



ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

Cap. xlix.

An Act for making and repairing several Roads leading to and from the Town of *Southmolton* in the County of *Devon*. [1st July 1839.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing, widening, and rendering safe and commodious several Roads leading from the Town of Southmolton in the County of Devon*: And whereas another Act was in the Nineteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing the Term and altering the Powers of an Act made in the Thirty-second Year of the Reign of His late Majesty, for repairing, widening, and rendering safe and commodious several Roads leading from the Town of Southmolton in the County of Devon*: And whereas another Act was passed in the Forty-second Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for continuing the Term and enlarging the Powers of Two Acts passed in the Thirty-second Year of the Reign of His late Majesty King George the Second and the Nineteenth Year of the Reign of His present Majesty, for repairing, widening, and rendering safe and commodious several Roads leading from the Town of Southmolton in the County of Devon*: And whereas another Act was passed in the Fifty-fourth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of several Acts of His late and present Majesty, for*

32 G. 2. c. 45.
19 G. 3. c. 81.
42 G. 3. c. 1.
54 G. 3. c. 21.

[Local.] 12 Y repairing

repairing certain Roads leading from Southmolton in the County of Devon: And whereas the Trustees appointed by or in pursuance of the Powers vested in them have borrowed several Sums of Money upon the Credit of the Tolls authorized to be collected upon the said Roads, a considerable Part of which Money still remains due and owing; and the same cannot be repaid, nor can the said Roads be effectually amended, improved, and kept in repair, unless the Term granted by the said Acts be further continued, and the Tolls thereby granted varied or increased: And whereas it would be a great Convenience to Persons residing in the Neighbourhood, and of general public Utility, if the Trustees for executing this Act were authorized and empowered to make and maintain the several new Lines or Branches of Road herein-after particularly mentioned and set forth: And whereas it is expedient that the several herein-before recited Acts should be repealed, and that further and more effectual Powers and Provisions should be granted, as well for repairing, amending, and improving the said present Roads, as also for making and maintaining the said several new Lines or Branches of Road; but the several Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Day of the Commencement of this Act the said recited Acts, passed in the Thirty-second Year of the Reign of King *George* the Second, and in the Nineteenth, Forty-second, and Fifty-fourth Years of the Reign of King *George* the Third, shall be and the same are hereby declared to be severally repealed.

Recited Acts
repealed.

This Act to
be put in
execution.

II. And be it further enacted, That this Act shall thereafter be put in execution, for and during the Term herein-after mentioned, for the Purpose of making, amending, widening, repairing, improving, and maintaining the present and new Roads herein-after mentioned; (that is to say,) the present Turnpike Road leading from the Town of *Southmolton* in the County of *Devon*, through the several Parishes of *Southmolton*, *George Nympton*, *Mariansleigh*, *Romansleigh*, *Meshaw*, and *East Worlington*, to a certain Place called *Drayford Bridge*, in the Way to the City of *Exeter*; and also the present Turnpike Road leading from the said Town of *Southmolton*, through the several Parishes of *Southmolton*, *George Nympton*, *Kings Nympton*, *Chulmleigh*, and *Chawleigh*, to a certain Place called *Lablands Cross*, in the Parish of *Chawleigh* aforesaid, in the Way to the City of *Exeter*; and also the present Turnpike Road leading from the said Town of *Southmolton*, through the several Parishes of *Southmolton*, *Bishops Nympton*, *Rose Aish* otherwise *Rose Ash*, *Knowstone*, *Creacombe*, and *Rackenford*, to a certain Place called *Crusey House*, in the Way to the Town of *Tiverton*; and also the present Turnpike Road leading from the said Town of *Southmolton*, through the several Parishes of *Southmolton*, *Filleigh*, and *Swimbridge*, to a certain Place called *Kerscott Hill*, in the Way to the Town of *Barnstaple*; and also the present Turnpike Road leading from the Town of *Southmolton*, through the several Parishes of *Southmolton* and *Chittlehampton*, to a certain Place called *Umburleigh Bridge*, in the Parish of *Chittlehampton*, in the Way to the Town of *Torrington*,

Torrington (save and except such Parts of the said Roads as shall be abandoned in pursuance of the Power herein-after contained as and when such Abandonment shall take place;) and also for making and maintaining the several new Lines or Branches of Road herein-after mentioned; (that is to say,) one of such Roads to commence at or near *Cross Lane End* in the Town and Parish of *Southmolton*, and to terminate at or near the *Stag's Head* in the Parish of *Southmolton*, and there to unite with the present *Southmolton* Turnpike Road leading to the Town of *Barnstaple*; and also a Diversion from the same Turnpike Road to commence at or near the Blacksmith's Shop near the Church in the Parish of *Filleigh*, and to terminate at or near the *Southmolton* Turnpike Gate, called the *Tower Gate*, in the Parish of *Swimbridge*, and there to unite with the said *Southmolton* Turnpike Road leading to the Town of *Barnstaple*; another of such Roads to commence at or near the Market Place or Broad Pavement in the Town of *Southmolton*, and to pass through the *Star Inn*, and to terminate at or near *Alswear* in the Parish of *Mariansleigh*, and there to unite with the present Turnpike Road leading from *Southmolton* to *Crediton*; another of such Roads to commence at or near the lower End of *East Street* in *Southmolton* aforesaid, and to pass through a certain Timber Yard now in the Occupation of *Grace Smyth*, and to terminate at or near *Alswear* in the Parish of *Mariansleigh* aforesaid, and there to unite with the said Turnpike Road leading from *Southmolton* to *Crediton*; another of such Roads to diverge from the said Turnpike Road leading from *Southmolton* to *Crediton* at or near the Fourth Mile Post in the Parish of *Romansleigh*, and to terminate at or near the Village of *Witheridge* in the Parish of *Witheridge*; another of such Roads to commence at the Termination of the said last-mentioned intended new Road at or near the said Village of *Witheridge*, and to terminate at and where it shall enter the present Line of Road comprised in the *Tiverton* Turnpike Act lying between *Noman's Land* and *Labbott's Cross*; another of such Roads to diverge from the present Turnpike Road leading from *Southmolton* to *Crediton* at or near *Tidlake* in the Parish of *Mariansleigh*, and to terminate in the Parish of *Chulmleigh* at or near the Seventh Mile Post in the present Turnpike Road leading from *Southmolton* to *Chulmleigh*; another of such Roads to commence at or near the lower End of *South Street* in the Town of *Southmolton*, and to terminate at or near *Newnham Bridge* in the Parishes of *Chulmleigh* and *Burrington*; or one of them, and there to join the present *Barnstaple* Turnpike Road leading from *Barnstaple* to *Exeter*; another of such Roads to commence at or near the Market Place or Broad Pavement in the Town of *Southmolton*, and to pass through the *Star Inn* aforesaid, and the Valley on the South of the Town of *Southmolton*, and to enter the present Turnpike Road leading from *Southmolton* to *Tiverton* at or near *Mole Bridge* in the Parishes of *Southmolton* and *Bishops Nympton*, or one of them, passing over *Mole Bridge*; and for taking down and rebuilding or widening and repairing the same Bridge; and for widening and repairing the present Turnpike Road so far as *Ham Lane* in the Parish of *Bishops Nympton*; and also another of such Roads to commence at or near *Cross Lane End* in the Town and Parish of *Southmolton*, and to terminate at or near *Mockham Gate* in the Parish of *Bratton Fleming*; and also for the taking down, rebuilding,

