

Black Lane: document analysis

Application to record Black Lane as a restricted byway between Knowlton and Betteshanger

I. Introduction

A. Quick reference

A.1. Location plan (see application map at part II below for scale representation):

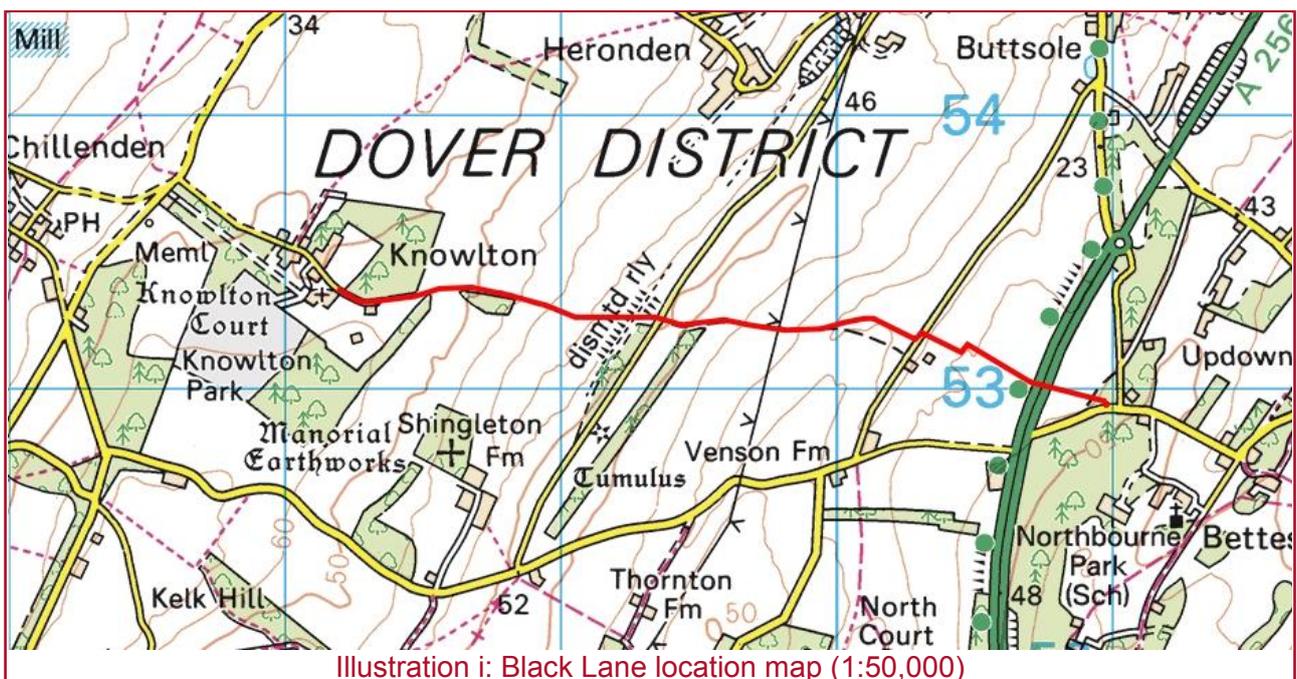


Illustration i: Black Lane location map (1:50,000)

- A.2. Existing public rights of way comprised in application way: EE261 (part of way only)
- A.3. Parishes of: Goodnestone and Eastry
- A.4. Former parishes of: Knowlton and Eastry
- A.5. Termination points: Knowlton Lane opposite Knowlton Church, and Betteshanger near the Roman Road
- A.6. Ordnance Survey termination points: TR28165337 to TR31015290
- A.7. Postcode: CT3 1PT
- A.8. Ordnance Survey Explorer sheet: 150
- A.9. Ordnance Survey County Series 25" sheets: Kent XLVIII/13 and 14 and LVIII/2

B. The applicant

B.1. The application, the evidence for which is summarised in this document, is made by Hugh Craddock on behalf of the British Horse Society. I am appointed by the society as a volunteer district access and bridleway officer for the borough of Epsom and Ewell in Surrey, and am also authorised to make applications on behalf of the society in relation to East Kent. I am employed as a casework officer for the Open Spaces Society, and was formerly a civil servant in the Department for Environment, Food and Rural Affairs (and predecessor departments), whose responsibilities included Part I of the Countryside and Rights of Way Act 2000 and the Commons Act 2006.

C. Locational details

C.1. This application relates to a way in the parishes of Goodnestone and Eastry, in the district of Dover, in East Kent. The way is currently recorded in part on the definitive map and statement as a footpath, and in part is not recorded at all. The application seeks to record the way as a restricted byway.

D. Application

D.1. The application is made under section 53(5) of the Wildlife & Countryside Act 1981 to Kent County Council that a definitive map modification order be made under section 53(3)(c)(i) and (ii), as the case may be, to record Black Lane as a restricted byway.

D.2. The application relates to the route from the turning to St Clement's church on Knowlton Lane, a minor road from the Sandwich Road to Knowlton marked at A on the application map at part II below (Ordnance Survey grid reference TR28165337), south-east along an enclosed sealed lane for a distance of 140 metres, to B (TR28265330), then east along the lane for a distance of 80 metres, to C (TR28355330), then east and then east north-east and then east across a pasture for a distance of 200 metres, to D (TR28545331), then (coincident with the parish boundary between Eastry and Goodnestone) east along a sunken lane (enclosed on the south side only) for a distance of 100 metres, to E (TR28635332), leaving the parish boundary at E, then generally east along the sunken lane (enclosed on alternate sides) for a distance of 750 metres (crossing the dismantled light railway at F (TR29285324)) to the minor sealed lane, Thornton Lane, at G (TR29375323). Then resuming on the other side of Thornton Lane, generally east for a distance of 950 metres (initially enclosed, but shortly following the headland, before veering away from the present headland at H (TR30035318)), to the minor sealed lane, Venson Bottom, at I (TR30295312), then resuming 15m north of I on the other side of the lane at J (TR30305313), generally east south-east for a distance of 470 metres (with a dog-leg as marked) to join the cycleway alongside the Dover Road (A256), at K (TR30735300). Then resuming on the other side of the Dover Road at L (TR30775299), east south-east for a distance of 240 metres (crossing an unrecorded unsealed road inside the boundary of woodland¹) to join the sealed road, Straight Mile, at M (TR31015290) — a distance of 2,930 metres in total.

D.3. The part of the application route between E (TR28635332) and G (TR29375323) is recorded on the definitive map and statement as public footpath EE261 (see paragraph G.1 below). The application therefore seeks to upgrade the part between E and G from public footpath to restricted byway.

1 This is Lonely Lane: see application no. 374 for a restricted byway.

D.4. In the event that in the determination of this application, the determining authority concludes that there is insufficient evidence to support a definitive map modification order being made in respect of a restricted byway, the determining authority is alternatively specifically invited to consider that the evidence is sufficient to support such an order being made in respect of a bridleway, as regards the route described above.

D.5. The points A to M are identified in the application map at part II below.

E. Background

E.1. The application route is known as Black Lane in its entirety, and is part of a historic way between Canterbury and Deal. At least from mediæval times, and perhaps from Roman, Deal was a significant Channel port. It did not possess the safe harbour of Dover and other Channel ports, but it was protected from heavy seas in strong prevailing winds by the Goodwin Sands (the part of the Channel in the lee of the Goodwin Sands is known as ‘the Downs’), and the town established an important role as an anchorage for trading and naval vessels, and as a place where minor repairs could be effected, provisions taken on board, and passengers could embark for, and disembark from, journeys to the continent and elsewhere. It follows that there was a significant demand for travel inland to and from Deal, and particularly travel via Canterbury to and from London.²

E.2. Black Lane is clearly of indeterminate but significant age. Some sources represent it as a route of some substance. Much of the application route, notably between D and east of G, is significantly sunken below the level of the surrounding land, in an undulating chalk landscape area where deeply incised ways are uncommon, which is suggestive of use over a very substantial period of time. A mediæval settlement may have existed between E and F (in the Heronden valley) known as Woghope or Woodhope³ — there is now no trace. Part of the route is coincident with a parish boundary, and most of the route west of G lies along long-established field boundaries. Between G and H, the route is itself a well-defined boundary between adjacent fields. Black Lane cannot therefore be recent in origin: although it is not represented on the earliest published maps, those maps are selective in what is represented, and the physical evidence of long-established use demonstrates that it must have subsisted contemporary with such maps.

E.3. In a paper for the *Archaeologia Cantiana* entitled *Old Roads in East Kent and Thanet*⁴, the author, George P Walker, writes somewhat speculatively that, ‘There can be little doubt that most of these [pilgrims’] roads were in existence at the time of Julius Cæsar’s invasion in 54 B.C., and that, on his way to Barham Downs, he would most likely make use of the one that started from the Strand at Deal, passed through Upper Deal, Knowlton, Goodneston and Adisham on its way to Canterbury. Parts of this road can be traced to this day.’

E.4. The earliest available mapping, dating from the late seventeenth century and eighteenth century, presents a more ambiguous position. Broadly, maps of this era show a way from Canterbury to Deal which cleaves to one of three identifiable routes:

² *The Invaders Shore (Deal)*, W P D Stebbing 1937

³ *Memorials of the Royal Ville and parish of Eastry*, W F Shaw, p.66: www.ebooksread.com/authors-eng/w-f-william-francis-shaw/liber-estriae-or-memorials-of-the-royal-ville-and-parish-of-eastry-in-the-cou-hci.shtml, attributed to notes in the manuscript collection of William Boteler.

⁴ Vol.38, 1926, p.75–87.

E.5. The first class of maps ('class I': assembled in part IV below) show no direct route between the respective city and town, but only the possibility of travel between Canterbury and Sandwich, then to pass close to the coast south to Deal: such a route is commended, for example, in the entry for London to Deal in *Paterson's Roads* (see item V.S below), which describes a route via Canterbury, Sandwich, Cottington⁵ and Deal.

E.6. The second class ('class II': also in part IV below) shows a direct if sinuous route between city and town: some of these appear to follow (for the major part) the course of a stream or river, and in general, to the extent that these maps identify a genuine line of route, the way may be said to pass through Tilmanstone and to the south of Knowlton.

E.7. The third class ('class III': see relevant maps in part V below) shows a way between Canterbury and Deal which passes immediately to the north of Knowlton House or Knowlton Park, and continues east via Betteshanger. The class III way is presumably that envisaged by George P Walker as an ancient 'pilgrim's road'.

E.8. It is not difficult to trace the entire route between Canterbury and Deal, of which Black Lane forms part. It is shown on the first published Ordnance Survey map, the Mudge-Faden map (see item V.N below), presented as a main road with a thickened edge line and coloured in ochre. It follows the Roman road east out of Canterbury, through Littlebourne, to Wingham Well⁶, along Wingham Well Lane, descending Neavy Downs to cross the Adisham Road, along Crockshard Lane and up Crockshard Hill past Crockshard Farm, along Goodnestone Road and Clay Lane past Claypits, then descending the downs north of Chillenden immediately past Chillenden mill (on an alignment to the northeast of the present road, and which has been lost), crossing Sandwich Road immediately opposite the junction with Knowlton Lane (this part being briefly recorded as footpath EE276), continuing along Knowlton Lane through Knowlton and along Black Lane to Betteshanger, then east of Betteshanger along the old road (diverted to the present Straight Mile in the nineteenth century) to the Broad Lane and Northbourne Road crossroads north of Northbourne. From here, the way followed Broad Lane over How Bridge, to continue southeast along Bridge Hill and what is now the main road to Sholden and Deal (but which was not laid out as a main road north of Bridge Hill until 1797, when the road was turnpiked). It will be seen that, while much of this route remains part of the public road network today, a significant part from near Chillenden mill to near Little Betteshanger is now unrecorded or under-recorded as public highways.

E.9. Many early maps were largely the product of plagiarism, and derived from other sources. So it may be that most of these maps derive from a handful of original surveys of different dates. It is hard to reconcile the several maps of the eighteenth century which show a class II route between Canterbury and Deal, with the numerous sources from the turn of the eighteenth century and early years of the nineteenth century which show a class III route — and indeed, which suggest that the class III route had primacy. Any account of these differences is, on the evidence available, a matter of speculation pending authoritative historical research. It is clear that Black Lane continued to be used as a public way through the nineteenth century, but perhaps, because of the advantages of Thornton Road for wheeled traffic, the continuing use of Black Lane tended to be on foot

5 The only surviving element of Cottington appears to be Cottington Court Farm, on the main road between Deal and Sandwich about 1km northwest of Sholden.

6 The present A257 northeast from Bramling to Wingham is the product of a nineteenth century road improvement: the road from Canterbury to Wingham formerly passed through Wingham Well and along Mill Road.

or on horseback. For some journeys, Black Lane would have remained more direct, even if the surface was inferior and more acutely graded.

E.10. Regardless of the history, the general (but not invariable) position is that maps, insofar as they show Black Lane at all, tend to show a route which is already in decline, and one which may have been eclipsed, probably during the first half of the nineteenth century, by alternative routes. One possible explanation for the decline can be found in the parallel decline of Deal following the close of the Napoleonic Wars. Deal had expanded steadily during the seventeenth and eighteenth centuries, owing to its importance as a naval station, and serviced an ever-increasing tonnage of vessels, both naval and merchant, navigating the Downs. During the Napoleonic Wars between 1793 and 1815, the town was busy victualling naval shipping and accommodating naval and military officers. In 1795–96, a signal telegraph was commissioned by the Admiralty between Deal and London, with a semaphore hut in Betteshanger. The population of Deal increased by 35% between 1801 and 1811. Between 300 and 400 sailing craft could be at anchor in the Downs at any one time. But after the close of the Napoleonic Wars in 1815, Deal fell into a decline, employment fell, and property prices collapsed. Demand for pilots diminished, pilotage services migrated to Dover, and landing privileges were withdrawn. Fewer vessels had need of anchorage in the Downs.⁷ By the time William Cobbett passed through in 1823, he wrote notoriously that: ‘Deal is a most villainous place.’⁸

E.11. Pilots were accustomed to take on vessels at Deal, and to alight from them along the Thames estuary coast, typically at Gravesend. If necessary, if there were no hires available in the opposite direction, the journey back to Deal might be made by land, through Canterbury and along Black Lane. But the decline in pilotage activity in Deal, and then the opening of the Minster to Deal railway in 1847, must have greatly diminished the use of Black Lane as part of a long-distance route between Canterbury and Deal, while the sparsely populated countryside along the route would have generated little local traffic. Accordingly, it seems that traffic along Black Lane must have declined substantially in the first part of the nineteenth century.

E.12. It seems that the decline in use was more than matched by the determination of nineteenth century local landowners to erase Black Lane as a historic way., at least east of Thornton Lane (G). A series of documents of that era seek to diminish its status, notwithstanding the strong evidence of its historic character. These commence with the Contracted map of principal roads in Eastry (item V.AD below), dating from 1836, which records the application way between E and M as the ‘Supposed Road to Knowlton’ — yet five years later, the Knowlton tithe map recorded the same way as ‘From Betshanger’. In 1861, the plans for the Ramsgate Sandwich Deal and Dover Railway (item V.AJ below) recorded the application way as an ‘Occupation Road’; in 1862–65 the several consecutive plans for the Dover, Deal and Sandwich Railway (item V.AK below) recorded a ‘Road’ or ‘Occupation Road’, while in 1872 the Walmer, Deal and Adisham Railway (item V.AP below) refers to an ‘Occupation Road’ in the book of reference, but the identification of a public road in the section has been subsequently erased. The Ordnance Survey, County Series twenty-five inch 1st edition (item V.AQ below) map, surveyed in 1872, shows no defined way east of the Dover Road between L and M, and woodland planted across the way immediately west of M. Were there no evidence of the historic existence of the way

⁷ *Archaeologia Cantiana* Vol 84 1969 [Rise and decline: Dover and Deal in the C19](#), John Whyman.

⁸ *Rural Rides*, Sept. 3rd to 6th, 1823: [From Dover to the Wen](#). Cobbett continues: ‘It is full of filthy-looking people. Great desolation of abomination has been going on here; tremendous barracks, partly pulled down and partly tumbling down, and partly occupied by soldiers. Everything seems upon the perish.’

prior to the middle of the nineteenth century, these documents would tend to suggest that no public way existed east of Thornton Lane at G.

E.13. And yet there is sufficient evidence that Black Lane remained in public use in some form into the twentieth century, and indeed, that part of it, between E and G, was recorded as a public footpath on the post-war definitive map and statement (and that the omission of the part between A and E appears attributable to some administrative confusion: see paragraph G.1 below).

E.14. The evidence for the existence of public rights over the way east of G relies partly on the depiction of the way on historic maps. However, apart from a slight dog leg between I and J, the course of Black Lane is a direct and continuous way between A and M and indeed, is today a public road beyond points A (heading west) and M (heading east). The evidence for the status of the way between A and G is good, and it is inevitable that if this part of the way is a public way of whatever status, then the whole of the route must be of the same status. It is inconceivable that all users of Black Lane, heading due east from Chillenden, would have turned off south or north along Thornton Lane, or along Venson Bottom, with none continuing east towards Betteshanger and Deal, for the character of the way on historical maps is that Black Lane was at one time a significant and direct through route. Indeed, the only possible reason for using Black Lane to reach Eastry (via Thornton Lane or Venson Bottom) as opposed to continuing on to Betteshanger and Deal, is for transit on horseback or by carriage from Knowlton village itself, for Heronden Road provides a more direct route from Chillenden and places further west, yet Knowlton has always been little more than a hamlet, and hardly capable of accounting for such a physically well-established track. Moreover, a series of historical documents (items V.M: The History and Topographical Survey of the County of Kent, V.Y: Upper Venson estate plan, V.AC: Knowlton parish terrier, V.AF: Knowlton tithe map, V.AO: Order of exchange (glebe land), V.AV: Eastry Rural District Council highway committee report) describe the application way as a way leading to Deal or Betteshanger, destinations which make sense only in the context of a way which leads east from Knowlton direct to Betteshanger.

E.15. The importance of the historical maps is more than the mere representation of Black Lane as a physical feature: the maps demonstrate that Black Lane was regarded as one of a handful of options for travellers between Canterbury and Deal, and by some mapmakers as the pre-eminent such route. It follows that the status of Black Lane as a public way cannot be in doubt, because no reliable mapmaker, still less a generation of mapmakers over a century or more, would present Black Lane as a through route if it were not regarded as a public way. Moreover, as those who were most likely to buy such maps would travel on horseback or by carriage, it is safe to conclude that the way is at least of bridleway status. The applicant goes further, and says that the only proper conclusion to be drawn from those maps is that the way is in fact a carriageway.

F. Private rights

F.1. The existence of Black Lane as an ancient feature of the landscape is beyond doubt. Black Lane is part of a long-distance route which traverses, among others, the parishes of Goodnestone, Chillenden, Knowlton, Eastry and Betteshanger, across sparsely populated countryside. Historical records suggest that the land in east parish has traditionally been in separate estates, ownerships and manors.

F.2. A private road (or path) must be attributable to either:

- private ownership, such that the road is owned by a specific landowner who has exclusive control of the road, and who uses the road either for the private purposes of the landowner, or for the landowners' tenants, employees or others — an example is a carriage drive across a park, where both the drive and park are owned by the landowner, and the carriage drive provides a means of access to the principle house of the landowner;
- private right of way (or easement), such that the road is owned by A (A is the owner of the 'servient tenement': in this case the road), but B has a private right of way along the road to provide a means of access to B's own land (B is the owner of the 'dominant tenement') — an example is a track from a public road across a field to a cottage, where A owns the field and the track across it, but B has a right of way along the track as a necessary means of access to the cottage.

F.3. Neither context is remotely likely in relation to Black Lane. The lane traverses land in several separate ownerships, and it appears that it has done so since the mediæval period, when the land was formerly church land. There are no plausible circumstances which could give rise to Black Lane having been established as a private right of way: Black Lane is physically a through route, with terminations on other public roads (and crossing public roads), and there is no evidence of any significant habitation along or near its alignment which could give rise to a private right of way: the way is too well-defined, too long, and the land traversed lacking in patterns of land use likely to give rise to such private rights.

G. Public footpath EE261

G.1. The application route between E and G is recorded on the definitive map and statement as public footpath (Eastry) EE261. The following explanation of the omission of the route between A and E has been given by a council officer in an email dated 6 January 2014:

'I've had a look at the gap at Black Lane and it appears that there was some confusion in the early 1950s as to the extent of the public highway (see attached). Goodnestone Parish Council identified the whole route from Knowlton to Thornton Lane as a public path, but a pencilled annotation on the statement suggests that someone thought the whole length was an unclassified road. The Draft Map for Goodnestone Parish shows the length of Black Lane as a public highway but with a pencilled annotation marking the end of the road as being by the church. The extent of the road at that time is confirmed by the 1953 Highway Inspector's map but for some reason the length of path between the road and the parish boundary never made it onto the original Definitive Map (relevant date 1952), although the section of the route in Eastry parish did make it on as FP EE261. It seems likely that the missing section should be recorded on the Definitive Map, but you would need to make a s53 application so that the matter can be more fully investigated (application pack attached).'

H. Nomenclature

H.1. References in this document to Black Lane are (unless the context otherwise demands) to the application route between points A and M. References to Knowlton Lane

are to the public road west of point A towards the Sandwich Road. References are made to Thornton Lane (the minor road between Thornton Road at Thorntonhill Cottages and Eastry), Venson Bottom (the minor road between Venson Farm and Buttsole Pond)⁹, the Dover Road (now the Betteshanger bypass, which is established on a slightly more westerly alignment than the original turnpike road), Cater Road (a minor road from the Dover Road to Straight Mile), Thornton Road (a road from the Cuckolds Corner to Kettington Road to Betteshanger via Thorntonhill Cottages, which continues as Straight Mile east to Northbourne).

H.2. The Dover Road is the former Dover, Waldershare to Sandwich turnpike, authorised in 1801¹⁰. The turnpike adopted the former Roman road between Woodnesborough and south of Buttsole Pond (now a roundabout on the A256), before veering to a slightly more westerly route south through Tilmanstone which is now approximately the course of the A256 dual carriageway. The route south of Buttsole Pond appears to have been an improvement of an existing way, but does not appear as a principal road on maps surveyed before 1801.

I. Grounds for application

I.1. The courts have given guidance on how evidence of highway status is to be considered. In *Fortune and Others v Wiltshire Council and Another*¹¹, Lewison LJ said, at paragraph 22,

‘In the nature of things where an inquiry goes back over many years (or, in the case of disputed highways, centuries) direct evidence will often be impossible to find. The fact finding tribunal must draw inferences from circumstantial evidence. The nature of the evidence that the fact finding tribunal may consider in deciding whether or not to draw an inference is almost limitless. As Pollock CB famously directed the jury in *R v Exall* (1866) 4 F & F 922:

“It has been said that circumstantial evidence is to be considered as a chain, and each piece of evidence as a link in the chain, but that is not so, for then, if any one link broke, the chain would fall. It is more like the case of a rope composed of several cords. One strand of the cord might be insufficient to sustain the weight, but three stranded together may be quite of sufficient strength”

I.2. The correct test under s.53(3)(c)(i) is whether:

‘the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows—(i) that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path...’.

⁹ There is some doubt about the correct name, if any, for this lane. It is described as Pike Road on Google mapping, but has no name on Ordnance Survey maps, however Pike Road is undoubtedly the name of a road leading south from Thornton Road towards Eythorne. Venson Bottom is adopted here for convenience.

¹⁰ Under an Act of 41 Geo 3, c.11.

¹¹ [2012] EWCA Civ 334

The surveying authority must therefore make an order consequent on this application where the evidence (of the application, taken with any other evidence) shows that there is a reasonable allegation of the existence of the application way.

I.3. In respect of the part of the application way which is already recorded on the definitive map and statement as footpath EE261, the test is under s.53(3)(c)(ii), as to whether:

‘the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows—... (ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description’.

I.4. While no single piece of evidence in this application is conclusive, the applicant believes that, taken as a whole, the evidence in this document analysis demonstrates highway reputation over many years, indicating that the route does indeed have highway status, and that prior to the Natural Environment and Rural Communities Act 2006 (as to which, see below), there were full vehicular rights.

J. Natural Environment and Rural Communities Act 2006

J.1. The application seeks to show that the application way is a public carriageway. None of the application way is recorded as publicly maintainable in the list of streets held by Kent County Council under section 36(6) of the Highways Act 1980. The effect of section 67 of the Natural Environment and Rural Communities Act 2006 is to extinguish public rights for mechanically propelled vehicles where none of the exceptions in section 67 apply. The application is therefore made for a restricted byway.

K. Points awarded

K.1. Points have been awarded to each piece of evidence in relation to the application way, calculated according to the guidance in *Rights of Way: Restoring the Record*¹². No points have been awarded in relation to evidence of the part of the application route between E and G which is recorded on the definitive map and statement as a public footpath, insofar as the evidence supports only a public footpath.

K.2. **Points:**

Part	Points A–G	Points G–I	Points J–M
<i>restricted byway</i>	26	14	12
<i>bridleway</i>	16	9	13
<i>total</i>	40	23	25

L. Width of application way

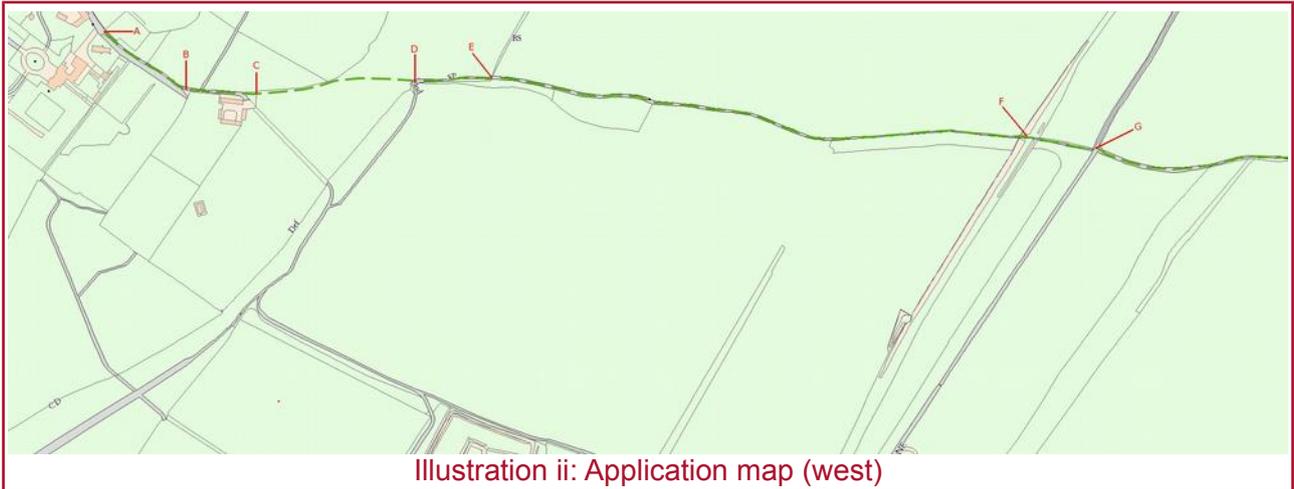
L.1. The application route width has been scaled from measurement of the Ordnance Survey twenty-five inch map 1st edition of 1872–73 (see paragraph V.AQ.5 below) and associated book of reference, together with the evidence of the Eastry tithe surveyor’s field books (see item V.AE below) as regards the route in the vicinity of D.

¹² Sarah Bucks and Phil Wadey, 2nd ed. 2017.

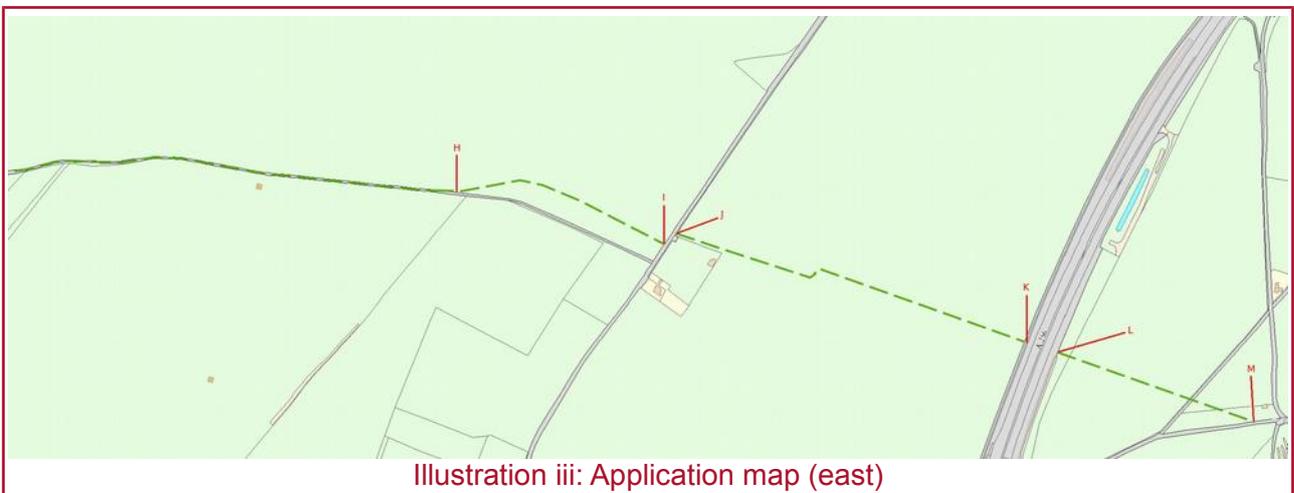
- A–B: 11m
- B–C: 7m
- C–D: 7m narrowing to 4m and then widening again to 7m at D
- D–E: 4m
- E–G: 4m
- G–I: 5.5m (see paragraph VI.AP.5 below as regards parcel 211)
- I–K: 4m

II. Application map

West:



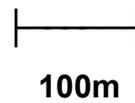
East:



Notes:

Scale: approx. 1:6,200 (when printed A4)

Application route is marked 



III. Along the way



Illustration iv: Black Lane at Knowlton Church east from A



Illustration v: Black Lane east of E



Illustration vi: Black Lane west of Thornton Lane at G



Illustration vii: Black Lane east of Thornton Lane (G)



Illustration ix: Black Lane east from Venson Bottom (J)



Illustration viii: Black Lane looking east towards H

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IV. Historic class II maps

This part of the evidence features a number of small-scale maps of Kent which show road communications between Canterbury and the east coast of Kent according to class II identified in paragraph E.4 above. They depict a direct if sinuous route between city and town: some of these appear to follow (for the major part) the course of a stream or river, and in general, to the extent that these maps identify a genuine line of route, the way may be said to pass through Tilmanstone and to the south of Knowlton. None of these maps show the way passing through Knowlton.

A. Kent Actually Survey'd and Delineated

A.1. **Date:** 1688

A.2. **Source:** British Library¹³



Illustration x: Seller: Kent Actually Survey'd and Delineated

A.3. **Description:** This map is an updated reprint of John Seller's map of 1681. It is one of the earliest maps of Kent to depict a way between Canterbury and Deal, which passes through Bekesbourne, Adisham, Ratling, Nonington, Holtstreet, Easole Street (both now part of the Sandwich Road through Nonington), Tilmanstone, Stoneheap, Great Mongeham and Upper Deal.

A.4. **Conclusion:** The depiction of the way on the map shows remarkable fidelity to the present day route from Ratling (note the dogleg along Ratling Road), Easole Street, Sandwich Road, Kelk Hill, and across the junction with Mill Top into Thornton Road. The route from Thornton Road to Tilmanstone is now less easy to identify, but from Tilmanstone it is likely to have continued along bridleway EE378 (prior to a diversion of 1884 this was the main road between these places) and footpath EE379 to pick up Willow Woods Road past Stoneheap into Great Mongeham. The cross road from north to south shown between Stoneheap and Great Mongeham may be Northbourne Lane/Stoneheap Road.

13 cc.5.a.67: copy available at www.oldkentmaps.co.uk/images/Kent/025-v.jpg .

A.5. The Canterbury to Deal way is shown on an alignment well to the south of Knowlton, which is depicted as an isolated village, and therefore the map does not appear to show the course of Black Lane. As a map showing very few roads, the map does not however exclude the existence of Black Lane.

A.6. **Points:** 0

B. Maps of the Counties of England and Wales

B.1. **Date:** 1695

B.2. **Source:** British Library¹⁴



Illustration xi: Morden: Maps of the Counties of England and Wales

B.3. **Description:** This map by Robert Morden is very similar to the Seller map (item IV.A above) in its depiction of the Canterbury to Deal way.

B.4. **Conclusion:** The same conclusion is drawn as for the Seller map: the Canterbury to Deal way is shown on an alignment well to the south of Knowlton, and therefore the map does not appear to show the course of Black Lane. As a map showing very few roads, the map does not however exclude the existence of Black Lane.

B.5. **Points:** 0

C. The New Description and State of England

C.1. **Date:** 1701

C.2. **Source:** British Library¹⁵

14 7.tab.51: copies available at freepages.genealogy.rootsweb.ancestry.com/~genmaps/genfiles/COU_files/ENG/KEN/morden_ken_1695.html and www.oldkentmaps.co.uk/K-028-iii.htm .

