

What must be
alleged in ac-
tion for com-
pelling pay-
ment of calls

XXXIII. And be it enacted, That in any action or suit to be brought by any such Company against any Stockholder 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 Company to aver that the Defendant is the holder of one share or more (stating the number of shares) in the Stock of the Company, and that he is indebted to the 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) where- by an action hath accrued to the Company by virtue of this Act.

What must be
proved to sup-
port such
action

XXXIV. And be it enacted, That on the trial or hearing of any such action, it shall be sufficient for the company to prove that the defendant, at the time of making such call, was a holder of one share or more in the undertaking, (and when there has been no transfer of the shares, then the proof of subscription to the original agreement to take stock shall be sufficient evidence of holding stock to the amount subscribed), and that such call was in fact made, and such notice thereof given as is required; and it shall not be necessary for the Company to prove the appointment of the directors who made such call, or any other like matter whatever, and thereupon the Company shall be entitled to recover what shall be due upon such call, with interest thereon, unless it shall appear either that any such call exceed the prescribed amount, or that due notice of such call was not given, or that a meeting of the stockholders was not expressly convened for the purpose of deciding on the time of payment and the amount of such call in cases where such meeting is required.

Call and in-
terest shall be
recovered,
Exception

Stockholder
may be a wit-
ness

XXXV And be it enacted, That in any action or suit brought by or against any such company upon any contract or for any matter or thing whatsoever, any Stock-