ing, widening, repairing, and maintaining all or any of the Bridges at present or hereafter to be erected on the present and intended *Southmolton Turnpike Roads*.

Names of
Trustees.

III. And be it further enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the said County of *Devon*, together with Sir *Thomas Dyke Ackland* Baronet, *William Brooke Adams*, *William Adams*, *George Acland Barbor*, *Humphrey John Norris Bawden*, *Joshua Bawden*, *Joshua Bawden* Clerk, *Richard Bawden*, *John Peter Benson*, *William Binford*, *John Blackmore*, *John Blackmore* the younger, *Richard Blackmore* Clerk, *John Brown of Sandford*, *Richard Syndercombe Bryan*, *Lewis William Buck*, *George Buck*, *James Buckingham*, *James Buckingham* the younger, *John Budd*, *John Buller*, *Francis Merson Burgess*, *Thomas Burgess*, *Robert Chichester*, *Charles Chichester*, *Benjamin Clay*, *Pelham Fellowes Clay*, *William Comins of Witheridge*, *William Comins of Rackenford*, *Thomas Comins*, *Thomas Melhuish Comins*, *Francis Shath Cornish*, *Henry Charles Cutcliffe*, *Charles John Cutcliffe*, *John Elworthy Cutcliffe*, *John Lane Cutcliffe*, Sir *Humphrey Phineas Davie* Baronet, *Richard Davy*, *John Tanner Davy*, *John Davy*, *William Croole Davy*, *Charles Devon*, the Honourable *Newton Fellowes*, *Henry Arthur Wallop Fellowes*, *Alfred Fentiman*, *Henry Robert Fergusson*, *William Fleaman*, the Honourable *Matthew George Fortescue*, the Honourable *John Fortescue* Clerk, the Honourable *Hugh Fortescue*, the Honourable *John Fortescue*, the Honourable *Dudley Fortescue*, *William Fortescue*, *John Froude*, *James Gould*, *Aubrey Gould*, *Nicholas Gould*, *Richard Harding*, *Richard Harding* the younger, *John Nott Harding*, *James Nott Harding*, *William Hitchcock*, *John Hodgkin*, *William Hole*, *John Hole*, *John Hole* Clerk, *George Hole*, *Robert Hole*, *Henry Hole*, *Henry Hutton*, *Peter Johnson*, *John Johnson*, *William Karlake*, *William Heberden Karlake*, *William Woollaston Karlake*, *Henry Karlake*, *Edward Kent Karlake*, *Richard Keats*, *Henry Keen*, *John Loosemore*, *Thomas Loveband*, *Thomas Henry Maitland*, *Samuel Thompson May*, *Samuel Marshall Thompson May*, *William Mills*, *John Nott*, *William Paramore*, *John Partridge of Mincing*, *John Gilbert Pearse*, *John Gilbert Pearse* the younger, *James Pearse*, *Richard Preston*, *William Scott Preston*, *James Preston*, *James Edward Jackson Riccard*, *Russell Martyn Riccard*, *John Russell*, *Gilbert Scott*, *Edmund Southcomb*, *Lewis Southcomb*, *William Thomas Southcomb*, *John Southcomb*, *William Palmer Stawell*, *William Palmer Stawell* the younger, *Joseph George Stawell*, *John Moore Stevens*, *Jonathan Tanner*, *James Tanner*, *William Prockter Thomas*, *Joseph Thorne*, *Humphry Toms*, *Michael Tout*, *John Hearle Tremayne*, *Peter Comyns Tucker*, *William Venn*, *John Wrey*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying this Act into execution.

Power to
appoint
additional
Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered, at any of their General Meetings to be holden in pursuance of this Act, to elect and appoint any Number of Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees by this Act appointed, and such Trustees so elected and appointed, being duly qualified, shall be and they are hereby invested with

with the same Powers and Authorities as if they had been named and appointed in and by this Act.

V. And be it further enacted, That the said Trustees shall hold their First Meeting at the Town Hall in the Town of *Southmolton* aforesaid, or at some other convenient Place in or near to the said Roads, within Twenty-one Days next after the passing of this Act, or as soon after as conveniently may be, and shall then and there proceed to put this Act into execution; and the said Trustees shall and may adjourn such First Meeting and every subsequent Meeting to such Places on or near to the said Roads as they shall from Time to Time think proper.

