The Contraband Slave Trade to Brazil,
1831-1845

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As students of Latin American history know, many laws regulating or restricting important economic matters were notoriously violated during both the colonial and national periods. The processes involved in evading the law sometimes became, in fact, more institutionalized than the structure of the law itself. Many examples could be cited of how laws bearing on slavery were disregarded; one of the most conspicuous is the contraband slave trade to Brazil from 1831 to 1852. By this means hundreds of thousands of Africans were transported to South America and, though legally “free,” were compelled to spend their lives in slavery, passing this condition on to their children and grandchildren. This paper gives an account of that illegal traffic to the year 1845, showing how custom and economic forces could render legislation almost totally ineffectual.¹

On November 23, 1826, a British-Brazilian treaty was signed in Rio de Janeiro which made it illegal for Brazilian subjects to participate in the international slave trade, beginning three years from the date of ratification. Such illegal trading in slaves, moreover, was to be “deemed and treated as piracy.”² After years of negotiations Great Britain had won (or extorted) a solemn commitment from a Brazilian government for an unconditional end to the import-

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¹ While doing research for a study of the decline of slavery in nineteenth-century Brazil, I have encountered many examples of widespread and persistent evasion of laws bearing on slavery, usually tolerated by the governments of Brazil. This has led to the conclusion that biased analyses of slavery in Latin America primarily upon inherited law codes or even contemporary legislation can result in unrealistic portrayals of the institution. Examples of studies which seem to place undue emphasis on the written law are Frank Tannenbaum, Slave and Citizen, The Negro in the Americas (New York, 1963), and Herbert S. Klein, Slavery in the Americas, A Comparative Study of Virginia and Cuba (Chicago, 1967). See particularly pp. 42-57 and 57-85 of the two works respectively.

tation of African slaves, in exchange for British recognition of Brazilian independence. On March 13, 1830, the period of legal trading expired, after which any Brazilian captain who sailed his ship from the African coast with a cargo of slaves was violating an international treaty.

On November 7, 1831, the Brazilian General Assembly voluntarily passed legislation which ordered the liberation of all slaves entering Brazil from that time forward. The new law imposed upon violators the penalties stipulated in the Criminal Code for the crime of reducing free persons to slavery, including imprisonment for up to nine years. It imposed fines of 200 milreis for each slave illegally imported, plus the cost of his transportation back to Africa. It defined as "importers" not only the merchants who carried on the traffic, but the buyers as well and subjected the latter to virtually the same penalties as slave dealers, including fines and imprisonment. To strengthen the law, rewards of 30 milreis for each slave apprehended were authorized for persons aiding the seizure.3

In the six years following passage of this legislation, liberal governments in Brazil tried to retain power against resurgent conservatism, while seeking to enforce the ban on the slave trade. They lost the first of these struggles with the return of conservative government in September 1837, but the fight against the traffic was lost before the first skirmish. The following causes for the continuation of the illegal trade are revealed in documents of the period: 1) a strong general conviction that slavery and the slave trade were essential to the Brazilian economy; 2) resentment of British interference in the internal affairs of the Empire; 3) the unpopularity of the steps which the Brazilian government had taken, voluntarily or otherwise, to suppress the trade; and 4) and most obvious, a continuing demand for slaves in the Brazilian market place, particularly in the coffee-growing provinces.

The resurgence of slave trading can be easily understood in terms of slave prices in the African and Brazilian markets—the monetary barometer of the state of supply and demand on the two continents. The gap between these prices, which supplied the immediate motivation to slave traders, drastically widened as the date of abolition neared. Just weeks before the end of the legal trade, the price of slaves at Cabinda on the coast of Africa had suddenly dropped to a fourth of its former level, and captives there were expected to be "worthless" when slave ships could no longer legally depart for

3Luiz Francisco da Veiga (ed.), Livro do estado servil e respectiva libertação (Rio de Janeiro, 1870), 3-5.
BRAZIL. The British consul at Rio predicted in April 1830 that the abandonment of the trade would not be permanent and that "devices" would be "successfully employed, principally by new speculators, to evade the law." In February 1831 he described the state of the trade and its prospects in a letter to the Foreign Office.

I am sorry to have occasion to remark, that the abolition of the slave-trade is not likely to be effectual in this country. As far as I can judge, the penalties presently in force have, indeed, induced many to abandon the trade; but, the increased profits which now attend a fraudulent importation, have excited the cupidities of persons, more enterprising or less scrupulous than the former traders; and, although I cannot obtain any positive evidence of the fact, yet I am assured, and believe, that the Abolition Treaty is frequently evaded with impunity, and that such evasions are likely to increase. It is, however, but justice to notice, that whilst the present habits and sentiments prevail amongst the population of this empire . . ., these evasions may be expected, even whilst a bonâ fide[sic] desire exists on the part of the Government to prevent them . . .

A brief slump in the price of slaves at Rio from the equivalent of about 70 pounds sterling to half that amount during the first half of 1831—perhaps partly the result of the revolutionary events of April—probably reinforced the effects of the treaty and British cruisers in limiting the trade. However, the price in Africa was also low, the equivalent of approximately five pounds. Speculators therefore began to evade the law—experimentally at first, and with bungling brutality. Early in 1831 a ship was said to have landed about 180 slaves near Rio de Janeiro, having sailed from Africa with less than three gallons of water per slave for a crossing in the Torrid Zone requiring perhaps a month at sea. On December 2, 1831, the H. M. S. Druid detained a vessel off Bahia found to be transporting 50 male slaves, five of whom were extricated from a water cask, the others having been "stowed, or forced into the small and close spaces between the water casks under the false deck." Old ships were chosen for these speculations [said a Brazilian report on the trade] in order that immediately after they were disembarked they could be sunk and burned; the negotiations were handled with individual

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5 British consul to Palmerston, Rio de Janeiro, February 12, 1831, Class B. Correspondence . . . Relating to the Slave Trade (cited hereafter as Class B.) (1831) (London, 1832), 113.
6 Same to same, Rio de Janeiro, July 23, 1831, ibid., 115.
7 Same to same, Rio de Janeiro, March 3, 1831, ibid., 114.
8 Ibid.
9 British consul to Aberdeen, Bahia, December 6, 1831, ibid., 117.
planters, and the Africans were delivered at the points on the coast where they landed; the sales were made on credit; and, even so, speculators earned money because the blacks in Africa did not cost more than 20 to 30 milreis.\textsuperscript{10}

