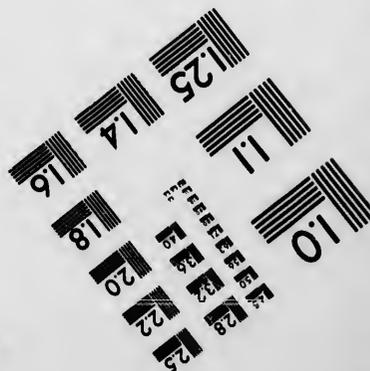
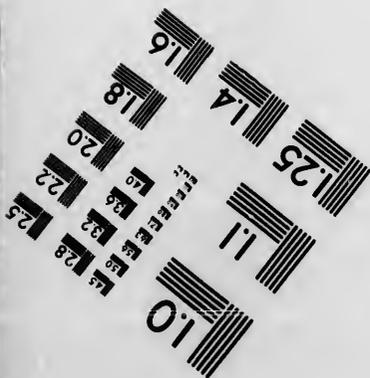
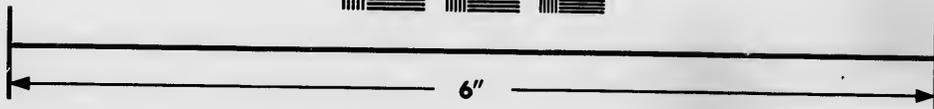
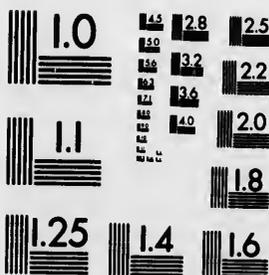


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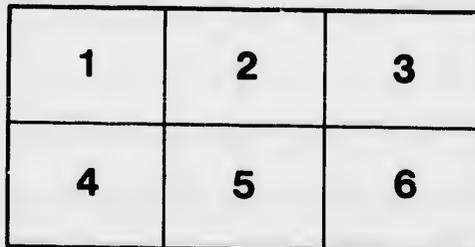
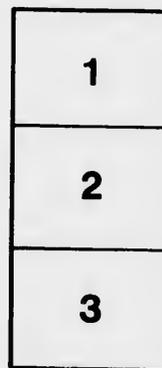
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A

**P R O S P E C T U S**

OF THE

**BRITISH & CANADIAN**

**MINING AND MANUFACTURING**

**COMPANY,**

SITUATED IN THE TOWNSHIPS OF

**GAINSBOROUGH AND CLINTON,**

IN THE

**DISTRICT OF NIAGARA,**

**U P P E R C A N A D A .**



T O R O N T O :

PRINTED AT THE PATRIOT OFFICE.

1839.

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**P R O S P E C T U S**

OF

*Mining and Manufacturing Company.*

APRIL 20, 1839.

To the business Capitalists, and Gentlemen of British North America, having surplus capital, which they are desirous of employing at this period of commercial stagnation. It is presumed that the following Prospectus presents an opportunity so rarely to be met with, where, by the outlay of a small sum, large remunerating profits will be secured almost without the possibility of loss. The Proprietor of the Mines here proposed to be disposed of, having in his possession the exclusive right for a long term, (by Government grant,) of working the said Mines, as well as a lease from the Freeholder, proposes to dispose thereof, by forming a Company, to be Incorporated by Provincial Act of Parliament of Upper Canada.

The Proprietor wishes to be remunerated for the expenses for discovery and exploring the said Mines, as well as numerous experiments to develop the same.

The Proprietor is proud to state that he feels himself perfectly warranted (not only by his own opinion, but by the united opinions of several operative Miners,) in stating, that these Mines will yield at a moderate calculation, a net profit of eighty per cent. for capital sunk, as soon as the said Mines can be brought into fair operation.

It is proposed that the whole amount of Stock, Estate, and Property, which the said Company shall be authorised to hold, including the Stock or Shares hereinafter mentioned, shall never exceed in value one hundred thousand pounds; and that a share in the Company shall be one hundred pounds—and the number of Shares shall not exceed four hundred.

