



ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. xxxvi.

An Act to repeal the Act relating to the *Ridghill and Lanes and Holehouse* Turnpike Road, and to make other Provisions in lieu thereof.

[2d June 1854.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Road from Ridghill and Lanes in the Parish of Ashton-under-Lyne in the County Palatine of Lancaster to or near to Holehouse in Saddleworth in the West Riding of the County of York*: And whereas the Powers granted by the said Act, and continued from Time to Time by virtue of divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, will expire on the First Day of *November* One thousand eight hundred and fifty-four, unless the same be in the meantime further continued: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said recited Act, and there still remains owing the Sum of Four thousand two hundred and fifty Pounds (Part of a Sum of Five thousand Pounds advanced by the late *Nathaniel Buckley* Esquire, and secured by a Mortgage bearing Interest at the Rate of Five Pounds *per Centum per Annum*), together with other Sums amounting altogether to Three hundred and

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twenty-four Pounds Nine Shillings and Fivepence, which have been advanced by Parties, under a Guarantee given at or about the Time of the Execution of the said Mortgage, for securing the Payment of the Interest thereon; and considerable Sums of Money, amounting in the whole to Four thousand five hundred and fifty Pounds, have also been subscribed by various Persons, for the Purpose of making the said Road, which also remain owing, with Interest thereon, amounting to Five thousand six hundred and ninety-eight Pounds Two Shillings and Elevenpence and upwards, but no Mortgages, Bonds, or other legal Securities have been granted in respect either of the said Sum of Three hundred and twenty-four Pounds Nine Shillings and Fivepence, or the said Sum of Four thousand five hundred and fifty Pounds: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof; but the Purposes aforesaid cannot be effected without the Authority of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,

Recited Act repealed, and this Act to take effect.

I. That upon the Fourth *Friday* next after the passing of this Act the said recited Act of the Seventh Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Short Title.

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "*The Ridghill and Lanes and Holehouse Turnpike Road Act, 1854.*"

Monies and Property to vest in the new Trustees.

III. That all Rents, Arrears of Tolls, and other Monies due to, and all Choses in Action, and all other Real and Personal Property vested in or belonging to the Trustees under the Act hereby repealed, shall immediately on the Commencement of this Act be vested in and belong to the Trustees for executing this Act, and such last-mentioned Trustees may hold and enjoy, sue for, and recover the same, and act in respect thereof, as effectually as the Trustees under the said recited Act of the Seventh Year of the Reign of His Majesty King *George* the Fourth might have done prior to the Repeal thereof, and they shall be liable to all the Debts and Engagements to which the Trustees under the said recited Act were liable at the Time of the Repeal thereof, save and except such of the same Debts and Engagements as are by this Act extinguished.

Appointment of Trustees.

IV. That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Lancaster*, for the County of *Chester*; and

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and for the West Riding of the County of *York* respectively, together with *Aaron Adshead, George Adshead, James Adshead, James Adshead the younger, John Edward Adshead, Mark Andrew, George Bayley, Henry Bayley, Abel Buckley, Charles James Buckley, John Buckley, Richard Buckley, Robert Buckley, David Buckley*, the Reverend *Joseph Samuel Roberts Evans* Clerk, *Henry Gartside, John Graham, Albert Hall, Samuel Heginbottom, Ralph Howard, Abel Hyde, John Lawson Kennedy, Henry Lees, Ralph Ousey, George Shaw, James Heywood Whitehead, John Dickin Whitehead, James Wilkinson, John Woolley*, 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.

V. That it shall be lawful for the Trustees from Time to Time, at any Meeting under this Act, to elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated, and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

Power to appoint additional Trustees.

VI. That the said Trustees shall hold their First Meeting at the *Eagle Inn in Stalybridge* in the County of *Chester*, or at some other convenient Place in the Neighbourhood of the said Road, on the Fourth *Friday* next after the passing of this Act, and shall then, and from Time to Time thereafter, adjourn to and meet at such Times, and at such Places in the Neighbourhood of the said Road, as they shall think proper.

First Meeting of Trustees.

VII. That the Trustees may appoint Committees out of their own Number to execute any of the Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the Trustees at any General Meeting, and the said Committees may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Power to appoint Committees.

