

" The above extracts are not made for the purpose of making any comments, but for the purpose of showing you, *when cool*, the spirit of your two letters of the 15th and 16th inst. and thus contrast with my two letters of the 11th and 13th.

" *I have given you my reasons* for declining to bet, and now repeat that I will not put up any wager in any form, as I wish to have the award *unimbarassed by any law point*. But I again repeat that I will give undoubted security that in the event of the arbitrators deciding that there is any money going to you, and that I have any cost to pay for the cost of the arbitration, that it shall be *promptly paid*—you to do the same. This obviates the necessity of putting up any money, as you propose, as I will give security to the amount of \$20,000, if required. I also add to my former proposition to meet your views. The losing party in addition to the \$2 interest (if the interest does not invalidate the award,) from the day that the arbitrators find that either took money that *rightfully belonged* to the other. In addition to my former proposition add, that I am to furnish (if there is any such or *ever was* any such) a full statement of any and all private transactions of I. H. Smith from 1839 to 1849. To produce if there is or ever was any book containing account of the same; J. B. Smith to do the same.

" I deny that I done any commercial business that did not belong and did not go into the books of I. H. Smith & Co. and on account of which was sent to Montreal, and I pledged myself to prove the fact by my bookkeeper, and cartman. I made several bets in 1847 with regard to the price of flour, and you wrote me relative to it, and I at once replied, by *offering all the profits I made in said operation or bets, if you would give me what you made on Horses, and you declined my offer.*

"The above fully meets each and every objection raised by you with the exception of one. You decline or object to H. Stephens, Esq., as one of the referees, on what ground you do not say. I therefore select the Hon. John Young, of Montreal, who I suppose has returned from Europe. If not, I substitute the Hon. Jacob De Witt.

"Now, Byington, permit me to say, in closing, that *this already too long* correspondence upon which I have been writing since the 15th of April, *confining* myself to the *one point*, i. e. the appointment of arbitrators and the settlement of our long stand-