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DISCOURSE UPON USURY

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H. J. LASKI, M.A.

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A  
DISCOURSE UPON  
USURY

BY WAY OF DIALOGUE AND ORATIONS, FOR THE BETTER  
VARIETY AND MORE DELIGHT OF ALL THOSE  
THAT SHALL READ THIS TREATISE

[1572]

BY  
THOMAS WILSON

*Doctor of the Civil Laws, one of the Masters of  
Her Majesty's Honourable Court of Requests*

WITH AN HISTORICAL INTRODUCTION BY

R. H. TAWNEY

*Sometimes Fellow of Balliol College, Oxford*



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TO  
GEORGE UNWIN  
WITH  
AFFECTION AND GRATITUDE

## PREFACE

THE following pages contain a reprint of *A Discourse upon Usurye by waye of Dialogue and Oracions* by Dr. Thomas Wilson. The book, without being original or profound, is typical of one side in the discussion of credit and money-lending, which was a characteristic phase in the early history of financial capitalism, and which, after the enclosures, provided the principal economic controversy of the sixteenth century. For that reason it seemed worth while to make it accessible to such modern students as are interested in the development of economic thought. The text is that of the first edition, which appeared in 1572. For the convenience of the modern reader it has been divided into paragraphs, and the marginal references to the Bible, the Fathers, and to mediæval Canonists have been omitted. Except in the speeches of the Civilian they are not numerous, and in the majority of cases the author cited is mentioned in the text.

Theoretical discussions are to be understood only through the practical problems which produce them. It seemed desirable, therefore, to preface the author's disquisition upon usury by some account of the conditions which made usury a burning question when this book was written. This I have attempted to do in the introduction. For its length I must apologise both to the reader and to the shades of Dr. Thomas Wilson. As it is, it omits altogether the important subjects of public loans and of currency, and touches only lightly on the history of the ecclesiastical doctrines as to money-lending which Wilson inherited.

It remains only to express my thanks to those whose assistance has made the appearance of this book possible, in particular to my wife for encouraging me to use an interval of

enforced leisure to complete an old project long since buried beneath more modern interests; to Professor Unwin, who has added to other kindnesses by allowing me to dedicate it to him; to Mr. J. E. Neale, who has saved me from many historical blunders; and to my colleague Dr. Gregory, whose extensive knowledge of the curious habits of modern usurers has helped a layman to interpret the "subtlety and sleight" of their Tudor predecessors. I am particularly grateful to Miss Bulkeley, who is responsible for the index, and to Miss Cameron and Mrs. Macqueen, to whom I am indebted for transcripts of documents which I had not time to copy myself. Space forbids me to include them, as I had hoped, in the present volume. But some of them will be published in a forthcoming collection of documents which is under preparation for the University of London Historical Series.



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# INTRODUCTION

## I

DR. THOMAS WILSON

Books on usury by ecclesiastical writers of the sixteenth century are legion. What is not so common is a work on that perplexing subject by a distinguished layman. At the former the City shrugged sceptical shoulders, with the remark that parsons know nothing about business—"it is not in simple divines to show what contract is lawful and what is not"—and posterity has been disposed to follow it in dismissing the whole controversy as a clerical mare's nest constructed by pious rhetoricians from the promising material of two mistranslations. Luther and Melancthon, Calvin and Bucer, Latimer and Laud, Heming, More, Fenton, and the author of that treatise whose title is itself a not inconsiderable sermon<sup>1</sup>—these simple divines were not wholly devoid of a godly pugnacity, and their answer to the challenge is on record. Against the writer of the *Discourse upon Usurye* the familiar indictment does not run. For Dr. Wilson, Dean of Durham, and author of the *Arte of Logique* and the

<sup>1</sup> *A general Discourse against the damnable sect of Usurers, grounded upon the word of God, and confirmed by the Authority of Doctors both ancient and modern, necessarye for all tymes, but most profitable for these late daies, in which, charitie being banished, covetousness hath gotten the upper hande. Whereunto is annexed another godlie treatise concerning the lawfull use of riches* (London, 1578) The "general Discourse" was translated from the Latin of Cæsar Philippus, the "godlie treatise" from that of Nicholas Heming. The translator was Thomas Rogers, formerly of Christ Church, Oxford, and Chaplain to Archbishop Bancroft. The book was dedicated to Sir Christopher Hatton, subsequently Elizabeth's Lord Chancellor.

*Arte of Rhetorique*, was also Dr. Wilson, Member of Parliament, Master in the Court of Requests, Ambassador to the Netherlands, and Secretary of State. Whatever his prejudices—and his book shows that they were tough—the most truculent of self-made capitalists could not have criticised him as a child in matters of finance. He had tried commercial cases, negotiated commercial treaties, haggled with financiers at Lisbon and Antwerp, and wrestled with a House of Commons disinclined, in matters of business, to be “straitened to the word of God.”<sup>1</sup> If, by one of the agreeable abuses of the Tudor Church, he declined, like his friend, Sir Thomas Smith, into a Deanery, he did so only in the evening of an arduous public career and while retaining his official position in London. He was less concerned, it is to be feared, with the cure of souls than with supplementing the exiguous income allowed by Elizabeth to her secretaries of state.

Wilson’s biography has been written by Professor Pollard<sup>2</sup>: his influence—apparently a not inconsiderable influence—on English prose has been discussed by Mr. Mair.<sup>3</sup> We are concerned with him here only as the author of a treatise on what, after the land question, was the most burning social problem of the day, and we must not attempt to examine his diplomatic achievements or his place in literary history. The first thirty-five years of his life, from 1525 to 1560, were neither remarkable nor commonplace. Eton, King’s College, a tutorship in a noble family, two essays in the manner of the new scholarship, a tour in Italy where he studied the civil law—these things are not surprising in a clever young gentleman in an age when young gentlemen found in culture the charm of a not unfashionable novelty. That he was intelligent is suggested by his friendships: Cheke, with whom he travelled in Italy, Ascham, Haddon, and

<sup>1</sup> D’Ewes, *Journal*, p. 172 (Debate on Usury Bill, 1571).

<sup>2</sup> In the D.N.B. A short account of him is given by Cooper, *Athenæ Cantabrigienses*, vol. I, pp. 414-17. It should perhaps be noticed that Dr. Thomas Wilson has sometimes been confused (e.g. by Lodge, *Illustrations of British History*, vol. II, clx, note, and Nicholas, *The Life and Times of Sir Christopher Hatton*, p. 101) with the Sir Thomas Wilson who was Keeper of the Records at Whitehall.

<sup>3</sup> Introduction to Wilson’s *Arte of Rhetorique* (1909).

Smith are among the giants of the English Renaissance. That he was not devoid of the wisdom of this world may perhaps be inferred from his relations with the Duchess of Suffolk, to whose two sons he became tutor on leaving Cambridge, with the Earl of Warwick, eldest son of the Duke of Northumberland, to whom he dedicated his *Arte of Rhetorique*, and, at a later stage in his career, with Leicester. Northumberland, the moving spirit in the white terror of 1549-50, who attacked John Hales, the chairman of the Midlands committee of Somerset's depopulation commission, for daring to plough up the great man's park, who let loose German mercenaries against the peasant army of Ket, and who rallied the gentry against Somerset himself with the cry that property was in danger, was a singular patron for a social reformer.<sup>1</sup> By 1569, when the *Discourse upon Usurye* was written, Northumberland, Hales, and Ket had each gone to his own place, and Wilson described enclosing landlords as "devouring caterpillars." In 1553 the *Arte of Rhetorique* put the boot on the other leg. At a moment when Latimer had hardly ceased thundering against the "step-lords," and the step-lords had passed legislation reviving the Statute of Merton, and making any combination of more than twelve persons to pull down enclosures or to reduce rents or to lower the price of corn a felony, what young Mr. Wilson selected for special denunciation was the "stubbornness" of commoners who "by long time have a ground . . . the which some of them will still keep for custome sake, and not suffer it to be fenced, and so turned to pasture, though they might gaine ten times the value."<sup>2</sup>

Between the revolting peasants and Somerset, the traitor to his order, who encouraged them with the unforgivable statement that "the people had good cause to reform the things themselves" because "the lords of parliament were

<sup>1</sup> For Warwick's attack on Hales, see Lamond, *The Commonwealth of this Realm of England*, p. xl; for the Norfolk rising, Russell, *Ket's Rebellion in Norfolk*.

<sup>2</sup> *The Arts of Rhetorique*, p. 34 (1909). For Sir Thomas Smith's sentiments about the question, see Frazer Tyler, *The Reigns of Edward VI and Mary*, pp. 183-9. and for those of Cheke, his book, *The Hurt of Sedition (1549)*. The state of mind of the gentry is set out in Paget's letter to Somerset of July 7, 1549 (Strype, *Ecclesiastical Memorials*) and in that of Sir Anthony Auchar to Cecil (Russell, *op. cit.*, p. 202). The other side is given by Hales in his *Defence* (Lamond, *op. cit.* pp. lu-xliii), Crowley, *The Way to Wealth*, and Latimer, *Sermons*.

loathe to incline themselves to reformation of enclosures," the gentry had worked themselves into a delirium of class consciousness. It was not surprising that Wilson, like his friends Cheke and Smith, should share their apprehensions. But even so, in the light of the picture drawn by so sober an observer as Hales, his account of the Tudor land problem is obviously a little naïve. It is possible that his respect for Northumberland, the leader of a godly reformation, outweighed his prejudices against Northumberland, the hammer of the peasants. It is possible that he cultivated a discreet deference towards the parent of his noble friend, who happened incidentally to be Lord Protector. It is possible—the phenomenon is not unknown—that advancing years made him less patient of all the oppressions that are done under the sun and more sceptical as to the infallibility of arithmetical estimates of social felicity. The connection with the Northumberland family became, in any case, highly compromising in the new world that arose on the accession of Mary, and towards the end of 1555 Wilson, like other protestants, found it advisable to leave the country. He travelled in Italy, where he established relations with some Italians, including one whom he afterwards encountered in the Netherlands when he himself was Elizabeth's ambassador and his former acquaintance—a man "full of cunning and mildness, as commonly Italians are"<sup>1</sup>—was Papal Nuncio. He was well enough known to be a marked man. The Government ordered him home to be examined by the Privy Council, and his refusal to comply was followed by an incident which came near closing his career. Nominally on charges connected with his books on logic and rhetoric—in reality, it may perhaps be presumed, in response to pressure from the English Government—he was in the course of 1558 arrested and imprisoned at Rome by the Inquisition. Released as the result of a riot in August of the following year, he took refuge in Ferrara, where he received the degree of LL.D. He returned to England in 1560.

<sup>1</sup> *Hist. MSS. Com., MSS. of the Marquis of Salisbury, pt. II, pp. 151-4, and S.P. For., 1575-7, 1429.*

With Wilson's establishment in London his official career begins, and from that time to his death in 1581 his contact with one department or another of the public service was continuous. He had been made Master of St. Catharine's Hospital in the Tower soon after his return. But the natural opening for a civilian was a practice in connection with the new courts which had grown out of the King's Council, the procedure of which "was altogether according to the process of summary causes in the civill law."<sup>1</sup> Wilson turned into the juicy pastures cropped by his friends Smith and Haddon, whose exceeding profitableness had been extolled by the former in his inaugural oration as Professor of Civil Law at Cambridge.<sup>2</sup> He was admitted advocate in the Court of Arches by a commission from Archbishop Parker in 1560, and in the same year was made Master in the Court of Requests.<sup>3</sup> One of the attractions of the civilian's profession was that it led to posts in the diplomatic service, for the civil law was, in Sir Thomas Smith's words, a *ius commune*. Dr. Nicholas Wotton, an ambassadorial vicar of Bray, who served four sovereigns in succession, was *iuris ecclesiastici et civilis professor*. A civilian, a physician and a surgeon is the demand of Warwick in November of 1562, when he is negotiating with the Huguenots at Newhaven on the eve of starting for France. Send a civilian to carry on negotiations in Germany—"in Germany all things are done by doctors"—is the advice of Rogers to Burleigh in 1578.<sup>4</sup> On each occasion the name suggested is that of Wilson.

It is not surprising, therefore, that he found his way from the Court of Requests to diplomatic employment. He had represented Michael borough in the parliament which met in 1563 and was to sit again as member for Lincoln city in 1571 and 1572. But in the ten years from 1567 onwards his most important work was in the field of diplomacy. He himself writes<sup>5</sup> that he was

<sup>1</sup> Leadam, *Select Cases in the Court of Requests* (Selden Society), p. xxi. The words are those of Sir Julius Caesar.

<sup>2</sup> Extracts are quoted by Majtland, *English Law and the Renaissance*, pp. 49-51.

<sup>3</sup> See list printed by Leadam, *op. cit.*, p. 136.

<sup>4</sup> *S.P. For.*, 1561-2, 1048, Nov. 14, 1562; and *S.P.D.*, 1577-8, 744, March 28, 1578.

<sup>5</sup> *S.P. For.*, 1561-2, 930, Jan. 24, 1561.

called "to serve abroad" as early as January 1561, and in the next two years there are two letters from Sir Thomas Chaloner, the English ambassador at Madrid, who was anxious to be relieved, suggesting that Wilson should be sent to take his place.<sup>1</sup> But the first mission on which he is known to have been employed was that of 1567, when he was sent to Portugal. The reference in the *Discourse* to Portuguese methods of controlling exchange business, and the commendation of Portuguese commercial morality, was, no doubt, the result of observations made during his mission. His duties seem to have been mainly in connection with commercial matters—his brother-in-law, Sir William Winter, the admiral, had business connections there—and on his return in 1568 he continued to be consulted as a recognised specialist in Portuguese affairs and questions of trade. That he was a person in whom his employers placed some confidence is shown by the use which was made of him in the events following the northern rising, which one of the characters in his *Dialogue* attributes, "next after the rebels' horrible loathing of wholesome religion," to the pressure of creditors on men who had nothing to lose. In September 1571, he was appointed with Sadler and Smith to convey Norfolk to the Tower,<sup>2</sup> and throughout the summer and autumn of the same year he was employed, usually with the same colleagues, to examine the smaller fry. Tudor judicial methods were not fastidious. It must have been an odious business—browbeating hopeless wretches into admissions of treason with ambiguous cyphers and evidence of "art magic" a quarter of a century old, the rack at their elbow and the scaffold in the background.<sup>3</sup> The most one can say for Wilson and his fellow inquisitors is that, by their own account, they soon sickened of it. The amiable pedantry of their letter to Burghley asking to be released—"they would not wish to be one of Homer's gods if they thought they should be Minos, Æacus, or Rhadamanthus; had rather be one of the least *umbræ in campis Elysiis*"<sup>4</sup>

<sup>1</sup> *S P. For.*, 1308, Dec. 20, 1562; and 237, Feb. 1, 1563.

<sup>2</sup> *Hist. MSS. Com.*, *MSS. of the Marquis of Salisbury*, pt. I, p. 521

<sup>3</sup> *Ibid.*, pt. I, pp. 524-5.

<sup>4</sup> *Hist. MSS. Com.*, *MSS. of the Marquis of Salisbury*, pt. I, p. 525. For the sentiments ascribed to Wilson see Cooper, *Athenæ Cantabrigienses*, vol. I, pp. 414-17

—is perhaps more attractive to posterity than the blood-thirsty patriotism ascribed to Wilson by his contemporaries.

By 1571, therefore, Wilson was a public character of some importance. He had influential friends in high places, had risen to a considerable position in his profession, had sat in parliament and been sent on a diplomatic mission. He was returned for Lincoln city at the election of 1571, and was fairly active in that parliament and in the first and third sessions of the parliament which met in 1572, making a speech<sup>1</sup> on the first reading of one of the innumerable vagrancy bills, a long oration, of which something is said below, on the subject of usury, besides serving on various committees and taking part in conferences with the Lords, the most important occasions of both being those which arose from the business of the Queen of Scots, to whom also Wilson was sent by the Government "to expostulate" in June 1572. But his most responsible work was done as Elizabeth's ambassador in the Netherlands. His first mission covered the months from November 1574, to the end of March in the following year. It was the moment of a *détente* in the diplomatic relations between England and Spain. Commercial intercourse had been formally resumed in April 1573, after more than four years' nominal interruption. At the end of the year Requesens and a policy of appeasement took the place of Alva. Wilson's instructions<sup>2</sup> contained, apart from the usual compliments, four main demands. He was to press for the withdrawal of the edict

<sup>1</sup> D'Ewes, *Journal*, p. 165. The reference in D'Ewes to Wilson's parliamentary activities are as follows: p. 165, April 15, 1571, speech on first reading of bill against vagabonds; pp. 172-3, April 19, 1571, speech on second reading of bill against usury; p. 190, May 28, 1571, member of committee on bill for Councillors' fees; p. 206, May 18, 1572, appointed to confer with House of Lords concerning the Queen of Scots; p. 219, May 28, 1572, member of another committee to meet the Lords, apparently on the same subject; p. 220, May 29, 1572, one of committee on bill for Sir William Harper; p. 222, June 7, 1572, member of committee to confer with the Lords on bill concerning the Queen of Scots; p. 224, June 25, 1572, Wilson and others take bills touching sea-marks and for severance of sheriffs of Beds. and Bucks. to the House of Lords; p. 251, Feb. 28, 1576, member of committee, business not recorded; p. 255, March 8, 1576, member of committee to confer with the Lords concerning private bills; p. 282, Jan. 21, 1581, speaks in favour of a public fast and daily preaching; p. 291, Feb. 4, 1581, reports that Mr. Hall, when examined before the Privy Council, had admitted ordering an attack on parliament to be printed; p. 294, Feb. 9, 1581, member of committee to consider bill for paving street without Aldgate; p. 301, Feb. 27, 1581, member of committee on bill to punish heretics called family of love; p. 309, March 18, 1581, member of committee to consider form of retraction to be made by Mr. Hall.

<sup>2</sup> Summarised in *S.P. For.*, 1572-4, 1587:



which had closed the Scheldt to English merchants, for the expulsion from the Netherlands of English Catholic *émigrés*, for the concession to the "English House" at Antwerp of permission to worship in private according to the English Book of Common Prayer, and for the redress of such grievances on the part of individual English traders as appeared to offer a plausible case. The request for liberty of worship was accompanied by an explanation of the unsuspected efficacy of the English prayer book as an antidote to commercial malpractices—"showing the inconveniences which would grow to lieve so many without any exercise of their religion . . . the only stay of upright and conscientious dealing in their trade"—which almost suggests that the instructions were drafted by Wilson himself. It was at least quite in the manner of the preacher in his *Discourse upon Usury*. According to his own reports<sup>1</sup> to Burghley, he was successful in getting the English Government's demands accepted. He returned to London and to the House of Commons, where he again appears on various committees, in March 1575.

Wilson's second mission, from October 1576 to July 1577, took place at a more critical time and lasted longer. Eighteen months before he had written<sup>2</sup> to Burghley, what it needed no great insight to discern, that the possibilities of peace in the Netherlands were remote. Everything that happened in the interval had confirmed the prophecy. He arrived in time to learn at once of, if not to see, the Spanish fury—"the horrible and unmerciful massacre"—in Antwerp, the temporary conversion of the revolt into a united war of liberation, and the entry of Don John into Brussels as a governor who was welcomed because it appeared improbable that he would govern.<sup>3</sup> The ostensible object of his mission was to secure the release and compensation of English merchants, and to contribute anything that might be possible to an accommodation between Spain and the Provinces. Commercial business took up part of his time; he secured certain privileges for English merchants trading to Russia, and was engaged in tiresome

<sup>1</sup> *S.P. For.*, 1575-7, 46.

<sup>2</sup> *S.P. For.*, 1572-4, 1621.

<sup>3</sup> *S.P. For.*, 1575-7, 1021 and 1424.

negotiations concerning the repayment of one of Elizabeth's loans to the States.<sup>1</sup> But, in reality, his main function, as his correspondence shows, was to keep his hand on the pulse of all parties and to hold a watching brief for the English Government. On the great question—to intervene or to stand on one side—his mind was made up. A long letter<sup>2</sup> written on May 18, 1577, to Leicester, of whose party he was and to whom he probably revealed himself more fully than in his official communications with Burghley, shows him a warm admirer of the Prince of Orange and an ardent interventionist. If England has not yet been attacked, the reason is not "our own political wisdom," but "the weakness of our neighbours." The policy of running with the hare and hunting with the hounds is out of date: "if wee have been the cause of this trouble abroad, and fedde the factions (as the worlde gevvethe it out), the policie is not good because it is not perpetuale but tempôrarie and for a season, and in the end the harme wil whollie fawle upon us that are the suspected maynteyners covertlie and underhand of all these foregne broyles and troubles. Better not deal than not go roundelie to work." The right course is an open alliance with the Prince of Orange. He remained of the same opinion to the end of his life, but he did not live to see the policy carried out. Summoned to England in July 1577, he succeeded Sir Thomas Smith in November as Secretary of the Council with Walsingham, who plainly overshadowed him, was a member of the Commission<sup>3</sup> to negotiate the Anjou marriage in November 1579, spoke in the House of Commons in favour of a proposal for a public fast and daily preaching, and served on various parliamentary committees. He was appointed Dean of Durham, though a layman, in 1580, and died on June 16th, 1581.

It is not easy to discover the impression which Wilson made on contemporaries. He was not in the first flight of public men, nor had he the personal qualities which leave an ineffaceable impression. Good judges took him seriously.

<sup>1</sup> *S.P. For.*, 1575-7, 1439 and 1494; 1577-8, 15.

<sup>2</sup> *Hist. MSS. Com.*, *MSS. of the Marquess of Salisbury*, pt. II, pp. 151-4.

<sup>3</sup> *S.P. For.*, 1579-80, 89.

Ascham<sup>1</sup> refers kindly to him and puts him in a list of brilliant young Cambridge men of the day. Osorio,<sup>2</sup> to whom Ascham gave him an introduction, described him as a most cultivated person. His book on logic went through five editions, and his book on rhetoric through six. The *Discourse upon Usurye*, of which two editions appeared, was commended by Jewel, and became a standard work which was quoted by most subsequent writers on the subject.<sup>3</sup> Men of affairs thought highly of him. It is Wilson, as we have seen, for whom Warwick asks when he wants a jurist and whom Chaloner regards as his obvious successor. He made sufficient impression in the Netherlands for the Princess of Orange to call him the best friend, after Leicester, whom they had in England, and for official thanks for his services to be given him by the States.<sup>4</sup> Aerschot and Aldegonde send messages to him. Lodovico Guiccardini,<sup>5</sup> whose commendation was worth something to a writer on economic questions—was not Guiccardini the author of the best contemporary account of the Antwerp money-market?—knew him personally, and suggested to Rogers, who succeeded him in the Netherlands, that Wilson should be sent on an embassy to Germany to induce the princes and the empire to put pressure on Philip to make peace. But though obviously a competent public servant, he was not more than competent. Even in that age of versatility, he was perhaps too versatile to be supreme.

Wilson's literary work raises a more interesting question. His last book before he entered public affairs was *The Arte of Rhetorique*, which was apparently published (though the date seems not to be quite certain) in 1553. His next, a translation of Demosthenes, appeared nearly twenty years later, in 1570. The *Discourse upon Usurye*, though not published till 1572, was completed in 1569, soon after his return

<sup>1</sup> *R. Aschami epistolarum libri quattuor*, ed. 1703, pp. 116 and 226.

<sup>2</sup> *Ibid.*, pp. 425-6, "Thomas Wilsonus, vir ornatissimus, reginae vestrae legatus."

<sup>3</sup> Eg Rogers, *A General Discourse against the damnable Sect of Usurers* (1578); Miles Mosse, *The arraignment and conviction of Usurie* (1595); Fenton, *Treatise of Usurie* (1612); John Blaxton, *The English Usurer* (1634); and the anonymous author of *The case of usury further debated* (1684).

<sup>4</sup> *S.P. For.*, 1577-8, 613 and 733.

<sup>5</sup> *S.P. For.*, 1577-8, 733 and 744. For Guiccardini's account of the Antwerp money-market see his *Descrittione de Tutti i Paesi Bassi*.

from Portugal. It was followed in 1578 by a *Discourse upon the kingdom's perils with their Remedies*, which has not been printed. There is nothing surprising in the friend of Ascham and Cheke writing books on logic and rhetoric, and translating—the translation is said to be good—the speeches of Demosthenes as a warning to his fellow-countrymen of the machinations of another Philip. There is nothing surprising in a secretary of state, who was the friend and successor of Sir Thomas Smith, writing a treatise on the political conditions of England. But how did a humanist come to compose a work replete with citations from early Christian Fathers and mediæval schoolmen? How did a fervent Protestant come to extol the canon law? How, above all, did a diplomatist, whose speciality was commercial questions, who had travelled in Italy, by no means an economic backwater, and who had carried through commercial negotiations in the financial capital of sixteenth-century Europe, come to treat the well-established credit system of the age in the tone of a mediæval friar denouncing the deadly sin of avarice?

The answer is perhaps two fold. To part of it Wilson's own career is the key. Like the Doctor in his *Discourse*, he was a distinguished civilian at a time when, as Maitland has shown, the civil law was pressing the common law hard. The civil law was practised, as Sir Thomas Smith explained for the benefit of budding lawyers, in the Court of Arches, the episcopal courts, the Court of Admiralty; bishops, chancellors, and commissaries were recruited from men who had made "*civilis et pontificii iuris professionem*." The procedure of the Court of Requests, of which Wilson had been a Master for nine years when he wrote his *Discourse upon Usurye*, was in the words of another Master, Sir Julius Cæsar, "altogether according to the process of summary causes in the civil law." What attitude towards economic matters would such an experience develop? Certainly not the presumption in favour of freedom of contract, except when freedom was expressly limited by legislation, which was expressed by the Court of King's Bench a little more than a generation later when it was laid down that rules in restraint of trade "are against the liberty and

freedom of the subject . . . against the common law and the commonwealth." <sup>1</sup> The civilian, brought up on an imperial code, and ready to believe that it might with advantage be introduced into England, had as little respect for the prejudice of common lawyers in favour of the right of every man to carry on his trade as he pleased as for their barbarous pedantries. It was not a chance that Starkey, <sup>2</sup> a student, as he wrote to Cromwell, of the civil law, put into the mouth of Pole, not only the oft-quoted plea for its introduction into England, but an elaborate programme for the organisation of industry by the State very similar in conception to that which was afterwards embodied in the Statute of Artificers, or that the pioneer of an intelligent system of secular poor relief was another civilian, Vives, <sup>3</sup> who lectured at Oxford in 1523, and who in 1526 published his book *De subventionē pauperum* for the benefit of the municipal authorities of Bruges. It was not a chance that the administration of the Elizabethan industrial code had its mainspring in the activity of the Privy Council, the secretaries of which were not seldom civilians, and that by the Restoration it was well on the way to be whittled away by judicial decisions in the courts of common law. <sup>4</sup> It was not a chance that when early in the seventeenth century the Crown and parliament fell out over economic policy, the latter appealed to the common law—"oportet neminem esse sapientorem legibus"—and the former

<sup>1</sup> Coke's *Reports*, pt. XI, pp. 53-5, *The case of the tailors of Ipswich*.

<sup>2</sup> E.E.T.S., *England in the Reign of King Henry VIII*, pt. X, and pp. 152-6

<sup>3</sup> Pirenne, *Histoire de la Belgique*, vol. III, pp. 290-2 Ashley, *Economic History*, p. 343

<sup>4</sup> The history of this process has never been adequately investigated. A convenient statement of the legal position with regard to the analogous subject of guild rules about the middle of the seventeenth century, with citations of earlier cases, is contained in William Shepherd's *Of Corporations, Fraternalties and Guilds* (1659), who lays down the position that "all bye-laws made against the liberty of the subject and freedom of the people, as to forbid or restrain a trade . . . are void." Cases on the apprenticeship clauses of the Statute of Artificers will be found in Hutton's *Reports*, p. 132, Moore's *Reports*, p. 886, Keble's *Reports*, vol. I, p. 848, and vol. II, p. 366, and Dunlop and Denman, *English Apprenticeship and Child Labour*, p. 119. By the latter part of the seventeenth century it appears to have been established that the apprenticeship clauses of the Act of 1563 applied only to trades (i) in existence in 1563, (ii) requiring some degree of specialised skill, (iii) carried on in boroughs. In 1698 it was held that no proceedings could be taken against a man who had in fact followed a trade for seven years, even though not apprenticed. Blackstone, *Commentaries*, vol. I, pp. 427 ("the resolutions of the Courts have in general rather confined than extended the restrictions") states the position reached by the eighteenth century.

replied (through the lips of a Master of the Court of Requests) that economic necessities of state were "a sufficient answer to all cavillers and peevish lawyers."<sup>1</sup> The dependence of constitutional government on the survival of the common law is a commonplace. The significance of that survival for the rise of economic individualism in England has been less emphasised, but it is not less important.

As a civilian, Wilson was qualified to practise in the Court of Admiralty, which, as Selden explained later, heard cases *de nautico foenore* and *de usuris nauticis*. Whether he did so or not, does not appear. What is certain is that for more than ten years he was a Master of the Court of Requests; and the whole tradition of the Court of Requests, the very purpose, indeed, for which it had been created, was to offer some legal security against the unconscionable dealing which is the spectre of the *Discourse upon Usurye*. It was a court of equity—"a court of conscience appointed to mitigate the rigour of proceeding in law."<sup>2</sup> Its original name had been the Court of Poor Men's Causes. As such, copyholders and commoners had flocked to it, for in the matter of tenant right there was a dreadful gulf between law and equity. The rich had protested against its encroachments, had "prayed to be remitted to the common law," had rent first Wolsey and afterwards Somerset for using it. Cases of contract, of usury, of "corrupt bargains" in general, were tried before it, and the complaint of Gromel-Gainer in Wilson's *Discourse*, who had "felt some trouble in either of your Courts" and was "not well pleased to have my occupation and living stabbed at," was not exceptional. They were decided by reference to the kind of precedents which are set out in Wilson's pages. Is it surprising that Wilson, a humanist and a civilian, should have made free use in his book of the *ius civile et pontificium* as an arsenal from which to draw arguments against extortion? Is it surprising that—like a more famous civilian, the great Bodin himself, who published his celebrated explanation

<sup>1</sup> Quoted Unwin, *Industrial Organisation in the Sixteenth and Seventeenth Centuries*, pp. 184 and 193.

<sup>2</sup> *S.P.D. Eius.* (Add.), p. 99, Nov. 5, 1583, quoted by Leadam, *op. cit.* p. xx, from whom this account is taken, and who publishes some cases of the kind mentioned above.

of the influence of American silver on European prices in the year in which Wilson's book was completed, and whose authority on economic matters was above question—he should have swept the appeal to economic expediency on one side with a blunt reassertion of traditional morality? *Il vaut beaucoup mieux s'arrêter à la loi de Dieu qui défend totalement l'usure.*"<sup>1</sup>

The second answer to the question how Wilson came to write such a book is more general. It is also, perhaps, more fundamental. Mr. Mair, in discussing his influence on English prose, has suggested part of it. "Though Wilson served the Queen faithfully as an ambassador and counsellor for twenty most eventful years of peril and stress, he cannot with any justice be called an Elizabethan. The word fits best the high sense of glory and achievement which sprang upon the nation after the destruction of Spain . . . Wilson belongs to an older and a graver age . . . He was one of the band of grave and dignified scholars, men preoccupied with morality and citizenship as well as with the lighter problems of learning and style."<sup>2</sup> If that is true of his place in literary history, it is doubly true of his social doctrine. The economic outlook, the preoccupation with morality which he inherited, was that of the middle ages, and his target was the individualism which was destroying it. The truth is that English society in the latter half of the sixteenth century was a more complicated thing than we are inclined to allow when we talk easily of Elizabethan England. There were elements in the social life which were intensely modern: consider only the handling of economic questions by Gresham. One need not go further than the programme<sup>3</sup> of social reconstruction prepared for the parliament of 1559 by such a typical Elizabethan as William Cecil to see how much in its spirit, its view of class relations and social ethics was mediæval. In the

<sup>1</sup> Bodin, *République*, lib. v. "Et ceux qui soutiennent sous voile et religion que les usures modérées et rentes constituées à 4 ou 5 pour 100 sont justes, attendu que le débiteur en tire plus de profit que le créancier, abusent de la loi de Dieu qui défend si disertement qu'on ne la peut revoquer en doute." Bodin is answering the arguments derived from Calvin. On his general position see Favre, *Le Prêt à Intérêt dans l'ancienne France*.

<sup>2</sup> *The Art of Rhetorique*, p. xxvii.

<sup>3</sup> *Hist. MSS. Com., MSS. of the Marquess of Salisbury*, pt. I, pp. 162-5.

greatest works of the age, *King Lear*, *A Midsummer Night's Dream*, or the *Faerie Queene*, the two elements were combined: the beauty of the evening lingered after the beauty of the dawn had begun. The smaller men chose one side or the other, according to their generation, their education and profession, their personal outlook on life. Wilson, for all his scholarship, belonged to the older tradition, the tradition which held that "this is the true ordering of the state of a well-fashioned commonwealth, that every part do obey one head, one governor, one law, as all parts of the body obey the head, agree among themselves, and one not to eat up another through greediness, and that we see that order, moderation, and reason bridle the affections,"<sup>1</sup> the tradition of men so different as More and Starkey and Latimer, whose social philosophy was based ultimately on religion, and who saw in the economic enterprise of an age which enclosed land and speculated on the exchanges, not the crudities of a young and brilliant civilisation, but the collapse of public morality in a welter of disorderly appetites.

"Betwixt them both was but a little stride  
That did the house of Richesse from Hellmouth divide."

It is not surprising that he was critical of these new developments. "Unhappy is the country where the meanest sort has the greatest sway. . . . The state is unfortunate in which nothing is permitted to anybody, but much more unfortunate in which everything is permitted to all. . . . The world is not governed by wisdom or policy, but by a secret purpose or fatal destiny. *Fatum regit mundum.*"<sup>2</sup>

<sup>1</sup> *King Edward's Remains*, printed by Burnet, *History of the Reformation*.

<sup>2</sup> The quotations are taken from Wilson's correspondence: *S.P. For.*, 1578-9, 124 and 203; *Hist. MSS. Com.*, *MSS. of the Marquis of Salisbury*, pt. II, p. 81.



## II

### THE PRINCIPAL TYPES OF CREDIT TRANSACTION

THE first assumption of Wilson's dialogue is that the transactions which he summarises under the name of usury present a practical problem of serious urgency. The second is that economic-relations, in particular those of lender and borrower, are one department of moral conduct, that they are to be judged by a rule of right, not merely by considerations of economic expediency, and that the standards to be applied to them, while they ought to be enforced by the State, are derived ultimately from the teaching of the church. An attempt is made in a subsequent section to give some account of the treatment of the question by public policy. But, if theories are to be understood, they must be set in relation to the economic environment which supplies the practical premises of the theorist. We begin, therefore, by offering a tentative classification of the main types of credit transaction which formed the background of the controversies discussed in Wilson's book. If loans raised by the Government be omitted,<sup>1</sup> they were four.

<sup>1</sup> A large omission. My excuse for not dealing with the important question of public credit must be that to do so would have added greatly to the length of an introduction which is already too long. Though of great economic, as well as political, interest, in particular as shewing the class of capitalists from whom loans were drawn (see below, p. 96) it raises somewhat different questions from the transactions discussed by Wilson, and has received more attention from historians. See Dietz, *English Government Finance, 1435-1558*, and Scott, *English Joint-Stock Companies*, vol. I, *passim*.

## (i)

## THE PEASANT AND SMALL MASTER

"Treasure doth then advance greatness," wrote Bacon, when "the wealth of the subject be rather in many hands than few."<sup>1</sup> The starting-point of Wilson's treatise is that of almost all social theory before the Political Arithmetic of the Restoration. It is a society in which property is widely distributed, in which there is a large middle class and, outside London, a small, though growing, proletariat, in which, in short, the typical worker is not a wage-earner, but a peasant farmer, a tradesman, or a small master. It is true, of course, that for a century or more this social order had been seen to be in process of transformation. It was, indeed, the collision between the vested interests of the peasants and master craftsmen and new forms of capitalist enterprise in agriculture and industry which produced the social tension of the Tudor period, and we shall have later to notice the important developments to which they gave rise in the special sphere of credit organisation. But the change in the balance of social forces was gradual, and the adjustment of traditional social ideas to the new situation was more gradual still. In spite of the encroachments of merchants, in spite of the growth of joint-stock organisation, of a money market, and of a rudimentary factory system, England down to the Civil War remained in the main, as Harrington was to emphasise, a nation of property-owners.

After three generations of agitation against enclosing, land continued, as the surveys show, to be widely distributed, and the village where "the ground of the parish is gotten up into a few men's hands, yea, sometimes into the tenure of one, or two, or three, whereby the rest are compelled either to be hired servants unto the other, or else to beg their bread in misery from door to door,"<sup>2</sup>

<sup>1</sup> Bacon, *Of the true greatness of the Kingdom of Britain*. See also the essay, *Of Usury*, "The fourth [disadvantage] is that it bringeth the Treasure of a Realme or State into a few hands . . . and ever a State flourisheth when wealth is more equally spread."

<sup>2</sup> Harrison, *Elizabethan England* (ed. by Withington), p. 20.

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was still in most parts of the country the exception. Except in the case of great estates, farms are worked with two or three servants, who have, or expect to have, a holding of their own. Wage workers are relatively scarce—for there is always the alternative of squatting on waste land or hiring a loom. It is because they are scarce—because “young people will not go abroad to service,” because “the servants are grown so proud and idle that the master cannot be known from the servant”<sup>1</sup>—that the policy of fixing maximum wages under the act of 1563 is practicable for the authorities and popular with the yeomen and small masters, who, where their immediate interests are concerned, are important enough to command the attention of Governments. In the textile trades, where one clothier may “set in occupation” 500 families,<sup>2</sup> there is, of course, a different problem, which produces a different policy. But outside the textile trades, it is, even in London, a large employer who gives work to a score of journeymen, and even in the woollen industry itself, the prominence of the Winchcombes, Stumps, Springs, and Byroms must not blind us to the probability that the type of employer who worked with half a dozen journeymen and one or two apprentices was far more common. “The thousands of brave English people that have been consumed by sea and land within these two years,” wrote Sir John Smythe to Lord Burghley of the men in Flanders and at sea, “have not been rogues, cut-purses, horse-stealers, committers of burglary, nor other sorts of thieves (as some of our captains and men of war, to excuse themselves, do report) but in troth they were young gentlemen, yeomen and yeomen’s sons, and artificers of the most brave sort, such as did disdain to pilfer and steal, but went as voluntary to serve of a gaiety and jowalty of mind, all which kind of people are the flower and force of a kingdom.”<sup>3</sup> It is of such elements that a great part of Elizabethan England—its “flower and force”—is composed. In spite of the growing concentration of property, it is still, in a con-

<sup>1</sup> *Hist. MSS. Com., MSS. of the Marquis of Salisbury*, vol. I, pp. 132 and 322.

<sup>2</sup> E.g. letter of Cade to Cromwell, 1538 (quoted Gretton, *The Burford Records*, pp. 655-6, from *L. & P. Hen. VIII*) . . . “he settyth in occupacione dayly fyve C of the Kynges subjets of all sortys.”

<sup>3</sup> *Hist. MSS. Com., MSS. of Marquis of Salisbury*, pt. IV, pp. 4-5.

venient modern phrase, a Distributive State. Its problems are those, not of an industrial community—though, such as they are, they are hardly less acute—but of the peasant farmer and master craftsman.

Of these problems, the first, the subject between 1485 and 1640 of twelve statutes, seven Royal Commissions, and endless pamphleteering, concerned the tenure of land. The second, which was only less grave than the question of agrarian conditions, related to credit and was described as that of usury. In the society of small property-owners who, in most parts of the country, gave its special character to the social organisation of Tudor England, borrowing and lending were common. It was with reference to their petty transactions, not to the world of high finance, in which merchants speculated on the exchanges and Government agents wrangled with sharp Italians and obstinate Germans, that the attitude towards the money-lender inherited by the sixteenth century had, in the first instance, been hammered out. Unless the word "banking" is to be confined to the particular type of credit organisation which developed in England after the Civil War, banking did not come into existence either with the foundation of the Bank of England, or even with the "running cash" of its forerunners and competitors, the goldsmiths. In a world where seasons are uncertain and six months intervene between sowing and harvest, the need of advances was not the invention of man; it was inherent in the nature of things. If the first impression of the student accustomed to the centralised financial organisation of modern societies is surprise at the small use made of credit, the second is likely to be surprise at its ubiquity.

The problem was not a novel one. The whole mass of ecclesiastical and secular legislation on the subject of usury, as well as the commentaries, legal text books, and manuals for the confessional to which the canon law on the subject had given rise, is in itself a proof of the prevalence of lending and borrowing in the middle ages; at any rate by the thirteenth century certain main types of transactions were in sufficiently general use to be treated as common forms; and the authors of practical handbooks for the guidance of

administrators were familiar with all the devices for disguising usurious contracts—time bargains, fictitious partnerships, excessive security, the exaction of interest in kind or in personal labour—which were practised three centuries later.<sup>1</sup> Quite apart from the great financial dealings of kings and nobles, monasteries, bishops and the papacy, which strike the eye at once, even a cursory glance at the life of a mediæval manor or borough shows credit transactions springing spontaneously, even in a commercial backwater like England, from the ordinary necessities of humble people, who may curse the lender but who cannot dispense with loans. In the boroughs it had been part of the ordinary business of municipal and commercial courts to try the case of the man who had borrowed money to buy a bargain and found himself unable to pay when the debt became due.<sup>2</sup> There had been brokers who earned a commission, and sometimes incurred a fine, for negotiating loans.<sup>3</sup> Professor Unwin has shown that in the London of Edward III a goldsmith could carry on what was, in effect, a banking business.<sup>4</sup> “Usurers,” whose practices were at once too scandalous to be tolerated by their neighbours and too convenient to be altogether suppressed, had existed in the fourteenth century even in villages.<sup>5</sup> In town and country alike the commercial classes had made free use of the contract of partnership which enabled them to trade with borrowed capital, while avoiding the suspicion of unlawful practices. A foreign visitor at the end of the fifteenth century, writing home to the commercial capital of Europe a description of the habits of the wealthy, though barbarous, islanders, found it worthy of note that “they are so hardy that they do not fear to lend money upon usury.”<sup>6</sup> He did not over-estimate their hardiness. If only a single reference

<sup>1</sup> See, e.g., Raymond de Pennaforti, *Summa Pastoralis* (printed by Ravaisson, *Catalogue Générale des MSS. des bibliothèques publiques des départements*, vol. I, pp. 592 seq.). [An account of the evasions commonly practised in the sixteenth century is given by Smith, *First Sermon on Usury*, parts of which are reprinted by Hawsis, *Sketches of the Reformation*, chap. XII.]

<sup>2</sup> Sharpe, *Calendar of Letter Books of the City of London*, H, pp. 25, 27–8, 200, 261–2; Selden Society, *Select Cases concerning the Law Merchant*, pp. 105 and 125.

<sup>3</sup> Sharpe, *op. cit.*, pp. 24 and 27–8.

<sup>4</sup> Unwin, *Finance and Trade under Edward III*, pp. 26–28.

<sup>5</sup> *Hist. MSS. Com.*, *Report on the MSS. of the Marquis of Lothian*, pp. 26–76.

<sup>6</sup> Camden Society, *An Italian Relation of England*.

to money-lending appears in the proceedings of English church councils, and if Lyndwood,<sup>1</sup> with unusual self-restraint, dismisses the subject in a couple of lines, the explanation is more probably that English business was a somewhat slow-going affair, than that England was an Arcadia of economic innocence.

Matilda la Megre, who pledges seven ells of burrell with Moses of Dog Street, "Juetta [who] is a usurers and sells at a dearer rate for accommodation," Richard, the parson's chaplain, who is a usurer, John the Chaplain, *qui est usurarius maximus*<sup>2</sup>—minnows like these naturally slip out of sight before the voracious pikes, the Greshams and Stoddards, Pallavicinos and Spinolas, Fuggers, Schetztes, and Rellingens, who rule the turbid financial pond of the sixteenth century. Of the economic revolution which by the reign of Elizabeth had knit England to the web of international finance, something is said below. But profoundly as these new forces were transforming the upper ranges of English life, it was only very gradually that they modified the economic practice of the great mass of the population. We shall not understand the collision of ideas portrayed in Wilson's book, unless we realise that neither in social organisation nor in social thought had there been any sharp breach with the Middle Ages. Among the peasants and small masters who form more than three-quarters of the population, and whose circumstances the traditional doctrine of social obligations had been forged to meet, the characteristic type of arrangement is what may be called casual credit. Borrow they must: they will lend—for a consideration—if they can. But except in the larger towns, there is no specialised class of money-lenders and no organised machinery. Money-lending is not a profession, but a bye-employment; a bye-employment which is intertwined with, and often concealed by, other economic transactions.

Consider, for example, a group of cases selected at random from those which come before the courts.<sup>3</sup> Who are the

<sup>1</sup> Gibson, *Codex Juris Ecclesiastici Anglicani*, vol. II, p. 1026, and Lyndwood, *Provinciale, sub. tit., Usura*.

<sup>2</sup> Selden Society, *Exchequer of the Jews*, p. 116, and *Leet Jurisdiction in Norwich* p. 35; *Hist. MSS. Com., MSS. of the Marguis of Lothian*, pp. 26 and 27.

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lenders? Generally they are quite unpretending people, farmers who are a little more prosperous than their neighbours and see in their difficulties the chance of turning an honest penny, innkeepers who gradually worm themselves into the affairs of the unwary customer, give long credit, and at the critical moment foreclose, tailors, drapers, grocers, mercers, who have a little money laid by, and take to lending it in order to eke out the earnings of their trade. In country districts the character most commonly found advancing money is a yeoman, and next to him comes probably the parson; for both are slightly, if only slightly, better off and better educated than the humbler cottagers. The outstanding debts are commonly articles such as grain, cattle, clothes, and household furniture. The security is usually some similar form of personal property. It is true, of course, that, with the expansion of trade, credit assumed a different form in the larger commercial centres from that which it wore in the country, and that in London in particular, apart from the large-scale financing of exports and Governments done on the exchange and by great commercial houses, even the credit transactions represented by loans to necessitous tradesmen and impoverished squires were tending to pass into the hands of a recognised, if somewhat disreputable, class of specialists. It is true also that, side by side with this casual pawnbroking, one can trace here and there even in villages in the closing years of the sixteenth century the emergence of a class of men who are marked out at once by their wealth and their habits as the financiers of their districts, and who may almost be described as professional money-lenders. But in rural England this type of "rich usurer," of whom something is said in a subsequent section, is the exception. The money-lending which concerns nine-tenths of the population is spasmodic, irregular, unorganised, a series of individual, and sometimes surreptitious, transactions between neighbours.

\* Information as to the occupation and social position of the parties concerned in money-lending transactions is usually exasperatingly vague. But out of sixty-five cases in which it has been possible to trace it, in sixteen the lender is described as a yeoman, farmer, gentleman, or clergyman, and in twenty-five as engaged in one branch or another of the clothing trades.

It is, indeed, because the commonest type of credit is as far as possible removed from being part of a system, because it is a matter of mutual aid among men exposed to the common risks of uncertain seasons and perishable live stock, that it seems peculiarly odious for those who are fortunate to take advantage of the necessities of those who are not, and that religious opinion has been able for centuries to treat money-lending as a simple case of neighbourly or unneighbourly conduct. The charitable man comes to the help of distress out of goodwill: like Fuller's good yeoman, "he is the Joseph of the countryside who keeps the poor from starving."<sup>1</sup> The typical usurer is apt to outrage, not merely one, but all, of the decencies of social intercourse. Robert Danvers of Tenbury is not only a man "who doth put money out to use and take extortions," but he is also "a common barrator and breaker of the peace and one that doth keep ill order and is a lewd liver . . . a night walker, and a man of ill condition, and one that doth daily abuse his neighbours."<sup>2</sup> John Ferror, of Norfolk, aggravates his "usury and extortion" by oppression, embracery, and maintenance.<sup>3</sup> Thomas Hopkins is not merely a usurer, but "an instrument of the papists, perjurer, and assistant to the late rebels in Norfolk."<sup>4</sup> Thomas Wilcoxe, of Hereford, in addition to being "a horrible usurer, taking a penny and sometimes twopence for a shilling for the week," has been "excommunicated and cursed by his father and mother, is a common breaker of his neighbours' hedges and pales in the night-time, and every Sunday when the priest is ready to go to the Communion, he departs from the church for the recovering of his weekly usury, and doth not tarry the end of divine service three times in the year."<sup>5</sup>

In such cases the very intimacy and informality of the relations makes oppression at once doubly easy and doubly scandalous. It is not a question of the impersonal mechanism of the money market, which, if it excludes personal kindliness,

<sup>1</sup> Fuller, *The Holy and Profane State*.

<sup>2</sup> J. W. Bund, *Kalendar of Worcester Sessions Rolls, 1591-1643*, pt. II, pp. 616-7.

<sup>3</sup> *S.P.D. Elis.*, clv, No. 65.

<sup>4</sup> *S.P.D. Elis.*, 1566-79, xxv, No. 119.

<sup>5</sup> *Hist. MSS., Com., MSS. of the Borough of Hereford*, pp. 333-4.



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excludes also the arbitrary caprices of personal avarice. Borrower and lender sneak off into a corner. The lender protests that he has no money of his own and that he must raise it from a friend, or refuses point blank while giving his wife a wink to make an advance when his back is turned. The borrower is in temporary difficulties, and "since he must either famish or take as is offered, borroweth either in money, which is very seldom, or in wares, which is the common use of most." For among these small people loans are constantly made in kind; and loans in kind, in a period of rising prices, not only prejudice the borrower, but make it easier to conceal the rate of interest charged and thus naturally play into the hands of the stronger party. "He that puts forth money," wrote a pamphleteer, "dare not exceed the rate of ten in the hundred; but he that uttereth wares doth make the rate at his own contentment. In money they rate upon the conscience of the borrower what he will bestow, in wares they use their own discretion in taking what they can get."<sup>1</sup> In such circumstances, there is no question of an equal bargain. Everything turns on the "discretion" of the lender. And the lender, already in bad odour with his neighbours, and liable to be harassed by the authorities, is not seldom disposed to say with Shylock: "But since I am a dog, beware my fangs."

Unconscionable bargains are made at all times and in all places. What gave their peculiar significance to the exactions of the money-lender in the sixteenth century was that they were not a mere incident on the frontiers of economic life, but touched one of the vital nerves of the whole social system. The special economic malaise of an age is naturally the obverse of its special qualities. For the peasants and small-holders, of whose independence and prosperity English publicists boast in contrast to the "housed beggars" of France and Germany, the burning question is not that of wages. The crucial matter is that of the relations of the producer to the dealer with whom he buys and sells, and to the small capitalist, often the dealer in another guise, to whom he runs into debt. It is that of prices and interest.

<sup>1</sup> *The Death of Usury, or the Disgrace of Usurers* (1594).

The farmer must borrow money when the season is bad, or when his beasts die on him, or merely to finance the interval between sowing and harvest. The craftsman must buy raw materials on credit and get advances before his wares are sold. The young tradesman must scrape together a little capital before he can set up shop. Even the cottager who buys grain at the local market must constantly ask the seller to "give day." Almost everyone, therefore, at one time or another, has need of the money-lender. And the lender is often a monopolist—"a money master," a maltster or corn monger, "a rich priest," who is the solitary capitalist in a community of peasants and artisans. Naturally, he is apt to become their master.

The problem was particularly acute in connection with the land question of the day. Apart from the transactions of the greater landowners, in which considerable sums of money changed hands, borrowing on a smaller scale, as the warnings of agricultural writers against farming with borrowed capital show,<sup>1</sup> was a normal and necessary incident in the life of the peasantry. Like the peasant proprietor in Germany and Russia, before the devaluation of money had wiped out mortgages, the copyholder or yeoman of Tudor England was apt to step into a position where he was little more than the caretaker of his creditors. He borrows money to try to stock his farm. He gets an advance from his landlord, and must work off the debt in personal labour on the demesne.<sup>2</sup> He appeals for help to a neighbour, is charged twenty per cent. for a loan of twenty shillings, forty per cent. for five pounds, and twenty-eight per cent for seven pounds,<sup>3</sup> or is granted a loan of twenty pounds only on condition that he takes half of it in the shape of a superannuated mare "not worth eight pounds."<sup>4</sup> Since

<sup>1</sup> Fitzherbert, *Treatise of Husbandry*. See also Dudley, *The Tree of Commonwealth*: "Yee meaner occupiers and begynners, make not your bargaines, but see as ye be able to pay: lest Westminster, St. Katherine's . . . be your reckoning place, and so your credit for ever is gone."

<sup>2</sup> For an advance to stock a farm, see Surtees Society, *The Ripon Chapter Acts*, p. 363: "to my cosen Edward Browne, I forgive thurte pounds which I lent him to take his farme with all."

<sup>3</sup> Atkinson, *Quarter Sessions of North Riding of Yorkshire*, vol. I, pp. 46, 112, 209. Vol. II, p. 223.

<sup>4</sup> Gardiner, *Cases in the Courts of Star Chamber and High Commission Attorney General v. Casen and others*.

he has hardly any capital of his own, he cannot afford to wait for his money till his produce is sold. He therefore pledges his crops while they are still standing for immediate accommodation, or sells them outright at ruinous prices. The corn-dealer, who is the obvious, often the only, person to offer an advance, acts in the manner ascribed to the modern elevator company. He buys corn cheap, because the sale is forced, and sells dear because he can wait and pick his market. The result is that the cream of the profits is skimmed by the middleman. "He that laieth out £100 in corne," wrote a pamphleteer in the last decade of the century, "doth sometimes gain above 50, yea, 100; for not long since the price of corn so increased that necessitie willed many to pay the penalty of their bonds (rather than to make a delivery of their bargains). Hereupon some unreasonable cornmongers, maltsters and such like were grieved that they took no bonds, as discontent of double gain by their bonds. It is a common practice in this country, if a poore man come to borrow money of a maltster, he will not lend any, but tells him, if he will sell some barley, he will give him after the order of fore-hand buyers. The man, being driven by distresse, sells his corne far underfoote, that, when it comes to be delivered, he loseth the halfe in halfe, oftentime double the value. I have heard many of these fore-hand sellers say they had rather allow after twenty in the hundred for money than to sell these beforehand bargains of corn."<sup>1</sup> The consumer who paid a high price for his corn grumbled at such "usury" as much as the peasant who received a low one. "And thus," wrote Gervaise Markham, in his hints to the practical farmer, "you may . . . sell everything at the highest price, except you take upon you to give day and sell upon trust, which if you do you may then sell at what unconscionable reckoning you will, which because such unnatural exactions neither agree with charity nor humanity, I will forbear to give rules for the same."<sup>2</sup> When even the tough conscience of an agricultural expert felt qualms, it is perhaps not surprising that a generation unacquainted with Adam Smith's famous

<sup>1</sup> *The Death of Usury, or the Disgrace of Usurers* (1594), see also Harrison, *op. cit.*, *Of Fairs and Markets*.

<sup>2</sup> Gervaise Markham, *The English Husbandman*, pt. I, p. 118

comparison of the dislike of the middleman to the fear of witchcraft should have regarded the "bodger" with peculiar suspicion.

If the craftsman did not suffer to the same extent as the peasant from the uncertainty of the seasons, his dependence upon the money-lender was, nevertheless, hardly less intimate and direct. Professor Unwin has pointed out that the broad movement in the world of industry, which, though it begins in the later Middle Ages and continues into the eighteenth century, reaches its climax under the Tudors, is a struggle over the control of industrial organisation between the small masters and the growing class of commercial capitalists. The aim of the former is to retain their position as independent producers, and for that purpose to preserve or revive the protective machinery of the guilds, with their corporate discipline, their restrictions on individual initiative, and their rough equalitarianism. The latter, in the effort to secure the freedom and elasticity which will enable them to grow to what stature they can and to produce by what methods they please, follow one of two policies. Sometimes, as in the textile industry, they quietly evade guild regulations by withdrawing from the corporate towns in which alone the pressure of economic conformity can be made effective. More often they accept the guild organisation, capture its machinery, and by means of it develop a system in which the producer, even if nominally a master, is in effect the servant of an employer, on whom he depends for orders, for raw materials, and for the sale of his wares.

In this continuous, though silent, contest, an important part was played by the question of credit, for it was on obtaining credit that the very existence of the tradesman often depended. If he is to be a master craftsman, not a wage-earner, he must find an opening to set up shop and possess the means to take advantage of it. In a country where, as an enthusiast for emigration could urge in the early seventeenth century, "a man can hardly anywhere set up a trade but he shall pull down two of his neighbours,"<sup>2</sup> the attempt to find

<sup>2</sup> Cushman, *Reasons and Considerations touching the lawfulness of removing out of England into the parts of America*; Arber, *Story of the Pilgrim Fathers*.

an opportunity to start in business was almost what the hunt for employment is to-day. Since at least a few pounds of capital were a necessity, it was the general practice of the age for the young tradesman to work with borrowed "stock." In the opening years of Elizabeth's reign, when serfdom was on its last legs, even a serf, who was also a weaver, might have lent some twenty pounds and owe ninety-four pounds<sup>1</sup>; and Bacon, who had given special attention to the question, could say that the practice of trading with loan capital was so universal that, if the lenders called in their advances, the trade of the country would come to a standstill.<sup>2</sup> For the small master the question of "usury" was the question of the terms on which that capital could be obtained.

It was almost in the nature of the case that he should be in a weak position *vis-à-vis* the lender. We need not take too seriously the protestations of pamphleteers, who commended their favourite project of public pawnshops by rehearsing the scandals of London brokers, whose "usual rate for small things is 12d. the week or month, which is 60 in the 100, and from oyster-women and others that do cry things up and down the streets . . . above 400 in the 100 per year, besides the bill-money,"<sup>3</sup> or ascribed the failure of tradesmen to the mill-stone which hung about their neck in the shape of interest. But the difficulties of the small master in the later Middle Ages are set out at length in case after case before the courts. On first setting up in business he borrows thirty pounds to be employed in merchandise. The lender insists that he shall "be bound in xl to li and odd silver," charges him interest at fifteen per cent., and demands the repayment of twenty-five per cent. more than the sum borrowed.<sup>4</sup> Robert Francis has "little substance of goods and is a young beginner," but he has inherited three small tenements in London producing a rent of three pounds a year. Richard Batte, of London, draper, "well knowing and understanding, craftily and subtly imagined means to impoverish him your said beseecher, to the intent that he

<sup>1</sup> Hoare, *The History of an East Anglian Soke*, pp. 297-8.

<sup>2</sup> Bacon's *Essays, Of Usury*.

<sup>3</sup> *Lansdowne MSS.*, 73, 18

<sup>4</sup> Early Chancery Proceedings, Bdle. 64, no. 291, quoted Abram, *Social England in the Fifteenth Century*, pp. 215-17.

should be driven to make sale of the said three meses . . . offered to lend him money to buy and sell with." Francis consents, borrows eight pounds on condition of repaying twelve pounds, ten shillings, and eightpence at the end of a quarter, or at the rate of rather more than 200 per cent. per annum, falls into difficulties and is obliged to sell the three houses for twenty pounds or less than seven years' purchase, and finally brings a suit in Chancery against Batte for refusing to pay more than sixteen pounds, because, since Batte is a power in the city, he fears that he will get no justice in the city court "by cause of affection."<sup>1</sup>

When the tradesman has got a footing in business his dealings with the money-lenders have often only begun. Business losses drive him to borrow, and the lender makes what terms he pleases. He demands £480 for an advance of £289. He refuses to make any advance unless the borrower will execute a bond declaring that he has received 100 sheep, and on the strength of the fiction demands interest at the rate of 100 per cent.<sup>2</sup> He sells a struggling tradesman cloth worth thirty pounds for £100 to be paid in ten years, binds him under a penalty of £200 to find proper security for the discharge of the debt, and then proceeds against him for the whole £200, though the debtor and his friends offer to repay the value of the goods.<sup>3</sup> The merchant is doing well and sees a chance of extending his business. An acquaintance comes to him, says that he has "money lying by him which did him none ease," offers to lend it, and then unexpectedly begins an action for profits alleged to be promised, though it is "plain usury and against God's law and man's law."<sup>4</sup>

The economic life of an age is not to be judged by the proceedings of its bankruptcy courts, and leonine contracts of this kind must obviously not be taken as representing the ordinary standard of business morality. But they offer some confirmation of the statements of publicists as to the prevalence of trading with borrowed capital, and they give us

<sup>1</sup> Early Chancery Proceedings, Bdle. 64, no. 1089.

<sup>2</sup> *Ibid.*, Bdle. 37, no. 38.

<sup>3</sup> *Ibid.*, Bdle. 2, no. 307. Similar cases are common, see e.g. Bdle. 37, no. 33; Bdle. 31, no. 527.

<sup>4</sup> *Ibid.*, Bdle. 46, no. 307.

a glimpse of the conditions which made the money-lender—“the insatiable usurer which gnawes the poor people daily to the very bones”<sup>1</sup>—at once a necessity and a terror. It was in connection with these humble transactions, not with the large-scale enterprise of clothiers, exporting merchants and bill-brokers, that ecclesiastical authorities had originally formulated the doctrine of economic ethics expounded by Wilson; and it was primarily such transactions, with all their possibilities of social disturbance, that the usury laws of sixteenth-century states were designed to control.

It is evident that the problem presented by this type of credit existed independently of that development of large-scale organisation of which something is said in a following section. There is a sense, indeed, in which its worst excesses were peculiarly the disease of a precapitalist society. What made the usurer indispensable was the helplessness of the farmer or tradesman without the reserves needed to carry him over a bad season, or to enable him to hold on while working up a connection. What made him not only a popular bugbear, but an object of suspicion to most men of public spirit, was the general persuasion that economic prosperity and social stability depended on the widest possible distribution of property among the largest possible number of independent producers, and that both were being menaced by the encroachments of a sinister money power. Even in the middle of the seventeenth century, when the upper ranges of financial organisation had been revolutionised, similar evils were still evoking similar denunciations. “The reason,” wrote a puritan reformer in 1648, “that so many young tradesmen in this city and other places miscarry, and are undone before they understand themselves, is that they take up money at eight per cent., and if they come to bad market they must sell though it be to loss, or the interest will eat them out . . . He that lends a poor man forty shillings to follow his trade does a more charitable deed in the sight of God and good men than he that gives him twenty alms to keep him in consumption of beggary.”<sup>2</sup>

<sup>1</sup> *S.P.D. Hist.*, CX, no. 51.

<sup>2</sup> Cooke, *Unum Necessarium, or the Poor Man's Case*.

(ii)

## THE NEEDY GENTLEMAN

When one turns from the petty dealings of peasants and craftsmen to examine the transactions of the larger landed proprietors, one finds oneself in a different world of social habits and economic interests. The improving landlord made some figure in the sixteenth century, and still more in the reign of James I; but he was the exception. Unlike the classes who depended directly on personal labour in agriculture and industry, the larger landowners' demand for accommodation represented, in the main, a diversion of savings from production into some form or another of luxurious consumption. When they resorted to the money-lender, they normally did so, not to secure capital for business, but to meet the current expenses of their establishments, to stave off creditors, or to renew debts.

The significance of this type of transaction was exaggerated by the literature of the age. For the misfortunes of the gentlemanly bumpkin in the hands of the scrivener, and the plucking of the young gull by "coney-catchers," "ferrets," and "tumblers,"<sup>1</sup> was a theme which delighted the satirist as much as it shocked the moralist. But in view of the financial position of many landowners in the reign of Elizabeth, the attention which it attracted is not surprising. Two generations later Harrington, in a familiar passage, described how the ruin of the feudal nobility, by democratising the ownership of land, had prepared the way for the bourgeois republic: "A monarchy, divested of its nobility, has no refuge under heaven but an army. Wherefore the dissolution of this Government caused the war, not the war the dissolution of this Government." In reality, it may be suggested, that process was well under way for a century before he called attention to it. It was connected with a change in the relative economic positions of the business classes and the landed gentry. The wealth and influence of the former were

<sup>1</sup> Dekker, *English Villanies*.



obviously increasing. It is difficult to resist the impression that in the latter part of the sixteenth century the latter, both relatively and absolutely, were declining. With large establishments in the country and expensive lodgings in London, compelled by social conventions to take part in the life of a court where everyone, except its mistress, was extravagant, restoring their fortunes by the lucrative channels of trade only in exceptional cases, through an occasional speculation, a lucky marriage, or the success of a landless cadet, with an income from their estates of which the greater part was fixed by custom and which could be increased only after a prolonged wrangle with obstinate copyholders—the life of the landed aristocracy, “what by reason of their magnificence . . . in expense, and what by reason of their desire to make and advance their own families,”<sup>1</sup> was apt to be an example of what a modern economist has called “conspicuous waste.” With all their thousands of acres, their financial position was often deplorable.

One must not, of course, make too much of hard cases: no doubt the vast majority managed, somehow or another, to keep their heads above water. But to the reader who looks at their situation in the light of cold figures, the surprising thing is that some of them survived at all. For their debts were not seldom overwhelming. Consider for example, the picture drawn in some of the personal correspondence, mostly addressed to Lord Burghley and Sir Robert Cecil, of the last twenty years of the sixteenth century.<sup>2</sup> The Duke of Norfolk owes £6,000 to £7,000; the Earl of Huntingdon £20,000, the Earl of Essex between £22,000 and £23,000, Viscount Bindon £4,000, the Earl of Leicester (it is reported) about £59,000, Sir Francis Willoughby (who had spent £80,000 in building Wollaton House) £21,000, Sir Percival Willoughby £8,000, Sir Philip Sidney over £6,000, Lord Sandys £3,100, Sir H. Parke £4,600. And, of course, these figures must be

<sup>1</sup> Bacon, *Of the True Greatness of the Kingdom of Brittain*.

<sup>2</sup> *Hist. MSS. Com., MSS. of the Marquess of Salisbury*, pt. I, pp. 527, 573-4, pt. II, pp. 325-6; pt. VII, pp. 526, 528; pt. VIII, pp. 338, 357; pt. XIV, pp. 94 and 341. *MSS. of Lord Middleton*, pp. 583-4, 387. Ellis, *Original Letters, Second Series*, vol. III, pp. 81-2, *Third Series*, vol. II, pp. 356-8; vol. III, pp. 41-4. Camden Society, *Leicester Correspondence*, pp. 454 and 457 Lodge, *Illustrations of British History*, vol. III, pp. 41-4.

multiplied by something like six to reduce them to the currency of to-day. The Earl of Sussex is heavily in debt, though for an uncertain sum; so is Lord Thomas Howard; so is the Earl of Rutland. The Earl of Shrewsbury moves heaven and earth to borrow £3,000. Lord Vaux of Harrowden has been forced to pawn his parliament robes "to a citizen where I have offered large interest," and subscribes himself "the unfortunatest Peer of Parliament for poverty that ever was." The Earl of Southampton has surrendered his estates to his creditors and "scarce knows what course to take to live." Lord Scrope cannot raise even £300, and is obliged to beg the loan of it from Cecil. Lord Lincoln has to hurry off a servant to borrow £230 from a tradesman "this very day, for otherwise he cannot have it." The Earl of Cumberland, on receiving a letter of Privy Seal requiring him to contribute to a loan, begs an advance from a London merchant and complains that he can hardly raise twenty pounds.<sup>1</sup> Lady Burgh and her five children face the world with a capital of £400. Naturally, when the leviathans are in low water, the straits of the smaller fry—their poor relations, expectant heirs, and hangers on—are desperate. From the philosopher, who, being arrested for £300 by a goldsmith, takes a high line with "the Lombard—pardon me, if being admonished by the street he dwells in I give him that name"—to a nonentity who, having pawned his horse and clothes, is in debt for his food, they are in unending embarrassment.<sup>2</sup> "We that be courtiers," boasts Master Monopoly, in the play of Webster and Dekker, "have more places to send gold to than the devil had spirits." They borrow and renew until their creditors' patience is exhausted. The only house which is never to let is the Fleet.

A class with such habits and so economically straitened was inevitably in constant need of cash, not as capital to be invested, but to meet current liabilities. The transactions ranged from those of the most disreputable class of money-lenders, who specialised in ruining young spendthrifts, to the

<sup>1</sup> *Hist. MSS. Com.*, App. to Third Report, p. 37. The date is 1556.

<sup>2</sup> *MSS. of Marquis of Salisbury*, pt. VIII, pp. 359-61, 190-1; pt. IX, pp. 52-54, 361.

## 34 PRINCIPAL TYPES OF CREDIT TRANSACTION

mortgaging by nobles of thousands of acres to capitalists with an international reputation. The first class of business has always been the lowest circle of the inferno, and, except for the absence of the penny post, the methods of the Elizabethan money-lender did not differ essentially from those of to-day. The "unthrifty heir" who comes to London is followed by the money-lender's touts, inveigled into borrowing to pay his losses at cards, told, as he sinks deeper, that he can only have loans if he takes them in kind, till finally "Young Master Rash is in for a commodity of brown paper and old ginger, nine score and seventeen pounds, of which he made five marks ready money."<sup>1</sup> Apart from commonplace swindling of this kind, a considerable amount of legitimate business was done in annuities, and in financing gentlemen who desired to raise funds for a marriage, for foreign travel, for the purchase of a wardship, to meet pressing debts, and for a dozen other reasons. When the borrower's credit was good, or when the lender thought the prize large enough to be worth the risk, money was advanced on note of hand, the borrower binding himself, and such friends as he could induce to lend their names, under "bonds and counterbonds,"<sup>2</sup> involving penalties sometimes greatly in excess of the sum advanced. When money was raised from the more cautious creditor, who demanded tangible pledges, almost every kind of property, from jewellery and plate, clothes, horses, and household furniture, to annuities, offices and pensions, was pledged as security. The broker in the play, who refused a loan to a military client until he consented to deposit his wooden leg, is hardly a caricature.<sup>3</sup> Petitioners, in begging for a place under the Crown, point their appeal by the argument that, if it is granted, they can borrow on it.<sup>4</sup> Not the least attraction, indeed, of a patent, as of a modern insurance policy, was that the impecunious holder could capitalise it.

Transactions of this kind attracted disproportionate attention, because they so easily lent themselves to fraud, and

<sup>1</sup> *Measure for Measure*, act iv, scene 3.

<sup>2</sup> *MSS. of Marquess of Salisbury*, pt. IV, pp. 49-50; pt. VII, pp. 280-1.

<sup>3</sup> Dekker, *The Wonder of a Kingdom*.

<sup>4</sup> *MSS. of Marquess of Salisbury*, pt. I, p. 351; pt. V, pp. 481-2.

because the class which had resort to them was socially influential. Members of parliament, who regarded the usury laws as an antiquated remnant of popery, protested, nevertheless, against "the destruction of young gentlemen . . ." by excessive taking.<sup>1</sup> Indignant parents petitioned the Government for redress against the tradesman money-lender who had their sons in his clutches.<sup>2</sup> And Bacon prepared a bill to stop the practice of lending in commodities.<sup>3</sup> But, though dealings of this type might provide money to meet the out-of-pocket expenses of a courtier, to pay gambling debts, or to stave off an insistent tradesman, they obviously were inadequate to do more. The borrower whose debts ran into thousands needed equally large sums to meet them. He could only raise them by pledging valuable securities. Apart from jewellery and plate, the only security which the landed proprietor could offer consisted of the title deeds of his estates. The process of mortgage, failure to pay off the mortgage, and sale for the benefit of the mortgagee, which was stripping the Crown of its land, was only the most conspicuous example of conditions which involved almost all the greater landowners in the age of Elizabeth. It was, of course, no novelty: from the records of the exchequer of the Jews to the Paston Letters, mediæval social history is full of the mortgaging of land to city merchants. What supplied an additional impetus in the sixteenth century, and gave to individual transactions almost the character of an economic movement, was the great increase in the wealth of the business classes, combined with the poverty of the gentry, the long rise in prices, and the conservatism of the existing methods of land-tenure. As the outburst of new companies after 1570 shows, the former had money to lend, and the latter were at

<sup>1</sup> D'Ewes, *Journal*, p. 172.

<sup>2</sup> *Hist. MSS. Com., MSS. of House of Lords*, App to Fourth Report, p. 83.

<sup>3</sup> Bacon, *Works*, Bohn's ed., vol II, p. 494. "Whereas it is a usual practice, to the undoing and overthrowing many young gentlemen and others, that when men are in necessity, and desire to borrow money, they are answered that money cannot be had, but that they may have commodities sold unto them upon credit, whereof they may make money as they can; in which course it often comes to pass, not only that some commodities are bought at extreme high rates and sold again far under foot at a double loss, but also that the party which is to borrow is wrapt in bonds and counterbonds, so that upon a little money which he receiveth he is subject to penalties and such of great value."

their wits' end to obtain it. In such circumstances nothing could prevent the vacuum being filled or stop Sir Petronel Flash from falling into the hands of Old Security.<sup>1</sup>

Hence for a considerable part of their land the gentry are only the caretakers of the city merchant. Of the noble debtors before mentioned, probably the majority had raised money on their estates. Viscount Bindon had mortgaged two manors; the Duke of Norfolk three and the demesnes of two others; the Earl of Leicester his estates in Denbighshire; the Earl of Southampton his estates everywhere. Gresham held manors as security for loans to Lord Thomas Howard, had advanced £4,000 on the Dorsetshire estates of Viscount Bindon,<sup>2</sup> and was engaged in litigation with Sir Henry Woodhouse, who had mortgaged land to him, and was rash enough to take proceedings against him for usury.<sup>3</sup> Pallavicino had a mortgage on some of the estates of the Earl of Shrewsbury. Three wine merchants and a mercer were the mortgagees of four manors belonging to the Earl of Essex and of the parks of a fifth. Sir Thomas Egerton complains that his creditors are "violent to take advantage of forfeitures of mortgages and bonds." The Earl of Huntingdon was suspected of being crushed by "hidden mortgages."

