

## JOAQUIM PEDRO DE ALCANTARA DOURADO: the trial of a public education teacher (Rio Grande do Sul/19th century)

Joaquim Pedro de Alcantara Dourado:  
o julgamento de um professor da instrução pública (Rio Grande do Sul/século XIX)

Joaquim Pedro de Alcantara Dourado:  
el proceso de un maestro de educación pública (Rio Grande do Sul/siglo XIX)

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**Abstract:** The article investigates the career of Joaquim Pedro de Alcantara Dourado (1827-1856), a teacher of First Letters in the city of Rio Grande/RS. The documents analyzed include correspondence from the Public Instruction, the legislation in force at the time, advertisements in the local press and the two lawsuits in involving Joaquim, for supposedly having punished students in an immoderate way, among other charges. It was identified that the profession of teaching, in the 19th century, even if carrying a degree of authority among the community, demanded a strict behavioral code from the teachers, who were expected to act as moral examples of civility for their students. The main reason for the lawsuit against the teacher is understood to be the act of punishment, even though some of his acts have contributed to the condemnation.

**Keywords:** teaching profession; public education; nineteenth-century school culture.

**Resumo:** O artigo investiga o percurso de Joaquim Pedro de Alcantara Dourado (1827-1856), professor de Primeiras Letras, na cidade de Rio Grande/RS. Tem-se como documentos correspondências da Instrução Pública, a legislação vigente na época, anúncios na imprensa local e os dois processos judiciais em que Joaquim foi réu, por supostamente ter castigado estudantes de forma imoderada, dentre outras acusações. A pesquisa identificou que a profissão de professor, no século XIX, ainda que carregada de autoridade perante a comunidade, previa que agissem como exemplo de moral e civilidade, impondo um severo regime de comportamento. Também identificou que os castigos escolares foram o principal mote para condenar o professor, embora aspectos de sua conduta tenham corroborado para sua suspensão do serviço público.

**Palavras-chave:** profissão docente; Instrução Pública; cultura escolar oitocentista.

**Resumen:** El artículo investiga la trayectoria de Joaquim Pedro de Alcantara Dourado (1827-1856), profesor de primeras letras, en la ciudad de Río Grande/RS. Tiene como documentos la correspondencia de la Instrucción Pública, la legislación vigente en la época, anuncios en la prensa local y los dos juicios en los que Joaquim fue demandado, por haber castigado supuestamente a los alumnos de forma imoderada, entre otros cargos. La investigación identificó que el magisterio, en el siglo XIX, aunque cargado de autoridad ante la comunidad, prevenía que actuaba como ejemplo de moralidad y civismo, imponiendo un severo régimen de comportamiento. También identificó que los castigos escolares fueron el principal lema para condenar al profesor, aunque algunos aspectos de su conducta corroboraron su suspensión de la función pública.

**Palabras clave:** profesión docente; instrucción pública; cultura escolar del siglo XIX.

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## INTRODUCTION

This article investigates the paths of a teacher, regent of the Second Chair of First Letters<sup>1</sup> of Rio Grande, a municipality located in the extreme south of the state of Rio Grande do Sul, taking the 19<sup>th</sup>-century as a temporal scenario. The research began when a correspondence sent to the President of the Province by the Director of Public Instruction on September 11, 1854, was located<sup>2</sup>, referring to punishments applied by the teacher. This subject immediately caught our attention. Afterward, we identified many other correspondences, and again, the character appeared involved in other accusations. When we realized it, we were looking for more information, with a name as a guiding principle: Joaquim Pedro de Alcantara Dourado. How can we not relate to the plot narrated by José Saramago, *All the Names* (2017)? Just like the novel's protagonist, who chased a name to locate the whereabouts of a woman, we chased the professor's name in different documents, looking for traces of his existence.

The documentation consulted indicates that Joaquim has sued in two 'Processes of Responsibility'<sup>3</sup>, in 1854, for having 'immoderately punished' two students in his class. Other aspects of his conduct were also raised. Thus, the investigation sought to scrutinize these events that involved him in court, focusing on the constructions of the different agents' narratives regarding the incident, considering how the defendant, victims, witnesses, Judge, and prosecutor, among others, interpreted these acts. We are also interested in discussing aspects of 19<sup>th</sup>-century school culture, considering the relationships present in legal proceedings and legislation in force at the time.

Research with legal processes can provide different perspectives on the History of Education since social agents, such as the student's parents, reported their impressions on school issues. The Judge's and public prosecutor's opinions also illustrate the magistrates' understanding of Public Instruction in line with the legislation. We can even approach the teacher's defense manifestations by examining the lawsuits. It should be noted that we must not believe that the process presents what "really happened" (Grinberg, 2015, p. 128). Like any document, the judicial process contains representations of facts with legal protocols and narrative disputes permeating it. In any case, it constitutes an important source, especially given the difficulties in accessing traces from distant times. Still paying attention to this document type, we know it is not up to the historian to judge past facts. It is essential to seek to understand the various versions of a fact and how the narratives about it are

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<sup>1</sup> Nomenclature given to the public class in which teacher Joaquim worked.

<sup>2</sup> The research analyzed documents related to Public Instruction and Administration of the Province of São Pedro do Rio Grande do Sul existing in the Historical Archive of Rio Grande do Sul (AHRS) and judicial processes held by the Public Archive of the State of Rio Grande do Sul (APERS).

<sup>3</sup> As a public official who committed an illegal act in his work performance, teacher Joaquim was investigated and convicted for punishing his students.

constructed. In addition to the official judgment, one must understand the criminal discourse that underlies the accusations, defenses, and sentences. It requires considering the “contradictions, inconsistencies, and lies” (Grinberg, 2015, 128). The author complements by stating that “it is precisely in the relationship between the production of various discourses on crime and the reality that lies the key to our analysis” (Grinberg, 2015, p. 128).

## CRUMBS OF AN INFAMOUS LIFE

The idea of infamy helps us to reflect on Joaquim Pedro de Alcantara Dourado, who was not known as a notable character, despite other 19<sup>th</sup> century teachers who obtained a certain prestige for their work, for the books they published, and the schools where they worked<sup>4</sup>.

