

The legal facets of a subalternized man
Colonial Alagoas, 1755

Las facetas jurídicas de un hombre subalternizado
Alagoas Colonial, 1755

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Traduzido por Gabriela Edel Mei

Abstract: The following case was based on the observation of the protagonism of individuals that were considered inferior within the hierarchical logic of Old Portuguese Regime. Starting from a point of view on the conception and execution of Justice, the present text seeks to understand the mechanisms of the use of rights that surrounded those who did not have privileges. For this purpose, he look over, more emphatically, the request of Lázaro Coelho de Eça, made around 1754. Son of a captain of the village who longed to command, Lázaro was placed in the position of overseas subject, despite the vigor of political and social thought that forcibly and violently removed him from the paths that were desired to him. His application will not be analyzed here by the sturdy micropower strand, but rather will be at odds with the current historiographical trend. The focus of this work is precisely to interact with the reality of this individual who, conceiving possibilities of "negotiation" with the monarch, gave movement to a judicial framework that apparently benefited him, when in fact he led him to the basic functions of Justice, serving more specifically the objectives of social groups that considered themselves superior.

Keywords: Colonial Alagoas, Justice, subalternized characters.

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Resumo: O caso a seguir se fundamentou na observação do protagonismo de indivíduos que foram considerados inferiores dentro da lógica hierárquica social de Antigo Regime português. Partindo de um ponto de vista sobre a concepção e execução da Justiça, o presente texto busca compreender os mecanismos da utilização de direitos que circundavam aqueles que não possuíam privilégios. Para tal feita, debruça-se, mais enfaticamente, sobre o pedido de Lázaro Coelho de Eça, realizado por volta de 1754. Filho de um capitão da aldeia que almejava comandar, Lázaro se colocou na posição de súdito ultramarino, apesar da vigência de pensamento político e social que o afastava forçosa e violentamente dos caminhos que lhes eram desejados. Seu requerimento não será analisado aqui pela vertente do micropoder resistente, mas antes andarà em desacordo com a tendência historiográfica atual. O foco desse trabalho é, justamente, interagir com a realidade deste indivíduo que concebendo possibilidades de “negociação” com o monarca dava movimento a um quadro judicial que aparentemente o beneficiava, quando na verdade o conduzia às funções básicas da Justiça, servindo mais especificamente a determinados objetivos de grupos sociais que se consideravam superiores.

Palavras-chave: Alagoas Colonial, Justiça, personagens subalternizados.

Introduction¹

The historiographical perspective that works under the panorama of the negotiations between Portuguese Crown and its subjects overseas (BICALHO; FERLINI (Orgs.), 2005. GOUVÊA; BICALHO; FRAGOSO (Orgs.), 2010. FRAGOSO; GOUVÊA (Orgs.), 2010) was able to ascertain evidence of complex relationships between the center and periphery (RUSSELL-WOOD, 1998) in the Portuguese Maritime Empire (BOXER, 2002). From these advances, questions such as local autonomy within the administration in Portuguese America became an efficient way to verify regional specifications and even to identify the connections and flexibilizations that such societies could establish directly with the monarch. If we filter our gaze beyond the possibilities that the adjustments between chambers, the Oversea Council and King have leapfrogged, it can be said that this work will synthesize analyzes of a judicial nature, trying to argue before traces that can bring us some visualizations of what

¹ I am especially grateful to the historian Alex Rolim Machado for reading the first version of this text and for the suggestions given to it. All the positives or negatives points, however, are my responsibility.

was considered the justice in the Region of Alagoas (1724-1755) and to which specific groups it served.

To clarify, it is a work produced and derived from the use of an administrative and legal source (Overseas Historical Archive - Separate Alagoas²) relative to the Region of Alagoas, within the period suggested for analysis. The documentation went through processes of critical interpretation, contextualization and constitution of hypotheses proposed by methodological lines of the Content Analysis and the Indigenous Paradigm (BARDIN, 1975; GINZBURG, 1989; 1991, 2014). Document number 145, the basic source of this text, is composed of a Request made by Lázaro Coelho de Eça, around 1754. Within that process with more than 20 folios, a series of certificates, provisions and other requirements are identified, all related to the same case worked.

The main objective is to ascertain the possibilities, but also the limitations (or conditions) of these channels of communication and negotiation, considering the performance and the need felt by groups coming from different layers of society "alagoana" to use such a medium. It is hoped that the present text suffices to emphasize that such lines of research and analysis can not be dissociated from an in-depth and cautious look that takes into account: **01**) the existence of relations of force in these processes; **02**) mechanisms of perpetuation of ideologies of gratitude and justice (BIGNOTTO (Org.), 2013; HESPANHA; XAVIER, 1992); **03**) as well as the imposition of fit and maintenance of a prevailing social order and hierarchy. Considering the practical and symbolic exchanges (BOURDIEU, 2012, pp. 84-85) under legal jurisdiction from the three towns of the Region of Alagoas (1728-1755) may also provide the verification of the main hidden characteristics in the life of the royal vehemence and which social groups synthesized or conditioned it.

The beginning of the end

In an order, on the right bank, one can read perfectly the "Escuzado", final opinion dated October 9, 1755, in the first folio of Document 145 (AHU - Separate Alagoas)³. The negative answer was related to the request made by Lázaro Coelho de Eça, in which he

² The work is the result of mapping and research carried out from the documentary background present in the *Catalog of Documents Manuscripts of the Alagoas Captaincy in the Overseas Historical Archive* and can be consulted at the Historical Research and Documentation Center (CPDHis), Federal University of Alagoas, where they are in CD-ROM format (digitized).

³ *Overseas Historical Archive, Separate Alagoas* : Document 145 [October 26th, 1754].

asked the king to live up to the services of his father and himself⁴. Far short of the activities as Field Captain occasionally provided by his son⁵, Manoel Cubas Frazão had "won" considerable "respect" from his troop line mates and superiors. Bravo was a native of Urucu, a native of the village of Urucu, Manuel was already "very old" on October 1, 1753, when he passed on to his two sons (Lázaro Coelho and Bernardo Gomes Ferras) the right to petition the king any reward for their service and also for the incorporation of their offspring into the royal service⁶.

