

# In the Privy Council.

No. 61 of 1915.

## ON APPEAL FROM THE SUPREME COURT OF CANADA.

BETWEEN

THE BONANZA CREEK GOLD MINING COMPANY,  
LIMITED .. .. . (Suppliant) Appellant,

AND

HIS MAJESTY THE KING .. .. . (Respondent) Respondent,

AND

THE ATTORNEYS-GENERAL FOR THE PROVINCES  
OF ONTARIO, QUEBEC, NOVA SCOTIA, NEW  
BRUNSWICK AND BRITISH COLUMBIA .. .. . Intervenants.

## JOINT APPENDIX OF STATUTES.

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## No. 1.

Statutes of Canada, 61 Victoria Cap. 49.

An Act to amend the Companies Act  
(Assented to 13th June 1898.)

Appendix

No. 1.  
Canada:  
61 Vict.,  
C. 49.  
The Companies Act.

1. Any joint stock company or corporation duly incorporated under the laws of the Parliament of the United Kingdom, or under the laws of any foreign country for the purpose of carrying on mining operations may, on receiving a license from the Secretary of State of Canada, carry on mining operations in the Yukon District and North-West Territories, and shall  
10 be entitled to the privileges of a free miner, subject to the regulations governing and affecting free miners.

2. Every company desirous of obtaining such license as aforesaid shall first file in the office of the Secretary of State of Canada a certified copy of the charter or Act incorporating the company, and shall also designate the agent or manager within the Yukon District authorised to represent the company and to accept process in all suits and proceedings against the company for any liabilities incurred by the company therein.

3. Every company to which such license has been granted, when so required, shall make a return to the Secretary of State of all business done  
20 by it under such license, and in default of making the said return, the license may be cancelled.

4. Notice of the issue of such license shall be published in the *Canada Gazette*.

5. The fees payable for the license shall, from time to time, be fixed by the Governor in Council.

## No. 2.

Statutes of Canada, 61 Victoria, Cap. 6.

The Yukon Territory Act.  
(Assented to 13th June 1898.)No. 2.  
Canada:  
61 Vict.,  
C. 6.  
The Yukon  
Territory  
Act.

30 2. The Yukon Judicial District, as constituted by the proclamation of the Governor in Council bearing date the sixteenth day of August, one thousand eight hundred and ninety-seven, and contained in the schedule to this Act, is hereby constituted and declared to be a separate territory under the name of the Yukon Territory, and the same shall no longer form part of the North-West Territories.

Appendix.  
 No. 2.  
 The Yukon  
 Territory Act  
 -continued.

3. The Governor in Council may, by instrument under the Great Seal, appoint for the Yukon Territory a chief executive officer to be styled and known as the Commissioner of the Yukon Territory.

4. The Commissioner shall administer the government of the territory under instructions from time to time given him by the Governor in Council or the Minister of the Interior.

5. The Governor in Council by warrant under his privy seal may constitute and appoint such and so many persons from time to time not exceeding in the whole six persons, as may be deemed desirable to be a Council to aid the Commissioner in the administration of the territory, and such persons so appointed to the Council shall before entering upon the duties of their offices take and subscribe before the Commissioner such oaths of allegiance and office as the Governor in Council may prescribe.

\* \* \* \* \*

6. The Commissioner in Council shall have the same powers to make ordinances for the government of the territory as are at the date of this Act possessed by the Lieutenant Governor of the North-west Territories, acting by and with the advice and consent of the Legislative Assembly thereof to make ordinances for the government of the North-west Territories, except as such powers may be limited by order of the Governor in Council.

7. A copy of every such ordinance made by the Commissioner in Council shall be despatched by mail to the Governor in Council within ten days after the passing thereof, and shall be laid before both Houses of Parliament as soon as conveniently may be thereafter, and any such ordinance may be disallowed by the Governor in Council at any time within two years after its passage.

