NORMS AND VALUES OF THE BRAZILIAN INTERIOR: A STUDY OF EIGHTEENTH-CENTURY TESTAMENTS FROM SERRO DO FRIO, MINAS GERAIS

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The documentation of the Municipal Council of Salvador (Bahia) had puzzled the Brazilian historian João Adolfo Hansen. The minutes of the Brazilian capital’s seventeenth and eighteenth-century meetings summarized seldom more than Awe met@, which Hansen interpreted as “uma sátira barocca” (a baroque satire) of the colonial regime. (HANSEN, 1989, p.2). However, when considering the notarial acts in the interior, a completely different image emerges. The last will and testaments of the inhabitants of Brazil’s Diamond District for instance give a final and detailed account of the deceased’s life, including the acts that were considered immoral or illegal according to the church and the official administration’s standards. In light of this, we should consider the Brazilian wills as an act of reassertion of the local population’s norms and values, that did not contest colonial or religious authorities, but asserted their own position of the newly forming society in and around Brazil’s Diamond District.

**Resumo:** os testamentos dos anos quarenta oitocentista em Serro, Minas Gerais demonstraram que os valores da igreja e da lei foram geralmente ignorados. Confessaram os testamenteiros sem problema os seus filhos nascidos sem serem casados, as atividades comerciais ilegais e os juros para empréstimos mais altos do que os permitido pela lei. No final, o que preocuparam os testamenteiros não foi a igreja, nem a lei, mas as normas e costumes das sociedades locais.

**Palavras-chave:** Minas Gerais colonial, testamentos, mentalidades

**Abstract:** the testaments of Serro in Minas Gerais of the eighteenth century show that the values of the Church and law were ignored as these Testaments confess the birth of children from unmarried couples, the illegal commercial activities and the interests charged way above those permitted by law. What these Testaments were interested in were the local customs and norms than the Church and the law.

**Key words:** colonial Minas Gerais, testaments, mentality

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The assumption that the Diamond District’s population was under strong governmental control has recently come under increased scrutiny. Although the late British historian Charles Boxer for one, has argued that “Harsh and oppressive laws could often be circumvented with relative ease and impunity in the back lands of Brazil, but not in the bleak and forbidden region of the aptly-named Serro do Frio,” recent historiography has demonstrated that there was far more flexibility arranged by local and regional authorities. (BOXER, 1962, p. 205; FURTADO, 1996). Indeed, the district and the nearby old gold mining town and capital of the country (comarca) Vila do Príncipe (Serro), was more influenced by its surrounding back lands (sertão) and its fluctuating population than Boxer wanted to acknowledge.

During the early 1740s the population of the county had hardly established itself. Diamonds had only officially been discovered one decade before, which had led to a diamonds rush and an influx of many fortune seekers. Most the regions inhabitants were recent arrivals. Even though the establishment Vila do Príncipe predated the diamond rush, the city had remained quite isolated and it was not as thriving as most gold mining towns in Minas Gerais. Territorial wise Serro do Frio was the largest county of the state. Still it had a slave population of about 8,000 during the 1740s, less than 10 % of the state’s total number of slaves (BERGARD, 1999, p.83-5).

By the 1740s, very few people were actually born in the country, indeed, very few were even born in Brazil. The largest segment of the population were first generation enslaved Africans, the other were recent emigrant settlers from the North of Portugal and the Atlantic islands. In this first decade of their settlement, these newcomers experimented in the creation of a new identity. They formed elites and social distinctions not based on secular and religious laws, but through distinguishing themselves within their local population. That local identity was far more important than metropolitan regulations became immediately evident from the testament of a former slave and diamond merchant Gonçalvo Monteiro Porto. Even though selling diamonds was a royal prerogative farmed out to a contractor, several locals did strike it rich through illegal activities. The former slave from the Arrayal de Tejuco (the main urban area in the Diamond District) had nothing to hide. Surprisingly he mentioned his illegal activities to the local notary-public, openly admitting that he had sold diamonds to a merchant in Lisbon for his former owner.2

His continuing commercial relationship with his former owner had led to affluent times. Not only did Gonçalvo possess twelve slaves, he also owned substantial sums of gold (about 150 grams, or more than 400 oitavas), and some diamond jewelry. Gonçalvo’s credit and debts were worth at least a viceroy’s year salary, which the former slave had gratefully used for his openly illegal commercial transactions between Tejuco, Salvador and Lisbon. As a sign of his attained status, Gonçalvo wanted to be buried in the habit of Saint Francis order, which only inhabitants of distinction were permitted to do.

