

be in a worse condition than he was before, because in any judicial sale the land and slaves would have been sold together, and, being sold together, would each produce a higher price than could be obtained if each were sold separately; by this rule the mortgagee or prior incumbrancer will receive the compensation money for the slaves, while the land will be left in its deteriorated state to the owner:

Because it leaves the mortgagor without any means to pay the wages and other contingencies for the cultivation of his estate, for it would not be in his power to borrow money on the security of the land alone; and lastly because the mortgagor or owner under the Act is obliged to provide for the maintenance and support of the aged and infirm apprentices, without at the same time receiving any part of the compensation money to enable him to defray that expence:

And the petitioner further objects to these general rules, because no provision has been made by the Commissioners in any of the said rules for adjusting the respective interests of annuitants and owners of land and slaves charged with annuities, payable out of the rents and profits of lands and slaves; it would be manifestly unjust, and contrary to the nature of the charge, that the whole compensation money should be set apart for the annuitant, for then he would be in a better situation, and the owner of the land in a worse situation, than they were respectively before the passing of the Act; for the annuitant could never have interfered with the possession of the land or slaves, so long as his annuity was paid, and the owner if it became in arrear would have had the services of the slaves wherewith to produce the rents and profits by which it was discharged.

Because no provision is made to exempt the compensation money from those charges to which it will be subject from its being made payable in England, whenever it forms part of the succession to a person, who has died domiciled in the said colony; that under the said fifty-fifth clause of the said Abolition Act, the said Commissioners have drawn up and framed several rules prescribing the manner of proceeding to be observed by claimants under the said Act upon the prosecution of their claims, and in making opposition to the same:

That the thirteenth of such rules gives a power to the Assistant Commissioners to adjudicate upon claims with the consent of all parties, otherwise by the preceding rules all contested claims are to be decided in London by the Commissioners there; and the petitioner objects to this mode of proceed-

ing, because in many cases it will be impossible to obtain such consent on account of the legal or natural disability of some of the parties, because the power of transferring the investigation to England will be used by some persons, in the hope of extorting terms from their adversary who may be unwilling or unable to incur that expence, and because persons residing in England, and who must, before the passing of this measure, have prosecuted or defended their claims in the colony, will not consent to renounce the advantage which is given of prosecuting or defending them in this country; because it is a departure from that established principle in every system of jurisprudence, that a suitor must resort to the forum of the defendant, or in the case of property having locality to the place where it is situate, in order to assert his title to it; and because it is an infringement on the right of the subject to deprive him of the jurisdiction to which, by the law of the land, he is entitled to resort for the protection of his property, and the proper tribunal for such investigation would be before a jury of Jamaica; and the petitioner submits that there ought to be a power reserved to the Commissioners of extending the term for preferring claims in the colonies and of receiving claims, notwithstanding the term for preferring them may have expired, whenever a proper case for such extension or reception shall arise; that power also ought to be reserved to the Commissioners of directing an issue for the trial by jury of the island of questions of fact; and the petitioner lastly submits that in the return of the number of slaves in the island of Jamaica, and in the estimate of their value which the said Commissioners have required to be made, a very considerable expence must be incurred, whereas that expence could be saved, and the return more speedily and properly made, if the compensation money applicable to the island were to be distributed according to the number of negroes in the island, per capita; and the petitioner therefore appeals against the rules of the Commissioners thereinbefore stated, and humbly prays that your Majesty will please to cause to be amended and altered the said rules as to your great wisdom shall seem meet:

And your Majesty having been further pleased, by your said Order in Council of the twenty-ninth of October one thousand eight hundred and eighty-four, to refer unto this Committee the humble petition and appeal of Charles Anthony Ferdinand Bentinck, of Wilton-crescent, in the county of Middlesex, a Captain and Lieutenant-Colonel in the Coldstream Regiment of Guards, and Henry John