The circumstances of borrower and lender varied so enormously from one case to another, that it is impossible to say what was the market rate of mortgages, or indeed whether there was a market rate at all. But it is evident that the lender held the stronger position, and that his terms were often extremely onerous. Middleton's picture of the interview between the new heir, "two arch-tradesmen," and Mr. Bursebell the scrivener is drawn from life.<sup>4</sup> A landowner mortgages four tenements for twenty-five pounds, for which he must pay at the rate of thirteen pounds six shillings and sixpence per annum, and forty pounds when the mortgage is discharged.<sup>5</sup> For a loan of £200—"a plague upon these usurers"

<sup>1</sup> See Marston's *Eastward Ho!*

<sup>2</sup> *Hist. MSS. Com.*, *MSS. of Marquis of Salisbury*, p. 573, for other references see back p. 32, note 2.

<sup>3</sup> *Proceedings in Chancery, temp. Eliz.*, §§ 2, 14.

<sup>4</sup> Th. Middleton, *Father Hubbard's Tales*.

<sup>5</sup> Selden Society, *Select Cases in the Court of Requests*, pp. lxxvii-ix, and 11-14.

—Lady Hungerford pays nineteen per cent.<sup>1</sup> Edward Willoughby complains to his brother that lenders refuse accommodation under twenty per cent.<sup>2</sup> A correspondent of Cecil's can only raise £800 on land producing £1,000 a year, and with a capital value of presumably twenty times that figure.<sup>3</sup> A grocer who did business as a money-lender gets a country gentleman into his clutches, discounts his bills at twenty-five per cent., renews them at compound interest, and finally, having sold up the debtor, becomes lord of the manor.<sup>4</sup> A Devonshire squire is introduced by a London saddler, who acts as broker, to a London merchant-tailor, and pays £100 for a loan of £500.<sup>5</sup> A country gentleman approaches a scrivener for a loan of £100 to a friend who is in difficulties, and finds two other names to back the bill in addition to his own. The scrivener demands twenty per cent. interest, two pounds as a fee for his time, twenty pounds for legal expenses in making the bonds, and twenty pounds in repayment of an old debt owing by an acquaintance of the parties concerned. Finally, after all the charges have been paid, "there was no bond delivered."<sup>6</sup>

Even a great noble has to approach the all-powerful financier on his knees. Sir Horatio Pallavicino, to whom Lord Shrewsbury sends his agent to negotiate a loan of £3,000, is a figure who was typical of the seamy side of Elizabethan finance. Beginning his career under Mary as a collector of the papal taxes in England, he had experienced a sudden conversion on the accession of Elizabeth, and had laid the foundations of his subsequent immense fortune by retaining in his own hands the funds which his conscience forbade him to deliver to antichrist. Having made himself indispensable to the Government as one of its financial agents—it was largely through his hands that the funds advanced to the Netherlands passed—he was knighted, and bought property in Cambridgeshire, where he grumbled at the crushing weight

<sup>1</sup> *S.P.D. Ets.* (Add.) 1566-79, xviii, no. 53.

<sup>2</sup> *MSS. of Lord Muddleton*, p. 567.

<sup>3</sup> *MSS. of Marquis of Salisbury*, pt. VIII, pp. 190-1.

<sup>4</sup> Hall, *Society in the Elizabethan Age*.

<sup>5</sup> *Middlesex Sessions Rolls*, 191-6.

<sup>6</sup> *MSS. of Marquis of Salisbury*, pt. V, pp. 362-3.

of taxation like any country squire. When Lord Shrewsbury's agent applied to him, his pose was that of a plain business man who is anxious to oblige a friend, but who sees practical difficulties. He laments the "froward fortune" which prevents him accommodating his lordship. "His affairs are much disordered." Owing to official delays, he cannot obtain the money owed him by the Government. Borrowers take advantage of his good nature, and "others deal not so freely in their bargaining as he doth." Then a happy thought strikes him: to do a service to the Earl, he will approach a friend in the city, Mr. Maynard. But Mr. Maynard has his weakness: he is a terrible miser. Unlike Pallavicino, who "would desire no other security but your Honour's and Sir Charles," Mr. Maynard is "very backward to disburse any money upon bond or any other security, but only land, neither will he deal in land by way of mortgage for years or any long time, but only for two or three months." His attitude is deplorable; but what can Sir Horatio do? "Because Mr. Maynard is drawn to this by him, he must content him." With a blush of embarrassment he states Mr. Maynard's terms. The Earl shall have £3,000 if he conveys to Sir Horatio and his wife land worth £7,000, pays all legal and other expenses, and agrees to forfeit all interest in it unless the mortgage is paid off in three months!<sup>1</sup>

Besides Pallavicino and Maynard there were other well-known financiers who did this lucrative business in mortgages on a large scale, such as Thomas Gresham, whose father had been the largest grantee of monastic estates, and who, though better known as the Government's financial agent, advanced money to the nobility; Stoddard, who from being a grocer's apprentice became a successful money-lender; and, somewhat later, Audley, who, starting in a minor post in the civil service, was said, when he died, to be worth £400,000.<sup>2</sup> It did not, however, require a financial genius to make money by playing needy squires till the moment came to land them. In London there was evidently a good deal of free capital

<sup>1</sup> Lodge, *Illustrations of British History*, vol. III, pp. 41-4.

<sup>2</sup> A short account of Audley, taken from a seventeenth-century pamphlet, is given by Disraeli, *Curiosities of Literature*.

seeking investment—not so very long after it was said that the city was rich enough to buy all the estates in England several times over—and in the reign of Elizabeth landowners were financed mainly by prosperous tradesmen and by the less reputable type of lawyer. Merchants, mercers, drapers, grocers, tailors, ironmongers, wine-merchants, inn-keepers, goldsmiths, scriveners, as well as an indefinite number of “citizens,” are all found making advances.

Apart from the financial embarrassments of the gentry and the rapidly growing fortunes made in trade, the economic basis of the movement was the opportunity of increased profits offered by the more rigorous methods of estate management which were becoming the fashion. The process by which the business man who acquired a derelict estate made it pay was similar to that which a modern euphemism calls the “reconstruction” of a company. The speculator bought it at a low figure, not merely because the owner was in difficulties, but because, as long as an easy-going fashion of handling it obtained, the return was bound to be relatively small. He made his profit by bringing the business habits of the city to bear on it. The opening for drastic reorganisation was given him by the fact that a large part of the landowners’ incomes consisted of customary payments which had often not been readjusted to keep pace with the rise in prices. Of course, the purchaser had often been forestalled. But, as surveys show, even in the seventeenth century, the margin between rents of assize and the market value of holdings was apt to be wide; the odium of a wholesale revision of fines or of the substitution of leases for copies was considerable; and, as long as a conversative or good-natured landlord shrank from facing it, the unearned increment was pocketed by the tenants. By the use of judicious rigour, a newcomer brought up in the sharp commercial school of the city could screw a handsome return out of an estate which had brought its previous owner nothing but debts. “There are some,” wrote a pamphleteer at the end of the century, “that hire house and land after 20 pounds the year and are good gainers by it, and yet they let the same to others and make after 60 pounds the year. I have



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known others that have laid out some £800 in purchase, and in less space than a year have sold the same again for £1,100 to another, and ready payment."<sup>1</sup> The denunciations launched against the capitalist, who, having bought land from an "unthrifty heir," proceeded to "rack and stretch out the rents," have sometimes been dismissed as the hysterical exaggerations of professional pessimists. But it may be doubted whether the speculators would not have felt more annoyance at the slur on their acumen implied by their apologists than gratitude for the defence of their morality. They themselves do not conceal the fact that "racking and oppression of tenants," though not everyone can afford to face the storm which it may produce, is one way of making an investment profitable.<sup>2</sup> Audley, aided by the position which he attained in the Court of Wards, had reduced to a fine art the policy of snapping up the estates of distressed gentlemen, reconstructing their management, and then selling them for a capital sum which reflected their increased rent-roll. The maxim ascribed to him by his biographer put the economics of the situation in a nut-shell: "I would raise my rents to the present price of all commodities. For, if we should let our lands as others have done before us, now other wares daily go on in price, we should fall backwards in our estates."<sup>3</sup>

"Here lay," wrote Massingham in his picture of the money-lender,

"A manor bound fast in a skin of parchment,  
The wax continued hard, the acres melting,  
Here a sure deed of gift for a market-town,  
If not redeemed this day, which is not in  
The unthrifths' power; there being scarce one shire  
In Wales or England, where my monies are not  
Lent out at usury, the certain hook  
To draw in more."

The financial dependence of rural England on credit supplied by London, of which these transactions were the symptom,

*The Death of Usury, or the Disgrace of Usurers (1594).*  
Lodge, *op. cit.*, pp. 41-4.  
Quoted by Disraeli, *op. cit.*

had a social effect of the first importance. The steadily rising prices of the sixteenth century would in any case have depressed the landed proprietor and advantaged the merchant. But, since only the merchants could keep the landowners afloat, what happened was that land was transferred from the dying feudal nobility and old-fashioned squires to the commercial middle class.

Like the Crown, and for the same reason as the Crown, the aristocracy was shedding its estates. The bourgeoisie, which had bought land steadily throughout the fifteenth century, and which benefited more than any other class from the spoils of the monasteries, picked up the fruit, and, on occasion, shook the tree. Apart from financial giants like Pallavicino, Gresham, and Audley, it was a common thing under Elizabeth for a merchant to own enough land to pose as a country gentleman, and when the son of an alderman apologises for his presumptuous match with the daughter of a peer, his first excuse is to point out that, in addition to property in the city, he owns three manors in Hertfordshire.<sup>1</sup> The process was naturally unpopular with the peasantry, who felt a commercial screw turned upon them by an absentee landlord. Conservative opinion disapproved of it on political grounds; it tended, it was held, to the confusion of classes and the undermining of public order. At the end of the fifteenth century, legislation<sup>2</sup> had attempted to protect the landowner against the capitalist by forbidding the mortgagee to take part of the revenue yielded by the estates on which he advanced money. One of the maxims dictated to Edward VI by his teachers was that "this country can bear no merchant to have more land than £100."<sup>3</sup> The programme<sup>4</sup> of social reconstruction prepared by Cecil for the first parliament of Elizabeth included a provision limiting the land which merchants might buy to the value of £50 a year, unless they were aldermen or sheriffs of London. Needless to say, no more was heard of it.

<sup>1</sup> Ellis, *Original Letters, Second Series*, vol. IV, pp. 91-4.

<sup>2</sup> Hen. VII, c. 8.

<sup>3</sup> *King Edward's Remains*, in Burnet, *History of the Reformation*.

<sup>4</sup> *Considerations delivered to the Parliament, 1559; MSS. of the Marquis of Salisbury*, pt. I, 162-3.

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The resentment of the landed gentry themselves, if less reasonable, was not less intelligible. Men may live on overdrafts, but few men love their bankers. In spite of the close interlacing of land and capital in England, the outlook of the two classes, one spending, the other saving, one declining, the other rising, was too different for them to regard each other with more than a somewhat tepid tolerance. Behind a deferential exterior, the merchant watched with an ill-concealed sneer the extravagance of the squire whose bones he looked forward to picking, and asked, "How could merchants thrive, if gentlemen were not unthrift?"<sup>1</sup> Unversed in the subtleties of compound interest, and sometimes badly served by their agents, the country gentlemen replied with a curse at usurers and bloodsuckers, promoted bills to restrain their exactions,<sup>2</sup> and from time to time petitioned the Crown to take the question up. Theorists rationalised the grounds of their dislike. "Land and money are ever in balance one against the other; and when money is dear, land is cheap, and where land is cheap money is dear"<sup>3</sup>; this doctrine, which played so large a part in the controversies of the later seventeenth century, and which helped Chamberlayne actually to carry through parliament his fantastic scheme of a land bank as a rival to the Bank of England, was already familiar at the beginning of it. Owing to the dearness of money, land, it was argued, could not be improved or forestry carried on: when the rate of interest was ten per cent. estates sold for only fifteen years' purchase; to raise their value and increase employment on the land, it should be called down to not more than in Holland. But the real reason for the country gentlemen's prejudice against the money-lender was more obvious and more fundamental. It was the dislike of a debtor class for its creditors.

<sup>1</sup> Marston, *Eastward Ho!*

<sup>2</sup> *Hist. MSS. Com.*, App. to the Fourth Report, pp. 6, 118, 122. Draft of an Act for the reformation of retailing brokers and other pawnbrokers.

<sup>3</sup> *A treatise against usury presented to the High Court of Parliament, 1621.*

(iii)

## THE FINANCING OF CAPITALIST INDUSTRY

THE casual and intermittent transactions described in the preceding sections had supplied material to moralists and legislators since the early middle ages. In the sixteenth century, though they continued to be important, they were coming more and more to lie on the edge of a world in which credit was beginning to assume the character of something like a regular system. For the characteristic movement in Tudor England was the rise of new types of capitalist enterprise. Capital was being increasingly spent on draining and enclosing land. Old mines were being deepened and new mines sunk. The iron industry of the weald was developing rapidly. The Government was endeavouring to encourage the production of munitions and the trades on which it depended, as well as of glass, alum, and salt. The manufacture of cloth, the greatest of English industries, was expanding rapidly. Exports rose from an average of 84,789 pieces in the period 1510 to 1524 to 122,354 pieces in that from 1540 to 1548. The value of cloth exported was returned as £896,079 in 1564; Camden put it a little later at £1,500,000; towards the end of the first decade of James the First's reign it was stated to be about £2,250,000.<sup>2</sup>

Not all these ventures involved an extension of credit facilities. A great—probably, indeed, the greater—part of the agricultural improvements, as of the building, of the age was made piecemeal out of income. Even in industries like the production of iron, which involved some considerable outlay, the capital required to set up a business, if too large for the craftsman, was not beyond the means of the merchant or country gentleman. When large sums were needed, they could sometimes be raised by some form of joint stock association, as in the case of the mining and commercial

<sup>2</sup> Schanz, *Englische Handelspolitik gegen die Ende des Mittelalters*, vol. II, p. 18, gives exports 1509-47. For later figures see *Landsdowne MSS.* 10 ff., 121-2 (cited by Ehrenberg, *England und Hamburg*, p. 8); Camden, *Annals* (17-7 ed.), vol. I, p. 108; Scott, *English Joint Stock Companies*, vol. I, p. 142.

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companies, or of the association formed early in the seventeenth century for the purpose of draining the Cambridgeshire fens. In advancing capital for investment in plant and equipment, particularly in connection with mines, the financier played a part of growing importance, but his main activity and influence lay in a rather different region. The typical economic movement of the sixteenth century was the increase in the importance of commercial capital. While the grandiose undertakings of company promoters and patentees were often financial failures, one industry after another was passing into a condition in which the capitalist, without interfering directly in the actual process of production, gathered into his own hands all the threads of commercial organisation. At once merchant and financier, he supplies raw materials, markets the finished product, and provides the working capital without which productive operations needing a considerable period of time for their completion cannot be carried on.

The part played by credit in the development of trades which had entered this stage of "semi-capitalism" is illustrated by the conditions of two industries which were in other respects sharply contrasted. Alike in the ancient woollen manufacture and in the still youthful extractive industries, there was growing up a somewhat complex financial organisation, without which the expansion which they achieved in the latter part of the century would have been an impossibility. With its two great departments of sheep-grazing and manufacturing, and with an organisation markedly different in the three main clothing areas of the western counties East Anglia and Yorkshire and Lancashire, the woollen industry comprised almost every type of economic unit from the independent master-craftsman to an incipient factory system. At one extreme stood the small producers who were specially typical of the north of England, but who were numerous even in districts where a capitalist organisation was firmly established—men "who make every week a coarse kersy, and are compelled to sell the same at the week-end, and with the money received for the same provide both stuff wherewith to make another the week following, and also victuals to sustain

themselves." <sup>1</sup> Above these cottagers were a large body of "meaner clothiers" who had normally started as weavers, and who, without ceasing to be manual workers, had developed into considerable employers, like the tradesmen in Baxter's native town of Kidderminster, where, though "the magistrates of the town were none of them worth £40 per annum, and most not half so much, three or four of the richest thriving masters of the trade got about £500 or £600 in twenty years, and it may be lost £100 at once by an ill debtor." <sup>2</sup> The apex of the industry consisted of a class of capitalist merchants or rich clothiers, like the famous clothiers of Bath and Wells described by Leland, Spring of Lavenham in Suffolk, whose daughter married an Earl of Oxford, Winchcombe of Newbury, and Byrom of Manchester, who found work for 500 to 1,500 employees, <sup>3</sup> wrestled not unsuccessfully with the powerful vested interests represented by the Merchant Adventurers, set at defiance the paternal policy of State control favoured by the Privy Council, and mingled on terms of social equality with the landed aristocracy.

An industry conducted on so large a scale necessarily required an adequate financial foundation. The grazier needed capital with which to buy sheep, to meet the difficulties of a bad season, or merely to carry him over the interval before he received payment. The cottager had to be supplied with wool for which he could not afford to pay. The great clothier did not, indeed, have to incur the cost of expensive plant; but he was obliged to buy and hold large stocks of raw materials, involving some considerable initial outlay; £1,000 was suggested to Burleigh by a correspondent as the sum which a substantial manufacturer needed to start operations. <sup>4</sup> Different types of wool were required for different qualities of cloth, and, as in the case of coal

<sup>1</sup> Quoted Westerfield, *Middlemen in English Business*, p. 287; see also *V.C.H., Yorks*, II, 415.

<sup>2</sup> *Reliquiae Baxterianae*, pt. I, p. 94.

<sup>3</sup> R. H. Gretton, *The Burford Records*, pp. 655-6 . . . "he settythe in occupacione dayly fyve C. of the Kynge's subjets of all sorts, and yff he myght have karding and spyynnyng he wolde sett many moo in worke." (March 1538.) For conditions in East Anglia in the early seventeenth century, see Reyce, *The Brevary of Suffolk*.

<sup>4</sup> *Hist. MSS. Com., MSS. of Marquis of Salisbury*, pt. II, p. 320.

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to-day, there was a complicated system of cross-freightage—the wool of Norfolk, for example, being “brought three score miles or more to London, and from there carried eight score miles or more into North Wales, and there draped into cloth and so sent back again and sold in London,”—which meant that either the grower or manufacturer must be prepared to stand out of his money.<sup>1</sup> Since there were several processes of manufacture, the interval between the purchase of the raw material and the completion of the finished article ran into several months, during which wages were being paid; and, when the cloth was ready for the market, the cost of transport to London or some other port, the fees of the cloth hall, and other marketing expenses had to be met before any return was obtained. Even in the later seventeenth century it was complained that the transport of wares by land to London was “as chargeable as a voyage to Spain or Turkey”<sup>2</sup> and that, even when they had reached it, clothiers were kept waiting for months before they could get payment.

At every point in this complex industry, from the breeding of sheep to the sale of cloth, credit intervened to bridge the gaps between the successive stages. The form which it assumed was normally that, not of a direct loan at interest, but of book-credit granted by the seller to the buyer. A wool-exporting firm, like the Celys<sup>3</sup> in the fifteenth century, bought from the growers on six months' credit, and paid them when the wool was sold abroad. A century later, when the export of cloth had largely taken the place of that of wool, the large grazier sold on credit to the clothier and covered himself by charging a higher price, while the smaller men were financed by wool merchants who advanced them in spring the money needed to enable them to stock their land with sheep. Among the cloth producers, the man with large resources employed agents to travel into the pasture-farming districts and bought a year's supply of raw material from the grazier on long

<sup>1</sup> For an account of the distance travelled by wool of various kinds from the graziers to the clothiers see *S.P.D. Elze*, vol. CLVII, no. 4: “from Oseestrie to Shrewesburie and thence to London the cottones by horse are carried CXX<sup>vi</sup> miles”: and also *S.P.D. James I*, LXXX, 13, the latter quoted, Unwin, *Industrial Organisation in the Sixteenth and Seventeenth Centuries*, pp. 188-9.

<sup>2</sup> Petyt, *Britannia Languens*.

<sup>3</sup> Camden Society, *Cely Papers*, pp. ii and xiii.

credit; his humbler competitors, who could not afford the outlay involved in buying in bulk from the breeders, relied on the local wool-market and paid for the material as they sold their cloth; the cottager bought yarn or wool on credit once a week from a pedlar, or was advanced it by the merchant to whose order he worked.<sup>1</sup> During the period of production the clothier raised money for wages and other current expenses by borrowing, sometimes on ruinous terms, on a bill of sale,<sup>2</sup> and put cloth out to be dyed and finished on credit. When the cloth was finished, it was normally dispatched either to Blackwell Hall in London, or to some other of the exporting centres, mostly on the East Coast. If it was not immediately sold, the clothier who was in need of ready money could on occasion get an advance from the Merchant Adventurers or the cloth-workers at Blackwell Hall by leaving it in their charge; in 1586, for instance, when there was a severe depression of trade, the Merchant Adventurers agreed, under pressure from the Government, "to take up on interest a good sum of money on their common charge, with which money they would buy up all such cloths weekly as the particular merchants for lack of ready money should not be able to buy."<sup>3</sup> More often, it would seem, the clothier gave long credit to the exporting merchant and was paid by the latter when the cloth was sold.

In the home trade credit was equally vital. The custom of the trade, a Kentish clothier told Sir Robert Cecil in 1595, was "that in the dealings between the clothier and the draper, in delivery of cloths upon credit from one fortnight to another, they do not take specialties, but from time to time upon the delivery of new cloths receive money for the old upon account."<sup>4</sup> A large clothier, like the famous Jack of Newbury, might have £500 owing him from a single draper.<sup>5</sup> In the controversy between Chester and Shrewsbury in the reign of Elizabeth, which arose from the request of the former

<sup>1</sup> I take this account of the organisation of the industry from *S.P.D. James I* vol. LXXX, 13 (quoted Unwin, *Industrial Organisation*, App. A, 11).

<sup>2</sup> *S.P.D. Ets.*, CVI, 48.

<sup>3</sup> *Acts of the Privy Council* (New Series), Dec. 24, 1586.

<sup>4</sup> *Hist. MSS. Com.*, *MSS. of the Marquis of Salisbury*, pt. XIII, p. 560.

<sup>5</sup> Deloney, *The Pleasant Historie of Jacke of Newberie* (edit. by F. O Mann).



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that it should be made the staple for the cotton and frieze industry of the district, Chester admitted that the most dubious aspect of the proposal was the difficulty of raising locally the "stock to wield so great a matter,"<sup>1</sup> but urged that the difficulty of financing the trade might be overcome either by interesting Bristol capitalists, or by inducing the Government itself to advance money. Shrewsbury pounced upon the weak point in their opponents' case, and made it the basis of a sermon on the indispensability to provincial industry of the London money market. "Frieze and cottons in the hands of the poor are such to find them from hand to mouth, and they must have thereby three things, viz., oft returne, ready payment, and easy furniture of victuals . . . The returns be now oft by reason of the trade of Shrewsbury to London, for they buy these things of the poor in the market of Oswestry on Monday, and have them dressed, and send to London on the Friday after, where they sell them and receive money or employ in other wares . . . and so make return ordinarily for the most part within xiv or xx days . . . For speedy payment Chester is not furnished as London, and for the meantime the poverty of Wales cannot tarry for the enriching of Chester, where is to be noted that the workers of these friezes and cottons are commonly so poor as they be not able to pay their weavers and fullers till the cloth be sold."<sup>2</sup> At present, owner, weaver, and fuller settle weekly in the Oswestry market; if Chester has its way, "the poor . . . lacking their weekly returns must cause a stay of wool in the hand of the woolman, their weavers and walkers to be without work, and the country without money"; and since, with the principal foreign market, Rouen, the trade is on a credit basis, and Chester capitalists cannot stand out of their money as long as the more powerful London houses, the result must be a decline in exports. How dependent the little men in the textile industry were upon credit is shown by their wills. A small cloth producer in Suffolk, who made an inventory of his property in the early seventeenth century, was owed money by the spinners to whom he had advanced wool, by

<sup>1</sup> *S.P.D. Lists*, vol. CLVII, no. 4.

<sup>2</sup> *Ibid.*, no. 5.

weavers whom he had supplied with yarn, and by yarnmen and drapers to whom he had sold yarn and cloth on credit.<sup>1</sup>

The importance of this indispensable and all-pervading nexus was revealed in the sensitiveness with which the highly organised textile industry of Tudor England responded to the effects of injudicious interference or of a trade depression. Even the humblest producer felt immediately any curtailment of credit facilities. Governments tried more than once to eliminate the "wool brogger," or "wool driver," on the ground that he was a parasite who forced up prices by speculation, and made a living, not by honest labour, but by taking advantage of his neighbours' necessities. But the wool broker was not merely a middleman or even a distributor. He was also, in effect, the banker of the cottage weaver, on whose advances the latter was dependent for raw materials, and the effect of their well-intentioned intervention was to evoke a storm of protests from the very class which it had been designed to protect.<sup>2</sup> Among the great clothiers and the exporting merchants economic interdependence was so close that a commercial crisis spread like an infectious disease. A single exporter might owe manufacturers as much as £20,000, and by his failure to pay "overthrow the estates of divers clothiers."<sup>3</sup> During the depression of trade in 1621, which caused widespread distress in the textile districts and led to the appointment of a Royal Commission, the justices of Suffolk reported to the Privy Council that in twelve towns of the country the clothiers had lost £30,415 in the last five years through their inability to secure payment for cloth sold on credit to merchants, and that in twenty towns they had cloth to the value of £39,282 lying on their hands, for which they had incurred all the costs of production, but for which they could now find no sale.<sup>4</sup>

<sup>1</sup> Camden Society, *Bury Walls*, pp. 168-70. For another example see *V.C.H., Suffolk*, vol. II, p. 259, where in 1577 a manufacturer sells cloth to the value of £53 10s., £40 to be paid before St. Bartholomew's day and the remainder before Christmas.

<sup>2</sup> E.g., 5 and 6 Ed. VI, c. 7; 2 and 3 Phil and Mary, c. 13 (which gave a qualified indulgence to the Halifax wool-broker). For the dependence of the smaller producers on credit supplied by the chapman, see *S.P.D. James I*, LXXX, 13, ". . . yarn makers and poor clothiers that depend weekly upon the wool chapman which serves them weekly with wool either for money or credit."

<sup>3</sup> *S.P.D. James I*, CIX, 126.

<sup>4</sup> *Hist. MSS. Com., MSS. of R. R. Wodehouse, M.P.*, p. 440.

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Mining had in the sixteenth century nothing like the importance of the textile industry. While in the latter, England already led Europe, in the former she was behind the Continent. The pioneer in mining in the later Middle Ages had been Germany. The best theoretical treatise on mineralogy and mining technique was by a German, and when attempts were made to develop the mineral wealth of the north of England, German experts had to be imported to teach Englishmen the business. On the other hand, though in scientific methods England was backward, there had always been a good deal of surface mining, and tin and lead had long been regarded as among the most important of English exports. In addition to these long-established industries, the sixteenth century saw the beginning of important new developments. One aspect of the commercialising of land tenure was that progressive landlords threw themselves into developing the coal and other minerals on their estates. The demand for ordnance for the ceaseless wars of the age offered a market for iron ore. The Government, which was anxious for political reasons to develop a munitions industry, took the lead in promoting companies to mine for lead and copper in Westmorland and Cumberland.

The financing of the mining industry presented special difficulties and special opportunities. Not only was the interval before any return could be obtained even longer than in the production of cloth, but there were the additional facts that, in the rudimentary conditions of mining science and in the absence of any class of professional technicians, the industry was far more speculative than it is to-day, and that the investment required before a start could be made with the extraction of minerals might be considerable. There was, it is true, alike in lead, coal, and tin mining much surface working by individuals and partnerships of half a dozen "free miners," who staked out a claim, and were protected in the exploitation of it by mining custom. But even these small prospectors, like the cottage weaver, required to be financed till the mineral was won and sold. Apart from them, the landlord or merchant who undertook operations on a larger scale with hired labour was faced with the necessity

of considerable capital expenditure in sinking pits, draining water, and providing facilities for haulage. In 1591 a Berwick mine-owner is found spending £2,000 on a water gate which has fallen in, and is faced with additional outlay to clear it and to sink new shafts before any coal can be won.<sup>1</sup> If, as sometimes happened, the *entrepreneur* employed several hundred men, he incurred a large wage bill for some months before any return could be obtained.

In such conditions credit was obviously vital, and the early problems of the mining industry arose largely from the difficulty of securing it. The arrangements which obtained in the small enterprises of working miners were much the same as those in the textile trade. The tradesman who found a market for the ore, like the middleman who distributed wool, was also a capitalist who financed the producer. The Derbyshire lead miner sold his ore to merchants who not only smelted it, but kept him afloat with advances; in the Mendips capital appears to have been provided partly by the local gentry, partly by Bristol merchants; the Cornish tin miner was financed by the "tin master," or contractor, who had taken a lease of the properties, and who was in turn kept afloat by advances from those—often London merchants—who had secured the pre-emption of the tin.<sup>2</sup> The Durham coal industry in much the same way obtained capital from the merchants who controlled the sale. Under Elizabeth it was increasingly financed by a small group of Newcastle hostmen, stated in 1590 not to exceed eighteen or twenty persons, who, by an arrangement which became famous or notorious as the Grand Lease, had obtained from the Crown a concession of its coal-bearing properties in the county. They were already putting into operation the policy known later as "the limitation of the Vend," and "so engrossing the whole commodity, and reducing the trade into a few men's hands, have contrived themselves to sell their sea coal at their own prices for their best advantage and the public detriment."<sup>3</sup>

<sup>1</sup> S.P.D. (Add.) 1580-1625, vol. XXXII, 21, see also *History of Northumberland*, vol. IX, pp. 225-7, where a group of London capitalists guarantee capital expenditure up to £2,000 on mines at Cowpen.

<sup>2</sup> V.C.H., *Derbyshire*, II, 831; *Somerset*, II, 375; *Notts.*, II, 327. See Galloway, *Annals of Coal-mining*, p. 99, and Lewis, *The Stannaries*.

<sup>3</sup> *Lausdowne MSS.*, 65, 11.

When, as was more and more the case, mining was carried on upon a larger scale, other means had to be used. The fact that they were backed by the Government and were, in a sense, public undertakings, enabled the Mines Royal and Mineral and Battery works to be floated as joint stock companies with capital obtained by subscriptions from shareholders; and the municipality of Nottingham in the early seventeenth century raised the funds needed to work a local coal mine in the form of one-pound shares. The private landowner, for whom such methods were impossible, had recourse to such merchants or gentlemen as could be induced to take an interest in the venture.

The Willoughbys of Nottinghamshire were an example of enterprising landlords who, for several generations, pursued a continuous policy of supplementing their income from agricultural land by opening coal mines and establishing iron works.<sup>1</sup> In 1542 their bailiffs' accounts show them sinking pits, paying miners and arranging for the coal to be freighted to Hull; in the 'nineties they are spending at the rate of nearly £20,000 a year on iron mills at Codnor; at the beginning of the next century they are considering a project for carrying coal from Nottingham to London by shipping it by water via Gainsborough to Hull, and are in communication with an inventor of a new pumping machine which "shall draw fifteen ton of water at one hour's space at one hundred fathom deep, with the help only of two able men."<sup>2</sup> We can trace in the papers of the family the difficulties which accompanied the development of these enterprises. Apart from technical deficiencies the main problem was to obtain sufficient working capital. Their rivals in the local coal industry, the Strelleys, with whom they had been engaged in a law suit caused by the action of the latter in disposing of their water by turning it into the Willoughbys' pit, seem to have been financed by a group of London merchants, and to have ended by surrendering the property to them as mortgagees. The Willoughbys' policy was apparently to raise capital by note of

<sup>1</sup> For what follows see *Hist. MSS. Com., MSS. of Lord Middleton, passim*, and *V.C.H., Notts*, vol. II, pp. 324-7.

<sup>2</sup> *MSS. of Lord Middleton*, pp. 173-5.

hand, with the backing of friends, from the neighbouring merchants and landowners. The complaint of their employees is always that what hampers their enterprise is lack of adequate financial resources. "Hentworth" (a local competitor who bought coal on credit), explains an agent in answer to criticism, "may well overgo us in the carriage of more coal to Newark, because he neither payeth for coals nor carriage till he have sold them, and we pay beforehand, so that we are not able to have great stacks standing by us, for want of stock, as he may. But if it please your worship to afford a competent sum of money upon sufficient security and interest . . . then we would carry more than he can and can sooner sell them."<sup>1</sup>

The problem was met by borrowing fresh capital, only to create, five years later, the further problem of how to repay it. "Good Sir," writes a despairing manager to Sir Percival Willoughby, who had borrowed from him as well as from others, "whereas you write unto me to pay Sir Phillip forty to fifty pounds . . . he seeth plainly that my receipts, as this year falleth out, will but pay the weekly charge; and for very truth the coal mines, for aught that I can see, cannot answer their own charges. Yet you know that I must pay 1,000 marks to Sir John and him, besides usury, which biteth to the very bone, and the continual charge of removing coal to the bridges . . . I have much ado for money, and so I have as ever I had in my life, neither know indeed which way to turn me . . . You have further written unto me to enter into two thousand pounds bond to Sir John Hollis and Mr. Zacherverall . . . You know, sir, that I am already bound for £3,000 for you, and that yet I could never by any possible means get out of any one bond that ever I entered into. Things have gone so cross with us both, and if Mr. Bate does but fail us in renewing our bonds in November next, then I am sure to be clapped . . . I am already so far in bonds about these businesses, all the coal mines in England should [stand] alone for me, before I would venture so far for them all."<sup>2</sup>

<sup>1</sup> *MSS. of Lord Middleton*, pp. 175-6.

<sup>2</sup> *Ibid.*, pp. 182-3.

Nor were the conditions in Nottinghamshire exceptional. The manager of a Cornish lead mine writes in exactly the same strain—that wages are in arrears, that he has money in hand only for two weeks' more work, and that the pit will be drowned out by water unless he can secure an immediate advance of forty pounds.<sup>1</sup> Both the Durham coal industry and the lead mines of Somersetshire were crying out for capital and offered a golden opportunity to the speculator who would advance it. The latter had its capitalist in Bevis Bulmer, who anticipated under Elizabeth the methods subsequently pursued by Thomas Bushell under the Commonwealth; the former in Sutton, secretary to the Earl of Warwick, who financed coal mines at Whitehaven and Gateshead and was said to have accumulated the considerable fortune of £50,000. When in 1595 the Crown leased part of its coal-bearing property in Northumberland to a London merchant, the lessee parted with it to a group of midland financiers, and they in turn transferred it to a syndicate of London merchants who undertook to advance £2,000 for purposes of development.<sup>2</sup>

The system by which the tin mines of Cornwall were financed was similar in principle. But since tin mining was an important and long-established industry at a time when coal mining was in its infancy, and since the Government had special rights and obligations in the Duchy, the problem was more acute and the arrangements were more elaborate. There were four main groups of interests concerned in the industry, the working miners, the mine owners, or "tin masters," who owned or leased the tin-bearing properties, the parties to whom the Crown, when it did not retain it in its own hands, granted the pre-emption, and the Crown itself. The tin exported from the mines of Devonshire and Cornwall from Michaelmas 1592 to Michaelmas 1593 was stated to be 827,900 hundred-weight: the amount retained to be worked up at home was uncertain, but was estimated as 162,000 hundred-weight. The total annual output of tin at that period, therefore, was about 989,900 hundred-

<sup>1</sup> *S P.D. Elis.*, vol. CLXXI, no. 62.

<sup>2</sup> *History of Northumberland*, vol. 12, pp. 225-7.

weight.<sup>1</sup> It was paid for twice a year, at midsummer and Michaelmas, when the coinage took place. Naturally, however, neither miners nor tin masters could wait six months for their money; it was necessary to provide funds for financing them in the interval, the sum required being put by some estimates as high as £40,000, and by others as low as £10,000.<sup>2</sup> The principal problem of the industry concerned the methods by which, and the terms on which, these funds should be provided.

The system actually adopted varied from time to time, according to the manner in which the Crown disposed of the pre-emption, which was sometimes leased to a syndicate of London merchants, sometimes granted to an influential noble, and sometimes retained by the Crown itself. But in each case it was necessary to organise the credit without which the industry could not be carried on; and the only person who could supply it was the pre-emptor, who bought and marketed the tin. The arrangement which obtained, when, as usually happened, the tin was taken by a group of merchants, was for the "tin master" to borrow cash from them for his current expenses in return for an undertaking to deliver a stipulated quantity of tin at the next coinage, and for the working miner in his turn to obtain advances from the tin master, which he subsequently paid off in tin. "The merchant tanners and the poor labourers," it was explained in 1554 in criticism of the proposed grant of the pre-emption to a single monopolist, "use always to receive and take money beforehand to set themselves on work, and so bind themselves in great sums to deliver tin for such money as they receive at the day of deliverance . . . Thus [i.e., if the grant be made] a number of merchant tanners, which keep a number of poor labourers at work and use to deliver unto some £5, unto some £6, and unto others £20 beforehand, after the rates of such quantity of tin as they yearly use to make, whereby the said merchant tinner shall disburse among the poor men £1,000 before he receive one

<sup>1</sup> *Hist. MSS. Com., MSS. of the Marquis of Salisbury*, pt. XIII, pp. 514-5.

<sup>2</sup> *Ibid.*, pt. V, p. 160.



pennyworth of tin, he cannot disburse such a sum beforehand without taking money beforehand of the merchant buyer. . . . Thus [i.e., if the grant be made] the merchant tinner will lack funds to keep his tanners working, so in time many will be idle, and the whole tin business undone." <sup>1</sup> Naturally the pre-emptor, whether an individual or a syndicate, who stood between the market and the industry, was in a position to make his own terms: there were constant complaints of the extortionate conditions which he demanded for granting accommodation, and of the enormous margin between what, to follow a modern analogy, might be called the "pithead" price of tin—fifteen or sixteen pounds per hundred-weight—and the price of twenty-eight or thirty pounds paid by the pewterers from whom the home demand for tin principally came. The small group of London capitalists who held the pre-emption maintained a financial pressure which was felt in every corner of the industry. Like the brothers Lorenzo,

"Half ignorant they turned an easy wheel,  
That set sharp wracks at work to pinch and peel."

The profit which they made out of the mine owners amounted, it was said, to as much as forty to sixty per cent., and the mine owners in turn squeezed the miners, to whom they made advances in money or in truck at usurious rates of interest.

The charge of profiteering was, of course, denied indignantly by the merchants, who protested their philanthropic intentions to the Government, and claimed that, so far from taking "intolerable use for the loan of money unto tanners . . . for three parts of the tin at least, money was lent unto some after ten, and some after six in the hundred, and to some *gratis*, to be paid in tin after the common prices." <sup>2</sup> But the arguments advanced for nationalising the purchase and sale of tin show that in normal years very large profits must have been made by merchants who bought tin cheap in consideration of loans made to the producers, and had enough capital to hold it till the market was in their favour.

<sup>1</sup> *S P.D. Mary*, IV, no. 5 (quoted Lewis, *op. cit.*, pp. 213-14).

<sup>2</sup> *MSS. of Marquess of Salisbury*, pt. V, p. 160.

"In monarchy," it was argued in 1594, "the wealth of the prince is the riches of the commonwealth, and it being drawn into someone or few men's hands savours of a monopoly, which her Majesty, by taking it into her own hands, doth prevent and remedy . . . In doing by her officer but that which three or four engrossers do yearly, laying the stocks together to the great hindrance of her Majesty and the realm," the queen could get back the capital invested in two years and after that make a profit of £7,000 a year.<sup>1</sup>

Tudor governments were not philanthropists or social reformers. It was these financial attractions, rather than the bankruptcy of the tin masters or the distress of the working miners, which induced Elizabeth's Government to resume the pre-emption, and to advance £8,000 a year to the industry without interest. What is more remarkable as an indication of the urgency of the credit problem is that private speculators, unmoved by considerations of a public character and merely because, in order to get money out of the industry, it was necessary first to put money into it, took up the same policy of establishing a loan fund, or "bank." Among the different pre-emptors in the reign of Elizabeth, no less than five agreed to advance, either at a low rate of interest or for no interest at all, sums varying from £1,000 to £10,000.<sup>2</sup> The failure of later pre-emptors led to general distress and provoked complaints in the reign of Charles I. The fact was, indeed, that, without credit, production was hardly more possible than it would be to-day.

"Traders," wrote the author of a pamphlet in the reign of James I, "will not be confined to trade with their own talents . . . What a world of trading debtors are eaten up with usury"!<sup>3</sup> The situation was not confined to the textile and mining industries; the small industry of wire-making was financed in the same way by a goldsmith and his partner, who undertook to deliver fifteen tons of iron every six weeks in return for bills payable at six weeks, and their failure to implement their contract caused such severe local

<sup>1</sup> *MSS. of Marquis of Salisbury*, pt. V.

<sup>2</sup> Lewis, *op. cit.*, pp. 218-9.

<sup>3</sup> *Usury arraigned and condemned* (1625).

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distress that the Government was obliged in 1598 to intervene.<sup>1</sup> It was an inevitable result of the transference of the control of industry from the individual producer to the commercial capitalist which, alike on the continent and in England, was the most conspicuous result of the industrial revolution of the sixteenth century. The effect of that movement was twofold. It both rendered more acute the problem of maintaining the independence of the craftsman against the financier which had given its edge to the suspicion of the usurer, and created in the higher ranges of economic organisation conditions in which that traditional sentiment lost much of its point. In the increasing number of industries in which the craftsman had ceased to be an independent master, buying his own raw materials and selling direct to the consumer, the financial dependence which elsewhere had been felt mainly in the earlier years of his business life, or when he was harassed by exceptional misfortunes, became almost a normal and permanent relationship. Whether, like most textile workers in East Anglia and the west of England, he was frankly a wage-earner, or whether, as in the case of the humbler members of some London companies, he still regarded himself as a small master working on commission for the merchant, he was in effect the servant of an employer, and of an employer who had him the more completely at his mercy because he not only provided raw materials and marketed the goods, but often advanced the working capital.

Hence the redoubled agitation against usury on the part of social reformers and moralists, the efforts of philanthropists and municipal authorities to enable the craftsman to maintain his independence by borrowing upon easy terms,<sup>2</sup> and the attempts of producers to protect themselves against exploitation by the financier. In Suffolk, where the manufacturers complained bitterly of the extortionate terms charged for advances—"we are forced . . . to pawn £40 worth of commodities for £20"<sup>3</sup>—the Corporation of Cloth

<sup>1</sup> *Acts of the Privy Council (New Series)*, vol. XXVIII, pp. 494-5.

<sup>2</sup> See pp. 125-8.

<sup>3</sup> *S.P.D. Elys.*, CVI, 48.

Producers endeavoured to protect its members by forbidding them to pay more than ten per cent. for advances.<sup>1</sup> The tin miners paying "twopence in the shilling . . . and at his master's mercy for his whole wage"<sup>2</sup> continued down to the Civil War to clamour, and sometimes with success, for the establishment of an industrial bank. The hardware trade suffered in somewhat the same way from the domination of the commercial capitalist, and a bill was introduced on its behalf to forbid dealers in iron from paying for iron goods in truck.<sup>3</sup> The London felt makers proposed to deliver themselves from "the extreme malice of the haberdashers" by raising a stock of £25,000 to be used in paying ready money for all hats produced by the members of the company.<sup>4</sup> The pin makers induced the impecunious Government of Charles I, which was always ready to combine philanthropy with profit, to agree to finance the commercial side of the industry by furnishing "a stock of £10,000."<sup>5</sup>

These attempts on the part of craftsmen to maintain their financial independence were a practical illustration of that growth in the power of the commercial capitalist which was one occasion of the books of Wilson and his contemporaries. But the movement which provoked their denunciations itself made it impossible that they should have any practical effect. It was not merely that, in an age when trade was almost universally conducted on a credit basis, the desire of the preacher, as of other conservatives, that "every man would live in his trade and calling" without borrowing, was a mere pious aspiration. A century and a half before Defoe wrote that "English tradesmen . . . understand how to manage credit . . . better than any other tradesmen in the world," book credit between the shop-keeper, wholesale manufacturer, and producer of raw materials was already highly developed. Loans to enable rich capitalists or landowners to finance profitable undertakings, which had been the exception, were

<sup>1</sup> *V.C.H., Suffolk*, vol. II, p. 263.

<sup>2</sup> *Lansdowns MSS.*, 76, fo. 34 (quoted Lewis, *op. cit.*, pp. 214-15.)

<sup>3</sup> *Hist. MSS. Com.*, App. to Third Report, p. 11.

<sup>4</sup> Printed Unwin, *Industrial Organisation in the Sixteenth and Seventeenth Centuries*, App. A, IV.

<sup>5</sup> *Ibid.*, App. A, III.

becoming the rule. Loans to meet the occasional necessities of the small producer, formerly the typical case, were dropping into an unregarded background. Economic opinion, the docile servant of predominant economic interests, was not slow to supply a victorious movement with the intellectual canonisation which it required. As usual, the reaction overshoot the mark. Theorists, observing rightly that doctrines designed to protect the peasant or craftsman against the pawnbroker were not equally applicable to clothiers, mine-owners, and iron masters, who were quite capable of protecting themselves, were beginning to swing from excessive rigour to excessive laxity. Having for centuries argued with little reason that interest was oppressive in all circumstances, within half a century of Wilson's death they were to argue with even less reason that it was oppressive in none.

(iv)

#### THE FOREIGN EXCHANGES

IN inserting in his discussion of problems of credit a special section upon the foreign exchanges, Wilson was paying a significant, if hostile, tribute to what was the most typical and most important of the financial developments of his age. A century before, few writers on the subject—certainly few English writers—would have thought it necessary to select the exchanges for particular examination from among the other forms of "merchants' practice" comprised under the general heading of usury. By the 'fifties of the sixteenth century, thanks to repeated depreciations of the currency, to the heavy payments which the English Government had to make to continental armament firms, and to the large loans which it was obliged to raise from continental bankers, the foreign exchanges had become a public question of the first importance. From the accession of Edward VI to, at least, the late 'seventies, with short intervals of optimism, the State papers are full of the apprehensions of statesmen and publicists at the low standing of sterling on the international

market, and, less than five years after Wilson's book appeared, the Government made one of the recurrent efforts at "controlling" the exchanges which continued at intervals down to 1628. The public debate upon exchange questions profoundly influenced economic thought. It was as an incident in it that bullionists and mercantilists hammered out their rival theories of foreign trade. And, since problems of currency and credit lent themselves more readily than other economic questions to discussions in terms of mechanical causation, it was a potent factor in accelerating the transition from the casuistry of economic conduct represented by Wilson to the objective analysis of the Political Arithmeticians.<sup>1</sup>

Space forbids us to do more than allude to the financial mechanism presupposed in Wilson's account of the foreign exchanges. The conditions of the development of an international money market are partly economic and partly political—the existence of financial centres by whose opinion the standing of different firms is gauged and of financial houses with sufficient resources to provide ready money against acceptable paper, close contact between different commercial centres, reasonably stable currencies, and confidence that liabilities will not be repudiated by governments or rendered incapable of discharge by war. In its international politics and its public finance, the sixteenth century was but little superior to the twentieth. The economic life of a great part of the continent was repeatedly paralysed by war. Its commercial and financial capitals, South Germany, Antwerp, and Lyons, were in turn ravaged or sacked. International commerce was interrupted by recurrent blockades. The

<sup>1</sup> It is not possible here to enter into the details of the movement in exchange rates, for the study of which, however, considerable materials exist. A short account of public policy is given below, pp. 138-54. Among the most important contemporary discussions of the question are the following:—*Havl. MSS.* 660, fo. 107 (a memorandum prepared for the Royal Commission of 1564); *Ibid.* 251, 57, fo. 112 (a collection of precedents as to the office of Royal Exchanger); *S.P.D. Ets.*, vol. LXXV, no. 54 (a *Devise* for the remedyinge of some parte of the inconveniences which daylye grows in this realm by usury and dry exchange); *S.P.D. Ets.*, vol. CVI, no. 6 (a memorandum on the exchanges); Schanz, *Englische Handelspolitik*, vol. II, pp. 611-48; Burgon, *Life of Gresham*, vol. I, app. VII, XI, and XXI; Pauli, *Drei Volkswirtschaftliche Denkschriften aus der Zeit Heinrich VIII*; Goldsmiths' Library, MS. no. 10, *Policies to reduce this Realme of England into a prosperous Wealthe and Estate*; Camden Miscellany, vol. II, *Request and suite of a true-hearted Englishman*, by Wm. Cholmley; Malynes, *The Canker of England's Commonwealth*. The best modern study is still that of Ehrenberg, *Das Zeitalter der Fugger*.

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currencies of all states were execrable. In Wilson's lifetime the French Government defalcated once, and the Spanish twice, while the latter, in addition to practising repeated confiscations, was again to repudiate part of its debts in 1596.<sup>1</sup>

In its economic organisation the machinery of international trade had reached a state of efficiency not noticeably inferior to that of three centuries later. Before the most highly-organised economic systems of the age were ruined by the struggle between Spain and the Netherlands, and by the French wars of religion, there were perhaps ten to twelve commercial centres whose money markets were the financial power-houses of European trade, and whose opinion and policy were decisive in determining financial conditions. In the Flemish, French, and Italian cities where it reached its zenith, and of which England was the pupil, the essence of the financial organisation of the sixteenth century was internationalism, freedom for every capitalist to undertake every transaction within his means, a unity which had as its symptom the movement of all the principal markets in sympathy with each other, and as its effect the mobilisation of immense resources at the strategic points of international finance. Its centre and symbol was the exchange at Antwerp, with its significant dedication, "*Ad usum mercatorum cujusque gentis ac linguae*," where, as Guiccardini<sup>2</sup> said, every language under heaven could be heard, or the fairs at Lyons which formed, in the words of a Venetian, "the foundation of the pecuniary transactions of the whole of Italy and of a good part of Spain and of the Netherlands."<sup>3</sup>

Apart from the crowd of traders, speculators, and promoters who hung upon its outskirts, the personnel of the international money market consisted of the resident correspondents maintained by the great financial houses of South Germany, Italy, France, and Spain, of the agents employed by governments

<sup>1</sup> The French repudiation took place in 1557, the Spanish in 1557, 1575, and 1596. For short accounts of the circumstances see Häbler, *Die Wirthschaftliche Blüte Spaniens und ihrer Niedergang*, and Ehrenberg, *op. cit.*, II, pp. 147-82 and 259-61.

<sup>2</sup> Lodovico Guiccardini, *Descrittione di tutti i Paesi Bassi*.

<sup>3</sup> Tommaseo, *Relazioni degli ambasciatori Veneti*, I, 36 (quoted Ehrenberg *op. cit.*, II, p. 73.)

either to negotiate their loans, or when, like Portugal and Spain, they traded themselves, to dispose of their products, and of an inner ring of successful merchants who found finance more profitable than trade. The supply of capital concentrated at these nodal points flowed from every country and from every type of undertaking, productive enterprises such as the silver and copper mines of the Fuggers in the Tyrol and Hungary, the profits of trading ventures such as those of the English Wool Staplers and Merchant Adventurers, successful investments and speculations on the part of the financiers themselves, and to a less extent, since the habit of leaving money on call at a fixed rate of interest had already gone some way in parts of the continent, from savings invested with them by the general public.<sup>1</sup> The demand came from the need of large sums to finance the purchase of the produce handled on the world markets, such as spices—above all, pepper—copper, alum, and the precious metals, the insatiable appetite of governments engaged in, or contemplating, war, and the requirements of merchants occupied with foreign trade. Linked to each other by the presence in each of the great financial houses of the continent, with abundant capital seeking investment, a considerable class of financial specialists and a highly-developed financial technique, Antwerp, Lyons, Frankfurt, and Venice, and, in the second rank, Rouen, Paris, Strasburg, Seville, and London,<sup>2</sup> apart from their importance as centres of industry and as markets for public loans, formed together the departments of an international clearing house where bills could readily be discounted, drafts on any considerable city could be obtained, and the papers of merchants of almost every nationality changed hands.

London, when Wilson wrote, possessed neither the resources nor the organisation of Antwerp and Lyons. Its Exchange, though projected by Sir Richard Gresham in 1537, was not completed till 1567, and not formally opened by Elizabeth till 1571. In spite of the merchant's boast that

<sup>1</sup> See, e.g., the remarks of Wilson's apprentice, Guiccardini, *op. cit.*, and Ehrenberg, *op. cit.*, I, pp. 391-2, where the practice is defended as a convenience to the general public.

<sup>2</sup> I take this list from *S.P.D. Ess.*, CVI, no. 6.



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the city was "the queen's ante-chamber," the Government down to the 'seventies was dependent mainly upon foreign capitalists; few of the great financial houses who maintained agents at Antwerp, Lyons, and Seville, seem to have thought it worth while to do the same in London. Though later in development, however, and humbler in the scale of its operations, English finance reproduced most of the features of the more famous financial centres, and there was a close connection between the London money market and that of the continent. Its personnel consisted partly of old-established foreign firms, principally Italian, partly of English merchants connected with the Wool Staplers' and Merchant Adventurers' organisations, who had more recently entered the business. The Florentine houses, who had largely financed Henry VIII, had been superseded towards the end of his reign, as far as public loans were concerned, by the South German firms at Antwerp. But financial business continued to be largely in the hands of Italians. When, in 1553, Cecil prepared a programme for controlling the exchanges, what he emphasised most was the necessity of keeping a tight hold on the Italians, who "go to and fro and serve all princes at once . . . work what they list and lick the fat from our beards."<sup>1</sup> Italian financiers, such as Pallavicino, Vellutelli, and Spinola, were employed by the Government of Elizabeth to raise loans abroad and to transmit subsidies to the Netherlands.<sup>2</sup> In the middle of her reign it was Italian bankers who took the initiative in organising opposition to the proposal to impose a tax upon exchange transactions.<sup>3</sup>

The prominence of the Italian colony in connection with the money market is significant, since it suggests that the more highly-specialised and intricate type of financial business, involving international connections and an accurate knowledge of foreign conditions, was still something of an exotic. But it was everywhere the nature of finance to be cosmopolitan; in Antwerp itself the rôle played by native Flemings

<sup>1</sup> *Hist. MSS. Com., MSS. of the Marquis of Salisbury*, pt. I, pp. 162-4.

<sup>2</sup> *Ibid.*, pt. II, pp. 6 and 316; pt. VII. *S.P.D. Ets.*, *passim*.

<sup>3</sup> Their protest is printed Schanz, *op. cit.*, pp. 642-3; see also *MSS. of the Marquis of Salisbury*, pt. II, p. 143, and pp. 151-3.

appears to have been insignificant; and from an economic point of view it obviously made no difference to the English exporter whether his bill was discounted by a Londoner or by a Venetian. What is more remarkable, as an indication of the growth in the complexity and resources of English economic organisation, is the increase in the number of English firms who specialised in exchange business. By the latter part, at any rate, of the fifteenth century, and doubtless much earlier, the provision of credit for merchants had become a regular trade, in connection with financing both imports and the principal English exports of raw wool and, somewhat later, of cloth. The policy of the wool staplers, it was complained,<sup>1</sup> was not to bring home the proceeds of their sales of wool at Calais, but to advance them to English merchant adventurers engaged in an import business between the Continent and England, who used the money to buy foreign wares, and subsequently repaid the lenders in London. The wool-exporting business of the Celys was a case in point. Their practice was to sell to the foreign buyer partly for ready money, but mainly on six to nine months' credit. When paid in ready money at Calais, they frequently left it in the hands of their agent there to advance to other merchants till the next market. Their bills they discounted almost invariably with one particular class of London tradesman, namely, the mercers, who evidently were specialists in financing the wool trade, advanced exporters sums of several hundred pounds at a time, and, in addition, carried on a certain amount of money-lending of a more miscellaneous character.<sup>2</sup>

A new impetus to this class of business was given by the enormous expansion of foreign trade, particularly of the export of woollen cloth, which took place in the reign of Henry VIII.<sup>3</sup> The personnel of the new enterprises was drawn, as was natural, from the ranks of the successful merchants, who had accumulated considerable capital in foreign commerce, acquired a knowledge of the markets, and saw in

<sup>1</sup> Pauli, *op. cit.*, pp. 19-20.

<sup>2</sup> Camden Society, *The Cely Papers*, pp. 5, 6, 11, 15, 17-8, 39, 41, 107, 134, 204.

<sup>3</sup> Schanz, *op. cit.*, II, p. 18, where statistics are given.

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the financing of foreign trade a more profitable and less risky employment of their capital than in trade itself. It was a common impression among observers of economic conditions that more than half the profits of the export trade, and far less than half the trouble, went to the financier who, "knowing certainly whether and what the merchants gain upon the wares they buy and sell," was able "to get a part and sometimes all his gains that employeth money taken up by exchange on wares, and so make others travell for his gains."<sup>1</sup> The result was a movement precisely similar to that which Guiccardini described in Antwerp, and which had carried the Fuggers first from their humble textile business into financing silver mines, and then from mining to their dominant position in the international money market. The successful trader, while continuing—to the confusion of posterity—to be called by the generic term of "merchant," retired from trade and became, in effect, a banker.

The process was described by a hostile critic<sup>a</sup> who wrote at the close of the reign of Henry VIII, and a few years later, by Gresham, who saw in it a cause of the catastrophic fall in the exchanges. According to both, what had happened was that the boom in the cloth trade had been followed by a period first of cut-throat competition and then of depression. Young merchants, Gresham complained, "hathe from time to time run in headlong into the feat of merchandise and so entered into credit; and when they had overshot themselves, and had burdened themselves with more than their substance would bear, both here and in England, then, for saving of their name and credit, they were fain to run upon the exchange and rechange; and the merchants, knowing they had need thereof, would not from time to time deliver their money but at their price."<sup>3</sup> In other words, the new businesses which entered the trade, having little or no capital of their own,

<sup>1</sup> *S.P.D. Eius*, vol. CVI, no. 6.

<sup>2</sup> Pauli, *Drei Volkswirtschaftliche Denkschriften*.

<sup>3</sup> Burgon, *Life and Times of Sir Thomas Gresham*, vol. I, App. VII: "So that by this ytt may apere unto your grace, thes men that be maid fre by this new hanske, for lacke of experyence and knowledge, haythe bynne and is one of the chuffest occasions of the fall of the exchange."

could only keep their heads above water if given long credit by the clothiers and financed by some firm of merchants which helped them with overdrafts. "A greate number of young Englishe merchantes," wrote to the same effect the author of a memorandum submitted in 1564 to a Royal Commission on the exchanges, "doe exercise merchandise with small stockes, who, selling the strange wares hastelly and needfully, retorne the money thereof still by delyverynge the same upon the exchange in Lombard streete."<sup>1</sup> The better established firms, seeing that, while the market for cloth was overstocked and prices were falling, there was a golden opportunity for anyone who had capital to lend, gave up the export business in order to specialise in finance.<sup>2</sup> What they did, therefore, was to make advances to wool staplers, cloth exporters or other merchants trading to Flanders, by discounting bills, usually at two months, on Antwerp. Having been paid in Antwerp they brought their money home by lending it to English traders who did an export business from the continent to England. The profits of this double process were reported to be high. Gresham said that the banks made the merchant pay through the nose; Armstrong said they charged fourpence or fivepence for an English noble; and a writer in 1550 put the interest at sixteen per cent.<sup>3</sup>

This account was that of a partisan and must not be taken too much *au pied de la lettre*. There were obviously other elements which contributed to the growth of the money market besides "the rich old merchants" of the woollen trade who "occupied their money by exchanges." What is evident, however, is that at any rate by the third quarter of the century the financing of foreign trade had become sufficiently profitable to form the main business of a special group of brokers<sup>4</sup> and discount houses. The discounting of

<sup>1</sup> Harl. MSS., 660, fo. 107.

<sup>2</sup> Pauli, *op. cit.*, 34. "Then began old merchants to forsake occupieing of clothes to occupie their money by exchange."

<sup>3</sup> Burgon, *op. cit.*, vol. I, app. VII; Pauli, *op. cit.*; Schanz, *op. cit.*, vol. II, p. 642.

<sup>4</sup> For brokers, see Burgon, *op. cit.*, vol. I, pp. 98-9, 464-5, and 1 James I, cap. 21, which forbids malpractices on the part of "brokers . . . concluding bargains . . . concerning . . . moneys to be taken up by Exchange."

bills, by means of which the merchant received his money "a great while before it is money indeed," is obviously of the essence of any regular system of international trade. As far as concerned the simplest aspect of the foreign exchanges—their use as a mechanism for the settlement of debts between merchants of different nations—neither the practice nor the theory of the age differed much from our own. Foreign trade was universally carried on upon credit; "the greatest quantity of wares transported either outward or inward is bought by money taken up by exchange."<sup>1</sup> In England, which had as its principal export cloth, and its chief market in the countries of Northern Europe, the exchanges which were of decisive importance were those on Antwerp; later, when the Merchant Adventurers moved to North Germany, those on Hamburg; and throughout, though to less extent, those on Lyons and Rouen. Down to the 'sixties of the sixteenth century the bill on Antwerp was the commonest form of commercial currency; the exchange between Antwerp and London was the measure to which merchants and statesmen recurred as the index of the condition of English credit; the seasons when money was plentiful in London were those at which the Flemish importer settled his account. The English cloth merchant timed his supplies for the two great Antwerp fairs, held in the spring and autumn, which continued to be the pivot of the cloth trade long after all other business had passed from them to the new Bourse erected in 1531, drew bills when the cloth was shipped, and either discounted them at once in London or was paid at the settling days which followed the conclusion of these great markets. Whenever there is "a soodene intellygence that thear wilbe presently a goode salle and a greate vente of English ware in the Lowe Countreyes . . . the merchantes of all nations run headlonge to the exchange for moneye to buy and transport accordingly."<sup>2</sup> Imports were financed in the same way, and what Antwerp was for the northern trade, Lyons was for the southern. It was by bills on Lyons, for example, that the English vintners, with the help of Italian bankers in

<sup>1</sup> *Harl. MSS.*, 660, fo. 107.

<sup>2</sup> *Ibid.*

London, paid for wine imported from Bordeaux, while the trade with France in Welsh friezes and "cottons" was financed by London merchants who discounted bills on Rouen.<sup>1</sup> The merchants of the London Hanse, who, in spite of the ceaseless attacks of the Merchant Adventurers, did a large business both as importers and exporters, were, in the words of Gresham, "men that ran all upon the exchange for the buying their commodities."<sup>2</sup> Foreign exporters were either paid through the agents of English merchants on the continent, or drew bills on London and discounted them on whichever of the continental markets they found most convenient. The heavy payments abroad in which the Government was involved by its debts and by its military intervention on the continent, were normally discharged in the same way, without the movement of bullion, by bills on some continental market arranged through the English Merchant Adventurers or through the foreign correspondents of the Italian bankers in London.<sup>3</sup>

Statesmen and publicists suffered paroxysms of nervous apprehension lest the country should be denuded of bullion by an excess of imports and by smuggling; and it was true that a considerable business in exporting under-valued coins was done by goldsmiths and bullion-brokers. But as far as the general course of trade was concerned, these petty malpractices, in spite of the excitement they produced, were without significance. How rare it was for debts to be settled by any other way than by bills of exchange was shown by the dislocation produced by the recurrent spasms of Government intervention. In the reign of Henry VIII it was noted as a surprising piece of bad management on the part of the Government that £20,000 had been sent abroad for the Swiss troops *in specie*, instead of by bills, which would have saved

<sup>1</sup> For Lyons, Schans, *op. cit.*, II, pp. 642-6; for Rouen, *S.P.D. Elis.*, CLVII, 4, 85.

<sup>2</sup> Burgon, *op. cit.*, App. XXI.

<sup>3</sup> E.g., through the Merchant Adventurers, Burgon, *Life of Gresham*, I, pp. 257-62 and 348-53; *MSS. of the Marquis of Salisbury*, pt. IV, p. 529, and pt. XIII, pp. 259-60; through Pallavicino by bills on Rouen, *ibid.*, pt. VII, p. 21; see also *Hart. MSS.*, 660, fo. 107, for the lowering of the exchange "by makinge oves of the Princes' money for payments of debtes beyond the seas."

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£2,000.<sup>2</sup> Richard Gresham warned Cromwell in 1538 that the effect of a recent proclamation restricting liberty of exchange would be the collapse of the English export trade in cloth, which got its money by bills on Antwerp, and a movement of gold from London to the continent to finance imports which could no longer be paid for in the ordinary way.<sup>3</sup> When, in 1551, the Council, characteristically mistaking the symptom for the cause, ascribed the rise in prices produced by repeated depreciations of the currency to the fall in the exchanges, which had reduced sterling from thirty shillings to fifteen shillings Flemish on the Antwerp market, and endeavoured to correct it by renewing the prohibition of exchange transactions, the result was a commercial paralysis which compelled it in nine months to reverse its policy.<sup>3</sup>

The significance of the machinery of the exchanges for foreign trade was set out clearly a quarter of a century later in the protests<sup>4</sup> of the business community against the proposal to make exchange business a State monopoly and to impose a tax on each contract, with which the Government was coquetting in 1574. The effect, it was urged, would either be to bring foreign trade to a stand-still, or else to produce the very drain of gold to the continent which the Government desired to avoid.<sup>5</sup> The Government, in short, as another critic pointed out, could not have it both ways. It could prohibit the export of bullion, or it could prohibit exchange transactions. What it could not do, unless trade were to be paralysed altogether, was to prohibit both. "Seeing that the carriage of money from one realme to another is forbidden, it is necessary for the trade of merchants that there should be an exchange . . . Merchants natural exchange was first devised and used by the true dealing merchants immediately that princes did inhibit the carriage of gold and

<sup>1</sup> Gairdner, *Letters and Papers of Hen. VIII*, vol. II, pt. I, no. 1459. Knight to Wolsey (from Brussels, Jan. 29, 1516). ". . . They marvel that money should be sent from England to the Switzers when 2,000 might have been saved by the exchange. It is reported 20,000 pieces of English gold were sent over."

<sup>2</sup> Printed Schanz, *op. cit.*, vol. II, pp. 632-3.

<sup>3</sup> Frazer Tytler, *The Reigns of Edward VI and Mary*, vol. I, pp. 38-9; Schanz, *op. cit.*, vol. II, p. 67.

<sup>4</sup> *Ibid.*, vol. II, pp. 642-7.

<sup>5</sup> For the arguments used, see pp. 151-3.

silver out of their realme."<sup>1</sup> Practical men realised, in short, that bullion and bills of exchange were substitutes, and that, if left to himself, the merchant would pay in the medium which was cheapest. "When wee have plenty of these (French) crownes hear," wrote the author of a memorandum on the exchanges, ". . . then will the cunyng merchantës forsacke the exchange in the streete and convey over their money by stelthe in crownes to serve their turnes therewith at Antwerp. And so, for lacke of ordenary returne by exchange to Lombard street, the bankers and money merchantës shalbe driven to raise the exchange to an equall value to renewe the recourse thereto againe."<sup>2</sup> It was not a long step from that position to the theory of gold points, and Gresham, at least, came near taking it. "The exchange," he wrote to Elizabeth in 1568, "being at this present at xxii s., all merchants seek to bring into your realm fine gold and silver; for, if he should deliver it by exchange, he disburses xxii s. Flemish to have xx s. sterling; and to bring it in gold and silver he shall make thereof xxi s., iv d., whereby he saves viii d. in the pound; which profit, if the exchange should keep but after the rate of xxii s., in a few years you should have a wealthy realm, for here the treasure should continue for ever, for that all men should find more profit by £5 in the hundred to deliver it for exchange than to carry it over in money."<sup>3</sup>

The dependence of foreign trade upon exchange transactions was so obvious that it hardly required the explanations which the city from time to time addressed to an incredulous Government. Even Wilson, with all his scruples, allowed that, for the settlement of debts between merchants of different nations, "the exchange according to the first institution thereof is very good and most necessary." It was one of the verdicts after which the defendant leaves the court with

<sup>1</sup> *S.P.D. Ess.*, LXXV, no. 54. The connection between the prohibition of the export of bullion and the development of transactions by bill is perhaps not so fanciful as might be thought. The same point was made in the next century by Fynes Morison, *Itinerary*, I, iii, 6. The writer was, of course, mistaken in speaking as though the prohibition of export had been introduced in comparatively recent times, *s.s.*, under Henry VII, though probably this part of the traditional trade policy, like others, was administered more energetically under the Tudors than it had been previously.

<sup>2</sup> *Harl. MSS.*, 660, fo. 107.

<sup>3</sup> *Burgon, op. cit.*, vol. I, pp. 483-6, app. XXIV.



everything except his character, since what it omitted to acquit was nothing less than nine-tenths of his business. For the exchanges were not only, of course, the means by which payment was made for imports. They were also a mechanism for the mobilisation of commercial credit. When the business man of the sixteenth century protested that "the merchants can no more be without exchanges than the ships in the sea to be without water,"<sup>1</sup> he was not thinking of anything so elementary as the simple conversion of sterling to francs and guilders at the mint par of exchange, which was the form of transaction that commended itself to governments imbued with traditional doctrines of *par pro pari*. In theory, no doubt, a bill of exchange might be a mere instrument for the transference of money from place to place, as unaffected by the condition of the market or the standing of the drawer as a modern post office order, and it was this theory which the canon law and the legislation of English parliaments had attempted to enforce. In practice, of course, since even the simplest transaction involved the element of time—"since the bill after delivery will be going to the place where it should be paid"<sup>2</sup>—even a bill payable at sight was necessarily an instrument of credit. The drawer who discounted a bill in order to receive in London the value of money which stood to his credit in Antwerp, or which would stand to his credit in a few months' time, was obviously borrowing. The discounter was making a loan for which he charged "half usance," "usance" or "double usance" according to whether it was for thirteen days, one month, or two months. The exchange dealings on which the whole fabric of European business depended, in which immense sums of money passed in a morning from hand to hand, and to which the greatest financial houses of the day devoted their resources, were obviously, in short, not the mere money-changing of goldsmiths to which moralists, obsessed with the doctrine that "value should be given for value," and, therefore, that any deviation from the mint par of exchange involved fraud,

<sup>1</sup> Richard Gresham to Thom. Cromwell, 1538, printed Schanz, *op. cit.*, vol. II, p. 632-3. The phrase was common form; see its use by an Antwerp financier quoted Ehrenberg, *Das Zeitalter der Fugger*, II, pp. 22-3.

<sup>2</sup> *S.P.D. Ells.*, CVI, no. 6.

extended a grudging recognition. They were the financing of commerce by means of discounts and overdrafts, loans to Government and municipalities, speculations on the movements of the money market effected by arbitrage dealings between the different financial centres of Europe. In the language of the age, they were not "exchange real" or "natural exchange," or exchange "*solo per commodo delle mercanzie*," but "dry exchange" or "merchants' exchange," or exchange "*solo con ogetto di guadagna*."

The words "dry exchange" suggested sinister possibilities, and contemporaries were not slow to emphasise that the thing was as unpleasant as its name. Its definition had lured the Parliamentary draughtsmen of Henry VII into prodigies of laborious obscurity;<sup>1</sup> Wilson visited it with invectives surprising even in a prospective Dean; and, a generation after Wilson wrote, another publicist explained the phrase by the fact that having "no more juice or sap than a painted tree, either in charity or in equity, but being a griping usury under the title of exchange, it drieth up the fountain of both."<sup>2</sup> The cause of these Jeremiads was that the bill of exchange was being applied to new purposes. It had been used in the Middle Ages mainly as an instrument for paying international debts and had been drawn against tangible goods. What puzzled and enraged moralists and statesmen in the sixteenth century was that its use was being extended from paying for imports to the making of advances and the raising of loans, without goods passing at all. "Dry exchange is to deliver money in one realme to be payd in another realme, where the deliverer seeketh not to employ his money either upon wares or otherwise but only to exchange his said money home againe with lucre."<sup>3</sup>

The purpose of these transactions was, of course, simple enough. "Dry exchange" was nothing more mysterious than what to-day would be called a finance bill. It was sometimes distinguished from "merchants' exchange," and sometimes, when both were contrasted with "exchange

<sup>1</sup> See 3 Henry VII, c. 5. An Acte agaynst usury and unlawfull Bargaynes.

<sup>2</sup> Fenton, *A treatise of Usury* (1612).

<sup>3</sup> *S.P.D. Hist.*, LXXV, no. 54.

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real," treated as a particular species of it. The difference between "exchange real" or "natural exchange" and "merchants' exchange," including "dry exchange," was put in a nutshell by a publicist who wrote about 1575. "Natural exchange is upon a certain sum of any prince's money containing certain number of ounces of fine silver in every pound weight, or carats of fine gold in every ounce of gold delivered in one place, to agree by bill to deliver like number of ounces of fine silver or like carats of fine gold coined in another place where it is desired. Merchants' exchange is upon credit and a bill to deliver an able man that seeketh it any sum of money he requireth in any place, where exchange lieth, to repay there a certain sum that containeth more number of ounces of fine silver or carats of fine gold coined than the money did that was delivered him. In natural exchange the deliverer seeketh out the taker, maketh suit to the taker to pay him his money where he desireth it, requireth only of the taker value for value, delivereth his money for ease of carriage and danger of losing. In merchants' exchange the taker seeketh out the deliverer, maketh suit to the deliverer to help him with so much money to have it at such a place again, agreeth the deliverer shall gain by him, taketh it up either to pay his credit, or to employ it about profit, or to pay his necessaries, or to serve another man's necessity."<sup>1</sup>

Wilson's own classification of exchange transactions was more elaborate. He distinguished not only between "exchange real," or money-changing, and "exchange by bills," or "merchandising exchange," but between two kinds of the latter, the first of which consisted of bills drawn against goods, the second of finance bills. Both involved the use of credit, and he regarded both as usury, though he reserved his special denunciations for the last. The point was that in merchants' exchange the borrower did not merely give "value for value," but took up money "to pay his credit or to employ it about profit," and paid interest for it. English writers laboured the fact, because the comparative

<sup>1</sup> *S.P.D. Ets.*, CVI, no. 6.

immaturity of English finance and the public ignorance about it—an ignorance which enveloped most members of most Elizabethan Privy Councils—made what was a commonplace in Antwerp, Lyons or Venice still something of a novelty in London. But in insisting, whether by way of criticism or of commendation, on the credit aspect of exchange transactions, the point which they made, if obvious, was fundamental. What gave the exchanges their economic significance, their political importance, and their moral ambiguity was the fact that they were the machinery used by the money market as the foundation of a system of international credit. In so far as they worked smoothly, they enabled traders "to lay their money with gain in any part of the world where merchandise lieth . . . to compass ready money to get any proffered bargain . . . and to furnish their need for money that tarry the selling of their wares in any country until they come to the price they would have them for."<sup>1</sup> In other words, the exchanges kept capital fluid throughout the whole world of commerce, put the reserves, not merely of the national, but of the European, market at the disposal of any firm of good standing, and supplied a convenient channel of investment to merchants and bankers who desired to earn a high rate of interest on short loans.

