of the Vice Admiralty Court of this Colony, and requested him to resist the Claim made in said Monition but the said Proctor informed the Appearer that he would not be able to do so, unless the Appearer could obtain Security to the amount of Sixty pounds Sterling for the costs of the suit instituted by the Commander of the said Brig Lily.

That the Appearer endeavoured to procure such Security, but was unable to do so, and the said Proctor then informed Appearer, that he would appear before the said Admiralty Court on the Appearers behalf, and object to the jurisdiction, and the said Proctor thereupon filed on his behalf the Affidavit, whereof a copy is hereunto annexed marked B. and which was read to the Judge of the said Court on the Twenty eighth day of December and on the thirty first day of December the said Proctor again appeared for the Appearer and read the Document hereunto annexed marked C.

That notwithstanding the said Affidavit, the said Judge on the said thirty first day of December condemned the said Brigantine and her Cargo as forfeited to Her Majesty the Queen of Great Britain, her Heirs and Successors.

And the Appearer, referring to the Document hereunto annexed, marked D. written in the Portuguese Language, did declare that the same contains a Statement of his reasons why the said Brigantine should not have been condemned; and he requested of me the Notary to protest as by these presents I do solemnly protest against the said Commander of the said Brig Lily, and all and every other person and persons whom the same doth shall, or may concern, for all and all manner of losses, costs, charges,

damages

damages and expences which have arisen or shall or may arise in the premises -

Thus done and protested at Cape Town, the day and year last aforesaid -

As Witnesses -
John Cooper
Interpreter
W. J. Birkwood

Joaq.m José de Mesquita

A Counterpart hereof y also signed by the Appearer, Plaintiff &c and put the Notary, now remaining in my protocol

Pro Test Attestor
Jno Alf. Herrington
Not. Pub.

"

Doc 17

A

Victoria by the Grace of God Queen of the United Kingdom of Great Britain and Ireland Defender of the Faith. ——

To James Bance Esquire Marshal of our Vice Admiralty Court of the Cape of Good Hope and to his Deputy whomsoever. Greeting

Whereas our beloved the Worshipful Sir John Wylde Knight Doctor of Laws Judge and Commissary of our said Court lawfully constituted and appointed in a certain Cause or business of Forfeiture moved and prosecuted before him in our said Court on our behalf against a certain Brigantine or Vessel called the "Maria" otherwise the "Maria Feliz" (not entitled to claim the protection of the Flag of any State or Nation other than Great Britain or Portugal) whereof Joaquim Joze de Mesquita was Master her Tackle Apparel and Furniture and the Cargo laden therein taken and seized by Her Majesty's Brig "Lily" whereof George Alexander Seymour Esquire is Commander and brought to the Port of Table Bay in this Colony of the Cape of Good Hope and against all Persons in General having or pretending to have

any

any right title or interest in the said Brigantine or Vessel her Tackle Apparel and Furniture and Cargo rightly and duly proceeding at the Petition of the Proctor on our behalf hath decreed all Persons in general who have or pretend to have any right Title or interest in the said Brigantine or Vessel her Tackle Apparel and Furniture and Cargo to be monished cited and called to Judgment at the time and place hereunder written and to the effect hereafter expressed (Justice so requiring) WE do therefore charge and command you jointly and severally that you omit not by reason of any liberty or franchise but that by affixing these Presents in some conspicuous part of the Commercial Exchange in our Town of Cape Town in our said Colony of the Cape of Good Hope at the usual time of public resort thither, and by leaving there affixed a true Copy thereof You do monish and cite or cause to be monished and cited peremptorily the said Master Joaquim Lopez de Mesquita whom also WE monish by virtue of these Presents And also that you do monish and cite or cause to be monished and cited peremptorily all Persons in

General

general who have or pretend to have any right
Title or Interest in the said Brigantine or Vessel her
Tackle Apparel and Furniture and Cargo whom also
WE monish by virtue of these Presents that they
appear before Us or our said Judge or his Surrogate
in the Registry of our said Court situate at Cape Town
aforesaid on the fourteenth day after service of these
Presents between the Hours of twelve o'Clock at Noon
and two o'Clock in the afternoon of such Day then
and there to shew and allege in due form of Law a
reasonable and lawful cause if they have or know
any why the said Brigantine or Vessel should not
be pronounced to have been equipped for or engaged
in the Slave Trade or employed in the illegal transport
of Negroes or others for the purpose of consigning them
to Slavery and as such by virtue of the Statute or
Statutes in that Case made and provided or otherwise
subject and liable to forfeiture and condemnation and to be
adjudged and condemned as forfeited to Us our Heirs
and Successors accordingly And further to do and
receive in this behalf as unto Law and Justice shall
appertain, and that you duly intimate or cause to be
intimated peremptorily and personally to the said
Master Joaquim Lopez de Mesquita, And that you

