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Lobbying in Company: Mechanisms of political decision-making and economic interests in the history of Dutch Brazil, 1621-1656

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2. LOBBYING IN BRAZIL

According to the right of conquest, the WIC was allowed to replace all institutions in Brazil after conquering it from the Portuguese.²⁰⁶ However, in practice it was more convenient to appropriate some of the existing structures.²⁰⁷ More importantly, in order to win 'the hearts and minds' of the Portuguese population, the original *senhores d'engenho* were allowed to maintain some of their political bodies and were given privileges such as trade to Europe for the same fees as under Portuguese rule. Winning the hearts and minds was not the only reason though, there was also simply little room to negotiate for the WIC as it needed the Portuguese experience and continuation of sugar production in order to obtain a profitable colony. This did not lead to immediate positive results as many inhabitants remained wary of the new rulers and sugar production lowered compared to previous years, but after the conquest of Paraíba in 1635, the new WIC rulers and the Portuguese plantation owners found a more or less promising way of cohabitation in the Northeastern parts of Brazil. This was in part due to advantageous terms regarding property rights, and the right to bear arms.²⁰⁸ There were three distinct phases in Brazilian colonial governance for the WIC: 1624/1630-1636 characterized by ad hoc solutions; 1637-1646 dominated by the rule of Johan Maurits; and 1647-1654, marked by the rule of a new High Government (*Hoge Regering*) and the revolt leading to the eventual loss.

This chapter deals with the first two periods, but emphasizes the period of the rule of Johan Maurits because it is a period of relative prosperity, stabilization, and has more available source material. Moreover, especially the last period already receives more attention in the following chapters. This chapter argues that individuals in Brazil had ample opportunity to negotiate the shape of institutions. The negotiation did not only happen between European powers, or between European powers and indigenous powers. Instead,

²⁰⁶ D. Armitage, "Introduction," in *Theories of Empire, 1450-1800*, ed. D. Armitage, An expanding world: the European impact on World History 1450-1800 (Aldershot: Ashgate, 1998). Also note that the generality lands were subject to the States General's sovereignty based on the right of conquest. Dutch Brazil is in the archival sources often referred to as the *conquests* in Brazil.

²⁰⁷ In particular the *Câmaras Municipais* are of interest in this regard, for a more detailed overview which also included the perspective of sugar aristocracy, see: F.T. Luciani, *Municípios e Escabinos: poder local e guerra de restauração no Brasil Holandês (1630-1654)* (São Paulo: Alameda, 2012), 121-161. I would like to thank Mariana Françaço for this reference.

²⁰⁸ Boxer, *Dutch in Brazil*, 53-55.

empire was negotiated on the spot, primarily between the Company and other colonial inhabitants, religious groups or plantation owners.

Negotiation 'on-the-spot' remains an understudied theme for the Dutch experience of empire. While Daniels and Kennedy's *Negotiated Empires* has only one contribution on the Dutch compared to fourteen on the English, French, and Iberians, Belemessous' *Empire by treaty*, focuses on interstate negotiations in Europe that shaped European expansions.²⁰⁹ Moreover, publications on the subject of colonial negotiations primarily focus on the negotiations between European colonizers and indigenous populations, or the negotiations between the metropolitan center and the colonial periphery.²¹⁰ Especially the latter has contributed to an understanding of the 'periphery' as enjoying considerable autonomy. This was partly due to settler dominated colonial governance structures. Secondly, it was the result of the weakness of metropolitan coercive resources which not only forced the companies to negotiate in the colonies, but also forced the states to negotiate with their subjects in Europe.²¹¹ The space for on-the-spot negotiation has been theoretically defined by Richard White as 'middle ground' in 'a world system in which minor agents, allies, and even subjects at the periphery often guide the course of empires'.²¹² For the Portuguese colonization of Brazil, Alida Metcalf has expanded this by highlighting the influence and importance of brokers, or what she calls 'go-betweens', who inhabited this middle ground.²¹³ Lobbyists are a case in point of *transactional go-betweens* that facilitated negotiations between the Company and individuals in the colony. In other words, the literature suggests that on-

²⁰⁹ C. Daniels and M. Kennedy, eds., *Negotiated empires: centers and peripheries in the Americas, 1500-1820* (New York/London: Routledge, 2002); S. Belmessous, ed. *Empire by treaty: negotiating European expansion, 1600-1900* (Oxford/New York: Oxford University Press, 2015).

²¹⁰ J.P. Greene, *Negotiated authorities: essays in colonial political and constitutional history* (Charlottesville/London: University of Virginia Press, 1994); M. Meuwese, *Brothers in Arms, Partners in Trade: Dutch-Indigenous Alliances in the Atlantic World, 1595-1674* (Leiden/Boston: Brill, 2012); A. Irigoin and R. Grafe, "Bargaining for absolutism: a Spanish path to Empire and nation building," *Hispanic American Historical Review* 88, no. 2 (2008).

²¹¹ D. Parrott, "From military enterprise to standing armies: war, state, and society in western Europe, 1600-1700," in *European Warfare, 1350-1750*, ed. F. Tallett and D.J.B. Trim (Cambridge: Cambridge University Press, 2010); M.J. Braddick and J. Walter, eds., *Negotiating power in early modern society: order, hierarchy and subordination in Britain and Ireland* (Cambridge: Cambridge University Press, 2001); Cardim et al., *Polycentric Monarchies*; Bethencourt, "Political configurations and local powers."

²¹² R. White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815. Second Edition* (Cambridge: Cambridge University Press, 2012), xxvi-xxvii.

²¹³ A.C. Metcalf, *Go-betweens and the colonization of Brazil, 1500-1600* (Austin: University of Texas Press, 2005), 8-12.

the-spot negotiation of institutions was of paramount importance for the survival of colonial ambitions. This was not different in Dutch Brazil for the WIC as it found itself in a position that required negotiation with the inhabitants that lived in the colony before the conquest. Petitions were but one of many possible avenues of negotiation.

This chapter investigates how inhabitants of Dutch Brazil could succeed in negotiating the institutions that shaped their daily lives through petitions in the colony. It focuses on formal regulations such as regulations on slavery, rather than informal institutions as the latter are difficult to retrace. This chapter starts by chartering the organizational developments of colonial governance in Brazil, before investigating the possibilities of petitioning for colonial institutional change. After an overview of the different categories of petitions in this colony, it investigates two topics in more detail (religion and slavery) as these two were the most important topics in the colony. Lastly, it explains that the organization of colonial governance in this fashion is more practical than more 'top-down' design from the metropolis through a study of the reaction of top-down decision-making.

2.1. 1624/1630-1636: AD HOC SOLUTIONS

After creating the 'Great Design', one might expect the WIC to have had a clear plan for the governmental structure of the colonies it aimed to establish. This was not the case – probably because the directors were more concerned with the WIC as a Company of War than with the WIC as a Company of settlement. It was only after the news of the capture of the Bay of All Saints arrived in the Republic in August 1624 that the Board of Directors started to deliberate about the governance structure for Brazil. The so-called 'Concept of Governance' (*Concept van Regieringe*) was ratified by the States General on 1 November 1624 and would apply to all of the WIC's current and future possessions in Brazil.²¹⁴ The Concept of Governance was supposed to replace the previous 'instruction letters' (*artikelbrieven*) that accompanied every ship voyage. Instruction letters were intended to administer justice aboard ships, so the Concept of Governance intended to remove jurisdiction from a navy

²¹⁴ H. den Heijer, "Bewindhebbers, gouverneurs en raden van bestuur (Het bestuur van de West-Indische Compagnie in de Republiek en in Brazilië)," in *Brazilië in de Nederlandse archieven (1624-1654): De West-Indische Compagnie, overgekomen brieven en papiersn uit Brazilië en Curaçao*, ed. M.L. Wiesebron (Leiden: 2005), 31.

body to a territorial civic body. The Concept of Governance consisted of seventy-five articles providing regulations for issues including freedom of conscience, protection of property, stipulating the application of Roman-Dutch law²¹⁵, and the layout of the colonial government.²¹⁶ The highest political body was to be formed by nine people, but that never materialized because the WIC's possessions in the Bay of All Saints would quickly be lost again.²¹⁷

Before the WIC would set foot on Brazilian soil again, the States General confirmed an adaptation of the Concept of Governance in October 1629. Even though the text differed only marginally from the 1624 version, the Concept of Governance now included all of the current and future territories of the WIC in its charter region and not only Brazil.²¹⁸ What remained the same was that the highest political body, the *Political Council*, should consist of nine members representing the different company chambers.²¹⁹ Eligible candidates should be born in Republic, or have at least lived there for seven years, of the Reformed religion, and experienced in politics, law, or commerce. Even though they would be selected by the chambers of the WIC, the States General needed to confirm their appointment. The secretary (or *assessor*) of the Council would have to be registered as a notary before departure so that he could draw testaments and other legal documents in the colony.²²⁰ Despite the requirement of nine individuals, the first Political Council only consisted of three civilian members initially, later supplemented by two additional members. They exercised authority over the civilians, whereas Admiral Loncq, an additional member of the Political Council, commanded and administered justice over the army and the navy.²²¹ Diederick van Waerdenburgh took over this job after Loncq had left, and was given the title of governor. However, van Waerdenburgh would never be allowed to be the presiding member of the Political Council; this function alternated each month between the other members. In the

²¹⁵ The law published in Holland in 1580 that was based on Roman law.

²¹⁶ M. van Groesen, "Recht door zee. Ontvoering, mouterij en slavenhandel in Arguin, 1633-1634," in *Het gelijk van de Gouden Eeuw: Recht, onrecht en reputatie in de vroegmoderne Nederlanden*, ed. J. Pollman, H. Cools, and M. van Groesen (Hilversum: Verloren, 2014), 59-60.

²¹⁷ Heijer, "Bewindhebbers, gouverneurs en raden van bestuur," 28-30.

²¹⁸ Van Groesen is wrong to state that the original Concept was 'greatly expanded', see: Groesen, "Recht door zee," 59. In fact, the number of articles was reduced from 75 to 69.

²¹⁹ According to the *negensleutel*: 4 for Amsterdam, 2 for Zeeland, and 1 for the other chambers. See: Heijer, *Geschiedenis van de WIC*, 31.

²²⁰ Article I, II, and III in the Concept of Government.

²²¹ Heijer, "Bewindhebbers, gouverneurs en raden van bestuur," 32.

case that van Waerdenburgh would be in the field, he would appoint a replacement in the Council. He would tell his replacement a secret password, shared with the president of the Political Council, so that he could be identified as a true replacement. Administration of military justice would be in hands of the governor and court-martial, but criminal affairs that were not military committed by soldiers, 'but punishable through natural, religious, and general laws (...) by anyone from whatever nation, state, or condition' would be administered by the Governor and members of his army detail.²²²

Van Waerdenburgh and the rest of the Political Council mostly disagreed on all issues, and did not succeed in breaking the resistance of the Portuguese soldiers defending the territories of the Portuguese Crown.²²³ Consequently, the Board of Directors decided to send two directors, Matthijs van Ceulen (Chamber of Amsterdam) and Johan Gijsseling (Chamber of Zeeland) to Brazil in 1632. They took over both the military and civilian task of the Political Council and employed a more successful and vigorous military offensive action.²²⁴ By the time Gijsseling and van Ceulen returned to the Dutch Republic in September 1634 they had expanded WIC territory significantly.

According to Hermann Wätjen – whose research formed the basis for the works of Charles Boxer, who then together shaped the writing of den Heijer – Gijsseling and van Ceulen installed a Political Council of five members mirroring the five chambers of the WIC: Servatius Carpentier (Norther Quarter), Willem Schotte (Zealand), Jacob Stachouwer (Amsterdam), Balthasar Wyntgens (Maze), and Ippo Eyssens (Groningen).²²⁵ This meant that the governance structure of the colony would have returned to the situation of 1632. However, a report by the Political Council for the States General drafted by Servatius Carpentier in July 1636 paints a slightly different story. Within the 'worldly government', Carpentier makes a distinction between the Political Council with executive functions, and two Court Martials for legal matters over military personnel; one for the army and one for

²²² Article LI of the Concept of Governance, see also: L. Aitzema, *Saken van Staet en Oorlogh, Vol I, 1621-1632*, vol. 1 (The Hague: Johan Veely, 1669), 1550.

²²³ Winter, *WIC ter kamer Stad en Lande*, 119-120.

²²⁴ H. Wätjen, *Das höllandische Kolonialreich in Brasilien. Ein Kapitel aus der Kolonialgeschichte des 17. Jahrhunderts* ('s-Gravenhage: Martinus Nijhoff, 1921), 67; Boxer, *Dutch in Brazil*, 53; Heijer, "Bewindhebbers, gouverneurs en raden van bestuur."; Wätjen, *Das höllandische Kolonialreich*, 34.

²²⁵ Boxer, *Dutch in Brazil*, 53. (For Carpentier it is stated that he was a member of the Council from 1630 onwards, see NNWB, so it is possible that these are the same five members. Eyssens however was specifically selected for this task by the XIX).

the navy. Within the Political Council each of the five members had their own task. Jacob Stachouwer followed the army. Willem Schotte resided at the Cabo St. Agostino or Serinhaem, governing the lands of Serinhaem up until the Rio de Jangadas. Ippo Eijssens was the governor of the captaincies of Paraíba, Itamaracá, and Rio Grande, while Balthasar Wyntgens and Elias Herckmans (who arrived in 1635) managed affairs in Recife. Thus, the Political Council was not a central body that regularly met. Instead, its members occasionally came together whenever it was deemed necessary. The lower administration, or 'subaltern magistrates' as Carpentier termed them, was in the hands of the Portuguese *câmaras*.²²⁶

The jurisdiction of religious affairs was in the hands of a Church Council – 'for a long time already' according to Carpentier.²²⁷ This Council was formed by the five Ministers from the Dutch Reformed church, one Minister from the English, French, and German churches, five or six elders, and four deacons. The deacons were responsible for the alms, and the Ministers 'preached in all pureness' so that 'many came eagerly to hear about the word of God'.²²⁸ The military command was in the hands of Sigismund von Schoppe, a Silesian commander on the payroll of the chamber of Groningen.²²⁹ It is stated by Boxer and others that he also had a vote in the Political Council, but the report of 1636 provides no evidence to support that claim.²³⁰

As the WIC had conquered the whole coastline between Rio Grande and Cabo de St. Agostinho by January 1635 it seemed only a matter of time before the Portuguese would be completely expelled from Brazil. As there were many flashpoints within the Spanish Empire, the appeals for help to Madrid were but one amongst many others from the West Indies, India, Flanders, Italy and the German territories.²³¹ Moreover, the Spanish Crown allegedly had more interest in the Indian Ocean colonies than in Brazil as far as the Portuguese possessions went.²³² Therefore, help from Spain did not provide further resistance against the WIC offensive. However, different tactical visions between the members of the Political

²²⁶ NL-HaNA, 1.01.02, inv. nr. 5754, 02-Jul-1636 Report from the Political Council [scan 211-212].

