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A Case of 'Great Unstableness':
A British Slaveholder and Brazilian Abolition*

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The reluctant obedience of distant provinces
generally costs more than it is worth
-Lord Macaulay (1800-1859)

In 1845 the British-owned St. John d'el Rey Mining Company operating in the Brazilian province of Minas Gerais, reached an agreement with the recently liquidated Cata Branca Brazilian company to rent 385 slaves for fourteen years. The contract signed in London detailing the transaction specified that "all of the said Negroes. . . shall at the end of the said term of fourteen years be and become absolutely free and emancipated."¹ But in 1859, after fourteen years of service, the St. John d'el Rey Mining Company (hereafter St. John) did not grant the Cata Branca slaves their duly entitled freedom. The breach of the contract and the illegal enslavement of over three hundred individuals went unnoticed for nearly twenty years. The mining company took special precautions to insure that the

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¹ Agreement between the Cata Branca Brazilian Company and the St. John d'el Rey Mining Company, 27 June 1845, St. John d'el Rey Mining Company Archive, Nettie Lee Benson Latin American Collection, University of Texas at Austin (hereafter SJDRMC-BLAC).

Cata Branca slaves never learned of the freedom clause during the period 1845-59 and especially after the contract had expired. Only in 1879 did the flagrant violation of the contract by the St. John become known to the general public. Shortly thereafter, judicial authorities, prompted by Brazilian abolitionists who rallied around the cause, liberated the slaves.²

The employment of slaves by the British-owned mining company and their commitment to retaining technically free women, men, and children as slaves stands in contrast to the general historiography that portrays Great Britain and the British as staunch proponents of the worldwide anti-slavery crusade. It was precisely this contradiction that politically weakened and isolated the British company, coupled with the clear violation of the contract, that made the St. John vulnerable to the abolitionists' attack to liberate the slaves. The illegal enslavement of the Cata Branca slaves by the mining company served as an early catalyst in the Brazilian abolition movement that provided a special opportunity to launch the anti-slavery campaign in Brazil in 1879. The court case that brought harsh criticism to the mining company from governments in Britain and Brazil and united the cause of abolitionism on both sides of the Atlantic has received the attention of only a few scholars of abolition, and just passing mention by historians of the St. John.³

² John Hockin to J. N. Gordon, Morro Velho, 1 Aug. 1859; J. N. Gordon to John Hockin, London, 2 July 1869, Series 5, Morro Velho Mine, Box 1 SJDRMC-BLAC; Speech of Joaquim Nabuco, 26 Aug. 1879, Brazil, Congresso, Câmara dos Deputados (hereafter BCCD), *Anais*, vol. 4 (Rio de Janeiro, 1879), 182-185; "Illegal Slavery," *Rio News*, 5 Sept. 1879, p. 1, cols. 2-5.

³ Robert Conrad, "Economics and Ideals: The British Anti-Slavery Crusade Reconsidered," *Indian Historical Review* 15 (1988-89): 212-32; Richard Graham, *Britain and the Onset of Modernization in Brazil, 1850-1914* (Cambridge, 1968), 184-85; Robert Conrad, *The Destruction of Brazilian Slavery, 1850-1888* (Berkeley, 1972), 14, 136; Robert Brent Toplin, *The Abolition of Slavery in Brazil* (New York, 1975), 61; Douglas Cole Libby, *Trabalho escravo e capital estrangeiro no Brasil: O caso de Morro Velho* (Belo Horizonte, 1984), 70-72; Marshall C. Eakin, *British Enterprise in Brazil: The St. John d'el Rey Mining Company and the Morro Velho Gold Mine, 1830-1960* (Durham, 1989), 36, 202-3.

The St. John mining company provides an interesting case of putting a new perspective on an old topic of abolition historiography: the relationship between capitalism and slavery. Ever since Eric Williams published his seminal work *Capitalism & Slavery* in 1944, the two concepts have figured at the center of historiographical debates on slavery in the Americas. Williams concluded that slavery "developed the wealth of Europe. . .[b]ut in doing so it helped to create the industrial capitalism of the nineteenth century, which turned round and destroyed the power of commercial capitalism, slavery and all its works."⁴ Over the last fifty years scholars have argued over the applicability of Williams' conclusions emphasizing that political and reform movements played a significant role in the abolition process and slavery remained a profitable enterprise during the nineteenth century. The case of the British-owned Saint John mining company represents a reversal of the forces Williams identified leading to abolition. Instead of industrial capitalism in Britain representing the solvent to slavery in the Americas, Brazilian abolitionists attacked a British industrial enterprise operating in Brazil dependent upon slave labor.⁵

Until recently scholars challenging the Williams thesis have predominantly battled over broad macro-economic and political terrain. The latest generation of scholars examining the abolition process throughout the Americas have focused on the slaves as central actors in the process leading to abolition. This trend has produced a crescendo of works in Brazilian historiography emanating from the centennial of Abolition in 1988. Historians of

⁴ Eric Williams, *Capitalism & Slavery* (1944; reprint, London, 1964), 210.

⁵ The historiographical debate over the Williams thesis is covered in Barbara L. Solow and Stanley L. Engerman, eds. *British Capitalism & Caribbean Slavery: The Legacy of Eric Williams* (Cambridge, 1987).

Brazilian slavery have shown how slave resistance contributed to the abolition of the Atlantic slave trade in 1850, the passage of the Free Womb Law emancipating children born to slave mothers after 28 September 1871, and the final destruction of slavery in 1888 through massive flights from plantations in the 1880s. An examination of the St. John's illegal retention of free men, women, and children as slaves complements the revisionist Brazilian literature by analyzing how the political environment of abolition in 1879--shaped by the slaves' own desires and actions for freedom--provided an ideal opportunity for Brazilian abolitionists to begin the anti-slavery crusade.⁶

The St. John began operations in Southeast province of Minas Gerais at the city of São João d'el Rei in 1830. The board of directors anglicized the spelling of the city to give their enterprise a name. In 1834 the mining company transferred their activities to a richer and more profitable lode at the town of Morro Velho, located 160 miles north across the mountain range. The establishment of the mine represents part of a larger wave of British investment in Brazil during the nineteenth century. Although the construction of railways stands out among British investments, mining remained a lucrative industry despite the passing of the gold boom in the previous century. The rich lode at Morro Velho continued to produce a wealth of gold during the nineteenth and twentieth centuries. By

⁶ Robert M. Levine, "'Turning on the Lights': Brazilian Slavery Reconsidered One Hundred Years After Abolition," *Latin American Research Review* 24 (1989): 201-17; Dale T. Graden, "An Act 'Even of Public Security': Slave Resistance, Social Tensions, and the End of the International Slave Trade to Brazil, 1835-1856," *Hispanic American Historical Review* (hereafter *HAHR*), 76 (1996): 249-82; Sandra Lauderdale-Graham, "Slavery's Impasse: Slave Prostitutes, Small-Time Mistresses, and the Brazilian Law of 1871," *Comparative Studies in Society and History* 33 (1991): 669-94; Martha Abreu, "Slave Mothers and Freed Children: Emancipation and Female Space in Debates on the 'Free Womb' Law, Rio de Janeiro, 1871," *Journal of Latin American Studies* 28 (1996): 567-80; Warren Dean, *Rio Claro: A Brazilian Plantation System* (Stanford, 1976), 124-55; Hebe Maria Mattos de Castro, *Das cores do silêncio: Os significados da liberdade no sudeste escravista, Brasil século XIX* (Rio de Janeiro, 1995); Sidney Chalhoub, *Visões da liberdade: Uma história das últimas décadas da escravidão na corte* (São Paulo, 1990).

