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Pathways to Freedom:

Slavery and Emancipation in Nineteenth-Century Ouro Preto, Brazil

A dissertation submitted in partial satisfaction of the  
requirements for the degree Doctor of Philosophy  
in History

by

Nilce Parreira Wicks

2017

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## ABSTRACT OF THE DISSERTATION

Pathways to Freedom

Slavery and Emancipation in Nineteenth-Century Ouro Preto, Brazil

by

Nilce Parreira Wicks

Doctor of Philosophy in History

University of California, Los Angeles, 2017

Professor William R. Summerhill, Chair

This dissertation examines the diverse ways by which slaves in Ouro Preto, the capital of Minas Gerais province, Brazil, during the nineteenth century acquired freedom through manumission, which is the process of going from being a slave to being a free person within a society where slavery is legal, as opposed to obtaining freedom through abolition. Minas Gerais had a large slave and manumitted population, and manumission had been a common practice in the region since colonial times. This dissertation investigates the unique conditions behind this practice as well as the circumstances of its occurrence and the strategies slaves used to achieve freedom before general abolition. Slaves were manumitted in a variety of ways, such as in the last wills of their slave owners and via self-purchase, which the available data shows was in fact the most efficient way to obtain a letter of freedom. Manumitted individuals also appealed to the judiciary to be granted freedom and to fight against attempts of re-enslavement.

This dissertation goes further to examine the exercise of agency by the diverse subjects involved in manumission, including the slaves, the slave owners, lawyers, judges, and local and provincial authorities. The life stories of the enslaved individuals are revealed by the primary sources, even though these are official and private documents often written by the slave owners and local authorities. The slaves' stories reveal an ongoing, active pursuit of freedom, often after a lifetime of compulsory labor.

The dissertation of Nilce Parreira Wicks is approved.

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Kevin B. Terraciano

William R. Summerhill, Committee Chair

University of California, Los Angeles

2017

## **DEDICATION**

For my mother Ruth Rodrigues Parreira,  
You are my inspiration, the light that guides me, my pathway to freedom.

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## CHAPTER 1

### Slavery and Freedom

Brazil was the single largest importing region of enslaved Africans in the Americas. Despite this fact, it did not have the largest slave society. Many scholars have investigated the gradual emancipation process in Brazil that brought this about, and social and demographic historians have noted the myriad ways, including manumission, by which people exited from slavery in Brazil.

Manumission is the process of going from being a slave to being a free person within a society where slavery is legal, as opposed to obtaining freedom through abolition. One reason that Brazil did not have the largest slavery society in the Americas was because manumission was far more common in Brazil than in other slavery societies. Furthermore, I propose that a slave's access to manumission was directly related to his/her access to opportunities for freedom and the ability to pursue them. Pathways to freedom were forged by the individuals' access to resources and ability to acquire and make use of these connections and capabilities.

I argue that there were agencies of slaves, slave owners, and the state in the historical process that led to abolition in Brazil. Scholars have emphasized the roles of these historical agents in the process of manumission. Throughout my dissertation, I examine the correlation between these historical agents and the primary sources investigated. I argue that approaches to agency for these three sets of historical agents are complementary, not mutually exclusive.



I explore similarities and differences in terms of the form as well as the content of the primary sources. Moreover, I analyze the meanings of freedom and slavery, manifested or implied, by the diverse agents of the historical process. I searched for evidence that could guide me in the investigation of their actions as well as the mechanisms and strategies they used in the process of acquiring or opposing manumission, negotiating for gradual emancipation, and ultimately, outlawing slavery.

In support of these proposals, this study explores how slaves obtained freedom in Minas Gerais, Brazil, before the abolition of slavery in 1888. It examines the role of manumission in the freeing of those enslaved based on evidence from Minas Gerais, Brazil's single largest slaveholding province during the nineteenth century.

Most investigations on manumission have focused on the eighteenth century, during and after the gold rush. However, scholars have more recently been paying attention to this practice as it continued into the nineteenth century. My study contributes to this investigation by analyzing the diverse mechanisms of manumission as they evolved and contributed to the developing emancipation process. Specifically, I investigate the diverse mechanisms for exiting slavery and the correlation between access to the mechanisms of manumission and the size of the manumitted population. This is done through a focused study of the practice of manumission in Minas Gerais during the nineteenth century.

### **Historiography on Slavery and Abolition**

Over the years, demographic and economic historians have challenged traditional theses on the approaches to population and economic features of Minas

Gerais' province during the nineteenth century. The traditional historiography points to the economic and demographic deterioration of the province following the downfall of mining production and, therefore, to a substantial migration of slaves from the mining region to the coffee plantations to fulfill labor demands. Studies done by historians changed this initial framework in a variety of ways, through the investigation of new sources as well as the use of diverse theoretical and methodological approaches.

Iraci del Nero da Costa and Francisco Vidal Luna were pioneers in the use of censuses and notarial and parochial sources for the investigation of eighteenth- and nineteenth-century Minas Gerais. The studies developed by these economic historians from the University of São Paulo focused on the demographic and economic features of slavery in Minas Gerais, and they are essential to studies on colonial and provincial Mineiro society.<sup>1</sup>

The publication of *Growing in Silence* by the economic historian from the Federal University of Minas Gerais (*Universidade Federal de Minas Gerais*), Roberto Borges Martins,<sup>2</sup> was a turning point in the studies of province's economy. The author challenged the traditional historiographical patterns at the time, proposing a new approach to the theme. He argued that despite the collapse of mining, Minas Gerais maintained a diversified economy, with a large slave population, that was based not only on producing coffee for export in the southern regions of the province, but also on small and medium agricultural, dairy, and livestock enterprises. Furthermore, he argued

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<sup>1</sup>Iraci del Nero da Costa, *Populações Mineiras; Sobre a Estrutura Populacional de Alguns Núcleos Mineiros no Alvorecer do Século XIX* (São Paulo: Instituto de Pesquisas Econômicas, 1981). Francisco Vidal Luna, Iraci del Nero da Costa, and Herbert S. Klein, *Escravidão em São Paulo e Minas Gerais* (São Paulo: Ed. USP/Imprensa Oficial, 2009).

<sup>2</sup> Roberto Borges Martins, *Growing in Silence: the Slave Economy of Nineteenth-Century Minas Gerais, Brazil* (Vanderbilt: Vanderbilt University, 1980). PhD dissertation.

that a large importation of African slaves occurred to fulfill the labor demand.<sup>3</sup> This argument was challenged by scholars that supported the thesis of a positive natural growth of the slave population in the region.<sup>4</sup> I align myself with this latter approach based on evidence that points to a large majority of Brazilian-born slaves, or creoles, over African slaves. I also found evidence that an internal slave market existed, which challenges to some extent the idea of a loss of the slave population to the coffee production in the southern region of the province.<sup>5</sup>

Slavery was abolished in Brazil on May 13, 1888 by the *Áurea Law*, which brought the country's long and gradual emancipation process to its conclusion. As part of my research, I investigated the diverse scholarly approaches used to discuss the participation of the state, slave, and slave owner in this historical process and how scholars have analyzed the involvement of these agents in the different mechanisms of manumission. Do they overestimate the participation, influence, or the decision-making capability of these historical agents? Does moral justification underestimate or overestimate the political and economic implications of slavery?

Some of the scholars on whom I grounded my investigation are Elciene Azevedo, Tâmis Parron, Sidney Chalhoub, Márcio de Sousa Soares, Andrea Lisly Gonçalves, and Luiz Gustavo Santos Cota. Elciene Azevedo investigated judicial and criminal records, freedom processes (*Ações de Liberdade*), newspapers, periodicals, judges, and the

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<sup>3</sup> Herbert S. Klein, "American Slavery in Recent Brazilian Scholarship, with Emphasis on Quantitative Socio-economic Studies," *Slavery & Abolition: A Journal of Slave and Post-Slave Studies*, vol. 30, no. 1, 2009, p. 114; <http://dx.doi.org/10.1080/01440390802673880>.

<sup>4</sup> Wilson Cano and Francisco Vidal Luna, "A Reprodução Natural de Escravos em Minas Gerais (Século XIX) – uma Hipótese," *Economia Escravista em Minas Gerais, Campinas, Cadernos IFCH-UNICAMP*, no. 10, Oct. 1983, pp. 1–14.

<sup>5</sup> Nilce Rodrigues Parreira, *Comércio de Homens em Ouro Preto no Século XIX* (Curitiba: Universidade Federal do Paraná, 1990). Master's thesis.

presidents' correspondence of São Paulo's province during the nineteenth century. Her book, *O Direito dos Escravos*, focuses on the abolitionist process in São Paulo and on the historical agents' self-perception of their role in slavery and freedom.<sup>6</sup> Furthermore, she emphasizes the role of lawyers, judges, and slaves in the struggle for freedom. Frequently, the slaves achieved their freedom with legal support from these agents and occasionally using unconventional strategies, as in the case of the abolitionist secret society *Caifases* in São Paulo during the last decades of slavery.<sup>7</sup>

Azevedo highlighted the fact that slaves reached out to the judiciary system for protection against punishment and to fight for freedom. Slaves staged assassinations and perpetrated crimes in order to obtain access to the right to appeal for the emperor's grace to be pardoned from their crimes. Also, to have their sentence reduced and avoid life imprisonment.<sup>8</sup> According to Azevedo, the abolitionist lawyers used diverse strategies to help undermine the slave owner's power and the slavery system ideology. Furthermore, they used the law as a weapon against slavery.<sup>9</sup> In addition, Azevedo analyzed the abolitionist laws in their historical context and identified the strategies abolitionist lawyers used in the interpretation of these laws in favor of the slaves' emancipation. According to her, the Paulista abolitionists adopted political strategies and used the press to disseminate abolitionist propaganda. The press was also instrumental in politicizing the movement and attracting the public's attention to and sympathy for the cause of abolition.

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<sup>6</sup> Elciene Azevedo, *O Direito dos Escravos* (Campinas, São Paulo: Editora da Unicamp, 2010).

<sup>7</sup> This secret society encouraged slaves to run away and was active during the radical phase of the abolitionism in São Paulo. For more information on the *Caifases*, see Azevedo, *O Direito*, p. 23.

<sup>8</sup> *Ibid.*, pp. 73–92.

<sup>9</sup> *Ibid.*, pp. 93–94.

In his book *A Política da Escravidão no Império do Brasil, 1826–1865*, Tâmis Parron conducted a diachronic analysis of slavery in Brazil, its social and political dynamics, and the dynamics of the slave trade and slaves' agency.<sup>10</sup> The author investigated the role of the imperial parliament in the expansion and maintenance of slavery during the formation of the Brazilian national state. He argued that slavery and liberalism were not mutually exclusive concepts in the political ideas of the nineteenth century. His research included provincial and parliamentary official documents, newspapers, diplomatic correspondence, and slave owner petitions, among other official sources.<sup>11</sup> Parron highlighted two phases of the “politics of slavery.” The first phase, from 1835 to 1850, was called the slave smuggling politics (*política do contrabando negreiro*) and was characterized by the strengthening of the Conservative Party's social alliances (*regresso*). This policy supported reinforcement of the illegal importation of slaves at systemic levels, and it forged the material support of the Brazilian national state. Furthermore, the contraband was a mix of “economic plan and political party formation” during the implementation of the Brazilian national state. The second phase, from 1850 to 1865, was called the post-contraband era, and it shifted the political focus to the maintenance of slavery's legitimate status. In addition, the author argued that in both phases the Brazilian parliament focused on creating conditions for the expansion and maintenance of slavery “as the means of developing the national state economically.”<sup>12</sup>

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<sup>10</sup> Tâmis Parron, *A Política da Escravidão no Império do Brasil, 1826–1865* (Rio de Janeiro: Civilização Brasileira, 2011) p. 17.

<sup>11</sup> *Ibid.*, p. 17.

<sup>12</sup> *Ibid.*, p. 19.

On November 7, 1831, the Brazilian regency enacted the *Lei Feijó*.<sup>13</sup> This law declared that all slaves arriving in the Brazilian territory were free, but it did not apply to slaves working on ships coming from countries where slavery was allowed. It also determined punishment and fees for people involved in the slave trade. This law of 1831 was enacted under British pressure to eliminate the slave trade. However, it was initially ignored by authorities, politicians, and slave owners. Parron argued that the Brazilian parliament created mechanisms to protect and to warrant the continuation of the trade and replacement of slave labor.<sup>14</sup> Parliamentary politics of the first half of the nineteenth century focused on establishing an independent and sovereign state. Therefore, British pressure to end the African slave trade was seen as disrespectful and a challenge to Brazilian sovereignty.

The law of 1831 has been analyzed by historians as an ineffectual law (*lei para inglês ver*) because it was not enforced. However, this interpretation has recently changed as Parron emphasized that nineteenth-century macro politics was characterized by a learning process of the limits of the executive and legislative branches, and in this respect, it was to some extent a successful exercise of their limits.<sup>15</sup>

Parron's work has been instrumental to the understanding of the formation of a Brazilian national state under slavery as well as the analysis of the legislation on the

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<sup>13</sup> *Coleção de Leis do Império do Brasil*, vol. 1, pt I, , 1831, p. 182 (Publicação Original); [http://www2.camara.leg.br/legin/fed/lei\\_sn/1824-1899/lei-37659-7-novembro-1831-564776-publicacaooriginal-88704-pl.html](http://www2.camara.leg.br/legin/fed/lei_sn/1824-1899/lei-37659-7-novembro-1831-564776-publicacaooriginal-88704-pl.html) (searched 03-23-17).

<sup>14</sup> *Ibid.*, pp. 244–246.

<sup>15</sup> *Ibid.*, p. 85.

slave trade and gradual emancipation in Brazil. Thus, it contributes to the study of the occurrence of, or circumstances by which, slaves exited captivity in Brazil.

Scholars like Azevedo and Chalhoub have also emphasized the role of the law of 1831 for the abolitionist movement during the 1870s and 1880s. Slaves and their lawyers made use of the law as an instrument to fight for freedom against illegal enslavement of Africans imported after 1831. According to Azevedo, approximately 760,000 Africans were imported after the enactment of the law.<sup>16</sup> Azevedo explored the action of Paulista abolitionists, emphasizing their strategic interpretation of this law in favor of individuals illegally kept in captivity. Scholarly studies on the law of 1831 highlight that politicians disregarded it, resisting British pressure to end African slave trade.<sup>17</sup> Brazilian politicians reinforced the contraband slave trade and holding of slaves. Nevertheless, in São Paulo this law was one of the strongest instruments utilized by abolitionists to grant manumission during the last decades of slavery.

On September 4, 1850, the Brazilian parliament enacted the law Eusébio de Queiroz forbidding the importation of African slaves to Brazil. The Brazilian Navy was responsible for the apprehension of ships involved in the trade and for the punishment

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<sup>16</sup> Azevedo, *O Direito*, p. 102.

<sup>17</sup> Paulista refers to the province that is now the state of São Paulo.

of transgressors.<sup>18</sup> A few years after the law's enactment, the international slave trade ceased.<sup>19</sup>

In 1871 the Brazilian parliament enacted the Rio Branco Law (Law 2040), also known as the Free Birth Law or Free Womb Law, under which all children born to slave mothers were considered free. This law also legitimized the practice of slaves using savings (*pecúlio*) to buy their freedoms and established compulsory manumission, as slave owners were obligated to manumit slaves who had enough money to pay for their own freedom. In addition, the law created a monetary fund to promote manumission. The money for the fund would come from lotteries, donations, and the proceeds of slave labor, and it was to be distributed among the provinces according to their slave populations.<sup>20</sup>

Márcio de Sousa Soares<sup>21</sup> analyzed the abolitionist legislation in Brazil and argued that manumission was, in the end, a donation of the slave owner, at least until 1871. This approach emphasizes, above all, the slave owner's agency in the abolitionism process. The Free Womb Law enacted on September 20, 1871, granted the right to manumission to slaves who could pay for their freedom, creating the

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<sup>18</sup> According to this law, the importation of slaves became a piracy crime, punishable by law. It established the penalties for importers as well as for anyone involved with the trade, including those helping to hide the trade and conspiring to obstruct the apprehension of transgressors. Articles 5, 6, and 8 refer to the apprehension and destination of the ship load as well as to the prosecution and punishment in case of noncompliance with the law. Lei n. 581, Sept. 4, 1850; [http://planalto.gov.br/ccivil\\_03/Leis/LIM/LIM581.htm](http://planalto.gov.br/ccivil_03/Leis/LIM/LIM581.htm).

<sup>19</sup> For an analysis of the law, refer to Eliardo França Teles Filho, "Eusébio de Queiroz e o Direito: um discurso sobre a Lei n. 581 de e de setembro de 1850," *Revista Jurídica*, Brasília, vol.7, no. 76, Dec. 2005 to Jan.2006, p. 52-6.

<sup>20</sup> For an analysis of the application of the Free Birth Law by the abolitionists in São Paulo, see Azevedo, *O Direito*, pp. 98–119. Lei n. 2,040, Sept. 28, 1871; [http://www.planalto.gov.br/CCIVIL\\_03/LEIS/LIM/LIM22040.htm](http://www.planalto.gov.br/CCIVIL_03/LEIS/LIM/LIM22040.htm).

<sup>21</sup> Márcio de Sousa Soares, *A remissão do Cativo: a dádiva da alforria e o governo dos escravos nos Campos dos Goitacases, c. 1750–c. 1830* (Rio de Janeiro: Apicuri, 2009).



compulsory manumission, as previously stated. Therefore, it established the state's right to intercede in the slave owners' private property rights.

I support the argument posed by Elciene Azevedo and highlighted by Sidney Chaloub that the law of 1871 legalized the long-standing and customary practice among slaves to use savings to buy their freedom.<sup>22</sup> This identifies and acknowledges the slave's agency in the process. Conversely, Soares argued that even the possibility of accumulating savings depended on the slave owner allowing the slave to work and save.<sup>23</sup> I argue that slaves negotiated the right to work overtime to save money with the intention of purchasing freedom, thus exercising agency. I tend to agree with Soares, however, that the practice of accumulating savings was not generalized when we take into consideration the specifics of slave labor and life in nineteenth-century Brazil.<sup>24</sup>

The Sexagenarian Law of 1885 regulated the gradual emancipation and manumitted slaves aged 60 years and older. It refers to a special census (*matricula*) of these slaves created by the law of 1871. Furthermore, the Sexagenarian Law established the criteria for emancipation and for reimbursement of the slave's price by the state.<sup>25</sup> Related to this line of research, I investigated the current debates on productive slave age groups. How do the age groups vary when we compare agriculture and urban labor? To what extent was the law used as a strategy to get rid of old and/or ill slaves? Eduardo França Paiva argued for a reevaluation of the concept of productive

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<sup>22</sup> Azevedo, *O Direito*, p. 98; Chaloub, *Visões*, p. 132.

<sup>23</sup> Soares, *A remissão do Cativo*, pp. 176–178.

<sup>24</sup> *Ibid.*, p. 176.

<sup>25</sup> [www.planalto.gov.br](http://www.planalto.gov.br). Portal da Legislação/Leis do Império. Lei dos Sexagenários.

age groups based on his identification of older slaves working in mines in Sabará, Minas Gerais, during the eighteenth century.<sup>26</sup>

## **Methodology**

The framework of my dissertation has an interdisciplinary foundation that incorporates demography, social history, and cultural history. As I analyzed the primary sources and wrote each chapter, I used methods and techniques from demographic history and statistics to explore and analyze the series of variables from these documents. The results of this investigation support the analysis of the information based on scholars' production on manumission. Moreover, I analyzed the legislation on the emancipation process and, more importantly, the scholarly debates and current writings on abolition in Brazil.

The slave society is characterized by the intrinsic struggle between slaves and slave owners and by the agency of the diverse subjects of the historical process. Despite this constant condition of struggle, the slaves were able to develop mechanisms and strategies of distinction, which facilitated some social mobility within their group. Occupation was one of the most important variables in the determination of the price of slaves. "Slaves with specific skills, such as masons, carpenters, [and] miners" were sold for higher prices.<sup>27</sup> Skilled slaves were also more likely to have the opportunity to perform extra work, in addition to their obligations with their owners, and thus accumulate enough money to purchase freedom.

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<sup>26</sup> Eduardo França Paiva, *Escavidão e Universo Cultural na Colônia; Minas Gerais, 1716–1789* (Belo Horizonte, Minas Gerais: Editora UFMG, 2001).

<sup>27</sup> Nilce Rodrigues Parreira, *Comércio de Homens em Ouro Preto no Século XIX* (Curitiba: Universidade Federal do Paraná, 1990), p. 336.

Another important means of social mobility for slaves was through the acquisition of social connections. The slaves developed webs of solidarity around them that included free, poor individuals and even in some cases slave owners. According to Cacilda Machado, the practice of god parenthood helped slaves establish extended social networks, both within and outside slave groups, and even between slaves and masters. Additionally, ties of god parenthood was a mechanism of distinction between slaves and masters as “scholars found few cases of *compadrio* of slaves with their masters.”<sup>28</sup> These webs of solidarity were built by establishing family ties and friendships and choosing godparents for their children, and they helped the slaves in their struggle for survival.<sup>29</sup> Through these webs, they created mechanisms and strategies to endure the power struggle with their masters and increase the possibility of better living conditions for their descendants.

Marriage offered another strategy for social improvement. Machado investigated the social hierarchy of Brazilian slavery society and analyzed parochial records of marriage for the slave population of the village of São José dos Pinhais, in Brazil, from mid-1700 to the 1830s. She commented on the mixed marriages involving slaves and free individuals, arguing that they allowed slaves to establish social alliances outside of slavery and a “factor of differentiation within the slave group.”<sup>30</sup> As an example, when a

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<sup>28</sup> My italic. *Compadrio* is the Portuguese word that designates ties of god parenthood. Cacilda Machado, *A Trama das Vontades; negros, pardos e brancos na construção da hierarquia social do Brasil escravista* (Rio de Janeiro: Apicuri, 2008), p. 175.

<sup>29</sup> Carlos Engemann, *De Laços e de Nós* (Rio de Janeiro: Apicuri, 2008), pp. 163–179.

<sup>30</sup> Cacilda Machado, *A Trama das Vontades; Negros, Pardos e Brancos na Construção da Hierarquia Social do Brasil Escravista* (Rio de Janeiro: Apicuri, 2008), p. 150.

male slave married a free woman, their offspring were born free.<sup>31</sup> Moreover, the sources investigated include examples of spouses who contributed financially to manumit their partners. Also, slaves married free individuals to facilitate their classification for emancipation by the Emancipation Fund, as I examine more fully in Chapter 5.

The logistics of the slave system made it almost impossible for slaves to access formal cultural benefits. Slaves were sold in groups or individually, which could result in the separation of slave families. Also, they had no access to formal schooling, which resulted in the majority being illiterate. Thus, they were denied access to two major opportunities for social advancement: family inheritance and access to education.<sup>32</sup> Few slaves or former slaves managed to distinguish themselves within their group or within society.

One exception was Luiz Gama, a former slave and self-taught lawyer (*rábula*) who practiced law in São Paulo during the 1870s. Through his practice, he learned how to make use of the common law and the judiciary system to promote the manumission of slaves and to free Africans imported after the law of 1831. Furthermore, he used the press to condemn slavery and to denounce irregularities in processes involving manumission. He established connections with other abolitionists and renowned

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<sup>31</sup> Machado, *A Trama*, p. 150.

<sup>32</sup> Pierre Bourdieu, *Distinction: A Social Critique of the Judgement of Taste* (Cambridge, Massachusetts: Harvard University Press, 1984), pp. 99–125.

politicians.<sup>33</sup> Thus, his story is an example of using knowledge and social networks to promote manumission.

Historian Luiz Gustavo Santos Cota used a variety of primary sources, such as provincial and imperial legislation, abolitionist newspapers, and judicial and criminal processes of freedom to investigate the abolitionist campaign in Mariana and Ouro Preto during the last two decades of slavery in Brazil. He wrote many articles as well as his master's and PhD dissertations on the theme. He unraveled a complex, dynamic, and heterogenic abolitionist campaign that counted on the active participation of teachers of the Liceu Mineiro and professors of the schools of pharmacy and mineralogy in Ouro Preto.

From the elite saloons, the theater, and exclusive parties, the abolitionist movement disseminated to schools, and in its intense last years, on the eve of abolition, it reached the streets of Ouro Preto and gained popular support. Ouro Preto became a center that attracted and hosted runaway slaves who came from the countryside and neighboring villages seeking support from abolitionists and from the judiciary system in their fight for freedom.<sup>34</sup>

Cota identified five abolitionist societies and at least four abolitionist professors and 10 students who funded or participated in these associations and created three abolitionist newspapers to disseminate abolitionist rhetoric. According to Cota, these

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<sup>33</sup> For further information on the life of Luiz Gama and his role on the abolitionist movement in São Paulo, refer to Elciene Azevedo, *O Direito dos Escravos*, mainly chaps. 2 and 3, "Para Além dos Tribunais" and "Legalistas e Radicais," pp. 93–221.

<sup>34</sup> Luiz Gustavo Santos Cota, "A Liberdade Entre o Salão e a Rua: Festas e Abolicionismo em Minas Gerais nos Últimos Anos da Escravidão," *Simpósio Escravidão e Mestiçagens, Niterói, 2010* (São Paulo: Annablume, 2011), pp. 253–282.

channels of dissemination reveal a complex movement and diverse approaches and strategies used to promote abolition. Moreover, he emphasized the lack of consensus when it came to gradual versus immediate abolition, as well as regarding issues such as the transition to free labor and the indemnity of slave owners. In addition, he argued that the Mineiro abolitionist campaign was informed of the latest parliamentary debates and the abolitionist rhetoric from the monarchic capital of Rio de Janeiro. Yet, in Minas Gerais the campaign had its own regional undertones, revealed in the articles and personal position statements published in local newspapers by politicians, reporters, and lawyers in favor or against abolition.<sup>35</sup>

In addition, Cota examined the active participation of lawyers who defended and hosted the slaves as well as those that aligned themselves with slave owners and antiabolitionist ideology. Although some of these were active supporters and sympathizers of the cause, others were less rooted, switching affiliations to and from slaves and slaveholders.<sup>36</sup> Also, the rhetorical approach adopted by lawyers generally followed the Portuguese tradition of the University of Coimbra, where many sons of the Brazilian elite studied and received their law degrees.<sup>37</sup>

Cota's investigation of the abolitionist campaign is a hallmark for the understanding of the movement in Minas Gerais. Moreover, he used some of the

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<sup>35</sup> Cota, "A 'Punjante Mocidade': Estudantes, Professores e Movimento Abolicionista em Ouro Preto na Última Década da Escravidão," II Encontro Memorial do ICHS/UFOP: Nossas Letras na História da Educação, 2009, Mariana. *Anais eletrônicos do II Encontro Memorial do ICHS/UFOP: Nossas Letras na História da Educação*, 2009, pp. 1–12.

<sup>36</sup> Cota, "Um Direito Sagrado - Os advogados de Mariana e sua Atuação nas Ações de Liberdade (1871–1888)," XXIII Simpósio Nacional de História - História: Guerra e Paz, 2005, Londrina - PR. *Anais eletrônicos do XXIII Simpósio Nacional de História - História: Guerra e Paz*, 2005, pp. 1–10.

<sup>37</sup> *Ibid.*, p. 6.

sources I examined when researching material for Chapter 5 on the judiciary and criminal lawsuits on freedom. He focused on the abolitionist campaign, whereas I focus on the primary sources as instruments and strategies used to achieve manumission before general abolition.

Regarding the press, Cota first examined its role as an instrument of dissemination of abolitionist propaganda and rhetoric. He second looked at abolitionists' strategic use of the press as an instrument, as a weapon to achieve abolition.<sup>38</sup> Cota highlighted the heterogenic character of the press and the lack of a coherent abolitionist project.<sup>39</sup>

When analyzing Mariana lawyers' advocacy on freedom actions, Cota distinguished between emancipationists and abolitionists. According to him, emancipationists favored a gradual and slow transition from slave to free labor, within legal procedures, in an effort to preserve social order and respect property rights. Thus, they sought to protect slave owners' political and financial interests. Conversely, abolitionists preached immediate liberation, without indemnity to slaveholders. Moreover, the latter approach encouraged and protected runaway slaves.<sup>40</sup>

According to Cota, the abolitionist campaign reached the streets with participation of the local population and slaves. In January 1888, slaves participated in a

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<sup>38</sup> Cota, "Abolicionismos e Imprensa na Corte e em Ouro Preto na Última Década da Escravidão, 1880–1888," *Temporalidades, Revista Discente do Programa de Pós-Graduação em História da Universidade Federal de Minas Gerais*, vol. 2, no. 1, April/July 2010, pp. 42–49. ISSN:1984-6150; [www.fafich.ufmg.br/temporalidades](http://www.fafich.ufmg.br/temporalidades).

<sup>39</sup> Cota, "Entre amantes da ordem e candidatos a revolucionários: escravidão, liberdade e abolicionismos na imprensa mineira da última década da escravidão," I Seminário Caminhos da Abolição e do Pós-Abolição, 2010, Niterói. *Anais eletrônicos do I Seminário Caminhos da Abolição e do Pós-Abolição*, 2010, pp. 288–301.

<sup>40</sup> Cota, *Um Direito*, p. 1.

celebration in which the Bishop of Mariana encouraged the manumission of slaves. After the event, a group of slaves ran away to Ouro Preto, which had become (in twenty-first-century terminology) a sort of “sanctuary city,” or a place of hope for runaway slaves.<sup>41</sup> Concerned about losing slave labor because of increased escapes some slave owners opted for manumitting their slaves conditionally.<sup>42</sup> Most likely, these slaves had to continue providing compulsory labor or resort to self-purchase.

## Sources

The primary sources I investigated provide data for quantitative and qualitative investigation. I explored the variables regarding slaves and slave owners in letters of manumission, last wills, and the lists of slaves classified for manumission by the Emancipation Fund.

The sources show evidence of the customary practice of manumission throughout the nineteenth century by slave owners and by slaves through self-purchase. This finding proves that the Free Womb Law of 1871, by allowing slaves to save money with the purpose of manumission, was not introducing a new regulation, but simply legalizing an existing practice. Moreover, I found evidence of manumission of slaves as a result of the imperial legislation prohibiting the slave trade as well as the legislation that promoted gradual emancipation.

My study comprehensively considers diverse pathways to freedom using many types of sources. Also, I emphasized the historical agents involved with manumission

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<sup>41</sup> Cota, *A Liberdade*, pp. 278–282.

<sup>42</sup> *Ibid.*, p. 281.



including the state, slaves, slaveholders, judges, lawyers, and other local and provincial authorities. I identified and analyzed the characteristics, similarities, and differences between these primary sources and highlighted the specifics of each while looking for commonality, divergence, and possible lacunae.

Manumission was promoted by private and public entities, and it was the product of customary practice, legislative initiative in judiciary processes, and ecclesiastical records. These diverse sources cross borders and establish a kind of dialogue or exchange among the diverse branches of government, the ecclesiastic, and the public and private spheres. They show the juxtaposition between customs and laws, and they highlight the debates, contradictions, and paradoxes of slavery. Also, they shed light on ordinary life in nineteenth-century Brazilian slavery society.

My dissertation has an introductory chapter, four body chapters, and a conclusion. Each of the body chapters focuses on one main primary source and is supplemented by provincial and imperial laws. Additional supports included debates and procedures involving slavery, manumission, and gradual emancipation, such as official correspondence of provincial authorities, documents of the Ministry of Agriculture regarding slaves (*Elemento Servil*), and reports of the presidents of Minas Gerais province.

The Mineiro Public Archive (*Arquivo Público Mineiro*) in Belo Horizonte contains manuscripts and printed sources that were instrumental for my study of the mechanisms of manumission. Among the collections of this archive, I investigated provincial and imperial documents (*SG – Secretaria de Governo, SP – Secretaria da Província, and MA – Ministério da Agricultura*), correspondences of authorities and presidents of the

province, and correspondences regarding and lists of slaves classified for emancipation by the fund. Among the printed sources, I explored *Falas do Trono, Posturas Municipais* (municipal legislation), imperial and provincial laws, and almanacs (*almanaques*). I also researched a few newspapers at the Municipal Archive of Curitiba, Paraná state, where I searched for information on the distribution of quotas by the Emancipation Fund.

Chapter 2 examines the slaves classified for manumission by the Emancipation Fund created by the Free Womb Law. I found partial lists of classification at the Mineiro Public Archive in Belo Horizonte, but the main source of information on the fund came from a book of classified slaves housed at the Public Archive of Ouro Preto, Brazil.

The Emancipation Fund was created as a mechanism to raise money to promote manumission. This law established the criteria and priorities for manumission, which began with the division of candidates into two large groups: families and individuals. In the family group, manumission was given according to the following priorities: first, slaves married to free people; second, couples owned by different masters; third, couples who had children eight years old or younger; fourth, couples with children younger than 21 years; fifth, couples with enslaved minors (*filhos menores escravos*); sixth, single or widowed mothers with children younger than 21 years old; and seventh, couples without young children or without children. Thus, the law favored slaves married to free people, slaves of diverse owners, and slaves with children (in that order) over slaves without children.

Among individuals, the law first favored mothers, single or widowed, with children; second, widowed fathers with free children; and finally, single slaves from 12

to 50 years of age. Within this last group, the youngest females and the oldest males had priority for manumission.

These priorities were to be followed strictly, but the local authorities encountered difficulties enforcing the law. The documentation investigated contain many cases in which slaves used various strategies to try to benefit from the law.

Slaves who had accumulated savings had priority for emancipation. According to Leila Grinberg, paying for manumission was expensive, and she emphasized the importance of saving money as a strategy employed by slaves to purchase their way out of captivity. She highlighted the ways an individual had to save and accumulate savings, including the local emancipation funds, funds organized by brotherhoods, abolitionist and beneficent societies, and associations of slaves and free people. Furthermore, she emphasized that, despite freedom being the slaves' greatest expectation in life, it was not accessible to all.<sup>43</sup>

The lists of classification for emancipation are rich with information for the study of the slave population. They provide information on occupation, gender, the composition of slave families, and prices for manumission. The lists also reserved space for observations that often contains information regarding family members, for classification purposes, and slaves' savings.

Chapter 2 also discusses the overestimation of prices denounced by contemporary authorities. Furthermore, I compared the recorded prices of slaves with prices in the sales deeds of slaves for nineteenth-century Minas Gerais. Also, I investigated questions and issues regarding priority for manumission and explored the

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<sup>43</sup> Keila Grinberg. "A Poupança: Alternativas para a Compra da Alforria no Brasil" (2a. Metade do Século XIX), *Revista de Indias*, vol. LXXI, no. 251, 2011, pp. 137–158, ISSN: 0034-8341; doi:10.3989/revindias.2011.006

possibility of identifying cases in which the slaves resorted to marriage to gain priority for classification.

The Reports of the Ministry of Agriculture, the *Falás* and reports of the president of Minas Gerais province, and correspondences of provincial authorities contain complementary information regarding the classification and distribution of quotas. According to these sources, seven quotas were distributed between 1876 and 1886, with the purpose of manumitting slaves in Brazil. These sources expose issues, such as the organization of councils responsible for classifying slaves to be manumitted according to the Free Womb Law of 1871. Moreover, they indicate the distribution of quotas for emancipation, through the Emancipation Fund created by this law. The slave's agency in this process can be detected in these official documents as they include petitions from slaves requesting that they be considered for classification for manumission by the fund. Also, the documents highlight issues concerning the priorities established by law for classification for emancipation.

Chapter 3 focuses on letters of freedom, which were private documents registered at the notaries. As stated by Alessandra Caetano Gomes, it was to the slaves' advantage to register this document with notaries as a validation of their condition.<sup>44</sup>

According to Andrea Lisly Gonçalves, there were no rules and regulations in the practice of conceding letters of manumission inherited from Portugal. Gonçalves highlighted the dialectical character of manumissions, implying a political action of slaves and manumitted, and a resistance by slave owners against this action.

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<sup>44</sup> Alessandra Caetano Gomes, *Em Busca da Liberdade: as Alforrias em Duas Regiões do Sudeste Escravista, 1825—1888* (São Paulo: Universidade de São Paulo, 2008), p. 95. Master's thesis.

Furthermore, she argued that the practice of manumission was not a factor of economic fluctuation at macro or local levels, nor a result of internal political circumstances or international pressure against slavery. It was the result of a complex relationship between slaves and their owners. For Gonçalves, this connection was part of the “clientelistic politics of imperial Brazil. Moreover, the lack of stable norms favored the prevalence of hierarchically defined private arrangements.”<sup>45</sup>

These letters of freedom offer quantitative and qualitative data on slavery. I examined the quantitative data using the demographic history methodology. I collected 1,547 letters of freedom registered in the notaries in Ouro Preto from 1800 to 1888 that represent a rough estimate of the total manumissions. Nevertheless, the data clearly points to a larger number of manumissions when compared to the approximately 1,300 bills of slave sales for the same region and period.<sup>46</sup>

Letters of freedom could be free of charge or onerous. Moreover, they could be conditional or unconditional. The majority (65%) of the letters of freedom analyzed for the period from 1881 to 1888 (during the last years of slavery) were free of charge. However, some authors argue that even when slaves were manumitted for free and unconditionally, their former owners expected respect, obedience, and fidelity from them.

The manumission could be paid by the slaves using their savings, or it could be paid by third parties. Some individuals donated money for freedom; others loaned the

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<sup>45</sup> Andrea Lisly Gonçalves, *As Margens da Liberdade; Estudo Sobre a Prática de Alforrias em Minas Colonial e Provincial* (Belo Horizonte: Editora Fino Traço, 2011), pp. 265–266. My translation.

<sup>46</sup> For information on bills of sale and slave trade in nineteenth-century Minas Gerais, see Nilce Rodrigues Parreira, *Comércio de Homens em Ouro Preto no Século XIX* (Curitiba, Paraná: Universidade Federal do Paraná, 1990). Master's thesis.

money, which was to be paid in cash or in service for a pre-established period. In other cases, slaves were manumitted by family members and friends. Also, the amount due to the slave owner could be donated by supporters or by abolitionist associations. The amount to be paid was established by the owner and could be overestimated to hinder manumission, thereby making it harder, if not impossible for the individual to exercise self-purchase.

The reasons and conditions for manumission provide a glimpse into everyday lives and relationships under slavery. Slaves were manumitted for various reasons, including to celebrate special occasions or events such as anniversaries and birthdays. In one case, a slave received his letter of manumission in commemoration of the election of his owner's brother to deputy.<sup>47</sup> Thus, the reasons and conditions for manumission also allude to the agency of slaves and slave owners.

Chapter 4 examines last wills. I collected all those that included manumissions for the period of 1850–1888.<sup>48</sup> These documents belong to the collection of wills housed by the Archive of Casa do Pilar. I collected 105 wills and selected 88 from 1850 to 1888. To supplement the declarations of manumission stated in the wills, I searched for letters of freedom for these slaves. Some of these letters of freedom were reproduced in the wills. To find the letters of freedom not included in the wills, I identified the slaves by their owners' names and other evidence in these documents and then cross-checked this data with information collected for Chapter 3. Also, I searched the wills for comments, recommendations, conditions, and concerns voiced by the owners regarding

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<sup>47</sup> *Livro que Registra as Escrituras do Segundo Tabelião Gabriel de Oliveira Santos, Juiz de Direito. Pedro Feu de Carvalho, Segundo Tabelião.* Ouro Preto, Aug. 8, 1855, to Oct. 20, 1887, p. 27.

<sup>48</sup> *Quartação* was the process of self-purchase in installments.

the slaves being manumitted. In addition, I examined evidence of the slaves' agency in these documents.

Chapter 5 investigates criminal processes involving litigation for freedom (*Ações de Liberdade*), deposit for freedom (*Ações de Depósito para Liberdade*), and maintenance of freedom (*Manutenção de Liberdade*). Due to their nature as judicial processes, these sources provide a glimpse into the strategies used and difficulties faced by slaves attempting to achieve or maintain freedom. They also provide evidence of resources free and manumitted people used to avoid illegal captivity. Some of the cases include slaves' requests to be included in the classification for manumission by the Emancipation Fund.<sup>49</sup>

Slaves and their representatives (lawyers) initiated these judicial processes. Through their action, the judiciary became a stage of negotiation for slaves, slave owners, and the state. The resulting documentation illustrates the strategies used by these historical subjects in the process of manumission. By establishing compulsory manumission, the Free Womb Law of 1871 legitimized the slave's right to use savings to purchase freedom. If an owner refused to accept the money established through price evaluation or by arbitration, the slave could appeal to the judiciary.<sup>50</sup>

The judicial processes are one of the primary sources that allow scholars to investigate slaves' everyday lives, customs, and beliefs. What did they consider a just, reasonable, and acceptable punishment, and what were their feelings regarding being sold? When the judiciary accepted the slaves' rights to complain about injustice or fight

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<sup>49</sup> Regarding differences between the concept of *Ação de Liberdade* and *Manutenção de Liberdade*, refer to Azevedo, *O Direito*, p. 191.

<sup>50</sup> Law of 1871.

for freedom, were slaves being compared to or considered in the same category as free individuals?

The slaves and their representatives allude to many reasons and justifications for their requests to be granted freedom. Chalhoub analyzed these processes for Rio de Janeiro and identified reasons posed by slaves and their lawyers to justify their appeal. According to him, the slaves understood the limits and expectations of their condition. They were aware of what was considered a just, reasonable, and tolerable workload, punishment, and treatment by owners as well as by overseers. Furthermore, he argued that slaves expressed their wills in cases of sales. Chalhoub mentioned the strategies slaves used to demonstrate dissatisfaction and disagreement when being sold to “bad” masters and when being separated from their friends and families. In this last circumstance, they would often run away, injure, or kill their owners and overseers.<sup>51</sup>

Luiz Gustavo Santos Cota studied the abolitionist process in Ouro Preto and Mariana, Minas Gerais, from 1871 to 1888. According to him, the processes requesting freedom increased after 1871, with 42% of the cases concentrated between 1886 and 1888.<sup>52</sup> I investigated 23 processes, and I found a few cases of Africans who were imported after the law of 1831, such as the slave Joaquim, Africano.<sup>53</sup>

Judicial processes of maintenance of freedom related to cases in which supposedly free individuals were being illegally kept in captivity. This resource was used

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<sup>51</sup> Chalhoub conducted case studies based on judiciary processes and identified many cases of slaves' exercising agency when struggling for manumission. Chalhoub, *Visões*.

<sup>52</sup> Luiz Gustavo Santos Cot., *O Sagrado Direito da Liberdade: Escravidão, Liberdade e Abolicionismo em Ouro Preto e Mariana (1871–1888)*. (Juiz de Fora, Universidade Federal de Juiz de Fora, 2007), p. 172. Master's thesis.

<sup>53</sup> Processo Criminal - Ação de Liberdade – Joaquim Africano, Cachoeira do Campo, 1886, vol. 1120 [photos 5928–5930].



widely by lawyers, judges, abolitionists, and sympathizers of the slave's cause in their attempts to obtain freedom for people illegally enslaved. According to Elciene Azevedo, this procedure was used by abolitionists in São Paulo during the 1870s and 1880s and was based on investigations of Africans that arrived in Brazil after the prohibition of the slave trade in 1831.<sup>54</sup>

In conclusion, Minas Gerais had both a large slave and manumitted population during the nineteenth century. This study focuses on the investigation of the diverse mechanisms used by slaves to attain freedom as well as on the participation of the state and slave owners in this process. At the beginning of my project, I argued that slaves were neither victims, nor heroes, but agents of their historical process and I tried to avoid extreme approaches that would lead me to dichotomies such as agency versus resistance. As my investigation progressed, I reexamined my initial expectations and arguments as demonstrated throughout my dissertation.

As part of celebrations of the centennial of abolition in Brazil in 1988, a large number of scholarly productions on slavery have been published. Chalhoub stressed that this inflated historical production was in reality not a progressive version of slave studies, but just new writings of the old.<sup>55</sup> Since then, the studies on slavery have evolved significantly in Brazil and elsewhere. Although the classic and well-grounded studies persist as sources of reference and support, new approaches and methods have enriched this field of study.

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<sup>54</sup> Azevedo, *O Direito*, pp. 184–196.

<sup>55</sup> Chalhoub named this increased scholarly production as “o bonde centenário da abolição.” Chalhoub, *Visões*, pp. 317–318.

To date, many more published works and PhD dissertations have explored Brazilian slavery society from a variety of perspectives. These studies have investigated new kinds of primary sources and reassessed old ones using new methodological approaches and themes. The large incidence of manumission since colonial times adds to the specifics of this slavery society. Abolition and manumission are some of the themes being further analyzed by scholars of Brazilian slavery. My PhD dissertation contributes to these studies by focusing on the manumission process in nineteenth-century Minas Gerais.

## CHAPTER 2

### Promises of Manumission by the State

The practice of manumission was a tradition in the Brazilian province of Minas Gerais beginning in colonial times. However, scholars have emphasized that its occurrence accelerated in the late eighteenth century as a result of the conditions created by the gold rush, the establishment of an urban society, and mining activities.<sup>1</sup> At the dawn of the nineteenth century, Minas Gerais had the largest slave and freed populations in Brazil. The Ministry of Agriculture reports document thousands of slaves being manumitted in the province, by diverse means, after the ratification of the Free Womb Law of 1871.<sup>2</sup> Moreover, the Ministry of Agriculture figures show that there was an astonishing increase in the number of manumissions as the abolition of slavery approached.<sup>3</sup>

My PhD dissertation focuses on the diverse means employed by the slaves to acquire manumission in Minas Gerais during the second half of the nineteenth century. The primary sources investigated to analyze these mechanisms include letters of manumission, wills, and documentation that records manumissions promoted by the Emancipation Fund established in 1871 and court petitions for freedom. I investigate the

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<sup>1</sup> For further investigation on the practice of manumission in Minas Gerais, see Eduardo França Paiva, *Escravos e Libertos nas Minas Gerais do Século XVIII; Estratégias de Resistência Através dos Testamentos* (São Paulo: Annablume, 1995); Gonçalves, *As Margens*, pp. 109–160.

<sup>2</sup> BRASIL. Ministério da Agricultura, Ministro Manoel Buarque de Macedo. Relatório do Anno de 1879 Apresentado á Assembléa Geral Legislativa da 3a. Sessão da 17a. Legislatura. (Publicado em 1880). Inclui Anexos, p. 20.

<sup>3</sup> BRASIL. Ministério da Agricultura, Ministro Rodrigo Augusto da Silva. Relatório do Anno de 1887 apresentado á Assembléa Geral Legislativa na 3a. Sessão da 20a. Legislatura. (Publicado em 1888). Inclui Anexos, p. 25.

specifics behind each of these ways of exiting slavery, with regard to their efficacy and efficiency in promoting manumission, as well as the roles played by the slaves, slave owners, and the state in the process.

This chapter focuses on one of these mechanisms: the Emancipation Fund. On September 28, 1871, the Brazilian parliament enacted the Free Womb Law, which included the creation of the Emancipation Fund. The parliamentary debates surrounding this law revealed the division of interests in favor of and against slavery, even within the leading conservative party. One of the major concerns regarding the law's approval and implementation focused on the risks it placed on private and public property rights. Also, there was concern that it would result in the disruption, or even collapse, of the labor system and agricultural production. Moreover, there were fears of an increase in social disorder and possibly a slave rebellion.