²²⁷ 'Voorts is aldaer voor lange eenen kercken raeth', NL-HaNA, 1.01.02, inv. nr. 5754, [scan 211].

²²⁸ NL-HaNA, 1.01.02, inv. nr. 5754, [scan 211].

²²⁹ Winter, *WIC ter kamer Stad en Lande*, 120-121.

²³⁰ Boxer, *Dutch in Brazil*, 52-54; Wätjen, *Das holländische Kolonialreich*; Heijer, "Bewindhebbers, gouverneurs en raden van bestuur."

²³¹ Boxer, *Dutch in Brazil*, 54.

²³² Schwartz, *Sovereignty and society*, 96.

Council and Sigismund von Schoppe and his Polish colonel Christoffel Arciszewsky prevented a final push southwards.

The WIC inherited a colonial society in Pernambuco and the other regions under its command that were characterized by both a rural and an 'urbanized' population. Sugar was planted and grown on large rural estates (*fazendas/plantações*) and processed in sugar mills (*engenhos*) that were near rivers and in more or less urbanized regions. Commerce dominated the port cities, but there were shops, brothels, and small trades. An *engenho* was a costly enterprise that required large sums for construction, transport, and labor (enslaved Africans, but also European contract labor and paid free laborers). In the towns, a *câmara* had executive power and was in charge of public order and members of the *câmara* were called *schepenen* in Dutch. The sugar elite from primarily the *engenhos* dominated the *câmaras*, but had a custom of solving most judicial disputes outside the court room.²³³ In Portuguese times the members of the *câmara* had been appointed by the governor, a task that after van Waerdenburgh had left was taken over by the members of the political council.

The Political Council argued to the Board of Directors that it needed more military support in the form of 3,600 soldiers to drive out the Portuguese and considered it far from ideal that there were only two permanent members of the Council in Recife.²³⁴ The Board of Directors seemingly did not deem the governance structure of particular importance. If the ad hoc solutions had not made it sufficiently clear, the fact that in the invitation for a meeting 'in the inn this coming Sunday the first of June 1636' and the attached agenda for the meeting there is no mention of the governance structure of the colony, clearly proves that the Board of Directors preferred to discuss other events.²³⁵ The report from the Political Council that arrived in the Republic (together with Carpentier who would further 'stress its importance orally') during the meeting of the Board of Directors put the issue of the colony's governance structure on the table.²³⁶ That is not to say that the Board of Directors settled the issue at this time. But now that it was brought to the fore it appeared on the agenda as the tenth item for

²³³ C.R. Boxer, *Portuguese society in the tropics: the municipal councils of Goa, Macao, Bahia, and Luanda, 1510-1800* (Madison: University of Wisconsin Press, 1965), 77-87; Schwartz, *Sovereignty and society*, 95-121.

²³⁴ NL-HaNA, 1.01.02, inv. nr. 5754, [scan 211-213].

²³⁵ NL-HaNA, 1.01.02, inv. nr. 5754, [scan 200-204].

²³⁶ NL-HaNA, 1.01.02, inv. nr. 5754, [scan 214-218].

the next meeting for 8 December 1636.²³⁷ Nevertheless, it would take another meeting in August 1636 before the Board of Directors, following a proposal by Albert Coenraatsz Burgh to appoint Johan Maurits van Nassau-Siegen.²³⁸ With the arrival of Johan Maurits, the political council transformed from a regionally dispersed organization with its members residing in particular captaincies, to a more centralized body in Recife.

2.2. 1637-1646: CONSOLIDATION AND A PRINCE IN THE TROPICS

Johan Maurits was a count, a distant relative of the Stadtholder Frederik Hendrik, and a man of modest military fame. He was appointed for five years as Governor-, Captain-, and Admiral-General and thus united military and civilian authority in his person. Although the title of Governor-General was common practice for the VOC, Johan Maurits was the first and last person in the Atlantic to hold this title.²³⁹ With the Governor-General in 1637 arrived new instructions with 99 articles detailing the new governance structure for various bodies of government.²⁴⁰ Firstly, the Political Council was replaced by a High and Secret Council, or High Government, of four people. Johan Maurits would preside over the meetings, and the council would have three new members: Adriaen van der Dussen, Matthijs van Ceulen, and Johan Gijsseling, who were all appointed for three years. The High Government had executive power. In the event of a tied vote, Johan Maurits' vote would count double. Secondly, the Political Council got a new function as the court of appeal for criminal and civil justice, and the two financial experts of the Political Council, who in the past had been in charge of paying wages, would assist the High Government in bookkeeping. Over time the name of the Political Council would change to Council of Justice.²⁴¹ Lower civil justice would be administered by a body constituted by aldermen (*schepenen*) from the Dutch and Portuguese population. The commonality (*gemeente*) would nominate a triple number of candidates of the white freemen, from which the Governor and High Council selected at

²³⁷ NL-HaNA, 1.01.02, inv. nr. 5754, [scan 221-223].

²³⁸ E. Odegard, "Colonial Careers: Johan Maurits van Nassau-Siegen, Rijckloff Volckertsz. van Goens and career-making in the seventeenth-century Dutch Empire" (Unpublished PhD thesis, Leiden University, 2018).

²³⁹ Peter Stuyvesant, for example, was 'only' Director-General in New Netherland.

²⁴⁰ NL-HaNA, 1.05.01.01, inv. nr. 48.

²⁴¹ Heijer, "Bewindhebbers, gouverneurs en raden van bestuur," 36.

least four candidates who would administer civil justice according to 1580 Roman-Dutch law.²⁴²

The next few years can best be characterized as a period of consolidation. The arrival of Johan Maurits brought relative stability and even territorial expansion for the WIC in Brazil, and the Dutch authority successfully convicted ‘conspiring delinquents’ and ‘lazy inhabitants’ that contributed nothing to the wealth of the colony and were therefore banished to the island of Fernando de Noronha.²⁴³ By 1639 the Council of Justice reached nine members for the first time when Jan Alewijn, Cornelis Nieuwlandt, Adriaen Becker, and Abraham Struijs complemented the already present members. Hendrick de Moucheron was appointed as the new sheriff (*schout*).²⁴⁴

Adriaen van der Dussen had crossed the Atlantic back to the Republic in an attempt to further the interests of the High Government in the Republic.²⁴⁵ The two other members from the High Government requested their return to the Republic too, since their term had come to an end, but the Board of Directors only allowed them to return upon arrival of their successors. But even when these two, Hendrik Hamel and Dirk Codde van den Burgh, arrived, the original members of the High Government still had to remain in Brazil until the financial records were properly accounted for and sent to the Republic.²⁴⁶ However, the individual responsible for the books, Jacob Aldrichs, had just successfully applied for a seat in the Council of Justice, and his successor, Albert van Breugel, arrived together with Hamel and Codde and it would thus take some time before the financial statements of the colony were successfully sent to the Republic.²⁴⁷ Even though the Board did not specify why they requested the financial documents, it is understandable that they wished documentation for how was being spent in Brazil. Moreover, it was a task for the Company servants in Brazil to provide accounts. For the Board of Directors this was a last resort to finally obtain the financial statements of the colony. The directors had asked for these statements in every single piece of correspondence in the last four years – with no success. By attaching the fate of Gijsseling’s and van Ceulen’s return to the financial statements, it made sure that the

²⁴² NL-HaNA, 1.05.01.01, inv. nr. 48, [scan 12-14].

²⁴³ NL-HaNA, 1.05.01.01, inv. nr. 8, [scan 177-189].

²⁴⁴ NL-HaNA, 1.05.01.01, inv. nr. 8, [scan 257-266].

²⁴⁵ NL-HaNA, 1.05.01.01, inv. nr. 8, [scan 290-298].

²⁴⁶ NL-HaNA, 1.05.01.01, inv. nr. 8, [scan 177-189].

²⁴⁷ NL-HaNA, 1.05.01.01, inv. nr. 8, [scan 177-189].

interests of their servants in the colony (returning) aligned with the interests of the principals in the Republic (providing financial accounts). It is for this reason that the High Government was represented by five individuals (Johan Maurits, and the Council members van Ceulen, Gijsseling, Hamel, and Codde van der Burgh) instead of four when it called together a Diet (*landdag*) on 27 August 1640.

2.2.1. The Diet as a colonial tool

The Brazilian Diet of August 1640 was an anomaly never repeated in the history of the WIC's presence in Brazil. It should be stressed that it was at the time not referred to as *Landdag* or Diet in the sources. It is called a 'general meeting' or 'the Portuguese meeting' initially and only called *Landdag* in retrospect when referring back to the meeting.²⁴⁸ A Diet (*landdag*, literally land-day) was a deliberative assembly on a supra-local level. It was the prominent form of organization in the Dutch Republic. Guelders, Friesland, Groningen, and Drenthe all had a Diet, which was even called *Landdag*. It is no coincidence that these rural provinces had a governmental structure where the 'lands' came together in their Provincial assemblies with little to no influence for the cities. The power of cities was not a given in Dutch rural provinces. It was only after the Act of Abjuration (1581) that eleven Frisian cities received one vote – as opposed to three votes for the different rural districts.²⁴⁹ In contrast to the Provincial States in Holland and Zeeland that met almost daily, the rural Diets in the Republic met only once or twice a year and were characterized as social events where overlords and farmers met.²⁵⁰ The VOC also made use of Diets in its colonies such as in Ambon and in Formosa.²⁵¹ However, the Diet on Formosa was more of a ceremonial affair intended to stress the Company's rule and might, than a political tool in the hands of the local communities seeking to influence decision-making. Lastly, the WIC colony in New Netherland also had a Diet, which originated in an infamous campaign for a civil

²⁴⁸ 'volgens ordre in de gehouden landach beraemt', NL-HaNA, 1.05.01.01, inv. nr. 68, [scan 1460].

²⁴⁹ Fruin, *Geschiedenis der Staatsinstellingen*, 247-252.

²⁵⁰ Deursen, "Staatsinstellingen in de noordelijke Nederlanden 1579-1780," 383.

²⁵¹ F. Valentijn, *Oud en nieuw Oost-Indiën, vervattende een naaukeurige en uitvoerige verhandeling van Nederlands mogentheyd in die gewesten (...)* (Dordrecht/Amsterdam: Joannes van Braam/Gerard onder de Linden, 1726), Vol. II, 110; T. Andrade, "Political spectacle and colonial rule: The *Landdag* on Dutch Taiwan, 1629-1648," *Itinerario* 21, no. 3 (1997).

government by Adriaen van der Donck in 1649, and resulted in ten more Diets in 1653, 1654, 1663, and 1664.²⁵²

The High Government of Brazil summoned representatives from six different jurisdictions: Mauritsstad, Paraíba, Itamaracá, Iguaçu, Porto Calvo, and Serinhaem. Each jurisdiction had representatives from a corresponding *câmara* and representatives from one or more commonalities (*gemeente*). The jurisdiction Mauritsstad, for example, had three aldermen from the *câmara*, and representatives from the commonalities Várzea, Cabo, Pojuca, St. Lourens, Moribeeque, St. Amaro, and Paribi and Gegourivi. This made for 55 delegates with Portuguese names for all the jurisdictions. This would suggest that by 1640 only Portuguese and Luso-Brazilians occupied the lower representative bodies. However, already in 1637 there had been Dutch members of different *câmaras*.²⁵³ Therefore, it seems like the Diet was principally a colonial tool to facilitate interactions between the Portuguese inhabitants and the WIC High Government. On the other hand, the High Government had, as the result of a petition from the *câmara* of Olinda, allotted specific hours in their schedule for dealing with 'Portuguese affairs' (Tuesday and Friday between 8-12 in the morning).²⁵⁴ Thus, it seems that the Diet principally existed to offer *câmaras* that were further from Recife a convenient and centralized moment to discuss 'Portuguese' issues with the High Government.

The session started with all delegates pledging an oath to keep the issues discussed in this meeting private and not even discuss them amongst each other, swearing this by putting two fingers in the air and promising this to God Almighty. None of the participants were allowed to leave for the duration of the meeting without a license from the High Government, and it was not allowed to cast a negative vote on a proposition by the High Government without substantiating it with fundamental arguments. The delegates were also allowed to bring further propositions to the meeting, as long as it was in the interest 'of the commonwealth'. In other words, this Diet was not a forum to air grievances that only concerned the limited relation between ruler and subject or groups of subjects, but it was a

²⁵² H. Cornelisse, "'For the best interest of the country', the Landdag of New Netherland: development of a provincial assembly (1649-1664)," *De Halve Maen* 87, no. 3 (2015).

²⁵³ See Chapter 3.

²⁵⁴ NL-HaNA, 1.05.01.01, inv. nr. 68, [scan 483].

deliberative body implementing laws that affected the general population ‘in this republic’.²⁵⁵

2.2.2. The Brazilian Diet of 1640

The High Government started the Diet by saying that it was assured that it was clear to everyone that it was trying to do everything in its power to advance and preserve the interests of inhabitants of Brazil, and to administer good justice. Nevertheless, it was clear to the authorities that some individuals were abusing their power, creating nuisance by insolences, or resorting to thievery and extortion. The root of this problem, the High Government continued, was the ‘little affection the Portuguese inhabitants have for the Dutch nation’.²⁵⁶ To show the high esteem the High Government had for the Portuguese the government had organized this meeting, inviting the most prominent Portuguese inhabitants in order to remedy the difficulties they had experienced. The High Government reached out a helping hand (*handtreijckeninge* in their own words) to kindle fondness in the Portuguese hearts by proposing five solutions to problems that they were aware of.

