




The islands of the São Francisco river: jurisdiction conflicts in the establishment of an internal border in Portuguese America (1732-1758)

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In the space of the town [of Penedo do Rio S. Francisco] itself there are more than 30 islands, most of which are inhabited by many residents, as their fertile soil can bear all kinds of fruits...
(Idea of the population of Pernambuco and its annexes, 1777)¹.

Since the beginning of the process of compartmentalization of Portuguese America into jurisdictional areas in the 1530s, rivers were chosen to establish boundaries, markers, between the captaincies (the capitánias, administrative divisions and hereditary fiefs of Portugal in the colony) to be created. Thus, the captaincy of Duarte Coelho was delimited within the 60 leagues of coast between the Santa Cruz and the São Francisco Rivers in 1534². The captaincy of Francisco Pereira Coutinho was delimited, in the same year, within the 50 leagues between the São Francisco River and the Bay of All Saints³, and the captaincy of António Cardoso de Barros was delimited within the 40 leagues between Angra dos Negros and the Rio da Cruz in 1535⁴. At the local level, we could mention, among a galaxy of possible examples, one of the first reports presented to the Dutch West India Company which described the extent of each of the six municipalities of the conquered captaincy, using rivers as boundaries. The Jaguaribe, Sirinhaém, Persinunga, Paripueira, São Miguel, and São Francisco Rivers were used to map, from north to south, the boundaries between Igarassu, Olinda, Sirinhaém, Porto Calvo, Alagoas, and Penedo, respectively⁵. It is very likely that these delimitations had been established prior to the Dutch occupation by the donatory captains of Pernambuco,

¹ “Idea of the Population of Pernambuco and its annexes, extension of its coasts, rivers, and notable settlements, agriculture, number of mills, contracts, actual revenues, increase it has had etc. etc. since the year 1774 when Governor and Captain-General José César de Meneses took office. In: *Anais da Biblioteca Nacional*. Rio de Janeiro: Biblioteca Nacional, v. 40, 1918, p. 59. I take the opportunity of this first footnote to express my sincere appreciation to Yamê Paiva for reading and commenting on the text, as well as Nathália Ourives, who, in Lisbon, assisted me by providing me with photographs of some of the documents used in this paper.

² Deed of Donation of the Captaincy of Pernambuco to Duarte Coelho (10 mar. 1534). Paleographic transcription published in: CHORÃO, Maria José Mexia, (transcription e organization), *Capitánias do Brasil. Doações e Forais 1534-1536*, Lisboa, CLEPUL, 2021, p. 22.

³ Deed of Donation of the Captaincy of All Saints Bay to Francisco Pereira Coutinho (4 Apr. 1534). Paleographic transcription published in: CHORÃO, Maria José Mexia, (transcription e organization), *Capitánias do Brasil. Doações e Forais 1534-1536*, Lisboa, CLEPUL, 2021.

⁴ Deed of Donation of the Captaincy of Ceará to António Cardoso de Barros (19 nov. 1535). Paleographic transcription published in: CHORÃO, Maria José Mexia, (transcription e organization), *Capitánias do Brasil. Doações e Forais 1534-1536*, Lisboa, CLEPUL, 2021.

⁵ “Breve discurso sobre o estado das quatro capitánias conquistadas, de Pernambuco, Itamaracá, Paraíba e Rio Grande, situadas na parte setentrional do Brasil” (14 Jan 1638), In: MELLO, José Antônio Gonsalves de. *Fontes para a história do Brasil holandês: a economia açucareira*. Recife: CEPE, 2004.p. 79-80. (v. 1).

although the loss of the charters of each town does not allow us to confirm it. However, subsequent disputes over these boundaries are known, largely resulting from the loss of the charters, as in 1677, when the officials of the city council of Alagoas complained, upon inspection, to the ombudsperson of Pernambuco that those of Porto Calvo exceeded their jurisdiction, reaching the Paripueira River. The officials of Alagoas believed, however, that the boundaries of the town were originally further north, to the Sapucaí River, information that was provisionally accepted by the ombudsperson⁶.

Naturally, not all the captaincies, nor all the towns had their original boundaries established using river basins; other references were used such as stone landmarks, for example. However, the absence of naturally established boundaries often sparked jurisdictional disputes over territories. Disputes that took place in the hinterlands of several captaincies of Portuguese America are proof of this, such as the one between the ombudspersons of Alagoas and those of Pernambuco around the settlements of Orobó and Garanhuns (Caetano, 2017, p. 290), or the one between captain-majors and the ombudspersons of the donatory of Itamaracá, on one side, and the ombudspersons of Paraíba, on the other (Paiva, 2020, p. 289-293, 340). And there were others still, such as those arising with the granting of sesmarias (a specific sort of land grant) on the border between Ceará and Rio Grande (Dias, 2015, p. 80) and which continued beyond the colonial period, (Chaves Júnior, 2017, p. 8-9). The absence of clearly established boundary markers that were obvious to the naked eye leads authors such as José Inaldo Chaves Júnior to suggest a greater predisposition to ‘fluid borders’ in these spaces, something that marks their arrangement and identity with complex characteristics (Chaves Júnior, 2017, p. 10).

It is not difficult to recognize that rivers, as natural boundaries, favored a more immediate recognition of the limits between different captaincies, or municipalities, than, for example, meridians or stone landmarks placed on the coastal strip, invisible and costly to assess from leagues away. In the depths of America, without navigational instruments, it is difficult to know latitudes, and, consequently, to identify the boundaries between one captaincy and another.

Despite representing a prominent element in the landscape, the presence of a river as a dividing marker between jurisdictions does not always exempt it from being a disputed space. What this paper aims to demonstrate is precisely the opposite. What

⁶ Arquivo do Instituto Histórico e Geográfico de Alagoas (doravante IHGAL), 2º Livro de Vereações de Santa Maria Madalena da Lagoa do Sul (1666-1681), caixa 01, maço 02, doc. 02, fls. 48v.

happens, for example, when there are islands in the middle of a river that delimits the end of a captaincy and the beginning of another? To whom do they belong? What regulations or legal or institutional provisions legitimize their effective possession by the powers on one or the other bank? In a case like that of the São Francisco River, this is no small problem, as throughout its length there would be more than 30 islands, as established in the words of a report from 1777 presented by Governor José César de Meneses in the opening lines of this paper. The objective of this paper is to answer these questions. Assuming that the normative texts that established the boundaries between the captaincies mention the rivers but make no reference whatsoever to the islands, we aim to analyze the claims and arguments that justify their legitimate possession by the inhabitants of one bank and the other, analyzing how they actively participated in the process of delimitation and inclusion of the islands in the jurisdiction of one bank and the other. To this end, considering the São Francisco River as a socially complex landscape, the first part of the text presents a brief discussion on the establishment of internal borders in Portuguese America and the reasons that lead us to consider this river as a border area. In the second part, we focus on two particularly interesting disputes, which pitted the town of Penedo, District of Alagoas, against the town of Nova de El Rei, District of Sergipe, for the possession of some islands closer to the mouth of the São Francisco River, especially that of Paraúna do Brejo Grande. This conflict erupted in the 18th century and dragged on intermittently until the late 19th century. Starting and reaching its peak in the years 1732 to 1733 and 1755 to 1758, the dispute was almost resolved in 1812 and only ended in 1873, when the boundaries between the provinces of Alagoas and Sergipe were negotiated in the Senate and established by imperial decree.

Unfortunately, the repertoire of sources to which we had access in writing the paper only allowed us to follow the course of events during the 18th century, a period on which we will focus more deeply. The main documents in which we base our analysis are the petitions written by the litigants and the correspondence exchanged between the governors and the Conselho Ultramarino (Overseas Council), currently preserved in the Arquivo Histórico Ultramarino (Overseas Historical Archives, which preserves documents related to the Portuguese Empire).

A preliminary note should alert the reader to the fact that this is not the first work in which I analyzed jurisdictional conflicts over the islands. However, I took the initiative not to use any part whatsoever from previous communications or texts (Curvelo, 2011, p. 71-85). Indeed, the conflict between Penedo and Vila Nova had already been mentioned

in classic works of the historiography of Alagoas, such as the historical syntheses of Penedo by Aminadab Valente and Ernani Mero (Valente, 1957, p. 21-22; Mero, 1974). It also reappeared very briefly, but not very analytically, in the master's dissertation defended by Fabianne Nayra Santos Alves, in a contextualization chapter that, by the way, does not include references or ignores the previously mentioned works, both those by the author and those of classical historiography (Alves, 2018, p. 57-58). Indeed, it is important to make it clear that, in the present text, I chose to rewrite the entire analysis from scratch, seeking to correct my own errors of interpretation and pose other questions to the sources already known, cross-referencing them with several others that, however, I discovered over almost 11 years of research in archives from Portugal and Alagoas, and digital repositories that have become more accessible since the first time I dealt with the case. The narrative is enriched by a set of correspondence sent by the governors of Pernambuco to various authorities in the captaincy, in Sergipe, and in Bahia, copies of which have fortunately survived in the Conde dos Arcos Collection⁷. However, the most significant advance in relation to previous works is that if until now we knew about the dispute from the arguments mobilized by the city council officials of Penedo, a petition from the Vila Nova City Council preserved in the archives of the Historical and Geographical Institute of Alagoas and other documents from the collection of Loose Manuscripts of the Captaincy of Sergipe of the Overseas Historical Archives now reveal the positions, interests, and claims of those on the opposing bank.

