre, e de que seus serviços são arrematados a - , indo na mesma carta inscritos os sinais, nome, sexo, e idade presumível do Africano.

§3o. O Juiz nomeará um Curador que será aprovado pelo Governo, e terá a seu cargo 1o. fiscalizar tudo quanto for a bem de tais Africanos, tanto daqueles cujos serviços se arrematarem como dos que ficarem trabalhando nas obras públicas, propondo às Autoridades competentes quanto julgar conveniente ao seu bom tratamento, e para que se lhes mantenha a sua liberdade; 2o. arrecadar anualmente o salário, que for estipulado e fazer dele entrega com as escriturações necessárias ao Juiz de arrematação. Por este trabalho perceberá o Curador uma comissão de dez por cento do quanto arrecadar. O Juiz proverá sobre o modo de fazer a escrituração com a clareza necessária, e fiscalizará o Curador no desempenho de suas atribuições.

§4o. Concluída a arrematação fará publicar pelos jornais quais as pessoas que arremataram os serviços dos mesmos Africanos, quantos arrematou cada pessoa, e os nomes, sexo, idade e sinais dos que cada indivíduo tiver arrematado.

Secretaria de Estado dos Negócios da Justiça em 29 de Outubro de 1834  
João Carneiro de Campos

#### **Aviso da Secretaria da Justiça para Juiz de Órfãos, 1/12/1834, AN, IJ1 168.**

Em resposta ao ofício que Vm. me dirigiu em 28 do mês passado, tenho a dizer-lhe que, constando ao Governo que na primeira praça à que se procedeu para a arrematação dos serviços dos Africanos que existiam na Casa de Correção, chegaram a 40 e 50\$000 réis e mais por ano, os serviços de crianças de menos de 6 anos de idade, o que não pode deixar de causar receios de que tais arrematantes terão vistas sinistras de escravizar esses miseráveis, não obstante todas as cautelas recomendadas nas instruções de 29 de Outubro passado; e não sendo a mente do Governo lucrar com os serviços dos referidos Africanos, mas somente aliviar a Fazenda Pública das despesas que com eles estava fazendo, e ao mesmo tempo assegurar-lhes as suas liberdades até que a Assembléia Geral resolva sobre sua sorte: Ordena a Regência em nome do Imperador o Senhor D. Pedro II que V.M. não ponha mais em praça os serviços dos mencionados africanos e sim que escolha pessoas de reconhecida probidade e inteireza e distribua por elas aqueles cujos serviços não foram arrematados na 1a praça, estipulando V.M. uma quantia razoável pelos seus serviços à vista de suas idades e sexos, e guardando em tudo o mais as instruções que lhe foram dadas em Aviso d'aquela data. Deus guarde a V.M. Paço em 1o. de Dezembro de 1834. Aureliano de Souza e Oliveira Coutinho.

#### **"Decreto de 19 de novembro de 1835 e alterações feitas às Instruções que acompanham o Aviso expedido pela Secretaria de Estado dos Negócios da Justiça, com data de 29 de Outubro de 1834, e de que faz menção o Decreto desta data," *Correio Official*, 24/12/1835.**

O Regente, em Nome do Imperador o Senhor D. Pedro Segundo, Há por bem Approvar, e Mandar que se execute as Instruções de vinte nove de Outubro do ano próximo passado, relativas à arrematação dos serviços dos Africanos ilicitamente introduzidos no Império com as alterações que com este baixão, assinadas por Antonio Paulino Limpo de Abreu, Ministro e Secretário de Estado dos Negócios da Justiça, que assim o tenha entendido, e faça executar. Palácio do Rio de Janeiro, em dezanove de Novembro de mil e oitocentos e trinta e cinco, décimo quarto da Independência e do Império. - Diogo Antônio Feijó - Antônio Paulino Limpo de Abreu.

Alterações feitas às Instruções que acompanharam o Aviso expedido pela Secretaria de Estado dos Negócios da Justiça, com data de 29 de Outubro de 1834, e de que faz menção o Decreto desta data.

1a. Os serviços dos Africanos arrematar-se-ão perante o Juiz, para serem prestados dentro dos Municípios das Capitais. As pessoas que pretenderem os serviços para fora daqueles Municípios, não serão admitidas a arrematá-los perante o Juiz sem autorização do Governo da Corte, e dos Presidentes das Províncias.

2a. Não se concederão à mesma pessoa mais do que até oito Africanos, salvo quando for preciso maior número deles ao serviço de algum Estabelecimento Nacional, em cujo caso, o Governo da Corte, e os Presidentes nas Províncias, deverão determiná-lo por um ato especial, expedido ou ex-offício, ou a requisição dos Chefes de tais Estabelecimentos.

3a. A pessoa que quiser somente dois Africanos, poderá escolher o sexo, e a idade; além deste número, deverá receber de ambos os sexos, e de todas as idades, na justa proporção dos que existirem, e dos que quiser levar, em ordem a verificar-se a distribuição de todos eles, sendo entregues unicamente pelo tratamento e educação, aqueles que forem menores de doze anos.

4a. A distribuição dos Africanos far-se-há, anunciando o Juiz oito dias antes pelo menos, pelas Folhas Públicas, ou, onde as não houver, por Editais, a fim de poderem concorrer as pessoas que os pretenderem; as quais em requerimentos que devem apresentar, declararão: 1o., o seu estado e residência: 2o., o emprego ou ocupação de que subsistem: 3o., o fim a que destinam os Africanos, e o lugar em que estes para isso vão ficar: 4o., o preço annual que oferecem pelos serviços. A mudança de residência deverá ser comunicada ao Juiz, ao mais tardar, três dias depois de efetuada.

5a. O Juiz, findo o prazo de oito dias, formará uma relação nominal de todas as pessoas que concorrerão perante ele, declarando-se aquelas com quem entender que devem distribuir-se os Africanos, e o número que deverá tocar a cada uma delas, sendo-lhe permitido deixar de contemplar as que lhe parecer que não estão nas circunstâncias de ser atendidas, não obstante oferecerem maior preço pelos serviços.

6a. A relação de que trata o § antecedente, acompanhada dos respectivos documentos, será remetida ao Governo na Corte, e aos Presidentes nas Províncias, para o fim de a aprovarem, quando com ela se conformem, ou de a alterarem, quando notem injustiça, ou desigualdade na distribuição, sem que com tudo, no caso de fazerem a indicada alteração, possam contemplar pessoa alguma que não comparecesse perante o Juiz.

7a. Os arrematantes sujeitar-se-hão, nos Termos que assinarem, a entregar os Africanos, logo que, o Governo na Corte, e os Presidentes nas Províncias, o determinarem.