As early as the summer of 1831 the trade was conspicuous enough to incite protests in the Chamber of Deputies and in the press of Rio. Chamber members charged that slave traders were bold and scornful of authority and that the Portuguese flag was the favorite among the national emblems flown from the masts of slave ships. The liberal Francisco José de Montezuma of Bahia claimed that the trade was carried on so openly at Salvador that even the names of the dealers were publicly reported. Manuel Odorico Mendes of Maranhão charged that slave traders preparing to sail for Africa published announcements of their enterprises.\textsuperscript{11} On August 31 Deputy Montezuma claimed that Negroes from the United States, Africa, and other countries were being received at the custom house as free men and then sold at public auction.\textsuperscript{12} In the same month the famous journal, Aurora Fluminense, informed the public that at the small port of Sepetiba west of Rio "entire cargoes of slaves are scandalously landed, and sold in the place of disembarkation, or by auction in this city."\textsuperscript{13}

Despite these setbacks, the liberal government instituted severe measures to enforce the new legislation against the trade. The regulations for the execution of the law of November 7, 1831 (promulgated on April 12, 1832), provided that all ships entering and leaving Brazilian ports were to undergo thorough police inspections, and slaves encountered were to be seized and their importers arrested, placed on trial, and imprisoned. Articles 9 and 10 of these regulations, if enforced, might have provided by themselves the means of suppressing the trade. When a superintendent of police or justice of the peace received information concerning the purchase or sale of a newly imported Negro, he was to summon the man to his presence, examine his knowledge of Portuguese, try to determine the time and place of his arrival in Brazil, the name of the ship on which he had sailed, in what places he had lived, and who had owned him since his arrival in the Empire. When it was verified that he had

\textsuperscript{10} Relatório feito pelo alferesado sobre o tráfico, 1831-1853, Arquivo Nacional, Rio de Janeiro (cited hereafter as AN), Séries I J, p. 1. In Brazil such slaves were selling in 1830 for 700 to 1,000 milreis. Third Report from the Select Committee on the Slave Trade (London, 1848), 235.

\textsuperscript{11} Anuário da Câmara dos Deputados (1831), I, 29; ibid., I, 159; ibid., II, 36.

\textsuperscript{12} Ibid., II, 36.

\textsuperscript{13} Class B. (1831), 116.
entered the country after the legal cessation of the traffic, the official was to act in accordance with the law of November 7, 1831. The tenth article authorized Africans who believed that their importation had occurred after the date of the ban to present themselves before legal authorities. Judges were then to interrogate them concerning all the circumstances which might substantiate their allegations, ‘obligating the master to dissolve the doubts.’

This decree, signed by Minister of Justice Diogo António Feijó, was quickly followed by a letter to the president of Bahia province and presumably other letters of a similar nature. Feijó ordered the posting of placards to inform the public of the penalties to which they exposed themselves if they failed to exercise caution in the purchase of Negroes. The government appealed through the provincial president to “friends of humanity” to denounce persons known to have committed “the horrible crime of selling or buying free men.”

The efforts of the Brazilian government were sufficiently vigorous to arouse admiration and praise from British opponents of the slave trade. On May 1, 1832, the British consul in Rio reported to London that 23 slaves out of 40 recently landed near Rio had been seized by Brazilian authorities, “proof of the feeling which now exists amongst the better class of Brazilians against the abominable traffic.” The British consul had been informed that magistrates possessed warrants to search any house suspected of hiding newly imported Negroes and to seize all slaves whose owners could not prove the legality of their possession.

Nonetheless, the trade expanded in response to growing demand. A British dispatch to the Brazilian Foreign Ministry in September 1832, complained that ships were constantly arriving from Africa with slaves, landing them at “unfrequented Bays on this Coast,” sailing for Brazilian ports to receive supplies, then proceeding on “their nefarious voyages.” The “shameful and infamous traffic in Negroes continues on all sides,” said Father Feijó in the report of the Ministry of Justice of 1832. The government’s energetic efforts against the trade fell short of success, he explained, because the authorities themselves were “interested in the crime.”

11 Coleção das leis do império do Brasil (1832), 100-101.
12 Feijó to the president of Bahia, Rio de Janeiro, April 17, 1832, Biblioteca Nacional, Secção de Manuscritos, Rio de Janeiro (cited hereafter as BNMS), II-33, 31, 37.
13 The British consul to Palmerston, Rio de Janeiro, May 1, 1832, BVSP (London, 1830), XX, 213-214.
The Foreign Ministry report of 1833 enlarged on the causes of the continuing trade, giving two reasons for the government’s failure: the commerce in Africans was protected by the flag of Portugal, and the demand was unabated. Ships under the Portuguese flag were continually sailing from Brazilian ports “with the specious pretext of loading ivory, wax, oil and other articles of commerce on the coast of Africa,” but with no other intention than to engage in the far more profitable transportation of Africans. Also large numbers of Brazilian planters still believed that without the importation of slaves agriculture would “wither away,” and they therefore looked upon the trade as an asset to the nation. Some were even under the impression, lamented the Brazilian minister, “that the government indirectly protects a commerce so pernicious, impolitic, and . . . fatal to the prosperity of the country.” Finally, “many subordinate authorities immediately in charge of the execution of the law,” co-operated with the slave traders, some because they shared “the same prejudice of the planters,” and others because, “possessing few scruples, they allow themselves to be corrupted.”18 The Foreign Ministry report of 1835 was similar—the commerce continued to be carried on under the Portuguese flag, and Brazilians remained convinced that the importation of Africans was indispensable to the agricultural vitality of the empire.19

Yet the government continued to harass the slave traders on a small scale, finally setting off a reaction which was said to have encouraged the contraband. Of the four vessels brought before the British-Brazilian Mixed Commission at Rio de Janeiro during the year covered by the Foreign Ministry report of 1835, two had been seized by Brazilian warships.20 In the year that followed, five of the seven vessels adjudicated by that court were captured by Brazilian ships, three by one Manoel Francisco da Costa Pereira commanding the Brazilian warship Dois de Marco. Costa Pereira’s capture of the Portuguese schooner Angélica near Ilha Grande in 1835 while transporting over 300 “colonists” ostensibly to Montevideo was allegedly the principal cause of the great encouragement which traffickers in slaves received in 1835. Upon news of the Angélica’s

18 Relatório apresentado à Assembleia Geral Legislativa pelo Ministro à Secretaria d’Estado das Negociações Estrangeiras em a Sessão Ordinária de 1833 (Rio de Janeiro, 1833), 2-3.


