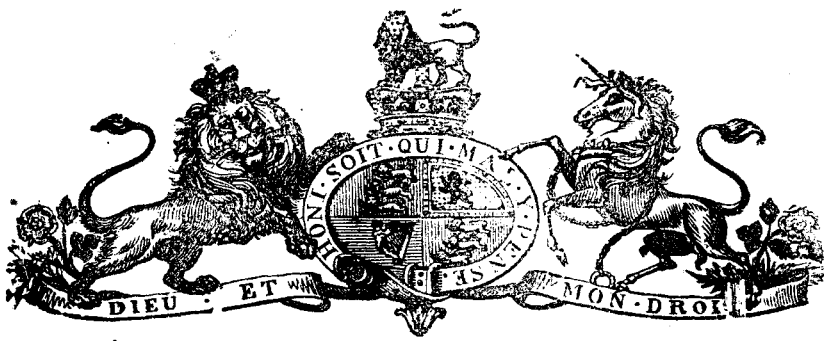


T A S M A N I A



1884.

ANNO QUADRAGESIMO-OCTAVO

VICTORIÆ REGINÆ.

AN ACT to enable "The *Bangor* Slate Quarry Association" to construct a Tramway or Railway, Wharves, Piers, and Jetties. A.D. 1884

[24 November, 1884.]

WHEREAS *William Aikenhead* and *David Blair* have entered into partnership, under the style of "The *Bangor* Slate Quarry Association," for the purpose of working certain Slate Quarries owned by them: PREAMBLE.

And whereas it is expedient to enable the said *William Aikenhead* and *David Blair* to construct a Tramway or Railway from the Quarries of the Association to the River *Tamar*, and Wharves, Piers, and Jetties upon the said river:

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:—

1 This Act may be cited as "The *Bangor* Slate Quarry Association's Tramway Act." Short title.

2 In this Act—

Interpretation.

"Promoters" means the said *William Aikenhead* and *David Blair*, their executors, administrators, and assigns.

"Owner" means the person appearing on the Valuation Roll for any district through which the Tramway passes as the owner of any lands therein named.

"Plan" means the plan of the proposed Tramway or Railway, Wharves, Piers, and Jetties, signed by one of the said Promoters, and lodged in the office of the Minister of Lands and Works.

"The Minister" means the Minister of Lands and Works for the time being.

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“Person” includes bodies politic and corporate.

“Tramway” includes “Railway.”

“Works” includes Wharves, Piers, Jetties, and the approaches thereto, and the conveniences connected therewith and with the Tramway.

Plan to be deposited.

3 Upon the passing of this Act the plan shall be deposited with the Minister of Lands and Works and kept safely by him and his successors in his office, and be at all convenient times open for public inspection without fee, and all persons may make copies of and extracts therefrom.

Errors in plan.

4 No advantage shall at any time be taken of or against the Promoters on account of any error or omission in such plan in any case in which the Engineer-in-Chief certifies by writing under his hand that such error or omission proceeded from mistake.

Deviations.

5 The Promoters in constructing the Tramway and works may deviate from the line laid down in the plan two chains on either side, but may not take or use for the purpose of such deviation any lands not comprised within the limits of such two chains without the consent in writing of the owner of such lands or his authorised agent.

Power to enter and construct Tramway.

6 The Promoters may, by themselves, their engineers, surveyors, agents, officers, and workmen, and all other persons by them authorised, enter into and upon the lands shown upon the said plan through which the Tramway is intended to pass, and upon which the said works are to be constructed, and thereon make and maintain a Tramway, either with single or double track, for waggons and other carriages, with all necessary stations, sidings, approaches, roads, branches, piers, wharves, cuttings, embankments, drains, and fences, and all other necessary works, commencing at the Quarries of the Promoters and terminating in the River *Tamar*, as the same are more particularly delineated in the said plan.

Power to take land.
21 Vict. No. 11.

7 The Promoters may from time to time purchase and take, in the mode prescribed by *The Lands Clauses Act*, such land as they may deem necessary for the purpose of constructing, maintaining, repairing, or improving the said Tramway and works, or of obtaining materials for any such purpose, or as they may deem necessary 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 Promoters shall be the Promoters of the undertaking.

Signature of notice.

8 Any notice required to be given by the Promoters under *The Lands Clauses Act*, or this Act, shall be sufficient if signed by the Promoters, or one of them, or by their Solicitors.

Power to enter, take, and hold land, &c.

