

125 Station Road, Birchington, Kent.

IRVINE  
FRIEND

(A)

I IRVINE JAMES COWLEY FRIEND M.A. of Mucklestone Old Rectory Market Drayton Shropshire solemnly and sincerely declare as follows:-

1. The family of "Friend" have held estates in Thanet, Kent since at least the Thirteenth century and in particular the estate at Northdown near Margate, Kent.
2. Part of that estate comprising east Northdown Manor House Lawn Cottage and another cottage and farm buildings and land all situate on the west side of the said Manor House and on the same side of the road came to me by inheritance from my Father JAMES IRVINE HATFIELD FRIEND O.B.E., M.C., D.L.J.P. who died in 1955. My Father in turn had owned this and other property under his own Father's Will since 1909.
3. I had hitherto believed that the freehold of the roads serving the Northdown Estate including the road coloured green on the plan now shown and produced to me marked IJCP1 (hereinafter referred to as The Road) being the road leading from George Hill Road to Lawn Cottage and beyond had been owned by me up until 1973 when I conveyed East Northdown Farm to Northdown Investments (Jersey) Limited who hold the land upon trust for my children. I am now informed that the freehold of the road was never vested in me and was not transferred to Northdown Investments (Jersey) Limited. Since 1955 it has always been left to me to control all access by vehicles along the road and to arrange for and finance the repair of the road and the road side walls and I have never had to ask for the consent of anyone to use or administer the road entirely as I have seen fit.
4. This state of affairs has pertained throughout my "ownership" of the land and properties referred to above since 1955 and to the best of my knowledge and belief my Father treated the road in the same manner from 1909 until his death in 1955. Both of us have enjoyed unrestricted use of the road on foot and with and without animals and vehicles to pass and repass for all purposes and at all times of the day and night without any persons consent.

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5. My Father and I have in furtherance of our claim to the "ownership" of the road laid or authorised the laying of mains services along under or over the road to serve the various properties abutting the road. We have always been responsible for arranging for the maintenance of the road road side walls and services.

6. Such have been our rights to deal with the road and walls that in 1952 my Father included the grant of a shared right of way along the road to the tenant farm of east Northdown Farm and imposed on him in an Agricultural Tenancy agreement dated 29th of September 1952 a liability to contribute towards the cost of the labour and materials for repairs. Similar provision was made by me in an Agricultural Tenancy agreement dated the 14th of January 1965 between myself as Landlord and Mr. S.A. Steed as Tenant. I have imposed liabilities upon other persons for the use of the roadway and payments have been made to me as a contribution towards the maintenance of the road.

7. My Solicitors have made exhaustive enquiries to establish the actual freehold ownership of the road. I am informed and verily believe that for some unknown reason a devise of the freehold of the road was not included in the vesting assent dated the 24th of July 1926 and made between Elfrida Mary de Vaynes Cockcroft Reginald Stewart Irvine Friend James Irvine Hatfield Friend of the one part and my Father of the other part. The reasons for the freehold of the road not being vested in my Father I do not know nor have I or my Solicitors been able to ascertain any reason. From all the enquiries that have been made no indication can be found that the freehold of the roadways have been vested in any other person.

8. I verily believe that I having exercised all the powers of an estate owner in respect of the road for some 27 years and my Father having exercised similar rights prior to that without let or hindrance or objection from any other person have an indefeasible possessory claim to the freehold of the road.

AND I MAKE this solemn declaration conscientiously believing the same to  
be true and by virtue of the Statutory Declarations Act 1935

DECLARED by the said Irvine  
James Cowley Friend this 29<sup>th</sup> )  
day of October 1982 )

*J. C. Friend*

Before me,

*J. A. Kape*

A Solicitor/Commissioner for Oaths

"I.S.C.F. 1"