The São Francisco River: an internal border in Portuguese America

In a particularly suggestive text, the result of a conference held in 1990, the historian Anthony Russell-Wood, a specialist when it comes to Brazil, alluded to the dangers of the uncritical and decontextualized importation of concepts from the Anglo-Saxon world for the understanding of Latin American societies, especially Brazil, problematizing more closely the notion of a border. His main argument is that there was never in Portuguese America a 'border' as a unilaterally oriented geographic reference, such as the North American *West* or the Australian *Outback*, instead, it was configured in

⁷ Arquivo da Universidade de Coimbra, Coleção Conde dos Arcos, Códice 31 *Disposições dos Governadores de Pernambuco (1648-1699), tomo I*, e Códice 32, *Disposições dos Governadores de Pernambuco (1700-1746), tomo II*, hereinafter abbreviated to AUC, CCA, Códice 31 and Códice 32, respectively.

a more complex way. As an alternative to the notion of a ‘border’, he suggests that the notion of ‘sertão’ (the hinterland) would be closer to the spatial organization of Portuguese America, and more consistent with the perception and social vocabulary of the colonization centuries (Russell-Wood, 2014, p. 279). The space of the sertão would be precisely characterized by the “absence of limits”, as “it was neither continuous nor could be tamed, nor did it have an exact beginning or end”, structuring itself beyond the formally defined jurisdictional limits from the colonization nuclei (Russell-Wood, 2014, p. 279-280). The sertão was associated with a series of social references, such as widespread violence and a lack of fiscal control, as well as others markedly ethnocentric, such as the unorthodoxy and ‘savagery’ or ‘barbarism’ of its inhabitants, especially the indigenous peoples who resisted conquest for centuries (Russell-Wood, 280-281).⁸

All these impressions can be easily found in historical sources that refer to the ‘sertões of the São Francisco River’. There are many references that position, for example, the town of Penedo in a ‘hinterland’ area. The royal order of 8 August 1710, which established the creation of the District of Alagoas, justifies the ombudsperson-general residing in the town of the São Francisco River, “where the administration of justice is more necessary because it is the common residence of offenders, seeing as it is *very much inserted into the hinterlands*”⁹. The text of the order may seem exaggerated when considering that the central core of the town was only five or six miles west of the mouth, however, it seems valid if you account for the extent of the town's district. The territory claimed by Penedo was vast and vaguely delimited in its amplitude, as shown by an entry by the city council in 1714, in which the officials themselves considered that they had jurisdiction over the coast of the entire territory between the Jequiá and São Francisco Rivers, “and from the said São Francisco River upwards to the ends, and inwards from the Panema [River] upwards from the fields of Garanhuns and Buíque, Pahiú (sic)”¹⁰. It should be noted that there is no exact metric or cartographic reference in the entry defining the territory. It presents only an estimated notion of its extent, and, according to them, it is justified simply by the ‘immemorial’ custom of having militia officials and the ordinances of all these places subordinate to the captain-majors of the town and having the inhabitants subject to inquests by ordinary judges. On the other hand,

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⁹ Arquivo Histórico Ultramarino, Códice 257, fl.288. Emphasis added by the author. However, such a decision would be reviewed for a series of reasons, and Alagoas do Sul would end up as the head of the district from 1712, (hereinafter AHU).

¹⁰ AHU, Manuscritos Avulsos da Capitania de Alagoas, cx.2, d.129

it might be more accurate to assert that the core of the town of Penedo, the seat of municipal power, was a gateway to the hinterlands of the São Francisco River rather than a hinterland area per se.

Although Russell-Wood's provocation seems quite correct to us, in the sense that there was no “border” in Portuguese America directly associated with a cardinal point or a defined geographical area, in the present text, the notion of a border is used in a different sense, converging with the interpretative renewals in the historiography that has been dealing with the subject since the late 1980s. Briefly, from this period, according to Fabrício Prado, the most influential works of historiography began to question interpretative biases that saw borders as mere dividing lines between different communities, whether in formal limits, defined by diplomacy, or in cultural limits established based on ethnocentric criteria such as “civilization” and “barbarism”. In contrast, the works produced since then have emphasized the notion of a border as a socially produced, inhabited, filled out, complex space, permeable to social interactions and, for that very reason, marked by the constant interpenetration of cultures (Prado, 2012, p. 320). This perspective restates the participation of multiple social agents in border areas, and how the points of view, experience, and interaction with the local landscape are capable of influencing the perception of those who are at the top of diplomatic and/or political-administrative structures, as shown, for example, in the recent works of Tamar Herzog (Herzog, 2015, p. 1). Social interaction causes the same dividing lines that separate different communities, fostering conflicts, disputes, and the defense of local interests, to also provide environments of integration, exchange, and reciprocity that, in the end, eventually ended up giving hybrid characteristics to these societies.

If it is true that most of the historiographical advances mentioned so far take into account the outer margins, or the political boundaries between empires belonging to different monarchies, or even cultural boundaries between these and the indigenous worlds that managed to resist conquest, it does not seem excessive or out of context to apply them to the analysis of an internal border, as is the case of the São Francisco River. Indeed, we are approaching the perspective proposed by Tomás Mantecón Movellán and Susana Truchuello García when they deepen spatial perception and suggest that not only on the margins of imperial domains, but in all areas, “en todos los ámbitos se componían espacios y poliédricas sociedades de frontera”. In these, “establecían sus límites, sus espacios dominados y diferenciados, pero también eran entornos de interacción y fricción” (Mantecón Movellán; Truchuello García, 2016, p. 33). Indeed, “ríos, mares,

montañas y valles, más que barreras, eran entendidos como cauces de interacción, con lo que contribuían así a dar porosidad a la frontera, más que impermeabilidad” (*Ibid*, p. 24).

All these characteristics seem relevant to consider the configuration of the São Francisco River as a border territory, constantly marked by friction and interaction, even though normative provisions attempted to establish it as a jurisdictional limit between the captaincies of Sergipe, Pernambuco, Bahia, and in the beginning of the 18th century, between the latter two and that of Minas Gerais. From the outset, the riverbanks are the stage for a long process of conquest and colonization that extends from the 16th century to the beginning of the 19th century, carried out intermittently from several initiatives—private and supported by royal power—that depart from Pernambuco and Bahia, not without active and constant resistance from indigenous peoples (Puntoni, 2002, p. 116-122; Barbosa, 2014, p. 188-189; Silva, 2021). In the conquered spaces, different models of territorial occupation developed, marked by the foundation of very few towns, specifically eight, between 1636 and 1822, and in which cattle ranches, the main economic activity occupying the lands granted via the sesmarias throughout the entire São Francisco basin, coexist and conflict with missionary settlements, some of them established on islands (Arraes, 2013, p. 68).

Given the relatively scarce population concentration centers, and therefore, the limited areas subject to daily political-administrative control, the São Francisco River presents itself as an inviting refuge to those seeking to escape justice, crossing it with the deliberate purpose of entering a new jurisdiction, as mentioned above in the case of Penedo. To address this issue, the Crown sought to respond with different solutions. One approach used initially involved multiplying the spaces of institutionalization on the riverbanks, materialized since the end of the 17th century with the creation of courts or ‘ordinary judges’ of the hinterlands. These were officials without any formal education, chosen by the city councils of the nearest towns or by the governors, among the most powerful men endowed with more social authority in each locality (Paiva, 2020, p. 60-63). The creation of these judges represent an attempt by the Crown to co-opt individuals whose excessive power, facilitated by distance and the establishment of armed gangs, could pose a threat to the maintenance of established social balances and to royal sovereignty itself. Another solution, formalized in a royal permit of 8 August 1749, allowed both the justices of Bahia and Pernambuco to collaborate and arrest offenders who fled from one jurisdiction to another. According to the text of the permit, cooperation should be guaranteed, with “the justices of both jurisdictions providing all the help and

favor for the arrests of said offenders”¹¹. The results of the creation and application of these regulations still need to be assessed in specific studies, and for now, it is up to us only to emphasize the existence of a shared space, of possible cooperation, between the justices on one side and the other of the São Francisco border.