15 579.d.28: copies available at freepages.genealogy.rootsweb.ancestry.com/~genmaps/genfiles/COU_files/ENG/KEN/morden_ken_1701.html and www.oldkentmaps.co.uk/K-029-i.htm .



Illustration xii: Morden: The New Description and State of England

C.3. **Description:** This widely published map, also by Robert Morden, is printed at a smaller scale than the 1695 map (item IV.B above), and accordingly contains sparser information: in particular, many small villages are omitted. But the alignment of the Canterbury to Deal way, and of Northbourne Lane/Stoneheap Road, is identical, except that the route between Adisham and Easole Street now fulfils a more northerly alignment than is apparent on the 1695 map.

C.4. **Conclusion:** The same conclusion is drawn as for the 1695 map and Seller map (item IV.A above): the Canterbury to Deal way is shown on an alignment well to the south of Knowlton, which on this map is not depicted, and therefore the map does not appear to show the course of Black Lane. As a map showing very few roads, the map does not however exclude the existence of Black Lane.

C.5. **Points:** 0

D. A New Description Of England and Wales

D.1. **Date:** 1724

D.2. **Source:** British Library¹⁶

¹⁶ k.top.16.20: copies available at

freepages.genealogy.rootsweb.ancestry.com/~genmaps/genfiles/COU_files/ENG/KEN/moll_ken_1724.html and www.oldkentmaps.co.uk/K-035-i.htm .



D.3. **Description:** This map by Herman Moll is similar in presentation to the small scale Morden 1701 map (item IV.C above). Northbourne Lane/Stoneheap Road has been omitted. The alignment of the way west of Tilmanstone adopts a more westerly than northerly direction consistent with the Morden 1695 map (item IV.B above). The way is not shown continuously into Canterbury, and is shown as a light, single line, so that it better resembles a river than a highway.

D.4. **Conclusion:** The same conclusion is drawn as for the Seller map (item IV.A above) and Morden maps: the Canterbury to Deal way is shown on an alignment well to the south of Knowlton, and therefore the map does not appear to show the course of Black Lane. As a map showing very few roads, the map does not however exclude the existence of Black Lane.

D.5. **Points:** 0

E. A collection of maps from the London Magazine

E.1. **Date:** 1749

E.2. **Source:** British Library¹⁷

¹⁷ c.24.d.20: copies available at:

freepages.genealogy.rootsweb.ancestry.com/~genmaps/genfiles/COU_files/ENG/KEN/kitchin_ken_1760.htm and www.oldkentmaps.co.uk/K-041-i.htm.



Illustration xiv: Kitchin: A collection of maps from the London Magazine

E.3. **Description:** This map, by Thomas Kitchin, is relatively small scale, and some small villages are omitted. It is similar to the Morden map (item IV.C above), in terms of the alignment of the Canterbury to Deal way and of the intersecting Northbourne Lane/Stoneheap Road.

E.4. **Conclusion:** The same conclusion is drawn as for the preceding class II maps: the Canterbury to Deal way is shown on an alignment well to the south of Knowlton, which is not depicted, and therefore the map does not appear to show the course of Black Lane. As a map showing very few roads, the map does not however exclude the existence of Black Lane.

E.5. **Points:** 0

F. An Accurate Map of the County of Kent Divided into its Lathes

F.1. **Date:** 1751

F.2. **Source:** British Library¹⁸

18 c.10.d.18: copies available at www.oldkentmaps.co.uk/K-045-ii.htm .



Illustration xv: Bowen: An Accurate Map of the County of Kent

F.3. **Description:** This map by Emanuel Bowen is very similar to the Seller map (item IV.A above) in its depiction of the Canterbury to Deal way. The accuracy of the map is called into question by the innovative inclusion of the course of a stream or river with a source in the vicinity of Bridgehill House near Adisham, and generally following but on the south side of the Canterbury to Deal way with an outlet to the sea in Deal — not only is there no such feature (the landscape being chalk downland with little or no surface drainage), but the ‘river’ and the parallel way cuts across the undulating landscape and does not follow a valley.

F.4. **Conclusion:** The same conclusion is drawn as for the Seller map: the Canterbury to Deal way is shown on an alignment somewhat to the south of Knowlton, and therefore the map does not appear to show the course of Black Lane. The reliability of the map is now somewhat brought into question by the depiction of a non-existent fluvial feature. As a map showing very few roads, the map does not however exclude the existence of Black Lane.

F.5. **Points:** 0

V. Other evidence

A. Knowlton Court ye Seat of St Thomas D'Aeth Bart & Dame Elizabeth his Wife

A.1. **Date:** 1719

A.2. **Source:** Engraving by Johannes Kip¹⁹

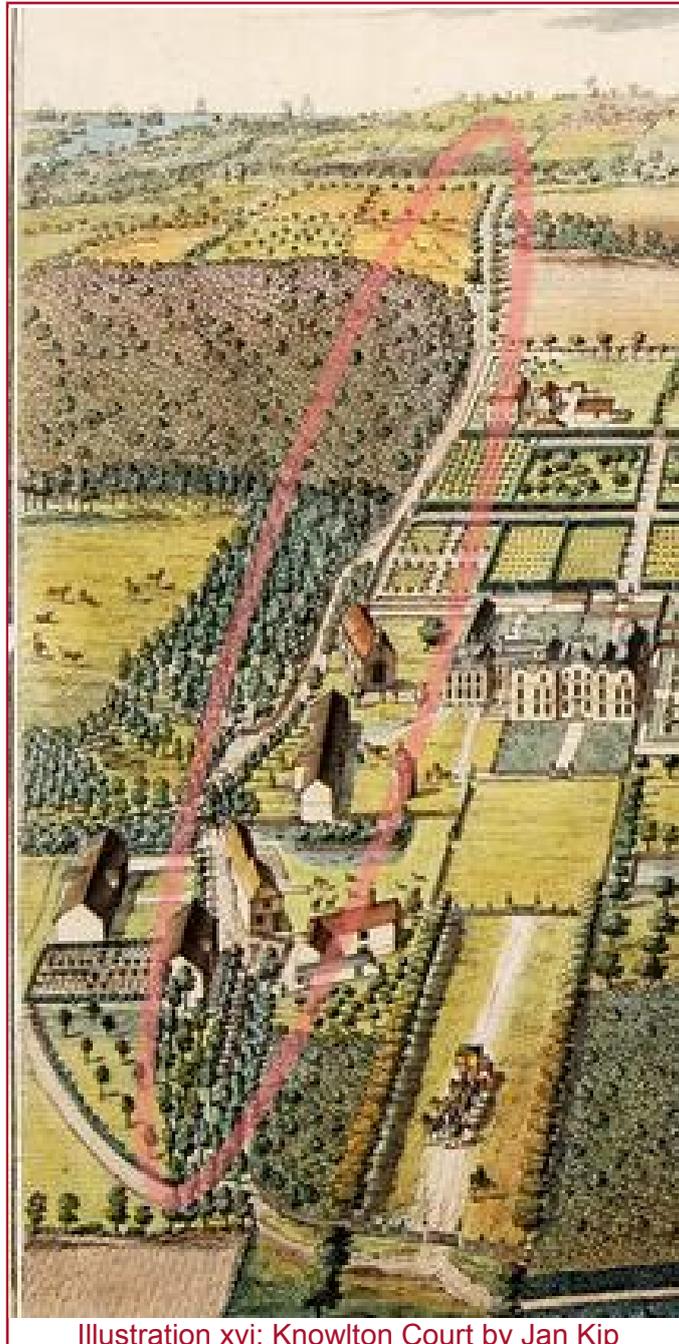


Illustration xvi: Knowlton Court by Jan Kip

19 Offered for sale by Peter Harrington Gallery: www.peterharrington.co.uk/gallery/browse/kent/knowlton-court-ye-seat-of-st-thomas-daeth-bart-dame-elizabeth-his-wife/ with enlargement at: cdn.peterharrington.co.uk/wp-content/uploads/2012/09/57280.jpg (downloaded 26 December 2015).

A.3. **Description:** A print from a copper engraving by Jan Kip, hand coloured, of Knowlton Court in 1719. Kip was a Dutch draftsman, engraver and print dealer. An extract is shown from the top left corner of the print, showing Knowlton Court itself, and to the left (north) Knowlton church. To the left of the church, leading up (east) out of the village, is a lane or road, passing to the right (south) of Home Wood, before continuing east along an avenue planted with trees on either side.

A.4. **Conclusion:** The road featured in the engraving is readily identifiable as Knowlton Lane in Knowlton village, leading into Black Lane past Home Wood and beyond towards Thornton Lane. The engraving demonstrates the existence in the early eighteenth century of a substantial road extending east beyond Knowlton Lane towards Thornton Lane, notwithstanding its absence from the contemporary small scale maps (presented in part IV above).

A.5. **Points:** 0

B. Eastry Court estate map

B.1. **Date:** 1728

B.2. **Source:** Canterbury Cathedral Archives²⁰

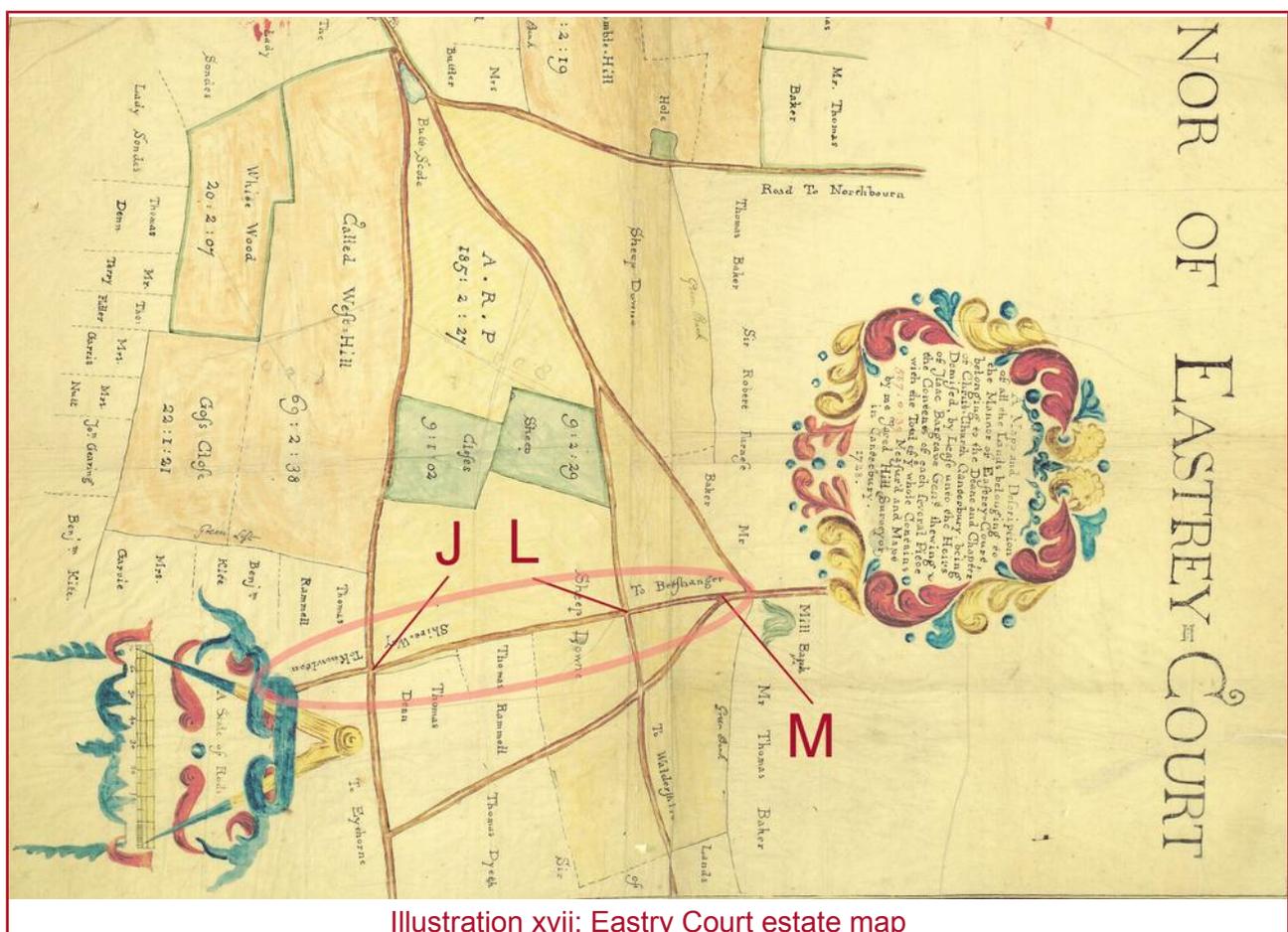


Illustration xvii: Eastry Court estate map

B.3. **Description:** Original scale: scale marked on map in rods; orientation: rotated 90°.

B.4. The map is described, in a cartouche, as:

20 CCA-U63/19308

'A Mapp and Description of all the Lands belonging to the Mannor of Eastrey-Court, belonging to the Deane and Chapter of Christ-Church Canterbury, being Demised, by Lease unto the Heirs of Isaac Bargrave Gen.^T shewing the Contents of each several Piece with the Total of the whole Contains 587:0:39²¹ Measur'd and Mapt by me Jared Hill Surveyor in Canterbury. 1728.'

A second cartouche contains the following guidance:

'Note, the fence is known to what Land it Properly belongs by a Green stroke along by the black line, **Example**, you find will from **A** to **B** the Green stroke to be of the Pyke's side, **But** from **B** to **C** the Green stroke is of Mr. James Cabble side, **The** Dotted lines signifie Division without fence as mark stones.'

B.5. The estate of Eastry Court is shown as extending sufficiently far south of Eastry to include the lands in the parish of Eastry north of the application way. The application way is shown from slightly west of its intersection with Venson Bottom at I/J, east to its intersection with the Betteshanger Road at M, and is coloured sienna in common with other roads shown on the plan. Between L and M, the application way is labelled, 'To Betshanger'. To the east of J, the way is labelled, 'Shire-Way', and to the west of I, 'To Knowlton'.

B.6. **Conclusion:** The estate map was prepared by a professional surveyor on behalf of the landowner (it is conceivable, but less likely, that the map was commissioned by the lessee). The map reasonably may be assumed to represent the disposition of the landowner. It shows the application way as road, and labels it 'Shire-Way': a shireway is a public bridleway²². The way is labelled as leading to Knowlton and Betteshanger, both destinations lying beyond the limits of the map: such labels are recognised as being associated with public highways, generally of at least the status of bridle-road.

B.7. Overall, this estate map is good evidence that the application way was regarded by the owner of the Eastry Court estate (*viz*, Christ Church, Canterbury) as a shireway or public bridleway. Although the map does not include land west of Venson Bottom, the depiction of the application way leaving Venson Bottom at point I in the direction of Knowlton, labelled as 'To Knowlton', is strongly suggestive that the whole of the application way was similarly regarded.

B.8. **Points:**

<i>Part</i>	A–G	G–I	J–M
<i>restricted byway</i>	–	–	–
<i>bridleway</i>	2	4	4

C. A Topographical Map of the County of Kent

C.1. **Date:** 1769

C.2. **Source:** British Library²³

21 237.65 ha

22 See, for example, *The Old Roads of England*, Sir William Wilkinson Addison, 1980, p.162: "Shireway: bridleway"; *A General Dictionary of Provincialisms*, William Holloway, 1840, p.151: "A bridle-way. S Sussex"; *A Dictionary of Archaic and Provincial Words*, James Orchard Halliwell, 1855, vol.II, p.733: "Shire-way: a bridle-way South".

23 k.1.tab.21: copy of index map available at www.oldkentmaps.co.uk/K-060-i.htm .

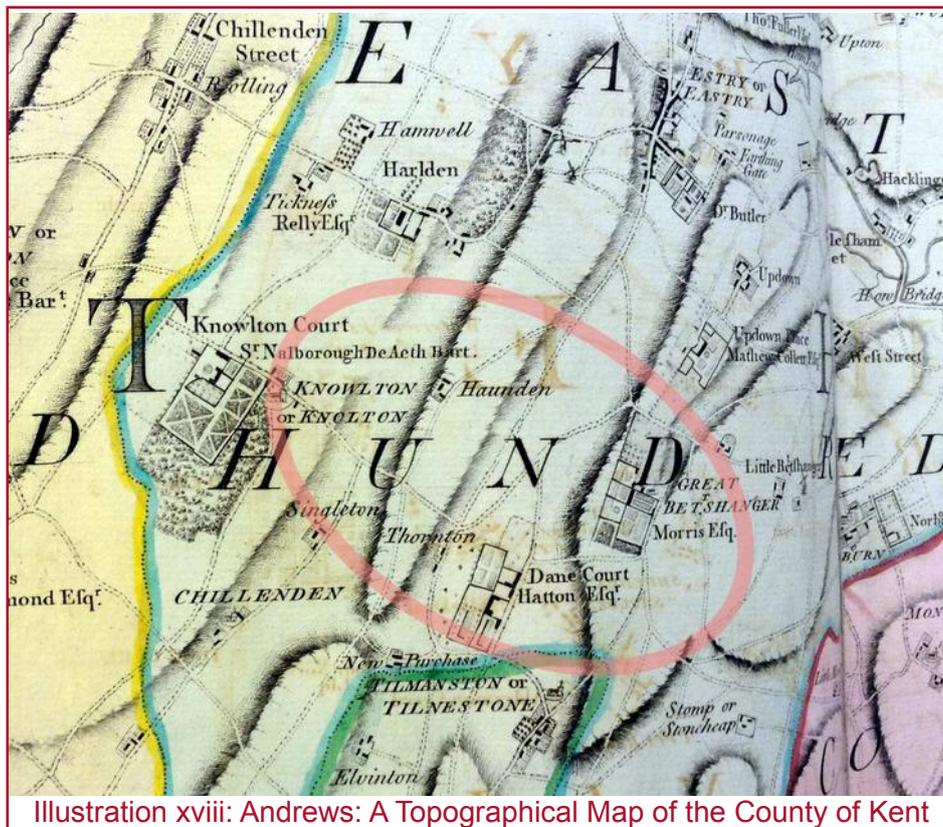


Illustration xviii: Andrews: A Topographical Map of the County of Kent

C.3. **Description:** This remarkable map comprises 25 sheets covering the county of Kent, surveyed and published by Thomas Kitchin, John Andrews, Andrew Dury and William Herbert. The maps are published at a scale of two inches to one mile, although the purpose of the individual sheets appears to owe more to the desire to show potential clients' country estates than to give an accurate representation of the county at that scale.

C.4. A number of ways are shown on the map in the vicinity of Knowlton Court, which is specifically depicted on the map.

C.5. **Conclusion:** It is difficult to relate the ways shown on the map to present or past dispositions of the road network. However, it is suggested that Knowlton Lane is shown to the north of the court, and that Black Lane is shown continuing south-east, past a turning to Singleton (which no longer exists); across the unlabelled Thornton Lane (shown as the track proceeding south-south-west of Haunden which traverses a ridge shown by hactures); continuing in the same direction to a junction with Venson Bottom near the 't' of Thornton; then proceeding (in the perception of the cartographer) north-east to a junction with Cater Road, before heading east-south-east along the old road (now bridleway EE376) from Betteshanger towards Little Betteshanger. It must be said, however, that the structure of the map is confusing, and the alignment of the way from the 't' of Thornton north-east to a junction with Cater Road is more consistent with the alignment of Thornton Road.

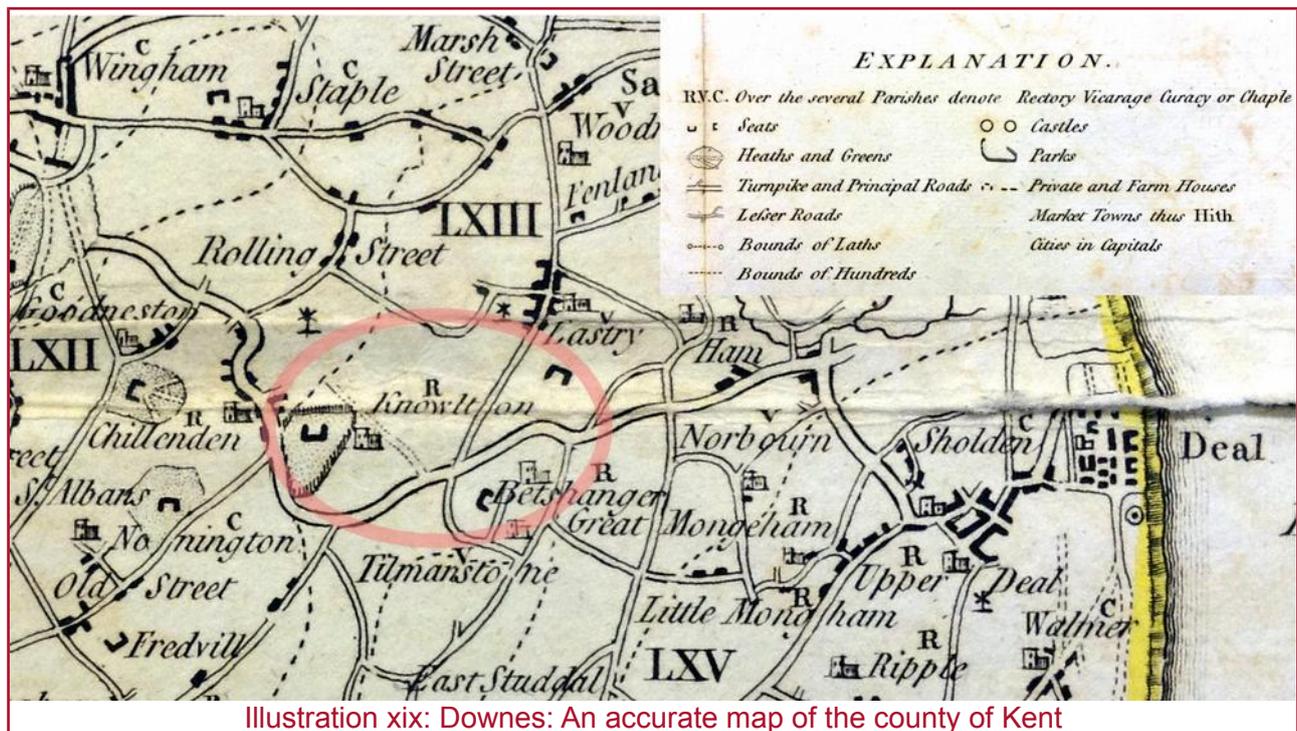
C.6. It is suggested that the map does show the existence of a way heading east along the north side of Knowlton Court, but is inconclusive about further details. Moreover, the depiction of an extensive network of ways on the map confers no certainty about the status of any one way as a public route. However, the Andrews map is the first at any scale to document a through route past Knowlton.

C.7. **Points:** 0

D. An accurate map of the county of Kent

D.1. **Date:** 1780

D.2. **Source:** British Library²⁴



D.3. **Description:** A map of Kent by C Downes. The map appears to show Thornton Road as (according to the key) the 'principal road' between Canterbury and Deal, as part of a way via Goodnestone, Chillenden, the south side of Knowlton park, Betteshanger, How Bridge and Sholden. It therefore shows the Canterbury to Deal highway in class II, but at a larger scale than hitherto, with substantially more detail than present in the small scale maps set out in part IV above. The map does not show Sandwich Road or Thornton Lane, but may show Venson Bottom as the road leaving Eastry to the south-west.

D.4. **Conclusion:** The route is closely consistent with an alignment between Canterbury and Deal which passes from Wingham Well, via Adisham Road, Crockshard Hill, Goodnestone Road, Cave Lane, past Chillenden Mill and Chillenden, Thornton Road, past Betteshanger along what is now bridleway EE376, Broad Lane, to How Bridge and along Sandwich Road via Sholden to Deal.

D.5. The map shows Black Lane between Knowlton Park and Thornton Road as a minor unenclosed route, with no apparent outlet onto, or depiction of, the Sandwich Road at the western end of Knowlton park. The junction with Thornton Road is apparently incorrectly shown, as there is no known provenance for a termination on that road at that place (probably in the vicinity of Thorntonhill Cottages), and it may be that the map draws somewhat on the Andrews *etc.* map of 1769 in that respect (item V.C above). The map therefore does not show Black Lane as a through route, and it is inconclusive as to whether Black Lane was regarded as a cross-road with public status.

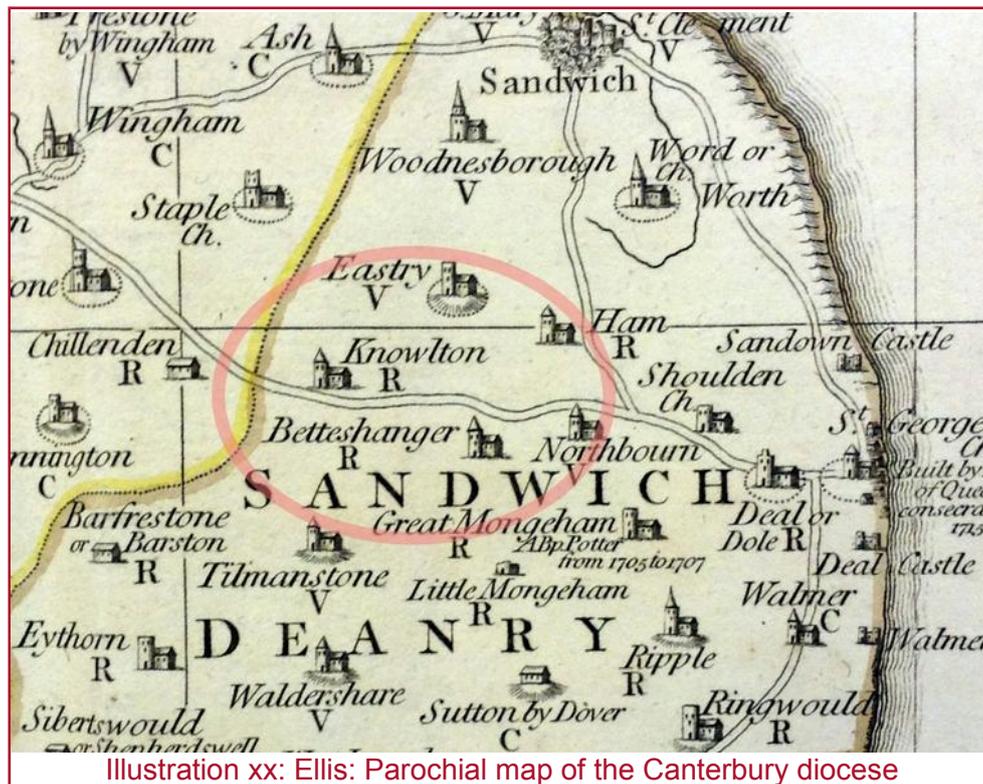
D.6. **Points:** 0

²⁴ cc.6.a.19: copy available at www.oldkentmaps.co.uk/K-065-iii.htm .

E. Parochial map of the Canterbury diocese

E.1. **Date:** 1782

E.2. **Source:** British Library²⁵



E.3. **Description:** This map by Joseph Ellis features East Kent, being a presentation in map form of the diocese of Canterbury to the Archbishop of Canterbury. It is the first map to cleave to a class III route, and shows a way between Canterbury and Deal from Wingham Well via Goodnestone, Chillenden, Knowlton, Northbourne and Sholden.

E.4. **Conclusion:** The route has similarities to the Downes map (item V.D above), and appears to follow a way from Wingham Well via Adisham Road, Crockshard Hill, Goodnestone Road, Cave Lane, past Chillenden Mill to Chillenden. However, from Chillenden, the map does not show the pronounced loop performed by Thornton Road to the south of Knowlton park, and the alignment is consistent with a route along Station Road, Knowlton Lane and Black Lane.

E.5. As the way is shown well to the north of Great Mongeham, it seems likely that the route into Deal lay via How Bridge to Sholden, although the map does not clearly show a deflection north to How Bridge; it is difficult to conceive of any alignment further south which does not pass through Great Mongeham.

E.6. The way is shown on an alignment which passes through or adjacent to Chillenden and Knowlton, and in a generally easterly direction to Betteshanger. It is consistent with the course of Black Lane, and is therefore taken to show Black Lane as part of a principal way between Canterbury and Deal.

E.7. Points:

Part	A–G	G–I	J–M
<i>restricted byway</i>	1	1	1
<i>bridleway</i>	–	–	–

(This is the first of two early county or area maps to score points: no more than two such maps are scored.)

F. Cary's New and Correct English Atlas

F.1. **Date:** 1787

F.2. **Source:** British Library²⁶



Illustration xxi: Cary's New and Correct English Atlas

F.3. **Description:** This map, by John Cary, shows a dense but distinctly rectilinear pattern of roads. Despite the reputation of Cary as one of the leading map makers of this period, the map of east Kent is manifestly inaccurate: the road pattern bears little relationship to the the known network or to other contemporary maps, place names are incorrectly located (Chillenden is shown southwest of Knowlton), misspelt (Guston for Goodnestone) or omitted entirely (Eastry).

F.4. **Conclusion:** This Cary map shows some considerable similarity (with simplification) to the Downes map (item V.D above), but bizarrely, with the entire exclusion of the Canterbury to Deal 'principal road' marked on that map, and with no accurate representation of Thornton Road.

F.5. The map does show a route on a northwest to southeast alignment through Knowlton. But it is not easy to relate this route to the road network shown on the map, which does not appear to be reliable. No conclusions therefore are drawn.

26 C.24.f.1

F.6. **Points:** 0

G. Updown Park diversion order

G.1. **Date:** 1789

G.2. **Source:** Kent County Archives²⁷

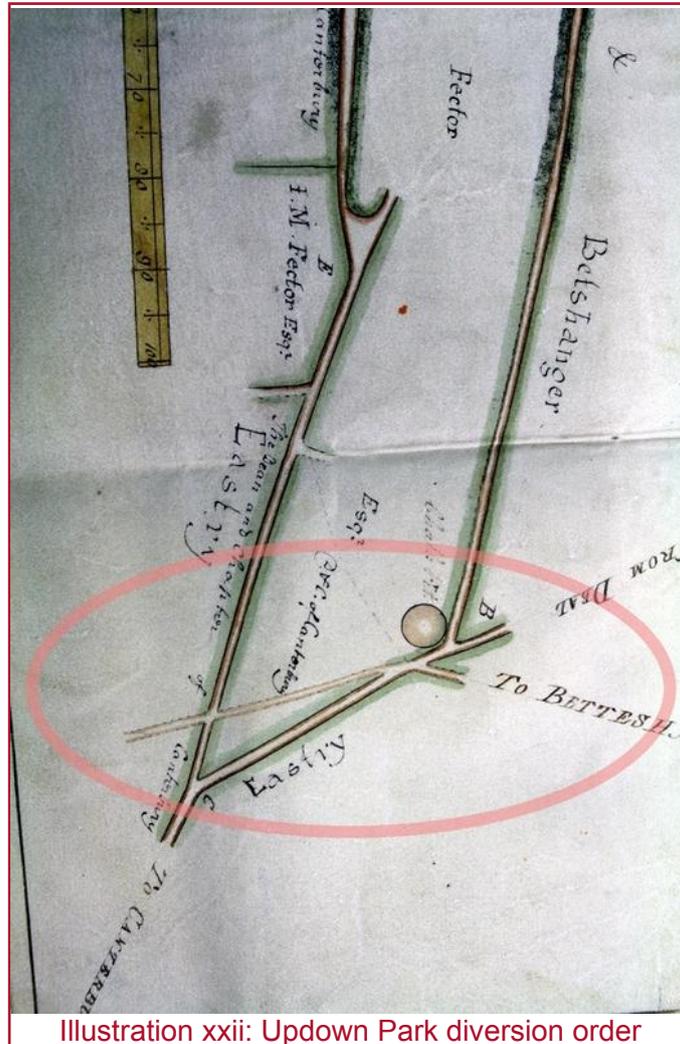


Illustration xxii: Updown Park diversion order

G.3. **Description:** The diversion order was made to remove a public highway from within Updown Park to a new alignment outside the park further to the west. Black Lane is shown in the same colouring as neighbouring roads and the road to be diverted, west from the chalk pit at M (near the point labelled B on the plan), over a junction with the replacement highway west of Updown Park, and continuing west. Thornton Road is shown on a more southerly alignment west from the chalk pit at M, turning south-southwest at the junction with the drive from Updown Lodge, and marked 'To Canterbury'. A pecked line between the chalk pit at M heading northwest to a junction with the replacement highway appears to represent a footpath.

G.4. **Conclusion:** The colouring of Black Lane shows that it was regarded as a public highway. The diversion order is good evidence of the status of Black Lane as a public way between L and M, and therefore strongly suggestive of similar status west of L. The

27 Q/RH/2/32

distinct depiction on the order map of a footpath (which corresponds to the alignment of Cater Road today) indicates that Black Lane is of at least bridleway status.

