

## Immigration, criminality and correctional institution: The case of Portuguese minors in the Paraense Amazon (1880-1925)<sup>1</sup>

### *Imigração, criminalidade e instituição correcional: o caso de menores portugueses na Amazônia paraense (1880-1925)*

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#### ABSTRACT

The study aims to analyze the immigration process of Portuguese people to the capital of Pará in view of Portuguese minors involved with criminality. Seeks to bring a localized and temporal reflection of the micro-social reality of these minors regarding nationality, work activity and criminal typology. The methodological path chosen is based on documental analysis using sources such as the crime records, the Guilty Roll and the Minors' Register Book collected in the *Santo Antonio do Prata* Correctional Institution, covering the period from 1880-1925. The article seeks not only to circumscribe the social-criminal reality of these minors, but also to put on display the correctional mechanisms in which they were subjected when they were inserted in the *Santo Antonio do Prata Correctional Colony*.

*Keywords:* Immigration. Criminality. Portuguese. Amazon. Minors.

#### RESUMO

O estudo objetiva analisar o processo imigratório de portugueses para a capital do Pará, tendo em vista os menores portugueses envolvidos com a criminalidade, bem como procura trazer uma reflexão localizada e temporal da realidade microssocial desses menores no que se refere à nacionalidade, à atividade laboral e à tipologia criminal. A metodologia consiste em análise documental a partir do uso de fontes como *autos crime*, *Rol dos Culpados* e *Livro de Registro dos Menores* recolhidos na Colônia Correcional Santo Antônio do Prata, abrangendo o período

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de 1880 a 1925. O artigo busca não apenas circunscrever a realidade social-criminal desses menores, mas também pôr em evidência os mecanismos correccionais nos quais foram submetidos ao serem inseridos na Colônia Correccional Santo Antônio do Prata.

*Palavras-chave:* Imigração. Criminalidade. Portugueses. Amazônia. Menores.

## Introduction

The day before yesterday, nine vagrant minors were arrested, who live off stealing, three of whom are slaves, who will remain in jail, three Portuguese, whom I have sent to the respective consulate, and the three Brazilians, by names Manoel Martins, Jose Alves da Silva and Justino Felix de Souza, who will accompany this officio.<sup>2</sup>

The above excerpt is part of an official letter sent by the Secretary of Police of the Province of Pará, on February 16, 1881, to the inspector of the Navy Arsenal requesting placement of certain minors who were involved in criminal activities in the city of Belém. The document depicts the situation of enslaved minors who were to be sent to the public prison for Portuguese immigrants - whose fate was resolved by the Portuguese consulate and Brazilians minors sent to schools for artisans or apprentice sailors, depending on their physical abilities. Portuguese immigrant minors generally sought out the consulates as an institution that could deal with the so-called “vagrant minors”, since there was no specific legislation for underage foreign criminals.

Throughout the nineteenth and twentieth centuries, the Pará society maintained a very ambiguous stance when dealing with immigrant minors in relation to their involvement in crime. On one hand, there were hostile and intolerant discourses that labelled captured minors as “dangerous” individuals, “vagrants”, “scourges of society”, “deviant minors” and “idlers”. On the other hand, discourses of compassion circulated in the elaboration of policies to assist minors with the implementation of educational actions in correctional institutions to contain the rise of immigrant juvenile crime.

Due to their itinerant and idle lifestyles, minors were considered a threat to social stability in the city of Belém. This concern was justified by the project established by the local elite, who envisioned progress, modernization and civility. As a result, Paraense police authorities regularly apprehended minors in the commercial center and various neighborhoods of the capital of Pará, under the justification of having committed some crime or simply due to their degraded state of abandonment on the streets. In general, it was a population of minors who had no housing or jobs and little or no schooling, which made it difficult to find a job. Due to this constant mobility and, above all, the

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<sup>2</sup> Letters from the presidency to the inspector of the navy arsenal January/June (complete). (PARÁ, 1881).

fact that they had no job, no money, and not a fixed address, minors ended up immersed in a condition of potential criminals and, consequently, condemned to marginality.

Among the various nationalities of the minors that migrated to the North region, dreaming with social ascension, were Portuguese, Italians, Arabs, Turks and Spaniards. Many immigrant minors, however, ended up building a long criminal career, being constantly persecuted by the police authorities. In some cases, when arrested for a crime, authorities identified that the minor was part of a gang of thieves engaged in burglary or robbery of the commercial establishments in Belém.

Existing documentation, such as the criminal proceedings of minor immigrants from the 4th Criminal Court of the City of Belém, the Minors Register Book of the Santo Antônio do Prata Correctional Institute (1921), as well as the Guilty Roll (PARÁ, 1905-1923b), allows us to understand that minors of various nationalities were involved in various criminal typifications. This article aims to analyze the migration process of Portuguese minors to the capital city of Pará, their involvement with criminality and the educational care measures at the Santo Antônio do Prata Correctional Institute. To achieve this objective, the following questions are addressed: What foreign immigrant minors were involved in criminality in Belém do Pará? What social markers and criminal typifications were applied by the Pará justice system to foreign immigrant minors, especially Portuguese? What correctional measures were imposed on Portuguese minors? To what extent was the “asylum” of Portuguese immigrant minors in the Santo Antônio do Prata Correctional Colony effective in their rehabilitation?

