

JOINT
APPENDIX.Sec. I.
Reference to the
Privy Council.Agreement
between
Ontario and
Manitoba,
18th Decem-
ber, 1883.

(5) In case of any question arising with respect to any documentary evidence, as to whether it should be included in the Joint Case, the question is to be referred, at the instance of either party, to the Chief Judges of the Appeal Courts of Toronto, viz., the Honourable Messieurs Sprugge, Hagarty, Wilson, and Boyd, or a majority of them; or the Attorneys-General of the two Provinces, or their Agents in this behalf, are to have power to jointly refer any such questions to one or two of the said Chief Judges, or to the Chief Justice of the Supreme Court of Canada. The decision in any of such cases, if certified by the Judges, or Judge, before the 15th April next, shall be final as regards the submission of such evidence to the Privy Council, *quantum valeat*, and the evidence, with the certificate of the Judges, or Judge, shall be forthwith printed. No evidence not certified before the 15th April next shall be submitted.

(6) The papers set forth in Ontario Sessional Paper, 1882, numbered 63, and the subsequent correspondence between the Province of Ontario and the Dominion, in Ontario Sessional Papers, 1883, and numbered 23, and any other correspondence between the said two Governments which either party may desire may also be submitted, *quantum valeat*.

(7) The Province of Ontario undertakes the printing, for the Privy Council, of the Book of Arbitration Documents, the Cases submitted to the Arbitrators, the Orders of Reference, the Award, the said Acts of the Legislature of the Province, the papers referred to in the preceding paragraph, and any other documents which may be put in on the part of that Province under this Agreement.

(8) The Province of Manitoba undertakes the printing, for the Privy Council, of the documents reported by the Select Committee, Chief Justice Sewell's notes on the De Reinhard case, and any other documents which may be put in on the part of that Province.

(9) Either Government may, at its own discretion, print any of the papers and documents to be submitted, in addition to those which the said Government undertakes to print.

(10) Any such documents or papers printed, or purporting to be printed, by the Queen's Printer (at Toronto, Winnipeg, or Ottawa) shall be deemed sufficiently authenticated, *prima facie*, for the purposes of the said Case.

(11) All papers for the Privy Council shall be printed as aforesaid, in due form, and shall be delivered, on or before the 15th of May next, to the proper officer for the use of the Privy Council, and to the Solicitors in London for the opposite party.

(12) Any maps that either Government deems useful for the argument before the Privy Council shall be prepared and lithographed on the part of such Government; and, having been duly authenticated, either by mutual agreement or by reference to the Judges, or Judge, aforesaid, copies shall be delivered with the printed papers and documents aforesaid.

(13) Each and every of the said papers and documents is to be submitted to the Privy Council *quantum valeat*, and not otherwise.

(14) Nothing herein contained is to be construed as an admission that a Court, in order to ascertain its own jurisdiction in the disputed territory, or some part thereof, might not take judicial notice of the said particulars, or some of them, and it is hereby agreed that in the discussion of the Case, before the Privy Council, reference may be made to any evidence of which such judicial notice may be taken, whether the same is or is not contained in the printed papers.

33. The printing or not printing of any of the documents or other evidence is not to postpone the setting down of the Joint Case, or the application therefor, or the argument, or the decision of the case, unless the Judicial Committee of the Privy Council shall, on special application and after notice (so that counsel for both Governments may be heard thereon), see fit to direct such postponement.

34. Any Order to set down, and any other paper necessary to be served on either of the said Governments, may be served on the London Solicitors of such Governments, such Solicitors of the said Province of Manitoba being Messrs. Bischoff, Bompas & Dodgson, 4 Westminster Buildings, London, E.C.; and of the said Province of Ontario being Messrs. Freshfields & Williams, 5 Bank Buildings, London, E.C.