8. Subject to the provisions of this Act, the Governor in Council may make ordinances for the peace, order and good government of the territory and of Her Majesty's subjects and others therein, but no ordinance made by the Governor in Council or the Commissioner in Council shall

(a) impose any tax or any duty of customs or any excise or any penalty exceeding one hundred dollars, or

(b) alter or repeal the punishment provided in any Act of the Parliament of Canada in force in the territory for any offence, or

(c) appropriate any public money, lands or property of Canada without authority of Parliament;

Provided that this section shall not apply to any law extending or applying or declared applicable to the territory by any Act of the Parliament of Canada.

9. Subject to the provisions of this Act, the laws relating to civil and criminal matters and the ordinances as the same exist in the North-west Territories at the time of the passing of this Act, shall be and remain in force in the said Yukon Territory in so far as the same are applicable thereto until amended or repealed by the Parliament of Canada or by any ordinance of the Governor in Council or the Commissioner in Council made under the provisions of this Act.

\* \* \* \* \*

Section 6 of the Yukon Territory Act amended by 2 Ed. VII, Cap. 34, Sec. 2, reads as follows:—

6. The Commissioner in Council shall, subject to the provisions of any Ordinance of the Governor in Council, have the same powers to make Ordinances for the government of the Territory as are at the date of this Act possessed by the Lieutenant Governor of the North-west Territories, acting by and with the advice and consent of the Legislative Assembly thereof, to make Ordinances for the government of the North-west Territories: Provided that the Commissioner in Council may, subject as aforesaid, notwithstanding anything to the contrary in any Act of Parliament, make Ordinances for the control and regulation of the sale of and traffic in intoxicating liquor in the Territory.

Section 8 of the Yukon Territory Act was repealed and the following Section was substituted therefor by Section 2 of Cap. 11 Statutes of Canada, 62—63 Vict.

8. Subject to the provisions of this Act, the Governor in Council may make ordinances for the peace, order and good government of the territory, and of Her Majesty's subjects and others therein; but no ordinance made by the Governor in Council, or the Commissioner in Council, shall—

(a) for the enforcement of any ordinance, impose any penalty exceeding five hundred dollars;

(b) alter or repeal the punishment provided in any Act of the Parliament of Canada in force in the territory for any offence;

(c) appropriate any public land or other property of Canada without authority of Parliament, or impose any duty of customs or any excise; nor shall any tax be imposed except as in this Act provided;

Provided always, that the Governor in Council, or the Commissioner in Council, may make regulations in respect to shop, tavern, and other licenses, and may impose fees for the issue of the same;

Provided, further, that in any portion of the territory in which a settlement is formed, and in which it becomes necessary, in the opinion of the Commissioner in Council, for the preservation of the public health, or for purposes of local improvement, to make regulations and to incur expense, the Commissioner in Council may impose such charges as may be considered necessary for the accomplishment of any of these objects;

Provided also, that nothing in this section shall be construed as preventing the Commissioner in Council from bestowing upon any municipal corporation, the members of the council or governing body of which are elected, the power of taxing the inhabitants of such municipality for raising a revenue for municipal purposes.

(2) As soon as any of the members of the Territorial Council are elected the Commissioner in Council shall have the power to impose taxes for any purpose within the jurisdiction of the Commissioner in Council.

The Placer Mining Regulations (*see No. 10*) appearing on page XLIX of the appendix printed with the Statutes of Canada 1 Edw. VII, were made after this amendment and before a subsequent amendment made by Sec. 3 Cap. 34, Statutes of Canada, 2 Edward VII.

Appendix.

No. 2.  
The Yukon  
Territory Act  
—continued.

Sec. 6  
(amended by  
2 Edw. VII,  
Cap. 34,  
Sec. 2).

Sec. 8  
repealed by  
62—63 Vict.,  
Cap. 11,  
Sec. 2.

Appendix:

No. 2.

The Yukon  
Territory Act  
—continued.

Sec. 8  
repealed by  
2 Edw. VII.  
Cap. 34,  
Sec. 3.