The ordinary method by which advances were made was, of course, the discounting of bills, and, in particular, the more complex form of the transaction known to contemporaries as "cambium and recambium." "Cambium and recambium," or "double exchange" appears to have reached its highest degree of elaboration in transactions between Flanders, Lyons and Spain, where, a scandalised English traveller wrote, "the chief merchandise now is clear and plain usury."<sup>2</sup> But it was practised on all markets, including London, and, in spite of his objection to it on moral grounds, the account of it given by Wilson was sufficiently accurate. "The exchanger outward," wrote a pamphleteer, "seeketh either the stapler or stranger that hath any money beyond sea payable and lakketh money here in England to be fayne to take money

<sup>1</sup> *S.P.D. Eliz.*, CVI, no. 6.

<sup>2</sup> Gairdner, *L. & P. Hen. VIII*, vol. IV, pt. I, no. 925.

to his losse, for an English noble to give a 4. or 5*d.* the more for a five or six weeks' respite to be paid again at the mart at Antwerp . . . After which money so received again in Flanders, with the gain thereof, [he] seketh out adventurers of London, who will receive that money again to bestow it upon strange merchandise to bring it to England, and for the loan of every noble to give as much usury to the exchanger again."<sup>1</sup> The lender, that is to say, advances money by discounting a time-bill drawn by the borrower on Antwerp, the latter paying it at Antwerp out of the proceeds of a second bill drawn on London; or, conversely, he advances money in Antwerp by discounting a bill on London, which the borrower meets by selling a bill on Antwerp. His profit in either case depended partly on the difference between the rates of interest in Antwerp and London, partly on the course of the exchanges, the borrower standing to gain if sterling fell and the lender if it rose. "I being at Antwerp," to quote a contemporary who describes another form of the same transaction, "have delivered to another merchant at London £18 Flemish, for the which the said merchant must repay me again at usance, which is within a month after the date of his bill, £20 sterling in London. Then I deliver it to another, or peradventure the same, merchant back again to Antwerp to pay in Antwerp £20 Flemish. That being so paid, have I not gained in three months £2 upon £18, which [is] £16 upon £100 by the year. Is not this a pretty gain?"<sup>2</sup>

The convenience of the arrangement to both parties was obvious. To the lender it offered a safe investment which did not lock up his capital. An English merchant in Spain, for example, advances 600 ducats to a local agent of the English Government, on condition that the latter binds himself to repay within a fixed time "by *cambeo* and *recambeo*," in other words, that his employers return the money from London by bills on Valladolid or Seville.<sup>3</sup> The borrower not

<sup>1</sup> Pauli, *op. cit.*

<sup>2</sup> Schanz, *op. cit.*, vol. II, p. 642.

<sup>3</sup> Gardner, *L. & P. Henry VIII*, vol. IV, pt. I, no. 1132.

only, as was constantly complained by the critics of dry exchange, evaded the usury laws, but could, of course, use the advance for any one of half a dozen purposes, to meet pressing liabilities, to take advantage of a low rate of interest ruling abroad, to hold stock till the market rose, or simply as a means of insurance against the risks of business. The merchant who was pressed by his creditors could not take the risk, as the Italian bankers explained to the Government, of asking them to wait till he had got in the money due to him from his own debtors. For the sake of his credit he must meet his bills on demand. What he did in practice was to have recourse to the money market. He "takes up money by exchange to Lyons or Antwerp," discounts a bill for the benefit of his creditors, and later, when he has collected his own debts, remits by bill to the same place. The foreign exporter who has discounted a bill on the strength of shipments to London, and then finds that the bottom has dropped out of the market, meets the situation by instructing his London agent "to take up by exchange again." He draws a bill, for example, on his London agent which is discounted on some continental market; his agent meets it by drawing on him a bill, which the exporter meets by discounting a further bill, and this in turn is met when finally, with the lapse of time, the vital element in the transaction, the goods are sold.<sup>1</sup>

Even outsiders, whose connection with this international financial system was remote, took advantage of it to secure an occasional advance. An aunt of George Cely, for example, held a bill for ninety-one pounds Flemish which she discounted with a London mercer for eighty-five pounds, sixteen shillings and eightpence.<sup>2</sup> The transactions of capitalists and of the Government were naturally on a larger scale and had more extensive ramifications. The York Merchant Adventurers in 1563 owed between £500 and £600 in Antwerp in advances made from market to market, and were in difficulties, their treasurer wrote, because, having borrowed in addition their

<sup>1</sup> See the statement of the Italian merchants to the Government, 1576. (Schanz, *op. cit.*, vol. II, pp. 642-6).

<sup>2</sup> Camden Society, *Cely Papers*, p. 39.

share of the money lent by the Merchant Adventurers to the queen, the Company would not allow their ships to be cleared till the debt was paid.<sup>1</sup> The international character of the sixteenth century money market is illustrated even more clearly by the instructions for raising a loan which Gresham received from Mary's Government in 1554. He was first to arrange with a financial syndicate of eight Antwerp firms, mostly German, to pay him 300,750 ducats in Spain at the two great fairs in which money was most plentiful and loans usually made, then to put the loan to the credit of English or foreign houses engaged in trade between Spain and England, and finally, as a condition of so doing, to obtain from them an undertaking to advance a corresponding sum in London to the English Government.<sup>2</sup>

As an instrument for raising loans, the mechanism was obviously a powerful one. It is significant, indeed, that in all these accounts it is assumed that the money market is a unity throughout Europe, and that the English merchant can borrow as easily in Antwerp, Frankfurt, Lyons or Rouen, as in the City. Further, it will be observed that these transactions, resting, as they did, upon a calculation of the future course of the exchanges between London and foreign centres of commerce, necessarily involved a considerable element of speculation. In all dealings of the kind there were at least three factors to be considered, the rate of interest at which the bill was discounted or the loan made, changes in the course of the exchanges from day to day, and differences in the rates for money on different markets. The degree to which the two last—"futures" and "arbitrage"—outweighed the first was the measure of the degree to which speculation entered into the transaction. It is clear that on some continental markets, and, in particular at Antwerp and Lyons, this aspect of exchange business was of great, and sometimes of preponderant, importance. "You must often have noticed in my reports," wrote the Antwerp agent of a Nürnberg firm, who, with the aid of astrology, had invented an infallible "system" for forecasting the course of

<sup>1</sup> Surtees Society, vol. CXXIX (1917), pp. 170-1.

<sup>2</sup> Burgon, *op. cit.*, vol. I, App. XI, pp. 472-4.

the exchange, "how often there is a great change from day to day in the exchanges on Germany, Venice or Lyons, so that in eight, ten, fourteen, to twenty days, with other people's money, one, two, three, four, or five per cent. more is won."<sup>1</sup> The movements gave rise to a special class of business, in which dealers betted on the percentage movements up and down, and settled their debts by transferring the margin between the loser's speculation and the actual course of the exchanges.<sup>2</sup> There was a similar development of arbitrage dealings between different markets: a factor of the great German firm of Imhof, for example, calculates the rates for money in Antwerp, Venice, Frankfurt and Nürnberg, and decides that, money being tight, the instructions of his firm to borrow in Nürnberg and remit to Antwerp cannot be carried out at a profit.<sup>3</sup> The gains to be reaped by buying currencies which stood low but were likely to rise were large, and naturally led to attempts to influence the course of the market by spreading false information, or by buying exchange heavily on a particular market so as to create an artificial stringency. It was for a corner of this kind that Gaspar Ducci, the financial agent of the Empire, was forbidden for three years to deal on the Antwerp Bourse.<sup>4</sup>

Against the last type of transaction at Antwerp—against "the bankers and rich merchants of the Low Countries who . . . will be able to make the exchange to rise and fall as they think good for their gain and our loss"<sup>5</sup>—there were frequent, and doubtless exaggerated, complaints in England. Publicists drew a distinction between firms which did a straight-forward export and import business—"merchants traffiquers of wares, who use the exchange only for need"—and the financial houses at Antwerp which handled futures and arbitrage transactions—"great bankers or money merchants that use the exchange onely for gayne by merchandysynge of money, who lye watching to take advantage of the tyme and occasyone to fall or raise the exchanges to their

<sup>1</sup> Quoted Ehrenberg, *op. cit.*, II, 15-16.

<sup>2</sup> *Ibid.*, II, 19-20.

<sup>3</sup> *Ibid.*, II, 21-2.

<sup>4</sup> *Ibid.*, I, p. 222 and II, pp. 311-16.

<sup>5</sup> Printed Schanz, *op. cit.*, II, pp. 648-9.



most proffyte." While admitting that temporary movements were due to changes in the balance of indebtedness on private and Government account, they believed that there was a deliberate conspiracy on the part of the Antwerp bankers to depress sterling, carried out with the encouragement of the Spanish Government. "Because keepinge of the exchange low is the comone benefyt of the Lowe Countreyes, gained upon the common detriment of the Realme of England, therefore it seemeth that the counsell of the finances in the Lowe Countrey have continually spurred the bankers of Antwerp to keepe the exchange lower than the just proportyon of the vallues of the moneys of eythere Realm hath duly requirid."<sup>1</sup> This theory of "a raid on sterling" has always had its supporters; in the sixteenth century it was naturally more popular than would have been a reference to the fact that, less than four years before these words were written, the Government debt in the Low Countries had stood at £279,000, and had been reduced to a more manageable figure only by parting with capital in the shape of Crown estates.<sup>2</sup> In reality, if English financiers were not equally successful in the *Machtspolitik* of high finance, it was not from any lack of will. An economic writer solemnly advised the Privy Council to "make England lord of the exchanges" by using public funds to "make a store of . . . money upon the Bourse of Antwerp"<sup>3</sup> to be subsequently used in selling dollars and buying sterling. Gresham favoured the same plan, and, as his letters show, suffered from no exaggerated squeamishness as to the ethics of cornering the market. Till nearly the end of the century, however, the English cockleshell was towed by the continental leviathans, and the financial resources needed for these grandiose *coups* were not available in London.

In other types of exchange business, as far as their humbler means allowed, Englishmen had little to learn from the continent. The very essence of the transaction known as dry exchange—the quality which gave it its sinister character in

<sup>1</sup> Harl. MSS. 660, fo. 107.

<sup>2</sup> Scott, *English Joint-Stock Companies*, vol. I, p. 33. For "the companies and fellowship of merchautes of Antwerp with their great stockes and substance of money", see Camden Miscellany, vol. II, *The Request and Sust of a True-hearted Englishman*.

<sup>3</sup> *S.P.D. Eliz.*, CVI, no. 6.

the eyes of moralists—was that its object was not to pay for wares bought abroad, but to make a profit out of movements in the relative values of different currencies. The growth of this kind of business is shown not only by the frequency of the denunciations of it, but by the long series of attempts to prevent it made by the Government, which are examined shortly below.<sup>1</sup> Between 1552 and 1571, the period during which, under the Act of Edward VI, any interest whatsoever was forbidden, the movement was said to be due in part to the desire of capitalists to evade the prohibition of usury by putting their money into an investment which could not easily be controlled by the State. But in reality it had been taking place since, at least, the latter part of the preceding century, probably, indeed, much earlier, and its development was obviously a natural result of the growth of exchange transactions caused by an increase in foreign trade. Richard Cely, for example, watched with anxious eyes the movement of sterling and foreign currencies, received reports from his nephew that "money is still at Calais 2s. 2d. lower than it is in Flanders. . . there is no merchants that spend a groat in the town of Calais but they lose a halfpenny," and, horrified by the fall of sterling, instructed him "to send me no sterling money for the loss is so great."<sup>2</sup> The increase in the more risky kinds of these transactions which took place about the middle of the century was widely commented on. English merchants speculate on the course of the exchanges by selling sterling and buying dollars or guilders or vice versa<sup>3</sup>; take advantage of the lower interest of the continental market to borrow at five per cent. in Antwerp from Westphalian usurers and lend at ten per cent. in London<sup>4</sup>; make advances in depreciating currency in Spain and are repaid when sterling has risen in London; plan to sell German currency for French, and then, by converting 50,000 French crowns into sterling, to make the not inconsiderable profit of £1,747<sup>5</sup>; "when they

<sup>1</sup> See pp. 137-54.

<sup>2</sup> Camden Society, *Cely Papers*.

<sup>3</sup> Hall, *Society in the Elizabethan Age*, p. 52.

<sup>4</sup> Roxburgh Society, *Dialogue of two Travellers*, p. 32.

<sup>5</sup> *S.P.D. For.*, 1575, no. 995.

will be deliverers . . . receive in another place above the standard of the mint of the prince's money delivered, and when they will be takers they will pay the same in another place under the standard of the mint of the prince's money taken up."<sup>1</sup> The familiar phenomenon of to-day, by which the exports of a country with a depreciating currency receive, while the process is going on, an artificial stimulus, was turned to account by English dealers who bought in a falling and sold in a rising currency, and supplied them with the conventional arguments against stabilisation. When Sir John Gresham stormed at the attempts made by his nephew to raise the value of sterling on the Antwerp market, the latter explained his attitude by remarking "it is no marvel . . . for that he hath bought £4,000 or £5,000 of wools."<sup>2</sup> Thomas Gresham himself was under no illusion as to the shortsightedness of the City; his argument was always that, though the process of raising the value of English currency might be painful, the business community would benefit by it not less than the State, once it was carried out. "Wherein," he wrote of a transaction described below, "there was no man touched but the merchant, for to serve the Prince's turn; which appeareth to the face of the world that they were great losers; but to the contrary, in the end, when things were brought to perfection, they were great gainers thereby."<sup>3</sup>

If his uncle, who bought in England and sold abroad, was a bear, Gresham himself, since he bought abroad, was a bull. Engaged in purchasing munitions and raising loans, he watched the markets in order to take advantage of movements in the rates between Antwerp and London, and when possible to influence them, with the result that the Government itself, in spite of its theoretical objections, was involved in highly speculative business undertakings. Into the complicated details of Gresham's financial proceedings, illuminating as they are, we must not enter. But consider, as an example, two of the transactions which he carried out, or tried to

<sup>1</sup> *S.P.D. Lists.*, CVI, no. 6.

<sup>2</sup> Burgon, *op. cit.*, vol. I, p. 100.

<sup>3</sup> *Ibid.*, vol. I, p. 261.

carry out, for it. Gresham had the combined vanities of a successful business man, a financial expert, and a confidential agent of the Government, and the third person of this inharmonious trinity was perpetually at war with the two first. As a merchant he was the champion of freedom, attacked the usury laws, and opposed proposals to control exchange transactions. As an official he regarded his fellow merchants with profound, and perhaps not unjustified, suspicion, was convinced that they depressed the exchanges for sinister motives of personal profit, and was fertile in expedients for manipulating trade with a view to keeping up the rates for sterling. It would seem that, like some others of his contemporaries, he confused an alteration in the mint par of exchange caused by the repeated depreciations of English currency with a movement in the exchanges above or below the mint par due to ordinary commercial movements—the supply of, and demand for, money on different markets—habitually talked of the exchanges as being “unfavourable” when what had really happened was that the mint par had changed because English currency contained less bullion, and congratulated himself on having “restored” them, when, in fact, the mint par had been raised by currency changes.<sup>2</sup> But though his account of his own exploits is not to be taken too literally, it is none the less significant as one specimen of speculative business between England and the continent, carried on on behalf of a Government which denounced speculation.

The foundation of his projects was the extreme sensitiveness of the Antwerp market—“the Antwerp Bourse,” he wrote to the Government, “is truly strange; on one day there is abundance of money to lend, on the next, nothing”—and the difference in the rates of interest ruling in London and Antwerp. His first idea, explained in a letter of August 20, 1552, to the Duke of Northumberland, was that the Government should “peg” the exchanges, by itself becoming

<sup>2</sup> I am indebted to Professor Unwin for this interpretation of Gresham's ideas, as for much else in this section. Gresham in 1568 gave an elaborate account to the Queen (Burgon, *op. cit.*, vol. I, pp. 453-6) of the methods by which he claimed to have raised the exchange. In fact, however, the value of the silver money was called down in 1551. It is possible that the latter change was more effective than Gresham's “practica.”

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a buyer of sterling. It was to put £1,200 or £1,300 a week to his credit in London; he, at the same time would improve the exchange by buying sterling and selling dollars in Antwerp.<sup>1</sup> This plan was accepted by the Government, but, presumably on account of its expensiveness, abandoned within two months, and Gresham, some years later, advanced another. It was to compel the Merchant Adventurers to pay the Government's debts in Flanders. The point of the proposal on which he prided himself as a stroke of genius, was not the forced loan, a device which would have occurred to the stupidest of Privy Councillors, but the connection of the loan with the exchanges. After the half-yearly shipping of cloth to Flanders by the Merchant Adventurers, sterling stood in the Antwerp market as high as twenty-five shillings Flemish to the pound, since there was a keen demand for bills on England. The ordinary rate was lower—in the spring of 1558, when Gresham broached his plan to Cecil, it was twenty-two shillings. What he proposed, therefore, was that the Government should profit by the margin. It was to say to the Merchant Adventurers: "the Queen's Majesty doth require at your hands to pay in Flanders 20 s. Flemish for the pound sterling upon every cloth that is now shipped, after the rate of 25 s. Flemish for the pound sterling, and her Highness shall pay you again at double usance," at the rate of twenty-two shillings Flemish for the pound sterling in London.<sup>2</sup> The result would be that the queen's most pressing debts would be settled, and that

<sup>1</sup> Burgon, *op. cit.*, vol. I, pp. 92-3, "my request shall be . . . to apoynte me out weekly xii or xiii c poundes to be secretly resevyd at one man's hands . . . I shall so use this matter here in this towne of Andwerpe that every day I will be sure to take up ii or iii c *ls* sterling by exchange . . . So that by this you may perseve, yf that I doo take up every daye but ii c *ls* sterling, it will amount in one yere to Lxxi M *ls*, and the King's Majesty oweth here at this present i c viii M *ls*, with the interest money that was prolonged afore this tyme. So that by these meanes, in two yeres, thinges will be compassed according to my purpose set forth."

<sup>2</sup> Burgon, *op. cit.*, vol. I, pp 257-62, and 348-53. The transaction appears such a shady one, that it is perhaps worth while to quote Gresham's own words: "advertising you yf the exchange be better in Lombard Street than 22s. in any wise, to make them paye after that rate; or eils they do no service, but for their own lucer and gayen . . . To conclude, eftsoons, yf you can brunge them to 22s.; and yf the Exchange be better, according as the Exchange goeth to pay there, at the day aforesaid, and here at double usance (which ys two monthes) it wolle prove a more benefyciall bargayn to the Quene's Maiestie and to this her realme than I will at this present molest you wthall."

on a loan of £30,000—the sum involved—the Government would save by the difference between the value of sterling in Flanders and in London, at the times of borrowing and repayment, £4,500 at the expense of the merchants.

Of the treatment of exchange transactions by public policy something is said below.<sup>1</sup> It is obvious that by the reign of Elizabeth practice had reached, even in England, a high degree of elaboration, and that some, at least, of those engaged in it had begun to work out with considerable success a theory of the conditions by which the market rate for money was determined.<sup>2</sup> It is obvious also, however, that the foreign exchanges confronted the traditional doctrines with an *experimentum crucis*. Plain men were frankly bewildered by the whole business, and could only murmur helplessly: "There is some mystery in the matter, pray God it may be discovered to the weal of our realm."<sup>3</sup> To writers like Wilson, who were concerned with credit as a problem of economic ethics, the practitioner on the international money market seemed to epitomise every characteristic which had made the usurer a moral abomination. The intellectual basis of their position was partly their inveterate persuasion—a persuasion shared both by statesmen and, even a generation later, by some business men—that values were objective realities with which only the criminal would tamper, partly the suspicion that the object of exchange transactions was to impoverish the realm by exporting money at a profit. The relation between the two doctrines was that stated by Malynes, when he wrote, "the rule is infallible, that when the exchange doth answer the true value of our moneys, according to their intrinsick weight and fineness and their extrinsick valuation, they are never exported, because the gayne is answered by exchange, which is the cause of transportation. This cause being prevented maketh the effect to cease."<sup>4</sup> The logical result of that principle of *par pro pari* was the attempt to prevent market rates from moving above

<sup>1</sup> See pp. 137-54.

<sup>2</sup> See, e.g., the able analysis in the Memorandum laid before the Commission of 1564 (Harl. MSS. 660, fo. 107).

<sup>3</sup> Frazer Tytler, *The Reigns of Edward VI and Mary*, vol. I, pp. 38-9.

<sup>4</sup> Malynes, *Maintenance of Free Trade*, quoted by Br. Suviranta, *The Theory of the Balance of Trade*, p. 11.

or below the mint par by the various kinds of public intervention touched on in a subsequent section.

The truth is that the practice of the sixteenth century was greatly in advance of its theory. International exchange business was not clearly distinguished by public opinion from mere money-changing, and conservative writers, as well as official policy, applied to the former ideas applicable only, if at all, to the latter.<sup>1</sup> To change one currency into another was permissible enough, provided "value was given for value." To take advantage of deviations from the mint par of exchange, still more to cause them, was an act of fraud the more heinous because it corrupted the very life-blood of legitimate trade. It was an aggravation of the offence that its motive was to realise a gain which, in itself, was forbidden by the law, both of the Church and of the State. For usury, and continuous usury, was avowedly the very essence of the whole business. The honest merchant who laboured in his vocation might slip from the straight path under the stress of temptation. The sin of the dealer on the exchanges, where, in the discounting of bills, usury as the payment for time appeared naked and unashamed, was not accidental, but a trade. As in Marinus's terrifying picture of the money-changers, he represented the pure essence of economic appetites, unalloyed by any tincture of public spirit or private charity.

(v)

#### THE ANTECEDENTS OF BANKING

The preceding sections have shown that, by the latter part of the sixteenth century, agriculture, industry and foreign trade were largely dependent on credit. It remains to consider briefly what types of person mainly supplied it, and what signs, if any, are to be found of that movement towards the

<sup>1</sup> The confusion was clearly realised by the City: see the objections advanced by the London merchants in 1576 to the Government's proposal to control exchange business, Schanz, *op. cit.*, pp. 646-7, where the "shops of the Lombards" are contrasted with "commutation by bills of exchange."

more systematic organisation of money-lending in the hands of a specialised class of bankers which was to attract so much attention after the Civil War.

To answer the first question with some precision would probably not be impossible, but it would entail a more elaborate statistical investigation than the writer has been able to undertake. The first conclusion which emerges is, however, little affected by the distressingly indefinite character of the evidence as to the occupation and social position of Tudor money-lenders, and is, indeed, indirectly confirmed by it. It is that the advancing of loans was not yet, as it became in the following century, a specialised profession identified with the members of some particular trade or group of institutions, but was normally a venture taken up as a by-employment by the prosperous tradesman or farmer in the intervals of his ordinary occupation.

The word "banker" was coming into use in England in the first half of the sixteenth century, to designate, in particular, money-lenders engaged in international finance. But the vast majority of lenders were, in the rural districts, farmers, yeomen or gentlemen, and in the towns, merchants, shopkeepers, mercers, tailors, drapers, haberdashers, grocers and similar tradesmen; and, except when summarily damned with the opprobrious epithet of usurer or extortioner, they were described by the craft which was still their chief characteristic. The ubiquity of credit transactions which drew from the moralist the shocked protest that not only "money men" but "merchantmen, citizens, noblemen, courtiers, gentlemen, grasiars, farmers, plowmen, artificers," and even the clergy<sup>2</sup> lent money at interest, was itself a proof of the relative backwardness of credit organisation. The phenomenon which meets us, in fact, in the world of finance is similar to that which occurs in manufacturing industry. It is a stage of what may be called semi-capitalism, intermediate between the specialised financial mechanism of the later seventeenth century, and the casual pawnbroking which, though accompanied, of course, by larger operations, had been most characteristic of the Middle Ages.

<sup>2</sup> R. Porder, *A Sermon of God's fearful threatenings for idolatry* (1570).



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It was this transition which produced the collision of old theory with new practice expressed in the controversy on usury. When Wilson wrote, a class whose interests were predominantly those of the financier was in process of formation. But it had as yet only begun to disentangle itself from the indiscriminate mass of shopkeepers and merchants who carried on money-lending by substantially the same methods as had been employed for centuries, though more regularly and on a greater scale. Impressive as had been the increase in the number and magnitude of credit transactions caused by the expansion of commerce and transference of property, it had not, at least before the end of the century, been accompanied by the concentration of the new volume of business in the hands of any single group of financial specialists; and it is not possible in the England of Elizabeth, as was regularly done after the Restoration, to point to half-a-dozen members of a single craft as *par excellence* the "bankers." If it is hardly an exaggeration to say that the use of credit was almost ubiquitous, the provision of it, nevertheless, was still decentralised, fluid, and unsystematic. In spite of the trail left by certain great financiers, it resembled the management of most industries and the ownership of most land, in being the province of the *petite bourgeoisie* of village and borough, who carried it on, not as a specialism with a technique of its own, but as an enterprise subsidiary to trade and agriculture.

This condition of things continued to be the rule for two generations after Wilson's death. But even in his day there were signs of a coming change. From the miscellaneous background of farmers, tradesmen, and merchants, through whom this mass of credit transactions was carried on, certain figures were beginning to detach themselves as the forerunners of the financial class which was to play so conspicuous a part in English history in the seventeenth century. One can observe, in the first place, the rise even in certain rural districts of men who, by the magnitude of their operations and still more by the regularity with which they carry them on, stand out from the mass of casual lenders, and who, if not practising a new trade, are at least practising an old trade in

a new way. The moralist might declare that "he who liveth upon his usury as the husbandman doth upon husbandry ought to be thrust out of the society of men."<sup>1</sup> But the enterprising corn-monger or landlord who had made a sufficient success of casual money-lending to be regarded as the financier of his district naturally tended to turn it from a bye-employment into a regular profession. How large a field for profitable business lay before him in parts of agricultural England was shown by the considerable fortunes which these "usurers by occupation" could acquire. A single hundred of the wealthy county of Norfolk contained, an indignant correspondent wrote to the Government, "three miserable usurers,"<sup>2</sup> of whom two were worth £100,000 each and one £40,000; while even in the little moorland town of Leek, far from centres of trade and industry, a money-lender could accumulate what was then the considerable fortune of £1,000.<sup>3</sup>

Capitalists of this magnitude naturally exercised an extensive, if secret, influence in their countrysides, and here and there, even in rural districts, we see growing up in Elizabethan England a new money power, which competes with the authority of the squire and the justice, and which, in the absence of express intervention by the Government, is sometimes strong enough to set the law at defiance. It is in the light of such conditions that what is apt to appear to the modern reader the high-handed interference of the State with matters of business, and what seem the hysterical outbursts of preachers, are to be read. In the opening years of Elizabeth's reign, a Norfolk money-lender had on hand, an indignant petition from the county complained, no less than thirty suits arising from usurious dealings with his neighbours, maintained a gang of bullies who intimidated witnesses, forcibly kidnapped and imprisoned an opponent with whom he had a quarrel, threatened to drive the parson out of the village, and set at defiance a royal commission appointed to

<sup>1</sup> Knewstub (referring to views ascribed to Calvin), quoted Hawsis, *Sketches of the Reformation*, ch. xii.

<sup>2</sup> *Hist. MSS. Com.*, App. to Fourth Report, *MSS. of Earl de la Warr*, p. 276.

<sup>3</sup> Lodge, *Illustrations of British History*, vol. II, pp. 386-7.

investigate the disorders.<sup>1</sup> Against financiers of this type, even when their illegalities were unaccompanied by physical violence, local juries could not be trusted to give a verdict, or local justices to take proceedings, for both yeomen and gentry were apt to be their clients. When it was proposed to transfer the trial of a Dorsetshire money-lender to the more impartial atmosphere of London, he was sufficiently influential to get some friends on the Privy Council to raise the question of transferring it back to Dorsetshire, where, as the Government was informed by one of its agents, "no good or direct proceeding can ever be hoped for, inasmuch as Webbe and his mother, being greatly moneyed, and dealing very much in the trade of usury, have many or most of the better sort indebted to them."<sup>2</sup> Even the two Commissioners appointed by the Crown in 1578 to inquire into breaches of the statute of 1571 were obliged to write to Burghley begging that offenders might be pardoned, "so that we may quietly travell without molestation within the counties specified in the commission."<sup>3</sup> Enjoying a sinister reputation among their poorer neighbours, alternately courted by the needier gentry who hope to raise mortgages on favourable terms, and frowned upon by the more public-spirited as men who "will never do any good to their country,"<sup>4</sup> these capitalists are the despair of tax-collectors, whom with bland mendacity they assure that their "riches are not in substance but in other men's talks,"<sup>5</sup> and are a standing grievance to other taxpayers, who grumble that, since they have no visible "stock," they evade their fair share of taxation.<sup>6</sup> Officials point them out to the Government as specially appropriate subjects for forced loans, and financial reformers<sup>7</sup> urge special taxation to bring them within

<sup>1</sup> *S.P.D. Ets.*, vol. CLV, no. 65.

<sup>2</sup> *MSS. of Marquis of Salisbury*, pt. IV, p. 277.

<sup>3</sup> *S.P.D. Ets.*, CXXXVII, no. 76.

<sup>4</sup> Lodge, *loc. cit.*

<sup>5</sup> *MSS. of Marquis of Salisbury*, pt. VIII, 282. The author of the remark was Pallavicino of all people

<sup>6</sup> *Hist. MSS. Com.*, *MSS. of E. R. Wodehouse*, fo. 454. The complaint relates to men who live in the "said parishes without occupyinge of lande, being either sojourners, or usurers, or men of gainful trades, or otherwise able in respect of their stocks."

<sup>7</sup> *E.g.*, *The standard of equality in Subsidiary Taxes and Payments* (1647).

the net. When king and parliament fall out, both turn to them, and sometimes they baffle both.<sup>1</sup>

In these country corn-dealers, tradesmen and landowners, who, without altogether dropping their other interests, concentrate more and more on money-lending, we may, if we like, see the Tudor predecessors of the country bankers, who well into the eighteenth century combined banking with other kinds of business. In the larger towns the situation was naturally not so simple. In some of the provincial boroughs of the sixteenth century we find traces of that movement among the wealthier merchants to turn their savings from general commerce into financial operations—to advance money in order to develop the clothing and mining industries of the district, to finance the local agents of the Government, to invest in municipal loans—which provoked the protests of publicists against “the transportation of so many estates from trading to usurie.” But it was, of course, in London that financial organisation was most powerful and most complex. The headquarters of the great commercial companies and the *entrepôt* through which passed probably three-quarters of the foreign trade of the country, the seat of an impecunious government and even more impecunious court, increasingly cosmopolitan in its connections, and with the beginnings both of a commercial plutocracy and of an urban proletariat, London held a position of financial predominance over the agricultural and manufacturing counties hardly less complete, on its own small scale, than it is to-day. The London money market supplied the machinery for financing the exports of wool staplers and merchant adventurers, did an extensive insurance business among shipowners, took up Government loans, met the demands of the landed gentry for advances on their estates, provided the long credits needed by clothiers, and even found capital to invest in tin mining in Cornwall and coal mining in Northumberland and Durham.

In London, therefore, more clearly than elsewhere, it is possible to trace the beginnings, though only the beginnings,

<sup>1</sup> See the amusing story told by Clarendon (VI, 59-60) concerning Lord Dencourt who “lived like a hog.” Clarendon belonged by tradition and social connections to a class which despised the “economic virtues.”

of a process of differentiation in the mechanism by which this heterogeneous mass of business was handled. Though the combination of money-lending with some other kind of commercial enterprise continued to be the general rule, there was room for capitalists who confined themselves to finance, and a rudimentary specialisation between financiers cultivating different markets. The development was naturally most marked at the extremities of the scale. At the bottom, the tyrants of an underworld portrayed by the dramatists, were the pawnbrokers who traded on the necessities of the poorer shopkeepers and distressed artisans, and whose numbers and exactions—"a thing able only to stupify the senses"<sup>1</sup>—aroused astonished comment among writers on economic questions. At the top was the small aristocracy of great financiers, largely foreign, but recruited by an increasing number of Englishmen, who specialised in the exchange transactions touched on in the previous section, took handsome commissions for helping to place Government loans, and moved in a sphere inaccessible to anyone without large capital and extensive international connections. Between these two poles, the general character of whose business has changed surprisingly little in the course of three centuries, lay the great mass of intermediate money-lending carried on by tradesmen, merchants and lawyers, and including every kind of transaction except the smallest and the greatest. The characteristic of the business done by this class was its indiscriminateness. Mortgages, the financing of small businesses, investment in government loans, annuities, all were fish to its net, and it made its advances in the intervals of serving over the counter or hammering in the workshop. It was through the enterprise of this solid *bourgeoisie* rather than through the more sensational *coups* of larger capitalists that the most momentous financial development of the next half century was to be made. For it was in the hands of the goldsmiths that, according to the generally accepted tradition, banking, in the sense of accepting and relending deposits, developed during the Civil War.

<sup>1</sup> *Lans. MSS.*, 73, 18, where a short account of London pawnbroking is given.

It is tempting to seek in the practices of the goldsmiths of Elizabethan London for anticipations of that practice. But it must be confessed that the results of investigation seem so far to be mainly negative. The goldsmiths, members of a small, but ancient and wealthy company,<sup>1</sup> occupied a prominent position in the economic controversies of the sixteenth century, because of the peculiar relations of their craft to monetary policy. Being obliged by the nature of their trade to buy and to hold stocks of bullion, they naturally became dealers in the precious metals, and their agitated opposition<sup>2</sup> to the occasional proposals of the Government to revive the office of Royal Exchanger suggests that, at any rate by the early years of James I, they were more interested in bullion-broking than in making plate. They provided change for persons who desired to turn gold into silver or vice versa, imported bullion and lodged part of it in the Tower to be coined, and generally did what, to distinguish it from the larger operations on the foreign exchanges, may be called retail money-changing. The multiplicity of mints in the Europe of that age, the absence of a standard currency, a bad coining technique, debasement, and the constant variation between the face value and the market value of coin, at once complicated the money-changer's business and offered large opportunities of illegal gain. The result was a continuous struggle between the State and the forces of the market. The goldsmiths, intent on profit, naturally watched every opportunity to "cull out" heavy coins for melting, turning into plate, and exporting for their value as bullion. The Government, whenever a depression in trade or complaints of a shortage in currency called its attention to the question, refurbished the four main weapons in its mediæval arsenal, and issued proclamations prohibiting the export of bullion, fixing the rates of exchange between English and foreign currencies, suspending exchange transactions altogether, or reviving the office of Royal Exchanger and either conferring a monopoly of exchange transactions upon him or, at least, prohibiting

<sup>1</sup> The Court Book of the company shows that in June, 1566, it had 107 members. (Price, *A Handbook of London Bankers*, p. 67.)

<sup>2</sup> E.g., Camden Society, *The Egerton Papers*, Petition of Jan. 30, 1608.

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the buying of bullion by private persons above the rates fixed by the mint.<sup>1</sup>

It was of the nature of the case that in the course of this controversy almost every detail of the goldsmiths' trade should come under the eye of private inquirers or of the authorities, and though their main interest was the alleged malpractices of the goldsmiths with regard to the currency, it is inconceivable that any important new departure in their business should have escaped publicity. In view of the searchlight turned upon them, and of their prominence as bankers two generations later, it is a little surprising to find in the reign of Elizabeth no considerable body of evidence suggesting that the goldsmiths played any special part as the pioneers of a new credit technique. It is true, of course, that not only in the sixteenth century, but much earlier, goldsmiths frequently appear in money-lending transactions. They provide ready money against the deposit of valuables, lend money to finance merchants engaged in foreign trade or to needy gentlemen, and stand as security for the repayment of large sums borrowed by fellow tradesmen. It is true, also, that in an age when saving took the form of hoarding, and when what the ordinary borrower wanted was actual coins, the goldsmith, dealing regularly in bullion, and in close relations with the mint, had special opportunities for certain kinds, at any rate, of money-lending. He could, as a writer of the early seventeenth century remarked with some bitterness, advance a poor man "a few light, clipt, cracked pieces" by way of what was ostensibly a free loan, and demand back three months later "good, and lawful money."<sup>2</sup>

In all this, however, there was nothing which was not done equally by members of other trades. The goldsmiths have no monopoly as money-lenders in the reign of Elizabeth, nor, indeed, any special pre-eminence. The country gentleman who fifty years later would have drawn on his goldsmith, when he wants a loan of £200 in the sixteenth century writes to his draper, and that though he is in touch with a goldsmith who

<sup>1</sup> See pp. 137-154.

<sup>2</sup> Fenton, *A Treatise of Usury* (1612).

has already made him advances.<sup>1</sup> The government which, after the Restoration, would have followed the procedure for raising loans described by Clarendon and sent for the goldsmiths, under Elizabeth places its loans with city companies, with the merchant adventurers, or with syndicates composed of miscellaneous commercial interests, and that though it regularly consults leading goldsmiths on questions of currency.

Clearly, both in the eyes of the State and of private individuals goldsmiths were no more and no less likely to offer advances than grocers, drapers, mercers and tailors. There are, indeed, some signs of the development of something like deposit banking among some members of the craft at a date much earlier than that assigned by the tradition of the seventeenth century. Even in the later Middle Ages one occasionally finds a client depositing money with a goldsmith "safely to keep"<sup>2</sup> and James, while a pensioner of Elizabeth, caused the Queen much annoyance by allowing part of the subsidies advanced him to "be left in London for goldsmiths,"<sup>3</sup> instead of spending it on the objects for which it was given. But, as far as our present evidence goes, such practices were the foible of exceptional individuals, not a settled social habit. The goldsmiths were to make financial history between the Civil War and the Revolution. But, down to the end of the sixteenth century, in spite of their exceptional opportunities, they were as money-lenders neither more nor less important than any other prosperous tradesman.

There were two other groups of tradesmen, the character of whose business in the sixteenth century gave them some title to be regarded as financial specialists. The first consisted of the various textile interests. The part played by credit in the clothing industry has already been described. On the one hand, the manufacturers needed advances to buy raw materials and pay wages, and the merchants to finance the movement of what was overwhelmingly the most important export. On the other hand, the trade was extremely profitable,

<sup>1</sup> *Hist. MSS. Com., MSS. of Lord Middleton*, p. 157. For another case of borrowing from a draper, see *MSS. of the Marquis of Salisbury*, pt. XIII., p. 177

<sup>2</sup> Quoted Abram, *Social England in the Fifteenth Century*, p. 68.

<sup>3</sup> *MSS. of Marquis of Salisbury*, pt. V, p. 8 (1594).



and some of the wealthiest merchants of the age were connected with it; of ninety-seven lord mayors between the accession of Henry VIII and the death of Elizabeth, seventy-two had made their money by one kind or another of dealing in cloth.<sup>1</sup> Accustomed to trading on borrowed money and with large resources to invest, it was not surprising that the capitalists of the woollen trade should hold a prominent position in the world of finance, and that contemporaries should ascribe to them a leading rôle in the development of a money-market in London. The wool staplers who exported to Calais in the fifteenth century turned as a matter of course to London mercers to discount their bills. Fifty years later it was woollen merchants who financed the rapidly growing cloth exports to Antwerp, and who were criticised for practising an exchange business of doubtful respectability. When, in August 1561, Elizabeth's Government placed a loan on the London market, of the twelve persons whom it specially indemnified against proceedings under the law against usury, seven were engaged in one branch or another of the clothing trade.<sup>2</sup> The Merchant Adventurers, whose staple export was cloth, were repeatedly called upon to subscribe money for purposes of State. It was London haberdashers who largely financed the Cornish tin industry. The needy gentleman found in the tailor, draper, or Merchant Adventurer, a willing, if not an accommodating, mortgagee.

In so far as the financial activities of the woollen interests had any special characteristic, it was their association with foreign exchange business, and, apart from that, there are no signs that they made any contributions to the development of banking in the more restricted sense of the word. A somewhat stronger claim to be regarded as pioneers might have been advanced by the members of another profession. The scribes had originally been expert amanuenses or notaries, on whom an illiterate age depended for the drafting and engrossing of documents, such as business contracts, wills

<sup>1</sup> See the list given in Stow, *Survey of London*. It includes twenty-three mercers, fifteen drapers, eleven haberdashers, eight clothworkers, and five merchant-tailors. The mercers were, however, interested in other things besides cloth.

<sup>2</sup> *S.P.D. Ets.*, XIX, no. 2.

and conveyances, insurance policies, or the ordinances of a company, which required to be put into due legal form. But while their speciality was skilled clerical work, they were naturally interested in the legal and financial business done by brokers and notaries—there were said in 1574 to be 120 public notaries in London<sup>1</sup>—and though sometimes distinguished from the latter, they were more often identified with them. As expert clerks, “the common writers of court-hand of the city” had been recognised in 1373 as forming a separate craft, and had made the customary ordinances as to the examination of entrants to the trade, and the fees to be paid by members setting up shop. Though not formally incorporated till the reign of James I, they possessed in the sixteenth century the usual organisation of a body of craftsmen—a government consisting of a warden and assistants, a common hall where the company met, a place at the Lord Mayor’s banquet, and property accumulated from the legacies of successful members.<sup>2</sup> In 1610 they were sufficiently wealthy to contribute £570 towards the new Plantation in Ulster. “The mere scrivenerers of London” were, in short, an organised and influential body. “Brought and trayned up in that science [they] are sworne to make their writings duelye and justlye, and to kepe due registers of the same, and also have wardens of their companie to correcte their misdoings, if any need be.”<sup>3</sup> They had even, like other guilds, performed a play. The craft was one which had some occasion to cultivate professional caution, and the theme which it selected was the Incredulity of St. Thomas.<sup>4</sup>

Such a profession took its character from the needs of the commercial and proprietary classes whom mainly it served, and the economic changes of the period opened new prospects before it. The constant mortgaging of land, and the growing dependence both of landowners and traders on credit transactions, involved a great increase in the half-clerical, half-legal business of “making bonds,” made the scrivener at

<sup>1</sup> Lansdowne MSS., 113, No. 9.

<sup>2</sup> Riley, *Memorials of London*, pp. 372-3; Sharpe, *Letter Books of the City of London*, K, pp. 234-5; Unwin, *Guilds and Companies of London*, pp. 88, 240, 337.

<sup>3</sup> Lansdowne MSS., 113, no. 9.

<sup>4</sup> Camden Miscellany, vol. IV, *The Shryverers’ Play* (ed. by Collier).

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once more indispensable and more expert, and put considerable sums of money into the pockets of the more successful members of the profession. What we see, therefore, in the later part of the century is the development of the humble amanuensis into a specialist in certain branches of financial business. He becomes, in the first place, a skilled adviser who is consulted as to the financial standing of the parties to a bargain, who, in the words of Bacon, "values unsound men,"<sup>1</sup> and who remonstrates with the creditor disposed to take insufficient security or to advance money to an insolvent borrower.<sup>2</sup> From being an adviser, he becomes a financial middleman, handling the kind of business done to-day by a certain type of solicitor. The borrower who does not know where to turn consults a scrivener. The scrivener, who is in touch with the city, introduces him to a "friend." When the parties meet, "the royal scrivener, with deeds and writings hanged, drawn, and quartered,"<sup>3</sup> is in attendance, and drafts the agreement. Such "brokers" naturally held a position of some influence on the edge of the business world. The State recognised their growing importance; fixed in the reign of James I the fees which they might charge for "procuring loans or making bonds"<sup>4</sup>; in its occasional outbursts of righteous indignation against the extortioner issued Royal Commissions to enquire into infringements of the laws against usury, in which scriveners and usurers<sup>5</sup> were included in a common denunciation; and pardoned the influential members of the profession when its zeal was spent.<sup>6</sup>

Nor did the development of the scrivener end with mere broking. His intimate knowledge of business conditions and of the land market, his practice in weighing the standing of money-lenders and their clients, and his sometimes not inconsiderable wealth, made it inevitable that, in addition to arranging loans, the scrivener should himself take to lending

<sup>1</sup> Bacon, *Essay on Riches*.

<sup>2</sup> Deloney, *The Pleasant Historie of Jacke of Newberie* (ed. by F. O. Mann).

<sup>3</sup> Th. Middleton (ed. by Dyce), vol. V, *Father Hubbard's Tales*.

<sup>4</sup> 21 James I, c. 17.

<sup>5</sup> S.P.D. Charles I, CCCLXII, 31.

<sup>6</sup> *Ibid.*, CCCLXV, 30

money. "The ancient trade of brokers," stated a statute<sup>1</sup> of 1604, had been within living memory corrupted by the intrusion into it of "counterfeit brokers and pawn takers upon usurie . . . grown of late to many hundreds within the cite of London," and the complaint is confirmed by case after case among the business transactions of the last half of the sixteenth century. The courtier who desires to capitalise a pension, the goldsmith who wishes to borrow £200 to buy a diamond, the country gentleman who has come to London to raise money on his estates, all turn to the scrivener.<sup>2</sup> The scrivener undertakes either to lend the money himself or to find someone else who will; sometimes, in order to have the borrower more completely at his mercy—"the man is expert in his calling," wrote Cecil to a correspondent who was involved with one of the tribe, "and likely there is no shift but he knoweth and practiseth"—he does the former while professing to do the latter, "borrows out of his own chest, which he calleth his friend and disguiseth it in the name of another,"<sup>3</sup> and demands higher interest accordingly. It was not a long step from this type of lending to anticipating the demand for loans, and arranging that the tradesman anxious to find an investment should entrust the scrivener with money to lend as occasion arose. Hence we find developing also among the scriveners a kind of anticipation of deposit banking. The man who has a surplus of cash leaves it with a scrivener, who pays interest to the depositor and re-lends it at a higher rate. "It is said," wrote an author whose book was almost contemporary with that of Wilson, "and I fear me too true, that there are some to whom is committed a hundred or two of pounds . . . they putting in good sureties to the owners for the repayment of the same again, with certain allowance for the loan thereof . . . The scrivener is the instrument whereby the devil worketh the frame of this wicked world of usury, he being rewarded with a good fleece for his labour. For, first, he hath a certain allowance of the arch-devil who

<sup>1</sup> 1 James I. c. 21.

<sup>2</sup> E.g., *MSS. of Marquis of Salisbury*, pt. V, pp. 37, 38, 359. For lending by scriveners see *The Mystery and Misery of Lending and Borrowing*, by Tho. Powell (Somers Tract, Vol. VII).

<sup>3</sup> *Hist. MSS. Com.*, *MSS. of Marquis of Salisbury*, pt. V, pp. 362-3.

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owes [owns] the money, for helping to rent such for his coin. Secondly, he hath a great deal more usury to himself of him who borroweth the money than he alloweth the owner of the money. And thirdly, he hath not the least part for making the writings between them." <sup>1</sup>

That the moralists' complaint did not misrepresent the practice of the business world, at any rate in London, is shown by the storm of protest from scriveners, notaries and brokers evoked by a proposal which threatened the profession in 1574. Elizabeth's Government was coquetting with one of its recurrent projects for at once raising money and "controlling" an industry—it was a moment when State control of exchange transactions was much to the fore—by granting a monopoly. A patent had actually been passed conferring on one Richard Candler "the office of making and remaking of all manner of assurances, policies, intimations . . . and other things whatsoever that hereafter shalbe made upon shippes or shippes' goodes or other merchandise or anie other thinge or thinges in the Royalle Exchange aforesaid, or in anie other place or places." <sup>2</sup> The city, and in particular the merchants most directly menaced, were immediately up in arms. It was protested that "all notaries, scriveners, and brokers, and others being free of the citie of London . . . are utterlie barred from using their facultie, vocacion and callinge," that the rates of insurance would be forced up to the detriment of trade, and that, as Candler knew nothing about the business, there would be endless delay in issuing policies. More significant, it was urged that with the insurance work done by scriveners and brokers went a good deal of financial business which the grantee would be unable to undertake. On the one hand, the broker, it was represented, often financed the merchants, who, "choosing such brokers as they do knowe and to whome they are known, traded partlye upon their owne creditte and partlie upon the creditte of the broker." On the other hand, the broker not only made loans, but received deposits. Merchants, especially foreign merchants, who wanted to

<sup>1</sup> Stubbes, *The Anatomie of Abuses*, pt. I, pp. 128-9.

<sup>2</sup> Lans. MSS., 113, no. 9, on which the remainder of this paragraph is based.

ensure property in England and had transferred money there for the purpose, were accustomed to "putte their notaries and scryveners to receive the same in large sums, which hath been honestly and trewlie repayed into their handes agayne." Money left on call in this way would not lie idle, but would be used, as Stubbes complained, to finance the tradesmen and landowners who were clamouring for advances. The scrivener, in short, by the mere necessities of his position, was developing into a banker. It is not surprising, therefore, to find a member of the House of Commons saying in 1640, when the question of contributing to a public loan was under discussion, that the course proposed "would perhaps enforce many of us to goe from scrivener to scrivener to borrow monie."<sup>1</sup> Nor is it surprising that members of the craft should have made fortunes. Abbot, Evelyn's man of business, had been a wealthy scrivener in the reign of Charles I. His apprentice became Lord Mayor as Sir Robert Clayton.<sup>2</sup>

It is evident that, in view of facts like these, the simple theory derived from the "Mystery of the Newfashioned Goldsmiths or Bankers,"<sup>3</sup> and repeated by one economic historian after another, requires to be revised. That famous tract was avowedly an attack upon one particular class of financier; it was written thirty years after the events which it purported to describe; and it completely ignored the whole mass of financial business which for centuries had been carried on by money-lenders of other kinds. The importance of the goldsmiths in the evolution of banking, especially after the Restoration, is not, of course, in question, and the forces which concentrated business in their hands towards the middle of the century is an important and neglected problem in the early history of banking. But they merely supplied one tributary to a stream which was fed from a multitude of different sources. The absurdity of the view which regarded English banking as originating with the Bank of England—the consequence, not the cause of its development—has long been recognised. The theory which

<sup>1</sup> Notestein, *The Journal of Sir Simonds D'Ewes*, p. 257.

<sup>2</sup> Evelyn's *Diary*, Nov. 18, 1679.

<sup>3</sup> 1676. Printed by Price, *The Grasshopper in Lombard Street*.

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makes the goldsmiths the picturesque heroes of the drab history of financial capitalism is almost equally legendary.

But these are problems which lie outside our period, and we must not enlarge on them. What was characteristic of Wilson's day is less the development of banking than its informal, almost furtive, character. When practice had gone so far, it seems surprising that it should not have gone further. It was probably common enough for private individuals to follow the practice of Wilson's precocious apprentice and to entrust part of their savings to a merchant who used them in his business and paid an agreed rate of interest upon them.<sup>1</sup> But of any general or organised system of deposit banking, at least *eo nomine*, there is no trace in Elizabethan London. The idea was not altogether unknown. The convenience of banking machinery in economising currency was the theme of more than one economic treatise, and the economic possibilities of pooling contributions in a "common stock" were canvassed by economists and reformers. Against Bacon, who disapproved<sup>2</sup> of it, must be set the views of writers who complained that the difficulty of raising large loans in England drove merchants to transfer their business to Holland and Italy,<sup>3</sup> and the various schemes advanced for encouraging the development of banking. We have at least five proposals addressed to the Government in the reigns of Elizabeth and James I, one of which reached the stage of being introduced as a bill, urging the establishment of public banks as a protection against the exploitation of the public by the private money-lender, as a means of controlling currency and the foreign exchanges by nationalising exchange business, and as a source of revenue to the State.<sup>4</sup> But apart from the more or less surreptitious "colouring of other men's money" by the enterprising scrivener or goldsmith, and from the funds,

<sup>1</sup> *Hist. MSS. Com., App. to Third Report*, p. 37, gives an example. A London merchant writes to a Doncaster merchant asking him to get in some money lent in Yorkshire at twelve per cent., apparently by the writer's aunt (1555).

<sup>2</sup> *Essay on Usury*.

<sup>3</sup> Lans. MSS., 73, 18. "Divers merchants and rich men that knowe not how speedily and certainly to take up 5 or 6 or 800 £ or 1,000 are compelled to transport goods to Holland and the Archduke's country, or Italy."

<sup>4</sup> *Hist. MSS. Com., MSS. of Marquis of Salisbury*, vol. I, p. 133; *S.P.D. Eliz.*, vol. CX, 51; vol. LXXV, 54; Lans. MSS., 73, 18.

or, as they were often called, "banks," from time to time established to finance the tin mining industry, such ideas remained in the vast limbo of economic projects mastered only by the indefatigable Burghley. Indeed, since they all, with the exception of those designed for the tin industry, contemplated raising the funds which were to be advanced, not in the form of deposits by the public, but by some kind of taxation on income, capital levy, or forced loan, they were in themselves evidence of how unfamiliar the idea of the voluntary pooling of savings still was.

That it should have been unfamiliar is not surprising. If borrowing comes by nature, to entrust hard-won savings to an unknown financier, requires, perhaps, some special infusion of commercial grace. The development of banking depends, in fact, on the general acceptance of conventions and standards which are natural only to classes formed by the routine of the counting-house, and which they can popularise only as they become sufficiently powerful to set their own stamp on social customs and institutions. In the England of Elizabeth the habits of the peasant and the country gentleman were only gradually being mastered by the new learning of the city. The benighted generation for which Shakespeare wrote, and Sidney (a sad spendthrift) fell, was one in which, as a committee of the House of Commons remarked sorrowfully in the early nineteenth century, "though glorious, the true principles of commerce were not rightly understood." Unilluminated by the religion which has as its jealous deity the lean goddess Abstinence, it thought profusion more becoming than parsimony, and held that even humble people might reasonably live "in some free and plentiful manner." Those who spent, spent with a fine recklessness: those who saved, hoarded and did not normally invest; for "no man," as a shrewd observer wrote, "will send his moneys far off to put them into unknown hands." The savings of the mass of the population, therefore, apart from land and the occasional purchase of annuities, consisted, according to their various stations, of corn, cattle, stocks of raw materials, furniture, plate, jewelry and coins. It is these things which passed at

\* Bacon, *Essay on Usury*.



death and which men showed their thrift in accumulating. The merchant in Wilson's dialogue, who thought it a merry jest to recommend laying up treasure in heaven, would have been hardly less amused at the suggestion that he should preserve it in the form of a credit entry in a ledger. The wealthier classes of his day followed his resolution to "keep it in a chest and have the key about me." Gresham, who was not a child in matters of finance, hoarded gold chains. D'Ewes' father, a landowner and official, in addition to plate, amassed some £3,000 in gold coin. Nearly a century later the most distinguished civil servant of his day kept a large part of his savings in a cellar.

Such habits had still a long life before them. But, even in the sixteenth century, they were already undergoing a change. The significant thing in the reign of Elizabeth was not the advance in banking technique, which in England was still in its infancy, but the discovery by considerable sections of the *bourgeoisie* that money-lending was not less profitable than agriculture, industry and commerce. "Doth not usury," wrote the author of a pamphlet which appeared a generation later, "offer such excessive gain and such freedom from all kinds of common charge, with so much ease, security and command over the bondmen, that not only infinite both labourers and traders on sea and land (having gotten estates thereby) do transport the same into debts upon use, leaving their former honest industry and resolving to live idly upon usury, but also many which were sometimes the greatest traders, yea, in the greatest trading places, are seduced to employ their estates in this new trade."<sup>1</sup> It was the collision between these clamorous economic appetites and a long established body of religious and political doctrines which produced the struggle of ideas and interests portrayed in Wilson's book. To those doctrines we now turn.

<sup>1</sup> *Usurie arraigned and condemned* (1625).

### III

#### PUBLIC POLICY AND THE MONEY-LENDER

It is only after a struggle with established ideas that a new type of economic organisation is invested with the respectability of the triumphant fact, and it was not to be expected that the developments described in the preceding sections should establish themselves securely without a prolonged agitation. If the divine was shocked at the apparent incompatibility between the phenomena of early capitalism and Christian morality, the plain man in village and borough felt a vague uneasiness at the growth of a power which seemed to menace his independence by "bringing the livings of many into the hands of one"; and even the statesman, while he courted, used and was used by the financier, was not disinclined from time to time to read a sharp lesson to what was still regarded, in England at least, as a class of parvenus, at once parasitic upon the traditional structure of a well-ordered commonwealth and indifferent to its social obligations. Hence, in most parts of Europe, the immense enlargement in the sphere of credit operations which took place in the sixteenth century produced a controversy hardly less acute than that which accompanied the rise of machine industry in England two centuries later. Men famous in religion and politics took part in it. The insecure and impecunious governments of the age found themselves driven, however reluctantly, to give some attention to a question which reacted at once on social tranquillity and on public finance. In England the discussion continued down to the eve of the Civil War, and even left some traces on the literature of the Restoration.

(i)

## THE DAMNABLE SIN OF USURY

Expressed in terms of the particular problem discussed by Wilson, the intellectual movement was a revision of ideas previously held as to the nature of capital, followed by a change in the law determining the rights of the capitalist. When the century began, "to live by usury as the husbandman doth by his husbandry" had commonly been treated as ignominious, immoral or positively illegal: when it ended, money-lending was on the way to enjoy the legal security of a recognised and reputable profession. But that change itself was part of a larger revolution which was to set a naturalistic political arithmetic in the place of theology, substitute the categories of mechanism for those of teleology, and turn religion itself from the master interest of mankind into one department of life with boundaries which it is extravagant to overstep. For the theory of usury which the sixteenth century inherited had been not an isolated freak of casuistical ingenuity, but one subordinate element in a general system of ideas, and the passion which fed on its dusty dialectics is intelligible only when it is remembered that what fanned it was the feeling that the issue at stake was not merely the particular question, but the fate of the whole scheme of mediæval economic thought which had attempted to treat economic affairs as part of a hierarchy of values embracing all human interests and activities, of which the apex was religion.

The phrase "mediæval economic thought" is, indeed, itself a misleading one. The doctrines in question had sprung as much from external conditions which made some form of monopoly almost inevitable as from the teaching of theorists. They had been accompanied by elaborations and qualifications to which a bald summary does scanty justice. They had undergone a long process of development, had reflected the varying influences of different environments, and had assumed a form at once more realistic and more subtle in

the hands of a writer like St. Antonino, who had to adapt his teaching to the business conditions of a great financial centre such as fifteenth century Florence, than they had in those, for example, of Aquinas, whose experience had been of a simpler age. But, in spite of such differences of place and period, the formal expression of mediæval theory retained to the end the characteristics natural in a system which claimed to mediate between the humblest activity and the divine purpose, and which, therefore, discussed economic issues as subordinate to the real business of life, which is salvation. It was the menace to this whole philosophy which caused contemporary religious opinion to find an almost tragic interest in the controversy with regard to usury. For it had been through the theory of usury that the most persistent attempt had been made to translate these general ethical conceptions into a legal system applicable to the particular transactions by which property is acquired and trade carried on.

Into the discussions of the subject by men of religion, as into the practice of the declining ecclesiastical jurisprudence, space forbids us to enter.<sup>1</sup> They had inherited from the Middle Ages two legacies, one general and one particular. The former consisted in the belief that the world of economic conduct did not form a closed compartment with laws of its own, but was amenable, like other departments of conduct, to moral criteria, the ultimate sanction of which was the authority of the Christian church. The latter was the body of legal principles with regard to money-lending and credit, of which the most elaborate expression was the canon law, but which were also embodied in the policy of the State, and of municipal authorities, since in this matter the canon law set the precedents followed by secular authorities down, at least, to the third quarter of the sixteenth century. Never treated as relevant, to the larger financial operations of either ecclesiastical or secular authorities, and least of all to those of the Papacy itself, the canon law as to usury

<sup>1</sup> The whole subject is discussed by Neumann, *Geschichte des Wuchers in Deutschland*, and by Ashley, *Economic History*, pt. II. Something about it is contained in an article by the present writer in the *American Journal of Political Economy*, vol. XXXI, No. 4 (Aug. 1923.)

had been elaborated by later jurists to meet the needs of an increasingly commercial civilisation. In the form in which it reached the sixteenth century it at once maintained the rule that payment could not lawfully be demanded merely for the use of money, and sanctioned such credit transactions as could reasonably be held not directly to conflict with that principle. The investment in rent charges had always been regarded as unobjectionable, for the payment received by the capitalist came from the bounty of nature and was not wrung from the necessities of man. The commercial partnership, in which a sleeping partner invested capital with a merchant "to gain and to lose," is legitimate, for if he shares the profit of the enterprise he also shares its risks. Annuities are blameless for the same reason: the gain is not certain, but contingent. It is reasonable that the borrower who fails to repay his creditor at the appointed day should submit to a penalty, and that the creditor who loses an opportunity of gain by standing out of his money should receive compensation. To the offer of interest as a voluntary gift—a dangerous exception—there is little objection.

Of these types of transaction some had been expressly sanctioned by ecclesiastical legislation; others had been declared lawful by authoritative commentators upon it. All had been common enough even in an economic backwater like mediæval England. It is no usury when Geoffrey de Exton grants William de Barwode three marks of silver in return for six shillings of annual rent, for this is the purchase of a rent charge, not a loan; or when John Spicer is advanced sixty shillings by Peter Chapman, with which to trade in Scotland, on condition that a "third of both gain and loss should be consigned to the said Peter," for they are "partners to gain and to lose"; or when the monastery of St. Mary's, Worcester, sells annuities for a capital sum paid down.<sup>1</sup> What remained to the end unlawful was that which appears in the modern economic text-book as "pure interest," and what mediæval writers called "the sale of time itself"—interest as a fixed payment stipulated in advance for a loan of

<sup>1</sup> Tingey, *Records of the City of Norwich*, I, 227; Selden Society, *Selected Cases concerning the Law Merchant*, I, p. 78; Wilson, *The Worcester Liber Albus*.

money or wares without risk to the lender. "This is the proper interpretation of usury, when gain is sought from the use of a thing not in itself fruitful (such as a flock or a field), without labour, expense or risk on the part of the lender." In the words of an earlier canonist, "*Usura est ex mutuo lucrum pactum vel exactum . . . Quicquid sorti accedit, subaudi per pactum vel exactionem, usura est, quodcunque nomen sibi imponat.*"<sup>1</sup> The emphasis was on "*pactum.*" The essence of usury was that it was certain, and that, whether the borrower gained or lost, the usurer took his pound of flesh. Mediæval opinion, which did not object to profits, provided they were reasonable, had no mercy for the debenture holder. What, if not quite so certainly unlawful, continued to be denounced as immoral, was the whole range of transactions that ran counter to the doctrine that an equitable bargain was one from which both parties derived equal advantage. If not strictly *usura*, they were at least *turpe lucrum*. In practice, except by lawyers, and not always by them, the two were not clearly distinguished.

The volume of ecclesiastical teaching on the subject discussed by Wilson had, therefore, been considerable. What was the attitude towards it of the age in which he wrote? The complaint that one effect of the religious revolution had been to undermine traditional doctrines of social ethics was advanced from more than one quarter in the generation which immediately followed it. As early as 1543 Cranmer<sup>2</sup> wrote to Oziander protesting against the embarrassment caused to reformers in England by the sanction to immorality, in the matter alike of economic transactions and of marriage, alleged to be given by reformers in Germany, and Wilson himself has a word of warning against "the dissembling Gospeller . . . who for private gain undoeth the common welfare of man." By the seventeenth century the hints had become a theory and an argument. Bossuet<sup>3</sup> taunted Calvin and Bucer with being the first theologians to defend

<sup>1</sup> *Bernardi Papiensis Summa Decretalium* (edited by Laspeyres), Lib. V, tit. xv.

<sup>2</sup> Gairdner, *Letters and Papers of Henry VIII*, vol. XVI, 337.

<sup>3</sup> Bossuet, *Traité de l'usure*: for an account of his views see Favre, *Le prêt à intérêt dans l'ancienne France*.

extortion. Even a puritan social reformer uttered a word of regret for "the times of popery" in which "usury was an odious thing."<sup>1</sup> It only remained for a pamphleteer to adapt the indictment to popular consumption by writing bluntly that "it grew to a proverb that usury was the brat of heresy."<sup>2</sup>

These attempts to relate changes in economic opinion to the grand religious struggles of the age have their significance. But the *abiter dicta* of an acrimonious controversy throw more light on the temper of the combatants than on the substance of their contentions, and the issues were too complex to be adequately expressed in the simple antitheses which appealed to partizans. In reality, however striking the revolution in economic practice which accompanied the expansion of financial capitalism in the sixteenth century, the development of doctrine on the subject of economic ethics was continuous, and the more closely it is examined the less foundation does there seem to be for the view that the stream plunged into vacancy over the precipice of the Reformation. The theory of usury was, after all, merely a special case of the general rule that economic transactions should be conducted in accordance with rules of "good conscience," derived ultimately from religious sources and interpreted by the church. The principle was more important than the particular interpretation. The gulf between the mediæval synthesis and the social philosophy which was to carry all before it after the Restoration had its origin not in a mere modification of the theory of interest, but in the sharp separation of the spheres of economic expediency and the life of the spirit expressed in the eighteenth century epigram, "Trade is one thing, and religion another."

In the age of Wilson that conception of the two compartments, which could not collide, because they were never to meet, was repudiated with equal indignation by radicals and conservatives, and, if it is true that the Reformation undermined the theoretical supremacy of religion over matters of

<sup>1</sup> Cooke, *Unum Necessarium, or the Poor Man's Case*.

<sup>2</sup> *Brief survey of the growth of usury in England with the mischiefs attending it* (1673).

economic conduct, it did so without design and against the intention of most reformers. Luther might attack the canon law in general, protest that the Bible was an all-sufficient guide to action, and urge that the Christian needed no elaborate moral casuistry to teach him the duty of economic altruism which sprang directly from the text, "Thou shalt love thy neighbour as thyself." But his criticism is that of a man impatient with the institutional apparatus of social morality, because he thinks that morality will be purer and more spontaneous without it; his indignation is directed less against the rigour of the canon law than against what he conceives to be the sophistry of canonists; and when he deals in detail with economic questions, as in his long sermon on usury in 1520, and his tract on trade and usury in 1524, the doctrines to which he appeals are those of the canon law, unsoftened by the qualifications which later jurists had attached to it. Men should lend freely, as the Gospel commands, sell at the price fixed by authority or by common estimation, eschew speculation and monopoly, and so conduct their trade that they may practise it without injury to their neighbour or neglect of the law of Christian charity.

While Luther saw economic life with the eyes of a peasant and a monk, Calvin approached it as a man of affairs, who assumed, as the starting point of his social theory, capital, credit, large-scale enterprise, and the other institutions of a commercial civilisation. But he assumed them in order to moralise them, not to treat them as spiritually indifferent, and the qualified—the much qualified—indulgence to moderate interest, which is, perhaps, the best remembered element in his social teaching, as he feared it would be, was in reality less significant than his repeated insistence that the maintenance of Christian standards of economic morality was the province of the church. The expression of a revolt against the mediæval ecclesiastical system, Calvinism stood itself, where circumstances favoured it, for a discipline not laxer, but infinitely more strict, than that which it repudiated, and the social ethics of its heroic age savoured more of a collectivist dictatorship than of the individualism of which it has



sometimes been regarded as the parent. Its spirit was expressed by Bucer, when, after denouncing the usury and monopoly of merchants, he wrote that "neither the church of Christ, nor a Christian commonwealth, ought to tolerate such as prefer private gain to the public weal or seek it to the hurt of their neighbours."<sup>1</sup>

Both in its view of religion as embracing all sides of life, and in its doctrine of the particular social obligations which religion involved, the central opinion represented by the Church of England did not differ substantially from that of the left wing of the Reformation movement. Men eminent among Anglican divines, such as Sandys and Jewel,<sup>2</sup> took part in the controversy on the subject of usury: a bishop of Salisbury gave his blessing to the book of Wilson; an Archbishop of Canterbury allowed Mosse's sharp "arraignment"<sup>3</sup> to be dedicated to himself. A clerical pamphleteer<sup>4</sup> in the seventeenth century produced a catalogue of six bishops and ten doctors of divinity—not to mention numberless humbler clergy—who had written on different aspects of the question of usury in the last hundred years. In Wilson's day the subject was still a favourite of the ecclesiastical orator. A century later the minister of a city church who was indiscreet enough to criticise what had become the chief occupation of his wealthy parishioners found himself obliged to seek a cure elsewhere.<sup>5</sup> But the sixteenth-century preacher was untrammelled by the convention which in a more fastidious age was to preclude as an impropriety the discussion in the pulpit of the problems of the market-place. "As it belongeth to the magistrate to punish," wrote the author of a widely-read book, "so it is the part of the preacher to reprove usury . . . First, they should earnestly inveigh against all unlawful and

<sup>1</sup> Bucer, *De Regno Christi*.

<sup>2</sup> Sandys, second, tenth, and eleventh of *Sermons* (Parker Society); Jewel, *Works*, fourth part, p. 1293 (*Ibid.*).

<sup>3</sup> Miles Mosse, *The arraignment and conviction of usurie*, 1595.

<sup>4</sup> John Blaxton, *The English Usurer, or Usury condemned by the most learned and famous Divines of the Church of England* (1634). The bishops cited are Jewel, Sandys, King, Babington, Downam ("the hammer of usurers," Bishop of Derry), and Lake.

<sup>5</sup> David Jones, *A Farewell Sermon at St. Mary Woolnoths* (in Lombard Street), 1692. This appears to have provoked a rejoinder, which I have not read, *Lombard Street Lecturer's late Farewell Sermon answered, or the Welsh Levite tass'd de novo* (1692).

wicked contracts . . . Let them amend all manifestations in bargaining by ecclesiastical discipline. Then, if they cannot reform all abuses which they shall find in bargains, let them take heed that they trouble not the church. . . Last of all, let them with diligence admonish the rich men that they suffer themselves not to be entangled with the show of riches." <sup>1</sup>

"This," wrote an Anglican divine in reference to the ecclesiastical condemnation of usury, "hath been the general judgment of the church for about fifteen hundred years, without opposition in this point. Poore sillie church of Christ, that could never find a lawful usury, before thiſ age wherein we live." The first fact which strikes the modern student of this body of teaching is its continuity with the past. In its insistence that buying and selling, letting and hiring, lending and borrowing, are to be regulated by a moral law of which the church is the guardian, religious opinion after the Reformation does not differ from religious opinion before it. Contemporaries were conscious neither of the emancipation from the economic follies of the age of monkish superstition ascribed to them in the eighteenth century, nor of the repudiation of the traditional economic morality of Christendom which some writers have held to have been the result of the revolt from Rome. The relation in which they conceived themselves to stand to the social theory of the mediæval church is shown by the authorities to whom they appealed. "Therefore I would not," wrote Wilson, "have men altogether be enemies to the canon law, and to condemn everything therein written, because the Pope was author of them, as though no good law could be made by them. Nay, I will say plainlie, there be some such laws made by the Pope as be right godly, saie others what they list." On the lips of a Tudor official such sentiments had, perhaps, a certain piquancy. But Wilson, as we have seen, was a civilian, skilled in the *ius pontificium* as well as the *ius civile*, and, in their appeal to the traditional teaching of the church, his words represented the starting point from which the

<sup>1</sup> *The Lawful Use of Riches* (1578), a translation by Rogers from the Latin of Nicholas Heming.

discussion of social questions still commonly set out. The Bible, the fathers and the schoolmen, the decretals, church councils and commentation on the canon law—all these, and not only the first, continued to be quoted as decisive on questions of economic ethics by men to whom the theology and government of the mediæval church were an abomination. What use Wilson made of them a glance at his book will show. The writer who, after him, produced the most elaborate discussion of usury in the latter part of the century, prefaced his work with a list of pre-Reformation authorities running into several pages.<sup>1</sup> The author of a practical memorandum on the amendment of the law with regard to usury—a memorandum which appears to have had some effect upon policy—thought it necessary to drag into a paper concerned with the chicanery of money-lenders and with the foreign exchanges, not only Melancthon, but Aquinas and Hostiensis.<sup>2</sup> Even a writer who, unlike Wilson, denied all virtue whatever to “the decrees of the Pope,” did so only the more strongly to emphasise the prohibition of uncharitable dealing contained “in the statutes of Holy Synods and sayings of godlie fathers, who vehemently forbid usury.”<sup>3</sup>

The market for ethical teaching, as Gresham remarked of the Antwerp Bourse, “is truly strange,” for the commodity is one which has the singular property of being consumed in bulk more readily than retail. No church has ever experienced any difficulty in preaching righteousness in general: no church has found a specific to disguise the unpalatableness of righteousness in particular; and while religious opinion continued in the sixteenth century to condemn usury as contrary to the law of God, the edge of its denunciation was being insensibly blunted through a more accommodating classification of the types of transaction to which the word usury might be held to apply. The insistence on the application of moral criteria to matters of business had always been compatible with considerable divergences of opinion as to what precisely those criteria were. As Professor Ashley long ago

<sup>1</sup> Miles Mosse, *op. cit.*

<sup>2</sup> *S.P.D. Ets.*, LXXV, 54.

<sup>3</sup> *The Lawful Use of Riches.*

pointed out, the mediæval condemnation of usury had been neither so unanimous nor so indiscriminating as is sometimes suggested, and even before the matter began to exercise the mind of the post-Reformation divines, canonists had taken a long step towards sanctioning transactions involving what was, in effect, payment for the use of capital. With the expansion of new types of capitalist enterprise and the drawing apart of different churches after the Reformation, the problem of interpretation became in England, what it long had been in Italy and Germany, a matter not merely of speculative interest, but of urgent practical importance.

