

I.

Reference to the Privy Council.

MEMORANDUM OF AGREEMENT

BETWEEN THE GOVERNMENTS OF THE PROVINCES OF ONTARIO AND MANITOBA IN REGARD TO THE
TERRITORY IN DISPUTE BETWEEN THEM, 18th DECEMBER, 1883.

JOINT
APPENDIX.
Sec. I.
Reference to the
Privy Council.

In order to have the question of the title to the disputed territory set at rest at the earliest possible day, as between the two Provinces, so far as the same is possible by the action of the said Provinces, Agreement between Ontario and Manitoba, 18th December, 1883.

And in order to avoid unnecessary conflicts or collisions in the meantime between the courts or officers of the two Governments, and to make the best practicable arrangement on which the two Governments can now unite as to matters within Provincial jurisdiction, for the administration of justice and the preservation of peace and order, the said Governments of Ontario and Manitoba agree as follows:

1. Neither Government is to be understood by this Agreement as abandoning any claim such Government has heretofore made, or had, to, or in, the disputed territory, or any part thereof.

[Clauses 2 to 29 contain provisions for the government of the territory pending the dispute.]

30. The Joint Case hereto annexed is hereby mutually agreed to by the said Governments provisionally, and subject to the following understanding, viz:

If Mr. Christopher Robinson, counsel for Manitoba, or Mr. Mowat, on behalf of Ontario, should hereafter be of opinion that there ought to be some variation of the said Case, as to the forms of the 20 questions submitted, or otherwise, and notifies in writing such opinion to the other on behalf of Ontario or Manitoba, as the case may be, on or before the fifteenth of February next, the said Case is to be varied in any way that they may agree, or, if they differ, the said variation may be decided in manner hereinafter provided with respect to documentary evidence as to which the parties may differ; but no variation is to be made after the 15th April next.*

31. Either Government may apply, *ex parte*, to Her Majesty, or to the Judicial Committee, to have the said Case set down for argument in the month of June or July, 1884. If the said Joint Case is not set down to be argued in June or July next, or is not argued then, either party may apply at any time, *ex parte*, to have the said Case set down or argued at such other time as the Judicial Committee aforesaid may appoint.

30 32. For the purpose of considering the question of the true boundary the following evidence is to be submitted to the Privy Council, *quantum valeat*:

(1) The Book of Arbitration Documents; the Cases submitted to the Arbitrators on behalf of the Dominion of Canada and the Province of Ontario respectively; and all maps referred to in the said Book or said Cases.

(2) The Acts of the Legislature of Ontario on the subject of the boundaries.

(3) All other documents which were produced before the Select Committee of the House of Commons, or which have come into the possession of either Government.

(4) The notes of Chief Justice Sewell on the trial of the De Reinhard case, on their authenticity 40 being established to the satisfaction of the Judges, or Judge, hereinafter referred to, or of the Attorney-General of Ontario.

* Variations were afterwards agreed to by Mr. Robinson and Mr. Mowat, and the "Special Case" printed post is the "Joint Case" as so varied.