The last mentioned section repealed the old Section and substituted the following therefor :

8. Subject to the provisions of this Act, the Governor in Council may make ordinances for the peace, order, and good government of the territory, and of His Majesty's subjects and others therein ; but no such ordinance shall—

(a) for the enforcement of any ordinance, impose any penalty exceeding five hundred dollars ;

(b) alter or repeal the punishment provided in any Act of the Parliament of Canada in force in the territory for any offence ;

(c) appropriate any public land or other property of Canada without authority of Parliament, or impose any duty of customs or any excise ;

Nor shall any tax be imposed by ordinance except as in this Act provided : Provided always that the Governor in Council may make ordinances—

(d) imposing a tax or royalty (not exceeding five per cent. thereof) upon gold and silver the output of mines in the territory, to be levied from and after the date of the ordinance imposing it ;

(e) prescribing and regulating the place and manner of collection of such tax or royalty, and the methods of securing and enforcing the payment thereof ;

(f) providing for the confiscation and forfeiture of gold and silver upon which such tax or royalty has not been duly paid, as well as for the confiscation and forfeiture of any vessel, vehicle, cart, or other receptacle containing it, or used or intended to be used for the transportation thereof ;

(g) giving to any officer of the Crown, in respect of searches, examinations, and other proceedings for the enforcement of the provisions of any such ordinance, all such powers, rights, privileges, and protection as officers of customs have under the provisions of The Customs Act.

(2.) Every ordinance made under the authority of this section shall remain in force until the day immediately succeeding the day of prorogation of the then next session of Parliament, and no longer, unless during such session of Parliament such ordinance is approved by resolution of both Houses of Parliament.

(3.) Every ordinance made by the Governor in Council under the provisions of this Act shall have force and effect only after it has been published for four successive weeks in *The Canada Gazette* ; and all such ordinances shall be laid before both Houses of Parliament within the first fifteen days of the session next after the date thereof."

The Yukon Territory Act amended by Chapter 34, 2 Edward VII, Sec. 5, reads as follows :

2 Edw. VII,  
Cap. 34,  
Sec. 5.

5. Every regulation made by the Governor in Council under the authority of Section 47 of *The Dominion Lands Act*, applicable or relating to the Yukon Territory, shall remain in force until the day immediately succeeding the day of prorogation of the then next session of Parliament, and no longer, unless during such session of Parliament such regulation is approved by resolution of both Houses of Parliament.

Revised Statutes of Canada, 1886, Chapter 50.

The North-West Territories Act.

Appendix.  
No. 3.  
Canada :  
Rev. Stats.  
1886, C. 50.  
The N.W.T.  
Act.

Sec. 11 (as amended by 60—61 Vic. Cap. 28, Sec. 4) reads as follows :—

11. Subject to the provisions of this Act, the laws of England relating to civil and criminal matters, as the same existed on the fifteenth day of July, in the year of our Lord one thousand eight hundred and seventy, shall be in force in the Territories, in so far as the same are applicable to the Territories, and in so far as the same have not been, or are not hereafter repealed, altered, varied, modified, or affected by any Act of the Parliament of the United Kingdom applicable to the Territories, or of the Parliament of Canada, or by any Ordinance of the Lieutenant Governor in Council or of the Legislative Assembly.

Sec. 11 as amended by 60—61 Vic., Cap. 28, Sec. 4.

Sec. 13 as amended by 58—59 Vic. Cap. 31, Sec. 2 ; 54—55 Vic. Cap. 22, Sec. 6 ; 60—61 Vic. Cap. 28, Sec. 6 now reads as follows :—

Sec. 13 as amended by 58—59 Vic., Cap. 31., Sec. 2 ; 54—55 Vic., Cap. 22, Sec. 6 ; and 60—61 Vic., Cap. 28, Sec. 6.