Before entering into the details that gave rise to such a conclusion, it is important to note that the actions and documents of a judicial nature listed by Lázaro followed a coherent logic within the stratagems used by overseas subjects in search of royal recognition as faithful vassals, through mercy. His quality as an Indian Captain's son, under his expectation and perspective did not make any difference to the diligences (except for some reservations), which his father proposed to pass in the name of the king and the common good of the Alagoas County. Before that, Lazarus enumerated his father's activities, categorically stating that he had served the Portuguese crown several times and in situations of great risk.

[...] said his father, who is presently occupying the post of Captain of the same village [Urucu] and four other missions annexed thereto, **has served the innumerable enterprises against the Gentile Indians of Certam, having defended with his great zeal the missions of that prison [Palmares], not only of the said gentiles, but also of the Negroes raised Palmarinos performing actions of great merit, not only for the value that has been borne, but also for the expenses that his expense has done as everything is shown in the documents together [...]**⁷.

⁴ Request of Lázaro Coelho de Eça to the king, requesting to be conferred the Patent of Governor of all the missions and villages of the people of Cabelo Corredio, Dispatch of October 9, 1755: *Overseas Historical Archive, Separate Alagoas* : Document 145, fl. 01 and 01v.

⁵ Certificate passed by Cap. Francisco Rodrigues da Costa, on January 14, 1754 and Certificate passed by Major João Moreira Falcão, in January 1754: *Overseas Historical Archive, Separate Alagoas* : Document 145, fl. 07-08.

⁶ Letter (with validity of Public Deed), in which Manoel Cubas Frazão (represented by Cap. Master Joseph de Souza Rebello) gives his children the right to petition the king for the services he rendered on October 1, 1753: *Overseas Historical Archive, Separate Alagoas* : Document 145, fl. 03 and 03v.

⁷ Request of Lázaro Coelho de Eça to the king, requesting to be conferred the Patent of Governor of all the missions and villages of the people of Cabelo Corredio, Dispatch of October 9, 1755: *Overseas Historical Archive, Separate Alagoas* : Document 145, fl. 01. My Bolds.

In addition, Lázaro Coelho himself did not fail to expose his competing activities. He said that he was accompanying his father among some of the same services, as a "loyal vassal" who believed in his king's "Real Grandeur"

[...] the supplicant has accompanied his father in many of the same undertakings, **being in the same case a subject of known value, and the loyal vassal of Your Majesty** recourse to his Real Greatness so that the view of everything may imply to the suppliant Patente de Governador of all the missions and Villages of the people commonly called the *corredio* hair, that are of the District of Pernambuco **attending not only to the expressed services but also to be the supplicant of the main families of that Squares** [...]⁸.

The development of such discourses does not reveal only the point of view of the petitioning petitioner (ie how he saw himself and his family within the order of that society). They were linked statements that sought to make explicit and convince the Overseas Council and the king of the usefulness of keeping those men satisfied and useful for the enhancement of the monarchy. Because of this, it was worth mentioning the execution of his father's invested to heal the threats of the old and constant enemies in that region of Portuguese America: the Indians of the backlands and the black palmarinos. The social position reached by the Luso-American Indian, until then (Manoel Cubas Frazão), was synthesized in the rank of lieutenant and then captain, relating to the obedience given to field masters like Domingos Jorge Velho⁹. At this point, the behavior of these men ("not only for the value that has been borne") can be seen as a well-used argument, since it represented the compatibility of the character and actions of Manoel and Lázaro with the interests of the monarchy. On the other hand, the same favors that could be equated with conceptions of justice that considered colonizing agents and king as recognizers of war merits did not guarantee automatic reward (HESPANHA, 2006; RAMINELLI, 2015). Probably because of this, Lázaro's request did not fail to refer to the expenses of his father's farms in the name of maintaining the common good, order and social peace of the Alagoas County. And this

⁸ Request of Lázaro Coelho de Eça to the king, requesting to be conferred the Patent of Governor of all the missions and villages of the people of Cabelo Corredio, Dispatch of October 9, 1755: *Overseas Historical Archive, Separate Alagoas* : Document 145, fl. 01v. My Bolds.

⁹ Provision of the PE Gov (Duarte Sodré Pereira Tibão) in which Manoel Cubas Frazão confirms in the position of Ensign of the Company of Cap. Maximiano Pereira (one of the Indians of the Mundaú Village of the Palmar Prison on August 7, 1728; a charter for which Gov. de Pe (Duarte Sodre Pereira Tibão) named Manoel Cubas Frazão at the post of Captain of the Indians of the Village of Urucu, on May 31, 1733: *Overseas Historical Archive, Separate Alagoas* : Document 145, fl. 25 and 25v.

point, it is interesting to point out: Lázaro Coelho uses more expensive rhetorical strata-gems to a Pernambuco sugar elite who expelled the Dutch (MELLO, 2008) and a Milagera from Alagoas-Pernambuco that destroyed the mocambos of Palmares (MARQUES, 2014) to substantiate their requests. He did not completely imitate the formula "for my blood, life and farms," but he used the importance of those codes to support his speech in his own words.

Lazarus, for his part, appeared as a "subject of known value," an assertion that subordinated his father's attitudes, but which also invoked past experiences from father to son, in the sense of a "vocation" for the administration of villages and (HESPANHA, 1992) (HESPANHA, 2010) ("of the main families of that squares"). This strategy of Lázaro also would be inserted within a cosmos of Old Regime more directed to the category of Nobility:

[...] true nobility is to be inherited, and derived from the Fathers to the children [...] And if some people of humble birth come to the people to be valued by nobles for valiant actions, who have worked, by honorable offices, who have had, or for some pre-eminence or degree, to add them, is not this true nobility derived by blood, and inherited from the grandmothers, but belongs to the rank of Civil and Political nobility, which is acquired by the offices and posts of the republic, and serve them, and the gloriously devised deeds of constituting them in the principles of the nobility of fortune which truly can not say of them that they are noble, if not that they begin to be [...] the true nobility can not give it to the Prince no matter how ample his power" (SAMPAIO, 1676 *apud* MONTEIRO, 1992, p. 335).