9 Subject to the provisions herein contained, or in any Act incorporated herewith, the Promoters may—

Without any previous agreement with the owners enter upon any land, and take the levels and other particulars necessary for a survey of the same, and enter upon, take, and hold all lands, or any part thereof, comprised within the limits of deviation delineated in the said plan, save and except as hereinafter mentioned.

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From time to time make, maintain, alter, or continue such drains, sidings, approaches, jetties, wharves, culverts, embankments, fences, and other works, as may be necessary for making, maintaining, and using the said Tramway and works.

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Without previous payment, tender, or deposit, enter upon and use any land for the purpose of taking earth, gravel, clay, or other materials therefrom, and enter upon and use any lands adjacent for making temporary roads, or approaches thereto, or to the works: Provided always that, before temporary use is made of any such lands, the Promoters shall give Fourteen days' notice of their intention to the owners and occupiers of such lands, except in case of accident to the works requiring immediate reparation. Until any land taken by the Promoters for temporary use is given up to the owner or occupier (as the case may be), the Promoters shall pay to the owner or occupier reasonable compensation for the use of such land, and for any damage or injury done thereto, or to any crop thereon; and such compensation shall be settled in case of disagreement as in cases of disputed compensation.

During the construction of the Tramway and works respectively, the Promoters may fell and use timber, and dig, take, and use clay, gravel, stone, and rubbish upon and from any convenient part of the Waste Lands of the Crown, not being public highways, and may lay and place thereon any timber, clay, stone, rubbish, and ballasting required for the purposes of the said Tramway or works respectively.

The power of purchasing land hereby conferred shall not extend to any public street or highway.

Streets or highways not to be purchased.

10 The Promoters shall make to all persons interested in any lands taken or used for the purposes of this Act, or injuriously affected by any thing done under the authority thereof, full compensation for the value of the lands so used, and for all damages sustained by such persons by reason of the exercise of the powers vested in the Promoters by this Act; and if any dispute arise between the Promoters and any person interested, such dispute shall, if not otherwise provided for by this Act, be referred to arbitration in the manner hereinafter prescribed.

Compensation to be made for lands taken or injuriously affected.

11 The Tramway and works shall, as far as possible, be made so as not to impede, injure, prevent, or interrupt any ordinary or rightful traffic upon any public highway, and so as not to increase the cost of making, maintaining, repairing, and upholding the same.

Traffic over roads not to be interrupted.

12 If any person wilfully interferes with, injures, or damages any instrument or thing used by the Promoters, or if any person wilfully commits any damage, injury, or spoil, or any nuisance to or upon the Tramway or works, or to or upon any other works of or belonging to the Promoters, such person shall for every such offence forfeit and pay any sum not exceeding Twenty Pounds over and above the damages occasioned thereto.

Penalty for damage to pegs, &c.

13 The amount and application of the purchase-money and other compensation payable by the Promoters in any of the cases aforesaid shall be determined in the manner provided by *The Lands Clauses Act* for determining the amount and application of the compensation to be paid for lands taken under the provisions thereof.

Compensation to be ascertained under *The Lands Clauses Act*.

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Land to be taken
for additional
Stations, &c.

14 It shall be lawful for the Promoters, in addition to the lands authorised to be compulsorily taken by them under this Act, to contract with any person for the purchase of any land adjoining or near to the Tramway—

For the purpose of making and providing additional stations, yards, wharves, piers, landing-places, and places for the accommodation of passengers, and for receiving, depositing, and loading or unloading goods and cattle to be conveyed upon the Tramway, and for the erection of weighing machines, toll-houses, offices, warehouses, and other buildings and conveniences.

For the purpose of making convenient roads or ways to the Tramway, or making or doing any other work or thing whatever which may be requisite or convenient for the forming, working, or use of the Tramway.

Promoters may
employ locomotive
engines, &c.,
and make charges.

15 It shall be lawful for the Promoters to use and employ locomotive engines or any other motive power, and carriages or waggons to be drawn or propelled; and to make charges for the carriage and conveyance of mails, passengers, goods, stock, and merchandise as they may from time to time determine upon, by any bye-laws to be by them passed as hereinafter mentioned, but subject to the approval of the Governor in Council.

Stations.

16 All requisite Stations may be erected and put up at such places as the Promoters think fit.

*Crossing of Roads.*Crossing public
roads.