What we know about this character is linked mainly to the lawsuits filed against him and the few letters from the Public Instruction that address his attitudes, which were seen as reprehensible. Here, we try to bring aspects of a unique life, an existence destined to pass without a trace. Foucault (2003) refers to the ‘brief lives, encountered by chance’ that historical research allows us to know. Thinking about the infamy that accompanied his existence at a given moment, we bring Farge’s reflection on legal proceedings in the 18<sup>th</sup> century. He says, “Everything focuses on a few moments in the life of common characters, rarely visited by history” (Farge, 2009, p. 14). These are the crumbs of Joaquim’s life that are discussed here.

Joaquim Pedro de Alcantara Dourado was born on October 19, 1827, to João Antonio Dourado and Romana Maria Dourado. The paternal grandparents, Manoel Joze Dourado and Maria Francisca Moreira, were born in Braga/Portugal, while the maternal grandparents, Manoel Ferreira da Maia and Maria Angelica do Sacramento, were born in Bahia<sup>5</sup>. Joaquim was baptized in the Nossa Senhora do Carmo Chapel in Rio Grande in November of the same year. His godparents were his uncle Joaquim

<sup>4</sup> Some examples of teachers from Porto Alegre: Francisco de Paula Soares was a teacher of First Letters in Rio Grande but continued his career at the Normal School in Porto Alegre until 1880 (Schneider, 1993), honored with a school named after him. Apelles Porto Alegre and also his brothers (Apolinário and Achylles) worked intensely in the academic field in Porto Alegre, specifically Apelles, who was also honored with a school named after him. He was a teacher, Director of Public Instruction, and the Normal School (Meira & Arriada, 2022). Hilario de Andrade e Silva Ribeiro taught First Letters in Porto Alegre and at the Normal School. He wrote several reading books used in classes, and he was also a teacher at the Lyceum of Arts and Crafts in Rio de Janeiro. He was honored with a street named after him in Porto Alegre (Tambara, 2003).

<sup>5</sup> According to data obtained from the *Dicionário Das Famílias Brasileiras Book* (1999), the surname Dourado contains the Oldest descendant in Pernambuco and Paraíba (1600); Bahia 1881; Rio Grande do Sul. “There is another family with this surname established in Canguçu (RS) linked by marriage to the Lang, also from RS” (p. 872). Probably this branch of the family in Canguçu could be Joaquim’s.

Antonio Dourado and wife, Maria Eufrazia<sup>6</sup>. The godfather died in 1830, leaving no children<sup>7</sup>. Joaquim married Castorina Candida de Albuquerque, with whom he had three children, of which we located records, Romana (1853) and Emilia (1855), both baptized in Rio Grande and a third child, Rodolpho, whose date of baptism was not located<sup>8</sup>. The date of marriage to Castorina and traces of the first years of her life were not found. Likewise, there are doubts about his schooling concerning the First Letters Course and continuing his studies in Secondary Education classes<sup>9</sup>. However, we do know that, in 1838, when Joaquim would have been between ten and eleven years old, Rio Grande already had Public Classes in First Letters, both male and female<sup>10</sup>. He may have attended the Boys' Class.

The Portuguese occupation of Rio Grande do Sul began in what is now the municipality of Rio Grande. Strategically located on the south coast, it was the central point of the southern trade network during the 19<sup>th</sup> century, especially from 1823, with the completion of the work on the pier, and, as early as 1832, there was already a building for the Customs Office (Altmayer & Carneiro, 2014). Economic factors contributed to the city's urbanization, influencing the education demand. In 1849, the city already had two Public Classes of First Letters for boys and two for girls, in addition to Secondary Instruction Classes. It is in this context that our character acts as a teacher. Noteworthy, many merchants in the city had their children enrolled in the Second Chair of First Letters in Rio Grande, under the responsibility of teacher Joaquim, and witnessed the events narrated here.

We know that Joaquim never studied at the Normal School of Porto Alegre<sup>11</sup>, given that the institution did not yet exist when he was admitted to teaching. Regarding the selection exam for a public teacher, it is understood that it was a solemn moment in which the President of the Province, Director of Public Instruction, and "three other people with knowledge of the subjects that covered the civil service examination"<sup>12</sup> asked questions to the competitors. Afterward, a vote was taken on

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<sup>6</sup> Baptisms of Rio Grande, book No. 11, page 298v.

<sup>7</sup> AHRS, Civil Registry Book of Rio Grande (1778-1879), Inventories.

<sup>8</sup> Information obtained through the Family Search and MyHeritage databases.

<sup>9</sup> During the Empire, teaching was divided between Primary Education, where reading, writing, arithmetic operations, principles of history and Christian morals were taught, in open classes in homes; Secondary Education that functioned as preparatory classes for Higher Education, such as Latin, French, geometry, operated in Lyceums or classes in teachers' homes; and Higher Education, especially in the Court where there was the School of Medicine and the Polytechnic School for the training of engineers and geographers (Cabral, 2015).

<sup>10</sup> AHRS, I.P, box 5, pack 10.

<sup>11</sup> The first Normal School in Brazil was created in 1835 in Niterói-RJ (Tunuri,1992). In Rio Grande do Sul, the Normal School was founded in 1869 alongside the Lyceum D. Affonso (Schneider, 1993).

<sup>12</sup> Regulation for Public Schools of Primary Instruction - 1842. Art. 36. This and other laws related to Public Instruction in Rio Grande do Sul can be consulted in *Coletânea de Leis sobre o ensino primário e secundário no Período Imperial Brasileiro* organized by Elomar Tambara and Eduardo Arriada (2004).

which candidate would assume the position of teacher<sup>13</sup>. The opponents, a term used to refer to the candidates, should present a certificate of good morals and conduct provided by the Justice of the Peace or Vicar of the municipality where they resided<sup>14</sup>. Joaquim was approved in that contest and remained as a teacher of the First Letters Class of the Parish of Canguçu until February 1851<sup>15</sup>, when he was transferred to Rio Grande. He again traveled to Porto Alegre to take another exam to assume the chair in this municipality.

When analyzing the conditions for the emergence of the teaching profession, Antonio Nóvoa relates it to the constitution of a nationalized school system so that “becoming a ‘professional teacher’ means, in general, reaching a position of ‘official’ in the public administration” (Nóvoa, 1991, p. 110). The author points out that State intervention in education causes “a homogenization, a unification, and hierarchization on a national scale of all these groups” (Nóvoa, 1995, p.17). In this sense, the State forms a “professional body” (Nóvoa, 1995, p. 17) of teachers by establishing the selection criteria established by law and carrying out teacher exams.