In order to give continuity and characteristics of legitimacy to its request, the Ombudsman's Office of the County of Alagoas was asked for, sheets were drawn on the applicant and a series of attachments were executed by the auditoriums of the region, which proved that there was no legal commitment on the part of the competitor the high patent, in pending or disobedience litigious¹⁰. The procedure was common and represented a form of verification before the competition to some position or mercy. The proposal of this anal-

¹⁰ Request from Lázaro Coelho de Eça to the General Ombudsman of Alagoas (Dr. Antonio José Gomes) to request a leaflet in the form of a style that would prove the absence of crimes in the offices of the Vila of Alagoas do Norte, Order of January 25, 1754; Provision of the Ombudsman General of Alagoas to order to pass sheets in the style of the style on the applicant Lázaro Coelho de Eça; and Leaves passed by Notary Manoel Lins de Siqueira, by Antonio Maciel de Lemos and by the Correctional Officer, Francisco de Andrade Lima, from the days of January 21 and 29, 1754: *Overseas Historical Archive, Separate Alagoas* : Document 145, fl. 05 and 05v.

ysis, however, is to consider the "quality" (HESPANHA, 2005, 2010) of Manoel Cubas Frazão and his son, supplicant. This must be done to avoid the rapid interpretation of these remnants of administrative and routine documentation, generating, rather, important questions in the search for delimitation of the specificities related to the "social insertions" pointed out by those discourses. This hypothesis match the identification of another model used: the sending of certificates that told about services, social performance and customs of those involved.

To launch this type of problem brings to light a way of living based on social games (BOURDIEU, 2012, pp. 84-85) that should not nullify or mask the existence of relations of force between "business" individuals. This means that in order to understand the need for "remuneration" or "recognition" for the many services rendered, one must also turn to the kind of "favor" and "conduct" Lazarus and his father had to face. Perceiving these details does not mean excluding interpretations of ways to exert power at varying (or fragmented) levels - and here is the exclamation of the need to heed those who forged those forged forces in an opposing environment. Following this type of line of reasoning provides critique and underlining the capacity of adaptation of subaltern individuals to a way of life defended and imposed by a dominant layer. It also implies evidence of the absence of reciprocity on the part of society and other agents when the question was to recognize the individual and cultural amputations to which these peoples were subject.

Of the 11 certificates that were included in the document, only 02 related only to Lázaro Coelho de Eça and the experiences he lived when he occupied the place of Field Master.

[First Certificate, from Cap. Francisco Rodrigues da Costa]: very careful [Lázaro] and **made diligences to all the corregidors faithfully** and in such a way that **I was very satisfied of him** and the said Captain Commander made all the appreciation the said by being made the orders of His Majesty God Save [...] (January 14, 1754)¹¹.

[Second Certificate, from Cap. Major João Moreira Falcão]: Lázaro Coelho D'Eça **very promptly always at the orders of His Majesty that God Keep without any Danger** always very ready and **with great zeal and fear of**

¹¹ First certificate, passed by Captain Francisco Rodrigues da Costa, on January 14, 1754: *Overseas Historical Archive, Separate Alagoas* : Document 145, fl. 07. My Bolds.

many orders and under them without taking any danger [...] ([?]) January 19, 1754)¹².

It is seen that the need to verify the actions and conduct invoked in Lázaro's request was understandable within a society that organized according to the distinctions of the individuals (HESPANHA, 2003; LARA, 2007) and who valued the forms of life that respect the order in force. The fame of a person was not only a legal argument of appeal (MENDONÇA, 2017, pp. 31-50). In fact, it had judicial validity by itself, since narrators should also be considered from the limits and possibilities of their origins and social insertions. Lazarus's behavior, on the part of Capitán Francisco Rodrigues da Costa, put the idea of satisfaction through almost automatic and general discourse. He affirmed Lazarus's ability as a Field Master from the assessment of his ability to recognize the king's orders (PRADO JR., 2011).

The report of Captain Major João Moreira Falcão, in turn, went beyond expressing the readiness to attend to royal orders by Lázaro. He emphasized his zeal, his readiness, and was emphatic in placing the existence of fear and subordination on the part of the competitor. Among these points it is more precisely reflected on the need to direct the reader to the absence of danger in the execution of the will of the king by the Field Master in question. It is for this kind of clue that we want to draw attention to this work. Now, was the absence of dangerousness as a subject before the monarch's orders being used as a pursuit for the defense of the interests of an individual of a "inferior" quality? After so many years and invested in services by Manoel Cubas Frazão, what types of dangers did his legitimate son represent to João Falcão, his certificate or to the possible readers of it?

In that moment, one can not visualize the general clauses of João Falcão's certificate without relating them to the "danger" always lurking. One of the fundamental characteristics of a juridical need, felt by people from subalternized groups, is the presence of a comparison between the applicant individual and the images of justice represented to them (MENDONÇA, 2017). From a hierarchical reality that saw the indigenous person as subject to reservations and conditions (MACHADO, unpublished text); was understood by that man as the fundamental axis in the production of that document. The problematic revolves around the conception that the legal and social status of indigenous peoples was related to experiences of domination that had them places considered "inferior".

¹² Certificate 2nd, passed by Captain Major João Moreira Falcão, in January 1754: *Overseas Historical Archive, Separate Alagoas* : Document 145, fl. 08. My Bolds.

Of the nine remaining certificates, where Manoel Cubas Frazão was the protagonist, two passages, more specifically, direct us to such questions. Discourses were developed, where the "quality" of indigenous was emphatically relativized with distinct attitudes that had as a function to safeguard the soldier father of any doubts regarding its adaptation and extraction of the social category to which it belonged.

[4th Certificate, of the officers and soldiers of the Infantry of Palmar do Arraial de Nossa Senhora das Brotas]: [...] we know Manuel Cubas [...] always with Good zeal and care in the service of His Royal Majesty **without ever having any distinctions in his person [...] with good procedure not of rustic Indians** but if outside of the person of the understanding putting in the dispositions of the quality that we deem worthy and deserving of all honor and mercy [...] (November 24, 1752).

