

Kings, Colonies, and Councilors: Brazil and the Making of Portugal's Overseas Council, 1642-1833

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KINGS, COLONIES, AND COUNCILORS: *Brazil and the Making of Portugal's Overseas Council, 1642-1833*

In February 1724 two municipal councils (*câmaras*) in Brazil wrote to the Portuguese crown.¹ Although presiding over the faraway cities of Belém do Pará and São Luís do Maranhão, they claimed the right to advise the king in matters of state. “[T]he first obligation of aldermen (*vereadores*),” they explained, “is to act as defenders of the cities and peoples that they represent, or in other words, to be councilors to the sovereign prince, . . . instructing him in what is necessary for the increase and conservation of the people.” In their capacity as councilors, the aldermen proposed a forty-point plan that would turn colonial administration in Amazonia on end. Among other changes, they recommended that missionaries should no longer have temporal jurisdiction over indigenous villages, that the power of overseas governors and justice ministers should be diminished, and that their own children and grandchildren should be given preferential treatment to serve in local positions. Concluding with a flourish, they promised that their recommendations would generate a “superabundance of wealth” and be inexpensive to boot, not costing a penny more than the price of paper (to print a royal decree).²

The aldermen’s petition was delivered to the court in Lisbon by Paulo da Silva Nunes, a settler from the Maranhão whose life is briefly recounted in Charles

This article grew out of a paper that was originally presented at a conference at Yale in November 2002 in honor of the late Charles Boxer. I would like to thank all of the conference participants who offered suggestions and feedback, especially Stuart Schwartz, Dauril Alden, Kenneth Maxwell, Joaquim Romero Magalhães, and George Bryan Souza. In addition, I would like to thank the two anonymous scholars who reviewed this manuscript as well as my father Edwin Myrup and my wife Cheryl Myrup for their keen editorial insights and conceptual suggestions.

1. The story of these two municipal councils and their proposals for colonial administration in Amazonia can also be found in Erik Lars Myrup, “Governar a distância: O Brasil na composição do Conselho Ultramarino, 1642-1833,” in *O Brasil no império marítimo português*, ed. Stuart B. Schwartz and Erik Lars Myrup (Bauru, São Paulo: EDUSC, 2009), pp. 263-298, which also includes some of the subsequent statistical discussions included in this article.

2. “Cópia da proposta que offeresi nas Reaes maos de S. Magestade em 9 de Fevereyro de 1724,” Biblioteca Pública e Arquivo Distrital de Évora, Évora, Portugal (hereafter abbreviated BPE), cxv/2-13, ff. 169r-170v; and “Extrato dos Pontos, que Conthem as Providencias, que os Povos do Maranhão e Pará em suas Propostas Requerem a S.M.,” BPE, cxv/2-13, ff. 183r-191v. Unless indicated otherwise, the translations included in this article are my own.

Boxer's *Golden Age of Brazil*. A lifelong enemy of the Jesuits who maintained that Brazil's natives "resembl[ed] wild beasts in everything save in human shape," Silva Nunes delivered the municipalities' original petition in 1724, then complained five years later when the proposals were stalled while being reviewed by the Overseas Council (*Conselho Ultramarino*). Denouncing this body in a 1729 letter, Silva Nunes complained: "For half a decade [these proposals] have been delayed in this council because of opposition from powerful and respected persons who place their own interests above the common good." A spiteful and vindictive man, Silva Nunes would never cease to struggle against the bureaucracy that thwarted his efforts for reform. For the next seventeen years, he blanketed the Portuguese court with complaints and memorials, urging that the aldermen's proposals be enacted. His efforts, however, never bore fruit. He died in 1746 without ever seeing his vision of Amazonia fulfilled.³

A tale of two very different sorts of councils and councilors, the story of Paulo da Silva Nunes dramatically illustrates the colonial bureaucracy that united and divided the Luso-Brazilian world during this period. Writing from afar, town councilors and others advised the crown based upon personal interests and beliefs as shaped in foreign lands. Ruling from within, the Overseas Council and other metropolitan tribunals mediated and interpreted this correspondence, founding their decisions upon personal experience and beliefs as well—"plac[ing] their own interests above the common good," if Silva Nunes is to be believed. An intriguing tale, the story raises an important question: How did the crown, its councilors, and local officials across the Luso-Brazilian world negotiate power, authority, and rule? Spanning the course of nearly two centuries, the history of Portugal's Overseas Council provides a unique institutional framework with which to address this question.

First established by royal decree in July 1642, the new tribunal was created in order to centralize the administration of Portugal's seaborne empire. Like other royal tribunals, the council consisted of bureaucrats—highly-placed aristocrats and lawyers—who worked together to resolve disputes, determine jurisdictional authority, and, more generally, advise the crown. In performing these duties, the council was one of the primary points of contact between Portuguese administrators abroad and royal authority at home. Today, its records remain our primary

3. Biographical details on the life of Paulo da Silva Nunes and his crusade against the Jesuits are compiled in various sources, including C.R. Boxer, *The Golden Age of Brazil, 1695-1750* (Berkeley and Los Angeles: University of California Press, 1962), pp. 287-289 (which contains the quotation by Silva Nunes on Brazil's indigenous inhabitants); Dauril Alden, *The Making of an Enterprise: The Society of Jesus in Portugal, its Empire, and Beyond, 1540-1750* (Stanford: Stanford University Press, 1996), pp. 495-505; and J. Lúcio de Azevedo, *Os jesuítas no Grão-Pará*, 2nd ed. (Coimbra: Imprensa da Universidade, 1930), pp. 192-226. Silva Nunes' denunciation of the Overseas Council is found in a manuscript in Évora: "Traslado das duas Propostas das Camaras das Cidades de S. Luiz do Maranhão, e Santa Maria de Belem do Grão Pará," BPE, cxv/2-13, f. 156r.

source of documentation on Portuguese expansion in Brazil, Africa, India, and East Asia. And yet until recently, few studies ever focused on the tribunal's internal history.⁴

At its heart, the story of the Overseas Council is about people. Over its nearly two-hundred year history, the council drew upon the experience of 146 councilors and presidents. In their official functions, these men dealt with matters both large and small: from policy decisions affecting overseas taxation, border disputes, and war, to the appeals of faraway widows and petitioning office-seekers. Exercising power and influence over “high” and “low” facets of colonial administration, the members of the Overseas Council were drawn in large part from a cadre of former overseas governors and magistrates. The overseas experience of council members uniquely positioned the tribunal to serve as a personal link between colony and crown, enabling the colonial bureaucracy to make use of the overseas connections that individual councilors had acquired abroad while also enabling overseas elites, merchants, and others to exploit personal relationships with former overseas officials serving on the council in Lisbon.

Patron-client networks were found at all levels of Portuguese society during the early modern period, complementing—and arguably undermining—the formal

4. More than three decades ago, Stuart Schwartz discussed the council's role in Portugal's larger bureaucracy, highlighting the fact that its history has largely been neglected, an observation that was also made in the early work of Dauril Alden. See Stuart B. Schwartz, *Sovereignty and Society in Colonial Brazil: the High Court of Bahia and its Judges, 1609-1751* (Berkeley: University of California Press, 1973), pp. 240-241; and Dauril Alden, *Royal Government in Colonial Brazil* (Berkeley: University of California Press, 1968), p. 10, n. 24. Recent scholarship has attempted to correct this problem. To date, the most comprehensive introduction to the council's history can be found in Erik Lars Myrup, “To Rule from Afar: The Overseas Council and the Making of the Brazilian West, 1642-1807” (Ph.D. thesis, Yale University, 2006). Other recent scholarship which focuses specifically on the council includes Edval de Souza Barros, *Negócios de tanta importância: O Conselho Ultramarino e a disputa pela condução da guerra no Atlântico e no Índico (1643-1661)* (Lisboa: CHAM, 2008), which treats the first two decades of the council's existence; Susana da Nóbrega Brites Moita, “O Conselho Ultramarino e o Brasil (1750-1777)” (M.A. thesis, Universidade de Lisboa, 2002); and Ana Rita Amaro Monteiro, *Legislação e actos de posse do Conselho Ultramarino, 1642-1830* (Porto: Universidade Portucalense, 1997). Article-length treatments of the tribunal's surviving archives can be found in Gilson Sérgio Matos Reis, “Conselho Ultramarino,” in *Documentos manuscritos avulsos da Capitania de São Paulo (1644-1830)*, 2 vols., edited by José Jobson de Andrade Arruda, Heloísa Liberalli Bellotto, and Gilson Sérgio Matos Reis (Bauru and São Paulo: EDUSC, FAPESP, IMESP, 2000), pp. 293-300; Gilson Sérgio Matos Reis, “O contexto de produção das informações de serviço: uma contribuição à diplomática colonial luso-brasileira,” in *Catálogo de documentos manuscritos avulsos da Secretaria do Conselho Ultramarino, 1642-1833*, ed. Gilson Sérgio Matos Reis (Rio de Janeiro and Lisboa: Nórdica, Real Gabinete Português de Leitura, and Fundação Calouste Gulbenkian, 2003), pp. 287-296; and José Joaquim Sintra Martinheira, *Catálogo dos códices do fundo do Conselho Ultramarino relativos ao Brasil existentes no Arquivo Histórico Ultramarino* (Rio de Janeiro and Lisboa: Real Gabinete Português de Leitura and Fundação Calouste Gulbenkian, 2001), pp. 27-38. In large part, these recent works build upon a short pamphlet that Marcelo Caetano published in 1943 to celebrate the tercentenary of the Overseas Council. Containing a number of early documents and preliminary lists of council members, Caetano's pamphlet served as a brief introduction to the tribunal's early history and was subsequently replaced by an expanded pamphlet a generation later. See Marcelo Caetano, *Do Conselho Ultramarino ao Conselho do Império* (Lisboa: Agência Geral das Colónias, 1943), pp. 23-38; and Marcelo Caetano, *O Conselho Ultramarino: esboço da sua história* (Lisboa: Agência Geral do Ultramar, 1967). Caetano's original pamphlet served as the major source for C.R. Boxer's brief treatment of the council's early history in *Salvador de Sá and the Struggle for Brazil and Angola, 1602-1686* (London: Athlone Press, 1952), pp. 160-163, 214-222, until recently, the only major treatment of the tribunal's history available in English.

systems of communication between Portugal and the larger Luso-Brazilian world. As A.J.R. Russell-Wood has pointed out, the mechanisms by which the crown communicated with overseas colonies functioned on various levels. On the one hand, the crown's tribunals in Lisbon communicated directly with colonial governors and magistrates who, in turn, maintained their own formal links with lesser officials and colonists throughout Brazil. At the same time, however, the crown also maintained personal and direct links with its overseas subjects. Consequently, rather than communicating with Lisbon through overseas officials, local colonists also had the option of sending their petitions directly to the crown through the colonial bureaucracy in Lisbon or else by journeying to the court in person. By implication, although the links between colony and crown were supposed to be orderly and hierarchical, in practice they were often ambiguous and decentralized, allowing individuals at all levels of society to exploit a system that relied upon flexible and personal relationships.⁵ In order to understand the role that the Overseas Council played in this global system of patronage, we must examine first the tribunal's place within Portugal's larger royal bureaucracy, and secondly, the lives and backgrounds of the councilors and presidents who filled the tribunal's ranks.

As originally conceived, the Overseas Council was an extension of the earlier Indies Council (*Conselho da Índia*), the administrative body that had governed Portugal's seaborne empire between 1604 and 1614. The statutes (*regimento*) initially creating the Overseas Council bear a striking (often verbatim) resemblance to those of its predecessor, and both the crown and its councilors frequently invoked precedents from the earlier body to interpret the jurisdictions and functions of its later counterpart.⁶ Even lowly functionaries made the connection between the two governing bodies. Having served with his father as porter of the Indies Council nearly forty years before, Álvaro Araújo petitioned for the same

5. A.J.R. Russell-Wood, "Centers and Peripheries in the Luso-Brazilian World, 1500-1808," in *Negotiated Empires: Centers and Peripheries in the Americas, 1500-1820*, ed. Christine Daniels and Michael V. Kennedy (New York and London: Routledge, 2002), pp. 105-142. António Manuel Hespanha makes a similar point in his work on the inter-relationship between the center and periphery of Portugal's overseas empire, arguing that the institutional structure of Portuguese bureaucracy was neither rigid, nor homogenous, nor centralized. See António Manuel Hespanha, "A constituição do Império português. Revisão de alguns envios correntes," in *O Antigo Regime nos trópicos: a dinâmica imperial portuguesa (séculos XVI-XVIII)*, ed. João Fragoso, Maria Fernanda Baptista Bicalho, and Maria de Fátima Silva (Rio de Janeiro: Civilização Brasileira, 2001), pp. 163-188. For a recent treatment of this subject in the case of Spanish America, see Christoph Rosenmüller, *Patrons, Partisans, and Palace Intrigues: The Court Society of Colonial Mexico, 1702-1710* (Alberta: University of Calgary Press, 2008), 53-78.

