

The limits of royal sovereignty The Paraíba do Sul captaincy between 1727 and 1730

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Abstract

This article analyzes the limits of royal sovereignty in Paraíba do Sul through conflicts between the donatory captaincy and the governor of Rio de Janeiro. In 1674, the Portuguese monarchy granted it to the House of Asseca, but the territory was abandoned and subject to the occupations of religious orders, captains, and cattle ranchers. Years later, viscount Asseca retook control, but faced strong opposition from the governor who had annexed it illegally to the captaincy of Rio de Janeiro. In this conflict, rivals were not always guided by the dictates of the Crown. The abuses and conflicts of jurisdiction, intensified between 1727 and 1730, demonstrated the limits of royal sovereignty on the borders of the Empire. Also highlighted in the paper are the differences between royal interventions and the particular interests of the authorities supported by the monarchy.

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Keywords

Sovereignty – conflicts – colonial administration.

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Os limites da soberania régia A capitania da Paraíba do Sul entre 1727 e 1730

Resumo

O artigo analisa os limites da soberania régia sobre a capitania da Paraíba do Sul a partir dos conflitos entre o donatário da capitania e o governador do Rio de Janeiro. Em 1674, a monarquia portuguesa a concedeu à Casa Asseca, mas o território ficou abandonado e sujeito às ocupações das ordens religiosas e dos criadores de gado. Anos depois, o visconde de Asseca retomou o controle, mas enfrentou forte oposição do governador que a tinha ilegalmente como capitania anexa ao Rio de Janeiro. No embate, nem sempre os opositores se guiaram pelos ditames do poder real. Intensificados entre 1727 e 1730, os abusos e conflitos de jurisdição demonstravam os limites da soberania régia nos confins do Império. O trabalho ainda destaca as diferenças entre as intervenções régias e os interesses particulares das autoridades providas pela monarquia.

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Palavras-chave

Soberania – conflitos – administração colonial.

In January 1750, Martim Correia de Sá, the fourth viscount Asseca (1698-1778)³, started to write his memoirs⁴. Despite being short and very economical in terms of descriptions and names, the viscount described the daily life of the upper nobility in Lisbon: their parties, marriages, and various other types of events. Marked by dates and authenticated by the author's signature, the diary particularly registered funerals, the obituaries of illustrious court figures: those with titles, bishops, and the king's councilors. Sometimes, the viscount also mentions the creditors and the financial situation experienced by his house⁵. The writings in the form of a diary ended a little before the Lisbon earthquake. This *fdalgo's* good but rare habit of recording his impressions of life in the highest circles of the city was interrupted by this cataclysm.

In June 1753, along with his brother friar Salvador Correia, appellant judges and Crown attorneys, the viscount signed the "deed of contract for the granting of the captaincy of Paraíba do Sul". On that occasion, they enjoyed an exquisite refreshment of sweets, cold fruits, and "sorbetes of various types, politely served". Apart from the menu and the authorities present, no greater details were provided about the ceremony, nor did the viscount describe the motives for the signing of this contract. The date, however, indicates the end of the donatory captaincy ceded to Salvador Correia de Sá e Benevides and inherited by his sons in 1674, and its return to the Crown. The resolution intended to pacify the region, agitated for decades by land disputes and excesses of all types. In the viscount's diary the torments of Paraíba do Sul simply never existed, although he himself had participated intensely in the conflicts between 1727 and 1732. The inva-

³ The names and dates referring to members of the Correia de Sá family were consulted in: RHEINGANTZ, Carlos G. *Primeiras famílias do Rio de Janeiro* (séculos XVI e XVII). Rio de Janeiro: Livraria Brasileira Editora, 1965-1967. vol. 1, p. 394-395.

⁴ Arquivo Nacional da Torre do Tombo (ANTT), Manuscritos da Livraria, n. 2652.

⁵ In relation to the Lisbon earthquake, see: MONTEIRO, Nuno G. D. *José na sombra de Pombal*. Lisboa: Círculo de Leitores, 2008. p. 97-118; SUBTIL, José. *O terremoto político* (1755-1759). Lisboa: UAL, 2007.



sion of the council, arrests, and the loss of the captaincy did not merit being recorded among the courtly habits described in great detail by the fourth viscount.

The Correia de Sá family always had close ties with the Portuguese overseas territories. Indeed, the title of viscount came from the heroic deeds of Salvador Correia de Sá e Benevides (1601-1688) as governor of the captaincy of Rio de Janeiro, liberator of Angola from Dutch rule, and member of the Council of War⁶. His descendants preserved this preponderance in conquests and held positions in the State of India and in Brazil. The brother of the fourth viscount, Luís José Correia de Sá, was governor of Pernambuco (1749-1756), a position mentioned in his memoirs when he reported on news coming from Recife. In fact, the House of Asseca obtained almost one third of its income from Brazil, coming above all from Campos dos Goytacazes⁷. To immortalize the victories of his illustrious ancestor, “constructor of the largest ship in the world”, the galleon Padre Eterno, the viscount recorded the commemoration of 24 August, date of the restoration of Angola, a landmark in the trajectory of his house and its gradual entrance into the highest ranks of the Lisbon nobility. The loss of the captaincy therefore did not compromise the glorious past, the deeds of his ancestors overseas.

Even weakened by his expulsion from Rio de Janeiro in 1660⁸, on his return to Portugal, Salvador Correia de Sá e Benevides started to

⁶ In relation to the trajectory of Salvador Correia de Sá e Benevides, see: BOXER, C. R. *Salvador de Sá e a luta pelo Brasil e Angola 1602-1686*, trad. São Paulo: Companhia Editora Nacional, 1973; NORTON, Luís. *A dinastia dos Sás no Brasil*. Lisboa: Agência Geral do Ultramar, 1965; ALENCAS-TRO, Luiz Felipe. *Trato dos viventes: formação do Brasil no Atlântico Sul*. São Paulo: Companhia das Letras, 2000. p. 199-238.

⁷ I calculate this based on data provided by Nuno Monteiro referring to 1771; see: MONTEIRO, Nuno G. *A casa e o patrimônio dos grandes portugueses (1750-1832)*. Tese (Doutorado em História), Universidade de Lisboa, Lisboa, 1995. p. 781.

⁸ ANTT, Miscelâneas Manuscritas do Convento da Graça, tomo 7D, p. 241; Arquivo Histórico Ultramarino (AHU), Rio de Janeiro, Códice Castro Almeida (CA), doc. 879. In relation to the Cachaça Revolt, see: CAETANO, Antônio Filipe P. *Entre a sombra e o sol. A revolta da cachaça e a crise política fluminense*. Maceió: Ed. Gráfica, 2009.



ask for *mercês* (mercies or graces) to reward his services and his loyalties to the Bragança dynasty. Amongst many requests, he asked for the rank of *mestre de campo* for his son João Correia de Sá, and the title of viscount Asseca for his son Martim Correia de Sá e Benevides (1639-1674), who became the first viscount Asseca, a title created by Afonso VI in January 1666. The valorous liberator of Angola also requested the concession of land between the captaincies of Cabo Frio and Espírito Santo⁹. He then received the hereditary captaincy of Paraíba do Sul, also called Campos dos Goytacazes, with the condition of not only settling the coastline and the *sertão*, but also spreading the divine mass in the name of the Lord. The donation of the captaincy therefore enriched both the person granted it and Portugal itself, since the more captaincies that were settled the more ships that would leave Brazil carrying sugar and other products¹⁰.

Dating from 1674, the granting of the donation created two captaincies, the largest for the first viscount Asseca, Martim Correia de Sá, and the second for his brother, João Correia de Sá, a general in India. Before the donation, the lands and the plantations of the Correia de Sá family, located between Cabo Frio and Espírito Santo, had been under the administration of the elder Salvador Correia de Sá e Benevides until his departure for Lisbon. Afterwards, the properties were administered at a distance, since the *donatários* (as those granted the hereditary captaincies were called) were always absent from the captaincy¹¹: one resided in Lisbon and the other in Ormuz. The mer-

⁹ ANTT, Registo Geral de Mercês (RGM), Mercês de Afonso VI, liv. 9, f. 35v. However, I found in Torre do Tombo a grant of the same title with the date of 1675: ANTT, Registo Geral de Mercês (RGM), Mercês de Afonso VI, liv. 17, f. 183v-184v. It is worth highlighting a doubt here. The death of the first viscount, according to Rheingantz, dates from 1674, year of the concession of the donatory captaincy. The date is not given importance in the historiography and throws some doubts on his actual death date. RHEINGANTZ, Carlos. Op. Cit., vol. 1, p. 394-395). AHU, Rio de Janeiro, CA, doc. 836; 838; 1258; ANTT, RGM, Mercês (Chancelaria) de D. Afonso VI, liv. 9, f. 35 v.

¹⁰ SALDANHA, António Vasconcelos de. *As capitânicas do Brasil*. Lisboa: CNPCDP, 2001. p. 100.