also

also duly intimate or cause to be intimated peremptorily to all Persons in general all & whom by the tenor of these Presents We do also respectively intimate that if they shall not appear at the time and place above mentioned or appearing shall not shew a reasonable and lawful Cause to the contrary, our said Judge or his Surrogate doth intend to proceed and will proceed to adjudication on the said Seizure and will pronounce the said Brigantine or Vessel "Maria" alternis "Maria Feliz" her Tackle Apparel and Furniture to have been equipped for or engaged in the Slave Trade or employed in the illegal transport of Negroes or others for the purpose of consigning them to Slavery and as such by virtue of the Statute or Statutes in that Case made and provided or otherwise subject and liable to forfeiture and condemnation, and will adjudge and condemn the same and the Cargo as forfeited to Us our Heirs and Successors the absence or rather contumacy of the Parties so cited and intimated in any wise notwithstanding and that You duly certify our said Judge or his Surrogate what You shall do in the Premises together with these presents

Given at Cape Town in our aforesaid Court — under the Seal thereof this Eleventh day of December in the Year of our Lord One thousand eight hundred and forty. —

L.S.

John Reid

Deputy Registrar

dor 18

B

In the Nice Admiralty Court
of the Cape of Good Hope

Our Sovereign Lady the Queen against
the Brigantine or Vessel called the
Maria, whereof Joaquim Joze de
Mesquita was Master, her tackle,
apparel and furniture, and also the
goods, wares and merchandizes on
board the same, taken by George
Alexander Seymour Esquire, Commander
of Her Majesty's Brig Lily.

Appeared personally Joaquim Joze de
Mesquita and made oath that he is ~~the~~
a true and lawful Subject of the Emperor of the
Brazils, and was the Master, and true and
lawful and sole owner and Proprietor of the
Brigantine or Vessel called the Maria, at
the time of the seizure thereof, by George
Alexander Seymour, Commander of Her
Majesty's Ship "Lily"

That the said Ship Maria, sailed
from Rio de Janeiro, on the 18th day of
August last, bound on a Voyage to Sofala
and thence to Goa, and on the third day of
October, arrived at Sofala. That Joao

da Silva, to whom the principal part of the Cargo was consigned, died, previous to the arrival of the Deponent at Sofala, and Deponent was therefore not allowed to land said part of the Cargo without the permission of the Government at Mosambique, and on the twenty eighth day of October last, he sailed from Sofala bound to Mosambique with dispatches for the Government of that place, and on the twelfth day of November last, the said Ship was seized by the said George Alexander Seymour, and dispatched to Table Bay, on the pretence of being equipped for the Slave Trade.

And he further saith that the said Ship Maria was not at the time of the seizure fitted wholly or in part, with a slave deck - that she had no spare plank or any other plank than such as was shipped as Cargo, and duly entered in the manifest - that she had not a quantity of water casks larger than requisite for the use of the Crew, save such as was used for - ballasting, and which was partly fresh and partly salt water - and had not a greater

quantity of water casks than necessary for the crew, save such casks as were shipped as Cargo and duly entered in the Manifest - nor an extraordinary quantity of farinha, Rice, or provisions, beyond what was required for the use of the Crew, save one hundred bags of farinha and seventy five bags of Rice, which were entered in the Manifest - that he was not engaged in, or equipped for the Slave Trade.

That the Seizors of the said Ship or Vessel have possession of all his property save his wearing apparel, and he has no means in this Colony, to defray the expences of a Suit before this Court. And he lastly saith that by the laws of Brazil he would be subject to capital punishment for being engaged in the Slave Trade.

Joaquim Joze de Mesquita

Sworn this the twenty eighth day of December 1840 the above named Joaquim Joze de Mesquita was duly sworn to the truth of the aforegoing affidavit

Before me

A. Cloete Law

Surrogate

for the Interpretation

John Cooper

Sworn Interpr.

doc 19

C

I decline making any defence in this Case for indeed I have not the means of doing so the Captors of my Vessel having preyed among other things upon my private property and brought me in a State of total — destitution in a foreign Country, where I have neither friends a acquaintances and the language of which I do not understand. I merely beg with all due respect to observe that my Vessel is Brazilian property, and as such could not in any way be seized, and much less condemned under the Act of the British Parliament of the 24th of August 1839 if at least any regard is paid to the Treaty which exists between the — Governments of England and Brazil - Your Lordship may nevertheless pass judgment in my case, according to the dictates of your conscience the only thing that will remain for me to do, should that judgment go against me, will be to enter my protest, and to appeal

to a higher tribunal for indemnity or the
restoration of my property

Joaquim Jose de Mesquita
Captain & owner of the
Brazilian Brigantine Maria

doc 20

Came do que constar. Palacio do Rio de Janeiro em 22 de Abril de 1841.

