



CHAPTER clxxxiii.

An Act to enable the Alliance and Dublin Consumers Gas Company to construct Tramways for the purposes of their undertaking; and for other purposes. [24th July 1879.]

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WHEREAS by the Alliance and Dublin Gas Act, 1866, (herein-after referred to as "the Act of 1866,") the Alliance and Dublin Consumers Gas Company and the Commercial Gas Company of Ireland (Limited) were amalgamated, and were authorised to acquire the Dublin undertaking of the United General Gaslight and Coke Company, and by the Act of 1866 it was, among other things, declared that the Company thereby incorporated by the name of the Alliance and Dublin Consumers Gas Company (herein-after called "the Company") should be a company for making and maintaining gasworks and for making and supplying gas and other improved means of lighting for public and private purposes, and (by section 6) the limits within which the Company might supply gas or other improved means of lighting for public and private purposes and put that Act in execution were defined, and (by section 42) the Company might from time to time purchase or acquire, but only by agreement, any quantity of lands (exclusive of the lands in that Act defined as "the gas lands") not exceeding in the whole twenty acres which they required for any purposes of that Act, and (by section 67) the Company and the Corporation of the City of Dublin, and any local authorities having the charge of lighting any streets within the limits aforesaid, from time to time might make, alter, and carry into effect contracts for the supply by the Company of gas to public and other lights, and with respect to other matters incidental to the business of the Company within the limits aforesaid :

29 & 30 Vict.
c. ccv.

And whereas by the Alliance and Dublin Gas Act, 1871 (herein-after referred to as "the Act of 1871"), and by the Alliance and Dublin Gas Act, 1874 (herein-after referred to as "the Act of 1874"), the powers of the Company were extended :

34 & 35 Vict.
c. exci.37 & 38 Vict.
c. cxxxv.

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40 & 41 Vict.
c. xxxvii.

And whereas by the Alliance and Dublin Gas (Bray Supply) Act, 1877 (herein-after referred to as "the Act of 1877"), the Company were authorised to acquire additional lands at Bray for the purposes of their undertaking, and it was (by section 10) declared that upon or in respect of the said lands and works at Bray the Company might exercise and enjoy all rights, powers, and privileges conferred upon the Company by the Act of 1866, the Act of 1871, and the Act of 1874, or any of them :

And whereas the works of the Company at Dublin are situated within a short distance of Sir John Rogerson's Quay, where coals brought in ships for consumption at the said works are habitually landed and discharged; and if such quay were connected with the works of the Company by means of short tramways the process of removal would be expedited, and the general convenience thereby promoted :

And whereas by the construction and maintenance of the tramways by this Act authorised considerable saving to the citizens would be gained :

And whereas it is expedient that additional facilities for the testing of meters should be afforded, and that the further powers herein-after contained should be granted to the Company :

And whereas the objects aforesaid cannot be effected without the authority of Parliament :

And whereas plans and sections showing the situation, lines, and levels of the intended tramways and works to be authorised by this Act, and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of the lands shown on those plans have been duly deposited with the clerk of the peace for the county of the city of Dublin, and such plans, sections, and book of reference respectively are in this Act referred to as the deposited plans, sections, and book of reference :

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 :

Short title.

1. This Act may be cited for all purposes as the Alliance and Dublin Gas Act, 1879.

Incorporation
of general Acts.
8 & 9 Vict.
c. 18.
23 & 24 Vict.
c. 106.

2. The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Act Amendment Act, 1860 (except the provisions of those Acts with respect to the purchase of lands otherwise than by agreement, and with respect to the entry upon

lands by the promoters of the undertaking), the Railways (Ireland) Acts, 1851, 1860, and 1864, the Railways Traverse Act, section 3 (interpretation of terms), and Parts II. and III. of the Tramways Act, 1870 (except sections 35 to 40 inclusive, and sections 43, 44, 45, 51, and 52 of the last-mentioned Act), are incorporated with and form part of this Act, save where the same are expressly varied or excepted by this Act.

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14 & 15 Vict.
c. 70.
23 & 24 Vict.
c. 97.
27 & 28 Vict.
c. 71.
31 & 32 Vict.
c. 70.
33 & 34 Vict.
c. 78.

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

Interpreta-
tion of terms.