6. Transcriptions of the statutes creating both the Indies Council and the Overseas Council are included in Caetano, *Conselho Ultramarino*, pp. 113-123. In response to a December 1643 query on how the Overseas Council and the Council of Treasury should share official correspondence, Dom João IV counters with a question of his own: "Does the council know what took place in the old Indies Council in this regard?" Similarly, in February 1645 the Overseas Council requested permission to consult the archives of the Indies Council in order to resolve a jurisdictional dispute. See Consulta do Conselho Ultramarino ao rei, Lisboa, 19 December 1643, Arquivo Histórico Ultramarino, Lisbon, Portugal (hereafter abbreviated AHU), Fundo Conselho Ultramarino, Série Conselho Ultramarino (hereafter abbreviated Fundo CU, Série CU), Cx. 1, Doc. 4; and Consulta do Conselho Ultramarino ao rei, Lisboa, 6 February 1645, AHU, Fundo CU, Série CU, Cx. 1, Doc. 13, respectively.

office on the new council in December 1643. “Your Majesty customarily gives the offices of fathers to their children,” he wrote, implying that the two councils were really one and the same. In fact, the two councils were not the same (as the would-be porter soon found out).⁷ Imposed upon Lisbon by Madrid, the Indies Council had been granted extensive powers during its ten-year existence. Yet it was challenged on every front and eventually forced to relinquish its major responsibilities to three bureaucratic competitors: the *Desembargo do Paço*, the Council of Treasury (*Conselho da Fazenda*), and the Board of Conscience and Orders (*Mesa da Consciência e Ordens*).⁸ Though the Overseas Council would eventually play an administrative role similar to the Indies Council, it would never be vested with the same degree of power as its ill-fated predecessor. Moreover, the new council was meant to address Portugal’s changing imperial priorities.⁹ Whereas the Indies Council primarily focused on governing the Estado da Índia, the neutral name of Overseas Council suggested the growing importance of Brazil. While Portugal yet maintained imperial ambitions in Asia, the future of its overseas empire lay not in the Indian, but rather, in the Atlantic Ocean.¹⁰

The original organization of the Overseas Council was based on sixteenth- and seventeenth-century precedents. In its original form, the tribunal consisted of a president (generally a count or marquis), two councilors from the landed or military aristocracy (*capa e espada*), and a third councilor with a degree in either canon or civil law (*letrado*). Additionally, the council was assisted by a non-voting secretary and various scribes, porters, and other lesser functionaries who were responsible for running errands, receiving and delivering paperwork, and carrying out other lesser assignments.¹¹

7. Araújo’s father, Afonso Coutinho, was named porter of the Indies Council in 1604. He was replaced by his son (the petitioner) who served until the council’s demise in May 1614, as contained in Requerimento do porteiro da câmara, Álvaro de Araújo, ao rei, 4 December 1643, Lisboa, AHU, Fundo CU, Série CU, Cx. 1, Doc. 3.

8. As the highest court in the land, the *Desembargo do Paço* was responsible for the administration of royal justice across the Luso-Brazilian world, including the appointment of overseas judges and magistrates. In like manner, the Council of Treasury oversaw overseas financial matters, and the Board of Conscience and Orders—an ecclesiastical body that was supposed to act as the king’s conscience—oversaw overseas ecclesiastical affairs.

9. The most comprehensive work on the Indies Council is Francisco Paulo Mendes da Luz, *O Conselho da Índia* (Lisboa: Agência Geral do Ultramar, 1952). Additionally, its history is briefly treated in Caetano, *Conselho Ultramarino*, pp. 31-35, and António Manuel Hespanha, *História de Portugal moderno: político e institucional* (Lisboa: Universidade Aberta, 1992), pp. 240-243.

10. A discussion of the significance of the Overseas Council’s name is found in Caetano, *Conselho Ultramarino*, p. 41. The growing importance of Brazil in Portugal’s larger imperial priorities during both the seventeenth and eighteenth centuries has been treated in a variety of works, including Russell-Wood, “Centers and Peripheries,” pp. 105-109; and Timothy Coates, “Viewpoints on the Timing of Brazil’s Primacy in the Early Modern Portuguese World,” *Portuguese Studies Review* 7:2 (Spring/Summer 2000), pp. 54-68. It is intriguing to note that the members of the Overseas Council were very much aware of Brazil’s growing importance in both strategic and practical ways. As the eminent historian Charles Boxer once noted, profits from the Brazil trade not only sustained Portugal in its lengthy war for independence against Spain in the mid-seventeenth century, but also funded the council’s everyday needs: “Even the ink and the green baize table-cloth used by the Conselho Ultramarino . . . at its routine meetings were paid for, like its porter’s salary, from revenue earmarked in Brazil.” See Boxer, *Salvador de Sá*, p. viii.

11. Caetano, *Conselho Ultramarino*, pp. 42-43; and Boxer, *Salvador de Sá*, pp. 160-163.

As the presiding officer of a royal tribunal, a council president was generally considered to be a body's head. Not only were council presidents responsible for seating new members, overseeing debates and deliberations, and issuing decrees in the name of the crown, they also set the tone and tenor for a body's protocols, functions, and agenda. Council presidents not only shaped the internal workings of their respective tribunals, they also influenced debate within the rest of Portugal's administrative bureaucracy, frequently engaging in jurisdictional disputes with other governing bodies. The Overseas Council's original statutes specified that its president should simultaneously serve as comptroller (*vedor*) of the Treasury's *Repartição da Índia*, the section of the Treasury that was responsible for administering the crown's overseas finances. A rule that was only observed during the council's early years, the principle of using a single head to govern two bodies was meant to insure that each respected the rights of the other.¹² Somewhat similar practices also linked the Overseas Council to the Council of State (*Conselho de Estado*).¹³ Over the course of the seventeenth century, for example, all eight of the men who served as presidents of the Overseas Council simultaneously enjoyed a seat on the Council of State.¹⁴

In addition to maintaining official connections to the crown's other tribunals, council presidents were also linked more generally to Portugal's governing elite through kinship and marriage. In the case of the Overseas Council, the body's seventeenth-century presidents included five counts, two marquis, and a duke. Heirs to means, title, and pedigree, these men were personally related to a host of

12. This practice is briefly described in Caetano, *Conselho Ultramarino*, pp. 45, 119; and Boxer *Salvador de Sá*, pp. 160-163. Nearly thirty years after the council's initial creation, a royal decree amended the tribunal's original statutes, specifying that the council's presidency should be completely independent of the Treasury's *Repartição da Índia*, as contained in "Cópia do Decreto por q S. Mag.de mandou declarar ao Cons.o Ultramarino q se havião por derogados alguns capitulos do Regim.to do d.to Cons.o," Lisboa, 29 January 1671, Biblioteca Geral da Universidade de Coimbra (hereafter abbreviated BGUC), MS 442, ff. 114r-115r.

13. Descended from the early privy councils of the fourteenth and fifteenth centuries, the Council of State had a very old pedigree (though it did not, in fact, formally come into existence until sometime around 1562). Next to the crown itself, the Council of State held precedence over the rest of Portugal's conciliar bureaucracy and was responsible for approving important recommendations, decisions, and appointments made by the crown's other tribunals.

14. Between 1642 and 1833, 146 individuals actively served on the Overseas Council, including 84 letrados (lawyers), 48 councilors of capa e espada (aristocrats), and 15 presidents (including an aristocrat who served on the tribunal twice: first as a councilor and second as a president). This and subsequent demographic discussions on the makeup and careers of the members of the Overseas Council is based on an analysis of more than 3000 archival references to the individuals who served on this body. I have particularly drawn on biographical material contained in the *Chancelarias Régias (Doações)* and *Registo Geral de Mercês* in the Instituto dos Arquivos Nacionais/Torre do Tombo (IAN/TT) in Lisbon, Portugal, with additional source material coming from other manuscript collections in Portugal, Brazil, and Macau, S.A.R., China. In Portugal, these included the Arquivo Histórico Ultramarino (AHU), the Biblioteca Nacional de Portugal (BNP), the Biblioteca da Ajuda (BA), the Biblioteca Pública e Arquivo Distrital de Évora (BPE), the Biblioteca Municipal do Porto (BMP), the Biblioteca Geral da Universidade de Coimbra (BGUC); in Brazil, the Biblioteca Nacional do Rio de Janeiro (BNRJ), the Arquivo Nacional in Rio de Janeiro (ANRJ), the Arquivo do Estado de São Paulo (AESP), the Arquivo Histórico Estadual de Goiás (AHEG), and the Arquivo Público de Mato Grosso (APMT); and in Macau, the Arquivo Histórico de Macau (AHM). Other relevant material was also found in printed primary and secondary sources.

other aristocrats, and, even at times, to the crown itself. An especially good example of such connections is found in the council's fifth president, Dom Nuno Álvares Pereira de Melo, the first Duke of Cadaval. Raised in the royal palace in Lisbon, the council's future fifth president was affectionately called a "beloved nephew" by Dom João IV (though, in fact, they were third cousins through one line and fifth cousins through another). For his part, Cadaval married the daughter of the Overseas Council's second president, and went on to raise numerous children, including a future bishop, a councilor of state, a president of the Board of Conscience and Orders, and a host of well-endowed daughters. The sorts of informal alliances established by council presidents like Cadaval not only benefited their families and children, but also the tribunals on which they sat.¹⁵

Council presidents were assisted in carrying out their duties by the tribunal's councilors. The practice of drawing upon a corps of both aristocrats and letrados to serve on governing councils had become quite common in Portugal by the mid-seventeenth century. A natural ally of the crown, letrados counterbalanced the power and prestige of the landed aristocracy. While the latter served in conciliar and executive positions because of lineage, letrados were called to governing councils on account of their academic training and practical experience in administering the crown's tribunals.¹⁶ The practice of bringing the two groups together was based at least in part on the biblical assumption that each would bring certain strengths and weaknesses to the council as a whole. "For the body is not one member, but many," Saint Paul had explained to the Corinthians, "And the eye cannot say unto the hand, I have no need of thee."¹⁷ Or, as one seventeenth-century source observed: aristocrats, being for the most part idiots, are apt to make rash decisions, while letrados, too smart for their own good, often never make any decisions at all.¹⁸

The relationship between the council's letrados and aristocrats varied over the tribunal's history. During the tribunal's early years, aristocrats with military experience dominated the tribunal's ranks. By January 1651, a total of ten different councilors had served on the Overseas Council, including seven aristocrats and three letrados. Significantly, all seven of the aristocrats were men whose combined military experience included a host of wars and conflicts across four continents.

15. Biographical and genealogical information on the 1st Duke of Cadaval and his children can be found in *Memórias históricas e genealógicas dos grandes de Portugal*, 4th ed. (Lisboa: Arquivo Histórico de Portugal, 1933), pp. 23-24. The reference to his familial relationship to the crown is contained in *Carta Régia* to Dom Nuno Álvares Pereira de Melo, Lisboa, 8 August 1645, IAN/TT, *Chan. Dom João IV, Doações*, liv. 3, ff. 223r-223v, though, as noted above, the actual relationship(s) were far more complex.

16. Stuart Schwartz discusses the practice of bringing together letrados and aristocrats to serve on governing councils in his early work on the High Court of Bahia. See Schwartz, *Sovereignty and Society*, pp. 69-70.

17. In his work on the *Conselho da Índia*, Mendes da Luz discusses ecclesiastical influences on early councils. See Mendes da Luz, *Conselho da Índia*, pp. 13-17. The reference to Saint Paul is taken from 1 Corinthians 12: 14, 21 (KJV).

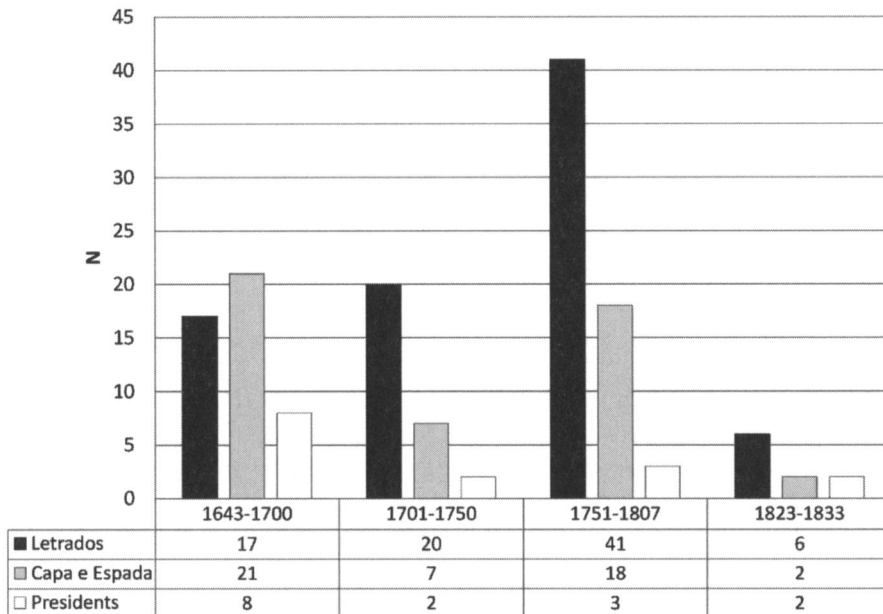
18. Cited in Schwartz, *Sovereignty and Society*, p. 69.