Since 1851, the year he arrived in Rio Grande, Joaquim advertised his private lessons in the local press<sup>16</sup>. According to the advertisement, he was willing to teach grammar classes in Portuguese and French, both subjects provided for in the Elementary Instruction, as evidence of his knowledge. It is noteworthy that, at that time, there were practically no school buildings built especially for this purpose<sup>17</sup>. The teachers “opened the Class” in their own residences or rented a house where it would be established<sup>18</sup>, the rent amount was paid by the Province through a certificate from the City Council<sup>19</sup>. For the installation of the class, the Board of Education, located in the capital, had to approve the budget for the purchase of utensils and furniture<sup>20</sup>, in addition to sending the necessary materials.

Considering the teacher and his entry into the public teaching profession in the 19<sup>th</sup> century, we turn to the judicial processes that condemned him to a one-year suspension from public service.

<sup>13</sup> Regulation for Public Schools of Primary Instruction -1842. Chapter IV. Filling vacant positions. Art. 35-38.

<sup>14</sup> Regulation for Public Schools of Primary Instruction - 1842. Art. 33.

<sup>15</sup> AHRS, I.133.

<sup>16</sup> According to an inventory produced by ALVES (2006), more than 50 periodicals circulated in Rio Grande in the 19<sup>th</sup> century, including daily newspapers and small press. The Rio-Grandense Library preserves many editions of these newspapers.

<sup>17</sup> According to Grimaldi (2016), the construction of exclusive buildings for school purposes in Porto Alegre dates from the end of the 19<sup>th</sup> century and the beginning of the 20<sup>th</sup> century, mainly for private schools.

<sup>18</sup> This practice remained until the first decades of the Republic, as evidenced in the research by Graziotin e Almeida (2013) on Malvina Tavares, a public teacher in the interior of Rio Grande do Sul, at the end of the 19<sup>th</sup> century. In 1899, Malvina “opened” her class at Encruzilhada do Sul, which operated in a part of her house.

<sup>19</sup> Regulation 1842- Art. 50.

<sup>20</sup> Regulation 1842 – Art. 59 Paragraph 8.

## “VILE AND DETESTED”: AN ANALYSIS OF LEGAL PROCESSES

In addition to these analyses that involve the individuality of the teacher, the examination of the judicial processes made it possible to identify two aspects of the school culture: the physical punishment that would have been applied to two students and, going further, Joaquim’s conduct as a public teacher of First Letters. His actions, seen as reprehensible, help us think about what was expected of teachers, who, through their example and activities, should lead students to become civilized citizens. For this reason, we chose to bring words used in defense of this teacher, who points out that these criminal accusations make the accused a ‘vile and detested’ being.

Through the contrariety and defense texts, whose authorship we can attribute to Joaquim as he signs them, it is possible to speculate about his expertise in legal issues. However, the possibility that this professor had some advice for writing these texts cannot be ruled out. In all of them, he always defends and justifies himself, referencing the Criminal Code and other laws of the period and citing theorists of Roman law, like Cato. Although he did not have a degree in Law<sup>21</sup>, we can assume that he sought legal information and accessed classic legal texts.

The two lawsuits were caused by the possible abuse of punishment applied by the teacher to two students, José Maria Gomes, aged 12, and Joaquim Bernardino de Sena, aged 6. Both investigations occurred in parallel, and some witnesses appeared in both lawsuits. Therefore, the names of these students are used to identify which process we are referring to. It is essential to say that the Public Instruction Regulation<sup>22</sup>, of 1842, which legislated Primary Public Instruction in the state, recommends using paddles as a form of correction, limiting its application to “twelve paddlings”. Therefore, physical punishment remained a legitimate resource for teachers as long as there was no abuse.

A judicial process begins when a crime is reported, which must be provided for by law through a Criminal Code (Grinberg, 2015). In the case analyzed here, the Public Instruction authorities and the President of the Province learned that teacher Joaquim had excessively punished two students. Therefore, the decision to prosecute him through the courts came directly from the President of the Province, João Lins Vieira Cansansão de Sinimbu. On September 19, 1854, at the Presidency Palace, in Porto Alegre, the President wrote to the District Judge of Rio Grande:

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<sup>21</sup> The Free School of Law of Rio Grande do Sul, located in Porto Alegre, was only created in 1900. Throughout the 19<sup>th</sup> century, the nearest higher education course was in São Paulo at the Law Academy, founded in 1827.

<sup>22</sup> Law of Public Instruction.

Consisting of the information together in copy that the Teacher of the 2<sup>nd</sup> Chair of 1<sup>st</sup> Letters of the City of Rio Grande ‘Joaquim Pedro d’Alcantara Dourado has applied immoderate punishments to his disciples’, causing a minor defect in the index finger of the right hand of one of them, named José Maria Gomes, ‘in addition to other irregularities in the performance of his duties’, it is convenient for you to proceed against said Teacher as per law” (Arquivo Público do Estado do Rio Grande do Sul [APERS], 1854, p. 3)

We draw the reader’s attention to the parts in bold, indicating that the teacher punished the students excessively, leading to the understanding that this would not have been an isolated case. The possible recurrence of punishments could justify the construction of a judicial process. Then, the second lawsuit begins, also motivated by punishments inflicted on student Joaquim Bernardino de Sena. As indicated by the phrase “restrain similar excesses,” the investigation would be a way to restrain the teacher so that there were no other similar practices. In correspondence with the President of the Province, the Director of Public Instruction interprets that “Article 21 of the Regulation authorizes the physical punishment and the detention [...] but given the explained, it seems that the teacher abuses.” This is a ‘key phrase’ for analyzing the unfolding of lawsuits, as the imposed question was not the punishment itself, but the ‘abuse’.

In both cases, we assumed that the students were fatherless. In the case of José Maria Gomes, his godfather<sup>23</sup>, with the same name, participates as a witness. In the case of Joaquim Bernardino de Sena, neither he nor his parents or guardians were called to give testimony, although his mother, Benedicta Maria das Dores, is cited. Predominantly, they are men who serve as witnesses, something typical of the patriarchal society of the time, whose female role was centered on domestic life.

