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THE COUNCIL OF STATE IN BRAZIL,
1841 - 1899:
ITS INFLUENCE DURING THE REIGN OF DOM PEDRO II.

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After its independence, Brazil, unlike the neighboring Latin American states, established a monarchical form of government. The monarchy ruled with the assistance of a Council of State, one of the most powerful but least understood institutions of the government, and one without a parallel in the Americas after 1810. Its members, mostly nobles, were chosen by the Emperor to serve in the Council on a permanent basis, and their tenure, as well as their proximity to the throne, led to the exercise of great influence and power. A preliminary survey of the functions, jurisdiction, and socio-economic composition of the Council of State in Brazil during the reign of Dom Pedro II (1840-1889) will illustrate how, in the context of a traditional economic system characterized by an export-import economy based on slave labor, the influence and power of its members became an impediment of innovation and development. The right to free enterprise without governmental control, and the incentive and promotion of free trade and commerce were some of the issues facing the Brazilian government during the period. In both issues the Council of State was called upon to deliberate. Yet, no attention has been given to the role of this institution in government. The purpose of this paper is to place in evidence the importance of the Council of State in the decision-making process during the reign of Dom Pedro II, and demonstrate that neither its existence nor its role can any longer be ignored.

European Background of the Council of State in Brazil

The historic roots of the institution of the Council of

State lie in the medieval Council of the King. This consultative body consisted of men of knowledge, experience and prudence who advised the monarch on important administrative matters. The two European monarchies that are the most relevant for setting the scene for the Council of State in the Luso-Brazilian world are the French and Spanish.

In France, the Council of State was formally created by Napoleon in 1799. Its functions consisted of preparing projects of law and regulations of public administration, resolving difficulties of administrative nature, and advice on all matters requested. For administrative purposes the Council was divided into five sections: legislative, interior, finance, administrative, and judiciary. This administrative format of the French Council of State was later adopted for the Council in Brazil. In France, it became an essential feature of the Napoleonic state, and, together with the Code Napoleon, was adopted by many countries.¹

In Spain, under Ferdinand and Isabella, it was the Council of Castille, which had originated in the medieval Royal Council of the Kings of Castille that served as the model for all subsequent councils that formed the core of Spanish colonial administration. Under Charles V, whereas the regional councils were supposed to study, prepare, and recommend legislation for their respective geographical areas, the Council of State had no regional function, political influence, or administrative significance.² It was under Philip II that the Council of State was given the responsibility for the study, preparation and formulation of policies on domestic matters

with the additional task of overseeing all matters of foreign relations of relevance to the kingdom.³ Like other Spanish councils, it combined legal and administrative functions but, in counterdistinction to regional councils which could be recognized as genuine regional administrative bodies, the natural tendency of the Council of State in the exercise of its functions was toward centralization.

In Portugal, a consultative body to advise the king is mentioned as early as 1385, when Dom João, Master of Avis, was acclaimed king of Portugal. On that occasion, the Cortes of Coimbra, an early version of the general assembly without legislative power, obtained from the King the promise to listen to their advice on all important administrative matters.⁴ In the Ordenações Affonsinas of 1447, a compilation of the laws of the kingdom by Affonso V, the basic functions of royal counselors in Portugal were described for the first time. Quoting Solomon, that there was no worse fate than to have an enemy for an advisor, the Ordenações stipulated that counselors be men of virtue, sobriety, and loyalty to king and nation. They further stipulated that counselors should study, understand, and examine in depth all matters submitted to their deliberations, and be aware of their responsibility to offer good counsel.⁵ But a consultative body designated as Council of State was only established in Portugal in 1562 by Cardinal Dom Henrique during the minority of Dom Sebastião who, in 1569, after his ascension was to give that

body the same functions that it had in Spain under Philip II. No further alterations occurred for two and a half centuries. Only in 1822 did the new constitution stipulate the length of tenure in office and the method of selecting its members. Incumbency was of four years instead of life, and the Cortes nominated a number of candidates from whom the king would choose his advisors.⁶ Shortly afterwards, the constitution charter that superseded the 1822 Constitution made appointment to the Council of State in perpetuo, and the choice of counselors the exclusive prerogative of the king.

In Brazil, the historical roots of the Council of State lie in the Councils of Portugal and Spain, but its format was similar to that of France. Ostensively designated as an advisory body to the emperor, it became in reality a powerful and influential administrative and legislative organ of government.

Functions, Jurisdiction, and Hierarchy of the Council of State

The Brazilian Council of State was created in 1824 by the first constitution of the Empire. During the reign of Dom Pedro I, 1822-1834, the members of the Council were mostly Portuguese born, a fact that caused great dissatisfaction among Brazilians who interpreted it as an attempt to perpetuate Portuguese influence in Brazil. After Dom Pedro's abdication, in 1834, the Council of State was abolished by the

Regency during the period of his son's minority. In 1841 it was reinstated again by Dom Pedro II shortly after his ascension to the throne. As was customary, nomination for the position was a prerogative of the emperor and incumbency was for life.⁷

The constitution stipulated the requirements for the nomination. The candidate had to be at least forty years of age, be a person of knowledge, ability, and virtue. He also had to have an annual income of at least \$800.000 mil reis.⁹⁸ Upon accepting nomination the new member took an oath of loyalty to the emperor, promised to defend the constitution and the empire, to defend the Roman Catholic Church, and to counsel the emperor according to his conscience and the best interest of the country.

The functions and jurisdiction of this body were broader than the oath implied. The Council was to be consulted on all important matters. In foreign affairs this jurisdiction included declarations of war, enactments of treaties, and negotiations with foreign powers. Domestic concerns included all areas of public administration, e.g., promulgation of decrees, regulations and instructions; proposals introduced in the House of Representatives by the Cabinet; conflicts of jurisdictions between administrative authorities (including the judiciary); and abuse by ecclesiastical authorities.⁹ In the discharge of these functions the counselors could summon any government employee to give an oral or written deposition.¹⁰

The Council was composed of twelve members. For administrative purposes it had four divisions: Foreign affairs and justice; domestic affairs; finance; army and navy. Each division was under the supervision of three counselors who were charged with studying, analyzing, and providing opinions on all matters submitted for their consideration by the Emperor or by the Cabinet.¹¹

The Council convened in the imperial palace and was presided over by the Emperor. Under Dom Pedro II it met twice a week.¹² In these meetings, the counselors presented their opinions on matters previously submitted for study, and recommended a course of action. Recommendations accepted by the Emperor were issued in the form of decrees, or sent to the House of Representatives together with his approval. The Emperor could also accept deliberations from the divisions without convening the whole Council.

Hierarchically, counselors of State took their places immediately after members of the Cabinet, enjoyed identical privileges and prerogatives, and were to be addressed as Your Excellency.¹³ The Emperor had the prerogative of dispensing the Council of State or any of its members for any length of time. But Dom Pedro, showing his great regard for the institution, kept it functioning for decades (1841-1889) and never dismissed any of its members.¹⁴

If the legitimacy of the Council of State was given by the constitution, its power was derived from the Emperor.

According to the law, his person was considered sacred and inviolable. The constitution was not the only repository of legitimacy and sovereignty in the Brazilian Empire. The Crown, which predated all other institutions and gave the country its first constitution, was the ultimate repository of legitimacy, sovereignty, and power. The Moderative Power, invested by the Constitution on the Emperor, made him not only the center of the legislative, executive, and judiciary powers, but also the supreme judge of the whole governmental process. It was his prerogative, among others, to nominate members for the Council of State, Senate, and Cabinet; to approve and suspend provincial governments; to appoint and dismiss members of the judiciary; dismiss Cabinets; to postpone general assemblies; to dissolve the House of Representatives; to sanction decrees. Because it superseded all the other powers, the Moderative power made the Emperor the ultimate judge of every decision of consequence in the government. In a sense, he did not govern but judged.¹⁵

Under the Emperor there were two other bodies of government that along with the Council of State formed the core of administration: the Senate and the Council of Ministers.

