

Company to sue such shareholder for the amount thereof in any Court of Law or Equity having competent jurisdiction, and to recover the same, with lawful interest from the day on which such call was payable.

9. In any action or suit to be brought by the said Company against any shareholder to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the said Company to declare that the defendant is the holder of one share or more in the said Company, (stating the number of shares,) and is indebted to the said Company in the sum of money to which the calls in arrear shall amount, in respect of one call or more upon one share or more, (stating the number and amount of each of such calls,) whereby an action hath accrued to the said Company by virtue of this Act.

10. On the trial or hearing of such action or suit, it shall be sufficient to prove that the defendant, at the time of making such call, was the holder of one share or more in the said undertaking, and that such call was in fact made, and such notice thereof given as is directed by this Act, and it shall not be necessary to prove the appointment of the Directors who made such call, and thereupon the said Company shall be entitled to recover what shall be due upon such call and interest thereon, unless it shall appear either that any such call exceeds the prescribed amount aforesaid, or that due notice of such call was not given, or that the prescribed interval between two successive calls had not elapsed as aforesaid.

11. The production of the register of shareholders shall be prima facie evidence of such defendant being a shareholder, and of the number and amount of his shares.

12. If any shareholder fail to pay any call payable by him, together with the interest, if any, that shall have accrued thereon, the Directors of the Company, at any time after the expiration of two calendar months from the day appointed for the payment of such call, may sell the shares in respect of which such call was payable, by public auction, giving at least thirty days' notice in one or more of the Newspapers published in the City of Saint John, in this Province, of the time and place of such sale, and shall sell the same to the highest bidder, and a new certificate or certificates of the shares sold