**TOLL** (etymologically, that which is numbered or counted; from a common Teutonic form, cf. “ tale,” “ tell ”), a sum of money paid for the use and enjoyment of a privilege or advan­tage. In England it is now usually a sum of money; but formerly tolls in kind were frequent. Among the sins of the Miller in Chaucer’s Prologue is that he could “ tollen thryes,” in that he was clever enough and rogue enough to subtract thrice the legal allowance from the corn he ground. In a note to the *Heart of Midlothian,* Scott asserts that the name of Lockman given in Old Scots to the hangman was because he was entitled to take a *lock* or fixed toll out of every boll of meal exposed in the market for sale. An act of 1796 for the regulation of mills, substituting a money payment for tolls of corn in kind taken by millers, makes an exception for tolls taken by custom in soke mills. The Weights and Measures Act 1878 enacts that all tolls are to be charged and collected according to imperial weights and measures.

The word “ toll ” in early times had various meanings, thus it is defined by Glanville as the liberty of buying and selling in one’s own land: "*tol, quod nos vocamus theloneum, scilicet libertatem emendi et vendendi in terra sua.* It also signified the right to be free of toll, but this implies a more general signification of the term, the right to take and the thing so taken. It formed the most obvious source of revenue in the early English boroughs; goods coming to market or passing through the borough paid toll, to this extent the practice still exists in various European countries under the name of *octroi (q.v.).* Private lords also levied tolls, but these in no case were levied theoretically at pleasure, all ultimately depending upon some real or feigned grant from the Crown. Imposts by the Crown are more properly taxes, though the name was frequently used, as in *maletote,* an arbitrary and vexatious impost levied till Edward III.'s time, usually on wool. Such payments might bring freedom from other exactions. We learn from Domesday Book that the men of Dover who paid the king’s dues there were quit of toll throughout all England. Many subsequent charters granted the like, or even greater immunities from toll to favoured folk. In modern English law toll is either an incident of a franchise, as of a market or fair, or is independent of franchise. In the latter case it is claimed by prescription, as toll traverse or toll thorough, or is created by act of parliament, as in the case of turnpikes, railways, harbours, navig­able rivers and canals. Toll traverse is paid for passing over a private way, bridge or ferry. No consideration need be proved. Toll thorough is paid for the use of a highway. In this case, if charged by a private person, some consideration, such as repair of the highway, must be shown, as such a toll is against common right. At common law a toll must be reasonable. The same principle appears in various acts of parliament. The Statute of Westminster the First inflicts a penalty for taking excessive toll. The Railway Clauses Act 1845 provides for the equality of tolls, that is, that all persons and classes of goods shall in like circumstances be treated alike as to charges. A right of distress is incident to the right to toll, but the distress cannot be sold unless an act of parliament expressly authorizes the sale. Tolls are not rateable, unless they are appurtenant to land. Exemption from tolls may be claimed by the prerogative, by grant or prescription, or by act of parliament. The king and queen consort pay no toll, and the Crown may grant to another exemption from toll. Turnpike tolls, !bridge money and causeway mail were abolished in Scotland by the Roads and Bridges Act 1878 as from the 1st of June 1883. In England tolls on roads and bridges are now only payable in a few places.

In the United States tolls arc a subject for state legislation, unless they affect the whole commonwealth, when they are dealt with by acts of congress. A city may levy reasonable tolls in a market established by itself. A *shunpike,* or road constructed to facilitate evasion of tolls on a turnpike road, may be closed by injunction.

The question of tolls was at one time an important one in inter­national law. Tolls were exacted on certain straits and tidal rivers by virtue of the sovereignty of a particular state. Notable instances were the Scheldt tolls and the Sound dues levied by Denmark. These last were justified as a return for the lights maintained on the coast and the terror to pirates inspired by the castle of Elsinore. In 1659, owing to the united efforts of England, France and Holland, an unvarying rate was arranged.

See Pollocκ and Maitland, *History of English Law* (1895); Pease and Chitty, *Markets and Fairs* (1899); Cunningham, *Growth of English Industry and Commerce* (1903).