World War I, Morro Velho had become the deepest mine in the world, and when mineral extraction ended in 1934, the mine shaft extended 2,453 meters (8,051 feet) below the earth's surface. The depth of the mine corresponded directly to the wealth of the company. Of all British investments in Latin America during the nineteenth century, no other company equaled the St. John in average yearly profits.⁷

While financial capital and advanced technology, not to mention favorable geological factors, account for the economic success of the St. John, a productive labor regime proved equally important in determining net profits. The *Annual Reports* of the company from its founding in 1830 through the nineteenth century contain repeated reference to the difficulty of attracting a steady labor force resulting from worker resistance to adopting what historian E. P. Thompson has described as capitalist "time-discipline." Thompson's description of English "Northern lead-miners who left their work for the harvest" in eighteenth-century Britain can apply equally to free Brazilians of Minas Gerais in the nineteenth century.⁸ In 1844, for example, mine superintendent Charles Herring complained that "34 native labourers" left their jobs despite the fact that "wages on the whole had been raised for these people."⁹ When English traveler Richard Burton visited the mines twenty years later, the situation had not changed: "The

⁷ Book of Abstracts of title deeds for Morro Velho property, 3 Dec. 1834, vol. 1, pp. 24-25, SJDRMC-BLAC; Bernard A. Hollowood, *The Story of Morro Velho* (London, 1955), 22; T. A. Rickard, "The Deepest Mine," *Mining and Scientific Press* 121 (1920): 477-78; Eakin, *British Enterprise in Brazil*, n. 81, 49; Libby, *Trabalho escravo*, 33.

⁸ E. P. Thompson, "Time, Work-Discipline and Industrial Capitalism," *Past & Present* 38 (1967): 73.

⁹ Saint John d'el Rey Mining Company, Limited, *Annual Report* (hereafter AR) (London, 1844), 34.

free Brazilian showed a decided indisposition to work at Morro Velho" in favor of "only. . . desultory agriculture."¹⁰

Slave labor proved more reliable, and as a result, more profitable. By 1867 the labor force of the mining company had grown to nearly 1,700 slaves, the majority of those rented from other slaveowners similar to the Cata Branca slaves. According to historians Amilcar Martins Filho and Roberto B. Martins, who have studied in detail the demographics of slavery in Minas Gerais, "the Saint John del Rey may well have been the all-time largest slave-based enterprise" in the province.¹¹ Scholar Robert Conrad is surely correct in suggesting that the St. John represented the "largest single British slaveholding organization in Brazil."¹² Because of the difficulty of recruiting a yearly disciplined free labor force in Minas Gerais, slave labor constituted an essential ingredient in determining the company's economic success.

Although slavery remained legal in Brazil until the "Golden Law" of 1888 declared abolition, the fact that the St. John was British-owned, with headquarters in London, provoked considerable controversy with Her Majesty's government. The British government committed itself to the abolitionist struggle throughout the nineteenth century. In 1807, the British slave trade was abolished and in 1833 slavery ended in the British colonies. Great Britain then focused its abolitionist zeal on other countries of the Americas. In Brazil, the British navy intercepted slave-trading ships, freed slaves, and even broke off diplomatic relations over the slave question. While the motivations behind Great

¹⁰ Richard F. Burton, *Explorations of the Highlands of Brazil*, vol. 1 (London, 1869), 267.

¹¹ AR (1867), 37; Burton, *Explorations of the Highlands of Brazil*, vol. 1, 273; Eakin, *British Enterprise in Brazil*, 172; Libby, *Trabalho escravo*, 87; Amilcar Martins Filho and Roberto B. Martins, "Slavery in a Nonexport Economy: Nineteenth-Century Minas Gerais Revisited," *HAHR* 63 (1983): 541.

¹² Conrad, *The Destruction of Brazilian Slavery*, 14.

Britain's abolitionist struggle have occupied the attentions of historians as either humanitarian or imperialist, it is only logical that once Britain outlawed slavery and the slave trade, it would oppose slave trading and slavery elsewhere to reduce the advantage competitors derived from cheap labor and to stay true to the principles the country professed. In 1845, the British Parliament passed the Aberdeen Act which, in addition to other provisions, prohibited British citizens from purchasing slaves. The board of directors of the St. John successfully lobbied Parliament to include a provision that allowed British citizens to maintain ownership of slaves purchased before the passage of the law and permitted the renting of slaves from other slaveowners. According to a letter by the board of directors to Lord Aberdeen, author of the act, "the amount of capital invested in British mining in Brazil is very large" that would "at once [be] destroyed" if slaves could not be employed at Morro Velho.¹³

The clear contradiction between Great Britain's official position on slavery and the employment of slave labor by the St. John did not go unnoticed in Britain. In 1848 the British House of Commons and in 1849 the House of Lords both established Select Committees on the Slave Trade to investigate how Britain might best suppress the slave trade and slavery. Charles Herring, who served as superintendent of the mine at Morro Velho from 1830 to 1846, became one of the first individuals to testify before the House of Lords Select Committee. Herring's testimony followed a brief statement made by a thirty-one year old slave named Augstino [sic] who retold the horrors of the middle passage and the arduous labor at Morro Velho. Herring reported to the Select Committee because of the

¹³ Leslie Bethell, *The Abolition of the Brazilian Slave Trade: Britain, Brazil and the Slave Trade Question, 1807-1869* (Cambridge, 1970); Graham, *Britain and the Onset of Modernization*, 160-86; Eakin, *British Enterprise in Brazil*, 33-4; St. John d'el Rey Mining Company to the Earl of Aberdeen, London, 17 June 1843, Letter Book no. 4, pp. 49-54, SJDRMC-BLAC.

scarcity of free labor in Minas Gerais, slave labor proved more productive since wage laborers would often leave to work elsewhere or farm their own land.¹⁴

Following Herring's testimony, a series of articles in the English press as diverse as the *Daily News*, the *Mining Journal*, the *Morning Post*, and the *Anti-Slavery Reporter* appeared criticizing the St. John's labor practices. A letter to the editor of the *Daily News* on 13 November 1849 summed up British abolitionists' indignation over the activities at Morro Velho by stating the mining company represented a "monstrous incongruity of British subjects possessing slaves, hiring them--in fact purchasing them--when Her Majesty's government is endeavouring by every means, to abolish slavery!"¹⁵ The St. John board of directors responded by claiming slave labor represented the only option, saying that slaves were treated "better than the working class of Europe," and "nothing is left undone that can be done for their good."¹⁶ In 1850 the St. John board of directors even sent an "independent" commission to Morro Velho that wrote a fifty-page *Circular* to calm troubled stockholders by assuring them of the "humane and generous. . . measures already adopted. . . to render them [the slaves] as contented and happy as men can be expected to be, whose lot is to earn their bread by the sweat of their brow."¹⁷

¹⁴ Great Britain, House of Lords, "Report from the Select Committee of the House of Lords, Appointed to Consider the Best Means which Great Britain can Adopt for the Final Extinction of the African Slave Trade," *Sessional Papers, 1849-50, Slave Trade*, 24 May 1849, pp. 162-71.

¹⁵ *Daily News*, *Mining Journal*, and *Morning Post* articles were reprinted in the British and Foreign Anti-Slavery Society's publication the *Anti-Slavery Reporter*, see "Slaveholding Mining Companies," *Anti-Slavery Reporter* 9 (1849): 165-68; "St. John Del Rey Mining Company," *Anti-Slavery Reporter* 9 (1849): 172-73; "The St. John Del Rey Mining Company," *Anti-Slavery Reporter* 9 (1849): 181-83; "The Slaves of the St. John Del Rey Mines," *Anti-Slavery Reporter* 9 (1849): 188-89. Editorial to the *Daily News* reprinted in "The Slaves of the St. John Del Rey Mines," *Anti-Slavery Reporter* 9 (1849): 189.

¹⁶ AR (1842), 41-42; AR (1849), 11.

¹⁷ St. John d'el Rey Mining Company, *Circular to the Proprietors of the St. John d'el Rey Mining Company*, (London, 1850), 17. [Bound with ARs, 1846-55, SJDRMC-BLAC].

Despite the efforts of the British government and abolitionists, the St. John would not cease their employment of slaves while wage labor remained scarce in Minas Gerais and slavery legal in Brazil. The protests of the British abolitionists and government, while ineffective in changing the employment of slave labor at the mine, did have consequences. A commercial enterprise operating in a foreign country often relies on the support and backing of its respective country during times of economic or political difficulties. The opposition of the government and the abolitionists served to isolate and debilitate the political influence of the St. John, making it susceptible to the future action of Brazilian abolitionists over the Cata Branca slaves in 1879.

