

Consecrating dominions and generating conflict – the *sesmaria*^{TN1} grants, 1795–1822 Brazil

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Abstract

In the late eighteenth and early nineteenth centuries, a request for the granting of a *sesmaria* could lead to a much-coveted social advancement, promoting a farmer to the social category of a *sesmeiro*. Many had started by farming third-party land, others by occupying purportedly unowned vacant land. Furthermore, during this period, the Portuguese Empire acquired a significant expanse of territory, and this entailed acknowledging the existence of countless different kinds of farmers, with their own distinctive views about the nature of land occupation. Once the “*Chancela Real*”^{TN2} was obtained, many would most likely seek other grants, feeling privileged in comparison to the majority of colonials, who only had their own self-recognition of the ownership of their land to confirm the legitimacy of their occupancy. However, in the event of disputes with bordering neighbors, they had no titles which they could invoke. By using the “landowner” title confirmed by the *Chancela Real*, the *sesmeiro* made use of the existing legal procedures to establish himself as its legal occupant, but he was also able to take advantage of this power to incorporate more land, even though such action had no strict legal support. In this multifaceted game, this article retraces the paths followed by Ignácio Pamplona and Paes Leme, both emblematic examples of the Portuguese crown’s intervention in “land issues.”

Keywords

sesmarias, Land Disputes, Land Occupation in Portuguese America

Resumo

Em fins do séc. XVIII e início do seguinte, a solicitação de sesmarias poderia referendar a ascensão desejada, inserindo o lavrador nos quadros da categoria social de sesmeiro. Além disso, neste período, o Império adquiria uma territorialidade marcante e tal processo implicava o reconhecimento das inúmeras gradações de cultivadores, de perspectivas distintas na ação de ocupar. A partir da Chancela Real, é possível que muitos passassem a almejar outras mercês, sentindo-se um privilegiado em relação a uma maioria que apenas se amparava no auto-reconhecimento de ser um legítimo ocupante, mas que não podia usufruir de um título de domínio em eventuais querelas. Ao intitular-se senhor de uma terra, chancelada pela Coroa como mercê, o sesmeiro operava com os dispositivos da lei para consagrar-se como legal ocupante, como também expressava seu poder na incorporação de terras ao arripio da lei.

Palavras-chave

sesmarias, Conflito de Terra, Ocupação Territorial na América Portuguesa

^{TN1} Throughout this article, the terms *sesmaria* and *sesmeiro* are used in their original Portuguese forms for lack of suitable English equivalents. The former refers to a concession of land made under the terms of the existing Portuguese system and aimed at regularizing colonization, while the latter indicates the person who held the title to land distributed under such a system.

^{TN2} Royal Seal of Approval.

I. Introduction

The *sesmaria* system was created at the end of the fourteenth century in Portugal, with the aim of resolving the problems resulting from the food crisis. In this sense, the goal of the legislation was to prevent the land from remaining uncultivated, imposing upon the *sesmeiro* the duty of putting it to good use. Transported to Brazil as the basis of property ownership, the *sesmaria* system provided a formal document of land concession in the colony, in spite of an intense process of land occupation by tenure. In their efforts to understand the particular characteristics of *sesmaria* concessions in Brazil, researchers have highlighted the fact that the Crown needed to establish a legal system capable of securing the continuation of colonization. Nonetheless, studies that have sought to understand and explain the dynamics of such concessions, as well as the land disputes that arose in the Portuguese colony, are still rare.

The present article discusses the *sesmaria* system in Brazil at the end of the eighteenth century and the efforts of the Portuguese Crown to seize Brazilian territory and resolve land conflicts, especially from 1795 onwards, as a result of the *Sesmarias Act* of the same year. In analyzing the random documents that arrived at the *Conselho Ultramarino*¹ (Overseas Council) relating to the captaincy of Minas Gerais, we have sought to understand the Portuguese Crown's involvement in the process of *sesmaria* concessions at the end of the eighteenth century in Brazil. In this sense, through the analysis of two emblematic cases, we seek to identify the *sesmeiro*'s strategies in enforcing and legalizing their occupation in the context of a society that was heavily marked by bitter land disputes.

II. The Concession of *Sesmarias*, Conflicts and Attempts at Legalization

For some time, Luiz Felipe de Alencastro's research has provided the basis for historiography on the building of Brazil and its multiple and complex developments (ALENCASTRO 2000). According to Wilma Costa, Alencastro's work has highlighted the powerful role played by the commercial interests of slave traffic, which created "a sort of invisible boundary" in the formation of the Brazilian nation, where the extraterritoriality of the labor market was a strategic element in the colonial elite's pact with the unitary monarchy (COSTA 2005: 105).

How can one explain the disputes and skirmishes involving colonial land, which led to the marking out of these invisible boundaries? If the labor market was extraterritorial, production based on slavery must inevitably have been supported by a certain area of land. Due to their past experience, the farmers became increasingly aware of the need to establish their ownership of their land, which further entailed pursuing their interests once they had received a "legitimate title," in this case, the *sesmaria*.

The maneuvers that they engaged in while seeking to legalize their properties, legitimizing the incorporation of land by means of the tenure system and the invasion of third-party lands, clearly exposed the underestimated territorial nature of slave-market interests, which, according to Alencastro, was the "driving force behind colonial wealth" (ALENCASTRO, *Idem*).

It is reasonably assumed that, until the mid-eighteenth century, the Portuguese Crown's stance when legalizing a certain property was based on concrete regional considerations. It was not meant to become a general guideline for the entire colony, adapted to the specificities of Portuguese America. The overall principles set forth in the *Sesmarias Act* seemed sufficient to meet the Crown's needs. However, an escalation of conflicts in certain regions was a cause for concern—for example, the land occupation taking place in the Piauí region in the mid-eighteenth century led to conflicting interests. On one side were the original occupants, dating back to the frontier expansion, while on the other side were "the *sesmeiros*, usually potentates from the towns of Olinda and Salvador, who applied for the land, legalized ownership and began profiting from this at the expense of anonymous backwoodsmen" (PORTO 1965: 87).

