

# **Transcript in connection with magistrates' order granted in relation to the diversion of a road at Updown, Betteshanger, 1789**

From Kent County Archives, Q/RH/2/32

## **1. Consent of owner of land of new road to be created (29 June 1789)**

We the Dean and Chapter of the Cathedral and Metropolitan Church of Christ Canterbury in the County of Kent Lords of the Manor of Eastry in the said County being owners of the Lands lying in the said Parish of Eastry described in the Plan hereunto annexed thro' which Part of a certain Highway lying between the Road leading from Eastry to Deal and between another Road leading from Deal to Canterbury is intended to be diverted and turned DO hereby consent to the making and continuing such new Highway thro' our said Lands without any Consideration to be paid for the same In Witness whereof the said Dean and Chapter have hereunto affixed our common Seal the twenty ninth Day of June in the year of our Lord One thousand seven hundred and eight nine.

[sealed]

## **2. Consent of lessee of land of new road to be created (30 June 1789)**

I Isaac Bargrave Gent. being Lessee of the Dean and Chapter of the Cathedral and Metropolitan Church of Christ Canterbury of the Lands described in the Plan hereunto annexed lying in the Parish of Eastry in the County of Kent thro which Part of a certain Highway lying between the Road leading from Eastry to Deal and between another Road leading from Deal to Canterbury is intended to be diverted and turned DO hereby consent to the making and continuing such new Highway thro the said Lands of which I am Lessee as aforesaid Given under my Hand and Seal the thirtieth day of June One thousand seven Hundred and Eighty nine.

Isaac Bargrave

## **3. Consent of occupier of land of new road to be created (4 July 1789)**

I John Curling being the present Occupier (as Tenant to Mr Bargrave) of the Lands described in the Plan hereunto annexed lying in the Parish of Eastry in the County of Kent thro' which part of a certain Highway lying between the Road leading from Eastry to Deal and between another Road leading from Deal to Canterbury is intended to be diverted and turned, do hereby consent to the making and continuing such new Highway thro' the said Lands of which I am Tenant as aforesaid Given under my Hand and Seal the Fourth day of July One Thousand and Seven Hundred and Eighty Nine.

Jn Curling

## **4. Magistrates' court order (7 July 1789)**

We William Hugessen and John Dilnot Esquires two of his Majesty's Justices of the Peace

for the said County at a Special Session held at the Sign of the Dog in Wingham within the East Division of the Lath of Saint Augustine in the said County on the Seventh day of July one thousand and seven hundred and Eighty nine having upon view found that a certain part of a Highway within the parishes of Ham Eastry and Betshanger within the said Division and County lying between the Highway leading from Eastry to Deal and the Highway leading from Deal to Canterbury for the Length of One Hundred and forty Rods or thereabouts and particularly described in the Plan hereunto Annexed may be diverted and turned so as to make the same more Commodious to the Public. And having viewed a Course proposed for a new Highway in Lieu thereof through the Lands and Grounds of the Dean and Chapter of the Cathedral and Metropolitical Church of Christ Canterbury and demised by them by Leave to Isaac Bargrave Gent. lying in Eastry aforesaid of the length of One Hundred and Sixty Rods or thereabouts and of the breadth of twelve feet or thereabouts particularly described in the Plan hereunto Annexed and having received Evidence of the Consent of the said Dean and Chapter to the said new Highway being made through their said Lands hereinbefore described by Writing under their Common Seal And also of the Consent of the said Isaac Bargrave thereto by Writing under his Hand and Seal We do hereby Order that the said Highway be diverted through the Lands aforesaid And we do Order the John Minot Fector Esquire of Updown House in the Parish of Ham shall be at the whole and Sole expense of making the said new Road And also that he the said John Minot Fector and his Heirs shall at all times hereafter maintain and keep the said New Road in good repair which he the said John Minot Fector hath consented and agreed to do Dated this Seventh day of July One thousand seven hundred and Eight nine.