The methodology used in this study consists of document analysis. The research sources were: a) criminal records of underage immigrants; b) Guilty Roll - from 1905 to 1923, obtained from the archives of the Amazonian Memory Center (CMA), which keeps and protects the documents of the Court of Justice of the State of Pará (PARÁ, 1923b); c) Register Book of the Entry of Minors collected in the Santo Antônio do Prata Correctional Colony (CCSAP), referring to the year 1921 and acquired from the Public Archive of the State of Pará (APEP).

The history and historiography of criminal cases in Brazil has its landmark in the 1980s. The use of such documents as historical sources gained prominence in the field of History after the process of redemocratization, following Social History diffusion. Researchers became notably interested in “recovering the ‘subaltern’ voice, as it was referred to, and the reflection upon justice, so several studies emerged from then on incorporating the two dimensions, producing proficuous and original analyses on distinct themes” (GRINBERG, 2013, p. 127).

The use of criminal proceedings as a source can not only shed light to the situation of immigrant minors involved with Pará justice system, but mainly to use them as a historical document, “whether to better understand the relationships between social agents during a period marked by significant immigration of minors, or to study justice itself and its agents across various time periods” (GRINBERG, 2013, p.121).

Furthermore, by cross-referencing this source with the register book of minors collected in the Santo Antônio do Prata Correctional Institute, it is possible to develop broader analyses on the historical context of minor immigrants, the mechanisms of social control, laws and correctional procedures to combat crime. Moreover, the criminal proceedings reveal, on one hand, a constitution of individuals and their voices materialized in the discursive lines of the documents as victims, defendants, witnesses, judges, lawyers and other law enforcement agents and agents within the legal-police system. On the other hand, elements referring to the events, criminal typifications, versions, interpretations and accusations involving the minors engaged in crime activities.

Rizzini (1997) highlights that it was during the 19th century, with the advent of the Republic, that the concept of “minor” had a juridical and assistance-based reference built from the dichotomy “child” *versus* “minor”, in which the former was kept under the care of the family, and the latter fell under the jurisdiction of the State, laws, philanthropic assistance and coercive, repressive and disciplinary education. It was during this period that the term “minor” became popular and was incorporated into common language. In criminal legislation, the use of the term “minor” became commonplace to encompass all those who, equally, had not reached the age of majority stipulated at 21. As Rizzini (1997, p. 134) emphasizes, being a minor in that period “[...] symbolized being poor, being potentially dangerous, being abandoned or at risk of being abandoned, being corrupted or in danger of being perverted.”

Fraga Filho (1996) shows that the term “loafer” carried a moral condemnation, stemming from the fact that the subject was outside the family and productive domain. Therefore, the “vagrant boy” would be the one who attempted against the family order by exchanging the domestic environment for the streets, becoming a threat to the social order.

It was in the beginning of the 20th century that the term “minor” became stronger when associated with criminality, that is, becoming “a juridical and socially constructed category to designate the poor - abandoned (materially and morally) and delinquent - childhood. To be a minor was to lack assistance, to be synonymous with poverty, low morality and dangerousness” (RIZZINI, 1997, p. 134). It is within these legal and social perspectives that many young Portuguese are inserted when delinquent.

Thus, for a better explanatory and analytical development of this article, it was divided into two sections. The first section presents a contextualization of the process of immigration of minors to Belém do Pará, which was motivated by the advent of the rubber economy in the Amazon. In addition, based on data from the 4th Criminal Court from 1900 to 1925, an analysis is made of the social markers of 41 minors, highlighting name, origin, marital status, age, profession, education, and criminal typology. Finally, we address the relationship between the nationality of the foreign immigrants and the criminal typologies. In the second section, we discuss the case of two Portuguese immigrants and their trajectories of criminality and asylum in the Colônia Correccional do Prata.

## The Immigration Context of Minors to Belém do Pará

In the 19th century, migration to the Amazon region of Pará was centered on the occupation and economic development resulting from the rubber cycle. The commercial and demographic growth derived from the rubber *boom* transformed it from a “forgotten” and “backward” region into one of the most promising commercial centers in Brazil. It was from the mid-nineteenth century that the entire economy of the region began to revolve around rubber extraction, conditioning new population contingents to the city, printing an expansion and modification in the urban landscape (SARGES, 2010).

The daily scenario of the city of Belém, at the end of the 19th century and beginning of the 20th, was dubiously different. On one hand, a more central city formed by an elite that benefited from the rubber trade. On the other hand, another more peripheral city area comprising people living in poverty and inhabiting small shacks or tenements of immigrants. According to Cancela (2012), in 1872, 12% of the population living in Belém was composed of foreigners.

It is noticeable that in this scenario, not all immigrants achieved prosperity in Paraense lands, because it was not rare to see, in the analyzed period, immigrants exercising unprestigious activities<sup>3</sup>, living in tenements or collectively in commercial establishments such as grocery stores, bakeries, and nightclubs. For many years, research focused on immigration to the Amazon did not target the poorest sectors of society, since it showed the poor immigrants as undifferentiated masses of the population, ignoring the specificities of their lives and their interrelationships (HIDAKA, 2013). In the case of immigration to the Amazon, researchers such as Cancela (2012), Sarges (2010) and Sampaio (2011) give highlights to the sociopolitical and socioeconomic context of immigrants of various nationalities in the city of Belém.