In 1753, the Royal Charter of October 20 implemented a trial solution for the dispute between the Piauí *sesmeiros* and the existing occupants of the land. It reinstated the principles of the *Sesmaria Act* by

¹ Created in 1642, the *Conselho Ultramarino* was designed to deal with all matters and economic transactions relating to India, Brazil, Guinea, the São Tomé Islands, the Cape Verde archipelago and all other overseas possessions.

acknowledging that the *sesmeiro* title applied only to the land that they tilled, and not to land that was cultivated by third parties. Furthermore, it set a maximum limit for the area of land that could be granted under this system.

The 1753 Royal Charter was one of the Pombal government's many interventions in the colony's policies. It was an attempt to control the land occupation process and was probably implemented in order to solve disputes arising from the dynamic expansion of the Morgado da Torre estate, whose *sesmarias* included lands in Bahia, Sergipe, Alagoas, Pernambuco, Paraíba, Ceará and Piauí. As has been clearly shown by Angelo Pessoa's research into the Morgado da Torre estate of the Garcia D'Avila family, this attempt to discipline the process of land occupation, including the setting of a maximum limit for land grants, indicated an acknowledgement of the past history of "unlimited" occupation, showing that the colonial authorities were aware of the expansion of their domains and of the claims and disputes caused by the overlapping of several *sesmarias* in that region (PESSOA 2003).

It is an obvious assumption that the Overseas Council was aware that, in the wake of *sesmaria* concessions, there would eventually be disputes and conflicting interpretations of the local history of land occupation. It is also reasonable to assume that the members of the council knew that the escalation of conflicts was directly related to the imprecise boundaries that had been drawn and the lack of regulations about the maximum area that could be granted under this system.

In the late 1760s, the disputes and clashes over land rights became more complex due to the so-called Law of Good Reason (*Lei da Boa Razão*) enacted in 1769, which made tenure a legally accepted fact. After this law, the tendency to acknowledge that those who had occupied land without holding any title to it were its effective owners became a firmly consolidated procedure. Many decrees, ordinances and orders ruling on *sesmarias* always contained provisions which, in one way or another, safeguarded the interests of those who actually worked the land (LIMA 1988: 76). Acknowledgement of the tenure system, arising from the Law of Good Reason, ensured that the claims made by several non-grantees were treated fairly, but it nonetheless escalated the disputes.

The attempts to solve the land disputes reached their peak with the enactment of the *Alvará* of May 3, 1795, which was the outcome of an investigation undertaken by the Overseas Council into irregularities and breaches of the Brazilian *sesmaria* rules. The rewording of the principles of the Law of Good Reason incorporated the notion that, by merely drafting a law detailing the steps to be followed by the subjects, it was possible to institute a new rationality for concessions. Although revoked one year later, it contained a detailed plan for ruling on land concessions and on the organization of the colonial territory. The reasons for revoking it were:

“the hindrances and inconveniences which could arise from [its] immediate enforcement (...) either because, under current circumstances, it is not the best time to bestow solid status on the huge properties of my subjects in the provinces of Brazil, or because there is a lack of geometers who can establish reliable measurements (...) or, finally, due to the several proceedings and claims that may arise, seeking to implement such wholesome principles (...) without preparing, beforehand, all indispensable instruments to enable a full and useful implementation of such principles.” (APUD PORTO OP CIT: 138-139)

Notwithstanding the fact that it was revoked, the express requirements set out in such an order highlighted the need to institute a procedure which could regulate the concession of the *sesmaria* titles. Additionally, the deeds were to be subject to confirmation by the Overseas Council and recorded in books, all in accordance with the *Alvará*.

One may reasonably assume that many *sesmeiros* felt constrained by the royal rulings, because the Overseas Council received many requests for the public registration of land in the year following the enactment of the *Alvará*—which was also the year in which it was revoked. These requests sought to measure and set the boundaries for occupied land, which would be followed by the granting of “a legitimate title.” Despite the potential autonomy of the municipal councils and the farmers' power over their people, it is an undeniable acknowledgement of the Crown's role in having the last word as to who was the legal occupant of a given area. If, in practical terms, the tenure arrangement corroded the system and became a mechanism for colonial expansion, from a legal standpoint there was a deed, a letter of concession, which granted full legal title over the land within the established boundaries. Thus, if it is true that “royal power shared the political stage with other powers of greater or lesser hierarchy”

(HESPANHA 200: 166), the Crown was the ultimate expression of power, since it provided the signature that ratified ownership.

A title deed of ownership was granted on behalf of the Crown, without any mention of current measurements, landmarks or crop areas. Instead, the application merely attached a report in which the judge or notary confirmed the previously established land measurements and boundaries. The bureaucratic procedure was based on the assumption that the applicant had indeed complied with the determinations of the *Alvará* and the royal provisions. The Crown issued a document—the *sesmaria* letter of concession—that expressed the power of the occupants of the land, who, by submitting themselves to the legal procedures necessary for the concession, gratefully received a title of ownership.

Why should one doubt the judges' and notaries' attestations of compliance with the measurements and boundaries? Weren't they honoring their positions by attentively adhering to the procedures involved in measuring and establishing land boundaries?

Frequently, the reports attached to the requests merely stated that the measurements had been taken and that the boundaries of the area had been marked out, but there was no actual indication that any known and accepted geometrical technique had been applied to the area for the sake of accuracy. Hence, the documents revealed that the judges had complied with their duties, but not necessarily the geometers.

So, it is clear why the rural potentates took advantage of the 1795 *Alvará* to seek consolidation of their power. They complied with the Crown's requirements, but they also interpreted them according to their own interest. The fact that the letters of concession contained the same wording seems to rule out the possibility of multiple interpretations. However, they listed different reasons for the applicant's request for legal title over the occupied land.

Many *sesmeiros* chose to confirm their legal title, prompted by the need to transfer their properties. As an example, on September 13, 1797, Theodora Maria Alves de Olivas and her sons applied to confirm their ownership of an area of land two leagues long and one league wide, bordering the Caolinas farm, in the Maranhão captaincy. According to the application, Theodora sought confirmation that the land was "their property, as well as that of their ascendant and descendant heirs, without any alimony or taxation whatsoever."² On August 9, 1798, the Overseas Council confirmed her legal title to the land.