[5th certificate, by Captain Domingos Fernandes de Oliveira]: [...] accompanied me by Captain Manoel Cubas Frazão [...] with courage, entering and leaving to discover the field, sending and unloading his soldiers as he was obliged [...] that I deem worthy to enrich [sic] the honor and mercy that His Majesty is served to do to him **for the Good services which of His person has happened without there being no note that can even speak Hindi** [...] (Monday, November 25, 1737)¹³.

Note the reservation that the certificate of the soldiers of the Palmar had made comparing the valiant customs paradoxes the "quality" of Manoel Cubas. In addition to claiming to know not only the Captain, but also his jealousies and cares in the execution of royal orders, any behavior incompatible with the actions of an overseas subject is removed without negation, through the denial of Lazarus' father as one of the "rustic Indians". The same artifice may be underlined by the words of Captain Domingos Fernandes de Oliveira, in which he is surprised by the contradiction between such an exemplary conduct with the absence of any note on the part of the crown that would allow him to say more than Indian

¹³ Certificate 4, passed by the retired officers and soldiers and enrolled paid of the Infantry of the Palmar do Arraial de Nossa Senhora das Brotas, on November 24, 1752. 5th Certificate, passed by Domingos Fernandes de Oliveira (former captain of the Captaincy of the Captaincy of Pernambuco, district of Porto Calvo), retired soldier of the Terreiro dos Palmares, where he was fieldmaster Domingos Jorge Velho, on November 25, 1737. All in: *Overseas Historical Archive, Separate Alagoas* : Document 145, fl. 11-12, 13 and 13v, respectively. My Bolds.

One thinks of the horizons that the validity of a "gift economy"¹⁴ had attained in the individual understanding of Manoel Cubas Frazão, as well as in maintaining the vehemence of rewards (either by the hands of the kings or other representatives agents). After years of serving in conditions considered highly dangerous by the Lusitanian military force, Manoel was collecting these certificates (note their dates), proving his achievements, "always marching in the vanguard of the most Indians"¹⁵; at one point having been "Released from the Subjection he had to the Field Master," and relying on the ascendancy of a "Major Pay of his profession." Captain Manoel Cubas Frazão had much service to be remembered for the Lusitanian crown, not to mention the resolutions he had made, which ruled out any disagreements that might exist between his "Relatives" (think of relatives as probably the natives to him subordinate). It makes sense to have postponed a request for mercy because it considers the need to incorporate their children in the same life of "honors" or even temporary personal satisfaction, being present in the "lists of captains who were in this Palmar and enrolled in the Royal Secretariat", "Restricted from cinco rods of Linhage by anno"¹⁶, remaining to solve only the future of his offspring in front of the final ways that was part of his destiny.

Thus it may be said that the previous flexibilities of graces granted by the monarch to other soldiers involved in the Dutch or Palmarine restoration (VIANNA, 2007), had coercive force in the thinking of many individuals not being outside Lázaro Coelho de Eça himself and his father. The order denying the requests, certificates and other evidence regarding the good procedures of that family, gives rise to a problem that brings to itself several questions related to several aspects intrinsic to this type of judicial process. It was seen that the petition invoked and legitimized an indigenous legal status ratified by the use of formal means that affirmed the value of those subjects of the land. Even so, the origin of the suppliant's blood made weight before the final decision of the council and king. At this point, it is necessary to question those points of power raised previously, both in relation to Manoel Cubas Frazão and the speeches developed by his son. Lázaro Coelho's identifica-

¹⁴ Theory most represented by Marcell Mauss, carried out by Levi-Strauss and Pierre Bourdieu (BOURDIEU, 1996). However, its application in the world of "Old Regime", still more for "Portuguese America", should be better thought.

As emphasized by Spain and Xavier, a King was not constrained to give the contradiction to every gift he received (HESPAÑA. XAVIER, 1992, p. 386. OLIVAL, 2001, p. 15).

¹⁵ 3th Certificate, passed by Ensign Luis Mendes da Silva of the Company of Captain Alexandre Velho da Cruz, prisons in the new village of the conquest of the Palmar of Pernambuco of which was master of fields Domingos Jorge Velho, on March 2, 1728: *Overseas Historical Archive, Separate Alagoas* : Document 145, fl. 09 and 09v.

¹⁶ 4th Certificate...: *Overseas Historical Archive, Separate Alagoas* : Document 145, fl. II.

tion of a probable offspring of African matrix would be definitive in order to safeguard interests that were totally alien to them.

Lázaro's mother

From the readings related to the petition made by Lázaro Coelho de Eça, one reaches the conclusion that his family was composed of natives of the village of Urucu that was located in the district of Alagoas do Norte¹⁷. It must be said that the exchange of favors between overseas¹⁸ subjects and the Portuguese king was persistent and undoubtedly necessary for the maintenance of the interests of both sides. Within the conception of justice that was contemporary to him, that request was close to what would be considered fair¹⁹. His ascendancy was what gave the strength to want to be responsible for all those of his people. For this reason it is possible to inquire why the name and social position occupied by his mother had been concealed. It seems that Lazarus really seemed determined to focus all his attentions on his paternal deeds. But for what reasons, exactly? In one of the attached certificates, more specifically written by Luis Mendes da Silva, Ensign of the infantry, corporal regent and administrator of the Indians in general of the camp of Nossa Senhora de Brotas, was narrated the history of the union between Manoel Cubas Frazão and Paula da Silva. It is only there that one discovers that the mother of the supplicant was not an Indian. Being stationed in the Arraial founded by Field Master Domingos Jorge Velho (FREITAS, 1978, p.182) could have given Luis Mendes knowledge about the life of Manoel Cubas Frazão, who fought alongside the São Paulo Field Master, previously seen.

The prospects of gratitude and fidelity to the king that certainly existed in the person of Manoel Cubas Frazão, as well as the information obtained throughout the application about the actions of the characters involved could provide superficial affirmations and that certainly require less effort to materialize: how to defend for (MENDONÇA, FONTES, 2012, pp. 55-70) that permeated and strengthened the family in question: from the hands of the grandfather of Lázaro, the principal of the Urucu nation, to that of his father, his uncle,

¹⁷ Request of Lázaro Coelho de Eça to the king, requesting to be conferred the Patent of Governor of all the missions and villages of the people of Corredio Hair, Dispatch of October 9, 1755; Letter (with validity of Public Deed), in which Manoel Cubas Frazão (represented by Cap. Master Joseph de Souza Rebello) gives his children the right to petition the king for the services he rendered on October 1, 1753: *Overseas Historical Archive, Separate Alagoas*: Document 145, fl. 01 and 01v, 03 and 03v, respectively.