The Senate had no active voice in the formulation of policies. It had more of a sanctionary function for the legislation approved by the House of Representatives. Senators, as the counselors of State, were nominated for life and

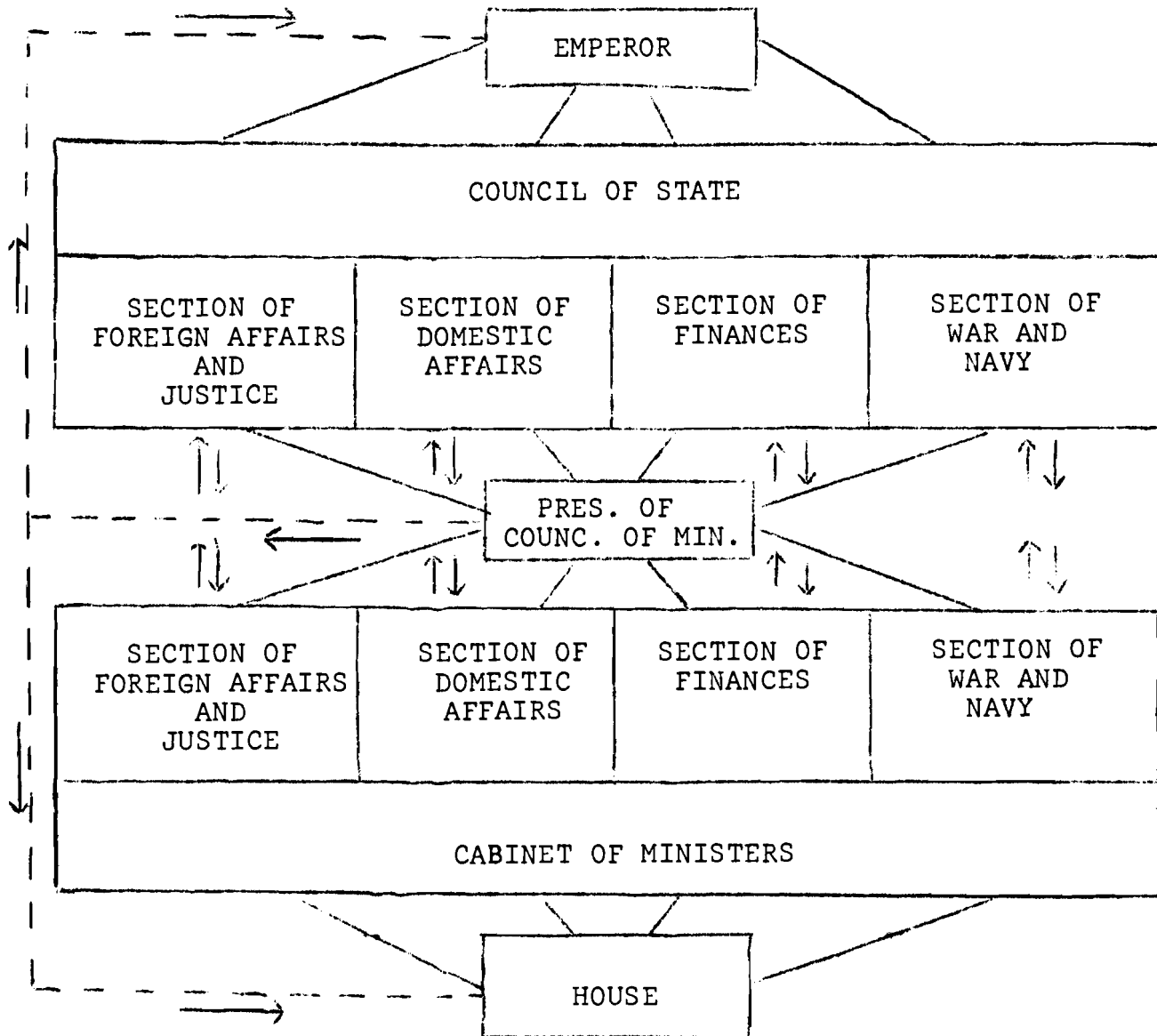
selection was made by the Emperor from a list of several candidates previously chosen in provincial elections. Requirements for nomination were the same as those for the Council of State.¹⁶ Senatorial positions were sought after for the prestige they bestowed rather than for the furthering of political ambition. The lack of political character of the Senate caused this body to be nicknamed "Siberia" during the reign of Dom Pedro II. Progressive politicians very seldom accepted nominations for the Senate.

The Cabinet was also chosen by the Emperor, who selected the President of the Council of Ministers who, in turn, chose the members of his Cabinet and submitted them for imperial approval. The Cabinet was also divided into four areas: foreign affairs and justice; domestic affairs; finance; army and navy. The minister of each area reported to the President of the Council of Ministers or to the appropriate division of the Council of State. The Cabinet was the liaison between the Emperor and the House of Representatives, the lower level body of government that could be dissolved by the Emperor.

The position of the Council of State in relation to the Emperor and the Cabinet is evident from the following diagram.

TABLE I

DIAGRAM: Hierarchical Position of the Council of State and Cabinet



This shows the obvious parallelism of the divisions of the Council of State with those of the Cabinet, and the lines of access between them. Access from the Cabinet to the Council was due to the fact that Cabinet members were required to submit to the counselors for consultation all new and contentious matters. If the topic concerned more than one division, the appropriate minister had to consult with each division of the Council separately. Members of the Cabinet were also required to provide the counselors with all information considered essential for the study and deliberation which preceded the reaching of a decision. All the paperwork and documentation of each division of the Council of State was processed by the parallel division of the Cabinet.

The hierarchical position of the Council above the Cabinet implied by the bureaucratic process is also obvious by the lines of direct access to the Emperor that these two organs of government enjoyed. Whereas counselors had direct access to the Emperor, Cabinet members had to channel their requests through the President of the Council of Ministers, a position created in 1847 to preclude the necessity of the Emperor having to deal with each minister individually.¹⁷ Administrative proposals from the House of Representatives and from the Cabinet were submitted to the Emperor by the President of the Council of Ministers, and from the Council of State by the members of each division.

In a comparison between the role of the Council of State

and the Cabinet, it is evident from the bureaucratic process, from the respective position in the hierarchy, and from the channels of delegated authority, that the Council of State functioned as an upper chamber near the Emperor, placing the Cabinet in a disadvantageous position in the decision-making process of government.

Socio-Economic, Educational, and Geographic Background

During his reign of 49 years Dom Pedro II had 74 counselors, of which only 12 served at a time. It is relevant to establish the extent to which this small group was representative of Brazilian society at the time. Their socio-economic and educational background, provinces of origin, and period of incumbency can serve as a basis to characterize this group.

Table II reflects the social status of all the counselors:

TABLE II

Social Classes

<u>Nobles</u>		<u>Civil</u>	
Princes.....	2	Bishops.....	1
Dukes.....	1	Senators.....	21
Marquiss.....	8	Deputies.....	5
Counts.....	1	Lawyers.....	3
Viscounts.....	28	Generals.....	1
Barons.....	2	Admirals.....	1
Totals	<u>42</u>		<u>32</u>

SOURCE: Publication of the Brazilian Foreign Ministry (1910). See Annex 1.

The social make-up shown in Table II gives an idea of the control exercised by the nobility and gentry in the Council of State.¹⁸ The Nobility in the Brazilian Empire was not hereditary. Titles were sold most of the time, and under Dom Pedro, the sale of titles was one of the sources of national revenue.¹⁹

While only a detailed study will provide specific information on the economic status of counselors, a general view of their economic background can be attained from the evidence of their social status. In Brazilian society during the nineteenth century, social status and financial position went together. Wealth to qualify for nomination to the Council and for the purchase of titles could only be derived from extensive landed properties, usually worked by slave labor. In fact, titles of nobility frequently reflected the economic rather than the social background. In an agrarian economy, based on export, high economic status was generally found in those areas of the country that provided, or used to provide the major export product.

The geographic representation for the members of the Council is shown in Table III.

TABLE III

Geographic Representation

Bahia.....14	Ceara.....1
Rio.....18	Maranhao.....2
Minas.....12	Para.....2
Pernambuco.....5	Parayba.....1
Alagoas.....1	Piaui.....1
Rio Grande Dosul.....2	Sao Paulo.....3

SOURCE: Avelar, Helio A., Taunay, Alfredo, *Historia Administrativa do Brasil* (1965)

The majority of the members were from Bahia, Rio, Minas, and Pernambuco, with only token representation from a few, but by no means all, of the other provinces.²⁰ These same four provinces had supplied the sugar and gold that had sustained Portugal for two centuries. Independence, under the aegis of the Portuguese Crown had not made much difference to a self-perpetuating oligarchy. The same provinces and families (if the oligarchic system that prevailed in colonial days is considered) that had exercised preponderant political and economic influence in the colonial period, continued to do so thereafter. Despite the fact that at the time of Dom Pedro's ascension these regions were in economic decline, the power of their ruling class at the center of government had been sustained. This contrasts dramatically with Sao Paulo. At a time when this region was already one of the world's major coffee producers, its families did not enjoy equal influence in government.

