



ANNO DECIMO SEPTIMO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

## *Cap. xxiii.*

An Act to enable “*The Burry Port Company*” to raise additional Capital, and to make Arrangements for the Satisfaction of the Mortgage and other Debts due from the Company; and to amend the Acts relating to the Company, and for other Purposes. [2d June 1854.]

**W**HEREAS by an Act passed in the Sixth Year of the Reign of 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*, the *New Pembrey Harbour Company* were incorporated for the Purposes of establishing, making, and maintaining a Harbour on the North Side of the *Burry River*, upon the Sands and Commonable Lands in the said Parish of *Pembrey*, and of making and maintaining a Canal and Railway or Tramroad from such Harbour to the *Kidwelly and Llanelly Canal*, and for the other Purposes of that Act; and by the said Act the said *New Pembrey*

[Local.] 4 A Harbour

6 G. 4. c. cxv.

*The Burry Port Act, 1854.*

Harbour Company were empowered to purchase and hold Lands for the Purposes of the said Act, and to raise a Capital of Twenty thousand Pounds in Shares, and to borrow a Sum of Ten thousand Pounds on Mortgage: And whereas the said *New Pembrey* Harbour Company proceeded to establish the said Harbour, and to execute the Works authorized by the said Act, and raised the said Share Capital of Twenty thousand Pounds, and borrowed the said Sum of Ten thousand Pounds on Mortgage as authorized by that Act: And whereas by an Act passed in the Fifth Year of the Reign of King *William* the Fourth, intituled *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*, it was, among other things, enacted, that from the passing of that Act the said Harbour should cease to be called the *New Pembrey* Harbour, and should be called by the Name of *Burry Port*, and that the said Company incorporated by the said recited Act should cease to be called "The *New Pembrey* Harbour Company," and should be called "The *Burry Port* Company," who are in this Act called "the Company," and that all the Provisions in the said recited Act having reference to the said *New Pembrey* Harbour Company should from and immediately after the passing of that Act be deemed and taken to apply to the Company under its Style of "The *Burry Port* Company;" and by the said Act now in Statement the Company were empowered to raise a further Sum of Forty-five thousand Pounds, in Shares or by borrowing upon Bond as in the said Act mentioned; and by the said Act now in Statement the Company were 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 that Act, or either of them, the said Sum of Ten thousand Pounds borrowed by the Company under the Powers, and then already expended by them for the Purposes, of the said recited Act: And whereas the said *Burry Port* Company borrowed the said Sum of Ten thousand Pounds of *Christopher Pemberton*, late of *Cambridge*, Esquire, deceased, who was an original Shareholder in the said Company, and by a Mortgage bearing Date the Thirty-first Day of *July* One thousand eight hundred and forty-six, and made in pursuance of the Powers of the said recited Acts, the Undertaking and Works of the Company, and all Dues and Rates payable by virtue of the said recited Acts, were mortgaged to the said *Christopher Pemberton* for securing the said Sum of Ten thousand Pounds, with Interest for the same at the Rate of Five Pounds *per Centum per Annum*: And whereas the Company after the passing of the said secondly-recited Act raised the further Sum of Nineteen thousand nine hundred Pounds by the Issue of Shares in pursuance of the Provisions of such Act, and applied such Sum for the Purposes of their Undertaking, but the Company have not raised any further or other Sum of Money under