Indeed, one early councilor had alone served in military capacities in such diverse places as Brazil, São Tomé, Italy, Flanders, Germany, the Levant, Milan, France, and even the Barbary Coast!¹⁹ And although the number of councilors with military experience would decrease in the years to follow, the total number of aristocrats on the council would still exceed that of their letrado counterparts over the remaining course of the seventeenth century. From 1643 to 1700, a total of 46 councilors and presidents served on the Overseas Council. Of this number, 17 were letrados, 21 were aristocrats (*capa e espada*), and eight were counts, marquises, or dukes called to serve as presidents. As previously noted, the body's original statutes had stipulated that the tribunal's councilors should include two aristocrats with military experience (*capa e espada*) and a third councilor with a degree in either canon or civil law (*letrado*).²⁰ Although the council quickly grew to exceed its initial mandate of three councilors, the ratio of two aristocrats to one letrado was maintained over the course of the seventeenth century. Beginning with the eighteenth century, however, this ratio would be turned on end. From 1701 until 1750, 29 new members were called to the Overseas Council. Of this number, 20 were letrados, seven were *capa e espada*, and two were a count and marquis who served as presidents. Again the ratio was nearly exactly the same, but this time the letrados outranked the aristocrats two to one. Although the total number of council members serving at any given time would vary throughout the rest of the council's history, the ratio of two letrados to one aristocrat remained consistent until 1833 when the council ceased to exist (see Figure 1). In part, this was probably a reflection of the crown's attempts to increase the prestige and honor asso-

19. The military career of the councilor in question, Dom Filipe de Moura, is recounted in *Carta Régia* to Dom Filipe de Moura, Madrid, 28 February 1638, IAN/TT, *Chan. Dom Filipe III, Doações*, liv. 36, f. 25r. Additional biographical details on his life can be found in Francis A. Dutra, "Sodomy and the Portuguese Nobility: The Case of Dom Filipe de Moura and His Circle," in *Pelo Vaso Traseiro: Sodomy and Sodomites in Luso-Brazilian History*, ed. Harold Johnson and Francis A. Dutra (Tucson: Fenestra Books, 2006), pp. 168-170. In addition to Moura, other councilors with particular military experience during this period included Dom Jorge de Mascarenhas who had served in military capacities in northern Africa and Brazil; Jorge de Albuquerque, Jorge de Castilho, Francisco de Vasconcelos da Cunha, and José Pinto Pereira, who had all been soldiers or sea captains in India and Asia; and Salvador Correia de Sá e Benavides who had been an Indian fighter in southern Brazil and Paraguay and subsequently led various military campaigns against the Dutch in Brazil and Africa. The military backgrounds of early councilors are recounted in various sources. Recent works on Dom Jorge de Mascarenhas include Lorraine White "Agents of Empire and Family: The Mascarenhas Family and the Estado da Índia in the Sixteenth and Seventeenth Centuries," in *O Estado da Índia e os desafios europeus. Actas do XII Seminário Internacional de História Indo-Portuguesa*, ed. João Paulo Oliveira e Costa and Vítor Luís Gaspar Rodrigues (Lisboa: CHAM, 2010), pp. 235-244; and Lorraine White, "The Marquês de Montalvão (1579?-1652) and Changing Traditions of Service in Portugal and the Portuguese Empire," *Portuguese Studies Review* 12:2 (2004-2005), pp. 63-68. A short biographical treatment of José Pinto Pereira's overseas career can be found in C.R. Boxer, "José Pinto Pereira, Vedor da Fazenda Geral da Índia e Conselheiro Ultramarino del Rei Dom João IV," *Anais da Academia Portuguesa de História* 7 (1942), pp. 75-118; and the important strategic and military role played by Salvador Correia de Sá in the Portuguese Atlantic is recounted in Boxer, *Salvador de Sá*, pp. 177-214, 249-268. Additionally, the military service by other relevant councilors is recounted in various archival sources, including *Alvará* to Jorge de Albuquerque, Lisboa, 10 March 1644, IAN/TT, *Reg. Geral Mercês, Torre do Tombo*, liv. 7, f. 13r; *Alvará* to Jorge de Castilho, Lisboa, 16 September 1634, IAN/TT, *Chan. Dom Filipe III, Doações*, liv. 32, f. 217r; and *Alvará* to Francisco de Vasconcelos da Cunha, Lisboa, 25 February 1651, IAN/TT, *Reg. Geral Mercês, Torre do Tombo*, liv. 20, f. 82r; among others.

20. Caetano, *Conselho Ultramarino*, pp. 119-124.

FIGURE 1
Council Members by Type



Source: See note 14.

ciated with the High Courts (*Relações*) of Bahia, Goa, and later, Rio de Janeiro. By the end of the seventeenth century, it had become customary for those nominated to serve as chancellors on these overseas tribunals to simultaneously be awarded a place on the Overseas Council (to be exercised upon returning from their assignments abroad).²¹

The dominant role of aristocratic councilors on the tribunal during the seventeenth century was not only reflected in their numbers, but also in the rights and privileges that they enjoyed. When the Overseas Council originated, its *letrados* were treated in many ways as secondary councilors. Although *letrados* and aristocracy received equal salaries, when sitting together in council, the latter sat on the president's right hand while the former sat upon his left.²² This difference, while symbolic, represented real gradations in power and privilege that can be

21. The increasing prestige associated with the High Court of Bahia is discussed in Schwartz, *Sovereignty and Society*, p. 294. The practice of naming the chancellors of the High Courts of Rio de Janeiro and Goa to serve as members of the council is mentioned in Caetano, *Conselho Ultramarino*, p. 50 (though Caetano incorrectly asserts that the practice did not begin until the mid-eighteenth century and also neglects to mention the High Court of Bahia in this regard). See note 14.

22. Caetano, *Conselho Ultramarino*, pp. 119-124.

illustrated by the day-to-day interactions between the two groups. In February 1662, representatives from the Overseas Council wrote to the crown seeking clarification on who should take charge of meetings and correspondence in the absence of the tribunal's president. Feliciano Dourado wrote on behalf of the letrados, claiming the privilege for himself on account of his tenure on the council (having served for over four years). Luís Mendes de Elvas, on the other hand, wrote on behalf of the aristocracy, claiming the honor for himself because of the nature of his position as an aristocrat (in spite of the fact that he had only been serving for a period of two months). Responding in her capacity as queen regent, Dona Luísa sided not with the tenured letrado, but rather, with the upstart aristocrat. It was customary for such privileges to be granted to the aristocracy, she explained.²³ In fact, the queen's response reflected the council's original statutes of July 1642: "The letrado can never claim tenure over those of *capa e espada*."²⁴

Although letrados were outnumbered on the council over the course of the seventeenth century, they played an important role on the tribunal during this period and their power and influence would steadily increase over the course of the eighteenth century. In general, most letrados began their administrative careers in lesser magisterial or fiscal functions in Portugal, India, Brazil, and elsewhere where they served as *juizes de fora* and *ouvidores*, municipal and district-based judges. A number of these lesser judges would eventually be promoted to serve as high court magistrates (*desembargadores*) in Porto, Goa, Bahia, and Rio de Janeiro, and some of these, in turn, would be promoted to serve as magistrates on the *Casa da Suplicação*, a special tribunal that was originally created for the king's retinue and household, but which primarily functioned as a High Court of Appeals by the early seventeenth century. Finally, after years of magisterial service, a select few magistrates might finally hope to be awarded a place on one of Portugal's governing councils.²⁵ In their role administering the crown's tribunals throughout the seventeenth and eighteenth centuries, letrados became increasingly important imperial agents of the crown. Although Portugal's letrados never gained the prestige and power of their Spanish counterparts and cannot necessarily be considered a separate lettered class, their increasing presence on the Overseas Council at the beginning of the eighteenth century reflected changes in their status.²⁶

If overseas councilors were divided along lines of learning and lineage, they were brought together by a shared stake in the council's continuity and power. Accord-

23. Conselho Ultramarino to Dom Afonso VI, Lisboa, 28 February 1662, AHU, Fundo CU, Série CU, Cx. 1, Doc. 38.

24. See the transcription of the council's original statutes in Caetano, *Conselho Ultramarino*, p. 119.

25. As can be seen, the career patterns of letrados who served on the Overseas Council closely mirror those observed by Stuart Schwartz in his study of the magistrates who served on the High Court of Bahia. See Schwartz, *Sovereignty and Society*, pp. 15, 294, 299, 300, 308.

26. Boxer, *Salvador de Sá*, pp. 163, 217-218.

ingly, they often defended the council's rights to special honors and privileges—particularly as these pertained to themselves. In December 1644, for example, the council urged that its two porters be granted an extra *milréis* for each of the year's four major feast days. Similarly, in May 1648, it petitioned for special processional candles (*tochas*) for the festivities that would celebrate the birth of the new prince (Dom Pedro II). And eleven years later in December 1659, it reminded the crown that its councilors were still waiting to receive their annual bonuses in kind. What is intriguing in each of these instances is that the councilors were not just requesting favors; rather, they were requesting precisely the same favors that members of other comparable institutions already enjoyed. When the council requested an extra *milréis* for each of its porters and later when it reminded the crown that its members had not yet received their yearly bonuses, it was doing so because corresponding members of the Council of Treasury were already enjoying these same perks. In this vein, the council's May 1648 request for processional candles is particularly enlightening:

All of the other ministers and councilors that serve your Majesty on tribunals have been given . . . candles for the festivities that will celebrate the labor of our Queen. And since only the councilors of this council have not been given [the candles] and since these for their continuous, good service do not deserve any less than the others, . . . it is only fair that your Majesty order that [candles] be given.

Whether out of deference to the council's arguments, or happiness over the birth of a son, the king granted the request.²⁷

Responsible for the administration of Portugal's seaborne empire, the Overseas Council was part of the larger royal bureaucracy in Lisbon. As previously noted, other relevant tribunals in Portugal at this time included the Council of State, the Council of Treasury, the Board of Conscience and Orders, the Desembargo do Paço, and the Casa da Suplicação (see Figure 2a).²⁸ The relationship between the

27. The council's petition for bonuses (*propinas*) for its porters is found in a consulta from December 1644. Before attending the Overseas Council, the two porters were formerly employed by the Council of Treasury's Repartição da Índia—where they presumably had become accustomed to the requested bonuses described here. See Consulta do Conselho Ultramarino ao rei Dom João IV, Lisboa 14 December 1644, AHU, Fundo CU, Série CU, Cx. 1, Doc. 11. The petition to pay the councilors their bonuses (*propinas*) in kind is found in Consulta do Conselho Ultramarino ao rei [Dom Afonso VI], Lisboa, 20 December 1659, AHU, Fundo CU, Série CU, Cx. 1, Doc. 32. Finally, the council's request for processional candles (dated May 4, 1648) occurs shortly after the birth of Dom Pedro II (April 26, 1648). The request is found in a series of consultas that concern the council's privileges and expenses. Accompanying this request are similar consultas (dated August 11, 1648, and June 18, 1649, respectively) in which the council writes that it urgently needs to raise income in order to endow its offices with the same benefits (*propinas*) enjoyed by the councilors of the Treasury. Among other recommendations, the overseas councilors suggest that they be allowed to collect income abroad for this purpose in the same manner that the Treasury collected income at home: sequestering the goods and properties of convicted criminals. All of these latter references (with separate dates) are found in the Consulta do Conselho Ultramarino ao rei Dom João IV, Lisboa, 18 June 1649, AHU, Fundo CU, Série CU, Cx. 1, Doc. 20.

28. An excellent introduction to Portugal's larger bureaucracy during this period can be found in Pedro Cardim, "A Casa Real e os órgãos centrais de governo no Portugal da segunda metade de seiscentos," *Tempo: Revista*

Overseas Council and the Council of Treasury is particularly intriguing. When the Overseas Council was created in 1642 most of the responsibilities that had previously belonged to the Treasury's *Repartição da Índia* were transferred to the new governing body. The crown on this occasion, foreseeing the possibility of future disputes, ordered that the comptroller of the Treasury who oversaw the *Repartição da Índia* also serve as president of the Overseas Council (as noted earlier). Notwithstanding this preventative measure, early members (and later members) of these two councils frequently engaged in jurisdictional disputes.²⁹

The relationship between the Overseas Council and the Treasury was complicated by the fact that the two bodies often shared responsibilities, jurisdictions, and even personnel. In the case of Portugal's fleets, for example, the Overseas Council was allowed to decide which ships should depart from Lisbon, where they should go, and how they should be armed and manned. However, it was up to the Treasury (which continued to control the fleet's purse strings) to actually carry out the Overseas Council's orders.³⁰ The two governing bodies also shared many of the same staff members. Initially, this practice seems to have been an offshoot of the transfer of responsibilities from the Treasury's *Repartição da Índia* to the newly created Overseas Council. Accordingly, a portion of the porters, scribes, and pages (*moços*) on the *Repartição da Índia* were reassigned to exercise their offices on the Overseas Council. Although assigned to work for the new council, however, they continued to be nominated to their positions by the Council of Treasury and also continued to draw their salaries on the account of the *Repartição da Índia*.³¹ A

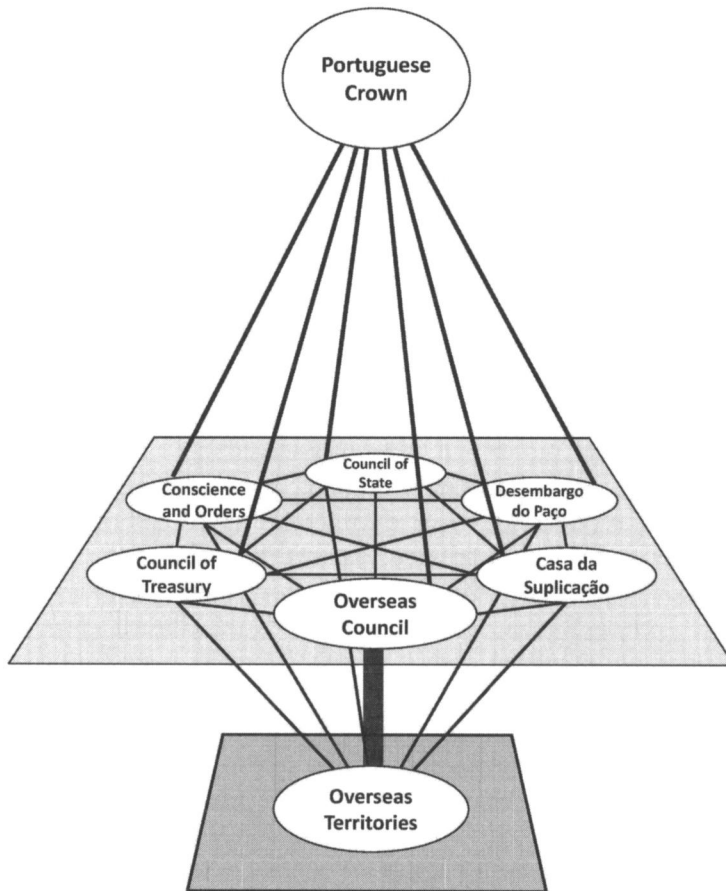
do *Departamento de História da UFF* 7 (Julho 2002), pp. 13-57. For a discussion of the interrelationships between these different bodies, see Boxer, *Salvador de Sá*, pp. 155-165. Additionally, a more detailed treatment of the subject can be found in Graça Salgado, ed., *Fiscais e meirinhos: A administração no Brasil Colonial* (Rio de Janeiro: Editora Nova Fronteira, 1985).

29. The instructions reserving the presidency of the Overseas Council for the treasury counselor who presided over the *Repartição da Índia* are found in the council's original statutes. See Caetano, *Conselho Ultramarino*, p. 119. In spite of these instructions, the practice of combining the two offices was only followed in the case of the council's first two presidents: Dom Jorge de Mascarenhas (1st Marquis of Montalvão) and Francisco de Faro e Noronha (7th Count of Odemira). See note 12.

