

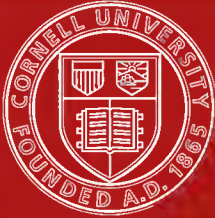


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A HISTORY
OF THE
CUSTOM-REVENUE
IN
ENGLAND.

FROM THE EARLIEST TIMES TO THE YEAR 1827.

COMPILED EXCLUSIVELY FROM ORIGINAL AUTHORITIES.

BY
HUBERT HALL,
Of H.M. Public Record Office.

VOL. I.
CONSTITUTIONAL HISTORY.

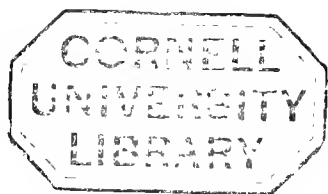
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ERRATA.

VOL. I.

- Page 5, line 15, *for* 'averij' *read* 'averia.'
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* 'ididem' *read* 'ibidem.'
Page 259, line 17, *for* 'or 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 Prisée 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 *Anti-quary*, in no way represents the views which I entertained at that time, or now hold.

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

Custom on wool.' The Custom on wool itself dates, according to Professor Stubbs, from the third year of Edward I. only, or sixty years later than Magna Carta. Again we have the statement that 'taxable commodities were of three sorts: wine, general merchandise, and wool.'* Here, however, apart from the unintelligent order of the articles named, there is no mention of minerals (lead and tin), or provisions (butter, cheese, lard, grease, etc.), all of which were subsidiary staple commodities, and therefore nominally included in the Antiqua Custuma. Neither is there any mention of cloth, which was a separate subject of taxation, or of wax, which had a scale of charge to itself. 'General merchandize' is the recognised equivalent of 'averij de pondere,' which included none of the articles specified above, except in the case of minerals and victuals of alien merchants. Therefore Professor Stubbs' classification appears most unsatisfactory. Again, with regard to wool, Professor Stubbs makes no mention of the reduction of the bulk of woolfells, rated as a sack, from 300 to 240 since 42 Edward III.; and he is guilty of quoting 'Magna et Antiqua Custuma,' instead of 'Custuma Antiqua sive Magna.'† With regard to the Nova Custuma, imposed by the terms of Carta Mercatoria, Professor Stubbs confuses a 'prise' with the 'prisage,' and is ignorant that foreign merchants paid Custom on imported as well as on exported cloths.‡ Indeed, this oversight is all the more serious, in that two of the three scales of

* 'Constit. Hist.' ii. 547.

† *Ibid.*, ii. 549.‡ *Ibid.*

Custom upon cloth were paid almost wholly upon imported fabrics, scarlet and rayed cloth, that is, the successful manufacture of which was obviously beyond the attainments of the mediæval British artisan. But his most grievous mistakes have been committed in connection with his definition of the prisage of wines. A few years ago, in a serial essay upon the Custom-revenue,* I ventured to point out the most glaring of these errors, and I am glad to observe that in the latest edition of his great work, the author has tacitly accepted my corrections. Many errors, however, remain; for one of which—a new one—I regret to say I am myself unintentionally responsible. In combating Professor Stubbs' definition of the prisage as a fixed price of 20s. in the face of the fact, known to myself, that it was assessed at £4 under Henry VII., I endeavoured to explain the occurrence of entries for 20s. in such later times as due for the 'frectagium,' paid by the Crown on wines destined for pious offerings, within such ports as were exempt from prisage itself.† Unfortunately, Professor Stubbs has inserted this theory in such a way as to make utter nonsense of his text, and all for the sake of retaining his original estimate of 20s. as the value of the cask of prise-wine, although the value was clearly on a sliding

* *Antiquary*, Nos. 32, 34, 35; August, October, and November, 1881.

† I am indebted to Mr. J. H. Round for the correction of this erroneous hypothesis on my part. That gentleman's argument and my own acceptance of it have escaped Professor Stubbs' notice.

scale for different periods.* Another of several remaining errors is the inclusion of an 'ancient Custom' of 8d. per tun on wines amongst the Customs proper, the toll in question being merely a local Custom depending on a royal or private franchise, and one which never became a part of the Imperial revenue.† These are but a sample of the technical errors which deface an important section of the ablest historical text-book of this generation.

It is the same with works of reference which treat of the subject more indirectly.‡ The worst sort of county history is, as we might imagine, wofully astray in dealing with this matter. In one such work, for example, we are told that 'Edward, about this time, rewarded R. de Mereswell, one of his valets, or gentlemen of his bedchamber, *with the Customs of peerage for lead of avoir de poids, and tonnage for that of wool in the town of Kingston.*'

The sentence italicized is topographical translation of the Latin, 'Custodiam passagij plumbi averij de pondere et tronagij lanarum in Villa Regis de Kingston,' etc.; or, 'the custody of the passage of lead of avoir du pois, and of the tronage of wools in the King's town of Kingston,' etc. It is a curious fact, however, that even the incomparable Madox has blundered in this very passage by translating 'Et tronagij et lanarum,' 'and of the tronage *and* of

* 'Constit. Hist.' (3rd ed.), ii. 548.

† *Ibid.*

‡ If it were altogether accurate, to include Professor Rogers's great work under this head, we should have to take exception to several most palpable errors on this score.

wools,' whereas it is evident that the second *et* (which does, indeed, occur in the Roll) is redundant; for the tronage of wools was a known term, and, written apart, the two are meaningless. Moreover, the point is established further down in the same passage of the record, by the words 'Passagij et tronagij predicti.' Even in printed records, such as the Statutes of the Realm, and the Rolls of Parliament, we have several unintelligible translations or readings of phrases connected with the Customs. Thus, in the former work, 'mutuum' (the technical term for a loan put in charge for the Crown, and forbidden in favour of religious persons, by Statute 35, Edward I.) is translated 'mutual sale.' So, too, 'taille' stands in the text as 'tail,' and was only subsequently corrected in a note for 'tally.' Again, 'Et de les petites Custumes' is translated 'and of small Customs,' instead of 'and of the petty Customs.' Worst of all, if possible, we have 'tronour' read as 'trovour' and translated as 'finder' (*i.e.* of the Customs). It is needless to say that no such official existed on the Custom House establishment; or, if he did, it is not easy to see what particular functions he would have discharged. Possibly the error is caused by false analogy with 'searcher,' an officer appointed by Statute 9, Edward III., to execute the ordinances against the exportation of bullion. This mistranslation has received support from the similar misreading in the printed Rolls of Parliament of trovours (finders) for tronours (weighers).

So, too, the tannage of wines is confused with the tonnage or rate fixed for the payment of ships pressed into the royal service—a gross misunderstanding of a common financial formula, and one of which other scholars have been guilty.

Last of all, but by no means least, we have to deplore the shortcomings of the present edition of the 'State Trials,' so far as concerns the 'Great Case of Impositions' (second to no report contained in the whole collection in constitutional importance), where there exist both glaring *errata* in the text itself, and supposed statements of fact in the shape of references to records which have received no challenge or elucidation from the commentator.

The existence of the above unavoidable deficiencies in standard works of reference, whose authority upon most other constitutional subjects is justly unquestioned, has been deemed by the author a sufficient plea for an earnest attempt to throw more light upon a most obscure and difficult branch of history.

On the other hand, there are many points of exceptional interest connected with the present subject. The chief of these is undoubtedly to be found in the circumstance of the poet Chaucer's long official career as comptroller of the Customs, both old and new, in the port of London.

From the analysis of the receipts under both these heads at the port in question, appended to Volume II., we shall be enabled, for the first time, to estimate the financial history of these branches

of the Custom-revenue, as well during the period of Chaucer's administration, as both before and after his time, by reference to this Appendix. So, too, a perusal of the chapter in the First Volume, which is devoted to an account of the position and duties of Customers of the Crown, will enlighten us considerably as to the nature of the poet's official surroundings.

From the evidence of these accounts, it may be possible to assign some plausible reason for the hitherto unaccountable dismissal of the famous comptroller from his responsible post.

We find that in Parliament of the ninth year of Richard II., a grant of £1,000 in lands was confirmed on behalf of the King's uncle Thomas, newly created Duke of Gloucester; with an assignment, pending the completion of the grant, of a like sum upon the Custom receipts of certain ports. Of this one half was charged upon the great Custom of the port of London, payment beginning from Michaelmas in the same year, and being made, as usual, by equal half-yearly payments. We find, however, that for the first half year £150 only, instead of £250, was received by the Duke from the London Customers; and this deficiency was never made up during the remainder of Chaucer's term of office. Yet for the next two years after the poet's dismissal, we find the annuity fully paid up. The fact is only important on account of the contemporary abuse, petitioned against by Parliament in the next reign, of the private trade in assigned tallies

discounted by Customers at the ports on the strength of their peculiar position as discretionary paymasters of the Crown. Insignificant or unprofitable pensioners only too often met with the official evasion, 'No funds available!' on presenting their notes of credit to be cashed. The excuse preferred for such delay was of course a prior assignment; and, in the case of the great Custom of London, there were at that time two notable assignments in force, one of £500 for the Queen, and another of 20s. out of the Custom of every sack of wool exported on behalf of the garrison of Calais. Suppose, then, that the London Customers, or any of them, may have either discounted the Duke's tally as a private speculation, or have returned a saucy answer to the importunities of his attorney to the effect, for example, that 'Her Majesty and the Treasurer of Calais must be first served.' Or, suppose that on the eve of a financial reform, followed by a lavish assignment of the Custom-revenue on behalf of the triumphant patriots, it may have seemed to Gloucester and his friends a necessary precaution to secure the appointment of their own nominees to certain places of trust in the great revenue establishment (as the foreign farmers of the Customs had done before, and as the 'Appellants' themselves were empowered to do by Parliament only a year later), the sudden dismissal of a notorious partizan politician would be readily accounted for. In any case, Chaucer ceased to hold the comptrollership of the Great Custom and that of the Petty Custom, though not

from the date usually assigned. He held office in the former post, and was paid down to December the 4th, and, in the latter, till the 13th of the same month. One curious contemporary notice in the inrolled accounts is found in the marginal calculation of the proportion of salary due to the poet and his successor, respectively, during the period of the account. This extended from Michaelmas to the 20th of January following, leaving 62s. to be divided between the successive comptrollers. This sum is here subdivided into 36s. 2½d. and 25s. 9½d.; the larger sum representing the salary of Geoffrey Chaucer, the smaller that of Adam Yerdley.

The proceedings in Parliament of the Plantagenet period also reveal some curious circumstances connected with the office of Chief Butler, both in England and Ireland. That for the former country, indeed, was not officially established till late in the reign of Edward III.; the revenue which the Crown derived from wines being undertaken by the Chamberlain of London or the municipal executive of the City. This will explain the fact that, early in the reign, the Mayor of London claimed to officiate as butler at the coronation of the Kings of England, attended by 360 valets all clothed alike in scarlet, and bearing each a silver cup—a truly imposing spectacle! The 'fee' for the occasion was said to consist of a cup of gold, with the cover, and an enamelled ewer, to the value of nearly £90; a share in the proceeds being also claimed by the Corporation of Oxford.

The curious petition presented by Thomas Chaucer, in the eleventh year of Henry IV., for the better observance of the stipulations for the exemption of free citizens of London from prisage will be found in Vol. II., p. 107.

In the first or second years of Edward III., James Butler, newly-created Earl of Ormonde, on his marriage with a Princess of the Blood Royal, presented three petitions in Parliament; the first for the confirmation of a grant of the royalties of the County of Tipperary, upon the occasion of his marriage; the second for a respite of the arrears owing to the Crown from himself and his ancestors, on account of certain imprests for the wars; and the third for the restoration of the prisage of wines in Ireland. This last petition recites the fact that the Butlers (Botillers), as such, have exercised their office in Dublin, Drogheda, Waterford, and Limerick, from time immemorial, and have accounted for the prisage of every ship, namely for two tuns from each at 40s., at the Exchequer in Dublin, which office was lately resumed upon the forfeiture of the lands of the last Lord Butler. To the first of these, it was answered that a grant should be made during the King's pleasure. To the second, that a respite should be granted till Pentecost next. To the third, that he should 'hold the prises, in manner as he holds it of the King's Bail, till the King be better advised by his Council.'

The grant alluded to above appears to have been made by Edward I. in the sixth year of his reign to

this Earl James's grandfather. It was in this same reign, too, that the Cinque Ports obtained the charter which exempted them from a liability to the prisage. The first Earl of Ormonde certainly continued to enjoy the restored grant of the hereditary office of his family, together with its emoluments, which continued in the family till the attainder of the fifth Earl during the Wars of the Roses. The attainder of the seventh Earl was reversed in the first Parliament of Henry VII., and the forfeited estates and offices of the Butlers were restored.

Nearly two centuries later, however, they were again resumed upon the attainder of the second Duke of Ormonde, for his share in the rebellion of 1715. The Ormonde Peerage now became extinct, to all appearance, failing the restoration of the attainted blood. As late as 1791, however, the House of Lords having decided that no act of an English Parliament could affect an Irish dignity, the attainder was reversed, and the next-of-kin of the Butlers was restored as seventeenth Earl of Ormonde. His successor was created Marquis of Ormonde, and when, in the year 1811, it was decided to resume the grant of the prisage in Ireland on behalf of the Crown, no less a sum than £216,000 was voted in Parliament by way of compensation. The grant in question, namely, that made in the sixth year of Edward I., was undoubtedly a lease of the revenues derived from the prescriptive prisage of the Crown to a royal patentee, who accordingly held the same by farm for a term

of his life at most, according to the established usage and the known laws of the realm. In England, on the contrary, the corresponding revenue was answered by the Chief Butler, who received fees for the discharge of his office, which amounted in the reign of Henry VII. to some 12 marks yearly. Still later, however, the same revenue was usually farmed for £500 per annum in the seventeenth century, and even then at no great profit to the farmer. The prisage being (as I have elsewhere shown) fixed on a sliding scale, the rate fixed at 20s. in the thirteenth century and compounded for by the Irish butler at a 40s. farm would in Tudor times have realized £4 and £8 respectively. As, however, we have seen that even in England, still later, the prisage (and with it, moreover, the butlerage as well) was only worth £500 yearly to the Crown, a value which was still further diminished in course of time, the same revenue in the case of Ireland might be expected to have yielded a tithe, at most, of that sum. Seemingly it did not so decrease in value, for, as we have seen, an English Parliament, in the memory perhaps of men still living, estimated its annual value to a farmer (who held no legal grant of the same) at nearly £11,000, or twenty years' purchase! The anomaly is both remarkable and interesting, and though I have searched in vain for any explanation of it, doubtless some explanation exists.*

* For further information on this subject see a paper communicated by the author to the *Genealogist* of April, 1884, and

So much for the value of the technical aspect of the question. There is yet, however, another side to the history of the Custom revenue which merits still deeper attention, and which has received an even more inadequate treatment at the hands of the general historian. We have all heard of Bates's case, partly reported, and elaborately commented on in the 'State Trials.' As this was the foremost of the many conflicts between the two first Stuart sovereigns and their Parliaments on the score of arbitrary taxation, so it has been especially singled out by the historian for indignant commentary on the iniquity displayed herein by the Crown, its advisers and abettors. Moreover, on the occasion both of the trial itself, and of its revision in the House of Commons some years after, the whole history of the Customs of the Crown was discussed *ab initio*, and has since continued to be accepted on the footing then defined for it. Therefore it is that the greater part of the first volume of this work has been devoted to the purpose of tracing the constitutional history of the subject from the earliest times down to those in which it had ceased to preserve any political significance. In the views set forth in that portion more especially which deals with the legality of the Tudor and Stuart impositions, I am conscious of having displayed a seeming wantonness of disrespect for the accepted *dicta* of certain great authorities. For my acceptance of

some valuable notes thereon by Mr. J. H. Round, in the number for January, 1885.

this position, however, I am prepared to justify myself; not, I hope, without success. I am convinced, indeed, that none of the writers alluded to can boast of any more humble and loyal disciple than myself; of any who derives more unfailing pleasure and profit from the study of their published and unpublished works. But both the cause of historical truth is dearer to me than the vanity of any established reputation, and also it is not yet proven that a scrupulous partizanship of either side of a purely historical controversy is obnoxious to the pursuit of historical knowledge. For sixty years the gross errors and injustice of the accepted history of the Case of Impositions have passed without a single challenge. Is it better that this state of affairs should continue, or that it should be cut short at the expense of a painful revelation of the fallibility of a justly admired writer, even though the inference must be made in favour of the temporarily unpopular cause of Church and State? However this point may be decided, it is at least worth the knowing that Hakewell in his immortal speech against the Prerogative in the Case of Impositions, both imputed a deliberate misrepresentation of records to the Judges of the Crown, without any foundation of fact to sustain the gravest charge which could be brought against the sworn interpreters of the Constitution, and yet was guilty himself, beyond dispute, of far more flagrant violation of historical truth and candour. It is worth knowing that Hallam, in modern times, in his

zeal to discredit what he had learnt from old tradition to regard as the cause of tyranny, confidently cited the authority of MSS. which he was wholly skillless to read, and which, when actually examined, by no means support his case. Even Hargrave, by his well-meant enthusiasm for historical research, has been the innocent cause of a suppression of evidence which does not redound to the credit of those concerned in it. In a note to the report of the judgment delivered in the Exchequer Chamber in Bates's case, printed in his volume of 'State Trials,' Hargrave, with his wonted candour, mentions the important fact that a volume of MSS. Reports had lately come into his possession which contained a copy of Chief Baron Fleming's argument in favour of the Prerogative, as corrected in his own hand, of such value as an authority upon the subject from the profound learning and research which it displayed, that, at the risk of prejudice to the cause of constitutional liberty, he should consider it his duty to publish it at the earliest opportunity. Unfortunately, however, this promise was never fulfilled by the great jurist, and we are, to this day, acquainted only with Fleming's argument as it is represented in Howell's edition of the 'State Trials.' That Report, however, is a mere reprint of Lane's, and though terse and eminently readable, bears unmistakable internal evidence of mutilation. In further proof of which fact, I may mention that I have collated this with another Report in MSS. known to me, with the result that the former is seen to be in many important

details both inaccurate and incomplete. Therefore the publication of Fleming's masterly treatise, so frankly eulogized by one who held the strongest views on the other side, would have been an invaluable addition to our materials for Constitutional History. Why has not this been done? Some time ago, after a short search, I easily identified the volume alluded to by Hargrave as containing this authoritative transcript of Fleming's argument—only to find that it had been *cut out* (before the Hargrave Collection came into the hands of the Trustees of the British Museum)—not merely unbound for purposes of reference or transposition, but wilfully expunged by a botcher whose hasty knife had cut deep into the margin of the folios, leaving part of the marginal notes behind as a witness to his guilty precipitancy!

Such are the merits of the subject, deserving alike of a closer study on the part of all students of history and lovers of antiquity, and of a worthier treatment than they have here received at my hands. But though I am painfully conscious of the many and unavoidable shortcomings of the present work, I venture to offer it to the reading public in the earnest hope that the years of labour which I have lovingly bestowed upon its production may be the means of lightening the burthen of more competent investigators in a new field of research.



CHAPTER I.

TRADE SOCIETIES.



THE first in point of date, as well as in
renown, of Anglo-European trade societies
during the Middle Ages and the three
centuries which were destined still further
to elapse before trade should cease to be diverted
from its natural channels into the narrow conduits of
a state-made monopoly, was that of the merchants
of the Hanse cities. These, it is well known, were
members of that great international fellowship, com-
monly termed the Hanseatic League; a federation,
so to speak, of certain prominent mercantile towns on
the southern shores of the Baltic by way of common
protection, both against the ravages of Scandinavian
pirates and the not less dreaded extortions of 'most
Christian' princes and their law-abiding subjects.
The success gained by the new organization was
great, and its influence, from the middle of the
thirteenth century, was rapidly extended to the
provincial members of the Germanic body as far
south as Cologne on the Rhine.

The Ear-
liest Trade
Society that
of the
Merchants
of Hanse.

Motives
of the
Hanseatic
League.

Its Extent
and
Influence.

Other societies of foreign merchants were not

unknown in this country from very early times.

Anomalous
Trade
Societies in
England in
Early
Times.
Merchants
of Lucca.

Instances are familiar to us in the case of the Italian traders, bankers, and usurers, who, in the reigns of Edward I. and Edward II., monopolized most of the lucrative financial business of the Crown. Their corporate capacity was freely recognised by the former of these Kings in the shape both of licenses to tax themselves and to account there-for, in person, at the Exchequer; and also of assignments upon the Custom-revenue, granted to a particular society or its assigns* as the security for a present advance to the Government. Further than this, the debts of such a society were even put in charge for the Crown, and levied at the Exchequer from its debtors of English or French nationality. Notable amongst these commercial associations were the societies of the merchants of Lucca and of the Friscobaldi of Florence. The national jealousy and hatred of these grasping *protégés* of the Crown, to which an unmistakable expression was given in the New Ordinances of 1316, proved a permanent bar to the prosperity of Lombard societies on a large scale in this country. Virtually, however, none such were greatly needed for purposes either of self-defence or of commercial advancement. The

Specialities
of Italian
Commerce.

Mediterranean trade was almost exclusively in the hands of adventurers of their nationality during the Middle Ages, and Italy was for long the sole European emporium of the spices of Arabia, the wines of Candia, and the silks of Northern Africa, all of

* *Certis attornatis eorundem mercatorum.*

which before the dawn of the fourteenth century had become comparative necessities to our ancestors. Moreover, the prevalent epidemic of piracy was mostly confined to the narrow seas; and perhaps, too, did not present great risks to the superior bulk and equipment of the southern galleys and carricks. So, too, the Florentine, Milanese, or Venetian alien had found ready means to insinuate himself and his wares into the hearts of the great civic communities of England, where he flourished apace in spite of the fitful ill-humours of a patriotic Parliament, or the sullen hostility of the city rabble of porters and 'prentices.

The case of the Hanse merchants, however, was widely different. If they were exposed to greater dangers in the course of their vocation, they were also better qualified to combat them. The whole Teutonic community was equally distinguished for skill and hardihood in seamanship, as for integrity and independence in their commercial relations with foreign states. The light sea-boats of the Baltic flotilla faced the perils, unconcerned, which cost the huge hulks of Venice or Lisbon many an offering to their patron saints; and which drove the Bordeaux wine-fleet to make its brief passage under convoy of an admiral-consort, pledged to sacrifice herself for the safety of the whole. However this may have been, at least the fact remains that the status of these 'Almaynes' was respected by the Crown, and sanctioned by Parliament during nearly four centuries.

Charac-
teristics of
Germanic
Mercantile
Bodies.

Their
Hardihood.

Gildhalla
Teutoni-
corum.

Charter of
Edward I.
to the
Society of
Hanse.

Articles of
the Com-
merce of
Merchants
of Hanse.

Custom-
Tariff paid
by them.

The Gildhalla Teutonicorum, whence the society took the name which became most familiar to English ears,* was, like the inn or hospice of the staplers in later times, the headquarters in London of the new fellowship, which had been incorporated by letters patent of Edward I. in the thirty-first year of his reign. This charter, which is practically identical with the Carta Mercatoria of the same date, establishes a scale of Customs for both exported and imported merchandise. The speciality of the Hanse trade originally consisted of those products of the north-east of Europe for which the Baltic cities formed individual emporia. Notable amongst these were furs of every kind, then imperatively enjoined as an adjunct to the fine cloths of Flanders or the silks of Italy by the dictate of fashion; tar, of the first importance in the sheep-grazier's pharmacopœia; and salt-fish, especially herrings. These and many other characteristic imports found their way into England chiefly through the great ports of the east coast, from Hull to London, paying the very moderate Custom of $1\frac{1}{4}$ per cent. to the Crown. In return, the Hanse merchant might be expected to charge his ship with English wares for exportation; with wool or leather at a Custom of 5 per cent. beyond the assessment on denizens, or with the then substantial, if homely, cloths of English fabric at a proportional rate.

In course of time, however, as the limits of the League were extended to include the members of

* The Almayngild or Steelyard.

nearly every great trading community of Northern Europe, the scope of the latter's transactions became far more indefinite, comprising a traffic in almost every article of European barter. It was now more than ever that the advantages of the international understanding established under their auspices became apparent, and those in three directions—namely, as a bulwark against the arbitrary encroachments either of the Crown, or of its Parliament, or of local franchises. We know, for example, that, from the end of the reign of Edward III., a strictly repressive policy was inaugurated by the Crown and sanctioned by Parliament at the expense of alien traders without distinction of country, a movement which culminated in the grant of the subsidy of wools under Henry VI. at an increased rate of 100 per cent. upon aliens, and which continued to be so levied throughout the next century, thus for ever abrogating the effect of the supposed free-trade provisions of Magna Carta. Coincidentally with these exactions by authority of Parliament, we find that the Crown reaped an ample harvest on its own account from grants of trade-licenses, and still more necessary safe-conducts to merchant strangers resident, or sojourners in England. In the reign of Richard II. the Crown put in force two financial expedients suggested by Parliament, both of which must have pressed hard on merchants of Hanse, and which will serve as a type of the prevalent enactments in a kindred spirit which are only too frequently recorded. Thus by letters patent, in the

Importance of their Privileges in Later Times.

With regard to the Exactions of the Crown sanctioned by Parliament.

second year of that reign, an extraordinary subsidy of 6d. per ton-tight was ordered to be levied in the Admiralty of the North upon all vessels, excepting those laden with wools or wines, but including the characteristic fishing-craft of the Baltic trade.* Now we know that just a century later a local imposition on English fishing-craft at half the above rate (without calculating the diminished purchasing power of money) was held by Parliament itself to be an intolerable exaction. Again, in the fourth year of the above reign the Customers of Boston are enjoined by the royal writ to execute the provisions ordained in a former Parliament for the payment of bullion into the mint to the amount of 12d. on every *librate* of gems, precious stones, and furs (a specialité, as we have seen, of the Hanse trade), amongst other articles imported, as well as for native commodities exported; security to be exacted for the fulfilment of this provision by the Customers, who, it may be mentioned in passing, did not always think it necessary to return this deposit even to those entitled thereto.

Confirma-
tion of their
Privileges
by Tudor
Parlia-
ments.

No doubt, however, the interests of the League in this and other emergencies were greatly furthered by the power of combined action on the part of its London deputies. At least we know with every certainty that for nearly two centuries after this date the ancient privileges of the Almayne house were scrupulously respected in outward show by successive Parliaments with few, and these necessary, ex-

* *Vas piscatrix pro allece capiendo.*

ceptions. The first Parliamentary confirmation of the Charter of 1303 to the Hanse merchants was in 1475, wherein the fellowship is assured in their possession of the Stile-yard, or 'Style-hus,' lately belonging to John Reynivall, alderman of London, subject to a charge thereon for certain pious alms.

Initiated
by the Con-
firmation of
Edward I.
in 1475.

From this time onwards the Company figures prominently in the Rolls of Parliament, sometimes, though more rarely, as merchants of the Steelyard, but commonly as merchants of Hanse inhabiting in London.

In the twentieth year of Henry VI., however, we read in a petition of Parliament (which was granted) that whereas the men of Hanse and Pruce restrain English merchants from trading on their coasts, that the former may be likewise treated in this country, until satisfaction be given for the above treatment. Again, in the fourth year of the next reign, another petition was delivered praying that because the Duke of Burgundy will not permit English wares to enter his dominions, no alien or denizen be permitted to import merchandise of those countries till the above ordinance be repealed; and that, from the 2nd February, 1464, aliens carrying such merchandise do depart the realm within forty days, or forfeit the value thereof; and that denizens and aliens who import the above with or without the King's license, do likewise forfeit the same; which petition was granted, saving for those licensed by the King, to endure during his pleasure, and saving also the liberties of the 'Guyldhalla Teutonicorum,' in London. In the last legal Par-

In Spite of
Retaliatory
Measures
for the
Protection
of Trade.

Hanse
Merchants
included in
an Obliga-
tion to the
Poll-tax.

liament of the former reign (as a fitting sequel to the repressive legislation which had latterly prevailed at the expense of alien traders), a subsidy was granted by way of a head-tax on all aliens, resident and householders, at 16d. and 6d. for those respective qualifications. On merchants the corresponding assessment was 40s. and 20s. yearly, respectively, for the various nationalities then commonly distinguished—namely, ‘Venician, Esterling, Italian, Jannay (Genoese), Florentyne, Milener, Lucan, Cataloner, Albertyn, Lumbard, Hansard, and Prucier.’

Exaction of
Local
Customs
on Hanse
Merchants.

The most serious extortions to which any of the above merchant strangers were liable, consisted in the local port-dues claimed by various favoured franchises. Thus we read that beyond the typical scale of charge (itself sufficiently heavy), as levied within the port of London for the pesage of aliens’ wares sold in gross of 100 or 50 per cent., other and more exorbitant scales of duty were in force in various out-ports, all which were to be reduced to a common standard. This was late in the fourteenth century.

Disputes at
the Port of
London.

In the first year of Henry VI. a violent dispute raged between the Hanse merchants and the Corporation of London on the subject of the tolls levied from the former by the sheriffs, no doubt by way of scavage. In Parliament of the first year of Richard III., a proviso was appended to the grant of tunnage, poundage, and of the subsidy of wools and leather for the King’s life in favour of the

Provisoes to
the Grants
of the
Subsidies
saving the
Liberties of
Merchants
of Hanse.

liberties of the merchants of Hanse in London, and the same form was repeated in the corresponding grants of the next two reigns. By the 14th of Henry VIII., c. 29, no Act of the present Parliament is to be prejudicial to the liberties of merchants of the Hanse. And by the 22nd of the same reign, c. 8, the same merchants are presumably excepted from the provisions of a former Act for naturalized aliens (or 'denizens,' as they were technically styled) to pay Customs as mere aliens.

Again, in the twenty-sixth year the exception of this society from all Acts of that Parliament is set forth in a distinct chapter (c. 26).

Thus, so far as we may judge from this internal evidence, all was yet well with the English branch of the society in the middle of the sixteenth century. But, as we shall presently see, these fair promises of permanent success were destined within the next generation to prove delusive.

The century following the foundation of the Hanse League saw a mercantile colony settled in the latest acquisition of England on the Continent.

Calais was during two centuries the chief staple for English produce, the wholesale mart for that produce in Western Europe when Western Europe comprised the civilization of the world.

It is by no means difficult to realize the possibility of the existence of a staple, when we consider the compromise by means of which alone individual interests could exist side by side with the Teutonic

Outward Prosperity of the Society in the Middle of the 16th Century.

Foundation of the Staple at Calais.

Its Duration.

Motives for the Establishment of an English Staple.

theory of kingship. The king only, in those early times, might hold a market or levy a toll, though it was to his interest to concede such a right to any who could pay for it. It was at once a more convenient and a surer plan to assess such a payment upon an aggregate of individual interests, and by endowing a trade community with an adequate status, place it in a position both to discharge its obligations to the revenue, and even to redeem its lucrative privileges by the payment of an arbitrary fine whenever the wants of the Crown should sanction such an extortion for the well-being of its subjects.

Attitude of
the Crown
with regard
to a Staple
of Trade.

The anxiety thus shown by the Government for the prosperity of commerce was owing undoubtedly to the fact that an ever-increasing part of the revenue of the kingdom was derived from personal property. It was therefore the present object of a strong and wise king to identify himself with the mercantile success of his people, since he was, as it were, a partner in the concern, and appropriated no mean share of the profits. To this partnership the subject brought capital and enterprise, and the Crown lent the weight of its strength and dignity. But, nevertheless, one fatal step was committed ; for the Government, whetted by the temporary success of a short-sighted policy, kept the direction of trade entirely in its own hands, and suffered it to flow only through channels by which not one drop should fail to reach its reservoirs. From that day to this the blood and treasure of its subjects have been

lavished upon the one selfish object—to secure a market at home or abroad for native produce, in which a forced price could be realized by excluding foreign competition, to the injury of the consumer in every country.

The latter Plantagenet Kings, who saw with envious eyes wealth and influence accrue to the Flemish cities in which perpetual fairs were maintained, were soon determined to follow the example of neighbouring princes, and create staples also for English commerce. It seemed, of course, highly desirable that foreign merchants should resort to English shores; that buyers should make prompt and accurate payments, and that sellers should be compelled to lay out half their purchase-money in staple commodities. Fortunately, however, for this country, timely experience averted the inevitable ruin which such a course would have entailed upon an insular people. Neither were their rulers of one mind for many years together, as the following chronology will show.

Edward III. put an end to all staples for English produce both in England and abroad, and permitted freedom of trade according to the provisions of Magna Carta. In the twenty-seventh year he established staples for the four chief commodities in ten of the leading English towns. In the thirty-eighth year this arrangement was confirmed. In the twelfth year of Richard II., the staple was removed to Calais; in the fourteenth year from Calais to England, with a stringent protective clause to

Apparent
Advantages
and
inherent
Defects of
the System.

Chronology of the
Staple at
Calais
during the
Middle
Ages.

strengthen the earlier statutes. In the next year, the latter were once more confirmed. In the twenty-first year, licenses which had been granted to evade it were declared void. In the second year of Henry VI., the staple was established at Calais only, except for the four northern counties of England. In the fourth year of Edward IV., the prohibition in force against all commodities of Burgundy was 'quosque reformata.'

Early
Anglo
Flemish
Staples.

To hold a staple for English wool was, indeed, a coveted privilege. A petition—one no doubt of very many—to that effect, addressed to Edward III. by three Flemish cities, still exists; and a grant by that King, probably in answer to the above, is preserved amongst our printed *Fœdera*. But at an early period in the history of Calais as an English possession, that town was designated by nature and policy alike as the recipient of commercial privileges above any other.

Rise of
Calais.

It becomes
the only
English
Staple.

From the middle of the reign of Edward III. to the beginning of that of Edward IV.—a period a little exceeding one hundred years, but which included seven eventful reigns—the position and privileges of Calais, as the English staple, were defined in the following terms, and maintained by successive Governments with as much consistency as could have been expected of them. The merchants of the staple of the town of Calais were to proceed yearly to the election of a mayor and two constables, together, at a later date, with minor officers; and these were to exercise an unlimited jurisdiction in

Incorporation of the
Company
of Mer-
chant
Staplers.

matters concerning the well-being of their community. The monopoly enjoyed by the society was established by this clause: 'That all men, both great and small, stranger and native, of what state or condition soever they may be, who would be exporting from our realm of England, etc., wools, hides, and woolfells, cloth known as worsted, and cheese, butter, etc., etc., or any other merchandise more or less to the parts beyond sea (shall carry) all of them, paying first for them the Subsidies and Customs due to the said staple of Calais, there under the control of the said mayor and constables, according to the manner of the staple to be exposed for sale, and not elsewhere, under pain of forfeiture to the same.' In a full court of all the merchants, the mayor was also to assign to each merchant his lodgings, suitable for his entertainment, which he must frequent, unless good cause were shown to the contrary. The court itself of the staple was a tribunal analogous in many respects to the local councils of the north and west of England under Tudor sovereigns. Its main object was to draw all civil actions in which staplers were in anywise concerned within its jurisdiction, both in order to expedite the course of justice and to lessen the expenses incident thereto. At a later period the convenience as well as the equity of this plan were acknowledged by the mass of the outside public, and a recognizance 'in the nature of a statute staple' upon real property became a security in transactions between the producer and the

Statute
Staple.

merchant, never evaded by the mere act of a fraudulent debtor.* The long-suffering and self-exiled merchant of Calais, as tenant by 'statute staple' of many a broad acre, was often the ancestor of country gentlemen whose remote descendants are now of the greatest in the land. The court of the staple had no cognizance of criminal offences, unless when the avenger of blood chose to prosecute at his own peril; but the merchants of this, as of other societies, were amenable to no foreign tribunal, and it was well for both that they were not so. One of the conditions attached to the above grants was that a standard scale of weight for wool should be observed by the community. As a minor point, the convenience of the merchants was consulted by the grant of a site for a meeting-house, or 'Exchange,' as it would now be called, and not long afterwards this building received, apparently, considerable additions.†

The Wool-
beam and
Exchange
at Calais.

Foreign
Privileges
of Mer-
chant
Staplers.

In external matters, the greatest indulgence was shown to the Calais merchant. He had, as we have seen, a monopoly of exported commodities and provisions, a monopoly, however, frequently avoided by royal licenses. He paid no toll between Dover and Calais, and no wreck of his might be seized between 'Whitesand and Graveling.'‡ But, after all, the

* 23 Hen. VIII. Extents hereupon took precedence of any but executions of judgments out of a Court of Record.

† 'Ad communicandum et habendum congregationes suas ibidem.'

‡ 'Jure Prioris Sancti Martini (Dover) antiquo semper salvo.'

troubles and embarrassments of the society were neither few nor light. In 1393 we find the citizens of Calais remonstrating with Richard II. upon the non-observance of their privileges. Immediately after this remonstrance, the King issued his charter establishing and confirming the staple at Calais. Three years later, however, the staplers were again constrained to approach the Crown with a plain statement of their grievances. These were, mainly, that their monopoly, especially in the matter of exporting provisions, was infringed; that the jurisdiction of their officers was set at nought, and that the 'outrageous' Customs levied from foreign buyers by the King's officers deterred the former from visiting their market. Again, not long afterwards, the Calais merchants petition for the punctual execution of their charter, and of their former privileges, and perhaps with more satisfactory results.

Confirmation of their Charter by Richard II.

At the beginning of the fifteenth century, negotiations were in progress for a commercial treaty between England and the Low Countries. The magistrates and merchants of the staple write to Henry IV., requesting that he will instruct the English ambassadors to obtain an abatement of the claims of the Duchess of Burgundy for restitution of damages. There is also evidence to show that the Calais staplers were far from being on peaceable terms with their Flemish neighbours and customers.

Commercial Treaties with Flanders.

In 1404, the magistrates of the 'Four Members' of Flanders write to the men of Calais to reassure them on the subject of their intentions, in con-

Diplomatic Amenities.

sequence of certain unpleasant rumours to the contrary which seemed to have got abroad.

Whittington, Mayor of the Staple. Outrage on a Stapler at Amsterdam.

On October 4th, 1420, the lieutenant and constables of the company address to their mayor, Whittington, an account of a grievous outrage perpetrated upon one of their number by a citizen of Amsterdam, an especial aggravation being, no doubt, the unsatisfactory state of their commercial relations with that city. They report: 'Q'ung malveis personne nosme gisbught Pieters de meisme la ville malignant encontre nous, fist menace qu'en cas qu'il trovast aucun Engloiz illoeqes, il luy tuerait et metterait au mort. Pour ce qu'il main-teigna qu'entour xvij. ans passez, son pere, sur le mer, avait este tuez par les Englois siavant. Qu'une Johan Assheman . . . qu'avoit apporte lettres de par nous au dit ville feust illoeqes overtement mordrez et tuez par le dit gisbuyght: et apres telle horrible fait, mesme le Mefesseur allait publiquement cea et la en la dit ville a son plaisir sanz q. par voye de justice rien a luy estoit fait.' His subordinates request the mayor to report the occurrence to the Duke of Gloucester, who was then the King's guardian.

Critical Position of the Staple during the Wars of the Roses.

The close of the reign of Henry VI. found the merchants of the staple at a very low ebb of prosperity. Downright rebellion at home, and a nominally civil war abroad, rendered the seas unsafe and speculation precarious. Their early success was emulated by a powerful rival; and even individual enterprise was perforce licensed by a helpless King. Disbanded or mutinous captains, who

chose to remind their sovereign, with significant exaggeration, of the 'grete woundes and sore betyng of body' which they had cheerfully endured in his service, might receive their reward at the expense of the monopoly of merchant-staplers; while the greatest subject of the Realm, returning impoverished from his successful administration of Ireland, was allowed to repay himself by flooding the Calais market with wool upon which no duty had been paid to the Crown.* Meanwhile, letters patent had been granted or confirmed by three kings to a new body of merchants; and this company of merchant-adventurers at Calais, trading under more favourable auspices than their rivals of the staple, bid fair to outstrip them in the race for wealth.

Abuse of Patronage and Assignments.

The reign of Edward IV. was marked by great activity, on the part of the English and Flemish Governments, in the mere regulation of commerce between the two countries; and the negotiations on this point may be said to have culminated twenty years later in the 'Great Intercourse' of 1495. Yet in the reign of Henry VIII., and for two generations following, the mercantile condition of England, as represented by the privileged interests, would appear to have drifted from bad to worse, and this without a corresponding change in the social or political relations of the nation at large.

Commercial Revival under Edward IV.

Treaty with Flanders in 1475.

It was during the reign of the above King and of his cardinal-minister that the merchants of the staple presented their humble petition to the Govern-

Depression and Discontent of the Staplers in the 16th Century.

* *Billæ signatæ*, 36 Hen. VI.

ment, in which the following grievances were set forth. Commencing with the somewhat bold assertion that their body has from time immemorial enjoyed a monopoly of traffic in the great commodities of England—namely, wool and wool-fells—they remind the minister that their employment of this privilege has been in every way satisfactory and profitable to a paternal Government. Despite, however, this praiseworthy attitude on their part, they have for a long time past experienced the neglect of Providence and the unkindness of men. For, during the civil wars of the end of the last century, the garrison of Calais, finding themselves in arrears for eight years' pay from the Crown, in 'a great fury' rose against the civil magistrates, and shut the leading merchants closely up in a house until they had satisfied the uttermost of their claims. Then, upon the news of this *émeute*, the Home Government, careful only for its own interests, ordained that from thenceforth the garrison of that city should be paid out of the revenue arising from the wool-Custom; and in order to carry out this scheme, that tax has been raised from 6s. 8d. to 40s. on the sack, being the greatest that any prince ever took from his merchants, since it amounts to one-fourth of the net value of the wool, whereby the profit of the stapler is reduced to a minimum. Moreover, in later times, and especially for the last seven years, there has been a succession of unprecedentedly bad seasons. A terrible murrain has raged amongst the flocks, and wool has been scarce, and production on

Caused by
the Charge
of the
Garrison of
Calais.

And
burthen-
some
Custom-
dues.

Also bad
Seasons for
Wool:

a large scale limited to wealthy graziers, who hold back for advanced prices. The war has hindered foreign buyers from approaching their town, and has rendered long credit impossible; so that the French, who formerly bought 2,000 sacks yearly, now accept 400 only. With these calamities they have suffered a continual loss on the Exchange, for 'there has not been so little loste as £100,000.' Surely, they complain, no 'fellowed' was ever so hard pressed as themselves, a fact which their diminished numbers alone will prove. For of the 400 shippers that once were, they can now reckon but some seven or eight score, the 'poorer and middle sorte' having been the first to fall away. But the sore which rankled deepest was this: that Spanish wools were continually increasing both in bulk and quality, and were fast taking the place of English produce in the Flemish workshops. It is probable, indeed, that the decline of the staple trade was to be attributed mainly to an unsound economy at home. Foreign buyers were loud in their complaints of the inferior quality of English wool, and the unmethodical transactions of English merchants.

Decline of
Traffic at
Calais.

Decrease of
Wool-
shippers.

Competition.

Unsound-
ness of
English
Commerce.

The following replication on the side of the latter to certain charges of this nature will give a good idea of the state of the case. Having first alluded to the special treaties entered into on their behalf by the English and Flemish Governments, and dated 1449 and 1522 respectively, the English merchants proceed to deal with the charges brought against them in order. The subjects of the Emperor, they

Charges
and
Counter-
charges of
unfair
Dealings
between
English and
Flemish
Merchants.

say, can buy freely in the open market, for there is no compulsion as to whether they buy or no. Therefore if the staplers decline to sell new wool without mixing a certain proportion of old with it, the buyer must consult his own interests in the matter. They deny that the standard of currency is tampered with (in reply to a complaint of vast significance to the student of the post-Reformation period). If the bales of goods, too, consigned to buyers are light in weight, or of inferior quality, compared with the price exacted, then, indeed, not the merchants but the packers are greatly to blame, and it is strongly advised that the sufferers should secure their punishment—if they can; but that such complaints are neither very generous nor very wise. That when prices rule low, buyers must not expect to take advantage of the fact by buying largely, for of course, under these circumstances, staplers will hold on for a rise; that they adhere to the scale of prices fixed by the treaties above mentioned; and even if those prices are occasionally exceeded, it should be remembered that they have themselves now to buy dearer. But to the insinuation that their very measure is not above suspicion, they indignantly reply that it is notorious that a public scale is maintained by the provisions of their charter, so that herein, at least, their integrity is not to be questioned.

Now the men of Calais had also wrongs of their own which called for redress, arising from their dealings with the perfidious foreigner. They complain that subjects of the Emperor who have large

accounts outstanding against them, wait for a favourable moment to reduce their debts, by the rate of exchange being in their favour; that, though by the treaties of 1449 and 1552 it was stipulated that buyers should return samples which proved to be of inferior quality within three months after delivery, yet the Fleming keeps his purchase in a musty warehouse until the contents have rotted, and then returns them upon the seller's hands; that the whole tribe of aliens have an inveterate habit of being behindhand with their payments, so that moneys due at Easter are not forthcoming till the 'middle of Pentecost;' and moreover, that debtors often escape prosecution under shelter of some obsolete edict. Last and worst, that when any merchant stapler is homeward bound, by way of 'Graveling,' if unrecognised or light specie be found upon him, it is promptly confiscated by the Imperial douannes, whose ways they observe, with an air of some probability, are not as the ways of other men, and whose basis of financial calculation must remain a deep and subtle mystery to all plain folk. This hardship is all the more keenly felt, in that any sort of rubbish pretending to the name of gold or silver is tendered, and perforce accepted, at Calais.

To the above serious charges the Flemish merchants gravely make answer, that self-preservation being the first law of nature, no precaution is wasted against their good neighbours of Calais. As to particular complaints, all wool delivered from Calais is subjected to a skilled scrutiny, and inferior samples, which they

hint are pretty numerous, are promptly returned. That such merchants as defer or avoid payment act very wrongly, and deserve punishment equally with the English packers, with the same prospect of obtaining it; but still it is proverbial how indifferent (supini) the English are to their material interests. All the remaining counts are but fresh instances of the habitual mendacity of merchant-staplers, especially in the last particular, respecting which they have ordered an inquiry to be made. The result of this inquiry was subjoined, and recites that, as might have been expected, the Customers were only fulfilling their duty when they overhauled such notorious receptacles of base metal as the wallets of merchant staplers. That the greatest latitude in this direction had been purposely allowed to that class, but, as results have shown, without avail, and therefore on this point also, 'fallitur nec probabit.' Besides, all the world knows how the Flemish themselves are handled at the gates of Calais, and what the poor peasant with his basket of country produce has to suffer at the hands of these grasping monopolists. So, after the washing of this much dirty wool before the eyes of the two approving Governments, the matter rested.

Official
Report on
the Con-
dition of
the Staple.

There exists also a despatch from Howard, and other officers to Edward VI.'s Council, informing the Lords that the majority of merchants refuse any longer to land their goods at Calais, or offer them there for sale, 'onles they may gayne as moche here by the sale as they gett at strangers' hands.' Such

proceedings are, they remind the Council, directly opposed to the ancient charters, whereby this nest of licensed pirates were permitted to plunder the unwary merchants who sought their haven, on condition of handing over a large share of the plunder to the Crown. Therefore they have assumed the responsibility of compelling all who land merchandise at the port to convey the same direct to the local market, by which means they flatter themselves the following beneficial results will arise. In the first place the citizens, and indirectly the Crown, will be enriched; and, secondly, work will be ready-made for the 'poorer sort,' such as porters, etc. It can scarcely be imagined that such an expedient as this, whereby English Calais was made to figure as a rampart of barbarism extended between continental peoples and the common blessings of civilization, was calculated to promote greatly the amenities of either commerce or diplomacy.

It is possible, indeed, that the ever-conflicting interests of the English and foreign trader may have contributed more than has yet been thought of towards the strained political relations which rendered an outbreak of war possible at any time between 1540 and 1565. Differences of creed and Government may have been only the pretext for a well-timed championship of more material interests. A war then, to be successful, needed to be popular, and the popular party both in England and on the Continent was really that of religious purity and commercial progress. In either country, that party

International
Jealousies
caused by
conflicting
Mercantile
Interests
and a Policy
of Retalia-
tion.

was the other's rival. The one had enriched himself with the spoils of the idolatrous; the patient labour of the other had amassed in his coffers the capital of the world. The intelligence of both had benefited by their contact with the hitherto unknown world of art and letters. With both, religion was no longer the mask of pleasure, but the cloak of avarice; therefore it was that as rival producers, manufacturers, shippers, as capitalists and as usurers, but most of all as Christians and as subjects, they hated one another with a perfect hatred.

Fate of
Calais as
an English
Possession.

With the accomplishment of the social revolution of the sixteenth century the fate of Calais had been sealed. Agriculture was no longer profitable. Grazing on a large scale was universally practised by the crowd of State-made capitalists. The mass of the people, without further means of gaining an easy livelihood, was ripe for any desperate attempt. It was then that the Government boldly threw down their last card. 'You are now,' they said to the malcontents, 'a nation of evicted peasants and disbanded freebooters. We will make of you prosperous artisans, even as your brother Calvinists of the States. Lo! here are the means for this great work. Never was more wool than now grown in England, and there is yet more luxury rife amongst your betters, which must, forsooth, be pampered by the art of the foreigner. Do you but teach yourselves to supplant him by turning weavers, dyers, drapers, and we will direct all things accordingly. We will suffer no wool

Project of
the English
Govern-
ment.

to be shipped from England, and no fine cloth to be imported except under a penalty which alone shall enrich the State. And this will be your opportunity, thus protected, to become presently monopolists, and in time capitalists as wealthy as those of Ghent or Amsterdam. One thing only we require at your hands, that you be prepared to fight for your privileges; for these things will stir envy and rage against us abroad. Spain and France also, when they behold the revenues of their richest and most subject provinces narrowed by organized competition in England, will advance their arms against us in the holy cause of religion and order. But you are men, and you can fight; nay more, Englishmen, and you can conquer! Fear nothing. We will arm you, train you, feed you for the wars. Then shall the Lord give you the necks of your enemies, and the ends of the earth for an inheritance.'

So young England laboured, and fought and conquered; but Calais fell, and with her was swept away the last mark of an older civilization, of a simpler faith, and of a purer life.

The third great trading society which owed its origin to the awakening enterprise of the last century of the Middle Ages was that of the Adventurers—the English Company of Adventurers as they were called—which emanated, like the Hanse Company, from the City of Hamburg, according to most accounts. The date of the so-called incorporation of this society is usually referred to the year 1406, or the eighth of Henry IV.; but no entry of any

Fall of
English
Calais.

Origin of
the so-
called
Company
of Mer-
chant Ad-
venturers
doubtful.

such grant is to be found on the Patent Roll for that year, neither does the position of the new company for another century, at least, seem to be very clearly defined.

General
Character
of Grants to
English Ad-
venturers.

The fact is, that grants of privileges to English merchants abroad are of frequent occurrence about this time. These traders, too, are described as being 'adventurers' in common parlance, the grants in question being made out 'Pro Mercatoribus Anglie,' resident at or repairing to various mercantile centres of the Continent, such as the ports of Holland, Zealand, Brabant, and Flanders, or of Flanders only, or of Hanse, etc. The letters patent so issued in the fifteenth century concede the privilege of electing a Governor and other officers for the internal regulation of the English mercantile colony, to remedy certain disorders (*dampna, gravamina, dissensiones*), which have arisen in ways easily to be imagined. But, beyond this, the instruments do not seem to extend—certainly not to the incorporation of any one society as a body corporate and politic of Merchant Adventurers of England, as we are led to suppose. The expedient of a provisional grant in this nature for the safety of trade was a very common one at the time, and was repeated in a modified form on behalf of alien merchants; also of those who were 'sojourners' in this country; just as in earlier times, the Count of Flanders had granted a general assurance of safe-conduct to English adventurers within his dominions.

Applies to
the Ham-
burg Com-
pany of Ad-
venturers.

Now we meet, in the reign of Henry VIII., with a

grant to the Merchant Adventurers of England in the form of an *Inspeximus* of letters patent of Henry VII., reciting grants of successive kings from Henry VI. to Henry IV., made to the persons so described for the following purposes: For liberty to control the affairs of their own society; for electing a governor; and for making by-laws to remedy certain discords and to guard against certain dangers arising from their trade with the Low Countries. The final patent of the first-named King enjoins further that these by-laws shall in future be more strictly observed, and provides for the election of a court, consisting of a master, governor, and twenty-three assistants at Calais.* Thus far, it will be seen, we have no allusion to the supposed company in a corporate capacity, though as a trade society or fellowship the existence of English Adventurers was certainly recognised. Somewhat earlier, however, we have a more direct mention of their status, which contains a remarkable confirmation of the above view. In the twelfth year of Henry VII., a petition was presented to Parliament by the 'Marchauntes Adventurers inhabite and dwelling in divers parties in this realm of England, oute of the Citie of London,' wherein the 'discrete Commons,' in this present Parliament assembled, are informed in their 'discrete wisdoms' to the following purpose: That whereas in times past all merchants had free passage and resort with their

Notice of the Merchant Adventurers under Henry VII.

Monopoly of the London Mercers petitioned against.

* Pat. 21 Hen. VII. to the Merchant Adventurers of England at Calais, the Low Countries, and other places in amity with the English Crown. Confirmed by Pat. 6 Eliz., Pt. 12.

merchandise to divers parts, 'as well of Spaigne, Portugale, Britaign, Irland, Normandy, Fraunce, Civile, Venyce, Danske, Estland, Frisland,' etc., as also to the territories of the 'Archduke of Burgoyn,' namely, 'Flaunders, Holland, Seland, Braband,' etc., where are the 'universall marts,' holden four times in every year, to which both the English and all other nations are wont to repair at their pleasures. Yet so it is that now of late the 'felishipp of the Mercers and other marchautes and adventurers dwellyng and being free within the Citie of London,' 'by confederacie made among theymselfe,' etc., and 'contrary to every Englishmanne's libertie,' has made an 'Ordinance and Constitution' to the effect that no English resorting to the above marts shall buy or sell without making a composition for the same to the said fellowship. 'Which fyne, etc., at the beginning when it was first taken, was demanded by colour of a fraternité of Seynt Thomas of Canterbury,' at which time, moreover, the amount of the same was only half a noble, 'and soe, by colour of suche fayned holynesse,' was during some years taken at that rate, but was afterwards raised to 100s. (Flemish), and lastly to £20, at which figure it is at present levied from young English merchants as an admission fee for association with the fellowship. By reason of this exaction, it is asserted, the export trade in English woollen cloths is greatly hampered.

In answer to the above recited petition, it was enacted by 12 Henry VII., c. 6, under the heading

‘Merchaunts Adventurers,’ that henceforth all subjects should be free to trade to the marts accustomed, paying no more for a license to the fellowship of Mercers than 10 marks, on penalty of £20 to the King if so molested, and ten times the sum exacted to the party aggrieved.

With reference to the insinuation, above, as to the injury inflicted upon the staple industry of England by limitation of trade, there exists a paper of ‘Considerations’ propounded by the Governor and Fellowship of Merchant Adventurers, to prove ‘how it weare more for the universall wealth of the Realm of Englande to convay and sende over the sea to the martes accustomed clothes of all prices not dressed nor shorne than clothes dressed and shorne.’ The natives, they observe, of foreign countries are addicted to certain patterns and shades of colour which it is beyond the skill of English weavers and dyers to reproduce; therefore it were better policy to allow them to deal with unwrought English cloths at their own pleasures for fear they should abstain from buying altogether—‘which God defende!’

Free-Trade
Proclivities
of English
Adventurers.

There exists, too, a manuscript relation of the reign of Elizabeth, which sets forth, in the course of a recital of divers injuries inflicted by certain franchises upon the companies of merchant adventurers and staplers, how, in the old days, when the monopoly of the wool-trade was in the hands of the staplers, strife arose between them and the adventurers, which continued a long time, but that now all national interest in the result of the squabble

Traces
of the
Struggle
between
the Adventurers
and
Staplers.

has died out owing to the increased facilities for foreign traffic.

Progress of
Adventure
under
Elizabeth.

In the reign of Elizabeth, we learn, English 'Adventurers' are to be heard of in all parts of the known world. It is not difficult to realize this seemingly sudden growth of English commercial enterprise when we consider the new outlets which now, for the first time, were open to the privileged few, offering both a mart lucrative beyond all former experience to the latter, as well as an ever-present inducement to the activity of rival speculators.

Its peculiar
Geographi-
cal Distri-
bution.

Henceforth commerce was associated with geographical discovery in the minds of adventurers to unfrequented countries whose peoples had not learned by the hard experience of four centuries to sift the quality of English fabrics. Such, however, had unfortunately been for a long time past the attitude of continental nations in the matter of receiving on national trust, ratified by the instrument periodically enforced or abandoned as convenience dictated under the name of an Intercourse, the woollen cloths of Wiltshire or Gloucestershire looms, unless reserving to themselves the right to discount on settling-day the few yards of material whose absence was supplied (according to transpontine scandal) by the undesirable substitute of clay, sand, stones, or other rubbish stowed away in the depths of each bale. Henceforth, therefore, we discover a tendency of English trade to gravitate towards the unknown regions which stretched from north-west to extreme south-east of the globe, beyond

the inner circle of western civilization, bounded in the interior of the Continent by the Baltic States and the cities of the great Germanic League.

In the reign of Edward VI., when the star of the godly citizen of a mercantile town of England was in the ascendant, we have a contemporary notice, in the manuscript diary of a worthy young London grocer, of a certain English vessel bound, for the first time, towards the mysterious empire of 'Russier,' and carrying as freight not only certain 'English bookes of the Scriptures' (which met with no customer), but also other wares of this country, which stood to earn 300 per cent., at least, to the happy adventurer.

The history of this eventful expedition, which to some extent represents the beginning of the mercantile supremacy of England in the East, may be traced in the confirmation by Act of Parliament, in the eighth year of Elizabeth, of a charter granted under the following circumstances: Certain subjects of this country had (we learn), in the reign of Edward VI., at great charges and risks, fitted out three English ships for the discovery of territories 'hitherto unknown, or not commonly frequented by English subjects,' on the strength of an assurance of a grant of letters patent for that purpose. Before the patent was executed, however, the young King died; but the patent was renewed in the first and second years of Philip and Mary, in the form of a charter to 'The merchants adventurers of England for the discovery of Lands, Territories, Isles,

The first
Russian
Adventure
under
Edward VI.

Patent of
Edward VI
to a
Muskovy
Company.

Completed
by Philip
and Mary.

Dominions, and Seignories unknown, and not before their late adventure or enterprise by seas or navigation commonly frequented.' The above were henceforth to be a body politic and corporate, with every other right and privilege to that status appertaining, together with a monopoly of trade to the countries of the Emperor of Muskovy, lately discovered by one of the three vessels before alluded to. The new company, for so it may at last be fairly termed, prospered greatly during the next ten years, until the usual influx of unlicensed competitors threatened the destruction of its lucrative monopoly. To meet this growing evil the company prudently obtained, without difficulty at a moment when a protective policy of commerce ruled supreme, a confirmation of their charter, with even extended privileges, by Parliament in the eighth year of Elizabeth. Thus arose, under the modest title of a 'Fellowship of English merchants for the discovery of New Trades,' the famous Muskovy Company, which enjoyed the sole right of trading to and from the dominions and territories of the Emperor of Russia, lying north-north-west and north-east of London, including also Armenia (major and minor), Media, Arcania, Persia, and the Caspian littoral. The composition of the new company was wholly aristocratic (for the amount of entrance fee payable by intending adventurers was not limited till the reign of William III.); while of the success of its operations in those distant lands we can scarcely venture to form the wildest estimate. We know, at

Confirmed
by Par-
liament
under
Elizabeth.

Extraordi-
nary Profits
of the
Russian
Trade.

least, that one of the early adventurers undertook to realize 30 roubles by the barter of 2 lbs. of 'white sugar;' 30 roubles being then equivalent to eight French crowns, a coin valued on Exchange in those days, by Sir Thomas Gresham, at an average of 6s. His 2 lb. of saccharine 'confecte,' therefore, returned our merchant a profit of some 600 per cent. on his outlay; and this was but one item of his receipts from the Russian adventure, he himself, too, being only one of many equally fortunate associates.