20 Ibid., 4. The British-Brazilian Mixed Commission, appointed to decide the legality of seizures, was established by the treaty of 1826 on the model of the courts created at Rio and Sierra Leone by a Portuguese-British treaty of 1817. Collection of Treaties and Conventions, II, 105-107.
seizure, the defiantly conscientious captain of the *Dois de Março* was at once relieved of his command and exiled to the northern province of Pará, while the *Angélica*, her captain and crew and cargo of "colonists" were released to finish the illegal enterprise.  

With this stimulus, by the end of 1835 the traffic had recovered its former volume and much of its former respectability. Baraqueos and encampments suitable for disembarking slaves had been established at many points on the long irregular coast of the province of Rio de Janeiro, one just north of the Parába River mouth near Campos, another at Dois Rios near the Ilha Grande, another on the swampy Marumbia sandbar which forms the breakwater of the port of Mangaratiba. A prominent slave trader, José Bernardino de Sá, established a landing site near the island of São Sebastião in the province of São Paulo. Others followed; business developed routine procedures. Portuguese monopolies grew up which controlled buying and selling, receiving slaves on the beaches, loading them into the mountains, and hawking them to planters. Slaves were exchanged directly for bags of coffee on the beaches, reducing the economic equation to its simplest terms. Brazilian officials entered the trade with alacrity, and others who would have done their duty were said to be intimidated by the fate of the commander of the *Dois de Março*. By 1836, slave traders had established depots within the shadow of Sugar Loaf Mountain in the harbor of Rio de Janeiro. A Colonel Vasques, commanding the Fortress of São João at the mouth of the bay, converted the fort itself into a slave depot. By 1836 and 1837 the illegal slave trade had gained sufficient acceptance to permit the insuring of vessels engaged in the trade.  

Seven years after the slave trade was to have ended, the British Commissioners in Rio, who, along with their Brazilian colleagues, were to judge the guilt of slave traders and declare the freedom of illegally imported Africans, had little to do but count the ships as they arrived at Rio in ballast and departed with cargoes of "brandy and goods." In January 1837 ten Portuguese vessels and one American arrived at Rio in ballast or with cargoes of wax and oil, and seven, most said to be carrying cargoes of brandy, left for Africa in the same month. The report of the British commissioners for March 1837 listed 15 Portuguese vessels as arriving at Rio in ballast, one, the

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21 Relatório da Repartição dos Negócios Estrangeiros apresentado à Assembleia Geral Legislativa na Sessão Ordinária de 1836 (Rio de Janeiro, 1836), 4; Relatório feito pelo alçoforão, AN, Série I J 0, pp. 2-3.

22 Relatório da Repartição dos Negócios Estrangeiros apresentado à Assembleia Geral Legislativa na Sessão Ordinária de 1837 (Rio de Janeiro, 1837), 5; Relatório feito pelo alçoforão, AN, Série I J 0, pp. 2-3.
Commodore, commanded by an American, having landed more than 500 slaves at Botafogo Bay. "With regard to the points on the Coast of Brazil at which the landing of slaves is usually effected," reported the British commissioners, "a great number of negroes are landed at Ilha Grande . . . at 2 estates . . . , one on the northern, and the other on the southern part of that Island," and also at a "third estate situated on the Main, and a little to the northward of Parati."23

The slave trade, furthermore, was being renewed as far north as Pernambuco, ostensibly the result of a campaign to abrogate the law of November 7, 1831. In September 1837, Father Venâncio Henriquez Rezende of Pernambuco reported in the Chamber of Deputies that before the revocation of the 1831 law had come under general discussion, the Pernambucan slave trade had been uncommon. Since then, however, word had spread that the trade was once more legal, and the importation of slaves into that province no longer evoked surprise.24 In May 1837 Edward Watts, British consul at Pernambuco, reported to London that the frequent disembarkation of Negroes into that province was "common public talk." The "dread of the assassin's knife, or bullet," wrote Watts, "even in the open day, and in the public gaze" prevented detection and prosecution. Even if the government were willing to attempt to end the importation of Negroes into the country, wrote Watts,25

its physical powers to accomplish that purpose may be much doubted, from the gross viciousness of its subordinate authorities, the deplorable deficiency of all moral sense, even in the very tribunals of Justice, the increasing demands for labour, the enormous profits derivable from the Slave Trade, and the dark and artful combinations of the dealers in slaves, their agents, and the proprietors on land, to mask and facilitate the disembarkation of African negroes on these shores . . .

Nonetheless, the liberal cabinet which assumed power on May 16, 1837, tried again to reverse the trend toward unbridled contraband. During his eight months in office, Minister of Justice Francisco de Montezuma arranged for the detention of more than 30 vessels which had entered the harbor of Rio after landing their cargoes at coastal slave depots.26 On June 7, 1837, Montezuma sent a note to the president of Rio de Janeiro province concerning the whereabouts of the

23 Class A. Correspondence with the British Commissioners . . . Relating to the Slave Trade (cited hereafter as Class A.) (1837) (London, 1838), 143-147; ibid., 150.
24 Anais da Câmara (1837), II, 463.
26 Relatório feito pelo alcoforado, AN, Série I J 6, p. 4.
"pirate" Mazzini, whose ship had recently been pursued by a Brazilian naval vessel off Armação dos Búzios.\textsuperscript{27} One month before his fall from power in a bloodless conservative revolt, Montezuma sent another note to the same official asking him to dispatch a reminder of the illegal status of the slave trade to the judge of the district court of Campos.\textsuperscript{28}