The Proprietor intends reserving to himself sixty of the said Shares, free and clear of all, and all manner of costs and charges of working the said Mines, and carrying on the Business of said Mining and Manufacturing,—in lieu of cramping the early funds of said Company by calling upon them for a proportionate remuneration, for the interests he gives up to said Company, in the said Mines and privileges, together with five hundred pounds of lawful money of Upper Canada; to be paid to him, the present Proprietor, out of the first instalment of ten per cent.—to be paid by the respective subscribers, on each of their respective Share or Shares. And here the present proprietor has much pleasure in stating, that according to the present prospects of the Mines, that there is great probability that it will not be necessary to call on the subscribers for a second instalment.

That Books will be forthwith opened at the following places, and extended as soon as the proper arrangements can be made, wherein such persons as are desirous of becoming subscribers in the said Company, can enter their names for any number of Shares they may wish to subscribe for—viz :

J. LEE'S, *Lead Founder, Newgate Street, Toronto.*

PATRIOT OFFICE, *Toronto,*

REPORTER OFFICE, *Niagara.*

MR. BASTEDO'S *Hotel, Hamilton.*

R. D. CHATTERTON'S, *Star Office, Cobourg.*

CHRONICLE OFFICE, *Kingston.*

ARMOUR & RAMSAY, *Montreal.*

At each of the above places specimens of the Ore will be left.

That Subscribers shall be at liberty to subscribe for any number of Shares—the amount whereof will be due and payable to the said Company in manner following, that is to say—ten per centum upon each Share so subscribed for, to the said Company, immediately after the said Stockholders shall have elected the number of Directors hereinafter mentioned—and the remainder, if called for by the Direc-

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That after th on the respec said Share or S of the said Co That so soon Stock shall be prietor will be Canada Gazett call a general m

tors, by instalments of not more than ten per cent. on the original cost of each Share, at such periods as the President and Directors shall, from time to time, direct and appoint for the payment thereof, when it will be imperative upon the said Subscriber or Subscribers, forthwith to pay the same under the forfeiture of his, her or their respective Share or Shares, with all sum or sums (if any) which may have been paid upon the same; provided always, that no instalment shall be called for in less than forty days after public notice shall have been given in the Upper Canada Gazette, and in some two or more Newspapers of Upper Canada.

That if any Stockholder or Stockholders, as aforesaid, shall neglect or refuse to pay to the said Company, any instalment due on Share or Shares, held by him, her, or them, at the time required by law, such Stockholder or Stockholders shall forfeit such Share or Shares, with the amount previously paid thereon; and the Share or Shares so forfeited shall be sold for the best price that can reasonably be obtained for the same, in such manner as the Directors of the said Company shall think fit, and the proceeds thereof, together with the amount previously paid thereon, shall be accounted for and applied in like manner, as any other funds of said Company; provided always that such purchaser or purchasers shall pay to said Company the amount of the instalment required, over and above the purchase money of the said Share or Shares, to be purchased by him, her, or them, as aforesaid, immediately after the sale, and before a certificate of transfer of such Share or Shares can be given.

That after the first instalment shall be paid as aforesaid, on the respective Share or Shares of the said Stock, the said Share or Shares shall become transferable on the Books of the said Company.

That so soon as twenty-five thousand pounds of the said Stock shall be taken up or subscribed, that the present Proprietor will be bound by public Advertisement in the Upper Canada Gazette, and two or more public Newspapers, to call a general meeting in the City of Toronto, Upper Cana-

da, of the Subscribers, for the purpose of electing nine Directors, to act in conjunction with the present Proprietor, who will by virtue of his great interest in the Stock of the said Company, claim at all times the privilege of being a Director.