G.5. Points:

Part	A-G	G-I	J-M
<i>restricted byway</i>	–	–	–
<i>bridleway</i>	–	–	5

H. Boteler archive

H.1. **Date:** 1790–92

H.2. **Source:** Canterbury Cathedral Archives²⁸

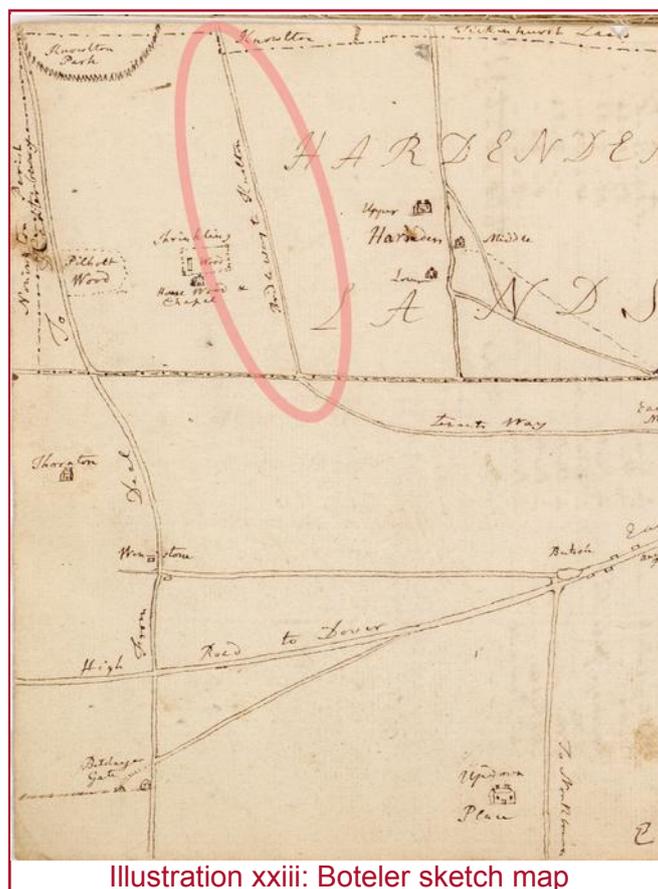


Illustration xxiii: Boteler sketch map

H.3. **Description:** A sketch map contained within Boteler’s *Collections for the Hundreds of Bewsborough, Cornilo and Eastry and part of Ringslow*. The sketch map shows the application route between A and G, annotated ‘Bridleway to Knowlton’, but does not show the route beyond G.

H.4. **Background:** William Boteler (1745–1818) was the head of a prominent local gentry family and the last male descendant. He was born in Eastry and lived there for nearly all his married life. His family had lived in Eastry parish for many generations. He was a Fellow of the Society of Antiquaries (FSA). His brother-in-law, William Boys FSA partnered him as Edward Hasted’s main support in completing his first edition of his *History of Kent*

28 CCA-U11/6/6/3

and Boteler was himself the author of an outstanding history of Sandwich. Edward Hasted, the historian of the 12 volume County of Kent, acknowledged Boteler's major contribution in his preface to the 4th volume. Hasted also dedicated the 9th volume of the second edition to Boteler, observing how the public were indebted to him for the pleasure and information his work would give to them. The Revd. William Francis Shaw, Vicar of Eastry, also used the manuscript records of Boteler, volumes, A, B and C, as a major source of information for his book *Memorials of the Royal Ville and Parish of Eastry*, published in 1870.²⁹

H.5. **Conclusion:** the Boteler sketch map is good evidence for the existence of a public bridleway between A and G, being prepared by a local historian who was intimately acquainted with the local area, and annotated as such. The sketch map recognisably shows ways around Eastry which are metalled highways today, with some annotated exceptions:

- Black Lane (marked as 'bridleway' between A and G);
- A track parallel to Thornton Lane from the junction with Black Lane at G, north to Eastry, which is annotated 'Tenant's Way';
- A (presumed) footpath between Heronden and Eastry Mills, representing the shortest route between those two points, which is marked by a dashed line.

H.6. It may be concluded that the route between A and G is therefore likely to be a public bridleway.

H.7. **Points:**

<i>Part</i>	A–G	G–I	J–M
<i>restricted byway</i>	–	–	–
<i>bridleway</i>	2	–	–

(This is the first of two local parish, estate or manorial maps to score points: no more than two such maps are scored for any part of the application route.)

I. Mr Boys' Agricultural Account of Kent

I.1. **Date:** 1794

I.2. **Source:** British Library³⁰

²⁹ From *East Kent History*, the website of the Addelam History Research Group. The source is at: www.eastkenthistory.org.uk/people:william-boteler-f-s-a, and contains footnoted references.

³⁰ Ac.3484/3.(6): copy available at www.vikingship.freereserve.co.uk/KentMap.htm .



Illustration xxiv: Cary: Mr Boys' Agricultural Account of Kent

I.3. **Description:** This map by John Cary appears in the locally prepared contribution to an officially published agricultural survey of England. It shows a network of apparently minor ways in the vicinity of Knowlton Park, which is identified on the map. Eastry is not marked, nor is Thornton Road; villages or parishes are marked carelessly (Chilenden is shown to the south of Knowlton). A way is shown to the north of Knowlton park.

I.4. **Conclusion:** This map is clearly identifiable as an evolution of Cary's map of Kent published in *Cary's New and Correct English Atlas* (item V.F above). It is difficult to relate the ways shown on the map to any other mapping which precedes or follows it, other than the maps which appear to be derived directly from it (see, in particular, the Benjamin Baker map in item V.P below).

I.5. The map does show the existence of a way northwest to southeast along the north side of Knowlton park, but is inconclusive about further details. Moreover, the depiction of an extensive network of ways on the map confers no certainty about the status of any one way as a through route.

I.6. **Points:** 0

J. The History of London, and its environs

J.1. **Date:** 1797

J.2. **Source:** British Library³¹

31 3055.(4): copy available at www.pastpages.co.uk/site-files/maps-uk/Kx/KKM001.jpg and www.oldkentmaps.co.uk/refresh-all.htm?K-076-i.htm .



Illustration xxv: History of London (Kent)

J.3. **Description:** This map by Neele and Stockdale was published in *The History of London, and its environs*. This map also appears to be derived from Cary's map of Kent published in *Cary's New and Correct English Atlas* (item V.F above), but with simplification of the road network (many roads are omitted), and with some corrections (Eastry is now marked).

J.4. **Conclusion:** As with Cary's maps, this map does show the existence of a way northwest to southeast along the north side of Knowlton park, but is inconclusive about further details: there are no obvious connections west to Goodnestone and Wingham, nor east to Betteshanger and Deal — the map shows no through route between Canterbury and Deal south of the Canterbury to Sandwich road and north of the Canterbury to Dover road. Therefore no conclusion is drawn.

J.5. **Points:** 0

K. Ordnance Survey, one inch surveyor's drawing, Canterbury (East)

K.1. **Date:** 1797

K.2. **Source:** British Library website³²

32 www.bl.uk/onlinegallery/onlineex/ordsurvdraw/c/zoomify82432.html



Illustration xxvi: OS one inch surveyor's drawing

K.3. **Description:** Facing the threat of invasion, the English government commissioned a military survey of the vulnerable south coast. An accurate map of Jersey had already been made, soon after a French attempt to capture the island in 1781, but this had been restricted to government use only. The new maps were to be published at the detailed scale of one inch to the mile. Responsibility for what became an historic venture fell to the Board of Ordnance, from which the Ordnance Survey takes its name. From its headquarters in the Tower of London, engineers and draftsmen set out to produce the military maps by a system of triangulation. The survey of Kent was first to go ahead. It began in 1795 under the direction of the Board's chief draftsman, William Gardner. Critical communication routes such as roads and rivers were to be shown clearly and accurately. Attention was paid to woods that could provide cover for ambush, and elaborate shading was used to depict the contours of terrain that might offer tactical advantage in battle. Preliminary drawings were made at scales from six inches to the mile, for areas of particular military significance, down to two inches to the mile elsewhere.³³

K.4. The Ordnance Survey one inch surveyor's drawing shows Black Lane as a continuation of Knowlton Lane from Knowlton at A, initially enclosed, generally east to and across Thornton Lane, and then unenclosed towards and across Venson Bottom and what is now the Dover Road, to a junction with Thornton Road at Betteshanger at M.

K.5. Thornton Road is also shown as a more southerly alignment between Chillenden and Straight Mile, passing through Venson (labelled as Wenson).

33 From the Curator's introduction to the Ordnance Survey drawings, British Library: www.bl.uk/onlinegallery/onlineex/ordsurvdraw/curatorintro23261.html.

K.6. **Conclusion:** The Ordnance Survey one inch drawing is the first reliable mapping showing the known ways in the vicinity of Black Lane. It is good evidence for the existence of a defined way along the application route. The drawing is not conclusive of the status of Black Lane as a highway, but Black Lane is shown as part of a through route, and for the reasons given in item I.F above, it is likely to be a public way. As the basis for a military survey, the surveyor was likely to be interested in ways capable of being used by military transport, and Black Lane is therefore likely to be shown as a road.

K.7. **Points:**

<i>Part</i>	A–G	G–I	J–M
<i>restricted byway</i>	1	1	1
<i>bridleway</i>	–	–	–

(This is the first of two Ordnance Survey maps to score points: no more than two such maps are scored.)

L. Barlow-Hasted map of Kent

L.1. **Date:** 1797–1801

L.2. **Source:** reproduced from www.ancestry.com³⁴ and The Old Map Shop³⁵: engraved by William Barlow in Edward Hasted's *The History and Topographical Survey of Kent*: published in in 12 Volumes.

34 Indexed at

freepages.genealogy.rootsweb.ancestry.com/~genmaps/genfiles/COU_Pages/ENG_pages/ken.htm; map at freepages.genealogy.rootsweb.ancestry.com/~genmaps/genfiles/COU_files/ENG/KEN/barlow-Hasted_eastry_1800.html .

35 www.theoldmapshop.com .

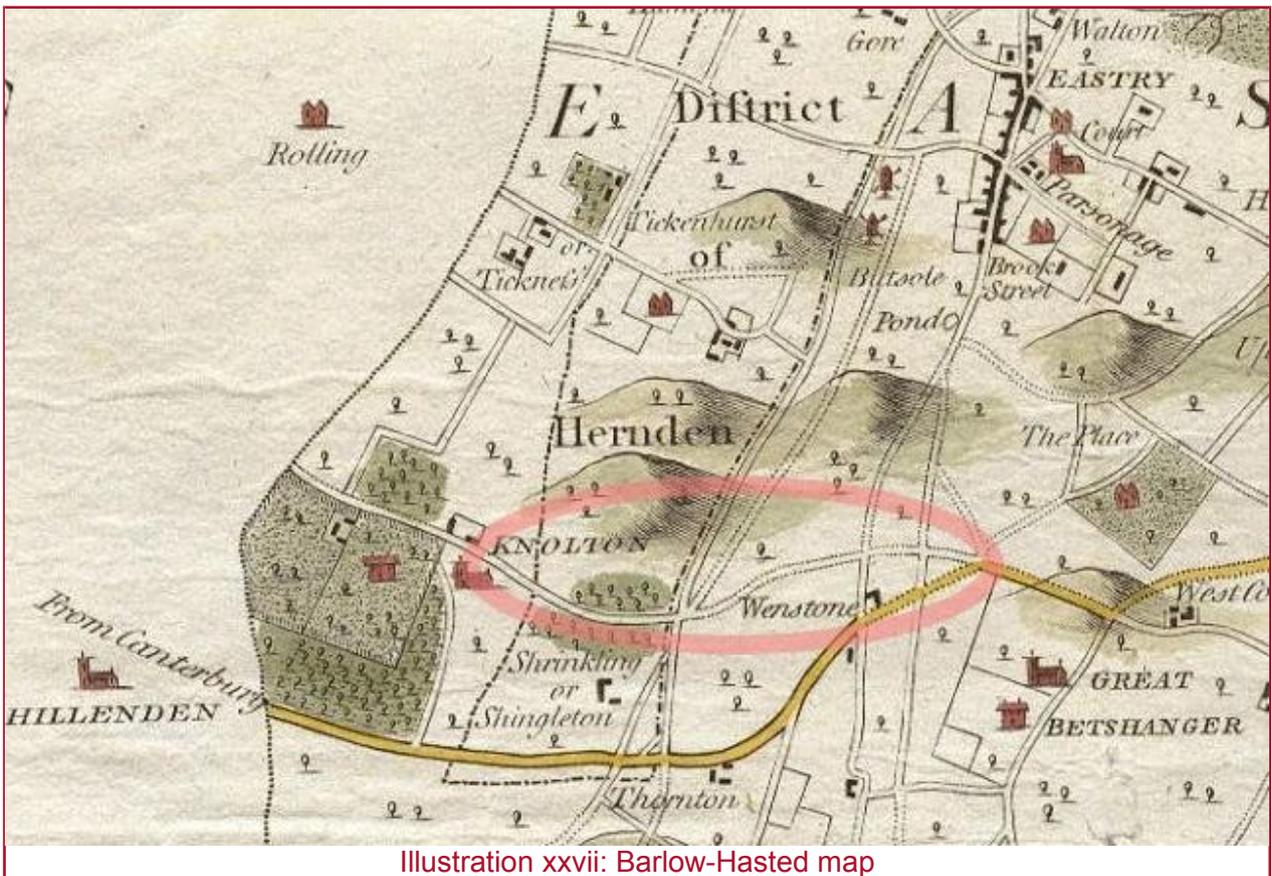


Illustration xxvii: Barlow-Hasted map

L.3. **Description:** William Barlow's maps of Kent were incorporated within the first edition of Edward Hasted's *The History and Topographical Survey of Kent*. Each map represented one or more of the Kent hundreds: that shown here is an extract from the hundred of Eastry.

L.4. The Barlow-Hasted map shows the Canterbury to Deal way as a class II route, from Wingham Well, via Adisham Road, Crockshard Hill, Goodnestone Road, Cave Lane, Chillenden Mill, Chillenden, Thornton Road, Betteshanger, Finglesham, How Bridge and Sholden. The route is shown coloured ochre.

L.5. But the map also shows Black Lane as a subsidiary route, being a continuation of Knowlton Lane from Knowlton at A, initially enclosed, generally east to and across Thornton Lane, and then unenclosed towards and across Venson Bottom (near Venson, marked Wenstone) and what is now the Dover Road, to a junction with Straight Mile at Betteshanger at M.

L.6. **Conclusion:** The Barlow-Hasted map is good evidence for the existence of a defined way along the application route. The map was widely commercially published, and would tend to show through routes which were public highways, whereas certain minor routes of questionable public status (such as the track from Knowlton to Tickenhurst, and the drive through Updown park) are shown with lines across the junction with public ways. However, as the application route is not shown as the principal road between Canterbury and Deal, it cannot be assumed that the status is any greater than bridleway.

L.7. The map shows Thornton Road, to the south, coloured ochre as the principal route from Canterbury to Deal, but *c.f.* the Mudge-Faden map at item V.N below.

L.8. **Points:**

<i>Part</i>	A–G	G–I	J–M
<i>restricted byway</i>	1	1	1
<i>bridleway</i>	–	–	–

(This is the first of two large scale commercial maps to score points: no more than two such maps are scored.)

M. The History and Topographical Survey of the County of Kent

M.1. **Date:** 1800

M.2. **Source:** *The History and Topographical Survey of the County of Kent*, by Edward Hasted: Volume 10³⁶.

M.3. **Description:** The following extract appears in the description relating to the parish of Knowlton, referred to as Knolton, in reference to the house at Knowlton Park: ‘Adjoining to the gardens, at the back of the manlion, is the church and parfonage-houfe, and beyond this, on the declivity of the hill *northward*, clofe to the bridle-way to *Eaftry* and *Deal*, a fmall parcel of coppice wood.’

M.4. **Conclusion:** The publication provides confirmation of the contemporary status of the application route as a ‘bridle-way’ to Eastry and Deal. A bridleway to a named and distant destination such as Deal could be only a public way. The publication drew on extensive local research by William Boteler, a local man born and resident in Eastry, which formed the nucleus of Hasted’s survey of East Kent. As the narrative refers to the bridleway continuing to both Eastry and Deal, and as such a way to Deal could not sensibly lie via Eastry, the source provides some evidence of the status of the entire application way.

M.5. **Points:**

<i>Part</i>	A–G	G–I	J–M
<i>restricted byway</i>	3	1	1
<i>bridleway</i>	–	–	–

N. Ordnance Survey, Mudge-Faden one-inch map of Kent

N.1. **Date:** c.1801

N.2. **Source:** Mapco.net³⁷: © Copyright David Hale and the MAPCO : Map And Plan Collection Online 2006–13

³⁶ www.british-history.ac.uk/survey-kent/vol10/pp87-94; see also footnote 13.

³⁷ <http://mapco.net/kent1801/kent1801.htm>

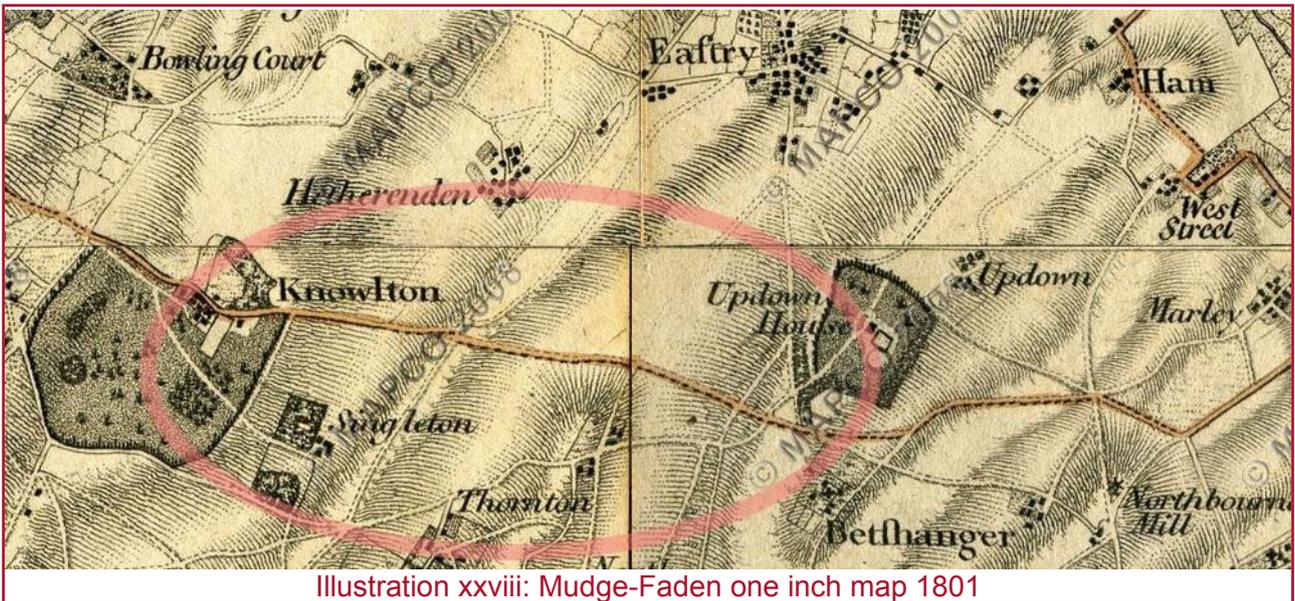


Illustration xxviii: Mudge-Faden one inch map 1801

N.3. **Description:** This map of Kent was the first Ordnance Survey map to be published. The survey was commenced in the 1790s by Captain William Mudge, later Director General of the Ordnance Trigonometrical Survey, in response to the feared invasion of England by the French. However, the map of Kent was not published by the Ordnance Survey until well into the nineteenth century: instead, the map was initially published on 1st January 1801 by William Faden, Geographer to the King, for sale to the public.

N.4. The Mudge-Faden map shows the Canterbury to Deal way as a class III route, from Wingham Well, via Adisham Road, Crockshard Hill, Goodnestone Road, Cave Lane, Chillenden Mill, Knowlton, Betteshanger, How Bridge and Sholden.

N.5. The map shows Black Lane as a continuation of Knowlton Lane from Knowlton at A, initially enclosed, with a thicker line on the southern side, but unenclosed from approximately point B (still with a thicker line on the southern side), generally east to and across Thornton Lane, across what is now the Dover Road, to a junction with Thornton Road at Betteshanger at M.

N.6. The route has been hand-coloured in ochre, in common with other routes shown with a thicker boundary on one side. This appears to be reserved for primary routes (see the Sandwich to Deal road through Ham, which joins the continuation of the application route near How Bridge). Black Lane is shown as part of such a through route between Canterbury and Deal, via the same alignment from Wingham Well to How Bridge as is shown in the Ellis map (item V.E above). The Mudge-Faden map shows that the route continued west towards Chillenden Mill in a direct line from the present T-junction with the Sandwich Road (rather than the present detour via Chillenden village).

N.7. **Conclusion:** The Ordnance Survey map of Kent was prepared in response to an invasion threat, and primarily had a military purpose. However, this map was published privately by Faden for public and not military use. It is therefore likely to reflect the needs of the purchasing public, rather than purely military requirements.

N.8. The Mudge-Faden map is good evidence for the existence of a public way along the application route: the thickened edge and colouring indicates a primary route. It is inconceivable that a way would have been identified on a map sold for public use with this accentuation of a through route in colour, unless it were regarded as a public highway.

Moreover, the now lost alignment of the way west from the junction of Knowlton Lane with the Sandwich Road also affirms the status of Black Lane as part of a then significant through route, in a manner which is no longer apparent from present day mapping.

N.9. The contrast with the Barlow-Hasted map of Kent (see item V.L above), which highlights a more southerly through route along Thornton Road, is striking: the maps are approximately contemporary with each other, and appear to be based on broadly contemporary survey data, yet the surveyors have drawn different conclusions on the primacy of the two routes for traffic between Canterbury and Deal. We know from subsequent surveys that Black Lane was in decline, and it seems most likely that at this time, around the turn of the eighteenth century, traffic also used Thornton Road as an alternative to Black Lane, but the factors which decided which route would be used by which traffic, and which eventually led to the eclipse of Black Lane, are now uncertain.

N.10. **Points:**

<i>Part</i>	A–G	G–I	J–M
<i>restricted byway</i>	2	2	2
<i>bridleway</i>	–	–	–

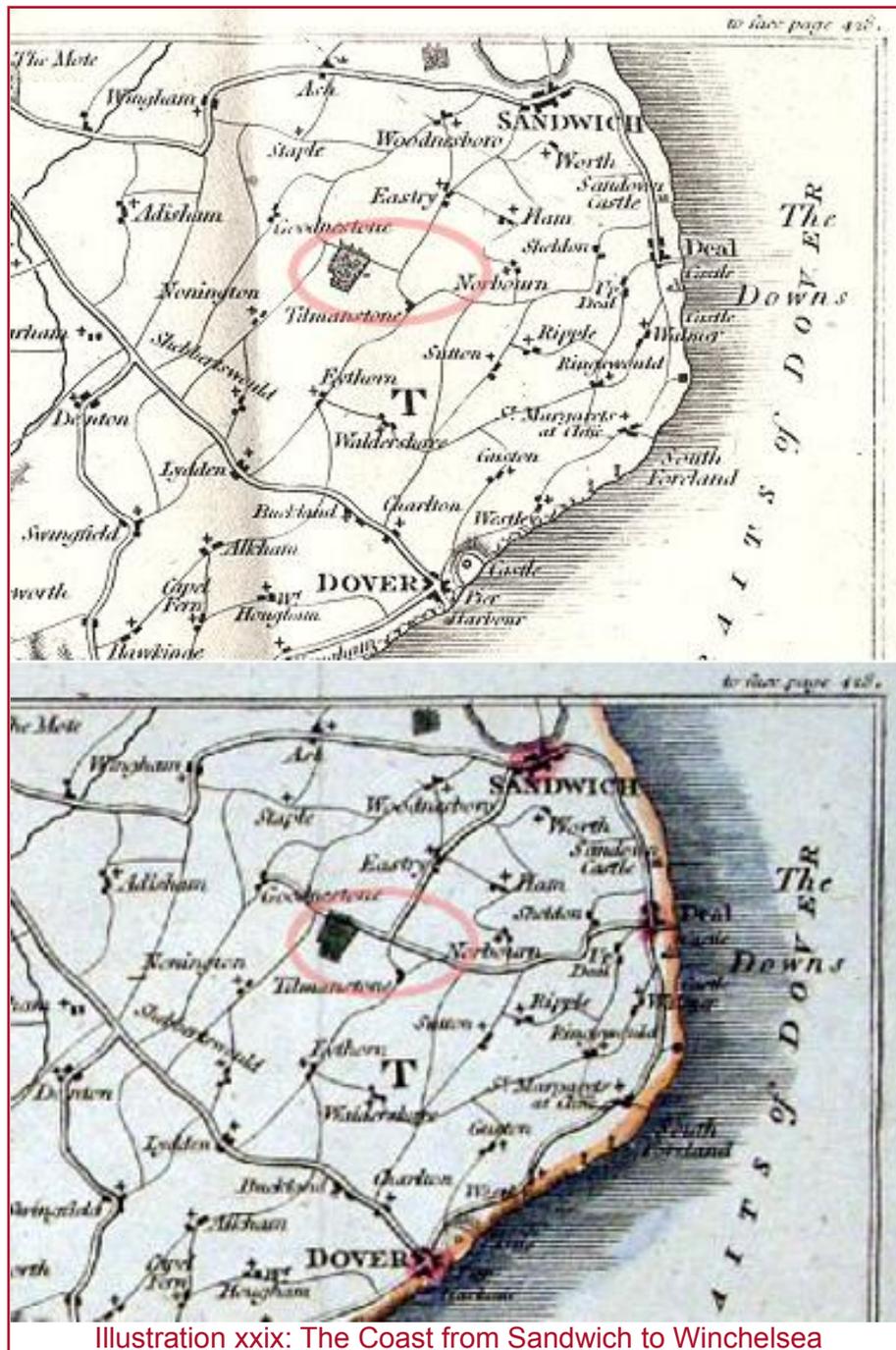
(This is the second of two large scale commercial maps to score points: no more than two such maps are scored.)

O. Guide to Watering and Sea-bathing places

O.1. **Date:** 1803

O.2. **Source:** British Library³⁸

38 10348.a.6: copy available at www.pastpages.co.uk/site-files/maps-uk/GFM114.jpg and www.antiquemapsandprints.com/sussex-the-coast-from-sandwich-to-winchelsea1808-map-157857-p.asp.



O.3. **Description:** Contained within *A Guide to all the Watering and Sea Bathing Places, with a description of the Lakes; a sketch of a tour in Wales, and Itineraries.... Illustrated with maps and views*. Published in several subsequent editions. Maps from two editions are shown above and below.

O.4. In the later edition, the map *The Coast from Sandwich to Winchelsea* shows a way from Goodnestone east-southeast, north of a park, crossing a road south-southeast from Eastry, and continuing east-southeast and then east to the south of Norbourn (now Northbourne) and via Sheldon to Deal. The way is shown marked with two parallel lines, the line on the south side being marked more boldly. The road southwest from Sandwich through Eastry to join the way is similarly marked.

O.5. In the earlier edition map, the emphasis along Black Lane and the Dover Road is omitted, both ways being shown by single continuous lines. This map also appears to omit Black Lane east of the Dover Road.

O.6. **Conclusion:** The map shows this way as one of several key routes in Kent, being marked by twin parallel lines with a bold emphasis on the line on the southern side. The park east of Goodnestone appears to be Knowlton Park, and the route therefore depicts Black Lane. The road connecting Black Lane with Eastry and Sandwich appears to be the Dover Road.

O.7. The modifications made to a later edition suggest that the omission of Black Lane as a key route was corrected, perhaps owing to feedback or comparison with other mapping.

O.8. The depiction of Black Lane in the same way as other key routes in Kent (generally turnpikes) suggest that the way was regarded as a carriageway.

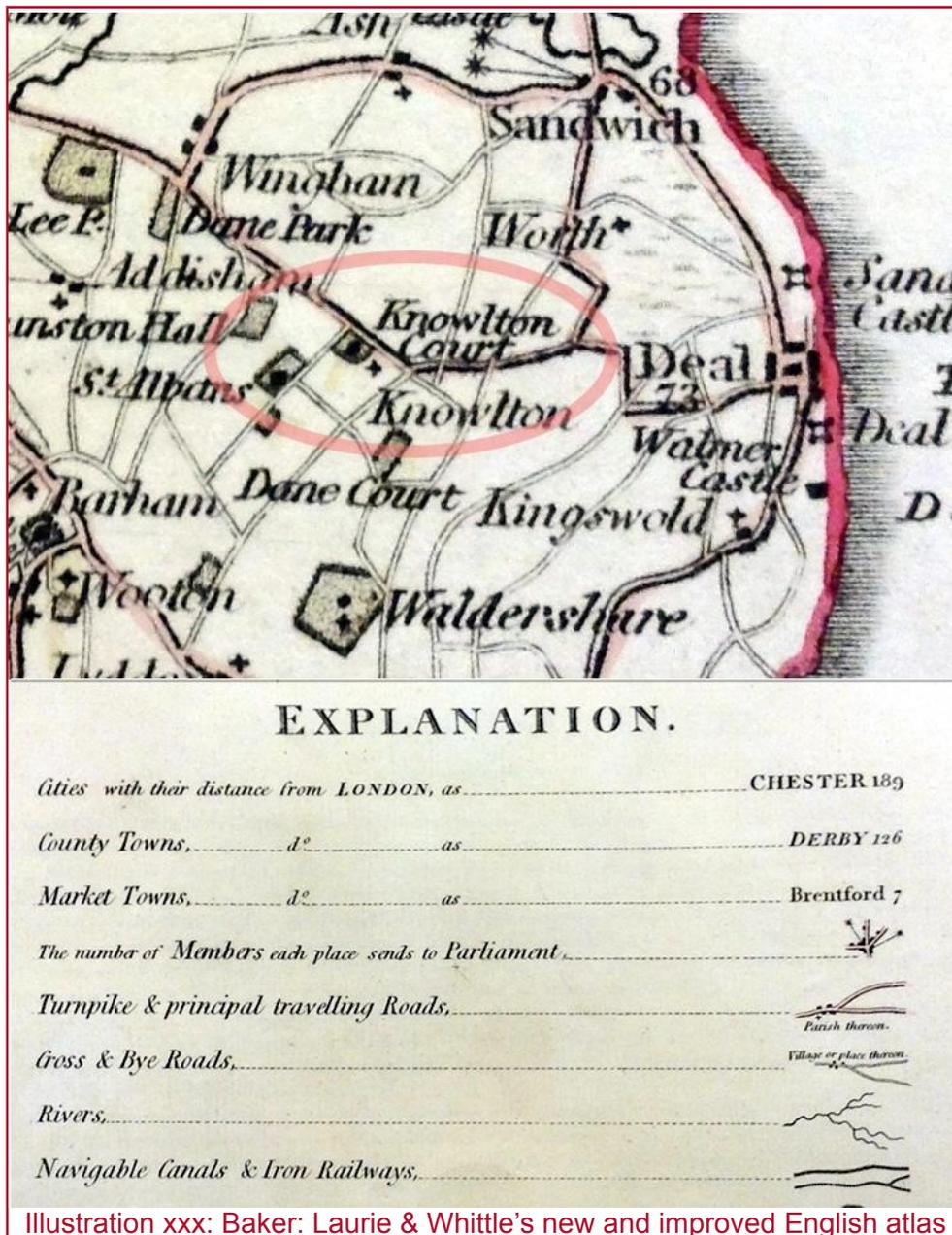
O.9. **Points:** 0

P. Laurie & Whittle's new and improved English atlas

P.1. **Date:** 1806

P.2. **Source:** British Library³⁹

39 19.a.7: copy available at www.oldkentmaps.co.uk/K-073-i.htm .



P.3. **Description:** This map by Benjamin Baker may date from 1792, but was published in Laurie and Whittle's *New and Improved English Atlas* around 1807. The way from Canterbury to Deal is shown as a class III route, from Wingham Well through Knowlton and then to Deal via Northbourne and Great Mongeham.

P.4. The map appears to be derived from the Cary map published in 1794 (item V.I above), which in turn may be derived from the Downes map (item V.D above), but with the reinstatement of the Canterbury to Deal way which was noted to be absent from the Cary map.

P.5. The way is identified passing to the north of Knowlton Court, which is labelled. The way is coloured pink, which the key represents as a 'principal travelling road'.

P.6. **Conclusion:** As with the Cary map, it is difficult to relate the ways shown on the map to contemporary understanding of the road network. Eastry is still not marked, nor is Thornton Road. Some manifest errors present on the Cary map have been corrected (e.g.

Betteshanger and Chillenden are now omitted altogether), but others persist (Eastry remains absent).

P.7. However, the course of the way north of Knowlton Court, and in a generally easterly direction beyond Knowlton, together with the representation of the way as a 'principal travelling road', shows that Black Lane is depicted as part of a through route between Canterbury and Deal. The status of the way as a 'principal travelling road' means that Black Lane must have been regarded as a public road.

P.8. **Points:**

<i>Part</i>	A–G	G–I	J–M
<i>restricted byway</i>	1	1	1
<i>bridleway</i>	–	–	–

(This is the second of two early county or area maps to score points: no more than two such maps are scored.)