¹⁸ On considering the Indian as a subject of the king see the considerations of Caio Prado Júnior regarding the law to see the Indian as a colonizing agent, provided that such services were provided in agreement with the Portuguese Crown. (JÚNIOR, 2011).

¹⁹ Merits of wars or struggles for the "State of Brazil" were recognized as fair: *Book of Councils of the South Chamber*, Geographic and Historical Institute of Alagoas, PAC. 02-A-MISCELLANEOUS; Cx. 01, Document 033-34.

himself and his brother... However, in this text, the hypotheses put forward seek minimum details that would pass imperceptible or ignored under the horizon of a possibility of "resistance" masked by exclusive excluding justice images (HESPANHA, 2010; THOMPSON, 1987, 1998).

It is important to note that Manoel Cubas Frazão did not marry someone of "quality" "equal" to his, as would be fundamental, according to the theological precepts of the Catholic instituting religion (SILVA, 1984). It is not one of the objectives of this article to enter into problems that the main documentation forming this article does not support. However, a number of questions, which in themselves give openings to relevant critical interpretations, can not be ignored. The fact that Lázaro's mother is a character almost estranged from all the efforts and social insertion implemented by the family, raises questions about what and for whom the exercise of power by the hands of the men of that family really served. In this same perspective one can leave open different possibilities of how the brave warriors were seen by the community to which it belonged.

[8th Certificate, by Alferes Luis Mendes da Silva]: [...] I found [Manoel Cubas] with the fidelity of a good soldier giving executions to all the orders that were entrusted to him [...] **eating at his expense and with the sweat of his Face** and after the restoration I know to be **married to a Creole daughter of the bush by name Paula da Silva for more than thirty years** whose creole was of his brother Sergeant Mor Louren da Silva who had given the deceased fieldmaster Domingos Jorge Velho for taking a flag that at that time made the black sons of Palmar and this creole was picked up from a very young age [...] **they always created this girl with the love of a daughter because there was no son and no daughters** and after being a woman, the woman was called Creole **as she lived in freedom** from the outside and exempted married the said Captain Manoel Cubas [...] obedience of the missionary of this [illegible] Palmar **always humble to the Church's** clan and obedient to the real service and thus serve [...] (Tuesday, January 8, 1737)²⁰.

²⁰ Certificate 8th, passed by the Ensign Luis Mendes da Silva of the Company of Captain Alexandre Velho da Cruz, prisons in the new village of the conquest of the Palmar of Pernambuco of which was master of fields Domingos Jorge Velho, on January 8, 1737: *Overseas Historical Archive, Separate Alagoas* : Document 145, fl. 19 and 19v. My Bolds.

Although he grew up under the care of Sergeant Mor, Lourenço da Silva and his wife, Maria Antigua, Paula da Silva was a "Creole daughter of the bush"²¹. The then deceased Field Master, Domingos Jorge Velho, gave her even at a young age to the couple who, without their own children, created her "with daughter's love." Finally a woman, the so-called "Creole" who lived in freedom (and this is emphasized with emphasis) married with the brother of Lourenço, Manoel Cubas Frazão with the consent of those who had for their parents. The union generated nine children, among them, Lázaro Coelho de Eça.

The "daughter's love" and creation of Lourenço da Silva and his Old Maria were not able or sufficient to overturn the qualitative ties that Paula's blood represented in that society. It is possible to reflect on this obstacle to have been seen and considered by Manoel Cubas Frazão and his son, Lázaro de Eça. This is because, as was said, neither in the petition sent by the potential "heir" nor in the public deed passed to his offspring did the name of that woman appear - and in similar legal proceedings this usually occurred²². On the other hand, when one wanted a mercy equivalent to so many years of suffering military service, the presence of Paula da Silva was certainly designed to remain coadjuvant, in the silence of the veins.

The role of women in inquiries or other forms used to identify their sons and husbands can be seen as one of the ways that gave structure to the discourses on the conduct that was considered more correct. In a society founded on the principles of the Old Regime, it is possible to observe the role of the woman represented as a historical agent in the same way as the man, not only raising children and being reclusive in his house, but composing the legal status of his closest relatives. They were also components to be observed in assessing the place of each individual in the cosmos²³. Legally speaking, the insertion of a person into the social order was tied to their origins.

²¹ It is known that the so-called "qualities" changed according to color, region and temporality. Paula da Silva is seen here as a descendant of Africans, by the definition of Rafael Bluteau and the fact that she was captured as a slave in missions to the Palmares. (BLUTEAU. Volume 02: Letters B-C, 1712). As a reading on this theme, the book of (PAIVA, 2015) is recommended.

²² Request of the Priest João Velho Barreto to the king to ask permission to advocate: *Overseas Historical Archive*, Alagoas Avulsos: Document 57 [January 12, 1730], fl. 05; Identification of witness in the case of inquiries regarding Bento da Rocha Mauricio Vanderlei: *Overseas Historical Archive*, Alagoas Avulsos: Document 63 [Thursday, July 20, 1730], fl. 23v; Questions to be asked for the inquiry of Captain Jozé Bezerra de Andrade competing for trade: *Overseas Historical Archive*, Alagoas Avulsos: Document 165 [Thursday, December 15, 1757], fl. 19; and Act of Legitimation of the children of Father Manoel Rodrigues Lisbon: *Overseas Historical Archive*, Alagoas Avulsos: Document 234 [October 9th, 1788].

