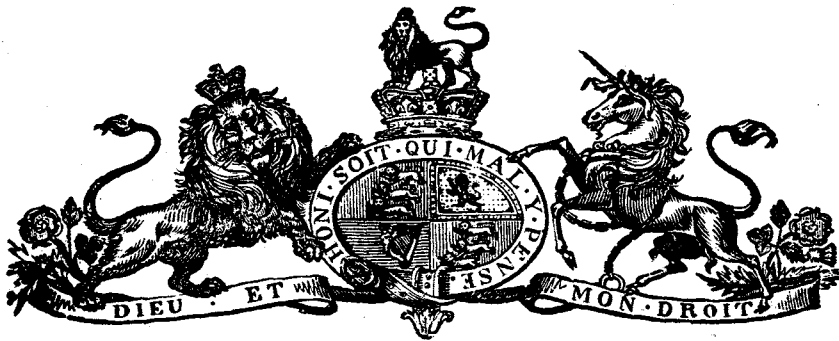


T A S M A N I A.



1 8 7 3.

ANNO TRICESIMO-SEPTIMO

VICTORIÆ REGINÆ,

No. 20.



AN ACT to provide for the Vesting and Maintenance of the *Launceston and Western Railway and Works.* A.D. 1873.
[31 October, 1873.]

WHEREAS *The Launceston and Western Railway Company, (Limited)*, did, by Resolution passed at a Special General Meeting of the Shareholders in the said Company held on the Eighteenth day of *July*, 1872, authorise the Directors of the said Company to surrender the Line of Railway constructed by the said Company, and all Works, Buildings, Appliances, Rolling Stock, and all other matters and things connected therewith, to the Governor in Council ; and the Directors of the said Company in pursuance of the said Resolution did on the Third day of *August*, 1872, surrender to the Governor in Council the said Line of Railway and Works, and all matters and things connected therewith ; and the Governor in Council thereupon took possession of the same, and has ever since continued to work the said Railway : PREAMBLE.

And whereas the House of Assembly of the Parliament of *Tasmania*, on the Eleventh day of *July*, 1872, and the Legislative Council of the said Parliament on the Fifteenth day of *August*, 1872, agreed to certain Resolutions whereby it was, amongst other things, provided— That when, in any year, the net earnings or profits of the said Railway exceeded an amount equal to £27,000, such excess should be carried to a separate account to the credit of the Shareholders of *The Launceston and Western Railway Company, (Limited)*, who should be entitled to all such excess :

And whereas it is desirable to vest in Her Majesty the said Line of

Launceston and Western Railway Act, 1873.

A.D. 1873.

Railway and Works, and all matters and things connected therewith, and to make provision for maintaining the same :

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

Short Title.

Short title.

1 This Act may be cited as “ The *Launceston and Western Railway Act, 1873.*”

Interpretation.

Interpretation.

2 In the construction of this Act—

“ The said Company ” means *The Launceston and Western Railway Company (Limited)* :

“ The Railway ” means the Line of Railway constructed and completed by the Company, and all works, buildings, stations, and erections now or hereafter connected therewith, and the land upon which the same are respectively erected and built, and all lands used in connection therewith being the property of the said Company, and all plant, rolling stock, steam engines, machinery, and carriages used therewith :

“ The Manager ” means the Manager for the time being of the *Launceston and Western Railway* under this Act :

“ District ” means the *Launceston and Western Railway District* as hereinafter described and set forth.

“ Landholder ” extends to and includes the owner or occupier, as the case may be, of any property situate within the District.

The Undertaking vested in Her Majesty.

The undertaking of the Company vested in Her Majesty.

3 The said Railway, and all the right, title, and interest of the said Company in and to the same, and all the rights, privileges, powers, and advantages whatsoever affecting or appurtenant to the said Railway which are vested in, held, enjoyed, or possessed by or conferred on the said Company shall, without the necessity of any transfer or connecting title other than this Act, be transferred to and become vested in and be held, enjoyed, possessed, used, and exercised by Her Majesty the Queen, freed and discharged from all claims and demands by or on the part of the Shareholders in the said Company other than those preserved to them by the Resolutions of the Parliament of *Tasmania* hereinbefore recited, but in other respects in the same manner as the said Company could have held, possessed, enjoyed, used, and exercised the same if this Act had not been passed ; and all contracts, engagements, and liabilities existing at the commencement of this Act shall and may be enforced by the Manager, who may sue and be sued in respect thereof in the same manner as if the Manager had been a party thereto instead of the said Company.