From this time forth the course of English trade flowed in ever widening and branching channels. The Muskovy Company continued its prosperous career till the reign of William III., when its charter was again confirmed by Parliament to a 'Russia' Company.

Assured
Prosperity
of English
Adventure.
Muskovy
or Russia
Company.

In the year 1579 the 'Eastland' Company was incorporated, to the detriment of the time-honoured European Society of the Merchants of Hanse; and obtained a confirmation of its charter, fifty years later, to the final undoing of the monopoly of the latter body as recognised in this country. Meanwhile, too, the early success of the 'Barbary' Society, founded early in the sixteenth century, at first in co-operation with, and then in antagonism to, the carrying trade of Italy from the far East, had led to the incorporation of a 'Levant' or 'Turkey' Company late in the reign of Elizabeth, a body ever famous for having anticipated, by their determined resistance to the exactions of the Crown, the great

Eastland
Company.

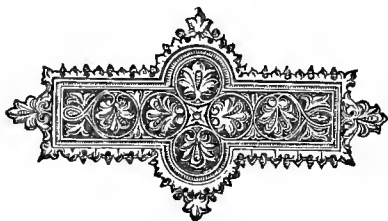
Decay of
the Hanse
Society.

Barbary
Company.

Levant
Company.

Old East
India
Company.

constitutional question of the legality of impositions. From the ashes of the Levant Company arose a new one, destined to play a leading part in the history of our country in the following centuries—the old East India Company. All these are the parents of our modern trade, a manifold source of increase to the Custom-revenue of the Crown.





CHAPTER II.

THE CUSTOMS OF THE MIDDLE AGES.



O quote an accepted definition of the force or extent of the 'Customs' at large, comprising as these do the revenue which the Crown enjoyed by virtue of its ancient prerogative; the further revenue which had devolved upon it by reason of lapse or resumption, purchase or exchange, of independent franchises; or by grant of Parliament; or by special contract with certain incorporate or associated bodies of subjects, or of strangers; and lastly, the ancient local revenues appertaining to some few private jurisdictions by immemorial custom or liberties acquired by early grant, would obviously be impossible, in the face of the state of facts depicted in the introduction of the present volume. Neither would it be convenient, nor perhaps even becoming, to attempt here an arbitrary definition of the term beyond what may be broadly gathered from a detailed classification and comprehensive description of the revenue in question, according as we find its particulars set down, evermore of record, in official or independent MSS. Any

An accepted Definition of the Crown's Prerogative for collecting a Custom- Revenue impossible.

Because a matter of Controversy since the 16th Century.

such rash attempt would but reduce a sober history to the level of a controversial treatise, where utility and preciseness must perforce give way to that engaging brilliancy which, in the pages of so many early historians, is linked with the grossest inaccuracies. Therefore it will still remain open to the reader who has studied the origin, growth, and eventual decline of the Custom-revenue, as these

The Reader left to form his own Opinion from the following Account.

will be sketched in the following pages, together with the chief circumstances connected with its constitutional, fiscal, and social development and progress, to form his opinion thereon, according to his personal conviction, and his historical or political predilections.

Origin of the Customs.

The origin of the Custom-revenue, composed as previously recited, is, it may well be imagined, a problem of the greatest weight and difficulty. The importance of the question itself is the cause of all the constitutional arguments involved therein ; while the latter, again, are really the effect of the obscurity in which its earliest phases are shrouded, and which is clearly due to the absence of any particle of true historical evidence in point. The financial chapter

Paucity of Authorities, especially of Records.

of history is peculiarly dependent upon the authority of contemporary details, and of these in an authentic form we have none in existence before the thirteenth century, with one exception only. That solitary exception comprises the class of records known as

Pipe Rolls.

the Great, Annual, or Pipe Rolls of the Exchequer, beginning at the thirty-first year of Henry I., according to the earliest computation.

From the evidence of these records we learn, for the first time with any certainty of knowledge, that certain officers of the Crown, whether authorized agents or patented farmers, answered an indefinite but clearly a customary revenue, derived from an assessment in specie or in kind upon any commodity exported or imported, and chargeable at the discretion of the Crown. This is all we can know, and the knowledge thus gained is only confirmed, amplified, or modified, as the case may be, by the evidence of later records; by the Chancery Inrolments, which date from the first year of John; or the Exchequer Inrolments, which unfold the whole working of the system before us, from the last years of Edward I., down to comparatively modern times.

Patent
Rolls,
Close
Rolls,
Liberate
Rolls, and
Inrolled
Accounts.

To this circumstance of the existence of a customary right, exercised by the Crown in the remotest period of recorded history, must be ascribed the fact that at all times its prerogative has been admitted as an immemorial usage.* The question, therefore, next arises, what was the exact nature and scope of that prerogative in relation to the customary revenue at its possible disposal?

Prerogative
of the
Crown
admitted.

Here, at the outset, we again meet with the same difficulty, that there is no evidence forthcoming as to the custom which prevailed during the two centuries of imperial administration antecedent to the commencement of recorded financial history. Therefore it must be premised that any theory which

Its Extent.

No Evi-
dence
before
Henry 11.

* So the later lawyers held that 'prerogative needs no prescription.'

is advanced to explain the practice which obtained previous to the reign of Henry II., if even so early as this, can rest upon no stronger foundation than reasonable probability. Since, then, we have no official accounts during the later Saxon or Norman periods descriptive of a revenue derived from customary dues payable to the Crown in virtue of its mere prerogative on account of merchandise exported from, or imported to, the kingdom, we must attempt to supply the deficiency in our knowledge of what really took place by working backwards from the date at which our information abruptly commences, with the assistance, if we please to make use of them, of any external circumstances of trustworthy occurrence that may bear upon the subject. Now, we know that in the period of recorded history, indistinctly during the reign of Henry II., most distinctly during that of Richard I., a customary revenue, organized in connection with the central control of the Exchequer, was collected for the Crown at the seaports and in other places adapted for the survey of mercantile shipping or transport. Slightly later than this, we know from the Rolls of Chancery, Patent Rolls, Close Rolls, and Liberate Rolls of the reign of John, that the following exercise of the Crown's prerogative was in use as a matter of ordinary official routine, and therefore clearly claimed as a customary right. First, it is distinctly set forth, in many hundred entries, that the Crown exercised a right of pre-emption, conducted on the system of forcible purveyance, extending to all commodities

Supplied from the Analogy of later recorded History.

Existence of a Custom-Revenue in Early Records.

Pre-emption.

within its land and jurisdiction, whether of native or foreign production and ownership. Secondly, it is stated with equal clearness and copiousness of illustration, that the Crown exercised a further right of restraining the export or import of any native or foreign commodity respectively, at its mere discretion, receiving likewise considerable fines for grants of exemption from the restrictions in force, or from the arbitrary requisitions in default, which alone amounted to a prohibitive duty. Thirdly, we find an official supervision in connection with the Exchequer itself, exercised at every available point of observation along the sea-coast, as well as at certain inland stations, which would appear to have answered every purpose of Coastguard and collection of the Custom dues or requisitions.

Now, even apart from the existence of earlier memorials, we might justly suspect that a system which is suddenly discovered in so complete a state of elaboration must derive its origin from a date far anterior to that at which we have lighted upon it. This surmise is indeed verified by the evidence of the Great Exchequer Rolls throughout the two preceding reigns. Even from these which are chiefly concerned with the statement of account presented by the sheriff in connection with purely territorial revenues and aids, we have abundant proof that the right of pre-emption by means of purveyance was consistently claimed and enjoyed by the Crown in the case of commodities at large, and some proof

Restraint
of Trade.

The King's
Ports.

Existence
of a
Revenue
before
Records
probable.

Analogy of
the
Revenue
answered
in the
Earliest
Pipe Rolls.

that this was also negotiated in connection with exports and imports as an organized revenue.

Purveyance identical with Pre-emption.

We may go back still further if we like, and attempt to decide with reasonable certainty that the prerogative of pre-emption exercised by the agency of purveyors, 'aided and assisted' by the local officers, existed from the date at least of the consolidation of the Saxon kingdom; at first as a rude expedient of tribal taxation in support of the state of a tribal sovereign and later as an aid to relieve the necessities of an imperial ruler who sustains on his own shoulders the burthen both of state and warfare.

Probability of this View.

If we admit this reasonable certainty as to the antiquity and motive of purveyance as an historical fact—and there seems to be no sufficient reason why we should not do so—we can proceed to connect its action with that of some definite phenomena.

Connection of Purveyance with the 'Prise.'

In historical times we have found existing beside purveyance, indeed in actual connection with it, an organized system of taxation levied from the same class of property as that which was subject to the former exaction, but levied here in regard to its position as a commodity of trade, whether exported or imported. Both these forms of purveyance, the general and the special, were from very early times specified by the same name of 'Prise.' The prise, or prize, then, as the word imports, was the taking from the subject or stranger merchant forcibly or by his consent, as the circumstances of the case allowed, for the King's need (*ad opus Regis*), or for his use (*al use le Roi*), such quantity of such commodities,

Its Employment.

and at such prices, as would be warranted by the prevailing custom. In one case the sheriff was authorized to make such provisions of victuals or apparel, or other requisites for the King's Household or army, as appeared by the mandate to be desired or desirable. There might, or might not, be a stipulation as to price, measure, or term of payment; in any case the writ was answered by the official at all points, and the provision made in accordance with its tenor. Whether the subject received a fair price for his goods, and there is doubtful evidence to show that he did; or was allowed to sell them by fair measure or weight, and there is much evidence to show that he was not; or was ever paid for what he had supplied, and this, even when satisfactorily accomplished, was not, in nearly every case, till an unconscionable period had elapsed—there is no doubt that this same prerogative was both used and regarded as a veritable customary tax in kind.

And Abuse.

May be regarded as a Customary Tax in Kind.

In the further development of the scope of the prise, this is extended to the case of commodities either exported from or imported into this country. This is readily accounted for by the mere fact of the liability of such property to the customary purveyance or prisage of the Crown. If, then, these were conveyed beyond the kingdom, the Crown would suffer a possible loss to its state and dignity; or if excessive or noxious importations were permitted within its kingdom, assuredly the inhabitants who were sworn into its service might become impoverished or enervated, and so incapacitated from

Application of the Prise.

Exports a possible Source of Feudal Revenue.

the performance of their feudal obligations; while, moreover, as a secondary consideration, the balance of trade or the diplomatic interests of the country, both matters within the sole cognizance of the Sovereign, might forbid such lavish importations.

Restraint of Imports.

Connection of Pre-emption with both Purveyance and Prise.

Conjectural Application of Pre-emption.

To father the origin of the Customs proper, as we understand the term, upon the Crown's ancient prerogative of pre-emption, we have only to suppose the creation of an analogous system or simply an extension of the process already in force. Thus the Crown, claiming and exercising from time immemorial the rights of pre-emption at its discretion, has organized the requisition in kind, which it exacts from all subjects dwelling without a franchise, in the shape of an equivalent revenue levied by a legal process through the agency of certain officers, who may either be skilled purveyors or any royal ministers in default of their presence. So too, perhaps, somewhat later (though even this is not actually proven), the Crown is found to claim and enjoy a similar right of prise, not in this case exacted from produce at large, but from that portion of the same which is set apart for exportation beyond sea, or even from the produce of other lands imported, subject only to the dispensation of the ruler expressed in the form of a claim to still more arbitrary prises.

Prise identical with the Customary Revenue at the Ports.

We may thus see that the inland purveyance and the Customs of the Crown levied at its seaports are equally described by the name of prise, and equally characterized by a nominal 'emption' and a practical 'caption' for the King's 'need' or 'use,' and that

they were so levied at first by any officer to whom the royal mandate might be addressed. From this point it will be easy to trace the irregular growth of both up to the point at which they finally diverge.

Taking the prerogative of pre-emption by way of prise as above derived, we find little or no alteration in its position from the time of John onwards. In the case of prises from exported or imported commodities, however, with one solitary exception, the system of arbitrary requisitions in kind was not the less a customary revenue. In the same sense, for example, a tithe of the Church is equally valid in name and effect, whether it be regarded as a rent-charge payable in kind or in specie. So, too, as late as the reign of Edward III., long after the Custom-revenue had been satisfactorily adjusted by Parliament, a subsidy, which was nominally payable in specie, was both assessed and levied in kind. At the same time, also, the 'Ancient Custom' of wools and leather was frequently described by Parliament itself as a toll. Therefore, the unimportant circumstance that the Customs proper are not usually associated with the earlier customary prises of the Crown, but are assigned in their origin to the unknown date at which a money-toll began to be levied regularly at the outports, must be ascribed, firstly, to a want of knowledge as to the real facts of the case, and secondly to the vague and inadequate term 'Customs' itself.

Therefore Pre-emption, Purveyance, Prise, Caption and Emption are identical.

'Custom' applies equally to a Revenue in Kind or in Specie.

Vagueness of the Term 'Customs.'

The Crown, having now acquired a still indefinite right to Custom-dues at its ports, payable for the

Prises, or the Revenue in Kind levied from Merchandise, first collected at the Ports and commuted for a Toll in Specie or a Custom-Due.

Customs farmed from Ric. I. to Edward III., or collected by the Merchants themselves.

Survival of uncommuted Prises in the case of Wines.

'Caption' and 'Emption' identical with Pre-emption, Purveyance, and Prise.

most part in specie as a percentage toll, proceeded to ensure the proper assessment, collection and custody of the revenue hence derived by the appointment of special officials. The earliest and most prominent of these was the King's Chamberlain, whether of London or Sandwich, or of London only, exercising a further jurisdiction from thence over the chief ports of the kingdom, such as Southampton, Boston, etc. Sometimes, however, local officers were still employed, or the revenue derived from the Custom-dues was farmed outright to some patentee of the Crown. Often, too, and especially in the case of exports or imports of foreign merchants associated in a great trading society, such as that of Lucca, Hanse, or of the Friscobaldi, the revenue due to the Crown was by its permission answered by the merchants themselves. In addition to these specific Custom-dues, there existed still a portion of the earlier revenue derived from prises in kind at the ports which had not as yet been converted into a money-toll. This exception is especially noticeable in the case of wines imported by denizens (or subjects) and aliens (or unnaturalized foreigners) alike. Here, as in the case of native produce taxed by means of pre-emption, the Crown claimed and exercised from time immemorial the right to 'take and buy' 'at its need,' or 'for its use,' an indefinite bulk of cargo, at such prices and on such terms of payment as the circumstances of the case might warrant. This system of prise, or caption and emption, will be seen to be absolutely identical with

that of pre-emption or purveyance by prise exercised in the case of produce at large. But besides this, the Crown commuted its right of purveyance in the case of denizens for a restricted form of 'prise,' whereby it 'took' from every cargo of wine one or two casks (according to the burthen) at an arbitrary price; this secondary form being termed the 'recta prisa' (or constitutional purveyance) in distinction to the former unrestricted pre-emption—the 'mala prisa' (or unconstitutional purveyance). Still further, the Crown commuted this restricted purveyance—the 'recta prisa'—in the case of aliens only, for a Custom due payable in specie upon every cask imported, retaining, at the same time, the right of arbitrary purveyance as of old, and exercising the same right for at least two centuries. At the same time, we find that there was another Custom-due levied at the ports, not only by the Crown, as of its prerogative, but also by certain private franchises as a port or harbour toll. This, too, was levied in specie, to a small amount only, and was of the nature of an immemorial Custom.

Rate of the
Prise of
Wines.
'Recta
Prisa.'

'Ancient
Custom' of
Wines in
Royal or
Private
Franchises.

If we consider attentively the above statement of facts, we shall find that actually every form and graduation of the Customs, pre-emption at large, organized prise, and commuted prize or Custom-dues are exemplified in the case of this one commodity. There are, at the present time, few historians who would allow that there exists any connection between pre-emption and Custom-dues, but it would be interesting to know on what other theory they could

Correctness
of the above
Theory
shown in
the case of
Wines.

explain the existence of the historical phenomena cited above and verified in the pages of this work; for hitherto the 'prisage of wines' has on all hands been admitted as a Custom of the Crown.

Organiza-
tion of the
Customs
under
Edward I.

When we describe a state of revenue in which the Custom-dues or commuted prises are regularly collected and answered to the Crown at its ports, while the uncommuted prises, whether as 'prisage' or 'purveyance,' are exacted in the old arbitrary way, we have arrived at a period of history in which these matters were henceforth settled on a firm basis. As yet, the value, intrinsic or specific, of any portion of the Custom-revenue was adjusted at the discretion of the Crown, according to its necessities.

Scale fixed
before 1275
for the
Antiqua
Custuma of
Wool,
Woolfells,
and
Leather.

For example, immediately before the reform, which was inaugurated in the third year of Edward I., it is probable that the commuted prise on staple exports, such as wools, hides, and minerals, was taken at the average rates of half a mark per sack of wool, or an equivalent bulk of woolfells; a mark per last of hides; and an *ad valorem* duty of 3d. upon every *librate* or twenty *solidi* of lead and tin; and this orthodox assessment was distinguished as the Antiqua Custuma of the Crown. In the same category was evidently classed the 'recta prisas' of wines, or the 'prisage.' Any advance on the above rates, either on a small scale as in the case of aliens only, or other-

Lead and
Tin.

Wine.

Increase on
this a 'New
Custom.'

wise, was known as a New Custom (*Nova Custuma*), increase, or imposition. Such an advance is best exemplified in the case of a poundage or *ad valorem* duty (usually fixed at 3d. or $1\frac{1}{4}$ per cent.) upon fabrics

and *articles de luxe* exported or imported. Lastly, there remained to the Crown the desperate expedient, in times of greatest necessity, of levying an extraordinary Custom upon the chief staple commodities exported from the kingdom. The assessment of such a duty amounted often to a fifth or fourth or even a third of the gross value, being usually fixed at 40s. per sack or last. This extraordinary Custom was popularly described as a 'maltolte'—a 'mala tolta,' that is, an unconstitutional toll or due as opposed to a 'recta tolta' such as the Antiqua Custuma.

Excessive Increase on the above a 'Maltolte.'

In addition to each of these, viz., the Antiqua Custuma, the Nova Custuma, and the maltolte, which were levied normally in specie, there existed a parallel right, in each case, of prise either to a limited or unlimited extent. We have already noticed examples in point in the case of the Antiqua and Nova Custuma; while of the maltolte, it may be observed that in default of specific compensation it was frequently levied in kind, a practice which might even be extended to justify the seizure of the whole of a yearly shipment of wools, whether at the seaport or in the provinces.

Prerogative of Prise upon certain Exports or Imports not yet dispensed with.

In the year 1275, however, the former of these existing constituents of a customary revenue upon produce bearing the name of merchandise was settled for the first time upon a constitutional basis. That is to say, in this year, the Antiqua Custuma of the Crown derived from wools, woolfels, and leather exported, was limited and granted anew by what may be called a statute passed in an assembly of the

Effect of the Grant in Parliament in 1275.

The Antiqua Custuma sharply defined and limited.

commonalty which may pass for a Parliament. At any rate, this limitation of the ancient Customs to the traditional rates of 6s. 8d. and 13s. 4d. was henceforth regarded by all parties as a binding arrangement, and was admitted by the Crown itself in the clause 'Salva Antiqua Custuma Nobis prius concessa,' which occurs so many times in subsequent inrolments.

State of the Custom-Revenue during the Reign of Edward I.

So matters stood during the greater part of this reign. The exactions of the Crown were limited in the case of the chief subjects of assessment, wools, and leather, and wine; but were unlimited with regard to all other merchandise. This was especially the case in the time of the French and Scotch wars, when the necessities of the Crown compelled it to

New Exactions of the Crown.

resort to the extreme measure of a maltolte levied both in specie and kind. A climax was reached in the year 1297, when, after enduring the repeated and extortionate prises of the Crown during two whole years, all classes of its subjects joined in the presentation of a statement of grievances and supported

Confirmatio Cartarum.

the aristocratic movement which led to a *coup d'état* and a solemn declaration of reform embodied in the confirmation of the charters and the articles thereto appended. From this time forward, then, the Crown abandoned its rights to unconstitutional prises, and

Constitutional Limits of the Prerogative henceforth.

to extraordinary Customs, such as a maltolte. In future, therefore, it might take for its use only such quantity of provisions as was absolutely required for the royal household. So, too, it might levy no Custom beyond the half-mark and mark upon wools and

leather without consent of Parliament. The result of this constitutional assay was that the prerogative claimed in both directions by the Crown was restored to political currency with an altered denomination in either case, and which henceforth obtained with few interruptions. The modified prise became 'purveyance,' properly limited to the requirements of the royal household, while the arbitrary maltolte, when granted by Parliament to relieve the Crown's necessities, became a Subsidy levied for long after at the same rate as the imposition which it had supplanted. There remained, therefore, to the Crown in a constitutional sense only its prerogative of increasing the ancient Customs in the avowed mercantile interests of its subjects. As the existence of those interests naturally precluded the idea of any increase of the burthens of the latter themselves, the exercise of this protective power was, except under extreme circumstances, confined to the case of alien traders alone.

Latest Development of the Prise and Maltolte as Purveyance and Supply.

Prerogative of Restraint of Trade for the Public Welfare alone left to the Crown.

The right of the Crown to close its sea-gates or ports to stranger merchants was, in spite of Magna Carta and other liberal concessions, both successfully claimed by it and even zealously upheld by almost every Parliament for centuries after this date. Nevertheless, it seemed good to the Crown, subsequent to the general re-organization of its Custom-revenue—which had taken place, as described elsewhere, between the years 1296 and 1298—to come to an arrangement with the merchants who visited and sojourned in this country. The result of the under-

That Prerogative undisputed.

Admitted by Parliament.

Exercised by the Crown in Carta Mercatoria, 1303.

standing which was arrived at owing to this policy of organization was embodied in the treaty known as *Carta Mercatoria*, concluded in 1303 between the Crown and the leading alien merchants. By the terms of this agreement the latter received a grant of all the liberties and privileges necessary for their purpose, in consideration of the following New Custom payable in specie: Fifty per cent., each, upon wools and leather beyond the Ancient Custom, and the following fresh rates upon other commodities, whether exported or imported:

Rate of the
New Custom upon
Aliens,
Feb. 1,
1303.

Wax, 1s. per quintal.

Cloth of grain, 2s. per piece, or 'pannus.'

Cloth of half-grain, 1s. 6d. per piece.

Cloth without grain, 1s. per piece.

Wine, 2s. per cask.

All other articles of *Avoirdupois*, 3d. per pound of 20s.

State of the
Custom-
Revenue
at the
Beginning
of the 14th
Century.

At the commencement of the fourteenth century, then, we find that there were in existence five distinct branches of that revenue which the Crown originally derived from its ancient prerogative of pre-emption.

1. *Recta Prisa*.
2. Ancient Custom.
3. New Custom.
4. Subsidy.
5. *Prise* or *Purveyance* limited by *Confirmatio Cartarum*.

These were the *prisage* of wines (including all other ancient Customs or tolls); the ancient Custom of wool, woolfells, and leather, as limited and granted in the third year of Edward I.; the new Custom upon the wool, leather, wines, cloths, and general merchandise of aliens as settled by the terms of *Carta Mercatoria*; the Subsidy or extraordinary grant of Parliament over and above the Ancient or

New Customs ; and lastly, the purveyance such as it remained to the Crown, limited or enlarged in its scope according to the prevailing weakness or strength of the monarchy. From this time forward the Custom-revenue was regularly taken and answered at the Exchequer, and the several accounts of the collectors and comptrollers at the various ports were enrolled consecutively (with few interruptions) and with an unvarying formula of entry down to the reign of Henry VII. There were, however, a few modifications made in the official routine of collection. Thus the Ancient and New Customs were collected and answered separately until the 12th of November in the twenty-seventh year of Edward III., at which date a royal mandate, addressed to the collectors, ordered the entire Custom of wools and leather, including the increase of 50 per cent. upon the goods of alien merchants, to be answered by the collectors of the Ancient Custom alone. This was done accordingly, and until Michaelmas of the thirty-seventh year, both Customs were answered and distinguished in their accounts. After the latter date, however, though still so answered, the New Custom was no longer distinguished. A little later the Custom both in specie and kind derived from wines imported—the new Custom, that is, of 2s. agreed on by Carta Mercatoria—with the Prisage and other ancient Customs or tolls, were organized as a distinct revenue. Hitherto the former had been sometimes answered in the accounts of the collectors of the New Custom,

Custom-Revenue collected and accounted for without Intermision from this Date.

Practice in Force for the Collection of the Customs.

Ancient and New Customs.

Custody and Prise of Wines.

but as a rule all three kinds had been variously collected; the prisage by the King's Butler, the imposition in specie, or arbitrary prise in default ('mala prisas'), by officers styled 'Captores et Emptores vinorum Regis,' and the remaining ancient Custom, or local toll, by any grantee or provincial governor. In the forty-ninth year of this reign, however, the King's Butler was appointed with an extended jurisdiction for the collection of every sort of duty connected with wines, and henceforth the 'recta prisas' and the new Custom for which it had been commuted in the case of aliens in 1301, were collected by the King's Butler as the 'Prisage' and 'Butlerage' of wines respectively—a revenue which in Tudor and Stuart times was usually farmed by a patentee of the Crown.

Subsidy.

The subsidy or Parliamentary increase of the Custom-revenue was at first—that is, after the twenty-seventh year of Edward III.—levied only from aliens, they being alone permitted to export. As this restriction was gradually removed, and duty began to be paid by denizens as well, the subsidy which had at first been distinguished in the collectors' accounts was in the thirty-third year amalgamated with the Ancient and New Customs on wools and leathers, to form the Custom and subsidy of the same commodities. As for purveyance (of which alone it remains to speak severally), from the reign of Edward III., at the latest, its hitherto continuous connection with the Custom-revenue was severed. Still the King's prerogative herein remained for the

most part uncontrolled, in spite of the repeated restrictions and modifications invented by Parliament. These, however, a strong sovereign could naturally afford to disregard, whether wantonly or of necessity, or even actuated by those feelings which a pitifully selfish, short-sighted, and unjust financial legislation was calculated to excite in the minds of wise statesmen for five more centuries at least. It is interesting, however, to note the firm hold which the connection of the Custom with the prise still kept upon the public mind.

In the first year of Richard II., the Ancient Custom of wools and leather was ordered by Parliament to be collected separately from the subsidy, and applied wholly for the expenses of the King's household. Again, on several occasions during the next three reigns, some portion of the Custom-revenue was appropriated by Parliament for the same purpose, that being in every case expressed as the avoidance of excessive purveyance for the royal household.

Surviving
Traces of
the Origin
of the
Customs.

We may take the year 1301 as the inaugural date of the prosperity of the Custom-revenue. The proceeds of the Customs alone, for more than half a century after, must have amounted to a considerable annual sum, probably not less on an average than £20,000; no inconsiderable result when the lowness of the duty all round is remembered. That duty ranged from $1\frac{1}{4}$ per cent. in the case of general merchandise of avoirdupois, to about $6\frac{1}{2}$ per cent. imposed on the subjects' wool, and 10 per cent. on

Value of the
Customs in
the 14th
Century.

Value of
the Subsidy
during the
same
Period.

that of aliens. With the spirited foreign and colonial policy of the reign of Edward III., the necessity arose for an extraordinary grant to furnish and maintain English armies, garrisons, and colonies, such as Calais, on the Continent. The result was the grant of the subsidy, or a further charge of at least 25 per cent. added to the scale of the existing Customs. Thus, from the thirty-third year of Edward III., the Custom and subsidy, levied as it was henceforward with scarcely any intermission, amounted on an average to some 33 per cent. in the case of denizens, and 40 per cent. in that of aliens, upon the gross value of the commodity. It is during the reigns of Edward III. and of his successor that we find the largest annual revenues accruing from the Custom and subsidy of the Crown. A Parliamentary estimate, made in the following century, mentions the sum of £68,000 as the average of the returns for the former reign, and even more extravagant calculations prevailed in some quarters.

Estimate of
the Value of
the Staple
Exports
on this
Evidence.

If we take the not very extravagant estimate of £20,000 as representing the yearly value of the Customs to the Crown before the thirty-third year of Edward III., based on the assumption that the Great Custom in the port of London averaged £4,000, and the remaining sources of the Custom-revenue there £1,000 more, and that the aggregate of the Customs of London ranked as a fourth of the whole of England (each of which assumptions is believed to be capable of proof), we have the following results. After making the liberal deduction of £5,000

for the Customs of wines, cloths, avoirdupois, etc., we have left a sum of £15,000 derived from the wool Customs. Allowing further one-third of this sum for the proportion to be assigned to aliens exporting at a higher rate, we have £10,000; which, being exclusively referred to wool (since leather had sunk into complete insignificance as an export), leaves an estimated exportation of 30,000 sacks. The remaining £5,000, calculated according to the higher duty, represents 10,000 sacks more, bringing the total up to 40,000 sacks as the average yearly export for this period. Take, again, the later average of £60,000 as representing the annual value of the Customs and subsidies during the remainder of the century. In this case we must allow at least one-fifth, or the sum of £12,000, for the subsidy of tunnage and poundage, and the remaining Customs. This will leave £48,000 for the Custom and subsidy of wools alone, whence, deducting a third as the allotment to aliens, there remains the sum of £32,000, which, at the average assessment of 46s. 8d., accounts for a yearly shipment of between 13,000 and 14,000 sacks. If we add to these 4,000 more exported by aliens, there is a grand total of less than 18,000 sacks to set against the 40,000 calculated above as the average annual number exported during the first half of the fourteenth century. Later still, we find that the average value of the Custom-revenue for the ninth, tenth, and eleventh years of Henry VI. is £30,700, in round numbers. Of this the subsidy upon wools amounts to about £17,000, exclusive of a

Decline of the Quantity of Raw Produce exported, paying Custom.

Custom of some £4,500, thus showing an annual export of 13,500 sacks only, and that, too, with a much lower duty enforced than in some preceding reigns. It may hence be gathered that the value of the Custom-revenue upon raw produce such as wool, and therefore also the amount of the export trade itself, underwent a gradual though marked decrease during the fourteenth and the first half of the fifteenth centuries, to the extent of 100 per cent. for the former, and 150 per cent. for the latter period. As a set-off against this depression it must be remembered that wool was in the fifteenth century no longer looked upon as the 'sovereign treasure of the kingdom.' The great commercial industry of cloth-making in all its branches, of spinning, weaving, fulling, and dyeing, had now usurped the paramount occupation of wool-grazing and stapling which had made England the most prosperous of European nations as early as the reign of Edward I. As a compensation for this decline in the revenue drawn from wools, we must place the increased Custom upon native cloths exported, and the subsidy of poundage upon general merchandise to the credit of the Crown. This increase was, however, no criterion of the prosperity of native commerce at large, as the importation of fine-dyed cloths at a high rate of duty made up a large part of the Custom return; while poundage, as a rule, preponderated on the side of imports. One century later, of the average annual Custom-revenue from all sources accruing to the

Increased Value of the Poundage upon certain Exports and upon all Imports, especially Cloths.

Final Condition of the Staple Exports.

Crown, two-thirds at least was derived from cloths, chiefly from those exported.

It is both curious and instructive to follow the successive changes of policy which characterized the Parliamentary management of the Customs during the period before us. Commencing with the Parliamentary confirmation (subject to the limitations as to rates of assessment therein contained) of the ancient prerogative of the Crown in the matter of levying at its ports the Great Custom upon exported commodities of the realm in the year 1275, and passing on to the settlement, by private treaty, of the chief remaining branches of the Custom-revenue on the scale established by *Carta Mercatoria*, we reach the period of the first determined resistance on public grounds to the financial expedients of the Government. The *coup de main* which carried the concession by the Crown of the constitutional guarantees contained in the *Confirmatio Cartarum*, divested of all personal or party significance, simply establishes the principle that no palpable increase of the hereditary Customs of the Crown, whether by pretext of an advance or of a pre-emption, shall be permissible without the assent of Parliament. Henceforth the maltolte, or arbitrary increase of the half-mark on the sack of wool to 40s. on the same bulk, disappears as a practical expedient for raising money, and is replaced by the Parliamentary grant from the same source and on the same scale, known as the subsidy. The latter method of supply was not called into immediate requisition, for the same need

Parliamentary History of the Customs.

1275 to 1303.

Crisis of 1297.

did not at once recur. The maltolte had only been necessitated by the accumulated foreign difficulties of Edward I., and its exaction had been opposed because the nation held these difficulties to be none of its own making, nor their solution part of their own liabilities. When, however, the same crisis befell, forty years later, the body of the people were in complete accord with the ambitious projects of their sovereign. Had it been otherwise, it seems certain, so long as the latter held his ground, that the financial expedients of the twenty-third and following years of Edward I. would have been resorted to. As it was, it was far easier, and above all more expeditious, for the Crown to receive a subsidy from Parliament than to levy a maltolte in the teeth of, perhaps, armed opposition. None the less, the doubtful success of the first constitutional expedient to replace the maltolte augured ill for the future of Parliamentary taxation. Some ill-humour seems to have been aroused at the beginning by an attempt to raise the rate of the Ancient Custom previous to the grant of Parliament in the thirteenth year. That grant, including as it did the tenth fleece, or one-tenth of the 'sovereign treasure of the kingdom,' appears as an expedient analogous to the pre-emption of raw material (directly from the producer or indirectly, with corresponding abatement to the latter, in the value of his product, from the merchant), which had been reduced to a system by the King's grandfather. Even so the Commons repented in haste of their generosity, and were only induced by

Repeated
in 1341.

Subsidy
versus
Maltolte.

Grant of the
Subsidy in
1341.

the assurance of the King's inextricable position abroad to guarantee him a definite supply in the shape of 30,000 sacks. An improvement upon this primitive expedient was attempted by the grant of a fresh subsidy of one-ninth, with 40s. upon the sack of wool and last of leather. The result so far had been a complete failure as far as the financial success of the scheme was concerned. The prudent holders abstained from exporting wools. The King was at a standstill, and despatched furious remonstrances to his anxious Commons on their breach of faith. Then, as before it had been found necessary, those who would not part with their substance in their country's cause must be compelled to do so by recourse to an expedient set in motion by the very men who would have been the first to raise the cry of pillage against their harassed 'Father and Lord.' The means resorted to were equally effective and insidious. Those who would not sell their wool abroad to save the six-fold Custom, were compelled to sell, and to sell only to royal agents or farmers at home, who paid them a statutory price for it (the 'prise de Notts.'). but deducted therefrom the full Custom, which, being in turn made over by the agent to the Customers at the ports, was forthwith despatched to the King.

Further Grant leviable in Kind.

It fails of Success.

Its mischievous Character.

The contempt which, together with much anger, must have been excited in the popular mind by this gross mismanagement of the finances on the part of Parliament, moved the King to annul the restrictive clauses in their grant, asserting that he had dis-

Parliamentary Amenities.

sembled with them as he ought, and continuing to reproach them with their carelessness. This was in the fifteenth year. In the seventeenth, a fresh grant was made of a subsidy at 40s. Yet these Commons pushed their shamelessness so far as to remonstrate against this grant as an illegal *maltoite*, because conceded by advice of the merchants only, and not by common assent of Parliament. Again, in the twenty-first year, the same guardians of the constitution renewed their assertion that the subsidy was illegal and should at once expire; but they were reminded by the Crown that, by the terms of their own grant, the tax had yet some months to run. In the case of the earlier episode of the twenty-fifth year of Edward I., the commonalty had insisted on the recognition of the two cardinal principles of safeguard for themselves from imminent invasion before all more ambitious schemes of foreign policy, and immunity for their veritable substance from a system of petty pilfering grown big. So, too, the Commons of Edward III., in his first year, petition the Crown that, considering the recent peril that they have undergone of a Scotch invasion, happily repelled, indeed, but liable to recur, they may never be subjected to a like risk; with which representation the Crown promptly concurred. Moreover, these later Commons, not wholly satisfied with the 'word of a King,' stipulated as one of the conditions of the next year's 'grant of supply,' that in the event of a Scotch war, the revenue drawn from the counties north of Trent should be applied solely

Foreign
Policy of
the Crown
unpopular
in 1297 and
1341.

to that service. To complete the parallel, they were never weary of insisting that wool is no ordinary possession of the subject to be annexed as soon as coveted by the sovereign *ad opus suum*, but (in justification of the earlier boast that its value amounted to the half the annual revenue of the whole land) hath always been reputed 'the sovereign treasure of your land.'

For the next five years these murmurs of Parliament increased; and henceforth they were consistently directed against the merchants, especially such as were connected with the financial enterprises of the Crown. Not only, the Commons complain, do these exact an illegal imposition of two marks on every sack of private shippers' wool exported, but they have so abused the confidence of the Government that they pocket two-thirds of the net value of the whole Custom-revenue. In the twenty-second year there seems to have been a fresh grant for six months, or one year if necessity were clearly shown. The King, however, coldly replied that, as the present subsidy had already been granted by Parliament itself for three years, whereof two were yet unexpired, he must decline their proffered favour.

Continued
Discontent
of Parlia-
ment.

Directed
against
their own
Grant.

The same spirit of unreasoning discontent, impervious to facts and superior to argument, may be witnessed in the subsequent political career of a body which, with the basest personal adulation of their tyrant to his face, were ready to cancel their own share in the constitutional bargain which he had won from them. In this year we find these

Inconsist-
ency of the
Commons.

Their Inac-
curacy.

men impudently asserting, in the face of known facts, that heretofore the subsidy of fells had always been taken at 3s. 4d. per hundred, and not at the equivalent rate for a sack of wool—namely, 6s. 8d. per 300 fells. To this outrageous mis-statement the King replied with dignity, that ‘the ancient Custom used in all times may not be perverted.’

Staples for
English
Produce
erected in
England.

The increasing tension between the Crown and Parliament was temporarily removed by the daring experiment of establishing the staple for English exports in England. Whatever advantages may have been expected to accrue from this scheme, Parliament, at least, has the credit of having suggested the most doubtful of them all by the politic device of making aliens alone bear the brunt of a ruinous export duty, actually unforeseeing that the tax would ultimately be borne solely by the English producer. It took nearly ten years to convince our legislators that a man born beyond sea might be as wise as themselves. At the end of that period the insane attempt was temporarily abandoned, only to be resumed at the instance of Parliament. During this period of vacillation a fresh grievance was originated, namely, the exercise by the Crown of its dispensing power to license such denizens as chose to pay for the monopoly of exporting wool, nominally on the same terms as aliens. It is worth noting, however, that this dispensing power was held insufficient by the patentees themselves for their own protection till confirmed by Parliament—that is, by an Act of Pardon.

Licenses
for
Denizens to
export.

The Parliament of the fiftieth year of Edward III. is remarkable for an outburst of discontent, directed, as usual, against the mismanagement of the revenue, especially that branch which was obtained from the farm of the Customs. For this cause the Commons proceeded against the chief offenders and their accomplices in high places. The chief of the former, Richard Lyons, a London merchant, was impeached with his accomplices, amongst whom were certain of his deputies, a monopolist of sweet wines, and a peer and privy councillor, William, Lord Latimer.

Reforms of
the 'Good'
Parlia-
ment.

It is at the close of this reign that we find the important distinction first recognised between cloth of assize and that of no specified standard, in the entire or partial remission of the duty in the case of the latter. This indulgence was very necessary on account of the enormous disparity in contemporary market prices. In a later reign, we find on record a statement that the local fabrics of two south-western counties were temporarily rated on the same scale of subsidy with the highest-priced cloths exported, although the minimum value of the former was but 6s. 8d., while the maximum value of the latter was £5. Still later, however, at the close of the period included in the present chapter, the *bonus*, which was thus practically extended to the export trade in unwrought cloths, was gradually withdrawn in favour of a more undisguised protection of the skilled labour of the crafts of fullers and shearmen.

Assize of
Cloths.

The entire period which embraces the reigns of Richard II., Henry IV., and Henry VI. is marked

New
Policy of
Appro-

priation of
Supply
adopted by
Parlia-
ment.

Method
and Effect
of the
Limitations
produced
on the Pre-
rogative of
the Crown.

by a gradual relaxation of the Parliamentary control of the Custom-revenue by way of disputing the means or necessity of 'supply' in favour of the far more logical and successful policy of 'appropriation.'

This safeguard was exercised in a twofold manner. In the first place, Parliament insisted that supply—that is, the Parliamentary grant of the subsidy—should be devoted solely to the attainment of the objects on account of which it had been conceded. The chief of these being the safeguard of the kingdom, especially from the sea, the Commons required that the issues of the subsidy should be paid into the hands of treasurers nominated by themselves, and should be duly accounted for. This wholesome measure may be considered as the outcome of the exposures which led to the impeachment of the fraudulent ex-contractors in the fiftieth year of Edward III. The second limitation imposed by Parliament affected only the hereditary revenue, which the Crown derived from its ancient Customs at the out-ports, together with that increase thereof in the shape of a New Custom which had been stipulated for in the case of aliens by *Carta Mercatoria*, and tacitly accepted by denizens also in the shape of a poundage upon certain commodities hitherto not otherwise rated, but which were too important in value to pass uncustomed. This prescriptive revenue was now assigned for the expenses of the King's household, with a view to repress that arbitrary purveyance of the Crown to which the Customs could trace their origin.

Both these limitations the Crown was successful on the whole in evading by recourse to a manœuvre which was in vain the subject of numerous enactments by Parliament. In the first place, it continued to ruin both producer and purveyor as of old, while maintaining at the same time its credit, by assignments to an unlimited extent upon the Customs. In vain were these drafts presented by the unfortunate creditors. There was never found to exist a balance sufficient to satisfy the claim in the case of that particular port upon which the assignment was drawn! Years afterwards, perhaps, the lost wretches' heirs, or executors, if they were able to prove their claim to the satisfaction of a Royal Commission, might at length be rewarded by a fresh assignment, to be realized, if at all, by a remote descendant who had become a courtier, in the hope of some day receiving a downright grant of his proper inheritance.

The yet more important restrictions exercised by the Commissioners for auditing the public accounts were shaken off by even the most helpless Government through a very similar stratagem. Assignments of the wool-subsidies, in favour of public creditors, were by far the commonest form of payment made at the Exchequer. The Customary revenues, which depended on a grant of Parliament, were thus, as it were, pledged to the contractors for internal defence or foreign warfare, according to the provision of the grant of supply; and the satisfaction of such assignment depended much on the realization of an estimated revenue derived from the subsidy of staple

Evaded by
Worthless
Assignments on
the
Custom-
Revenue.

And by
Licenses at
the Expense
of the
Public
Credit.

Results of
the Crown's
Breach of
Faith.

commodities exported. Therefore the Crown, unable to touch directly one penny of this treasure, recouped itself by granting licenses wholesale to its more enterprising subjects to export wool duty-free, for a consideration which did not figure at all amongst the assets of the Treasurer-at-War's accounts. To all appearance, the unceasing remonstrances of Parliament against this breach of faith met with no success. In fact, however, the misdoing was avenged by two fearful insurrections and a prolonged civil war within a century.

Licenses
granted
against the
Privileges
of the
Staple
under
Henry VI.
and Ed-
ward IV.

After the termination of the French wars, in the middle of the fifteenth century, a far simpler method was adopted by the Crown, for evading Appropriation of Supply. The war supply was now mainly voted for the maintenance of the garrison of Calais, and the lesson taught by more than one dangerous mutiny pointed to the advantage of a local Treasury for this purpose. This was now supplied by an assignment on a large scale of the wool Custom and subsidy to the receipt of the Company of the Staple ; for the restriction of the export trade to its old channel had become more than ever necessary upon the decline of the military prowess of England on the Continent. Thus the staplers became monopolists in the public interests, as well as in the private ones of the Crown itself ; for the latter at once seized the opportunity of carrying out on a large scale a plan which it had occasionally resorted to for its enrichment since the last years of Edward III. That plan was merely to grant a fresh series of

licenses to evade the stipulated monopoly of the Calais market ; that is, to enable shippers who chose to pay what was called a 'Calais toll,'* to export their wools and minerals to the dearest market in Europe.

Another favourite subject of Parliamentary investigation was the mercantile status of aliens, both sojourners and residents in this kingdom. The policy adopted herein was, it is very necessary to insist, one of complete repression, without even the most temporary alleviation, both King and Parliament being unanimous in favour of a protective tariff for foreign commerce.

Previous to the reign of Edward I., as we shall hereafter see, the commercial intercourse of foreign nations had only been tolerated at the discretion of the Crown. The concessions in favour of free traffic contained in Magna Carta and other liberal enactments only extended to the passage of aliens for purposes of *bonâ-fide* business, through private or Royal franchise, safe from any arbitrary tolls beyond those 'due and accustomed.'† Neither the Crown, therefore, nor the Commons ever relinquished the just title to exclude by edict or statute respectively, in part or in whole, any article of foreign importation

Attitude of
Parliament
towards
Aliens.

Position of
Aliens
under Ed-
ward I.
unaltered.

* 'Deniers de Calais'—corrupted later into 'Calais devoirs.'

† 'Et per sic quod mercatores qui illuc [Tolnetum de Grimesbi] venient, salvo possent ire et redire sine impedimento per xv. partem dardam. . . . Et per sic quod predicti salvo possint ire et redire per terras Regis cum mercandis suis per rectas et antiquas consuetudines.'—Magn. Rot., 6 John, rot. 6 b., Lincoln.

or exportation for what was deemed the common good. In the same sense, neither ever hesitated to impose an authorized or statutory increase of tariff at the ports: though here the responsibility of action rested mainly with the executive.

Legality of
Carta Mer-
catoria as
affecting
Aliens.

It has always been urged as a precedent against any increase of the Customs specified in the third year of Edward I., in the case of alien traders, that very shortly after the conclusion of the arrangement known as *Carta Mercatoria*, in the fifth year, that is to say, of the next reign, that increase was solemnly annulled by Parliament. Supposing the truth of this statement, it would yet be absurd to claim as a vindication of *Magna Carta* the purification of a branch of the revenue which had no recognised existence for nearly a century after that instrument was executed. But, apart from this objection, we know from external evidence that the object of these ordainers, admitting even their jurisdiction as legislators, was not the alleviation of the alien, but his consistent oppression. In truth, both Edward I., and still more his successor, had initiated the system of 'foreign exchanges,' or the pawning of the revenue with a wealthy foreign mercantile society, who thus obtained not only a usurious interest for its loans, but also a far higher profit as contractors or farmers of the Custom-revenue, with an extensive official patronage, and minor perquisites to boot.

Matters were at their worst when, in the third year of his reign, to appease the popular discontent,

Edward II. conceded the temporary suspension of the new Customs on wine and cloth, and the poundage imposed on alien merchants by the terms of Carta Mercatoria, 'in order to know what profit and advantage will accrue to him and his people by ceasing the taking of those Customs.' This concession, however, was not enough. The New Custom on aliens' wools still continued to be levied, and that to a greater value than the amount of all the other items together. Moreover, the continuance of the latter source of revenue left untouched the greatest grievance of all—not, as is fondly supposed, the unconstitutional taxation of aliens, contrary to the provisions of Magna Carta, but the very presence and importance in the State of the hated foreigner. The correctness of this view of the case is manifested by the course of subsequent legislation. In the fifth year of the same reign were enacted the famous ordinances which abolished all impositions upon merchandise since the beginning of the last reign, for certain good causes and considerations therein expressed, to this purpose, 'that the Customs of the realm be kept and received by the people of the realm, and not by aliens.' 'Moreover,' that 'all aliens who have received the profits of the Customs,' since the beginning of the reign, 'shall be arrested with all their goods, wheresoever they shall be found,' until they have 'rendered reasonable account.' Also, 'new Customs have been levied and the old enhanced,' whereby imports (and with them the revenue) are diminished, and 'foreign merchants

Suspension
of the New
Custom in
1309.

New Ordi-
nances of
1312.

Punish-
ment of
Aliens who
have held
Office.

Desire to
keep all
Aliens out
of the
Country.

Objections to Carta Mercatoria as tending to facilitate the Residence of Aliens and to raise Prices. Offence given to the Baronage and to the City of London.

Remedies.

Directed against Aliens as such.

Fair Trade for Aliens even objected to.

abide longer than they were wont to do;’ with the effect of raising prices, ‘to the damage of the King and his people.’ Therefore it is ordained that all Customs and imposts newly levied since the coronation of Edward I., but put out, notwithstanding Carta Mercatoria, the same having been made contrary to the Great Charter, and the franchises of the City of London, and without the assent of the Baronage.” Saving to the King his ancient Custom of wool, woolfells and leather. And that from thenceforth, foreign merchants shall be subject to the same regulations as of old. Finally every Friscobaud, and the other members of that Society (Friscobaldi) shall render fresh accounts and be arrested meanwhile as the King’s enemies.*

The tone of this manifesto cannot possibly be mistaken. It is one of sustained invective and animosity against the official and commercial advancement of strangers. It is by no means the first outbreak of that national jealousy in high places which has been witnessed from time to time in our history down to our own times, and which in the fitness of things will probably continue beyond them. Such, then, was the disinterested enactment which has been extolled as a noble vindication of the Great Charter of Liberties by the lewd bigots of one great age of popular license and their shallow admirers in more recent times.

That the ordinances in question were directed equally against the increase of 3s. 4d. on the sack and half a mark on the last, which ensured to the

* Stat. 5, Ed. II.

more enlightened foreigner a profitable carrying trade in English commodities secure from the tenfold exaction and pillage which he had periodically experienced under the old system of arbitrary prises and maltoltes, is rendered certain by the following official relation of the subsequent procedure in the matter of this branch of the revenue :

Nova Custuma a festo Sancti Michaelis anno quinto usque ix diem Octobris, quo die cessavit : per breve Regis superius allocatum.

Compotus predictorum Willelmi Servat. et Johannis Lincoln. collectorum Nove Custume provenientiis de lanis, pellibus lanutis, et coriorum—mercatorum extraneorum et alienigenarum, ultra antiquam custumam Regi concessam, in portu London : de exitibus ejusdem Nove Custume scilicet de quolibet sacco lane ultra antiquam Custumam xl^s. Et de qualibet lasta coriorum dimidiam marcam, et de quibuslibet ccc pellibus lanutis xl^s per visum et testimonium Ricardi de Luda, contrarotularis ejusdem Nove Custume, a festo Sancti Michaelis anno regni Regis Edwardi quinto usque, ix diem Octobris proxime sequentis; quo die Rex mandavit prefatis collectoribus breve suum de Magno Sigillo, in quo continetur cum prelati, comites, et Barones de Regni Regis quibus Rex per litteras suas patentes concesserit potestatem ordinandi de statu hospitij sui et regni predicti inter ceteras ordinationes quas super premissis fecerunt et quas Rex acceptavit et per totum regnum suum fecit publicari, ordinaverunt quod omnimodi Custume et maltolte levate post coronationem domini Edwardi quondam Regis Anglie, patris Regis nunc, integre amoveantur et penitus extinguantur. Salvis custumis lanarum, coriorum, et pellium lanutarum, videlicet de quolibet sacco dimidiam marcam, et de ccc pellibus lanutis dimidiam marcam, et de lasta coriorum j marcam. Per quod quidem breve Rex mandavit eisdem collectoribus quod de lana coriis et pellibus custumas superius expressis capiant et inde Regi respondeant de aliis custumis superius promissis post coronationem predicti Regis nunc, de incremento concesso, que

virtute ordinationis predicte amote sunt et extincte decetero, nullatenus se intromittant.

L.T.R. Customs Inrolled Accounts :

London, Antiqua Custuma, 5 Ed. II.

Revival of
the New
Custom,
1323.

Its further
Recog-
nition by
Parliament.

Frequently
confused
with the
Ancient
Custom
and with
the Sub-
sidy.

The prohibition contained in the Ordinances held good until the sixteenth year of the reign, when the scale of impositions sanctioned by the Stipulations of Carta Mercatoria was revived, and continued to be levied by every successive sovereign. The implication is obvious from the so-called constitutional point of view of these transactions, that the exaction of any increase upon the ancient Custom, specified in the third year of Edward I., was henceforth illegal, without the assent of Parliament. It has in fact been alleged that the increase which was undoubtedly so taken in aftertimes did receive such Parliamentary sanction, by virtue of a direct specification in the grants of the subsidy. This, to a certain extent, is true ; for it was usual to enrol those grants as being leviable 'beyond the Ancient Custom.' Thus, supposing the rate of the subsidy to be 40s., the grant would be for 46s. 8d. leviable on denizens, and 50s. on aliens ; sometimes, also, though rarely, and then most incorrectly, stated as a grant of 40s. and 43s. 4d. respectively 'beyond the Ancient Custom of 6s. 8d. formerly granted, etc.' It will thus be seen that in the former case the 'increase' of 3s. 4d. above the half-mark of the ancient Custom is exclusive of the subsidy proper ; while in the latter case it is included therein. This characteristic laxity of procedure on the part of the Commons was

on one occasion the cause of a serious misunderstanding respecting the terms and intention of their grants. In the fourth year of Henry IV., a subsidy of 50s. and 60s. on the two classes respectively was granted, to endure for three years; and the grant was enrolled in the Chancery. The terms of this grant were the same as those made in the first year of the reign, and which was made up by a subsidy of 43s. 4d. on denizens, *plus* the ancient Custom of 6s. 8d.; and of a like subsidy on aliens, *plus* the 3s. 4d. 'increase' (legalized not by any grant of Parliament, but by the contract of Carta Mercatoria), *plus* the 6s. 8d. imposition granted by Richard II.'s servile Shrewsbury Parliament (for procuring which grant, moreover, *inter alia*, that King had been deposed, the grant itself having been in any case repealed) *plus* the ancient Custom of 6s. 8d. The subsidy made up of these complicated items was now granted, with a lofty contempt for routine, by these constitutional champions and financial reformers of the fifteenth century, in lump sums of 50s. and 60s., without any mention whatever made of the Ancient Custom. Therefore, as the latter tribute was an indisputable and inalienable branch of the Crown revenue, it was levied in the usual way, and its payment enforced by processes out of the Exchequer. The Commons soon recognised their error, and petitioned the Crown to the effect that they had only intended to grant a subsidy of 43s. 4d., and 50s. 'beyond the Ancient Custom of half a mark.' Now this amendment makes

Case in point.

'confusion worse confounded,' for, according to this view of the matter, the subsidy paid by aliens would be swelled only by the illegal increase of 6s. 8d. commenced in the twenty-first year of Richard II., *plus* the understood liability to the ancient Custom. But these sums would only amount together to 56s. 8d., instead of the 60s. expressed in the grant, the deficiency being supplied by the 'increase' of 3s. 4d. taken by the Crown in accordance with *Carta Mercatoria*, of which no mention at all is made, either in the original or amended grant.

The Commons being thus at the mercy of the Crown with regard to the further sum which the latter was now empowered to levy in the shape of the Ancient Custom, which depended on no contemporary grant of Parliament, the matter ended in a compromise. The King remitted all arrears of the Ancient Custom, previous to St. Martin's last, but announced his intention to levy the same between that date and Michaelmas following, thus finally vindicating the constitutional right of the Crown to its prescriptive revenue from this source, independent of any grant of Parliament.

Practical
Distinction
of the
Custom
and Sub-
sidy under
Richard II.

It would not, indeed, be difficult to prove that even at such a crisis of the kingly prerogative as had prevailed at the commencement of the late reign, with the recent impeachment of the Crown's accomplices fresh in the public memory, and with an appropriation of supply which extended even beyond the subsidy to an assignment of the Great Custom on behalf of the royal household, the

'King's Customs' were both then regarded as distinct from the subsidy or the increase thereof by grant of Parliament, and that in this prescription was included, with the Ancient Custom of 1275, the New Custom of 1301. Thus we read in a writ dated tenth October, 2 Richard II., and directed to the Treasurer and Barons of the Exchequer, that the Parliament, having decided that the whole of the present subsidy shall be appropriated for the purpose of the war, etc., and that the Ancient Custom, 'videlicet de sacco lane de indigenis dimidiam marcam et de alienigenis x^s ultra dictum subsidium,' shall be assigned for the expenses of the King's household; therefore that the said Treasurer and Barons shall cause the accounts of the collectors of the Customs and Subsidies to be separately entered and enrolled, whereupon in very fact we do find them so distinguished in the inrolled accounts.

In view of this overwhelming evidence (which anyone may verify for himself), it must be admitted by the candid inquirer that the New Custom of the Crown was, with the Ancient Custom itself, consistently recognised as a prescriptive revenue later than the reign of Richard II.; and therefore that the immemorial right of the Crown to impose restrictions upon foreign commerce in the interests of the native community was never limited by any statute.

Indeed, the prerogative of the Sovereign, whenever it was so exercised, was but a conscious expression of the feelings of the nation. It is needless to insist upon the fact of the existence, in these early

Case in point.

Proper Position of the New Custom as a recognised Expedient of Taxation.

Deduction herefrom.

Restraint of Alien Traffic within the King's Prerogative.

Wine.

times, of a rational sentiment which has survived to the present hour in the hearts of the body of the nation. Thus, in the reign of Edward II., the merchants of Colonia in vain petitioned the King in Parliament that the Barons of the Exchequer might proceed to a judgment in the case of the prisage of wines claimed by the Crown from aliens on the scale of the prisage paid in kind by denizens, namely, one cask before the mast and one after. Perhaps, in strictness, the latter species of toll should only have been demanded from natives; but none the less, the liability of the alien to arbitrary purveyance remained, in spite of *Carta Mercatoria*, which, however, only commuted the indefinite right of the Crown to prises at discretion for a small percentage. In the reign of Edward III., whatever may have been the result of the Exchequer's decision, we find it enacted by statute that all merchant strangers may safely import their wines, provided that the King's Butler may make purveyance thereof 'ad opus Regis,' 'as hath been used in the old time.' In fact, the limit of the national jealousy, expressed by legislative restrictions, was not obtained till a far later period. In the thirty-first and thirty-second years of Henry VI., we find, for the first time, the rate of duty imposed on aliens permanently doubled. In this Parliament the latter were assessed for the subsidy of wools at 100s., against 43s. 4d. paid by natives; while they also paid a double duty on sweet wines imported, and tin exported, with a crushing poll-tax levied as a graduated income-tax. At the

Arbitrary
Purveyance
of Aliens'
Wine re-
cognised by
Parliament.

Climax of
National
Jealousy
under
Henry VI.

same time, to designate still further the spirit of the times, denizens received a remission of 10s. even on the above low scale of duty for the asking; together with a still more lucrative exemption in the shape of a total remission of subsidy from native cloths exported. This, we may remember, was the age lauded for its constitutional toleration and wise observance of the free-trading provisions of the Great Charters of Liberties!

The process of collecting the Custom-revenue was also a favourite subject of Parliamentary reform. The first great step towards the erection of an official department was taken the seventeenth year of Edward II. by means of the famous 'Statute of the Exchequer.' It was hereby enacted that the principal collectors of the Custom of wools should pay over the issues thereof twice a year, and account yearly for the same; specifying in their accounts the name, place of lading, burthen, owner, tariff, and Custom of every ship within the port. Plentiful instances of the common forms of abuses prevalent during every reign amongst the Customers of the Crown will be found in the Appendix to this volume; the most notable of the above being either the extortions practised upon certain traders, or the corrupt connivance extended to the nefarious practices of others to the loss in either case of the revenue of the Crown.

Parliamentary Supervision of the Collection of the Customs.

Frequent abuses by Customers.

In the Statutes and Rolls of Parliament, we also find frequent mention of certain covert, and indeed open abuses, also intimately connected with the wel-

Injurious Effects of Purveyance.

fare of English commerce, and therefore equally with the prosperity of the Custom-revenue. It is certain that from the thirteenth to the fifteenth century, the right of pre-emption claimed and consistently exercised by the Crown was the crying evil of every reign. The non-payment of royal creditors by ministers of the Crown was recognised as a common abuse as early as the beginning of the reign of Edward I. Somewhat later we find the extreme limit of such exactions reached in the practice of taking the subject's sheep for the royal service before Easter, to ensure the fleece as a perquisite for the (misnamed) 'buyer.' Such high-handed proceedings as the following were also of common occurrence. In the fourth year of Edward II., a Yarmouth merchant was required to despatch a ship, laden with 40 casks of wine, to Berwick 'ad usum Regis.' When these arrived at their destination, they were not approved, and were returned on the merchant's hands through the King's agent in the business, the Sheriff of Norfolk, who, however, kept the vessel so long in port on its return, without suffering it to be discharged, that it eventually sunk at its moorings. Four years later the owner had obtained no redress. On the other hand, such local despots as sought to emulate the exactions of the Crown, sometimes met with a peremptory rebuff. Thus the Custos of Bamborough Castle, who had confiscated the cargo of a vessel laden with provisions which had put into that haven through stress of weather, was ordered,

on inquiry into the truth of the charge, to appear and answer at the Exchequer. The same course was followed in the case of the men of the Cinque Ports, who had pillaged a ship of Gascony.