13. The Legislative Assembly shall, subject to the provisions of this Act, or of any other Act of the Parliament of Canada, declared to be applicable to the Territories, have power to make Ordinances for the government of the Territories in relation to the classes of subjects next hereinafter mentioned that is to say :—

\* \* \* \* \*

(6.) Shop, saloon, tavern, auctioneer and other licenses, in order to raise a revenue for Territorial or municipal purposes ;

(7.) The incorporation of companies with Territorial objects, with the following exceptions :—

(a) Such companies as cannot be incorporated by a Provincial Legislature ;

(b) Railway companies (not including tramway and street railway companies) and steamboat, canal, telegraph and irrigation companies ;

30 \* \* \* \* \*

(9.) Property and civil rights in the Territories ;

\* \* \* \* \*

(13) Generally, all matters of a merely local or private nature in the Territories.

2. Nothing in this section contained gives, or shall be construed to give, to the Legislative Assembly any greater powers with respect to the subjects therein mentioned than are given to Provincial Legislatures under the provisions of section ninety-two of *The British North America Act, 1867*, with respect to the similar objects therein mentioned.

40 \* \* \* \* \*

112. Every Act of the Parliament of Canada, except in so far as otherwise provided in any such Act, and except in so far as the same is, by its

Appendix.  
 No. 3.  
 The North  
 West  
 Territories  
 Act  
 —continued.

terms, applicable only to one or more of the Provinces of Canada, or in so far as any such Act is, for any reason, inapplicable to the Territories, shall, subject to the provisions of this Act, apply and be in force in the Territories.

(2) The Governor in Council may, by proclamation, from time to time, direct that any Act of the Parliament of Canada, or any part or parts thereof, or any one or more of the sections of any one or more of any such Acts not then in force in the Territories, shall be in force in the Territories generally, or in any part or parts thereof mentioned in such proclamation.

No. 4.  
 Yukon :  
 Con. Ords.  
 1902, C. 59.  
 The Foreign  
 Companies  
 Ordinance.

No. 4.

Consolidated Ordinances, Yukon Territory, 1902, Cap. 59. 10

The Foreign Companies Ordinance.

2. Any Company, institution or corporation incorporated otherwise than by or under the authority of an Ordinance of the Territory or an Act of the Parliament of Canada desiring to carry on any of its business within the Territory may (through the Territorial Secretary) petition the Commissioner for a license so to do and the Commissioner may thereupon authorise such company, institution or corporation to use, exercise or enjoy any powers, privileges and rights set forth in the said license.

(2) No such license shall be issued until such company, institution or corporation has deposited in the office of the Territorial Secretary a true 20 copy of the Act, charter or other instrument incorporating the company, institution or corporation verified in the manner which may be satisfactory to the Commissioner together with a duly executed power of attorney empowering some person therein named and residing in the Territory to act as its attorney and to sue and be sued, plead or be impleaded in any court and generally on behalf of such company, institution or corporation and within the said Territory to accept service of process and to receive all notices and for the purposes aforesaid to do all acts and to execute all deeds and other instruments relating to the matters within the scope of the power of attorney ; and such company, institution or corporation may from time 30 to time by a new or other power of attorney executed and deposited as aforesaid appoint another attorney within the Territory for the purposes aforesaid to replace the attorney formerly appointed ; and notice of the granting of such license shall be given forthwith by the Territorial Secretary in the official gazette.

(3) The license or any exemplification thereof under the seal of the Territory shall be sufficient evidence in any proceeding in any court of the Territory of the due licensing of the company, institution or corporation as aforesaid.



(4) A company, institution or corporation licensed under this section shall on or before the thirty-first day of January in every year during the continuance of such license make a statement to the Territorial Secretary verified by affidavit containing, as of the thirty-first day of December preceding, a summary of the following particulars:—

Appendix.  
—  
No. 4.  
Yukon :  
Con. Ords.  
1902 C. 59.  
The Foreign  
Companies  
Ordinance  
—continued.