Likewise, on December 1, 1790, two brothers, Antônio Gomes de Carvalho, Ignácio Antônio Mendes and João Rodrigues de Souza, applied for confirmation of a *sesmaria* in the parish of Guarapiranga, in the township of Mariana, Minas Gerais. Antônio Gomes, acting "(...) on his own behalf and in his capacity as heir and executor of the will of his deceased mother, Cipriana Monteiro de Souza, and the remaining heirs, his brothers (...),"³ stated that they owned a plot of land at a location known as Cachoponé, on the Chapoto river. Therefore, they wished to obtain a registration – through a royal document issued in "accordance with the Crown's orders" – which would allow for the transfer of assets upon his mother's death. His *sesmaria* was confirmed one year after the original application, on November 4, 1799.

Captain Jerônimo Pinto Neto is another interesting case. On September 30, 1791, he requested confirmation of his *sesmaria* at Campos, in the Rio de Janeiro Captaincy, since:

"(...) his wife, Dona Antônia Joaquina da Cruz, Francisca Maria Bellas and Jose Maria Bellas, who, on their own behalf and on behalf of their parents [attest that] for over 60 years they have held possession of 294 fathoms of land, in the area known as Beco dos Ciganos (...) and since the aforesaid land belonged to their father, [request] that a *sesmaria* title be issued for such lands."⁴

In other words, the land had already been occupied for over 60 years, and therefore there were solid reasons for the Captain to seek legal ownership over such land in Campos.

Heirs to *sesmarias* granted in the past also sought to secure their assets. Such was the case, for example, with Ignácia Francisca, the only daughter of Bento Álvares Calheiros. In 1757, her father had

² AHU. Carta de Confirmação de Sesmarias [*Sesmaria* Confirmation Letter]. Theodora Maria Alves de Olivas, Codex 165, folios 26 and 26v.

³ AHU. Carta de Confirmação de Sesmarias [*Sesmaria* Confirmation Letter]. Antônio Gomes de Carvalho, Codex 165, pp. 185-187.

⁴ AHU. Carta de Confirmação de Sesmarias [*Sesmaria* Confirmation Letter]. Capitão Jerônimo Pinto Neto, Codex 164, pp. 174-175.

purchased a *sesmaria* measuring one league wide and three leagues long in the bush areas of the Brás Sardinha hills, at the Possiununga and Orindi riverheads. On March 13, 1800, she applied for a new *sesmaria* letter, for the purpose of “requesting its confirmation in accordance with the Court Orders.”⁵ One year later, she received confirmation from the Overseas Council. Ignácia thus submitted herself to the provisions of the *Alvará*, which required that *sesmarias* that had been conceded in the past should be freshly measured and landmarked.

There were countless similar instances, mainly of *sesmeiros* seeking confirmation of their previously purchased *sesmaria*. For example, in 1798, Caetano Nunes Pereira requested confirmation of a *sesmaria* at the Roça Grande Estate, in Minas Gerais, since “(...) he [was] making use of a farm with a sugar-cane mill that belonged to the late Lieutenant Colonel Francisco de Barros and also two brushwood areas bought from Manoel Carlos.”⁶

This was also the concern of Francisco de Abreu Guimarães⁷ and Padre Victorino da Paixão. On March 16, 1793, the latter applied for confirmation of a *sesmaria* at Álvaro Coelho, a resting place in the village of São João d’el Rei, Minas Gerais “(...) as the settlement was spreading into his plantation areas (...)”, which “he had bought at an auction.”⁸ His *sesmaria*, measuring half a square league of land, was confirmed on April 17, 1799.

However, there were also some who claimed in their applications that the land was still unowned. In these cases, the applicant would try to be as precise as possible about the land that was being claimed, since purportedly he had not yet occupied it. On May 16, 1793, Antonio Pinto Castelo Branco requested a land concession, claiming that “(...) he owns some slaves which he uses for agriculture. Yet, as he owns no land, he cultivates the lands of others (...).” According to the applicant, there was “(...) news that on the Itaipuassu river bank, going upstream on the right-hand side, between the fields of Pedro Martins and Faustino Cantanlida, there was some unoccupied land—westward of the same fields—in the Piquei brushwood (...).”⁹ On June 5, 1798, Castelo Branco’s request was granted, and his *sesmaria* was confirmed.

Likewise, on May 9, 1797, Joaquim José de Souza Meireles applied for a square league of land at Rio Preto, Magé Village, Rio de Janeiro. Joaquim advised that he was aware of some unoccupied land there and that he was already tilling it “(...) to his own benefit and that of His Majesty.”¹⁰ Two years later, his request was confirmed.

In these examples, the decisive element for the granting of the request was the potential existence of as yet unoccupied areas, and the tillers’ efforts to acquire a *sesmaria* title on land that purportedly had no owners.

Other *sesmeiros* applied to confirm the expansion of their property. This was the case with Antonio José da Costa Barbosa, who requested a *sesmaria* at the back of the Governo farm, Rio de Janeiro, on May 13, 1799. Barbosa claimed to be “(...) the owner and holder of a farm known as Governo on the road to Minas Gerais, at a distance of over 20 leagues, where there was a sugar-mill (...) and he had heard that there at the back of this same Governo farm (...) there was some remnant land.”¹¹

In the above case and in many others, a previously acquired *sesmaria* opened the possibility of expanding its area, on the grounds that there was adjacent “remnant” land. The impreciseness of the land boundaries is obvious, and there was no royal ruling on “remnant” lands. The *sesmeiro* then had a strong chance of succeeding in his purpose, since, by being acknowledged as such, his land grant represented authoritative grounds legitimizing his expansion.

There were many requests indicating the underlying purpose of attaining a higher social status, which the land grants made possible. In such instances, the *sesmeiro* would not only seek a legitimate land

⁵ AHU. Carta de Confirmação de Sesmaria. [*Sesmaria* Confirmation Letter]. Ignácia Francisca. Codex 166. 252v-253v.

⁶ AHU. Carta de Confirmação de Sesmarias [*Sesmaria* Confirmation Letter]. Caetano Nunes Pereira Codex 165, pp. 65v-66.

⁷ AHU. Carta de Confirmação de Sesmarias [*Sesmaria* Confirmation Letter]. Francisco de Abreu Guimarães, Codex 165, pp. 31v-32v.

⁸ AHU. Carta de Confirmação de Sesmarias [*Sesmaria* Confirmation Letter]. Padre Victorino da Paixão Codex 165, pp. 150v-151v.