Since the 17th century, the river has been a space of communication, and therefore, of passage and trade, between the captaincies of Pernambuco, Sergipe, Bahia, and later, Minas Gerais. However, due to the distance from the seats of government, and the territorially limited presence of political-administrative structures, it is also an area commonly associated with precarious taxation and therefore prone to illicit activities carried out in defiance of royal laws and of local or regional norms, such as the regulations and ordinances by city councils and governors, respectively (Bonifácio, 2012, p. 92; Sousa, 2018, p.75-130; Machado, 2020, 494-504). There are endless examples that could be mentioned, so we will limit ourselves to only two issues that are structurally relevant to the case we are addressing in the second part.

The first one refers to the control over the river crossing points, officially established in Penedo and later in other places, such as in Juazeiro. In Pernambuco, the crossing of rivers was supposed to be ensured, in principle, by operators who, since 1654, had been awarded the contract for crossings directly from the Royal Treasury, charging passengers a differentiated amount per head of cattle or horse, and per free or enslaved person. Exceptionally, Lourenço Brito de Figueiredo received the proceeds of from the crossing of the São Francisco River as a lifelong reward for services rendered in the war against the Dutch, and made a point of protecting his interests by requesting that the Ombudsperson of Pernambuco made provisions so that anyone who made the crossing respected the established conditions and prices. It was expressly prohibited that “cattle swam through the river, or horses, or passengers, because it was the style and custom” and it was ordered the “notification of all residents and persons who owned boats be notified not to do so, under penalty of 200 cruzados (the local currency at the time) and the burning of the boats that crossed or provided assistance to the crossing of cattle”. As for the boats, an exception stated, “residents could use the ones they had for either side of the river for the tasks related to their crops and business affairs”, taking with them only the horses necessary for their own transportation¹². From the mere need to request

¹¹ AHU, Códice 261, fl. 105v.

¹² Arquivo Histórico Ultramarino, Conselho Ultramarino, Manuscritos Avulsos da Capitania de Pernambuco, Cx. 8, D. 762.

protection, it can be deduced that the practice of circumventing the services of boat operators by the means indicated was recurrent. Another noteworthy nuance is the mention of the “tasks” related to the residents' crops, which suggests the existence of geographically distributed properties on both sides of the river, as well as commercial interactions.

The second point relates to the evasion of taxes on certain commercial goods between Pernambuco and Bahia. Tobacco, for example, assumed a crucial importance in Pernambuco during the second half of the 17th century, not only due to its incorporation in the exchanges of the Atlantic slave trade, but also because its trade contributed to support the paid troops of the captaincy, through a subsidy of half a pataca imposed by the city council of Olinda on each arroba of the product shipped from the port of Recife. To avoid paying this tax, the producers from Penedo and Alagoas do Sul maintained for decades the practice of channeling their production from Bahia, where they ended up getting a better price, thus ignoring the port of Recife (Machado, 2020, p. 502-503). An ordinance issued by the governor of Pernambuco in July 1671 to be published in the town of Penedo, prohibiting “tobacco from the São Francisco River of going to Bahia”, reveals that the river was the privileged location for this outlet¹³. The prohibition imposed in this ordinance ended up sparking a fierce legal dispute that extended until the end of the 17th century, and eventually resulted in its suspension¹⁴.

Sixty years after that ordinance, an order issued by Governor Duarte Sodré Tibão to Colonel João Dantas Aranha, administrator of the tax *Donativo para o Casamento dos Príncipes* (Donation for the Marriage of Princes) in Penedo, reveals other evasion practices on the border between Pernambuco and Bahia. The collection of the donation was based on the application of subsidies with incidence on various commercial goods (enslaved persons, tobacco, leathers, cattle, dried and wet meats, horses, and gold) that should, in principle, be declared at the ports of embarkation or at crossing points to the administrator of the donation, who had orders to receive, register and send them to the Royal Treasury. In this order, issued in May 1731, Duarte Sodré clarifies that the residents of the jurisdiction of Bahia, which includes those of Sergipe, a subordinate captaincy, who wanted to ship their goods in Penedo bound for Salvador, would be exempt from paying the donation, as they would pay it at the final destination to the administrator of that jurisdiction. However, he warns about the “collusion that some use, staying out of

¹³ AUC, CCA, Códice 31, fl.255v.

¹⁴ AHU, Códice 256, fl.180.

reach from the ordinance of Pernambuco by crossing the river that divides the jurisdiction and claiming that they do not owe said donation when they ship their goods because those come from the other side”. In other words, the residents of the southern bank of Pernambuco took advantage of the internal border area first to cross the goods to the Sergipe bank and then re-embark them, in Penedo, pretending to be from “Bahia” or “Sergipe”. To prevent such inconveniences, he orders that the “canoeists and raft men who transport these goods” clandestinely be severely punished, by being imprisoned in the jail of the town of Alagoas, and orders that the residents be made to state under oath to which bank they belong ¹⁵.

Four years later, in March 1735, the measures seemed fruitless, to the point that Duarte Sodré issued an ordinance in the town, upon having “news of the great evasion in the collection of the Royal Donation in the town of Penedo”. In this provision, he refers to the deviance practices even more clearly and states that he is aware that in Penedo, the residents were “embarking their goods which are taxed [by the Donation] on the boats of Vila Nova, which is adjacent to this town, on the other band of the São Francisco River”, created three years before. They do so by “colluding with the boat masters” who previously embarked in Penedo, but who “moved to the said town, where they receive the cargo that the owners snuck into canoes”, going so far as to have, “some of the owners of the boats, storehouses in the said village to receive the cargo in between trips”¹⁶. The measures launched to prevent the behavior resemble those ordered by the same governor to the administrator of the donation three years earlier: prohibiting similar shipments by canoe or at the “fords” of the same river, and establishing financial penalties and imprisonment sentences for the offenders who circumvent the ordinance. Adding only the establishment of rewards for whistleblowers who reported ‘secret’ shipments and, most importantly, the obligation of each boat master to present the administrator's clearance to be able to load the cargo, which should also be shipped before the administrator.

The strategies adopted to circumvent the rule, namely the clandestine crossing of goods and the actions coordinated by agents on both banks, interest us in both cases, more than the effectiveness of the measures used to prevent it, as they show how the residents knew how to take advantage of the geographical and political arrangements of this border area to advance their own interests, evading taxation. If possible collaborations between the inhabitants of both banks are so evident, the case we discuss below demonstrates that

¹⁵ AUC, CCA, Códice 32, fl.458v-459.

¹⁶ AUC, CCA, Códice 32, fl.509v-510.

the relations between Penedo and Vila Nova de Sergipe de El Rei were not always as harmonious. Indeed, these relations partly revive some of the tensions inherent to the space we seek to characterize in this first section: a border area between two communities inserted in the same political-administrative order, and sharing the same economic and social structure, as well as a socially complex but equivalent cultural matrix. Communities whose interests coexist between collaboration and friction.

The foundation of Vila Nova de El Rei and the possession of the islands (1729-1734)

The conflicts we will address unfold in a small part of the border of the São Francisco River, its mouth or delta, which also represents the oldest colonization zone along its entire length.

The beginning of the conquest of the left bank¹⁷ of the São Francisco River and the establishment of the first settlement were extensively debated in the classic works dedicated to the historiography of Pernambuco and Alagoas. José Próspero de Carotá suggests that the first attempt to establish a settlement happened as early as 1555 with Duarte Coelho (Carotá, 1872, p. 2), later reinforced by an expedition led by the second donatory, Duarte de Albuquerque Coelho, in 1560 (Barbosa, 2014, p. 188). While it is not clear whether these initiatives resulted in the successful establishment of a permanent settlement, it is known that the caeté people offered fierce resistance to the colonizers, so the conquest expeditions continue to be mentioned as late as 1578 (Barbosa, 2014, p.189). Judging by the sesmarias granted in the area, whose dates are mentioned by the historiography, the full establishment of a settlement would have occurred between the late 16th century and the first decade of the 17th century (Costa, 1983, p. 22-24). However, this settlement on the São Francisco River would only receive the status of a town in April 1636, from the hands of the fourth donatory of Pernambuco, in the midst of the resistance war against the Dutch invasion (Curvelo, 2019, p. 184).

The right bank of the São Francisco River, belonging to the captaincy of Sergipe, would be conquered and occupied a little later and the process would be marked by some instability. According to Wanderlei Menezes, the historiography of Sergipe

¹⁷ It is worth clarifying that we understand the reference for identification between the left and right banks as the direction of the river current, from its source to its mouth, with the left bank corresponding to the current states of Alagoas, Pernambuco, and western part of Bahia, and the right bank corresponding to Sergipe and Bahia.

acknowledges that the process of conquering the territory would have started from Bahia in the late 16th century, and it would be consolidated by an expedition led by Cristóvão de Barros, interim governor-general, who founded the hamlet that would become the future town of São Cristóvão, in 1590 (Menezes, 2015, p. 15). The conquest would have been motivated, on the one hand, by the objective of ensuring a connection with the captaincy of Pernambuco via land, and, on the other, by the interest in taking advantage of the pastures and fertile soil to create a supply zone for the captaincy of Bahia (Menezes, 2015, p. 18). Cattle would become the economic backbone of the captaincy, which would have justified its expansion towards the São Francisco until the Dutch invasion in 1637. From this period, the entire region was strategically evacuated and devastated so as not to benefit the invaders. It became a zone of passage for troops and a stage for skirmishes between the forces of the Portuguese-Brazilian resistance and the occupiers, who were eventually defeated in 1645. The second half of the 17th century marks a period of social and economic recovery for the captaincy of Sergipe, evidenced by the creation of the towns of Santo Amaro das Brotas in 1667 and Santo Antônio de Itabaiana in 1675, near the central part of the captaincy. The northernmost extremity, near the São Francisco River, despite being settled, did not have any towns until the first half of the 18th century.