The five propositions from the High Government were plans to remedy different threats experienced by the honest, WIC-supporting, Portuguese sugar producers: thieves and bandits, collateral damage from defensive war efforts, burglars, violence by rebellious Portuguese, and abuse of power by WIC servants such as sheriffs and military officers. The Portuguese preferred a solution that allowed more than simply bearing arms. Carrying guns, the Portuguese argued, would only escalate the conflict and increased their risk of dying. Moreover, it was hard to distinguish between thieves and roaming soldiers; how would the Portuguese make sure not to be prosecuted for killing a soldier? Nevertheless, the High Government immediately allowed the Portuguese the right to bear arms and promised to provide guns and ammunition to them, as this would also protect the Dutch from possible encounters with robbers and arsonists.²⁵⁷ Interestingly enough, the *câmara* of Olinda had already requested and received the right to bear arms to allow the inhabitants to defend

²⁵⁵ NL-HaNA, 1.05.01.01, inv. nr. 68, [scans 1355-1361].

²⁵⁶ ‘twelck ons alles dunckt sijn oorspronck principalijck te nemen met de kleine affectie die de portugeesche ingeseten en hebben tot de Nederlantsche natie’, NL-HaNA, 1.05.01.01, inv. nr. 68, [scan 1362].

²⁵⁷ NL-HaNA, 1.05.01.01, inv. nr. 68, [scans 1363-1367].

themselves against marooned slaves (*bosnegers*) in 1637.²⁵⁸ This regulation of bearing arms of 1640 was thus less about bearing arms, but rather about who could be targeted – this now included Europeans.

This solution was accepted, but the representatives from the captaincies of Pernambuco, Paraíba, and Itamaracá stressed that they did so under protest. They agreed that it was a natural affair to protect oneself, and they greatly appreciated the support provided by the High Government. However, they insisted that they could never be asked to use their weapons against the King of Spain, but only for the defense of their own property.²⁵⁹

Bearing arms, even when not requested to use against the King of Spain, failed of course to provide a solution to the abuse of power by WIC servants. The High Government emphasized that it was aware of this issue in the administration of justice, and pointed to the evil-mindedness and greed of individual servants. Since the High Government proposed solutions to effectively remove this practice, it demonstrates that they did not think that it was an issue of the WIC servants as a whole, but an issue of aligning the interest of individual agents with that of the High Government. In order to remedy this, Johan Maurits and the High Government drafted new instructions requiring the *schepenen* to keep a record of prosecutable events in their jurisdiction and who they thought was accountable, especially when it involved sheriffs or military officers. This roll would have to be sent to the High Government every three months by each of the *câmaras*.²⁶⁰ The *câmaras* officially had no jurisdiction over the sheriffs or military personnel, but the roll would provide the necessary coercion to keep the WIC personnel in check as it would provide a record for the High Government of all crimes and misdemeanors. If a military officer or sheriff arrested, or threatened to arrest, an inhabitant, and the inhabitant would complain about mistreatment by this sheriff or military officer, the High Government could check whether indeed the citizen was under investigation or not. If the *schepenen* colluded with the abusive sheriffs or military officers, and the High Government found out, they would be harshly punished. The different delegates unanimously approved of this ordinance.

²⁵⁸ NL-HaNA, 1.05.01.01, inv. nr. 68, [scans 479-481].

²⁵⁹ In a Portuguese system, the right to property gave the right to bear arms. However, it made one part of the conscriptive population. The Portuguese population was afraid of being called to arms against a King they (still) considered a universal monarch.

²⁶⁰ NL-HaNA, 1.05.01.01, inv. nr. 68, [scans 1391-1392].

The way in which Company agents were monitored bears a resemblance to the way crews of English navy ships were scrutinized by the lieutenant who was on board.²⁶¹ It was as difficult for the English Admiralty to induce their captains to behave in a favorable manner on a ship somewhere in the ocean as it was for the High Government to make their servants behave agreeably in remote captaincies in Brazil. And just like a lieutenant could not be removed or demoted by an individual captain, the *schepenen* could not be removed by the superior (the sheriff was the president of the *câmaras*) they reported on. The creation of the roll thus created an independent mechanism for the High Government to monitor its agents in the field. This example shows how the Portuguese inhabitants of Brazil were important in the creation of institutional solutions for WIC affairs, including that of monitoring WIC personnel.

Following the hopeful solutions for the abovementioned issues, the *câmaras* of Pernambuco, Paraíba, and Itamaracá introduced a petition the next day, 1 September 1640, that was signed by fifty people. It was one of several, possibly staged, petitions by the Portuguese inhabitants requesting Johan Maurits to stay in Brazil indefinitely, and it is one of the very rare petitions that have survived in the minutes of the meetings of the High Government. The petitioners list the reasons why they wanted 'his excellency' to stay. This included his diligent control over military discipline and order, his vigor for the common wealth, love for the community, and the joy of being governed by 'a flawless prince'.²⁶² This phrase offers some insight into the sentiments of the Portuguese colonial population towards WIC rule. During the Habsburg period, all men who had served in Portuguese Brazil as Governor-General had been members of the military nobility whose social status undoubtedly reinforced their political authority.²⁶³ Just like the nobility in the Republic deemed governance a noble prerogative, the Portuguese inhabitants, especially the nobility of the land, must have loathed the merchant governance structure before Johan Maurits' arrival.²⁶⁴ Catholic state ideology dictated that 'the king ruled as the head of the body politic, the nobility were the arms that defended it, the clergy the heart that guarded its soul, and the

²⁶¹ Allen, *The institutional revolution*, 132-136.

²⁶² 'dat hij een prince is verre van alle gebreecken', NL-HaNA, 1.05.01.01, inv. nr. 68, [scans 1396-1399].

²⁶³ Schwartz, *Sovereignty and society*, 192-193.

²⁶⁴ See paragraph 1.2.1.

commoners those who gave it the energy and sustenance to survive'.²⁶⁵ Merchants, professionals, and artisans belonged amongst the commons and there was thus very little room for merchant regents in Portuguese ideology. In Johan Maurits' arrival, the *câmara* had a governor they could understand.

The petitioners added that they preferred Johan Maurits to remain in office permanently (or at least another term) because he was so attentive to increasing the profit and rents for the illustrious WIC. It seems highly doubtful that the Portuguese were particularly interested in the profitability of the company, suggesting that either this petition was orchestrated or that the Portuguese sensed what would appeal to the board of directors, or perhaps a combination of both. Moreover, in economic terms the WIC offered bottoms to ship their sugar to Europe, and the prices for slaves were, at this point, not too expensive.²⁶⁶ Either way, the High Government promised that its two members embarking on a ship back to patria, van Ceulen and Gijsseling, would deliver this petition to the directors of the WIC and sing its praises.

The Diet, however, continued the following days with the review of 81 petitions submitted by the various jurisdictions. The Brazilian Diet formalized access of representatives of the various jurisdictions in Brazil to the High Government, which shows that the *câmaras* with their *schepenen* were not merely courts administering lower justice, as stated by Den Heijer.²⁶⁷ Even though the *câmaras'* second function was not described in the original instructions sent to Brazil with Johan Maurits (see above), the *câmaras* retained their 'Portuguese' function as consultation Councils through which local issues percolated to the colonial administration. Moreover, as will be shown in the next section, the High Government stimulated regulations for, and formalization of petitions to the *câmaras*. This meant that the WIC became increasingly reliant on Portuguese cooperation in effective administration of the colony and that the *câmaras* in Brazil remained a body based on

²⁶⁵ S.B. Schwartz, *Sugar plantations in the formation of Brazilian society: Bahia, 1550-1835* (Cambridge: Cambridge University Press, 1985), 246.

²⁶⁶ In 1637 the price of one slave was around 145 reals-of-eight (or around 347 guilders), in 1641 the price of a slave was around 452 guilders (or around 188 reals-of-eight) towards the end of the WIC rule in Brazil the price would go up to 2,000 pounds of sugar (or around 20,000 guilders) in 1654. For 1637 see: NL-HaNA, 1.05.01.01, inv. nr. 68, [scan 519], for 1641 see: G.W. Kernkamp, "Brieven van Samuel Blommaert aan den Zweedschen rijkskanselier Axel Oxenstierna, 1635-1641.," *Bijdragen en Mededeelingen van het Historisch Genootschap Utrecht* 29 (1908): 195. For 1654, see: H. Thomas, *The slave trade: the story of the Atlantic slave trade* (New York/London: Simon & Schuster, 1997), Appendix 4.

²⁶⁷ Heijer, "Bewindhebbers, gouverneurs en raden van bestuur," 36.

Portuguese traditions for WIC colonial government. Thus, despite the colonial take-over, much of the previous colony remained intact, and the WIC adopted a 'Portuguese' model that they 'Dutchified' in name, but in practice did not change all that much.

2.2.3. The 81 petitions of August 1640

Petitions were normally not copied in the minutes of the High Government.²⁶⁸ It is sometimes mentioned in passing that the Council had received multiple complaints on certain issues, but the complaints themselves are absent from the minutes. Most petitions seem to have been related to soldiers pleading to become freemen.²⁶⁹ The opening statement in the Diet further show that concerns over thieves, marauding bands, and abuse of power by civil servants were being voiced to the High Government without traces of formal petitions. Anecdotal evidence of petitioning is also scarce. Charles Boxer tells the story by Frei Manuel Calado who published a book in 1648 called *O valeroso Lucideno e triumpho da liberdade*. Calado reports on a deputation of several planters' wives to Johan Maurits requesting a pardon for Dona Jeronima de Almeida who had been condemned for sheltering guerillas. After some courteous exchanges between the Governor-General and the women, Johan Maurits assured them that he would do everything in his power to see that their petition would end favorably and subsequently commuted Almeida's death sentence. The planter's wives had received access to Johan Maurits' court through a broker, Gaspar Dias Ferreira, who apparently received the majority of ninety chests of sugar intended to receive a favorable apostille.²⁷⁰ Dias Ferreira was one of the *schepenen* in the *câmara* of Mauritsstad, but it is unclear whether he acted in his capacity of public servant or as private individual. It might very well have been a bribe since 'gifts' and bribes were not unheard of in Brazil. João Fernandes Vieira²⁷¹ who reminisced that to the Dutch he had 'regularly given bribes and gifts, as well as grandiose banquets, to all the governors and their ministers to keep them happy'.²⁷² Other anecdotes of petitions to the High Government suggest that the use of a broker was not always necessary, and that individuals often simply 'entered' the meeting

²⁶⁸ In contrast to the meeting of the High Council in New Netherland for example.

²⁶⁹ See April 1637 for example NL-HaNA, 1.05.01.01, inv. nr. 68, [scans 430-471].

²⁷⁰ Boxer, *Dutch in Brazil*, 126-127.

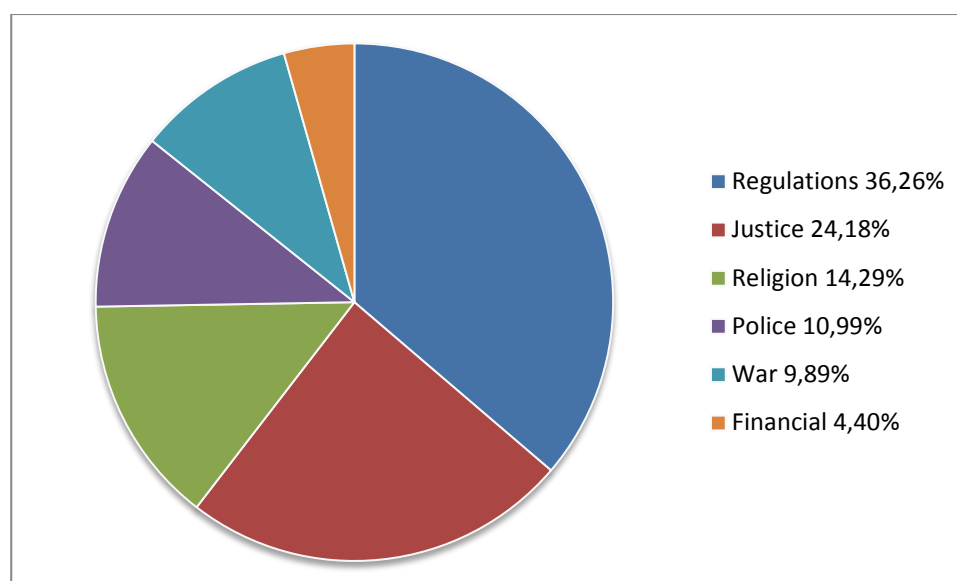
²⁷¹ The same as the individual leading the revolt against the WIC in the 1640s.

²⁷² Quoted in: J. Capistrano de Abreu, *Chapters of Brazil's Colonial History, 1500-1800* (New York: Oxford University Press, 1997), 86.

or ‘appeared’ in front of the High Government. It is not unlikely though that the secretary of the High Government, who doubled as a notary, would ‘prepare’ the different groups for an audience at the meeting.

The 81 petitions to the Diet are divided over the different jurisdictions; Mauritsstad was responsible for the largest share (36.3 percent) with 33 petitions, followed by Iguaraçu (19 petitions), Serinhaem and Porto Calvo (both 9 petitions), Itamaracá and Paraíba (both 8 petitions), and St. Laurens (5 petitions). Not all petitions were presented by a *câmara*. The petitions from Itamaracá seem to have had no representative jurisdiction at all, and like the first five of Mauritsstad, they were presented by the *gemeente*, as were the petitions from St. Laurens. Furthermore, the petitions bearing on the role of the *schepenen* (which are categorized under justice) were not signed by the *schepenen* themselves although they were presented on behalf of the *câmara*. The petitions by Mauritsstad were divided over different topics: religion, justice, war, and police. Unfortunately, the other jurisdictions did not provide a similar subdivision per topic. Therefore, for the purpose of making them comparable, all petitions (including the Mauritsstad petitions) are redivided in six categories: the four original topics, plus ‘regulations’ and ‘finance’. Some of the Mauritsstad petitions that had originally been filed under the topic ‘police’ or ‘justice’ thus received a new category in Graph 2-1.

Graph 2-1 The different categories of the petitions presented at the Diet in August 1640 (n=91)



Source: NL-HaNA, 1.05.01.01, inv. nr. 68, [scans 1400-1429].

In order to explain the different categories each will be illustrated by one or more examples. The financial category is perhaps the most straightforward. One example of this category was a petition to be excused from contribution to the building of bridges by unspecified individuals from Itamaracá. This was to no avail, as the High Government deemed this petition inadmissible. Instead, the delegates were told to address their local *schepenen*. This made sense as the *câmaras* were traditionally responsible for local infrastructure. The existence of inadmissible petitions shows that not all the petitioners were aware of the role and function of the Diet and that the Brazilian petitions were neither exclusively the beginning nor the end of the process of interaction between ruler and subject.