In distinction to a flagrant evil of this latter kind, we find Parliament continuously occupied with the care of protecting native trade from the encroachments of alien monopolists, both in the English and Calais wool-markets. The grand principle for which they contended went even further than this, namely, that aliens should be excluded from all the profits of the retail trade, being allowed only to sell 'in gross,' notwithstanding any royal license to the contrary.

Supposed
Evils of
Forestal-
ling by
Aliens.

In the direction of wool alone, however, these well-meaning restrictions were easily evaded. Late in the fifteenth century, indeed, we read that to 'colour' the statutes forbidding aliens to engross wool, the latter were in the habit of buying up the next year's crop before it was shorn. But perhaps the most novel form of monopoly, one for which English capitalists were chiefly answerable, was the device of securing the means of transport to and from the Continent in a few hands—a practice rendered possible by the statutes passed limiting the ports of passage to some half-dozen. Thus fortified, the monopolists at once trebled the existing scale of charges for traders and their pack-horses, besides making the same ship-room do duty for twice the usual number of passengers and animals.

The same class of Parliamentary enactments give us a full insight into the prevalent forms of com-

Commer-
cial Im-
morality.

mercial immorality which, though they only concern the present subject indirectly, are of incalculable importance in estimating the resources of a commercial revenue. A petition in Parliament of the reign of Henry IV. is of considerable interest as showing the recognised distinction between the standard measures of cloth sold by gross or retail respectively. In the former case, cloth of colour was supposed to contain 26 yards in length, and $6\frac{1}{2}$ quarters in breadth; cloth of ray, 28 yards and 6 quarters; so that each might measure when cut 24 yards, the average retail standard, which Professor Thorold Rogers has taken as the basis of his calculations. The petition in question, however, complains that even this reduced standard of assize is commonly depreciated to the extent of 3 or 4 yards in every piece. Another significant allusion to the nefarious practices which at the close of the fifteenth century had completed the ruin of the English cloth trade on the Continent for the greater part of one generation, is contained in another petition presented towards the end of the reign of Richard II. This document insists that it is the everyday practice of certain makers to purchase unfulled cloths in the town of Guildford (which then enjoyed a high reputation for its woollen fabrics), and, after increasing their length by artificial means, to dress them and resell them as Guildford wares at a huge profit. One more point in connection with the Custom-revenue remains to be briefly noticed, namely, the effect which must have been produced

upon the returns by the insecurity of traffic consequent upon the unstable conditions of international amenity.

Thus, in the reign, apparently, of Edward I., we find the English merchants complaining that they are threatened with the arrest of their bodies and goods in Flanders, owing to the recent arrest and incarceration in the Marshalsea of certain Flemings accused of complicity in a robbery committed in England. On the other side, in the eighth year of Edward III., certain Gascon merchants notify to the Crown their intention not to revisit the English ports in future, unless the exactions practised by the citizens of London and Bristol are put down.

Its Effects
upon Inter-
national
Relations.

Again, at a still earlier date, we read that two burgesses of Berwick had shipped thirty-two sacks of wools, customed at that port, to Aarburgh in Flanders, where they were arrested at the suit of certain German and Flemish merchants, in retaliation for the seizure of a Flemish ship by some of the King's guard-ships, its cargo of wools being publicly sold as prize of war at Berwick. Here the Flemish reprisors actually claimed to recognise the wools first mentioned as the identical property which had been confiscated by the English mariners.

Reprisals.

In the last year of Edward III., some citizens of York petition for letters of mark against Flemish shipping on the ground that, having exported thirty-six serplers of wool to Calais, the same were landed by the fraudulent collusion of the master within the

franchise of the Sire de Arle, who, on the strength of a debt due to him as an ally of the English Crown, appropriated the whole, and has consistently refused to comply with the King's writs for their restoration.

The singular statement of claim presented by the owners of the good ship *Christofar* in the third year of Henry V. will be found in the Appendix to Volume I. With these attempts for the vindication of an international morality we may compare the permanent concession made by the Crown throughout the period of a Parliamentary control of the subsidies granted upon staple exports of the kingdom, that, namely, of a partial indemnification for losses at sea by the allowance of a corresponding shipment free of Custom.

Allowance
to Denizen
Merchants
for Wools
lost or
taken at
Sea.





CHAPTER III.

CUSTOMS OF PERSONAL MONARCHY.



THE history of the Customs in the sixteenth century may be considered in one aspect as a continuation of a policy which has its beginning as far back as the reign of Henry VI., and in another as marking a new departure in the direction of an unlimited discretion exercised on the part of the Crown for restraint of trade or arbitrary increase of the Customs payable at its ports.

Twofold Aspect of the Custom-Revenue in the 16th Century.

The former of these considerations touches the Parliamentary management of national affairs in that selfish and narrow spirit which is observable from the date of the increase of the Customs paid by aliens on staple exports by nearly 200 per cent. beyond the assessment made on denizens ; the latter is concerned only with the question of the legality of the so-called new Customs and impositions of Tudor sovereigns. From both points of view, it is needless to insist, the importance of the period is exceptional. The simplicity of this arrangement of the course of those great constitutional precedents, upon which the stormy discussions of the early part of the next cen-

Protective Policy sanctioned by Parliament.

And imitated by the Crown.

ture in a great measure turned, will be once apparent as we proceed with the examination of the evidence which is here open to us.

Restraint
of Alien
Traffic by
Parliament.

First as to restraint of trade by the King in Parliament.

Rate of the
Subsidy of
Wools.

We notice in the earlier years of the reign of Henry VII. the very same tendency at work which was a special feature of the close of the Middle Ages. Thus the wool Custom exacted from aliens continues to be taken at a double assessment, whilst native unwrought cloths are exported free from poundage by denizens only. Still further, too, to distinguish the position of the latter from that of the hated foreigner, no English subject who ships native produce in any galley or carrick may avail himself of the privileges of his nationality, but must pay Customs as an alien.

Origin of
the Navigation
Acts.

In another aspect, this latter provision is of more direct importance as the germ of the famous Navigation Acts of the two next centuries. Another favourite, and indeed most necessary precaution against foreign influence was that of enactments against the 'coverture' or collusion of denizen merchants with their alien brethren to defraud the Crown of its rightful Customs. We do not, however, as of old, find the chief blame of these discreditable transactions laid upon English-born subjects, but rather upon denizens proper, that is, on such as had received patents of denization. These latter, it is now provided, are henceforth to pay Customs and subsidy as though they were mere aliens. Indeed,

at this time, and for long afterwards, the vigorous but wholly protective trade policy of Edward IV. and his brother continues to be regarded as the type of national legislation desirable under the aggravating circumstances of a foreign competition, too dangerous to be ignored, and too beneficial to the retailer and consumer to be safely or successfully resisted in the old way.

Protective
Tendencies
of the Age

The appearance about this time of a class of retail traders freed, in great measure, from the tyrannous restrictions which had made their business a virtual monopoly enjoyed by a privileged few against the fancied interests of the many, is certainly the most significant of all the signs of the times. Now, they are comparatively insignificant both in numbers and wealth; but in the next reign we shall witness their rapid rise to power and place, at least in the great commercial centre of England, where hitherto their progress had been most persistently impeded.

Rise of a
Class of
Petty
Traders.

With the beginning of the sixteenth century, however, it was obvious that the struggle was no longer to be carried on between class and class, but between nation and nation. Therefore, instead of paternal legislation to discourage the practice of 'regrating' corn or 'retailing' provisions, we have manifold recitals and continuations of the late Parliamentary régime of wholesale exclusion of foreign imports. At this time the latter were represented by ribands, silks, and velvets, chiefly from France and the Mediterranean, which competed seriously with the London citizen's 'mystery' for corresponding

International Com-
petition
and its
Conse-
quences.

Wholesale
Protection
of Native
Industries.

Encroachments of denizenized Aliens.

Revival of Ancient Prejudices by way of protective Enactments.

The First Great Navigation Act.

manufactures at home. Still more importance was attached to the regulation of the dealings of alien merchants resident in the country—a class which had been the special object of popular hatred for many centuries, but which was now at length about to assume an important place in our social economy.* For this reason we find the above regulation to consist in the confirmation, if not actual revival, of previous enactments clearly out of keeping with the spirit of the new civilization. Thus aliens are once more compelled to accept native commodities in part payment of their sales to English consumers, and the time-honoured delusions respecting the nature of money contained in the ordinances of bullion, also a project contemporary with the staple scheme of Plantagenet sovereigns, are boldly entertained. Side by side, too, with these we have actually a new set of provisions intended to promote that development of the carrying-trade of England which the mercantile policy initiated by Edward III. had mainly contributed to check. Thus two notable imports, Gascon wines and Toulouse woad, are no longer to be shipped to this country except in English bottoms manned by English masters and mariners. This may be regarded as the second step towards the achievement of the Navigation Laws of the next generation. The last feature of the reign is the intensely patriotic legislation, indicating the popular jealousy of the Venetian carrying-trade,

* A position which they have ever since maintained, thanks to the Judaistic leaning of the Puritan party.

directed against the importation of Mediterranean wines, unless on terms of strict reciprocity in the matter of duty. But of this we shall speak further. On the other hand, touching the mere restraint of trade, irrespective of nationality, and on behalf of certain supposed economic exigencies, we notice a close observance of the policy of Edward IV.'s reign. No woollen cloths may be exported, unfulled, unless of insignificant value, in order to foster the staple industry of the country in a new era of civilization!

The First Imposition on Sweet Wines sanctioned by Parliament.

Restraint of the Exportation of Woollen Cloths.

The exportation of live stock had for a long time past been subject to a (sometimes prohibitive) Custom at the ports; and now the shipment of horses to foreign countries is prohibited, except by royal license, and on payment of an enormous impost.

And of Live Stock as before.

The hereditary Customs and subsidies are granted to Henry VIII. on the same terms as to preceding sovereigns, and in every other respect this reign is a repetition of theirs, so far as the constitutional history of the Customs is concerned, except for the ever-expanding growth of that new prerogative before alluded to which is based upon the servile support of Parliamentary legislation—opposed as it is to the whole spirit of the municipal laws of the realm.

Character of the Trade Policy of Henry VIII.

Here, then, as we might have expected, the same protective legislation recurs, sometimes in the form of downright prohibition of foreign imports, at other times under the thin disguise of vexatious restraints on native traffic. Aliens are prevented from

It is one of excessive Protection.

purchasing English commodities in the cheapest markets, lest they should engross such as might still be exported by them at a reasonable scale of duty. Whenever a native industry is established, no foreign competition is to be allowed at the expense of the clumsy insular artisan. Only the greatest in the land may presume to wear fabrics not of unmistakably native manufacture. To encourage the use of the national weapon (employed so often to his own undoing), the alien wine-merchant is compelled to import bow-staves to half the value of every butt of sweet wines. No English woollens may be sold to any foreigner so long as an English buyer can be found. The quantity and quality of foreign-made stuffs are most arbitrarily assessed. Not the humblest chapman is permitted to retail foreign tinware, lest the monopoly of the English pewterers should be infringed to save the peasant's pocket. For a long time even books are seized at the Custom House, not, as was afterwards the case, from a distrust of their literary contents, but lest the subject should miss an opportunity of disposing of his surplus leather in the form of vellum !

So, too, with regard to the disposal of native commodities, neither wool, nor minerals, nor rough cloth, nor live stock, nor corn, nor, indeed, any other reputed commodity of the land, may be carried abroad, except under certain ascertained conditions, conspicuous in most cases for their absurdity.

The reigns of the children of Henry VIII. furnish

us with a few novel instances of covert or downright protection of native industries, in addition to the constant recurrence of all those before mentioned. Especially, too, they illustrate the degradation of English commercial morality, which had been a matter for Parliamentary comment since the Wars of the Roses. Now, the rascally English cloth-worker is forbidden to seek a sale for his cheap wares amongst his countrymen, but is allowed to export them to the continental marts. This permission indicates a return to the earlier position of commercial piracy, for it had long since been the custom of shrewd brokers to export English unfulled woollens, and import in their stead a similar quality of Flemish cloths of both a lower value and superior quality. The foreigner alone lost by the transaction, and the reprisals which he resorted to in self-defence established a permanent *casus belli* ready to the hands of an unscrupulous statesman. Subsequent to the last-mentioned enactment, it was indeed found necessary to empower the aggrieved alien to sue for the mere value of the inferior goods consigned to him in an English Court ; but if so, then at his own risk and cost. It is, however, painful to learn that in abetting the evil practices of its subjects the Government was solely actuated by a desire to swell the returns of its Custom-revenue.

Indeed, we may safely assert with regard to this period, that in the interest of the balance of trade, traffic was regulated wholly in a protective spirit.

French merchants could not hope for either a fair

Covert Protection of Native Industries under Edward VI., Mary, and Elizabeth.

Accompanied by renewed Degradation of Commercial Morality.

Aspect of the Commercial Relations of England with the Continent.

or a safe market in this country, for the Crown found it both plausible and also highly convenient to lay extraordinary taxes, not only on the wines which the alien had imported for our consumption, but even on the wool or cloth which he had collected for exportation to feed his own manufactures.

Impotence
of Early
Free Trade
Measures.

The latter was, indeed, protected by Magna Carta, but unfortunately Magna Carta has been too often, both then and since, a dead letter. Yet at times, certain political combinations in England extended to the foreigner the benefits of a commercial treaty. A record of the sixteenth of Henry III. exists which contains an invitation to aliens to traffic freely with this country, without fear of unfair exactions; and this coincides with the notorious favouritism towards foreigners which has been the gravest charge brought against that monarch. The popular party, on the other hand, were in favour of an insular and protective commercial policy.

So it will be seen that even a commercial treaty, framed in the strictest spirit of protection, would amount to a free-trade measure compared with the usual policy of partial or total exclusion.

And of the
Commer-
cial Trea-
ties of the
15th Cen-
tury.

Such a treaty may be found for the first time in the Great Intercourse with the Low Countries established in 1495. This, too, was political in its nature. Edward IV. had been the brother-in-law of the Burgundian Duke, and was, moreover, for the times, essentially a free-trader. His policy was continued and perfected by Henry VII., too good a financier to overlook the importance of fostering a

safe and lucrative trade with the Continent. But a period of reaction and wholesale protection was at hand.

The advantages which English merchants derived from the Intercourse and the subsequent increase of traffic between the two countries did not tend to allay their hereditary jealousy of the foreigner, who not only shared with them the carrying-trade of exports, but also made large profits by retailing the raw produce of this country to other nations, and even to our own.

Merchant strangers were protected by the Crown in consideration of heavy Custom-dues, but this did not save them from pillage at the hands of the patriotic citizens of London and the larger out-ports. The complaints of the former, however, were loud, and were backed, moreover, by the representations of their Governments, so that once, at least, the Lords of the Council felt themselves compelled to inquire 'what the merchant strangers do pay for their coquetts'—coquetage being a form of registration in order to check a duplicate inventory of the export cargo. Such trivialities will serve well enough to show the temper of the age.

Both before and after the accession of Elizabeth, active negotiations were going on with respect to a commercial treaty in the shape of a renewal and extension of the Intercourse between England and the Netherlands. France, too, was equally interested in the question involved. These transactions exist chiefly in a manuscript form, wherein every page

Long-standing Grievance of the Port-dues at London.

Improved Prospects of the Negotiations for a Commercial Treaty with the Low Countries in 1563.

teems with protective maxims and arguments, and these not of a dry, everyday stamp, but delightfully Elizabethan, graphic and picturesque.

Advantages for
and against
Revival of
the Inter-
course.

An inquiry had been instituted to ascertain the merits of the case, for and against reviving the Intercourse. 'What comoditie,' it is asked, 'dothe England receyve by the Entercourse?' The answer is, only the opportunity of selling her home produce. To the same question with regard to the Low Countries, it is answered that the following unfair advantages are gained by the rival country:

First, other nations resort there to buy our wares, and so the Dutch make money by us. Then they supply us with a great many comforts and necessaries, which we have to pay for, eventually, out of our exports to them, 'which they doe engrosse, and so have a double commoditie, where the English have but one, which they might have as well in another place.' Next, this traffic opens up individual enterprise, and English shopkeepers and the like grow richer than their betters. Also, the voyage is so short that our ships are not built so large as of old; and merchants no longer care to be cruising in strange seas for the advantage of the Government, but prefer the safe and profitable trip across the Channel. The result is that this class of mariners has increased by ten to one; as may be seen in Antwerp, where, moreover, they are so turbulent and powerful, that the rulers of that city are 'feign to give place to them, and dare not offende them.'

Lastly, the Dutch in general are becoming far too

prosperous by this trade, and even ‘cutt ryuers out of the maineland, and doe thinges of suche charge as were muche for a prince to do.’

But even these considerations are surpassed in their insular and selfish spirit by those contained in another paper.

Amongst other ‘Reasons for the Intercourse’ are these: That if the artisans are thrown out of work by the stoppage of the cloth trade, ‘being brought up only in that trade,’ they will be driven to seek a living ‘as they may,’ a process which the history of those times will make intelligible to all!

Again, the wealthy clothiers and landowners will be able to keep up their old hospitality. Of still greater importance is the fact that her Majesty will be enabled not only to pay her debts abroad, but also to discharge her household expenses, which are altogether unpaid at present, and even (if there is enough left) to raise more troops for garrison service, to the great profit and delight of all her loving subjects, whose raw produce must be taxed in consequence.

Then it is to be feared that Spanish wool may come into favour with the Dutch spinners, for it is as good and more accessible than ours; so that ‘if it should eat out the use of the Englishe wool, it is not knowen where the greate quantity of it should be sent.’

But, above all, the English statesman is troubled with forebodings that if, as is likely, the petty merchants of the two countries feel themselves

bound together by a common interest as neighbours and fellow-traders, they may refuse in the happy event of a war to cut one another's throats, but will continue their traffic as if nothing had happened. Likewise, there is fear lest 'the meanor sorte' should 'particularly regard nothings but their owne private profitts.' Therefore trade must not be independent. Lastly, the alien may be spiteful enough to retaliate upon us, and exclude or dispense with our exports, to the manifest decreasing of the Customs of the Crown.

Statistics of
the Balance
of Trade.

The Elizabethan statesman delighted in drawing up schedules to prove that the balance of trade was entirely against us. This was to serve as an excuse for 'licensing' not only imports which were of better quality or lower price than our own manufactures, but even raw or semi-wrought produce, for which a more lucrative market could be found on the Continent than when unskilfully worked up for home consumption. Thus under the heading, 'What may not be carried out of this Realme without License,' we find raw or rough-spun woollens, victuals, beer, etc., and 'newe or oulde shewes.' The exports permitted without license were, notably, fine or dyed cloths, worsted, 'connye-skins,' and 'New-castell coles.' The following imports were stigmatized as superfluous, or allowed as necessary, respectively, amongst many others:

Superfluous.

Childeren cappes.
Daggers for childeren.

Necessary.

Apples.
Curtein-ringes.

<i>Superfluous.</i>	<i>Necessary.</i>
Childeren rattels.	Canvas.
Dog-cheynes.	Eeles.
Knyves.	Iron.
Poynt-lace.	Onyons.
Puppits.	Paper.
Pypes.	Playster of Paris.
Quayles.	Sugar-candie.
Sleves for women wrought with silke goulde and silver.	Sheres for women.

The English commissioners to the Commercial Diet, sitting chiefly at Bruges, were able men such as Wooton and Haddon; but they could do little in the face of the instructions sent out to them by the Council. These, indeed, were far from conciliatory. The spirit which influenced the Lords was much the same as that which moved the writer who appended to the licensing regulations, quoted above, the following gleeful comment :

Proceedings of the Commercial Diet at Bruges.

‘*Note.*—That there are not so manye marchaunts of the Low Countreys as in times past by two or three; and before they did traffick in merchandize of this realme more in one yere than they do now in three or foure yeres.’

The negotiations for the treaty advanced but slowly meanwhile. Foreign diplomatists were firm in their demand for certain concessions. The English agents held out, and were encouraged by a message, assuring them that they understood their

business, which was more than the senders of it did! The English Government would abate no jot of the ancient and often vexatious Custom, of which they asserted the Crown was possessed by every show of right and justice, as, indeed, for the times it may have been.

With regard, however, to more recent impositions, some modification could possibly be made; for though the law is, they assert, peremptory with regard to their continuance, yet, in a spirit of conciliation, aliens can be allowed to export cloths at the same rate as natives.

This, they continue, they had agreed to, and would now gladly ratify; only, by an unaccountable and most lamentable error, it had not been remembered that the monopoly of these licenses, held by the Earl of Leicester, has still some years to run. Therefore they can only express their regret at the unavoidable collapse of their good intentions, and desire that the commissioners will make the best they can of a bad business.

State of the
Export
Trade in
Raw Wools
and
Leather.

Side by side with the rising importance of native manufactures, the produce of which, when exported, paid duty to the Crown under the head of poundage, there still existed some vestiges of the ancient wealth of the land in raw wool exported to the recognised emporium of English trade on the Continent. We have seen how, from the time of the French wars of Henry VI., the position of Calais towards the mother-country had greatly changed. That town was no longer a seaport, nor a universal mart, merely, but

before all things an isolated outpost, the key to future conquests by uncrowned 'Kings of France' reigning at Westminster. Therefore it was essential, lest at any time its communications with England should be temporally severed, that its establishment should be, if not self-supporting, at least defrayed from a local treasury. The funds available for this purpose were, as we know, chiefly derived from the New Custom and subsidy of wool, woolfells, and leather, for the payment of which, when due, security was taken from the shipper by the Customers at the English ports. As we have seen, assignments of this revenue had frequently been made in the reign of Edward IV. to the Calais staplers in repayment of loans to the English or Colonial Government, till in the twelfth year of the latter reign a new assignment was made as security for a loan of some £20,000 advanced by the company. At the same time a permanent lease of the Custom and subsidy of certain wools, as well as those of leather, was granted to the staplers on condition of their defraying the charges of the garrison of Calais at a fixed sum and accounting for the residue. This agreement was respected by the Parliaments of Henry VII., in the nineteenth year of whose reign the arrangement was renewed on the following terms: The assignment is to extend over sixteen years, during the whole of which time the staple shall remain at Calais. The mayor, constables, and fellowship of the staple shall be bound to pay yearly to the Treasurer of Calais the sum of £10,022 4s. 8d. for the maintenance of

Assign-
ment of the
Great Custom for the
Maintenance of the
Garrison of Calais.

Terms of
the Assign-
ment of 12
Edward
IV.

And of
that of 19
Henry VII.

the garrison, and shall account for any surplus in their hands at the Exchequer. Besides this, they shall pay 1,000 marks yearly for the fees of the judges and law-officers of the Crown. On the other side, the Crown assures the community of protection to its shipping or compensation in default, and permits them to repay themselves the deficiency of any one year out of the bulk of their account. The above assignment remained in effect till the year 1515, when a fresh grant was made on the same terms for a further period of twenty years.

And of
6 Henry
VIII.

Observance
of obsolete
Privileges.

For the rest, the part played by the English staple, even when it existed barely in name, continued to be a consistent one. Again enactments are confirmed, forbidding any but staplers to export wools from England under the weightiest penalties. Even after Calais had been lost beyond recovery, and in a new age of commercial progress, when not one fleece in ten escaped the English fulling-mills, it is solemnly provided by Parliament that only staplers and adventurers (the latter being now at last admitted to an equality with their ancient rivals) shall presume to export staple-ware, meaning thereby wool, wool-fells, and leather, once the chief element of England's boasted wealth, and equally the main source of supply for the revenue of the Crown.

Sources
of the
Revenue
of Calais.

The revenue for which Calais was answerable to the Crown was drawn from two quarters: from the Custom and subsidy on staple commodities shipped from England and assigned to the company of the staple in the way already described, and from the

excise and feudal dues of the town and territory. We find a note appended to the MS. controversy of those times, that merchants of the staple exported yearly to Calais 1,300 'serplers' of divers countries' wools, at varying prices, weighing in the whole 3,600 sacks. Each of these being estimated at 52 cloves of 7 lb. of 16 oz., and the King receiving 40s. of each sack as Custom, the total revenue from this source alone amounted to £7,200. Besides this, 400,000 fells were exported, on which £3,333 6s. 8d. were paid for Custom, making a grand total of £10,533 6s. 8d.

Receipts
from the
Great
Custom of
Wools and
Leather
exported to
the Calais
Staple.

The cost of packing this wool was £2,495 6s. 8d. more, or nearly a fourth of the whole tax, to be deducted from the producer's and merchant's gross profit. Indeed, but for the lust of conquest, which made English kings persistently regard Calais as the key of France rather than as the headquarters of the English wholesale trade, the receipts from the staple would have formed a welcome addition to a much-straitened revenue. As it was, the pomp and circumstance of the territorial garrison absorbed not only this revenue, but often an equal sum drawn from the Home Exchequer.

In the year ending October, 1543, there was received by the Treasurer of Calais, 'from the Mayor, Constables and Company of Merchants of the town of Calais,' for moneys arising from the Custom and subsidy of wools and woollfells shipped from divers ports of England to the aforesaid staple, in May, £3,301 10s. 4d.; and in December, £2,120 10s. 6d.

In the next year, £3,056 11s. 10½d. in May; and £2,729 16s. 4d. in December. In the year 1544-5, £2,025 2s 9½d. in April; and £2,834 2s. 5½d. in December.

These figures exhibit a falling off from the perhaps conjectural estimate of £7,200 mentioned above; and that sum again may have been computed from returns of a later date, and erroneously inserted amongst some earlier proceedings. The second shipping, however, of 1552 produced a sum of £4,877 16s. 9d; and in the next year more than £12,000 was realized, the dates of shipment in this case being April and August. In 1554 one shipment produced over £4,000.

Effects of
social
Changes in
England.

The increase in these returns for this period is highly significant of the social changes which were taking place in England, especially when it is coincident with the continued failure of the staple trade. It would imply a ready sale by producers at advanced prices to the monopolists of the staple, and a decreasing profit made by the latter, owing to the competition of the protected English cloth trade.

Analysis of
the Re-
venue of
Calais.

The local revenue of Calais was subdivided into ordinary and foreign receipts. The former, as levied for twenty months of the years 1552-4, were these :

	£	s.	d.
The quit-rent and farm of Calais	352	19	4
The Custom at the Lantern Gate	747	11	0
The Custom at the wool-beam	460	6	1
Issues of the office of Mayor and of Escheator	7	4	8½

	£	s.	d.
Issues of the Lieutenant's Court	2	0	0
Forfeits by search within the haven of Calais	59	11	11¼
Casualties of wreck, soylages, and other royalties along the shore of the haven	20	0	0
Rent and farm of the scavage of Calais and of the Isle of Colham; farm of the Lieutenant's livery in the same; farm of the toll and issues of search at Newnham Bridge	194	4	9¼
Rent and farm of the lordships of Mark and Oye, and issues of search at Oye Sluice	1,470	8	2
Farm of the lordship of Hampnes	137	15	0
Farm of the lordship of Guisnes	1,730	13	5¼
Other casualties and royalties within the town and marches of Calais	396	4	8¼

The foreign receipts comprised advances from the English Exchequer by the hands of the officers at Westminster or the financial agents of the Crown in Flanders. The amounts paid under this head were more or less, according as war or peace prevailed upon the Continent. The one great source of expenditure was the maintenance of the garrison of Calais on a proper war-footing. There was a royal lieutenant, a treasurer, certain knights or captains, men-at-arms, footmen, archers on horse and foot, gunners, and a host of artisans, with other super-

Military
Establish-
ment at
Calais.

numeraries, to be fed and paid. Amongst the leaders, such names as Bray, Wallop, Carew, Dawtrey, and Grey de Wilton, occur within the same year. This garrison, however, though well appointed, was at no time, probably, a large one; for, besides the town itself, the town of Ruysbank, the Castles of Guisnes and Hampnes, the fort of Newnham Bridge, and the other strong places in the marches, had to be severally defended. At a critical period of Henry's reign Calais was held by 240 effective troops, at another by 520.

State of the
Revenue
from
Wines.

By far the most important constitutional problem connected with the history of the Custom-revenue in this country is that involved in the question of the legality of the imposts on wine, so intimately associated with the reigns of the two last Tudor sovereigns.

At the Ac-
cession of
Henry VII.

Previous to the accession of Henry VII., the state of the revenue derived from wines had been fairly uniform. In addition to the ancient prisage and butlerage there was the subsidy of tunnage, including a further charge of double duty on sweet wines imported by aliens. The first departure in the direction of extraordinary taxation was made through the zeal of Parliament to redress a national grievance, real or fancied, which had arisen under the following circumstances narrated in an Elizabethan MS.:

New De-
parture in
the 7th of
Henry VII.
by an Im-
position
upon Vene-

‘The States of Venis, in Kinge Henry the 7th his time, set an imposte upon those wines of Candia that sholde be laden by Inglishe men and in Inglishe shippes, four duckettes of gold upon everie butte

over and above the ordinarie Custom, wh^{ch} was to maintaine there owne navigation and marriners, and to drive o^r nation and shippers from trading thether.

‘Whereupon the said K. Henrie the 7th, greatlie tendering the maintenance of o^r navigation and marreners and the increase of the same, and the releef of his subjectes that weare maintainers thereof —Inacted, bie Acte of Parliement, that those wines being broughte into his Realme bie anie stranger sholde paie xvij^s. ster. uppon everie butte over and above the ordinarie Custome, as they of Venice had sette upon his subjectes; and the said Acte to continue untill they of Venice had sette aside thers, and no longer.

‘The 7th year of Henry vij^{mi}.’*

This relation will be found to agree substantially with the Statute referred to, which further provides for the true gauging of all such wines, and limits their retail price to £4 per butt. The above enactment is supported in its protective tendency by the great Navigation Act of 23 Henry VIII., which provides especially that no French wines shall be landed anywhere within the realm between October and February in each year upon pain of forfeiture; and proceeds further to fix the retail price of every kind of wine, which is to be observed under a penalty of treble the value, and which may be modified by proclamation, for contempt of which a further penalty shall be incurred.

tian Sweet
Wines.

Protective
Character
of contem-
porary
Legislation
regulating
the Wine
Trade.

* Foreign State Papers, Elizabeth, 1577, Misc.

Important
Precedent
of the Act
26 Henry
VIII., c. 10.

Hence we proceed, fitly enough, to a still more remarkable Statute passed a few years only later, which establishes a precedent of the profoundest significance in the history of the following reigns. By this Act, which is intended ostensibly to confirm the limitations of the Navigation Act in the matter of wines imported, the King is empowered, by his mere proclamation, to repeal or revive at his pleasure, in whole or in part, both the present and all other subsequent Acts relating to the regulation of trade; which proclamation, it is declared, shall have all the authority of an Act of Parliament, 'any thing or things contained in any such Acts, or any usage or custom of this realm to the contrary thereof notwithstanding.' With such a foundation of Parliamentary authority on which to base their pretensions to an unlimited prerogative, are the trade-restrictions of later Tudor and early Stuart sovereigns any longer to be wondered at?

Opinion of
Hallam as
to the Im-
positions of
Mary and
Elizabeth.

Hallam tells us that Queen Mary was the first English sovereign, since the accession of the House of Lancaster, who had recourse to illegal means of enhancing the revenues of the Crown; that in 1557 she set a duty on cloths exported, and afterwards on the importation of French wines. Hallam does not, however, say a word in explanation of these new duties from the history of the times; neither does he seem to have profited by Chief Baron Fleming's powerful protest against confusing a bounty on a native industry with a prohibitory tax on an imported luxury. The truth is, that Hallam, who saw

nothing unusual or outrageous in the tyrannical and vexatious trade-proclamations of this period, reserved all his indignation for those financial innovations of the first James, which were but the natural outcome of such precedents.

The merest glance at the above dates will tell us that, in 1557 and 1558, Mary must have found it highly convenient to conciliate the growing outcry against foreign competition by restricting the exportation of woollen fabrics at the expense of her husband's heretic subjects in the Netherlands; and the interrupted commercial relations between France and both England and Spain would sufficiently explain a prohibitive duty on the chief French import, even if this fact were not stated at large in contemporary documents.

Significance of contemporary Chronology.

The English merchants who, according to Hallam, were aggrieved by this restriction, were also disappointed in their hope of seeing it removed at Elizabeth's accession. This assertion is, indeed, partly true, but it is also extremely vague.

Impositions continued under Elizabeth.

The great merchants, who could trade to better advantage than their foreign brethren, had little to lose from useless attempts to secure retail as well as wholesale profits to this country; but the crowd of petty traders, whom it was the policy of the Government to discourage, found their account in a free-trade with the Low Countries.

As a matter of fact, however, the right of the Crown to impose prohibitive duties upon foreign imports had scarcely been seriously impugned up

Ample Precedents for the later Tudor Impositions.

to this time. Indeed, the only difficulty experienced in the exercise of this paternal prerogative would have been that of anticipating protectionist Parliaments in a parallel action.

We have seen how in the seventh year of Henry VII. the duty on sweet wines imported by aliens, already doubled in the preceding generation, was still further trebled by Act of Parliament. This increase, however, is to be classed as a Parliamentary 'impost,' and not as a further 'grant' in connection with the existing Parliamentary grant of the tunnage. This unheeded distinction has been a fertile source of error to commentators, who demonstrate the illegality of the impost of wines in 1558 from the fact that if needful it would have received the sanction of legislation by Parliament itself. It is perfectly clear, however, that Parliament would not, at that time, have arrogated any such right. It is true that the mere Custom had been levied at a uniform rate for more than two centuries, and therefore a sudden increase appears repugnant to the theory of the constitution. But was it so then?

Origin of
Henry
VIII.'s
'New
Custom'
on Sweet
Wines.

Following the precedent of his father's reign, Henry VIII. is said to have imposed by his own authority a 'New Custom' of 6s. 8d. on the butt of wine imported. The statement requires some modification at the outset, for the imposition in question was surely placed upon *sweet wines only*, an act of statesmanship fully warranted by the strained relations existing between England and the Venetian States. Further than this, we must bear in mind

that Parliament itself, by increasing the scale of the subsidy on this same class of wine, had solely contemplated retaliatory action for the common welfare of the realm. Again, if this New Custom of the twelfth year of the reign was illegal, why was it not so expressed to be at any subsequent period down to the reign of James I.? and why, too, did the Commons, after this, many times express their approval of a policy of total exclusion in the case of prejudicial imports?

But was this 6s. 8d. 'New Custom' an imposition at all? It is actually the fact that it was not; but that the Crown, so far from adding to the burthens of the subject, had, of its own goodwill, provided for a temporary remission of the bulk of Henry VII.'s impost by discharging 11s. 4d. of the 18s. thereof by way of Privy Seals. The balance, therefore, still payable by the merchants at large, was that very sum of 6s. 8d. imputed to the Crown as an imposition. Who will here judge between King and Parliament?

It is the same with the second precedent, that, namely, of the reign of Mary. Here an imposition of 4 marks is credited to the tyranny of the Sovereign, though it would appear that the facts of the case were slightly different. In the year 1558, by reason of the war with France, and in accordance with every maxim of statecraft hitherto held and practised, the Government prohibited the importation of wines, excepting only for such as should be licensed by the Crown, which latter, for the sake of selection, were to pay 26s. 8d. for every butt over and above the subsidy

Explana-
tion of the
Increase in
the Scale of
Duty on
French and
Sweet
Wines.

and Custom. At the same time, the importation of French wines and wares was wholly forbidden. Now, Hallam asserts that Mary imposed a new duty on French wines, and that Elizabeth laid a similar charge on sweet wines. The former of these is that same sum of 26s. 8d. above mentioned. The latter is the traditional impost of 4 marks ascribed to Elizabeth. At first sight this statement seems plausible enough. In reality, however, it is based upon an egregious error. Neither the 6s. 8d. continued by Henry VIII., nor the 26s. 8d. imposed by Mary, was laid upon any but sweet wines; and these, as we have seen, it had been the object of every Parliament, nearly, of the last century to exclude from the kingdom in the known interests of the commonalty. Not only so, but Elizabeth had not even increased the impost upon sweet wines by one penny. The proof of these facts is ridiculously simple, but equally undeniable.

It will be remembered that the 'New Custom' of Henry VIII., as well as this impost of Mary, is rated on the butt, and the butt only; whereas in the case of wines in general—that is, wines of France, the duty is invariably laid on the tun. The reason of this distinction is only apparent when we know that sweet wines (without any exception whatever) were quoted, in Tudor times at least, by the butt or pipe, French wines by the tun only. The consistency of this nomenclature is curiously evident in the following table of the wholesale and retail prices of wines under Henry VIII.:

*Wholesale Prices of Wines after the Statute
28 Hen. VIII., c. 14.*

	£	s.	d.	
Best Gascon . . .	4	13	4	per tun.
Best French . . .	4	0	0	„
Malmseys . . .	4	0	0	per butt.
Bastards . . .	3	6	8	per pipe.
Sackes . . .	3	6	8	per butt.
Romeneyes . . .	3	6	8	„
Muskadels . . .	3	6	8	„

Retail Prices by the same Statute.

Gascon, Guyen, or French wines, 8d. per gal., 4d. per pottle, 2d. per quart, 1d. per pint.
Malmseys, Romeneyes, Sackes, or other sweet wines, 12d. per gal., 6d. per pottle, 3d. per quart, 1½d. per pint.

Wholesale Market Prices in force despite the above Statute.

	£	s.	d.	£	s.	d.	
Best Gascon	7	0	0	to	8	0	0 per tun.
„ French	6	0	0				per tun.
Malmseys . . .	5	0	0	per butt	(less 12-16 gals. of Assize).		
Sackes . . .	4	10	0				„
Romeneyes . . .	4	10	0				„
Bastards . . .	5	0	0	to	5	6	8 per pipe (less 20 gals. or more of Assize).
Muskadels	15	0	0	to	16	0	0 per tun.

Therefore when Baron Clarke in Bate's case alluded to an impost of four marks on wines under Mary, he meant the tun of wine *containing two butts*; and in the same way, when we speak of the impost under Elizabeth, we also mean the tun. But when Hallam quotes these statistics he forgets that the four marks imposition under Elizabeth had grown not from doubling the rate but the bulk of the former reign; the quality of the wine, and with that the excuse of the exaction, remaining the same in both instances. Therefore Mary did not impose an unprecedented duty on French wines only, neither did Elizabeth increase the scale of the existing duty on sweet wines by eight. On the other hand, it is a fact that Mary imposed a new duty on French wines, but only by way of forfeiture for contempt of the Crown's ordinance for the restraint of trade, not for the enhancement of the Crown's revenue. That is to say, all who neglected the royal proclamation forbidding the importation of the wares of a hostile nation should forfeit 40s. for every tun to the coffers of the State over and above the existing duties as a penalty for their selfish disregard of the national interests.

It was this imposition and *not* that on sweet wines which was increased by Elizabeth by the addition of a mark of duty, thus making the impost levied on sweet and French wines equal.

Extraordi-
nary Blun-
ders of
Hallam

With reference to a case partly reported by Dyer, Hallam appeals to an argument of Plowden, which, 'as far as the difficult handwriting permitted him to

judge,' was adverse to the right of the Crown to impose a duty on cloths exported, his authority being a copy in No. 32 of the Hargrave MSS.

But it so happens that this copy is not in No. 32 at all, but in No. 27 ; a fact of which I am painfully aware from the tedious search needed to discover it. Moreover, the handwriting is not in the least difficult, but as fair and plain as could be wished. The writing throughout No. 32, however, is really formidable, so that I shrewdly suspect that Hallam, misled by a false reference, lighted upon something in the latter volume which he took in earnest for Plowden's argument.

with refer-
ence to the
Case of
Cloths and
the Case of
Wines re-
ported in
MSS.

This, in reality, is rather a valuable list of precedents, most of them certainly opposed to the prerogative, and, indeed, on that account largely quoted by Hakewill, but which are little more than an expression of the great common lawyer's well-known jealousy of the equitable jurisdiction of the Crown.

But this is nothing to what follows in the next passage of Hallam's history. Alluding to the abrupt termination of Dyer's Report above mentioned, he observes :

' But we may presume that if any such (judgment) had been given in favour of the Crown, it would have been made public. And that the majority of the bench would not have favoured this claim of the Crown, we may strongly presume from their doctrine in a case of the same description, wherein they held the assessment of treble Custom on aliens for viola-

tion of letters patent to be absolutely against the law.'

Now, in the face of such a decision as this, the whole case for the impositions would fall to the ground. The right of the Crown to restrain, license, or even entirely exclude foreign merchandise was ever, notwithstanding Magna Carta, an essential of its prerogative. Most certainly it was neither opposed to the 'common assent,' nor to the 'common profit' of the realm stipulated for in the highly restrictive articles of the *Confirmatio Cartarum*, according to the current interpretation of those expressions. If, therefore, this right was solemnly disallowed in the Exchequer Chamber itself, or rather in a conference of the whole bench, what precedents could be urged in favour of the always far more doubtful legality of imposition upon English merchants?

Hallam's authority for this statement is decisive. With reference to the above passage, he observes in a note: 'This case I have had the good fortune to discover in one of Mr. Hargrave's MSS. in the Museum, No. 132, fol. 166. It is in the handwriting of Chief Justice Hyde (temp. Car. I.), who has written in the margin, "This is the report of a case," etc.*' Then he quotes the whole report, ending with the words, 'And after, by Parl. 5 Eliz., the patent was confirmed and affirmed against

* This direction is in Hargrave's largest handwriting; therefore it will be seen that Hallam gained his knowledge of palæography somewhat easily.

aliens;' from which the reader must suppose—as Hallam beyond question himself believed to be the case—that the Government of Elizabeth were driven to obtain the sanction of Parliament for their illegal and tyrannical measure.

During some years I had made an impartial study of this case an object, without, however, being able to overcome the conclusive evidence offered by Hallam on this point. But as my youthful faith in the veracity and accuracy of historians came to be diminished by experience, I examined Hallam's quotations from Hyde more narrowly, till I pitched at last on the phrase 'confirmed and affirmed,' and as this seemed a somewhat remarkable variation of the usual form 'confirmed and assured,' I did what everyone should do at first, consulted the original MSS.

Then I found that Hallam's presumably accurate transcript was a very inaccurate and misleading paraphrase. It is a painful fact that he could not read the manuscript. As this version has probably been a source of difficulty and error for two generations, as it is highly interesting in itself, even in its present mangled form, and as the issue which depends on it is of the first importance for the present argument, I shall make no apology for transcribing it here *verbatim et literatim*.

['What follows in this page, and the whole of the two next pages, are in Lord Chief Justice Hyde's own handwriting.]

'This is the copie of a report in my Lord

Dyer's written original, but is not in the printed booke.

'A report of a case resolved concerning the King's power to restrayne traffick and to impose.

'King Philip and Queen Marye for affection born to the towne of Southampton when the sayd King did first arrive in England, did grant by thear letters patents (dated at West. 14 days after thear marriage) unto the Maior, Baylifes, and Burgeses of the towne of Southampton, and to thear successors. That all wyne called Malmeseys whiche at any time after the feast of St. Michael the Archangell then next following the date of the sayd letters patents sholde be brought into this kingdom from foreyne partes, sholde be landed in no place of the realm, but only in the port and towne of Southampton. And the sayd King and Queen did by the sayd letters patents prohibit al marchants—denizens and aliens—that none of those wyne sholde be landed in any other port or place, but only in the sayd port of Southampton *upon the penaltye of paying triple custom for them, that is xx^s. a butt, the simple Custom being vj^s. viij^d.*

And for as mucche as divers merchant strangers of Venice had brought Malmseys from beyond the seas after the making of the sayd charter, and had landed them at a place called *Hone end in Kent*, to be conveyed to London, whear they were landed: An information was brought for the Queen in the Exchequer, Tr. 1 Eliz., rot. 73, for the triple Custom, and thear was demurred in law; and the case was thear argued

at the bar, and not at the bench. And in Hill. Term 3 Eliz., it was *argued in the Exchequer chamber*, in the presence of all the barons of the Exchequer, and of the justices of bothe benches, by Wray and Carus; and in Ester Term next following, in the Halle at Sergeant's In, wear of opinion against the letters patents, Frenil baron of the Exchequer, Weston, Corbet, Rastell, Whiddon, justices, Saunders chief baron, Dyer et Catlin cheefe justices, as well for the principall matter of restraynt in the landing of Malmseys at the will and pleasure of the merchants, for that it was against the laws, statutes and customes of the realme, Scil. Ma. Ch. ca. 30. 9 E. 3, 14 E. 3, 25 E. 3, 27 E. 3, 28 E. 3, 2 R. 2, ca. 1, and others, as also *in the assessment of treble Custom, which is merely against the law*, also the prohibition above sayd was held to be private and not publiqz. But Baron Luke e contra et A. Browne, Justice censuit deliberandum. And after, at another meeting the same Ester term at Sergeant's In, It was resolved as above, Baron Luke changed his opinion, A. Browne being then absent, and after by Parliam. 5 Eliz., the patent was confirmed and assured against aliens.'

It will be seen that the mention of 'denizens and aliens' in the above, which Hallam entirely omits, throws a new light on the question. The grievance of the common lawyers was not so much that aliens should be arbitrarily taxed for the public good, but that denizens should be included with them. Still, the concluding mention of aliens is ambiguous, and though convinced that some mistake had been made,

and that this was a later and less authentic transcript from a draft of Dyer's original (in which the Latin at least of the letters patent must be preserved), I could discover no such duplicate. The blame again must be laid on Hallam. Had he given a correct reference to Plowden's argument, myself or some other, or, if he had ever really consulted that manuscript, he himself, would have found there, on a fly-leaf, in Hyde's own hand, the duplicate and more authentic transcript of Dyer's report. This is the same in substance with the one given above, except that, as I had expected, the letters patent are quoted in Latin, and the whole of the technical proceedings, from 'and the case was there argued,' to the end, in Law French; and after the concluding word, 'aliens'—'*Et non versus Indigenis.*'*

Further Revelations as to the True Facts of the Case of Wines.

The patent above referred to in the case reported by Dyer, as well as the confirmation of the same by Parliament in the eighth year of Elizabeth, contain still more noticeable variations from the hitherto received account. We learn from both these documents that the sweet wines in question were indeed, as we had been led to believe, the products of the rival trade of Venice, and therefore that the much-abused restriction of Mary was but a continuance of the protective

* The cause of Hyde's clerical error, and of Hallam's ludicrous and reprehensible blunder, can be easily seen by a reference to the manuscript. The concluding sentence runs thus: 'Et puis par Parliament, etc., le pattend fut confirme et assure versus alienigenas *et non versus Indigenis.*' Then in the same line, without any break and with a doubtful capital V, the manuscript continues, 'Vide per argumentum 2 E. 3, etc.'

enactments of previous Parliaments ; nay, was still further warranted by the spirit of that sober legislation. The Act of Henry VII. had declared that a subsidy of 18s. on the butt of Venetian Malmsies should be levied so long as the commercial rivalry between the two countries continued. But in Mary's reign the value of the butt of sweet wine had exactly trebled, therefore the subsidy in question was no longer prohibitory, as originally intended. Parliament was occupied with weightier questions of state, therefore the Crown, in the exercise of a restraining power fully warranted by earlier precedents, trebled the existing duty to keep pace with the progress of civilization. And this was its sole offence. If the thing had been done by voice of Parliament, if a subsidy of four marks had been voted by Parliament, where would have been the sin ? But whereas the Crown came to the rescue of a protectionist trading community with an impost authorized by patent only, though with a semi-legal sanction of an earlier Parliament, it is charged with a grave breach of the constitution by writers who are ignorant of the barest facts of the case. Such is historical truth and impartiality ! But there is something more behind this specious show of outraged liberty. It had been repeatedly enacted from the earliest times and was regarded as one of the fundamental laws of the realm, that no person, whether denizen or alien, should land merchandise anywhere but at a recognised port or haven ; the motive for this prohibition being, of course, the prevention of smuggling, which if suc-

cessfully carried on by the few, would operate to the incalculable injury of the many. We learn now, for the first time, that one motive for the grant of this monopoly to Southampton (in all times the recognised emporium for foreign wines imported into this country in the authorized manner), was to check the prevalent evil of landing cargoes of sweet wines at unfrequented coves or creeks where no Custom-house establishment existed, and where the facilities for evading the laws of the land were manifold. Here again, therefore, the Crown in its wise discretion is seen to supplement only the wishes of the majority of its subjects expressed in repeated legislation. In this very case, the would-be patriots were caught, as it were red-handed, in the act of landing their wines at an obscure nook of the Kentish coast. In the old days their cargo would have been confiscated as a matter of course; but now a more tedious process for the recovery of the statutory penalty would have been necessary. Was there such a penalty? The report ascribed to Dyer mentions only a treble 'Custom' amounting to 20s., 'the single Custom being 6s. 8d.' Yet we know that the so-called Custom in force in the first year of Elizabeth amounted to four marks. Manifestly an error of some sort exists in the statement of the Report; and this may again be rectified by reference to the original document. Here there is no mention, and could by official precedent have been none, of a treble 'Custom.' The words of the Statute are—'Upon pain of forfeiture to the said late Queen, her

heirs and successors, for every Butt . . . twenty shillings . . . over and above the subsidy and custom.' Therefore it is clear that an information was laid for the Crown to recover a mere penalty which, if not statutory, had at least no lack of constitutional precedents. One such exists in the form of a remarkable Act, the 1 and 2 Philip and Mary, c. 5, which provides for the restraint of native commodities exported unless licensed by the Crown on pain of forfeiture of the vessels and double the value of the cargoes of offenders. Further than this, it is enacted that all who violate the provisions of such licenses shall forfeit treble the value of their merchandise. Hence it is beside the question to denounce the illegality of a treble Custom imposed for violation of letters patent, as the Judges of Elizabeth in this most apocryphal Report are described as having done ; since no such imposition was here sought to be recovered.

Lastly, it may be observed that if a precedent were required to prove that the restraint of alien traffic was sanctioned on the broadest basis by Parliament still later than the date of this hearsay judgment of the Law Courts, such an one would be found in the twenty-third year of Elizabeth in an Act which provides for the restraint of importations of fish by either denizens or aliens, and further declares that aliens in this country shall remain liable for all such imposts as may now or hereafter be imposed upon English subjects in this respect by foreign states above the ordinary Customs. This, then, may be considered the crowning precedent in a long

Further
Precedents
for the Re-
straint of
Alien
Traffic by
the Imposi-
tion of Pro-
hibitive
Duties on
a Scale of
Retaliation.

list of enactments establishing the legality of an impost for the common weal of the nation itself.

Success of this Policy Dependent on the Discretionary Powers of the Executive.

But as such a provision] could only be put in force, and manifestly by every custom of the realm was intended to be put in force by the Executive alone, the legality of any discretionary action of the Crown in that behalf can only be challenged by a resort to the sorriest form of one-sided argument—a legal quibble. The view taken of the character of the impost by the statesmen of Elizabeth was naturally a strong one. ‘The Right concerning the matter of Tunnage and Butlerage and the ympost of wines,’ we read, ‘is thus to be derived.’ ‘The Tonnage and Butlerage are well to be maintained by records as the pondage and the ympost for wines is of the same nature that the custome of the wool is.’ Here the impost is derived on the same analogy as the Great Custom; but as the latter was always classed with the pre-emption of tin, etc., as an outcome of purveyance, the point at issue becomes the same in either case. That point is neither more nor less than this: Was it lawful for the Crown, in the

Elizabethan Views of the Nature of the Impost.

interests of the nation, to exercise any part of that ancient and undefined prerogative which had descended to it from the Anglo-Saxon period? No constitutional lawyer of this or any period could have answered that it was not lawful.

Legality of Impositions compared with other Acts of the Prerogative.

If the Scotch threatened the Border, who but the Sovereign could authorize muster and array? Even his surly Commons could not deny this prerogative to Charles I. in 1639. Who besides the King had a

freehold or enjoyment of the public forest lands? The two first Stuarts asserted their forestal rights with a rigour unknown to Norman tyrants. Charles I. put the right of pre-emption to a novel use by establishing a retail pepper trade, just as his father claimed a monopoly of the sale of tobacco, and his son made heavy requisitions on tin. Even in the present day the Crown may profit by treasure-trove, escheat, and forfeiture; while it is only of late years that its guardianship of the common highways has been in abeyance.* All these rights were and are due to the Crown by prescription not more ancient than the pre-emption of wools and the prisage of wines.

The objection to this argument will be, as it always has been, that the prerogative was here exerted against both the wishes and the interest of the nation for the sole aggrandisement of the Crown. This was also alleged on Hampden's part in the case of the ship-money. The strict right of the Crown could not be denied even there, but the existence of an emergency to warrant its exertion was successfully disputed. During the middle Tudor period, however, I unhesitatingly maintain that both the interest and feeling of the bulk of the nation were on the side of the prerogative, and that, moreover, the Crown did little more than seek to recover its undoubted revenue, which natural causes had diverted. I could point to scores of passages from contemporary

Force of the
Argument
of Non-
expediency.

Met by the
Fact of the
Feelings
and Prac-
tice of the
Age.

* The state of the Thames and other free fisheries in ancient demesne of the Crown, is at present sufficiently notorious.

MSS. to prove that the impost on imported wines was a burthen scarcely felt by the consumer, and dear to the heart of the producer in this country.

As being
one of Uni-
versal Pro-
tection.

The ships which were unladen of French wines were reladen with English woollens for exportation. This practice not only caused a keen competition in the carrying trade of exports, in favour of the more enlightened foreigner, but by glutting the foreign cloth market and lowering prices made it impossible for the unskilled English weaver or dyer to supply the home market at current quotations.

Thus the action of the Government in attempting to secure the monopoly of the export trade to the English merchant, and of the retail trade to the English artisan, was supported by one, and virtually by both, of those two great classes. It was only a few old-fashioned politicians, advocates of an agricultural revival, and a small but vigorous and enlightened minority of the nation, that resisted the false economical policy of the Government. These were the petty traders, mercers, or grocers, who, grown rich by an unlimited course of trade, were fast taking their place among the landed interests. These were the men who, swelling the ranks of the Tudor yeomanry, became the Puritan gentry of the next century, and won the fight for the liberty of the subject. But to show how entirely the whole question is one of expediency decided by class interests, these very men were they who in turn imposed the Navigation Act upon their Dutch co-religionists. There is good reason, however, to

Inconsis-
tency of the
Free Trade
or Puritan
Party.

suppose that the Governments of Mary and Elizabeth were actuated by better motives in seeking to restrain the growing consumption of luxuries than those chiefly imputed to them. Contemporary literature is replete with satires at the expense of the dandified consumer. The consumption of drink, with its ill effects on popular morality, was enormously on the increase, as may be gathered from the fatal tavern brawls which figure in the writs of gaol delivery for the period.

Disinterest-
edness of
the Eliza-
bethan
Govern-
ment.

But there is one more view of the conduct of the Crown, and one to which I have several times invited attention.

The importation of wine had increased since Edward I. at least four or five times. The value of the butt of wine was more than doubled, and ships carried a larger cargo than of old. A smaller margin of profit was left to the Crown from the farm of the Custom, whilst the purchasing power of money had decreased perhaps a third, and the expenses of the Crown had increased in proportion. Was it then fair that the latter should still be content with the old and unvarying butlerage from aliens, the uncertain and unadjustable prisage in kind, and the ancient rates of the subsidy?

Social and
Financial
Changes a
Justifica-
tion of Im-
positions.

It was the same with the revenue drawn from the Custom on cloths. The legality of the old Custom on wool, as regulated by the *Confirmatio Cartarum*, was indeed unquestioned; but what was now the value of this Custom to the responsible executive?

The export trade in wool had practically dis-

appeared, and an export trade in unwrought cloths had taken its place. Who should murmur if the Crown took what was its own in another form ; for, by some means or other, the deficiencies in the Custom-revenue must be made up, to avoid that bankruptcy of the Government which seemed imminent. This was the view taken by the ministers who instigated these exactions—by the high-principled Gardiner and the prudent Cecil.

Application
of Imposi-
tions to the
Defence of
the Realm.

None could charge the Government of Elizabeth at least with prodigality. Border fortresses were indeed kept up, harbours or dockyards laid out, and a volunteer militia drilled and equipped. It was only a war of extermination by land and of reprisals by sea that was discouraged, a crusade of Protestant against Catholic that was sternly repressed. The Crown was far more careful of the growing resources of the country than were its own unprincipled subjects.

Summary
of the
Question.

This, then, was the nature and motive of the impost. It was a gigantic expedient to feed the nation and support the Government ; to make, in a word, the existence of the present state of things possible.

If this state of things was undesirable (as some may humbly conceive it to have been), then the exaction of the impost was a constitutional crime ; but if, as most historians assert, it was desirable, then assuredly the impost was a political necessity. Yet, if it was a crime, the people themselves were something more than accomplices of the Government.



CHAPTER IV.

ROYALIST AND PARLIAMENTARIAN CUSTOMS.



N Michaelmas Term, 4 James I., an information was brought in the Exchequer against one Bates, a Turkey merchant, for refusing to pay an imposition of 5s. on the cwt. of currants, in addition to the 2s. 6d. already levied as a poundage.

Information
against
Bates, 1607.

The case was argued in the Exchequer Chamber, and judgment was given for the Crown. The immediate result of this decision was the Book of Rates for new impositions on merchandise; the gain to posterity consists in the survival of one of the most important and interesting constitutional arguments to be found amongst the unequalled historical records of this country. It will be necessary to pause here to explain both the sources of information for the history of this mighty case, and the use that has been made of them by contemporary writers, especially as the course that has been there adopted may be taken as pointing to the results obtained in other cases. There are two classes of information open to us for the study of such a question

Review of
the Materials for the
History of
the Case of
Impositions.

as that raised in Bates' case—the right, that is, of the Crown to impose. There are, firstly, the ancient records of the realm, rolls of Parliament and the like, to which may be added, not as a mere gloss upon them, but as living and impartial witnesses of the actual system at work, the various sets of accounts that may have happened to survive. Secondly, there exist, and chiefly in a manuscript form, the arguments based upon the former of these records; precedents collected with a diligence and arrayed with a skill such as we can never hope to see again, by the great legal historians of the sixteenth and seventeenth centuries.

Discredit-
able Use
made of the
same.

Now, strange as it may seem, we in this later and presumably more enlightened age cannot, in the majority of cases, avail ourselves of either of these sources of information to the extent of our historical requirements. We, most of us, are content to take our history from the popular historian of the day, and this gentleman has neither the patience nor the ability to decipher records. His information, then, and ours, in conjunction with his, is derived at second or third hand from contemporary authorities; but here again fresh difficulties present themselves.

Work of the
Lawyers of
the 17th
Century.

The great lawyers who brought a wealth of precedents to the argument of any single case, were, nearly without exception, partisans on either side in the political contests of the day. They were evenly matched in professional ability; they were dogmatic with all the confidence of historical insight, and

zealous to the verge of want of scruple to the cause of Crown or people.

They asked for and stated nothing beyond a bare history of the facts; and for this purpose they appealed to none but original authorities. Indeed, each of them might have boasted with Hargrave that 'confident in the strength of Parliamentary records, he would appeal to them only.'

But what of that? It was, after all, precedent against precedent, interpretation against interpretation, assertion against denial. Let any dispassionate reader, without an independent knowledge of the question, follow out the arguments on both sides in the case we have before us, and he will soon become hopelessly lost in the endless citations of conflicting precedents, with the marginal reference to roll and membrane, written in the same cramped hand, or closely printed in the voluminous pages of the State Trials. But there is something worse than this behind. Historians of far greater credit are not only unequal to collecting precedents for themselves, but cannot even read those marshalled by their unassuming predecessors, or at least they cannot always read them correctly. Probably most people have acquired their knowledge of the facts in Bates' case from Hallam and the 'State Trials,' but chiefly from Hallam. I have shown how incompetent was even this great historical writer to deal with the manuscript authorities he delights in citing.

Utility of
their
Labours.

Incompe-
tence of
Later His-
torians for
Original
Research.

