ANNO QUINTO

GULIELMI IV. REGIS.

Cap. xi.

An Act to enlarge the Powers of the *New Pembrey Harbour* Act, to change the Name of the Harbour to that of *Burry Port*, and to enable the *Burry Port* Company to raise a further Sum of Money.

[12th *June* 1835.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for making and constructing a Harbour and other Works in the Parish of* Pembrey *in the County of* Carmarthen, *and for making a Canal and Railway from the said Harbour to the* Kidwelly *and* Llanelly *Canal in the said County*, whereby certain Persons were incorporated by the Name and Style of "The *New Pembrey Harbour* Company," for the Purpose, amongst others, of establishing a safe and commodious Harbour on the North Side of *Burry River* upon the Sands and certain Commonable Land in the Parish of *Pembrey* aforesaid: And whereas considerable Progress has been made in the Works authorized by the said recited Act; and in order to the Completion thereof, and to enable the said Company to pay off the Sum of Ten thousand Pounds borrowed by them under the Authority and for the Purposes of the said recited Act, it is necessary that a further Sum of Money should be raised, and particularly for the Completion of a Basin to be used as a Reservoir for scouring and keeping open the outer Harbour already formed by virtue of the said Act: May it therefore please Your Majesty that it may be enacted; and be it enacted by 6 G. 4. c. 115.

Powers and Provisions of recited Act extended to this Act.

by the King'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, That all the Powers, Authorities, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Clauses, Matters, and Things in the said recited Act contained (except such of them, or such Parts thereof respectively as are by this Act expressly repealed, altered, or otherwise provided for) shall extend and be construed to extend to this Act, and shall operate and be in force in respect of the Objects and Purposes thereof as fully and effectually to all Intents and Purposes whatsoever as if the same Powers, Authorities, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Clauses, Matters, and Things were repeated and re-enacted in this Act.

For changing the Name and Style of the Company.

II. And whereas from the Situation of the said Harbour on the *Burry River*, as well as to distinguish the same from another Harbour in the Neighbourhood called the *Old Pembrey Harbour*, it is expedient that the Name thereof should be changed, and that the Style of the said Company should be altered as herein-after mentioned; be it therefore enacted, That from and immediately after the passing of this Act the said Harbour shall cease to be called the *New Pembrey Harbour*, but shall be called, known, and distinguished by the Name of "*Burry Port*," and the Company incorporated by the said recited Act shall cease to be called the *New Pembrey Harbour* Company, but shall from thenceforth be One Body Politic and Corporate by the Name and Style of "The *Burry Port* Company;" and all the Provisions in the said recited Act having reference to the said *New Pembrey Harbour* Company shall from and immediately after the passing of this Act be deemed and taken to apply to the said Company under its Style of "The *Burry Port* Company."

Company empowered to raise an additional Sum of Money for the Completion of the Harbour, &c.

III. And to the end that the said Company may be enabled to complete and maintain the said Harbour, and the several other Works authorized by the said recited Act, and to defray all necessary Expences relating thereto, and to repay and discharge all such Sums of Money as the said Company have already borrowed for those Purposes upon the Credit of the said Undertaking, be it enacted, That it shall be lawful for the said Company to raise, by Contribution among themselves, or by the Admission of other Persons as Subscribers to the said Undertaking, or in part by each of those Means, a further Sum of Money, not exceeding in the whole the Sum of Forty-five thousand Pounds, in addition to the Sums authorized to be raised by the said recited Act, the whole to be divided into Four hundred and fifty Shares of One hundred Pounds each Share; and the said Shares shall be offered to the several Holders of Shares in the said Undertaking, and the same shall be divided amongst and be vested in the said several Holders of original Shares who may be willing to accept the same, their respective Successors, Executors, Administrators, and Assigns; and in case any of the said Holders of original Shares shall reject, or shall fail for One Calendar Month next after Offer of the same by Letter under the Hand of the Clerk of the said Company, given to or sent by the Post to them respectively, or left at their respective Places of Abode, to accept such additional or new Share or Shares as they respec-

