

7. Nothing in this Act contained shall extend to give any right of action against the said Commissioners of Railways, for any entry upon lands, or act done under the authority of an Act made and passed in the nineteenth year of Her Majesty's Reign, intituled *An Act relating to Lands required for Railway purposes*; or to give parties having entered into contracts, or who may hereafter enter into contracts with the said Commissioners for the construction of said Railway or any part thereof, or for the supply of materials or repairs connected therewith, a right of action on such contracts against the said Commissioners.

8. No summons shall issue in any action to be instituted under the authority of this Act, until a notice in writing shall be delivered to some one of the Commissioners one month before the suing out of such summons, containing a statement of the cause of action; within which month the said Commissioners may tender amends, and if on the trial such tender shall be found sufficient, and the same be pleaded, or notice of the same given, and the amount lodged in Court, a verdict shall pass against the plaintiff.

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### CAP. XXV.

## An Act relating to Intestate Estates and the Practice of Probate Courts.

#### Section.

1. Meaning of 'Estate' in 21 V. c. 26.

#### Section.

2. Notice, &c. in sec. 35, cap. 136, Rev. Stat. to be in form as in sec. 29.

*Passed 13th April 1859.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That the word 'Estate' used in the Act intituled *An Act to amend the Act relating to Intestate Estates*, passed in the twenty first year of the Reign of Queen Victoria, shall be construed to mean real estate only.

2. The notice required to be given in and by Section thirty five, of Chapter 136, Title XXXVI, of the Revised Statutes, is hereby declared to be by citation in the same form, and the publication or service thereof in the same manner, as specified in and by Section twenty nine of the Chapter last aforesaid.