Appointment of person to execute powers conferred upon Her Majesty, &c.

4 The Governor in Council may from time to time appoint some fit and proper person as Manager of the said Railway, who shall exercise all or any of the powers, authorities, and privileges in relation to the Railway by this Act, or any Act incorporated herewith, conferred upon Her Majesty the Queen or upon the Governor ; and the Governor in Council may at any time remove such person and appoint another in his place, and give to such person all or any of the powers aforesaid.

Launceston and Western Railway Act, 1873.

The person appointed by the Governor in Council under the Act 36 Victoria, No. 2, in whose name all proceedings may be taken for the recovery of moneys and penalties, or for any purpose connected with the said Railway, either under any Bye-laws made by the said Company or any Act relating to the said Railway, shall, if such appointment has not been revoked when this Act takes effect, without any fresh appointment, be deemed to have been appointed the Manager under this Act. A.D. 1873.

5 Any action, suit, or other proceeding at law or in equity in respect of any claim by or liability of the Manager arising under this Act may be commenced and prosecuted by or against "The Manager of the *Launceston and Western Railway*" for the time being as the plaintiff or defendant therein, as the case may be, without otherwise naming him; and "The Manager of the *Launceston and Western Railway*" for the time being shall recover or be liable to, as the case may be, the damages and costs of any such action, suit, or other proceeding. Actions by and against Manager.

6 No such action, suit, or other proceeding by or against the Manager shall abate or be affected by reason of the death, resignation, removal, or new appointment of any such Manager, but the same may be continued in the same manner against the Manager for the time being as if no such change had taken place; and the production of the *Gazette* containing the notification of the appointment of any person as Manager shall be sufficient *prima facie* evidence that the person therein mentioned is the Manager under this Act for the time being. No action to abate by death, &c. of any Manager.

7 All rates, tolls, duties, and moneys which shall be or become, or which if this Act had not been passed would be or become, due and payable to the said Company, shall be due and payable to the Manager, and shall be recoverable by the same ways and means and subject to the same conditions as the same would or might have been recoverable by the said Company if this Act had not been passed. Rates and tolls to be payable to the Manager.

8 All causes and rights of action or suit in respect of injuries, nuisances, non-feasances, and otherwise which have accrued before the Third day of *August*, 1872, and are in any manner enforceable by or against the said Company in respect of their contracts, engagements, and liabilities (except in so far as any of them shall or may be inconsistent with this Act,) shall be and remain as good, valid, and effectual by, for, or against the Manager as they would or might have been for or against the said Company if this Act had not been passed. Causes of action enforceable by the Manager.

Powers to repair and maintain Railway.

9 The Manager is hereby authorised from time to time, with the consent of the Governor in Council, to purchase and take, in the mode prescribed by *The Lands Clauses Act*, such land as may be necessary for the purpose of repairing, maintaining, or improving the said Railway and other Works, or of obtaining materials for any such purpose, or for any other of the purposes of this Act; and subject to the provisions of this Act, *The Lands Clauses Act* shall be incorporated with this Act; and, for the purposes of such incorporation, the Manager shall be deemed to be the Promoter of the Undertaking. Power to purchase land.

10 Any notice required to be given by or on behalf of the Queen or the Governor in Council by virtue of the provisions of *The Lands Clauses Act* or this Act, shall be sufficient if signed by the Manager. Notices.

Launceston and Western Railway Act, 1873.

A.D. 1873.

Powers of
Company may be
exercised by
Manager.

11 All powers which by the *Launceston and Western Railway Acts* or any of them were given to or conferred upon the said Company for the purpose of enabling the said Railway to be efficiently maintained, repaired, and worked, or altered or improved from time to time, shall be exercisable by the Manager, notwithstanding the repeal of the said Acts or any of them.