tively shall be entitled to take, or any of such Shares, it shall be lawful for the said Company and they are hereby empowered to dispose of such of the said additional Shares as shall not be accepted by the said Holders of original Shares, for such Sum or Sums of Money *per* Share, not exceeding One hundred Pounds, as the said Company may be able to obtain for the same, unto such Bodies Politic, Corporate, or Collegiate, or other Persons as may be desirous of becoming and shall become Subscribers to and Proprietors of the same; and all and every new Shares or Share to be created in consequence thereof shall be deemed Personal Estate, and shall be transmissible and transferrable as such; and all Bodies Politic, Corporate, and Collegiate, and other Persons, who shall subscribe for and become entitled thereto, and the several and respective Successors, Executors, Administrators, and Assigns of such Bodies and Persons respectively, shall be and they are hereby declared to be Owners and Proprietors of Stock in the said Undertaking so by them severally subscribed for or possessed, as beneficially as the Proprietors of original One hundred Pounds Shares in the said Undertaking, and under and subject to all the Powers, Provisions, Indemnities, Remedies, Penalties, Clauses, Matters, and Things contained in the said recited Act respecting or relating to the said original Shares, so far as the same are not altered or varied; and all such Bodies and Persons aforesaid are hereby united and incorporated with the said Company.

Power to Directors to make Calls on new Shares.

IV. And be it further enacted, That the said Company of Proprietors or the Directors (if any are or shall be appointed pursuant to the said recited Act) shall have Power from Time to Time and at any Time or Times hereafter, at their Discretion, to make such Call or Calls of Money from the Subscribers to and Proprietors of the said new Shares in the said Undertaking, to defray the Expences of or to carry on the same, as they from Time to Time shall find necessary for those Purposes, so that no such Call shall exceed the Sum of Ten Pounds upon each new Share which any Person shall or may be possessed of or entitled unto in such Undertaking; and such Calls shall not be made but at the Distance of Three Calendar Months at the least from each other, and Fourteen Days Notice at the least shall be given of all such Calls as aforesaid, by Advertisement in some Newspaper usually circulated within the said County of *Carmarthen*, and by Letter under the Hand of the Clerk of the said Company given to or sent by the Post to them respectively; which Monies so called for shall be paid to such Person and Persons and in such Manner as the said Company or Directors shall from Time to Time direct and appoint, for the Use of the said Undertaking; and every Owner of any Share in the said Undertaking shall pay his or her rateable Proportions of the Monies to be called for as aforesaid to such Person or Persons and at such Time and Place as the said Company or Directors shall from Time to Time direct and appoint; and all the Powers, Provisions, Remedies, Penalties, Forfeitures, Matters, and Things created or imposed by the said recited Act, for compelling the Payment of Calls, with Interest, or for forfeiting the Shares of such Proprietors as shall be in default, shall be as good and valid for carrying this Act into execution as if the same had been repeated and re-enacted in the Body of this Act.

V. And

Proprietors may hold any Number of Shares not exceeding Sixty.

V. And whereas it is by the said recited Act enacted, that no Person becoming a Proprietor in the said Undertaking shall be a Proprietor of more than Thirty Shares therein, and it is expedient that the said Provision should be enlarged; be it therefore enacted, That from and after the passing of this Act it shall be lawful for any Person subscribing to or becoming a Proprietor in the said Undertaking to be a Proprietor of any Number of Shares therein not exceeding Sixty in the whole.

Directing how Subscribers for new Shares shall vote.

VI. And be it further enacted, That every Body Politic, Corporate, or Collegiate, and every Person, who shall by virtue of this Act have subscribed for or shall become entitled to Shares of and in the said additional Capital of Forty-five thousand Pounds by this Act authorized to be raised, shall be allowed to vote either in Person or by Proxy, and shall have Votes for every Share held by them respectively of and in the said additional Capital, in the Manner expressed and subject to the Stipulations, Provisions, Restrictions, and Limitations contained in the said recited Act with respect to the Right of voting by the Proprietors of original Shares of One hundred Pounds.

Power to raise Money by Bond.