Another factor that usually went along with socio-economic status was education. The legalistic tendency of Brazilian

administration led to the rise of influence of law graduates, to the point where degrees were considered a necessity in order to gain access to bureaucratic positions.²¹ This point is made clear in Table IV.

TABLE IV

Education

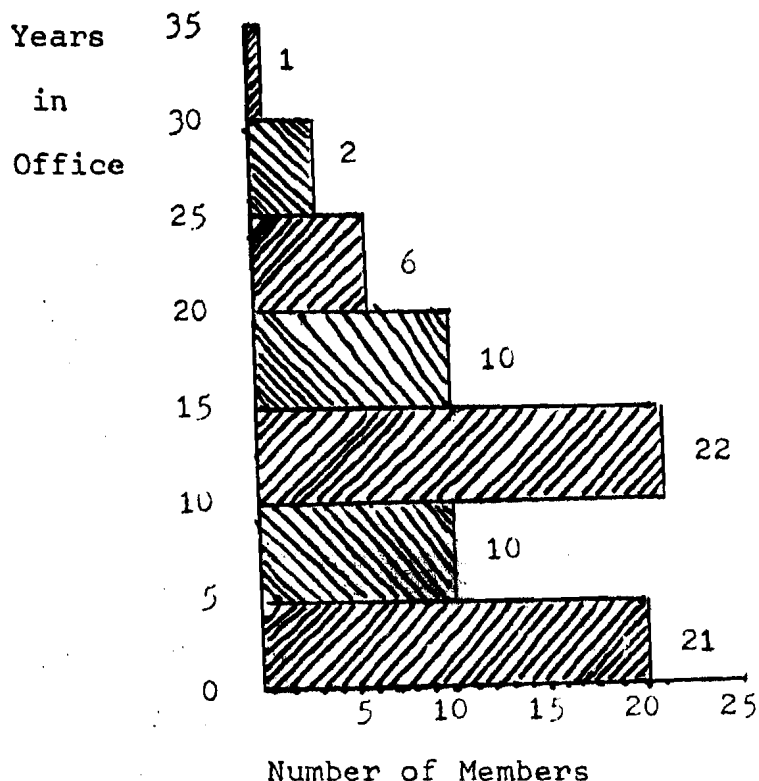
Law.....	53
Military.....	6
Engineer.....	4
Medicine.....	2
Mathematics.....	2
Religion.....	1
No degree.....	6

SOURCE: Nogueira, Octaciano e Firmo, Joao S.
Parlamentares do Imperio (Brasilia, 1973)

The overwhelming presence of law graduates in the Council of State emphasizes the socio-economic status of their members, as well as to suggest their conservative mind-set. The absence of any substantial number of members from a different socio-economic and educational background implies that at its highest level, the elite surrounding the Emperor represented one group in society that shared the same interests and values.

The extent to which this elite perpetuated itself in power can be measured by the long period of service of appointees to the Council. Table V illustrates how, with a group of only twelve incumbents at a time, a decade or more could pass without change of membership or input of fresh views.

TABLE V
Period in Office



SOURCE: Publication of the Brazilian Foreign Ministry, 1910.
See Annex 1.

Considering the age requirement for nomination and the length of Dom Pedro's reign, it can be confidently stated that the majority of counselors had been active during the reign of Dom Pedro I (1822-1834) and the Regency (1834-1840), or during the Regency and the first part of his reign. The possibility that cliques, "inner groups," and the seniority factor might have developed in such ambience has to be given serious consideration. Stale and outmoded leadership, values carried over from colonial times, would be a feasible result of such longevity.

The assumption that the counselors formed a political and administrative elite that infiltrated other areas of government is evident from the control they had over the Cabinet. Early in his reign, Dom Pedro II had adopted the practice of alternating Cabinets between conservatives and liberals, never failing to use his prerogative to appoint the President of the Council of Ministers. During his reign he had a total of thirty-seven Cabinets and thirty-one Presidents of the Council. Of the thirty-one Presidents chosen by the Emperor, eighteen had already been members of the Council of State before assuming their new positions. Considering those that served twice as President, the number of counselors who served in that capacity rose to twenty-one. In effect, besides the bureaucratic and hierarchic ascendancy that the Council had over the Cabinet, it also controlled its key positions. Concomitantly with their appointed offices, counselors and senators also served as members of Cabinets.²²

The socio-economic background, education, provinces of origin, and period of incumbency, all suggest that the Council of State in its entirety was dominated by an elite that was in position to exert unchallenged influence over the Emperor, and direct the policies of government. As members appointed for life by the Emperor, and as representatives of socio-economic elites from the most traditional and influential areas of the country, they became a self-perpetuating oligarchy. By succeeding themselves, replacing friends in the Cabinets,

and by having the monopoly of the post of President of the Council of Ministers, they functioned in a position which promoted conflict of interest and self-interest, by virtue of their being both counselors and legislators at the same time.

Economic Conditions of Brazil, 1850-1889

The self-perpetuating character of the oligarchy that was represented in the Council of State, as well as the values that they represented, were highly inappropriate to deal with the problems of economic development facing Brazil during the second half of the nineteenth century.²³

In 1850 Brazil had yet to be awakened to industrialization. Although development could be noticed in some pockets of the coastal area, the interior was as yet totally undeveloped.²⁴ The economy, based on slave labor, continued to follow the colonial pattern of supplying one or two products to world markets. During the reign of Dom Pedro, a new region in the country began its economic ascendancy. The coffee economy in Sao Paulo was to Brazil in the second half of the nineteenth century what sugar had been during the colonial period. The dependency of the Brazilian economy on coffee is best illustrated by figures on Table VI.

TABLE VI

Brazil's Share in the World Production of Coffee

<u>Periods</u>	<u>Per cent of World Production</u>
1820-1829.....	18.18
1830-1839.....	29.7
1840-1849.....	40.0
1850-1859.....	52.09
1860-1869.....	49.07
1870-1879.....	49.09
1880-1889.....	56.63
1890-1894.....	59.7
1895-1899.....	66.68
1890-1904.....	75.64

SOURCE: Hans, Scherrer, *Die Kaffeewertung und
Wertungsversuche in anderen Welthandel-
sartikeln*, Weltwirtschaftliches Archiv, p. 338.
1919, Vol. 14. Normano, J. F., *Brazil, a
Study of Economic Types*, 1935, p. 40, op. cit.

This dependency was similar to the previous dependency on sugar during the colonial period. Now, as then, the transport of the export product depended on shipping. But neither during the colonial period nor under the Empire did Brazil develop a merchant fleet. The great beneficiary of this situation was Great Britain. She had the monopoly on the transportation of Brazilian coffee in particular, and on shipping in general.²⁵ In 1850, during the month of January, all ships arriving in Rio from Great Britain were British.²⁶ That this situation persisted and that at no time during the reign of Dom Pedro attempts were made to start or give incentive to a merchant fleet, indicates the lack of awareness and limited commercial perspectives of the government. For

one reason or another, the government seems to have seen as incompatible being an agricultural country and also owning a merchant fleet.²⁷ It was self-evident that the latter was in the best interest of the country.

The lack of a national merchant fleet is also indicative that an independent Brazilian merchant class and a related credit system never developed in Brazil, as it did in the United States. The Portuguese merchant that had dominated the scene for most of the colonial period, had been replaced after independence by the British merchant, whose capital was provided by the mother country and not by the credit structure of Brazil.

As an agricultural country, Brazil was highly dependent on imports of manufactured products. The country imported as much manufactured products as it exported in raw products. The figures for the first year of each of the four decades of Dom Pedro's reign set the tune for the trend that characterized each period. Table VII illustrates the trend of each decade.

TABLE VII

Foreign Trade of Brazil, 1850-1920-1928

Contos de Reis

<u>Year</u>	<u>Exports</u>	<u>Imports</u>	<u>Surplus of Exports</u>	<u>Surplus of Imports</u>
1850-51	67,788	76,918	-----	9,030
1860-61	123,171	123,720	-----	549
1870-71	168,000	162,100	5,900	-----
1880-81	230,963	179,688	51,295	-----

TABLE VII (Continued)

<u>Year</u>	<u>Exports</u>	<u>Imports</u>	<u>Surplus of Exports</u>	<u>Surplus of Imports</u>
1890	326,453	294,880	31,573	-----
1891	574,367	512,100	62,367	-----
1892	784,463	589,575	194,888	-----

SOURCE: 1850-1920: Homero Baptista. *Relatorio apresentadas Presidente de Republica dos Estados Unidos Do Brazil*, p. 79. Rio de Janeiro, 1922, 1921-1928: Ministry of Finance, *Economical Data about Brazil, 1919-1928*, pp. 36-37. Rio de Janeiro, 1929. Normano, J. F., *Brazil, a Study of Economic Types*, 1935, p. 194, op. cit.