The expression "the tramways" means the tramways and works by this Act authorised, or any part thereof:

The expressions "street" and "road" mean respectively any carriageway being a public highway, and the carriageway of any bridge leading to or forming part of the same, together with the surface pavement and subsoil of such street or road, as the case may be:

The expression "street authority" or "road authority" means and includes any corporation or public body in whom a road or street as defined by this Act is vested, and who have the power to maintain or repair such street or road:

The expression "district" in relation to a road authority means the area within the jurisdiction of such road authority:

The word "person" includes a corporation:

The expression "the former Acts" means and includes the Act of 1866, the Act of 1871, the Act of 1874, and the Act of 1877:

The expression "the works" or "the gasworks" means and includes the gasworks and works connected therewith from time to time belonging to the Company, and any additional or other works which they may maintain or construct under the powers of this Act, and the lands, buildings, estates, rights, title, powers, privileges, effects, and undertaking of the Company as authorised by the recited Acts and this Act and every part thereof respectively:

The expression "gas" means and includes all kinds of gas used for illuminating or heating purposes, whether manufactured or evolved from oil, coal, resin, peat, or other substance or substances whatever:

The expression "lighting apparatus" means and includes any engine, machine, lamp, branch, globe, shade, candle, or other

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implement or fittings used or connected with the business of the Company.

Correction
of errors in
deposited
plans and
book of
reference.

4. If there be any omission, mis-statement, or wrong description of any lands, or of the owners, lessees, or occupiers of any lands, shown on the deposited plans or specified in the deposited book of reference, the Company, after giving ten days notice to the owners, lessees, and occupiers of the lands in question, may apply to a divisional police magistrate acting for the city of Dublin for the correction thereof, and if it appear to the magistrate that the omission, mis-statement, or wrong description arose from mistake, he shall certify the same accordingly, and shall in his certificate state the particulars of the omission, and in what respect any such matter is mis-stated or wrongly described, and such certificate shall be deposited with the clerk of the peace for the city of Dublin, and a duplicate thereof shall also be deposited with the parish clerk of the parish in which the lands affected thereby are situate, and such certificate and duplicate thereof respectively shall be kept by such clerk of the peace and parish clerk respectively with the other documents to which the same relate, and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate, and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Power to
make tram-
ways.

5. Subject to the provisions of this Act, the Company may, at their own expense, make, form, lay down, work, use, and maintain the tramways herein-after described, in the lines and according to the levels shown on the deposited plans and sections, and in all respects in accordance with those plans and sections, with all necessary and usual rails, plates, works, and conveniences connected therewith. The tramways herein-before referred to and authorised by this Act are,—

Tramway No. 1 (2 furlongs 2 chains and 25 links in length), commencing in Great Clarence Street, and passing thence along the same street and Cardiff's Lane, and terminating at the northern end of the said lane where it abuts on Sir John Rogerson's Quay; and, notwithstanding anything contained in the deposited plans, sections, and book of reference, it shall not be lawful for the Company, under the powers of this Act, to enter upon, take, or use Sir John Rogerson's Quay, or any part thereof, or to lay down or construct thereon any tramway or work, or any shed or warehouse:

Tramway No. 2, seventy-five links in length, commencing in

Great Clarence Street, and terminating by a junction with Tramway No. 1 in the same street: A.D. 1879.

Both the said tramways shall consist only of single lines of tramway, and will be situate in the parish of St. Mark's, in the county of the city of Dublin.

6. In addition to the requirements of section 26 of the Tramways Act, 1870, the Company shall, at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of construction, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Company shall not commence the construction, laying down, maintenance, and renewal of either of the tramways or part of either of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade, and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section 26 of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Act.

Further provisions as to construction of tramways.

7. The rails of the tramways shall be such as the Board of Trade may approve.

As to rails of tramways.

8. The Board of Trade may from time to time, upon the application of the road authority, require the Company to adopt and apply such improvements in the tramway, including the rails thereof, as experience may from time to time suggest, having regard to the greater security of the public and advantage to the ordinary traffic, and the Company shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Improvements in tramways.

9. The Company shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist and the sub-structure upon which the same rest; and if the Company at any time make default in complying with this provision, or with any of the requirements of section 28 of the Tramways Act, 1870, they shall for every such offence be subject,

Penalty for not maintaining rails and road in good condition.

A.D. 1879. on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section 56 of the said Act is provided.

Board of
Trade may
direct an
inquiry.

10. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Company have made default in complying with the provisions in the preceding section contained, or with any of the requirements of section 28 of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section 63 of the Tramways Act, 1870, and if the Board of Trade shall certify, under the hand of a secretary or assistant secretary of the Board, that the default mentioned in such representation has been proved to the satisfaction of the Board, the Company shall make good such default in the manner and within the time specified in such certificate, and, if they fail to do so, shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed.

Gauge of
tramways.

11. The tramways shall be constructed on a gauge of three feet one inch: Provided always, that so much of section 34 of the Tramways Act, 1870, as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways.

Mode of for-
mation of
tramways.

12. Every tramway to be made, formed, or laid down under this Act shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road.

Provision as
to paving of
roads.

13. So much of the road whereon the tramways are laid as lies between the rails and as extends beyond the rails of and on each side of the tramway to the full extent and limit of one half of the said road shall be paved and maintained by the Company at their own expense with Penmaenmawr sets to the satisfaction of the road authority, or with such other paving as the road authority may approve. In the event of the city engineer recommending that the tramway be laid on the eastern side of the road, the kerb thereof on that side shall be made by the Company to the satisfaction of the Corporation of the City of Dublin.

14. The tramways shall not be used for traffic until they have been inspected and certified to be fit for traffic by the Board of Trade.

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Inspection
by Board of
Trade.

15. The Company may use on their tramways carriages or trucks with flange wheels, or wheels suitable only to run on a grooved rail, and, subject to the provisions of this Act, the Company shall have the use of their tramways for carriages with flange wheels or other wheels suitable only to run on a grooved rail.

Power for
Company to
use tramways
with flange-
wheeled car-
riages, &c.

16. Where, by reason of the execution of any work affecting the surface or soil of the road along which any tramway is laid, it shall, in the opinion of the road authority, be necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof, the Company shall, within fourteen days of receiving an order in writing from the road authority under the hand of their clerk or secretary, discontinue or take up such tramway for such term as may be necessary for the execution of the said work: Provided that the Company may, with the sanction of the road authority, and subject to such conditions and in accordance in all respects with such regulations as they, the said road authority, may from time to time make or prescribe, construct on the same or any adjacent road other than Sir John Rogerson's Quay, and, with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain a temporary tramway or temporary tramways in lieu of the tramways or part of a tramway so removed or discontinued to be used.

Temporary
tramways.

17. With respect to any notice required by section 32 of the Tramways Act, 1870, and to the delivery thereof by or to the Company, the following provisions shall have effect; namely,

Form and
delivery of
notices.

1. Every notice shall be in writing or print, or partly in writing and partly in print, and shall be sufficiently authenticated if given by the local authority or road authority by being signed by their clerk or secretary:
2. Any notice to be delivered by or to the Company to or by any road authority or local authority or other body, or any company, may be delivered by being left at the principal office of that authority, body, or company, or of the Company, as the case may be, or by being sent by post in a registered letter addressed to their respective clerk or secretary at their principal office, and every such letter shall be deemed to be received by the authority, body, or company, or by the Company (as the case may be), on the day on which the same ought to be delivered at their principal office in the ordinary course of post.

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Application
of road ma-
terials
excavated
in construc-
tion of
works.

18. Any paving, metalling, or material excavated by the Company in the construction of the tramways from any road under the jurisdiction or control of any road authority may be applied by the Company, so far as may be necessary, in or towards the reinstating of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by section 28 of the Tramways Act, 1870, or by this Act required to maintain; and the Company shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority, or to such person or persons as he may appoint to receive the same: Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving, metalling, or material, and notice duly given, such surplus is not removed by such surveyor, or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Company, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Company and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act, 1870, with respect to difference as between the promoters and any road authority.

Power to
make addi-
tional cross-
ings, &c.

19. The Company may, subject to the provisions of this Act, with the consent of the local authority, from time to time make, maintain, alter, and remove such crossings, passing-places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Act, as they find necessary or convenient for the efficient working of the tramways, or for providing access to any sheds, warehouses, or works of the Company: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road, if the owner or owners or occupier or occupiers of the premises abutting on the place where such rail is proposed to be laid shall, by writing under their hand addressed to the Company, express their objection thereto.

Period for
completion
of works.