---

*The Burry Port Act, 1854.*

---

under or by virtue of the Powers and Authorities of such Act, and the Company are still empowered and authorised to raise the Sum of Twenty-five thousand one hundred Pounds under the Powers and Provisions of the said secondly-recited Act: And whereas the said Sum of Ten thousand Pounds has not, nor has any Part thereof, been paid off by the Company, and, save and except a Sum of One hundred and fifty Pounds, no Interest has ever been paid on or in respect of such Sum of Ten thousand Pounds, and the whole of such Sum of Ten thousand Pounds, with the Interest in respect of the same from the Time of the Loan thereof less the said Sum of One hundred and fifty Pounds, now remains due and owing on Security of the said Mortgage: And whereas the Company from Time to Time borrowed of the said late *Christopher Pemberton*, and of various other Persons Shareholders in the Company, various Sums amounting together to the Sum of Fifteen thousand nine hundred and ninety-five Pounds Five Shillings and Sixpence, which are in this Act called "the Simple Contract Debts of the Company," the Repayment of such Loans not being secured by any Bonds or other Securities of the Company, and the Parties who made such Loans and the Parties now entitled to the same are in this Act called "the Simple Contract Creditors of the Company," and the said late *Christopher Pemberton* was by far the largest individual Simple Contract Creditor of the Company, he having advanced to them on Simple Contract the Sum of Seven thousand two hundred and twenty-two Pounds Four Shillings and Eightpence: And whereas the said late *Christopher Pemberton* died on or about the Twenty-second Day of *October* Eighteen hundred and fifty, having duly made his Will, bearing Date the Nineteenth Day of *February* Eighteen hundred and fifty, and by his said Will the said *Christopher Pemberton*, amongst other things, gave and bequeathed all the Residue and Remainder of his Personal Estates and Effects whatsoever and wheresoever not therein-before specifically disposed of, including his Shares in the *Burry Port* Harbour, his Shares in the *Llanelly and Kidwelly* Canal, and his Mortgage from the *Burry Port* Company, and all Interest due thereon, and Monies which he had since advanced, and his Personal Estate, over which he had a Power of Appointment, unto *Christopher Robert Pemberton*, *Walter Hamilton Pemberton*, *Stanley Pemberton*, and *William Thrower*, their Executors, Administrators, and Assigns, upon trust to convert into Money so much thereof as should be saleable, and collect, get in, and receive the Residue thereof, or continue the same in its actual State of Investment, and to lay out and invest the Money to be received as aforesaid in their or his Names or Name in the Parliamentary Stocks or Public Funds of *Great Britain*, or at Interest on Government or Real Securities, with Power to alter, vary, and transpose the same as therein mentioned, and the said late *Christopher Pemberton* appointed the said *Christopher Robert Pemberton*,

*The Burry Port Act, 1854.*

*Pemberton, Walter Hamilton Pemberton, Stanley Pemberton, and William Thrower* Executors of his said Will; and the said late *Christopher Pemberton* by his said Will authorised and empowered his said Executors to pay any Debts owing by or claimed from him upon any Evidence they should think proper, and to accept any Security, Real or Personal, for any Debt or Debts owing to him, and to allow such Time for the Payment thereof as to them should appear reasonable, and also to accept such Part as could be gotten in full Discharge of any Debt or Debts owing to him as should be deemed most advantageous for his Estate and the Persons interested therein; and the said late *Christopher Pemberton*, by the Second Codicil to his said Will, after directing that his said residuary Personal Estate should be laid out in the Purchase of Land, gave a Life Interest in the whole of his residuary Estate to the said *Christopher Robert Pemberton*, with Remainder to the eldest Son of the said *Christopher Robert Pemberton* for his Life, with Remainder to the Issue of such eldest Son in Tail, with divers Remainders over: And whereas the said *Walter Hamilton Pemberton* renounced Probate of the said Will, and *William Thrower* departed this Life in the Lifetime of the Testator, and the said *Christopher Robert Pemberton* and *Stanley Pemberton* duly proved the said Will in the Prerogative Court of the Archbishop of *Canterbury*: And whereas the eldest Son of the said *Christopher Robert Pemberton* is now an Infant under the Age of Twenty-one Years, that is to say, of the Age of Sixteen Years or thereabouts: And whereas several of the Simple Contract Creditors of the Company, besides the said late *Christopher Pemberton*, have died since the making of their Loans to the Company, having disposed of their said Simple Contract Debts in various Ways: And whereas no Interest has ever been paid on or in respect of the said Simple Contract Debts of the Company: And whereas it is expedient that the Company and the Executors of the said late *Christopher Pemberton* should be empowered to enter into an Arrangement for the Abandonment by the said Executors of all Interest due on the Simple Contract Debt, and the Payment and Satisfaction of their Simple Contract Debt, in manner herein-after provided: And whereas the Capital of the Company is found to be insufficient for carrying into effect the said Arrangements in relation to the said Mortgage and Simple Contract Debts, and for enabling them to execute certain Works by the said first-recited Act authorized, and which are necessary for maintaining their said Undertaking in a State of Security and Efficiency, and for adapting the same to the increased and increasing Traffic carried on therein; and it is expedient that the Company should be authorized to raise a further Sum of Money, and that the Capital of the Company should be increased; and it is also expedient that certain of the Provisions of the said recited Acts in relation to the General and Special General Meetings of

