Form N° 4. N° 12.

I, The Undersigned, Robert Fitzgerald Gambier holding the rank of Commander in Her Britannic Majesty's Navy, and commanding Her Majesty's Ship "Saphho" do hereby certify, that on the 12th day of December 1845, being in Latitude 18°.09' S and Longitude 36°.57' W of Greenwich, I seized the Brazilian Brig "Triumfante" whereof Jose Maria Pereira _____ is Master, and that she had no Slaves onboard at the time of capture.

I further certify, that the papers which I have numbered 1 to 20 inclusive, are the whole of the documents, letters, and writings, seized onboard aforesaid and hereunder specified and described, namely:—

N° 1 Manifest
2 Protest to the Governor of Pernambuco
3 A Document from Pernambuco signed Carvalho (dated 10th Nov. 1845)
4 Paper respecting Sale of Cargo (27th Nov. 1845).
5 Petition (2 sheets of different descriptions) of Sen. Feraymo Pereira Lopez da Silva (13th Sep. 1845)
6 No. 1101 Certificado da Matricula.
7 The Clearance from the Port of Rio (dated 27th Aug. 1845)
8 Passport.
9 Document of the Administrador do Consulado da Corte
10 Carta de Saude.
11 Certificate from Custom House at Pernambuco (29th Nov. 1845)
12 List of the Crew.
13 Paper from Pernambuco signed by C.B. Carvalho

14

No 14. Paper of Port Dues from Rio (6th Sept. 1845)

15 & 16. Lea. Leonardo Manoel da Costa

17 & 18 Lea. Luba Camoten.

19 Paper marked 18-45. Signed / José Francisco Gomez

20. Paper from Governor of Zuilleviane (29 Nov. 1845)

Given under my hand onboard
the "Sapphs" this 15th December 1845

J. J. Gambier. Commander

Ao mestre do navio que deve ser visitado.

N.º 13.

Eu Robert Reid, Tenente da Armada de S. M. B. certifico que mandei a mandar dar esta busca por ordens do Commandeur Robert P. Gambier, Commandante da Armada de S. M. B. e commandante da Corveta de S. M. Supply, devidamente authorisado pelas estipulações da convenção entre a Grã Bretanha e o Brasil, datada de 23 de 9bro 1826, e que o unico fim da busca deste navio he para reconhecer se está empregado na Tráfico da Escravatura, em violação da mesma Convenção.

Datado em 10 de Dezbro 1845.

Robert Reid, Tenente da Corveta de S. M. Supply.

Eu abaixo assignado, Robert Fetzgerald Gambier, Commandante da Armada de S. M. B. e commandante da Corveta de S. M. Supply, certifico que no dia 12 de Dezbro 1845, estando em Latitude de 18.º 09.' S e Long. 36.º 57.' E. de Greenwich, encontrei a Brigue Brasileiro triumphante, mestre José Antonio Pereira, e que não tinha escravos a bordo na occasião da captura.

Certifico mais que os papeis que numerei de N.º 1 a 20 inclusivamente, são todos os documentos, cartas, e escriptos tomados a bordo, os quaes se acham abaixo mencionados e descriptos nominalmente

DCM

N.º 1 – Manifesto.

2 Rotulo do Gov.or de Cacheu.

3 Hum Documento de Cacheu, assignado Carvalho, datado 10 de Nov.bro 1845.

4 Papel relativo a venda dos cargos (27 de Nov.bro 1845)

5 Petição (2 folhas de differentes descripções – dos Snrs Joaquina Per.a Lopes dos Santos (13 de Set.bro 1845)

6 N.º 1101. Certificado da matricula.

7 Despacho do Porto do Rio de Janeiro, datado de 27 de Agost.o 1845.

8 Passaporte.

9 Documento do Administrador do Consulado da Corte.

10 Conta de Saude

11 Certificando do do Alfandega de Cacheu (29 de Nov.bro 1845)

12 Lista da Equipagem.

13 Papel de Cacheu, assignado por S. B. Carvalho.

14 Papel das Despezas de Porto do Rio (6 de Setembro 1845.

15 & 16 Snrs – Leonardo Mon.z da Costa.

17 & 18 Snrs – Luiz Commotim.

19 Papel mencionado 1845. assignado Joz.e Fran.co Gomes.

20 Papel do Guarda Mor de Cacheu (29 de Nov.bro 1845)

Feito por mim a bordo do Paquete em 15 de Dezembro 1845.

