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British and Portuguese Court
Of Mixed Commission
Colony of Sierra Leone
In the case of the Brigantine Heroína
Miguel Antonio Netto Master
To Their Honors the Judges of the
said Court.

The humble Petition of Joze
Machado Lopez First Pilot of
the said vessel.

Sheweth

That your Petitioner was in command
of the Brigantine Heroína at the time of
her capture by His Majesty's ship Madstone
Commodore Charles Bullen CB. Commander
by reason that the Master was on shore sick
and had been so a considerable time previous
That the said vessel having been brought into
this place and proceeds against before
Your Honorable Court a mention has issued
allowing all persons to appear and defend the
same who name or pretend to have any
right title or interest therein.

That according to the usage of the merchant
service in the Brazils and Portugal your
Petitioner

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Petitioner as first pilot or chief Mate during the
absence of the Master is authorized to take
command and do all acts necessary for the
safety of the said ship and the benefit of
the Owners thereof in his power.

That Your Petitioner verily believes the said Master
is since dead as when your Petitioner last had
an opportunity to see him he was in the
opinion of your Petitioner past recovery.

Wherefore your Petitioner most humbly
prays your Honors that your Petitioner
may be permitted in the unavoidable
absence of the Master to claim the
said vessel and do such other acts
in defence against the present prosecution
as your Petitioner may be advised
for the benefit of the Owner of the said
vessel. Justice so requiring.
And your Petitioner as in duty bound
will ever pray.

(signed) Joze Machoo Lopez

(3)

British and Portuguese
Court of Mixed Commission
Colony of Sierra Leone.

In the case of the Brigantine
Heroena Miguel Antonio Netto Master

November 20th 1826.

The claim of Joze Machado Lopez First
Pilot (in the unavoidable absence of the Master)
a subject of His Majesty the Emperor of the
Brazil for the said vessel her tackle apparel
and furniture goods wares and merchandise
on board the said vessel at the time of the
capture thereof by His Majesty's Ship Maidstone
Commodore Charles Bullen C.B. Commander for
the said vessel her tackle apparel and furniture
and her cargo as the sole property of Manoel
Cardozo Dos Santos an inhabitant of Bahia
and a native of Portugal and as protected
by the Treaty or Convention between His
Britannic Majesty and His most Faithful
Majesty the late King of Portugal dated
the 28th July 1817 - And for all costs charges
losses damages demurrage and expenses as have
arisen or shall or may arise by means of the
capture and detention of the said vessel and
her cargo as aforesaid.

(signed) Joze Machado Lopez

British and Portuguese
Court of Mixed Commission
Colony of Sierra Leone
In the case of the Brigantine
Heroena Miguel Antonio Nello Master
November 20th 1826

Appeared personally Joze Machado Lopez
First Pilot and acting Master of the said
vessel and maketh oath That he is a subject
of His Majesty the Emperor of the Brazils and
was in command of the said vessel by reason
of the sickness and unavoidable absence of
shore of the said Master at the time of the
capture thereof by His Majesty's Ship Macartney
Commander Charles Bullen C.B. Commander
and that the said capture was made on
the seventeenth day of October last past the
said vessel being detained waiting the recovery
of the Master to proceed to ~~the~~ down the
coast of Africa, and brought to Sierra Leone
And he further maketh oath, that Manoel
Cardoso Dos Santos of Bahia a subject of
His Majesty the Emperor of the Brazils was at
the time of the said capture and now is the
true lawful and sole owner and proprietor
of the said vessel Heroena her tackle
appear

and furniture and the cargo on board the same
And the deponent further maketh oath that
he verily believes the said vessel and her
cargo are protected by the Treaty or Convention
between His Britannic Majesty and His
said late most Faithful Majesty —

That on the day of capture the said vessel
was at anchor off Iudo by reason that the
Master Miguel Antonio Netto, was on shore
sick, but that seeing a strange sail toward
sea, and having reason to suspect she was
a pirate who had done considerable damage
to Brazilian shipping, from a Portuguese
who resided on the coast having failed
in his contract with the Commander of the
said Pirate, this deponent well knowing
the fast sailing of the *Heraclius* got under
weigh to be more ready to escape provided
the strange sail should prove to be the
Pirate this deponent supposed her, that while
under weigh made out the stranger, to be a
vessel of War and that on her showing British
Colours, this deponent hove to, when the said
vessel was seized, detained and captured
as aforesaid. That the Commander of the
capturing ship did not give unto this deponent

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any document or certificate relative to the ship's
papers found on board or otherwise - And
deponent further says that no slaves were on
board of the said vessel at time of capture
nor had any been on board during the present
voyage - That when he the deponent last saw
the ~~said~~ Master of the said vessel the said
Master was so very ill that deponent believed
his recovery was hopeless - And he further
maketh oath that no person or persons other
than the persons before mentioned has any right
title or interest in the said vessel her tackle
apparel and furniture, goods wares merchandize
on board the same at the time of the capture
and seizure thereof, and that he conceives
himself in the unavoidable absence of the Master
as aforesaid duly authorized to make the claims
hereunto annexed and that the same is a
true and just claim, and that he shall be
able to make due proof and specification thereof

(signed) Jose Machado Lopez.

I Worn before me this
Twentieth day of November 1826.
Through the interpretation of
Manuel Rozario de Freitas.

(signed) J. Smith
Registrar.

These are to certify that the within
is a just and true copy of the Original
Petition Claim and Affidavit made
in the British and Portuguese Court of
Mixed Commission established at Sierra
Leone in the cause therein mentioned
Extracted from the Registry of the said
Commission

In faith and Testimony
whereof I have hereunto
set my hand and affixed
the seal of the said Court
at Freetown, in the Colony
of Sierra Leone the twenty
eighth day of February
in the year of Our Lord
One thousand eight hundred
and twenty seven



Wm. Smith
Registrar