Several places in Belém, such as streets, squares, bars, grocery stores and bakeries were the stage for individual and collective relationships, sometimes harmonious, sometimes conflictive. In this sense, physically reorganizing the city, as preached by intendant Antônio Lemos<sup>4</sup>, was not enough to face the challenge of the population increase, and of the public and social order. An example of this was the closing and demolition, in 1903, of all tenements in Belém, consolidating the hygienist policy and the medication of daily habits. The hygienist movement and the medication of so-called

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<sup>3</sup> Wagon maker, porter, street vendor, haystacker, butcher, blacksmith, fisherman, stoker, cashier, seaman, shop assistant, among others.

<sup>4</sup> The Maranhão native Antonio José de Lemos (1843-1913) governed the province of Pará as intendant from 1897 to 1901. It was during his administration that the city of Belém underwent a profound process of urbanization that followed the fundamental parameters of “order,” “harmony,” “civilization,” and “progress.” For further information on the life and work of the intendant Antonio Lemos (SARGES, 2002).

uncivilized habits sought to normalize Amazonian society by giving it standards of behavior and civility (PARÁ, 1903b). In the case of immigrants, the agglomerations of people in tenements living in precarious conditions and in constant conflicts and violence were recurrent.

One of the factors that contradicted these standards of behavior and civility was the contraventions of public order, particularly disorder, drunkenness and vagrancy associated with crimes against property, such as theft and robbery<sup>5</sup>, which were the main types of crime in which foreign minors participated.

According to *Chart 1*, it is possible to observe, from the documentation of the 4th Criminal Court from 1900 to 1925, that out of 41 minor immigrants, the majority were males, corresponding to 37 (90%) in comparison to 04 (10%) females. The predominance of male minors has a significant relation to the number that immigrated to the Amazon region of Pará, in their desire to work and have a prosperous life. Some were motivated to come to Belém because they had a family or crony relationship with people of their nationality who worked in the city. This situation was very common, especially among the Portuguese minors. Immigrants from other nationalities were motivated by the image of the Amazon in Europe, as a region that was in full economic expansion.

CHART 1 – NAMES, SOCIAL MARKERS AND CRIMINAL TYPIFICATIONS (4TH COURT - 1900-1925)

Name	Source	State Civil	Age	Profession	Instruction	Typification Criminal
Vicente Braga Araújo	Italian	Single	12	Student	Can read write	Theft
Agostinho Gonçalves	Spanish	Single	14	No profession	Illiterate	Theft
Ricardo Garcia	Spanish	Single	15	No profession	Can read write	Wandering Theft
Luiz Martins Nunes	Portuguese	Single	15	Salesman	Can read write	Wandering Theft
David Joaquim Tavares	Portuguese	Single	15	Salesman	Can read write	Murder
Antonio Dias Santos	Portuguese	Single	16	No profession	Can read write	Larceny
Felipe Jorge	Turkish	Single	16	Tinsmith	Illiterate	Robbery
Francisco Horácio Pires	Spanish	Single	16	Embedded	Can read write	Wandering Theft
Rosa Elias Jorge	Arabic	Married	16	No profession	Can read write	Theft
Urbano Cardo Silva	Portuguese	Single	17	Employee in trade	Can read write	Larceny
Anna Petrowich	Serbia	Single	17	Gypsy	Illiterate	Theft

(continue)

<sup>5</sup> The so-called contravention of public order - also called infractions of the “good life” and of labor standards, are offenses capable of compromising the stability of the public space shared by citizens (FUSTO, 2001).

