

of the said Treaty, do hereby solemnly declare that we will impartially and carefully examine and decide the matters referred to us to the best of our judgment, and according to justice and equity.

In witness whereof we have hereto subscribed our names, this 15th day of June, 1877.

(Signed) MAURICE DELFOSSE.  
E. H. KELLOGG.  
A. T. GALT.

Mr. Ford then produced his commission as Agent of Her Britannic Majesty, which was found to be in due form. Mr. Foster also produced his commission as Agent of the United States, which was likewise found to be in due form.

Mr. Foster then produced a draft of Rules proposed for the procedure of the Commission, which had been submitted to him by Mr. Ford. To these, he said, that in the main he agreed, but took exception to certain of them which contemplated the appearance of Counsel on either side, as well as the accredited Agents. He submitted to the Commissioners that no person other than the Agent, on either side, should be permitted to address the Court.

Mr. Ford objected to this view, and contended that Counsel should be permitted to address the Court.

Mr. Foster, in reply, gave his reasons for maintaining his contention.

The Commissioners thereupon retired to deliberate, and on their return M. Delfosse announced the following decision:—

“The Commissioners having considered the statements made by the Agents of the respective Governments, decide: That each Agent may be heard personally or by Counsel, but in the case of the British Agent he shall be limited to *five*, as representing the maritime provinces on the Atlantic coast of British North America; and in the case of the Agent of the United States, he shall be allowed a similar number.”

Mr. Ford then stated that he desired to raise an important point, viz., whether *ex parte* affidavits should be admitted as written testimony, under the terms of Article XXIV of the Treaty of Washington. He contended that such *ex parte* affidavits should not be admissible before the Commission.

Mr. Foster, on the other hand, contended that such *ex parte* affidavits should be admitted as written testimony, the Commissioners being left to attach to them such value as they might think fit.

Mr. S. R. Thomson, on the part of Great Britain, maintained the views expressed by Mr. Ford on this point.

The Commissioners then retired to deliberate, and, on their return, M. Delfosse announced that the Commissioners had decided that affidavits should be admitted.

The Commissioners then again retired for deliberation, and, on their return, M. Delfosse stated that the following rules had been adopted for the procedure of the Court; and directed them to be read by the Secretary:—

*Rules for the Procedure of the Halifax Commission.*

1. When the Commissioners shall have completed all necessary preliminary arrangements, the British Agent shall present a copy of the “Case” of Her Majesty’s Government to each of the Commissioners, and duplicate copies to the United States’ Agent.

2. The Court shall thereupon adjourn for a period of six weeks, on the expiration of one half of which period the United States’ Agent shall deliver to the Secretary of the Commission at least twelve copies of the Counter Case of the United States’ Government.

The British Agent shall, three days before the meeting of the Court after such adjournment, deliver to the Secretary of the Commission at least twelve copies of the Reply of Her Majesty’s Government.

3. The evidence brought forward in support of the British “Case” must be closed within a period of six weeks after the case shall have been opened by the British Counsel unless a further time be allowed by the Commissioners on application.

The evidence brought forward in support of the United States’ Counter Case must be closed within a similar period after the opening of the United States’ case in answer, unless a further time be allowed by the Commissioners on application. A period of fourteen days shall then be allowed for the evidence in reply on the