Carriage of Passengers and Goods.

Carriage of pas-
sengers and goods.

12 Over and along such Railway, or upon any part thereof, the Manager may, from time to time, and at all times, carry and convey passengers, goods, and merchandise, and may do all such other things as may by him be deemed requisite in such manner as to him may be most convenient.

Motive power and
charges for car-
riage.

13 It shall be lawful for the Manager to use and employ locomotive engines or other motive power, and carriages or waggons to be drawn or propelled, and to make such reasonable charges for the carriage and conveyance of passengers, goods, and merchandise as may be from time to time determined upon by any Bye-laws to be passed as hereinafter mentioned.

Recovery of
charges.

14 In case default is made in payment of any money due and payable in respect of the carriage or conveyance of any passenger or any goods or merchandise under the authority of this Act, the same may be recovered by the Manager in a summary way before any Justice of the Peace; and it shall be lawful to detain the goods and merchandise in respect of which such money is payable until the money payable in respect thereof has been fully paid and satisfied.

Liability of
Manager.

15 Nothing in this Act contained shall extend to charge or make the Manager liable further or in any other case than where, according to Law, stage coach proprietors and common carriers would be liable; and the Manager shall at all times be entitled to the benefit of every protection and privilege which may be possessed or enjoyed by such proprietors and carriers.

Penalty on pas-
sengers practising
frauds.

16 If any person travels or attempts to travel in any carriage on the said Railway without having previously paid his fare, and with intent to avoid payment thereof; or if any person having paid his fare for a certain distance, knowingly and wilfully proceeds in any such carriage beyond such distance without previously paying the additional fare for the additional distance and with intent to avoid payment thereof; or if any person knowingly and wilfully refuses or neglects, on arriving at the point to which he has paid his fare, to quit such carriage, every such person shall for every such offence forfeit a sum not exceeding Forty Shillings.

Detention of
offenders.]

17 If any person is discovered either in or after committing, or attempting to commit, any such offence as in the preceding Section mentioned, all persons employed upon the said Railway, and all Constables and Gaolers, may, if the name and address of such person cannot then be reasonably ascertained, lawfully apprehend and detain such person until he can conveniently be taken before some Justice, or until he is otherwise discharged by due course of law.

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18 No person shall be entitled to carry, or to require to be carried, upon the Railway any aquafortis, oil of vitriol, gunpowder, lucifer matches, or any other goods which, in the judgment of any person employed on the Railway, may be of a dangerous nature; and if any person sends by the Railway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the Book-keeper or other person employed as aforesaid with whom the same are left, at the time of so sending, he shall forfeit a sum of not less than Two Pounds nor more than Twenty Pounds for every such offence; and it shall be lawful for the person to whom the same is tendered to refuse to take any parcel suspected to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

A.D. 1873.

Penalty for bringing dangerous goods on the Railway.

19 It shall be lawful for the Governor in Council, from time to time, to make such Bye-laws as he thinks fit for regulating the affairs and the management of the said Railway, and for fixing the charges for the conveyance of passengers, goods, and other things thereon, and to repeal or alter any such Bye-laws, provided that such Bye-laws are not repugnant to the provisions of this Act.

Bye-laws.

The Governor in Council may by such Bye-laws impose such reasonable penalties, not exceeding Ten Pounds, for each breach of such Bye-laws or any of them.

20 All such Bye-laws relating to other persons than the Servants and Officers employed upon the said Railway, not being tables of the charges for the conveyance of passengers, goods, and other things thereon, shall be published in the *Gazette*, and all such Bye-laws shall be printed in legible letters and exhibited in some conspicuous place in the principal office of the Railway, and at every Station on the said Railway, and be open to inspection without fee or reward; and in case any person wilfully obliterates any of the letters or figures thereon or wilfully prevents the same being inspected at some reasonable time, he shall for every such offence be liable to a penalty not exceeding Five Pounds.

Bye-laws to be published.

21 All such Bye-laws, when published and exhibited as aforesaid, shall be binding upon and observed by all parties, and shall be sufficient warrant for all persons acting under the same.

Bye-laws to be binding on all persons.