First Meeting of Trustees.

VI. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered to set out, make, erect, and complete the several new Lines or Branches of Road herein-before mentioned and described of such Width as they may think proper, not exceeding Thirty Feet nor less than Twenty Feet, together with such Arches, Bridges, Ditches, Drains, Fences, and other Works as they shall think requisite; and for the Purposes aforesaid to take, pull down, or remove all or any of the Dwelling Houses, Outhouses, Edifices, and Buildings, and to use and appropriate the Yards, Gardens, Orchards, and other Tenements, Hereditaments, and Premises which are mentioned and set forth in the Schedule to this Act annexed, and to take, pull down, and remove any Buildings which may have been erected on any of the Lands specified in the said Schedule since the Thirteenth of *November* last, tendering or making Satisfaction for the same to the Owners of the said Hereditaments and Premises and other Persons interested therein, and for the Damage which such Owners or other Persons may respectively sustain thereby; and also to take under their Care and Management all or any of the Roads or Highways passing in the Line or Direction of the herein-before mentioned new Lines or Branches of Road, or any of them.

Trustees empowered to make new Lines of Road.

VII. And be it further enacted, That it shall and may be lawful for the said Trustees to erect, build, maintain, and keep in repair, or cause to be erected, built, maintained, and kept in repair, any Bridge or Bridges over or across any River or Rivers over or through which any Part of the said intended new Lines of Road are proposed to be carried, and also to take down and rebuild, widen, repair, amend, maintain, and keep in repair, all or any of the Bridges now standing and being or hereafter to stand or be on any of the said present Roads, as they the said Trustees shall think proper.

Trustees empowered to build Bridges, &c.

VIII. And whereas a Map or Plan and Sections describing the several new Lines or Branches of Road herein-before mentioned, and the Lands, Tenements, and Hereditaments, through or over which the same are respectively intended to be made or carried, together with a Book of Reference thereto containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, Tenements, and Hereditaments, has been deposited in the Office of the Clerk of the Peace for the County of

Plans deposited with the Clerk of the Peace to remain for Inspection.

Devon; be it therefore enacted, That the said Map or Plan, Sections, and Book of Reference shall remain in the Custody of the said Clerk of the Peace, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and take Copies thereof or Extracts therefrom, at their Will and Pleasure, paying such Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Hundred Words of such Copies or Extracts; and the said Map or Plan, Sections, and Book of Reference, or any Copy thereof or of any Part thereof, certified by the Clerk of the Peace for the Time being to be a true Copy, shall be good Evidence in all Courts of Law and elsewhere: Provided always, that the Trustees acting in the Execution of this Act in making the said several new Lines or Branches, or any Part thereof, shall not deviate more than One hundred Yards on either Side of the Lines described in the said Map or Plan, without the Consent in Writing of the Person, or Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such new Lines or Branches shall be made.

Limiting Deviation from Plan.

Lands may be used notwithstanding Errors in the Plan or Book of Reference.

IX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said several new Lines or Branches of Road through, across, or over the Lands of any Person or Persons who is or are or may be Owner or Owners of the Lands, Tenements, and Hereditaments through or over which the same are respectively set out in the said Map or Plan, and described in the said Book of Reference, although such Lands, Tenements, or Hereditaments, or the Name or Names of such Person or Persons, may be erroneously described or mis-stated in the said Map or Plan and Book of Reference or partly omitted therefrom, in case it shall appear to any Two or more Justices of the Peace for the County of *Devon*, and be certified in Writing under their Hands, that such erroneous Description, Mis-statement, or Omission happened by Mistake.

Houses or Buildings, &c. not to be taken without Consent unless specified in the Schedule.

X. Provided also, and be it further enacted, That the Powers and Authorities hereby given for making the new Lines or Branches of Road herein-before described shall not extend or be construed to extend to authorize the said Trustees to take or pull down any Dwelling House, or to take in or make use of any Curtilage, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, other than and except those specified in the Schedule hereunder written, and other than and except any Buildings which may have been erected on any of the Lands specified in the said Schedule since the Thirtieth Day of *November* One thousand eight hundred and thirty-eight, without having first obtained such Consent as is herein-before required to be obtained in case of a Deviation of more than One hundred Yards from the Lines of the said new Roads as laid down on the said Map or Plan.

Power to discontinue certain old Roads.

XI. And be it further enacted, That from and after the making and completing the said new Road which is to commence at or near the Blacksmith's Shop near the Church in the Parish of *Filleigh*, and
to

to terminate at or near the *Southmolton* Turnpike Gate called the *Tower Gate*, in the Parish of *Swimbridge*, the said Trustees shall from thenceforth be discharged from the future Repair of so much and such Part of the said present Road leading from the Town of *Southmolton* to *Kerscott Hill* aforesaid as lies or is situated between the said Blacksmith's Shop near the Church in the said Parish of *Filleigh* and *Farthing Lake* in the Parishes of *Swimbridge* and *Filleigh* or one of them, and from the future Repairs of such other Parts of the present Roads in lieu of which other new Roads shall be made: Provided always, that such of the Roads so to be discontinued as Turnpike as aforesaid which may be required to be kept up and continued as Highways shall, before the same are so discontinued as Turnpike, be put into such good and sufficient Repair as shall be adjudged and determined by the Certificate in Writing of Two Justices of the County of *Devon*, and transmitted to the Clerk of the said Trust, and their Adjudication thereon shall be final and conclusive.

XII. And be it further enacted, That it shall and may be lawful to and for the Trustees for the Time being acting in the Execution of this Act, by and with such Consent as is herein-before required in case of a Deviation of any of the Lines of Road hereby authorized to be made, to make a Diversion of the said present Turnpike Road leading from *Southmolton* towards *Barnstaple*, commencing at or near a certain Place called *Hill Farm*, in the said Parish of *Southmolton*, and to pass through or across certain Lands belonging to the Right Honourable *Hugh Earl Fortescue*, and to terminate in and communicate with the said intended new Line of Road from *Southmolton* towards *Barnstaple* at or near *Stag's Head* aforesaid.