17 Where the Tramway crosses any public road the width of such road shall not be thereby decreased, and the Promoters shall allow so much of the Tramway as may be necessary for the purposes of each such road, and shall when required to do so by the Trustees of the Road District, likewise erect and at all times maintain good and sufficient cattle-guards across the Tramway on each side thereof.

Crossing private
roads.

18 Where the Tramway crosses any private or occupation road, the Promoters shall allow Twelve feet of the Tramway for the same; and from time to time they may make and maintain other private level crossings, or occupation roads, where and at such places as they may think fit, allowing Twelve feet for each such road.

Trains to slacken
speed crossing
public roads
adjoining stations.

19 Where the Tramway crosses any public road on a level adjoining to a Station, all trains on the Tramway shall be made to slacken their speed before arriving at such public road, and shall not cross the same at any greater rate of speed than Four miles an hour.

Promoters to
separate lands
before using
them.

20 The Promoters shall, if required so to do by the owner or occupier of any land taken and used for the purposes of the Tramway, separate the same by a sufficient fence from the lands adjoining thereto, with such gates as may be required by the said owner or occupier for the convenient occupation of such lands, and shall also to all private roads used as aforesaid put up fences and gates in like manner in all cases where the same may be necessary to prevent the straying of cattle from or upon the lands traversed by such roads; and in case of any difference between the owners or occupiers of such roads and lands and the Promoters as to the necessity for such fences and gates, the Promoters shall

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erect such fences and gates as any Two Justices deem necessary for the purposes aforesaid, on application being made to them by either party. A.D. 1884.

21 The Promoters shall make and at all times maintain the following works for the accommodation of the owners and occupiers of lands adjoining the Tramway ; that is to say,— Promoters to make and maintain gates, bridges, &c.

Such and so many convenient gates, bridges, arches, culverts, and passages over, under, or by the side of or leading to or from the Tramway as shall be necessary for the purpose of making good any interruptions caused by the Tramway to the use of the lands through which the Tramway is made, and such works shall be made forthwith after the part of the Tramway passing over such lands has been laid out or formed or during the formation thereof.

22 It shall be lawful for the Promoters from time to time to let the tolls and charges authorised to be taken and collected under this Act from the Tramway and works, or either of them, together with the rolling stock, and all other the appurtenances thereto belonging, and such security shall be taken by the Promoters as they may think necessary for the due payment of the rent or sum stipulated to be paid for the same ; and during the continuance of any such demise the lessee, or any collector or person or persons by him appointed, is and are hereby empowered to demand and take the tolls and charges so let, and to use the same means for the recovery thereof in case of non-payment or evasion as the Promoters are by this Act empowered to use. Power to lease.

23 When any dispute arises for the settlement of which no other provision is made by this Act or any Act incorporated herewith, then such dispute shall be settled by arbitration in the manner provided by *The Lands Clauses Act*, and the appointment of an arbitrator on behalf of the Promoters shall be made under the hand of the Promoters or one of them ; and any award or determination made under or by virtue of the provisions of the said Act shall be final, and shall not be set aside for irregularity or error in matter of form ; and the submission to such arbitration may, on the application of either or any of the parties, be made a Rule of the Supreme Court. Questions to be settled by arbitration.

24 It shall be lawful for the Promoters, from time to time, to make Bye-laws— Power to make Bye-laws.

- (1.) For preventing the commission of any nuisance in or upon any carriage or on any premises of the Promoters :
- (2.) For regulating the travelling upon or using and working of the Tramway :
- (3.) For regulating the conduct of the officers and servants of the Promoters :
- (4.) For the levying and making of tolls and charges :
- (5.) And generally for providing for the management of the affairs of the Promoters :

And it shall also be lawful for the Promoters, from time to time, to repeal or alter any such Bye-laws : Provided that such Bye laws be not repugnant to law.

25 Any person offending against any Bye-law of the Promoters shall forfeit for every such offence any sum not exceeding Ten Pounds, to be Offences against Bye-laws.

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imposed by the Promoters in such Bye-laws as a penalty for any such offence; and if the infraction or non-observance of such Bye-laws be attended with danger or annoyance to the public or hindrance to the Promoters in the lawful use of the Tramway, it shall be lawful for the Promoters, their officers and servants, summarily to interfere to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to the penalty incurred by the offender.

Bye-laws to be approved by the Governor.