Q. Ordnance Survey, Mudge-Faden half-inch map of Kent

Q.1. **Date:** c.1807

Q.2. **Source:** Mernick.org.uk Collectors' Circle⁴⁰ (copyright in public domain)

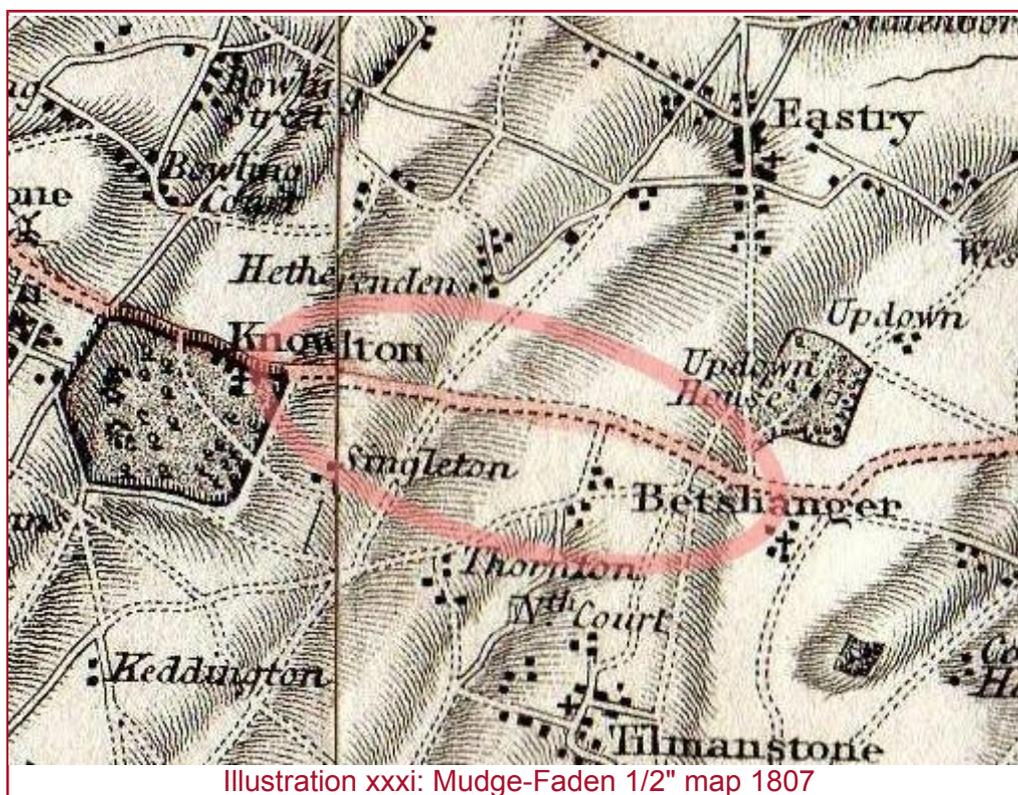


Illustration xxxi: Mudge-Faden 1/2" map 1807

Q.3. **Description:** The half inch map shows the Canterbury to Deal way as a class III route, from Wingham Well, via Adisham Road, Crockshard Hill, Goodnestone Road, Cave Lane, Chillenden Mill, Knowlton, Betteshanger, How Bridge and Sholden. Black Lane is shown as a continuation of Knowlton Lane from Knowlton at A, initially enclosed, with a

⁴⁰ www.mernick.org.uk/cc/kentmap/

thicker line possibly apparent on the southern side, but unenclosed from approximately point B (still with a thicker line on the southern side), generally east to and across Thornton Lane, across what is now the Dover Road, to a junction with Thornton Road at Betteshanger at M. The route is marked in pink, which appears to be reserved for primary routes.

Q.4. **Conclusion:** The Mudge-Faden map is good evidence for the existence of a defined way along the application route: the thickened edge and colouring indicates a primary route, and this is strongly suggestive of a carriageway. However, the map is clearly derived from the one inch map (item V.N above), and adds little new information.

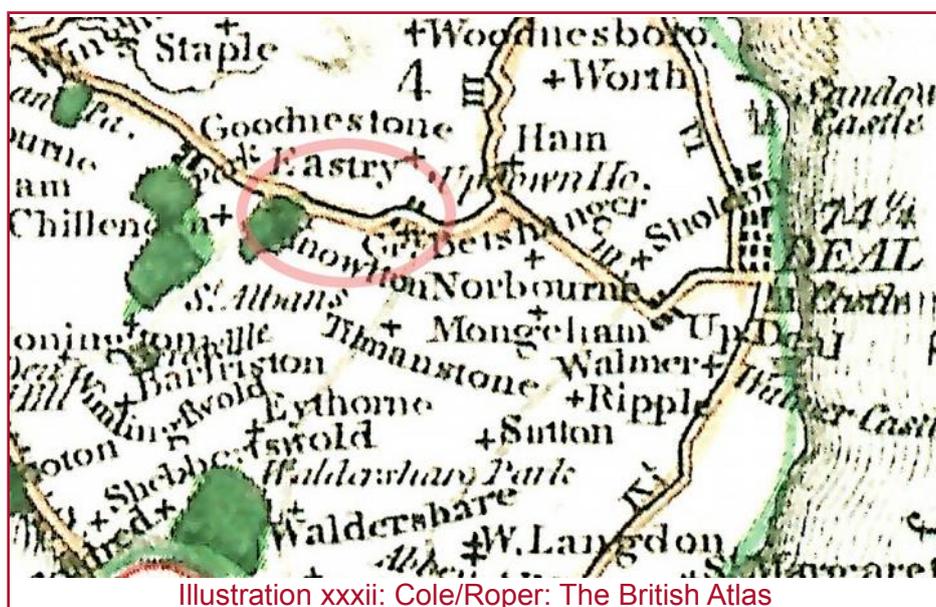
Q.5. **Points:** 0

(as this map confirms the one-inch map in item V.N)

R. The British Atlas

R.1. **Date:** 1810

R.2. **Source:** British Library⁴¹



R.3. **Description:** This map was first published by G Cole and John Roper in 1804, but published in the British Atlas in 1810. It shows a principal route between Canterbury and Deal, on an alignment from Wingham Well to Betteshanger as is shown in the Ellis map (item V.E above), but diverging to a more southerly approach to Deal via Northbourne Road and Great Mongeham. The route therefore falls within class III.

R.4. **Conclusion:** The alignment of the Canterbury to Deal way is shown clearly passing to the north side of Knowlton park, and then broadly east towards Betteshanger, and so Black Lane is comprised in the way. Black Lane is shown as a 'principal road'. The map is therefore good evidence of the status of Black Lane as a through road of some importance.

41 47.d.3: copies available at

freepages.genealogy.rootsweb.ancestry.com/~genmaps/genfiles/COU_files/ENG/KEN/coleroper_ken_1835.html and www.oldkentmaps.co.uk/K-091-i.htm .

R.5. **Points:** 0

S. Paterson's Roads — Thanet and Kent and Sussex Coast

S.1. **Date:** 1811

S.2. **Source:** British Library⁴²

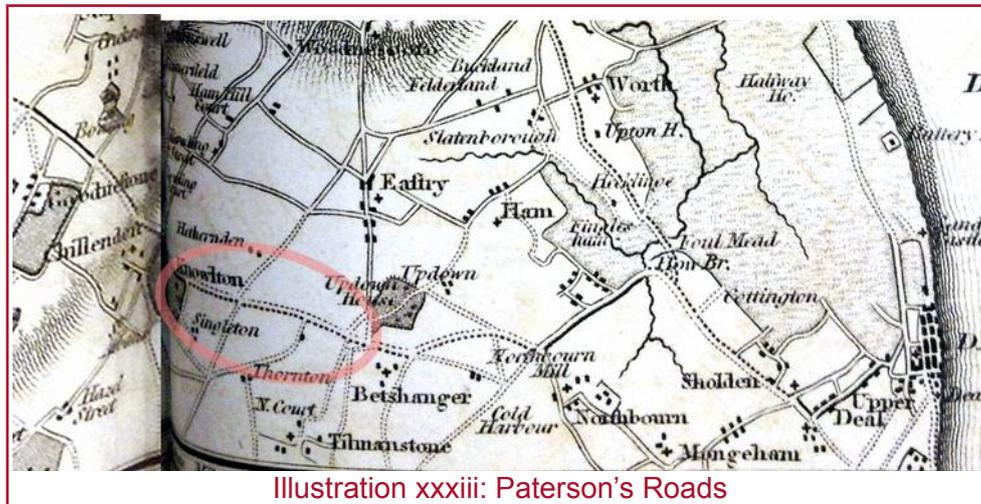


Illustration xxxiii: Paterson's Roads

S.3. **Description:** This map by J Thomson appears as one of several maps of Thanet and the Kent and Sussex coast annexed to the thirteenth edition of *Paterson's Roads*, a directory of main roads⁴³.

S.4. The map shows a class III way from Canterbury to Deal from Wingham Well via Adisham Road, Crockshard Hill, Goodnestone Road, Cave Lane, Chillenden Mill, Knowlton, Betteshanger, How Bridge and Sholden. Black Lane is shown as a continuation of Knowlton Lane from Knowlton at A, unenclosed, with a thicker line on the southern side, generally east to and across Thornton Lane, across what is now the Dover Road, to a junction with Straight Mile at Betteshanger at M.

S.5. The map appears to be derived from the Mudge-Faden map (item V.N above): however, whereas the map has been revised now to show the Dover to Sandwich turnpike (*i.e.* the coastal turnpike via Cottington), and no longer shows the route via Ham as a principal road, the map does not show the Dover, Waldershare and Sandwich turnpike (which was authorised in 1801), and continues to show the class III route as the principal way from Canterbury to Deal.

S.6. **Conclusion:** Revision of the data contained in the map, which appear to be derived from the Mudge-Faden map, suggests that the representation of principal roads was researched and updated. The Thomson map is good evidence for the existence of a defined way along the application route: the thickened edge indicates a primary route, and this is strongly suggestive of a carriageway.

S.7. **Points:** 0

42 10348.d.15: copy available at www.pastpages.co.uk/site-files/maps-uk/Mx/MEM006.jpg.

43 The directory entry for London to Deal suggests an itinerary via Sandwich, and does not refer to a direct route from Canterbury to Deal.

T. Beating the bounds: Eastry

T.1. **Date:** 1814 and 1897

T.2. **Source:** Eastry parish council website⁴⁴

T.3. **Description:** The parish council website publishes a report of an: 'account of beating the bounds in the spring of 1897 taken from the minute book of the Eastry parish council.' This describes a perambulation of the parish boundary led by the chairman of the council, members of the council and six boys.

T.4. Conducting the perambulation in a clockwise rotation, the report states:

'...Turning to the right across Knowlton Park in a direct line to Black Lane, another stone is situated about 10 rods (57m.) from the road in the Park. The next stone was found just inside the fence against the Lane. Turning to the right, down the Lane to the corner of Heronden Farm land and then to the left along the Bank. ...'

T.5. The perambulation for 1814 is also recorded:

'...Crossing the park fence, thro' a shave, leaving the fence on the left hand, separating Shingleton Farm from the Vicarage land, following the line of fence to Black Lane, turning to the right down the lane to a corner of fence separating G.H.De Ath's land from lands of Upper Harnden Farm. ...'

T.6. The perambulation of 1897 refers to Black Lane twice as a 'Lane'. The 1814 perambulation similarly refers to Black Lane as a 'lane'. Reference is made to a boundary stone found inside the lane.

T.7. **Conclusion:** The nineteenth century perambulations provide some evidence for the status of Black Lane as a 'lane' in which a boundary stone was maintained. A lane, which was relied upon as the boundary between two parishes, was more likely than not to be a highway.

T.8. **Points:** 0

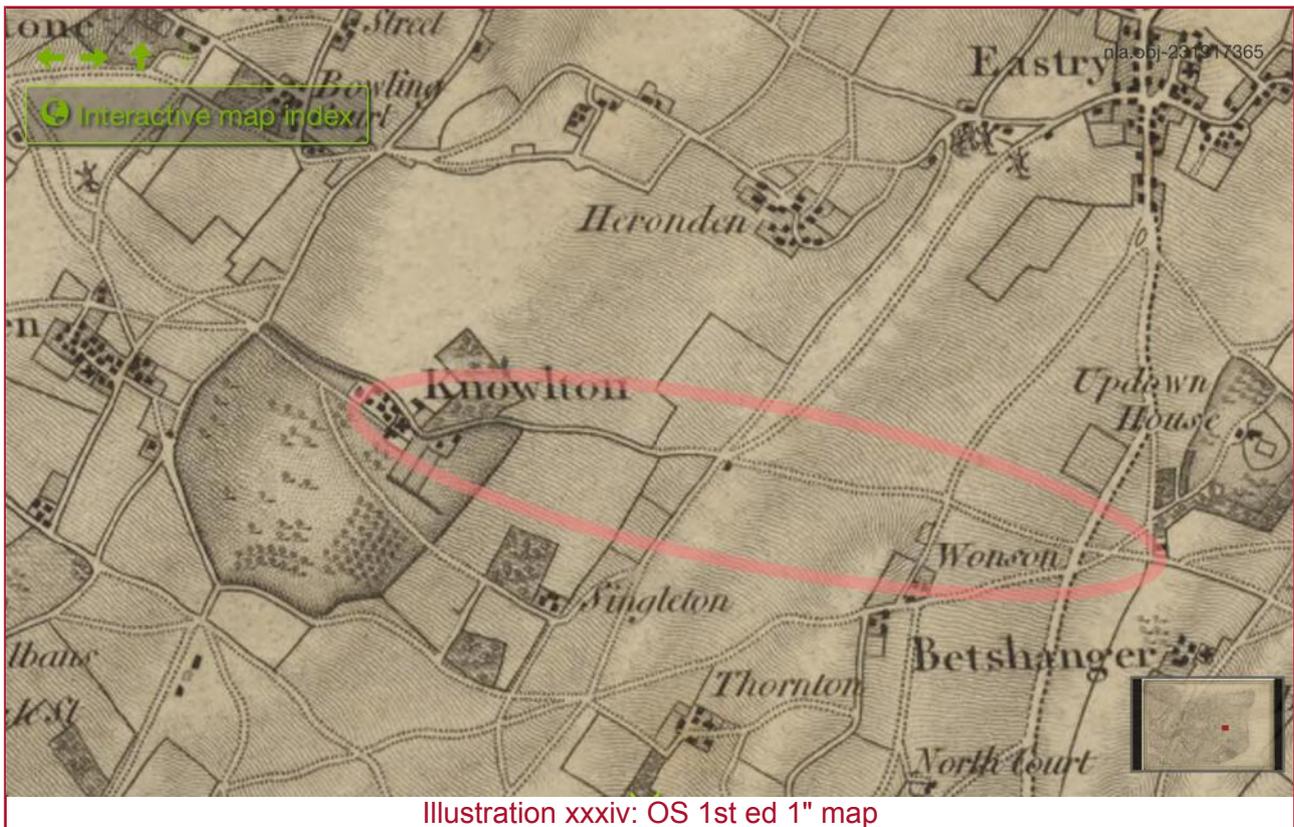
U. Ordnance Survey, Old Series one-inch map of Kent

Date: 1831 (but survey dating from late eighteenth century)

Source: National Library of Australia⁴⁵

44 www.eastrypc.co.uk/beatingthebounds.asp

45 <http://nla.gov.au/nla.obj-231917365>



U.1. **Description:** Original scale: one inch to one mile (1:63,360); orientation: unchanged (north). This is the Old Series one inch map first published officially by the Ordnance Survey. The map reproduced here is state 4, from circa 1831, but believed to be unchanged from state 1. Although published some years later than the Mudge-Faden map (item V.N above), the 'official' Ordnance Survey Old Series map was based on the same survey data, and is consistent with the Mudge-Faden map.

U.2. No principal way is now shown between Canterbury and Deal: those ways shown as such on the earlier maps are no longer marked in any distinctive form. Instead, the map now introduces the recently established Dover, Waldershare and Sandwich turnpike as a principal road on a south to north alignment.

U.3. The map shows Black Lane as a continuation of Knowlton Lane from Knowlton at A, initially enclosed, but unenclosed from approximately point G, generally east to and across Thornton Lane, Venson Bottom, the Dover Road, to a junction with Thornton Road at Betteshanger at M.

U.4. **Conclusion:** While the Old Series map is not conclusive as to the public status of the way, it was primarily intended for military use, and the surveyor was unlikely to map footpaths being of little military interest. The Ordnance Survey Old Series map is good evidence for the existence of a defined way along the application route, but the loss of a thicker edging suggests a diminution in status of the way since the publication of the Mudge-Faden map.

U.5. **Points:**

Part	A-G	G-I	J-M
restricted byway	1	1	1
bridleway	-	-	-

(This is the second of two Ordnance Survey maps to score points: no more than two such maps are scored.)

V. Greenwood's map of Kent

V.1. **Date:** 1819-20

V.2. **Source:** Kent County Archives

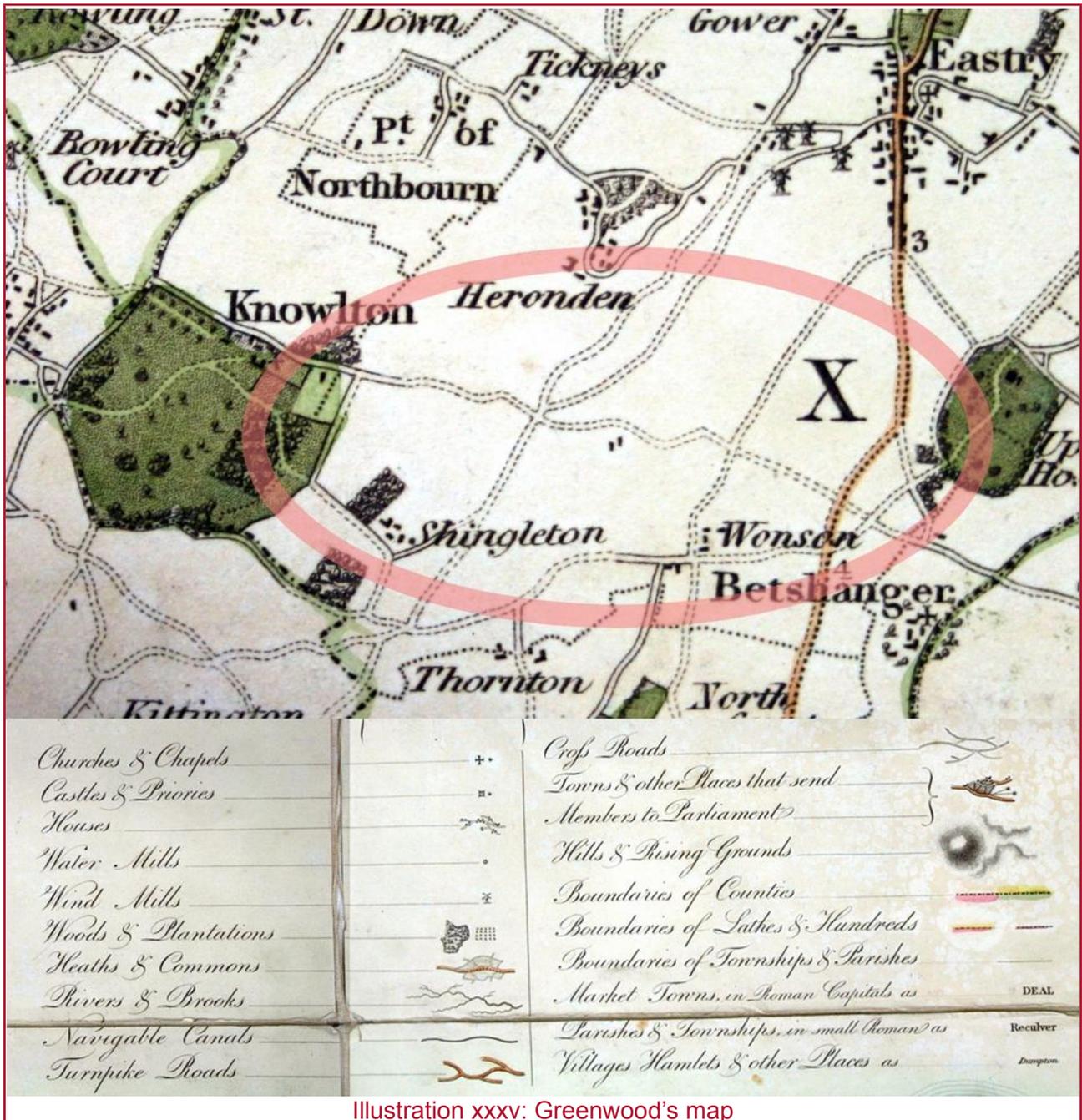


Illustration xxxv: Greenwood's map

V.3. **Description:** Greenwood's map shows Black Lane as a continuation of Knowlton Lane from Knowlton at A, initially enclosed, but unenclosed from approximately point E, generally east to and across Thornton Lane, across Venson Bottom and the Dover Road, to a junction with Thornton Road at Betteshanger at M. Neither Black Lane, nor Thornton Road, is shown as a principal route, whereas the Dover, Waldershare and Sandwich turnpike is so shown.

V.4. **Conclusion:** Greenwood's map is good evidence for the existence of a defined way along the route of Black Lane. The key describes the route as a 'cross road', which is suggestive of a public way.

V.5. **Points:** 0

(This is the third of several large scale commercial maps: no more than two such maps are scored.)

W. New County Atlas

W.1. **Date:** 1820

W.2. **Source:** British Library⁴⁶

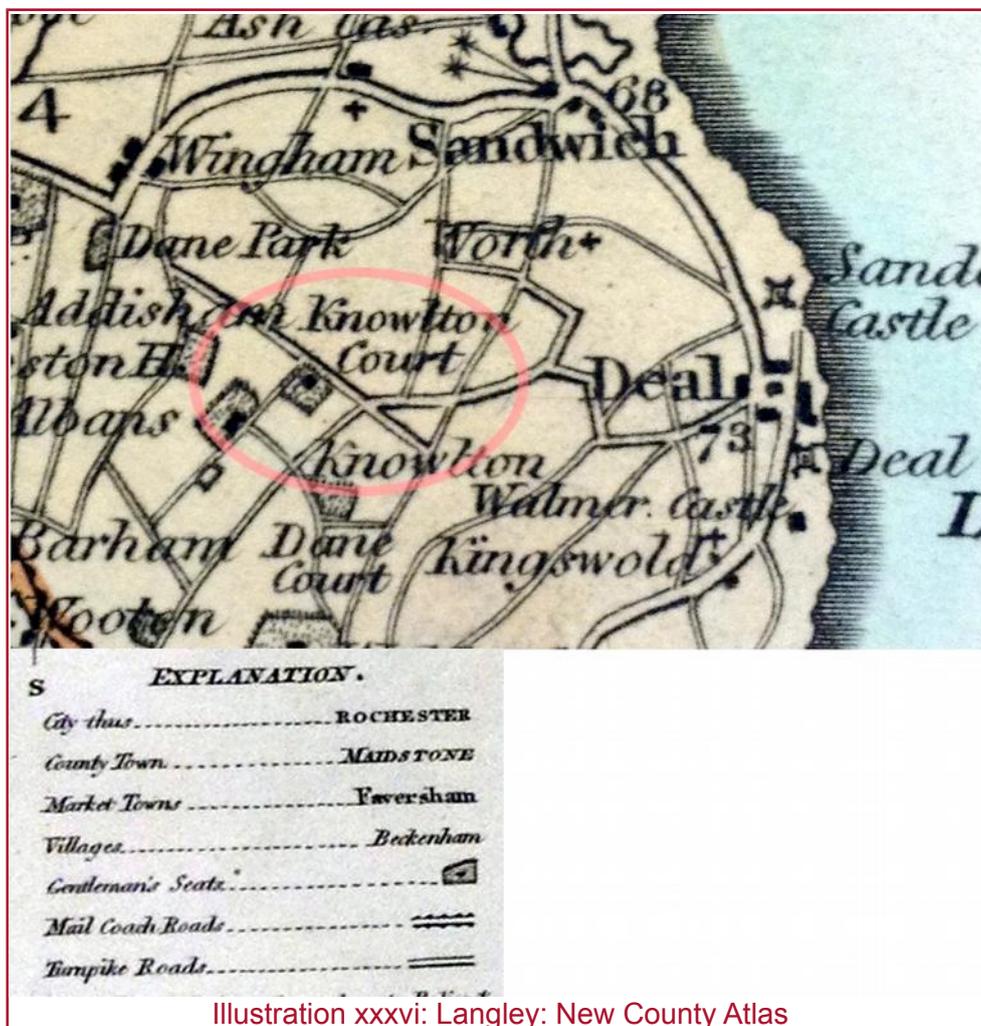


Illustration xxxvi: Langley: New County Atlas

46 c.8.a.19: copies available at www.oldkentmaps.co.uk/K-107-i.htm and www.pastpages.co.uk/site-files/maps-TB/IDT009.jpg .

W.3. **Description:** This map by Edward Langley was first published in 1816, but appears here in *Langley's New County Atlas of England and Wales* published c.1820. The map appears to be derived from Baker's map in 1806 (item V.P above, and see the notes in that item on, in turn, the derivation of that map). The way from Canterbury to Deal is shown as a class III route, from Wingham Well through Knowlton and then to Deal via Northbourne and Great Mongeham (note however that the map excludes a small part of the previously identified route east from Wingham Well, where the label 'Dane Park' appears).

W.4. The way is shown passing to the north of Knowlton Court, which is labelled. The way is shown with a thicker edging on one side (inconsistently shown), which is identified in the key as a 'turnpike road'. As none of the roads comprised in the class III route has ever been part of a turnpike, this classification appears to be an erroneously concise reference to a class of turnpikes and other principal roads.

W.5. **Conclusion:** The Langley map suffers from the same defects as the Baker map. Nevertheless, the course of the way to the north of Knowlton Court, and in a generally easterly direction beyond Knowlton, together with the representation of the way as a 'turnpike road' (*i.e.* taken here to mean principal road), shows that Black Lane is depicted as part of the through route between Canterbury and Deal. However, the map is clearly derived from the Baker map, and adds little new information.

W.6. **Points:** 0

(as this map relies on the Baker map, see item V.P)

X. Cary's Itinerary

X.1. **Date:** 1821

X.2. **Source:** *Cary's New Itinerary, or an Accurate Delineation of the Great Roads both Direct and Cross throughout England and Wales. John Cary, made by Command of His Majesty's Postmaster General for Official Purposes under the Direction and Inspection of Thomas Hasker Esq Late Surveyor and Superintendent of the Mail Coaches* (9th edition)⁴⁷

47 <http://books.google.co.uk/books?id=wBEHAAAAQAAJ>

'Advertisement' (Introduction):

IN Books which are published as Guides to Travellers, Accuracy must ever be regarded as the principal object; the Proprietor therefore deems it incumbent upon him to state the Authorities under which this ITINERARY was first published. It might, perhaps, be sufficient to say, that it was brought forward under the sanction of *His Majesty's Postmaster General*: but he cannot avail himself of such an indulgence without noticing the circumstances which procured him that very honourable patronage.

Having had it in command from the *Postmaster General* to make a Survey, under the direction of Mr. HASKER, the late Surveyor and Superintendant of the Mail Coaches, of all the *principal Roads* throughout the kingdom, for official purposes, the accuracy of which (*as required by an Act of Queen Anne, for all Roads measured on account of the GENERAL POST OFFICE*) is attested on the oaths of the several Surveyors employed, it was deemed to be a Work of such utility to the Public, that it ought not to be withheld; as, from the precision with which it was executed, much benefit might accrue to the Traveller; and as the distances on those Roads were planned from one stationary object to another, it would enable him to determine, beyond dispute, the exact length of his stages.

Extensive as was this Survey, it was nevertheless considered not to embrace the whole of those Roads to which the Traveller might wish occasionally to refer; therefore the Proprietor has, with great industry and care, selected from the County Surveys such other Roads as appeared to him essential, the distances on which, although not regulated by his own Survey, and, of course, not calculated from one stationary mark to another, yet he has every reason to believe are faithful, the whole being verified by the different Postmasters throughout the kingdom, and officially communicated by letter to FRANCIS FREELING, Esq. Secretary to the General Post Office, and THOMAS HASKER, Esq. the late Superintendant of the Mail Coaches, and by them forwarded to the Author. Through the same channel he also received a List of such Inns as supply Post Horses and Carriages (which are added at the end of each Route), Seats, &c. &c.

FIFTH

Illustration xxxvii: Cary's Itinerary ('Advertisement')

Extract of itinerary from London to Deal:

[15]		ROADS measured from LONDON BRIDGE.		[16]
CANTERBURY , as p. 4		M	F	<i>To DEAL, avoiding Sandwich.</i>
Littlebourne	4 2	55 2	59 4	Brandling, as p. 15
Brandling	1 1	60 5	60 5	¼ M. on l. to Sandwich, 7½.
Wingham	1 4	62 1	62 1	Goodneston
Guilton Town	3 —	65 1	65 1	Knowlton
Ash	— 3	65 4	65 4	How Bridge
Each End	1 4	67 —	67 —	Cross the Stour R. which passes on l. through Sandwich to the Sea.
SANDWICH	1 3	68 3	68 3	Cottington
531 H. 2735 I.—Ma. ar. 7 Mo.; dep. 6 Aft.				<i>To DEAL, as p. 15</i>
St. Bartholomew	— 5	69 —	69 —	Brandling, on r. is Brandling Court, Capt. Sir James Wood.
Ham	1 7	70 7	70 7	Between Brandling and Goodneston, on r. Dene Park, Sir H. Oxenden, Bt.
West Street	— 4	71 3	71 3	Goodneston, on r. Goodneston Park, Sir Brooke Wm. Bridges, Bt.; and Rowling Court, Hon. Miss Finch.
Finglesham	— 4	71 7	71 7	Knowlton, on r. Knowlton Court, Capt. D'Aeth; Dane Court, E. Rice, Esq.; St. Albans, Wm. Hammond, Esq.; and Fredville, John Plumtre, Esq.
How Bridge	— 4	72 3	72 3	2 M. beyond Knowlton, on l. Updown House, J. M. Fector, Esq.; opposite, Betishanger House, F. Morrice, Esq.
Cottington	— 5	73 —	73 —	<i>To ELTHAM, as p. 11</i>
Sholdon	— 6	73 6	73 6	Chiselhurst
Upper Deal	— 4	74 2	74 2	ST. MARY CRAY
LOWER DEAL	1 —	75 2	75 2	Chiselhurst, on l. of the Common, Mrs. M. Townsend; opposite, Holme-wood Lodge, the late Gen. Morgan; further on, Camden Place, Thomson Bonar, Esq.; and opposite, Mrs. Weddell, Herbert Jenner and Geo. Stone, Esqs. Gen. Twiss, and Pheasant Grove, Lady Wake.
A corporate Town— 1367 H. 7351 I.—Ma. ar. 8 Mo.; dep. 5 Aft.				<i>To Charing, as p. 12</i>
INNS. Sandwich, <i>Bell, Rose.</i> Deal, <i>Hoop and Griffin, Royal Exchange, Three Kings.</i>				Pett Place
<i>Canterbury</i> , 2 M. beyond, on r. The Mote, Earl Cowper; nearly opposite, Howlets, G. Gipps, Esq.				Frogwood
<i>Littlebourne</i> , near, on r. Lee Priory, Thomas Barret Brydges Barret, Esq.				Westwell
<i>Brandling</i> , 1 M. beyond, on r. Dene Park, Sir H. Oxenden, Bart.				Eastwell
<i>Wingham</i> College, late Mrs. Hey; near to which is Goodneston Park, Sir Brooke Wm. Bridges, Bart.				By Eastwell Park* to Boughton Lees
Between <i>Wingham</i> and <i>Guilton Town</i> , on r. Brook, J. Godfrey, Esq.; and The Grove, Mrs. Brockman.				Cross the Ashford and Canterbury Road and Stour R.
On r. of <i>Sandwich</i> , Fenderland House, Mrs. Dare; Statenborough House, T. Moulden, Esq.; beyond which, Updown House, J. M. Fector, Esq.; and Dane Court, Edw. Rice, Esq.				Wye
Near <i>Sandwich</i> are the Ruins of the Roman Castle of Rutupiae, or Richborough.				224 H. 1322 I.
Near <i>Deal</i> , on l. Sandown Castle.				Pett Place, Rev. George Sayer. Eastwell Park, G. Finch Hatton, Esq. At Wye, Spring Grove, T. Brett, Esq.

Illustration xxxviii: Cary's Itinerary (to Deal)

X.3. **Description:** This is the ninth edition of John Cary's itineraries, originally surveyed by commission to the Post Office, but subsequently published primarily for travellers to plan journeys from London to principal destinations. In addition to the itinerary from London to Dover, a subsidiary route is included from Canterbury to Deal 'avoiding Sandwich', via Goodnestone, Knowlton and How Bridge. Reference is made to Knowlton Court 'on r[ight]'. The distance is given from Goodnestone to Knowlton (1.7 miles) and from Knowlton to How Bridge (4.1 miles).

