

action or suit at law in any Court of competent jurisdiction, and so long as a Proprietor of any share or shares shall be in default of the payment of any call, he shall not be entitled to vote at any meeting of the Proprietors in respect of such shares so remaining in default, any thing in the said Act to the contrary notwithstanding. 5

Calls to be published.

XL. And be it enacted, That all notices of meetings of or of calls upon the Proprietors of shares of the Capital Stock of the said Company shall be published once a week in the *Canada Gazette* and in some other newspaper published in the City of Montreal, and some newspaper published in the City of Kingston, and that in all actions by or against the Company in which it shall be necessary for the Company to prove the publication of any such notice, the proof of the publication thereof in the *Canada Gazette* (by the production of the *Gazette* itself) shall be deemed sufficient, unless the further publication be specially put in issue, and in that case it shall not be necessary for the Company to give any further proof than that the notice was duly published in one of the aforesaid *Gazettes* which was published in the District in which the defendant or party denying the publication dwelt or had his place of business, or that the defendant or party denying the same had been personally or by letter from the Secretary of the Company notified to the effect of the notice in question, anything in the said Act of Incorporation and any other law, usage or custom to the contrary notwithstanding. 25

In actions for calls the Company not required to set forth special matter.

XLI. And be it enacted, That in actions or suits at law by the Company against the proprietor of the share or shares of the capital stock of the Company for the recovery of any unpaid call or calls, with interest, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to declare that the defendant is a holder of one or more shares of the said capital stock, and is indebted to the Company in the sum of money to which the call or calls in arrear shall amount, with interest for non-payment, and in every such action it shall not be competent to the defendant to plead the general issue, but he may by a plea in denial traverse any particular matter or matters of fact alleged in the declaration, or specially plead some particular matter or matters of fact in confession and avoidance; and in all such actions or suits at law as well as in all other actions or suits at law by or against the Company instituted or to be instituted in any Court of civil jurisdiction in that part of this Province which heretofore constituted Lower Canada, recourse shall be had to the rules of evidence laid down by the laws of England, as recognized and used by every such Court in Lower Canada, in commercial cases, and no proprietor of a share or shares of the capital stock of the Company shall be deemed an in- 50