Historiographic debates on the Free Womb Law discuss the efficacy and efficiency of its implementation within the context of gradual emancipation in Brazil. Contemporary scholars have attempted to look beyond the facts and numbers, beyond the statistical results derived from the law's implementation, to highlight the human side of the story. This is accomplished by considering the quantitative data and qualitative analysis in the studies on slavery and abolition and then enriching them with an exploration of additional primary sources, such as the correspondence between national and local authorities, and those that document judicial and criminal processes.

By 1877, six years had passed since the enactment of the Free Womb Law that mandated the creation of the Emancipation Fund. Emancipation Councils, tasked with administering the fund, had developed to the point that they were functioning in a more

or less orderly manner, despite all the challenges they faced (which I discuss in detail later in this chapter). Provincial authorities, as well as the Ministry of Agriculture, recognized that the council members and even the slave owners were making efforts to comply with the law and promote manumission. However, they also denounced the slave owners' unwillingness to disclose information about their slaves. Moreover, the council members showed little interest in the work, which involved unpaid duties, above and beyond their regular obligations. (I also detail the council members' responsibilities later in this chapter.) Thus, a tension existed between discourse and practice—between the apparent order and functionality of an emergent nation state and the incongruities within the changing postcolonial society—that I intend to investigate further as I develop the other chapters of this dissertation and explore the primary sources. As the councils attempted to classify slaves for manumission, they faced numerous difficulties, and council members considered the task to be insane and impossible to accomplish.

On April 30, 1877, the lawyer Egydio Antonio do Espirito Santo Saragaço, who was the curator ad hoc for the slave Sebastiana and her five minor children, appealed to the president of the Minas Gerais province on behalf of his client.<sup>4</sup> The Emancipation Council of the City of Mariana had not included Sebastiana and her children in the list of slaves classified for emancipation. For this and other cases like it, Saragaço had previously tried all the appropriate procedures in vain. He had contacted the Judge of Orphans and asked for a certification of the classification list to prove his client's priority for emancipation, but Mariana's council had not provided the requested document. Therefore, Saragaço appealed to the provincial president and took the opportunity to

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<sup>4</sup> *Correspondência Recebida pela Presidência da Província Referente ao Elemento Servil* - SG 152, 1877, [pp. 145–147]. Many of the manuscript books examined lacked page numbers. I added page numbers in brackets to help locate information.

denounce irregularities in the council's composition as well as its modus operandi. He furthermore questioned the council members' abilities to execute their duties with impartiality, as they were all related to each other. He also accused the public prosecutor of promoting his own interests by classifying one of his slaves and another belonging to his grandmother. In addition, Sebastiana's lawyer drew attention to irregularities in the council's work that resulted from misunderstanding and misinterpreting the law. First, he argued that the Emancipation Council did not have the authority to schedule the period for its operation; rather, this was the privilege of the provincial president. Second, the council could not function because one or more of its members had conflicting motives. According to Saragaço, the public prosecutor was a relative of the tax collector and therefore was incapable of executing his public obligations without prejudice. Also, substitution of one of the council's members should follow the procedures specified by law.<sup>5</sup> Third, neither the council, nor the slave owner, could determine the price of indemnification or the priorities for classification. The council should rely on the Free Womb Law and its regulations to resolve questions on classification and indemnity.<sup>6</sup> Fourth, individuals such as the prosecutor's slave could not be preferred over families for classification, and Saragaço affirmed the existence of hundreds of families waiting for manumission in Mariana. All of this suggests that the council members were acting in their own self-interest, without regard for the law, in giving individuals priority for classification. Finally, according to the law, published classification results needed to contain all the information required and could not be simplified, providing only the names of slaves and their masters. In this stipulation,

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<sup>5</sup> Decreto 5135, Nov. 13, 1872, artigos 28 e 29. Portal da Câmara dos Deputados.

<sup>6</sup> Ibid., artigos 27, 40 e 41.

Saragaço was likely referring to the priorities for classification and the characteristics of the slave, which was information he would need to justify his claim that Sebastiana had priority over other slaves that had been included on the list instead of her. A few days later, on May 17, 1877, the president responded to Saragaço's appeal, stating that the questions he had posed should be resolved by the Judge of Orphans.<sup>7</sup>

In August 1877, the judge for Mariana's Municipal and Orphans sent a list of 22 individuals emancipated by the fund to Provincial President João Capistrano Bandeira de Mello. According to the judge, they were young, healthy, and well-behaved, and he further praises the patriotism of their owners and the dedication of the Emancipation Council.<sup>8</sup> There is no further mention of Sebastiana's case in the records.

Sebastiana's case suggests that because she lived in Mariana, an urban center neighboring the provincial capital, Ouro Preto, she probably had better access to information regarding the political changes and social pressure toward emancipation than others in more rural areas. Thus, she able to use the available resources to try to acquire freedom for herself and her children. It is also important to recognize her lawyer's strategy when appealing on her behalf. First, he tried to discredit the legitimacy of the Emancipation Council, and then he condemned its operations and its misinterpretation of the law. In doing so, he tried to establish grounds for defending his client's right to prioritization for manumission. Unfortunately, there is no other information on Sebastiana's case and no reference to her financial situation or occupation that could help us understand her living conditions or how she contacted her lawyer. Nevertheless, Sebastiana's case is proof that slaves and free people had

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<sup>7</sup> SG 152, 1877, [p. 148].

<sup>8</sup> SG 152, 1877, [p. 263].

access to information on ways to use the law in their favor, with the purpose of exiting slavery.

According to Robert Conrad, “pro-slavery theoreticians” and opponents of the Free Womb Law, criticized its interference with property rights. Some of them compared the ownership of slaves to that of animals and plants and argued that the owner’s should have the right to keep their slaves’ offspring. Therefore, naturalization of the slave condition led to justification of the right to exploit the slave’s labor. (citation?) Politicians also questioned the disposition of the law with regard to the upbringing of *ingênuo*, or the freeborn children of a slave woman. They argued that the law did not favor either the slave owner or the *ingênuo* because of the costs and inconvenience of rearing and educating a minor until the age of eight. At that age, the master could either receive indemnification of 600 milréis or exploit the minor’s labor until the age of 21. As an example, in September 1877, Francisco Firmino da Rocha, a resident of the Uberaba municipality, appealed to the provincial president to receive indemnity for an *ingênuo*, the two-year-old daughter of his slave Antonia who had been manumitted by the Emancipation Fund.<sup>9</sup> There is no final decision on this appeal, but according to the law, the slave owner was required to raise the child until she was eight years old before petitioning for indemnity. The mother had been manumitted, and her former owner was likely trying to secure his share of the child’s value before letting her go with the freed mother. A few years later another slave owner, Joaquim Lourenço da Costa Lage,

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<sup>9</sup> SG 152, 1877, [p. 213].



claimed his right to indemnity for abdicating the labor of the minor Jacintha, the daughter of his slave Guilhermina who had also been manumitted by the fund.<sup>10</sup>

These two cases are examples of the strategies adopted by diverse historical subjects in the process of manumission. The two slave mothers had probably received priority for classification, either because they belonged to a slave family or because they were single mothers with *ingênuo* children<sup>11</sup>. Both were granted manumission. Their owners demonstrated their knowledge of the legislation by petitioning the right to indemnity granted by law and by giving up the right to exploit the labor of the minors.<sup>12</sup> However, in the first case, the slave owner Francisco tried to take advantage of the law under circumstances that did not apply to his property because Antonia's child was only two years old. He had to wait six more years to request indemnity.

According to the Ministry of Agriculture, few *ingênuos* were handed over to be raised and educated by the state. In 1879, the first children of a slave women manumitted by the Free Womb Law became eight years old. The ministerial report of 1881 reported that only 52 *ingênuos*, born in Brazil since the law was enacted, had been handed over to the state. No children were handed over in 1871, 41 in 1880, and 11 in 1881. Four of those *ingênuos* were from Minas Gerais.<sup>13</sup> A second ministerial report in 1881 stated that a total of 58 *ingênuos* had been placed under the state's responsibility, of which five were from Minas Gerais. Private individuals were given

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<sup>10</sup> SG 155, 1883, [p. 150].

<sup>11</sup> *Ingênuo* was the free child of a slave mother.

<sup>12</sup> Decreto 5135, de 13 de Novembro de 1872, artigos 10 a 14. Portal da Câmara dos Deputados.

<sup>13</sup> BRASIL. Ministério da Agricultura, Ministro José Antonio Saraiva. Relatório do Anno de 1881 apresentado á Assembléa Geral Legislativa na 1a. Sessão da 18a. Legislatura. (Publicado em 1882). Inclui Anexos, p. 7.

custody of these minors, and the Judge of Orphans were tasked with providing for the *ingênuos*' education.<sup>14</sup> The number of minors entrusted to the state did not increase for the duration of slavery in Brazil. In 1882, only one of the 37 children recorded was from Minas Gerais. In the following year, one of 18 minors was from the same province, and in 1884, only five *ingênuos* born in Brazil were handed over to the state, three of which were from Minas Gerais.<sup>15</sup>

The ministerial report of the same year indicates few slave owners opted to receive indemnity for the labor of freeborn children of their slaves. However, this does highlight an increasing number of minors that followed their manumitted mothers.<sup>16</sup> The statistics on freeborn children of slave women in Brazil until June 1885 show a total of 439,831 individuals; 104,600 (24%) of that number were born in Minas Gerais. According to the same records, 1,393 of the province's *ingênuos* were handed over to their freed mothers. Thus, if the minors were not handed over to the state, and only about 1% of them followed their freed mothers, the majority of them likely remained in the custody of the mother's master.<sup>17</sup> According to the statistics on slaves manumitted by the Emancipation Fund through 1886, only 30,014 were freed in Brazil, of which

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<sup>14</sup> BRASIL. Ministério da Agricultura, Ministro Manoel Alves de Araujo. Relatório do Anno de 1881 apresentado á Assembléa Geral Legislativa na 2a. Sessão da 18a. Legislatura. (Publicado em 1882). Inclui Anexos, p. 9.

<sup>15</sup> BRASIL. Ministério da Agricultura, Ministro Henrique Francisco d'Avila. Relatório do Anno de 1882 apresentado á Assembléa Geral Legislativa na 3a. Sessão da 18a. Legislatura. (Publicado em 1883). Inclui Anexos, p. 6. Ibid., Ministro Affonso Augusto Moreira Penna, 1883, p. 184. Ibid., Ministro João Ferreira de Moura, 1884, p. 375.

<sup>16</sup> BRASIL. Ministério da Agricultura, Ministro João Ferreira de Moura. Relatório do Anno de 1884 apresentado á Assembléa Geral Legislativa na 1a. Sessão da 19a. Legislatura. (Publicado em 1885). Inclui Anexos, p. 375.

<sup>17</sup> BRASIL. Ministério da Agricultura, Ministro Antonio da Silva Prado. Relatório do Anno de 1885 apresentado á Assembléa Geral Legislativa na 1a. Sessão da 20a. Legislatura. (Publicado em 1886). Inclui Anexos, p. 36.

5,088 were in the province of Minas Gerais.<sup>18</sup> The ministerial report of 1886 does not mention *ingênuos*, but in the following year, a few months before general abolition, the Ministry of Agriculture reported that an astonishing number of slaves were being manumitted via private initiative, and it affirmed that slave owners were giving up the right to exploit the *ingênuos*' labor.<sup>19</sup>

Opponents of the Free Womb Law predicted increasing abandonment of and death among *ingênuos*, attributing it to the masters' lack of financial incentive to keep them and exploit their labor.<sup>20</sup> For instance, an article published in the newspaper *Diário de Minas* on June 14, 1877, denounced the abandonment of *ingênuos* in the municipality of Conceição do Serro. The article refers to two cases. In the first case, a slave dealer abandoned two children of a slave named Maria who were approximately three and four years old and a five-month-old baby. In the second case, the buyer João Casimiro Drumond abandoned six or eight *ingênuos*, and only one of them survived. The secretary of the provincial president requested that the municipal judge explain these cases.<sup>21</sup> Both cases refer to the sales of slaves and raise questions about how often similar situations could have occurred. Although there is no further evidence of generalized abandonment of *ingênuos* in the province, it is possible that slave traders got rid of unproductive slaves.

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<sup>18</sup> BRASIL. Ministério da Agricultura, Ministro Rodrigo Augusto da Silva. Relatório do Anno de 1886 apresentado á Assembléa Geral Legislativa na 2a. Sessão da 20a. Legislatura. (Publicado em 1887). Inclui Anexos, p. 42.

<sup>19</sup> BRASIL. Ministério da Agricultura, Ministro Rodrigo Augusto da Silva. Relatório do Anno de 1887 apresentado á Assembléa Geral Legislativa na 3a. Sessão da 20a. Legislatura. (Publicado em 1888). Inclui Anexos, p. 25.

<sup>20</sup> Conrad, *The Destruction of Brazilian Slavery*, p. 69.

<sup>21</sup> SG 152, 1877, [p. 213].

Opponents of the bill also questioned the status of the freeborn slaves and warned of the potential problems that could arise from their unstable and unclear social condition, wandering between slave and free status. Although they were no longer slaves, these people lacked basic rights and privileges granted to the free population. In addition, the opponents of the law feared insubordination, disobedience, risks to private property, and the disruption of the labor system and agriculture production. Furthermore, they were concerned with the potential negative repercussions to public and private revenue, which relied heavily on slave labor.<sup>22</sup>

Abandoned, neglected, or abused *ingênuos* would be given to associations authorized by the state to raise and educate them. These associations were allowed to use their labor or to rent them. However, they were also obligated to accumulate savings for the *ingênuos* and place them under the care of a tutor.<sup>23</sup>

In June 1877, the president of the Minas Gerais province requested information from the Judge of Orphans and municipal judges on the welfare of the freeborn children of slave women. He inquired into the existence of institutions committed to the safekeeping of the *ingênuos*. He also questioned whether there were individuals in the municipalities interested in dedicating their efforts to the creation of such institutions.<sup>24</sup> The correspondences between provincial authorities does not indicate whether there were responses to these requests. However, that is not surprising considering the small number of *ingênuos* entrusted to the state. However, the report of the Ministry of

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<sup>22</sup> Conrad, *The Destruction of Brazilian Slavery*, pp. 69–71.

<sup>23</sup> Lei n. 2040, Sept. 28 1871, artigo 2; [www.soleis.adv.br](http://www.soleis.adv.br). Decreto 5135 de 13 de Novembro de 1872, artigo 6, Portal da Câmara dos Deputados; <http://www2.camara.leg.br>.

<sup>24</sup> SG 1156, 1877, [p. 104].

Agriculture of 1879 denounces the lack of success in implementing the institutions to raise and educate the free children of slave women. Subsequent reports, again, emphasized the small number of minors handed over to the state. In 1881, a report states that these minors had been entrusted to private individuals, and in the following year, the Ministry of Agriculture stressed that it was not necessary to create institutions to raise and educate these minors because there were so few of them.<sup>25</sup>

Maria Aparecida C.R. Papali investigated the tutelage of *ingênuos* in the City of Taubaté in the São Paulos province. She analyzed the Free Womb Law and concluded there were ambiguities in the law, which incorporated elements of positive law and customary law, in terms of the tutelage of *ingênuos* by their mothers' owners<sup>26</sup>. On the one hand, the law diminished the slave owner's moral authority by liberating the slave mother's offspring and legalizing self-purchase, but on the other hand, it subjected the *ingênuos* to the slave owner's authority.<sup>27</sup> The second article of the law gave the slave owner the right to choose between handing the *ingênuo* over to the state at the age of eight or using his/her labor until the *ingênuo* was 21 years old. Thus, the inconsistency of the law weakened the social condition of the *ingênuo*. Slave owners took advantage of legal gaps to alienate the minors from their mothers and use their labor even after

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<sup>25</sup> BRASIL. Ministério da Agricultura, Ministro Manoel Buarque de Macedo. Relatório do Anno de 1889 apresentado á Assembléa Geral Legislativa na 3a. Sessão da 17a. Legislatura. (Publicado em 1880). Inclui Anexos, p. 16. Ibid., Ministro José Antonio Saraiva, 1a. Sessão da 18a. Legislatura. (Publicado em 1882), p. 7. Ibid., Ministro Manoel Alves de Araujo, 2a. Sessão da 18a. Legislatura. (Publicado em 1882), p. 9. Ibid., Ministro Henrique Francisco d'Avila, 3a. Sessão da 18a. Legislatura. (Publicado em 1883), p. 7.

<sup>26</sup> According to the Merriam-Webster online dictionary, positive law is the "law established or recognized by governmental authority," and customary law refers to a law "based on or established by custom." Search performed on 04-09-2017.

<sup>27</sup> Maria Aparecida C.R. Papali. A Legislação de 1871, o Judiciário e a Tutela de Ingênuos na Cidade de Taubaté. p. 5; [https://www.tjrs.jus.br/export/poder\\_judiciario/historia/memorial\\_do\\_poder\\_judiciario/memorial\\_judiciario\\_gaucha/revista\\_justica\\_e\\_historia/issn\\_1676-5834/v2n3/doc/09-Papali.pdf](https://www.tjrs.jus.br/export/poder_judiciario/historia/memorial_do_poder_judiciario/memorial_judiciario_gaucha/revista_justica_e_historia/issn_1676-5834/v2n3/doc/09-Papali.pdf).

general abolition. According to Papali, former slaves also faced another problem: how to liberate their children and relatives from the former slave owners.<sup>28</sup>

Conversely, in 1887 the Ministry of Agriculture praised the generosity of the slave owners who were manumitting their slaves and giving up their rights to the *ingênuo's* labor.<sup>29</sup> Regional studies on the tutelage of *ingênuos* could shed more light on this subject.

Supporters of the bill argued that it was the best option for an orderly transition to free labor and the protection of private property rights through indemnification of the slave owner. The law was presented as a reasonable solution to the nation's economic and social unrest, an instrument in the gradual elimination of slavery and an orderly transition to free labor. Regarding to the status of the *ingênuos*, the promoters of the law emphasized that it closely controlled these individuals, who had been raised under complete subjugation, only accustomed to agricultural labor, raised by their mothers, and tied to the land. The law would thus secure the next generation of rural workers.<sup>30</sup>

The Free Womb Law legitimized the slaves' rights to accumulate savings by donation, inheritance, and labor. The practice of accumulating savings was a common strategy used for self-purchase as well as to free family members. The law also specified how these savings were to be distributed in event of a slave's death.<sup>31</sup> Furthermore, the law freed slaves that belonged to the state as well as abandoned and

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<sup>28</sup> Papali, *A Legislação de 1871*, p. 17.

<sup>29</sup> BRASIL. Ministério da Agricultura, Ministro Rodrigo Augusto da Silva. Relatório do Anno de 1887 apresentado á Assembléa Geral Legislativa na 3a. Sessão da 20a. Legislatura. (Publicado em 1888). Inclui Anexos, p. 25.

<sup>30</sup> Conrad, *The Destruction of Brazilian Slavery*, pp. 72–74.

<sup>31</sup> Lei 2040, Sept. 28, 1871, artigo 4º.

abused slaves. These slaves were under the government's control and needed to either find work on their own or work for the state for five years<sup>32</sup>.

The Freeborn Law created a census (*matricula especial*) of the slave population that collected their names, sex, marital state, aptitude for work, and parentage. In its 80th article the law established the timetable for the census' publication and enforcement and determined fines and penalties for slave owners, authorities, and priests who failed to comply with their obligations under the law. Priests were obligated to announce the beginning of the census during the mass and were required to keep a book that registered the freeborn children of slave mothers.<sup>33</sup>

In the first few years after the enactment of the Free Womb Law, numerous slave owners requested a pardon for their failure to register their slaves within the period established by the law. The most recurrent petitions also included failures to register freeborn children of slave women and failures to report the sales of slaves and inherited slaves. Moreover, there were cases of failure to record the transfer of ownership of slaves and the inclusion of freeborn child in the list of slaves classified for manumission by the Emancipation Fund.<sup>34</sup> The slaveholders had to prove that the delay, or failure to matriculate, was due to circumstances beyond their control. As an example, in 1873 the inspector of the Provincial Treasure (*Thesouraria de Fazenda Provincial*) submitted a request from Major Alexandre Rocha de Oliveira to the provincial president. The major had delayed the registration of the *ingênuos* Saturnino and Francelino, who were children of his slaves Josefa and Nicacia. According to the inspector, the petitioner was

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<sup>32</sup> Ibid., artigo 6º, ¶ 5º.

<sup>33</sup> Lei 2040, Sept. 28, 1871. SG 150, 1871–1875, [p. 16].

<sup>34</sup> SG 150, 1871–1875, [pp. 93, 136, 137, 163].

80 years old and was not in good health. Furthermore, he lived on a farm far from the municipality. Therefore, he was not aware of the nation's laws and, based on these circumstances, deserved clemency. That same inspector, however, also received information from the tax collector of the municipality of Piranga, where the petitioner resided, that notifications had been distributed regarding the law in the local church, public places, and newspapers. The tax collector did corroborate the major's health condition and age.<sup>35</sup>

In another example, André Avelino Lopes submitted a petition to be pardoned of the fee, imposed by the tax collector of Mariana, for failure to register the *ingênuo* Francisco, the son of his slave Germana, on time. André was a muleteer, so his occupation necessitated that he travel away from home for months. Thus, he was absent when the child was born. Also, the petitioner was single and had no one to represent his interest while he was away. The inspector of the Provincial Treasury accepted his justification and presented the case for deliberation by the provincial president.<sup>36</sup>

In November 1872, a decree was published that regulated the implementation of the Free Womb Law. In its 10 chapters and 102 articles, the decree detailed the scope of the law and its major requirements. Regarding the *ingênuos*, the decree established the priests' obligation to declare their dates of birth. Failure to do so resulted in a RS 100\$000 fee, unless the mistake was rectified.<sup>37</sup> They also were required to pay for the

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<sup>35</sup> SG 151, [p. 74].

<sup>36</sup> SG 151, 1873, [p. 76].

<sup>37</sup> Decreto 5135, Nov. 13, 1872, artigos 3 e 4. The currency at the time was the mil-réis written 1\$000. One thousand mil-réis was a conto written 1:000\$000. The primary and secondary sources examined use



validation stamps in these books.<sup>38</sup> Furthermore, the decree determined the conditions for and limitations on the use of the *ingênuos*' labor by their mother's master and established how to proceed in case of the mother's manumission, death, or purchase by another master.<sup>39</sup>

In January 1873, the tax inspector (*promotor fiscal*) of the Provincial Treasury received a query from a priest in the Patrocínio neighborhood regarding the obligation to register these children. The priest questioned the constitutionality of the law that forced slave owners to baptize the *ingênuos*, considering that it might conflict with religious freedoms. The promotor fiscal reasoned that the law was protecting the rights of these children.<sup>40</sup> Another priest requested that he be exonerated from paying for the stamps, arguing a lack of financial resources to do so. In June 1873, Messias Marques Affonso, vicar of Santa Barbara's municipality, argued that he barely had the resources to survive and thus could not afford to pay the required stamps for the books to register birth and death of *ingênuos*. By the end of the same month, a response from the provincial government simply reinforced the priest's obligation to pay for such stamps.<sup>41</sup>

The second chapter of the decree focuses on the funding of the Emancipation Fund. The fund would be created from six annual lotteries, donations, taxes on slave sales, and unspecified fees. The proceeds would be divided annually among the

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the symbol RS either before or after the amount thus, RS 1\$000 or 1\$000 rs. I will use it before the amount.

<sup>38</sup> Lei n. 2040, Sept. 28, 1871, artigo 8, parágrafo 5.

<sup>39</sup> Decreto 5135, Nov. 13, 1872, artigos 9 e 20.

<sup>40</sup> SG 151, 1873, [pp. 12–14].

<sup>41</sup> SG 150, 1871–1875, [p. 49]. SG 151, 1873, [p. 55].

provinces based on their slave populations, conforming to the statistics organized by a decree in December 1871.<sup>42</sup>

The Emancipation Councils were to identify who should be manumitted based on the following criteria. Families had priority over individuals, and those who had personal savings were preferred for classification. Among the families, couples of different owners, couples with *ingênuos* and children under eight years old, couples with free children younger than 21 years old, mothers with minors, and couples without children were prioritized in that order. Among individuals, parents of free children had priority. For female slaves between 12 and 50 years of age, the youngest had priority, whereas among the male slaves of the same age group, the oldest were to be emancipated first.<sup>43</sup>

The decree regulated the creation of the Emancipation Councils (*Juntas de Emancipação*). Also, it established who should replace its members in case of absence or an inability to work. The councils consisted of local authorities, the president of the Municipal Chamber, the public prosecutor, and the tax collector. Therefore, members were generally from influential families that had economic and political power, which made it difficult to create unbiased councils and avoid conflicts of interest. The president of the Municipal Chamber also held the position of president of the Emancipation Council.

In one case, the municipality of Santa Barbara did not have a public prosecutor, so the Latin teacher was nominated for that position on the Emancipation Council. The teacher refused to accept the incumbency, arguing incompatibility. The provincial

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<sup>42</sup> Decreto 4835, Jan. 1, 1871.

<sup>43</sup> Decreto 5135, Nov. 13, 1872, artigo 27.

government's counterargument was that there was a lack of skilled individual to fill the position; thus, the teacher was expected to hold both positions, and a refusal to do so would incur the fee established by law.<sup>44</sup>

In a similar case around the same time, August 1875, a teacher was nominated to the Emancipation Council of the municipality of Itabira. In that case, the teacher was released from the fee and the obligation to work on the council, as the Public Education local authority (*Delegado da Instrução Publica do Município*) had requested.<sup>45</sup> The document does not elaborate on the reasons for this request. However, it is possible that the teacher took advantage of ties with local authorities and requested to be released from the obligation of working as a council member.

Also in August 1875, a letter from the provincial government addressed to the president of the Municipal Chamber of Bomfim stated that he could not serve as president of the Emancipation Council. The president was the brother of the local public prosecutor, and thus he was unfit to hold the position due to a conflict of interest.<sup>46</sup>

The decree also mandated that the Emancipation Council should meet annually on the first Sunday of July and gather information from the slave owners, public employees, and those responsible for the census. Unwillingness to comply resulted in fees and even imprisonment.<sup>47</sup> The list of slaves classified for manumission was to be

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<sup>44</sup> Decreto 5135, Nov. 13, 1872, artigo 96. SG 150, 1871–1875, [p. 161].

<sup>45</sup> SG 150, 1871–1875, [pp. 161, 162].

<sup>46</sup> SG 150, 1871–1875, [p. 162].

<sup>47</sup> Decreto 5135, Nov. 13, 1872, artigo 96.

posted on the door of the churches, and copies were sent to the Judge of Orphans and to the provincial president.<sup>48</sup>

The price of indemnity to the owner of the classified slave was decided by arbitration, and the decree established how to proceed in cases of disagreement.<sup>49</sup> The Judge of Orphans declared the emancipation of the slaves according to the law and its regulations and provided letters of manumission in conformance with the classification. Any remaining funds from one distribution was to be added to the following distribution in order to benefit as many slaves as possible.

Furthermore, the decree established the formation of the savings, which was to be kept by the slave owner, the fiscal stations (*estações fiscais*), banks, or the State Savings Bank (*Caixa Econômica*). Moreover, it determined how the savings were to be distributed in the event of the slave's death. In addition, a slave who presented savings in the amount of his/her evaluation price should be granted freedom.<sup>50</sup>

Keila Grinberg investigated the importance of savings as one of the strategies slaves used to purchase manumission in Rio de Janeiro during the second half of the nineteenth century. She emphasized the diverse strategies slaves utilized to save money for manumission, such as participating in informal institutions created by slaves to save money and requesting the help of beneficent societies and brotherhoods. Furthermore, she highlighted the increase in deposits made by slaves at the *Caixa Econômica* after the Free Womb Law passed in 1871. According to Grinberg, manumission was expensive, and years of savings may not have been sufficient to

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<sup>48</sup> Ibid., artigo 33.

<sup>49</sup> Ibid., artigo 56, ¶ 1.

<sup>50</sup> Ibid., artigo 56, ¶ 1.

secure the amount necessary for self-purchase. Nevertheless, it was safer to keep the money at the *Caixa Econômica* because of the difficulties and possible tensions related to keeping it at home or under the guard of slaveholders.<sup>51</sup>

In January 1883, the president of Minas Gerais province addressed the Emancipation Councils regarding the enforcement of the Ministry of Agriculture's order that same month. This order was intended to prevent abuses in the classification of slaves for emancipation, including simulation of savings, to obtain priority for manumission, and overvaluation for indemnity.<sup>52</sup> The ministry emphasized the importance of savings and the slave's morality as reasons for prioritization for manumission, although the councils were expected to respect and enforce the classification established by law. Moreover, slaves who had savings would have priority only within their specific class (family or individuals). The order mandated that 6% interest should be added to the savings or to the fund distributed to the municipality.<sup>53</sup>

In another communication from August of the same year, the provincial president addressed the Judge of Orphans and recommended the deposit of slave's savings at the fiscal station to ensure that they would benefit from the interest.<sup>54</sup>

The 1872 decree outlined the functions of associations overseeing the upbringing and education of *ingênuos* and the creation of such institutions where they did not exist. The Ministry of Agriculture commented on the small number of *ingênuos* handed over to

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<sup>51</sup> Keila Grinberg. "A Poupança: Alternativas para a Compra da Alforria no Brasil (2a. Metade do Século XIX)." *Revista de Índias*, 2011, vol. LXXI, no. 251, pp. 137–158.

<sup>52</sup> The slaves or their owners lied about the existence of savings to gain priority on the classification for manumission by the fund.

<sup>53</sup> SG 155, 1883, [p. 39]. Palácio da Presidência da Província de Minas Gerais, Ouro Preto, Jan. 26, 1883.

<sup>54</sup> SG 155, 1883, [p. 226].

the state and the few institutions that had been created to raise and educate them.<sup>55</sup>

Furthermore, it provided guidance on the processes of freedom and the implementation of the slaves' census (*Matricula Especial de Escravos*). Finally, it dealt with fees and penalties applied in the event of noncompliance with the law.<sup>56</sup>

Provincial and municipal authorities faced many problems when they attempted to enforce the law, and Minas Gerais was no different. The difficulties varied from the creation to the functioning of the local councils, as discussed by Conrad.<sup>57</sup> For instance, some municipalities did not have a public prosecutor or a tax collector. Also, many councils did not receive books and stationary to facilitate the classification work. Additionally, many of the slave owners were unwilling to cooperate, and council members had little incentive because they did not receive financial compensation for their work.

Implementation of the 1871 Free Womb Law raised many doubts and questions from both the councils and the slave owners. Most resulted from a lack of understanding with regard to the law, delays in the distribution of funds, and insufficient resources to compensate the slave owners, which aggravated the situation. Additionally, provincial authorities denounced the overvaluation of slave prices. All these issues are well-documented in the collections of correspondence between the authorities. For example, in 1875 the council of the Santa Barbara municipality was having difficulty proceeding with the classification of slaves to be manumitted by the Emancipation Fund because a

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<sup>55</sup> SG 150, 1871–1875, [p. 6]. The provincial government sent to the municipalities a request of information regarding the existence of associations for education of *ingênuos*.

<sup>56</sup> Decreto 5135, Nov. 13, 1872, artigos 87, 88.

<sup>57</sup> Conrad, *The Destruction of Brazilian Slavery*, p. 76.

majority of the slave owners refused to provide information on their slaves. In response to a council request, the president of the province provided them with guidance on how to proceed. The president advised them to give the slave owners a reasonable amount of time to provide information and, if they still refused, to apply the sanctions specified by law.<sup>58</sup>

According to the specifications of the Free Womb Law, in addition to the general national distribution of funds, the provincial and local funds for manumission should come from revenues, taxes, and fees on slave transactions and resources allocated for this purpose by the provinces and municipalities. Furthermore, the distributions were to occur annually. However, only seven distributions occurred between the time the law was enacted and abolition in 1888 (nearly 20 years).

The date of distribution for the national funds did not coincide with the allotments at the provincial and municipal level due to difficulties in implementing the law and delays in the classification of slaves and arbitrage of slave prices. Moreover, the available primary sources offer conflicting information on the amount of money allocated, the number of slaves manumitted, and statistics on the slave population. In analyzing these cases, I chose to follow the data from the Ministry of Agriculture for Minas Gerais and Ouro Preto, and I augmented it with information from the speeches of the provincial presidents (*Falas dos Presidentes de Província*), reports of provincial presidents, and data from the correspondences of provincial authorities.

The amount received by the provinces and distributed among the municipalities was gradually applied as the Emancipation Councils processed the classification and arbitrage of the individual slaves' values for indemnity. Thus, it was a dynamic process

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<sup>58</sup> SG 150, 1871–1875, [pp. 156].

that frequently changed as new cities handed in their lists of classified slaves and authorities provided information on the local population. The Ministry of Agriculture reports as well as speeches and reports from the president of the Minas Gerais province include information on the funds distributed and expenses made with regard to manumission. However, the amount allocated for manumission could include other revenue, as specified by law, so it is difficult to figure out how the money was distributed, unless it is specifically identified in the document. The expenses allocated to manumission refer to the portion used during a specified period or expenses made until that period. They could also include additional funds allocated to adjust for updated information on the slave population. Thus, it is important to restate that the gradual emancipation was a dynamic process as a result of the ongoing classification of slaves and population changes.

The documentation reports on the manumissions by the fund and by other means. The authorities emphasized that the estimates on manumission were far below the actual number of cases throughout the entire period being investigated because the slaveholders were not penalized for failing to register manumissions. Also, the reports highlight the increase in manumissions resulting from private initiatives, which far surpassed the number processed by the state. However, Emancipation Fund distributions subsided over time as a result of the reduced income from slave transactions caused by the decrease in the slave population and the success of the abolitionist movement. Furthermore, these reports present estimates of the slave population that show a noticeable decline during the 1870s and 1880s, between the passage of the Free Womb Law and abolition. Although the information retrieved from



the sources consists of only slave population and manumission estimates, it is consistent with these observations.

Tables 1 through 4, at the end of this chapter, combine the information collected on the slave population, the distribution of resources by the Emancipation Fund, the number of slaves manumitted by the fund,, the slave savings used for self-purchases, and other means. Despite the limitations and possible flaws in the primary sources, the available data provides a perspective from which a statistical framework of the slave population in nineteenth-century Brazil can be developed. It also supports a comparative analysis of the fund's application at the national, provincial, and local levels. This data framework will provide points of reference for the following chapters of my dissertation.

Table 1 presents the allotment of the seven distributions and the Brazilian slave population in the Minas Gerais province and its capital Ouro Preto. The money was divided by province according to the slave population. The results show a decrease in the slave population over time and a corresponding change in the amount of money the fund distributed in the three investigated regions from 1880 to 1885.

Table 2 correlates the national data on the slave population, manumissions by the fund and other means, the seven general distributions, the expenses allocated to the recorded manumissions, and the number of slaves that contributed to self-purchase. The data indicate that Brazil had approximately 1,532,926 slaves in 1873. This is probably the most reliable information for the investigated period because this number is close to the 1,510,806 recorded by the first Brazilian General Census of 1872.<sup>59</sup> The

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<sup>59</sup> ESTATÍSTICAS Históricas do Brasil; Séries Econômicas, Demográficas e Sociais de 1550 a 1985. Rio de Janeiro, IBGE/Secretaria de Planejamento e Coordenação da Presidência da República, 1987. pp.

slave population decreased throughout the last two decades of slavery as the date of abolition approached, dropping from 1,133,228 in 1885 to 723,419 in 1887.

Looking behind the data, it appears that less than 1% of the slaves benefited from the fund in the early 1870s. That is, only 1,503 slaves in a population of approximately 1,532,926 were manumitted by the fund before 1874. According to the Ministry of Agriculture, only 32,436 obtained freedom in Brazil by this means.<sup>60</sup>

Comparing the data on the manumissions provided by the fund with those who obtained freedom in other ways, the information reveals that many more individuals were freed by other means, such as private initiatives. For instance, as of 1885, 24,165 people were manumitted by the Emancipation Fund, whereas 177,656 people were liberated in other ways. However, adding up all the recorded manumissions, the numbers still do not explain the drop in the slave population in the final years of slavery when the population fell from about 1,133,228 in 1885 to 723,419 in 1887. Even considering the possibility of high death rates, this difference is more likely due to underregistration of manumissions during this period.

Table 3 presents the same type of information as Table 2, but for only the Minas Gerais province. The distributions were made according to the reported slave population. Therefore, the percentage of provincial manumissions coincides with the national data. In the province, the slave population decreased from about 352,254 individuals in 1873 to around 276,275 in 1885, and 191,952 in 1887. Again, only a small percentage of the slaves were manumitted by the Emancipation Fund. In 1877 only 135,

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27–31 (Série Estatísticas Retrospectivas, 3). Cited by Nilce Rodrigues Parreira. *Comércio de Homens em Ouro Preto no Século XIX*. Universidade Federal do Paraná, Brasil, 1990, p. 80. Master's thesis.

<sup>60</sup> RELATÓRIO do Ministério da Agricultura, 1887, pp. 24, 25, 29.

less than 1% of a population of 365,861 individuals, were manumitted by the fund. Continuing up to 1882, the total manumissions were 1,933 from a population of 279,010 individuals. By 1887, the slave population had dropped to 191,952, and the total number of slaves manumitted during the entire period was 5,264 individuals. Again, according to the data analyzed, a much larger number of individuals achieved manumission by other means. In 1885, approximately 17,119 slaves had achieved manumission, which is four times the number of manumissions provided by the fund (4,230). According to the Ministry of Agriculture, as of 1887, the slaves had contributed RS 171:939\$485 in savings toward self-purchase, and the expenses associated with manumission added up to RS 3,975:148\$032.<sup>61</sup>

The first fund distribution allocated to Minas Gerais was RS 573:915\$715. This amount was later adjusted by adding RS 154:713\$021 to compensate for updated statistics on the provincial slave population.<sup>62</sup> Within the province, Ouro Preto received RS 11:216\$375 to apply to the classification of a slave population of 2,603 individuals, as Table 4 shows.<sup>63</sup> In 1875 the average price of a male between 20 and 29 years old in Ouro Preto was RS 1:650\$000, and a female of the same age group was, on average, purchased for RS 825\$000. Comparing these average prices with the amount the city received for emancipation, the funds would only have been enough to free six males or 13 female slaves from that group age.<sup>64</sup> Thus, few slaves likely benefited from the fund.

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<sup>61</sup> RELATÓRIO do Ministério da Agricultura, 1887, pp. 24, 25, 29.

<sup>62</sup> FALA do Presidente da Província, 1877-2, pp. 13–14.

<sup>63</sup> QUADRO dos Escravos Existentes na Província de Minas Gerais, SG 535, 1876.

<sup>64</sup> Parreira, p. 299.

The second distribution in 1880 allotted RS 953:613\$303 to the province, of which RS 9:065\$146 were reserved for Ouro Preto, where the slave population was recorded as 2,756 individuals.<sup>65</sup> The third distribution occurred in the same year, and the city received RS 4:098\$455 out of the provincial share of RS 476:635\$803.<sup>66</sup> The list of slaves classified in the city in 1882 included only eight individuals with prices varying from RS 452\$000 to RS 1:000\$000, and five of them had savings, which added RS 354\$000 to the amount to be used for indemnity. However, the distribution plus savings would not have been enough to free all of them unless their prices were lowered. All the slaves were married, and among them, they had six children (*ingênuos*, free, and slaves).<sup>67</sup>

In 1886 the seventh and last share of the Emancipation Fund was distributed, and the province received RS 450:000\$000 (see Table 3). Ouro Preto's share was RS 3:118\$020, a small figure considering the size of its slave population (see Table 4). Twenty-one slaves were freed in Ouro Preto, Barbacena, and Santa Luzia da Carangola for a total of RS 12:298\$328, which is an average of RS 585\$845 per slave.

In 1884, the report presented by the provincial president documents only 38 slaves manumitted by the fund in Ouro Preto as of that year. Therefore, it is likely that manumissions obtained by other means had a greater impact on the decrease of slave population than the fund itself, as was the case for the province and the nation as a

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<sup>65</sup> RELATÓRIO do Ministério da Agricultura, 1881, p. 12. FALA do Presidente da Província, 1880-1, p. 25.

<sup>66</sup> RELATÓRIO do Ministério da Agricultura, 1881-1, p. 12. FALA do Presidente da Província, 1882-1, p. 60.

<sup>67</sup> SG 131, 1882, document 170.

whole. By 1886, Ouro Preto's slave population had dropped from 2,455 in 1883 to 1,986.<sup>68</sup>

The Mineiro Public Archive (*Arquivo Público Mineiro*, APM), located in Belo Horizonte, houses a large number of documents on the Emancipation Fund<sup>69</sup>. Among them is a collection of lists of slaves classified for manumission in the municipalities of the former province of Minas Gerais. It also contains copies of the Emancipation Councils' meeting reports and many other documents connecting the fund with other ways and strategies used to acquire freedom. The collection of correspondence from the provincial presidents provides a glimpse into the work of the Emancipation Councils.

The classification lists were created to meet the requirements of the Free Womb Law in order to identify the individuals to be manumitted, and they are rich sources of quantitative information on the local and provincial slave populations. These lists provide information on various features of the slave population and have some data on the slave owners. The information includes the slave's name, color, age, marital status, profession or occupation, aptitude for work, morality, parentage, and price of evaluation. The gender can be inferred from each individual's name. An observations column was provided that sometimes includes additional information, such as physical or mental disability and the value of the slave's savings available to pay for partial or total indemnification. Other information also includes the existence and names of family members and their current residences (in cases of migration or transfers through sale). The lists include cases of runaway slaves, reports of the death of a classified slave,

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<sup>68</sup> RELATÓRIO do Ministério da Agricultura, 1885-1, pp. 32, 33. FALA do Presidente da Província 1887, pp. 33–36.

<sup>69</sup> *Mineiro* refers to Minas Gerais state.

information on petitions for freedom, and whether the manumitted slave was partially or conditionally free. In some cases, it was noted whether the slave had multiple owners or was inherited. The information regarding the slave owners is restricted to their names, sometimes with a title or occupation, and marital status.

I collected lists and other sources regarding the Emancipation Fund for the whole province and chose to focus my investigation on data for the former capital of the province, Ouro Preto. The APM has only a few lists for Ouro Preto. However, the city's municipal archive (*Arquivo Público Municipal de Ouro Preto*, APMOP) houses a book with 116 pages of lists of slaves classified for emancipation, from 1873 to 1880. This compilation does not specify the exact date of classification for these slaves. However, during this period, two distributions were granted to Minas Gerais in 1875 and 1880. The book at APMOP is the transcription of individual lists created by the city's Emancipation Council, based on information provided by slave owners and third parties. By cross checking the data in these primary sources, I confirmed that the two lists from the APM were copied in Ouro Preto's book.

I also noted that there is a high incidence of record duplication in these sources, approximately 10% of the total number of classifications regarding the slaves. I identified and removed duplicates using the slaves' matriculation numbers and by considering other variables such as gender, age, profession, and the names of the slave owners. Although the matriculation numbers helped identify individuals and locate and delete duplicates, in many cases multiple individuals were given the same number. In these cases, I chose to keep the data on both individuals. The documents usually identified the slaves by their first names, and in a few cases, the family name was

added. Only six of the classified slaves were not identified by name; two of which had not yet been baptized.<sup>70</sup> Thus, by preprocessing the data in this way, I could develop a more accurate demographic portrait of the slaves classified for manumission that provides a better understanding of the composition of the city's slave population during the 1870s.

Information on the slave population during the 1870s and 1880s is not completely reliable, for all the reasons already mentioned. For example, according to the report of the provincial president in 1873, Ouro Preto had a slave population of 5,632 individuals, which was probably based on the census of 1872.<sup>71</sup> In 1881 the provincial president recorded a slave population of 2,756, and in the following year, 2,539 individuals. This huge decrease in the recorded size of slave population between the 1872 census and 1881 was likely due to under-registration, manumissions, and/or death. Despite such issues, the 3,241 individuals classified for manumission in Ouro Preto between 1873 and 1880 certainly represent the majority of its slave population.

The next part of this chapter investigates the information on Ouro Preto's slave population based on the lists of slaves classified for manumission, with the intent of building a framework from which to better understand its specificities.

## **Gender**

Regarding to slaves' genders, Ouro Preto records indicate that there were roughly equal numbers of male and female slaves during this period, with a slight majority of males (52%) over females (48%). See Table 5 at the end of this chapter.

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<sup>70</sup> *Fundo de Emancipação*, Ouro Preto, pp. 6, 7, 42, 43.

<sup>71</sup> Parreira, p. 73.

## Color

The slaves' skin colors were designated in one of the following categories: *cabra*, *fula*, *fusca*, *parda*, and black. The majority were classified as black or *parda*. The lack of information on birthplaces or origin makes it difficult to analyze whether color was related to the slaves African or Brazilian origin. Also, whether color designation influenced an individual's chances for manumission.<sup>72</sup> See Table 6 at the end of this chapter.

## Age

The slaves' declared ages were generally imprecise and in many cases were specified in half-years—for instance, 1.5, 2.5, and 3.5. In these cases, I rounded down to the whole number—for example, one, two, and three years old. Seventeen slaves were younger than one year old, which raises questions about the illegal classification of *ingênuos*. Moreover, the documents include a large concentration of young slaves, between the ages of one and five years old for both sexes, which might confirm that the slave owners' attempted to get rid of nonproductive slaves. This also might have been an attempt to obtain indemnity for freeborn children.

The Free Womb Law mandated the registration of freeborn children of slave women by local priests, to secure their rights to freedom, and soon after the law was passed, the provincial presidency advised the clergy to do so.<sup>73</sup> As an example, in

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<sup>72</sup> For an examination of the recent debates on slaves' color, categories, and qualities, see Eduardo França Paiva, *Dar Nome ao Novo; Uma História Lexical da Ibero-América entre os Séculos XVI e XVIII (as dinâmicas de mestiçagens e o mundo do trabalho)* (Belo Horizonte: Autêntica Editora, 2015). José D'Assunção Barros, *A Construção Social da Cor; diferença e desigualdade na formação da sociedade Brasileira* (Rio de Janeiro: Vozes, 2009).

<sup>73</sup> SG 150 1871–1875, [pp. 6, 10].



August 1883 the president of the province, referring to the law, advised Pouso Alegre's Judge of Orphans to correct a mistake in the age records of four slaves, between two and four years old.<sup>74</sup> In 1886 the Ministry of Agriculture wrote to the provincial president requesting verification of the age of Carolina, a 15-year-old slave classified for manumission by the fund. Her indemnity would only have been paid after her age was confirmed, so as to ensure that she was not, in reality, a freeborn person.<sup>75</sup>

Ouro Preto's female slave population was distributed between the ages of one and 50 years old, with the majority of the slaves between 16 and 20 years old (11.68% of the females). The male lists exhibit a similar pattern distributed between the ages of one and 50 years old, with the majority of the slaves between 21 and 25 years old (10.04% of the males). It is important to emphasize that the large numbers of slaves for both sexes were between one and five years old, which accounts for 15.23% of the males and 15.25% of the females. Thus, the slave population was young, with a large percentage of children under the age of five. These statistics tend to support the debate by scholars on natural reproduction of slaves in nineteenth century Minas Gerais.<sup>76</sup> See Table 7 for the slaves' age and gender distribution.