8a. Esta determinação terá lugar: 1o., quando houver de dar-se destino legal aos Africanos: 2o., quando se conhecer por inspeção ocular, representação motivada do Curador, ou por qualquer outro gênero de prova, que os Africanos não são vestidos, e tratados com humanidade: 3o., quando não forem apresentados ao Curador até três dias, depois do tempo marcado, que será de três em três meses, contados do dia em que o Juiz anunciar, pela primeira vez, que o Curador vai proceder à inspeção ou visita: 4o., quando o preço da arrematação não for pago até um mês depois do tempo devido: 5o., quando se mostrar que os arrematantes, com nomes supostos, ou por interposta pessoa, obtiveram maior número de Africanos do que o permitido, ou faltaram a qualquer outra condição a que são obrigados.

Esta determinação será precedida unicamente de audiência dos interessados, e das informações que, o Governo na Corte, e os Presidentes nas Províncias, quiserem tomar para esclarecimento da verdade.

9a. O produto da arrematação será aplicada, ou para ajudar as despesas da reexportação ou para benefício dos Africanos.

10a. A inspeção de que trata a condição 4a do §1o. das instruções a que estas se referem, poderá ser feita por qualquer Inspetor de Quarteirão, na presença de duas testemunhas, quando tiver por fim somente a verificação de identidade.

11a. O Governo na Corte, e os Presidentes nas Províncias, encarregarão a execução destas Instruções a qualquer Juiz que lhes mereça maior confiança, e quando permitirem a saída de Africanos para fora dos Municípios das Capitais, proverão que, nos lugares para onde forem, haja

Curadores que possam fiscalizar e promover quanto fica determinado, e o mais que convier a benefício dos mesmos Africanos.

Palácio do Rio de Janeiro em 19 de Novembro de 1835 - Antonio Paulino Limpo de Abreu.

Em anexo encontram-se republicadas as "Instruções relativas à arrematação dos Africanos ilicitamente introduzidos no Império" emitidas em 29 de outubro de 1834.

**"Instruções para arrecadação dos salários dos africanos ilicitamente introduzidos no Império," 2/7/1840, Coleção das leis e decretos do Brasil, 1840, 70-72.**

Ao Sr. Administrador da Recebedoria remetto a inclusa cópia das instruções para a arrecadação dos salarios dos Africanos ilicitamente introduzidos no Imperio, a fim de lhe dar a devida execução. Rio em 8 de Julho de 1840 – José Antonio da Silva Maya (Fazenda).

1a. Os salarios dos Africanos ilicitamente introduzidos no Imperio, cujos serviços tiverem sido ou forem arrematados ao Municipio da Côrte, serão arrecadados pela Recebedoria do mesmo Municipio, e remettidos regularmente para o Thesouro Nacional, a fim de terem a applicação determinada nas Instrucções de 29 de Outubro de 1834, e alterações de 19 de Novembro de 1835.

2a. Para este fim haverá na Recebedoria os seguintes livros:

1º Livro de inscrição dos arrematantes, onde se fara assento de cada um delles com as declarações exigidas no art. 4º das referidas alterações e mais os nomes dos Africanos, idade que representão, signaes destinativos que facilitem o seu reconhecimento, navio em que forão apresados, ou tempo e lugar em que forão apprehendidos, e quando arrematados os seus serviços, por quanto, e por que tempo; e onde se irá abonando o que tiverem pago dos salarios, com as declarações competentes, e referencia ao Livro de Receita, reservando-se espaço para as observações que ocorrerem a cada um dos africanos.

2º Livro de Receita dos salarios, d'onde se extrahirão conhecimentos de Receita, que se hão de dar ás partes.

3º Livro onde se abrirá uma conta corrente ao Curador pelas quantias que se lhe entregarem, em virtude de despachos do respectivo juiz, para as despezas que tiver de fazer com os Africanos, abonando-se-lhe depois as que mostrar aprovadas pelo juiz, e as sobras que entregar; outra conta da commissão que lhe competir; e onde tambem se abrirão contas correntes semelhantes a cada um dos outros Curadores, que houver fóra do Municipio.

Na escripturação destes livros, e de mais algum outro que o Administrador julgue necessario para maior clareza da escripturação, e no expediente respectivo, se seguirão as regras estabelecidas nos Regulamentos das Recebedoria, e incluindo com distincção nas folhas das despezas da mesma Recebedoria, para se escripturar com as mesma distincção na Contadoria Geral de Revisão.

4a. Passando o tempo em que os arrematantes deverão fazer o pagamento ds salários dos africanos Recebedoria, o administrador della fará extrahir relação dos devedores, e a remetterá ao juiz para mandar proceder conforme o art. 8º § das referidas alterações, fazendo-se a cobrança executiva pelos agentes da Recebedoria, perante o mesmo juiz.

5a. O administrador da Recebedoria prestará ao Juiz e Curador as informações que lhe requisitarem relativas a esta incumbencia.

6a. Quando o administrador de recebedoria precisar de providencias a bem desta arrecadação as pedirá pelo Thesouro Nacional.

Rio de Janeiro, 2 de julho de 1840 – José Antônio da Silva Maya.

**"Aviso do Ministro da Justiça ao Promotor Público declarando a que autoridade deve ser incumbida a formação dos processos para o julgamento dos navios apresados, pelo fato de se empregarem no tráfico ilícito de Africanos; e qual a forma de processo que cumpre**

**adotar-se para a emancipação dos Africanos encontrados a bordo de tais navios," 29/5/1847, Coleção das Decisões do Governo do Império do Brasil, 1847, 153.**

Em resposta ao Ofício que Vm me dirigiu, com data de 22 do mês ultimamente findo, em que comunicando ter de organizar-se, pela 2a. Vara Municipal desta Corte, um novo processo para o julgamento do Patacho -Subtil- e pela 1a. vara dous processos sobre a apreensão de hum iate, e de uma galera, ultimamente encontrados em abandono, com indícios de se haverem empregado no tráfico de africanos, pede esclarecimentos sobre a Autoridade ou Tribunal, a quem deva ser incumbida a formação dos processos para o julgamento, não só do apresamento dos navios empregados no comércio proibido de africanos, como também da emancipação dos Africanos que forem apreendidos a bordo dos mesmos navios, ou em terra, e qual a fórmula de processo que, em casos taes, se deve adoptar, quer no Tribunal do Jury, se a este competir a decisão final, quer perante os Magistrados, se a elles não competir unicamente a preparação dos feitos; julgo conveniente, em solução às suas duvidas, e dando sobre a maneira maiores esclarecimentos, declarar-lhe o seguinte: 1o: que nao é lícito insistir na separação do julgamento da apreensão, do julgamento do delicto, à vista da legislação em vigor, que nada distingue a semelhante respeito: 2o. que nenhuma necessidade há de um processo contencioso, criminal ou cível, para que os Africanos, nos casos de que se trata, sejam reconhecidos livres, a fim de terem o destino, que a lei lhes tem designado, bastando-lhes para título e prova o simples ato da apreensão: 3o. que cumpre que Vm instrua as denúncias com os outros exames, documentos e testemunhas que tiver e puder alcançar, tudo na forma ordinária do foro comum. Se o Juiz pronunciar, seguirá a causa o curso ordinário, sendo levada ao Jury; se, pelo contrário, a ninguém pronunciar, dar-se-á o caso do Art. 149 do Código do Processo Criminal, ficando em depósito os navios, e dando-se o competente destino aos Africanos, independentemente de processo algum contencioso, nem de julgamento especial: 4o. que isto mesmo, mutatis mutandis, se deve praticar com os Africanos apreendidos em terra.