Marquez de Paranaguá

Nº 21

Senhor

Diz Joaquim José de Mesquita, Mestre, e proprietario do Patacho Nacional "Maria", que para constar aonde lhe convier, precisa por certidão o theor do passaporte Imperial, que obteve por esta Repartição, q.do este porto sahio para Goa com escala por Sofala, em 1839: e anno ff.: por isso

P. a V. M.e Se Digne Mandar passar a pedida certi-

Rio Janeiro
Jose

da Marinha a fl. 86 do Liv.º 8, onde se registão os Pas-
saportes, se acha notado o de que o Supplicante
faz menção, pela maneira seguinte = Para Goa,
com escala por Sofala, o Patacho Maria, de que
hé Mestre Joaquim José de Mesquita, e Do-
no o mesmo Mestre = em 5 de Agosto de 1840 =
Assignado. Antonio Francisco de Paula e Hollan-
da Cavalcanti = e feito pelo Official desta Secre-
taria d'Estado Caetano Pimentel do Sabo. Pa-
ra constar onde convier se passou esta. Secre-
taria d'Estado em 29 de Abril de 1841.

M.el Carn.º de Campos

N 3

Ill.mo S.or Administrador da Mesa do Consulado

Diz Joaquim José de Mesquita, Mestre, e Proprietario do Patacho Nacional = Maria = despachado por esta Repartição no anno p.p. para Goa, e escalas, que para bem de seu direito lhe faz preciso por Certidão o theor da Matricula com que sahio deste Porto o mesmo Patacho, e por isso —.

P. Rio 23 de Março de 1841 —

Sá

P. a V.S.a seja servido deferir-lhe como requer

E.R.M.ce

José Joaquim de Freitas Es=
crivão da Mesa do Con=
sulado desta Côrte etcetera.
Certefico que revendo o Livro
Setimo que serve de regis=
to ás Matriculas dos Na=
vios Nacionaes do Commer
cio nelle as folhas trezentas
e oitenta e nove, numero=
Cento, e quarenta, e cinco,
e em data de primeiro de
Agosto de Mil, oito centos e
quarenta; se acha regista
da a lista da Equipagem
do Tatacho denominado Ma
ria, cujo theôr hé o seguinte:
Lista da Matricula da equi=
pagem do Tatacho Maria
que segue viagem para Goa,
por Cabalal. Numero Um.=
Mestre o Primeiro Pilato Jo=
aquim José de Mesquita na
tural de Setubal, idade qua
renta annos, estatura bai=
xa, rosto comprido, Subdito
Brazileiro = Numero dois, Se=
gundo Pilato João Antonio
Paula Rodrigues, Rio de Janei
ro, idade Vinte e seis annos
estatura alta, rosto compri=
do, Subdito Brazileiro Sol=
dada particular = Numero tres
Contra Mestre Manoel de
Jezus Rodrigues, Natural de
Lisbôa, idade quarenta, e dois

annos, estatura ordinaria, ros
to Cumprido, Soldada parti=
culas, subdito Portuguez = Nu
mero quatro, Dispenceiro. -
Manoel Vieira, de Laisboa
digo Natural de Laisboa, idade
quarenta, digo vinte, e dois
annos, estatura ordinaria,
,rosto Cumprido, soldada par
,ticular, subdito Portuguez=
Numero Cinco. Marinheiros
Joaquim Maria Ramos, natu
ral do Porto, idade vinte, e
dois annos, estatura baixa
rosto Cumprido, soldada, Cin
,te mil reis por Mez, Subdi=
to Portuguez = Numero seis, Jo=
zé Joaõ de Freitas, Natural de
Madeira, idade trinta, e dois
annos, estatura baixa, rosto
cumprido soldada vinte mil
reis, subdito Portuguez = Nu
,mero sete. Sebastião Jozé, na
tural de Laisboa, idade Vin
te, e seis annos, digo vinte e
tres annos, estatura alta, ros
to cumprido, soldada vinte
mil reis, subdito Brazileiro.
Numero Oito. Joaõ Baptista
natural de Lisboa, idade
vinte, e seis annos, estatura
ordinaria, soldada vinte mil
reis, subdito Brazileiro =
Numero nove. Guilherme
José natural de Setubal, idade