The war category is somewhat questionable as the cases could be categorized as 'regulations' as well, but because all of these petitions dealt with regulations for the army and Mauritsstad already filed them under 'war', all other petitions are also classified as such. These included a petition by the *câmara* of Iguaçu requesting that WIC soldiers could show more respect when entering Portuguese (Catholic) churches. It was not difficult for the High Government to respond favorably to this request; they went even further and decided to address the issue by forbidding their soldiers to go into Catholic churches altogether. The category of police includes several unrelated issues. One was a petition requesting an arrangement for the payment of the *schepenen* from excises on drinks and the farming of fishing rights on the beach. The petitioners did not have a preference, nor did not want to dictate the High Government what to do, as they suggested that the Council would define the further specifics of this arrangement. The High Government responded that they would revisit this issue in the future to reach a definitive answer. Another petition in this category is one by Mauritsstad requesting the authority on behalf of the High Government to punish individuals for stealing stones designated for the construction of walls. This authority was transferred to the *schepenen*. The second largest category, that of justice, is made up of issues related to the *câmara*. Again, these are to a large extent regulatory issues and could have been filed under 'regulations' as well, but they do include other issues, such as the petition to remove the office of sheriff from Paraíba. The High Government responded negatively. Another request, by Itamaracá, tried to prevent the High Government from replacing their *schepenen* by *schepenen* from Goyana. The Council did not proceed to replace the *schepenen*,

but emphasized that they would keep this option open. The *câmara* of Serinhaem meanwhile received a positive apostille on their petition to remove its sheriff, Jan Blaer, ‘as he was a burden for the jurisdiction’. The latter unfortunately is a rare example of extensive deliberation on the apostille the petitioners received, while most of the time the High Government is even more brief in the justification of their decisions.

2.2.4. Petitions for regulations

The petitions regarding regulations and religion deserve more detailed attention as they showcase how institutions in the WIC colony were created through a process of structuration. The petitions regarding regulations include for example a request by the *câmara* of Mauritsstad to publish an ordinance prohibiting outside overnight storage of sugar. The practice of overnight storage, the petitioners argued, was damaging the quality of the sugar. This was not yet noticeable in Brazil, but it was clear to them that the people in Holland would see the difference if the sugar had been wet due to dew. Another regulatory issue for sugar involved the weight and measurements of sugar chests. Every sugar chest stated its weight so that it was possible to determine the *tarra*: the difference between the sugar and the sugar plus chest. Some sugar producers, according to the petition, underreported the weight of their chests, thus artificially boosting the net weight of their sugar. To battle this practice, the petitioners proposed that a register of chest producers be deposited at the *câmaras* and that a requirement be introduced to burn marks onto the chests in order to trace chests to the swindlers. The first issue of regulating overnight storage received a positive decision, but the second issue was deferred for future decision-making.

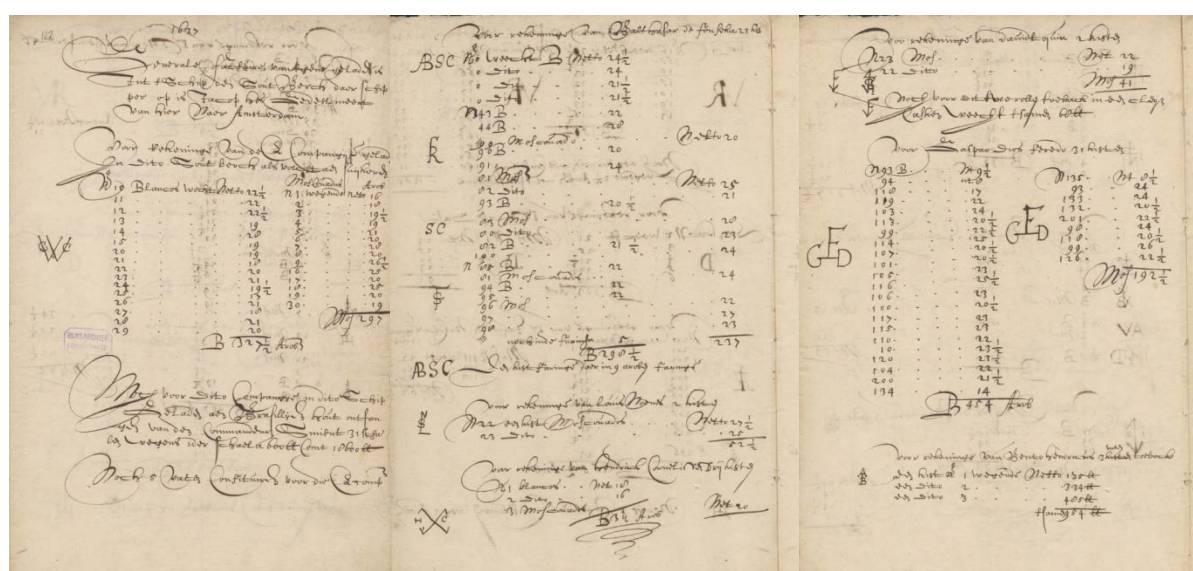
The weight of the crates has been a contested issue between sugar producers and merchants throughout colonial Brazilian history. Unless an *engenho* had its own saw mill, the wood for the crates would arrive pre-cut, and then assembled by a crater (*caixeiro*).²⁷³ Most crates from Dutch Brazil could hold between 20 and 25 *arrobas* of sugar, but there were outliers of 6.5 or 28 *arrobas*.²⁷⁴ Crates that were transported for the WIC were branded with the Company logo (GWC), but crates from private traders could have a wide variety of logos resembling whichever *engenho* or particular tenant farmer (*lavrador*) had produced it. Larger producers, such as Gaspar Dias Fereira only exported their own sugar (marked GFD), but

²⁷³ Schwartz, *Sugar plantations*, 121-122.

²⁷⁴ NL-HaNA, 1.05.01.01, inv. nr. 52 [scans 577-582].

others obtained sugar from a variety of different producers. (See Figure 2-1). The declared quality of the sugar was a second contested issue in Brazil. Higher quality sugar (*brancos*) could be on top of lower quality sugar (*moscovados*) or even rocks. In a case of dispute the planters argued that poor quality, or weight issues were due to poor handling in the port or being exposed to the elements too long. A poor reputation of Brazilian sugar would make it more difficult to sell in Europe. Whereas this argument was put forward by merchants in Lisbon in the case of Portuguese Brazil, it was put forward by the *câmaras* in Dutch Brazil. Moreover, Portuguese Brazil only adopted regulations for branding of crates in 1657, when governor Francisco Barreto issued an order to register individual brands in the *câmara* of Salvador.²⁷⁵ Thus, this petition to regulate the ‘brands’ of chests brings up three important issues. Firstly, it highlights that the *câmara* requested regulations to solve disputes with the sugar planters, who tried to hide behind poor handling or exposure to elements. Secondly, it shows that in this particular issue the WIC was in fact ahead of the Portuguese in regards to regulations to improve the reputation of Brazilian sugar for a European market. And thirdly it demonstrates that the *câmara* represented the interests of the *engenhos* and not of the *fazendas* and that the High Government was a legitimate mediator in this dispute.

Figure 2-1: Examples of markings on sugar crates with from left to right: WIC, variety of producers, and Gaspar Dias Ferreira in the ship *Southberg* in 1637.



Source: NL-HaNA, 1.05.01.01, inv. nr. 52 [scans 577-582].

²⁷⁵ Schwartz, *Sugar plantations*, 123.

Despite the changing façade of the colony in Brazil, the sugar producers succeeded in introducing institutions (formal regulations) that regulated covered storage of sugar to enhance the value, quality, and reputation, and thus the competitiveness of their sugar on a global market. The petitions were not limited to the regulations involving sugar, however. There were also successful petitions for a ban on the slaughter of yearling cows in order to maintain a stable supply of cows and oxen for sugar production in the future.²⁷⁶ Another example of the bottom-up creation of institutions structuring economic transactions is the proposed limited liability for *senhores de engenhos*, proposed by Itamaracá. This led to the High Government preparing an instruction to limit the claim of creditors to only half of the sugar production and forbid the foreclosure/distress sale (*executeeren*) of sugar factories and its belongings necessary for the production of sugar to repay debt. These types of petitions were also reasonably common in Bahia around the same time, and regulations targeted at limiting the liability were created in an attempt to maintain a yearly flow of sugar.²⁷⁷

Furthermore, the petitions in the WIC territories also aimed at regulating access to the political and judicial bodies. Both Iguaraçu and Mauritsstad submitted a request to appoint a solicitor to their *câmaras* to streamline the petitioning process. It regularly happened in several hamlets in their jurisdictions that an event occurred that warranted a petition. The *câmaras* deemed it fair that they would appoint a solicitor that would petition on behalf of those involved, to lower the threshold to submit a petition as the solicitor would know how to petition and who to address. For the *câmara* it would streamline the process as they would have the required information. The request of the two *câmaras* was forwarded to the Board of Directors in the Republic, who decided favorably to this request.²⁷⁸ Other proposed regulations that aimed to improve access to judicial and political bodies, involved a limit for the cost of judicial and political actions. Again Iguaraçu and Mauritsstad independently petitioned for the same thing. Even though the High Government deferred the issue initially, it appointed a committee that reached a decision early November that was consequently confirmed by the High Government. A decision on a large petition would cost 18 stivers and a normal or small petition 12 stivers. Presenting a request would cost another 12 stivers.

²⁷⁶ Oxen and horses were used for the sugar mills, and to transport goods from the sugar fields to the mills, see: Schwartz, *Sovereignty and society*, 112-113.

²⁷⁷ Schwartz, *Sugar plantations*, 194-196.

²⁷⁸ NL-HaNA, 1.05.01.01, inv. nr. 9, [scans 5-6].

These costs would have to be paid to the *câmara* where the petition was presented. A solicitor or lawyer could charge one guilder for his efforts in soliciting a petition, and another guilder for listening to the verdict.²⁷⁹ There are no specifications for drafting and presenting requests for individuals without the means to afford them. A master mason working on a stone bridge in Recife made a little bit over 172 guilders per month, a day laborer and his slave working on a gun mount (*affuit*) earned about six guilders per day, and a Portuguese carpenter made two *patacas* per day.²⁸⁰ This indicates that access to justice and submitting a petition was neither cheap nor expensive, and seemed open to everyone. The costs of appealing a case (4 to 10 guilders depending on the typology of the case) were too low however, as becomes clear from an advice two years later from the Council of Justice. Too many people were appealing with 'the slightest shadow of a chance' in an attempt to delay their final sentencing. Therefore, the High Government adopted a resolution from the States of Holland punishing the pursuit of unfounded appeal cases (*boete van fol appel*).²⁸¹ Thus, on the one hand the financial requirements created a threshold preventing the political and judicial bodies to be buried in paperwork, while at the same time the maximum costs of petitions were regulated. This emphasized the importance that both the *câmaras* and High Government attached to the accessibility of their bodies for the people in Brazil. That being said, there is nothing that indicates that non-Europeans had the possibility to petition, and it seems that the *câmara* primarily served the interests of the owners of the *engenhos*.

The most far-reaching petition was a request by the *câmara* of Mauritsstad. It proposed that contracts signed in the period under Spanish rule should be considered under the Spanish law instead of Roman-Dutch law of 1580. This was a petition with potentially far-reaching consequences. The High Government responded that it was not their decision to make, and forwarded this petition to the Board of Directors in the Republic. Unfortunately, it seems that these *Heeren XIX* never responded to this request. It is nevertheless telling that the *câmara* felt at liberty to put the legal foundation of the colony up for debate. This shows once more the great potential for petitions in the making and shaping of colonial institutions. Of all the ten petitions from the Diet that were forwarded to the Board of Directors four had to

²⁷⁹ NL-HaNA, 1.05.01.01, inv. nr. 68, [scans 1498-1502].

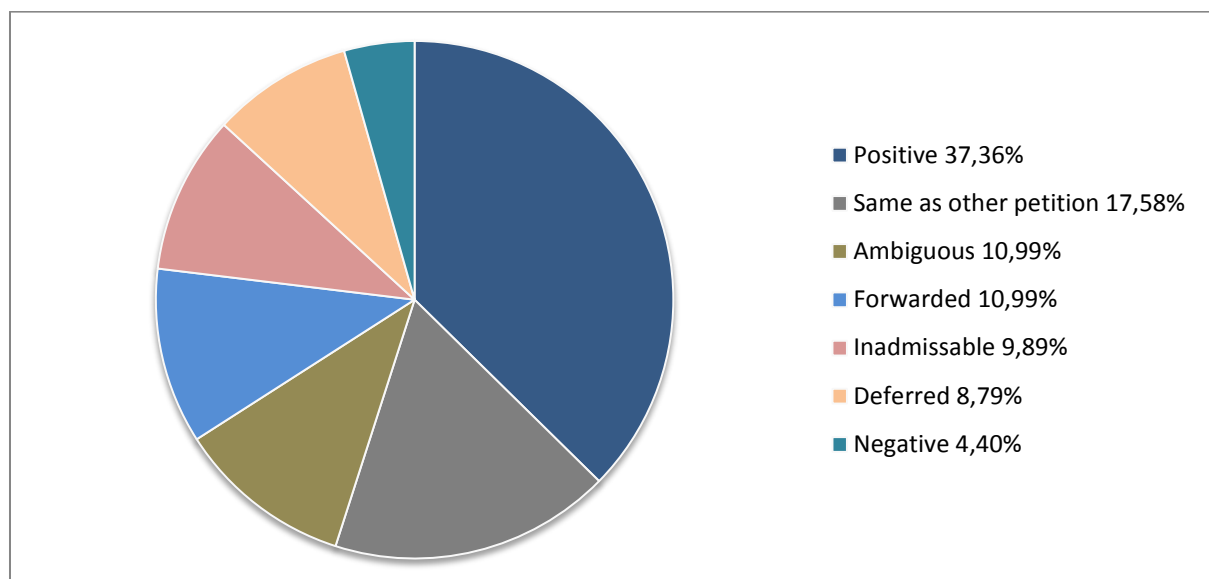
²⁸⁰ NL-HaNA, 1.05.01.01, inv. nr. 69, [scans 1064-1066]; NL-HaNA, 1.05.01.01, inv. nr. 8, [scans 214-239].

²⁸¹ NL-HaNA, 1.05.01.01, inv. nr. 69, [scan 1153].

do with religion, four with justice, and two with regulations. Religion was something that the High Government did have less autonomy then on the issue of regulations.