Power to make Road from Hill to Stag's Head with Consent.

XIII. And whereas some Part of the said Road which is intended to commence at or near the lower End of *South Street* in *Southmolton* aforesaid, and to terminate at or near *Newnham Bridge*, will pass over Part of a certain Turnpike Road leading from *Barnstaple* towards *Chulmleigh* belonging to the Trustees of the *Barnstaple* Turnpike Roads, namely, over such Part thereof as lies or is situated between a certain Place called *Snidell's Gate*, in the Parish of *Chittlehampton*, and where the said intended new Road will branch off from the said *Barnstaple* Turnpike Road near *Head Bridge* in the Parish of *Chulmleigh*: And whereas the said last-named Trustees have consented to relinquish and give up to the Trustees for executing this Act all their Right and Interest in the said Piece of Road; be it therefore further enacted, That it shall be lawful for the Trustees for the Time being acting in the Execution of this Act to take and appropriate to their own Use so much of the said Turnpike Road as lies or is situated between the Points aforesaid.

Power to take Part of the Barnstaple Turnpike Road.

XIV. And be it further enacted, That in case any Lands or Hereditaments shall be purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the same, in case the same shall be of Freehold Tenure, or in case the same shall be of any other Tenure the Estate and Interest in the same, shall not (notwithstanding any Provisions in this Act or in any of the Acts

The Freehold of the Lands purchased by the Trustees to remain vested in the former Owners.

now

now in force for regulating Turnpike Roads in *England*), by means of any such Purchases or any Conveyance to be made in pursuance thereof, be vested in the said Trustees, but the Freehold and Inheritance of and in the said Lands and Hereditaments so purchased, in case the same shall be of Freehold Tenure, and in case such Lands or Hereditaments shall be of any other Tenure the Estate and Interest in the same, shall notwithstanding such Purchase and Conveyance remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees, and the said Trustees shall by means of such Purchase and Conveyance be entitled only to a perpetual Right of Way in, over, or upon the Lands so to be purchased by them as aforesaid.

Trustees to have the same Powers over the Lands as if they had purchased the Fee.

XV. Provided always, and be it further enacted, That the said Trustees shall have such and the same Powers and Authorities of cutting and digging, and otherwise using the Lands and Hereditaments to be taken or purchased by them for the Purposes of this Act, in all respects, as they would have had in case they had purchased the Fee Simple thereof or other Estate and Interest therein.

If Lands purchased should not be wanted, Right of Way and other Rights vested in Trustees to cease.

XVI. Provided also, and be it further enacted, That if at any Time any of the Lands or Hereditaments purchased by the said Trustees for the Purposes of this Act shall not be wanted for the same, then and in such Case the Right of Way, and all other Rights in, over, or upon such Lands or Hereditaments, vested in the said Trustees under this Act, shall cease, determine, and be extinguished, and the Freehold and Inheritance of the said Lands, in case the same shall be of Freehold Tenure, and the Estate and Interest in such Lands in case the same shall be of any other Tenure, shall be and remain in the Person or Persons entitled to the same, freed and discharged of and from such Right of Way.

Toll Houses becoming useless may be sold.

XVII. And be it further enacted, That in all Cases in which the said Trustees now are or shall at any Time hereafter become absolutely possessed or entitled by Purchase or Exchange, or by any other legal Means, of or to any Piece or Parcel of Ground upon which any Toll House, with or without Outhouses and Appurtenances thereto belonging, shall have been erected, it shall be lawful for the Trustees for executing this Act absolutely to sell and dispose of the same or any Part thereof, together with the Toll House, and all Outhouses, Gardens, and Appurtenances belonging thereto, whenever the same shall be considered by the Trustees to be useless or unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as the said Trustees can obtain for the same; and in case of any such Sale being made as aforesaid it shall be lawful for the said Trustees to convey the said Pieces or Parcels of Ground, Toll Houses, Gardens, and Premises, to the Purchaser or Purchasers thereof, and upon Payment of the Purchase Money to the Treasurer for the Time being of the said Trustees, and upon and from and after the Execution of the Conveyance, such Purchaser or Purchasers shall hold and enjoy the Premises in Fee Simple, discharged from all Trusts and free from all Incumbrances whatsoever, and shall not be obliged to see

to the Application of the Purchase Money nor be answerable for the Misapplication or Nonapplication thereof: Provided always, that such and the like Preference and Priority of purchasing the Premises so to be sold shall always be given to the Owner or Owners of the next adjoining Land as is by the Statutes for regulating Turnpike Roads in that Part of *Great Britain* called *England* directed to be given in case of the Sale of any Piece or Pieces of Ground not wanted for the Purposes of a Turnpike Road.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees, or their Lessee or Lessees, or any Person or Persons appointed by them respectively Collector or Collectors of Tolls, or otherwise authorized by them for that Purpose, (subject to the Provisions and Exemptions contained in the general Acts now in force respecting Turnpike Roads in *England*,) to demand and take, at each Toll Gate or Turnpike, Toll Bar, Toll House, Side Bar or Chain, which now is or hereafter shall be erected on or standing across or at the Sides of the said present Roads, or such other Roads as are by this Act authorized or directed to be made Turnpike, on each and every Day (such Day to be computed from Twelve of the Clock in the one Night to Twelve of the Clock in the next succeeding Night), before any Horse or other Beast or Cattle, or Carriage, shall be permitted to pass through any such Toll Gate or Turnpike, Toll Bar, Side Bar or Chain, any Sum not exceeding the respective Tolls following; (that is to say,)

For every Horse or other Beast drawing any Coach, Stage Coach, Tolls.