30. Regimento (cópia do capítulo 9º) do Conselho Ultramarino, Lisboa, [14 July 1642], AHU, Fundo CU, Série CU, Cx. 1, Doc. 1. This is also mentioned by both Caetano and Boxer in their work on the Overseas Council. See Caetano, *Conselho Ultramarino*, p. 45; and Boxer, *Salvador de Sá*, p. 160.

31. The case of the Treasury's pages can help to illustrate this practice. In 1643, the Treasury employed eight pages who ran errands and assisted its councilors in lesser assignments. Four were assigned to exercise their offices in the body's *Repartição do Reino*, the section of the Treasury responsible for Portugal proper, and the other four, in the Treasury's *Repartição da Índia*. Since nearly all of the responsibilities of the latter body had been transferred to the Overseas Council in 1643, the new council requested that two of the pages from the *Repartição da Índia* be reassigned the following year. The crown granted the request. See *Consulta do Conselho Ultramarino ao rei Dom João IV*, Lisboa, 25 January 1644, AHU, Fundo CU, Série CU, Cx. 1, Doc. 7. In spite of this change, it is apparent that the office of page itself continued to pertain to the Council of Treasury. This can be illustrated by the case of Paulo Fernandes who was nominated to serve as page on more than forty different occasions between 1731 and 1752 (each time as a temporary six-month substitute for the office's titular, who could not serve due to his precarious state of health). The documentation shows that each time Paulo Fernandes was named to serve as page on the Overseas Council, he first had to be nominated by the porter of the *Repartição da Índia*. The nomination would then be made official by the Treasury itself

FIGURE 2A
Portugal's Conciliar Bureaucracy, mid-1600s



In this simplified diagram, the formal administrative links between colony, crown, and the larger conciliar system are represented by solid lines. As shown here, the Overseas Council maintained primary jurisdiction over colonial affairs.

(generally through the relevant comptroller of the Treasury) who would indicate that the nominee needed to pay a certain fee (*direitos*) and take an oath of office. Paulo Fernandes would then pay the required fee and take his oath—both at the *Repartição da Índia* and later in the offices of the Overseas Council. See various provimentos dating from 1731-1752 on file in AHU, Fundo CU, Série CU, Cx. 1, Doc. 7.

practice rooted in the rights and jurisdictions of the Treasury, this peculiar labor-sharing arrangement was a source of conflict for the two governing bodies—not to mention for the porters, scribes, and pages caught in the middle. When the council petitioned to directly employ the Treasury's pages in January 1644, for example, it requested authorization to relieve them of their duties if they should refuse their new assignments.³² A little more than a year later (in the midst of various jurisdictional disputes with the Treasury), the Overseas Council wrote again to the crown requesting that the *Repartição da Índia* pay what was owed to the pages and others who had previously been employed by the Treasury. Their salaries, it seems, had been in default for more than six months.³³ In spite of these and other conflicts, this particular form of bureaucratic symbiosis endured for more than a hundred years (until the mid-eighteenth century).³⁴

While overseas councilors often disagreed with other administrative bodies such as the Treasury over jurisdictional questions, the relationships between the actual members of the different councils were far more complex. Many individuals who served on the Overseas Council had previously served on various other governing bodies, and others would serve elsewhere after concluding their service on the council. This was particularly the case during the second half of the seventeenth century. Of the 46 individuals who served on the council during this period, 28.3 percent served on at least one other governing body before, during, or after their service on the Overseas Council. A few (particularly the council's presidents) even served on more than one other body.³⁵ If the practice enabled councilors to gain special appreciation for the complexities of royal government, it also created conflicting interests. Arguing with the Treasury (over which body had the right to license foreigners to sail on Portuguese ships), an early president of the Overseas Council noted (somewhat embarrassingly) that he had argued the same case on behalf of the Treasury some years before. "And if they tell your Majesty that the Count has compromised himself because he already defended this jurisdiction for the Council of Treasury," wrote the 7th Count of Odemira in October 1654,

he reminds them that Saint Augustine wrote a book in which he portrayed all of the many different opinions that he had. And Doctor Tomás Pinheiro [a Portuguese jurist] . . . customarily tells ecclesiastics who complain of his fervor in defending secular jurisdiction: Would that I were the Church's representative, then you would see with what vigor I would defend it.

32. Consulta do Conselho Ultramarino ao rei Dom João IV, Lisboa, 25 January 1644, AHU, Fundo CU, Série CU, Cx. 1, Doc. 7.

33. Consulta do Conselho Ultramarino ao rei Dom João IV, Lisboa, 9 May 1645, AHU, Fundo CU, Série CU, Cx. 1, Doc. 14.

34. The labor-sharing arrangement between the Overseas Council and the Council of Treasury was ended in March 1754 as part of a series of administrative reforms instituted during this period by the Marquis of Pombal. See "Cópia do SS.ão duodecimo do Cap.o primeiro do Alvará da Regulação do Concelho Ultr.o," Lisboa, 23 March 1754, AHU, Fundo CU, Série CU, Cx. 1, Doc. 7.

Although altogether moved by the Count's arguments, the crown was not moved by his defense of the Overseas Council. "All of the reasons that the Count previously presented for the Treasury are still in force," the king explained of his decision to rule in the Treasury's favor.³⁶

Like the multi-faceted relationship between the Overseas Council and the Treasury during the seventeenth century, the tribunal's role in the royal bureaucracy would change in the eighteenth century as new tribunals and ministries came into existence. Established in 1736, a new colonial ministry, the Secretary of State for the Navy and Overseas Territories (*Secretário de Estado dos Negócios da Marinha e Domínios Ultramarinos*), would in time assume many of the responsibilities that had previously been the exclusive domain of the Overseas Council (see Figure 2b).³⁷ This was particularly the case after the great Lisbon earthquake of 1755 when the Marquis of Pombal assumed dictatorial power.³⁸ Dom José's Secretary of State for Foreign Affairs and War (*Secretário de Estado dos Negócios Estrangeiros e da Guerra*) and later Secretary for Internal Affairs (*Secretário de Estado do Reino*), Pombal would shift the balance of power away from Portugal's conciliar system. Notwithstanding this fact, the Overseas Council would continue to play an important role in Portugal's larger colonial bureaucracy.

As was the case with the Council of Treasury during the Overseas Council's first hundred years, the tribunal's relationship with the new Secretary for the Navy and Overseas Territories would be both ambiguous and complex. Although the two tribunals frequently engaged in jurisdictional disputes, they also worked closely together. In 1756, for example, the colonial ministry wrote to the governor of Goiás, indicating that it could not resolve the captaincy's business until the Over-

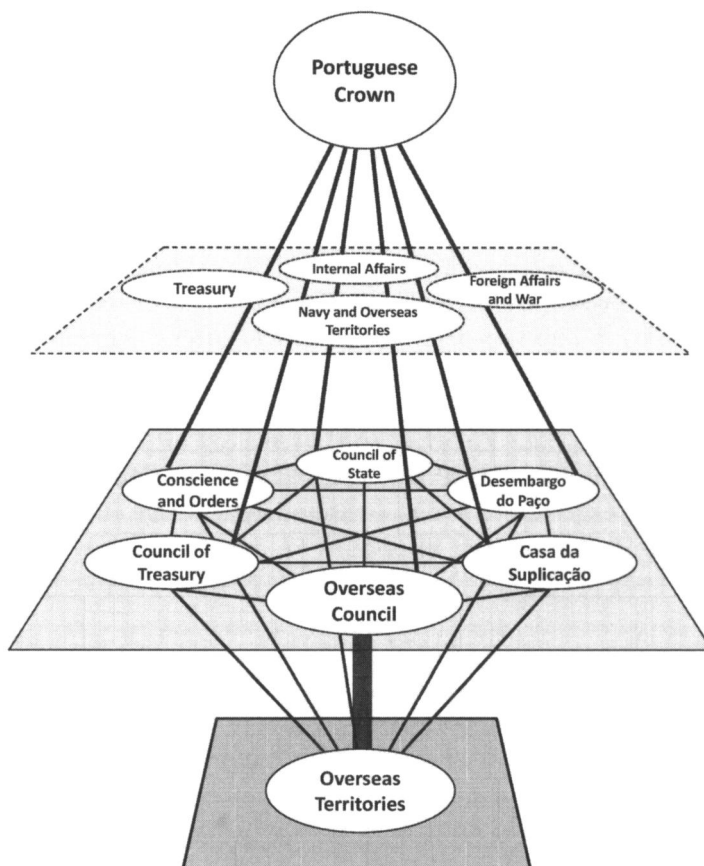
35. Dom Nuno Álvares Pereira de Melo (1st Duke of Cadaval), for example, served on the Council of State and the Council of War before being named president of the Overseas Council in 1670. After he finished his tenure on the Overseas Council, moreover, he subsequently served as president of the Desembargo do Paço. See note 14.

36. Consulta do Conselho Ultramarino ao rei Dom João IV, Lisboa, 20 October 1654, AHU, Fundo CU, Série CU, Cx. 1, Doc. 25.

37. The rise of a ministerial system in Portugal during the early eighteenth century can be traced in the first instance to the creation of a single office of Secretary of State (*Secretaria de Estado*) more than two hundred years before. Originally, the individual who held this office was a nonvoting member of the Council of State, responsible for insuring that the crown received recommendations and other papers generated by this tribunal. In time, the position would expand to involve the crown's other tribunals, but the purpose of the office would remain largely unchanged. Over the course of the seventeenth century the Secretary of State acted as a go-between connecting the crown and the other members of the conciliar system. As a conduit to the crown, the office would become increasingly powerful with the passage of time. In this regard, its holders were initially able to influence royal policies by controlling the flow of information within the traditional conciliar system. Over the course of the eighteenth century, the office would be expanded and divided into multiple partitions (*repartições*). See Cardim, "A Casa Real," pp. 13-57.

38. For references to early conflicts between Pombal and the Overseas Council see Caetano, *Conselho Ultramarino*, pp. 51-52; Dauril Alden, *Royal Government in Colonial Brazil* (Berkeley and Los Angeles: University of California Press, 1968), p. 10; and J. Lucio de Azevedo, *O Marques de Pombal e a sua época*, 2nd ed. (Lisboa: Classica Editora, 1990), pp. 81-82.

FIGURE 2B

Portugal's Conciliar and Ministerial Bureaucracies, mid-1700s

During the eighteenth century, a new level of government was inserted between the crown and its councils: a ministerial bureaucracy (shown here).

seas Council had been properly “consulted.”³⁹ Admittedly, the ministry took a different approach four months later, assuming responsibilities that had previously belonged to the council.⁴⁰ And yet in the years that followed, the colonial ministry would increasingly rely upon the Overseas Council to conduct ministerial business. Indeed, by the late 1750s the council not only received and administered correspondence on the ministry’s behalf, but also processed and dissemi-

39. Diogo de Mendonça Corte Real to Álvaro José Botelho, Belém (Lisboa), 19 February 1756, AHEG, Liv. 0007, f. 93r.

40. Diogo de Mendonça Corte Real to Dom António Rolim de Moura Tavares, Belém (Lisboa), 2 June 1756, APMT, Lata: Dom António Rolim de Moura Tavares, 1750-1758.

nated royal decrees issued by the ministry in the king's name. As was previously the case with the Treasury, moreover, the Overseas Council and the colonial ministry frequently drew upon the same group of functionaries to carry out their respective responsibilities—from the council's scribes and porters who processed the ministry's correspondence, to the council's secretary who signed relevant royal decrees, to even the overseas councilors themselves.⁴¹

The practice of staffing royal tribunals with bureaucrats who served on competing institutions was not without precedence. As noted previously, during the seventeenth century it was customary for the presidents of the Overseas Council to simultaneously enjoy a seat on both the Council of State and the Council of Treasury. Additionally, overseas councilors with particular skills or inclination were sometimes entrusted with extra-conciliar assignments abroad or otherwise promised a future seat on the tribunal as a way to sweeten a particularly bitter pill. In 1699, for example, António de Castro de Sande was awarded a place on the tribunal after he agreed to lead an especially onerous expedition to Mombassa. Although Sande immediately took possession of his new office and was endowed with all of the honors, prestige, and salary associated with it, he was unable to actually exercise his place until after completing his overseas service assignment.⁴² In addition to the carrots and sticks that were associated with royal patronage, the practice of using council members in extra-conciliar functions was more generally a reflection of the tribunal drawing upon the same corps of aristocrats and letrados to fill its ranks as did the crown's other tribunals. As was briefly related above, more than one quarter of the members of the Overseas Council during the sev-

41. Tomé Joaquim da Costa Corte Real, for example, was named to a place on the Overseas Council in 1743, then subsequently promoted to the office of Secretary for the Navy and Overseas Territories in 1756. Relevant documentation on Tomé Joaquim da Costa Corte Real's life and administrative career can be found in *Carta Régia* to Tomé Joaquim da Costa Corte Real, Lisboa, 23 September 1743, IAN/TT, *Reg. Geral Mercés, Dom João V*, liv. 17, f. 201v; *Carta Régia* to Tomé Joaquim da Costa Corte Real, Lisboa, 25 October 1743, IAN/TT, *Reg. Geral Mercés, Dom João V*, liv. 34, f. 256r; *Carta Régia* to Tomé Joaquim da Costa Corte Real, Lisboa, 21 April 1758, IAN/TT, *Reg. Geral Mercés, Dom José*, liv. 6, f. 403r; *Carta Régia* to Tomé Joaquim da Costa Corte Real, Lisboa, 6 May 1758, IAN/TT, *Reg. Geral Mercés, Dom José*, liv. 6, f. 403r; and *Carta Régia* to Tomé Joaquim da Costa Corte Real, Lisboa, 26 January 1759, IAN/TT, *Reg. Geral Mercés, Dom José*, liv. 13, f. 411r. Relevant sources documenting the institutional relationships between the Overseas Council and the Secretary for the Navy and Overseas Territories include *Alvará*, Belém (Lisboa), 10 January 1757, APMT, Lata: Dom António Rolim de Moura Tavares, 1750-1758; *Carta Régia* to [Dom António Rolim de Moura Tavares], Belém (Lisboa), 15 January 1757, APMT, Lata: Dom António Rolim de Moura Tavares, 1750-1758; Tomé Joaquim da Costa Corte Real to Álvaro José Botelho, Belém (Lisboa), 21 January 1757, AHEG, Cod. Liv. 0007, f. 135r; *Carta Régia* to Dom António Rolim de Moura Tavares, Lisboa, 4 March 1757, APMT, Lata: Dom António Rolim de Moura Tavares, 1750-1758; *Carta Régia* to Dom António Rolim de Moura Tavares, Lisboa, 5 March 1757, APMT, Lata: Dom António Rolim de Moura Tavares, 1750-1758; *Carta Régia* to the *Provedor da Fazenda de Minas Gerais*, 1757, Lisboa, 15 July 1757, BNRJ, I-31,28,66; Tomé Joaquim da Costa Corte Real to Dom António Rolim de Moura Tavares, Belém (Lisboa), 15 July 1757, APMT, Lata: Dom António Rolim de Moura Tavares, 1750-1758; *Alvará*, Belém (Lisboa), 27 February 1758, APMT, Lata: Dom António Rolim de Moura Tavares, 1750-1758; *Alvará*, Belém (Lisboa), 8 October 1758, APMT, Lata: Dom António Rolim de Moura Tavares, 1750-1758; and *Carta Régia* to Dom António Rolim de Moura Tavares, Lisboa, 18 October 1758, APMT, Lata: Dom António Rolim de Moura Tavares, 1750-1758.