22 All Bye-laws made by the Company by virtue of any Act hereby repealed and in force on the commencement of this Act may be enforced in the same manner as if the Governor in Council had been named in the said Act and Bye-laws instead of the said Company, and as if the said Bye-laws had been made by the Governor in Council under the authority of this Act.

Bye-laws continued.

Appropriation of Revenue.

23 All moneys received by any person on account of the said Railway by virtue of this Act, and all penalties imposed under this Act, shall be paid into the Colonial Treasury and form part of the Consolidated Revenue Fund.

Moneys to be paid into Treasury.

24 If in any year the net earnings or profits of the said Railway exceed the sum of Twenty-seven thousand Pounds per annum, such excess shall be carried in the books of the Colonial Treasurer to the credit of *The Launceston and Western Railway Company (Limited)*, which amount shall be at the disposal of the Company.

Moneys at the disposal of the Company.

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*Railway Rate.*Boundaries of the
Railway District.

25 The *Launceston and Western Railway District* shall comprise the Town of *Launceston*, as described in *The Launceston Corporation Act*, so much of the Colony as lies between the Road District of *Breadalbane*, the Town of *Launceston*, and the *North Esk River*, and the following Road Districts, as the same were severally bounded on the 29th day of September, 1865, that is to say—the Road Districts of *Patterson's Plains*, *Breadalbane*, *Perth*, *Longford*, *Carrick*, *Westbury*, *Exton*, *Deloraine*, *Chudleigh*, *Upper Meander*, and *Midhurst*, and so much of the Road District of *Evandale* as is comprised within the following boundaries—

Commencing at the north-east boundary of the Road District of *Perth* on the *South Esk River*, and bounded by that river to its junction with the River *Nile*, and by that river to the north-east boundary of Lot 979 purchased from the Crown by *James Hamilton*, thence by that boundary and by the Road Districts of *North Esk*, *Breadalbane*, *Longford*, and *Perth* to the point of commencement.

Valuation Roll.

26 The List compiled and signed by *Ronald Campbell Gunn*, Esquire, the Collector of Railway Rate in the said District for the year 1873, of all persons liable to pay the Railway Rate mentioned in the Act 36 *Victoria*, No. 20, and now deposited in the Office of the Deputy-Commissioner of Crown Lands at *Launceston*, shall, subject to such alterations, additions, and amendments as may be made therein from time to time as hereinafter provided, be "The Valuation Roll of the Railway District," and is hereinafter referred to as the Valuation Roll.

Roll to be pub-
lished in *Gazette*.

27 The Valuation Roll shall, within Two months after the commencement of this Act, be published in the *Gazette*, and any person shall be entitled to a copy thereof upon payment of the sum of One Shilling for the same.

Provides for
amending Valua-
tion Roll in cases
of omission, &c.

28 If it at any time appears to a Collector of Railway Rate that the name of any person who ought to be included in the Valuation Roll has been omitted therefrom, or that the name of any person has been inserted therein as the owner or occupier of any property in respect of which the name of some other person ought to have been inserted, or that any other alteration, amendment, or addition is necessary in or to such Valuation Roll, either by way of inserting any reduced amount as the valuation of any property upon which any house or buildings shall have been destroyed or injured by fire or accident, or in any other manner, the Collector shall add to or insert therein the name of any person so omitted, together with the value at which the property ought to be assessed, and also insert and substitute the name of any person who is the actual owner or occupier of any property instead of and for the name of the person incorrectly inserted in such Valuation Roll; and the said Collector shall add to or insert in such Valuation Roll the name of any person being the owner or occupier of any newly erected building, together with the value at which such building ought to be assessed, and insert such reduced amount as aforesaid.

Amendments of
Valuation Roll to
be valid.

29 Every such insertion, addition, alteration, or amendment to or in the Valuation Roll as is hereinbefore mentioned shall be valid and effectual to all intents and purposes; but no such insertion, addition, alteration, or amendment shall be made as aforesaid until notice of the

Launceston and Western Railway Act, 1873.

intention so to do is given to all persons thereby affected, and opportunity afforded to such persons to show cause to such Collector against such insertion, addition, alteration, or amendment being made; but no such notice shall be required in the case of any person who has left the Colony, or who cannot, upon reasonable search being made, be found.