**"Lei n. 581 de 4 de setembro de 1850 - Abolição do Tráfico de Escravos," Coleção de Leis do Império do Brasil, 1850, 204-206.**

Art. 6o: Todos os escravos que forem apreendidos serão reexportados por conta do Estado para os portos de onde tiverem vindo, ou para qualquer outro ponto fora do Império, que mais conveniente parecer ao Governo; e enquanto essa reexportação se não verificar, serão empregados em trabalho debaixo da tutela do Governo, não sendo em caso algum concedidos os seus serviços a particulares

[Trans.] Article 6: All the slaves apprehended shall be reexported at the expenses of the State to the ports from where they had come, or to any other port outside the Empire most convenient to the government; and while this reexportation does not take place, will be employed in labour under the guardianship of the Government, and in under no circumstances shall their services be given to private hirers.

**"Decreto n. 708 de 14 de outubro de 1850 - regulamenta a lei de abolição do tráfico," 14/10/1850, Coleção das Leis do Império do Brasil, 1850, 120-30.**

Art. 6o. Se a embarcação for apresada tendo a bordo escravos cuja importação é proibida pela lei de 7 de novembro de 1831, o auditor de marinha depois de verificar o seu número e se coincide com a declaração do apresador os fará relacionar por números seguidos de nomes se os tiverem e de todos os sinais que possam os distinguir, fazendo-os examinar por peritos, afim de verificar se são dos proibidos. Concluída essa diligência, de que fará o processo verbal especial, os fará depositar com a segurança e cautela que o caso exigir e sob sua responsabilidade. Se os africanos

não tiverem sido batizados ou havendo sobre isso dúvida, o auditor de marinha deverá providenciar para que o sejam imediatamente.

Art. 7o. Concluído este processo sumário, se os interessados tiverem protestado por vista, terão por três dias dentro do cartório para deduzir e oferecer suas razões; sendo os primeiros três dias para os apresadores, outros três para o curador dos africanos, se os houver apreendidos, e os três últimos para os apresadores, e findo estes prazos, nas 24 horas seguintes serão os autos conclusos ao auditor de marinha, que dentro de oito dias sentenciará sobre a liberdade dos escravos apreendidos, se os houver, declarando logo boa ou má presa a embarcação e seu carregamento e apelando ex-ofício para o Conselho de Estado. Esta apelação produzirá efeito suspensivo; porém, quando declarar livres alguns africanos, estes serão desde logo postos à disposição do governo com as cartas de liberdade, as quais não lhes poderão ser entregues antes de decidida a apelação.

**"Decreto n. 1303 de 28 de Dezembro de 1853 - Emancipação dos africanos livres que tiverem servido por quatorze anos a particulares," *Coleção de Leis do Império do Brasil*, 420-1.**

Hei por bem, de conformidade com a Minha Imperial Resolução de vinte e quatro do corrente mês, tomada sobre consulta da Seção de Justiça do Conselho de Estado, ordenar que os Africanos livres que tiverem prestado serviços a particulares por espaço de quatorze anos, sejam emancipados quando o requeiram, com obrigação porém de residirem no lugar que for pelo Governo designado, e de tomarem ocupação ou serviço mediante um salário.

José Thomaz Nabuco de Araújo - com a rubrica de Sua Magestade o Imperador.

**"Lei n. 731 de 5 de junho de 1854 - Amplia a competência do Auditor de Marinha para a repressão ao tráfico," *Coleção de Leis do Império do Brasil*, 1854, 5-6.**

Art. 1o. A competência dos Auditores de Marinha para processar e julgar os réus mencionados no art. 3o. da lei 581 de 4 de setembro de 1850 terá lugar depois da publicação da presente resolução, ainda quando a perseguição dos delinquentes e dos escravos desembarcados não se realize no ato do desembarque, qualquer que seja a distância da costa em que eles se achem.

**"Decreto 3310 - Emancipação dos Africanos Livres," 24/9/1864, *Coleção das Leis do Império do Brasil*, 160-1.**

Hei por bem, Tendo ouvido o Meu Conselho de Ministros, Decretar o seguinte:

Art. 1o. Desde a promulgação do presente Decreto ficam emancipados todos os Africanos livres existentes no Império ao serviço do Estado ou de particulares, havendo-se por vencido o prazo de quatorze anos do Decreto número mil trezentos e três de vinte e oito de Dezembro de mil oitocentos e cincoenta e três.

Art. 2o. As cartas de emancipação desses Africanos serão expedidas com a maior brevidade, e sem despesa alguma para eles, pelo Juízo de Órfãos da Corte e Capitais das Províncias, observando-se o modelo até agora adotado; e para tal fim o Governo da Corte e os Presidentes nas Províncias darão as necessárias ordens.

Art. 3o. Passadas essas cartas, serão remetidas aos respectivos Chefes de Polícia para as entregarem aos emancipados depois de registradas em livro para isso destinado. Com elas, ou com certidões extraídas do referido livro, poderão os Africanos emancipados requerer em Juízo e ao Governo a proteção a que tem direito pela legislação em vigor.

Art. 4o. Os africanos ao serviço de particulares, serão sem demora recolhidos, na Corte à Casa de Correção, nas Províncias a estabelecimentos públicos, designados pelos Presidentes; e então serão levados à presença dos Chefes de Polícia para receberem suas cartas de emancipação.

Art. 5o. Os fugidos serão chamados por editais da Polícia, publicados pela imprensa, para que venham receber suas cartas de emancipação. Se não comparecerem, ficarão as cartas em depósito nas Secretarias de Polícia, para em qualquer tempo terem seu devido destino.