⁹ AHU. Carta de Confirmação de Sesmarias [*Sesmaria* Confirmation Letter]. Antonio Pinto Castelo Branco Codex 165, pp. 28-29.

¹⁰ AHU. Carta de Confirmação de Sesmarias [*Sesmaria* Confirmation Letter]. Joaquim Jose de Souza Meireles Codex 165, pp. 80v-81v.

¹¹ AHU. Carta de Confirmação de Sesmarias [*Sesmaria* Confirmation Letter]. Antonio Jose da Costa Barbosa. Codex 165, pp.87-88

title, but also admittance into the social category of “*sesmeiro*,” as opposed to the land tillers, who had no title of ownership. On June 26, 1798, João Pinto Coelho de Souza applied for a title on unoccupied land in the parish of Inhomirim, in Rio de Janeiro. According to João, he lived on the Governo farm and had no land of his own

“(…) to settle with his family and work with the 18 slaves he owns[ed] and that, for this reason, he is[was] a sharecropper at the farm and, having heard that at the back of the *sesmaria* belonging to the late Antonio Cordeiro da Silva, in the Piabanha river brushwood, eastward of the said parish of Inhomirim, there was unoccupied land amid the said *sesmarias*. [He] requests a *sesmaria* concession measuring one league across and others inland, so that he may establish himself at the back cultivating and rearing all sorts of animals. (…)”¹²

João Pinto’s request was granted, and he was awarded half a square league of land on August 23, 1799. José Pereira Gurgel, a resident of Maricá, Rio de Janeiro, found himself in a similar situation. According to José, he had 10 children and 18 slaves

“(…) with whom he was harvesting third-party land, for which he paid too much, since he had no land of his own. He had heard that at the parish of Ihomerim, a mountainous district above the eastern portion of the village of Magé, there was unoccupied land at the end of the *sesmaria* granted to Francisco José Vieira (…).”¹³

The Magé house of representatives was consulted and authorized the concession of half a square league of land, which was confirmed by the Overseas Council on June 8, 1799.

André de Castro Gomes took the same course of action. On December 20, 1796, he applied for a *sesmaria* in Cabo Frio, in the parish of Santo Antônio de Sá, Rio de Janeiro, on the grounds that he had been “(…) married for many years and had no less than 7 children, and that at that time the land he had [originally] bought to support such a large family had become too small. He also had 18 slaves, with whom he could produce more on a larger area of land.”¹⁴ Castro Gomes fared better, since he received a concession of one square league on June 8, 1799.

In these cases, the *sesmaria* titles brought with them the desired social status, promoting the farmer to the *sesmeiro* social category. Many had started off by working on land that belonged to others; some had begun their agricultural activities by settling on purportedly unowned vacant land. By applying for some *sesmarias*, they could differentiate themselves from their peers, lessees and farmers, whether or not they remained subject to the major farm owners in the region.

In other less frequent instances, groups of planters—most likely relatives—would collectively apply for a *sesmaria*. On November 4, 1799, João Pedro Braga and 17 other persons applied for the title over ‘remnant lands’ in Rio de Janeiro.

“(…) on the Caçaraubu river, towards the Colégio farm, and Paucaia, within the parish of Nossa Senhora do Rio Bonito, in Santo Antônio de Sá village (….) there are settled in the Sardinhas *sesmarias* through purchase, inheritance, where they live with a large family in quite constricted fashion, due to the small amount of land they own.”¹⁵

The *sesmaria* title over the “*remnant lands found*” was confirmed on October 20, 1801. On January 22 of the following year¹⁶, João Pedro received the *Chancela Real*, conferring his legal ownership of the “*remnant lands*”. However, of the failure to establish precise boundaries would become a problem for João and his relatives. On February 8, 1810, eight years after receiving the *Chancela Real*, João Pedro was accused of trespassing on Captain Henrique José de Araújo’s farm “(…) which had belonged to the

¹² AHU. Carta de Confirmação de Sesmarias [*Sesmaria* Confirmation Letter]. João Pinto Coelho de Souza.. Codex 165, pp. 146v-147.

¹³ AHU. Carta de Confirmação de Sesmarias [*Sesmaria* Confirmation Letter]. José Pereira Gurgel. Codex 165, pp. 166-167.

¹⁴ AHU. Carta de Confirmação de Sesmarias [*Sesmaria* Confirmation Letter]. André de Castro Gomes, Codex 165, pp. 165-166.

¹⁵ AHU. Carta de Confirmação de Sesmarias [*Sesmaria* Confirmation Letter]. José Pedro Braga e outros. Codex 166, pp. 61v-62v.

¹⁶ ANTT. Chancelaria de Dona Maria [Dona Maria Chancellery]. João Pedro Braga and others. Livro 66, pp. 94-95.

claimant and his ancestors for over one hundred years, in the village of Santo Antônio de Sá, in a place known as Colégio”¹⁷. At that point in time, it was irrelevant that João Pedro had been able to legalize his land occupation by receiving the *Chancela Real*.

Nevertheless, notwithstanding the *sesmaria* letter’s underlying intentions, wording and formal procedures, many of these disputes originated from an incontestable fact – that the concessions were either “too many” or granted in regard to possibly already occupied land. Despite the Portuguese Crown’s attempts to limit and control the expansion, there were instances where the *sesmaria* title deed was used to guarantee the incorporation of huge tracts of land into the hands of one and the same family, in recognition of services rendered to the Portuguese Crown. Even if the requests complied with legal stipulations, in practical terms they disguised the takeover of enormous expanses of land by one family. Yet, even in such instances, the Crown’s position was inconsistent. Shared interests of the *sesmeiros* and the Portuguese Crown could cause the latter to “look the other way” when faced with obvious land usurpations. Diverging interests, however, could mean challenging the land rights of a potentate. This is what we will see next, based on two emblematic cases: those of Ignácio Correia Pamplona and Garcia Paes Leme.

III. The Crown Intervenes: Ignácio Correia Pamplona and Garcia Paes Leme, Emblematic Examples of Metropolitan Politics

Known as one of the “Inconfidência Mineira”¹⁸ informants, Ignácio Correia Pamplona was the owner and holder of large tracts of land. One of the conspirators, Cláudio Manoel da Costa, was a judge in Vila Rica, who set the boundaries for *sesmarias*, but it was the informant who had managed to obtain ownership of a massive land area. Years later, when he sought to legalize his possessions in response to the 1795 *Alvará*, he reiterated the fact that his land had been awarded in recognition of his previous achievements.