In contrast to the petition requesting a revision of contracts that did not receive a positive apostille from the Board of Directors, other petitions with potentially far-reaching consequences did. One such petition was to add a Portuguese *schepen* to the Council of Justice when cases that involved Portuguese customs (*gebruicken*) were appealed. Another example was the request by the *câmara* of Mauritsstad to install a Burgomaster or otherwise vice-Burgomaster in the city. Notwithstanding the initial negative response by the High Government, the Board of Directors later decided to create a new office of Burgomaster to 'lighten the workload for the *schepenen*'. However, they did specify that the Burgomasters of Mauritsstad had to be Dutch, from the Reformed religion, and of good standing.²⁸² Even though the initial petition did not immediately resort the requested effect, it did eventually lead to an alteration in the institutional outline of the colony.

Graph 2-2: The success rate of petitions submitted at the *Landdag* of August 1640



The majority of petitions received a positive decision and petitions receiving 'nihil on their request' even form the smallest category. There is not one type of petitions that stands out in this category and it is reasonably evenly spread. That being said, issues of religion were forwarded rather than responding negatively. Among the petitions that requested the same as a petition of another jurisdiction the majority requested something that had already

²⁸² NL-HaNA, 1.05.01.01, inv. nr. 9, [scans 5].

received a positive apostille and no distinction was made between the different captaincies as they received the same response to the same requests. All petitions together thus show the permeability of the colonial government for the Portuguese population. Moreover, the two colonial systems of governance seem to have integrated quite well around 1640. Both the issue with the Burgomasters in Mauritsstad, as well as the formalization and regulation of petitioning to the *câmaras* further show how the WIC did not centralize power in the High Government. Instead, both decision-making and judicial power was highly decentralized and was, to a large extent, left in the hands of Portuguese inhabitants. These inhabitants did not always agree, however. Especially on the issue of the planting, rationing, and taxation of manioc the opinions differed greatly. In the Brazilian Diet's discussion of the Brazilian diet, some wanted prohibitions on mandatory cultivation of manioc, while others wanted prohibition of growing manioc for commercialization. This issue was solved by the High Government's response that these issues should be the authority of the lower jurisdictions and not be regulated on a central level. Another highly contested issue in the colony, albeit with more uniformity amongst the districts, was that of religion.

2.3. *RELIGIOUS AFFAIRS*

If the order of the presented petitions is any indication of the importance in the eyes the presenters they must have thought religious issues were the most pressing as the *câmara* of Mauritsstad started with five petitions that were filed under religion. Religion was the third most prominent category of petitions overall. Other districts also started with religious themes, and can be summarized as petitions requesting the same issues as Mauritsstad. The only *câmara* not requesting the same religious liberties was that from Iguaçu. Instead it requested that local children would be allowed to study in Rome and Spain and to accept priestly duties. This request was forwarded to the Board of Directors. A petition to which the High Government did respond requested that Catholic priests be allowed to visit Catholic criminals before the execution of their death penalty. The government's response was rather ambiguous: it 'hoped everybody would abide to the law' in order to prevent people being sentenced to death. Clearly this had not happened yet. This once more emphasizes that petitions from the *câmaras* were not merely responding to current issues or problems, but

that they took a pro-active role in the institutional framework of the colony; actively lobbying occurred to improve the colony.

The issues that were petitioned by the majority of the jurisdictions involved five themes that were presented as four: [1] The introduction of freedom of religion not just in words, but also in practice; [2] Permission to petition the pope for a vicar-general or bishop in Brazil; [3.1] Sending new Catholic priests from Holland to enter the country; [3.2] The arrangement of financial compensation for Catholic priests; [4] Freedom to express religion 'in the streets, in the church, and in public spaces' without being harassed – in particular by army officers. Issues 1, 2, and 3.1 were put in the hands of Gijsseling who was in charge of bringing these issues to a meeting of the Board of Directors. The High Government did decide on issue 3.2 and 4. The apostille on the petition does not indicate what this distinction is based on, but it seems that 3.2 was a local issue, and 4 was something the High Government already knew the WIC's response to. The High Government allocated the *engenho* of Masurepe to the petitioners, who were allowed to use the income it generated to pay for Catholic priests. A tract of land in Paraíba to grow sugar cane was later added.²⁸³ The old sugar mill of Masurepe would come to play a central role in the information network for dissident religious correspondence.²⁸⁴ Regarding the request permitting Catholics to express their faith in public spaces, the High Government responded firmly and strict: 'The Portuguese are allowed freedom and complete exercise of their religion within the walls of their church', and then added that it would be 'best if they would express their content' to avoid 'other inconveniences'.²⁸⁵ It should be emphasized that this argument mirrored that of several writings of the Brazilian classis in 1641 almost word for word. This general idea was based on the Calvinist theologian Gisbertus Voetius' opinion on freedom of conscience.²⁸⁶ Voetius distinguished two 'freedoms' of conscience. The first is just freedom of the mind, often found

²⁸³ NL-HaNA, 1.05.01.01, inv. nr. 68, [scans 1459-1460].

²⁸⁴ F.L. Schalkwijk, *The reformed church in Dutch Brazil (1630-1654)* (Zoetermeer: Uitgeverij Boekencentrum, 1998), 286-287.

²⁸⁵ 'De Portugeesen wordt toegestaan de libere ende volcomen exercitie van haer religie, binnen hare kercken. En t is best dat sij sich daarmede contenteren om niet eenige andere inconvenientien onderworpen te sijn, daer geen remedie tegen en is', NL-HaNA, 1.05.01.01, inv. nr. 68, [scans 1402-1403].

²⁸⁶ Schalkwijk, *The reformed church*, 290.

in 'Papal' nations according to Voetius. A second type is freedom of private worship of God in the family circle in the domestic sphere, often found in Protestant regions.²⁸⁷

The Board of Directors did not respond to the religious petition regarding the freedom of religious belief and the bishopric. The office of vicar-general (of Paraíba and not Dutch Brazil entirely) had existed since 1627; it had not been manned by a representative of the pope, but by father Gaspar Ferreira since 1636.²⁸⁸ This vicar-general had gained importance after the Dutch had forbidden contact with the Bishop in Bahia in 1635.²⁸⁹ Because a response from the Board of Directors remained forthcoming, the (Catholic) Portuguese inhabitants petitioned again two years later. This time they combined the request for the liberty of conscience with a request to erect a church in Mauritsstad. Again, the High Government responded that it would forward this decision to the Board of Directors, adding that it would 'recommend favorably' on this request.²⁹⁰

2.3.1. The power of the church

As a Church of Dutch origin, the Church in Brazil followed the Church Order of Dordrecht from 1618. The Reformed Church was organized in local consistories (*kerkenraad*), elders (presbyters), and deacons. Transcending the local religious authority was a state-wide classis. The consistory met once a week in Recife and Paraíba under the direction of one of the pastors. The deacons were responsible for poor relief. In the twelve other, smaller churches the deacons took part in the consistory, which met with less regularity. A consistory received its authority from the classis and made decisions by a majority vote. The classis was organized in the beginning of 1636, and was split into two classes six years later; one for Pernambuco and one for Paraíba. This created a synod of these two classes combined. Thus, by 1642 the church hierarchy was local in consistories, regional in classes, and colony-wide in a synod. The High Government relied on a church representative at the synod (political commissioner – which was Codde in 1641) in its dealing with the Reformed

²⁸⁷ H.A. Krop, "The General Freedom which All Men Enjoy in a Confessional State. The Language of Politics in the Dutch Republic," in *The Paradoxes of Religious Toleration in Early Modern Political Thought*, ed. J.C. Laursen and M. Villaverde (Plymouth: Lexington Books, 2012), 73.

²⁸⁸ It is unclear if this the same as Gaspar Dias Ferreira, the *schepen* of Mauritsstad.

²⁸⁹ Schalkwijk, *The reformed church*, 279-280.

²⁹⁰ NL-HaNA, 1.05.01.01, inv. nr. 69, [scan 1122].

Church after 1641.²⁹¹ In fact, a synod was the only means for the colonial secular government to exercise influence on the Church. The synod in the Republic functioned primarily as a means of answering theological questions that exceeded the expertise of the colonial agents.²⁹²

The organization of the Church was paid for by the WIC, but special earmarked funds were furnished by the classes of Amsterdam and Walcheren (Zealand), or by churches in the Republic. More often than not, these were churches in WIC chamber cities such as Delft.²⁹³ Because pastors were paid by the WIC, the interests of the Church and the company were often intertwined. The salary of a pastor was almost equal to that of a naval captain. The salaries of church workers were to be paid directly from church patrimony. When the WIC decided to levy an 'ecclesiastical tax' in the form of a small reduction in pay for all other servants, this caused anger in both Brazil and the Republic. This led to a lobby campaign in pamphlets and petitions by churches in Holland to end this policy.²⁹⁴

The creation of a Synod aimed at resolving two issues. Firstly, it would limit the time pastors had to spend travelling back and forth to church meetings, facilitating a more expedite handling of church affairs. And secondly, it would provide churches the opportunity to appeal decisions at a higher Council. Moreover, the synod would be permitted direct correspondence with synods in the Republic and the political commissioner was bound to be present. The proposal for the synod was sent to the Republic for approval. For church affairs the Directors of the Company had two commissioners in ecclesiastical matters that met with deputies *ad res indicas* (in Indian affairs) from the classis Amsterdam (four) and the classis Walcheren (six).²⁹⁵ The Zealanders were principally against a hierarchical ordering of colonial church affairs that was against the Dordrecht Church Order of 1618, and the Amsterdam classis detested the idea that colonial correspondence would now no longer go through them, but directly to the synod in Holland – South-Holland even.

²⁹¹ Schalkwijk, *The reformed church*, 67-88. Adriaen van Bullestrate in 1642, Hendrik Hamel in 1643, and Codde again in 1644, see: L.J. Joosse, *Geloof in de Nieuwe Wereld: ontmoetingen met Afrikanen en Indianen (1600-1700)* (Kampen: Kok, 2008), 469.

²⁹² D. Noorlander, "Serving God and Mammon: the Reformed Church and the Dutch West India Company in the Atlantic World, 1621-1674" (Unpublished PhD dissertation, Georgetown University, 2011), 47-52.

²⁹³ Pastor Vicent Joachim Soler was sent by the Walloon church in Delft for example.

²⁹⁴ Schalkwijk, *The reformed church*, 238.

²⁹⁵ *Ibid.*, 85.

This came at a time when Walcheren and Amsterdam were criticized in the Republic for trying to monopolize colonial ecclesiastical affairs. Notwithstanding the negative response in the Republic, the synod of Brazil pushed forward. This bolsters the argument that institutions, including religious institutions, were erected and structured in the colony, and not part of a vision from the metropole.

With the establishment of the synod, the political role of the Church changed as well. The representative of the High Government 'bestowed more authority' to the synod, and established worldly authority over ecclesiastical authority as the synods were convened by the High Government.²⁹⁶ Moreover, the Church completed a vertical power structure that allowed for petitions to reach the High Government parallel to the political representative bodies. The ecclesiastical bodies availed themselves of special petitions, called *gravamina*, through which it could voice their requests.²⁹⁷ Even though the authority of the High Government trumped that of the classes or synod, not all issues could be addressed to Johan Maurits and his Council. For example, when Gisbert du Vaux (a suspended minister who was sent to teach indigenous Brazilians about religion in the *aldeia* of São Miguel) raised certain issues, the High Government asked the consistory of Recife for advice on what to do. The consistory responded that this was an issue of the synod and suggested that the High Government should convene a synod to deal with this issue. What exactly Du Vaux addressed originally is unknown, but his writings were characterized as 'very impudent and against all truths' by the consistory, which both in writing and orally expressed its concerns.²⁹⁸ The synod ruled to dismiss Du Vaux from the ministry and he was put on a ship bound for Holland mid-1643, while Johan Maurits and the Council wondered in an accompanying letter to the Board of Directors 'whether he was completely sane'.²⁹⁹

²⁹⁶ Joosse, *Geloof in de Nieuwe Wereld*, 476. NL-HaNA, 1.05.01.01, inv. nr. 69 [scans 1133-1135].

²⁹⁷ Gravamina were originally petitions addressed to representative assemblies in territories of the Holy Roman Empire. In the Dutch context, this is the first and only time I encountered them. For more, see: C. Nubola and A. Würgler, eds., *Bittschriften und Gravamina. Politik, Verwaltung und Justiz in Europa (14.-18. Jahrhundert)* (Berlin: Duncker & Humblot, 2005).

²⁹⁸ NL-HaNA, 1.05.01.01, inv. nr. 69 [scans 1133 and 1148]

²⁹⁹ Schalkwijk, *The reformed church*, 180.

2.4. SLAVERY

A second important theme in the colony of Brazil was that of slavery. An official report on the state of affairs in Brazil from 1639 stated: 'Without these [African] slaves it is impossible to achieve anything in Brazil (...) it is thus necessary that there are slaves. And if anyone finds himself feeling conscience-stricken by this, [these feelings] would merely be unnecessary scruples'.³⁰⁰ In the minutes of the High Government its members reflected that 'it would be better if the sugar mills would be operated by whites', but that laborers could not be expected from Holland, 'nor from Portugal for that matter'.³⁰¹ African slaves were used to work on the plantations, at the sugar mills, in the households of Company employees, for a variety of traditional crafts such as carpentering, bricklaying, and blacksmithing, and as militia.³⁰² It is estimated that when the WIC conquered part of Brazil from the Portuguese there were about 40,000 slaves working on the plantations in Pernambuco.³⁰³ The WIC inherited an organizational structure of slavery that was created by the Portuguese. The slaves were organized in brotherhoods and they had some, albeit small, hope of being manumitted or otherwise to negotiate the possibility of raising their own social status within a slave hierarchy.³⁰⁴ Catholicism was used to further tie the slaves to their masters, and after the WIC takeover some (Dutch Protestant) plantation owners even allowed their slaves to build Catholic chapels to prevent slaves from rebelling or deserting.³⁰⁵ Fighting in a militia provided the African slave with a possibility to petition for

³⁰⁰ 'Sonder alsulcke slaven ist niet mogelijk in Brasil iets uyt te rechten: sonder deselve connen gene Ingenhos malen ende gene landen bearbeyt worden, soo dat nootsaeckelijck in Brasil slaven moeten sijn, ende geensints connen geexcuseert werden, ende dat hem yemant hier in beswaert soude vinden, soude maer een onnodige scrupuleusheyt sijn', "Sommier discours over den staet vande vier geconquesteerde capitania's Parnambuco, Itamarica, Paraiba ende Rio Grande, inde noorderdeelen van Brasil," *Bijdragen en Mededeelingen van het Historisch Genootschap Utrecht* 2, no. 1 (1879): 292-293.