Montezuma's efforts, however, caused no permanent setback to the slave merchants. Without exception, local judges released the slave ships and their officers seized at his command; and all interference ended when Montezuma and the liberal ministry gave way on September 18, 1837, to the conservative cabinet of Bernardo Pereira de Vasconcelos.\textsuperscript{29} Within three months the number of slave ships arriving at Rio was said to have increased in response to the sympathetic attitude of the new conservative government.\textsuperscript{30}

Even before the conservatives resumed power, however, members of the Conservative party had attempted to legitimize the slave trade again. In 1835 Vasconcelos had demanded that the government revoke the law of November 7, 1831. Two years later, while the liberal ministry was resisting numerous municipal appeals for revocation, the same deputy introduced a bill into the Chamber for the same purpose.\textsuperscript{31} On June 17, 1837, he asked the president of that body to call for a long-delayed report from the committee charged with forming an opinion on the bill.\textsuperscript{32}

Less than two weeks later Senator Felisberto Caldeira Brant Pontes, the Marquis of Barbacena, delivered one of the most remarkable speeches on the slave trade ever heard in the Brazilian Senate, offering his own solution to the problem of the 1831 law.\textsuperscript{33} The experience of six years, he said, showed that the law had failed to end the slave trade. On the contrary, the law had proved "a powerful stimulus to the energy, adroitness and success" of the importers. During the first two years of the law's existence, few Africans had

\textsuperscript{27}Montezuma to the president of Rio de Janeiro, Rio de Janeiro, June 7, 1837, Documentos sobre a repressão ao tráfico de africanos no litoral fluminense, Secretaria de Educação e Cultura, Biblioteca Públíca do Estado, Niterói, Rio de Janeiro (cited hereafter as SECRJ), No. 7.
\textsuperscript{28}Sanea sao, Rio de Janeiro, August 18, 1837, \textit{ibid.}, No. 8.
\textsuperscript{29}Relatório feito pelo alcoforado, AN, Série I J 6, p. 4.
\textsuperscript{30}Class A. (Further Series) (1837) (London, 1839), 401.
\textsuperscript{31}Anais da Câmara (1835), II, 109; Class A. (1837), 162-154.
\textsuperscript{32}Ibid., 154.
\textsuperscript{33}For the role of the Marquis of Barbacena (then Felisberto Caldeira Brant Pontes) in negotiations with Great Britain for recognition of Brazil and abolition of the slave trade see Robert Cornail, "The Struggle for the Abolition of the Brazilian Slave Trade, 1808-1833," (Ph.D. Dissertation, Columbia University, 1967), Chapter V.
arrived in Brazil, "because the means of eluding examination at the ports of arrival and departure had not yet been discovered; nor had the various depots for the reception of the slaves and the teaching of Portuguese been established; nor was there a multitude of brokers employed in taking slaves to each estate to tempt the innocence of the planters." When this "machinery" had been established, however, the traffic had increased to an unprecedented degree. At first, planters assumed that they were purchasing *ladinos*—Negroes born in Brazil—because for a time the importers took the precaution of instructing slaves in basic Portuguese. But as the price of Brazilian products, notably coffee, soared, planters became less discriminating and bought all slaves that came their way, whatever their origin, "seduced by the irresistible desire, natural to all, to preserve and increase their fortunes."

Though Barbacena disclaimed any intention of praising lawbreakers, he declared that never had illegal practices presented "such plausible reasons for being excused, if not forgiven, as this infraction committed by the planters of Brazil." In their view the loss of the labor imported from Africa would have the effect "of diminishing annually, and with extraordinary rapidity, the produce of our farms, insomuch as sickness, old age, and mortality make an end to the largest army, when not recruited." If the government wanted to condemn the agriculturists of Brazil to involuntary poverty, Barbacena continued, "let it take its own measures that slaves not be landed in Brazil, and content itself with that." Planters who purchased slaves were "peaceful landlords, heads of respectable families, men full of industry and virtue, who promote public and private prosperity with their labor." To demand that they resist buying slaves brought to their doors without any means of knowing whether they were new or old "is to demand more than the human species can perform...!"

Barbacena then submitted a project of law which was to be a prime subject of contention between the British and Brazilian governments for the next thirteen years. Composed of fourteen articles, his proposals might have seemed to a hasty reader a pointless reiteration of the law of 1831, but the first and last articles contained fundamental differences. While the first article of the 1831 law had proclaimed the freedom of all slaves entering the empire, the first article of Barbacena's project merely prohibited their importation. The next twelve articles seemed intended to enforce the ban on the importation of slaves by licensing the seizure of slave vessels and by
providing for the return of captured slaves to Africa. The ban on
the slave trade, however, would be limited to the seas and harbors.
A slave might be freed if seized at sea, but once on Brazilian soil he
would be deemed legal property to be bought and sold. The success
of his importers in evading the enforcers of the law at sea would de-
terminate his status on land.

The last and most important article of the Barbaecena project was
designed to protect the “innocent” purchasers of slaves and to re-
ward slave traders for evading their pursuers at sea. It legitimized
retroactively the de facto enslavement of those Africans—hundreds
of thousands—smuggled into the country after November 7, 1831,
thereby substantially raising their market price. As the article put
it, simply and cruelly: “No action can be taken against those who
shall have bought slaves after their disembarkation, and the law of
November 7, 1831, and all others to the contrary are revoked.”

The project passed the Senate on August 5, 1837, slightly more
than a month after its introduction. Introduced into the Chamber
the following month, the bill was referred to a Committee of Dipplo-
mac y, which decided that the legislation in no way violated the treaties
with Great Britain and could therefore be discussed. The legislative
session closed, however, without further discussion of the Barbaecena
project, for the British government sent a protest soon after the ap-
pearance of the project which caused the Brazilian government, “upon
due reflection,” to withdraw the measure.

Yet the conservative cabinet of Pereira de Vasconcellos, which took
power on September 19, 1837, soon gave clear evidence of its attitude
toward the slave trade and the labor question. On October 15 a de-
cree signed by Vasconcellos and the new regent, Pedro da Araujo
Lima, extended the full penalties for theft to the stealing of slaves.