It was on this ground that the controversial battles of the last half of the century were fought out. There was, as yet, no question of directly repudiating the attempt to try economic transactions by ethical standards, and, whatever the private sentiments of the business world, the demand for complete freedom of contract found few overt defenders either among men of affairs or men of religion. Ostensibly almost everyone was agreed that usury was reprehensible. The question was whether usury was to be defined so as to include all interest, or whether, in certain circumstances, moderate interest was to escape from the general condemnation. The straiter school stood on the letter of Scripture and the law of the Church, regarded usury as differing not merely in degree, but in kind, from payments which, like rent and profits, were morally unobjectionable provided that they were not extortionate in amount, and insisted that usury was to be interpreted as equivalent to "whatever is taken for a loan above the principal." Liberal opinion, concerned to establish a *modus vivendi* between Christian teaching and contemporary economic practice, admitted that the exaction of interest might, indeed, be reprehensible, but urged that its legitimacy depended on the circumstances of the parties and the purpose of the loan. What mattered, it was argued, was not the letter of the law, but the spirit of Christian charity; and if charity required free gifts to the poor, and free or easy loans to the struggling tradesmen, it could not reasonably be held to forbid the charging to substantial merchants or landowners of such rate.

of interest as they could be induced to pay. The logical result of the position was to transfer the burden of proof from the defenders of usury to its critics. In so far as it was accepted, usury, instead of meaning the payment of any interest whatever, would mean the payment of interest which, in the circumstances of the case, was extortionate.

Of these two interpretations the stricter, which represented the old-fashioned tradition, continued well into the seventeenth century to be the orthodox teaching of the Church of England. English religious thought, which had stagnated in a happy backwater remote at once from the keen intellectual activity and strenuous business life of Italy and Flanders, shows no signs of having been influenced in the later Middle Ages by the latitudinarianism of innovating canonists, and the post-Reformation writers who allude to the new doctrines do so usually, as Luther had done, in order to emphasise the danger of compromising with Antichrist. When, with the expansion of English enterprise and the closer connection with the continent, the controversy became acute, as it did towards the close of the reign of Henry VIII, Anglican divines, with hardly an exception, took their stand on the full rigour of conservative doctrine. Advanced reformers, like Latimer, Becon and Crowley, fulminated against usury with the same fervour as against enclosing, and their influence was seen in the renewed prohibition of any payment whatever in excess of the principal contained in the Act of 1552. Bishops, such as Jewel and Sandys, were explicit in repudiating the suggestion that conduct condemned by Scripture as sinful in itself could become venial when practised with judicious moderation. Such semi-official definitions of usury as were given by ecclesiastical authorities implied that it was to be interpreted as equivalent to any stipulated payment for a loan.<sup>1</sup> Preachers and pamphleteers could not, at any rate after the middle of the century, ignore the suggestion that the exaction of interest ceased to be immoral when it ceased to be oppressive. But they noticed it, in most cases, only to condemn it. Stealing did not become lawful, merely

<sup>1</sup> E.g., the abortive scheme for the reorganisation of the ecclesiastical jurisdiction drawn up by Cranmer and Fox, see Cardwell, *Reformatio Legum Ecclesiasticarum*, pp. 206 and 343, and Grindal's *Injunctions* (1571).

because the sums stolen were small : God was no respecter of persons to condone, in those who financed the rich, conduct forbidden to those who lent to the poor. The direct results of a loan at moderate interest to a well-to-do merchant might seem harmless. But the merchant would pass it on in higher prices to the consumer, and in the end the whole commonwealth, including the poor, would suffer. " Usurie walketh in the dark, it biteth, few know when, where and how. Only thus much in general we must needs know, that the borrower upon usurie cannot afford their ware so good cheap by nine and tenne in the hundred." Social expediency and the teaching of the Church are, in short, in agreement. The moral is to avoid fine distinctions, and to give a wide berth to a practice offensive to both. " A man will not ride so near the brink of a ditch or pit as he can for fear of falling, but keep a certain distance off that he may be the more secure. . . . Those men who will not abstain from some things which are lawful shall of necessitie commit many things that are unlawful." <sup>1</sup>

Clerical conservatism continued to repeat such doctrines down to the eve of the Civil War. But from the middle of the sixteenth century their influence was undermined not merely by frontal attacks from the world of business, but by dissension within the religious citadel itself. A picturesque tradition asserted that the indulgence shown by later divines to moderate interest sprang from their sympathy with the necessities of religious refugees, who invested the capital which they took abroad, because in a foreign country they lacked the knowledge to employ it themselves. It is obviously not to be taken *au pied de la lettre*, and the satire of a later generation made merry with the " saints under persecution " to whom usury was " very tolerable, because profitable." <sup>2</sup> What is clear, however, is that the new doctrine was an exotic, which, if it found congenial soil in England, was imported into it from abroad in the wake of the religious radicalism of Geneva. In the social ferment of the continental Reformation, usury, long a grievance with peasant and

<sup>1</sup> Fenton, *Treatise of Usurie* (1612).

<sup>2</sup> *Briefe Survey of the growths of Usury in England* (1673).

artizan, had become for a moment a battle-cry. Public authorities, terrified by the popular demand for the repression of the extortioner, consulted divines and universities as to the legitimacy of interest ; and divines and universities gave, as is their wont, a loud, but confused, response. What emerged when the hubbub died down was, however, important. It was an attempt to discuss the question on a new plane and in a different temper. Of this attitude the principal representative was "that worthy instrument of God, Mr. Calvin."

"Calvin," wrote an English divine who was concerned to minimise his innovations, "dealt with usury, as the apothecary doth with poison."<sup>x</sup> The apologetic was just. That interest was lawful, provided that it did not exceed an official maximum, that even when a maximum was fixed, loans must be made gratis to the poor, that the borrower must reap as much advantage as the lender, that excessive security must not be exacted, that what is venial as an occasional expedient is reprehensible when carried on as a regular occupation, that no man may snatch economic gain for himself to the injury of his neighbour—a condonation of usury surrounded by such inconvenient qualifications can have offered but tepid consolation to the devout money-lender, and there have been ages in which it would have been regarded as an attack on financial enterprise, rather than as a defence of it. The specific conclusions of Calvin were not strikingly original. In emphasising the difference between interest wrung from the necessities of the poor, and interest paid from the profits which a prosperous merchant could earn with borrowed capital, he had been anticipated by Major : in his indulgence to a moderate rate on loans to the rich his position was the same as that already assumed, though with some hesitation, by Melancthon. The picture of Calvin, the organiser and disciplinarian, as the parent of laxity in social ethics is a legend. Like the author of another revolution in economic theory, he might have turned on his popularisers with the protest : "I am not a Calvinist."

<sup>x</sup> Fenton, *op cit.* Calvin's views will be found in his *Epist. et Respon.*, p 355, and in Sermon XXVIII in the *Opera*.

Nevertheless, for Calvin's influence on economic thought, it was the legend which counted, and both its critics and his defenders were not wrong in seeing in his doctrine a watershed. What he did was to change the plane on which the discussion had been conducted, by treating the question of the ethics of money-lending, not as a matter to be decided by an appeal to a special body of doctrine on the subject of usury, but as a particular case of the general problem of the social relations of a Christian community, which must be solved in the light of existing circumstances. He made, in short, a fresh start, and appealed from Christian tradition to a common sense which he was sanguine enough to hope would be Christian. The Mosaic law may have suited the special conditions of the Jews, but it is irrelevant to the life of commercial communities: the time-honoured objection that "money does not breed money" he dismisses with hardly more ceremony than was afterwards shown it by Bentham: in practice, land and capital are interchangeable investments; why permit one and condemn the other? What is permanent is not the rule "*non fenerabis*" but "*l'équité et la droiture.*" On such a view all extortion is to be avoided by Christians. But lending at interest, provided the rate is reasonable and that loans are made freely to the poor, is not *per se* more extortionate than any other of the economic transactions without which human affairs cannot be carried on.

Once stated, Calvin's position became that of the most powerful religious movement of the age. "It took with the brethren," sneered an anti-puritan critic of a later generation, "like polygamy with the Turks."<sup>1</sup> Within ten years of his death, it was being expounded in England by Baro and Bullinger,<sup>2</sup> whose *Decades* every candidate for holy orders was required to study. How eagerly it was seized on by legal and commercial opinion Wilson's dialogue is sufficient to show. In the works of the clerical interpreters of his theory, as in those of Calvin himself, the tolerance extended to the money-lender was less conspicuous than the admonitions with which

<sup>1</sup> *Brief Survey of the Growth of Usury in England (1673).*

<sup>2</sup> Bullinger, *Third Decade*, first and second sermons (Parker Society): for Baro see Cunningham, *English Industry and Commerce*, *Modern Times*, pp. 157-8.



it was accompanied. Its logical conclusion would have been an arrangement, such as was, indeed, proposed by certain writers, under which loans were provided *gratis* or at low rates of interest for the poor, while the commercial world was left free to engage in what transactions it pleased. But mankind finds in the arguments of theorists what it looks for. Calvin's indulgence to moderate interest, like Adam Smith's individualism, was remembered when the qualifications surrounding it were forgotten; and the practical effect of his teaching was to weaken the whole body of opposition to usury by enabling the critics of the traditional doctrine to argue that religion itself spoke with an uncertain voice.

The strength which the new doctrine derived from its recognition of economic realities is as evident as its appositeness in providing the growing bourgeoisie—in England and Holland the standard-bearers of Calvinism—with precisely the moral justification required to hallow their economic practice. A parson of the straiter sort may decline to live upon income derived from interest on capital,<sup>1</sup> and a layman of meticulous conscientiousness, like D'Ewes,<sup>2</sup> may lay down in his will that his capital should not be lent for a certain and stipulated interest, but used to buy either land or annuities as a provision for his daughters. But their very objections show that land and capital are convertible investments. A philanthropist may provide for the poor by presenting to the parish a cow which is to be "let on hire." But cows are mortal; this particular communal cow is "very like to die of casualty and ill-keeping." The poor will be more secure of their income if the cow is sold, and the money invested.<sup>3</sup> Is the step to be condemned as immoral on the ground of a mere technicality? Nor was it only the impossibility of drawing a sharp distinction between income from natural objects and income from capital which gave its persuasiveness to Calvin's defence of interest. The theory of usury had been designed for the conditions of an age in which the lender was rich and the borrower poor. Now the borrower was often a merchant who

<sup>1</sup> Blakeney, *History of Shrewsbury*, vol. II, pp. 364 and 412.

<sup>2</sup> Halliwell, *The Autobiography and Correspondence of Sir Simonds D'Ewes*, vol. I, pp. 206-12, 322, 354, vol. II, pp. 96, and 153-4.

<sup>3</sup> *Hist. MSS. Com., MSS. of Corporation of Burford*, p. 46.

raised a loan in order to speculate on the exchanges or to corner the wool crop, and the lender an economic innocent, who sought a secure investment for his savings. The defenders of usury were not slow to spy their advantage: How provide, except by interest, it was asked, for those who cannot provide for themselves? It is perhaps first in the sixteenth century that widows and orphans are marshalled, a tearful orchestra, by the capitalist baton. Compared with the stiff conservatism which denounced as immoral what had become the general practice of the business world, the new doctrine had the advantage of providing an ethical code not too inconsistent with the obvious facts of economic organisation. It was inevitable that it should exercise an increasing influence on lay opinion and on the policy of statesmen.

(ii)

THE HARRYING OF THE USURER

When one turns from the dialectics of doctors to the sentiments of their congregations, one enters a world in which theory was less precise, if prejudice was not less tenacious. The opinion of the practical man on questions of economic conduct was in the sixteenth century in a condition of even more than its customary confusion. A century before he had practised extortion and been told that it was wrong: for it was contrary to the law of God. A century later he was to practise it and be told that it was right: for it was in accordance with the law of nature. In this matter, as in others of greater moment, the generation for which Wilson wrote was unblest by these ample certitudes. It walked in an obscurity where the glittering armour of theologians

"made  
A little glooming light, most like a shade."

In practice, since new class interests and novel ideas had arisen but had not yet submerged their predecessors, every shade of attitude, from that of the pious burgess who classed

usury with adultery,<sup>1</sup> to the latitudinarianism of the cosmopolitan financier, to whom the confusion of business with morals was a vulgar delusion, was represented in the economic ethics of the age. The State wavered uneasily between these two extremes. Tradition, a natural conservatism, a belief in its own mission as the guardian of "good order" in economic matters, gave it an initial bias to the first; the pressure of a city interest growing in wealth and political influence, its own clamorous financial necessities, the mere logic of economic development, pushed it strongly towards the second. Hence, its treatment of financial capitalism was vacillating and inconsistent, and, to understand the legal development, it is necessary to relate it to the economic interests of which it was the expression.

That the sentiment of even the most conservative classes had no objection to incomes derived from investment in land or from trading profits, provided they were "reasonable," went without saying. For the majority of men in most parts of the country were small land-holders or petty profit makers; and the legal recognition of the legitimacy of their gains had been, not an arbitrary distinction invented by theorists, but the admission of plain economic facts. Beyond these there remained, however, a wide range of economic transactions whose character was more ambiguous. Neither to scientific nor to popular opinion did usury carry in the Middle Ages and in the sixteenth century the specialised sense of excessive interest on a loan of money which the word bears to-day. Like the modern profiteer, the usurer was apt to be so unpopular a character, that almost any unpopular character might be called by the average man a usurer, and any bargain from which one party obviously gained more advantage than the other and pressed his economic opportunity to the hilt was regarded as usurious. The description which best expresses the popular sentiment was that contained in the indictment brought by the pious burgesses of Hereford against an unpopular divine: "Dr. Bennett is a great taker of advantages."<sup>2</sup>

<sup>1</sup> E.E.T.S., *Coventry Led Book*, p. 544.

<sup>2</sup> *S.P.D. Hist.*, CCLXXXVI, 19 and 20.

Of such takers of advantages the money-lender was apt, however, in the circumstances of the age, to be the most conspicuous example. Against him were arrayed the peasantry and the humbler bourgeoisie, whose conception of social expediency was the defence of customary relations against innovation, and who regarded the growth of this new power with something of the same jealous hostility as they opposed to the economic radicalism of the enclosing landlord. At bottom it was an instinctive movement of self-protection. Men dreaded the professional "money master" because it was so easy to slip into dependence on the fatal luxury of loans. Free play for the capitalist seemed to threaten the loss of independence by the small producer who tilled the nation's fields and wove its cloth. When they rationalised their apprehensions, they naturally used the conventional conceptions of the age. The body politic is an organism in which each class should perform its function; the usurer, like the middleman, is "an unnecessary member of the commonwealth."<sup>1</sup> Men should labour in their vocation according to their station; the usurer is a parasite who grows rich "without labour, cost, or hazard."<sup>2</sup> Decent men, without being righteous overmuch, carry on their business with some regard to their neighbours and to the public interest; usury is a form of chicanery benefiting only "a small number of insatiable persons."<sup>3</sup> The path down which the money-lender beguiles his victims may seem at first to be strewn with roses. But at the end of it lies—incredible nightmare—a regime of universal capitalism in which peasant and small master will have been merged in a property-less proletariat, and "the riches of the cytie of London, and in effect of all this realme, shalbe in that tyme in the handes of a fewe men havinge unmercifull hartes."<sup>4</sup>

Such outbursts were the natural protest of a laborious generation against a class which seemed to flourish on unearned increment wrung from their neighbours' necessities,

<sup>1</sup> *S.P.D. Hist.*, LXXV, no. 54.

<sup>2</sup> *Usury is Injury* (1640).

<sup>3</sup> *S.P.D. Hist.*, CX, no. 51.

<sup>4</sup> *Ibid.*, LXXV, no. 54.

outraged the decencies of social intercourse by an inhuman concentration on the pursuit of economic gain, and awoke among conservative persons somewhat the same uneasy suspicion of sharp practice as was aroused three centuries later by the dubious innovation of joint-stock finance. What is more significant was the action by which municipal authorities, middle-class philanthropists and the State attempted to cope with the situation. If the modern reader is disposed to agree with Bentham that the objection to usury was the revolt of the thriftless against the thrifty, let him turn to the proceedings of the commonplace people—jurymen, municipal councillors, churchwardens, testators—who cannot be suspected, like the ecclesiastics, either of repeating the conventional rhetoric of the pulpit, or of cultivating any professional squeamishness as to the arts by which men grow rich. With the new financial and commercial conditions which had developed before the end of the fifteenth century, city opinion was no longer what it had been in the days when the authorities of London fined and imprisoned usurers and brokers. But the danger that the "honest householder" would become "the bondslave of the money master" was still felt to be the Achilles' heel of the small business world of shopkeepers and petty traders who formed the magistracy in the average borough, and in England, as at the same time in the Low Countries, they deployed an arsenal of expedients against it. Usury is declared a scandalous vice which disqualifies those who practise it from municipal office.<sup>1</sup> It is forbidden under stringent penalties, and proceedings are taken against the usurer. The victim is advanced money from the town exchequer with which to recover his pledges.<sup>2</sup> The municipal officers are instructed to sell unreclaimed goods deposited as security, and to divide the sum realised between the debtor and creditor in such a way that the latter should receive no more than he had lent without any allowance for interest, and the former anything which they fetched in excess of that figure.<sup>3</sup> In the counties, usurers appear to be

<sup>1</sup> E.E.T.S., *Coventry Leet Book*, p. 544.

<sup>2</sup> *Records of Borough of Leicester*, vol. III, pp. 253-60.

<sup>3</sup> Matland Club, *Borough Records of Glasgow*, p. 9.

presented<sup>1</sup> with alacrity by juries.<sup>2</sup> Protests are addressed to the Privy Council against a landowner who oppresses his neighbours by usury and extortion,<sup>3</sup> against the misgovernment of municipal authorities who have reduced their fellow citizens to such distress that they are obliged to "raise money on pawns,"<sup>4</sup> against the proposal to saddle a town with a minister who is notorious for taking "id. in the shilling."<sup>4</sup> The Government is asked to enforce and to extend the statutes against usury.<sup>5</sup> Social reformers, affirming with the exaggeration natural in the advocates of a panacea that "that which most grieveth and annoyeth the common people is this abominable sin of usury,"<sup>6</sup> bombard it with projects for superseding the private money-lender by public banks.

A bill<sup>7</sup> establishing "banks for the relief of common necessity" was actually introduced into the House of Commons in April, 1571. But no more was heard of it, and, apart from that abortive measure, the Government turned a deaf ear to proposals for State banks. Perpetually in debt, and with its credit such that, in Wilson's day, it paid fourteen per cent. for loans, how could it raise the capital? But the idea of the *mont de piété* was much in the air; with the establishment of a *mont* at Ypres in 1534, it had been popularised in the Low Countries, which were the economic school-master of sixteenth century England: and in England itself, though the State took little interest in the matter, local and corporate enterprise made some attempt to turn the flank of the usurer by providing facilities for borrowing elsewhere on reasonable terms. Monastic<sup>8</sup> charity, the importance of which seems still to be uncertain, had come to an end when

<sup>1</sup> Bund, *Kalendar of Worcester Sessions Rolls, 1591-1643*, pt. II, pp. 616-7. Atkinson, *Quarter Sessions Records of the North Riding of Yorkshire*, vol. I, pp. 46, 112, 209, 225. Somerset Record Society, *Quarter Sessions Records*, vol. XXIV, pp. 117 and 124.

<sup>2</sup> *S.P.D. Eiss.*, CLV, 65.

<sup>3</sup> *Hist. MSS. Com.*, *MSS. of the Marquis of Salisbury*, pt. IV, pp. 208-10: the town in question was Newcastle.

<sup>4</sup> *S.P.D. Eiss.*, CCLXXXVI, 19 and 20.

<sup>5</sup> *Ibid.*, Add. XXVII, no. 39 and XXXIII, no. 94.

<sup>6</sup> *Ibid.*, CX, 51.

<sup>7</sup> D'Ewee, *Journal*, p. 178. See below, p. 159.

<sup>8</sup> See Savine, *English Monasteries on the Eve of the Dissolution*, pp. 228-242. (Vinogradoff, *Oxford Studies in Social and Legal History*, vol. I). But the figures (2½ per cent. of the gross income) relate only to charity administered under trusts, and appear to exclude voluntary almsgiving.

## 126 PUBLIC POLICY AND THE MONEY-LENDER

Wilson was a boy, nor do the credit facilities afforded by guilds, which occasionally had expanded on a scale almost large enough to be described as co-operative banking, appear to have survived the sharp class divisions which the fifteenth century saw develop within them. But the right to borrow from "the common box"<sup>1</sup> was still a privilege jealously guarded by guild members, and certain groups of craftsmen, as has been shown above,<sup>2</sup> took up the project of raising corporate funds as a means of emancipating themselves from dependence on the capitalist. Well into the seventeenth century, continuing an immemorial practice which owed nothing to foreign precedents, parishes maintained a church stock, from which they advanced cows, sheep, hives of bees, trade utensils and money to parishioners, taking security, and charging a low rate of interest.<sup>3</sup>

Occasionally a borough took more elaborate measures than mere prohibition to squeeze out the usurer. At the little town of Berwick-on-Tweed a storm of indignation arose towards the end of the sixteenth century against the alleged malpractices of the local money-lenders. Many poor citizens, it is complained, are driven by distress into dealing in pawn-tickets, and, as a consequence, are plundered by "extreme usurers and extortioners." The mayor ought to take the matter up, and to appoint "two honest and credible men" to act as brokers through whom alone loans shall be negotiated. Accordingly, in 1598 an order was issued prohibiting all pawnbroking except through two official agents, who were to give security to the town for the articles deposited with them as pledges, and to keep a register of borrowers and their debts. Five years later, a short entry in the municipal register of oaths and proclamations gives us a glimpse of this public pawnshop at work. In spite of all precautions, the private capitalist had reappeared. On April 30, 1603, one Robert Bincks was brought before the magistrates on the charge of exercising the trade of a pawnbroker, in contravention

<sup>1</sup> Turner, *Oxford Records*, p. 8, and *Lincoln Cathedral Statutes*, pt. II, pp. 616-7. For a guild which appears to have acted as a bank, see *Hist. MSS. Com.*, *MSS. of the Borough of Kings Lynn*, p. 228.

<sup>2</sup> See page 59.

<sup>3</sup> Numerous examples are given by Addy, *Church and Manor*, ch. XV.

of the order that only two persons appointed by the town should be permitted to advance money. Amid general execration of his exactions, he was ordered to surrender to the town the pledges which he held, and was turned off with an allowance of ten per cent. upon them. The story closes with the triumphant re-establishment of the municipal monopoly.<sup>1</sup>

Such experiments in the control or expropriation of the money-lender were, of course, exceptional. What was more characteristic of the sixteenth century was the attempt to achieve the same result by private charity, or, as an incident in the administration of that new social instrument, the Poor Law. The last wishes of the pious benefactor are not always a monument to his wisdom. But since he is apt, like Poins, to be "a blessed fellow to think as every man thinks," they usually reflect the prevalent estimate of the sore points in the social system and the particular types of philanthropy which are the fashion of the age. There is no doubt what form of charitable bequest appealed most to the Elizabethan capitalist who desired to dispose of his fortune for the good of his soul and the benefit of posterity. It was the establishment of a fund to endow the deserving tradesman. Legacies of "£20 to the use of poor artificers, to be lent them gratis from year to year," or "for the better advancement and preferment of the young thriving burgesses that have trades and occupations yet want stock to set up on or exercise the same . . . at £5 a man for 6 whole years, freely and without payment of interest," or "£60 for granting loans to carriers plying between London and Kendal"<sup>2</sup>—such bequests were as common in the sixteenth century as the endowment of altar lights had been in the middle ages, or that of hospitals is to-day. By the latter part of the century the futility of merely disciplinary measures against pauperism had been widely realised, and measures to prevent distress from arising were beginning to be the fashion. City companies, municipal corporations and parochial authorities

<sup>1</sup> *Hist. MSS. Com., Report of Manuscripts in various collections*, vol. I, pp. 3, 4, and 25.

<sup>2</sup> *Hist. MSS. Com., MSS. of the Corporation of Kendal*, pp. 3, 7, and 549; *Nottingham Borough Records*, vol. V, p. 150.



came to the assistance of private philanthropy by establishing "lending charities"—the Haberdashers' Company alone administered a fund of £2,500—which had the advantage, at a time when the old-fashioned almsgiving, both for religious and for social reasons, was a little blown upon, of helping those who helped themselves. In each case the motive was the same. It was to enable the young artizan or tradesman—the favourite victim of the money-lender—to acquire the indispensable "stock" without which he could not set up in business. Half a century later, when the goldsmith banker was coming to his own, the establishment of free loans was, as we have already seen, still being urged by a puritan social reformer under the Commonwealth.<sup>2</sup>

The suspicion of the sharp practice of Mr. Badman, expressed in all this public regulation and private philanthropy, survived in the social strata least touched by the new currents of commercial enterprise long after it had ceased to influence public policy. But, when the sixteenth century began, it was the theory, at least, on which the treatment of credit transactions by the State was founded, and it continued for several generations to command sympathy in high places. In its mixture of social jealousy at the rise of a new aristocracy, reluctant admiration at its success in making money, and genuine indignation at its indecent rapacity, the attitude of the governing classes towards the financier was not unlike that of the Tory landowners of the early nineteenth century towards the "cotton men" of the day. While the impecunious squire grumbled at the money-lender as an extortioner, the administrator protested at the manner in which the capitalist sacrificed public interests to the desire for profit, sneered at him as one of a class which evaded public burdens and did no good to the country, and was not sorry to show his opinion of the humbler members of the trade by fining them at quarter sessions or even sweeping "rogues and usurers"—a singular combination—into the same gaol.<sup>3</sup> The

<sup>2</sup> Leonard, *The Early History of English Poor Relief*, pp. 232-5, gives many examples.

<sup>3</sup> See p. 30 (Cooke, *Unum Necessarium or the Poor Man's Case*).

<sup>3</sup> Ellis, *Original Letters*, first series, vol. II, Letter ccxu.

Government itself was torn by conflicting interests. On the one hand, its necessities compelled it to court the financiers and to offer them such terms for loans as they demanded. On the other hand, itself an unrepentant borrower, it had no love for creditors; it had a naive confidence in the economic efficacy of statutes and proclamations; and it inherited a whole body of assumptions as to social expediency which caused it to look askance at a class whose sole *raison d'être* was a single-minded pursuit of pecuniary gain. In an age of religious and social convulsions it had its own reasons of public policy for attempt to enforce customary standards of social conduct and obligation as an antidote for what Burghley called "the licence grown by the liberty of the Gospel."<sup>1</sup> In his matter of credit, as in its attempts to protect the peasant against the depopulating landlord and the weaver against the clothier who "engrossed" looms, both tradition and interest united it with the small producer in agriculture and industry in resistance to economic innovation. If, in short, official practice was opportunist, official theory was conservative. The warnings against "usurie both plain and coloured"<sup>2</sup> with which Dudley, a poacher too late turned gamekeeper, solaced his imprisonment, continued to fall with unction from the lips of statesmen well into the seventeenth century.

An enlightened absolutism might have chosen one of several courses other than absolute prohibition of interest or complete freedom of contract. It might have taken up one or other of the projects submitted to it for the establishment of national banks, or have allowed interest in dealing between merchants, while forbidding it in non-commercial transactions, or have adopted the policy afterwards proposed by Bacon of fixing one rate for loans which were in the nature of investments, and another, and a lower rate, for loans to meet the necessities of the peasant and the craftsman, whose difficulties had given the attack on usury its point. The compromise which was finally adopted was cruder than either of these suggestions and is discussed below. During

<sup>1</sup> *Hist. MSS. Com., MSS. of the Marquis of Salisbury*, pt. I, pp. 162-3.

<sup>2</sup> *The Tree of Commonwealth*.

the greater part of the first three-quarters of the century no compromise, other than by evasion of the law, was contemplated. The truth was that the economic paternalism of the Tudors was not of a kind to appreciate subtleties. It was possible because, in the main, it was popular, and it was popular because of its lack of originality. Its system of "controls" drew its materials from the practice of village and borough, preserved much, while it changed little, and was put in motion, if at all, by the pressure, almost the passion, for regulation of the classes affected by it.

It was quite in accordance with the policy applied to other sides of economic life, therefore, that, during the greater part of the sixteenth century, the treatment of credit transactions by statute law should have consisted, except during one short interval, in the re-enactment of mediæval precedents. In the fourteenth and fifteenth centuries there had been petitions against usury, which evoked ordinances prohibiting it. The Government of Henry VII had the same motive for dealing with usury as with enclosure; both could be exploited by the discontented and were a menace to public order; and the first comprehensive legislation on the subject consisted of the statutes of 1487 and 1495.<sup>1</sup> Neither made any innovation on the existing state of the law. The first, after prohibiting "dry exchange," forbade all interest under penalty of £100 for every transaction, and laid down that, since it was principally in boroughs that, as would be expected, these undesirable practices were carried on, cases of usury should be tried not by borough magistrates but by the chancellor and the county justices, who, as landowners, had no love for the exacting mortgagee. The second was designed to meet difficulties caused by the ambiguity of the preceding Act, which it repealed. It renewed the prohibition of all usury of any kind, defined usury as the act of "taking for the same loan anything more besides or above the money lent, by way of contract of covenant at the time of the same loan, saving lawful penalties for the non-payment of the money lent," and forbade expressly two devices by which the law had been evaded, namely the selling of wares and repurchasing

<sup>1</sup> 3 Hen. VII, c. 5, and 11 Hen. VII, c. 8.

of them within four months at a lower price, and loans advanced on the security of land on condition that part of the revenue of the land should be made over to the lender. Both Acts reserved the jurisdiction of the ecclesiastical courts.

Nor, down to 1571, was any substantial breach made in this policy of meeting new problems with mediæval weapons. It is true that in the last year but one of Henry VIII, when the Government must have been at its wits' end to raise loans, an Act<sup>1</sup> was passed which, while repeating the prohibition of usury under the guise of fictitious sales, sanctioned interest provided that it did not exceed ten per cent. But the concession stood only for seven years. It is possible that the return to the more rigorous policy was connected with the prominence in the reign of Edward VI of the group of reformers who had urged the ill-fated Somerset to take up the land question, and who, by their insistence on the need for social reconstruction, had earned among their enemies the nicknâme of "the Commonwealth men." Protestants like Latimer, Ponet, Bucer, Lever and Crowley had no more mercy for the money-lender than had been shown by Cardinal Morton when he harangued parliament on the subject half a century before, and they had all written or spoken against usury. "The most parte, I am sure, of this most godly assemble and parliament," urged Crowley in a sermon, "do knowe that the occasion of the acte that passed here concerning usutie was the unsaciabie desyre of the usurers, whoe could not be contented with usurie, unlesse it were unreasonable muche. To restrayne this greedy desyne of theyrs, therefore, it was commanded and agreed upon, and by the authoritie of parliament decreed, that none should take above x li a year for the lone of an c li. Alas that ever any Christian assembly should bee so voyde of God's Holy Spirit, that thei should allow for lawfull any thynge that God's worde forbodeth. Be not abashed (most worthy counsaylours) to call this act into question again."<sup>2</sup> The social doctrines rehearsed by Edward VI, with their emphasis on the need of controlling the operations of merchants and financiers, reflected the

<sup>1</sup> 37 Hen. VIII, c. 9.

<sup>2</sup> Crowley, *Select Works*, edited by Cowper, p. 172: for Edward VI see his *Discourse concerning the Reformation of many abuses*.

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conventional distrust of the monied interest; the clergy were demanding that usurers should be punished, as in the past, by the canon law;<sup>1</sup> and there appear to have been some popular protests<sup>2</sup> against the qualified indulgence shown to the money-lender in the Act of 1545. The gentry, it is true, under the leadership of Warwick, had made short work of Somerset and his land policy. But, in defending property, they had no intention of undertaking a crusade to protect the moneybags of financiers who squeezed them and the peasants impartially, and their victory had been followed by measures of economic control intended to prevent social disturbance. Stringent legislation as to prices was passed in 1552,<sup>3</sup> and in June, 1551, in the hope of preventing them rising further, exchange transactions had been prohibited. The Act<sup>4</sup> of 1552 as to usury was probably regarded as part of the same policy. It repealed the Act of 1545, and forbade the taking of any interest whatever, under pain of imprisonment and fine, in addition to the forfeiture of principal and interest. Henceforward a pious nation was to live up to the declaration of its parliament that "all usury is by the word of God utterly prohibited, as a vice most odious and detestable, as in divers places of Holy Scripture is evident to be seen."

The statute of 1552 did no more than re-enact principles which had been accepted for centuries, and which had been applied in the legislation of Henry VII. But since the end of the fifteenth century there had been a revolution in the social and economic life of England, and indeed of Europe, which was bringing the capitalist classes to their own, and it was no longer as easy as it had been to put a hook in their jaws. The methods by which the prohibition of usury could be evaded—payment for fictitious consideration, loans in the shape of wares priced at double their market value, stipulation for repayment of the principal under heavy penalties at an impossibly early date, loans in the guise of a share in a trading partnership in which the borrower agreed to bear

<sup>1</sup> Cardwell, *Synodalia II*, p. 436.

<sup>2</sup> E.E.T.S., *A supplication of the poore Commons*.

<sup>3</sup> 5 and 6 Edward VI, c. 14.

<sup>4</sup> 5 and 6 Edward VI, c. 20.

all losses—such devices had been the commonplace of economic literature since the thirteenth century, and there was general agreement that the first effect of the Act of 1552 was to give a new impetus to them. But malpractices of this kind, though they supplied a convenient loop-hole through which, when the parties were in agreement, they could combine to circumvent the law, obviously had their limitations. For they left intact, or even intensified, the stigma of illegality which marked interest as at once disreputable and precarious. As long as the law drew a distinction between the gains of finance and those of commerce and industry, the professional money-lender, unless sufficiently powerful to set it at defiance, was apt to possess neither complete legal security nor social respectability. He was regarded by public opinion as a man of furtive expedients who derived his income from the intimidation or cajolery of necessitous clients, and was exposed to the practical inconvenience, which cases before the courts shew to have been considerable, that the debtor who chose to repudiate his agreement could invoke the law against the creditor who attempted to enforce it.

What meets us, therefore, after the middle of the century, is an attempt, not merely to stultify the law in practice, but to reverse the whole body of legal doctrine on which this virtual outlawry of the capitalist had rested. In one country after another the rapidly growing financial interests revolt against a system which penalises the most profitable employment of their capital. The laws against usury are criticised, not merely in detail, but in principle. In England, by the third quarter of the century, though the usurer retained the character of a popular bugbear, and though the State continued, both by statute and administrative orders, to control his operations as it controlled in theory every other department of economic life, the indiscriminating prohibition of all interest whatever had given place to a system of regulation which recognised the legitimacy of some payment for the use of capital by the very penalties which it imposed on exactions which were thought to be exorbitant. The struggle was transferred from the plane of morality to that of expediency. The question was no longer whether interest was

right or wrong, but whether the rate of interest legally sanctioned was at any given moment reasonable or excessive.

(iii)

#### THE STRUGGLE OVER THE EXCHANGES

The movement began, as might have been expected, not among the petty tradesmen who had scraped together a few pounds and lent them to their neighbours, but in the world of big business which was connected with the money market, foreign trade, public finance and other branches of capitalist enterprise. Professor Pirenne<sup>1</sup> has contrasted the outlook of the mediæval bourgeoisie, intent on the conservation of local and corporate privileges, with that of the new plutocracy of the sixteenth century, with its international ramifications, its independence of merely local interests, its triumphant vindication of the power of the capitalist to dispense with the artificial protection of guild and borough and to carve his own career. Naturally the creed of these economic *conquistadores* was an almost modern individualism. "No one can deny," wrote the foreign merchants at Antwerp to Philip II, in protest against an attempt to interfere with the liberty of exchange transactions, "that the cause of the prosperity of this city is the freedom granted to those who trade there."<sup>2</sup> Antwerp had become the commercial capital of Europe by pursuing, alike towards finance and foreign trade, a policy of economic freedom at once deliberate and highly unusual; and, as the records of the commercial companies show, the objection of business men to State control was as compatible in the sixteenth century as it is to-day with a jealous insistence on monopoly when monopoly was profitable. But the words reflected the attitude of the commercial classes towards any attempt to interfere with individual enterprise in the name either of religion or of reasons of State.

An organised money market has many advantages, but it is not a school either of social ethics or of political responsibility.

<sup>1</sup> *Histoire de Belgique*, vol. III, pp. 282-5.

<sup>2</sup> Quoted by Ehrenberg, *Das Zeitalter der Fugger*, vol. II, pp. 7-8.

Moving, as they did, in a world where loans were made not to meet the temporary difficulty of an unfortunate neighbour, but as a profitable investment on the part of not too scrupulous business men, who looked after themselves and expected others to do the same, they had scanty sympathy with doctrines which had reflected the spirit of mutual aid not unnatural in the small circle of neighbours who formed the ordinary village or borough in the Middle Ages. "His answer was that he had concluded a bargain and that he looked to have his bargain kept," wrote Gresham, after a fruitless interview with one of the tribe.<sup>1</sup> It was a natural result of their experience that, without the formal enunciation of any theory of freedom of contract, they should throw their weight against the traditional restrictions, resent the attempts made by preachers and popular movements to apply doctrines of charity and good conscience to the impersonal mechanism of large-scale transactions, and seek to bring the law more closely into conformity with their economic practices. "How little," wrote an indignant English official, "they [*i.e.* merchants] regard the commonweal for advancement of their private lucre, I think the world doth see."<sup>2</sup> The complaint that the capitalist was at once godless and lawless was a conventional one, re-echoed by a score of publicists. The truth was that the enormous expansion in the scale of commerce and finance had created a new body of economic interests, intent on the widening of opportunities rather than the maintenance of privileges. The individualistic attitude which seemed to conservative statesmen a mere cynical egotism was the natural result of its efforts to impress itself on public policy.

The special domain of this class was the international money market, and it was natural that its claim to freedom from antiquated restrictions should first be asserted in connection with exchange business. Popular opinion, as an official of the Antwerp bourse complained, was apt to regard speculators on the exchanges as "worse than Jews"<sup>3</sup>: even

<sup>1</sup> Burgon, *Life of Gresham*, I, 136.

<sup>2</sup> Frazer Tyler, *The Reigns of Edward VI and Mary*, vol. I, p. 380.

<sup>3</sup> Quoted, Ehrenberg, *Das Zeitalter der Fugger*, vol. I, pp. 22-3.



the sophisticated Guiccardini<sup>1</sup> was a little horrified at some of the methods of that famous institution: the law of the Church and of most States, while allowing mere money-changing, had by implication condemned futures, arbitrage dealings and finance bills as usurious, even when it did not, as in England, expressly prohibit them under the name of "dry exchange." But with the growth of financial business in the sixteenth century, the traditional policy was inevitably modified. In the Netherlands the Government of Charles V, which earlier in the century had attempted to suppress usury altogether, gave in 1540 a tardy recognition to economic realities by a proclamation sanctioning interest not exceeding twelve per cent., provided both borrower and lender were merchants, while prohibiting it in non-commercial transactions.<sup>2</sup> The Spanish merchants on the Antwerp exchange had in 1530 consulted a body of Parisian jurists as to the compatibility of exchange transactions with the canon law, and had apparently received a favourable reply.<sup>3</sup> The Papacy in 1570, explaining what was already the law on the subject, while maintaining the condemnation of "dry exchange," declared that the interest charged by the discounter of a bill of exchange was lawful as payment for his labour and risk, provided that the instrument actually transferred money from place to place.<sup>4</sup> The condition was in practice meaningless: the requirement could be met by drawing a bill on one side of the street and getting it accepted on the other.

In Tudor England, however moralists like Wilson might denounce him, the financier had little need to make terms with the canon law. But his demand for free trade in capital brought him into sharp collision with the traditional policy of the State. From a very early date the convenient machinery which exchange transactions offered for the collection of customs, for insisting on the importation of bullion, and for checking its export, had led the Crown to exercise, at least in theory, a jealous control over them. In the sixteenth century

<sup>1</sup> Lodovico Guiccardini, *Descrittione di tutti i Paesi Bassi*.

<sup>2</sup> Henne, *Règne de Charles V*, vol. V, pp. 327-8.

<sup>3</sup> Ehrenberg, *op. cit.*, vol. II, pp. 18 and 21.

<sup>4</sup> Particulars are given by Neumann, *Geschichte des Wuchers in Deutschland*, pp. 429-32.

these reasons were supplemented by the desire to keep light foreign coins out of circulation and to prevent undervalued English coins from being sent abroad, to check the artificial depreciation of the value of sterling, which was believed to be due to speculative buying and selling of exchange by dealers on the London and Antwerp markets, and, above all, to keep a hand on one condition affecting the burning question of prices, which were thought to be raised by exchange movements. Moreover, since it was by exchange transactions that the largest loans were raised, the foreign exchanges, as Wilson saw, raised the whole problem of credit policy in a peculiarly acute and difficult form.

We are concerned here with the foreign exchanges only as part of the credit organisation of the age, and into the closely connected question of currency policy we cannot enter. The methods by which Tudor Governments "controlled" the exchanges did not differ in principle from those applied by their successors between 1914 and 1918. The principal instruments which they had inherited for carrying out the policy, apart from the general control of foreign trade, were four—the prohibition of the export of bullion, the authoritative determination of the rates at which English and foreign currencies were to exchange, the monopolising of exchange business by the Crown or by persons licensed by it, and, an almost necessary corollary, the prohibition of dealing by private individuals. A fifth measure, Government buying of sterling in order to peg the exchanges, though often recommended, was rarely, if ever, practised, for it was expensive. The assumption of all was that, as Wilson thought, the only fair rate of exchange was the mint par, and that when the market rates departed from it sinister influences were at work. In spite of the growth of a highly organised international money market, public policy throughout the sixteenth century, and, indeed, almost up to the Civil War, was dominated by doctrines born in an age when the typical transaction was simply the exchange of bullion for coins, or of the coins of one country for those of another. The ordinary official view was that afterwards expounded by Malynes: "To avoide the cariadge of money, a certain exchange was

devised, grounded upon the weight, fineness and valuation of the money . . . giving always value for value, which therefore was called par. This course of exchange being abused and of late years become, as it were, a trade in rising and falling prices, according to plentie or scarcitie of money and distance of time and place, is become predominant and doth overrule the course of commodities and money, and is the very efficient cause . . . of the decrease of our wealth."<sup>1</sup> It is in the light of this naive conception that the action of the State throughout our period is to be interpreted.

Of these four measures the first and second, though frequently evaded, were accepted with little question: it was only an occasional expert who advanced the mercantilist argument that the free export of English money was desirable in order to steady exchange rates.<sup>2</sup> The third and fourth raised greater difficulties. The office of Royal Exchanger, as Elizabethan antiquaries<sup>3</sup> anxious to magnify its importance in the interests of contemporary political propaganda were fond of pointing out, was of venerable antiquity. It went back, at least, to the late twelfth or early thirteenth century. Its existence seemed to spring naturally from the royal monopoly of coinage, and had been almost a necessary corollary of the prohibition of the export of bullion in an age before bills of exchange were in general use. Merchants had to make payments abroad, and large sums required to be remitted to Rome. Neither could be done lawfully by sending the coin of the realm. The Royal Exchanger, as his name implied, was intended, among other purposes, to provide public machinery for international payments, and, by so doing, at once to enable trade to be carried on, and to check evasions of the law forbidding the export of English money. The holders of the office in the middle ages appear to have been successful merchants or goldsmiths, and occasionally a foreign syndicate, like the Frescobaldi or a firm of Lombards.

<sup>1</sup> *The Canker of England's Commonwealth*, by Gerrard Malynes, merchant (1601)

<sup>2</sup> *Harl. MSS.* 660, fo. 107. "Another remedye to meete with the Banker, and to defend or avoyde them to lower the exchange, is to procure and obtayne that Englishe moneye may be corrant either in the Lowe contryes or else in France."

<sup>3</sup> E.g., *Harl. MSS.* 251, 57, f. 112; Malynes, *Canker of England's Commonwealth*.

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The Exchanger's duties, as set out in a typical indenture,<sup>1</sup> were to receive bullion brought to the exchange, to deduct seignorage and the exchanger's fee, to issue to the party concerned the equivalent of what he brought less these deductions, at rates of exchange fixed from time to time, and to pay over his receipts to the mint to be coined. When, as sometimes happened, his conduct was challenged,<sup>2</sup> he had to show by his accounts that his receipts and payments, including of course the costs and profits of the office, tallied.

A considerable series of statutes had defined the functions of the office and the duties of merchants towards it. Those of 1340, 1352 and 1381 had laid down that foreign buyers of wool were to deposit plate with the warden of the king's exchange in the Tower, who was to give them its value in English coin, that no one, except the king's exchanger, was to "take profit for making such exchanges," that all exchange transactions by which payments were made abroad were to be made only on the receipt of special licence from the Crown.<sup>3</sup> The whole policy had been summed up in a statute of 1487,<sup>4</sup> on which, together with that of Richard II, subsequent writers principally relied. It recited the injury done to the realm by "the inordinate changes and re-changes . . . without the authority of the king's good grace," declared that the previous statutes on the subject, in particular those of 1340 and 1381, were to be put in force, forbade the usury practised by certain brokers, and laid down that "no man make any exchange without the king's license, nor make any exchange nor re-change of money to be paid within the land, but only such as the king shall depute thereunto to keep, make, and answer such exchanges and re-changes."

In accordance with these provisions the Crown had been accustomed to appoint an official exchanger or exchangers with considerable regularity throughout the Middle Ages, and the same practice was continued in the sixteenth century. In 1508, for example, the office was conferred for one year on

<sup>1</sup> E.g., one of 1422-3, Ruding, *Annals of the Coinage*, vol. IV, pp. 132-4.

<sup>2</sup> *Ibid.*, pp. 187-82 and Harl. MSS. 251, l. 96 (see below, p. 150).

<sup>3</sup> 14 Ed. III, st. 2, c. 4; 25 Ed. III, st. 5, c. 12; 5 Rich. II, st. 1, c. 2, see also 9 Ed. III, st. 2, c. 2 and 18 Ed. III, st. 2, c. 6; 2 Hen. IV, c. 6; 2 Hen. VI, c. 6.

<sup>4</sup> 3 Hen. VII, c. 7.

a Florentine merchant, Peter Corcy, and in 1509 on Thomas Boleyn. In 1511 Henry VIII granted a patent to George Ardeson "to have the custody of the exchange in foreign parts," which in the following year was renewed for the term of thirty years, and in 1520 for twenty-three years, the name of Thomas More then being included in the grant.<sup>1</sup> In 1537 the same office was in the hands of Sir Thomas Audley.<sup>2</sup> In 1573 it was given to Sir Richard Martyn, a goldsmith. In 1575, the year before the experiment described below, it was conferred on Lord Burghley. A writer under Elizabeth, concerned to prove "the necessity and benefyt of that office," probably did not much exaggerate when he professed to have found in the records "twenty-three patents and ordinaunces for the execution of the office of exchaunger from Henry III to Queen Elizabeth's time, about 400 years contynuance."<sup>3</sup>

In spite of the statute of 1487, it is evident that the mere issue of a patent and appointment of a Royal Exchanger did not *ipso facto* give him a monopoly of exchange business. That further consequence occurred only when, as on several occasions in the sixteenth century, the Government took the additional step of issuing a proclamation suspending private dealings. In practice, therefore, the activity of the Royal Exchanger in controlling, or trying to control, the money market, as distinct from mere retail money-changing, was only intermittent; the staplers, who in the early sixteenth century still did the largest export business, were expressly exempted from the legislation relating to exchange transactions; and since one of the purposes of the office had been to check the remittance of money to Rome, it would seem that it had not been attempted to enforce the statutes so far as dealings between England and Western Europe were

<sup>1</sup> Gairdner, *L. & P. Hen. VIII*, vol. I, 1816 and 3265; vol. IV, pt. I, 1073. The patent to Ardeson is printed in Schanz, *op. cit.*, vol. II, pp. 614-15.

<sup>2</sup> *Ibid.*, vol. II, p. 635.

<sup>3</sup> *Hari. MSS.* 251, 57, f. 112. *An abstracte owte of Statutes and Recordes showing the inconvenience of the Merchant's exchange, and the Regulacion of the Royal Exchaunger.* Cotton called it in 1609 (*Manner and Meanes how the Kings of England have from time to time supported and repaired their estates*, in *Cotton's Posthuma*) "an office as auncient as before Henry 3, and so continued into the middle of Henry 8." In fact it continued at least to 1628. Ruding, *op. cit.*, vol. I, pp. 153-161, prints a list of "Wardens of the Exchange." For the sixteenth century it is incomplete, as he omits Ardeson, Audley and More, and probably others. A list is given by the author of *Cambium Regis* (1628) of which Ruding made use. See also Schanz, *Englische Handelspolitik*, vol. I, pp. 521-2.

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concerned.<sup>2</sup> Whether patents were issued or not, the existence of an official exchanger had not prevented, it need hardly be said, the growth of private exchange business. The system meant, however, that the Crown held in reserve the power of arresting the mechanism of the money market.

The view of the history and functions of the Royal Exchanger held in official circles, at the time when Wilson wrote, is set out in a memorandum<sup>3</sup> laid before the Government in 1571, to the practical proposals of which we shall return later, but which gives a good account of the manner in which the problem was envisaged in the reign of Elizabeth. In the early Middle Ages, the author argues, there had been little private exchange business, "but only the exchange then called the King's exchange, which was made by the King's exchaungers, that is to saye to have presentlye delivered by the exchaungers in any place in this realme whear the sayd exchange was keapt, the coyne of this realme for any foregne coynes either of gould or silver or for any molten bullion lykewise thear presentlye delivered, according to the just value of the gould and silver conteyned in the sayd foregne coyne or bullyon, allowinge only unto the sayd exchaungers a certeyne [sum] for the coynage and other necessary chardges." Private exchange business, however, gradually developed, partly indeed because of the way obstacles were imposed in the way of exporting bullion: "when any man was willing to have a somme of money exchanged out of one country whereas he had money, into an other country whearas he would have it, he would seke for a marchaunt which had or should have money dewe, or growinge to be dewe, for wares in the cuntrye whereunto he would make his exchange, and deliver unto the sayd marchaunt a certeyn somme of money of the princes coyne whear he delivered his money, to have therefore such like somme of mony nighe thereabouts to be payd of the princes coyne whear he would laye his exchange as the somme of mony

<sup>2</sup> Proclamation of 1537 (Schanz, *op. cit.*, II, 634) "and also for that the said estatutes have not bine commonly put in use for exchawnges and rechawnges made on this side the Mountains." The patent to Ardeson refers especially to those persons "quae versus curiam Romanam solutiones facere voluerint." For the exemption of the Staplers, see *Rot. Parl.*, vol. VI, pp. 397 and 325.

<sup>3</sup> *S.P.D. Hist.*, LXXV, No. 54.

delivered, if he should have carried the same thither, would yield at the princes mint or place of exchange." These transactions—"natural exchange"—led in turn to the usurious form of speculation known as "dry exchange." Hence the long series of statutes, culminating in that of Henry VII, by which "no man should make any exchange of money to be payd within this land, but onely such as the king should depute thereunto to keape, make, and answer such exchaunges and rechaunges," and the proceedings taken in the same reign against merchants who carried on exchange business without royal licence.

The author was concerned to press history into the service of his proposed reform, and the details of his story may be discounted. What is significant is his account of the attempt to make the office of Royal Exchanger an effective mechanism for meeting the commercial and financial developments of the age. Already in 1477 a comprehensive statute had been passed reinforcing the mediæval legislation and making the export of bullion, except under licence, a felony.<sup>1</sup> The leanings of the Tudor monarchy towards an ambitious economic *étatisme*, currency difficulties, and the popular agitation against usury and high prices made effective interference a more present possibility than it had been in the fifteenth century: the magnitude of the financial operations now carried on in London, and the close inter-dependence of London and continental markets made the possibility less tolerable. The machinery designed for controlling mere money-changing—"the Lombards that do use . . . to keepe open shoppes for to exchange unto the people the Gould for white money"<sup>2</sup>—was being applied, as the London financial houses complained, to the very different problem presented by the development of an international money market, using the bill of exchange as a credit instrument and only secondarily interested in the exchanging of currencies which excited the apprehensions of mint officials and of the Government. Almost inevitably, therefore, traditional theories as to money-changing, with their insistence on *par pro pari*, came into

<sup>1</sup> 17 Ed. IV, c. 1.

<sup>2</sup> Schanz, *op. cit.*, vol. II, pp. 646-7.

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collision with the practice of the foreign exchanges as conducted by bankers and discount houses. What we meet, in fact, in the sixteenth century is a multitude of projects for putting an end to "dry exchange" and raising the value of sterling, by using the venerable office of Royal Exchanger as the machinery for nationalising foreign exchange transactions, recurrent attempts on the part of the State to give practical effect to these proposals, and a rising tide of opposition from the financial interests, which had no intention of allowing the profitable business of the money market to be "controlled" in the name of antiquated doctrines as to usury. "The thing," Gresham once remarked with the ecstasy of the expert at his own adroitness, "is only keppt up by arte and Goddes providence."<sup>2</sup> The city, like Wilson's merchant, had learned to restrain its apprehensions of an evidently patient Providence. What infuriated it was the well-intentioned vagaries of Tudor political art.

Complaints against the interference of the Government began soon after 1530. The reason for its action was the state of the currency. In 1526, in order to check the export of gold, which was rated lower in England than in Flanders, the value of an ounce of gold in terms of silver had been raised from forty to forty-five shillings, and in the same year a new silver coinage had been issued to correspond with the new parity between the two metals, without the old and heavier silver coins being called in. As a result, the better silver coins were naturally clipped, hoarded and sent abroad. To meet the situation, the Government, apparently after some hesitation as to the legality of its proceedings, issued a proclamation putting into force the statute of 1381 and suspending private exchange business.<sup>3</sup> The effect was alleged in official quarters to have been a revival in the export trade. But in 1535 an English agent in the Netherlands wrote that the veto on exchange dealing had created surprise and annoyance on the continent,<sup>3</sup> and there was at least equal irritation

<sup>2</sup> Burgon, *Life and Times of Gresham*, vol. V, p. 261.

<sup>3</sup> Schanz, *op. cit.*, vol. II, 631-2. Hall, *Chronicle*, p. 781. For the proclamations of 1526, see Cunningham, *Growth of English Industry and Commerce, Early and Middle Ages*, p. 542.

<sup>3</sup> Gairdner, *L. & P. Hen. VIII*, vol. VIII, 392.



in London. Sir Thomas Audley, the patentee, who was, of course, interested in maintaining the rights of his office, reluctantly transmitted to Cromwell a petition in which the merchants demanded "liberal exchanges without license,"<sup>1</sup> and Richard Gresham, as spokesman of the city, urged the Government to remove the embargo, which, as he said, was ruining the cloth trade.<sup>2</sup> In the end, the Government gave way, and, in spite of Audley's protests against the infringement of his patent, issued on July 30, 1538 a proclamation<sup>3</sup> which, while reserving the right of the Crown to take its profit by "exchanges and rechanges," announced that the market was to be free up to November 1 (by which time the autumn shipment of cloth would be over), and promised before that date to announce some permanent policy. A week later, on August 6, another proclamation removed the time limit. The promise to put the whole question on some stable basis does not appear to have been fulfilled, and in 1546 another proclamation<sup>4</sup> was issued, ordering that the act of 1487 should be put in force.

Five years later the Government of Edward VI returned to the same policy. Its reasons lay on the surface. It was the crisis to which Gresham referred when he wrote seven years later to Elizabeth, "by this it may plainly appear to your highness . . . the exchange is the thing that eats out all Princes to the whole destruction of their common weal."<sup>5</sup> Owing mainly, it is to be presumed, to repeated debasements of the currency, the exchange on Antwerp had reached almost, if not quite, the lowest point touched in the course of the century: during part of 1551, if Gresham may be trusted, it stood at between fourteen and fifteen shillings to the pound. At the same time, as a natural result of the same monetary conditions, prices had risen to a point which threatened social order, and that at a moment when a dozen counties were

<sup>1</sup> Gairdner, *L. & P. Hen. VIII*, vol. XII, pt. II, no. 359.

<sup>2</sup> Schanz, *op. cit.*, vol. II, pp. 632-3.

<sup>3</sup> Steele, *Tudor and Stuart Proclamations*, vol. I, nos. 172 and 173; Schanz, *op. cit.*, vol. II, p. 634, and for Audley's letter, p. 635.

<sup>4</sup> Ruding, *op. cit.*, vol. IV, p. 196, quoting *Cambium Regis*, and Schanz, *op. cit.*, vol. I, p. 523, who states that the suspension of business was for one year only.

<sup>5</sup> Burgon, *op. cit.*, vol. I, App. XXI, pp. 483-6.

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still in a ferment of half-suppressed agrarian war. The modern theorist would regard both the rise in prices and the fall of sterling as common effects of a single cause, debasement. In the sixteenth century even otherwise acute writers<sup>1</sup> explicitly denied a direct connection, and economic acumen was not the strong point of the government of Northumberland. The position favoured was that the rise in prices was due to the fall in the exchanges, and that the fall in exchanges was due to illegitimate speculation. "Merchants' practice" was, in short, the obvious explanation, and to prohibit it the obvious remedy. The Government, therefore, while taking the reasonable step of calling down the value of the silver money, suspended private exchange business by a proclamation<sup>2</sup> of June 10, 1551.

The moment was an unhappy one for the experiment. Charles V, presumably with the object of bringing France to reason by a financial blockade, had just forbidden exchange transactions between Antwerp and Lyons.<sup>3</sup> The English veto was the last straw. Chamberlayne, the English agent in the Netherlands, wrote<sup>4</sup> home in June describing the sensation produced in Antwerp by the rumour that the Council contemplated this "remedy for dearth of things." As one officially bound to put a good face on the matter, he reported the Flemish business man with whom he discussed it as admitting that, if the two measures, the calling down of the currency and the prohibition of exchanges, were combined, they might conceivably produce some result. But his conclusion, a pious hope that the

<sup>1</sup> See the views expressed in the remarkable tract *Policies to reduce this Realme of Englande unto a prosperous Wealth and Estate* (Goldsmith's Library, MS. no. 10). "There be also certen generall causes why every thinge is now risen to soo high price. One cause is the fawling of the exchange between us and Miantra & betwain us and other nations. My meaning is not the basing of our coynes to be the cause as the moste men do affyrme", etc.

<sup>2</sup> Edward VI's *Journal*. Schanz, *op. cit.*, vol. I, p. 523, gives June 1552 as the date of the proclamation suspending exchange business, and March 23, 1553 as that of the proclamation withdrawing the prohibition. But these dates are difficult to reconcile with the entries in Edward's *Journal*, and with Chamberlayne's letter dated June 7, 1551, who had heard rumours of the contemplated prohibition, though he had not received definite notice of it. The date of the first proclamation is given as June 10, 1551 in Steele, *Tudor and Stuart Proclamations*, vol. I, no. 399: the second does not appear there.

<sup>3</sup> *Ibid.*: "Forasmuch as the Exchange was stayed by the Emperor to Lions, the merchants of Antwerp were sore afraid" (under date March 24, 1552. But the emperor's proclamation was evidently earlier).

<sup>4</sup> Frazer Tyler, *The Reigns of Edward VI and Mary*, vol. I, pp. 375-82.

"mystery" may be "discovered," is that of a discreet sceptic. The financial interests of the city were more plain spoken: they told the Government bluntly that "the mart could not be without exchange." The Government, as in the past, gave way, and the proclamation was withdrawn in March, 1552.<sup>1</sup>

The climax of the struggle was reached some four years after the appearance of Wilson's book. Cecil, a conservative mercantilist, was much concerned with the exchange problem. In the heads of an economic programme<sup>2</sup> jotted down by him, after his manner, for the parliament of 1559, there appeared, side by side with notes on vagrancy, the assessment of wages, apprenticeship, the navy and other matters afterwards handled by legislation, a proposal to revive the statutes of 1402 and 1487,<sup>3</sup> with a view to preventing the export of bullion, and about the same time he advised the Queen, as a matter of urgency, to issue a proclamation forbidding "the making over money by exchange" without royal licence.<sup>4</sup> Though the rates for sterling never dropped under Elizabeth to the point which they had reached under Edward VI, the question was for the next twenty years almost an obsession. The concern which it aroused was the result less of any aggravation of the economic situation, which, though serious, was, on the whole, improving, than of the pre-occupation of the new Government with questions of economic reconstruction. The Council was, in fact, at last making a serious effort to grapple with the currency problem. The trade of the country had suffered severely from the instability of the exchanges. Moreover, as a debtor nation, the greater part of whose loans were held abroad (down, at least, to 1575), and as a heavy buyer of foreign munitions, it was important to the Government, as to a modern State, not to find sterling tumbling down when it had to make payments abroad. The control of exchange transactions was regarded as a necessary element in the policy of deflation, the first step towards which had been the

<sup>1</sup> Edward VI's *Journal*, March 24, 1552.

<sup>2</sup> *Hist. MSS. Com., MSS. of the Marquess of Salisbury*, pt. I, pp. 162-5.

<sup>3</sup> 4 Hen. VI, c. 16 and 3 Hen. VII, c. 7.

<sup>4</sup> Somers' Tracts, I, p. 485.

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recoinage of 1560. The result was a proclamation temporarily suspending exchange business in 1559,<sup>1</sup> the appointment of a Royal Commission on the foreign exchanges in 1564, a series of memoranda submitted to the Government by theorists of various schools of opinion, desperate efforts on the part of Gresham to induce it to accept his specifics for propping the market, and finally the drastic experiment of 1576.

Gresham's views are set out in his correspondence. They were those of a business man who disliked State control in theory, but who in practice enjoyed playing the part of controller. Like his father twenty years before, he was strongly opposed to the policy of laying an embargo on private exchange business: in 1560, *à propos*, presumably, of the action taken two years before, he wrote to Cecil protesting against "the banishing of the exchange,"<sup>2</sup> on the ground that it would cause the export of bullion and depress the rates. His own policy, as explained, for example, in the elaborate memorandum<sup>3</sup> addressed to the Queen in 1558, was to act on the market indirectly, by improving the currency, reducing the foreign debt, and paying off loans as they fell due instead of renewing; to which must, however, be added the more drastic expedients described in a previous section<sup>4</sup> and his constant attempts, as a loyal Merchant Adventurer himself, to induce the Government to deprive the London Hanse of the special privileges enjoyed by them.

The views of the author of the memorandum<sup>5</sup> on the exchanges submitted to the Commission of 1564 were not very different. He attempted to estimate the degree to which sterling had fallen below the mint par, examined the causes and effects of its depreciation, and proposed certain remedies. His conclusion was that, whereas the mint par of exchange between sterling and Flemish currency was somewhere between twenty-three shillings and fivepence and twenty-three shillings and one penny to the pound, the rates ruling from 1558 to 1564

<sup>1</sup> Camden, *Annals*.

<sup>2</sup> *S.P. For.*, 1560-1, 84.

<sup>3</sup> Burgon, *op. cit.*, vol. I, App. XXI, pp. 483-6.

<sup>4</sup> See pp. 82-5.

<sup>5</sup> Harl. MSS., 660, f. 107.

had never been above twenty-two shillings and sixpence, that the pound was "commonly underpriced by the exchange in Lombard Street" by anything from ninepence halfpenny to thirteen pence, and that, therefore, while £100 ought to buy £117 1s. 9d., Flemish, it exchanged in fact for £111 13s. 4d.—a loss of five pounds eight shillings and fivepence per cent. The causes, apart from temporary trade movements, he believed characteristically to be a concerted policy on the part of the Antwerp bankers. The remedies were to maintain an excess of exports over imports, which would set up a movement of bullion towards England, to permit the export of English money, to put funds at the disposal of the English factor at Antwerp to be used (as Gresham had proposed) in buying sterling, to move the cloth market from Antwerp to Emden, and to improve the collection of the customs.

Some of these proposals, such as the attempt to maintain an excess of exports, were already part of the traditional policy of the Government: some, like the better administration of the customs, it took up later. But it is evident that more ambitious schemes, and schemes thought likely to produce a more immediate result, were being considered favourably in official quarters. Their general character can be inferred from the memorandum<sup>1</sup> drawn up in 1571, in which the main lines of the policy that the Government afterwards attempted to follow are laid down. In popular sentiment, which included that of nearly all officials, what Edward VI had called the "using of exchange and usury" went together, and, as was natural at that time—an important usury Act was passed in the same year—the author approached the question of the foreign exchanges from the angle of a reformer perturbed by the iniquities of the money-lender. The discouragement of legitimate banking, the writer argued, had played into the hands of the less reputable type of financier. Partly as a result of the prohibition of all interest by the Act of 1552, a prohibition which was still in force, there had been a great increase in the practice of raising money by finance bills—"dry exchange"—the result being exorbitant rates of

<sup>1</sup> See p. 140 (*S.P.D. Elis.*, LXXV, no. 54).

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interest and the depreciation of sterling. The only effective way of dealing with the situation was to return to the policy of "controlling" exchange transactions, and for this purpose to revive by proclamation the Act of 1487, under which they might be carried on only through the Royal Exchanger. Either the Government should restrict the business to certain persons licensed by itself and bound to comply with its instructions, or it should nationalise it outright, appoint public officials through whom alone it should be conducted, and, in order to be in a position to dominate the market, raise capital by mortgaging or selling the Crown estates.

The procedure of the public department thus proposed was defined in some detail. Three "queen's exchangers" were to be appointed in suitable places to administer and disburse the funds raised. The merchant desiring to make payments abroad was to deposit security, instruct the officials as to where and at what date payment was to be made on his account, and to have six months' grace in which to pay them the necessary sum. Similarly, if he held bills which he desired to get discounted, he would take them to the officials and receive ready money, paying usance, double usance, or treble usance, as the case might be. The rates of exchange between London and Hamburg—it must be remembered that the Merchant Adventurers had abandoned Antwerp for Hamburg in 1569—should be pegged at twenty-four shillings and sixpence in German shillings to the pound, and the interest charged for discounting bills should be at the not immoderate rate of between nine and ten per cent. There is a type of mind for which the foreign exchanges are clothed with the unfading romance of a prosaic miracle. No one who has met it will be surprised to learn that the effect of these operations was to be magical—"a great number of her highness subjectes eased and saved from impoverisshinge by borrowinge upon usury, the realme yearly enriched, and a great masse of threasour allwayes with very short warning in a readinesse for any her highness weightie affaires."

These were golden promises: what Tudor statesman could have resisted them? The Government's intention of taking up in earnest the policy of nationalising exchange transactions

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was revealed by its action in 1575 in conferring the office of Royal Exchanger—for the last few years in the hands of a goldsmith—on no less a person than Burghley himself, with power to appoint exchange brokers, to grant licences to merchants, and, in short, to conduct the business of a banker. On September, 20 and 27 of the following year it issued two proclamations.<sup>1</sup> The first ordered that the existing statutes with regard to exchange business should be put in force: the second contained a series of rules “for the government and order of the exchange,” embodying the substance of the previous suggestions, with the exception of that for raising an initial fund. After reciting that “by the laws and statutes of the realme no man ought to make anie exchange or rechange of money but such as her majesty shall authorise, or their leful deputies,” it appointed two haberdashers and a grocer—“men well acquainted with the manner of exchanges and rechaunges from and to the city of London and to and from foraigne parts”—as the agents through whom alone exchange business should be carried on, forbade private dealing by unauthorised persons, declared that exchanges should be made at par “as near as possible may be and as times of trade may suffer” and only “for the use of known marchauntes,” and imposed a tax of one farthing in the noble upon each party to the transaction, or in all three halfpence in the pound. We have not any evidence to show the financial aspects of the proposed arrangement. But how it was intended to work can be inferred from the accounts returned by the king’s exchanger, at that time a goldsmith, in 1613, when a similar, though less ambitious, experiment had been for a short time set on foot. In answer to a charge of overcharging customers for his own profit, brought by another goldsmith, he gave particulars of money changed, sums paid to the Crown, and sums retained by himself as costs and profits for three periods, September 16, 1608, to Michaelmas, 1609; Michaelmas, 1609, to Michaelmas, 1610; and Michaelmas, 1610, to Michaelmas, 1611. In the first the total sum changed was £138,875 in

<sup>1</sup> Steele, *Tudor and Stuart Proclamations*, vol. I, nos. 706 and 707. The text of the latter is given in *Hark. MSS.* 38, 29, f. 228, from which the above account is taken.

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gold and £3,845 in silver: the Crown was paid £400, and the exchanger kept £246 11s. 5d.: in the second the corresponding figures were £60,163 (gold) and £3,466 (silver), £200 and £138 13s. 4d.: in the third they were £33,300 (gold) and £1,118 (silver), £10 and £2 9s.<sup>1</sup> The proclamation of 1576 discreetly veiled the Crown's financial interest by representing the fee of three halfpence in the pound as a reduction on the sum—sixpence—which, it alleged, had been charged in the past. But it was anticipated, no doubt, that it would yield similar agreeable pickings.

Attempts at stabilisation, the pegging of exchanges, a public exchange department or *Devisencentrale*, the prohibition of business except on a certificate showing *bona fide* commercial transactions—such expedients are no longer to-day the unfamiliar heresies which they would have appeared in the Arcadia of economic harmonies whose funeral oration has been rehearsed so often since 1914 by the mournful admiration of economists. In the sixteenth century, which was the victim of a milder attack of that disease of disordered currencies which poisons the twentieth, the suspension of private exchange transactions was, as we have seen, part of the traditional policy for raising the value of sterling, and there was nothing surprising in the Government of Elizabeth reverting to it. But this particular attempt to make foreign exchange business a State monopoly aroused a storm of opposition in the city, and appears to have been a complete fiasco. The attack on it was ostensibly concentrated on the proposal to tax exchange transactions. In reality, however, as is shown by the arguments<sup>2</sup> used both by the Italian merchants, who still in a special degree represented the interests concerned in exchange business, and by the English financial houses, it was directed against any attempt to bring the money market under the control of the State.

The idea that the fall in the exchanges is caused by the sinister operations of merchants is dismissed as a vulgar error. The rate depends, it is insisted, on "the abundance of deliverers and takers." The London rates are ruled by

<sup>1</sup> Harl. MSS. 251, 57, f. 96.

<sup>2</sup> Printed by Schanz, *op. cit.*, App., pp. 64-6, and 646-7.



those obtaining on the money markets of the continent. The way to raise the value of sterling is to increase exports and to lower the tariff. The measures proposed by the Government might have been practicable in the days when the main consideration was to control the export of gold in the shape of fees to the papal *Curia*, and when the business on which the tax fell consisted of the small transactions of Lombard money-changers. To apply it to the international money market, which had developed since the Middle Ages, and in which London financial business was inextricably involved, would be to paralyse the foreign trade of the country. The bill on London would lose its standing, for no foreign merchants would face the tax. The financing of the imports and exports by bankers would come to a standstill, for the extra charge would eat up the profit. The bill of exchange had hitherto been an international currency which enabled merchants to pay debts in one country by means of credits in another, and had passed freely from hand to hand by endorsement, so that "one parcell of £100 may be exchanged six or eight times in a year."<sup>1</sup> If the Government charges sixpence on each transaction, the total tax will come to fifteen per cent., or more than the whole profits of the trade. If, on the other hand, the merchants try to evade the tax, they can do so only in one of two ways, either by sending exports to their creditors to the value of the goods bought by them, or by shipping bullion. If they do the former—if, for example, instead of paying for French wine and lace in the cheapest way, by means of credits acquired by exporting cloth to Antwerp, they must export direct to Rouen and Bordeaux—the effect will be a glut which will compel them to sell at cut-throat prices; if they do the latter, the consequence must be the very movement of gold from England which it is the object of the Government to prevent. These arguments were not received kindly: Burghley took the trouble to secure a list of the Italians who decline to obey "the new order for the exchange" and a report on their "unlawful traffic,"<sup>2</sup> and there are some indications of a disposition in

<sup>1</sup> Schanz, *op. cit.*, vol. II, p. 646.

<sup>2</sup> *Hist. MSS. Com., MSS. of the Marquis of Salisbury*, pt. II, p. 143.

official quarters to treat the leaders of the opposition as disaffected persons. But it appears that their protests produced the desired effect, and that the proclamation was withdrawn.

This occasion was by no means the last on which the Royal Exchanger took hold of the market and burned his fingers. Though, after the failure of the experiment of 1576, the grandiose policy of pegging the exchanges by nationalising exchange business was abandoned, the Government continued for another half century to make spasmodic attempts to use the Royal Exchanger to check illegal dealing in coin and bullion. In 1601, on the ground of the difficulties caused by the difference between the English and Irish currency, Sir George Carey was appointed "master of her Highness' exchange between England and Ireland."<sup>1</sup> In, or about, 1607 James I conferred the office of Royal Exchanger on Lord Knyvett, who, as was complained by the goldsmiths, on this occasion the protagonists in the agitation, "pretending himself by patent to be warden of his Majesty's exchange seeketh . . . to erect an exchange and to obteyne a prohibition from his Majestie by proclamation to all persons (other than himself) to buy gold and silver bullion or to exchange gold money for profit."<sup>2</sup> Their argument was, in brief, that the mediæval statutes, though they might have been advantageous "in the tyme of ignorance, when goldsmiths were few and poor," were now out of date, that the import of bullion would be discouraged by the lower price offered, and that the goldsmiths' company would be ruined. It is certain, however, that in spite of their opposition, the Royal Exchanger was active at least from 1608 to 1611, since his accounts of bullion received during those years are available.<sup>3</sup> In 1611 Sir Robert Cotton produced a memorandum in defence of the office, which is printed among his works, and there were renewed protests from the goldsmiths, which, if he was correct in stating that "the profit . . . being now engrossed among a few goldsmiths would yield about £10,000 a year, if it were lawfully regarded," are not surprising.

<sup>1</sup> Ruding, *Annals of the Coinage*, vol. IV, pp. 199-20.

<sup>2</sup> Camden Society, *The Egerton Papers*, Jan. 30, 1608, *The Goldsmiths Petition against the creating of an exchange*.

<sup>3</sup> *Harl. MSS.* 251, 37, f. 96.

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The final crisis was reached in 1627. On May 25 of that year another proclamation<sup>1</sup> was issued, which, after reciting that the goldsmiths were in the habit of exporting heavy coins, prohibited the exchanging of gold and silver by unauthorised persons within three miles of London, and vested the office of Royal Exchanger in Lord Holland. The result was a storm of considerable violence. The goldsmiths protested. The case for the Crown was set out in a book<sup>2</sup> published in 1628, giving an account of the history of the office, which, it was suggested, was a necessary corollary of the royal monopoly of coinage, and exposing with considerable vigour the economic effects of the alleged malpractices of the goldsmiths. In the end, as was to be expected in the political conditions of the moment, the House of Commons took the matter up, appointed a select committee to hold an inquiry, and passed a resolution that both patent and proclamation were a grievance.