After the first witnesses were selected, on the day of the interrogation, the ‘qualification of the accused’ took place, the time of the public hearing in which Joaquim was asked the following questions: “What is your name, what is your nationality, where were you born, what is the name of your Father and Mother, your

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<sup>23</sup> The relationships of godfathering and guardianship were remarkable characteristics of the 19<sup>th</sup> century. Especially when dealing with “poor” children whose godparents were men of a particular social prestige and purchasing power, such a relationship was mainly due to economic differences, since in a slave-owning country, whose enslaved blacks were in misery, many white and free families were also in poverty. On this subject, I suggest reading the article “Under/about the silence of sources: the trajectory of a research in the history of education and the treatment of ethnic-racial issues” by researcher Eliane Peres, in which she addresses the instruction of white and poor men and boys, as well as free and freed blacks in Pelotas in the 19<sup>th</sup> century. According to the author’s research, guardianship relationships contributed to the maintenance of a nocturnal elementary school for males, in which the students who attended this class, especially ‘younger ones’, were under the ‘responsibility’ of ‘distinguished’ men who were also ‘protectors’ of these children.

age, marital status, and profession?”<sup>24</sup>. Given that the two lawsuits occurred in parallel, the days of the hearings were the same or close.

Analyzing the listed witnesses makes it possible to visualize part of the society where the teacher was inserted. From examining these people’s professions, we can infer that they are, essentially, men with social prestige and, probably, possessions. It is noteworthy that of the 29 witnesses, only five are single. We can assume that married men, household heads, had more respectability. Another interesting fact is that 21 witnesses claimed to be traders, which shows the city of Rio Grande as a commercial center in the region, probably linked to the seaport. Concerning women, we observed that only two served as witnesses. It is assumed that both appear listed because they were cited by the physician Dr. Augusto Candido, who makes accusations in his testimony. Attention is also drawn to their profession, Maria Helena Osório, a seamstress, an activity common to poor women (Del Priore, 2020). Despite declaring herself a seamstress, she was accused of being a prostitute by the teacher during her defense. It is also a typical situation of the 19<sup>th</sup> century, i.e., poor and single women were morally attacked in a moment of conflict with men. Maria Theodosia did not present a profession or marital status but was presented as a widow throughout the lawsuits.

In addition to the witnesses, correspondence sent to the students’ parents collaborated in the defense, in which the accused questioned the addressees about possible immoderate punishments and requested answers in writing. These letters were attached to the student Joaquim’s lawsuit. Other documents that contributed to his defense were also included, such as certificates granted by the police substation and parish of Rio Grande. This ‘documentary corpus’ gathered in the lawsuit reinforces the teacher’s ability to build his defense.

With this overview of the legal procedures for the constitution of these lawsuits drawn, we analyze the judicial documentation in three stages: accusation, defense, and, finally, the sentence.

## “I KNOW BY HEARSAY”: TESTIMONIES AND ACCUSATIONS

“I know by hearsay” is a recurrent report by witnesses for the prosecution<sup>25</sup>, either because they heard someone say that the teacher had punished the students or they heard someone mention that he had asked the students’ parents for money. However, no one accused him directly, i.e., before the Judge, those summoned to testify did not witness what they testified.

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<sup>24</sup> APERS (1854, p. 18). Qualification.

<sup>25</sup> Francisco Tosqui, 43 years old, single, born in Rome, goldsmith by trade. Faustino Fernandes de Lima, 37 years old, married, born in the Province of São Pedro do Rio Grande do Sul, musician by trade.



Next, we present the complaints made by the authorities and witnesses for the prosecution. In addition to ‘immoderately’ punishing students, other aspects related to this teacher’s professional conduct were also raised and will be analyzed over the following pages.

Regarding the application of physical punishment, we know that it was present in teaching during the 19<sup>th</sup> century, in a legal way, as a strategy to obtain students’ obedience through punishment. Examining judicial processes allows us to speculate about the use of these disciplinary practices in the school culture at the time. Thus, the singularity of Joaquim’s case is not in the punishment itself but in the construction of judicial processes that involved him as a defendant.

As presented by the Director of Public Instruction, other ‘irregularities’ were set against the teacher who “in addition to these excessive physical punishments, it is customary to detain pupils in the school, leave, and lock them from the outside”<sup>26</sup>. Such insinuation seems to be an attempt to indicate his cruelty toward students, a behavior considered inappropriate for a public teacher.

Another peculiarity of this case is that the physician, Augusto Candido, who treated the two students who would have been punished (José and Joaquim), offered to testify in the lawsuits. He was the principal witness for the prosecution, as he was the first person to know that the boys’ hands were injured due to the alleged paddlings received during the class and for bringing to trial reprehensible aspects of the teacher’s conduct. It is possible that, upon learning of the situation of these children, this physician took the case to the Educational Inspector in Rio Grande, the also physician José de Pontes França, who, in turn, wrote to the Director of Public Instruction in Porto Alegre, reporting what happened. The Director, as we know, called the President of the Province, who responded with the order to “proceed against the teacher,” i.e., to prosecute him in court. In this regard, we draw the reader’s attention to the notoriety of the medical profession in the 19<sup>th</sup> century, as these professionals also held authority concerning matters related to Public Instruction and performed functions related to teaching, such as teachers or inspectors<sup>27</sup>.

Joaquim was also denounced for asking money from the students’ parents, which was prohibited, given the Regulation for Public Schools of Primary Instruction (1842), which prohibited public teachers from charging for teaching. Other very serious accusations follow: infanticide<sup>28</sup>, for having attacked a pregnant woman, and

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<sup>26</sup> APERS (1854, p .5).

<sup>27</sup> Regarding the differences in the training of these two categories, I emphasize that the first medical school in Brazil was founded in 1808, and the first Normal School in 1835, both in Rio de Janeiro. Still, in the 20<sup>th</sup> century, during the New State, the Ministry of Education and Public Health was created. It existed until 1953 when they were separated with the creation of the Ministries of Health and Education (Ghiraldelli, 2015).

