

1898.
March 1.

PUNCHI SINNO v. PERERA.

P, C., Kandy, 7,707.

Ordinance No. 3 of 1896, s. 19—Toll—Exaction of toll for passing toll bar.

A vehicle must pass over a bridge in order to render the owner of it liable to pay toll under the Ordinance No. 3 of 1896, and the mere fact of its passing a toll bar does not entitle the toll-keeper to exact toll.

THIS was an appeal from a conviction of the toll-keeper of Katugastota, under the 19th section of the Ordinance No. 3 of 1896, for taking toll where no toll was payable.

The appellant admitted that the complainant's cart did not pass over the bridge, but he justified his exaction of toll on the ground that the cart passed the toll bar.

On appeal against an acquittal.

Dornhorst, for appellant.

Van Langenberg, for respondent.

1st March, 1898. BONSER, C.J.—

In this case a toll-keeper at Katugastota appeals against a conviction under section 19 of Ordinance No. 3 of 1896 for taking a toll where no toll was payable under the Ordinance. It seems he took toll from a carter in respect of Katugastota bridge, although it is admitted that the vehicle did not pass over the bridge, but went along the high road from Kurunegala to Matale, from which the bridge carrying the road to Kandy diverges. It appears that the toll station is not on the bridge itself, but is placed on the side of the road from Kurunegala to Matale just opposite to the bridge. The appellant justifies the exaction of toll on the ground that the cart passed the toll bar. The answer to that is that the Ordinance does not make the vehicle liable to toll for passing the toll bar, but for using the bridge.

The appeal is dismissed with costs.