X.4. **Conclusion:** Cary's itinerary identifies a class III route from Canterbury to Deal via Knowlton. The introduction to the publication suggests that this route is an 'other road' as appears to the author to be 'essential', the distance having been verified by the relevant district Postmaster. A similar itinerary appears in the seventh and eighth editions of 1817⁴⁸ and 1819⁴⁹, so that the itinerary via Knowlton was presented in the same form in successive editions. The distances given between Goodnestone and How Bridge correlate well with the route read off the Ordnance Survey map via Chillenden Mill, Knowlton, Straight Mile, Betteshanger, Broad Lane and How Bridge, viz: Goodnestone to Knowlton (1.6 miles) and from Knowlton to How Bridge (4.0 miles). The reader's attention is specifically drawn to Knowlton Court on the right of the route. These attributes confirm that the itinerary is along Black Lane. Moreover, the itinerary refers consistently to 'roads', to use by mail coaches, and to use by carriages, and this supports the status of Black Lane as a carriageway.

X.5. **Points:**

<i>Part</i>	A–G	G–I	J–M
<i>restricted byway</i>	2	2	2
<i>bridleway</i>	–	–	–

Y. Upper Venson estate plan

Y.1. **Date:** 1821

Y.2. **Source:** Kent County Archives⁵⁰

48 <http://books.google.co.uk/books?id=sZ1bAAAAQAAJ>, page 294

49 <http://books.google.co.uk/books?id=LxEHAAAAQAAJ>, page 115.

50 U229/P6

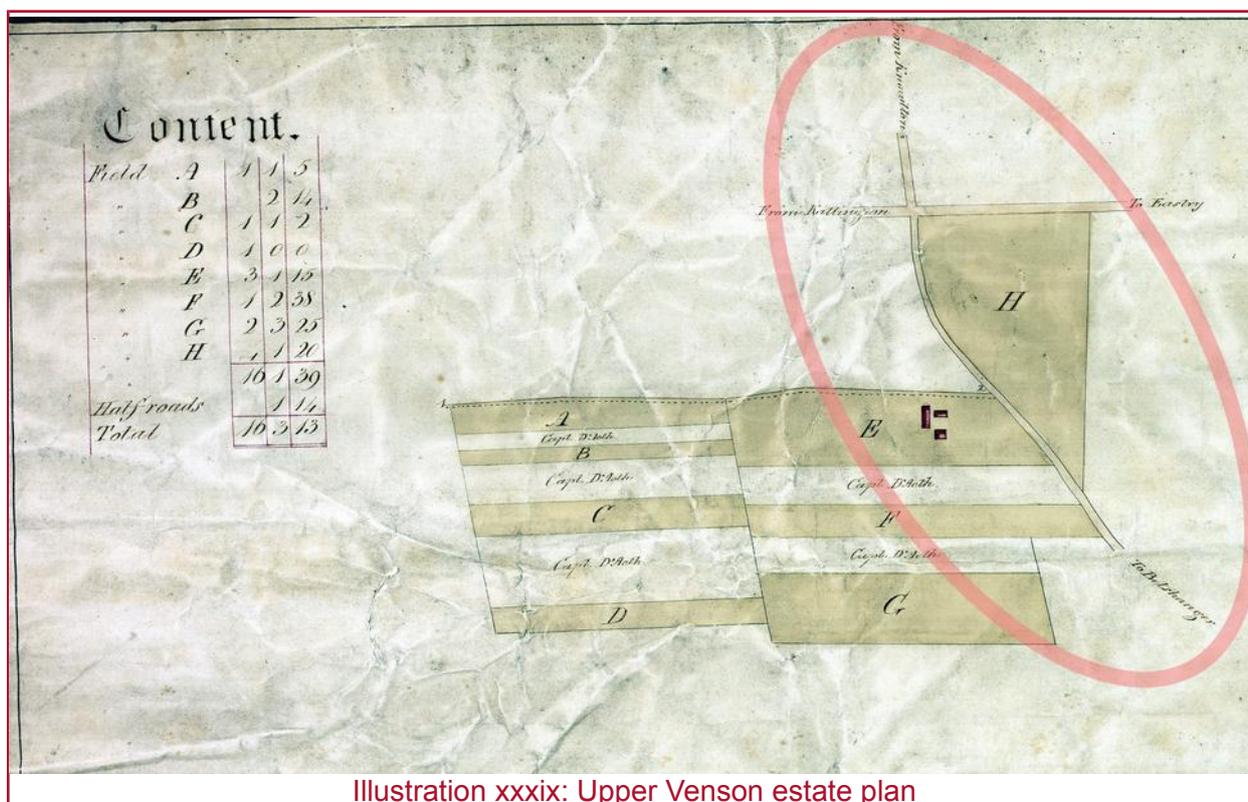


Illustration xxxix: Upper Venson estate plan

Y.3. **Description:** The estate plan depicts fields, tenanted as Upper Venson Farm, where the ownership of various blocks within the fields was divided between two landlords. Upper Venson Farm was demolished after the Second World War, but formerly lay east of point G. The plan shows Thornton Lane marked as 'From Kittington' and 'To Eastry', and Black Lane north of point G as 'From Knowlton' and southeast of Upper Venson Farm as 'To Betteshanger'. Both Thornton Lane and Black Lane are shown coloured ochre and with no gates or closures across either road. In the table of areas, 'half roads' are allocated 1 rood and 14 perches (1,366 square metres).

Y.4. **Conclusion:** The estate plan is supportive of the existence of a highway east and west of point G. The colouring of Black Lane and the destination labels to Knowlton and Betteshanger suggest a public highway, consistent with the known highway along Thornton Lane. The table of areas refers to Black Land and Thornton Lane as 'roads', and allocates to the estate half of the width of the highway *ad medium filum*: if Black Lane were an occupation track, it is likely that it would be wholly owned by the estate, or by some other person.

Y.5. **Points:**

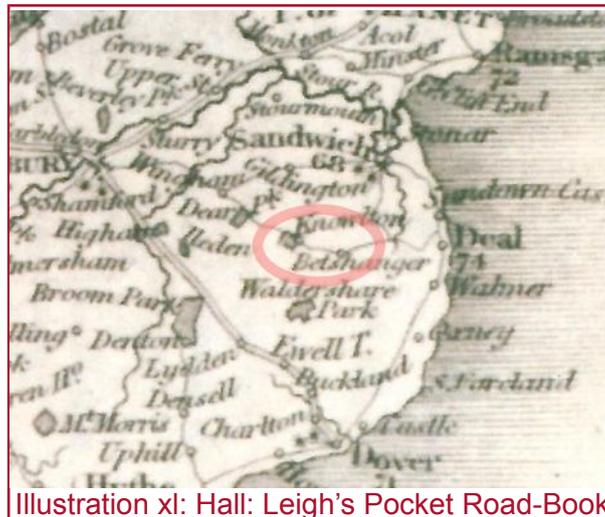
Part	A-G	G-I	J-M
restricted byway	3	3	1
bridleway	—	—	—

(This is the second of two local parish, estate or manorial maps to score points: no more than two such maps are scored for any part of the application route.)

Z. Leigh's new Pocket Road-Book

Z.1. **Date:** 1825

Z.2. **Source:** British Library⁵¹



Z.3. **Description:** This small-scale map by Samuel Hall depicts only principal roads: these include the class III Canterbury to Deal way from Wingham via Dear park, Knowlton and Betteshanger. The way is shown as passing to the north of Knowlton park and through Knowlton village.

Z.4. **Conclusion:** Despite the small scale, the map shows an alignment of the Canterbury to Deal way which must comprise Black Lane between Knowlton and Betteshanger. The nature of the way as a principal road means that it must be a public carriageway.

Z.5. **Points:** 0

(This is the third of several early county or area maps: no more than two such maps are scored.)

AA. The picturesque beauties of Great Britain

AA.1. **Date:** 1829–33

AA.2. **Source:** British Library⁵²

51 24.a.30: copies available at www.pastpages.co.uk/site-files/maps-uk/GGM019.jpg and www.oldkentmaps.co.uk/K-110-i.htm

52 Wq1/2228: copies available at www.pastpages.co.uk/site-files/maps-uk/lx/IGM002.jpg and www.oldkentmaps.co.uk/K-123-iii.htm .

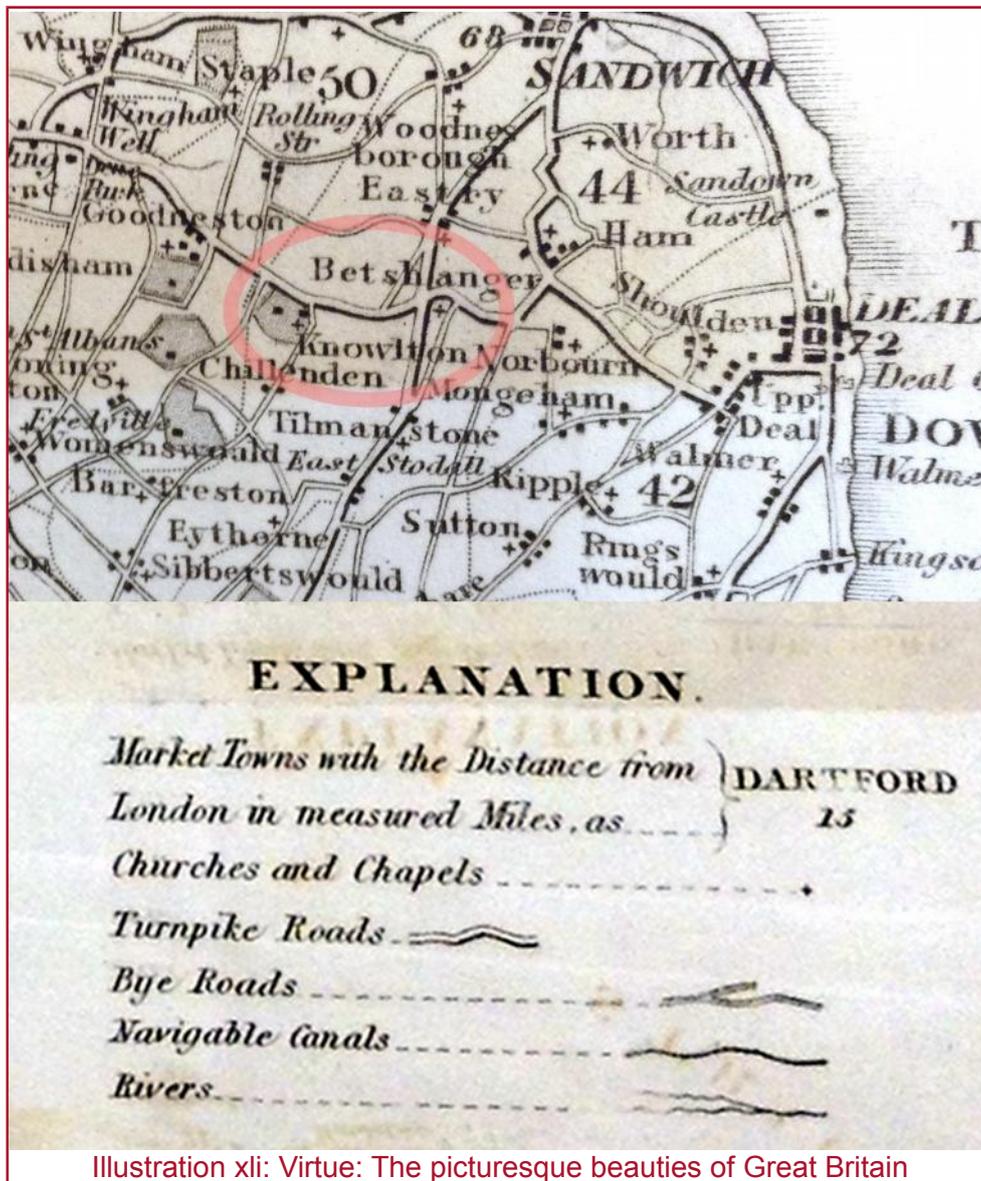


Illustration xli: Virtue: The picturesque beauties of Great Britain

AA.3. **Description:** The map by George Virtue is not obviously derived from any of its predecessors, and shows a class III route between Canterbury and Deal, from Wingham Well via north of Goodnestone, Knowlton, Bettshanger and Sholden. The way is shown to the north of Knowlton park, and is shown continuing east past what appears to be a junction with Venson Bottom, across the Dover Road, and east to join Straight Mile. The way is identified in the key as a 'turnpike road', which appears to be an erroneously concise reference to such roads and other principal roads.

AA.4. **Conclusion:** The Virtue map shows the Canterbury to Deal way as consistent with a route from Wingham Well via Adisham Road, Crockshard Hill, Goodnestone Road, Cave Lane, Chillenden Mill, Knowlton, Bettshanger, How Bridge and Sholden.

AA.5. The Virtue map is good evidence for the existence of a defined way along the application route: the thickened edge indicates a primary route, and this is strongly suggestive of a carriageway.

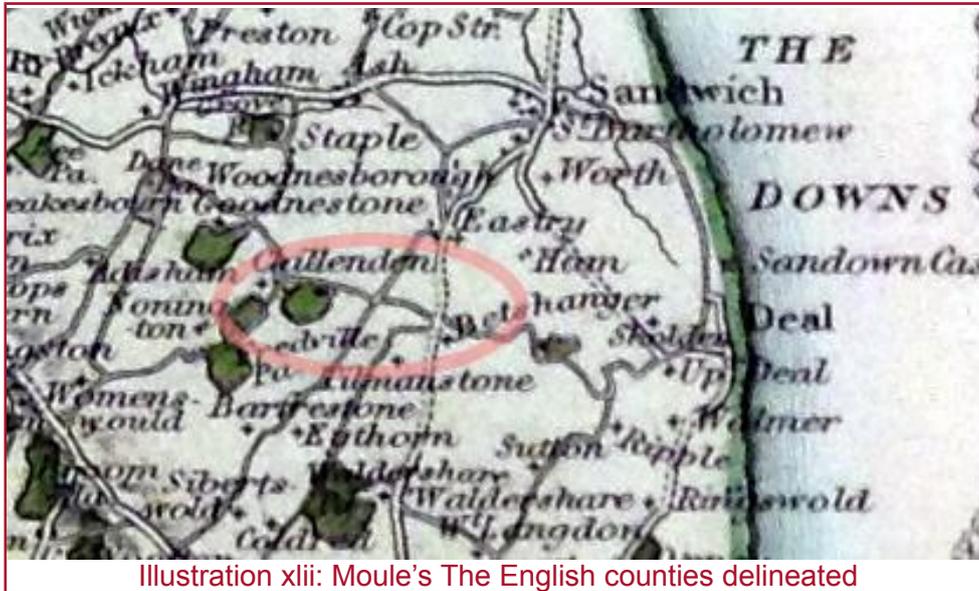
AA.6. **Points:** 0

(This is the fourth of several early county or area maps: no more than two such maps are scored.)

AB. Moule's The English Counties delineated

AB.1. **Date:** 1830

AB.2. **Source:** British Library⁵³



AB.3. **Description:** Moule's map is not obviously derived from any of those previously published. It shows a familiar class III route from Canterbury to Deal via Wingham, Dane Park, Goodnestone, Chillenden and Betteshanger. But it is also distinctive: it does not mark Knowlton as such, although Knowlton Park is clearly recognisable, and the course of the Canterbury to Deal way east of Betteshanger follows a circuitous route not elsewhere identified. On this map, Black Lane is clearly incorporated within the course of the Canterbury to Deal way, but the way is not marked as a principal route, whereas the course of the Dover, Waldershare and Sandwich turnpike, and the Dover and Sandwich turnpike (via Deal) both are so marked.

AB.4. **Conclusion:** The map confirms Black Lane as one of a number of roads in the area which, while not principal routes, are selectively shown. As such, it is likely to be a carriageway.

AB.5. **Points:** 0

(This is the fifth of several early county or area maps: no more than two such maps are scored.)

AC. Knowlton parish terrier

AC.1. **Date:** 1833

AC.2. **Source:** Canterbury Cathedral Archives⁵⁴

53 C.29.b.2

54 CCA-DCb-D/T/K/14

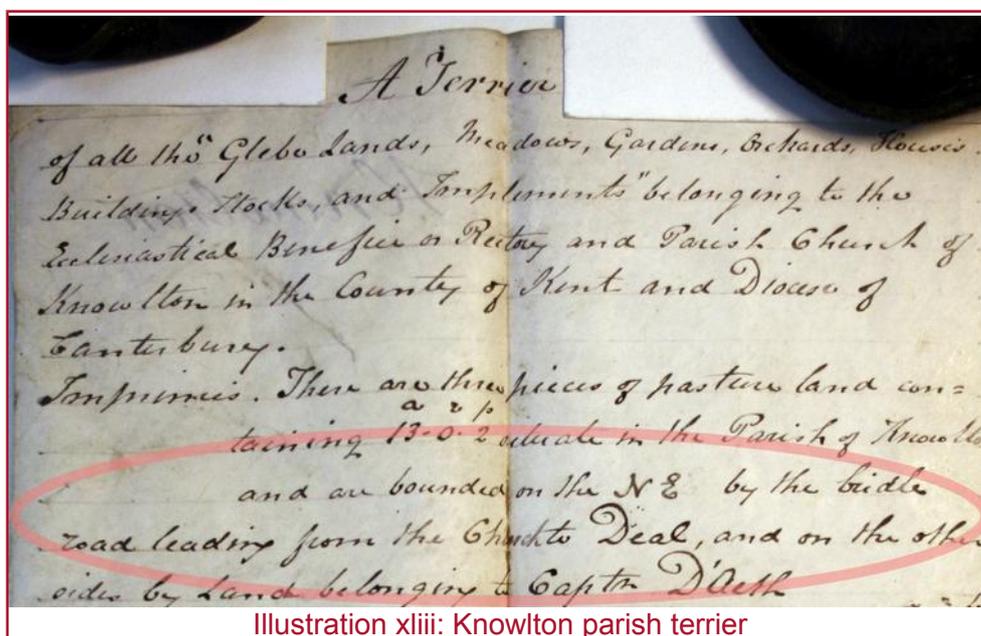


Illustration xliii: Knowlton parish terrier

AC.3. **Description:** A terrier or inventory of property held by the benefice of Knowlton. The terrier refers to three pieces of pasture land in the parish of Knowlton, 'bounded on the north-east by the bridle road leading from the Church to Deal, and on the other side by Land belonging to Captn D'Aeth.

AC.4. **Conclusion:** The terrier provides confirmation of the contemporary status of the application route as a 'bridle road' to Deal. A bridleway to a named and distant destination such as Deal could be only a public way. The terrier was prepared locally, and reflected local knowledge.

AC.5. **Points:**

Part	A-G	G-I	J-M
<i>restricted byway</i>	–	–	–
<i>bridleway</i>	2	1	1

AD. Contracted map of principal roads in Eastry

AD.1. **Date:** 1836

AD.2. **Source:** Canterbury Cathedral Archives⁵⁵

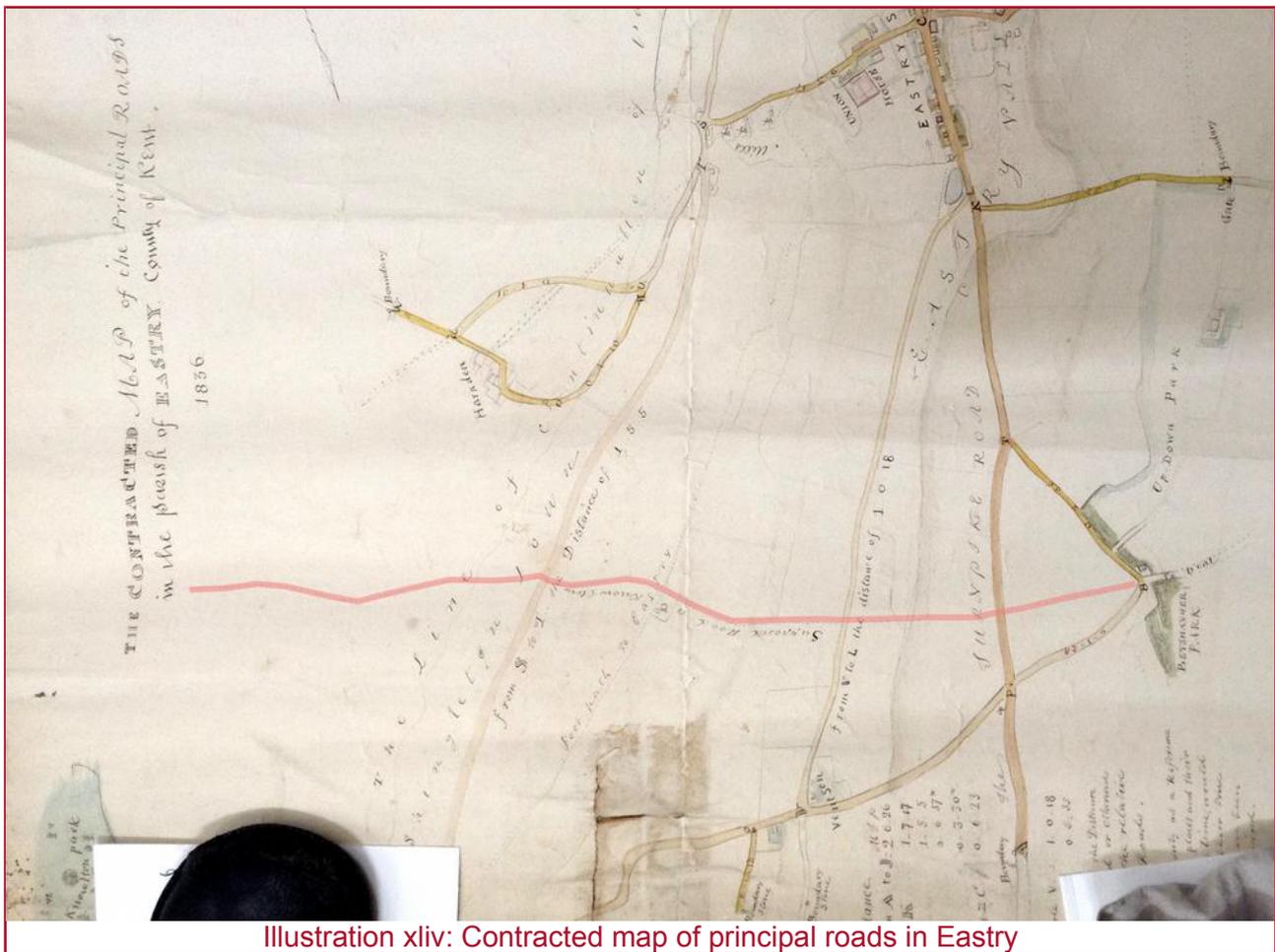


Illustration xliv: Contracted map of principal roads in Eastry

AD.3. **Description:** Original scale: none recorded; orientation: rotated 270°. The map is derived from the records of the parish records of St Mary the Virgin, Eastry, and was drawn in 1836 by surveyor J Foord of Sandwich. It is entitled, 'The contracted map of the principal roads in the parish of Eastry County of Kent 1836'.

AD.4. The map is most likely to be a record of those roads in the parish which are maintained by the inhabitants of the parish of Eastry, and the responsibility of the surveyor appointed by the parish. By 'principal roads', the map appears not to record footpaths and bridle-roads.

AD.5. The map shows the application way as either a single pecked line (between E and Poor Start Farm, and between J and M), or as a double pecked line (between Poor Start Farm and I). The way is marked, 'Supposed Road to Knowlton'.

AD.6. **Conclusion:** The map shows the application way within the parish of Eastry in its entirety as either a path or track: the map is therefore good evidence of the existence of the way throughout from A to M at this date.

AD.7. The reference to the application way being the supposed road to Knowlton is likely to represent a question over its status as a road, and not a question about its existence. The way is clearly marked on the map in the same way as other paths, but the map's purpose is to record those principal roads which were maintainable by the local inhabitants. Accordingly, the purpose of the label appears to be to justify the way not being shown as one of the principal roads, and therefore not being recorded as one of the principal roads which the inhabitants are liable to maintain. The map may therefore be a rare

record documenting the decline of Black Lane as a key route, at a date when there may have been some dispute over its status as a publicly maintainable road.

AD.8. Points:

Part	A-G	G-I	J-M
<i>restricted byway</i>	–	–	–
<i>bridleway</i>	–	–	–

AE. Eastry tithe surveyor's field books

AE.1. **Date:** 1840

AE.2. **Source:** Kent County Archives⁵⁶

Eastry tithe surveyor's index map:

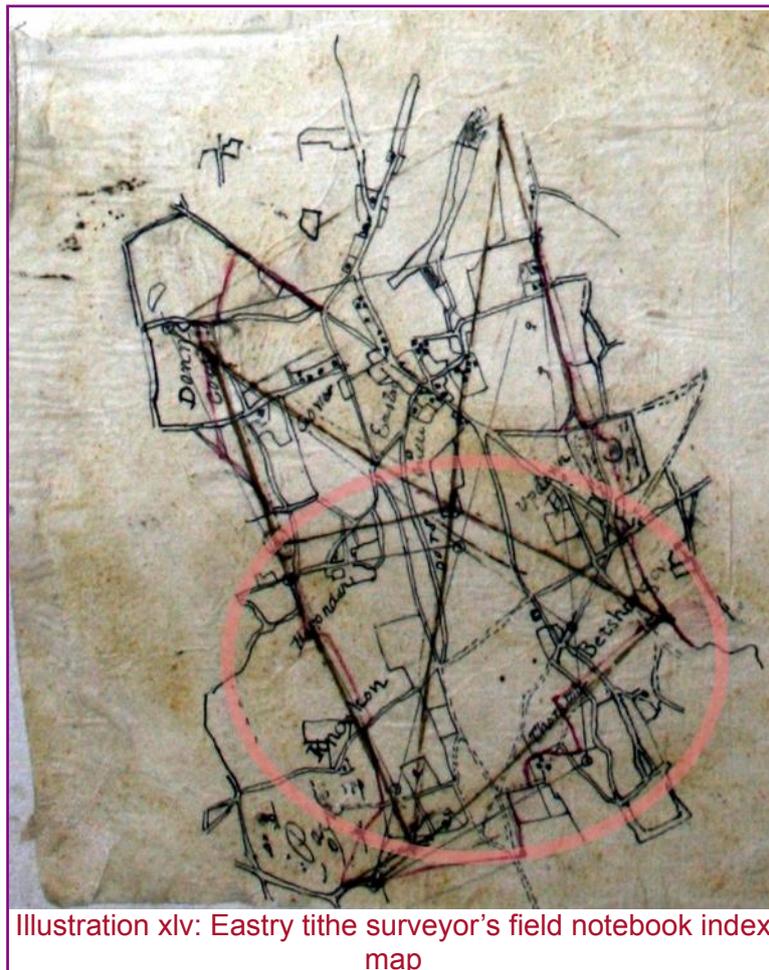


Illustration xlv: Eastry tithe surveyor's field notebook index map

crossing is marked as 'Road'. The markings on the sketch map to the right of the crossing correspond to the boundary stone formerly located at D and marked as such on the Ordnance Survey boundary records (item V.AM below), together with other tracks which appear on contemporary maps.

AE.5. **Conclusion:** The surveyor's field book cover map provides confirmation of the existence of a defined way along the application route. The transect along line 1, if correct in its identification of the intersection with Black Lane 32 feet (10 metres) west of point D, provides support for the status of Black Lane as a road. It is also suggestive that the width of the road at the intersection was 23 feet (7 metres).

AE.6. **Points:**

Part	A-G	G-I	J-M
restricted byway	2	–	–
bridleway	–	–	–

AF. Knowlton tithe map

AF.1. **Date:** 1840–41

AF.2. **Source:** map: Kent County Archives⁵⁷; tithe award: Kent Archaeological Society⁵⁸



Illustration xlvii: Knowlton tithe map

AF.3. **Description:** The tithe map, which is first class, shows Black Lane as a continuation of Knowlton Lane from Knowlton at A, to D. Beyond D, the map is marked 'From Betshanger'. No part of Black Lane is shown as titheable. In the tithe apportionment for Knowlton, 'Roads and Waste' is shown in the summary as occupying 2 acres.

⁵⁷ Kent tithe maps are available as images on CD.

⁵⁸ www.kentarchaeology.org.uk/Research/Maps/KNW/02.htm

AF.4. **Conclusion:** The label showing origin from Betteshanger, and the absence of any titheable rating, is good evidence of the public status of Black Lane east of D. Compare with the drives from Thornton Road and Sandwich Road to Knowlton Court, which are bracketed into the titheable area. Similar labels are used against other known public roads: Thornton Road ('to Deal'); Mill Top ('To Nonington'); Sandwich Road ('To St. Albans'); Griffin Hill ('From Chillenden'); Station Road ('From Chillenden'); the road from Goodnestone to the Sandwich Road ('To Goodneston'); Sandwich Road ('From Sandwich'); the road from Eastry ('From Eastry'). These roads are summarised in the apportionment as 'Roads and Waste'.

AF.5. **Points:**

<i>Part</i>	A–G	G–I	J–M
<i>restricted byway</i>	3	1	1
<i>bridleway</i>	–	–	–

AG. Eastry tithe map

AG.1. **Date:** 1841

AG.2. **Source:** map: Kent County Archives⁵⁹; tithe award: Kent Archaeological Society⁶⁰



Illustration xviii: Eastry tithe map

AG.3. **Description:** The tithe map shows Black Lane between the intersection of Black Lane with the Knowlton/Eastry parish boundary from the south at D, to the Betteshanger parish boundary just beyond M. Between E and G, Black Lane is depicted as an enclosed road and is not titheable. Between G and I, Black Lane is depicted as an unenclosed road: there are no brackets across the road, and the road forms the boundary to each

⁵⁹ Kent tithe maps are available as images on CD.

⁶⁰ www.kentarchaeology.org.uk/Research/Maps/EAY/02.htm

titheable parcel, so this part is also not titheable. Between J and L, Black Lane is shown as a track represented by a single pecked line, but for the first approximately 200 metres, the track forms the boundary to the adjoining titheable parcels, and in common with the following section of approximately 100 metres adjacent to a field boundary, this section is also not titheable. The last part of this section of approximately 170 metres is bracketed and forms part of tithed parcel 458. Between L and M, the track is also represented by a single pecked line, is bracketed and forms part of tithed parcel 471.

AG.4. **Conclusion:** The absence of any titheable rating, except as regards the last part of the application way east of L, is good evidence of the public status of Black Lane between D and L. Compare with other public roads of known status, which are also shown as untithed: Thornton Lane, Thornton Road, Venson Bottom, public bridleway EE266 (Venson Farm to Tilmanstone), Dover Road, Cater Road: some of these are specifically annotated with parcel reference 571, which does not appear in the tithe award, but is presumed to be 'roads and waste'. Whereas compare with driveways of presumed private status which are not: driveway to Shingleton Farm, tracks parallel to but east of Thornton Lane, driveway to Updown House.

AG.5. **Points:**

<i>Part</i>	A-G	G-I	J-M
<i>restricted byway</i>	–	–	–
<i>bridleway</i>	2	2	1 (part)

AH. Plan of estate in Eastry and Worth

AH.1. **Date:** Middle of C19 (see Description)

AH.2. **Source:** Canterbury Cathedral Archives⁶¹

61 CCA-U63/19309

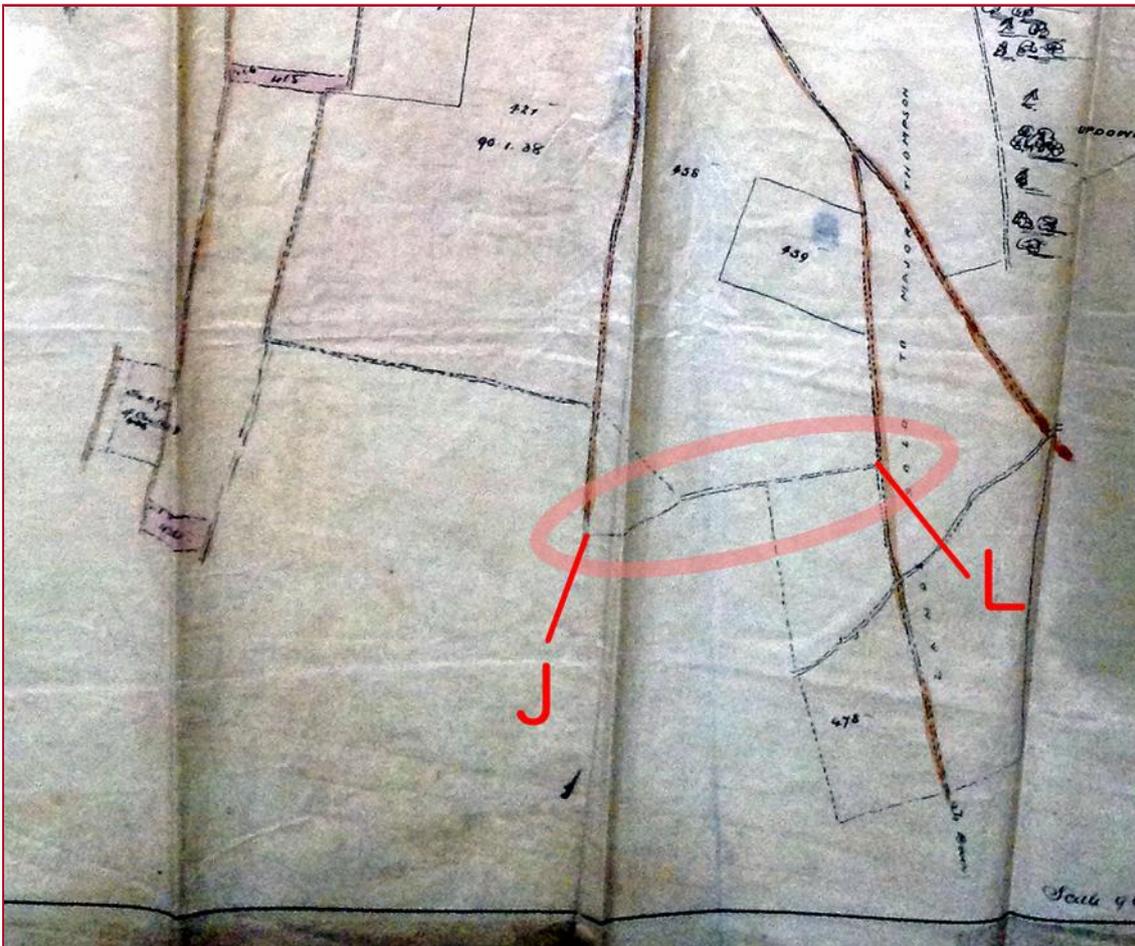


Illustration xlix: Plan of estate in Eastry and Worth

AH.3. **Description:** Original scale: marked as nine chains to one inch (1:7,128); orientation: unchanged (north). An undated map acquired from the Church Commissioners in a 1966 deposit, attributed to the eighteenth century, but which refers to parcel numbers used on the Eastry tithe map, and so likely to date from the middle of the nineteenth century.