*The Burry Port Act, 1854.*

of the Company, and to the Number of Shares to be held by each Shareholder, should be amended: And whereas the Arrangements and Objects before mentioned cannot be carried into effect 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,

I. That in citing this Act for any Purpose it shall be sufficient to use the Expression "The *Burry Port Act, 1854.*" Short Title.

II. That it shall be lawful for the Company to raise any further Sum of Money, not exceeding in the whole the Sum of Twenty thousand Pounds, by the Creation of new Shares in addition to the Share and Loan Capital of Seventy-five thousand Pounds by the said recited Acts authorized to be raised; and such additional Capital shall be, and be taken to be, Part of the general Capital of the Company, and, subject to the Applications thereof hereby specially authorized, shall be applicable and applied to the general Purposes of the Company; and from and after the passing of this Act the total Capital of the Company, including such additional Capital, shall be Ninety-five thousand Pounds. Power to raise additional Capital by Creation of new Shares.

III. That it shall be lawful for the Company, with the Consent of any General Meeting of the Company, to create and issue new Shares in the Company to such Amount as may be necessary for the Purpose of raising such additional Capital, and, subject to the Provisions of this Act, such new Shares shall be issued at such Times and of such Amounts, and bearing or entitled to such Interest or Dividend, preferential or otherwise, not exceeding the Sum of Five Pounds *per Centum per Annum*, and with such Privileges (if any), and on such Terms and Conditions, and generally in such Manner, as the Company, with the Consent of any General Meeting, shall determine; and such Shares shall be subject to the same Provisions in all respects, whether with respect to Payment of Calls or otherwise, as are contained in the recited Acts with reference to the Shares thereby authorized to be issued. Power to create new Shares.

IV. That it shall be lawful for the Company and the Executors of the said late *Christopher Pemberton* to enter into Agreements either for the immediate Payment of the said Principal of the said Mortgage Debt of Ten thousand Pounds, or any Part thereof, or for the Continuance of the same or any Part thereof, upon the present or any other Terms and Conditions: Provided always, that from and after the Payment of such Mortgage Debt, or any Part thereof, the Power Power to arrange for Discharge of Mortgage Debt.

[*Local.*] 4 B of

*The Burry Port Act, 1854.*

of borrowing on Mortgage granted by the first-recited Act shall, to the Extent of the Money so repaid, be extinguished.

As to Satisfaction of Arrears of Interest on the 10,000*l.*

V. That it shall be lawful for the Company to pay and satisfy the Arrears of Interest due to the Executors of the said *Christopher Pemberton*, in respect of the said Mortgage Debt of Ten thousand Pounds, by issuing to such Executors Shares in the Company to the Amount of such Arrears of Interest (taking such Shares at the nominal Amount thereof), and it shall be lawful for such Executors to accept such Shares in Payment and Satisfaction of such Arrears of Interest; and from and immediately after the Issue of such Shares to the said Executors the said Arrears of Interest shall be considered as paid and satisfied, and any Debt or Obligation which may be due from the Company in respect thereof shall be extinguished, and the Company shall no longer be under any Liability in respect of such Arrears of Interest, or any Part thereof, and such Shares shall vest in the said Executors, and be held and applied by them upon the same Trusts and Purposes, and with, under, and subject to the same Powers and Provisions, and for the Benefit of the same Parties, and in the same Manner in all respects, as the Arrears of Interest on the said Mortgage Debt would have been applicable under or by virtue of the said Will of the said late *Christopher Pemberton*, in case the same had been paid in Money.

