

rica, a Drawback of the full Duties of Customs which may have been paid upon the Importation thereof from any of the places last aforesaid, into any or either of the said Colonies of *Newfoundland, Nova Scotia, New Brunswick, or Prince Edward's Island*, upon a Certificate being produced, under the Hands and Seals of the Collector and Controller of His Majesty's Customs at *Quebec*, certifying that the said Rum or other Spirits have been duly landed in *Canada*.

Conditions
on which
the Draw-
back shall
be paid.

XIV. And be it further enacted, That no Entry shall pass, nor any Drawback be paid or allowed, upon the Exportation of Rum or other Spirits from any or either of the said Colonies of *Newfoundland, Nova Scotia, New Brunswick, or Prince Edward's Island*, into *Canada*, unless such Entry be made in the Name of the real Owner or Owners, Proprietor or Proprietors of the said Goods; and that before such Owner or Owners, Proprietor or Proprietors, shall receive the said Drawback so allowed as aforesaid, One or more of them shall verify upon Oath, upon the Debenture to be made out for the Payment of such Drawback, that he or they is or are the real Owner or Owners of the said Goods; nor unless Proof on Oath shall be made to the Satisfaction of the Collector and Controller of His Majesty's Customs at the Port from 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 pay-
able.

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 Controller 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 Im-
portation.

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.

Regula-
tions as to
settling the
proportions
of Duties
and Draw-
backs be-
tween the
Provinces,
by Arbitra-
tors.

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 Thou-*

sand 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 ratified 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

Power of
Arbitrators
to send for
Persons
and Re-
cords.