In fact, the first request for the creation of a town on the right bank of the São Francisco River came from a Portuguese man, born in Braga, Antônio de Brito de Castro, a nobleman of the royal household, who resided in Bahia, and a veteran of the Dutch wars. In remuneration for 38 years of service to the king, he requested in 1672, the favor of establishing a village on lands he had gained on the São Francisco River, at his own expense, with the right to assume a hereditary title as its lord and donatory¹⁸. Upon consultation by the Conselho Ultramarino (Overseas Council), his request was granted and, in February 1674, a provision gave him the mastership of the said town and authorization to found it. However, the favor was granted on the condition that he first built a church, the city council, and a jail, and houses for 30 neighbors, and that he populated it with 100 people within a period of six years, and should he fail to fulfil all the established conditions, the favor would become void¹⁹. Upon Antônio's death without fulfilling the conditions established, his eldest son, Sebastião de Brito de Castro, petitioned and obtained the king's permission in 1678 to inherit his father's favors,

¹⁸ AHU, Conselho Ultramarino, Manuscritos Avulsos da Bahia, Coleção Luísa da Fonseca, cx.18, d.2120.

¹⁹ AHU, Conselho Ultramarino, Códice 92, fls. 83v-84.

including that of establishing the town²⁰.

In 1689, when he was admitted to the Order of Christ, one of Sebastião's brothers, his father's namesake, declared himself the son of Antônio Brito de Castro, who was “Master of Vila Nova de Santo Antônio”²¹. However, the treatment represented only an honor; sustained by the promise granted to Antônio, as neither Sebastião de Brito de Castro nor his heirs were able to fulfill all the conditions established for the creation of the town. This can be seen in a letter dated 1728, in which the ombudsperson of the District of Sergipe de El Rei, João Mendes de Aragão, presented to the king, D. John V, the conveniences of elevating the “parish of Santo Antônio da Vila Nova do Rio de São Francisco” to the status of a town. In it, the ombudsperson clarifies that, while passing through, he was approached by the inhabitants of that parish, who justified the elevation based on four arguments, reproduced by the ombudsperson himself. As is usually found in any request for the creation of a new town, the difficulties of access to the ordinary courts and resources, as the town of São Cristóvão was more than 30 leagues away, were the first to be invoked. Then, the ombudsperson mentions that the settlement had enough inhabitants, as “that place is suitable for the foundation of a good town, where there are already more than 50 religious and established residents” and 300 fires (residential units) throughout the parish. The third argument refers to accessibility and support, as the settlement was located “near the navigable river where boats and smacks enter”. The fourth and last is that “there are many criminals, who trust the distance, and have little respect for the only local uneducated judge”, something that could only be mitigated by the creation of a town and its courts²².

When questioned by the Overseas Council about who would be the master of the town and who its officials would serve, likely due to the fact that the place was already designated as a town, the same ombudsperson clarifies, in another letter dated October 1730, that “this is a parish and settlement thus called not because a town is founded there, but because of the expectation that those residents had of it becoming one” when Sebastião de Brito, “master of said land, more than 30 years ago had the intention to found it with the permission of Your Majesty to obtain the favor of being its master, which he did not manage to do”, having neither established a jail nor the city council²³. In this

²⁰ AHU, Conselho Ultramarino, Manuscritos Avulsos da Bahia, Coleção Luísa da Fonseca, cx.23, d. 2815.

²¹ Arquivo Nacional Torre do Tombo, Tribunal do Santo Ofício, Conselho Geral, Habilitações, Antônio, mç. 26, doc. 716.

²² AHU, Conselho Ultramarino, Manuscritos Avulsos da Capitania de Sergipe, cx. 2, d.195.

²³ AHU, Conselho Ultramarino, Manuscritos Avulsos da Capitania de Sergipe, cx. 2, d.195.

response, the ombudsperson reinforces the arguments of the previous letter, suggesting that the locality met all the conditions to receive the status of a town. He adds that if the parish of Santo António do Urubu were added to the district of the town, it would be even “more extensive and populous than other current ones in the said captaincy, and with the trade and commerce it will necessarily increase in residents aggregated who establish buildings for their habitation in the same town”, only buying a quarter of a league from the current master, António de Brito, nephew and heir of Sebastião²⁴.

Upon also consulting the viceroy, Vasco Fernandes César de Meneses, on the proposal, he followed the opinion of the ombudsperson and endorsed each of his arguments. Vasco Fernandes added only that it would be convenient to create the town “because it is convenient for His Majesty’s service and good administration of justice that in the hinterlands of this State there are towns within close proximity of each other so that criminals and wrongdoers do not have anywhere to find refuge”²⁵.

The king, through the Overseas Council, in response to the proposal of the inhabitants, supported by the ombudsperson of Sergipe and approved by the viceroy, ordered that the parish be elevated to the status of a town under the name of Vila Nova Real de El Rei do Rio de São Francisco, which was realized on 15 November 1732, in the presence of the ombudsperson and the first officials of its city hall, elected on the occasion²⁶. It seems legitimate to suggest that the new designation, emphatically a “royal town” of El Rei, sought to fend off the memory of having originally been granted as a mastership to a donatory. Corroborating this hypothesis, it is added that the heir of Sebastião de Brito de Castro, named Antônio de Castro Sousa de Brito, had been accused in that same year of living in those lands with scandalous ‘freedom’, ‘vanity’ and ‘scandal’ by the Ombudsperson-General of Bahia. He was then banished to Salvador and expressly prohibited, by a royal order of 17 July 1732, from returning “to the town of São Francisco without express order” from the sovereign²⁷. In this double action, marked by the name change and the banishment of the closest heir of the would-be donatory, the royal sovereignty over the place is affirmed.

However, the creation of new towns was never a peaceful event, because, in the words of Joaquim Romero de Magalhães, “each new municipality was an amputation to

²⁴ AHU, Conselho Ultramarino, Manuscritos Avulsos da Capitania de Sergipe, cx. 2, d.195.

²⁵ AHU, Conselho Ultramarino, Manuscritos Avulsos da Capitania de Sergipe, cx. 2, d.195.

²⁶ AHU, Conselho Ultramarino, Manuscritos Avulsos da Capitania da Bahia, cx. 130, d.10181.

²⁷ AHU, Conselho Ultramarino, Códice 249, (the number of the folio appears erased in the digitalized document).

another municipality territory; it was a limitation, not only spatial, but social and jurisdictional” (Magalhães, 1985, p. 18). Unfortunately, it was not possible to locate the demarcation documents of the municipality of Vila Nova, so we do not know the exact extent of its limits, or the names of those who would have participated in the founding act. However, there is evidence that this was a process marked by turmoil, known from the complaints raised by the injured party. Surprisingly, the territory “amputated” from the neighboring municipality did not remain only on the right bank of the São Francisco, but, precisely, advanced to the other side of the internal border, or, rather, into it, on the islands located in the middle of the river. The city council of Penedo, on the opposite bank, immediately resented it and was quick to claim ‘immemorial’ possession of these islands.

As mentioned earlier, the colonization of this portion of the São Francisco border, and its islands, began on the left bank, more than 100 years before the creation of Vila Nova. For this reason, the authorities of the captaincy of Pernambuco considered the islands as belonging to their jurisdiction. This is evident in 1614, when Fernão Vaz Freire, the clerk of the ombudsperson of Pernambuco, requested the grant of a sesmaria to the fourth captain-donatory, consisting of two islands, those of Perocaba and Jenipapo, and two leagues of land on the banks of the São Francisco, in which he intended to “plant food crops and raise some cattle”. His request was granted on 23 April of the same year²⁸. Ernani Méro suggests that this island came to have not only cattle but also a sugar mill, tobacco plantations, and even a small shipyard (Méro, 1974, p. 25). Years later, when referring to the rivers of the district of Pernambuco, in 1640, Adriaen van der Dussen mentioned that the São Francisco River had “various fertile islands, both large and small, where a lot of cattle is grazed”, recognizing, in fact, a previously established occupation and its economic value²⁹. The antiquity of the occupation would favor, as we shall see, the claims of the town of Penedo for the possession of the islands.