Although British abolitionists initiated their campaign against the St. John in 1849, no such activity by Brazil abolitionists occurred until thirty years later. Minas Gerais, the location of the St. John Morro Velho mine, represented a province where slavery hung on tenaciously and even expanded in the nineteenth century. Although there is no general agreement among scholars on exact population figures, and more importantly, the explanation for the growth of the slave population and the primary economic activity of slaves, most concur that Minas Gerais represented the largest slaveholding province in Brazil during the 1870s-80s. After the abolition of the international slave trade in 1850, there occurred a significant shift in the slave population as a result of the internal slave trade from the Northeast to the booming coffee plantations of the Southeast. One historian has argued that the transfer of hundreds of thousands of workers resulted in the gradual awakening of antislavery passion at the points of slave

depopulation while it solidified pro-slavery beliefs at the areas of relocation. Minas Gerais corresponded to the latter category.¹⁸

The pattern of voting in the Chamber and the Senate on the 1871 Law of the Free Womb emancipating children born to slave women may have reflected the central support for the slave system in the coffee regions. The slave population in the three Southeastern provinces of Minas Gerais, Rio de Janeiro, and São Paulo represented fifty-four percent of the entire slave population in Brazil in 1872. Minas Gerais, Rio de Janeiro, and São Paulo represented twenty-eight of the forty-five votes against the Law of the Free Womb in the Chamber, and five of seven in the Senate. The province of Minas Gerais, the location of the St. John mine, opposed the law more strongly than any other; fourteen of the forty-five votes against the law in the Chamber and three of seven in the Senate were by representatives from Minas Gerais.¹⁹

¹⁸ Luís Anselmo da Fonseca, *A escravidão, o clero e o abolicionismo* (Bahia, 1887), 18; Joaquim Nabuco, *Minha Formação* (1900; reprint, Brasília, 1981), 138-39; Conrad, *Destruction of Brazilian Slavery*, 135; Graham, *Britain and the Onset of Modernization*, 177; Toplin, *Abolition of Slavery in Brazil*, 177; Martins Filho and Martins, "Slavery in a Nonexport Economy," 537-68, and the "Notes and Comments" by Robert W. Slenes, Warren Dean, Stanley L. Engerman and Eugene D. Genovese, 569-90; Martins Filho and Martins, "Slavery in a Nonexport Economy: A Reply," *HAHR* 64 (1984): 135-46; Roberto Martins, "Growing in Silence: The Slave Economy of Nineteenth-Century Minas Gerais, Brazil" (Ph.D. diss., Vanderbilt University, 1980); Judy Bieber Freitas, "Slavery and Social Life: Attempts to Reduce Free People to Slavery in the Sertão Mineiro, Brazil, 1850-1871," *Journal of Latin American Studies* 26 (1994): 597-620; Robert Wayne Slenes. "Os múltiplos de porcos e diamantes: A economia escrava de Minas Gerais no século XIX," *Estudos econômicos* 18 (1988): 449-95; Douglas Cole Libby, *Transformação e trabalho em uma economia escravista: Minas Gerais no século XIX* (São Paulo, 1988); idem, "Historiografia e a formação social escravista mineira," *Acervo: Revista do arquivo nacional* 3 (1988): 7-20; Robert E. Conrad, *World of Sorrow: The African Slave Trade to Brazil* (Baton Rouge, 1986), 190-91; José Oiliam, *A abolição em Minas* (Belo Horizonte, 1962); Liana Maria Reis, "Escravos e abolicionismo na imprensa mineira (1850-1888)," *Estudos ibero-americanos* 26 (1990): 287-98.

¹⁹ Brazil, Directoria Geral de Estatística, *Recenseamento da população do Imperio do Brazil a que se procedeu no dia 1 de agosto de 1872*, vol. 19 (Rio de Janeiro, 187?), 2; Brazil, Congresso, Câmara dos Deputados e Senado, *Discussão da reforma do estado servil na Câmara dos Deputados e no Senado, 1871*, vol. 2 (Rio de Janeiro, 1871), appendice, 128-50.

To strike a decisive blow at the institution of slavery, the abolitionists' movement would have to aim at the geographical heart of the institution: the Southeast. By 1879, abolitionist speeches and literature had begun to circulate on a limited scale throughout the country, but anti-slavery feelings rising among the populace had yet to fully express itself in the form of an organization or catalytic event. Surrounded by other slaveowners, the St. John's slave practices appeared secure. The contradiction between Great Britain's policy on the slave trade and the St. John's labor practices, however, attracted Brazilian abolitionists to the Cata Branca case. Furthermore, although the British mining company operated in the center of the slave economy, the vast majority of bondsmen in Minas Gerais worked in agricultural production. What appeared as strong support for the slave provinces of the Southeast in the Chamber and the Senate as reflected in the Law of Free Womb voting, more accurately represented the political-economy of coffee cultivation. In this environment, the discovery of the St. John's retention of the Cata Branca slaves after they should have been freed became especially explosive.²⁰

The general public became aware of the St. John's unlawful retention of the Cata Branca slaves two decades after the contract specified manumission. In August 1879, Joaquim Nabuco denounced the British mining company in the Brazilian parliament. The shocking news of a British company denying freedom to slaves quickly circulated through the press in Brazil, Great Britain, and elsewhere. In France, the *Revue des deux mondes* smugly pointed out the contradiction Nabuco's speech revealed between Great Britain's policy on slavery and the actions of British citizens in Brazil: "Given the current circumstances, what is particularly ironic, is that the company, its directors, and stockholders all

²⁰ Conrad, *Destruction of Brazilian Slavery*, 121-34; Toplin, *The Abolition of Slavery in Brazil*, 59-61.

belong to that English nationality which has been so critical of Brazil every time the question of slavery has been raised!"²¹ Nabuco, of course, did not by himself discover the St. John's disregard of the 1845 contract. In a rare moment of poetic justice, the mining company had itself accidentally attracted the attention of Brazilian authorities to the illegal enslavement.

In 1871 the Brazilian parliament passed the Law of the Free Womb that emancipated all children born to slave women after 28 September 1871. In order to insure compliance with the law, Article 8 required the registration of all slaves throughout the Empire. Section 2, Article 8 specified: "The slaves who, through fault or omission of the parties interested, shall not have been registered up to one year after the closing of the register, shall, *de facto*, be considered as free."²² The requirement for registering slaves placed the St. John in a precarious position. If the mining company failed to register the Cata Branca slaves, they would receive their freedom, and thus, lose several hundred unpaid laborers. Moreover, if the Cata Branca slaves remained unregistered, and then later earned their freedom for not being registered, an investigation might have occurred to determine the owner of the slaves that could have revealed the 1845 contract and its subsequent violation. The St. John could not claim ownership of the slaves because the proof, the 1845 contract, clearly stated manumission after 14 years of service. In 1872 James Gordon, superintendent of the Morro Velho mine, claiming to represent the Cata Branca Brazilian company, registered the slaves as belonging to it.²³

²¹ Speech of Joaquim Nabuco, 26 Aug. 1879, BCCD, *Anais*, vol. 4, 182-85; Paul Bérenger, "Le Brésil en 1879," *Revue des deux mondes* 37 (1880): 441.

²² "Lei no. 2040 de 28 de Setembro 1871," *Coleção das leis do imperio do Brasil de 1871* 31 (1871): 151.

²³ Speech of Ignacio Martins, 26 Aug. 1879, BCCD, *Anais*, vol. 4, 185; Speech of Joaquim Nabuco, 30 Sept. 1879, BCCD, *Anais*, vol. 4, 257.