R. F. Gambôa.

Commandante.

Doc 15

In the Vice Admiralty
Court of the Colony of the
Cape of Good Hope

No 14—

On the Twenty first day of
January 1846.

Before His Honor
Sir John Wylde K. L. D.
Judge and Commissary—

Present
John Reid
Notary Public

Our Sovereign Lady the Queen
against a Brig or Vessel called the
"Triumphante" whereof Joze
Maria Pereira is Master Claiming
the protection of the Flag of Brazil
her Tackle Apparel and Furniture
and the Cargo laden thereon taken
and seized by Robert Fitzgerald
Gambier Esquire Commander of
Her Majesty's Ship "Sapho" Ho
and brought into Simons Bay
Cape of Good Hope.—

Herrington exhibited for Our Sovereign
Lady the Queen and brought in Affidavit
of Robert Reid First Lieutenant of Her
Majesty's Ship "Sapho" and the papers and
writings thereunto annexed marked No 1
to No 20 inclusive and also brought in
two other Affidavits of the said Robert
Reid and the Judge at his Petition decreed
the usual Monition.—

On the Twenty ninth

day

day of January 1846

Before His Honor
Sir John Nylde L.L.D.
Judge and Commissary
Present
John Reid
Notary Public

Same against the Same

Mennington returned the Monition duly executed with the Marshals Return thereon which Monition is in the words and figures following that is to say:-

Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen Defender of the Faith:-

To James Bance Esquire Marshal of Our Vice Admiralty Court of the Cape of Good Hope and to his Deputy or Deputies.

Greeting:-

Whereas Our beloved the Worshipful Sir John Nylde, 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 the said Court on our behalf against a Brig or Vessel called the "Triumphante" whereof Jose Maria Pereira was Master decreeing the protection of the flag

flag of Brazil her Tackle Apparel and
furniture and the Cargo laden thereon
taken and seized by Robert Fitzgerald
Vandeleur Esquire Commander of His
Majesty's Ship "Falcon" and brought
into Simons Bay Cape of Good Hope
and against all persons in general having
or pretending to have any right title
or interest thereon rightly and duly
proceeding at the petition of the proctor
on our behalf hath decreed the said Brig
Maria Pedro the Master of the said Brig
or Vessel in special and all persons in gener
who have or pretend to have any right
title or interest in the said Brig or Vessel
her Tackle Apparel 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
on some conspicuous part of the
Exchange in the Town of Cape Town in
our said Colony of the Cape of Good Hope
at the usual time of public resort thereof
and by leaving there affixed a true
Copy thereof you do monish and cite

or

or caused to be monished and cited peremptorily all persons in general who have or pretend to have any right, title or interest in the said Brig or Vessel her Tackle, Apparel, furniture and Cargo, whom also we monish by virtue of these presents. And that you monish or cause to be monished peremptorily and personally the said Soze Maria Pereira whom also we monish by virtue of these presents that they and he appear before Us or our said Judge or his Surrogate in the Registry of Our said Court situate at Cape Town aforesaid on the Seventh day after service of these presents between the hours of Ten A'clock in the forenoon and Twelve A'clock at Noon of such day, then and there to show and allege in due form of law a reasonable and lawful cause if they have or know any why the said Brig or Vessel shall not be pronounced to have been equipped for or engaged in the Slave Trade, and as such under and by virtue of a certain Statute passed in the Sixth year of her present Majesty entitled "An Act to amend "the Act to carry into execution a convention "between His Majesty and the Emperor

of

"of Brazil for the Regulation and final
"abolition of the African Slave Trade" and by
virtue of other 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 His 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 to all persons
in general and to the said Joze Maria
Pereira all of whom by the tenor of these
presents we do also respectively intimate
that if they shall not appear at the time
and place aforementioned or appearing
shall not shew a reasonable and lawful
cause to the contrary Our said Judge
or his Surrogate doth intend to proceed
to Adjudication on the said seizure and
will pronounce the said Brig or Vessel
her Tackle, Apparel, furniture and Cargo
to have been equipped for or engaged
in the Slave Trade and as such under
and by virtue of the Statute or Statutes
in such case made and provided or
otherwise subject and liable to forfeiture

and

and condemnation, and will adjudge and
condemn the same 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
Twenty first day of January in the 21 Jan°
year of Our Lord One Thousand
Eight Hundred and Forty Six
and of Our Reign the ninth.-

John Reid
Registrar

On pain of parties cited not appearing the
Judge at his Petition continued the
Certificate till the next adjourned
Court day.-

On the Second day of February
1846.