³⁰¹ 'Dat wij oock soo wel considereren dat het beter soude sijn, soo de ingenhos door blanck mensen bearbeyt werden, maer dat oock uijt Holland geene apparentie sulcke arbeijtsluijden te verwachten sijn, niet meer als uijt Portugael, soo dat men hem van negers sal moeten dienen', NL-HaNA, 1.05.01.01, inv. nr 68, [scan 504-505].

³⁰² US-nar, A1810, *Correspondence 1654-1658*, 12:56; NL-HaNA, 1.05.01.01, inv. nr. 69, [scans 1064-1066].

³⁰³ NL-HaNA, 1.05.01.01, inv. nr. 46, "11 Beschrijving van Noord-Brazilië door Gedion Morris, 22-Oct-1637"; R. Parker Brien, *Visions of savage paradise: Albert Eckhout, court painter in colonial Dutch Brazil* (Amsterdam: Amsterdam University Press, 2006), 135.

³⁰⁴ J. Dewulf, "Emulating a Portuguese model: the slave policy of the West India Company and the Dutch Reformed Church in Dutch Brazil (1630-1654) and New Netherland (1614-1664) in comparative perspective," *Journal of Early American History* 4, no. 1 (2014): 9-12.

³⁰⁵ *Ibid.* 15.

manumission after several years of loyal service.³⁰⁶ As a result, the urban spaces in Brazil contained a considerable number of free and manumitted Africans.

The Board of Directors saw no scruples in employing enslaved Africans, legitimizing this by writing that 'it is known that these blacks tolerate the heat of the sun better than us'.³⁰⁷ Religious legitimatization through Protestantism was found in the writings of reverend Godfried Udemans who argued that enslavement was lawful as long as the slaves were not exposed to Iberian Catholicism.³⁰⁸ The Board of Directors stipulated in 1635, and this was implemented by the High Government in 1637, that it was important that slaves were excused from laboring on Sundays and Holidays so that they could attend Protestant church.³⁰⁹ At the same time the Board of Directors thought that the number of slaves dying aboard ships was excessive. Their perspective was not a humanitarian one. Instead, they were concerned that captains reported dead slaves to hide their smuggling.³¹⁰ Anecdotal evidence from one ship in 1637 suggests that 10 of 188, or 5.3 per cent, died in the Middle Passage.³¹¹ The majority of the 23,163 enslaved Africans that arrived in Brazil between 1636 and 1645 came on WIC ships, but occasionally they came by other means.³¹² Some, for example, were supplied by privateers, such as the *St. Poll* from France arriving in Recife in the fall of 1640. The ship had captured a Barbary ship of the coast of La Palma and seized the 56 "Turks" and 10 slaves on board. They had tried to sell these at that island, but a Dutch merchant there told them they could make more money, especially on the "Turks," by bringing them to Brazil.³¹³

Enslaving indigenous Brazilians was a different matter, however. Because the struggle for Brazil was partially justified as an attempt to liberate the Brazilian Amerindians from the

³⁰⁶ J.A. Gonsalves de Mello, *Nederlanders in Brazilië (1624-1654). De invloed van de Hollandse bezetting op het leven en de cultuur in Noord-Brazilië* (Zutphen: Walburg Press, 2003 - Originally published in Rio de Janeiro, 1947: *Tempo dos Flamengos: Influência da ocupação holandesa na vida e na cultura do norte do Brasil*), 184, 198n189.

³⁰⁷ NL-HaNA, 1.05.01.01, inv. nr. 8, 13-Jul-1630.

³⁰⁸ Boxer, *Dutch in Brazil*.83.

³⁰⁹ NL-HaNA, 1.05.01.01, inv. nr. 8, 19-Apr-1635 [scans 154-160]; NL-HaNA, 1.05.01.01, inv. nr. 68, [scan 446].

³¹⁰ NL-HaNA, 1.05.01.01, inv. nr. 9, 29-Oct-1643; NL-HaNA, 1.05.01.01, inv. nr. 9, 3-Nov-1644.

³¹¹ NL-HaNA, 1.05.01.01, inv. nr. 52, [scan 550] reports that 188 left from Guinea, and NL-HaNA, 1.05.01.01, inv. nr 68, [scan 519] reports that 178 arrived.

³¹² Boxer, *Dutch in Brazil*, 138-139; Wätjen, *Das holländische Kolonialreich*, 311. This number is really close to the TSTD, see R. van Welie, "Slave trading and slavery in the Dutch colonial empire: a global comparison," *Nieuwe Westindische Gids* 82, no. 2 (2008): 60.

³¹³ NL-HaNA, 1.05.01.01, inv. nr. 68, [scan 1503].

yoke of the Habsburgs, it was Company policy to liberate indigenous from their Portuguese masters. The Portuguese had not only enslaved Africans from Angola, Guinea, and Cape Verde, but also the Tapuya in the Brazilian captaincy of Maranhão.³¹⁴ The latter were bought and sold by the Portuguese 'just like they traded in Angola', according to WIC documents.³¹⁵ Enslaving Amerindians was legitimized to the Portuguese principals by presenting Indians as cannibals; it was an act of charity to enslave someone instead of allowing them to be cannibalized by rival groups of Amerindians.³¹⁶ In order to liberate the Brazilian Indians from the yoke of the Iberians and in an attempt to make these Amerindians into allies, the Board of Directors had clear instructions for its agents in Brazil that prohibited their enslavement from the early days of the colony. This stance was repeated in 1635 by the States General: 'Brazilians and naturals from that country shall be left in freedom, and not be enslaved in any way whatsoever'.³¹⁷ Nevertheless, the Board of Directors felt it was necessary to repeat its message in letters in 1639.³¹⁸ When the Directors read in 1641 in the minutes of the High Government that some of the *Potiguar*, or other Amerindians hostile to the Company rule, were allowed to be enslaved, and that some of the children were already sold by Johan Maurits and the members of the Council, they were not amused. The Board reiterated that 'it has always been our opinion, and it still is, to excuse all types of Brazilians from slavery' in an attempt to include them among Company allies.³¹⁹

A shift in this policy occurred as the result of a petition presented at the Diet in 1640. The *câmara* of Paraíba complained that the slaves were so expensive that the planters could not afford enough of them to maintain their sugar output. As a solution the supplicants proposed 'to use Brazilians to support the *blancos*'. The High Government deferred a decision and responded that it would seek more information to resolve this issue.³²⁰ When the petition percolated to the tables of the Board of Directors in 1642, the *Heeren XIX* decided to draft new rules regarding the enslavement of Amerindians. The new regulations

³¹⁴ NL-HaNA, 1.01.02, inv. nr. 5754, 02-Jul-1636 Report from the Political Council, [scan 211].

³¹⁵ 'Wat belangt de slaven van Maranhaon, die sijn daer door de Portugesen gehandelt, euen gelijk sij die in Angola handeln', "Sommier discours," 293.

³¹⁶ Metcalf, *Go-betweens*, 177-179.

³¹⁷ 'De Brasilianen ende naturellen van de lande sullen in haere vrijheijt warden gelaeten ende in geenderwijse tot slaven worden gemarcht', NL-HaNA, 1.05.01.01, inv. nr. 48, [scan 20].

³¹⁸ NL-HaNA, 1.05.01.01, inv. nr. 8, 24-Jun-1639.

³¹⁹ 'onsen meijningen is alijt geweest, ende is oock noch, om alle soorte van Brasilianen van de slavernije te exhumeren', NL-HaNA, 1.05.01.01, inv. nr. 8, 10-Jul-1641, [scan 359].

³²⁰ NL-HaNA, 1.05.01.01, inv. nr. 68, [scans 1421-1422].

stipulated that indigenous who were liberated from the Portuguese yoke, or that had supported the WIC in their fight against the Portuguese, would not be allowed to be enslaved. However, individuals that were captured as a result of wars between different indigenous groups and that were subsequently presented for sale should be bought 'by the Company for the lowest possible price'. After all, enslavement was a better fate for natives than being beaten to death if they would have remained unsold. To retrieve their freedom the enslaved Amerindians should labor for the Company for seven years, or be rented out to others with the stipulation that they be let go after seven years.³²¹ The Company did not stipulate a rental price.

Another issue that shows a clear relation between a request and regulations involving slaves was a petition from 4 September 1642, when two *schepenen* from Mauritsstad, Halters and Cavalcanti, appeared in the High Government's meeting. On behalf of the rest of the *câmara* they loudly complained about 'the Negroes from Recife and Mauritsstad who, when collecting grass, water, or firewood in the *varzea*, were cutting the sugarcane in order to consume or sell to others', leading to great financial losses for the owners of the sugar cane.³²² This led to the promulgation of an ordinance (*plakkaat*) five days later. Johan Maurits and the other members of the High Government argued that because of 'the daily complaints presented to them' they were forbidding 'the Negroes from Recife and Mauritsstad to collect grass, water, or firewood in the *varzea*' and to cut sugarcane there for themselves or to take it with them, leading to considerable damages for the owners of the sugar cane.³²³ If an African was found breaking this new rule he would be publically whipped, unless his master paid a fine: the first time 10, the second time 20, and the third time 50 guilders.³²⁴ This clearly shows how legislation was created through petitions. Not only was the incentive to publish this ordinance provided through the petitions from the *câmara* of Mauritsstad, the ordinance also directly copied the rhetoric and some of the phrases from the petition. Another potential solution that could have prevented the Africans from going into the *varzea* to feed

³²¹ NL-HaNA, 1.05.01.01, inv. nr. 9, [scans 22].

³²² 'dat de negros van t Recijff en Mauritsstadt in t halen van gras, water, off branthout doorgaens haer in de rietvelden van de varzea begaven, alwaer sij het riet snijdende om te eeten, en om aen anderen te vercoopen, de labradores groote schade aenbrengē', NL-HaNA, 1.05.01.01, inv. nr. 69, [scan 1087].

³²³ '(...) alsoo ons dagelicx klachten te vooren comen, dat de negros van het recijff ende Mauritsstad ende van dese omleggende quartieren int haelen van gras, water, en branthout te lande waerts haer in de rietvelden van de varzea (...)', NL-HaNA, 1.05.01.01, inv. nr. 69, [scans 1106-1107].

³²⁴ NL-HaNA, 1.05.01.01, inv. nr. 69, [scan 1107].

themselves with sugarcane was to hand out *farinha* to the enslaved Africans. This solution was suggested in the petition too, but discarded by the suppliants because it would increase the price of this staple good too much. The High Government thus also followed the rationale of the petition in the drafting of its ordinance.

2.4.1. Access to institutions for non-Europeans

Enslaved Africans had virtually no access to the High Government. Whereas in New Netherland twelve slaves jointly (successfully) petitioned to be manumitted as early as 1644, there seems to be no evidence that suggests they had similar possibilities in Brazil.³²⁵ The only times requests involving enslaved Africans are discussed in minutes of the High Government, they are presented by Europeans. An example of this is the request from Jan Claesz Cock, captain of the ship *Leyden* arriving from São Tomé in August 1640. Aboard this ship were 49 slaves who were sold through public auction for cash, bringing in an average of 486 guilders per slave.³²⁶ Captain Cock requested to keep 'two young little negroes' for himself. The High Government replied that keeping them was not allowed, but he could purchase them for 100 guilders 'considering that they were very small'. Colonel Hans Coen (or Koin) was allowed the same for 150 guilders for two slaves.³²⁷ Most likely the colonel and captain requested this for personal reasons rather than on behalf of the enslaved Africans. The reason children could be on board slave ships from the West African Coast in the first place, despite their low resell value in Brazil, was that they could be used as pawns for debts by Africans.³²⁸ Other times children could be born on board, or occasionally empathic captains had saved them from a certain death.³²⁹ Enslaved indigenous Brazilians seem to have had equally little opportunity to obtain access to the High Government.

Free indigenous, however, did have formal paths to the High Government, as becomes clear from an example from 28 August 1642. On that day Johannes Listrij, the sheriff of

³²⁵ US-nar, A1809, *Council Minutes 1638-1649*, 4:183-184. The names of the slaves are: Paulo Angolo, Big Manuel, Little Manuel, Manuel de Gerrit de Reus, Simon Congo, Antony Portuguese, Gracia, Piter Santomee, Jan Francisco, Little Antony, Jan Fort Orange.

³²⁶ NL-HaNA, 1.05.01.01, inv. nr. 69, [scan 1015].

³²⁷ NL-HaNA, 1.05.01.01, inv. nr. 69, [scan 1027].

³²⁸ A.A. Diptee, "African children in the British slave trade during the late eighteenth century," *Slavery and Abolition* 27, no. 2 (2006): 187.

³²⁹ See the anecdote of William Snelgrave in M. Rediker, *The slave ship: a human history* (New York: Viking, 2007).

Itamaracá and commander of the 'Brazilians', stepped into the offices of the High Government. He handed over several petitions dealing with Brazilian affairs, including a suggestion to appoint a Dutch captain 'being a married man of good life' to oversee the indigenous *aldeias* (rural settlements) in order to combat the misuses and disorders there.³³⁰ But he also petitioned on behalf of certain indigenous individuals. This included the leader of the *Tapuya* requesting payment of a piece of cloth valued at 24 guilders and regulations regarding the grazing of private and company cattle.³³¹ Linen (*lijwaten*), and occasionally some dried fish and farinha, were the usual currency to pay Brazilian military allies. These soldiers received eight yards (*ellen*) of linen and officers received a hat in 'Holland' or 'Spanish' fashion and shoes on top of that. Men and women were paid equally.³³² None of these were major issues, but they do however show how indigenous Brazilians had access to the High Government.

It was also thanks to a petition by a one of the Amerindian leaders, Paraupaba, that the indigenous Brazilians received more authority and autonomy. Paraupaba was one of the eleven Indians accompanying Johan Maurits on his return voyage to the Republic in May 1644. In the Republic, he had an audience with the Board of Directors in November that same year. During this meeting, he was promised more freedom for the Amerindians, and in particular received in writing the stipulation that they would never be enslaved.³³³ The meeting of the Board of Directors went as far as to promise that they would 'consider them as Dutch as long as they stayed loyal to this state'.³³⁴ Upon Paraupaba's return in Brazil in March 1645 the High Government drafted a new structure. There would be three *regedores* that were selected from the indigenous Brazilians by Johannes Listrij, who was to become the 'Director of the Brazilians'. *Regedores* had been intermediaries between the Indian nations and the WIC since the early days, but they had been of Dutch origin and appointed by the

³³⁰ NL-HaNA, 1.05.01.01, inv. nr. 69, [scan 1044].