²³ Certainly, this interpretive aspect does not place women in a consequently beneficial position. However, these places give a brief impression of presenting themselves as symbolic power, not always to them, but usually to their husbands or children. This perspective certainly does not convey a feminine power, but it also does not negate a function more complex than one might think at first sight, of those characters in the Portuguese-Brazilian legal framework. Although women are considered marginal beings, with no birth and their "nature" constantly pushing them toward activities condemned by Christian principles, they end up

Even with the null indication of the maternal origins of Lázaro Coelho de Eça, within the certificate issued at the beginning of the year 1737, it is possible to emphasize some mechanisms used by the lieutenant Luis Mendes da Silva that would certainly serve for the fitting of Paula da Silva in the same Portuguese and Catholic principles expected from overseas populations subordinated to the Lusitanian kingdom (GRUZINSKI, 2014 and QUEIJA, 2004). After the exaltation of the character of Manoel Cubas Frazão, accomplished not by arguments of descent, but by acts of bravery and adaptation: "Eating at his expense and with the sweat of his face," confirmed the marriage and its existence of more than 30 years. In addition to all of her life alongside the "dignified" Captain Manoel, Paula would have been "caught at a very young age" and raised within the same principles of subjection equated with her future husband.

Because he was in a war environment, Manoel Cubas Frazão fought against palmarino Negroes considered as "facinorosos", who committed "assaults, robberies and deaths" (common speech in almost all the seventeenth century). Women, at that historical moment, were also represented by the paints of white slaveowners. Firstly, the adults: they were considered warriors and, in times of struggle, they were regarded as "beasts" ("who go to war all together in the moments of greater precision, without exception of the women who on those occasions seem more beasts than people of their sex"²⁴). In catch periods, women and children ("black women, whether they are captives of the coast or daughters of the bush" - we can see the same term used to say where Lázaro's mother came from) were considered defenseless and fragile and were not It is necessary to send them to squares such as Olinda and then be resold outside the Captaincy of Pernambuco²⁵. What do you mean by that? That Manoel Cubas Frazão, despite saying that Lázaro Coelho's mother was a Creole from the region of Palmares and an entrance that resulted in capture, would not be a "beast". But that was only part of Paula da Silva's "qualification." The other vestige for interpretation was his "young age" which, in addition to removing Paula from the aspect of "beast", would also protect her from polygamous aspects and - for the Catholic Church - promiscuous:

who are so sure of the good intentions of the negro that arrives, give him a woman who has it along with other blacks, two, three, four and five ne-

introducing part of them to the masculine identity and that would mean a lucrative or bequeathed position. was considered inferior qualities.

²⁴ "A poliandria em Palmares". (In: FREITAS, 2004, p. 142).

²⁵ "Conditions that the Paulistas of the Third Infantry of which is field master Domingos Jorge Velho asks that they be granted him to be able to continue in the Palmares [1694] ". (In: GOMES, Flávio (org.), 2010, p. 336). My Bolds.

groes, since few women adopt this style to avoid contention; that all husbands of the same woman inhabit with it the same mocambo, all in good peace and harmony, in the family semblance, but proper to barbarians without the lights of understanding and the shame that religion imposes; that all these husbands recognize themselves obedient to the woman who rules everything in life as well as at work²⁶.

Marriage and the long years of life surrounded by people so faithful to the designs of His Majesty should not impose great obstacles on future judicial assessments of the procedure of those men. Or at least, one can see in the certificate, there were some reasons to be considered about the insertion and "adoption" of a member of such "quality" within that "valiant" family ("for not seeing the couple sons and daughters") and of their appropriateness in that society ("always humble in the church guild and obedient to the royal service"). The question here is not to answer whether or not Eça exceeded her remuneration in the face of the "heroic" acts of her father, but whether Lázaro ended up in his aspirations due to his mother's origins and because he himself could not either be considered Indian.

Hellish paradise

Following the request of Lázaro, the Portuguese monarchy requested, on December 2, 1754, João Bernardo Gonzaga, Ombudsman General of the Captaincy of Pernambuco, for more details on the subject. Until then it can be said that both the services performed by the supplicant's father and the legal procedures that he has been duly legitimized have been recognized as a petition seeking "satisfaction" and "plea" for "Remuneration." On the side of the chosen Judge, however, the news about Lazarus was not compatible with the wishes of the Governor's Patent of all the missions and villages of the people "commonly called the Corredio." In a way, they did not even match the accounts contained in the testimonial certificates.

In that time, it is important to say that since Felipe Camarão a very similar patent was passed between his descendants, relative to the feats of the war of the restoration. Around 1722, a process of disintegration of the peoples of the specific thirds began, which added to the absence of royal support led Dom Antônio Domingues Camarão to be the last Governor of the villages of the Captaincy of Pernambuco. When the governor of Pernambuco, Duarte Sodré Pereira Tibão asked the king to extinguish the patent, in 1731, he used

²⁶ "A poliandria em Palmares". (In: FREITAS. 2004, p. 141-142).

as main argument the damages of the segregation of thirds (blacks, mulattoes and natives). From then on, some offices, among which the patent analyzed, disappeared from the administrative staff of the region. The same Duarte Tibão who in 1728 praised Manoel Cubas Frazão for the services rendered to the Crown, cursed the governor of the Indians, under affirmations that put in check his subordination, civility and fidelity²⁷.

In spite of all these conflicts and negativities related to the achievement of such patents in the hands of the indigenous people, João Bernardo Gonzaga mounted a very prejudicial opinion for Lázaro, above all, because he delegitimizes his ancestry.

The provision included **Lázaro Coelho de Eça, a black man, or almost black, and not Indian of this Country**, with a copy of the petition that Your Majesty made to be appointed to the post of Governor of all the Missions and Villages of the Caboclos of this captaincy of Pernambuco, by the services of his Father, who was Captain in the Village of the Urucu, and attached missions²⁸.

The ombudsman begins with the indication of the quality of the applicant, making sure to rectify the information contained in the application, the certificates (in a way) and even the king's order. To assert that Lázaro Coelho de Eça was not an "Indian of this Country," but rather a "black man" gave the suppliant's maternal ancestry more emphasis than was usually the case. It is thought that the General Ombudsman of Pernambuco might have known the man whom he called "almost black" - and if we consider that in the same request Lázaro also asked for asylum because he was in an unknown city, it makes more sense to such a hypothesis. being in Recife, where the magistrate wrote). Although Manoel Cubas Frazão's son did not at any time affirm that he was an Indian of the land, one should not deviate from the significant weight that a user's discourse of the word "negro" could twice compose: "Black or almost black man"²⁹. We speak of a document produced to the king by a man of justice, drawing up an account of an official, juridical and decisive nature. Such a repetition, however much it may have been used to try to be precise in the designation of the individual, invoked twice the compatibility of the blood of Lazarus with an an-

²⁷ All information contained in this paragraph was written from (RAMINELLI, 2015, pp. 166-168).

