CHAPTER cxl.

An Act to dissolve and re-incorporate the Dublin United Tramways Company (Limited) and to amalgamate therewith the Dublin Tramways Company the North Dublin Street Tramways Company and the Dublin Central Tramways Company and for other purposes. A.D. 1881.

[18th July 1881.]

WHEREAS by the Dublin Tramways Act 1871 the Dublin Tramways Company (in this Act called "the Dublin Company") were incorporated and were authorised to lay down and maintain in and near the city of Dublin the tramways in that Act mentioned. 34 & 35 Vict. c. lxxxviii.

And whereas by the Dublin Tramways Acts 1873 and 1878 the Dublin Company were authorised to lay down and maintain certain other lines of tramways. 36 & 37 Vict. c. xci. 41 & 42 Vict. c. cxlix.

And whereas by the North Dublin Street Tramways Act 1875 the North Dublin Street Tramways Company (in this Act called "the North Dublin Company") were incorporated and were authorised to lay down and maintain in and near the city of Dublin the tramways in that Act mentioned. 38 & 39 Vict. c. ccix.

And whereas by the North Dublin Street Tramways Acts 1876 and 1880 the North Dublin Company were authorised to lay down and maintain certain other lines of tramways. 39 & 40 Vict. c. ccxxxiii. 43 & 44 Vict. c. clxix.

And whereas by the Dublin Central Tramways Act 1878 the Dublin Central Tramways Company (in this Act called "the Central Company") were incorporated and were authorised to lay down and maintain in and near the city of Dublin the tramways in that Act mentioned. 41 & 42 Vict. c. clviii.

And whereas the several lines of tramway authorised to be laid down by the said Companies under the provisions of the said several recited Acts have been respectively laid down and opened for traffic.

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And whereas it has been found that the objects of the said Companies (herein-after called "the said three Companies") would be more satisfactorily attained and the working of the same rendered more efficient and economical and that the accommodation to the public would be increased by amalgamating the said three Companies and placing the same under one management and for the purpose of effecting such amalgamation the Dublin United Tramways Company Limited (in this Act called "the United Company") were incorporated and duly registered on the twenty-fourth day of April one thousand eight hundred and eighty and by the memorandum of association of the United Company the objects for which that Company was established were declared to be amongst others: to effect an amalgamation of the Dublin Tramways Company the North Dublin Street Tramways Company and the Dublin Central Tramways Company or any other Tramway Company by purchase or lease or by the acquisition of the shares property and undertakings of the said Companies.

And whereas the Dublin Company and the North Dublin Company respectively were authorised by the herein-before recited Acts relating to their respective undertakings when the tramways by those Acts authorised had been opened for traffic for a period of six months to sell with the consent of the Board of Trade their respective undertakings to any person persons corporation or company.

And whereas the Dublin Company have with the consent of the Board of Trade sold their undertaking to the United Company and whereas the North Dublin Company have with the like consent sold their undertaking by the North Dublin Street Tramways Acts 1875 and 1876 authorised to the United Company and are desirous of vesting in the United Company the undertaking by the North Dublin Street Tramways Act 1880 authorised.

And whereas the Central Company were authorised by their herein recited Act to enter into and carry into effect agreements with any other company or person for the use of the tramways by that Act authorised subject to the approval of the Board of Trade.

And whereas the Central Company have with the approval of the Board of Trade leased their undertaking to the United Company for the term of thirty-one years from the nineteenth day of May one thousand eight hundred and eighty and are desirous of selling and transferring their undertaking to the United Company upon the terms and conditions herein-after contained.

And whereas the United Company are now in possession of and working so much of the authorised undertakings of the said three Companies as have been constructed.

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And whereas the capital of the Dublin Company is three hundred and twenty-eight thousand pounds divided into thirty-two thousand eight hundred shares of ten pounds each of which two hundred and forty-eight thousand pounds only has been raised by the issue of twenty-four thousand eight hundred shares.

And whereas the capital of the North Dublin Company is one hundred and five thousand pounds divided into ten thousand five hundred shares of ten pounds each of which ninety thousand pounds only has been raised by the issue of nine thousand shares.

And whereas the capital of the Central Company is eighty thousand pounds divided into eight thousand shares of ten pounds each the whole of which has been raised, making the aggregate capital of the said three Companies five hundred and thirteen thousand pounds of which four hundred and eighteen thousand pounds has been raised.