A week later Vasconcellos revoked an order issued on the previous
June 6, directing the police and the custom house inspector to make
thorough inspections of all ships arriving from the coast of Africa.
The character of the new regime was soon obvious to the British Com-
missioners in Rio, who informed the Foreign Office on November
17 that

34 Anais do Senado (1837), 175-181; Class A. (1837), 156-158.
35 Anais do Senado (1837), 204.
36 Class A. (Further Series) (1837), 76-77; Hudson to Souza Franco,
Rio de Janeiro, September 11, 1848, Class B. April 1, 1848, to March 31, 1849
(London, 1849), 41.
37 Coleção das leis do império do Brasil (1837), I, 99.
38 Class A. (Further Series) (1837), 81.
39 Ibid., 81.
While the late government appeared to wish to put down the traffic as matter of principle, and of compact with Great Britain, the present Government, as far as it is represented by Senhor Vasconcelos, ... has proclaimed the traffic to be indispensable to the country, has released those concerned who were under prosecution, and set at nought the engagement with Great Britain on this head.

The nature of the Vasconcelos government, combined with its failure to act decisively in revoking the law of November 7, 1831, aroused new appeals for the restoration of legal slave trading. On November 17, 1837, the Provincial Legislative Assembly of Rio de Janeiro, responding to the petitions of several municipal chambers, asked the General Assembly to revoke the offending law on the grounds that it had caused “irreparable evils” and was “preparing an abyss” which would bring fatal consequences “if Divine Providence shall not deign to continue its protection of Brazil.” The non-observance of the 1831 law they claimed with business-like realism “is neither extraordinary nor a solitary instance in the history of legislation; it is rather to be considered as a common occurrence, for its cause lies in the natural, necessary, and irresistible order of things. ...” Custom and interest, they said, had convinced most Brazilians that slave labor was necessary in Brazil.40

During the regime of Vasconcelos the slave trade developed a reckless vitality, which continued under his immediate and more liberal successors. In 1837 and 1838 the traffic received new impetus from the entry into the business of Manoel Pinto da Fonseca, his brothers, and a company of followers. By 1850 these men were to acquire that blend of notoriety and respectability which Brazilian society extended to the outlaw-merchants who satisfied their nation’s primary economic need.41 But if the slave traders were reckless, the routine of the business was orderly. “The slave vessels going to Rio de Janeiro [said a current account] have fixed places on the coast, agreed upon for the landing of slaves, and only known to the Supercargo, or Captain, and they are also provided with a private signal flag.” When owners expected their vessels from Africa, persons were appointed to watch at the coast, “and the moment the signal is perceived, boats are sent out to receive the slaves.” Upon landing, the Africans were kept in prepared places, “The buyers on receiving notice come there to make their bargains, and those slaves only who cannot be disposed of are dressed up and sent to town as old residents.” The slave ships remained in the harbors for a few days of washing, painting, and

40 Ibid., 86.
41 Relatório feito pelo alerorado, AN, Série I 3 6, p. 3.
cleaning, and then proceeded to Rio, where they entered the custom house in ballast.\footnote{D. Torres Texugo, \textit{A Letter on the Slave Trade Still Carried on Along the Eastern Coast of Africa, Called the Province of Mozambique} (London, 1839), 17.}

Many slaves who were landed on the nearby shores reached the capital of the empire. On July 1, 1838, 5,000 newly imported slaves were said to be on sale at various depositories in and about the city,\footnote{Class B. (Further Series), \textit{February 2, 1839, to May 31, 1839} (London, 1839), 121-122.} and the parading of new Africans through the streets was a common sight. The British surgeon, Thomas Nelson, who was sent to Brazil to aid in the treatment of liberated Africans rescued from slave ships, wrote that slaves were regularly landed at the government forts in the harbor of Rio de Janeiro, and that at night \textit{“troops of naked and wretched blacks” from slave ships were driven along suburban roads within short distances of the capital, without even a pretense of interference from the authorities.}\footnote{Thomas Nelson, \textit{Remarks on the Slavery and Slave Trade of the Brazils} (London, 1836), 17.}

In January 1839, William Ouseley, British envoy in Rio, described for the Brazilian Foreign Minister the arrival of newly imported slaves at the beach near the custom house in the heart of Rio during the hours of sunlight:

The other day a large party were even taken to the Praia dos Mineiros in open day; and, as some interference was anticipated, escorted by several white men and by negroes armed with large clubs and long knives at their sides, and thus passing under the immediate observation of national guards and permanents in uniform, who looked on with perfect indifference.

Ouseley referred to depositories of \textit{“new Negroes” at various points near the city, including Jurujuva and Ponta-Cajú, \textit{“the latter with warehouses close to the beach for the reception of these unhappy beings. . . .” In the same letter he cited numerous violations of the treaty of 1826 and the law of November 7, 1831, pointing particularly to the centers which had been established for the reception of Africans at São Clemente and Botafogo Bay.\footnote{Ouseley to the Brazilian Foreign Minister, Rio de Janeiro, January 16, 1839, Class B. (Further Series), \textit{February 2, 1839 to May 31, 1839}, 120.} The legal and business procedures on land had become equally routine. Insurance rates on slave ships wavered with commercial sensitivity, rising on news of British seizures, falling with the absence of such news.\footnote{Class B. May 1, 1838, to February 2, 1839 (London, 1839), 384.} Incoming vessels were invariably placed at the disposition of a justice of the peace, who arranged for their release.}
Orders were issued in a routine manner to investigate reported landings, and were followed by official reports denying that landings had taken place.

