

Transcript in connection with magistrates' order granted in relation to the diversion of a road at Updown, Betteshanger, September 1892

From Kent County Archives, Q/RH/2/586

1. Notice to highways board of application (30 November 1891)

To the Eastry Union Rural Sanitary Authority exercising all the powers of a Highway Board within their District.

I the undersigned the Right Honorable Lord Northbourne being the owner of Updown House and Lands appurtenant thereto and desirous of stopping up part of a certain highway in the parish of Eastry within your District between the points marked A and D on the plan herewith prepared by my surveyor Mr Thomas Ashenden and to divert the said highway from the point marked A to the point marked B on the said plan through my said Land do hereby require you to give notice to the Churchwardens of the said Parish to assemble the Inhabitants thereof in Vestry and to submit to them such my desire. I hereby undertaking to pay the expenses attending the View by Justices and the stopping up and diverting such highway including its future maintenance and including also the charges of the Board's Solicitor of and incidental to the preparation and publication of Notices and obtaining the sanction of the Court of Quarter Sessions to the said stopping up and diversion.

Dated the 30th November 1891

Northbourne

This is the application of Lord Northbourne referred to in the Certificate of Justices hereunto annexed dated 3rd September 1892

John James Harvey

H. Fitzwalter Plumptre

2. Notice to churchwardens of application (15 March 1892)

Eastry Highway Authority

To the Churchwardens of the parish of Eastry in the County of Kent

In pursuance of an Order of the Eastry Union Rural Sanitary Authority exercising all the powers of a Highway Board within their district dated 15th of March instant **I do hereby give you Notice** to assemble the Inhabitants of your said Parish in Vestry for the purpose of considering a certain Notice served upon the Highway Authority by or on behalf of the Right Honourable Lord Northbourne of his desire to stop up and divert a certain Highway in your said Parish **and I further give you Notice** that I shall in pursuance of the order of the Highway authority aforesaid attend the Vestry Meeting so to be summoned by you and produce the Notice served on the said Authority together with a plan of the Highway desired to be stopped and diverted

Dated the Fifteenth day of March 1892

Fred. I. Cloke

Clerk to the said Eastry Union
Rural Sanitary Authority

Gave duplicate of the above notice to Mr Fuend Pillock, Churchwarden of Eastry,
personally this 15 March 1892

Fred I. Cloke

This is the Notice to the Churchwardens of Eastry referred to in the Certificate of Justices
hereunto annexed dated 3 Sept. 1892

John James Harvey

H. Fitzwalter Plumptre

3. Notice to parish of meeting
(19 March 1892)

Parish of Eastry

In pursuance of a Notice from the Clerk to the Eastry Union Rural Sanitary Authority exercising all the powers of a highway Board within their district We the undersigned Churchwardens of the Parish of Eastry Kent do hereby convene a Meeting of the Inhabitants of the said parish to be held at the Vestry room of such parish on Monday the 28th day of March 1892 at 10.30, o'clock for the purpose of considering a certain notice served upon the said Highway authority by or on behalf of the Right Honorable Lord Northbourne of his desire to stop up part of a certain Highway in the said parish leading from and out of the highway from Northbourne (which passes by the Lodge & Grounds of Updown House towards the Village of Eastry) which said part so proposed to be stopped up is of the length of 1010 yards between the points marked A and D on the plan and to divert the said Highway from the said point marked A in a South Westerly direction to and into the Road called Roman Road otherwise called the Dover and Sandwich Main Road at the point B on the said plan such diverted Highway being of the length of 433 yards and consenting to such proposed stopping up and diversion or otherwise

Dated the 19th day of March 1892

Fuend [?] Pillock)	Churchwardens
Sty Moat)	of the Parish
)	of Eastry

This is the Notice of Vestry Meeting referred to in the Certificate of Justices hereunto
annexed dated 3rd Sept. 1892

John James Harvey

H. Fitzwalter Plumptre

4. Consent of parish
(28 March 1892)

Extract from the Minutes of a Vestry Meeting of the Inhabitants of the parish of Eastry in the county of Kent holden on Monday the twenty eighth day of March 1892 pursuant to public Notice as required by Law.

The Clerk to the Eastry Union Rural & Sanitary Authority attended this Meeting and produced a Notice served upon the said Authority by or on behalf of the Right & Honourable Lord Northbourne of his desire to stop up and divert a certain highway in the said parish as particularly described in the aforesaid notice and delineated on the Map or

plan thereof now produced to this meeting and signed by the Chairman [?].