AH.4. The map shows the application way between J and L (the original alignment of the turnpike followed the eastern boundary of the present dual carriageway, and so the termination of the track shown on the map is likely to be at L vice K). It is shown as a single, possibly pecked, path from J to the junction with a path from the northwest⁶², and thence as a double pecked track east to L.

AH.5. **Conclusion:** The estate map provides good evidence of the physical existence of the application way between J and L, but does not indicate whether any public rights exist. The absence of the rest of the way between west of J and east of L is accounted for by the exclusion of any estate interest in this part of the land.

AH.6. **Points:**

Part	A-G	G-I	J-M
<i>restricted byway</i>	—	—	—
<i>bridleway</i>	—	—	—

⁶² An application has been made to record this path, the Heronden bridleway, as a public bridleway (application no.390).

AI. Dugdale's Curiosities of Great Britain

AI.1. **Date:** 1850

AI.2. **Source:** British Library⁶³

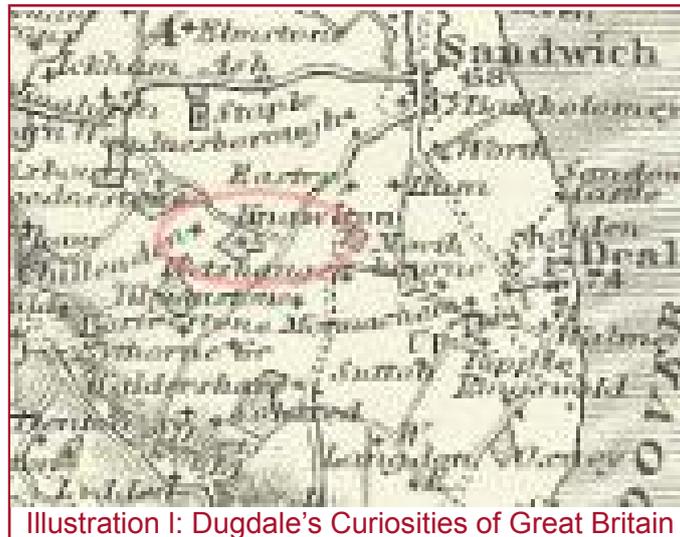


Illustration I: Dugdale's Curiosities of Great Britain

AI.3. **Description:** Thomas Dugdale was an antiquarian and cartographical publisher. *Curiosities of Great Britain* was first published in 1835, containing a series of finely detailed county maps. This map dates from the 1850 edition. The Dugdale map shows a way between Wingham and Thornton Lane via Knowlton, passing to the north of Knowlton Park. However, nothing is shown to continue the way east beyond Thornton Lane to Bette-shanger, where the way resumes towards Deal to the east of the Dover, Waldershare and Sandwich turnpike.

AI.4. **Conclusion:** The Dugdale map is convincing evidence of the existence of the application way between A and G only, and the small scale of the map is suggestive that the way must have been considered to be a public road. The omission of the application way east of G may reflect the declining importance of Black Lane as a through route — but this small scale map fails also to show Thornton Road.

AI.5. **Points:** 0

(This is the sixth of several early county or area maps: no more than two such maps are scored.)

AJ. Ramsgate Sandwich Deal and Dover Railway

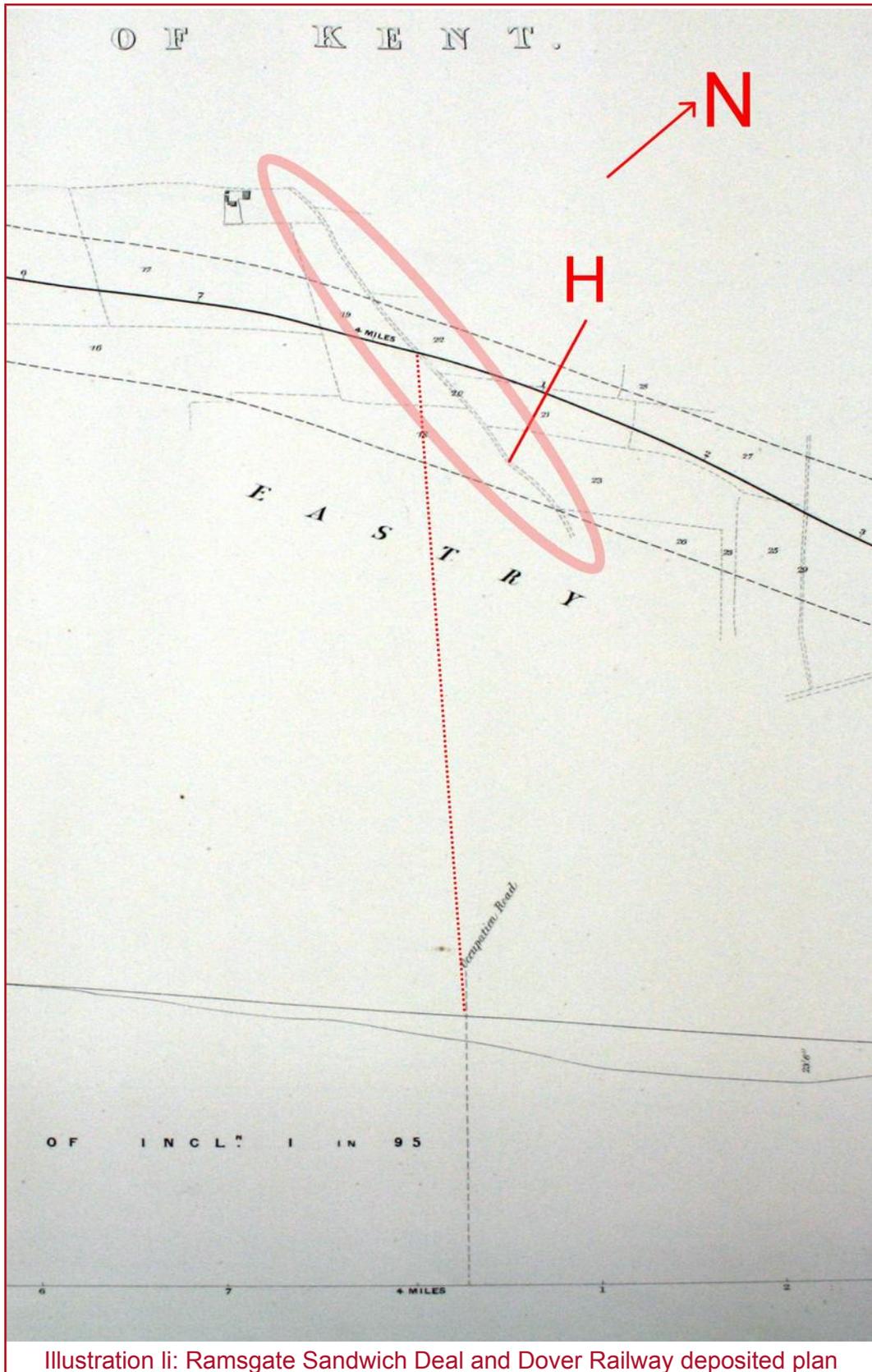
AJ.1. **Date:** 1861

AJ.2. **Source:** Kent County Archives⁶⁴

63 Downloaded DRT Isidyv314d5967.

64 Q/RUm/463B.

Ramsgate, Sandwich, Deal and Dover Railway deposited plan:



Ramsgate, Sandwich, Deal and Dover Railway book of reference:

Parish of <i>Eassey</i>		County of <i>Kent</i>		
Numbers referring to Plan.	DESCRIPTION OF PROPERTY.	NAMES of OWNERS or REPUTED OWNERS.	NAMES of LESSEES or REPUTED LESSEES.	OCCUPIER'S NAMES.
15	Field	Admiral George Hughs William D. Beth	William Grey	William Grey
16	Field	Admiral George Hughs William D. Beth	William Grey	William Grey
17	Field	William Boteler		George Wood
18	Field	William Boteler		George Wood
19	Field	William Boteler		George Wood
20	Occupation Road	William Boteler		George Wood, Joseph Patten Baker and Thomas Medgetts

Illustration Iii: Ramsgate Sandwich Deal and Dover Railway deposited book of reference

AJ.3. **Description:** The alignment for the proposed Ramsgate Sandwich Deal and Dover Railway is shown on *Illustration Ii: Ramsgate Sandwich Deal and Dover Railway deposited plan* so as to cross Black Lane east of Thornton Lane, between G and H (the former Upper Venson or Poor Start Farm can be identified in the north-west corner of the plan extract). Black Lane is depicted as plot 20, and in the section the application way is referred to as an 'Occupation Road'. Similarly, in *Illustration Iii: Ramsgate Sandwich Deal and Dover Railway deposited book of reference*, the plot is recorded as an 'Occupation Road' in the ownership of William Boteler and in the occupation of George Wood, Joseph Patten Baker and Thomas Medgetts⁶⁵.

AJ.4. **Conclusion:** The proposal for the railway does not record Black Lane between G and H as a public way, but only as an occupation road. However, the Bill was not enacted, and the railway was not built, and as observed by the court in similar circumstances in *Trail Riders Fellowship v Secretary of State for the Environment, Food and Rural Affairs*⁶⁶, the plans attract less credibility; moreover, as the present railway plans were not enacted into law⁶⁷ (whereas the plans cited in *Trail Riders Fellowship* were enacted), it cannot be assumed that they were endorsed by Parliamentary scrutiny.

AJ.5. The recording of probable public rights of way (other than public roads) in the deposited plans and book of reference for this proposed Ramsgate, Sandwich, Deal and Dover Railway is unreliable. The following table analyses every public right of way (other than carriageways which are today metalled and tarred) which is shown on the definitive map, or any path shown on near contemporary 1:2,500 Ordnance Survey mapping⁶⁸, as intersecting the proposed alignment of the railway between Shepherdswell and West Street (near Ham) (where the proposed lines to Deal and Sandwich diverge). The table records the location of each right of way or path, and the representation of it in the deposited plan and book of reference.

65 This may be a mis-spelling of 'Thomas Medgett'.

66 Paragraph 28: [\[2015\] EWHC 85 \(Admin\)](#).

67 House of Commons, *Official Report*, 29 April 1862, [vol.117](#), p.163, records that the Bill was withdrawn.

68 Ordnance Survey OS 1:2,500 second edition c. 1896–98, available from: maps.nls.uk/os/25inch-england-and-wales/index.html.

Description of present right of way	Grid ref.	Right of way no.	Description in book of reference		
			Parcel	Owner	Occupier
Eythorne Road to Long Lane	TR261489	FP ER78	Siberts-would 17 Path	Edward Royds Rice	(Lessee: Robert Potter) Robert Potter and William Higgins
Sheperdswell-Barfrestone road to Shepherswell Road	TR265495	BW EE342	Barfreston 6 Public Road	The Surveyors of the Parish John Harvey Thomas Wilmott	The Surveyors of the Parish John Harvey Thomas Wilmott
Roman Way to Kelk Hill	TR282515	FP EE323	Nonington 8 Public Road	The Surveyor of the Parish John Spanton	The Surveyor of the Parish John Spanton
footpath from Kittington Cottages to Thorntonhill Cottages	TR286521	FP EE264	Eastry 4 Public Road	The Surveyors of the Parish Stephen Clark William Pittock	The Surveyors of the Parish Stephen Clark William Pittock
Thorntonhill Cottages to Pike Road	TR288522	BW EE262A	Eastry 7 Private Occupation Road	Admiral George Hugh William D'Aeth and Edward Royds Rice	(Lessee William Wilson and William Wilson junior) William Wilson and William Wilson junior
Black Lane	TR299532	—	Eastry 20 Occupation Road	William Boteler	George Wood, Joseph Patten Baker and Thomas Medgetts
bridleway from Venson Bottom to Heronden	TR302534	—	Eastry 29 Occupation Road or Footpath	William Boteler and Aldborough Henniker	George Wood and Thomas Medgetts
footpath from Northbourne Road to Lower Street	TR310540	FP EE259	Eastry 37 Field and Footpath	William Boteler	(Lessee: John Oldfield) John Oldfield

Description of present right of way	Grid ref.	Right of way no.	Description in book of reference		
			Parcel	Owner	Occupier
bridleway from Northbourne Road to Hay Hill	TR317540	BW EE382	Eastry —	Not separately identified	Not separately identified
footpath from Eastry to Updown Farm	TR319541	FP EE257	Eastry —	Not separately identified	Not separately identified ⁶⁹

AJ.6. The deposited plans and book of reference failed to record the correct status of rights of way which were perceived (at the time the plans were prepared) not to be carriageways. In the table above, none of the intersecting routes now recorded as public rights of way on the definitive map and statement for Kent (and recorded as paths on the second edition Ordnance Survey 1:2,500 map) is presented in the book of reference as a specifically public path. Relevant entries refer to the right of way in some cases as a public road, but otherwise as a ‘path’, ‘footpath’ or ‘occupation road’, and the owner, lessee where relevant, and occupier, appear to be the private interests in the land. In some cases, such as the bridleway from Northbourne Road to Hay Hill, the way is not separately identified in the book of reference. In the case of the footpath from Eastry to Updown Farm, the existence of a public footpath is noted neither in the plan nor the book of reference, but specifically cited in public notice of the deposit of the plans and book of reference⁷⁰. Whereas in relation to public roads, the ownership of land is vested in the surveyor of highways, none of the entries identified in the table, apart from acknowledged public roads, refers to the interest of the highway authority.

AJ.7. Section 46 of the Railways Clauses Consolidation Act 1845, by convention incorporated in the special Act for the construction of railways approved by Act of Parliament enacted after 1845, provided for the bridging of public roads, but for other public highways to be taken over the railway on the level (with the consent of local justices) unless provision were made to the contrary in the special Act⁷¹: however, the plans provide no indication that any such provision was intended in relation to Black Lane. If by the date of the proposal, Black Lane was no longer considered to be a carriageway, but only a public bridleway, it did not greatly matter whether it was recorded as an occupation road or as a public path, since in either case, the railway company was required only to provide a crossing on the level.

AJ.8. **Points:** 0

AK. Dover, Deal and Sandwich Railway

AK.1. **Date:** 1862–85

AK.2. **Source:** Kent County Archives⁷²

⁶⁹ The path is expressly identified as a public footpath in notice of the application to Parliament for an Act: see [London Gazette, 29 November 1861, p.5136](#), para.3.

⁷⁰ *Ibid.*

⁷¹ See also *Dartford Rural District Council v Bexley Heath Railway Company* [1898] AC 210.

⁷² Q/RUm/466, 483, 505

Deposited plan 1862

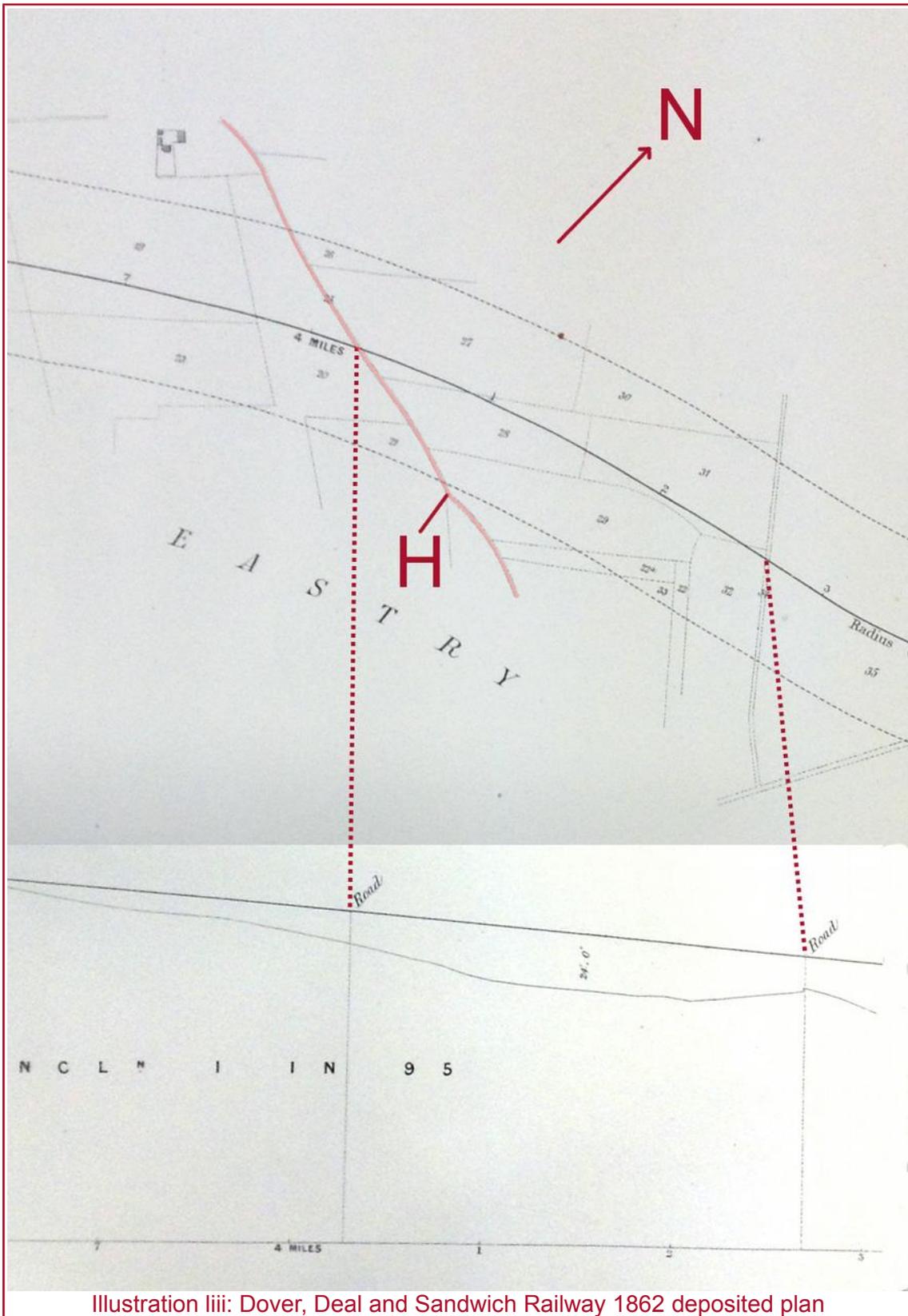


Illustration liii: Dover, Deal and Sandwich Railway 1862 deposited plan

Book of reference 1862

PARISH of <i>Eastley</i>		COUNTY of <i>Hert</i>		
Numbers referring to the Plan.	DESCRIPTION of PROPERTY.	NAMES of OWNERS or REPUTED OWNERS.	NAMES of LESSEES or REPUTED LESSEES.	OCCUPIERS' NAMES.
<i>24</i>	<i>Field</i>	<i>George Hughes William D'Arby</i>	<i>William Grey</i>	<i>William Grey</i>
<i>25</i>	<i>Occupation Road</i>	<i>William Boteler</i>		<i>George Wood William Patton Botker Thomas Medgett</i>
<i>26</i>	<i>Field</i>	<i>William Boteler</i>		<i>George Wood</i>

Illustration liv: Dover, Deal and Sandwich Railway 1862 book of reference

Deposited plan 1863

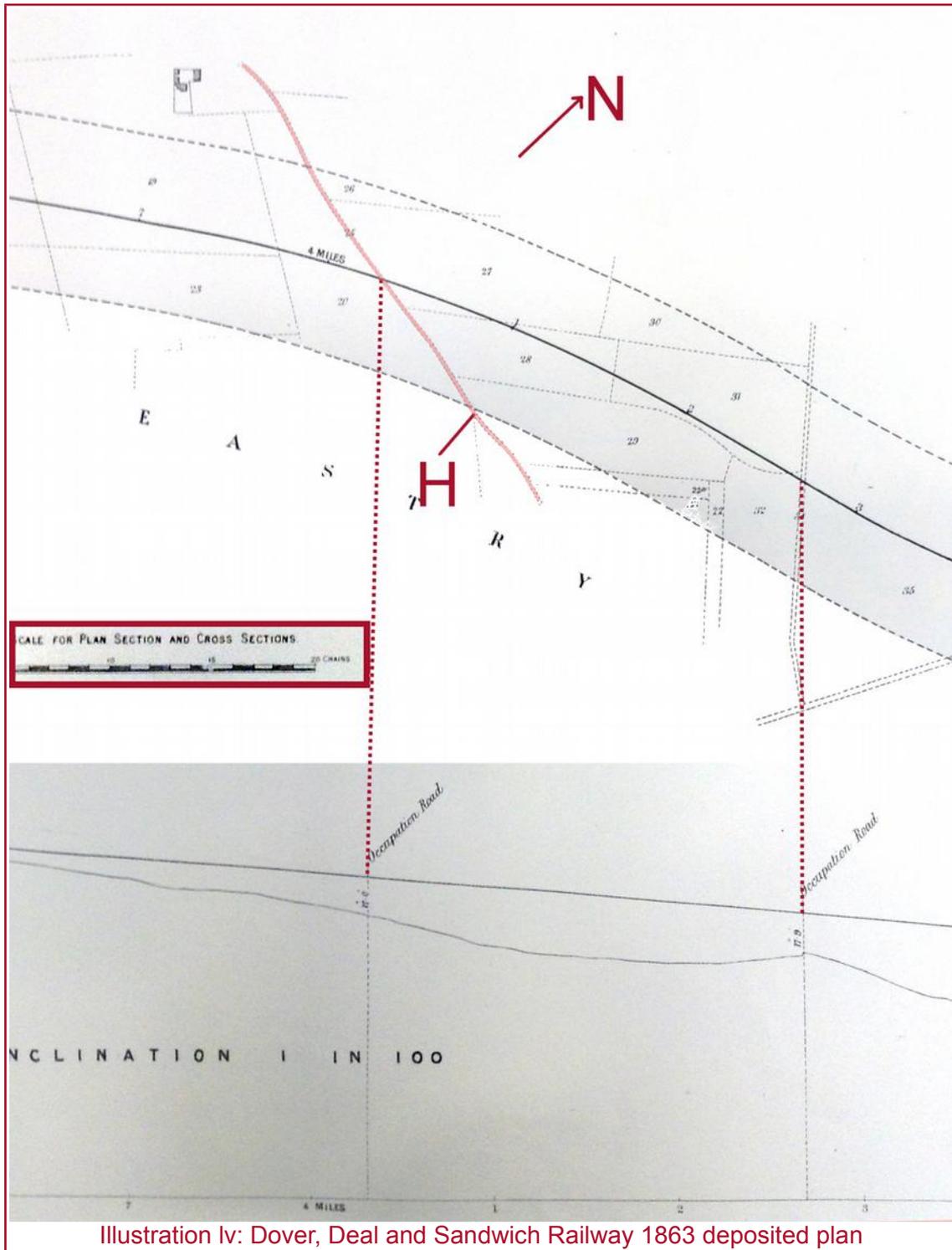


Illustration Iv: Dover, Deal and Sandwich Railway 1863 deposited plan

Book of reference 1863

Railway No 1

PARISH of *Eastby* COUNTY of *Kent*

Numbers referring to the Plan.	DESCRIPTION of PROPERTY.	NAMES of OWNERS or REPUTED OWNERS.	NAMES of LESSEES or REPUTED LESSEES.	OCCUPIERS NAMES.
<i>24</i>	<i>Field</i>	<i>George Hughes & William D'Ash</i>	<i>William Grey</i>	<i>William Grey</i>
<i>25</i>	<i>Occupation Road</i>	<i>William Boteler and Aldborough Henrich</i>		<i>George Wood William Pullen Parker Thomas Medgett</i>

Illustration lvi: Dover, Deal and Sandwich Railway 1863 book of reference

Deposited plan 1864

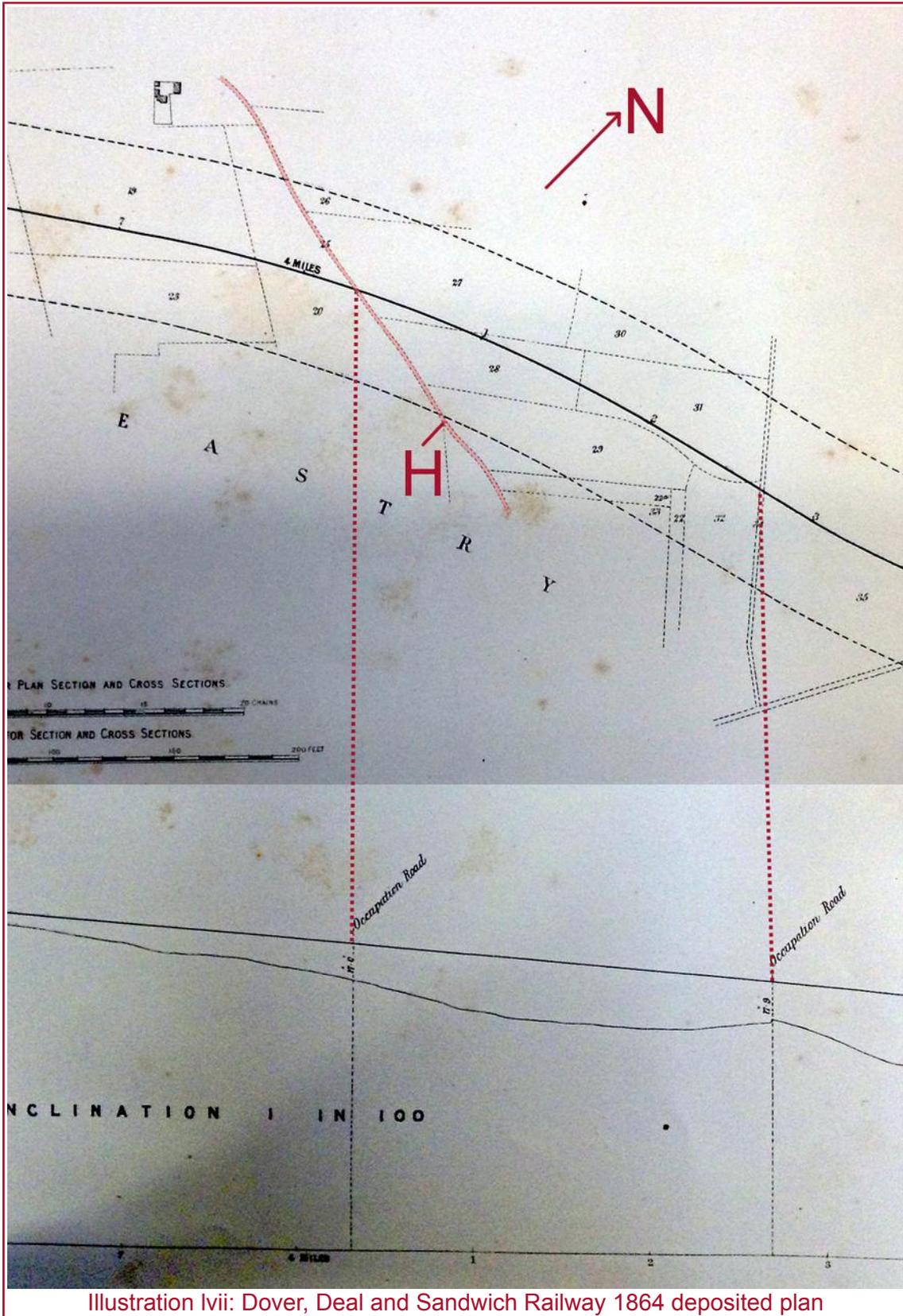


Illustration Ivii: Dover, Deal and Sandwich Railway 1864 deposited plan

Book of reference 1864

No. in Plan	DESCRIPTION OF PROPERTY.	OWNERS OR REPUTED OWNERS.	LESSEES OR REPUTED LESSEES.	OCCUPIERS.	OBSERVATIONS.
24	Field	Ditto	Ditto	Ditto	
25	Occupation Road	William Boteler and Aldborough Henniker		George Wood Joseph Patten Baker Thomas Medgetts	

Illustration Iviii: Dover, Deal and Sandwich Railway 1864 book of reference

AK.3. **Description:** Original scale: not marked on 1862 plan (but planned line marked off in furlongs), marked on 1863 and 1864 plans; orientation: unchanged (top is northwest).

AK.4. A Bill for the Dover, Deal and Sandwich Railway was presented to Parliament in each of the 1862–83, 1863–64 and 1864–65 Sessions. The course of the line through Eastry parish is identical to that of the Ramsgate Sandwich Deal and Dover Railway (item V.AJ above), which was presented to Parliament in 1861.

AK.5. The course of the application way is shown between G and H in the deposited plan for each year by double pecked lines, and assigned plot number 25. The former Upper Venson or Poor Start Farm can be identified in the north-west corner of the plan extracts.

AK.6. In the 1862 section, the application way is labelled 'Road'. In the 1863 and 1864 section, it is labelled 'Occupation Road'.

AK.7. In the 1862 book of reference for Eastry parish, plot 25 is attributed to an 'Occupation Road', and the owner is given as William Boteler and in the occupation of George Wood, William Patten Baker and Thomas Medgetts. In the 1863 book of reference, it is again attributed to an 'Occupation Road', but in addition, the owner is also given as Aldborough Henniker, the occupiers being unchanged. In the 1864 book of reference, it remains an 'Occupation Road', with the same owners as 1863, but occupier William Patten Baker has been replaced (or corrected) as one of the occupiers by Joseph Patten Baker.

AK.8. None of these Bills received Royal Assent, the proposals were not put into effect, and instead, the Deal and Dover Railway Act 1865⁷³ was granted Royal Assent on approximately the present alignment of the Deal and Dover railway.

AK.9. **Conclusion:** the deposited documents for the Dover, Deal and Sandwich Railway disclose that the company's surveyor identified the application way as an occupation road.

AK.10. The sections show that no provision was made for a bridge in accordance with ss.46 and 49 of the Railways Clauses Consolidation Act 1845, which required the railway to be carried over or under a private carriage road by means of a bridge.

AK.11. Section 46 provided for other public highways (not being carriageways) to be taken over the railway on the level (with the consent of local justices) unless provision were made to the contrary in the special Act⁷⁴. It may therefore be assumed that a level crossing were intended to be provided.

73 28 & 29 Vict., c.cxcvi

74 See also *Dartford Rural District Council v Bexley Heath Railway Company* [1898] AC 210.

AK.12. It is suggested that the railway plans labour under the same defects in assessment as those prepared for the Ramsgate Sandwich Deal and Dover Railway (item V.AJ above).

