

### GRANT OF BIG WATER RIGHT

(Continued from page 2.)

operate pumping stations, electrical works and reservoirs.

7. The right of entry upon and way through any lands and any mining ground for the purposes of constructing, laying and maintaining flumes, ditches and pipe lines for conveying the grantees' water supply to any point within the district.

Provided, that the grantees shall place in a separate dump for the use of the owners of any mining ground entered upon by them in the exercise of this right all gravel which they may be entitled to move in such mining ground in consequence of the exercise of such right.

8. The right of entry upon and way through any lands and any mining ground within the district and within the Indian river district for the purpose of constructing and maintaining overhead and underground wires and any other structures for the transmission of electricity for any purpose whatsoever throughout the said districts and the right to levy and collect such tolls as may be approved by the governor general in council for the use of electricity in the said districts.

Provided, that the grantees shall place in a separate dump for the use of the owners of any mining ground entered upon by them in the exercise of this right, all gravel which they may be obliged to move in such mining ground in consequence of the exercise of such right.

9. The right, subject to the regulations hereinafter contained, to use, distribute and dispose of the water delivered by the grantees within the district.

10. The right subject to no payment except the royalty prescribed upon output, to enter upon, make entry for and work all mining locations now hereafter abandoned on Bonanza, Bear and Hunker creeks and their tributaries.

11. The prior right, if mineral bearing lodes or deposits of any kind whatever be discovered through the operations of the grantees upon crown lands, or upon lands or locations owned or leased by the grantees within the district, to enter upon and purchase locations embracing the discoveries in the manner prescribed by the regulations governing mining in the Yukon territory.

12. The right to take from crown lands to be designated by the department subject to the payment of crown

timber dues, all timber and materials needed for the construction, maintenance and operation of the grantees' works.

13. The exclusive right, subject to the regulations hereinafter contained to construct, lay, maintain, supply with water and operate bed-rock flumes, and any other flumes for supplying water in the district; provided, that every free miner shall have the right of constructing flumes for the purpose of conveying to his claim the lawful amount of water to which he is entitled under the regulations now in force for placer mining in the Yukon territory, and any water that he shall purchase from the grantees; and he shall also have the right of constructing flumes for the purpose of draining his claim.

This grant is subject to the following conditions:

1. The grantees shall before the 1st of December, 1902, have expended upon the objects of their enterprise at least the sum of two hundred and fifty thousand dollars (\$250,000). Details of such expenditure shall be presented to the governor in council. If the grantees fail to comply with this condition the exclusive and prior rights granted to them shall cease and be determined.

2. The grantees shall deliver within the district during the summer season of 1903, not later than July 1st, 1903, a flow of one thousand (1000) miners' inches equal to fifteen hundred (1500) cubic feet per minute. Such flow shall be continuously maintained and be available during at least sixty (60) days of such season, and each season thereafter during the period for which this franchise is granted as set forth in condition 7 hereof, and in default thereof the exclusive and prior rights of the grantees shall cease and be determined. In case of unavoidable accident to the works of the grantees they shall be entitled without forfeiture to a reasonable time for effecting repairs.

3. The grantees shall supply water to the owners of claims within the district subject to the regulations hereinafter contained. Should the above supply prove insufficient to meet the applications of free miners, then the grantees may at their option at any time increase such supply and may be required upon two years' notice, terminating with the 31st of August in any year, to deliver within the district an additional quantity not exceeding five hundred (500) miners' inches of water equal to seven hundred and fifty (750) cubic feet per minute; provided, that the grantees shall not be required to commence the works for such additional quantity unless and until they

shall have earned a net profit of at least ten per cent (10 per cent) per annum for the three previous consecutive years upon the capital stock of the company which they shall organize for carrying this grant into effect. If the grantees fail to comply with such requirement the exclusive and prior rights granted to them shall cease and be determined.

Provided, however, that if the grantees shall be delayed or their operations be interfered with by floods, war, civil commotions, strikes, accidents to machinery or works, or by the act of God, or other causes over which the grantees have no control and so prevented from complying with the conditions of this clause, they shall be entitled to extensions of time equal to the periods of delay.

4. The grantees shall not be required to pay to the crown or to the district or local authorities any rentals, occupation rents, assessments or other dues in respect of any lands except timber lands, or in respect of any flumes, drains, properties or profits other than import customs duties, school taxes and a royalty on the gold mined in the mines owned by them or any tax or assessment which may be substituted for such royalty.

Provided, that no other or higher royalty, or any tax or assessment which may be substituted for such royalty, shall be imposed on any gold or silver mined from placer mines by the grantees, than that prescribed by the present regulations nor shall it at any particular time be greater than the lowest royalty imposed on the output of gold and silver from the placer mines of other mine owners in the Yukon district.

