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Gentn.

Foote v anor. ats Fonseca

I am desired by Mr. Robson to inclose you a sketch of the Defts' costs on the amendmt. of the declaration. Should any difficulty be likely to arise in the arangemt. of them the more regular way would be to take out a Summons to amend on payment of the costs when they can be taxed. The amendmt. renders the declon quite new and the pleas to it will have to be redrawn. The papers are before Counsel and as soon as the new pleas are ready they shall be delivered with fresh Rule. &c.

I am Gent.
Your most obedt. Servt.
H. Swainson
for Mr. Robson

10 Lancaster Place
17 Febry 1844

Messrs. Baxendale, Tatham & Co.

Solicitors

7 Great Winchester

City

No. 34

In the Exchequer of Pleas

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Hilary Term in the seventh year of the Reign of Queen Victoria

Fonseca agst Foote & anr.

Wednesday the 24th day of January 1844 } Upon reading the Order of the Honorable Mr Baron Alderson It is ordered that the Defendants be at liberty to plead several matters viz delicit

First plea Not guilty

Second plea (~~First Count~~) Not possessed

Third plea (~~First Count~~) Cabinda an Independent State That plaintiff was at war with Government of Cabinda - Defendants seized took and carried away & converted to their own use the goods &c by the order & authority of said Government in the prosecution of the war

Fourth plea (~~First Count~~) Law of Brazil against Importation of Slaves into that Country - No remedy

Fifth plea (~~First Count~~) Treaty between England and Brazil for abolition of Slave Trade. Defendants Naval Officers by command of Queen enforced Treaty

Sixth plea (~~First Count~~) Slave Trade contrary to Law of Brazil - No remedy by that Law for plaintiff a Brazilian

Seventh plea (~~First Count~~) Law of Cabinda Justification under Government of Cabinda assisting it to enforce Law

Eighth plea ~~(first Count)~~ Government of Cabinda absolute. Justification under it

Ninth plea ~~(first Count)~~ No law in Cabinda. Justification as Naval Officers under the orders of Queen Victoria

Tenth plea ~~(first Count)~~ Treaty between Victoria and Government of Cabinda.

Eleventh plea (second Count) Not possessed

Twelfth plea (second Count) Law of Brazil against the importation of Slaves into that Country - no remedy

Thirteenth plea (second Count) Same as third

Fourteenth plea (second Count) Treaty between England and Brazil for abolition of Slave Trade

Fifteenth plea (second Count) Slave Trade contrary to the Law of Brazil - no remedy by that Law for plaintiff a Brazilian

Sixteenth plea (second Count) Law of Cabinda - Justification under Government of Cabinda assisting it to enforce Law

Seventeenth plea (second Count) Government of Cabinda absolute

Eighteenth plea (second Count) No Law in Cabinda Justification as Naval Officers under the orders of Queen Victoria.

Nineteenth plea (second Count) Treaty between Victoria and Government of Cabinda.

Twentieth plea (third Count) not lawfully possessed

Twenty first plea (third Count) same as fourth

Twenty second plea (third Count) Traverse of law of Brazil as averred in that Count

Twenty third plea (third Count) that the slaves were free persons natives of Africa who had been wrongfully reduced to slavery - that plaintiff kept them imprisoned by force - Defendants set them free by command of Her Majesty

Twenty fourth plea (to third Count) same as third

Twenty fifth plea (to third Count) same as fifth

Twenty sixth plea (to third Count) same as sixth

Twenty seventh plea (to third Count) same as seventh

Twenty eighth plea (to third Count) same as eighth

Twenty ninth plea (to third Count) same as ninth

Thirtieth plea (to third Count) same as tenth

By the Court.

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Gentn.

Fonseca v Foote Lord.

I find that this action will be defended through the Admiralty, who require the Solicitor Generals services, I must therefore return you the Retainer you gave for Mr

Thettwinnick

So this appointed for what day

I am Gentn.

Your obt. Servt

L Lapworth

Temple 24 Nov. 1843.

8 NOV 1841

T. P
Blackfriars Rd

No 35.

Messrs Baxendale & Co
Solrs
Great Winchester Street
City,

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JUDGES CHAMBERS Exch.

Let the Plaintiff's Attorney or Agent attend me at my Chambers in Rolls Garden ~~tomorrow~~ on Monday next at ½ past 2 of the Clock in the afternoon to Shew Cause why the Defendant should not be at liberty to plead the Several Matters, specified in the Abstract or statement annexed.

Fonseca
v
Foote & anor.

Dated the 13th day of Jany 1844

J Gurney

order by consent to
plead the plea
in an amended
abstract except
tion to the 1st
count which is
struck out by
consent -