³³¹ NL-HaNA, 1.05.01.01, inv. nr. 69, [scan 1046-1047].

³³² NL-HaNA, 1.05.01.01, inv. nr. 68, [scans 486, 489]

³³³ NL-HaNA, 1.01.02, inv. nr. 5757, 24-11-1644 Copy of the letter of freedoms for the Brazilians, [scan 561-563].

³³⁴ 'ende te houden als Nederlanders soo lange sij in gehoorsaemheijt blijven aen desen staet', NL-HaNA, 1.01.02, inv. nr. 5757, Report on the meeting of the Heeren XIX for the States General, [scan 552].

Board of Directors in the Republic before 1645.³³⁵ Moreover, the indigenous Brazilians could now nominate *schepenen* for their own jurisdiction, and each college of *schepenen* was presided by a *regedor*.³³⁶ Thus, like the authority over the Portuguese inhabitants in 1640, that over the Amerindians was now further decentralized, and formalized through governing bodies by the indigenous population. For its implementation, the WIC made use of Portuguese institutions that had been several decades old. Decisions on who would be selected in these new political bodies were made in Brazil and not, as previously, in the Republic. It should be emphasized here that this change did not come about as a result of a process of bargaining by the indigenous after the WIC failed to establish authority over them. Instead, the WIC saw this as an opportunity to thank their allies in the fight against the Portuguese enemies. This institutional change thus occurred because of lobbying and cooperation.

The examples of slavery and access to governmental bodies in Brazil reinforce the notion that individuals, including Portuguese inhabitants, had a large influence on the implementation and shaping of institutions in WIC Brazil; this explicitly included the institution of slavery. Whether regarding larger issues such as who could be enslaved or smaller issues such as the mobility of enslaved Africans, individuals made a difference.

2.5. THE POSSIBLE CONSEQUENCE OF TOP-DOWN DECISION-MAKING

It might of course be a confirmation bias in the sources to argue that individuals made a difference in implementation and shaping of institutions. Petitions were an important tool for influencing institutions, so studying petitions may overemphasize the importance of individuals. Therefore, it is important to delve into the possible consequences of a decision made by the Board of Directors to change institutions in a more top-down fashion through an example from 1642 as it showcases several layers objections to metropolitan decisions. As it is widely known, the WIC was always short on cash and in an attempt to remedy the

³³⁵ Gerrit Barbier was appointed the *regedor* of the Brazilians in 1635 for example, see: NL-HaNA, 1.05.01.01, inv. nr. 8, 1-Aug-1635.

³³⁶ Meuwese, *Brothers in Arms*, 170-171.

excessive spending in Brazil the Board of Directors looked for ways of limiting spending and increasing revenue.

The solutions proposed by the Board of Directors on 18 April 1642 did not sit well with Johan Maurits, the Council of Justice, and the Reformed ministers. In their letter, the directors wrote that they could not understand why the High Council had been so generous in handing out a total of 52 enslaved Africans to servants of the Company. They referred back to their original instructions, which only allowed certain groups (of higher social status) use of Company slaves. The slaves distributed to other groups should be reclaimed and sold to the highest bidder.³³⁷ In an attempt to create a more financially sustainable colony, the Directors continued, the new policy would be to end rent-free living arrangements, 'both for Ministers (...) and for all other higher and lower officers, and servants of the Company'.³³⁸ Without further ado, the Company should liquidate all of its possessions, excluding the public buildings and warehouses through public auction. In an attempt to encourage peopling the colony 'by the Dutch nation' and to compensate for this new renting arrangement, the Directors decided it was wise to increase the pay for married servants and officers with 25 percent to 200 or 250 guilders. The Council of Justice would henceforth consist of seven instead of nine individuals, so the WIC did not have to pay for replacement of the two recently deceased members.³³⁹

The public auction of WIC property was executed without delay. After an appraisal of the available lands and buildings, the High Government auctioned 33 lots in Recife and Mauritsstad. This generated a total revenue 153,400 guilders for the WIC. It is not specified how the individuals came up with the money to purchase the lots. One option is that it came out of the wages the WIC owed to them other forms of credit or loans. Another option was that it was paid in installments. An example of the latter also happened in 1637 when Servatius Carpentier bought the *engenho* of Jeronimo Cavalcanti for 60,000 guilders paid in 6 installments in a six-year period. A third option was that the individuals either had the cash, or could obtain a letter of exchange for these amounts from Europe.³⁴⁰ In either case it

³³⁷ NL-HaNA, 1.05.01.01, inv. nr. 9, 18-Apr-1642, [scan 16].

³³⁸ NL-HaNA, 1.05.01.01, inv. nr. 9, 18-Apr-1642 [scan 24].

³³⁹ NL-HaNA, 1.05.01.01, inv. nr. 9, 18-Apr-1642 [scan 25].

³⁴⁰ Matthias Beck drew 3,000 guilders in his capacity as Brazilian agent for Jan Hoeufft for example, see: NL-HaNA, 3.03.02, inv. nr. 669, [scan 226], for the extended sentence see inv. nr. 818, [scan 62]. I would like to thank K.J. Ekama for providing these references.

alleviated the pressure on the WIC accounts. The highest grossing piece of property was one on the Hanendijk overlooking the water, which sold for 14,300 guilders to Maerten Meijnderts van der Hart. Van der Hart also bought two other properties on the Oude Markt and the Breetlaenstraat. Who he was, remains unknown. Other buyers included members of the Council of Justice, such as Gijsbert de Wit and Hendrick de Moucheron. Matthias Beck bought the priciest lot per square feet (*voet*) in Recife on the Zeestraat for 9,500 guilders. Jacob Hamel, the member of the High Government, also bought some property land of 20 by 54 feet for 1,800 guilders. This plot was in Mauritsstad where the average prices were significantly lower than in Recife, as can be seen in Table 2-1. Most individuals bought only one piece of property, but Gillis van Luffel bought no less than four properties for a total of 16,700 guilders. This earned him the label of ‘house speculant’ by Wätjen.³⁴¹

Table 2-1: Property auction prices Recife / Mauritsstad September 1642

#	Location	width	depth	feet ²	buyer	price	price/feet ²	
1	Hanendijk	34	35	1.190	Maerten Meijnderts v.d. Hart	f 14.300,00	f 12,02	
2	Pontstraet	19,5	46	897	David Otsenboren	f 7.400,00	f 8,25	
3	Pontstraet	19,5	60	1.170	Pieter Jansz van Swol	f 6.500,00	f 5,56	
4	Breetlaenstraet	19,5	60	1.170	Hendrik de Moucheron	f 6.000,00	f 5,13	
5	Breetlaenstraet	19,5	60	1.170	Gillis van Luffel	f 6.400,00	f 5,47	
6	Oude markt	21	23	483	Gillis van Luffel	f 7.000,00	f 14,49	
7	Oude markt	21	23	483	Maerten Meijnderts v.d. Hart	f 5.700,00	f 11,80	
8	Heerestraet	20	24	480	Gerrit Bas	f 5.600,00	f 11,67	
9	Breetlaenstraet	20	23	460	Maerten Meijnderts v.d. Hart	f 4.300,00	f 9,35	
10	Breetlaenstraet	20	23	460	Samuel Gansepoel	f 6.000,00	f 13,04	
11	Heerestraet	25	40	1.000	Hendrik de Moucheron	f 5.500,00	f 5,50	
12	Breetlaenstraet	12,67	40	507	Andries Heijm	f 3.500,00	f 6,91	
13	Breetlaenstraet	12,67	40	507	Gerrit Maessnoeck, timmerman	f 3.000,00	f 5,92	
14	Heerestraet	16	23	368	Jacques van de Velde	f 2.500,00	f 6,79	
15	Heerestraet	16	23	368	Godefrij van Wessem	f 2.400,00	f 6,52	
16	Heerestraet	16	23	368	Jan Rochelsz Peijlder	f 2.600,00	f 7,07	
17	Heerestraet	13,5	40	540	Jacob Baran Fidorem	f 2.600,00	f 4,81	
18	No street name	13,5	40	540	Godefrij van Wessem	f 2.500,00	f 4,63	
19	No street name	19	40	760	Gijsbert de Wit	f 2.600,00	f 3,42	
20	No street name				No buyer	f -	f -	
21	Zeestraet	27,5	23	633	Matthias Becx	f 9.500,00	f 15,02	
22	Zeestraet	24,5	23	564	Andries Heijm	f 6.000,00	f 10,65	
23	Pontstraet	15,5	31	481	Pieter van Heeden	f 3.900,00	f 8,12	
24	Pontstraet	18	46	828	Johan Angeram	f 6.500,00	f 7,85	
25	Pontstraet	16	46	736	Rens de Mouchij	f 6.900,00	f 9,38	
26	Pontstraet	16	46	736	Jan Parent	f 6.800,00	f 9,24	
27	Geweldigstraet	16	45	720	Samuel Wensels	f 5.600,00	f 7,78	

³⁴¹ Wätjen, *Das holländische Kolonialreich*, 245-246.

28	Next to the secretary of JM	20	100	2.000	Pieter Marissingh	f 2.500,00	f 1,25	Mauritsstad
29	Next to # 28	20	12	240	Hendrik de Moucheron	f 1.800,00	f 7,50	Mauritsstad
30	Next to # 29	20	54	1.080	Gillis van Luffel	f 1.600,00	f 1,48	Mauritsstad
31	Next to # 30	20	54	1.080	Gillis van Luffel	f 1.700,00	f 1,57	Mauritsstad
32	Next to # 31	20	54	1.080	Jacob Hamel	f 1.800,00	f 1,67	Mauritsstad
33	Next to # 32	20	54	1.080	Casper van Heusden	f 2.400,00	f 2,22	Mauritsstad

Source: NL-HaNA, 1.05.01.01, inv. nr. 69, [scans: 1110-1115].

2.5.1. Johan Maurits' reaction

The Board of Directors drafted an individual letter to the Governor-General that was sent parallel to the general correspondence. The *Heeren XIX* confirmed the reception of Johan Maurits' two previous letters in which he asked for a termination of his contract and return home. There has been some debate about the sincerity of Johan Maurits' requests to return to the Republic, as he also kept emphasizing the need of his presence in the colony, and the High Government kept forwarding requests of Portuguese inhabitants that did not want him to leave (see above). It seems not unlikely that Johan Maurits provided his principals with ambiguity and two scenarios so nobody's honor was damaged – especially not that of the Governor General himself. If the Board of Directors wanted to terminate his contract, it could justify its decision by referring to Johan Maurits' own request. If the Board preferred to keep him and the high costs that accommodated him in Brazil, it could justify its decision with the argument that it supported the wishes of the Portuguese inhabitants. Because of these two scenarios, the Board of Directors started its letter to Johan Maurits with this predicament. On the one hand the current situation of the colony was in great need for the person of Johan Maurits, and on the other hand they needed to take Johan Maurits' repeated requests in 'good and reasonable consideration'.³⁴² The Board of Directors found a compromise by requesting Johan Maurits to remain their highest servant for one more year, followed by the promise that he was granted a return to the Republic. The Board did make what it called small alterations to his payment. Instead of the 'free table' Johan Maurits had enjoyed, he

³⁴² 'aen de een zijde dat de gestaltenisse van de compagnie geenssints toe en liet den dienst van u Ex:tie persoon te connen missen, maer deselve in soodanige conjuncture van tijden als de gelegentheijt doenmaels mede bracht ten hooghste van node te hebben, ende aen de ander zijde goet en billick reguart nemende op het voorsz: versoeck en soo yterativelijck bij missive als mondelinghe rapporten van de gewesen hooge secrete raaden gedaen', NL-HaNA, 1.05.01.01, inv. nr. 9, 18-Apr-1642 [scan 26].

would from now on receive 1,000 guilders a month for his courtly household.³⁴³ These 1,000 guilders were less than half of what Johan Maurits spent on his table per week, and would not even cover the 1,400 jugs of French wine his courtly household consumed every month; let alone the additional 320 jugs of Spanish wine, 680 jugs of beer, or any of the other items.³⁴⁴ For this last year the directors gave Johan Maurits specific instructions as what to achieve. Since Portugal, after its independence from the Spanish crown (1640), was no longer the enemy of the Republic the size of the army in Brazil could be reduced, the Board of Directors argued. The Directors proposed a new structure of eighteen army companies and corresponding officers – ‘most capable’ and preferably from the Dutch or German nation; thus excusing the English, Scottish and French.³⁴⁵

After Johan Maurits had received and read his letter he arrived fuming out of anger at the meeting of the High Government. Whereas the minutes of the meeting are generally quite brief, the reaction of Johan Maurits covers four folios. He started by discrediting the political weight of the letter from the Board of Directors. After all, it contradicted the correspondence he had had with the members of the States General, and should an important and far-reaching decision not be accorded by the highest body? Again, a member of the nobility, in this case Johan Maurits, provides insights in their vision of sovereignty and governance. It was unbecoming for “simple” merchants to dictate a member of the nobility what to do. It is exactly for this reason that the Governor-General preferred to have correspondence with the States General or the Stadtholder and failed to inform the Directors properly.³⁴⁶ Without the express order of the States General he would not leave his post. And since when was it appropriate to reduce one’s pay after the contract was extended – was it not normal to increase the salary in such a situation? Moreover, the allocated 1,000 guilders was several thousands of guilders short to afford a courtly household ‘for a person of his quality and rank’. He would not even be able to afford his courtly household from his normal income - even if he wanted to. Considering the loss of income through prize money

³⁴³ NL-HaNA, 1.05.01.01, inv. nr. 9, 18-Apr-1642 [scan 28].

³⁴⁴ NL-HaNA, 1.05.01.01, inv. nr. 56, [scans 1469-1470].

³⁴⁵ ‘voornamentlijk wel lettende op goede ende bequame officieren soo veele doenlijck van Nederlandtse ende Duijtse natie en excuseert Engelse, Schotten en Fransen’, NL-HaNA, 1.05.01.01, inv. nr. 9, 18-Apr-1642 [scan 27].

³⁴⁶ Visser and Plaat, *Gloria parendi*, I/96, see also 79.

now that the treaty with Portugal was signed, he was deprived of another 22,000 guilders yearly.³⁴⁷

2.5.2. The Reactions from the Council of Justice and the ministers

The next day a selection from the members of the Council of Justice appeared at the meeting of the High Government. They had received the order from the Board of Directors regarding the termination of rent-free living, and limitation of their pay and use of enslaved Africans. They had discussed the matter amongst each other, and resolved that the best way to proceed was to come to the High Government and orally 'announce that they were of the opinion that they were unable to continue their service in administering justice on these conditions'.³⁴⁸ This was a breach of contract from the Directors, they argued, and therefore they considered themselves discharged and would from now on live as free burgers unconcerned with Company affairs. The High Government tried to postpone their discharge by requesting that the members of the Council of Justice put their opinion in writing.