42. *Carta Régia* to António de Castro de Sande, Lisboa, 11 March 1699, IAN/TT, *Reg. Geral Mercés, Dom Pedro II*, liv. 2, f. 452r.

enteenth century served as a member of one of the crown's other governing tribunals at some point, including the Councils of State, War, and Treasury, as well as the Board of Conscience and Orders. Along these same lines, nearly two-thirds of the council's letrados during the seventeenth century were drawn from the ranks of the Casa da Suplicação. During the eighteenth century, moreover, the percentage would become even greater. Of the 61 letrados appointed to the Overseas Council between 1701 and 1807, 47 (77.0%) had formerly served as magistrates of the Casa da Suplicação.⁴³

In addition to sharing personnel with other governing bodies, the Overseas Council frequently shared ideas, proposals, and recommendations, as well. In large part, this originated with the crown's practice of sending recommendations from the Overseas Council and other governing bodies to the Council of State where they could be further debated.⁴⁴ An early-modern system of checks and balances, this practice not only gave the Council of State the opportunity to veto proposals from other administrative bodies, but also occasion to complain about its governing counterparts. Additionally, the process exacerbated the bureaucratic delays that plagued Portugal's governing councils (as contemporaries frequently complained). A 1709 *consulta* from the Overseas Council is illustrative. Writing to the crown in November of that year, the Overseas Council recommended that colonial governors be allowed to legally engage in commerce. The proposal was subsequently sent to the Council of State, where it was reviewed two years later in July 1711. Panning the proposal from start to finish, one councilor of state riled against governors in Brazil and Angola, condemning them for dishonest, cowardly, and corrupt behavior. In fact, the councilor's words were meant to rebuke more than just overseas governors. "In the papers that go to the presence of the King," wrote the archbishop of Braga, perceiving the true target of his colleague's wrath, "one should take care to use moderation in what is written, principally when treating [the business] of those who have themselves often served as overseas governors."⁴⁵

The decree creating the Overseas Council indicated that the new body should be composed of individuals with extensive overseas experience.⁴⁶ In fact, the percentage of councilors with administrative experience abroad varied over time. During the council's initial years, the ratio was extremely high. During the reign of Dom João IV, for example, overseas experience was, if not an essential require-

43. Of the 17 letrados who served on the Overseas Council during the seventeenth century, 11 (64.7 percent) were drawn directly from the ranks of the Casa da Suplicação. See note 14.

44. Boxer briefly describes this practice in *Salvador de Sá*, pp. 157-158.

45. "Reposta [sic], q de ordem de S. Mag.e fes Fran.co Barreto a huma consulta do Con.o Ultramarino em q se consultou ser convenient Revogar S. Mg.e a Lei do S.r Rey D. P.o o 2.o seu pai, q prohibe todo o genero de comercio aos Governadores," Lisboa, 28 July 1711, BA, 51-IX-32, ff. 419r-425v, 427v.

46. The decree is transcribed in Caetano, *Conselho Ultramarino*, pp. 125-126. See also Boxer, *Salvador de Sá*, p. 162.

ment for service on the council, certainly highly recommended. In a June 1654 letter, for example, the Prior of Azambuja explained that, having spent the greater portion of his life in Asia, he was the ideal candidate to fill a recently vacated position on the council. (Skeptical of the man's claims—apparently he provided no proof of his overseas services—the king never appointed him.)⁴⁷ During the reign of Dom João IV (1640-1656), 11 of the council's initial 12 members had previously served in India, Africa, or Brazil before taking up their seats on the council. At 91.7%, this especially high proportion of councilors with overseas experience would never be equaled again. During the decades that followed, the percentage of overseas councilors with such experience would decrease (until the second half of the eighteenth century when it would rise again). By 1700, only half of the council's first 46 members had previous administrative experience abroad. And during the reign of Dom João V the percentage would drop even lower; of the 29 individuals called to the Overseas Council during the first half of the eighteenth century, only 41.4% had prior administrative experience abroad.⁴⁸

Although Brazil was playing an increasingly important role in the imperial priorities of seventeenth-century Portugal, this was not initially manifest in the composition of the Overseas Council. Of the 23 councilors with overseas experience who served during the last half of the seventeenth-century, 11 (47.8%) had served in the Estado da Índia, nine (39.1%) in western Africa or the Atlantic islands, and eight (34.8%) in Brazil (see Figure 3). The latter included six councilors of aristocratic origin: Dom Jorge de Mascarenhas (1st Marquis of Montalvão) who had briefly served as a viceroy in Bahia, Salvador Correia de Sá and Duarte Teixeira Chaves who both had served as governors of Rio de Janeiro, and Francisco de Faro e Noronha (7th Count of Odemira), Dom Filipe de Moura, and Francisco de Vasconcelos da Cunha who had all briefly served in military capacities against the Dutch in the Brazilian Northeast. The other two councilors who had administrative experience in Brazil were both *letrados* who were only called to serve at the end of this period. They included João de Sepúlveda Matos, a former chancellor of the High Court of Bahia (who had also seen service as an *ouvidor* in Pernambuco) and José de Freitas Serrão, who had likewise served on the High Court (the latter was so unpopular that the locals referred to him by the unflattering nickname "*rabo de vaca*").⁴⁹

47. *Consulta* do Conselho Ultramarino ao rei Dom João IV, Lisboa, 22 June 1654, AHU, Fundo CU, Série CU, Cx. 1, Doc. 24.

48. See note 14.

49. *Ibid.* The reference to the nickname of José de Freitas Serrão, "*rabo de vaca*" (literally "cow's tail"), is found in Schwartz, *Sovereignty and Society*, pp. 323-325. Note that these (and subsequent) statistics reflect that the council drew upon individuals who frequently had overseas experience in multiple regions of the Portuguese world (e.g., Brazil and western Africa, Brazil and the Estado da Índia, etc.). In the case of the 23 councilors with overseas experience referred to here, five (21.7 percent) had previously served in multiple regions.

If Brazil's growing importance was not reflected in the composition of the council during the seventeenth century, overseas councilors with Brazilian experience would come to dominate its ranks in the century that followed. Between 1701 and 1750, 12 individuals with previous overseas experience were called to the Overseas Council: two (16.7%) in western Africa, six (50.0%) in the Estado da Índia, and five (41.7%) in Brazil.⁵⁰ Although the actual number of councilors in this period with Brazilian experience slightly decreased, the relative percentage of councilors with experience in Brazil increased. In contrast, the percentage of councilors who had served in Africa and Asia remained largely the same or else decreased (see Figure 3).⁵¹

This same trend would continue during the last half of the eighteenth century. The total number of overseas councilors serving on the council between 1751 and 1807 was more than twice that of the previous period; the percentage of this large group of councilors with administrative experience abroad also more than doubled, and the percentage of this latter group with experience in Brazil likewise increased significantly. The result was a burgeoning bureaucracy of letrados and aristocrats who had served extensively in Brazil before being called to the council. Of the sixty-two councilors who served on the Overseas Council during this period, forty-eight (77.4%) had previous administrative experience abroad. Of these, six (12.5%) had served in western Africa, fifteen (31.3%) in the Estado da Índia, and forty (83.3%) in Brazil (see Figure 3).⁵²

The council's links to Brazil during the eighteenth century were of two basic sorts, reflecting its two types of members: letrados and aristocrats. As noted elsewhere, letrados began to significantly outnumber aristocrats on the council during the early eighteenth century. This demographic shift had profound implications on the career patterns of the Overseas Council's membership as a whole. As previously noted, before being called to serve on the council, a typical letrado had years of experience climbing through the ranks of Portugal's magisterial bureaucracy.⁵³ Additionally, letrados frequently assisted the Treasury abroad in conjunction with judicial assignments, serving as *provedores* and *intendentes*, powerful fiscal superintendents (particularly during the eighteenth century in Brazil's mining districts). As the proportion of letrados on the council increased during the early eighteenth century, there was a corresponding rise in council members

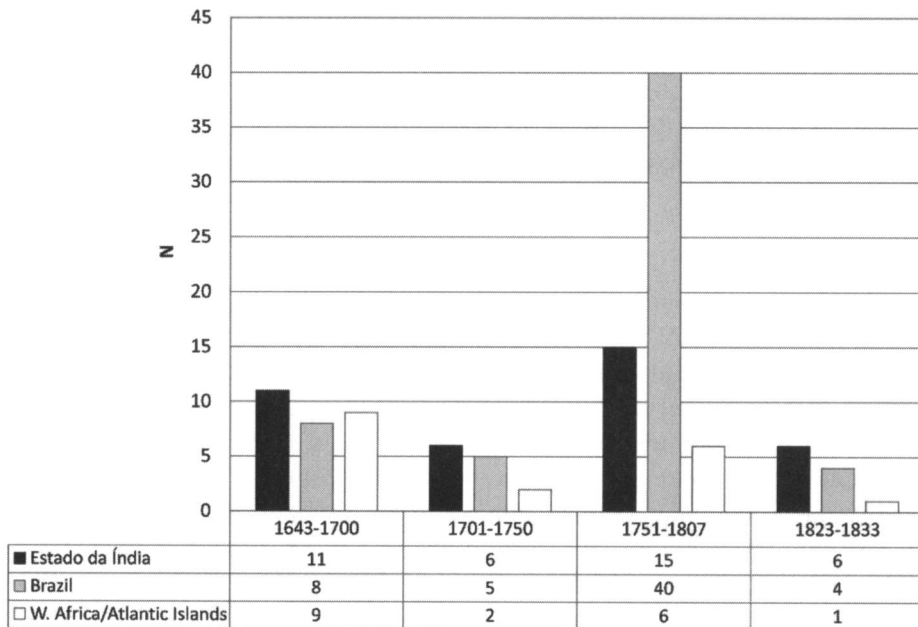
50. I have not included Alexandre de Gusmão in these numbers. Although he was born in Santos, Gusmão left Brazil while still very young, and I can find no indication that he ever returned there in any sort of administrative capacity. In this regard, I am following the reasoning in Jaime Cortesão, *Alexandre de Gusmão e o Tratado de Madrid (1750)*, 5 vols. (Rio de Janeiro: Ministério das Relações Exteriores, Instituto Rio Branco, 1950-63), II:1, pp. 325-326.

51. See note 14.

52. *Ibid.* The council's growth during this period is all the more remarkable given Pombal's rapid rise to power. See also note 38.

53. See note 25.

FIGURE 3

Councilors with Prior Service Overseas

Source: See note 14.

who had previous judicial and/or fiscal experience.⁵⁴ This is true not only across the council as a whole but also within the group of councilors who had served in Brazil. The vast majority of councilors with previous Brazil experience during the eighteenth century had served abroad in judicial or fiscal capacities. Of the five councilors with administrative experience in Brazil between 1701 and 1750, four were *letrados*.⁵⁵

Although *letrados* would not so completely dominate the ranks of council members with Brazil experience during the latter half of the eighteenth century, the majority of such councilors still continued to be *letrados*. Of the 40 council members who had previous experience in Brazil between 1751 and 1807, 26 (65.0%) were *letrados*. The overseas service of the council's *letrados* during this period often began with employment in lesser magisterial or fiscal functions throughout Brazil (e.g., as a *juiz de fora*, *ouvidor*, *provedor*, etc.), and in nearly

54. Between 1643 and 1700, for example, 34.8 percent of the 46 overseas councilors called during this period had previously served in justice-related positions. Between 1701 and 1750, this percentage nearly doubles (to 65.5 percent) as the proportion of *letrados* on the council also doubles. See note 14.