And whereas the capital of the United Company is five hundred and sixty thousand one hundred and seventy pounds divided into fifty-six thousand and seventeen shares of ten pounds each of which fifty-four thousand one hundred shares have been apportioned for the acquisition of the shares of the said three Companies that is to say thirty-seven thousand two hundred shares in respect of the Dublin Company being at the rate of fifteen shares in the United Company for every ten shares in the Dublin Company eight thousand one hundred shares in respect of the North Dublin Company being at the rate of nine shares in the United Company for every ten shares in the North Dublin Company and eight thousand eight hundred shares in respect of the Central Company being at the rate of eleven shares in the United Company for every ten shares in the Central Company.

And whereas the Dublin Company have borrowed on mortgage fifteen thousand pounds and the North Dublin Company have borrowed on mortgage ten thousand pounds and the Central Company have borrowed on mortgage twenty thousand pounds making the aggregate mortgage debt of the said three Companies forty-five thousand pounds.

And whereas it would be convenient if the amalgamation of the said three Companies was more effectually carried out and those Companies respectively were dissolved and for that purpose it is expedient that the United Company should be dissolved and re-incorporated and that all the tramways property estates rights powers and privileges of the said three Companies (including the powers conferred upon the North Dublin Company by the North Dublin Street Tramways Act 1880) should be transferred to and vested in such re-incorporated company and that the capital of

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such re-incorporated company should be fixed at the sum of six hundred thousand pounds divided into sixty thousand shares of ten pounds each and that the unexercised powers of the Dublin Company and the North Dublin Company respectively for the raising of capital should be extinguished.

And whereas the objects aforesaid cannot be attained without the authority of Parliament.

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows that is to say:

Short title.

1. This Act may be cited as the Dublin United Tramways Company Act 1881.

Incorporation of general Acts.
8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
26 & 27 Vict. c. 92.

2. The Companies Clauses Consolidation Act 1845 and Part 1 (relating to cancellation and surrender of shares) of the Companies Clauses Act 1863 and Part 5 (relating to amalgamation) of the Railway Clauses Act 1863 (except section 49 thereof) are except where expressly varied by this Act incorporated with and form part of this Act and in construing for the purposes of this Act the Railway Clauses Act 1863 the words "railway companies" "company" or "companies" shall mean "tramway companies" or "tramway company" and the words "railways" or "railway" shall mean "tramways" or "tramway" as the case may be.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.

The expression "the Company" shall mean "the Dublin United Tramways Company" incorporated by this Act.

And the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company incorporated.

4. From and after the passing of this Act the United Company shall be dissolved and shall cease to exist and the present members of or shareholders in that Company and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and

assigns respectively shall be and they are hereby united and incorporated into a company for the purpose of acquiring and maintaining and working the undertakings of the United Company and of the said three Companies and of exercising the powers and carrying on the business of those Companies respectively and for other the purposes of this Act by and under the name of "the Dublin United Tramways Company" and by that name shall be a body corporate with perpetual succession and a common seal and shall and may sue and be sued and shall have power to purchase and hold lands for the purposes of this Act subject to the provisions and restrictions herein and in the said incorporated Acts contained.

Present property of United Company vested in Company incorporated by this Act.

5. Subject to the provisions of this Act all the undertakings tramways lands works erections buildings rights and easements which immediately before the passing of this Act were vested in the United Company or any person in trust for them or on their behalf or to which that Company were in anywise entitled either at law or in equity and all timber rails apparatus stock effects matters and things which have been purchased or provided laid down erected or placed and which immediately before the passing of this Act were the property of or belonged to the United Company and all moneys securities credits and effects and other property whatsoever belonging to that Company or to any trustees on their behalf for the purposes of that Company and the benefit of all contracts and engagements entered into with and on behalf of the United Company, and immediately before the passing of this Act in force shall be and the same are hereby transferred to and vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the United Company or in any trustees on their behalf and may according to the provisions of this Act be held and enjoyed sued for and recovered maintained or removed by the Company as they think fit.

Memorandum and articles of association of United Company to be void.

6. Subject to the provisions of this Act the memorandum and articles of association of the United Company shall as to any future or prospective operation thereof from and after the passing of this Act be wholly void and of none effect and the several persons who have executed the same and their heirs executors administrators and assigns shall immediately from and after the passing of this Act stand and be by virtue of this Act released and discharged from any future obligation to perform abide by or fulfil or conform to such articles of association or any of the provisions therein contained.

Nothing to affect previous rights andliabilities.