VIII. That this Act shall be put into execution for the Purpose of maintaining and keeping in repair the present Turnpike Road leading from *Ridghill and Lanes*, within the Parish of *Ashton-under-Lyne* in the County Palatine of *Lancaster*, through the Townships of *Staly* and *Tintwisle* in the Parish of *Mottram-en-Longdendale* in the County of *Chester*, to or near to *Holehouse* within *Saddleworth* in the West Riding of the County of *York*, and also of maintaining and keeping in repair the Bridge over the *Huddersfield Canal*, in the Line of the said Road, at, in, or near *Saddleworth* aforesaid.

Road to which Act applicable.

IX. That

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take Tolls.

IX. That upon and after the said Fourth *Friday* after the passing of this Act it shall be lawful for the Trustees to demand and take, at the several and respective Toll Gates continued or hereafter to be erected on the said Road, any Tolls not exceeding the following; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Chaise, Chariot, Curricule, Gig, Taxed Cart, Market Cart, Caravan, or other Carriage built and constructed with Springs, the Sum of Sixpence :

For every Horse or other Beast drawing any Waggon, Cart, or other such Carriage having the Fellies of the Wheels at the Bottom or Sole thereof of the Breadth of Nine Inches, the Sum of Threepence ; of the Breadth of Six Inches and less than Nine Inches, the Sum of Sixpence ; of a less Breadth than Six Inches but not less than Four and a Half Inches, the Sum of Sevenpence Halfpenny ; and of a less Breadth than Four and a Half Inches, the Sum of Ninepence :

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

For every Dog drawing any Carriage or other Machine, the Sum of One Penny :

For Oxen, Cows, or Neat Cattle, the Sum of Tenpence *per* Score, and so in proportion for any greater or less Numbe : And for Calves, Pigs, Sheep, and Lambs, the Sum of Fivepence *per* Score, and so in proportion for any greater or less Number :

Which said respective Tolls shall be demanded and taken before any Horse, Mule, Ass, or other Beast or Cattle, or Carriage whatsoever, shall be permitted to pass through any such Toll Gate.

As to the
fractional
Part of a
Halfpenny
in Tolls.

X. That in all Cases where there shall be a fractional Part of One Halfpenny in the Amount of the Tolls by this Act authorized to be collected, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Number of
Tolls limited.

XI. That no more than One full Toll and a Half of a full Toll shall be demanded or taken in the same Day (to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next succeeding Night) for or in respect of the Passage of the same Horse, Beast, Cattle, or Carriage through all the several Toll Gates erected or to be erected or continued upon the said Road, except for Horses, Mules, or Asses, laden or unladen and not drawing, and for which not more than Two full Tolls shall be taken in the same Day, to be computed as aforesaid.

Persons
having paid
Toll to
return Toll-
free.

XII. That if any Person shall have paid the Tolls hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage through any One of such Toll Gates, such Horse, Cattle, Beast, or Carriage

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Carriage shall during the same Day, to be computed as aforesaid, on which Toll has been so paid, upon Production of a Ticket denoting such Payment, be permitted to return Toll-free through the same Toll Gate, and also through any other Toll Gate freed by such Payment and Ticket, except such Waggon, Wain, Cart, or other such Carriage so drawn by such Horse or other Cattle so returning the same Day through all or any of the said Toll Gates or Turnpikes shall be carrying or conveying any Lading of the Weight of Two hundred and forty Pounds Avoirdupois, in which Case One Half of the said respective Tolls shall be paid for the same Carriage when returning through the same Toll Gate, and also except as herein-after is further mentioned and excepted.

XIII. That the Tolls hereby made payable for and in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, or Caravan, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing through the Toll Gates upon the said Road, or any or either of them.

Stage
Coaches, &c.
to pay every
Time of
passing.

XIV. That the Tolls hereby made payable for and in respect of Horses or Beasts let out to Hire, and drawing any Postchaise or other Carriage, shall be payable and paid for every Time of passing through the Toll Gates upon the said Road, or any or either of them, whenever any new Hiring thereof shall take place.

Postchaises,
&c. on every
new Hiring.