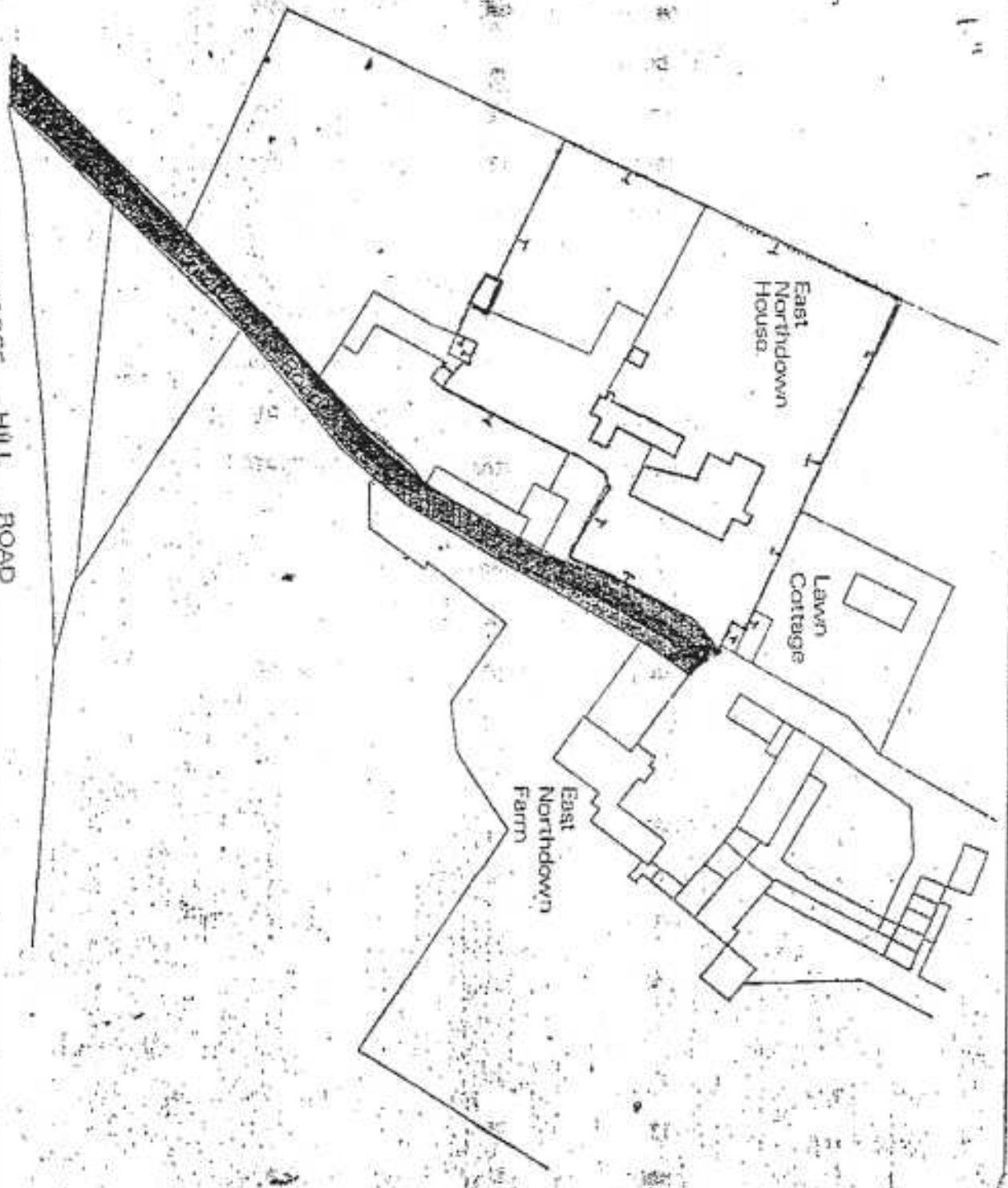
AN

GEORGE HILL ROAD

East  
Northdown  
House

Lawn  
Cottage

East  
Northdown  
Farm



*copy of best  
plan of Northdown  
House  
&  
basement.  
from St. Andrew's*

	501	CL	title EAST
	44		EAST
STEW Chartwell 1977/1978			