Before His Honor Sir
John Wylde. L.L.D. Judge
and Commissary
Present
John Reid
Notary Public

Same

Same against the Same

Henry Reid exhibited as Proctor and made himself a party for Joze Maria Pereira Master of the said Brig "Triumphante" the Claimant of the said Brig her Tackle, Apparel, Furniture and Cargo at the time of the seizure thereof by the said Robert Fitzgerald Gambier Esqr. for and on behalf of Jeronymo Pereira Lobez da Silva residing at Rio de Janeiro a subject of His Majesty the Emperor of Brazil the true and lawful Owner of the said Brig her Tackle Apparel and Furniture and for and on behalf of himself the said Joze Maria Pereira as the true and lawful Owner of the Cargo laden thereon at the time of the seizure thereof and produced as Witnesses Benjamin Norden and Alexander Croll both of Cape Town Merchants, who submitting themselves to the Jurisdiction of the Court bound themselves their Heirs, Executors and Administrators for the said Joze Maria Pereira as aforesaid in the sum of Sixty Pounds of lawful Money of Great Britain unto the said Robert Fitzgerald Gambier the Seizor to pay all such Costs in the above suit as shall be adjudged by the said Court which

Caution

caution the said Judge received in the Report of James Bance Esqr. as to the sufficiency of the said Sureties. And the said Henry Reid prayed. and the Judge ah his Petition granted time till the Ninth of February instant for bringing in the claim of the said Jose Maria Pereira.

On the Ninth day of February 1846.

Before His Honor Sir John Wylde L.L.D. Judge and Commissary

Present

John Reid

Notary Public

Same against the Same.

Henry Reid brought in Affidavit and Claim of the said Jose Maria Pereira

On the Sixteenth, Seventeenth and Eighteenth days of February 1846.

Before His Honor Sir John Wylde. L.L.D. Judge and Commissary Present

John Reid

Notary Public

Same

Same against the Same

Mennington referred to the affidavits of Robert Reid heretofore exhibited and now remaining in the Registry of the Court - also to the affidavits of John Edgecumbe, Quarter Master and William Rheinfuhrd Seaman of said belonging to Her Majesty's Ship "Daphne" also to the Affidavit of the said Robert Reid sworn upon the Sixteenth day of February 1845, and then exhibited in Court and the Appearance thereto, and also to the Papers Pleadings marked Nos. 1. - 3. - 5. - 7. - 9. - 11. - 13. - 15. - 17. - 19 annexed to the affidavit of Robert Reid sworn upon the Sixteenth day of January 1845 heretofore brought in the Registry and prayed the Judge to reject the claim of Henry Reid for the said Jorge Maria Pereira the Claimant of the said Brig her Tackle Apparel and Furniture and Cargo proceeded against in this cause and to pronounce the same to be subject and liable to forfeiture and condemnation and to condemn the same as forfeited to Our Sovereign Lady the Queen.

Henry Reid referred to the Affidavits of the said Jorge Maria Pereira Benjamin Norden. Jorge da Costa

Court

Cruz. Antonio Sayeira dos Santos. –
William David & William Davie Cocks.
and the said Benjamin Norden heretofore
brought into and remaining in the Registry
and prayed the Judge to admit the said
Claim and to restore the said Brig her
Tackle Apparel and Furniture and Cargo.

The Judge having heard the said
proofs read and Advocates and Proctors
on both sides postponed the case for further
consideration. –

On the Twenty Eighth day of
February 1846.

Before His Honor Sir
John Hyde K.H.B. Judge
and Commissary
Present
John Reid
Notary Public

Same against the Same

Monington brought in and exhibited in
Court Affidavit of Robert Reid sworn upon
the said Twenty-eighth day of February
and Proctors on both sides prayed the
Judge that no libel might be filed, and
that he would adjudge the case upon the
facts and circumstances stated in the
Affidavits and Attestations on both

sides

sides.—

The Judge rejected the claim of Henry Reid and by Interlocutory Decree pronounced the said Brig her Tackle, Apparel and Furniture and Cargo to have been illegally engaged or employed in the Slave Trade Contrary to the provisions of the Act passed in the Ninth year of Her Majesty entituled "An "Act to amend an Act to carry into "execution a Convention between His Majesty "and the Emperor of Brazil for the Regulation "and final Abolition of the Slave Trade", and as such to be subject and liable to forfeiture and condemnation and - forfeited to Our Sovereign Lady the Queen Her Heirs and Successors. and condemned the said Claimant in Costs. —

Henry Reid with all due reverence protesting of grievance and appealing.

