

THE Arbitrators on the part of the two Provinces, not being able to agree upon a basis for the division of duties, and a preliminary decision by the third Arbitrator having in consequence become indispensable; which decision has established that of the comparative population, as the best criterion to be had, under the impossibility of ascertaining the comparative consumption; the Arbitrator, therefore, for Lower Canada, under all the circumstances of the case, feeling the great importance to both provinces of a definitive award now, in preference to a prolongation of the commission by adjournment to a period when it might be impracticable for the Arbitrators to reassemble, consents that the present population of Lower Canada shall be considered and taken as amounting to four hundred and fifty thousand; but, at the same time, he retains his opinion, that the comparative population of the two provinces, does not furnish an accurate basis for forming an estimate of the consumption of dutiable goods therein respectively.

A true copy from the paper in the possession of the third Arbitrator.

Secretary to Arbitrator to Upper Canada:

WHEREAS in pursuance of An Act of the Parliament of the United Kingdom of Great Britain and Ireland, made and passed in the third year of His present Majesty's Reign, entitled "An Act to regulate the trade of the provinces of Lower and Upper Canada and for other purposes relating to the said provinces." the Honourable James Irvine was duly appointed by commission under the Great Seal of the province of Lower Canada bearing date the nineteenth day of July, in the year of our Lord one thousand eight hundred and twenty-four, Arbitrator on the part of the said province of Lower Canada, for ascertaining the proportion to be paid to Upper Canada for the four years next succeeding the first day of July, one thousand eight hundred and twenty-four, of duties levied in the said province of Lower Canada under the authority of An Act or Acts passed or to be passed therein, upon goods, wares and commodities imported therein by Sea: And whereas, in pursuance of the said act of the Parliament of the said United Kingdom, the Honourable James Baby was duly appointed by commission under the Great Seal of the province of Upper Canada, bearing date the ninth day of September, in the said year one thousand eight hundred and twenty-four, Arbitrator on the part of the said province of Upper Canada for ascertaining the said proportion of duties herein before mentioned: And whereas, the said James Irvine and James Baby, the Arbitrators aforesaid, not having agreed in the appointment of a third Arbitrator, the Honourable Ward Chipman, an inhabitant of the province of New Brunswick, was, in further pursuance of the said Act of the Parliament of the said United Kingdom, by warrant under His Majesty's Royal sign manual, bearing date at His Court at Windsor the twentieth day of January in the year of our Lord one thousand eight hundred and twenty five, duly appointed the third Arbitrator for ascertaining the said proportion of duties herein before mentioned: And whereas the said James Irvine having become unable by reason of ill health to discharge the duties of his said appointment as Arbitrator as aforesaid, the Honourable John Richardson was in further pursuance of the said Act of the Parliament of the said United Kingdom by commission under the Great Seal of the said province of Lower Canada, bearing date the twenty eighth day of June, in the said year one thousand eight hundred and twenty-five, duly appointed Arbitrator on the part of the said province of Lower Canada, for ascertaining the said proportion of duties herein before mentioned in the room and stead of the said James Irvine: And whereas the said three Arbitrators, that is to say, the said James Baby the Arbitrator on the part of Upper Canada, the said John Richardson the Arbitrator on the part of Lower Canada, and the said Ward Chipman the third Arbitrator, met at Montreal in Lower Canada on the fifteenth day of this instant month of July, and proceeded to take into consideration the matter referred to them; but the said John Richardson the Arbitrator on the part of Lower Canada cannot agree in opinion thereupon with the said other two Arbitrators: Now, therefore, we the said Ward Chipman and James Baby being a majority of the said Arbitrators do hereby in further pursuance of the said Act of the said Parliament of the said United Kingdom, make and certify our award in the premises in manner following, that is to say: We do award and determine that for the four years next succeeding the first day of July one thousand eight hundred and twenty-four, one-fourth part of the duties levied in the province of Lower Canada under the authority of any Act or Acts passed or to be passed therein upon goods, wares & commodities imported therein by Sea, shall be paid to the said province of Upper Canada, as the proportion of the same duties arising and due to the said province of Upper Canada: In witness whereof we have hereunto set our hands and seals at Montreal, in Lower Canada, this twenty-third day of July in the year of our Lord one thousand eight hundred and twenty-five.

[L. S.]