

**Kent. Be it remembered that
at the General Quarter Session of the Peace**

of our Sovereign Lady the Queen, holden in and for the County of Kent, at the Sessions House, St. Augustine, Canterbury, in the said County, on Monday, the Fourth day of April, One thousand nine hundred and fifty-five, and in the Fourth year of the reign of our Sovereign Lady Elizabeth II, by the Grace of God of Great Britain and Northern Ireland and of Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith,

Before:—

Tristram de la Poer Beresford, Esquire, Q.C. (Chairman),
Travers Christmas Humphreys, Esquire,
Mrs. Melesina Gladys Deedes,

and others, their fellows, Justices of our said Lady the Queen, assigned to preserve the Peace of our said Lady the Queen in the said County, and also to hear and determine divers Crimes, Trespasses and other Offences in the said County committed.

Stopping up of a portion of a Public Highway in the Parish of Guston in the County of Kent.

WHEREAS a Certificate bearing date the 6th January, 1955, under the hands of Thomas George Elphinston, Esquire, and William Thomas Morrell, Esquire, two of Her Majesty's Justices of the Peace acting in and for the Wingham and Sandwich Petty Sessional Division of this County, together with the proofs and plan therein respectively mentioned

was lodged with the Clerk of the Peace for the said County on the 11th January, 1955, of which Certificate the following was a copy:—

COUNTY OF KENT

PETTY SESSIONAL DIVISION OF WINGHAM AND SANDWICH
TO WIT

IN THE MATTER of the stopping up as unnecessary of a portion of the public highway known as Upper Road, Broadlees, sometimes known as Reach Road, St. Margaret's, in the Parish of Guston in the County of Kent

TO HER MAJESTY'S JUSTICES OF THE PEACE assembled in Quarter Sessions for the Eastern Division of the County of Kent to be held at Canterbury on the Fourth day of April One thousand nine hundred and fifty five

WHEREAS:—

(1) The County Council of the Administrative County of Kent as Surveyor of Highways for the Rural District of Dover in the said County being desirous of stopping up as unnecessary the portion of the public highway known as Upper Road, Broadlees, sometimes known as Reach Road, St. Margaret's, leading from Dover to St. Margaret's-at-Cliffe and situate in the Parish of Guston in the County of Kent SUBJECT NEVERTHELESS to the reservation to the public of a footway thereover which said portion commences at Broadlees Bottom in the vicinity of the married officers quarters known as "Somme" at the point where the highway constructed by the War Department (now used as an alternative route) leads off due south from the said highway first hereinbefore mentioned and the portion proposed to be stopped up proceeds north east from such point along the northern side of the premises known as the old married soldiers quarters for a distance of approximately 1820 feet to the point where it joins the north-eastern extremity of the hereinbefore described alternative War Department highway in the vicinity of the Royal Engineers Compound at Swingate Camp approximately 20 feet to the west of the boundary between the said Parish of Guston and the Parish of St. Margaret's-at-Cliffe in the said County on the 18th day of November 1953 approved a recommendation of its Roads Committee to consent to such proposal

(2) On the 23rd day of March 1954 the Guston Parish Council at a duly convened meeting resolved to give its consent to such stopping up subject to the aforesaid reservation and to give public notice of such resolution in the manner prescribed by section 287 of the Local Government Act 1933

(3) Public notice of the said resolutions of the said Parish Council was given in the prescribed manner on the 23rd day of April 1954

(4) On the 27th day of April 1954 the Dover Rural District Council at a duly convened meeting adopted a resolution to give its consent to such stopping up subject as aforesaid



(5) On the 6th day of August 1954 the Guston Parish Council at a further duly convened meeting passed a resolution confirming its said resolution passed at the aforesaid meeting on the 23rd March 1954

(6) In pursuance of an application dated the 29th day of October 1954 made by the said County Council to us THOMAS GEORGE ELPHINSTON of The Lawn Walmer in the said County and WILLIAM THOMAS MORRELL of Innescote Temple Ewell near Dover in the said County of Her Majesty's Justices of the Peace for the said County acting in and for the said County in the Sessional Division of Dover and whose names are hereunto subscribed we the said two Justices on the 8th day of November 1954 together and in the presence of each other at the same time viewed the said portion of public highway proposed to be stopped up as aforesaid and also the said existing alternative public highway

(7) Upon such view it appeared to us the said two Justices that for the reasons hereinafter mentioned the said portion of public highway should be stopped up subject to the aforesaid reservation