Aside from this, in compliance with regulations that set the maximum area that could be applied for, Ignácio did not dare to request more than was legally permissible. He applied for three leagues of land “in keeping with the already mentioned expenses” and received confirmation on June 5, 1800.¹⁹ So, in keeping with the rules, Ignácio Pamplona made use of the legal provisions to simultaneously assert his title over such areas and comply with the Portuguese Crown’s orders.

Therefore, he submitted applications in his daughters’ names for a further “three leagues” in the same region. Theodora Correia Pamplona applied for three leagues of land “to conquer and populate unoccupied brush woods which lay inside the second affluent of the São Francisco river, in the São José village.”²⁰

His other legitimate daughter, Rosa Correia Pamplona also applied for three leagues of land in the same region “to conquer and populate unoccupied brush woods which lay inside the second affluent of the São Francisco river, in the São José village.”²¹

Another of Ignácio’s daughters, Simplicia Correia Pamplona, also requested three leagues of land “to conquer and populate unoccupied brush woods which lay inside the second affluent of the São Francisco river, the Marcella mountain ridge and the Ambrosio *quilombo*.”^{TN3}²²

¹⁷ AN. Rio de Janeiro Court of Justice/Royal Correction Civil Court. Code: 5237, cx. 448 G C. Código de Fundo: 77, Seção de Guarda: CDE. Claimant: Captain Henrique José de Araújo, his wife Maria Bibiana de Araújo, and mother-in-law Maria Feliciano Cordovil. Defendant: João Pedro Braga. 08/02/1810 – 03/08/1816. Place: town of Rio de Janeiro/Vila Santo Antônio de Sá.

¹⁸ *Inconfidência Mineira* was an attempted rebellion in the Captaincy of Minas Gerais, which was thwarted by the Government in 1789. For a detailed analysis of the *Inconfidência* and the different interpretations of the event, see Furtado, João Pinto, *O Manto de Penépole*. São Paulo, Companhia das Letras, 2002.

¹⁹ Chancelaria de Dona Maria [Dona Maria Chancellery]. Ignácio Correio Pamplona, Livro 65. p. 268v.

²⁰ AUU. Carta de Confirmação de Sesmarias [*Sesmaria* Confirmation Letter]. Theodora Correia Pamplona, Codex 166, pp. 56v-57v.

²¹ AHU. Carta de Confirmação de Sesmarias [*Sesmaria* Confirmation Letter]. Rosa Correia Pamplona, Codex 166, pp. 58v-59v.

^{TN3} a runaway slave settlement

²² AHU. Carta de Confirmação de Sesmarias [*Sesmaria* Confirmation Letter]. Simplicia Correia Pamplona, Codex 166, pp. 66v-67v.

And yet another daughter, Ignácia Correia Pamplona, also applied for three leagues of land “to conquer and populate unoccupied brush woods which lay alongside the second affluent of the São Francisco river, the Marcella mountain ridge and the Ambrosio *quilombo*.”²³ All of the *sesmaria* applications filed by Ignácio’s daughters were confirmed on the same month and in the same year, and they were clearly granted for the purpose of guaranteeing the occupation of the area, notwithstanding the massive expanse of land incorporated by the family.

Bernardina Correia Pamplona, who was also one of Ignácio’s daughters, was the only one that did not request three leagues, but instead, applied for “half a square league of land at a site called Osaes dos Corvos, “on this side of the São Francisco river,”²⁴ but she also received the *Chancela Real*. There was another application, submitted by João José Correia Pamplona, probably a relative of Ignácio, who requested “half a square league of land at the São José village, in the township of the Mortes river.”²⁵

But operating the legal provisions was not that easy. As stated above, Ignácio and his daughters received the seal of approval for their *sesmarias*, but the awkward manner in which their applications were submitted led Ignácio to change his plans. His *sesmaria* received the seal of approval on December 16, 1801.²⁶ Rosa’s land was confirmed, just as she had requested, on January 30, 1802.²⁷ Theodorina did not fare as well, since the document that came after Rosa’s made it clear that the area at stake was the same. The chancellery then advised her that “this *sesmaria* is, however, the same one as that applied for immediately above this one, without any differences except the names of the *sesmeiros*, and must thus incorporate everything up to the reference to Jerônimo Jose Correia e Moura.”²⁸

Simplicia faced the same problems, and it was argued that “this letter is the same as the above application. The only difference is in the names of the *sesmeiros* (...) and should incorporate these differences, making use of the incorporation referred to therein.”²⁹

However, despite the questions raised when submitting their documents to the Chancellery, it seems as though this did not prevent the Ignácio family from incorporating the land, since the Overseas Council had ratified the occupation of their areas, and no further remarks were added to the concessions. The Chancellery only abided by the Council, and since there were no demands for precise demarcation of the requested land, the crown’s grant guaranteed the Ignácio family the incorporation of several leagues.

In 1801, as a representative of both interests, his own and the Crown’s, Ignácio Correia Pamplona—already a colonel in the regiment of the Piauí brushwood militia—applied for ownership of the orphans’ notary office for his son, Padre Ignácio, in the town of Mariana “with an inheritance for his daughters and the cloak of the Order of Christ with a plaque for himself and his son.” Still in 1801, proclaiming himself the “regent and major guardian of the lands and minerals,” Ignácio requested Dom João VI to grant him the cloak of the Order of Our Lord Jesus Christ for “his son and also the ownership of the orphans’ notary office for his daughters.”

One year later, again Ignácio Correia Pamplona presented himself as a faithful subject and requested authorization to bear pistols, knives and other weapons whenever he walked through the brush woods of the Minas Gerais captaincy, underpopulated and “abounding in thieving Negroes and traitorous Indians.” The request seems to have been clearly unseemly, since the expeditions led by Ignácio Correia Pamplona and his reputation as an explorer of the brushwood were very well-known. In November 1805, already a colonel, Ignácio Correia Pamplona requested recognition for his distinguished services. Pamplona described his expeditions, his efforts to destroy the *quilombos* and his role as a conqueror, in the course of dozens of pages addressed to the Overseas Council. Thus, he portrayed himself as a model subject, hoping to receive recognition for his faithfulness to the king. In other words, when operating within the *Sesmarias Act*, Pamplona presented himself as representing the King, while guaranteeing extensions of the concessions already granted to himself and his family.

