

**A HISTORY OF THE CUSTOM-REVENUE
IN ENGLAND. FROM THE EARLIEST TIMES
TO THE YEAR
1827, COMPILED EXCLUSIVELY FROM
ORIGINAL AUTHORITIES. VOL. I.
CONSTITUTIONAL HISTORY**

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A History of the Custom-Revenue in England. From the Earliest Times to the Year 1827,
Compiled Exclusively from Original Authorities. Vol. I. Constitutional History by Hubert Hall

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HUBERT HALL

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BY
HUBERT HALL,
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ERRATA.

VOL. I.

- Page 5, line 15, *for* 'averij' *read* 'avcria.'
Page 10, line 4, *for* 'First' *read* 'Second.'
Page 87, Note, line 4, *for* 'dardam' *read* 'dandam.'
Page 91, line 23, *for* 'Regni' *read* 'Regno.'
Page 117, line 8, *for* 'New' *read* 'Great.'
Page 147, line 1, *for* 'to the cause' *read* 'for the cause.'
Page 183, line 27, *for* 'county' *read* 'country.'
Page 201, lines 15 and 36, *for* 'ces' *read* 'ceo.'
Page 202, line 16, *for* 'deal' *read* 'lead.'
Page 203, line 1, *for* 'ilidlem' *read* 'ibidem.'
Page 259, line 17, *for* 'ot two' *read* 'of two.'

VOL. II.

- Page 11, line 11, *for* '15 Richard II.' *read* '5 Richard II.'
Page 35, Note 1, line 4, *for* 'constabularis' *read* 'constabulario.'
Page 89, line 22, *for* 'were included' *read* 'were not included.'
Page 95, Note 1, *for* 'Sciatus' *read* 'Sciatis.'
Page 96, Note 1, line 10, *for* 'x dolium' *read* 'j dolium.'
Page 135, line 4, *for* 'Crown,' *read* 'Crown's.'
Page 162, line 20, *for* 'Sandwica' *read* 'Sandwico.'
Page 163, lines 2 and 5, *for* 'Sandwicam' *read* 'Sandwicum.'
Page 193, Note, line 5, *for* 'Westmonasteriam' *read* 'Westmonasterium.'
Page 196, line 23, *for* 'par' *read* 'per.'



INTRODUCTION.

T will, I think, be admitted by all who have ever made the origin and early resources of the Imperial revenue of this country their study, that the item at once the most important and least intelligible thereof is that broadly designated as 'The Customs.' When we have reached a certain point in the yet not very lucid history of the feudal revenue answered at the Exchequer during the twelfth and thirteenth centuries, we are suddenly brought to a standstill. Thanks to the Great Rolls of the Pipe and to 'Dialogus,' or rather to their sole expounder and elucidator, Madox, we have so far been able to make a fairly comprehensive estimate of the revenue derived from fees, tenures, aids, scutages, tallages, fines, and amerciaments. But beyond these, there is a blank in our information. Consequently, when we find, in the fourteenth century, all the above fixed sources of revenue sinking into insignificance before the new expedient of Parliamentary supply, we are forced to accept the fact that the permanent income of the Sovereign is now mainly derived from certain

tolls, in money or in kind, imposed upon exported products of the realm and imported necessities or luxuries, partly *ex mero motu Regis*, and partly on the authority of the doubtful grant of a so-called Parliament. Beyond this we know absolutely nothing with any degree of certainty. All that has gone before remains in darkness; and all that has appeared later is consequently of the nature of a mystery. We have heard vague rumours, of which no record has survived, of a great revenue derived in early times from payments in kind in lieu of specie; but we have not sought to apply the information for any useful purpose. We allude in passing to an undefined right of prise for ages enjoyed by the Crown, and conspicuous in historical times in the case of the prisage of wines; to an assessment, in the shape of a percentage, levied from general merchandize; and thence we hurry on to the 'legal and historical foundation of the Custom on wool'* (that is to say, of the Customs at large) by grant of Parliament in the third year of Edward I. This insufficient method of dealing with the problem involved in the sudden appearance of an organized Custom-revenue toward the end of the reign of Edward I. continues to be applied to all the later development of the revenue in question. Here there is abundant historical evidence at hand; but the loss of the connecting link between the earlier and later practice renders this latter unintelligible. What is not seen is taken as granted; and what is not under-

* Stubbs, 'Constit. Hist.,' ii. 548.

stood is either deftly passed over, or erroneously interpreted. And yet by the admission of historians themselves, the subject is one of vast importance. At least it may be safely alleged that no more important and constitutional question arose during the whole of the fourteenth century.

The causes of this apathy and neglect are not far to seek. Failing Madox, beyond the limits of whose work the subject lay, and excepting only Hale, there has been no original historian of the Customs; none, that is, who has attempted to describe their origin, place, and scope, from first to last, by recourse to original authorities. Madox, indeed, devotes a brief chapter to the subject, but treats of it almost exclusively in connection with the prisage of wines, dismissing the historical Customs of the Crown in a few sentences. Hale, it is well known, compiled an elaborate treatise on the subject, replete with valuable information, and almost absolutely free from any flaw in the smallest point of detail. None the less, this essay has no pretensions to rank as a classified history, but is rather an unsorted repository of original facts and weighty arguments, singularly precious to the initiated, but absolutely useless to the student who depends upon information obtained exclusively at second-hand.*

* I will not here offer any criticism by anticipation upon the indirect treatment which this subject has received at the hands of an historian of the first excellence, Sir John Ramsay, except to observe that the views of that writer, as put forward from time to time in the *Antiquary* in connection with the evidence of the Pell Accounts, appear to me to require much fuller investi-

In order to recognise the truth of the foregoing remarks, let us examine the treatment of the subject by the greatest of modern historians in the general opinion. In his 'Constitutional History,' Professor Stubbs has justly recognised the importance of an adequate description of the Customs, and has not shrunk from the task of defining both the Great and Petty Customs, the Prisage and the Subsidy. As we should have expected, we find this writer depending wholly for his information upon the works of Madox and Hale in point, with a result which fully justifies our previous estimate of the inutility of those authors for purposes of reference.

In the first place, we have the derivation of the 'maltolte' of wool at the end of the reign of Edward I., from the 'mala tolta' prohibited by Magna Carta.* Now the latter exaction is not only general in its application, but is used, as we know, from contemporary records, in a wholly different sense from the maltolte of 1294 and 1297, by which is meant an increased Custom of 40s. on the sack of wool taken at or in connection with the outports, and which has been defined by Professor Stubbs himself as an 'evil

gation than they have yet received, for the purpose both of displaying their great originality and of revealing the errors in points of detail which they contain. As the chapter in Volume II. which treats of Assignment proposes a wholly opposite theory to that propounded by Sir John Ramsay, I take this opportunity of explaining that his interpretation of the mystery of Assigned Tallies, given partly on my authority in the *Antiquary*, in no way represents the views which I entertained at that time, or now hold.

* 'Constit. Hist,' ii. 547, etc.