When evidence to the contrary was too overwhelming, "everything that bribery and chicanery can effect" was done "to avert the consequences." To interfere was a dangerous practice. Magistrates and officers who carried out their duty might be assassinated or removed from their commands.47 Incentives for cooperation, on the other hand, were high. Port officials received 800 milreis for the release of each ship prepared for the trade. The chief secretary of the Portuguese embassy in Rio, it was said, accepted 1,000 milreis for his part in facilitating the departure of each ship sailing under the Portuguese flag. The justice of the peace whose duty it was to disentangle the red tape involved in the entry of ships at Rio received 800 or 1,000 milreis, and his clerk was rewarded with 400.48

There was other abundant evidence that the prohibition of the slave trade had become a dead letter. Rewards to Brazilian seamen for the seizure of slave vessels were not paid in 1838 and 1839, because Brazilian juries no longer made the convictions from which reward money was supposed to be obtained. Without incentives, seizures declined, and few cases came before Brazilian juries.49 The Brazilian Navy apprehended only two ships during the year covered by the Foreign Ministry report of 1840, and one of these, a yacht called the Providência, had been found abandoned in the São Francisco River with only five Negroes aboard. Neither the Providência nor a tender taken at about the same time by the Brazilian brig Constância showed sufficient evidence of involvement in the slave trade to be brought before the mixed commission.50

While the Brazilian Navy thus did practically nothing, British observers continued to list Portuguese slave ships as they arrived at Rio emptied of their cargoes. In June 1838, ten ships from Mozambique, Benguela, Angola, the Island of Príncipe, Cabinda, and the Congo River entered the port of Rio after landing 3,863 slaves on the nearby shores. The schooner Andorinha had deposited 297 near the harbor of Rio; the tender Príncipe Augusto had put 304

48 Relatório feito pelo alferes-mor, AN, Série I J 6, p. 4.
49 British Commissioners to the Foreign Office, Rio de Janeiro, April 9, 1838, Class A, May 1, 1838, to February 2, 1839, 137.
50 Relatório apresentado à Assembleia Geral Legislativa na Sessão Ordinária do 1840, pelo Ministro e Secretário de Estado dos Negócios Estrangeiros (Rio de Janeiro, 1840), 5-6.
ashore on the beach at Ponta Negra, 30 miles east of the capital. The Portuguese schooner Félix had landed 321 Africans at Botafogo Bay. The Jova landed 432 slaves "in a sickly state" at Campos. The Portuguese brig Belâmpago discharged its cargo of 380 Africans into canoes near the entrance to the harbor of Rio de Janeiro; they were destined for the depository at the imperial fortresses of São João and Jurujuba. Five other Portuguese ships had brought a total of 2,129 slaves in the same month to the usual landing points at São Sebastião and Ilha Grande.51

During the preceding April the seizure of a Portuguese brig called the César led to the unrolling of a tale so unbelievable that even the Portuguese flag could not save the vessel and her cargo from confiscation. On April 13, 1838, the crew of the British sloop Rover boarded the César off the coast at Marieá near Rio de Janeiro. Though a boatload of sailors had been seen leaving for shore, 146 African men and boys and 61 women and girls were found to have been left behind. The owner of the César declared in his defense at the Mixed Commission hearing in Rio de Janeiro that until recently he had used the César in the coastal trade at Angola, but that on March 7, 1838, the ship had been sent to the port of Ambriz, north of Loanda, for the purpose of loading a cargo of 260 "African colonists" destined for Mozambique. Scheduled to stop at Montevideo in South America before proceeding to her alleged destination in east Africa, the César was heading westward across the Atlantic when at 32° 45' west latitude her captain had decided to sail for the nearest Brazilian port and restock provisions for her hungry crew and cargo. For this reason, maintained the owner, the César had been off the coast at Marieá when sighted by the Rover. Though he demanded the return of his ship and its cargo of "colonists" on the grounds of their being "Portuguese property," the commission disregarded this claim (which had brought the release of other vessels), condemning the César and declaring the freedom of her passengers.52

For a time the principal stratagem of the slave dealers was to claim the theoretical immunity from seizure conveyed by the Portuguese flag. In late 1839 and 1840, however, the British acted to counter this tactic and thereby caused the Brazilian slave trade to dwindle temporarily, creating new demands within Brazil for its legalization and new schemes to carry it on. On August 24, 1839, the British Par-

51 Class B. May 1, 1839, to February 2, 1839, 384.
52 "César (Patacho) que se chamava antes 'União'," Arquivo Histórico do Ministério, Rio de Janeiro, Light 7, Maço 2; Relatório apresentado á Assembleia Geral Legislativa na Sessão Ordinária de 1839, pelo Ministro e Secretário de Estado dos Negócios Estrangeiros (Rio de Janeiro, 1839), 4.
liament passed the Palmerston Bill, authorizing British warships to seize slave ships registered in Portugal and sailing under the Portuguese flag. By August 1840 Ouseley reported that the sum of imported slaves, formerly three to four thousand per month, had decreased to a fifth or a sixth of this level. The fact that the cost of slaves had almost doubled was, he believed, "proof of the efficacy of the . . . measures adopted by Her Majesty's Government for the suppression of the traffic in Africans." 53

The slave traders' reaction to British policy included a changed attitude toward the flag which had once protected them. In April 1840, Lieutenant J. T. Birch of the Royal Navy, commanding the brig Wizard, described a ship which had been captured on the Brazilian coast at a point north of the Paraiba River delta:

On the cutter's approach, several boats were observed alongside, which, on nearing her, left for shore, apparently filled with Negroes and which the starch on board fully confirmed. Tubs also filled with excrement were in her hold. She was abandoned and stripped of almost everything affording a clue to her nationality, save a few scraps of paper found about her decks, the remains also of an old Portuguese ensign was found also in her cabin, used as a hung [stopper] to a spirit cask . . . ." 54

On land the reaction to the more forceful British policy was bitter. In the Chamber of Deputies Francisco Alvarens Machado of São Paulo reminded his colleagues that the Barbacena project, intended to renew the legality of Brazil's vital trade, had not yet been debated in the chamber despite demands by representatives of many provincial assemblies and municipal chambers. The deputy from São Paulo predicted that greater evils than those yet experienced would result from a continued delay in revoking the law of November 7, 1831. The British activities were becoming more serious each day and "paralyzing" Brazilian commerce in a "dreadful" manner. Ten days later Alvarens Machado pleaded again for consideration of the Barbacena project, threatening to repeat his demand each week until it was satisfied, "so that the agriculture of our country, the only source of our wealth, can progress." 55

On June 3, 1840, however, Ouseley asked the Brazilian Foreign Minister for "a declaration of the intentions of the Imperial Government to prevent the enactment of any law calculated . . . to favour,