7. Notwithstanding the dissolution of the United Company and the incorporation of the Company by this Act and the avoidance of

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the said memorandum and articles of association and except as by this Act otherwise expressly provided everything before the passing of this Act done or suffered by or with reference to the United Company or the shareholders therein in that capacity shall be as valid as if that Company had not been dissolved or the Company incorporated, and the said memorandum and articles of association had not been avoided by this Act and such dissolution incorporation and avoidance by this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered and to all rights liabilities claims and demands both present and future which if the United Company had not been dissolved and the Company had not been incorporated and the said memorandum and articles of association had not been avoided by this Act and this Act had not been passed would be incident to and consequent on any and every thing so done and suffered and with respect to all such rights liabilities claims and demands the Company shall to all intents and purposes represent the United Company. Provided always that the generality of the expressions of this section shall not be restricted by any of the other clauses and provisions of this Act.

Deeds &c. prior to Act to be binding.

8. All deeds instruments purchases sales securities contracts agreements and other acts and things before the passing of this Act done made entered into executed or instituted by to with or with reference to the United Company or any trustees or persons acting on behalf of the United Company or by to or with any other person to whose rights liabilities they have succeeded and now in force shall be as valid and effectual for against and with reference to the Company and may be enforced as fully and effectually as if instead of the United Company or the trustees or persons acting on behalf of the United Company the Company had been a party thereto.

Actions &c. not to abate.

9. No action suit bill process writ indictment information or other proceeding whether civil or criminal which at or immediately before the passing of this Act has been commenced and is now pending either at the suit or instance of the United Company against any other corporation or any person or at the suit or instance of any other corporation or any person against the United Company shall abate determine or be otherwise impeached or affected for or by reason of the dissolution incorporation or avoidance aforesaid but on the contrary may be maintained continued or prosecuted by or against the Company as the case may be in the same manner and as effectually as the same might have been maintained continued or prosecuted as if this Act had not passed the Company being in

reference to the matters aforesaid in all respects substituted for the United Company. A.D. 1881.

Trustees of United Company to be indemnified.

10. Every trustee or other person in whom or in whose name any property of the United Company was vested or standing immediately before the passing of this Act and who before the passing of this Act has lawfully entered into any bond covenant contract or other engagement in relation thereto or otherwise on behalf of the United Company and every person who being duly authorised in that behalf has before the passing of this Act entered into any other contract on behalf of the United Company shall notwithstanding the dissolution and avoidance aforesaid be indemnified out of the property of the Company from all liability and against all expenses by reason or in consequence of his having entered into the same.

Entries in books continued evidence.

11. Notwithstanding the dissolution and avoidance by this Act of the said memorandum and articles of association all entries in the books of the United Company which if such dissolution and avoidance had not taken place would have been admissible for evidencing the ownership of any share of the capital of that company and showing who immediately before the passing of this Act were the shareholders of the United Company shall be admissible for evidencing for the purposes of this Act who immediately before the passing of this Act were the shareholders of the United Company.

Payment of debts owing before passing of Act.

12. All persons who immediately before the passing of this Act owed any money to the United Company or to any person on their behalf shall pay the same with all interest (if any) due and payable or accruing upon the same to the Company and all debts and moneys which immediately before the passing of this Act were due or owing or recoverable from the United Company or for the payment of which that Company were or but for this Act would be liable shall be paid with all interest (if any) due or payable or accruing upon the same by or be recoverable from the Company.

Certificates &c. to remain in force.

13. All certificates of shares in the undertaking of the United Company (until cancelled under the powers of this Act) and all sales transfers and dispositions heretofore made or executed of or relating to such shares shall remain in full force and continue and be available in all respects as if this Act had not been passed.

Officers &c. continued.

14. All officers of and persons employed by the United Company in office at the passing of this Act shall notwithstanding the dissolution and avoidance aforesaid continue to hold their respective offices

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and employments and be deemed to be officers of or persons employed by the Company and they shall be liable as if they respectively had been appointed under this Act.

Capital.

15. The capital of the Company shall be six hundred thousand pounds divided into sixty thousand shares of ten pounds each.

Shares of Company vested in shareholders of United Company.

16. Every person and corporation who immediately before the passing of this Act was entitled to one or more shares in the capital of the United Company shall for each such share be entitled to a share in the capital of the Company created under this Act and such last-mentioned shares are hereby vested in the same persons and corporations accordingly; and every share so vested shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as immediately before the passing of this Act affected the then existing share in the capital of the United Company for which it is substituted and so as to give effect to and not revoke any testamentary disposition of or affecting such share.

Shares not to be issued until one-fifth paid.

17. The Company shall not issue any share created under the authority of this Act nor shall any share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

Calls.

18. One-fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three-fourths of the amount of a share shall be the utmost aggregate amount of calls in any year upon any share.