As to Satisfaction of Simple Contract Debts.

VI. That the Company may pay and satisfy the said Simple Contract Debts of the Company, or any of them, or any Part thereof respectively, by issuing to the Persons for the Time being legally entitled to receive such Simple Contract Debts, Shares in the Company to the Amount of the Principal of such Simple Contract Debts, or such of them or such Parts thereof respectively as are or is intended to be so satisfied (taking such Shares at the nominal Amount thereof); and such Persons respectively may accept such Shares in Payment and Satisfaction of such Simple Contract Debts, or any of them, or any Part thereof, and of any Interest or Arrears of Interest in respect thereof; and from and immediately after the Issue of such Shares to, and the Acceptance of such Shares by, such Persons respectively, the said Simple Contract Debts, or such of them or such Part thereof as shall be intended to be satisfied by such Shares, and all Interest and Arrears of Interest in respect thereof shall be considered as paid and satisfied, and any Debt or Obligation which may be due from the Company in respect thereof, shall be extinguished, and the Company shall no longer be under any Liability in respect of the Principal or Interest so satisfied, and such Shares shall vest in the Persons duly authorized to accept the same, and shall, in all Cases in which such Persons shall not be the absolute Owners thereof, be held and applied by

*The Burry Port Act, 1854.*

by them upon the same Trusts and Purposes, and with, under, and subject to the same Powers and Provisoos, and for the Benefit of the same Parties, and in the same Manner in all respects as the said Simple Contract Debts, or such of them or such Part thereof as shall be so satisfied, would have been applicable in case the same had been paid in Money.

VII. And whereas it is by the said secondly-recited Act enacted, that 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: And whereas it is expedient that the said Provision should be enlarged: Be it enacted, That, notwithstanding anything contained in the recited Acts to the contrary, from and after the passing of this Act it shall be lawful for any Shareholder in the Company to be the Proprietor of and to hold any Number of Shares in the Company.

Power to Shareholder to hold any Number of Shares.

VIII. That the Shares which shall be issued as Preference Shares shall be offered to the then Shareholders in the Company, in such Proportions as the Directors may from Time to Time determine; and such Offers shall be made by Letter under the Hand of the Secretary of the Company, given to or sent by Post addressed to each Shareholder according to his Address as entered in the Shareholders Address Book, or left at his usual or last known Place of Abode in *England*; and every such Offer made by Letter sent by Post shall be considered as made on the Day on which such Letter in the due Course of Delivery ought to reach the Place to which it shall be addressed.

Preference Shares to be offered to original Shareholders.

IX. That such Preference Shares so to be created shall vest in and belong to the Shareholders who shall accept the same and pay the Amount thereof to the Company at the Time or Times and by the Instalments which shall be fixed by the Company; and if any Shareholders shall fail for One Month after such Offer of new Shares to accept the same, or pay the Instalments called for in respect thereof within One Month after the same shall respectively become due, it shall be lawful for the Company to dispose of such Shares by Public Auction or by Private Contract to any Party willing to become the Purchaser thereof, for such Sum as the Company can obtain for the same.

Shares to vest in Parties accepting, otherwise to be disposed of by Public Auction or Private Contract.

X. That so much of the said first-recited Act as relates to the Time and Place of the General Meetings of the Company after the First General Meeting thereof, being Part of the Thirty-fourth Section of the said Act, and so much of the said first-recited Act as relates to the calling of Special General Meetings of the Company, being the whole

Certain Provisions of first-recited Act as to Meetings repealed.

*The Burry Port Act, 1854.*

whole of the Thirty-ninth Section of such Act, shall be and the same are hereby repealed.

As to future  
Ordinary  
General  
Meetings.