These Stuart experiments differed, it will be seen, from that of 1576. The latter had aimed at prohibiting all private exchange business whatever; the former did not prevent dealing in bills, but merely required all bullion to be taken to a public official. They were designed to protect the mint rather than to control the money market, and it is this difference, no doubt, which explains the fact that under James and Charles it was the goldsmiths, not the merchants engaged in foreign trade, who led the opposition. Both in the one form and the other, the Royal Exchanger seems after 1628 to vanish from history. In reality, it may be suggested, the battle had been lost half a century before. "Sicke or dry exchange" might, as Wilson wrote, "be none other than manifest cankered usury"; but by the last quarter of the sixteenth century it had shown that it had a high survival value, and it had come to stay.

<sup>1</sup> Steele, *Tudor and Stuart Proclamations*, vol. I, no. 1512. *Ibid.*, no. 1240 and 1332 gives Proclamations of 1613 and 1622 forbidding the exchange of monies for profit and exportation of bullion, but not, apparently, reviving the office of Royal Exchanger.

<sup>2</sup> *Cambium Regis, or the office of his Majesties Exchange Royall, Declaring and justifying his Majesties Right and the Convenience thereof.* The history of the whole episode is summarised by Ruding, *op. cit.*, vol. IV, pp. 201-10.

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## THE COMPROMISE OF 1571

Exchange transactions could not be isolated from the general business of the money market, for the financiers who dealt on the bourses of Antwerp and London subscribed to Government loans and took up the gentry's mortgages. The act of 1552 appears, if not to have been effective, at least to have led to unwary capitalists finding themselves involved in legal proceedings<sup>1</sup> and the experience naturally added fuel to the irritation felt, as by the merchant in Wilson's dialogue, against blundering officials and clerical busybodies. It was inevitable, therefore, that the growing opposition to State interference with the foreign exchanges should pass into a general attack on the whole policy of making the demand for interest on loans a criminal offence.

The theoretical considerations by which the repeal of the Act of 1552 was supported are set out at length in the memorandum of which part has already been cited.<sup>2</sup> Its object was to suggest a working compromise between what it regarded as the impracticable rigour of the existing law, the disposition of financial interests to profiteer at the expense of the public and the State, and the supposed concern of the Government to prevent speculation. The argument of the author turned on the convenient distinction between interest and "usury," which had been ignored by the Act of 1552, but which was being popularised by one school of theologians and was destined to be the policy of the future. "Usury and trewe interest be thinges as contrary as falshed is to trewth. For usury contayneth in itself inequalitye and unnaturall dealinge and trewe interest observeth equitie and naturall dealinge. Usury tendeth to the destruction of the common wealthe, but the borrowing of money or any other thinge, yielding to the lender trewe and just interest, is one of the commodities which issued by the societie of man."

<sup>1</sup> S.P.D. *Eliz.*, LXXV, no. 54.

<sup>2</sup> See pp. 141-2, 148-9.

The prohibition of interest, though well-intentioned, had been based on a misunderstanding of the teaching of the theologians—the ingenious author makes even Aquinas give a qualified blessing to “trewe and unfeigned interest”—was contrary to the policy of most civilised nations, and had aggravated the very evil which it was designed to prevent. Its effect had not been to suppress usury, but merely to change its form. Forbidden to charge interest, business men had circumvented the statute by investing their capital in goods, selling them on credit, and charging high prices for what was, in effect, a concealed loan, or had concentrated on exchange speculation—“dry exchange”—which, though illegal, could not easily be controlled by the State. Hence the last state of the borrower was worse than the first. In practice, indeed, the rate of interest was higher in England, where interest was forbidden, than it was in Flanders and other countries where a moderate rate of interest was allowed, and the protestant religion was discredited by the fact that “no better sequel follows so much preaching.” If the charging of interest were prohibited by all commercial nations, the rule might possibly be enforced. But, in the face of international competition, a single nation was helpless. As things were, foreign merchants could borrow at eight or nine per cent., sell on credit to Englishmen at prices with which English merchants, who could not raise money so cheaply, were unable to compete, and thus at once ruin English commerce, and—an argument calculated to impress a mercantilist Government—cause a drain of gold abroad.

The remedy proposed—to distinguish between usury and interest, and to legalise the latter, provided that the rate did not exceed a maximum fixed by the State—was precisely that which the commercial classes were demanding, and over which the great name of Calvin had thrown an ægis of respectability. Since the business men of the day were less skilful pamphleteers than the social reformers, they had a good deal the worst of the dialectics of the controversy, and the writing in favour of a free market for capital is heavily outweighed by the demands for the maintenance and intensification of State control. But their arguments can be inferred

from the retorts of their opponents. It was absurd to apply rules designed for the protection of the impoverished peasant or craftsman to loans advanced to prosperous capitalists. The young tradesman needed capital; the rentier who could not himself engage in trade was anxious to supply it; why penalise a bargain which was profitable to both? To discriminate between interest on capital and investment in land was neither fair nor practicable: if it was lawful to buy a rent-charge or to share in trading profits, what was the particular criminality of charging a price for a loan? The conditions of national prosperity were individual freedom, security for property, and the strict observance of contracts: the agitators who stirred up class hatred in the name of a gospel which no sane man could suppose to have meant what it said, were undermining the economic prosperity of the country. Let the clergy apply their social zeal to preaching thrift and industry to the unemployed, and leave business questions to be settled by business men, who are the backbone of the nation, provide employment for the masses, keep the nobility afloat with advances, and prove their patriotism by subscribing heavily to war loans. "If we were not, the State, as I take it, could hardlie stand . . . Where is money to be had in time of need if the city should fail?"

Economic truth is insinuated most easily into the minds of statesmen in the guise of premonitions of impending bankruptcy, and the allusion to the financial importance of the city touched a sensitive nerve. The prohibition of interest had not affected the ability of the State to borrow on the international market, but it had made public loans less attractive to investors at home, and thus threatened to be as embarrassing to the Government as it was irritating to capitalists. Sometimes the Crown had expressly indemnified<sup>1</sup> lenders against the risk of prosecution, sometimes it had merely let it be understood that no proceedings would be taken. But after about 1566 there was a change in the world of international politics which profoundly affected the allied world of international finance. With the revolt of the Netherlands, the Antwerp money market was no longer at the disposal of

<sup>1</sup> *S.P.D. Mary*, XII, no. 52; *S.P.D. Eliz.*, XIX, no. 2.

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foreign governments. When Gresham visited it in the autumn of 1566, he found everything in confusion and had the utmost difficulty in raising money from the Welsers at fourteen per cent.<sup>1</sup> In the following years the economic conditions of the Netherlands went from bad to worse, and after about 1572 the English Government seems to have ceased to owe money there. The drying up of what had been its main source of supplies for a generation made it doubly necessary to regularise relations with the city; and Gresham, whose political ideal was a *mariage de convenance* between the State and business, and who constantly urged the desirability of raising loans in London, was not slow to point the moral. He had no illusions as to the disinterestedness of the mercantile classes and had more than once urged the Government to rap them on the knuckles. But he viewed the problem of credit as a practical man to whom excessive interest was not bad morals but bad business, and he was uncompromisingly opposed to the policy of the laws against usury. Throughout his financial career he appears generally to have stipulated that those who subscribed on his inducement to public loans should be relieved of penalties under the usury laws.<sup>2</sup> In 1560 he urged the repeal of the Act of 1552, and in 1568—the year before Wilson's book was written—he returned to the charge, fortified by the fact that at the moment the Government was taking steps to raise one of its first large loans at home.<sup>3</sup>

As early as 1563 the House of Commons had passed a Bill<sup>4</sup> to restore the law as to money-lending to the condition in which it had been from 1545 to 1552. It was the session in which Cecil was carrying some of the measures in his

<sup>1</sup> Burgon, *Life of Gresham*, pp. 157-60, letter of Sept. 8, 1566, "I do see and feel that here there is no more money to be had at no price."

<sup>2</sup> Ellis, *Original Letters, Second Series*, vol. II, letter CCXXXII; Burgon, *op. cit.*, vol. II, p. 343, "to every one of the bondes the Queene's Majestie must give out her accostomyd bondes for the dischargyng of the statue of usurye; whyche I wold wyshe myght be presentlye set at libertye, if it were possible."

<sup>3</sup> Burgon, *op. cit.*, vol. II, pp. 342-3; Ehrenberg, *Das Zeitalter der Fugger* vol. II, p. 174.

<sup>4</sup> Wright, *Queen Elisabeth and her Times*, vol. II, p. 126, letter of Cecil to Sir T. Smith: "There is also a very good law agreed upon for indifferent allowances for servants' wages in husbandry. Many other good lawes are passed in the nether house; as for toleration of usury under ten per cent. (which notwithstandinge I durst not allowe); another aganst Egyptians; another to remedy defrauding of statutes for tillage."

programme of conservative reconstruction: the proposal seemed to him, no doubt, a piece of dangerous individualism—a specimen of “the licence grown by liberty of the gospel” which he deplored—and his opposition appears to have killed it. But the economic experience of the next eight years compelled a reconsideration of traditional doctrines, and when the matter was next brought up, it was in a different atmosphere. Two bills on the subject of usury were prepared in 1571. The first provided for the establishment of banks in seven cities, London, York, Norwich, Coventry, West Chester, Bristol and Exeter, to be known as “banks for the relief of common necessity,” and to lend money against pledges at the rate of six per cent.<sup>1</sup> It passed its first reading in the House of Commons<sup>2</sup> on April 19, but nothing came of it. The second was a bill which followed the main lines of the memorandum already quoted<sup>3</sup> (except that it contained no reference to the foreign exchanges) and was passed into law.

The debate on this measure, as reproduced by D'Ewes, revealed the revolt of the plain man against the theorists who had triumphed twenty years before, and his determination that the law should not impose on business an Utopian morality. Dr. Wilson, with the mercilessness of the expert, began by asserting that he had studied the subject too thoroughly to discuss it with brevity, and his speech against the sanctioning of interest, which marshalled in a single phalanx Solon, Ezekiel, Augustine, the Council of Nicæa, and English law books, compared usurers to spiders, serpents and devils, and ended with a practical appeal to remember “the doings of the Fuggers to the very beggaring of great and mighty princes,” did more than justice to the alarming candour of his prolocution. The House was impressed—“the matter . . . was for cunning men a fit theme to show their wit and skill upon”—but it was unconvinced, and only one member supported Wilson's plea for prohibiting interest altogether. The remaining speakers greeted the proposals of the bill with the enthusiasm which Englishmen reserve for a compromise. The canon

<sup>1</sup> *S.P.D. Eliz.*, LXXVII, no. 55.

<sup>2</sup> D'Ewes, *Journal*, p. 178.

<sup>3</sup> See pp. 148-9, 155-6.



law was out of date and need not be taken seriously. The Bible was the word of God, but, apart from the fact that the divines were not agreed as to its interpretation, it required to be read with common sense and was not a sound basis for parliamentary legislation. Business was business; to denounce men for pursuing their own economic self-interest was frivolous; to prohibit interest would ruin the trade of the country. The practical course was to avoid the impolitic extremes of excessive righteousness, and to make a concession to human infirmity by drawing a distinction between moderate interest, which the law should sanction, and excessive interest or usury, which the law should forbid. "That all should be well is to be wished: that all should be done well is beyond hope. For we are no saints: we are not of perfection to follow the letter of the Gospel . . . We are not so straitened to the word of God that every transgression should surely be punished here . . . The mischief is of the excess not otherwise . . . It is biting and over sharp dealing which is disliked, and nothing else."

In its final form the Act of 1571<sup>1</sup> was a less radical measure than might have been expected from the tone of the debate. It was calculated, indeed, to give hardly more satisfaction to the merchant and common lawyer of Dr. Wilson than to their creator. Its principal provisions were three. First, it repealed the Act of 1552, under which persons taking any interest whatever were to forfeit principal and interest and to be punished with fine and imprisonment. Secondly, it revived the Act of 1545, under which persons taking more than ten per cent. were to forfeit the treble value of their wares and profits and to be punished with imprisonment. In the third place, it established certain new rules, not contained in the revived Act of 1545, of which the most important was that all contracts to pay *more* than ten per cent. were to be void, and that all persons taking *less* than ten per cent. were to be liable to forfeit the interest demanded, however small. What the statute endeavoured to effect, therefore, was something more complicated than is suggested by the common statement that it substituted for the complete

<sup>1</sup> 13 Eliz. c. 8.

prohibition of interest a maximum rate of ten per cent. It drew a distinction between interest above that rate and interest below it. The former was prohibited under heavy penalties, and an agreement to pay it was *ipso facto* void. The latter was not made, as it had been under the Act of 1552, a criminal offence, but the creditor was given no legal security for it, and the debtor who chose to take legal proceedings to recover any interest promised could do so. He might, that is to say, pay interest up to ten per cent. if he thought fit, as a borrower anxious to keep on good terms with the money market very well might. But, if he decided to face the consequences of bringing an action against his creditor, he need pay, according to the words of the Act, no more than the principal. Contemporary commentators upon the statute were at pains to emphasise that in prohibiting all interest above ten per cent., it did not intend to secure the lender any interest less than that rate which he might ask. "There be many simple men," wrote in 1595 the author of a careful study of legislation on the subject of usury, "which, having no insight into the statute, are not ashamed to say that it alloweth ten in the hundred. Which, indeed, is a mere scandall and slander, for it upholdeth a kinde of punishment, by the loss of the least usury that is taken . . . When King Henry did tolerate 10 pound in the 100 many did abuse that libertie under colour of the law; and when King Edward VI had utterly taken away all usurie, this inconvenience came, few or none would lend because they might have no allowance, whereupon her Majestie to avoid this evill made this remissive clause . . . The borrower hath this libertie by this branche for his owne benefit:—1. If he promise usury he need not pay unless he will. 2. If he pay usurie, he may recover it again if he be grieved. 3. If he be willing to pay usurie, he is at his own choice to complain."<sup>1</sup>

It is evident that such a measure, though involving an important departure from the position assumed twenty years before, made a less sharp break with traditional doctrines

<sup>1</sup> *The Death of Usurie, or the disgrace of usurers* (1595). The same interpretation is given by Fenton, *A Treatise of Usury*, book II, chap. xii: "the usurie or overplus which is taken above the principall is not restored to the borrower." See also Fulbecke, *A Parallele or Conference of the Civil Law, the Canon Law and the Common Law of this Realme of England* (1618).

than would have been involved in merely fixing a maximum rate of interest. But the spirit of Tudor social policy and the attitude of Tudor statesmen is revealed less in statutes than in the activity, half administrative, half judicial, of the Privy Council. And the impression of conservatism is heightened if one turns from legislation to administration. The reasons, apart from the necessities of the State, which led it to take an interest in questions of credit, lay on the surface. No Government can face with equanimity a state of things in which large numbers of respectable tradesmen may be plunged in bankruptcy. If the grasping creditor was not so prolific a cause of disturbance as the enclosing landlord, he was at least, like the ingrosser of corn, a bad neighbour who kept alive a smouldering discontent, which in times of economic crisis was liable to burst in flame. To the mercantilist statesman, concerned with the maintenance of public order and the encouragement of economic efficiency, the supervision of credit transactions presented itself as precisely analogous to the prevention of depopulation, the control of food supplies, the regulation of the wage contract, and the other measures by which a paternal state endeavoured to check the dislocation of customary economic relations. In France<sup>1</sup> the Government of Henri IV was hardly established before it declared a moratorium, relieved debtors of part of their liabilities, and reduced the rate of interest from 8½ to 6½ per cent. In England the problem was different in degree, but similar in kind; and from the zenith of the system of economic control under Elizabeth, to its last spasmodic movements on the eve of the Long Parliament, statute law was supplemented by periodical attempts on the part of the Council at once to increase its practical effectiveness and to supplement its deficiencies.

Its action in this matter was similar to that taken in cases between landlords and tenants, though even more irregular, and consisted partly of attempts to prevent the protection offered by the law being made inoperative through the negligence of local authorities, partly of intervention to afford relief to individuals in cases of hardship when the ordinary

<sup>1</sup> See Fagniez, *L'économie sociale de la France sous Henri IV*, pp. 169-171.

courts offered no remedy. The administration of the Act was part of the regular routine of the justices of the peace, and presentments before quarter sessions show that it was not a dead letter. In the periodical attempts to galvanize the creaking local machinery, the Government called attention to the statute against usury, with those relating to tillage and the engrossing of corn, as needing special attention. Soon after the Act of 1571 was passed, it appointed two special commissioners to investigate the execution, among others, of the statute against usury, who in 1578 reported that some £6,600 was due to the Crown in fines from offenders,<sup>7</sup> and similar commissions appear to have been issued from time to time down to the Civil War.

Apart from such general measures, which, like most of the social administration of the age, were spasmodic and haphazard, the matter was kept before the Government by the appeals which poured into it from individuals. Petitions for redress are addressed both to the Council and to individual councillors from debtors claiming to have been victimised by money-lenders, from money-lenders who complain that they have been mulcted in exorbitant penalties, from justices who ask advice as to what action they are to take, from reformers who desire the Government to take up some infallible recipe for better administration. The Master of the Rolls corresponds with Sir Robert Cecil as to the dealings of a scrivener who has exacted preposterous terms from his clients.<sup>8</sup> An alderman of the City of London writes to him on the hard case of a "poor young man . . . drawn into these bonds by his uncle's means as a sheep to the slaughter."<sup>9</sup> A trader at Peterborough begs to be protected against the "inconscionable dealing" of a merchant, who threatens to deprive him of his "whole means of living for himself, his

<sup>7</sup> S.P.D. Elis., CXXVII, no. 76. An abstract taken by John Edgar and William Hoshyns, Commissioners for Usury and Concealments against the Queen's Majesty. They report (i) "usurye that is found allreadye and passed over by Jury . . ." £1,060 3s.; (ii) "by depositions of dyvers and syndrye persons examined by vertue of the Queene's Maestie Commyssion" £3,595; (iii) "conceylmentes" £2,000. They add that "there is not as yet examyned the fyfte parts that will be proved."

<sup>8</sup> Hist. MSS. Com., MSS. of the Marquis of Salisbury, pt V, pp. 362-3.

<sup>9</sup> *Ibid.*, pt. V, p. 356.

wife, and his children."² A correspondent writes to Lord Burghley to expose the proceedings of a money-lender who has been brought before the Court of King's Bench for taking the not inconsiderable sum of £1,770 contrary to the statute against usury, and whose principal witness has perjured himself.³ A money-lender condemned to a fine of £150 begs for pardon.³

The Council protested its unwillingness to interfere with the ordinary course of law—"we do not willingly meddle with matters of this sort concerning debts and suits between men"—but considerations of practical expediency would have overcome its reluctance, even if its members had shared the popular prejudice against the extortionate money-lender less thoroughly than, in all probability, most of them did. Its general policy was to try to secure the settlement of disputes out of court through the good offices of a friend, an influential neighbour, or, when necessary, an arbitrator appointed by itself. The justices of Norfolk are instructed to put pressure on a money-lender who has taken "very unjust and immoderate advantage by way of usury."⁴ The Bishop of Exeter is advised to induce a usurer in his diocese to show "a more Christian and charytable consideration of these his neighbours."⁵ Lord Evers has released two offenders imprisoned by the High Commission for the Province of York for having "taken usurie contrary to the lawes of God and of the realm" and is ordered at once to recommit them.⁶ Apart from flagrant cases of this kind, it is evident that under Elizabeth the Government kept sufficiently in touch with the state of business to know when the difficulties of borrowers threatened a crisis, and endeavoured to exercise a moderating influence by bringing the parties to accept a compromise. Relations between debtors and creditors were naturally most acute when loans were being called in and new accommodation refused. In times of unusual depression, action of this

¹ *Acts of Privy Council*, June 10, 1600.

² *S.P.D. Ets.*, CCXLXV, no. 11.

³ *S.P.D. Ets.*, CCXXXVIII, p. 10.

⁴ *Acts of Privy Council*, XXX, pp. 366-7.

⁵ *Ibid.*, XXXI, p. 379 (1601, May 26).

⁶ *Ibid.*, XIV, p. 69 (1586, April 21).

kind to prevent creditors from pressing their claims to the hilt was so constant as to give the impression of something resembling an informal moratorium.<sup>1</sup>

Such intervention was characteristic both of the economic conservatism and of the administrative activity of Tudor governments. But, like the rest of their social policy, it was capricious and irregular, and, at most, did no more than impose an occasional brake on the economic forces which were widening the small instalment of freedom granted to the capitalist in 1571. For it seems clear that, in its effect both on practice and on opinion, the Act was a turning point. The process by which a measure intended to concede little and restrict much was made in practice to concede much and restrict little was partly due to the difficulties inherent in all legislation which seeks to protect the economically weak against the consequences of their own frailty. The section of the Act empowering the debtor to withhold or recover any interest whatever, even if less than ten per cent., was almost inevitably an advantage more formal than real. The money-lender had little reason to fear proceedings by a needy borrower who, by taking them, would surrender all hope of future advances; and it is significant that even those writers who were most emphatic in insisting that to interpret the Act as sanctioning interest up to ten per cent. was erroneous, admitted nevertheless that such a misinterpretation was general.

This development was assisted, it may be suggested, by the action of the courts. Pending a more thorough examination of cases before them than has yet been made, no final judgment on this point can be given. But so far as the existing evidence goes, it suggests that section IV of the Act was almost a dead letter, that it was normally taken for granted that when interest did not exceed ten per cent. no question as to its legality arose, and that, in short, the rate which under the Act should have been a maximum, became

<sup>1</sup> See e.g., *Acts of Privy Council*, 1589-90 pp. 184-5 (a letter to a mortgagee rebuking him for "hard and unchristianly dealing" and requiring him to restore the land in dispute or to appear before the Council), p. 71 (requiring Lord Mayor and Sheriffs of London to grant respite to a debtor), p. 91 (letter ordering Commissioners to commit a creditor guilty of "harde and unconscionable dealing" to the Fleet). The same volume contains many other examples.

the normal, or even (in so far as the Act was evaded) the minimum rate. Cases which come into court, so far as they go, bear out the view that that important development had taken place soon after the passage of the Act. Of the few available for analysis there is none in which a contract involving interest of less than ten per cent. is held to be usurious. In all the rest, both before quarter sessions and before the national law courts, the ground of the proceedings is that interest is in excess of ten per cent., and the point which the court is required to decide is whether it is, in fact, interest at all, and therefore usurious, or whether it is merely the result of a bet, or a penalty for the non-fulfilment of a bargain.

The issues arising in connection with this further question show the extreme difficulty of extending to debtors even the modified protection contained in a limitation of the rate of interest to ten per cent. The *differentia* of usury, which distinguished it from, for example, trading profits, was that it was a *certain* payment for the use of money or wares, stipulated in advance. The obvious resource of the astute money-lender was to insert in the contract conditions which gave to any interest above the legitimate rate the appearance of being contingent, as in a wager or life assurance. Payment was made to depend on the borrower's return from a journey, on his marriage, on the birth of a child, or, most often, on his life, or that of one or more of his family.<sup>1</sup> When the borrower was in a weak position, he might obviously be induced to agree to the payment of excessive interest on conditions which, though in form contingent, might in fact be certain.

Starting from the principle that "*Usura est commodum certum quod propter usum mutuatae rei accipitur*," the courts had to determine in each case, first, whether the element of uncertainty was *bona fide* or fictitious; second, whether, granted the uncertainty was *bona fide*, it was in fact sufficient to remove the taint of usury from an agreement to pay more than ten per cent. Thus, to illustrate the first point, there is no doubt that a share in trading profits

<sup>1</sup> Examples are given by Hall, *Society in the Elizabethan Age*, pp. 53-4, and cases cited *infra*.

is not usurious. Sharply, having lent Hurrell fifty pounds for a fishing voyage to Newfoundland, on condition that he be repaid sixty pounds on the return of the ship to Dartmouth, and the principal only if the ship does not reach Newfoundland, brings an action of debt, to which the defendant replies by pleading the statute of usury. The court holds, however, that the contract is not usurious: for, though the voyage normally lasted only eight months, it might last two years or more, and the payment demanded, therefore, was in the nature, not of a fixed rate of interest, but of speculative profits.<sup>1</sup> There is no doubt, again, that the mere sale of an annuity is not usury, even though it is at the rate of £20 a year for a capital sum of £110.<sup>2</sup> But the distinction between a loan and the sale of an annuity is not easy to draw, and it is still more difficult to determine whether the quality of uncertainty is really present, and, if so, in what degree, or whether a merely formal element of contingency has been introduced into the contract simply in order to evade the law. Downham, for example, agrees to pay Wolmer ten pounds for a loan of twenty pounds for one year, if Downham's son be still alive. Is this usury? One judge held not, owing to the element of uncertainty: the majority held that it was, since the uncertainty was not *bona fide*. "It is the intent that makes it to be so or not so. If there be a wager between two to have £40 for £20, if one be alive at such a day, that is not any usury, for the bargain was *bona fide*. But if the intent hereby was to have a shift it is otherwise."<sup>3</sup>

Of the second point—that the legality or illegality of the bargain depended on the degree of uncertainty—there are several examples. Thus an agreement to pay thirty-three pounds in six months for a loan of thirty pounds, if the borrower's son be then alive, is held to be usurious on the ground that the gain is certain.<sup>4</sup> But an agreement to pay, in return for a loan of £100, £80 at the end of ten years to each of the lender's five daughters then alive, is held not to

<sup>1</sup> Brownlow and Gouldsborough, *Reports*, p. 52 (*Sharply v. Hurrell*. Pasch. 6 Jac. I).

<sup>2</sup> *Ibid.*, p. 85 (*Ellis v. Warner*. Trin. 2 Jac. I).

<sup>3</sup> Croke's *Reports*, vol. I, pp. 642-3. *Button v. Downham* (Trin. 40 Eliz.).

<sup>4</sup> Croke's *Reports*, pt. V, pp. 70-1. *Reighnolds v. Clayton* (Pasch. 36 Eliz.).



be usury, but a "mere casual bargain," on the ground that at the end of ten years some or all of them would probably be dead, though the court added that if the agreement had been to pay in two years instead of ten, the bargain would have been usurious.<sup>1</sup> The same point came out in a different form when the bargain made the payment of interest contingent, not on the survival of a third party, but on the failure to repay the principal within a stipulated time. The accepted doctrine appears to have been that the answer to the question whether the bargain was usurious depended on whether the time of repayment was at the option of the borrower, or whether it was fixed in the contract. In the latter case it was usurious, for the lender who had advanced money on land was certain of drawing the profits of it for the time agreed on: in the former case it was not, for the borrower could repay whenever he pleased.<sup>2</sup>

Thus, when A grants B a rent of £20 in return for a loan of £100, payment to begin at the end of twelve months from the date of the loan and the borrower to have the option of redemption in the interval, the court holds that this is not usury. "It was in the election of the grantor to have paid the said £100 and to have frustrated the rent, so that the grantee (as the nature of usury is) was not assured of any recompense for the forbearance of £100, and the said rent of £20 was but penalty to the grantor."<sup>3</sup> Judges more than once called attention to the section in the statute stating that it was to be construed strictly for the suppression of usury, and in this last case they accompanied their decision by the declaration that, had the clause giving the borrower power of redemption been inserted by collusion between the parties, the contract would have been usurious. With our present knowledge it is too much to say that the courts whittled away the restrictions imposed by the Act of 1571, as, with their dislike of unreasonable restraints upon the liberty of the individual to trade as he pleased, they undoubtedly did those contained in the Statute of Artificers. But it is

<sup>1</sup> Croke's Reports, vol. I, p. 741. *Bidingfield v. Ashley* (Hil. 42 Eliz.).

<sup>2</sup> This appears to be the doctrine laid down in Sir Robert Brookes' *Le Grande Abridgement* (1576).

<sup>3</sup> Coke's Reports, pt. V, pp. 68-70, *Burton's case* (Mich. 33 and 34 Eliz.).

evident that the loop-holes in the statute were not inconsiderable. The last decision, in particular, opened a wide door. For it meant that the lender could get more than ten per cent. for his money by stipulating for repayment within a time too short to be practicable, and then charging as a penalty the payment which he could not legally exact as interest.

(v)

## CONCLUSION

With the current setting towards an ever increasing freedom in the use of capital, the day of Wilson's preacher and civilian was nearly over. They did not surrender without a struggle. The stricter school of religious opinion continued to raise an unavailing protest against the growing disposition to remove the moral ban on usury from all interest below the maximum fixed by the statute. Conservative writers took advantage of the section in the Act declaring that "all usurie being forbidden by the lawe of God is sinne and detestable," to insist that the statute had, in reality, altered nothing. True, the law winked at usury. But it did so "as he that shooteth with a caliver at birds, who winketh with one eye and shooteth with the other. So our law seeth not when the usurer letteth forth his money to interest; but, when an information is exhibited against him, it seeth the fact, condemneth the fault, and punisheth the offender; and though he taketh but after the rate of £10 in the hundred, yet shall he forfeit the full value of the interest."<sup>2</sup> Men were subjects, it was argued, of the Church as well as of the State; the law of the Church condemned all interest as usurious, and the State left to the Church the punishment of bargains which, for reasons of practical expediency, it did not think fit to prohibit, but which it did not encourage and declined to enforce. The more liberal theologians, working on the

<sup>2</sup> William Fulbecke, *A Parallele or Conference of the Civill Law, the Canon Law, and the Common Law of this Realme of England* (1618).

tradition which had started with Calvin, was developed by Bullinger, and had its most influential representative in the seventeenth century in Ames, continued to reply to them with arguments designed to show that, since land and capital were interchangeable investments, interest was ethically as justifiable as rent, and that the crucial point was not the letter of the law which condemned the breeding of barren metal, but the observance of Christian charity in economic, as in other, transactions.

The literature of the discussion was voluminous. But it was obsolescent almost before it was produced. For whether theologians and moralists condemned all interest, or only some interest, as contrary to morality, the assumption implicit in their very disagreement had been that economic relations belonged to the province of religion. That buying and selling, letting and hiring, lending and borrowing, and all other economic transactions were one department of ethical conduct and to be judged, like other parts of it, by ethical criteria; that whatever concessions the State might see fit to make to human frailty, a certain standard of economic morality was involved in membership of the Christian church; that it was the function of ecclesiastical authorities, whoever they might be, to take the action needed to bring home to men their economic obligations—such doctrines had been common ground to Bucer and Wilson in the sixteenth century, and were to be affirmed with equal emphasis by puritans like Ames and Anglicans like Laud in the seventeenth. It was precisely this whole conception of a social theory based ultimately on religion which was being discredited. "Merchants' doings," said the man of business in Wilson's dialogue, "must not be overthrown by preachers and others that cannot skill of them." While rival authorities were discussing the correct interpretation of economic ethics, the flank of both was turned by the growth of a body of opinion which argued that economics were one thing and ethics another. The creed of the commercial classes was a doctrineless individualism. By the reign of James I they had almost come to their own, and they used their power to oppose the interference of Church and State in matters of business.

The significant change which results from that movement is the secularisation of the whole discussion. In the seventeenth century the practical reformer no longer tries to prohibit interest altogether. He recognises its necessity, and seeks only to effect a compromise which shall protect the poor by fixing a higher rate for mercantile transactions and a lower rate for those of the necessitous borrower. The pamphleteer does not appeal, as normally in the past, to the trail of economic disaster alleged to be left by the usurer as a practical confirmation of the curse laid upon usury by Scripture and by the Church. He rests his case on the effects of high interest in causing merchants to withdraw from active trade, increasing unemployment, intensifying the menace of foreign competition, and discouraging the improvement of land, and uses Scripture only to point an economic argument with denunciations of those that grind the faces of the poor.<sup>1</sup> Parliament is not asked, as in 1552 and 1571, to decide whether interest is lawful or unlawful: it has merely to consider the respective merits of ten per cent. and eight per cent. The House of Commons had debated anxiously, if unprofitably, under Elizabeth as to the correct interpretation of Scripture: in 1640 it is more concerned with the danger of driving capital abroad.<sup>2</sup> References to "the great displeasure of God" disappear from statutes: they are replaced by considerations as to "the great abatement in the value of land and merchandise."

The change of thought was momentous—can any intellectual revolution be more profound than one which substituted for a supernatural criterion, however shadowy its character and inconsistent its application, one version or another of economic expediency? But this is not the place to examine

<sup>1</sup> For the change in the tone of discussion see *A Tract against Usurie, Presented to the High Court of Parliament* (1621), and *Usurie arraigned and condemned* (1625). The arguments of both are almost entirely practical and economic. But of course the earlier manner continued; e.g. Blaxton, *The English Usurer* (1634), Capel, *Tentations, Their Nature, danger, cure* (1633), Holmes, *Usury is Injury* (1640) and many others.

<sup>2</sup> Compare the debates of 1571 in D'Ewes' *Journal* with that of 1640 (printed Notestein, *The Journal of Sir Simonds D'Ewes*, p. 511): "It is conceived that this bill will make strangers withdraw their monyes."

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its causes or discuss its consequences. Dr. Wilson's book ends with the triumph of the Preacher and the conversion of the Common Lawyer and the Merchant. We will not follow them into an age in which the rôles were reversed.

# A DISCOURSE UPON USURYE

By waye of Dialogue and  
oracions, for the better varietye  
and more delite of all those  
that shall reade thys treatise

BY  
THOMAS WILSON  
Doctor of the Civill Lawes,  
one of the Masters of Her Majesties  
honorab<sup>l</sup>e courte of requestes

Scene and allowed, according to  
the Queene's Majesties injunctions

1572

## PREFACE

*To the right honourable hyghe and myghty Earl, hys most especial and singuler deere Lord, the Lord Robert Duddleley, Erle of Leycester, Baron of Denbigh, master of the horse to the Quene's Maiestie, Knight of the noble order of the Garter, Chauncelloure of the Universitie of Oxforde, and one of her hyghenes most honorable privy Counsell: Thomas Wilson, Doctour of the Civil Lawes, wisheth perfite health, with increase of honor to godds most holy wil and pleasure.*

The Stoike Philosophers (righte honorable and my singuler good Lorde) have saide both truly and wysely that the worlde is made for man, and man is made for god, to thende that man may have all pleasure, and God maye have all honour. Seinge then, that such a creation of man, and the world, is thus framed by the myghtie finger of god, and man especially made for god, I doubt not but your honour, beinge goddes lively image uppon earth, and fashioned to hys lykenes concerning the reasonable soule, as all others such hys creatures are, will remember for your parte to forsee, and to doe your dutie from tyme to tyme, and indeavour your self in all your actions to have god alwayes before your eyes, and to exercyse your mynde all your lyfe longe with all godly practises, aswel in advauncing religion to goddes glorye as in dooyng Iustice for man's benefite, that god alone, as he is alwayes prayseed in Heaven amongst hys aungels, maye even so have hys holy name onely honored here upon earth amongst hys people.

But because mans nature, through Adame's falle, is altered from that perfection wherein it was at the first, and is muche subiecte therefore to great corrupcion of lyfe and maners, it is to be feared that all men will not alwayes be myndfull of their dutie, excepte they bee often warned and put in mynde of that they oughte to doe, whereby they maye consider still what they are. For by wanting the remembrance and exercise of wel dooyng they may declyne from god (a thinge some donne where god is not feared) and so wallowe in syn, the playne effecte of gracelesse people. For the deuill beinge greate adversarie to all goodnes (whom that auncient father of famousse memorie, Hughe Latymer, called the moste vigilant byshop in hys vocation) is never ydle, but still occupied and busie in sowing cockle and darnel amongst the good corne and pure wheate of the lords harvest. So that, yf they be not as quicke wedyng hookes, and as sharpe yron forkes, readye at hande to clense the soyle from tyme to tyme, as the weedes are and wilbee readye to spring up and growe, in the ende all wilbee wedes, and antichrist hymselfe will be lorde of the harveste. This muste I saye, that wardenes in all thinges is evermore very wisdome, and of advised dealynges comes perfection, and thinges foreseene do alwayes the lesse harme. For which cause lawes are enacted, not onely to punishe evill, when anye is committed, but also to prevent evill not to bee committed at all, that men, being warned before hand, may take hede the rather how to offende lawes for feare of the sworde, and lyve in good order to escape the severitie and sharpe rodde of iustice. I do wishe therefore that man were as apte to doe righte, as hee is readie to speake of right, and to be all together as he would seme to bee : least other wise lawes stand not in vaine, when great occasion geeves iust cause of speedie redresse. And in thys behalfe magistrates are to be put in remembrance, that they, having gouvernement and execucion of iustice in their handes, maye bee good ryghters of all wrong dooynges, and iust dispensers of gods lawe and mans lawe both to lowe and hyghe, to ryche and poore, without any respecte or regarde of parson. For most true it is, that where iustice is dylie ministred, there is god moste hyghly honoured, and



sweete is that sacrifice to god, when the lyves of lewde men are offerd up to suffer paynes of death for wicked dooynges.

I will not speake to aggravate execucion for all misdeedes, eyther severally or generally, because I thinke it both nedelesse and a great follie also, and a thinge almoste impossible for man to hope by onely demaunding to have the amende-ment of all thinges preciselye that presentlye are amysse. But thys I reache at, that where amongst a number of gawles and great greefes in thys common weale there spredeth one especial mischiefe as yll, nay woorse than anye plague, my meaning is to sett all other faultes aparte, and to disclose this one above the rest unto your Lordship, that by your honorable meanes and great aucthoritye it maye at the leaste bee somewhat reformed, yf not altogether amended or taken away. I do meane that ouglie, detestable and hurtefull synne of usurie, whiche, being but one in grossenes of name, caries many a mischief linked into it in nature, the same synne beinge nowe so rancke throughtout all Englande, not in London onelye, that men have altogether forgotten free lending, and have geven themselves wholye to lyve by fowle gayning, makinge the lone of monye a kinde of merchandise, a thinge directlye against all lawe, against nature, and against god. And what should this meane, that, in steade of charitable dealing, and the use of almose (for lending is a spice thereof), hardenes of harte hath nowe gotten place, and greedie gayne is cheefelye folowed, and horrible extorcion commonly used? I do verely beleve, the ende of thys worlde is nyghe at hande.

And the more is thys evill to bee pitied, because men doe lulle themselves with the exercise thereof in such sorte as thoughte there were none offenses in it at all, whereas amongst all other offenses next to Idolatrie, and the renouncing of god and hys magistrates upon earth, there is none more heynous, none more offensive, and none more hurtfull to anye well governed common weale. For besides that the very sinne of usurie is expresslie forbidden by godds worde, aswel as either thefte, aduolotrie, or whoredome, the countrey and realme where thys offence is commonlie used cannot longe continue in prosperous wellfare. And sorie I am to

saye it, but I see it and knowe it overwel, and therefore I must needes saie it : I do not knowe anye place in christendome so muche subject to thys foule synne of usurie as the whole realme of Englande ys at thys present, and hathe bene of late yeares. For men of wealth are nowe wholly geeven every wheare all together to idleness, to gett their gaine with ease, and to lyve by lending upon the onely sweate and labour of others. Whereas god willeth everye man to lyve in hys vocation, and hee that will not labour eyther with body or minde according to his callyng rightly should not eate at al, forbidding men to make lending a kinde of living. But these men do not live in any vocation, but beinge the diuels knowen apprentices in earth, and bound to doe as hee woulde have them, seeke when they are dead to serve hym in hell, as I take it. For god sayeth by hys prophete David, that (Psal. 115) he shall never dwell in hys tabernacle, that hathe put out hys mony for usury. And therefore whether should suche men looke to goe, when they are deade, but straighte to the divell, seeynge in earth they serve such a master ?

There bee two sortes of men that are alwayes to bee looked upon very narrowly, the one is the dissemblinge gospeller, and the other is the wilfull and indurate papistes. The first under colour of religion overthroweth all religion, and bearing good men in hande that he loveth playnesse, useth covertelie all deceypte that maye bee, and for pryvate gayne undoeth the common welfare of man. And touching thys sinne of usurie, none doe more openly offende in thys behalfe than do these counterfeite professors of thys pure religion. The wilfull Romaniste, as he professeth an hatred to thys religion, so, having mischiefe boyling within hym, deviseth by indirecte meanes to advance his welfare, that hee maye have monye in store againste a good hower suche as he loketh for. So that, betwixt the secrete dissembler and the open blasphemmer, the world is made a praye, and divided betwixt them, and god thereby moste hyghely dishonored. Neyther doe either of these people followe you for youre persone or vertue, but for youre fortune and authority. Cicero sayethe wisely : holsome severitie doth greatlie

excede the vayne shewe of foolish pitie. Clemencie is good, I deny not, but that is to bee used to good men, or else towards such as of whome there is hope of their better behavioure hereafter. But where clemencie is altogether abused, and maketh as it were an open waye to all lownes in maners and carnall libertie of lyfe, there severitie must needes stryke a stroke. For to what ende are good lawes made, yf there bee no execucion of them? As good pyke strawes, as make lawes that want a magistrate to see them well kepte obeyed and fulfilled. For the lawe it selfe is a dumme magistrate to al men, whereas magistrates are a speakynge lawe to al people. And therefore, as governours do submit themselves to lawe, and lyve thereafter, so will the people submitte themselves to governours and their doynge. Suche force (lo) hath example of life, especiallie in magistrates.

Neither are governours private persons, to lyve honestly to themselves onely, but they are publike officers to doe good unto many, and by wise advise to have care over them that neyther will, nor can, have care of themselves. And thys I saye, that like as one maye bee a good magistrate to the people, and yet no good man to hymselfe, even so may one bee a good man to hymselfe, and prove no good magistrate to the people. And of these two, lesse harme doth that man who privatlye offendeth in hys lyfe, than he that publikelye offendeth in his charge. Nedeful therefore were it that all magistrates were good men in their offices, because the common welfare dependeth upon their wel doynge. And good it were also never to remitte apparante greate faultes unto any person in aucthority. For the magistrate abusing hys office deserveth more punishmente than doth the private personne. For as hee abuseth hys charge, so doth hee deceave hys trust, and by example geeveth the great cause of muche evill. But lett no men in any estate presume therefore to doe evill, because they hope to hyde their evill doynge from the princes knowledge. For tyme doth discover all, and god hath graunted thys pryvilege unto prynces, that wicked attemptes shall never have deepe roote. For although wrong dealings maye be shrowded for a space

and bee kepte under coverte, yet they will oute at laste and bee opened with shame, the rather to set forth gods myghtie iustice, and to aduance hys endelesse glorye.

Amongst the Romaynes there were censors, appoynted as commissioners to searche out the doyngs of such as eyther had borne office or were notorious offenders; and fyndinge any such to bee faultie, they did streight wayes remove them, and punish them with infamie. The same order is yet used in Italie, Spayne and Portugale, and good iustice done againste all uniuert magistrates and evil lawyers. And thus it is. Such as over hastelye have rysen to great welth have ben sifted for their life and doings by commission, and stripped out of all, when they were taken in a trippe. Now then, needes must I saye thus at thys time, that amongst all sorts of men sinne aboundeth here for wante of chastisemente, evill men beinge over ryfe, and good men over scante, such as shoulde do good. Or els how is it that usurie amongst other synnes (for I will at thys tyme say nothing of magistrates) is so universallie used, whiche ought in any wyse to be weeded out above all other fautes? For as I thinke, and must say stil, usurie onely is the cheefest cause of the greatest miserie in thys lande, aswell to geeve occasion of great waste, as also to make muche wante, and wil be in the ende the undoyng of all, yf it bee not loked to in tyme. The Romaynes never began to decaye tyll usurie lorded amongst them, for then private gaine thrust oute common profite, luste was holden for lawe, ydlenes more used than labour, ryott in steede of diett, vice better regarded than vertue, no charitye at all, no love betwixt man and man, but everie man for hymself, and the whorlepole of pride and ryote overflowed in all thynges and in all places.

Plato saith there must bee three thynges in everie good state: A magistrate to governe, lawes whereby to governe, and execucion of lawes for maintenaunce of government. And Diogenes sayed well, where neither lawes have force, nor water hath course, there shoulde no wise man willingly seeke to dwel. For wher evill men beare rule (as it is alwayes, there where lawes are stopped of their ordinarie course) there cannot anye good man have place, because they are

always contrarie. And thys I saye, that in al common weales it is as great a blame not to cherishe and mainteine the good and godly, as it is a great shame to suffer the offendor and wicked man to goe unpunished. For both must have their desertes, or else the state is not iustely governed. And as weedes are to be rooted out of every gardeine, so are good herbes to be often watred and cherished stil with good earth, or els they will perish and wyther soone away. And amongst all others, I woulde the religiose learned men of thys lande were so cherished and esteemed, as they have well deserved, and, together with their good cherishinge, I would their good warninges were throughly folowed. Yea, I woulde they were better holden up in that which they have maintained and professed in good learnynge, although their livings and entertainements were not muche greater. The preachers, I doe meane, and the godly ministers of this time, for they still exclaime maynely against sinne to discharge their duties; they crie out continually against all usurers with open mouth and in all their sermons; and yet what availles it? Nothing at al. The reason is, for the civil magistrate doth not ioyn with them, and see that executed by censures of the lawe, whiche they so earnestly rebuke in the pulpite, and shewe foorth godds threatens most vehemently for suche synnes so muche suffered and so lyttle punished. For what sayeth the lewde man, when the good preacher hath donne? See howe properlye hee gyrdes at the matter! Yonder sellie man (sayeth hee) hath saide, but he can do no more, thankes be to god. And fond is the man, sayeth the usurer to others, whatsoever hee bee, that will not suffer a poore simple preacher to have his wordes, when others have the deedes and lyve in all wealth and iolytye in thys world. Lorde God send to Englande some Solon for thys redresse, who toke away the usurers bookes and their gaynes from them, and forbade such filthy lucre, and brought in *novas tabulas*, whiche are sayde in greeke to bee *Seisachtheia*, as who should say, an easement of a burdeine. For that all debtours were discharged from all such creditours that had lent their money for usury and gayne, or, at the least wise, were eased from the usurie of it. Thus did Solon in the

detestacion of usury, a sharpe kynde of dealyng no doubt and a straunge: but in great diseases sharpe corrosives muste needes bee used, when lenitives will not serve. And shall I name one, that hath bene in oure age, and wishe hym now a lyve, to cure so great a cancre? Woulde godd Englande had a Cromwell, I will saye no more. I doe reade that long before the conquest, King Edgare, that iuste Governoure and severe magistrate agaynste all lewde officers and extortioners in thys lande, did amongst hys other good deedes make proclamacion to have al the wolfes killed in Englande and Wales, because they were ravenous beastes, and devourers of sheepe and other cattel, to the great harme and hynderaunce of hys subiectes. And to have thys better doone, he appoynted manye to paye for their fines and revenues wolfes heades yerely, some moe and some lesse, and such as could not bring wolfes heades in, paid their fines and revenues in mony. Now suche force toke thys good order in this lande, that within a while there was not a wolfe to be had, neyther in Englande nor yet in Wales. And Ludwallus, Prince of Wales, brought in 300 wolfes heades in one yeare for hys tribute, which hee was bounde to paye yerely. And afterwarde, when no moe wolfes heades were to bee had, hee payd to the kynge a certayne yerely revenue. Thys was a good deede surelie, and a gracious proclamacion: for since that tyme, whiche is sixe hundreth and odde yeres past, no wolfes have troubled this land.

Nowe yf your lordship, with others, could procure by your good meanes that in your tyme there mighte bee never an usurers heade in England, I doe thinke you shoulde doe a greater good deede to thys lande, than ever was doone by kyllinge of wolfes. For these bee the greedie cormoraunte wolfes in deede that ravyn up both beaste and man, who whyles they walke in sheepeskynnes, doe covertlye devour the flocke of England, under coloure of their wealth and counterfeit honesty. And what if there were therefore a lawe to searche out these hypocrites, and to unvisar these maskinge minyons, and suche as they bee, that make warre of sett purpose against god and hys lawes, that stryve so maynelye againste hys holye will and commaundementes?

And the same lawe to be so executed, that, as wolves have bene ridd out of thys lande, they shoulde all likewise either suffer the paynes of death, or be banished thys realme for ever, that there myght hereafter no moe usurers bee found in Englande than are wolves to bee had here at thys daye? I do thinke, surely, this woulde be as swete a smellinge sacrifice in the sight of god, as ever was offered since England was firste converted to the faithe.

Kynge David, praiyng god to sende unto his sonne Salomon iudgement and righteousnes, saieth that hys sonne, being assisted by the myghtie power of god, shalbee honored of all princes upon earth, because hee should deliver the people from usury. A great good deede no doubt, and worthy of such great honor as Salomon afterwards enioied, and a verie meete example for al princes to followe, that they mighte have like honor. And touchinge a lawe to bee made, I doe not see but it is as necessary to have one against usurers as against theves, and a great deale more. For theves steale manye tymes for necessitie, whereas usurers robbe and undoe all men for greedy gluttonye. The one stealeth a crowne in the hyghe waye, the other robbeth men in the hyghe streate of al that they have: the one stealeth a little, to susteyne nature: the other scratcheth up the whole treasure of Englande to serve hys owne covetous and wretched desire, to the utter undoyng of thousandes. Therefore it were good these usurers were all gone one waye or other out of thys realme, for here in Englande they do no good at al, nay, they doe all the myschiefe that is donne, and wilbe the cause of utter ruine to thys lande, yf they bee not taken upp in tyme, and cutt shorter by the heades. Good men therefore must have this care to sifte out lewde men, and till governours geve good example of good lyfe, evill men will continue to be evill stil. But if this lawe seeme blodie (although the hanging of poore wretches for small matters is counted nothing blodie at all), then woulde I that the olde lawes of Englande were put in execucion, such as are called kyng Edwards lawes, or the common lawes of England, whereof one was that the goodes of an usurer after hys decease should turne to the benefite of the prince, when twelve men had founde by prooffe

that the partie deceased was an usurer in his lyfe time. For in those dayes, no inquiry was made by verdict, so long as a man lyved, whether he was an usurer or no: but the matter was referred wholly to the ecclesiasticall lawes during mens lyves. This I thinke would make the fewer usurers, when twelve men shoulde bee triers after their deceases what trade they used in their lyfe, and finding them by profe to have committed usury (whiche, as Glanvil saith, is then done when anything is received over and above the principal) to geeve up straight wayes the dead mans goodes from hys heysrs, executours and assignes, to the prince and governour of the lande.

But some will saye, yf the lawes were put in execucion, it would turne to the hurte of all men, for that none would lend hereafter to anye bodie, eyther more or lesse, and nede there wilbee alwayes, as there hath been heretofore. I do answer and saye, that the hungry desyre of man dothe enforce neede manye tymes further than there is cause of neede in deede, seekynge for a great deale more in all thinges than nature craveth. To whose sufficiency, if mans greedy appetite could answer and yelde themselves content with the blessed frute of this lyttle paradise of Englande, one man shoulde have little cause to borrowe of an other. Or if they had cause (as I cannot deny but neede may bee, and that greate neede sometymes), yet yf men were enbred with the feare of god, and acquainted to lende freely, and to doe to others as they would that others should doe to them, I would not doubt but that charitie would abound universallie, and the moste would bee as loth to lende for gayne as they would bee loth to kill, or to murder a man by the hyghe waye side. And I truste also that men would then as fast runne from a knowne usurer, as they would flie nowe from a madde dogge, or rather from the divell hymselfe, if they sawe hym in hys likenes. But what doe these worldlings now a dayes? They doe not lende to helpe the neede of others, but to benefite themselves, and wher they finde the greatest unthrift, that hath landes or other livinges left unto hym, there they wilbee moste readie to feede hym in hys ryott and unnecessarie expenses, makyng their gayne to bee hys chiefest



hurte, yea a greater hurte in deede then all hys wilfull and folish charges otherwise, as maye well appeare in the discourse of thys my devised booke. Whereas they that feare god, and wil bee suche men in deede as they would seme to be, should not deale in thys sorte, but following their trade, in what vocation soever it be, oughte to helpe the needie and worthie parson with some parte of those goodes that they have lawfullie gotten by their trade and maner of livyng, whereby they maye receive usurie at goddes handes, who doth geve an hundred for one to all them that geve or lend frely for hys sake.

Thus I have boldlye, and I trust with godds spirite, moved your honor to loke well to your charge and calling, desiring you to take in good parte my good meaninge; for my desire is, that my naturall countrey might bee parfite and blessed without daunger of evill or infection of mischief to corrupt this state, or destroy thys noble land. And the boulder I am to deale thus with your honor before others, because I have knowne you, and that noble race of youre brethren, even from their younge years. And with your honor, and that famous erle of Warwike deceased, and your noble brother, nowe earl of Warwike lyvinge, I have had more familier conference than with the rest, and especially with your honor (I doe thanke you most humblie therefore) I have had sufficient prooffe of your carefull mynde, even in reading not onely of the latyn, but also of the Italian good and sounde wryters, to knowe and to understande the best used government, and the chefe lawes that have ben made in all ages. And as youre mynde hath bene thus godly enclyned to knowe, so it appeareth very wel you have ever had a good mynde to put youre knowledge in practise. And this must I saye, that godds providence is greatly shewed in thys behalfe, and the queenes Maiesties blessed estate most evidently appeareth to bee the stronger, in that it hathe pleased her hyghnes to have chosen so stayed and so discrete a noble man as you are to deale in the affaires of the state. For I knowe, and therefore wil not feare to saye, that you have ben, nexte to the Queenes Maiesties most mylde and gracious disposition, a great helpe and meane of thys most calme and

mercifull government, a thinge so ioyfull to all good people as nothinge can be more : although it hath playnely fallen out in profe, that both the Queenes mercie and your nature hath been greatly abused, and the Princes goodnes especially moste unthankfully recompensed, whereupon her Maiestie hath ben enforced much against her nature to use the sworde, a thinge so needefull when gentle meanes wil not serve, that without so doing no state coulde stande nor man could lyve. And such hath thys world ben, is, and wilbee ever, that Princes upon cause must doe, and in reason are bound to do, that whiche they would not of themselves doe yf it were not for very necessity, to avoyde a greater inconvenience. And therefore are counsellours about a prince, that they might alwayes geeve the best counsel, and procure thereby the safety both of prince and state, that, when clemencie will not serve, they may use the contrary.

But amongst all other needefull advertisements, I do wishe that your honor and others of youre callinge shoulde never at any tyme lette slippe any good occasion offerd for the welfare of Englande, muche lesse to bee carelesse in that greate trust which is committed unto you. And therefore, as the master of a shippe hath ever an eye to keepe a righte course, a physicion alwayes a good mynde to heale hys patiente, a capitayne evermore a careful heade to gette the victorie, even so, my good lord, I pray god you may be a faythfull counsellour to the prince, and a watchefull magistrate to the people, to the advancement of godds most holy worde, and for the welfare of thys lande, and so to care for the whole bodie of the State, that whilst you take the defence of some one parte, you do not leave other partes of the state undefended or smallye esteemed. Thus yf you doe, as I pray god you maye doe, and I hope in god you will do no lesse, I do well assure my selfe that usurie amongst other faultes will no more shewe her face hereafter in Englande, than the starynge Owle will loke upon the bright sunne, or the fearefull mouse abide the wilie catte. And I hope that by such good meanes thys noble realme will greatly florisse and the people will become every daye better and better, and in might waxe stronge ; in riches, plentiful ; in renowne, famous ; in

vertue, honest ; and in religion zelous. All whiche blessed and happy welfare god graunt for hys sonnes sake Iesus Christ, in whom your honor and al others do lyve, move and have a being, whose name bee therefore praised for ever. Amen. From the Queenes maiesties hospital at Sainte Katherynes, this twenty of Julye, 1569.

## A CHRISTIAN PROLOGUE TO THE CHRISTIAN READER

SOME will count me fond that of myne owne fancy unconstrayned have chosen rather to hazarde daunger of blame, by entringe to touche this matter of usurye, standinge thereby to other mens courtesies for pardon of my faulte, than by sittinge still as noe medler in matters of the worlde to be without blame or fault at all. One sayeth to me, what have you to doe, to wrastle thus with usurye? What will you geat by it? Not a peny the more wilbe lent you for making any suche booke, be you wel assured: nay, you shall the rather want when you would have, trust unto it upon my woorde. In this firste onset I am thus iumped withal by some men, for dealinge in this sorte with matters of usurye. Well, I am sorie to offende any, and surelye my mynde is to do good unto al. For I protest before god I do not mean evill to any man, but wish the best I can to one and other. And sorie I am, that good meanyng and wel should be hurtfull to me, or offensive to anybody else. And yet, such is the worlde, the galde horse will not be rubde; men that are most faulty can least abide rebukes; and plain men for telling trueth many times beshrewe themselves, being wel assured that it is as certayn a thing, as it is a common saying, *Veritas odium parit*, Trueth purchaseth hatred.

I knowe in dede that playnnesse of speache and freedom of tongue in decypheryng sinne and advancing vertue are not the best waies to thrive by, for it is not rare that many a man hath com to great wealth, which never knew what vertue nor honesty meant in all his lyfe. Yea, ther be som that have solemply vowed

never to be of that religion that smelleth of povertye: they had rather be riche with Alexander, than poore with Christ. A horrible kind of speache: fyrst money, say they, and then honestie will follow of course: for what is wisdom, learynge or honestie? It is money (man) say they, that makes a man to be taken for wise, honest, valiant, mightie, yea, and for a kinges fellowe too. This opynion have many men, and I feare it be the creede of the worlde at this time. And thus I have lost all my credite and shall not bee worth a grote hereafter, yf wicked mammon or mans malyce bee ever of power to keepe me under. And then had it not ben a great deale better for mee, to have played and done nothings, then thus to take paynes, and lose al thinges.

Well, of thys one thinge I am wel assured, that god will not forsake them that put their trust in hym, but wyll rewarde them more largelye than mans wil is to geve or his power to get. And I hope better of their courtesies, than to have such discourtesy at their handes. And this wil I saye: he that wil do as I have sayd, he shalbe richer than the proudest of them al. And let them not saye that I am suche an enemye to usurie that I will have none at all to bee used. For I am an usurer my selfe so farre forthe as I am able. I woulde they knew it, and I will teache others to be greater usurers than I am my selfe, and shewe them how to gaine more in a daye then others are able to geat in seven yeres. Do therefore, O ye men of the worlde, as I shall teache you, and you shallbee suche men, as hereafter you will blesse me. Lend to your poore neighbors in time of their great neede for gaine on gods name, and put out your money to them for usury—in such sort of usurie I meane, as god hathe commaunded you to use—and you shall yerely, daylie, and howerly reape infinit gain. For as god is better able to rewarde you then man, so will he for his promise sake make you recompence with encrease infynitely. And, as he saieth, if you geve but a draught of water in his name, and for his sake, you shall not lose your reward. The iust man is full of compassion, as the Prophet Davyd sayethe, and dothe lend. Be you therefore iust men, O ye worldlinges, and let others have

that to occupye which lyeth idle by you, and lend freely, not hopinge somuche as for the principall agayne, that you may heape gayn to your selves from god plentifulle. For, I tell you, this is a spiritual usury, which is the right usurie in dede, and suche as Christ woulde have used in the 19. chapter of the gospel after Saint Matthew, where he sayethe : Why wouldest thou not put out my mony to the banker ? that is, why didst thou not bestowe my grace and my gifts to the profite of others, by communicating the same among them ? Thus spiritual usurie is called the multiplicacion of the giftes and graces of god. Thus by a litle travaile, a man may win an hundred fold meede in heaven. Who would not labour in tyme of harvest to gette in corne ? And what other thing in this world then an harvest for good men, to gleane the poore into their barnes ? And be it that the party unto whom you have lent is poore and not able to repay you, yet you are sure of this, the partye that borrowed will thanke you, if there be any honesty in him at all, and wyll desire god to rewarde and prosper your doings, and god will heare his prayer that is not hable to paye. And is not this a good recompence ?

But be it that some one, being able to pay, is yet not onely unthankful in words, but defraudeth you in dede of your owne, as you maye have your remedy against the man, so assure your selfe that god even in such cases will reward you with his grace and mercie without any asking or prayer made to him at al. For it is thus written in the booke of Iesus of Sirach : *Qui facit misericordiam foenerat proximo.* He that useth pity and compassion, doth lend upon usurie to his neighbor, and god wil pay that usurie him selfe. And therefore it is saide farther in that chapter : There be many which are not glad for to lend, not because of evill, but they feare to lose the thinge that they did lend. Have thou pacience herein, O man, with the simple (saith the text) and witholde not mercie from him ; helpe the poore for the commaundements sake, and let him not go empty from thee because of his necessitie. Leese thy money for thy brother and neighbours sake, and burye it not under a stone where it rusteth and corrupteth. Gather thy treasure after the

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commaundements of the highest, and so shall it bring thee more profite then golde. Lay up thy almes in the hande of the poore, and it shall keepe thee from al evill. Thus farre Iesus the sonne of Sirache, with a great deale more full of muche comfort for al those that lende their money out, to receive usurye at gods hands. Whiche usurye god grant all men may use dayly and howerlye to their Christian bretheren: for their rewarde shal be great in heaven, that for Christes sake lende freely unto men upon earth. Neyther is heere any losse to him that lendeth in such sorte, but rather unspeakable gayne, such as neyther hart can thinke, nor tongue can utter, nor eye hath seene. If a man in this worlde gayne a pound for a peny, it is thought a wonder, and yet god geveth to them, that geve for his sake, thousandes more then is gayned in thys proportion. For he geeveth for transitorie trashe eternal treasure: for bryttle mettall, assured welfare: for money, mercie: for golde, al goodnes. and for this fraile worlde here, the world that never hath ende hereafter.

Thus, you see, this usurye is good and prayse worthy, suche as will heape more treasures to man in one moment, than al the golde mounteth unto that all the Banquers have in the wide worlde besides. Happye is he, therefore, that is suche an usurer, and I praye god al men maye be suche usurers hereafter in dede. For whatsoever men lose by thys meanes upon earthe, they are sure to finde the same againe in heaven. And what losse I pray you hath hee, that, when hys debtour faylethe hym, god receyveth hym, and when the debtour payethe not, god payethe the debte for hym? An happye exchaunge, no doubt, saye I, yea and a blessed alteracion. The poore man is bounde to paye, and god is his suertie and wyll paye the debte hymselfe, yf the poore man bee decayed and not able to aunswer the summe, yea let men bee never so unthankfull, god wil for his promise sake pay all mens debtes. And because a manne maye bee the surer, god layethe in a pawne, whyche is his heavenly gospel, than the which no greater nor surer gayne can bee layde oute for mans behoofe upon earthe. We see if a man neede moneye in this worlde, and hath a knowne riche man to bee his suertie, everye man is readye to lende for

gaine. And is the lorde of heaven and earthe, he that made the world and all that therein is, a poore man in your sight, my ryche masters? wyll you not truste hym, that made you al of nought? that gave you freely all that you have, and wythoute whom you can have nothyng? that suffereth the Sunne to shyne upon you throughe hys mercye? that sendethe rayne in due season? that ruleth the heavens, and the course thereof, for your onely benefyte? And doubtte you nowe, good sirs, that thys lorde of oures, being lorde of lordes, is not a sufficyent suretye to paye unto you youre owne agayne, and to recompence you to the uttermoste farthyng? If the servant shoulde mistrust his just master, the tenaunt his good landlorde, the sonne his loving father, it woulde be thought that any of these were lewd folke in their so doing. And shall wee not thinke them most worthy of blame, that mistruste the goodnes of god, who is master, lorde, and father over all creatures livinge, and the onely creator of mankinde, by whom all creatures breathe, lyve and have their being, and without whom all flesh is nothing but confusion, shame, and the verye outcastes of thys wretched worlde?

But now, touching the company that is to talk in this treatise, you shall understande, gentle reader, that no man, nor yet any profession or callinge, is especially touched in thys reporte that I have to make, but onely a rehearsal made of speeche that hath passed. Whyche I thought good for the varietie thereof, and for the better setting forthe of gods glorye, to commit to writing, and so to printe, that all men may see and reade the matter, and thereupon doe as god shall geve them grace. Their names I have geven unto them in greeke and Englishe, callinge the preacher, *μισοτόκος*, which I doe englishe Ockerfoe, as enemye to usurie. The merchant I do name, *κακέμπορος*, whome I do tearme Gromelgayner, and for shortnes write him sometime Gromel, calling him most by the name of merchaunte. The Civilian, *πολιτικός*, and so advocate or Civilian. The Lawyer, because I know temporall lawe is whollye against usurie, asmuch as the Cannon lawe or scripture it selfe, I doe christen him, *κερδαλέος*, counting him



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heare in deede not muche better than a petye fogger in lawe, as one that sometimes hath studied a little lawe, beeing yet never allowed in anye Inne of Court or Chauncery for his learning, and assuring my selfe that no utter barrister, muche lesse any Counsellor in lawe, wyll allowe his opinion, callynge him. Lawyer notwithstandinge, for modestie sake, because the other name is odious, and none woulde wyllingly in dede be tearmed as they are, especially when the name concerneth eyther wyt or learning. And yet, to see the worlde, none are so readye to defend usurie as those are that have the least understandinge in any profession. And so I am bolde to use this name pety fogger, whom for courtesie sake, and for good manner, I doe call Lawyer, althoughe noe lawyer in deede doth or wil allowe of usury, but the unlearned onelye that presume oftentimes to deale in higher matters then the elder and wiser sorte of men wyllingly doe, or dare affirme certainly upon their knowledge. God be merciful unto us, and make one and other of al professions good usurers in the lord, that we may lend plentyfully and freely, and trusting in gods goodnes may receive reward at his hande in that daye. And thus til then fare you wel in Christ Iesu, to whom be al honor, praise and glory for ever and ever. Amen.

### THE NAMES OF THE SPEAKERS IN THIS DIALOGUE

*μισοτόκος-Ockerfoe*, the Preacher or enemy to usurie.

*κακέμπορος-Gromelgayner*, the wrong Merchant or evil occupier.

*πολιτικός-Advocate* or *Civilian*.

*κερδαλέος-Lawyer*, or rather petischoler in lawe.

## COMMENDATORY VERSES

GUILIELMUS WICKHAM, CAPELLA-  
nus serenissimæ Reginæ nostræ  
ELIZABETHÆ

*Doctus es, & pius es, Wilsonè, quis abnuat istud  
Qui vel opus præsens, scriptave prima legat ?  
Nam, nisi doctrina præstante, quis obsecro posset  
Rhetoricæ, aec Logicæ verba Britannia dare ?  
Et, nisi perrara pietate, quis obsecro vellet,  
Usuræ scripto prodere damna libro ?  
Ergo nisi indoctus nemo tunc illa notavit,  
Nec nisi perdemens hoc reprehendit opus.*

IOHANNES GARBRANDUS  
OXONIENSIS

*Fænore qui lucrum facit, est homicida Catoni,  
Furti dupla, huius quadrupla mulcta fuit.  
Non facit hæredem, privatur honore sepulchri  
Qui tenues lucro fænoris auget opes.  
Sermo sacer, patres, pius omnis damnat, at una  
(Quæ docet errores) Consuetudo probat.  
Tu, qui a supplicibus stas, vir reverende, libellis,  
Consilio, penna, dexteritate premes.  
Prodeat egregius tuus ensis, præstet acumen  
Et deus, & metuens, regia virgo, deum.*

In  
 THOMÆ WILSONI,  
 hominis Doctissimi, legumque civilium Romanarum D.,  
 ac serenissimæ nostræ Reginæ a supplicum libellis,  
 librum de sœnore,  
 IOANNIS COCI  
 carmen.

*Est patriæ Wilsonus amans, populique salutis,  
 Et graviter patitur publica damna seri.  
 Hinc multæ populo labe, & crebra ruinis  
 Fulmina, communi visa nocere rei.  
 Sed mala dum trutina vigili per singula lustrat,  
 Nil avido reperit sœnore deterius.  
 Nam τόκος epascit populo cum sanguine fibras,  
 Et τίκτηι misero læthifer usque necem.  
 Esse Cato τίκτεω homines occidere censet,  
 Cum τόκος exposito in sœnus, ab ære venit.  
 Nam nihil, aut fumos locat is, qui tempora vendit,  
 Aut si quid vendit, vendit amicitiam.  
 Merx præclara quidem, ulli si venalis honeste :  
 Quæ, nisi gratuita est, non sit amicitia.  
 Nulla potest virtus nam mercenaria nomen  
 Naturæve notas empta tenere suæ.  
 Nam projecta foras, alienos spectat ad usus  
 Vitæ hominum cultrix, officiique parens.  
 Non sua corradit, non mutua conficit atrox,  
 Lucra nec ex damno quæritat alterius.  
 Non fugitat lucem, nec vult, obscura latebris,  
 Turpia per quæstus æra vocare domum.  
 Prodit enim crimen latitans usura pudendum,  
 Horret & infamês autor ab arte notas.  
 At tam tetra lues, hominum sublata saluti,  
 Conversa rerum, concidat ipsa, vice.  
 Dumque parit, pereat, miserandæ bellua plebis,  
 Exitio sceleri conveniente suo.  
 Sed Wilsonus ovans cædendis floreat hydri,  
 Quas alit infandas publica lærna mali.  
 Acris & Herculeos exantlet mille labores,  
 Ut pariat patriæ comoda mille suæ.*

*A LETTER FROM IOHN, BISHOP OF SALISBURY*

A LETTER founde in the studie of the right reverend father in god, and moste godly pastor of Christes flocke, Iohn late bishop of Salisburie, within certeine monthes after his forsaking this earthly dwellynge, which letter was sent to the author of this treatise by Iohn Garbrande, master of arte in Oxforde, and Prebendary of Salisbury, who had by legacy geven unto him, by the foresaid godly father, al his papers, writings and notes of all his traveyle in gods vineyarde, and other devises of lerninge whatsoever.

I have perused your learned and godlye travayle touchyng the matter of usury, M. D. Wilson, and have no doubt but, if it may please you to make it common, verie much good may growe of it. Suche varietie of matter, suche weyghte of reasons, suche examples of antiquitie, suche authority of doctours both Greekes and latines, suche allegation of lawes not onely Civil and Canon, but also provincial and temporal, suche varietie of cases so learnedly and so clearly answered, suche learninge, suche eloquence, and so evident witnessse of gods holye wyl, can never possibly passe in vayne. I wyll not flatter you, I cannot, it becommeth mee not. I assure you I like all notably wel : *si quid mei est iudicii*, and if my liking be worth the liking. But of al other thinges this liketh mee best. Of the three parties, you make eche one to speake naturally like hym selfe, as if you had beene in eche of them, or they in you. What it shall worke in

other I cannot tell : for mine owne parte, if I weare an usurer never so gredyly bent to spoile and rauine *ut sunt faeneratores*, yet woulde I thinke my selfe most unhappye if such perswasions coulde not move mee. For what man woulde not bee afraid to lyve desperately in that state of life that hee seeth manifestly condemned by heathens, by Christians, by the olde fathers, by the auncient counselles, by Emperours, by Bishoppes, by decrees, by Canons, by all sectes of all regyons and of all relygions, by the Gospel of Chryst, by the mouthe of God? *Ago breviter, ut vides, non enim id mihi sumo, ut damnem large hoc tam horrendum peccatum, id tibi relinquo.*

*Ut vivat liber, usura pereat.*

From Salisbury this 20. of August, 1569.

A COMMUNICACION OR SPEACHE BETWENE THE  
RICHE WORLDLY MERCHANT, THE GODLY AND  
ZEALOUS PREACHER, THE TEMPORAL AND  
CIVILE LAWYERS, TOWCHYNGE USURIE, OR  
THE LONE OF MONEY FOR GAYNE.

About two yeares past I (as I remember) a ioly merchant of London, after hee hadde hearde a moste earnest sermon agaynste usurye in hys paryshe Church, dyd invite the preacher to dynner, havynge purposed before to have certeyne of his frindes and acquayntaunce the same daye at dynner also wyth hym, amongst whome a gentleman, one towards the law, meanly studied, and yet of a goodly wytte and great boldnes, was a bidden gheast ; who, havynge beene likewise at the same sermon, came immediatlye after that the sermon was donne to the merchaunts house, wheare the preacher and he meetyng together, eche desyred other of more acquaintaunce, and the merchant in hys solémpne manner, as soone as he sawe them bothe, sayde thus unto them :—

Nowe in good soothe, my masters, you are hertely welcome, and you, good master preacher, are welcome with all my harte, and I thank you for your manyfolde preachynges bestowed amongst us, specyallye for thys dayes sermon. For, by Saynt Marye, you have shotte your arrowe to the marke, and it cannot bee but mucche good wyll come of this your preachynge ; and therefore you are welcome hartelye, and I praye you be covered.

*Preacher :* God grant that anye my woordes may edifie anye one for his soule health, and then might I the better

reioice in my poore travail, but I feare me there is muche corne sowen upon the harde rockes and hyghewayes that want moysture.

*Merchant*: Well, well, all shallbe well, I trust, and god forgeeve us al.

*Lawyer*: As I have hearde you this daye master preacher, so have I geeven you an eare heretofore, and have manye tymes wyshed that I myght have had some pryvate talk wyth you, for my better understandyng and more famylyarity with you.

*Merchant*: Nay, if you bee dysposed to talke, I pray you pause the matter tyll after dynner, and then we will spende time, accordinge to poyntment, for an hower or two in my gardeyne, where yee shall have a pleasant sweete arbour to sitt in, I thanke my sweete wife heare for it. In the meane season, let us bee frendly, merye, and use oure cheere as god hathe sent it, for in good soothe you are welcome at a word. I did looke for mo gheastes, and amongst others for master doctour of the Arches, but he had rather bee at hys ordinarye in the Arches amongst his fellowes my masters the doctors there, then at thys kynde of dyet. Howebeit I thinke hee will not flayle me in the afternoone, for wote ye what, master preacher, I have desired hym of purpose to come and use conference with us, if you be so contented.

*Preacher*: I am well contented, syr, wyth your appoyntment.