Although unapparent at first, Gordon had seriously miscalculated by registering the slaves as belonging to the Cata Branca Brazilian company. Initially, no one seriously questioned his act; the common practice of renting slaves by the St. John probably countered any suspicion the registry office might have had as to the veracity of superintendent Gordon's statement. Although Carlos Rebello Horta, described simply as a "citizen," did report to the judge of the municipality of Sabará in 1872 that the Cata Branca Company had been extinct since 1845 and related the stipulation for emancipation in 1859, no action was taken at this time. Only five years later did legal proceedings against the mining company begin. In 1879, Joaquim Nabuco exposed superintendent Gordon's lie by asking the Brazilian parliament how "could it be permitted in this country to register in 1872 more than 200 persons as slaves belonging to an extinct company?"²⁴ The *Rio News* would later explain the inactivity by stating: "The simple truth is that these authorities resided a little too near the richest gold mine in Brazil."²⁵

The *Rio News* correctly pointed out the strong economic and political influence the St. John exerted over the area surrounding the Morro Velho mine, but the reasons legal action developed so slowly in defense of the Cata Branca slaves were more complex. As discussed earlier, abolitionist sentiment had yet to attract a large following in Brazil by 1872. Both historians and contemporary participants tend to concur with Luís Anselmo da Fonseca who wrote in 1887: "In Brazil the present abolitionist movement began in 1879."²⁶ The Chamber of

²⁴ Speech of Ignacio Martins, 26 Aug. 1879, BCCD, *Anais*, vol. 4, 186; *Rio News*, 5 Sept. 1879, p. 2, col. 2; Speech of Joaquim Nabuco, 26 Aug. 1879, BCCD, *Anais*, vol. 4, 184.

²⁵ *Rio News*, 5 Sept. 1879, p. 2, col. 2.

²⁶ Fonseca, *A escravidão*, 18; Nabuco, *Minha Formação*, 138-39; Conrad, *Destruction of Brazilian Slavery*, 135; Graham, *Britain and the Onset of Modernization*, 177.

Deputies of the Brazilian parliament became the focus of the Brazilian abolitionists struggle in 1879. The St. John's illegal enslavement of the Cata Branca slaves played a central role in the opening battle.²⁷

Joaquim Nabuco, eager to make a name for himself and emerge from the long shadow of his famous father, an elder statesman of the Empire who died in 1878, championed the cause of the Cata Branca slaves in the Brazilian parliament. Inspired by Bahian Deputy Jeronymo Sodré's anti-slavery speech of 5 March 1879, Nabuco utilized the Chamber's lectern to forward the abolitionist cause during the legislative session of 1879. Although only a freshman in the Brazilian parliament, his dramatic and eloquent speeches quickly earned him the respect of his supporters and the fear of his enemies. Gilberto Freyre did not exaggerate when he later described Nabuco as a "blazing orator."²⁸ Indeed, Martim Francisco, who defended the slavery position against Nabuco's attacks in the Chamber, pleaded with him in October of 1879 "not to put his beautifully erudite oratorical skills at the service of a cause that could greatly damage our country."²⁹ According to Nabuco's daughter Carolina, the issue of the Cata Branca slaves represented Nabuco's first full public commitment to the abolitionist cause.³⁰

Nabuco's exposure of the St. John's retention of technically free men, women, and children as slaves on 26 August 1879 elicited a lively response from the chamber. He quoted from the contract the provisions that detailed the

²⁷ BCCD, *Anais* (1879); Carolina Nabuco, *The Life of Joaquim Nabuco*, trans. Ronald Hilton (Stanford, 1950), 52-58; Toplin, *Abolition of Slavery in Brazil*, 60-61.

²⁸ J. Nabuco, *Minha formação*, 139; C. Nabuco, *Life of Joaquim Nabuco*, 53; Gilberto Freyre, introduction to *Minha formação*, 6.

²⁹ Speech of Martim Francisco, 9 Oct. 1879, BCCD *Anais*, vol. 5, 313.

³⁰ C. Nabuco, *Life of Joaquim Nabuco*, 52-58.

numbers of slaves sold, the required emancipation in fourteen years, and the provision that any of the seventy-six children who reached the age of twenty-one during the time of the contract would receive letters of manumission on their twenty-first birthday. Nabuco then claimed that the most "vicious" and "criminal" aspect of the enslavement involved the fact that only 170 of the original 385 slaves were still alive in 1879. The majority had died as slaves when they should have lived as freed men and women. He then asked disgustedly: "Why for twenty years has no action been taken? Why has justice slept for twenty years? Why has this crime been constantly perpetrated for twenty years?"³¹

Deputy Ignacio Martins answered Nabuco alleging that the contract "was completely unknown" in Brazil and claimed he had not known of it despite residing in the municipality where the mine was located. Deputy Galdino Emiliano das Neves countered Martins's statement of ignorance by alleging that "in Minas, everyone knew" of the contract. Martins then craftily defended himself against any insinuations of complicity by asking Neves if he knew of the contract, why, "did he not denounce it?" Neves replied that he was no "snitch." Martins quickly retorted to "snitch in favor of liberty is always honorable."³² Despite the personal conflicts that erupted around the case of the Cata Branca slaves on the afternoon of 26 August 1879, the Chamber passed a resolution strongly urging the Minister of Justice to investigate the affair immediately and relay all information to the legislative body.³³

³¹ Speech of Joaquim Nabuco, 26 Aug. 1879, BCCD, *Anais*, vol. 4, 184. Nabuco would later learn that the number of living Cata Branca slaves numbered only 123, Joaquim Nabuco to Charles H. Allen, 8 Apr. 1880, in *Cartas aos abolicionistas ingleses*, ed. José Thomaz Nabuco (Recife, 1985), 11.

³² Speeches of Ignacio Martins and Galdino Emiliano das Neves, 26 Aug. 1879, BCCD, *Anais*, vol. 4, 184.

³³ Speech of Joaquim Nabuco, 26 Aug. 1879, BCCD, *Anais*, vol. 4, 187.

The St. John responded quickly to the accusations leveled against it in the legislature and in the subsequent reports in the Brazilian press. On 12 September 1879 a letter from the mining company appeared in the Rio de Janeiro *Jornal do Comercio* entitled "The St. John d'el Rey Company to the public." The St. John did not deny that superintendent Gordon had registered the slaves as belonging to the Cata Branca company, and acknowledged that he should not have claimed to represent the Cata Branca company, which he did not. The St. John, however, emphasized that a new superintendent, Pearson Morrison, had replaced Gordon in 1876 and could not be held accountable for Gordon's action.³⁴ Nabuco responded to the distinction between past and present superintendents by stating:

"The principal responsibility belongs neither to Mr. Gordon nor to Mr. Morrison for they are employees of the company. . . . The principal responsibility rests upon those who receive the profits, upon the shareholders, upon the whole company, which for twenty years has been enjoying the proprietorship and salaries of over two hundred men."³⁵

In Nabuco's view it did not matter who registered the slaves; what mattered was why they were not manumitted in 1859.

In the same letter to the public, the mining company stated that the reason the Cata Branca slaves did not receive their freedom was because the St. John continued to "pay the salary of the slaves punctually" to the Cata Branca company.³⁶ Why would the St. John continue to pay an extinct mining company for the labor of slaves after the contract expired in 1859? The mining company

³⁴ "A companhia de S. João d'el Rei ao publico," *Jornal do Comercio*, 12 Sept. 1879, p. 7, col. 3.

³⁵ Speech of Joaquim Nabuco, BCCD, *Anais*, 30 Sept. 1879, vol. 5, 257.

³⁶ "A companhia de S. João d'el Rei ao publico," *Jornal do Comercio*, 12 Sept. 1879, p. 7, col. 3.

claimed that the original 1845 contract had been amended in 1857 to extend the enslavement of the Cata Branca slaves. The St. John turned the 1857 contract over to judicial authorities investigating the case, and part of it appeared reprinted in the *Rio News* on 5 October 1879. The question then became, was the second contract valid, and did the St. John and the Cata Branca company have the right to amend the original one.³⁷

In reference to the latter question, the St. John argued the Cata Branca slaves represented "objects" of both contracts, and not "parties" to it. This created a legal dilemma. That is, could two "parties" agree to alter the terms of a contract regarding property even if the "object," as in this case, consisted of human beings? Slaveowners had the right to alter or abolish contracts for conditional manumission until the Free Womb Law prohibited revocation in 1871. Despite the legal authority of masters to revoke conditional manumissions before 1871, Brazilian courts often favored slaves in manumission suits as a device to police slaveholder behavior so as to not engender rebellion among slaves. Pedrigão Malheiro, a respected jurist, publicist, slaveowner, and conservative advocate of gradual abolition, published an essay in 1867 that sought to define and clarify the Byzantine legal rights of slaveowners and slaves. Malheiro argued that slaves were free by natural law, but legal fiction reduced them to slavery. According to Malheiro, conditional manumission, "once conferred gave the slave the acquisition of the right to freedom, but delayed or suspended the slave from exercising that right."³⁸ While the St. John may have had the legal authority to

³⁷ *Rio News*, 5 Oct. 1879, p. 2, col. 2.