## Occupation

Regarding the labor profiles of the classified slaves, the data points to a predominance of *roceiro* (agricultural labor) for males and domestic labor for females.

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<sup>74</sup> SG 155 1883, [p. 228].

<sup>75</sup> SG 27 1886, [p. 180].

<sup>76</sup> Regarding natural reproduction, see Wilson Cano and Francisco Vida. "A Reprodução Natural de Escravos em Minas Gerais (Século XIX) – uma Hipótese." *Economia Escravista em Minas Gerais*. Campinas, Cadernos IFCH-UNICAMP, vol. 10, Oct. 1983, pp. 1–17.

The predominance of agricultural labor emphasizes the proximity and interconnection between rural and urban spaces during the nineteenth century, particularly when it refers to a historically urban space such as Ouro Preto. Also, the label *roceiro* could encompass cultivating a small plot of land and selling its produce.<sup>77</sup>

The slaves were classified under one of the following occupations: chambermaid (*aia, mucama*), *copeiro*, domestic (*domestico*), *engomadeira*, washerwoman (*lavadeira*), server, taylor (*alfaiate*), muleteer (*arrieiro, tropeiro*), olive oil producer (*azeiteira*), broqueiro, field worker (*campeiro, lavrador, roceiro*), worker (*trabalhador*), candlemaker (*candieiro*), carpenter (*carpinteiro, marceneiro*), ox cart driver (*carreiro*), cook (*cozinheiro*), seamstress (*costureira*), leather tanner (*curtidor*), flourmaker (*farinheira*), cleaning person (*faxineira*), overseer (*feitor*), blacksmith (*ferrador, ferreiro*), foundery worker (*fundidor*), weaver (*fiadeira*), *fuseiro, gosador*, gardner (*horteleiro*), day labor/day wages (*jornaleiro*), *malhador*, miner (*mineiro*), potter (*oleiro*), baker (*padeira*), page (*pagem*), mason (*pedreiro*), sieve maker (*peneireiro*), *pião*, painter (*pintor*), lacemaker (*rendeira*), shoemaker (*sapateiro*), sawyer (*serrador*), maker of pots and pans (*taxeiro*), and pig keeper (*tratador de porcos*).

The collected data points to a predominance of field workers among the males as 40.5% were *roceiros*, followed by 4.2% of muleteers (*tropeiros*). Among female slaves, the prevailing occupations include cooks (*cozinheiro*, 29.3%), domestic labor (*domestico*, 8.8%), field workers (*roceiras*, 7.0%), and weavers (*fiadeiras*, 6.7%). See Table 8 at the end of this chapter for occupation data.

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<sup>77</sup> Regarding urban slavery, see Camillia Cowling, *Conceiving Freedom: Women of Color, Gender, and de Abolition of Slavery in Havana and Rio de Janeiro* (Chapel Hill: University of North Carolina Press, 2013), pp. 23–46. Chalhoub, *Visões*.

Occupational skills surely altered a slave's value, and an exploratory investigation of the data suggests the slaves were overvalued. It would be interesting to verify whether this overvaluation was more prominent among skilled or unskilled laborers, or if it was mostly a strategy adopted by the slave owner to receive higher indemnity. Also, is there a correlation between skilled workers and their abilities to accumulate savings for manumission? Evidence from the primary sources suggests that this was the cases. Even though few slaves classified for manumission by the fund had savings, all those that did were skilled workers.

### **Marital Status**

As explained earlier, the law prioritized the classification of families over individuals. Recent literature on slavery in Brazil explores evidence that family members helped each other by saving for manumission or through other forms of support with this intent. Approximately 6% of the slaves were identified as married, but only one of them had savings. Therefore, this hypothesis has no empirical support in the records I investigated, although I did find evidence of family member support for manumission in other sources, such as the correspondence of provincial authorities, as previously mentioned.<sup>78</sup>

In June 1883 the provincial president responded to a request from the municipal judge from the City of Pará for direction regarding the classification of married slaves. The judge had asked how to proceed in cases of slaves that had been married in order to be granted the priority for classification for families and married couples as established by law. The president responded that marriages celebrated between slaves

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<sup>78</sup> *Fundo de Emancipação*, Ouro Preto, 1873–1880. SP PP 1/2 Pasta 05, document 73, Sept. 7, 1873.

and free people, without the slaveholders' permission, should follow the law, but he did not specify what should be done in these cases. The president's response was supported by the Ministry of Agriculture's directive in March of the same year.

According to Conrad, masters arranged marriages "between the elderly and the very young, between useless and incorrigible slaves and free persons who were enticed into the arrangement by money."<sup>79</sup> When marriages were promoted by slave owners to get rid of useless slaves, the cases were to be decided by arbitrage.<sup>80</sup> I did not find further evidence to support this claim that slave owners promoted marriages to get rid of unwanted slaves in the sources investigated for this work. However, there are recurrent questions regarding the classification of married slaves and families in the correspondence exchanged between the municipal councils and the provincial authorities.<sup>81</sup> Also, such cases are examined in Chapter 5. It is also important to consider the practice of consensual unions among slaves, the obstacles to getting married, and other factors such as religious and cultural practices, which could lead to an under registration of marriages. See Table 9 at the end of this chapter for marital status data.

### **Aptitude for Work**

Aptitude for work is subjective and unreliable information. Approximately 68.5% of the slaves were considered "good workers," but this variable is absent in about 27% of the classifications. It is likely that the high percentage of slaves classified as good

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<sup>79</sup> Conrad, *The Destruction of Brazilian Slavery*, p. 79.

<sup>80</sup> SG 155 1883, [p. 149].

<sup>81</sup> SG 1150 1876, [p. 34]. SG 1156 1877, [p. 40]. SG 150 1871–1875, [pp. 65-66, 86, 87, 105].

workers is the result of attempts to obtain better evaluations in cases of price disputes. The remaining cases (approximately 4.5%) were divided among the following categories: sick, weak, able, useless, light, bad, much, and none. Some of these terms make little to no sense without knowing the circumstances of the slaves' categorization as such.

## **Parentage**

The slave list of classifications usually indicated the number of family members, occasionally with their names and degree of relationship, such as spouse. However, about 90% of the registers omit this information. In some cases, the names of relatives are recorded in the observations column. The lists of classifications that I investigated did not provide information on solidarity networks, such as family members or ties to godparents who supported slaves, but that does not mean they did not exist. For instance, in September 1873 Luis de Souza e Silva submitted a petition to Ouro Preto's Emancipation Council on behalf of the freed (*forra*) Julia de Senna. Julia requested the inclusion of her 15-year-old daughter Christina among the slaves classified for manumission by the fund. The mother had been freed by the death of her former owner, a priest named José de Senna, and had three free children. Christina had been sold to Manoella Candida Soares do Couto by the priest's heirs. According to her mother, Christina was qualified through Decree 5135 of September 13, 1872, because she had savings and a freed mother. Furthermore, Julia declared that she saved money with

great sacrifice because the fruits of Julia's labor went to provide for her family.

Additionally, her daughter was qualified for all domestic labor tasks.<sup>82</sup>

This request for classification raises several questions and observations because it exemplifies the strategies slave families used to free their members. Julia de Senna's case involved a family of five members, probably a single mother with three free children and one slave child. The petition did not mention the existence of a spouse or companion. As her family provider, Julia sacrificed the well-being of the whole family investing her savings to fight for the manumission of Christina, the only enslaved family member.<sup>83</sup> As mentioned earlier, Julia became free by the death of her former owner, but the reasons are not specified in the document. It is possible that her other three children became free at the same time, or she may have purchased their freedom with the profits of her labor, as she was now trying to do for Christina. This raises the question, if the other children had been manumitted with their mother, why hadn't Christina?

Julia was a former slave of a priest and she shared his family name, Senna. Did she adopt his surname? Did he father her children? The document does not provide answers to these questions. Nevertheless, this petition is a testimony to the slaves' knowledge of the law, as they used it as an instrument for manumission.

## **Prices**

The price of evaluation for manumission was identified for 36% of the males and 33% of the females, one-third of the slaves classified. An initial examination of

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<sup>82</sup> SP PP 1/2 Pasta 05, document 73, Sept. 7, 1873.

<sup>83</sup> Ibid.

the data suggests an overvaluation of slaves classified for manumission in Ouro Preto because the prices are much higher than the average sale prices in the 1870s. As an example, Elisa was a 19-year-old weaver and Sabina a 12-year-old laundress. They were each valued at RS 3:000\$000. This price is much higher than the average price for female slaves, which fluctuated between RS 850\$000 and RS 1:050\$000 from 1875 to 1879 for a slave between 10 and 29 years old. Evidence from the primary sources indicates a similar occurrence for males. Three *roceiros* who were 12, 14, and 15 years of age were each valued for manumission at RS 4:000\$000. The average sale price for the same age group from 1875 to 1879 varied between RS 1:220\$000 and RS 1:600\$000.<sup>84</sup> The provincial and national authorities denounced this practice among slave owners. In cases of overvaluation, the price was decided by arbitrage, which took into consideration the slave's age, occupation or profession, and health.<sup>85</sup>

Comparing the results in the Tables 10 and 11 with data presented by Parreira, the average prices of the classified slaves are higher than the average sale prices for all group ages.<sup>86</sup> In response to such practices, the Sexagenarian's Law of 1885 established appraisal prices by age group to avoid abuses and overvaluation.<sup>87</sup>

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<sup>84</sup> *Fundo de Emancipação*, Ouro Preto, 1873–1880, pp. 22, 68, 70, 71, 106. For average prices of slaves in Ouro Preto during the nineteenth century, refer to Nilce Rodrigues Parreira. *Comércio de Homens em Ouro Preto no Século XIX*. Universidade Federal do Paraná, 1990. See Chapter 8, "Preço do Escravo Vendido," for average prices, p. 290.

<sup>85</sup> Decreto 5135, Nov. 13, 1872, artigo 40. Portal Câmara dos Deputados.

<sup>86</sup> Parreira, pp. 290, 299.

<sup>87</sup> Lei 3270, Sept. 28, 1885, artigo 1, parágrafo 3.

## **Savings (Pecúlio)**

Only 27 of the classified slaves (about 0.8%) had any savings. The total was RS 9:239\$820, which equates to an average of RS 342\$216 per slave. Skilled urban slaves had more chances of accumulating savings to purchase manumission.

Among the 27 slaves with savings, 13 were female and 14 male. The males were skilled workers (carpenters, steel workers, masons, and a shoemaker), and only one was a farm worker (*roceiro*). The females were all domestic workers, except one who does not have a specified profession. The majority of the women were skilled workers (cooks, seamstresses, and laundresses), and one was identified as domestic. These women had more opportunities to perform extra work to accumulate savings. Despite the small percentage of slaves who had savings, these findings confirm that skilled workers were more likely to gather savings. Table 12 at the end of this chapter lists the occupations and other details for these 27 slaves.

## **Slave Owner**

The majority of the slave owners were male, accounting for 2,467 or 76.12% of the slaves classified for manumission by the Emancipation Fund. The females slave owners accounted for 732 or 22.58%, and 18 slaves belonged to brotherhoods and represented 0.5% of the total. One of them (0.1%) belonged to a bank (*Caixa Filial do Banco*, probably *Caixa Econômica*, a savings bank) and for 23 (0.7%) the name of the owner was absent. In some cases, the slaves belonged to inheritors of their deceased owners.. Also, only a few cases identified the slave owner's title, occupation, or profession. Out of 3,241 proprietors, there were nine donas, 71 doctors, and 29 priests.



## **Conclusion**

In 1877, the Ministry of Agriculture reported that in 17 years the Emancipation Fund had manumitted 32,436 slaves, and in the last two years, according to the census, the slave population in Brazil was reduced by 409,802. The minister praised the private sector and the abolitionist movement for this astonishing success in promoting freedom.

However, as in other provinces the Emancipation Fund manumitted few slaves in Minas Gerais and, more specifically, in Ouro Preto. The Emancipation Fund provided an instrument for testing and stressing the limits of the Brazilian slavery system. In addition, it created new expectations for slaves and masters, opening up new possibilities for freedom and allowing the slave owners to receive indemnity. Despite those expectations and possibilities, few benefited from it.

The following chapters of my dissertation will further investigate the slaves manumitted in Ouro Preto throughout the nineteenth century, particularly during the 1870s and 1880s. The lists of classification for emancipation by the fund that I have reviewed here provided information with which I will be able to build a profile of Ouro Preto's slave population during the second half of the nineteenth century. This will be used as a tool to examine the other primary sources, such as letters of manumission and manumission in last wills, as well as judicial processes for freedom.

**Table 1. Emancipation Fund distributions.**

<b>Date</b>	<b>Brazil</b>	<b>Slave population</b>	<b>Minas Gerais</b>	<b>Slave population</b>	<b>Ouro Preto</b>	<b>Slave population</b>
July 1875 (1)	3,440,462,568	1,532,926	573,915,715	289,919	11,216,375	
May 1880 (2)	4,500,000,000		953,613,303	324,538	9,065,146	2,756
Sept. 1881 (3)	2,250,000,000		475,635,803	279,557	4,098,455	2,756
Dec. 1882 (4)	3,000,000,000	1,346,648	634,000,000	279,010		
Nov. 1883 (5)	1,800,000,000	1,243,850	380,400,000	255,888	3,122,760	2,455
Sept. 1884 (6)	1,800,000,000	1,240,806	382,000,000	298,931		
April 1886 (7)	2,000,000,000	1,133,228	450,000,000	286,497		

*Sources*

(1) Relatório do Ministério da Agricultura (MA) 1879-3, pp. 21, 22; (2) MA 1881-1, p. 12. Fala do Presidente da Província de Minas Gerais (FPP), 1880, pp. 25–26, Apêndice B; (3) MA 1881-2, p. 11; (4) MA 1882-3, pp. 12, 13; (5) MA 1883-4, p. 188; (6) MA 1884-1, p. 373. FPP, 1884, pp. 63–64; (7) MA 1885-1, pp. 32, 33. MA 1886-2, p. 41. Relatório do Presidente da Província de Minas Gerais (RPP), 1887, pp. 32–34.

**Table 2. Manumissions in Brazil, 1873–1887.**

<b>Date</b>	<b>Slave Population</b>	<b>Manumitted by fund</b>	<b>Manumitted other</b>	<b>Distribution</b>	<b>Expenses</b>	<b>Savings (pecúlio)</b>
1873 (1)	1,532,926					
Up to 1874 (178 municipalities) (2)		1,503			876,185,640	
July 1875 - 1st (3)				3,440,462,568		
1875–1876 (95 municipalities) (4)		755			418,795,658	
1871–1876 (5)		2,258		6,012,225,601	1,294,981,289	
1878 (28 municipalities, 8 provinces) (6)		201			153,370,039	
From Sept. 1871 to Dec 1878 (not including fund) (7)			35,093			

Up to 1879 (524 municipalities) (8)		4,584			3,192,898,039	
1879–1880 (9)		5,413			4,122,819,900	
May 1880 - 2nd (10)				4,500,000,000		
Sept. 1881 - 3rd (11)				2,250,000,000		
Up to 1880 (3 distributions, 627 municipalities) (12)		10,001			7,351,335,515	180,934,540
1880–1881 (13)		704				
Up to 1881 (14)		10,705	60,000		7,633,859,745	506,409,309
Up to 1881 (except 42 municipalities) (15)	1,346,648		87,705			
1881–1882 (16)		2,192				
1871-1882 (17)		12,898			9,010,795,565	695,554,332
Dec 1882 - 4th (18)				3,000,000,000		

1882–1883 (19)			6,002			
Up to 1882- 1883 (20)	124,3850		134,525			
Nov 1883 - 5th (21)				1,800,000,000		
1884 (22)	1,240,806		131,794			
Up to 1884 (23)		23,147			1.4521E+10	848,266,830
Sep 1884 - 6th (24)				1,800,000,000		
Apr 1886 - 7th (25)				2,000,000,000		
Up to 1885 (26)	1,133,228	24,165	177,656		1.6444E+10	972,902,663
Up to 1886 (seventh distribution still being applied ) (27)		30,014			1.808E+10	1,164,405,347
Up to 1887 (28)	723,419	32,436			1.8237E+10	1,297,808,527

*Sources*

(1) Relatório do Ministério da Agricultura (MA) 1884, p. 372; (2) MA 1876-2, p. 6; (3) MA 1879-3, pp. 21, 22; (4) MA 1876-2, p. 6; (5) MA 1876-2, p. 8; (6) MA 1879, p. 22 (7) MA 1879, p. 20; (8) MA 1879, p. 22; (9) MA 1881-1, p. 13; (10) MA 1881-1, p. 12; (11) MA 1881-2, p. 11; (12) MA 1881-1, p. 14; (13) MA 1881-2, p. 11; (14) MA 1881-2, p. 11; (15) MA 1882, pp. 9–10; (16) MA 1882, p. 13; (17) MA 1882, pp. 31–32; (18) MA 1882-3, pp. 12, 13; (19) MA 1883, p. 189; (20) MA 1883, p. 187; (21) MA 1883-4, p. 188; (22) MA 1884, p. 372; (23) MA 1884, p. 372; (24) MA 1884-1, p. 373; (25) MA 1885-1, p. 32, 33; MA 1886-2, p. 41; (26) MA 1885, pp. 32–34; (27) MA 1886, p. 42; (28) MA 1887, pp. 24, 25, 29.

**Table 3. Manumissions in Minas Gerais, 1873–1887.**

<b>Date</b>	<b>Slave population</b>	<b>Manumitted by fund</b>	<b>Manumitted other</b>	<b>Distribution</b>	<b>Expenses</b>	<b>Savings (pecúlio)</b>
1873 (1)	352,254		14,167			
July 1875 - 1st (2)				573,915,715		
1875–1876 (5 municipalities) (3)		53	2,111		43,986,375	
1871–1877 (except 10 municipalities) (4)	289,919		3,312			
1877 (5)	365,861	135		728,628,736		
1874–1875 (8 municipalities) (6)		81			3,9983,337	
Up to 1879 (51 municipalities) (7)		648			570,472,685	
Up to 1880 (8)			6,722			
May 1880 - 2nd (9)				953,613,303		
1st and 2nd distributions		1,597			1,517,504,049	
Sept. 1880 - 3rd (10)	32,4538			476,635,803		
1880-1881 (11)		885			885,510,294	
Up to 1881 (3 distributions, 62)	279,557	1,533	7,491		1,455,982,979	68,038,522

municipalities) (12)						
Up to 1881 (3 distributions, 62 municipalities) (13)		1,632			1,506,252,980	72,460,078
1881–1882 (14)		301				
Up to 1882 (65 municipalities) (15)	279,010	1,933	7,608		1,822,253,004	95,505,431
1882–1883 (16)		954				
Up to 1882–1883 (75 municipalities) (17)			2,887		2627723469	119,082,474
Dec 1882 - 4th (18)				634,000,000		
Up to 1883 (4 distributions) (19)		2,149			1,896,433,112	
Nov 1883 - 5th (20)				380,400,000		
Up to 1884 (21)	301,125	3,560	14,167		3,106,059,075	133,020,727
Up to 1884 (5 distributions) (22)		2,958			2,690,485,469	119,672,471
Sept. 1884 - 6th (23)	298,140			382,000,000		
Up to June 1885 (24)		3,762			3,230,709,774	137,819,853
Up to 1885 (25)	276,275	4,230	17,119		3509437167	149,375,806
Up to 1885 (88 municipalities) (26)		4,378			3590266908	
Apr 1886 - 7th (27)				450,000,000		

Up to 1886 (7th still being applied) (28)	286,497	5,088			4,063,688,517	169,412,237
Up to 1887 (29)	191,952	5,264			3,975,148,032	171,939,485

*Sources*

(1) Relatório do Ministério da Agricultura (MA) 1884, p. 372; (2) MA 1879-3, pp. 21, 22; (3) MA 1876-2, pp. 8, 14; (4) MA 1879, pp. 15, 20; (5) Fala do Presidente da Província de Minas Gerais (FPP) 1877-1, p. 99; FPP 1877-2, pp. 13, 14; (6) MA 1879, p. 22; (7) MA 1879, p. 22; (8) MA 1881-1, p. 11; (9) MA 1881-1, p. 12. Relatório do Presidente da Província de Minas Gerais (RPP) 1881-1, p. 22 (950, 968, 927); (10) MA 1881-1, p. 12. FPP 1880, pp. 25–26, Appendix B; (11) MA 1881-1, pp. 11, 13, 14; (12) MA 1881-1, pp. 5, 11, 14; (13) MA 1881-2, p. 12; (14) MA 1882, p. 13; (15) MA 1882, pp. 10, 12, 14; (16) MA 1883, p. 190; (17) MA 1883, p. 191; (18) MA 1882-3, pp. 12, 13; (19) FPP 1883, pp. 63, 64; Four distributions added to 2,793,969,376; (20) MA 1883-4, p. 188; (21) MA 1884, pp. 372–374; (22) FPP 1884, p. 62; (23) MA 1884-1, p. 373. RPP 1885, p. 33; (24) FFP 1885, p. 13; Savings including interest; (25) MA 1885, pp. 32, 34; (26) RPP 1885, p. 41; (27) MA 1885-1, pp. 32, 33; MA 1886-2, p. 41; (28) MA 1886, p. 42; RPP 1887, pp. 32–34; (29) MA 1887, pp. 24, 29.



**Table 4. Manumissions by the fund in Ouro Preto, 1873–1887  
(quotas, slave population, and manumission).**

Distribution of quotas	Slave population	Slaves manumitted	Amount	Expenses
1873 (1)	5,632			
1874 (2)	3,133			
1st - 1875 (3)	2,603		11,216,375	
1877 (4)	5,632	11		11,216,375
2nd - 1880 (5)	2,756	11	9,065,146	
3rd - 1880 (6)			4,098,455	
3rd - 1880 (including savings) (7)		5	4,402,455	
1881 (8)	2,539	22	5,164,326	20,281,515
Up to Dec. 1881 (4 distributions) (9)		27		24,683,970
Up to Nov. 1883 (5th distribution) (10)	2,455	32	3,122,760	30,583,970
5th - 1885 (11)		6		5,552,760
Up to 1884 (12)		38		34,136,730
7th - 1886 (13)	1,986		3,118,020	

*Sources*

(1) Relatório do Presidente da Província de Minas Gerais (RPP) 1874, pp. 67, 68; (2) RPP 1874, p. 63; (3) Relatório do Ministério da Agricultura (MA) 1879-3, p. 34. SG 535, 1876 [s/n, photo 2631]; (4) Fala do Presidente da Província de Minas Gerais (FPP) 1877, p. 99. RPP 1877, p. 13; (5) FPP 1880-1, p. 25; (6) FPP 1882-1, p. 60; (7) FPP 1883, p. 64. Including savings; (8) MA 1881-1, p. 28. FPP 1883, pp. 63–67; (9) MA 1882, p. 29; (10) MA 1883, p. 208; (11) RPP 1885, p. 33; (12) RPP 1885, p. 34; (13) FPP 1887, pp. 33–36.

**Table 5. Gender.**

<b>Gender</b>	<b>Total</b>	<b>Percentage</b>
Female	1,567	48.35
Male	1,674	51.65
Grand total	3,241	100

*Source*

Fundo de Emancipação, Ouro Preto, 1873–1880.

**Table 6. Skin color categories.**

<b>Color categories</b>	<b>Number of slaves</b>	<b>Percentage</b>
Cabra	131	4.0
Fula	31	1.0
Fusca	5	0.2
Parda	790	24.4
Black (Preta)	2,255	69.6
Undeclared	29	0.9
Total	3,241	100

*Source*

Fundo de Emancipação, Ouro Preto, 1873–1880.

**Table 7. Age and gender distribution.**

<b>Age</b>	<b>Male</b>	<b>Percentage</b>	<b>Female</b>	<b>Percentage</b>
0–1	6	0.36	24	1.53
1–5	255	15.23	239	15.25
6–10	159	9.50	164	10.47
11–15	130	7.77	158	10.08
16–20	166	9.92	183	11.68
21–25	168	10.04	143	9.13
26–30	137	8.18	165	10.53
31–35	104	6.21	95	6.06
36–40	137	8.18	123	7.85
41–45	97	5.79	73	4.66
46–50	145	8.66	98	6.25
51–55	51	3.05	34	2.17
56–60	68	4.06	45	2.87
61–65	21	1.25	13	0.83
66–70	18	1.08	4	0.26
71–75	5	0.30	3	0.19
76–80	5	0.30	2	0.13
81–85	1	0.06	1	0.06
86–88	1	0.06	0	0.00
<b>Total</b>	<b>1,674</b>	<b>100</b>	<b>1,567</b>	<b>100</b>

*Source*

Fundo de Emancipação, Ouro Preto, 1873–1880.

**Table 8. Occupation.**

<b>Profession</b>	<b>Male</b>	<b>Percentage</b>	<b>Female</b>	<b>Percentage</b>	<b>Total</b>
Aia	0	0.00	1	0.06	1
Alfaiate	10	0.60	0	0.00	10
Arrieiro	7	0.42	0	0.00	7
Azeiteira	0	0.00	2	0.13	2
Broqueiro	2	0.12	0	0.00	2
Campeiro	2	0.12	0	0.00	2
Candieiro	1	0.06	0	0.00	1
Carpinteiro	23	1.37	0	0.00	23
Carreiro	59	3.52	1	0.06	60
Copeiro	5	0.30	0	0.00	5
Costureira	0	0.00	97	6.19	97
Cozinheiro	38	2.27	460	29.36	498
Curtidor	1	0.06	0	0.00	1
Domestico	27	1.61	139	8.87	166
Engomadeira	0	0.00	15	0.96	15
Farinheira	0	0.00	2	0.13	2
Faxineira	0	0.00	1	0.06	1
Feitor	1	0.06	0	0.00	1
Ferrador	1	0.06	0	0.00	1
Ferreiro	14	0.84	0	0.00	14
Fiadeira	0	0.00	106	6.76	106
Fiadeira, tecedeira	0	0.00	1	0.06	1
Fundidor de ferro	1	0.06	0	0.00	1
Funileiro	1	0.06	0	0.00	1
Fuseiro	3	0.18	0	0.00	3

Gosador	1	0.06	0	0.00	1
Hortaleiro	10	0.60	2	0.13	12
Hortelã	0	0.00	2	0.13	2
Hortelão	14	0.84	0	0.00	14
Jornaleiro	61	3.64	7	0.45	68
Lavadeira	0	0.00	86	5.49	86
Lavadeira e fiadeira	0	0.00	1	0.06	1
Lavrador	36	2.15	3	0.19	39
Malhador	1	0.06	0	0.00	1
Marcineiro	4	0.24	0	0.00	4
Mineiro	16	0.96	5	0.32	21
Minima	0	0.00	1	0.06	1
Mucama	0	0.00	6	0.38	6
Nenhuma	3	0.18	8	0.51	11
Oleiro	1	0.06	0	0.00	1
Padeira	0	0.00	6	0.38	6
Pagem	33	1.97	0	0.00	33
Pedreiro	35	2.09	0	0.00	35
Penereiro	1	0.06	0	0.00	1
Pião	3	0.18	0	0.00	3
Pintor	1	0.06	0	0.00	1
Rendeira	0	0.00	1	0.06	1
Roceiro	679	40.56	111	7.08	790
Sapateiro	8	0.48	0	0.00	8
Serrador	1	0.06	0	0.00	1
Servente	21	1.25	37	2.36	58
Taxeiro	1	0.06	0	0.00	1
Trabalhador	4	0.24	0	0.00	4
Trata de porcos	0	0.00	1	0.06	1

Tropeiro	71	4.24	0	0.00	71
Undeclared	473	28.26	465	29.67	938
Total	1,674	100	1,567	100	3,241

*Source*

Fundo de Emancipação, Ouro Preto, 1873–1880.

**Table 9. Marital status.**

Status	Male	Percentage	Female	Percentage	Total	Percentage
Married	106	6.33	96	6.13	202	6.23
Single	1,553	92.77	1,434	91.51	2,987	92.16
Widow	8	0.48	13	0.83	21	0.65
Undeclared	7	0.42	24	1.53	31	0.96
Total	1,674	100	1,567	100	3,241	100

*Source*

Fundo de Emancipação, Ouro Preto, 1873–1880.

**Table 10. Average price of male slaves by age.**

Age	No.	Percentage	Slaves w/ evaluation price	Total evaluation price	Average price	Undeclared price
0–9	382	22.82	99	86,776,000	876,525	283
10–19	291	17.38	106	183,900,000	1,734,906	185
20–29	290	17.32	128	263,300,000	2,057,031	162
30–39	224	13.38	101	187,600,000	1,857,426	123
40–49	230	13.74	87	126,530,000	1,454,368	143
50–59	161	9.62	51	45,200,000	886,275	110
60–69	71	4.24	24	20,092,000	837,167	47
70–79	19	1.14	8	5,600,000	700,000	11
80–89	6	0.36	0	0	0	6
<b>Total</b>	<b>1,674</b>	<b>100</b>	<b>604</b>	<b>918,998,000</b>	<b>1,521,520</b>	<b>1,070</b>

*Source*

Fundo de Emancipação, Ouro Preto, 1873–1880.

**Table 11. Average price of female slaves by age.**

Age	No.	Percentage	Slaves w/ Evaluation Price	Total Evaluation Price	Average Price	Undeclared Price
0–9	379	24.19	82	77,200,000	941,463	297
10–19	332	21.19	124	154,415,966	1,245,290	208
20–29	298	19.02	118	169,250,000	1,434,322	180
30–39	221	14.10	86	96,785,000	1,125,407	135
40–49	167	10.66	56	55,021,000	982,518	111
50–59	122	7.79	42	27,050,000	644,048	80
60–69	40	2.55	5	2,200,000	440,000	35
70–79	5	0.32	4	460,000	115,000	1
80–89	3	0.19	1	50,000	50,000	2
<b>Total</b>	<b>1,567</b>	<b>100.00</b>	<b>518</b>	<b>582,431,966</b>	<b>1,124,386</b>	<b>1,049</b>

*Source*

Fundo de Emancipação, Ouro Preto, 1873–1880.

**Table 12. Slaves savings.**

<b>Name</b>	<b>Gender</b>	<b>Age</b>	<b>Marital status</b>	<b>Occupation</b>	<b>Price</b>	<b>Savings</b>	<b>Slave owner</b>
Orosimbo	M	23	S	Taylor	0	500,000	David Morethshon
Jose Luiz	M	41	S	Taylor	0	600,000	Barão de Camargos
Victor	M	24	S	Carpenter	1,800,000	400,000	Maria Pereira de Paula Ferreira
Raymundo	M	40	M	Carpenter	1,400,000	400,000	Jose Joaquim Fiuza da Rocha
Romana	F	13	S	Seamstress	950,000	45,000	Dr. Marçal Jose dos Santos
Josephina	F	11	S	Seamstress	1,000,000	300,000	Dr. Marçal Jose dos Santos
Francisca	F	24	S	Seamstress	0	400,000	Domingos Fernandes Braga
Salvina	F	12	S	Seamstress	1,000,000	400,000	Maria Pereira de Paula Ferreira
Leocadia	F	36	C	Cook	600,000	100,000	Carlos Gabriel Andrade
Balbina	F	38	W	Cook	700,000	200,000	Antonio Joaquim Fernandes Guimarães
Joaquina	F	31	S	Cook	500,000	280,000	Manoel Alves Murta.
Caetana	F	32	S	Cook	1,300,000	400,000	Isabel Maria do Carmo
Benedicta	F	36	W	Cook	700,000	442,700	D. Isabel de Souza Queiroga
Generosa	F	45	S	Domestic	500,000	250,000	Antonio Jose de



							Oliveira
Simão	M	26	M	Blacksmith	0	500,000	Herdeiros de João Jose Ferreira
Joaquim	M	43	M	Blacksmith	1,000,000	635,020	Graciana Carolina de Carvalho e Filhos.
Amazile	F	31	S	Not specified	1,000,000	150,000	Etelvina de P. Soares
José	M	40	M	Daily wages	1,600,000	1,213,100	Antonio Demetrio Gonsalves Correia
Maria	F	22	S	Washer woman	800,000	24,000	Francisco Zhacharias de Souza
Amelina	F	31	S	Washer woman	700,000	100,000	Gabriel Gomes Pinheiro
Bartholomeo	M	26	M	Mason	1,500,000	100,000	Carlos Gabriel Andrade
Sebastião	M	38	M	Mason	1,200,000	200,000	Francisco de Magalhães Gomes
Jorge	M	23	S	Mason	1,500,000	200,000	Francisco Coelho de Mag.es Gomes e Irmãos
Idelfonso	M	52	M	Field worker	800,000	200,000	D. Antonia Alberta de Jesus
Carlos	M	37	S	Shoemaker	0	400,000	João Innocencio de Faria Alvim
Agostinho	M	19	S	Muleteer	0	400,000	Candido Theodoro de Oliveira
Pedro	M	24	S	Muleteer	1,000,000	400,000	Policêna Francelina de Jesus e outros

Source

Fundo de Emancipação, Ouro Preto, 1873–1880

## **CHAPTER 3**

### **Freedom Stories**

An investigation of letters of freedom from nineteenth-century Minas Gerais, Brazil, reveals slaves' struggles to break the chains that bound them to slavery. It also reveals the slave owners' attempts to secure their access free compulsory labor by imposing conditions that limited and/or impeded their slaves' immediate access to freedom. I argue that even the unconditional manumissions were not detached from compromises and obligations, and in many cases, they were only achieved through a lengthy process of subtle negotiation between the slaves and their masters. Moreover, in the case of manumitted children, the parents' relationship with their masters influenced the possibility of sons and daughters obtaining freedom.

This chapter focuses on the profile of the manumitted based on evidence from the letters of freedom. Moreover, it explores the kinds of manumission classified as conditional and unconditional. Also, I challenge the notion of unconditional manumission, because even in cases in which the individual was freed from obligation to serve or to purchase freedom, there most often still remained an expectation of loyalty, respect and obedience. Thus, the situation perpetuated a relationship of subordination and dependence. In addition, I investigate the conditions imposed to obtain freedom, the most common of which were an obligation to serve and to purchase manumission.

The letters of freedom registered by the notaries in nineteenth-century Ouro Preto constitute the main primary source I explored to gather information on the

manumission of slaves. These documents refer to 1,547 manumitted subjects and include all the letters of freedom registered at the notary. However, they do not encompass all manumitted subjects within the county, as in some instances, the slave owners declared that they were manumitting all their slaves, but did not specify how many. Additionally, many of these documents were produced at the slaveholder's farms and rural properties without specifying the exact location of the property. However, most of them were from the county of Ouro Preto.

This chapter is divided into three major sections: a profile of the manumitted, unconditional manumissions, and conditional manumissions. Quantitative data provided in the letters of freedom allows identification of the common characteristics of the manumitted. Thus, it is possible to draw a profile of these individuals. The variables analyzed were gender, age, occupation, origin, skin color, and marriage status. The results of this investigation provide a portrait that is in accordance with scholars' findings for the regional slave population during the nineteenth- century.

As the chapter evolves, it looks at the groups of conditional and unconditional manumissions in more detail, taking into consideration the reasons for manumission declared by the person(s) producing the documents. In some cases, this was manifested when slaves appealed to the judiciary to grant their freedom based on the law or to protest attempts to enslave them.

One-third of the manumissions (33.6%) were unconditional, which meant the slave was freed the moment the letter of freedom was signed. However, this merely meant the individual was liberated from any kind of obligation to the slave owner thereafter. In many cases, although the individual became legally free, the slave owners

expected them to continue to show respect, obedience, and loyalty. Failure to comply could result in a return to enslavement.

Two-thirds of the manumissions were conditional (1,028 out of 1,547 individuals, or 66.4% of the manumissions). More than half of these individuals, 527 out of 1,028 slaves, representing 51.3% of conditional manumissions, were obligated to serve before their liberation. Of these conditional manumissions, 44.6% were purchased manumissions, paid for in full or in installments. The remaining 3.7% were manumitted by other means such as being partially manumitted, exchanged for other slaves, or manumitted by the Emancipation Fund, and 0.4% were not specified.<sup>1</sup> See Table 13 at the end of this chapter.

### **Profiles of the Manumitted**

Who were the manumitted slaves listed in the letters of freedom investigated for the nineteenth century? The demographic data for the slaves in the letters of freedom varied but generally included name, gender, age, skin color, marital status, place of origin, profession or occupation, parent's name, price, and the savings they had accumulated for manumission. Analysis of this data provides some understanding as to how these variables may have impacted their pursuit of freedom and whether they achieved a conditional or unconditional manumission.

#### *Gender*

Beginning with gender, the analytic results show a predominance of females (55.5%) over males (45.5%) manumitted, which is consistent with the scholars' findings

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<sup>1</sup> The Emancipation Fund was created by the Free Womb Law of 1871. See Chapter 2 for more details.

and observations on the nineteenth-century Minas Gerais slave population. During the nineteenth century, the economy of Ouro Preto county was based on agriculture primarily for local consumption, commerce, and to a lesser degree, mining activities.<sup>2</sup> Female slaves were employed in diverse activities, which could have made it possible for them to save for manumission. The more profitable activities included skilled domestic service and the production and sale of subsistence agricultural goods. Additionally, the proximity to their owners, living in households with a small number of slaves or working as a domestic servant, could result in relationships and daily negotiations that might have made it possible for some the access to freedom. Also, some of these slaves could sell the products of their labor, such as fruits and vegetables, for their own profit.

### Age

The letters of freedom recorded the ages of 315 individuals, or 20.4% of the total. Of those, 43.8% were male and 56.2% female. Thus, the data shows a predominance of recorded ages for females. I divided the slaves identified by age using 10-year groups, from 10 to 69. Children under 10 years of age were divided in two groups: from zero to four and from five to nine years of age. The reason for this age grouping is to highlight the high incidence of manumission among male children from zero to four years of age. Regarding elderly individuals, four slaves were 70 years old (two of each

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<sup>2</sup> For a further investigation of the Minas Gerais economy and population in the nineteenth century, see Mario Marcos Sampaio Rodarte. *O Trabalho do Fogo: Domicílios ou Famílias do passado – Minas Gerais, 1830* (Belo Horizonte, Minas Gerais: Editora UFMG Universidade Federal de Minas Gerais, 2012) pp. 55–118. Chapter 3 examines the economic development during the nineteenth century, and Rodarte emphasizes the textile and steelworks production and that the importance of the muleteers facilitated the regional trade between cities and rural states. Chapter 4 investigates Minas Gerais province demographic development during this period and engages in the debate surrounding the slaves' natural reproduction.

gender), and only one male that was 80 years old. Grouping the slaves specified as 70 and 80 years of age with those simply identified as “elderly” shows that 5.0% of the manumitted slaves were elderly. Including the 60–69 year olds raises the elderly percentage to 11.0%.

The largest concentration of male individuals was in the zero to four year old group, which equates to 21.7% of the male demographic and 9.5% of the total individuals recorded for both genders. This is followed by the 10–19 age group, with 12.3% of males (5.4% of the total), 11.6% (5.1% of the total) for individuals 20–29 years of age, and 10.9% for 30–39-year-old males (4.8% of the total). Slaves between the ages of five and nine and in the 40–49 age group each represent 8.7% of the males manumitted and 3.8% of the total. Thus, the data shows that the largest percentage of male manumissions were children aged four and younger, followed by males in the 10–39 age range, their most productive years. See Tables 14 and 15 at the end of this chapter for more details.

The combined age groups of 10–39 make up 34.8% of the males and 13.5% of the total. The combined age groups of 40–59 make up 16.7% of the males and 7.3% of the total. In contrast, the largest concentration of females were 20–29 years old, corresponding to 15.3% of the females and 8.6% of the total individuals. Those aged 40–49 years were 14.7% of the females and 8.3% of the total. The zero-to-four and –five-to-nine age groups each accounted for 13.6% of the females and 7.6% of the total. Combined, these two groups represent 17.2% of the females and 15.2% of the total.

For both males and females, there is a high incidence of children from zero to nine years of age, which corresponds to 30.4% of the males and 27.2% of the females.<sup>3</sup> This representation is stronger among the males, which shows a higher concentration in the zero-to-four age group. The females, on the other hand, are equally distributed between zero-to-four and five-to-nine groups, with 13.6% each.

The larger incidence of manumission by gender is concentrated in the early years of life and even more significantly among the males. Among the females, the percentage of slave children is surpassed by the percentage of those 20–29 and 40–49 years of age. However, the difference is not significant, ranging from 13.6% (children) and 15.3% (women in their twenties).

These results, combined with the large incidence of purchased manumission, which I will further investigate later in this chapter, suggests that children and female slaves within the productive years of life were more likely to purchase freedom. Moreover, the high incidence of manumitted children raises questions as to the conditions under which they were manumitted. In addition, why were male children preferred over female? What does this choice reveal about the nineteenth-century Mineiro society and economy? Were they manumitted free of charge, or was their freedom purchased? If manumission was purchased, who paid for it? The 90 slaves who were zero-to-nine years of age correspond to 28.5% of the total identified by age. A closer investigation shows that 42% of these children were not emancipated immediately after their letters of freedom were signed; they were obliged to continue serving their owners, or another designated person, until they reached an age that they

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<sup>3</sup> Rodarte analyzed the population of Minas Gerais according to the censuses of 1832 and 1872 and presented similar results regarding the concentration of children from zero-to-nine for both genders. Rodarte, *O Trabalho do Fogo*, pp. 105–118.

could care for themselves or their owners passed away.<sup>4</sup> Also, 30% of these children had their freedom mostly paid by their parents and their godparents. Thus, two-thirds of these manumissions were either paid for or conditioned to serve. The remaining 28%, approximately one-third of the cases, were unconditional. In summation, the findings based on gender and age reveal that most of these children had to compensate their owners for their manumissions, either financially or through service.

### *Occupation*

Analysis by occupation could help to answer questions regarding the correlation between capabilities and resulting freedom. Unfortunately, the data gathered from the sources does not provide evidence for an investigation of the correlation between skilled labor and access to manumission. Less than 2% of the 1,547 manumission records identified the slaves' occupation: 23 males and three females. The occupations listed for the male slaves were as follows: two tailors, one barber, eight carpenters, one cook, two field workers (*lavrador and roceiro*), one page (*pagem*), one horse keeper, three masons, two shoemakers, and two sawyers (*serrador*). The female occupations listed were one cook, one chambermaid, and one greengrocer (*quitandeira*, a street seller of fruits, vegetables, and homemade food). Ten of these slaves were manumitted unconditionally, although nine were required to continue serving after the document was written, and the remaining seven paid for their letters of freedom. See Table 16, "Occupation by gender," at the end of this chapter.

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<sup>4</sup> The section of this chapter dedicated to conditional manumission includes samples of this kind of manumission.



For instance, the shoemaker Floriano da Silva had given RS 96\$000 in gold to his owner who spent the money. To compensate the slave, his owner wrote his letter of freedom. However, his owner, the Alferes João José da Silva Theodoro, declared that Floriano had paid a small amount of money so he was required to continue serving him without financial compensation. In cases where the male slaves survived their owner, their freed status did not affect the status of their children. In similar cases, the mother, not the father, transmitted her legal status to the children.<sup>5</sup>

In conclusion, the lack of occupational data in the records makes it difficult to determine if there was any correlation between slaves' skills and their access to freedom. However, the characteristics of the regional economy and the number of farms used as the residences for slave owners suggests that a sizable percentage of these slaves were more than likely field workers and domestic laborers. The occupational results presented on Chapter 2 provide evidence of this occurrence.

### *Origin*

Why is it important to investigate the origins of the manumitted? How did origin impact the slave's possibilities of manumission? Did creoles, Brazilian born slaves, have more chances to obtain manumission, either conditional or unconditional? To what extent did the relationships between slaves and their owners influence the captives' access to freedom? The focus of this section of the chapter is to investigate these questions based on evidence from the letters of freedom.

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<sup>5</sup> Livro de Notas do Tabelião № 76. Ouro Preto, 1828, p. 62. This letter of freedom was written in Rio de Janeiro and registered in Ouro Preto. For a comparative analysis of *Partus Sequitur Ventrem* and the enactment of Free Womb Laws in Brazil and Cuba, see Camillia Cowling, *Conceiving Freedom: Women of Color, Gender, and the Abolition of Slavery in Havana and Rio de Janeiro* (Chapel Hill: The University of North Carolina Press, 2013), pp. 54–67.

Half the letters of freedom reveal information regarding the origins of the manumitted. The letters of freedom were almost equally distributed between males (43.4%) and females (56.6%). Brazilian born slaves were predominant, accounting for 60.7% of the manumitted, while 39.3% of them were African. See Tables 17 and 18 at the end of this chapter. This result is not surprising, as it confirms scholars' earlier findings of the predominance of Brazilian born slaves over those coming from Africa in nineteenth-century Minas Gerais.<sup>6</sup> Origin here does not necessarily mean place of birth, as African slaves were identified not only by their place of birth, but also by the ethnolinguistic group they belonged to. Additionally, they were identified by the port or place of departure from Africa. Furthermore, it is important to highlight the enactment of a law prohibiting the African slave trade in Brazil in 1850, which led to the intensification of interprovincial trade and to increased birthrates among of slaves in Minas Gerais.<sup>7</sup>

Most males (53.7%) were creoles, who represent 23.3% of the manumitted by gender. However, that percentage is not much higher than the Africans, who account for 46.3% male slaves and 20.1% of total manumitted. The gap between creoles and Africans is more pronounced among the females, as the former accounts for 66.1% of females and 37% of total, whereas the latter represents 33.9% of females and 19.2% of the total manumitted. Nevertheless, there was a higher percentage of creoles manumitted than Africans, for males and females.

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<sup>6</sup> Laird W. Bergad, *Slavery and the Demographic and Economic History of Minas Gerais, Brazil, 1720–1888* (Cambridge: Cambridge University Press, 1999), pp. 102–112. Rodarte, *O Trabalho do Fogo*, pp. 83–119.

<sup>7</sup> Rodarte, *O Trabalho do Fogo*. Francisco Vidal Luna et al., *Escravidão*, pp. 499–509.

The African slaves were identified by more than 20 categories that, as previously mentioned, refer to ethnolinguistic groups, places of birth, or ports of departure. Among the identified, 18.2% were referred to as simply African or *De Nação*,” 61.2% were Bantu, 16% were Sudanese, and 4.6% belonged to other groups or regions. These results are in accordance with findings in other studies for nineteenth-century Minas Gerais that detected a predominance of Bantu followed by Sudanese African slaves in the region.<sup>8</sup> However, the field of African studies has advanced immensely in the last 20 years in Brazil as well as internationally, and a further investigation of these data could help clarify the origins of African slaves manumitted in Minas Gerais during the nineteenth century. Because this is not the focus of the present study, I only identify the African categories as they appeared in the primary sources, the letters of freedom.