<sup>28</sup> The crime of infanticide was also provided for in the Criminal Code, Art. 197: “Killing a newborn. Penalties - imprisonment for three to twelve years and a fine corresponding to half the term.” Art. 199:

pederasty<sup>29</sup>, for allegedly trying to persuade a student to ‘prostitute himself’, which, according to the testimony of Dr. Augusto Candido, “is a public fact”. It would show, once again, his lack of morality. Considering an individual’s sexuality as a ‘public fact’, even more so a teacher, serves as an indication to think about the treatment of sexual issues in the 19<sup>th</sup> century from a moralist perspective.

It is interesting to reflect on the possibilities these lawsuits point to for thinking about the teaching profession in the 19<sup>th</sup> century. The exercise of teaching was endowed with a sacralization, in which the teacher was imbued with teaching students, in addition to the expected content, civilized behaviors, primarily through their example. As evidenced by Nóvoa (1995), teachers are protagonists of the educational phenomenon. They are linked to the status and social image of the profession, which could explain the proportions of these lawsuits that condemned the teacher’s attitudes.

Joaquim faced many accusations and clarified that this physician was ‘his enemy’. The reason for this enmity would have arisen approximately in 1852 when Augusto Candido was called to examine Joaquim’s mother-in-law. The diagnosis given was that the woman was pregnant. However, as time passed, it was realized that this was untrue, so the professor “made it known everywhere that Doctor Augusto Candido was not an expert in his art.” It can be seen that there were conflicts between these two men, and Joaquim used this in his defense, claiming to be the victim of a ‘conspiracy’. A physician and a teacher in dispute held social prestige conferred by their professions. Both exercised functions of authority before the community. We understand that these power relations explain the lawsuit’s outcome somewhat. Joaquim was punished, but he was not exonerated from public teaching. He was suspended from his professional activities for one year as a penalty, most likely undermining his honor.

Of the seven witnesses for the prosecution who addressed the subject of the teacher asking the students’ parents for money, only two reported that this proceeded. However, they did not say whether it was a loan or a charge for teaching their children. The other five ‘heard it said’, as mentioned earlier. Based on these testimonies, Joaquim would have asked for money from only one father, Claudio Berthelot. The teacher’s response to Claudio Berthelot was, “he never received payment for teaching his students and that it was true that he had asked the witness to borrow money, not as

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Carrying out an abortion by any means employed internally or externally with the consent of the woman involved. Penalties - imprisonment with labor for one to five years. If this crime is committed without the consent of the woman involved. Penalties - doubled.

<sup>29</sup> Pederasty refers to a male adult who has sexual and affective relationships with other, usually younger, men. There is nothing in the Criminal Code of 1830 about this practice.

payment, but because he needed it.”<sup>30</sup> Joaquim confirmed that he had borrowed money from Claudio, so this ‘request’ was a ‘loan’, not payment for the teaching service.

Returning to the initial cause of the proceedings, which was the accusation of abuse of punishment, we find another particularity that deserves to be highlighted. Student José Maria Gomes was called to provide information. We emphasize that, according to current laws, as he was a child, this manifestation had the characteristic of ‘information’, therefore not carrying the weight of a statement. Thus, in the lawsuit, the boy was not considered a ‘sworn witness’ responsible for speaking the truth under oath. At that moment, the Judge asks why the teacher punished the ‘informant’:

Judge. Didn't you have a swollen hand on which Doctor Augusto Candido performed an operation?

Informant. I did, Sir.

Judge. Where do this inflammation and this tumor come from?

Informant. They came from six or seven punishments, which my teacher applied me as a result of having asked a boy for a lesson and missing school three times.

Judge. Were you punished repeatedly?

Informant. I was punished whenever I didn't know the lesson, but it never happened that I was punished twice in one day.

Judge. How much punishment did you receive at school?

Informant. I didn't always get hit six times; sometimes, it was less.

This excerpt allows us to approach this aspect of 19<sup>th</sup>-century school culture related to punishment. The reasons that could lead teachers to use physical discipline: having the student ‘missed class’ and also for having ‘asked a boy for the lesson’. Probably José did not do the lesson and asked his colleague for the answer. According to the Regulation, the teacher should:

Art. 53 Paragraph 13 - Every day, order the General Monitor to take attendance of the pupils, noting those who are absent, and giving the necessary measures on the same day to come to the knowledge, if the absent one had sufficient cause to be punished, in addition to physical punishment with solitary confinement, if the opposite is true.

Again, it is seen that Joaquim, in theory, acted within the law when applying the punishments. Remember that the Regulation allowed teachers to punish their students with up to twelve paddlings. In the case of Joaquim Bernardino de Sena, a

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<sup>30</sup> APERS (1854, p. 33v).

six-year-old child, the punishments were two paddlings. In the case of José Maria Gomes, who, in 1855, when he appeared to provide information, was already twelve years old, he would have received approximately six paddlings in two punishments on the same day of class. Thus, after all the witnesses heard and attempts at defense, the Judge still understood that a crime had been committed. The actions of that teacher were provided for in the Criminal Code - sections V (excess, abuse of authority, or influence arising from employment) and VII (conduct irregularity).

Teacher Joaquim was 'pronounced as an incurrance', a term that referred to the formal accusation made by the Public Prosecutor's Office, therefore included in the articles above. According to the Judge and in light of the Criminal Code, he would have exceeded himself in punishing students, and the penalty for this crime was suspension from public service. As for inappropriate conduct, the sentence was the loss of employment and the impossibility of working in another. The attribution of these two punishments is further evidence of the importance given to the public image of teachers.

## **"THIS IS WHY WE WORK SO HARD TO PROVE OUR INNOCENCE": JOAQUIM DEFENDS HIMSELF**

The teacher's manifestations were intended to prove his innocence at different times. During the interrogations, he was given the floor to contest the witnesses, then wrote the text of the 'contrariety' after the formal accusation by the Public Prosecutor's Office, and, finally, he presented the wording of the "defense." Attention is drawn to the fact that these texts serve as indications for us to think about the intellectual capacity of First Letters teachers, their perceptions about teaching, their possible knowledge of the laws and functioning of society, and their appropriation of discourses referring to their duties to the teaching profession.

We infer that Joaquim is the author of these texts, although he uses the first-person plural. The research is interested in understanding how he articulated his arguments, the choice of witnesses who would favor him, and the mobilization of certificates and documents that he sought from public bodies and attached to the lawsuits to ratify his moral suitability.

