

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 or more shares in the said undertaking, and that such call was in fact made, and such notice given, as directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such call, nor any other matter whatsoever; and thereupon the said Company shall be entitled to recover what shall be due on such call, and interest thereon, with costs, unless it shall appear either that such call exceeds the prescribed amount aforesaid, 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; and with respect to the provisions in this Act contained for enforcing the payments, the word "shareholder" shall extend to and include the personal representatives of such shareholder.

12. In case any stockholder shall neglect to pay any assessment or call on his share or shares for the space of thirty days from the day appointed for the payment thereof, the Directors may declare the said share or shares forfeited, and order the Treasurer to sell such share or shares at public auction, after giving thirty days notice of such sale in such manner as the Directors may order, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent stockholder shall be liable to pay to the said Corporation the balance, if his share or shares shall sell for less than the assessment due thereon, with interest and cost of sale, to be recovered in the same manner as is in this Act prescribed for the recovery of calls on shares, and shall be entitled to the overplus if his share or shares shall sell for more than the assessment due, with interest and cost of sale; provided that no stockholder in said Company shall be in any manner whatever liable for any debt or demand due by the said Company beyond the amount of his, her or their shares in the capital stock of said Company not paid up.

13. A toll is hereby granted and established, for the sole benefit of said Corporation, upon all property landed on the said Wharf or stored in the warehouses thereon, and upon all passengers or property of all descriptions which may be conveyed or transported by them upon the Railroad, in connection with the said Wharf, at such rate as may be established from time to time by the Directors of the said Corporation, as also the right to demand a toll for side wharfage, at such rate as may be established from time to time by the Directors of the said Company.

14. The annual meeting of the said Corporation shall be holden on the second Tuesday in May in each year, at such time and place as the Directors for the time being shall appoint, at which meeting the Directors shall be chosen by ballot, each shareholder himself, or his proxy, being entitled to as many votes as he holds shares; and the Directors are hereby authorized to call special meetings of the stockholders whenever they shall deem it expedient and proper, giving at least ten days public notice thereof in a newspaper published as aforesaid.

15. The said shares of the said Corporation shall be deemed personal estate, and transferable as such; and every such share shall entitle the holder thereof to a proportionate part of the profits and dividends of the said Company, after the

making, erecting, completing and maintaining the said Wharf and Railroad, and other incidental expenses; but no shareholder shall be entitled to transfer any share after any call shall have been made in respect thereof, until he or she shall have paid all calls for the time being due on every share held by him or her.

16. The Directors of the Company may from time to time, by deed, subject and charge in such manner as they think fit, the said Wharf and Railway, and the future lands, goods and other property and effects, tolls, incomes and profits whatsoever of the said Company, or such parts thereof as the Directors may think fit; and every deed executed by the Directors of the Company shall be under the common seal of the Company, which the Directors are hereby authorized to affix to every such deed, and under the hands and seals of three or more of the Directors of the said Company; and every deed so executed shall have as full effect, and be as binding and conclusive on the Company and the Directors of the Company, as if the terms and provisions of such deed were by this Act of Assembly expressly enacted and made binding and conclusive accordingly.

17. Nothing in this Act contained shall authorize the said Company or their contractors to enter upon any lands reserved for Naval or Military purposes, without the consent of Her Majesty.

#### CAP. LXVIII.

An Act to incorporate sundry persons by the name of "The President, Directors and Company of the Eastern Bank of New Brunswick, in the County of Westmorland."

| Section   | Section  |
|---|--|
| 1 Company incorporated.   | 23 Books, &c. subject to inspection.   |
| 2 Capital stock.  | 24 Notes, how signed and payable.  |
| 3 Real estate.  | 25 Liability for altered notes.  |
| 4 First meeting; bye laws; election of Directors.                                     | 26 Where Bank shall be kept.   |
| 5 Annual meeting; choice of President and Directors.                                  | 27 Statement of affairs for annual meeting and Legislature.                    |
| 6 Appointment of officers; salaries.  | 28 No loan on pledge of stock.   |
| 7 Constitution of Board for business.   | 29 Committee to examine books, &c.   |
| 8 No Director to receive salary; compensation of President.                           | 30 Special general meeting.  |
| 9 Qualification of Directors.   | 31 Closing of affairs on dissolution; liability of stockholders.               |
| 10 Cashier and Clerk to give bonds.   | 32 Indebtedness of Directors limited.  |
| 11 Votes of stockholders.   | 33 Semi-annual returns.  |
| 12 Proxies.   | 34 Delinquent sheet; delinquent Director not to act.                           |
| 13 Subscription for stock limited.  | 35 Disqualification of Director by continued delinquency; vacancy, how filled. |
| 14 Directors to fill vacancy in Board.  | 36 No action on note before presentment.                                       |
| 15 Notice of time and place of payment of instalments; when business to be commenced. | 37 Shares deemed personal estate.  |
| 16 Specie in vaults to be counted.  | 38 Share liable to seizure.  |
| 17 Shares assignable.   | 39 Increase of capital; limit.   |
| 18 Transactions of Bank limited.  | 40 Sale of additional shares.  |
| 19 Liability for debts.   | 41 Distribution of premium.  |
| 20 Form of bills, &c.   | 42 Additional shares liable as original stock.                                 |
| 21 Amount of debts limited; liability for excess.                                     | 43 Limitation.   |
| 22 Dividends to be half yearly.   |  |

Passed 17th June 1867.

WHEREAS it is thought that the establishment of a Bank in the County of Westmorland would promote the interests of the Province, by increasing the means of circulation;—

Be it therefore enacted by the Governor, Legislative Council, and Assembly, as follows:—

1. The Honorable Amos E. Botsford, Honorable Edward B. Chandler, Albert J. Smith, Bliss Botsford, James Dunlap, Charles Holstead, Joseph Hickman, William B. Chapman, William Wilson, Amos Ogden, Edward J. Smith, John L. Harris, Angus M'Queen, and James Dickson, Esquires, their associates, successors, or assigns, be and they are hereby declared to be a body corporate, by the name of "The President, Directors and Company of the Eastern Bank of New Brunswick, in the County of Westmorland," and they shall be persons able and capable in law to have, get, receive, take, possess and enjoy houses, lands, tenements, hereditaments