Hereupon the merchant tooke hys place and called hys gheastes unto hym, and as merye as a Pye made them verye good cheare. And al the dynner tyme was passed over with none other talke but of the good order of the Cytie, and what an honorable state it was, and howe chrystendome through the lyke cheere was not at an officers boorde as the Lord Mayors table caried, for that was specially the honor of England, al which speache was soothed almoste by everye body, and gloriouslye extolled for that present. The Lawyer amongst all others at that table had most talke, as he that thought himselfe moste woorthye; for, as hee had a good readye wytte, so wanted hee neyther boldnes, nor utterance,

to set it forth, as commonly lawyers have plenty of bothe. The Preacher, having his head hammering upon another steethy, used seldom any speach, but lifting his eyes often to heaven seemed to sit in some misliking with the world, as I take it. Notwithstanding, hee was remembered by the merchaunt, master Lawier and others, to be merry as they were. When dynner was done, the Lawyer forgate not to put the merchant in minde of hys gardeyne and faire arbour, who commaunded his kinsman and apprentice to provide cushyns, and to make all things ready. And so the rest of the gheastes being courteously dispacched, they three with one or two others of the house being there, and the apprentice standyng by, after the merchaunt had saide some what of hys comelye arbour and gardeine, and they also allowed verye well the beautye of it, the Preacher, domping in a deepe conceyt, as one caried with the zeale of god, and beyng asked what hee thought of the worlde, began in thys maner.

*Preacher* : It is very certayne, as I take it, the worlde is almoste at an ende.

*Merchant* : What is the matter, syr? Belyke you are wearye of the worlde?

*Lawyer* : No, not weary of the world, but I thinke him angry with the worlde, for he heateth dyvers tymes at it, shewyng alwayes a marveylous zeale agaynste synne, as I remember you did this day.

*Preacher* : The zeale that moveth mee ought to move you, and all others that have any feare of god, or care of lyfe to come.

*Merchant* : Tush, what amounteth your care for the worlde? You have discharged your duetye: let the worlde care for it selfe, and let every one aunswer for his owne doinges. Lorde god, what should you be so muche greved inwardlye?

*Preacher* : I wyll tell you, syr. Doctrine dothe greatly abounde, sinne in all kind is sharply rebuked, and yet none or fewe do amende their lives.

*Lawyer* : That is not so, there is greate amendement; and men are better nowe then they have been, saye you what you lyst.



*Merchant*: You say trueth, sir, except thys man wyll nowe seeke out motes, where greate beames weare heretofore.

*Preacher*: I praye god the beames bee not greater nowe than ever they were. Such untruthe, suche extorcion, suche malice, such dissimulacion, such uncharytablenes, such horrible usury was never sene at any time.

*Merchant*: Preachers maye descant generally at their pleasures, and randone in the pulpyt at liberty, to fear men from sinne, but, wyth your leave, if you search every man particulerly, you shall fynde great change and amendement of lyfe.

*Preacher*: Would God it were as you saye.

*Lawyer*: Wherewith do you charge this worlde moste?

*Preacher*: With all kynde of synne, and especiallye with wante of charitie.

*Merchant*: Nay, then you rove *ad Ephesios*. I praye you, syr, when sawe you a more charitable or more quyet tyme than thys is nowe, savyng onelye that beastlye unquyet storme whyche lately rose in the Northe?

*Preacher*: Peace in appearance appeareth, and thanks be to god, and to the Queenes majestie, wee are nowe voyde of cyvile debate and of outwarde dissention, and yet I saye we want charytye.

*Lawyer*: That is because you churchemen have not so muche wealth as you weare wont to have.

*Preacher*: Not so, syr, for I thynke the Churche is very well provyded for. But I saye generally, charity waxeth colde, the poore neighbour is not beloved, as he ought to be, his neede neglected, hys miserable and wretched estate forgotten.

*Lawyer*: You woulde have men geve to all that aske for gods sake, woulde you? so loyterers and Vagabonds shoulde be mayntayned?

*Preacher*: None speake more agaynst idle folke and sturdy beggars then the preachers do, but I saye the poore housholder, and the honeste meaninge man (who seekethe by good and lawful meanes to lyve) is forgotten.

*Merchant*: You may say your pleasure, but I knowe that they are nowe more relieved by the ryche, then they have

been heretofore, aswell wyth money as wyth frendly counsell.

*Preacher* : What your counsell is, I knowe not, and I praye god it bee suche as you ought to geve, and as you woulde have geven to your selves, yf you stooede in neede. But touching lending of money, I thynke men rather seeke their owne gain, than anything the benefite of theire Christian neyghbour.

*Lawyer* : Naye, bothe, and who I praye you woulde lende but to have some benefite of his money? And is that anye harme when bothe do gayne?

*Merchant* : Gods blessing of your hart for so saying, for I did never lende money in my lyfe but for gayne, and whether my neyghbour gayned, or noe, I knowe not. I wyshed well unto hym, but by Saynt Marye, I woulde bee sure firste to doe well myselfe, whatsoever came of him.

*Preacher* : Herein you wanted charitie, and shewed your selfe not to be a perfect Christian.

*Lawyer* : I cannot tell what you call a Christyan. They that will live in this worlde must do so, and I warrant you master merchaunt doth nothing but he hath lawe for hym.

*Merchant* : Yea marie have I, and I thank you for it. I deale surelye for feare of clappes; the worlde is nought, and full of decept; every man hath an eye to the ryche man, to take hym at advauntage.

*Preacher* : God grant your law dealyng be grounded uppon a good consyence, for I feare me you care not who smart, so you farewell.

*Lawyer* : Soft and faire, good syr, better speache were better; but I pray you, tell me in good faithe, what meane you to bee so greeved wyth thys world? Belike you cannot have that you woulde, or have not that others have, and therefore you are greeved.

*Preacher* : No, surely, I am contented wyth myne estate, and a verrye litle thyng satisfieth nature. A Kyng cannot have more then foode and clothyng to withstande hunger and cold, whych you see I have, and I thanke god for it.

*Merchant* : In deede you have ynoughe, and what shoulde you doo with more, that professe contempt of this world? Plenty belongeth to us, that are worldlings, and travayle

for it to helpe others, yf we lyst, and to enrich ourselves to the uttermoste; for as I take it, a merchant should not be stinted.

*Lawyer*: In deede your treasure is the welfare of the realme and countreye where you dwel, and where merchants are not cheryshed, that countreye or realme wyl soone perish.

*Preacher*: Lawfull tradyng and adventuring to bring in our want and to carry out our plenty hathe ever beene allowed, and wythout such traffique no countreye nor kyngdome can floryshe.

*Lawyer*: In deede, they are the onely merchants, to be esteemed above all others. As for such as ingrosse wares to them selves, which are brought in by others, because they themselves woulde have the sale of them alone, they are no better than forstallers and regratours of the market, a maner of men truely unworthy to lyve in a common weale. And touchynge retaylers at home, I cannot skyll of them. I place them in a lower degree, as not worthy the name of merchaunts, but of huckesters, or chapmen of choyse, who, retayling small wares, are not able to better their owne estate but wyth falsehode, lying and perjurye, byndinge oftymes the utterance of their petye sales wyth an huge othe, swearynge to everye bodye almoste everye hower in the daye that thys and that standethe them in so muche, when so muche it cost not by very muche. Whereas the merchaunt adventurer is and maye be taken for a lordes fellow in dignitie, aswell for hys hardye adventuryng upon the seas, to carrye out our plentye, as for his royall and noble whole sales, that he makes to dyvers men upon hys retourne, when he bryngeth in our want; and therefore to be highly chearyshed, and worthy to beare office in any well governed common weale.

*Merchant*: You saye well for us, syr. But I praye you, for all that, howe are we cherished, that are so racked wyth great custome, even for vyctualles, and not only that, but for all other merchandizes?

*Preacher*: Trybute and custome are due unto the prynce by gods lawe, and therefore you muste not grudge to yeld custome, but geeve willingly and franklye unto *Cæsar* that

which is proper unto *Cæsar*, and unto god that whiche is proper unto god. If you thynke the burden and payment intollerable, bee humble sutors unto the magistrates, and if your demaunde can be proved and founde reasonable, I doubt not but you shall fynde release or ease. In the meane season grudge not to pay that is appoynted you by order to pay, and pay it truely, or els god will punish your thefte and fraude, for by none other termes can I call them. The taskes and tallages which are levyed upon other people in strange countreys, if I shoulde tell them you, what woulde you saye to them? where in some place the prynce hath the yerelye fyfte parte of everye mans goods, in other places the fowerth, yea, and in some places the third, woulde you not saye thys were a myserable and pitifull hearing? and therefore, I saye, Englishe subjects lyve in merveylous exemption and liberty, in comparison of other nations.

*Lawyer* : As they live in great freedome, so they live most godlye, in comparyson of others. For, I pray you, howe lytle whoredome is there in Englande in comparison of other countries, the relygyon pure, and all menne ashamed to synne!

*Merchant* : Do you not see how vacabonds are whypped, and whoremongers carted, whyche is not used in other countreys, yea, and hospitalitie better maintayned in Englande then in anye place els in Chrystendome?

*Preacher* : I doe not denie but religion is truelye taught openly every where, unclenlynesse punyshed somewhere, and ydlenes whipped somewhere, and hospytalytie kepte after a sorte somewhere; but yet, I saye, we are not cleare from other faults that are greate and horrible ynough, and I thinke the lyke not used in other countreys. This must I say of other natyons, they are more unwilling to offende in those things that hurte a common weale then we are. As looke, what generallye is noysome to the state, noe man wyll seeke to get by lycence, nor otherwise by dealynge agaynst the common welfare, because they preferre the wealth of their countrey before their owne commoditie; yea, positive laws and statutes are better obeyed abroade in all states than they are here in England, and the superiors in other realmes geeve better example in following the lawes of their

countrey, and lesse offende the State, than our great men and governours in England do. Theft is counted so horrible amongst some nations, that men commonly will rather sterve then steale, and here in England he that can robbe a man by the hygh waye is called a tall felowe. Againe, they doe lesse oppresse their neyghbours elsewhere, theye are more temperate in their speache, and more spare of dyett then wee commonlye are, and that which greeveth me most in thys land, lesse extortioners, and fewer usurers elsewhere then are here in England.

*Lawyer*: All countreys have their faults, and I cannot excuse Englande, but yet I will not so accuse my countreye that I will make it altogeter woorse then others. The Flemynge and hyghe Almaines are subject most to dronkenness, the Italyan to revenge wronges by murder, and otherwyse to synne horribly in suche sorte as is not to be named, although that same haynous filthynesse is not onelye used there. The Frenche man is charged with furious rashenes and over much intermedling in all causes and states, the Spanyarde wyth intolerable pryde and disdayne against all others, the Portyngall wyth over much superstition in relygion, and simplicite of lyfe, the Scottyshman with braggynge and lyinge, the Englysheman with glottony in stede of hospitalitie, with much theft to sette foorth his braverie, and sometimes treason for desire of innovacion. And as every one of these countreys hath his especial faults, so have they their proper vertues and severall qualyties, more excellent then any other nation.

*Preacher*: My desire is that Englande might be most perfect and without any faulte, if it were possible, and would Christe there were none other fault in Englande then gluttony in the moste, theft in manye meane men, and treason in some greate folke. But I saye there wanteth charytie, without which there cannot be perfection in anye man; for lette there bee never so greate appearaunce of vertue otherwise, in whom soever charitie ys wanting, there cannot be any vertue at all, and therefore saint Paule saith: *Valet fides in Christo, quae per charitatem operatur*: that faith in Christ is of force that worketh by charitie. As who shoulde

saye, where charitie wanteth, fayth is of no value, let men bragge and talke never so muche of their beliefe. For, as saynt Paule sayth likewise in an other place, Though I speake wyth the tongues of men and angels and yet have no love, I am even as a sounding brasse or as a tyncling cymball, and though I coulde prophesy, and understande all secretes and all knowledge, yea I had all fayth so that I coulde move mountaynes out of their places, and yet had no love, I were nothing. And though I bestowed all my goodes to feede the poore, and though I gave my bodye even that I burned, and yet had no love, it woulde profit me nothing. Love suffereth long, and is curteous, love envyeth not, love doth not frowardly, swelleth not, dealeth not dishonestlye, seeketh not her owne, is not provoked to anger, thynketh not evil, rejoiceth not in iniquitie, but rejoiceth in the truth; suffereth all thinges, beleveth althings, hopethe all thinges, endureth all things. Yea, though that prophesyng fayle, eyther tongues shall cease, or knowledge vanish away, yet love fayleth never.

*Merchant*: I am never out of charitie but when I cannot geate my money in, and then in deede I do chafe and freate, and thynk my selfe not well used, when they do breake daye with mee. But at length I anger them worse then they anger me, when I have dryven them to an outlawrye; for a bargayne is a bargayne, and I will not forgeve a peny to none of them all.

*Preacher*: Then, I see well, yf you will not forgeve, you will hardlye geve freelye.

*Merchant*: Let them geve on goddes name that cannot tell what to do wyth their money. I had rather have of myne owne, then borrowe of another man, and I do not knowe what neede I may have another daye. Store, syr, is no sore.

*Lawyer*: By my small honestye, syr, you do wisely to bee your owne frende, and to live so that you neede not the helpe of an other, and better it is to have too much, then too lyttle, and soner may a man take awaye, than put to, yea and a more blessed thing it is ever to bee able to geate more then to stande in neede to crave muche. And I for my parte doe love you for your wealth.

*Preacher* : You go about, syr, to perswade the ryche man that his treasure is his chiefe assuraunce and best frende, whereas hee ought to lay up his treasure where neither mothes nor rust shoulde corrupte and consume it, and so he shoulde have the rewarde at gods hande. Therefore I say still, charitable dealing is the most assured and best wealth that a man can purchase uppon earth, for where all other worldlye substaunce fayleth and consumeth awaye, this continueth for ever, and ys a token of perfite christianitye, when men shewe their faith and beliefe by their good lyving and well doying.

*Merchant* : When I am deade, I maye perhaps do good ; but so long as I lyve, I will save one, and be sure not to want. Lay it up in heaven quod he ? a merie iest in deede ! So longe as I lyve, I will keepe it in a chest, and have the key about mee.

*Lawyer* : In deede I must needes saye that wilfull povertie is the greatest follye in the worlde, and for a man to want him selfe, by gevinge to others, is the eyghthe deadlye synne, the whych I call extreme folye or madnes.

*Preacher* : If you wil not, when you have it in your owne possession, bestowe it uppon others for Christes sake, because you feare to want, then be you assured, if you geve your goods after your decease when they can do you no good at all, because then you are not, as being deade and wythout sence, god will little esteeme suche almose, which is not worth grammercie, for you must perforce leave all you have, and no thanks if you geve them when you cannot keepe them, and doe then, and not before, leave your goodes, when your goodes leave you. Therefore I saye still, use charitie whyle you may, and helpe the needye and poore, and not onely lende frendly, but also geve frely to your power.

*Lawyer* : *Durus est hic sermo.* This is a harde thunderbolte, and suche a one as, I thinke, all men are afrayde of, for verye fewe followe that lesson, say you what you wil. But I see you are much greved wyth usurie, emongest all other synnes, and in all your sermons and preachinges you rattle so greatly against this offence, that you shake the bloode of some, tyll they blushe as redde as their cloakes, and manye

do scratche, throughe your bitter speache, where it ytcheth not. I pray god that you, who talke so muche against usurie, may knowe what usury is, for I feare mee you cannot iudge so well by divinitie what this offence ys as the common lawyers can do, and especially the Civilians, who have written largely hereupon, and have also aucthority to determine what is usurie, and who they are that deserve to be called usurers; for, not all that receive money for money are usurers (thys I speake least you shoulde bee deceyved), but they that are byters and oppressors of their neyghbours wyth extreme and unmerciful gayne; they, and none other, saye I, are usurers. And therefore, if you will saye your mynd in learnyng, I would gladly hear you and conferre with you (if it please you). And when you have saide, I will replye, if I thinke meete, for, I tell you troth, I can for my parte aswel heare as I would be heard, and as gladlye learne of others as I woulde teache others. And especiallye I woulde gladly by arguing knowe your oppinion, because you professe divinitie onely, in whiche all truth is couched undoubtedly, if it bee well and truelye understoode, but I thinke all men do not truelye at all tymes conceive the iust meaning and weight of every sentence and controversy.

*Preacher*: None more desyrous to heare and to learne then I am, and because you will have me saye as muche and as longe as I will, I wil be bolde with your pacience to utter my mynde: and if you will take the lyke paynes after mee, I will thanke you moste hartelye, eyther in allowinge or disallowinge of myne oppinion in anye parte.

*Merchant*: In good faith you shall doe verye well to utter both your myndes, and I for my parte will leane on my elbowe, and be an hearer of you bothe, but I promise you I will do as I thinke meete, saye eyther of you bothe what you list. I have hearde ynoughe, if that may serve, eyther to beleve, or to followe, but by Saint Grombolde I wilbe advised twise before I do once so much as they tell mee I shoulde doe.

*Preacher*: When goddes will is, your harte willbe opened, and before he geve you his grace, it is not possible for you to receive and to followe his woorde as hee hath commaunded.



I have knowen them that have bene as untoward as you nowe are, that have through godds mightie grace and goodnes bene wonderfully altered, to the advauncement of his glorie, and to their owne soule health.

*Lawyer* : Hee that wilbee good must firste heare and learne the knownen trueth of god. And therefore because wee are agreede to talke of this matter, I for my parte will take this resting place in this faire gardeine under this arbour, and heare what you can saye, and will not speake anye one worde, but geve as diligent eare as I can unto you, and make an aunsweare when you have done.

*Merchant* : I see well, here is some sporte towardes. There will be snappyng and snarring, I am well assured, before all bee done. And wote you what, master Preacher, the worlde calles you by a nyckename, master Ockerfoe, because you are so sharpe agaynst usurie ?

*Preacher* : I do not muche passe to be so called, for so I am in deede an Ockerfoe, no doubt, that ys an enemy to usurie. But wote you what others call you, master merchaunt ? They terme you by the name of master Gromell gayner, because you mynde nothyng so much as gettinge of money.

*Merchant* : Contented wyth that name, for so I am and still mynde to bee. And therefore go to it my masters, and this I promise you, I will not saye muche, eyther nowe, or yet when you have done, because I have no learning, althoughe I knowe howe to get a penny aswell as eyther of you bothe, and to keepe it also. But I praye god, if your tale bee longe, that I fall not a sleepe, for you see the weather is verye hoate, and it is in the afternoone, in whyche tyme my pastyme is to nodde a lyttle yf frendes or other busynes let mee not, for the physician telleth me, it doth mee good, for I doe not sleepe too muche, but take a nappe. And to tell you truthe, I doe love a dyshe of good meate well. And wee merchauntes must fare well by order, because yt is the honour of the Citie, especialle yf wee beare offyce. And truly good meat ys well bestowed on mee, for I furnysh wyth it, I have *Corpus cum causa*, as you may see, stuffe and linyng it is that I carry.

With that they all laughed merrelye, and the Preacher beginnyng to speake was interrupted by a kinsman of the merchaunts that stode by and hearde this talke, who, as he was yong, and gave longer eare then hys young head coulde well endure, so was he verye greedie and hungrye of the worlde, and so hee myght geate by bargayning, hee cared not whyche waye it came. Wherefore, makinge no consyence of gayne in traffique and bargaynyng, he sayde thus :

I praye you, Syr, let mee aske you a question or twoe before you enter further, for they saye lawyers oftentimes tell longer tales than wyse tales, and can better make a collection in their maner of another mans talke, than fashion a good Oration of their owne. And some preachers are not wythout thys faulte neyther, and yet I do not speake this againste you or others that be of the wysest, but for that, seeing you are beginnyng to tell a tale, I cannot tell howe longe you woulde in your speache eyther of you remember my questions and satisfy my mind therein.

*Gromell gayner* : Lo, will you see this fellowe howe he choppeth logick. He is my kinsman, as you knowe, and a knavyshe witt he hath, ye and wilbee quarter master wyth mee I tell you, do what I can, and I marvale hee hathe helde his peace so long.

*Lawyer* : Wel, saye on, my frende, wee will geve you a lyttle hearynge.

*Apprentice* : May not a man make the moste of hys owne that hee can ?

*Lawyer* : Yeas, if hee doe it lawfullye.

*Apprentice* : I cannot tell what you call lawfull. I have fyve hundeth pounce lying by mee.

*Gromell gayner* : Yea, and if he had sayde a good thousande marke, hee had not lyed, I may tell you in your eare.

*Apprentice* : What shall I do wyth all my money ? Adventure it all in merchaundizes beyonde the seas ? For so may I have a clapp eyther by shipwracke, or by Pirates, or by evill factours, that all will come to nought. Perhappes you woulde have mee adventure at home. I will do so a lyttle ; but because wares ryse and fall and no man ys certeynlye

assured of gayne, I will use one trade that shall wythout all doubt bringe me certeyne gayne, although I sleepe uppon the one syde, and that is wyth puttinge my money forth for interest, and taking good assuraunce. There is no suche gayne in tradyinge, nor yet so certayne. And were it not better to have a great gayne and a certayne, wythout travayle, and wythout toyle, rather then to stande to an uncerteyne gayne, which as it will never be so great as the verye lettynge out of my money will make it, so ys it gott with muche hazarde of lyfe, and greate disquietnes of mynde and body? I am young, and gladiye would I learne of myne elders to gett goodes with ease, and gayne money with money, which I take to bee a good gayne.

*Ockerfoe*: Suche gayne will turne one daye to your losse, if you deale not more charitablye with your neyghbour.

*Gromell gayner*: Well, master Ockerfoe, thus you see that even young knaves, suche as this is, will seeke to advance their lyvinge by ease, as well as olde folkes. But, syr knappe, talke you no more, I charge you. Let your elders have the handlynge of this matter, and bee you onely a hearer. Do not you know, that therefore you have twoe eares and one tongue, because you shoulde heare more than you speake.

*Apprentice*: So have you too, syr, and the gentlemen that be heare with you.

*Gromell gayner*: Yea, but you are a boye, and wee are men, and therefore we have, or should have, more wytt and iudgement by reason of our experience than such as you have. And therefore holde your prate yet once agayne, and let us not have you malaperte anye more, I charge you. What, I saye?

*Lawyer*: Your kinsman will obey, be you assured, but I will tell you this learninge is nowe so well known, that even weomen, yea and goodman hoyden of the countrey, in whome a man woulde thinke were no crafte or subiltie to live, can aske the shillynge pennie for a weeke, whiche in a yeare amounteth to foure shillynges and foure pence, besydes the principall, and in a twelvemonth after the loane of a hundred pounds by the yere, amounteth to foure hundreth pounce,

whiche is merveilous straunge and uncharitable. And the shillinge pennie for a moneth yeldeth for the loane of an hundreth pounce by the yere after that rate an hundreth pounce for an hundred. But because this matter is of great weyght, and requireth a long discourse, good yt were at large to talke of it; agaynste whiche, because you preachers doe in open pulpite so mucche enveyghe, if it will please you according to our agreement firste to saye your mynde, I will answeere you so well as I can. And yet I thinke lawyers and divines do not in all thinges agree in this matter.

*Gromell gayner* : Speake firste who lyst, and make as fewe usurers as you can, the fewer the better, and my gayne ther by shalbee the greater, for I think neither of you both will perswade me from lending my money for gayne.

*Ockerfoe* : Yeas, by goddes grace, I doubt not but you wilbee moved with threates againste sinne, and chaunge your lyfe upon better advysement. And if yt please you, master lawyer, I will saye my oppinion plainlye as the scripture doth teache us.

*Lawyer* : Saye on a goddes name, wee will geve you the hearinge. And further, perhaps I will saye for my parte according to my profession and knowledge. But looke, who is yonder ?

*Gromell gayner* : Nowe welcome hartely, master doctor, I beshrewe you because you came not to dynner. You shoulde have beene welcome, but you doctors of the commons are wedded to small fare, because you will have your wittes freshe to pull money into purses, and to emptye ours, by sharpe and quicke pleadinge.

*Civilian* : I thanke you, syr, our small fare is such, because our bagges in deede are thynn, and we muste measure our bellyes by the waight of our purses, for our gaine is little, god knoweth. But, with your leave, my masters all, I am gladd to see this holesome assemblie here.

*Lawyer* : You are welcome, syr, hartely, and you come not unlooked for.

*Gromell gayner* : Nowe syr, you come (as they saye) in puddingtyme, for we are about a matter wherein you have good skill, especially in this case of usurie, whereof we nowe

talke; for that aswell your bookes do plentifullye treat thereof, as your experience is very greate by the varietie of cases that come before you.

*Civilian* : What learning I have herein, you may soone heare. But for my experience in hearing cases of this kynd, these temporall lawyers do wholye drowne our profession, and make us to have the lesse wyll to studie, because our causes are so fewe that come before us, the rest whereof your lawe hath taken from us, and so made us almoste beggers for lack of the use and exercyse of learninge.

*Lawyer* : If tyme and leasure myght serve, I coulde bringe you infynite reasons to proove that our lawe ys the best, the worthyest and the most auncient law in the worlde. And fyrste I wyll shewe you . . .

*Gromell gayner* : Stay there, I pray you, sir, for when with your first reason, you say you have infinite reasons, you cloy me by and by, for what tyme will serve for the ende of your talke, when your reasons be infinite ?

*Ockerfoe* : This matter requireth another daye, and for thys time I would wishe you both not to speake further herein, but to bend both your witts for the beating down of usury.

*Civilian* : Contente for my parte, and with youre leave master preacher, I am glad to see you. But, to saye the truth, for the tryall of the lawes, your part is now the stronger, for that it is no tyme now for us, because such as beare auctoritie are moste of all with you; and therefore to speake without prevailing weare wast of wind and tyme.

*Lawyer* : I feare not to encounter with you at any tyme. But because we are now in another matter, I am contented to geeve eare, and to saye somewhat to master preacher, eyther in allowing or disallowing of hys speache, say you to me what you wil afterward.

*Gromel gayner* : I am glad I have two eares (as my boye sayd) to heare any of you that I thinke will speake reason. As for master Ockerfoe, I must heare him with both eares, and beleve hym also, because he is goddes messenger : and yf god give me grace to follow him, then shall I be happy. Therefore saye on sir.

*Ockerfoe* : Without god you can do nothing, who is the geever of all good things, and to hym will I pray for you, and say as by His mighty and heavenly spirite I shall have grace.

*Civilian* : I am glad that thys good matter is thus offred to be talked and disputed uppon, and althoughe I was not heere at dinner, yet was I at your sermon master Ockerfoe, and therefore while I am best at leasure to give you the hearyng, I pray you say on in goddes name; and this I promise you, I am somewhat armed to say my minde again, for I have often turned my bookes for thys case, and longed for some such like conference.

*Gromel gayner* : I am glad to here thus much, and therefore I hope to learne some wyt by you my masters: for we merchauntes have little more than wil serve our turns. Our wittes are only to get and save agaynste a deere yeare, and to have alwaies in store, whatsoever may happen unto us.

*Lawyer* : Surely I do longe to heare master Ockerfoe, because I woulde bee answering of hym, or, at the least wyse, utter my simple opinion in this audience.

With that they were all contented to be quiet, saving that the merchant tolde master Civilian merely that he had geven unto the preacher a nickname, calling him Ockerfoe, and the preacher to hit hym home agayn called hym Gromel-gayner, as you have hearde, whiche names were agreed uppon for them both. And where the lawyer was no utter Barrister, as one lyttle studyed in the lawes, scante so good as a meane attorney, yet he was to bee named for modesties sake temporall lawyer, beinge in deede no better than a common pettifogger in lawe, suche as was never allowed in anie Inne of courte or Chauncery, notwithstanding hys witte, where his experience served hym very well. And thys being said, thus the preacher began.

## OCKERFOE, OR THE PREACHERS ORACION

Love god above all thinges, and thy neyghbour as thy selfe. This is the lawe, and the prophetes, sayth our Savyour Christ. What is hee that in lovinge god as hee ought to doe woulde do any one thing contrarie to his will, or who, esteming hys neighbor as himself, would not doe unto hym as he would bee done unto? So that in love is the perfection of the lawe, and without love neither god nor man is either honoured or used as eyther of them ought to bee. I do see god of hys meare goodnes made heaven and earthe, and all that therein is, framing man above all other creatures unto his owne likenes, making him lord over all earthly creatures, as subject unto man, and man for himselfe. So that we al are nothing els but the children of one god the father, and brethren unto Christ oure Saviour. And therefore we should love and live together as brethren, one helpinge anothers necessitye, and in no wise to contempne our own fleshe, nor to turne our own face from the poore and nedy. My neighbour, being knowne to be honest and of good life, although the worlde goeth not well with hym, commeth to a riche man to borrowe for hys relife, eyther for compassinge his necessarie affaires, or els for maintainance of his famelye. The riche man, seeing his poore estate, hathe no compassion of his wante, but saith, yf he can put in good suerties, and wilbe content to pay for the lone as hee may have of others, and as it goethe commonlye in the royall exchange, hee will lende hym thereafter; otherwise he cannot deale, for his money ys hys lyvinge, and it shall not come home as it went oute, for so hee might have kept it stil, without all danger or losse whatsoever. The poore man, that must eyther famishe or take as hee is offered,

borroweth either in mony, whiche is very seldome, or in wares, whiche is the common use of the moste, to a certain value, and entreth into good bandes, and often times laieth a gage better than the goodes borrowed, and payeth without mercy suche as I am ashamed to name.

Thys I saye is against charity, that any man should be so farre from love as he will not lend but for an assured gaine and most sufficient pawne, wherewith god muste nedes bee offended, for that all lending for certaine gaine upon most sufficient assurance is directly against his commaundement. For firste ther is no love, wher free lending ys not, and where love is not, ther is not god, because god is love, and hee that dwelleth in love dwelleth in god, and god in him. Now god commandeth us to love one another, as he loved us first, and therefore if we wil bee his disciples and follow hym, we must love one an other, because he hath commaunded us, and geven us an example so to do. And who can say that he loveth god or hys neighbour, when hee doth not that which is commaunded by god, and is found nedefull for his christian brother? First it is directely againste the lawe of god and nature in hys tenne commaundementes. For it is sayde: Thou shalt not steale; thou shalt not desire thy neyghbours goods. And yet, whosoever lendeth his mony for gayne, doth steale, and desirethe hys neyghbours goodes unlawfullye. For what is usury, otherwise then a fraudulent and crafty stealing of another mans goodes, under the colour of law, againste the owners wil? For I pray you, who doth willingly borow to pay more than he received? or who is not craftely dealt withall, that is thus entrapped with usury? For besides that god hath utterly forbidden such usury, the same is also an extreme undoing unto the poore borrower, and the assured enriching of the covetous usurer.

But because some man may answere and say, why would they borow then? they might have chosen, and *volenti non fit iniuria*, that is, to the willing man no wrong is done. A prety answer, as though no harme can be done to hym, that is willinge upon necessity to receive it. Well, you shal heare what god sayeth expressly, aswell in the olde, as in the newe



testament. In Exodus the xxii, yf thou lende money to any of my people, that is poore by thee, thou shalt not bee an usurer unto hym, neyther shalt thou oppresse hym with usury. In another place, if thy brother be waxen poore, and fal into decay with the, receive him as a stranger, or a sojourner, and let hym lyve by the, and thou shalt take no usurie of hym, nor yet vantage, but shalt feare thy god, that thy brother may lyve with the. Thou shalt not lende him thy money upon usurye, or lend him of thy foode to have an advauntage by yt. For I am the lorde youre god, whyche broughte you out of the lande of Egipt, to geeve you the lande of Canaan, and to bee youre god. The prophete kinge David saythe: Lord, who shall enter into thy tabernacle? and amongst other thinges he answereth thus, he that geveth not his money upon usury, and taketh no rewarde agaynste the innocent. And in the 18 of Ezekiel, it is thus: the soule that sinneth shall dye. Yf a man be godly, and do that is equall and righte, that takethe not other mens goodes by violence, that parteth his meat with the hungrie, that clotheth the naked, that lendeth nothyng upon usurie, that taketh nothing over, this is a righteous man, hee shal surely lyve, saith the lord; but he that greveth the poore and nedye, that robbeth and spoylethe, that givethe not the debtor his pledge agayne, that lendeth upon usurie, and taketh moreover, shall this man live? no, he shal not live, seeing he hath done all those abominations, he shall dye, and his blood shall bee upon him. Christ saythe: give unto him that askethe, and from him that woulde borrowe turne not away thy face. Yea lende, saith the Christ in another place, lookinge for nothings therby, or of the gayne.

Thus you see how manifeste the scriptures are agaynste all usurye, and howe plainely the wordes are uttered and with what great threats, because we shoulde be clene and undefiled persons in the sight of the lord. Saint Hierome saith there is no difference betwixt usury, fraud and violent robbing, as who should saye, he that is an usurer is a deceitful false man, an errant theefe, and an extreame extorcioner, and, at a worde, the worst man that is to be founde in a countrie, and therefore saith he, lende unto thy brother freely, and

receive that again whiche thou hast lent, and seeke for nothing over and above, for all overplus, or excesse above the principal, is counted usury. For, as Saint Augustyne sayeth, an usurer is then said to be, when he doth demaund more in mony or any other thing els then he hath delivered. St. Hierome also sayethe, that some do thinke usury to be onely in money, but let them well understande, that usury is an overplus in anything above that whiche was lent. As for example: if a man do lend unto his neighbour tenne bushels of corne in winter, to receive at the next harvest fiftene bushels for the same, thys is flat usurye. Saint Ambrose likewise sayeth in the booke of the goodnes of death: yf any man take usury, he doth commit extorcion, rauin and pillage, and shall not lyve the lyfe: as who should say, he shal dye therefore. Saint Ihon Chrysostome saythe, that an usurers moneye is like to the bytinge of the serpent Aspiss, whiche with a swete pleasant itch casteth a man into a sound slepe, and so he dieth ther upon, without farther sense or feling. Saint Augustin saith: yf thou lend thy mony to any body, and lookest for more than thou hast lente, not only of mony, but also of any other thing, bee yt corne, wyne, oyle, or anye thinge els whatsoever, thou art an usurer, and herein to bee blamed and not to be allowed for it.

Thus you see that, by S. Augustines sayynge, the very hope of gayne upon mony lent maketh a man to bee an usurer. S. Hierome is of the same minde in another place, and wil not that any thing shalbe taken over and above the principal, sayynge in thys wise: there bee some (saith hee) that thinke usury to bee only in mony, which thinge the scripture foreseeinge doth forbidde all excesse or overplus, that a man must not receive more then he hath laid out. Some will take for the lone of their mony small rewards of divers sorts, thinking that thereby they do not commit usury, not understanding that the scripture calleth usury al that is over and above, if a man receyve more again than he did lend at the first. Sainte Ambrose, seing men that sought to defraud the lawe, because they would not openly be known, nor fall directly in danger of the same, saith thus: many men avoiding the commaundements of the lawe, when they

let oute their money to merchantes, wil not receive more for theyre mony, but take wares good cheap, for the benefit of their mony. But let them hear what the law saith: Thou shalt not take usurye of meates, nor yet of anye other thinge whatsoever, for flesh is usurye, apparel is usury, and whatsoever is taken above the principal is usury, whatsoever name you geve unto it. So that yf a man make a feast and send to his debtor, beyng a merchaunt, to let hym have for nought a handeful of wormewood, or to the tavernour his debtor for this wine or that wine frely, or to the fuller, to get him some thing to thicke his cloth withal, or to another to send him frut frely, in all these cases there is usurye. Then what shall we say to those fellowes that will eate them out of their houses, unto whom they have lent money, as though the debtor weare so greatly beholdyng unto the covetous usurer? Saint Bernard saith that the usurer is a theefe in lawe, because the civil lawe telleth hym beforehande what it is that hee must robbe from others, as who shoulde say, suche lawes as permit usurers are lawfull theveries. Therefore saithe S. Ambrose: aske usury of him onely, whom thou desireth worthely to hurt, and with whom thou maist lawfully wage battyl. For of him thou mayest lawfully demand usury and be bold to byte him therewith, because thou maist kill him without offence. He fighteth without weapon, that taketh usury, yea he doth reveng himself of his enemy without any sword, that doth exact usury of his enemy. And truly ther is no cunninger way to undoe any man, than by usury, for under the colour of pleasuring him he is undon before he bee a ware.

The Saint Augustine and al the doctours are so much against usury, that they will not have any good deede donne, nor almose bestowed, nor orphanes ayded, nor widowes relieved, nor captors redemed, by waye of usury, but wholly and utterly forbid it as a most wicked and detestable syn, according to the sayinge of S. Paule: man muste not doe any evill, that good may come thereof. And whereof commeth thys foule usury? for sooth of covetousnes, whiche, as S. Paule saieth, is the roote of al mischefe. For they that seke welth gredely, as it is in the same place, do fal into temptacion,

and into snare of the deuill, and into diuers folishe and wickec lustes which drive men to destruction : and therefore some seekyng mony greedely, have erred from the faithe, and have filled themselves with great sorowes, and much pensivenes Alas, what goodnes can bee in them that are covetous, who have made money their god, and committed therwith idolatry, as S. Paule saiethe in an other place ? What minc can he have of heavenly thinges, that is wholly drowned in worldly desires, and will sell hys soule for money ? Surely the covetous man hath none other minde in the worlde but of hys mony, and hys care to come by it is so great that he recketh not how he have it, either by hooke or by crooke. Farewel honesty, farewel truth, farewel the feare of god, and all goodnes, wher a covetous man lyveth. Mark, I pray you, to how many things the covetous man is compared. First he is like Hell, that is never satisfied. Next he is likened to death, that devourethe all things ; then to the Sea, that never swellith the more, although all the other ryvers and fluddes do runne into it ; after that hee is resembled to a dog, that lying in a heywowe will neyther eat heye hymselfe, nor yet suffre other cattell to eat by hym ; to a moul, that casteth earth upon hymself ; to a spyder, that is entangled in his own copwebb ; and last of all he is compared to a sack that hath no bottom, that put in it whatsoever you wil, the same stil goeth out straight wayes, and is never filled. So that to gether all these together, and to lap them up rounde in one bundle, you shall here, that a covetous man is hel unsaciabie, the sea raging, a cur dog, a blind moul, a venomus spider, and a bottomles sacker, whereby you may be well assured that the dyvell dwelleth tabernacled in such a monstre.

The scripture doth mervellously speake against covetousnes in diuers places. In Exodus it is written : Let them be altogether voide from covetousnes, that beare rule over others : for surely where covetousnes raigneth there cannot bee any Iustice ministered. And therefore god defend this realme from covetous magistrates and gredy governours. In the Proverbes it is written : he that hasteneth to be riche, cannot be honest. And I pray you who maketh greater

hast to advance his welth, then the covetous usurer? or who commethe to infynite riches more easely, then the usurer? And yet the more he hath, the more he desireth, whose greddy hart is very hell mouthe, as I sayd before, that wil never be fylled. But see what foloweth of thys. He that heapeth to hym selfe uniuistly, dothe gather hys goods for an other manne, often times a meere stranger to him, yea and sometimes hys deadly enemie: so that with hys evell gotten goods, an other man, eyther stranger to him, or els his foe, shalbe mightely enriched by him much against his will, yea he shalbee used like unto a sponge, which, when it is ful of water, is pressed and wrounge in suche sorte that the water goeth cleane out. Even so shall the ryche man bee stripped out of all that he hath, to pleasure many times his enemie therewithal, to hys greate hearte greife, and be made as bare and naked as ever he was borne. Therefore god by his prophet denownceth wo unto suche riche carles, saying, Wo be unto you that ioine house to house, and lande to lande, even unto the very boundes of the place. Do you thinke to dwell alone upon the earth? Wo bee to thee that proulest and takest prayses, for thou shall be bereft of all that thou hast. Wo bee to you ryche folke, that have your onely ioye and comfort here upon earth. Loke well to your selves, therefore, and eschewe covetousnes, for no mans lyfe (sayeth Christe) is in the abundance of that hee hath. And herken what saint Paule sayeth: no whore-monger, no uncleane person, no covetous man, who is a worshipper of Images, shall enter into the kingdome of heaven. Christ also sayth: my children, howe harde a matter is it for those that put their trust in money to come to heaven. It is more easye for a camell to go throughe a needles eye, than for a covetous man to enter into heaven. Therefore go on you ryche men, as Saint Iames sayth, weepe and bewaile your miseries, whiche shall fall upon you and your riches. The Sodomites were whole destroyed for theyre covetous and filthy lyves. Covetousnes was the destruction of Saule, for the Scripture saieth he more esteemed spoyle and rauyn, than the word of god. The riche man that fared deintily every day was buried in hell. Iudas had the rewarde of his covetousnes, for he hanging him selfe did brast

in the midst. Diogenes, seeing Anaximenes servants carying great store of silver vessell, asked whose plate that was whiche they caried, and hearing that it was Anaximenes their masters plate, who was a verye riche covetouse snudge, he sayde thus meryly unto them : is it not a shame, felowes, for your master to have so many thinges alone to himselfe, and hath not yet hymself? meaning that a covetouse man is rather had of his money, then hath any money of his owne, beyng as though it were servaunt and bond slave to his gotten goods, and hydde treasure. Examples be infinite, aswell profhane as holy.

And marke wel, in what comon wealth that covetousnes once entred, the same did not long continue after, as by the Romaine state it dothe most evidently appeare. And therefore saieth Pondidius, a Romaine (as Tully maketh reporte, who saieth, that in all men bearing office, and publique charge, the least suspicion of covetousnes ought to be eschewed) : woulde god (quoth he) it had bene my fortune then to have bene, and in that tyme borne, when the Romaines began first to take brybes, surely I would not have suffered them long to have borne rule. His meaning was, that he would have outbidden them all, and gott governement with money : a covetous man no doubtte, and ambiciouse out of measure. But Scipio Affricanus and Paulus Aemilius, being mightie magistrates, and the worthiest captaines and rulers that ever were eyther before or synce, had cleane and uncorrupted handes, and aswell were they continent as abstinent, bearing them selves moderatly in all their affaires, and forebearing to wrong or iniurye any body. God graunt therefore that all men, but especially rulers, be voyde from covetousnes. For as Apollo Pythius sayde by oracle that Sparta, otherwyse called Lacedemon, should not perishe and be utterly destroyed by anye thing more than by covetousnes, so I pray god most hartely that the same be not a prognostication for Englande, where such horrible covetousnes raygneth as never was knowen, eyther in Grece lande or in Italie. And of thys covetousnes usurie springeth, as doughter and heire to so fylthy a mother. And what shall a man looke for any other thinge els but confusion and utter destruction, when lawes

are holden for lustes, private commoditie better esteemed then the comon wealth, poore men every where neglected, and god eyther not remembred, whiche ys evill, or els wholly contempned and despysed, whych is worse. For how can it be otherwise, when men have no regarde of sinne, and feeding themselves wyth their owne humors do think that whatsoever they do is well done, be it never so farre from god, and all godlinesse? Alacke the pitye therefore, when our blyndnes and wilfulnes are suche.

Some forsooth, to colour their doynge, wyll not lende money, but wares, and so of purpose will set their wares at an hygh pryce in consideration of tyme, demaundyng great gayne for the tyme onelye; whereas if eyther they solde their wares then, or kept them never so long, they could never have so much money of any man, to be commonly solde betwixte merchant and merchant. But god sayth: if thou lende money, wyne, oyle, corne, or any thing els, thou shalt not take anye iot more then thou hast lent in respecte of tyme, but so much onely as thou hast lent, and no more in anye wyse. And what do these men meane, that seinge the worde of god so expressely agaynste them, forbidynge and condempnyng it in suche sorte, as daylye they maye reade, see and heare, will so wilfullye offende agaynste hys holye lawe? Will any man thynk hym a man of god that, havynge stolne often, delyteth styll to steale, and thinketh no goods well got that are not stolne or robbed from others? Or is that man worthy to lyve emongest men, that wittinglye murthereth hys deare brother, for whome Christ hath shed hys moste precious blood, and delyteth still so to doe, heaping murther upon murther? Assuredly the usurer is none other but a theefe and a murtherer of his even Christian, and aswell worthy to dye the death, as anye other offender whatsoever. There is no penaltie of death agaynste the adoulerer, no more than agaynste the usurer, and therefore they both do more abounde than eyther theefes or murtherers. Whereby this is a manifest reason that the wicked men of thys worlde feare more penall statutes, and positive lawes of princes, then the lawe of god, wherein they shewe them selves to bee of this worlde, and to have no regarde of the worlde to come.

And further I may saye, and justifie it also, that suche are they whome god hath forsaken, the reprobate I meane, and cursed people, ordeyned for the Devell and his angels to be tormented in hell fier for ever. For what can be worse then the userer, who is without all love and charitie, and hath no pitie of his neighbour, in what miserye or want so ever he be? The pòore may sterve, and dye in the streates, for anye mercye or charitie that they wyll shewe, whereas, if they were of god, they should remember the poore and needy, and not only to lend freely but also geeve almose frankly. For, as S. Iohn sayth, who soever hath this worldes good and seeth his brother have neede, and shutteth up his compassion from him, how dwelleth the love of god in him? Again it is written in Tobias: geve almose of thy goods and turne never thy face away from the poore, and so shall it come to passe that the face of the lord shall not turne away from the. Be mercifull after thy power; if thou have much, geve plentifully; if thou have little, do thy diligence gladly to geve of that litle; for so gatherest thou thy selfe a good reward in the daye of necessitie, for almose delyvereth from deth, and suffereth not the soule to come in darkenes. A greate comforte is almose before god unto all them that do it. Of thine own goods, saeeth hee, not of goods evil gotten, neyther by extortion, theft or usurye, but of suche goods as thou haste iustly gotten by sweate of thy browes, or by anye other lawfull industrie. And in the lawe of Moses god sayth: when one of thy brethren among you is waxen poore in any of the cities within thy lande whyche the lorde thy god geveth thee, see thou harden not thyne harte, nor shutt thy hande from thy poore brother, but open thy hande unto hym, and lend hym sufficient for his neede which he hath, and let it not greve thyne harte to geve, because that for that thyng the lorde thy god shall blesse thee in all thy workes, and in all that thou putteth thy hande to, for the lande shall never bee without poore, wherefore I commaund thee saying: open thyne hande unto thy brother that is needye and poore in thy lande. Yet, all this notwithstandinge, the userer is as deafe as a doore nayle, as blynde as a bittle, and as harde harted as a flynt stone, whose mynde god for his great mercye soften.



The inhabitantes of Asia, Macedonia, and Corinthia, as the apostle sheweth of them in hys epistle to the Romaynes and Corinthians, were not harde harted towardes their brethren. The apostles themselves, beyng the true disciples of god, expressly willed in all their churches and congregacions that the poore shoulde alwayes bee remembred, yea, and did sende of that poore substance they had some portion to the poore brethren that were in Iudæa. Wee do reade in the old testament a notable example of that famous and worthy Capytayne Nehemias, who seeinge the people of Israell for want and neede to runne upon usury to pawne their landes and goodds, and so to paye excessyvely, after they retourned from their captivitie in Babilonia, called the magistrates and governours before him, and rebuked them very sharply that they exacted tribute upon theyr poore brethren. And therefore he commaunded that there shoulde bee landes, vneyards, orchardes of olyves, and also houses allotted unto them, wythout paying any usurie at al, for that they were wont to paye the hundreth parte of their landes and goodds every moneth in the name of tribute, to maynteine the wages and salaries of their chiefe governours and magistrates, whyche paymentes Nehemias did utterly abrogate, because he sawe the people were verye poore, and therefore saythe he these woordes unto them : it ys not good that ye do, ought ye not to walke in the feare of god, because of the rebuke of the heathen our enemies ? I and my brethren and my servauntes have lent them money and corne : but as for usurie let us leave it. Suche shoulde princes and magistrates bee, suche shoulde landelordes and greate possessors shewe them selves to the poore and nedye tenaunts, when they are overcharged wyth excessyve enhaunced rentes.

The wyse man sayeth : water quencheth fyre, and mercie reconcileth sinnes, god hath respect unto him that is thankfull, he thynketh uppon hym agaynste the tyme to come, so that, when he falleth, he shall fynde a stronge holde. And therefore it followeth : my sonne, defraude not the poore of hys almose, and turne not away thyne eyes from hym that hath neede ; despyse not an hungry soule, and defye not the poore in his necessitie ; greve not the harte of him that is helpelesse,

and withdrawe not thy gyfte from the needfull; refuse not the prayer of one that is in trouble, and turne not away thy face from the needy; cast not thyne eyes asyde from the poore, that thou geve him not occasion to speake evil of the, for if he complain of the in the bitterness of his sowle, his prayer shalbe hearde, even he that made him shal here hym. In the proverbes of Salomon, thus it is written: hee that geveth to the poore shall not want, but hee that turneth away his eyes frome such as be in necessitie shall suffer great povertie hym selfe. And therefore the prophet David saieth: blessed is hee that considereth the poore, the lord shall deliver him in the time of trouble. Esay the prophet exhortheth all men to do charitie and to geve almose, sayinge in this wyse: it pleaseth not me, til thou breake thy bred to the hungry, and bring the poore fatherlesse home to thy house, when thou seest the naked, that thou cover him, and hyde not thy face from thyne own flesh. It is written also in the Gospell of saint Matthewe: see ye gather not treasure upon earth, where rust and mothes corrupte, and where theeves breake through and steale, but gather thy treasure together in heaven, where neyther rust nor mothes corrupt, and where theeves neither breake in nor yet steale, for wheresoever your treasure is, there will bee your harte also. And in Luke also he saieth: sell that ye have, and geve almose, and make you bagges whiche waxe not olde, and treasure that fayleth not in heaven, where no theefe commeth, neyther mothe corrupteth. But what will you of thornes, other then thornes? doe you thynke to gather figges of thistles, or grapes upon brambles? suche as the tree is, such will the fruite be.

Besides this, the userer is the ydlest man that lyveth, for he doth nothing, and yet gayneth all thinges, contrary to saint Pauls saying, who willeth that none should eate that doth not labour. And these fellowes do not onely eate, but they out eat all men, and geate the divell and all to them, wythout cause or any maner of reason in the worlde. Moreover, they are so unmercifull covetouse that they mynde nothyng in the world but onely money, and therefore cannot talke willynglye of any other matter but of setting forth their

money for gayne and desyringe still that others maye want, that theyre gayne maybe the greater; for consyence they have none, no more then dogges. And better for a good meanyng man to bee cast headlonge into prison, and there to bee fast cheyned with irons, then to come into their bondes. For a man being imprisoned maye by some one meanes or other gett out, but beyng once in the usurers danger, it is not possible to gete out, but still hee is assured to bee in more and more. Like as a birde, beyng taken wyth lyme twigges, the more shee struggleth to gett out, the more shee is lymed and entangled fast, so the poore man, the more he dealeth wyth usurie, the more he is wrapped in Darbyes bandes, as they saye, and at lengthe utterlye undonne. And thys ys the occasion of dyverse bankeruptes, of manye decayed gentlemen, that are compelled for lytle to sell their landes awaye, and of a number of honest occupyers that by those meanes are utterlye undone, bothe they, their wyves, and their chyldren.

I do knowe there bee other meanes that bringes manye a man to povertye, as namelye, excessyve fare, gorgeous apparell, keepynge of over manye servauntes, playinge at dyce and cardes, hauntyng of harlottes, and unnecessarye liberalitie, more used in England than elsewhere. And yet will I saye, all these sett together have not more harmed some men, and the moste of men, then thys filthy usurie hath doone. And my reason ys thys. A man taketh upp a thousande poundes at one tyme, and payeth for the same twentye, thyrtye, naye shal I saye fourtie in the hundred sometymes, and stil runneth upon usurie by the space of five or sixe yers, yea, perhappes tenne yeres, payinge usurie uppon usurie, whych after twentie pounce in the hundreth pound commeth to two thousand pounce after ten yeres wyth the pryncipall, and so fourtie in the hundred amounteth to fower thousand pounce in tenne yeres, wyth the principall. Nowe this borrower triumpheth for a tyme, but when he shall come to pay the principall, and the usurie uppon usurie, then he feeleth thereupon suche a smarte that he is wroung to the bones. And then forsooth awaye goeth hys lande, and all that ever hee hath, to master usurer.

I knowe a gentleman borne to five hundred pounce lande, and entring into usurie uppon pawne of his lande did never receyve above a thousand pound of nete money, and within certeyne yeres ronnynge stil upon usurie, and double usurie, the merchantes termynge it usance and double usance by a more clenly name, he did owe to master usurer five thousand pounce at the last, borowyng but one thousand pounce at first; so that his land was clean gone, beyng five hundreth pounces inherytance, for one thousande pound in money, and the usurie of the same money for so fewe yeres, and the man nowe beggeth. I will not saye but this gentleman was an unthrift dyvers waies in good cheere, naye in evill cheere I may call it, in wearing gaye and costly apparell, in royster-nyng wyth many servauntes mo then needed, and wyth mustrynge in monstros greate hose, in hauntyng evill companye, and lashyng out fondlye and wastefullye at cardes and dyce, as tyme served. And yet I do saye, he loste more by the usurer than hee did by all those unthriftye meanes: for his vayne expences was not much more then a thousand pound, because hee had no more: whereas the usurer had not only his thousand pounce agayne, but fower tymes more, whyche is five thousande pounce in the whole, and for want of this payement the five hundred pounce lande was wholly his. And this gayne only he had for tyme. They saye tyme is precious. Hee may well saye, tyme was precious to hym that payed so deerely for it; or rather the usurer maye saye that tyme was verye precious to hym that tooke so muche unto hym.

Nowe lorde god, what a straunge thinge is this, that god suffering the sunne to shyne upon us freely and the ayre to bee comon to all, aswell poore as rych, wythout anye gayne taking, that we not considering so liberal a goodnes of god, should so farre be from charitie that we will sell tyme and ayre so deerely, having it of god so freely! Assuredly such caterpillers upon earth are accursed of god above, because thei have no property of god in them belowe. For god geveth power for the sunne to shyne, sendeth rayne in due season, appointeth the starres to keep their courses, and al for the behoofe and benefit of man; and man onely, I meane the

usurer, is enimie both to god and man, and will in nothinge folowe neyther the example of god nor yet his blessed commaundement, nor feare his bitter threatens, nor yelde to any lawe. Therefore I say stil: usurers be divels and no men, traitors to their creator, disloyal members to his commaundements, caytifes to their kynde, rebelles to their countrey, and enemies to their owne soules. But you will saye, all usurers be not of one sort; some take lesse, and some take more. In dede (I speake by wordly respect) I may saye with the philosopher, there are degrees of comparison in some sinne, and yet I must saye, he that taketh over and above that he lendeth is an usurer, and so a synner before god, as he that stealeth but a penny by the hygh way is a theefe as well as he that stealeth an hundreth pound, and worthy to be hanged therefore, although the losse is not so greate to the owner, but that is no matter, the entent and evill mynde is all one. And so the usurer that taketh lesse because he would seeme honest shall go to the divell, because he hath wittinglye sinned against god, aswell as the other that taketh more, for that the law saith plainlie: thou shalt not take any thyng over and above that thou hast lent. And he shal dye the death, aswell he that hath killed one man, as he that hath killed twenty, because the lawe sayeth, thou shalt not kyll. Lykewyse he that offendeth wyth one maryed woman, and that but ones, is aswell an aduouterer as that man is that hath offended dyverse tymes with many, because the lawe sayth, thou shalt not commytt aduouterie, whiche is then committed when any one man offendeth with another mans wife. Lesse takinge excuseth no man, when god forbiddeth all maner of takyng. And often tymes, he that taketh lesse woulde have more, if he coulde gett it.

I must not be wyser than the holy ghoste, and therefore, whatsoever I do fynde there, I will folowe it playnly, wythout any addyng or diminishing. And so, where Christe willeth us not to looke for anye gayne at all, what gayne shoulde we have? Let lendyng be a lending, as it shoulde be, that is to saye, free, simple, and for charityes sake, and as the nature of lendyng is, wythout anye thinge at all more than the principall. For if I do take more, I do not lende, as I am

commaunded, but I do contract and bargayne, for myne owne covetouse gayne onely, contrarye to gods good will and commaundement, and agaynst all lawe. Ezechiel sayth: if I do take any thing over and above my lone, I shall not live the lyfe, but dye. Therefore I woulde wishe all men to take good heede what they do, and not to flatter themselves wyth vayne gloses and imaginations, as though they mought in some case and in some respecte take an overplus with a clere conscience. I for my parte woulde not take a peny more than I did lende, for all the goods in the worlde. For I knowe there is no meane in this vyce, more than there is in murder, theft, or whoredom.

And therefore I saye and maintayne it constantlye that all lendyng in respecte of tyme for any gaine, be it never so htle, is usurie, and so wickednes before god and man, and a damnable deede in it selfe, because wee are commaunded to lende freely, and to looke for nothyng over and above that we lend. But, as I sayed before, this usurie is the daughter of covetousnes, a monstrous daughter I say, of an horrible fowle foster dame. Seneca saieth wisely: *avarus nil recte facit, nisi cum moritur*, the covetous man doth nothing well, but when he dyeth. Whyche sentence may most aptlye bee saide of the wretched usurer, who in his lyfe timè is the cause of all hurte, for by leavyng his goods behynde, there maye some good come by hys deathe, when his wealth is dispersed abroade emongst others, and hys unmercifull dealyng brought to an ende. Wee do all feare the plague marveyulously, and desyre that both citey and countrey may be cleane rid of it, and yet what a blesse were it to thys whole realme, if in one yere there were an universall murren of all the usurers in England! Murren, quoth one, why that is a death proper to beastes. Alacke, good man, I have fayled in my Rhethoricke. And yet I praye you, what are these usurers other than beastes? For they live lyke beastes, and dye like beastes. And why shoulde I not wyshe unto suche brute carons a caronious death, meete to their condicion, since they will not repent and amende their sinfull lyving, by no warning nor threatning of man nor god that can be devysed?

To lende freely is a kynde of liberalitie and bountifulnes, when a man departeth from his owne to helpe his neighbours want, wythout any hope of lucre or gayne at all, for he is benefited that borroweth and feeleth greate comforte in his great neede. Whereas lending for gayne is a chiefe branch of covetousnes, and makes him, that before might have ben counted bountifull, to be now reconed a greedy gayner for him selfe, seeking his own welfare upon good assurance, without any care at all what becometh of his neighbour, gnawing him unmercyfully, to satisfie his own wretched and most greedy hunger, directly turnynge a most bewtifull vertue into a most filthy abhominable vyce. Yea, usurie is a manifest and voluntarye knowen theft, which men do use knowinglye and wyttingly, for eyther they think they do evil, and forbear it never a whit, or (that which is worse of all) they thinke they do well, and so, by oft using of this filthines, do lull them selves in sinne with out anye sence or feeling of theyr moste wretched wyckednesse and horryble dealyng. Christ for his bitter passion be merciful unto us and geve us his feare, that we may live after hys lawe, and folowe his holye will, for surely, as we lyve now, eyther the byble is not gods worde, or els we are not of god, such contrarietie is betwene our lyves and our lessons.

The scripture commaundeth: thou shalt not steale, thou shalt not kyll, thou shalt not commyt aduoutery, thou shalt not beare false witsesse, thou shalt not lende out thy money for gayne, to take anye thinge for the lone of it, and yet we doe all these thinges, as though there were neyther scripture that forbad us, nor heaven for us to desyre, nor hell to eschewe, nor god to honor, nor divell to dread. And this laste horrible offence, which I count greater, or as great, as any of the rest, is so common emongst us, that wee have no sense to take it for synne, but count it lawfull bargainynge, and iudge them goodlye wyse men that havinge greate masses of money by them will never adventure anye iott thereof in lawfull occupying, eyther to carrye out our plentye, or to bringe in our want, as good merchants use and ought to doe, but lyvinge idle at home will sett out their money for profite, and so enrych them selves wyth the labour and travayle of others,

being them selves none other then droanes that sucke the honney which other paynefull bees gather wyth their contynuall travayle of dyvers flowers in everye fielde. And whether these men be profitable or tollerable to a common weale, or no, I reporte me to you. Besydes that, god doth utterlye forbidd them, whose commaundement ought to bee obeyed yf we be Christians and of god, as we professe to be.

And therefore for my parte, I will wyshe some penall lawe of death to be made against those usurers, as well as agaynste theeves or murtherers, for that they deserve death muche more than suche men doe, for these usurers destroye and devour up, not only whole families, but also whole countreys, and bring all folke to beggerie that have to do wyth them, and therefore are muche worse than theeves or murtherers, because theire offence hurteth more universallye and toucheth a greater number, the one offendynge for neede, and thother upon wilfulnesse. And that whych is woorst, under the colour of friendshippe, mennes throttes are cutt, and the doers counted for honest and wyse men amongst others that have so ungodlye geathered goods togeather. What is the matter that Iewes are so universallye hated wheresoever they come? For soothe, usurie is one of the chief causes, for they robbe all men that deale with them, and undoe them in the ende. And for thys cause they were hated in England, and so banyshed worthelye, wyth whome I woulde wyshe all these Englishemen were sent that lende their money or their goods whatsoever for gayne, for I take them to be no better then Iewes. Nay, shall I saye: they are worse then Iewes. For go whither you wil throughout Christendom, and deale with them, and you shall have under tenne in the hundreth, yea sometimes for sixe at their handes, whereas englishe usurers exceede all goddes mercye, and will take they care not howe muche, wythout respecte had to the partye that borroweth, what losse, daunger, hinderaunce soever the borrower susteyneth. And howe can these men be of god that are so farr from charitie, that care not howe they get goods so they may have them?

O lorde, have mercy upon us, and deale not with us accordyng to our manyfold wickednes, neyther rewarde us accordyng



to our iniquities! Great are our sinnes that wee have committed and more in number then are the sandes upon the sea shores. Lorde, if thou narrowlye marke our naughtines and wicked doinges, who shalbee able to stande before thee in iudgement? But thou lorde arte mercyfull, and wilt forgeve them that call upon thee in faith wyth a repentant mynde, which god graunt unto us all for his dere sonnes sake Iesus Christ, to whome with the father and the holye ghost be al honor and glory for ever and ever. Amen.

*Lawyer*: Everye man in his facultie, I see well, ought first to bee hearde. You have sayde muche, and verie godlye; but whether politiquelye, and altogether aptly, I cannot constantlye affirme, for that I see all comonweales in the Christian worlde are governed otherwyse then you preache. And therefore I must thinke you take the scriptures amysse, and do not expound them accordyng to the very meanyng of the holy ghost. And I tell you playne, it is not in you preachers to iudge precyselye what usurie is. For as divynes cannot tell what hearb is best for every disease, but the phisicians that are best practised and acquaynted therewyth, so it ys not in simple divines to saye what contract is lawfull, and what is not, but in skilfull lawyers to shewe, and in wyse magistrates to determyne, the truth and ryght hereof. And such contractes as the lawes do allowe for lawful, a good man may use the same wyth a safe conscience. And publique lawes, made accordyng to good reason and iustyce, are the ordinaunces of god, and the magistrate is the minister of god to a good man for good. I graunt you maye preache generallye agaynst it, as you doe, but to saye perticularlye and precyselye what it is, is not wythin the compasse of your profession. Those have best skill in these matters that are iudges, to heare the facte done, and by circumstance to consider thereof accordyng to their learnyng, and as cases have bene ruled heretofore in the lyke contractes and bargaynes, so to ende matters, as you master doctor can best tell. You preachers do heare things a farre off, but you never sit in iudgement of suche matters, neyther is it incident to your callinge. For a preacher and a iudge are two distincte officers, and of the two, the iudges offyce is the harder to

discharge and more intricate, because of the diversitie of allegations and reasons whyche he must heare, weygh, and consider depelye, and so resolve uppon them, accordynge to the truthe of the matter alleaged and proved, and as the law doth direct him.

*Gromelgayner* : I was almost perswaded never to lend money or wares agayne for interest, but I will heare farther before I geeve up, because it maye bee there is some shifte to save a mans conscience wyth all. And the rather I doe beleeve it, because I do here you somewhat begynne to contrary him.

*Ockerfoe* : Deceive not your selfe, neyther yet be you deceyved of others. Calle your conscience to accompt, and hearken to gods worde simply, and he will geve you grace to take the best way.

*Civilian* : It were good, till every man have sayd his mynd at large, that none shoulde by shorte speache affirme any truth, but staye his determynate sentence till hee have uttered hys mynde at full, and therefore I would wishe that you went through with your tale, master temporal lawyer, and according to your profession say your mynd without direct condemning others. And I will in my learninge saye after you what I can.

*Lawyer* : Content with all my hart.

*Preacher* : Saye on, I praye you, in gods name.

### THE LAWYERS ORACION

As your profession is divinitie, so your whole sermon soundeth of god, and doth requyre so muche of man as man is not able to perfourme. Happy is he that commeth nyghest, but assuredlye he never lyved that either hath done, or can do, or shalbee able hereafter to doe that which you have uttered. You begin with love, and make love the perfection of the lawe, and here you bring the commaundement that man must love god above all thynges, and his neyghbour as him selfe. What man ever lyved that did, or was able to perfourme this law? none surely, savyng Christe onely. And therefore,

because of our impossibilitie, Christe came in fleashe in the fulnesse of tyme, to appease the wrathe of his Father for synne and to satisfy the law, whyche els coulede never have beene perfourmed, so that in Christe onelye is our iustification, as I have hearde you full often preache.

Therefore, whereas you saye no man shoulde lende for anye gayne, and that all men shoulde lende freelye to them that have neede wythout anye respecte of profite, I do thynke you do deale over precyselye, and goe about to brynge men to that strayghtnes as they never were in at anye tyme. For, as I heare some saye, usurie is never hurtful, but when it byteth; otherwise it may be allowed and suffered. For I doe lende money to hym that hath neede, and can prove that for wante of the same money I have susteyned greate losse, or if my debtour do breake daye wyth me, when I looke to have it at the tyme appointed, and so am endaugered to my neyghbour for my necessarye payementes whyche of ryght he claimeth at the tyme, it were good reason that my debtour beare my losse, rather then I should sustain harme or danger for my good will. And reason it is that every man hath his owne, or els it were better holding fast and to be sure, then to lend and lose all. For whatever you say of love towards our neyghbour, me thinketh no man should love his neyghbour better than him self, which they seeme to doe that lende to other frely and want them selves. And I have heard say that *Charitas incipit a se*: charity beginneth first at it selfe. And use we not in common phrase to saye: Neare is my coat to my skinne, but my shirt is nerer? As who should say, I wil be a frend unto my neyghbor and help him so muche as I am able, but I wyll not so helpe him, by S. Marie, as I will harme my selfe, which is not gods will that I shoulde doe. You have heaped a number of scriptures together, alleaged doctoures, and brought forthe reasons for the detestation of usurie, wherein you have done well; but better you shoulde have done, in my mind, if you had weied usury more straightely by the rule of charitie, and not directly to call al those usurers that take anything more than they have lent, for so the case may falle oute that he sinneth who hath borrowed yf he will not make recompence.

Therefore in such cases circumstances ought to be considered, and so iudgment geeven upon the mater.

Neither ought I to deale with all men in one sorte. For as there be three sortes of dealings among men, that is, gift, bargaininge, and lending, so there are three sorts of men, the stark begger, the poore householder, and the rich merchant or gentleman. To the first I ought to geve freely, not onely to lend freely; to the second I ought to lend, either freely or mercifully; with the third I may deale straightly, and aske myne owne with gaine, as I take it, without offence to god or man. For when I deale with him that maketh gaine of my money with his trade and occupyinge, and is well able to pay me againe, being enriched by my meanes cheefelye, whye should not I in reason have part of his advauntage, when by my goods hee ys growen riche? For be it that two, three or fowr be in consort, whereof two puts forth their money, and the other twoe use their laboure and industry for increasinge the same money by lawefull trade, ys is not reasonne that these, although they be idle at home, who have disbursed large sommes of money to adventure freely with others, should have reasonable gayne with them? God forbidde els. But you wil saye, perhaps: this is no usury. I cannot tell what you call usurye. These menne doe lende and thother doe borrowe, and enter into good bandes, first to restore the principalle and nexte to promise and covenante for such competent gaine as they shalbe able to make any shewe uppon theyre accompt. It is no reason that everd manne shoulde be an occupier or merchant adventurer, a chopper or a changer: but good it is that fewe deale for money, and then shall many thrive, and not that every bodye shoulde bee a doer for him selfe that scant one manne can live for another. Therefore I think it good that, when a man hath iii or iiii thousand pounds liyng by him, to geve some to the poore and needy beggers, and in lending frely to help the orphans, widows and strangers, and with the rest to make his own certain gain for his advancement amongst the riche occupiers and welthy cobbes of the worlde. For surelye I am of this minde, that, where no bitinge is, there is no usurie, and where both parties do gayne, ther

ought to be contentacion of mynd, and good agreement on both parties.

Some therbe that say : all usury is against nature. Where-as I think cleane contrarie. For if usurie weare against nature, it should be universallye evell, but god hath said that to a stranger a man may put out his mony for usury, but if it had bene againste nature, god would not have graunted that libertie. So that I take it to agree both with law and nature that I shoulde do good unto him that doth good unto me or els I shoulde be unthankfull ; than which there cannot be a greater or more horrible fault upon earth, and rewards geven for good turnes done or pleasure received for benefites bestowed are so common, that whoso offendith herein is pointed at and counted a churle, and shall have want when he woulde have. Moreover, who may not give his owne freely, or what is he that wil not or may not take anything that is geven ? what is more fre than gift ? or what is he that will shew such discourtesy not to receive a gift, when it is freely offred ? and what other thing do they that seke to borrow money, but entreate merveilouslye and offer frankelye for the time and use of money ? Moreover, it is not against the Romain lawes of the Emperoures, but rather allowed, not onely suffered, as you master doctor can best tell, by lawes of your Code and made by the Emperour Iustiniane, the best prince that ever lyved. Yea, the cannon lawe it self semeth to suffer it in the title of usurye, as you knowe better than I can tell. Even in gods lawe, if I be not deceived, usury is not forbidden. For is it not in S. Lukes ghospell that god said He would come and aske the mony lent with the usury, blaming him that did not put it fourth for gaine ? And in Deuteronomie it is plain : thou shalt not lend to thy brother for gaine, but to a stranger.

The common lawe of England is not against all usury, neither in suche sorte, and so preciselye, as you take usurye. And Statutes there have bene that have permitted usurye, which I woulde they had contynued, to avoide further evell, for (as we say) better it is to suffer a mischiefe then an inconvenience. But, to reason this matter further, yf I lende unto a manne my plate for five or sixe monethes, I may lawefullye

take gaine onely for the lone, and no man will say black is mine eye; and yet if I doe take for money, by and by they will make an outcry and call men usurers therefore, where at I marvaile greatly. For a man (as I take it) maye more benefite him selfe with an hundrede markes in money, than he canne do withe an other mans bason or ewer of an hundrede markes value. And yet lending of money is called usurie, and lending of plate for gaine to have the same plate againe is no usurie at all. Yet further, if I lend one a thowsand pound in golde, for pompe sake onelye to shewe at the banke (as they use in Italye and other countreis) or otherwise to make some beleve they have somuch of their own, it ys not denied but I maye receive gaine for the same, havinge my principall returned unto mee in the same fourme and manner as I did lende it: and yet if I shoulde have lent so muche mony of good wil and suffred the partye to occupye the same for his own benefyt, restoringe unto mee the value thereof withe some overplus or gayne, then by and by I shoulde bee called an usurer. And what yf one, I pray you, be an occupyer, and wanting mony come to me, that am an occupier also, and desire to borow largelye? If I bargain with him to have parte of his gayne yf hee make anye, or otherwise doe covenaut that yf the lendyng of thys shall bee anye hynderaunce to my occupyinge to gette some bargayne, whiche I shall perhappes mysse, and prove yt playnely, because my mony ys out of my hande; may not I in bothe these cases take usurye, wythout daunger of the lawe or offence to god? Yes, withoute doubt I maye.

And yet to lend money simplie is counted usury, whereas there is no man that lendith but susteineth losse for the want of it, because he might better benefit him self by employing it in divers wais, than to suffer it to be in another mans hands, besides the danger that maye happen when a mans money is out of his own handes; for surer it cannot be, then in a mans own possession. Then away with this precisnes, on godes name, to make every lending for gaine to be plaine usurie, and that on penie over is sinne before god, which neither I, nor yet master merchaunt here, can wel beleve fully, for I would have althings weighed by reason in matters of

contractes and bargaines, and not so to minse things as though there weare no meane. For I do not take usury to be as whoredome or theft is. In these sinnes there is no meane to make any vertue, for he that offendith but once in whoredome is an offendour, and he that stealeth never so little is a theif, and neither of their doinges in any respect or by any circumstance is or can be good, whereas the lending of mony or other goods for gain may be verye beneficiall unto him that boroweth. As for example: a manne is bound to pay 300li. at a certaine day, or els he looseth perhaps 40li. good land; wear it not charitie and a good dede to helpe this man, that his lande shoulde not be loste for ever? and none offence neither, as I take it, to do a good turne, and to receive an other. I wil go nerer. Be it ther were a great dearth of corn, and I have plenty lying by me, wear it not better for me charitably to lende corne to the poor and nedy for their sustenance and relief, and so to receive somewhat in gaine at the yeres end, than to suffer them to want and utterly to perish? Of two evells the lesse is to be preferred; that is, better it wear to lend for gaine, then to suffer my even christian to dy for hunger. And if I be not deceived, this is S. Augustines opinion, who allowethe of gaine in such time of necessitie rather than the people shoulde sterve. Yea, the Emperour Iustinians law is (as I am infourmed) if I lend one ten bushells of wheate, and the borrower of him selfe, withoute any stipulation or bargayne made, doe barelye promise me twelve bushells for the same at the next harveste, I maye lawfullye demaunde the same, and by action recover it if it bee denied me. And, as I understand, there bee of your doctours who write uppon the cannon lawe, that affirme the lesse evell to be chosen before the greater, yea, even in that case of dearth and extreme famine.

Therefore, I am still of this mind, when none hath harme but both receive benefites, there is none offence committed, but rather great goodnes used. You talke much of charitie, you begin with love. I would you weighed al causes aswell by the rule of charitie, and referred al thinges to charitie, by iudgment and discrecion, as you have well spoken of charitie, and then this great talke neded not. For surely,

wher charity is not hindred, there is no usury committed, such usury onely being forbidden that breaketh charitie and decaiethe the love of my neighbour by extreame cutting and excessive taking. And who wil not be greved when he is overlaid with intollerable usury, that do what he can, yea travaill he and trade he never so muche, the biting usurie wilbe lorde in the ende of all his gaines what soever? And this it is that offendith god, when the idle Epicure and licencious usurer doth wholly gain, and the true dealing trader or occupier doth begge his breade in the end, notwithstanding his greate industry and iust dealing. Ye I say further, that neither theft nor aduowtry, nor yet murther, wear to be counted sinnes, if the rule of charity were not broken. For in all these hainous offences, charytie ys decaied, and therefore they are deadly synnes, and so ys usury, when it biteth and by that means breakithe charitye; otherwyse yt ys no usurye, if my neighbour feele no smart nor losse, nor yet ys hyndered therewith, for the end and fulfillynge of the lawe ys charytye. And where charytie is kepte, I say still, there ys no offence made, nor yet synne commytted.