CHART 1 – CONCLUSION

Name	Source	State Civil	Age	Profession	Instruction	Typification Criminal
José Alves Amorim	Portuguese	Single	17	Employee in trade	Can read write	Theft
Manoel Gonçalves da Cunha	Portuguese	Single	17	Bricklayer	Illiterate	Robbery
Jose Joaquim Ribeiro Braga	Portuguese	Single	18	Tinsmith	Can read write	Deflowerer
Raul Teixeira Almeida	Portuguese	Single	18	No profession	Can read write	Hole
Abel Marcelo Marinho	Portuguese	Single	18	No profession	Can read write	Theft
Jacinto Soares Quinta	Portuguese	Single	18	Letter carrier	Can read write	Robbery
José Ferreira Lima	Portuguese	Single	18	No profession	Can read write	Robbery
Antonio Pereira	Portuguese	Single	18	Salesman	Can read write	Robbery
Valentim Victor Rodrigues	Spanish	Single	18	Electrician	Can read write	Robbery
Antonio Ferreira	Portuguese	Single	19	Employee in trade	Can read write	Theft
Frederico Silva	Portuguese	Single	19	Maritime	Illiterate	Theft
Antonio Rodrigues	Portuguese	Single	19	Employee in trade	Can read write	Wandering Theft
Manoel Dantas Costa	Portuguese	Single	19	Butcher	Illiterate	Theft
João Manoel Coelho	Portuguese	Single	19	Trader	Can read write	Theft
Isac Banaion	Moroccana	Single	19	Merchant ambulant	Can read write	Theft
Luiz Martins Nunes	Portuguese	Single	19	Firecracker	Can read write	Robbery
Catharina Petrowich	Serbia	Single	19	Gypsy	Illiterate	Theft
João Lucio Augusto	Portuguese	Single	20	Employee in trade	Can read write	Larceny
José Maria da Silva	Portuguese	Single	20	Trader	Can read write	Larceny
Horácio Vieira	Spanish	Single	20	Carpenter	Can read write	Theft
Maria Augusta Fernandes	Spanish	Single	20	No profession	Can read write	Theft
Manoel Serrão	Portuguese	Single	20	Bricklayer	Illiterate	Theft
José Januário Rai	Portuguese	Single	20	Carpenter	Can read write	Theft
Joaquim Monteiro	Portuguese	Single	20	No profession	Can read write	Robbery
Jayme Gonçalves Custódio	Portuguese	Single	20	Barber	Can read write	Theft
Joaquim Martins	Portuguese	Single	21	Carroceiro	Can read write	Theft
Arthur Antonio Fernades	Portuguese	Single	21	Auxiliary of trade	Can read write	Theft
Luiz Gomes Paes Castro	Portuguese	Single	21	Trader	Can readwrite	Theft
Antonio Augusto Penna Rocha	Portuguese	Single	21	Employee in trade	Can read write	Murder
Manoel Dantas da Costa	Portuguese	Single	21	Butcher	Illiterate	Robbery

SOURCE: Prepared by the author from the from the Criminal Records of the 4th Court – Capital City (1900-1925).

As observed in *Chart 1*, the immigrant minors found in the records of criminal proceedings in the years 1900 to 1925 were between 12 and 21 years of age, of which

21 (51.5%) of the minors were between 19 and 21 years old, 15 (36.5%) of the minors were between 16 and 18 years old, and finally 05 (12%) were between 12 and 15 years old. According to the educational level of the immigrant minors, it was found that 41 (78%) could read and write and 09 (22%) were illiterate. Regarding the civil status of the 41 minors registered in the 4<sup>th</sup> Court, 40 (98%) were single and only 01 (1.5%) was married. Regarding their nationality, of the 41 minors, 29 (71%) were Portuguese, 06 (14%) Spanish, 02 (5%) Serbian, 01 (2.5%) Italian, Turkish and Moroccan.

The Portuguese, according to the information in *Chart 1*, were the immigrants most involved in crime in Pará. According to Cancela (2012), the immigration of families and young minors was motivated by the possibility of obtaining land, commercial firms, and getting rich from rubber sales. Many of these immigrants “heard that Belém was a rapidly growing city, offering numerous business opportunities, and that with work, one could easily become wealthy”. (CANCELA, 2012, p. 30).

Among the criminal charges imposed on the 41 minors in the legal proceedings (Table 1), there are 20 (48%) of theft, 09 (22%) of robbery, 04 (10%) of vagrancy and theft, in addition to fraud, 02 (5.0%) for homicide and 01 (2.5%) of defloration and threat. The data shows that the crimes were related to issues imposed by immigration, such as lack of employment, low wages due to unprofitable jobs, informality, idleness, and housing problems. However, when examining the factors of nationality and type of crime, it is possible to see that the Portuguese were involved in the majority of immigrant minors who committed several crimes. Of the total of 29 (70.5%) crimes among the Portuguese immigrant population, there were threats, defloration, homicide, and fraud, but most were involved in theft and robbery. The Spanish, on the other hand, out of the total of 06 (14.5%), were involved with theft and robbery. As for the Serbs 02 (5.0%), got involved with theft, while the Arabs, Italians and Moroccans each got involved with 01 (2.5%) theft. Finally, the Turks with 01 (2.5%) theft.

TABLE 1 – NATIONALITY AND CRIMINAL TYPIIFICATION OF UNDERAGE DEFENDANTS (4TH COURT - 1900-1925)

Nationality	Threat	Deflowering	Stelionato	Theft	Murder	Theft	Total
Arabic				1			1 (2,5%)
Spanish <sup>a</sup>				5		1	6 (14,5%)
Italian				1			1 (2,5%)
Moroccan				1			1 (2,5%)
Portuguese	1	1	4	14	2	7	29 (70,5%)
Servia <sup>b</sup>				2			2 (5,0%)
Turkish						1	1 (2,5%)
<b>TOTAL</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>24</b>	<b>2</b>	<b>9</b>	<b>41</b>

SOURCE: Prepared by the author from the from the Criminal Records of the 4th Court – Capital City (1900-1925).

NOTES: a) one female; b) all female

Regarding their professional activity, of the 41 minors, 11 (27%) were tinkerers, electricians, travelling merchants, seamen, barbers, carters, boatmen, mailman and students; 09 (22%) of the minors had no profession; 04 (20%) of the minors were bricklayers, carpenters, butchers and gypsies; and, finally, 03 (15%) of the minors were cashiers and merchants. In the case of Portuguese immigrants, there were, on the one hand, those who “worked in farming and animal husbandry, but could also be locksmiths, bakers, shoemakers, carpenters, servants, caulkers, tailors, fishermen and boatmen” (CANCELA, 2012, p. 36) and also in trade. On the other hand, some Portuguese managed to become rich from the rubber business, including owners of numerous rubber plantations.