¹¹ Actually, originally there was two captaincies, but the limits between them were never demarcated. Perhaps for this reason, in the later documentation there is no mention of two captaincies, but



cê, however, required counterparts, since within six years the *donatários* had to found two *vilas* (towns) with proper churches, a prison, chambers for the council, and houses for residents. “The donation and *mercê* sworn and inherited forever” also required a *vila* with a sea port for the security of vessels and another in the *sertão* to repress the insults of the “barbarous gentiles”.

Appointed as captain and governor, the *donatários* were able to name a magistrate, with jurisdiction and the ability to inflict capital punishment over slaves and “gentiles” (*i. e.*, Indians), as well as over peasants and free Christian men. Correia de Sá was forbidden from taking *sesmaria* land for himself, for his wife, and male heirs. The old *sesmarias* were preserved, but the *donatários* had control over the water mills, salt works, and mills of any type. In the long donation charter, rights and duties were assured by the monarch, who promised the viscount and all his successors that the donation would be preserved forever¹².

The collection of tithes, the second tithe, and the control of land and justice were the principal powers ceded. Actually, the donation charter created overlapping powers which became a motive of conflict between the viscounts’ attorneys, local potentates, religious orders, magistrates, and governors. It is also worth mentioning that the Correia de Sá family did not come to exercise jurisdictional control over the territory dominated by indigenous communities, as the sixteenth century *donatários* had done¹³. From the beginning they faced the resistance of those who held the *sesmarias*, Benedictines, Jesuits, cattle farmers, and mill owners, amongst others¹⁴. In an exemplary manner,

only the captaincy of Paraíba do Sul. AHU, Rio de Janeiro, CA, doc. 13.348. In relation to the concession of lands, see: AHU, Rio de Janeiro, CA, doc. 1258.

¹² The donation charter is inserted in later documentation: AHU, Rio de Janeiro, CA, doc. 13317. I did not locate the original 1674 charter, but Feydit published it and indicated as a source the civil register of the Municipal Council of Vila de São Salvador, 1740-1749, f. 183v. FEYDIT, Julio. *Subsídios para a história dos Campos dos Goytacazes*. Rio de Janeiro: Editora Esquilo, 1979. p. 52-61.

¹³ SALDANHA, Antônio. Op. Cit., p. 95-104.

¹⁴ The bibliography about the captaincy between 1650 and 1750 is quite reduced, but the principal reference is HARRISON, William F. *A struggle for land in colonial Brazil*. Dissertation (Doctoral in



the intense and well documented dispute in the captaincy of Paraíba do Sul serves to assess the limits of royal sovereignty, conflicts, and jurisdictions in the molds of the *Ancien Regime*.

In Paraíba do Sul, conflicts were not reduced to quarrels between local elites and the viscounts' attorneys, but between the latter, the council, religious orders, governors, and magistrates. In two scenarios the incidents became more intense. Taking place between 1727 and 1732, the first conflict had as protagonists the representatives of the *donatário* and the governor of the captaincy of Rio de Janeiro, Luís Vahia Monteiro (1724-1732). Dating from 1748, the second saw the active involvement of the council and the disputes between Asseca supporters and those of Manuel Manhães Barreto, a *licenciado* (a graduate). This article initially intends to analyze the honor and the privileges of the Correia de Sá family and afterwards to look at the attacks on the donatory captaincy of Paraíba do Sul between 1674 and 1730. The principal focus of the analysis is centered on the conflict between the governor and the viscount's agent between 1727 and 1730.

In the *Ancien Regime*, jurisdiction was delegated by the Crown and power exercised over a region according to the determinations of the monarchy. Holding jurisdiction did not always meaning holding power of command over the territory. When they breached royal dictates, colonial authorities abused jurisdiction, disobeyed royal orders, and acted with autonomy. Consequently, a royal official could not exercise power contrary to what was stipulated in the regulations governing his position, a power that was opposed to or different from the determinations of the center, without abusing the authority delegated to him. In the colonial period, conflicts of jurisdiction did not always exist, rather these were conflicts of interests, of powers, which not rarely occurred outside of royal regulations or legislation. By selling positions, *morgado* (bounded

History), New Mexico University, New Mexico, 1970. It is also worth mentioning some references found in the following studies: LARA, Sílvia H. *Campos da violência*. Rio de Janeiro: Paz e Terra, 1988. p. 127-146; LAMEGO, Alberto Ribeiro. *O homem e o brejo*. Rio de Janeiro: IBGE, 2007. p. 52-85; FARIA, Sheila de Castro. *A colônia em movimento*. Rio de Janeiro: Nova Fronteira, 1998. p. 27-35.



estates), and the captaincy, the third viscount Asseca rather than exercising his jurisdiction, abused the donations granted by the monarchy.

Eighteenth century dictionary writers deal in a nebulous form with the question of jurisdiction, although they did emphasize that it was linked to the legal sphere. Bluteau understood it as “a power which the public concedes, and which good government introduced to decide on legal cases. It is divided into ordinary and delegated”. The former was perpetual and introduced by law while jurisdiction given for particular cases was delegated and temporal¹⁵. The definition presented by Moraes Silva has a more confusing text, since he understood it as: “The power of knowing which cases are subject to the direction of civil or ecclesiastic law, and of having them implemented, and applied voluntarily, or at the will of the parties...”. Ordinary jurisdiction was necessary and the responsibility of ordinary judges and magistrates, in contrast with delegated voluntary jurisdiction which was the responsibility of those who take the place of the ordinary ones”¹⁶.

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More recently, Pedro Cardim understood jurisdiction as manifestations of “public” and legitimate power, in accordance with law and what is just. It is thus differentiated from forms of coercion based on force¹⁷. In his discussion of the judicial literature of the Portuguese *Ancien Regime*, Barbas Homem conceived jurisdiction as a power of public law. Ordinarily it involved various themes circumscribed to a territory. He also mentioned delegated jurisdiction as the power which the prince gave for a certain case or cases. It was thus exceptional and restricted in relation to ordinary jurisdiction. According to the Spanish jurist Luis de Molina, jurisdiction was the power to state the law determined by the king. The jurisdiction of the prince was thus exercised

¹⁵ BLUTEAU, Raphael. *Vocabulario portuguez e latino*. Coimbra: Collegio das Artes da Companhia de Jesu, 1728. vol. 4, p. 230.

¹⁶ SILVA, Antônio de Moraes. *Diccionario da lingua portuguesa*. Lisboa: Typographia Lacerdina, 1813. vol. 2, p. 195.

¹⁷ CARDIM, Pedro. “Administração” e “governo”: uma reflexão sobre o vocabulário do Antigo Regime. In: BICALHO, M. F.; FERLINI, V. (org.). *Modos de governar*. São Paulo: Alameda, 2005. p. 54.

over the entire kingdom and “no one could exercise jurisdiction in the kingdom without the concession of the prince...”. The establishment of jurisdiction was an essential characteristic of absolutist monarchs since they held supreme jurisdiction. Their power created magistrates, sold offices, granted nobility, granted pardons, and changed sentences. Nevertheless, there were still means by which royal orders could be ignored. Barbas Homem listed the four causes of injustice as a reason for legitimate disobedience: laws which promoted sin; the unjust division of taxes; authorities without jurisdiction; and law incapable of promoting the common good¹⁸.

The article intends to analyze obedience to royal authority, the autonomy of royal officials, and jurisdictional conflicts. The analysis starts with the hypothesis that disputes originated more from the abuse of royal jurisdiction than what were effectively jurisdictional conflicts. Methodologically, the discernment between abuse and conflict is made feasible by a comparison between administrative practices and the rules established by the *Conselho Ultramarino* (Overseas Council). However, it is not possible to characterize disputes between governors and *donatários* without knowledge of the respective jurisdictions. Jurisdictional conflicts have been much commented in recent Brazilian historiography, however, few authors have made a vertical analysis.

It is worth mentioning here Vera Acioli’s important study which warns about the dubiousness of Crown policy and regulations in relation to disputes between royal officials, notably the rivalries between the governor general of Bahia and the governor of Pernambuco¹⁹. Never-

¹⁸ HOMEM, António P. Barbas. *Judex Perfectus*; função jurisdicional e estatuto judicial em Portugal, 1640-1820. Lisboa: Almedina, 2003. p. 119-130.

¹⁹ In relation to the regulations, Vera Acioli states: “Many doubts about jurisdiction arose out of the ambiguity of the regulations and the dubious or not very clear attitudes of the Crown”. ACIOLI, Vera Lúcia Costa. *Jurisdiction e conflito*: aspectos da administração colonial. Recife: EdUFPE, 1997. p. 82. Conflicts of jurisdiction were dealt with in an innovative manner in a recent dissertation. Unfortunately, this research did not examine legal regulations: CHAVES JUNIOR, José Inaldo. *As capitanias de Pernambuco e a construção dos territórios e das jurisdições na América portuguesa* (século XVIII). Dissertation (Doctoral in History), UFF, Niterói, 2017. *passim*.



theless, in this study no comparison was made between administrative practices and metropolitan regulations. Like Acioli, scholars have still not given the due attention to regulations, focusing on practices and rivalries, without proving whether or not conflicts were jurisdictional.