55. *Ibid.*

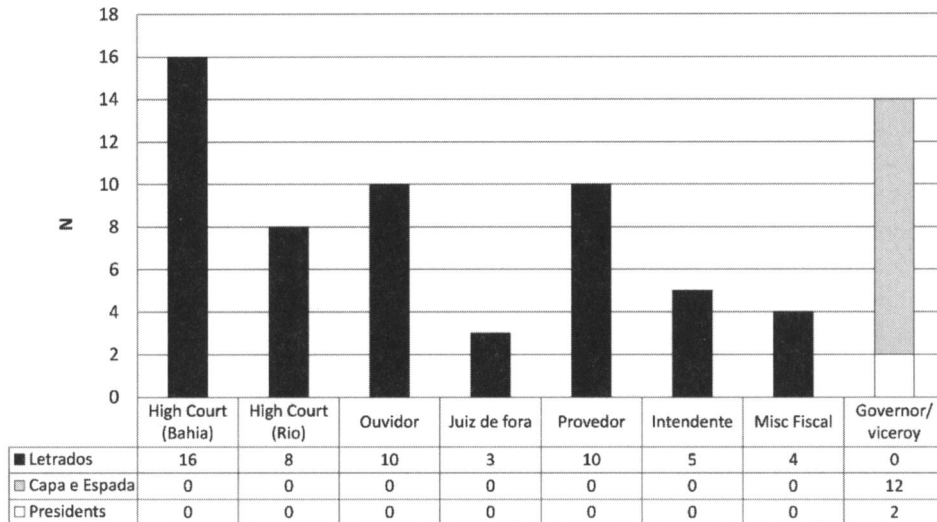
every instance concluded with tenure on one of Brazil's High Courts. Of the 40 total councilors with Brazil experience during this period, 26 were letrados, and all but three (88.5%) of these concluded their overseas service as magistrates on the High Court of Bahia or Rio de Janeiro. Overall, 16 (40.0%) of the 40 total councilors with Brazil experience during this period had served on the High Court of Bahia, eight (20.0%) on the High Court of Rio de Janeiro, ten (25.0%) as ouvidores, ten (25.0%) as provedores, five (12.5%) as intendentes, four (10.0%) in miscellaneous fiscal capacities, and three (7.5%) as juizes de fora (see Figure 4).⁵⁶

The wide array of judicial and fiscal responsibilities previously administered by the council's letrados in Brazil and elsewhere highlights their increasingly important role as imperial agents of Portugal's colonial bureaucracy. Serving abroad as ouvidores, intendentes, and magistrates, future overseas councilors not only had opportunity to sit in judgment on the High Courts of Goa, Bahia, and Rio de Janeiro, but also to serve as interim governors in the absence of royal appointees, as special agents sent to investigate corruption in distant outposts, and even on occasion to bear military arms.⁵⁷ The case of Tomé Gomes Moreira in this regard is particularly relevant. Having tired of academic life as a professor at Coimbra, he was appointed a magistrate on the High Court of Goa in 1715. For the next eleven years Moreira remained in India where, in addition to his regular magisterial service, he presided over the High Court as a temporary chancellor and also served as secretary of the Estado da Índia—all the while attempting to break the mold of typical letrado service. Known for his honesty and intelligence, the former professor also wanted to be remembered for his bravery and courage. Among other daring feats, he reconnoitered the position of enemy forces along an island beach near modern-day Mumbai—at night in a small paddle boat—and also accompanied various military expeditions in the region. “[H]e went armed as an officer, setting an example for others to follow,” the crown later wrote of his actions, “and would only return to the encampment upon receiving strict orders from the viceroy . . . who had to prohibit him many times from leaving the rear guard.” Upon returning to Lisbon in 1726, Moreira served in various administrative capacities in the

56. *Ibid.* Note that these (and subsequent) statistics reflect that the council drew upon individuals who frequently had overseas experience in multiple capacities and locations across Brazil.

57. Examples of the multi-faceted nature of magisterial service are exemplified in the early careers of numerous overseas councilors. Particularly relevant examples, including those mentioned in the text above, can be found in *Carta Régia* to Miguel Nunes de Mesquita, [Lisboa], 5 September 1703, IAN/TT, *Reg. Geral Mercês, Dom Pedro II*, liv. 11, f. 278r; *Carta Régia* to João Baptista Bavoni, Lisboa, 11 April 1725, IAN/TT, *Reg. Geral Mercês, Dom João V*, liv. 16, f. 332r; *Carta Régia* to Tomé Gomes Moreira, Lisboa, 4 May 1735, IAN/TT, *Reg. Geral Mercês, Dom João V*, liv. 7, f. 166v; *Carta Régia* to José Carvalho de Andrade, “Cópia da Carta Regia para ser Governador interino como ser Coronel,” Ajuda, 15 April 1761, BGUC, MS 567, f. 253r; *Carta Régia* to Manuel Fonseca Brandão, Ajuda, 24 October 1761, AHEG, Cod. Liv. 0007, f. 201r; and *Carta Régia* to Manuel Fonseca Brandão, Ajuda, 25 October 1761, AHEG, Cod. Liv. 0007, ff. 203r-203v.

FIGURE 4

Council Members with Prior Service in Brazil by Position Type, 1751-1807

Source: See note 14.

court, including as a temporary substitute on the Council of Treasury. Twelve years later in 1738, he was promoted to a place on the Overseas Council.⁵⁸

Although Moreira's story highlights the diverse responsibilities (and opportunities) that overseas service provided, the typical overseas experience of the council's letrados differed markedly with their aristocratic counterparts. With the exception of Martinho de Mendonça de Pina e de Proença who made a fiscal tour of Minas Gerais in the mid-1730s, every other aristocratic member of the Overseas Council who had served in Brazil during the eighteenth century did so in one of two capacities: governor or viceroy (though a number additionally served in military capacities prior to rising to the rank of governor). Of the forty overseas councilors who served in Brazil between 1751 and 1807, 14 (35.0%) were aristocrats (see Figure 4).⁵⁹ Among others, these included such notable figures as João Pereira Caldas, a frontier governor in Amazonia; Dom António Alves da Cunha, the 1st Count of

58. Moreira's early academic career and subsequent exploits in India are recounted in *Carta Régia* to Tomé Gomes Moreira, Lisboa, 12 March 1715, IAN/TT, *Reg. Geral Mercês, Dom João V*, liv. 7, f. 166r; *Carta Régia* to Tomé Gomes Moreira, Lisboa, 9 September 1728, IAN/TT, *Reg. Geral Mercês, Dom João V*, liv. 7, f. 166r; and *Carta Régia* to Tomé Gomes Moreira, Lisboa, 4 May 1735, IAN/TT, *Reg. Geral Mercês, Dom João V*, liv. 7, f. 166v (which includes the quotations above, and also refers to his temporary service on the Council of Treasury). Moreira's subsequent appointment to the Overseas Council is found in *Carta Régia* to Tomé Gomes Moreira, Lisboa, 18 March 1738, IAN/TT, *Reg. Geral Mercês, Dom João V*, liv. 7, f. 178v.

59. See note 14.

Cunha and Brazil's first viceroy to reside in Rio de Janeiro; and Dom Bernardo José Maria da Silveira e Lorena, the 5th Count of Sarzedas, who served for nearly two decades in São Paulo and Minas Gerais before concluding his overseas career as viceroy of India. If the types of offices available to aristocratic councilors in Brazil and India were all executive in nature, the actual positions themselves involved a host of responsibilities and were spread across tremendous distances.⁶⁰ Whereas the council's *letrados* who served in Brazil tended to be clustered around judicial and fiscal centers (particularly in Bahia and Rio de Janeiro), their aristocratic counterparts were scattered across all of Portuguese America during the second half of the eighteenth century (see Figure 5).⁶¹ In their capacity as overseas governors, viceroys and military officials, these council members were not only responsible for maintaining royal authority in colonial centers but also for establishing the crown's authority in the most distant outposts.

Notably, council members who served on the margins of the empire often did so at great personal sacrifice and expense, ultimately hoping to be handsomely rewarded for their efforts. João Manuel de Melo, a long-serving governor of Goiás, discussed the difficulties and rewards of overseas service in a June 1765 letter to his counterpart in Mato Grosso, a young *fidalg*o who had recently arrived in Vila Bela after a five-month journey through Amazonia:

Well do I know that you will be surprised by the intemperance of the climate and the horrors of such remote and gloomy deserts, but this makes your service to His Majesty greater and of more benefit to the homeland; for that captaincy [Mato Grosso] being the least healthy and peopled in Brazil is also the most important—its frontiers serving as a bulwark to protect the rest of the state. You have in your favor your age and robustness in addition to the distinguished virtues with which your spirit is endowed . . . And there are not any circumstances that do not indicate great happiness for your government.

If the governor of Goiás was attempting to sugarcoat the difficulties of colonial government by flattering his young comrade, he more fully revealed his own feelings about Brazil at the letter's conclusion:

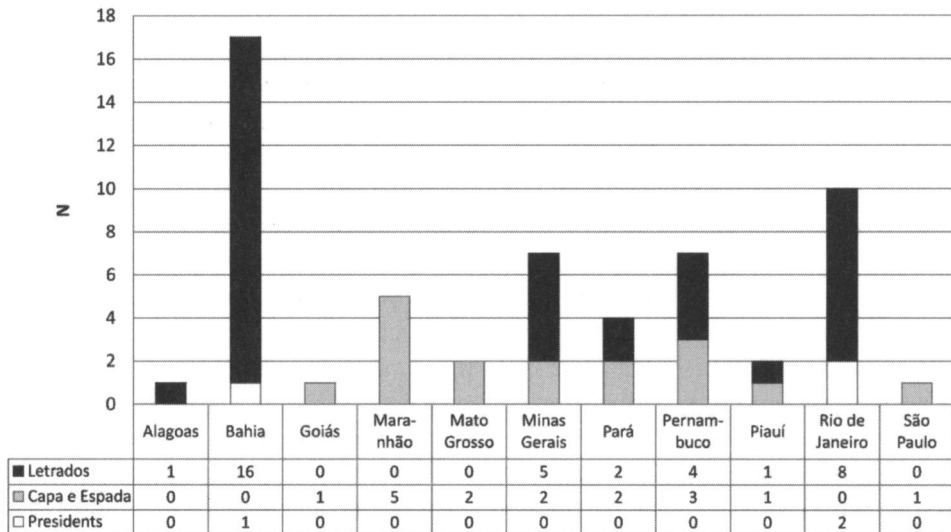
I hope that they send me a successor soon. It has already been six years that I have been in this government, and my only wish is to be far from America. Although I have enjoyed health here, neither its climate nor customs agree with me, and to reform government that was badly created is a very arduous business.⁶²

60. The responsibilities of governors and viceroys in colonial Brazil are treated at length in Alden, *Royal Government*, pp. 421-494.

61. See note 14.

62. João Manuel de Melo to Dom João Pedro da Câmara, Vila Boa (Goiás), 30 June 1765, APMT, Lata: João Pedro da Câmara, 1765-1768.

FIGURE 5

Council Members with Prior Service in Brazil by Captaincy, 1751-1807

Source: See note 14.

Three years later, the young and newly-arrived governor of Mato Grosso, Dom João Pedro da Câmara, completed his frontier responsibilities and returned to Lisbon, eventually being rewarded a place on the Overseas Council.⁶³ Meanwhile his aging counterpart in Goiás remained behind. “Well you know with what anxiousness I long to find myself removed from these remote American backlands (*sertões*),” Governor Melo wrote to Câmara on the occasion of the latter’s departure.

Here I have endured three separate *triênios* [three-year periods]—when one alone is insufferable—and you have already completed your time with great reputation. And yet three years enduring daily fevers in the sickly climes of Mato Grosso is surely the equivalent of twenty years in any other temperate country.⁶⁴

The long suffering governor of Goiás was, of course, hoping to benefit from the patronage of his counterpart returning to the Portuguese court in Lisbon. Although Dom João Pedro da Câmara did not yet have a place on the Overseas Council, his brother-in-law was then serving as a viceroy in Rio de Janeiro and an

63. *Carta Régia* to Dom João Pedro da Câmara, Lisboa, 7 January 1796, IAN/TT, *Reg. Geral Mercês, Dona Maria I*, liv. 19, f. 339v.

64. João Manuel de Melo to Dom João Pedro da Câmara, Vila Boa (Goiás), 9 July 1768, APMT, Lata: João Pedro da Câmara, 1765-1768.

influential uncle was also serving as a governor in Brazil's former colonial capital of Bahia.⁶⁵ And yet, unlike his well-connected counterpart in Mato Grosso, the governor of Goiás would never see his homeland again. Less than two years later he suffered a stroke, dying suddenly in the middle of his fourth term in office—having spent eleven straight years in the backlands of Goiás.⁶⁶

At times overseas service required a great deal of sacrifice. And yet, the same could be said of conciliar service in Lisbon. Having crossed oceans, traversed continents, and otherwise played an active role in shaping overseas affairs, the transition to conciliar employment was difficult for a number of the tribunal's members. Early overseas councilors frequently complained about being confined to a room consisting of a table, a decaying door, and a small window that let in very little light—all this in spite of the fact that the council's statutes specified that its chambers should be richly furnished.⁶⁷ And although many councilors grumbled about what they considered to be the tribunal's heavy workload, it is apparent that conciliar service did not require the fortitude or physical strength associated with the more glorious offices of overseas governor or viceroy.⁶⁸ Even royal lawyers would appear to have been more active than many overseas councilors. In October 1704, for example, Dom João V promoted a retired magistrate to the Overseas Council, noting that his new office would involve “less work” than his former post on the Casa da Suplicação.⁶⁹ And little had changed forty-five years later when Luís Borges de Carvalho became the tribunal's newest member: “On account of . . .

65. Dom João Pedro da Câmara's sister, Dona Leonor Josefa Caetana de Câmara, had married Dom António Alves da Cunha (1st Count of Cunha) who served as viceroy in Rio de Janeiro from 1763 to 1768 and thereafter as president of the Overseas Council for an extensive period (until his death in 1791). Similarly, Câmara's uncle, Dom António Rolim de Moura Tavares (1st Count of Azambuja) was simultaneously serving as governor of Bahia prior to his own appointment as viceroy of Brazil and then president of the Council of Treasury.

66. News of Melo's death is recounted in various manuscript sources, including António José Cabral de Almeida to Luís Pinto de Sousa Coutinho, Vila Boa (Goiás), 19 August 1770, APMT, Lata: Luís Pinto de Sousa Coutinho, 1770; and António Carlos Furtado de Mendonça to Luís Pinto de Sousa Coutinho, Vila Boa (Goiás), 19 August 1770, APMT, Lata: Luís Pinto de Sousa Coutinho: 1770.

67. The statutes of the Overseas Council provides an ornate description of the tribunal's chambers. See Caetano, *Conselho Ultramarino*, p. 119. Intriguingly, descriptions by the councilors themselves were somewhat different. Writing to the crown in September 1666, the council's six active members threatened that they would no longer use their quarters in the royal palace unless the crown provided funds for a major renovation. See Conselho Ultramarino to Dom Afonso VI, Lisboa, 22 September 1666, AHU, Fundo CU, Série CU, Cx. 1, Doc. 50.