²⁸ Letter from the General Ombudsman of the Captaincy of Pernambuco, João Bernardo Gonzaga in response to the king's order to pass an opinion regarding the petition of Lázaro Coelho de Eça, on March 11, 1755: *Overseas Historical Archive, Separate Alagoas*: Document 145, fl. 26.

²⁹ Alex Rolim Machado, in a study about the Inquisition in Alagoas, identified a process in which a brown man (who disobeyed the sacraments) was denounced by another brown man. The complainant said that the complainant was not a "real man", while "the Commissioner of the Holy Office of Olinda, in charge of the process," regarded the complainant as "black", even though he was "Ensign of the Pardos" (MACHADO, p 325).

cestry that brought concerns within the forms of social, juridical and theological thought of that society (VAINFAS, 1986, 2010; THORTON, 2004; REGINALDO, 2001; LARA, 1988). In addition, it raised questions about the honesty of such a high request and the conduct of the son of an Indian subject. Lazarus was an heir, but he had not done the deeds of his father; legitimate son, but a legal individual who concealed his offspring, except for a single certificate, perhaps even accidental. And black, "black or almost black man", quality that was constantly related to the most sincere and exclusive suspicions on the part of the reporting judge.

The relevance of these services could never be so great that they would be worthy of a dominant position in more than four hundred District leagues, in which there are endless Villages with their captains Mores or Governors subject to the Governor and Captain General of this Captainty thus creating Your Majesty, a second Governor in the same Captainty, who, in the assumption of his merit, could never be well-governed villages, and he can not be present at all times, each of his particular Governors lacking, who must be subordinate only to the Governor and Captain General of this Captainty³⁰.

In the officer's words, there was no service that gave rise to such high jurisdictional extension. The request was totally contrary, in Joao Gonzaga's view, to the attainment of the royal services and interests represented by the governor and captain-general of Pernambuco. It would raise ambiguities, causing discomforts and conflicts between the various military or judicial administrative agents involved and that would be implicated if the monarch's decision were affirmative. Let us not forget the serious invocative suggestion of the lack of dignity of "a dominant position" in the hands of a "black or almost black man."

The question of dignity must be raised in an incisive way, for they were not words chosen to spend ink, but evidences of a social order based on a corporatist paradigm (HESPANHA, XAVIER, 1992, pp. 121-145). This means that the birth and "quality" of people were determinants of their destiny. This time, the proximity to the black blood removed from Lázaro more than half of the force that his legal arguments had previously (VIANNA, 2007). His own father could be considered an "extraordinary" case, since he was "so well seen" by amputations of his native customs (carried out in his life or in previous genera-

³⁰ Letter from the General Ombudsman of the Captainty of Pernambuco, João Bernardo Gonzaga in response to the king's order to pass an opinion regarding the petition of Lázaro Coelho de Eça, on March 11, 1755: *Overseas Historical Archive, Separate Alagoas*: Document 145, fl. 26. My Bolds.

tions) and by the weight factor that was the Palmares War and against the Gentiles of the Sertão (c.1680).

Because of this, the opinion of João Bernardo Gonzaga can be interpreted as substantially provocative, above all, in relativizing the services of father and son through the affirmation that "even in the supposition of their merit, the villages could never be well governed." Here it is pointed out the probable connection of his argument with the validity, manipulation and utilization of perceptions about the African enslaved charged even if forcibly to Lazarus (who was not a slave, not an African, rather mestizo, if we consider his ancestry according to the 8th certificate attachment³¹). This is because the meaning of such statements can be interpreted as deriving from one of the many moorings that African blood represented in the old-regime society in the tropics: the lack of ability to govern oneself and others (HESPANHA, 2005; BOXER, 2000; JÚNIOR, 2009; LARA, 1988; MAESTRI, 2015; SOARES, 2011; SILVA, 1991).

In addition to the fact that the diversity of their nation, not being a legitimate Caboclo, but almost black, would make their dominion hateful to the same Indians, who only submit well to their own nationals. It seems to me that his mercy begs not to be attended to; and that these services being worthy of some reward, His Majesty would repay them with the position of his Father, in whose village, as his natural, it would be well accepted his person³².

It is latent the overestimation that João Bernardo Gonzaga makes regarding the "creole" descendants of Lázaro de Eça. Their positions do not compete with negative perspectives only on mother and child, but insists on depreciating even the indigenous people themselves. The Ombudsman detracts with greater effort from the village of Urucu, located in the village of Alagoas do Norte, when - to be sure of the administrative adversities on the part of a "black or almost black" and even so - he affirms the likelihood of Lazarus' place of origin. At this point it is questioned whether hatred was considered by him as characteristic of the Amerindians (who from his point of view "made difficult" the concreteness of

³¹ Lázaro Coelho de Eça was the son of the indigenous Urucu Manoel Cubas Frazão and the creole Paula da Silva: Certificate 8th, passed by the Ensign Luis Mendes da Silva of the Company of Captain Alexandre Velho da Cruz, prisons in the new village of the conquest of the Palmar of Pernambuco of which was master of fields Domingos Jorge Velho, on January 8, 1737: *Overseas Historical Archive, Separate Alagoas*: Document 145, fl. 19 and 19v.

³² Letter from the General Ombudsman of the Captaincy of Pernambuco, João Bernardo Gonzaga in response to the king's order to pass an opinion regarding the petition of Lázaro Coelho de Eça, on March 11, 1755: *Overseas Historical Archive, Separate Alagoas*: Document 145, fl. 26.

effective Lusitanian domination) or as a result of the blood that Lazarus had inherited from his mother.

The absence of legislation to support legal situations involving mestizo individuals certainly served certain interests of privileged strata of society. On occasions like this one could maintain the natural order of things, breaching Lazarus and bringing to light the fragility of the taking of power or the involvement in networks of strength by subalternized personages. And, at the same time, doing so without prejudice to the achievement of the political pacts forged within those overseas societies (BICALHO, 2002; ALENCASTRO, 2000).