From the complaints filed in 1732 and 1733, it is known that during the demarcation of the limits of Vila Nova, the Ombudsperson of Sergipe, Cipriano José da Rocha, invaded some of these islands, forcing their inhabitants to sign a term in which

²⁸ These islands would be the subject of a legal dispute between the heirs of Fernando Vaz Freire and the monks of São Bento da Bahia, to whom he had donated the island of Perocaba with some pious charges. LOSE, Alícia Duhá Lose; PAIXÃO, DOM Gregório (Coord.). *Livro Velho de Tombo do Mosteiro de São Bento da Bahia*, Salvador: Memória e Arte, 2015. fls. 21-22.

²⁹ “Relatório sobre o Estado das Capitâneas conquistadas no Brasil, apresentado pelo Senhor Adriaen van der Dussen ao Conselho dos XIX na Câmara de Amsterdã, em 4 de abril de 1640”. In: MELLO, José Antonio Gonsalves de. *Fontes para a história do Brasil holandês vol. II: A administração da conquista*. Recife: CEPE, 2004, p. 140.

they declared they recognized that, according to the new demarcation act, these islands would now belong to the new town, and he even arrested some men who refused to sign it³⁰.

On the very same day, 15 November 1732, the officials of the city hall of Penedo came forward and wrote a letter to the governor of Pernambuco, Duarte Sodré Tibão, the closest instance they had to submit their requests, complaining about the decision of the Ombudsperson of Sergipe to have arbitrarily separated those islands. As we were unable to find the original letter, it is feasible to infer its content from the response given by the governor on 2 December of the same year. In it, Duarte Sodré begins by adopting a moderate tone, acknowledging that the ombudsperson could not separate “the lands of your jurisdiction” without presenting the orders justifying such amputation, assuming, however, that the orders certainly existed. He recommends to the officials that they should indeed seek to reclaim the islands, but “with the moderation possible”, and in order to avoid any “unrest of the people, making protests to those who want to deprive them” of their possession, “because a single word can originate a mutiny”³¹. It is suggested, therefore, that the officials of the city council of Penedo had made it clear in the letter that they were willing and prepared to use force to occupy and recover the islands separated from their jurisdiction. The governor finally recommends that only ordinary means be used, and suggests that the officials appeal to the *Relação do Estado do Brasil* (an appellate court), “and should they not be resolved there, [you should] appeal to Lisbon”, and adds that they would be easily have their request met, informing, therefore, “this minister has a reputation for not being very prudent, which is what it takes for [you] staying away from him”³². It is not known exactly how Duarte Sodré managed to gather information about the reputation of Cipriano da Rocha so quickly, but it is known that Sodré, like so many other governors, actively corresponded with other authorities in Portuguese America and the kingdom itself (Curvelo, 2019, p. 116).

In addition to the recommendations made to the City Hall of Penedo, Duarte Sodré sent a letter to the ombudsperson of Sergipe and another to the viceroy. In the letter he wrote to the magistrate, he used a much more severe tone, allowing us to identify more elements present in the complaint of the town of Penedo. In the letter, the governor begins by saying that officials complained that the ombudsperson “had taken possession of some

³⁰ AHU, Manuscritos Avulsos da Capitania de Pernambuco, cx. 44, d.3988.

³¹ AUC, CCA, Códice 32, fls.408-408v.

³² AUC, CCA, Códice 32, fls.408-408v.

islands that are in the São Francisco River and belong to their district, from time immemorial to this party in the form of the date of the grant to the first donatory of this captaincy, Duarte de Albuquerque”³³. Not content with taking the islands out of the jurisdiction of Penedo, he accuses the new ombudsperson of “forcing a boat that was on its way to the town of Penedo to go to the said Vila Nova”³⁴ and of adopting a violent procedure in the demarcations, not being able to enter the islands without presenting “to the officials of the Senate of the City Hall, and to me as Governor of these Captaincies” the orders he had to incorporate them into the limits of the new town, “it being unlawful for you to separate a part of my jurisdiction without showing me the said order”³⁵. With this initiative, the conflict is no longer a purely local matter, a dispute over a border between municipalities, and becomes a regional dispute, insofar as the governor enters as a main actor and assumes that the usurpation of the islands would represent the usurpation of his own territorial jurisdiction.

The geographically closest instance for the resolution of the conflict would be the Governorate General of Brazil, to whom Duarte Sodr  wrote the third letter in December 1732. In it, the governor recounts the entire event, and reports the measures he took when writing letters to the ombudsperson of Sergipe and to the city hall of Penedo, simply asking the viceroy to take action on the matter. He adds only his indignation with the procedure adopted by Cipriano Jos  da Rocha, especially with the arbitrary diversion of the boat to Vila Nova, which would result in losses to the owners of the cargo³⁶. Apparently, not only Duarte Sodr , but also the officials of the two city halls also wrote to the viceroy, Vasco Fernandes C sar de Meneses. The measure taken to resolve the case was not given by order or provision, but in a simple dispatch, on 5 February 1733, which responds to a petition from the officials of Vila Nova in which they requested confirmation of the annexation of the islands to their town, which was expressly rejected, as “such request is untimely at the moment”³⁷. Apparently, the claim of the officials of Vila Nova also referred to the mooring of the vessels, since the viceroy made a point of emphasizing that the two ports would remain active. He also pointed out that the boats “that belong to or load in the town of Vila Nova should only enter, and dispatch, in that port, and in no way should use the one in the town of Penedo, because they are not under

³³ AUC, CCA, C dice 32, fls.407v-408.

³⁴ AUC, CCA, C dice 32, fls. 408.

³⁵ AUC, CCA, C dice 32, fls. 408.

³⁶ AUC, CCA, C dice 32, fls. 409.

³⁷ AHU, Manuscritos Avulsos da Capitania das Alagoas, cx. 2, d. 148.

its jurisdiction”³⁸.

The key point of this initial conflict revolves around the possession of the islands and control over trade, referred to even by Cipriano da Rocha's predecessor as one of the expectations justifying the creation and fostering the prosperity of Vila Nova, as previously mentioned. While the possession of the islands was eventually resolved with the viceroy's order, neither Duarte Sodré nor the officials of the city hall of Penedo would be satisfied with the loss of control over trade at the mouth of the São Francisco River and, together, they appealed the decision to the Overseas Council. In a letter to the king dated 4 June 1733, the city hall of Penedo reported the abusive procedures of Cipriano da Rocha in usurping the islands which, according to them, had been “in their possession for 198 years,” as designated in the “foral (a royal document establishing a town and regulating its administration, borders and privileges) and dates that the Most Serene Lords Kings of Portugal, predecessors of Your Majesty, made to the perpetual Governor of this Captaincy, Duarte Coelho de Albuquerque”³⁹. The deed of donation between Duarte Coelho in 1534 indeed refers to the inclusion of islands in the jurisdiction of the donatory, but, as we will see later, this is a biased interpretation of the document by the members of the city hall of the town of Penedo. At the moment, it is worth pointing out only that they complain about the viceroy's dispatch, accusing him of having taken from them the “possession of the entry fee usually given to us” by the boats that enter the São Francisco River, which greatly harmed the revenues of the city hall, especially in the “emoluments that the residents who carry wet goods in the said boats usually pay to this senate,” i.e., liquid goods such as olive oil, wine, and brandy⁴⁰. Specifically, they ask not only to be kept in possession of the islands, but also to retain the exclusivity of river trade, hitherto not under dispute with the other bank. Duarte Sodré's letter, written six days later, endorses all the information presented by the city hall of Penedo and only adds that the decision taken by the viceroy also affected “the collection of the Royal Donation”, referred to in the previous topic, favoring the “embezzlement that will happen for the goods which are taxed by it, as they are embarked in the so-called new town”⁴¹. These representations reveal a set of concerns that affect the preservation of control over a border space: the extension of jurisdictional limits, the control of trade, and embezzlement.

³⁸ AHU, Manuscritos Avulsos da Capitania das Alagoas, cx. 2, d. 148.

³⁹ AHU, Manuscritos Avulsos da Capitania de Pernambuco, cx.44, d.3988.

⁴⁰ AHU, Manuscritos Avulsos da Capitania de Pernambuco, cx.44, d.3988.

⁴¹ AHU, Manuscritos Avulsos da Capitania de Pernambuco, cx.44, d.3988.