The meager surpluses are even greater indicators of the dependence of Brazil on imports during the reign of Dom Pedro. They coincided with the two decades in which coffee production reached its peak.

Virtually all imports were manufactured products from Britain. As had been the case in shipping, Britain had the monopoly of imports to Brazil. Between 1845 and 1849 the total value of British imports to Brazil was \$27.540 contos: imports from the United States lagged far behind with \$6.061 contos.²⁸ A great part of these imports were destined for Rio. What this high rate of imports could do for embryonic domestic industries is easy to perceive. Any attempt by local industries to compare with the rate of influx and quality of these imports would necessarily end in failure.

The stranglehold of the British on imports to Brazil and in the carrying trade was further underlined by British dominance of the retail trade. A ship manifest for Rio shows

that from imports going to sixty-three merchants, forty-one were British.²⁹ Only government measures could attempt to redress the situation.

To the Brazilian government, the high rate of imports far from being considered an impediment to the development of domestic industries, was considered the cornerstone of fiscal policy.³⁰ The *ad valorem* tax on imports was the major source of national revenue. Dependence on the import tax to meet annual expenditures necessarily eliminated all attempts to restrict imports and thereby stimulate the development of domestic industries. This factor should be seen as one, among many, that prevented a serious drive for industrialization during the period.

Initiation, promotion, or stimulation of industries were not among the priorities of the Brazilian government. This point is obviously clear from data on the percentage of capital invested in industrial establishments during 1848-1889.

TABLE VIII

Industrial Establishments According to the Period
of Their Foundation

<u>Period of Foundation</u>	<u>Per cent of Capital Invested</u>
Before 1849.....	1.4
From 1850-1854.....	0.2
1855-1859.....	0.2
1860-1864.....	0.4
1865-1869.....	0.6
1870-1874.....	2.3

TABLE VIII (Continued)

<u>Period of Foundation</u>	<u>Per cent of Capital Invested</u>
From 1875-1879.....	1.3
1880-1884.....	3.2
1885-1889.....	11.2.
1890-1894.....	11.8
1895-1899.....	5.0
1900-1904.....	6.0
1905-1909.....	12.4

SOURCE: Normano, J. F., *Brazil, a Study of Economic Types*, 1935, p. 99, op. cit.

Only during the last nine years of the reign of Dom Pedro is there a noticeable increase in the amount of capital invested in industrialization.

The lack of progress toward industrialization during the period of monarchy can largely be attributed to lack of capital dependence on England, and on an export economy. One aspect still to be considered is the amount of control exercised by the government over the economy. That Brazil was an absolute monarchy, with a socio-economic elite controlling government decisions and whose economic traditions belonged to the past and to a system that was rapidly reaching the end, should not be lost when one evaluates the economic development during the period.

The traditional economic system to which this elite was accustomed was the colonial type. This had been characterized by one or two export products and slave labor. The slow accumulation of wealth represented by the plantation system,

where fortunes and prestigious family names took decades to be built and to gain legitimacy, was the hallmark of this system. In this traditional background there was no place for the highly dynamic and individualist personality of the entrepreneur who quickly could accumulate a fortune. But it was the entrepreneur who was best qualified to bring innovation to the Brazilian economic scene.

The Brazilian government looked with a degree of distrust on any attempts to introduce innovation into the economy or into any other area. It held absolute control over the private business sector to a degree that has yet to be fully appreciated by economic historians. The commercial laws of the Empire testify to this fact. The most ostensive of these laws regulated the creation of new companies, associations, and banks.³² Among provisions regulating the creation of "associations"--the designation given to limited-liability companies in Brazil at the time--and banks, was one that required prior authorization by the government before such associations could be legally established. Another provision stipulated that the government had the right to dissolve such associations without prior consultation with shareholders.

So critical for the Brazilian economy were the implementation of this law and the power of the Council of State in making decisions at the highest administrative level, that these two aspects may be further illustrated by an analysis of three cases in which the counselors were called upon to deliberate.

Opinions by the Council of State

The full extent to which this law prevented the free association of capital for commercial enterprises has yet to be determined, but even at the time of its conception and implementation, the law was already seen as a barrier to the "free movement on the road of progress."³² Attempts to remove some of its restrictions met with continual refusal by the Council of State.

An early challenge came from no less a personage than Viscount Mauá, the best known Brazilian entrepreneur of the nineteenth century. An admirer of the development and industrialization taking place in England, Mauá was, in his own words, "overcome by the desire to put at the service of (our) progress a new instrument free of government interference."³³ In other words, he wanted the right of free association without restrictions.

In 1850 he tried to avoid the requirement of previous government authorization for the creation of business associations. Mauá organized a joint stock company with "silent partners" and divided the capital in shares.³⁴ The Council of State, aware of Mauá's attempt to circumvent the law, handed down an opinion against the creation of such companies. In addition to recommending that companies already created on such bases be discontinued, the counselors explained that merely because the law did not expressly prohibit such companies, it should not be assumed that they were therefore permissible.

A decree went into effect in 1852 declaring such companies "void."³⁵

Attempts to remove or diminish government control over business continued. Such attempts were unsuccessful and served only to tighten control even more. A law published in 1860 regulated even more strictly the stipulations of the decree published in 1852. The law of 1860, drawn up at the insistence of the Emperor, specified in detail penalties for violations and reaffirmed the authority of the Council of State to grant permission for the creation of any enterprise that involved association of capital and partnership.³⁶ It also specified that before such authorizations would be granted prerequisites had to be met. The Council of State was to decide on the following: would the proposed company serve the public interest? Would it be "contrary to good customs"? Would it tend toward monopoly? Was the capital investment sufficient and its worth correctly evaluated? Did the promoters offer "moral guaranties indispensable to the creation of the enterprise"? Finally, would it probably succeed?³⁷

Some of these prerequisites, for instance, soundness of the capital base and the tendency to monopoly, can be seen as having enough social value to merit a close examination. But there are others which were dependent on subjective judgment. Obviously they were in the area of "good customs," "moral guaranties," and "probability of success," whose

standards were to be defined by the counselors. The standards for these prerequisites meant one thing in a traditional plantation society and economy, but they meant quite another in the highly dynamic world of an innovator and entrepreneur like Mauá. In the words of one liberal, the law of 1860 was a "fearful law" designed to "undermine public liberties."^{37a}

Discouragement of business initiative caused by this law should be taken into consideration in the final analysis of those dismal figures showing the percentage of capital invested in industrial enterprises during the reign of Dom Pedro II. The degree to which the government itself contributed to those figures has to be measured by the degree of control exercised by the State over the economy, and by the actions of the Council of State as the advisory body to the Emperor. One speaker pointed to the "really unforgivable" lack of progress in Brazil during the period;³⁸ another complained that "if anyone thinks of creating or carrying out any large enterprise, he immediately must contend with the Council of State, and with the ill humor of the ministers."³⁹

After 1860, attempts continued to be made to release private enterprise from governmental control. In 1865, the Minister of Justice, Nabuco de Araújo, taking for his model British legislation on the subject, drafted a bill with this objective. He took the precaution of collecting several favorable opinions before submitting it to the Council of State for approval.⁴⁰ The Council, however, vetoed any change

in the law, arguing that the proposed legislation was designed for a country like England where the "people, with its self government, sober character...who respects his own dignity and knows how to maintain untouched his political liberty... will not abuse his commercial freedom." But the case of Brazil was different, argued the counselors. It was their "painful but necessary duty," they explained, "to note the truly deplorable condition of Brazil" where a population "without the independence that characterized the British could not be considered in identical circumstances" and enjoy the same commercial freedom. The Council decided to postpone any changes in the law until "better times," and rejected Araujo's proposal.⁴¹ The law continued to stand for another seventeen years.