³⁸ Mary C. Karasch, *Slave Life in Rio de Janeiro: 1808-1850* (Princeton, 1987), 355, 360-61; Silvia H. Lara, *Campos da violência: Escravos e senhores na capitania do Rio de Janeiro, 1750-1808* (Rio de Janeiro, 1988), 264-68; Peter Eisenberg, "Ficando livre: As alforrias em Campinas no século XIX," *Estudos econômicos* 17 (1987): 176; Chalhoub, *Visões da liberdade*, 136-37; Pedrigão Malheiro, *A escravidão no Brasil: Ensaio histórico, jurídico, social* (1867; reprint, Rio de Janeiro, 1944), 148, quoted in Freitas, "Slavery and Social Life," 616.

extend the original contract in 1857, general and legal opinion regarding slavery had been greatly altered by the redefinition of the relationship between masters and slaves during the second half of the nineteenth century as a result of the Free Womb Law. When the illegal retention of the Cata Branca slaves became public knowledge in 1879, the actions of the St. John represented a violation of the intent of the Free Womb Law to accommodate slave resistance in order to stave off widespread rebellion. The *Rio News* criticized the St. John's claim that it had a legal right to amend the contract in light of the changing relations between masters and slaves: "It is difficult to believe that any Englishman would seriously offer such a defense, even were it justified in law."³⁹

The St. John's defense against the abolitionists boiled down to the 1857 contract. The company's own records, however, call into question the very existence of a second contract. According to the minutes of the company's board of directors, only in 1859--not in 1857--did the St. John take any action regarding possibly extending the 1845 contract. John Dinston Powles, chairman of the St. John, reported to the board of directors on 18 May 1859 that he had contacted a Mr. Harding, who represented the Cata Branca company, "in reference to the agreement for the hiring of the Cata Branca Negroes which will expire on September next." Powles reported that "he considered that the emancipation of the Negroes, which had been contemplated to take place at the end of the agreement was a measure wholly inadvisable, in every point of view, and particularly with reference to the welfare of the Negroes themselves." Mr. Harding told Powles that he believed the directors of the Cata Branca company would "be ready to enter into a fresh agreement for seven years."⁴⁰ Although the

³⁹ *Rio News*, 5 Oct. 1879, p. 2, col. 2.

⁴⁰ Minutes of Board Meetings, vol. 3, 18 May 1859, SJDRMC-BLAC.

board closed the meeting with a resolution to solicit a response from the Cata Branca company regarding a new contract, surprisingly, there was no further mention of a contract in the board minutes until 1877.⁴¹

The last statement of Chairman Powles, on 18 May 1859, may answer why the contract was not discussed again in the board minutes for nearly twenty years. Although Mr. Harding claimed that "it was quite competent for the directors of the two companies to enter into any fresh agreement," Powles advised the St. John board of directors to seek "the opinion of counsel as to the legality of renewing the agreement."⁴² When the board met on 6 July 1859, the last entry briefly acknowledged the receipt of counsel's opinion "in reference to the Cata Branca blacks," but did not state whether or not the lawyer advised in favor of extending the contract.⁴³ The board adopted no resolution to act upon the advice provided. The board understood, as it stated in the 18 May 1859 meeting, that the contract expired in September, yet no reference to the Cata Branca slaves appears in the board minutes again until 7 November 1877.⁴⁴ If counsel advised against the legality of a second contract, the board of directors may have decided not to pursue extending the contract. Instead, the mining company may have simply ignored the emancipation clause of the 1845 contract.

This conclusion is bolstered by observing the company's willingness to ignore other clauses of the 1845 contract that did not serve its economic interests. The 1845 contract specified that "of the said Negroes and children as are now

⁴¹ Minutes of Board Meetings, vol. 4, 7 Nov. 1877, SJDRMC-BLAC.

⁴² Minutes of Board Meetings, vol. 3, 18 May 1859, SJDRMC-BLAC.

⁴³ Minutes of Board Meetings, vol. 3, 6 July 1859, SJDRMC-BLAC.

⁴⁴ Minutes of Board Meetings, vol. 4, 7 Nov. 1877, SJDRMC-BLAC.

under the age of twenty-one years and who shall attain that age during the subsistence of the agreement shall on their respectively attaining that age be absolutely free and emancipated."⁴⁵ The board of directors' deliberate decision not to free children once they reached the age of twenty-one deserves to be quoted in its entirety.

The Chairman stated to Mr. Harding that the St. John d'el Rey Company had never carried into effect that condition in the agreement which provides for the children of the Negroes being emancipated as soon as they should attain the age of 21 from an apprehension, in which mine officers at Morro Velho concurred, that it was a very unsafe proceeding in regard to the future well being of the young people themselves, who would be exempt from all control or discipline, at the very time when they required it most. The directors were further moved by the consideration that there would be a great unstableness in emancipating children while the parents remained slaves, and further that it would be an exhibition on the establishment in the eyes of the Negroes themselves, of something very like a caprice to see one set of children placed at liberty, while another set remained in bondage.⁴⁶

If emancipating children once they reached the age of twenty-one represented a dangerous "exhibition" of freedom, then a massive manumission of hundreds of slaves could have had apocalyptic implications, not to mention the loss of several hundred laborers.

An emancipation of hundreds of individuals would surely have disrupted the St. John's well-developed manumission policy. The mining company

⁴⁵ Agreement between the Cata Branca Brazilian Company and the St. John d'el Rey Mining Company, 27 June 1845, SJDRMC-BLAC.

⁴⁶ Minutes of Board Meetings, vol. 3, 18 May 1859, SJDRMC-BLAC.

maintained its power and authority over 1,700 slaves through a manumission system of rewards based upon good behavior and productivity. English traveler Richard Burton, who stayed at the Morro Velho mine for several months in 1867 and wrote to chairman Powles that "I have carefully looked into the conditions of the Blacks and I find that it can hardly by any means be bettered," provides a brief discussion of the policy in his two volume travel account, *Explorations of the Highlands of Brazil*.⁴⁷ According to Burton, slaves received a special issue of clothing that they wore on every other Sunday for a ceremony called the *Revista* (review). At the *Revista*, over a thousand slaves lined up in military "columns" separated by sex in front of the *Casa Grande* (big house). They received public recognition from the superintendent and overseers and merit stripes of a "broad red band" to adorn their Sunday *Revista* clothing based upon good behavior. After earning seven merit stripes, the slave received her or his freedom.⁴⁸ Over time, control at the mine and disciplining the labor force became increasingly concentrated in the *Revista* ceremony that fueled, legitimated, and rewarded slaves' aspirations of freedom. If the St. John had granted the Cata Branca slaves their freedom according to the 1845 contract, it would have undermined their authority and the stability the Sunday *Revista* manumission policy provided. In 1859, the board clearly stated its opposition to the manumission of the Cata Branca slaves because the "system of making emancipation the reward of good conduct . . . was the safe and prudent one, and the only one likely to do any real good."⁴⁹

⁴⁷ Richard Burton to Chairman J. D. Powles, Morro Velho, 5 July 1867, Series 5, Morro Velho Mine, Box 1, SJDRMC-BLAC; Burton, *Explorations of the Highlands of Brazil*, vol. 1, 236-37.

⁴⁸ Burton, *Explorations of the Highlands of Brazil*, vol.1, 236-37.

⁴⁹ Minutes of Board Meetings, vol. 3, 18 May 1859, SJDRMC-BLAC.

The absence of conclusive evidence in regard to extending the contract of the Cata Branca slaves in addition to the board of directors expressing no qualms about ignoring the emancipatory provision of the 1845 contract for children calls into question the existence and authenticity of the 1857 contract. Yet, if such a contract did exist, albeit unrecoverable from the existing documentation, and if the mining company continued to "pay punctually the salaries of the slaves" to the Cata Branca company as they claimed in the *Jornal do Comercio*, we should expect to find it in their account books.⁵⁰ Every year the board of directors distributed an *Annual Report* to the stockholders that described the activities of the company. The balance sheets for the years 1847-58 all contain an entry "Hire of Cata Branca Negroes" that varies from £3,125 for 1847, £2,500 for the years 1848-53, and £1,500 for the years 1854-58 in accordance with the 1845 contract.⁵¹ If the St. John continued to pay the Cata Branca company under a new contract, we should expect the same entry in the balance sheets to continue to appear. After 1858, however, the entry disappears. Thus, the clearest proof that a second contract existed, a financial commitment, does not appear in their records.

