CHAPTER xlvii.

An Act for authorising the Sale of the Gravesend Terrace Pier; and for other purposes. [14th June 1875.]

A.D. 1875.

WHEREAS an Act was passed in the fifth year of the reign of Her present Majesty, session 2, chapter 59, intituled "An Act "for erecting a Pier at the Royal Terrace Gardens in the town of "Gravesend in the county of Kent" (which Act is herein-after referred to as the recited Act): 5 & 6 Vict. sess. 2, c. lix.

And whereas by the recited Act certain persons therein named and their successors in office were appointed Commissioners for the purposes of that Act, and were authorised to erect and maintain the Gravesend Terrace Pier, and to borrow on mortgage any sums not exceeding fifty thousand pounds:

And whereas the Commissioners have constructed the said pier, and have borrowed the sum of thirty-nine thousand pounds, the whole of which still remains due and owing, with arrears of interest thereon:

And whereas in the year one thousand eight hundred and fifty-five the Court of Chancery appointed a receiver of the rates and revenues of the Commissioners, and the pier has since been and now is managed by him in that capacity:

And whereas the revenue of the said pier has in consequence of railway competition and from other causes gradually decreased, and is still decreasing, and is now and for many years past has been insufficient to pay the interest on the said mortgages and to keep the pier in repair:

And whereas there are no unpaid vendors of land or creditors of the Commissioners other than the mortgagees:

And whereas it is expedient that provisions herein-after contained be made for the sale of the pier and undertaking of the Commissioners:

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And whereas the objects of this Act 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 for all purposes be cited as "The Gravesend Terrace Pier (Sale) Act, 1875."

Interpretation.

2. In this Act the following words and expressions have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant to such construction; (that is to say,)

The expression "the Commissioners" means the Commissioners named in or appointed under the recited Act, or the survivors or survivor of them:

The expression "the mortgagees" means the mortgagees of the Commissioners:

The expression "the court" means the High Court of Chancery in England:

The expression "the receiver" means the receiver of the rates and revenues of the Commissioners appointed and from time to time to be appointed by the court.

Sale of undertaking of Commissioners.

3. At any time after the passing of this Act the receiver on behalf of the mortgagees on the one hand, and any other person or corporation (in this Act called the purchasers) on the other hand, may, with the approval of the court, enter into and carry into effect agreements for the sale to the purchasers of the undertaking, pier, works, property, rights, powers, and privileges of the Commissioners, for such price or consideration and upon such terms as have been or may be agreed between the receiver on behalf of the mortgagees and the purchasers, and thereupon it shall be lawful for the court in a summary way, on the application of the receiver, to make an order that the said undertaking, pier, works, property, rights, powers, and privileges of the Commissioners shall vest in the purchasers, and such order shall operate so as in all respects to vest the said undertaking, pier, works, property, rights, powers, and privileges of the Commissioners in the purchasers, their heirs, executors, administrators, and assigns, according to the terms of the order, and for all purposes both at law and in equity, free from all claims or demands of the Commissioners and the mortgagees or any other person or persons whomsoever, save as appears in this Act.

Stamp duty on vesting order.

4. Every vesting order as aforesaid shall be chargeable with the like amount of stamp duty as it would have been chargeable with if it had been a deed of conveyance.

Purchaser to be subject to provisions of lease granted by Ordnance Department.

5. Every purchaser under this Act shall be subject nevertheless as to the premises conveyed by certain indentures of lease and release bearing date the twenty-ninth and thirtieth days of April one thousand eight hundred and thirty-five, made between His most Excellent Majesty King William the Fourth of the first part, the principal officers of His Majesty's Ordnance of the second part, and Robert Pierce Cruden, John Smith, Robert Coles Arnold, and John Matthews, therein described, of the third part, to all the covenants, conditions and agreements therein contained and to be observed, fulfilled, and kept by the purchaser or other the owners for the time being of the said premises: Provided always, that Her Majesty's Secretary of State for War, his successors and assigns, may from time to time at his or their discretion, upon the application of the owners for the time being of the said premises, alter, modify, or release the said covenants, conditions, and agreements, or any of them.

Incorporation of parts of Harbours, &c. Act, 1847.

6. The 12th and 83rd clauses of "The Harbours, Docks, and Piers Clauses Act, 1847," and the 13th, 18th, and 19th clauses of "The Railways Clauses Act, 1863," are incorporated with this Act, and shall be read and have effect as if they had been incorporated with the recited Act, and the Gravesend Terrace Pier shall be deemed a "work" within the meaning of the Railways Clauses Act, 1863.

Powers of Commissioners may be exercised by the purchasers.

7. From and after the sale the provisions of the recited Act, so far as the same are incorporated with and are not repealed by this Act, and all other rights, powers, privileges, and authorities conferred on, given to, or vested in the Commissioners, shall, subject to the provisions of this Act and so far as the same can be applicable to the purchasers, apply to and be vested in the purchasers, and may be used, exercised, and enjoyed by the purchasers and their officers and servants accordingly in like manner as if the purchasers had been named in and authorised to execute the recited Act, and the purchasers and their officers and servants shall, subject as aforesaid, be entitled to all the privileges conferred on the Commissioners and their officers and servants by the recited Act, as fully and effectually as if the purchasers, their officers and servants, had been therein named.

Provisions of recited Act applicable to purchasers.

8. The following provisions of the recited Act are incorporated with this Act, and so far as they are applicable shall apply to the

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purchasers, and shall be read and have effect as if the purchasers were named in those provisions or any of them instead of the Commissioners, namely—

Sections 55, 56, 80, 83 (except the proviso), 85, 88, 91 to 104 inclusive, 106, 108 to 124 inclusive, 127 to 144 inclusive, and 153;

and all the other provisions of the recited Act shall not apply to the purchasers or to the undertaking when purchased by them or him, and a sale under this Act shall operate as a repeal of all and every such other provisions.

Application of purchase money.

9. The purchase money to be paid for the undertaking shall be paid into court, and shall be distributed under the direction of the court as follows,—in payment in the first place of all costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, and then in payment to the several mortgagees, so far as the same will extend, of the amounts due on their several mortgages, in such manner as the Court shall direct.

Dissolution of Commissioners.

10. When and so soon as the sale is completed and the purchase money is paid into court the Commissioners shall be and are hereby dissolved.

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