Art. 6o. Os africanos emancipados podem fixar seu domicílio em qualquer parte do Império, devendo porém declará-lo na Polícia, assim como a ocupação honesta de que pretendem viver para que possam utilizar-se da proteção do Governo. A mesma declaração devem fazer sempre que mudarem de domicílio.

Art. 7o. O filho menor de Africana livre, acompanhará a seu pai, se também for livre, e na falta deste a sua mãe; declarando-se na carta de emancipação daquele a quem o mesmo for entregue, o seu nome, lugar do nascimento, idade e quaisquer sinais característicos. O maior de vinte e um anos terá sua carta de emancipação e poderá residir em qualquer parte do Império, nos termos do Art. 6o..

Art. 8o. Em falta de pai e mãe, ou se estes forem incapazes, ou estiverem ausentes, os menores ficarão à disposição do respectivo Juizo de Órfãos até que fiquem maiores e possam receber suas cartas.

Art. 9o. Os Promotores das Comarcas, até a plena execução deste Decreto, protegerão os Africanos livres, como curadores, onde não os houver especiais, requerendo a favor deles quando for conveniente.

Art. 10o. O Governo na Corte e os Presidentes nas Províncias farão publicar pela imprensa os nomes e nações dos emancipados.

Art. 11o. Fica revogado o Decreto n. 1303 de 28 de dezembro de 1853.

Francisco José Furtado, com a rubrica de Sua Magestade o Imperador.

### **Appendix 3: List of Hirers of Liberated Africans**

Agostinho Coelho de Almeida	Antonio Gonçalves Maledo
Agostinho Correa de Azevedo	Antonio Henrique de Miranda Rego
Agostinho Moreira de Queiroz	Antonio Joaquim Pereira Velloso
Agostinho Nunes Montez	Antonio José Coelho Louzada
Agostinho Pereira da Cunha	Antonio José da Costa
Alexandre Antonio Vandelli	Antonio José da Rocha
Alexandre de Andrade Motta	Antonio José da Silva
Alexandre Izidoro Ronkin	Antonio José de Souza Guimarães
Amaro Manoel de Moraes	Antonio José Ferreira Braga
Amelia Luiza Fermacsics	Antonio José Francisco da Paixão
André José Campos Tupinambá	Antônio José Gonçalves Fontes
André Mendes da Costa	Antônio José Monteiro Amarante Júnior
Anna Candida da Silva Tavares	Antonio Limpo de Abreu
Anna Carolina Bello	Antonio Luiz da Silva Peixoto
Anna Carolina Florim Castro Silva	Antonio Luiz Pereira da Cunha
Anna da Silva Freire	Antonio Luiz Pires
Anna Delfina dos Campos Belo	Antonio Pedro da Costa Ferreira
Anna Dorothea G. de Brito	Antonio Pereira Barreto Pedroso
Anna Florida Peixoto	Antonio Pereira Lima de Nolasco
Anna Joaquina Carneiro	Antonio Ribeiro de Campos
Anna Joaquina de Miranda	Antonio Rodrigues da Cunha
Anna Margarida Joaquina da Fonseca	Antonio Rodrigues Martins
Anna Maria Braga	Antonio Soares Pinto
Anna Maria do Sacramento	Augusto Candido da Silva Pinto
Anna Perpétua de Carvalho Mendonça	Aureliano de Souza e Oliveira Coutinho
Anna Rosinda Zodelinda da Silva	Balbino José da França Ribeiro
Anna Soares Teixeira de Gouveia	Balthazar Antonio da Gouveia
Anna Thereza de Jesus	Basílio Quaresma Torreão
Anselmo Alves Branco Muniz Barreto	Benedito de Almeida Torres
Antonia Bandeira Stecle	Benildo de Sá Charem
Antonia da Trindade Costa	Benildo Nunes de Souza Fragoso
Antonia Delfina de Moraes	Benjamin C. de Campos
Antonia Guilhermina da Silva Gama	Benjamin Dufas
Antonio Alvares de Miranda Varejão	Benta Luiza de Sampaio Presença
Antonio Alves Intreme	Bento Marcolino A?renas
Antonio Bandeira de Gouveia	Bernardino Batista Brasileiro
Antonio Candido de Lima	Bernardino de Senna Chaves
Antonio Carlos Rodrigues	Bernardo Belisário Soares de Souza
Antonio da Costa	Bernardo José de Figueiredo
Antonio da Silva Freire	Bernardo José Policarpo
Antonio da Trindade Costa	Bernardo José Serrão
Antonio de Souza Cirne Lima	Caetano Alberto Soares
Antonio Dias da Costa	Caetano José Barbosa do Couto Brum
Antonio Francisco da Rocha Freire	Caetano Maria Lopes Gama
Antonio Germano da Costa	Caetano Pimentel do ?abo

Camillo Pinto Rangel	Euzebio Antonio do Socorro
Candida Carlota de Azevedo	Fausta Gertrudes dos Anjos
Candida Carolina Fróes	Feliciano Firmo Monteiro
Candido José da Silva	Feliciano José dos Santos Maia
Candido Manoel de Miranda	Felicio Fortes Bustamante e Sá
Candido Miguel de Souza Carvalho	Felipe José Gonçalves
Candido Pereira Monteiro	Fidelis Honório da Silva dos Santos
Carlinda Angelica de Almeida	Firmino Rodrigues Silva
Carlos Cesar Burlamaque	Flora Emilia de Oliveira Souza
Carlos de Souza Correa	Floriano Joaquim dos Santos
Carlos Durat	Fortunata Eugenia Tavares
Carlos Teixeira da Silva	Francino Feliz Pereira da Costa
Carlota Aragão	Francisca Augusta Velho da Motta
Carlota Emília de Sampaio	Francisca Justiniana Serpa Pereira
Carlota Laurinda de Alvarenga	Francisco Alves de Azevedo Magalhães
Carolina Fortunata de Almeida e Silva	Francisco Antonio da Silva Brandão
Carolina Leopoldina Gomes de Mattos	Francisco Antonio da Silva Pinheiro
Casimira Martins Viana	Francisco Antonio de Mendonça
Cecília Joaquina Pinto Velasco	Francisco Bernardes Camello
Chripim José dos Santos Moreira	Francisco Caetano Martins
Christovão José dos Santos	Francisco Chrispiniano Valdetaro
Christovão Wilson	Francisco Constant
Cipriano José de Almeida	Francisco de Alves Lopes Mendes Ribeiro
Cirino Antonio de Lemos	Francisco de Lima e Silva
Clara Narciza da Costa Motta	Francisco de Paula Brito
Claudio da Silva Coelho	Francisco de Paula Candido
Damazo Antonio de Moura	Francisco de Paula Vasconcelos
Delfina Rosa Vieira	Francisco de Paula Vieira de Azevedo
Deoquina Maria de Vasconcelos	Francisco de Queiroz Coutinho Mattoso da Camara
Dionisio de Azevedo Peçanha	Francisco de Souza Maia
Domiciana Ribeiro	Francisco Felix Pereira da Costa
Domingos Alves Loureiro	Francisco Galdino Ferreira
Domingos de Azeredo Coutinho Duque Estrada	Francisco Gonçalves Martins
Domingos Fernandes Santario	Francisco Jacinto Fernandes
Domingos José Pereira Maltez	Francisco José Afonso
Domingos Lopes da Silva Araújo	Francisco José Alves Carneiro
Eduardo Antonio Carneiro de Mendonça	Francisco José da Cruz Pinto
Eduardo Castela	Francisco José de Oliveira
Eduardo José de Sousa Miranda	Francisco José do Couto Castro Mascarenhas
Elisa Fortunata de Brito Menezes	Francisco José dos Reis Alpoim
Emília Adelina da Silva Guimarães	Francisco Leitão de Almeida
Emília de Jesus Mello	Francisco Luiz da Silva
Emiliana Maria da Silva	Francisco Manoel Chaves
Emilio Joaquim da Silva Maia	Francisco Martins Vianna
Ernesto Frederico de Verna Magalhães	Francisco Pinheiro de Campos
Eudóxia Engracia de Almeida Torres	Francisco Prudencio Masson
Eufrosina de Souza Motta	Francisco Ribeiro Campos