53 Ouseley to the Foreign Office, Rio de Janeiro, March 20, 1840, Gils B, May 11 to December 31, 1840 (London, 1841), 144; same to same, Rio de Janeiro, August 12, 1840, ibid., 178.
54 Lieutenant J. T. Birch to Commodore Sullivan, Rio de Janeiro, April 15, 1840, ibid., 165.
55 Anais da Câmara (1840), 1, 257; ibid., 1, 413.
directly or indirectly, those engaged in the Slave Trade." The reply of Caetano Maria Lopes Gama, the new liberal Minister of Empire who had replaced Vasconcelos, was unsatisfactory to the British minister. Lopes Gama referred to the unwillingness of the United States—"a Republic founded on the principles of equality and liberty"—to end the internal slave trade or to concede to any power the right to board and capture American merchant ships. He reminded Ouseley that Brazil was "a vast continent" which could not be compared with "small islands, in which a certain species of property can, by the generosity of the nation to which they belong, be easily bought up." He denied that the Barbacena project was intended to encourage the slave trade, and informed Ouseley that the Brazilian ministry had no authority to prohibit the general assembly from introducing or discussing projects.

Feeling the increased British pressure, slave traders developed new tactics on land and sea. A celebrated lawyer, J. M. P. da Silva, reputedly "protected by high personages," came to their defense. Slave ships began to make more use of the smaller ports in the provinces of Rio de Janeiro and São Paulo: Macahé, Cabo Frio, Paranaguá, and others. Following the example of their colleagues at Rio de Janeiro, the commanders at the small ports, tax collectors, municipal judges, clerks, and other officials began collecting fees of 200 to 400 milreis for their services in dispatching and protecting slave ships. With the Portuguese flag no longer providing security, slave traders resorted to that of Brazil, "and this transfer [Ouseley reported to London] is effected by the connivance of the Brazilian authorities."

On July 24, 1840, the British acquired an ally in the form of a new liberal ministry headed by Antônio Carlos Ribeiro de Andrada and Martim Francisco, outstanding liberal statesmen and brothers of the famous José Bonifácio de Andrada e Silva. They became Ministers of Empire and of Finance, and the liberal Antônio Francisco de Paula e Holanda Cavalcanti headed the Marine ministry. During their brief tenure rewards were again offered to Brazilian naval officers for the seizure of slave vessels and orders given to pursue slave vessels on the Brazilian coast wherever found. The officer commanding one small Brazilian cruiser who was unable to find any

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66 Ouseley to the Brazilian Foreign Minister, Rio de Janeiro, June 23, 1840, Class B, May 11 to December 31, 1840, 167; the Brazilian Foreign Minister to Ouseley, Rio de Janeiro, June 19, 1840, ibid., 168.
67 Relatório Feito pelo comandante, AN Série 1 J 6, p. 5; Ouseley to Palmerston, Rio de Janeiro, September 27, 1840, Class B, January 1 to December 31, 1841 (London, 1842), 597.
slavers on a section of Brazilian coast notorious for their activities was replaced by one who could. The new commander, using signals employed by slave vessels, lured "several of the proprietors of estates, and other persons interested in the slave trade" onto her decks, where he arrested 15 or 20 and sent them for trial to Rio, arousing much ill will among the slave-trading interests. Six months after the inauguration of the Andrade ministry, the press of Rio de Janeiro was as hostile toward the ruling cabinet as toward the officers of the British Navy.\textsuperscript{68}

By March 1841, only eight months after the Andrades had assumed power, a new conservative ministry was ruling in Rio, and the way was again open to unrestrained traffic.\textsuperscript{69} In July 1841, Ouseley reported to Palmerston that the new cabinet was "entirely Portuguese" and fully supported by the slave-trade party.\textsuperscript{70} Before the end of 1841 slave cargoes were again being landed in the vicinity of Rio. At Bahia the French flag had replaced that of Portugal for the protection of the slave trade.

Soon after the rise of the new conservative ministry, José Bernardino de Sá and other slave traders organized a new commercial house at the port of Macahé "for the express purpose of equipping and freighting anew vessels which shall have discharged their cargoes of negroes along the coast; thus enabling them to return to Africa from that out-port, and thereby avoid the many chances of capture to be apprehended in case of a return to this harbour in order to refit." Though Macahé had not normally functioned as a point of export, the slave-trading party had used its increased influence in government to gain "a most culpable exception in their favour."\textsuperscript{71} In March 1842, responding to a British accusation of negligence, the Brazilian Minister of Justice forwarded a copy of a British note to the president of the province of Rio de Janeiro to inform him of the depot at Macahé. Though the communication included a list of ships which were known to have departed from that port for the coast of Africa, also prepared by British officials,\textsuperscript{72} no action is known to have been taken against José Bernardino de Sá and his confederates.

\textsuperscript{68} Ouseley to the Foreign Office, Rio de Janeiro, November 26, 1840, \textit{ibid.}, 607-608.

\textsuperscript{69} Relatório feito pelo alcoforado, AN Série I J 6, p. 5.

\textsuperscript{70} Ouseley to the Foreign Office, Rio de Janeiro, July 7, 1841, Class B, January 1 to December 31, 1841, 806.

\textsuperscript{71} Hamilton to the Foreign Office, Rio de Janeiro, November 29, 1841, Class B, January 1 to December 31, 1842 (London, 1843), 268.

\textsuperscript{72} Abadé to the president of Rio de Janeiro, Rio de Janeiro, March 31, 1842, Documentos sobre a repressão ao tráfico, SEORJ, No. 17.
By mid-1841 only Britain stood in the way of unlimited trading in slaves between Africa and Brazil. To the rising dismay of the planters, increased efforts by the British squadron had greatly hindered the commerce, reducing the profits of the slave traders, increasing prices, and raising insurance rates on shipping used in the trade—reportedly from 11% to 50%. The activities of British sailors, ever more daring, were arousing the fury of the slave traders and their confederates, as was demonstrated in 1842 when “Brazilians and Negroes” fired upon and wounded three British sailors among the crew of a launch cruising boldly offshore near the slave depot at Dois Rios.