An example of how the law continued to be enforced during those years is given in the following account by the Count of Prados, a member of the Council of State from 1870 to 1882. In a compilation of all the opinions handed down by him in the Council, he lists the request submitted to him by two merchants from Rio, Carlos Teixeira de Magalhães Leite and Lucas da Costa Faria, asking for permission to create a commercial association to provide needed capital for small farmers. The association was to be named, appropriately enough, Bank of Agriculture. In the opinion of Count of Prados the request met all the requirements of the law of 1860, except the one that specified a "good probability of

success." In his view, the probability was more "intuitive" than real. In preparing his opinion, he acknowledges that in Europe, especially in Scotland, such associations did exist with a great deal of success for the purpose of advancing capital to small farmers. The part of the proposal that seemed to him to impair the "good probability of success" was the plan to offer capital at "low interest rates over a long period of time." In his view, an association based on these terms could not possibly succeed. Maintaining that regardless of how the proposal was examined it had failed to show the "probability of success," he recommended that the request be denied.⁴² A comparison cannot be avoided between the similar purposes of the attempted Bank of Agriculture and those of commercial banks in the United States during the nineteenth century; mainly, to make available needed capital funds in the form of long-period loans. The need for capital on long terms was felt in Brazil as much as elsewhere.^{42a}

The majority of requests for authorization appear to have been handled in the same manner. The proposal was studied and then recommended by the appropriate division of the Council. While the commercial plans of a man of Mauá's stature would involve a great deal of debate and even a clarification of the law, the modest innovator was left with no recourse other than to turn to other kinds of business or abandon his commercial aspirations entirely. The risk of submitting a request only to see it rejected seems to have

been great. Not only did the candidate have to comply with material aspects of the law, namely capital and assets, but he also was judged on the basis of his character and morals. Even if he happened to pass the examination, as was the case of the two merchants, he still had the burden of predicting the future to such an extent that no doubt would be left in the minds of the members of the Council of State that his proposal had a sure probability of success in Brazil, regardless of how successful similar enterprises had been elsewhere. While in many growing societies the government actually helped and favored the innovator and the entrepreneur in their attempts to move the economy, the government of Dom Pedro II was neither sympathetic nor favorable to businessmen. In fact, it did as much as possible to restrain them, as the law of 1860 proves.

New proposals to change this law were introduced in 1871, and again in 1879. Finally, in 1882, seven years before the end of the monarchy, and thirty-two years after the issue of free association without governmental control had first been debated, the Council of State gave a favorable opinion and the law of 1860 was at last amended.⁴³

In the same manner that the law of 1860 served to illustrate the power of the Council of State in controlling the Brazilian economy and the flux of innovation to be allowed in the country, so the issue of the Amazon region

during the same period serves to illustrate the range and degree of control exercised by that body over the government.

At the time that the Amazon region first began to be mentioned, in 1850, the area was closed to foreign navigation as it had been since colonial days. In 1808, when the ports of Brazil had been open to all nations by Prince Regent Dom João, the ports of the Amazon region had not been included in the decree.

In 1850, Matthew Fontaine Maury, head of the United States Naval Observatory and Hydrographic Office, began a campaign to force the opening of the region.⁴⁴ The focal point of his contention was that, except for selfishness, there was no reason in 1850 for such a large region of the globe to remain closed to trade and commerce when its economic potential was thought to be fabulous. Maury began to publish a series of pamphlets and newspaper articles characterizing Dom Pedro II as the "Rosas of the Amazon."⁴⁵ The Brazilian newspapers responded in kind by characterizing the United States as a "nation of pirates."⁴⁶

In 1852, concerned by repercussions then coming also from Europe, the Brazilian government gave Viscount Maua authorization to incorporate the Amazon Navigation and Trade Company, for the purpose of exploiting the region. The concession of this monopoly, rather than the outright opening of the region to foreign nations, led Maury to submit a memorial to the Congress of the United States in 1854. He

stated that the opening of the Amazon region and navigation of the Amazon River to all nations was "essential to the well-being and prosperity of the United States."⁴⁷

At this point the Council of State prepared a written opinion, signed by its three senior members, Viscount of Uruguay, Marquis of Abrantes, and Viscount of Maranguape, stating that "Lieutenant Maury carries his campaign with the knowledge and protection of the Government of the United States, which eagerly welcomes his doctrines. It is his publications, which have contributed most to develop and stir up this propaganda."⁴⁸ This opinion became the official position of the Brazilian government, which refused to open up the region.

In 1853, the new United States representative to Rio, arrived with instructions from his government, "to secure for the citizens of the United States free use of the Amazon River."⁴⁹ He made a presentation to the Brazilian government pointing out the advantages of opening the region to other nations, and gave by way of illustration the example of the Mississippi River. The Brazilian government issued a reply stating that, after careful consideration, it had concluded that the case of the Mississippi could not be compared to the Amazon: "only savages (lived) in the Amazon Valley, and they had no use for trade with the outside world."⁵⁰

The success of the Amazon Navigation and Trade Company contradicted this opinion. It showed that the region already had the potential for commercial development. The receipts for the first years were impressive. From 1852-1857 the receipts amounted to \$250.000 contos; from 1857-62 to \$400.000; from 1862-67 to more than \$1.000.000 contos. For several years the company paid dividends of an average of 12 per cent a year.⁵¹ According to Viscount Mauá, it "was one of the great enterprises" that he had undertaken.⁵²

The success of the company was not lost among those who favored the opening of the region. One provincial representative spoke in the House of Representatives against the "policy of chinese exclusion" to which his native province was subjected.⁵³ Such sentiments made themselves felt in high places. In 1864, the Minister of Foreign Affairs, in his annual report submitted to the General Assembly, stated that the government "was convinced that it was desirable, as soon as possible, to permit greater development of the commerce in the Amazon region: it had, therefore, resolved to extend freedom of navigation to flags of all nations."⁵⁴ In an example that well illustrates the degree of power and control exercised by the Council of State over the Cabinet, the counselors overruled the Minister and handed down a different opinion. Signed by Pimenta Bueno, later Marquis of São Vicente, and expressing an ultra conservative and obstructionist attitude, the opinion stated that the opening of the Amazon "would be

a bad policy for Brazil to isolate herself from the Andean Republics and sacrifice their moral support. The issue should be deferred."⁵⁵ And so it was for another two years.

On February of 1866, the Minister of the Navy wrote a letter to the Marquis of Olinda, the senior member of the Council of State, stating that it "was neither consistent nor decorous on the part of Brazil to maintain and defend in the River de La Plata principles of liberty and progress [free navigation] which were refused in the case of our own North [Amazon]."⁵⁶ In August of the same year, the liberal Goes e Vasconcellos became President of the Council of Ministers, and immediately submitted to the Emperor a proposal for the opening of the Amazon region.

Dom Pedro II, in a move that shows how much he relied on the Council of State for his decisions even on issues, as was the case with the Amazon, that had been extensively debated for sixteen years, once more placed the matter before the Council for their deliberation and opinion. Despite a final objection by Pimenta Bueno that no warship was to be allowed to enter the region, this time the Council relented and came to an agreement on the terms of a decree. The decree opening the navigation of the Amazon River to ships of all nations went into effect in 1867.⁵⁷

This continuous lack of response to innovation and change that characterized the opinions handed down by the counselors

cannot be interpreted independently from the person of the Emperor. The extent to which the conservatism that dominated his advisory body was shared by him has yet to be determined. But one aspect that cannot be ignored is the fact that the Emperor had jurisdiction over the whole administrative and political processes in the country, and public officials served at his pleasure.

Of the Emperor's abilities as administrator very little is known, except that he had a dislike for practical affairs. Of economic affairs it is said that he understood only enough to grasp the fact that the real foundation of his throne was dependent upon an agricultural society.⁵⁸ The only two clear images projected by Dom Pedro during his reign are those of a paternalistic and tolerant government, and of an intellectual. Of his tolerance as government, we know that he took with great stoicism, without ever retaliating, the attacks made against him and his family by the liberals. We know more of his intellectual preferences. He intensely cultivated the arts as a form of moral uplift, to the point of becoming very interested in the New England transcendentalists. Part of his time was spent in studying Sanskrit, Tupi, and Arabic, corresponding with Victor Hugo, Emerson and Egyptologists. The nature of his personality was apparently reflected in the life of the Court itself. By the end of the 1850s, the Court at Rio was noticed by its bookish, sober, and ceremonious atmosphere.

This conservative atmosphere, combined with the Emperor's inclination for surrounding himself with familiar faces and scenes, reached the point where he was reluctant even to authorize studies for the improvement of the water supply for the city of Rio de Janeiro. In 1870, for instance, he held the opinion that it was better to give the poor free water at the public fountains, than to bring water in a more hygienic form to their houses for a small fee.⁵⁹

To which extent this mentality was shared or adopted by his advisors is not in the scope of this paper to inquire. But the possibility exists that the conservatism of the counselors was not totally out of place with the atmosphere at the Court.

