

authority" of the Arbitrators to "enquire into the state of debts or credits of the Provinces of Upper and Lower Canada, prior to the Union of 1841, or to deal in any way with either the debts or credits with which either Province came into the Union at that time" and duly considered the same, are of opinion that the said objection is unfounded, and that they have authority and are bound by the provisions of the said Act to enquire into the state of the debts and credits of the Provinces of Upper Canada and Lower Canada, existing at the time of the Union of 1841, and so to deal with them as may be necessary for a just, lawful and complete division and adjustment of the debts and assets of the said Provinces. And thereupon it is ordered that the counsel for the Province of Ontario and Quebec do proceed, in accordance with the foregoing judgment, to submit such statements in support of their respective claims as they may deem expedient.

(Signed)

C. D. DAY,  
*Arbitrator.*

SUMMARY of reasons assigned by the Arbitrator appointed by the Government of Quebec, for his resignation and withdrawal from the Arbitration.

My reason for withdrawing from the Arbitration is that I regard the decision adopted on the 28th May last by the Honorable Messrs. Macpherson and Gray, Arbitrators, as erroneous and unjust in its character and tendency.

The decision, as shewn by the reasoning in my printed opinion, is not based on any known or recognized principle, and cannot be sustained by any legal precedent or argument. It is an invention for the particular case, suiting well the interests of one of the Provinces but irreconcilable with the rights of the other. In carrying out such a decision I could, of course, take no part.

But until the decision was officially pronounced it had not the irrevocable binding force of a Judgment. The opinion was known, but it did not become the property of the parties until its formal promulgation. This it was the duty of the Arbitrators in the discharge of a great public trust to withhold, for so long as it was not given, they might in their endeavour to arrive at a just conclusion