### **The cases of Portuguese immigrant minors and the Santo Antonio do Prata correctional colony**

In the Register of Juvenile Convicts of the Santo Antonio do Prata Correctional Colony (CCSAP) (PARÁ, 1921), one can find a list of inmates who left the colony in 1921 (which was the last year of the Prata Colony) before its extinction. It is important to note that Portuguese minors were part of the group that was composed of 56 inmates, among whom were Brazilians from various regions and foreigners of various nationalities. Most of the interns at CCSAP were between the ages of 18 and 20<sup>6</sup>. However, a nominal search through the judicial processes in the collection of the CMA (Amazonian Memory Center) revealed that some of these inmates had been through police stations when they were minors.

In the CCSAP (PARÁ, 1921), entry books, that are records of 05 Portuguese immigrants who, after being accused of crimes, were sent to the correctional colony and had their lives tied up to the Pará justice system that tried to control the high number of minors who were getting involved in criminal practices in early twentieth century. Among the cases of Portuguese immigrant minors, there is a single, illiterate minor, Manoel Dantas da Costa, who was born in Portugal, in Villar do Monte. He arrived in Pará when he was only 14 years old and worked for sometime as a butcher in the capital (PARÁ, 1915). He had no fixed abode, which made him be qualified in the police stations as a “habitual vagabond”, a label that marked his life trajectory, from childhood to adulthood.

The first judicial process in which Dantas was a defendant dates back 1915 (PARÁ, 1915), when he was 19 years old, for the crime of theft, as the following note from the newspaper Estado do Pará indicates: “The criminal trial for theft, in which Manoel

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<sup>6</sup> In the register book of minors taken from the Santo Antonio do Prata Correctional Colony for the year 1921, there are 56 inmates, of whom eight were 18 years old, seven were 19 years old, and eleven were 20 years old.

Dantas da Costa is the defendant, has begun, with him being interrogated and the first prosecution witness being heard” (JORNAL ESTADO DO PARÁ, 1915, p. 2). Dantas was imprisoned for a period of time until he was released on *habeas corpus*. While free, he committed further crimes, which made him return to the police headquarters in Pará. He was characterized as an immigrant who, since his minority, was involved in criminal matters. Dantas, for the crime he committed, was imprisoned in the São José public jail and his name was put on the Roll of the Guilty<sup>7</sup>.

In the first trial in the Jury Court that took place on September 9, 1920 (PARÁ, 1920), he was acquitted. However, the prosecution appealed the jury’s decision because Dantas was seen as incorrigible, i.e., because of his numerous recidivism, he was considered a criminal incapable of being corrected. Because of this sentence, upon the request of the presiding judge, he was submitted to a new trial in which he was sentenced to serve time in the Santo Antônio do Prata Correctional Colony (CCSAP). Dantas was admitted to that institution on August 25, 1921. In the 1921 CCSAP Juvenile Admission Book, Dantas is described as a “burglar”, which caused him to have “the 3 phalanges of his right hand unusable and a scar on his left hand (palm)”. While at CCSAP, he had “regular behavior”. However, in the early morning of October 4, 1921, Dantas escapes “through one of the windows of the Colony, which he managed to break into. On October 5, 1921, he was captured in S. Luiz, and on October 23, “returned to the capital by order of the Honorable Chief of Police, as he was visibly ill” (PARÁ, 1921).

To implement the guidelines for the destination of these minors, the State utilized some correctional institutions. In the 19th century, we can highlight, as an example, the Police (coercion), the Judges of Orphans (assistance) and the Navy Arsenal (disciplining), which became central in this destination, promoting correctional activities for minors in conditions of orphanhood and criminality, as they exemplified the positivist order of containment of family and social disorders through coercive discipline and training of body and spirit<sup>8</sup>. These guidelines would serve only Brazilian minors, excluding foreign minors.

The Philippine Ordinances, in the 16th century, are the first moment in the legal system of criminal penalization of minors. Its guidelines directly influenced the legal

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<sup>7</sup> The register book of those people who were convicted by the criminal court between the years 1905 and 1923. The entry of an individual’s name in the register caused serious damage to his or her image in society, which, when very young, created stigmatization that would accompany the individual throughout his or her life (PARÁ, 1905-1923).

<sup>8</sup> Military education would promote not only the disciplining of the minor, but also prepare him for the world of work or for the military world. The Companies functioned then as part of this training that, in everyday life, consolidated the learning of manual and military labor. In this universe of training these minors, two models of citizens were formed: the man for work or the soldier for the fatherland.

ordinances of the penal code of the Empire and later of the Republic. Among these guidelines, there was a discussion around the concept of the “young adult”, which consisted of individuals between 17 and 21 years of age, who possessed a certain degree of discernment of the criminal act they had committed and that could be interpreted by the judge, who could impose a penalty that could be reduced or result in death. According to the Philippine Ordinances, criminal liability ended at the age of 7 and absolute penal majority at the age of 21 (BRASIL COLÔNIA, 2020).