20. Subject to the provisions of this Act, if the tramways are not completed within two years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

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21. If and whenever after the passing of this Act any road or street authority alters the level of any street or road along or across which any part of the tramways is laid, the Company may and shall from time to time alter or (as the case may be) lay the rails so that the uppermost surface thereof shall be on a level with the surface of the road or street as altered.

Tramways
to be kept
level with
surface of
road.

22. Every sewer authority shall at all reasonable times have free access to and communication with all their sewers and drains, and power to lay lateral and private drains to communicate therewith, and the provisions contained in the 32nd and 33rd sections of the Tramways Act, 1870, shall be applicable in the case of any sewer or private drain of or under the control of the sewer authority, as if the same were a pipe for the supply of gas or water.

Sewer autho-
rity to have
access to
sewers.

23. During the construction of any works by this Act authorised in any road in any district, the Company shall make such arrangements in relation to the execution of such works as may, in the opinion of the road authority of such district, be proper for preventing the traffic along such road from being unnecessarily impeded.

Traffic in
roads not to
be impeded.

24. The Corporation of the City of Dublin, acting by the Town Council, may from time to time make all necessary byelaws and regulations for regulating the use of the tramways, and for preventing obstructions or nuisances thereon, and section 47 of the Tramways Act, 1870, shall apply to all byelaws so made.

Corporation
may make
byelaws.

25. Notice of the making of any byelaw under the provisions of this Act shall be published by the Company by advertisement, to be inserted once in each of two successive weeks in some newspaper published in the city of Dublin, and once in the Dublin Gazette.

Notice of
byelaws to
be given.

26. The production of a printed or written copy of any byelaws made under the authority of this Act, authenticated by the signature of any secretary or assistant secretary to the Board of Trade, shall, without proof of such signature, be evidence of the existence of such byelaws, and that all preliminaries requisite to the making and operating thereof have been duly observed and fulfilled.

Proof of
byelaws.

27. Upon the request or for the purposes of any company or person, or for or in connexion with any special trade, transit, business, manufacture, process, or experiment, it shall be lawful for the Company to manufacture and supply gas of any special description, bulk, quality, or treatment, and the Company may, in connexion with and for the purposes of any such supply, or preliminary thereto, sell, let for hire, or undertake the supply of any suitable or special fittings or lighting apparatus, and may undertake and carry out the erection and fitting up of the same.

Gas of
special
quality may
be supplied.

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Remunera-
tion for
special ser-
vices.

28. The Company may receive for the manufacture and supply of gas of any special description, bulk, quality, or treatment as aforesaid, or for the sale, hire, supply, erection, or fitting up of any such fittings or apparatus as aforesaid, or for all or any acts or services performed by them in connexion therewith, such reasonable rates and sums of money as the Company shall from time to time fix and determine.

Powers of
Company as
to meters,
stoves, &c.

29. The Company may, in addition to the powers possessed by them under their Act of 1866 and other Acts, have and exercise all or any of the powers and do all or any of the things following; that is to say, the manufacturing, purchasing, hiring, letting to hire, and supplying of meters, stoves, fittings, gas engines, and apparatus for purposes of lighting, heating, and cooking by means of gas, and for all other purposes in any manner authorised by the said Acts, or any of them.

Application
of powers,
&c. under
former Acts.

30. In the conduct of the business and for the purposes of this Act, the Company shall have power to do all acts which may be necessary or desirable for giving effect to the same, and for carrying the same into execution; and, subject to the provisions of the Acts relating to the Company, the Company may alter, extend, adapt, use, and make applicable to such business and purposes as aforesaid all or any of their existing mains, pipes, machinery, works, plant, and appliances, or any part or parts thereof, and the several powers possessed by the Company under the former Acts, or any of them, to the extent to which the same are or can be made applicable for the purposes of this Act, may be exercised by the Company in connexion therewith.

Power to
purchase
lands by
agreement.
Gas not to
be manufac-
tured except
on lands
scheduled.

31. The Company may for the purposes of their undertaking purchase and take (by agreement, but not otherwise) and hold, in addition to the lands described in the schedules to the former Acts or any of them annexed, and to any lands which they are otherwise authorised to acquire, any lands and hereditaments, not exceeding in the whole ten acres, which the Company may from time to time require for the purposes of their works and undertaking: Provided always, that the Company shall not construct works for the manufacture of gas, nor shall they manufacture gas or residual products, except upon the lands described in the schedules to the former Acts, or any of them.