Now therefore you must either prove every usury, be it never so litle, to breake charitie, or els I will saye still that where charitie is not broken (as I say it is not when my neighbour feeleth no harme) there is no offence committed, before eyther god or man. You have saide verye well against covetousnes, the roote of all evell, and surelye there cannot bee a worse man then the covetous man, for he maketh his money his god, and so committeth idolatry, as S. Paul saith. But I will not say that every usurer is a covetous man, but onely the unmercifull and cuttinge usurer, that hath no love nor charitie in him in the world, and careth not whoe be undone, so he may gaine. This is hee that godd and man aborrethe, that scripture and all lawes doe and ever have condempned for moste wicked and abhominable. And mark wel the place of Ezechiell the 18 chapter, and especially the 22, and there you shall see that the prophete doth expresly crye out of covetousnes, after he hath condempned usury, as who should say that covetousnes is the chefest cause of this horrible usurye, because it consumeth and undoeth as



many as deale therewith. And yet what is he that will saye that he is undon by his neyghbor, because he hath borowed many hundred pounds of him, and hath paide over and above the principall to his creditor for every hundred one peny by the yere? Or who wil saye that such a creditour is a covetous man, or a biter, or an offendour of gods lawe and mans lawe, that taketh for every £100. but one selye peny? This is rather a Stoiks paradoxe and an extravagant imagination, then any true assertion in doctrine, as I take it.

Let us go to the very word of usury in the hebrue tong. It is calledde a biting, of this woorde *Neshech*, whiche is nothinge else but a kind of biting, as a dog useth to bite or gnawe upon a bone; so that he that byteth not, doth not commit usurye. For usurie is none other thinge than a biting, as I saide, of the very Etimologie and proper nature of the woorde, otherwise it cannot be called *Neshech*, as the Hebricians say, and so call usury of biting onely. And the Tigrine translation hath in Exodus *Non inferes morsum fratri tuo*, Thou shalt not bite thy brother, where as other translations have, *Non foeneraberis fratri tuo*, Thou shalt not take usurye of thy brother. So that where the firste translation saithe, thou shalt not bite thy brother, and the other saith thou shalt not take usury of thy brother: I take byting and usury to be al one. The Greecians also call it *τόκος*, whiche is a birth or born creature (as I am enfourmed), for I have searched to knowe this matter, although I knowe neither hebrue nor greke, nor latine neither very wel, but onely do smatter of broken latine, as the most of us lawiers doe, seeking not for any deepe skill or sounde knowledge therein; and in latine it is called *faenus a faetu*, that is to say, of a birthe or borne creature, likewise as the greke worde is. And I pray you what a prety babe is that, when an hundred poundes bringe forth one single peny?

I here say some call usury a monstrous beaste, because she bringethe forth the monsters from time to time, by excessive encrease of gayne. Alacke! what a pretye monster is this, or what biting or what gain can it be to any mans hurt, when one receiveth a single peny, or an halfe peny or a farthinge, or the fourthe parte of a farthinge, or what you will, be it

never so little (for all that is one to the divines and precise preachers) for the borowinge of an hundred pounds for a yere ? For this kinde of bytinge is noe greater harme then is a flea bytinge, nor so much neyther, and therefore not fit to be spoken of now. God make al thinges straight and upright that are coked or awrye, and then the truthe may bee knowne and followed, as god hath expresly commaunded, with out this burdening and overcharginge of mens consciences, and woundinge them in such sort that a man cannot almost tel what to do. In dede I wil not deny but that we oughte rather to geve than to lende, and rather to lende frelye then to demaunde gaine for lone. But thys I saye : as I am not bound to geve frankelye to every man that askethe, no more am I bound to lend frely to every man that woulde borrowe, but according to the circumstances of time, parson, cause, place, and occasion, I maye bestowe my goods and distribute suche wealthe as god of his goodnes hath allowed me to occupy, and geven me leve to use as the stewarde of his household, and if some one man pay moderately over and above, for that whiche he hath borrowed, I say it is no offence before god, as I take it. And recompense is allowed for benefites donne, saye what you will ; or at the leaste wyse no man ought to fare the worse for his well doinge, or to be a loser for his lendinge, which many men shold do, if they were not considered.

You say you will not be wyser than the holy ghost. I would not wish you so to be, but rather I pray god you might be half so wise as the holy ghoste is ; for I beleve verelye the holy ghost never so ment as you speake, or else surely I must say the worlde is in a strange case. Yea, I will say further : yf that weare true, the world could not be as it is, neyther coulde man live ; for what reason is it, that I shoulde lende freely to every man a like ? for whereas ther be three men come unto me at one time, as I said before, the starke begger, the poore housholder, and the great rich merchant, or great landed gentleman, lord or knight, and al they three would have money, or borrowe money of mee at one time, shall I use them all a lyke, and in one sorte of charitie ? I do thinke no reason, nor lawe of god or man, wil enforce me to it, and

therefore I thinke you divines doe not well observe circumstances, when you will that the very bare letter shalbe plainely taken as it lieth, and in one sorte or manner to be applied to all men, without regarde of circumstance, degree, estate, or condicion of any one. What? not a penny of no man whatsoever he be? It is strange and without compasse of my understandinge, and surely, in my conscience, without the meaning of the holy ghost.

For if you will take all texts of the scripture so precisely, how aunswere you to this, *Omni paetenti abs te dato*: geve to every man that asketh of thee. I pray you whoe ever did, or was able, or thought it meete to geeve to all that aske? For then whosoever goeth abroade, yf he caryed never so much out with hym, hee might perhappes come home with an empty purse. If his disposicion were knowne, and if hee did so from daye by daye by a certeine space, he might perhaps begge as fast of those in thend as they did begg of him at the beginning. Besides that, in geving without discrecion, you shal oftentimes more offend god in bestowing almes upon some, then you shoulde doe in holding your handes, for that in gevinge to loyterers and vagabonds, whom you knowe not whether they have nede or noe, you do rather maintaine them in their idlenes then benefit their poverty, and offende god highly because you geve without choise or iudgement, for whiche you shal aunswer another day. It is written in Saint Paule: be alwaies glad, and againe I say be gladde. And lykewyse it is in Saint Luke. *Orate semper*, praye alwaies. And what is he, I pray you, Sir, that ever prayed alwaies? or what foole is he, that woulde thinke he is bounde so to do, and would endeavor him selfe to be alwaies pattering, and so through supersticion to be voide of religion? for surely such fooles are in excesse. And amongst all people, none go nigher to this vanytie than doth the superstitious Portingal, who is as farre from true religion as he is ful of this overmuch supersticion, and fond of worshipping of god otherwise then his word and wil is to be worshipped. Christ sayeth to his disciples: goe your wayes; beholde I sende you foorthe as Lambs among Wolves; beare no wallet, neyther scripp nor shoes, and salute no man by the way.

And, in Saint Matthew, Christ forbiddeth his disciples to cary gold or silver about them, or anye maner of coin in their purses. In al whiche speeches I trust you wil grant any interpretation, over and besydes the bare letter, or els preachers are like to bee in evil steede in this evil worlde.

Likewise it is saide by Christe : ye have hearde how it was saide to them in the olde time, Thou shalt not foreswere thyselfe, but shalt perfourme thine othe to god ; but I say unto you, swere not at al, neither by heaven for it is godds seate, nor yet by the earthe, for it is his footestool etc ; wherin all swearing is forbidden, and yet to take an othe before a magistrat is not against god. The commaundment saith : thou shalt not kill, and yet it is not forbidden to the magistrat to use the sworde and to kill upon good cause ; neither is any man forbidden to kil in his own defence rather then to be killed, but that he may with force withstand force. Ther be divers such texts which I could allege and prove, whiche if they were not otherwise understoode then the bare words do beare, would bring great confusion withe them, and suche inconveniences also as no reason nor law would, coulde, or might allowe in any wise. Therefore I say : Christ never so ment as you do understande, say what you will. Besides this, such straight and precise prohibitions do great harme, for they open a way to the evel, who will hardly be brided by anye lawe, to doe and to deale with al men excessively, and hinder the good that would deale charitablye, and yet for want of a warraunt in law, dare not meddle at all, and so the poore do perish, that else might be holpen and relieved upon paiement of moderate usance. And see what commethe of this precise restrainte. Men now can get no money, but after xxx or xx at the lest in the hundred, whereas, if ther were a reasonable stint, all such as have nede should fare the better, money would be more common, and the covetous man woulde the soner bee brided from takinge excessive gaine. But manye men are of such nicenes, and so far of from yelding to a good acte to be made to the common profite of all, that they had rather one gained a thousand pound with out lawe, than get one hundred pounce with lawe, such as might be made with a good conscience.

You talk that gaine takinge for lendinge onely is flat usurye, as though anye manne tooke gaine for lending onely, and not for other respectes, as that his moneye is out of hys hande, which els might be employed, and being in another mannes keeping is in daunger of loosing, that otherwise was safe and sure enoughe when it was in his own hands; and lastly, such losse or hinderance perhaps might come unto him for want of his owne ready money, as some man at a time would geeve for so muche moneye so muche lande upon a great extremitie and present neede, as who is not subject to suche accidentes by warre, sicknes, imprisonment, trouble, and displeasure that maye happen to a man's utter undoing, if he do not avoid the soddeine harme and present daunger that hangeth over his head. And whether shall a man goe or flye, or how shal one seke to help him selfe that hath no money? Therefore that saying is impertynent and void of reason, that men do commonlye receyve gayne for onely lending, and not rather in respect of the harme that myghte happen, or the profit that doth cease, when a man is without hys moneye, or els to take a neighbourly part of the gain, that the debtor might geat. Noe surely, wise men of al ages and times that have rated the proporcion of taking, have not stinted that same because men onely haue lent, but because of the interest and gaine that dothe or might happen to the lender, yf he had the use him self and employing of his own money.

And therefore, say as it pleaseth you, I wil hold with them that bargain for moderate gaine. Mary, in al contracs and bargains I would have plain dealing without chevisance or colourable devyses, not as many use to do. There was a statute made *Anno Henrici septimi* 3. to meete with certain chevisaunces, but the same was repealed and an other made in the tenth<sup>2</sup> yere, wher brokers are met with all, and suche as will have the benefyt of mens landes mortgaged tyll they be payde suche money as they lent, where the lent money is forfeyled. But because it is hard to make any such good lawes, but the malice and cunning of man will practise to breake the same by some skilful sleight, especialy when it tendith to the benefitte of man, therefore in my simple

<sup>2</sup> This should be 'eleventh.' The statute is II Hen. VII, c. 8

iudgement I doe muche comend that law which was made in 37, *Henry. 8.* where none was suffred to take above 10 li. in the hundred upon lone, eyther for wares, or for money, and sory I am that the same law was repealed by the statute of *Anno 5. Ed. 6.* Whiche statute, although it bear a colour of godlines, and seemes to be grounded uppon religion, yet I doubt muche thereof, and I think verely it is made againste all pollecy, and therefore yt weare good that a parlyament had wyse regard to have it abrogated, for the statute seemethe to say that all gaine had for the use of money, in what sorte soever it be, is plain usury, and utterly forbidden.

And yet what shall I say ? where charitie is kept, ther is no usury committed : for what if I say, I will freely lend unto my frend if he will bere with me in a certaine adventure, if any losse happen, shall I call that usury ? or if one do brek day with me, and I sue him for damages because I have forborne my money a longe time, will anye man call suche dealinges usury ? god forbid. Or be it that the most of my goods are abroad and I doubt of the good successe and speedie retourne of them, yf he that borroweth will beare proporcionablye after 10. or 12.li. in the hundred for my damages sustained, yf any such misshap doe fall, then I shalbe contented to do him good, otherwise I would be very loth to helpe him and hurt my selfe, which I should do, yf I lent my goods and afterwards being undone throughe adventuringe could have none to beare my losses, is this any usury to make such a covenant ? I do not thinke so. I will put you an other case. A merchant dieth and leaveth to his wife 500.li. in nete mony and no more of any other substance, and to sixe younge children that he had with her 200.li. for every one of them, when they bee of yeres. How shall this wife live that knoweth no trade ? How shall these children be mainteined till they bee of yeares, and have ther stock wholly delivered to them ? neither she nor they have anye arte or knowledge to get their livinge by. And is it reason that the stocke should runne stil without profyt, and every one decay and be undone thereby ? now god forbid. And surely, except they may be suffred to put forthe their money for reasonable gaine, I cannot see how it can bee otherwise with them. And

therefore I would have all thinges weighed by reason, and the state of daunger better considered then it is, without this precise usage to forbyd gayne upon money altogether upon paine of deadly sinne. For I doe not thinke that the wydowe and her children shoulde offende god, yf others wil geve reasonably for the use of her money, to mayntayne her selfe and her children. And wel do I allow for the use of London, for Orphanes money to bee yerely payd.

I will goe farther. A yonge man hath been waytinge on a gentleman in his Chamber, and servinge long gotte a litle money togeather: the gentleman his master dyeth, the felow hath no frendes, and master can hee get none, the worlde is harde and men are mistrustfull, digge or delve he can not, and occupacion hath he none, because he was brought up only as a serving man, and to begge is ashamed, yea and if he dyd so, he shoulde have nothing geven hym, but bee whipped for hys labour as a vagabonde, and if hee shoulde steale, there is noe mercye but hanging. Now what shal he doe? Spend upon the stock, and suffer all goe to waste? so maye hee soone come to noughte. Better it were for hym, as I take it, to put out his moneye for some gaine, that his stocke may bee whole, and hee mighte lyve till hee espyed a tyme to bestowe hys moneye upon some one thinge or other, for hys better profyte and avayle.

I will come to good bargaines that may happen. There is a shippe wrack, and goods are to bee solde, where I maye gette 20. in the hundreth, if I might borow after 10. Whoe woulde not geeve lesse to have more? Besides this, I have a suit which I may gette for a hundreth pounce and wilbe worth two hundreth pound to me: money I have none excepte I borrow: what a foole weare I not to get 20li. in the hundred to gaine almost 200li.? And many suche thinges maye profitably happen with in the compas of a yeare.

But let all these matters goe. Be it that I have lent money myselfe freely, and lookinge to have it at my daye coulde not get it, but tarried three or foure moneths for it after the daye, and so was disappointed to satissfye my creditours, is it reason that I, who lent frely and of good wil, should sustaine any losse for my free harte and kinde dealinge? Our law

granteth good remedy, and I thinke in your lawe, Master Civilian, there is good redresse for suche offences. Again, if I let one kepe my mony, and the said man doth employ the same money without my knowledg for encrease, is it not reason that I should have parte of his gaine? who will deny this unto me? I am well assured that you Master Civilian will not say the contrarye, and thus you se that mony getteth money, and that lawfully; for loke, what he gaineth in this behalfe, I may in right demaunde for myne owne beehoofe the encrease that commethe of it.

I praye you answer me in this: what if the debtour doe faile, and play bankrupte? In what case am I then, for my kinde hart and charitable dealing? were it not good then that usury might bee the price of suche perill as may happen, and soe I to have somewhat, rather then to lose all, as in lending 88li. to take a bill for 100li., that the casualtie of losse may be recompensed with the certentie of gain; for a man maye lose all, and therefore it is good to be sure to gaine somewhat beforehand. Ther is a saying in your law, as I have hard, *muche agreeing to this matter, which is thus, Omnis mutuatio plerumque damnosa, eoque meretur recompensationem*, all lending is oftentimes harmfull, and deserveth a recompence. But, as I saide before, I would there were a rate appointed or tolerated, either viii, x or xii li: in the hundred, above which no man should passe upon paine of life or losse of all his goods at the least, and so the covetousnes of usurers (againste which you have saide very wel, and noe man doth gaynesay it) woulde be stopped and limited within reasonable bounds, whereas nowe they take the devill and all, more then half a great deale, which is horrible. And our law did never allow, but did utterly forbid, al excessive usury, as al other lawes els do; as your lawe master Civilian, as I thynke, doth permyt the hundred part for a moneth, which is twelve in the hundred for a yere, and so hath been allowed in divers prynces times. But of your lawe I cannot say further then I learned by heere saye, and therefore I would know your opinion, seeinge I have uttered my learninge and saide my conscience, whiche I pray you take in good part everye one of you.



*Civilian*: I woulde not anye manne to bee blamed for utteryng his conscience, so that hee bee not wyfull, to stande overmuche in his owne concepte when he see the manyfest truethe agaynste him.

### GROMEL GAYNERS OR THE MERCHAUNTS ' ORACION

To saye and doe are twoe thynges. I will not directlye speake in the favour of usury, but rather, if you will have mee, I am contented to speake against it. Mary, not to use my moneye for my benefyte, call it what you wil, I can hardly allow thereof. You have said meetelye well, master lawyer, that you will suffer exchaunge within certayne boundes. Others talke so much (I wote not how) that in the end they wil marre all. Poore marchants can not bee suffered to thrive amongst them. And I, for my parte, am agaynste you all that wyll have no usury, or will make the gayne over litle. For, I pray you, what trade or bargayning can there be among marchants, or what lending or borowinge amonge al men, if you take awaye the assurance and the hope of gayne? What man is so madde to deliver his moneye out of his owne possession for naughte? or whoe is he that will not make of his owne the best he can? or who is hee that will lende to others and want him self? You see all men now are so wise, that none will lend for moone shine in the water; and therefore, if you forbid gaine, you destroy enter-course of marchandize, you overthrowe bargaing, and you bring all tradinge betwixte man and man to suche confusion, as either man wil not deale, or els they will say they cannot tell howe to deale one with an other.

I have bene a doer in this worlde these 30 winters, and as fresh an occupier as an other, and yet never found I better or more assurede gaine than by puttinge out my mony for gaine, the same beinge alwaies the beste and easiest trade that coude be in the worlde. And in a dead time when ther is no occupyinge, either by restraint or thorough warres, what would you merchants to do otherwise then to turn the

peny and to live by their mony? For yf they should spend still on the stocke without lending it for gain, or barrattinge any whit at all, I doe feare the best of us all (I meane such as live by our money) would soone shut up our doores, and playe the bankruptes, which were a most abominable shame, and a great dishonor to thys realme. Doe not you knowe that we are ever called upon in time of neede, to lende to the prince, for maintenaunce of the state? Have not noble men money of us, and all other gentlemen of service, whensoever they have neede? And when is it that they have not neede of us, great neede, god wotes, full ofte and many a tyme? Yea, neede must alwayes be, and men shall ever have neede. And where is money to be had in tyme of neede, yf the citie should fayle? Many men talke of Robbyn Hoode, that dyd never shoote in hys bowe. Is not London the queenes chamber? Are not we then chamberlens to her maiestie, people alwayes ready to spend not onely our goodes, but also our lyves in her service? So that, if we weare not, the state, as I take it, should hardly stande, or perhaps not bee in so good case as it is at thys present.

We lend not for usurie, but for interest, and by exchange, and I thinke no man can disalowe eyther interest or exchange. I pray you, if an ambassador shall have cause to travayle in the affaires of the state, or the Queenes agent occasion to paye great sommes of money abroade in other countreys beyond the seas, what will you have donne, if the exchange were not? How can greate masses of money bee carried to farre contries, yf billes of exchange bee not currante? Or who wil be so madde to paye thousands in another contrie for moone shyne in the water, to have nothing for his paynes, but onely hys labor for his travayle? Hope of gayne makethe men industrious, and, where no gayne ys to bee had, men will not take paynes. And as good it is to sitt ydle and doe nothinge, as to take paynes and have nothing. Merchants doings must not thus be overthwarted by preachers and others, that can not skill of their dealings. And thys over great curiositie of some to meddle in other mens matter, I muste tel you plaine, it is even the verie right waye to undoe al in the ende. Therefore saie what you will, I will lyve and

amend, so as I may lyve every day better and better, by any meanes, I care not how. Yea, I wil make harde shifte with the worlde, and strayne my conscience narrowly, before I will eyther starve or begge, both I and my chyldren after me. Provided always that I wil not come within the compasse of positive lawes: and thys I wote well, that by all lawes a man may take asmuch for hys owne wares as he can gette, and it is no synne for one man to deceyve an other in bargayning, so that it bee not to mucche beyond gods forbode, and a bargaine is a bargayne, let men saye what they list. Such your strayte prohibicions and straunge precisenes, my maisters, doe make men wery of their lyves. You may aswel forbidde buyng and selling, as forbidde taking interest for money; for, I pray you, what difference is there betwixt the one and the other? I do bye a peece of lande for 500li. thys daye, and sell it tomorow, or within sixe moneths after, for 600.li.; and I doo lend likewise 500.li. at the same tyme that I do bye lande, and do receive within sixe monthes after 600li. agayne for my 500li. so lent. What difference is there betwixt these two dealynges? God amende you, my masters of the Clergy, and you Civilians also.

*Civilian*: Softe, sir, you cannot tell what I woulde have sayde, although you have hearde the other, and therefore you doe me wrong to cut me off before you heare me speake.

*Gromel gainer*: I pray you beare with me, for I was tickled: here is altogether titel tattel, and all to littel purpose. Thys understande you all, and trust unto it, men are loth to bee comptrolled in their ordinary and accustomed trades of geattinge; and, as you may well knowe, gayne is sweete, howsoever men come by it, and men are loth to leave their olde wonte, to begynne a new trade of dealinge, that will sooner bring men to beggery then any whit encrease their living. An olde custome, although it bee badde, muste not sodeinly be altered, for all innovacions are dangerouse, although they be for good. If a man should speake against your profession, and saye, your lawe is full of delays, Lawyers are costly, and better a man lost hys right then follow it by lawe, I thinke you would bee angry, though, in so sayng, he myght peradventure saye truely. And so I, that know

both your callings, and have heard you both heretofore deale in places iudicials, and have felt also some trouble in eyther your courtes, am not well pleased to have my occupation and livinge pincht at, defaced and made woorse than any other vocation is, no more than you wolde have eyther your professions or tytles ransaked or called in question.

*Ockerfoe*: I am sory to heare so muche as I have heard, wishing amendement, if yt please god, in al estates. But to your arguments, master lawyer, I will aunswere, and to you also, master Gromel, with master doctours leave, for I am inwardely grieved with you both, as a Christian man ought to bee grieved.

*Civilian*: Although you take my course from mee, yet will I not thinke amisse of you, but ever geeve place to your profession, and honor divinity. For, as saint Paule saieth, the woorde of god is salvacion to all belevers, and therefore necessary for all men to heare and to know; yea, the more wee studie therein and herken unto it, the more happie and blessed every one of us shalbee.

Whereupon the Preacher replyeth, as foloweth.

#### THE PREACHERS REPLICACION

Your foundation, sir, that you firste laid to prove your matter with all, ys not good nor sownde, so that your buyldinge cannot stande but must needes fall to the grounde, for thus you saye: usurie ys not hurtfull excepte it bee biting. I do aunswere, whosoever stealeth but one peny from a riche man is a theefe before god, and yf hee steale twelve pence or above, hee shalbe hanged by the lawes of the land, as you best knowe, and yet you will saye, and all men knowe, that here is no byting. But the matter is this. The lawe hath sayd, thou shalt not steale, for hee that steleth, bee it more or lesse, ys a theefe, because hee taketh an other mans goods feloniously against hys will, being forbidden both by God and man so to do. Even so saye I, whosoever taketh but one penny of gayne by covenante over and above hys principal, for the use only of lending and in respect of tyme, he is

an usurer, although here seemeth no bytinge at all. For God hath saide : thou shalt not agree to take by covenante any thinge over and above thy principall, and therefore it is synne, beyng expressly forbidden as theafte ys, and so not to bee used amongst christians ; for therefore is usury called a byting, because creditours are commonly unmercifull, and care not what they geate, and whom they undoe, and so they doe byte and greeve poore men very sore, yea they make riche men oftentimes starke beggers. Whereupon god, to cutte of all byting and the colour therof (for yf you geeve them an inche, they will take an elle), hath altogether forbidden hys people to take any gayne at all for lone, the rather to induce men to christian charitye, that is, to lende freely, to helpe the needy, and to doe as they woulde bee done unto, yf the case weare theirs.

Now when you allege that you cannot have your money at your dayes appointed, and therefore in reason you shoulde have a recompence : I doe not deny, but that they who kepe your money longer from you than by covenante was agreede are to aunswear for it, and in al lawe and reason must paye your damages and interest of your money, for so long tyme holden from you agaynste your will, for herein he doth you apparant wrong ; and covenante was there none for gayne to bee reaped upon the principall, so that thys is no usurie, but hee onely to bee blamed, and to bee punished by the purse *quantum tua interest* for withholding your proper goodes from you for so much time, against your good will and mind altogether ; and damages may justly bee awarded unto you after tenne or twelve in the hundred, and no usurie herein committed at all. Your distinction of three sortes of men, and three sortes of dealing, is rather politick than Christian, rather worldely than divyne, although som divynes be of your mind, but they speake of their own heades, without warrant, and so their devyse can not holde. For you ought to lende freely unto all men, riche and poore, lord and gentlemen, kyng and caysar, so that god, being the lord of the ryche aswell as of the poore, hath utterly and precisely forbidden all usurie amongst all men that are of the household of faith, except perhaps you will saye, that ryche men are no christians

or not godds people, the whych, I trust, you wyll not so muche as think, muche lesse affirme the same by speech. And your example of consort and fellowship with others, to lend money to them that have none themselves, and so to reape in common the gayne that they might make by their industrie and travayle, the same is not lawfull if you deale for assured gayne by contracte aforehand, except you wilbe aswel contented to beare with all losses that might happen, as to reape certayne gayne; for in so doing, where the gayne is uncertaine, and none assured contract made before hand, I do not take that to bee usurie.

To do good, I graunt, is natural, and blessed be the good doers; but to make gaine by lending money is unnatural, wicked, and monstrous, what gayne or profite soever come to your friend by such borrowing; for your mind and intente of lending must be to helpe, and not to reap benefyte by hym that gaineth by borrowing of your money. For be it your friend were like to lose a 100li. land for not payment of 300li, and one understanding hys need and the daunger hee ys in do lend hym 360li. in money, to save hys 100li. land that els would bee lost, taking nevertheles this 60li. gayne, or more in the whole, and having his land in mortgage for a yere for his own especial profit, and to the utter undoing in tyme of the poore gentleman, herein sir, as hee did seeke his own commoditie, so did he deserve no thankes at all. And where the gentleman did owe before 360li, having received of the usurer no more than 300li, now you to shewe your selfe a more merciful man will helpe thys gentleman better cheape, after 15li. in the hundred, cryng out of that other cutte throte (as in deede, one usurer cannot abyde an other, and everyone will crye out againste his fellowe usurer), and so you will take hys lande on gods name, for assurance into your handes, having a ful intente with your selfe to bee Lord of all that he hath in the end, for except hee paye you when you see your time, you will have it all in deede. Nowe thys gentleman, having payd 20li. in the hundred, and to you agayne 15li., hee is to repaye 105li. over and above the 300li. that hee borrowed for two yeres onely, his debte rising after twoo yeres 105li. above the

pryncipall. And nowe for feare the Chauncerie, or thexchequer, or any other courte should remedy thys mischiefe, for takynge so muche land for so lyttle money, you wil bee contented that hee shall still paye 15li. by the yeaere for every hundreth, tyll it come to the quarter, or halfe value of the gentlemans land, and then you will lend no more, except you may have all your money, which hee is ever the lesse hable to paye, the longer that he borroweth upon usurie, and so in effecte the poore gentleman loseth hys hundreth pound lande for ever, for the onely borrowinge of 300li. in mony, and the forbearing of the same mony for five or sixe yeres or thereabout. Is thys charitie? Is thys love? Is this godlynes? Had it not been better for the gentleman to have solde hys land out right at the first, and so perhaps to have receyved 2000li. and upward at the leaste for it, than thus to lease it for 300li. with the usurie of five or sixe yeaeres? Thys is the goodnes and naturall dealinge of usurers with playne meanyng men. God turne their hartes, and send them better mindes.

But to colour your doynge the more, you saye further, that thys overplus taken is neither against nature, nor against lawe; for yf it were against nature, say you, it shoulde bee forbidden universally, whereas god hath geeven leve to lend money to the straunger for gayne. I doe answere that usury in his own nature is universally hurtfull and against nature, as all the morale preceptes are, and yet god may permit or allowe the use of it, as he liked wel that the Israelites should robbe the Egyptians, and yet theafte ys dampnable, and against nature, and universally forbidden, where god hath not allowed of it. To worship ymages is also forbidden, as a thing agaynst god and nature, and yet god suffered the Cherubins to bee erected, and allowed of the brasen serpent, but particular Images permitted by God must not exclude universall lawes. And you know, we lyve by lawes, and not by examples.

You say further, that thys overgayne is a reward geven, and reward may be taken for good turnes done. In deede, yf you would stand to the courtesy of the lender, and not hope for gayne, yf anye thing came unloked for or

unhoped of, I do thinke you might take some small present with a safe conscience. But those rewardes and giftes that you receyve are enforced payments, and by former contracts and covenantes assured, for els you would not lend money. And therefore you geeve a wrong name to youre usurie gaynes, to call them giftes or rewardes, for they are rather compulsorie debtes and violent bargaynes, made against the will altogether (as God knoweth) of the needy and poore borrower; for in deede necessitie maketh men often tymes both to pray hartely and to paye dearely, that woulde els full gladly borrowe freely. Yea, blame them not, that beinge dryven to an extremitie make greater offers then they are well hable to perfourme, or to beare the burthen of them, because neede maketh the olde wife to trotte.

And what though worldlie lawes in some respectes doe allowe thys chevisaunces to avoyd further inconveniences, as single whoredome in some places is tollerated, that men might kepe their wyves to them selves in better safety? Yet god forbiddeth expresslie, aswell the one as the other. And therefore, where Lawes are made against godds lawes, they are evermore ungodly and wicked, what colour or glose soever you doe sett upon them. And what though charitie bee cold, what though men will not lend freely, shal therefore men bee allowed or suffered to lend wickedly? Better the world were overwhelmed, and mankind wholie destroyed, rather than synne should openly bee mainteyned, and god thereby altogether defaced. And where you seeme to saye that godds lawe doth allowe it in the nyneteene chapter of saint Luke, I woulde you and all others committed such heavenly usurie, and mocked not at those talents, whiche god lendeth man to bestowe, for so you shoulde be godds good servants, yf you bestowed your talentes committed to your charge accordingly. And where it is in Deuteromye: thou shalt lende to a straunger, in deede doe soe still, that is to an infidell, to a Turke, and to hym that is not of the houshold of Christian faith, for that is the next way to undoe hym; so that, as to kyll a Turke or an infidel in the quarrel of Christs religion ys lawfull, so may wee oppresse hym, byte him, yea and eate hym



out with usurie, the readiest waye surely to undoe any man livynge.

And I doe not thinke that the common lawe of Englande did ever beare with usury, although some statutes have tollerated usurie. I doe know that kinges in all ages have banished usury out of thys land, aswell before the conquest as synce, and amongst the rest king Edgare did utterly forbidde all usurie. And since the conquest, king Edward the first, who did send out of this realme as well suche bankers as came from the pope Gregorie the tenth, called *Coursini* and were brought in by one Stephan, the popes chapleyn, in the time of hys father kynge Henry the thirde, as all maner of Jewes at that tyme, with whome the realme was merveilously pestered, and oppressed also with usurie, theyr proper arte and profession whersoever they dwell, who surely doe very well observe their lawe, for they, taking al Christians to bee straungers to them, do lende to them for gaine where-soever they be dwelling, never lendyng one to an other otherwise then freely without hope to receive any gaine at al of them. Your argument of plate is of no force, for plate weareth and consumeth away, and commeth oftentimes broken, and is at his perill that letteth it to hire, and must be retourned in the same fourme as it was delyvered; whereas money returneth without losse in the same kinde onely, and of the same quantity and value, and havynge chaunged the propertie is at his perill that hath borrowed it. And likewise lending of divers coynes of golde and muche money to a banker, to receive the self same form againe, may bring gain without usury: but this is not properly called *Mutuum*, a lending, but rather *Commodatum*, a letting to hyer, because the property is not altered, but abideth still in hym that did let it to hier, who must abide the peril of it, if any mishappe doe chaunce otherwyse then well, without hys faulte that tooke those goods to hyer.

Your covenanting and bargayning to have parte of the gayne by your money lent, with allegation that you myghte lose in a bargayne for not havinge the said money, doth shewe that you goe about nothinge more then to cloke usurye, and to maynteine the practice of it by all the shiftinge and colourable

meanes you canne. And if you saye, therefore you wyll not lende, because you maye not make your owne gayne, I saye unto you, that then you are an unmercifull man, and no servant of god, in that you tourne your countenance from him, and will not lende him money, that beinge an honest man doth offer to put you in good assurance for restitution. And still you woulde have usury to be a lawfull trade, and for nothings will you agree that usury should bee *simpliciter* a sinne, as whoredom, aduowtry and theft are, and yet god dothe so name it. Agayne, your lending to another, to save his land, and to benefit your selfe thereby, is no thank to you at all, but a develish and a covetous act directly against god, notwithstandinge the good, whatsoever it bee, that youre neighbour receiveth thereby. And what though your neighbour bee saved from famyne in tyme of extreme dearthe, by lending him corne then, to receive an overplus at a twelvemonth after, yet are you wicked that did lend for gayne, when men had most nede of helpe and free reliefe. And belike it is you and such others that are the cause of such dearth. For nothings causeth dearth of al things so muche as usurye. For by usury the prices of wares are raysed, victualles are the dearer, and they that would labour and turn up the ground cannot for want: whereas the welthy folke that have most money live most idely, without doing any thing els but making money of money, an evill dishe of meate for hym to feede upon that is an hungred, and yet surelye a thing most mete for usurers to eat upon. Yea, I wold that al usurers had none other foode to nourish their earthly bodies withal, when they were most hungry, and to saye unto them as was said unto Crassus beinge deade, *aurum sitisti, aurum bibe*, Thou dydest thurste to drynke golde, which golde the Persians in dede moulted and powred into his mouthe, when he was dead and slain in battaile.

Now, Sir, I pray you, who speketh more with charitie—hee that counselleth all men to lende freely, or he that wylleth all men to make gayne of their money? Surely I will say, when you seeke your owne gayne cheeflye, there is no charitie nor love in you at al, although you take but moderate gaine;

for not onely bytynge usury, but all usury is against charitie, because it is iniurious, sinful and directly against god, even as theafte is, bee it never so lytle. But styll you runne to dymynshe thys offence, wyth shewing that a peny upon a 100li. biteth not. Wel, I saye unto you it is an iniurye, it is a wrong, it is a thinge forbidden by god, and therefore a synful deede, saye you what you wil. Ther is difference in dede betwyxte the byting of a dogge, and the bytinge of a flea, and yet, although the flea doth the lesse harme, yet the flea doth byte after her kynde, yea and draweth blood too. But what a worlde is thys, that men wyll make synne to bee but a flea bytyng, when they see gods word dyrectlye agaynste them! And thus you runne to the propertie of the word, and so trye it in divers languages, whyche in deede signifieth a bytynge. And nowe you tryumphe and say your pleasure, that a manne maye bee a lytle naughte, so that hee bee not altogether starke naught. Wel, god gave this name in divers languages after this sort, that suche vyce myghte bee the more abhorred. For as spoylyng is forbydden, so is pycklyng also, and although in mans iudgement the one bee lesse then the other, yet before god hee is a transgressour of the whole lawe, and as gyltye of death and dampnation that hath pycked, as he that hath spoyled.

And so in usurye it is to bee sayde, aswel hee shall dye the deathe and not lyve that hathe taken lytle, as hee that hathe taken a greate deale, because the lawe of god hath forbydden al maner of usury whatsoever, and wyll not in anye wise that anye thyng shall bee taken over and above the pryncipall lone. For gods will is that lendyng should be used as it ought to bee, that is to saye freely, without hoape of any gayne at al, that charitie thereby might be the oftener exercised betwixt man and man. But you cannot abide this charitable dealyng, and therefore comming to the greeke and latin word, whiche bothe doe signifie a birthe, you make a iest of the lytle pretye babe that 100li. bringeth foorthe, but a bare peny. Wel, I wyll tell you, howe litle soever you thynk it to be, it is the babe of darknesse, and it is inoughe to bringe you to hell fier. You measure things by the value, and not by the breach of gods law.

Adam and Eve thought it a small fault to eate of the forbidden frute in paradise, and yet you see what followed of it. They lost everlyving ioy by it, they felt the smarte of this miserable worlde, and were banished out of gods presence, and all their posteritie after them forever, had not Christ of his mercye in the fulness of tyme been our Redemer and appeased the wrathe of oure heavenlye father. So that the thyng it selfe is not so muche to be respected, as the doynge of it against gods will and commaundment, who forbiddeth al sinne. And although it maye be thought that I am somewhat nice, and minse the matter over finely, yet let men remember what they ought to doe and what god requireth of them, and I doubt not, but they wil think that I have said litle inough.

And now you returne to your three sortes of men. Unto the which I say unto you, that in gods presence and before his maiesty there is no respect of persons that are of one faith, and aswel doe you commit usurye in lendynge to a king for gaine, as you do in lending to a poore wretched man, although you do not bite so much the one as the other, because usury is forbidden in al degrees, say what you wil. Neither are circumstance, time, place, nor person to be considered in lending for usury, no more then in the very nature of robbing. Mary, if you would lend frely it were an other matter, for then I would wyshe, and it is reason also, that every man had the chiefest regarde to the poore and nedye person. Your allegacion of those textes: *Geve to every body that asketh,* and *praye ever,* and *pray wythout ceasinge,* and *be alwaies glad,* doe nothing hynder but that all usurye is dampnable. For althoughe those textes are to be compassed within certain boundes, and have their lymytacion by circumstaunces as reason woulde, and gods worde in other places dothe verye well allowe thereof, yet al manner of usurye is alwayes evill, be it never so lytle, because the lorde god hath playnelye and expresslye sayde it, and that the contrarye cannot otherwise be gathered in scrypture. And so I saye of all your other textes that you doe afterwards inferre, theye have their proper interpretacion and restraunte, and yet taking overplus for lending, it is alwaies synful, because there is

noe interpretacyon nor conference of any text in scripture to make it otherwise.

But still, to maynteyne your argument, you say that men do not take money for lending, but because they lose their gaine in the meane season that theye do lend, and sustein losse and harme perhaps, for that their money is out of their hands. Thus I see you seeke to mocke with god, for I say plainelye unto you, you ought not for any respect put your moneye to gaine by lendenge it. But accordinge to your profession, you bring out your statutes of 37. Henrici. 8, where usury is tolerated, if it be not above 10li. in the hundred, and this statute you do lyke wel ; but the statute of 5. Edw. 6. you like not at al, wher usurie is altogether forbidden. Well, I am cleane contrary to you : for I like king Ed. statut best of al, because it is agreeyng to gods word, and I cannot in any wise allow or like king Henries statute, because it is againste gods worde to have any such toleration in any Christian common weale, no more then theafte, aduowtery, or murder are to be winked at. On you go still, and put thys case. You have a great adventure beyond the Seas, and stande in hazard of your returne, as you thinke, as who doth not ? You sai thus to your frend : if your goods come home safe, you shalbe in good case to help a gentleman or your neighbor at a pynche. Marye otherwise, if by mishap your goods do perish, then are you cast so behynde hand, that you shall scant be hable to holde uppe your head, muche lesse be hable to helpe others. Therefore yf your frende (say you) will beare wyth such losses uppon your adventure, as may casually happen after the rate of 12 or 14 in the hundred, for so muche as he shall borowe, then will you bee contented to deale with hym, otherwise you will keepe somewhat in stoare against foule weather, and not depart with that whiche you have in assured possessyon to have nothing for your labor. This (as I do remember) is your speech. Whereunto I do answer : if you wil aswel take nothing at al, if no losse doe happen to you in your adventure, as bee assured to have something yf any mishap do chaunce, and deale plainly in your doinges without fraude or couin, then I do think it is no usury for you to make such

a bargain, because the gain aswel as the losse are both uncertain.

After this you put foorthe a matter, as though it weare a pitiful case. A wydow hath left her by her husband 500li. in money, and for sixe small children that cannot help them selves 200li. for every one, to be payd unto them when they be of yeres, and you say what shal the wydow do? How shal these children bee kept, neyther she nor her children having any trade to encrease or maintain their substance? And therefore what other thing should be don, but to let out their moneye for reasonable gain, rather then the wydow and chyldren should perishe and their goods waste awaye? I do aunswer still, that noe unlawfull trade is to be used to advaunce welfare. Neyther doe I allowe of your order in London for orphanes money, because it hath no grounde uppon godds woorde, but rather utterlye forbidden, for god hathe no regarde to these circumstaunces and pitifull cases, but wylleth all men to lyve as he hath commaunded by lawful trade, and in his feare. And if the usurers money is dampnable which is bestowed for redeeming of captives from the infidelles, and marying of fatherlesse maydens, what shall wee saye of this money whiche is geeven for the maynteynance of orphanes and widowes? Is not the case all one? And is there noe way, I praye you, for orphanes and wydwes to thrive by, but onelye with goynge alwayes into the devils dungeon, and seekyng out these croked corners of wicked ockre and dampnable usurye? Is there noe way to be used by frends, with buyinge or sellyng to doe good to this widowe or her yong babes? Is ther no ferme to bee bought for moneye? Is there no occupying that will doe good, but onelye flatte usurye, a thinge so unknoven heretofore, as nothinge lesse knowne, and being knowen, so abhorred, as noe man coulde abide them that were knowen manifest usurers? Nowe lord god have mercy uppon us, what a worlde is this!

You put another case of a serving man that hath no trade to live by, because he hath been brought uppe onely to wayte upon a gentleman, and to doe nothinge els; and because his master is dead, and hee can gette no service to live by, you will in anye wise that whereas he hathe a lytle money lying

by him, he may live by the gaine thereof, by puttinge it oute for tyme. I do aunswer, that he oughte not so to do, because god would not have him so to doe. And for this matter I wil allege unto you Saint Augustines sayinge upon the Psalme in thys wyse: *audet etiam fenerator dicere* &c., the usurer also presumeth to say, I have none other trade to live by. So may the strong theefe saye when he is taken by the throte wyth the maner; so maye the burgeler saye, when he is laide hande on in commytting burglarye; so maye the bawde saye, that sellethe yonge maydes to bee common harlottes; so may the sorcerer saye, when he or shee enchaunteth evill things, and selle their enchauntments. And whatsoever like thyng wee should go about to forbid, they might all aunswer, they had none other waye to lyve by and to finde them selves, as thoughe that this were not chieffye to bee punyshed in them, because they have learned the arte or occupation of lewdnes to get their lyving by it, and wil thereby feede them selves, whereby they offend hym, by whom wee al are fedde. Thus farre Saint Augustine.

For your Shipwrack, thus I aunswer: that wher you pay ten in the hundreth, poore folke shall fare the worse, for when you make your sale, they shall paye for your usurye to the uttermost, and, your suite obteyned, you shallbee aunswered your money and your usury to the last farthing by them that shall deale wyth you: and so poore folke shall alwayes be racked, and the common weale hereby shall feele great smart thorough this wicked usury. You say further, if one deposite his money to an other man, and the same man doth encrease it, without your knowledge, that then it is reason you shoulde have the gayne. I do grant this to be true, and verye reasonable also: for as master Civilian knoweth better then I do, the moneye that was put in an other mans hand to keepe is his that deposite it, and not his that had the keeping of it. So that if the moneye had been lost by some great mishappe without anye playne negligence, or knowen follye of the keeper, the owner shoulde have borne the losse, and not the keper of the sayd money. A good lesson to teache hym and others, that put suche men in trust, to make choyse of a better hereafter. Then if the losse should be his that was

the owner, it is good reason, and a thyng also agreeable to nature, that the-gayne likewise shoulde be hys that was lorde of that moneye whereof the encrease dyd growe, and wythoute the whiche anye gayne coulde not els have beer made at all.

But styll to helpe your selfe, you bryng in a croked question, and caste beyond the Moone, askynge what if the debtor shoulde fayle, as manye tymes theye doe, and ther all ys gonne : weare yt not reason to bee assured of some gayne before hande, for feare of suche harme ? I doe aunswere that you wilbe sure to do harme, upon the casualtie of harme that might happen, which is ungodly in you to doe, for that you witting and willing do offend against your own conscience. At last you come to breaking of daies and forfeiture of obligations, and thynke you have wrong if you may not take usury for wantinge your moneye a moneth, two or three after the day. I do say unto you, as I have saide before, that in this case you may lawfullye aske interest, and god forbid but you shoulde bee considered for the time, because you have susteined losse through breache of covenant and are dysappoynted thereby to your great hinderance, as it maye fall out. And no reason it is that you should lose for another benefit, and feele smart of your owne goods, wher another shall repe profit by it against your own good will, for your great goodwill erst shewed unto hym before. Neyther can this be any usury at al, because ther was no bargaine for any overplus to be had for the receipt of that money if it were paid at the daye, but onely a forfeiture of a bond for not keeping touche, the benefites whereof the lawe doth cast upon every body, where covenantes be not perfourmed ; and good reason it is, that it should so bee, so the bondes bee reasonable, and the forfeiture not excessive.

At the last you come to a rate, and woulde in any wise have ten or twelve upon the hundred eyther appoynted or tollerated, aswell for common benefite in dealing betwixt man and man, as also for stopping the covetousnes of greedy cormorantes, whose insatiable myndes no convenient gaine will satisfie, and thys you thinke very good for all partes. But I am not of your mynde, because god is against you



And therefore I doe abhorre all toleracion of usurie, muche lesse will I ever yeld to any allowing of it at all, but rather I would wishe that there were as strait lawes to forbid usurie, as there bee to forbid felony or murder, that charitie the rather by thys meanes myght abounde universally, and men myght lend to all men freely, as god hath commaunded, and nature requireth. For surelye I doe thinke that charitye waxeth coulede in thys age for want of knowledge, not but that preachers deale with thys matter as much as with any other offence, but that the hearers do not perfetlye knowe, or at the leastwise are not fully persuaded, that all usurie is synne, as theft, murder, and other offences are, wythout blaunchyng or tempering of it at all; for no doubt, yf men did know yt in deede to bee so heynous a synne as it is, I doe thinke verely, yf there were any feare of God in them at all, they would not bee so evill as they are nowe, nor so harde harted, to withdrawe their christian charitie from their brethren as they doe, and to run hedlonge into so bottomlesse a gulfe of all wickednes and abhominacion. The true knowledge and consideracion of which offence, I pray god, may enter into all mens harts, that they maye the rather amend their lives thorough charitable dealing with their deare brethren in Christ, to the hyghe honor of god, and to the great advauncement of hys moste holy will.

And now to you, master merchant, I pray you hartely, remember god in the midst of your occupieng, and deale not willyngly againste hys wyll. Yf one should call you theefe or murtherer, I knowe you wold bee very angry, and yet hee that proveth you an usurer maketh you ten times woorse then a theef, and as evill as a murtherer; yea, thys will I saye, yt weare better to winke at a hundreth pickpurses in London, and lesse harme should they do, then to suffer the wringing of twentie knowne usurers. For a man may keepe hys purse from pyckyng and cutting, and yf one shoulde lose it, there were but so much gonne, and a man would bee wyser afterward, and others would take heede by hys example; but from an usurer, none can bee ridde that hath nede, beinge once entred: for hee will not leave

a man, till hee have gnawin hym even to the very bones, that hee is not woorth the ground hee goeth on.

But to your reasons. You saye yf the assurance of gayne bee taken awaye, there can bee no trade nor bargaining amongst men at all. Sir, I doe not see that any man forbiddeth you to make gaine of your own lawfully. Mary, to bee a tyme seller, to gayne for dayes, monethes and yeares, and to make the sune shyninge, which god sendeth so freely unto us, to be the frute of your occupieng, and to make mony of mony for the very acte of lending—these dealinges I do saye, are most abominable in the sight of god and man. Yea, with what face or countenance, I pray you, can we look upon the sun, that do so abuse such a light sent unto us from god? Or how can we number our dayes and yeres with a cleare conscience, that doe thus moste horriblye defile good tyme with our lewde dealyngs? For whereas wee shoulde the rather love one another, seeing god doth love us all, and sendeth thys bryghtnes to shyne over us for all our comfortes and welfare, and many fayre yeres to enioye gods blessings uppon erth, we turne the benefite of thys lyght and thys tyme to the utter undoing of thousands our deare brethren, makyng the sunne shinyng and continuance of yeares dayly to encrease our cofers moste unlawfullye, to the decrease of all others that have to deal with us. For surely, thys kynd of lending for gayne is the undoing of all occupiers, and the distruction of trade, because men that buy deere must sell deere, or els beare the losse themselves, as they often doe, and so are undone in the ende.

Besydes thys, there is a great inequalitie betwixt the lender and the borrower, wherein the iust proporcion of mans conscience ys broken: for why should one have more for hys gooddes than they are woorth, or rather why shoulde one have for nothinge more than hys pryncipall? For when I have borrowed mony, the property is in me, and I am lord of it; and so much as commeth to my handes in money or goodes, I oughte in ryghte to repaye the value of yt at a tyme appointed, and no more than it was woorth at the tyme of delivering. For yf one take more than hys pryncipall, in respect of tyme, he taketh that which is none

of hys, which is playne theafte, and a deede contrary to nature, yea it is both agaynst gods lawe, and mannes lawe to. Nowe the harme that ensueth herof is very great; for the most parte of men are hereby in such sorte oppressed, as the welth of the world commeth to the handes of a fewe ydle wretched caterpillers, that doe nothings in the world but eate upp whole townes, countries and kyngdomes. It is written Sap. 11: thou, O god, hast ordeyned all thinges in measure, nomber and weight. Now then, he that will not deale iustly, according to measure, number, and weight, the same man is not worthy to lyve upon earthe, for that hee doth wounde hys owne conscience willinglie, offendeth god grievouslie, and breaketh the lawe wickedlie. And what measure, I pray you, doth the usurer keepe, that taketh more than he layed out? for one pecke lent, twoo; for hys owne agayne, more than hys own agayne by a quarter; yea, some times, more then halfe, for a pecke of wheat lent a bushel at the yeres ende. And what reason is thys, that for one pecke lente, a man should have more than one peck again, which was hys owne before? For more than a mans owne no man should have by all lawe of ryght, conscience, and iustice.

And where you saye that men wil not lende freely, and therefore it were necessarie men shoulde bee suffered to lende for gayne, lest otherwise the more parte of men shoulde sterve for wante: Firste I saye, yf every man would live in hys trade and calling, as hee oughte to doe, in the feare of god lawfullye, there would bee moneye ynough, and men shoulde not wante of other mens plentye that lyve so godlye. Agayne I do saye, this is a pitiful hearing amongst Christians, and a great token of unbelife and gentilytie, when we are so unwilling to lende freely, seyng god hath commaunded us so expressly. And surely yf we lyved as wee ought to doe, there woulde bee free lending, and great plentie of money every where. And touching the necessitie you speake of that men should therefore be suffered to lend for gayne, lest otherwise the most parte of them should starve for wante: I tell you plainely, you speake in this behalf rather like a man that can better deale with drosse and money, than

iudge of god reason, or anye godlynes at all. For by such your speache, covetousnes shoulde bee holden for good, because the ryche will not bee liberal, and aduowtery shoulde bee esteemed equall to chastitye, because many men will not forbearre theire neighbours wyfe. But, sir, both you and wee all ought to consider, not what is donne, but what of ryghte oughte to bee donne, and so farre to deale as wee maye and are allowed to doe by god and good lawes. And I saye further, yf usury were felonye, and the prince entituled to the offenders goodes, and no favour shewed, there woulde bee store of money, the rather through the great occupiying that men woulde use, havinge goddes blessing and ynough, when all unlawfull tradinge were utterly forbidden upon suche paynes. Neyther oughte men to make the most of theire owne that they can, as you saye, otherwise then by lawe they maye: for soe, the evill woman maye saye, that because her bodye is her own, shee maye doe with it what shee list, and company with whome she pleaseth for her best profit and avayle; whereas god hath commaunded that every body should keepe hys owne vessel pure unto holyness, because we are all the images of god, created to hys likenes. And thus beinge forbidden to deale unlawfullye, yt doth not followe that buiynge and sellinge are by thys meanes taken from you, nor yet exchaunging one thing for another barred any thinge at all. But to lend contrary to the nature of lending, whiche shoulde bee free, and to make an other contracte than ever god or nature devised, to advaunce youre gayne thereby moste ungodlie—surely suche kynde of dealing, I must needes saye, is utterlie and cheefely forbydden upon payne of dampnacion.

But to have youre unlawfull doynge borne with all, you allege that you doe lend to the prince in tyme of neede, and that the nobility and gentlemen are much ayded by your lendinge, and that neede wilbee alwayes, and men shall ever have neede. I will aunswere you: cursed bee that lending that maketh the borrower goe a begging, that undoeth the state, that destroyethe nobilitie and gentlemen, that dryvethe the prince to seeke ayde of her subjectes by parliament to pay her debtes. For it is you usurers, and none other, that

bringe the prince behynd hand, with takinge twelve and fowrteene in the hundred. A straunge people, that take usury of their prynce, beyng their assured defense, their lovinge nurse, and their chiefe safegarde. But you will saye, your merchandize and your occupiynge shall decay, if youre money be oute of your handes ; and therefore you must for very necessity make mony of your mony, or els have it in your own use, other wyse you cannot live. Then I see well, you wil not lose for the prince to gayne, whatsoever charges her maiestie susteyneth, of late as her maiestie did in suppressing those godlesse traitors and Romaniste rebels of the North, to her immortal fame. You still wilbee gainers upon the queenes coste and expences. Unnaturall subiectes I must call you, and unmercifull citizens, that wil have such certayn gayne, upon mony so well bestowed, for the welfare and safety, not onely of all youre goodes, but of all youre lyves. And here you make a great matter of youre lending. Others have lent, sir, aswell as you, and more than you to, and yet were they lewde men notwithstanding, and banished the Realme for their usury. The Jewes, I meane, in king Edward the first dayes, dwelling in the olde Jurie, did lend in a greater quantity, and better cheape to the kinge, than the Englishemen did. But what thanke is that to them, or to you either, that lend ungodly for gaine and profit onely ?

And where you talke of nede and want, that want must be, and men shall alwaies have neede, I doe assure you, in myne opinion, thys your unmercifull usury is the cheefest cause of all want and nede. And shal I saye as I thinke ? It was one of the greatest causes of the last rebellion, next after their horrible lothinge of holesome religion : for had not men payd unmercifully for that which they borrowed, and growne therby so depe in debt through usury that they were not hable to paye their creditours, they would never so desperately, as I think, have withdrawn themselves, some of them I meane, from the obedience of their soverayne ladye and prynce. And therefore, I say, their neede, which did growe through usury, was after a sorte the cause of their naughty doyngs. And of thys they may thanke some of you gredy merchants and others, whom no reasonable gayne

otherwise can suffice, but still are heaping gayne upon gayne, thys waye and that waye devowringe noble men and gentlemen even to the very hard bones, till their goodes and landes be quyte and cleane made awaye, and they as voyd of welfare as you are of honesty. You cal this City the quenes chamber. Yf you continue still as you doe, you will perhaps turne it to a chamber in deede, yea a chamber onely, and no Citie, and a very smal rowme for Englands welfare. God bee mercifull unto us and graunte charitie and love amongst us, that wee may saye, as saint Ambrose sayeth of Theodosius the emperour in a funeral sermon, who feinyng the sayde emperour to bee asked of the Aungels in heaven what hee dyd upon earthe, made them aunswere no more but thys, *Dilexi*, I loved, which love in deede is the fulfilling of the Lawe. And so, I pray god, wee all may make that reckennyng, when we shall come to that generall audite in the latter daye, that every one maye saye truly and unfaynedly *Dilexi*, I have loved.

But, you saye, theexchange is lawfull, and that trade you do use moste commonly, in lending and putting out youre money, as it goeth usually in the streete; and thys, you saye, no man can mislike. I do answere: would God you used theexchange as yt should be used in deede, and made it not a cloake for usurie, geving a good name to a naughty dede. For, as you doe use it now, it is none other then flatt usurie, colourably cloked under the name of exchange. I cannot deny but theexchange is good, when every man helpeth hys eaven christian to have the same value in an other place disbursed to hym here at home, and dealeth so truly with his neighbour as he wold that hys neyghbour should deale wyth hym selfe in the like case. But theexchange is now used onely for gaine to themselves and not for good to others, to benefite themselves chiefe, and not to helpe their neighbours neede. Yf merchants weare as they should bee, that is to saye freshe occupiers and adventurouse dealers in other countryes, like merchauntes, they myght eserve princes necessities, and furnishe their Ambassadors with value for value at an equall rate, wythout making merchandizes of money, the most divelish devise that ever was invented by

man to undoe all states and countries. The exchange is then offensive, when more is received in respecte of tyme than was delivered, and therefore to speake how the exchange ryseth or fauleth is nothing els to saye but that good men must bee forced to paye according to the covetous mans desyre, that regrateth all golde and sylver into hys hands to make a scarsetie, and holding the masse in his power will not let go any parte of yt wythout excessive retorne, and so cause men to pay in respect of the moneth more than they should doe to receyve upon the sight within three or fowr daies after the exchange is made. And, I pray you, how is measure, weight and nomber kept in thys kynde of dealinge? excepte you will saye, the tyme must be rekened as a parte of youre gayne, whiche dealinge is unlawfull and forbidden by god. Therefore lett every man geve value for value, pound for pound, ounce for ounce, as thynges are worth, and then iust proporcion is kepte, as it shoulde bee, and everye mans necessitie served a ryghte without unlawfull gayning, in respecte of tyme. As, for example, if fowere ounces of English moneye, whiche is one pound weight, or twenty shillings tale, bee worth 23s. 4d. flemysh in pounde weight, or pound tale, then let theexchange have so muche and no lesse in Flaunders, and let hym not paye any thyng over and above, for any respecte, either of tyme, charges, or for anye other consideracion whatsoever.

But you saye that, yf trading for money upon money bee a hurtefull thing, and an offence to god, then is buiying and selling also unlawfull. God forbidde. And thys is my reason. In buiying and selling, your gayne is not alwayes certayne, as it is in usurie: for he that buieth lande thys day for five hundreth poundes, shall not alwaies be sure to gaine a hundreth pounds by the bargayne, but sometye hee loseth, and cannot have hys own againe; wheras the usurer is alwayes suer to gaine, whosoever loseth, having good and sufficient assurance alwayes for hys money. I grant that every man may make the best of that whiche hee hathe in hys owne possession, by lawefull trade and iust dealyng, as the lawes of god and manne have ordeyned: but alwayes I woulde wishe that charitie shoulde bee used ever in bargayns.

And in any wise I woulde have thys ungodlye and devilyshe devise to gette money with money to bee utterly banyshed, a thinge so monstros in nature, as if thorns should beare figges, or stones shoulde brynge foorth the livelye creatures. But what dothe not the unsaciabie greedynesse of man devyse and imagyne wyth hymself, to encrease wealth and to heape up ryches together? And especyally what do covetous merchants leave unsought or undone, to get goodes into their handes? A kynde of vermine so wedded to scrape uppe money, that many of them oftentimes falle oute with the dearest frendes they have, for the value of a peny. And rather then they will yeeld willinglye to anye losse, they will take such paynes, that all worldlye wealth is not so muche worth. I pray god that some of them do not prefer money before god and their own soule health.

I have read in an olde writer upon the law, that thinketh it a thing almost impossible for these worldlye merchants to be good Christians. Belike hee speketh it because merchants are commonly geven to usury, and sunken so deepe in covetousnes that theye are drowned in it. Which vice in dede is the roote of al evil, the greedy sercher of al hidden gain, the bottomles whirlpoole of al apparent spoile. The gainers themselves, never fortunate with the frute or benefit of the goods they possesse, but rather being most miserable and hungry, by a certain strange greedy desire to hepe them together, are swallowed up with the unsaciablenesse therof, and cast hedlong to hel pit, to live there with the devil and his angels. An other sayeth, that a merchant occupying usury is a person abhominable, and worthy to be lothed of all men, for his gaine (saieth he) is most filthy. I pray you, therefore, master Gromell, make this iolye lawyer an untrue sayer for your part, saving the worship of this company and with his leave, and amend you one, and be a merchant in deede, whiche is a worshipful calling; and do not so much harken to the devils sophistry, that you wil not allow the true and almighty logike and godly reasons of our heavenly father, least confusion be your end, both in this world and in the world to come. But master Doctor, it had ben my part to have given place unto you, whom we al desire to



here in both lawes aswel canon as civill, because you are a professor in them bothe. And to say the truthe, your calling and profession is to deale in these maters by order, and taking knowledge thereof to punish by censures of the Church; and your skil herein is better then ours, as master lawier hath said before me, and somewhat charged me with overmuch intermedling in the particular trial of this offence.

*Lawier :* It is trueth, sir, savinge my quarrell for your gret heat. And now I would gladly answere you in my heate for manye thynges that you have said, but perhaps I should offend, although to say trueth all that hathe beene saide hetherto shoulde bee under correctyon of master doctor, that hathe in these thynges most skyll, and can put forthe moe cases in one hower then wee are able to assoyle in a whole yere. Who, if he can by hys learninge, after your divine preachynge, brynge us to certaintie as to make master Gromell here to lend every one of us freelye 100li. before we departe, I woulde call hym another Chrysostome, that is hee that had a golden mouthe where wyth to speake and utter hys minde.

*Gromell gayner :* My purse is myne owne, and before I lende I wyll knowe howe to come by it agayne, and in my lendynge I hadde neede to take good heede what I did, least I be firste cryed out upon in the pulpit, next brought into thexchequer, and lastly to appeare in the Arches before my lorde of Caunterbury and hys officers. So that I and my boye here are bothe beset, god helpe us, and long it will be before we gaine to beare office in London, by such kynd of oration and preachynge; although I must needes say, you doe much astonne me, master Ockerfo, with your terrible threates and curses from god, whereby I am sometime at that poynt that almost I cannot telle well howe to turne me.

*Ockerfoe :* Assure your selfe, sir, the happiest usurie upon earthe, and the greatest gayne that maye bee, is to help the needye and poore. For hee that freelye lendeth that waye, doth lende to god for usurye, who will infinitely rewarde and sende him great gayne above all expectacion. And

therefore, master doctor, we all nowe desire you to saye your minde, whom we long al to here, that god may be prayсед, and we all edified according to your good learning and doctrine.

### THE CIVILIANS OR DOCTOURS ORACION

You looke for more at my hande, than I am able to perfourme. I woulde bee gladde to saye what I knowe, and rather utter my learninge plainlye, then seeke muche to confute any of your opinions expresslye, although I maye incidently and by the way touch something, perhaps, that hath been said. And yet thus much I saye unto you : you shall rather heare what I have read and gathered of others then knowe mine opinion directly, touching the very precisenes of al usury, so long as mine oration shal continue ; although I may seeme to shew some heat, as occasion shal serve, in destestation of wicked doings and excessive gaine. Afterwardes it may happen, upon farther speach and private conference emongst us, you shall knowe the verye bottome of my minde, and the reasons that moove me to affirme, as some of you have said. In the meane season, I praye you, have pacience, and doe not interrupt mee, till you be more wearye with hearing then I shall bee wyth speakinge. For, I tell you, wee professours of learninge doe love oftentimes to here our selves speke, beynge more tedyous then frutefull, better stuffed wyth speach then freighted wyth skylle, and more readye oftentimes fo talke muche about the matter, then able to saye muche to the matter. And yet, because a methode or order ys good, I wil divide my speache into five or sixe severall partes.

1. And first I wil shew what usurye is, and where, that wee may know certaynly whereof to speake, and laying our foundacyon sure maye the better proceede in the rest of our talke.

2. Agayne, I wyl shew that the same is evill, and by what lawes forbidden, and for what causes.

3. Thyrdelye, I wyll utter divers kyndes of contracts, and trades in bargayning commonlye used, and therewith shew what the exchange is.

4. Fowerthlye, I wyll shewe what ys not usurye, and what dyfference there ys betwyxte interest and usury.

5. Fyftlye, I wyll shewe the punyshmentes for usurye, and therewith allege suche examples of all ages as shal come to my remembraunce in the detestacyon of usurye and all usurers universally.

6. Lastlye, I doe mynde, uppon farther conference and private debating, to shewe myne opynion, what is expedient to bee donne at this time.

Usurie commethe of the latin worde *Usura*, and, according to the nature thereof, it is called so of the use that men have of thynges borowed. It is called in greeke a byrthe, because that moneye bringeth moneye. In the Hebrue tongue it is called a byting, because they that borowe and pay over and above the principall more than they borowed in the ende shal be bitten with suche want and penurye, that the byting of a serpent, or venomous beast, cannot bee more hurtfull to a mans bodye, then the borowing of moneye for gayne is hurtful to a mans welfare and possessions. For as poyson wastethe the bodye, so dothe usurie consume a mans goods. Thus muche for the propertie of the worde as in effecte hathe ben sayde before.

Nowe touchyng the definition of usurie according to the scholemen, it is said to bee a gaine that commethe throughe lending by covenaut, or by chiefe entent or purpose. As for example, I doe lende to receive more then I layde out, I doe covenaut to have more, and my chiefe purpose in laying out my moneye is by my principall to encrease my stock, and hoape by my lending to receive an over plus. For where these three thyngs concurre together, lending, gayne, and a pryncipall or chiefe purpose to encrease welfare, in suche dealings usury is alwaies moste certainly knowen. Others doe define usurie thus. Usurye is whatsoever is taken for lone above the principall. Usurie is a certayne gayne due, or exacted for lending, or by covenant agreed upon. S. Barnard saieth that usurie is a laweful thefte, or

a thefte in lawe; the Civil lawe it selfe, or rather the Emperour Iustinians statute, tellyng beforehand what is entended, that is to robbe by order and sufferance of lawe. Usurye is also saide to be the price of tyme, or of the delaying or forbearing of moneye. Melancthon dothe define usurye in thys sorte Usurye or fenorye is a gayne demaunded above the principal onely for the benefit or pleasure shewed in lendynge. Wherein mee thinketh Melancthon hath very well and playnely sayde what is usurye, so that, whosoever lendethe hys money or putteth out the same to have gayne onelye for the verye lone of the said money, is an usurer undoubtedly, and such a one as ought by good lawes to be punished. So that, by this definition, every receiving above the principal is no usury. As if I doe borowe 100li. of a merchant that tradeth and occupieth and the merchant doe freely lende mee the same money for a yeare, afterward yf the merchant do prove unto mee that the want of his saide 100li. was greatlye hurtefull unto him, I ought to make him a recompence. And such allowance of his losse or hinderaunce ought not to be counted unlawfull and usurye, when one dothe not bargaine to receyve more then he lent only for the lendynge, althoughe the borowe was not any time anye evident or effectual hinderer of his gain or welfare. But of this kinde of lendings and othe like, we will talke more hereafter in a more apte place. truste you knowe by these fewe woordes what usurie is.

It foloweth that I shew wherein usurye is occupied. And I say first, there cannot bee any usurye, where lending is not and lending consisteth upon three things, that is number weight and measure. As for example, money, leade, corne the first is numbred, the seconde is weyghed, the thirde is measured; and so likewise of all other thynges that are in such sorte uttered. Lendynge moreover is sayd to be when my goods are made thine, called in latin *Mutuum*, that is to say, mine, thine; and so thou arte lorde and owner, and hast the possession of them, that thou mayest dispose of them as shal like thee best, restoringe unto mee agayne, not the very selfe same thyng in hys owne propre nature, without alteration or change of the shape, forme or quality, (for so it weare no lending, but a letting to hier), but so muche in

value of the same kind: as if I shoulde lende my frende 100li. in moneye of divers coynes, hee may paye the value in money at the yeares ende, although not the verye selfe same and proper coyne. And so likewise I maye saye of corne, oyle, wyne, spyce, leade, tinne, brasse, or anye thinge els that is eyther measured, or weighed. And usury is not onely in moneye, but also in wares and merchandises, suche as maye be consumed or spent by usinge of them.

But some, to avoid usury, wil say then that they wil not lend, but let to hier, which I woulde they dyd in deede and not say it onely; for then the perill shoulde bee theirs that doe lette it to hyer, and not the hirers, or els it is nothyng to hier. For if I doe hyer a horse to iourney for a sevendnight, and the horse without any fault at all on my parte doe dye before I doe retourne, the losse shalbe his that did let the horse unto me for hyer, and not mine that did take the horse to hier, excepte an expresse covenauant bee made to the contrarye. Whereas in lendinge it is cleane contrarie. For I, being lorde of an other mans goods by the vertue of borrowing, must aunswere the general summe: which never dieth whatsoever become of mye perticuler receipt: no, not althoughe theeves robbed mee immediatlye, or that mye house weare burned, and so I utterlye undoone. And this muste I perfourme by order of all lawes, although no covenant bee made at all to save the creditoure harmelesse, for hee must have hys owne principall, without anie contradiction. And therefore, let the usurer saye what hee will, yf he doe put forth hys money to be sure of it agayne, he dothe not let it to hyer, nor yet useth anye other contract at all saving onely lendinge, let hym colour it by never so manye devises, as by bargaine and sale, and utteryng of wares, or anye other shift whatsoever. And because you shall fully and perfectlye perceive, what lendinge is, and what letting is, knowe you that when a delivery is made of goods lent (for withoute delivering there can be no lending), then he that hath thus borrowed the same is the proprietarie, the verie true owner and lorde of all, to dispose of them freelye as hee liste for his owne use and benefite, beyng bounde notwithstanding to restore at a tyme appoynted so muche and

no more in value as he hath receyved, so that these good seeme to bee lent for hys benefyte and profite that borrowe them, not for hys gaine or advauntage that did lend them. And hereby common societie is the rather maintayned betwixt man and man, mutuall frendship better encreased and christian charitie much exercysed, when the wealthy man hath thys care to helpe his needye and poore neighbour, and lendeth freely and chieflie for his profit and availe. Nowe letting to hyer is for gaine, and especiall profite, and th thinge put forth to hire ys styll his that did let it out, called in latine *Locatio*, so that if by summe greate myshap the same bee destroyed, loste, or consumed away through casualty either of fier or water, he that did let those goods or chatel out to hyer abideth all the peril, not he that tooke them to hyer.

There is also *Commodatum*, a lending without alteration of the propertie, the owner remayning still lord of that he did lend, and this lending is free without any gain at all. Thus you see, by my simple learning and understanding what lettyng is for hyer, what lending is for use, to have the verye selfe same againe, and what free lending is for charity to have the same kinde, and how every one of these should be used, and how a man may dyscerne lending for use from letting to hyer and lending to have the same kynde againe and what difference ther is betwixt *Mutuum*, *Locatio*, and *Commodatum*, and besides, what is the verye naturall and proper definition of usury, by me set forth before, according to the iudgment of lerned men in al ages.

But now that I have shewed unto you what usury is, and when, manifestly inough, as I trust, and with as great shortnes as I could, I will declare unto you the same is evil, ungodly and wicked, and so forbidden because it is evil, and not therefore evil because it is forbidden, and by what laws it is forbidden and for what causes. Where no charitye is, ther is no vertue. But in the usurers harte there is no charitie: therefore the usurer is voide of vertue. Yf the usurer had charytye, he woulde have compassion of his poore and needye neighbour and ayde his want to his power, as by gods law he is bound. But the remorse of conscience is not in him, but onely :

desire to enriche hymself, which is a wicked entent and meanyng, and directly against god. For god not only by his commaundements willeth one to help an other, and to relieve the poore, but also he sheweth his bountifulnes universally of His mere grace, sufferynge the sunne to shine over all, sending weather in due season, blessing the grounde with all kinde of frute and goodnes for mans behoofe, wherein is shewed an example for us to follow: that as god of his free mercye is good to all, beinge our creatour, so man shoulde be charitable one to an other in frank aydinge his fellowe creature. And as amongste all vertues there is none that goethe so nyghe to the goodnes of god as liberalitie: so no vice is so farre from god as is covetousnes, whereof springeth usurie and all other myschiefes upon earthe. And as these that cannot geeve with their ease, and yet doe lend freely, are good members of god, so they that wil neyther geeve nor lende freely are the verye members of the devill. Evill therefore is usurie when it hyndreth charitie, and hathe no sparke of goddes grace in yt, but onely a desire to undoe all, and to devise that the wealth of the woorlde myght bee in fewe mens handes. As what other do thys caterpillers and enemyes to all contries and kyngdomes but heape welth to themselves from others, without charitye or respect of man or god—yea, both againste man and god—in all that ever they may? And therefore, who can saye otherwyse, but that usurie is evill, when it bringeth all myschiefe with it? And therefore it hath ben forbidden in all ages, and almoste by all lawes universally.

First, the woord of god is directlye againste all usurie and usurers, and doth not onely forbidde the same synne, but threateneth deathe and dampnacion to them that use it, as master Ockerfoe hath very well declared in hys godlye oracion, and therefore I neede not to make dubble inculcation. The canon lawe doth straitely and playnely forbid usurie, not onely in the decrees, but also in the decretales in Sexto, and in the Clementynes, and dothe appointe very great punishments and dyvers for them that are notorious usurers, as you shall heare more at large hereafter, when I come to my laste division. And touching the prohibition by the

canon lawe, you shall here what the woordes are: no man shal enter into holy orders, or bee of the ministerye, that by lawe is convicted and found to have put his money to usury. And in an other place: wee do ordeyne, that no usurer shalbee made of the cleargie. And the reason is in the glose, that such men, because they are covetous persons, will go to lawe, and sue anye bodye for everye trifle, and mynde nothyng more than greedye gettyng, without all mercy, a synne agaynste god and nature. And in the next distinction throughout the forbidding is playne, with this reason alleged, that no covetous man, or suche as followeth hys owne greedy desire for worldlie goodes, should bee of the clergie, because they do easely swarve from Iustice and from all ryghte and well doying. And therefore there is broughte in a decree of the Nicene councell, which ordeyneth that suche of the Cleargie as put out their money for usurie, takyng twelve in the hundred or lesse, shalbee degraded from all their degrees of ecclesiasticall office, and made irregular, because they have sought to lyve by fylthye gayne, contrarie to the expresse word of god. And immediatly after it is sayde, that suche as followe greedilye worldly gayne cannot serve god faithfully. And so throughout there are divers distinctions, directly against usury and avarice.