**TOLLEMACHE** (or Talmash), **THOMAS** (c. 1651-1694),

British soldier, w,as the second son of Sir Lionel Tollemache, Bart. (d. 1668), of Helmingham, Suffolk, although an idle report of the time made his mother, Elizabeth Murray (d. 1698), after­wards countess of Dysart and duchess of Lauderdale, the mistress of Oliver Cromwell. In 1678 he became captain in the Guards, with which he served in Tangier, and in 1685 he was made lieutenant-colonel of a regiment of fusiliers, but almost at once he gave up his commission because he disliked the proceedings of James II., and became colonel of an Anglo-Dutch regiment, usually stationed in Holland. At the head of his men he landed in England with William of Orange in 1688 and was made governor of Portsmouth and colonel of the Coldstream Guards, while in 1689 he was chosen an English member of parliament. With the Coldstreams he served William III. at the battle of Walcourt, and then as a major-general in Ireland, where in 1691 he gained fame at the battle of Aughrim and at the sieges of Athlone, Galway and Limerick. He then went to the Nether­lands and added to his high reputation by his conduct at the battles of Steenkirk and Neerwinden. In 1694 Talmash, as he was generally called, proposed an expedition against Brest, the leadership of which was given to him. The fortifications, however, were too strong, and although he led on the English troops with great gallantry they were beaten off with heavy loss. Talmash himself was wounded, and returning to Plymouth he died there on the 12th of June 1694. He was buried in Helming­ham church, where a long inscription summarizes his life.

**TOLSTOY, LEO** (1828-1910), Russian novelist and social reformer, was born on the 9th of September (August 28) 1828, in the home of his fathers—Yasnaya Polyana, near Toula—a large country house (not the present one) built in a severely formal style, with Doric pillars and architraves, standing solitarily in a typical Russian landscape. The Tolstoy family, to whom it had belonged for several generations, was originally of German extraction, and had settled in Russia in the days of Peter the Great. The first ancestor of distinction was Petr Andreevich Tolstoy (*q.v.*). His descendant Nicholas (the father of the great author) was born in 1797. After serving for a short time in the army he retired in 1824, and led the life of a Russian boyar. By his marriage with the princess Maria Volkonsky, Count Nicholas in a great measure rebuilt the family fortunes, which had fallen into decay during the two previous decades. Count Leo Tolstoy was the youngest but one of the five children of this marriage, and lost his mother when he was barely three years old. Six years later his father died also, at the age of forty-one. As a child, Tolstoy, though observant and thoughtful, showed no marked talent. He was plain and very sensitive on the point, suffering keenly for want of notice and affection. This sensitiveness led him as he grew older to hide himself away from his playmates and spend hours in lonely brooding. He describes in *Childhood* how, one day, it dawned suddenly upon his mind that Death was ever lying in wait, and that to be happy one must enjoy the present, unconcerned with the future. Whereupon the youthful Epicurean flung aside his books and pencils, and, stretched on his bed, fell to munching sweetmeats and reading romances. But Tolstoy’s childhood was not without its share of wholesome pleasure. Hunting and shooting, the delight of the Russian noble, occupied much of his father’s leisure, and from his earliest years the boy was wont to accompany his parent. At other times he was quite happy sitting beside his father’s coachman on an expedition to one of the neighbouring towns, or with his brothers running in and out of the stables and coach-houses. The tedium of the schoolroom and the reproofs of his tutor made a reverse side to the picture, but did not prevent this fund of early memories from being, as he writes, “ ever to be treasured, and fondled again and again, serving as a well-spring from which to draw my choicest treasures.” After his father’s death at Moscow, in 1837, Tolstoy and his brothers were placed under the guardian­ship of his aunt, the countess Osten-Sacken, and in the care of Mme Ergolskaya, a distant relative. The former died, however, in 1840, and the charge devolved on another aunt, Mme Jushkov, who lived in Kazan. Mme Jushkov was a typical Russian lady of her class. Keeping open house, fond of gaiety and society, her ideas on moral questions were liberal in the extreme. Tolstoy was eleven years old when he became subject to her influence—an influence which he subsequently regarded as having been the reverse of beneficial. A French tutor was engaged for him and his brothers, prior