XV. And whereas by the recited Act it was enacted as follows; (that is to say,) "And be it further enacted, That in the Place where the said intended Road will or shall cross the *Huddersfield* Canal the said Trustees shall and they are hereby required to make and erect a good and substantial Bridge of Stone, Brick, or Iron over the said Canal and the Towing Path thereof, with proper Approaches thereto, and the Opening or Span of the Arch of such Bridge shall not be less than Sixteen Feet wide between the Walls or Abutments thereof, and the under Side of the Crown of the Arch of such Bridge shall not be less than Eight Feet high above the Top-water Level of the said Canal where such Bridge shall be erected, and the said Trustees shall at all Times keep such Bridge, or any future Bridge to be erected in lieu thereof, (and which shall be of the like Dimensions, Capacity, and Materials as are herein-before mentioned,) in good, perfect, and complete Repair, and the Ascent to such Bridge shall not be more than One Foot in Thirteen Feet, and the Fence on each Side of such Bridge shall not be less than Four Feet above the Surface of the Bridge:" And whereas by the same Act it was further enacted as follows; (that is to say,) "Provided always, and be it further enacted, That the said Trustees, or any other Person or Persons whomsoever acting under their Authority,

Certain Pro-
visions of
repealed Act
re-enacted
as to Bridge
over the
Huddersfield
Canal, and
preventing
Obstructions.

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ritiy, shall not in or by the making of the said intended Road occasion any Obstruction, Damage, or Injury to the said Canal, or any of the Works of the said *Huddersfield* Canal Company, or obstruct, prejudice, prevent, or hinder the full and free Use and Enjoyment of the said Canal, and the Towing Path, Wharfs, and Works to the same belonging, save only such as shall be unavoidable in the erecting or repairing of the said Bridge." Be it enacted, That the Provisions herein-before recited, and which were contained in the Act hereby repealed, and every Act, Matter, and Thing already made, done, permitted, or omitted under the Authority thereof, shall, so far as the same were in force and effectual or capable of being exercised at the Time of the passing of this Act, remain in force and effectual and capable of being exercised, to all Intents and Purposes, and shall extend to the Trustees acting in execution of this Act, in like Manner and Degree as the same applied to the Trustees acting in execution of the repealed Act immediately before such Repeal, and in the same Manner and to the same Extent as if the said Provisions were expressly repeated and re-enacted in this Act.

Interest and Principal of original Subscriptions to be extinguished.

XVI. And whereas it appears that no Interest has been paid on the said Sum of Four thousand five hundred and fifty Pounds subscribed for the Purpose of making the said Road, since the passing of the said Act in the Year 1826: And whereas by reason of the Agreement entered into by the Subscribers to the said Sum of Four thousand five hundred and fifty Pounds, giving Priority of Claim to the aforesaid Debt of Four thousand two hundred and fifty Pounds, and the aforesaid Sum of Three hundred and twenty-four Pounds Nine Shillings and Fivepence, advanced by the Parties guaranteeing the Interest of the said Debt, together with Interest thereon, it appears that there is no reasonable Probability of the aforesaid Sum of Four thousand five hundred and fifty Pounds so subscribed, or any Part thereof, being paid off pending the Duration of this Act; and it appearing that nearly all of the Parties subscribing to the said Sum of Four thousand five hundred and fifty Pounds were Landowners or otherwise interested in Property in the Neighbourhood of the said Road, and whose Property has been thereby much benefited by the making of the said Road, it is declared that the said Debt of Four thousand five hundred and fifty Pounds, together with all Interest now in arrear or hereafter to accrue due thereon, is hereby for ever barred and extinguished.

Money not to be borrowed on Credit of Tolls without Consent of Secretary of State.

XVII. That it shall not be lawful for the Trustees to borrow any Sum or Sums of Money on the Credit of the Tolls collected and received by virtue of this Act, or on any other Security, or to make any Mortgage or give any Security for Arrears of Interest, Purchase Money of Land, or other Moneys owing (except Mortgages or other Securities

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Securities for the said Sum of Three hundred and twenty-four Pounds Nine Shillings and Fivepence), without the Consent in Writing of One of Her Majesty's Principal Secretaries of State first obtained: Provided nevertheless, that a Recital or Statement of such Consent which shall be inserted in any Mortgage for securing any Money so borrowed shall, so far as respects any Person claiming under such Mortgage or any Transfer thereof, be sufficient Evidence of such Consent; and in case any such Trustees shall make any such Mortgage with such Recital or Statement therein, without having first obtained such Consent, the Trustees executing such Mortgage shall be jointly and severally liable to indemnify the Tolls or other Moneys out of which the Moneys secured by such Mortgage shall be paid, and it shall be lawful for the Treasurer for the Time being of the Trustees to sue for and recover such Money so paid by Action of Debt in any Court of competent Jurisdiction, with full Costs of Suit, to be taxed as between Attorney and Client.