Joaquim was urged to discuss the punishments at the beginning of the lawsuit. What to think about the speech that puts 'his religious duty' to correct the students through the means granted to him by the current legislation? It is worth remembering that, in the 19<sup>th</sup> century, the Church was linked to the State, so 'religious duties' merged with the other teaching responsibilities. This appeal to the religious *ethos* of the teaching profession is characteristic of a medieval legacy that goes back to the origins of the teaching profession, in which the identity of clerics was confused with an image of intellectuals and teachers (Le Goff, 2019). These historical relationships

make it possible to understand this almost messianic character in the teaching profession as leaders of youth<sup>31</sup>. Thus, once again, Nóvoa (1995) is referred to when he states that the historical constitution of teachers' professional identity is ambiguous and intermediate. While they were not religious priests, the same profile of rectitude, integrity, morals, and a sense of quasi-religious orientation were expected of them. In this way, the teacher's authority extends beyond the classroom.

Still, in that document, in which Joaquim provided the first clarifications regarding the punishments, he justified his attitude by clarifying that, according to his understanding, the student José was negligent and all other forms of punishment to correct this student had been exhausted. He was probably referring here to verbal admonitions, i.e., talking and warning the student about his behavior, which were practices from European humanism. The reader's attention is called to the fact that the professor wrote, in his defense, that the punishment would be given according to the seriousness of the crime, probably also referring to the law when stating that the physical penalty would be given according to the fault committed. Joaquim said he inflicted "only" three paddlings when the law allowed up to twelve. Once again, we bet that the accused studied this Regulation diligently to write the texts of the lawsuit better.

Still trying to get rid of what he was blamed for, 'our character' developed a clever strategy as a kind of alibi. If his word was perhaps worthless, then the students themselves could inform whether or not these disciplinary practices occurred in their classes. However, as minors could not appear in court and testify about what happened in the classroom, their parents would speak for them in the sense of attesting to the good conduct of the teacher. Confident of the answers he would get, he sent letters to families, asking them to ask if their children were being cruelly punished at school.

The teacher claimed, in court, to have about 40 frequent students. According to the lawsuits, apparently, 34 parents responded to Joaquim's request, all without complaints, and some even praised him. Considering that two students would have suffered 'immoderate punishment', only four remain, whose responses were not attached to the lawsuits. We can think that these four families did not comment, or perhaps they responded. However, they were not included in the defense, possibly because they presented positions that did not favor him since he claimed to have enemies in the city.

It should be noted that, by inserting these correspondences into the lawsuits, Joaquim demonstrated that he was aware of the relevance of the position of these men, who kept their children attending his class. Of these 34 parents who responded to the professor's appeal, only nine were defense witnesses. Supposedly, we can think he was not allowed to bring others to testify in his favor. However, all this mobilization was not enough to exonerate him. Not even those parents who spoke in court or

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<sup>31</sup> A common expression at the time to describe the professional performance of teachers.

manifested themselves through the letters were mentioned in the sentence, which may raise questions about a possible pre-intention of conviction.

Still, in the correspondence, Francisco de Paula Cardoso praised his son's 'development' and said he was satisfied with the teacher's methods. In the case of Malaquias José Neto, he made use of a hypothesis that if one of his godchildren were punished in class, he would try to resolve it peacefully by talking to the teacher. Such a position may indicate a condemnation of the fact that accusations of school punishments become a case of Justice. Malaquias also stated: "I don't try to find out about things that don't interest me, and less about information about children." Perhaps this could be a criticism of the fact that student José Maria Gomes was heard in court. Jose Silveira Vilalobos even wrote that he thought the accusations against the professor were false. Another curious fact is that of Claudio Berthelot, who replied to the letter stating not know about these immoderate punishments. At this point, attention is paid to the contradictions as Claudio was a witness for the prosecution in one case, and, in the other, he claimed not to know about them. It is also important to emphasize that no response from any woman is filed. What can one think about it? Once again, we believe married women from wealthy social positions were not entirely occupied with their children's education. This role is the responsibility of men, household heads. Nor can we discard the hypothesis that some women, especially those from lower social classes, are illiterate. It is important to remember that the class was for boys, another relevant factor for men to be at the forefront of this court case.

After the prosecution's formal accusations, the 'Accusatory Libel' produced by the Public Prosecutor, the defendant presented his 'contrariety', a written document in which he could expose his positions. In this defense instrument, it is possible to identify several aspects related to Joaquim's understanding of the laws, his actions, and the situation in which he was involved, as previously mentioned. He references "truth" in Latin, which once again shows erudition on the part of the author of the text. It is also seen that he attributed to 'enemies' an attempt to 'ruin' him. He possibly identified the witness, Dr. Augusto Candido as an enemy who hatched a conspiracy, already flagged as 'his enemy' during interrogations. As well as the witnesses who 'heard' that the teacher asked the students' parents for money, and only one of his students' fathers, Claudio Berthelot, who was a prosecution witness, actually received the request for money from Joaquim, who claimed to be a loan request and not a charge for teaching his son.

In his defense, he also points out that the application of the Criminal Code was incorrect, as Article 144 concerns the relationship between a public official and a subordinate. This was not the position of a Public Instruction teacher, in addition to the fact that the Criminal Code itself, in Article 14, prohibited "suing teachers for moderately punishing their students, even when some harm results." Again, attention is paid to the quality of this defense by showing that the Criminal Code protected teachers concerning punishments applied to students. It is noteworthy that it is for

this reason that punishments are often presented as ‘immoderate’ in the lawsuits or that the teacher went too far when applying punishments.

Finally, we come to the two other accusations: pederasty and infanticide. Both were raised by Dr. Augusto Candido, who reported having heard a conversation between Maria Helena Osório and her godson Aprígio about the teacher having detained him during the class and trying to seduce him. The first argument used by Joaquim was the impossibility of such a story being heard when walking down the street. Joaquim informed that he gave private lessons to Aprígio and José, both sons of Francisco Bento de Lima, and attached a letter in which Francisco confirmed this fact. Thus, he reflected on whether Francisco, in the ‘position of a father’ and “in the position of a tutor, protector, would allow his pupil, a protégé, to continue in the company of such a demoralized and heartless corruptor?”<sup>32</sup> We emphasize that at no time did this father, Francisco Bento de Lima, appear to testify. And about this fact that Maria Helena told, Joaquim wrote:

Faith must also be given to her testimony ‘that sacrificing decency and chastity due to her sex’, condition, and age, she came to court to tell a disgusting story that only a depraved and corrupted conscience could invent and for another being repeated. (APERS 1854, p. 78v).