VII. Provided always, and be it further enacted, That it shall be lawful for the said Company or Directors and they are respectively hereby empowered to borrow of any Person or Persons, Body or Bodies Politic or Corporate, who shall be willing to lend the same, the whole or any Part of the said additional Sum of Forty-five thousand Pounds by this Act authorized to be raised, at such Rate of Interest as may be agreed upon, not exceeding Five Pounds *per Centum per Annum*, and to secure the Repayment thereof, with Interest, by Bonds under the Common Seal of the said Company, payable at such Period or Periods as the said Company and the Party or Parties advancing the Money may mutually agree upon; and in such Case the said Company shall cause to be inserted in such Bond or Bonds the Period or Periods which shall be so agreed upon for the Repayment of the Principal Money thereby secured; and such Sum or Sums of Money, with all Arrears of Interest thereon, shall accordingly be paid, at the Time or Times so fixed, to the Party or Parties who at the Expiration of such Period or Periods shall be the Holder or Holders of such Bond or Bonds, or his, her, or their Nominee or Nominees; and all Persons holding any such Bond or Bonds shall proportionately, according to the respective Amounts of the Monies secured by such Bond or Bonds, and without Preference or Priority amongst them, be entitled to be paid at the Period or Periods mentioned in such Bond or Bonds, out of the Rates, Tolls, or Duties of the said Company, according to the respective Sums in such Bond or Bonds mentioned and thereby intended to be secured.

Form of Bond.

VIII. And be it further enacted, That every Bond issued under the Authority of this Act may be in the Words or to the Effect following; (that is to say,)

‘ *Burry Port*, formerly called *New Pembrey Harbour*.

‘ No. Bond.

‘ BY virtue of an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for making and*

‘ *constructing*

'*constructing a Harbour and other Works in the Parish of* Pembrey *in the County of* Carmarthen, *and for making a Canal and Railway from the said Harbour to the* Kidwelly *and* Llanelly Canal *in the said County*, and also of an Act passed in the Fifth Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of this Act*], we the Company of Proprietors of *Burry Port*, incorporated and empowered by and under the said Acts, in consideration of the Sum of of lawful Money to us in hand paid, do, in exercise of the Powers for that Purpose vested in us by the said Acts, assign unto the Holder hereof, his Executors, Administrators, and Assigns, all and singular the Rates, Tolls, and Duties to be received by virtue of the said Acts, and all the Right, Title, and Interest of the said Company of, in, and unto the same, with all Benefit and Advantage thereof, pursuant to the Provisions and subject to the Stipulations in and by the said Acts in that Behalf contained, for the Term of Years from the Day of the Date hereof, together with Interest for the same after the Rate of *per Centum per Annum*, payable half-yearly, that is to say, on the Day of and the Day of in each Year. Dated this Day of .'

Bondholders not to be deemed Proprietors.

IX. Provided always, and be it further enacted, That no Person to whom any such Bond shall be given shall thereby become or be deemed a Proprietor of any Share, or be thereby rendered capable of acting as such at any Meeting of the said Company, for or on account of his or her having lent or advanced any Sum or Sums on such Bond.

Power to pay off Bonds.

X. And be it further enacted, That (without Prejudice to any Mortgage or Mortgages made or to be made pursuant to the said recited Act) it shall be lawful for the said Company, and they are hereby empowered, from Time to Time to pay off and discharge all or any of the said Bonds before the Days respectively appointed for the Payment thereof, upon giving Six Calendar Months Notice to the Holder or Holders thereof, by inserting such Notice in some Newspaper usually circulated in the said County of *Carmarthen*, and by Letter under the Hand of the Clerk of the said Company given to or sent by the Post to them respectively of the Intention of the Company so to do.

In case Bonds are paid off, Company to raise the Amount again.

XI. And be it further enacted, That in case the said Company shall be required or be desirous to pay and shall pay off all or any of the said Bonds, then and in every such Case it shall be lawful for the said Company, and they are hereby empowered, immediately or at any Time or Times thereafter, again to raise, in lieu of the Principal Money so paid off by them, so much and such Principal Sum and Sums of Money as they shall from Time to Time have paid off, either by the Issue of fresh Bonds or by way of Mortgage on the Credit of the said Rates, Tolls, or Duties, and so from Time to Time as often as the same shall happen.

Interest of Money borrowed on Bond to be paid in preference to Dividends.