Power to
take ease-
ments, &c.

32. Persons empowered by the Lands Clauses Consolidation Act, 1845, or otherwise enabled to convey or release lands may, subject to the provisions of that Act, and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company, for the purposes of this Act, any term, estate, easement, interest,

right, or privilege (not being an easement of water) in, over, or affecting or belonging to such lands, at a yearly rent or otherwise; and the provisions of those Acts with respect to lands and rent-charges shall, so far as the same are applicable in this behalf, extend and apply to such grants, easements, rights, and privileges.

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33. The Company may from time to time, if they think fit, enter into and carry out arrangements with any company, body, or person for the loan or hire, temporarily or for a fixed period, of any lighting apparatus calculated or suited for the production, development, use, or display of gas, and either with or without the services of skilled workmen or artificers employed by the Company in charge of or accompanying the same; and the Company may take and, if need be, recover in respect thereof such charges as may be agreed upon with any body, company, or person as aforesaid, either for any temporary or occasional loan, hire, or service of or in connexion with such apparatus as aforesaid, or for or in respect of any fixed period of time or service or other permanent arrangement which may be so entered into.

Lighting ar-
rangements
for special
occasions.

34. From and after the passing of this Act it shall be lawful for the inspectors of meters appointed by the Town Council of the City of Dublin to examine and test not only the drums of the meters for measuring gas supplied by the Company, but also the indices and apparatus belonging to such meters, and for the purposes of such examination and testing, and to the extent to which the same may be necessary, it shall be lawful for such inspectors to exercise, and they shall accordingly have and possess, the powers conferred upon inspectors of meters as to such matters by the Act 22 & 23 Vict. c. 66, intituled "An Act for regulating measures used in sales of gas," and by the Act 23 & 24 Vict. c. 146, intituled "An Act to amend the Act for regulating measures used in sales of gas."

Additional
powers of
testing
meters.

35. All or any meters which may be lent or let on hire by the Company to any owner, occupier, or other person shall, whilst and so long as the same remain the property of the Company, be exempt from distress and from execution under any legal process against such owner or occupier or other person, and shall not be disposed of in any manner without the consent of the Company, and shall be and remain their property until payment in respect thereof has been duly made in case the same should ultimately be purchased from the Company, and in any event the amount payable to the Company in respect thereof shall be recoverable as gas rent is recoverable, and if the same is not paid the Company may enter and remove such meters, and discontinue the supply of gas to such owner or occupier or other person.

For pro-
tection of
meters, &c.
of the Com-
pany.

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Power to
remove
meters,
fittings, &c.

36. In all cases in which a consumer of gas supplied by the Company ceases to require a supply of such gas, and in all cases in which the Company are authorised to take away and cut off the supply of gas from any premises, it shall be lawful for the Company, their agents or workmen, after twenty-four hours notice in writing under the hand of the secretary or other properly authorised officer of the Company to the occupier, or if unoccupied then to the owner or lessee, or to the agent of the owner or lessee, of any premises in which any pipes, meters, fittings, or lighting apparatus belonging to the Company are laid or fixed, and through or in which the supply of gas is from any such cause discontinued, to enter such premises between the hours of nine in the morning and six in the evening for the purpose of removing and to remove such pipes, meters, fittings, or lighting apparatus, repairing all damage caused by such entry or removal.

Company to
keep meters,
&c. in proper
order.

37. The Company shall at all times at their own expense keep all meters or other apparatus or instruments for measuring the consumption of gas or ascertaining the extent or duration of any other improved means of lighting which may be supplied in proper order, and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Company shall for the purposes aforesaid have access to and be at liberty to remove, test, inspect, and replace any such meter, apparatus, or instrument at all reasonable times.

Application
of moneys.

38. Nothing in this Act contained shall confer upon the Company any greater or additional powers of raising money by shares, by borrowing, or otherwise than were possessed by them before the passing of this Act, but the Company may apply for the purposes of this Act any moneys now belonging to them, or which they are authorised to raise by shares or stock, or by borrowing, and which may not be required for the special purposes (if any) for which the same were authorised to be raised under the former Acts, or any of them.

Company not
exempt from
provisions of
any present or
future general
Tramway Acts.

39. Nothing in this Act contained shall exempt the Company or 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.

Expenses of
Act.

40. 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.