²³ AHU. Carta de Confirmação de Sesmarias [*Sesmaria* Confirmation Letter]. Ignácia Correia Pamplona, Codex 166, pp. 72-73.

²⁴ AHU. Carta de Confirmação de Sesmarias [*Sesmaria* Confirmation Letter]. Bernardina Correia Pamplona, Codex 166, pp. 68-69.

²⁵ AHU. Carta de Confirmação de Sesmarias [*Sesmaria* Confirmation Letter]. João José Correia Pamplona, Codex 166, pp. 73-74v.

²⁶ ANTT. Chancelaria de Dona Maria [Dona Maria Chancellery], Volume 65, p. 668v.

²⁷ ANTT. Chancelaria Dona Maria [Dona Maria Chancellery], Volume 65, pp. 267-268.

²⁸ ANTT. Chancelaria Dona Maria [Dona Maria Chancellery], Volume 65, p. 268.

²⁹ ANTT. Chancelaria Dona Maria [Dona Maria Chancellery], Volume 65, p. 269.

The story of Garcia Rodrigues Paes' heirs was the opposite. He had been responsible for opening the New Route to Minas, at the foot of the Órgãos ridge. In 1683, while descending the Indian trail on the Mantiqueira ridge, he discovered an inlet on the Paraíba River, where he established the "Paraíba" farm and some of his followers settled. He believed at the time that he had discovered precious stones and gold, and for this reason asked the Crown for a royal order to open the trail. After many unsuccessful attempts, Garcia was rewarded by being made the grantee of a village to be built on the "clear water river," in the Paraíba brush woods, receiving the concession of a large tract of officially unoccupied land on the way to Minas. So, on August 14, 1711, Garcia Rodrigues was "endowed with land of a *sesmaria* nature, as if to be shared with four persons, in accordance with the King's orders, which would not be contiguous to the Village except for the portion where there would be no disputes, and that one plot of land would also be granted to each of his twelve children."³⁰

However, the concession made in the past had not established Garcia Rodrigues' uncontested power. There is a lengthy explanation of the reasons for limiting the extent of his land in an undated document, currently kept at the Instituto Histórico e Geográfico Brasileiro:

"People say [that] there are *sesmarias* on the road that goes from Rio de Janeiro to the gold mines, and on the trail opened by Garcia Rodrigues along the same route, that the governors of that Captaincy have granted plots of land to many people, both at the beginning of the Órgãos ridge up to the Paraíba river, and on the same river upwards, as far as the first mines on the Mortes river. The ease with which such plots of land have been granted, especially at the starting point of the aforementioned ridge up to the said Paraíba river has caused the granting of many square leagues of *sesmarias* which really do not fit along the extent of the said route, since there are more *sesmarias* than leagues at either end [...]"

It continues:

"since all land was unclearly delimited, no one could mark out what belonged to one's *data*,^{TN4} and therefore they went on working [...] opening new routes and widening the aforementioned original trail opened by the said Garcia Rodrigues Paes, based on the argument, put forward in good faith, that there would be land for all. This pretext and hope has caused major and considerable expenses [...]"

The inhabitants confirmed in documents how ancient the occupation of some *sesmeiros* was, and claimed that there were some of them that had farmed the land for over twenty years without "any contradiction whatsoever", which was sufficient for them "to acquire legal title of ownership" [of the land]. They also argued that it would not be fair if another person took possession of that land after they had incurred considerable expenses in farming the land and improving the roads, and warned:

"However, as it is in the best interest of public utility and Royal taxation that there be many *sesmeiros*, since this would increase the plantations and boost the tax revenue, and as there is a means to bring tranquility to the subjects, welfare to all and to cease the applications lodged in relation to the said demarcation attempts, and as it may be seemly to Your Majesty: to order that each one of the *sesmarias* that are confirmed as measuring one half a league along the trail and the road that goes to Minas be reduced to a quarter of a league. And those that are not thus confirmed because these are lands that anyone may easily plow, leaving empty gaps from one year to another, there is no reason why they cannot have less land bordering the road, since, what is taken from them through the aforementioned reduction may be compensated when Your Majesty grants land in the wilderness, to one side and the other, granting them the same league they own, whereby they will own the same extent as the *sesmaria*'s and will not sustain any losses. Likewise, the populated land is also donated at random, and having produced the already mentioned *datas* at the expenses of public usefulness and royal tax, such usefulness remains the same after the said reduction, because, as there are many *sesmeiros*, there will be many more plantations and, consequently, tax revenue will be greatly increased, so that Your Majesty shall

³⁰ C.M.P.S. – Minutes of the session of January 26, 1836.

^{TN4} The term "data" refers to subdivisions of *sesmaria* lands, of an undetermined size.

gracefully order that, upon demarcation and measurement, the *sesmarias* confirmed by Your Majesty be reduced to half a league, and when it is deemed that the land bordering the road shall not be diminished [in exchange] for areas in the wilderness on one side or the other (...)"

On December 9, 1796 Garcia Paes Leme—heir to Garcia Rodrigues—submitted a request to the Count of Resende, who at the time presided over the Overseas Council. He asked for a tax pardon as reward for his services. The Council accepted the application and referred the request to the Tax Pardon Inspectorate. The papers were then sent to the appeals judge, Feliciano Velho Costa Mesquita Castelo Branco. His reply was that the applicant did not present “service records, as required by the regulations when the services have not been processed or legalized by Order of His Majesty.”³¹

In an order issued during the subsequent month of February, the applicant was requested to comply with the requirements for eligibility for tax pardon. The documents were then presented through the Overseas Council, showing that Garcia Rodrigues Paes Leme was a Nobleman of His Majesty’s house, born in Rio de Janeiro and having served in the position of Captain of the Equestrian Unit of the Royal Volunteer Legion in the São Paulo Captaincy.