- (a) The corporate name of the company, institution or corporation ;
- (b) The manner in which the company, institution or corporation is incorporated ;
- 10 (c) The place where the head office of the company, institution or corporation is situated ;
- (d) The place or places where or from which the undertaking of the company, institution or corporation is carried on ;
- (e) The name, residence and post office address of the president, the secretary and the treasurer of the company, institution or corporation ;
- (f) The name, residence and post office address of each of the directors of the company, institution or corporation ;
- (g) The date upon which the last annual meeting of the company, institution or corporation was held ;
- 20 (h) The amount of the capital of the company, institution or corporation and the number of shares into which it is divided ;
- (i) The number of shares subscribed for and allotted ;
- (j) The amount of stock (if any) issued free from call ; if none is so issued, the fact to be stated ;
- (k) The amount issued subject to call ;
- (l) The number of calls made on each share ;
- (m) The total amount of calls received ;
- (n) The total amount of calls unpaid ;
- (o) The total amount of shares forfeited ;
- 30 (p) The total amount of shares which have never been allotted or subscribed for ;
- (q) The total amount for which shareholders of the company, institution or corporation are liable in respect of the unpaid stock held by them ;
- (r) In a concise form any further information respecting the affairs of the company, institution or corporation as the directors consider expedient.

\* \* \* \* \*

6. No company requiring a license under this Ordinance shall carry on  
40 any part of its business in the Yukon Territory until it has been duly licensed under this Ordinance. No. 6 of 1902, s. 5.

## Appendix.

No. 5,  
Canada :  
2 Edw. VII,  
C. 15.  
The Com-  
panies Act.

## No. 5.

The Dominion Act respecting Joint Stock Companies in force at the time in question was Chapter 15, 2 Edward VII. The material sections are as follows :—

5. The Secretary of State may, by letters patent under his seal of office, grant a charter to any number of persons, not less than five, who apply therefor, constituting such persons, and others who have become subscribers to the memorandum of agreement hereinafter mentioned and who thereafter become shareholders in the company thereby created, a body corporate and politic, for any of the purposes or objects to which the legislative authority 10 of the Parliament of Canada extends, except the construction and working of railways or of telegraph or telephone lines, or the business of banking and the issue of paper money, or the business of insurance, or the business of a loan company.

(2) The Governor in Council may from time to time designate the seal of office to be used by the Secretary of State as the seal under which letters patent may be granted under this Act.

\* \* \* \* \*

21. The company may acquire, hold, mortgage, sell and convey any real estate requisite for the carrying on of the undertaking of the company, and 20 shall, if incorporated under this Act, forthwith become and be invested with all property and rights, real and personal, theretofore held by it or for it under any trust created with a view to its incorporation, and with all the powers, privileges and immunities requisite or incidental to the carrying on of its undertaking, as if it was incorporated by a special Act of Parliament, embodying the provisions of this Act and of the letters patent.

## No. 6.

No. 6.  
Canada :  
Rev. Stats.  
1906, C. 79.  
The Com-  
panies Act.

Revised Statutes of Canada, 1906, Chapter 79.  
The Companies Act.

17. Any company incorporated under any general or special Act of 30 any of the provinces of Canada, and any company duly incorporated under the laws of the United Kingdom or of any foreign country for any of the purposes or objects for which letters patent may be issued under this Part, and being at the time of the application a subsisting and valid corporation, may apply for letters patent under this Part, and the Secretary of State, upon receiving satisfactory evidence that the Act of incorporation or charter of the company so applying is valid and subsisting and that no public or private interest will be prejudiced, may issue letters patent incorporating the shareholders of the company so applying as a company under this Part, limiting, if necessary, the powers of the said company to such purposes 40

or objects as might have been granted had the shareholders applied in the first instance to the Secretary of State for letters patent under this Part, and thereupon all the rights, property and obligations of the former company shall be and become transferred to the new company, and all proceedings may be continued or commenced by or against the new company that might have been continued or commenced by or against the old company.

Appendix.  
No. 6.  
Canada :  
Rev. Stats.  
1906, C. 79.  
The Com-  
panies Act  
—continued.

(2) It shall not be necessary in any such letters patent to set out the names of the shareholders.

(3) After the issue of such letters patent the company shall be governed in all respects by the provisions of this Part, except that the liability of the shareholders to creditors of the old company shall remain as at the time of the issue of the letters patent. 2 E. VII, c. 15, s. 13.

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No. 7.

R.S.C. 1886, Chapter 1, Section 7, ss. 50.