We find it recorded in a Hargrave manuscript that Queen Elizabeth incorporated a company of

Incorporation of Turkey Merchants by Elizabeth.

Turkey merchants, trading to the Levant, to have a monopoly of their trade in those parts for twelve years next following. But when the Queen attempted some years later to impose a new Custom of 5s. 6d. per cwt. on currants, and 6s. 8d. on the butt of canary, the merchants stoutly resisted the exaction. The letters patent were of course revoked on the spot, and a new company was got together, which paid as much as £4,000 for a charter granting 'larger liberties' than the former one. But when, in the next reign, a proclamation was issued against monopolies, this new company honestly surrendered its charter. Few commercial members of the community at this time are seen to more advantage than these Turkey merchants; yet from henceforth they were marked men.

Their Position under James I.

Result of Bates' Case in the Exchequer Court.

The Barons of the Exchequer, as was before said, gave judgment in Bates' case for the Crown. The case was learnedly argued, but only two of the speeches have come down to us, those of Barons Clarke and Fleming, preserved in Lane's Report.

The arguments of both these eminent lawyers are terse, dogmatic, and plausible, as Hargrave himself admits. They point to the increased Custom on foreign merchandise under Edward I., to the new Custom under Henry VIII., and to the impost under Mary, which was, they assert, paid over and above the subsidy, and so it should be in the case before them. I have before shown how little exception can be taken to their main argument of commercial expediency. The most important of contemporary arguments on

the other side, is that contained in Hakewill's speech in the Commons during the session of 1610. He attempts to reverse the earlier precedents relied on for the Crown; and in answer to that of the increased Custom conceded by merchant strangers for *Carta Mercatoria*, he observes that the King none the less yielded liberties in return for this increase—namely, exemption from prisage which they yet enjoy.

Now to show the unsatisfactory nature of these arguments, we may notice that Chief Baron Fleming had employed the very same deduction in exactly a converse sense. The exactions of Edward I., he says, must necessarily have been legal, or he would never have been so highly recompensed for their abandonment.

Unsatisfactory Conclusions arrived at on either Side.

So, too, Hakewill glances complacently at the fact of the absence of any precedents for the impositions of the later Tudor sovereigns between the reigns of Edward III. and Mary. If we are content to admit this, the circumstance is of little value in itself. All that is proved thereby is the excessive weakness of the monarchy, which could neither venture to warp commerce to its own ends, nor even to regulate it in the supposed interests of the nation. Hakewill, indeed, dwells both upon the impecuniosity of some of these sovereigns and their notorious want of scruple in supplying their necessities.

Of Henry VI. he boasts that, 'As for impositions, notwithstanding his great wants, he thought not of them.' Perhaps Hakewill, and some of those who

have endorsed all his opinions, failed to realize the depths of degradation to which the Crown could sink when placed betwixt an overwhelming peerage and an orthodox and ultramontane Church. We have seen that letters patent were granted to Richard, Duke of York, for the purpose of repaying a sum of 10,000 marks, for which he was out of pocket by his Government of Ireland. He was to have license to export wool, woollens, and leather free of Custom for an indefinite period.* It would be hard to imagine any better set-off against a straining of his prerogative by a strong king than such an advantage taken of the position of a weak prince by the avowed leader of the constitutional party.

Question as
to the Real
Facts of the
Case of Im-
positions.

We are struck at the outset with the occurrence of such discrepancies as these in the arguments delivered in connection with the Great Case of Impositions as it is printed in the 'State Trials,' and hence we are led to suppose that although the theory of the revenue was perfectly understood by those great authorities, the actual practice in point may have been partially overlooked by one side or the other. Is this so indeed? Did either Fleming or Hakewill misinterpret a few points of detail in the course of their exhaustive reviews of the constitutional history of the Customs? But neither, at the same time, has any modern writer been sufficiently versed in the technical aspect of the question to cast direct imputations upon the truth of the prece-

* *Ante*, p. 37.

dents vouched by the Crown lawyers in 1607. Yet some have, at second-hand, relying on Hakewill's assertion that many of those precedents were falsified by the Barons of the Exchequer, included all who then upheld the sovereign's claim to impose in one sweeping condemnation as 'venal lawyers,' 'unjust judges,' and the like; the responsibility for which charge they have hitherto borne lightly enough on their own shoulders.

How long this state of things might continue it would be difficult to say. During sixty years, a study of Bates' case in the 'State Trials' has been an essential element in the professional education of successive generations of students-at-law who have been taught to accept the constitutional precedents advanced in Hakewill's oration as solemn truths of history tending to refute those monstrous pretensions of the Stuart Monarchy, of which the Exchequer Judgments and the speeches of Bacon and Davies in the Lower House were the mouth-piece. It is a fact, however, that in spite of the vital importance of the whole question, no single test has yet been applied to the arguments of either side by the light of original research. When this is at length attempted, when by the simple process of turning to chapter and verse, so confidently cited by both parties in support of their opposite opinions, we are enabled for the first time to form a clear estimate of the merits of their respective cases, what is the result?

Direct Importance of this Question hitherto ignored.

It would seem incredible, were not the test in-

Result of
References
to Original
Authorities
conclusive.

fallible, that we should then discover, always making allowance for inadequate reports and misprints, together with a certain pedantry of opinion and ostentation of authority out of keeping with modern views of judicial impartiality, that the decision of these servile judges who so wantonly surrendered the birthright of their fellow-countrymen was—wholly warranted by the existing state of the Constitution! But, it would be asked, how is this possible in the face both of the refutation of their spurious precedents made by Hakewill in the session of 1610, and of the independent authorities then also vouched by him with such a triumphant result? There is only one answer to this objection—and it is one which can never be made without a full sense of the responsibility which it bears with it to him who makes it—an appeal to the originals of the authorities cited.

If these originals bear out the historical facts advanced or the constitutional interpretation put upon them by the speaker, then his case is surely established; but if not, what is to be thought of the worth of a cause which depends upon such fraudulent devices of its supporters, ready as we may be to condone the unconscious error of a later age in which all hope of historical accuracy is sacrificed to the idol of Antithesis!

It is that the curious and impartial reader may be better able to form his own judgment on the case, that I have given here the following analysis of the principal arguments printed in the 'State Trials,' in conjunction with some comments on the most essen-

tial points contained therein, and it is with respect to these particular passages that I challenge a reference to those originals which are accessible to everyone for the purpose of such a verification.

Analysis of Baron Clarke's Argument in Bates' Case.

That the authority of the Court of Exchequer is sufficient for the decision of this case. The ancient prerogative of the Crown asserted for the levying of certain duties not granted by Parliament, as, namely, prises *ad opus Regis*. There exist good precedents for impositions, and especially for those on wines, as in the instances recited.* As to the objection now raised that the defendant had paid the poundage, that is beside the question, for the poundage is a subsidy and not a Custom; and the Custom has been taken in all ages above the subsidy, and so it should be here.† It is in consideration of the payment of this Custom and subsidy that the merchant receives the King's license to depart or enter the realm, for the King may restrain persons absolutely, and therefore goods carried with them; and the ports are the King's gates, for none but he may have a separate franchise to collect the Customs there. Also for the same consideration the King defends the merchant upon the seas. Therefore the King may exercise an absolute restraint upon all traffic, whether exported or imported, as appears by many precedents; and this is taken to be for the common profit of the realm, and hath been supported by the common

* Some of these references are inexact, but do not materially affect the point of the argument.

† Baron Clarke is made to refer to the subsidy of wines as the poundage. In reality it was the tunnage.

assent thereof.* Which restraint may be carried out either by absolute prohibition or by a prohibition upon pains, or on condition of an impost; and transgression of such prohibition is a contempt punishable at the King's pleasure.† Moreover, the impost is no burthen to the merchant, for he adjusts his prices accordingly. Therefore judgment should be given for the Crown.

Analysis of Chief Baron Fleming's Argument.

The exceptions herein offered to the information are of no force, though indeed urged in most unseemly terms, and contrary to all form and decency. The case before us (a most important one) concerns two *objects* interested therein, and those two only. (1) The King and the prerogative of his revenue. (2) The trade of this country. So, too, it affects two *persons* only. (1) The King and his authority. (2) All who import currants. Therefore, the restraint is not upon the defendant nor on the Venetians; neither is there an imposition on these, but upon currants, a foreign commodity and a victual. The *action* is the command by letters patent 'petere et recipere,' if they shall be good. See the case of Mines,‡ where judgment is based on reasons of policy; and as this is the only case in point, the judgment here will be grounded on similar reasons. As for the case of cloths, it is not parallel, neither was judgment given, but it was merely a conference.

* Thus satisfying in all points the provision of 25 Ed. I. c. 6. 'forsque par commun assent de tut le roiaume, et à commun profit de meisme le roiaume, sauve les auncienes aides et prises dues et custumees.'

† This view of the nature of the impost is also insisted on by nearly every financial expert of this and the former reign; and especially by Chief Baron Fleming in this case.

‡ Reported in Plowden.

Moreover, the impost was there upon a domestic commodity exported; here upon a foreign commodity imported.* Customs were at the first imposed by the King's prerogative, for they were given him by no Statute.† As it is undoubted that the King may restrain the subject, so *à fortiori* he may restrain his goods also. The King's power is *absolute* for purposes of State; *ordinary* towards the law of the land, which is the common law. The former is exercised for the public good; the latter for the good of individuals. Here we are concerned with the former only, for the Customs in all times are the outcome of our international relations with foreign states, and all such matters are and ever have been regulated by the Crown.‡ Therefore no merchandise can be exported or imported but only at the King's ports; and these are his gates, which he may close or open at his pleasure; and in return he is bound to fortify the coasts, and to protect the merchants on the seas from pirates or the oppression of foreign states, and in default permits retaliation or declares war for his people. If the King may not restrain foreign imports, or impose upon them in proportion as is done to our imports, the kingdom is helpless and may be impoverished. It is not here the question whether

* 1 Eliz., Dyer. fo. 165.

† This is true only to a certain extent, for the Antiqua Custuma was limited and granted anew to the Crown as recited in 25 Ed. I., c. 7. Originally, however, the germ of this custuma must have been taken *ad opus Regis*, and by virtue of his mere prerogative, though always with the tacit consent of the subjects. Fleming is wrong in making any distinction of name between the two, as 'grand' or 'petit.'

‡ This applies to Fleming's example, treaties, etc., but not to commerce at large, which, in Tudor times at least, was chiefly regulated by the King in Parliament, though the execution of such provisions was left to the large discretion of the Crown *sole*, as seen in the Proclamations and Patents of that period.

the King may impose upon a subject, but upon one who imports goods which were the Venetians' when that impost was laid prospectively.* Moreover, the freedom of trade is not impeded hereby, for the merchant loses nothing, but the subject eats his currants at a greater charge; for it is only fair that the safety and welfare of the many should not be sacrificed to the self-seeking or wantonness of a few merchants or consumers. As to the gravest objection against this impost, namely, that it is unreasonable in amount and an evil precedent, it is not greater than the balance of trade requires, as in the case of the patent of the Levant Company to require penalties from traders in Venetian currants equal to those imposed upon them by the Venetians; for otherwise the carrying trade of this country would have been penalized. As to the evil precedent of an imposition, it might equally be objected that because the King has power to pardon one felon, he will pardon all. So it is no argument at all for the subjects to question the wisdom of the King in matters of State, they having long since committed that power to him. As to the objection that mere merchants are not restrained to depart or enter the realm, that is not good in law, for the contrary clearly appears by many precedents.† So, too, the

* The first imposition of this sort was that previously mentioned as laid by Parliament upon wines of Venice imported, as a retaliatory measure, and one still in force under the Act in question, 7 Hen. VII., c. 12. The imposition on currants was to supplement the force of this Statute being levied first on behalf of English merchants to the Levant by a patent of 12 Eliz., also as a measure of retaliation.

† See Stat. 14 Hen. VIII., c. 4, for English subjects abroad to return to their allegiance on pain of losing certain civil rights. Also licenses to travel *temp.* Elizabeth, and Sir Robert Dudley's case in the present reign.

absolute restraint of all commodities exercised by the Crown in early times, as well as later ones, is proved by as many precedents.* An imposition, therefore, is nothing more than a new Custom, and has been laid as such from time to time when occasion arose. Such was the maltolte of 40s. per sack of wool exported between 21 and 28 Edward I. But in the twenty-fifth year, the maltolte was forbidden by Parliament, and a subsidy given in its stead, which shows that there was good cause for the imposition. So, too, from 14 to 36 Edward III. the 40s. per sack was often petitioned against in Parliament, though granted by themselves, which proves it to have been of the nature of an imposition.† Wherefore the King kept and used the power of imposing on native commodities and for his own advantage, in spite of all Acts of Parliament to the contrary. As for foreign commodities, it does not even appear by any record that any petition or suit was ever made to abate impost thereon. So it is idle to object that all merchants shall have free course on the sea, for so they may have, so that they enter not the King's ports. For if the King's jurisdiction be not absolute in his ports, why has he been ever accustomed to make grants as of murage, etc., to be levied from such as enter? It is so because both the mainten-

* The chief of these are 22 Ed. I., restraining foreign trade; 31 Ed. III., appointing seasons for the passage of wools; 17 Hen. VI., against imposts of the Low Countries; and 26 Hen. VIII., giving indefinite power to the Crown to limit the importation of wines by letters patent, and which is clearly an acknowledgment of the prerogative of the Crown for this purpose existing since 31 Ed. III. (*suprà*), c. 9, when a similar discretion was committed to the Chancellor, etc.

† See the proceedings in Parliament *hoc temp.*, Appendix, pp. 214-18. Some of Fleming's precedents, however, do not appear to be so much to the purpose as the above.

ance of ports and the levying of Customs is for the common profit of the realm. It was further objected that there was here no consideration, but if the merchant cannot trade with profit, he will cease to do so, while the King's revenue is for the common good. Again the process was here rightly by patent and not by proclamation, for merchants are concerned, who are to be notified through the Customers as of old. Neither is a writ of *ad quod damnum* needed for such issues, only where the King grants something of his own hand.

Analysis of the Speech of Sir Francis Bacon in Parliament, 1610.

In this question the King's prerogative and the subjects' liberty are concerned, and that not for a small stake. A distinction is to be made between taxes imposed within the realm, and those on goods carried from or into the realm. If the subject is grieved by the King's prerogative, the remedy is two-fold. (1) By judgment at law; (2) By Act of Parliament. But here neither remedy has been sought, and so the evil cannot be considerable. All duties 'granted' by merchants are taken by the Crown with the assent of the latter, and therefore the Crown regulates the necessity for taking the same. There are two chief precedents for the legality of impositions, the first 31 Edward I. (*Carta Mercatoria*), by which an increase of Custom was laid *ultra antiquas Custumas*. The second is 17 Edward III., where the King maintains the 40s. on wools, in spite of the petition of the Commons to the contrary, on account of the duty having been granted by the merchants only. If we admit that the *Antiqua Custuma* was

by grant of Parliament (3 Edward I.), it is certain that it existed before without having been granted. The increase of 31 Edward I. was repealed by the Ordinance of 5 Edward II., but the motives of the reformers in that Parliament are ambiguous.* Otherwise no imposition laid on alien traffic was ever petitioned against. Again, impositions were always successfully upheld by the Crown, even when petitioned against; or only conditionally relinquished. As to the objection that such impositions should be laid by authority of Parliament only, it was admitted that the Crown should dispense with joint legislation in most of such matters for the advantage of the public service. Also the subsidy of tunnage and poundage in no way concerns the question. As for prescription, the non-practice implies only special circumstances governing the case.†

Analysis of Hakewill's Speech in the same Parliament.

Preamble, relating how when, in the fourth year of the reign, he heard the judgment of the Exchequer Court in Bates' case, he was convinced partly by the force of the arguments for the Crown, and still more by the authority of the precedents then vouched in support thereof. But that since the recent inquiry ordered by the House of Commons to be made in

* See Chapter II. of this volume, p. 89, with regard to the motives of these ordinances.

† This speech of Bacon, then Solicitor-General, though not containing any argument equal in depth of research to those of the Exchequer Barons in Bates' case, or of Hakewill and Yelveton in this Parliament, is remarkable for great perspicuity in dealing with the early history of Impositions at the Ports. The speech of Sir John Davis on the same side is a much inferior production, though more pretentious in style. One good point is made, however—the reference, namely, to the petition of the Commons, 50 Ed. III., that none but the Crown should presume to impose.

this matter, he has discovered that those same precedents were either untrue or misapplied in many instances, and that he has now altered his opinion, so as to hold at the present time exactly the contrary one, namely, that the King has no right to impose. First with regard to the judgment in Bates' case, it will be proved to be contrary to Magna Carta (c. 30) and should therefore be void by 25 Edward III., c. 10.* The word 'Custom' in its earliest use is found as 'consuetudo,' not as 'Custuma;' therefore because the Customs are particularly designated as consuetudines, as opposed to all other dues, and because consuetudo is essentially connected with the common law, it is clear that a Custom-revenue was never allowable but at common law, as referred to in Magna Carta, c. 30, and the grant of 3 Edward I.† The question therefore to be decided is whether

* The latter reference is a good instance of the numberless misprints in the 'State Trials;' it should be to c. 2. With regard to Hakewill's announcement, it would seem at the outset that he was bent on interpreting the words of the Statutes for his own purpose. The charter of John granting freedom of trade to the merchants, except those of a hostile nation, is amended in every confirmation in the Statute-book by the insertion of the proviso 'unless openly prohibited before.' This prohibition had been made by the Crown in the case of every imposition of the last century, and had been duly made in Bates' case by patent to the Customers. It was denied for the defendant that this was an open proclamation, but Fleming showed that this was the only regular notification made in such cases. The spirit of Magna Carta will bear out Hakewill's assertion, but that is not here the question.

† This is a clumsy argument, and unworthy of the speaker and his cause alike. The hypothesis is wholly incorrect, for, as records will amply prove, no Custom-revenue designated by the word consuetudo existed before the reign of Edward I. Madox insists on this, and defines consuetudo as the due of a royal or private franchise, including amongst many more important items a few isolated instances of Customs at the ports. This branch of the revenue was only organized in the reign of Edward I., and then under the title of Custuma. The consuetudines of

this profit upon merchandises which the common law thus gave to the King is a certain or uncertain duty. Here we may believe that the common law would not be likely to give an uncertain duty from the analogy of fines and concords, etc., and the case (here especially applicable) of the prisage of wines, a custom granted by the common law, and fixed at two casks for every cargo of denizens.* But even if this revenue was not certain at the first, it can be shown that it might be so fixed or limited by Act of Parliament or by trial at law, as we see it done in the case of scutage, or the assessment of other profits arising from the King's prerogative, such as treasure-trove, etc.† Thus it is clear that all the revenue of the Crown by the common law is intended to be certain in amount. With regard to the objection that unless the King should impose some extraordinary tax, as in case of war, the kingdom might be endangered, the answer is amply sufficient that no such need is incurred at a short notice, or if it were, the King should not be the only one to judge

Magna Carta refer to inland tolls, whence the fallaciousness of this and similar arguments.

* Here we see that Hakewill is still arguing from the inference of his positively erroneous assertion with regard to the origin of the Custom-revenue, and now he makes his case still worse by claiming the unfortunate precedent of the prisage of wines—a duty which is now generally admitted to have grown by prescription alone, and which, moreover, he most incorrectly defines. This duty was by no means levied on the scale mentioned by him, and the blunder is inexcusable, as Barons Clarke and Fleming had both given a perfectly accurate definition of prisage in Bates' case.

† Hakewill's second position is undeniably sound, but his analogous instances are beside the question. The liberties and property of a subject in the soil of this land have no connection with the expediency of restraining foreign commerce.

of its expediency.* Then as to what we may infer from certain precedents, we notice that all kings of England, since Henry III., have sought to increase their Custom-revenue by way of subsidy. Even Edward III., a most absolute King, condescended to crave a slight subsidy, which request was inrolled and appears in the 14 Edward III., c. 21. Why then did such mighty princes not lay an imposition without assent of Parliament, unless such was then known to be an unlawful course; though on the other hand they always declared war of their own discretion, and raised or debased the standard of currency by the same?† Concerning the action of English kings in this matter, some, as Edward II. in the — year, and Edward III. in the first and twenty-fourth years of his reign,‡ stooped to accept a loan from the merchants, binding themselves to repay it, showing thus that they disclaimed the right to impose. Even Edward III., though driven to pawn his Crown jewels (as in his seventeenth year), made no such claim.§ Another king, namely, Edward I.,

* Hakewill here purposely mistakes the contention of the Crown side, which related only to the expediency of continuing the policy of 31 Hen. VI., and 7 Hen. VII., c. 12.

† The answer to this query is obviously that even the most despotic monarchs preferred to raise supplies in the easiest way available. In the present case Hakewill carefully omits the fact that Edward was abroad at the time mentioned, hard pressed for immediate advances of money for the pay of his troops, and had already found the advantage of relying on Parliamentary supply since the previous year. As for his submission to the Commons, anyone may read for himself in the Rolls of Parliament how the King rated his dilatory advisers, and finally took the conduct of the supply entirely out of their hands.

‡ Blank year in Lane's 'Report.' It should be 11 Edward II. One of the other references is erroneous.

§ Any references to the Parliamentary transactions of this period appear most unfortunate for Hakewill's argument. Thus we find that so far from submitting to the representations of

negotiated an increase of Custom from merchants strangers in consideration of certain immunities, some of which perhaps continue to this day. So, too, in the same year he invited denizen merchants to acquire the same liberties on the same terms as those contained in *Carta Mercatoria*.* Yet even when an increase of Custom was granted by the merchants, it was always complained of by the Commons, as appears (*inter alia*) by the Rolls of Parliament, 27 Edward III., No. 27.†

From the conquest to the reign of Mary there exist only six real instances of impositions, and those only laid in time of great necessity and for a short space of time, whereas there is both no occasion for the impositions at present in debate, but they are intended as a perpetual revenue of the Crown. The first of these impositions (16 Edward I.) was laid in a time of foreign war, and may even have been levied with the assent of Parliament.‡ Also it was

Parliament, Edward roundly abuses the latter, and cancels by a formal Statute all their limitations on his prerogative herein.

* Here Hakewill attempts to turn one of the arguments of the other side in his own favour. However, as he confesses his ignorance of the nature of *Carta Mercatoria*, his assertions can have little weight. As it is, he sufficiently shows the entire one-sidedness of his research by misquoting the transaction in question. If, as he before insists, the Customs of the Crown were fixed by law, how came the King to increase them in this instance by his mere edict? Hakewill attempts to evade this horn of a dilemma only to encounter the other. He says that a consideration was granted to the merchants! This is a sorry quibble at the best, but it is also untrue in the sense which was intended. The consideration in question amounts to freedom of traffic and exemption from arbitrary prises, the very existence of which prerogatives as here implied would have been strenuously denied by the opponents of impositions.

† This reference is, as usual, wrongly quoted. It should be to the 17th of Edward III.

‡ There is actually no historical foundation for these assumptions. 16 Edward I. was not a year of active warfare, and there

imposed only upon the wines of two towns of Gascony, Bergerac and St. Emilion, then revolted, with intent to reduce them; and was released six years after.* The next precedent is the 40s. imposed 21 Edward I.; but by a record of 26 Edward I. it appears to have been a grant of Parliament for the war only. Besides by the 21 Edward I., c. 7,† that and all other impositions were taken away. The third precedent for the Crown is the increase of Custom by Carta Mercatoria before referred to, and which is especially relied on by the other side. It must be admitted that as a grant of the merchants cannot bind the commonalty, as shown by the proceedings of 27 [17?] and 36 Edward III., this increase may be counted as in some sort an imposition. But on the other hand it was favourable to the recipients, who obtained thereby exemption from prisage, etc.‡ Also it concerned only merchants strangers, and therefore was not brought in conflict with the common law.§ But the proof that such an imposition was forbidden by law is that this same increase was suspended shortly after by the King, and then declared void by Parliament, 5 Edward II. As to the objection that in spite of that repeal this increase

are no Statutes of Parliament in existence between the thirteenth and twentieth years of the reign.

* At the same time it was customary for the Crown to make arbitrary prises from the wines of these towns.

† Another misprint for 25 Edward I.

‡ Hakewill wilfully interprets 'prises' as 'the prisage,' a meaning which the phrase could not possibly be made to bear. The prises in question constituted a large undefined revenue in kind depending on the mere prerogative of the Crown.

§ This, however, was the whole point of the issue in Bates' case, whether the Crown could restrain the importation of foreign products by imposing a prohibitive duty as a measure also of retaliation for similar impositions on English shipping.

continues to the present day, it is sufficient to reply that it has this force only by grant of Parliament, 36 Edward III., confirming the same, and it is only by this grant that it may be taken now, and not by prerogative.* These explanations dispose of three of the precedents relied on for the Crown. Amongst which it is especially to be noted that even in the reign of so weak a king as Edward II. no impositions were laid, as we have seen. Here it should, however, be added that in the twelfth year of the reign, when he was most pressed for funds, he preferred to supplicate the merchants for a loan of 10s. and 5s. on wool and leather respectively, to be repaid in six months.† So, too, in the reign of Edward III. impositions were attempted at every opportunity,

* This passage contains perhaps a greater misstatement of facts than any other in the speech. In the first place (as I have proved beyond dispute in another place [Chapter II. *antè*]) the object of the 'Ordainers' was not to vindicate the freedom of trade, but to exclude the hated alien from the advantages afforded by Carta Mercatoria, and of which he had availed himself to the detriment of native interests. In the second place, Hakewill's unanswerable conclusion that the legality of the revived increase of custom under Carta Mercatoria rests solely on a Parliamentary confirmation in the thirty-sixth year of Edward III., is nothing more or less than a mere invention, for no such transaction ever took place at that time. The proceedings, however, which did actually restore to the Crown its former right in this respect, were taken in the sixteenth year of Edward II., and will be seen to be most damaging to the whole of Hakewill's argument. By this Statute of 16 Edward II., the Ordinances of 5 Edward II. are declared to be a blemish to the power and estate of the Crown, and are solemnly repealed. Further than this, it is enacted that any future Ordinances which may be made against the King's prerogative shall be *ipso facto* illegal and void.

† Whether the King went through the form of asking for this loan is of no great moment. It is certain, at least, that he levied it in the most arbitrary manner, as by his mere writ to the Customers. In spite of Hakewill's assertion to the contrary, the loan was a large one, and by no means repaid in the manner indicated. Even the scale of the *Mutuum* is not correctly quoted.

but were ever held unlawful, as appears of record.* Moreover, they were also attempted to be laid indirectly, by way of dispensation to export, as appears by many Statutes and Records of the Exchequer. Yet such dispensations were on the whole subordinate to grant of Parliament, and were in any case finally condemned in the fiftieth year by the impeachment of their authors.† Even Ordinances of the King in Council have not been of strength to maintain impositions upon merchandise without the assent of the Commons, as appears by Records. As for fictitious loans from the merchants, another expedient, they are condemned by the conditions of the loan, 12 Edward II., seeming to allude to the false loan of 11 Edward II.‡ Thus much for feigned impositions. As for mere impositions, these too were sought to be imposed in Edward III.s' time, as in the twenty-first year, when the Regent Lionel laid 2s. on every sack and tun, and 6d. on every librate of merchandise. Now this is an imposition in the clearest sense, yet though it amounted only to a twentieth of former impositions, it was petitioned

* All Hakewill's references in support of this assertion are mere repetitions of those before recited, and are applicable only to the one point of the illegality of grants by the merchants alone.

† This portion of the speech, the context of which could be reproduced here in two sentences only, is by far the most meritorious from an historical point of view, and most creditable to the speaker's industry and acumen. It will be found, however, to consist in little more than a sketch of the early history of the Parliamentary subsidy with little or no direct bearing on the case under discussion. This method of turning the argument derived from Lyon's case (50 Ed. III.) against the Crown advocates, is especially skilful and telling.

‡ Again an error of fact, though one of little importance, as the distinction sought to be established is a very childish one. There was only one *Mutum* at this time, that in the eleventh year, the same as is alluded to for the twelfth year.

against and removed by royal assent.* So far, then, it has been shown that no impositions were laid by the King's mere authority down to the end of the reign of Edward III. From that time to the reign of Mary it is undeniable that no impositions were laid: for though certain Statutes were passed for the restraint of trade by impositions, these are not to be justly compared with the impositions of this day. On the other hand, impositions were forbidden during the same period by divers Statutes, as the 11 Richard II., which prohibition should be held as referring to the impositions of the late reign, and to guard against their repetition.† Another such Statute is that of the 23 Henry VI., forbidding new impositions to be levied from English merchants repairing to Gascony to buy wines there, with heavy penalty and damages to be incurred by any of the King's officers who shall so levy the same: which impositions are clearly of the nature of a dispensation against the existing Statutes forbidding English merchants to repair to those parts.‡

* This is a most gross and, I fear, malicious misstatement of facts. It was in fact customary for the merchants to hire a safe-conduct from some English captain or naval arsenal in the form of an escort of ships of war, and for this protection they paid by a private assessment amongst themselves. In the present case the Government accepted the contract at the above-named rates, but as the treasury was empty, and no means available for carrying out the bargain, the merchants obtained a nullification of the whole arrangement. It should here be remembered that the principle of the Crown's responsibility to those who had paid its Customs was not established for long afterwards, and then only in the case of denizens.

† In his anxiety least he should admit the existence of impositions after the reign of Edward III., Hakewill goes out of his way to try to prove that the impositions mentioned in this Statute of Richard II. refer to the late King's extortions. His argument, however, is here perfectly valid without any such disingenuous construction of an historical fact.

‡ This is another fraudulent misstatement on the part of the

The next instance of impositions (at the port forbidden by Statute is the 1 Richard III., c. 1 where benevolences are taken away.* The next mention of impositions is the 7 Henry VII., c. 1 where a charge of 18s. laid upon a butt of Malmsey by Parliament is called an imposition.† Another mention of impositions in the 12 Henry VII., c. 1 refers evidently to local charges only.‡ In the reign of Henry VIII., a Statute, which provides that resident aliens shall pay all Customs, subsidies, and impositions as mere aliens, refers only to charges of a general nature, here loosely called ‘impositions.’ Even in the oldest Custom-books no mention of an imposition will be found from Edward III. to Mary. And yet all the sovereigns that reigned

speaker, contrived by misquoting the words of the Statute, which are, ‘if any of the King’s officers of *those parts*, or any other person, disturb, vex, or grieve, etc., or do to be levied, etc., such impositions,’ which essential words Hakewill entirely omits from his quotation. Thus it is clear that the impositions in question were not (as Hakewill, by falsifying his authority, intended his hearers to believe) laid either in England or by Customers of the Crown, but were local tolls levied from buyers in the various districts themselves by the King’s bailiffs or lords of private franchises, and have no more to do with the Custom-revenue than has any other octroi. Besides this, his statements that these impositions were paid for licenses to trade, and that trade with Gascony was forbidden since Edward III., are both absolutely untrue.

* Every schoolboy is fortunately aware in the present day of the true meaning of a Benevolence (*Mutuum*), therefore there is no need to explain Hakewill’s egregious blunder.

† It is strange that this, the greatest argument of all claimed by the advocates of the prerogative, should be passed without comment by Hakewill. His silence is at the least significant. We shall see the cause of his reluctance to discuss this point further on.

‡ This distinction, which is perfectly correct, should be contrasted with the discreditable attempt made just before to represent similar impositions as genuine Customs. The latter, however, were forbidden by Parliament, while the former were tolerated; hence Hakewill’s policy of selection in this and other cases to suit his own purpose only.

within that period had pressing need of money, as, namely, Richard II., Henry IV., Henry V., Henry VI., Edward IV., Henry VII., in the last of which kings' reigns a great occasion for an imposition arose, for the Venetians, by laying a duty of four ducats on every butt of Malmsey laden by English merchants at Candy, ruined the English carrying trade. Yet not the Crown but Parliament applied the remedy by a charge of 18s. on every like butt of merchants strangers till that former duty were abated: which was a most justifiable proceeding of Parliament. So we see that then a mere imposition without Parliament was not so much as thought of.* In Henry VIII.'s reign there is likewise no precedent for the Crown, though he were such an arbitrary Prince, and accustomed to levy illegal charges upon his subjects.† Impositions therefore were revived by Queen Mary after being so long disused. The rates of Custom

* In alluding to this precedent in his own behalf, Hakewill simply puts his head into the noose, for this is (as we have seen) the one great precedent for the imposition in Bates' case. Hakewill was presumably ignorant of the sequel of this Parliamentary grant, which in the early part of the next reign appears as the 'New Custom' of 6s. 8d., imposed by the Crown's mere prerogative; the residue of the 18s. which formed the Parliamentary imposition (11s. 4d. namely) being 'discharged' by the King's privy seal—a form of dispensation which Hakewill himself has classified as an imposition.

† Hakewill might, perhaps, be excused for being unaware that a clear precedent for arbitrary increase of Custom exists in this reign, in spite of the often-repeated boast that no record bearing upon the subject had escaped his search. The imposition in question seems to have been upon general merchandise, and such as was liable to the Petty Custom only. Indeed, it seems highly probable that the right of levying such an increase was claimed and exercised more or less by the Crown since the reign of Edward I. The nature of this increase prior to the thirtieth year of Henry VIII., and subsequent to the thirty-seventh year, between which dates it was dispensed with by Royal Proclamation, is indicated in Chapter VI. of Vol. II. : the reference being to the Memor. Roll, 30 Henry VIII., Hil. Recorda, rot. 36.

on wool and cloth respectively being disproportionate, namely 6s. 8d. Custom and 33s. 4d. subsidy per sack, and 14d. on every short cloth, four of which are equal to the bulk of a sack of wool,* an increase of 6s. 8d. on every short cloth exported was imposed by the Queen in Council, which imposition was petitioned against by the merchants in the first year of Elizabeth, and brought into question before the judges, whose opinion the Government dared not disclose. Now, to show that this imposition was not, as alleged, warranted by the necessities of the case, we may refer to the state of things after the 11 Edward III., and down to 21 Edward III., during which period no wools were exported except by the King's license, but instead cloth was exported, which paid no duty at all. Therefore, in the twenty-first year the King, to supply the great falling off in his Customs, obtained the grant only of Parliament for a duty on English cloths exported, namely, 14d. for denizens, and 20d. for aliens per cloth; and thus we see that he refrained from impositions.†

* Is it possible that Hakewill was ignorant of the fact that aliens paid double this duty on wools, namely 66s. 8d., and more than double on cloths, namely 2s. 9d., both which increased duties had been in force more than a century, and which, on his own showing, were impositions—one imposed by Parliament, the other by the Crown *sole*! He is careful also to omit all mention of Calais tolls (*Deniers de Calais*), likewise a mere imposition of the Crown by way of dispensing with the restraint of the Staple. Here, then, we find that impositions on impositions (by the increase of the scale fixed in *Carta Mercatoria*) had continued in unquestioned force during the reigns of six sovereigns, all of whom have been absolved from the charge of levying Customs beyond the scale of Edward I.'s reign.

† It would scarcely be believed that every statement made here is exactly contrary to the facts in each instance. The exportation of wool was not checked between the eleventh and twenty-first years as stated here, but on the contrary brought in a revenue of unprecedented magnitude to the Crown. There

The last precedent for impositions is the impost of wines in the same reign, and that on French wares, which was repealed in the first year of Elizabeth, which imposition on wines has continued ever since to be taken by the Crown. But here a judgment was had against the Crown in the case of a merchant landing wines under an earlier patent, who resisted there-upon [the impost as contrary to his Charter, which was granted notwithstanding any subsequent restraint. It will be seen whether this precedent does not make against the Crown, or nay.*

Lastly, it is certain that in any case the King's right to impose is for ever taken away by certain Statutes which exist to the point, namely, Magna Carta, c. 30, and 14 Edward III., c. 2, confirming the freedom of traffic before granted; 25 Edward I., c. 7; 'De tallagio non concedendo' (51 Henry III.); 14 Edward III., c. 21, and many others. Conclusion herefrom against the right of the Crown to impose.

I have attempted in the preceding pages to give a brief analysis of the purport of those famous arguments which have for so long been associated with the 'Case of currants,' reproducing faithfully the

Object of
the above
Analysis.

was already a scale of duty upon cloths exported, and had been since the reign of Edward I.: besides which, the scale mentioned by Hakewill as being now newly imposed was not that actually in use. Lastly, this supposed new duty on cloths was not granted at all by Parliament, but was imposed by the King in Council, a fact of which Hakewill was certainly aware.

* Hakewill here forgets two points: the first is, that if the judgment in question makes against the right to impose, it must be favourable to the right to dispense with restraint of trade, equally a form of imposition, the patent being sold. The second is, that by a later judgment, such patents were held to be private, and not public; valid, therefore, as to the individual, if not prejudicial to the interests of the community of merchants at large.

meaning of their respective authors as the same would be conveyed to the mind of both a partial and impartial reader; and I have also, as will be seen, accompanied this *précis* with such reflections as arose in my own mind from a contemporaneous reference to the authorities quoted in the course of each of those productions. If, on the same evidence, my observations appear either misleading or unjust, they will surely work their own condemnation; but if, on the other hand, they are proved to be warranted by the existing records, equally must we accept an entire revision of the written constitutional history of the Case of Impositions.

Adaption
of Imposi-
tions for
Purposes of
Arbitrary
Taxation.

So far we have confined ourselves to the constitutional questions revised in the Exchequer Chamber in the year 1607, and these, it will be remembered, were the same which had been prematurely debated at the beginning of the preceding reign. We have therefore left unnoticed the later development of impositions as an instrument of illegal taxation subsequent to the decision delivered in Bates' case in favour of the prerogative on special grounds. There can, indeed, be little doubt that the exaction of these later and certainly unconstitutional imposts was the real object of Hakewill's famous denunciation, directed though this was in outward form only against the obnoxious historical precedent of the restraint of foreign competition by means of prohibitive duties. But even if we admit that every part of his argument would be justified in so far as it applied to the exactions of the Crown

between the years 1607 and 1610, the admission by no means invalidates the earlier position of the prerogative herein.

The decision in Bates' case was, according to most modern historians, the result of a fixed and deliberate resolve on the part of the Crown to impose by its own authority upon all kinds of merchandise with the object not merely of protecting the commercial interests of its subjects, but to ensure the acquisition of a large increase of revenue, independent of the grant of Parliament. The thin edge of the wedge had (according to the same authorities) been already inserted in the case of cloths, wines, and tobacco, amongst other articles, which had already been made to bear increased duties in the face of the jealous opposition of the common lawyers. But now the Crown had a body of judges after its own heart, to whom its ministers, the Lord Chancellor Ellesmere and the Lord Treasurer Salisbury (than whom more subtle tools never armed the hand of a graceless tyrant), dictated those mandates which were only too faithfully carried out to the undoing of the liberty of the subject!

This style of argument is admirable in effect and justifiable in theory; but what is its force when considered with regard to the facts of the case? First, then, what was that great unconstitutional revenue won from the liberties of the Commons in Parliament assembled, which is so bitterly commented on by Hakewill and so confidently alluded to by succeeding writers?

Difference between the Earlier and Later Position of the Crown.

Illegality of the Later Impositions judged by their Extent.

The Custom-revenue of the Crown, which had gradually diminished in value since the reign of Edward III., amounted at the beginning of the reign of James I. to an annual sum of £112,400. This was the rate at which it was farmed for seven years, from 1604, subject to subsequent adjustments of its gross value by the Crown, and even this moderate charge was further subject to the expenses of collection, equivalent at that time to a minimum deduction of at least £5,000. Six years later, in the year 1610-11 that is to say, and when the notorious impositions warranted by the Book of Rates on the strength of the Exchequer decision were in full force, the annual profit of the Custom-revenue on the above scale had increased only by £24,000. From this time till the outbreak of civil war in 1642, we may consider that the same proportionate increase remained in force. This increase was of course partly due to the levying of the impositions before alluded to, technically known as the 'New Impositions,' and the 'Pretermitted Customs,' but partly also to economical causes.

'New Impositions.'

The value of the New Impositions in the early part, at least, of the reign of James I. was very small. There was a 'New Imposition' on staple-ware exported to the detriment of native industries by virtue of the Act of Elizabeth, the amount of which at the port of London for the half year ended 1608 was £866 3s. 1½d. The New Impositions at large, or those levied upon both denizens and aliens by the warrant of Lord Treasurer Salisbury, dated 28th July,

1608, 'beyond and above the Customs, subsidies and other payments heretofore due and payable to the King's Majesty,' amounted in the case of exports from the port of London to the following annual revenue: In the 6th year, £8,428 3s. 7½d.; in the 7th year, £8,068 5s. 6d.; in the 8th year, £5,780 3s.; in the 9th year, £5,637 6s. 8½d. Thus it is evident that at the very time when Hakewill protested against the ever-increasing burden of this illegal revenue, the same had declined in value by two-thirds since the issue of the Book of Rates.

It was the same with the second class of objectionable duties, the pretermitted Customs of the Crown on all exports of aliens and rough woollens of denizens. This branch of the revenue, when sequestered by warrant of the Star-Chamber, dated 6th July, 1620, returned a sum of £4,330 8s. 3½d. for three quarters of the official year 1620. Yet ten years later, under a far more rigorous administration, the value of this Custom as collected had sunk to £1,578 18s. 9d. 'Pretermitted Customs.'

Indeed, if we examined more closely the workings of each item of this imposed revenue during the reign of the first James, we should be rather moved to smile at the economical puerilities of the age than to condemn the action of a monarchy which accomplished the desires of its subjects, but without allaying their jealousy of the means by which the benefit was conferred.

Thus tobacco was instanced as a case in which an unconstitutional increase had been imposed, for the New Impositions on Tobacco.

purpose, as the Parliamentary lawyers insinuated, of rendering the Crown independent of the grants of Parliament, or, as their courtiers alleged, to protect colonial industries and redress the balance of trade. The greatest modern historians, however, have preferred to ascribe the imposition in question to the King's personal dislike of the 'weed Nicotiana,' an imputation unworthy of their own discernment.

Motive of
this Tax
the Protec-
tion of
Colonial
Produce.

We learn, however, from the patent (which bears evident internal traces of having been drafted by Royalty itself), that the object of a prohibitive impost in this case was the exclusion of Spanish and the protection of Virginian tobacco. At the same time it would be useless to deny that the additional revenue thence accruing to the Treasury was also extremely welcome to the Government. In 1615 a new duty of 6d. per lb. was laid on tobacco, in addition to the late imposition of 12d. and over and above all previous Customs and subsidies, 'for the paying of fower thousand pounds . . . and for divers other good causes and considerations.' This impost was maintained on the same insignificant scale till the last year of the reign, when in a fresh patent the King proceeds to vindicate his past policy towards this matter of commerce, and to announce a new departure therefrom. The effect of foreign competition, and of the vilely profligate and turbulent habits of the English colonists themselves, had been to practically exclude Virginian tobacco from the market. The Londoner especially, who was almost the sole consumer of the precious weed, refused to

smoke his fellow-subjects' tobacco at any price; therefore the Crown, in the exercise of the discretionary prerogative which had grown so odious in the eyes of noisy patriots in Westminster Hall, prohibited the importation of any but colonial tobacco, with the result probably of increasing the death-rate and pleasing none but a few interested citizens-who, if the restraint had been made in favour of any branch of commerce other than their own, would have raised their voices loudest against the crying evil of impositions and monopolies. Now, however, the Crown is (we read) compelled to relax its prohibitions to a certain extent, because although 'the difference, or at least the opinion of difference, between Spanish and Forraine Tobaccoe and Tobaccoe of the plantations of our owne Dominions is suche that our subjects cannot bee weaned totally from the Spanish Tobacco. Whereby it cometh to passe that we willing to have suffered losse in our Customes soe as the forraine Tobaccoe might have been kept out, the same is brought in secretly and by stealth in greate quantities, and soe the mischief wee intend to redresse was not avoyded, and yet our Revenue was diminished we have thought fitt to give way to the infirmity of our subjects for the present.'

As a result of this decision, a compromise was arrived at. Spanish tobacco was to be a Government monopoly, sold only, that is to say, by patentees of the Crown and at fixed prices, the total bulk imported in any year being limited to 50,000 lbs. At the same time, colonial tobacco was

Spanish
Tobacco a
Royal
Monopoly.

admitted, paying the same nominal duty as before, and the growth of every other country was strictly prohibited. As a result of this arrangement, we find that during the year 1626-27, 78,000 lbs. were imported by the Government and sold at a gain of £3,000.

Conduct of
the Govern-
ment under
trying Cir-
cumstances.

On the whole, therefore, the conduct of the Crown up to this date had been highly meritorious. The most valuable American export of its cherishes had been first heavily penalized, then wholly prohibited (entailing thereby an entire loss of the Custom derived from its importation), and finally farmed at a profit considerably less than the former revenue which it had brought in; and all this to carry out the strict letter of its responsibility for the welfare of a tribe of ragged and dissolute colonists. And yet not a particle of praise or gratitude had ever been bestowed upon its well-meant blundering; but rather discontent and suspicion were excited in the sordid hearts of those who, when they were themselves in the possession of an ill-gotten power, were the most protectionist and extortionate Government that the world has ever seen.

New Im-
position on
Hops.

The same indulgent interpretation may fairly be applied to the imposition in the year 1622 of a new duty on hops. 'Whereas,' the patent recites, 'we have bene informed and fynde in our princely iudgements howe muche our lovinge subjects have bene heretofore abused in the commodytie of forayng hoppes imported into this kingdome (a thirde part whereof hath upon Grabbling bene founde to be

stalkes, leaves, duste, and other corrupte and unwholesome stuffe), and thereupon we have thought fytt to impose some further chardge that both the sellers and buyers thereof may be the more engaged to have there merchandize freed from the former abuses and made better worthe the pryse that is given for the same, and takinge into our royall consideraçon the necessetie of the continewinge our extraordinarye chardges concerninge the affayres of the Palatynate, wee have, with the advyse of the lordes and others of our privie councill, bethoughte ourselfes of some lawful meanes in our owne power of raysinge some supplie for those occasions.'

If we would take exception to the sententious tyranny which pervades such instruments as these, we should first remember that a protective policy of trade was then alone conceived of, and had, moreover, been practised from the first, even as it continues to receive influential support in our own times.

Excuse for the Royalist Policy of Protection.

The succeeding period, down to the session of the Long Parliament, is marked by a similar line of policy towards the exercise of unrestricted commerce, but is also characterized by an increased value both of the ordinary and extraordinary Custom-revenue of the Crown. This latter circumstance is due partly to natural causes, but also to a more rigorous assessment and collection of duties at the ports.

State of the Custom Revenue down to the Year 1640.

Thus, between the years 1632 and 1639, the impost on tobacco, which had been again adjusted, brought

in a revenue of between £10,000 and £11,000 per annum, a rise in value which was probably due to the admission of the tobacco of any country paying an increase of over 100 per cent. beyond the rates at which Spanish tobacco was assessed, just as the latter was made to yield an increase of 400 per cent. above the assessment of the produce of English colonies. Again, the Custom on currants and wines imported was increased between the years 1634 and 1639, till it amounted to a mean return of £60,000 per annum.

Session of
1640.

It is when we have reached the period of reform inaugurated by the Session of Parliament in 1640 for the redress of long arrears of grievances, that we reach a turning-point in the history of the Custom-revenue. Since the beginning of the century the Commons had been engaged in canvassing the right of the Crown to levy penal imposts upon forbidden articles of commerce, and, emboldened by its success herein, it had gone further and had denied the legality of any Customary revenue not specifically granted by Act of Parliament. At length, therefore, the desired opportunity had arrived for putting an end for ever to the pretensions of the sovereign, and for relieving the nation from the increase of taxation on this score to which it had been subjected during thirty years. We are not surprised, therefore, to find it solemnly asserted by this Parliament, on the occasion of the first legal grant of tunnage and poundage, that ‘no subsidy, Custom, impost, or other charge whatsoever, ought or may be laid or

imposed upon any merchandise exported or imported by subjects, denizens or aliens, without common consent in Parliament.' But it does seem curious to find them in the next breath admitting the necessity for continuing every existing subsidy, Custom, or impost for the safety of the realm, and decreeing that the same shall be collected on the same scale as had hitherto existed. There would surely appear to be some discrepancy between this confession and the confident denial of Hakewill, with every other leader of the opposition, a few years earlier, approved, too, by the voice of every received historian of modern times, that the impositions of James I. and Charles I. were not only illegal in theory and excessive in effect, but were also in no way warranted by the exigencies of the times. If the necessity existed now, it had also existed before, and if the action of the Crown had not been hitherto justified by any political expediency, neither was that of Parliament here. Fortunately, however, the returning page of history enables us, with little difficulty, to assure ourselves of the plain though unwelcome fact that the irresponsible assertions and professions of a political party are not often capable of being carried out in practice.

This, then, was the state of the Custom-revenue at the commencement of the session of the Long Parliament, and of the policy by which the state of its returns was mainly governed. The Parliament of James I., which had revived an infamous Statute of Edward IV., directed against the traffic of aliens,

Inconsistent Conduct of the Long Parliament.

Contrast of the Practice of the Puritan Party when in Power.

and that of his son, which went further in reviving a similar Statute of Richard II., were not a whit more advanced in the true spirit of civilization than the most intolerant of their predecessors; and yet they posed throughout (for it matters not what sentiments have been ascribed to them by modern historians, their own recorded speeches are a witness for or against them) as liberators, not only of the overburdened English merchant, but of the down-trodden alien with him. In their capacity of champions for the ancient constitution of this country, threatened with subversion at the hands of latter-day tyrants, we find them citing Statutes and Petitions of the palmy days of English liberty, that trade shall be free to all, rich or poor, native or stranger alike, with one breath, and with another denouncing the encroachments of the foreigner, and reviving musty edicts, excluding him from that participation in the common benefits of trade which they seemed to bestow with one hand only to withhold with the other. And all for what? To gratify a childish jealousy of the prerogative of the Crown? To vent the malice of one branch of the profession of the law upon the other? To fulfil the promptings of a morbid and hysterical religion at the expense of decency, equity, and charity, or else to cover the hideous sin of usury under the fair semblance of fearless piety and godliness of living? It may have been from some or all of these motives that the political Commons of England referred their differences with their ruler to the old

arbitration of the sword, for the worthiest of men and of causes have their rampant faults and weaknesses, and their foemen too had enough of both, God wots! But when the issue had been tried, when the cause of the Parliament had prevailed—the righteous cause of freedom from burthensome taxation, from illegal impositions and restraints on merchandize—well, what then? Was the Custom-revenue reduced within its ancient limits? Had the alien rest from troubling? Were those impositions under which the nation groaned instantly removed?

The Custom-revenue under the tyranny of the first James was £120,000 from the pockets of the consumer. Under the deliverance of the Parliament of 1640 it was £250,000. In the Millennium of the Republic it was equal to nearly half-a-million of money a year. This is within one generation. The alien, who had hitherto endured with imperturbable philosophy four centuries of good-humoured bullying by King and Council, was driven through the insupportable tyranny of his quondam patrons into a terrible conflict of retaliation. As to the burthen of the impositions, the following incident will explain much. In the early part of the Civil War, the City of Gloucester was almost the only stronghold of the Parliamentarians in a quarter where had existed the most important strategic positions in the county from the earliest times. In the summer of the year 1643 this town was invested by the Royalists, and with the greatest risk and difficulty relieved by the rebel general. To prevent a recurrence of the danger

Great Increase of Taxation at the Ports after 1640.

which had thus threatened their stronghold, the Westminster Parliament, casting about for means to establish a fund for that purpose, hit upon the imposition on currants, opposition to which had once formed the foundation of their political creed. This revenue, then, they appropriated in great part to the defence of that city during the remainder of the war, a strange retribution certainly for the possible tyranny of the monarchy, but a still stranger inconsistency on the part of the purists for the constitution.

Summary
of the
Financial
Policy of
the Com-
mons.

This then, was the position of the great Puritan party in the year 1640, and even this was not the extent of their liabilities on the score of consistency. Besides retaining and levying with unexampled severity every unconstitutional imposition of Tudor or Stuart sovereigns, and imposing another crushing duty of their own devising, far exceeding in amount the whole of those earlier exactions, the ordinary revenue derived from the Customs at the ports was subjected to an enormous increase. The value of the revenue had amounted in the year 1604 to £112,000 (in round numbers), and had increased in even proportions to that of £136,000 in 1610. In the first years of the Long Parliament this sum had been increased twofold; in 1645 it was £277,000; in 1650, £350,000; in 1653, £417,000; in 1654, £500,000; in 1659, £600,000. This state of matters, together with the additional burthen of a Dutch war, incurred by imposing those restraints on foreign traffic which the Commons had just before so

bitterly inveighed against as contrary to the doctrine of all times, constitute a sufficient reason for doubting whether the nation at large benefited by a verbal repudiation of a form of taxation which had existed in the main unquestioned for just four centuries. Be this as it may, it is at least rash to speak of the impositions of James I. as an unwarrantable breach of the constitution.





CHAPTER V.

IMPERIAL AND COLONIAL CUSTOMS.

Retrospect
of the
Ancient
Prerogative
of the
Crown for
levying
the Cus-
toms.



T was said in the previous chapter that a crisis in the history of the Customs of the Crown was reached with the Session of the Long Parliament in 1640. Hitherto, the right of the Crown to levy the three branches of Custom upon all exports or imports known, respectively, as the Ancient Custom of wool, woollens, and leather; the Petty Custom upon merchandise of avoirdupois, and the Prisage and Butlerage of wines, independently of any grant of the legislature, had been asserted in numerous Acts of Parliament itself. Moreover, since the reign of Henry III., at least, each of these, the 'ancient rights of the Crown due and accustomed,' as excepted from the provisions of every confirmation of the liberties of the subjects, had been continuously answered by the Customers in the extraordinary revenue of the sovereign. But now, by the eighth chapter of this Parliament of reform, no duty of any description whatever might be laid upon merchandises at the ports without common consent of the Estates.

This restriction of the Crown's prerogative may be easily admitted to have been warranted by the altered relations existing between the sovereign and the people in the middle of the seventeenth century. Feudalism, it may be argued, if not yet dead, was surely doomed; therefore why should one of its most odious principles, that of the self-help or purveyance of the lord paramount, be wantonly retained to the visible detriment of a new-modelled constitution? Unfortunately, however, the question was never then argued on such principles as these. The Parliament which restrained the Crown from collecting those Customs which had formed a part of its revenue during four centuries did so on the ground that the same had never lawfully belonged to the prerogative. Therefore the issue must be joined herein on historical grounds alone. It is not needful to prove afresh that the Customary revenue of the Crown, in its entirety, was possessed by a prescriptive sanction far exceeding in legal and moral force the common consent of an assembly which had rendered itself justly contemptible in history by its financial operations at large. The same rash assertion had been made centuries earlier, only to be withdrawn by the habitual stultification of its authors; and in the age of which we now speak the same retraction was tacitly allowed. The Customers of Charles II. levied the ancient Customs of the Crown as in the days of Edward I.; while even as late as the present century the legality of the most arbitrary of them all was vindicated by the Parliament which

Necessity for a Modification of this Prerogative in the 17th Century.

Confusion caused by the Misinterpretation of the Constitutional Question for Party Purposes.

Proofs of the Arbitrary Nature of the Customs.

bought out a mere grantee of the Plantagenets with a quarter of a million of public money.

Changes in
the Character
of the
Monarchy
after the
Restoration.

In spite of such inconsistencies, however, it would be useless to deny the truth of the fact that the character of the Custom-revenue had been completely changed by the fall of Charles I.'s monarchy, or even to deny its expediency. Though in the first decade which followed the Restoration, the available checks upon the personal extravagance of the sovereign seemed as remote as in the darkest period of the Middle Ages, and were indeed put in force only by a revival of the expedient invented by the Commons of Richard II. for a like purpose, the actual condition of affairs was widely different. The King had no longer the same pretext for the exercise of that prerogative upon which a Customary revenue virtually depended.

Early
Theory of
the Pre-
rogative
Revenue.

Once this had been collected by the tacit consent, at first, and afterwards, though in a strictly limited form, by the direct sanction of the commonalty 'for his need' and 'to his use,' as the common guardian and sole administrator of the commonwealth. Moreover (though this was only in the technical spirit of the feudal law), as *Rex Anglie*, the land at large, apart from that portion allotted to or appropriated by the Crown, was '*Terra sua Anglie*,' which might not (still in a collective sense) be endangered or even impoverished for the private gain of individuals. From the recognition of each of these primitive positions sprang the ancient *Customæ* of the later Plantagenet period, which endured in unbroken

force till the year 1640. Since that great landmark in our history, with the evidence of its effect even upon the brief period of reaction which succeeded it, the absolute position of the King had given way to a limited theory of Government by one person who was no longer the image but the puppet of the constitution.

Therefore we do not find, after the Restoration, the Crown in possession of a revenue consisting in part of a prescriptive duty on all merchandise, and also of an increase thereof by grant of Parliament known as a subsidy, the whole of which is collected by its own chosen methods, and administered at its own discretion for the public good. On the contrary, this former item of the sovereign's income had come to be regarded as part of the revenue of the State, assessed by authority of Parliament alone in the person of its Speaker, and collected more or less directly by an official department responsible not to the sovereign alone, as heretofore, but to the nation. During the reigns of the two first Stuart kings, the Customs at the ports had been collected by farmers, an ancient, obnoxious, unprofitable expedient, and one which bore no resemblance to the lucrative tyranny of the system which prevailed under the same title on the Continent. Under the Commonwealth, however, this plan was completely changed, and the revenue derived from the new Parliamentary Customs was placed under the control of commissioners. Even after the Restoration, the same device (like most other financial reforms of the late

Practice in force after the Revolution of 1640.

régime) was continued, and was only changed in 1670 for a still more responsible method. From that date to the Revolution the gross income of the Customs was answered to the country by a Receiver-General, who was associated from the year 1688 with a Comptroller-General; and in this way the most fruitful branch of the ancient revenue of the Crown was converted from a source of royal income into a fund charged with some portion or other of the working expenses of the State. Thenceforth it continued to be assessed and levied as a permanent tax upon the consumer down to the year 1827, when the last vestiges of its ancient nature were finally swept away.

Limit of the effective History of the Customs.

For the reasons stated above, it is evident that the constitutional history of the Customs cannot be profitably pursued beyond the beginning of the reign of Charles II., when the grant of the first Parliament of the reign irrevocably confirmed the edict of the Long Parliament abolishing that ancient revenue of the prerogative, which alone is entitled to the name of 'Customs.' Beyond that date, though the elder title is still preserved, it has become meaningless in its application to a mere branch of imperial taxation. In fact, were it not for an accidental occurrence fraught with the most vital interest to the future of two great nations, the modern Custom-revenue would have ceased to have any bearing upon our constitutional history, unlike in this respect its own contemporary the Excise. The episode in question, indeed, cannot be regarded as in any way

disturbing the modern settlement of the Custom-revenue in this country, but only as the means of raising the question how far the practice of the latter establishment could be held to govern that of its colonial dependencies.

Next to Bates' case, no trial-at-law, in which the revenue of the Crown was mainly interested, was ever of more vital importance than that of Campbell *v.* Hall, or the 'Case of the Island of Grenada, in relation to the payment of four and one half in the hundred of goods exported therefrom, between Alexander Campbell, Esq., plaintiff, and William Hall, Esq., defendant, in the Court of King's Bench, before Lord Chief Justice Mansfield, 15 George III., A.D. 1774.'

Constitutional Importance of the Case of Colonial Impositions.

The history of this most lengthy and intricate case may, so far as it concerns our present subject, be told very briefly. The Island of Grenada, in the West Indies, was conquered from the French King by the British forces in the early part of 1762, being surrendered upon the faith of certain articles of capitulation, which were the same as had been negotiated in the case of the Island of Martinique. The sixth of these articles is to the effect that 'the inhabitants, being subjects of Great Britain, will enjoy their properties and the same privileges as in the other his Majesty's Leeward Islands.' The seventh article stipulates, on behalf of the inhabitants, that no other duties, charges, or imposts than are already payable to the French Crown shall henceforth be demanded, to which stipulation

History of the Case of the Island of Grenada.

it was answered that the point here raised had already been provided for in the preceding article, namely, that the inhabitants of Grenada, being now declared British subjects, shall enjoy the same rights and liberties as those of the other Leeward Islands. Could language be plainer than this? or could any person of average intelligence fail to understand the position of affairs down to this point?

