

ever arising out of their having transferred, or procured to be transferred, to the Plaintiff Company the said mines, and that the said Plaintiff Company were entitled to obtain the said mines at the price of \$75,000 in cash, and \$500,000 in paid up shares to be issued to the said Don Carlos Butterfield, being the price at which the said Don Carlos Butterfield agreed to sell the same to the Defendants, Thomas Aspden and Alexander T. Machattie, by the said agreement of the eighteenth day of November, in the year of our Lord 1872.

2. That it may be declared that all of the shares of the Plaintiff Company which were issued to the Defendants, or any of them, their or either of their assignees or nominees, as paid up shares, other than the shares, if any, so issued, which the Defendants, their assignees or nominees, actually paid up in cash were improperly so issued by the Defendants in breach of their duty as Directors of the said Company, and that the Defendants are jointly and severally liable to pay and make good to the Plaintiff Company the sums which were certified and declared to have been paid upon such shares (being the sum of \$100 upon each share so issued), or in case this honorable court shall decide that the Defendants are not jointly and severally liable for such sums, then that each of the Defendants may be declared liable to pay and make good to the Plaintiff Company the sums so certified and declared to have been paid upon the shares improperly issued to him, his assignees or nominees, as aforesaid (being the sum of \$100 upon each share so issued).

3. That an account may be taken of the shares so improperly issued to the Defendants, and each of them, and their and each of their assignees and nominees.

4. That the Defendants may be ordered to pay the costs of this suit.

5. That, for the purposes aforesaid, all proper directions may be given and accounts taken.

6. That your Complainants may have such further and other relief in the premises as to your Lordships may seem meet.

And your Complainants will ever pray.