Conclusion

The influence of the Council of State in the decision-making process of government during the reign of Dom Pedro II has been compared to a "fifth power" not mentioned in the constitution.⁶⁰ With appointees representing the personal choice of the Emperor and ranking second only to him in the command structure, the counselors were in a position of directing and controlling all major shifts of foreign and domestic affairs. The majority of its members belonged to a socio-economic oligarchy whose natural tendency was to uphold traditionalism. The conservative and stagnated mentality of this group is reflected in its opinions and

decisions, which became an impediment to development and innovation.

It is our contention that the role of the Council of State during the reign of Dom Pedro II is a factor that deserves to be taken into consideration in the analysis of Brazilian economic history. It has as much legitimacy as other factors that have been considered so far. Studies in economic history have, for the most part, given emphasis to factors such as slave labor, lack of capital, and an export economy. Combined, these three factors offer a persuasive argument to explain the backwardness of Brazil during the second part of the nineteenth century, but the role of the government also has to be taken into consideration.

In the administrative area, it can be argued that the centralized power of the Council of State lent stability to the government during the fall of so many cabinets. Their actual involvement in the decision-making process provided opportunity to legislate without opposition, or in a vacuum, if necessary. But if the stabilizing factor has its merits, it also should be considered that at a certain point in history, innovation and change are needed, a factor that the counselors were unwilling to admit. We suggest that an examination of the influence exercised by the Council of State will add to our understanding of these two areas.

One of the reasons why the understanding of the influence of the Council of State is lacking at present, is because

its existence has been almost forgotten. With the exception of a few publications in the area of constitutional history, no comprehensive study of the Council of State in Brazil exists. In addition, its role has been ignored by the majority of historians. The opportunity, then, has been missed to establish substantial linkages between the actions of this advisory body and many critical aspects in several areas of Brazilian history. In the area of economic and administrative history, additional bibliography is essential to lead into further avenues of investigation and establish linkages well beyond the immediacy of a single study. A comprehensive study would certainly offer a new insight into the nature of Dom Pedro's administration, as well as to offer a different perspective of the Emperor himself.

The study of the national period in Brazil has been quite extensive, but in some areas it lacks in depth analysis. In the current historiography there is a tendency to approach Brazil, either as a "new World" nation that should be like the United States, or as the offspring of a decadent European monarchy. Neither approach is satisfactory, since they tend to ignore either historical or geographical realities. The economic and administrative institutions of Brazil may serve as an index of how a country in the New World tends to organize its government after more than three centuries of colonization and absolute rule. The act of becoming independent is itself anticlimactic, since the social mentality

of the ruling elite suffers no change. The Council of State is one of the institutions whose records have the key to some of these issues.

FOOTNOTES

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2. Lynch, John, *Spain under the Habsburgs*, Oxford University Press (New York, 1965), pp. 47, 48.
3. Koenigsberger, Helmut, *The Government of Sicily under Philip II of Spain*, Staples Press (London, New York, 1951), p. 13, 15, 16.
4. Souza, Joaquim Rodrigues de, *Analyze e Commentario da Constituição Política do Imperio do Brasil* (São Luiz do Maranhao, 1867), p. 280.
5. *Ordenacoes do Senhor Rey Dom Affonso V* (Coimbra, 1792). Na Real Imprensa da Universidade. Livro I, pp. 1, 3, 5, 8.
- 5a. Almeida, Fortunato de., *Historia de Portugal*, Vol. 3 (Coimbra, 1925), pp. 21, 22.
6. *Constituição Política da Monarchia Portuguesa*. Imprensa Nacional (Lisboa, 1822), pp. 164, 165.
7. Pinheiro-Ferreira, Silvestre, *Observações sobre a Constituição do Brasil, e sobre a Carta Constitucional do Reino de Portugal*, Typographia de Casimir (Paris, 1833), p. 38.
8. The Milreis was the Brazilian currency at the time. It could be theoretically divided into one thousand reis. One conto was worth one thousand milreis.

Rate of Exchange in Rio de Janeiro or London
Pence per Milreis

Year	Min.	Max.	Ave.
1823	48	53-1/2	50-3/4

Normano, J. F., *Brazil, a Study of Economic Types*, University of North Carolina Press (Chapel Hill, 1935), p. 198.

9. Souza, op. cit., p. 287. Chapter I, Art. 7 of the Constitution.

10. Souza, op. cit., Chapter II, Art. 22 of the Constitution.

11. Souza, op. cit., Chapter I, Art. 1 of the Constitution.

12. Fialho, Anfriso, "Biographical sketch of Dom Pedro II, Emperor of Brazil." In the Smithsonian Institute *Annual Report of the Board of Regents* (Washington, 1877), p. 27.

13. Souza, op. cit., Chapter IV, Art. 57 of the Constitution.

14. Assuf, Mauricio, *O Conselho de Estado*. Guavira Editores (Rio, 1965), p. 77.

15. Torres, Jose Camilo de Oliveira, *O Conselho de Estado*. Edições GRD (Rio, 1965), p. 52.

16. Souza, op. cit., Chapter IV, Art. 40, 43, 45 of the Constitution.

17. Haring, C. H., *Empire in Brazil: a New World Experiment with Monarchy*. Harvard University Press (Cambridge, Mass., 1966), p. 62.

18. The list of all members of the Council of State is given in Annex I. *Ministros e Altos Funcionarios da Antiga Repartição dos Negocios Estrangeiros depois Repartição das Relações Exteriores do Brasil e Membros do Extinto Conselho de Estado*. Rio de Janeiro. Imprensa Nacional (1910).

Archivo Nobiliarchico Brasileiro. Organizado pelo Barão de Vasconcellos e o Barão Smith de Vasconcellos. Lausane (Suisse, 1918).

19. Revenue from sale of titles was included in the item "Interior" under Revenue Collected in Annex II. Normano, op. cit., pp. 132, 133.

20. For provinces of origin consult: Nogueira, Octaciano and Firmo, Joao Sereno, *Parlamentares do Imperio*. Centro Grafico do Senado Federal (Brasilia, 1973); *Archivo Nobiliarchico Brasileiro*, op. cit.

21. For professions consult: Nogueira, Firmo, op. cit.; Avelar, Helio de Alcantara and Taunay, Alfredo d'Escragnoles, *Historia Administrativa do Brasil*, V. 1, Servico de Documentacao (1965); For the influence of law graduates in the administration consult: Barman, Barman, "The Role of the Law Graduate

in the Political Elite of Imperial Brazil." *Journal of Inter-american Studies and World Affairs*, Vol. 18, N. 4, Nov., 1976.

22. For complete list of Cabinets and its members consult: Fleiuss, Max., *Historia Administrativa do Brasil*, 2 ed., Companhia Melhoramentos de São Paulo (S.P., 1922); Nogueira, Firmo, op. cit.; Avelar, op. cit.

23. Pang, Eul-Soon, "The Mandarins of Imperial Brazil," *Comparative Studies in Society and History*, 14:2, March (1972), pp. 215-244.

24. Graham, Richard, *Britain and the Onset of Modernization in Brazil*, Cambridge University Press (1968), p. 10.

25. Ibid., p. 88.

26. Ibid., p. 88. In selected years during the 19th century, almost half of the ships entering Brazilian ports were also British. This situation contrasts with the American colonies' where even before independence, three-quarters of all North American trade was carried in their own ships. See F. A. Shannon, *America's Economic Growth* (New York, 1951), p. 9.

27. Graham, op. cit., p. 88.

28. Ibid., p. 83. One *conto* was worth one thousand milreis. See footnote 8.

29. Graham, op. cit., p. 83 (footnote 2).

30. Annex II, item "Importation" under Revenue Collected.

31. Art. 295, Law n. 556 of June 25, 1850. *Collecção das Leis do Imperio do Brasil*, Rio de Janeiro. Imprensa Nacional (1909).

32. Rebouças, André, *Agricultura Nacional, Estudos Economicos*. Lamoureaux (Rio, 1883), pp. 3, 9, 11, 69.

33. Mauá, Irineo Evangelista de Souza, Visconde de, *Autobiografia*, 2 ed., Claudio Ganns (Rio, Valverde, 1942), p. 235.

34. Ibid., p. 235.

35. Decree of December 13, 1852. *Collecção das Leis do Imperio do Brasil*, op. cit.

36. Ibid., Art. 1, Law n. 1.083 of August 22, 1860, p. 31.

37. Ibid., Decree n. 2.711 of December 19, 1860, pp. 1128, 1133.

37a. Tavares Bastos, Aureliano Candido, *Cartas do Solitario*, 3 ed., Brasiliana, 115 (São Paulo, Editora Nacional, 1938), p. 46.