The House of Asseca in Campos dos Goytacazes

In 1627, governor Martim Correia de Sá (1623-1632), an ancestor of the viscount, acting as agent for the old *donatário* Gil de Góis had granted a *sesmaria* charter to seven captains, residents of Rio de Janeiro, deserving of the grace of His Majesty and loyal servants for more than 20 years in wars in the same captaincy, in São Vicente and Cabo Frio²⁰. With indigenous allies, they had conquered empty lands or ones dominated by outsiders and enemies. On their mills and plantations near Rio and in Cabo Frio they did not have sufficient land to raise cattle and they were incapable of supporting themselves on their properties. They received *sesmarias* to serve God and to populate to the advantage of His Majesty's treasury, "through tithes". In the land ceded by the monarch the seven captains built corrals to raise cattle²¹.

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As the years passed, the descendants of the seven captains did not fulfill the demands as they did not really develop their *sesmarias*. Slowly they lost their lands, awakening the greed of the governor of Rio de Janeiro, the Benedictines, and the Jesuits²². In 1648, shortly before

²⁰ FRAGOSO, João. A nobreza vive em bandos: a economia política das melhores famílias da terra do Rio de Janeiro, século XVII. *Tempo*, n. 15, p. 11-36, 2003. In relation to the appropriation of Rio de Janeiro and its environs, see: ABREU, Maurício de. *Geografia histórica do Rio de Janeiro* (1502-1700). Rio de Janeiro: Andrea Jakobsson Estúdio e Prefeitura do Rio de Janeiro, 2010. 2 vol.

²¹ FEYDIT, Julio. Op. Cit., p. 31; LAMEGO, Alberto. *A terra goytacá à luz de documentos inéditos*. Paris/Bruxelas: L'Édition d'Art/ Liv. Garnier, 1913. vol. 1, p. 35-38. In Lamego and Feydit's books dozens of transcribed documents can be found. Since they were originally published at the beginning of the twentieth century, the works do not present the necessary rigor of the transcriptions from sources currently required. For this reason, I prefer to refer to the books than to the sources transcribed there. It is worth mentioning as well that I did not find the originals of various sources published in these works.

²² FEYDIT, Julio. Op. Cit., p. 34-35; PENNA, Patrícia L. *Benta Pereira: mulher, rebelião e família em Campos dos Goytacazes, 1748*. Thesis (Master in History), UFF, Niterói, 2014. p. 28-29.

departing for Angola, Salvador Correia de Sá e Benevides redistributed the *sesmarias*, resorting to not very orthodox tactics. This measure brought many advantages, not just for Salvador himself, but also for his friends and protégés, such as the Jesuits and Benedictines. In 1652, the old governor had seven thousand head of cattle, seventy horses, 150 black slaves, and many other goods²³. Involved in wars and with administrative problems, Salvador Correia left part of his land under the custody of the Jesuits. The priests from the Company of Jesus sought to develop the plantations and, with the aid of the Benedictines, built a chapel without financial assistance from the governor. Using this investment as an excuse, they resisted when they had to return the properties²⁴.

After the pacification of the region and the redistribution of the *sesmarias*, the Benedictines' patrimony expanded rapidly, although their land had long since become the motive for litigation in Campos dos Goytacazes²⁵. According to accusations reported in the *Livro de verações* (Council book), the representatives of the Order of St. Benedict increased their goods by invading land, and rebranding and stealing animals. Not even the viscounts escaped the fury of the friars, since the clerk and the bailiff at the "demand of the Patriarchs of St. Benedict" took possession of a farm belonging to viscountess Asseca. In this case no documents were presented to the *donatário's* agent, nor any other deed proving legal possession of the land. In the council, the reverend friar Plácido Bautista heard the accusation of rebranding cattle and horses to appropriate the animals of residents, "without any fear of God or of the justices of His Majesty". At the time, excommunication was the strategy used by the Benedictines to weaken the reaction of those who opposed them. Council officials faced these threats by

²³ BOXER, Charles. Op. Cit., p. 299-300.

²⁴ HARISSON, William. Op. Cit., p. 71-72.

²⁵ SOUZA, Jorge V. A. *Para além do claustro*, uma história social da inserção beneditina na América portuguesa. Niterói: Editora da UFF/Faperj, 2014. p. 217.

trying to curb the friars and their criminal control over the property of others²⁶.

The third viscount equally denounced the disorder of armed clergy who robbed slaves and the farms of residents. According to the *fidalgo*, the Benedictines were the real masters of those fields²⁷. In the council records, robberies and disputes for land became intense in the second half of the seventeenth century, when the monarchy ceded the Paraíba do Sul donatory captaincy to the Correia de Sá family. However, instead of encouraging harmony, prosperity, and the expansion of tithes, the royal decision produced yet another potent element for the disintegration of peace in the region.

The *conquistadores* [conquerors], the seven captains, had pacified the region and fought against the French and their Tamoio and Tupinambá allies, but saw their possessions threatened by the redistribution of the *sesmarias* and by the royal concession which granted the viscount in 1674 the vast lands as a hereditary captaincy²⁸. Conflicts were thus created, and a faction opposing the Correia de Sá family was formed, consisting of the descendants of the seven captains, the Benedictines, and the Jesuits.

Furthermore, news of the donation of the captaincy caused great discontent among the initial settlers and *sesmeiros*. Along with officials from the Rio de Janeiro council, local potentates tried to appeal the royal grant which threatened their properties. They alleged that they had legitimate title to the possession of the land, originating from the donation which occurred after the abandonment of the captaincy by the former *donatário* Gil de Góes. Foreseeing difficult times ahead, the *donatários* took advantage of the guarantees granted by the *Conselho Ultramarino* and managed to have the captaincy made autonomous from the governor of Rio de Janeiro²⁹. In the following year the appeals

²⁶ FEYDIT, Julio. Op. Cit., p. 69-86.

²⁷ AHU, Rio de Janeiro, avulsos, doc. 477.

²⁸ SALDANHA, António. Op. Cit., p. 95-104.

²⁹ LAMEGO, Alberto. Op. Cit., vol. 2, p. 124-125.

against the donation were judged, and the general magistrate of Rio de Janeiro ordered the foundation of *vilas* (towns), as was stipulated in the royal mercy to the viscount and his brother. In order to fully implement the conditions of the donation, measurements and demarcations had to be carried out in order to prevent the preexisting *sesmarias* from suffering harm. According to the chancellery of Afonso VI, the *donatários* could not reduce the land distributed before the establishment of the hereditary captaincy.

The viscount petitioned the king for the rank of captain-general and governor of the captaincy, and indicated as his local lieutenant Martim Correia Vasqueanes. With this royal “mercy”, the captain could found *vilas*, discover mines, and appoint *alcaldes-mores* (a type of governor of a town or *vila*). He was also supposed to act as a representative of the *donatários* to fulfill the requirements expressed in the donation³⁰. The Crown attorney rejected the petition because it did not comply with the law, since before settlements had been established and lands demarcated, they could not have a governor with jurisdiction over them. However, the *Conselho Ultramarino* understood the impossibility of the presence of the *donatários* and the absence of viscount Asseca and general João Correia de Sá, and thus appointed Vasqueanes as captain-general and governor of the captaincies. It is also worth noting that at this time the captaincy was subordinated to the governor general of Brazil and not to the governor of Rio de Janeiro. It was established that the magistrates appointed to the captaincies would also hold the position of *feitores* (overseer) of the *Real Fazenda* (Royal Treasury). The dual function was also valid for clerks of the council and the treasury, since the new captaincies were unable to support so many officials³¹.

In 1674, upon granting the captaincy to the House of Asseca with the position of captain-general and governor, the monarchy ceded power to an authority to govern those living there, those who held

³⁰ Ibidem, p. 134-5.

³¹ Ibidem, vol. 2, p. 137.

sesmarias, and the religious orders. Although the preservation of the old *sesmarias* was explicit, the *donatários* had dominion over water mills, salt works, and mills. They collected tithes, appointed magistrates, local lieutenants, and exercised enormous control over the officials of the only council. These powers appeared on the donation and were part of the jurisdiction bequeathed to the *donatário*, except for control over the council³². Nevertheless, the records referring to Paraíba do Sul provide numerous witnesses of the removal of judges and councilors depending on circumstances. In the *vila* of São Salvador, council officials alternated depending on the which faction was predominant³³.