Francisco Ribeiro da Silva Queiroz	Joanna Carneiro Alves Branco
Francisco Ribeiro Moreira	João Antonio da Ponte
Francisco Servulo de Moura	João Antonio da Silva Peres
Francisco Silveira do Pillar	João Antonio de Barros Henriques
Francisco Urbano da Silva	João Antonio de Lemos
Francisco Xavier Bontempo	João Antonio Tavares
Francisco Xavier da Costa	João Bandeira de Gouveia
Frederico Carneiro de Campos	João Baptista Cassueli
Frederico José Torres	João Baptista dos Santos
Fredevindo da Silva Leite	João Baptista Miranda da Silva Castellões
G. Constant	João Bettino
Gabriel Pinto de Almeida	João Bonifácio de Andrade Vendelle
Garadencio Calixto Ferreira da Silva	João Caetano de Almeida França
Genoveva Maria da Conceição	João Caetano de Miranda França
George Jackson	João Caetano de Oliveira
Geraldo Leite Bastos	João Caetano Espinho
Gertrudes Pinheiro	João Camillo de Araújo
Gertrudes Thereza Maria de Brito	João Carneiro de Campos
Guilherme Bandeira de Gouveia	João da Costa Barros Mascarenhas
Gustavo Adolfo de Aguilar Pantoja	João de Mello Sayão
Heleodoro de Paiva Guedes	João Fernandes da Silva
Henrique José de Freitas	João Fernandes da Silva Guerreiro
Henrique José de Medeiros Columbreiro Góes	João Ferreira da Silva Alves
Henriqueta da Silva	João Ferreira Dias de Miranda
Henriqueta Esméria Nabuco Carneiro	João Frias Paes Barreto
Henriqueta Joaquina T. Motta	João Idalio Cordeiro
Herculano Augusto Lassance e Cunha	João Joaquim Pestana
Hermenegildo Duarte Monteiro	João José Cesarino Júnior
Hermenegildo José Cardoso	João José de Araújo
Hermenegildo José Gonçalves das Neves	João José Dias Moreira
Honório Hermeto Carneiro Leão	João Leite de Souza Bastos
Honorio Josefina de Simas	João Luiz Bezerra Cavalcante
Ignacio de Souza Amaral	João Machado Cardoso
Ignacio de Souza Leitão	João Manoel Pereira da Silva
Innocencio da Rocha Maciel	João Maria Jacobina
Izabel Maria Migon	João Nepomuceno Castrioto
Izabel Ornellas de Oliveira	João Neto de Carvalho
J. William	João Pedro Almeida
Jacintha da Cunha Vasconcellos	João Pedro Nunes
Jacinto Marçal Loretto	João Pereira de Andrade
Januario Victorino da França	João Ribeiro dos Santos
Jeremias Luiz da Silva	João Rodrigues da Silva
Jeronymo Francisco de Freitas Caldas	João Salerno Toscano de Almeida
Jeronymo José Teixeira	João Vicente Torres Homem
Jeronymo Martins de Almeida	João Vieira da Silva
Jesuina Maria da Conceição	Joaquim Bandeira de Gouveia
Jesuino Teixeira de Carvalho	Joaquim Caetano da Silva

Joaquim Candido Soares de Meirelles	José Candido da Silva
Joaquim de Paula Guedes Alcoforado	José Candido Fontes
Joaquim Diogenes Maximo da Rosa	José Cardoso de Menezes
Joaquim Felix Conrado	José Cardoso Fontes
Joaquim Francisco de Souza Navarro	José Carlos Mayrink
Joaquim Ignacio da Costa Miranda	José Carneiro Dias Guimarães
Joaquim José da Rocha e Silva	José Christino da Costa Cabral
Joaquim José dos Santos	José da Costa Florim
Joaquim José Gomes da Silva	José da Costa Freire de Freitas
Joaquim José Gonçalves Fontes	José da Silva Arêas
Joaquim José Tavares Filho	José da Silva Muniz de Souza Castellões
Joaquim Marcellino de Brito	José de Almeida Saldanha
Joaquim Mariano Pereira	José de Vasconcellos Menezes de Drummond
Joaquim Marques Lisboa	José dos Santos Bandeira Júnior
Joaquim Martins Garrocho	José Duarte Nunes
Joaquim Pinheiro de Campos	José Ferreira Dias de Miranda
Joaquim Valerio Tavares	José Francisco Bernardes
Joaquim Vicente Torres Homem	José Francisco Frongeth
Joaquim Vieira Xavier de Castro	José Francisco Moreira
Joaquina Adelaide de Verna Bilstein	José Gervasio de Queiroz Carreira
Joaquina Fernandes Capella	José Gomes da Silva
Joaquina Maria da Conceição	José Hermenegildo de Freitas
Joaquina Maria Delfina Guimarães	José Ignacio da Costa Florim
Joaquina Maria Rosa dos Santos	José Ignacio da Silva
Joaquina Rosa de Oliveira e Silva	José Joaquim Basilio
Joaquina Rosa Leal Florim	José Joaquim Carneiro de Campos
John Taylor	José Joaquim da Nóbrega
Jorge Castrioto	José Joaquim da Rocha
Jorge Eugenio de Loscio e Seilbitz	José Joaquim da Silva
Jorge Saturnino da Costa Pereira	José Joaquim de Brito
José Alcibiades Carneiro	José Joaquim de Gouveia
José Alves Pinto Campello	José Joaquim Ferreira
José Antonio Carneiro	José Joaquim Ortigal Barbosa
José Antonio da Fonseca Galvão	José Julio de Barros
José Antonio da Fonseca Lessa	José Leite de Magalhães
José Antonio de Siqueira	José Leite Pereira Campos
José Antonio dos Santos Xavier	José Luiz da Motta
José Antonio Ferreira Guimarães	José Luiz de Freitas
José Antonio Lisboa	José Manoel da Costa Barros Azevedo
José Antonio Velho da Silva	José Manoel Ferreira
José Baptista de Magalhães	José Maria Bontempo
José Baptista Martins de Souza Castellões	José Maria da Silva Bittencourt
José Bento Leite Ferreira de Mello	José Maria da Silva Paranhos
José Bento Vieira	José Maria da Silva Velho
José Bernardo de Figueiredo	José Maria de Mascarenhas
José Caetano de Almeida e Silva	José Maria Dias
José Caetano de Andrade Pinto	José Maria Frederico da Silva Pinto

