CHAPTER i.

An Act for giving effect to an Arrangement between the Local Board of Bromley in the county of Kent and the Owners of a Gravel Pit in the Great Page Heath Field at Bromley; and for other purposes. [24th April 1877.] A.D. 1877.

WHEREAS by an Act of Parliament passed in the fourth year of King George the Third, intituled "An Act for extinguishing the right of common in, over, and upon certain commonable lands and grounds within the manor and parish of Bromley in the county of Kent," it was, amongst other things, enacted that from and after the 24th day of June 1764 it should be lawful for the surveyor or surveyors of the highways of the parish of Bromley for the time being from time to time and at all times thereafter to cut, dig, gather, take, and carry away any quantity or quantities of gravel or other materials for repairing of roads out of and from any pit or pits then in the possession of William Scott, therein named, and lying and being within the said parish, to be made use of by him or them, or as he or they should direct, for and towards the making, laying out, or repairing any highway or road lying and being within the said parish, without paying anything for the same, and such surveyor and surveyors was and were thereby required effectually to fence in the said pits, and to repair the said fences as occasion should require, or cause the same to be done in such manner as to prevent any mischief or accident happening therein: 4 G. 3. c. 19. (*Private*).

And whereas the parish of Bromley is an urban sanitary district, and the rights, duties, powers, and liabilities of the former surveyors of highways of and for that parish are now vested in the Local Board of Bromley (in this Act referred to as "the Local Board") as the sanitary authority of that district:

And whereas one of the gravel pits referred to in the recited enactment is situate in a piece of land called the Great Page Heath Field:

A.D. 1877.

And whereas questions have arisen between the Local Board and Marian Ellis and Louisa Ellis, both of Widmore House, Bromley, in the county of Kent, spinsters, who are or claim to be the owners of the Great Page Heath Field, as to their respective rights under the recited Act, and they have arranged to settle all matters in question between them upon the terms set forth in the heads of agreement herein-after referred to; but so far as the same is obligatory upon the Local Board, full effect cannot be given thereto without the authority of Parliament:

And whereas one part of the said heads of agreement, with the plan annexed thereto and referred to therein, has been deposited with the clerk of the Local Board:

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 as the "Bromley Local Board (Great Page Heath Field) Act, 1877."

Partial repeal of 4 G. 3. c. 19.

2. The Act of the fourth year of the reign of King George the Third, intituled "An Act for extinguishing the right of common "in, over, and upon certain commonable lands and grounds within "the manor and parish of Bromley in the county of Kent," is hereby repealed so far as it relates to the getting of gravel or other materials out of the Great Page Heath Field.

Confirming heads of agreement in schedule.

3. The articles which are set forth in the schedule to this Act of the heads of agreement, dated the 13th day of November 1876, and made between the said Marian Ellis and Louisa Ellis (therein referred to as the Plaintiffs) of the one part, and the Local Board of the other part, are hereby confirmed and made binding on the parties to the said heads of agreement, and full effect may and shall be given thereto.

Local Board to fence pits.

4. The Local Board shall cause the gravel pit or gravel pits for the time being in the portion of the Great Page Heath Field, described or referred to in Article 1 set forth in the said schedule, to be effectually fenced in, and kept so fenced, so as to prevent any mischief or accident happening therein.

Power for Local Board to release rights over reserved portion.

5. The Local Board may at any time or times, with the consent of the Local Government Board, and at such price and upon such terms and conditions as the Local Government Board approve, release to the owner or owners for the time being of the said portion

of the said field the rights of the Local Board in respect of such portion or of any part thereof.

Application of money paid for release.

6. The money paid as consideration for any such release shall, under the direction of the Local Government Board, be applied as far as practicable in the repair of the highways of the district of Bromley, or in some permanent improvement of those highways, or shall, under the same direction, be invested, and the income of the investment applied in aid of the highway rate of that district until the Local Government Board otherwise order; but the person paying any such money shall not be bound or entitled to inquire as to the observance by the Local Board of any provisions of this Act, or be bound to see to the application of or be answerable for any loss, misapplication, or non-application of the money or of any part thereof.

Saving rights under general Highway Acts.

7. Nothing in this Act shall prejudice the rights of the Local Board under the general Acts of Parliament for the time being in force relating to highways.

A.D. 1877.

SCHEDULE to the foregoing Act.

Article 1.—The Plaintiffs will by deed grant or demise, or will otherwise effectually secure to the Local Board, their successors and assigns, the sole and exclusive right to cut, dig, gather, take, and carry away any quantity or quantities of gravel or other materials for repairing roads for the purposes authorised by the recited enactment, without paying for the same; and also free access, with or without horses, carts, and carriages, for all such purposes, from, through, over, and upon that part of the Great Page Heath Field which on the plan annexed hereto is coloured red, and which part contains four acres two roods and eighteen perches, or thereabouts, the form of any such deed in case of dispute to be settled by any one of the conveyancing counsel of the Chancery Division of the Supreme Court.

Article 2.—The Local Board will release to the Plaintiffs the right of the Local Board under the recited enactment to get gravel or other materials concurrently with the Plaintiffs from that part of the Great Page Heath Field which on the plan annexed hereto is coloured green, and which part contains four acres three roods and four perches, or thereabouts.

Article 3.—The Local Board will cause the gravel or other materials to be worked in the part coloured red of the said field in such manner as not to bring down the sides of the gravel pit at the boundary of that part, or to bring down any fence which may be erected on that boundary.

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