

FACULTY OF HUMANITIES
AND SOCIAL SCIENCES
DOCTORAL SCHOOL OF HISTORY
MEDIEVAL STUDIES PROGRAMME

**Tolls and Toll Collection in the Medieval Hungarian Kingdom during the
Reign of King Louis I (1342–1382)**

Abstract of doctoral (PhD) thesis

by
Viktória Kovács

Supervisor:
Boglárka Weisz, PhD

Szeged
2019

I started my doctoral research in 2013 with the intention of continuing the toll cadastre of Boglárka Weisz (The Two-thirds of the King and the Third of the *Ispán*. Customs and Customs Duties in Hungary in the First Part of the Middle Ages). I collected data (mainly from charters) on the tolls and toll duties of the era of Louis I (1342-1382) - from the whole territory of the medieval Hungarian Kingdom, except Dalmatia. On one hand, I aimed to create a toll office cadastre from the collected data, on the other hand, to describe and analyze the features of contemporary toll-collection.

In addition to the data from the era of King Louis I, I also used some complementary data from later records dated to fifteenth century, identified as a “by-product” of the research.

The first chapter of my dissertation proposes an overview of the historiographical context of the topic, the basic concepts, questions, and phenomena. (See Chapter I. Historiographical overview; The subsequent four chapters form a unit and provide a detailed analysis of various aspects of tolls and toll collections based on the set of data identified in the sources. See Chapters II. Types of Tolls; III. Toll-Collection; IV. Exemption from Payment of Tolls; V. Incomes from Tolls). This unit is followed by the longest chapter dealing with the toll station cadastre and the history of these stations. Beside toll stations, I registered data on (identifiable and non identifiable) markets, bridges, ferries, ports, persons, communities and institutions holding toll exemption. My work also includes a shorter repository of toll regulations from the era, which I have published in a table in Hungarian.

I collected my data from charter and abstract collections, separate charter publications, and the DL-DF database. However, my research did not cover the Microfilm Collection of the National Archives of Hungary.

I have used a wide range of charters.: toll / ferry / market licenses (and orders about their relocation / termination), sources related to operating tolls / ferries / bridges / markets (customs / tricesima (thirtieth) toll duty collection in practice, 'in situ' enforcement of privileges of exemption, the jurisdiction of markets, market proclamations, bridge / port / road maintenance, etc.). Toll tariffs and toll inspections / catalogues are particularly valuable sources, however we only have examples of the latter preserved from the period of King Sigismund's reign, 1387-1437 (eg: Bars County: 1424, Nógrád County: 1405), although we also know about some from the analyzed period: in 1349 Nicholas Szécsi ordered the revision of the tolls in Slavonia; in 1355 the revision of the tolls in Sáros County was ordered by the ruler. In May of 1366 the Transylvanian Voivode Denis Lackfi conducted a toll inspection in Transylvania at the King's request, but unfortunately its source material has not been preserved. We also have numerous sources of *factum potencie*, debates, abuses, litigations around the institutions under investigation. Partly due to the nature of the DL-DF database, in addition to the charters, I also used other types of sources (letters, chapter and town regulations and various records) for the dissertation to a lesser extent.

Roughly estimating, with the help of the *Anjou-kori oklevéltár* [Charter Collection of the Angevin Era] and, for the years still missing from its volumes using the DL-DF database, I was able to identify and thematically list the relevant charters from about three-quarters of the whole Louis-era material. I managed to process about half of these documents in this work - that is to localize my data where possible, to determine the type of tolls and the holder, and to put it in the context of the history of that particular toll station. Thus, I could not complete the whole process in my doctoral thesis. Nonetheless, the material I collected and processed is certainly representative regarding the characteristics of the era, and hopefully a large enough sample of both published and unpublished material to form a convincingly broad source basis of the analytical part of my work.

Customs Duties (*tributum, t(h)elonium / t(h)eloneum, vectigal*) can be divided into two types: commercial and transport tolls. In my paper I did not deal with taxes, often referred to as *vám* (toll) in Hungarian, such as mountain customs, *tributum* paid for grazing pigs or mill duty. Transport tolls fall into two categories: land and water tolls. The former refers to road tolls collected on land routes (*in terris*), the latter was collected from those who crossed rivers by ferry or bridge (ferry toll, bridge toll), or in ports that often operated alongside ferries, from people who were navigating up or down the rivers (ship toll). Similarly to roads, medieval ferries and bridges were partly private, reserved exclusively for the owner's family and their people, but some parts could also be used by merchants and travellers in exchange for paying tolls.

In exchange for toll licence, the owner was responsible for the proper maintenance of roads and bridges, while the upkeep of ferry boats for river crossing was also essential.