José Martins de Moraes	Luiz Fortunato de Brito Abreu Souza Menezes
José Martins Penna	Luiz Gonzaga de Moura
José Militão da Rocha	Luiz Gurgel do Amaral
José Paulo de Figuerôa Nabuco de Araújo	Luiz Joaquim de Gouveia
José Pedro Carlos da Fonseca	Luiz Joaquim Nogueira da Gama
José Pedro de Carvalho	Luiz José Alves Jacutinga
José Pereira da Costa Motta	Luiz José de Andrada
José Ribeiro da Silva	Luiz Lobo Botelho de Lacerda
José Ricardo da Costa Aguiar de Andrada	Luiz Manoel de Oliveira
José Rodrigues de Brito	Luiz Nicolau Masson
José Rodrigues do Amorim	Luiz Pereira Sodré
José Saraiva de Carvalho	Luiza Benedita da Cunha Maldonado
José Silveira do Pilar	Luiza de Queiroz Coutinho Mattoso da Camara
José Teixeira de Mendonça	Luiza Margarida de Sá
José Tiburcio Carneiro de Campos	Luiza Maria Pires de Gouveia
José Urbano de Carvalho	Luiza Rosa Carneiro da Costa
José Viriato de Freitas	Luiza Rosa Tavares
José Xavier Ferreira	Maira Pires de Oliveira
Josino do Nascimento Silva	Manoel Alves de Azeredo Sampaio
Julio Frederico Koeller	Manoel Antonio da Fonseca Costa
Justiniano José da Rocha	Manoel Antonio Ferreira de Mendonça
Laurinda Josefa de Oliveira	Manoel Antonio Pinto
Leandro José Penedo de Andrade	Manoel Carneiro de Campos
Leonarda Angélica de Castro	Manoel Correia de Aguiar
Leonor de Oliveira Mascarenhas	Manoel da Cunha Galvão
Leonor Fortunata Pereira de Carvalho	Manoel da Fonseca Lima e Silva
Leopoldina Carolina da C. Rangel	Manoel de Frias Vasconcellos
Leopoldina Isabel de Verna Magalhães Barbosa	Manoel dos Santos Martins Vellasques
Lino José Alves Jacutinga	Manoel Feliciano Pereira de Carvalho
Lizauda Rodozinha dos Passos	Manoel Ferreira da Costa Seara
Lourenço Caetano Pinto	Manoel Francisco Coelho de Oliveira Soares
Lourenço José Ribeiro	Manoel Francisco Damasceno
Lucas Claudemiro Dias Bicalho	Manoel Francisco de Oliveira Coelho
Lucas Thomaz de Aquino	Manoel Gomes dos Santos
Lucidio José Candido Pereira do Lago	Manoel Hygino de Figueiredo
Luiz Alves de Lima	Manoel Ignacio de Carvalho Mendonça
Luiz Antonio da Silva Peixoto	Manoel Joaquim Ferrão
Luiz Antonio de Araújo Lima	Manoel José da Silva Guimarães
Luiz Antonio Ferraz	Manoel José de Castro
Luiz Carlos Coelho da Silva	Manoel José de Oliveira
Luiz Carlos da Costa Lacé	Manoel Maria de Figueiroa Nabuco de Araújo
Luiz Carlos da Fonseca	Manoel Martins Nogueira
Luiz Correia de Azevedo	Manoel Moreira de Castro
Luiz da Costa Barros	Manoel Odorico Mendes
Luiz da Cunha Moreira	Manoel Pedro de Alcântara
Luiz Ferreira de Lemos	Manoel Rodrigues Silva
Luiz Ferreira Louro	Manoel Teixeira Coimbra