XVIII. That it shall be lawful for the Trustees at any of their Meetings to make and execute Mortgages of the Tolls by this Act granted or authorized to be collected upon the said Road, and of the Toll Gates and Toll Houses for collecting the same, unto all or any or either of the Persons by whom the said Sum of Three hundred and twenty-four Pounds Nine Shillings and Fivepence has been advanced and paid, or to the Executors, Administrators, or Assigns of such Persons respectively, as a Security for the Principal Monies owing to such Persons respectively, with Interest thereon after the Rate of Four Pounds *per Centum per Annum* from the Time of the passing of this Act; and every such Mortgage shall be prepared at the Expense of the Trustees, and may be made in the Manner and Form directed by any Law or Statute relating to Turnpike Roads in *England*, or as near thereto as the Circumstances of the Case will admit; and until each such Creditor shall have obtained a Mortgage he shall be deemed an equitable Mortgagee of the Tolls in respect of the Debt owing to him, and each such Mortgagee or Creditor shall be entitled to the Interest and to the Payment of his Principal Money as prescribed by this Act.

Trustees to execute Mortgages for Monies paid under Guarantee.

XIX. That all Monies which shall come to the Hands of the Trustees by virtue of this Act shall be applied in manner following, (that is to say,)

Application of Monies.

In the first place, in paying all the Costs, Charges, and Expenses of obtaining and passing this Act, or in anywise relating thereto:

In the second place, in defraying the Expenses of erecting, maintaining, and keeping in repair Toll Houses, Toll Bars, and Toll Gates,
of

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of repairing the before-mentioned Bridge over the *Huddersfield Canal*, and the Expenses of the Management of the Road, including therein the Salaries of Clerks, Treasurers, Surveyors, and other Officers, and all Law and other incidental Costs and Charges, such Payments not to exceed in the whole the Sum of Thirty Pounds in any One Year, exclusive of any Expenses incurred in the Prosecution or Defence of any Action, Suit, Indictment, or Proceeding at Law or in Equity, or in relation thereto :

In the third place, in paying the Interest at the Rate of Four Pounds *per Centum per Annum* on the said Mortgage Debt of Four thousand two hundred and fifty Pounds, or on so much of the said Sum of Four thousand two hundred and fifty Pounds as shall from Time to Time remain unpaid :

In the fourth place, in repaying the said Principal Sum of Four thousand two hundred and fifty Pounds so borrowed on Mortgage as aforesaid :

In the fifth place, in paying the Interest at the Rate of Four Pounds *per Centum per Annum* on the said Sum of Three hundred and twenty-four Pounds Nine Shillings and Fivepence, advanced under the before-mentioned Guarantee, or on so much of the said Sum of Three hundred and twenty-four Pounds Nine Shillings and Fivepence as shall from Time to Time remain unpaid :

In the sixth place, in paying off to the Parties entitled thereto the said Sum of Three hundred and twenty-four Pounds Nine Shillings and Fivepence, together with the Arrears of Interest at the Rate of Four Pounds *per Centum per Annum* due thereon at the Time of the passing of this Act :

In the seventh place, in defraying the Expenses of maintaining and keeping in repair the said Road.

Mortgagees
to take pos-
session of
Toll Houses,
&c. for Pay-
ment of
Interest only.