Nabuco's denunciation in the Chamber and the reports in the Rio de Janeiro press brought, judicial, legislative, and popular criticism to mining activities at Morro Velho, but speeches and sensational reports could not alone secure the freedom of the Cata Branca slaves. Other factors, although not as dramatic or press-worthy, but just as important, worked in favor of liberation. First, the nationality of the company was British. Nabuco could not have denounced the mining company as effectively and confidently had it been

⁵⁰ "A companhia de S. João d'el Rei ao publico," *Jornal do Comercio*, 12 Sept. 1879, p. 7, col. 3.

⁵¹ ARs, 1847-58; Agreement between the Cata Branca Brazilian Company and the St. John d'el Rey Mining Ccompany, 27 June 1845, SJDRMC-BLAC.

Brazilian. Deputies who represented slave provinces and slaveholders' interests continued to command a strong block within the Chamber on issues relating to slavery. According to Nabuco, speaking in 1880: "On all matters relative to freedom we could count on . . . [only] ten votes."⁵² Had the St. John been Brazilian, the many deputies who campaigned for slaveholders' interests may have rallied against Nabuco's attacks. The dissonance between Great Britain's public support for abolition and the employment of slaves at Morro Velho provided a rare opportunity for Nabuco and the abolitionists. In a letter to Charles H. Allen, secretary of the British and Foreign Anti-Slavery Society, Nabuco wrote: "The Saint John d'el Rey Mining Company and its accomplices never had more constant and uncompromising enemies than her Britannic Majesty's representatives in Brazil. . . . I was rendering a service both to the English nation and to the Morro Velho slaves."⁵³ The British nationality of the mining company made them especially vulnerable to the Cata Branca scandal.

Nationalism also worked in an ironic manner. Great Britain pressured Brazil throughout the nineteenth century to abolish the slave trade and slavery. In 1863 the conflict between the two countries culminated during William D. Christie's tenure as British minister in Brazil over the treatment of *emancipados*--Africans found aboard slave ships, emancipated, and then turned over for a period of apprenticeship to the Brazilian government or the service of private individuals--that resulted in the rupture of diplomatic relations. For many Brazilians, especially slaveowners, abolitionism and British imperialism became synonymous. As a result, those who championed the anti-slavery cause had to defend themselves against accusations of being Anglophiles, vile creatures of the

⁵² C. Nabuco quoting her father, *Life of Joaquim Nabuco*, 64.

⁵³ Joaquim Nabuco to Charles H. Allen, 8 Apr. 1880, in *Cartas aos abolicionistas ingleses*, 11.

British, and traitors to their country that crippled their ability to campaign effectively for abolition. In the case of the St. John's retention of the Cata Branca slaves these allegations did not apply. In fact, the Cata Branca scandal represented the exact opposite: Brazilian abolitionists attacked a British slaveholder. Thus, abolitionists could assail the British slaveholder without fear of being labeled unpatriotic.⁵⁴

Not only did international politics and nationalism favor the Cata Branca slaves, but economic factors also contributed to the St. John's vulnerability. The driving force behind the slave economy in the last decades before abolition was coffee cultivation. In 1883 when Joaquim Nabuco wrote *O Abolicionismo*, he quoted fellow deputy Gaspar Silveira Martins who summed up the slave-coffee nexus: "Brazil is coffee and coffee is the Negro."⁵⁵ Although Minas Gerais represented the most populous slave province in Brazil, deputy Silveira Martins's dictum did not apply to mining. In their demographic study of nineteenth-century Minas Gerais, Martins Filho and Martins go so far as to claim that by the 1870s the "number of slaves employed in mining probably did not exceed 2,000."⁵⁶ Recent scholarship has shown the portrait of small-scale subsistence agriculture drawn by Martins Filho and Martins overlooked how mining, textile production, and cultivation of foodstuffs for coffee plantations provided a significant degree of complexity to the Minas Gerais economy. Nevertheless, the vast majority of slaves worked in agricultural tasks. According

⁵⁴ Richard Graham, "Os fundamentos da ruptura de relações diplomáticas entre o Brasil e a Grã-Bretanha em 1863: 'A questão Christie'" *Revista de História* 24 (1962): 117-38, 379-402; William D. Christie, *Notes on Brazilian Questions* (London, 1865), esp. xlv, 79; Robert Conrad, "Neither Slave nor Free: The *Emancipados* of Brazil, 1818-1868," *HAHR* 53 (1973): 50-70.

⁵⁵ Joaquim Nabuco, *Abolitionism: The Brazilian Antislavery Struggle*, trans. Robert Conrad (1883; reprint, Urbana, 1977), 112.

⁵⁶ Martins Filho and Martins, "Slavery in a Nonexport Economy," 541.

to Conrad's analysis of the 1872 census, of the 370,459 slaves in Minas Gerais, 278,767 labored as "farm workers."⁵⁷ Thus, the abolitionists' focus on the St. John threatened neither the slave system as a whole nor the foundations of the Brazilian economy as an attack on coffee planters would have done. Nabuco's speeches, the Brazilian press, external political pressure, nationalism, and economic factors all conspired against the mining company.

The judicial authority investigating the case at the municipality of Sabará wasted no time in handing down a decision after the abolitionist press had created a frenzy of excitement. On 14 October 1879, the district judge Frederico Augusto Álvares da Silva issued a verdict stating that the Cata Branca slaves shall "be declared free from the beginning of 1860, and that they be paid the wages due from . . . 1860 up to the date of" freedom. The verdict paraphrased Malheiro's opinion on the revocation of conditional manumission by arguing that the St. John did not have the legal authority to alter the terms of enslavement because once the 1845 contract had been published and registered, the slaves "acquired the right to their liberty," and as a result it was "unlawful for the contracting parties to modify their wishes in a manner prejudicial to the rights [the Cata Branca slaves had] acquired." Concerning the authenticity of the 1857 contract, the judge did not have access to the internal documentation of the company described above, but reached the same conclusion. Whereas the first contract between the St. John and Cata Branca Brazilian company was published and registered in London, the 1857 contract was ruled "clandestine because it did not have publicity," and therefore "useless." The judge made sure to point out the clandestine nature of the contract in his ruling by emphasizing that "as the

⁵⁷ Slenes "Os múltiplos de porcos e diamantes," 449-95; Douglas Cole Libby, "Proto-Industrialisation in a Slave Society: The Case of Minas Gerais," *Journal of Latin American Studies* 23 (1991): 1-35; Conrad, *Destruction of Brazilian Slavery*, 300, table 20.

minister of Her Britannic Majesty asserted, it had no publicity." The judge's comment indicates that English authorities in Brazil cooperated with the investigation to liberate the slaves. His ruling concluded that the 1857 contract "was only drawn up in London on July 21, 1877" in response to the 1877 investigation that "had already been begun on the 11th of June of the same year."⁵⁸ The remaining 123 living slaves immediately received their letters of emancipation.

José Antonio Alonzo de Brito, the chief of police of the province of Minas Gerais, sent "a sufficient detachment of the police force" to Morro Velho "under the orders of a military delegate" to liberate the slaves. The show of force likely had two purposes: first, to make sure the St. John freed the slaves; and second, to maintain order for fear that the emancipation of 123 slaves might inspire violent protest among other bondsmen at Morro Velho. The superintendent of the mine, Pearson Morrison, met the police force and then "gave orders for those who were to be freed to assemble on the lawn of the Casa Grande." After the Cata Branca slaves had gathered in front of the superintendent's house, Morrison "read the order for the execution of the sentence, and the slaves of the Cata Branca Company [were] declared free."⁵⁹ Morrison's actions of lining up the Cata Branca slaves and then reading the declaration of freedom reveals an attempt to maintain the legitimacy of the *Revista* ceremony for the others at the mine who witnessed the liberation of 123 slaves.