The Interpretation Act.

No. 7.  
Canada :  
Rev. Stats.  
1886, C. 1.  
The Interpre-  
tation Act.

(50) Whenever any Act is repealed, wholly or in part, and other provisions are substituted, all by-laws, orders, regulations, rules and ordinances made under the repealed Act shall continue good and valid in so far as they are not inconsistent with the substituted Act, enactment or provision, until they are annulled or others made in their stead.

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No. 8.

R.S.C. 1886, Chapter 54, Sec. 47.

The Dominion Lands Act.

No. 8.  
Canada :  
Rev. Stats.  
1886, C. 54.  
The  
Dominion  
Lands Act.

(As enacted by 55–56 Vict. Chapter 15, Sec. 5.)

47. Lands containing coal or other minerals, including lands in the Rocky Mountains Park, shall not be subject to the provisions of this Act respecting sale or homestead entry, but the Governor General in Council may, from time to time, make regulations for the working and development of mines on such lands, and for the sale, leasing, licensing or other disposal thereof : Provided, however, that no disposition of mines or mining interests in the said part shall be for a longer period than twenty years, renewable, in the discretion of the Governor in Council, from time to time, for further periods of twenty years each, and not exceeding in all sixty years.

Sec. 47 as  
enacted by  
Sec. 5 of  
Chapter 15 of  
the Act  
55–56 Vict.

No. 9.

Appendix.

No. 9.  
Canada :  
61 Vict.,  
pp. XXXIX,  
*et seq.*  
Regulations  
governing  
Placer  
Mining.

The regulations following, approved by Order in Council dated 18th January 1898 are the regulations governing placer mining in the Yukon Territory printed in the appendix to the Statutes of Canada 61 Vict. at pages XXXIX to XLVII inclusive. The portions of the regulations specially referred to on the argument are the definitions of "Free Miner" and "Joint Stock Company" in the Interpretation Clause and Sections 1, 7 and 8.

"Free miner" shall mean a male or female over the age of eighteen but not under that age, or joint stock company, named in, and lawfully 10 possessed of, a valid existing free miner's certificate, and no other.

\* \* \* \* \*

"Joint stock company" shall mean any company incorporated for mining purposes under a Canadian charter or licensed by the Government of Canada.

\* \* \* \* \*

1. Every person over, but not under eighteen years of age, and every joint stock company, shall be entitled to all the rights and privileges of a free miner, under these regulations and under the regulations governing quartz mining, and shall be considered a free miner upon taking out a free 20 miner's certificate. A free miner's certificate issued to a joint stock company shall be issued in its corporate name. A free miner's certificate shall not be transferable.

\* \* \* \* \*

7. No person or joint stock company will be recognized as having any right or interest in or to any placer claim, quartz claim, mining lease, bed-rock flume grant, or any minerals in any ground comprised therein, or in or to any water right, mining ditch, drain, tunnel, or flume, unless he or it and every person in his or its employment shall have a free miner's certificate unexpired. And on the expiration of a free miner's certificate the owner 30 thereof shall absolutely forfeit all his rights and interest in or to any placer claim, mining lease, bed rock flume grant, and any minerals in any ground comprised therein, and in or to any and every water right, mining ditch, drain, tunnel or flume, which may be held or claimed by such owner of such expired free miner's certificate, unless such owner shall, on or before the day following the expiration of such certificate, obtain a new free miner's certificate. Provided, nevertheless, that should any co-owner fail to keep up his free miner's certificate, such failure shall not cause a forfeiture or act as an abandonment of the claim, but the interest of the co-owner who shall fail to keep up his free miner's certificate shall, *ipso facto*, be and become 40 vested in his co-owners, *pro rata* according to their former interests; provided, nevertheless, that a shareholder in a joint stock company need not be a free miner, and, though not a free miner, shall be entitled to buy, sell, hold, or dispose of any shares therein.