The African slaves manumitted encompass the following categories: Angola, de Nação Angola, Banguela, de Nação Banguela, Benguela, de Nação Benguela, Cabinda, de Nação Cabinda, Cassange, Cossange, Conga, de Nação Conga, Congo, de Nação Congo, Moçambique, Monjolo, de Nação Monjolo, de Nação Caxonge, Rebolo, de Nação Rebolo, Rebola, and de Nação Rebola. Also, Mina, de Nação Mina, and de Nação Nago. Other categories include da Costa, de Nação Cabundá, de Nação Camunda, de Nação Cabra, Muhumbe, de Nação Mojanje, Nansbonhe, and Tumba. See Table 19 at the end of this chapter.

Overall, these results suggest that creoles were more likely to obtain manumission than Africans. The reasons for this occurrence are probably based on the

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<sup>8</sup> Iraci del Nero da Costa, *Minas Gerais; Estruturas Populacionais Típicas* (São Paulo: EDEC, 1982), p. 19. Costa, *Escravidão*, pp. 25, 229–236. Nilce Rodrigues Parreira, *Comércio de Homens em Ouro Preto no Século XIX* (Curitiba, Paraná: Universidade Federal do Paraná, 1990), pp. 131–145. Master's thesis.

creoles' cultural attunement to their owners, as they were born and raised in Brazil. Moreover, they were more likely to speak the language and had more knowledge of Brazilian society and culture. The predominance of females is likely a result of the role of women in the local slave society; because they performed domestic tasks and field work, they likely had closer interactions with their owners and thus were possibly encountered more and better opportunities to negotiate their freedoms. In addition, some of their skills made it more possible to accumulate savings for self-purchase. Again, however, the lack of occupational data impedes further analysis.

### *Skin Color*

Skin color is a subtler individual characteristic when considering its influence on the process of manumission. There were no guidelines for such classifications, so the designation was based on the judgment of the individual who wrote the document: the slave owner, prosecutor of the wills, lawyer, or local authority. The under-registration of skin color suggests that it was not a principal element in the identification when writing the letter of freedom. However, Brazilian literature, as well as colonial and imperial historians, emphasizes the correlation between skin color and social mobility, which could lead to manumission.

The slave's skin colors were identified in one-third of the letters of freedom, and in some cases, two colors were listed. Only 13% of them were classified as black or negro, and a large majority were of other skin colors, such as *pardo* (54.7%), *cabra* (22%), *mulato* (10%) and *mestiço* (0.3%). Thus, the nonblack individuals account for 87% of those with a skin-color classification. Once more, these results are not unusual

considering the predominance of creole slaves in the nineteenth-century Minas Gerais population.

Also, the large majority of Africans were simply identified as black or negro. Among the creoles, the majority were identified as nonblack. Moreover, creoles were in the majority among the manumitted. In addition to the limitations of the primary sources, the results are unclear regarding a correlation between the slaves' origins and skin colors. As emphasized in Chapter 2, recent scholarly investigations problematize the categorization of slaves according to the colors of their skin. The fact that one individual could be classified by several of these categories raises questions regarding their meaning and quality, beyond the individuals' physical appearance. In some instances, these denominations signify more than the perception of those responsible for recording these primary sources, such as the letters of freedom. These denominations could also have derogative connotations, or even signify changes in social status within the slavery condition.<sup>9</sup>

### *Marital Status*

The under-registration of marriage status does not allow a thorough investigation of its significance in the process of manumission, as only 4.5% of the slaves were identified as such. See Tables 20 and 21. Thus, evidence from the primary sources suggests that it was not important to declare the marriage status of the slave, except in cases of manumission of families that consisted of a couple with children. Often, mothers were not identified as single or married.

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<sup>9</sup> Paiva, *Dar Nome ao Novo*, pp. 199–221.

However, the results are different when considering the records that include parents' names. For instance, parents' names are included in 22.3% of the cases (which represent 345 of the 1,547 slaves investigated). Among these, 90.1% were captive children of freed (*forras*) mothers and 7.3% were couples. The remaining 2.3% corresponded to eight grandchildren of a female slave. This was the case in one instance in which three generations of a slave family were manumitted.<sup>10</sup> Records of families up to three generations suggest the existence of stable unions. Lastly, only one case included the father's name (0.3%). Some reasons for the lack of details in this category may include the obstacles to formal marriages among slaves, the existence of stable unions that were not legally formalized, and the marriage practices inherited from African ancestors.

### **Unconditional Manumission**

One-third of the letters of freedom were unconditional. However, evidence from the letters of freedom suggests that some kind of compromise or negotiation between slaves and slave owners occurred that influenced the decision to write the document. For instance, in many cases of unconditional manumission, the slave owner considered it a generous act, benefit, or grace that was given as a reward to obedient, loyal, respectful, and hardworking slaves.<sup>11</sup>

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<sup>10</sup> Livro de Notas do Tabelião Nº 12, 1º Ofício. Ouro Preto, 1802, p. 33. The letter of freedom for this slave family was written in Ribeirão dos Passos.

<sup>11</sup> Benjamin, a Brazilian born 31-year-old field worker was declared unconditionally free by his owner in 1887. The manumission was a reward for his loyalty, dedication, and hard labor while serving his masters and the family of the later. Livro de Notas do Tabelião Nº 7, 2º Ofício. Ouro Preto, 1887, p. 81.

For example, Maria from Congo was a greengrocer (*quitandeira*). She was a good and trustworthy slave who had served her owner and her son for many years. In her letter of freedom, her master stated the expectation that Maria would continue living with her and investing in their relationship. Depending upon the nature of that relationship, these expectations could signify an ongoing state of captivity. The arrangement may have simply provided the freed slave a place to live. However, the letter of freedom words it as requirement, rather than an option. In this case, as in many others, the relationship between slave and slave owner was decisive in the slave receiving freedom. Fidelity, submission, and excellent work were behaviors expected and highlighted in the process of obtaining manumission. Once freed, Maria was allowed to live with her owner, but what were the implications of this decision? A perpetuation of slavery status? The possibility of having a more stable residence?<sup>12</sup> Did her life change at all?

In other cases, the slaves had been born and raised in the master's house, supposedly as a member of the family.<sup>13</sup> The case of Vitoria, a creole manumitted by her owner Eugenia Marcelina in 1792, is unique. According to the document recorded at the notary in Ouro Preto in October 1815, she was breastfed by her owner.<sup>14</sup> What were the circumstances behind this unusual behavior? Usually, female slaves were wet-

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<sup>12</sup> "The slave was purchased from a merchant (*comboieiro*) years ago, and had always been a good worker" (p. 94). Furthermore, the owner expected that she would remain living under the same conditions. Livro de Notas do Tabelião Nº 42, 2º Ofício. Ouro Preto, 1815, p. 94.

<sup>13</sup> Antonio Fernandes Lima manumitted Francisco, *cabra*, son of his slave Delfina, crioula. Francisco was born and raised at his household and would have to wait some more years to enjoy his freedom. Livro de Notas do Tabelião Nº 33, 2º Ofício. Ouro Preto, 1809, pp. 30–31. Maria da Costa Pereira manumitted Furtunato unconditionally, because he was born and raised as a son in her house. Livro de Notas do Tabelião Nº 33, 2º Ofício. Ouro Preto, 1814, p. 51.

<sup>14</sup> "[P]or a ter criado nos meus peitos por isso lhe faço esta esmola." The owner states that she breastfed the slave. It is also possible that this statement mean to express proximity not necessarily that the owner breastfed the slave. Livro de Notas do Tabelião Nº 33, 2º Ofício. Ouro Preto, 1872, p. 82.

nurses to their owners' children, not the other way around. Who was Eugenia Marcelina? Was she a former slave? Unfortunately, the document does not provide clues to clarify this relationship.

Female slaves were also manumitted for raising their master's children.<sup>15</sup> Mariana, an elderly slave from Angola, was manumitted by the heirs of her deceased owner in 1832. This was done out of respect for the wishes of Maria Felicia Benedicta, her former owner, and supposedly to show appreciation for Mariana's lifelong dedication to raising her owner's children.<sup>16</sup> Maria, a black slave from Angola, was manumitted in 1814 by her owner Manoel Soares dos Anjos as a reward for her labor and for raising his children.<sup>17</sup> In 1857, the Commander, Carlos Assis Figueiredo, unconditionally manumitted his slave Izidora for having breastfed his niece.<sup>18</sup> Despite the fact that these slaves were manumitted, they were not granted freedom until late in their lives. This cruel irony reveals the limitations imposed on their freedoms.

Some slaves were manumitted in appreciation for their dedication when their owners suffered some sort of misfortune or illness. Rita, a 40-year-old creole, was manumitted unconditionally in 1861 by the heirs of her deceased owner. They agreed to free the slave because she took care of their mother during her illness.<sup>19</sup> Gregorio, a

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<sup>15</sup> Livro de Notas do Tabelião Nº 5, 3º Ofício. Ouro Preto, 1882, p. 50.

<sup>16</sup> The slave was freed to fulfill the wishes of her deceased owner Maria Felicia Benedicta, and the heirs wrote her letter of freedom. Livro de Notas do Tabelião Nº 16, 1º Ofício. Ouro Preto, 1832, p. 2.

<sup>17</sup> The slave was a dowry from Domingos de Faria, probably his deceased father-in-law. The owner declared that the slave gave him two children, Manoel and Joaquim, but it is unclear if he was their father. Livro de Notas do Tabelião Nº 42, 2º Ofício. Ouro Preto, 1814, p. 92.

<sup>18</sup> Livro de Notas do Tabelião Nº 50, 2º Ofício. Ouro Preto, 1857, p. 144.

<sup>19</sup> The letter of freedom was signed by several heirs. Livro de Notas do Tabelião Nº 52, 2º Ofício. Ouro Preto, 1861, p. 102.



negro from Angola, was unconditionally manumitted by his owner, João Afonso Peixoto. The slave's owner was imprisoned by *negros do mato*. This statement suggest that his owner had been captured by runaway slaves hiding on the outskirts of town, and Gregorio helped him to escape. Moreover, he was a loyal slave.<sup>20</sup>

Maria Francisca dos Anjos was ill and decided to manumit her slave Anna Maria de Jesus in 1831 as a reward for her service. Also, she stated in the document that she was "in her perfect state of mind." This could reveal that she was concerned about her slave's well-being if she passed away or that she was concerned with what would happen to her own soul.<sup>21</sup>

Evidence suggests that slave owners also used unconditional manumission as a strategy to get rid of undesirable nonproductive labor, such as elderly and sick slaves.<sup>22</sup> For instance, José, a slave from Banguela, was manumitted in 1849 by two inheritors of his deceased owner, Anna Teixeira de Santa Roza. He was identified as being very old and having hernias. Two of the heirs decided to free José in gratitude for many years of slave labor and because he had helped to raise them as well as the other heirs. This freedom would be granted immediately, and the two heirs agreed to subtract the value of the slave from their part of the inheritance. Apparently, the heirs were interested in benefiting José, but to what extent?

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<sup>20</sup> "[P]or me ter servido a trinta annos bem me ser fiel athe o presente e por mel ivrar da morte estando eu preso pelos negros do mato o forro ... desde hoje para todo sempre ficando sem obrigaçam alguma." Livro de Notas do Tabelião Nº 33, 2º Ofício. Ouro Preto, 1813, p. 43.

<sup>21</sup> Livro de Notas do Tabelião Nº 15, 1º Ofício. Ouro Preto, 1831, p. 57.

<sup>22</sup> Maria, born in Congo, was sick. The brother of her owner and prosecutor of his will decided to manumit her. Moreover, he had invested on the slave's recovery unsuccessfully and decided to freed her to protect the interest of his nephews, the heirs of the state. Livro de Notas do Tabelião Nº 44, 2º Ofício. Ouro Preto, 1843, p. 60.

The slave was very old and not in good health, and most likely he was not a productive laborer, if he still could work. On the other hand, these heirs were willing to subtract his value from their own inheritance, even if the other heirs did not agree on the division of the inheritance. The slave had lesser financial value because of his age and physical limitations, and he would be evaluated, for the purpose of division of the state. This suggests that he had some value for these two heirs. In this situation, how would this partial manumission benefit José if he remained the property of the other inheritors? Also, what kind of future would lie ahead for a very old and unhealthy slave? Was he released from bondage by the remaining heirs? Did he have a family or any means of survival? It is challenging to analyze the meaning of the “benefit” of freedom, without knowing the conditions and circumstances regarding his manumission.<sup>23</sup>

Izidora, a *parda*, was manumitted unconditionally in 1824 because she was sick. According to her owner, Ignacia Francelina Candida da Silva, she did not have the resources to treat Izidora, so she manumitted the slave, who would have to rely on charity to survive. The ownership of slaves was not just a privilege of wealthy people in Minas Gerais during the nineteenth century, and scholars have confirmed that the majority of slave owners had few slaves.<sup>24</sup> Thus, it is possible that Ignacia did not have the means to care for her slave. Therefore, Izidora faced a predicament; as a sick,

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<sup>23</sup> Livro de Notas do Tabelião Nº 77, 3º Ofício. Ouro Preto, 1849, p. 65.

<sup>24</sup> Iraci del Nero da Costa et al, *Escravidão em São Paulo e Minas Gerais* (São Paulo: EDUSP, Imprensa Oficial, 2009), pp. 609–613.

nonproductive slave, she was dischargeable and would have to live on charity when she needed support the most.<sup>25</sup>

Another example of the manumission of a sick slave includes Maria, a slave left in an inheritance. Manoel Fernandes Fraga, who was the executor of his brother's will and the tutor of his orphan nephews, decided to manumit Maria, a slave originally from Congo, who was included in the inheritance. Fraga justified his decision by claiming that Maria was ill, and he had expended a great deal of money on her treatment. Therefore, he opted to manumit the slave to avoid hurting his nephews' inheritance. Once again, the slaveholder decided to dismiss an ill, nonproductive slave rather than care for her. In both cases, the slaveholder claimed that he had invested in the slave's recovery without success. The slaves then became a burden and were discharged.<sup>26</sup>

Maria Rodrigues, the owner of Anna, a creole, and her daughter Bernarda, a *cabra*, passed away before writing their letters of freedom. The priest who was supposed to write the document did not arrive in time to comply with Maria's intent to manumit her two slaves. However, witnesses that visited Maria two days before her passing signed a document confirming the slave owner's intent. Thus, the slaves were granted freedom.<sup>27</sup>

Although some heirs tried to maintain control over individuals manumitted in wills, others decided to assure these individuals' freedoms. Also, some heirs manumitted

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<sup>25</sup> "Faltandome os meios para a tratar na grave enfermidade de que esta atacada pode asim achalos na Caridade dos fieis e na Mizericordia." Livro de Notas do Tabelião Nº 42, 2º Ofício. Ouro Preto, 1824, p. 127.

<sup>26</sup> Livro de Notas do Tabelião Nº 44, 2º Ofício. Ouro Preto, 1843, p. 60.

<sup>27</sup> The slave owner was the widow of Antonio Ferreira da Silva. The document is a certificate signed by a group of witnesses confirming the owner's desire to manumit her slaves. Livro de Notas do Tabelião Nº 42, 2º Ofício. Ouro Preto, 1821, pp. 65–66.

inherited slaves. Furthermore, they bought portions of slaves owned by other heirs, with the purpose of manumitting them, as shown in the following case. The Capitan Manoel Gomes de Gouveia and others inherited the slaves Vitorianna (a 40-year-old creole), Maria (a 60-year-old creole), and Pedro (47-year-old creole). Gouveia decided to assume the value of the slaves from the other heirs after appraisal.<sup>28</sup> Chapter 4 focuses specifically on manumissions in last wills.

In some cases of families of slaves manumitted unconditionally, evidence suggests some degree of relationship among masters and slaves. Usually, the slave owner emphasized that the “benefit of freedom” was a reward for the dedication, good behavior, and hard work of slave parents and because of the love the masters developed while bringing up the slave children. The extent and significance of such relationships within a slavery society, between these two opposing social groups, is contentious. However, the unconditional manumission of a whole slave family certainly followed many years of effort and sacrifice.

The following examples highlight cases of manumission in which family members were manumitted together, and more importantly, the strategies used by family members seeking to liberate relatives from captivity. Antonio Pinto da Rocha unconditionally manumitted three minors, who were the children of his slave Lina (a creole). He justified his action by stating that he had raised the children with love, although it appears that what he referred to as love did not extend to Lina, their mother,

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<sup>28</sup> Livro de Notas do Tabelião Nº 43, 2º Ofício. Ouro Preto, 1838, pp. 11–12.

whom he kept in captivity. What became of these children? Did they continue to live in captivity with their mother, at least until they were able to maintain themselves?<sup>29</sup>

In cases of families that consisted of a couple and their children, the slave owner usually declared that the manumission was a reward for the good work done by the slave couple and because the couple's children were born and raised in his or her household.<sup>30</sup>

Custodia and her children, Antonio and Raimundo, should have been manumitted after the passing of their slave owner, Ritta de Cassia e Silva. However, their owner decided to cancel the previously imposed condition and granted them freedom. In the new letter of freedom, Ritta stated that she made this decision because Custodia was a good server and her children had been born in the household.<sup>31</sup>

Another example offers a compelling case for the role family members played in the process of manumission. Cyprianna, a former slave, purchased her daughter from her former owner to free her from captivity. Her two granddaughters were also baptized as freed individuals. The mother, a freed person, stated that she had given birth to

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<sup>29</sup> “[S]ó pelos haver criado com amor... as ditas minhas crias todos tres são filhos da minha escrava Lina crioula” [p. 1 v]. Livro de Notas do Tabelião Nº 79, 3º Ofício. Ouro Preto, 1845, p. 1.

<sup>30</sup> This was the justification presented by Anna Margarida de Jesus for manumitting the couple Roza and Benedito, as well as their six children: Bernardo, Maria, João, Hipolito, Amatildes, and Felícia. “[E]m atenção aos bons serviços daquelles [pais] e amor de Criação a estes” filhos. Livro de Notas do Tabelião Nº 42, 2º Ofício. Ouro Preto, 1826, p. 154. The same owner manumitted also the family of Joanna Rebola e Joaquim Cassange, and their children; Rita, Benedita e Antonio. Livro de Notas do Tabelião Nº 42, 2º Ofício. Ouro Preto, 1826, p. 155. Moreover, Domingos Marques Ribeiro and Anna Maria Ribeiro manumitted a female slave and her two daughters: Felizarda, crioula, 25 years of age; Nazaria, crioula, six years of age; and Agostinha, crioula, six months old. Livro de Notas do Tabelião Nº 12, 1º Ofício. Ouro Preto, 1884, p. 43.

<sup>31</sup> The letter of freedom of Custodia and her children Antonio e Raimundo was written in January 1838 but would be handled to the slave after the death of her owner Ritta de Cassia e Silva. The stated purpose for freeing her was “em razão de ter aquela Custodia me servido bem, e serem seos filhos minhas crias.” Livro de Notas do Tabelião Nº 44, 2º Ofício. Ouro Preto, 1847, p. 64.

Cyprianna while in slavery. As a freed individual, she was able to save money to buy her daughter and to manumit her.<sup>32</sup>

Some slaves were manumitted by their owners as a wedding gift. In 1834, the Brazilian born slave Benta was manumitted by her owner Maria Magdalena Pereira do Nascimento on her wedding day. She married José Lopes, a freed creole, with whom she would live.<sup>33</sup> The same happened to Theodora, a creole daughter of the slave Vicencia, manumitted in 1820 by Maria Jose Teixeira da Silva. She was inherited from her owner's parents and was manumitted because her owner was in favor of the matrimony. Also, she was raised in her owner's household and was a good server.<sup>34</sup>

In addition, slaves were freed to celebrate someone's wedding. For instance, Antonia Rodrigues da Costa and her children manumitted five slaves, one family of a mother and two children, plus two other slaves. The reason for this collective unconditional manumission was the upcoming wedding of Antonia's daughter. These slaves were evaluated at RS 300\$000, which was to be deducted from Antonia's inheritance, as well as from her other children's inheritance, in benefit of Anna, the bride.

One of the reasons for manumission was recognition of genetic ties among slaves and their owners. Fellipe de Queiroz Ferreira manumitted Felicio, a *cabra*,

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<sup>32</sup> "Digo eu Cyprianna Gomes da Silva que estado sujeita Aguida Maria de Paiva minha Senhora que foi tive huma filha de nome Narciza Gomes da Silva qual depois da minha Liberdade a houve por titulo de compra a sobredita minha Senhora, e como ao presente se acha ella paga e satisfeita do preço por que a compei agora he minha livre vontade ... a Liberto... igualmente a duas Netas minhas filhas da sobredita minha filha Narciza, cujos nomes são Maria e Luiza que a estas determinei se Baptizassem por forras, o que julgo assim estarão." Livro de Notas do Tabelião Nº 40, 2º Ofício. Ouro Preto, 1803, p. 146.

<sup>33</sup> "Recebida hoje em matrimonio com José Lopes Crioulo forro, em companhia de quem vivera." Livro de Notas do Tabelião Nº 74, 3º Ofício. Ouro Preto, 1834, p. 80.

<sup>34</sup> Livro de Notas do Tabelião Nº 42, 2º Ofício. Ouro Preto, 1820, p. 139.

because he was his son. Felipe inherited Felicio from his father the Alferes Manoel de Queiros Ferreira. Thus, he had a child with his father's slave, and after his father passed, he declared that he was manumitting the slave, his son, out of guilt.<sup>35</sup> In 1821, four inheritors of the Capitan Francisco Pereira Lobo decided to manumit their slave Antonia, a *parda*. Moreover, they affirmed that she was their blood relative and a good server. In addition, they agreed to subtract her value from their inheritance to restrain other inheritors from impeding the manumission. Although they recognized Antonia as a blood relative, they did not elaborate on their genetic connection. She was probably fathered by their own father or by another male figure in the family. Second, they took measures to assure the fulfillment of their intention to free Antonia.<sup>36</sup>

Ties of god-parenthood were also presented as reasons for manumission, as in the case of the slave Antonia, manumitted unconditionally by her owner and godmother Joaquina Limoens Prata.<sup>37</sup> Anna, a *parda* and daughter of the slave Iria, was declared free upon her baptism. Later, her former owner, Anna Claudina Dias de Almeida, ratified her manumission, emphasizing that the original letter of freedom had already been registered at the notary and the present document was a ratification to avoid any doubts regarding the manumission in question. Such declarations elude to the vulnerable status of a freed individual, here exemplified by the concern with ratification of the freed

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<sup>35</sup> "O qual por ser meu filho o dou por liberto como se livre nascesse do ventre de sua mãe, o que faço para descargo de minha consciencia e muito de minha livre vontade." Livro de Notas do Tabelião Nº 15, 1º Ofício. Ouro Preto, 1828, p. 60.

<sup>36</sup> The inheritors of the Capitan Francisco Pereira Lobo and Roza Maria de Jesus were Clara Felizarda Jacinta Roza, Roza Maria de Jesus, Anna Felicia Jacinta Roza, and Francisca Maria do Rozario. Livro de Notas do Tabelião Nº 42, 2º Ofício. Ouro Preto, 1821, p. 120.

<sup>37</sup> Livro de Notas do Tabelião Nº 33, 2º Ofício. Ouro Preto, 1813, p. 29.

status. However, there is no information as to what or who was jeopardizing Anna's freedom, which prevents further analysis of this case.<sup>38</sup>

### **Remained with Owner without Financial Compensation**

Other slaves, such as the creole Anastasia Alves de Jesus, who received manumission in 1817, were required to remain with their owners without financial compensation after receiving manumission. Anastasia's owner, Anna Alves Pereira, gave her the option of remaining in her company, but if she decided to stay, she would receive no financial compensation.<sup>39</sup> Explained this way, it seems that the slave could choose between remaining in bondage or leaving the household to live as a freed individual.

The letter of freedom does not indicate Anastasia's age, occupation, or any other data to clarify or suggest what would happen to her if she decided to leave the household. Was she a skilled person? Would she be able to provide for herself? Did she have family members or a support network that would weigh on her decision to either remain or leave the household? Did she really have a choice? The lack of information on the reasons for her manumission and her owner's socioeconomic status limit the investigation on her manumission. Was this a strategy adopted by her owner to secure Anastasia's compulsory labor?

Jacintha received her letter of freedom in 1865, and at that time, her master, Marçal José dos Santos, stated that if she decided to remain in his company, she would be cared for, no matter her health condition. As in the case of Anastasia, the letter of

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<sup>38</sup> Livro de Notas do Tabelião Nº 44, 2º Ofício. Ouro Preto, 1842, p. 37.

<sup>39</sup> Livro de Notas do Tabelião Nº 14, 1º Ofício. Ouro Preto, 1817, p. 30.



freedom does not provide details on the slave and her owner or specify the circumstances that lead to manumission. Additionally, her owner did not mention if he would pay her for her services. More than likely, Jacintha's lifestyle would not change if she remained with her owner.<sup>40</sup> As a matter of fact, in all these cases, the option to remain living with the former owners would probably perpetuate their bondage. Apparently, this outcome granted the manumitted a place to live, which could have been a provisional housing solution in the transition from slave to freed status. However, it perpetuated the bondage, and in the case of Jacintha, manumitted in 1865, this procedure could be a strategic move toward securing compulsory labor. In fact, with the prohibition of the slave trade to Brazil in 1850, ceased the supply of slave through importation and resulted in increasing slave prices.

Slaves were also manumitted unconditionally for commemorative reasons. Carlota Augusta de Magalhaes Gesteira and Dr. Manoel d'Aragão Gesteira manumitted their slave, Anna, a 25-year-old *parda*, to celebrate their son's 50th birthday.<sup>41</sup> Eight years later, the same couple unconditionally manumitted their 47-year-old slave, Maria. This time they celebrated the 50th ecclesiastic jubilee of a priest, their close friend.<sup>42</sup>

In each case, the focus was on the celebration, most likely a show of social status, not out of consideration or concern for the enslaved individuals. In addition, Maria was manumitted on 1887, on the eve of abolition. At the time, slave owners,

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<sup>40</sup> Livro de Notas do Tabelião Nº 54, 2º Ofício. Ouro Preto, 1865, p. 117.

<sup>41</sup> Livro de Notas do Tabelião Nº 60, 2º Ofício. Ouro Preto, 1879, pp. 34–35.

<sup>42</sup> Livro de Notas do Tabelião Nº 32, 1º Ofício. Ouro Preto, 1887, p. 31.

aware of the parliamentary debates on abolition and the increasing pressure toward it, anticipated the liberation of slaves.<sup>43</sup>

Camillo Augusto Maria de Brito manumitted his slave Manoel to celebrate the arrival of his mother and sisters to the city after a long absence. It also commemorated the judicial victory of 186 individuals who had been kept in captivity for 20 years.<sup>44</sup> This is the core of the document. It would be interesting to know who those individuals were who had been kept in captivity for so long. Were they free Africans (*Africanos livres*) imported after the slave trade prohibition?

Francisco de Paula Alvarenga Junior manumitted his slave, Leandro, in homage to the abolition of slavery in the province of Ceará, which occurred in March 1884, and in homage of his friend Dr. Manoel Aragão Gesteira, who he intended to please with such initiative. Interestingly, Gesteira is the same person that manumitted Anna and Maria.<sup>45</sup> In addition, Francisco declared his expectation that the newly manumitted behave as an honest man and hard worker. His request speaks to slaveholders concerns and expectations regarding the freed population and their fear of social unrest in the last years of slavery in Brazil.

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<sup>43</sup> For abolitionists in Ouro Preto, see Luiz Gustavo Cota, *O Sagrado Direito da Liberdade: Escravidão, Liberdade e Abolicionismo em Ouro Preto e Mariana 1871–1888* (Juiz de Fora, Minas Gerais: Universidade Federal de Juiz de Fora, 2007). Master's thesis.

<sup>44</sup> “Em signal de regosijo pela chegada de minha mãe e irmãs a esta cidade, depois de uma ausencia por alguns meses, e que coincidiu com a noticia da sentença do Supremo Tribunal de Justiça que reconhece a liberdade de cento oitenta e seis homens á vinte annos reduzidos ao captiveiro.” Livro de Notas do Tabelião Nº 5, 3º Ofício. Ouro Preto, 1881, p. 50.

<sup>45</sup> “Sem condição mais a não ser: na sociedade em que ora vai recebido, se porte sempre como homem ordeiro, trabalhador e honesto: resolução esta que tomei em atenção aos desejos do meu respeitável e bom amigo, o illustrissimo Senhor Doutor Manoel de Aragão Gesteira, e como mui fraca prova de profunda gratidão aos imensos favores de que sou-lhe devedor.” Livro de Notas do Tabelião Nº 29, 1º Ofício. Ouro Preto, 1884, p. 1.

In 1842 William Coterworth, the supervisor of the mining company of Catta Branca, manumitted unconditionally six African slaves, with the consent of the London directors. The individually written letters of freedom did not specify the reasons for their manumission. The Africans receiving manumission were Francisco, Francisca, Delfina and Martinho from Mina; Faustino from Congo and Massala; and Benguela.<sup>46</sup> Four years later, in 1846, another supervisor of the same mining company, Eduardo Hardines, manumitted five other slaves in similar circumstances. Four of them were Africans: Brigida from Congo, Joaquim Mina, Anna from Moçambique and Julião Mina. The fifth slave, José, was a creole. The period of these manumissions coincides with the British Crown's increasing pressure to end the slave trade, which might have influenced the corporation's decision-making process.

In addition to those reasons, slaves received their letters of freedom under many other circumstances, such as the payment of debts. For instance, Maria Pereira de Paula Ferreira gave her *parda* slave Margarida to Manoel Joaquim de Lemos as collateral for a debt. After the former passed away, the latter decided to manumit the slave because her value did not cover the amount of the debt.<sup>47</sup>

Caetano Leonel de Abreu Lima loaned his slave Matildes to his daughter Anna so Matildes could keep her company and learn how to sew. However, Anna's husband was intending to keep Matildes as his slave, against Caetano's will. Caetano, the slave's owner, decided to manumit her, claiming that he cared for her as if she were his

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<sup>46</sup> The slaves were manumitted unconditionally. "Com a aprovação dos diretores em Londres concedo plena liberdade de todas e quaisquer obrigações para com a sociedade de Mineração Brasileira da Catta Branca, pois que sois em todos os sentidos livre e independente." Livro de Notas do Tabelião № 44, 2º Ofício. Ouro Preto, 1842, pp. 38–41.

<sup>47</sup> "Me foi dada em penhor, para garantia da dívida constante a escriptura publica passada pela finada Dona Maria Pereira de Paula Ferreira." Livro de Notas do Tabelião № 7, 2º Ofício. Ouro Preto, 1886, p. 27.

son's daughter. It is unclear if Matildes was in fact his granddaughter or if he cared for her as if she were his granddaughter.<sup>48</sup>

Some slaves were manumitted for unspecified reasons, as in the case of Joana, from Angola, and her son Antonio. In this case, it is unclear if Antonio was the son of his owner. Her owner states that Joana gave him a slave child (*cria*), and she was being manumitted without onus or conditions for her good work and other circumstances that he did not specify.<sup>49</sup>

Joaquim Alves Carneiro, resident of Nossa Senhora da Boa Viagem da Itabira, manumitted his slave José, a crioulo, who was received as a donation from his father, the Capitão Manoel Alves Carneiro, to help in his ordainment as a priest.<sup>50</sup> It is unclear how the slave contributed for the ordainment of Carneiro. Did he provide domestic service, or did he provide for his owner with the wages he earned performing skillful labor? Also, who was the slave José, and what circumstances led to his manumission? His life story was reduced to a couple of comments in a letter of freedom.

The following letter of manumission highlights the insecurities and uncertainties facing a freed individual. Raimundo's grandmother, Anna Ramos was manumitted in installments. Therefore, her daughter, Maria Rita, Raimundo's mother, was born free,

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<sup>48</sup> "A fim de aprender unicamente a cozer; e porque me consta o dito quer possuir como sua cativa sabendo que eu estimava como filha de hum filho meu, agora sem mais titulo nenhum quis chamar-se aposse della: hei por bem passar-lhe esta Carta de liberdade gratuitamente." Livro de Notas do Tabelião Nº 13, 1º Ofício. Ouro Preto, 1815, p. 37.

<sup>49</sup> Livro de Notas do Tabelião Nº 79, 3º Ofício. Ouro Preto, 1842, p. 9. The creole Brizida was manumitted in 1813 by her owner, Anna Maria de Lima, because she was born and raised in her household and for other unspecified private circumstances. Unfortunately, the document gives no clue about the circumstances other than that she was born in her owner's household. Livro de Notas do Tabelião Nº 42, 2º Ofício. Ouro Preto, 1813, p. 168.

<sup>50</sup> Sem ônus nem condições. Escravo havido por doação de seu pai o Capitão Manoel Alves Carneira "para efeito de me ordenar; cujo Crioulo por lhe ter amor, e por ter Recebido do mesmo bons Serviços o forro ... gratuitamente." Livro de Notas do Tabelião Nº 72, 3º Ofício. Ouro Preto, 1813, p. 22.

because the social status was passed on to the next generation by the mother. This condition was officially stated in Maria Rita's birth certificate. According to the document, Raimundo traveled to many places, including to other captaincies, which would increase his risk of being enslaved and kept in illegal captivity (he was most likely a muleteer or a salesperson). Therefore, despite his legal status as a free born individual, he still needed a letter of freedom to ensure free transit.<sup>51</sup> This case highlights one of the many limitations imposed on a person of color in a slavery society—it was difficult or even impossible for freed individuals to circulate freely, without the consent of the slave owners and the risk of re-enslavement.

### **Conditional Manumission**

Despite the various pathways to freedom, there were many obstacles and conditions that limited access to manumission. Evidence from the letters of freedom reveals a prevalence of conditional over unconditional manumissions. Conditional manumissions are cases in which the slave had fulfill some requirements, established or negotiated by the slave owner, in order to achieve freedom. The conditions imposed, and the reasons for manumission presented in the documents, were many and diverse. The letters of freedom highlight the attachment of Mineiro's society to the slavery system throughout the entire period investigated. Approximately two-thirds of the letters of freedom examined were conditional and referred to 1,028 slaves, which accounts for 66.5% of the total. Half of these slaves did not exit captivity immediately.

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<sup>51</sup> The baptism certificate of Raimundo's mother, Maria Rita, stated that she had been *coartada* and paid for her own freedom. However, he still need a document to confirm his free status. Livro de Notas do Tabelião № 72, 3º Ofício. Ouro Preto, 1816, p. 57.

Conditional manumissions could be free of charge or require some form of payment. Paid letters of freedom, which could have been redeemed at once or divided into installments, account for 44.5% of the conditional manumissions. Half of the slaves investigated (51.3%) were manumitted under the condition of continuing to serve their owners or others. Some slaves belonged to multiple owners, mostly due to inheritance. These slaves were granted partial manumission, which meant they were liberated from only that specific person's ownership share. These represent 2.4% of the conditional recorded manumissions. The remaining 1.8% of the slaves were manumitted under other conditions, such as an exchange for another slave or manumission by the Emancipation Fund.

Thus, there are two major conditions for manumission emphasized in the documents. The first condition was the obligation to serve for a period of time, which could be short or extend to the whole life of the individual. In the second case, the slave's freedom was obtained through self-purchased or redeemed with the collaboration of others.

### **Reasons Presented for Conditional Manumission**

The reasons for manumission varied according to the kind of manumission. For those receiving letters of freedom under the condition to serve, the reasons for manumission and conditions imposed on the fulfillment are divided into four broad categories: first, the amount of time service was required; second, the expectations of and concerns with the slave; third, slave families and their relationship with the slave owner; and fourth, financial implications of service. I established these categories with

the intention of systemizing the information provided in the documents. However, they are intermingled, and several of them could be present in each letter of freedom examined.

The period of required service varied from a few months to many years, or even to the slave's entire life. Moreover, slaves could be required to serve slave owner's relatives or other people designated by their masters. Expectations, such as obedience, loyalty, subservience, and work well done, permeate the rhetoric of the slave owners and local authorities in the letters of freedom.

Words such as reward, donation, grace, dedication, loyalty, hardship, and love are often present in the slave owner's discourse. Thus, these standardized words and expressions stress the reasons presented for manumission; they show the tension, negotiation, and strategies adopted by the subjects involved in this process. For instance, if a letter of freedom was not registered at the notaries and was misplaced, lost, or destroyed, the manumitted slave ran the risk of returning to captivity. This occurred in the case of Felipe, a creole son of the slave Rita. According to his owner Francisca do Rosário, the slave had purchased his manumission and paid RS 150\$000 to her deceased husband. The letter of freedom remained under Francisca's care, but it disappeared. Therefore, she canceled the former document and issued a new one. However, she added a new condition that Felipe would only receive his freedom after she passed away. The disappearance of the first document, if it really occurred, was certainly convenient for his owner, as she was able to secure his free labor for life.<sup>52</sup>

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<sup>52</sup> Livro de Notas do Tabelião Nº 42, 2º Ofício. Ouro Preto, 1820, p. 93. The document was signed at the owner's residence at the Maracujá farm. Regarding re-enslavement, see Keila Grinberg, "Re-enslavement, Rights and Justice in Nineteenth-Century Brazil."

The significance of the relationships developed between slaves and their masters affected the former's access to freedom. This is particularly evident in cases of manumission of families. Slave owners often referred to the love they developed for the slave children born and raised in their households. However, these feelings and concerns did not cause them to refrain from keeping these children in bondage for life. Also, some slave women were manumitted as a reward for giving birth to slave children, who were kept in captivity by their owners. Ironically, the so-called reward resulted in the separation of the mother from her children, exemplifying the brutal commodification of the slave woman, liberated because she produced the expected surplus by giving birth to enslaved children.

The second category involved financial conditions of service; in order to achieve freedom, the slaves had to pay various debts, such the slave owner's, debts of other people designated by the owner, or their own debts. Moreover, they sometimes had to pay for the expenses of their owner's burial. In addition, some of the manumitted could choose to remain at their owner's household without financial compensation, and in a few cases, slaves were promised a salary if they decided to stay. Finally, a few slaves were manumitted to serve in the military.

### **Served for a Short Period for Relatives and Others**

The enslaved creole Severo received his letter of freedom in 1861. However, he was required to work under his owner's supervision for 10 more years, and during this period, he was expected to fulfill five requirements. First, he had to behave well, which



implied obeying his owner. Second, he was expected to plant and harvest crops of corn, cotton, rice, and manioc. Third, he had to take care of the coffee plantation three times a year. Fourth, he had to take care of the cattle, pigs, and other animals. Finally, he was expected to congregate his peers to pray the rosary on Sundays. Quintiliano José da Silva, Severo's owner, was very specific when determining the conditions for the manumission, and Severo's failure to fulfill these conditions would result in his remaining in captivity for the duration of his owner's life.<sup>53</sup>

Thereza and Leandro, eight- and four-year-old slaves, respectively, were required to serve the daughter of their owner, Maria Antônia de Abreu, until she was 50 years of age. If later on they had children, their children would be obligated to serve the Maria Antônia de Abreu's children.<sup>54</sup> The slave Rita was required to serve for three more years, as a reward for the service provided to her owner and his family, as well as for the obedience, friendship, and love she dedicated to them.<sup>55</sup> Once more, these words of praise must be considered within the context of a life in captivity, where negotiation and strategic behavior could lead to the pathways to freedom.

Most slaves manumitted under the condition to serve were expected to work for the duration of their owner's life. This obligation could also be extended to the life of the owner's spouse or partner. Moreover, the obligation to serve could even extend to the owner's children, relatives, or designated third parties. In addition, the slave could be required to serve religious brotherhoods.

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<sup>53</sup> Livro de Notas do Tabelião Nº 52, 2º Ofício. Ouro Preto, 1861, pp. 99–100. Livro de Notas do Tabelião, Nº 85, 3º Ofício. Ouro Preto, 1886, p. 46.

<sup>54</sup> *Ibid.*, Nº 57, 2º Ofício. Ouro Preto, 1870, p. 8.

<sup>55</sup> *Ibid.*, Nº 83, 3º Ofício. Ouro Preto, 1881, p. 2.

In August 1813, *Alferes* Daniel Pessoa Lemos registered a document at the notary in Ouro Preto, produced by his father Antônio Pessoa Lemos, in which he clarified the division of slaves his parents had left to their four inheritors. In this document, Antônio explained the destination of a slave family he inherited from his parents. The family included the couple Felisand Lucinda, and their six children: Vicente, Manoel, Felizarda, Anna, Silvestre, and Umbelina. Antônio had already freed the couple in appreciation for their labor and for raising their six children. In addition, he explained what should happen to the couple's offspring. Three of them (Vicente, Umbelina, and Felizarda) would be granted manumission after complying with several requirements, and the other three (Manoel, Anna, and Silvestre) would remain in captivity with his son, Alferes Daniel Pessoa Lemos, as payment for work he had done for Antônio and with the expectation that Daniel would take care of his father in his old age. Furthermore, the manumitted couple remained under the control of Verissimo (Antônio's brother) for 20 years to pay for the support of their six children.

The son Vicente would have to serve Verissimo and his partner, and he would be manumitted after their death. The daughter Umbelina would have to serve Verissimo and would be manumitted after his passing. Her children would be donated as slaves to a widow named Lúcia Maciel. Also, Umbelina would be temporarily sent to Lúcia's house to take care of her own slave children. Felizarda would have to serve a married *parda* named Bernarda as a payment for work provided to Antônio. Bernarda was probably a freed person (*agregada*) that lived in Antônio's household. Felizarda would be manumitted at 40 years of age, but any children she gave birth to would be Bernarda's slaves.

Despite being manumitted, the couple Felis and Lucinda remained in captivity to raise their six children and to serve their owner during his life. Three of their children would become free if they outlived their owners, although it is probable that they would have been elderly themselves by then. The children of the two slave sisters would remain in captivity, even if their mothers were eventually manumitted. In the case of this slave family, as in the case of many other slaves who received letters of manumission, freedom was a distant dream, not always achievable. They had to serve their owners, as well as other people he designated, and their children remained in captivity.<sup>56</sup> Thus, they strolled the pathways of freedom but likely never arrived at their ultimate destination.

The condition imposed for the manumission of the 17-year-old Florencia and her 14-month-old daughter Francisca was at least *sui generis*. Their owner, Maria Umbelina Pelucia, transferred the two slaves to a third person. The slaves would have to serve Manoel Teixeira de Souza until Florencia got married, and then he would give them their letters of freedom. Meanwhile, the slaves were expected to serve without financial compensation before receiving manumission.

This document was a kind of contract between the slaves' owner and a supposed benefactor, possibly without any consent or acknowledgment by Florencia, the teenage mother. The document does not identify the person receiving the slaves or his involvement or relationship with the owner or the slaves, nor does it describe the reasons for this transfer of dominium.

Maria Umbelina manifested her concern for the future of her slave and the intent to find her a good husband. The future of Florencia and her daughter seemed uncertain,

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<sup>56</sup> Livro de Notas do Tabelião Nº 33, 2º Ofício. Ouro Preto, 1813, p. 37.

as it depended on the interest of this new owner in finding her a husband and handing her the letters of freedom, at which time he would lose her service.<sup>57</sup> There is no further information on Souza or evidence to suggest that he kept his part of the deal, caring for the teenage slave and her baby daughter.

The case of the slave Theotonio's manumission was a little different. He would have to work one more year at the Morro Velho Gold Mining Company before receiving his letter of freedom. Moreover, the wages he received during this period were to be used to pay for his mother's manumission. Evidence in the document suggests that the decision resulted from an agreement between two slave owners, Theotonio and his mother.<sup>58</sup>

The duration of time between the date the letter of freedom was written and the date it was registered at the notary could indicate how much longer the manumitted individual had to perform compulsory labor before cutting the ties of slavery. Some slaves had the document registered soon after it was written, whereas others did not have access to it until the passing of their former owners and until the slave met the conditions imposed to freedom.

Francisca, a creole daughter of Maria from Angola, was also expected to serve her owners until they passed away, after which she would be manumitted. However, if she had children, they would remain in captivity. This statement by her owners

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<sup>57</sup> Livro de Notas do Tabelião Nº 44, 2º Ofício. Ouro Preto, 1844, p. 96.

<sup>58</sup> Livro de Notas do Tabelião Nº 85, 3º Ofício. Ouro Preto, 1886, p. 46. The slave Francisco, Cabra, was required to work under the Alferes Joaquim Marques Francisco, and the amount he accumulated during that period would pay for his manumission. Livro de Notas do Tabelião Nº 40, 3º Ofício. Ouro Preto, 1803, p. 154. Livro de Notas do Tabelião Nº 74, 3º Ofício. Ouro Preto, 1836, p. 78. The manumitted Manoel Antonio do Sacramento was expected to serve his owner for life, according to a document he signed and was registered by his owner at the notary in Ouro Preto. This was the only document I found on manumission with a slave's signature. Livro de Notas do Tabelião Nº 76, 3º Ofício. Ouro Preto, 1840, p. 2.

contradicts the principle *Partus Sequitur Ventrem*, under which a mother transmits her juridical status to her children. Thus, a freed mother gave birth to free children.<sup>59</sup>

However, this was not the plan of her owners, even though they were manumitted persons themselves, they did not hesitate in keeping others in captivity.<sup>60</sup>

Severino, a creole slave of Clara Maria do Nascimento, was manumitted under the condition that he serve his owner for life. Nascimento imposed the conditions of fidelity and compulsory service without financial compensation. Thus, his slavery condition would not change. Severino's owner was very specific regarding her expectations of good behavior in exchange for what she referred to as the "benefit" of manumission. Additionally, she highlighted the conditions for fulfilling the manumission, a contract which would perpetuate Severino's slavery condition. Moreover, she expected gratitude and for him to continue behaving well. This would ultimately grant him manumission. Meanwhile, he would have to keep his owner's company, and she forbade him to work without her permission. Thus, Severino's owner eliminated any chance the slave could have of working independently to accumulate resources and to possibly renegotiate with her to reduce the period of his captivity.<sup>61</sup>

In some cases of conditional manumission, the document reveals evidence of the slave owner's concern with the slave's future and well-being. Usually, these slaves were children or young adults who were born and raised in their owner's household. Also, their owners show concern about securing these individuals' education and their

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<sup>59</sup> Cowling, *Conceiving Freedom*, p. 57. Chalhoub, *Visões*, pp. 156–162.

<sup>60</sup> Livro de Notas do Tabelião № 40, 2º Ofício. Ouro Preto, 1804, p. 174.

<sup>61</sup> Livro de Notas do Tabelião № 77, 3º Ofício. Ouro Preto, 1848, p. 44.

abilities to care for themselves. Some slave owners shortened the amount of years their slaves were expected to serve, even liberating the slaves that were expected to serve for life. Some slaves were even allowed to keep their working tools.

As an example, José was seven years old when his letter of freedom was written. However, he would be under the care of his owner's godson, who was expected to provide for his religious education.<sup>62</sup> The creole Francisca experienced a similar fate. She was manumitted, but she was to remain under her owner's care and, after that, under the executor of her owner's will until she was 20 years old. She would receive secular and religious education and be prepared for marriage.<sup>63</sup> Tiburcia, an eight-month-old baby, was also destined for marriage; meanwhile, she would remain under her owner's dominium.<sup>64</sup> Nicolau was raised by his owners, who taught him the craft of tailoring. He was manumitted in 1803 under the condition that he serve and care for them for the remainder of their lives.<sup>65</sup> The *mulato* slave Cypriano bought another slave to exchange for his own freedom. However, his owner refused the offer and manumitted him instead, thus allowing the manumitted to keep the purchased slave. Cypriano had a choice to continue work at his owner's company if he wanted, but would not be granted financial compensation.<sup>66</sup>

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<sup>62</sup> Livro de Notas do Tabelião Nº 77, 3º Ofício. Ouro Preto, 1846, p. 59. His letter of freedom was written in Boa Esperança.