The fact that Gonçalvo was engaged in illegal transactions should not have come as a surprise, as illegal diamond transactions have been documented by the historians of colonial Minas Gerais. (FURTADO, 1999, p.309-20; ROMEIRO, 1999, p. 321-27). However, the fact that this former slave was open about breaking the law, and dared to register this in his testament was more revealing. His last will signified that these illegal activities were part of local customs, and not contrary to local ethics, especially given the potential harsh punishments if caught in this contraband trade.

Gonçalvo was not the only former slave to attain a position of some social standing. One such rare person was Ignacia Alvez Maciel inhabitant of Vila do Principe, the capital of the county.3 Ignacia’s standing was not in her possessions, she owned nine slaves and a limited amount of money. Ignacia’s prestige was more clearly defined as a mater
families, as a mother of three sons and two married daughters. Marriage was not essential, as Ignacia declared proudly that she “was never married and while being single had several children”. Like Gonçalvo, her position on earth earned her a prestigious place in the hereafter by being buried in the main church of Vila do Príncipe in a Saint Francis habit.

Like Gonçalvo, Ignacia had not only broken the racial norms but also the legal ones. The church did its best to conform the population from both African and Portuguese decent to the sacrament of marriage. As Luciano Figueiredo (1997) has demonstrated, the church was not very successful in that respect. The church sent out various inquiries as to the behavior of the Mineira population. Even though many Mineiros were condemned for relationships outside the boundaries of formal marriage, the church was not able to overcome this habit. Indeed, the testaments of Serro do Frio’s population had many references to extra marital relationships that included children from interracial couples. The Azorian born António Rodrigues e Faria, for instance, declared that he was single, but had a son by his slave Theresa. António declared his only son and his own soul as his legitimate heirs. There was no reason for Ignacia to be ashamed, indeed, as in the case of Gonçalvo, her behavior was sanctioned by the local community.

Having an unclaimed child with a women (married or not married) was a major issue in colonial Serro do Frio. The case of the Portuguese born Domingos Teyxeira Payva is in this respect instructive, as he used his testament to set the record straight. In order to alleviate his conscience, Domingos had to mention a case of a presumed child. His brother, Faustinho, claimed that he had procreated offspring in Portugal with a Joanna Teyxeira. Domingos was affected by this, as he mentioned that his brother claimed this in order to exhort money. Moreover, Domingos declared that the said Joanna Teyxeira was *Acorrupto e mertris* (corrupt and a liar). Neither his brother nor the Portuguese woman were heirs of Domingos.

Notwithstanding the above mentioned cases of contraband trade and illegitimate relationships, the law did catch up in the case of revolts. In 1746, Dona Francisca Leste da Sylva, a Brazilian born white woman, had to testify that she was not in contact with her husband, Pedro Cardozo do Prado, since he was exiled to India for his leadership in a seditious movement in the Arrayal of São Romão on the São Francisco river. Life had been treating her harshly ever since the failed rebellion. Following her husband’s exile, Dona Francisca had been attacked for unpaid loans and other financial extortions. Obviously, rebellion against local authorities and the crown was a non-negotiable crime, and punishment was harsh. Neither her exiled husband, nor her other family had any mercy for this ill-fated wife. All her husband’s goods were confiscated, but fortunately, Dona Francisca was able to maintain the parts that came from her side of the family. Even though Dona Francisca claimed innocence for any involvement in the rebellion, she was punished by her exiled husband and other family members who continued to contest her legitimate share of their property. According to the testament, the inheritance was still contested four decades after her death.

Dona Francisca was punished for the revolting acts of her husband. Rebellions did occur frequently in Minas Gerais, and the financial and personal consequences of their more affluent leaders were disastrous. Whereas illegal trade and extra marriage affairs were undesirable but common acts, rebellion against the crown had more lasting consequences.