In response to the complaints, the Overseas Council, as in several other matters of the period, decided to hear the opinion of the viceroy himself before suggesting a final decision, also including the opinion of other top agents of the royal administration, such as the Crown Attorney. Indeed, on 5 November 1733, an order was issued to Vasco Fernandes César de Meneses to give his opinion on the matter after hearing all parties involved in the dispute⁴². Unfortunately, the response to this order was not found in the set of documents consulted at the Overseas Historical Archive⁴³. However, the mere absence of any provision or royal disposition recorded in the royal charter books for Pernambuco and Bahia, or even in the registry books of provisions of the Overseas Council, leads us to believe that, even if it had been given, there was no formal position of the Crown on the matter, at least not in that decade. While it is true that the dispatch issued by the viceroy in response to the petition filed by the city hall of Vila Nova seems to have resolved part of the conflict, restoring to the town of Penedo the possession of the islands taken, the lack of confirmation from the monarch would lead to the re-emergence of the dispute 20 years later, which we analyze below.

Paraúna do Brejo Grande between Penedo and Vila Nova (1754-1758)

Unlike the first conflict, which involved the possession of more than one island, the second one involved only one: the island of Paraúna, also known as Brejo Grande. Although the conflict would eventually pit the city halls of Penedo and Vila Nova against each other over the possession of the island, it was not triggered, at least not directly, by local authorities on either bank. It all began when José Vieira Torres, a Viana-born merchant based in Salvador⁴⁴, who acted as administrator of the tithe contract of the captaincy of Bahia, entered the island of Paraúna, which then belonged to the town of Penedo, to collect the tax from its inhabitants. José Vieira Torres was, in fact, a proxy, acting on behalf of the contractor José Machado Pinto, who had acquired in Lisbon, in August 1752, the right to collect the tithes in Bahia and the adjoining captaincies, including that of Sergipe, for a period of three years⁴⁵. However, in order to know where

⁴² AHU, Conselho Ultramarino, Códice 249, fls.77.

⁴³ It should be noted that all catalogs of separate manuscripts related to the series and subseries of the captaincies of Bahia, Pernambuco, Alagoas, and Sergipe were consulted, as were the codices of Consultations of the Overseas Council related to the first two.

⁴⁴ We are aware of his economic occupation through his qualification as Commissioner of the Holy Office. ANTT, Tribunal do Santo Ofício, Conselho Geral, Habilitações, José, mç. 110, doc. 2533.

⁴⁵ AHU, Conselho Ultramarino, Códice 455, fls. 93.

to collect the tithe, the contractor had instructed him to obtain, in advance, “an extract” of the “towns and locations” that he should visit. In this process, he received the information that the island of Paraúna would be among the locations possibly subject to taxation. However, he admitted “to better ascertain the truth, he had the documents that clarified to what jurisdiction it belonged diligently investigated”. And, through the contract administrator, he had obtained from the very city hall of Vila Nova de El Rei an attestation and a “certificate of its creation as a town and the term that was assigned to it”, which included the said island⁴⁶. Armed with this document, the contractor José Machado Pinto petitioned to the Relação da Bahia (a state appellate court, specifically to the judge serving as the Custodial Judge of the Tithe Contract, requesting a writ to present to the inhabitants in case of resistance, which was promptly granted by the magistrate⁴⁷. As we have seen, the terms of the founding document would have been partially invalidated by the dispatch of the viceroy, which halted the conflict between Penedo and Vila Nova between 1732 and 1733. Aware of the invalidity of the document, or not, the fact is that a dispatch in response to a petition would not have the same weight as that of a royal regulation that, however, was not issued in the resolution of that conflict.

However, what would motivate the contractor to risk potentially committing fraud and insist on including this specific island? The immediate answer, as we suggested earlier, is that some islands of the São Francisco River were extremely fertile, and Paraúna do Brejo Grande, specifically, was one of the largest and most prosperous. According to the *Idea of the Population of the Captaincy of Pernambuco*, a document referred to in the epigraph of this article, Paraúna was “more than a league and a half” long and “almost a league” wide, and had three of the nine mills erected by 1777⁴⁸.

Relaying on the information obtained locally and armed with the document that legitimized his action, Vieira Torres traveled to the island to collect tithes in January 1755, but he was met with strong refusal from the residents, including some sugar cane plantation owners and farmers, to pay taxes to the contractor of Bahia. They claimed, in their defense, that they had the custom of paying tithes to the contractor of Pernambuco, the captaincy to whose jurisdiction they believed the island belonged. Unsatisfied with the refusal, Vieira Torres managed to have the authorities of Vila Nova intervene in his

⁴⁶ AHU, Conselho Ultramarino, Manuscritos Avulsos da Capitania de Sergipe, cx.5, d.391.

⁴⁷ AHU, Conselho Ultramarino, Manuscritos Avulsos da Capitania da Bahia, cx. 130, d.10181.

⁴⁸ “Idea of the Population of Pernambuco and its annexes, extension of its coasts, rivers, and notable settlements, agriculture, number of mills, contracts, royal revenues, the increase it has had, etc., from the year 1774 when Governor and Captain-General José César de Meneses took office”. In: *Anais da Biblioteca Nacional*. Rio de Janeiro: Biblioteca Nacional, v. 40, 1918, p. 59.

behalf, urging the residents to make the payments. These residents then reported the matter to the city hall of Penedo, which, in turn, reported the situation directly to the governor of Pernambuco, Luís José Correia de Sá, and to the Governorate General of Brazil, which was, at the time, under a Government Board (Mota Bezerra, 2021, p. 24).⁴⁹

Once again, the dispute stopped being a purely local matter and became a dispute between captaincies, although with less involvement from the governor of Pernambuco, who, this time, merely recommended that the means employed by the residents be strictly confined to institutional channels. The city hall was to appeal to the Governorate General to conduct a thorough investigation of the case. The recommendation to use strictly ordinary means suggests that the officials were once again willing to use violent methods to secure possession of the island. In March 1755, in addition to responding to the officials of Penedo, the same information was sent by Correia de Sá to Archbishop José Botelho de Matos, who headed the Government Board, expressing the desire that “the decision of the dispute results in perfect harmony”⁵⁰. However, this would be the beginning of a real paper war that would involve not only the actions of the contractor but also revive the quarrel over the possession of the islands of the São Francisco border.

Feeling insulted by the entry of the contractor and the authorities of Vila Nova into the island, the city hall of Penedo did not limit itself to writing only to the governments of Bahia and Pernambuco, but was the first to submit a representation to King D. Joseph in April 1755. More than just reporting the recent events of that year and requesting measures against the abuses of the contractor, the officials of the city hall presented an actual claim to the possession of the islands, probably motivated by the desire to obtain the royal confirmation they failed to obtain in 1733. They begin by invoking again the “immemorial possession” which the municipality had had “since its creation”, of “ruling and administering a place called Island of Paraúna do Brejo Grande” and “the other adjacent islands, existing and that come to existence, as far as their floods reach, by the foral (a royal document establishing a town and regulating its administration, borders and privileges) given” to the first captain-donatory of Pernambuco⁵¹. Then, they recount the entire conflict with Vila Nova de El Rei, which took place between 1732 and 1733, as well as the dispatch issued by the viceroy Vasco Fernandes César de Meneses that would have preserved the said island, as well as the others, in their possession,

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⁵⁰ Arquivo do Instituto Histórico e Geográfico das Alagoas, cx. 21, mc. 02, d. 34.

⁵¹ AHU, Conselho Ultramarino, Manuscritos Avulsos da Capitania das Alagoas, cx. 2, d.148.

showing that they kept the memory of the first dispute alive. It is interesting to note in the rest of the request that the complaint is not directly against the figure of the contract administrator but, rather, “the authorities of that town [who] trouble us by ordering the sugar cane plantation owners and other inhabitants to do as demanded by the contractor”, who is influenced by “suggestions from people from that said town who have an interest in having that location within their district”. In this sense, more than requesting the suspension of the contractor's actions, they plead with the monarch as the only one capable of “granting or revoking jurisdictional boundaries”, to simply “order us to keep in our possession the said island of Paraúna do Brejo Grande and all the adjacent islands, and order said authorities to refrain from ordering diligences on said islands and troubling us”⁵².

The key argument for the request is precisely based on the antiquity of the inclusion of the islands in the district of the town, and to attest to this, they attach three certificates, extracted from the archives of the municipality itself and the ordinary court. The first of these presents the following passage from the deed of donation of the Captaincy of Pernambuco, curiously extracted not from the documents of the city hall, but from “some old civil records”, then in the possession of the city hall notary and clerk:

it will be a part of the said land and its limits the entire São Francisco River and half of the Santa Cruz River as per the aforementioned demarcation, through which Rivers he will serve their neighbors on the one hand, and on the other, having in the front of said demarcation some Islands, I agree that they belong to the said Duarte Coelho annexed to his Captaincy, the said **islands being up to 10 leagues to the sea in front of the said demarcation by the east line**, which extends from the middle of the bar of the said Santa Cruz River cutting wide along the coast, and entering the same width inland into the hinterlands, as much as they can enter.⁵³

With this excerpt, the city hall officials intended to prove that the text of the founding document of the captaincy, the oldest one repeatedly cited in their petitions and requests, legitimized the possession of the islands since the 16th century. However, in this part, the city hall manipulates in an abusive manner, or at least misinterprets the legal document that is the deed of donation; after all, the islands referred to here are not those of the São Francisco River, but those to the east, that is, those of the ocean. Indeed this clause is not exclusive to the donation made to Duarte Coelho, and it can be found in several other captaincies, such as that of Francisco Pereira Coutinho, mentioned at the

⁵² AHU, Conselho Ultramarino, Manuscritos Avulsos da Capitania das Alagoas, cx. 2, d.148.