26 A copy of all Bye-laws made by the Promoters shall be signed by the Promoters or one of them, and submitted for approval to the Governor in Council, who, on being satisfied that the same are framed in conformity with law and are reasonable and proper, may confirm the same; and no Bye-laws made by the Promoters shall have any force or effect until the expiration of Fourteen days after a copy of such Bye-laws and of the confirmation thereof shall have been published in the *Hobart Gazette*.

Publication of Bye-laws.

27 A copy of all Bye-laws made by the Promoters shall also be published by advertisement to be inserted once at least in each of two successive weeks in all the daily newspapers published in Launceston and Hobart, and shall be painted on boards or printed on paper and posted on boards, and hung up and affixed, and kept hung up and affixed, on some conspicuous part of every office, station, or waiting-room belonging to the Promoters.

Power of Governor to disallow Bye-laws.

28 It shall be lawful for the Governor in Council at any time to notify to the Promoters his disallowance of any Bye-laws then in force and the time at which the same shall cease to be in force, and no Bye-laws which shall be so disallowed shall have any force or effect after the time fixed by the notice of such disallowance, saving in so far as any penalty may have been then already incurred under the same: Provided that a copy of such notice shall be published in the *Hobart Gazette*, and the time of disallowance fixed by such notice shall not be earlier than Fourteen days after the date of the first publication of such notice.

Gazette prima facie evidence of Bye-laws.

29 The production of a copy of the *Hobart Gazette* containing a notice purporting to be a copy of any Bye-laws of the Promoters and of the confirmation thereof, or a notice of the disallowance by the Governor in Council of any Bye-laws of the Promoters, shall in all cases and for all purposes be deemed to be conclusive evidence that such Bye-laws have been duly made and confirmed or disallowed in manner therein appearing, and shall be *prima facie* evidence that the provisions of this Act with respect to the publication of such Bye-laws have been complied with.

Precautions to be adopted where Cattle-guards are used.

30 Should the Promoters use cattle-guards in place of gates, the Promoters shall not be compelled to employ any person or persons to attend the crossing in respect of which such cattle-guards are used, but in such case the Promoters shall erect a Notice Board on each side of the Tramway at every such crossing warning travellers as to passing trains; and whenever any train is approaching such crossing the engine whistle shall be sounded, and such whistle shall be kept sounding until the train has passed such crossing.

The rate of speed in a train while passing any such crossing on any street shall in no case exceed Four miles per hour

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31 It shall be lawful for the Minister, with the approval of the Governor in Council, upon giving Six months' notice to the Promoters, to purchase for and on behalf of Her Majesty—

First. All the tramway and works, and all works, buildings, stations, and erections connected therewith, and the land upon which the same are respectively erected and built or used in connection therewith :

Secondly. So much of any land heretofore purchased, or acquired, or held, or used, by the said Promoters for the purposes of the tramway and works, as extends to a width of Fifty links on each side of the tramway, measuring from the centre of the same :

Thirdly. All plant, permanent way, rolling stock, machinery, and steam engines used in connection with the tramway and works :

Fourthly. All rights, privileges, powers, and advantages whatsoever affecting or appurtenant to the tramway and works which are vested in, held, enjoyed, or possessed by, or conferred on the said Promoters, or any person claiming by, through, or under the same.

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Minister may purchase tramway.

32 The purchase money of the tramway and works, and all moneys to be expended under this Act in or connected with the purchase of the tramway and works, shall be defrayed out of moneys provided by Parliament for the purpose.

Defrayment of cost of purchase.

33 The tramway and works, and all the right, title, and interest of the Promoters, and of any person or persons claiming by, through, or under the Promoters in and to the same, and all the rights, privileges, powers, and advantages whatsoever affecting or appurtenant to the tramway and works, which are vested in, held, enjoyed, or possessed by or conferred on the said Promoters or such person or persons, shall, upon payment of the purchase money thereof by the Minister, without the necessity of any transfer or connecting title other than this Act, be transferred to, and become invested 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 Promoters or any other person whomsoever, in all respects in the same manner as the said Promoters or such person or persons could have held, possessed, enjoyed, used, and exercised the same if this Act had not been passed.

The undertaking of the Company vested in Her Majesty upon payment of the purchase money.

34 If the Minister and the Promoters cannot agree upon the sum to be paid as the purchase money of the tramway and works, the question shall be referred to two or more Arbitrators to be mutually agreed upon by the Minister and the said Promoters, or, failing such agreement, the reference shall be made in the manner hereinafter provided.

In case of difference amount of purchase money to be settled by arbitration.

