The Commandant Genl. of Marine
to the Captain General
26th Novemr. 1839.

Enclosure in Capt. Genls.
note of 30th Novemr.

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No. 40. Havana, 3d. December 1839.

My Lord,

The difficulties we have sometimes found to arise in preparing Certificates of emancipation for the Africans liberated by Decree of the Mixed Court of Justice at this place, induce us to submit to Your Lordship the advisability in any future arrangements with the Spanish Government, to direct the dispensing with such certificates hereafter, in cases of Vessels captured by British Cruizers.

As, by the last Treaty, the Negroes captured in Slave Vessels are to be given over to the Government to which the capturing Vessel belongs, and as those to be given up to the British Government are directed to be sent to the British Colonies, where all classes are now free, it is manifest that the granting Certificates of emancipation in such cases is at best a work of supererogation.

But even in cases otherwise of no difficulty

The Right Honble
The Viscount Palmerston G. C. B.
&c &c &c

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difficulty, it is a work of much trouble, much expence, and much loss of time. Independently of preparing the tickets of number, the noting the distinctive marks and characteristics of each individual for his Certificate, the expence of printing, and the number of days these labors occupy the Secretaries, who are entitled to fees according to attendances, the greater objection is that, with all these drawbacks for an unnecessary purpose, the Africans may be detained an indefinite time longer in the harbour, and the duties of Her Majesty's Superintendent in forwarding them to their destination materially impeded.

These may be extreme cases, but other cases have occurred which prove equally the futility and the inconvenience of rigidly requiring these Certificates of emancipation.

At the latter end of 1837 the Negroes taken in the Slave Vessel "Antonica" were obliged, on account of a failure of provisions, to be landed at Nassau, and the same circumstance, in July last, rendered necessary the landing in the Island

of

of Jamaica of the Negroes found in the "Caridad Cubana". In both cases the Court was compelled to send to those places for a description of each individual for his Certificate, and it must unquestionably have occasioned the Authorities in those Colonies much labor to comply with the requisition. In the first case the lists returned not having been made precisely according to the accustomed forms, were required to be sent back for correction, and Your Lordship will not be surprised to hear of great anxiety having been expressed to comply exactly with the letter of the Treaty, when no object could be attained but giving unnecessary trouble, and when the Spirit of the Treaty was so little acted up to on other occasions.

In the case of the "Caridad Cubana" the Negroes had been kept together at Port Antonio in Jamaica, on account of the small-pox having broken out among them, but had they, as might have been expected, been dispersed thro' the Island, the forms required perhaps might never have been obtained, and the settlement of the case have been indefinitely

postponed

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postponed.

These circumstances, we trust, will at least induced Your Lordship to think us warranted in suggesting the question we have submitted for better consideration.

We have the Honor to be,

with the greatest Respect,

My Lord,

Your Lordship's

most obedient

humble Servants

J Kennedy

Campbell S. Dalrymple.

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