Paes Leme further alleged that during the Southern War in 1795 he had been ordered by the Viceroy Marquis of Lavradio to provide a unit “at his own expense” and, in February of the following year, was instructed to march inland with his unit, consisting of forty soldiers, to Rio Grande.”³²

Garcia Paes Leme also claimed that he had followed orders from Francisco da Cunha Menezes—who had been the governor of the São Paulo Captaincy—and that, for as long as he had been under his command, he had always “promptly carried out his orders (...).”³³ The applicant then requested that the land where he was settled be granted to him as a *sesmaria*, and that orders be given to the

“Appeals Minister in Rio de Janeiro and the *Piloto de Corda*^{TN5} to demarcate the land and grant him possession of three square leagues, at the petitioner’s expense, should they confirm that there is no one else settled there other than the petitioner, and that the remaining land is wild and uncultivated.”³⁴

Apparently the Council had taken a position favorable to the petitioner, for the document issued by the Ministry indicates that the Council had acknowledged that Garcia Paes Leme’s services were worthy of reward. Furthermore, the requested remuneration would entitle the “Public Benefit to Cultivate such lands that the petitioner stated as being vacant, wild and uncultivated.”³⁵

The Council also stated that Garcia Paes Leme would add this *sesmaria* to an area he owned by inheritance, due to the deaths of his grandfather, father and uncle. On April 6, 1797, there was a favorable answer to his request. On August 25 of that same year, the *sesmaria* grant was confirmed, reiterating that the services that had been rendered by Garcia were deserving of the grant. However, on November 26, 1799, the Viceroy, the Count of Resende, advised the Overseas Council that Garcia Rodrigues Paes Leme was not entitled to the *sesmaria* that he had been granted, adjacent to the Santa Cruz farm. Furthermore, according to the same consultation, Garcia should return the letter of concession that had been granted to him.³⁶

In May of that year, Luis Beltrão da Gouveia Almeida, the *Chanceler da Relação* in Rio de Janeiro, sent an official letter to the Navy and Overseas State Secretary, Dom Rodrigo, in which he expressed his concern about the difficulties in administering the royal property, due to the increases in land prices and the fact that the sales were riddled with irregularities and corruption, and provided data on the Santa Cruz farm.³⁷

³¹ ANTT. Ministério do Reino. Consultation of the Overseas Council. Bundle 322.

³² *Idem*.

³³ *Ibidem*.

^{TN5} *Piloto de Corda* was a term used at the time to refer to the man whose job it was to pull the rope to set the landmarks.

³⁴ *Ibidem*.

³⁵ *Ibidem*.

³⁶ AHU. Rio de Janeiro, cx. 179, doc. 47. Consultation of the Overseas Council, given to the Prince Regent Dom João in relation to the request submitted by Garcia Rodrigues Pais Leme.

³⁷ AHU. Rio de Janeiro, cx. 177, doc. 5. Official letter from the Rio de Janeiro liaison Chancellor, Luís Beltrão de Gouveia de Almeida.

During that same year, within a very short time span, and in addition to the countless requests for *sesmarias*, the Council received various notifications of disputes. In March, Captain Bernardo José Dantes requested that the administrator of the Royal Tax service in Rio de Janeiro “or any appeals minister” there “should proceed to set the landmarks for his sugar-cane mill called Joary in the parish of Campos de Goitacases.”³⁸

In September of that same year, in the district of Campos dos Goitacases, Captain Manoel Antonio Ribeiro de Castro complained that there was no proper court and reported “difficulties due to the spoliation of his wife’s land.”³⁹

Also in September, Antonio Nunes Aguiar, lieutenant of the first regiment of the Rio de Janeiro Militia, wrote to the Prince Regent “requesting that steps be taken to demarcate his *sesmaria* in the district of Macaé, which had been trespassed upon by his neighbor Manoel José da Costa Muniz Gil and by his slaves, who had destroyed houses and plantations; [his neighbor] had been arrested, but due to his friendship with the appeals judge, he had been released and had continued trespassing.” The lieutenant also stated that his enemy had usurped part of his land.⁴⁰

In November, Domingos de Freitas Rangel, a resident of Rio de Janeiro, requested that the justice of peace be ordered to measure and demarcate his land in the parish of São João de Itaboraí.⁴¹

Still in December of that same year, an official notice from the House of Representatives of the village of Campos dos Goitacases addressed to Dom Rodrigo de Souza Coutinho, notified him of the complaints lodged by the people who lived in the suburbs and districts of the aforementioned village against the abuses perpetrated by the administrators of the Viscount of Asseca’s lands.⁴²

Such accusations or requests alerted the Council to the more sinister outcomes of the *sesmaria* grants. Overlapping property, disputes over boundaries and challenges to the lawfulness of land occupation became the “order of the day.”

Therefore, it is understandable why Garcia Rodrigues Paes Leme’s claim for a *sesmaria* should have been considered suspicious later that year! There is a document issued by the Mixed Consultation Registry stating that it would be incumbent upon the Viceroy to compare the document submitted by Garcia Paes Lemes:

“As it seems and the Council conveys to the Viceroy proper orders to consult me not only to return to the office of the secretary of state of the said government the *Sesmarias* letter of concession that the applicant obtained, but also to examine and compare the copy of the application that is under consideration at the Council, and other documents that will be sent to the same Viceroy, also authorizing the Council to proceed and work on the Consultation. The Council shall bear in mind that the *sesmarias* in Brazil should only be granted in the established way and that I only issue such orders through the competent office, except when [I] receive a special order.”⁴³

The above quote is the Council’s reply to a consultation made by the Viceroy and General Land and Sea Captain of the State of Brazil—José Luíz de Castro, 2nd Count of Resende, in which he stated that “this is not only for the Council to be aware of its Royal Decision on this matter, but also to be forewarned, so as not to grant similar requests.”⁴⁴ According to the document, Garcia Rodrigues Paes Leme had requested three leagues of land as reward for his services. A notice dated December 9, 1796, issued by the Secretaria de Estado dos Negócios da Marinha e Domínios Ultramarinos (Office of the Secretary of State for the Affairs of the Navy and Overseas Dominions), stated that “by copy to His Royal Highness, contemplated in a previous notice dated April 12, 1796, a decision has finally been issued through Ordinance number 3, which the Secretary of State issued to the Council regarding the ascribing of land to the subject Jose de Seabra da Silva.”