XX. That whenever and so long as the Interest upon all Mortgages for the Time being due on the Credit of the said Tolls shall be duly paid within One Calendar Month next after the same shall become due, no Holder of any Mortgage of the Tolls collected upon the said Road shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Road, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any Letting of such Tolls, nor shall the Holder of any Mortgage that may have been granted in respect of the before-mentioned Sum of Three hundred and twenty-four Pounds Nine Shillings and Fivepence, or any Part thereof, be entitled to enter into possession as aforesaid so long as the said Principal Sum of Four thousand two hundred and fifty Pounds, or any Part thereof, shall remain due and unpaid, and every Mortgagee entering into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, shall pay the Interest from
Time

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Time to Time becoming due upon his own and all the other then existing Mortgages of the same Class, without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every such Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on such existing Mortgages shall be payable, render to the Clerk to the Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due on such Mortgages up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of the said Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls and of any such Rent as aforesaid, to the Trustees, or to any Person appointed by them to receive the same, anything in this Act, or in any Statute or Law in force relating to Turnpike Roads in *England*, to the contrary notwithstanding.

XXI. Provided always, That nothing in this Act contained shall extend to prejudice or affect the before-mentioned Guarantee, or release the Parties thereto, or any or either of them, their or any or either of their Executors, Administrators, or Assigns, from their, his, or her Liability under the same to secure the Payment of Interest at Four Pounds *per Centum* on the said Mortgage Debt of Four thousand two hundred and fifty Pounds, or on so much thereof as shall from Time to Time remain unpaid, in the event of the Tolls receivable on the said Road being insufficient for that Purpose.

Guarantee
for securing
Interest on
Mortgage
Debt not to
be affected.

XXII. That after the said Principal Sum of Four thousand two hundred and fifty Pounds shall have been paid off and discharged, then, when and so often as the Sum applicable to the Discharge of the Principal Moneys sixthly directed to be paid, and for the Time being owing on the Credit of the said Tolls, shall amount to the Sum of Sixty-five Pounds, the Trustees shall, at any General Annual or other Meeting, apply such Sum in the Payment of a proportionate Part of the said Principal Moneys to the Persons entitled thereto, and shall, Twenty-eight Days at least before such General Annual or other Meeting, cause Notice to be given of such Meeting, and of the Purposes thereof, so far as the same relate to the Application of such Sum, in some Newspaper published in the County of *Lancaster*, and at such Meeting the Trustees shall apply such Sum, or a Portion thereof, (as the Case may

As to Mode
of dis-
charging
Debt.

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require,) in or towards the Discharge of the aforesaid Moneys owing, in the Order aforesaid, to the Creditor who shall, by Proposal in Writing, transmitted to the Clerk of the Trustees before such Meeting, have offered to accept the lowest Composition in respect of such Moneys, and after Payment to such Creditor as aforesaid shall apply the Surplus (if any) of such Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge of other Moneys owing to the Creditor who by Proposal as aforesaid shall have offered to accept the next lowest Composition in respect of the Principal Moneys due to him, and so in like Manner until the Sum applicable to such Payments shall be exhausted; and if and whenever Two or more Creditors of the same Class by such Proposal as aforesaid shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors, as the Trustees think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments after applying the same so far as may be necessary in or towards the Discharge of the Moneys to which any such Proposals relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably amongst the Creditors of the same Class, or may pay the same to such of them as may be determined by Lot, as the Trustees think fit.

No Tolls to be taken or any Money laid out in any Town.

XXIII. That no Money shall be laid out on the said Road within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any Tolls be collected thereon.

Road not exempted from Provisions of General Acts.

XXIV. That nothing herein contained shall be deemed to exempt the said Road from the Provisions of any General Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament, or from the Provisions of any such Act now in force, except so far as any such last-mentioned Provisions may be expressly varied by this Act.

Term of Act.

XXV. That this Act shall commence on the Fourth *Friday* next after the passing thereof, and shall continue in force for the Term of Twenty-four Years, and from thence to the End of the Session of Parliament which shall then next follow.

Interpretation of Terms.

XXVI. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be

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be something in the Subject or Context repugnant to such Construction;
(that is to say,)

The Expression "the Trustees" or "the said Trustees" shall mean
the Trustees for the Time being acting in execution of this Act:

The Expression "the Road" or "the said Road" shall mean the
Road to which this Act is applicable, and shall include the said
Bridge:

The Word "Toll-gate" shall mean any Toll-gate, Turnpike, Bar,
or Chain set up and erected or to be set up and erected upon or
across or by the Side of the said Road, or across any Highway or
Lane communicating therewith.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1854.