Provided, also, that no other or higher royalty or any tax or assessment which may be substituted for such royalty shall be imposed on any gold and silver mined from placer mines by the grantees than that prescribed by the present regulations, nor shall it at any particular time be greater than the lowest royalty imposed on the output of gold and silver from the placer mines of other mine owners in the Yukon district.

5. The properties of the grantees shall be exempt from representation.

6. Proper powers shall be granted by ordinance to the territorial court to enable the grantees to exercise the rights conferred upon them and to protect the interests of private owners by compensation for any actual damage sustained by them in consequence of the exercise of such rights.

7. The rights conferred upon the grantees shall extend for the period of thirty years, at the expiration of which period all exclusive and prior rights

granted to them shall cease and be determined, but the works and structures built by the grantees together with the lands, rights and easements which they shall have purchased and acquired shall remain the grantees' private property.

8. The grantees shall have the right to assign the rights conferred upon them to any company or companies or to any persons associated together for the purpose of carrying into effect the objects of the grant or any part of them.

#### REGULATIONS.

A.—The grantees shall allow all free miners within the district to tail their sluices, hydraulics ground sluices and drains free of charge into the flumes and drains of the grantees, yet not in such a way as to damage or obstruct the free working of the flumes and drains of the grantees by rocks, stones, boulders or otherwise.

B.—The grantees shall compensate the owners of any mining claim or lands for any damage which any such owner may sustain by reason of any of the grantees' works breaking or being imperfect.

C.—Any question of compensation arising under this grant shall be determined judicially by the gold commissioner subject to appeal to the territorial court of the district and the said court may upon special circumstances being shown make an order for the taking of further evidence.

D.—The grantees shall yield to the owners of claims in consequence of the construction of such works.

E.—Subject to the provisions hereinafter contained, the owners of claims within the district shall be entitled to purchase one-half of the water delivered in the district by the grantees.

Any owner of a claim so desiring to purchase a supply of water from the grantees shall between the first day of January and the fifteenth day of March in each year deliver to the grantees' agent at Dawson, named for the purpose, a notice stating the amount of water required by the said owner for the purpose of working his claim during the approaching season.

The grantees shall allot the amount of water to be distributed during the approaching season among such owners and the certificate of such allotment shall be filed by the grantees in the office of the gold commissioner on or before the fifteenth day of April in each year.

The grantees shall in supplying water to claim owners apply for the same be bound to observe a fair proportion between such owners. In determining what is such fair proportion regard shall be had among other considera-

tions to the size of the several claims and dumps to be washed and to the most economical use of the water within the district.

The gold commissioner shall have jurisdiction to hear and determine judicially all matters in difference in regard to the grantees' allotment of such water as set forth in the said certificates.

The grantees shall not be bound to construct supply pipes or flumes or other works leading to the claims of applicants.

F.—The charge which the grantees shall be entitled to make for the use of such water on each claim shall not exceed one dollar per miners' inch per hour.

We are, yours obediently, Malcolm H. Orr Ewing, Malvern, England; A. N. C. Treadgold, London, England; Walter Barwick, Toronto.

The order in council granting the foregoing application, together with the ordinance is was necessary to enact to carry into effect the provisions of the order in council was passed June 12. The order is as follows:

Whereas application has been made by Malcolm H. Orr Ewing, of Malvern, England; A. N. C. Treadgold, of London, Ontario, and Walter Barwick, of Toronto, Ontario, under date the 31st May, 1901, with regard to the establishment of hydraulic works to supply water for the efficient working of auriferous deposits, now unworked for the want of a sufficient supply in the Klondike district in the Yukon territory, and for other purposes mentioned in such application, hereto annexed; and

Whereas, the details of different schemes submitted have been considered and discussed; and

Whereas, the mining now carried on in the Klondike district is, because of the inadequate supply of water, necessarily confined to the washing of the richest gravel only, comparatively small in area thus leaving large tracts of gold bearing gravels unworked; and from the information obtained from the gold commissioner of the Yukon territory and others it is believed that the richest of the Klondike district can only be properly utilized by such a water supply as that which the before-mentioned applicants are prepared to establish;

Therefore, the governor general in council is pleased to order and doth hereby order that the said application by the said Malcolm H. Orr Ewing, A. N. C. Treadgold and Walter Barwick, bearing date the 31st May, 1901, a copy of which is hereto annexed, and which is hereby made a part of this order in council, shall be and the same is hereby accepted; and that the said

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parties shall be and are hereby granted all and every of the powers, privileges, rights and franchises asked for and mentioned in such application upon the terms and subject to the conditions and regulations therein set forth, and also to the provisions of an ordinance necessary to carry into effect the provision hereof, and which said ordinance the governor general in council is hereby pleased to declare his intention to enact.

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