Resolved unanimously that the consent of this Meeting be given to Lord Northbourne's proposal to stop up so much of the aforesaid Highway and to divert the said Highway in the manner described or referred to in the aforesaid notice and plan and that this Meeting hereby directs all necessary steps to be taken to carry the same into effect pursuant to the 84th Section of the Act 5&6 W 4 Cap 50.

William Wilson

Chairman of the Vestry

This is the Copy resolution of Vestry referred to in the Certificate of Justices hereunto annexed dated 3rd Sept. 1892

John James Harvey

H. Fitzwalter Plumptre

5. Consent of owner of land of new road to be created (22 April 1892)

No. 18

Consent from the Owner of the Land through which a new highway is proposed to be made

I the Right Honourable Lord Northbourne of Betshanger in the County of Kent being the owner of the lands described in the Ordnance Map or plan hereunto annexed through which part of a certain highway between A and D is intended to be diverted and turned do without consideration in money for the said Land and Soil thereof hereby consent to the making and continuing such new highway through my said lands.

Given under my hand this 22nd day of April 1892

Northbourne

This is the Consent referred to in the Certificate of Justices hereunto annexed and deposition of Thomas Ashenden dated 3rd September 1892

John James Harvey

H. Fitzwalter Plumptre

6. Notice to public of hearing (13 July 1892)

NOTICE IS HEREBY GIVEN

THAT on the 18th day of October next, application will be made to Her Majesty's Justices of the Peace assembled at Quarter Sessions in and for the County of Kent, at St. AUGUSTINE'S, for an order for diverting and turning and stopping up a certain highway situated in the Parish of Eastry, in the said County, and leading at the point marked A on the plan hereinafter referred to, from and out of the highway from Northbourne which passes by the Lodge and Grounds of Updown House towards the Village of Eastry to a point marked D on the said plan, to and into another highway about 273 yards West of Betshanger Lodge, which said first mentioned highway is intended to follow a new road to be made by the Right Honourable Lord Northbourne from the said point A to the point B on the said plan forming a junction with the Dover and Sandwich Main Road so as to be nearer and more commodious to the public and that the Certificate of two Justices having viewed the said highway so proposed to be diverted and turned and stopped up and that

the proposed new highway will be nearer and more commodious to the public, with the plan of the old and proposed new highway, will be lodged with the Clerk of the Peace for the said County, on the 17th day of September next.

Dated the 13th day of July 1892.

By order of the Rural Sanitary Authority exercising all the powers of a highway Board in the Eastry Union.

Fred. I. Cloke
Clerk to the said Authority.

This is the notice marked B referred to in the Certificate of Justices and deposition of G Lawrence dated 3rd Sept. 1892

John James Harvey
H. Fitzwalter Plumtre

7. Depositions (3 September 1892)

[page 1]County of Kent to wit

The depositions of Thomas Ashenden of the City of Canterbury Surveyor and George Lawrence of the parish of Betshanger in the said County Gardener taken and made upon Oath before the undersigned two of Her Majesty's Justices of the Peace in and for the said County the third day of September 1892.

And I the said Thomas Ashenden for myself say that the plan hereunto annexed marked A is a true and correct plan of the highway leading at the point marked A on such plan from and out of the highway from Northbourne which passes by the Lodge and Grounds of Updown House towards the Village of Eastry to a point marked D on the said plan to and into another highway about 273 yards west of Betshanger Lodge which said highway from A to D is proposed to be stopped up and diverted into a new road intended to be made by the Right Honorable Lord Northbourne which is correctly shewn on the said plan and commences at the point A and ends at B on the said plan the said highway from A to D and the diversion thereof from A to B being situate in the parish of Eastry and that the metes bounds and admeasurements thereof respectively are correctly described on the said plan.

That the signature "William Wilson" to the order of the inhabitants of the parish of Eastry in Vestry assembled on the 28th day of March 1892 hereunto annexed and marked with the letter V is I believe of the proper handwriting of the said William Wilson the Chairman of the said Vestry.

That the signature "Northbourne" to the consent paper annexed marked C is the proper handwriting of the Right Honorable Lord Northbourne the owner and occupier of the Land required for the diversion of the said Highway.

That I did cause the Notice hereunto annexed and marked B to be inserted and the same was duly inserted and advertised in the Kentish Gazette being a Newspaper published and generally circulated in the County of Kent on the 19th & 26th July and 2nd & 9th August 1892.