Chaise, Barouche, Landau, Sociable, Berlin, Chariot, Chair, Phaeton, Gig, Car, Taxed Cart, Hearse, Litter, or other such Carriage, the Sum of Eight-pence:

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, Drag, Sledge, Van, Caravan, or other such Carriage, the Sum of Eight-pence:

For every Horse or other Beast drawing any Carriage used for the Purpose of conveying Timber, where such Carriage shall be drawn by not more than One Horse or other Beast, the Sum of Eight-pence, and where drawn by Two or more Horses or other Beasts, and having the Fellies of the Wheels of less Breadth than Six Inches, the Sum of One Shilling, and having the Fellies of the Wheels of the Breadth of Six Inches, the Sum of Eight-pence:

For every Coach, Vehicle, or other Carriage, of whatever Description, propelled or drawn wholly or in part by Steam, Gas, or Machinery, or otherwise than by Animal Power, the Sum of Two Shillings:

For every Dog drawing any Truck or other Carriage, the Sum of Three-pence:

For every Horse, Mule, or Ass, laden or unladen and not drawing, the Sum of One Penny Halfpenny:

For every Drove of Oxen, Cows, or other Neat Cattle, the Sum of One Shilling and Three-pence *per* Score, and so in proportion for a greater or less Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Seven-pence Halfpenny *per* Score, and so in proportion for a greater or less Number:

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Which

Which said respective Sums of Money shall be demanded and taken in the Name of or as Tolls, and shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in the manner herein-after directed.

One Half-penny to be taken where the Toll amounts to less.

XIX. And be it further enacted, That in every Case where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls hereby granted or authorized to be collected, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Tolls to be paid but once a Day at the same Gate.

XX. Provided always, and be it further enacted, That after the respective Tolls hereby authorized to be taken shall have been paid for the passing of any Horse, Cattle, Beast, or Carriage whatsoever through any Toll Gate, Turnpike, Toll Bar, Side Bar or Chain, to be continued or erected by virtue of this Act, such Horse, Cattle, Beast, or Carriage shall, upon a Ticket being produced denoting such Payment on that Day, be permitted to pass Toll-free through the same, and also through such other Toll Gate, Turnpike, Toll Bar, Side Bar or Chain, if any, as shall be expressed to be freed by the Ticket for such Payment, at any Time or Times during the same Day, such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night (except as herein-after mentioned).

Limiting the Number of Tolls.

XXI. And be it further enacted, That it shall not be lawful for the said Trustees, or their Collector or Collectors, to demand or take more than the respective Numbers of Tolls herein-after mentioned, for or in respect of the same Horses, Cattle, Beast, or Carriages, for passing in any One Day (to be computed as aforesaid) over the whole Line or Lines of the said several Roads as after mentioned; that is to say, on the Roads from *Southmolton* to *Kerscott Hill* not more than Two full Tolls, on the Road from *Southmolton* towards *Tiverton* via *Witheridge* not more than Two full Tolls, on the Road from *Southmolton* to *Drayford Bridge* not more than Two full Tolls, on the Roads from *Southmolton* to *Chulmleigh* and *Labland Cross* not more than Two full Tolls, on the Road from *Southmolton* to *Newham Bridge* not more than Two full Tolls, on the Road from *Southmolton* to *Crusey House*, not more than Two full Tolls, and on the Road from *Southmolton* to *Mockham Gate* not more than Two full Tolls.

No Second Toll to be collected within Four Miles.

XXII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees, or any Collector or Collectors of Tolls employed by them, to levy and collect a second full Toll, or any Part thereof respectively, on any of the said Roads within the Distance of Four Miles upon the said Roads of any Gate, Bar, or Chain at which any Toll shall have been paid.

Tolls to be paid for StageCoaches

XXIII. And be it further enacted, That for and in respect of all Horses or other Beasts drawing any Stage Coach, Stage Waggon, 1 Cart,

Cart, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Tolls shall have been paid at any such Toll Gate or Turnpike, Toll Bar, Toll House, Side-Bar, or Chain, as aforesaid, and which shall return through the same on the same Day, the respective Tolls herein-before mentioned and made payable shall be paid for every Time of passing and repassing on the same Day through every such Toll Gate or Turnpike, Toll Bar, Toll House, Side Bar or Chain, in the like Manner as if no Toll had before been paid thereat.

every Time
of passing
and repassing
on the same
Day.

XXIV. And be it further enacted, That the Tolls hereby made payable for every Horse or other Beast let out to Hire, and drawing any Post Chaise or other Carriage, shall be paid for each Time of passing and repassing through any Toll Gate, Turnpike, Toll Bar, Side Bar or Chain, erected or to be erected across or at the Sides of the said Roads, whenever any fresh Hiring thereof shall have taken place.

Post Chaises,
&c., to pay
on each
fresh Hiring.

XXV. And be it further enacted, That the Tolls hereby made payable for the Horses or other Beasts drawing Carriages laden with or going to fetch Timber shall be paid for and in respect of every Load of Timber passing along the said Roads, and that unconverted Planks, Beams, Joists, Rafters, and Spars shall be deemed and considered as Timber, and liable to the Tolls hereby made payable for and in respect of the Horses or other Beasts drawing the same.

Each Load
of Timber to
pay.