35 If the Minister and the Promoters do not agree upon the Arbitrators as aforesaid, the reference shall be made to Four Arbitrators, of whom the Minister shall appoint Two and the remaining Two shall be appointed by the said Promoters.

How Arbitrators to be appointed.

36 If the Promoters fail to appoint such Arbitrators within Fourteen days after being thereunto requested in writing by the Minister, then the Governor in Council may appoint such Two Arbitrators ; and the Arbitrators so appointed shall for the purposes of this Act be deemed to be appointed by the Promoters.

Appointment by Governor in Council.

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Appointment of Arbitrators to supply vacancies.

37 Upon any reference being made to Arbitrators under this Act, if before the matters referred to them are determined any Arbitrator dies, becomes incapable or unfit, or for Seven consecutive days fails to act as Arbitrator, the Minister, or the Promoters, as the case may be, shall appoint an Arbitrator in his place.

Appointment of Arbitrators by Governor in Council to supply vacancies.

38 If the Promoters fail, within Fourteen days after being thereunto requested in writing by the Minister, to appoint an Arbitrator in place of the Arbitrator so deceased, incapable, unfit, or failing to act, then the Governor in Council may appoint an Arbitrator; and the Arbitrator so appointed by the Governor in Council shall, for the purposes of this Act, be deemed to be appointed by the Promoters.

Appointment of Arbitrator not revocable.

39 When any appointment of an Arbitrator is made, the Minister or the Promoters shall have no power to revoke the appointment without the previous consent in writing of the Promoters or the Minister, as the case may be.

Appointment of Umpire by Arbitrators.

40 Upon the appointment of Arbitrators under this Act, whether by mutual agreement or otherwise, they shall, before entering on the business of the reference, appoint by writing under their hands an impartial and qualified person to be their Umpire.

Appointment of Umpire by Governor in Council.

41 If the Arbitrators do not appoint an Umpire within Seven days after the reference is made to the Arbitrators, then the Governor in Council may appoint an Umpire; and the Umpire so appointed shall for the purposes of this Act be deemed to be appointed by the Arbitrators.

Appointment of Umpire by Arbitrators to supply vacancy.

42 Upon any reference being made to Arbitrators under this Act, if before the matters referred to them are determined their Umpire dies, or becomes incapable, or unfit, or for Seven consecutive days fails to act as Umpire, the Arbitrators shall by writing under their hands appoint an impartial and qualified person to be their Umpire in his place.

Appointment of Umpire by Governor in Council to supply vacancy.

43 If the Arbitrators fail to appoint an Umpire within Seven days after notice in writing to them of the decease, incapacity, unfitness, or failure to act of their Umpire, then the Governor in Council may appoint an Umpire; and the Umpire so appointed shall for the purposes of this Act be deemed to be appointed by the Arbitrators so failing.

Succeeding Arbitrators and Umpires to have powers of predecessors.

44 Every Arbitrator appointed in the place of a preceding Arbitrator, and every Umpire appointed in the place of a preceding Umpire, shall respectively have the like powers and authorities as his respective predecessor.

Reference to Umpire.

45 If the Arbitrators do not, within such a time as the Minister and the Promoters agree on, or, failing such agreement, within Thirty days next after the reference is made to the Arbitrators, agree on their award thereon, then the matters referred to them, or such of those matters as are not then determined, shall stand referred to their Umpire.

Power for Arbitrators, &c., to call for Books, &c., and administer Oath.

46 The Arbitrators and the Umpire respectively may call for the production of any documents or evidence in the possession or power of the Minister or the Promoters, or which the Minister or the Promoters can produce, and which the Arbitrators or the Umpire thinks necessary

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for determining the matter referred, and may examine witnesses on oath, **A.D. 1884.**
and may administer the requisite oath.

47 If the Minister and the Promoters do not otherwise agree, the Arbitrators and the Umpire respectively may proceed in the business of the reference in such manner as they and he respectively think fit. Procedure in the Arbitration.

48 The Award of the Arbitrators, or of the Umpire, if made in writing under their or his respective hands or hand, and ready to be delivered to the Minister and the Promoters within such a time as may be agreed on, or, failing such agreement, within Thirty days next after the reference is made to the Arbitrators or the Umpire, shall be binding and conclusive on the Minister and the Promoters. Award made in due time to bind all parties.