That such election shall then and there be made by a majority of Shares, voted in a manner hereinafter prescribed, in respect of the annual election of Directors; and the persons then and there chosen shall be the first Directors in conjunction as aforesaid, and be qualified to serve until the first Monday in June, succeeding their election; and the Directors so chosen as aforesaid, shall as soon as elected, proceed to nominate or appoint their President, and then call to upon all Stockholders forthwith, to pay their first instalment of ten per cent. on their respective Shares, and as soon as the said deposits shall be paid to the said Directors, the said Directors shall proceed to pay the aforesaid present Proprietor, by claim No. 2 of this present Prospectus; provided always that no such meeting of the Subscribers shall take place, until a notice thereof shall have been published, as aforesaid, in the Upper Canada Gazette, and some two or more of the Newspapers printed in Upper Canada, at a distance of not less than thirty days previous to meeting.

And the said Directors shall forthwith apply by their petition, in the name and on behalf of the said Company, to the Legislature of the Province of Upper Canada, for an Act of said Legislature, to Incorporate the said Company, by and under the name of the British and Canadian Mining and Manufacturing Company, and to grant unto the said Company all such privileges and advantages usually granted in such cases.

And be it further understood with respect to the election of Directors, that such election shall take place annually on the first Monday in June, in each and every year, unless prevented by some unavoidable cause—or some reasonable cause must be shewn by the Directors for the time being, why the said election should be postponed for a future day, of which day due notice must be given by the Directors for the time being—in like manner that notice of any other mat-

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ter of business of the said Company would be given, (at a distance of not more than one whole week in any case,) in which case it shall be deemed a good and valid election—in like manner as would have been, had the said election taken place on the aforesaid first Monday in June, and the said postponement shall not be deemed a departure from the rule herein laid down, nor held as a precedent to be acted upon in any other case than as aforesaid; nor shall such postponement as aforesaid in any wise prejudice or affect the interest of the said Company—provided always that no such annual meeting or postponed meeting of the Subscribers for the purpose of electing Directors, or any other purpose shall take place, until a notice thereof shall have been published in the Upper Canada Gazette, and some two or more Newspapers of the Province of Upper Canada, at a distance of not less than thirty days nor more than fifty days previous to such meeting taking place.

And be it hereby expressly understood, that the said Eight Directors to be first chosen as aforesaid, will retain and act in their respective offices as Directors, until the first Monday in June next, succeeding their appointment, the day on which the second general meeting of the Stockholders, (unless the same shall be postponed as aforesaid,) for the election of Directors shall take place, when their duties as Directors shall cease, and become null and void; and in like manner shall their duties cease on whatever day the said general meeting if postponed as aforesaid, shall take place.

And the said Eight late Directors so quitting office, shall be duly qualified to be re-elected, and shall be deemed by the said Company, Candidates of a superior order to general Candidates for the Directorship of the said Company, and shall have precedence in the Election thereto, as follows, four of whom shall be re-elected to the offices of Directors, and shall do and act in conjunction with the other Directors in all matters of business belonging to, or in anywise concerning the said Company, and shall be considered and called the four senior Directors, until the next general meeting of the Stockholders, for the

purpose of electing Directors, when the said four senior Directors, having been re-elected as aforesaid, shall resign up their offices as Directors of the affairs of the said Company for ever, (unless re-elected at some future general meeting of the Stockholders, for the purpose of electing Directors,) when the four junior or last elected Directors, will succeed them, and be considered and called the four senior Directors for the ensuing year, or until the next general meeting of Stockholders for the purpose of electing new Directors, and the meeting will forthwith proceed to the electing of four new Directors to be considered and called the junior Directors, which will in like manner to their predecessors, do and act in conjunction with the other Directors, in all matters of business belonging to, or in anywise concerning the said Company for the ensuing year, or until the next general meeting of Stockholders for the purpose of electing four new Directors as their successors as aforesaid, and so in like manner the said Company shall meet yearly and every year as aforesaid, so long as the said Company shall exist, and elect Directors as aforesaid, to succeed their predecessors (as junior Directors) who have just succeeded the late senior Directors, who have now quitted office, having completed two years of Directorship in manner aforesaid, which it is the intention of this Company that every Director shall do, unless he shall be removed by death or vote of the said Company.