Commercial tolls were either domestic or foreign. Domestic commercial tolls refer to market tolls, while, foreign commercial tolls in the analysed period included thirtieth, sixtieth and eightieth customs duty. According to King Louis' grant charter of 1379, the Genoese merchants navigating on the Danube, arriving on land route from Orsova and Timisoara or on the road from Zadar had to pay only half of the thirtieth, that is the sixtieth (*medietas tricessime seu sexagesima*) in Buda. The eightieth customs duty (*octogesima*) in the Angevin era, both in the time of King Charles and King Louis, was to be paid by those entering the kingdom at Újvár in Nitra County. In one of his studies (*A harmincadvám az Anjou-korban és a 14–15. század fordulóján*), [The thirtieth customs duty in the Angevin period and at the turn of the 14th-15th century] Zsigmond Pál Pach revealed or at least assumed that sixteen thirtieth customs duty stations operated under the rule of King Louis I. I was able to add Óvár of Moson County to his catalogue.

Although the law of King Louis I issued in 1351, declared the collection of road and ship tolls illegal and prohibited it, the law was not enforced. From a royal charter of 1371, it seems that in this period it was primarily not the collection of road or ship tolls in general considered to be unlawful, but the practice of imposing these duties on non-merchants (eg. priests, monks, pilgrims on foot or on horseback, ordinary subordinates or foreigners coming to the kingdom) who traveled without goods and carried things only for their personal use, not for sale.

As a general rule in the 15th century when approaching a royal (1 mile) or a nobleman/church-owned (0,5 mile) toll station, one was required to enter and pay the toll. In practice, toll offices had their "lawful or legal roads", which were controlled by them. In sources they are referred to as *vera via, via consueta, via iusta, via recta or via directa*. Road use was primarily determined by consuetude (*consuetudo*), but in disputed cases the distance between a road of disputed status and a customs office was actually measured. The network of legal roads was not permanent and could be modified by opening a new route or moving an old one. Toll officers could legally confiscate the goods of those caught on 'fake roads', trying to avoid paying tolls. These 'fake travellers' were also not entitled to claim royal protection (ensured in the name of the king) that otherwise derived from paying the tolls. Anyone arriving to a toll office had to stop with his goods. In the 14th century customs offices were marked with a cross. The toll to be paid was determined on the basis of the customs tariffs of each customs office. The certificate (stamp) of the merchant proving the payment of the customs duty is only found in the case of the thirtieth customs in the analysed period - unfortunately not in Hungarian territory.

Those who were exempt from payment of a certain toll had to justify their privilege. Our sources give little clue as to how this happened in practice: according to late medieval (16th century) data, by presenting a letter of privilege qualifying for toll exemption or, if the merchant was a citizen, the seal of the city. Obviously, urban merchants for example would not carry a town's privilege charter that guaranteed their exemption. In 1367, King Louis I. explicitly forbade the customs authorities of the area between Lajta and Rába rivers to demand from the Sopron burghers their original (*primordial*) privilege to justify their exemption. Instead, they had to give credit to the royal order confirming the privilege of the Sopron citizens. The royal charter probably served as a safeguard, as did other similar royal mandates.

As for the effect of toll exemptions we need to consider the 'principle of earlier donations' - known in Roman law as *qui prior est tempore, potior est iure* - that was widely applied in late medieval judicial practice concerning markets, tolls and ferries and can also be found in Werbóczy's *Tripartitum* (1514). The application of the legal principle was a way to handle conflicts emerging from the contradictions of privileges granting exemption from tolls or the right to collect tolls. In these cases, the older of the two privileges was considered to be valid. Therefore, similar lawsuits could be won by presenting a charter earlier than the opponent's - justifying an earlier claim - or by invalidating an older privilege /donation.

From the second half of the Angevin era, the principle was increasingly used, in two main types of conflicts. On the one hand, in case of conflicting rights of toll exemption and toll collection it worked in favour of the person who proved to have the earlier right. On the other hand, this principle could also be used in cases of conflicts between neighbouring toll offices, water crossings or weekly markets about mutually reducing each other's income - i.e. water crossings being too close to each other, being open for both merchants and travellers or markets of neighbouring settlements held on the same day of the week .

However, conflicts resulting from conflicting toll privileges could also be resolved differently: if one of the parties was able to use the benevolent influence or favour of the ruler for his own benefit, he may have obtained partial revocation or even the full annulation of the privilege(s) .

Sources/registries administering the customs' revenue from the analysed period are completely missing, so is a comprehensive census (comparable to the list of incomes of King Bela III. from the end of the 12th century) from the period of 1342-1382. The value or revenue of customs in this era is typically highlighted by sources that report the rental, pledge or sale of customs duties, or the ones that grant a specific amount - either as a one-time or a permanent allowance of the revenue to someone. There are two factors when it comes to renting, leasing or pledging customs duties: it is not always clear how much of the duty they have, and in many cases the disposal of customs' duties were granted along with the estate to new owners.

I believe the most important achievement of my research is: By identifying a wide range of hitherto unknown charter-based information on customs and tolls I was able to extend the representative toll cadastre started by Boglárka Weisz, while using the same methodology enables the unified analysis of the history of tolls in Hungary from the Arpadian period up to the end of King Louis I. reign in the future.