Manoel Ximenes de Gouveia Cabral	Mariana Rosa de Souza Monteiro
Marcellino Joaquim Ferreira de Castro	Mariano Antonio Dias
Margarida Serafina dos Santos	Mariano Carlos de Souza Correa
Maria ?aura Rodrigues de Gouveia	Martinho Pedrosa
Maria Adelina	Matheus (or Mathias) de Almeida
Maria Angelica da Silva Pedroso	Matildes Velho da Motta
Maria Augusta de Souza Furtado de Mendonça	Maximiano Antonio de Lemos
Maria Augusta Oliveira Pinto	Miguel de Frias Vasconcellos
Maria Avelina de Mattos Cirme	Miguel Paes Pimenta
Maria Barbosa Lisboa	Narcisa Emília de Andrade Vandelli
Maria Benedita de Castro Canto e Melo	Narciso de Almeida Carvalho
Maria Bernarda de Alvarenga Peixoto	Octaviano Maria da Rosa
Maria Bernardina do Nascimento	Paulino Fernandes de Carvalho
Maria Candida da Conceição	Paulino José Soares de Sousa
Maria Candida Ribeiro da Silva	Pedro Augusto de Monteiro Nabuco
Maria Clara da Costa Motta	Pedro de Araújo Lima
Maria do Carmo Nabuco Freitas	Pedro Luiz Carlos Coelho da Silva
Maria Emilia Carneiro	Pedro Luiz da Cunha
Maria Emilia Lecor	Pedro Maria Romão Colomna
Maria Emilia Tavares Malheiros	Pedro Peixoto de Albuquerque Sandy
Maria Ermelinda de Sampaio	Perpetua Angelica
Maria Feliciano Fontoura de Drummond	Polycarpo José Dias da Cruz
Maria Fortunata de Brito	Polycarpo José Ferreira da Silva Coelho
Maria Francisca dos Santos	Polydora Ludovina Pragana
Maria Francisca Torres	Polydoro da Fonseca Quintanilha Jordão
Maria Gertrudes da Fonseca Silva Lisboa	Porfírio José da Rocha
Maria Henriqueta Neto Carneiro Leme	Poscidonio João de Jesus
Maria Izabel da Cunha Sampaio	Reginado Claro Ribeiro
Maria José da Conceição Araújo	Ricardo Alves Varella
Maria José de Figueiredo Farias	Ricardo José Domingos Ferreira
Maria José de Souza Castro	Rita Candida de Moraes Castro
Maria José Pacheco de Andrade	Rita Candida Xavier de Castro
Maria José Rabello da Silva	Rita Maria Joaquina
Maria Luiza Leonor de Souza	Roberto da Silva dos Santos Pereira
Maria Luiza Pinheiro Freire	Rodrigo Antonio Soares Lima
Maria Magdalena Pamplona de Carvalho	Rosa Maria da Conceição
Maria Polucena	Rosa Thereza de Gouveia
Maria Quiteria Bricio	Saturnino de Souza e Oliveira
Maria Rozaura Rodrigues de Gouveia	Sebastião José Ferreira
Maria Secunda Fernandes	Severiana Roza Martins
Maria Thereza Faschiot	Silvano Antonio Martins
Maria Umbelina N. Motta	Tertuliano C. Alves Quintanilha
Mariana Bonifacia Pacifica da Silva	Theodora Amalia Torres
Mariana Bontempo do Couto	Theodora Francisca da Conceição
Mariana Carlota de Verna Magalhães	Theodora Ludovina Pragana
Mariana de ? e Vasconcellos Drummond	Thereza de Jesus da Silva
Mariana Josefa Mascarenhas	Thereza Fortunata da Silva

Thomaz Gomes dos Santos	Vicente Ferreira de Castro Silva
Thomaz Gonçalves Santos	Victorino Pinto de Sampaio
Thomaz José Pinto de Cerqueira	Violante Luiza da Cunha Vasconcellos
Thomaz Ribeiro Maltez	Virgílio José de Lemos
Thomé Joaquim Torres	Virginia Nunes Mazario
Ursulina Rosa Leite Campos	Wenceslau Cordovil de Siqueira Mello
Valeriano José Pinto	Wenceslau de Oliveira Bello
Venâncio José Lisboa	Source: AN, IJ6 471; IJ6 15; IJ6 16
Vicente Antonio da Costa	

## Appendix 4 – Chronology

Year	Brazil	British Empire	Cuba
1807		Act for the Abolition Slave Trade passed	
1808	Portuguese Crown in Brazil	Sierra Leone Crown Colony	
1809			
1810			
1811			
1812			
1813			
1814			
1815	Abolition treaty with GB	Congress of Vienna	
1816		Slave rebellion in Barbados	
1817	Bilateral convention		Bilateral convention
1818			
1819			
1820			
1821			
1822	Independence		
1823		Slave rebellion in Demerara; Amelioration laws	
1824			
1826	Abolition treaty signed		
1827			
1828			
1829			
1830	Abolition treaty in force (March)		
1831		Jamaica Christmas rebellion	
1832			
1833		Emancipation Act	
1834			
1835	Malê uprising in Bahia		New abolition treaty; Richard Madden superintendent of liberated Africans
1836			
1837			
1838		End of Apprenticeship	
1839	Palmerston Act affects Portuguese slave trade		
1840		African emigration sanctioned	David Turnbull appointed consul in Havana
1841			
1842			
1843			
1844			
1845	Mixed commission closes; Aberdeen Act affects Brazilian slave trade		
1846			
1847			
1848			
1849			

1850	Abolition of the slave trade		
1851			
1852			
1853	Decree for the emancipation of the liberated Africans		
1854			
1855			
1856			
1857			
1858			
1859			
1860	Christie British minister in Rio		
1861			
1862			
1863	British-Brazilian diplomatic relations broken		
1864	Decree for the emancipation of the liberated Africans		
1865	Paraguayan War begins	Jamaican Morant Bay Rebellion	
1866			
1867			End of the slave trade
1868			
1869			
1870	Paraguayan War ends		Moret Law
1871	“Free womb” Law		
1872			
1873			
1874			
1875			
1878			
1879			
1880			
1881			
1882			
1883			
1884			
1885	“Lei dos Sexagenários” emancipates elderly slaves		
1886			Slave emancipation
1887			
1888	Slave emancipation		

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**Table 3: Africans emancipated by the Mixed Commission Court and mortality during the middle passage and during adjudication**

Name of Ship	Date sentence	Region trade	# slaves boarded	# slaves disemb.	# slaves emanc.	Days in the middle passage	Days adjud.	Mortality during the middle passage (%)	Mortality during adjud. (%) of total boarded
Emília	31/07/1821	Bight of Biafra	415	354	352	25	24	14.69	0.48
Camilla	24/02/1832	Bight of Biafra		21	5		85		
Santo Antônio	04/09/1834	Bight of Biafra	160	91	91	-	126	56.87	0
Duquesa de Bragança	21/07/1834	West-central Africa	274	250	238	-	36	8.75	4.37
Rio da Prata	06/02/1835	West-central Africa	550	521	240	-	67	5.27	51.09
Continente	28/07/1835	Africa unspecified	76	62	42	-	51	18.42	52.63
Orion	18/01/1836	West-central Africa	268	245	247	-	29	8.58	0
César	26/05/1838	West-central Africa	260	207	191	-	43	20.38	6.15
Brilhante	25/06/1838	West-central Africa	250	250	225	-	43	0	10
Diligente	10/01/1839	West-central Africa	330	302	202	-	33	8.48	30.30
Feliz	30/01/1839	West-central Africa	242	235	217	-	32	2.89	7.43
Especulador	04/05/1839	West-central Africa	304	278	259	-	31	8.55	6.25
Carolina	16/04/1839	West-central Africa	234	214	210	40	13	8.54	1.70
Ganges	31/05/1839	South-east Africa	514	419	379	-	51	18.48	5.83
Leal	17/06/1839	West-central Africa	398	364	316	-	59	8.54	12.06
Paquete de Benguela	28/09/1840	West-central Africa	306	281	269	27	28	8.16	3.92
Asseiceira	08/03/1841	South-east Africa	332	332	322	-	67	0	3.01

Sources: Eltis et al. *The Transatlantic Slave Trade* [CD-Rom]; AN, cód. 184 vol. 3 and 4.

