

THE BANKRUPTCY ACT, 1883.

SECTION 55.

Sub-section (2.) The disclaimer shall operate to determine, as from the date of disclaimer, the rights, interests, and liabilities of the bankrupt and his property in or in respect of the property disclaimed, and shall also discharge the trustee from all personal liability in respect of the property disclaimed as from the date when the property vested in him, but shall not, except so far as is necessary for the purpose of releasing the bankrupt and his property and the trustee from liability, affect the rights or liabilities of any other person.

Sub-section (6.) The Court may, on application by any person either claiming any interest in any disclaimed property, or under any liability not discharged by this Act in respect of any disclaimed property, and on hearing such persons as it thinks fit, make an order for the vesting of the property in or delivery thereof to any person entitled thereto, or to whom it may seem just that the same should be delivered by way of compensation for such liability as aforesaid, or a trustee for him, and on such terms as the Court thinks just; and on any such vesting order being made, the property comprised therein shall vest accordingly in the person therein named in that behalf without any conveyance or assignment for the purpose.

Provided always, that where the property disclaimed is of a leasehold nature, the Court shall not make a vesting order in favour of any person claiming under the bankrupt, whether as under-lessee or as mortgagee by demise except upon the terms of making such person subject to the same liabilities and obligations as the bankrupt was subject to under the lease in respect of the property at the date when the bankruptcy petition was filed, and any mortgagee or under-lessee declining to accept a vesting order upon such terms shall be excluded from all interest in and security upon the property, and if there shall be no person claiming under the bankrupt who is willing to accept an order upon such terms, the Court shall have power to vest the bankrupt's estate and interest in the property in any person liable either personally or in a representative character, and either alone or jointly with the bankrupt to perform the lessee's covenants in such lease, freed and discharged from all estates, incumbrances, and interests created therein by the bankrupt.

THE BANKRUPTCY ACT, 1890.

SECTION 13 (2).

The Court may, if it thinks fit, modify the terms prescribed by the proviso in sub-section 6 of the same section (a) so as to make the person in whose favour the vesting order may be made subject only to the same liabilities and obligations as if the lease had been assigned to him at the date when the bankruptcy petition was filed, and (if the case so requires) as if the lease had comprised only the property comprised in the vesting order.

(a) Section 55 of the Bankruptcy Act, 1883, above.

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Notice of Disclaimer
without the leave of
the Court.

THE BANKRUPTCY ACTS, 1883 & 1890.

In the County Court of Kent,
Holden at Canterbury.

IN BANKRUPTCY.

No. 1 of 1893.

RE George Reader Dowker (Summary Case)

TAKE NOTICE that by writing under my hand, bearing date the 16th
day of February 1893, I, Worsfold Howell
the Trustee of the property of the above-named

(a) "The lease dated the day of 189," or as case may be.
(b) Insert description of property disclaimed.

bankrupt, disclaimed ~~the~~ tenancy of the following viz. -
A Cottage and of the premises known as Garden with the
School Field, Rookson Field, and other
fruit plantation situate at Stourmouth, Kent,

(c) "On a tenancy," or "for the term of years," or as case may be.

(which were let to the above named Bankrupt) and
also an Agreement for Tenancy dated the 27th
day of May 1891. made between George Dowker
and the above named Bankrupt relating to the
School Field & all other (if any) agreements
at a rent of £ per (4)
relating to all or any of the above specified property.

(d) Add where necessary, "pursuant to notice dated the day of 189."

The above-mentioned disclaimer has been filed in Court with the proceedings in the bankruptcy.

Your attention is directed to the provisions of the Bankruptcy Acts, printed on the back hereof.

Dated this 16th day of February 1893.

Worsfold Howell
Official Receiver and Trustee.

Address 73 Castle Street,
Canterbury.

20 Mr. George Dowker of 2 Laburnum Villa, [SEE BACK.
S.P. Road, Ramsgate (the Landlord) and
Messrs Emerson & Co of Sandwich (Solicitors
to the Mortgagees).