38. Rebouças, op. cit., p. 322.

39. Pinto Jr., Joaquim Antonio, *Liberdade e Commercio*, Typografia Imperial, Instituto Artistico (Rio, 1869), pp. 4, 14, 16.

40. Graham, op. cit., p. 225.

41. Ibid., p. 226. Quote from the Parecer das Secoes de Justica e Fazenda do Conselho de Estado, July 9, 1866. AIHGB, Lata 381, Doc. 4.

42. Conde de Prados, *Pareceres e Votos do Exmo. Conde de Prados no Conselho d'Estado do Brasil* (Ouro Preto, 1893), p. 144.

42a. Taylor, George Rogers, *The Transportation Revolution, 1815-1860*. Rinehart & Cooper, Inc. (New York, Toronto, 1957), p. 319.

43. Art. 1, Law n. 3.150 of November 4, 1882. *Collecao das Leis do Imperio do Brasil*, op. cit., p. 139.

44. Marchant, Anyda, *Viscount Maua and the Empire of Brazil*. University of California Press (Berkeley and Los Angeles, 1965), p. 104.

45. Ibid., p. 105. Juan Manuel de Rosas was the Argentinian dictator until 1852, when he was defeated in the Battle of Monte Caseros and fled to England.

46. Ibid., p. 106. Quote from the Brazilian newspaper, *Observador*, May, 1852.

47. Martin, Percy Alvim, "Opening of the Amazon" in *HAHR*, Vol. 1.

48. Ibid., p. 157. Quotes Nabuco de Araujo, *Um Estadista do Imperio* (Paris, 1897), Vol. 2, p. 382.

49. Marchant, op. cit., p. 107.

50. Marchant, op. cit., p. 108.

51. Ibid., p. 114.

52. Ibid., p. 106.

53. Martin, op. cit., p. 158. Quotes Representative Tito Franco from the Province of Para, addressing the House of Representatives. The allusion to "chinese exclusion" refers to the immigration laws of certain countries that in the 19th century would not admit Chinese immigrants.

54. Ibid., p. 159. Quote from Relatório do Ministério de Relações Exteriores, 1867.

55. Ibid., p. 159. Quote refers to a treaty signed in 1851 between Brazil and Peru excluding citizens of the United States from the right to navigate the Amazon. It stated that the Amazon should belong exclusively to the States owning its banks.

56. Ibid., p. 159.

57. Decree of December 7, 1866. *Collecção das Leis do Imperio do Brasil*.

58. Marchant, op. cit., p. 87. For a very complimentary biography of Dom Pedro II see Mary Wilhelmine Williams, *Dom Pedro the Magnanimous*, Chapel Hill, University of North Carolina Press (1937).

59. Ibid., p. 170.

60. Rodrigues, Jose Honorio, *O Conselho de Estado. O Quinto Poder?* Centro Grafico do Senado Federal (Brasilia, 1978).

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2. For the organization of Spanish administration under Charles V:

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3. On the Council of State in Brazil:

a. Tavares de Lyra, Augusto, "O Conselho de Estado." *Revista do I.E.G.B.*, April 1931, Vol. 1, 413. This essay is an attempt to list all counselors and their place of birth. It is incomplete.

b. _____, "A Presidencia los Presidentes do Conselho de Ministros no Segundo Reinado." *RIHCB*, 94v, 148 (1923), 1927, p. 566-609.

c. _____, "Os minitros de Estado da Independencia a Republica." *RIHCB*, V. 193, 1948, Rio, 3-48.

d. *Atos do Conselho de Estado*. Centro Grafico do Senado Federal (Brasilia, D.F., 1978). Published by the Brazilian Senate. Opinions offered by counselors during meetings with the Emperor are given in chronological sequence. Several years are missing.

	Nomeações	Até quando serviram	Fallecimento		Nomeações	Até quando serviram	Fallecimento
13. MARQUEZ DE S. JOÃO DA PALMA (Dom Francisco de Assis Mascarenhas). Effectivo	1827	1834	1843	29. MARQUEZ DE ARRANTES (Miguel Calmon du Pin e Almeida, Visconde, depois Marquez), senador	1843	1865	1865
(Succedeu ao n. 5).				30. PAULA SOUZA (Francisco de Paula Souza e Mello), senador	1845	1853	1853
14. MARQUEZ DE BARBACENA (Felisberto Caldeira Brant e Pontes). general. Effectivo	1830	"	1842	31. GALVÃO (Manoel Antonio), senador	1848	1850	1850
(Succedeu ao n. 12)				32. VISCONDE DE ABAETÉ (Antonio Paulino Limpo de Abreu), senador	1848	1883	1883
Conselheiros de Estado honorarios:				33. CLEMENTE PEREIRA (José), senador	1850	1854	1854
15. MARQUEZ DE VALENÇA (Estevão Ribeiro de Rezende)	1823	"	1856	34. MARQUEZ DE SAPUCAHY (Candido José de Araujo Vianna, Visconde, depois Marquez), senador	1850	1875	1875
16. VISCONDE DE ALCANTARA (João Ignacio da Cunha).	"	"	1837	35. VISCONDE DE ALBUQUERQUE (Antonio Francisco de Paula Hollanda Cavalcanti de Albuquerque), senador	1850	1863	1863
II				36. VISCONDE DE JEQUTINHONHA (Francisco Gê Acayaba de Montezuma), senador	1850	1870	1870
SEGUNDO CONSELHO DE ESTADO				37. VISCONDE DE ITABORAHY (Joaquim José Rodrigues Torres), senador	1853	1872	1872
Criado pela lei de 23 de novembro de 1841. Compuesto de 12 membros ordinarios, e de extraordinarios em numero não excedente a 12:				38. VISCONDE DE URUGUAY (Paulino José Soares de Souza), senador	1853	1866	1866
Conselheiros de Estado ordinarios e extraordinarios:				39. EUZEBIO DE QUEIRÓS (Euzebio de Queirós Coutinho Mattoso Camara), senador	1855	1866	1866
17. BERNARDO DE VASCONCELLOS (Bernardo Pereira de Vasconcellos), senador	1842	1850	1850	40. SANTOS BARRETO (João Paulo dos), general	1855	1864	1864
18. BISPO DE ANEMURIA (D. Frei Antonio de Arribida)	"	"	"	41. MELLO E ALVIM (Miguel de Souza), chefe de esquadra	1855	1866	1866
19. SILVA MAIA (José Antonio da), senador	"	1853	1853	42. BARÃO DE CAÇAPAVA (Francisco José de Souza Soares de Andréa), general	1856	1858	1858
20. MARQUEZ DE OLINDA (Pedro de Araujo Lima, Visconde e depois Marquez de Olinda, ex-Regente do Imperio), senador	"	1870	1870	43. BAPTISTA DE OLIVEIRA (Candido), senador	1859	1856	1856
21. MARQUEZ DE MONTE ALEGRE (José da Costa Carvalho, Visconde e depois Marquez, ex-Regente do Imperio), senador	"	1860	1860	44. SOUZA E MELLO (Manoel Felizardo de), senador e general	1859	1866	1866
22. MARQUEZ DE PARANÁ (Honorio Hermeto Carneiro Leão, Visconde e depois Marquez), senador	"	1856	1856	45. MARQUEZ DE S. VICENTE (José Antonio Pimenta Bueno, Visconde, depois Marquez), senador	1859	1875	1876
23. VISCONDE DE CARAVELLAS (Manoel Alves Branco), senador	"	1855	1855	46. VISCONDE DE SOUZA FRANCO (Bernardo de Souza Franco), senador	1859	1875	1875
24. VISCONDE DE JERUMIRIM (Francisco Cordeiro da Silva Torres), general	"	1856	1856	47. BARÃO DE URUGUAYANA (Angelo Muniz da Silva Ferraz), senador	1866	1867	1867
25. VISCONDE DE MACAË (José Carlos Pereira de Almeida Torres), senador	"	"	"	48. NABUCCO DE ARAUJO (José Thomaz), senador	1866	1876	1876
26. VISCONDE DE MARANGUAPÉ (Caetano Maria Lopes Gama), senador	1842	1864	1864	49. VISCONDE DE ARAXÁ (Domiciano Leite Ribeiro), ex-deputado	1866	1881	1881
27. VISCONDE DE MAGÉ (José Joaquim de Lima e Silva), senador e general	"	1855	1855	50. VISCONDE DE BOM RETIRO (Luiz Pedreira do Couto Ferraz), senador	1866	1881	1886
28. VISCONDE DE UBERABA (José Cesario de Miranda Ribeiro), senador	"	1856	1856	51. VISCONDE DE JERUMIRIM (Francisco de Sales Torres Homem), senador	1866	1876	1876