<sup>63</sup> Livro de Notas do Tabelião Nº 83, 3º Ofício. Ouro Preto, 1870, p. 35.

<sup>64</sup> Livro de Notas do Tabelião Nº 51, 2º Ofício. Ouro Preto, 1858, p. 49.

<sup>65</sup> Livro de Notas do Tabelião Nº 40, 2º Ofício. Ouro Preto, 1803, p. 184.

<sup>66</sup> Livro de Notas do Tabelião Nº 40, 2º Ofício. Ouro Preto, 1801, p. 72. The document was written in Paraopeba.

Some slaves manumitted under the obligation to serve had this condition cancelled. Lionídia, daughter of the slave Thereza, was required to work until the age of 25, as stipulated in her baptism certificate. She was transferred to a creditor as collateral for a debt. The creditor passed away, and she returned to her owner, who canceled her obligation to serve and manumitted her.<sup>67</sup> Moreover, Rita was liberated of the condition to serve, but her owner reinforced her obligation to pay for masses at church after his passing.<sup>68</sup> Conversely, the African slave Mariana ran the risk of having her letter of freedom cancelled. Also, her owner declared that he never gave her the document, and her manumission would be cancelled if someone reclaimed his inheritance. In reality, her condition never changed, as her owner stated that Mariana remained working among the other slaves.<sup>69</sup>

The obligation to serve, despite being manumitted, applied even to old and sick slaves. Illness of the slave or the slave owner could also result in manumission of the former. A sick slave was seen as a burden that could be avoided by conceding freedom. As a result, the slave owner tried to avoid paying the expenses of treatment and housing. Other sick slaves were obligated to remain in captivity, however. For instance, the slave Maria from Angola was manumitted in 1817 as a reward for her good service and goodwill. However, despite her declining health, she was not released from the obligation to serve for life.<sup>70</sup> In other occasions, the illness or old age of the slave owners enhanced the slave's access to freedom. For instance, a slave could be

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<sup>67</sup> Livro de Notas do Tabelião Nº 47, 2º Ofício. Ouro Preto, 1851, p. 81.

<sup>68</sup> Livro de Notas do Tabelião Nº 52, 2º Ofício. Ouro Preto, 1861, p. 51.

<sup>69</sup> Livro de Notas do Tabelião Nº 51, 2º Ofício. Ouro Preto, 1858, p. 44.

<sup>70</sup> Livro de Notas do Tabelião Nº 42, 2º Ofício. Ouro Preto, 1817, p. 24.

manumitted for caring for sick owners and their relatives. In addition, sick slave owners, fearing the proximity of death, manumitted slaves. As an example, Maria Joaquina, a parda slave of Theresa Jozefa Caetana de Castro, received her letter of freedom as a reward for her obedience and loyalty. The slave owner was likely approaching death and requested that Maria remain in service until her passing, without financial compensation.<sup>71</sup>

Keeping a good relationship with the slave owner appears to be indispensable for acquiring freedom, whatever the implications of this behavior or strategy might be. For instance, in 1800, the slave Antonio from Angola was granted his letter of freedom. According to the document, he was required to remain in his owner's company for life. However, during this period, he was allowed to keep everything he acquired, and after the death of his owner Manoel da Silva Sampayo, Antonio was allowed to live wherever he pleased. What are the real implications of this statement? Would he be able to live as he pleased? Most likely, his options were limited because he was a former slave and depended on his skills and ability to navigate the system. The letter of freedom does not disclose of the slave's age, occupation, or profession. However, it seems reasonable to believe that Antonio had some skills that would permit him to make a profit beyond his duties as a slave.<sup>72</sup>

The case of the slave Francisco, of Banguela origin, manumitted by Jozé Rodrigues Souza in 1805, reinforces the importance of personal relations between the parties involved in the process of manumission. Francisco was manumitted under the condition that he serve for life and was likely the only inheritor of his owner's

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<sup>71</sup> Livro de Notas do Tabelião Nº 42, 2º Ofício. Ouro Preto, 1818, p. 36.

<sup>72</sup> Livro de Notas do Tabelião Nº 40, 2º Ofício. Ouro Preto, 1800, p. 40.



belongings. The letter of freedom does not state the health status and age of the slave nor of his owner. Thus, it is impossible to know how long Francisco would have had to serve in the event he survived his master. It is possible that they had a good relationship and that Jozé had no other inheritors, as he declared that all his belongings should be transferred to the slave at the time of his death.<sup>73</sup>

In conclusion, all these cases in which the slave owners manifested or implied a concern with the slaves' well-being after their letters of freedom were issued also show the intent to keep these individuals in captivity for the duration of their owner's life. In doing so, the slave owners were securing the provision of free compulsory labor. In addition, these manumissions refer to what could be considered the development of a good or tolerable relationship with the owners. However, having a good relationship with their masters did not necessarily imply an easier or better living condition for the slaves. On the contrary, the achievement of manumission was the result of sacrifices in the physical and psychological realms that would not be repaired by any kind of compensation. Moreover, even after receiving their letters of freedom, the slaves were expected to remain loyal and to respect and avoid any kind of confrontation with their former owners. Therefore, they remained vulnerable to the cancelation of the document, in case of noncompliance with their former owner's expectations about their behavior.

### **Paid Manumissions**

Despite all the reasons stated by the slave owners, two main factors prevailed in having access to freedom: the relationship developed between the main actors in this

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<sup>73</sup> Livro de Notas do Tabelião Nº 334, 3º Ofício. Ouro Preto, 1805, p. 65.

process, the slaves and their owners, and financial reasons. Often slaves were required to either continue working without financial compensation or purchase their own freedom. For example, half of the letters of freedom were purchased by the slave, and half were purchased by relatives or third parties. In addition, in approximately 17% of the purchased manumissions, the manumitted were kept in captivity and had to continue working.<sup>74</sup> Moreover, evidence suggests that having the financial means to purchase freedom was not enough to achieve it. Unless the slave accessed the judicial system to fight for freedom, the relationship with the owner would either make it possible or become an obstacle.

Approximately one-third of these manumissions were paid for before the document was written, at the time it was signed, or later. Approximately 8% of the manumissions (119 out of 1,547 letters of freedom) were paid in installments (*coartação*), and the large majority of them (105) were recorded during the first half of the nineteenth century (from 1800 to 1849). See Table 22, “Coartação by year and gender,” at the end of this chapter. Only 14 cases were registered between 1850 and 1886. Why is this important? At first glance, it seems that slaves had more possibilities to pay for their freedom in installments during the first half of the nineteenth century. This could correlate with the end of the slave trade in 1850, when replacements were cut off.

Among the slaves who purchased their freedom in installments, 44% (52 individuals) were female, and the remaining 56% (67 individuals) were male. Despite the prevalence of males, the difference between gender is not significant. The origin of

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<sup>74</sup> Almost half of these letters of freedom were purchased, which corresponded to 41.5% of the total manumissions, and 17% of these slaves were required to continue serving.

these slaves was not disclosed in one-third of the cases (41 cases or 34.4%). One-third of them (38 or 32%) were creoles (Brazilian born), and one-third were Africans (40 or 33.6%). According to the data in Table 23, “Coartação by origin and gender,” among the male slaves, those of African origin practiced self-purchase more than the male creoles. Conversely, among the females, the opposite was true, with a predominance of self-purchase in installments among the creoles. Because these are cases of purchased manumission, it is reasonable to assume that these individuals had a means of saving money for manumission such as by performing some sort of paid labor, providing service to third parties (other than their owners), or selling other types of goods. However, the under registration of the occupations of these individuals impedes further analysis of the means used to save for manumission.

For instance, only one of these slaves had his occupation disclosed. He was a barber named João, and he was required to pay 64  $\frac{3}{4}$  *oitavas* in gold for his freedom. Ironically, he was required to remain at his widow owner’s house. According to the executor of the will, and daughter of his deceased owner, Lieutenant Antonio da Costa Azevedo, João was obligated to live with the inheritor’s mother. Moreover, he was supposed to earn the money to pay in installments for his freedom, probably through his work as a barber. In addition, he was required to return home every day, and failure to comply with these conditions would result in invalidation of the contract to pay in installments. The reasons for the obligation to live with the widow were not disclosed. Most likely, he would continue providing some kind of slave labor to the lieutenant’s widow and provide for her.<sup>75</sup>

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<sup>75</sup> Livro de Notas do Tabelião Nº 12, 1º Ofício. Vila Rica, 1810, p. 44.

The reasons presented for purchase in installments were similar to those recorded in cases of manumission purchased in one payment. However, only about half of the latter (54.62%) were paid by the slaves themselves, compared with approximately 95% of the installments manumission being paid by the slaves. The contract of freedom (*Carta de Corte*) established the conditions of the installment purchases. Some slaves paid part of the amount due at the beginning and usually paid the rest in equal annual installments, while others paid the balance in service.

In these cases, the actual letter of freedom was written and delivered after the slave's payment of their evaluation price. Some slave owners extended the due date to give the slaves more time to fulfill the payments, whereas others threatened invalidation of the deal if the payments were delayed. In a few cases, the slave owner received a large portion of the payment and pardoned the remaining debt in exchange for the obligation to serve for life. In such cases, the slaves were kept in captivity until their owner's death despite having paid part of their evaluation price.

The following cases exemplify these diverse agreements for payment in installments. As an example, in 1801 the creole slave Sebastiana made a contract of self-purchase in installments with her owner under the condition that she would have to pay half a *Libra* in gold for her manumission in equal installments over a period of five years.<sup>76</sup> The African slave Francisco, *nação* Banguela, registered his manumission at the notary in 1800. According to his owner, the slave had a contract of self-purchase in installment because he was old (50 years of age) and sick. Moreover, his owner stated that the slave was sick upon arrival from Africa and suffered of dizziness. In addition,

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<sup>76</sup> Sebastiana was quartada as a reward for the good job done to her owner. Livro de Notas do Tabelião Nº 11, 1º Ofício. Vila Rica, 1801, p. 76.

the slave had paid 20 *oitavas* in gold, in many installments, and he was manumitted to seek treatment.<sup>77</sup>

Similarly, Antônia, an African slave *nação* Banguela, paid 50 *oitavas* in gold for her manumission in installments. Her owner declared that the slave was being freed because she had a chronic disease. Therefore, as in the previous case of manumission purchased in installments, the slave owner was getting rid of a sick slave and still receiving financial compensation.<sup>78</sup>

Rosa, a black slave *nação* Mina, paid RS 268\$800 for her self-purchase in installments and received her letter of freedom. Her owner declared that the slave had eight children born and baptized as freed (*forros*).<sup>79</sup> In contrast, the benefit of freedom would not apply to the children of another slave named Josefa. According to her owner's statement in the contract of self-purchase (*Carta de Corte*), if she gave birth to children, they would remain in captivity. This statement contradicted the law, as a child was supposed to inherit his/her mother's legal status.<sup>80</sup>

The self-purchase contract of the creole Francisco sheds light on the negotiation process that preceded agreements of manumission paid in installments. Francisco had to pay 64 *oitavas* in gold for six years. Anna Vilela da Silva was the inheritor and executor of her father's will and, as such, negotiated the terms and conditions of the payment with the slave. Moreover, the slave would have to work on her agricultural lands and mines (*lavras e roça*) earning 12 *vinténs* of gold, to count toward his

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<sup>77</sup> Livro de Notas do Tabelião Nº 40, 2º Ofício. Ouro Preto, 1800, p. 39.

<sup>78</sup> Antônia was quartada as a reward for being a good servant, and “pella razão de ter molestia na barriga, incurável.” Livro de Notas do Tabelião Nº 40, 2º Ofício. Ouro Preto, 1802, p. 105.

<sup>79</sup> Livro de Notas do Tabelião Nº 11, 1º Ofício. Vila Rica, 1803, p. 106.

<sup>80</sup> Livro de Notas do Tabelião Nº 42, 2º Ofício. Ouro Preto, 1813, p. 6.

evaluation price. Also, this specific case reinforces the agreement between the captive and his owner. Anna Vilela da Silva argued that the slave convinced her that he would fulfill the payment; otherwise the accord would be canceled. Here, the verbal persuasion shows the slave's active participation in his manumission process. In addition, the document functions as a labor contract because Francisco would apply his weekly income to pay for his freedom.<sup>81</sup>

The terms of the creole Francisca's contract of self-purchase in installments were different. She paid 96 *oitavas* in gold. The total amount was divided between her owner and her owner's creditor. Her owner received 28.5 *oitavas* of gold, and the remaining 67.5 *oitavas* went to fulfill her owner's debt. Moreover, Joaquina, Francisca's owner, stated that she had raised the slave since childhood and she had always been a loyal and a good worker. For this reason, she gave Francisca the possibility of manumission in installments.<sup>82</sup> This statement reinforces the importance of the interpersonal relationship between slaves and their masters as one of the factors that influenced manumission.

Suzana Alves da Cruz fixed the price of freedom of her creole slave Rita at 96 *oitavas* of gold, to be fulfilled in seven years. Also, Suzana recommended that her inheritors take the necessary measures to facilitate the deal. Moreover, the owner declared that the children Rita may eventually gave birth to, from that day on, would benefit from their mother's manumission.<sup>83</sup> The paternalist rhetoric of Rita's owner presents as a benefit and charity a natural right that was denied to the enslaved

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<sup>81</sup> Livro de Notas do Tabelião Nº 40, 2º Ofício. Ouro Preto, 1803, p. 162.

<sup>82</sup> Livro de Notas do Tabelião Nº 341, 2º Ofício. Ouro Preto, 1803, p. 2.

<sup>83</sup> Livro de Notas do Tabelião Nº 41, 2º Ofício. Ouro Preto, 1807, p. 41.

individual to begin with. Additionally, Rita would pay for her freedom, which further put into question her owner's paternalist rhetoric<sup>84</sup>.

Finally, the letters of freedom of two slaves, the creoles Raimundo, 50 years of age, and Manoel Camargo, further illustrate the circumstances of manumission. Their owner stated that the slaves were evaluated for self-purchase, and they paid most of the amount due, but they opted to remain with him. For this reason, he decided to write their letters of freedom. They were to remain with him until they finished the payment. The issued letter of freedom did not change the slaves' financial obligation to pay for freedom, and it does not list the reason why the slaves decided to stay with their owner. Did the slaves actually decided to remain, or were they coerced to stay in exchange for the letters of freedom?

All these examples of manumission paid in installments provide evidence of the importance of the relationship between the captives and their owners in the process of manumission. In addition, these cases highlight the intricacies of this negotiating process, as well as the agency of the parties involved.

Who paid for manumission? In half of the cases (51.6%), the slaves paid themselves. Third parties paid for 13.6% of the manumissions. In roughly 13.9% of the cases, it is unclear who paid. Relatives purchased the freedom of family members in 8.6% of the cases. Godparents and *compadres* (or ties of god-parenthood, *compadrio*) made up 6.2% of the manumissions, and the remaining 6.2% of the slaves were manumitted by other means such as the Portuguese Crown and the Emancipation Fund. See Table 24, "Who Paid for Manumission?" at the end of this chapter.

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<sup>84</sup> Regarding slavery and natural rights, see Chalhoub, *Visões*, pp. 151–161.

In one case, the Portuguese Crown manumitted a group of slaves who found a large diamond at the end of the eighteenth century, and the letter of freedom of one of these individuals was registered at the notary in Ouro Preto at the beginning of the nineteenth century. Also, five slaves were manumitted by the Emancipation Fund, all of them by judicial arbitrage.

These findings confirm the inefficiency of the fund in Ouro Preto, as the few slaves manumitted by this means still had to appeal to the judiciary to secure their rights to freedom, as explained in more detail in Chapters 2 and 5 of this dissertation. A small number of slaves had their manumission paid by inheritors or by funds set apart in the wills for this purpose (11 slaves). Only four were liberated by beneficent and abolitionist societies, two of these in 1884 and two in the following year. Thus, they were liberated in the last years of slavery in Brazil. However, it is necessary to emphasize that these are only the cases of letters of freedom registered at the notaries in Ouro Preto, and not all the manumissions granted during the period investigated were recorded.

Relatives of the slaves were responsible for 29 (8.6%) of the paid manumissions. Parents paid for most of these manumissions—12 by fathers and eight by mothers. The remaining nine cases were paid by husbands, siblings, daughters-in-law, and sons-in-law.

Approximately 13.5% of the purchased manumissions were paid by third parties. In most of these cases, the document recorded the name of the individual providing the financial resources, but there is neither an indication of the reasons for this gesture nor information on these individuals' relationship with the slave. Evidence in the documents shows that in some cases the slave was required to work for the person who provided



the money. Therefore, ultimately the slaves would pay with labor for their own freedom. As an example, in 1876 the slave Avelina, a 30-year-old *parda*, received her letter of freedom. She was manumitted by judicial sentence, based on the Decree 5135 of 1872, which regulated the Free Womb Law of 1871. Moreover, she probably had savings, or more likely, she negotiated the payment of her evaluation price with a third party, Alfonso Painhas, who paid the amount of RS 700\$000. However, Avelina was required to provide him with compulsory work for seven years before being liberated. Thus, Painhas loaned the money for manumission, and the slave would pay him back providing service. In a couple of cases, groups of individuals gathered money to liberate slaves.<sup>85</sup>

Who these individuals were, and why they invested money in the freedom of these slaves, remains unclear. It is possible that some of them had philanthropic intentions or abolitionist ideals. However, it is also possible that the money provided for payment was an investment, a loan to be paid in service or in cash. Finally, slaves were manumitted in wills and by inheritors. Among the cases of onerous manumission, 10 slaves (3% of onerous manumission) had their value paid by inheritors for various reasons or with money set aside for this purpose by the person leaving the will.

A small percentage of slaves (6.19%) were manumitted under other circumstances such as those liberated by the Emancipation Fund, which I explored in Chapter 2. Another circumstance was to serve in the military in place of someone else. In addition, in four cases, slaves exchanged their own freedoms for other slaves they owned or purchased for this purpose. Finally, roughly 1.6% were partially manumitted.

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<sup>85</sup> In 1881 the Monsignor José Augusto Ferreira da Silva organized a subscription to collect RS 600\$000, the price of evaluation of the 12-year-old Josephina. The motive for this gesture was the celebration of the emperor's visit to Ouro Preto. Livro de Notas do Tabelião Nº 60, 2º Ofício. Ouro Preto, 1881, p. 132.

Most of these slaves were inherited from parents or relatives of the actual owners.

These partially manumitted individuals were still required to remain slaves of the other inheritors or owners, and their status did not change, unless they were liberated from their remaining owners or they negotiated the acquisition of those parts. In a few cases, one inheritor purchased all the parts of the slave owned by the other inheritors, with the purpose of manumitting him/her.

In conclusion, letters of freedom illustrate the struggle and persistence of the slaves to exit captivity, either by paying in gold and cash or with their own labor. Even in the cases of unconditional manumission, the slaves' involvement is evident because the pathway to freedom was heavily dependent on the relationship developed between the slave and the owner. In addition, the large incidence of manumission under the condition of serving mostly for life illustrates the slave owner's attempt to hold on to slave labor as long as possible. Only five letters of freedom belonged to individuals manumitted by the Emancipation Fund, and all of them had to appeal to the judiciary to secure their right to freedom. Therefore, the access to funds granted by the state benefitted only a few individuals, and those who succeeded had to fight for it.

**Table 13. Conditions of manumission.**

<b>Condition</b>	<b>Male</b>	<b>Conditional (%)</b>	<b>Female</b>	<b>Conditional (%)</b>	<b>Total</b>	<b>Percentage</b>
Required to serve	240	23.3	287	27.9	527	51.3
<b>Paid manumission</b>						
Paid in full	141	13.7	198	19.3	339	33.0
Paid in installments	67	6.5	52	5.0	119	11.5
<i>Subtotal</i>	208	20.2	250	24.3	458	44.6
<b>Other</b>						
Partial	14	1.4	11	1.0	25	2.4
Emancipation Fund	2	0.2	3	0.3	5	0.5
Exchange	1	0.1	7	0.7	8	0.8
<i>Subtotal</i>	17	1.7	21	2.0	38	3.7
Not specified	4	0.4	1	0.1	5	0.5
<b>Total</b>	469	45.6	559	54.4	1,028	100

**Table 14. Age by gender.**

Age	Male	Percentage of total males	Percentage of total	Female	Percentage of total females	Percentage of total	Total	Percentage
0–4	30	21.7	9.5	24	13.6	7.6	54	17.1
5–9	12	8.7	3.8	24	13.6	7.6	36	11.4
10–19	17	12.3	5.4	22	12.4	7.0	39	12.4
20–29	16	11.6	5.1	27	15.3	8.6	43	13.7
30–39	15	10.9	4.8	16	9.0	5.1	31	9.8
40–49	12	8.7	3.8	26	14.7	8.3	38	12.1
50–59	11	8.0	3.5	11	6.2	3.5	22	7.0
60–69	6	4.3	1.9	13	7.3	4.1	19	6.0
70	2	1.4	0.6	2	1.1	0.6	4	1.3
80	1	0.7	0.3	0	0.0	0.0	1	0.3
Girl/minor	1	0.7	0.3	5	2.8	1.6	6	1.9
Moleque	4	2.9	1.3	0	0.0	0.0	4	1.3
Rapaz/ rapariga	4	2.9	1.3	3	1.7	1.0	7	2.2
Elderly	7	5.1	2.2	4	2.3	1.3	11	3.5
Total	138	100	43.8	177	100	56.2	315	100

**Table 15. Age identified by gender.**

Age	Male	Percentage of total males	Female	Percentage of total females	Total	Total percentage
Identified	138	20.1	177	20.6	315	20.4
Unidentified	550	79.9	682	79.4	1,232	79.6
Total	688	100	859	100	1,547	100

Sources: CPOP Letters of Freedom, Ouro Preto, 1800–1888.

**Table 16. Occupation by gender.**

<b>Occupation</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
Barber	1		1
Carpenter	8		8
Cook	1	1	2
Horse carer	1		1
Lavrador	1		1
Mason	3		3
Pagen	1	1	2
Quitandeira		1	1
Roceiro	1		1
Shoemaker	2		2
Sawyer	2		2
Tailor	2		2
Total	23	3	26

Sources: CPOP Letters of Freedom, Ouro Preto, 1800–1888.

**Table 17. Origin by gender.**

Origin	Male	Percentage of males	Percentage identified	Female	Percentage of females	Percentage identified	Total
African	157	46.3	20.1	150	33.9	19.2	307
Crioulo	182	53.7	23.3	293	66.1	37.5	475
Total	339	100	43.4	443	100	56.6	782

**Table 18. Identified origin by gender.**

Origin	Male	Percentage of males	Percentage Identified	Female	Percentage of females	Percentage Identified	Total
Identified	339	49.3	21.9	443	51.6	28.6	782
Unidentified	349	50.7	22.6	416	48.4	26.9	765
Total	688	100	44.5	859	100	55.5	1,547

Sources: CPOP Letters of Freedom, Ouro Preto, 1800–1888.

**Table 19. African categories.**

<b>Category</b>	<b>Male</b>	<b>Percentage Identified</b>	<b>Female</b>	<b>Percentage Identified</b>	<b>Total</b>	<b>Percentage</b>
African and de Nação	30	19.0	26	17.4	56	18.2
Angola, and Nação Angola	32	20.3	29	19.5	61	19.9
Banguela, Benguela, Nação Banguela, Nação Benguela	30	19.0	29	19.5	59	19.2
Cabinda, Nação Cabinda	2	1.3	4	2.7	6	2.0
Cassange, and Cossange	2	1.3	1	0.7	3	1.0
Conga, Congo, Nação Conga, and Nação Congo	18	11.4	15	10.1	33	10.7
Moçambique	2	1.3	5	3.4	7	2.3
Monjolo, and Nação Monjolo	4	2.5	0	0	4	1.3
Nação Caxonge	1	0.6	0	0	1	0.3
Rebolo, Rebola, Nação Rebolo and Nação Rebola	4	2.5	10	6.7	14	4.6

Mina, and Nação Mina	26	16.5	22	14.8	48	15.6
Nação Nago/Yoruba	0	0	1	0.7	1	0.3
Da Costa	0	0	2	1.3	2	0.7
Nação Cabundá	1	0.6	1	0.7	2	0.7
Nação Camunda	1	0.6	0	0	1	0.3
Nação Cabra	2	1.3	2	1.3	4	1.3
Muhumbe	1	0.6	0	0	1	0.3
Nação Mojanje	1	0.6	0	0	1	0.3
Nação Motumbe	1	0.6	0	0	1	0.3
Nansbonhe	0	0	1	0.7	1	0.3
Tumba (Motumbe?)	0	0	1	0.7	1	0.3
Total	158	100	149	100	307	100

Sources: CPOP Letters of Freedom, Ouro Preto, 1800–1888.



**Table 20. Marital status by gender.**

<b>Status</b>	<b>Male</b>	<b>Percentage of males</b>	<b>Female</b>	<b>Percentage of females</b>	<b>Total</b>	<b>Percentage of total</b>
Single	3	4.3	10	14.3	13	18.6
Married	25	35.7	30	42.9	55	78.6
Widow	1	1.4	1	1.4	2	2.9
Total	29	41.4	41	58.6	70	100

**Table 21. Marital status identified by gender.**

<b>Status</b>	<b>Male</b>	<b>Percentage of males</b>	<b>Female</b>	<b>Percentage of females</b>	<b>Total</b>	<b>Percentage of total</b>
Identified	29	4.2	41	4.8	70	4.5
Unidentified	659	95.8	818	95.2	1,477	95.5
Total	688	100	859	100	1,547	100

*Sources:* CPOP Letters of Freedom, Ouro Preto, 1800–1888.

**Table 22. Coartação by year and gender.**

<b>Year</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
1800–1809	18	24	42
1810–1819	19	11	30
1820–1829	4	3	7
1830–1839	7	5	12
1840–1849	10	4	14
1850–1859	3	1	4
1860–1869	4	0	4
1870–1879	0	3	3
1880–1886	2	1	3
Total	67	52	119

**Table 23. Coartação by origin and gender.**

<b>Coartação</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
Creoles	19	19	38
Africans	27	13	40
Unknown	21	20	41
Total	67	52	119

Sources: CPOP Letters of Freedom, Ouro Preto, 1800–1888.

**Table 24. Who paid for manumission?**

<b>Source</b>	<b>Male</b>	<b>Percentage of total</b>	<b>Female</b>	<b>Percentage of total</b>	<b>Total</b>	<b>Percentage</b>
Slave	79	23.30	96	28.32	175	51.62
Relatives	9	2.65	20	5.90	29	8.55
Godparents and <i>Compadres</i>	9	2.65	12	3.54	21	6.19
Third parties	16	4.72	30	8.85	46	13.57
Other	8	2.36	13	3.83	21	6.19
Unknown	18	5.30	29	8.50	47	13.86
<b>Total</b>	<b>139</b>	<b>40.99</b>	<b>200</b>	<b>58.94</b>	<b>339</b>	<b>100</b>

Sources: CPOP Letters of Freedom, Ouro Preto, 1800–1888.

## CHAPTER 4

### Manumission in Last Wills and Slave Inheritances

This chapter investigates the manumission of slaves in last wills in the county of Ouro Preto, in Minas Gerais province, during the second half of the nineteenth-century. The investigation of manumission mechanisms includes the religious and financial implications, the historical agents involved, and the strategies used to deny, postpone, or facilitate the slaves' access to freedom.

Manumission is analyzed here as a conquest, as an accomplishment of the slaves, and in many cases, it was the result of a lifelong process of negotiation under conditions of compulsory labor. However, manumission in last wills seldom resulted in immediate liberation from slavery. A preponderance of the slaves remained in slavery under the same living conditions, at least until the owner's death. As highlighted by Márcio de Souza Soares, letters of freedom did not necessarily grant immediate liberation; they often benefited future generations, not the slave receiving the document.<sup>1</sup> This was consistent with the imperial government's rhetoric regarding its gradual emancipation plan, which focused on facilitating the transition from slavery to free labor in an attempt to avoid social unrest and the disruption of agricultural production. However, freedom was still the slave's ultimate goal.

In conducting this investigation, I collected all the last wills in the Archive of Casa do Pilar in Ouro Preto in which the testator mentioned the manumission or the intention to manumit slaves after his/her death. They were compiled in the notary books for the

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<sup>1</sup> Márcio de Souza Soares, *A Remissão do Cativo; A Dádiva da Alforria e o Governo dos Escravos nos Campos dos Goitacases, c. 1750 – c. 1830* (Rio de Janeiro: Apicuri, 2009), p. 278.

years 1850 to 1888, which encompasses the period from the prohibition of the African slave trade to the abolition of slavery in Brazil. I then analyzed all the wills that included manumission of slaves as well as manumissions paid in installments (*coartação*).

The last wills have a strong religious component in them and provide a glimpse of the nineteenth-century Mineiro society.<sup>2</sup> The moment the testators wrote the documents was also when they prepared for their deaths. The testators organized their financial lives by distributing assets, paying debts, and choosing their inheritors. In addition, the testators planned and decided on funeral and burial arrangements. It was a time for focusing on their spiritual lives. These documents also reveal the importance of lay religious brotherhoods in nineteenth-century Mineiro society, as a predominance of slave owners belonged to one or several of these institutions. Unfortunately, the last wills investigated do not provide information regarding the manumitted individual's association to these institutions.

This chapter will first discuss the last wills, which are the main source investigated for the subject, regarding the information provided about the testator, the conditions imposed on the slave(s) to be manumitted, and the reasons why the manumission occurred in this manner. Next, it will discuss the testators' affiliations with lay brotherhoods and the importance of these institutions in the Mineiro society and, most importantly, in the testators' decisions to manumit slaves in this manner. Third, the last wills are historical documents that provide a primary source for the study of slavery and, more specifically, manumission. This investigation provides an understanding of the structure and pattern of nineteenth-century last wills, who produced these documents and how, and their main components. It also considers the probate

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<sup>2</sup> Mineiro refers to the province of Minas Gerais.

processing of the last wills from the opening of the document itself after the testator's death to its registration at the notary, the distribution of assets, and the closing. Notably, many of the last wills examined were written by local priests, most likely due to the high incidence of illiteracy or the health of the testators, who were often ill or elderly. Fourth, I will investigate the practice of the testators leaving assets to their slaves in their wills. The documents provide evidence regarding the kind of assets the slaves inherited and raises questions regarding the relationships between the slaves and their owners, the existence of social networks, and the strategies adopted by the subjects of this process.

The practice of manumitting slaves in last wills raises questions regarding religion, morality, and finance as well as about more practical matters. Four principal questions will be addressed. First, why did people decide to manumit slaves after their deaths? Was it simply because they did not have heirs? This was the case for many testators, as 52 out of 88 I analyzed for this chapter had no children. Second, what was the influence of religion on the decision to manumit? This chapter considers the role of the Catholic Faith within Mineiro society and the influence of religion on the process of manumitting slaves. Was manumission based on religious and moral concerns, such as saving one's soul and achieving forgiveness for one's sins? Considering the testators' involvement with lay brotherhoods and the importance of the Catholic faith in the nineteenth-century Mineiro society, granting manumission could be interpreted as a final attempt to secure a pathway to heaven. Third, to what extent were slave owners concerned with benefiting the slaves? Slave owners could have considered manumission a compensation, a reward for a slave's labor and loyalty. Was manumission a gesture of charity, or was it just a strategy to assure free compulsory

labor—at least during their lifetime—as the prospect of abolition was becoming apparent? Fourth, why did some testators leave assets to their slaves? They had no financial or political obligation to do so. They had no official obligation to guarantee housing or a means of survival to their slaves, so why did they leave these inheritances?

The testators of the 88 last wills I analyzed manumitted more than 189 slaves. There is no exact record of the total number manumitted because one of the testators declared that he manumitted multiple slaves and made an agreement with others to make payments in installments, but he did not disclose the exact number.<sup>3</sup> Six testators freed all their slaves but did not provide further information on these individuals.<sup>4</sup> This lack of specific information regarding the number of slaves owned by each testator prevents a calculation of the slave/slave-owner ratio and a determination of the average number of slaves owned.

Thirty-six of the testators were female (41%) and 49 were male (56%), and three last wills were written by couples. For each of these couples, one partner assigned the other to be the executor of the will. Thus, if the husband passed away first, his wife would be responsible for administering the inheritance and fulfilling the testamentary dispositions by paying the eventual expenses for funeral and burial and distributing the assets and properties, including slaves, according to what was specified in the last will.<sup>5</sup>

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<sup>3</sup> These cases are identified in the last will as self-purchase, paid in installments, and referred to as *coartação* or *coartamento*.

<sup>4</sup> Last wills of Antonio Luiz de Magalhães Musqueira (1880), Bernarda Maria Vieira (1857), Custódia Pereira Rodrigues (1844), Joaquim Feliciano Pinto Brandão (1885), Joze da Costa Santos (1849), Luiza Pereira da Rocha Rodrigues (1844), and Miguel da Silva Brandão (1842).

<sup>5</sup> Testamentary dispositions (*testamentaria*) refer to the content of the last will, including the testator's decision on how to proceed with the distribution of the inheritance.

Regarding the marital status of the testators, 36.3% were single (32 out of 88), 29.5% were married (26 out of 88), and 32% were widowers (28 out of 88). The remaining 2.2% (two male individuals) did not declare their marital status. See Table 25, “Marital status and gender of testators,” for full details.

Additionally, individuals self-identified as single could include cases of concubinage. Some single male testators identified their partners by name, whereas others declared having children with several women. It is important to note that these are only in the cases of last wills in which slaves were being manumitted by their owners.

The testators were not identified by physical characteristics or social status, such as skin color, slave, or freed (*forro*). Moreover, there was no data regarding mulattoes or other classifications that could indicate whether the testators had slave or freed status, except one case in which a testator’s mother was identified as creole.<sup>6</sup> This suggests that the testator himself was a mixed-race individual. Further investigation is needed to verify if some of these testators were either slaves themselves or manumitted individuals who owned and manumitted slaves in their own last wills.

The majority of testators were born in Minas Gerais; two were born in São Paulo and two in Portugal. Also, with a few exceptions, most of them resided in Minas Gerais.<sup>7</sup>

A preponderance of the wills includes the names of the testator’s parents and states if he/she was a legitimate or out-of-wedlock child. There are a few cases of

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<sup>6</sup> CPOP – Testamento de Custodio Gonçalves da Silva Bayão, CO 315, A 6720, 1851–1852. [photos 612–685]

<sup>7</sup> For instance, Agostinho Soares das Mercês was a resident of Boa Vista farm, Rio das Pedras, City of Sabará. CPOP – Testamento de Agostinho Soares das Mercês, CO 303, A 6527, 1º Of., 1853. Simão Antonio Beltrão resided in Diamantina when he wrote his last will. However, he was a member of three brotherhoods of Ouro Preto, and he requested that he be buried inside the chapel of São Francisco de Assis, in Ouro Preto. CPOP – Testamento de Simão Antonio Beltrão, CO 417, A 8312, 1º Of., 1864.



testators who had been abandoned (*enjeitados* or *expostos*) by their parents. In cases when the testator was born out of wedlock, the mother's name is identified but not the father's name. In one case, a woman conceived by an unmarried mother inherited properties from her biological mother. Anna Benedicta do Espirito Santo was the illegitimate daughter (*filha natural*) of Anna Rodrigues and legitimate daughter of Antonio Rodrigues. According to her will, she was abandoned (*exposta*) at the house of the priest Gonçalo, who raised her.<sup>8</sup> Despite being abandoned, she inherited two slaves, Antonio and Firmina, from her mother. She also inherited silver items and a trunk. Anna Benedicta further stated in her will that the remainder of the inheritance would be given to her brother João da Silva.<sup>9</sup>

The conditions imposed upon slaves for manumission in last wills were not the same as those imposed by slave owners in letters of freedom. In contrast to the findings in Chapter 3 on letters of freedom, in which one-third of the manumissions were purchased (by the slave or others), in last wills there are fewer cases of purchased manumission. In both mechanisms of manumission, however, slaves were often obliged to continue serving their owners for a certain period, which corresponds to 70% of the slaves manumitted in last wills (133 slaves). In addition to serving until their owners had passed away, 17 out of the 189 (9%) slaves manumitted in last wills paid for their freedom. In only two last wills (1%), the slaves who paid their price of evaluation were

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<sup>8</sup> The comment regarding Anna's biological parents seems contradictory and raises the question about legitimacy of birth. Why was she identified as the natural daughter of her mother and legitimate daughter of her father? Was her mother single or a slave? Which are the social and/or cultural implications to this identification? What are the gender implications of this identification? *CPOP – Testamento de Anna Benedicta do Espirito Santo*, CO 307, Auto 6595, 1º Of., 1849–1855. [photo 1005]

<sup>9</sup> *Idem*.

not obligated to continue serving.<sup>10</sup> Also, five slaves (3%) paid for their freedom in installments (*coartação*). The slaves who were manumitted unconditionally accounted for 17% of the total (32 out of 189).

In 15 out of 21 letters of freedom found for individuals manumitted in wills, the owners required that the slaves remain captives until the owner's death. The owners of six slaves produced their letters of freedom, and when they wrote their last wills, the owners liberated them. For the remaining slaves, the last wills provided proof of manumission. Usually, the testator declared that if the slave did not receive a letter of freedom before his/her death, the declaration of freedom in the last will would be enough to guarantee the freed status.

In most cases of self-purchase, the slaves had work to pay their evaluation prices before receiving their letters of freedom. In addition, some worked for third parties to pay off their owners' debts. Roza, the slave of Antônio Martins de Aguiar, was pardoned from half of her evaluation price and obligated to pay the other half. The money she paid would be added to the total amount of the inheritance, and then the executor of the will would provide her letter of freedom. Her son, the *pardo* Carlos, was granted freedom under the condition that he would serve the testator's wife for six years after Antônio Martins de Aguiar's death.<sup>11</sup> Thus, the freedom of mother and son was conditioned on how successful they were in fulfilling the testator's requirements.<sup>12</sup>

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<sup>10</sup> Esmeria and Manoel, blacksmiths, were manumitted in their owner's last will under the condition of paying RS 800\$000 for their freedom. *CPOP – Testamento de Joaquim Gomes de Oliveira Rego*, CO 322, A 6824, 1º Of., 1857.

<sup>11</sup> For the possible meanings of *parda/pardo*, see Eduardo França Paiva, *Dar Nome ao Novo; Uma História Lexical da Ibero-América Entre os Séculos XVI e XVIII (As Dinâmicas de mestiçagens e o Mundo do Trabalho)* (Belo Horizonte: Editora Autêntica, 2015), pp. 171–221.

<sup>12</sup> *CPOP – Testamento de Antônio Martins de Aguiar*, CO 303, A 6535, 1º Of., 1875–1878, [photo 1238].

The slaves Eva and Joaquina are additional examples of people who continued working as slaves for several years after their owner's death. José Calisto Pedrosa was gravely ill when he wrote his last will on December 5, 1861. He passed away a month later on January 15, 1862. He had a large family, as his wife had given birth to nine children—two of which had passed away—and all the survivors were to inherit his estate. Pedrosa lived on a farm named Bom Retiro da Lagoa, in Cachoeira do Campo, a municipality of Ouro Preto. According to the financial report in the last will (the *Terça* amounted to RS 17:560\$782) and the monthly expenses of his household, it is reasonable to believe that he was a well-to-do individual (see Appendix 1).<sup>13</sup> The document does not disclose the total number of slaves he possessed, but he manumitted three of them. Eva and Joaquina de Nação Angola were required to work two more years for his daughters before receiving freedom. Pedrosa also manumitted the share he owned in the slave Simianna, estimated to be worth RS 200\$000, and paid for part of the slave his granddaughter owned. The last will also mentions that Simianna had a daughter who was baptized as a free individual.<sup>14</sup>

Often, slaves manumitted in last wills had to pay the expenses of their owner's funeral and burial, and at times, they had to pay for masses for the redemption of the deceased's soul. Moreover, slaves manumitted by this means could be responsible for paying off their owners' debts incurred with lay brotherhoods, as well as other debts their owners had incurred. In some cases, slaves were expected to continue providing

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<sup>13</sup> The *Terça* corresponded to one-third of the inheritance that was under the testator's discretion.

<sup>14</sup> *CPOP – Testamento de José Calisto Pedrosa*, CO 434, A 8964, 1 Of., 1862. [photo 142]

for their owner's family after the testator's death.<sup>15</sup> Thus, these slaves worked to maintain the household.

### **Lay Brotherhoods and Third Orders**

As explained earlier, the preparation of a last will was part of the process of preplanning and organizing the time of transition, almost as a rite of passage from life to death. The process included the disposition of material belongings, properties, and slaves, possibly to obtain a pardon for sins and ensure the salvation of the soul. Therefore, the last wills functioned as an instrument of transition, a pathway to eternity. The onus of dealing with the material properties and belongings left behind after death was transferred to the executor of the will, inheritors, and slaves. The testator's expectations and concerns encompassed not only the material realm but also the religious and spiritual domain.

While examining the manumissions on last wills, I noticed that the majority of the slaveholders belonged to lay brotherhoods and third orders, and I decided to investigate further this occurrence to determine if there was a correlation between the slave owners' associations with these institutions and their decisions to manumit slaves.

The advent of the gold rush in Minas Gerais in the late 1600s created an urban society and precipitated a steep population increase within a short time period. This economic and population boom led to the intensification of control by the Portuguese crown and the presence of the crown's legal representatives in Vila Rica (later Ouro Preto). This resulted in the state closely controlling access to the mining region and

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<sup>15</sup> Usually slaves would have to serve the widow for life. They were often also required to serve heirs for an established time period.

specifically prohibiting access by the religious orders. According to Caio Boschi and other scholars who have investigated brotherhoods, the religion and culture developed in the region was based on the development and organization of lay brotherhoods dedicated to their saints of devotion, usually inherited from the Portuguese Catholic tradition.<sup>16</sup>

A.J.R. Russell-Wood identified the birth of the first brotherhoods in Europe by the end of the Middle Ages and in Portugal at the end of the thirteenth century. According to him, in Brazil the first brotherhoods were created in Bahia during the sixteenth century as a result of initiatives by blacks and mulattoes to assist those in need, mostly slaves and poor blacks and mulattoes. These individuals had little to no support from the church or state.<sup>17</sup> In Minas Gerais, the first brotherhoods were created at the beginning of the eighteenth century, with the advent of the first villages in the mining region.<sup>18</sup> The conditions for admission as a member into a brotherhood or third order varied regionally and over time. Also, it varied by ethnicity and social status. The brotherhoods of São Benedito, Nossa Senhora do Rosário, and Santa Ifigênia admitted black and mulatto members. The Santa Casa de Misericórdia and Third Orders accepted only whites, mostly elite members and prestigious individuals. In contrast, the brotherhoods of

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<sup>16</sup> Caio César Boschi, *Os Leigos e o Poder: Irmandades Leigas e Política Colonizadora em Minas Gerais* (São Paulo: Editora Ática, 1986); A.J.R. Russell-Wood, *Escravos e Libertos no Brasil Colonial* (Rio de Janeiro: Civilização Brasileira, 2005), pp. 189–231. Many scholars use the terms *brotherhood* and *third order* synonymously, but the main difference among these associations was the social groups they represented. The members of third orders were white individuals from the elite, whereas brotherhoods represented more diverse groups, including freed individuals and slaves. For further investigation of these associations, see Julita Scarano, *Devoção e Escravidão; a irmandade de Nossa Senhora do Rosário dos Pretos no Distrito Diamantino no Século XVIII* (São Paulo: Companhia Editora Nacional, 1976).

<sup>17</sup> Russell-Wood, *Escravos*, pp. 191–199.

<sup>18</sup> *Ibid.*, p. 200.

blacks and mulattoes “were more tolerant” and accepted white members.<sup>19</sup> Nossa Senhora das Mercês had mostly mulatto members. Nossa Senhora do Rosário do Alto da Cruz of Ouro Preto (then Vila Rica) accepted whites and blacks until 1733. According to Russell-Wood, at that time, an internal conflict among members led to the withdrawal of its white members, who then formed the brotherhood of Nossa Senhora do Rosário in Padre Faria with exclusively white members.<sup>20</sup> The brotherhood of São José consisted of mulatto members.<sup>21</sup>

These brotherhoods and third orders had a fundamental role in the formation of the social structure and the creation of a social welfare network that tried to fill the gaps left by the state. They provided assistance to members in a range of circumstances, such illness, economic hardship, and funeral and burial expenses. Russell-Wood also noted the initiation of social welfare programs by the brotherhoods of blacks and mulattoes during the nineteenth century.<sup>22</sup> Some brotherhoods, such as Nossa Senhora do Rosário and Nossa Senhora das Mercês, were permitted to buy a slave’s freedom from his/her owner.<sup>23</sup>

Brotherhood and third order memberships simulated the hierarchical structure of Mineiro society. Members of diverse social groups belonged to specific associations,

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<sup>19</sup> Ibid., pp. 203–231.

<sup>20</sup> Ibid., p. 204.

<sup>21</sup> Ibid., p. 211.

<sup>22</sup> Ibid., p. 220.

<sup>23</sup> See <http://www.revistadehistoria.com.br/secao/artigos/irmaos-na-vida-e-na-morte>. Boschi, *Os Leigos e o Poder*, p. 2; Russell-Wood, *Escravos*, pp. 67–68.

which represented their social status.<sup>24</sup> Wealthy or poor and freed or enslaved individuals could join only specific brotherhoods. However, wealthy, pious, and socially influential individuals could be members of many brotherhoods.

According to Caio Boschi, the third orders, unlike the brotherhoods, had strict and selective admission processes, and they only allowed access to white and Catholic elite members. Therefore, belonging to one or more of these institutions was a sign of elevated social status.<sup>25</sup> Also, these associations provided a means for their members to acquire social capital.

In the last wills I investigated, half the testators belonged to brotherhoods (44 of the 88 wills); 23 out of 88 (26%) testators did not mention an affiliation; 15 out of 88 (17%) did not declare an affiliation but wished to be buried in a church or chapel close to their residence or close to where they passed away. Considering that these privileged spaces were reserved for members, it is reasonable to assume that these testators were members of the institution they specified. One testator said he would like to have a “decent” funeral (according to the Roman Catholic Church’s tradition), and two others requested to be buried in a sacred place. Also, three testators belonged to several of these institutions. One example of this is found in the will of Agostinho Soares das Mercez, dated 1844. The document was opened by the priest in 1851 after the

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<sup>24</sup> The brotherhood of the Ordem Terceira de São Francisco de Assis (Third Order of St. Francis of Assisi) was mostly of merchants and *profissionais liberais* and that of *Santíssimo Sacramento* welcomed miners and white wealthy men. Thus, individuals from elite groups belonged to one or both of these institutions. The brotherhood of Our Lady of Monte do Carmo had white women among its members, mostly Portuguese. For more on brotherhoods and third orders in Bahia and Minas Gerais, see Russell-Wood, *Escravos*, pp. 189–231.