dez, e nove annos, estatura or=
dinaria, rosto cumprido, soldo
da Vinte mil reis, Subdito Bra
zileiro= Numero dez. Marinhei
ro, José Duarte, natural de Las
Caes, idade Vinte e seis annos,
estatura baixa, rosto cumpri=
do, soldada Vinte mil reis, Sub
dito Portuguez= Numero Onze
Moços: Manoel Francisco
natural de Lisboa, idade Vin
te, e seis annos, estatura ordi=
naria, rosto cumprido soldo
da a julgar, Subdito Brazi=
leiro= Numero Doze. João An
tonio, natural da Ilha das
Flores, idade dezoito annos,
estatura baixa, rosto cumpri=
do, soldada a julgar, Subdito
Brazileiro= Numero treze. Ma
noel José, natural de Lisboa
idade Vinte annos, estatura
baixa, rosto cumprido, soldo
da a julgar, Subdito Portu=
guez= Numero quatorze. Bar
tholameu Tiddl, natural do
Rio de Janeiro, idade Cincoen=
ta annos, estatura baixa=
rosto cumprido, soldada a
julgar, Subdito Brazileiro=
Numero quinze. Escravos= Lu=
iz, de Carlota do Cautto, Na=
ção Congo, estatura ordinaria
e rosto cumprido= Numero
dezaseis. Vicente, da mesma,

Nação Moçambique, estatu=
ra ordinaria, rosto cumpri=
do= Numero dozesete. Escra
vo, João. de João José Teixeira
da Costa. Nação Angolla, es=
tatura baixa, rosto cumpri
do= Numero dezoito. Fran=
cisco, do Maestre, Nação Mo=
çambique, estatura baixa,
rosto cumprido= O Segundo
Piloto apresentou a Carta
de Segurança do Pilato, (digo)
Carta de Pilato. Hé quan
to consta do mencionado Li
vro ao qual me reporto.
Rio de Janeiro em quinze
de Abril de Mil, oito cen
tos, e quarenta e hum. —

N 35
480
Brito
de
Moraes.

José Joaquim da Fraiba

Total 18 2/3 brasileiros 1/3 portugs

doc 22

Illmo Sr Admr do Consulado

Diz Joaquim José de Castro Siqueira, Capt. e proprietario do Pate Nacional "Maria", que p.a constar aonde lhe convier precisa q.e lhe passe hida athi do seu respectivo Despacho: P.e a V.S.a

P. Pará 6 de Abril de 1841

Sal

P. a V.S.a

Serviço de assim mandar

E.R.M.ce

Joze Joaquim de Freitas

Escrivão da Mesa do Consulado
da Corte do Rio de Janeiro &.
Certifico, que revendo o Livro dos
Termos de Matricula a elle cons-
la a folhas seiscentas e onze
ter sido arguida a Patacho

Nacional Maria em vinte e
hum de Julho de mil oito cen-
tos e quarenta e ter cento e
quarenta e sete Toneladas. E
para constar onde convier faço
ser a presente certidão q mim
assignada. Rio 6 d'Abril de
1841

José Joaquim de Freitas

6/33

Vide 320

Pinto

Lº de
Matrs

147

doc 23

N 5

Illmo Sr Admor aos Consulados

Diz Joaquim José de Abreu, Capitão e Proprietario do Pato Nacional Maria, que para bem de seo Circuito precisa ser certidão os Circuitos de ancoragem, e mais despezas, que o sobredito Pato fizerão no acto de sua sahida deste porto p.a Goa, com escala por Bahia: pois

P. a Rio 6 de Abril de 1841 —

Sá

Paiz segundo

vio Comandante

trahio a dita certidão

Real

Joze Joaquim de Freitas, Escrivão da Mesa do Consulado desta Corte.

Certifico que no Livro de Ancoragem a fo- Nº 31
lhas trinta e duas das Embarcações despachadas 32
para fora do Imperio, acha lançado
o Patacho Nacional = Maria = de
que he Mestre e Proprietario Joaquim
Jose de Mesquita, em cinco de Agosto
de mil oito centos e quarenta, que segue pa
ra Goa com escala por Sofala, tendo paga
do Ancoragem, Sello e Santa Casa, a
quantia de duzentos trinta cinco mil oito
centos e sessenta reis. Observando-se
e constar do dito Livro aque me refiro. Rio
de Janeiro 10 de Abril de 1861.

Joze Joaquim de Freitas