(8) On the said 8th day of November 1954 we the said two Justices after the view so made by us as aforesaid did direct the said County Council to affix and in pursuance of such direction the said County Council did on the 13th day of November 1954 cause to be affixed a notice to the effect of Schedule 19 of the Highway Act 1835 in legible characters at the place and by the side of each end of the said portion of the said public highway proposed to be stopped up as aforesaid and thereby gave notice that application would be made to Her Majesty's Justices of the Peace assembled in Quarter Sessions in and for the Eastern Division of the said County to be held next after the expiration of four weeks from the date on which this Certificate would be lodged with the Clerk of the Peace for the said County as therein mentioned for an Order for the stopping up as unnecessary of the said portion of the said public highway subject to the aforesaid reservation and that this our Certificate of having viewed the said portion and the said alternative highway would be lodged with the said Clerk of the Peace on or before the 14th day of January 1955

(9) The said County Council in pursuance of a like direction given by us the said two Justices for four consecutive weeks next after the view so made by us as aforesaid namely on the 12th 19th and 26th days of November 1954 and the 3rd day of December 1954 caused the like notice to be inserted in a newspaper called the "Dover Express and East Kent News" and the same notice for the said four consecutive weeks appeared in such newspaper published and generally circulated in the district and also on four consecutive Sundays next after the view so made by us the said two Justices as aforesaid namely on the 14th 21st and 28th days of November and the 5th day of December 1954 the said County Council caused a like notice as aforesaid to be affixed by the side of the door of the Parish Church of St. Martin in the said Civil Parish of Guston and on the notice boards of the said Parish Council of Guston

(10) Proof hath now been given unto and before and to the satisfaction of us the said two Justices by evidence upon oath or otherwise that the said several notices and resolutions hereinbefore mentioned given made and agreed to and affixed and published in the manner and at the times and places hereinbefore mentioned and recited and in the manner and form as by the said statute in such case made and directed is required. And the said plan has now at the same time been here delivered to us the said two Justices particularly describing the said portion of the said public highway proposed to be stopped up as aforesaid and the said existing alternative public highway by metes bounds and admeasurements thereof which said plan has been verified to and before us the said two Justices by the evidence upon oath of Eric Walter Harvey Vallis a competent Surveyor

Now we the said two Justices in pursuance of the said Statute in such case made and provided do HEREBY CERTIFY that on the said 8th day of November 1954 we together and in the presence of each other at the same time viewed the said portion of the said public highway so proposed to be stopped up as aforesaid and the said existing alternative public highway AND we the said two Justices do HEREBY FURTHER CERTIFY that the said portion of public highway hereinbefore described may be stopped up as unnecessary subject to the aforesaid reservation because there is available to the public the existing alternative highway which is more commodious in the following respects:—

- (1) It has a less steep gradient; the highway to be stopped is extremely steep and in our opinion dangerous for modern vehicular traffic;
- (2) it has a carriageway which is at least six feet wider than the carriageway of the said portion proposed to be stopped up; and
- (3) it has a modern, well-drained surface.

GIVEN under our hands at Dover in the County of Kent this Sixth day of January 1955

(Sgd.) T. G. ELPHINSTON
W. T. MORRELL

Justices of the Peace for the County of Kent.

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AND the said Certificate having been read by the Clerk of the Peace in open Court and
no appeal having been made against the said Certificate

IT IS ORDERED :—

That the said portion of the said public highway as described in the said Certificate
of the said Justices be stopped up as in the said Certificate of the said Justices and
in the plan referred to therein mentioned and described.

By the Court,

Deputy Clerk of the Peace.

Extract from the Minutes of the Meeting of the Public Health Committee held at the Council Offices, Temple Ewell, Tuesday, the 13th April, 1954.

"Upper Road, Broadlees.

The Clerk of the Council refers to the Minutes of the Housing Committee, Item 16, of the 17th December, 1952, and states that he has heard from the Clerk of the Kent County Council that the War Department now wish to reserve all ownership rights in the soil of the War Department Road and all drains, cables and other similar conveniences therein with a right to maintain, inspect and repair and to lay, maintain, inspect and repair any additional drains, &c., the War Department to reinstate and make good, so far as reasonable at its own expense, any damage which might be caused to the road, such reservation would be so worded as not to preclude the Council from laying similar apparatus in the road. Further, that the County Council had decided that the best method of implementing these proposals would be for the War Department to dedicate its road to the public by a Deed of Dedication containing a reservation of the before-mentioned rights and for an application then to be made to Quarter Sessions for an Order to stop up the length of the existing County road as unnecessary, subject to the reservation of a footway over the whole width of such length.

It is recommended that:-

(i) the resolution in paragraph 5 of the Minutes of the Council of the 23rd December, 1952, be hereby rescinded in so far as it relates to the recommendation contained in paragraph 16 of the Minutes of the Housing Committee of the 17th December, 1952, and

(ii) the Council do hereby consent to a portion of the public highway known as Upper Road, Broadlees, sometimes known as Reach Road, St. Margaret's-at-Cliffe, leading from Dover to St. Margaret's-at-Cliffe situate in the Parish of Guston in the Rural District of Dover in the County of Kent between the points "A" and "B" on the plan now produced and thereon coloured brown being stopped up as unnecessary, subject to the reservation to the public of a footway thereover."