The teacher appealed to the female status of this witness as a way of disqualifying the testimony. Maria Theodosia would have left aside the “decency and chastity” of a woman to show herself in ‘court’ and to tell a ‘depraved and disgusting story’. Still referring to her, he said:

[...] for ‘the honest woman who allows herself to be related to a woman of bad habits and bad behavior has become equal to this one’ because such is the woman with whom she is friends, such should her behavior, judgment, and quality be regulated [...]

In this excerpt, he referred to a possible friendship between the two witnesses for the prosecution, Maria Theodosia Ribeiro and Maria Helena Ozorio. The latter accused him of being responsible for an abortion she had after being attacked by the teacher, according to her testimony. Joaquim reported that Maria Helena is “a young courtesan. In addition to being inadmissible by law, she is unworthy of faith,” indicating that, as a prostitute, she should not be believed. As explained by Mary Del Priore (2020, p. 66), poor, widowed, or single women who performed some work in the 19<sup>th</sup> century were targets of “male malice”. The defendant used this “bad reputation”

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<sup>32</sup> APERS (1854, p. 77).

and included correspondence exchanged with the Neighborhood Police Officer, a police authority at the time, in the lawsuit, who confirmed that:

[...] Maria Helena Ozorio lives in this block; 'she is a public woman', and until now, I have not had a complaint about her behavior, nor do I know that the authorities have had it either.

To affirm his honor, the teacher added to the defense documents a certificate issued by the police substation in which it appears that there is 'no fault in the list of culprits', i.e., his name was clear. In addition, he also included a certificate from the parish priest:

Joaquim Pedro d'Alcantara Dourado, a Public Teacher of 1<sup>st</sup> Letters of this City, requests your attestation, signed, authentic, if the applicant, your parishioner, 'has good moral and religious behavior, and if, as a married man, he is honest and a good family man' applicant, as a public official, zealously fulfills the duties of his teaching position. (APERS, 1854, p. 56).

As we can see, in the 19<sup>th</sup> century, the vicar, teachers, and doctors also constituted authority in the community and had the power to attest to people's good behavior. The presence of this written document, granted by a member of the Church in a judicial process, attests to the symbiotic relationship of Catholicism with the State. The priest reported that Joaquim fulfilled his religious obligations and was a good family man and declared that he was also a zealous public official in his role as a teacher.

According to the defendant, there was no way to prove this case of abortion; not even the Judge would have ordered an investigation into this situation, and not even the Educational Inspector would have taken measures. For the teacher, all of this resulted from Dr. Augusto Candido, who had an enmity for him. In these two situations, pederasty and infanticide, no other witness spoke about or was questioned about it. Perhaps they were not publicly known facts, as Dr. Augusto Candido alleged, or if they were in the public domain, they could be commented on only as gossip.

In the case analyzed, the two women who went to court, Maria Helena Osório and Maria Theodosia Ribeiro, were not under 'male protection' since one was already a widow and the other was believed to be a prostitute. It is assumed that, precisely because they are disconnected from a male provider, these women could go to court and testify to facts that they witnessed in their daily lives. It is also understood that both lawsuits may have begun with the complaints of the students' mothers about attitudes that could have been understood as mistreatment of their children as a way of protecting them. At all times that the accused addressed the women who appeared



in this lawsuit, it was in an attempt to disqualify them for reasons due to ‘their gender’ to weaken these narratives as a defense strategy.

Returning to the defense, the nine parents who appeared in court in favor of the teacher reported not knowing about the immoderate punishments, so much so that they kept their children in the Public Class. Witness Desidério Antonio de Oliveira<sup>33</sup> reflected “that it does not seem possible that so many parents, who have their children at the school of the person responsible, knowing all the accusations made against them, would want to keep them in it if that were true.” Other parents reported not knowing anything that would ‘discredit’ this teacher’s conduct, which we consider to be another indication of the teachers’ authority over the community and evidence of the trust placed by the parents in Joaquim, a public official. Ricardo Joaquim de Almeida<sup>34</sup> informed that “he knows that he is a good father of a very virtuous family and treats his family very well.” As a father and head of the family, we noticed that the family dimension held a force in favor of this teacher, who was recognized by other parents and the authorities – police and religious – according to the documents analyzed.

We consider that the defense that this professor gathered in his favor was very expressive and diverse. This lawsuit may likely have become a delicate matter in the city since, when the prosecution witnesses were again called to testify, they ‘softened’ their testimonies, informing that they had no intention of accusing the teacher and that there was ‘no talk of for harm’, as in the case of Claudio Berthelot. However, the accusations were serious and did not go unpunished. We now analyze the sentence handed down in the lawsuits in more detail.

## **"IT IS BETTER TO REMAIN SILENT": THE SENTENCE**

After ten months of investigation and almost a year since the alleged punishment applied to the student José, the case was concluded with a sentence handed down by the First Substitute of Judge José Antonio da Rocha. In addition to the two cases of abuse of physical punishment, the Judge commented that the Inspector had also reported a complaint received by the mother of two students who asked him to ‘remove’ the children to another school ‘because the person in charge barbarically beat them’. The Judge argues that “to punish requires bearing in mind the age and sensitivity of the students.” Repeated complaints against the teacher could be evidence that he did not observe this prerogative because:

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<sup>33</sup> Witness Desidério Antonio de Oliveira, 59 years old, widowed, Treasurer Administrator of the Bureau of Income, also a public official.

<sup>34</sup> Witness Ricardo Joaquim de Almeida, 36 years old, married, and profession linked to commerce.

The person responsible for immoderately punishing the minor, José Maria Gomes, ‘committed the crime while being superior in strength’, as mentioned in the Libel, and abused the trust that the godfather of the said minor had placed in him (APERS, 1854).

In this way, the Judge understood that the application of Article 144 of the Criminal Code on “exceeding the faculty of correction” was correct. For this reason, the teacher was sentenced to the maximum penalty of suspension from public service for ten months in each case, totaling twenty months of suspension.