With the donation of the captaincy, the owners of the *sesmarias* and the cattle ranchers lost autonomy by being subjected to the *donatário*. Previously they had suffered from the sporadic incursions of the authorities in Rio, when the governor distributed *sesmarias* or when councilors or governors invested in livestock in the fields abandoned by Gil de Góis. Far from Lisbon, the expansion of plantations perhaps went much beyond the *sesmarias* and increased the goods of the religious orders, the captains, and their descendants. On the other hand, since the captaincy was not yet demarcated, land holders feared for their goods, and considered the possibility that their lands would be donated as *sesmarias* or stolen by the supporters of the viscount. Conflicts between the *donatários* and local elites centered on divergent interests. Furthermore, the privileges created by the royal donation clashed with the interests of local elites and religious orders.

Like other governors, the donatory captain obeyed the government in Salvador and in principle was not under the jurisdiction of the

³² AHU, Rio de Janeiro, CA, doc. 13.317. In relation to the noble domains in Portugal in the eighteenth century, see: MONTEIRO, Nuno G. M. *O crepúsculo dos grandes. A casa e o patrimônio da aristocracia em Portugal – 1750-1832*. Lisboa: Imprensa Casa da Moeda, 1998. p. 461-492. It is worth mentioning the widespread seigniorial powers granted to the Asseca when compared to those existing in eighteenth century Portugal.

³³ W. Harrison also mentioned the political fragility of the council; see: HARRISON, William. Op. Cit., p. 113-115. In relation to political disputes in the councils and royal officers, see: RAMINELLI, Ronald. *Nobrezas do Novo Mundo*. Rio de Janeiro: Ed. FGV, 2015. cap. 2.

administration in Rio de Janeiro³⁴. However, the “*nobreza da terra*” (local elites) of Rio de Janeiro saw Campos dos Goytacazes as an open frontier, potentially capable of serving their aim of accumulating goods and expanding their plantations. In fact, not only did the owners of mills have this goal in mind, members of municipal councils and the governors of Rio de Janeiro sent their tentacles northwards time and time again. Many attempts were made to stop the *donatário* from taking possession, but the locals were fighting against an influential group in Rio de Janeiro and Lisbon, supported by the achievements and honors of Salvador Correia de Sá e Benevides³⁵.

In summary, in the second half of the eighteenth century, in the captaincy of Paraíba do Sul, conflicts involved *sesmeiros*, Benedictines, outsiders, cattle thieves, and the new *donatários*. The two captaincies, divided between the Correia de Sá family, were never fully implemented because the demarcation of the land was never carried out. Spatial uncertainty also threatened the *sesmarias* and provoked undue appropriations. In the colonial period, frontiers were frequently predisposed to conflicts between residents who disputed control over the land and Indians. Nevertheless, the situation of the captaincy of Paraíba do Sul was more serious because the old conquerors, *sesmeiros*, and the representatives of the *donatários* coexisted there³⁶. As a result those living there faced not only indigenous invasion, the destructions of *vilas*, cattle theft, and the stealing of land, but also the tenuous limits between the jurisdictional territory of the royal captaincy of Rio de Janeiro and the donatory captaincy of Paraíba do Sul.

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Conflict and jurisdiction

In the final decade of the seventeenth century, the conflicts and the abandonment of the captaincy became critical, especially after the

³⁴ LAMEGO, Alberto. Op. Cit., vol. 2, p. 127.

³⁵ HARRISON, William. Op. Cit., p. 57.

³⁶ LAMEGO, Alberto. Op. Cit., vol. 2, p. 56-75.

death of the second viscount Asseca, Salvador Correia de Sá e Benevides (1665-1678). His successor, Diogo Correia de Sá e Benevides (1669-1745), demonstrated little interest in the land. Under pressure from the magistrate, Campos municipal council wrote to the king to denounce the terrible state of the *vila*, lacking both a prison and a council chamber to hold meetings. It was evident that the *donatários* had not fulfilled the targets stipulated in the donation charter. The viscount wrote to the officials to protest against the denunciation and highlighted the existence of many ruined villages, where not only did the land need to be reformed, but so did the way people behaved³⁷.

The situation was aggravated not just by the death of the second viscount and the neglect of the third, but more especially by the death of the Assecas' local agent Vasqueanes, who had been responsible for the administration of a violent and unstable territory, controlled by armed groups. The third viscount then decided to sell the captaincy to prior Duarte Teixeira Chaves. Alienation of captaincies was not uncommon, but previous royal authorization was indispensable, since these goods, even when donated, were subject to the *Lei Mental*³⁸. Without a license the lands were seized by the Crown and the sales annulled³⁹.

In 1709, breaching the conditions of the donation⁴⁰, the *fidalgo* sold his freehold plantations and those lands linked to the *morgado*, the captaincy, and the *alcaide-mor* of Rio de Janeiro to prior Duarte Teixeira Chaves⁴¹. It is worth mentioning that the captaincy alone was assessed at 100,000 cruzados. Without royal authorization, the new owner es-

³⁷ LAMEGO, Alberto. Op. Cit., vol. 2, p. 174.

³⁸ Ordenações Manuêlinas, liv. 2, tit. XVII, Da maneira que se há de teer na soçessam das Terras, e Bens da Coroa do Reyno. Available in: <http://www.l.ci.uc.pt/ihti/proj/manuêlinas/l2p66.htm>.

³⁹ SALDANHA, António. Op. Cit., p. 122-130; LAMEGO, Alberto. Op. Cit., vol. 2, p. 184-186; FEYDIT, Julio. Op. Cit., p. 89-91.

⁴⁰ SALDANHA, António. Op. Cit., p. 122-130.

⁴¹ AHU, Rio de Janeiro, avulsos, doc. 931. The prior purchased from viscount Asseca a mill in Campo Grande on oct. 10, 1709 with the value of 45,000 cruzados, Arquivo Nacional (AN), 1ON, 81, p. 122v; a farm with a value of 8,000 cruzados, AHU, Rio de Janeiro, avulsos, 931; and lands with the value of 3,000 cruzados, AN, 2ON, 22, p. 1.



tablished himself in the lands of Goytacá came to act as if he were the viscount, counting on the support of the Campos council. He sold land and exercised all the jurisdictions of *donatário*⁴².

The first measure taken by the prior was the removal of the *capitão-mor* and the weakening of the power of the other officials allied to the Asseca⁴³. The *ouvidor geral* of Rio de Janeiro, Roberto Carr Ribeiro, accepted the denunciations of residents about the prior's excesses and wrote to the *Conselho Ultramarino* to recommend to the king that the jurisdiction of the captaincy be sequestered and prior Chaves be sent to prison in Portugal⁴⁴. For the first time, the House of Asseca had lost the captaincy and the territory had returned to royal jurisdiction to the consolation of the residents.

The above mentioned alienation involved a triple abuse of jurisdiction. In principle, the sale of the captaincy, the estates linked to the *morgado* to it, and the position of *alcaide-mor* was expressly forbidden. Giving the jurisdiction over the captaincy to the prior breached the conditions of the initial royal donation, in other words, giving the prior the permission to control justice, tithes, the filling of offices and position, and the removal and appointing of the *capitão-mor*. To worsen the situation even more, the cleric sold the captaincy's plantations and properties. Around 1723, in trying to regain the donatory, the third viscount received license to allow his son, Martim Correia de Sá, to administer his property in Brazil and justified the episode involving the prior⁴⁵. He claimed innocence, alleging that he had given a power of attorney to Duarte Teixeira Chaves to allow him govern the *donataria* after the death of Vasqueanes. Betraying his confidence, the prior had

⁴² In 1729, viscount Asseca ordered the sequestration of all the *morgado* plantations sold by the prior; see: AHU, Rio de Janeiro, CA, doc. 6414-6416.

⁴³ In relation to the interventions of prior Chaves, see: LAMEGO, Alberto. Op. Cit., vol. 2, p. 184-186; SALDANHA, António. Op. Cit., p. 128.

⁴⁴ AHU, Rio de Janeiro, avulsos, doc. 931.

⁴⁵ A consultation of the *Conselho Ultramarino* from May 1726 provided more information about the attempt to the viscount to regain the captaincy; see: AHU, Rio de Janeiro, avulsos, doc. 1754.

exceeded his powers, and “become involved in acts that were not of his jurisdiction”⁴⁶.

Only in August 1727 did Diogo Correia de Sá receive the right to reincorporate the captaincy of Paraíba do Sul, but the donatory’s jurisdiction was reduced. The punishment did not refer to the undue sale and the troubles caused by the prior, but rather to non-compliance with the targets stipulated in the original donation charter. In principle, the Crown attorney was favorable to the concession of “all the jurisdictions, incomes, rights and belonging granted in the donation charter” from 1674⁴⁷. However, the king and his attorney established some punishments: the reduction of the donated lands; royal *ouvidores* were allowed to change sentences⁴⁸; governors and *capitães-mores* were prevented from sending 24 rescued slaves annually to Portugal; loss of the “fifth” charged for the extraction of Brazil wood; cases where the death penalty was imposed had to be judged by superior courts; and only the collateral relatives of the first viscount could inherit the *mercê*⁴⁹. These restrictions may have impacted on the already weakened finances of the House of Asseca⁵⁰.