AK.13. **Points:** 0

AL. Field sketch map

AL.1. **Date:** c.1900 (but see below)

AL.2. **Source:** Kent County Archives⁷⁵

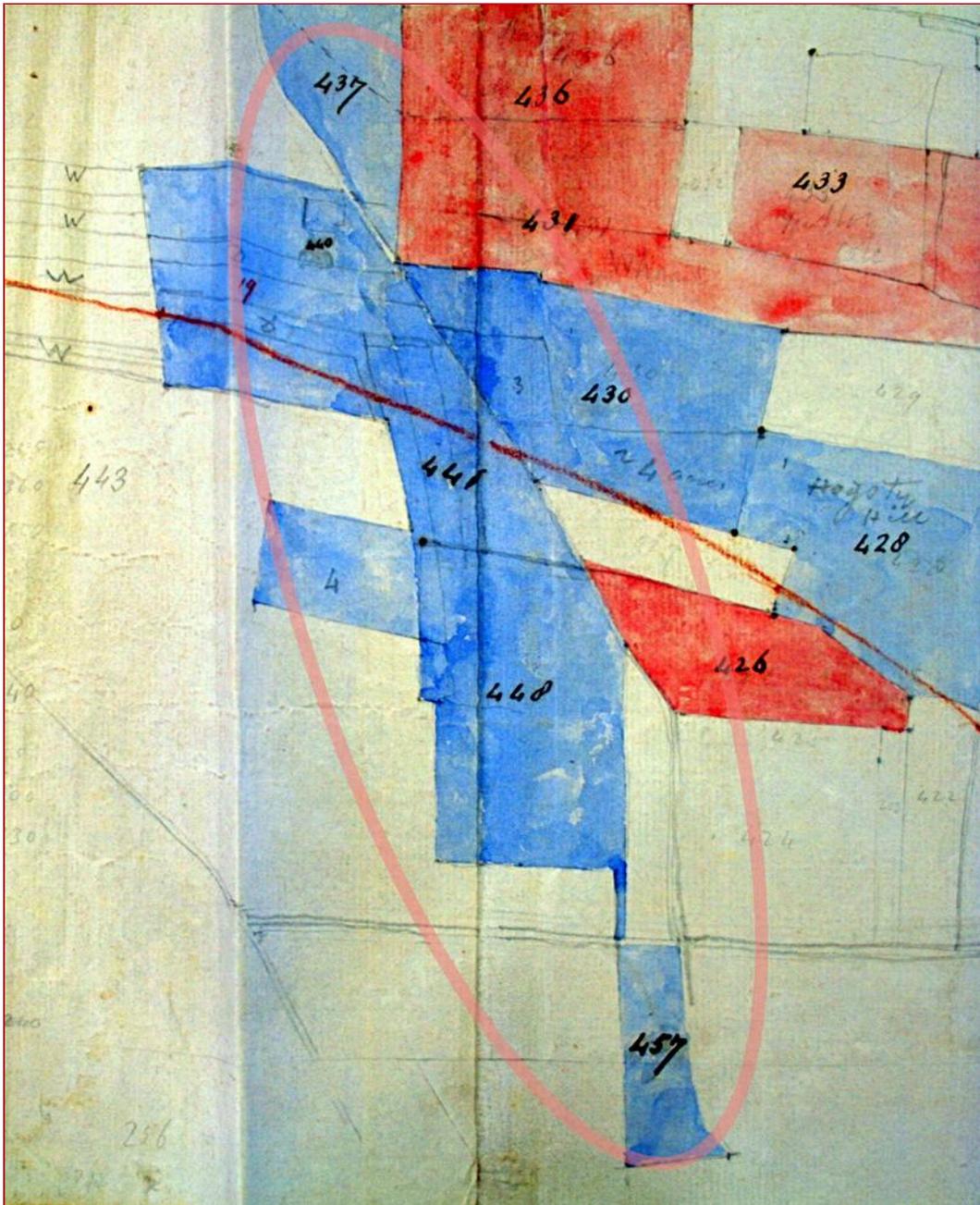


Illustration lix: Field sketch map

AL.3. **Description:** The sketch map of fields south of Eastry has been dated by the Kent county archive to *circa* 1900. It shows fields between Venson Bottom and Thornton Lane,

75 U2735/P/1

some of which are colour washed. A key (not shown) describes the numbers and names of colour washed fields, and their area. A line, in brown, passes diagonally from left to right across the map, which is consistent with the planned alignment of the Ramsgate, Sandwich, Deal and Dover Railway, a Bill for which was presented to Parliament in 1861 (item V.AJ above), or the Dover, Deal and Sandwich Railway (item V.AK above), presented to Parliament in consecutive years 1862–64.

AL.4. The application route is shown between G and I as a track confined within two continuous lines, and from J towards K indistinctly, but at least in part as a track confined within two continuous lines.

AL.5. **Conclusion:** The map is dated by its custodian archive to *circa* 1900, but faithfully reproduces the planned alignment of a railway proposal put forward in 1861–64. As the railway was not built, it is unlikely that the alignment would have been marked on the map at a substantially later date, the line having ceased to have any relevance once the Bill failed to receive Royal Assent and the project was abandoned. It is possible that the line reproduces the planned route of the later Walmer, Deal and Adisham Railway (item V.AP below), which was presented to Parliament in 1872, but the alignment and field patterns are subtly distinct in the deposited plan of the railway from the field sketch map, and it too precedes the catalogue date by around thirty years.

AL.6. It is reasonable to conclude that the detail on the map was completed to reflect the interests of one or more owners of the land. The inclusion of the application route is therefore significant, and is evidence that the way existed and was recognised by the owner or owners of at least some of the land crossed between G and K, in around the year 1861. The map does not identify the way as having any particular status.

AL.7. **Points:** 0

AM. Knowlton Ordnance Survey boundary records

AM.1. **Date:** 1866–69

AM.2. **Source:** National Archives⁷⁶

⁷⁶ See extracts for catalogue references.

OS Boundary journal of inspection Goodnestone⁷⁷:

BOUNDARY SKETCH MAPS. <i>Goodnestone next Wingham</i>							
Journal of Inspection and Remarks.							
Applicant's Name and the Title	Boundary	Post Town	Inspected: If only a Part named, what Part	Contracted with a Part: If a Part only, what Part	Station and Date of the Visit	Other Parts likely to be in question—Station of them, by whom and where kept	Remarks or Difficulties pointed out
<i>Reverend John Goodnestone Park.</i>		<i>Wingham generally</i>		<i>NC</i>	<i>1862</i>		<p>Examined the Boundaries of several Parishes with this of Goodnestone and found that much care & attention had been bestowed on various difficult points and the greatest accuracy was exhibited.</p> <p><i>Witnesses:</i> <i>Goodnestone</i> <i>Archd. George Bridge.</i></p> <p>The above also examined the boundaries of the Parishes of</p> <p><i>Sturanton</i> <i>Chilenden</i> <i>Staple</i> <i>Goodnestone</i> <i>Stungstone</i> <i>Sturington</i> <i>Wormenwold</i> <i>Barpreston, and</i> <i>Wingham.</i></p> <p><i>H. J. Jelland</i> <i>Corpt. R. E.</i></p>

Illustration ix: OS Boundary journal of inspection Goodnestone

Eastry OS boundary field sketch map⁷⁸:

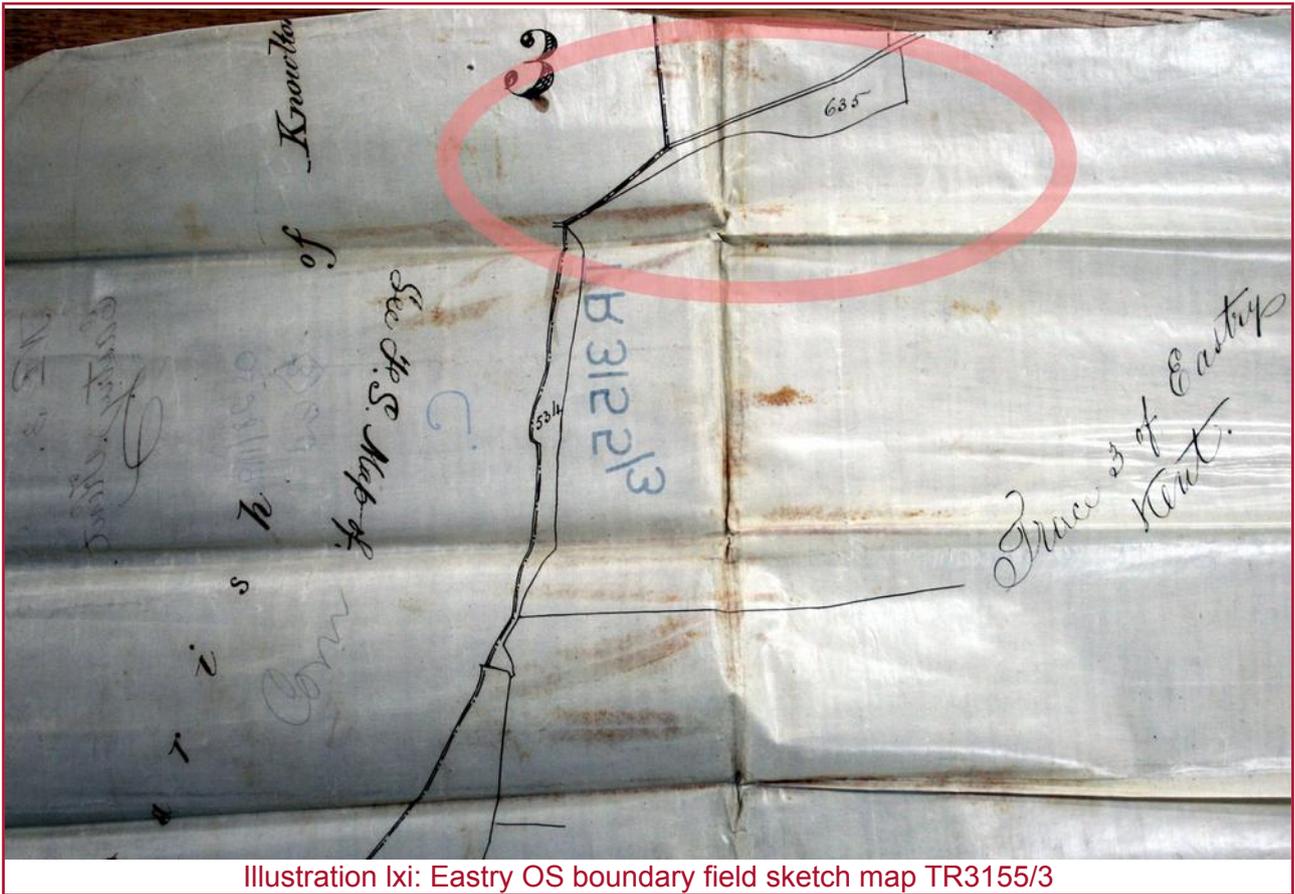


Illustration lxi: Eastry OS boundary field sketch map TR3155/3

AM.4. *Illustration Ix: OS Boundary journal of inspection Goodnestone* records that the boundaries of Knowlton parish (among others) were examined by Baron FitzWalter of Goodnestone Park, George Dodds, his agent, and B G Bridgers.

AM.5. *Illustration Ixi: Eastry OS boundary field sketch map TR3155/3* records the boundary of Eastry with, *inter alia*, Knowlton, which is briefly coincident with Black Lane (the map is based on a tracing of the Eastry tithe map at item V.AG above).

AM.6. *Illustration Ixii: Knowlton OS boundary field sketch map TR2854/1* records the boundary of Knowlton with, *inter alia*, Eastry (based on a tracing of the Knowlton tithe map at item V.AF above), which shows the boundary coincident with Black Lane in greater detail, marked in particular with the status of Black Lane as 'Bridle Rd' and the direction to the east as 'From Betshanger'. There are also notes that the boundary is marked by stones at both changes in direction where the boundary joins and departs from the course of Black Lane. This sketch map is annotated: 'Present for the boundary of Eastry, Knowlton, & Chillenden: 12th Nov^r 1866/Joseph Bowman Meresman for Eastry; Will^m Hoile Meresman for Knowlton and Chillenden; Mr Wilson Jun^r—Farmer Eastry'. The extract also shows a footpath coincident with the boundary of Knowlton and Eastry, further north, which is the alignment of the public footpath from Knowlton to Eastry recorded on the definitive map as EE260.

AM.7. *Illustration Ixiii: Knowlton OS boundary sketch map TR2755* is the final boundary sketch map for Staple, Knowlton, Chillenden and Goodnestone. The map reproduces the findings recorded in illustration Ixii, and Black Lane is annotated as 'Bridle Road'. The parish boundary is noted as following 'C.R.', which is described in the key as 'Centre of Road'.

AM.8. **Conclusion:** The boundary field and final sketch maps had the purposes of documenting boundaries which were to be marked on subsequently published Ordnance Survey maps. The sketch maps were drawn up under the guidance of local gentry and parish meresmen tasked with responsibility for determining boundaries, and these persons agreed the details recorded. Black Lane is annotated as a bridle road between D and E, and the parish boundary is marked as following the centre of the 'road'. A false attribution of the status of Black Lane would have been corrected by those consulted, and the maps are therefore good evidence for a status as at least bridleway.

AM.9. Points:

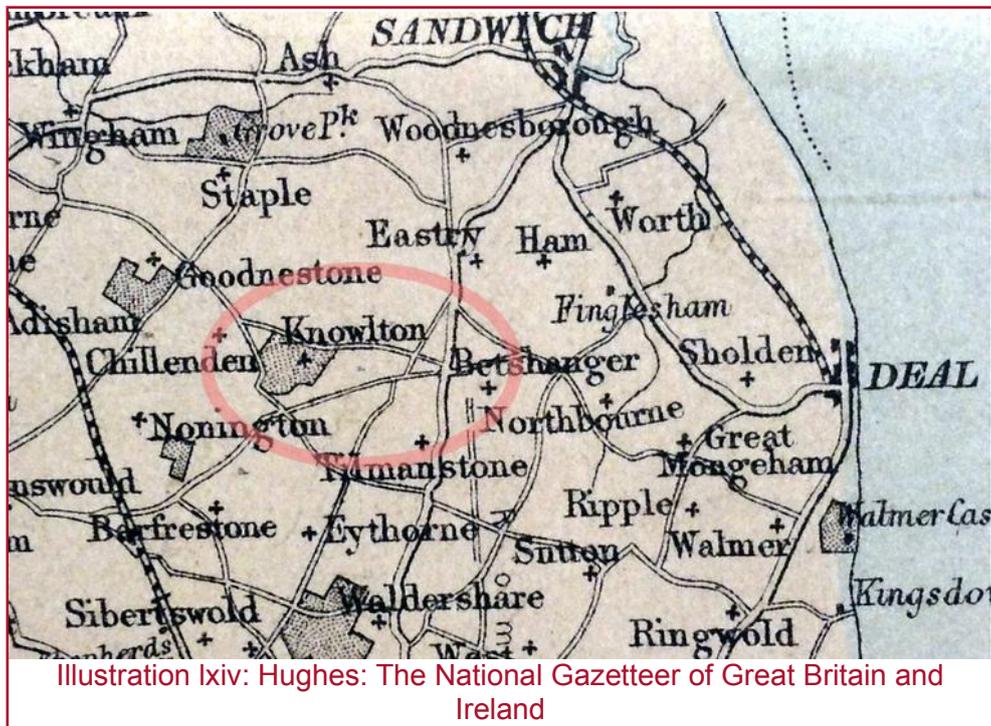
<i>Part</i>	A–G	G–I	J–M
<i>restricted byway</i>	–	–	–
<i>bridleway</i>	3	–	–

AN. The National Gazetteer of Great Britain and Ireland

AN.1. **Date:** 1868

AN.2. **Source:** British Library⁸¹

81 10348.i.7: copies available at www.oldkentmaps.co.uk/K-166-A.htm and freepages.genealogy.rootsweb.ancestry.com/~genmaps/genfiles/COU_files/ENG/KEN/hughes_kent_1870.htm.



AN.3. **Description:** The map by William Hughes is not obviously derived from any of its predecessors, and shows no principal route between Canterbury and Deal. The map shows Black Lane as a continuation of Knowlton Lane from Knowlton at A generally east to and across Venson Bottom and the Dover Road, to a junction with Thornton Road at Betschanger at M.

AN.4. **Conclusion:** The map is good evidence for the existence of a defined way along the application route. There is no published key, but the map shows only selected through routes, noting that neither Sandwich Road (through Noninton) nor Thornton Lane appears on the map, and the depiction of Black Lane may be assumed to show a public way.

AN.5. **Points:** 0

(This is the seventh of several early county or area maps: no more than two such maps are scored.)

AO. Order of exchange (glebe land)

AO.1. **Date:** 1870

AO.2. **Source:** National Archives⁸²

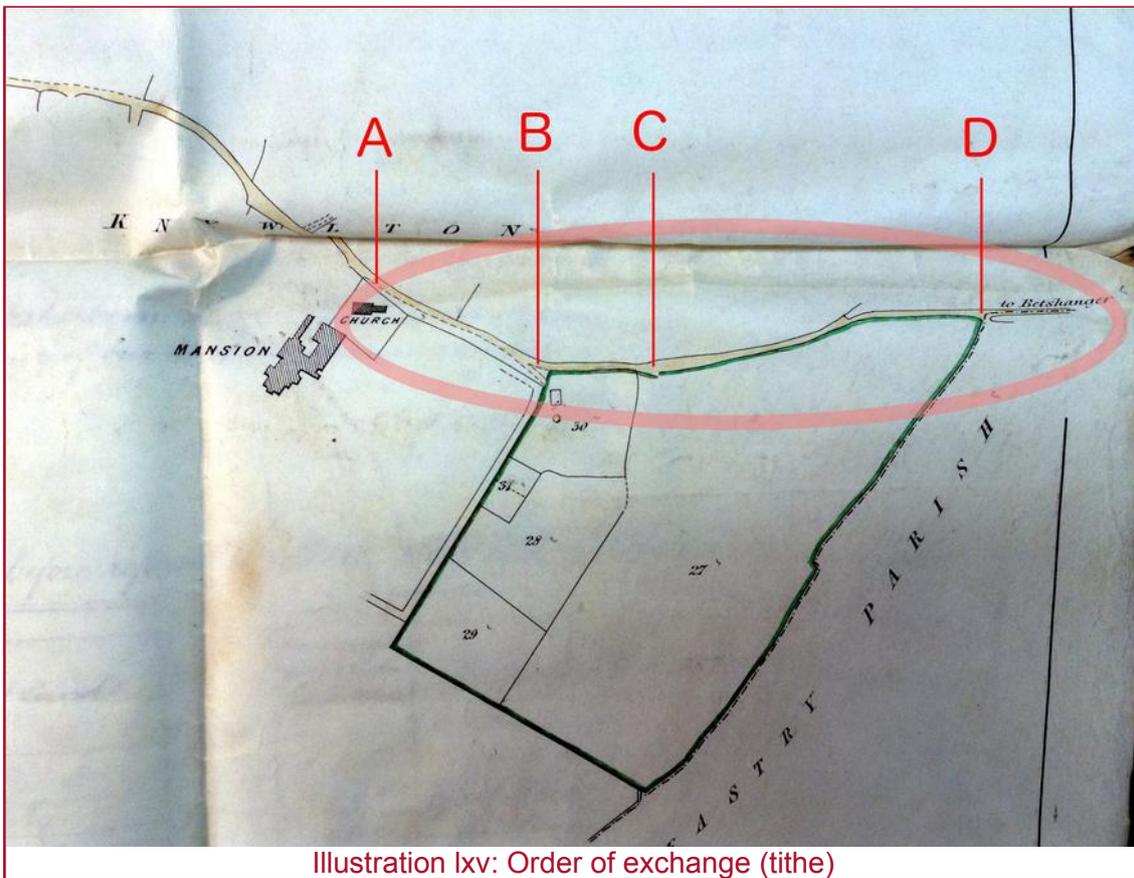


Illustration lxxv: Order of exchange (tithe)

AO.3. **Description:** S.5 of the Tithe Act 1842 permitted the Tithe Commissioners to make an order of exchange between glebe land and other land on the application of the incumbent of the living and with the consent of the owner of the other land, of the Ordinary (*i.e.* the bishop) and of the patron of the living.

AO.4. An order of exchange was made by the Tithe Commissioners on the application of the Reverend Wyndham Charles Hardy Hughes D'Aeth, rector of Knowlton, as regards rectorial glebe land in the parish of Knowlton, and George William Hughes D'Aeth of Knowlton Court, as regards other land in the parish, and with the consent of the Archbishop of Canterbury and the patron of the living.

AO.5. The plan embodied in the order showing the glebe land to be surrendered by the rector (outlined in green in illustration xlvi above) abuts the application way east of Knowlton Court. The application way is colour-washed in ochre and marked, east from D, 'to Betshanger'.

AO.6. **Conclusion:** The representation of the application way between A and D coloured ochre demonstrates that it was regarded as a public highway, ochre typically being used to distinguish highways from other tracks and roads. The flag 'to Betshanger' which appears against the application way on the east side of the plan, shows that the application way was regarded as a public highway leading east from D to Betteshanger, such flags seldom being used other than on public highways: the way to Betteshanger was necessarily via G and M. However, the plan does not necessarily indicate that the way east of A is of greater status than public bridleway.

AO.7. Points:

<i>Part</i>	A-G	G-I	J-M
<i>restricted byway</i>	–	–	–
<i>bridleway</i>	3	1	1

AP. Walmer, Deal and Adisham Railway

AP.1. **Date:** 1872

AP.2. **Source:** Kent County Archives⁸³

Walmer, Deal and Adisham Railway deposited plan:

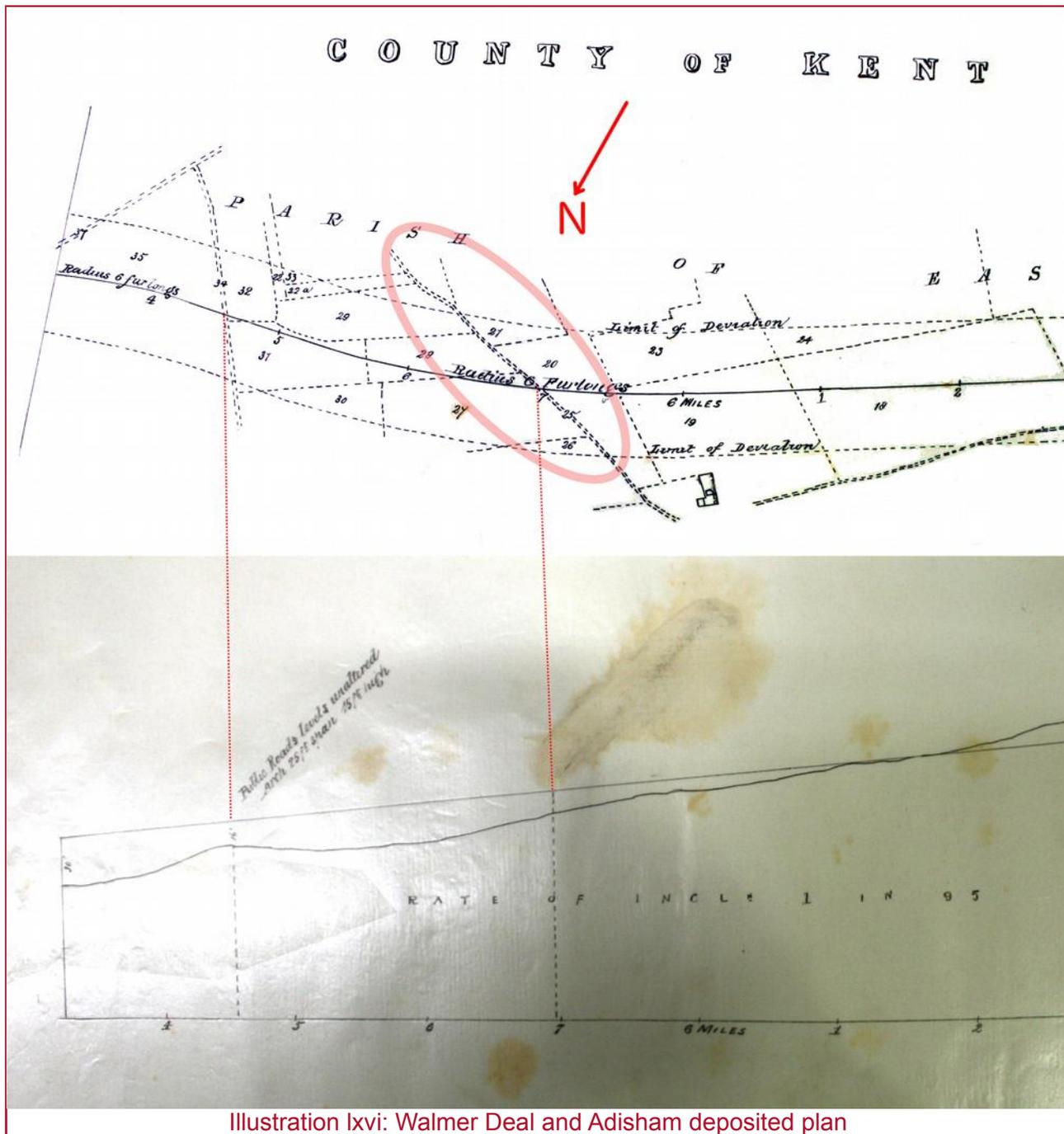


Illustration lxvi: Walmer Deal and Adisham deposited plan

Walmer, Deal and Adisham Railway book of reference:

Parish of Eastwy, County of Kent

<i>785 on Plan</i>	<i>Description of property</i>	<i>Owners or reputed Owners</i>	<i>Lessees or reputed Lessees</i>	<i>Occupiers</i>
23 rd	Field	William Hammond		George Terry
23	Field	George Hughes William D Ash	William Grey	William Grey
24	Field	George Hughes William D Ash	William Grey	William Grey
25	Occupation Road	Richard Boteler, Charlotte Boteler, Elizabeth Boteler, Mary Boteler, and Catharine Boteler		George Wood Thomas Medgetts, William Pittock
26	Field	Richard Boteler, Charlotte Boteler, Elizabeth Boteler, Mary Boteler, and Catharine Boteler		William Pittock

Illustration Ixvii: Walmer Deal and Adisham deposited book of reference

AP.3. **Description:** The alignment for the proposed Walmer Deal and Adisham Railway is shown on *Illustration Ixvi: Walmer Deal and Adisham deposited plan* (north is approximately at the bottom) so as to cross Black Lane east of Thornton Lane, between G and H (the former Upper Venson or Poor Start Farm can be identified in the north-west corner of the deposited plan extract). The section does not refer to any proposed bridge in relation to Black Lane, but a vertical line in the section is shown at the appropriate place, and it appears that a textual entry for a public road bridge has been erased (presumably before deposit).

AP.4. Black Lane is depicted as plot 25, and in *Illustration Ixvii: Walmer Deal and Adisham deposited book of reference*, the plot is recorded as an 'Occupation Road' in the ownership of Richard, Charlotte, Elizabeth, Mary and Catherine Boteler and in the occupation of George Wood, Thomas Medgetts and William Pittock.

AP.5. **Conclusion:** On the face of it, the proposal for the railway does not record Black Lane between G and H as a public way, but only as an occupation road. However, the railway was not built, and as observed by the court in similar circumstances in *Trail Riders Fellowship v Secretary of State for the Environment, Food and Rural Affairs*⁸⁴, the plans attract less credibility. Indeed, the Bill was reported by one of the Examiners of Petitions for Private Bills to the Select Committee on Standing Orders as non-compliant with Standing Orders⁸⁵ and subsequently certified by the Examiners as such⁸⁶. The Bill was not proceeded with.

AP.6. The recording of probable public rights of way (other than public roads) in the deposited plans and book of reference for this proposed Walmer Deal and Adisham Railway is non-standard. The following table analyses every public right of way (other than carriageways which are today metalled and tarred) which is shown on the definitive map, or any path shown on near contemporary 1:2,500 Ordnance Survey mapping⁸⁷, as intersecting the proposed alignment of the railway between Adisham and West Street

84 Paragraph 28: [\[2015\] EWHC 85 \(Admin\)](#).

85 House of Commons, *Official Report*, 12 February 1872, [vol.127](#), p.24.

86 House of Commons, *Official Report*, 7–8 March 1872, [vol.127](#), pp.81–82.

87 Ordnance Survey OS 1:2,500 second edition c. 1896–98, available from: maps.nls.uk/os/25inch-england-and-wales/index.html.

(near Ham). The table records the location of each right of way or path, and the representation of it in the deposited plan and book of reference.

Description of right of way	Grid ref.	Right of way no. ⁸⁸	Description in book of reference		
			Parcel	Owner	Occupier
public bridleway from Ratling to Listways Cottages	TR241532	BW EE285	—	Not separately identified	Not separately identified
public footpath from Ratling to Old Court Farm	TR244531	FP EE283A	Nonington 24a Footpath	John Laurence	Henry Pledge
public footpath from Pinner Hill to Bonnington	TR253528	FP EE281	Nonington 40a Occupation Road	William Hammond	William Hammond, William Spanton
public footpath behind Easole Street	TR260521	FP EE311	Nonington 56 Footpath	William Hammond	William Hammond
public footpath from Nonington to Mill Lane	TR264518	FP EE318	Nonington 76 Footpath	William Hammond	William Hammond
public footpath from Mill Lane to Kittington Cottages	TR270516	FP EE321	Nonington 102 Footpath	George William Hughes D'Aeth	John Hammell
public footpath from near Limekiln Plantation to Kittington Cottages	TR273517	FP EE307A	Nonington 103 Occupation Road	George William Hughes D'Aeth	John Hammell
footpath from Kittington Cottages to Kittington Farm	TR274517	—	Nonington 103b Footpath	George William Hughes D'Aeth	John Hammell
footpath from Kittington Cottages to Thorntonhill Cottages	TR280518	FP EE323	Nonington 108 Footpath	George William Hughes D'Aeth	(Lessee, William Wilson) John Hammell
footpath south-east down Kelk Hill	TR282519	FP EE264	Nonington 109 Occupation Road	George William Hughes D'Aeth	(Lessee, William Wilson) John Hammell

88 Recorded in the definitive map and statement for Kent.

Description of right of way	Grid ref.	Right of way no.	Description in book of reference		
			Parcel	Owner	Occupier
footpath to Shingleton Cottages	TR285521	FP EE263	Nonington 110 Occupation Road	George William Hughes D'Aeth	(Lessee, William Wilson) John Hammell
footpath from Thorntonhill Cottages to Shingleton Farm	TR288523	FP EE262	—	Not separately identified	Not separately identified
Black Lane	TR298532	—	Eastry 25 Occupation Road	Richard, Charlotte, Elizabeth, Mary and Catherine Boteler	George Wood, Thomas Medgetts and William Pittock
bridleway from Venson Bottom to Heronden	TR302534	—	Eastry 34 Occupation Road	Aldborough Henniker and Richard, Charlotte, Elizabeth, Mary and Catherine Boteler	Thomas Medgetts and George Wood
footpath from Northbourne Road to Lower Street	TR310540	FP EE259	Eastry 43 Footpath	Dean and Chapter of Canterbury	(Lessee, George Terry) Ruth Oldfield
bridleway from Northbourne Road to Hay Hill	TR317540	BW EE382	—	Not separately identified	Not separately identified
footpath from Eastry to Updown Farm	TR319541	BW EE257	—	Not separately identified	Not separately identified

AP.7. It appears that the deposited plans and book of reference consistently failed to record the correct status of rights of way which were perceived (at the time the plans were prepared) not to be carriageways. In the table above, none of the intersecting routes now recorded as public rights of way on the definitive map and statement for Kent (and recorded as paths on the second edition Ordnance Survey 1:2,500 map) is presented in the book of reference as a specifically public path. Relevant entries refer to the right of way either as a 'footpath' or as an 'occupation road', and the owner, lessee where relevant, and occupier, appear to be the private interests in the land. In some cases, such as the bridleway from Northbourne Road to Hay Hill, the way is not separately identified in the book of reference. Whereas in relation to public roads, the ownership of land is vested in

the surveyor of highways, none of the entries identified in the table refers to the interest of the highway authority.

AP.8. Section 46 of the Railways Clauses Consolidation Act 1845, by convention incorporated in every special Act for the construction of railways after this date, provided for the bridging of public roads, but for other public highways to be taken over the railway on the level (with the consent of local justices) unless provision were made to the contrary in the special Act⁸⁹: however, the plans provide no indication that any such provision was intended in relation to Black Lane. If by the date of the proposal, Black Lane was no longer considered to be a carriageway, but only a public bridleway, it did not greatly matter whether it was recorded as an occupation road or as a public path, since in either case, the railway company was empowered only to provide a crossing on the level.

AP.9. However, in this case, the presence of a vertical line in the section, and the appearance of an entry for a public road bridge, subsequently erased, suggests that the railway company's surveyor was aware of the public carriageway status of Black Lane and provided on the plans for a bridge, but for unknown reasons, subsequently erased the provision and entered an ambiguous entry in the book of reference.

AP.10. **Points:** 0

AQ. Ordnance Survey, County Series twenty-five inch 1st edition

AQ.1. **Date:** 1872–73

AQ.2. **Source:** Ordnance Survey map: Database Rights Old-Maps and Ordnance Survey Crown Copyright and Database Rights 2010. All rights reserved.

Book of reference: Kent County Archives⁹⁰

County Series 1:2,500 map 1st ed., West:



Illustration Ixviii: OS 25" map 1872 (west)

⁸⁹ See also *Dartford Rural District Council v Bexley Heath Railway Company* [1898] AC 210.