The information contained in that letter of reply from the Ombudsman of the Captaincy of Pernambuco competed seriously for the decisions that were made regarding the request of Lázaro Coelho de Eça. Thus, the explanation of his judgment put in suspicion all the points listed on honor, fidelity, conduct, rights (categories for an aura of nobility, "imitating them at several lower social levels" (OLIVAL, 2011, p. 371). One asks to what extent, from this negative experience, the family and heirs of Cubas Frazão underwent alterations among its ways to see the world by the breaches that were allowed to them. Let us not be carried away by the drastic end of Lazarus' "dreams". For if he wished to exercise power over his own, he would certainly use every possible device to transfigure himself as a Portuguese soldier, serving and benefiting the most diverse intentions of the Lusitanian Crown.

He does not play the role of a good boy or a villain for Lázaro Coelho de Eça. We want to consider vigorously that the main background of their aspirations was based on years of adaptation and assimilation of precepts that responded to needs that were alien to them. In this line of reasoning, it is not considered possible to see in these legal processes any kind of seizure of power, at any level.

Above all, because it was a conditional faculty, a precursor to the perpetuation of elements that exclude the development of those societies, and lethal to all the included characters, considered subordinate (whether they were masked or not).

True justice (or conclusion).

It was necessary to take the reader to the argumentative formation represented by Lázaro Coelho de Eça. It was important to conceive the statements about the actions of his

father and himself as parts of the production of a speech of conviction³³. In the "story" that was counted in the request of the supplicant until the provisions of the Governor of Pernambuco (Duarte Tibão), there is more than a narrative. There followed a rather common but nevertheless devoid model of value which counted on legitimate rhetorical means at the request of favors, offices, or any other kinds of honors. It should be noted that after the information passed by the General Ombudsman of the Captaincy of Pernambuco, the notion of what could be seen as fair has been completely altered.

[Final order]: It also seems fair to me that this request must be dismissed and that the supplicant requires another satisfaction from the sight of the services of his father, which seems to me not to be the present tenet and will have without knowing the capacity of the Supplicant and whether it is already provided the place that occupied his Father³⁴.

The II testimonies in his favor eventually led to a disastrous outcome that definitively put to the test the conceptions of justice of the men involved and of social order. It is important for the historian to bring to the fore the questions and discomforts that overflowed in the struggle for survival in a hostile environment to ethnic-cultural distinctions in various social relations of the past time for the understanding of the historical trajectory of the society to which we belong in the present time.

The initial proposal of the article was to exemplify disadvantageous mechanisms within practices that at first can be erroneously interpreted as possibilities of "social ascension" or "resistance" in the current order³⁵. Throughout the analyzed analyzes it is believed to have made visible the incoherence of the identification of subalternized personages in positions that were "strange" to them (or conditioning) with the idea of forming networks of power able to alter ways of thinking and seeing the world based on traditional Portuguese precepts (HESPANHA, 2003). In this way, it was tried for aptitude in masking relations of force on the part of the communications or negotiations between subject and king. This

³³ For the idea of persuasive discourse, interesting are the considerations of Zemon Davis in relation to the "fiction" of legal discourses in seventeenth-century France (DAVIS, 2001).

³⁴ Final Order, c. 1755: *Overseas Historical Archive, Separate Alagoas*: Document 145, fl. 26.

³⁵ The idea of "social ascension" has to be even better worked for Alagoan environments from more empirical studies. For militia environments, Everton Rosendo and Dimas Marques share the theory of status change of men of low condition from exercises for the King of Portugal. Alex Machado, in relation to the Inquisition and the formation of the mesh of agents in "Alagoan" environments, is much more skeptical and critical, not willingly accepting the "easy" existence of "social mobility", much less automatic transformation of agents of the Holy Office in "nobility of the earth" or "Elite"; in my Master's dissertation I ended up in a similar interpretive line, since women who were historical actresses and who - at first glance - seemed to exercise command and a kind of "independence", were not as powerful or "autonomous" as part of historiography insists on wanting to make an appearance.

can be relativized, problematized and proven from the experiences of Manoel Cubas Frazão and his son.

Even if the requisite post was below services or out of the question in an environment of administrative transformation, one can not fail to consider that the request existed because there was a background of precedents provided by the concepts of "honor", "gratitude" and "justice" implemented and reinforced in particular situations (VIANNA, 2007; RAMINELLI, 2015). It is directed to the need for an exhaustive critique of these previews of what was fair, of royal vehemence, and of the understanding of the possibilities of infiltrating juridical arguments by attempting to achieve favor and grace. Above all, for those who did not automatically fit into places of high dignity, it is worth putting to the test any and all "advantages" achieved or desired.

Such work requires the attention of the researcher to enter the speeches and appeals used in them. Only in this way can it be sketched that the need to fit into judicial and customary descriptions - whether through services or through the collection of certificates - can not be interpreted as an act of resistance, but rather as the success of an objective of maintaining the status of alien groups and contrary to the interests of those bequeathed to categories considered "inferior". This can be seen when Manoel Cubas Frazão and his son were assimilated to Portuguese subjects in acts and customs - not to mention the pertinent questions in the reflection on their situation among their equals.

Speaking in negotiation and "negotiated authorities"³⁶ thinking about actions of municipal councils had significant weight to understand specific realities envisaged and derived from Lusitanian forms of administration that gave autonomy and weighed local norms established according to the needs of the government of overseas territories belonging to the Portuguese Empire. However, it also means that the concentration of political and judicial power, distinguished in Portuguese juridical and theological literature, directly affected the expansive notion of justice in order to make up elements that exclude or amputate the strength of society. On the one hand there were privileged layers responsible for controlling the main means of survival or maintenance of their status. On the other hand, the people were watching, inert, and veiled by the veils that looked away and simulated symbols of protection and the possibility of acquiring "dignity" through "gratitude" and fidelity to the monarch (and his agents).

³⁶ The author most cited by the Brazilian colonial historiography of "Old Regime in the Tropics" ended up being the American (GREENE, 1994).

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