The struggle did not end with the verdict. The St. John appealed the decision. The back wages to the freed slaves represented a huge financial sum of

⁵⁸ "The Judgment in Favor of the Catta Branca Blacks," *Rio News*, 5 Dec. 1879, p. 1, cols. 3-5.

⁵⁹ Fonseca to José Antonio Alonzo de Brito, Ouro Preto, 12 Dec. 1879, Series 5, Morro Velho Mine, Box 1, SJDRCM-BLAC.

£36,640. The mining company, however, did not have much bargaining power. Not only did the Cata Branca scandal weaken the St. John politically, but the Brazilian government in 1878 placed a four percent tax on all profits derived from gold in Minas Gerais. In the fall of 1879, the board of directors decided "in consideration of the many important questions now pending forth at Rio de Janeiro and Morro Velho whether the time had not arrived for another visit by a member of the board."⁶⁰ Shortly thereafter, board member Frederick Tendron traveled to Brazil in 1880 to investigate the Cata Branca case and lobby the Brazilian parliament to have the tax revoked.⁶¹

While the primary purpose of Tendron's trip was to appeal the four percent tax, the Cata Branca scandal severely impaired his mission. The British Foreign Office refused to aid the St. John in repealing the gold tax. Lord Salisbury summed up the views of the Foreign Office in no uncertain terms when he wrote to the company declaring "the protection of Her Majesty's legation cannot properly be extended to a British Co. whose proceedings have been . . . declared to be in violation of the Slave Trade Acts."⁶² Tendron complained that the company had to lobby the Brazilian parliament by themselves "without any support from our side" because of the Cata Branca case.⁶³ Even before landing in Brazil, Tendron reported in a letter marked "private," so as to not have it read at

⁶⁰ "The Judgment in Favor of the Catta Branca Blacks," *Rio News*, 5 Dec. 1879, p. 1, col. 3; St. John d'el Rey Mining Company, *Twenty-Fourth Half-Yearly Report of the Directors of the St. John d'el Rey Mining Company Limited, 1881* (London, 1881), 10-13, SJDRMC-BLAC [Bound with ARs, 1880-5]; Eakin, *British Enterprise in Brazil*, 84-85; Minutes of Board Meetings, vol. 4, 5 Nov. 1879, SJDRMC-BLAC.

⁶¹ Report on Tendron's visit to Morro Velho, SJDRMC-BLAC.

⁶² Lord Salisbury to Mr. St. John [sic], London, 17 January 1879, Great Britain, Public Records Office, Foreign Office, 13/549, no. 1, quoted in Eakin, *British Enterprise in Brazil*, 84-85.

⁶³ Tendron to Hockin, Morro Velho, 31 May 1880, Report on Tendron's Visit to Morro Velho, MS 6, SJDRMC-BLAC.

the board meetings as was customary, that he was "violently. . . assailed . . . on the subject of the Cata Branca blacks" by a merchant on the ship to Rio de Janeiro.⁶⁴ The negative publicity surrounding the illegal enslavement in Rio, prompted Tendron to visit Mr. Seally of the *Anglo-Brazilian Times* to counter the reports in the *Rio News*. He even offered to "meet the English residents and explain" the situation personally.⁶⁵ When Tendron called upon members of the Brazilian parliament who had supported the mining company in the past, they proved unwilling to lend assistance because of the Cata Branca scandal. The board of directors had originally decided to tell members of the Chamber that they would refuse to pay the tax, but according to Tendron, the plan changed because "I could not allow an impression to spread that the Board were afraid to enforce their orders [the 4 percent tax] because of the Cata Branca Scandal."⁶⁶

Tendron's efforts to appeal the decision that granted the Cata Branca slaves their back wages fared no better than his attempt to repeal the four percent tax. He could not build a case for appeal and lobby for the revoking of the four percent tax at the same time. The superintendent of the Morro Velho mine, Pearson Morrison, apparently concluding defeat on the slavery issue, requested that Tendron no longer take "any step in connection with Cata Branca" and work "solely with the provincial tax."⁶⁷ In October of 1881, the Supreme Court upheld the lower court's decision that granted the Cata Branca slaves their

⁶⁴ Tendron to Hockin, Rio de Janeiro, 24 May 1880, Report on Tendron's visit to Morro Velho, MS 3, SJDRMC-BLAC.

⁶⁵ Tendron to Hockin, Rio de Janeiro, 24 May 1880, 4 June 1880, Report on Tendron's visit to Morro Velho, MS 3, 11, SJDRMC-BLAC.

⁶⁶ Tendron to Hockin, Morro Velho, 23 June 1880, Report on Tendron's visit to Morro Velho, MS 16, SJDRMC-BLAC.

⁶⁷ Tendron to Morrison, Rio de Janeiro, 2 June 1880, Report on Tendron's visit to Morro Velho, MS 8, SJDRMC-BLAC.

freedom and back wages. On 21 October 1881, the board of directors gathered for a "special" meeting to discuss the telegram sent by superintendent Morrison informing them of the Supreme Court's decision. The Chairman, Hockin, then sent a telegram to Morrison that stated the "Board must rely altogether on your judgement . . . you are at liberty to compromise a sum."⁶⁸

Did the St. John pay the Cata Branca slaves their back wages? The past conduct of the company warrants skepticism. The board minutes, *Annual Reports*, and other company sources provide no evidence of compliance. The St. John even decided not to inform stockholders about the verdict. They had to address the Cata Branca case, however, because the British and Foreign Anti-slavery Society continued to print stories about events at Morro Velho in the *Anti-Slavery Reporter*.⁶⁹ In a pamphlet entitled *Memorandum by the Company* dated November, 1881, the St. John repeated their justifications for not freeing the Cata Branca slaves because the 1857 contract extended the enslavement and argued manumission "would be very injurious to the true welfare of the slaves themselves."⁷⁰ The *Annual Report* distributed at the 1882 stockholder meeting, notwithstanding receipt of Morrison's telegram to the contrary, stated "no decision has yet been arrived at with regard to the case pending before the

⁶⁸ Brazil, Supremo Tribunal, *O supremo tribunal pela verdade, e a justiça: victoria dos pobres escravos da extincta companhia Catta-Branca contra a prepotente Companhia S. João d'el Rei Limited (Morro Velho)* (Rio de Janeiro, 1881); Joaquim Nabuco to British and Foreign Anti-Slavery Society, 23 Oct 1881, in *Cartas aos abolicionistas ingleses*, 11-12; Minutes of Board Meetings, vol. 4, 21 Oct. 1881, SJDRMC-BLAC.

⁶⁹ "Illegal Slavery," *Anti-Slavery Reporter* 21 (1879): 244; "St. John d'el Rey Gold Mining Company," *Anti-Slavery Reporter* 21 (1879): 290-91; "A Well-Earned Recognition," *Anti-Slavery Reporter* 22 (1880): 52; "St. John d'el Rey Gold Mining Company," *Anti-Slavery Reporter* 22 (1880): 124.

⁷⁰ St. John d'el Rey Mining Company, Limited, *Memorandum by the Company* (London, 1881), 4, Series 5, Morro Velho Mine, Box 1, SJDRMC-BLAC.

Supreme Court of Appeal at Rio."⁷¹ After 1882, there is no further mention of the Cata Branca slaves in St. John sources and no indication of the payment of back wages.

If the Cata Branca slaves did not receive their back wages, would not the abolitionists who championed their cause in 1879 have voiced opposition? Abolitionists, both in Britain and Brazil, continued to focus their attention on the employment of slave labor at Morro Velho, but no reference appears in regard to back wages from abolitionist sources either. Nabuco regularly corresponded with the British and Foreign Anti-slavery Society who, in turn, had members of the House of Commons pressure the St. John to release the remaining (non Cata Branca) slaves held at Morro Velho. The abolitionists' focus on liberating the other slaves held by the mining company did not end their interest in the Cata Branca case. Following the October 1881 decision, Nabuco wrote to the British and Foreign Anti-slavery Society to inform them of the verdict. Charles H. Allen, Secretary of the British and Foreign Anti-slavery Society, responded to Nabuco's letter in November by thanking him for his "kind interest and assistance in the matter," and acknowledging receipt of the Supreme Court's decision.⁷² Because we could logically expect the abolitionists to protest if the St. John did not compensate the ex-slaves for back wages, we could possibly assume some form of payment was made that simply did not appear in the *Annual Reports* for fear that it might have caused stockholders to withdraw their shares. Or, the lack of desire by the abolitionists to have freed slaves monetarily compensated for their

⁷¹ AR (1882), 17.