XI. That the future General Meetings of the Company shall be held on the First Day of *August* in each Year, or within One Month before or after such Day, and the Meetings so to be held shall be called Ordinary General Meetings; and all future General Meetings of the Company, whether ordinary or special, shall be held in such Place, either in the City of *London* or in the County of *Carmarthen*, or at such other Place as the Company or the Directors thereof may from Time to Time determine.

As to future  
Special  
General  
Meetings.

XII. That if it shall at any Time appear that for the more effectually putting the said recited Acts and this Act into execution a Special General Meeting of the Company is necessary to be held, it shall be lawful for the Directors or for any Shareholder or any Number of Shareholders in the said Company who may be the Holder or Holders of Two hundred Shares at the least in the Company to require such Meeting to be convened; and the Directors, or in case of their Default such Shareholders, may cause Fourteen Days Notice at least of such Meeting to be given in some daily Newspaper circulating in the City of *London*, and in some Newspaper circulating in the said County of *Carmarthen*, specifying in such Notice the Objects and Purposes of such Special Meeting, and the Time when and the Place where the same is to be held (such Place being in the said City of *London* or in the County of *Carmarthen*, and not elsewhere), and the Company are hereby authorized and required to meet pursuant to such Notice; and such of the Shareholders of the Company as shall be present at such Meeting shall proceed in the Execution of the Powers by the said recited Acts and this Act given to the Company, but with respect only to the Matters specified in such Notice; and all the Acts of the Shareholders, or of the major Part of them, at every such Special General Meeting (provided such major Part shall be possessed of at least Two hundred Shares in the Company either as Principals or Proxies) shall be as valid with respect to the Matters specified in such Notice as if the same had been done at any Ordinary General Meeting of the Company.

Company  
not to con-  
struct Works  
below High-  
water Mark  
without Con-  
sent of Ad-  
miralty.

XIII. That it shall not be lawful for the Company, or any Person authorized by them or otherwise, to construct in, under, across, or through any tidal or navigable Water, any Work without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and  
Regulations



*The Burry Port Act, 1854.*

Regulations as the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral may approve, such Approval being signified as last aforesaid; and where any such Work shall have been constructed, or in case of any such Work whatever already constructed, it shall not be lawful for the Company, or any Person whomsoever, at any Time to alter or extend the same, without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if any such Work to be constructed shall be commenced or completed, or if any such Work, or any Work mentioned or referred to in this Clause, be altered or extended contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, or the Person who commenced, completed, altered, or extended the same contrary to the Provisions of this Act, and the Amount thereof shall be a Debt due from the Company or such Person to the Crown, and be recoverable accordingly, with Costs of Suit.

XIV. That if at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Company or any Person, in, over, under, across, or through, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Company or such Person as aforesaid shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company or such Person as aforesaid, and if not paid upon Demand may be recovered as a Debt due to the Crown with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company or such Person as aforesaid.

Admiralty may, if they think fit, order a local Survey at Expense of Company.

XV. That previously to the Company or any Person commencing or altering any such Work, such Company or Person shall deposit at the Admiralty Office, Plans, Sections, and Working Drawings of the said Work for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Work shall be constructed or altered only in accordance with such Approval.

Working Drawings to be deposited with Admiralty.

XVI. That if any such Work to be constructed or commenced by the Company or such Person, or any Work already constructed or  
 [Local.] 4 C commenced

Works affecting tidal Waters

---

*The Burry Port Act, 1854.*

---

abandoned  
may be re-  
moved by  
the Admi-  
rality, at  
Expense of  
Company.

commenced in, under, through, or across any tidal Water or navigable River, or if any Portion of such Work which affects or may affect any such Water or River or Access thereto shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition at the Cost and Charge of the Company or such Person, and the Amount thereof shall be a Debt due from the Company or such Person to the Crown, and be recoverable accordingly with Costs of Suit.

Expenses of  
Act.

XVII. That all Costs, Charges, and Expenses of obtaining this Act, or incident thereto, shall be paid by the Company.

---

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1854.