And I the said George Lawrence for myself say that I did by and under the direction of John James Harvey and Henry Fitzwalter Plumtre two of Her Majesty's Justices of the Peace for the said County [page 2] and of the Eastry Union Rural Sanitary authority on the 16th day of July 1892 cause a true Copy of the Notice hereunto annexed marked B under the hand of Frederick Spencer Cloke the Clerk to the Rural Sanitary Authority of the Eastry

Union exercising all the powers of a highway Board in the Eastry Union and comprising the said parish of Eastry to be affixed in legible characters at the place and by the side of each end of the said highway from whence the same is proposed to be diverted and turned at the points marked A, B, C, D on the plan annexed and that such Notice continued to be so affixed and published for four successive weeks thereafter.

That I did also cause to be affixed a like true copy of the said Notice signed as aforesaid to the door of the Church of the said parish of Eastry in which the said highway is situate for 4 successive Sundays next after the View by such Justices of the said highway referred to in the said Notice that is to say the 17th, 24th, 31st July 1892 and the 7th of August 1892.

{? depositions of Thomas Ashenden George Lawrence were taken sworn the third day of September at Canterbury Before us}

Ths. Ashenden

G Lawrence

John James Harvey

H. Fitzwalter Plumptre

8. Magistrates' court order (3 September 1892)

[cover]1892 Copy Certificate of Magistrates re diversion of highway at Eastry Kent.

Kingsford Whitewick & Co, Canterbury

[page 1]County of Kent to wit

Whereas on the 30th day of November last the Right Honourable Lord Northbourne of Betshanger in the county of Kent being the owner of the land hereinafter mentioned and being desirous that a certain public highway situate in the parish of Eastry in the said County and leading at the point marked A on the ordnance map or plan hereunto annexed from and out of the highway from Northbourne which passes by the Lodge and Grounds of Updown House towards the Village of Eastry to a point marked D on the said plan to and into another highway about 273 yards west of Betshanger Lodge should be diverted by stopping up the same and carrying the same through and by means of a new road coloured red on the said plan which traverses the field No. 300 on the said map or plan from the point A to the point B on the said plan and forming a junction with the Dover and Sandwich Main Road whereby the said highway will be made nearer and more commodious to the public using the same did by a notice in writing under his hand required the Eastry Union Sanitary Authority as the surveyor of the highways for the said parish of Eastry in pursuance of sec. 84 of the Act of the fifth and sixth years of the reign of King William the 4th Chapter 50 to give notice to the Churchwardens of the said parish of Eastry to assemble the inhabitants of the said parish in vestry and to submit to them the said wish and proposal of the said Lord Northbourne hereinbefore mentioned: And whereas the said Sanitary Authority as surveyor of the highways of and for the said parish of Eastry on the 15th day of March last gave notice to the Churchwardens of the said parish to assemble the inhabitants of the city Parish in vestry and submit to them the said wish and proposal of the said Lord Northbourne And whereas on the 19th day of March last the Churchwardens of the said parish of Eastry did in pursuance of and obedience to the said notice of the said Lord Northbourne by a notice under their hands dated the said 19th day of March and duly affixed to the principal door of the Church of the said parish convene a meeting of the inhabitants of the said parish in vestry to be holden on the 28th day of March