XXVI. And be it further enacted, That all the Monies already received, or which shall be received under the Powers or Authorities of the said Acts hereby repealed, or any or either of them, and which shall remain undisposed of on the Day of the Commencement of this Act, and also all other Monies which shall be borrowed, arise, or be produced under or by virtue of this Act, shall be vested in the said Trustees, and shall be applied in the Order and Manner following; that is to say, first, in paying and discharging all the Costs, Charges, and Expences incident to or attending the applying for, preparing, and obtaining this Act, together with Interest for any Money paid and advanced for those Purposes; in paying and discharging the Interest on all Sums of Money which have been borrowed under or by virtue of the Acts hereby repealed, or on such of them as are now due; in providing, erecting, and keeping in repair the Toll Gates, Turnpikes, Toll Bars, Toll Houses, Bridges, and other Buildings authorized by this Act to be continued, erected, and made, and of making Turnpike, widening, diverting, altering, and improving the Roads authorized by this Act to be made, or such of them as the said Trustees shall from Time to Time think fit to make, and in defraying the Salaries, to Officers, and the Expences of Books and Advertisements, and other Expences incidental to the Execution of this Act; in paying and discharging the Interest of all Sums of Money hereafter to be borrowed or raised on the Credit of the Tolls granted by this Act; and in keeping in repair the Roads by this Act authorized to be made, maintained, widened, diverted, altered, or improved; and lastly, to apply the Residue of the Money so already received or to be borrowed and raised as aforesaid in paying off

Application
of Tolls and
other Monies.

off the Principal Monies now due and owing on the Credit of the Tolls granted by the said Acts hereby repealed, and which shall hereafter be borrowed on the Credit of the Tolls granted by this Act, *pari passu*, without Preference or Priority.

Tolls not to be laid out in repairing Streets.

XXVII. Provided always, and be it further enacted, That none of the Tolls authorized by the said Acts to be collected on the said Roads, nor any of the Monies arisen by virtue of the said Acts hereby repealed, or to be raised by virtue of this Act, shall be laid out or expended in the Repair, lighting, or Improvement of any Part of the said Roads in the Town of *Southmolton*, or in any Town the Streets whereof are repaired or lighted under the Authority of any local Act of Parliament.

No Money to be laid out on any Road unless Tolls be taken thereon.

XXVIII. And be it further enacted, That no Money arising from any of the Tolls hereby authorized to be collected and taken shall be applied in or towards the Repair of any Road authorized to be repaired by virtue of this Act, unless some Turnpike, Toll Gate, or Bar shall be erected or placed and continued upon such Road or on the Side thereof, nor unless the Tolls hereby granted shall be demanded and taken thereat, pursuant to the Powers and Provisions of this Act: Provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of any such Road than shall be collected thereat or borrowed on the Credit of the Tolls collected thereon.

Public Act.

XXIX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Commencement and Continuance of Act.

XXX. And be it further enacted, That this Act shall commence on the Third *Monday* next after the passing thereof, and shall continue and be in force for the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

The SCHEDULE to which this Act refers.

Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.	Description of Property.
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The Road from Cross Lane End to Stag's Head.

Parish of Southmolton.

Right Honourable Hugh Earl Fortescue.	- - -	William Burgess	Coppice.
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The Diversion from the Blacksmith's Shop near Filleigh Church to Tower Gate.

Parish of Filleigh.

Right Honourable Hugh Earl Fortescue.	- - -	Right Honourable Hugh Earl Fortescue.	Spa Wood.
Ditto	- - -	John Hancock	Orchard.
Ditto	- - -	Ditto	Orchard.
Ditto	Executors of Richard Passmore.	Thomas Thorne	Farthing Lake Cot and Garden.

Parish of Swimbridge.

George and John Burden.	- - -	George Burden, jun.	Farthing Lake.
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The Road from the Star Inn in Southmolton to Alswear.

Parish of Southmolton.

William Saunders	- - -	Elizabeth Dunn	The Star Inn.
John Cock	- - -	Reverend Thomas Henry Maitland.	House and Garden.
Sir Thomas Dyke Ac-land, Baronet.	Joshua Bawden and Humphry John Norris Bawden.	Samuel Gregory	Tucking Mill, House, &c.
Ditto	- - -	William Trix	Great Down Wood.
John Carter	- - -	George Shapland	Plantation, Part of Ley.
John Kemp Bird	James Carter	James Carter	Orchard.

Parish of George Nympton.

Sir Thomas Dyke Ac-land, Baronet.	Samuel Dunn	Samuel Dunn	Orchard.
Ditto	Ditto	Ditto	Little Hele Wood.
Ditto	Ditto	Ditto	Little Hele House and Homestead.
Ditto	Ditto	Ditto	Garden.
Ditto	- - -	William Trix	Great Woollery Plantation.

[Local.]

Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.	Description of Property.
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The Road from the Lower End of East Street in Southmolton to Alswear.

Parish of Southmolton.

Sir Thomas Dyke Ac-land, Baronet.	Joshua Bawden and Humphry John Norris Bawden.	Samuel Gregory - -	Tucking Mill, House, and Garden.
Ditto - -	- - - -	William Trix - -	Great Down Wood.
John Carter - -	- - - -	George Shapland - -	Plantation, Part of Ley.
John Kemp Bird - -	James Carter - -	James Carter - -	Orchard.

Parish of George Nympton.

Sir Thomas Dyke Ac-land, Baronet.	Samuel Dunn - -	Samuel Dunn - -	Little Hele Wood.
Ditto - -	Ditto - -	Ditto - -	Orchard.
Ditto - -	Ditto - -	Ditto - -	Little Hele House and Homestead.
Ditto - -	Ditto - -	Ditto - -	Garden.
Ditto - -	- - - -	William Trix - -	Great Woollery Plantation.

The Road from the Fourth Mile Post in the Parish of Southmolton to Witheridge.

Parish of Romansleigh.

Alfred Fentiman - -	- - - -	Alfred Fentiman - -	Shrubbery.
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Parish of Meshaw.

John Loosemore - -	- - - -	John Loosemore - -	Orchard.
Ditto - -	- - - -	Ditto - -	Barn, Pound House, and a Garden.
John Crosscombe - -	- - - -	Mary Cock - -	Bottom Close Garden.
Richard Preston, Esquire - -	- - - -	George Ley - -	Orchard.
Ditto - -	- - - -	Richard Preston, Esquire - -	Plantation.

Parish of East Worlington.

Mary Ann Cobley, an Infant.	- - - -	Robert Middleton - -	Blackgrove Wood.
Ditto - -	- - - -	Ditto - -	Blackgrove Wood.
Ditto - -	- - - -	Ditto - -	Plantation.