Receipt in case of persons not sui juris.

19. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Company may call in and cancel existing share certificates and issue new ones in lieu thereof.

20. The Company may call in and cancel any certificates of shares issued by the United Company before the passing of this Act and issue in lieu thereof certificates of shares in the Company in the form and under the conditions prescribed by the Companies Clauses Consolidation Act 1845; but the holders of any existing certificates shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company to be cancelled the existing certificates of shares or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

Vesting undertaking of Central

21. Subject to the provisions of this Act and from and after the first day of July one thousand eight hundred and eighty-one the

undertaking of the Central Company (including in the term undertaking the tramways lands buildings plant stock property estate and effects rights powers and privileges vested in the Central Company or in which that Company have any interest whatever or over which they have or may be enabled to exercise any power or control and whether with reference to the purchase of lands and buildings the construction and maintenance of works the acquisition maintenance and working of tramways the conveyance transmission forwarding and delivery of traffic the demanding and receiving of tolls rates charges or otherwise) shall subject to any mortgages or other charges in the said undertaking be absolutely vested in the Company by this Act incorporated and shall and may be held possessed enjoyed and used by the Company in the same manner and to the same extent as they respectively were or could or might if this Act had not passed have been held possessed enjoyed or used by the Central Company and from and after the said first day of July one thousand eight hundred and eighty-one the said undertaking shall become vested in the Company and shall be deemed to be part of the undertaking of the Company. Provided always that within three months from the date of vesting the Company shall produce to the Commissioners of Inland Revenue a deed or deeds of conveyance in which the consideration for the conveyance of property for which such deed or deeds shall be necessary shall be fully and truly set forth and such deed or deeds shall be duly stamped with the full and proper ad valorem stamp duty in respect of such consideration and if the Company shall not within the said period of three months produce to the said Commissioners such deed or deeds of conveyance duly stamped as aforesaid the ad valorem stamp duty with interest at the rate of five pounds per centum per annum from the date of vesting shall be recoverable from the Company with full costs of suit and all cost and charges attending the same.

Company in Company.

22. The following are the considerations and conditions for the transfer of the undertaking of the Central Company.

Terms of transfer.

1. The transfer shall be deemed to have taken place from the first day of July one thousand eight hundred and eighty-one.
2. From that date the lease of the undertaking of the Central Company to the United Company bearing date the nineteenth day of May one thousand eight hundred and eighty shall cease and no rent shall be deemed to have accrued after that day.
3. The Company shall assume and become liable to the mortgages and charges affecting the undertaking of the Central Company but nothing herein contained shall deprive the

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holders of any such mortgages and charges of any right or remedies which they may possess over the undertaking of the Central Company.

4. The purchase money to be paid by the Company to the Central Company shall be such cash value of each share of the eighty thousand existing shares in the Central Company as has been or shall be agreed on between the two Companies or failing agreement as shall be settled by arbitration under the provisions of the Companies Clauses Act 1845 and for the purpose of such arbitration the shares of the Central Company shall be valued as if no lease or sale of their undertaking to the United Company or the Company had been agreed to or made or proposed: Provided nevertheless that each shareholder in the Central Company shall be entitled if he has so elected before the passing of this Act or shall so elect within one calendar month after the passing of this Act to receive in lieu of cash eleven fully paid-up shares in the Company for every ten fully paid-up shares held by him in the Central Company or for any greater or lesser number of fully paid-up shares a proportionate number on the same basis and for the purposes of this exchange of shares the value of each fully paid-up share in the Central Company shall be deemed to be eleven pounds.

5. Where any person is entitled to any fractional part of a share in the Company under the above provisions for exchange of shares the Company may receive from such person such a sum in cash as will make up the full amount of a share or pay to such person in cash the amount of such fractional part.

Amalgamation of the three Companies with Company.

23. On the first day of July one thousand eight hundred and eighty-one the said three Companies respectively shall be and the same are hereby dissolved and the undertakings of those Companies respectively (including in the term undertaking the tramways lands buildings plant stock property estate and effects rights powers and privileges vested in the said three Companies respectively or in which they have any interest whatsoever or over which they are or may be enabled to exercise any power or control and whether with reference to the purchase of lands and buildings the construction and maintenance of works the acquisition maintenance and working of tramways the conveyance transmission forwarding and delivery of traffic the demanding and receiving of tolls rates and charges or otherwise) shall be and the same are hereby (but subject to any mortgages or other charges affecting the same which have not been

paid satisfied or discharged by the Company) transferred to and vested in the Company and for the purposes of Part V. of the Railways Clauses Act 1863 incorporated with this Act the said three Companies shall be deemed to be amalgamated with the Company by this Act as the special Act in like manner in all respects as far as may be as if the said three Companies and the Company had respectively been railway companies.