then instant for the purpose of considering the proposal contained in the aforesaid notice in writing to the said Sanitary Authority as surveyor of the highways of the said [page 2] parish of Eastry and determining whether the said Public highway should be diverted and the said new highway made in lieu thereof. And whereas on the said 28th day of March last the inhabitants of the said parish of Eastry being then and there duly assembled in vestry in the said parish in pursuance of the said last mentioned notice of the Churchwardens of the said parish and having then and there the said wish and proposal of the said Lord Northbourne submitted to them agreed to the said wish and proposal and resolved that it was expedient that the said public highway should be stopped up and diverted as aforesaid. And whereas in pursuance of an application of the said Sanitary Authority as surveyor of the highways of and for the said parish of Eastry in that behalf made unto us John James Harvey and Henry Fitzwalter Plumtre Esquire whose names are hereunto set being two of Her Majesty's Justices of the Peace of and for the said county of Kent and acting in and for the said county in and in and for the East petty sessional division of the Saint Augustine within which the set parish of Eastry is situated we the said justices on the 13th day of July 1892 together and in the presence of each other at the same time viewed the said public highway hereinbefore described and so resolved to be stopped up and diverted as aforesaid and the line of the said new highway so proposed to be made in lieu thereof as aforesaid and which is wholly situate in the parish of Eastry. And whereas upon such view so made on the application of the said Sanitary Authority as surveyor as aforesaid it appeared to us the said Justices that the said public highway hereinbefore described and so resolved to be stopped up and diverted as aforesaid may be diverted and turned so as to make the same more commodious to the public by stopping up the said part thereof so proposed to be stopped up as aforesaid and by making in lieu thereof the said proposed new highway hereinbefore particularly described. And whereas we the said Justices on the said 13th day of July 1892 did direct the said Sanitary Authority as surveyor of the highways of and for the said parish of Eastry to affix, and in pursuance of such directions in that behalf the said Surveyor for four successive weeks next after we the said Justices so viewed the said public highway [page 3] hereinbefore described namely on the 16th, 23rd and 30th days of July and the 6th day of August 1892 respectively affixed a notice to the effect of schedule N^o. 19 annexed to the said statute in that case made and provided in legible characters at the place and by the side of each end of the said Public Highway hereinbefore described from whence the same is proposed to be stopped up and diverted as aforesaid and also at each end of the said new highway so proposed to be made in lieu thereof as aforesaid and thereby gave notice that on the 18th day of October next application would be made to Her Majesty's Justices of the Peace assembled at Quarter Sessions in and for the Eastern Division of the County of Kent at Saint Augustines in the said County for an order for stopping up the said public highway so resolve to be stopped and diverted as aforesaid and for making in lieu thereof the said new highway hereinbefore particularly mentioned and described and that the certificate of two Justices having viewed the same and proof given to their satisfaction of the several notices required by the statute having been published with the plan of the old and proposed new highway would be lodged with the clerk of the peace of the said county at his office at Maidstone in the said county on the 17th day of September 1892. And whereas the said Sanitary Authority as surveyor in pursuance of the like directions to them by us given in that behalf for four successive weeks next after we the said Justices so viewed the said public highway hereinbefore described namely on the 19th & 26th days of July 1892 and the 2nd and 9th days of August 1892 respectively inserted the same notice as last aforesaid and the same notice for the said four successive weeks appeared in a certain newspaper called the Kentish Gazette published on the last mentioned days the said Kentish Gazette then and still being a newspaper published and generally circulated in the said county of Kent and also on four successive Sundays next after the making such view by us the said

Justices as aforesaid namely on Sunday the 17th 24th and 31st days of July 1892 and the 7th day of August 1892 the said Sanitary Authority as such Surveyor affixed a like notice as last aforesaid on the door of the parish church of the said Parish of Eastry. And whereas the said Lord Northbourne the owner and occupier [page 4] of the Land through which the said new highway is proposed to be made hath consented thereto by writing under his hand which consent hath been duly verified before us. And whereas proof hath now this day been here given unto and before and to the satisfaction of us the said Justices, as well by the evidence of witnesses upon oath as otherwise that the said several notices and resolution of vestry hereinbefore mentioned have been respectively given made agree to affixed and published in the manner and at the times and places hereinbefore particularly mentioned and recited and in manner and form as by the said statute in such case made and provided is required, and a plan has now at the same time been here delivered to us the said justices particularly describing the said old and the said proposed new highway by metes bounds and admeasurements thereof and which said plan has now this day been here verified to and before us the said Justices by the evidence upon oath of Thomas Ashenden a competent surveyor. Now we whose names are hereunto set so being such Justices as aforesaid in pursuance of the aforesaid statute in such case made and provided do hereby certify that on the 13th day of July 1892 we together and in the presence of each other at the same time viewed the said highway and the said part thereof so resolved to be stopped up as aforesaid and also the said new highway so resolved to be made in lieu thereof as aforesaid and that upon such view we found that the said public highway may be diverted and turned as before mentioned so as to make the same by 18 yards nearer and more commodious to the public the whole length of the old highway from the point A to D and thence to C on the said map or plan being 1221 yards and the whole length of the new highway and of the continuance thereof by the existing highway from A to B and thence to the point C being 1203 yards the said Justices hereby further certify that the reasons why the said proposed new highway is and will be more commodious to the public are as follows. The said highway wall will be wider and of better gradient and construction than the old highway.

Given under our hands at the magistrates office 16 Watling Street in the city of Canterbury this third day of September 1892

John James Harvey

H Fitzwalter Plumptre /4