According to Soares (2020), the penal code of 1890 established that criminal irresponsibility would be attributed to minors up to 9 years of age. According to the author, for those younger than 14 and older than 9, the biopsychological criterion was introduced, based on the idea of “discernment”, establishing that they would be subject to evaluation by the judge. It can be observed that, with this codification, the system of “discernment” was maintained, with only the a priori exclusion and absolute presumption of incapacity of the young offender who had not yet reached the age of 9. In addition, those who had not yet reached the age of 14 could come to be the target of a case-by-case study in order to be considered, or not, capable of answering criminally for the conduct committed. Therefore, it is clear that the concept of discernment has been part of the historical and legislative framework of the punitive apparatus related to the treatment of minors involved in criminal acts.

Another issue, considered an innovation in the penalization of minors, was that the Penal Code began to provide for the referral of minors older than 9 and younger than 14 to disciplinary institutions. In Pará, we have as an example the Colônia Correccional do Prata, which, as we will see later, operated at the end of the 19th century and in the first quarter of the 20th century. It is worth emphasizing that it was at the end of the 19th century that there was a transforming impulse in the way child and juvenile criminality was treated, leading it to the educational and reforming realm. Under the aegis of the Republic (1889), on the other hand, the destination of these minors, regardless of nationality, would be the correctional institutions. These institutions “having as objectives to educate, form, protect, and correct abandoned minors sought among other functions to combat crime, the abandonment of minors, and homeless children. The proposal “aimed to prepare the child for the world of work”, thus “domesticating and controlling the dangerous classes” (MARCÍLIO, 1998, p. 208).

It was to one of these correctional colonies that Manoel Dantas was taken in 1921: the Santo Antônio do Prata Correctional Colony (CCSAP). The Prata was one of the main institutions in which minors collected from the streets of the capital of Pará were interned. This colony was similar to the numerous juvenile asylums created throughout the country, such as the “Home for abandoned minors in Rio de Janeiro, created by the Rio de Janeiro police chief, Alfredo Pinto Vieira Melo, in 1907, for the shelter of children picked up from the streets of Rio de Janeiro” (RIZZINI; RIZZINI, 2004, p. 19).

The CCSAP was not initially created for juvenile correctional purposes. In 1898, the colony was created as an “indigenous nucleus” with the purpose of introducing “elements of civilized life” into the daily life of the Indians, particularly those of the Tembê ethnic group - a numerically preponderant group (RIZZINI; SCHUELER, 2011). According to Rizzini and Schueler (2011), it was a large “pedagogical project” organized in partnership between the State and the Catholic Church<sup>9</sup> and that rescued in several aspects the experience of the 19th century villages.

The Colony was located “in the region of the Maracanã River source and bathed by the Prata River, considered salubrious and with fertile land by the authorities and missionaries, in addition to the advantage of easy access to the capital Belém” (RIZZINI; SCHUELER, 2011, p. 88). Facility that expanded when the implementation of a road that linked the core to the railroad, which, in turn, connected Belém to the inland city of Bragança. The pedagogical action aimed to educate both girls and boys. In its first moments of operation, it had a typically school-like character and later a boarding school character (SILVA, 2019). The initial goal was “to civilize and catechize Indigenous, inserting them in regular work and educating their children, in association with the government” (RIZZINI; SCHUELER, 2011, p. 93), however, the missionary action expanded to the purposes of social control and disciplining the children of the poor.

It was under the actions of Governor Augusto Montenegro that Colônia Correccional Santo Antônio do Prata effectively became a boarding school for juvenile delinquents<sup>10</sup>. His correctional actions based on discipline and work saved it from being extinguished in 1903. In a message sent to the Congress of the State of Pará, Montenegro praised the pedagogical actions of CCSAP, which aimed to correct and educate minors involved in crime.

I also plan to reserve in the male institute some places for the little vagabonds who wander around this city. My illustrious predecessor tried

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<sup>9</sup> The Santo Antonio do Prata Institute was idealized by the Capuchin friar Carlos de São Martinho with funding from the State Government and was initially called “Instituto da Infância Desvalida Santo Antônio do Prata”. In 1905, the building was inaugurated to attend to Indian girls, under the direction of Fray João Pedro, who would become the founder of the Congregation of the Capuchin Missionary Sisters in Pará. In 1921, it was extinct and transformed into a Correctional Agricultural Colony and later in Lazarópolis do Prata, to attend to people suffering from leprosy (SILVA, 2019).

<sup>10</sup> Augusto Montenegro governed the state of Pará between the years 1901 to 1909 and among his main goals were the completion of a railroad connecting the city of Belém to the Bragantina region located in the northeast of the state of Pará public policies for the colonization of the interior, the construction of a correctional institute for poor children and minors in state of crime, which was called Instituto Correccional do Prata and a public jail that later would be called São José (ROCQUE, 2001).

this excellent means with fruitful results, if not for correction, at least for the education of these unfortunates, who get lost in our streets and who are certain recruits for a huge phalanx of criminals (PARÁ, 1903b).