And in case *any one or more* of the said Directors shall be charged or suspected of any act or acts injurious to, or not consistent with the interest of the said Company, or dereliction of duty, in his or their said office of Director or Directors of the said Company, or be suspected or charged with any manner of delinquency, then, and in that case, it shall be in the power of the remainder of the said Directors not so suspected or charged, to convene a Public Meeting of the Stockholders to enquire into the conduct of such Director or Directors, and to deal with him or them, as may to the said meeting seem meet, or in case the said unsuspected Directors neglect to do so, then and in that case, it shall be in the power of any one or more of the

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Subscribers or Stockholders of the said Company, on behalf of the whole, to call upon the aforesaid unsuspected or uncharged Directors, either by public advertisement in the Upper Canada Gazette collectively, or by private notice in writing individually, to forthwith convene a public meeting of the Stockholders of said Company, and in case the said unsuspected or uncharged Directors shall refuse or neglect to convene such meeting after being a second time called on as aforesaid, and one clear calendar month having elapsed, since the first call on the said unsuspected or uncharged Directors being made as aforesaid, then and in that case, it shall be lawful for any such Stockholder or Stockholders having so called upon the aforesaid unsuspected or uncharged Directors as aforesaid, himself or themselves, to convene a public meeting of the Stockholders of the said Company, touching the conduct, as regards their Directorship, of such suspected or charged Director or Directors, and more especially to arraign him or them on any particular charge or charges which may then and there be preferred against him or them the said suspected or charged Director or Directors; and if on investigation it shall be proved to the satisfaction of the said meeting that any charge or charges which may then and there be made against the said accused Director or Directors, are well grounded and fully established, the said meeting shall have full power and authority to forthwith remove the said Director or Directors from his or their office as Director or Directors for the rest or residue of the term of his or their appointment to the office of Director or Directors, or for ever to expel him or them the said Director or Directors from holding any office or appointment in the conducting the affairs of the said Company, as shall to them, the said meeting, seem meet, the same to be determined by the majority of votes then present, to be taken as hereinafter mentioned. Provided always, that such suspected or accused Director or Directors shall have due notice of such, the intention of any one or more of the said Stockholders or their Directors (not so suspected or accused) to convene a general meeting of the Stockholders for the purpose of investigating his or their

conduct, as Director or Directors of the affairs of the said Company, setting forth in such notice the grounds of accusation as near as may be, whether general or of any specific character stating the same, the said notice to be personal and given in writing, bearing even date with the public notice convening the general meeting for that purpose.

All notices of impeachment or of investigation of conduct of any Director or Directors, must be served upon the Person or Persons of such Director or Directors, or delivered (directed to him or them) at his or their dwelling house or dwelling houses, or at his or their office or offices or compting house or compting houses, which shall be deemed a good service of such notice.

Any Director or Directors of said Company that shall be attainted by expulsion from office, although not for ever expelled by vote of Public Meeting in manner aforesaid, shall not be deemed eligible to be re-elected to the office of Director or Directors until the expiration of two entire years next ensuing the first Monday in June that shall happen after the expulsion of such Director or Directors.

In case of any vacancy happening in the Directorship of the said Company by death or resignation, or any unforeseen cause, the remainder of the Directors shall forthwith, by public notice as aforesaid, convene a public meeting of the Stockholders, to elect one or more Director or Directors to fill up such vacancy. But when vacancy shall happen in the Directorship of the said Company, by removal or expulsion from office of any Director or Directors for delinquency, in his or their respective office, then and in that case, the same public meeting which voted such removal or expulsion, shall forthwith proceed to the election of a Director or Directors to fill up the vacancy just occasioned by the aforesaid removal or expulsion of such Director or Directors as aforesaid.

Any Director having served his full term of two years in manner aforesaid, being in every other respect duly qualified, may be re-elected to serve the office of Director for a second term of two years in like manner as before, but

not as senior or junior Director.