49 Provided always, that (except where and as the Minister and the Promoters otherwise agree) the Umpire, from time to time by writing under his hand, may extend the period within which his award is to be made; and if it be made and ready to be delivered within the extended time, it shall be as valid and effectual as if made within the prescribed period. Power for Umpire to extend period for making his Award.

50 No award made on any arbitration in accordance with this Act shall be set aside for any irregularity or informality. Awards not to be set aside for informality.

51 Except where and as the Minister and the Promoters otherwise agree, the costs of and attending the arbitration and the award shall be in the discretion of the Arbitrators and the Umpire respectively. Costs of arbitration and award.

52 Any notice required to be given by or on behalf of the Queen or the Governor in Council or the Minister by virtue of the provisions of this Act, or in connection with or relating to the purchase of the Tramway and works shall be sufficient if signed by the Minister. Notices to be signed by Minister.

53 If any person leaves any truck, carriage, or waggon used upon the Tramway upon any public road or street at any time such person shall, for every such offence, forfeit and pay any sum not exceeding Five Pounds. Penalty for leaving trucks, &c. on public ways.

54 If any person travels or attempts to travel in any train or carriage of the Promoters 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 train or carriage beyond such distance without previously paying the additional fare for such 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 train or carriage, every such person shall for every such offence forfeit to the Promoters a sum not exceeding Forty Shillings. Penalty for travelling without paying fare.

55 Every person who omits to shut and fasten any gate set up at either side of the Tramway 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. Penalty in respect of gates.

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Punishment of persons obstructing officers or trespassing upon Tramway.

56 If any person wilfully obstructs or impedes any officer or person employed upon the Tramway 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 Tramway, or any of the Stations or other works or premises connected therewith, and refuses to quit the same upon request made to him by any officer or person employed upon the Tramway, 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 Tramway, 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.

Punishment of persons employed upon Tramway guilty of misconduct.

57 It shall be lawful for any constable to apprehend and detain any engine-driver, guard, porter, or other person employed upon the Tramway, who is found drunk whilst employed upon the said Tramway, 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 Tramway 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.

Penalty for bringing dangerous goods on Tramway.

58 No person shall be entitled to carry or to require the Promoters to carry upon the Tramway any aquafortis, oil of vitriol, gunpowder, blasting material, lucifer matches, or any other goods which in the judgment of the Promoters, their Station Master, or Booking Clerk, may be of a dangerous nature; and if any person sends by the Tramway 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 Booking Clerk, or other servant of the Promoters with whom the same are left, at the time of so leaving, he shall forfeit to the Promoters a sum not exceeding Twenty Pounds for every such offence; and it shall be lawful for the Promoters to refuse to take any parcel, case, or package they may suspect to contain goods of an explosive or dangerous nature, or may require the same to be opened to ascertain the fact.

Action to be commenced within Three months.

Notice of Action.

59 No plaintiff shall recover in any action commenced against any person for anything done in pursuance of this Act unless such action be commenced within Three months after the cause of action has accrued, and unless notice in writing of such intended action, signed by the plaintiff or his attorney, specifying the cause of action, has been given to the defendant One month at least before such action or suit is com-

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menced ; 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 or any Act incorporated herewith ; and if the same appears to have been so done, or if such action or suit has not been brought within Three months after the cause of action had accrued, or has been brought before the expiration of One month next after such notice has been given as aforesaid, or after sufficient satisfaction made or tendered as aforesaid, then and in every such case a verdict shall be found for the defendant.

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Plea.

60 All offences against this Act or any bye-law, and all tolls, charges, penalties, and sums of money imposed or made payable by this Act or any bye-law, may be heard, determined, recovered, and enforced by and before any Justice of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*, and all such tolls, and charges shall be paid to the Promoters.

Offences to be dealt with summarily.

61 All penalties received by any person by virtue of this Act shall be paid into the Treasury and form part of "The Consolidated Revenue Fund."

Appropriation of penalties.

62 Any person who thinks himself aggrieved by any penalty imposed under the authority of this Act or any Act incorporated herewith, or any bye-law as aforesaid, which is recoverable in a summary way, may, unless it be otherwise expressly provided, appeal against the same in the mode prescribed by *The Appeals Regulation Act*.

Appeal.

63 If at any time after the Tramway shall have been opened for traffic the Promoters shall for a period of Twelve months fail to maintain and work the said Tramway, and the fact of such failure is notified by the Governor by Proclamation published in the *Hobart Gazette*, this Act shall thereupon cease to have any force or effect as if the same had been expressly repealed.

Promoters to maintain and work Tramway.