A.D. 1873:

30 The Valuation Roll made as aforesaid, and all entries made therein in manner hereinbefore directed, by the production thereof alone, and without any evidence that the requirements of this Act have been complied with, shall be received as *prima facie* evidence of the facts therein mentioned.

Valuation Roll and amendment evidence.

31 The persons named in the said Valuation Roll, being the Landholders of the District, shall in the years 1874 and 1875 be liable to pay and shall pay a Railway Rate of an amount sufficient as nearly as may be to raise in each of the said years the sum of Ten thousand Pounds clear of all costs of collecting the same.

Railway Rate for 1874 and 1875.

32 For the purpose of raising in each year the sum of money hereinbefore mentioned, it shall be lawful for the Governor in Council in the years 1874 and 1875 to make and levy a Rate, to be called the Railway Rate, and hereinafter referred to as the Rate, upon the annual value of the property within the District as shown by the Valuation Roll.

Governor in Council may make and levy Railway Rate.

33 Upon the making of the said Rate a Proclamation shall be published in the *Gazette* declaring the making thereof, and specifying the amount in the Pound of the Rate; and upon any such Proclamation being so published, such Rate shall be payable and paid on the Thirtieth day of *April* in each of the said years by the persons liable to pay the same, according to the annual value of the property within the District as shown by the Valuation Roll; and it shall not be necessary in any such Proclamation to set forth the names of the persons liable to the payment of the Rate, or the sums which according to such Rate such persons are liable to pay, or any other particulars than is hereinbefore in that behalf mentioned.

Upon making Rate same to be notified by Proclamation.

34 All Rates payable in respect of property the assessed annual value of which does not exceed Twenty Pounds shall be payable and be paid in the first instance by the owner instead of the occupier or occupiers thereof.

Rates on property under £20, &c. payable by owner.

35 The Governor may from time to time appoint and employ Collectors of Railway Rate, and such persons at any time may remove, and appoint other persons in the place of the person or persons so removed; and may pay such salary and allowances to such persons out of the moneys collected by such Rate as the Governor deems proper; and Sections Four to Nine both inclusive of *The Rural Police Rate Act* shall be applicable to any person appointed such Collector, and shall be incorporated herewith.

Collectors of Railway Rate.

21 Vict. No. 35.

36 Sections Eighty-one to Ninety-eight, both inclusive, and the form in the Schedule (3) of "The Cross and Bye Roads Act, 1870," shall be incorporated with this Act, and shall, save as hereinbefore provided, be applicable to the recovery of the Railway Rate as fully in all respects as if the Collector or Collectors appointed under this Act had been named in the said Sections or any of them instead of "the

Application of Sections 81 to 98 and Schedule (3) of 33 Vict. No. 8.

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Trustees," or "the Chairman of the Road Trustees," or "the Collector of Road Rate;" and where in the said Sections or any of them the expression "Road Rate" or "Rate" is mentioned or referred to the same shall be deemed and taken to mean any Railway Rate made under this Act.

Provided always, that no Railway Rate shall be payable in any year in respect of any property which may remain unoccupied during such year.

Rates may be remitted on account of poverty.

37 It shall be lawful for the Colonial Treasurer, upon the complaint of any person liable to the payment of any amount of rate, to remit or excuse the payment thereof, or any part thereof, on account of the poverty of such person or for any other sufficient cause.

Application of excess of Rate for 1873.

38 Whereas by the Act of Parliament of the 36th *Victoria*, No. 20, it was provided that the District should be liable to pay by a Railway Rate in the year 1873, the sum of Fifteen thousand Pounds and no more; and whereas there is good reason to believe that the Railway Rate made by the Governor in Council in the said year will produce a greater sum than Fifteen thousand Pounds: Be it enacted that all sums of money received on or before the 31st day of *March*, 1874, on account of the said rate exceeding the said sum of Fifteen thousand Pounds shall go in reduction of the rate to be made under this Act in the year 1874.

Recovery of unpaid Rate made in 1873.