Extract from the Minutes of the Meeting of the Dover Rural District Council held at the Council Offices, Temple Ewell, on Tuesday, the 27th April, 1954.

"Public Health Committee of 13th April, 1954.

RESOLVED: That the Minutes, having been circulated to Members, be received and any requisite approval by the Council given."

Certified a True Copy,

H. F. Abben

Clerk.

Take 2 copies

EXTRACT FROM THE MINUTES OF A MEETING
OF GUSTON PARISH COUNCIL HELD ON 23rd MARCH, 1954.

The following resolution was passed on the motion of Crs. Mrs. Bridgstock and Newell:-

(a) "That the resolution in paragraph two of the Minutes of this Council held on the 26th day of February, 1952 and the confirmatory resolution in paragraph eight of the Minutes of this Council held on the 3rd day of June, 1952 be hereby rescinded".

On the motion of Crs. Newell and Harris the following resolutions were unanimously adopted:-

(b) "That it is expedient that a portion of the public highway known as Upper Road, Broadlees, sometimes known as Reach Road, St. Margarets, leading from Dover To St. Margarets-at-Cliffe and situate in the Parish of Guston in the Rural District of Dover in the County of Kent should be stopped up as unnecessary, subject to the reservation to the public of a footway there-over, that is to say, by stopping up subject as aforesaid that portion which is shown coloured brown on the plan now produced."

(c) "That this Council do consent to such stopping up of the said portion of the said public highway subject as aforesaid and subject to the War Department executing a Deed of Dedication to the Public in respect of the road coloured pink on the plan now produced.

(d) That the Clerk of the Council do give public notice of this resolution in manner prescribed by Section 287 of the Local Government Act 1933."

M. Miland.

Clerk to Guston
Parish Council.

Upper Road, Broadlees

31. The Clerk of the Council referred to the Minutes of this Sub-Committee of the 8th January, 1951, paragraph 3, in regard to the decision to take steps with a view to obtaining an Order of Quarter Sessions for the diversion of a length of Upper Road, Broadlees, subject to the reservation to the public of a footway thereover. The alternative route was a road constructed by the War Department after the 1914-1918 war. He stated that, in addition to certain conditions already accepted by the Members, the War Department now wished to reserve all ownership rights in the soil of the War Department road and all drains, pipes and other similar conveniences therein, with a right to maintain, inspect and repair and to lay, maintain, inspect and repair any additional drains etc., the War Department to reinstate and make good so far as reasonable at its own expense, any damage which might be caused to the road. Such reservation would be so worded as not to preclude the Council from laying similar apparatus in the road and the County Surveyor saw no objection thereto.

The Clerk of the Council also stated that it ^{was} now felt that the best method of implementing the proposals would be for the War Department to dedicate its road to the public by a Deed of Dedication containing a reservation of the before-mentioned rights and for an application then to be made to Quarter Sessions for an Order to stop up the length of existing county road as unnecessary, subject to the reservation of a footway over the whole width of such length.

RESOLVED that approval be given to the proposals proceeding in the manner now indicated and that, in relation to the application to Quarter Sessions the following recommendation be submitted to the County Council:-

That the Council do resolve:-

- (a) That the resolution in paragraph 44 of the Minutes of the Council of the 28th February, 1951, be hereby rescinded in so far as it relates to the recommendations contained in paragraph 12 of Part II of the Report of the Roads Committee of the 25th January, 1951.
- (b) That it is expedient that a portion of the public highway known as Upper Road, Broadlees, sometimes known as Reach Road, St. Margaret's, leading from Dover to St. Margaret's-at-Cliffe situate in the Parish of Guston in the Rural District of Dover in the County of Kent between the points A and B on the plan now produced and thereon coloured brown should be stopped up as unnecessary, subject to the reservation to the public of a footway thereover.
- (c) That the Council do consent to the said highway being stopped up as aforesaid, and do apply for the consent of any other authority whose consent may be necessary under the Local Government Act, 1894, or otherwise
- (d) That the Council do apply to two Justices of the Peace for the said County to view the said highway proposed to be stopped up and to the Justices assembled in Quarter Sessions for the said County for an Order for such stopping up subject as aforesaid

Extract from the minutes of the meeting of the
Kent County Council held on the 25th February, 1953

40. RESOLVED that, so far as may be requisite the acts and proceedings of the Roads Committee since the meeting of the Council on the 23rd and 29th July, 1953, be approved, that the Report of the 22nd. October, 1953, of such Committee, except paragraph 47 thereof, which relates to the purchase of road maintenance plant, be adopted, and that the recommendations therein contained be carried into effect