British efforts against the slave trade continued to produce occasional acts of extraordinary cruelty toward the slaves. The scenes witnessed and reported by the officers and crew of the H. M. S. Partridge in late 1842 were perhaps unusually severe and dramatic, but they deserve recording as evidence of British perseverance and daring, as well as the attitudes and behavior of slave traders and provincial officials. Having contacted an unidentified brig about forty miles off the coast of Rio de Janeiro province, the Partridge began a chase which carried her toward shore. When she sighted signals made by persons friendly to the pursued vessel and intended to mislead the Partridge, her officers were convinced that they were on the track of a slaver, and the pursuit therefore continued through the night. “At day-light,” wrote the British commissioners from Rio de Janeiro after the event, “the vessel was seen using every exertion to get into the roadstead at Macahé, and, in consequence of a breeze springing up from the N. E., she succeeded (with her sails set) in running ashore, under the battery of the town, about nine A. M.” The crew of the Partridge observed that the ship was full of slaves, who were rapidly put ashore in a manner “attended by fatal and most revolting acts of cruelty.”

The report of the British commissioners of these events continued:

With considerable difficulty, an officer and seaman were permitted to land at the town, and communicated with the persons who represented themselves as the Brazilian authorities of the place; but they asserted to the British officer that they were unable to prevent the landing of the slaves, and they refused to accept the assistance proffered for that purpose by Her Majesty’s officer.

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44 Onslow to the Foreign Office, Rio de Janeiro, July 7, 1841, Class D, January 1 to December 31, 1841, 696.
45 The Brazilian Foreign Minister to the president of Rio de Janeiro, Rio de Janeiro, July 21, 1842, Documentos sobre a repressão ao tráfico, SECRIJ, No. 18.
The slaves were thrown upon the beach at a spot, which is described to be thirty yards distant from the window of the residence of the person calling himself the local authority, who witnessed this abuse.

The disembarkation of the slaves being effected, the authorities pretended to seize the vessel, and refused giving any information upon the subject, when subsequently demanded by Lieutenant Nott.

The slave vessel involved, later identified as the Leopoldina, was said to have landed over 800 slaves at Macubé, where José Bernardino de Sá had his slave depot. Midshipman Murray of the Partridge described the arrival of these Africans upon Brazilian soil: "The slaves were landed with such haste from our close chase and expected interference, that they were mostly thrown head-long in pairs into the boat, without the slave irons being taken off; and from this cause I have no doubt many were drowned, whose bodies we afterwards saw floating about." Charles Fox Turner, the officer who commanded the gig of the Partridge, described his own emotions in a letter addressed to the commander of the British warship: "Sir, nothing but your orders to respect the Brazilian flag prevented me from following the dictates of my feelings in performing what I considered a duty to humanity, in boarding, at once, in the gig, without waiting for the cutter to put a stop to the cruel mutilation of our fellow creatures; for many limbs must have been broken, and lives lost by drowning, from the way in which they were loading the boats."

By 1843 the Brazilian slave trade was once again carried on without any effort to conceal what was taking place on land. Freshly disembarked slaves, newly clothed, were conducted regularly through the streets of Rio de Janeiro. Slave depots had been established in the Rua da Quitanda, a central street of the city only a few blocks from the palace of the boy emperor, Dom Pedro II. Nude Africans could be seen in launches crossing the harbor. Slave dealers boasted of successful landings and of evading the cruisers of the British squadron. In the spring of 1843, slaves were receiving instruction in the Portuguese language at establishments in Pernambuco and Bahia, for the purpose of increasing their price in the market place at Rio.  

Writing officially as Her Majesty’s commissioners at Rio de Janeiro, Robert Hesketh and Fred Grigg gave an account concerning the state of the Brazilian slave trade on March 21, 1845. During the previous year, they wrote, some 43 vessels were known to have landed 16,218

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84 The British commissions to the Foreign Office, Rio de Janeiro, March 20, 1843, 293-297.
slaves on the coasts of the provinces of São Paulo and Rio de Janeiro, between the cities of Santos and Campos, where the many landing places were "efficiently prepared and managed" and "securely protected by the surrounding Authorities." Speedily, safely, and secretly slave ships could deposit their cargoes of five or six hundred slaves and drop their anchors within hours in the harbor of Rio de Janeiro. The owners of estates at the best landing places had grown wealthy. Appointments to municipal offices in such places were the objects of eager competition. To cut their risks, slave dealers were pooling their resources for the purchase of slave cargoes, deriving profits in proportion to their investments. The forfeiture or destruction of four vessels belonging to such investors, said the commissioners, "would not subject them to loss, provided the fifth was successful in landing the slaves in Brazil."

The British commissioners wrote that

on Sunday, the 2nd instant, Senhor Manoel Pinto da Fonseca, one of the most wealthy slave-dealers, acted himself as auctioneer, and sold upwards of 500 new blacks at a deposit he has in the suburbs of this town, called Ponta do Caju; that the average price of the whole was 512,000 reis (sic), or about 642 each...[which] serves to show the state of the market as to the value of slaves, and of public feeling as to the Slave Trade... .

Manoel Pinto da Fonseca and José Bernardino de Sá, they continued, are now the most prominent slave-dealers, and both are very wealthy. They have each purchased very extensive landed property in the heart of this city. Manoel Pinto da Fonseca has publicly declared, that his profits in the African trade alone, during the year 1844, were 1,300,000,000 reis, or about 160,000£.

During 1844 the most successful voyages had been made "with the assistance of vessels under the American flag."

The commissioners ended their report by stressing the gap that continued between the law and the behavior of the inhabitants:

It is to be deplored [they wrote] that, under the still existing Brazilian law, of November, 1831, prohibiting slave importation, and founded on the stipulations of the Treaty with Great Britain, dated November, 1826, this report on [the] Slave Trade, in the 14th year after the promulgation of that law, should disclose such facts, and describe so critical a state of things.

The situation was critical indeed, but change was on the way, as the commissioners may have dimly recognized themselves. At one point in their report they commented that planters received credit for their purchases of slaves, but "pay very dearly for this relief, in
the interest which is exacted, and for which the produce they grow becomes security; so that the planters, as a body, may be said to cultivate their estates more for the advantage of the slave-dealer than for themselves.\textsuperscript{67} When the planters came to realize this, the slave trade would be doomed.

\textsuperscript{67} Class A. January 1 to December 31, 1845 (London, 1846), 507-510.