These preliminary proceedings were confirmed in the treaty of Paris, 10th February, 1763, whereby the Island of Grenada was ceded in full right to the English Crown, with a proviso in favour of religious toleration and option of emigration as before provided in the case of Canada.

The next circumstance in the order of our present narration is the imposition of a duty of $4\frac{1}{2}$ per cent. on all dead commodities of the Island of Grenada (as usually stated), but rather, more strictly speaking, this should be defined as an extension, previously notified, of the form of taxation long pre-existing in the case of the other Leeward Islands to the Island of Grenada on the occasion of its union with this group. It is most important to insist upon the latter definition of this disputed impost as governing the whole aspect of the question. The inhabitants had demanded at the time of capitulation an assurance that no impositions beyond such as already existed should be levied from them, and it had been plainly intimated to them that they would be in a similar position herein with that of the other Leeward Islanders; and on this showing

(amongst others) they had completed the capitulation, the articles of which, according to Lord Mansfield's own *dictum* in this case, were *ipso facto* sacred and inviolable. Now, therefore, that the duty in question had been imposed upon the inhabitants of Grenada (in the usual way by letters patent dated 20th July, 1764), it had become relegated to the same position as the other Leeward Islands, all of which were subject to a like Custom-duty; and the question naturally arises of the legality of the existing Custom-revenue for the Leeward Islands and West Indies, admitting which, that of the Grenada impost would not appear to allow of reasonable doubt. The origin of the $4\frac{1}{2}$ per cent. duty upon exports of the West Indian dependencies of this country is usually assigned to a grant of the Assembly of the Island of Barbadoes, dated 12th September, 1673, and which was thenceforth taken to apply to the other islands of that group not yet possessing a legislative assembly. In most of these, however, the same scale of Custom was spontaneously voted to the Crown subsequent to their acquisition of government by means of a free legislative assembly. So that down to the year 1765 the received position seems to have been that, previous to the grant of a legislative assembly to a Crown colony, the King by his mere prerogative might legislate for, or impose taxes on, such a colony; but that subsequent to the grant of a legislative franchise the Crown had no such powers without common assent in Imperial Parliament. This, then, was the ostensible point at

issue in the Grenada case: was it lawful for the Crown, after the cession of that island, to legislate for and tax the colonists? The answer to this question is obviously that it was lawful before the grant of a legislative assembly. But, by an accidental occurrence, this priority of right on the part of the Crown was, in the present instance, defeated. It transpired that the patent imposing the Custom, though issued the first, had not passed the Great Seal in due course, but had been preceded by another patent granting a legislative assembly to Grenada and, with it, immunity from arbitrary taxation. This unforeseen circumstance was revealed in the course of the test action brought to decide the above point respecting the legality of such impositions.

Course of
the Trial
and its
Result.

Here a planter sued to recover damages to the amount of Custom levied from his merchandise in the Island of Grenada, which issue being tried as stated in the heading of the case quoted above, the jury found a special verdict on the facts, allowing the Court to reserve the question of legality for further argument. That full discussion of the entire history of the question of colonial taxation which the importance of the subject necessitated, enabled the Court to arrive at the position above laid down as to the limitation of the prerogative by the act of granting a legislative assembly to any colony of this class. On the strength of which accidental circumstance in the present case, the letters patent of 20th July, 1764, were vacated by order of the Court.

Now, without granting the force of the argument

that the accident of the Crown's ceding or withholding by its mere caprice the privilege of self-government by a representative assembly should be a valid precedent in law, there is a far broader point which must be first considered. This is whether the grant of a colonial assembly was required to enable the Crown to levy Customs at the ports?

Objections to the general Views of the Prerogative accepted in this Case.

Such Customs were imposed from the first, in the case of the Virginian Colonies, without doubt or difficulty, by the Crown's prerogative only. For, seeing that the land itself and all its belongings were nominally vested in the English Crown, the latter had at the least the prerogative of restraint of trade and of levying tolls at its ports 'in as ample a manner' as had been recognised in the Mother Country since the earliest times. In fact, in considering the case before us, the great lawyers engaged upon it seem to have left out of sight altogether the fundamental distinction existing between a Customary and subsidiary taxation. The former was an immemorial prerogative of the sovereign without certain limits; the latter, of whatever kind, was absolutely illegal without common consent in Parliament. Whether, since the year 1640, owing to the declaration of Parliament adverted to in the earlier part of this chapter, the legality of the Custom-revenue in any form independent of the grant of Parliament can be admitted, is a totally different question, and one at least never touched upon by the counsel on either side in 1774.

Distinction between Prescriptive and Non-prescriptive Taxation.

Further than this, there is the other point to be

satisfactorily adjusted, namely, whether the grant by letters patent in April, 1764, of a legislative assembly annulled the force of other letters patent (not issued through an accident for three months later) imposing the duty which was resisted in the case under discussion. According to a very early and approved principle, the issue of a patent of the Crown imposing Customs at the port must be made in two ways. It must be publicly proclaimed, and it must be separately directed to the Customers of the Crown. In the present case neither of these points had been observed till the beginning of the following year. Whether the same principle (one entirely unknown, we may mention, to the Court at this time) would not equally apply to the execution of a patent authorizing only the summons of a general assembly, may well be left in doubt. If the parallel were held to be complete, then the effect of Lord Mansfield's reluctant judgment on a technical point would be reversed, for the patent of April, 1764, was not put into effect for some time after the actual execution of the patent of July in the same year.

Open Question of the Validity of an unproclaimed Missive Patent.

Lastly, when we take into consideration the terms of the sixth and seventh articles of the capitulation of Grenada before mentioned as proving the clear intention of the Crown from the first to impose a similar duty as in the case of the neighbouring islands, we must conclude that the case of 'Campbell v. Hall' was narrowly won for the plaintiff by an official blunder and by the charitable construction of a verbal quibble.

Presumptive Evidence in favour of the Imposition.

APPENDIX.



STATUTES AND PROCEEDINGS IN PARLIAMENT,
ILLUSTRATIVE OF THE CONSTITUTIONAL HISTORY
OF THE
CUSTOM-REVENUE, 1290—1660.



Statutes and Proceedings in Parliament of the Reign of Edward I.

‘**P**ETITION of Spanish merchants and others discharging merchandise at Southampton, that by the false tronage and deceitful practices of the weighers there they have been defrauded of their wares, and namely of wool to the extent of from three to four cloves in every sack. That where a clove is only half a pound light they lose the whole clove; the weight of a clove being $6\frac{1}{2}$ lbs. standard weight.’*—*Rot. Parl.*, i. 47, No. 27. Parliament
18 Edw. I.
Tronage.

‘Case of the privileges of the City of London in the matter of wines imported by aliens—argued. Determined that aliens may retail wines to customers resident in the City, but not to any others saving to the King’s purveyors for prises *ad opus Regis*, until the next Parliament. (Decision confirmed Easter, 21 Ed. I.)’—*Ibid.*, i. 82, No. 32, m. 7. Parliament
20 Edw. I.
Wines.

‘Petition of merchants of Cornwall that they may have two days’ respite in all payments of cunage. (Granted.)’—*Ibid.*, i. 163, No. 35. Parliament
33 Edw. I.
Cunage.

‘Petition of merchants of Brabant that they may have the New Custom due upon their wares granted to them in discharge of debts owing from the Crown. (Granted.)’—*Ibid.*, i. 194, No. 21. Assignment.

* The clove was a weight of 7 lbs.—*hinc illæ lacrimæ*.

Local
Customs.

‘Complaint of the men of Cocker-mouth that a fair is held weekly, on Sundays, within a church adjoining their liberties, to their great damage through loss of Customs and other port-dues and tolls.’—*Ibid.*, i. 197, No. 40.

[Statute of
Westminster
the First
(II.)]
The Custom
of Wool,
Woolfells,
and Leather,
as limited
and granted
anew by
Parliament,
referred to in
the Surrender
of his Seigniorial
Claims
thereto
within his
private
Franchises
in Ireland by
William de
Valence.

‘Omnibus Christi fidelibus ad quos presens scriptum pervenerit Willelmus de Valencia comes Penbrok, salutem in Domino. Cum archiepiscopi, episcopi, et alii prelati regni Anglie, ac comites, barones, et nos et communitates ejusdem regni ad instantiam et rogatum mercatorum pluribus de causis unanimiter concesserimus magnifico principi et domino nostro carissimo domino Edwardo Dei gratia regi Anglie illustri, pro nobis et heredibus nostris, dimidiam marcam de quolibet sacco lane et dimidiam marcam pro singulis trecentis pellibus lanutis, que faciunt unum saccum, et unam marcam de quolibet lesta coriorum exeuntibus regnum Anglie et terram Wallie, percipiendas de cetero in singulis portibus Anglie et Wallie tam infra libertates quam extra; nos ad requisitionem et instantiam predictorum mercatorum concedimus pro nobis et heredibus nostris quod idem dominus rex et heredes sui in singulis portibus nostris in Hibernia, tam infra libertates nostras quam extra, habeant dimidiam marcam de quolibet sacco lane et dimidiam marcam de singulis trecentis pellibus lanutis, que faciunt unum saccum, et unam marcam de quolibet lesta coriorum exeuntibus terram Hibernie, percipiendam per manus custodum et ballivorum ipsius regis, salva nobis forisfactura illorum qui sine licentia et warranto ipsius domini regis, per litteras suas patentes sigillo suo ad hoc proviso signatas, hujusmodi lanas pelles seu coria, per feoda nostra ubi libertates habemus extra Hiberniam ducere presumpserint. De quibus dictus dominus rex et heredes sui percipient et habebunt dimidiam marcam de lanis et pellibus et unam marcam de lestis coriorum in forma predicta; ita tamen quod in singulis portibus nostris ubi brevia predicti

domini regis non currunt, eligantur duo de discretioribus et fidelioribus hominibus portuum illorum qui prestito sacramento de lanis, pellibus, et coriis in dictis portibus arestandis, quousque mercatores lanarum pellium et coriorum predictorum warrantum suum inde sub sigillo domini Regis ad hoc proviso habuerint, dictam consuetudinem fideliter colligant et recipiant ad opus ipsius domini regis et sibi inde respondeant. In cuius rei testimonium presenti scripto sigillum nostrum apposuimus. Datum in generali parlamento predicti domini regis apud Westmonasterium, die Dominica in festo Sancti Dunstani episcopi anno regni ejusdem regis tertio.
—*Parliamentary Writs*, i. 2.

C. 5. 'E pur ces qe aucunes gentz de notre roiaume se doutent qe les aides et les mises, les queles il nous ont fait avant ces oures pur nos guerres et autre bosoignes, de leur grant e leur bone volente, en quele manere qe faitz seient, pussent turner en servage a eus e a leur heirs, par ce qil serroient autrefoitz trevez en roule, e ausi prises qe ont este faites par mi le roiaume par nos ministres en notre noun, avoms grante pur nous et pur nos heirs qe mes tieles aides, mises, ne prises, ne treroms a custume pur nule chose qe soit fait ou qe par roule ou en autre maniere peust estre treve.'

Confirmatio
Cartarum
25 Edward I.

C. 6. 'E ausi avoms grante pur nous e pur nos heirs as ercevesques, evesques, abbes, e priurs, e as autres gentz de seinte eglise, et as contes et barons, et a tote la communaute de la terre, qe mes pur nule busoigne tieu manere des aides, mises ne prises, de notre roiaume ne prendroms, for qe par commun assent de tut le roiaume, et a commun profit de meisme le roiaume, sauve les auncienes aides et prises dues et custumees.'

C. 7. 'E pur ces qe tut le plus de la communaute del roiaume se sentent durement grevez de la male toute des leines, c'est asavoir de chescun sak de leine quarante soudz, et nous ont prie que nous les

vousissoms relessor, nous a leur priere les avoms pleinement relesse : et avoms grantè qe cele ne autre mes ne prendroms, sanz lour commun assent e leur bone volonte ; sauve a nous e a nos heirs la custume des leines, peaus e quirs avant grantez par le communaute du roiaume avant dit.'—*Magn. rot. Stat.*, m. 38.

De Tallagio
non conce-
dendo,
25 Edw. I.

C. 2. 'Nullus minister noster vel heredum nostrorum capiat blada, lanas, coria, aut alique alia bona cujuscunque, sine voluntate et assensu illius cujus fuerint hujusmodi bona.'

C. 3. 'Nihil capiatur de cetero nomine vel occasione male tolte de sacco lane.'—*W. de Heminburgh*, ii. 153.

Parliament
27 Edw. I.
'Rex collec-
toribus Cus-
tume sue
Lanarum in
civitate
Londonie.'

'Ordinance for the better observation of the Statute made in the present year for preventing the barter of wools, leather, woollfells, deal, tin, for other than sterling money.'—*Magn. Rot. Stat.*, m. 36.

Parliament
28 Edw. I.
Articuli
super
Cartas.

C. 2. 'Nevertheless the King and his Council do not intend, by reason of this Statute, to diminish the King's right for the ancient Prises due and accustomed, as of wines and other goods; but that his right shall be saved unto him whole in all points.'—*Magn. Rot. Stat.* m. 35.

Carta
Mercatoria.

'Edwardus, Dei gratia, Rex Anglie, Dominus Hibernie, et Dux Aquitannie, Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, Prepositis, Ministris, et omnibus Ballivis et fidelibus suis salutem. Circa bonum statum omnium Mercatorum subscriptorum Regnorum, Terrarum, et Provinciarum, videlicet, Alemannie, Francie, Ispannie, Portugallie, Navarre, Lombardie, Tuscie, Provincie Cathalonie, Ducatus nostri Aquitannie, Tholosannie, Caturtunii, Flandrie, Brabancie, et omnium aliarum terrarum et locorum extraneorum quocunque nomine censeantur, reven-

ientium in Regnum nostrum Anglie, et ididem conversancium. Nos precipua cura sollicitati qualiter sub nostro Dominio tranquillitatis et plene securitatis immunitas eisdem Mercatoribus futuris temporibus prepararetur, ut itaque vocatoribus futuris temporibus prepararetur, ut itaque vota ipsorum reddantur ad nostri et Regni nostri servicia promptiora, ipsorum petitionibus favorabiliter annuentes, et pro statu eorundem plenius assecurando in forma que sequitur ordinantes, subscripta dictis Mercatoribus pro Nobis et heredibus nostris imperpetuum duximus concedenda. Inprimis videlicet quod omnes Mercatores dictorum Regnorum et Terrarum, salvo et secure, sub tuitione et protectione nostra, in dictum Regnum nostrum Anglie, et ubique infra potestatem nostram alibi, veniant cum mercandizis suis quibuscunque, de Muragio, Pontagio, et Pavagio liberi et quieti; quodque infra idem Regnum et Potestatem nostram in Civitatibus Burgis et Villis Mercatoriis, possint Mercari dumtaxat in grosso, tam cum Indigenis seu Incolis ejusdem Regni et Potestatis nostre predicte, quam cum alienigenis, extraneis vel privatis: Ita tamen quod Merces que vulgariter Mercere vocantur ac Species minuatum vendi possint, prout antea fieri consuevit. Et quod omnes predicti Mercatores Mercandizas suas, quas ipsos ad predictum Regnum et Potestatem nostram aducere, seu infra idem Regnum et Potestatem nostram emere vel alias acquirere contigerit, possint quo voluerint, tam infra Regnum et Potestatem nostram predictam, quam extra, ducere seu portare facere, preterquam ad Terras manifestorum et notiorum Hostium Regni nostri; solvendo consuetudines quas debebunt; Vinis dumtaxat exceptis que de eodem Regno seu Potestate nostra, postquam infra idem Regnum seu Potestatem nostram ducta fuerint, sine voluntate nostra et licentia speciali non liceat eis abducere quoquo modo. Item quod predicti Mercatores in Civitatibus Burgis et villis predictis pro voluntate sua hospitari valeant et morari cum Bonis suis, ad

gratum ipsorum quorum fuerint hospicia sive domus. Item quod quilibet Contractus per ipsos Mercatores quibuscumque personis undecumque fuerint, super quocumque genere Mercandize initus, firmus sit et stabilis: ita quod neuter Mercatorum ab illo Contractu possit decedere vel resilire, postquam Denarius Dei inter principales personas contrahentes datus fuerit et receptus. Et si forsitan super contractu hujusmodi contencio oriatur, fiat inde probatio vel inquisitio, secundum usus et consuetudines Feriarum et Villarum ubi dictum contractum fieri contigerit et initi. Item promittimus prefatis Mercatoribus pro Nobis et heredibus nostris imperpetuum concedentes quod nullam Prisam vel Arrestacionem seu dilacionem occasione Prise de cetero de Mercimoniis, Mercandisis, seu aliis Bonis suis per Nos, vel alium seu alios, pro aliqua necessitate vel casu, contra voluntatem ipsorum Mercatorum aliquatenus faciemus aut fieri patiemur, nisi statim soluto precio pro quo ipsi Mercatores aliis hujusmodi Mercimonia vendere possint, vel eis alias satisfactio, ita quod reputent se contentos. Et quod super Mercimonia, Mercandisas, seu Bona ipsorum per Nos vel Ministros nostros nulla appreciatio aut estimatio imponetur. Item, volumus quod omnes Ballivi et Ministri Feriarum Civitatum, Burgorum et Villarum Mercatoriarum Mercatoribus antedictis conquerentibus coram eis celerem justiciam faciant de die in diem, sine dilatione secundum Legem Mercatoriam, de universis et singulis que per eandem Legem poterunt terminari. Et si forte inveniatur defectus in aliquo Ballivorum vel Ministrorum predictorum, unde idem Mercatores vel eorum aliquis dilacionis incommoda sustinuerunt vel sustinuit, licet Mercator versus partem in principali recuperavit dampna sua, nichilominus Ballivus vel Minister alius versus Nos prout delictum erigit puniatur; et punicionem istam concedimus in favorem Mercatorum predictorum pro eorum Justicia maturanda. Item, quod in omnibus generibus Placitorum, salvo casu Criminis,

pro quo infligenda sit pena Mortis, ubi Mercator implicitatus fuerit, vel alium implacitaverit, ejus-
cunque condicionis idem implacitatus exstiterit, Ex-
traneus vel Privatus, in Nundinis Civitatibus sive
Burgis, ubi fuerit sufficiens copia Mercatorum pre-
dictarum Terrarum et inquisicio fieri debeat, fit
medietas inquisicionis de eisdem Mercatoribus, et
medietas altera de aliis probis et legalibus hominibus
loci illius ubi Placitum illud esse contigerit. Et si
de Mercatoribus dictarum Terrarum in numeris non
inveniatur sufficiens, ponantur in inquisicione illi
qui idonei invenientur ibidem et residui sint de aliis
bonis Hominibus et idoneis, in locis in quibus placi-
tum illud erit. Item, volumus et ordinamus et
statuimus quod in qualibet Villa Mercatoria et
Feria Regni nostri predicti, et alibi infra Potestatem
nostram, pondus nostrum in certo loco ponatur, et
ante ponderacionem Statera in presencia Emptoris
et venditoris vacua videatur, et quod Brachia sint
equalia, et extunc ponderator ponderet in equali et
cum Stateram posuit in equali, statim amoveat
manus suas, item quod remaneat in equali; quodque
per totum Regnum et Potestatem nostram unum sit
Pondus, et una Mensura, et signo Standardi nostri
signentur. Et quod quilibet possit habere Stateram
unius quarteronis et infra, ubi contra Dominum loci,
aut Libertatem per Nos seu Antecessores nostros
concessam, illud non fuerit, sive contra Villarum
aut Feriarum consuetudinem hactenus observatam.
Item volumus et concedimus quod aliquis certus
Homo fidelis et discretus Londonie residens, assign-
netur Justiciarius Mercatoribus memoratis, coram
quo valeant specialiter placitare et debita sua recu-
perare celeriter, si Vicecomes et Majores eis non face-
rent de die in diem celeris Justice complementum,
et inde fiat commissis extra Cartam presentem
concessam Mercatoribus antedictis, scilicet, hiis qui
sunt inter Mercatores et Mercatores secundum
Legem Mercatoriam deducenda. Item, ordinamus
et Statuimus et ordinationem illam statutumque pro

Nobis et heredibus nostris imperpetuum volumus firmiter observari quod pro quacunque Libertate quam Nos vel heredes nostri de cetero concedemus, prefati Mercatores subscriptas Libertates vel earum aliquam non amittant; pro supradictis autem Libertatibus et liberis consuetudinibus optinendis et Prisis nostris remittendis eisdem, sepedicti Mercatores universi et singuli pro se et omnibus aliis [de] partibus suis Nobis concesserint, quod de quolibet Dolio Vini quod adducent vel adduci facient infra Regnum vel Potestatem nostram et unde Marinariis frettum solvere tenebantur, solvent Nobis et heredibus nostris, nomine custume, duos solidos (ultra antiquas Custumas debitas et in Denariis solvi consuetas, Nobis, aut aliis), infra quadraginta Dies postquam extra Naves ad Terram posita fuerint dicta Vina. Item de quolibet sacco Lane, quam dicti Mercatores aut alii ipsorum nomine ement, et de Regno nostro educent aut emi aut educi facient, solvent quadraginta Denarios de incremento ultra Custumam antiquam dimidie Marce que prius fuerat persoluta; et pro Lasta Coriorum extra Regnum et Potestatem nostram vehendorum, dimidiam Marcam, supra id quod ex antiqua Custuma antea solvebatur. Et similiter de trescentis Pellibus lanutis extra Regnum et Potestatem nostram ducendis quadraginta Denarios, ultra certum illud quod de antiqua Custuma fuerat prius datum. Item, duos solidos de qualibet Scarlata et Panno tincto in grano. Item, decem et octo Denarios de quolibet Panno in quo pars grani fuerit intermixta. Item, duodecim Denarios de quolibet Panno alio sine grano. Item, duodecim Denarios de quolibet Cere Quintallo. Cumque de prefatis Mercatoribus nonnulli eorum alias exercent Mercandizas ut de averio Ponderis et de aliis rebus subtilibus, sicut de Pannis Tarsensibus, de Serico de Cindatis, de Ceta, et aliis diversis Mercibus, et de Equis eciam et aliis Animalibus, Blado et aliis rebus et Mercimoniis, que ad certam custumam facile poni non poterunt, iidem Mercatores

concesserint dare Nobis et heredibus Nostris, de qualibet libra Argenti estimacionis seu valoris Rerum et Mercandisarum hujusmodi, quocunque nomine censeantur, tres Denarios de libra in Introitu Rerum et Mercandisarum ipsarum in Regnum et Potestatem nostram adducte, et eciam ibidem exonerate seu vendite fuerint. Et similiter tres Denarios de qualibet libra Argenti in educatione quarumcunque Rerum et Mercandisarum hujusmodi, emptarum in Regno et Potestate nostra predictis, ultra Custumas antiquas Nobis aut aliis ante datas; et super valore et estimacione Rerum et Mercandisarum hujusmodi, de quibus tres Denarii de qualibet libra Argenti sicut predictur sunt solvendi, credatur eis per Litteras quas de Dominis aut Sociis suis ostendere poterunt; Et si Litteras non habeant, stetur in hac parte ipsorum Mercatorum si presentes fuerint vel Valetorum suorum in eorundem Mercatorum absentia juramentis: liceat insuper Sociis de societate Mercatorum predictorum, infra Regnum et Potestatem nostram predictam, Lanam vendere aliis Sociis et similiter emere ab eisdem, absque Custuma solvenda: Ita tamen quod dicte Lane ad tales manus non deveniant, quod de Custuma Nobis debita non defraudemur. Et preterea est sciendum, quod postquam sepredicti Mercatores, semel in uno loco infra Regnum et Potestatem nostram, Custumam Nobis concessam superius pro Mercandis suis in forma solverint supradicta, et suum habeant Warrantum, erunt quieti in omnibus aliis locis infra Regnum et Potestatem nostram predictam, de solutione Custume hujusmodi pro eisdem Mercandis seu Mercimoniis per idem Warrantum, sive hujusmodi Mercandise infra Regnum et Potestatem nostram remaneant, sive exterius deferantur; exceptis Vinis, que de Regno et Potestate nostra predictis, sine voluntate et licentia nostra, sicut predictum est, nullatenus educantur. Volumus autem, et pro Nobis et heredibus nostris concedimus, quod nulla exactio, Prisa vel Prestatio, aut aliquod aliud onus, super personas Mercatorum

predictorum, Mercandisas seu Bona eorundem, aliquatenus imponantur contra formam expressam superius et concessam. Hiis testibus, etc. Datum, etc., apud Windesoram, primo die Februarij, anno Regni nostri xxxj.

Statutes and Proceedings in Parliament of the Reign of Edward II.

Parliament
3 Edw. II.
Respite of
the New
Custom.

‘And as to the Customs which the King taketh by his officers—that is to say, of every tun of wine, two shillings; of every cloth which alien merchants bring into his land, two shillings; and of every pound value of avoir de pois, three pence—the King willeth at the request of the said good people that the said Customs of wines, clothes, and avoir de pois, do cease at his will, in order to know and be advised what profit and advantage will accrue to him and his people by ceasing the taking of those Customs; and the King will have counsel according to the advantage which he shall see therein: saving always to the King the ancient Prises and Customs anciently due and approved.’—*Magn. Rot. Stat.*, m. 33.

Parliament
5 Edw. II.
The New
Ordinances
made at
London
for the pro-
per Receipt
and Expendi-
ture of the
Custom-
Revenue.

C. 4. ‘Moreover it is ordained that the Customs of the realm be kept and received by the people of the realm, and not by aliens; and that the issues and profits of the same Customs, together with all other issues and profits of the realm arising from any matters whatsoever, shall come entirely to the King’s Exchequer and by the Treasurer and the Chamberlains shall be delivered to maintain the household of the King, and otherwise to his profit; so that the King may live of his own, without taking Prises other than those anciently due and accustomed; and all others shall cease.’

Merchants
Alien to
render their
Accounts
of the same.

C. 5. ‘Moreover it is ordained that all merchants alien, who have received the profits of the Customs of the realm, or of other things appurtenant to the King, since the death of King Edward the father of

our lord the King that now is, shall be arrested with all their goods, wheresoever they shall be found within the power of the King of England, until they have rendered reasonable account of how much they have received of the issues of the realm within the time aforesaid, before the Treasurer and before the Barons of the Exchequer, and others joined to them by the said Ordainers.'

C. 8. 'Therefore it is ordained "that the said Receivers and Keepers of the Customs to be Natives. Customs, together with all the issues of the realm as aforesaid, be received and kept by people of the realm, and delivered into the Exchequer in the form afore-mentioned."

C. 11. 'Also New Customs have been levied, and The Increase of Customs. the old enhanced, as upon wools, cloths, wines, avoirdupois and other things, whereby the merchants come more seldom, and bring fewer goods into the land, and the foreign merchants abide longer than they were wont to do, by which abiding things become more dear than they were wont to be, to the damage of the King and his people. Makes Aliens become resident. We do ordain, that all manner of Customs and imposts All New Customs to be abolished, levied since the coronation of King Edward, son of King Henry, be entirely put out, and altogether extinguished for ever, notwithstanding the Charter which the said King Edward made to the merchants alien, because the same was made contrary to the Great Charter and the Franchise of the City of London, and without the assent of the Baronage. as illegally imposed. And if any, of whatsoever condition he be, do take or levy anything beyond the ancient Customs due and rightful, or make disturbance, whereby the merchants cannot of their goods do their will, and thereof be attainted, there shall be awarded to the plaintiffs their damages, having regard to the purchase, to the suit, to the costs, and losses which they have had, and to the violation of the Great Charter; and the trespasser shall be imprisoned ac-

The Penalty for non-observance.

Saving the
Ancient
Customs.

ording to the discretion of the justices, and he shall never be in the King's service; saving nevertheless to the King the Customs of wools, woolfells, and leather; that is to say, for each sack of wool, half a mark; and for three hundred woolfells, half a mark; and for a last of leather, one mark, if the goods be liable thereto. And henceforth merchants strangers shall come, abide, and go according to the ancient Customs, and according to that which was of old as they were wont to do.'—*Cott. MSS. Claud. D. ii., Rot. Parl., i. 281.*

Free Traffic
to Aliens.

‘That the King's Butler shall purvey wines by the view of two of the best men of the port or town where they shall be taken: and by the testimony of the Customers there, if any may be found. That no Customer shall be deputed by the King's Butler: and that the Butler shall cause all his purchases and prises to be inrolled. That the Customers shall certify into the Exchequer how many ships laden with wines have arrived in their ports, with their burthen, and whence and whither they are bound, and when they arrived: and what prisage there has been taken, and what Custom, and what Custom and prise.’—*Magn. Rot. Stat., m. 30^d.*

Parliament
16 Edw. II.
Statute of
the Ex-
chequer.

C. 10. ‘That the principal collectors of the Custom of wools shall pay in their receipts twice each year, and account for the same every year: namely, for every ship which has arrived, and where laden, and its burthen, and owner, and the rate of Custom paid, and the total thereof.’

*Statutes and Proceedings in Parliament of the Reign
of Edward III.*

Parliament
at Westmin-
ster, Monday
after St.
Matthias,
11 Edw. III.
Ordinances
against ex-

C. I. ‘No merchant, alien or denizen, to export wool from England on pain of forfeiture of life and limb, after the feast of St. Matthias, until it shall be otherwise ordained.’

C. 2. ‘None to wear any cloth of foreign make

after Michaelmas next other than what has been made in England, Wales, Ireland, or Scotland, upon pain of forfeiture of the same and further punishment.’

porting Wool
or importing
Fine Cloths.

C. 3. ‘No merchant to import any foreign cloth, other than the above, upon like penalty.’

C. 5. ‘Foreign cloth-workers may reside in the kingdom.’—*Magn. Rot. Stat.*, m. 24^d.

‘Grant of a subsidy of $\frac{1}{10}$ th, namely, the tenth sheaf, the tenth lamb, and the tenth fleece, payable in two years; on the condition that the *maltolte* of wool lately afresh levied, be entirely removed and held to the old rate, and be confirmed by charter and enrollment thereof, and that it be not drawn into a Custom.’—*Rot. Parl.*, ii. 104, 5.

Parliament
at Westmin-
ster, the
15th of St.
Michael.
13 Edw. III.
Grant of
Subsidy.

‘Petition of the Commons that the matter be deferred to another Parliament for further consideration. And that the *maltolte* of wool and lead be taken as of old, for that the same is now increased without the assent of Parliament. And if otherwise is done, that the offenders may be arrested without challenge.’—*Ibid.*, ii. 105, 13.

With Con-
ditions there-
to.

‘That no corn be exported till further ordinance be made therein.’—*Ibid.*, ii. 106, 20.

Corn.

‘Grant of 30,000 sacks of wool offered by the Commons to assist the King’s necessities, on certain conditions only.’—*Ibid.*, ii. 107, 7.

Parliament
at Westmin-
ster, the 8th
of Hilary.
13 Edw. III.

‘Guarantee of 2,500 sacks to the King for the war, part of the 30,000 sacks granted, namely, for a fleet “stuffed” with men-at-arms and archers for the defence of the realm.’—*Ibid.*, ii. 108, 8 and 9.

Advance of
Subsidy.

C. 20. ‘Grant of the subsidy of the ninth sheaf, fleece, and lamb for two years.’

Parliament
at West-
minster,
Mid-lent,

14 Edw. III.
Statute I.
Grant of
Subsidy with
the Con-
ditions
thereof.

C. 21. 'Declaration of the Commons that though the King should never take above half a mark of the sack of wool, and of lead, tin, leather, and woolfells, after the rate, yet that in answer to the King's present request for a grant, they do now concede a subsidy of 40s. per sack and per 300 fells of wool, and 40s. per last; and on other merchandise exported, after the rate; from Easter to Pentecost next, and from thence for one whole year. After that date has expired, the old Custom only to be taken. The sack to be of 26 stones of 14 lbs. weight. All shippers to give security to the Customers to import bullion to the value of two marks for every sack. All wools to be coketted in the owners' names.'—*Magn. Rot. Stat.*, m. 21.

Statute II.
Above not to
be drawn
into a
Precedent.

C. 1. 'The above-granted subsidy not to be drawn into a precedent, or be taken any more without assent of Parliament. To be applied to the maintenance and safeguard of the kingdom.

Free Trade
according to
Magna
Carta.

C. 2. 'That safe-conducts be granted to alien merchants, paying all due Customs, according to the provision of Magna Carta confirmed in the twenty-fifth year of Edward I., saving the franchizes of certain townes.

Form of the
Grant of a
Subsidy.

C. 4. 'Recapitulation of the grant of the subsidy of wools, etc., "at the request of the said great men and Commons cited in these our Letters Patent."'—*Ibid.*

Parliament
at West-
minster,
Mid-lent,
14 Edw. III.
Assignment.

'Grant of £400 out of the Great Customs to the Marquis of Julers, for ever, for his good services; besides £600 already received by him from the same Customs, and now confirmed to him, payable to him yearly, on the occasion of his proposed creation Earl of Cambridge.'—*Rot. Parl.*, ii. 114, 35.

‘Letter of the King to Parliament recounting his necessities and urging a speedy advance of subsidy.’—*Rot. Parl.*, ii. 118, 6-9. Prise of Wools by way of Advance of Subsidy.

‘Consideration of the above by Parliament. Twenty thousand sacks granted to be raised by prise in the counties, and sold by contract to the merchants. The purchase-price fixed according to the prise of Nottingham. All wools as soon as bought to be customed at 40s. per sack, and the issues hereof forwarded to the King abroad.’—*Ibid.*, ii. 118, 10. Same.

‘Writs to be issued to the Sheriffs forbidding the purchase of wools by any other than the buyers of the prise wools. The Customers to be warned to prevent the exportation of uncustomed wools; and searchers to be assigned for that service.’—*Ibid.*, ii. 120, 18. Same.

‘Assessment of the Counties for the Prise of wools.’—*Ibid.*, ii. 20-27. Same.

‘Report of Parliament hereupon to the King; appending the complaints of the Customers concerning frauds on the Customs and praying the King to spy out the destination and shipment of these wools that the shippers in England may be thereby detected and punished.’—*Ibid.*, ii. 29. Same.

‘Provision concerning the prise of wools.’—*Magn. Rot. Stat.*, m. 19^d. Parliament at Westminster, the 15th of Easter, 15 Edw. III. Statute I.

‘Revocation of the above Statute as contrary to the Laws and Customs, prerogative, and royal right; and as never consented to by the King, “but as then it behoved us, we dissimuled in the premisses.”’—*Ibid.* Statute II.

‘Remonstrance of the King against the mal-administration whereby the late subsidy failed of success.’—*Rot. Parl.*, ii. 127, 5. Failure of the late Subsidy.

- The Ninth to be inclusive of the Prise. 'The advance of 20,000 sacks of wool, taken by prise, to be reckoned with the assessment of the ninth.'—*Rot. Parl.*, ii. 127, 5.
- Exportation of Wools forbidden to facilitate the Prise. 'No merchant to export wools from Easter to Michaelmas. After Michaelmas, paying Custom as of old. Penalty, double the value of the goods exported. Purveyors authorized to take all wools, except those in sanctuary, according to the Nottingham scale.'—*Ibid.*, ii. 133, 59-60.
- Arbitrary Enforcement of the Prise forbidden. 'Petition of the Commons that all proceedings, by commission, of the Justices contrary to the common law, shall be stayed.'—*Ibid.*, 61-2.
- Parliament at Westminster, 15th of Easter, 17 Edw. III. Grievances before Supply. 'Grievances alleged by the Commons, namely, the exportation of uncustomed wools. The inadequate scale of the Nottingham prise. Exportation of wools by false entry of shipper's name. Extortions of purveyors and collectors of the subsidy. Misconduct of Customers. Unreasonable sojourn of aliens exempt from direct taxation.'
- Grant of Subsidy. 'Grant of the subsidy of wools, etc., at 40s. per sack from Midsummer next to Michaelmas following, and thence for three years, as the 'old' Custom and subsidy.'
- Conditions. 'No licenses to be granted prejudicial to the Customs. A general pardon to be confirmed for past offences herein (as before stipulated). Mandates to be addressed to the Customers accordingly.'
- Customers. 'Customers not to sub-let their offices, nor remain therein for term of their lives.'—*Ibid.*
- Custom or Maltolte. Late Subsidy illegal. 'That the "maltolte" of wool be fixed at half a mark and no more, taken at 40s. as illegally granted by consent of the merchants only, and not by common assent of Parliament.'—*Ibid.*
- Standard Weight. 'That whereas merchants purvey wools at from 1 lb. to $\frac{1}{2}$ lb. under statute weight in every stone, the statute be observed.'—*Ibid.*, ii. 142, 53.

‘Advised by the merchants that the staple of wools, etc., be removed to England, whereby would arise the following benefits, namely: the price of wool would be enhanced. Less merchandise would be lost at sea by *English* merchants. Less bad money would be introduced within the kingdom. The King might have 40s. (and less, after the rate) from every sack at the expense of aliens only. And they themselves might receive an assignment of one half the Customs so paid by aliens in discharge of the debts due to them from the Crown, so that no licenses be granted there against.’—*Rot. Parl.*, ii. 143, 58.

Staple to be removed to England, with singular Profit to certain Merchants.

‘Enacted that all persons, whosoever, may buy wools; and that the sea is open for all merchants to pass with their merchandise.’—*Magn. Rot. Stat.*, m. 19^d.

Parliament at Westminster, the 8th of Holy Trinity, 18 Edw. III. Traffic free to all.

‘That all prises of wools may be wholly removed, as being harmful to the people. (Granted.)’—*Rot. Parl.*, ii. 149, No. 2.

Prises illegal.

‘That the staple is ill-situate at Bruges. Formerly Italian and Spanish buyers were numerous; now the great cities of Flanders will not open the staple to strangers beyond Flanders.’

First step towards removing the Staple from Flanders to England.

Answer. ‘That all merchants, alien and denizen, may buy wools freely in England.’—*Ibid.*, No. 5.

‘That whereas during the guardianship of the kingdom by Lionel of Antwerp, the following tolls were taken for safe-conduct of merchant shipping, namely, 2s. per sack of wool; 2s. per tun of wines; and 6d. poundage on Avoir du Pois, the same be now discharged and no more levied.’

Parliament at Westminster, Hilary, 21 Edw. III. Tolls for Safe-conduct of Merchandise by Sea.

Answer. ‘Granted save for wool, for that there exists no sufficient treasure without taking that toll.’—*Ibid.*, ii. 166, 11.

- Prises. 'That in spite of the grievous taxation, ordinances made against prises are not observed.'—*Rot. Parl.*, ii. 166, 16.
- Late Subsidy illegal. 'That whereas the Ancient Custom of wools was ever taken at the rate of half a mark; yet now more is exacted, whereof the Commons pray remedy.'
Answer. 'That the term of the subsidy granted by Parliament itself has not yet expired.'—*Ibid.*, ii. 168, 29.
- Petition against the Taxation of Cloth as Woollen Fabric. 'Petition of the Commons against the new Customs on exported cloths—namely, 14d. for denizens and 21d. for aliens per cloth; 1d. on worsted; 15d. for aliens and 10d. for denizens on yarn—to the damage of English artificers.'
Answer. 'That it is just to tax cloth as well as wool, namely, for the proportion of wool which it contains.'—*Ibid.*, 31.
- Rejected. 'That the merchants who have the contract for buying the King's wools, and the assignment of the Custom and subsidy thereof, will not allow any to export wool unless paying a fine of two marks per sack above the Custom and subsidy.'
Answer. 'Those merchants to answer in Parliament.'—*Ibid.*, ii. 169, 38.
- New Impositions on Wools. 'That the merchants who have the contract for buying the King's wools, and the assignment of the Custom and subsidy thereof, will not allow any to export wool unless paying a fine of two marks per sack above the Custom and subsidy.'
Answer. 'Those merchants to answer in Parliament.'—*Ibid.*, ii. 169, 38.
- Merchant Contractors. 'Complaint of the poorer merchant contractors, that the assignment due to the richer merchants has been at length satisfied out of the Customs; but that they themselves have received no part thereof.'—*Ibid.*, 39.
- The same. 'Complaint of the Commons that the merchant contractors make great profit by the prises of wools, whereby both the Crown and the producer are defrauded. Moreover, that the above extort over-dues upon the Custom-rates, and buying under the statute

prices, forbid the exportation of wools by outsiders.’
—*Rot. Parl.*, ii. 170, 49.

‘That the collectors and taskers of prise wools buy at unfair weights and prices for the King.’—*Ibid.* Prise of Wools.
ii. 171, 54.

‘That payment may be made for victuals taken in the counties “a l’oepe le Roi.”’—*Ibid.*, 57. Prise of Victuals.

‘Complaint of the merchants that the seas being unsafe, they had bargained for the safe-conduct of their vessels for a toll of 12d. per sack of wool. This contract has not been fulfilled, for many ships laden with their wools have been lost or captured at sea.’—*Ibid.*, 58. Toll for Safe-conduct.

‘The gauger of wines for Guienne reported to have collected the fees of 1d. per tun without discharging his office.’—*Ibid.*, ii. 172, 61. Gauge of Wines.

‘Statement of the Commons’ grievances, namely, that the people are oppressed (inter alia) by prises of victuals, which remain unpaid for. By the subsidy of wools, whereby every sack of wool which is exported paying 40s. for Custom, is sold by the producer at a proportionate discount. By the advance of 20,000 sacks lately made, together with the further extortions of the merchants, contractors therefor. Therefore it shall be taken as the condition of a further grant and subsidy, that these evils be redressed, and that the assessment for the 20,000 sacks of the prise be counted in the assessment for the subsidy.’—*Ibid.*, ii. 200, 4. Parliament at Westminster, 22 Edw. III. Grievances and Supply

‘That the merchant contractors for the 20,000 sacks of prise-wools have not left the King above one-third profit on the same.’—*Ibid.*, ii. 201, No. 1. Merchant Contractors.

Ordinance
of Bullion.

‘That the ordinance for bullion made in the last Parliament be repealed, for that it is impossible to comply with the same (namely, to import two marks value of silver with each sack exported), since the Flemish authorities will not suffer the exportation of bullion.’—*Rot. Parl.*, ii. 202, 11.

Free
Passage.

‘That the passage of wools be free, without extra-
payment to the merchant contractors for the King’s
wools.’—*Ibid.*, No. 4.

Parliament
at Westmin-
ster, the 8th
of the Puri-
fication,
25 Edw. III.
Subsidy
illegal.

‘Petition of the Commons that whereas the late
subsidy of 40s. granted by the merchants is borne by
the whole commonalty of the realm, that it may
cease from henceforth. The passage of wools to be
free to poor and rich merchants of the King alike.
Thereupon there shall be granted a subsidy to be
taken for half a year or one year, if the King require
it for so long.’

Answer. ‘The subsidy has been already granted
by Parliament for three years, whereof two from
Michaelmas next are yet to run.’—*Ibid.*, ii.
229, 22.

Loan on
Wools.

‘That whereas writs were issued at Michaelmas
in the twenty-third year that none should export
wools except paying two marks above the subsidy to
the King as a loan, the said loan has not yet been
repaid.’

Answer. ‘That Walter de Chiriton and his fellows
were at that time farmers of the said Customs, and
none other were concerned for the same; and that
the same Walter has received allowance for that
loan.’—*Ibid.*, ii. 230, 33.

Fells.

‘That whereas fells exported were heretofore
charged at 40d. per hundred, yet now 46s. 8d. is
taken for every 300 as equal to a sack.’

Answer. ‘“The ancient Custom used in all times
may not be subverted.”’—*Ibid.*, 37.

‘Grant of an aid preceded by statement of grievances, namely, that no wools be weighed as heretofore by auncel weight, but by the standard only of 14 lbs. to the stone and 26 stone to the sack.’

Parliament at Westminster, Hilary, 27th Edw. III. Aid conditional on Reform of Abuses.

‘That lately merchants who shipped wools to Dordraght, after they had been customed, were deprived of the same, which were wrongfully seized as being over weight.’

‘That Walter de Chiriton be not allowed for the two marks per sack lately paid as a loan to the King by the merchants at large, and for which they have had no allowance.’

‘That purveyors of wines, namely, the Butler or his deputies, take the worst for the King, and hold the best to ransom for their own profit.’—*Rot. Parl.*, ii. 239, 42.

C. 8. ‘All wines, both red and white, shall be well and lawfully gauged.’

Parliament at Westminster, St. Mathias, 27 Edw. III.

C. 1. ‘That the staple be held in England and in the following places, namely, Newcastle, York, Lincoln, Norwich, Westminster, Canterbury, Chichester, Winchester, Exeter, Bristol, in England; Camarthen, in Wales; Dublin, Waterford, Cork, Drogheda, in Ireland.’

Statute I., Gauge. Statute II., Statute of the Staple.

‘All wools to be exported shall first be brought to a staple, and the weight thereof certified by the Mayor of that staple. Then they shall be carried to the proper port, the following being appointed for divers counties, namely, Hull for Yorkshire, Boston for Lincolnshire, Yarmouth for Norfolk, Westminster for London, Sandwich for Kent, and Southampton for the same county and the adjoining counties in each case respectively. That they shall be again weighed at such ports, and an indenture made between the Mayor and the Customers of such weights, and Custom taken of the same after the rates; so that no wool, woolfells, leather, lead, tin, or

Staples.

Staple-Ports.

Weighing and Customing of Staple Commodities.

other staple commodity be exported by any except alien merchants.'

Safe-conduct
to Aliens.

C. 2. 'That merchant strangers shall be placed under the protection of the Crown.'

Aliens only
may export.

C. 3. 'That denizens and aliens alike may purchase wools, etc., in the counties, and convey the same to the proper ports, but that these shall be exported by aliens only. And that no subject of the realm shall export wools, etc., for himself in the name of an alien, nor have any agent abroad for that purpose, nor receive payment for the same abroad. But that English traders may sell at the staples to one another, instead of in the counties, if they desire to do so.'

Exemption
from Prises.

C. 4. 'That no prises shall be taken of goods or carriages employed about the staples, namely, in returning therefrom, for which they may receive a safe-conduct from the Mayors of those staples.'

Licenses
void.

C. 7. 'That no licenses shall be granted to natives to export wools, etc., contrary to this Statute.'

Standard
Weight.

C. 10. 'That there shall be one standard of weight for all staple commodities, by the balance only, and that the same shall be fairly weighed without deception.'

Prohibited
Marts.

C. 12. 'That no wools, etc., shall be exported to Berwick or to Scotland.'

Surety
against
Smuggling.

C. 15. 'That surety shall be taken of those who carry wools, etc., to the staple by fresh waters or arms of the sea.'

Irish free of
English
Staples.

C. 18. That the Irish may freely bring their wools, etc., to English staples.'—*Rot. Stapulæ*, m. 22.

Draft of the
Statute of
the Staple.

'The staple to be removed to England. Customs to be paid at the old rates, namely, 6s. 8d. and 13s. 4d. for denizens; 10s. and 20s. for aliens. Aliens only to export. No prises to be taken from merchants strangers. No collusion with aliens to export denizens' wool. Franchise of the staples. Ordinances of the staples. Exportation to Scotland

forbidden. Free importation and sale of wines. Ordinance of sterling money. Certificates of Custom-search necessary. Free access of the Irish and Welsh to the staples. Safe-conduct to merchant strangers. Appointment of Mayors and constables of the staples and of subordinate employés. Credit to be given to aliens' certificates or affidavits as to the value of avoirdupois without demurr or delay. Punishment of life and limb for breach of this Statute, *e.g.* for the exportation of wools, etc., by denizens.'—*Rot. Parl.*, ii. 246-52, 2-32.

'Grant of the subsidy of wools, etc., for three years, from Michaelmas last; to be applied to the expenses of the war only, conditional on the reform of certain grievances.'—*Ibid.*, ii. 252, 33. Grant of Subsidy.

C. 5. 'Against the exportation of iron.'

C. 13. 'Confirmation of the Statute ii., 27 Edward III., with certain amendments regarding warranty, packing, etc. And that Custom be payable only on goods that are sold.'—*Magn. Rot. Stat.*, m. 14. Parliament at Westminster, St. Mark, 28 Edw. III. Iron. Confirmation of 27 Edw. III. (II.). Breaking Bulk.

'Grant of the subsidy of wools, etc., for six years from now; to be levied as it is taken at present; so that no other imposition be found.'—*Rot. Parl.*, ii. 265, 11. Parliament at Westminster, St. Martin's 29 Edw. III.

C. 8. 'Exportation of wool to parts in amity with the King permitted after the 5th of May next till Michaelmas following, paying Custom and subsidy at 50s. for wool, and 100s. for leather, of standard weight; so that the same be brought to the staple.' Grant of Subsidy. Parliament at Westminster, 8th of Easter, 31 Edw. III. Exportation of Wool granted conditionally.

C. 9. 'This term to be prolonged by the advice of the Council.'—*Magn. Rot. Stat.*, m. 13.

C. 19. 'The Custom of the canvas of merchants, with the "corner" to be removed.' Parliament at Westminster, Sunday before the Conversion of St. Paul, 34 Edw. III.

C. 20. 'The exportation of corn forbidden.'

C. 21. 'Licenses to certain denizens to export

wool against the provisions of the Statute confirmed by Parliament, paying the full Custom and subsidy.'—*Magn. Rot. Stat.*, m. 10.

Parliament at Westminster, the 15th of St. Michael, 36 Edw. III.

'Petitions against purveyance; and for proper standard of weight in Customing wools.'—*Rot. Parl.*, ii. 270, 22.

Reform of the Customs.

'That after the term of the subsidy has expired, Custom shall be taken only at the old rates. That denizens shall be free to export wool, like aliens. That the merchants shall not exact new impositions on wool exported.'—*Ibid.*, ii. 271, 26.

Grant of Subsidy.

'Grant of the subsidy of wools, etc., at 20s. per sack and 300 fells, without the Custom, and 40s. per last of leather, without the Custom, for three years from Michaelmas last past.'—*Ibid.*, ii. 273, 35.

Parliament at Westminster, the 8th of Michaelmas, 37 Edw. III. Exportation limited.

'That no cloths or victuals shall be exported, except worsted cloths, by German or Gascon merchants.'—*Ibid.*, ii. 275, 7.

Impositions.

'Petition of the Commons that the late ordinance touching the Customs be observed, and that the imposition lately levied by the new company of merchants at Calais (staplers), namely, 3s. 4d. per sack, be removed.'

Calais Tolls.

Answer. 'That the same shall be reduced.'—*Ibid.*, ii. 276, 11.

Gauge.

'For the observance of the gauge of wines.'—*Ibid.*, ii. 279, 35.

Parliament at Westminster, the 8th of Hilary, 38 Edw. III. Free Traffic. Moderate Penalties.

C. 2. 'That traffic shall be free to all except for denizens to export wools, or for any to export bullion.'

C. 8. 'That there shall be no forfeiture incurred of the whole cargo for a small thing left uncustomed by misadventure.'—*Magn. Rot. Stat.*, m. 6^d.

‘That there may be free traffic to denizens and aliens alike, paying the due Customs.’—*Rot. Parl.*, ii. 286, No. 3. Free Trade.

‘That the penalty of life and limb for breach of the Statute 27 Edward III. be repealed, and forfeiture of goods substituted.’—*Ibid.*, ii. 287, 21. Repeal of
Penalty
under
27 Edw. III.

‘That the staple be in England to the profit of the Commonalty; and traffic be free without any impositions or fees.’—*Ibid.*, 24. Staple.

‘That the Calais imposition of 3s. 4d. be removed.’ Calais Toll.

Answer. ‘All unreasonable impositions shall be removed.’—*Ibid.*, 25.

‘That there may be new staples at Melcombe and Ipswich; and that wools for Chichester may be customed at Lewes if desired, and, similarly, those for Lenn at Yarmouth.’—*Ibid.*, ii. 288, 30. New Staples.

‘Grant of the subsidy of wools, etc., at 40s. for wool and 80s. for leather, without the apportionate Customs, from the Purification to Michaelmas, and thence for three years.’—*Ibid.*, ii. 285, 9. Grant of
Subsidy.

‘Grant of the subsidy of wools, etc., at 36s. 8d. per sack or 240 fells, without the Custom, and 80s. per last for two years from Michaelmas next.’—*Ibid.*, ii. 295, 9. Parliament
at Westmin-
ster, 1 May,
42 Edw. III.
Grant of
Subsidy.

C. I. ‘That the staple be removed from Calais to England, to the following places, namely, Newcastle, Kingston-on-Hull, Boston, Yarmouth, Queenborough, Westminster, Chichester, Winchester, Exeter, Bristol. Free traffic to all aliens in England. No wools to be exported before being weighed and coketted; and then only by aliens, and not by denizens, on pain of Parliament
at Westmin-
ster, the 8th
of Holy
Trinity,
43 Edw. III.
New Ordin-
ances for
the Staple.

the forfeiture of the same, and imprisonment for three years.'

Prise of
Wines.

C. 3. 'That the King's Butler take prise only of such quantity of wines as is specified in his writ.'—*Magn. Rot. Stat.*, m. 2.

Grant of
Subsidy.

'Grant of the subsidy of wools, etc., at 43s. 4d. and 8os., without the Custom, for three years from Michaelmas next.'*—*Rot. Parl.*, ii. 300, 10.

Staple
removed
from Calais.

'Memorandum that the staple may not be held at Calais because of the war, therefore it shall be removed to England, and fixed by the King and his Council.'—*Ibid.*, ii. 301, 24.

Parliament
at Westmin-
ster, the first
week in Lent,
45 Edw. III.
Abuses by
Customers.

'Complaint of the merchants that whereas after their wools had been duly coketted, they were forfeited for overweight by the voice of one accuser; which forfeiture has been adjudged by the Barons of the Exchequer contrary to the intent of the late pardon.'

Answer. 'Let them declare their grievance before the Council.'—*Ibid.*, ii. 307, 33.

'That prises of corn be restricted.'—*Ibid.*, ii. 305, 20.

Petition
against the
Restrictions
on Wool
exported.

'That whereas it was lately enacted that no denizen should export wools, and by another Statute the penalty of life and limb therein was repealed; and that certain denizens were hindered from exporting wools for coverture with aliens; and that by reason of the great evils arising from the monopoly of aliens, denizens were licensed to export so that the price of wool might not be reduced; therefore that there be no such ordinance made hereafter, nor any

* 240 fells, instead of 300, estimated at one sack from the forty-second year.

hindrance of denizens under colour of their coverture with aliens to export wools.'

Answer. 'To be advised of.'—*Rot. Parl.*, ii. 306, 29.

C. 4. 'That no imposition or charge be put on wools or leather, other than the Custom and subsidy granted, without assent of Parliament.'—*Magn. Rot. Stat.*, m. 1. Impositions illegal.

'Grant of the subsidy of wools, etc., at the same rates for two years from Michaelmas next.'—*Rot. Parl.*, ii. 310, 10. Parliament at Westminster, All Souls, 46 Edw. III. Grant of Subsidy.

'Petition of the heirs and executors of those merchants whose wool was coketted as of the standard weight of England, and which were taken for the King at Dordraght and sold at less than the English standard; wherefore process was issued and forfeiture awarded in the Exchequer Chamber; that a general pardon be granted herein as before was intimated.'

Answer. 'That the King will advise with his Council and great men for the best.'—*Ibid.*, ii. 312, 23. Petition for Pardon in the Dordraght Wool Case.

'That whereas it was lately enacted that no denizen should export wools, to the undue profit of aliens and great depreciation of the market value of the same, since no denizen would buy largely thereof; and after, licenses were granted to denizens to export by advice of the Council; yet, pending the validity of those licenses, be a general pardon granted herein.'

Answer. 'That the forfeiture of lands and chattels shall be repealed.'—*Ibid.*, ii. 314, 47. Licenses to Denizens to export Wool to be confirmed by a Pardon.

'Petition for the repeal of the Statute against denizens repairing to Gascony to purchase wines (unless guaranteeing to ship not less than 100 tuns),

whereby the price has been greatly increased.'—*Rot. Parl.*, ii. 315, 48.

Licenses to be confirmed by a Safe-conduct.

'Petition for certain merchants who have shipped wools to Middleborough, with the King's license, that they may have a safe-conduct for the same being contrary to the Statute. Moreover that the staple has been of late suddenly altered, and that it may be fixed in a certain place by enactment of Parliament.'

Answer. 'That they are not injured against the terms of their license.'—*Ibid.*, 49.

Parliament at Westminster, St. Edmund's, 47 Edw. 111. Grant of Tunnage and Poundage.

'Grant of poundage on all commodities exported or imported (except such as already bear Custom) at 6d., with tunnage of wines at 2s. for two years, so that during the second year there be no further charge; and that no members of the Parliament shall be collectors of Customs.'—*Ibid.*, ii. 317, 12.

Licenses against the Staple to be void

'That whereas it was lately ordained that the staple should be fixed at Calais, yet divers merchants have shipped wools, etc., elsewhere. Therefore the staple shall be maintained and no other place licensed there-against.'

Answer. 'The King will do as seems good to himself and his Council.'—*Ibid.*, ii. 318, 17.

New Staple.

'That there may be a new staple at Lenn. (Granted.)'—*Ibid.*, ii. 323, 16.

Parliament at Westminster, the 15th of Hilary, 50 Edw. 111. Unfulled Cloths exempt. Friezes exempt.

C. 7. 'That no subsidy be taken of unfulled woollen cloths, so that none such be exported.'

C. 8. 'That no friezes, whether English or Irish, be taxed for subsidy or alnage, the same not being cloth of Assize.'—*Magn. Rot. Stat.*, m. 1.

Grant of Subsidy.

'Grant of the subsidy of wools, etc., expiring at Michaelmas next, to be taken for three years, at the old rates.'—*Rot. Parl.*, ii. 322, 29.

Case of Richard Lyons, merchant, late farmer of the Custom and subsidy, who in collusion with certain of the Privy Councillors of the King, for their singular profit, obtained licenses to be granted for exporting wools, etc., elsewhere than to Calais, in consideration of an imposition of 10s. to the Crown and 12d. for his own profit, without assent of Parliament. And, moreover, that he imposed 4d. poundage on bullion imported which he did not answer to the King. For which offences the said Richard is committed to prison, and his lands and goods seized for the Crown, and himself deprived of his offices; with a further enquiry to be made into his alleged extortions in the matter of the Customs.'—*Rot. Parl.*, ii. 324, 17-19.

Attainder of a fraudulent Farmer of the Customs.

'Impeachment of William Latymer for the above offences, but is discharged on the mainprises of many peers that he shall surrender himself later.'—*Ibid.*, ii. 325, 6.

Impeachment for the same Offence.

'William Elys, of Yarmouth, impeached for that, being the farmer of the new Custom at Yarmouth as deputy to Richard Lyons, namely, of the 6d. poundage lately granted, he did extort £24 from Scotch merchants driven into that port by stress of weather. As also of a Prussian ship consigned to merchants of Lowestoft from which that Custom was exacted, without bulk broken, as for the whole value of the cargo. Then when-as the merchant to whom that cargo was consigned knew thereof, he lay in await with a large company for to have attacked and maltreated the same William whilst he journeyed to London with a great treasure for the King; so that fearing their malice, he despatched a letter to the King praying his help, whereby that merchant and his fellow were arrested and thrown into prison, as the same William says, though, in truth, knowing that the said merchant was already summoned before the Parliament to give evidence concerning the herring

Extortions and false Imprisonment by a Deputy Farmer of the New Custom.

fishery, and fearing lest he should discover the extortion aforesaid, he caused him to be falsely arrested on the above charge. Wherefore the said William was committed to prison and held to fine and ransom and condemned to pay £20 to each of the aforesaid merchants for their damages sustained.—*Rot. Parl.*, ii. 327, 31.

Extortions
of a Monop-
olist of
SweetWines.

X

‘Impeachment of John Peachee, merchant of London, for similar extortions, namely, for that he had procured to be granted the King’s letters patent for the monopoly of sweet wines sold in London to himself and his assigns, paying there-for 10s. per butt to the King, and further exacting 3s. 4d. for his singular profit thereon. Answers, that he might have exacted 10s. or 13s. 4d. beyond the royalty if he had so desired, with full consent of the buyers. Nevertheless, committed to prison for fine and ransom.’—*Ibid.*, ii. 328, 33.

Corn.