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In February 1728, the third viscount Asseca sent a power of attorney to grant his sons, Martim Correia de Sá and Luiz José Correia de Sá, the right to exercise jurisdiction over Paraíba do Sul. In this document, the *fidalgo* listed the powers of the *donatário* according to the original donation, although he had not always abided by the punishments mentioned. The document allowed for the appointment of suitable people for the positions of *alcaldes-mores* and officials of justice: *ouvidores*, *escrivães*, *meirinhos*, *alcaldes*, *escrivães de vara e das câmaras*. In addi-

⁴⁶ LAMEGO, Alberto. Op. Cit., vol. 2, p. 200.

⁴⁷ Ibidem, p. 204-205.

⁴⁸ It is worth mentioning that this demand was not new. The 1674 donation charter mentioned the corrections of the *ouvidor geral* when necessary; see: AHU, Rio de Janeiro, CA, doc. 13317; FEYDIT, Julio. Op. Cit., p. 60.

⁴⁹ ANTT, Chancelaria de D. João V, liv. 5, f. 50.

⁵⁰ For the economic situation of the House of Asseca, see: ANTT, Feitos findos, administração de casas, maço 9, n. 9.

tion, the *donatário* appointed *sargentos-mores*, captains, and other militia officers for the defense of the territory. He also collected the second tithe for all royal entitlements. All established machines, sugar mills, and liquor distilleries had to obtain licenses, while new establishments needed authorization to commence operations. In relation to the municipal councils, the viscount granted the right to change the agendas of the officials from the two councils and donate unclaimed lands according to the *sesmaria* confirmation procedures. As if he were the magistrate himself, the viscount's agent worked with the magistrate and could judge all criminal and civil cases, "granting appeals to those who were entitled to them, in the form of my donation and charter"⁵¹. The last point directly contradicted the restrictions imposed in the 1727 confirmation and the 1674 donation charter, which also placed limits on judicial sentences.

In Paraíba do Sul, Martim Correia de Sá, the son of the current *donatário* and his agent, as well as being the author of the memoirs cited at the beginning of the text, notified the council officials of the *vila* of São Salvador that the members of the municipal council were autonomous from the governor of Rio de Janeiro. Thus these upstanding men were not to obey his orders, unless the king commanded this. Otherwise, "the Royal donation which His Majesty made, may God protect him, would be without effect, and the privileges would be defrauded, which the same Lord explicitly conceded to the donatory of this Captaincy or his agent..." The officials soon sent a letter to warn the governor about the autonomy and took advantage of the opportunity to refuse the payment of the "donation" for the cost of royal weddings⁵².

Perhaps due to the insubordination of the officials from the municipal council of São Salvador, the governor considered it better not to recognize the viscount's power of attorney. Many months after the arrival of viscount Asseca's son and after the latter had taken posses-

⁵¹ AHU, Rio de Janeiro, CA, doc. 6887.

⁵² AHU, Rio de Janeiro, CA, doc. 6887 and 6891.



sion of the donatory captaincy, governor Luís Vahia Monteiro issued a charter appointing the *capitão-mor* of the *vila* of São Salvador, in other words, he reinstated João Álvares Barreto in that position and removed Manuel Ferreira de Sá, appointed by the viscount and supported by the municipal council.

Monteiro's initiative was supported by neither the donation charter nor the 1727 letter of confirmation. Moreover, it openly opposed the power of attorney of the third viscount Asseca. It is worth clarifying the sequence of facts: the *donatário's* power of attorney and the appointment of a local lieutenant or agent date from February 8, 1728; the *Conselho Ultramarino* accepted the petition to allow the viscount's eldest son to administer the captaincy in March 1729; the governor's appointment of the new *capitão-mor* occurred later, on May 27, 1729⁵³. In fact, even knowing who the Asseca had chosen, the governor defended his intentions and appointed one of his allies to oppose the *donatário*. The dispute was thus worsened, propelled by both a conflict of jurisdiction and by the abuse of jurisdiction. To unravel this *imbroglio*, I will analyze the scenario from three perspectives: royal support for the governor's interventions; the excesses of the *donatário* and his agents; and the pecuniary interests of the governor and his allies.

In this episode, the governor of Rio de Janeiro behaved as if the captaincy of Paraíba do Sul was subordinated to his jurisdiction and not to the governor-general in Salvador⁵⁴. Monteiro started with the assumption of the nullity of the viscount Asseca's power of attorney

⁵³ ANTT, Chancelaria D. João V, liv. 5, f. 50; AHU, Rio de Janeiro, avulsos, doc. 2068. In relation to the dispute between December 1728 and April 1729 see: AHU, Rio de Janeiro, CA, doc. 6890-98.

⁵⁴ Luciana Velez's doctorate on the captaincy of Itamaracá analyzes the conflicts and abuses of jurisdiction involving *donatários* and their legal representatives, the governors of Pernambuco, and Paraíba magistrates; see: BARBALHO VELEZ, Luciana C. *Donatários e administração colonial: a capitania de Itamaracá e a Casa de Cascais (1692-1763)*. Tese (Doutorado em História), UFF, Niterói, 2016. p. 254-306. The conflicts between the Belém council and the hereditary captaincy of Cameté were linked to control of the Indians. PELEGRINO, Alexandre de C. *Donatários e poderes locais no Maranhão setecentista (1621-1701)*. Dissertação (Mestrado em História), PPGH-UFF, Niterói, 2015. p. 90-92.



and thus denied the authority of the latter's son based on the lack of a royal authorization which should have accompanied the power of attorney. Certainly, the agent should have been appointed by the monarch, in accordance with the tradition of controlling the process of the choice and appointment of royal officials⁵⁵. To appoint an agent, Luís Vahia Monteiro drew on a royal command, dated September 10, 1704. This granted the governor of Rio de Janeiro the power to investigate the *capitães-mores* of the donatory captaincies and to appoint them when the *donatários* had not done so⁵⁶. In summary, the Crown had granted the donation of the captaincy, with ample powers, but at the same turned to the governor of the neighboring captaincy to limit, watch over, and curb the *donatory*. This caused conflicts of jurisdiction.

The ambiguity of the central administration appears in the records of the charter of the donation of the Paraíba do Sul captaincy. In June 1728, the governor received the charter in Rio de Janeiro and ordered that his majesty's commands be complied with. For this reason he ordered it registered in the secretary's books. Furthermore, the chief magistrate Manuel da Costa Mimoso, the *provedor da Fazenda* Bartolomeu de Siqueira Cordovil, and the Council of Rio de Janeiro also registered the charter⁵⁷. Was the donatory captaincy thus subordinated to the governor, the *ouvidor geral*, the *provedor da Fazenda*, and the council of Rio de Janeiro? Once again it can be perceived that this formality was not supported by the donation charter and its 1727 confirmation, except for the amending of sentences by the chief magistrate. Was it an abuse of jurisdiction? Furthermore, even after being registered, the governor considered null both the viscount's power of attorney and the appointment of an agent and other officials.

Having fulfilled his function, in a letter to the *provedor da Fazenda*, the *ouvidor geral* reported the amendments to the viscount's jurisdiction and those of his *capitães-mores*. To the contrary of the governor,

⁵⁵ LAMEGO, Alberto. Op. Cit., vol. 2, p. 303-3-04; SALDANHA, António. Op. Cit., p. 170-171.

⁵⁶ AHU, Rio de Janeiro, CA, doc. 6898.

⁵⁷ LAMEGO, Alberto. Op. Cit., p. 207, 238 and 245.



he ensured that legal regulations be complied with and that the stipulations of the donation charter respected. In relation to revenue, the *ouvidor* stated that he could not verify this, since the *donatário* had not implemented the collection of taxes due in accordance with the royal donation.⁵⁸ Harrison actually considered the magistrate to be an ally of the Asseca, above all when he visited the captaincy and annulled the contract for unclaimed cattle, which allowed the capture of unclaimed animals and slaves without the brands of owners, in accordance with the royal order dated June 2, 1728⁵⁹.

Before this Vahia Monteiro had denounced to the king the violation of the donation charter, since the viscount's son had issued, in contravention of the law, judicial sentences, interfered in the council, appointed militia officers, and created the recording of the movement and taxing of cattle⁶⁰. To limit excesses, the governor ordered that the militia positions created by Martim Correia de Sá be nullified. He wrote a letter to the officers of the Council of São Salvador ordering them to send him copies of all correspondence sent to the king and to denounce donations of *sesmarias* made in territories outside the jurisdiction of the *donatário*⁶¹. In the governor's correspondence, there is evidence that the *donatário*'s power of attorney was believed to lack validity, since it was not considered sufficient to allow Martim Correia appoint officers and practice acts of the exclusive competence of the *donatário*.

In a letter sent to Campos municipal council in 1727, Monteiro clearly conceived Paraíba do Sul as a subordinate captaincy, since even with the donation, according to him, the sovereign had not renounced supreme and royal authority over his dominions. For this reason, the governors of the captaincy of Rio de Janeiro should always govern

⁵⁸ AHU, Rio de Janeiro, avulsos, doc. 1992.