39 So much of the Railway Rate made by the Governor in Council in the year 1873 as shall be unpaid on the First day of *January*, 1874, may be recovered and payment enforced in all respects as if the said Act of the 36th *Victoria*, No. 20, had not then expired but had remained in force after the 31st day of *December*, 1873, and until the whole of the said Rate shall have been fully paid; and all rights and remedies which may exist upon or at any time prior to the 31st day of *December*, 1873, for the recovery of the unpaid moiety of the said Rate for the year 1873 shall and may be enforced as though such moiety had been made payable on the said 31st day of *December*, and not on the 31st day of *October*, 1873.

Miscellaneous.

Plan and section to be kept.

40 The plan and section of the said Railway which has before the commencement of this Act been deposited with the Deputy Commissioner of Crown Lands at *Launceston* shall be kept in his office, and be at all convenient times open for public inspection without fee.

Copies of plans, &c. to be evidence.

41 True copies of the said Plans, or of any alteration or correction thereof or extract therefrom, certified by such Deputy Commissioner, which certificate such Commissioner shall give to all parties interested when required, shall be received in all Courts of Justice or elsewhere as evidence of the contents thereof.

Power for Main Line traffic to pass over Railway.

42 It shall be lawful for the Governor in Council to authorise *The Tasmanian Main Line Railway Company, Limited*, to lay down an additional rail or rails upon and along any part or parts of the said Railway between the junction of the said Railways and *Launceston*, so that the same shall not unnecessarily prevent the working of the said Railway, and to authorise all trains going along the Main Line Railway to pass over and along and to use any part of the said Railway and the

Launceston and Western Railway Act, 1873.

Works connected therewith upon payment of reasonable Tolls and Compensation for so doing; and the amount of such Tolls and Compensation shall, in case of difference, be decided by Arbitration in the manner provided by *The Lands Clauses Act* for cases of disputed compensation.

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43 It shall be lawful for the Governor in Council to authorise the execution of such Works as may be necessary in order to connect such Main Line with the said Railway, subjecting such Railway to as little damage or inconvenience as possible; and the said *Tasmanian Main Line Railway Company, Limited*, shall be liable to pay compensation for any such damage, and such compensation shall be assessed in manner last aforesaid.

Power to connect Main Line with said Railway.

44 Every person employed to open and shut any gate placed across any public road crossed by the said Railway who fails or neglects to open such gate so soon as the trains have passed; every person using and passing through any gate placed across any other public road who fails or neglects to close the same so soon as he and the carriage, cattle, or other animals under his care have passed through the same; every person using and passing through any field-gate who fails or neglects to close such gate so soon as he and the carriage, cattle, or other animals under his care have passed through the same; and every person who omits to shut and fasten any gate set up at either side of the Railway for the accommodation of the owners or occupiers of the adjoining lands so soon as he and the carriage, cattle, or other animals under his care have passed through the same, shall, upon conviction, forfeit and pay for every such offence any sum not exceeding Ten Pounds.

Penalties in respect of gates.

45 If any person leaves any truck, carriage, or waggon used upon the said Railway upon any public road or street at any time between sunset and sunrise, such person shall, for every such offence, forfeit and pay any sum not exceeding Five Pounds.

Penalty for leaving trucks, &c. on public ways.

46 It shall be lawful for any constable to apprehend and detain any engine-driver, guard, porter, or other person employed upon the said Railway who is found drunk whilst employed upon the said Railway, or who commits any offence against any Bye-law, or who wilfully, maliciously, or negligently does or omits to do any act whereby the life or limb of any person passing along or being upon the said Railway is or might be injured or endangered, or whereby the passage of any of the engines, carriages, or trains is or might be obstructed or impeded, and to convey every person so offending, and any person counselling, aiding, or assisting in such offence with all convenient speed before some Justice without any other warrant or authority than this Act; and every person so offending, and every person counselling, aiding, or assisting therein as aforesaid, shall, upon conviction before such Justice in a summary way, without information in writing, be liable to be imprisoned for any term not exceeding Two months, or else shall forfeit and pay any sum not exceeding Ten Pounds as to the said Justice shall seem meet.

