

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.*

CASE FOR THE INTERVENANTS.

The Intervenants submit :—

1. That the Appellant Company was created with objects which were within the legislative jurisdiction of the Province of Ontario, and, having capacity to exercise its powers was entitled to exercise those powers in any jurisdiction outside of the Province of Ontario by leave of that jurisdiction, and in so doing was legally carrying on the business for which it was created.

2. That the nature of the objects of a mining corporation incorporated by the Province of Ontario does not involve any implication that its operations are to be confined within the limits of that Province, and that if its letters
10 patent or incorporating statute impose no territorial limitation it may avail itself of the comity of any other State or Province.

3. The exercise of its powers by a corporation extra-territorially depends not upon the legislative authority of its country of origin but upon the express or tacit sanction of the state or province in which such powers are exercised and the absence of any prohibition on the part of the legislature which created it against its taking advantage of international comity.

4. When the British North America Act was passed the doctrine of comity in regard to foreign corporations was well established as a rule of international law universally accepted, and the presence in Section 92, paragraph 11, of the words "with provincial objects" expressing the provincial power of incorporation cannot be construed as taking away from 10 the provincial legislatures the right to endow their corporate creatures with a capacity of taking advantage of international comity.

The words "with provincial objects" were not intended to impose any territorial restriction, but merely to exclude from the provincial power of incorporation such companies as had objects distinctly Dominion in character, either because they fall under some one of the heads of legislative jurisdiction exclusively committed to the Dominion Parliament or because they are unquestionably of Canadian interest and importance.

5. The charter of the Bonanza Creek Gold Mining Company does not contain either expressly or impliedly any territorial limitation of the 20 undertaking of the Company, nor does it contain any provisions which would prevent that Company from availing itself of the comity of a foreign state or of another province.

WALLACE NESBITT.

E. LAFLEUR.

C. LANCTOT.

AIMÉ GEOFFRION.

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BLAKE & REDDEN,

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