⁵³ AHU, Conselho Ultramarino, Manuscritos Avulsos da Capitania das Alagoas, cx. 2, d.148.

beginning of this paper⁵⁴. It is surprising that no authority noticed the ruse of the city hall officials in this regard, as it went unnoticed by all who evaluated the request.

In the second certificate presented, the officials seek to attest that they exercised all the acts of legitimate jurisdiction over the island and ask the same clerk of the city hall to review all “the old and modern books of its registry and attest to it”. Indeed, the clerk asserts “that the justices of this town of Penedo are aware of the issues of the residents of the said Island, including both crimes and civil matters, as it has in its registry many of them processed, and many inquests, and other records from the said island”, adding that the city hall exercised “all acts of jurisdiction by enacting ordinances for the inhabitants of the said Island as in the others [which] are annually subject to inspection”. The certificate also lists some individuals residing on the island of Paraúna who held important positions in the city hall and the military of the town of Penedo. Possession of the island was then justified through the exercise of the legitimate power of the city hall over the island and by those who resided on it.

The third and final certificate by the city hall contains the immediate decision that legitimized the possession of Penedo of the islands, namely, the aforementioned dispatch issued by the viceroy in 1733, in response to the petition in which Vila Nova claims their inclusion in its demarcation document. Finally, they also include a fourth certificate, written by Father Manuel Álvares Pereira, vicar in the Mother Church of Nossa Senhora do Rosário, on the same day that the representation to the king was signed, in which he attests that “the island of Paraúna do Brejo Grande, and the other islands located in the São Francisco River, all belong to the district of my parish, as do its inhabitants, my parishioners, and it has always been so from the time of my predecessors since the creation of this parish more than 100 years ago”, receiving the spiritual food and being “baptized, married and buried, as it is also recorded in the old and current books of this parish”⁵⁵. The full inclusion of the islands in the sphere of action of the ecclesiastical power served to complete the basis of the claims of the city hall of Penedo regarding the jurisdiction they traditionally exercised in the temporal and secular scope over these spaces.

The representation was analyzed by the Overseas Council on 30 July of that same year, 1755, and, just like in the previous conflict, the councilors refrained from issuing a

⁵⁴ Carta de Doação da Capitania da Baía de Todos os Santos a Francisco Pereira Coutinho (05.04.1534). Paleographic transcription published in: CHORÃO, Maria José Mexia, (transcription e organization), *Capitanias do Brasil. Doações e Forais 1534-1536*, Lisboa, CLEPUL, 2021.

⁵⁵ AHU, Conselho Ultramarino, Manuscritos Avulsos da Capitania das Alagoas, cx. 2, d.148.

judgment without first asking for the opinion of the viceroy of the State of Brazil, who in turn should hear the ombudsperson of Sergipe on the matter before giving his opinion on the case. This would be issued by the new viceroy of the State of Brazil, D. Marcos de Noronha e Brito, the 6th count of arcas, in 1757, who, by the way, had also served in the Government of the captaincy of Pernambuco between 1746 and 1749 and had the necessary experience to evaluate the request made by both parties⁵⁶. However, before presenting this opinion, we will analyze the arguments that justify the claims posed by the opposite bank of the São Francisco border.

To claim possession of the islands, the city hall officials of Vila Nova de El Rei did not address their petition to the king, but rather chose to appeal to the viceroy, doing so in May 1756. In it, they use a very common argument in the representations of several city halls of Portuguese America, especially in the smaller towns: the poverty argument. They report an economically deplorable scenario for the municipality, which could not even maintain its mother church with the required dignity, and that, despite its “expanded limits, it is nevertheless very depopulated”, reaching the point of admitting that “without a doubt it would have been more convenient not to have created a town here and have remained a part of Sergipe”⁵⁷. Partly, they attribute such a state of poverty to the vexations they experienced from the town of Penedo, claiming that “the residents of our municipality are extremely poor and indebted to those of that one”, characterized her as “more powerful and rich not only in terms of cattle, but in the vastness of their town, which is very extensive and inhabited”. With these words, they reveal the existence of a rivalry that projected beyond the jurisdictional matters, and suggest the existence of client relationships, or credit connections, between the inhabitants of the both banks of the border.

Continuing with the presentation of the plea, they justify that the main cause of the poverty of the town resulted from the fact that the limits that were originally designated to them by the ombudsperson of Sergipe ended up not being respected, especially with regard to their claim over “all the existing land from the middle of River to this side”, that is, over the islands. This detail suggests that the demarcation criterion adopted by Cipriano da Rocha in 1732 could have taken into account a certain geographical rationality, dividing the area not from the banks, but from within the very interior of the dividing landmark that was the river. They state, therefore, that the

⁵⁶ AHU, Manuscritos Avulsos da Capitania da Bahia, Caixa 130, D. 10181.

⁵⁷ Arquivo do IHGAL, cx. 21, mç. 2, d. 38.

resistance of the residents of Penedo to recognize that the islands closest to the right bank belonged to them would have resulted in Penedo being “not only in possession of the islands in the middle of the river [but] also of the **mainland**”.⁵⁸

Now, until then, the dispute was centered only on the possession of islands in the São Francisco River, with no mention of claims to pieces of mainland on any of the banks. However, it is worth noting that it is in this passage that the officials claim possession of Paraúna, or Brejo Grande, which, in their understanding, was not an island, but only a circular piece of land “with a limited stream that they call Paraúna which was once a *camboa*⁵⁹ (lagoon) that had no exit to the river from the hinterland area” and that “opened with the floods and north winds that lash the riverbank on this side, for which reason it was gaining land as it still does today”. They clarify, in their argument, that:

an island is the [land that] is surrounded by the river in the same direction in which its current flows, forming two wide channels for navigation, which does not happen with the Paraúna River because besides the fact that its current flow in a different direction, it is not possible to navigate through it or to use it to divide a Province, whose division the residents and justices of the town of Penedo want against reason and justice, saying that they are in possession, whose possession is intrusive, for they entered it at a time when there was no one here to stop them⁶⁰

Therefore, the argument used by the city hall of Vila Nova was based not on the antiquity of the possession, but on the topographical reality of the disputed area. In other words, they accused the officials of the city hall of Penedo of having abusively usurped a portion of land on the right bank of the São Francisco River, claiming, in their view, that this piece of land was an island. The same argument is repeated by the contractor of the tithes of Bahia, in the petition he addressed to the king for the island to be included in the area of collection of his contract, in which he suggests that the “so-called Paraúna Island” was clearly “within the mainland”, and that “it was no farther from Vila Nova than a sandbank that the floods of the São Francisco River made, so that in the absence of these floods, one can go from it to the town, and from the town to it by a ford” from which also derives its name of Brejo Grande⁶¹. If we return to the text of the petition submitted by

⁵⁸ Arquivo do IHGAL, cx. 21, mc. 2, d. 38. Author's intervention marked in brackets and highlighted in bold.

⁵⁹ *Camboa* is not a term found in 18th-century Portuguese language dictionaries, however, contemporary dictionaries define the word as a regionalism of the Brazilian Northeast as “a strait that fills with seawater at high tide and that dries up at low tide; *gamboa*” or even “a small artificial lake (or pit) near the sea, to collect small fish that penetrate it at high tide”, according to the Michaelis Brazilian Portuguese Dictionary. Available at: <https://michaelis.uol.com.br/moderno-portugues/busca/portugues-brasileiro/camboa>

⁶⁰ Arquivo do IHGAL, cx. 21, mc. 2, d. 38.

⁶¹ AHU, Conselho Ultramarino, Manuscritos Avulsos da Capitania de Sergipe, cx.5, d.391.

the officials of the city hall of Penedo, from 1755, we will find that they implicitly recognized this reality when they stated themselves as masters of the “Island of Paraúna do Brejo Grande” and “the other adjacent islands, **existing** and **that come to existence**, as far as their floods reach”⁶².

Islands “existing” and “that come to existence”, which appear and disappear with the floods of the river. After all, was the dispute about an island or a portion of mainland? The truth is that the landscape in question could be transformed by natural or climatic circumstances associated with the river's own force or by human intervention, so both claims are possible. The complex transformations of Paraúna can be seen in three cartographic representations. In the geographical map by João Teixeira de Albernaz from 1612, Paraúna is depicted as a round and fish-filled lagoon, which resembles the characterization of a ‘camboa’, as suggested by the Vila Nova officials (image 1). In 1640, in the map *Praefecturae Pernambucae Pars Meridionalis* by George Marcgraf, “Paraúna” is identified as a river that separates the right bank of the São Francisco from the course of the river itself, as suggested by the administrator of the tithe contract (image 2). Moreover, finally, in another topographical plan by Martinho Nicolau, offered to the Marquis of Angeja in 1776, Brejo Grande is represented as an island located in the middle of the river with a sugar mill, as the officials of the city hall of Penedo wanted to make believe (image 3).