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The said Directors with their President shall meet at the Office or Counting-house of the said Company, on the first Monday in every month or oftener, if need or occasion requires, to transact business of whatever nature requiring their attention, and shall continue their meeting as long as the interest and good success of the said Company shall require their attention, when five shall form a quorum, and may proceed to transact business in like manner, as if the whole were present, and shall be deemed good and valid acts of the Directors, but no less number; if any act be committed on account of the said Company by a less number of Directors than five, it shall be deemed invalid and held as null and void.

Any Director absenting himself from the regular monthly meetings or any special meeting of the Directors, which may be expressly convened by their President or by a majority of their number, on any urgent matters of business, for three successive meetings, unless prevented from attending by illness or some *unavoidable cause*, of which due notice in writing, must be given to the President of the said Directors, or by license (under some extraordinary emergency) given in writing by a majority of the said Directors, to any one of their number, to absent himself for any specific time, will be deemed a neglect or dereliction of duty, and will subject such Director so neglecting, to the liability of being arraigned before a special meeting of the Stockholders, to be convened for that purpose, and may be suspended or expelled from the Directorship of the said Company.

And the said Directors when in full Board assembled with their President, or a quorum of the same, shall be duly qualified to appoint all such foremen and workmen, and to make any and all such bye-laws; and may subscribe such rules, orders, and regulations, as to them shall seem needful and proper, touching the management and disposition of the stock, property, estate, and effects of the said Company, and touching the duty and conduct of the



given by ballot, otherwise they will be deemed null and void and of no effect.

All Stockholders in the said Company desirous of becoming Directors of the affairs of the said Company, must be duly qualified before they can be admitted Candidates for such office, in manner following, they must be the bona fide holders and possessors in their own right, of four shares (at least) of the stock of the said Company, and the same must be entered upon the books of the said Company in the proper names of the said proposed Candidate or Candidates, six clear calendar months previous to the election taking place for which he or they propose to stand: they must be house-keepers of known respectability of at least one year's standing—of unquestionable reputation—and residents of this Province.

All Shares of the Stock of the said Company, shall be numbered progressively, up from No. 1, to 400, and shall be stamped with the common seal of the said Company, and be signed by the proper Officer or Officers.

And it is hereby declared that it shall and may be lawful, at all public meetings of the Stockholders of the said Company, for the purpose of electing Directors after the first election of Directors, or any other matter or business concerning the said Company, or anywise appertaining thereto; that each Stockholder or Stockholders, shall be entitled to a number of votes, proportioned to the number of Shares, he, she, or they, may possess, and have held in his, her, or their proper name, for the last six months previous to the time of voting, according to the following ratio, that is to say: one vote for each Share not exceeding four; six votes for eight Shares; eight votes for ten Shares, and one additional vote for every four Shares above ten

Absent members may vote by proxy, such member being a Stockholder, duly qualified as aforesaid, to vote in his or her own proper person, and such proxy being a Stockholder duly qualified as aforesaid, to vote in his own right, and being duly authorized in writing, (such writing being handed up, endorsed with the name of the proxy on the back of the same, to the President of the meeting, for the purpose

of being filed in the Office of the said Company) in like manner, that they would do if they were present.

That in framing the bill for incorporating the said Company by Legislative enactment of Provincial Parliament, the strictest attention will be given to the introducing the usual protecting clause against personal liability of any Stockholder or Director of the said Company, for or on account of any of the engagements or liabilities of the said Company.

And the President and Directors, when in full Board assembled, shall have full power to make purchase of any land or lands, building or buildings, machine or machines, to erect or build, any work-shop or shops, shed or sheds, or to build any dwelling houses on the lands and premises of the said Company, for the residence of the officers, or workmen, of the said Company, that may appear to them to be needful and necessary for the operations of the said Company.

And be it understood, that the Stockholders, known by the name of the British and Canadian Mining and Manufacturing Company, and that by that name they and their successors, shall and may have continued succession, and by such name shall be capable of contracting, and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes, and that they and their successors, by the same name of the British and Canadian Mining and Manufacturing Company, shall be in law capable of purchasing, having and holding to them and their successors, any estate, real, personal, or mixed, to and for the use of the said Company, and of letting, conveying, or otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary and expedient.

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