	Nomeação	Até quando serviram	Fallecimento
52. VISCONDE DO RIO-BRANCO (José Maria da Silva Paranhos), senador	1860	1880	1880
53. MARQUEZ DE MURITIBA (Manoel Vieira Tosta), senador	1860	1880	1880
54. DUQUE DE CAXIAS (Luiz Alves de Lima e Silva), senador, marechal	1860	1880	1880
55. D. LABEL, Princesa Imperial	1860	1880	—
56. PRINCEPE GASTÃO DE ORLÉANS, CONDE D'EU, marechal	1860	1880	—
57. VISCONDE DE CARAVELLAS (Carlos Carneiro de Campos), senador	1866	1878	1878
58. VISCONDE DE JAGUARY (José Hedefonso de Souza Ramos, Barão das Três Barras, depois Visconde de Jaguary), senador	1866	1883	1883
59. VISCONDE DE NITZERROY (Francisco de Paula de Negreiros Sayão Lobato), senador	1866	1884	1884
60. VISCONDE DE LAMARE (Joaquim Raymundo de Lamare), senador e almirante	1870	1889	1889
61. DIAS DE CARVALHO (José Pedro), senador	1870	1881	1881
62. VISCONDE DO CRUZEIRO (Jeronymo José Teixeira Junior), senador	1876	1889	1882
63. PAULINO DE SOUZA (Paulino José Soares de Souza), senador	1876	1889	1882
64. MAGALHÃES TAQUES (Benevenuto Augusto de), ex-deputado	1870	1881	1881
65. SOUZA DANTAS (Manoel Pinto de), senador	1870	1889	1889
66. MARQUEZ DE PARANAGUÁ, 2º (João Lustosa da Cunha Paranaguá), senador	1870	1889	—
67. CONDE DE PRADOS (Camillo Maria Ferreira Armond), deputado	1870	1882	1882
68. ANDRADE PINTO (José Caetano de), magistrado	1870	1885	1885
69. RIBEIRO DE ANTERADA (Martim Francisco), lente de direito, ex-deputado	1870	1886	1886
70. VISCONDE DE OURO-PRETO (Affonso Celso de Assis Figueiredo), senador	1882	1889	—
71. VISCONDE DE SINIMBUÍ (João Lins Vieira Cansião de Sinimbuí), senador	1882	1889	1907
72. VISCONDE VIEIRA DA SILVA (Luiz Antonio Vieira da Silva), senador	1882	1889	1889
73. VISCONDE DE BOM CONSELHO (José Bento da Cunha e Figueiredo), lente de direito, senador	1882	1889	1891
74. LAMAYETTE PEREIRA (Lamayette Rodrigues Pereira), senador	1882	1889	—

	Nomeação	Até quando serviram	Fallecimento
75. CORREIA (Manoel Francisco), senador	1887	1889	1905
76. CORRÊA DE OLIVEIRA (João Alfredo), senador	1887	1887	—
77. VISCONDE DE BEAUREPAIRE-ROHAN (Henrique de Beaurepaire-Rohan; em França, Conde Henrique de Beaurepaire), general	1887	1887	1894
78. MARTINHO CAMPOS (Martinho Alvares da Silva Campos), senador	1887	1889	1887
79. ANDRADE FIGUEIRA (Domingos de), então deputado; advogado	1888	1889	1910
80. VISCONDE DE S. LUIZ DO MARANHÃO (Antonio Marcellino Nunes Gonçalves), senador	1889	1889	1899
81. SOARES DE SOUZA (Francisco Belisario), senador	1889	1889	1899
82. SILVEIRA MARTINS (Gaspar), senador	1889	1889	1901
83. VISCONDE DE CAVALCANTI (Diogo Velho Cavalcanti de Albuquerque), senador	1889	1889	1899
84. DUARTE DE AZEVEDO (Manoel Antonio), deputado, lente de direito	1889	1889	—
85. AQUINO E CASTRO (Olegario Marculano), magistrado	1889	1889	1906
86. LEÃO VELLOSO (Pedro), senador	1889	1889	1902
87. FRANCO DE SA (Filippe), senador	1889	1889	1906
88. RIBEIRO DA LUZ (Joaquim Delfino), senador	1889	1889	1903
89. SILVA COSTA (José da Silva), advogado	1889	1889	—
90. COUTO DE MAGALHÃES (José Vieira), ex-deputado	1889	1889	1898

Rio de Janeiro, 15 de dezembro de 1910.

ANNEX II

SOURCE: Normano, J.F., Brazil, a Study of Economic Types.
University of North Carolina Press. Chapel Hill,
(1935) p.p. 132, 133

REVENUE COLLECTED, 1831-32, 1889, AND 1929 (IN CONTOS DE REIS)

Items	1831-32		1889		1929				
	Amount	Per cent	Amount	Per cent	Paper	Gold	Gold Con-verted to Paper†	Total Paper and Gold Converted to Paper	Per cent
Importation	3,658	29.5	90,216	48.3	118,214	185,913	849,065	967,279	44.6
Interior	5,286	42.7	33,069	21.4	1,077,081	3,456	15,783	1,092,864	39.6
Exportation	740	6.0	17,389	9.3	*	*	*	*	
Ordinary Revenue	11,554		147,574		1,195,295	190,369	864,848	2,060,143	
To be deducted for the guarantee fund of the paper money						8,576	39,166	39,166	
Total	11,554	78.2	147,574	79.0	1,195,295	180,793	825,682	2,020,977	84.2
Extraordinary Revenues	1,870	15.1	12,738	6.8	250,398	1,010	4,613	255,011	10.6
Receipts for special application					84,416	5,583	39,198	123,614	5.2
Others		6.7		14.2					
Total	12,370	100.0	186,736	100.0	1,530,109	190,386	869,493	2,399,602	100.0

* Transferred to the states in the Republic.

† Conversion rate taken: 4\$567 as of decree No. 18,257 of the 23 of May 1928 (Brazil).

Sources: 1831-32 and 1889: *Directoria do Serviço de Estatística, Finanças. Quadros synopticos da receita e despesa do Brazil* (periodo de 1822 a 1913). Rio de Janeiro, 1914. 1929: *Mensagem apresentada ao Congresso Nacional pelo presidente da Republica*, Washington Luis P. de Sousa, Rio de Janeiro, 1930.

EXPENDITURES, 1831-32, 1889, AND 1929 (IN CONTOS DE REIS)

Ministries	1831-32		1889		1929				
	Amount	Per cent	Amount	Per cent	Paper	Gold	Gold Con-verted to Paper†	Total Paper and Gold Converted to Paper	Per cent
Interior	1,855	17.0	26,468	17.2	204,742	122	557	205,299	9.2
Justice	817		7,245						
Foreign Affairs	173	1.4	938	4.5	6,706	6,163	28,146	34,852	1.6
Navy	1,539		12,437		164,470	1,554	7,097	171,567	7.7
War	3,516	41.0	19,313	15.2	473,254	200	913	274,167	12.3
Agriculture, Industry and Commerce					64,902	768	3,508	68,410	3.1
Communication and Public Works			51,189	24.6	469,605	13,324	60,851	530,536	23.8
Finance	5,197	40.6	62,576	31.9	462,468	104,292	476,302	873,770	39.5
Application of Special Revenue					61,927			61,927	2.8
Deposits			6.6						
Total	12,798	100.0	208,396	100.0	1,548,154	126,223*	577,374	2,225,528	100.0

* Mistake in addition in original figures.

† Conversion rate taken: 4\$567 as of decree No. 18,257 of May 23, 1928.

Sources: 1831-32 and 1889: *Directoria do Serviço de Estatística, Finanças. Quadros synopticos da receita e despesa do Brazil* (periodo de 1822 a 1913). Rio de Janeiro, 1914. 1929: *Mensagem apresentada ao Congresso Nacional pelo Presidente da Republica*, Washington Luis P. de Sousa, Rio de Janeiro, 1930.