8. Every free miner shall, during the continuance of his certificate, but not longer, have the right to enter, locate, prospect, and mine for gold and other minerals upon any lands in the Yukon District, whether vested in the Crown or otherwise, except upon Government reservations for town sites, land which is occupied by any building, and any land falling within the curtilage of any dwelling house, and any land lawfully occupied for placer mining purposes, and also Indian reservations.

Appendix.  
No. 9.  
Canada :  
61 Vict.,  
pp. XXXIX  
*et seq.*  
Regulations  
governing  
Placer  
Mining  
—continued.

No. 10.

10 The regulations approved by Order in Council dated 13th March, 1901, governing placer mining in the Yukon Territory are referred to at page XLIX of the appendix to the Statutes of Canada, 1 Edw. VII, as follows :

No. 10.  
Canada :  
1 Edw. VII,  
pp. XLIX.  
Regulations  
governing  
Placer  
Mining.

By Order in Council of the 13th of March, 1901, in virtue of the provisions of clause 47 of the Dominion Lands Act, as enacted by Section 5 of Chapter 15 of the Act 55—56 Victoria, and of Section 8 of the Yukon Territory Act, as that section was enacted by Section 2 of Chapter 11 of 62—63 Victoria, the following regulations governing placer mining in the Yukon Territory were substituted for the regulations governing placer mining in the Yukon Territory established by the Governor General in Council on the 18th January 20 1898, as amended by subsequent Orders in Council.

These regulations follow XLIX to LXII inclusive. The portions specially referred to on the argument are the definitions of “Free Miner” and “Joint Stock Company” in the interpretation clause and Sections 1, 7 and 8.

“Free Miner” shall mean a male or female over the age of eighteen, but not under that age, or joint stock company, named in, and lawfully possessed of, a valid existing free miner’s certificate, and no other.

\* \* \* \* \*

30 “Joint Stock Company” shall mean any company incorporated for mining purposes under a Canadian charter or licensed by the Government of Canada.

\* \* \* \* \*

1. Every person over, but not under eighteen years of age, and every joint stock company, shall be entitled to all the rights and privileges of a free miner, under these regulations and under the regulations governing quartz mining, and shall be considered a free miner upon taking out a free Miner’s certificate. A free miner’s certificate issued to a joint stock company shall be issued in its corporate name. A free miner’s certificate shall not be transferable.

\* \* \* \* \*

40 7. No person or joint stock company will be recognised as having any right or interest in or to any placer claim, quartz claim, mining lease, bed-rock flume grant, or any minerals in any ground comprised therein, or in or to any water right, mining ditch, drain, tunnel, or flume, unless he or it and

## Appendix.

No. 10.  
 Canada :  
 1 Edw. VII,  
 pp. XLIX  
*et. seq.*  
 Regulations  
 governing  
 Placer  
 Mining  
 —continued.

every person in his or its employment, except house servants, shall have a free miner's certificate unexpired. And after ninety days from the expiration of a free miner's certificate the owner thereof shall absolutely forfeit all his rights and interest in or to any placer claim, mining lease, bed-rock flume grant, and any minerals in any ground comprised therein, and in or to any and every water right, mining ditch, drain, tunnel, or flume, which may be held or claimed by such owner of such expired free miner's certificate, unless such owner shall, on or before ninety days following the expiration of such certificate, obtain a new free miner's certificate. Provided, nevertheless, that should any co-owner fail to keep up his free miner's certificate, such 10 failure shall not cause a forfeiture or act as an abandonment of the claim, but the interest of the co-owner who shall fail to keep up his free miner's certificate shall, *ipso facto*, be and become vested in his co-owners, *pro rata* according to their former interests : provided, nevertheless, that a shareholder in a joint stock company need not be a free miner, and, though not a free miner shall be entitled to buy, sell, hold, or dispose of any shares therein. Provided, always, that if any person or company shall acquire, by purchase or otherwise, any mine or mineral claim, or interest therein, and it shall appear that some person or company through whom he or it claims title has neglected 20 to take out or keep up a free miner's certificate, according to the provisions of these regulations, such person or company so acquiring such mine or mineral claim, or interest therein, may, within one month from the time when he or it shall first acquire knowledge thereof, pay to the mining recorder of the district in which the claim affected is situate, the fee or fees which ought to have been paid by such person or company in default as aforesaid, and thereupon the title of such persons or company so acquiring the said mine or mineral claim, or interest therein, shall be deemed to be and always to have been as good and effectual as if no such default had occurred.