⁵⁹ HARRISON, William. Op. Cit., p. 210; FEYDIT, Julio. Op. Cit., p. 106; LAMEGO, Alberto. Op. Cit., p. 330.

⁶⁰ LAMEGO, Alberto. Op. Cit., vol. 2, p. 292.

⁶¹ AHU, Rio de Janeiro, CA, doc. 6900-6902.

over its annex⁶². In February 1730, Monteiro returned to the theme of subordination and sent officials a copy of a royal order dated September 24, 1729, issued by the Overseas Council, signed by the secretary of the captaincy of Rio de Janeiro, to be entered into the books of the municipal council of São Salvador. The order stipulated “that this government [of Rio de Janeiro] shall always have superior dominion in this captaincy”⁶³.

In summary, the captaincy of Paraíba do Sul was subordinated to the government of the captaincy of Rio de Janeiro, and the Crown does not seem to have been opposed to the governor’s interventions⁶⁴. Maneuvers against the *donatário* were welcome, evidencing the duplicitous game on the part of the Crown. Once again there can be seen the practice of granting a *mercê* with widespread powers, but encouraging colonial authorities to restrict rights and, in part, to govern the donatory captaincy with the *ouvidor geral* and the *provedor da Fazenda*.

The authority of the governor became even more patent when he demanded that the viscount’s son swear loyalty to him in July 1729. In the palace and residency of governor Luís Vahia Monteiro, the oldest son and agent of viscount Asseca paid the latter homage and tribute for the captaincy of Campos dos Goytacazes. The governor thus appointed him to the position of *capitão-mor* of the captaincy. This involved him kneeling and taking the hands of the governor over the missal of the Holy Gospels and stating:

⁶² LAMEGO, Alberto. Op. Cit., vol. 2, p. 280; FEYDIT, Julio. Op. Cit., p. 92-93.

⁶³ The council of the *vila* denounced to the king the conflicts of jurisdiction; see: AHU, Rio de Janeiro, avulsos, doc. 2033; AHU, Rio de Janeiro, CA, doc. 6904. I have still not found the above mentioned royal order.

⁶⁴ AHU, Rio de Janeiro, CA, doc. 6903.

I, Martim Correia de Sá, hereby pay homage and tribute to His Majesty and to your Lordship, in his name, as his governor of these captaincies which His Majesty has at this date given me in his grace, for me to hold, guard, and govern for the said Lord, whom I shall welcome in the aforementioned Captaincy⁶⁵.

The ceremony symbolically expressed the asymmetric relations between the governor and the viscount's agent/son, established the governor as the alter ego of the monarch, and distorts the hierarchy among the governors of captaincies and the viceroy of the state of Brazil, at that time Vasco Fernandes César de Meneses (1720-1735). Instead of the captaincy of Paraíba do Sul being subordinated to the governor-general, it was tied to the captaincy of Rio de Janeiro. Although he was excessive in demonstrating the subordination of the House of Asseca, governor Vahia Monteiro received some support from the *Conselho Ultramarino* and the monarch. The conflict of jurisdiction, designed by the *Conselho*, granted wide-ranging powers of intervention to the government of Rio de Janeiro which began to restrict the autonomy of the Correia de Sá brothers. What was plotted was the confiscation of the captaincy as would happen with Pernambuco soon after the end of the war with the Dutch and with so many others in the eighteenth century⁶⁶.

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Nevertheless, in the name of the Crown, the *Conselho Ultramarino* admonished the governor for imposing the abovementioned tribute. However, these ceremonies were frequently held with *capitães-mores* and militia captains in the royal captaincies. The swearing of loyalty was allowed to the governor and the high ranking military in their respecti-

⁶⁵ AHU, Rio de Janeiro, CA, doc. 6899. See also: FEYDIT, Julio. Op. Cit., p. 93; LAMEGO, Alberto. Op. Cit., vol. 2, p. 321. The letters patent for the position of captain-general of Martim Correia de Sá date from March 29, 1729, much before the tribute paid to the governor; see: AHU, Rio de Janeiro, CA, doc. 6910.

⁶⁶ SALDANHA, António. Op. Cit., p. 387-436; ASSIS, Virginia M. A. *Palavra de rei: autonomia e subordinação da capitania hereditária de Pernambuco*. Tese (Doutorado), Universidade Federal de Pernambuco, 2001.

ve captaincies, but it constituted an abuse of jurisdiction to impose this subordination on the *capitães-mores* of the donatory captaincies. The governor's excess denounced his refusal to recognize the captaincy of Paraíba do Sul as a donatory captaincy. In fact, in a letter to Vahia Monteiro, the councilors clarified the subordination of the *donatário* to the governor general and not to the captaincy of Rio de Janeiro, as the governor has asserted to council officials. In response to the sovereign, Monteiro recognized that “*donatários* do not usually pay tribute (...) and should only do it in my hands” after authorization from his majesty. The *Conselho Ultramarino* admonished the governor and requested obedience to the sovereign's commands: “...you must fully comply with the clauses of the donation to viscount Asseca”⁶⁷.

The governor of Rio de Janeiro did not act alone in the dispute with the House of Asseca. At various moments in the 1730s, council officials sent petitions to the king with accusations of falsifications and violence perpetrated by the viscount's son. Initially they denounced his intention to coerce councilors into signing three blank pages on which Martim Correia de Sá wanted to “send to Your Majesty in their names whatever he wrote on these signatures, which they refused, but when they were threatened with punishment and transportation, they consented to this...”. The *capitão-mor* also coerced many residents, particularly the *capitão-mor* appointed by the governor and all of his relatives.

Also opposing the viscount were the “people”, particularly the owners of liquor distilleries and molasses mills, since they owed taxes to the *donatário* in accordance with the determinations of the donation charter. They even threatened to dismantle their mills in order not to comply with this royal order. In addition, they denounced conflicts arising out of donations of the *sesmaria* charter. The *sesmeiros* were threatened by the non-demarcation of their lands and by the conflicts between the governor and the *donatário*. *Sesmarias* were conceded by

⁶⁷ AHU, Rio de Janeiro, avulsos, doc. 2313. After this warning, Vahia Monteiro wrote to the officials of São Salvador municipal council to recognize the *donatário*. AHU, Rio de Janeiro, CA, doc. 6933.

one party and then the other. The jurisdiction conflict intimidated the land owners in Campos de Goytacazes⁶⁸.

Municipal officials also revolted against the *donatário*, resorting to the 1674 donation charter, since the Asseca had not built churches, council chambers, a jail, or the 30 houses for residents, in accordance with the king's orders. The existing buildings in the *vila* were fruit of the efforts of residents when the captaincy was subordinated to the Crown: "all at the cost of the residents themselves under the protection of the Royal Crown, without being subjected to anyone else"⁶⁹. Finally, in a letter to the governor, *homens bons da câmara* (loyal citizens) threatened to desert the captaincy and establish themselves in a royal captaincy instead of submitting themselves to threats, punishments, and the exploitation of the *donatário*⁷⁰.

At the peak of the crisis between the governor and the House of Asseca, in the fateful year of 1730, Campos municipal council officials wrote to the king again in the name of the people to pay homage and remind him of the feats of war that went back to their ancestors. They petitioned for the saving of the conquest which had been subjected to tyranny and was about to be destroyed. The mills, the exemptions, and the liberties of the local nobility, who had received special treatment, were threatened, since they did not count on the privileges of the citizens of Porto. Oppressed by usurers, the residents went to the mines, where they would have better opportunities and plenty of provisions. They thus asked for the restoration of the captaincy and the exile of the oppressors. Only the protection of the sovereign was capable of allowing the improvement of the captaincy⁷¹.

Martim Correia de Sá reacted to the denunciations of council officials and threatened them with prison, if they did not acknowledge him as *capitão-mor* and son of the *donatário*. In this episode, once again,

⁶⁸ AHU, Rio de Janeiro, CA, doc. 6919.

⁶⁹ AHU, Rio de Janeiro, CA, doc. 6920-26.

⁷⁰ FEYDIT, Julio. Op. Cit., p. 99.

⁷¹ LAMEGO, Alberto. Op. Cit., vol. 2, p. 242-244.

the fragility of the municipal councilors were demonstrated. It was not rare for the municipal council of São Salvador to be removed and subjected to new elections to alter its composition. In this case, due to the council's support for the governor, the *donatário* plotted to send judges and councilors to prison⁷². He kept some officials under arrest and sent a few to Salvador. In a letter from May 1730, even more valuable information can be found in relation to the conflict with the governor. The *capitão-mor* addressed himself to the *homens bons da câmara*:

I have understood that having not obeyed me as they should, in accordance with the orders of Her Majesty, may God protect him, I have sent them as prisoners to the Viceroy of the state to whom this captaincy is submitted⁷³.