Punishment of person employed upon Railway guilty of misconduct.

47 If any person wilfully obstructs or impedes any officer or person employed upon the Railway in the execution of his duty thereon or upon or in any of the Stations or other works or premises connected therewith, and if any person wilfully trespasses upon the Railway, or any of the Stations or other works or premises connected therewith, and

Punishment of persons obstructing officers or trespassing upon Railway.

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refuses to quit the same upon request made to him by any officer or person employed upon the said Railway, every such person so offending, and all others aiding or assisting therein, may be apprehended and detained by any constable, officer, or person employed upon the said Railway, and any person whom he may call to his assistance, until such offender can be conveniently taken before some Justice of the Peace; and every person so offending shall, upon conviction before such Justice, be liable either to forfeit and pay a penalty not exceeding Five Pounds or else to be imprisoned for any term not exceeding Two months as to the said Justice shall seem meet.

Offences to be dealt with summarily.

48 All offences against this Act or any Bye-law, and all penalties and sums of money imposed or made payable by this Act or any Bye-law, shall, where no other proceeding is by law provided, be heard, determined, and recovered in a summary way by and before any Justice of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*.

Appeal.

49 Any person who thinks himself aggrieved by any penalty imposed under the authority of this Act or of any such Bye-law as aforesaid, which is recoverable in a summary manner, may, unless otherwise expressly provided, appeal against the same in the mode prescribed by *The Appeals Regulation Act*.

Limitation of actions.

50 No plaintiff shall recover in any action commenced against any person for anything done in pursuance of this Act unless such action is commenced within Three months after the cause of action has accrued, and unless notice in writing has been given to the defendant, One month at least before such action is commenced, of such intended action, signed by the attorney of the plaintiff, specifying the cause of action; nor shall the plaintiff recover in any such action if tender of sufficient amends has been made to him or his attorney by or on behalf of the defendant before such action brought; and in case no such tender is made, it shall be lawful for the defendant in any such action, at any time before issue joined, to pay into Court such sum of money as he thinks proper; and the defendant in every such action may plead the general issue, and give the special matter in evidence, and that the same was done in pursuance and under the authority of this Act; and if the same appears to have been so done, or if such action or suit has been brought before the expiration of One month next after such notice has been given as aforesaid, or after sufficient satisfaction made or tender as aforesaid, or after the time limited for bringing the same as aforesaid, then and in every such case the jury shall find a verdict for the defendant; and upon such verdict, or if the plaintiff is nonsuited or discontinues his action, or if upon demurrer or otherwise judgment is given against the plaintiff, then and in every such case the defendant shall have double costs, and shall have the same remedy for recovering the same as any defendant has for his costs in any other cases by law.

Company not to furnish Returns.

51 The said Company shall not be liable to any penalty for not filing any returns, or for omitting to do any other act required by *The Companies Act, 1869*, as long as the said Company is not engaged in any trade or business.

Repeal of existing Acts.

52 On and after the day on which this Act commences and takes effect, the Acts of the Parliament of *Tasmania* set forth in the Schedule are hereby repealed: but such repeal shall not affect—

Launceston and Western Railway Act, 1873.

Anything duly done, any liability accruing, or any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before this Act commences and takes effect : A.D. 1873.

The institution of any legal proceeding, or any other remedy for enforcing or recovering any such liability, penalty, forfeiture, or punishment as aforesaid :

The execution of any powers or authorities by this Act continued to or vested in Her Majesty the Queen, the Governor in Council, or the Manager.

SCHEDULE.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>
29 Vict. No. 24 ...	<i>The Launceston and Western Railway Act.</i>
30 Vict. No. 28 ...	<i>The Launceston and Western Railway Act, No. 2.</i>
31 Vict. No. 43 ...	"The Launceston and Western Railway Act, No. 3."
32 Vict. No. 20 ...	"The Launceston and Western Railway Act, No. 4."
33 Vict. No. 21 ...	"The Launceston and Western Railway Act, No. 5."
35 Vict. No. 9	The Launceston and Western Railway Act, No. 6.
36 Vict. No. 2	An Act to make temporary provision for carrying on and working the Launceston and Western Railway.

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