

*Privy Council Appeal No. 70 of 1937*

Leslie Colbatch Clark - - - - - *Appellant*

*v.*

The Yukon Consolidated Gold Corporation Limited - *Respondents*

FROM

THE COURT OF APPEAL FOR ONTARIO

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JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF  
THE PRIVY COUNCIL, DELIVERED THE 1ST DECEMBER, 1938.

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*Present at the Hearing :*

LORD THANKERTON.  
LORD RUSSELL OF KILLOWEN.  
LORD MACMILLAN.  
LORD WRIGHT.  
LORD ROMER.

*[Delivered by LORD THANKERTON.]*

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Their Lordships do not require to hear Counsel for the respondents.

In this appeal Counsel for the appellant asks their Lordships to re-open a concurrent finding of fact by both Courts below that the transaction between Worsdale and Treadgold in the present case was a colourable transaction and not a real transaction.

Their Lordships have carefully considered the judgment of the trial judge (Jeffrey J.) and are satisfied that there was ample evidence on which the learned judge could come to the finding of fact to which he has come. Counsel for the appellant frankly admitted in his very able argument that, if that was their Lordships' view, the appeal must fail. Their Lordships will accordingly humbly advise His Majesty that this appeal should be dismissed with costs.

In the Privy Council.

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LESLIE COLBATCH CLARK

*v.*

THE YUKON CONSOLIDATED GOLD  
CORPORATION LIMITED

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DELIVERED BY LORD THANKERTON

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