The High Government probably did not expect the Council of Justice to return later that same day with a letter in hand that was signed by all its members.³⁴⁹ In the letter the Council members repeated their opinion, and argued that even though their salary increased to 200 guilders this effectively meant that their financial compensation was more than halved due to the high rent in Recife.³⁵⁰ Before replying to the Council of Justice, the High Government deemed it better to draft and send a letter to the Ministers, also informing them about the new regulations regarding the financial compensation.

The next day, 21 August 1642, the High Government reacted to the letter from the Council of Justice. The Government deemed it wise to keep the public unaware of 'this confusion', and thought it could convince the Council members to revise their position. Hence it summoned the members of the Council, and warned for the great calamity awaiting Brazil if they persisted in their resolution and adding that it had already received complaints about the maintenance of justice. Therefore it 'friendly admonished and most gravely

³⁴⁷ NL-HaNA, 1.05.01.01, inv. nr. 69, [scans 1017-1022].

³⁴⁸ 'ende dat sij daer op gesamentlijck geresolveert waeren, sijn Ex:tie en de Heeren Hooge Raeden te coemen aendien en dat sij niet van meeninge waeren op die conditien in haere bedieninge te continueren van de justitie de administreren', NL-HaNA, 1.05.01.01, inv. nr. 69, [scans: 1024-1025].

³⁴⁹ President Gijsbert de Wit, and the members Daniel Alberti, Nunno Olferdi, Balthasar van de Voorde, and public attorney Hendrick de Moucheron.

³⁵⁰ NL-HaNA, 1.05.01.01, inv. nr. 69, [scans 1026-1027].

requested' the Council members to continue their service.³⁵¹ The Council of Justice could not be persuaded, and now emphasized that it thought the way the Board of Directors handled this affair was wholly ill-mannered.³⁵²

As the Council of Justice stormed out, the united ministers from Recife, Mauritsstad and the French, Anglican, and German Churches came marching in.³⁵³ They also had grave objections to the resolution from the Board of Directors. Quoting Corinthians and other parts of both the New and Old Testament, the Ministers argued that it had been the case throughout time that those preaching God's word received the necessary compensation. Limiting the use of Company slaves was less of an issue for the Ministers as they were only used as servants. However, if the High Government would not find a way of freeing the ministers of their high rent costs, the latter would be forced to say goodbye to Brazil for good.³⁵⁴ Without resolving anything meaningful, the High Government revisited the issue the next day.

Again, the members of the Council of Justice appeared before the High Government. Johan Maurits and the other honorable members tried to appeal to the Council's responsibility for the greater good. Would its members not consider the impending doom and confusion in Brazil if they continued their strike, in particular considering the many criminals that still needed to be sentenced for serious offences? The Council members would not give in and replied that such disorder was hardly their responsibility, and added that their honor was impugned by this whole affair. In a society where social capital functioned like money, tarnished honor and reputation was the worst possible predicament. The High Government was faced with two groups that were either on strike or otherwise threatening to strike. Without the Council of Justice even willing to negotiate, the High Government felt the pressure of public opinion and had no other option than to give in to the ministers' demands. Johan Maurits and the others resolved that the ministers would be allowed to stay in their houses for the time being because 'they had already received so many complaints about the stagnation of justice and they did not want to upset the people any further' by also

³⁵¹ 'vriendelick vermaent ende op t ernstichste versocht', NL-HaNA, 1.05.01.01, inv. nr. 69, [scan 1028].

³⁵² NL-HaNA, 1.05.01.01, inv. nr. 69, [scan 1028-1029].

³⁵³ Vincent Joachim Soler, Samuel Bachiler, Fredericus Kesselerius, Samuel de Coninck, and Franciscus Plante.

³⁵⁴ NL-HaNA, 1.05.01.01, inv. nr. 69, [scan 1029-1030].

obstructing religious service.³⁵⁵ In other words, they obeyed, but did not comply to the orders of the Board of Directors since on-the-spot information and pressure forced them to make another decision.

With the issue of the ministers solved for the moment, the High Government could now focus its attention on the Council of Justice. In an attempt to let the Council members come to their senses, or at least reduce their anger it let the issue rest for a few days. Before it summoned the Council of Justice again on 28 August 1642, Johan Maurits, Hendrik Hamel, Adriaan van Bullestrate, and Dirk Codde van den Burgh came together to discuss how they could get the Council of Justice back to work, while also complying to the instructions of the Board of Directors. They devised a five-step-plan. First they would try to appeal to the Council's feeling of responsibility. They would pressure them by showing the petitions and complaints they had received in the past few days, and emphasize the necessity of quick conviction for the recently captured wandering illegal traders (*boslopers*).³⁵⁶ Step two was to ask the Council members if they could maintain their posts while expressing their grievances to the Board of Directors and awaiting replacement. Step three was to offer the Council members the option of moving into the courthouse (*Raadhuis van de Justitie*) and live there free of rent. If these solutions did not work, step four was that the High Government, 'in the power invested in them by the States General, his Highness, and the WIC', would command the Council of Justice to obey the orders from the Board of Directors.³⁵⁷ If even this would not sway the Council of Justice into obedience, the High Government would 'coerce them with brute force'.³⁵⁸ This was the ultimate and fifth step.

When the Council of Justice persisted in its standpoint after the third step, the tension rose in the meeting of the High Government. Johan Maurits and the other honorable members had no other options than to command the Council to follow the instructions of the Board of Directors. The councilors obeyed, but remained protesting that these instructions

³⁵⁵ 'is goetgevonden om de gemeijnte alrede over het stilstant van de justitie klachtich wesende niet meer te ontrustigen, de predicanten voor als noch in haere oude wooningen te laeten verblijven'

³⁵⁶ For *boslopers*, see: Shaw Romney, *New Netherland connections*, 138-141.

³⁵⁷ 'uijt crachte van commissie en instructie aen sijn Ex:tie ende Hooge Raeden gegeven van wegen de heren Staten Generael, sijn Hoocheijt en Generaele Westindische Compagnie'.

³⁵⁸ 'met de stercke hant constringeren'.

were not in accordance with the original agreement, and alleged that they would seek payment according to their original instructions.³⁵⁹

This had resolved the issue of the Council of Justice, but that of the ministers had only been solved temporarily. On the first of September four individuals stepped into the meeting of the High Government: Samuel Halters and Albert van Krengel as presbyters, and Albert Warnsing and Hendrick Haecxs³⁶⁰ as deacons, together representing the consistory of Mauritsstad and Recife. The consistory had heard from the ministers about the new regulations regarding the costs of rents. They provided a lengthy petition with four reasons why the WIC should reconsider its position on rent-free living for the ministers. Firstly, this was now the only place in the world where ministers were expected to pay for their own rent. Secondly, the rent in Recife was higher than their salaries. Thirdly, the ministers did their work for religious creed and not for greed. And lastly, the consistory was very satisfied with the work the ministers were doing. They gave the High Government these arguments to consider, and added that without God's Church Brazil could not exist, and 'would be cursed instead of blessed'.³⁶¹ The High Government responded that it did not possess the power to change decisions from the Board of Directors, but that it deemed it wise to forward the arguments of the consistory to the *Heeren XIX*.

This postponed the issue until the High Government received the letter from the Board of Directors dated 29 October 1643. In this letter they acknowledged the large number of petitions and complaints the High Government received because of the new rent regulations. It was important to them that all ministers received the same treatment. The WIC chamber of Groningen had put pressure on this issue by appointing a new Minister, Lambertus Ritsema, and promising him rent-free living. In negotiating this deal with the chamber it may have helped that Lambertus' brother, Geert, was a main investor and thus had considerable influence, while his other brother, Obbe, was the mint master (*muntmeester*).³⁶² In order to maintain equality, the Board of Directors proposed that the High Government could build new accommodations, financed according to the *negensleutel*, where all the Ministers could

³⁵⁹ NL-HaNA, 1.05.01.01, inv. nr. 69, [scan 1042-1044].

³⁶⁰ See also Chapter 5.

³⁶¹ 'Ende in plaets van segen veel eer vloeck state te verwachten', NL-HaNA, 1.05.01.01, inv. nr. 69, [scan 1078-1080].

³⁶² Winter, *WIC ter kamer Stad en Lande*, 28, 41, 224-226.

live together in exchange for a 'reasonable' rent.³⁶³ The High Government would have the decision-making power to appoint a good location for this establishment.

This last section on the possible consequences of top-down decision-making has shown important downsides. Notwithstanding the good intentions of the Board of Directors of increasing the revenue for the company and limiting the expenses in Brazil and thus maintaining the colony, not all solutions were met with approval. Moreover, there seems to have been an extraordinary disconnect between what the Directors in the Republic knew, and what the reality in Brazil was. The High Government did not waste much time auctioning WIC property, and it diligently informed the Council of Justice and the ministers of the new regulations. Neither the High Government, nor the Board of Directors probably foresaw that the Council and Ministers could go on strike. It is hard to say whether the members of the Council of Justice would later (successfully) sue, or threaten to sue, the WIC for a breach of contract and thus still receive (part of) their payment. Considering the tedious process of decision-making in regard to the payment and rent of the ministers, the Council members only obeying the rule under protest, and the fueled anger of Johan Maurits, it can be argued that a top-down decision-making process was in the end costlier (albeit not in the economic sense) for the WIC to rule in this fashion. Allowing participatory decision-making, in which issues percolated through the *câmaras* to the High Government, allowed for more acceptance of the rule of the WIC, and thus cheaper and more efficient governance. However, cheaper governance of course did not automatically equal more profitability for the Company, and it is exactly this tension that came to the fore in the objections to the Board of Director's decision.

Both the case of the ministers, as well as that of the Council of Justice, show a willingness from the High Government to negotiate in decision-making. The strategy employed vis-à-vis the Council started with three scenarios that relied on negotiation. Coercion and use of power were only applied when these scenarios had run dry. In their proposition of building a new accommodation for the ministers, the Board of Directors sought to find a compromise where the ministers could still find affordable housing, while the WIC limited their expenses.

³⁶³ NL-HaNA, 1.05.01.01, inv. nr. 9, 29-Oct-1643, [scan 140-141]

There are two additional interesting points regarding petitions in Brazil. The first point is that petitions could also be used by the High Government in an attempt to pressure the Council of Justice into obedience. Petitions were thus clearly considered a voice of the inhabitants that could be employed not only to convince, but also to apply pressure. As mentioned above, the policy of the High Government was partially influenced by public opinion, but it could also use public opinion to pressure other bodies. The second point is that the petitions and complaints that the High Government wanted to show to the Council of Justice are neither in their minutes, nor in their correspondence, nor in their secret minutes. In other words, there must have been many more petitions than the ones found in the sources. This is not the only occasion on which the High Government casually mentions other petitions it received without any further traces of these petitions in their minutes.

2.6. CONCLUSION

After the WIC had conquered the colony in Brazil from the Portuguese they inherited Portuguese political bodies such as the *câmaras*. The integration of the existing governmental infrastructure in the colonial system of the WIC was a process of negotiation largely fueled through petitions. Thus, this chapter has argued that the individuals in Brazil had ample opportunity to implement and influence the institutions of the Dutch Atlantic through negotiations. Clear examples are the formal institutions in the form of regulations. This included institutions of religion, slavery, justice, and trade. Moreover, as a result of the petitions the WIC colony in Brazil actually had regulations that improved the quality of sugar on a global market before the Portuguese, who only adopted these regulations after they had taken over Brazil in the 1650s.

Petitions were the primary vehicle for individuals in Brazil to influence these institutions through a process of structuration. Individuals without formalized access to the highest political body, such as enslaved Africans, relied on go-betweens who allowed these groups “to speak”. It is impossible to assess what made these proxies petition, and to what extent they are at all voicing the concerns of these individuals, and what was lost in translation. For the Portuguese the ‘translation’ became less of an issue as they were allowed Portuguese

representation in the Council of Justice on cases that involved them. This came on top of the Portuguese administering their own lower justice in *câmaras* that were at least partially manned by Portuguese. This last privilege was enjoyed by the Amerindians too after 1645. Petitions triggered these changes in the institutional framework and as such petitions were paramount for the 'working' of the colony.

Allowing individuals the possibility of structuration made sense from a Company point of view too. This participatory form of governance ensured the WIC less resistance to institutional changes. Petitions are a rational, efficient, and sensible option when compared to top-down decisions that could result in a strike such as in 1642. The period 1637-1646 can be characterized as continuing decentralization of authority in Brazil. This was the result of petitions to the High Government, some of which were forwarded to the Board of Directors. Petitions had a high success rate, but not because of their ubiquitous quality. That they were not all of good enough quality, becomes clear of the share of 'inadmissible' petitions. Most likely this was because both the WIC in the Republic and the High Government in Brazil were susceptible to petitions that were presented to them.

The rhetoric of Portuguese petitions appears to often transcend the interest of the individual; either the Company would lose because of lower sugar production, or (all) the sugar owners would be harmed financially. This indicates that the petitions aimed at contributing to a fruitful negotiation rather than only seeking the pursuit of their own interest. That is not to say that they did not primarily promoted regulations that could benefit themselves.

Religious authority created parallel access to the Republic that could be appropriated by the inhabitants in Brazil for the purpose of lobbying. As the classis in Brazil could correspond with the classes in the Republic, this created a parallel stream of information and correspondence that could be employed. The same applies to the correspondence between the Brazilian synod and that in the Republic. It is difficult, if not impossible, to prove that the WIC chamber of Groningen appointed Ritsema according to the old regulations regarding the payment of his accommodation, but it is not entirely unlikely that it did so because of correspondence coming through the networks of the church. Moreover, their *gravamina* were special interest petitions that carried extra weight in decision-making.

When considering all the discussions above, it becomes apparent that the way in which Dutch Brazil functioned internally was largely a consequence of negotiation. The structuration through petitions allowed inhabitants of the colony a good bargaining position, and the WIC was willing to negotiate. Lobbying, negotiations, and high-rising tensions were of course not exclusive to the colony. The next chapter will demonstrate how conflicting forces went head-to-head in the Republic and sought a release valve in the colony as a decisive mediator.