³⁸ AHU Rio de Janeiro, – Application filed by Captain Bernardo José Dantas, cx.173, doc. 37, cx. 180, doc. 36.

³⁹ AHU Rio de Janeiro, 1799. – Official letter from Captain Manoel Antônio Ribeiro Castro, cx.176, doc. 32.

⁴⁰ AHU Rio de Janeiro, 1799. – Application submitted by Antonio Nunes de Aguiar, cx.176, doc.34.

⁴¹ AHU Rio de Janeiro, 1799. AHU – Application submitted by Domingos de Freitas Rangel, cx.180, doc. 7.

⁴² AHU Rio de Janeiro, 1799. AHU – Official letter from the House of Representatives of the village of São Salvador dos Campos dos Goitacazes.

⁴³ AHU. Misc. Consultations, Codex 27.

⁴⁴ *Idem*

Still according to the document, the Council’s consultation addressed to the Throne stated that it was common practice to donate vacant lands to “individuals that have no service merits at all”, which was not the case with the applicant Garcia Rodrigues. Thus, the Council was sure that the requested grant would not prejudice the rights of any third parties, much less those of the Royal Taxation Inspectorate, “which could not profit at all from bare and abandoned lands in that brush wood,” considering that the aforesaid concession would be “useful to the Applicant, convenient to the Public and beneficial to the Royal Taxation Inspectorate.”⁴⁵

Yet, the issue at stake in the Viceroy’s consultation was the fact that there was no guarantee that the lands received by Garcia Paes Leme were the same as the ones that were “already in the possession of other third parties such as the Royal property or that of any other who is making use of it, with or without a title (...).” For this reason, the Council’s report recommended that the Viceroy should send to the Office of the Secretary of State

“the *Sesmaria* letter obtained by the aforesaid Garcia Paes. And that the same Viceroy should send his copy of the Application that was processed under this Council, which promoted and justified the Grant – together with another copy of the Ordinance that ordered the said letter to be issued, so that a comparison of documents might clarify whether these are the same lands that the Viceroy referred to in his Notice, thus enabling His Royal Highness to seek and ratify all registrations that were based upon the said Letter, confirming whether these lands are the same in whole or in part.”⁴⁶

IV. Conclusion

The emblematic cases of Ignácio Pamplona and Garcia Paes Leme both announce and denounce the possible interventions of the Crown in land matters. In the late eighteenth century, due to an intense land-occupation process, the concession of land became clearly territorial in nature, as opposed to the previously political concession.

In his quest to be acknowledged as the legal occupant of the land, Garcia Paes Leme helped bring to light the more interesting aspects of *sesmaria* grants in the late eighteenth century. They could be granted to “individuals who have no service merits” thus revealing an acknowledgement of the dynamic land occupation process and the widespread pervasiveness of such concession. The obvious difference between planters—some, owners and holders of three leagues, others, owners of mere fathoms—did not prevent actual or potential *sesmeiros* from seeking a legitimate title, a safe haven, in a sea of conflicts and land disputes. The small farmers considered that they had complied with the basic requirements for the concession of *sesmarias*. They had tilled small plots of land and were therefore worthy of the much coveted title. Those who had taken over enormous expanses of land also felt entitled to royal credits. Not only had they tendered at least part of that land, but they had also served the Crown, and were therefore anxious to receive such a reward.

Many of these applications were a strategy implemented by the *sesmeiros* to extend their land beyond its original hypothetical boundaries. There were others who claimed land that was indeed their own, i.e. remnant lands, still unoccupied, bordering upon the other concessions and farms. Therefore, it can be stated that, during the late 18th century, there no longer was any direct relationship between the *sesmaria* grant and the ethos of nobility. The chart below—which relates to the latter—seems to confirm this conclusion.

Information on *Sesmeiros*’ Titles/Status at the Time of Their *Sesmaria* Requests (1795–1823)

TITLES	QUANTITY	PERCENTAGE
CAPTAIN	14	
SECOND LIEUTENANT	09	
LIEUTENANT	06	
PRIEST	04	

⁴⁵ *Ibidem*

⁴⁶ *Ibidem*

LIEUTENANT-COLONEL	02	
CAPTAIN-MAJOR	01	
SERGEANT-MAJOR	01	
GUARD-MAJOR	01	
SERGEANT	01	
COLONEL	01	
NO INDICATION	257	86,53%
TOTAL	297	

SOURCE:AHU. Livro de Registro de Cartas de Sesmarias confirmadas do Conselho Ultramarino. Capitania do Rio de Janeiro. 1795-1798 – Códice 164. 1798-1801 – Códice 165. 1801-1804 – Códice 166. 1805-1807 – Códice 167. 1807-1823 – Códice 168. Ministério da Justiça. Arquivo Nacional. Relação de Algumas Cartas das Sesmarias Concedidas em Território da Capitania do Rio de Janeiro. 1714-1800. Rio de Janeiro, 1968.

Although the above information may be conservative, one may assume that the military services were not “a decisive route for receiving this grant,” (MONTEIRO, 2005: 4-12). It is also consistent to state that in the colonial territories “to invoke the title of landowner was a distinction that conferred a noble ranking, evoking earlier times, and retained symbolic and social effectiveness,”⁴⁷ but—contrary to Nuno Monteiro’s contention—such a title was intimately connected to a practical activity, i.e. to the possibility of identifying oneself as the lord and owner of the lands, based on a grant that conferred a legitimate title. Additionally, towards the end of the eighteenth century, the Portuguese Empire was becoming markedly territorial, and such a process entailed the acknowledgement of several ranks of farmers, from different perspectives of occupancy. Once the “*Chancela Real*” was obtained, many would most likely seek other grants, feeling indeed privileged in comparison with the majority of colonials, who only had their own self-recognition to confirm the legitimacy of their land occupancy. However, in the event of disputes with bordering neighbors, the latter had no titles to invoke. There were also those who, although deprived of a sufficiently legal document to confirm their land occupation, considered that force was a legitimate means of acquiring ownership, in detriment to third parties. In short, the main point here is that perceiving oneself as the owner of one’s land, confirmed by the Crown as a grant, was a distinction that not only had a symbolic effect, but also produced a concrete distinction between those who held titles and those who did not.

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⁴⁷ *Idem*, p. 13.

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C.M.P.S. - Ata da Sessão de 26 de janeiro de 1836.