<sup>25</sup> For a more comprehensive analysis of the differences between brotherhoods and third orders, and on the importance of these associations in colonial and provincial Mineiro society, see Boschi, *Os Leigos e o Poder*, p. 162; Cristiano Oliveira de Souza, “A Venerável Ordem Terceira de São Francisco de Assis de Vila Rica: Religiosidade, Poder e Distinção,” In Maria Clara Caldas Soares Ferreira and Monalisa Pavonne Oliveira, org, *Associações Religiosas Leigas nas Minas Gerais nos Séculos XIVVV e XIX* (Belo Horizonte, Minas Gerais: Clio Editora, 2015), pp. 91–120.

testator's death. Mercez did not appear to be affiliated with any of these institutions. However, he stated that he wished to be buried at the church (*matriz*) of Rio de Pedras, the Portuguese civil parish (*freguesia*) of Ouro Preto, dressed in the shroud of the Third Order of São Francisco. He was no doubt a member of this brotherhood.<sup>26</sup>

Testators often outlined the procedures for their funerals and burial and specified which brotherhood's shroud he/she should be dressed in for the burial. Also, members could be buried inside their brotherhood's church or cemetery, up until the time that the state prohibited this practice.<sup>27</sup> Thus, the rituals of death were crucial to the recognition of a person's social status and social capital. In this context, once more, belonging to lay brotherhoods assured privileges, such as a Roman Catholic style funeral and a place of burial.

It was common for the testator to leave the executor of the will in charge of the funeral and burial. In these cases, the testator usually decided on the masses to be said for his/her soul as well as for the souls of deceased family members, friends, slaves, and business associates.<sup>28</sup> Some testators asked to be buried at a "sacred location," whereas others wanted to be buried close to where they had passed away. In addition,

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<sup>26</sup> Agostinho Soares das Mercez, CO 303, A 6527, 1º Of., 1853. In other similar cases, testators requested to be buried dressed in the shroud of their brotherhoods of devotion: Antonio Daniel Costa, CO 311, A 6648, 1º Of., 1862; Antonio Manoel da Silva Maia, CO 311, A 6666, 1º Of., 1883–1887, and Francisco de Paula Guerra who asked to be buried "outside the church's door" CO 350, A 7278, 1º Of., 1881 [photo 2057]

<sup>27</sup> Public health concerns in the early nineteenth century led to the prohibition of burying corpses inside the churches. In Salvador, Bahia, the public brotherhood's dissatisfaction with this prohibition resulted in the Cemiterata's Revolt in Oct. 1836. João José Reis, *Death is a Festival: Funeral Rites and Rebellion in Nineteenth-Century Brazil* (Chapel Hill: University of North Carolina Press, 2003), pp. 279–323.

<sup>28</sup> Examples of last wills in which the burial was at the executor of the will's discretion include Anna Benedicta do Espirito Santo, CO 307, A 6595, 1º Of., 1855; Antonia Bernardina Garcez de Mello Thrant, CO 306, A 6579, 1º Of., 1858–1860; Antonia Lopes da Silva, CO 311, A 6659, 1º Of., 1859; Antonio Teixeira Alves, CO 311, A 6651, 1º Of., 1857–1861; Carlos Moreira Murta, CO 316, A 6741, 1º Of., 1860–1866; Emilia Carolina de Souza Lopes, CO 415, A 8222, 1º Of., 1861.



some testators asked for a burial without ostentation according to the local traditions, or simply a decent funeral and burial.<sup>29</sup>

One-third of testators affiliated with brotherhoods or third orders (14 out of 44) were members of only one of these institutions, and half of them were associated with three to five (22 out of 44). Thus, a majority of testators were associated with up to five brotherhoods or third orders (38 out of 44 testators). Thus, 86% of the testators identified the institution they were affiliated with, as shown in Table 26, “Distribution of brotherhoods and third orders by testator,” at the end of this chapter.

Another example of the brotherhoods’ importance as a symbol of social status is the last will of the Lieutenant João Ferreira Couto. His case is exceptional in this regard, as he belonged to at least 11 of these institutions. It is difficult to determine the actual total number of brotherhoods and third orders he belonged to because seven of the cited brotherhoods were from both parishes of Ouro Preto: Nossa Senhora da Conceição de Antônio Dias and Nossa Senhora do Pilar. Therefore, there may be duplications in the number of associations. This raises questions regarding his socioeconomic status. Couto was a lieutenant, and he chose to be mourned at the church of Nossa Senhora das Mercês dos Perdões in Ouro Preto and buried in its cemetery. Was he a wealthy person, a public figure, or simply a devoted and religious

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<sup>29</sup> Some testators requested to be buried at a sacred location: Francisco Fernandes Gomes, CO417, A 8275, 1º Of., 1877, and Joaquim Gomes de Oliveira Rego, CO 322, A 6824, 1º Of., 1857. Also, testators requested they be buried close to their place of death: Custodia Augusta de Azevedo Penido, CO 315, A 6754, 1º Of., 1860–1864; David Pereira Lima, CO 94, A 1214, 1º Of., 1881, and Feliciano Pinto Brandão, CO 340, A 7120, 1º Of., 1860–1861. Also, without ostentation: Francisco Rodrigues de Carvalho, CO 337, A 7074, 1º Of., 1866; Padre João José Rodrigues, CO 350, A 7301, 1º Of., 1883; and José Joaquim Pereira, CO 336, A 7059, 1º Of., 1864. Leocadia Alves Pereira de Lima asked for a funeral in accordance with the local traditions, CO416, A 8262, 1º Of., 1859. Finally, Maria Duquesa Pedrosa and Antonio Mendes dos Reis asked for a decent burial, CO 414, A 8200, 1º Of., 1878, and CO 311, A 6644, 1º Of., 1881.

individual? Did he have another source of income or only his military stipend? Did he inherit his properties? Whatever the case, he paid annual fees to these associations. Additionally, he left two small houses as inheritance to the Third Order of São Francisco de Paula and two townhouses (*sobrados*) to the Order of Nossa Senhora das Mercês dos Perdões. These findings substantiate the possibility that the individuals associated with many brotherhoods had an elevated socioeconomic status.<sup>30</sup>

Couto manumitted only one slave, Marcolina, who inherited a house in usufruct. There is no further information regarding the number of slaves he owned or how many he may have freed before writing his last will. This complicates the investigation of his motivations toward manumission and whether his religious convictions influenced his decision to free Marcolina.

Six of the wills came from priests. Three priests did not mention an affiliation with brotherhoods<sup>31</sup>; however, the other three did. Justino Pinto Ferreira was a brother of the Holy Land (*irmão da Terra Santa*), vice commissary of the Third Order of Saint Francis of Sabará, and brother of Nossa Senhora Mãe dos Homens.<sup>32</sup> A second was Antonio Barbosa da Costa, a priest of the Order of São Pedro who resided at the freguesia de Itabira do Campo, in the county of Ouro Preto, and did not mention an affiliation with any institutions. He manumitted three slaves and specified that they would remain under

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<sup>30</sup> CPOP – *Testamento de João Ferreira Couto*, CO 336, A 7056, 1º Of., 1880.

<sup>31</sup> *Testamento de Joze Fernandes Monteiro* – CO 434, A 8975, 1º Of., 1850 [photos 242–268]; *Testamento de Jose Ferreira de Meneses* – CO 336, A 7058, 1º Of., 1850 [photos 349–360]; *João Jose Rodrigues* – CO 350, A 7301, 1º Of., 1883 [photos 2022–2030].

<sup>32</sup> According to Júnia Furtado, the purpose of the Order of Terra Santa was “the liberation of the Saint Places from the infidels.” Moreover, affiliation with the order was a sign of social prestige. Júnia Furtado, *Transitoriedade da vida*. [www.opiniaopublica.ufjf.br/pae/apolo/transitoriedadeda vidaaeternidadedamorteritosfunebresdeforroselivres.pdf](http://www.opiniaopublica.ufjf.br/pae/apolo/transitoriedadeda vidaaeternidadedamorteritosfunebresdeforroselivres.pdf), 5. CPOP – *Testamento de Justino Pinto Ferreira*, CO 335, A 7047, 1º Of., 1852. [photos 712–784].

the control of the will's executor or would serve the priest's sisters for two years after his death.<sup>33</sup>

Finally, Antonio Augusto França, a priest of the church of Nossa Senhora do Pilar of Ouro Preto and a native of Ouro Preto, wished to be buried in his mother's tomb at the Ordem Terceira de Nossa Senhora das Mercês. This priest belonged to six brotherhoods. He was most likely an influential individual in Ouro Preto, and he declared his inheritors to be two daughters of a friend and the executor of his will, Comendador Carlos José Alvares Antunes. In a letter of freedom, written a few days prior to writing of his last will in August 1871, the priest manumitted his slave Manoel, but obliged the slave to remain with him.<sup>34</sup> At that time, França stated that he was keeping Manoel under his care for the slave's well-being, for love, and to prevent the slave's suffering. It is unclear the exact meaning of this declaration and the roots of the priest's concerns. In addition, he noted that the slave had been donated to him by his aunt Joaquina Neves França. The priest died in December 1876 and Manoel, who had been freed a few years earlier, inherited França's clothing.<sup>35</sup>

There are recurring references to assistance with funeral rituals and burials in these last wills, emphasizing that this assistance was one of the main roles of the lay

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<sup>33</sup> CPOP – *Testamento de Antonio Barbosa da Costa*, CO 311, A 6649, 1º Of., 1866. [photos 450–464].

<sup>34</sup> Manoel was identified as Congo, which is either his place of birth or the place of his departure from Africa.

<sup>35</sup> França was member of the following brotherhoods and third orders: Ordem Terceira do Monte do Carmo, Ordem Terceira do Patriarcha São Francisco de Paula, Ordem Terceira de Nossa Senhora das Mercês da freguesia de Ouro Preto, Irmandade do Senhor Bom Jesus dos Passos do Senhor Bom Jesus do Matosinhos, Irmandade do Patriarcha São José de Ouro Preto, Irmandade de Nossa Senhora da Boa Morte de Ouro Preto. CO 311, A 6674, 1º Of., 1876 [photos 1317–1325]; Letter of Freedom, Ouro Preto, Notarial Book 57, 1881, p. 85. The priest who opened the last will declared that he did so because the judge was absent and cited the Article 1087, Chap. 5, Title 3º of the Constitution (“da Consolidação das Leis”) [photo 1323].

brotherhoods and third orders. Most importantly, they provided assistance to slaves and freed people. According to Boschi, the brotherhoods provided welfare assistance in response to the lack of social assistance by the state.<sup>36</sup>

Scholarly investigations of death rituals in baroque and colonial societies have emphasized the importance of “dying well” as a way to grant access to eternal life.<sup>37</sup> In Brazil, these rituals included European and African traditions, from the preparation for a good death to funeral and burial ceremonies.<sup>38</sup> Dying well encompassed planning and preparing for this time of transition as a rite of passage and included writing a last will, receiving the Catholic Church’s sacraments, performing religious and social rituals, and preferably, dying at home with family members, friends, and neighbors. In the last wills, the testators specified the location and ritual for the funeral and burial. Also, they required participation of brotherhood members and outlined the masses to be said and donations to be made for the souls of the deceased and the poor. They settled personal and financial matters, such as by arranging for the payment of debts and the distribution of assets. They asked forgiveness for wrongdoings and sins. They recognized illegitimate children and established them as legitimate heirs. Moreover, dying well included receiving the sacraments of the Catholic faith: confession, the Eucharist, and the anointing of the sick. The death rituals consisted of songs, prayers, and a

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<sup>36</sup> Boschi, *Os Leigos e o Poder*, p. 177.

<sup>37</sup> For a thorough analysis of the meaning and importance of the rituals of death, see João José Reis, *Death is a Festival: Funeral Rites and Rebellion in Nineteenth-Century Brazil* (Chapel Hill: University of North Carolina Press, 2003). For a reference to “good death” versus “bad death,” see Chap. 3: “The Hour of Death: Means of Dying Well,” pp. 66–90.

<sup>38</sup> Reis, *Death*, pp. 68–69.

procession. They could be simple or elaborate, depending upon the deceased's social and financial status.

Conversely, a "bad death" meant dying without preparation and without fulfillment of the rituals of the Catholic faith. Typically, this was the case for a sudden death and/or when the individual died away from home, family members, and friends.

As previously mentioned, some testators requested a burial in a sacred place or a decent funeral according to the Roman Catholic Church's tradition.<sup>39</sup> They set aside donations to secure the participation of brotherhood members in the funeral rituals, High Mass (*missa de corpo presente*), and burial. They also set aside resources to pay for masses for the souls. Therefore, it can be seen that the lay brotherhoods assisted their members in life and death.

Some testators did not state the name of the brotherhood they belonged to. However, they expressed their desire to be dressed in the shroud of a specific brotherhood and buried in a church or cemetery, which was most likely that of the specified association. For example, Agostinho Soares das Mercês declared in his last will written in 1844 that he would like to be dressed in the shroud of Saint Francis and buried at the church of the freguesia of Rio das Pedras. Because only members of the brotherhoods could be buried within their churches, he was most likely a member of this brotherhood.<sup>40</sup> As was typical, the executor of his last will was responsible for planning the testator's funeral and burial.

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<sup>39</sup> CPOP – *Testamento de Francisco Fernandes Gomes*, CO 417, A 8275, 1º Of., 1877 [photo 1296]; CPOP – *Testamento de Joaquim Gomes de Oliveira Rego*, CO 322, A 6824, 1º Of., 1857 [photo 1162]; CPOP – *Testamento de Maria Duquesa Pedrosa*, CO 414, A 8200, 1º Of., 1878 [photo 1693].

<sup>40</sup> CPOP – *Testamento de Agostinho Soares das Mercês*, CO 303, Auto 6527, 1º Of., 1844 [photos 785–804].

Some testators specified whether the ceremony should be simple or held with pomp. For instance, in his last will written in April 1881, the priest João José Rodrigues manumitted two slaves and requested a simple funeral. In contrast, the executor of the will of Bernarda Maria Vieira was provided RS 147\$800 for funeral and burial expenses, which was a substantial amount. The expenses included payments for masses, the priest, a coffin, the burial, and a donation to the poor on the day of the funeral. Similarly, the funeral ceremony of the Portuguese Joze da Costa Santos was most likely sumptuous. Santos wrote his last will in Ouro Preto in 1849 and left detailed information as to how it should be executed. Moreover, he donated money to many brotherhoods and a third order, specifying that it should be distributed at his funeral under the condition of participation at the ceremonies. Both the third orders he was affiliated with (he mentioned Mercês of Ouro Preto and Mercês of Antonio Dias) were to receive RS 40\$000. Also, six other brotherhoods were to receive RS 12\$000 each. Additionally, his wife, the executor of the will, would pay for 460 masses to be said for his soul as well as for the souls of his parents, slaves, and members of the brotherhoods he belonged to.<sup>41</sup>

The last wills examined did not provide information regarding the association of slaves and manumitted individuals with brotherhoods or slaves manumitted with financial help from these institutions. However, the possibility of help in cases of self-purchase should not be dismissed. According to Boschi, during the eighteenth century, the brotherhoods of blacks, such as those of Our Lady of the Rosary and Our Lady of

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<sup>41</sup> CPOP – *Testamento de João José Rodrigues*, CO 350, A 7301, 1º Of., 1881–1883; CPOP – *Testamento de Bernarda Maria Vieira*, CO 317, A 6770, 1º Of., 1857; CPOP – *Testamento de Joze da Costa Santos*, CO 322, A 6811, 1º Of., 1854.

Mercy, were allowed to purchase slaves from their slave owners for the purpose of manumission.<sup>42</sup>

The information provided in last wills confirms the importance of lay brotherhoods and third orders in nineteenth-century Minas Gerais. However, it is unclear how, and if, these associations influenced the testators' decision to manumit slaves.

### **Slaves' Inheritances in Nineteenth-Century Ouro Preto**

In Minas Gerais it was not unusual for slaves to inherit land, property, and personal belongings from their owners' and either part or all of the owner's estate. Typical properties included rural and urban properties, houses, pastures, and plots of land and livestock, and the personal belongings included money, clothing, and jewelry. For a list of testators who left inheritances to slaves, see Table 27, "Inheritance received by slaves, Ouro Preto county, 1850–1887," at the end of this chapter. The cases I analyzed, because they spoke of slave inheritances, represent approximately 40% of the slaves manumitted in wills in Minas Gerais during the second half of the nineteenth century. Approximately 76 slaves and one freed person, out of the 189 individuals mentioned in last wills, received some kind of inheritance. However, it is important to note that some testators did not specify how many slaves were being manumitted. Thirty percent of the testators (27 out of 88 testators) left assets to their slaves.

The practice of slave inheritances that I observed for the nineteenth century has already been explored by other scholars.<sup>43</sup> The origin of this praxis might be related to

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<sup>42</sup> Caio Boschi, "Irmãos na Vida e na Morte," <http://www.revistadehistoria.com.br/secao/artigos/irmaos-na-vida-e-na-morte>, accessed 7-13-2016.

the region's particularities, its mining activities and urban character, and the development of a diversified subsistence economy during the nineteenth century.<sup>44</sup>

The predominance of small- to medium-sized slaveholdings in urban areas or in farms close to urban areas during the time frame examined may have fostered close interaction between the captives and their owners. In the cases analyzed, this interaction seemed to have helped slaves purchase their freedoms. The results presented here reinforce the importance of developing these close relationships and social networks as factors, or strategies, for acquiring manumission.

A major portion of the testators I examined (52 out of 88, or 59% of the last wills) had no child of their own and distributed their properties among family members, primarily siblings, nephews, nieces, and godchildren. The lack of legal inheritors could be a reason for leaving assets to slaves. In four out of 27 last wills that included slave inheritances, the slaves were the testator's only heirs. However, the remaining 23 included other heirs. Thus, in spite of having other heirs, in 23 out of 27 last wills (85%), the testators left inheritances to their slaves.

Did the gender of the testators' inheritors—family members or not—influence their decisions to leave assets to slaves? In eight out of the 23 last wills that included the manumission of slaves, the testators left inheritances to female individuals, whereas

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<sup>43</sup> Eduardo França Paiva, *Escravos e Libertos nas Minas Gerais do Século XVIII; Estratégias de Resistência Através dos Testamentos* (São Paulo: Annablume, 1995). Júnia Ferreira Furtado, Pérolas Negras; Mulheres Livres de Cor no Distrito Diamantino. In: Furtado, Júnia Ferreira, org. *Diálogos Oceânicos; Minas Gerais e as Novas Abordagens para uma História do Império Ultramarino Português*. (Belo Horizonte: Editora da Universidade Federal de Minas Gerais, 2001), pp. 81–121. Luciano Raposo Figueiredo, *O Averso da Memória; Cotidiano e Trabalho da Mulher em Minas Gerais no Século XVIII* (Rio de Janeiro: José Olympio; Brasília, DF:Edunb, 1993).

<sup>44</sup> Roberto Borges Martins, *Growing in Silence: the Slave Economy of Nineteenth-Century Minas Gerais, Brazil* (Vanderbilt: Vanderbilt University, 1980). PhD dissertation.



in five of the 23 last wills, the inheritors were male. This result would suggest that testators were more likely to leave inheritances to slaves when the heirs were female. However, in 10 of these 23 last wills, the testators left assets to heirs of both genders. Usually, the heirs were the testators' children, and the documents do not specify their numbers by gender. Thus, this evaluation of gender distribution of inheritors is inconclusive regarding the possibility of gender bias. See Table 28, "Gender distribution of heirs in last wills that included manumission of slaves," for details.

On 15 March 1859, Capitan Antonio da Costa Carvalho, a resident of the Fazenda do Pé do Morro (district of Ouro Branco, county of Ouro Preto) who was concerned about the status of his health, decided to write his last will. He requested the presence of the Judge of Peace's scrivener (*escrivão*) at his residence to write the will. The document was approved, ratified, and signed by the testator and by the scrivener. It was sealed in the presence of four witnesses, "all free, and older than 14 years of age."<sup>45</sup> His last will and the probate procedures that were specified provide a compelling example of the judicial and bureaucratic procedures in this process. This case is unique in that the testator manumitted one of his slaves but left assets to another slave who belonged to the executor of the will. Questions could be raised as to why he did so and why he left assets to a female slave, the mother of four children. In addition, the executor of the will, Dona Flora Francisca de Jesus Lana, procrastinated as much as possible and eventually failed to distribute the inheritance.

Capitan Carvalho died on the September 18, 1859, six months after executing his last will. At the time of his passing, the local priest, Manoel Fernandes Ribeiro,

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<sup>45</sup> CPOP – *Testamento de Antonio da Costa Carvalho*, CO 303, A 6538, 1º Of., 1861. [photos 9965–9966].

opened his last will to fulfill the testator's funeral and burial stipulations. Two days later, the notary presented the document to the *Promotor de Capelas e Resíduos* (district attorney),<sup>46</sup> who summarized the document. By the end of the month (September 24, 1859) the representative of the executor of the will, Comendador José Baptista Figueiredo, went to the residence of the substitute of the Judge of Orphans to request fulfillment of the last will's dispositions.<sup>47</sup> A month later (October 14, 1859), the notary appeared at the comendador's residence for the acceptance of the will. By this time, Dona Flora Francisca de Jesus Lana had paid for the funeral and burial expenses, as evidenced by a series of receipts annexed to the process.<sup>48</sup> The expenses amounted to RS 786\$680 and were used as payment for masses and nine priests, who came from various locations to participate in the ceremonies. Furthermore, the expenses included the purchase of wood and fabric to build the coffin and RS 120\$000 for High Mass. In a seeming contradiction to his stipulation that the funeral be without pomp, he requested 50 masses to be said for his soul.<sup>49</sup> Additionally, the amount expended, as well as the testator's association to the Brotherhood of São Francisco de Assis of Ouro Preto,

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<sup>46</sup> The "Provedor das Fazendas de Defuntos e Ausentes, Capelas e Resíduos" function of the "Ouvidor da Comarca," was nominated by the king. Among his attributions was to assure the fulfillment of the determinations of the last wills and to supervise the job of the executor of the will. *Código Costa Matoso*, 1999, p. 116, cited by Wellington Júnio Guimarães da Costa, "Das desordens na Provedoria de Defuntos e Ausentes, Capelas e Resíduos na América Portuguesa," *XXVIII Simpósio Nacional de História; Lugares dos Historiadores: Velhos e Novos Desafios*. Florianópolis, SC: Julho 2015; Angelica Ricci Camargo, "Provedor/Provedoria dos Defuntos e Ausentes," *Mapa Memória da Administração Pública Brasileira, Coordenação Geral de Gestão de Documentos – Coged*, <http://linux.an.gov.br/mapa/?p=4421>, accessed 9-10-2016. For a definition of "Ouvidor" and "Provedor da Justiça," see Durval de Noronha Goyos Jr., *Dicionário Jurídico Noronha*, 5th ed. (São Paulo: Observador Legal Editora Ltda.), 2003, pp. 576, 602.

<sup>47</sup> *CPOP – Testamento de Antonio da Costa Carvalho*, CO 303, A 6538, 1º Of., 1861, [photos 9966–9967].

<sup>48</sup> *Ibid.*, [photos 9972, 9973].

<sup>49</sup> *Ibid.*, [photo 1537].

usually an institution of elite members, leads to the assumption that he was probably wealthy.

According to his last will, Capitan Carvalho was single. However, he disclosed relationships with two women with whom he had had children, Dona Maria Theodora dos Reis Mendes, a widower and the mother of six of his children, and the single mother Mariana Leite da Silva, who birthed three more of his children. Mariana's firstborn son was abandoned or given up to adoption at the house of Senhor Daniel Lourenço Baeta Neves.<sup>50</sup> Although he mentioned giving away only one son, the document includes two *expostos*: Francisco and Antonio.<sup>51</sup>

Capitan Carvalho's last will manumitted only one slave, the blacksmith Manoel José, under the condition that he serve Dona Flora, the executor of the will, for six years after his death. With the fulfillment of this condition, she was to write his letter of freedom. Dona Flora, who was also heir of the Terça, paid for the funeral and burial expenses and paid RS 150\$000 for 50 masses for the testator's soul, as specified in the will.<sup>52</sup> However, she failed to comply with the remaining demands in the last will (*demandas testamentárias*).

Capitan Carvalho named all his children as heirs of his estate. In addition, he left RS 400\$000 to each of the *expostos*, Francisco and Antonio, and RS 400\$000 to Maria Roza, his goddaughter. Evidence in the document suggests that he had at least 10 slaves. Dona Flora had the right of usufruct to the Terça,<sup>53</sup> but she was also required to

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<sup>50</sup> Ibid., [photo 1535].

<sup>51</sup> Ibid., [photo 9962].

<sup>52</sup> Ibid., [photo 9973].

<sup>53</sup> Thus, Dona Flora had the right to make use of the Terça but not the ownership.

fulfill her duties as the executor of the will in order to manage and distribute the inheritance. However, she failed to fulfill this responsibility.

Dona Flora's behavior exemplifies the fragile and unstable condition that permeated the lives of slaves and manumitted individuals. After probate opened in April 1861, and over the following years, Dona Flora received subpoenas to present the testamentary accounts many times. On April 15, 1867, Dr. Firmino Antonio de Souza, Provedor de Capelas e Resíduos, subpoenaed her to appear in court within eight days, but she disobeyed his order.<sup>54</sup> Nine years later, on February 5, 1876, the customs agent (*solicitador*) Claudino de Souza Brandão requested a review of the process (*vista dos autos*), which the judge granted.<sup>55</sup> The district attorney summarized the process and urged another subpoena, arguing that many years had passed since the last one; Dona Flora again failed to comply and did not appear in court.<sup>56</sup> In February and March 1876, the case was debated in four public hearings. The judge issued another subpoena to Dona Flora, with the penalty of losing the right to the Terça and the confiscation of the estate. Once more, she failed to comply with his order. In a letter dated March 18, 1876, one of the presumed creditors of the will, Bruno Von Sterling, requested the issue of another subpoena under the penalty of seizure of the inheritance. Certainly, Sterling was not aware of the content of the last will, as according to the testator, his debt had already been paid. Therefore, nothing was left to Sterling.<sup>57</sup>

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<sup>54</sup> CPOP – *Testamento de Antonio da Costa Carvalho*, CO 303, A 6538, 1º Of., 1861, [photo 9977].

<sup>55</sup> *Ibid.*, [photo 9979].

<sup>56</sup> *Ibid.*, [photo 9980].

<sup>57</sup> CPOP – *Testamento de Antonio da Costa Carvalho*, CO 303, A 6538, 1º Of., 1861, [photo 9963].

In the end, on March 30, 1876, the judge ordered the seizure of the inheritance, revoked the executor from her competency, and instituted another individual to administer the estate.<sup>58</sup> On May 16, 1876, Silverio José Netto, a resident of Ouro Branco, accepted the position. Meanwhile, two court clerks had already been to Ouro Branco to subpoena Dona Flora and produced an order of seizure (*auto de sequestro*) on April 10, 1876. They presented the report of their trip to Ouro Branco to the judge. They had seized a house at the town's main square, including its pasture and garden.<sup>59</sup> Moreover, they took possession of a plot of land and slaves, among whom were Fortunata and two of her four children named José and Edoardo. According to the testator's decision, Fortunata was to inherit the Terça after the death of Dona Flora.<sup>60</sup>

On June 20, 1876, the judge issued another order of seizure for the remaining assets that were still in Dona Flora's possession. The court clerks returned to the town to comply with the judge's order, and three days later they wrote another report that provided information with regard to the whereabouts of the slaves. They handed over two slaves, Maria Romana, approximately 40 years of age, and Verissimo, who was subjected to Sperling, to the newly appointed executor. They also took possession of a blacksmith's shop with all its belongings.<sup>61</sup> Five other slaves had been distributed, possibly rented out, by Dona Flora.

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<sup>58</sup> Ibid., [photo 9989].

<sup>59</sup> Ibid., [photo 9991].

<sup>60</sup> The document is badly written, with many spelling, grammatical, and punctuation errors, which complicates the identification of the approximately 11 slaves listed.

<sup>61</sup> CPOP – *Testamento de Antonio da Costa Carvalho*, CO 303, A 6538, 1º Of., 1861, [photo 9999].

The process did not end there. A month later, on July 29, 1876, the judge issued a subpoena to Silverio José Netto, the new executor of the will, stipulating that he present himself in court and submit the testament's accounting under penalty of the law.<sup>62</sup> On August 22, 1876, another subpoena was issued by the judge, Dr. João Salomé Queiroga, requesting the executor report to court within eight days. The clerk official explained that Netto stated he had gone to Ouro Preto, but the judge was absent. Furthermore, he asked to be withdrawn from the position claiming medical ailments.<sup>63</sup> The last document recorded in this process brings back the supposed creditor of the estate, Bruno Von Sperling, who had his slave Verissimo confiscated by the clerk officials.<sup>64</sup> Sperling still hoped to receive whatever he was owed from the testator's estate.

Meanwhile, the lives and futures of the slaves were put on hold, especially Manoel José, the blacksmith who was manumitted by the testator with the condition of serving Dona Flora for six years after his owner's death. Dona Flora was no longer the executor of the will, but Manoel José remained in captivity. It is uncertain when and if he received his letter of freedom. He was transferred from one executor of the will to the other. In addition, Fortunata and her four children ran the risk of never inheriting the Terça after Dona Flora's death unless the slave herself, the judge, or another representative stepped up to defend her case.

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<sup>62</sup> Ibid., [photos 9998–9999].

<sup>63</sup> Ibid., [photo 2].

<sup>64</sup> Ibid., [photo 9991].

In conclusion, this case and the procedures of its probate provide a compelling example of the judicial and bureaucratic path of the last will process. This is a unique case in that the testator manumitted one of his slaves but left assets to another, who in turn belonged to the executor of his estate. Moreover, the executor ultimately failed to distribute the inheritance. She lived in the testator's home, kept his slaves and possessions, and refused to comply with the division of assets specified in his last will. Her position in this whole story remains unclear. She was probably someone who had seemed trustworthy to the testator; otherwise, he would not have appointed her to manage his estate, let alone given her the usufruct of the Terça. It is possible she was his partner, a good friend, or even a relative.

The following examples of last wills provide additional evidence of the diverse kinds of inheritance received by slaves. These examples illustrate the inheritance of property, such as houses, land, livestock, and personal items, including money and clothing.

João da Silva Machado wrote his last will in July 1845 and passed away two months later. In his last will, he manumitted the slave Margarida and her son, Felipe, under the condition that they serve Machado's widow and her son for eight years. If this condition was fulfilled, Margarida and Felipe were to be freed. Furthermore, they were to live in a house the testator had purchased for them.<sup>65</sup> This house was never to be sold and should remain in the possession of the slaves' heirs. In case they did not have inheritors, the house would return to Machado's wife and her heirs.<sup>66</sup> It is unclear

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<sup>65</sup> The house was located in a prestigious neighborhood, close to the main church, "no beco que vai para a Matriz." *CPOP – Testamento de João da Silva Machado*, CO 319, A 6792, 1º Of., 1850, [photo 306].

<sup>66</sup> *Ibid.*, [photo 306].

whether the slaves received the house, and the only reference to them in the last will is the evaluation of Margarida and her son, RS 150\$000 and RS 300\$000, respectively. The estate was distributed and the probate process closed in 1850. The two slaves would had to have served until 1853 to fulfill the condition of the will before receiving both their freedom and inheritance. The house they were supposed to inherit was not mentioned in the distribution of the estate among the other inheritors, so it is possible that they did received it later.

Machado's last will is worth investigating because it raises questions regarding society and family life in the nineteenth-century Minas Gerais province. For instance, Machado decided to disinherit a child, João, whom he had fathered with a prostitute when he was single and had raised out of charity from four to 20 years of age. Machado questioned the paternity, stating that it was not possible to know who the father of a prostitute's son was.<sup>67</sup> Furthermore, João misbehaved and left the house. Machado considered João dead and directed the executor of the will to disregard anyone who claimed a right of inheritance by claiming to be his son.<sup>68</sup> João's tutor contested the disinheritance, however, and the widow had to hand over the part of the estate that by law belonged to him.<sup>69</sup>

Slaves inherited houses and land. For instance, in 1878 Maria Duquesa Pedrosa, a resident of Lavra Seca, wrote her last will, and in it, she manumitted the slaves Maria,

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<sup>67</sup> Ibid., [photo 303].

<sup>68</sup> Ibid., [photos 304–305].

<sup>69</sup> In addition, Machado determined where and how he would like his funeral and burial to be held. At this point, he denounced what he named the abuse of the “room of the death” at the Death's House. Apparently, he was referring to funeral houses and mourning practices, and he insisted that the executor of his will not allow this practice to happen to him, wherever it was. Ibid., [photo 302].



Generosa, and their three children after her husband's and her deaths. The slaves also inherited a house and four acres of land of their choice. The fact that they could choose the plot of land strongly suggests that a close relationship existed between the slaves and their owner. The local priest of Cachoeira do Campo opened the will on August 7, 1878, after her death, and her husband agreed to be the executor of the will. There is no further information on the distribution of the inheritance or what happened to the slaves.<sup>70</sup>

The slave Marcolina inherited the usufruct of a small house in the hills of São Sebastião after the death of her owners. After her death, the house was to be passed to the brotherhood of Nossa Senhora do Rosário do Alto da Cruz. The couple's last will was written on February 21, 1880. Marcolina's owner, João Ferreira Couto, was sick and died before his wife. The couple had no children, which may have influenced the division of their estate. They also donated money and properties to the Santa Casa de Misericórdia of Ouro Preto and to lay brotherhoods.<sup>71</sup>

David Pereira Lima left land to a mentally disabled slave. Lima was the illegitimate son of Dona Marianna Martins da Silva and was abandoned at the house of the priest Manoel Pereira Lima, his godfather who raised him.<sup>72</sup> Lima had 12 children with his wife, two of whom passed away. He recognized all as his inheritors, including an illegitimate son named Manoel, whom he fathered as a widower.<sup>73</sup> Intriguingly, he left

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<sup>70</sup> CPOP – *Testamento de Maria Duquesa Pedrosa*, CO 336, A 7056, 1º Of., 1880, [photo 1750].

<sup>71</sup> CPOP – *Testamento de João Ferreira Couto e Henriqueta Gomes de Barros*, CO 336, A 7056, 1º Of., 1880, [photo 1753].

<sup>72</sup> CPOP – *Testamento de David Pereira Lima*, CO 94, A 1214, 1º Of., 1881, [photo 2034].

<sup>73</sup> *Ibid.*, [photo 2035].

a plot of land, Capão do Papagaio, to a slave who he manumitted and kept under his care. Lima left detailed information on this slave, an 18-year-old *pardo*, who was mentally ill and the son of his slave Joaquina. The testator's sons were held responsible for caring for this mentally ill slave and for managing his inheritance.<sup>74</sup> The reasons for this seemingly charitable endowment are unclear. It could be debated that the slave was another illegitimate son of the testator.<sup>75</sup>

Testators also donated livestock as inheritances to slaves. Maria Clara Ribeiro, a resident of Congonhas do Campo, was sick but in good mental health, and she decided to write her last will in 1885. She was single and had no children, so her estate was to be divided among four nephews. Maria manumitted the slaves Anna de Nação, Antonio *pardo*, and Firmina *parda*, who were to inherit her clothing and all her livestock, which consisted of cattle, pigs, and chickens. In addition, the slave Anna was to receive “um par de bixas de ouro” and Firmina was to inherit a rosary with a golden cross.<sup>76</sup>

The majority of the slaves who inherited money would have had to use it to purchase their freedoms or to buy land. For instance, Joze da Costa Santos, a Portuguese resident of Ouro Preto, manumitted all his slaves in his last will written in 1849. Years later he passed away and the document was registered at Ouro Preto's notary in 1854. According to his last will, his slaves inherited money to help start their

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<sup>74</sup> *Ibid.*, [photo 2036].

<sup>75</sup> *Ibid.*, [photo 2036].

<sup>76</sup> *CPOP – Testamento de Constança Maria da Conceição*, CO 414, A 8179, 1º Of., 1885, [photos 2200–2201]. I did not find a definition for the phrase “um par de bixas de ouro.” I found several citations to it regarding inheritances and inventories of estates. A pair of *bixas* of gold seems to refer to pieces of gold. For the possible meanings of *parda/pardo*, see Eduardo França Paiva, *Dar Nome ao Novo; Uma História Lexical da Ibero-América Entre os Séculos XVI e XVIII (As Dinâmicas de mestiçagens e o Mundo do Trabalho)* (Belo Horizonte: Editora Autêntica, 2015), pp. 171–221.

lives as freed individuals. The slave Maria, a creole parda, inherited RS 50\$000. The slave Balbina was to receive RS 50\$000, and the parda Emerenciana RS 25\$000 and her daughter Maria (*agregada* and more likely a forra) RS 50\$000.<sup>77</sup> Santos was most likely a wealthy individual, but the document does not reveal the total size of his estate. The slaves were to receive their inheritance and their letters of freedom only after the death of his widow.

Dona Anna da Costa Santos, his widow, heir, and the executor of his estate, received RS 2:400\$000. Executors of a will were entitled to 5% of the total amount of the inheritance (*vintena*) to perform their tasks. Sometimes testators left more money on top of the percentage required by law. It is unclear if this amount was only the *vintena* or if it also included a part of the inheritance. Either way, RS 2:400\$000 is an ample sum, and it suggests that Santos was wealthy with a large estate.

Some slaves inherited money to purchase land. All the slaves belonging to Joaquim Feliciano Pinto Brandão were declared free in his last will under the condition that they serve his heirs for six months after his death. Brandão requested his daughter give each of them RS 20\$000 to buy a plot of land so they would have a means of survival. The slave Pedro, son of Felicidade, who was also a slave, inherited a blacksmith shop with all its belongings. Pedro was most likely a blacksmith himself. Whatever Brandão intended, whether it be to benefit the slaves, compensate for labor exploitation, grant forgiveness of sins and salvation for his soul, or another reason, the outcome of the story remains unknown. The notary book contains a copy of the last will, but it does not document the whole process, leaving many questions unanswered. It is

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<sup>77</sup> CPOP – *Testamento de Joze da Costa Santos*, CO 322, A 6811, 1º Of., 1849, [photo 959]. An *agregado* was a household member, usually a former slave, or a relative.

uncertain if the inheritors of the estate set the slaves free and provided them the money to buy land.<sup>78</sup>

Clothing was also among the assets slaves inherited from testators. For instance, Manoel de Nação Congo had been a *forro* for five years when his former owner, the priest Antonio Augusto França, wrote his last will in Ouro Preto on August 23, 1841. The priest had two houses, one of which he left to the daughters of his friend Comendador Carlos José Alvares Antunes. Another house, which França inherited from his mother, was to be sold to pay for funeral expenses. The proceeds from the sale of his furniture and household goods were to be distributed among the poor. Manoel, his former slave, inherited the priest's clothing.<sup>79</sup>

Maria Silveria de Aguiar wrote her last will in Rio de Pedras in February 1885. She appointed her seven children as inheritors and donated money and cattle to her godchildren. In addition, she manumitted the slaves Claodio and Crispina and donated her clothing to unidentified female slaves.<sup>80</sup>

In four of the last wills I investigated, the slaves were identified as heirs or universal heirs of the testator.<sup>81</sup> In the first case, Custodio Gonçalves da Silva listed among his inheritors Claudemira, a single female slave of another slave owner. Silva manumitted four slaves, two of whom he freed unconditionally, and two others had to pay for their freedom in installments. Also, Silva had seven children with *pardas*, who

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<sup>78</sup> CPOP – *Testamento de Joaquim Felicianno Pinto Brandão*, CO 350, A 7297, 1º Of., 1885, [photos 2181–2188].

<sup>79</sup> CPOP – *Testamento de Antonio Augusto França*, CO 311, A 6674, 1º Of., 1876, [photo1320].

<sup>80</sup> CPOP – *Testamento de Maria Silveria de Aguiar*, CO 414, A 8189, 1º Of., 1885, [photos 2209–2211].

<sup>81</sup> A universal heir is the person who inherits the entire estate of the deceased testator.

were either slaves or freed individuals. Claudemira was most likely one of these children.<sup>82</sup>

The second case of slaves chosen as universal heirs is the will of Justino Pinto Ferreira, the vicar of Nossa Senhora da Conceição do Rio das Pedras, Ouro Preto. This will is a rich and interesting document. The priest had no legal inheritors and chose the slave Manoel (creole) as his universal heir. Manoel, as well as another slave named Carlos Africano, was to be manumitted after the death of the priest. The priest's clothing would be sold to benefit the two slaves. However, Carlos Africano was accused of misbehaving and therefore would receive nothing else. As mentioned earlier, the last will reflected the tensions of daily life and a time of coming to terms with unsettled relationships. Manoel Justino Pinto Ferreira, his creole slave, inherited assets in the amount of RS 1:320\$221, as specified in the list presented by the executor of the will and by the receipt confirming the slave's possession of the inheritance<sup>83</sup> (see Appendix 2).

The third case of slaves chosen as universal heirs refers to three female slaves of Simão Antonio Beltrão, who was a widower when he wrote his last will in Ouro Preto in April 1864. He had no legal inheritors and no children. Beltrão most likely had no family members or friends to inherit his estate. For this reason, and to satisfy a request of his deceased wife, he named three female slaves as his universal heirs. Beltrão chose a neighbor to be the executor of the will, a position usually held by heirs, family members, and friends of the testator. The slaves Maria Laura, Maria Roza, and Maria

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<sup>82</sup> CPOP – *Testamento de Custodio Gonçalves da Silva*, CO 315, A 6720, 1º Of., 1840, [photos 667–668].

<sup>83</sup> CPOP – *Testamento de Justino Pinto Ferreira*, CO 335, A 7047, 1º Of., 1855–1859, [photos 753–760].

da Conceição were manumitted and became the universal heirs of their former owner. However, the testator did not specify the assets or the amount inherited by the slaves. According to Beltrão, his belongings were well known and he deemed it unnecessary to describe them.<sup>84</sup> Beltrão passed away one year later. When his last will was opened, the executor of the will accepted his incumbency, and most likely, he distributed the inheritance. However, there is no further information on the case, and it cannot be determined whether the slaves received their inheritance.

In the fourth case, despite having legal inheritors, the slave owner chose her slaves as universal heirs. Constança Maria da Conceição was married twice. She had two children from her first marriage, both deceased, and none from the second. She had at least one nephew, whom she chose as the executor of her will, and one niece who inherited a farm named Boa Vista with all its belongings. Her slaves were to be manumitted and to inherit Constança's residence, which was a rural property. They also inherited all the assets that came with the property, including land, cattle, and horses. To receive the inheritance, the slaves had to abide by some expectations: care for their owner for life, pay her debts, pray for her soul, and bury her.<sup>85</sup> Constança was ill when she wrote her last will in Santo Antonio do Ouro Branco, on September 27, 1875, and she died a month later. The Judge of Peace opened her last will, which was accepted by her nephew, the executor of the will. As in the previous case, there is no information about the distribution of the estate or the fate of the slaves.

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<sup>84</sup> CPOP – *Testamento de Simão Antonio Beltrão*, CO 417, A 8312, 1º Of., 1864, [photo 246].

<sup>85</sup> CPOP – *Testamento de Constança Maria da Conceição*, CO 316, A 6755, 1º Of., 1875, [photos 1207–1217].

As in the previous case, the notarial book contains only the last will, its presentation (the opening of the document after the death of the testator), and the acceptance by the executor of the will, agreeing to administer and distribute the inheritance. This makes it difficult to obtain an overarching understanding of the process, from the opening of the document to the fulfillment of its requirements by the executor of the will.

The Free Womb Law of 1871 created the Emancipation Fund. As stated in Chapter 2, “Promises of Manumission by the State,” the Emancipation Fund was inefficient in its attempt to provide indemnity to slaveholders and to liberate slaves. Thirty-two of the last wills I investigated were written between 1875 and 1887 after the enactment of this law. Half of the slaveholder testators (18 out of 32) listed their slaves for emancipation by the fund. These slave owners manumitted slaves that they had previously listed for emancipation by the fund in their last wills, and some listed slaves that had already been included for manumission in their last wills for emancipation by the fund. This procedure reinforces the idea that manumission did not come for free. A majority of those manumitted in last wills during this period had to work until the death of their owners. Some of them paid part or all of their evaluation price. In addition, slave owners sought reparation for their financial investment before liberating the slaves.

One could argue that these testators were making charitable gestures, but it could also be interpreted as moral and religious pressure in the face of death’s inevitability. This pressure was intensified by the moral and religious expectations of the Catholic Society of nineteenth-century Minas Gerais. It could also be said that, by

manumitting their slaves in their last wills, slave owners were compensating the captives for labor exploitation and loyalty.

More than likely, the inheritances may have been a means for the masters to atone for the struggles and hardships experienced by the slaves, as well as by the thousands of individuals who endured the Middle Passage and had developed survival strategies since colonial times. Regardless, the legal and cultural practices of preparing last wills in nineteenth-century Minas Gerais made it possible for some slaves to achieve freedom before the general abolition of slavery in Brazil. Moreover, it even allowed some of them to inherit assets from their proprietors.



**Table 25. Marital status and gender of testators.**

Testators	Single	Married	Widower	Undeclared	Total
Male	21	15	11	2	49
Female	11	8	17	–	36
Couples	–	3	–	–	3
Total	32	26	28	2	88

*Note:* Three out of 88 last wills examined were written by couples, and two did not include the marital status of the testator. Last wills written by couples: *CPOP – Testamento de Anna Rodrigues de Moraes e Telesforo Antonio de Moraes*, CO 307, A 6593, 1º Of., 1876, [photos 1582–1606]; *CPOP – Testamento de Daniel Pessoa Lemos e Maria Barbosa da Rocha*, CO 333, A 7010, 1º Of., 1857 [photos 1117–1128]; *CPOP – Testamento de João Ferreira Couto e Henriqueta Gomes Barros*, CO 336, A 7056, 1º Of., 1880 [photos 1746–1774]. Last wills with undeclared marital status of the testator: *CPOP – Testamento de Custódio Gonçalves da Silva Bayão*, CO 315, A 6720, 1º Of., 1851-1852 [photos 612–685]; *CPOP – Testamento de Antonio Mendes dos Reis*, CO 311, A 6644, 1º Of., 1881 [photos 1810–1817].

**Table 26. Distribution of brotherhoods and third orders by testator.**

<b>Number of brotherhoods and third orders</b>	<b>Number of testators</b>
1	14
2	2
3	7
4*	6
5	9
6	1
7	1
11	1
Several	3
Unidentified	44
Total	88

Sources: Collection of Last Wills from CPOP, 1850–1887.

\* Includes a couple in which the husband belonged to four brotherhoods and his wife to three others.  
*CPOP – Testamento de Daniel Pessoa Lemos e Maria Barbosa da Rocha*, CO 333, A 7010, 1º Of., 1857.