68. Over the course of the seventeenth century, the Overseas Council unsuccessfully petitioned the crown on many occasions to either lighten its workload or else provide additional functionaries to help carry on the tribunal's responsibilities. See Conselho Ultramarino to Dom João IV, Lisboa, 9 May 1645, AHU, Fundo CU, Série CU, Cx. 1, Doc. 14; Conselho Ultramarino to Dom Afonso VI, Lisboa, 21 February 1657, AHU, Fundo CU, Série CU, Cx. 1, Doc. 30; Conselho Ultramarino to Dom Afonso VI, Lisboa, 26 January 1658, AHU, Fundo CU, Série CU, Cx. 1, Doc. 31; Conselho Ultramarino to Dom Afonso VI, Lisboa, 27 May 1661, AHU, Fundo CU, Série CU, Cx. 1, Doc. 36; Conselho Ultramarino to Dom Afonso VI, Lisboa, 17 September 1664, AHU, Fundo CU, Série CU, Cx. 1, Doc. 46; Conselho Ultramarino to Dom Afonso VI, Lisboa, 10 December 1664, AHU, Fundo CU, Série CU, Cx. 1, Doc. 47; Conselho Ultramarino to Dom Pedro II, Lisboa, 14 December 1669, AHU, Fundo CU, Série CU, Cx. 1, Doc. 56; and Conselho Ultramarino to Dom Pedro II, Lisboa, 8 January 1676, AHU, Fundo CU, Série CU, Cx. 1, Doc. 62.

69. *Carta Régia* to António Carneiro Barbosa, Lisboa, 9 October 1704, IAN/TT, *Reg. Geral Mercês, Dom Pedro II*, liv. 16, f. 117r.

the ailments which presently impede the laborious exercise of his seat as a magistrate of *agravos*, it is fitting to award him the *mercê* of a place as councilor on the Overseas Council.”⁷⁰

Whether certain younger aristocrats grew tired of debating with elderly magistrates, or simply wanted to see the world again before they died, a number arranged to leave Lisbon temporarily in order to return to active service overseas. Having initially served as a secretary and comptroller of the Treasury in Goa between 1666 and 1670, António Pais de Sande was one such councilor.⁷¹ No stranger to the hardships of overseas service—he lost one of his sons in a battle off the straits of Ormuz—Sande actively served on the council for nearly six years beginning in April 1671, and then secured permission to return to India in 1677. The choice would appear to have been fortuitous. Shortly after his arrival in Goa, the viceroy resigned. As a distant member of the Overseas Council, Sande was nominated to serve together with the archbishop and chancellor in the viceroy’s place. Soon thereafter, however, Sande’s two colleagues died, leaving him to rule the Estado da Índia alone until a successor finally arrived from Portugal in September 1681. Although Sande subsequently returned to the council in Lisbon, it is apparent that he was never completely satisfied with his return to conciliar life. As rumors began to circulate about the discovery of gold in Brazil at the end of the seventeenth century, he secured an appointment to become governor of Rio de Janeiro, arriving in the city of São Sebastião in early 1693. Thereafter he appears to have decided to settle in Brazil at least semi-permanently, as his place on the council was reassigned the following January. More at ease abroad than in the council’s chambers in Lisbon, António Pais de Sande died in early 1695. He was buried in Rio de Janeiro.⁷²

70. *Carta Régia* to Luís Borges de Carvalho, [Lisboa], 10 September 1749, IAN/TT, *Reg. Geral Mercês, Dom João V*, liv. 31, f. 513r.

71. Other councilors who temporarily returned to active overseas service following appointments to the Overseas Council include Salvador de Sá e Benavides, who served as governor of Rio de Janeiro on two separate occasions after taking up a seat on the council in November 1644; Gregório Pereira Fidalgo da Silva, a former magistrate on the High Court of Goa who left the council in March 1707 to investigate corruption in the High Court of Bahia; and Francisco Xavier de Assis Pacheco e Sampaio, a former ouvidor in Beja who was sent to Macau to serve as an ambassador to China shortly after joining the Overseas Council in October 1752. See also Boxer, *Salvador de Sá*, p. 216.

72. The story of António Pais de Sande’s exploits in Lisbon, Goa, and Rio de Janeiro is recounted in António Paes de Sande e Castro, *António Paes de Sande, “o grande governador”* ([Lisboa]: Divisão de Publicações e Biblioteca Agência do Ultramar, 1951), as well as in various manuscript sources, including *Carta Régia* to António Pais de Sande, Lisboa, n.d., IAN/TT, *Chan. Dom Afonso VI, Doações*, liv. 22, f. 93r; *Carta Régia* to Bernardim Freire de Andrada, Lisboa, 16 January 1694, IAN/TT, *Chan. Dom Pedro II, Doações*, liv. 38, f. 364v; *Carta Régia* to António Pais de Sande, Lisboa, 2 April 1671, IAN/TT, *Reg. Geral Mercês, Dom Afonso VI*, liv. 14, f. 50r; *Carta Régia* to António Pais de Sande, Lisboa, n.d., IAN/TT, *Chan. Dom Afonso VI, Doações*, liv. 38, f. 256r; *Carta Régia* to Miguel Nunes de Mesquita, Lisboa, 20 March 1683, IAN/TT, *Chan. Dom Afonso VI, Doações*, liv. 51, f. 78r; *Carta Régia* to António Pais de Sande, Lisboa, n.d., IAN/TT, *Chan. Dom Pedro II, Doações*, liv. 50, f. 103v; António Luís Gonçalves da Câmara Coutinho to António Pais de Sande, “Carta para Antonio Paes de Sande em q se lhe da a parabem do Gov.o do Rio de Janr.o,” Bahia, 1 July 1692, BA, Cod. 51-V-42, f. 12r; *Carta Régia* to Bernardim Freire de Andrada, Lisboa, 16 January 1694, IAN/TT, *Chan. Dom Pedro II, Doações*, liv. 38, f. 364v; and *Carta Régia* to Manuel Ferreira Rebelo, [Lisboa], 18 January 1697, IAN/TT, *Reg. Geral Mercês, Dom Pedro II*, liv. 1, f. 379r.

And yet, although conciliar service in Lisbon was not as exciting or dangerous as colonial assignments abroad, a place on the Overseas Council was prestigious, providing power and influence to secure overseas appointments and other favors from the crown. In this regard, the crown's councilors enjoyed a number of benefits which, if difficult to measure, were no less tangible than their salaries and other perks.⁷³ Privy to state secrets, they not only had opportunity to influence colonial government, but also to patronize family and friends, as well as each other. As the Overseas Council explained while recommending one of its members for an ecclesiastical appointment in January 1672: the tribunal's members were obliged to recommend the good services of their fellows, not only so that these could be thanked, but more especially, so that their fellows could be rewarded.⁷⁴ Certainly it was in this vein that the council recommended one of its letrados for an ecclesiastical pension in June 1645. Although the crown took more than nine months to respond, its ultimate decision was gratifying to both council and councilor alike. "I take great satisfaction in the . . . merits of this minister," wrote the king, confirming the petition in every particular.⁷⁵

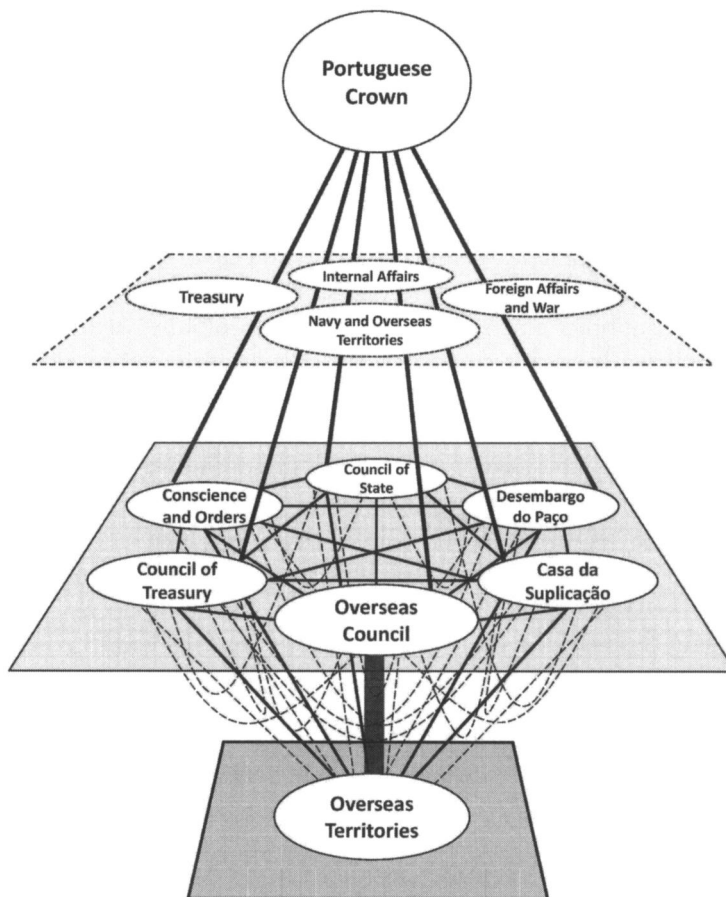
It is of course impossible to fully assess the extent to which council members used their positions for personal gain. Certainly councilors frequently dealt with matters in which they had a vested interest. Having often served abroad in Brazil and elsewhere, members of the Overseas Council had access to a vast network of personal connections that lay beneath the formal structures of royal government (see Figure 6). In this respect, they were perfectly positioned to patronize former overseas colleagues and friends—not to mention themselves! The case of Jorge de Albuquerque is illustrative. After a lengthy career as a soldier and governor in Portuguese Asia, Albuquerque was awarded with a host of mercês shortly after his appointment to the Overseas Council in July 1643. Having originally been promised numerous rewards by Portugal's Spanish kings decades before stemming from military service in Asia, Albuquerque had subsequently seen most of the promised mercês lawfully expire or otherwise be tied-up for years in litigation.

73. Charles Boxer briefly discusses the salary and prestige associated with governing councils in *Salvador de Sá*, pp. 216-217. Through the first hundred years of the council's existence its presidents and councilors received an annual salary of 400\$000 and 300\$000 réis, respectively—all paid in quarterly installments drawn from the accounts of the customs house (*alfândega*) in Lisbon. Members and functionaries of the Overseas Council also received various other monetary perks during special holidays and other important events, as described in Caetano, *Conselho Ultramarino*, p. 122; Conselho Ultramarino to Dom Afonso VI, Lisboa, 13 February 1661, AHU, Fundo CU, Série CU, Cx. 1, Doc. 35; Conselho Ultramarino to Dom Afonso VI, [Lisboa], [bef. 24 January 1663], AHU, Fundo CU, Série CU, Cx. 1, Doc. 42; Dom Afonso VI to Conselho Ultramarino, Lisboa, July-October 1664, AHU, Fundo CU, Série CU, Cx. 1, Doc. 45; Conselho Ultramarino to Dom Afonso VI, Lisboa, 27 September 1666, AHU, Fundo CU, Série CU, Cx. 1, Doc. 51; and Conselho Ultramarino to Dom Pedro II, Lisboa, 3 June 1670, AHU, Fundo CU, Série CU, Cx. 1, Doc. 57.

74. In this reference the council was writing to the crown to recommend one of its members for a vacancy in one of Portugal's bishoprics. See Conselho Ultramarino to Dom Pedro II, Lisboa, 11 January 1672, AHU, Fundo CU, Série CU, Cx. 1, Doc. 60.

75. Conselho Ultramarino to Dom João IV, Lisboa, 7 June 1645, AHU, Fundo CU, Série CU, Cx. 1, Doc. 15.

FIGURE 6

Personal Networks of Power and Patronage in Portugal's Conciliar System

Here dashed lines illustrate the personal connections that lay at the heart of Portugal's conciliar bureaucracy.

Shortly after becoming a member of the Overseas Council, however, each of the promised rewards was confirmed in every particular. The crown's new-found interest in Albuquerque should not come as a surprise. As a council member, Albuquerque was entitled to special privileges and benefits. Indeed, the relevant royal letters list his seat on the Overseas Council as the man's primary attribute. And yet the council's role in the affair extended beyond a simple question of affiliation, particularly since the legitimacy of each of Albuquerque's petitions—which concerned overseas income—fell under the council's jurisdictions. Indeed, the tribunal's secretary—who incidentally sat on Albuquerque's immediate right when

conducting conciliar business—was the royal minister who issued the relevant decrees in the king’s name.⁷⁶

As royal officials, overseas councilors traced their authority to the crown’s ability to impartially administer justice. Accordingly, they were in principle subject to a complex set of laws and decrees that governed behavior.⁷⁷ Among other rules, the crown’s councilors were prohibited from using their offices to provide employment for family or friends. As Dom João IV explained to the Council of Treasury in May 1643: royal ministers were forbidden from casting their votes on behalf of servants or other relations when making recommendations for royal employment.⁷⁸ And yet from a practical standpoint, the crown was often unable to enforce such rules and otherwise helpless to prevent colleagues and others from acting as surrogates on one another’s behalf. The story of António de Castro de Sande particularly exemplifies this point. Having been appointed governor of Macau four years after his father was awarded a place on the Overseas Council in April 1671, Sande subsequently appealed to the tribunal several years later in a dispute with his father-in-law over his wife’s dowry (relating to a trade monopoly in the captaincy of Damão). Notwithstanding the fact that Sande’s father was absent when his son’s petition arrived at the Overseas Council in Lisbon, the remaining members of the tribunal sided on his behalf, recommending that the crown overturn a decision that had previously been made by the High Court in Goa. The crown subsequently obliged, sending the matter back to the Overseas Council where the body’s secretary issued the relevant paperwork to his colleague’s son.⁷⁹

Regardless of the particular merits of this case, it is easy to comprehend how royal councilors could feel obliged to watch over one another’s interests. Although in session they were free to debate and otherwise disagree with one another, they

76. The *cartas* issued to Jorge de Albuquerque were all created under the supervision of Afonso de Barros Caminha, the secretary of the Overseas Council. See *Alvará* to Jorge de Albuquerque, Lisboa, 10 March 1644, IAN/TT, *Reg. Geral Mercês, Torre do Tombo*, liv. 7, f. 13r; *Carta Régia* to Jorge de Albuquerque, Lisboa, 10 March 1644, IAN/TT, *Reg. Geral Mercês, Torre do Tombo*, liv. 7, f. 12v; *Alvará* to Jorge de Albuquerque, Lisboa, 20 February 1645, IAN/TT, *Reg. Geral Mercês, Torre do Tombo*, liv. 13, f. 162r; *Alvará* to Jorge de Albuquerque, Lisboa, 7 August 1645, IAN/TT, *Reg. Geral Mercês, Torre do Tombo*, liv. 13, f. 185v; *Carta Régia* to Jorge de Albuquerque, Lisboa, 27 December 1645, IAN/TT, *Reg. Geral Mercês, Torre do Tombo*, liv. 9, f. 411r; and *Carta Régia* to Jorge de Albuquerque, Lisboa, 1 March 1646, IAN/TT, *Chan. Dom João IV, Doações*, liv. 19, f. 102. Some of the procedures that governed the receipt and processing of overseas petitions are briefly treated in Caetano, *Conselho Ultramarino*, pp. 48-49.