Regarding the case of pederasty, the Judge pointed out:

[...] both he [Aprigio] and his father Francisco Bento de Lima did not testify in this lawsuit as necessary to completely clarify the truth. Before the statement said, Lima included the non-existence of such fact, as can be deduced from the f52 document. Therefore, it is not to be assumed that he would allow the continuation of his son in the person in charge’s class once he had this immorality (APERS, 1854).

The document referred to by the Judge is the correspondence that Joaquim attached to the case, in which Francisco Bento de Lima explained that his children continued to attend the teacher’s class. The other two accusations, infanticide and requesting money from the students’ parents, were not even mentioned in the sentence. About these, it is understood that no one else was called to testify, as there is no subpoena attached to the file, or any other type of document, requesting the presence of Francisco, father of Aprígio, a student who was supposedly the victim of harassment. Perhaps, due to the seriousness of the matter, a more detailed investigation should have been carried out. However, as the father and son did not manifest themselves in this regard, the conclusion was that this fact did not occur, as evidenced by the Judge in the sentence.

Given the above, these three accusations are noted to have contributed to *our character* being sentenced to suspension from work since, during that period, conduct, morality, and reputation of a teacher before society was highly valued. As Boto (2017, p. 90) states, in the school environment, there is a “process of regulating life and conduct”, especially on the part of teachers, who should serve as a mirror for society. What parent would want their child to attend the class of a teacher whose reputation and good behavior were in doubt? As the witness Augusto Candido said, being “a household head, I could not allow a teacher with such behavior.” According to this witness’ statement, the issue that arose seems to have directly impacted every family with a child in Joaquim’s classroom.

We remind the reader that, according to the Criminal Code, the penalty for exceeding the punishments was the suspension of public employment from one to ten months, whereas for “public incontinence,” i.e., inappropriate behavior, the penalty

was the loss of employment. Analyzing this legislation, it seems that the conduct of teachers had a greater weight than the practice of applying ‘immoderate punishments’, given the penalties for such crimes.

Still, on this aspect of teachers as a model of civility, Boto (2017, p. 23) points out that the “School of First Letters will be accompanied by a whole prescriptive list of behaviors to be publicly recommended”. In this aspect, we emphasize the centrality of the teacher’s figure in front of his community, the authority that emanated from him to the whole society, especially in the classroom that “like the Sun, illuminates his students” (Boto, 2017, p. 16). For these reasons, the seriousness of Joaquim’s sentence – the suspension – while it operated on an official- extended to other public teachers, as an example. After all, that was the premise of the discipline, to act on the individual, but it affected the collectivity, in this case, the class of teachers.

Finally, the last document included in the proceedings is the ‘Appeal’, i.e., an attempt to appeal this sentence. We understand this was denied, as no more documents were attached to the process and correspondence indicating that the professor died before returning from this suspension, as shown in the previous chapter. We tried to imagine what feelings populated ‘his interior’. Maybe he felt his honor and morals were hurt; maybe people talked about him in town, and the accusations and facts exposed during the lawsuit. Perhaps the feeling of shame and defeat made his move from Rio Grande to São João Baptista de Camaquan, also in the south of the state, where he lived until his death. São João Baptista de Camaquan is now named Camaquã, approximately 194 kilometers from Rio Grande.

## FINAL CONSIDERATIONS

Joaquim Pedro de Alcantara Dourado had a short career in Public Instruction in Rio Grande do Sul, starting in 1850, when he joined as a teacher of First Letters in Canguçu, and ending in 1855, when he was suspended from the position of a public teacher, in Rio Grande, with the condemnation of the lawsuits in which he was involved. The research that searched for ‘his steps’ consulted correspondence protocols from the Public Instruction of Rio Grande do Sul from 1850 to 1856. In this documentation, only one more case of judicial process for physical punishment was found. Coincidentally, it was also with the teacher of the Second Chair of First Letters of Rio Grande, Francisco de Paula Soares, in 1848<sup>35</sup>. However, this lawsuit did not go ahead due to the withdrawal of the ‘complaining party’<sup>36</sup>. This research data allows us to infer that filing lawsuits against public teachers was unusual in the 19<sup>th</sup> century. Thus, the singularity of this study is not in the possible abuse of punishments the

<sup>35</sup> AHRS, I.P. I.001, p. 14v and 15.

<sup>36</sup> AHRS, I.P. I.001, p. 26v.

teacher applies but in the fact that the State moves a judicial process and condemns a public teacher to suspension.

We consider that this conviction was mainly due to complaints related to his conduct, which would have harassed parents of students with a request for a loan of money, and that he also had his morals attacked when he was accused of being a pederast and of assaulting a pregnant woman. We also highlight that the defendant, on several occasions, pointed out that his enemies wanted to ruin him. In particular, the witness, Dr. Augusto Candido, is supposedly one of his enemies. Nineteenth-century society expected from teachers a proper posture, that they were upright, that through their example, they were above other citizens, and that they were counselors and firm with their students. Just as it was expected that this stance would automatically extend beyond the classroom, as teachers were public figures who held authority in their community and the trust of the families who enrolled their children.

In this text, we seek to problematize these moral issues involving those who dedicated themselves to teaching. Likewise, we proposed to analyze the itinerary of a primary school teacher amid legal proceedings that held him responsible for acts considered outside the law. The research allowed us to reflect on the teaching profession in the 19<sup>th</sup> century, given the guidelines they needed to follow and the ideal of behavior that focused on their category of public officials.

As previously stated, it was not the purpose of issuing a new trial or verdict on these charges. We seek to question and confront the arguments located in the pages of judicial proceedings, exercising constant criticism of the sources. We understand that the research, more than elucidating school practices, ‘gave life’ to a teacher who was also a man of his time.

To conclude this text, we use the classic “The Cheese and the Worms” by Ginzburg (2006), paraphrasing the last sentence of the book<sup>37</sup>: “About *Joaquim*, we know many things (...) and so many others like him who lived and died without leaving a trace – we know nothing” (p.192). The universe of Public Instruction, throughout the 19<sup>th</sup> century, in Brazil is vast. Many sources await to be explored, as well as many other lives of professors who somehow transgressed, circumvented imposed norms, and lived extraordinary lives, waiting to enter the terrain of History.

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<sup>37</sup> Originally: “About Menocchio we know many things. About this Marcato, or Marco – and so many others like him who lived and died without leaving a trace – we know nothing” (Ginzburg, 2006, p. 192).

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