XII. Provided always, and be it further enacted, (without Prejudice to any such Mortgage Securities as aforesaid,) That the Interest which shall become due and payable on any Money to be raised by Bond as aforesaid shall be paid to the several Bodies and Persons entitled thereto, in preference to any Interest or Dividend to become due or payable to the said Company under the Provisions of the said recited Act or this Act; and in

case any such Interest, or any Part thereof, shall be behind and unpaid by the Space of Thirty Days next after the same shall have become due and payable, and the same shall not be paid within Ten Days next after Demand thereof in Writing shall have been made to the Clerk of the said Company, or left at the Office of the said Company, then, in addition to such Remedies as the Holder or Holders of such Bond or Bonds may be entitled unto at Law or in Equity, it shall be lawful for Two or more Justices of the Peace acting for the said County of *Carmarthen*, and they are hereby respectively required, on Request to them made by or on behalf of any such Holder or Holders, or by or on behalf of his, her, or their Executors, Administrators, or Assigns, whose Interest shall be so in arrear, by an Order under the Hands of such Justices, to appoint some Person or Persons to receive the whole or any Part of the Rates, Tolls, and Duties arising or to arise by virtue of the said recited Act and of this Act, or either of them, until all Interest in arrear on the Bonds then subsisting, together with the Costs and Charges of recovering and receiving such Rates, Tolls, and Duties, shall be fully satisfied and paid, and the Money so to be received by such Person or Persons is hereby declared to be so much Money received by or to the Use of the Body or Bodies Politic or Corporate, Person or Persons, to whom such Interest shall be then due; and after such Interest and Costs shall have been paid and satisfied the Power and Authority of such Receiver or Receivers for the Purposes aforesaid shall cease and determine.

Power for the Company to lease Warehouses, &c.

XIII. And be it further enacted, That it shall and may be lawful for the said Company from Time to Time, by Deed under their Common Seal, to lease or demise to such Person or Persons, or Corporations, as may be willing to take the same, all or any of the Warehouses, Wharfs, Cranes, Engines, or other Erections or Buildings which are or shall be erected, constructed, or set up by the said Company upon any Part of the Land or Ground already purchased or hereafter to be purchased by the said Company for the Purposes of the said Harbour and Works, or to lease or demise all or any Part of the said Land or Ground to any Persons or Corporations who may be willing to erect, construct, or set up thereon, or on any Part thereof, at their own Expence, such Warehouses, Wharfs, Cranes, Engines, or other Erections or Buildings; and it shall also be lawful for the said Company to levy and receive, in respect of such Warehouses, Wharfs, Cranes, Engines, or other Erections and Buildings, or in respect of any Land or Ground to be demised or leased for the Erection thereof as aforesaid, such Rents or other Sums of Money as shall be fixed and agreed upon between the said Company and such Persons or Corporations as aforesaid, and to make such Regulations regarding the Use of the same Warehouses, Wharfs, Cranes, Engines, or other Erections or Buildings as the said Company shall deem expedient; and every such Lease or Demise shall be good, valid, and effectual to all Intents and Purposes whatsoever.

Expences of the Act.

XIV. And be it further enacted, That all the Costs, Charges, and Expences of and incident to the obtaining and passing of this Act shall be defrayed and paid by the said Company of Proprietors out of the Monies received or to be received by them under the Authority of the said recited Act or of this Act, or either of them.

XV. And

Mortgage of 10,000*l.* to be paid off out of the Sum raised.

XV. And be it further enacted, That the said Company shall and they are hereby required to pay off and discharge, out of the Monies received or to be received by them under the Authority of the said recited Act and of this Act, or either of them, the Sum of Ten thousand Pounds borrowed by the said Company under the Powers and already expended by them for the Purposes of the said recited Act.

Justices may proceed by Summons in the Recovery of Penalties.

XVI. And be it further enacted, That in all Cases in which by the said recited Act or this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace it shall be lawful for any Justice to whom Complaint shall be made of any Offence against the said recited Act or this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing had been exhibited.

Construction of certain Terms employed in this Act.

XVII. And be it further enacted, That whenever in the said recited Act or this Act any Word or Words is or are used importing the Singular Number only the same shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person; and also the Word "Corporation" shall be understood to include a Body or Bodies Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; and any Word or Words importing the Masculine Gender only shall be understood to include Females as well as Males; and the Word "Lands" shall be understood to include Tenements and Hereditaments; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Public Act.

XVIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1835.