77. The importance of justice and justice-related matters in early modern Portugal are treated at length in Schwartz, *Sovereignty and Society*, pp. 3-8.

78. Dom João IV to the Conselho da Fazenda, “Decreto sobre os ministros não votarem em parente seu dentro do 4.º grao, nem criado seu p.a officio,” Lisboa, 4 May 1643, BGUC, MS 442, f. 121.

79. António Pais de Sande, a former secretary and councilor to the viceroy in Goa, was awarded a place on the Overseas Council in April 1671. See also note 72. It is intriguing to note that four years after his father’s death, António de Castro de Sande was also awarded a place on the Overseas Council. See *Carta Régia* to António de Castro de Sande, Lisboa, 11 March 1699, IAN/TT, *Reg. Geral Mercês, Dom Pedro II*, liv. 2, f. 452r. The dispute between António de Castro de Sande and his father-in-law, José Vaz Freire, is detailed in various manuscripts, including *Alvará* to António de Castro de Sande, Lisboa, 22 February 1681, IAN/TT, *Chan. Dom Afonso VI, Doações*, liv. 33, f. 242v; and *Carta Régia* to António de Castro de Sande, Lisboa, 8 February 1675, IAN/TT, *Chan. Dom Afonso VI, Doações*, liv. 42, f. 150v. See also note 42.

also had to work together in close quarters six days a week.⁸⁰ If this high-pressure environment led to misunderstandings and quarrels—as when Luís Mendes de Elvas stormed out of the council’s chambers when another member sat in his chair—it also created a certain degree of tolerance and understanding.⁸¹ Indeed, if royal councilors were willing to side on behalf of a colleague who was absent (as in the Sande case), how much more readily would they act if the member in question was sitting on the other side of the table!⁸²

In addition to peer pressure, councilors were often influenced by a desire to defend the integrity of the council as a whole. Responding to a complaint that an overseas councilor was using his office to impede the resolution of a legal dispute, the tribunal’s other members wrote to the crown in June 1653 in order to vigorously defend their comrade. Although the councilors admitted that their colleague had “misplaced” various documents in which he held a vested interest, they assured the crown that his actions had been completely honorable. In this regard, they explained that their comrade had recently found the missing paperwork and shown it to the rest of the tribunal, concluding that any complaints about the tribunal were completely false and unfounded.⁸³

If royal councilors trusted in the scriptural admonition that “the liberal soul shall be made fat,” they were not afraid to use their influence to disturb enemies both at home and abroad.⁸⁴ Certainly these were the allegations of Paulo da Silva Nunes in the early 1720s when he complained that council members were “plac[ing] their own interests above the common good.”⁸⁵ Although it is impossible to substantiate the claims of Silva Nunes, the action of individual councilors at other times leaves little room for doubt. Writing to the crown from faraway Mato Grosso in 1793, José da Silva Terra, a merchant and miner in Vila Bela, peti-

80. The council’s schedule and working environment are discussed in Caetano, *Conselho Ultramarino*, pp. 48, 119.

81. The story of Luís Mendes de Elvas’s exit from the council’s chamber is recounted in Conselho Ultramarino to Dom Afonso VI, Lisboa, 16 June 1662, AHU, Fundo CU, Série CU, Cx. 1, Doc. 41. Elvas apparently felt that his newly-appointed colleague, Francisco de Miranda Henriques, was not entitled to enjoy the seniority associated with his own place on the council.

82. It is interesting to note that the first record we have of councilors, who were otherwise prohibited from voting, being required to leave the council chambers during relevant deliberations dates to January 1714—and even then each of their colleagues’ votes would have still been a matter of record. See Dom João V to Conselho da Fazenda, “Decreto em q se mandou q nenhum Ministro do cons.o asista nelle qd.o se tratar de negocio de algum seu Parente,” Lisboa, 11 January 1714, BGUC, MS 442, f. 160r.

83. The dispute revolved around the stewardship of ecclesiastical properties as contested by the councilor José Pinto Pereira and his relation Gonçalo Brito da Silva. Although it is impossible to know the whole truth of the affair, it is intriguing to note that the council’s ultimate recommendation—that the crown delay its decision in the matter—was not altogether different than what Pereira had accomplished by “misplacing” the documents in the first place. See Conselho Ultramarino to Dom João IV, Lisboa, 14 June 1653, AHU, Fundo CU, Série CU, Cx. 1, Doc. 23.

84. Proverbs 11: 25 (KJV).

85. “Traslado das duas Propostas das Camaras das Cidades de S. Luiz do Maranhão, e Santa Maria de Belem do Grão Pará, que foram appresentadas a S. M. pelo Procurador das mesmas Camaras, Paulo da Silva Nunes,” BPE, cxv/2-13, f. 156r. See also note 3.

tioned for relief from abuses that he had received from two of the region's governors: Luís de Albuquerque de Melo Pereira e Cáceres and João de Albuquerque de Melo Pereira e Cáceres (who happened to be brothers). Among other complaints, the merchant asserted that the first had forced him to sell imported goods below their market value, while the second had threatened to seize his property and slaves in order to collect on his debts. Explaining that he was far from Lisbon and otherwise vulnerable to further abuse, the merchant explained that he was personally sending his son to Lisbon to seek relief, requesting that his son be recompensed with a royal appointment in Mato Grosso.⁸⁶ Shortly after the father's petition arrived in Lisbon, however, the request was denied. As a particular councilor—who happened to personally know both the petitioner and his son—explained,

I know the supplicant perfectly well and do not consider that he has the necessary capacity [for this office]. . . principally being as he is the son of a *mulata* . . . and by consequence, belonging to that class in Brazil which are called *coloreds* [*homens pardos*]. And under no condition whatsoever is there any way in which he could serve . . . for even supposing that he is married as he himself claims, there are still many white men in that remote colony who also have sons who are equally poor and in need.⁸⁷

In fact, the faraway father and merchant in Vila Bela had feared that this would be the council's response. Indeed, he had gone so far as to request that his petition initially come under the protection of the Secretary for the Navy and Overseas Territories, rather than the Overseas Council. As he explained in his original petition, "The current governor [of Mato Grosso] is a person by all accounts very powerful in that continent [Europe], and in the royal court his brother [the former governor] is an overseas councilor."⁸⁸

Whether using their positions to harass enemies, assist friends, mete out justice, or serve the crown, the crown's overseas councilors presided over an extensive network of patronage and paternalism. Having frequently resided abroad—from the far reaches of Mato Grosso to the distant shores of Macau—the aristocrats and letrados who served on the Overseas Council were uniquely positioned to act as intermediaries between colony and crown. Similarly, all across the Portuguese world, personal connections—who you knew and how you knew them—played a primary role in holding the Luso-Brazilian world together. And yet, with the passage of time these same factors also played an important role in pulling the Luso-

86. José da Silva Terra to Dona Maria I, Vila Bela (Mato Grosso), [ca. 1792], APMT, Lata: João de Albuquerque e Cáceres, 1792A.

87. Conselho Ultramarino to Dona Maria I, Lisboa, 20 November 1793, AHU, Fundo CU, Série Brasil-Mato Grosso, Cx. 30, Doc. 1679.

88. José da Silva Terra to Dona Maria I, Vila Bela (Mato Grosso), n.d. (c. 1792), APMT, Lata: João de Albuquerque e Cáceres, 1792A.

Brazilian world apart. Certainly the initial story of Paulo da Silva Nunes speaks to the frustrations of those who were on the outside of this system.

In theory, royal patronage was modeled on Christ's teachings about prayer and supplication: "Ask, and it shall be given you; seek, and ye shall find; knock, and it shall be opened unto you."⁸⁹ In reality, however, the patronage of Portugal's colonial bureaucracy begat an extensive web of corruption and favoritism that plagued all of the Luso-Brazilian world. Writing to the crown in 1748, Alexandre de Gusmão, a Brazilian-born member of the Overseas Council, addressed the figurative leachcraft that preyed upon the very heart of the Portuguese empire: "Money is the blood of monarchies, and when extracted from the same, these weaken in the same manner as their human counterparts . . . such that the more Portugal works to acquire wealth, the more it treads down the path of poverty, and consequently, to ruin."⁹⁰ Although explicitly addressing Portugal's place in a global economy, the councilor's words more generally spoke to the long-term costs of royal patronage and to the changing relationship between Portugal and its overseas empire. In this respect, the history of the Overseas Council is not only a tale of global networks of patronage and power, but also part of a larger story of the rising importance of Brazil within Portugal's overseas empire. Significantly, this importance would take on new meaning for both Brazil and the Overseas Council at the beginning of the nineteenth century.

When the Portuguese court fled to Rio de Janeiro in 1807, colonial administration entered a state of uncertainty. Initially, individual councilors who accompanied the court to Brazil continued to oversee particular facets of the colonial bureaucracy. Although the Overseas Council was never formally reconstituted in Rio de Janeiro, it continued to function on a personal basis—in part through the new bureaucratic assignments of its former members.⁹¹ By July 1810, the Secretary for the Navy and Overseas Territories sent out instructions to Portuguese Asia indicating that all future correspondence should be sent to the colonial ministry in Rio de Janeiro which would then distribute relevant paperwork to overseas councilors and other colonial officials in Brazil.⁹² Shortly thereafter, the council's institutional responsibilities were formally redistributed to a variety of other

89. St. Matthew 7: 9-10 (KJV).

90. Alexandre de Gusmão to Dom João V, "Calculo sobre a perda do dinheiro do Reyno offerecido a El Rey D. João 5.o no anno de 1748 por Alexandre de Gusmão," [Lisboa], 1748, Biblioteca Municipal de Elvas, Elvas, Portugal, Cod. MS V/107, ff. 13r-17v.

91. Secretário de Estado da Marinha e Ultramar (João Rodrigues de Sá e Melo) to Câmara de Macau, Rio de Janeiro, 20 February 1809, AHM, AH/LS/384, Doc. 3; Dom Fernando José de Portugal (2nd Marquis of Aguiar) to Câmara de Macau, Rio de Janeiro, 20 July 1810, AHM, AH/LS/384, Doc. 26; Dom Fernando José de Portugal (2nd Marquis of Aguiar) to Miguel de Arriaga Brum da Silveira, Rio de Janeiro, 29 February 1816, AHM, AH/LS/385, f. 18r.

92. Secretário de Estado da Marinha e Ultramar (João Rodrigues de Sá e Melo) to Câmara de Macau, Rio de Janeiro, 17 April 1809, AHM, AH/LS/384, Doc. 2.

tribunals, including the Secretary for the Navy and Overseas Territories, the Desembargo do Paço, the Board of Conscience and Orders, and the Secretary of State for the Treasury (*Secretário de Estado da Fazenda*).⁹³ During the next decade and a half, the Overseas Council did not formally function. In the interim, Portugal's seaborne empire was transformed. Brazil, long the center of Portugal's imperial ambitions, became the center of the empire itself. Meanwhile, the members of the old council who had played such a prominent role in governing Brazil for so long began to pass away, one by one. By the time the nearly two-hundred-year-old body eventually reconvened in Lisbon in June 1823, only a handful of its former members were still alive. Although new council members would attempt to revive the tribunal in the coming years, their efforts would be short-lived.

As we began with the tale of two municipal councils in Amazonia, it seems fitting to conclude with the story of a royal councilor in Lisbon. A gifted linguist and founding member of the Royal Academy of History, António Rodrigues da Costa was called to serve on the Overseas Council in February 1707. An astute observer of the relationship between Portugal and Brazil, Rodrigues da Costa warned the crown shortly before his death in 1732 that heavy taxes being levied on the colony would eventually drive its inhabitants to rid themselves of Portugal altogether: "It is obvious that if Brazil is placed in one scale of the balance and Portugal in the other, the former will weigh far more heavily than the latter; and consequently the larger and the richer will not consent to be ruled by the smaller and the poorer." A "true prophet," as one eminent historian noted, Rodrigues da Costa not only predicted Brazilian independence, but in another sense, foresaw the demise of the very council from which he was writing.⁹⁴ With the advent of Brazilian independence in 1822, the Overseas Council was no longer relevant to either Portugal or Brazil. The old tribunal subsisted for another decade, drawing—as it had in the beginning—upon councilors who had spent the majority of their careers in Asia administering the remains of Portugal's Eastern empire. Then with the triumph of the liberal cause at the beginning of the 1830s, the council ceased to exist altogether.⁹⁵

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93. Martinheira, *Catálogo dos códices*, pp. 27-31.

94. Charles Boxer quotes Rodrigues da Costa and also provides a short biographical summary of his life in the *Golden Age of Brazil*, pp. 325, 367-368.

95. In his work, Caetano briefly describes the council's end and additionally provides a transcription of the decree dissolving this administrative body on August 30, 1833. See Caetano, *Conselho Ultramarino*, pp. 55, 143.