**Table 27. Inheritance received by slaves, Ouro Preto county, 1850–1887.**

Inheritance	Year of probate	Testator	Slave	Inheritance
<i>Rural and urban properties</i>				
	1850	João da Silva Machado	2	House purchased for the slaves (mother and son).
	1854	Joanna Francisca dos Santos	4	House, clothing and bed.
	1857	Antonio Teixeira Alves	1	House, the furniture belonged to the slave, and she had a credit with the owner of RS 400\$000.
	1857	Josefa Rodrigues Lagares	9	Land
	1859	Maria Ursula da Silveira	6	House and “quintal do riacho” [photo 9818].
	1866	Antonio Barbosa da Costa	3	Agricultural land.
	1867	Anna Antunes Gomes	9	House, rural properties, land.
	1878	Maria Duquesa Pedrosa	5	House and land. “quatro alqueires de terra a escolha das mesmas”[photo 9818].
	1880	João Ferreira Couto	1	The slave Marcolina inherited a house to live, after her death it would go to the Irmandade de Nossa Senhora do Rosário do Alto da Cruz.
	1881	David Pereira Lima	1	Nicoláo, a mentally ill slave inherited land, and he should be cared for by a son of the testator.
	1883	Joaquim Antônio Diniz	5	Land to build houses.

	1887	Balbina Clara de Jesus	1	The creole slave Adão inherited land and part of a farm.
<i>Livestock</i>				
	1885	Maria Clara Ribeiro	3	The testator left all her cattle, pigs and chickens to her slaves. In addition, the slave Anna inherited “um par de bixas de ouro” and the slave Firmina a rosary with golden cross and Our Father [photos 2200–2201].
<i>Money</i>				
	1851	Miguel da Silva Brandão	1	Anna inherited 100\$000, and two freed godchildren of her owner inherited the “Terça” (photo 377)
	1854	Joze da Costa Santos	4	Money to help them after manumission. Maria, little crioula received Rs 50\$000, Balbina Rs 50\$000, Emerenciana parca Rs 25\$000, Maria daughter of Emerenciana Rs 50\$000 (agregada) [photo 959
	1862	José Calisto Pedrosa	1	Simianna inherited money to help purchasing her freedom (RS 200\$000, part he own on the slave).
	1876	Eugenio Celso Nogueira	1	The creole Francisco was manumitted and received RS 50\$000.
	1885	Joaquim Feliciano Pinto Brandão	All	Money to buy land (RS 20\$000 per slave), and the slave Pedro inherited the “blacksmith shop with all its belongings” [photo 2183].
	1887	Eliza Augusta de Oliveira Jacques	2	Money to help with manumission.
	1887	Manoel da Costa Fonseca	1	Albina received RS 200\$000.

<i>Clothing</i>				
	1876	Antonio Augusto França	<i>Forro</i>	The testator left his clothing to Manoel de Nação Congo, that he manumitted in Aug.st 7, 1871 [photo 1320].
	1885	Maria Silveria de Aguiar	Unidentified	Some unidentified female slaves inherited the testator's clothing [photo 2210].
<i>Heir</i>				
	1851	Custodio Gonçalves da Silva	1	The testator list the slave Claudemira among his heirs, his children. It is possible that she was his daughter [photos 667–668].
	1855	Justino Pinto Ferreira	1	The owner of a creole, Manoel, had no other legal heirs and chose the slave as his universal heir.
	1861	Antonio da Costa Carvalho	5	Fortunata, crioula, and her children Franquelim, Eduardo, José e Maria, would inherit the Terça, after the death of the executor of the will [photo 1535].
	1864	Simão Antonio Beltrão	3	The slaves Maria Laura, Maria Roza and Maria da Conceição were manumitted and identified as heirs of the testator [photo 245].
	1875	Constança Maria da Conceição	7	A niece of Constança inherited a farm, and the seven slaves were chosen as the testator universal heirs. They inherited another rural property were the testator lived, with all its belongings, including land and cattle [photo 1209].

Sources: CPOP – Collection of Last Wills of the Tabelião de 1º Ofício, 1850–1887. Total of 76 slaves, plus one *forro* inherited from their owners. Maria Silveria de Aguiar left clothing to some of her female slaves but did not mention their names. Joaquim Feliciano Pinto Brandão left money to all his slaves and did not disclosure their names.

**Table 28. Gender distribution of heirs in last wills that included manumission of slaves, Ouro Preto county, 1850–1887.**

Gender	Family Member	Nonrelative	Total
Female	6	2*	8
Male	4	1**	5
Both	10	–	10
Total	20	3	23

Notes: \*Two daughters of the testator's friend. *CPOP – Testamento de Antonio Augusto França*, CO 311, A 6674, 1º Of., 1876.

\*\*The inheritor was identified as a captain, without further information on his relationship to the deceased testator. *CPOP – Testamento de Eliza Augusta de Oliveira Jacques*, CO 415, A 8213, 1º Of., 1887.

## CHAPTER 5

### Judicial Struggle for Freedom

Appealing to the judiciary was the last resort for a slave pursuing freedom or for a freed individual fighting to avoid re-enslavement. A small group of people reached this point, which speaks to the difficulties and effort necessary to do so. It is also possible that these are the few cases that have been preserved in the archives. Furthermore, the majority of these cases occurred in the county of Ouro Preto during the 1880s, the last years of slavery in Brazil. Two cases that were not in Ouro Preto feature slaves who attempted to appeal to the judiciary in Ouro Preto, the provincial capital, but their appeals were rejected and their processes forwarded to their towns of origin. Such a transfer could have resulted in prejudices toward the petitioners because the authorities in their owner's town of residence were likely to believe the owner's side of the story. It is possible that such a transfer of jurisdiction could benefit the slaves, however, if they were then able to count on a local support network. Nevertheless, the power dynamics most likely favored the slaveholder.

This chapter examines the reasons why slaves and slaveholders appealed to the judiciary to arbitrate their processes of freedom. Thus, it investigates the strategies used by the plaintiffs to build arguments to defend their claims in favor of or against manumission.

The main reasons for litigation were self-purchase, threats of re-enslavement, violence and harsh punishment inflicted on slaves, abandonment, and illegal importation. In cases of self-purchase, slaves made use of their right to accumulate

savings, which were sometimes deposited in the local savings bank (*Caixa Econômica*). Also, they referred to the emancipationist laws in exerting their right to request a price arbitrage when their owners refused the amount offered.<sup>1</sup> They based their position on the Sexagenarian Law of 1885 for price arbitrage according to the slaves' age group.<sup>2</sup> To raise the funds for self-purchase, they relied on their own labor, donations, and loans.

Slave owners also requested arbitrage to establish an indemnity value for their slaves, attempting to obtain the highest possible amount in exchange for freedom, either from the slaves or from the Emancipation Fund.<sup>3</sup> For instance, many of the slaves investigated had previously been classified for emancipation by the fund, either by their own or their owner's initiative. Furthermore, evidence reveals that plaintiffs used proof of marriages to obtain a classification priority for manumission by the fund.

Evidence from the investigated documents also shows that the slave owners demanded high indemnity values, which confirms the claims of provincial authorities regarding the practice of overvaluing. This practice eventually led to the establishment of maximum indemnity prices by age groups.<sup>4</sup> In some instances, when the amount decided through arbitrage exceeded what the slave had originally offered, the slaves paid the additional amount.

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<sup>1</sup> Lei 3.270, Sept. 28, 1885 – Publicação Original – Portal Câmara dos Deputados. <http://legis.senado.gov.br/legislacao/ListaPublicacoes.action?id=66550>, searched on 2-24-2017.

<sup>2</sup> Ibid.

<sup>3</sup> See Chapter 2 for a full discussion on the Emancipation Fund.

<sup>4</sup> Lei 3.270, Artigo 1º, ¶ 3º.



Freed individuals (*forros*) appealed to the judiciary when they were threatened with re-enslavement. This usually occurred when the slaves were manumitted in last wills and the inheritors of their former owners claimed the right of property over manumitted individuals. Claims of this nature also involved slaves that were first abandoned and then reclaimed into bondage. Both circumstances reveal the unstable situation of a freed individual and the risk of re-enslavement. I will discuss all the various circumstances under which these attempts occurred varies when I analyze specific case later in this chapter.

Documentation from the court petitions for freedom shows that violence was the unspoken reason for claims of freedom, even though only two cases were explicitly based on claims of violence against slaves. In addition to violence, fear of punishment and retaliation by the slaveholders pushed the slaves to seek help from the judiciary.

Following the law of 1831 that prohibited the transatlantic slave trade, cases of illegal importation were brought before the courts and were likely spurred by the abolitionist movement in the 1870s and 1880s. One out of the four cases of illegal importation I examined occurred in 1877, and the other three were initiated in 1886.<sup>5</sup>

The total number of cases submitted to the judiciary in Ouro Preto's county for the pursuit of freedom during the second half of the nineteenth century is difficult to determine. The 23 criminal cases that I investigated are all those that have survived in historical archives and were available for examination.<sup>6</sup> However, despite their small

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<sup>5</sup> Joaquim initiated his process in 1876, and José Moleque in 1886. The other two processes were initiated by 10 slaves. All these cases are examined next.

<sup>6</sup> Cota also investigated 16 processes of the judiciary archive that are not included here. Luiz Gustavo Santos Cota, "Um Direito Sagrado – Os Advogados de Mariana e sua Atuação nas Ações de Liberdade, 1871-1888". *ANPUH – XXIII Simpósio Nacional de História*. Londrina, Paraná, 2005.

number, these cases provide useful evidence of the events and circumstances involving manumission on the eve of abolition as well as the strategies the plaintiffs used to support their claims.

## Judicial Processes

To initiate the judicial process, a slave or his/her representative submitted a petition for freedom that specified the reason(s) for the claim and requested the nomination of a curator and a depositary. The curator was a lawyer responsible for defending the case, and the depositary was a person who would house the slave for the duration of the process.<sup>7</sup> Sometimes the same person exercised both functions. The curator and depositary were usually nominated by the county's judge, the municipal judge, or the Judge of Orphans, and they promised under oath to defend the slave's best interest as well as to protect the slave and keep him/her from harm and from the pursuing owners.<sup>8</sup> Paradoxically, the individual fighting to ensure or secure his/her freedom was confined to the curator's authority as a measure of safety.

The judge demanded the citation of all interested parties in the process and summoned them for a first audience to determine how to proceed in each specific circumstance. From then on, the slave was represented by the curator and the slave

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<sup>7</sup> According to Francisco Pereira de Bulhões Carvalho, cited by Keila Grinberg, the use of a curator adopted by the Portuguese law was derived from the Roman law. To better understand the role of the curator and the slave's access to his juridical assistance, Grinberg refers to concept of miserable, indigent, in the Roman law, and its interpretation by the Portuguese law. Francisco Pereira de Bulhões Carvalho, *Incapacidade Civil e Restrições de Direito* (Rio de Janeiro: Editor Borsoi, 1957). 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), pp. 63–70. See also Luiz Gustavo Santos Cota, "Um Direito Sagrado – Os Advogados de Mariana e sua Atuação nas Ações de Liberdade – 1871–1888" [anpuh.org/anais/wp-content/uploads/mp/pdf/ANPUH.S23.062.pdf](http://anpuh.org/anais/wp-content/uploads/mp/pdf/ANPUH.S23.062.pdf).

<sup>8</sup> Regarding to the lawyers' positioning strategy in terms of emancipation and abolitionism, see Cota, *Um Direito*, pp. 1–10. See also Grinberg, *Liberata*, pp. 71–78.

owner by his/her lawyer. These representatives proceeded to present and defend their clients' specific interests, collect material evidence to support their clients' claims, and schedule hearings to record witness testimonies. Finally, the judge delivered a verdict on the matter and ordered compliance with his final decision.<sup>9</sup>

I examined 23 judicial documents, which were classified at the archive as either freedom action or freedom maintenance (*Ação de Liberdade* and *Manutenção de Liberdade*). Twenty-two of these cases occurred in the 1880s, during the final years of slavery in Brazil. One of the cases examined was dated 1856, which was a few years after the enactment of the law that prohibited the African slave trade to Brazil. that case refers to an attempt to re-enslave a supposed freed female teenager, and it is the most detailed and complete in terms of documentation. It was also the only case that went to trial.

In one-third of the total processes investigated (eight out of 23 cases) the petitioner, slave, or freed individual, successfully obtained a letter of freedom or had his/her freed status confirmed. In this investigation, I considered a case completed when it was concluded and the letter of freedom was issued, even if the process was fragmented and consisted of only a few documents assembled together. The other two-thirds of the processes (15 out of 23 cases) consist of fragmented and incomplete documents that do not provide the final verdict or indicate how the case concluded.

In the cases I investigated, the slaves themselves took the initiative to approach the local authorities, seeking support to initiate the freedom processes. After this first step, the curator would take the lead in collecting evidence to build the case. In some

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<sup>9</sup> Ginberg identified the diverse phases of a freedom action in the first, second, and third instance. Ginberg, *Liberata*, pp. 121–122.

instances, it was clear that the slave or freed individuals themselves and their relatives contributed and helped gather the documentation necessary to support the case and the individual's claim for freedom.

Gathering documentation and collecting evidence was a crucial phase. The documentation that needed to be assembled depended on the specifics of each case. The most reliable sources of information and evidence were parish records of marriage and baptism. Also, notarial records such as letters of freedom or certifications of manumission through a letter of freedom or last will. Supplementary data included deeds of a slave's sale or documents of a slaves donation. The Slave Census (*matrícula*) was one of the most reliable sources of information with regard to slave data, such as age and marital status, particularly in cases involving claims of illegal importation.<sup>10</sup> In addition, the deeds of sale and records of classification for manumission by the Emancipation Fund were key sources of complementary information on the slaves and their owners.

In some instances, it was possible to identify the slave's support network beyond spouses and close relatives. Local authorities, such as police officers, notaries, and priests provided evidence and testimony to confirm and substantiate the slaves' claims for freedom. Finally, the witnesses provided evidence to support or deny the defendant's as well as the victim's claims. Intriguingly, many of these testimonies were based on hearsay regarding the circumstances of the events that substantiated the lawsuit.

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<sup>10</sup> The Slave Census (*matrícula*) was established by Law 2.040 on Sept. 28, 1871, article 8. Lei Nº 2040, Sept. 28, 1871, Lei do Ventre Livre; <http://www2.senado.leg.br/bdsf/handle/id/185595>, searched on 2-25-2017.

Complete or not, all these cases are classified as criminal processes of freedom action and were based on Brazilian imperial laws on slavery enacted during the nineteenth century. The main body of legislation addressed was the gradual evolvement of emancipation laws during the 1870s and 1880s. Also, the law of 1831 that prohibited the slave trade and the Criminal Code of 1830 were important contributors in the process.

### **Successful Petitions**

Analysis of the following successful petitions for freedom illustrates how success was influenced by, and relied upon, the slaves' access to lawyers nominated to defend their cases and act as curators. It was also contingent on the depositary, who could be a benefactor, but could also use or take advantage of the slave's labor for the duration of the process. For instance, two of the slaves investigated preferred to live on their own, as they were accustomed to, rather than be under the care of a depositary.

In most of the successful cases, the letter of freedom was purchased with savings accumulated by the slave or donations from a beneficiary. In one of the successful cases, which involved the sale of a freed individual, the current slaveholder was reimbursed by the previous owner.<sup>11</sup> Two additional successful cases involved illegal importation after the law of 1831 and were initiated either by the victims themselves or by their children.

In March 1880 Manoel presented a petition to initiate his process of freedom to the local authorities of Ouro Preto. He asked to have a curator and a depositary assigned to his case and stated that he had RS 800\$000 in savings to pay for his

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<sup>11</sup> *CPOP - Processo Criminal – Ação de Liberdade de Theotônio*. Ouro Preto, 1883.

freedom. The money was donated by Albino de Almeida Porto. Who was this benefactor, and why did he donate this large sum of money to a slave? Was it a donation or a loan that the slave needed to repay? The process documents do not answer these questions. Notified of the slave's petition, Manoel's owner informed the authorities of his whereabouts, and the slave was apprehended and confined. Following a physical examination, Manoel was appraised for RS 900\$000, which was RS 100\$000 more than the money donated for his purchase. By the end of process, the curator paid the requested amount, and the slave owner handed over his property rights. The legal documents do not provide further information on the slave, nor on how he obtained the remaining RS 100\$000 to complement the price of his evaluation. However, the slave owner provided a hint when he provided information as to the slave's whereabouts. Manoel worked on the streets of Ouro Preto and most likely saved the money to complement the demanded amount or was able to take out a loan to pay for his manumission. His exposure to the city life probably made it possible for him to become aware of the slavery laws and the abolitionist movement in Ouro Preto during the 1880s.

Polcheria was another slaves who obtained freedom through self-purchase. Hers' was a fragmented process with five individual documents that, when assembled and analyzed, unveil a story of abandonment, attempt at re-enslavement, and self-purchase. In July 1883, Polcheria petitioned for freedom, claiming that her former owner had abandoned her and recently attempted to re-enslave her. She claimed that she had been living as a freed individual for the past seven years.<sup>12</sup> Polcheria was apprehended

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<sup>12</sup> Lei Nº 2040, article 6º, ¶ 4º. <http://www2.senado.leg.br/bdsf/handle/id/185595>, searched on 2-25-2017.

and handed over to a depository. The last information about this case is dated July 1884, when the notary's scrivener added the petition and other nonspecified documents to the process. This fragmented process raises questions as to how Polcheria was able to defend her case? Did she request her freedom based on the argument of abandonment by her owner? Was she a freed individual, either by manumission or because she was born after the Free Womb Law of 1871? Her case speaks of the difficulties and insecurity under which the slaves as well as freed individuals lived. Of particular concern was the constant threat of re-enslavement. After having lived for seven years as a freed person she had to, once more, face the uncertainty of bondage for life. Among the options to consider is the possibility that she was actually a runaway slave.

I located Polcheria's letter of freedom in Ouro Preto's notarial records from 1883. Her owner was a priest, and the letter was written by his representative. According to this document, Polcheria purchased her letter of freedom for RS 700\$000. There is no mention of a donation, so she most likely raised the money for self-purchase with her own work. In addition, Polcheria was married to José, a slave of the same priest.<sup>13</sup> Thus, it appears Polcheria successfully secured her freedom due to her own initiative in seeking justice and saving money for this purpose.

Manoel purchased his freedom with the help of a benefactor while Polcheria purchased her letter of freedom to avoid re-enslavement. The next successful case of freedom was more complex as it involved the re-enslavement and sale of a freed person, followed by the reimbursement of his purchase value. In November 1883,

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<sup>13</sup> *Lançamento de Procurações e Escrituras*. Agostinho José dos Santos, tabelião. Ouro Preto, 25.01.1883 a 14.01.1884, p. 56.

Theotonio petitioned for freedom, stating that he had witnesses to prove his freed status. He requested the nomination of a curator and a depositary while his petition for freedom was being processed.

According to his curator, his former owner, Manoel Silverio da Silva, signed Theotonio's letter of freedom, but the person in charge of delivering the letter, Tenente Coronel Jacintho Gomes do Carmo, failed to do so and kept Theotonio in captivity until the slave initiated his process. The letter of freedom was not found. This presents several possibilities. First, the letter was never written and the slave was lying. However, this is unlikely because Theotonio had witnesses to prove that he was telling the truth and he was a freed individual (*forro*). Second, the letter might have been lost, destroyed, kept by the Lieutenant Colonel Jacintho Gomes Carmo or simply never registered at the notary. The only letter of freedom registered was written in 1881 and was the result of this process..

The first deed of sale for Theotonio that was attached to this process was dated May 1878 and stated that Manoel Silverio da Silva sold the slave to Jacintho Gomes do Carmo for RS 800\$000. Was this a legitimate sale? Did Silva change his mind about manumitting the slave and decide to sell him instead? Silva died sometime after supposedly manumitting Theotonio, and Carmo sold him (a freed person) to João Rodrigues Rabello.<sup>14</sup> One way or another, Carmo profited from this ambiguous situation because he sold the slave seven months later for RS 1:600\$000. The last buyer, Rabello, was subpoenaed to answer the petition for freedom.

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<sup>14</sup> The accounting of Silva's will was finalized in 1858. If he wrote Theotonio's letter, it happened at least 20 years before he was sold in 1878. The slave was listed for emancipation by the fund sometime between 1873 and 1880, bringing into question the date of the will's account.



Rabello contested the petition and expressed his surprise and disbelief. Also, he mentioned a previous unsuccessful attempt by the slave for the same purpose. Furthermore, he rejected the slave's questioning of his ownership, and he considered the untruthful claim that he was keeping a freed individual in bondage to be “temerarious and anarchic.”<sup>15</sup> In addition, Rabello questioned the local jurisprudence and argued that such procedures were harmful to the slave owner’s property rights and provided a precedent to other similar appeals that would deprive the slaveholder of slave labor. According to Rabello, curators and depositaries took advantage of the labor force under their care.<sup>16</sup> Rabello finalized his complaint with a defiant note, insinuating that no matter how many times the curator tried to proceed with this cause, he would always fail.<sup>17</sup>

Meanwhile, the previous owner Lieutenant Carmo reimbursed Rabello and wrote Theotonio’s freedom letter. The slave’s curator requested the conclusion of the case, stating that the reimbursement was an acknowledgment of guilt, that the lieutenant was “acknowledging that he sold a freed individual.”<sup>18</sup>

Theotonio had tried to regain his freedom at least once before. However, this time he succeeded in his pursuit of freedom. Finalizing the process, Judge Bernardino Augusto de Lima sent the case to the district attorney to determine whether “it was commition of a crime to enslave a free person.”<sup>19</sup>

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<sup>15</sup> *CPOP - Processo Criminal – Ação de Liberdade de Theotonio*. Ouro Preto, 1883, 6, [photo 5856].

<sup>16</sup> *Ibid.*, 6, [photo 5857].

<sup>17</sup> *Ibid.*, 6, [photo 5858].

<sup>18</sup> *Ibid.*, 28, [photo 5896].

<sup>19</sup> *Ibid.*, 30, [photo 5901].

The next three cases I examined refer to slaves who purchased their freedom with the support of the emancipationist laws of the 1870s and 1880s. More importantly, their cases were grounded on the legalization of the slave's right to accumulate savings for manumission and the implementation of compulsory manumission. Thus, the slave owners had an obligation to issue letters of freedom to slaves who presented the amount required for indemnity of their evaluation price, which was to be decided by agreement or arbitration.<sup>20</sup>

As an example, Porcina had savings in the amount of RS 500\$000 in an account at the Caixa Econômica<sup>21</sup> of Ouro Preto. More than three years had passed since the death of her owner, Dona Antonia Rosa Soares de Souza, without conclusion of the inheritance's inventory. On March 1883, Porcina petitioned for her right to purchase her freedom according to the Free Womb Law of 1871 and its clarifications of 1872.<sup>22</sup> As was the norm in such cases, she requested the nomination of a curator and a depositary to proceed with her appeal.

Notified of the petition, the executor of the will, Lieutenant Colonel José Bento Soares, initially agreed to schedule the price arbitration for manumission. Later, he argued that he could not follow through with the agreement without the consent of all

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<sup>20</sup> Decreto Nº 5135, Nov. 13, 1872, Publicação Original - Portal Câmara dos Deputados. <http://www2.camara.leg.br.legin.fed.decret/1824-1899/decreto-5135-13-novembro-1872-551577-publicacaooriginal-68112-pe.html>, searched on 2-25-2017. Lei Nº 2040, Sept. 28, 1871, Lei do Ventre Livre. <http://www2.senado.leg.br/bdsf/handle/id/185595>, searched on 2-25-2017.

<sup>21</sup> Caixa Econômica is the state's savings bank.

<sup>22</sup> The petition presented by the slave refers to article 4º, ¶ 2º of Law 2040 of 1871 and to the Regiment 5135, Nov. 13, 1872, article 56, ¶ 2º. The cited law and regiment refers to the slave's right to petition for self-purchase as long as they had the amount required for indemnity of their evaluation price, which was to be decided by agreement or arbitration. *Decreto Nº 5135*, Nov. 13, 1872 - Publicação Original - Portal Câmara dos Deputados. <http://www2.camara.leg.br.legin.fed.decret/1824-1899/decreto-5135-13-novembro-1872-551577-publicacaooriginal-68112-pe.html>, searched on 2-25-2017. Lei Nº 2040, Sept. 28, 1871, Lei do Ventre Livre. <http://www2.senado.leg.br/bdsf/handle/id/185595>, searched on 2-25-2017.

the heirs. The slave's curator requested that the remaining heirs be notified so the case could proceed.

In July 1883, Porcina was given a physical examination and her evaluation price was fixed at RS 700\$000.<sup>23</sup> A few days later, her curator offered the RS 200\$000 difference to complement her evaluation price, and the judge concluded the process. He ordered that the letter of freedom be written as soon as the heirs received the money. The slave's curator requested that the judge order the liberation of RS 500\$000, but not the dividends, which according to the law belonged to the slave.<sup>24</sup> This last report concludes the case.

Porcina demonstrated that she was aware of the latest imperial laws on slavery or that she had access to people who did. It is important to highlight that she lived in Ouro Preto, the provincial capital, and that she purchased her freedom five years before general abolition in Brazil. Thus, this occurred during the period when the abolitionist movement was gaining momentum, near the end slavery.

As in the case of Porcina, the 46-year-old creole João petitioned for self-purchase, also citing the 1871 and 1872 laws. However, his appeal started with a setback when his owner refused his initial offer of RS 400\$000. João appealed to the county's judge, presenting his birth certificate and proof of his savings. He also requested the nomination of a curator and a depositary.

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<sup>23</sup> During the procedure, the slave was referred to as "Porcina de tal," in a complete disregard to her surname. Conversely, all the other subjects involved in this process of freedom are identified by their names, surnames and titles. This contrast speaks to the social hierarchy in a slavery society, and it is consistent with the practice of naming slaves observed throughout the documentation I investigated.

<sup>24</sup> Decreto Nº 5135, Capítulo III "Do Pecúlio e do Direito á Alforria."

Subpoenaed to appear in court for price arbitration, his owner, Dona Maria Felisbina das Neves, once more refused the offer and insisted on receiving the evaluation established by the law of 1885, which fixed the price for a slave in his age group (40 to 50 years old) at RS 600\$000. According to the law, in case of disagreement, the price should be decided by arbitration.<sup>25</sup> Thus, in February 1887, João was submitted to a physical examination and evaluated at RS 400\$000, the amount he had offered and deposited to purchase his freedom. Dona Maria was probably displeased with the evaluation, as she had previously refused that amount. The judge, however, agreed with the appraisal and ordered the owner to withdraw the money and produce the letter of freedom.

João succeeded in his pursuit of freedom because he managed to navigate the system and have a lawyer assigned to defend his case. Also, he took advantage of the emancipation laws of the late 1800s. As it turned out, he was freed one year before general emancipation. If he had waited one more year, he would not have had to pay for it.

As in the previous cases, Marciano had to petition the municipal judge of Ouro Preto to purchase his freedom. He had RS 900\$000 in savings, the amount established for manumission of slaves 30 years old and younger. The money was deposited at the treasure (*Tesouraria da Fazenda*), and his curator presented documentation to prove the slave's age and identity.<sup>26</sup>

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<sup>25</sup> Lei 3.270, Sept. 28, 1885 – Publicação Original – Portal Câmara dos Deputados, Artigo 3º. <http://legis.senado.gov.br/legislacao/ListaPublicacoes.action?id=66550>, searched on 2-24-2017. Lei Nº 2040, Sept. 28 1871, Artigo 4º, ¶ 2º. <http://www2.senado.leg.br/bdsf/handle/id/185595>, searched on 2-25-2017.

<sup>26</sup> According to the Slave Census of 1872, Marciano was sold in April of that year to Cassiano Antonio da Silva Campolino, a resident of Queluz. At the time, he was listed as the son of Venancio and Maria, 15

Sometime between 1873 and 1880, Marciano's former owner, José Rodrigues Barcellos, submitted the slave's classification for manumission by the Emancipation Fund and requested indemnity in the amount of RS 2:200\$000.<sup>27</sup> As noted in other similar cases, the classification was fruitless, and the slave was sold instead.

The deed of sale, dated February 1878, provides more information on Marciano. He was sold with six of his siblings, all born in Ouro Preto, plus another slave, for RS 10:400\$000. His parents, the African slaves Venancio and Maria, were granted freedom to accompany their seven children if they wished. The buyer was identified as Cassiano Antonio da Silva Campolina, a resident of Queluz. Marciano was 20 years old. The Slave Census and the Emancipation Fund listed similar details for him, but the sale documents also classified him as a *cabra*.<sup>28</sup> By the time he was 29 years old, Marciano had accumulated the amount required by law to purchase his freedom.

Once more, it is unclear how the slave obtained the money, and there is no mention of a donation. It is possible that the proceeds for manumission came from extra work he had performed on weekends and during holidays or from family member contributions. There is no further information about his siblings who had been sold with him eight years earlier. Did they also manage to accumulate money for their own manumissions? Did they contribute financially to Marciano's manumission? What about

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years old, unmarried, a field worker (*lavrador*), and having good aptitude for work. *CPOP - Processo Criminal – Ação de Liberdade de Marciano*. Ouro Preto, 1886, 3, [photo 5920].

<sup>27</sup> Marciano was identified as a 15-year-old *fula*, unmarried, field worker (*lavrador*), with a good aptitude for work. *Fundo de Emancipação*. Ouro Preto, 1873–1880, 14, [photo 3634].

<sup>28</sup> New historiographical approaches problematize the meaning of words used to characterize slaves and mestizos, previously identified as skin color. According to this procedure, words such as *cabra* have other meanings, and it could have been used referred to the miscegenation of indigenous and Africans or as a demeaning categorization of individuals. For a further understanding of this qualification and categorization, see Eduardo França Paiva, *Dar Nome ao Novo; Uma História Lexical da Ibero-América entre os Séculos XVI e XVIII* (Belo Horizonte: Autêntica Editora, 2015), pp. 125–136, 205–221.

his parents; were they freed at the time the family was sold? Did they continue working to help free their enslaved children? No letters of freedom for any of his siblings were found. It is possible Marciano's family members were sold to another person and/or remained in bondage until general abolition in 1888. Marciano's owner requested the release of the money deposited for indemnity, and his letter of freedom was registered at the notary in Ouro Preto in 1886.<sup>29</sup>

All the processes analyzed up to this point refer to only one slave. The last two successful processes of freedom were initiated by groups of individuals and were substantiated by the 1831 law prohibiting the slave trade. The first was initiated by seven slaves who belonged to the Lieutenant Colonel Jacintho Gomes do Carmo. This is the same slave owner accused of selling a freed individual, Theotonio, a few years earlier. The slaves petitioning for freedom were most likely aware of Theotonio's previous success. In addition, they were assisted by the same lawyer and curator who had supported Theotonio, Dr. José Eufrosino Ferreira de Brito.

The African slaves José Agostinho, Dionízio, and Rita claimed that they were imported illegally after the law of 1831. They petitioned for freedom and, to prove their age, presented documentation, such as data from the Slave Census (*matrícula*) and baptism certificates. In addition, the curator affirmed that Rita's children, born of a free mother, were also free. Rita had four children: Raimundo, Maria, Cezarina, and Antonio.<sup>30</sup>

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<sup>29</sup> *Livro que Registra as Escrituras do 2º Tabelião Gabriel de Oliveira Santos, Juiz de Direito. Pedro Feu de Carvalho, 2º Tabelião.* Ouro Preto, Aug. 8, 1855 to Oct. 20, 1887, p. 24.

<sup>30</sup> According to the certificates of baptism presented, Rita was baptized in 1852 at the age of 16. Her son Raimundo was baptized in 1855, her daughters Maria and Cezarina were baptized in 1862 and 1865, respectively, and her son Anotonio in 1870. If the children's dates of baptism correspond with their approximately dates of birth, at the time of this petition for freedom in 1886, their ages would have been

As in the case of Theotonio, neither the slave owner nor his lawyer attended to the first scheduled audience. However, the case was decided in two months. In September 1886, the slaves' lawyer presented the letters of freedom for Dionizio and José that had been signed by Lieutenant Carmo a few days earlier. In addition, the lawyer manumitted Rita and her children on behalf of the lieutenant.

This occurred 20 months before general abolition. In addition to the evidence collected by the curator to support his clients' claims, the slaves had witnesses that corroborated their story. Among them were Rita's godfather José de Figueiredo Murta and the priest who had baptized Rita and her son Raimundo, Vicar Joaquim José de Sant'Anna.

Evidence from the list of slaves classified for manumission by the Emancipation Fund in Ouro Preto suggests that Lieutenant Carmo had many slaves because he classified 33 of them, expecting indemnity of their price.<sup>31</sup> Dionizio and José Agostinho were among those classified, but Rita and her children were not included.<sup>32</sup> Considering these two processes of freedom against Lieutenant Carmo, including Theotonio's petition, it is possible that these were not the only freed individuals he illegally kept in bondage.

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as follows: Raimundo 31 years old, Maria 24 years old, Cezarina 21 years old, Antonio 16 years old. The data from the Slave Census of 1872 confirmed this estimation of age. The Census of 1872 had Rita's age estimated as 28 years old instead of 36 years old, however. Considering the age declared at baptism, at the time of this petition for freedom, she was approximately 50 years old. Thus, she was imported after the Law of 1831. José Agostinho and Dionizio were both identified in the census as 35 years old and sons of the slave Francisca. They would have been approximately 49 years old at the time they petitioned for freedom. Thus, like Rita, they were likely also imported after 1831. *CPOP – Processo Criminal – Ação de Liberdade de José Agostinho, Dionizio, Rita e seus filhos*. Ouro Preto, 1886, 2–10, [photos 5962–5972].

<sup>31</sup> *Fundo de Emancipação*. Ouro Preto, 1873–1880, pp. 4, 5, 8, 16, 50, 59.

<sup>32</sup> *Ibid.*, 59, [photo 3766].

The second freedom process based on the 1831 law that prohibited the slave trade was initiated by the siblings Moyses, Antonio, and Christina. In December 1886, the siblings petitioned for their freedom under the claim that their mother had been imported illegally after the law of 1831 and was subsequently freed. If this situation proved to be true, then the siblings had been born of a free woman and should be released from bondage. They petitioned for the nomination of a curator and depositary because they feared they would be sent away or punished by their owner, João de Souza Almeida, who contested their claim. According to Almeida, the slaves failed to prove their mother's freed status. Moreover, their mother Rita was freed due to her old age, not because of illegal importation. She was more than 60 years old, and Almeida claimed that she had been imported before 1831.<sup>33</sup>

Meanwhile, the slaves were removed from Almeida's household and placed under the responsibility of Captain José Joaquim Soares. Two months later, in February 1887, Almeida's lawyer requested the citation of the slaves' curator to speed up the process. The curator demanded more time to assemble documentation to support his case, which Almeida's lawyer denied.

By March 1887, the slaves had been deposited for three months, and their owner decided to grant them freedom under the condition that they serve him for four more years. He was most likely trying to secure access to their labor during the time that the abolitionist movement was gaining strength. In fact, he succeeded in keeping these individuals in bondage at least until the following year when slavery was abolished in

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<sup>33</sup> *CPOP - Processo Criminal – Ação de Liberdade de Moyses, Antonio e Christina*. Ouro Preto, 1886, 4, [photo 6043].



May 1888. No letters of freedom for these individuals were found, as they probably were never written.

The slaves' curator accepted the agreement, as long as their acquired rights were respected,<sup>34</sup> but no elaboration was provided that detailed those rights. If the three petitioners were children of a free woman, they were free individuals themselves and were being illegally kept in captivity. Why did their lawyer agree to this proposal? Did he realize that it would be difficult to prove that the slaves' mother was imported after 1831? When he requested that the audience be postponed, it was because he needed more time gather her baptism records that were supposedly in another town, Itabira. Perhaps these records did not exist or were lost or destroyed. Usually lawyers relied on the Slave Census (*matrícula*) to gather information on the slaves' data. Did the curator have access to this data? With the failure of their attempt to gain freedom from Almeida, they would be released back to him and possibly transferred, sold, and punished for questioning his property rights. Almeida, of course, had lost months of slave labor and probably incurred costs during the process, but he managed to keep the petitioners in bondage.

### **Incomplete Processes**

The next group of cases I examined consists of fragmented documents and incomplete and inconclusive processes. They encompass two-thirds of the cases I investigated. I used data such as the slave owner's name and place of residence to search for letters of freedom for each of these individuals. However, either the

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<sup>34</sup> *Ibid.*, 10, [photo 6055].

slaveholders failed to issue the letters of freedom or the documents were not registered at the notary and kept in the archive.

These incomplete processes of freedom include five cases in which the slaves themselves or their owners attempted classification for manumission through the Emancipation Fund. One case was based on a claim of excessive violence committed against a slave mother, and another was an attempt at self-purchase by a mother and her son. In two other cases, the slaves claimed abandonment by their owners and petitioned for their letters of freedom to legalize their de facto freed condition. Regarding the latter cases, one cannot dismiss the possibility that the abandonment claims were used as a strategy to petition for freedom. For instance, could a runaway slave claim abandonment if an owner was absent for long periods of time, leaving him/her behind with an overseer or a family member in charge of the slave? According to the Decree 5.135 of 1872, a slave was considered abandoned if “a slave who’s owner resides in the same place, and failed to keep the slave under his/her subjugation and does not manifest interest in keeping the slave under his/her authority.”<sup>35</sup>

Two cases alluded to a claim of illegal importation after the 1831 law that prohibited the African slave trade to Brazil, while two others were attempts of re-enslavement.<sup>36</sup> One case involved a slave’s petition for manumission based on his former owner’s last will; this process was transferred from Ouro Preto to another

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<sup>35</sup> My translation, “Art. 76 Considera-se abandonado o escravo cujo senhor, residindo no lugar, e sendo conhecido, não o mantém em sujeição, e não manifesta querer mantel-o sob sua autoridade.” Decreto Nº 5.135, Nov. 13, 1872, Artigo Nº 76. Publicação Original – Portal da Camara dos Deputados. <http://ww2.camara.leg.br/leg.br/legin/fed/decret/1824-1899/Decreto-5.135-13-Novembro-1872-551577-publicacaooriginal-68112-pe.html>, searched on 02-25-2017.

<sup>36</sup> *Coleção de Leis do Império do Brasil*, 1831, 182, vol. 1 pt I – (Publicação Original). [http://www2.camara.leg.br/legin/fed/lei\\_sn/1824-1899/lei-37659-7-novembro-1831-564776-publicacaooriginal-88704-pl.html](http://www2.camara.leg.br/legin/fed/lei_sn/1824-1899/lei-37659-7-novembro-1831-564776-publicacaooriginal-88704-pl.html).

jurisdiction of Itabira. The last case is a fragment of a marriage certificate of a slave with a freed person, and it was classified at the archive as a freedom action. All the examined cases were short-term processes, the longest of which protracted for five months. The only process that went to trial was prolonged for four months.

Roughly half of these cases were supported by the Free Womb Law of 1871, which created the Emancipation Fund and legalized the practice of accumulating savings for self-purchase. This was the story for Jorge and Josepha, Ignez, Francisco Mocambique, Adão, Bárbara, and Tito.

The freedom process of Jorge and Josepha consists of four documents: one letter from a priest confirming the celebration of their marriage in January 1882, one letter to the tax collector (*Collector da Renda Geral*), and two letters addressed to the Emancipation Fund's council regarding their classification for manumission.

In March 1882, Captain João Antonio Tassara de Padua wrote a letter to the tax collector, justifying the elevated indemnity values of the slaves Josepha and Jorge. According to Padua, Josepha was worth more than the asking price of RS 1:200\$000 because he had exchanged the slave for another slave with five “ingenuous three cows and their calfs.”<sup>37</sup> Josepha and Jorge had been classified for emancipation under the category of married slaves from different owners, which granted them priority.<sup>38</sup> In addition, Padua, Josepha's owner, was authorized by Jorge's owner to inform the

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<sup>37</sup> Ingenuous were free children of a slave mother, born after the Free Womb Law of 1871. *CPOP - Freedom Process of Josepha and Jorge*. Document 258, 1882, [photo 4020].

<sup>38</sup> Decreto Nº 5.135 de 13 de Novembro de 1872, Artigo Nº 27 ¶1º. Publicação Original – Portal da Camara dos Deputados. <http://ww2.camara.leg.br/leg.br/legin/fed/decret/1824-1899/Decreto-5.135-13-Novembro-1872-551577-publicacaooriginal-68112-pe.html>, searched on 02-25-2017.

collector that, despite the asked price of RS 1:600\$000, he would accept the price of arbitrage. The indemnity asked by the slave owners was very high.<sup>39</sup>

A letter addressed to the president of the Emancipation Council of Ouro Preto in June 1882 identifies Josepha as a 37-year-old single women and the daughter of an unknown freed man (*forro*), and she received her owner's consent to apply for manumission. Josepha had RS 300\$000 in savings to purchase manumission. According to this document, she belonged to the viscountess of Camargos at that time.

In August 1882, Josepha's new owner, then identified as João Antônio Tassara de Padua, wrote a letter to notify the committee of the slave's marital status. According to Padua, Josepha got married while she was rented out to the lime factory of her husband's owner. Padua attached a vicar's letter confirming the slaves' wedding to Jorge. According to the list of slaves classified for manumission by the Emancipation Fund in Ouro Preto, Jorge was a 34-year-old black slave and a field worker (*roceiro*) with a good aptitude for work, and he was married to Josepha who was also classified.<sup>40</sup>

There is no further information on this process or its outcome. Evidence suggests that this process could have been initiated by the slaves' proprietors to secure indemnity through the Emancipation Fund. However, it also could have been initiated by the slaves in an attempt to self-purchase their freedoms. Josepha had savings, and she

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<sup>39</sup> A few years later the state passed the Sexagenarian Law of 1885 and established a maximum indemnity value by age group and genre. According to this law, Josepha would have been evaluated for RS 600\$000 and Jorge for RS 800\$000. BRASIL. Lei n. 3.270, de 28 de Setembro de 1885. Regula a Extinção Gradual do Elemento Servil. *Coleção das Leis do Império do Brasil*, Rio de Janeiro, vol. 1, p. 14, 1885. <http://www2.camara.leg.br/legin/fed/leimp/1824-1899/lei-3270-28-setembro-1885-543466-publicacaooriginal-53780-pl.html>.

<sup>40</sup> The list of slaves classified for manumission by the Emancipation Fund in Ouro Preto recorded 11 slaves named Josepha, none of them had pecúlio and only one of them was married. She was a 31-year-old black weaver, with a good aptitude for work, and most likely was Jorge's wife. However, her listed owner was Maria do Carmo Pereira, rather than Captain Padua or the Viscondessa de Camargos. *Fundo de Emancipação*. Ouro Preto, 1873–1880, p. 59.

was likely aware of the possibility of self-purchase granted by law.<sup>41</sup> In addition, married slaves had priority in classification for manumission by the Emancipation Fund. The slaves were married in January 1882, and the freedom process was initiated soon after, in March, which raises questions regarding their intentions. Did the slaves get married in order to receive priority for manumission? Also, did their owners encourage the marriage with the intention of receiving indemnity from the state? Did the slave owners stimulate, or even coerce, the slaves to get married? Could this have been a last attempt to secure indemnity in face of the increasing pressure toward abolition? These are some of the possible outcomes that remain unanswered.

In June 1882, João Gualberto de Lemos attempted to negotiate the indemnity value of his creole slave Ignez. She was a 25-year-old mother of three *ingenuous*.<sup>42</sup> Lemos addressed the local council responsible for classifying slaves to be manumitted by the Emancipation Fund, saying he would write her letter of freedom if the committee agreed on the indemnity value of RS 700\$000.<sup>43</sup> Lemos had purchased the slave for RS 1:000\$000 and suggested that he was lowering the price to benefit the slave. However, the evidence suggest that he was attempting to secure his own financial interest and obtaining the best possible indemnity value. If the council accepted Lemos' offer, Ignez

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<sup>41</sup> Lei Nº 2040, Sept. 28, 1871, Artigo 4º. <http://www2.senado.leg.br/bdsf/handle/id/185595>, searched on 2-25-2017.

<sup>42</sup> Her son Antonio was four years old, and Candida and Joaquim were five and six years old. *CPOP - Processo Criminal – Ação de Liberdade de Ignez*. Ouro Preto, 1882, document 269, [photo 4023].

<sup>43</sup> Three years later, in September 1885, the state enacted Law 3270, which regulated the gradual emancipation of slaves in Brazil. This law fixed the monetary value of slaves based on their age groups. According to the law, a male slave up to 30 years old was valued at RS 900\$000, and a female was RS 675\$000 (25% less).

would have legal priority for classification because she has a family and was the mother of *ingenuous*. This is a single document, and there is no further information on the case.

As part of my investigation of cases connected to the Emancipation Fund, I found evidence regarding the pursuit of freedom linked to a large poor family during this period. Only bits and pieces of the family's story have endured and made it into the historical archive of Ouro Preto. The surviving documents, which are extremely damaged and only partially readable, reveal the lives of the slave Francisco Mozambique, his wife Barbara Mozambique, and their children. Francisco's process of freedom was initiated by his freed wife, and it consists of four documents dated December 1883. Two of these documents are testimonies from local authorities. Two others are fragments; one was signed by the local notary and the other was a fragmented list of slaves classified for manumission by the Emancipation Fund. Despite their poor quality, the documents tell the story of a wife's efforts to liberate her husband from bondage.

Barbara contacted at least three local authorities in her effort to collect evidence of the couple's marital status, her freed condition, and the family's residence and poor financial condition with the purpose of pursuing Francisco's classification for manumission by the Emancipation Fund. The information Barbara collected was important because the law prioritized the classification of families over individuals, and among families, couples that belonged to different owners and with free children had preference.<sup>44</sup> The testimonies of the priest of São José do Paraopeba, Barbara's parish

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<sup>44</sup> Decreto Nº 5.135 de 13 de Novembro de 1872, Artigo Nº 27 ¶1º. Publicação Original – Portal da Câmara dos Deputados. <http://ww2.camara.leg.br/leg.br/legin/fed/decret/1824-1899/Decreto-5.135-13-Novembro-1872-551577-publicacaooriginal-68112-pe.html>, searched on 02-25-2017.

and place of residence, and that of the local police authority complement each other and corroborate the slave's claim for freedom.

According to these testimonies the couple was very poor and had many children. There is no evidence indicating whether the children were free or slaves. Barbara is identified as a freed woman, but the documents do not state when and under which conditions she acquired her freedom. This missing information would have helped determine her children's status because the slave condition was passed on to future generations by the mother.

The testimonies confirmed that the couple resided in different districts, Francisco in Moeda with his owner Pio Martins da Silva and Barbara in São José do Paraopeba with their children. Also, they declared that Barbara needed the support of her husband, who worked on Sundays and holidays to provide for their family.<sup>45</sup> In addition, the testimonies supported Francisco's claim for manumission by the Emancipation Fund.

