

whence the said Goods shall be so imported into *Canada*, that the full Duties due upon the Importation of the said Goods at the said Port had been paid and discharged: Provided always, that in case where the Owners of the said Goods are resident in any other Part of the *British Dominions*, it shall be lawful for their known and established Agents in the Colonies from whence the said Goods shall be so imported into *Canada*, to take the necessary Oaths on behalf of the said Owners.

Drawback  
how payable.

XV. And be it further enacted, That the said Drawback shall be paid by the Collector of His Majesty's Customs at the Port from whence the said Goods shall be so imported into *Canada*, with the Consent of the Comptroller there, out of any Monies in his Hands arising from the Duties of Customs.

Rum to be  
exported  
from New-  
foundland  
within One  
Year after  
First Import-  
ation.

XVI. And be it further enacted, That no Drawback shall be paid and allowed as aforesaid, unless the said Rum or other Spirits shall be duly entered for Exportation with the proper Officers of the Customs, and actually shipped on board the Ship or Vessel in which the said Goods are intended to be exported, within the space of One Year from the Time such Rum or other Spirits were originally imported into the Colony from whence it is intended to export them to *Canada*, nor unless such Drawback shall be claimed within one Year after the Goods are so shipped for Exportation.

Regulations  
as to settling  
the Propor-  
tions of  
Duties and  
Drawbacks  
between the  
Provinces, by  
Arbitrators.

XVII. And whereas since the Division of the Province of *Quebec* into the Provinces of *Lower* and *Upper Canada*, divers Regulations have from Time to Time been made, by Agreements concluded under the Authority of Acts passed by the Legislature of the said Two Provinces respectively, concerning the imposing of Duties upon Articles imported into the Province of *Lower Canada*, and the Payment of Drawbacks of such Duties to the Province of *Upper Canada* on account of the Proportion of Goods so imported into *Lower Canada*, and passing from thence into the said Province of *Upper Canada*, and consumed therein; the last of which Agreements expired on the First Day of *July* One thousand eight hundred and nineteen: And whereas it appears by the Report of the Commissioners last appointed for the Purposes aforesaid, that the Province of *Upper Canada* claims certain Arrearages from the Province of *Lower Canada*, on account of such Drawbacks, which Claims are not admitted on the Part of the Province of *Lower Canada*; and it further appears by the Report of the said Commissioners, appointed on behalf of both Provinces for the Purpose aforesaid, that they have failed to establish any Regulation for the Period beyond the First Day of *July* One thousand eight hundred and nineteen, by reason that they could not agree upon the Proportion of Duties to be paid to *Upper Canada* by way of Drawbacks: For Remedy of the Inconvenience occasioned by the Suspension of the said Agreement, and for the satisfactory Investigation and Adjustment of the said Claims, be it enacted, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of each of the said Provinces of *Upper* and *Lower Canada*, so soon as conveniently may be after the passing of this Act, to appoint, by Commission under the Great Seal of his respective Province, One Arbitrator; and that the said Arbitrators so appointed shall have Power, by an Instrument under their Hands and Seals, to appoint a Third Arbitrator; and in case of their not agreeing in such Appointment within One Month from the Date of the Appointment of the Arbitrators so directed to be made on the Part of the respective Provinces, or the last thereof if the said Appointments shall not be made on the same Day, His Majesty, His Heirs or Successors, shall have Power, by an Instrument under His Sign Manual, to appoint such Third Arbitrator, who (if appointed in manner last mentioned) shall not be an Inhabitant of either of the said Provinces; and that the Three Arbitrators so appointed as aforesaid, shall have Power to hear and determine all Claims of the Province of *Upper Canada* upon the Province of *Lower Canada*, on account of Drawbacks or Proportion of Duties under Agreements made and rati-

fied by the Authority of the Legislatures of the said Two Provinces, according to the fair Understanding and Construction of the said Agreements; and also to hear any Claim which may be advanced on the Part of the Province of *Upper Canada*, to a Proportion of Duties heretofore levied in *Lower Canada* under *British Acts* of Parliament, the Division of which Duties shall not have been embraced within the Terms of any Provincial agreement, and to report the Particulars of any such Claim, with the Evidence thereupon, to the Lords Commissioners of His Majesty's Treasury for the time being; and if it shall appear to the Commissioners of His Majesty's Treasury that any Sum is justly due from the Province of *Lower Canada* to the Province of *Upper Canada* on account of such last-mentioned Claim, they shall signify the same, together with the Amount, to the Governor or Person administering the Government of the Province of *Lower Canada* for the time being, who shall thereupon issue his Warrant upon the Receiver General of *Lower Canada*, to pay such Amount to the Receiver General of *Upper Canada*, in full Discharge of any such Claims.

XVIII. And be it further enacted, That the said Arbitrators shall have Power to send for and examine such Persons, Papers, and Records as they shall judge necessary for their information in the Matters referred to them; and that if any Person or Persons shall refuse or neglect to attend the said Arbitrators, or to produce before them any Papers or Documents, having been duly served in either Province with reasonable Notice in Writing for that Purpose, he, she, or they shall forfeit and pay the Sum of Fifty Pounds, to be recovered by Bill, Plaint, or Information, in any Court having competent Jurisdiction within the Province in which such Person usually resides, to be applied towards the Support of the Civil Government of the said Province, and to be accounted for to His Majesty, through the Lords Commissioners of His Majesty's Treasury for the Time being, in such Manner and Form as it shall please His Majesty to direct.

Power of  
Arbitrators  
to send for  
Persons and  
Records.

Penalty on  
Persons re-  
fusing, 50l.

XIX. And be it further enacted, That the Witnesses to be produced before the said Arbitrators, if it is desired by either of the said Arbitrators, shall and may be sworn before any of His Majesty's Justices of the Peace within either of the said Provinces, or before any One of the said Arbitrators, who are hereby empowered jointly or severally to administer such Oath; and that if any Person shall, in any such Oath so taken as aforesaid, wilfully fore swear himself, he shall be deemed guilty of wilful and corrupt Perjury.

Witnesses  
to be sworn.

Penalty for  
false swear-  
ing.

XX. And be it further enacted, That in case of the Death, Removal, or Incapacity of either of the said Arbitrators before making an Award, or in case the Third Arbitrator chosen or appointed as aforesaid shall refuse to act, another shall be appointed in his Stead, in the same Manner as such Arbitrator so dead, removed, or become incapable or refusing to act as aforesaid, was originally appointed; and that in case a Third Arbitrator shall be appointed by His Majesty as herein-before mentioned, it shall be lawful for the Governor-in-Chief in and over the said Provinces, to determine the Amount of Remuneration to be paid to such Arbitrator, which Amount shall be defrayed in equal Proportions by each Province, and shall be paid by Warrants, to be issued for that Purpose by the Governor, Lieutenant Governor, or Person administering the Government of each Province, upon the Receiver General thereof respectively.

Appointing  
Arbitrators  
on Vacancies.

XXI. And be it further enacted, That the Award of the Majority of the said Arbitrators, so far as the same shall be authorized by this Act, shall be final and conclusive as to all matters therein contained; and that if either of the arbitrators nominated by the Governor, Lieutenant Governor, or Persons administering the Government of either of the said Provinces, shall refuse or neglect to attend, on due notice being given, the two remaining arbitrators may proceed to hear and determine the matters referred to them, in the same manner as if he were present.

Award of  
Arbitrators  
to be final.

XXII. And be it further enacted, That the said arbitrators, or a majority of them as herein-before mentioned, shall certify the award to be made by and the Go-

Award to be  
certified to  
the Treasury