**Table 6: Sex and Age of Africans emancipated in the 1850s**

Ship	Place Apprehended	Date	Males	Boys	Men	Females	Girls	Women	Total
<b>Rolha</b>	Macaé, RJ	Oct. 1850	<b>117</b>	88	29	<b>95</b>	68	27	<b>212</b>
<b>Jovem Maria</b>	Ilha Grande, RJ	Oct. 1850	<b>233</b>	63	170	<b>57</b>	26	31	<b>290</b>
<b>Tourville</b>	Rio de Janeiro Harbour	Nov. 1850	<b>3</b>	2	1	<b>1</b>	1	0	<b>4</b>
<b>Trenton</b>		Nov. 1850	<b>1</b>		1	<b>0</b>			<b>1</b>
	Marambaia, RJ	Feb. 1851	<b>182</b>	68	114	<b>17</b>	7	10	<b>199</b>
<b>Segundo</b>	Itabapoana, RJ	Apr. 1851	<b>114</b>	90	24	<b>24</b>	12	12	<b>138</b>
			<b>650</b>			<b>194</b>			<b>844</b>

Sources: Jaime Rodrigues, *Infame Comércio*, p. 216; AN, AGM cx. 13.195, 13.196, 13.197.

**Table 10: Socio-Economic Profile of the Hirers of Liberated Africans (mil-réis)**

Hirer	1	2	3	4	5	6	7	8	9	10	11	12	13
José Antonio Carneiro	1848	5000						2000	12754				19754
Domingos Lopes da Silva Araújo	1849							46786	75210				121996
Antônio Soares Pinto	1850								550			130	680
Cipriano José de Almeida	1851								2700			25	2725
José Antônio de Siqueira	1852	1450										92	1542
José Francisco Bernardes	1855	44000		64587	254				7800	4559	9620	4758	71942
Antônio José de Castro	1856							218920	10880			412	230212
Felício Fortes Bustamante e Sá	1856	2500			108			368	5900				9573
José Manuel da Costa Barros e Azevedo	1857	40528							1600	1132		598	43858
Jerônimo Francisco de Freitas Caldas	1857	77800		320049	176432			17475	5350	1449	2964	1246	103320
Genoveva Maria da Conceição	1860								320	19		3	342
Emílio Joaquim da Silva Maia	1860												1942
Bernardo José de Figueiredo	1860	86245							4200		728	1384	98344
Joaquim Mariano Pereira	1861								1400	182		527	5251
Francisco de Paula Brito	1862		1751	11195	2851		6600					411	11562
Leonarda Angélica de Castro	1863								2900				
Virgílio José de Lemos	1865	5000		2580								63	5063
Maria José de Faria	1866												
Vitorino da Silva de Sampaio	1866												
Gustavo Adolfo de Aguiar Pantoja	1867								1200			1503	208460
Chripim José dos Santos Moreira	1867	3500			2650						5445	26	8095
Luís Carlos da Costa Lacé	1869												
Antônio Francisco da Rocha Freire	1869								1300			70	1370
Antônio José Ferreira Braga	1872												17181
Francisco Ribeiro Queiróz	1872	197000			95606				6200	1909	5990		310355
Cristóvão José dos Santos	1873												
Lucídio José Cândido Pereira do Lago	1873	6000							300	200		500	7000
João Pereira de Almeida (Andrade?)	1877												

João Pedro de Almeida	1877												0
Fausta Gertrudes dos Anjos	1879	700								90			790
João Pedro Nunes	1881												
Francisco Lima e Silva	1883					29180							29180
João Salerno Toscano de Almeida	1883	36000			27100	87898				1500			152498

Key: (1) Year; (2) Urban property; (3) Commerce; (4) Active Debts; (5) Passive Debts; (6) Shares and Bonds; (7) Industrial Activities; (8) Rural Property; (9) Slaves; (10) Jewelry and Precious Metals; (11) Currency; (12) Other; (13) Gross Worth

Source: Inventários *post-mortem*, Arquivo Nacional.

**Table 12: Liberated Africans sent to public and non-governmental institutions, and to public works**

Institutions and Stations	Male				Female				Total			
	S	R	D	E	S	R	D	E	S	R	D	E
Arsenal de Guerra	136		25	111	36		1	35	172		26	146
Arsenal de Marinha	123		21	102					123		21	102
Biblioteca Nacional	2			2					2			2
Casa de Correção	204	29	33	142	10	1	1	8	214	30	34	150
Corpo de Permanentes	21	1	7	13					21	1	7	13
Colégio Pedro II	10			10					10			10
Estrada da Estrela	27			27					27			27
Estrada de Mangaratiba	20			20					20			20
Fábrica de Ferro de São João de Ipanema	94	15	9	70					94	15	9	70
Fábrica da Pólvora	74		7	67	26	1	1	24	100	1	8	91
Hospital da Ordem Terceira do Carmo	5	1		4					5	1		4
Obras do Município	65	29	4	32					65	29	4	32
Obras da Província	58	3	1	54					58	3	1	54
Ordem Terc.de S. Francisco da Penitência	5			5					5			5
Província de Minas	40		17	23					40		17	23
Sociedade de Pesca Feliz Lembrança	2			2	3			3	5			5

Key: (S) Sent; (R) Returned; (D) Deceased; (E) Existing

Source: Table attached to Diocleciano do Amaral to Paulino Limpo de Abreu, 3/9/1840, AN, Diversos SDH - cx. 782 pc. 1.

**Table 25: Terms of service of emancipated Africans according to sex and place of work**

Years of Work	Hirers						Institutions					
	M	%	F	%	Total	%	M	%	F	%	Total	%
15 - 19	25	19.2	30	29.1	55	23.6	0	0	0	0	0	0
20 - 24	26	20.0	39	37.9	65	27.9	0	0	2	66.7	2	6.5
25 - 29	69	53.1	28	27.2	97	41.6	26	92.9	1	33.3	27	87.0
30+	10	7.7	6	5.8	16	6.9	2	7.1	0	0	2	6.5
Total	130	100.0	103	100.0	233	100.0	28	100.0	3	100.0	31	100.0

Source: The same as Table 7. Sample of 264 emancipated Africans with known sex, terms of service and places of work.

**Table 26: Liberated Africans' fates according to sex of hirers**

Hirers	Emanc.	%	Deceased	%	Runaway	%	Unknown	%	Jail	%	Total
Male	183	28.9	292	46.2	24	3.8	132	20.9	1	0.1	632
Female	56	40.3	48	34.5	4	2.9	31	22.3	0	0	139
All	239	31.0	340	44.1	28	3.6	163	21.2	1	0.1	771

Source: The same as Table 7. Sample of 771 liberated Africans given to 414 hirers (323 male; 91 female).