‘That no licenses be granted for exporting corn except to Calais, by reason of the present scarcity thereof.’—*Ibid.*, ii. 350, 156.

New Imposi-
tions at the
Wool-quay.

‘That a new imposition is charged at the wool-quay of London, viz., 1d. per sack and $\frac{1}{2}$ d. per sarpler and 2d. per 100 fells for tronage, which imposition amounts by the year to £100, whereas formerly only $\frac{1}{2}$ d. per sarpler and $\frac{1}{2}$ d. per 100 fells were levied for the same. Moreover, that they pay $\frac{1}{4}$ d. per sack for chalking, where before they paid nothing: besides $\frac{1}{2}$ d. per night for “mesonage” for every sack, where of old they paid but $\frac{1}{4}$ d., together with another $\frac{1}{2}$ d. per sack for “quersage,” against the ordinance. Moreover, that they must pay for each name in every ship 1d. “à Dieu,” where before they paid 1d. or nothing, as they pleased. Also that they must pay for each name in every ship 2d. for the coket. All of which impositions amount yearly to a great sum,

being contrary to existing Statutes; wherefore they pray that these may be repealed.'

Answer. 'That the ancient Custom be taken, and no new imposition levied.'—*Rot. Parl.*, ii. 351, 162.

'Petition against the making of woollen yarn in the counties, more especially, of Wilts, Dorset, and Gloucester; because that it is easily smuggled beyond seas in casks, etc.'

Woollen
Yarn
smuggled.

Answer. 'That the same be not exported.'—*Ibid.*, ii. 353, 174.

'Petition of the men of Calais that they may enjoy the monopoly of staple exports as heretofore ordained, namely, of wool, woolfells, leather, lead, tin, worsteds, cheese, butter, alum, tallow, etc., and that they may import victuals for their town from England, etc., free of Custom except for chargeable commodities. (Granted.)'—*Ibid.*, ii. 359, 209.

Staple.

'Petition for a general pardon to be granted for offences against the penal Statutes concerning the exportation of wools by denizens, namely, during the farmership of W. de Chiriton, and lately before the last Parliament, whether by coverture with aliens, to export wools in their names, or by procurement of licenses to that effect.'

Parliament
at Westmin-
ster, the 15th
of Hilary,
51 Edw. 111.
General
Pardon for
smuggling
Offences.

Answer. 'That there shall be a general pardon extended because of the Jubile.'—*Ibid.*, ii. 365, 24.

'That Custom is taken of unfulled cloths, both of whole and half cloths, the same being not of Assize, and again taken when the same are fulled.'

Unfulled
Cloths
exempt.

Answer. 'No unfulled cloths to be taxed—or exported.'—*Ibid.*, ii. 369, 55.

'That English and Irish friezes are Customed though they are not of Assize.'

Friezes
exempt.

Answer. 'The Custom to cease because they are not cloths of Assize.'—*Ibid.*, ii. 372, 71.

Petitions,
Edw. III.
(Miscellan-
eous).
Loan of the
Merchants,
1 Edw. III.

‘Petition of Almayn merchants, that in the first year they advanced 108½ marks to the Crown by way of loan upon the Customs at Boston, receiving there-for the King’s Letters Patent obligatory for allowance on their future payments of the same Customs, which sum has not yet been allowed.’

Answer. ‘That the Barons shall review the tallies and allowance be made thereon.’—*Rot. Parl.*, ii. 379, No. 8.

Same.

‘Same of Norwich merchants for £13 11s. 4d., lent on 20 sacks 9 stone at 13s. 4d. at the Port of Yarmouth.’—*Ibid.*, ii. 385, No. 34.

Same.

‘Same of Lincoln merchants for 46 marks and 49 marks, lent at the Port of Boston.’—*Ibid.*, No. 35.

Same.

‘Allowance to certain merchants of loans made to the King in the first year, to be made on the next payment of the Custom. Writs annexed to 22 merchants for the same.’—*Rot. Claus.*, 5 Ed. III. m. 1.

*Statutes and Proceedings in Parliament of the
Reign of Richard II.*

Parliament
at Westmin-
ster, the
15th of
St. Michael,
1 Ric. II.
Appropri-
ation of the
Customs’
Subsidy.

‘Memorandum of a petition of the Lords and Commons, granted by the King, that treasurers or guardians be assigned for applying the subsidy of wools and leather, namely, W. Walworth and J. Philypot, merchants of London. Saving to the Crown its ancient Custom.’—*Rot. Parl.*, iii. 7, 24.

Staple.

‘Enactment for the wool-staple lately held at Queensbro’ to be removed to Sandwich.’—*Ibid.*, iii. 11, 37.

Appropri-
ation of
Supply.

‘Petition of the Commons, that the Treasurers of the subsidy of wools and leather shall declare their

accounts before the Peers and Barons in Parliament.'

Answer. 'That a Commission has been assigned to review their accounts.'—*Rot. Parl.*, iii. 17, 57.

'Petition of the Commons, that in case of danger Staple. to the staple from foreign enemies, it may be removed to another place; and that commerce may be protected out of the issues of the Customs.'—*Ibid.*, iii. 24, 98.

'Enacted, that alien merchants who pay all the Parliament at Gloucester, Wednesday after St. Luke, 2 Ric. II. Alien Merchants. Customs and subsidies due to the Crown may traffic freely throughout England without fear of annoyance or spoliation, in despite of any private franchise: saving the ancient purveyance, and the ordinances of the staple of Calais.'—*Rot. Stat.*, ii. m, 24, c. 1.

'Enacted, that merchants of the West parts may Calais Toll. export freely from Southampton or elsewhere staple commodities towards the West, paying the Calais Toll and giving security that they will not export to the East.'—*Ibid.*, c. 3.

'Declaration of the Crown that the subsidy of Appropriation of Supply. wools and leather has been received by the treasurers assigned before and wholly applied for the purposes of the war.'—*Rot. Parl.*, iii. 35, 18 and 19.

'Grant of the subsidy of wools and leather for Grant of Subsidy and Poundage. three years, beginning at Michaelmas next, to be levied at the rate of 43s. 4d. on the sack, and £4 6s. 8d. on the last, exclusive of the Ancient Custom of 6s. 8d. from denizens and 10s. from aliens on the sack, and 13s. 4d. and 20s. on the last. Together with a new increase of 13s. 4d. on the sack and 26s. 8d. on the last for denizens and aliens alike, for one year beginning at Easter next. Also a grant of poundage at 6d. on all articles of avoirdupois.'—*Ibid.*, iii. 37-8, 29-30.

- Parliament at Westminster, in the 15th of Easter, 2 Ric. II. Release of new Subsidy and Poundage. Tonnage. 'Release of the new increase of subsidy and of the Poundage, expired.'—*Rot. Parl.*, iii. 57, 13-18.
- Parliament at Westminster, Monday after St. Hilary, 3 Ric. II. Extension of Subsidy. 'Ordinance for levying 6d. per ton on all vessels except such as are laden with wools, wines, or Flemish goods.'—*Ibid.*, iii. 63, 37.
- Parliament at Westminster, Monday after St. Hilary, 3 Ric. II. Extension of Subsidy. 'Renewal of the subsidy of wools and leather expiring at Michaelmas for one year.'—*Ibid.*, iii. 75, 16.
- Parliament at Northampton, 4 Ric. II. Gauge. 'Enacted, that all vessels containing wines or other gaugeable liquors shall be well and lawfully gauged by the gaugers thereto assigned, or their deputies.'—*Rot. Stat.*, ii. m. 22, c. 1.
- Appropriation of Supply. 'Memorandum that there have been no receipts from the Custom and subsidy of wools and leather by reason of the late disturbances in Flanders.'—*Rot. Parl.*, iii. 88, 4.
- Extension of Subsidy. 'Grant of the subsidy of wools and leather prolonged from the Feast of St. Martin to Christmas next.'—*Ibid.*, iii. 90, 15.
- Parliament at Westminster, the morrow of St. John Portlatin, 5 Ric. II. Extension of Subsidy. 'Grant of the subsidy of wools and leather, expiring at Christmas, prolonged to Candlemas.'—*Rot. Parl.*, iii. 104, 40.
- Extension of Subsidy. 'The same prolonged for four years from the Feast of St. John the Baptist (24 June).'—*Ibid.*, iii. 114, 67.
- Exemption from the Custom. 'Enacted, that all merchants, aliens or denizens, may export wools and leather, etc., whithersoever they please, except to France, paying the Customs and subsidies of the Crown and Calais Toll, for one year from Michaelmas next. Moreover to such as ship their wools, etc., and pay the subsidy before the Fifteenth of St. Martin next, the Ancient Custom

will be remitted. After that date the full Custom to be levied. The subsidy so received to be applied wholly for the defence of the Realm.'—*Rot. Stat.*, ii. m. 22, c. 2; *Rot. Parl.*, iii. 124, 14 (*Pars* ii.).

'Grant of a subsidy of 2s. on every tun of wine, and 6d. in every £ of merchandise, including cloths, from 21 May to Michaelmas and thenceforth for two years. To be wholly applied to the safe-keeping of the seas, and to be received by specified officers for the East and South and West Coasts.'—*Rot. Parl.*, iii. 124, 15 (*Pars* ii.).

Grant of Tunnage and Poundage.

'Ordnained, that the Staple of wools, etc., lately established at Calais, be removed from thence to some other suitable place or places, according to the terms of the late Treaty with Flanders.'—*Ibid.*, iii. 136, 22.

Parliament at Westminster, in the Utas of St. Michael, etc. 6 Ric. 11. Staple.

'Petition of the Commons granted, viz., that no corn shall be any more exported under colour of the royal license elsewhere than to Calais, Berwick, Gascony, Breste, and Cherburg, paying the Custom due thereon.'—*Ibid.*, iii. 141, 54.

Export of Corn.

'Petition of the Commons against any new tax upon wools, etc. other than the Custom and subsidy now in force, such being also not granted by Parliament, namely the Calais Toll of 19d. per sack on wools, etc., not bound for the mart of Calais.'

Parliament at Westminster, etc., Monday before All Saints, etc., 7 Ric. 11. Calais Toll.

Answer. 'Allowed in the case of denizens (after some demur).'—*Ibid.*, iii. 159, 35.

'Grant of the subsidy of wools, etc., expiring at the Feast of St. John the Baptist to cease and determine from that date till the Feast of St. Peter ad Vincula (Aug. 1) in order to assert the free grant of Parliament for the same. Thence to be levied by fresh grant at the rates of 42s. 4d. and 46s. 8d. on

Parliament at Westminster, Friday after St. Luke, 9 Ric. 11. Grant of Subsidy.

denizens and aliens respectively, beyond the ancient Custom of the Crown.'—*Rot. Parl.*, iii. 204, 11.

Staple.

'Ordnained that the staple be held in England, in the places, and by the forms and ordinances hereafter to be determined on.'—*Ibid.*, 12.

Parliament at Westminster, 1 Oct., 10 Ric. II.

'Grant of 3s. on every tun of wine exported or imported; and 12d. poundage on all merchandize *exceptis excipiendis.*'

Grant of Subsidy prolonged.

'Grant of the subsidy of wools, etc., expiring on St. Peter's prolonged to the Feast of St. Edmund the Martyr (Nov. 20), and from thence to Christmas following if there should be no Parliament summoned before that date.

'The staple for wools, etc., to be fixed with all haste.'—*Ibid.*, iii. 220, 78.

Parliament at Westminster, the Morrow of the Purification of Our Lady, 11 Ric. II. Impositions.

'Enacted, that no imposition or charge be laid upon wools and leather other than the Custom and subsidy granted by Parliament at this present; and if any be, the same shall be repealed and annulled as before was ordnained, saving to the King his ancient Right.'—*Rot. Stat.*, ii. m. 13, c. 9.

Grant of Subsidy.

'Grant of Tunnage and Poundage as before; and of the subsidy of wools and leather to Pentecost.

Tunnage and Poundage.

'Further grant of the subsidy of wools, etc., from 2 June to 24 June, and from thence for one year next following, at the rate of 43s. 4d. subsidy for denizens and 46s. 8d. for aliens, amounting in the whole with the Ancient Custom to 50s. and 53s. 4d. respectively. Also of the subsidy of leather at 7½ marks and 8 marks. Out of which grant £20,000 to be assigned to certain Lords (Appellants) for their charges lately incurred. The residue to be applied wholly to the defence of the Realm.

'Further grant of Tunnage and Poundage as before.'—*Rot. Parl.*, iii. 244, 12.

‘Petition of the Commons that the Lords Appellant may receive £20,000 granted to them out of the subsidy of wools, etc., notwithstanding any existing assignment to the contrary; and that the same Lords shall hold one half of the cokets in England in their own hands until the debt be discharged, receiving Letters Patent under the Great Seal for that purpose.’—*Rot. Parl.*, iii. 248, 35.

Assignment to the Lords Appellants.

‘It is also ordained and assented to, that the staple be removed from Middleburgh to Calais; so that it shall be at Calais the first day of December next to come.’—*Rot. Stat.*, ii. m. 12, c. 16.

Parliament at Cambridge, the Morrow of the Nativity of Our Lady, 12 Ric. II. Staple.

‘Grant of the subsidy of wools and leather from the 1st of March to Christmas following, to be taken at the rates of 40s. and 43s. 4d from denizens and aliens respectively, including the Ancient Custom.

Parliament at Westminster, Monday after St. Hilary, 13 Ric. II. Grant of Subsidy, Tunnage and Poundage.

‘Grant of Tunnage at 3s. and Poundage at 6d. (except for victuals, clothing, and harness at Berwick and other northern garrisons). To be levied on the wholesale value only.’—*Rot. Parl.*, iii. 262, 20.

‘Ordained that the Staple be at Calais until Michaelmas next, then to be removed into divers places in England.’—*Ibid.*, iii. 268, 37.

Staple.

‘Petition for the enforcement of Stat. 14 Ed. III. to compell all merchants to coket wool, etc., in their own names, to prevent damage to natives and frauds upon the Customs through aliens avoiding the extra custom.’—*Ibid.*, iii. 273, 57.

Coket.

‘Enacted that the staple be removed from Calais the day after the Epiphany to England, there to be held at such places as were appointed by Stat. 27 Edward III. Aliens to give security to the Customers at every port that with half the purchase-money received by them for their commodities they

Parliament at Westminster, the Morrow of St. Martin, 14 Ric. II. Staple.

will buy staple commodities of England, such as wool, woolfells, leather, lead, tin, butter, cheese, cloth, etc.'—*Rot. Stat.*, ii. m. 8, c. 1; *Rot. Parl.*, iii. 278, 6.

Exports
prohibited.

'That no denizen carry wools, leather, woolfells, nor lead out of the Realm of England to the parts beyond sea upon pain of forfeiture of the same, save only strangers.'—*Rot. Stat.*, ii. m. 8, c. 5.

Tin.

'That the passage of tin out of the realm be at the port of Dartmouth, and in no place else.'—*Ibid.*, c. 7.

Customers.

'That no Customer or Comptroller have any ship of his own nor meddle with the freight of ships. And that no Customer, Comptroller, Searcher, Pesager or Tronager* hold office for term of his life, but only as long as shall please for King, notwithstanding any patent or grant to the contrary.'—*Ibid.*, c. 10.

Grant of
Subsidy,
Tunnage
and Pound-
age.

'Grant of the subsidy of wools and leather from the Feast of St. Andrew last for 3 years next following; to be levied at the rates of 50s. and 53s. 4d. for wool, and 7½ marks and 8 marks for leather, upon denizens and aliens respectively.

'Grant of Tunnage at 3s. and Poundage at 12d.

'The aforesaid subsidies to be void if the staple through the default of the King and of his Council be not removed to England as ordained by Parliament.'—*Rot. Parl.*, iii. 279, 16.

Channel
Islands.

'Petition of the men of the Channel Islands that they may be quit of all arbitrary tolls, prises and Customs as the subjects of England are.

'Granted for 8 years.'—*Ibid.*, iii. 281, 30.

* 'Finder' in the printed Statutes, ed. 1816.

‘Ordnained, that the Staple be held according to the terms of the Statute 27 Edward III. until the 24th of June next. That free traffic be accorded to aliens, and that free export be permitted of commodities bought at the Staples.’—*Rot. Parl.*, iii. 285, 7.

Parliament at Westminster, the Morrow of All Souls, 15 Ric. II. Staple.

‘Memorandum that the grant made in the last Parliament shall be effectual notwithstanding any limitation regarding the observation of the 1st chapter.’—*Ibid.*, iii. 286, 12.

Limitation of Grant.

‘Re-grant of the subsidy passed in the 14th year, to avoid the limitation therein made.

Parliament at Winchester, in the Utas of St. Hilary, 16 Ric. II. Re-grant of Subsidies.

‘Provided, that in case of peace one half of the Tunnage and Poundage so re-granted shall not be levied.’—*Ibid.*, iii. 301, 11.

‘Petition of the Commons for denizen merchants who import wines that they may be quit of the King’s Recta Prisa, paying instead 20d. for each priseable cask and 10d. for every other, saving the privileges of existing franchises and liberties.’

Commutation of Prisaage.

Answer. ‘Refusal of the Crown to accept other custom than that paid by aliens, namely 2s. per cask.’—*Ibid.*, iii. 306, 29.

‘Memorandum relative to the conditions affixed to a former grant of Tunnage and Poundage, whereby only one half thereof might be levied in the event of peace or the King’s not going in command of his army abroad. By reason of the wording of this clause no part of the subsidy in question has yet been levied.

Parliament at Westminster, the 15th of St. Hilary, 17 Ric. II. Re-grant of Tunnage and Poundage.

‘Re-grant of the above (subject to the deduction of one half as aforesaid), the entire grant to become void within 15 days after peace shall have been established.’—*Rot. Parl.*, iii. 314, 12.

‘Petition of the Commons, that whereas merchants whō break cargo are thereupon charged with the full

Breaking Bulk.

custom for the residue, it is prayed that redress may be granted herein.'—*Rot. Parl.*, iii. 319, 36.

Export of
Corn.

'The same, that whereas growers can obtain no reasonable price for corn within the Kingdom, free passage for it may be granted to them, except to hostile countries.'

Answer. 'Granted subject to repeal, if desirable.'
—*Ibid.*, iii. 320, 39.

Single
Worsted
exempt from
Calais Toll.

'The same, that in spite of the grant made in the 13th year, that single worsted might be exported elsewhere than to Calais free of Calais toll, yet the Customers exact security from shippers that Bolts shall not be consigned to other markets than Calais, where Calais toll is not paid.'

Answer. 'Granted, provided that the Customs are not defrauded by the export of other than single worsteds.'—*Ibid.*, 41.

'Enacted, that Bolts of single worsted only may be exported elsewhere than to Calais, free of Calais toll.'—*Rot. Stat.*, ii. m. 5, c. 3.

Parliament
at Westmin-
ster, in the
15th of
St. Hilary,
18 Ric. II.
Jurisdiction
of Bristol
Customers at
Chepstow.

'Petition of the Commons for merchants of the Welsh Marches, that whereas the latter have always used to land their wines at Chepstow without paying custom to the Crown, that now the Customers of Bristol arrest their wines in that port to answer the Customs alleged to be due at Chepstow.'—*Rot. Parl.*, iii. 330, 9.

Parliament
at Westmin-
ster, in the
Feast of
St. Vincent,
20 Ric. II.
Grant of
Subsidy,
Tunnage
and Pound-
age.

'Grant of Poundage at 12d., and Tunnage at 3s., and of the subsidy of wools and leather, from the Feast of St. Andrew in the 20th year for 3 years next following and 5 years respectively; to be levied in the same manner as in the former grant.'—*Rot. Parl.*, iii. 340, 18.

‘Ordnained, that all merchants, denizen and alien, shall bring 1 oz. of gold into the Mint at the Tower for every sack, 240 fells, or half-last of leather bought or sold in foreign coinage; and if they neglect this ordinance, then they shall pay 13s. 4d. for the serpler, 480 fells, or last, above the old Customs. Otherwise merchants shall give security to the Customers that they will observe the aforesaid Ordinance.’—*Rot. Parl.*, iii. 340, 19.

Ordinance
of Bullion.

‘Grant of the subsidy of wools and leather for term of the King’s life, at the former rates, and with the increase of half a mark upon the Custom paid by aliens.’—*Ibid.*, iii. 368, 75.

Parliament
at Westminster,
etc.,
Monday
after the
Exaltation
of the
Holy Cross,
21 Ric. II.
Grant of
Subsidy.

‘Petition of the merchants, that great hardship and loss are entailed upon sellers at Calais, by reason of the late Ordinance of the Bullion, whereby they must cross the sea to London, to pay in the fixed proportion of purchase-money received by them in foreign coinage at the Tower Mint, instead of at the Mint in Calais.’—*Ibid.*, iii. 369, 80.

Ordinance of
Bullion.

‘Petition of the Commons, that whereas the staple is now fixed at Calais, licenses are largely purchased by certain merchants, to avoid the compulsion of exporting their wools, etc., to the staple, to the great damage of the rest of the King’s subjects; wherefore it is prayed that such licenses may be no more granted.’

Staple.

Answer. ‘Ordnained, that the Statute of the staple be observed with regard to “gross” merchandises, namely, wools, leather, lead, tin, etc., and that licenses to the contrary shall be void.’—*Rot. Parl.*, iii. 370, 81.

‘At the grievous complaint of the Commons, setting forth how that the staple was limited to remain at Calais, and that all the wools, woolfells, leather, lead, tin, cheese, butter, honey, etc.,

Licenses
against the
Staple to be
repealed.

passing forth from the Realm of England and from the lands of Ireland and Wales, had recourse to the said place of Calais and no place elsewhere, certain persons by their suggestions have purchased Licenses to carry wools and other merchandises aforesaid toward what parts it please them beyond sea. Whereas they that have not such Licenses should abide at the said place of Calais to the great profit of those that be licensed, and damage of those that have no License, and destruction of the said staple to the great damage of the mint, coinage, and Customs at Calais; the King by the Assent aforesaid willeth and has ordained and established that the Statute thereof made be holden and kept as to the great Merchandises, that is to say, wools, leather, woolfells, tin, and lead, all and only, without granting any license to the contrary, but by the special license of the King himself; and if any such license be granted, it shall be repealed.'—*Rot. Stat.*, ii. m. i., c. 17.

Tonnage. 'A subsidy of 6d. upon every ton-tight to be levied in the Admiralty of the North from all ships, including fishing barks, not laden with wools, etc., or wines.'—*Pat. 2 Ric.*, ii. m. 3.

Ordinance of Bullion. 'That 12s. arising from the sale of every £ of cloth of gold and silk, gems, furs, etc., within the Realm shall be paid into the mint in exchange for English coinage, according to an Ordinance made in Parliament in the second year. Customers to take security from the merchants for the observance of this Ordinance.'—*Lit. Claus.*, 4 *Ric.*, ii. m. 39.

Statutes and Proceedings in Parliament of the Reign of Henry IV.

Parliament at Westminster, St. Matthias, 1 Henry IV. Free Traffic to Aliens.

C. 17. 'Confirmation of the Statute 6 Richard II., c. 10, for free traffic to Aliens within the Realm of England.'

C. 19. 'No Subsidy to be taken of cloths exported, below the value of 13s. 4d. the dozen, from Michaelmas next during three years.'—*Rot. Stat.*, iii. m. 20. Common Cloths exempt.

'Grant of the Subsidy of wools, etc., at 50s. and 60s., etc., from Michaelmas last past for three years.'—*Rot. Parl.*, iii. 425, 65. Grant of Subsidy.

'The late Ordinance of Bullion to be enforced at Calais till the next Parliament. Existing sureties to be cancelled.'—*Ibid.*, iii. 429, 86. Ordinance of Bullion.

'The Staple to be fixed at Calais for gross merchandises, except for merchants of the West unlading at Hampton (Southampton) subject to the Calais toll, together with merchants exporting from Berwick. The question of perishable commodities to be further considered.'—*Ibid.*, 87. Staple.

'That Customers and Comptrollers be resident in their offices, by reason that during the last four years great loss has resulted by their negligence through insufficient deputies. And that Customers be better qualified, and be resident, and hold their offices for one year only. (Granted.)'—*Ibid.*, iii. 439, 129. Customers to be Resident.

'No sterling money to be exported (except half the purchase money received by aliens, the other half being invested in the purchase of native commodities). All foreign bullion to be first coined at Calais into sterling-money before it be imported.'—*Rot. Stat.*, iii. m. 18. Parliament at Westminster, the 8th of Hilary, 2 Hen. IV. Ordinance of Bullion.

'Grant of the Subsidy of tunnage at 2s., "except the tuns of wine which are taken for the King's use by the Prise;" poundage at 8d. except wools, victuals, etc., from Easter next for two years.'—*Rot. Parl.*, iii. 455, 9. Grant of Tunnage and Poundage.

Illegal Assignments.

‘That the patents assigned upon the Subsidy of wools granted in the last Parliament, against the form of the said grant, may be repealed.’—*Rot. Parl.*, iii. 457, 17.

Staple.

‘Petition for the Mayor, etc., of the staple at Calais that licenses granted against the staple be void.’—*Ibid.*, iii. 465, 43.

Regulation of Aliens’ Purchases.

‘That alien merchants do give security to expend part of their receipts within the realm by reason of the impoverishment thereof; and that no merchant export coin or bullion from the realm except what is sufficient for his reasonable expenses.’—*Ibid.*, iii. 468, 53.

Ordinance of Bullion confirmed.

‘That despite the late Ordinance, Flemish nobles are received at Calais and pass thence into England without being re-coined, whereby there is a loss on exchange, in the intrinsic value, of 2d. on each noble. (Ordinance confirmed.)’—*Ibid.*, iii. 470, 61.

Parliament at Westminster, Michaelmas, 4 Hen. IV. Cutsomers.

C. 15. ‘For alien merchants to purchase native commodities; and against the exportation of bullion or coin.’

C. 20. ‘Customers and Comptrollers shall be resident and appoint no deputies, and shall be sworn to observe the same on penalty of £100. Same for the Lieutenant and Searcher of the King’s Butler. Customers to be sworn upon rendering their accounts, and to take no profit of assigned Tallies. And that all merchandise exported or imported be laden and unladen at the great ports and not in any creek.’

Searchers.

C. 21. ‘Searchers of the Customs to be resident, and not let their offices to farm; and to take no extra fees for their “welcome” or “farewell”; nor be hosts to any mariner.’—*Rot. Stat.*, iii. m. 15.

‘That whereas merchants of Genoa have always landed their merchandise at Southampton, paying due Customs, and conveyed the same to London by land. Yet that now scavage is demanded of them by the Sheriffs of London, by their farmers, as though they had entered by water and from beyond the sea.

Port dues at London levied on Merchandize imported over land.

Answer. ‘Whereas it is found that scavage is not particularly mentioned in the confirmation of the Charters of the City of London, those merchants shall be quit of the same.’—*Rot. Parl.*, iii. 491, 24.

‘Grant of the subsidy of wools, etc., at 50s. and 100s. denizens; 60s. and 106s. 8d. aliens, from Michaelmas last for three years, together with tunnage at 3s. and poundage at 12d., from the third of April next to Michaelmas following, and thence for two years.’—*Rot. Parl.*, iii. 493, 28.

Grant of Subsidy.

‘Fees of the Prisage from wares of merchant strangers in London sold in gross of 100 per cent. or 50 per cent.—Avoir de pois 2d. per bale, namely, 1d. from the vendor, and 1d. from the purchaser. Other goods, not in bale, 7d. per 1000. Petition of the Commons that whereas at some ports more than this is charged, that the rates may be the same as in the port of London.’—*Ibid.*, iii. 497, 39.

Port-fees for Merchant Strangers.

‘Petition that the monopoly of the Staple at Calais be observed, except for cloths and herrings. (Granted.)’—*Ibid.*, iii. 500, 55.

Staple.

‘For the prevention of frauds on the Customs committed by merchants smuggling wools, etc., in empty casks, etc., and stealing abroad from creeks with their cargoes uncustomed.’—*Ibid.*, iii. 510, 106.

Smuggling.

‘Complaint that denizen merchants cross abroad without carrying with them merchandise of England,

Restriction of Traffic.

and afterwards import foreign commodities. (Referred to the Council.)—*Ibid.*, iii. 510, 107.

Customers. 'For the proper ordering of Customers, according to the Statute 4 Henry IV., c. 20-21.'—*Rot. Parl.*, iv. 506, 77; 510, 108 and 109.

Parliament at Westminster, Hilary, 5 Hen. IV. Merchant Strangers. C. 9. 'Statute 4 Henry IV. c. 15 confirmed. Customers to take security from merchants to observe the Ordinance, and to sell within quarter of a year. No alien to sell to another. Hosts to be assigned to aliens in port towns by the mayor.'—*Rot. Stat.*, iii. m. 14.

Staple. 'Ordained, on the petition of the Commons, that in case of war, now imminent with France and Flanders, no staple goods be licensed elsewhere than to Calais, whence the staple shall also be removed in case of necessity.'—*Rot. Parl.*, iii. 529, 36.

Parliament at Coventry, 6 Oct., 6 Hen. IV. Customers' Accounts. C. 3. 'That to avoid the frauds committed by Customers, Comptrollers, Alnagers, etc., their accounts shall be examined and approved.'—*Rot. Stat.*, iii. m. 13.

Grant of Subsidy. 'Grant of the subsidy of wools, etc., at 43s. 4d. and 100s. for denizens, 53s. 4d. and 106s. 8d. for aliens, for two years from Michaelmas next, together with tunnage at 3s. and poundage at 12d., so that the proceeds be applied for the defence of the realm only.'—*Rot. Parl.*, iii. 546, 9.

Customers. 'Petition that no alien be a Customer.
Answer. 'Le Roi s'advisera.'—*Ibid.*, iii. 554, 48.

Customers in Parliament. 'That Customers serving in Parliament be not distressed in the matter of their accounts. (Granted.)'—*Ibid.*, iii. 554, 49.

‘That whereas wools, etc., were formerly shipped from Ipswich, yet lately the same have been confined to the port of Yarmouth, to the great charges of the merchants. That this privilege be restored to the former town. Ipswich.

Answer. ‘That the passage of wools, etc., be from both.’—*Ibid.*, iii. 555, 54.

‘That the Custom of 6s. 8d. imposed in the late reign on wools of aliens above the Ancient Custom be repealed, and 3s. 4d. only be taken as of old. For that before that imposition merchants of Italy exported often 4000 to 6000 sacks from England, whereas now they buy only through a Flemish agent who buys at Calais wool of denizens which have not paid the imposition, and so are bought more cheaply than the other sort, whereby the King loses at the least 3s. 4d. on every sack, and therefore on those 6000 sacks aforesaid £1000. (Granted.)’—*Ibid.*, iii. 553, 40. The New Custom of Wools evaded.

‘That Customers be appointed by the Treasurer for the war, by reason of the great frauds recently committed by such as now hold office. And that there be free traffic granted to merchants of Italy.’—*Ibid.*, iv. 553, 37. Customers.

‘Petition of Aliens for a day to be granted them for the payment of the Poundage.’—*Rot. Parl.*, iii. 553, 41. Grace for the Poundage.

‘That Customers be upright and courteous in their dealings with merchant strangers of Italy.’—*Ibid.*, iii. 553, 42. Customers.

‘That whereas it was lately ordained that the staple should be at Calais and thence in case of war removed; that now it may please the King, necessity having arisen, to order the staple elsewhere.’—*Ibid.*, iii. 554, 46. Staple.

Mistaken
Grant of
Subsidy in
Parliament.

‘Petition of the Commons that whereas in the 4th year a subsidy of wools, etc., for three years was granted at the following rates, that is to say, 43s. 4d. and 53s. 4d. beyond the Ancient Custom of 6s. 8d. And afterwards that grant was enrolled in the Chancery as for 50s. and 60s., with no mention of the Ancient Custom; and thereupon commissions were issued to the Customers to levy 50s. and 60s. beside the Ancient Custom. And since the Barons of the Exchequer have issued writs to distrain on all who have shipped, to answer the Ancient Custom beside the subsidy, to the great impoverishment of the Realm. Please it therefore to ordain that the intent of the Commons was to grant 43s. 4d. and 50s. exclusive of the Ancient Custom of 6s. 8d. and 10s. and no more: and to direct his mandates to the Barons to stay all processes hereon.

Answer. ‘The King is pleased to remit the Ancient Custom till St. Martin’s last past. From thence to Michaelmas next it shall be taken as it was granted.’—*Ibid.*, iii. 556, 56.

Parliament
at West-
minster,
7 & 8 H. IV.
Grant of
Subsidy.

‘Grant of the subsidy of wools, etc., at 43s. 4d. and 100s. for denizens; 53s. 4d. and 106s. 8d. for aliens, from Michaelmas next for one year. Also Poundage at 12d. and Tunnage at 3s. The residue of the last subsidy to be expended only by the advice of the Treasurers appointed for the same, and for defence of the Realm. Except £6000 granted thereout for the King’s own expenses. Moreover that fewer shipping ports be assigned than heretofore, and no vessels laden in portlets or creeks.’—*Ibid.*, iii. 568, 9.

Increase of
Poundage.

‘Grant of the Poundage at 12d. on aliens only for one year from 24 June next beyond the existing grant.’—*Ibid.*, iii. 578, 48.

‘That merchants and mariners undertaking the safeguard of the seas may receive the issues of the

Tunnage and Poundage and one quarter of the subsidy from April to Michaelmas, and the residue from Candlemas to April.—*Rot. Parl.*, iii. 570, 20.

Appropriation of Supply.

‘That the above merchants be empowered to call on Customers to answer the subsidy assigned as above by commissions under the great seal and privy seal.’—*Ibid.*, iii. 570, 21.

Assignment executed.

‘And that the above merchants receive £4000 for their present expenses, towards their equipment.

Advance thereon.

Answer. ‘No funds available.’—*Ibid.*, iii. 570, 23.

‘And that after peace is concluded the above merchants continue to levy the aforesaid subsidy in satisfaction of their expenses.

Security thereout.

Answer. ‘Granted for three months.’—*Ibid.*, iii. 570, 25.

‘That the merchants contracting for the safeguard of the seas, together with the admiral, be discharged and quit of the subsidy aforesaid.’—*Ibid.*, iii. 610, 19.

Parliament at Gloucester, 20 Oct., 9 Hen. IV. Conclusion of Assignment.

‘Grant of the subsidy of wools, etc., at 43s. 4d. and 53s. 4d., etc., from Michaelmas next for two years. Also Tunnage at 3s. and Poundage at 12d. for the same period. To be wholly applied for the safeguard of the seas and for Calais.’—*Ibid.*, iii. 612, 26.

Grant of Subsidy.

‘Memorandum that the King pledges himself to take no other subsidy within the space of two years aforesaid.’—*Ibid.*, iii. 612, 27.

Impositions.

C. 7. ‘That whereas aliens fashion garments out of cloths with intent to export the same free of Custom, and withal smuggle therewith wool, bullion, and other commodities. Therefore Custom shall be

Parliament at Westminster, the 15th of Hilary, 11 Hen. IV. Evasion of the Custom of Cloths.

taken of such garments according to the quantity of cloth of which they are composed.'

14 Ric. II,
c. 2, con-
firmed.

C. 8. 'Recitation of 14 Richard II., c. 2, confirmed—That aliens be obligated to purchase native commodities, after each exchange to Rome, within three months.'—*Rot. Stat.*, iii. m. 10.

Customers.

'That whereas in the 14th year of Richard II., the subsidy and Custom of wools, etc., beyond Poundage, Tunnage, Alnage, and Pellage, was answered at the Exchequer to the yearly value of £160,000 and more. Yet now a great deficiency appears through the frauds or neglects of the Customers. Therefore that sufficient ones be now appointed who shall be resident and responsible, and not hosts to any alien. (Granted.)'—*Rot. Parl.*, iii. 626, 25.

GreatFrauds
upon the
Customs of
Exported
Cloths.

'Petition of the Commons, that whereas there is a subsidy and Custom of cloths of scarlet, etc., at a certain rate, and of other cloths in grain, yet certain Merchant Strangers in London and other towns take and maintain great hostels and houses, in which they dwell privily by themselves. Also that the same do purchase sometimes so much as 1,000 or 2,000 cloths of fine blanket, and dye these in scarlet, etc., whole in grain or half in grain, cutting them afterwards into pieces of five yards or six yards, and fashion thereof garments and export them, thus evading the Custom which should be taken of those cloths, whereby the King of that his subsidy and Custom is grievously defrauded and deceived. Wherefore please it that a Custom be taken of those garments according to the cloth which they contain.'

Answer. 'Granted in all respects. In default a commission to certify in the Chancery.'—*Ibid.*, iii. 626, 26.

‘Accorded that three-fourths of the subsidy of wools, etc. (if granted in this present Parliament), be applied to the defence of Calais and the Marches.’—*Ibid.*, iii. 627, 32. Appropriation of Supply.

‘Moreover that whenever that grant is made, three-fourths thereof be applied for two years, from Michaelmas next, to the same purposes.’—*Ibid.*, iii. 627, 33. The same.

‘Grant of the subsidy of wools, etc., at 43s. 4d., etc., Tunnage at 3s. and Poundage at 12d. for two years from Michaelmas next.’—*Rot. Parl.*, iv. 635, 45. Grant of Subsidy.

C. 5. Confirmation of 1 Henry IV., c. 13, 4 Henry IV., c. 20, 21, for Customers, Comptrollers, Gaugers, Searchers, to be resident or absent himself more than three weeks, unless commanded by the King’s mandate to be absent in his service.’—*Rot. Stat.*, iii. m. 9. Parliament at Westminster, All Souls, 13 Hen. IV. Customers.

‘Grant of the subsidy of wools, etc., at 43s. 4d., three-fourths thereof to be applied to the defence of Calais. Also Tunnage at 3s. and Poundage at 12d. for one year from Michaelmas next.’ Grant of Subsidy.

‘Petition of the Commons, that whereas the staple should be always fixed at Calais. Yet that licenses are granted there against to the loss of the King’s Custom-revenue and the ruin of that staple. Therefore please it that such licenses be discontinued, and the penalties enforced for breach of the statutes made therein.’ Licenses against the Staple to be void.

Answer. ‘That no licenses shall be granted till the next Parliament, except to Berwick.’—*Rot. Parl.*, iii. 661, No. 8.

‘Petition of the English Merchants that they may ship staple merchandize freely towards the West,’ Free Passage to the West.

paying due Customs there—for, shipping only from London, Southampton, and Sandwich.’

Answer. ‘Le Roi s’advisera.’—*Ibid.*, iii. 662, No. 11.

Customers. ‘That all Customers, Comptrollers, Gaugers, and Searchers be resident and qualified, and absent not longer than three weeks.’—*Ibid.*, iii. 665, No. 20.

Statutes and Proceedings in Parliament of the Reign of Henry the Fifth.

Parliament at Westminster, 15 May, 1 Hen. V. Assignment of Revenues of Calais. C. 9. ‘Recitation of the Statutes of Ed. III., Ric. II., and Hen. IV., and for the assignment of the Revenues of the Customs of Calais to certain grantees, all which grants shall be utterly annulled except for the Duke of Clarence.’—*Rot. Stat.*, iii. m. 8.

Same. ‘Petition for revoking all Patents for assignment of the Customs and other revenues of Calais. (Granted.)’—*Rot. Parl.*, iv. 14, 40.

Free Passage. ‘Petition for free passage beyond sea, especially to the parts of Genoa.’—*Ibid.*, 41.

Parliament at Leicester, 30 April, 2 Hen. V. 2 Ric. II. (i.) & 1 Hen. IV. confirmed. C. 6. ‘Recitation of 1 Hen. IV., for the sole export of staple commodities to Calais, except for Merchants of the West, confirmed. Merchants shall find sureties to observe this statute.’—*Rot. Stat.*, iii. m. 5.

Grant of Tunnage and Poundage. ‘Grant of the subsidy of Tunnage at 3s. (except of Prise wines) and Poundage at 12d. for three years, from Michaelmas next, so that Merchants be credited on their oath as to the value of their wares.’

Parliament at Westminster, the ‘Petition of Thomas Chaucer and others, to whom the late King, Henry IV., was indebted to

the amount of £868 14s. 3d., the sum paid by them for wines purveyed for the King's use (and whereof £523 16s. 10½d. has been expended by Thomas Chaucer alone, for which he stands indebted to divers merchants), that whereas certain tallies were assigned to them in allowance of the above sums, raised upon divers Customers in the Receipt of the Exchequer, yet the issues of those Customs so assigned are not sufficient to discharge the liability, whereof they pray enquiry to be made.

8th of St. Martin's, 2 Hen. V. Assignment for Thomas Chaucer and others.

Answer. 'That after it has been sufficiently seen by the Customers' accounts that those sums were allowed, and assigned but not acquitted by the Customers, the same be discharged by the Commissioners appointed for the settlement of the late King's household debts.'—*Rot. Parl.*, iv. 37, 18.

'Petition of the Commons, that whereas cloths of Cornwall and Devon used never to pay Custom, yet now, for the last ten years, 14d. is taken for the Custom of every cloth, to the value only of 6s. 8d. or less, as of other cloths to the value of £5, namely, at the same rate for both. Instead of which, they pray that they may pay a Custom of 2d. on cloths of colour and 1d. on blankets.'—*Ibid.*, iv. 52, 39.

Native Cloths.

'Petition of the men of Calais, that whereas by ancient grant they should have a monopoly of all staple commodities, to be first exported thither from England; yet certain aliens do export tin from Cornwall elsewhere than to the said staple. (Granted.)'—*Ibid.*, iv. 53, 43; 56, No. 4.

For the Staple at Calais.

'Grant of the subsidy of wools, etc., at 43s. 4d. and 100s.; 60s. and 106s. 8d. from Michaelmas next, "for the life of our said sovereign Lord the King." To be disposed of at his gracious will and discretion; and that no grant thereof be made to any, or, if so, that the same shall be void.'—*Ibid.*, iv. 63, 5.

Parliament at Westminster, All Saints, 3 Hen. V. Grant of the Subsidy of Wools, etc., 12 Nov., 3 Hen. V., for the King's Life.

Grant of
Tunnage
and Pound-
age for the
same Time.

‘Grant of Tunnage at 3s. and Poundage at 12d. (except on staple commodities or foreign victualling supplies) from the same date, for the same period. Penalty for concealment, double the value of the same.’—*Ibid.*

Assignment.

‘Petition of a London citizen and mercer that he is owed £53 6s. 8d. for spicery purchased for the use of the late King, for which tallies were raised in the Receipt in the names of certain Customers, but no issues of their Customs were available to meet the assignment; and now the Commissioners for discharging the King’s debts will not allow the same unless he produces the debenture of the Clerk of the Spicery. Therefore, please it that the tallies themselves be held sufficient allowance.’—*Ibid.*, iv. 75, 22.

Prises.

‘Petition that existing Ordinances touching Prises be observed, and that right measures be used therefor.’—*Ibid.*, iv. 81, 38.

Conditions
of Supply.

‘For the confirmation of the conditions of the late grant of Tunnage and Poundage.’—*Ibid.*, iv. 91, No. 13.

Parliament
at West-
minster,
19 Oct.,
4 Hen. V.
Confirmation
of
5 Hen. IV.,
c. 7.
Compensa-
tion for
Loss on
the Seas.

C. 5. ‘Confirmation of 5 Hen. IV., c. 7, for Aliens to be under a Host, and to be entreated as Denizens are beyond sea.’—*Rot. Stat.*, iii. m. 3.

‘Memorandum concerning the ship *Christofer*, before mentioned. That the cargo, etc., was ransomed for the owner by the merchants of the Staple under the King’s writ. Further petitioned that £29 17s., the amount due for the Subsidy of 199 tuns of wine, together with the Prising of 2 tuns, be remitted. (Granted.)’—*Rot. Parl.*, iv. 103, 26.

Parliament
at West-
minster,
16 Nov.,
5 Hen. V.
Assignment
for the

‘Assignment of the Customs and Subsidy at Southampton, and the portlets thereto belonging, to the Bishop of Winchester, in consideration of his loan of £14,000 to the Crown. Granted by the

King's Letters Patent, confirmed by Parliament.—Bishop of Winchester.
Ibid., iv. 111. 15.

‘Petition of Merchants Strangers, that such as Assessments of Aliens to be definite.
 have no ports assigned to them, have their merchandize assessed in divers ports, and so pay often twice the value of the Custom due thereon. Please it, therefore, that Custom be taken only at the Port or Town where they reside.’—*Ibid.*, iv. 114, 20.

‘Petition of denizen wool-merchants, that whereas Cokets.
 their wools are customed and weighed in every port by the King's Customers, Comptrollers, and Weighers, leaving their hands only as soon as they are shipped direct to Calais, to the wool-beam there, for which the same merchants receive their Coket as a full discharge; yet many slanderous reports are current, that they smuggle wools uncustomed or overweight, and processes are issued thereon in the Exchequer; therefore, please it that their Coket be a full and sufficient discharge against any hindrance or molestation therein.’—*Ibid.*, iv. 115, 21.

C. 2. ‘That aliens exporting wools, etc., to the Parliament at Westminster, 2 Dec., 8 Hen. V. Ordinance of Bullion.
 West instead of to the Staple, shall bring into the Mint one ounce of gold bullion for every sack, or for every three pieces of tin, or else silver bullion to a like value. To forfeit their merchandize in default.’
 —*Rot. Stat.*, iii. m. 2.

‘Ordnained, that Merchant Strangers sojourning at Regulation of Traffic at the Staple.
 Calais shall surrender all strange moneys in their possession to their Hosts, by view of the Mayor of the Staple. And that all English sellers of wool shall receive £10 for best and £8 for second quality wools per serpler; and £10 per 300 fells and £10 for eight pieces of tin. And that English merchants shall bring into the Mint two marks for every sack of wool sold.’—*Ibid.*, iv. 125, 14.

- Reciprocity. 'Petition of the Commons, that whereas, by an existing treaty with Flanders, none but English wools should be admitted into that country, and in return no English cloths should be exported thither, yet now the Flemish import wool of Scotland, Arragon, Catalonia, and Spain, to the great impoverishment of this Realm.
Answer. 'That search be made in the Treasury for such a Treaty.'—*Ibid.*, iv. 126, 16.
- Wines. 'That no Gascon wines be retailed except at 6d. per gallon; and no Rhenish or Rochelle wine above 4d. per gallon; and that no sweet wines be retailed at any price. (Granted.)'—*Rot. Parl.*, iv. 126, 20.
- Parliament at Westminster, 2 May, 9 Hen. V. (Stat. i.)
Mint at Calais.
Coal Measures.
- C. 6. 'A Mint appointed to be held at Calais, for convenience of the merchants there.'
- C. 10. 'For coal-keels at Newcastle to be truly measured and marked.'—*Rot. Stat.*, iii. m. 2.
- (Stat. ii.)
Extension of Exchange.
- C. 9. 'Purchases of native commodities to be made within three months after exchanges to Rome, within nine months instead.'—*Ibid.*, iii. m. 1.
- Staple. 'That the Staple may be removed from Calais at the King's pleasure, after Michaelmas next, during three years, notwithstanding any Statute or Ordinance to the contrary.'—*Rot. Parl.*, iv. 130, 8.
- Assignment Emended and Confirmed.
- 'Recitation and emendation of the grant to the Bishop of Winchester of the assignment aforesaid, confirmed in Parliament, viz., by Patent, 19th May, 9 Hen. V.'—*Ibid.*
- Tender of Assignment.
- 'Complaint of the Mayor and Staplers of Calais, that the Treasurer of that town refuses to receive his assignment of the Customs there in other specie than English nobles.'—*Ibid.*, iv. 146, 27.

‘Petition of the Commons, that since wools of other countries are imported into Flanders, English cloths may be likewise exported thither.’ Free Trade
versus
Reciprocity.

Answer. ‘The King will write to the Lord of Flanders in this matter.’—*Ibid.*, iv. 146, 28.

‘That the Statutes may be enforced against such as export wools, etc., uncustomed.’ Against
Licenses.

Answer. ‘Granted: except for such as have the King’s license.’—*Ibid.*, iv. 147, 29.

‘Petition of the Commons, that such as carry wools, etc., to any Staple, by way of a river or arm of the sea, should give security and deliver an inventory of their cargoes, that the same may be accounted for by the Mayor of the Staple: yet this practice is found to be so grievous that please it to discontinue the same.’—*Ibid.*, iv. 148, 34. Precautions
against
Smuggling
Wools.

‘That whereas there is a Custom due to the Crown of 2d. per chaldron of Newcastle coals (except for that franchise), and the same are conveyed on board ship in keels containing twenty chaldrons apiece, whereof Custom is taken accordingly; yet that certain persons have devised and employ keels of greater capacity than twenty chaldrons, whereby the King is defrauded of his Custom.’—*Ibid.*, 35. Sea-coals.

Statutes and Proceedings in Parliament of the Reign of Henry the Sixth.

C. 2. ‘For Sheriffs to proclaim the Statutes of Purveyors.’ Parliament
at West-
minster,
St. Martin’s,
1 Hen. VI.

C. 6. ‘Recitation of 14 Ric. II. c. 2, with a provision of 9 Henry V. ii. c. 9, concerning Exchanges to Rome.’—*Rot. Stat.* iv. m. 12. Purveyance.
Reciprocity.

‘Office of Butler, granted 5 Novr., 4 Hen. IV., to Thomas Chaucer, confirmed to him in Parliament.’—*Rot. Parl.*, iv. 178, 38. Thomas
Chaucer.

Grant of
the Subsidy
of Wools,
Tunnage
and
Poundage.

“To the worschip of God, and for the grete loue and entier affection the whiche the pouere Communes of the Roialme of Englonde have unto oure most Soueraigne Lord the Kyng, the forsaid powere Commens, by the assent of the Lordes Spirituell and temporall, the Mounday next before the fest of Seint Martyn, the yer of oure said Lord the Kyng the first, graunt unto oure said Lord the Kyng in this present Parlement for the defense of the said Roialme of Englonde in special, a subsidie of xxxiijs. iiij^d. of the Marchants Englissh, of euery sak weight of wolle, and of every ccxl. of wolle felle, by the said Marchants Englissh yshippid fro the first day of September last passid, and for to be shippid fro this day, into the ende of too yere nex folwyng, paying the oon half atte the ende of vi monethes next aftur her Coket, and the other half-endele atte the ende of other vi monethes than next folwyng. And also of all Marchants Aliens, a subsidie of liijs. iiij^d. of euery sak weight of wolle, and of euery ccxl. of wolle felle, in her name shippid fro the said day of September, and for to be shippid fro this day into the ende of too yer next folwyng; and also a subsidie of Tonage and Poundage of the said straungers, that is to sey of every Tunne iij^s.; and xij^d. of euery Ponde, fro the said day of Septembr’, into the said day of the said Parlement, into the ende of too Yer next folwyng, to be paid atte such dayes and termes, as may be accordid betwene the Kynges Counseill for the tyme beyng, and the said Marchants Aliens: the whiche grauntes of subsidies been made by the said Commens on the conditions that folwith, that is to sey, that hit ne no part therof be beset ne dispended, to non other use but oonly in and for the defense of the said Roialme; purveyd algate, that all sakkes of wolle and wolle felle, yshipped by Marchants Englissh, and pershid or take be enemyes on the see, that than the said Marchants Englissh been discharged of the subsidie of that so pershid,

or take, it duly proved, and in cas that the said Marchants English haue paid her subsidie of Wolle or Wolle felle, so perishid or take, that then they shippe as moche therfore without subsidie paying for the same.'—*Rot. Parl.*, iv. 173, 19.

'Petition of the Commons that the Ordinances of Purveyance. Purveyors, unrepealed, be confirmed and observed. (Granted.)'—*Ibid.*, iv. 190, 42.

'That the Franchises and Privileges of the Staple ^{Staple.} be upheld, and that the same be not infringed by virtue of the King's Privy Seal.'—*Ibid.*, iv. 191, 45.

'Complaint of Merchants of the Hanse, that they ^{Hanse.} are vexed and distrained on for payment of new Customs by the Sheriffs of London, the said Customs having never yet been demanded of them.'—*Ibid.*, iv. 192, No. 1.

'Recitation of 36 Ed. III., and 1 Hen. IV., confirming 2 Ric. II., and 2 Hen. V., (ii.) c. 6., for all staple commodities to be carried to Calais and not elsewhere: which ordinances having been lately infringed the same are hereby confirmed and ordered to be observed. No licences to be granted here-against, except for the North Ports; and forfeiture to be exacted in default. Also that no "sleight" wools be exported anywhere but to Calais, at present.'—*Rot. Stat.* iv. m. 12. Parliament at Westminster, 20 Oct., 2 Hen. VI. For the Staple at Calais.

'Grant of the subsidy of wools, etc., at 33s. 4d., and 43s. 4d., etc., for two years from St. Martin's next: Of which one half shall be levied 6 months after the Coket is made out; the other half at the end of 12 months. Also, Tunnage at 3s., and Poundage at 12d., from Aliens only. To be applied wholly to the defence of the Realm. Moreover, if any wools of Denizens are lost or taken at sea, on which Custom and Subsidy have been duly paid, the same shall be

allowed for in the next payment of the subsidy.'—*Rot. Parl.*, iv. 200, 14.

Remission of
an Increase
of Subsidy to
Merchants
Strangers.

‘Petition of Merchants Aliens, of Italy, in London : That in the 1st year of the now King’s reign a subsidy was granted at the rates of 33s. 4d. for Denizens, and 43s. 4d. for Aliens. Whereupon the latter rate was enrolled as 53s. 4d., contrary to the grant and intent of Parliament. Wherefore it was conceded by the King’s Letters Patent, that 43s. 4d. only should be levied from September in the said year for 12 months next following. That the above term has now expired, so that Aliens are now compelled to pay so much above the subsidy paid by Denizens, on account of which they cease to export wools, to the loss of the King’s Customs.’

Answer. ‘That the said rate was plainly granted by the Parliament; nevertheless the King is pleased that the increase shall be remitted.’—*Ibid.*, iv. 249, 36.

For the
Staple at
Calais.

‘Petition of Merchants Staplers, reciting statutes of Edward III. and Henry IV., confirmed by those of Richard II. and Henry V., that all Staple goods should be brought to the Staple at Calais, and nowhere else: except for the Northern Counties. Yet that the same are now shipped elsewhere, into Flanders, etc., to the damage of the said Staple, and to the loss of the King’s Customs there.’

Answer. ‘That the statutes remaining unrepealed be observed in all points.’—*Ibid.*, iv. 250, 39-41.

Parliament
at West-
minster,
30 April,
3 Hen. VI.
Grant of the
Subsidy of
Wools,
Tunnage
and
Poundage.

‘Grant of the subsidy of wools, at 33s. 4d. for Denizens. Also Tunnage at 3s., Poundage at 12d. On the condition that all Aliens be under a Host within 15 days after landing, and before they sell any wares, and that within 40 days after, they sell all their merchandizes, on pain of forfeiting the residue, and that they pay all due Customs. And that Denizens who suffer losses at sea shall export to the

same value Custom free. Also grant of the Subsidy of Wools, at 43s. 4d. for Aliens, with Tunnage and Poundage at the former rates.—*Rot. Parl.*, iv. 275, 17.

C. 2. 'No wooled Sheep to be exported beyond sea, except to victual the garrison of Calais.'

Against
exporting
Wooled
Sheep.
Customers.

C. 3. 'Customers who conceal the King's Customs shall forfeit treble the value, and make fine, and ransom themselves.'

C. 4. 'Licenses to be granted by the Chancellor, to export Cheese and Butter elsewhere than to the Staple.'—*Rot. Stat.*, iv. m. 9.

Licenses for
Cheese and
Butter.

'Petition for the observance of the conditions of the grant in the 1st year: namely for allowance of the next payment of the Subsidy to Merchants whose wools have been lost or taken at sea: To be verified by the oath, or two merchants or mariners.'—*Rot. Parl.*, iv. 289, 35.

Conditions
of the late
Grant.

'Petition to forbid the exportation of live wooled sheep to Flanders, under colour of victualling the garrison of Calais, whereby the breed of sheep is improved and multiplied in those parts, to the loss of the English trade and customs.'—*Ibid.*, iv. 292, 45.

Wooled
Sheep.

'That Customers, Collectors, or Comptrollers of the Customs, Subsidies, Tunnage, or Poundage, convicted of concealing any part thereof, forfeit treble value; and that Customers be everywhere charged afresh, and that this ordinance be observed for evermore.'—*Ibid.*, iv. 294, 53.

Frauds by
Customers.

C. 5. 'Recital of the Statute 17 Ric. 2, c. 7, with the provision for the King to restrain the exportation of Corn, at his discretion, confirmed.'—*Rot. Stat.*, iv. m. 9.

Parliament
at Leicester,
18 Feb.,
4 Hen. VI.
Provision of
17 Ric. 11.,
c. 7, con-
firmed.

Grant of
Subsidy.
Tunnage
and
Poundage.

‘Grant of the subsidy of wools, etc., at 33s. 4d. and 43s. 4d., etc. Also Tunnage at 3s., and Poundage at 12d., for two years from St. Martin’s next ; one half payable at six months, the other half at twelve months. To be applied wholly to the defence of the Realm. Wools lost or taken at sea to be allowed in the subsidy of their owners.’—*Rot. Parl.*, iv. 302, 24.

Condition of
Grant con-
firmed.

‘Petition for the observance of the latter condition of the grant.’—*Ibid.*, iv. 303, 28.

Against
Aliens resi-
dent.

‘That aliens in the suite of queen Joan avoid the realm forthwith by reason of their misbehaviour in exporting Bullion, and for other offences.’

Answer. ‘Ordinances of Bullion to be observed.’—*Ibid.*, iv. 306, 33.

Protection of
Trade.

‘Petition of the Commons of Kent against the late restriction imposed on the exportation of Sheep and other victuals beyond sea.’—*Ibid.*, iv. 307, 37.

Parliament
at West-
minster,
the 15th of
Michaelmas,
6 Hen. VI.
Passage of
Wools at
Melcombe.

C. 6. ‘The passage of wools, etc., to be permitted from the port of Melcombe to Calais, paying due Customs. None to be molested by the Crown for shipping wools thence.’—*Rot. Stat.*, iv. m. 7.

Grant of
Tunnage
and Pound-
age from
Denizens.

‘Grant of the Subsidy of Tunnage at 3s., and Poundage at 12d. from denizens, from St. Ambrose’s to the end of the following year.’—*Rot. Parl.*, iv. 318, 13.

Staple.

‘Recital of the privileges of the Staple of Calais, except for Butter and Cheese. For the same to be maintained.’—*Ibid.*, iv. 328, 29.

Merchant
Strangers
Sojourners.

‘Recital of the Statutes enacting that security shall be taken by the Customers for aliens to purchase native commodities in exchange ; to sell within 40 days ; and to be under a host. That the same may be observed.’—*Ibid.*, iv. 328, 31.

C. 5. 'Confirmation of Statutes 9 Henry III., 25 Edward I., 27 Edward III., 34 Edward III., 12 Richard II., for the observance of standard measures for wool and other merchandizes throughout the Realm. Also, that none shall buy woollen yarn except for the manufacture of English cloth.'—*Rot. Stat.*, iv. m. 4.

Parliament at Westminster, St. Matthew, 8 Hen. VI. Wool-beam. Woollen Yarn to be bought for English Cloth Trade only.

C. 17. 'Recital of the Statutes relating to the Staple at Calais; and the same confirmed. None to export wools, etc., elsewhere, on pain of forfeiting double the value and of two years' imprisonment; saving the privilege of merchants of Genoa, etc., and of the burgesses of Berwick.'—*Ibid.*, iv. m. 3.

C. 18. 'Certain articles relating to the Staple at Calais confirmed for three years, viz.:

Articles for the Staple at Calais.

'1. The prices of wools and of tin to be enhanced.

'2. All payments for the same to be made in ready money.

'3. All bullion to be brought into the Mint at Calais, as ordained.

'4. All staplers to divide the proceeds of such sales equitably.

'5. Acquittances shall be delivered to buyers under the Seal of the Staple.'

C. 19. '6. None to export or convey wools elsewhere than to Calais.'

C. 20. '7. No alien resident at Calais to buy wools there, for that such have before sought to obtain a monopoly of purchase and to abate prices.'