The conflict of jurisdiction between the governor and the *donatário* promoted disorders of all sorts, such as the arrest of the councilors, the explicit submission of the *capitão-mor* to the governor, the retention of the same captain in Rio de Janeiro, and the sending of troops by the governor to the *vila* of São Salvador to keep a watch on the local powers. The principal ally of Martim Correia de Sá also wrote to the Crown to elucidate the shady interests of the governor in inciting rivalry. *Capitão-mor* Manoel Ferreira de Sá, removed from the running of the captaincy by the governor, considered the administration of the captaincy between September 1727 and March 1729 to have been good, in other words during this period the son of the *donatário* did not disrespect the jurisdiction granted by the Crown. Nevertheless, the governor suspended the *donatário*'s agent from taking possession to remove him from the *vila* of São Salvador and to facilitate the leasing of unclaimed horses, cattle, and slaves.

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⁷² In relation to the conflicts between the landholders and the councils in eighteenth century Portugal, see: NETO, Margarida Sobral. *Senhorios e concelhos na época moderna: relações entre dois poderes concorrentes*. In: CUNHA, Mafalda S. da; FONSECA, Teresa (ed.). *Os municípios no Portugal moderno*. Lisboa: Colibri/Cidehus, 2005. p.149-165.

⁷³ Apud FEYDIT, Julio. Op. Cit., p. 101.

The obtaining of unclaimed cattle was perhaps the reason why the governor changed his mind and did not accept the viscount's power of attorney without royal authorization. *Sargento-mor* Ferreira de Sá's argument was strengthened when it was discovered that prior Chaves, who as mentioned above had attempted to purchase the captaincy, was the uncle of Luís Vahia Monteiro. The prior and the governor were from the same group as the rancher responsible for unclaimed cattle, Francisco Manhães Barreto⁷⁴. The contract had been obtained outside of Rio de Janeiro, although the contractor was from São Salvador. Also involved in the negotiation were the two sons of Benta Pereira, matriarch and symbol of resistance to the Asseca⁷⁵. Moreover, the Pereira and Barreto were the allies of the governor in the *vila*. Cattle ranchers in the captaincy were threatened with losing part of their assets because it was not possible to brand all animals, especially the youngest ones. Not even the clergy were spared from this threat, since Benedictines and Jesuits also denounced this illicit practice. To counter the confiscation of cattle, council officials decided to suspend the introduction and the use of unjust leasing based on the petition of the captaincy's cattle ranchers⁷⁶.

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After the tribute ceremony, Vahia Monteiro detained the *capitão-mor* Martim Correia de Sá and sent troops to the *vila* of São Salvador to confront the rebellion of the officials who refused to approve the contract for unclaimed cattle. With 30 soldiers, two sergeants, and an ensign headed to the captaincy, when they arrived they could not find either *sargento-mor* Manoel Ferreira de Sá or the council officials. The latter fled the *vila* to avoid their imminent arrest. With military reinforcements, the governor's force put in place *capitão-mor* João Alves Barreto, capable of enforcing the infamous contract. For this reason they altered the composition of the council, dominated by the Manhães Barreto family. The residents of the *vila* also suffered from having to

⁷⁴ LAMEGO, Alberto. Op. Cit., vol. 2, p. 341.

⁷⁵ PENNA, Patrícia L. Op. Cit.

⁷⁶ FEYDIT, Julio. Op. Cit., p. 107.

maintain the troops, an expenditure which was prolonged until February 1730⁷⁷. In summary, according to Ferreira de Sá, Vahia Monteiro's attacks had a specific purpose: the strengthening of the group opposed to the Asseca, the destruction of the captaincy to provoke the return of the viscount's sons to Portugal and the incorporation of Paraíba do Sul in a royal territory⁷⁸.

At the beginning of 1730, the royal decision responsible for restoring again the viscount's son arrived in Rio de Janeiro. The council officials and the *capitão-mor* João Alves Barreto resisted the king's order and did not accept the return of the *donatário's* agent. In a letter to the king, the judges and councilors opposed the viscount and the cattle rancher responsible for the unclaimed animals contract⁷⁹.

Later, supported by troops, Martim Correia de Sá established himself, removed and expelled the *capitão-mor* and arrested various officials. At the service of the *donatário*, the magistrate of the captaincy sent them to jail and then to *Tribunal da Relação* (Court of Appeal) in Bahia. Afterwards, the same representative of local justice carried out the election of new judges and councilors, a procedure denounced by the chief magistrate. In 1751, in issuing an opinion about the *imbroglio* in Campos dos Goytacazes, councilor Rafael Pires Pardiniho considered the interference of the viscount's magistrate in the council as an abuse of jurisdiction.

However, at the same time in Lousã, the *donatário* duke of Bragança did not limit himself to confirming the lists of councilors, since people who had not been listed and indicated by the *donatário* held positions in the municipality. Sometimes the interventions of seignorial power in municipal elections was considered abusive and caused protests in Portuguese communities. However, in the literature consulted, the removal of councils was not listed among the abuses committed by do-

⁷⁷ AHU, Rio de Janeiro, CA, doc. 6906.

⁷⁸ FEYDIT, Julio. Op. Cit., p. 111; LAMEGO, Alberto. Op. Cit., vol. 2, p. 330-333; PENNA, Patrícia L. Op. Cit., p. 123.

⁷⁹ AHU, Rio de Janeiro, CA, doc. 6918.

*natários*⁸⁰. In this sense, the dramatic episodes of the municipal council of São Salvador were really exceptional, according to councilor Pardiniho. The events and jurisdictional conflicts between the *Conselho Ultramarino*, the governor and the *donatário*, encouraged Martim Correia de Sá to collect documents and to write various proclamations not always published. This collection can be found in a manuscript in the Oliveira Lima Library in Washington and is useful for the analysis of political events in the 1730s and 1740s, the theme of the next investigation⁸¹.

Conclusion

Conflicts and abuses of jurisdiction lead us to the theme of sovereignty, the judicial and moral authority of the state to make and alter laws, as defended by G. Marshall⁸². Looking at European empires, Lauren Benton conceives sovereignty in a less homogenous form, above all when she deals with the different forms of judicial, economic, and military control in the colonial world. This control was, at times, restricted to enclaves and corridors, to instable frontiers. Such heterogeneous conquests and possessions were submitted to laws that were also unequal, administrated by royal officers, soldiers, native chiefs, clergy, and traders. Moreover, the fragmented dominion of the territory encouraged partial or shared sovereignties: “Colonial powers

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⁸⁰ AHU, Rio de Janeiro, CA, doc. 14981. In relation to seigniorial and municipal powers in Portugal, see: HESPANHA, A. M. *Às vésperas de Leviathan*. Lisboa: Almedina, 1994. p. 380-438; NETO, Margarida Sobral. Op. Cit., p. 152; FARRICA, Fátima. *Poder sobre as periferias*. Lisboa: Colibri/Cídehus, 2011. p. 17-27; MONTEIRO, Nuno G. M. *O crepúsculo dos grandes*. Op. Cit., p. 461-492; CUNHA, Mafalda Soares *et alii*. Corregedores, ouvidores-gerais e ouvidores na comunicação política. In: FRAGOSO, J.; MONTEIRO, N. G. (org.). *Um reino e suas repúblicas no Atlântico*. Rio de Janeiro: Civilização Brasileira, 2017. p. 335-370.

⁸¹ Oliveira Lima Library, códice 90. Livro dos Registros e Regimentos, Rio de Janeiro, 1730.

⁸² MARSHALL, G. Soberania. In: *Dicionário de Ciências Sociais*. Rio de Janeiro: FGV/MEC, 1986. p. 1133-1134. For the classic definition of sovereignty, see: BODIN, Jean. *Les six livres de la République*. Paris: Chez Jacques du Puys, 1576. p. 124-154

found reasons to create semiautonomous spaces that were legally and politically differentiated from closely controlled territories”⁸³.

The administration of the Empire was based on delegated authority, sometimes appointed by the Crown, as in the case of the *donatários*. In Paraíba do Sul, not only were the interests of the Crown involved, but also those of various social segments, such as indigenous people, *sesmeiros*, captains, and royal officers. Royal sovereignty was the result of negotiation with many distinct groups. From this the ambiguity of the Crown indicated in this analysis can be better understood.

The records about the disputes in Paraíba do Sul lead us to a theme of greater amplitude, “quasi-sovereignty”⁸⁴, related to the limits of royal sovereignty in remote territories. In the *sertões*, social hierarchies were unstable and the *fidalgos* of the kingdom did not present themselves with the same honor and power as elsewhere. There obstacles to the control of subjects multiplied, to making them agree with and obey the authorities appointed by the monarchy. What was more evident were the failures of the homogenous administration and the need to resort to multiple and not always coherent policies on the part of the Crown. Weakness of sovereignty resulted in conflicts between different types of subjects, in abuses, and in conflicts of jurisdiction.