Unexercised capital powers of Dublin and North Dublin Companies extinguished.

24. All powers of the Dublin Company and of the North Dublin Company respectively to create and issue stock or shares which have not been exercised before the passing of this Act shall be and the same are hereby cancelled and extinguished.

Power to borrow.

25. The Company may from time to time borrow on mortgage any sums not exceeding in the whole one hundred and fifty thousand pounds inclusive of the sums now owing on mortgage by the said three Companies and by the United Company respectively.

Company not to create debenture stock.

26. The Company shall not create and issue debenture stock.

Appointment of a receiver.

27. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by appointment of a receiver and in order to authorise the appointment of a receiver in respect of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Mortgage to comprise purchase money paid on compulsory sale. 33 & 34 Vict. c. 78.

28. Every mortgage of the Company's undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale to the local authority under section 43 of the Tramways Act 1870 and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage.

Indorsement of notice of power of future purchase by local authority.

29. Every mortgage deed granted by the Company under this Act shall be indorsed with notice that such mortgage will not be a charge upon the tramway in the event of its being purchased by local authority under the forty-third section of the Tramways Act 1870.

Application of moneys.

30. All moneys raised under this Act whether by shares, debenture stock or borrowing shall be applied for the purposes of this Act only.

First ordinary meeting.

31. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Quorum of general meetings.

32. The quorum of every general meeting (whether ordinary or extraordinary) shall be ten shareholders present personally or by

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proxy, holding in the aggregate not less than five thousand pounds in the capital of the Company.

Number of directors.

33. Save as herein otherwise provided the number of directors shall be seven but the Company may from time to time reduce the number provided that the number be not less than five.

Qualification of directors.

34. The qualification of a director shall be the possession in his own right of not less than fifty shares.

Quorum of meeting of directors.

35. The quorum of a meeting of directors so long as the number of directors is more than five shall be four and when the number of directors is reduced to five the number shall be three.

First directors.

36. James Fitzgerald Lombard, Thomas Vance, David Drimmie, William Carte, William Martin Murphy, Alexander McDonnell, and John Richardson Wigham, shall be the first directors of the Company and shall continue in office until the first ordinary meeting to be held in the year one thousand eight hundred and eighty-three. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions in the Companies Clauses Consolidation Act 1845 contained and the several persons elected at any such meeting being neither removed nor disqualified nor having resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

Remuneration of directors.

37. And whereas a memorandum and articles of association of the Dublin United Tramways Company Limited was duly registered on the twenty-fourth day of April one thousand eight hundred and eighty. And by article 119 of the said articles it was provided that "the directors shall be paid out of the funds of the Company " for their services the sum of one thousand five hundred pounds " to be divided between them annually in proportion to their " respective attendances at board meetings after deducting thereout " one hundred pounds per annum for each London director who " shall be paid said sum in lieu of directors' fees irrespective of " attendance at board meetings" therefore the directors shall in accordance with the said article number 119 of the said articles of

association be paid every year out of the funds of the Company for their services the sum of one thousand five hundred pounds to be divided between them in proportion to their respective attendances at the board meetings of the Company during the year after first deducting thereout one hundred pounds for each director resident in London who shall be paid such sum in lieu of directors' fees and irrespective of his attendance at the board meetings of the Company.

Protection of Alliance Gas Company.

38. Nothing in this Act contained shall diminish alter prejudice or take away any estates rights interests powers privileges or remedies vested in or possessed by the Alliance and Dublin Consumers' Gas Company under the special Acts relating to that Company or under the recited Acts relating to the Companies hereby dissolved or any of them or under the Tramways Act 1870.

Interest not to be paid on calls paid up.

39. The Company shall not out of any money by this Act authorised to be raised by calls or by borrowing pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as in conformity with the Companies Clauses Consolidation Act 1845.

Deposits for future Bills not to be paid out of capital.

40. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other tramway or to execute any other work or undertaking.

Provision as to General Tramway Acts.

41. Nothing herein contained shall be deemed or construed to exempt the tramways from the provisions of any general Act relating to tramways now in force, or which may hereafter pass during this or any future Session of Parliament or from any future revision or alteration, under the authority of Parliament of the maximum rates of tolls or charges authorised to be taken on the tramways by the Company.

Expenses of Act.

42. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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