8. Every free miner shall, during the continuance of his certificate, but not longer, have the right to enter, locate, prospect, and mine for gold 30 and other minerals upon any lands in the Yukon Territory, whether vested in the Crown or otherwise, except upon Government reservations for town sites, land which is occupied by any building, and any land falling within the curtilage of any dwelling-house, and any land lawfully occupied for placer mining purposes, and also Indian Reservations.

No. 11.  
 Canada :  
 62—63 Vict.  
 p. LVII.  
 Water  
 Regulations  
 (not printed)

## No. 11.

The following are the water regulations approved by Order in Council dated the 3rd day of August 1898 and printed in the appendix to the Statutes of Canada 62 Vic. page LVII, and the Order in Council dated the 3rd day of August 1898, the order providing that the regulations shall " form part of the 40 " regulations governing placer mining in the Provisional District of the " Yukon, &c."

[Not printed, not being relevant to this Appeal.]

## No. 12.

The regulations for the disposal of mining locations to be worked by the hydraulic process printed in the appendix to the Statutes of Canada 62—63 Vic. at page LXIII follow. The sections specially referred to on the argument are 3, 4, and 14.

Appendix.

No. 12.  
Canada :  
62—63 Vict,  
pp. LXIII,  
*et seq.*  
Regulations  
governing  
Hydraulic  
Mining.

3. To any person who has prior to the date hereof filed an application in the Department of the Interior at Ottawa, or in the office of the Commissioner of the Yukon Territory or in the office of the gold commissioner for a mining location in the Yukon Territory not provided for by the mining  
10 regulations already in force, the Minister of the Interior may issue a lease subject to the same conditions as to size and otherwise, and conferring the same rights as a lease issued under these regulations for a location acquired at public competition; provided that the Commissioner has reported that it has been proved to his satisfaction that the applicant himself, or a person acting for him, was upon and actually prospected prior to the date hereof the ground included in the location, and provided further that the gold commissioner has reported that the ground included in the location is not being worked and is not suitable to be worked under the regulations governing placer mining. But under this section no person shall be given a lease for  
20 more than one location.

4. The unreserved locations not disposed of under the next preceding section shall be offered at public competition, and awarded to the highest bidder after being advertised in such manner and at such time as the Minister of the Interior may direct; and to the person or corporation to whom any such location may be awarded at such competition the Minister of the Interior may, after such person or corporation has obtained a free miner's certificate as provided in the regulations governing placer mining, and filed in the Department of the Interior at Ottawa, within a period to be fixed by the  
30 Minister, a Dominion land surveyor's plan of the location, issue a lease of the same for a term not exceeding twenty years, such lease to be renewable for a further period of twenty years upon the performance to the satisfaction of the Minister of the Interior of the conditions imposed thereby.

\* \* \* \* \*

14. If any case arises for which no provision is made in these regulations, the provisions of the regulations governing the disposal of mineral lands other than coal lands, approved by His Excellency the Governor in Council on the 21st March, 1898, and of the placer mining regulations approved on the 18th January, 1898, or such other regulations as may be substituted therefor, shall apply.



In the Privy Council.

No. 61 of 1915.

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*On Appeal from the Supreme Court of  
Canada.*

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BETWEEN

THE BONANZA CREEK GOLD  
MINING COMPANY, LIMITED,  
*(Suppliant) Appellant,*

AND

HIS MAJESTY THE KING,  
*(Respondent) Respondent,*

AND

THE ATTORNEYS-GENERAL FOR  
THE PROVINCES OF ONTARIO,  
QUEBEC, NOVA SCOTIA, NEW  
BRUNSWICK AND BRITISH  
COLUMBIA, . . . *Intervenants.*

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JOINT APPENDIX OF STATUTES.

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