⁹⁰ Parish of Eastry: EK/0471/P5

County Series 1:2,500 map 1st ed., East:

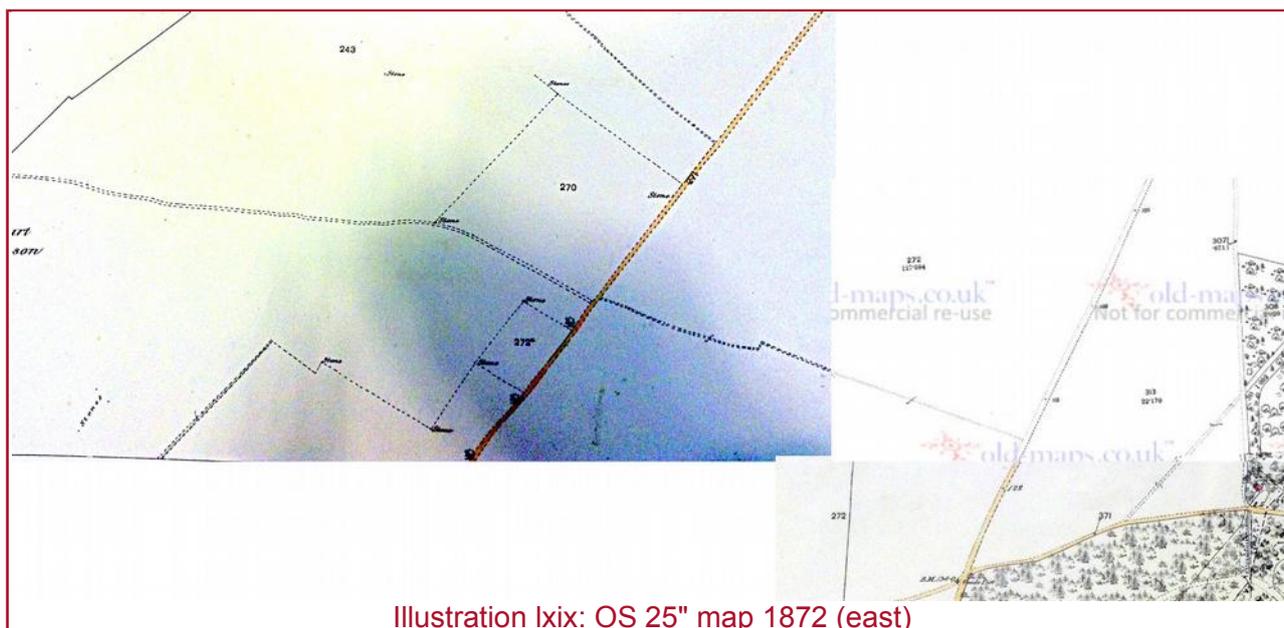


Illustration Ixix: OS 25" map 1872 (east)

AQ.3. Description: The Ordnance Survey County Series first edition twenty-five inch map shows Black Lane as a continuation of Knowlton Lane from Knowlton, initially enclosed and metalled⁹¹, but with a cessation of metalling at C, and the southern boundary unenclosed east from D. A boundary stone is depicted at D, and a further boundary stone and bench mark at E. Approximately 200 metres east of E, the lane reverses enclosure, with the unenclosed side being on the north side. A further bench mark is depicted approximately 200 metres west of the (as yet unbuilt) light railway crossing at F. Numerous spot heights have been surveyed and recorded along the lane between A and G. The lane is again metalled from G to Poor Start Farm (between G and H), and unenclosed on both sides east from Thornton Lane at G to Venson Bottom at I. The map depicts a dog-leg to the north along Venson Bottom for approximately 10 metres, before resuming slightly south of east from J towards the Dover Road slightly to the east of K, again with a dog-leg of about 10m part way between J and K. No line is shown east of the Dover Road from L to M.

AQ.4. The Ordnance Survey books of reference for Knowlton (parcel 10) and Eastry (parcel 211) to the plans contains the following entries for Black Lane:

No on plan	Area in ha ⁹²	Remarks	Description
10	0.64	Road	From the Sandwich Road to D
211	0.53	Road	G to I

AQ.5. The feature shown on the map as parcel 211 is Black Lane between G and I: the area of the parcel, at 0.53 ha, corresponds to a width of around 5.5 m over the distance of 950 m.

91 Metalling is shown on the first edition map by a sepia hand-coloured wash.

92 Converted from the area shown in acres.

AQ.6. **Conclusion:** The Ordnance Survey first edition twenty-five inch map is good evidence for the existence of a defined way along the application route from A to K. The presence of two bench marks between E and F are consistent with the public status of the lane, as are the frequent recorded spot heights and the status as 'road' reported in the book of reference.

AQ.7. **Points:** 0

AR. Boundary Commission map

Date: 1885

Source: Londonancester.com⁹³

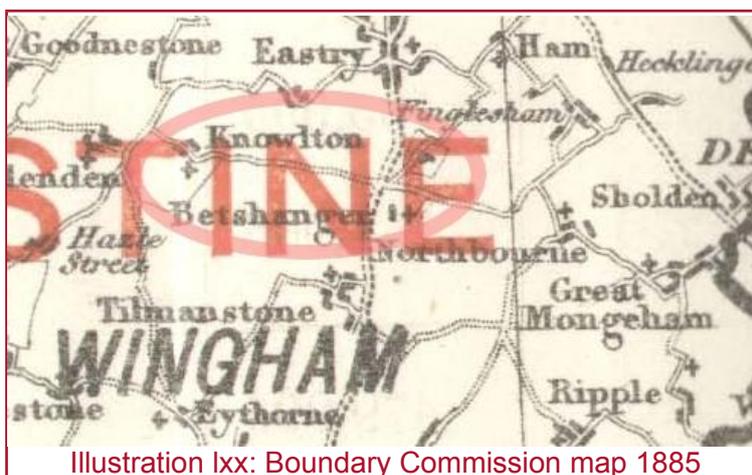


Illustration Ixx: Boundary Commission map 1885

AR.1. **Description:** This map printed by Eyre & Spottiswoode on behalf of the Boundary Commission for England and Wales appears to be based on an Ordnance Survey quarter-inch map of unknown but substantially earlier date. The quarter-inch map shows Black Lane as a continuation of Knowlton Lane from Knowlton at A, initially enclosed, but unenclosed from approximately B, generally east across the Dover Road, to a junction with Straight Mile at Betteshanger at M.

AR.2. **Conclusion:** The representation of the way on the map is consistent with a through route of some significance, noting that neither Thornton Lane nor Venson Bottom appears on the map, nor is Thornton Road (the alternative parallel way between Chillenden and Betteshanger) shown.

AR.3. **Points:** 0

(This is the eighth of several early county or area maps: no more than two such maps are scored.)

AS. Ordnance Survey, twenty-five inch 2nd edition

AS.1. **Date:** 1905

AS.2. **Source:** National Library of Scotland⁹⁴

⁹³ www.londonancester.com/maps/bc-kent-th.htm

⁹⁴ maps.nls.uk/os/25inch-england-and-wales/kent.html

County Series 1:2,500 map 2nd ed., West:

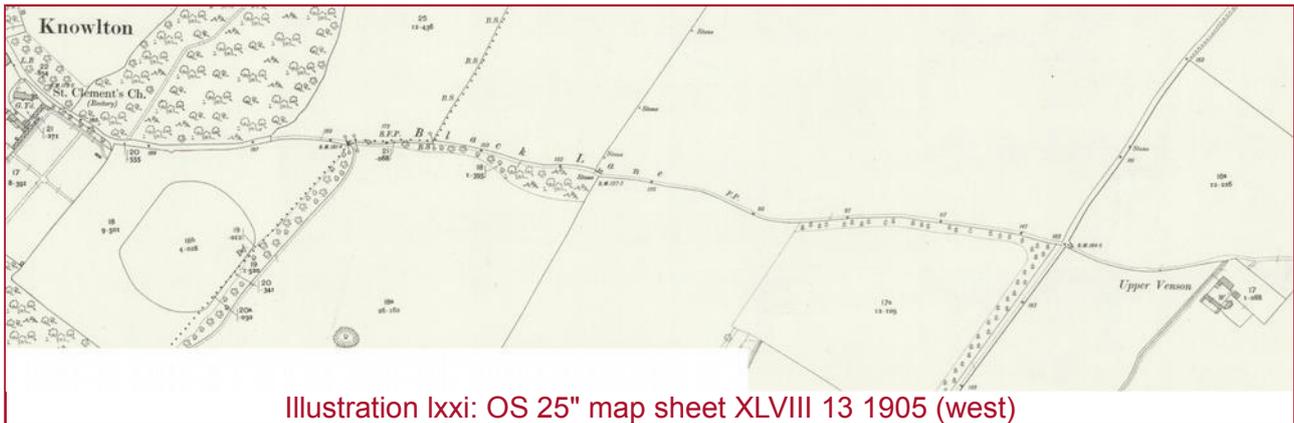


Illustration Ixxi: OS 25" map sheet XLVIII 13 1905 (west)

County Series 1:2,500 map 2nd ed., East:



Illustration Ixxii: OS 25" map sheet XLVIII 13 1905 (east)

AS.3. **Description:** These maps are extracted from the second edition of the Ordnance Survey County Series maps at a scale of 25 inches to one mile. Black Lane is shown as a continuous feature between A and the Dover Road at L. Between D and E, the map is marked 'S.F.P', which is likely to indicate that the parish boundary runs along the side of the footpath. Bench marks are marked at D and at the end of the first field east of E, and a boundary stone is marked at E. Between E and F, the way is marked as 'F.P.' (footpath). A further bench mark is shown slightly east of G. The historic route east of H is shown as ending short of Venson Bottom, and an alternative route along the headland is shown to a point south of I. Between J and L, the route is shown as 'F.P.' (footpath).

AS.4. East of the Dover Road between L and M, the land has been planted to woodland, and no path is shown.

AS.5. **Conclusion:** The Ordnance Survey second edition twenty-five inch map is good evidence for the existence of a defined way along the application route from A to K. The presence of two bench marks between E and F are consistent with the public status of the lane. The second edition is the first map to attribute footpath status, documenting the decline in perceived status during the nineteenth century.

AS.6. **Points:** 0

AT. East Kent mineral light railway

AT.1. **Date:** 1910

AT.2. **Source:** Kent County Archives⁹⁵

East Kent mineral light railway deposited plan:

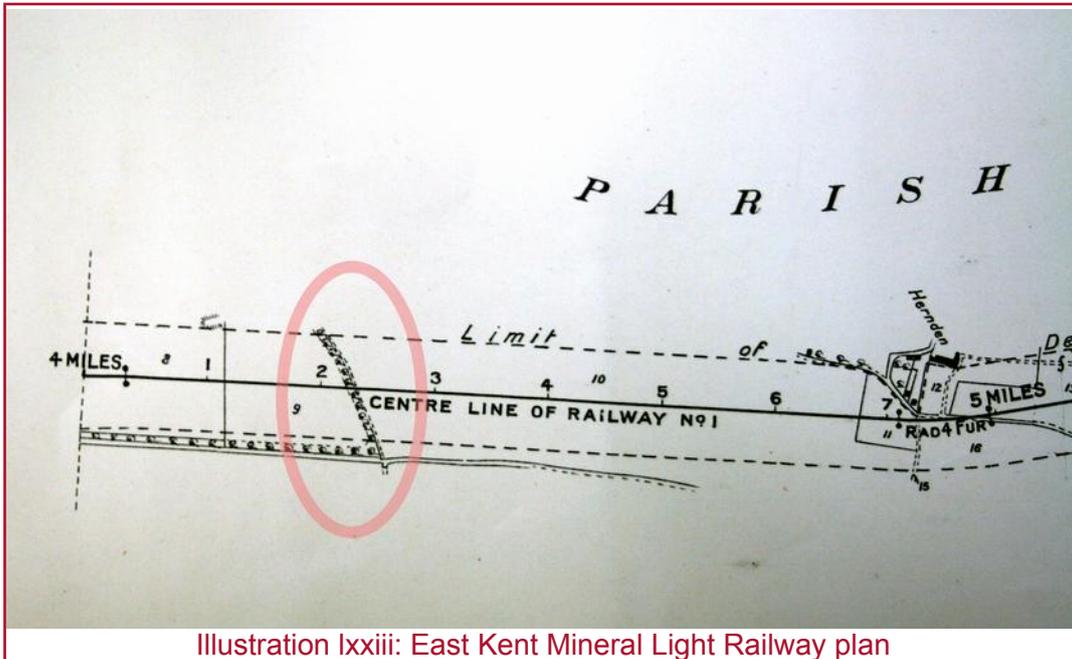


Illustration Ixxiii: East Kent Mineral Light Railway plan

East Kent mineral light railway book of reference:

9	Arable	Francis Elmer Speed	Whitehead, clerk In hand
10	Arable and public footpath	William Samuel Perry Kelly Patterson	Frederick Courtney Hogben	Frederick Courtney Hogben The Eastry Parish Council

Illustration Ixxiv: East Kent Mineral Light Railway book of reference

AT.3. **Description:** Originally called the East Kent Mineral (Light) Railway when first proposed in 1909, the undertaking later became generally known as the East Kent Light Railway. The promoters included Kent Coal Concessions Ltd, the original promoter of the Kent coalfield (see extract from the report to the highway committee at item V.AV below). The railway was promoted under the Light Railways Act 1896. The 1896 Act required the deposit of plans and books of reference in connection with a submission seeking authorisation under the Act.

AT.4. Line 1 was among the initial raft of proposals for a network of lines serving prospective East Kent collieries. The line was authorised by the Board of Trade under the Light Railways Act 1896 and built.

95 Q/RUm/1151.

AT.5. Built cheaply, the promoters minimised costs (for example, it is suggested that the bridge over the River Stour was built with a fixed span vice the swing bridge authorised⁹⁶).

AT.6. *Illustration lxxiii: East Kent Mineral Light Railway plan* shows Black Lane as a physical feature which crosses the proposed line between plots 9 and 10 in Knowlton parish, at a distance of just over 4 miles and 2 furlongs from the point of origination in Eythorne. However, in common with other crossings for routes which were not perceived as public roads, no comment about the requirement for a crossing appears on the plan nor the elevation, and a level crossing was intended.

AT.7. *Illustration lxxiv: East Kent Mineral Light Railway book of reference* records for Knowlton parish that plot 10 was in the ownership of William Samuel Perry and Kelly Patterson, leased by Frederick Courtney Hogben, and in the occupation of Mr Hogben and Eastry Parish Council. The land is recorded as 'arable and public footpath'.

AT.8. **Conclusion:** The Board of Trade made the East Kent Mineral (Light) Railways Order 1911. Certain provisions of the Railways Clauses Consolidation Act 1845 were incorporated in the order, but sections 46 to 48 and 59 were excluded⁹⁷, and most highways, including public roads, were to be taken over the railway on the level.

AT.9. The East Kent Light Railway's surveyor tended to record public highways with the lowest possible status. The plan and book of reference documents the course of Black Lane as a public footpath. This is consistent with the present status of Black Lane on the definitive map and statement (at G) as a public footpath. It seems likely that the survey was done without reference to the Eastry highway committee's surveyor and without sufficient diligence, for only three years later the railway undertaker was challenged by the highway committee's surveyor as to proper provision for a bridleway (see item V.AV below).

AT.10. Whereas acknowledged roads and bridleways across the proposed line were recorded as in the occupation of the Eastry Rural District Council (see, for example, entries 1, 2, 5 and 6 in Eastry parish), footpaths were recorded in the occupation of Eastry Parish Council (see, for example, entries 8 and 10), although there is no legal basis for such distinction. It may be that consultation on the entries for public footpaths took place only at parish council level, and that the highways committee's surveyor was not given an opportunity to comment.

AT.11. **Points:** 0

AU. Finance (1909–1910) Act 1910

AU.1. **Date:** 1911

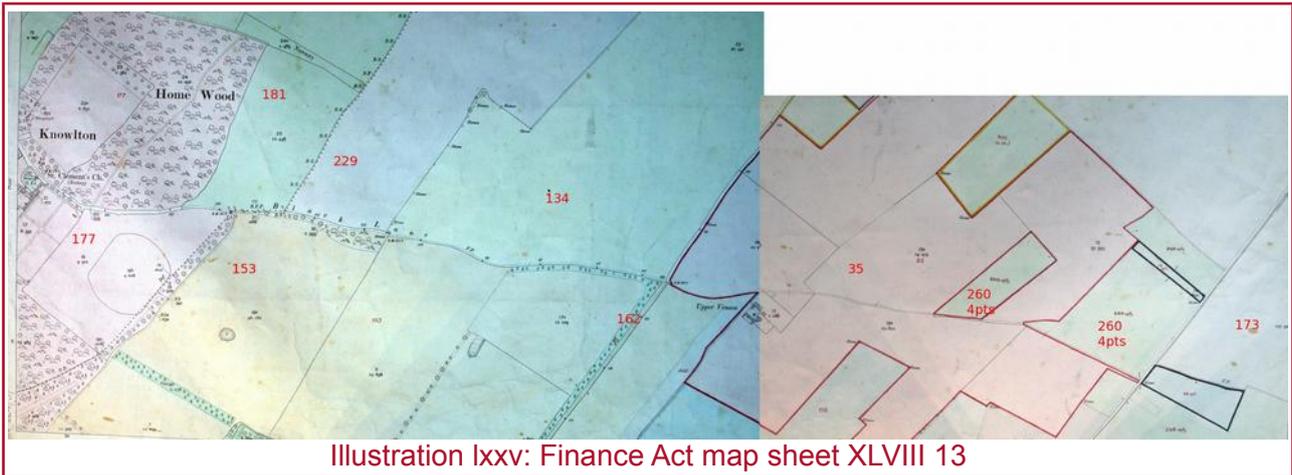
AU.2. **Source:** National Archives⁹⁸

⁹⁶ http://en.wikipedia.org/wiki/East_Kent_Light_Railway

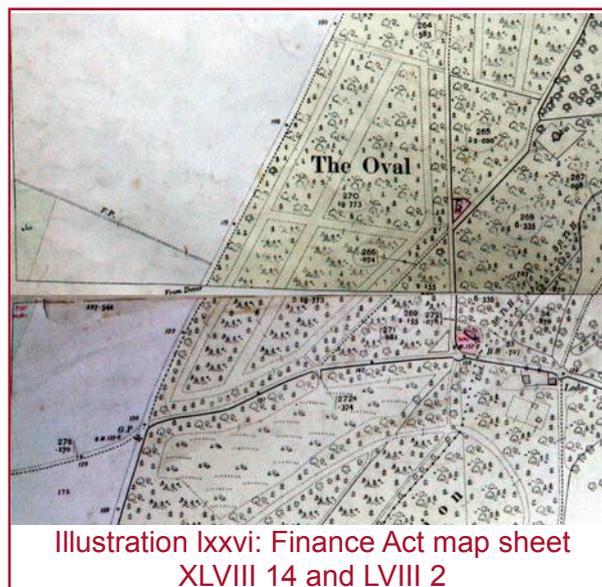
⁹⁷ See art.3(1).

⁹⁸ IR 58/17321; IR 58/17469–71; IR 124/5/75

Map sheet XLVIII 13:



Map sheet XLVIII 14 and LVIII 2:



AU.3. Description: The Finance (1909–10) Act 1910 caused every property in England and Wales to be valued. The primary purpose was to charge a tax (increment levy) on any increase in value when the property was later sold or inherited. The valuation involved complicated calculations which are not relevant for highway purposes. However, two features do affect highways. First, public vehicular roads were usually excluded from adjoining landholdings and shown as 'white roads'. This is because s.35 of the 1910 Act provided,

'No duty under this Part of this Act shall be charged in respect of any land or interest in land held by or on behalf of a rating authority.'

A highway authority was a rating authority.

AU.4. Secondly, discounts from the valuation could be requested for land crossed by foot-paths or bridleways. Under s.25 of the Act, 'The total value of land means the gross value after deducting the amount by which the gross value would be diminished if the land were

sold subject to any fixed charges and to any public rights of way or any public rights of user, and to any right of common and to any easements affecting the land...⁹⁹. Under s.26(1), the Commissioners of the Inland Revenue were required to cause a valuation to be made of, *inter alia*, the total value of land. Whether a discount was, in fact, given will depend on several factors:

- Whether the landowner acknowledged the presence of a right of way on the land (e.g. if it were disputed).
- Whether the landowner wished to reduce the valuation of the land (if development were anticipated, it might be better to secure a higher valuation, so that the increase in value arising from development were minimised. However, as the 1910 Act also provided for other levies, the calculations in a particular case might be for or against a discount from the total value of the land).
- Whether the landowner declared the right of way on form 4 or form 7 (a failure to declare might be an oversight).
- Whether the valuer accepted the claim for a discount for a right of way.
- Even if the landowner did not declare the right of way, the valuer could give a discount for a right of way which was 'known to' the valuer.

AU.5. The December 1910 *Instructions to Valuers* stated that: '183. Site Value Deductions not Claimed by the Owner. — In making Original Valuations under Section 26(1) of the [1910 Act], Valuers will give credit for any deductions under the provisions of Section 25, so far as they are known to them and that notwithstanding the fact that such deductions may not have previously been claimed by or on behalf of the owner.' It follows that, if a deduction for a right of way is given in a particular case, and there is no evidence (as is usually the case) that it was requested by the landowner, the deduction can have only arisen either because it was nevertheless requested, or because the existence of the right of way was known to the valuer. It is unlikely that valuers would have volunteered deductions except in cases where the right of way was obvious — perhaps because it was sign-posted as such, or referred to as such by the landowner or an employee of the landowner when the valuer was surveying the land.

AU.6. All land had to be valued unless it was exempted by the Act. S.94 provided harsh penalties for making false declarations.

AU.7. Black Lane is excluded from assessable hereditaments between A and F: the exclusion is less certain towards F, but on balance, it appears that the intention was to exclude the whole of this part of the way.

- Hereditament 177 (Knowlton Park, B to mid-way between C & D): Black Lane excluded from hereditaments; no deduction recorded for rights of way.
- Hereditament 181 (mid-way between C & D to E): Black Lane excluded from hereditaments; £50 deduction recorded for 'paths' (this may in part account for public footpath EE260 between Knowlton and Heronden).
- Hereditament 229 (first field east of E, but map shows field boundary between parcel 229 and Black Lane): Black Lane excluded from hereditaments; £50 deduction recorded for 'path' (this may account for public footpath EE260 between Knowlton and Heronden).

⁹⁹ Discounts for easements affecting the land were separately requested and recorded in the valuation book.

- Hereditament 134 (second field east of E to G): Black Lane excluded from hereditaments; no deduction recorded for rights of way.
- Hereditament 35 (G to approximately H): Black Lane not excluded from hereditaments; no deduction recorded for rights of way.
- Hereditament 260 (part) (approximately H to I): Black Lane not excluded from hereditaments; no deduction recorded for rights of way.
- Hereditament 173 (J to L): Black Lane not excluded from hereditaments; £150 deduction recorded for 'footpaths', and noted that 'rights of way claimed'. However, hereditament 173 is included with a number of other parcels in the ownership of the Ecclesiastical Commissioners, and it is not possible to assign the deduction to any particular rights of way.
- Hereditament 11 (L to M): Black Lane not excluded from hereditaments. Field book extract not held.

AU.8. **Conclusion:** the exclusion of Black Lane from the hereditaments between A and G provides strong support for its status as a public highway of some description, and the then owners' acknowledgement of that status.

AU.9. The absence of exclusion of the remaining part of Black Lane between G and M, and the absence of any deduction for rights of way between G and I, does not demonstrate that no right of way exists, only that between G and I, no deduction was claimed for a right of way.

AU.10. **Points:**

<i>Part</i>	A–G	G–I	J–M
<i>restricted byway</i>	5	–	–
<i>bridleway</i>	–	–	–

AV. Eastry Rural District Council highway committee report

AV.1. **Date:** 1913

AV.2. **Source:** Kent County Archives¹⁰⁰

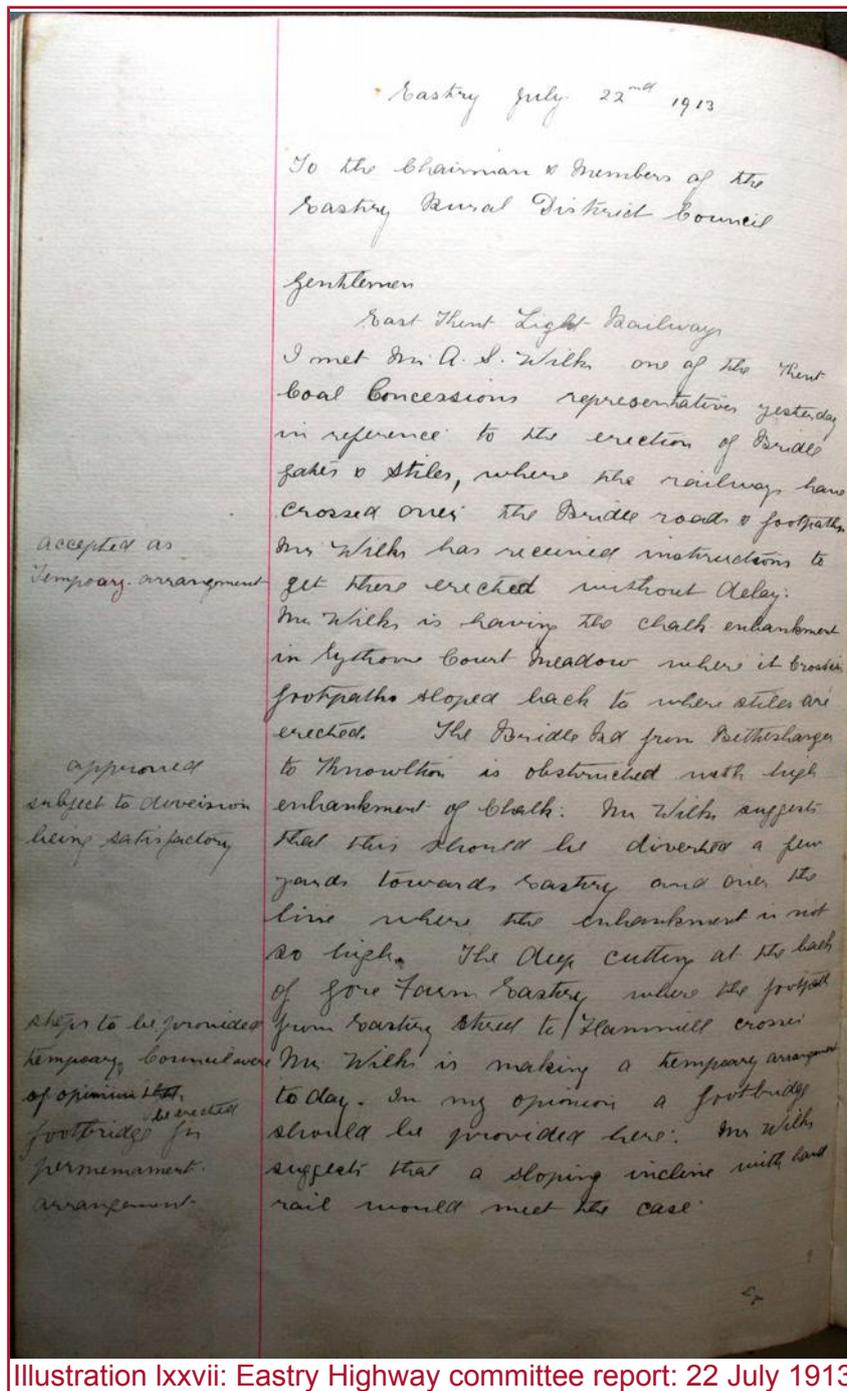


Illustration lxxvii: Easby Highway committee report: 22 July 1913

AV.3. **Description:** The surveyor's report to the highway committee of 22 July 1913 records as follows:

'East Kent Light Railways

I met Mr A S Wilks one of the Kent Coal Concessions representatives yesterday in reference to the erection of Bridle gates & stiles, where the rail-ways have crossed over the Bridle roads & footpaths. Mr Wilks has received instructions to get these erected without delay: Mr Wilks is having the chalk embankment in Lythorne Court Meadow where it crosses footpaths sloped back to where stiles are erected. The Bridle Rd from Betteshanger to Knowlton is obstructed with high embankment of Chalk: Mr Wilks suggests that this

should be diverted a few yards towards Eastry and over the line where the embankment is not so high.

[Comment in margin:] approved subject to diversion being satisfactory'

AV.4. **Conclusion:** The surveyor's report to the highways committee records the belief of the surveyor, and the committee, that Black Lane was of the status of public bridleway between Knowlton and Betteshanger. The surveyor was concerned to ensure that the crossing of the light railway at F was made fit and safe for traffic on the bridleway, and this may have been done by means of a short and possibly informal diversion to enable a crossing more on the level. Alternatively, it is possible that little or nothing was done, and the crossing became difficult to use on horseback: this may have contributed to the decline in use of Black Lane in the twentieth century.

AV.5. **Points:**

<i>Part</i>	A–G	G–I	J–M
<i>restricted byway</i>	–	–	–
<i>bridleway</i>	3	1	1

AW. Electricity Supply Acts 1882 to 1922

AW.1. **Date:** 1923

AW.2. **Source:** London Gazette¹⁰¹

101 Issue 32873, p.7140: www.thegazette.co.uk/London/issue/32873/page/7140.

Electricity Commissioners.—1923.

EAST KENT ELECTRICITY.

(Application for Special Order under the Electricity (Supply) Acts, 1882 to 1922, for the Supply of Electricity in the Boroughs of Deal and Sandwich, the Urban District of Walmer, the Rural Districts of Eastry and the Isle of Thanet, and the Parish of Ringwould, in the Rural District of Dover, all in the County of Kent, and for other purposes.)

(d) *Railways*:—The level crossings of the following roads over the railway of the Southern Railway Company—

In the Borough of Deal—
Western Road.

In the Borough of Sandwich—
Saint Bartholomew's Road and Woodnesborough Road.

In the Rural District of Eastry—
Parish of Ash—Poulton Lane, Durlock Road, Richborough Road.
Parish of Eastry—the road leading from Poison Cross to Staple, the road leading from Poison Cross to Woodnesborough, the road leading from Heronden to Nonington, the road leading from Thornton Road to Knowlton.

Illustration lxxviii: Electricity Supply Acts 1882 to 1922

AW.3. **Description:** The notice published in the London Gazette gives notice of the intention of an electricity undertaker for East Kent to lay its apparatus across certain level crossings: one of those specified, in the rural district of Eastry, is: ‘...the road leading from Thornton Road to Knowlton’.

AW.4. **Conclusion:** The notice refers to a level crossing ‘over the railway of the Southern Railway Company’, but the railway referred to in this item is that of the East Kent Light Railway (see item V.AT above). There is no road leading from Thornton Road to Knowlton, but it is suggested that the notice refers to Black Lane, being a road leading from Thornton Lane to Knowlton. The description of the way as a ‘road’ must indicate that the way between A and G was regarded to be of at least bridleway status.

AW.5. **Points:**

<i>Part</i>	A–G	G–I	J–M
<i>restricted byway</i>	1	–	–
<i>bridleway</i>	–	–	–

AX. Knowlton estate sale

AX.1. **Date:** 1930

AX.2. **Source:** Kent County Archives¹⁰²

102R/U1/E1/286

Sale particulars — lots 1 and 23:

PARTICULARS.

**The Whole Estate with the Minerals will first
be offered in its entirety.**

LOT 1
(Coloured Green on Plan)

The Well-known Residential Property
of
KNOWLTON COURT
pleasantly situated on the chalk downlands and standing in a finely timbered park
extending to an area of about

282 a. 2 r. 19 p.
(282.618 acres or thereabouts).

SCHEDULE.

No. on Plan	Tenant	Description	Area	Total Area
Pt. 20		Road368	
24		Home Wood	22.492	
		PARISH OF EASTRY.		
6		The Grove (Part)... ..	7.468	
21		Track068	

LOT 23
(Coloured Yellow on plan.)

The Compact Corn Growing and Sheep Holding
known as
Shingleton Farm
situate in the parishes of Eastry, Nonington and Tilmanstone, adjoining Knowlton
Park on the West and extending to

361 a. 1 r. 6 p.
(361.288 acres or thereabouts.)

		PARISH OF EASTRY		
2		Copse	1.065	
8		Shingleton Wood	8.864	
Pt. 10a		Belt550	
Pt. 10a		do.	2.953	
Pt. 10a		do.850	
18		Copse	1.395	
18b		Belt	1.176	
304		Round Wood	8.491	
306		Belt795	

Illustration lxxx: Knowlton Estate Sale lots 1 & 23

AX.3. **Description:** The Knowlton Court Estate was sold by auction on 26 July 1930. An Ordnance Survey map was marked with the details of lots to be sold: *Illustration lxxix: Knowlton estate sale map*. Lot 1 included Black Lane: relevant parcels are 20 marked (*Illustration lxxx: Knowlton Estate Sale lots 1 & 23*) as 'Road' between A and D, and 21 marked as 'Track' between D and E. Lot 23 may have included Black Lane east of E

within parcel 18 marked as 'Copse', but the map is indistinct. The rest of Black Lane east of parcel 18 is not within the estate sale.

AX.4. **Conclusion:** The estate sale particulars are ambiguous regarding the status of Black Lane: the reference to parcel 20 as a road may or may not have intended to refer to a public highway: the reference to parcel 21 is similarly ambiguous.

AX.5. **Points:** 0