The predecessor mentioned by Augusto Montenegro was Governor Paes de Carvalho, who governed Pará from 1897 to 1901. He also had an important role in transforming the initial objectives of the institution.<sup>11</sup> It was in Paes de Carvalho's government that the no-cost reception of "vagrant minors" in the institution sent by the police was determined (MUNIZ, 1913). However, it was in 1903 that the government authorized the funding of two boarding schools that brought together Indigenous and children from the cities. As reported by Rizzini and Schueler (2011), when it was called Instituto da Infância Desvalida Santo Antônio do Prata, the institution "consisted in educating minors from 6 to 20 years old, of both sexes. The institution received "a) Indigenous children; b) poor orphans; c) morally and materially abandoned; d) children of convicted defendants without means of subsistence; e) vagrants and vagabonds" (RIZZINI; SCHUELER, 2011, p. 93).

However, in the last years of its existence, CCSAP, as an Agricultural Correctional Colony, changed its main purpose from being a correctional institution for minors to a public jail. This is due to the fact that it began to accept not only "vagrant" minors, but also minors and adults who were thieves, crooks, swindlers, rapists, pederasts, and alcoholics.

The insertion of adults in the Silver Correctional Colony suggests that the loss of its primary function - correction and education of minors - caused the institution to acquire some of the problems that affected its functioning. The internal and external problems faced in the institution were similar to those of a public jail.

Inside the correctional institution, two internal and external problems were recurrent. The first was the increase of disagreements among the inmates, which culminated in physical aggression, as in the case of Romualdo Augusto Pinheiro, aka "Caboclo Romualdo", 20 years old, who, on November 16, 1921, "engaged in a fight with a fellow inmate, He was wounded in the left arm and over the right eye," and of the Bahian Norberto Fabricio, known as "Bahia," 25 years old, who, on November 15, 1921, "was dismissed from that place because of bad behavior, having slapped one of his companions for no reason (PARÁ, 1921). The second problem concerns the recurrent escapes of minors.

In 1921, the CCSAP juvenile registry book recorded 10 escapes and 4 recaptures. The first escape occurred on October 4, 1921 with the Portuguese Manoel Dantas da

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<sup>11</sup> Physician José Paes de Carvalho, born in Belém in 1850, was the first president of the Clube Republicano do Pará. He governed the state from 1897 to 1901. His administration was marked by the colonization of the Bragantine region, in the northeast of Pará, stimulating European immigration, especially Spanish, founding agricultural centers. (ROCQUE, 2001).

Costa, who was 24 years old that year, and his father-in-law Antonio Fernandes Santos, alias “Estrella”, 29 years old, both burglars. There was also the case of Antonio Ferreira, alias “Cavallo Cego”<sup>12</sup>, a 20-year-old Goiás man who was serving time for practicing con in the squares of Belém. Recaptured the day after the escape were: Manoel Dantas da Costa and “Cavallo Cego” in São Luiz in Maranhão and “Estrella” in Igarapé Açu in Pará.

Three other escapes were recorded in November. The most significant occurred on November 28 and had the largest number of inmates (04), being one of them the Portuguese José Bernardino da Costa, 25 years old. The issues concerning Manoel Dantas, who remained consistently involved in criminal activities, shed light on the problem of criminal recidivism of minors in Belém, in which the foreign minor becomes another problem to be combated by the police authorities.

Portuguese José Bernardino, illiterate, was born in Coimbra in 1896, and was 14 yearsold when he arrived in Pará in 1914, coming directly from Amazonas. In Pará, he worked for some time as a cart driver. He was arrested and convicted for the first time in 1915 for theft, serving his sentence in the São José public prison. He was an “individual of very bad habits”, as reported in the process in which he was accused of vagrancy (PARÁ, 1923, p. 372).

Due to his criminal history, he was interned in the Prata Correctional Colony, on November 11, 1921. While at the colony, the minor Bernardino participated in at least two escapes: one in November 1921, and another in January 1922: “A 16 escaped at 2:30 p.m., being captured at around 10:00 p.m.” (PARÁ, 1921).

Around 1923, Bernadino “was arrested at half past four in the morning of August 28, when he was in the act of vagrancy” (PARÁ, 1923, p.372). In the act of flagrant arrest, it is stated that he was arrested “loitering” “in the sand area of Port Pará”. Like so many others, Bernadino was arrested more for his criminal background than for any criminal act. We can see this in theact itself when the deputy mayor, Manoel Fonseca da Cunha, says that Bernardino’s arrest was necessary “because he knew that the mentioned vagrant and thief was known to the police” (PARÁ, 1923).

We can see this discretionary power used by the police in the characterizations ofthe “suspects”. This partiality is revealed in the names attributed, above all, to the offenders, who, in the proceedings, are constantly adjectivized as “thieves”, “criminals” or “delinquents” without proof of guilt. Examples are seen in the notesof the witnesses’ statements and those of the police officer in charge of the flagrante delicto. Besides reporting what the witness said he saw, they ended up recording qualifiers that revealed what the witness or the police thought of the accused (PINTO, 2008, p.164).

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<sup>12</sup> Nickname attributed for being “disabled in his left eye” (PARÁ, 1921).

Bernardino refutes the descriptions of him as a “vagrant” and a “thief”, affirming that he had a residence and “that he is a wagon driver and that he works with a cart belonging to José Pequeno; [...], at a ranch called “Páo Preto”; where he earns when he has work to do the sum of five million reis per day, and with that money he feeds himself (PARÁ, 1923). However, what can be seen in the processes is that the information given by these accused were rarely checked by the public security agents. Some of them even had a house and a job, but this information was, in many occasions, neglected by the authorities<sup>13</sup>, with many defense attorneys even criticizing them.