Parish of Witheridge.

Richard Adams - -	Michael Down - -	Void - -	Cottage and Garden.
John Hearle Tremayne, Esquire.	- - - -	William Thorne - -	Coppice.
William Adams - -	- - - -	William Adams - -	Southern Moor Plantation.
John Hearle Tremayne, Esquire.	- - - -	William Thorne - -	Plantation, Part of Dart.
Honourable Newton Fellowes.	William Francis and Charles John Cutcliffe.	William Francis and Charles John Cutcliffe.	North Barton Wood.
Ditto - -	- - - -	James Eastmond - -	Muxries Coppice.
William Proctor Thomas.	- - - -	Thomas Smale - -	Garden inclosed from the Waste.

Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.	Description of Property.
William Proctor Thomas	- - -	Francis Western - -	Garden inclosed from the Waste.
Ditto - -	- - -	James Fuins - -	House in Church Lane.
Ditto - -	- - -	Sarah Hepper - -	House in Church Lane.
Ditto - -	Thomas Coles - -	William Clapp - -	House in Church Lane.
Ditto - -	- - -	William Davey - -	House in Church Lane.
Ditto - -	John Foxford - -	George Mortimer - -	House in Church Lane.
Ditto - -	Ditto - -	William Western - -	House in Church Lane.
Ditto - -	- - -	Francis Western - -	House in Church Lane.
Ditto - -	John Lake - -	William Blackmore - -	House in Church Lane.

The Road from Witheridge to Noman's Land.

Thomas Western -	- - -	Thomas Western -	House and Court.
Honourable Newton Fellowes.	- - -	Thomas Comins -	Orchard.

Parish of Thelbridge.

John Charles Lake -	- - -	John Charles Lake -	Orchard.
Ditto - -	- - -	Ditto - -	Chapman's House and Homestead.

The Road from Tidlake to near Seventh Mile Post on Chulmleigh Road.

Parish of Romansleigh.

Sir Thomas Dyke Acland, Baronet.	Edward Sanger -	William Holmes -	Little Silver Orchard.
William Adams -	- - -	Ditto - -	Little Silver Orchard.
Ditto - -	- - -	John Adams - -	Orchard.
Reverend John Bond -	- - -	Reverend John Bond -	Alder Close Coppice.
Sir Thomas Dyke Acland, Baronet.	- - -	William Adams - -	Benbow Orchard.

The Road from the Lower End of South Street in Southmolton to Newnham Bridge.

Parish of Southmolton.

William Fry junior -	- - -	William Fry junior -	Horse and Jockey Inn.
Richard Dunn - -	- - -	John Bullied, Thomas Luxton, William Chapple, and Joseph Shapland.	Four Cottages and Gardens.
Trustees of Turnpike -	- - -	Trustees of Turnpike.	Toll House and Garden.
Sir Thomas Dyke Acland, Baronet.	- - -	Henry Manning - -	Orchard.
Ditto - -	- - -	Ditto - -	Coomberew Higher Court-lage.
Ditto - -	- - -	Ditto - -	Coomberew Lower Court-lage.
Ditto - -	- - -	Ditto - -	Old Orchard.
Ditto - -	- - -	Mary Lock - -	Orchard.
Ditto - -	- - -	Ditto - -	Ford's Lower Courtlage.
Ditto - -	- - -	Ditto - -	Meadow and Wood.
Ditto - -	- - -	Ditto - -	Garden.
Ditto - -	- - -	Ditto - -	Orchard.
William Mills - -	Thomas Skinner -	Emanuel Chapple -	Garden.
Ditto - -	Ditto - -	Edward Staddon -	Garden.
Ditto - -	Ditto - -	Thomas Skinner -	Orchard.

Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.	Description of Property.
<i>Parish of Chittlehampton.</i>			
William Mills - -	- - -	William Mills - -	Orchard.
Ditto - - -	- - -	Thomas Snow - -	Clappery Mill House and Court.
Ditto - - -	- - -	William Mills - -	Mill Orchard.
Ditto - - -	Thomas Hodge - -	Thomas Hodge - -	House and Garden.
Christopher Huxtable - -	- - -	John Manning - -	Orchard.
Ditto - - -	- - -	Ditto - - -	Oldridge House and Gar- den.
Ditto - - -	- - -	Ditto - - -	Barn and Court.
Ditto - - -	- - -	Christopher Huxtable - -	Oldridge Coppice.
Ditto - - -	- - -	Ditto - - -	Oldridge Hill Coppice.
William and Mary Thorne. - - -	- - -	William Thorne - -	Caveyland Coppice.
Ditto - - -	- - -	Ditto - - -	Orchard.
<i>Parish of Satterleigh.</i>			
Mary Frances Byne - -	- - -	John Baker - - -	Little Meethe Orchard.
Ditto - - -	- - -	John Baker, Thomas Wilcox, and Thomas Phillips.	Little Meethe House and Homestead.
Ditto - - -	- - -	John Baker - - -	Orchard.
Ditto - - -	- - -	Ditto - - -	Orchard.
Ditto - - -	- - -	Mary Frances Byne - -	Little Meethe Wood.
Ditto - - -	- - -	Ditto - - -	Satterleigh Wood.
Ditto - - -	- - -	Ditto - - -	Lambey Wood.
William Champion - -	- - -	John Squire - - -	Nursery.
Ditto - - -	- - -	Ditto - - -	Southern Orchard,
Ditto - - -	- - -	Ditto - - -	Back Orchard.
<i>Parish of Warkleigh.</i>			
John Thorne - - -	- - -	John Adams - - -	Hermitage Orchard.
Ditto - - -	- - -	Ditto - - -	Hermitage Cottage.
Ditto - - -	- - -	William Greenslade - -	Baker's Wood.
Thomas Burgess - -	- - -	Thomas Burgess - -	Edginton Wood.
<i>Parish of Chittlehampton.</i>			
John Brown, Esquire - -	- - -	John Brown, Esquire - -	Blindhill's Coppice.
Reverend Peter Johnson - -	- - -	John Reed - - -	Orchard.
Ditto - - -	- - -	Reverend Peter John- son.	Fook's Wood.
Ditto - - -	- - -	Ditto - - -	Notts Wood.
John Buller, Esquire - -	- - -	James Saunders, and William Rumbelow Under-tenant.	Skinners House and Or- chard.
Ditto - - -	- - -	James Saunders - -	Notts Wood.
Ditto - - -	- - -	Ditto - - -	Nursery.
Ditto - - -	- - -	Ditto - - -	Pelham Wood.
Ditto - - -	- - -	Ditto - - -	Pelham Wood.
The Right Honourable John Lord Rolle. - -	- - -	John Manning - - -	Ragg Wood.
John Buller, Esquire - -	- - -	James Saunders - -	The Ragg Wood.
The Right Honourable John Lord Rolle. - -	- - -	John Manning - - -	Wood.

Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.	Description of Property.
<i>Parish of Chulmleigh.</i>			
John Buller, Esquire -	- - -	James Tanner - -	Mill Head Wood.
Right Honourable Hugh Earl Fortescue.	- - -	Right Honourable Hugh Earl Fortescue.	Northern Wood.
Ditto - -	Representatives of Thomas Brown.	Rebecca Hill - -	Wood Orchard.
Ditto - -	Ditto - -	Ditto - -	Wood Orchard.
Ditto - -	Ditto - -	Ditto - -	Yeo's Mill House, &c.
Ditto - -	Ditto - -	Ditto - -	Orchard.

The Road from the Star Inn down the Valley to Mole Bridge and Ham Lane.

<i>Parish of Southmolton.</i>			
William Saunders -	- - -	Elizabeth Dunn - -	Star Inn Premises.
William Cole - -	- - -	William Cole - -	A Garden or small Field.
Sir Thomas Dyke Acland, Baronet, Joshua Bawden, and Humphry John Norris Bawden.	Joshua Bawden and Humphry John Norris Bawden.	George Berry - -	Willow Bed.
Ditto - -	Ditto - -	William Snow - -	Cottages and Gardens.

The Road from Cross Lane End to Mockham Gate.

<i>Parish of Southmolton.</i>			
Right Honourable Hugh Earl Fortescue.	- - -	Henry Skinner - -	Rope Yard.
Ditto - -	- - -	Ditto - -	Potato Garden.
Dean and Canons of Windsor.	Town Council of Southmolton.	William Quick - -	Copse.
Reverend John Pyke -	- - -	James Lake - -	Orchard.
Ditto - -	- - -	Ditto - -	Garden.
Ditto - -	- - -	Ditto - -	Lower Coombe Court-lage.
Ditto - -	- - -	Ditto - -	Coombe House and Garden.
Ditto - -	- - -	Ditto - -	Orchard.
Ditto - -	- - -	Ditto - -	Ditto.
Ditto - -	- - -	Reverend John Pike -	Wood.

<i>Parish of Northmolton.</i>			
Right Honourable George Warwick Lord Poltimore.	- - -	Right Honourable George Warwick Lord Poltimore.	Wood.
Ditto - -	- - -	Thomas Yendell - -	Old Orchard.
Ditto - -	- - -	Ditto - -	Orchard.
Ditto - -	- - -	Ditto - -	Farm-yard and House.
Ditto - -	Francis Merson Burgess.	Richard Stoneman -	Orchard.
Ditto - -	Ditto - -	Ditto - -	Garden.
Ditto - -	Ditto - -	Ditto - -	Farm-yard.
Right Honourable John Earl of Morley.	- - -	Richard Newton -	Garden.
Right Honourable George Warwick Lord Poltimore.	- - -	Right Honourable George Warwick Lord Poltimore.	Rabbiscott Wood.

[Local.]

Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.	Description of Property.
Right Honourable George Warwick Lord Poltimore.	- - -	Right Honourable George Warwick Lord Poltimore.	Wood.
Ditto - -	- - -	Ditto - -	Wood.
Ditto - -	- - -	Ditto - -	Walscott Wood.
Ditto - -	Christopher Shapland	Christopher Shapland	Higher Wood.
Ditto - -	Ditto - -	Ditto - -	Orchard and Linhay.
<i>Parish of Charles.</i>			
Right Honourable Hugh Earl Fortescue.	- - -	William Gould	Mazzard Plot.
Ditto - -	- - -	Ditto - -	Orchard.
Ditto - -	- - -	Ditto - -	Ditto.
Ditto - -	- - -	Ditto - -	Farm-yard.
George Gould Mogridge	- - -	George Gould Mogridge	Bottom Wood.
Right Honourable Hugh, Earl Fortescue.	- - -	Right Honourable Hugh Earl Fortescue.	Thorne Cleeve Wood.
Mrs. Wilcocks	- - -	Mrs. Wilcocks	Part of Thorne Cleeve Wood.
Thomas Palmer Acland, Esquire.	- - -	Thomas Palmer Ac- land, Esquire.	Shilcombe Wood.
John Tanner Davy	- - -	William Hill	Orchard.
Ditto - -	- - -	Ditto - -	Courtlage.
Ditto - -	- - -	Ditto - -	Garden.
Ditto - -	- - -	Robert Maire	House and Smith's Shop
Ditto - -	- - -	William Hole	Dwellings.
Ditto - -	- - -	Ditto - -	Farm Yard and Garden.
Ditto - -	- - -	Ditto - -	Orchard.
Ditto - -	- - -	John Tanner Davy	Wood.
Ditto - -	- - -	Ditto - -	Wood.
Right Honourable Hugh Earl Fortescue.	- - -	Right Honourable Hugh Earl Fortescue.	Mockham Wood.