The fragmented list of slaves includes the name Francisco Moçambique. Moreover, Ouro Preto county's book of slaves classified for manumission by the Emancipation Fund included, among the slaves of Pio Martins da Silva, a 45-year-old black slave named Francisco, who was field worker (*lavrador*) with a good aptitude for work, with the asking price of RS 3:000\$000. Francisco was identified as an unmarried person, but given the similarities, this was most likely Barbara's husband.<sup>46</sup> There is no

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Regarding the priority for classification, see also the Aviso Circular do Ministério da Agricultura, Commercio e Obras Publicas, Jan. 19, 1883, "Palácio da Presidencia da Provincia de Minas Geraes, Ouro Preto, 26 de Janeiro de 1883" in *Cópia de Correspondência Expedida pela Providencia da Provincia Referente ao Elemento Servil*, Códice SG 155, 1883, p. 39.

<sup>45</sup> *CPOP – Ação de Liberdade de Francisco Moçambique*. Ouro Preto, 1883, s/nº, [photo 4027].

<sup>46</sup> *Fundo de Emancipação*. Ouro Preto, 1873–1880, p. 71, [photo 3797].

information on the slave's origin, which would have helped to confirm his identity. Also, there is letter of freedom for him on record.

Barbara's efforts may have resulted in a change of Francisco's classification from single to married, which would have improved his chances of manumission. However, classification did not secure manumission. There are several possible outcomes to this story: Francisco was manumitted but his letter of freedom was not recorded at the notary in Ouro Preto, he remained in bondage until general abolition five years later, or he died in bondage.

The next story fragment also shows evidence of slaves accessing the judiciary and using all the possible resources to fight for freedom. As a matter of fact, several of the following cases reveal strategies to improve slaves' chances to achieve freedom.

Tito Soares and Adão Ferreira were both slaves who married freed women in 1884, most likely to increase their probabilities of manumission by the Emancipation Fund. Tito's wedding certificate was classified in the archive under the category "freedom process," which suggests the possibility that it was part of a request for classification for emancipation by the fund. If he were married, Tito should have been classified for priority for manumission, but he was not included among the other six slaves his owner submitted to be manumitted by the Emancipation Fund in Ouro Preto.<sup>47</sup> It is also possible that this marriage certificate, dated February 1884, served another purpose unrelated to his petition for freedom.

In contrast, Adão's wedding certificate from May of the same year, states clearly that the wedding was celebrated with urgency so the slave could be included on the list

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<sup>47</sup> CPOP – *Ação de Liberdade de Tito Soares*. Ouro Preto, 1884, document 298, [photo 4029].



of slaves classified for emancipation by the fund. Also, a fragmented letter confirmed his marriage with a free person. He had savings and expected to be considered for emancipation by the fifth quota of the fund.<sup>48</sup> In May, his owner submitted the names of three of his slaves, but Adão was not among them. The slave had savings to put toward his evaluation price, which in addition to his marital status, should have improved his chances of classification.

A slave named Barbara also tried to use the judicial system to obtain manumission in 1887. She had savings and petitioned for self-purchase, claiming that her owner was asking for an excessive amount of money to sign her freedom letter. The judge granted her petition, but there is no further information on her case. Did the slave proceed with her claim? Did her owner lower her price and/or accept the amount offered? There is no trace of a letter of freedom under her name at the notarial records of Ouro Preto. Was she manumitted by her owner, or was she kept in bondage until slavery was abolished in the following year? The notarial records provide no evidence to answer these questions.

So far, I have explored the incomplete processes of freedom, comprised of fragmented documents related to the Emancipation Fund and self-purchase. The next case involves two runaway slaves who made a claim of violence committed against a slave mother, and the desperate attempt of mother and son to purchase their freedoms. Libania was brutally beaten by her female owner, a fact that was confirmed by the police authorities who had a physical examination performed on the slave.<sup>49</sup> Her son

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<sup>48</sup> Refers to Chapter 2 for information on the distribution of quotas by the Emancipation Fund. *CPOP – Ação de Liberdade de Adão Ferreira*. Ouro Preto, 1884, document 307, [photos 4030, 4031].

<sup>49</sup> *CPOP – Ação de Liberdade de Libania*. Ouro Preto, 1886, 2, [photo 5996].

Lucas, fearing for his mother's life, ran away with her and sought legal help at the provincial capital. Libania had nine children, five of whom were enslaved and four were freed, possibly born after the Free Womb Law of 1871. She was a weaver, between 50 and 55 years old, and was evaluated at RS 400\$000. She had a large family and had lived in slavery all her life.<sup>50</sup>

According to a list of slaves that belonged to her owner dated 1886, at least two of her slave children, Rita and Lucas, belonged to the same owner.<sup>51</sup> When Lucas ran away with his mother, they left behind her daughter Rita, a 30-year-old female, who was also a weaver. No matter the outcome of the legal proceedings, Rita remained under their owner's control. Considering the cruelty and violence inflicted upon Libania, her daughter Rita likely became a potential target of her owner's revenge against her mother and brother.

Two different processes were initiated, and the slaves were kept in the custody of different individuals. The slaves' main complaint was the harsh punishment that Libania had suffered.

According to the documentation, the curator hoped to achieve freedom for Libania due to the violence committed against her. A witness testified as to the brutality Libania was submitted to. The lawyer who initiated Libania's process substantiated it as a case of self-purchase, but he argued that if returned to her owner, Libania would suffer further abuses and mistreatment.<sup>52</sup>

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<sup>50</sup> *Fundo*, 8.

<sup>51</sup> This list was likely created by the fund for the classification of slaves for manumission. *CPOP – Ação de Liberdade de Lucas*. Ouro Preto, 1886, 8, [photos 6017–6022].

<sup>52</sup> Libania, 5, [photo 6000].

The judge issued a mandate of deposit for Lucas based on his understandable fear of punishment if he returned to his owner. For this reason, Lucas also petitioned for self-purchase, stating that he had a donor willing to pay his evaluation price so he could buy his letter of freedom.<sup>53</sup>

The slave owner's lawyer, Antonio Cassimiro de Motta Pacheco, highlighted basic mistakes made by the presiding judge that undermined the legitimacy of Libania's and Lucas' processes. In his written statement, the lawyer denied the occurrence of any kind of violence against the slaves. Furthermore, he argued that the process should take place at the forum where the slave owner resided, that the case was under the jurisprudence of Entre Rios' county, instead of Ouro Preto. This, most likely, considerably aggravated the slaves' situation because it would have moved them closer to their owner's residence and forced their case to be judged by local authorities, who may have been more sympathetic to their owner's cause.

Additionally, the slave owners' lawyer prepared his defense with anti-abolitionist rhetoric and commented on recent backlashes suffered by the abolitionist movement in Ouro Preto. Moreover, Pacheco insisted it was the slave owner's right to deliver punishment, and in doing so, he emphasized the commodification of the slaves' bodies, which denied them dominion over and ownership of their own bodies and lives.<sup>54</sup> The lawyer concluded his letter by asserting that even if these were accurate claims, they had been submitted to the wrong jurisdiction, so they were invalid.<sup>55</sup>

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<sup>53</sup> Lucas, 2, [photo 6006].

<sup>54</sup> Lucas, 5–6, [photos 6011–6013].

<sup>55</sup> Libania, 6, [photos 6002, 6003].

The judge concurred with Dona Messias' lawyer. He canceled the deposit and ordered the curators to hand over Lucas to his owner's representative. The outcome of Libania's case is unclear, but it is doubtful that she was granted a letter of freedom. In addition, at least one and more than likely two of her children were still under the subjugation and control of her owner where they could be punished or even sold in retaliation for their mother's decision to run away and seek the protection of the judiciary system.

Abandonment was another form of violence committed against slaves, as was the case for Sabino and Pedro Francisco d'Almeida. Sabino was abandoned by his owner, and after living on his own for five years, he decided to initiate a maintenance of freedom process by claiming abandonment. He was assigned a curator, but he requested the right to continue living as he had been for the past five years and appealed to be released from deposit. His request was granted, but there is no further information on the progress of his petition. It is uncertain if he proceeded with his claim and was granted freedom.<sup>56</sup>

Like Sabino, Pedro also petitioned for freedom by claiming abandonment. However, his petition listed diverse circumstances. Pedro was sent to work at Ouro Preto's railway with his owner's nephews. He suffered an accident that left him handicap in one foot and very ill, after which the nephews abandoned him.<sup>57</sup> He managed to find work at a farm. Later, his health condition deteriorated, and according

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<sup>56</sup> *CPOP – Processo Criminal – Ação de Liberdade de Sabino*. Ouro Preto, 1886, 1–5, [photos 5986–5993].

<sup>57</sup> *CPOP – Processo Criminal – Ação de Liberdade de Pedro Francisco d'Almeida*. Ouro Preto, 1886, s/nº, [photo 5955].

to the farmer, he asked for medication and was sent to the local hospital (Santa Casa de Misericórdia) to be treated as a poor person. Pedro was denied treatment because he was a slave. Then, the farmer appealed to the municipal judge in an attempt to make the slave's owner accountable for Pedro's health treatment. In a letter he wrote to the judge, the farmer stated that he had hired Pedro as a freed person. Also, he implied that he was only told of Pedro's bondage later.

The way the story progressed raises several questions. Did the slave lie and pretended to be freed (*forro*) so he could get a job at the farm? Did the farmer really ignore Pedro's slavery status? Did he only become aware of the bondage when Pedro asked for medication? The hospital refused to accept the slave unless the owner, or someone else, took responsibility for the costs of his treatment. Did the farmer acknowledge Pedro's slave status to avoid paying for treatment? Did the farmer ever ask for proof of Pedro's status, such as a letter of freedom? These questions remain unanswered.

In June 1886, Pedro went to the county's general curator (*Curador Geral*) and presented the farmer's letter and the document from the hospital refusing treatment. He petitioned for freedom by claiming abandonment by his owner. Moreover, he argued that he needed to care for his health. According to the law, slave owners were obligated to care for their sick slaves and refusal to do so gave the slave rights to appeal for freedom.<sup>58</sup> Pedro demonstrated that he was aware of this by appealing for his freedom. There is no further information on the conclusion of this process, and it is uncertain if he

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<sup>58</sup> Lei Nº 2040, Sept. 28, 1871, Artigo 6º, ¶ 4º. <http://www2.senado.leg.br/bdsf/handle/id/185595>, searched on 2-25-2017.

proceeded with his claim. In addition, his letter of freedom, if he ever received it, was not included in the notarial records of Ouro Preto.

The next incomplete cases of petition for freedom involve claims of illegal importation after the law of 1831. Africans José Moleque and Joaquim Angola presented documentation proving that they were imported illegally. In addition, Joaquim was sold to another person by the heirs of his former alleged owner. His current owner cited the previous one for selling him a freed individual. This case exemplifies how the death of a slave owner could further complicate the lives of slaves as a result of the decisions made by inheritors. Also, it provided them an opportunity to petition for freedom and contest illegal bondage. Both processes were incomplete and could have ended in favor of or against the slaves' claim for freedom.<sup>59</sup>

Another case complicated by the death of the former owner was that of José d'Araujo. In March 1887, he initiated his process of freedom. He argued that his former owner manumitted all his 40-year-old slaves in his last will. Also all his other slaves were supposed to be freed when they reached 40. José was given to the hospital *Santa Casa de Misericórdia* of Itabira's city as payment for debts and was rented out in Ouro Preto for RS 15\$000 a month, for this purpose. The slave was approximately 49 years old by the time he decided to claim his freedom. He was married to a free woman and had been living in Ouro Preto for approximately four years.<sup>60</sup>

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<sup>59</sup> *CPOP – Processo Criminal - Ação de Liberdade de José Moleque*. Ouro Preto, 1886, vol. 1126, p. s/nº, [photos 6028-6036]. *CPOP – Processo Criminal - Ação de Liberdade de Joaquim*. Ouro Preto, 1886, 1–12, [photos 5928–5951].

<sup>60</sup> *CPOP – Processo Criminal - Ação de Liberdade de José d'Araujo*. Ouro Preto, 1887, 6, [photo 6103].

Evidence in the documents suggests that he was temporarily donated, and his curator stated that the hospital had no property rights on the slave. The curator reiterated the slave's claim and collected the necessary documentation to prove his identity.<sup>61</sup> However, the judge responsible for his case transferred it to the town of Itabira, Piracicaba's county, José's former owners place of residence, and he affirmed that the slave's residence was that of his owner. Thus, the process would be decided in that county.

All of this raises questions as to why José initiated the process in Ouro Preto instead of Itabira? If he had been living in Ouro Preto for approximately four years, was 45 years old when he left Itabira, and had long before reached the age established in the last will for manumission, why did he fail to initiate his claim for freedom earlier in Itabira? Was it due to the proximity and pressure of his deceased owner's heirs? Was he not aware of the possibility of appealing to the judiciary to hear his case? Did his marriage influence his decision to appeal? Ouro Preto was the provincial capital and certainly the slave's exposure to the political environment and the strengthening abolitionist movement during the 1880s provided more resources or at least more information on possibilities for appeal.

The last process investigated also involves a slave manumitted in her owner's last will. Eduína was manumitted by Anna Victoria do Nascimento under the condition of she serve the heirs for three more years after Nascimento's death. Nascimento passed away in June 1866. Thus, the slave should have been manumitted in 1869.

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<sup>61</sup> According to the Slave Census and the last will of José's former owner, the slave was *pardo*, a blacksmith with a good aptitude for work, and was approximately 49 years old in 1887. *Processo*, José, 6,7, [photos 6105, 6106].

Eduína had been living on her own as if she were a freed individual for the last two years. The documentation does not where she has been living since the death of her former owner nor how she managed to live as a freed for at least two years. However, she was not legally free because neither the executor of the will nor the inheritors issued her letter of freedom. Threatened of re-enslavement by Leandro Francisco Arantes, she decided to legalize he status and appealed to the judiciary.<sup>62</sup> Eduína claimed she was unjustly kept in captivity. Dona Anna's last will confirmed the slave's claim, and on April 1884, she was granted the right to remain living as a freed person (*mandado de manutenção de liberdade*). This process highlights the fragility of a freed individual's status and the risk of re-enslavement even years after acquiring freedom. In this case, 15 years had passed since Eduína's manumission. In addition, the person who attempted to re-enslave her was not even one of her owner's inheritors.

The appeals for freedom reveal strategies used by the slaves to achieve freedom. Some of them succeed and many of the cases examined are inconclusive, either because there is no recorded verdict or because they are fragmented documents and incomplete processes. What is remarkable in most of these cases is that despite the obstacles posted by lack of documentation, it is possible to identify slaves' strategies and agency towards manumission.

In the cases examined the pathway to freedom is more important than the unknown conclusion because it reveals slaves' daily lives as well as the strategies they used to attain freedom. They justified their appeal claiming they had savings for self-purchase. Also, that they had been threatened of re-enslavement, abandonment, illegal

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<sup>62</sup> According to the Slave Census (*matrícula*), Eduína was a 29-year-old, unmarried black female, with an aptitude for all labor, and she was a server, most likely domestic worker. *CPOP – Processo Criminal - Ação de Liberdade de Eduína*. Ouro Preto, 1884, s/nº, [photo 5906].



importation, violence and harsh punishment. In response to these threats they appealed to the judiciary and resorted to the legislation that legalized accumulation of savings for self-purchase. They searched last wills of their former owners to prove that they had been manumitted or promised manumission. Moreover, the assembled documentation and presented witnesses testimonials to prove abandonment and illegal importation. They ran away from situations of violence and punishment and tried to purchase their own freedom.

Slave owners denied claims of violence and illegal importation as illegitimate and as a threat to private property. Also, they tried to receive indemnity of slaves' financial value, either by classifying them for manumission by the fund, or selling letters of freedom.

## CONCLUSION

Minas Gerais had a large manumitted population during the nineteenth century, and this dissertation examines the diverse ways slaves pursued freedom as well as the strategies they used to achieve it, focusing on slaves manumitted in Ouro Preto's county, the province's political and administrative headquarters.

For this purpose, I examined notarial records, imperial and provincial legislation, judicial records and petitions for freedom, and complementary primary sources from provincial and local authorities. The most important primary sources I examined encompass public and private spheres. They include the lists of slaves classified for manumission by the Emancipation Fund from 1873 to 1880, letters of freedom registered at the notaries in Ouro Preto for the nineteenth century, last wills that include the manumission of slaves from 1850 to 1888, and judicial processes of freedom from 1856 and the 1880s. The decision on the period investigated is related to the particularities of each primary source, as explained in each chapter. All these sources provide details about the slaves' lives as well as on the strategies and resources they used to secure freedom for themselves and for future generations.

Chapter 1, "Slavery and Freedom," examines classic works and recent scholarly production that informed my investigation on manumission and address the themes explored throughout this dissertation. The chapter began with approaches on Minas Gerais' slavery population and economy in the nineteenth century and then reviewed scholars' focus on manumission and abolition. This historiographical review includes works on the formation of the Brazilian nation state and its relation to slavery. In

addition, I examined historians' various approaches on slavery, such as slave agency, slave resistance, and the investigation of the historical subjects in the process of manumission. Other approaches include the analysis of the parliamentary debates on slave trade, gradual emancipation, and abolition.

Chapter 2, "Promises of Freedom by the State," focused on the Brazilian state's gradual emancipation initiative, with the purpose of promoting manumission by collecting funds from lotteries, donations, and taxes. These resources were apportioned to the provinces and its cities and villages according to their slave populations. This chapter specifically focused on data from the lists of slaves classified for manumission by the Emancipation Fund and on gradual emancipation legislation. Most importantly, it examined the Free Womb Law enacted in 1871 and its regulatory decree of the following year.

This law declared free all children born to an enslaved mother, legalized the customary practice of slaves saving money for self-purchase, and instituted compulsory manumission, which obligated that slave owners grant freedom to slaves who could pay to be released from bondage. Additionally, the Free Womb Law promoted the creation of institutions to raise and educate manumitted children, which proved to have been an unsuccessful initiative.

Chapter 2 also discussed the formation and functioning of the Emancipation Councils. It explained the obstacles they faced when attempting to implement the law, such as the distribution of funds, classification of slaves, and price arbitrage. There is conflicting information on the amount distributed and on the number of slaves manumitted by this means. Provincial and imperial authorities reported on the decrease

of the slave population after the cessation of the transatlantic slave trade and the resulting decrease in resources allocated for the fund. Also, there were reports on the steep decline in the slave population during the 1870s and 1880s and the increase in manumissions by private initiative. The fund was unsuccessful in this regard as it manumitted only a small number of slaves given the size of the overall slave population. Data from the primary sources I examined corroborates this observation.

However, the lists provide important information on the slave population for Ouro Preto's county. They encompass the classification of 3,241 slaves and data on the slaves' gender, skin color, age, occupation, marital status, aptitude for work, parents and relatives, prices of evaluation, and savings for self-purchase.

Regarding gender, there is a balance among males and females, with a slightly higher percentage of males (52%) than females (48%). The skin color data show a predominance of those identified as blacks (69.6%) and *pardos* (24.4%). The other categories are *cabra* (4%), *fula* (1%), and *fusca* (0.2%), and undeclared (0.9%). I further examined the meaning of these categories and problematized efforts by earlier scholars who emphasized their correlation with individuals' social status within slavery as well as their use as signifiers of social differentiation and even with derogatory connotations. There is no clear evidence of the correlation between skin color or color category and the slaves' origins, either creole or African.

The distribution of age groups by gender indicates a young slave population, with a large incidence of children ages one to five for both genders. Among males, the majority was between the ages of one and five (15.23%), followed by 21- to 25-year-old individuals (10.04%). Among the women, children ages of one and five were also the

majority (15.26%), followed by the 16–20 age group (11.68%). Occupation data was included for 70.33% of these slaves. Among the men, the majority were agricultural workers (*roceiros*) 40.56% and muleteers (4.2%). The women performed domestic tasks: 29.3% were cooks, 8.8% domestics, 7.0% agricultural workers (*roceiras*), and 6.7% weavers. Despite the urban character of Ouro Preto, the data refer to the county and includes rural regions, which explains the predominance of agricultural labor.

Regarding the identification of slaves' marital status, the majority were classified as single: 92.77% of males and 91.51% of females. This information indicates either under-registration of marriage or a low incidence of legalization of consensual stable unions.

The price of evaluation was declared for 36% of the males and 33% of the females. The data suggests that slave owners overpriced their slaves classified for manumission. This practice was documented by the provincial authorities and led to the creation of standard prices based on age groups by the Sexagenarians' Law of 1885.<sup>1</sup> Few slaves classified by the fund had savings for manumission.

The data on slave owners consisted of only their names, gender, and a few titles or occupations. The majority were males 76.12%, and 22.58% were females. Eighteen belonged to brotherhoods (0.5%), one (0.1%) to a bank. In 0.7% of the cases, the name of the owner was not recorded.

Chapter 3, "Freedom Stories," used data from the letters of freedom to profile the slaves manumitted and examine the conditions imposed for manumission, the reasons or justification for manumission, and the strategies and resources used to achieve

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<sup>1</sup> *Cópia de Correspondência Expedida pela Presidência da província Referente ao Elemento Servil*. SG 155, 1883, p. 39.

freedom. The chapter is divided into three parts, which study the profile of the slaves and whether or not they obtained conditional or unconditional manumission.

Most of the manumitted were females (55.5%), but the difference between the genders is not significant as 45.5% were males. Ages were declared for 20.4% of the manumitted. Among the males, a high percentage of the manumitted were children from zero to four years old (21.7%), and 34.8% were between the ages of 10 to 39. Among the females, the highest percentage (15.3%) were between 20 and 29 years old.

Children between the ages of zero and nine represented most of those manumitted, with 30.4% males and 27.2% females. According to the data from the letters of freedom, 42% of these children would continue serving their owners until they could care for themselves or until their owners died. Parents and godparents purchased the freedoms of 30% of these children, and 28% were manumitted unconditionally.

The occupation of the slaves was declared in only 2% of the cases (23 slaves). Despite the under-registration of occupation, it is noticeable that these 23 slaves were skilled labors. Most likely, the 98% not identified fall into the occupation categories examined in Chapter 2, with a predominance of field workers for males and domestic servants for females.

Half of the letters of freedom registered the slaves' origin. Among these, 60.7% were creoles and 39.3% were Africans. These data confirm scholars' findings on the Minas Gerais slave population during the nineteenth century. Creoles accounted for 53.7% of males, and 46.3% of the males were Africans. Among the females manumitted, 66.1% were creoles and 33.9% Africans. Thus, these data suggest that female creoles were more likely to acquire manumission. Once more, these results are

in accordance with scholars' findings for the region during the nineteenth century. The possible reasons of this occurrence were examined on Chapter 2.

One-third of the slaves were identified by color categories, and as explained in Chapters 2 and 3, scholars have been investigating these categories beyond the identification of the slaves' skin color, trying to better understand their contemporary meanings as social signifiers. Among those identified, *pardos* (54.7%), *cabra* (22%), and blacks (13%) prevail. There is no clear correlation between color category and origin.

The slaves' marital status was declared in only 4.5% of the letters of freedom, and this under-registration suggests that it was not an important variable when writing a letter of freedom. However, information on family members and parents disclosed the existence of families up to three generations, which suggests the existence of stable unions. Among the parents identified, 90% of the slaves were children of freed females (*forras*), 7.3% were children of slave couples, and 2.3% represented a family of eight grandchildren of a slave woman.

The second part of Chapter 3 focused on unconditional manumissions, which consists of one-third of the manumitted slaves. It examined the circumstances under which the letters of freedom were written, the expectations of former owners toward these individuals, and the declared reasons why these letters were written. The slave owners expected loyalty, obedience, and in many cases that the manumitted would remain living in their households, most likely in the same state of bondage.

The letters of freedom also expose strategies toward achieving freedom, such as ties of god-parenthood. In cases of unconditional manumissions celebrating important

events or achievements, evidence suggests that the slave owners focused more on demonstrating prestige than on the slave individual.

The third and last part of Chapter 3 investigated conditional manumissions, or two-thirds of the letters of freedom. Among the slaves manumitted this way, 44.5% paid in full or in installments for their freedom, 51.3% had to continue working for some time or for life, 2.4% of the slaves were partially manumitted, and 1.8% were manumitted under other conditions. The expectations from the slave owners were similar to those of unconditional manumissions, and despite purchasing their freedom, slaves were expected to maintain the same subservient behavior. Additionally, some slaves had to pay their owners' debts, funeral and burial expenses, and even continue serving their owners. Half of the conditional manumissions were purchased by slaves. Only 8% of the letters of freedom were purchased in installments (119 out of 1,547), and most occurred in the first half of the century, before the prohibition of the transatlantic slave trade of 1850.

Chapter 4, "Manumission in Last Wills and Slave Inheritances," focused on slaves manumitted in last wills in Ouro Preto county from 1850 to 1888. The information provided in the last wills encompasses socioeconomic and religious realms. In turn, these documents provide more information on the slave owner or testator than the letters of freedom or the lists from the Emancipation Fund. This chapter was divided into three parts. First, I examined the documents themselves and the data on slaves and slave owners. Second, I explored the information on slave owners' association to lay brotherhoods, and the third part of the chapter examined the incidence of slaves'



inheritance. Furthermore, this chapter explored the reasons and conditions of manumission in last wills.

Data I examined in the first part of Chapter 4 demonstrates that most of the testators were males (56%), females accounted for 41%, and three wills were written by couples. Regarding to their marital status, one-third were single (36.3%), one-third were married (29.5%), and one-third were widowers (31%). There is no information on the marital status of the remaining 2.2%. I found no evidence of wills of slaves and freed individuals, and only one testator was the son of a creole mother. Most testators were born in Minas Gerais province, except for two from São Paulo and two from Portugal.

The reasons for manumission and expectations regarding the slaves' behavior are similar to those examined in Chapter 3. However, only one-third of the slaves purchased their freedom, and 70% of the manumitted in wills were expected to continue working for the testator partner, heirs, and others.

The second part of Chapter 4 focused on the slave owners' association to lay brotherhoods, as half of the testators belonged to these institutions, varying from one to 11 per testator. The purpose of this investigation was to verify if belonging to lay brotherhoods predisposed testators to manumit slaves. I found no evidence to support this hypothesis.

The last part of Chapter 4 focused on slaves inheritances. Slaves inherited a variety of assets from their owners, and it was a surprise to verify that 27 out of 88 testators left an inheritance to slaves, which means that 77 out of 189 individuals (76 slaves and 1 *forro*) received or were promised an inheritance. Scholars have highlighted this practice in Minas Gerais since colonial times and suggested that this resulted from

the regions particularities, such as its mining activities, urban character, and predominance of small- to medium-sized slaveholdings. These conditions could have promoted closer interaction among slave owners and their slaves and enhanced possibilities of manumission. Also, testators without legal inheritors left assets to slaves. In 52 out of 88 wills, the testator was childless.

Half of the slaves manumitted in wills between 1875 and 1887 were previously classified for manumission by the fund, which suggests that failing to receive indemnity for their slaves' value led the testators to manumit them in wills. Nevertheless, slave owners first tried to recover their investment before deciding to manumit their slaves.

Chapter 5, "Judicial Struggle for Freedom," examined 23 judicial processes of freedom, classified in the archive as "criminal processes." This classification criteria in itself deserves further investigation as it points to the criminalization of the slave. These few cases serve as a contrast to the data on the slaves manumitted by other means. Maybe the judicial processes are simply the few that survived over the years.

This chapter examined the main reasons for litigation: cases of self-purchase, threats of re-enslavement, cases of illegal importation of free individuals, abandonment, harsh punishment, and above all, the violence committed against these individuals. Moreover, this chapter investigated the strategies used by all the subjects involved in these litigations. Additionally, these processes provide evidence they exercised agency toward or against manumission and of the existence of a support network for those fighting for freedom. Successful cases were contingent on the slaves' decision and initiative to appeal and on the support of friends, family members, lawyers, and even

local authorities. These processes also inform on the gradual emancipation legislation and constitute the slaves' last legal resource to acquire freedom.

The chapters of this dissertation are interconnected in the investigation of the primary sources as mechanisms of manumission and in the examination of the historical subjects' participation in this process. Foremost, this dissertation explores the exercise of agency by slaves, slave owners, and the state with regard to slavery and manumission. It also focuses on the investigation of the disclosed reasons and justifications for manumission, on conditions imposed upon slaves in their pursuit of freedom.

Each one of the major collections of primary sources I examined, such as letters of freedom, last wills, and judicial processes of freedom, provide more than enough data for further investigation on the themes of slavery and slaves' lives. These sources provide data to explore themes such as slavery and archival silence, gender relations, power relations under slavery, violence and the slave body, and humanity and enslaved individuals. Taking into consideration the rich historical context of the nineteenth century, the possibilities are endless.

## EPILOGUE

Six years ago, I embarked on a journey, resuming my research on slavery interrupted many years earlier. After receiving my master's degree in demography history, I worked as a history professor at a university in Brazil for a time before permanently leaving the country and starting a new episode of my life. However, I always had the feeling that something was missing, and it haunted me for years until I was able to resume my academic life.

The archival research for this dissertation started long ago as I collected primary sources for my master's thesis. While reviewing these sources, I realized that the notary books of Ouro Preto had much more to offer than the deeds of sale I was then searching for. Fortunately, I also collected letters of freedom and other documents these books provided. These primary sources, in addition to my master's thesis, gave me a starting point to begin my PhD program at UCLA.

Many years have passed since those first archival explorations. Meanwhile, the field of slavery study has evolved quite a bit, as has the availability of historical interpretation and technological methods to explore primary sources. Access to computers and the ability to photograph documents, despite the limitations imposed by some archives, greatly facilitates the scholar's work. However, these developments have also increased expectations in terms of the quantity and quality of sources required to support a PhD dissertation.

I encountered many different and somewhat contradictory views and expectations in this matter as I reached out to scholars before I returning to the

academia. For some, all I needed was several hundred letters of freedom to build up my dissertation. According to this position, quality trumps quantity—what really matters is how you treat the sources when developing your argument and presenting the evidence to support your claims. However, I was also advised that the 1,500 letters of freedom I had collected were insufficient by themselves and that it was necessary to diversify, to add more and different types of documents. Therefore, I returned to the archives to update my sources before starting the PhD program, and I have continued to do so over the last six years.

I enriched my collection of primary sources by adding last wills, processes of freedom, and documentation on the Emancipation Fund. Fortunately, my previous experience as a graduate student and researcher gave me a head start in the collection and systematization of the available data. During this research, I was exposed to new concepts and ideas that I have tried to incorporate into my study, and I have learned to value and appreciate the academic achievements of earlier scholars and their efforts to better comprehend the past and untangle complex subjects and themes such as slavery, manumission, and freedom.

In order to achieve this, in the study of slavery, scholars have explored many concepts and approaches, such as slave agency, slave resistance, the investigation of freedom as a donation from slave owners to their slaves, and freedom as a state-driven “benefit” through gradual emancipation. I joined the ranks of those searching for something else. I kept searching for the slaves, the individuals, the human beings hidden behind academic concepts, rules, regulations, and interpretations. I tried to make sense of all of this while progressing toward my degree. My dissertation reflects

my academic journey, and each chapter incorporates the lessons learned and the questions that remain unanswered.

The feeling that something is still missing has not fully dissipated. While writing my last chapter, I had the opportunity to attend a talk by Professor Marisa Fuentes, and I was so impressed by it that I immediately purchased her book, *Dispossessed Lives*, and devoured it. Fuentes' book tackles many issues that are dear to me as a scholar of slavery, such as what she has identified as the silence of the archives and the primary sources regarding the slaves, and more specifically, regarding the enslaved women. *Dispossessed Lives* also addresses the issue of how to approach, examine, and expose the stories hidden behind fragmented documents and incomplete processes, such as the many processes of freedom I examined in Chapter 5. How should we investigate the stories behind the data?

Fuentes problematized concepts such as agency and resistance, and she emphasized how scholars focus on violence and how oversexualizing the bodies of female slaves detracts from a focus on the slaves' humanity and historical subjectivity. Additionally, she examined the relations of power within the slavery society, historical representations of power, and what she identified as "archival violence."<sup>1</sup>

In addition to the inquisitive, somewhat defiant, and strong theoretical framework Fuentes developed, what strikes me the most in her book was her concern with exposing the "enslaved humanity" of these historical subjects.<sup>2</sup> I was also touched by the ethical concerns she raised regarding how to proceed with historical research and

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<sup>1</sup> Marisa J. Fuentes, *Dispossessed Lives: Enslaved Women, Violence, and the Archive* (Philadelphia: University of Pennsylvania Press, 2016).

<sup>2</sup> *Ibid.*, p. 143.

academic writing. She reminds us that “we know that archival sources direct the narratives we produce.”<sup>3</sup> However, she proves that we can produce critical historical narratives despite the silence of the archives and the silence of historical sources.

Her book made me wonder, why haven't I written this? Why isn't my dissertation articulated as such? I guess there is still work to be done. As I finish my dissertation, I feel that I am ready to start anew, to continue revising my work in order to further explore and understand the lives of enslaved people during the nineteenth century.

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<sup>3</sup> Ibid., p. 141.

## APPENDIX 1

The following is a copy of a document presented by the executor of the will of José Calisto Pedrosa, dated 1863. It is the accounting information on two month expenses of the deceased household, the farm of Bom Retiro da Lagoa, in Cachoeira do Campo, Ouro Preto municipality. The amount expended suggests that he had a large estate and most likely many slaves despite manumitting only three of them in his last will. Among the last wills examined, this was the largest estate.

*CPOP – Testamento de José Calisto Pedrosa, Códice 434, Auto 8964, 1º Ofício, 1862, (foto 171).*

Despesa feita na casa do finado José Calisto Pedrosa desde o dia 22 de Março até hoje 22 de Maio.

1863

Março	22	Hum barril de azeite	7:000
Abril	5	Carne 1/2 arr.a [arrobas]	5:000
	“	3 alq.res [alqueires] de faminha	7:500
	“	2 de feijão	8:000
	“	1 porca	7:000
	“	1 Bruaca de sál	5:500
	“	1 alq.re [alqueire] de arroz	2:000
	“	2 Duzias de rapaduras	2:400
	26	Meia arrôba de Carne	2:000
	“	2 <u>alq.rs</u> [alqueires] de far.a [farinha]	5:000
	“	2 Das. [ditas] de rapaduras	2:600
	30	4 llas. [ditas ?] de café	960
		10 llas. [ditas ?] de assucar	1:000
		1 Capado	7:000
		1 Bruaca de Sál	5:000
Maio	22	62 alq.rs de milho despendidos desde	



22 de Março até hoje.	124:000
Imp.a [importância] dos recibos juntos	<u>272:753</u>
Somma	464\$513
Imp.a [importância] do [?] junto	<u>992\$373</u>
	1:456\$886

O.P. 22 de Maio de 1863

Ezaquiel Ferr.a Pedroza

Reconheço

Malaquias

N 25

R 20

Pagou ...

O.P. 22 de Maio de 1863

Lopez

[S...] signature

## APPENDIX 2

The following document is a list of the estate bequeathed to a slave by his owner, who was a priest. The inheritance included a house, furniture, the priest's clothing, jewelry, religious objects, all the household belongings, tools, one horse, and three sheep.

*CPOP – Testamento de Justino Pinto Ferreira (padre), CO 335, A 7047, 1º Of., 1855–1859*

Transcrição de Relação de Bens Herdados pelo Escravo Manoel Justino Pinto Ferreira [fotos 753–760]

N 14    Rs\$160

Pagou cento e sessenta reis

O.P. de Abril de 1857

[Silva]

Recebi do Senhor Alferes Antonio Martins d'Aguiar na qualidade de Testamenteiro de meu finado Senhor o vigário Justino Pinto Ferreira os objectos seguintes = Hum relicário de oiro com o peso de 23 8as e meia [23 oitavas e meia] Hum par de fivellas com o peso de 68as = Dous abitos de Christo q. se avaliou a 4\$000 rs cada hum = Hum par de brincos de oiro com o peso de huma oitava = Hum anel de oiro; e bem assim mais recebi os Creditos seguintes = Hum Credito que era devedor o Sr. José Rois. França, = Dous ditos que he devedor o Sr. João Fez. [Fernandez] de Oliveira = Hum dito do Sr. Jose Pera. [Pereira] Passanha, – Hum dito do Sr. Francisco Gomes; e bem assim recebi mais a importancia em dinheiro corrente de huns objectos que forão vendidos ao Sr. Bernardino Tabellião e que, vendi ao mesmo Sr. Martins e por isso ser verdade e eu não saber ler e nem escrever pedi ao Sr. Vigario Joaquim Fideles Marques, que este por mim paçasse para o governo do dito Testamenteiro na prestação das contas. Rio de Pedras 6 de Março de 1857.

Por Manoel Justino Pinto Ferreira

O Vigario Joaquim Fideles Marques  
Como ttes. [testemunhas] Leonell Antonio de lemos  
Joze Roiz e Silva

[foto 754]

Lista dos trastes que tem recebido Manoel Justino pertencentes a herança que lhe deixou seu Senhor o Vigario Justino Pinto Ferreira os seguintes

Huma morada de Casas com quintal [400\$000]	
Dous habitos de Christo a [8\$000 ?] cada hum	[ilegível]
Huma cadea de ouro antiga com cave [chave?] a 3\$000	[ilegível]
Huma colher de prata para sopa	15\$000
12 colheres com garfos grandes de prata	[ilegível]
Duas colheres com garfos desirmanadas	[ilegível]
16 colheres de prata [iletível]	[ilegível]
Hum par de esporas de prata	[ilegível]
Huma focinheira de prata	[ilegível]
Hum par de fivellas de prata	[ilegível]
Duas biqueiras de prata	[ilegível]
Hum relógio caixa de prata	12\$000
Huma arreadura de prata	28\$000
Hum xicote aparelhado de prata	3\$000
Hum prato de estanho	\$975
Huma bacia grande de arame	19\$200
Huma dita pequena	1\$200
Hum taxo de cobre	3\$200
Hum dito com o peso de 4 libras	1\$600
Hum almofariz com mão	2\$400
Duas alavancas	1\$200
Hum freio velho	[ilegível]
Duas cabeçadas de solla com [rodeos ?]	1\$200
Duas dobradiças novas	\$400

Duas feixaduras de gaveta	[ilegível]
Hum cento de pregos [ripares ?]	\$320
Hum [ilegível] antigo com manta de lontra [foto 755]	1\$400
[ilegível]	\$500
[ilegível] de tafetá	12\$000
Huma bengala com biqueira e cartão de prata	2\$000
[ilegível]	1\$000
[ilegível]	\$500
[ilegível] de latão	4\$000
[ilegível]	1\$000
Huma garrafa de metal para viagem	1\$280
Hum copo de vidro para viagem	\$400
Huma lata de folha de conduzir papeis	\$400
Huma bigornia e aparelho de ferrar	3\$500
Hum maxado velho	\$300
[ilegível] dito velho	\$400
[ilegível] [caçambas] aparelhadas de metal amarello	8\$000
2 enxadas usadas	1\$200
12 tamboretas a 500 rs cada hum	6\$000
Huma bandeja grande	2\$000
Huma dita menor	2\$000
Duas ditas a 1\$000 rs cada huma	2\$000
Huma mesa grande de jacaranda	20\$000
Hum esperiguceiro	3\$000
Hum garrafão grande de vidro	\$800
Dous ditos menores	\$280
Duas colheres de xumbo	\$900
15 ditas piquenas	\$500
Hum par de castiças de casquinha	2\$000
Hum dito	\$480

Hum dito de latão solteiro	\$480
Huma mesa grande torneada	12\$000
Hum par de canastras	4\$000
Huma salva de cobre prateada	2\$000
<b>Soma</b>	<b>94\$9[30 ?]</b>
[foto 756]	
Hum espelho grande com gavetas	2\$[ilegível]
Hum dito piqueno	[ilegível]
Huma comoda de jacarandá preto	10\$[ilegível]
Huma mesa de jacaranda preta	[ilegível]
Huma caixa grande	8\$[ilegível]
Uma dita menor	4\$[ilegível]
Huma mesa de madeira branca	1\$[ilegível]
Huma dita	4\$[ilegível]
Hum catre antigo	4\$000
Hum almario [sic] de madeira branca	5\$000
Huma caixa grande de madeira branca	3\$200
Huma dita grande velha	3\$000
Dous catres de madeira branca	4\$000
Huma banca	2\$500
Huma caixa grande de madeira branca	2\$500
Dous bancos de encosto	4\$000
Dous ditos de madeira branca	2\$000
Hum dito de madeira branca	\$500
Hum dito	\$500
Hum oratorio com Imagem do Sr. C. [?]	1\$000
Huma mesa de madeira branca	\$500
Huma estante de madeira branca com oratorio e Imagem de Santo Antonio	2\$000
Hum oratorio e Imagem de Santa Anna	10\$000

Hum dito do Sr. Crucificado	6\$000
Hum quadro com vidro para o menino Jesus	3\$000
Hum dito de S. Sebastião	3\$000
Huma Imagem do Sr. Crucificado	8\$000
Huma Imagem de S. Pedro	1\$000
Huma dita de S. Jose	1\$000
Hum quadro da cêa	12\$000
<b>Soma</b>	<b>113\$[900]</b>
[foto 757]	
[ilegível]	12\$000
[ilegível] molduras de [ilegível]	1\$000
[ilegível] quadro diferentes estampas	2\$000
[ilegível] diversos	2\$400
[Duas] palmatorias de latão	1\$280
[ilegível] pequena madeira branca	1\$000
[ilegível]	1\$500
[ilegível] par de estribos de latão	1\$000
[ilegível] caixa grande madeira branca	1\$500
[ilegível] mesa grande madeira branca	2\$000
[ilegível] almario [sic] madeira branca	3\$000
[ilegível] caixa frasqueira com feixadura	1\$000
Huma dita menor usada	\$500
1 Candeeiro de folha	\$400
Hum dito de folha	\$240
Huma balança de pesar ouro com Marco	\$800
Huma dita velha	\$300
Hum almofaris de pedra marmore	1\$000
Duas salvas [bandejas] piquenas [ilegível]	1\$040
Hum baúl [sic] muito usado com feixadura	3\$000
Huma sella de pagem usada	2\$500
Duas bandejas pequenas para	[ilegível] \$400

Hum quadro com guarnição doirada e vidro	2\$000
Hum mil e duzentas telhas	10\$000
Huma lata de folha de flandres	\$800
Huma dita	1\$000
Hum xapeo [sic] fino de tres bicos com lata	10\$000
Hum [fole?] piqueno	7\$200
[ilegível 6?] calices piquenos de vidro	1\$920
[ilegível] ditos	1\$280
Hum dito liso e grande	\$240
<b>Soma</b>	<b>74\$300</b>
[foto 758]	
Hum dito lavrado	[ilegível]
4 Copos de vidro grande para agoa	[ilegível]
Hum dito de Cristal	[ilegível]
Hum dito	[ilegível]
Duas canecas de vidro	[ilegível]
Huma garrafa branca de agoa	[ilegível]
15 garrafas pretas	[ilegível]
Hum frasco grande	[ilegível]
Dous pares de xicaras pintadas [cor] de rosa	\$300
6 pares de xicaras pintadas de azul	\$900
Hum par de xicaras de porcelana	\$400
5 pares de xicaras com bule e assucareiro [sic]	1\$400
11 pares de xicaras pintadas	1\$720
8 Tigellas de pó de pedra	\$800
Hum bule de louça preta	[\$800?]
Hum dito de casquinha	2\$000
Huma bacia e jarro de pó de pedra pintado	2\$000
Huma terrina branca grande	2\$000
7 pratos [traveças] brancas	3\$800
3 Duzias e meia de pratos brancos	3\$547

3 pratos	\$240
5 pratos pintados	\$600
Hum orinol branco grande	1\$000
4 ditos ordinarios	2\$000
Huma bacia branca	\$800
Hum cavallo [rosilho?]	20\$000
Huma novilha [Lanja ?]	12\$000
Huma novilha menor	10\$000
Huma novilha	12\$000
4 Cor. [couro ?] de castor	2\$000
4 ditos de durague [?] preto	4\$000
<b>Soma</b>	<b>[89\$539]</b>
[foto 759]	
[ilegível] de [xita?]	6\$000
Huma sobrecasaca de panno	3\$600
Hum par de calsas de [ilegível]	2\$000
Huns ditos macedonia azul	2\$500
Huns ditos de [ilegível] riscado	1\$600
[ilegível] calsas de algodão	2\$000
[ilegível] jaqueta de alpaca	3\$200
[ilegível] de [xita?]	1\$200
[ilegível] colete de veludo	4\$000
[ilegível] de algodão	3\$200
[ilegível] de morim bordado	1\$000
[ilegível] de pano de linho	1\$600
[ilegível 4?] guardanapos	1\$080
Huma toalha de fustão para mesa	3\$840
Huma dita de americano trançado	1\$000
3 toalhas de mão	1\$000
8 camisas brancas	9\$600
5 Cerollas brancas	2\$400



Hum par de meas de ceda preta	2\$000
Hum dito de lão [sic] pretas	\$400
5 pares de ditas azuis	\$730
Huma colxa de Damasco caramirim [?]	12\$000
Huma dita verde bordada	12\$000
5 Colxas de xita	5\$000
Hum cobertor de [passo?] branco	3\$000
9 lençoes de morim	11\$520
3 Fronhas	2\$300
Huma [ilegível] de cambraia de linha	10\$000
Huma dita de linho	5\$000
Huma dita usada	6\$000
Hum cinto com [ilegível]	4\$000
<b>Soma</b>	<b>124\$990</b>
[foto 760]	
Huma [capa?] de fita preta	12\$000
Hum [paco?] de Damasco	3\$000
7 libras de cera com [vellas?]	10\$000
Tudo quanto he livre esta entregue na importancia	78\$[ilegível]
Hum colção riscado	<u>1\$[ilegível]</u>
	105\$[ilegível]

Emporta a somma de toda esta lista na quantia de 1:320\$221

Recebi do senhor Alferes Antonio Martins de Aguiar na qualidade de testamenteiro de meu finado Senhor, o Senhor Vigario Justino Pinto Ferreira todos os trastes constantes da lista supra, desd'o momento em que foi feito o Inventario do mencionado meu senhor e por assim ser, fica o dito Sr. Martins desonerado da Entrega dos ditos Trastes e para isso, por eu não saber ler e nem escrever pedi ao Srs. Vigário Joaquim Fidelis Marques que este por mim parasse e assinasse em presença das testemunhas abaixo assignadas. Rio de Pedras 13 de Maio de 1856.

Por Manoel Justino Pinto Ferreira

O Vigario Joaquim Fideles Marques

Como testemunhas que este vi fazer e os assignar

Leonel Antonio de Lemos

Antonio Agapito Ramos

Que este fiz e assignei a rogo de Manoel Justino Pinto Ferreira, O Vigario

Joaquim Fideles Marques

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AMC: Arquivo Municipal de Curitiba, PR

AN: Arquivo Nacional, Rio de Janeiro

APM: Arquivo Público Mineiro, Belo Horizonte

APMOP: Arquivo Público Municipal, Ouro Preto

BN: Biblioteca Nacional, Rio de Janeiro

CCOP: Arquivo da Casa dos Contos, Ouro Preto

CPOP: Arquivo da Casa do Pilar, Ouro Preto

IBGE: Instituto Brasileiro de Geografia e Estatística, Curitiba

MAD: Arquivo Eclesiástico da Matriz de Nossa Senhora da Conceição de Antônio Dias,  
Ouro Preto

MNSPOP: Arquivo Eclesiástico da Matriz de Nossa Senhora do Pilar, Ouro Preto

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