Observing the Republic Penal Code of 1890, in its article 399, one can understand the tone of these speeches more accurately. The Code is emphatic in determining that in order not to be considered a “vagrant” it was necessary to “exercise a profession, trade, or any occupation in which one earns a living” and not have “a fixed place in which to live. Being considered a “vagrant”, the individual could be sentenced to “cellular imprisonment for fifteen to thirty days”<sup>14</sup>, in addition to having to sign the Term of Occupation within 15 days, counting from the completion of the sentence. For foreigners, there was an aggravating factor. In article 400, there is a complement to article 399, which states that as an adult, if the Terms of Occupancy were “broken” and the “offender” fell into recidivism, he could be deported. Importantly, the meaning of “deported” did not only apply to foreigners, domestic migrants could be “deported” to their place of origin or to other states.

Reflecting on criminal recidivism and, consequently, recidivist criminals, Foucault (1987) points out that it was through the “notion of recidivism” that, in late of the 18th century, jurists began to look at the criminal no longer as just “author of an act defined by law”, but as a “delinquent individual” who “manifests his intrinsically criminal character”. Hence, the concept of the “juvenile delinquent” is derived.

Observing the French reality, Foucault identifies two issues regarding to the recidivism of criminals, which are: 1) detention provokes recidivism, since, after leaving prison, there are more chances to return than before the first detention, which shows the failure of the houses of detention and correction for these youngsters; and 2) the conditions given to released prisoners “fatally” condemn them to recidivism. These issues were in fact found in the cases of Portuguese youths who, upon leaving prison, continued to have difficulties finding work, thus falling, at some point in their lives, into the crime of vagrancy.

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<sup>13</sup> José Bernardino da Costa was sentenced by the Correctional Court to a sentence of twenty-six days and six hours of simple imprisonment in São José Prison (PARÁ, 1923).

<sup>14</sup> The Criminal Code of 1890 provided for the deprivation of liberty as the center of the penal system, either by disciplinary prison, by compulsory labor, by agricultural establishment, by confinement in fortresses or by cell prison (MOTTA, 2011).

## Concluding remarks

The issue of criminality among immigrant minors in the capital of Pará in the late nineteenth century and the first decades of the twentieth century was a big problem for the authorities. The cases of immigrants Dantas and Bernadino illustrate not only the reality of the Portuguese, but also shed light on the situation of other immigrants who had an “irregular”, or “vagrant” lifestyle, who found themselves entangled in several types of crimes such as disorder, drunkenness, theft, robbery, defloration, homicide, and more.

The plight of these minors presented a central challenge that deeply concerned the population and, most importantly, threatened the stability of public order in the city of Belém and surrounding areas. To address this issue, the police authorities implemented daily surveillance of the minors roaming the city streets. The capture of these offenders, who were often sent to police stations and placed alongside with “dangerous criminals”, became the authorities’ target.

During the *Belle Epoque* period, Belém emerged as an attractive destination for foreigners seeking employment opportunities. The number of foreign immigrants increased considerably, especially Portuguese minors, leading to the apprehension of those involved in criminal activities. Depending on the nature of the crime committed by these immigrant minors, they were sentenced by the judicial authorities to serve time in São José Jail. However, several segments of Paraense society began advocating for the removal of these minors to a detention institution, keeping them away from the city center.

To address the escalating number of immigrant minors engaged in criminal behavior in the capital of Pará, the correctional facility Colônia Correccional Santo Antônio do Pará (CCSAP) was established, where the Portuguese minors Dantas and Bernadino were admitted. Upon entering CCSAP, the length of the minors’ stay in the disciplinary institution was determined by the Judge of Law. Within CCSAP, the minors had to adapt to the rigid labor regime aimed at their reformation by combating idleness and the pedagogy of labor. Correctional education tried to instill in the minds and bodies of juvenile offenders’ habits of production, as well as fostering appropriate social behavior.

The educational project of CCSAP fell short in its objective of rehabilitating juvenile offenders. There were many cases of immigrant minors who escaped from the institution and committed other crimes, as exemplified by Bernadino’s case. Recidivism among minors was a recurring issue. Unfortunately, the available sources do not allow us to conclude that escapes were solely prompted by the rigid discipline to which they were submitted, but, certainly, the physical punishments, the isolation, the lack of communication with the outside world and, above all, the confinement, played a significant role in these frequent escape attempts. The minors’ rehabilitation dependent on their level of rebelliousness and tolerance towards the treatment of inmates.

Detaining immigrant minors in correctional colonies, such as CCSAP, was a way to place them under the surveillance and control of the state. Undoubtedly, agricultural correctional colonies, such as Santo Antônio do Prata in Pará, along with military colonies, boarding schools, institutes, asylums, reformatories, and orphanages, were conceived as an ideal space for disciplining the bodies and minds of inmates. Moreover, these institutions were envisioned as spaces to instruct, shelter, and educate minors involved in criminal activities. However, when it came to the cases of foreign immigrants, particularly the Portuguese, the public authorities in Pará failed to implement an adequate immigration policy to address the needs of these criminally involved minors.

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