



The Old Tollhouse, Seend

Dissenter Claims Exemption From Turnpike Toll On Sundays, When Attending His Place Of Worship

Salisbury Assizes

The following two causes, which were of considerable importance, not only on account of their local interest, but on account of their universal operation, were tried before Mr Justice Holroyd, who presided at Nisi Prius. Both related to Protestant Dissenters; the first, to their exemption from turnpike tolls on Sundays when attending their places of religious worship; and the second, to their protection from riots and noises without their meeting –houses, even when unaccompanied by internal interruption or assaults:

Lewis v. Hammond

In this case it appeared from the statement of Mr Serjeant Pell, counsel for the plaintiff, and the proofs, that the plaintiff, being a farmer at Foxhanger, in the parish of Rowde, near Devizes, attended regularly a congregation of Independent Dissenters in that town, and in passing through a turnpike gate, called Seend gate, on Sundays, he claimed from the defendant, who is a collector of tolls at the gate, an exemption from his ten-pence demanded from him, because he was going to his proper place of religious worship at Devizes, and that such claim being rejected, and the toll enforced, the action was brought in his name by the Society in the Metropolis for the protection of the religious liberty of Dissenters, to recover back the amount of the toll so obtained.

For the defendant it was contended by Mr Casberd, that under the particular words of that turnpike act the plaintiff was not entitled to the exemption, because he went out of his own parish to attend at a place of public worship, and because there was in such parish a dissenting place of worship. But a case being mentioned by Mr Serjeant Pell, where at the Suffolk Assizes Mr Justice Grose had held such defence to

be unavailing, - Mr Justice Holroyd determined that the plaintiff was entitled to the exemption, notwithstanding the topics urged for the defendant; but he permitted his Counsel to apply to the Court, if they on reflection should deem it expedient, to correct his judgement; and directed the Jury to find a verdict for the plaintiff; and they accordingly returned a verdict for plaintiff – Damages 10d and Costs.

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