C. 21. '8. That licenses granted to the burgesses of Newcastle and Berwick, ports for the North parts, be repealed, namely, to export wools elsewhere than to Calais. For that the staplers there affirm that they will offer as good prices as could be obtained in Flanders, or Zealand. And that all who carry wools to be shipped from Scotland in evasion of this ordinance, forfeit double the value and be imprisoned for two years.'

C. 22. '9. No deceit shall be practised in dressing or packing wools.'

C. 23. '10. No woollen yarn shall be exported.'

C. 24. '11. That aliens shall not compel tenders of gold to be made at Calais, but shall receive silver as well. And that denizens sell only for ready money.'

C. 25. '12. That the present Mayor of the Staple continue to hold office during two years from Lady-day next.'—*Rot. Stat.*, iv. m. 3.

Grant of
Tunnage
and
Poundage.

'Grant of the subsidy of Tunnage and Poundage, at 3s. and 12d. from St. Nicholas' next till the following Parliament. To be applied wholly for the safeguard of the seas.'—*Rot. Parl.*, iv. 337, 15.

Grant of the
Subsidy of
Wools.

'Grant of the subsidy of wools, etc., at the same rates, for two years from St. Martin's next. On the like conditions.'—*Ibid.*, iv. 341, 25.

Ratage of
Lamb's-
wool.

'Petition of the merchants, that whereas lamb's-wool has been heretofore rated in the Poundage, yet now Customers exact payment of the great Custom thereon.'—*Ibid.*, iv. 352, 47.

'Text of the articles for the staple at Calais.'—*Ibid.*, 359, No. 29.

Grant of
Tunnage
and
Poundage.

'Grant of the subsidy of Tunnage and Poundage for one year from St. Martin's next at 3s. for denizens and 3s. more on the sweet wines imported by aliens. 12d. for denizens and 6d. more for aliens.'—*Ibid.*, iv. 369, 14.

Licenses for
Newcastle
and Berwick.

'Complaint of the Commons of the North counties that the late repeal of licenses for the ports of Newcastle and Berwick has caused a complete stagnation of the wool-trade.'—*Ibid.*, iv. 379, 37.

'Grant of the subsidy of wools, etc., from St. Martin's, 1434, for one year, at 5 nobles from denizens. Also Tunnage and Poundage at the former rates, for the same period. On the same conditions.'—*Rot. Parl.*, iv. 389, 7.

Parliament at Westminster, 12 May, 10 Hen. VI.

'Petition of Merchants of the Staple, that whereas wools should be shipped from England, including Berwick, Wales, and Ireland, to Calais only; yet much of the same is smuggled to Ireland, etc. Wherefore the alien merchants are so "stuffed" with the quantity and cheapness of those wools that they no longer repair to Calais, to the undoing of that town. Therefore may the Statutes be observed, except for such as are licensed by the King.'—*Ibid.*, iv. 410, 51; *Trs. Rot. Stat.*, (i.) c. 7.

Infringement of the Privileges of the Staple at Calais.

'Grant of the subsidy of Poundage at 12d. from denizens (including woollen cloths), Tunnage at 3s. (6s. sweet wines of aliens) for two years from St. Martin's next (3 years from aliens). Also the subsidy of wools, etc., at 53s. 4d., etc., for aliens for three years from the same date. Allowance for denizens' wools as before.'—*Ibid.*, iv. 426, 21.

Parliament at Westminster, 8 July, 11 Hen. VI. Grant of the Subsidy of Wools, Tunnage, and Poundage

'That purveyance be taken by lawful measures of standard scale.'—*Ibid.*, iv. 453, 62.

Purveyance.

'For precautions to be taken against the exportation of bullion by aliens.'—*Ibid.*, iv. 453, 62.

Ordinance of Bullion.

'Petition for search to be made for such as export staple commodities, uncustomed, from creeks, etc.'—*Ibid.*, iv. 454, 64.

Smuggling.

'For Customers to deliver warrants of discharge to the merchants expeditiously and gratuitously.'—*Ibid.*, iv. 455, 66.

Behaviour of Customers.

The Same. 'That Customers be punished for delivering blank cokets to merchants, to defraud the King's Customs.'—*Rot. Parl.*, iv. 455, 67.

The Same. C. 15. 'Customers shall deliver warrants of discharge, in acquittance of Customs paid, to the merchants without delay, on pain of forfeiting 100s. to the Crown.'

The Same. C. 16. 'Felony for Customers to present, or for merchants to receive blank cokets, to defraud the Customs of the Crown by false entries therein.'—*Trs. Rot. Stat.*, 11 Hen. VI.

Assignment to the Company of the Staple. 'For Assignments to the merchants staplers of Calais of the revenue of the Customs at Boston, Hull, etc., for repayment of £2,918, 12s. 10d. lent to the Crown.'—*Rot. Parl.*, 11 Hen. VI.

Articles for the Staple at Calais. C. 13. 'Confirmation of 8 Henry VI., c. 18, for three years, subject to the King's discretion.'

Smuggling to be Felony. C. 14. 'Felony to export wools, except from lawful ports.'—*Trs. Rot. Stat.*, 11 Hen. VI.

Parliament at Westminster, 10 Oct., 14 Hen. VI. Ordinances of Bullion and Privileges of the Staple at Calais confirmed. C. 2. 'Recital of Statutes 8 H. 6 and 11 H. 6 for the bringing of bullion into the Mint, and for wools, etc., to be shipped at lawful ports only. Special licenses granted to certain merchants to ship wools to Calais, there to be sold before any other, to be void. And that wools be shipped henceforth to Calais only, subject to the discretion of the King and his Council.'

Exception for Patentees of the Crown. C. 6. 'Recital and confirmation of 11 H. 6. against smuggling wools, except for such as are licensed by the King.'—*Trs. Rot. Stat.*, 14 Hen. VI.

Grant of the Subsidy of Wools, Tunnage and Poundage. 'Grant of the subsidy of wools, at 5 nobles (denizens), and 7 nobles (aliens). Also Tunnage at 3s. and 6s., Poundage at 12d.; from the expiration of the last grant, to St. Martin's, 1437. License to the

burgesses of Lincoln to ship 50 sacks custom-free.'—*Rot. Parl.*, iv. 488, 14.

'Petition that whereas much wool is smuggled from Creeks and Havens elsewhere than to Calais, in evasion of the monopoly of Calais, and of the Ordinances of Bullion, that the existing statutes be enforced.'—*Ibid.*, iv. 490, No. 2.

Against Smuggling.

'Also that whereas many ship wools from Creeks, etc., to Flanders, Holland, Ireland, Brabant, and Normandy, uncustomed; and others custom their wools at the Ports as for Calais, without ever bringing them to the Staple there, that the existing statutes be enforced.'—*Ibid.*, iv. 491, 22.

The Same.

C. 8. 'None to ship wools except at the quays where there are the King's wool-beams; and to find surety to bring the same to the Staple at Calais and nowhere else: Except for merchants of the west parts; that is, of Genoa, Venice, Tuscany, Lombardy, Florence, Catalonia, and for the burgesses of Berwick.'—*Trs. Rot. Stat.*, 15 Hen. VI.

Parliament at Westminster, 1 Jan., 15 Hen. VI. Regulations of the Staple Trade defined.

'Grant of the subsidy of wools, etc., 53s. 4d. (aliens), 33s. 4d. (denizens). Also of Tunnage and Poundage at the former Rates. License to the citizens of Lincoln to export 60 sacks custom free. Allowance for denizens' wools as before; from St. Martin's next for three years for wools, etc., and from the 1st of April for three years for Tunnage and Poundage.'—*Rot. Parl.*, iv. 503, 29.

Grant of the Subsidy of Wools, Tunnage and Poundage.

'Petition that whereas the sole staple for wools, etc., has been ever at Calais, yet the King grants licenses to certain merchants to export elsewhere, for His and their singular profit; wherefore it is prayed that all such licenses be held as void. Also that the Ordinances of bullion be remitted. Also to declare Calais the sole staple for wools. Also to revise the

For the better Observance of the Privileges of the Staple at Calais.

Statutes made for aliens to purchase native commodities. Also to forbid that any shall ship wools from Creeks and Havens. Also to confirm to the Staple at Calais all its liberties. Also to revise the Statutes made for aliens to purchase and Staplers to sell for ready money only.'—*Rot. Parl.*, iv. 509, 37.

Parliament
at West-
minster,
St. Martin's,
18 Hen. VI.
Exception
for Butter
and Cheese.

C. 3. 'Recital of 21 Ric. II., c. 17, against exporting staple commodities elsewhere than to Calais; except for Butter and Cheese, to be licensed by the Chancellor. Because such licenses are often refused, whereby the above being perishable articles have been spoilt, that the same may now be shipped at pleasure and without any license, paying always the due Custom.'

Aliens.

C. 4. '5 Hen. IV., c. 9, confirmed and continued, for the ordering of Merchant Strangers, sojourners in England.'

Wool.

C. 15. 'Felony to export wools elsewhere than to Calais, except for such as shall pass through the Straits of Morocco.'

Gauge of
Wines.

C. 17. 'The Gauge of wines shall be observed.'—*Trs. Rot. Stat.*, 18 Hen. VI.

Grant of the
Subsidy of
Wool, Tun-
nage, and
Poundage.

'Grant of the subsidy of wools, etc., at 53s. 4d. (aliens), 33s. 4d. (denizens), from St. Martin's next for three years. Also Tunnage and Poundage as before. Citizens of Lincoln licensed to export 60 sacks. Supplies for Calais exempt from Poundage.'—*Rot. Parl.*, v. 5, 13.

Purveyance.

'The Statutes of Purveyors to be observed and executed.'—*Ibid.*, v. 8, 19.

Monopoly of
the Staple.

'Petition against the granting of licenses against the privileges of the Staple at Calais and to the

damage of merchants not so licensed.'—*Rot. Parl.*, v. 24, 38.

'That whereas small bulk of Hides or Tallow is exported, by reason that there is no sale for the same at Calais, and that they are damaged by detention there, please it that these articles be exported to any country, in amity with the Crown, to the advantage of the King's revenue.'—*Ibid.*, v. 28, 50.

For the exception of Hides and Tallow.

'That whereas Lombards import much foreign merchandize into England, from neighbouring countries and not from distant parts as they pretend, enhancing thereby its value, whereas denizens might traffic in the same to greater advantage, that those merchants be restrained from importing any wares of this side the Straits of Morocco, on pain of forfeiture of the same, two-thirds to the King and one-third to an informer.'—*Ibid.*, v. 31, 59.

Against the Lombards.

'Petition for reforming the deceitful practices in trade of the Lombards.'

The Same.

C. 4. 'Denizens shall pay Custom and subsidy of wools exported elsewhere than to Calais at the same rate as aliens pay, except for such as have the King's license.'

Parliament at Westminster, Conv. of St. Paul, 20 Hen. VI. Aliens' Duty versus Calais Toll.

C. 5. 'Recital of 11 Hen. IV., c. 2, that no Customer or his deputy be Host to any merchant for the great abuses that have arisen thereby.'

Customers.

C. 6. '15 Hen. VI., c. 2, against the exportation of Corn, except by the King's License, confirmed and continued for ten years.'

Corn.

C. 12. 'The late Ordinance of Partition for Merchants Staplers revised.'—*Trs. Rot. Stat.*, 20 Hen. VI.

Articles for the Staple.

- Grant of the Subsidy of Wools. 'Grant of the subsidy of wools, etc., at 53s. 4d., etc. Allowance to citizens of Lincoln, and the owners of three ships specified by name. From St. Martin's next, for two years.'—*Rot. Parl.*, v. 38, 6.
- Grant of Tunnage and Poundage. 'Grant of the subsidy of Tunnage and Poundage as before; from April, 1443, for two years.'—*Ibid.*, v. 39, 8.
- Coverture with Aliens. 'Petition that collusion between denizens and aliens for exporting wools of the latter at the lower rate be prevented by compelling denizens to ship wools nowhere but to Calais.'
Answer. 'Granted, saving for such as are licensed by the King.'—*Ibid.*, v. 54, 21.
- Customers. 'That no Customer, or his Deputy, have any ship, nor meddle therein, nor hold a wharf or hostel, nor be Host to any merchant.'—*Ibid.*, 22.
- New Device for Smuggling Wools. 'That whereas wools are oft-times landed in Wales and thence conveyed to the East coast, and smuggled into Flanders without paying Custom, that none such be suffered to land uncustomed, on pain of forfeiture. (Granted, till the next Parliament.)'—*Ibid.*, v. 55, 24.
- Parliament at Westminster, 25 Feb., 23 Hen. VI. Purveyors. Woollen Yarn. 'Petition for the removal of certain regulations for the Staple at Calais. That whereas English cloths are not admitted into the parts of Hanse and Prussia, that retaliatory measures be adopted in this kingdom.'—*Billæ Signat.*, 20 Hen. VI.
C. 1. 'Recital of 36 Edward III., relating to Purveyors.'
C. 2. 'The exportation of woollen yarns forbidden during three years.'—*Cott. MSS.*, No. 20, c. 1.
- Grant of the Subsidy of Wools, Tunnage and Poundage. 'Grant of the subsidy of wools, etc., at the same rates, from St. Martin's, 1445, for four years. Allowance to Lincoln, as before. Also Tunnage and

Poundage as before, from 2nd April, for four years.'
—*Rot. Parl.*, v. 69, 16.

'That the Statutes of Purveyors be observed. Purveyance
Debts to be recovered against Purveyors. (Granted.)'
—*Ibid.*, 103, 25.

'For free traffic in Gascon wines. (Granted.)'—*French Wines.*
Ibid., 117, 51.

C. 1. 'Because of the Ordinances lately made in Parliament
Brabant, Holland, and Ireland against the importa- at West-
tion of English cloths, unless the same be repealed, minster,
that no merchandize of those parts be imported on 12 Feb.,
pain of forfeiture till the next Parliament.' 27 Hen. VI.
Reciprocity.

C. 2. 'Because, by reason of the non-observance of the liberties of the Staple at Calais, the same has fallen into decay; therefore those liberties shall be henceforth maintained, and all licenses granted there-
against shall be void. The company of Merchant Staplers to sue on this statute. Forfeiture in default of observance of this statute, at the instance of any subject or by his own arrest. Customers who sanction such exports against the statute, to incur like penalties. Exception in favour of wools which pass the Straits of Morocco, and of existing licenses for the Queen and the Duke of Suffolk.'
For the Staple at Calais.

C. 3. '4 Hen. IV., c. 15, recited, for aliens to expend purchase-money in native commodities. As the same is now evaded, surety shall be taken by the Customers. Also, no bullion shall be exported by aliens. To endure till the next Parliament.'—*Rot. Stat.*, v. m. 7.
Protection of Native Produce.

'Grant of the Subsidy of Tunnage and Poundage, at the same rates, from 5th April, for five years.'—*Rot. Parl.*, v. 145, 15.
Grant of Tunnage and Poundage.

Grant of the Subsidy of Wools. 'Grant of the subsidy of wools, etc., from St. Martin's next, for four years, and from thence to the following 3rd April, at 33s. 4d. (denizens), 53s. 4d. (aliens); 13s. 4d. for wools shipped from Newcastle. Allowance to denizens as before. All assignments hereof to be void: except £1000 for Lord Fauconberg.'—*Rot. Parl.*, v. 145, 15.

Assignment for Calais. 'That 20s. of the Subsidy of every sack of wool exported be applied for the defence of Calais; together with 13s. 4d. of every 20s. Custom-value exported from Berwick.'—*Ibid.*, v. 147, 16.

Licenses against the Privileges of the Staple to be void. 'Petition of the Commons, that whereas, in the reign of Edward III., Calais was appointed to be the sole Staple for English wools, etc., to the increase of the Customs, in one year to the amount of £68,000 and more, yet now, by the abuse of granting licenses, the revenue has declined to £12,000 only. Therefore, it is prayed that all licenses for exporting wools, tin, etc., elsewhere than to the Staple be void, and that forfeiture be exacted in default. Granted, except for certain patentees specified.'—*Ibid.*, v. 149, 19.

English Cloth Trade. 'That steps may be taken to facilitate the sale of English cloths in Flanders, etc., because of the great distress caused by their exclusion from those countries.'—*Ibid.*, v. 150, 20.

Parliament at Westminster, 6 Nov., 23 Hen. VI. Reciprocity. C. 1. '27 Hen. VI., c. 1, recited, and continued for seven years, unless the above-mentioned ordinance, excluding English cloths from Holland, etc., be repealed.'

Misconduct of Customers. C. 5. 'Against the extortions practised by Customers, especially at the ports of Fowey, Plymouth, Pool, and Dartmouth, by wrongful impositions upon the merchandizes of aliens. Merchants to have a writ of trespass against the Customers in every case, and recover £40 damages.'—*Rot. Stat.*, v. m. 6.

‘Petition of the Commons that all merchandizes of Brabant, Holland, and Zealand be excluded till English cloths are admitted into those countries. Granted for seven years.—*Billæ Signat.*, 28 Hen. VI. Reciprocity.

C. 5. ‘17 Ric. II., c. 5, and 4 Hen. IV., c. 24, recited, concerning Customers. Whereas divers have evaded these statutes heretofore by obtaining patents of their offices for life, the same shall be void, and shall only be granted in future by warrant of the treasurer. Saving the rights of the Queen, the Prince, the Duke of Buckingham’s and the Duke of Warwick’s executors; or of any servant of the King’s or Queen’s households, and the liberties of the cities of London and Winchester.’ Parliament at Westminster, 6 March, 31 Hen. VI. Appointment of Customers.

C. 8. ‘Recital of the grant of the subsidies of Poundage, and of wools, etc., namely, at 43s. 4d. from denizens, which being 10s. above the former rate cannot now be endured by reason of the lowness of prices. Therefore the same is hereby remitted to denizens who ship wools to Calais only, for three years.’—*Rot. Stat.*, v. m. 4. Reduction of the Subsidy of Wools for Denizens.

Grant of the subsidy of Tunnage and Poundage, at 3s. for denizens and aliens (3s. extra on sweet wines of aliens), and 12d. for denizens and aliens (12d. extra on tin exported by aliens), from 3rd April for the King’s life.’—*Rot. Parl.*, v. 228, 8. Grant of Tunnage and Poundage.

‘Grant of the subsidy of wools, etc., at 43s. 4d. (denizens), and 100s. (aliens) on wool and wool-fells; 100s. (denizens) and 108s. (aliens) on leather; from 3rd April for the King’s life. Aliens exempted from paying the residue of the late grant. Allowance to Lincoln as before.’—*Ibid.*, 9. Grant of the Subsidy of Wools.

‘Petition of the Commons against the levying of Poundage from native cloths exported, as ruinous to Remission of the Poundage

on Native
Cloths, and
Reduction
of Subsidy
on Wools of
Denizens.

the English cloth trade. Also against the increase of ios. in the Subsidy for denizens.'

Answer.—'Poundage remitted on cloths of denizens. The increase of Subsidy remitted to all denizens shipping wools to Calais or by the Straits of Morocco.'—*Rot. Parl.*, v. 269, 71.

For the
Staple.

'Petition for the better observance of the privileges of Calais.'—*Ibid.*, v. 273, No. 4.

For the
Same.
Fraudulent
Salvage
Claims.

'Petition of the Merchants Staplers of Calais against the abuse of licenses. Also against the excessive toll taken by the Duke of Burgundy from their wools at 'Gravening'; and that no wools be licensed to Flanders till the same is repealed. Also that no clacked, barbed, or forced wools be permitted to be shipped, as being treble the value of raw wools. Also against the fraudulent practices of aliens, who receive letters of inventory from hostile vessels, and if the same are taken at sea, claim the cargoes as owners thereof by virtue of those inventories, receiving 10 per cent. salvage from the real owners.'—*Ibid.*, v. 275, No. 6.

Parliament
at West-
minster,
9 July,
33 Hen. VI.
Restraint of
Foreign
Trade.

C. 5. 'No silks, ribbons, or laces, etc., to be imported into England on pain of forfeiting £20. To endure for five years.'—*Rot. Stat.*, v. m. 2.

Assignment
for the
Staple.

'Assignment of the Custom-revenue at Sandwich in satisfaction of a loan of £26,000 made to the Crown by the Merchants Staplers of Calais for pay of the garrison there.'—*Rot. Parl.*, v. 297, 46.

For the Re-
straint of
Alien Traffic.

'Petition that aliens be restrained from buying wools, cloths, or tin, except at the Ports of London, Southampton, Sandwich, and the Staple of Westminster, because of the abatement made in the prices and their extortionate system of traffic, to the ruin of the poor.'—*Ibid.*, v. 334, No. 11.

Statutes and Proceedings in Parliament, of the reign of Edward IV.

C. 1. 'No alien to export wools after Michaelmas next. No denizen or alien to carry wools beyond the Tees. Wools to be shipped nowhere but to Calais (except for the North parts) on pain of forfeiture. Newcastle to be the only port of passage for wools of the North parts. Penalty in default, two years' imprisonment. Staplers to sell wools for ready money only, on pain of a fine *ad valorem*. Fraudulent packing of wools forbidden on pain of a fine of 6d. per fleece. None but aliens to freight aliens' ships on pain of forfeiture.'

Parliament at Westminster, 29 April, 3 Edw. IV. Regulations for the Wool-trade.

C. 4. 'Schedule of certain articles which may not be imported ready-wrought.'—*Rot. Stat.*, vi. m. 8.

Restraint of Foreign Trade.

'Petition of the Commons that no alien be permitted to export wools, to avoid a scarcity of the same, etc., etc. And that all coin or bullion received at the Staple be brought into the Mint at Calais and thence returned to England. To endure for three years. Granted in all respects.'—*Rot. Parl.*, v. 503, 18.

For the further Restriction of Alien Traffic.

'That no corn be exported whensoever the price shall exceed 6s. 8d. for wheat, 4s. for rye, and 3s. for barley, on pain of forfeiture. Granted.'—*Ibid.*, v. 504, 19.

Corn.

'Grant of the subsidy of Poundage at 12d. (12d. extra on tin of aliens), Tunnage at 3s. (3s. extra on sweet wines of aliens). Also, the subsidy of wools and leather at 33s. 4d. and 66s. 8d. (denizens); 66s. 8d. and 73s. 4d. (aliens): payable, half at six and half at twelve months. Allowance to denizens as before. Existing assignments (*e.g.* for Calais) to

1 Jan., 4 Edw. IV. Grant of Tunnage and Poundage, and of the Subsidy of Wools for Life.

be allowed ; 20s. of every sack and last paying Custom and Subsidy to be applied to the defence of Calais. Granted from 1st March, 1464, for the King's life.—*Ibid.*

For the
Staple at
Calais.

C. 2. Wools to be shipped to Calais only, and at certain ports only. Security to be taken that they are brought to Calais, and to produce the Customers' certificates that they were so landed there. The Merchants Staplers of Calais empowered to sue on this Statute. Allowance for wools lost or taken at sea. Wools of the Northern counties to be freely shipped at New-Castle.'

The Same.

C. 3. 'To avoid the evasion of this Statute, no wools shall be shipped at Newcastle except such as are of the growth of the districts beyond Tees and Tweed.'—*Rot. Stat.*, vi. m. 5.

Against
Forestalling
Wools.

C. 4. 'No merchant shall bargain for or forestall wools before they are shorn, unless to make woollen yarn in England.'

Reciprocity.

C. 5. 'No merchandizes of any of the Duke of Burgundy's possessions shall be admitted into England, until the Ordinances in force there against English merchandizes be repealed. Saving the liberties of Merchants of the Hanse.'

Protection
of Native
Produce.

C. 6. 'Recital of 5 Hen. II., c. 9, for aliens to give surety to the Customers for purchasing native commodities; the same surety to be re-delivered on performance of the stipulation.'—*Ibid.*, vi. m. 4.

Dover.

C. 10. 'Privileges of Dover as the sole port of passage for Kent confirmed.'—*Ibid.*, vi. m. 3.

Decay of the
English
Cloth-trade.

'Petition of the Commons, that whereas in the time of the "ancien prosperité" of the Realm of England, the manufacture of cloth reached to a per-

fection not attained by any other country, whence the English cloths were greatly in demand abroad; yet that of late, and for long time past, by reason of the frauds and deceit of that trade, the said cloths have no longer any repute in foreign countries, and much cloth is imported from the latter into this kingdom.'—*Rot. Parl.*, v. 561, No. 1.

'Petition that wools and other Staple commodities be shipped to Calais only, and that licenses here-against may be void. Also that after Easter, 1465, these may be shipped only at Ports where the Crown has a wool-beam, weights, and Collectors of the Customs, namely, at Pool, Southampton, Sandwich, London, Ipswich, Boston, Hull, Lynn, and nowhere else. And that those commodities be shipped to the Staple by certificate of the Customers only. Saving the privileges of Newcastle. (Granted.)'—*Ibid.*, v. 563, 50.

Regulations
for the Pas-
sage of
Wools.

'That because of the exclusion of English cloths by the Duke of Burgundy's subjects, no denizen or alien be permitted to import merchandize of the latter's countries into England, till the Ordinance aforesaid be repealed. To commence from the Feast of the Purification, 1464. Also that aliens importing such wares be made to avoid the realm within 40 days on pain of forfeiture. So, too, for both denizen or alien presuming to import under colour of the King's license.'

Reciprocity.

Answer. 'Granted, save for the penalty aforesaid; and saving the liberties of merchants of the German gild in London. To last during the King's pleasure.'—*Ibid.*, v. 565, 53.

'That Customers be authorized to re-deliver any security taken from aliens importing, as soon as these depart the realm.'—*Ibid.*, v. 566, 54.

Provision
for Aliens'
Securities.

Parliament at Westminster, 3 June, 7 Edw. IV. Woollen Yarn. Assignment for Calais.

C. 3. 'No woollen yarn to be exported.'—*Rot. Stat.*, vi. m. 2.

'Letters Patent for the assignment of certain sums out of the Custom and Subsidy for the town of Calais.'—*Rot. Parl.*, v. 613, 9.

Limitation of Native Trade.

'Petition against the exportation of woollen yarn or unfilled cloths uncustomed; and that the same be forbidden on pain of forfeiture. (Granted till Assumption, 1468.)'—*Ibid.*, v. 621, 22.

Parliament at Westminster (prorogued), 6 Oct., 12 Edw. IV. Arbitrary Treatment of Alien Traders.

C. 3. 'Customers shall search, examine, and seal cloths of gold, velvet, etc., imported, to prevent frauds in the payment of the Poundage. Also that all cloths exported by aliens be further packed by the view of the Customers.'

Exception for Patentees of the Crown.

C. 4. 'Recital of 3 and 4 Edward IV. for shipping wools to Calais. The same confirmed, saving for those licensed by the King.'—*Rot. Stat.*, vi. m. 2.

Assignment for the Staple at Calais.

'Assignment of the Custom and Subsidy of Shorling and Morling wools to the Merchants Staplers of Calais, for £21,000 lent by them to the Crown.'—*Rot. Parl.*, vi. 55, 59.

For the Merchants of Hanse.

'Petition for the liberties and privileges of the Merchants of Hanse, otherwise merchants of the Almayne gild, reciting the Charter granted by Edward I., and the Scale of Custom therein set forth to be observed.'—*Ibid.*, vi. 65, 1-3.

Parliament at Westminster (prorogued), 9 May, 14 Edw. IV. For the Privileges of the Staple at Calais, with certain Exceptions.

C. 3. 'Recital of the Tenor of 12 Ed. IV., c. 5, against the exportation of Shorling or Morling wools elsewhere than to Calais. The same now confirmed, except for wools formerly shipped from Berwick to Middleburgh, and henceforth to be shipped to Barow in Brabant or elsewhere at the King's pleasure.'—*Lib. Scacc. Westm.*, xi.

‘Complaint of the Commons that many aliens import cloths of velvet, gold, etc., uncustomed: wherefore be none such admitted without being searched and certified by the Customers.’—*Rot. Parl.*, vi. 154, 46.

Against
Aliens’
Traffic.

‘Petition for the better observance of the monopoly of Calais, *e.g.*, against smuggling wool from the East Coast.’—*Ibid.*, vi. 157, 51.

Smuggling.

C. 8. ‘Merchandizes imported from Scotland shall first be brought to Berwick (saving the liberties of Carlisle and the Westmarches). And that no English wares shall be sold into Scotland, except at Berwick or Carlisle aforesaid.’—*Lib. Scacc. Westm.*, xi.

Parliament
at West-
minster,
20 Jan.,
22 Edw. IV.
Against
Traffic from
or into Scot-
land.

‘Appropriation of certain revenues for the expences of the King’s Household (inter alias). The Petty Customs at London £520; the Tunnage and Poundage there; the Custom and Subsidy at certain outports; the Butlerage of wines, etc. Total of the Assignment £11,000. To be applied wholly to the expences of the Household, so that the abuse of Purveyance may be avoided.’—*Rot. Parl.*, vi. 198, 11.

Assignment
for the
King’s
Household.

Statutes and Proceedings in Parliament of the Reign of Richard III.

C. 9. ‘That Italian merchants shall sell by gross only, and shall lay out their proceeds upon native commodities, within eight months. And that the above shall not deal in wool or cloth within the realm.’

Parliament
at West-
minster.
23 Jan.,
1 Ric. III.
Against the
Lombards.

C. 10. ‘Confirmation of 22 Edward II., c. 3, against certain foreign wares imported. The same continued for ten years.’

Against
Foreign Im-
ports.

C. 12. ‘Specification of certain wares forbidden to be imported ready-made.’

The Same.

Gauge of
Wines.

C. 13. 'For the Gauge of wines to be observed.'
—*Lib. Scacc. Westm.*, xi.

Grant of
Tunnage
and Pound-
age, and of
the Subsidy
of Wools for
Life.

'Grant of the subsidy of Tunnage and Poundage at 3s. (3s. extra on sweet wines of aliens), and 12d. (12d. extra on Tin exported by aliens).

'Grant of the subsidy of wools and leather at 33s. 4d. (denizens), and 66s. 8d. (aliens); 66s. 8d. (denizens), and 73s. 4d. (aliens), at six and twelve months. Allowance to denizens as before. The existing Assignment for Calais (granted 12 Edward IV.) for Morling and Shorling wools to be shipped thither, to remain in force; saving the liberties of Merchants of Hanse; for the King's life.'—*Rot. Parl.*, vi. 238.

*Statutes and Proceedings in Parliament of the Reign
of Henry VII.*

Parliament
at West-
minster,
7 Nov.,
1 Hen. VII.
Grant of the
Subsidy of
Wools, Tun-
nage and
Poundage
for Life.

'Grant of the subsidy of Tunnage at 3s. for Denizens and Aliens; 6s. sweet wines of Aliens (including those of Merchants of Hanse), to be taken each year from the 1st day of the present Parliament during the King's life.

'Grant of the subsidy of Poundage at 12d. for Denizens and Aliens (including Merchants of Hanse); except for cloths of Denizens exported, and for wool, corn, and other provisions imported, or exported for the use of the Garrison of Calais.

'Grant of the subsidy of wools, woolfells, and leather, at 33s. 4d. and 66s. 8d. for Denizens; 66s. 8d. and 73s. 4d. for Aliens (including such as have been made or shall hereafter be made Denizens by the King's Letters Patents): Payable at 6 months and 12 months, half at each. With allowance for wools, etc., of Denizens lost or taken at sea to be made in the next shipment; provided that the proofs thereof are certified into the Chancery, whence writs of allowance shall be directed to the Customers. Denizens shipping wools, etc., in Galleys or Carricks

to pay Aliens' duty. Provided always that this grant be not prejudicial to the Staple at Calais during the remainder of their term of Assignment of the Customs and Subsidy of Shorling and Morling wools (except the Calais dues) for £10,000 payable by the Company yearly thereout for the maintenance of the Garrison of Calais, with certain other fees, for 16 years, from 12 Ed. IV. Saving also the liberties of the Merchants of Hanse.'

C. 2. 'That whereas many patents of Denization have been granted to Merchants Strangers which they have often abused by coverture with Aliens to the great impoverishment of the Customs: It is enacted that henceforth all such Denizens pay Custom as Aliens.'

To avoid Coverture, Denized Aliens shall pay Custom as mere Aliens.

C. 9. 'Recital of 22 Edw. IV., c. 3, continued by 1 Ric. III., c. 10, against the importation of Ribbands, Silks, etc. The same continued for 20 years.'

Restraint of Foreign Traffic.

C. 10. 'Recital of 1 Ric. III., c. 9, for Restrictions and Penalties on Sale by Merchants Strangers, etc., for their purchase of native commodities. The same penalties repealed.'—*Rot. Parl.*, 1 Hen. VII.

Free Trade in Native Commodities restored.

C. 7. 'An Act against Merchants carrying goods from one Port to another Port within the Realm, without a Certificate from a Customer. Such certificate to be produced, and no bulk broken till it is delivered. Merchandises to be inventoried in the true owner's name. No common Officer in a Town to be a Customer.'

Parliament at Westminster, 9 Nov., 3 Hen. VII. Regulations for breaking Bulk.

C. 8. 'Recital of 17 Ed. IV., c. 1., for Aliens to employ their purchase-monies within the Realm. Made perpetual. To apply to Ireland and the Channel Islands. Surety to be taken for this.'

Free Trade in Native Commodities repealed.

Woollen
Cloths not to
be exported
unfulled or
undressed
above 40s.
Value.

C. 11. 'Recital of 7 Ed. IV., c. 3, for no woollen cloths to be exported un-fulled. The same Act to apply to cloths before they have been barbed, rowed, and shorn, except for cloths under 40s. value.'—*Rot. Parl.*, 3 Hen. VII.

Parliament
at West-
minster,
13 Jan.,
4 Hen. VII.
Certain
Wares to be
imported
only in
English
Bottoms.

C. 10. 'An Act against bringing into the Realm Wines or Woad in Foreign Bottoms :

'Gascon wines and Toulouse woad shall only be imported in English Bottoms, whereof the Masters and Mariners shall be English Subjects. Only Aliens shall freight Aliens' ships.'

Ordinance of
Bullion.

C. 23. 'An Act against carrying away of Coin, Plate, or Jewels out of the Realm.

'Recital of Stat. 17 Ed. IV., c. 1, and revival of the same statute.

'None henceforth to pay or exchange to Aliens any species or bullion.'—*Rot. Parl.*, 4 Hen. VII.

Parliament
at West-
minster,
17 Oct.,
7 Hen. VII.
Reciprocity
in the Carry-
ing Trade
of Wines
enforced
against
Venice.

C. 7. 'An Act to pay Custom for every Butt of Malmsey.

'That whereas hitherto the lading of Malmseys in English Bottoms at Candy has been a great source of profit to English commerce; yet now the Venetians have lately imposed a New Custom of 4 ducats on every Butt of Malmsey laden by English ships, above the ancient Customs of those parts—Therefore please it to enact that every Butt of Malmsey imported shall be gauged to contain 126 gals. And that every such Butt shall pay for Custom 18s. of Merchants Strangers above the ancient and existing Customs. And that no Malmsey be sold at above £4 for every Butt. Provided that the said Act extend not to any subject of this Realm, and endure no longer than the Custom of Venice upon English exports.'—*Rot. Parl.*, 7 Hen. VII.

C. 6. 'An Act for the payment of Customs for woollen cloths exported. Parliament at Westminster, 14 Oct., 11 Hen. VII. For true Payment of Custom.
 'Recital of 12 Ed. IV., c. 3. Custom and subsidy of all woollen cloths exported, wheresoever they be packed, shall be paid to the Customers at the Ports where they are shipped; any Act, etc., notwithstanding.'

C. 13. 'An Act against exporting Horses beyond the Seas: Protection of English Horses.
 'No horse to be exported without license, and no mare above value of 6s. 8d. Custom upon such as are licensed, 6s. 8d.'

C. 14. 'An Act that all strangers made Denizens shall pay Custom as Aliens, to prevent coverture with other strangers.' Denizens' Custom.

C. 23. 'An Act against Merchants Strangers selling Salmon or other fish. Restraint of Foreign Trade.
 'Recital of 22 Ed. IV., c. 2. Gaugers appointed to gauge all casks of Fish (Salmon and Eels). Scale of each sort of fish to be of Assize.'

C. 61. 'Assignment for Berwick (with Carlisle) from the Customs and Subsidies at the Ports of Hull and Newcastle; namely, £280 yearly from Hull, and £235 yearly from Newcastle, clear of all charges and counter-assignments.' Assignment for the Northern Garrisons.

C. 62. 'Assignment for the King's Household. Former assignment repealed. New assignments hereby made payable to the Treasurer or Cofferer of Household: Assignment for the King's

	£	s.	d.
Tunnage and Poundage, at the Port of			
London	2,872	6	8
Petty Custom at the same	516	13	4

	£	s.	d.
Custom and Subsidy, at the Port of Bristol	600	0	0
Ditto at Southampton	2,166	13	4
(Smaller sums for the same from other Ports.)			
Chief Butlerage of England	100	0	0.
— <i>Rot. Parl.</i> , 11 Hen. VII.			

Parliament
at West-
minster,
16 Jan.,
12 Hen. VII.
Respite of
1 Ric. III.,
c. 8.

C. 4. 'An Act for the making Woollen clothes.
'Recital of 1 Ric. III., c. 8. No penalty thereon
to be enforced before the next Parliament.'

Exactions on
Merchants
Adventurers.

C. 6. 'An Act for Merchants Adventurers.
'Whereas an Ordinance was lately made by the
Fellowship of Mercers of London, that none should
export and sell woollen clothes, etc., at certain
foreign Marts, without first making fine to the said
Fellowship, which fine has grown from 3s. 4d. to £20,
against the liberties of the subjects of this Realm,
it is enacted that all may freely visit and sell at such
foreign marts, paying no more than 10 marks as a
fine for license to trade, on penalty of £20 to the King
and ten times the value taken to the party grieved
thereby.'

Exemption
from
Subsidy.

C. 12. 'Cities and Towns of Lincoln, Yarmouth,
and Shoreham exempted from payment of the
Tenths and Fifteenths by reason of their poverty.'—
Rot. Parl., 12 Hen. VII.

Parliament
at West-
minster,
25 Jan.,
19 Hen. VII.
Respite of
Custom.

C. 2. 'An Act for the remission of the Custom
on Bow-staves imported, till the next Parliament.'

Ordinance of
Bullion.

C. 5. 'None shall export Bullion or Coin from
England to Ireland, above the value of 6s. 8d.; or
from Ireland to England above 3s. 4d.'

C. 8. 'An Act for the limitation of Scavage.

'That whereas lately many Cities and Boroughs have exacted a duty, called Scavage, from Denizens, the same being formerly taken of Aliens only; That henceforth the same Custom be no more levied from Denizen subjects on pain of forfeiture of £20. Saving to the City of London, their ancient Liberties, subject to the advice of the King and his Council.'

Doubtful
legality of
Scavage on
Denizens
affirmed.

C. 27. 'Grant of Assignment of the Customs and Subsidy of Wools, Woolfells and Leather to the Mayor, Constables, and Fellowship of the Staples at Calais, for the Term of 16 years. So that they pay yearly to the Treasurer of Calais £10,022 4s. 8d. for maintenance of the garrison there, if the charges thereof amount to so much; and that they account for the residue at the Exchequer; and that they further pay to the Customers of the Great Custom at London £100 yearly. Safe conduct to be provided by the Crown for goods shipped to the Staple, or the equivalent allowed to the Company in their Account. So that they pay yearly 1000 marks to the Judges and Law Officers of the Crown for their fees; and that the deficiency of one year's payments as above be made good in another year. After the term of 16 years the Company may further make good any deficiency incurred by them, out of the revenue of the same Customs and Subsidy; so that the surplus of the said revenue shall be duly accounted for at all times by them at the Exchequer; and so that 3s. 4d. of every third £ of the wages of the Garrison to be defalked by agreement for their victuals, be deducted and accounted for. Provided that the Company be not charged with any but the Customs and Subsidy of Wools and Woolfells, Shorling and Morling; and that exchange and re-exchange shall be allowed to them, any penal statute notwithstanding; and that the Staple be fixed at Calais for the said term of 16 years.'—*Rot. Parl.*, 19 Hen. VII.

Assignment
of the
Customs and
Subsidy of
Wools, etc.,
to the Com-
pany of the
Staple for
the Garrison
of Calais.

*Statutes and Proceedings in Parliament of the
Reign of Henry VIII.*

Parliament
at West-
minster,
21 Jan.
1 Hen. VIII.
Restraint
and Enlarge-
ment of
Commerce
by the
Crown or by
Parliament.

C. 1. 'Repeal of 8 Hen. 6, c. 2, restraining English subjects from trading in fish within the dominions of the King of Denmark, except under certain ordinances of the said King: Because of late certain of the above subjects of England have been unjustly punished for trading in fish within the land of Iceland.

Re-enact-
ment of the
Provisions to
defeat
Coverture.

C. 2. 'An Act for the true Payment of the King's Customs.

'Recital of 3 Hen. 7, c. 7, for entry to be made in the Merchant's own name, to avoid coverture with Aliens; because the application of the said Statute is held to be general, it is now repealed, and henceforth it is enacted, that any English merchant, or any Alien, may enter goods in the names of their fellow-subjects, respectively. Provided that none such fraudulently enter goods; and that men of London, the Cinq Ports, and other Franchizes, do not enter Wines of those without their Franchizes in their own names.'

London and
Cinq Ports
exempt from
Prisage of
Wines.

Ordinance of
Bullion.

C. 13. 'An Act against carrying out of this Realm any Coin, Plate, or Jewelry.

'Recital of 17 Ed. IV., c. 7. Continued for 20 years by 4 Hen. VII., c. 13. Confirmed saving the felony. Penalty, double value exported.

Assignment for
Appropriation.

C. 16. 'Assignment for the King's Household.'

C. 17. 'Assignment for the King's Great Wardrobe.'

Grant of
Subsidy of
Tunnage and
Poundage,
and of
Wools, etc.

C. 20. 'Grant of the subsidy of Tunnage, at 3s. (6s. sweet wines of Aliens), and Poundage, at 12d. (2s. Tin of Aliens), except for English cloth exported; wool,

wool-fells, and hides, flesh, fish, and other victuals imported or exported to Calais. Forfeiture of the whole in default. So that the above be applied for defence of the Realm, and especially for safeguard of the sea, and the said Grants be not drawn into a Precedent; and that merchants, both denizen and alien, be honestly entreated.

‘Also the subsidy of wool, wool-fells, and leather, exported, at 33s. 4d. and 66s. 8d. from denizens; 66s. 8d. and 73s. 4d. aliens, half payable in 6 months, half in 12 months, from the first day of the King’s reign during his life. Allowance to denizens for losses at sea as before; saving denizens’ wools, etc., shipped in Carricks.

‘Saving the privileges of Merchant Staplers of Calais, by virtue of 19 Hen. VII.; and saving the liberties of Merchants of the Hanse.’—*Rot. Parl.*, 1 Hen. VIII.

C. 1. ‘An Act against carrying out of this Realm Coin, Plate, etc. Parliament at Westminster, 4 Feb., 3 Hen. VIII. Ordinance of Bullion.’
 ‘Recital of 17 Ed. IV., c. 1, continued by 4 Hen. VII., c. 23. The said Acts confirmed so in the last Parliament.’

C. 6. ‘An Act against deceitful making of Woollen Cloths, and vending or exporting the same so made.’ Woollen Cloths.

C. 7. ‘An Act against carrying cloths over sea, unshorn. Restraint on Exportation of unfulled Cloths.’
 ‘Recital of 3 Hen. VII., c. 1, reciting 7 Ed. IV., c. 3, that no denizen or stranger should export woollen cloths unshorn, for the relief and setting to work the poor commons of the crafts of Shearmen, Fullers, etc., in England. The said Acts hereby confirmed, except for cloths under the value of 4 marks.’

C. 10. ‘An Act against buying of Leather out of the open Market. No Aliens occupying the Crafts Aliens restrained from buying in the

cheapest
Markets.

of Tanner or Cordwainer shall buy Leather by private bargain.

The same
restrained
from import-
ing Hats and
Caps.

C. 15. 'An Act concerning Hats and Caps. Whereas of late the Employment of poor persons in the making of Hats and Caps has been hindered by the importation of the same from foreign parts, ready made, to the advantage of Aliens, none such shall be imported after May 1st next.'

Exemption
from
Subsidy.

C. 22. 'Lincoln, Yarmouth, and New Shoreham exempted from payment of the Subsidy.'—*Rot. Parl.*, 3 Henry VIII.

Parliament
at West-
minster,
4 Nov.,
4 Hen. VIII.
Exactions of
Customers in
Sealing
foreign
Stuffs.

C. 6. 'Recital of 12. Ed. IV., c. 3, for Customers not to refuse or delay the sealing of Cloth of Gold, etc., imported, and also to take no fee for consenting to seal the same, under penalties of 20s. The said penalty increased to £20 for taking such fees, namely 2d. for every parcel of merchandize; with a further penalty, for delay in sealing the same, of 40s.'

Assignment.

C. 17. 'An Act to award the Assignments for the King's Great Wardrobe.'

Exemption
from
Subsidy.

C. 19. 'Lincoln, Yarmouth, and New Shoreham exempted from payment of the Subsidy.'—*Rot. Parl.*, 4 Henry VIII.

Parliament
at West-
minster,
23 Jan.,
5 Hen. VIII.
Extension of
the Limita-
tion of
3 Hen.
VIII., c. 7,
in the case
of White
Cloths un-
shorn.

C. 3. 'An Act that White Cloths, under the value of five marks, may be carried over the sea unshorn—notwithstanding the limitation by 3 H. VIII., c. 7, to 4 marks' value; provided that no such cloths above the value of 5 marks be exported unshorn on pain of forfeiture.'

Certain
Aliens being
Members of
a Fellowship

C. 7. 'Certain Aliens in the fellowship of Cordwainers strangers, relieved from the restrictions of 3 H. VIII., c. 10, against buying Leather except in

the open market. The said Act to be in force against all other Aliens not members of the said Fellowship.’

able to buy
Leather in
the cheapest
Market.

C. 17. The Cinq Ports exempted from payment of the Subsidy.

Exemption
from
Subsidy.

‘Repeal of Letters Patent, 18 July, 21 Henry VII., granting the office of Surveyor of the Customs in the Port of London to John Millys for life. Grant of the said Office from 19 Aug. 1 Hen. VIII., to John Horn, Merchant of London.’—*Rot. Parl.*, 5 Hen. VIII.

Office of
Surveyor of
the Customs
in the Port
of London.

C. 1. ‘An Act of Apparel. No man under the degree of the son of a Duke or Earl, or under the degree of Baron or Knight of the Garter, shall wear any woollen cloth made out of the Realm of England, Ireland, Wales, Calais, or Berwick, upon pain of forfeiting the same and of fine for each offence in £10.’

Parliament
at West-
minster,
5 Feb.,
6 Hen. VIII.
Protection of
English
Fabrics.

C. 11. ‘Recital of 1 Ric. III., c. 11. That Aliens shall import with every butt of sweet wines 10 good Bow-staves or forfeit 13s. 4d. for each butt. The said Act declared to extend to Aliens only, till the next Parliament.’

Restraint of
Foreign
Imports.

C. 12. ‘An Act that Norfolk wools be not carried out of the Realm. Penalty 40s. for every stone of wool so exported. Licenses to the contrary to be void. To continue till the next Parliament.’

Exportation
of Norfolk
Wool for-
bidden.

C. 14. ‘An Act concerning the King’s Subsidy of Tunnage and Poundage.

Tunnage and
Poundage.

‘Recital of 12 Edw. IV., c. 3, that goods exported or imported without paying the subsidy shall be forfeited. The said Act having now expired, many evade payment, wherefore the said Penalty shall

endure during the present King's life, and no longer.'

C. 25. 'Denizen Aliens shall pay Custom as other Aliens. All licenses in favour of Aliens shall be void.'—*Rot. Parl.*, 6 Hen. VIII.

Parliament
at West-
minster,
22 Dec.,
7 Hen. VIII.
Assignment
for the
Staple of
Calais.

C. 10. 'Grant to the Mayor, etc., of the Staple of Calais of all Customs and Subsidies of Wools, Shorling, and Morling, to be shipped thither from England from 16 April, 1516, for 20 years, saving to the King his Custom called Calais-dues, as before excepted. Out of the issues of which Customs and subsidies £10,022 4s. 8d. shall be paid yearly to the King and his successors, half to the Treasurer of Calais and half to be answered yearly at the Exchequer. Paying also to the said Treasurer £556 15s. 9 $\frac{3}{4}$ d., the sum defalked from the third part of the pay of the garrison there for their victuals; together with any further sum beyond that above mentioned which may be required for the charges of the garrison, to be allowed to the said Accountants on the other moiety of their charge. With all other declarations and provisoes which were contained in the former Acts.'—*Rot. Parl.*, 7 Hen. VIII.

Parliament
at West-
minster,
18 April,
14 Hen.
VIII.
Protection of
English-
made fine
Cloths.

C. 1. 'An Act against carrying broad white woollen Cloths out of the Realm. No subject to sell said cloths to any Alien Merchant on pain of 40s. fine, except under certain conditions preventing the sale thereof to English buyers, and then only for ready money or one month's acceptance. Certain wrought cloths of English make may be sold to Alien Merchants freely, as well as white cloths made in the North Parts.'

English
Subjects
naturalized
abroad shall
pay Custom
and Subsidy

C. 4. 'An Act for Payment of Custom. Whereas divers subjects of this Realm have withdrawn themselves into the parts of Holland, Zealand, Brabant, and Flanders, etc., where they maintain great

establishments and are taxed with subjects of those countries, yet they do also hold themselves in England as English subjects, paying Custom and Subsidy as such and not as Aliens; and because the evil is great and like to continue and increase, it is hereby enacted that all English born who are sworn subjects of other States shall pay all manner of Customs and Subsidies as other Aliens pay the same, for the avoidance of coverture and to restrain the export of Coin and Bullion. All such foreign subjects to be certified by the Company of Adventurers or English Ambassadors abroad. Provided that such of the above as are willing now to return and tarry in England shall be restored as English subjects and pay Custom and Subsidy as other subjects pay the same.'

as Aliens, unless they return into the King's Allegiance.

C. 19. 'Recital of 1 Henry VIII., c. 16, for the Appropriation of certain sums for the King's Household, to the amount of £19,394 16s. 3½d. The said Act now repealed. The sums mentioned in the said Act to be henceforth paid to the Treasurer of the King's Chamber by the Accountants thereof instead of to the King's Cofferer. The said Treasurer shall be so recognised at the Receipt of the Exchequer.'

Assignment for the King's Household payable direct to the Crown.

C. 29. 'No Act of this present Parliament shall be prejudicial to Merchants of the Hanse.'

Merchants of Hanse.

C. 9. 'Woollen Caps, Hats, or Bonnets, imported from beyond the Sea, shall be sold only at fixed prices, on penalty of 40s. Any person at liberty to buy and wear such Caps, etc., without personal liability to the vendors.'

Parliament at Westminster, 3 Nov., 21 H. VIII. Statutory Price of imported Hats, Caps, and Bonnets.

C. 10. 'Latten, Brass, and other mixed metal shall not be exported beyond the sea, on account of the present scarcity of Copper ore, etc., in England, upon penalty of forfeiture to the full value of the same.'

An Act against exporting Latten or Brass Metal.

Linen Cloth
imported to
be of Assize.

C. 14. 'Petition of the Linen Drapers of London, that whereas linen cloths, called Lockram and Dowlas, imported into this Kingdom from the ports of Brittany, should always have been of Assize for the whole Piece and Half Piece, yet now such Half Pieces are imported not of Assize, whereof they pray remedy by forfeiture of such short Pieces.'

Repeal of a
Patent to
York to export
Wools on same
Terms as
Newcastle.

C. 17. 'An Act repealing a Grant lately made by the King's Highness to the Citizens of York for the shipping of certain wools unto the Port of Humber.

'Recital of the Tenor of Letters Patent, 22 Aug., 15 Henry VIII., for the Citizens of York to ship certain wools of the growth of that county at the Port of Hull anywhere to foreign parts at the same Custom and Subsidy as the men of Newcastle pay, any Act to the contrary notwithstanding. The said Letters Patent hereby repealed.'

Concerning
the shipping
and unship-
ping of
Merchandise
within the
Liberties of
Newcastle-
on-Tyne,
and for
abating
Weirs in the
River there.

C. 18. 'An Act for the Towne of Newcastle upon Tyne.

'Petition of the men of Newcastle against the practice of landing cargoes and charging ships at other places within the Haven there than the said town, contrary to all former usage; also against the obstruction of the channel of the river Tyne by weirs, etc. Therefore no such practice of lading or unlading ships, to avoid the Custom, shall endure, and no weirs shall be maintained in the said river after Easter next.'—*Rot. Parl.*, 21 Hen. VIII.

Parliament
at West-
minster,
16 Jan.,
22 H. VIII.
Revival of
4 Hen. VII.,
c. 11.

C. 1. 'An Act against regrators and gatherers of wool, in divers counties, and the buying of wool by coverture with Aliens, against the terms of 4 Hen. VII., c. 11. The said Act having expired, the same is hereby revived during ten years.'

Restraint of
Exportation
of Live
Stock.

C. 7. 'Recital of 11 Hen. VII., c. 13, against the exportation of Horses or Mares above a certain value. None shall henceforth export any Horse, Mare, Ox,

Steer, Bullock, Kine, Calves, or Sheep, on penalty of forfeiting 40s. per head: with certain provisoes, and excepting for Mares under the value of 6s. 8d.'

C. 8. 'An Act for "Denizens" to pay Strangers' Customs. Denizens to pay Aliens' Duty. Tariff of Customs, etc., to be published.

'Recital of 1 Hen. VII., c. 2. Since which Act divers Grants have been made to Aliens naturalized, contrary to the said Act. Therefore it is enacted that all Aliens born who are made Denizens shall pay all manner of Customs and Subsidies as before their Denization. And that officers of Towns shall cause to be set up Tables of Customs, etc., in plain view.

'Saving the liberties of Merchants of the Hanse: and for the Tables of Scavage in London to be certified by certain of the King's Council.'

C. 18. 'An Act of Assignment for the King's Household.' Assignment.

C. 20. 'The 40 marks of increase upon a Feefarm Rent of £200 *per annum* (which increase was charged upon the town as a fine in the reign of Edward I.), remitted in the Town of Southampton in consideration of the great falling off in their Customs from foreign imports.'—*Rot. Parl.*, 22 Hen. VIII. Decay of Local Customs at Southampton.

C. 7. "'An Acte that the Statutes made for the mayntenance of the Navie of this Realme shall stande in full strenght; and howe Gascoyne and Frenche wyne shall be brought in, and the same and other wyne solde. Parliament at Westminster, 15 Jan., 23 H. VIII. Navigation Act.

"Where for the mayntenaunce and good continuance of the Navie of this Realme of England it was ordeyned and enacted by a Statute made in the v. yere of the reygne of the ryght noble King Richard the Seconde, that none of the Kinge's liege people shuld shipp merchaundise in any other shipp than in an English shipp upon peyne of forfeiture of the

said marchaundise so shipped: And after that, by another Statute made in the vj. yere of the said noble Kyng, it was enacted that for defaulte of Englissh shippes every man myght shipp their marchaundise in Strangers' Shipps: And after that, at a Parliament holden at Westm., in the iiij. yere of the late noble Kinge of famous memorye Kinge Henrye the vij., it was ordeyned and enacted that no personne shuld carie or bringe any wyne of Gascoyne or Guyon, or Toloos Ode into England, Wales, Ireland, Calece, or the marches therof or Barwike, but onely in shippes of England, Wales, Ireland, Calece, or the marches therof or Barwike; and that the Maister and Mariners of the same shippes for the moost part of them shuld be of the same countres; upon payne of forfeiture of the said Wyne and Ode as by the said good estatutes more at large is expressed: and notwithstanding the said good estatutes, yet neverthelesse the Navye of this Realme and the multitude of the shippes of the same, which tofore this time hath ben not onely a greate defence and suertie to this Realme of Englande in tyme of Warre, but also a high commoditie to all the Subjectes of the same for transporting and conveyance of merchaundises in and frome this Realme, is nowe marvelously decayed and appaired, and by occasion therof a great multitude of the Kinge's liege people which were Masters and Mariners of shippes, and by the exercise therof they, theyr wives, and children had their livinges, be now mynysshed and impoverisshed; in suche wise that within fewe yeres there shal be fewe Englissh men that shalbe experte in the Sees, to the great perill of this Realme and decaye of the people of the same, if remedie be not provided in this behalve: In consideracion wherof, the Kinge's moost Roial Majestie of his moost excellent goodnes, having tender respecte to the reformation of the premisses, is contented and pleased, that it be enacted by his Highnes and the Lordes spirituall and temporall, and the Commons in this

present Parliament assembled, and by auctoritie of the same, that the said estatutes and everything in them conteyned shall stonde in their full strenght, force, and effecte, so that frome hensforth no persone shall attempte to do contrarie to the tenours of any of the said estatutes, upon the peynes conteyned in the same."

'2. And it is further enacted that none shall land at any place within the Realm, etc., any manner of French wines, between the Feast of St. Michael and the Purification of our Lady, upon pain of forfeiture of the same.

'3. And that, after the Feast of the Purification of our Lady, in the year 1532, none shall sell the said wines by Retail above 8d. *per* gallon, etc., upon penalty of treble the value; nor any manner of Malmseys, Romneys, Sacks, or other Sweet Wines above 12d. *per* gallon, etc., upon penalty of treble the value and one-third the value over. Retail Price fixed.

'4. And that the Lord Chancellor, Lord Treasurer, President of the Council, Lord Privy Seal, and the two Chief Justices, or any three of them, may appoint the prices at which all manner of Wines shall be sold in gross; to be notified by Proclamation out of the Chancery. By whom assessed.

'5. And that for transgression of such Proclamation the party shall forfeit 40s. for every vessel sold above the price limited. Penalty.

'6. And that Justices of the Peace in the counties and the head officers of towns shall hear and determine such offences. Jurisdiction of Justices of the Peace.

'9. And that every vessel shall be truly gauged and marked on the head with the contents thereof plainly written. Gauge.

Continuance
of Act.

'This Act to continue until the last day of the next Parliament.'

Preservation
of Ports of
Plymouth,
etc., from
Pollution of
Tin Mines.

C. 8. 'An Acte for the amending and maintenance of the havens and ports of Plymouth, Dartmouth, Tynemouth, Falmouth, and Fowey, in the Counties of Devon and Cornub.

'Provisions for restricting the pollution of the water of Plymouth harbour and of other harbours by the Tin Mines, whereby the fortifications of those Ports are greatly decayed.'

Against
fraudulent
winding of
Wools.

C. 17. "An Acte for the wynding of wolles."

'No unwashed wool or wool mixed with clay, lead, stones, sand-tails, etc., etc., to the deceit and loss of the buyer, to be henceforth wound on pain of forfeiture by the seller—saving counties where sheep are not washed and fleeces are sold by tale.'—*Rot. Parl.*, 23 Hen. VIII.

Parliament
at West-
minster,
4 Feb.,
24 H. VIII.
Against
fraudulent
tanning of
Leather.

C. 1. 'An Act for the true tanning and currying of Leather.

'Mayors, etc., of cities may appoint searchers of Leather, at a fee of 1d. for every ten pieces viewed and marked, which mark shall be by way of a seal impressed thereon.'

Against
fraudulent
dyeing of
Woollen
Cloth.

C. 2. 'An Act concerning the true dyeing of woollen cloth.

'Grain only to be used for skarlet dyes. Wardens of the Dyers and other Officers to have a right to search Dyehouses.'

For the
artificial
Cultivation
of Flax and
Hemp as a
set-off
against
Foreign
Linen im-
ported.

C. 4. 'That considering the evil results of the importation of linen cloth upon the industrial occupation of the people of this country, every person cultivating arable land shall henceforth sow quarter of an acre of Flax or Hemp seed to every 60 acres of such arable land, on penalty of 3s. 4d. for each omission as above.'