W Hugessen

John Dilnot

## **5. Deed (30 August 1789)**

[page 1]Agreed this thirtieth Day of August In the year of our Lord One thousand Seven Hundred and Eighty Nine Between John Minot Fector of Updown House in the Parish of Ham in the County of Kent Esquire of the one Part and Alexander Davison Thomas Kite and William Pittock Surveyors of the Highway of the Parish of Eastry in the said County of Kent of the other Part Whereas by and Order bearing date on or about the Seventh Day of July now last past under the Hands and Seals of William Hugessen and John Dilnot Esquires two of his Majesty's Justices of the Peace for the said County at a special Session held at the Sign of the Dog in Wingham within the East Division of the Lath of Saint Augustine in the said County Reciting that they the said Justices having upon a View found that a certain Part of a certain Highway within the Parishes of Ham Eastry and Betshanger within the said Division and County lying between the Highway leading from Eastry to Deal and the Highway leading from Deal to Canterbury for the length of one Hundred and forty Rods or thereabouts and particularly described in a certain Plan thereunto annexed might be diverted and turned so as to make the same more commodious to the Public and having viewed a course proposed for a new Highway in lieu thereof through the Lands and Grounds of the Dean and Chapter of the Cathedral and Metropolitical Church of Christ Canterbury and demised by them by Lease to Isaac Bargrave Gentleman lying in Eastry aforesaid of the length of One Hundred and Sixty Rods or thereabouts and of the breadth of twelve fee or thereabouts particularly described in the plan thereunto annexed and having received Evidence of the Consent of the said Dean and Chapter to the said New Highway being made through their said Lands therein and hereinbefore described by Writing under their Common Seal and also of the Consent

of the said Isaac Bargrave thereto by writing under his Hand and Seal Did thereby order that the said Highway should be diverted through the Lands aforesaid And did order that the said John Minot Fector should be at the whole and sole Expencc of making the said new Road And also that he the said John Minot Fector and his Heirs should at all Times thereafter maintain and keep the said new Road in good Repair which he had consented and agreed to do As by the said Recited Order will more fully appear And whereas the said new Highway is now properly made and fit for the reception of Travellers Now those Presents Witness and it is hereby declared and agreed by and between all the said Parties

[page2]hereto and it is the true Intent and Meaning of them and each and [missing] And that the said John Minot Fector for himself his Heirs and Assigns Covenant Promise and Agree to and with the said Alexander Davison Thomas Kite and William Pittock and their Successors Surveyors of the Highways of the Parish of Eastry for the time being and all other the Owners and Occupiers of Lands Tenements or Hereditaments in the same Parish That he the said John Minot Fector his Heirs and Assigns shall and will from time to time and at all times hereafter will and sufficiently repair amend maintain and keep repaired the said new Highway so made by him as aforesaid And also shall and will save defend keep harmless and indemnified as well the said Alexander Davison Thomas Kite and William Pillock the present Surveyors of the Highways of the said Parish of Eastry and their successors for the time being as also all and every the present and future Inhabitants and occupiers of Lands Tenements or Hereditaments in the same Parish of and from the repair and amending of the said New Highway and also of and from all Costs Changes Damages and Expenses whatsoever which they any or either of them shall or may at any time or times hereafter bear pay sustain expend or be put under for or by reason of the not repairing maintaining or keeping the said new Highway so made by the said John Minot Fector as aforesaid in good or sufficient repair. In Witness whereof we have hereunto set out Hands and Seals the Day and Year first above written.

Sealed and Delivered / being first	)	J M Fector
legally Stamped/ In the presence of	)	Alex Davison
John Hodges		Thos Kite
J B Blummer		

## **6. Certificate of completion (1 September 1789)**

We whose Names are hereunto subscribed being the Justices of the Peace who have viewed the several Highways described in the Plan hereunto annexed and made an Order for the diverting the Old Highway and being satisfied that the new Highway therein described is properly made and fit for the reception of Travellers Do hereby Order the said Old Highway being of the length of One Hundred and forty Rods and of the breadth of Twenty feet upon a Medium as appears by the said Plan to be stopped up and the Land and Soil thereof to be bested in John Minot Fector Esquire whose Land adjoins thereto in lieu and as a compensation for the Expencc he has been at in making such New Highway and of his the said John Minot Fector having entered into an agreement in Writing with the Surveyor of the Highways of the said Parish of Eastry That he and his Heirs shall hereafter at his and their own proper Costs and Charges maintain and keep the said New Highway so made by him as aforesaid in good repair and to indemnify the Inhabitants of the said Parish of Eastry for the time being from the Costs and Charges of maintaining and keeping the said New Highway in repair Dated this first day of September 1789.

W Hugessen  
John Dilnot