⁷² *Hansard's Parliamentary Debates*, 3d ser., vol. 272 (1882): 1685-86; vol. 273 (1882): 581-82, 744; Joaquim Nabuco to British and Foreign Anti-slavery Society, 23 Oct. 1881, in *Cartas aos abolicionistas ingleses*, 11-12; Charles H. Allen to Nabuco, London, 22 Nov. 1881, Joaquim Nabuco Papers, Rio de Janeiro, latta 7. I would like to thank Richard Graham for sharing his personal notes on the letter. Nabuco's papers have since been moved to Recife.

illegal enslavement, in contrast with their enthusiasm to see them emancipated, pointedly reveals the socio-economic limitations of the abolition movement at its very beginning. Post-emancipation Brazil would witness government subsidies to aid European migrants while ex-slaves would receive no financial equivalents. The questions if payment was made, how much, and over what period of time remains elusive from the available documentation.⁷³

The 1881 Supreme Court decision ended the history of the illegal enslavement of the *Cata Branca* slaves. Tragically, for twenty years several hundred individuals remained enslaved in the pursuit of profits for a British mining company. "Unhappily and far more lamentable," Nabuco later wrote, "out of 38[5] slaves, who in 1845, obtained a perfect right by a legal title to their liberty . . . only 123 appeared to receive their letters of freedom from the hands of public justice."⁷⁴ Those who died, however, did not die in vain. The massive emancipation the board feared that would "create serious dissatisfaction, if not insurrectionary movements among the slaves in the neighbourhood" did undermine their "good-behaviour" gradual manumission policy, albeit twenty years later.⁷⁵ The liberation of 123 slaves, in "the eyes of the Negroes themselves," hastened the demise of slavery at Morro Velho by undermining the company's manumission policy that served to maintain order and act as a conserving force over a large slave population.⁷⁶ The case attracted world attention and condemnation to the activities of Her Majesty's subjects in Minas

⁷³ Emilia Viotti da Costa, *The Brazilian Empire: Myths and Histories* (Chicago, 1985), 170; George Reid Andrews, *Blacks and Whites in São Paulo, Brazil, 1888-1988* (Madison, 1991), 59.

⁷⁴ Joaquim Nabuco to British and Foreign Anti-Slavery Society, 8 Apr. 1881, in *Cartas aos abolicionistas ingleses*, 11.

⁷⁵ *Memorandum by the Company*, 4.

⁷⁶ Minutes of Board Meetings, vol. 3, 18 May 1859, SJDRMC-BLAC.

Gerais. As a result, the St. John, which held as many as 1,700 individuals in bondage in 1867 and possibly represented the largest slaveholder in the most populous slave province in Brazil, liberated the remaining slaves who worked its gold mines in 1882. In this case, the scandal created over the illegal enslavement, functioned to liberate all of the slaves at Morro Velho.⁷⁷

Although a sensational court case dramatically contributed to the end of slavery at Morro Velho, St. John sources are noticeably silent on any significant changes in mining operations as a result of the transition to wage labor. Stockholders continued to receive dividend checks from the company and mineral extraction from the mine showed no conspicuous irregularities after emancipation. Apparently, enough freed slaves continued to work and live at the mine, where they had developed their own sense of community, that the mining company did not suffer a debilitating labor crisis. To compensate for the freed slaves who did choose to leave the mine and find a new employer, board member Frederick Tendron recruited Canadian, Italian, and Chinese miners but found that "the Cata Branca business. . . unsettled" laborers and prevented some from signing on.⁷⁸ The significant changes that did occur at Morro Velho in the 1880s did not reflect the end of slavery, but rather, the mine collapse on 10 November 1886 that paralyzed production for nearly ten years.⁷⁹

⁷⁷ Minutes of Board Meetings, vol. 4, 18 Oct. 1882, SJDRMC-BLAC; *The South American Journal and Brazil and River Plate Mail* (London), 3 Aug. 1882, 2; Eakin, *British Enterprise in Brazil*, 36.

⁷⁸ ARs (1882-86); Fonseca to José Antonio Alonzo de Brito, Ouro Preto, 12 Dec. 1879; John Hockin to Pearson Morrison, London, 23 Jan. 1880, Series 5, Morro Velho Mine, Box 1, SJDRMC-BLAC; *The South American Journal and Brazil and River Plate Mail* (London), 3 Aug. 1882, 2; Tendron to Pearson Morrison, Rio de Janeiro, 2 June 1880, Report on Tendron's visit to Morro Velho, MS 8, SJDRMC-BLAC; Minutes of Board Meetings, vol. 4, 6 Oct. 1880, 16 Mar. 1881, 6 Apr. 1881, 4 May 1881, SJDRMC-BLAC.

⁷⁹ AR (1887); Eakin, *British Enterprise in Brazil*, 41-46.

The significance of the Cata Branca case did not remain limited to Morro Velho alone. According to historian Robert Conrad, 1879 represented the beginning of "uncompromising abolitionism" and the advent of "a new and more powerful antislavery movement."⁸⁰ The Cata Branca case served as an important cause célèbre for the Brazilian abolitionist movement. Brazilian abolitionists easily coalesced around the case because it involved a British slaveholder, a politically weak and isolated enterprise, lent itself to the invocation of nationalism, the economics of the mining sector, and exposed a flagrant violation of a contract. All of the aforementioned characteristics would not have applied to a coffee cultivator or other Brazilian slaveholders. Thus, the case offered a special opportunity to forge the abolitionists' cause and put into action what many believed.

The event quickly earned Joaquim Nabuco and the abolitionists recognition as a new and powerful force in Brazilian politics. The case had such importance to abolitionists that the credit for freeing the Cata Branca slaves became disputed in the *Rio News*. On 7 September 1880, the day of Brazilian independence, the Sociedade Brasileira Contra a Escravidão (Brazilian Anti-Slavery Society) formed at Nabuco's house. In November of that year, the organization began publishing *O Abolicionista* to "fight slavery" and show "that slave labor was the only cause for the industrial and economic backwardness of [Brazil]."⁸¹ The formation of the society coincided with the emergence of popular

⁸⁰ Conrad, *Destruction of Brazilian Slavery*, 121; Conrad, introduction to *Abolitionism*, xxi.

⁸¹ "A Well-Earned Recognition," *Anti-Slavery Reporter* 22 (1880): 52; "Who Freed the Catta Branca Blacks?," *Rio News*, 15 May 1880, p. 4 col. 2; "The Catta Branca Blacks," *Rio News*, 24 May 1880, p. 2, col. 4; "Another Rectification," *Rio News*, 5 June 1880, p. 1, cols. 3-4; "More About Slavery," *Rio News*, 24 June 1880, p. 1 col. 5; "Dr. Gunnung's Reply," *Rio News*, 15 July 1880, p.1, col. 4; C. Nabuco, *Life of Joaquim Nabuco*, 75; Conrad, *Destruction of Brazilian Slavery*, 139-40; Graham, *Britain and the Onset of Modernization*, 180; "A Nossa Missão," *O Abolicionista*, 1 Nov. 1880, 1.

anti-slavery sentiment and the appearance of abolitionist clubs that swept the country inaugurating the dominant theme of Brazilian politics until the 1888 "Golden Law" declared abolition. While Great Britain deserves recognition as a precursor worldwide in championing the abolitionist cause, and Brazil is no exception, a national scandal involving a British mining company that illegally held free men, women, and children as slaves for twenty years ironically represents one of the first victories of the Brazilian anti-slavery crusade that served as an important catalyst in mobilizing a wider public behind the overall abolition movement.⁸²

It is the public scandal that offends;
to sin in secret is no sin at all.
-Molière (1622-1673)

⁸² Conrad, *Destruction of Brazilian Slavery*, 137; Toplin, *Abolition of Brazilian Slavery*, 66; Emília Viotti da Costa, *Da senzala à colônia* (São Paulo, 1966), 404.