⁶² AHU, Conselho Ultramarino, Manuscritos Avulsos da Capitania das Alagoas, cx. 2, d.148. Bold emphasis by the author.

Image 1 – Paraúna Lagoon (marked with a V) in the São Francisco River.



Source: intervention on the geographical map by João Teixeira Albernaz (1612)⁶³.

⁶³ BMP, Bibliotecas Municipais do Porto, Manuscritos, Ms.126. Rezão do Estado do Brasil no Governo do Norte somete asi como o teve dõ Diogo de Meneses até o anno de 1612 [Manuscrito]. *Apud:* Luz, Priscyla M. “Rio de São Francisco”. In: *Base de Dados BRASILHIS: Redes pessoais e circulação no Brasil durante o periodo da Monarquia Hispânica (1580-1640)*. Available at: <https://brasilhis.usal.es/pt-br/node/9721>. Access date: Oct. 15th, 2022.

Image 2 – Mouth of the São Francisco River, excerpt from the map by Georg Marcgraf, indicating the Parauna River.



Source: intervention on the map by Georg Marcgraf, *Praefecturae Pernambucae Pars Meridionalis*⁶⁴.

⁶⁴ Luz, Priscyla M. “Praefecturae Paranambucae pars Meridionalis, Douzième Volume de la Geographie Blaviane, contenant l’Amerique qui est la V. partie de la Terre”. In: *BRASILHIS Database: Redes personales y circulación en Brasil durante la Monarquía Hispánica, 1580-1640*. Available at: <https://brasilhis.usal.es/es/cartografia/praefecturae-paranambucae-pars-meridionalis-douzieme-volume-de-la-geographie-blaviane>. Access date: Oct. 16th, 2022.

Image 3 – Brejo Grande Island with a sugar mill (marked with an R)



Source: MARTINHO, Nicolao. Mappa tipografico dos portos, e costa da Bahia de todos os Santos, Olinda e Pernambuco. 1776. 1 mapa ms, col., tinta ferrogálica e nanguim, 51 x 1,59. Available at: http://objdigital.bn.br/objdigital2/acervo_digital/div_cartografia/cart309964/cart309964.jpg. Access date: Oct. 15th, 2022.

In summary, two distinct argumentative bases can be identified in the claim for Paraúna. On one side, the city hall of Penedo, despite acknowledging the possibility of transformation of the islands due to the floods of the river, adopts a position asserted by the antiquity of the occupation of the spaces and the exercise of effective power. On the other hand, the city hall of Vila Nova chooses to claim to the viceroy the possession of the territory, based on an argument closer to the geographical reality, alleging greater proximity to their town and the peculiar conditions of the land.

On 20 April 1757, confronted with the pleas from Penedo and Vila Nova, the viceroy, D. Marcos de Noronha e Brito, issued his opinion on the dispute in a letter to the Overseas Council. His lengthy letter narrates the entire process that we have been discussing here since 1732, mentioning in detail and care each of the interventions and decisions made regarding the islands. He mentions that he took over the government a few months after the interim governors had addressed the petitions of the two city halls admonishing the tithe contractor to refrain from collecting the tax in Paraúna until the matter was resolved. And, in fact, after examining all the documents, he concluded that the issue boiled down to “whether [the inhabitants of Paraúna] should or should not pay the tithes to the Contractor of this Town”, and that the latter had not presented any other document to justify his claim to collect them other than a map of the locality “made by a person who cannot be given any credit in court”. He adds that “the demarcation made of Vila Nova de El Rey” had become invalid as early as 1733, with the dispatch of Vasco Fernandes César de Meneses, which ordered all the islands to be restored to the town of Penedo. For this simple reason, he considered that “the claim of the administrator of the tithe contract of this town is unjust and iniquitous; and as such, unattainable, until Your Majesty determines that a new demarcation be made”⁶⁵.

After the letter was sent to the Overseas Council, the matter seems to have been resolved at the Court without further deliberations by the councilors, so that three royal letters came to confirm, and reproduce, the opinion of D. Marcos de Noronha e Brito. The first of them, sent to the viceroy himself on 29 December 1757, ordered him to notify the administrator of the donation not to interfere anymore with the collections on the Island of Paraúna, as its parishioners had been shown to belong to the bishopric of Pernambuco and the parish of Nossa Senhora do Rosário do Penedo⁶⁶. The second, addressed on 8 February 1758 to the City Hall of Penedo, replied that its claims were just, and announced

⁶⁵ AHU, Manuscritos Avulsos da Capitania da Bahia, Caixa 130, D. 10181.

⁶⁶ AHU, Conselho Ultramarino, Códice 250, fls. 169-169v.

the decision to notify the contractor of the tithes not to trouble the residents of the island with new charges anymore. Finally, the third letter, addressed to the city hall of Vila Nova on 15 December 1758, is the most interesting of the three, not only for announcing the decision to notify José Vieira Torres but, above all, for transcribing several excerpts from the petition of the City Hall of Penedo, thus legitimizing its claims to the islands.

Final remarks

The cases discussed here suggest some relevant issues for considering the definition of the São Francisco River as an internal border in Portuguese America. The first is related to its spatial and social configuration, which, while being associated with a natural boundary between the captaincies of Pernambuco, on one side, and Bahia and Sergipe on the other, is also a space of communication, which allows for lawful and unlawful interactivity and cooperation between the communities on both banks. However, these communities nurture their own interests, and the conflict over the islands in the middle of the river, a space of occupation undefined, at first, by the legal-normative documents that established the boundaries between the different captaincies, reveals how they, through their actions, actively participated in the social construction and delimitation of this internal border. In this process, the central decision-making bodies that embodied the Crown in Lisbon interfered little or not at all beyond, first, recognizing the claims presented by the local authorities, which effectively experience the São Francisco border, and then confirming these same impressions through the opinions offered by the governors. In other words, far from being merely drawn by treaties or normative texts, the internal border, and the changes it experienced, appear as the result of complex interactions between local powers, instigated by different interests, and the agents of the Portuguese monarchy.

In the conflict between Penedo and Vila Nova de Sergipe de El Rei, the current city of Neópolis, it is possible to identify an argumentative opposition between the recognition of tradition and acquired rights *versus* the observation of the meaning given by the natural landscape and its transformations in the lives of local communities. The same opposition can be found in other disputes, such as the one between the Portuguese and Spanish crowns over Verdoejo, a tiny island located in the middle of the Minho River, a natural boundary that divides southern Galicia from northern Portugal, and which, like Paraúna, was constantly altered by climatic conditions, such as the course of rivers

(Herzog, 2015, p. 192-210). According to Tamar Herzog, both positions were recognized as valid by the legal literature of the 18th century, even though the transformations resulting from the crisis of the Old Regime in Europe gradually led to the challenge and revision of legitimizations based on the antiquity of acquired rights (*Ibidem*, p. 208). This is precisely what happened in the 19th century, when in 1812, Vila Nova obtained the Island of Paraúna do Brejo Grande after claiming it to the Prince Regent⁶⁷. Ten years later, a representation of the City Hall of Penedo containing a series of demands for the improvement of government, addressed to the new emperor of Brazil on the 1st of October 1822, complained about the detachment of “some islands that were abruptly taken from them without the same senate [of the city hall] being heard and convinced”, once again claiming their immemorial possession of the islands by virtue of the deed of donation to Duarte Coelho⁶⁸. It is worth adding that almost the entire discussion about the possession of the islands, including Brejo Grande, would be revived in the parliamentary debates over the demarcation of the boundaries between Alagoas and Sergipe, which culminated in the decree of the 1st of February 1873, which established that “the islands existing in the riverbed will belong to the province to whose bank they are closest”⁶⁹.

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⁶⁷ The royal decree of 9 June 1812, “Detaches the island of Paraúna do Brejo Grande from the district of the town of Penedo, and incorporates it into the term of the Villa Nova de Santo Antonio Real d’El-Rei of the São Francisco River of the Captaincy of Bahia”. Coleção de Leis do Brazil de 1812, Rio de Janeiro: Typographia Nacional, 1890, p. 42.

⁶⁸ “Representação da Câmara da Vila de Penedo da Província de Alagoas”. Arquivo Histórico da Câmara dos Deputados, Assembléia Geral e Constituinte do Império do Brasil, dossiê/processo nº 183, fls.6v.

⁶⁹ Coleção de Leis do Brazil de 1873, Rio de Janeiro: Typographia Nacional, 1873, p. 8.

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