On the Third day of March 1846.—

Before His Honor Sir John Wylde. K.L.D. Judge and Commissary.—

Present
John Reid
Notary Public

Same.

Same against the Same

Henry Reid for the Claimant prayed this Honor the Judge to order that the Captors give Bail to abide the event of the Appeal asserted in this case in the Amount of the value of the said Vessel and Cargo together with the further sum of One Hundred Pounds in the event of the same being awarded by the Superior Court that is to say: the High Court of Admiralty or the Judicial Committee of the Right Honorable the Privy Council of Her Majesty.-

Whereupon and on hearing Counsel and Proctors on both sides and ad their suggestion and with their consent His Honor ordered that the Captors give Bail to abide the event of the Appeal as prayed in the sum of Two Thousand Pounds, and it was agreed and ordered that Security be given to the said Amount of Two Thousand Pounds to the satisfaction of the Claimants and that Execution be stayed until such Security be given.-

On the Fourth day of March 1896.

Before His Honor Sir John Wylde K.C.D. Judge and Commissary Present John Reid a Notary Public

Same

Same against the Same

On which day Henry Reid produced as Sureties Benjamin Norden Merchant, and James Hamilton Parker Accountant both of Cape Town who submitting themselves to the Jurisdiction of the Court bound themselves their Heirs, Executors, and Administrators for Page Maria Peires in the Sum of One Hundred Pounds Sterling of lawful money of Great Britain unto Our Sovereign Lady the Queen effectually to prosecute the Appeal aforesaid in this behalf and to pay such Costs as shall be awarded in case the Sentence or Decree of the Judge of the said Vice Admiralty Court of the Twenty eighth day of February last shall be affirmed.—

Which caution the said Judge received upon the report of James Barnes Esquire Marshal of the said Court as to the sufficiency of the said Sureties.—

In the Vice Admiralty
Court of the Cape of
Good Hope

Our Sovereign Lady the Queen
against the Brig or Vessel called
the "Triumphante" whereof
Joze Maria Pereira is Master
Claiming the protection of the
flag of Brazil her Tackle, Apparel
and furniture and the Cargo
laden therein taken and seized
by Robert Fitzgerald Dambier
Esquire Commander of Her
Majesty's Ship "Sapphire" and
brought into Simons Bay
Cape of Good Hope.

Appeared personally Robert Reid Esquire
First Lieutenant of Her Majesty's Ship "Sapphire"
and made oath, That on the Twelfth day of
December last past the said Ship "Sapphire" being
then in Latitude 18.9 South and Longitude
36.57 East of Greenwich the said Robert
Fitzgerald Dambier received information
that a Brig called the "Triumphante" had
entered the River of Lourenco Marques some
time previously: under very suspicious
circumstances and that the Portuguese Crased by order
Governor there was to be satisfied of her of the Judge
being engaged in carrying on the Slave
Trade that he had ordered the Master

John Reid
Registrar

Erased by order of the Judge
Solon Reid
Registrar

~~of the said Brig to leave the Port which he positively refused to do and the Governor was compelled to use force to get her out of the river.~~

Shah when the said Brig came out of the River the said Robert Fitzgerald Gaudicier ordered Deponent to proceed on board of the said Brig to examine her which he did; and on arriving on board Deponent requested the said Master to deliver up the papers of the said Brig for examination which the said Master did; and Deponent conceiving the papers were irregular and that the said Brig was altogether ~~suspicious~~ to be brought her to Anchor near the "Calypso" and the Deponent returned to the "Calypso" and made his report to the said Robert Fitzgerald Gaudicier who ordered Deponent to go on board of the said Brig again with a party of men to examine her, and whilst they were so employed the said Robert Fitzgerald Gaudicier came on board and having observed that some of the papers produced by the said Master bore the signature of the Governor of Guillemeane the said Robert Fitzgerald Gaudicier told the

said