The distance between Lisbon and Campos dos Goytacazes, or between the *vila* of São Salvador and Rio de Janeiro, encouraged at times the suspension of laws, facilitated the use of military force, and imprisonments not always based on the law. Unequal control over this peripheral territory demonstrated the limits of imperial authority. The *Conselho Ultramarino* at times resorted to jurisdiction conflicts as a political strategy to encourage “interdependence”⁸⁵ between officials,

⁸³ BENTON, Lauren. *A search for sovereignty*; law and geography in European empires. Cambridge University Press, 2011. p. 2-3.

⁸⁴ In relation to “quasi-sovereignty”, see: “Quasi-sovereignty states came to be imagined everywhere as anomalous legal spaces, where the application of imperial law defied easy categorization and seemed even to require the occasional suspension of law”. BENTON, Lauren. Op. Cit., p. 227.

⁸⁵ ELIAS, Norbert. *Introdução à Sociologia*, trad. Lisboa: Edições 70, 1999. p. 147-172.

governors, *donatários* and magistrates⁸⁶. The members of the *Conselho Ultramarino* believed that the superimposition of tasks and powers was a potent arm against autonomy. Sometimes they supported the *donatário*, sometimes the governor, their ambiguity was evidence of the weakness of their sovereign. News about conflicts reached Lisbon rapidly, where litigation was extinct or domesticated. “Government at a distance” stimulated confrontation between local authorities and reduced the potential for abuses. However, this strategy did not always allow the strengthening of royal sovereignty, as shown by the events in Paraíba do Sul.

The dramatic episodes of the donatory captaincy gain another intelligibility when its strategic position between Rio de Janeiro and Minas is highlighted. Its location was not only important due to its potential for raising cattle and producing foodstuffs for the mining areas, but above all as a contraband route between Minas and the coast. *Sesmeiros* and other residents of the captaincy could take advantage of its privileged geography and accumulate illegally or legally the profits coming from mining. This hypothesis is not proven by the contemporary documentation, but the possibilities of contravention appear in the consultation of the king described by councilor Antônio Rodrigues da Costa in 1732. Furthermore, the proximity to the mining region may have triggered conflicts and abuses of jurisdiction.

The *Conselho Ultramarino* was aware of the internal and external dangers which surrounded the Portuguese conquests in the Americas. As a mining and commercial area, the south-central region of Brazil was the most fragile part of the Portuguese Empire, recently threatened by French invasion and political instabilities in the captaincy of Paraíba do Sul. Certainly, the limits of royal sovereignty were explicit in the disputes between the groups supported by the governor and the *donatário*. Fragile Portuguese sovereignty depended, according to the councilor, on the “...first and principal maxim of the lords of Portugal,

⁸⁶ It is worth mentioning here the concept of the “system of checks and balances”, see: PIKE, Frederick. The municipality and the system of checks and balances in Spanish American colonial administration. *The Americas*, vol. 15, n. 2, p. 139-158, 1958.



which was always to deal with vassals like parents and not lords; from which the fidelity with which they served them was born, breaking through unbearable danger and efforts to extend the empire...⁸⁷ In negotiations, the monarchy had to satisfy both the *donatários*, as they served the sovereign in a crucial moment, and the residents and captains based in Campos dos Goytacazes. In fact, the Crown needed to pacify the captaincy, otherwise the greatest threat to Portuguese America, the union between internal and external dangers, according to the consultation of Rodrigues da Costa, could result in the loss of territory. Rebel colonists could ally with the French and facilitate enemy control of territory close to Minas.

Since the beginning of colonization the granting of hereditary captaincies was a Crown strategy to make the conquest and colonization of remote and unexplored areas more dynamic. *Donatários* were also responsible for spreading the faith, the construction of churches, and the holding of masses. In the widespread documentation referring to Paraíba do Sul the royal interest in increasing tithes and attempts to control the steps of *donatários*, local agents, and magistrates is evident. The gift of the donation was payment for military services provided to the sovereign and assumed a reduction of royal sovereignty over the territory. Granting jurisdiction to the *donatário* signified the partial renunciation of administrative control, above all in the areas of justice and finance.

The potential of the captaincy is mentioned in the documentation every so often. According to captain Leal, there were so many cattle running loose that the contractor for unclaimed cattle would take three years to round them up. With this source of water, Martim Correia de Sá introduced a new tax to be paid by cattle ranchers. When they left the captaincy the cattle drives were taxed and the incomes of the House of Asseca got fatter. No one crossed the banks of the Macaé river without a passport signed by the viscount's son. As the years advanced

⁸⁷ COSTA, Antônio Rodrigues da. Consulta do Conselho Ultramarino a s. m. no ano de 1732, feita pelo conselheiro Costa. *Revista do Instituto Histórico e Geográfico Brasileiro*, tomo 7, p. 475-482, 1845, p. 481.

the production of sugar slowly increased and began to dispute with cattle, the greatest wealth of the Campos region. In 1737, 34 sugar mills paid taxes, while in 1750, at the end of Asseca rule, there were 50⁸⁸. The efforts of the House of Asseca to maintain the captaincy were profoundly linked to the weaknesses of their finances and the consequent economic dependence on this tax income. In 1771, long after the loss of the royal *mercê*, one third of Asseca earnings came from Brazil. Economic reasons also explain the desperate attempt to sell the captaincies and the estates. Dependency on overseas possessions particularly elucidates the reasons for sending the eldest son, Martim Correia de Sá, and his brother to a violent region very far from Lisbon. The viscount placed the succession to the title at risk when he exposed his heirs to imminent risks. Actually the Asseca were not the only ones to dispute the maintenance of donatory captaincies, the House of Cascais made great efforts for decades to take advantage of the profits from the Itamaracá sugarcane fields, even though the violence and the abuses of jurisdiction were more tenuous⁸⁹.

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In frontier areas, with few royal officials, abuses and conflicts of jurisdiction occurred with greater intensity. With rich land and full of possibilities, the captaincy of Paraíba do Sul was disputed by cattle ranchers, owners of mills, religious orders, royal officials, *donatários*, and their agents. The premature death of the first and second viscounts hindered more effective interventions and left Paraíba do Sul abandoned. The instability provoked by the sale of the captaincy to prior Chaves created an even greater political vacuum and expanded the possibilities for the intervention of the governor of Rio de Janeiro. The eldest son Martim Correia de Sá became the first representative of the House of Asseca to establish himself in the captaincy and to closely confront his adversaries.

Vahia Monteiro tried to annex the hereditary captaincy to his jurisdiction and subjected the viscount's son to the humiliation of kneeling

⁸⁸ LAMEGO, Alberto Ribeiro. *O homem e o brejo*. Rio de Janeiro: IBGE, 2007. p. 66-76.

⁸⁹ BARBALHO VELEZ, Luciana C. Op. Cit.

before him and swearing loyalty, as if he were a mere commoner and *capitão-mor* of an annexed territory. The future viscount Asseca remained detained in Rio de Janeiro, without permission to take control of the properties belonging to his house. Monteiro's strategy reinforced the power of his allies in the countryside, above all the cattle wrangler and the Pereira and Barreto families. With the support of the governor and his uncle, prior Chaves, these families strongly resisted the establishment of the *donatários* in the region. With the Asseca, justice was carried out by the judges of the council and chief magistrate based in Rio de Janeiro who occasionally amended sentences. Officials were recruited among the local nobility and came to control legal judgments and local trade. By expelling the viscount's sons they were controlling the losses due to taxes paid by mills and machinery. In addition, the distribution of *sesmarias* among their clients was ensured.

To govern at a distance, the Crown used strategies that were not always supported by official documents. Governor Vahia Monteiro's intervention was used to assess the limits of his jurisdiction over the neighboring hereditary captaincy historically tied to Rio de Janeiro. The members of the *Conselho Ultramarino* praised the collection of "donations" and the annulling of the viscount's power of attorney. Nevertheless, after the disturbances in the *vila* of São Salvador and the viscount's appeal, the monarch and the *Conselho Ultramarino* recognized the autonomy of Paraíba do Sul in relation to Rio de Janeiro.

The advances and retreats of royal sovereignty are evident in the correspondence and in the laws referring to the donatory captaincy. At the same time the Crown had to assure rewards to its allies and advance the process of administrative centralization. Not always was control of territory harmonized with the *mercês*. These pairs of opposites caused jurisdiction conflicts and allowed the diffusion of excesses of all types. However, during the analysis the recurrence of abuses and practices breaching royal commands were perceived. The superimposition of power often encouraged autonomy, whether on the part of the governor or of the *donatário*. Therefore, to understand the incidents, I reiterate the importance of differentiating abuses from conflicts of jurisdiction. Classifying disputes between authorities as jurisdictional does

not allow the historian to distinguish between royal attempts to exert control from a distance and the private interests of the local authorities. The policy of the monarchy and the interests of royal officials have to be distinguished. In these episodes private interests were shown to be so robust that the tactics of the monarch to promote jurisdiction conflicts were incapable of domesticating the disputes. Finally, the distance from Lisbon and the various agents in conflict served to corrode royal sovereignty in Paraíba do Sul.

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