Not all financial arrangements were equally contested. In general, the population of Minas Gerais lived on credit. Personal loans, small and large in gold, are common in all testaments. Some had only small and short term debts, others made a profession from lending money. In general, the population of Serro do Frio seemed very trusting. Often a
phrase as “whoever shows up with a good claim should have their money returned.”

This trust was general and essential since hardly any economic activity could take place without credit. Personal connections were forged through loans, and the list of debtors and creditors became longer as the person was more important in local society.

Lending was one of the few possibilities to make money. Given the absence of banks, money lending by private individuals was one of the few ways to obtain capital investment. However, even this economic activity was bound by restrictions. Lending money at a higher percentage than 5% was considered usury, and therefore illegal. Given the high risk of economic activities, especially for those living in other parts of Brazil, 5% “juros da lei” (interest of the law) was not enough. In such cases, it was customary to lend money at higher percentages. Even though higher percentages were illegal, they were openly mentioned in testaments. The earlier mentioned Azorian, António Rodrigues de Faria, for instance, declared that he had a very considerable loan of about 1,300 oitavas gold (about 1 1/8 kilo) at an interest rate of 6 1/4 percent. Neither António nor the notary public were convinced that this testament could bring his heirs into trouble, since such interest rates were not uncommon.

Long distance traders’ testaments testify why such high interest rates were essential.

The Portuguese born itinerant trader, Joseph Francisco Alvares, from Salvador (Bahia) had many contacts all over Brazil. Indeed he assigned executors of his testament in far off places such as Rio Grande, Rio de Janeiro, and the Gold Mines of Tocantins. He lived on credit in most of these places, even for small daily costs such as overnight stays. Joseph openly used his testament to confess the sins of his commercial activities. “I leave 400 thousand reis for the Bull of the Holy Cross, which I apply to the scruples I may have for the transactions I made, for which I left persons prejudiced”. This was very well possible, since Joseph did not even keep good records of his loans. Indeed, he admitted that anyone of “clear conscience” who claimed to have lent him money should swear on the Four Gospels, and that should be good enough, at least, if any money was left from his assets.

The last will and testaments are personal documents, that did not engage in such trifling questions such as if one’s life’s actions were against the law. Indeed, they demonstrate that local values were far more important to one’s after life than the legality or illegality. Testaments were meant to set the record straight in the eyes of the hereafter. Interesting enough, the hereafter seemingly, did not reflect the norms and values of the church, nor of the state. With the exception of lese majesté, breaking the norms and values of the state and the church was not a major issue. Rather, it were the norms and values of the newly created local community in the back lands of Minas Gerais that mattered.

Notas

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2 “(...) 'De resto de huns diamantes que vendee ao Salvador de Seixas em Lisboa,' (...) ['and some diamonds I sold to Salvador de Seixas in Lisbon'] Testament of Gonçalvo Monteiro Porto, written on January 15, 1739, and opened on April 15, 1748, Serro, Forum Ministro Eduardo Lins [Forum], Livro 7 dos Testamentos, document 10.

3 Testament of Ignacia Alves Maciel, written on July 21, 1745, opened on October 6, 1745, Forum, Livro 6 dos Testamentos, document 15, fl. 78r – 81v.

4 “Declaro que nunca foy cazado e no estado de solteyra tive varios filhos.” Testament of Ignacia Alves Maciel, fl. 79r.

5 Testament of António Rodrigues e Faria, fl. 88r.


Testament of Domingos Teyxeira Payva.


Testament of António Rodrigues e Faria, fl.88r.

A recent book on this issue, based on the road toll records of Minas Gerais is: Cláudia Maria das Graças Chaves, (1999).


"Deixo quatro mil reis de esmolla para a Bulla da Santacruzada os quaes aplico para escrupulos que possa ter de negocios que fizesse com pessoas em que ficassem em algua couza prejudicados," Testament of Joseph Francisco Alves, fl. 69v.

Testament of Joseph Francisco Alves, fl. 70r.

Referências


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