- C. 6. 'An Act concerning the sale of wines.—
23 H. VIII., c. 7, confirmed.' Price of Wines.
- C. 15. 'Repeal of Letters Patent to Kingston-on-Hull, for a monopoly of aliens' traffic.'—*Rot. Parl.*, 24 Hen. VIII. Restraint on Foreign Trade.
- C. 9. 'An Act concerning Pewterers. None shall buy foreign Tin Wares on pain of forfeiture. Officers of the Pewterers Company empowered to search for and seize the same.' Parliament at Westminster, 15 Jan., 25 H. VIII. Importation of Tin penalized.
- C. 15. 'Repeal of the Proviso in Stat. 1, Ric. III., c. 9, for the importation of Books.'—*Rot. Parl.*, 25 Hen. VIII. Bonus to Occupiers of English Leather and Vellum in the Book Trade.
- C. 10. 'Recital of 23 Hen. VIII., c. 7. That none should import French wines between Michaelmas and the Purification. Whereas the said statute may be found prejudicial to certain treaties with foreign States, "Be yt therefore enacted by auctoryte of this present Parlyament that the Kynge oure Sovarayn Lorde shall, duringe his lyff naturall, have full power and auctoryte by his proclamacyons to be conteyned yn letters patentes under his Greate Seale and enrolled yn his Courte of Chauncerie, from tyme to tyme to repelle and make voyde as well the said article conteyned and specyfyed yn the said acte made for to restrayne the brynginge in of Wynes afore the feaste of the purification of oure Ladye, as all other suche actes and Statutes yn parte or yn the hole whiche hathe benne made sithe the begynnyng of this present Parliament for the restreynte or lett of anye commodities of this Realme or of other the Kynge's Domynions to be conveyed and utterid to or yn this Realme or elsewhere within the Kynge's Domynions; And by lyke proclamacyons from tyme to tyme shall have power and auctoryte to revyve and make effectuell the said Statutes and actes ayen yn their force' Parliament at Westminster, 3 Nov., 26 H. VIII. The King's Proclamations in matters relating to the Importation or Exportation of Foreign Wines or Native Commodities within the Dominions of the Crown of England to have the Force of Laws during the King's Life.

strength and effecte yn all or suche parte therof as to his Magestie shalbe thought most conveyent and profitable for his Realme; and that everie suche Repeale, abrogacyon and makynge voyde of any suche Statutes or actes in parte or yn the holle, and everie suche revyvyng or makynge effectuall of theym ayen, in parte or in the holle, by proclamacyons under the greate seale to be made and enrollyd yn the Kynge's Chauncerie as is aforsaide, shalbe of the same qualyte, force, strength, condycion, and effect, to al intentes and purposes as yf hit had been doone withe all due circumstances by auctoryte of Parliamente; any thinge or thinges conteyned yn any suche actes, or any usage or custome of this Realme, to the contrarie herof not withstandinge."

Yarmouth
and Lynn
engaged in
Manufactures.

C. 16. 'Regulations for the manufacture of worsted in the towns of Yarmouth and Lynn, provided that the same be not exported unshorn or uncoloured, upon pain of forfeiture, and saving all other existing ordinances.'

C. 26. 'Provyded alwaies that no Acte, Statute or Ordenaunce had, made or to be made in this present Parlyament be in any wyse hurtfull or prejudicyall unto the Marchauntes of the Hans in Almayne havynge the House in the Cyte of London comonly called Guilhalla Theutonicorum, nor to any Fraunchesies, liberties or pryvyleges to them or theyr predecessours before this tyme had, agreed, graunted or confyrmed, nor to any lauffull usages by them or by theyr predecessours, before this tyme used: But that the sayd Merchauntes and theyr successours have, hold and enjoye all theyr sayd frauncheyes, libertyes and free usages, according to suche grauntes, confirmacyons and agrementes as by the King and his noble progenytours Kynges of Englund have byn agreed, made, graunted and had to the sayd Marchauntes or thyr predecessours, and according to their free usages in everything, by what

soever other name or namys the same Marchauntes or any of them be called or named. Any Acte, Statute or Ordenaunce made or to be made in this present Parliament to the contrarye notwithstandinge.—*Rot. Parl.*, 26 Hen. VIII.

C. 3. 'An Act for avoiding of Exactions taken at Kingston-upon-Hull. Parliament at Westminster, 4 Feb., 27 H. VIII. Local Customs at the Port of Kingston-upon-Hull regulated.

'Whereas complaints have been preferred by the poor fishermen of the coasts of Norfolk and Suffolk against the excessive and intolerable Customs and tolls levied on Herrings and other fish at the port aforesaid, the officers of the said Town shall in future be empowered to levy such tolls only at the following rates, namely, from every ship of twenty tons or under, 5s. ; and above twenty tons, 6s. 8d., on pain of fine to be imposed by the Lords of the Council.'

C. 13. 'Repeal of 5 Hen. VIII., c. 3, against exporting unshorn cloths above the value of five marks. White woollen cloths not exceeding £4, and coloured cloths not exceeding £3 in value may henceforth be exported unshorn. Forfeiture of the value of such as are exported above that standard.' Restraint on the Exportation of Cloths partially re-mitted.

C. 14. 'An Act concerning the Custom of Leather. Exportation of Leather regulated and limited.

'Whereas much Leather is exported from time to time wholly or in part uncustomed, especially from the parts of Wales, therefore the regulations in force at the Ports of London and Southampton shall extend to other Ports of the Kingdom ; that is to say: The Tronour of wools or other Customer there shall appoint Tellers and Packers, duly sworn to execute their offices, at a fee of 6d. for every dicker so told, 2d. for his wages, and 4d. for the benefit of the commonalty of the Port-town ; with a further fee of 4d. for every pack of Leather con-

taining seven dickers or less so packed. Leather exported by Aliens to be certified by the Customers. Custom to be paid on all Leather exported at the rates paid at the Port of London, namely, 4s. 1d. for every dicker of ten hides exported by Denizens, and 4s. 9d. for Aliens. And that no Tanner shall henceforth export any Leather on pain of its forfeiture. And that none shall export any salt-hides or untanned Leather on like penalty. Except for Leather shipped for the King's service in time of war, and for that which is shipped to Norway or Denmark, or beyond the Straits of Morocco. And except for untanned hides exported from Wales or the Marches thereof by other than Tanners.'

Ports of the South-west Coast.

C. 23. '23 H. VIII., c. 8, for the preservation of the Ports of Devon and Cornwall, confirmed and further enforced.'

Ordinances for Calais.

C. 63. 'An Act declaring certain ordinances to be observed in the town of Calais and Marches of the same.'—*Rot. Parl.*, 27 Hen. VIII.

Parliament at Westminster, 8 June, 28 H. VIII. Importation of Linen Cloth permitted under certain conditions.

C. 4. 'Stat. 21 Hen. 8, c. 14, that none should import Dowlas or lokram except of 100 ells of Assize the piece, repealed. Provision for the length contained in each piece to be marked thereon substituted.'

Exportation of Brass, Copper, and Latten forbidden.

C. 8. '21 H. 8, c. 10, against the exportation of Mixed Metals continued.'

Price of Wines fixed.

C. 14. 'Price of Wine (French), limited to 8d. per gallon, etc. Same of sweet wines 12d. per gallon, etc. Gauge of wines to be truly observed.'—*Rot. Parl.*, 28 Hen. VIII.

Parliament at Westminster, 16 Jan., 33 H. VIII. Welsh Fraud.

C. 3. 'An Act against the deceitful folding of Welsh cloths.'

C. 4. 'Statutes made against purchasing imported Tin-wares, and against Hawkers, lately renewed, made perpetual.'

Restraint on Alien Traffic.

C. 7. 'Existing Statutes against the exportation of Brass, Latten, and Bell-metal confirmed and strengthened.'

Materials for casting Guns forbidden to be exported.

C. 16 (2). 'Exportation of English Woollen Yarn forbidden under penalty of 40s. per lb. Till the end of the next Parliament.'

Exportation of Woollen Yarn forbidden.

C. 18. 'Recital of 27 Hen. VIII., c. 12, that all who make Kerseys for sale shall affix to every cloth a Seal marking the true measurement of such cloth or piece, to avoid the scandal which has arisen in foreign countries by reason of the deceitful contents of the same. Since which Act was passed, it has been found that much loss has arisen in the value of the King's Customs and the local manufacture of such kind of cloth. Wherefore, it being clearly shown that the greater part of the same Kerseys are not uttered for sale in this country but are exported abroad, it shall henceforth be lawful to make and sell such Kerseys, being coloured and under the value of 22d. per yard. Provided that all Kerseys, such as are usually sold within this Kingdom, shall be made of the Standard of Assize; and that no Kersey or other cloth of any description whatsoever shall be sold within the Realm of England unless duly sealed by the Alnager.'

Exportation of Kerseys of shorter Measure than the Assize permitted. Sale of the same within the Kingdom limited for the Prevention of Frauds upon Natives.

C. 19. 'Exposition and confirmation of 27 Hen. VIII. against exporting white woollen cloths above the value of £4, and coloured cloths above the value of £3, unrowed, unbarbed, or unshorn.'

Restraint of Native Traffic confirmed.

C. 33. 'Repeal of 27 Hen. VIII., limiting the tolls on Fish taken at the Port of Kingston-on-Hull for repair of the Walls and defences of the town.'

Local Tolls re-imposed.

The mayor or other officers empowered to levy tolls at the former rates ; provided that no further charge shall be imposed above the scale in force previous to the last recited Act.—*Rot. Parl.*, 33 Hen. VIII.

Parliament at Westminster, 22 Jan., 34 H. VIII. Stagnation of the Wine Trade caused by Statutory Prices.

C. 7. ‘Recital of 28 Hen. VIII., c. 14, for regulating the prices of wines. Revision of the said Act on behalf of the Retail trade in Wines which cannot at present be sold by reason of the great enhancement in the wholesale prices through evasion of the said Act.’

Parliament at Westminster, 23 Nov., 37 H. VIII. Limitation of the Exportation of Wools, and Restraint of Alien Traffic.

C. 15. ‘An Act against regrating of Wools. ‘Recital of 4 Hen. 7 and 22 Hen. 8, for that purpose, now expired. None shall buy Wools in certain counties from the 1st of March next, before they are shorn or before the spring following after they are shorn, except merchants of the Staple, their factors or servants, to be shipped to the Staple or woven within the Realm, on pain of forfeiting double the value of the same. And that none shall hereafter buy any wools for Alien Merchants on pain of forfeiture of the same. All contracts contrary to this Act to be void.’

Wines.

C. 23. ‘Confirmation and continuation of the Statutes regulating the Prices of Wines.’—*Rot. Parl.*, 34 Hen. VIII.

Statutes and Proceedings in Parliament of the Reign of Edward VI.

Parliament at Westminster, 4 Nov., 1 Ed. VI. Grant of the Subsidies of Tunnage and Poundage, and of the Subsidy of Wools and Leather for the King’s Life.

C. 13. ‘Grant of the subsidy of Tunnage at 3s., with a further charge of 3s. on Sweet Wines of Aliens (including Merchants of Hanse), and 1s. *per* Awlme of Rhenish imported by Denizens or Aliens. Also Poundage at 1s., besides 1s. on Tin and Pewter of Aliens.

‘Grant of the subsidy of wools, woolfells, and leather at 33s. 4d. and 66s. 8d. Denizens, 66s. 8d. and 73s. 4d. Aliens, from the first day of the reign

during the King's life, on pain of forfeiture in default, and without oppression of the merchants. Provided that allowance be made to Denizens as of old for any goods, merchandizes, wools or leather lost or taken at sea. Goods shipped by Denizens in carricks or gallies to pay Aliens' Customs. Provided also that nothing herein contained be prejudicial to the Merchants of Hanse, until the end of the present Parliament only.—*Rot. Parl.*, 1 Ed. VI.

C. 3. 'An Act touching Purveyors.

'No purveyance of provisions for the King's Household to be made without assent of the owners thereof, and unless at an agreed price and for ready money, for three years from Midsummer next. Also that no purveyance be likewise made for the King's Wars, except of ships and carriages, for three years from Christmas, 1549; on pain of treble damages to the party, and of imprisonment and fine.'

Parliament
at West-
minster,
4 Nov.,
2 & 3 Ed. VI.
Respite of
Purveyance.

C. 6. 'Exactions of the Admiralty on merchants trading into Iceland by way of License forbidden on pain of treble forfeiture, dismissal, and fine.'

Arbitrary
Licenses for
Trade for-
bidden.

C. 22. 'An Act for colouring the Customs in other Men's names.

'Recital of 1 Hen. VIII., c. 5, for Denizens to Custom merchandize of Denizens in their own names, and so likewise for Aliens *inter se*: the immediate baillee to be chargeable with the whole of the Customs due to the Crown. Parties colouring the Custom by coverture to forfeit the value to the Crown, and special damages. Also that no citizen of London or the Cinque Ports (being free of Prisage and Butlerage) shall custom wines of other persons by coverture. Whereas the above Statute has been oftentimes defeated by such coverture, it is enacted that henceforth all such offenders shall forfeit their goods and chattels, half to the King and half to an

Recital of
1 Hen. VIII.
against
Coverture in
Customing
Merchandise
and Wines.
The same
Act enforced
by increased
Penalties.

informer, such information to be laid within three years of the offence committed.'

Restraint of Trade. C. 26. 'Exportation of white Ashes forbidden, on pain of forfeiting 6s. 8d. *per* bushel.'

Rye and Winchelsea. C. 30. 'For the preservation of the Ports of Rye and Winchelsea, and for regulating of Ballast cast there.'

Sheep and Cloth taxed. C. 36. 'A Relief granted to the King from sheep and cloths.'

Restraint of Trade. C. 37. 'Confirmation of 33 Hen. VIII. against the exportation of mixed Metals; and increase of the penalties for exporting other metals than Lead and Tin. Bonds to be given to the Customers by all who ship such metals along the coast: no such shipment to take place except at recognised Ports.'

Decay of Calais. C. 38. 'An Act for paving the streets of Calais, which now "be very fowle, ruynous and noysome, and full of pyttes and slowes."'—*Rot. Parl.*, 2 & 3 Ed. VI.

Parliament at Westminster, 4 Nov., 3 & 4 Ed. VI. PRESSED Cloths to be made for Exportation only. C. 2. 'An Act for the true making of Woollen Cloths. 'To avoid inconvenience to the subjects of this Realm, no pressed cloths shall be sold to be worn within the Realm.'

Release of 'Relief.' C. 23. '2 & 3 Ed. 6, c. 36, released as to sheep and cloths.'—*Rot. Parl.*, 3 & 4 Ed. VI.

Parliament at Westminster, 28-30 Jan., 5 & 6 Ed. VI. Provision for the Return of defective Cloths by English Makers C. 6. 'An Act for the making of Woollen Cloth. '§ 13. "And be it also enacted by like Auctoritie that yf any Merchaunte shall by any meanes transporte or carrie over into the partes beyonde the sea anye Clothe, Karsey, Frice, or Cotton whiche shalbe founde defective or faulty either in lengthe, bredith,

or weight, or els shall have anye of the faultes aforesaide, that then the Merchaunt or other person whiche shall so transporte the same shall retorne agayne the same Clothe so founde defective into Englande, at the costes and charges of the Clothier or Clothmaker that solde the same clothe, the same costes and [charges] to be recovered againste suche Clothmaker or Clothier by action of debt, bill, playnte, or information in anye of the Kinge's Courtes, any promyse or bargayne to the contrarye notwithstandinge"—upon pain of forfeiture of the value on refusal to return such cloth as aforesaid.'

shipped
beyond Sea
on pain of
Forfeiture.

C. 7. 'Whereas by reason of the great plenty of wool in England, the same should be of reasonable price, and yet the price is still enhanced by means of the abuse of regrating: Therefore it is enacted that none but clothiers, or their agents inhabiting with them, and Merchants of the Staple at Calais, shall buy any wool from the end of May next. Also no merchants strangers shall buy any wools till the Purification after the same were shorn. Also owners of wool shall sell the same within 12 months after they are shorn, on penalty of 10s. *per* todd. Provided always that merchants of Newcastle may buy wools, as of old time appointed, for exportation. Provided also that merchants of the Staple at Calais may export Refuse Wool duly marked. This Act subject to repeal by the King's proclamation, and the county of Norfolk and city of Norwich exempt from its provisions.'

An Act
against the
regrating of
English
Wool and
Revival of
the Mono-
poly of the
Staple at
Calais
therein.

C. 14. 'An Act against Regrators, Forestallers, and Ingrossers of any manner of merchandizes and Victuals whatsoever, on penalty of imprisonment and forfeiture. Except for *bonâ fide* purchasers and purveyors for the public service. Absolute limitation and regulation of all kinds of traffic within the Realm.'

Absolute
Restraint of
all Traffic in
Native Pro-
duce by the
Government.

Sale and
Exportation
of Leather.

C. 15. 'An Act against regrating tanned Leather. Except for persons specially licensed by the Crown buying in the open market: and except to such as export to Calais or Man.'

Free-trade in
French
Wines and
Woad im-
ported re-
established
by Repeal of
4 Hen. VII.,
c. 10.

C. 18. 'Recital of 4 Hen. VII., c. 10, against the bringing in of Wine or Woad in foreign Bottoms, for the better maintenance of the Navigation of this Realm, and to avoid the enhancement of the price of those commodities. Whereas the said Act has hitherto failed of its purpose, it is enacted that henceforth wine and woad may be imported between the 1st February and the 1st October by the vessels of any country being in amity with the Crown of England.'—*Rot. Parl.*, 5 & 6 Ed. VI.

Parliament
at West-
minster,
1 March,
7 Ed. VI.
Sale of
Wines re-
stricted.

C. 5. 'An Act for the limitation of the consumption of wine in Taverns and private houses, for the avoiding of drunkenness, etc.'

Ordinance of
Bullion.

C. 6. 'Revival of 17 Ed. IV., c. 1, against the exportation of gold or silver. Continued for 20 years.'

Newcastle.

C. 10. 'An Act for uniting Gateside with Newcastle-on-Tyne for the benefit of the Port of that town.'

Exception of
Frauds on
the Customs
from a
General
Pardon.

C. 14. 'General pardon for all offences not expressly committed before 1st Febr., 7 Ed. VI.; excepting concealments of Customs or Subsidies and unlawful exportation of Bullion (*inter alia*).'

—*Rot. Parl.*, 7 Ed. VI.

Statutes and Proceedings in Parliament of the Reign of Mary and Philip and Mary.

Parliament
at West-
minster,
24 Oct.,
1 Mary
(Sess. 2).
Foreign
Hats, Caps,
or Bonnets

C. 11. 'An Act for the Sale of Hats and Caps made beyond Sea.'

'Recital of 21 H. 8, c. 9, limiting the prices of foreign Hats, Caps, or Bonnets. The said Act confirmed. Further enacted that such imported Hats,

etc., shall be entered and sold at the port of disembarkation, and notice of their importation given by the Customers to the local magistrates. Thereupon the Customers or officers of the town shall sell the same, with or without the assent of the owners, to any buyers of less than 12 such Hats, etc., at the prices limited by the said recited Act.'

of Woollen Stuff to be seized when landed by the Local Officers and publicly sold at the Statutory Prices of 1529.

C. 18. 'Grant of the subsidy of Tunnage at 3s., besides 3s. further subsidy of Sweet wines of Aliens, and 12d. per Awne of Rhenish wines as before. Also of the subsidy of Poundage at 12d. per £ on all goods of Denizens or Aliens exported or imported, with 12d. further subsidy on Tin and Pewter of Aliens exported.'

Grant of the Subsidies of Tunnage and Poundage, and of the Subsidy of Wools, etc., for the Queen's Life.

'Woollen cloths of Denizens, and wool, woolfells, and leather exported, and Wines and Victuals imported, to be excepted herefrom. Grant of the subsidy of wool, woolfells, and leather of Denizens and Aliens at the former rate. The above Subsidies granted for the Queen's life. Provided that all goods exported or imported, without paying the said Subsidies, be forfeited; and that all merchants, denizen and alien, be well treated within the Realm; and that allowance be made as before for goods of Denizens exported, taken, or lost at sea. Goods of Denizens shipped in Galleys or Carricks to pay Aliens' Customs.'—*Rot. Parl.*, 1 Mar.

C. 5. 'An Act to restrain the carrying of Corn, Victuals, and Wood over the Sea.'

'Whereas the Statutes hitherto made for that purpose are often times evaded, whereby prices are greatly enhanced, it is enacted that from 20 Jan. next none shall export any kind of Grain, or Beer, Butter, Cheese, Herring, or Wood (except for the garrisons of Calais and Berwick), on pain of forfeiture of their ships or boats, and of double the value of their cargoes, and of imprisonment for one year. And for those having the King and Queen's

Parliament at Westminster, 12 Nov. 1 & 2 Philip and Mary. Exportation of Corn and other Victuals and Wood forbidden. Licenses of the Crown thereagainst, with Forfeit of treble Value for

Transgression, recognised by Parliament.

License to export, to observe the conditions thereof, on pain of treble value to be forfeited. Except for Corn to be exported when the price is within the scale of the Statute.—*Rot. Parl.*, 1 & 2 Phil. and Mar.

Parliament at Westminster, 21 Oct., 2 & 3 Philip and Mary. Purveyance restricted.

C. 6. 'An Act against the excessive takings of Purveyors.

'The abuses of Purveyance recited and remedied. Limitations of the former Statutes confirmed.'—*Rot. Parl.*, 2 & 3 Phil. and Mar.

Parliament at Westminster, 20 Jan., 4 & 5 Philip and Mary. Confirmation of Grants of the Crown.

C. 1. 'Confirmation of all Grants by Letters Patent heretofore made by their Majesties to any body politic or corporate, except for unaccustomed offices, and except for offices of the Customs, etc., heretofore adjudged void.'

Repeal of 5 & 6 Edw. VI., c. 6, for defective Cloths exported.

C. 5, § II. 'Provision for defective Cloths exported to be returned at the sellers' cost repealed. Pecuniary compensation substituted, subject to clear proof of the premises.'—*Rot. Parl.*, 4 & 5 Phil. and Mar.

Statutes and Proceedings in Parliament of the Reign of Elizabeth.

Parliament at Westminster, 25 Jan., 1 Eliz. Exportation of Hides or Tallow to be adjudged as Felony.

C. 10. 'An Act that the carrying of Leather, Tallow, or Raw Hides out of the Realm for merchandize shall be Felony.

'Whereas the present enhanced prices of the above are due to the exportation thereof contrary to the Laws and Statutes of this Realm: Therefore any person, denizen or alien, who shall ship such goods or procure them to be shipped at any place within the Kingdom with intent to carry and utter them beyond the Seas, shall be adjudged a Felon (without clergy). Saving for necessary use on ship-board, etc., in the Queen's Service. To take effect from the 1st of June next.'

Preamble to the Act setting forth that Customs and Sub-

C. 11. 'An Act limiting the times for laying on Land merchandize from beyond the Seas, and touching Customs for Sweet Wines.

“Most humble shewing Besechen yo^r Highnes your Lordes and Comons in this presente Parlyament assembled, That were the Somēs of Money payde in the Name of Customes and Subsidies of Wares and Marchandizes, transported out and brought into this yo^r Highnes Realme of England by any Marchant Stranger or Denizen, ys an aunycient Revenue annexed and unyted to yo^r Imperiall Crowne, and hathe in the tyme of Kyng Edwarde the Thirde, and other yo^r most Noble Progenitours, amounted to greate and notable Somēs of Money, tyll of late yeares many greedye and covetous persons respecting more their pryvate Gayne and Comōditee then theyre Dutie and Allegiance or the Comōn Profite of the Realme, have and doo daylye as well by conveyeng the same their Wares and Marchandizes out of Creekes and Places where no Customer is resident as also by or throughe the Negligence or Corruptyon of the Customer, Searcher or other Officer wher they be resident, as by dyvers other fraudulent, undue and subtyll Practises and Devises, convey their Goodes and Marchaundizes, as wel brought from the parties beyonde the Sea as transported out of this yo^r Realme of Englande, and without payment or agreing for the payment of the Customes and Subsidies therfore due; wherby the yerely Revenue aforesayd ys very muche empayred and dyminished, to the great Losse and Damage of yo^r Highnes, and to the greate Burden and Chardge of yo^r lovinge Subjectes, who by occasion therof have of late yeares been more chardged withe Subsidies and Payment for the Supplement of the said Losse and Damage then elles wee shoulde have been.”

“Therefore it is enacted that none shall charge for transportation any merchandize, or discharge the same in this country except at a recognized port or wharf between sunrise and sunset, on penalty of £100. And that no such merchandize shall be charged or discharged without notice given to the resident

sidies of all Merchandises exported or imported by Denizens or Aliens is the Ancient Prerogative of the Crown of England, the Revenue whereof from this Source has been of late Years much diminished by Evasion of Payment of the same.

Wherefor certain Regulations as to charging and discharging Merchandize shall be henceforth

observed
in certain
Penalties.

Customers on like penalty. And that the said merchandize shall be truly entered in the names of the owners on pain of forfeiture. Customers who transgress or neglect their duty herein to forfeit £100.

All Sweet
Wines shall
pay Custom
and Subsidy
as Mal-
vesies.

“And where of late yeres there hath been muche greater quantitye of Sweete Wynes brought into thys Realme then in tyme past hath been accustomed, whiche bee brought from the same place where the Wine commonly called Malveseye ys brought, and ys of the same Nature of Grape, and nevertheless eyther by Neccligence, Ignorance or Corruption of the Officers, there hath not been suche Custome and Subsydye receyved for the same to th’use of yo^r Highnes and yo^r Progenitoures as ys due and ought of verye right to bee payde for suche Sweet Wynes coming through the Streightes commonly called the Streightes of Marrock, otherwise Mallegaye, to the greate losse and hynderance of yo^r Highnes and the burthen of Us yo^r loving Subjectes: For the avoyding of all Ambyguyties and Doubtes, and to the intent the officers maye more certainly knowe what they ought to receyve for suche kynde and nature of Marchaundyse; Be it enacted and declared by this presente Acte, and by thauctoritee aforesayd, That lyke Custome and Subsidie ys of verye right to bee payde, and shall from hensforthe bee payd for suche Sweet Wynes as ys aforesayd, as ys and hath been accustomed to be payd for Malveseys; Any Neccligence, Non-paiment, Usage or Custome to the contrary in anny wayes notwithstanding.”

Saving the
Liberties
of certain
Districts and
Franchises.

‘Provided that the Liberties of Private Franchizes be excepted from this Act. Provided also that Corn may be exported from Norfolk and Suffolk according to the former Statutes. Saving also the liberties of the inhabitants of Anglesea, Carnarvon and Flint, subject to the regulations of this Act.’

Grant of the
Subsidies of
Tunnage

C. 20. ‘Grant of the subsidy of Tunnage at 3s., with a further subsidy of 3s. on Sweet wines (as

well Malvesies as other), of Aliens, and 12d. of every Awme of Rhenish of Denizens or Aliens.

‘Grant of the subsidy of Pounadge at 12d., with a further subsidy of 12d. on Tin and Pewter exported by Aliens, above the value of 20s. Excepting all Wools, Leather, and Victuals and Wines exported or imported respectively.

and
Poundage
and of
Wools and
Leather at
the Ancient
Rates during
the Queen's
Life, with
the former
Conditions
thereto.

‘Grant of the subsidy of Wools and Leather at the former Rates. The above grants to be taken from the 16th November in the first year for term of the Queen's life.

‘All the above sorts of Merchandize, if attempted to be exported or imported in manner to defraud the Queen's Customs, shall be forfeited.

‘Merchants, both denizen and alien, shall be well treated, paying Customs and Subsidies due and specified as aforesaid.

‘Allowance shall be made for the Goods of Denizens taken or lost at sea.

‘Merchandize shipped by Denizens in Carricks or Galleys shall pay Aliens' Customs.’—*Rot. Parl.*, 1 Eliz.

C. 7. ‘An Act for avoiding of divers foreign wares made by Handi-craftsmen beyond the Sea.

Parliament
at West-
minster,
12 Jan.,
5 Eliz.
No Cutlery
or Haberdashery,
etc., of
Foreign
Make to be
imported for
the Benefit
of English
Trade.

‘Whereas the trade of Girdlers, Cutlers, Sadlers, Glovers, Point-makers, and other Handi-craftsmen is of late greatly damaged and hindered by the importation of Foreign Wares made in those crafts beyond Sea, to the decay of the population of towns and the loss of skill in the like mysteries within the Realm of England: Therefore it is enacted that after Midsummer next none shall import or cause to be imported into this Realm any Girdles, Rapiers, Daggers, Knives, Hiltes, etc., or other Cutlery and Trappings, or any Lace, Leather, Pins, Gloves or Points, on pain of forfeiture thereof. To continue till the end of the next Parliament.’

C. 22. ‘An Act against the carrying of Sheep's Skins and Pelts over the Sea, not being Staple Ware.

Restriction
on the
Exportation

of Fells and
Pelts (except
as Staple-
ware) for the
Benefit of
the English
Leather-
trade.

‘In accordance with the petition preferred herein by divers artificers of this Realm, it is enacted that from 1st May next none shall make use of any Pelt or Skin of any animal for purposes of sale beyond Sea and not for sale as Leather within this Realm, on pain of forfeiture and fine of 2s. 6d. per fell. Saving the liberties of Merchants of the Staple and their factors, and merchants of the North parts.’—*Rot. Parl.*, 5 Eliz.

C. 31.

*Exhibita est Regie Majestati in Parlamento predicto
Petitio quedam formam Actus in se continens.*

Petition of
the Mayor,
etc., and
Burgesses of
South-
ampton,
reciting a
Grant of
Philip and
Mary for
Monopoly
of Sweet
Wines.

‘In most humble wise shewethe unto yo^r most excellent Ma^{tie}, The Mayor, Baylyefes and Burgesses of yo^r Graces Towne and Porte of Sowthampton That where the sayd Towne ys an Auncyent Boroughe and Towne scytuate upon the seasyde over agaynst the coaste of Normandye, and unto w^{ch} Towne all Marchaüt Straügers of long tyme were accustomed to make theyr comon accesse and repayre, wth all their shippes and other vessels, laden wth Malmesies and other swete wynes of the growth of Candye and Kotymo, or in any other place wthin the pties of Levant byonde the Straightes of Marrock w^{ch} hathe been transported or brought by them into this Realme, and have dischargd and unladen the sayd wynes at the sayde Towne and Porte of Sowthampton and at none other place wthin thys Realme. By reason wherof and during all w^{ch} tyme The sayd Mayor, Bailiefes and Burgesses and all th’inhabitantes of the sayd Towne then being were well hable not onely to paye yerely to yo^r most noble progenitors for the tyme being a greate Fee ferme of the said Towne, But also were hable to maintaine, upholde and repaire at their onely costes and charges the Walles Seabanckes and Diches aboute the same Towne, and to have in a readines for defence against the forreine ennemies greate plentie of Armo^r, weapons,

Ordinance, shott, powder and other artilarie and thinges nedeful. And although the said Merchante Strangers were ever well used and intreated at the sayde Towne & porte of Sowthampton, yet nevertheles they of late yeres seeking to lande the said wines at divers other places and creekes w^{thin} this Realme, dyd for the most parte departe from the said porte of Sowthampton, and dayly landed theyr said wines at dyvers other Creekes and places where they might best doo the same without payeing the just Custome and Subsidie due for the sayd wyne. By reason wherof yo^r said subjectes as well for the redresse therof as also for the relief of the said Towne and porte and th'inhabitanes of the same, dyd make their complaynte and humble peti^{con} to yo^r Mat^{ies} most deere Syster the late Queene Marie, who graciously hearing and considering their humble peti^{con} and sute for the redresse of all the premisses, dyd by her most gracious L^res Patent^{es} under the Greate Seale of Englande grante unto yo^r said Orato^{rs} by the name of the Mayo^r, Bailiefes and Burgesses of the sayd Towne of Sowthampton and to theyr successoures, amongst other thinges, That all maner of Malmesies and other sweete wines growyng in the Islandes of Candye and Kotymo w^{thin} the pties of Levante beyonde the Sea, or in any other parte of Levante, aforesayde whiche from the feaste of St. John Baptist nexte following the date of the said l^res patent^{es} shoulde bee transported from the parties beyonde the Sea into this Realme of Englande, shoulde in no parte of the sayde Realme of Englande bee put to land, but onely at the sayd Porte and Towne of Sowthampton.

'And further the sayd late Quene Marie by her sayd l^res patent^{es} dyd prohibite every marchant, Denizen and Straunger That they nor any of them shoulde discharg^e the sayd wyne in any other porte or place of this Realme then onely in the said Towne and Porte of Sowthampton upon payne of forfeiture to the said late Quene her heires and successoures for every Butt of the said wyne that

shoulde bee put on land contrarie to the saide grante Twentye shillinges of lafull moneye of England, Over and above the subsidye and custome of the same wyne before that time due and accustomed to be payde. And that one moyetie of the sayd forfeiture shoulde bee unto the sayde late Quene her heyres and successours, And th'other moyetie therof unto the sayd Mayor, Bailiefes and Burgesses and theyr successours from tyme to tyme when soever the same shoulde happen as by the Letters patentes more playnely yt dothe and maye appeare. And forasmuche as some ambiguities, dowtes and Questions have growen upon the said grante and whether the same bee good in lawe to chardge the sayd Strangers wth suche penalties as bee therein conteyned or not, Therefore the said grante made by the said late Quene to the said Mayor, Bailiefes and Burgesses hathe not hitherto taken suche effecte, as by the same was well ment, and Intended, And therefore the sayd Strangers that doo dayly bring the same wines into this Realme verve contemptuouslye and agaynst the purpose and effecte of the sayd grante doo lande theyr sayd wyne at dyvers Roades and Creekes wthin this Realme, where they thinck good themselves and for the most parte wher they may best deceyve yo^r highnes of the Custome and subsidie due to bee payde for the same By reason wherof yo^r Mat^{ie} dothe not onely sustayne greate losse and hynderance, But also yo^r sayd Towne and Porte of Sowthampton ys therby like to fall in greate ruine and decaye.

‘Therefore maye yt please yo^r highnes, wth th'assent and consent of the Lordes Spirituall and Temporall and the Comons in this presente Parliament assembled and by auctoritee of the same, that yt maye bee enacted That all wyne called Malmseys and other swete wyne of the growthe of Candye and Kotymo aforesayd in the said parties of Levante beyond the Straights of Marrock, or of any other place wthin the parties of Levante aforesaid w^{ch} from

the firste daye of August next coming shalbee brought into this Realme by any Marchante Strangers whatsoever shalbee landen and dischargd at the sayd Towne and Porte of Sowthampton and at none other place wthin this Realme of Englande or Wales upon payne of forfeiture of Twentye shillinges of lafull money of Englande for every Butt of the said wines that shalbee otherwise or at any other place landed wthin this Realme of Englande or Wales, Over and above the Subsydyes and Customes that shalbee due to bee payde for the same and that th'one moyetie of the sayd forfeiture may bee unto yo^r highnes yo^r heires and successoures, and th'other moyetie therof to the sayd Mayor, Baliefes and Burgesses and theyr successoures, And that the same Mayor, Bailiefes and Burgesses may aske, demande and sue for the same by action of Dett, byll, playnte or Informaçon in any Courte of Recorde, in w^{ch} Sute, no Essoigne protecōn or wager of Lawe shalbee allowed or admitted for the partie defendant.

‘ Provided alwayes, and bee yt further enacted by th'auctoritee aforesayd, That yt shall and maye bee lafull to and for every naturall-borne subjecte of this Realme w^{ch} shall transporte or bring in any Englishe Shyppe, Vessell or botome any of the said wyne called Malmeseys or any other Swete wyne of the growthe of Candye or Kotymo aforesayd or of any other place wthin the parties of Levante or from the sayd parties of Levante into this Realme to lande and dischargd the same at any Porte or Haven wthin this Realme at their will and pleasures in suche like maner and fourme as theye shoulde or might have doon yf this acte had never been hadd nor made any thing conteyned in this acte or in the sayd Irēs patentes to the contrary notwthstanding.

‘ Provided also, and bee yt further enacted by th'auctoritee aforesaid That from the making of this acte yt shall bee lafull for euery Burgesse and Inhabito^r of the sayde Towne of Sowthampton, and also for every Englyshe Merchante dwellyng in any

Citie or Towne wythin this Realme of Englande to buy any of the sayd swete wyne at the sayd Towne of Sowthampton at theyr willes and pleasures, and the same to retayle or otherwise to sell againe, any acte or statute heretofore made to the contrarye in any wise notwithstanding.

‘This acte to continue untill thende of the next Parliament.

‘Cui quidem petitioni perfecte et ad plenum intellecte, predicta Domina Regina ex auctoritate parliamenti predicti sic Responsum est.

‘Soit fait come il est Desiré.’

Rot. Parl. (Chanc.), 5 Eliz.

Parliament at Westminster, 30 Sept., 8 Eliz.
Exportation of Live Sheep punishable as Felony.

C. 3. ‘No person, of any condition whatsoever, shall after 28 Febr. next export or cause to be exported any Ram, Sheep or Lamb alive on pain of forfeiture of goods, one year’s imprisonment, and loss of left hand for 1st offence: and for 2nd offence to be adjudged a felon without Clergy. Saving corruption of Blood to be worked hereby.’

Existing Statutes of the Realm to be suspended for such as export Woollen Cloths by the Queen’s License, under certain Conditions.

C. 6. ‘Enacted for the Employment of the Queen’s Subjects, that for every nine cloths, unwrought, hereafter to be exported, against any existing Statute, by virtue of the Queen’s License, one other cloth of the same sort, wrought throughout within this Realm, be added, on pain of forfeiture for each nine cloths so exported £10. Also that from 28th Febr. next no Kentish or Suffolk cloths shall be exported, unwrought, any License to the contrary notwithstanding, on pain of 40^s. for every cloth.’

Protection of Native Industry.

C. 11. ‘None shall make Hats, etc., of foreign wool unless apprenticed to that Mystery: And none under the degree of a Knight or Lord’s son shall wear a Hat, etc., of Velvet.’

Repeal of certain Statutes

C. 13. ‘An Act for the Shipping in English Bottoms,

‘Whereas divers Statutes have been heretofore enacted that no person being a denizen of England or in allegiance to the Crown of England should export or import any merchandize except in vessels of English ownership and manned for the most part by English crews, whereupon the Princes of other countries have made like ordinances by way of retaliation: Therefore, for the removal of these jealousies and strifes, it is enacted that the Acts of Richard II. and Henry VII. be henceforth void.

made
against the
Carrying
Trade of
Foreign
Nations.

‘Nevertheless to prevent the frauds daily practised by Denizens who Custom wares of Aliens in their own names by coverture, it is enacted that from the 1st January next all who shall export or import any merchandize (except Pitch, Tar, and Corn) in any vessel not being of English ownership or manned by English sailors, shall pay Custom and Subsidy for the same as Aliens do.

Substitution
of similar
Ordinances
under Pre-
text of
avoiding
Frauds on
the Custom-
revenue.

‘Moreover that from the same date no “Hoy” or “Plate” of English ownership shall carry any Merchandize to parts beyond the Seas on pain of forfeiture of the same vessel.

Voyages of
Small Craft
to Foreign
Ports inter-
dicted.

‘Provided that it be lawful for Merchants Adventurers and Merchants of the Staple to ship Cloths and Wools twice a year out of the Thames in any approved vessel of alien ownership to the parts of Flanders, Zeeland, Holland, or Brabant, provided there shall not be a sufficiency of English Bottoms for that purpose, paying only Denizens’ Customs. To endure for five years next following; and from thence to the end of the next Parliament then following.

Saving the
necessary
Require-
ments of
Adventurers
and Staplers,

‘Provided also that Merchants of Bristol, by reason of the great destruction of their shipping by the enemy, for lack of English Bottoms within 40 miles of their port may also ship in Alien vessels.

and of
Merchants
of Bristol.

· C. 14. ‘5 Eliz., c. 22, §1, against the making of Pelts, not being Staple-ware, confirmed: the same having been lately put in suspense as being contrary to the Intercourse with the Low Countries of the King of Spain.

Prohibition
against
exporting
Pelts con-
firmed.

The same
against
Tanned
Leather
repealed.

‘The provisions contained in the same Statute against the exportation of tanned leather to be repealed, considering the late increase thereof as a national industry.’—*Rot. Parl.*, 8 Eliz.

Confirmation
of former
Patents to
the
Muskovy
Company.

C. 17. ‘Petition of dyvers subjects who in the reign of Edward VI. sent out 3 English ships at their Adventure, for the discovery of Territories hitherto unknown, or not commonly frequented by English subjects, for whom Letters Patent were assured by King Edward VI., who dying before their completion, other Letters Patent were granted (1 and 2 Phil. and Mar.), that they, by the name of Merchant Adventurers for the discovery of lands, etc., should be a body politic and corporate, etc. Since which time, and because by the terms of the said Letters Patent they should have the monopoly of trade with the countries of the Emperor of Muskovy then discovered by one of the 3 ships above-mentioned—they have discovered divers trades with Armenia, etc., and enjoyed the monopoly of trade with the same, till lately divers covetous persons have wilfully infringed their Charter of Privileges. Therefore it is enacted that the said Fellowship, Company, or Society shall henceforth be incorporated by the name of “The Fellowship of English Merchants for discovery of new trades,” and by the same name for ever shall and may continue, etc.; and that no part of the Dominions of the Emperor of Russia or other lands heretofore discovered only by the said Adventurers, shall be visited by way of trade by any other subjects of this kingdom without the agreement of the said Company. Saving the Liberties of existing factories, etc.’—*Rot. Parl. (Chanc.)*, 8 Eliz.

Parliament
at West-
minster,
8 May,
14 Eliz.
Restraint of
Trade.

C. 4. ‘Stat. 1 Eliz., c. 10, against the exportation of Leather, Hides, or Tallow, revived for 7 years, to prevent the increase of the price of Shoes, etc.’—*Rot. Parl.*, 14 Eliz.

C. 9. 'Further penalties for breach of existing Statutes against exporting Leather, Hides, or Tallow imposed to the extent of forfeiture of the said wares, and of the Ships and goods of both owners and mariners privy thereto.'—*Rot. Parl.*, 18 Eliz. Parliament at Westminster, 8 Feb., 18 Eliz. Further Restraint of Trade.

C. 7. 'Whereas great evils have arisen through Merchants of this Realm ingrossing fish abroad and importing the same into England, to the impoverishment of native fisheries, it is enacted that from the end of the present Session of Parliament, it shall be unlawful for any denizen to import or cause to be imported Salt fish or Herrings. Moreover that it shall be lawful for Denizens to export from this Realme any fish purchased therein by Aliens or their deputies, paying due Customs. "And bee yt further enacted by the Auctoritie aforesaid, That all Aliens and Straungers shall from henceforthe and from tyme to tyme paye to her Mat^{ie} for all salted Fyshe and Salted Herring to bee brought into this Realme, all suche lyke Customes and Impositions as are or shalbee imposed and sett upon anie her Mat^{ies} Subjectes, in those Forreine Regions and Countries, Portes and Townes from whence the said salted Fyshe and salted Herringes shalbe shipped and brought, for the lyke Fyshes and Herringes, over and besydes the ordinarye Customes which have byn payed to her Mat^{ie} for the same." Parliament at Westminster, 7 Jan., 23 Eliz. Importation of Salt fish and Herrings except by Alien Traders, under certain Restrictions, and paying Reciprocal Custom-dues over and above those already in force forbidden under the heaviest Penalties.

'Penalties for evasion of this Act to be the forfeiture of £200 for each offence, and the forfeiture of Aliens' Ships and of all unsound fish imported by Aliens at the discretion of the Officers of the Ports.

'Saving for fish imported from the parts of Iceland or Newfoundland, etc., and for all fish the property of Subjects of this Realme; and for Staple fish and ling imported in English bottoms for three years next following.'

C. 8. "' Where by the goodnes of God this Land doth yeeld great plentie of Honye and Waxe, as not

Statement of
the Fact
that much
Wax is
exported
from
England
to the
Benefit of
the Queen's
Customs,
etc.

onely dothe suffice the necessarye uses of the
Queene's Mat^{ie} and her subjectes to be spent within
this Realme, but a greate quantitie also to be spared
to be transported unto other Realmes and Countreys
beyond the Seas by waye of Merchaundize, to the
greate Benefite of her Mat^{ie} and the Realme."—*Rot.*
Parl., 23 Eliz.

Parliament
at West-
minster,
23 Nov.,
27 Eliz.
Importation
of Salt
fish, etc.,
permitted
by Reason
of the
Scarcity
thereof.

C. 15. 'Whereas, by reason of the provisions of a
former Act made herein, subjects of this Realm who
formerly brought great quantity of Herrings and salt
fish into the County of York now export the same to
other parts, especially to Zeeland and France, Italy
and Portugal, and bring little or none to the said
North Country of England, wherèby the price of
salt fish is greatly enhanced, etc. : Therefore it shall
be lawful to import Herring, etc., from beyond the
Sea in English Ships, paying due Customs, etc., to
any port north of Boston. To endure for five years.
Saving the privileges of the town of Berwick.'

Plymouth.

C. 20. 'An Act for the preservation of the Haven
of Plymouth.'

Orford.

C. 21. 'An Act for the preservation of Orford
Haven.'

Chichester.

C. 22. 'An Act for bringing the Haven of the
City of Chichester by a new-cut Channel to the
Suburbs of the same City. "Whereas the Cittie of
Chichester in the Countie of Sussex ys a verie
auncient Cittie holden by the Mayor and Cittizens
thereof in Fee Farme of the Queene's Mat^{ie}, and
being scytuate nere the Sea Coaste hath a verie fayre
Haven, whiche doth ebbe and flowe within one myle
of the said Cittie, whiche Haven is able to harbour
. . . a greate number of Shippes."—*Rot. Parl.*,
27 Eliz.

Parliament
at West-
minster,

C. 6. "For the reformynge of the Great Mischiefes
and Inconveniencies that daylie growe and increase

by reason of the erectinge of newe Buyldinges within the Citties of London and Westm̄, etc. The w^{ch} Enormyties and Defectes her Majestie of her Wisdome, Princely Consideraçon and Care of her Subjectes, by her Highnes Proclamaçon dated at Nonsuche the seaventh daie of Julie in the xxijth yere of her Majesties Raigne, did intend to reforme. Be it Enacted that noe person shall from hensforth make and erecte anye newe Buildinge within either of the said Citties or within thre myles of anye of the Gates of the said Cittie of London.' "

19 Feb.,
35 Eliz.
Approval
and Ratifi-
cation of
the Queen's
Arbitrary
Proclama-
tion for
Restraint of
Building in
or near
London.

C. 11. 'Whereas the timber of this country is largely consumed for the manufacture of Casks wherein many commodities exported are contained, it is provided that none shall ship any Beer beyond the seas without returning the casks thereto belonging or other casks, or a certain proportion of clapboards, to be duly entered in the Custom House. Moreover no Aliens shall export fish in casks without similar provision, and no person whosoever shall export any wine-cask from this country, saving for foreign garrison-supply, and for the exportation of Herrings.'—*Rot. Parl.*, 35 Eliz.

Frivolous
Restraint
of Trade at
the Ports.

C. 10. 'Navigation Act of 23 Eliz., c. 7, repealed, as having failed to advance native shipping or industries. Further regulations for the conduct of the carrying trade enacted till the end of the next Parliament.'

Parliament
at West-
minster,
24 Oct.,
29 Eliz.
Failure of
the Navi-
gation Act.

C. 14. 'Importation of foreign-made Cards for Wool forbidden in the interests of native makers.'

Restraint of
Trade.

C. 10, § 9. 'An Act for the true working and making of Woollen Cloths. Cloths unduly stretched exported to foreign markets shall be returned at the buyer's cost, and the value of the same recovered in a Court of Record.'—*Rot. Parl.*, 39 Eliz.

Parliament
at West-
minster,
27 Oct.,
43 Eliz.
Frauds in
the Native
Cloth-trade.

Statutes and Proceedings in Parliament of the Reign of James I.

- Parliament at Westminster, 19 March, 1 James I. Hops. C. 18. 'Against the importation of foreign Hops being adulterated by Merchants Strangers, with further penalties for employing the same in this country.'
- Spices. C. 19. 'Against the sale of Spices imported without being duly garbled.'
- Restraint of Trade by Proclamation. C. 25. 'Exportation of Corn permitted when under the Statutory prices. Provided that at any time the exportation thereof may be prohibited by the King's Proclamation.'
- Berwick. 'Confirmation of the Franchizes, Privileges and Customs of Berwick since it became an English Borough.'
- Grant of the Subsidy of Tunnage and Poundage and of Wools and Leather for the King's Life. 'Grant of the subsidies of Tunnage and Poundage at the former rates and subject to the former exceptions and provisoes.
'Grant of the subsidy of wool, wool-fells and leather, at the former Rates and with like provisoes. Provided always that Fish caught by Denizens may be exported free of Custom. For term of the King's life.'
- Private Assignment Acts. C. 2. 'Assignment for the King's Household.'—*Rot. Parl.*, 1 Jac. I.
- Parliament at Westminster, 9 Feb., 7 James I. Restraint of Alien Traffic. C. 14. 'An Act for reviving part of 4 Ed. IV. against the purchase of unwrought horns by Aliens within 24 miles of London.'—*Rot. Parl.*, 7 Jac. I.
- Parliament at Westminster, 19 Feb., 21 James I. Monopolies against the Common Law declared Void. C. 3. "And be it further declared and enacted by the authoritie aforesaid That all Monopolies and all such Commissions, Grauntes, Licences, Charters, letteres patentes, Proclamations, Inhibitions, Restraintes, Warrantes of Assistance and all other

Matters and Things tendinge as aforesaid, and the force and validitie of them and every of them ought to be, and shalbe for ever hereafter examyned, heard, tryed and determined by and accordinge to the Common Lawes of this Realme and not otherwise.”
—*Rot. Parl.*, 21 Jac. I.

Statutes and Proceedings in Parliament of the Reign of Charles I.

C. 4. ‘Continuance of divers Statutes for the Restraint of Trade on pain of Impositions or forfeiture, viz. : 5 Eliz., c. 5; 5 Eliz., c. 7; 35 Eliz., cc. 10, 11; 39 Eliz., c. 14.

Parliament at Westminster, 17 March, 3 Car. I. Restraint of Trade continued.

‘Provided also, and enacted, that when the prices of grain shall not exceed the following rates, viz. Wheat 32s., Rye 20s., Pease and Beans 16s., Barley and Malt 16s., the quarter respectively, it shall be lawful for subjects of the Realm to export them to countries in amity with the Crown, any Statute notwithstanding, paying as Custom or Poundage, 2s. per quarter for wheat and 16d. for any other grain. Provided also that the King or his Heirs and Successors may at any time by their Proclamations prohibit such exportation at their pleasures.

‘Continuation of 16 Ric. II., c. 1. Against the exportation of Spicery by Denizens or Aliens.’

C. 8. ‘“A Subsidie granted to the King of Tunnage, Poundage and other sums of money payable upon Merchandize exported and imported.

“Whereas upon examination in this present Parliament of diverse of the Farmours, Customers and Collectors of the Customes upon Merchandize, and likewise upon their owne confession, it appeared that they have taken diverse great sums of money of his Majesties Subjects and likewise of Merchants Aliens for Goods imported and exported by the names of a Subsidy of Tunnage and Poundage, and by colour of divers other impositions laid upon Merchandize which have beene taken and received

Parliament at Westminster, 3 Nov., 16 Car. I. Grant of the Tunnage, Poundage, Subsidy, and all other Duties whatsoever hitherto wrongfully levied by Ancient Prescription.

against the Lawes of the Realme in regard the said sums of money and impositions were not granted by common consent in Parliament and for soe doing have deserved condigne punishment. Be it therefore declared and enacted by the King's most excellent Majestie and the Lords and Commons in this present Parliament assembled. And it is hereby declared and enacted That it is and hath beene the ancient right of the Subjects of this Realme That no Subsidy, Custom, Impost or other charge whatsoever ought or may be laid or imposed upon any Merchandize exported or imported by Subjects Denizens or Aliens without common consent in Parliament. Yet nevertheless the Commons before whom those examinations were taken taking into their consideration the great perill that might ensue to this Realme by the not guarding of the Seas and the other inconveniences which might follow in case the said sums of money should upon the sudden be forborn to be paid, by and with the advice and consent of the Lords in this present Parliament assembled and by the authority of the same, Doe give and grant to our Supreme Liege Lord and Sovereign one Subsidie called Tunnage," etc., namely at 3s. Besides 3s. further subsidy on Sweet wines of Aliens and 12d. on every Awme of Rhenish.

'Also the subsidy of Poundage at 12d. Besides 12d. on Tin and Pewter exported by Aliens. Excepting from this grant all Woollen cloths of Denizens exported, all wool, wool-fells and leather exported and Wines *not* paying Tunnage, and fresh fish and victuals imported. Also the Subsidy of Wools and Leather at 33s. 4d. and 66s. 8d. for Denizens: 66s. 8d. and 73s. 4d. for Aliens—"and soe of all the said Woolls, Woolfels, Hides and Sacks, and of every of them after the rate and such other sums of Money as have been imposed upon any Merchandize either outward or inward by pretext of any Letters Patents, Commissions under the Great Seale of England or Privie Seale, since the first yeare of the reigne of his

late Majesty King James of Blessed Memory, and which were continued and paid at the beginning of this present Parliament. To have, take, enjoye and perceive the Subsidies aforesaid and other the fore-mentioned sums and every of them and every part and parcell of them to our said Liege Lord and Sovereigne from the five and twentieth of May one thousand six hundred and forty-one to the fifteenth of July next ensuing.”

‘Also the said Subsidies shall be taken under the same Provisions, Clauses and Limitations as were enacted 1 James I.

‘Also the above Rates are not such as are intended to be levied, but shall be altered during the present Parliament.

“And it is further enacted that any Customer or Comptroller or any other Officer or person that after the determination of this Grant shall take or receive or cause to be taken or received the said Subsidy, sums of money or any other imposition upon Merchandize whatsoever exported or imported (except the same by Grant of Parliament be due or by such Grant shall become due or have beene continually paid from the end of the reign of the late King Edward the Third untill the beginning of the reign of the late Queen Mary) shall incur and sustain the pains, penalties and forfeitures ordained and provided by the Statutes of Provision and Premunire,” etc.

‘Provided always that this Act shall not extend to impositions upon Tobacco of English plantations, which shall be rated only at 2d. per lb.’

Proviso for
English
Tobacco.

C. 12. ‘Grant of the subsidies of Tunnage and Poundage and the subsidy of wools and leather on the same terms as by the former Grant *suprà*.’

C. 21. ‘Whereas the importation of gunpowder, etc., has been of late, against Law, prohibited, to the danger of the Realm; it is enacted that it may be henceforth freely imported, paying such Customs

Free Trade
for the
Manufacture
of
Gunpowder
permitted by
Parliament.

and Duties as shall be fixed in Parliament. All who put in execution any Patent or prohibition to the contrary shall incur the penalties of *Premunire*.'

Grant of the Subsidies as before, with further Provisoes against the Exaction of Pretermitted Customs and Grants or Assignments of Subsidies, etc., by the Crown.

C. 22. 'Grant of the subsidy of Tunnage and Poundage and of wools and leather as before. "Provided also and it is further enacted that this Act shall not extend or be construed to charge any person or persons with an imposition or charge of late yeares imposed upon Woollen Cloth and Woollen Commodities known by the name of the Pretermitted Customs. Provided alsoe, And be it further enacted by the authority aforesaid, that all Grants of any subsidies or imposts heretofore made or granted unto any person or persons for or in respect of the transportation, exportation or importation of any goods or merchandize pretended to be due or payable to your Majestie, or by any such Grants or Letters patents covenanted otherwise. And all Letters Patents or other Grants of the Collection of any Impositions heretofore set without consent in Parliament made or granted to any person whatsoever. And alsoe all pensions, assignations of moneys, and all other payments whatsoever charged or hereafter to be charged on this subsidy by this Act, other than for the uses before in this Act intended, shall be from henceforth utterly void."'

Grant of an increased Custom of 1 per cent. on all Merchandize for the Safeguard of the Seas.

C. 24. 'Whereas of late many thousands of the King's subjects have been cast into captivity by Moorish pirates, and whereas since the beginning of the reign great sums of money have been exacted from Merchants at the Ports under the name of Customs, which were not due without consent of Parliament, and which in any case should have been devoted to the safeguard of the seas, therefore for this and other weighty causes it is expedient to grant a further subsidy beyond Tunnage and Poundage, namely, 1 *per cent.* beyond all other Customs and subsidies during three years, to be received by the

Lord Mayor and Chamberlain of London, and applied for defence of the seas. Which additional Custom shall be duly paid on pain of forfeiture of goods, etc. Provided that this Act be not drawn into a precedent, and that the said Custom be appropriated to its proper purpose.'

Cc. 25, 29, 31, 36. 'Grants of the subsidy of Tunnage and Poundage and of wools and leather as before, with the same Provisoos.'

Grants of the Subsidie- as before.

Statutes and Proceedings in Parliament of the Reign of Charles II.

C. 4. 'Grant of the subsidy of Tunnage at £4 10s. for wines of France payable by Denizens, and £6 by Aliens at the Port of London. At any other port £3 for Denizens, and £4 10s. for Aliens. Also for every Butt of Sweet wines, namely Muscadels, Malmseys, Cutes, Tents, Allicants, Bastards, Sacks, Canaries, Malligoes, Maderoes, etc., 45s. for Denizens, and £3 for Aliens at the Port of London. At any other Port, 30s. for Denizens, and 45s. for Aliens. Also for every Awme of Rhenish or other German Wine, 20s. for Denizens, and 25s. for Aliens at every Port.'

Statute 12 Car. II., c. 4. Grant of the Tunnage and Poundage, and of the Subsidy on Cloths at new and increased Rates.

'Grant of the subsidy of Poundage at 12d., according to the values fixed in the Book of Rates, besides 12d. for every librate of native commodities, raw or manufactured, to be exported by Aliens, excepting from this grant all woollen cloths known as "old Draperies," and all Wines, and all fish taken and imported by Denizens, and other goods and merchandizes expressed in the Book of Rates to be Custom-free.

'Grant of a subsidy of every short woollen cloth exported by Denizens 3s. 4d., and double for Aliens, from 24 June, 12 Car. II., during the King's life.

'So that all merchandize exported or attempted to be exported uncustomed shall be forfeited. And

that all merchants, both Denizens and Aliens, shall be well treated, as of old, paying due Subsidies.

‘Provided always that allowance be made to Denizens for goods taken or lost at sea in the next payment of the Subsidy; and that Denizens who shall ship in Galleys or Carricks shall pay Aliens’ Customs and Subsidies. Moreover provided that Denizens shall export Herrings and other fish duty-free.’

““And because noe rates can be imposed upon Merchandize imported or exported by Subjects or Aliens but by common consent in Parliament, Bee it further Enacted and Declared by the Authoritie aforesaid that the rates intended by this present Act shall be the rates mentioned and expressed in one Booke of Rates intituled The Rates of Merchandize, that is to say, The Subsidy of Tonnage, the Subsidy of Poundage, and the Subsidy of Woollen Cloathes or old Draperies, as they are rated and agreed on by the Commons House of Parliament, sett downe and expressed in this Booke, to be paid according to the Tenor of the Act of Tonnage and Poundage from the fower and twentieth day of June inclusively, in the twelfth yeare of his Majesties Raigne dureing his Majesties Life, and subscribed with the hand of Sir Harbotle Grimston, Barronet, Speaker of the House of Commons. Which said Booke of Rates composed and agreed on by your Majesties said Commons, and alsoe every Article, rule and clause therein contained shall be and remaine dureing Your Majesties Life as effectuell to all intents and purposes as if the same were included particularly in the Body of this present Act.”

‘Provided also that where the value of the goods amounts to £5 or more, the same Fees shall be taken by the Customers and Collectors as in the 4th year of James I. And that it shall be lawful for all to export Armour, trappings of leather, etc., paying duty. Also Gunpowder when not above £5 per

barrel, and corn and victuals when below a certain price, provided that the King may at any time prohibit the exportation of gunpowder and arms by proclamation.

‘And it is further enacted that above the rates above-mentioned the sum of £3 shall be paid on every Tun of French, German, Portuguese, or Madeira Wines, and £4 on all other kinds as an additional Duty, unless again exported, when allowance will be made in proportion. Also that from 24 July all wines at the Port of London shall be discharged from the excise. And that Prise Wines ought not and shall not pay Subsidy or Custom above the Prisage.’

END OF VOL. I.