It followeth in the decrees, by the aucthority of Saint Augustyne, saint Hierome, and saint Ambrose, that any overtakyng more then hath ben lent is utterly forbidden as playne usurie. But because you, master preacher, have alleged those doctours and other holye fathers of the church, I will not make any newe rehearsall. In the latter end of the same decree is brought in the sentence of a generall counsell, which sayeth that usury is committed when in anything is demaunded more then was lent. As for example, yf I lende one tenne shillings, and take any thinge for it, or yf I lende a bushell of wheate to have a pecke, or anye other measure, bee it never so little over and above my principale. In an other counsell, it ys sayde: Minysters that do commit usurye, shall not receyve the communion. Also hee that buiyeth thinges of one sorte verie cheape, to selle the same goodes in the same kynde dearer, cannot be of



the clergy. Pope Martyn, in the councell that hee called, sayeth: Yf anye man, forgettynge the feare of god, and the holy scriptures which doe saye he that hath not geeven hys money to usury shall enter into the tabernacle of god, doe, after knowledge had of thys generall councell, commyt usurie, or take *Centesimam usuram*, which is twelve in the hundred, or by any filthy trade doth make hys gayne, taking for dyvers sortes of thinges, for eyther wyne or corne, or anye other thinge, els by buiying or sellinge, more then hee hath layde out, shalbee put oute of the clergie for ever.

Pope Leo dothe also forbid the same offense in the laytie, beinge verye sorye that any christian should bee an usurer, sayyng that the Clergy ought to bee the more sharply punished for such offense because all others shoulde bee the more afrayde to offend, when the clergy is not spared. Yea, the Decrees do further saye that no almes oughte to bee geeven of evill gotten goodes, which cannot bee worse gotten than by usury. But because you, master preacher have sayd your minde herein somewhat largely, I will not saye anye more.

And now that I have shortly uttered what is sayd in the decrees of the canon lawe, you shall see that the decretales likewyse and Clementynes are directly againste usurie. And therefore I would not have men altogether to be enemies to the canon lawe, and to condempne every thinge there written, because the popes were aucthours of them, as though no good lawe coulde bee made by them, which god forbid should eyther bee spoken or thought. Nay, I will saye playnely, that there are some suche lawes made by the Popes as be righte godly, saye others what they list, whome fewe things can please, although they bee never so well setteled and devised, that are not invented and made first by themselves.

But lett them goe, and goe we to the matter. In the decretales, in the chapter of usury, thus it is written: *Alexander* the pope doth straitly forbid all usury, not onely unto the clergy, but also unto the laitye, and that none takyng pawne, whereof encrease or gayne maye ryse, shall turne the same profite to hymself, but retourne it in his principal when hee receiveth hys owne agayne. And so thereupon

sheweth the penaltie that they shal susteine, who are manifes usurers, as I will then declare at large, when I come to my last division. And in thys chapiter are divers contract and bargaynes uttered, whiche you shall heare anone in their proper place. In the booke called *Sextus Decretalium Gregori*, the tenth bishop of Rome of that name, begynnet thus: Wee, being desirous to stoppe the gulfe or whorle poole of usury committed, whiche doth devore soules and utterly wasteth wealth, doe commaund, upon the threatning of godds curse, that the constitution of the latter counsel sett fourth against usurers bee without any violacion at all fully and wholly observed. And thereupon a prohibition is made, that no corporacion, colledge, or university shal le any howse or dwelling place to any stranger usurer, being borne in another cuntrye, etc.; as you shall heare more thereof, in the proper place of my division.

And now last in the Clementine canon, whiche booke hat the name of pope Clemente the fyfth, by the advise and allowance of the Counsell at Vienna doth straightly forbie usury, and abrogateth all lawes made for the maintenaunce of usurie, cursing them that hereafter will sett forthe, or be aydors, abbettours, or counsellours, for the makinge and allowing of suche ungodly and wicked lawes, as you shal heare more at large, when I come to speake of punishmen appoynted against usurers. Neither shoulde wee so much hearken what worldlie princes or magistrates have donne for worldly pollicie as to looke what god and Christe, the hyghe magistrate of all, hath done and forbidden, and folowe that, as which wee are bounde to followe, uppon payne of dampnation. And, according unto that, I doe reade of a Christian Emperour, called Leo, who made a statute (as Hermenopolus declareth) against usury, which, for the woorthynes and godlynes therein, I thought good to Englishe worde for worde as followeth:—Although many of our auncestors have thought that lending for usury mighte be admitted, and onely for that the creditours were so harde, and as men loth els to lend, yet we have thought it most unworthy amongst christians, and to bee utterly abhorred and eschewed, as a thyng forbidden by the lawe of god.

Therefore our maiesty doth commaunde, that it be not lawfull for anye man to take usury for anye cause, leaste, whyles wee goe about to keepe the lawes and statutes of men, wee doo transgresse thereby the lawe of god, but whatsoever anye man doth take, the same shalbe reconed into the principall.

Thus you see thys christian emperour, after Iustinian and others, having more respect to god than to anye polycie of man, both expressly forbidd usury, and fearing to blanch the wrytynge of god, and for polycie to deprave a veritye, folowethe the playne woordes of god, neither adding therto, nor diminyshing anye iot thereof, as by the lawes hee was commaunded. Besides thys, the generall counsellers are directly against usurers.

The causes that have moved wyse and godly men to deteste usury, besides the plaine prohibition, are divers and substantial, and therefore woorthy to bee considered most diligently. The Iewe, that hath used thys horrible sinne most above all others, and might lawfullye use the same, before Christs comming, upon anye straunger, as appereth plaine in Exodus, hath so robbed the christians wheresoever hee came, that his evill lyvinge seene, hee is banished out of the most places in christendome, and woorthely; for surely that common weale and country cannot long stande in prosperous estate and welfare, wher merchants and all others become usurers. And no better do I call them then Iewes, yea, worse than anye infidel, that wittingly lyve by the onely gayne of their money.

The causes that move me, are these. Firste, the usurer ys an idle man. Hee doth not travayle, nor labour by sweate of hys browes to advaunce hymselfe and hys countrey, but useth the paynes and troubles of others to hys greate gayne, without anye paynes takyng of hys parte at all. And therefore, yf all shoulde doe as the usurer doth, the ground shoulde lye untilled, no trade of merchandise shoulde bee used, nor yet occupiying maynteyned for the use of mankynde. For what follye weare it for a man eyther to delve or digge, to passe the seas with perill, to woorke in anye mysterye or handie crafte, when hee maye with ease, liyng on the one

syde, without labour, toyle or daunger, gete more unto hym with ease and certaintie than the best labouring man with all his travayle, or the greatest merchant livyng with all his paynes, through uncertainty, having lyke wealth to begynne as they have, were ever hable to geate! For what is he livyng that in any trade or traffique can assure himselfe yerelye of every hundreth poundes to gayne by his occupiynge twelve poundes, without anye perill or daunger? Wherea the usurer will be assured of so much and more a great deal every yere, let the world goe which way it wil, to the grea hurte and undoyng, not onely of those with whome he dealeth, but also to the destruction of the whole countrey where hee dwelleth. For besides that hee heapeth much wealthe to hymselfe by such unlawful meanes, he bringeth dearthe also of all thynges through hys excessive dealing. For when hee taketh so deare for hys moneye, yt must needs folowe that, as others do buy, so they muste sell. And therefore, when one taketh a hundreth poundes, to pay twentye poundes over or more than hee borowed, that sam man in uttering of hys wares must so selle, that hee mus paye hys creditours, and lyve also; whiche hee cannot doe except hee selle hys wares very deare, that hee maye pay all that hee oweth and gette some what over, to maintein him selfe and hys familie. For yf hee doe not make of hys wares the sum of sixe score and tenne pounds at the yere end, which notwithstanding are no more woorth betwix man and man than one hundred poundes at the first buiynge hee is like to leave hys occupiynge shortly, and to shut upp his doores for ever.

Therefore you see that the usurer is the occasion of a dearthe and want that happeneth to a common weale. An thys is one of the cheefest occasions of all your bankrupte nowe a dayes and decayed gentlemen, that have borrowe money and taken wares so derely, that the very usury in tym hath wholie eaten them upp and undonne them for ever. But woe worthe that man, that hath so oppressed hys brother God is not mocked, and his woord shalbee founde true, t theire dampnation forever, except they doe amende in tym and call to god for grace. God ordeyned lending for main

tenaunce of amitye and declaration of love betwixt man and man, whereas now lending is used for pryvate benefit and oppression, and so no charitie is used at all, as though there were no god to iudge nor lyfe to come. I doe mervayle to see so manye theves hanged and so many usurers live. For, before God, the greatest theefe and ravener that can bee in a common weale ys the usurer, and the woorste man that liveth. And I am of master Ockerfoes opinion, and thinke it were better that all Englande had one thousande known theves, than one hundred knowen usurers. For the theef may by diligence be eschued, and lightly he harmeth but one man at once, but the usurer cannot bee avoyded, for the usurer beareth the contenaunce of an honest man, and is commonly taken to bee the best man in his paryshe. Yea, hee is often in auctoritye, and dealeth as though it were by lawe, being none other than a lawful theefe, creeping into credite wher gayne is to bee made, and use the helpe of brokers to serve hys purpose. And thys ys very true, hee undoeth as many as hee dealeth with all, under the coloure of amitie and lawe.

And surely, yf a man bee once in the usurers net, it is a great grace of god if hee doe ever escape hys handes without undoing. Therefore, unhappy are they that fall into the usurers snares, or have to do with them; for as the caterpillar consumeth the frute of the tree, so doth the usurer destroye the substance and credit of man. And the worst of all is this, that a man is undon before he knoweth he is evel dealt with all, beyng persuaded that all is to hys benefite, till he be not woorth the ground hee treadeth upon. And therefore, the dealing of an usurer is compared to the byting of the serpent called *Aspis*. For as saint Chrysostome sayeth, upon the fyfty of Saint Matthew, where mention is made of borrowing, (as you master Ockerfoe have partlye touched), the money of the usurer is like the bityng of the *Aspis*, for hee that is stroken by that serpent feeleth thereof a certein pleasaunt ytche whereby hee falleth a sleepe, and so through the pleasauntnes of his sleepe he dieth in pleasure, for then the poyson goeth by a lyttle and a little through all the partes of the body. So after a man hath taken mony

upon usury, and lyveth pleasauntly therwith for a tyme, at length the usury perceth so throughout all hys goodes moveable and unmovable, yea al his lands and livings are not hable to paye his debts. As I have knowen som, and partlye you, master Ockerfoe, spake of the like, that hathe borrowed uppon 100li. lande never improved onely 300li. in money, payng deepe usurie, be you assured, and at length payde so longe (and yet in no longe tyme neither) that hys whole debte, through usury, came to above 2000 markes : and so he lost (to saye in effect) a hundred pound land, for 300li. in mony. A pityful case, and woorthy to bee punished with horrible deathe.

Hereof commeth decay of good houses and wracking of the people, throughe this devouring caterpillar, which being not many, in respecte of all others, doe gather the goodes of infinyte persones into their owne handes. And so the commonweale is weakened, and whole townes destroyed, through the covetous usurer. For when they have gotten whole manours and townes into their handes, they are sorye that anye shoulde dwell there but them selves. And so they ridde a waye in time the poore tenauntes and suffer them to begge, and to dye for hunger ; and for tillage use sheepgates wher no men are mainteyned, nor house holden, but all overthrowne, and in steede of houses, desert places to bee seene, and wilde solytarines for beastes to raunge in and to feede upon, cattaile and shepe occupyinge the places of manye a good honest meaninge man. So that by these twoe idle occupacions, great usurye and manye flockes of sheepe and herdes of beastes, this noble Countrey is made in a maner a forest, and brought to greate ruyn and decay, through dyspeoplyng of men, overthrowing of townes, and oppressing of the poore with intollerable usury. And, I pray you, what is more against nature, then that money should beget or bring forth money, which was ordained to be a pledge or right betwixt man and man, in contracts and bargayning, as a iuste measure and proporcion in bargayning, and not to increase it selfe, as a woman dothe, that bringethe foorth a childe, cleane contrarye to the firste institution of money ? And therefore Aristotle saeth that such money

as bringeth forthe money through usurie is an ugly beast, that bringeth forthe monsters from time to time, suche as are not in nature. Likewyse Suydas upon Aristophanes *In Nubibus* sayeth that such money which bringeth forth money is a swelling monster, waxing everye moneth bigger one then an other, and so horrible swelleth from time to time as no man by wordes is able to utter, contrary to nature, order, and al good reason.

And what equaltye is in bargaynyng, I praye you, when the one partie is famished, and the other is hoggesty fed? Iustice is none other thinge then a certeine evenhode or equalitie, and therefore they that do not in their dealings use an equal property, do not use Iustice. Now in usurye, you may well saye, there is noe evenhode at all, for the lender receiveth more then he lent. As after he hath lent, he receiveth his principall againe, which is the equalitie in law, then he taketh an overplus for nothing, that is to say gayne above hys pryncipall, yea, and excessyve also, whiche is a great disproportion and plaine inequalitye; for why shoulde anye man gayne, for the onely lending? He hath hys owne agayne, without any losse or hinderaunce at all. And what will hee have more? His owne he hath with thankes, and more then his owne he should not aske. If hee receive not as good money as he lent, and of the same value, he may wel complaine; but when he hathe his owne againe, wythoute losse, and with thankes too, what can he have more? In lending he looseth the property and use for the time, and is noe lorde of hys owne for the season, and will hee have, when hee hathe departed with his owne for tyme, for nothyng somethinge? for a shadowe a perfite bodye? for moone shyne in the water a mans whole treasure? I speake of those nowe that for lendyng of money onelye (all other respectes and considerations set asyde) wyll have moneye for their money, yea, and a great deale for a litle respiting of time, in forbearing their moneye—a wicked kinde of men, and the unprofitablest wretches that live. Doe not these worldlinges see that god of hys goodnes hathe freely geven this world for man to use and occupye, onelye to acknowledge their creatour, and to love their brethren?

Doth not the sunne shyne upon us freelye? The ayre is open to us all, and wee breathe, thorough goddes great mercy: the tyme endureth for our benefite. And wil these idle men sell the sunne, the ayre, and the tyme for their proper gayne? Howe can hee bee of god that so dothe? God geeveth, and the usurer withholdeth; god openeth his hands, and the usurer is strait handed; god is free, and the usurer is harde. God lendeth the life and living for love, the usurer gaineth al that he maye for lone, yea hee taketh mens hartes (as I might saye) out of their bodies. So that I maye well avowe, that lyght and darkenes, whyte and blacke, trueth and falshood, heaven and hell, are not so contrarye and so distant, as god and the usurer.

Yea, so farre of is it that anye man shall take gayne for money, as it is forbidden to do anye good work for usurie, as that a stock of money should run for the helping of yong occupiers, to marry poore maydens, to relieve the poore and afflicted in everye towne and parishe that be not able to helpe them selves, or to redeeme captives from the Infidels. Al these good deedes, I say, are forbidden to bee done by the waye of usurie. And therefore, whereas there are in Italy *Montes pietatis*, that is to say mountes or bankes of charitye, places where great summes of moneye are by legacies geven for reliefe of the poore, to borowe upon gages, and to paye onely after three or fower in the hundred at the most, to mayntayne the officers, and to beare the charges of such an erected mount for ever, the lawe doth plainlye condempne all suche doynge to bee usurye. And therefore much more should usurye be abhored that is excessyve, and lent onely for greedye lucre and private gayne. Then if we love to live together in a common societie, as brethren ought one with another, and wyll that covetousnes, the roote of all evil, as you have well said, master Ockerfoe, bee banished out of England, let us agree that noe usurer maye cary estimacion (as by law and right they ought not to have anye), but be with hart abhorred, and by order punished as he ought to be, and to pray that god maye inspyre the magystrates hartes to provide good and wholesome remedye against suche wicked and ungodly doinges. Thus muche touching the second



parte of my division, in al which talke I have folowed the course of my profession, and used such speache as the authors and writers thereof have geven occasion of such like matter.

3. In the thirde part I will open divers contractes and bargaynes that are used to avoide usurye. I have neede of money, and deale wyth a broaker : hee aunswereth me, that hee cannot help me with moneye, but yf I list to have wares, I shall speede. Well, my necessitie is great ; he bryngeth mee blotting paper, pakthreede, fustians, chaplets, haukesbels, and hoodes, or I wote not what ; I desyre hym to make sale for mine advantage, askyng what he thinketh willbe my losse ; he aunswereth, not paste twelve pounce in the hundred. When I come to receive, I do finde that I lose more then twentye in the hundred (yea, woulde god that none had loste more). I beinge greeved with my losse, doe charge the broaker, and saye, that I wil not receive the money wyth suche losse ; the merchaunt aunswereth, that he wyl not take his wares againe, and having my bille, careth not what become of me that have borowed. This is called a double stoccado, that is to saye the stycking blowe or the double stabbe. For, at the firste, the poore gentleman is borne in hande there is no money to be had, but is promised wares, to avoyde, or rather to mocke, the daunger of the statute (but god is not mocked). And so, wyth thys cruell blowe of wares, hee is made beleewe that they will falle out not above twelve pound, or 20 marks at the most. But when hee commethe to receive the nete money, the merchant and broker beinge agreed together, he is stabbed at the very hart, paying somtimes twenty pound, nay shal I say thirty pound, I would it had been noe more with some, a wicked and a most horrible cruel dealinge, and once in for a hundred pound, he can never come out cleare againe, til havyng mortgaged his landes (whiche is the next parte to be played and practised), hee bee forced in the ende to sell the same oute right. And so, betwene the merchaunt and the broaker, the poore gentleman is caught in the Cony clapper, to live with the losse of thirty pound in the hundred at the least.

And yet, if there were plaine dealyng in the matter, it were the more savourye ; but the merchaunt is agreed with

the broaker to buy his own wares agayne, and to pay 70li. for that which the gentleman must paye him a hundred pounds for at the yeres ende. Is not this usury? Is it not usurye, thynke you, in the devils name? Now surely unhappye is hee that dealeth with such diuelish merchaunts or others whatsoever, for of all cutthrotes in the world these are the absolute horrible and most detestable monsters that live. And god kepe all playne and true dealing men from the dangers of all suche false and craftie hypocriticall harlottes and greedye cormorantes in a common weale! And yet, these fellows that thus doe, carrie the countenance as though they were as honest men as the honestist, and are not ashamed to looke an honest man in the face, neyther yet to take office upon them, because theye florish with the goods of thys worlde, and are wealthye. Whereas, if theye had their due merite, they should bee exalted for their worthines to hang on the gallowes, rather then to bee thought meete of estimacion, or to beare office, as some of them doe, in anye good governed common weal.

Thus Master Merchant, when he hathe robbed the poore gentleman, and furnisht him in this maner to get a litle apparel upon his back, girdeth hym with this frompe in the taile. Lo, sayethe hee, yonder goeth a very strong stowt gentleman, for he carieth upon his backe a faire manour, land and all, and maye therefore well be stander bearer to any prince christian or heathen. Alack! what handling is this? Is here mercye, charitie or love? Is this merchantly dealing? Would these merchaunts bee so used, as they use others? Doe they as they would be done unto? These be marmaides, not merchants, singing sweetely to confusion, merchants, I saye, that make armony for the devill, no better nor more to bee esteemed then ribaldes and common bawdes, that put forthe yong gyrles to sale and make merchaundises of them to wyinne treasure to there purses, as *Archidiaconus* saieth.

An other hath a patente of fortye pounce by the yeare, and commeth in time of hys great neede to borowe a hundred pounce for the yere, making a bargaine and sale wyth thys condicion: if he doe not repaye the same 100li. within the

yere, that then the said patente shalbe forfeited for ever, and if the patentee doe dye within the yere, then the merchant to have his owne moneye agayne, and so muche of the patent as was in time runne out, and very strong bondes and suerties offered therefore. The merchaunt, seeing the necessitye of the poore gentleman, will not deale excepte he may have the whole yeres profit of the patente assured unto him, whether the patentee die or live, and farther covenanteth that the patentee shal not within the yere offer to paye the princypall to save anye parte of the annuitie for that yere, and to have it five yeres together for none payment of the princypall; and so hee is content, otherwise hee will not deale. The poore compelled gentleman beeing dryven to thys necessitie, either for the better advauncing him self to serve his prince and countrey, aswel abroad as at home, and called perhaps thereunto, or otherwise for his necessary affairs at home, to save himself from present misery, yeldeth wholly to thys cruel contract and unmerciful bargayne. And so, having done in deede his service abroad for benefite of the realm, and welfare of the merchants chiefly, returneth after the yere paste about one moneth or somewhat more, at what time offeringe to paye the princypall, and so to be ridde of thys bytyng usurie, had muche a doe to have that moneth forgiven unto hym, notwithstanding his absence oute of the land in the necessarie affaires of the merchants them selves, as wel for the safety of their lives and liberties as for their proper goods and merchandises. A man woulde have thought that forty pounce gayne had been sufficient for one yere and a moneth, for the lone of a hundred pound. These dealings I do assure you are not to be liked, tending to the utter discreditinge of merchants wholye. For, besides that they are bytyng, they are uncharitable, unmercifull and altogether wicked, stretching to the utter destruction not onely of whole families but also of good common weales.

I come to another man and borrowe forty pound of him for three monethes, and do promise to geve his wife a gown of satine or an amblyng gelding for his or her ridinge without any expresse covenant in writing. This is playne usury, although for his lending hee dothe not receive anye thinge

that is paid by number, weight or measure. Yet forasmuche as he receiveth a value above the principall, he is an usurer.

I bynde my land woorth twenty pound by yere to a man for a hundred pounce in money for a yeare, and doe not passe it by bargayne and sale. If the creditour doe take the revenues of the land at the yeares ende and his pryncipal, he is an usurer.

Bee it that a man lendeth an hundred pound freely, and hopeth assuredlye to have some thankfull recompence at the yeres ende, because he is a man able to doe him good dyvers wayes, wythoute which hope he would not have lent his money, undoubtedlye the same man is an usurer before god, and thys is called *Mentalis usura*, an usurie of the mynde, when one hopeth for gayne although no contracte be made.

What if one lend money in hope to get an office? Assuredlye the same man is an usurer.

What if one lende a man moneye for a certeine time, because the same manne should speke a good word for him, or do hym a certayne pleasure? It is a ruled case that, for asmuche as a covenaut is past, it is usurie.

I do lend you 100li. that you shal doe as much for me, when I shal demaund it of you. This is usurye, because a contract is simply made without anye addicion of time appoynted, whereas if I had asked so much at the yeres end, then it had ben no usurye, but permutacion, when one good turne of lyke value is done for another, and the time knowen certainly.

A lorde dothe lende hys tenaunts money wyth thys condition, that they shal ploughe hys lande, whether dothe hee commyt usurye or noe? I doe aunswer, that yf hee doe not paye them for their labour, but wil take the benefit of their labour for the use of his money, hee is an usurer.

I woulde borowe, and one selleth unto me wares for more then they be worth (by the halfe), hee is an usurer that so selleth.

I doe bargayne with a man for sixe monethes, and deale as straitlye with hym as I can for hys wares. When the bargayne is done, I doe offer hym his money presently, so that he will deducte after ten pound in the hundred pound for sixe monethes. I am an usurer in so doynge.

I doe buy tymber, bricke or stone of a man to delyver the same at suche a time and place, and to pay hym for the same I doe borrowe so muche uppon usury. Whether shal the saide man not deliverynge my stuffe at my tyme and place appoynted, paye mee the saide usurie or noe? I doe aunswer, that he is bound to pay it in good right.

The father in lawe doth lend his sonne in law a sume of money, and taketh in pawn the possessions of the dower, and converteth the frutes thereof to hym self, for the lone of money: the father in law is an usurer. And yet, yf the sonne do passe with him by bargayne and sale, he may lawfullye tourne the frute to hys profyte, yf there bee noe colourable dealyng in thys behalfe *in fraudem usurarum*.

He that buieth before hand corne, wine or oyle so good cheape as hee is sure not to bee a loser, but a great gayner, at the tyme of the harvest or vintage, the same man is an usurer.

I doe lende a hundred pounds to my friend for ten yeares freely, not to pay any peny gayne all that tyme, yf eyther of us do dye, but if we both live together tyl that tyme, then hee to paye me after 12li. in the hundred for these ten yeres paste, whether am I an usurer or no? The law sayeth I am an usurer, and the reason is that the perill whiche may happen doth not excuse me from sinne, when I take more than I ought to doe, for cause of time not proper.

A merchant lendeth to a corporation or company a hundred pound, whiche corporation hath by statute a graunt that whosoever lendeth such a summe of money, and hath a childe of one yere, shall have for his childe, if the same childe do live till hee be full fiteene yeres of age, 500li. in moneye, but if the childe dye before that tyme, the father to lose hys principall for ever, whether is thys merchant an usurer or no? The lawe saieth, if I lende purposelie for gaine notwithstandinge the perill or hazard, I am an usurer.

I knowe an honest artificer oweth to a draper forty poundes, to be payd after sixe moneths. I come to the draper, and shewe hym, yf hee will take thirty poundes in hand, I will paye so muche for the artificer, yf hee will turne the debte to mee. Herein I am an usurer, because I doe buye tyme, in

seeking to anticipate the payment of an other mans good debte for myne own pryvate gayne.

One buyeth a paye of three or fowre hundreth poundes, delivering fiteene shillings for every twenty shillings, whereas the paye is like to bee certayne at the daye, as aboute three monethes hence. Some thinke because a bargayne and sale ys past, there cannot bee anye usury, for where no lending is, there is no usury. But here is a lending, in dede, cloked under the colour of buiyng, and so hee is an usurer, because hee onely lent the souldiours their mony for hope of gayne.

I doe buy a mans bille of 100 poundes, due three monethes hence, and geve unto hym in present money 95li. Here, although a bargayne and sale seeme in shewe, yet it is a lending, and so the partie an usurer that payeth the mony.

I do make a bargayne, to have of certayn poore men, or riche men, after iiii monethes so many kyne and oxen, for so muche mony payd to them in hande, whereas I doe knowe that at my bargayne makyng they have neither cowe nor oxe. Herein I am an usurer, yf I demaunded oxen or kyne above the ordinarie price that they are wonte to be bought and solde for.

I do buy certayne geldynges, to have them delivered at a certayne fayre for lesse then they were worth at the bargayne makyng. I am therein an usurer, yf I were sure those geldings would be more woorth at the tyme of theyr delivering.

I do deliver olde wheate, to receyve newe: yf I do deliver the same for gayne and assuring my selfe of benefite, I am an usurer:

I doe feare the fall of mony, and therefore, doe deliver my mony to another man, to have asmuche at 6 monthes after according as the mony was then currant when I payd it. It is usury, for that there is more to be payd then was received.

A corporacion taketh 100li. of a man, to geve him eight in the 100li. during hys lyfe, without restitution of the principall. It is no usury, for that here is no lending, but a sale for ever of so muche rente for so much mony. Likewise it is if a private man have a thowsand poundes liyng by him,

and demaundeth for his life and hys wyfes lyfe a 100li. by the yere, and never to demaund the principall. It is a bargaine of sale, and no usury, for the principal is not to bee restored agayn at any tyme. And therefore no lending can be presupposed.

In Venyce, Florence and Genua divers heretofore have had pensions, some for ever, some for lyves, for somes of mony disbursed to the benefite of theire Citie. In all whiche cases there is no usurye, and yf any one buy their rightes or titles hee is no usurer neyther.

I seeke an office, whiche I cannot have excepte I doe paye a certeyne some of money. To avoyde thys paymente, I doe lende for two, three or fower yeres a grosse some, because I will not paye the sayde moneye. In thys doynge is usury.

I do pawne an howse with an orchard for certayne mony; the creditour hath the benefyte of my ground and house. He ys an usurer, except hee wil restore the profites upon repaymente of the principall.

A gentleman or lorde hath a manor stocked with thyrty myliche kyne and 700 sheepe, valued at 300 markes or there about, as they are then to be bought and solde. Thys manour hee would let out, with the stocke, for ten yeaes, to receyve the olde rente of hys manour and 30 poundes yerely beside for his stocke, and at the tenne yeres ende eyther to have at hys owne choyce hys cattelle, of like goodnes and value as hee did lett them out, or els 200 pounds in money for the cattelle: the question is, whether there is any usury, in this kynde of dealynge or no? First ther is a lending, because the farmour hath propertie in the cattell and maye alter them, as hee list, for his best avayle, payyng hys yearely rente for them, and restoring so good cattell at the tenne yeres ende as hee before receyved. Agayne hee must aunswere the cattelle at the tenne yeaes ende and paye rente yearelye for tenne yeaes, although the cattell dye all the very firste yeare: so that I thinke, thys lorde or gentleman, that thus seketh hys certayne gayne and principall to bee safelye retourned unto hym, is an usurer colorably, to the hurte and undoyng many tymes of poore farmours. Yet some saye that here is *locatio*, whiche ys a letting to hyre, and therefore

no usury, as yf a man should let out his howse for tenne yeres, to have hys howse agayne, or hys horse for a seven nyghte, to have hys sayde horse agayne, with profite. But I am not of that mynde. For when a thing is lett out, the tenaunt for the tyme cannot alter the property, and geve an other thing of like value, but he must returne the same agayne, in the same goodnes as hee did receive it, bee it eyther house, horse or any other thing else. And therefore I saye : thys is usurie, because the principal (the losse whereof was at the bourowers perill) muste alwayes bee restored wholly, with a certain overplus and gayne for the tyme that it is forborne. And then, if thys bee true, what saye these gyld halles, these colleges, these abbotes in tymes paste, and these bishoppes also, that have lett out Lordshippes with the stocke for a yerelye gayne, in suche sorte as I have before declared? God bee mercifull unto us! The devill teacheth the woorld many wayes for men to come the sooner to hym.

Another tricke I have to shewe, whyche is verye straunge, for by thys newe devised practise men will not for any thinge seme to be evill, and yet they wilbee evill in deede, and lyve as wickedlye as any other. And thus it is. A Northren gentleman of good welth cometh to London, with 1000li. in hys purse, and would fayne encrease hys money, but hee woulde not be knowne for any thing to be an usurer, because he is a gospeller in shewe and would not for hys good wil be taken otherwise, during thys good tyme. And what doth thys man? He commeth to a broker, and sayeth that one John Clarke hath ready mony in good store, and woulde put it out for gayne, yf hee coulde fynde a good man. Mary, sayeth the gentleman, the partye will not lend to anye bodye, except I be bound my selfe for his safe receiving agayne of hys mony. And thus the gentleman is bound to hys nyckenamed man for hys own mony, who hereupon requireth (for the more coloring of the matter) bondes of the borower, to save hym selfe harmeles against thys counterfet John Clarke. The Broaker bringeth good men, and good assurance, to save the gentleman harmeles, and then the gentleman cometh to the scrivener and willeth one of hys men to take the name of



John Clarke upon hym, and causeth the wrytynges to be made in John Clarkes name and the money to be repaide, at the sayd scriveners house, at sixe moneths, or twelve moneths, as they can agree, after twenty poundes in the hundreth, and that in the presence of the sayde gentleman, or hys attorney in that behalfe appointed. Here is a tryme fetche, to mocke god and the Exchecker with all, if it were possible. But god is not mocked, howsoever thexchequer is abused: but such cunning dealinges in the ende will have shame ynough of suche their counterfeit doynges, and dye in hell fyer at the laste.

But will you see an other fetche, and not by the name of John Clarke, but by one that in lawe can do nothing. A gentleman, a lawier, a merchaunt, a yeoman, or what shoulde I call hym, holdethe of my ladie, and therefore will not bee one of these wyse worldly men himself, but is contented that my mystres hys wyfe shall go to the devyll, if she lyste, and therefore geeveth her leave to put out hys money in a straungers name, sometymes more, and sometymes lesse. And be it never so lyttle that is lent, and the partie never so poore that boroweth, yet shall it not go foorth with her goodwill, but with the retorne many tymes of the shillinge peny for a moneth, which is one hundred for an other by the yere. Merciful god, who would have thought that the devill could have had such power in a woman? Nay, who would not have thought it, considering their miserable and gredie desyres to gett, their aptnes to supersticion, their greatnes of pryde, their lousenes of lyfe, and their ambitious desires, without all reason to have all soverayntie? God amende all woomen, and forgeeve all men, and graunt that both man and woman maye agree alwayes in one harte and mynde, to feare god, and to lyve upryghtely, after the expresse decree of hys holy will, without such divelish and unmercifull dealinges. Excepted alwaies, in all this my speache against woomen, all good woomen: and yet they maye bee spared, for they all are very fewe in deede, and maye be easely packed up, al the whole packe of them, in a very small rowme.

What shyftes are not used for men to goe streight to the devill! Thys one I will tell you, and no more, and yet

I feare me, I have tolde over manye, for some will learne to bee naught by the onely hearing of these sleightes, and therefore ignorance in evill thynges is alwayes good; but the devill will teache them every hower, although I sayde never a woorde. A merchant, or an other man, woulde fayne goe for an honeste man, and yet woulde needes bee nought in deede; and therefore, when one commeth to borow mony of him, and offreth to paye for it, Mary, fye uppon usury, saith hee, but thys will I saye to you, sayeth the merchaunt. I have lent two hundreth pounce to a frende of myne for a twelve monethes, and there is not past three monethes gone. Yf hee will lende you the same mony freely, I will bee contented, and I promyse you I will speake to him but I will not take a peny of you. The party who is sayde to have borrowed thys money hath not borrowed one peny, but setteth countenance upon the matter asthough hee had received the sayde summe, and therefore wil not forbear the mony for the rest of the time without consideracion, and so the poore gentleman shall paye for yt, bee he wel assured. Here is a tricke that none wold teache but the devill hymselfe, who ys a longe practysed master for suche cunnyng mischiefes. But here an ende, and now to thexchange.

*Theexchange, and what it is.*

Theexchange, according to the firste institucion thereof, is very good and most necessary, without further talke, if they bee honeste and good themselves that use it. And as the trade is very needefull, and the best waye to maynteyne entercourse betwene merchant and merchant, country and country, so is the playne and open dealing therein hyghly to bee esteemed, suche as none can iustlye mislike, or in any poynte dysprayse.

The name of Exchange, called in latine *Cambium*, is an auncient and propre woorde for thys purpose, and doth in maner importe none other thyng then to barter or change one thing for another. In Greeke the occupier or minister thereof is called *τραπετης*, that is to saye, a banker or a keeper of table and borde, where money is ready for all

persons that will have bullion or coine changed or mony transported. And in olde time it was not lawfull for any other man to exercise eyther chaunge or exchange, but onely the sayde banker, so admitted by publique authoritie. Some will have thys worde *Cambium* to signifye *Collibos*, which is a certayne subtraction or deduction that the bankers and exchangers make, in the name of reward for theyr paynes, or els, as it were, a recompence for the damage and losse they receive by the money whiche they deliver by exchange, being more profitable for them to retayne and kepe it still, considering the variety of mony and coyne betwen countries. And thys deduction was properlye so called, in some mens opinion, when there is an alteration of place in the exchange, from one countrie to an other. Whiche kynde of dealinge is iust, lawfull, and agreable to reason and conscience, aswell by the iudgement of all merchautes, as in the opinion of the best learned lawiers that ever have been: especially when the bankers and exchaungers doe not excede in takynge, but are contented with an ordinarye and competent kynde of rewarde, confirmed by custome, and allowed by publique authoritie, for keepinge their bankes, lending their credite and mony to pleasure men withall at their neede, and to save themselves from damage and losse. And yf suche merchautes and exchaungers were not, to helpe men that travell countries, how should travailers do, namely scholers and studentes, if they had not their billes of credite, and the exchange readie for their most safety and ease of cariage? Or how could any man deale betwixt country and country to have hys turne served for great masses of mony, yf such exchange were not? As, for example, some great merchant or some other private man is forced of necessitye to make a present payment of 3 or 4 thousand pounds in a forayne countrie, or rather some Prince, upon occasion, for the atcheving of his necessary exploits, in some straunge and forayne realme, hath neede of 100,000 poundes, how should eyther the one or the other be furnished and served in thys behalfe by any meanes so well as by the waye of exchange? First, the cariage of money, eyther by sea or lande, were troublesome and dangerouse, the charges and costes great.

Agayn, what coyne or money might be provided that is currante and starlyng in al countries? And therefore al such exchange is necessary, and woorthy to bee mainteyned and cherished, if wee will have trafique and societie to bee continued betwixt al sortes of men and countries.

Neyther can this maner of exchange come within the compasse of usury, because there is no lending for gaine, without the which no usury can be committed. And it is proved thus. First, the exchanger or banker geeveth out hys billes of credite or exchange frely, without taking any covenanted gaine more then is for his indemnite and perill of hazard, for such a sum as is agreed upon. And peradventure, without receiuing any penny of the principall, he geeveth his billes, till they be payd in the place appointed, bearing, together with his lending, the adventure and perill of hys mony. Whereas in lending for usury it is contrary; for ther the borower geveth a good assurance before hand, and abideth all the hazard and perill that may happen, the creditour susteining no adventure or damage at all. Again, in lending mony by usury, the creditour will receive the selfe same kynde of mony agayne which he delivered, whereas here in this exchange the banker delivereth one sort of money and coyne, and is payd agayn with another kinde of mony. Moreover the maner of contract is contrary, being like to buiying or selling, or els to that contract which is called *contractus innominatus*: that is to saye, I doe gyve you, upon condicion that you doe geve me: as, for example, I will geve you at London 100li. of lawful mony of England, so that ye will deliver and paye me at Venice the value of the same in duckets of Venice, according to their iust valucion and price.

But now, for so muche as we be in hande with mony, I will shewe the necessity of mony, and how it is to bee used for the value betwixt country and country, according to the standearde, even in the price and sale of ware. And certes money is the square and rule, whereby all other thinges should receive estimacion and price. And, as Aristotle sayeth, It is the suerty for mens dealings; and without money no man doubtlesse could tel how to trade or bargaine, for it were impossible alwayes to geve ware for ware, or for

one to supplie an others wante with enterchangeable delivering one stuffe or chaffer for an other, as if one had clothes, and wanted lether, to sende hys clothes to hym that had lether, or wanting linnen, and had wollen, woulde sende hys wollen to have linnen, or having flesh, would ask bread for it in exchange. These things were straunge, and I saye unpossible to be brought to passe, because it may hap that the thinge I have in plentye, and woulde sende for the exchange of my want, an other maye have the same aswell as I, and hee want that whiche I woulde have. And therefore money was first devised to be coyned of the fynest and purest mettals, to be the measure wherby the price of all thinges might bee set, and to mayntayne a certayne evenhode or equality in buying and selling, and the same to have his standinge valuation only by publique authoritie, to the end that all things mighte equallye passe by trade from one man to another.

Agayn, money is used for the passing of exchange betwene partie and party, countreye and countrey, as I have said before, and wil say more hereafter.

Thirdlye, money is used as a chattell or a moveable possession and to be solde by the wayght, after so much the ounce, as commonly all kinde of coyne is solde at goldsmythes stalles; whiche seemethe to bee contrary to the natural institucion and first invencion thereof, because it is no ware or merchandise, and therefore not to bee prysed above hys publique estimacion, excepte it bee solde as bullion, and not as current money or coyne.

And nowe, woulde god our merchants, that professe trade and exchange, were so skilfull in their calling as they ought in al good right to be. For surely the ignorance of them bringethe kingdomes and states manye times to great ruyne. For, if they wil be exchangers in deede, they muste knowe perfutely the value of our coyne, and compare the same wyth other foreine moneye. And as they bargainne with others abrode, so they must be assured to have somewhat more then the value of our curraunt moneye for thinges whiche they sell upon a price, or els the realme and they bothe shall sloe in the ende. As for example, one buyeth clothe in

Blacwel hall for £4. 10s. in Angels, which holde 36 carrets fine, save three graines of alley, or eighteene ounces fine silver. The same cloth, to be solde in Spayne, is to be rated at so many duckets as hold 36 carets of fine golde, save three graynes of alley, or at so manye royals of plate, as holde 18 ounces of fine silver, after twoe carrets of fine golde to every ounce of fyne silver. And in making sale of thys cloth, it is wisdomes to take so muche over and above these carrettes or ounces, as bothe may beare a mans charges, and bring a reasonable gayn. And so in al other countries, and for everye prynces coine, the valuacion of oure commodities shoulde be made after the like rate, with a reasonable overplus to lyve and gayne by. And the exchange of coynes, if oure men woulde observe and compare eight carrettes of fine golde, or fower ounces of fine silver, for the pound starlyng here, with the forein coin beyond seas, eyther duckets or Philips Caisars, or ani other straunge coyne, and ever bee well assured to take somewhat over after this proporcion and balance once made, Englishmen no doubt would be Lords of the coin in al places wher they had to deale.

This is by the waye of a glance to my masters the merchants. But now to my purposed division of the Bankers art and their profession. The exchange is saide to bee divided into two kyndes. 1. The firste whereof is called exchange real, or the exchange made to the last minut. 2. The second is the exchange by billes, whiche is after twoe sortes.

But first for the exchange reale: you shal understand that then it is used, when the banker or exchaunger receiveth money of any person in one coyn, to deliver unto him straight wayes money of an other coyne, as for silver, golde; for shillinges, groates; for groates, pence; for pence, halfe pence; whiche is called exchange to the laste minut. Or els when bullion is delivered for currant money, or when one taketh upon him to deliver coyne in one country, to receive coin of an other straunge countrie, accordinge to iuste and publike valuacion equallie of such bullion, coin, or money whatsoever, which maner of exchange is nowe quite out of use.

Exchange by billes after the first sort is when money is delivered in one countrey plainly and simply, without colour

or fraud, and billes delivered and received for the payment againe of the same in an other country, accordinge as money is currant by merchants valuation betwene those countreis. And this kind of exchange maye properlye bee called merchandizing exchange, because merchantes doe onely themselves sette and appointe the prices and values of money so exchanged. And therefore, when any man will deliver in London to any merchant a summe of lawful money of England, to receive in an other forein country somuch in value as the said summe of English money shallbe esteemed to bee worth, by merchauntes valuation after their exchange from London, in the money of that country, where the partie which delivered the money wil have it payde againe, there must be first a composicion and compacte made for the value of the money, and a certain distance of time agreed uppon and limited for the payment agayn of the saide money in a foreine country, where the deliverer or the borower of the money wyl have it restored and payde agayne.

For the better understandynge and meanynge hereof, thus I saye. A certain man doth borow here in London of a merchaunt a hundred ponde Englishe, to paye the value thereof againe at Antwarpe according as the English moneye is currant and valued by merchaunts in their exchange from London to Antwarpe. Here it is requisite that the borower do resorte and have accesse to suche as bee brokers and solicitours betweene party and partie, for makynge of the exchange, of whom hee shal learne what thEnglish ponde is worth and esteemed from London to Antwarpe in Flemyshe currant moneye, for what soever dystaunce of tyme he wil take it uppe. Now graunt that the Englishe ponde, thus exchanged from London to bee payde in Antwarpe at sight, that is so soone as the billes of exchange shalbe presented at Antwarp, is esteemed and valued at fower and twenty shillings Flemyshe, so shall there be payde in Antwarpe, after thys reconing and pryce of fower and twenty shillings Flemyshe for the English ponde, the somme of a hundred and twenty pound Flemishe, for thEnglishe hundred pound delivered at London. And upon this compacte and agreement so concluded, the money is paide at London, and billes

of exchange received for repayment and satisfaction of the same again at Antwarp. Now the party comming to Antwarp, or els sending his letters of advise to som frende of his, willing him to paye 120li. Flemish so soone as his bill for payment thereof shalbe presented unto him, praying hym also, for the furnishing therof, to take it uppe there again by exchange at sight, and to give his billes upon him to paye the valour thereof at London in English money, here the party inquiring how the exchange at sight passeth from Antwarp to London findeth not above 23 shillings and 9 pence or 10 pence Flemish to paj for a pounce of English money at London. After the which rate taking up so much Flemish moneye at Antwarp as wil pay and satisfie the 120li. Flemish, and so geving his billes of exchange upon his frend at London, his frynde must paye at the sight thereof, within a little more or lesse, 101li. five shillings, or 100li. sixteene shillings eight pence, lawfull moneye of Englande, for the value thereof paide for him in Flemishe money at Antwarp. After the which reckonynge there is loste for the use of a hundred pound, for the space not much above twelve or foreteene dayes commonly—for in that space of time, chaunge and rechange upon sight may be made betwene Antwarpe and London—the summe of sixteene, or five and twenty shillings, lawfull money of Englande, or thereabouts, for the hundreth. Thus the world goeth, and this is their kinde of exchange.

And now let us examine whether this bee usurie or not. All learned men doe determine and consent that usurie is committed onely where lending and borowing is, and that when anye overplus or excesse is taken over and above the pryncipal that was lent, for the verye respect only of lending, and in consideration of forbearing money for time, in that case is usury. First, it appeareth in this first sort of exchange by billes, that there was payd at London one hundred pound onely, and no more, of good and lawfull money of England, to receive by exchange at sight in Antwarpe fower and twenty shillings Flemishe for thEnglishe pounce, whyche was so perfourmed and payde by the taking up againe of the same money, to be rechanged back againe at sight to London. So that there was payde to the partye that first lent the



moneye about the summe of a hundred pound sixtene shillings eight pence, or a 101li. five shillings lawefull moneye of Englande. Whiche is an encrease or gayne growynge to the lender of his money, to the value of sixteene shillings and odde moneye or of twentye shillings and odde money, onely for the taryng and forbearinge of his moneye twelve or foreteene daies. Whiche over gayning and excessive takynge in thys sort<sup>e</sup> is, in my opinion, most biting usurie. And yet is thys kynde of exchange moste commonlye used at this daye amongst all the merchants of Europe, and had in great estimacion, and commended as a thinge moste necessarie and a very ready mean to serve mens turnes with all, at all times when theye neede. And yet in deede it is an extreme usury, yea, and suche a Moth, as he that useth it will sooner bee consumed that waye then by anye meanes els in the worlde, especially by the rechaunge backwarde, whiche is ever hurtful, costly, and very chargeable.

The seconde kynde of billes or merchandising exchange maye bee called secke and drye exchange, and is practised when one doth borrowe money by exchange for a strange Region, at longer or shorter distaunce of time, to serve his turne the rather thereby, not myndynge to make anye reall payment abroade, but compoundeth with the exchanger to have it returned backe agayne accordyng as the exchange shall passe from thence to London, for suche distaunce of time as they were agreed upon. And yet to colour this matter, there shall billes of exchange bee devised and sent to some of his frendes that lent the money by exchange, with letters of advise to return the byls backe againe, and a testimoniall howe the exchange commeth from thence, at suche dystaunce of time as he advertised him of by his letters. Which retourninge of billes by testimoniall doth ever cost the partye that dealeth with this sorte of exchange after the rate of sixteene and twenty in the hundred for the yere. And oftentimes such alteration of exchange may chance by scarcitie or aboundance of money (whereof the banker will take advauntage), that it standeth the borower sometime above five and twenty or thirty in the hundred pound for the yere; and bylles by this kynde of exchange

are made, on gods name, for a colour onelie, to get the parties hand to them, to shew (if neede be) that suche moneye so lente was taken up for him by exchange, the said billes being never sent out of London; to thende that the party who useth his money in this sort may have his reconing geeven him to paye as the rate and course of the exchange hathe paste al the while hee hathe the use of that moneye, which shall falle out noe lesse then after the losse of twenty in the hundred pound for the yere, or perhaps (as the drye frostie charitie of the lender shalbe moved) after xxv or xxx in the hundred pound, because the tasking and limiting thereof resteth altogether in the bankers hand.

Thys drye kynde of exchange is utterlye to bee abhorred, for that it is none other then a manifest cankered usurye, and therefore hath been heretofore forbidden by actes of parlyament, as may appeare in the reigne of two noble princes kyng Henry the seventh and kyng Henry the eighth, of most famous memory. And yet, al this notwithstanding, the merchants wil say that they commit no usurie by suche kinde of dealinge, although the lender by exchange bee alwayes for the moste parte a verye great gayner. And the reason is the uncertainty of gaine and doubtfulnes of profite, for that thorowe the alteracion of the exchange the deliverer or lender of money maye chaunce to susteyn losse sometimes: and therefore, this adventure and hazarde considered in the exchange, they say, there is no usurie at all. But this is no sownde reason of theirs, but rather a meere cloake to colour their conyng devises with al, because that in this seconde kinde of exchange the exchanger or lender of moneye is commonlye hys owne bayly, and taxethe the borowers losse accordinge to his private commoditie and gayne, who wylbe well assured to be no loser, no more then hee that putteth forthe his money uppon playne usurie, and bargayneth alwayes for present gaine before hande. And although the banker perhappes bee not so fullye assured of his gayne as the usurer commonlye is, yet it is a hundreth to one that by the course and order of the exchange the deliverer of money shalbee no loser in the end, but rather a gayner, because the price of moneye by exchange from London to Antwarpe is

ever dearer and higher by three pence or lower pence in the pound then it is from thence to London, at whatsoever descrepance of time the exchange be made. And therefore the gayne thereby is in deede very certaine to them, let them saye what they list. I graunt stil that real exchange is honest and lawfull where money is delivered to be payde againe at sight, or at twoe or three moneths, accordinge to the iust and publyque valuation of moneye, to what Countreye soever the exchange ys made. But this kynd of exchange pleaseth not merchants, the same having no such savor of lucre and gayne as the rechaunge and the drye exchange have: whiche twoe kindes of dealyng are verye hurtfull to al occupiers, and destroy all trade, when suche often returns are made of money, eyther the one waye or the other.

And therefore the exchange in these daies is no other thing then a certaine covetouse negociacion, a greedye kynde of choppingge and a colourable manner of chaungeing, or rather a certayne devise of buying and sellynge of coyne and money, by waye of commutacion and exchange, which maye aptely be called merchandising exchange, as I have declared before, the same being found out by chance and fortune, and at length by experience reduced into such an arte as is altogether against nature. For the occupiers thereof doe geeve and sell moneye for moneye, whiche was not invented and ordeyned to that ende that eyther it should price it selfe by it selfe, or bee valued and esteemed by waye of merchandise, but that al other things shoulde receive their prices and value of it; and the valuation of money to proceede and have alwaies estymacyon from publique authoritie, and the same to be perpetual and unchangeable, according to a knowne standarde. Whereas the merchant exchaunger sellethe, as it were, the valuation and rate of moneye, makynge at all times what price he listeth: wherein he transgresseth publique order, against al equitie and common iustice, practising under the colour of exchange and rechange all the myschiefe that usurers can devise.

And for the closer and more secrete handling of the same, the exchangers have imagined certeine distinctions of time, to bleare and stoppe mens eies from spying their pretended

usuries and counterfeyt dealings. For when a man wyll borowe moneye by bill of exchange, he is asked and demaunded whether hee wyll have it at sight, usance, or double usance, which three varieties of time bee the three distances chiefly used amongst merchants and exchaungers now a daies, although there be manye other. And then if from London money go by exchange at sight for Antwarp for xxiiii shillings the English pounce, it shal go at usance, which is a moneths time, at xxiiis. iiid., and at double usance, which is two moneths time, at xxiiis. viiid., oftentimes at more, but seldom times at lesse. So that, for the forbearing of a hundred pound for one moneth, there is gotten five nobles, and for the forbearing of it two monethes, there is gotten three pound six shillings eight pence. And therefore it were as good, at the least it were al one thinge, to say to him that will borowe moneye by thys exchange: sir, ye shall geeve mee for a monethes forbearing of a hundred pounes, three and thirye shillings and fower pence, and for two monethes, three pounes sixe shillings and eighte pence starlinge. And yf a hundreth pounes bee taken for sighte, whiche is commonlye not passing fower or five dayes respiete betwixt London and Antwarpe, there is likewise gaine reaped, more or lesse, or els men will not deale.

All whiche considered, whoe can excuse this kinde of trade from usurie? Because the banker or deliverie of mony maketh hys gayne before hande, setting several prices upon hys moneye delivered for every distance of time, and so receiveth more againe then hee firste disbursed, onely for lending of it, and for the delaye of tyme in forbearing hys money, making other mens necessities to serve hys greedie covetousnes, coloured with these straunge and unwonted termes of diversities of tymes. Wherein the ignorant and unskilfull of thys kynde of trafique have supposed some reasonable cause to lye hydden for takynge suche gayne and profite, as redoundeth to them by the said exchange. But, in very dede, there is no reasonable cause at all, but a very flatt lending of mony for luker and gayne, as all usurers commonly doe. And therefore, I can not iudge but both these sortes of exchaunges, aswell exchange by bylles as

secke and drye exchange, are the very practises of usury under the colour and tytle of exchange, wyshing that no such cutting exchange shoulde bee used or borne withall in anye well governed and christian common weale.

But yet, because merchauntes, whiche have an intercourse and trade of occupiynge betwene countrie and country, many tymes for the furthering of their busines, or for the benefitinge of some mans necessitie, seeme to have neede of exchange, it is not forbidden but that they maye use reall exchange alwayes, before specified, so the same bee doonne without fraude, for one to serve an others turne, leaving that subtyll invencion of three distances of tyme, bargayning, as it were, for gredy gayne, and gaping after profit unlawfully by letting fourth their money. And surely merchauntes should not lyve by gayne of monye, but by gayne of wares, and yet not sellynge tyme therein neyther, but folowing a knowne lawfull trade, for the maintenaunce of common society, doynge as they would bee done unto, and helping one an other charitably as neede shall iustly require, and tyme gyve opportunitie. Thus if merchaunts would deale plainely, and simply gayne without seking further advauntage and sellyng for tyme, as they could presently, it wer charitable, it were honorable, it were profitable for al estates, yea it would be to the universal benefite of Europe, to thadvancement of all welfare and plenty. Whereas now, through theyre unmercifull dealings, in this their biting and cutting exchange in respect of tyme, they destroy many honest men, and undoe princes that borowe mony of them after that sorte, and so bring all thinges at last to utter confusion. God open the eyes of christian prynces to redresse thys evill, the onely invencion of the devill to destroye all charitie, that in right shoulde bee used betwixt man and man !

The yong kyng of Portugale, being about 19 yeres olde thys Ianuary last, having had the absolut government of hys kyngdome synce the fowerteene yere of hys age, according to the cyvill lawe doth deale severely at thys tyme against offenders, and especially againste such as are hurtfull in their trades to the publique benefite of hys people. And whereas, amongst other gawles of hys countrie, hys Maiestie

understandeth by some godly men that the exchange in hys realme is muche abused, and practised amongst merchants there for gredy gaine onely, hys hyghenes hath forbidden by proclamacion upon great paynes (as I am enformed) that no banker, or other, whatsoever hee bee, shall geeve anye billes of exchange for any maner of gayne at all, no not so muche as to have consideration for the charge of keeping their bookes and cassiers. But yf anye man bee disposed to geeve hys billes of exchange for anye place, or by anye maner of wayes, hee muste geeve oute the same freely without takyng any one peny for hys paynes, takyng onely value for value, and no peny over at any hande. For yf he doe otherwise, hee incurreth straight wayes a great penalty, the weight whereof he shall feele, bee he well assured. For this must I saye, that I have not seene better Iustice doone, nor lawes better executed in anye place in Christendome then in Portugal. God graunt Iustice elsewhere in every place, that usury amongst other offenses maye be at the last in no place at all. And would god that men would ones leave crafte and use playnnesse, and gett wealth unto them lawfully as they oughte to doe, and in good conscience. For suerly, as men do now lyve, especially in this matter of exchange, they doe make the name of exchange to serve their wicked purposes, entermedling in the righte of princes for their owne gayne, beyng lordes of coyne, to the great shame of all princes and states. For whereas all kynges and governours should sett a certayne rate upon their coyne, and no man so hardye to overvalue the same, these bankers, these money men, and these merchants doe sett what price they list of moneye, and make it eyther of hyghe value or meane value as they please, for their owne singuler commoditie and private gaine.

A tyme was when prynces only did deale with the valuation of money and exchange of the same. As firste, the coyne was rated in all countries at a certayne value, by publike order and aucthoritye from the prince and state. And then none gayned by an exchange of monye, for the value beinge knowne, none would geve more, yea none durst geve more. And especially in England, in the five and twentye of kynge

Edwards the thirde, capit. xii., the exchange was not used by anye subjecte, but by the kynge onelye, uppon payne of forfeiture of the money so exchanged. The same lawe was likewise used in kynge Rycharde the seconds dayes, and in the thirde yeare of kynge Henrye the seventh. And then did all states florishe. For the stranger bringing in hys wares into thys realme did firste paye his custome by hys ofte trafkyng, and employng the moneye that he received here upon the commodities of thys lande, and so, payng custome, departed home to hys country agayne, without caryng anye money awaye at all by exchange, excepte upon great cause. For if there were not sufficient commodities here in wares, hee made hys exchange then with the kynges officers, and none others. So that it was knowen certainly to the prince and officers, what exchaunge hee made, and uppon what cause. And then was no fraude used; yea, in those dayes merchauntes were beneficiall to the prince, with ofte trading, muche barattinge, great changing, and speedy sellynge of their wares, with the commoditie and chaffer of other countries.

Synce whyche tyme the merchants, seying great gayne before their eyes by the exchange, beganne to flatter prynces, and made offer to lend them great summes of moneye uppon their neede, if they would suffer them to use the exchange one with an other. And so they entred into a fraternitye, to have the exchange amongst themselves, and agreed uppon fower standinge bankes, to serve the pleasure of all princes, that is to saye, at Antwarp, Lions, Venice, and Rome. Who having in all these places certayne privileges graunted unto them, for their securitie (for otherwise, it were hyge treason to entermedle with the valuacion of coynes, agaynste the leave of prynces), they gave newe valuacions to coyne for their private gayne, callinge it permission money, makinge a greater value of the coyne then it was in hys owne nature and by publike auctoritie agreed uppon, takynge occasion uppon discrepances and distances of tyme and place to make the money dearer or cheaper as they pleased amongst themselves; and that after three maner of wayes, at sighte,

at usance, and double usance, as is sayde before. And from these fower places other cityes tooke example, as London, Civil, Lisbonne, Parys, Roane and Bridges, and used the same permission exchange, as the other fower standing bankes did. And thys is strange, to see a diversitie of payment from one place to another of equall distance. As, for example, from Antwarpe to London, the exchange hath been twoo and twentye shillinges tenne pence at sighte, and from London to Antwarpe agayne it was straight wayes three and twenty shillinges. Likewise the exchange from London to Roane, for a french crowne, was five shillinges eighte pences or tenne pence at the moste, and immediatly, from Roane to London, the exchange was agayne sixe shillinges, or five shillings eleven pence at the least. By whyche examples it appeareth that one some of moneye, of one sorte and kynde of coyne, hath twoo pryces and twoo valuacions at one tyme exchanged, for one distance of tyme, differing onely by the diversitie of place and countrye. Thus wee see what merchandizes men make of moneye, and alter coynes valued by publicke auctoritie to bee of what pryce they list for theyre owne pryvate gayne and commoditie. And synce thys permission exchange hath ben used, playne dealing and charitable lendinge hath bene forgotten, bullion hath not bene brought into this lande, artificers have decayed, the princes custome in all countries hath beene muche lessened, all lawfull tradinge nothinge so muche used, good occupiynge townes have come to ruine, and the great transportinge of wares from one countrie to an other nothing so frequented amongst merchauntes as hath bene heretofore. And, last of all, the pryce of all wares by thys meanes hath beene greatly enhanced.

And will you see when the exchange is most used? Thus it is. Wher plentie of wares is to bee solde, and good is to bee done with the buiynge of them, thyther is money sent in great abundance to buy the same, and the same money rysethe streight to a greater value, when anye one wyll borowe to paye presente money for merchaundizes. And thus the merchauntes payynge for moneye after fiteene in the hundreth at the leaste, although hee make a good market for hymselfe, yet hys owne countrymen shall feele a smart



when hee commethe to sell the sayde wares at home. For hee will so hyghten the pryce of hys wares that hee will lose nothyngé by theexchange at all. And so the poore chapman, and the playne meaning man, shall paye for hys exchange every peny, besydes the gayne that the seller will make for hys owne lyvyng. And thys is the reason that wares waxe dearer in thys age then they have done heretofore, onely through the develishe and wicked merchaundize exchange.

Nowe, lorde god, what meane prynces to bee thus abused, to suffer private men to sett pryce of their publike coyne, and to make it oftentimes to bee more woorth, by permission exchange, then by nature it is possible to bee, suffering them to change the course of nature, as though a pounce weighte shoulde be more weightie then a pound, or a pounce tale more than a pound tale, or an ynche more than an ynche, or a barley corne more than a barley corne? And thys I understande, that certayne riche bankers, agreeing together, and takyng up great masses into their handes, can make what value they list of money; for moneye must bee had, what shifte soever men doe make, and paye they never so deere, they will have it, rather then fayle of their purpose for want. And thys is the reason that not onelye great merchauntes, but also great princes and kynges are manye tymes bankruptes, through the excessive payyng for money borrowed, under the name of exchange. But moneye was not firste devised for thys ende, to bee marchaundize, but to bee a measure and a beame betwixte man and man, for the buyyng and sellyng of wares. And so everye man to receyve moneye in value, for the goodnes and pryce of hys wares, and not that men shoulde make money of money: a thing so contrarye to nature as nothyng can bee more, and the onelye ruyne of all trade throughout the moste parte of thys knowne worlde.

Thus I talke, and spende wynde in vayne; for you, master merchaunte, stande still uppon thys, that no order can bee taken for theexchange, because of the uncertaynetye of it, whiche ryseth and falleth as the scarsetye or plentye of moneye is. And what is the cause of all thys? Surelye the greedynes of man, and the covetouse desyre which hee hath to enryche

hymselfe by hooke or crooke. Nowe Lord for hys mercyes sake, is there no waye to temper thys unsaciabie desyre and gredy covetousnes? Well, howsoever men wilbee evill, it is not good for others to lulle them in theirre evill, or to allowe of synne, but alwayes to speak against vice, as god hath commaunded, and to referre the punishmente thereof to hys iustice, in due tyme to bee ministred.

But I am afrayde, I have been overlonge in thys tedious cause and hyghe mysterie of merchauntes occupacion, and therefore I will speake no more thereof, but shewe you now wher no usurye ys at all, and that in dyvers contractes, and so declare the difference betwixt interest and usury.

I doe buye lande of my frende for a certayne summe of money and of like value to the lande, with thys condicion, yf hee bringe me the money agayne at anye tyme, hee shall have hys lande agayne. I, beyng lawfull owner of thys lande by bargayne and sale, maye safely enioye the frutes and rentes of the same landes, without anye suspicion of usurye committed, and the rather for that I have payde the iuste value. And (as I have often sayde heretofore) usurie cannot bee but where lending is, and the propertie altered, and the use also of the thyng lent consumed. Nowe then, hee that hathe gotten landes by bargayne and sale in thys sorte, althoughe hee have promised to sell backe agayne the sayde landes for the sayde moneye, yet is hee true owner thereof, and may take the frutes without daunger or offense to god or man. Alwayes provided that these dealings bee not used for colorable chevisaunces, to make indentures of bargayne and sale onelye for usurie to bee exercysed, and to avoydet thereby the daunger of lawe. Now thys fraude and thys sleyght maye bee easelye espied, yf the manner of dealyng bee well and advisedlye looked unto. As thus: yf the man that buyeth this lande bee a knowen usurer, it is lykely that hee seeketh the gayne of hys money by the rent of that lande, and hys monye also, when it is offerde. Agayne, yf the moneye payde bee mucche lesse than the lande bought, it is moste like there was no playne meanyng of anye bargayne and sale, but a devyse to avoyde the daunger of lawe, and so to make gayne, by the profite of the meane yssues of the

lande, a common shyfte used nowe of dayes, to mocke god with all and hys lawe. But god is not mocked. And suerlye there is no ryghte or lawfull buiynge, where very lytle is given for that whiche is very muche woorth, but a certayn cunningge used (as I have sayde) to mocke both god and man.

I doe freely lende mony to my frend for sixe monethes, with thys condition, that yf he doe not paye me the sayd mony at the time, he shal pay unto mee suche damages as I shal susteyne for default of his payment. In thys case, if hee breake day with me, I may lawfully demaunde recompence, and take reasonable usury, without offence, because he hath hindred my gayne in breaking day with me, for that I purposed upon the same moneye at that time, and made iust reconinge to make then certeine paimentes with the selfe same moneye. And yet if upon lending my money, I demaunde a certein, as twelve pound in the hundred pound, more or lesse, for the onely forbearing, and for time sake, wythout knowinge my losse that mighte bee afore hande, I am herein an usurer.

I beinge an occupier having money lying by me, whiche perhaps I must shortly employe, and notwithstandinge, because my frende hath great neede, I do helpe him with an hundred pounce for sixe monethes, with this condicion, that if I shal stande in great neede of the same money within the same space, eyther to pay some necessary debt not yet known unto me, or to buy some very good bargaine that maye perhappes falle in the mean season, which I cannot do, without the saide money, my said frend shall promise me to paye for me al such usury as I shall bee forced to paye, in consideration of the want of my money. Herein I doe not commit usury, if for good causes I doe demaund allowance, wythout fraud, covine, or any coulorable dealing at al, but onelye for mine owne certeine indempnitie, and to save my selfe from an undoubted knowne harme.

An other commethe to mee and woulde borowe a thousand pound in golde, and as muche in plate, for a shewe to declare and set forthe his wealthe the more to the worlde when it is seene in his shoppe. In thys case I maye take usurye for my gooddes, without offence. For this is no lending,

but a letting out for hyer upon his peril that letteth for a certaine time; and therefore, wher no lending is nor property altered, ther cannot bee any usury at all

The Apothecarie lendeth to the Physicion 100li. by the yere freely, because he shal send his billes of receipts unto him and to none other. In this case is doubtfull aunswering. But if the Apothecary be a iust dealing man, and have good ware in his shop, and deale faithfullye wythout slaunder or hurte, so that neyther the Physicion him selfe, nor yet any oþher for him, can perceve or iudge that hee is damnyfied in any thing, I do thinke in thys case ther is no usurie, because the Apothecarie doth not take any thing to be valued or measured by money over and above his principall, but onely the favour of the Physicion for the utteraunce of his good lawfull and honest wares: althoughe there bee that say this same is a knacke of usurye, by lendynge of moneye to utter there wares better, and to gette more credite amonge the people. But I referre it to their consciences that so do.

A mightyer man then my self wytholdethe throughe force a porcion of lande from mee: I am lothe to trye the lawe wyth hym, because hee hathe the lawe in hys hande, and ys a Iudge. And I offer to lende hym five hundred pounce for a yere or two freely, so that I maye have my owne without farther trouble or vexation. In this case, I am no usurer, because I doe not gaïne anything, but onely receive mine own quietly, without further trouble or charge.

I doe borowe an hundred pounce for a yere, promisinge at the yeres end to lend an other hundred pound to my frende, of whom I borowe the yere before: thys is permutacion, when one good turn of like value is done for an other, and noe usurie.

I take the perill upon me of the cariage of a great masse of money; I may lawfully take portage money for my pains without offence, for it is no usurie, because it is but the reward of my travail.

I am suerty for one, and pay the debte, paying usurie for the same money. The principal debtor for whom I was bound is bounde to paye unto mee the usurye, and the

payment unto me is no usurye, for that I have nothing but mine owne againe.

A man by testament graunteth a legacie, and willeth his sonne to paye the legacie, and so muche (*nomine pæne*) for not paying of it. The law saieth the testator maye charge his executours or heire, under a penaltie, to pay his legacy, and the same is noe usurie. But if the testatoure shoulde thus saye: I will that my sonne or executour shal pay for every moneth that they are behynde hande so muche, and so from moneth to moneth til it bee payde, this is usurie, say the lawiers, because the time is mencioned and payned. Baldus rehearseth this matter by a testatour that charged his executor to paie unto Sempronius a hundred pound after his decease, or els to paie unto the legatorie for every yere that it were unpaid one tunne of wyne, or tenne ponde in moneye. The executour payde the wine for three yeres together, and afterwards refused to paye anie peny or legacye at all. The legatorie had the executoure in suite, and it was ruled by lawe that hee could not have any thing, because it was against lawe that a testatour should make anye such bequest with a penaltie, beinge none other then cloked usury. And, in this case, Baldus saieth that he prevailed for hys clyente the executoure against the legatarie. Nowe yf the testatour had simplie saide this: I will that Sempronius have tenne ponde yearelye for these x yeres, and at the x yeres ende, 100li, it had been noe usury at all, but a plaine and lawefull legacie.

A man hath a summe of money allotted unto hym for the dowry of his wife, the money is not paide at the day of the marriage, nor yet long after, but some piece of lande casually bearing frute or corne in pawne allotted unto her; the husbände shall have the benefyte of that casual grounde, bee it fruite or corne, until the dower bee fully paide; or, having no such land nor pawn otherwise, he shall have the interest of his money dew unto him, because he susteineth the burden and charges in mainteining his married wife freely, without any dowry at al. And so much interest shall he have, as he can prove his certaine charges of the mariage hathe been. There be also that thinke he may practise beforehand for a

certain porcion monthly or yerely, till he be paide the whole dowrie, whiche opynion *Panormitane*, amongst others, doth maintein.

A riche man dealethe with hys baker, and saith thus : Neighbor, I knowe you nede money to buy corne ; you shall have 100li. of mee for a yeare, so that I maye have wekely so much manchet, or cheat bred, as amounteth to a roial noble or crown wekely for the whole yere, and then to put me in good assuraunce for my 100li. at the yeres end. This is usury in the devils name, and he more fit to eate stones then bread that would binde men to such a bargain and have so litle charitye in hym.

A lord saith to a brewer : Sirha, you shall have in such a parsonage of mine an 100 quarters of barley yerely before hande, so that I maye have 20 tunne of double beare yearlye for my corne. I doe aunswere : if the lorde have more beare, for lettynge hys corne before hande in respect of time, then he coulde have readye beare to be delivered upon sight of the corn, I doe saye that this lorde is an usurer ; for he is a time seller, and hathe gayne for the verye forbearing of his corne.

One selleth the greene corn of his ground, or the fruite of hys orcharde, before the trees begynne to flower, and the buyer hath a good bargaine, and gaineth greatly. The buyer in this case is not bounde to pay anye thinge backe again, because of the uncerteintye of his gayne. For so the yere might have fallen out, that hee should neither have had corne nor frute to any purpose.

An other geveth an hundreth pound in money, never to have it agayne, to receive in steede thereof fyve pound for ever, or three lives. Here is no usurie, because there is no lending, the principall beinge gone for ever, and the seller hasarding his money, for he or his perhappes maye bee evill payde hereafter. And 'althoughe the value maye bee twise or thrise payde, that is no matter, for so a man maye gaine with buyinge and sellynge, with chopping and changing, with lettynge and settynge, wyth purchasyng of land, and by divers other contracts, and waxe very rich with such bargains ; and yet no reason that anything should

be'paide backe againe, for then all mens estates and welth would be uncerteyn.

There might divers other contractes be named : I wil not be long, for al say this. If a merchant that liveth by his occupying and trade shall susteine eyther losse for wantinge his moneye (in due tyme) or feele hynderance of gayne, because hys money is out of his hand, it is everye mans parte to be thankfull, and to remember the harme that the merchaunt hathfelt ; and especyally yf the debtour doe breake daye in not payinge of that which was freely lent unto him, he ought to satisfie the merchaunt to the uttermost,orels hee is no good man.

And to shewe last of all the difference betwixt interest and usurie, although it litle needeth, for that the examples heretofore declare the matter plainlye inough, for you muste understande, that usurie is onely given for the onely benefite of lendynge for time, whereas interest is demanded when I have susteyned losse through an other mans cause, and therefore *interest mea*, that is to saye, it behoveth me, or it belongeth to mee, or it is for mine avail, or it is reason, that I bee aunswered all losses and dammages that I have susteyned thoroughe an other mans cause, aswell for the gayne that els I myghte have had by my moneye, if touche had beene kepte, as for the losses susteyned thoroughe an other mans faulte, that hath not paide mee myne owne in due tyme. And therefore al lawes do allow that men maye have theire dammages awarded unto them. And in so doynge, an equalitie and iuste proporcion is observed in thys sort, that whereas one hath had benefite by mee, I shoulde likewise susteyne no harme by hym, muche lesse bee undone for my well doinge, and hee to waxe riche by my losse that meant so well towards him. Thys ys agreeing to all lawes and to naturall equitye, to iustyce and to reason. And the name of interest is laweful, as the whyche seketh onely equalytye : whereas the name of usurye is odyous, ungodly, and wycked, as that whych seeketh al inequalitye, wherby cuntryes and kyngdomes and all good governed common weales are often tymes destroyed and utterlye overthrowne, when the most doe starve, and the fewest doe gain. And thus, although a man maye demand interest

in some respecte, and for cause after the lone of hys money, yet can hee not certeinelye expresse the value before hand, or by anye former contract demaund gayn for lone.

The laste part of my division touchethe the punishment of usurers, and the allegatyon of examples in all ages agaynste usurye, wherein I will bee as shorte as I maye shewe my selfe, for I feare mee I have wearied you all wyth my tedyous talke. But suche a plentyfull fielde, howe maye it be lightly ranged over ?

Wyth that they all said, they weare rather refreshed then wearyed, savinge that the griselye merchant was put to hys noddess now and then ; wherfore, sayde hee, it is good to cutte shorte. And hereupon I wished bothe hym and all others not to geeve occasion, and then men woulde speake the less agaynste usurie. But nowe, as things go, the hoattest wilde fier that is is to litle and not hoate inoughe against usurers, because they swarme so muche, and are so horrible in their dealinges every where. For if I shoulde devise to doe one a notable displeasure, whereby to bringe hym to utter confusion, I coulde not set a better frame for him of mischief then to lend hym great summes of money upon verye good assurance, to pay deepe usurye therfore, and to forfeit great bonds therwithall, if the money bee not payde. And, I pray you, hath not this devise ben practised with some thriftelesse enheryters and wastful gentlemen of our countrey, to feede them with money uppon deepe usurye, and that in statute merchaunt, upon excessive and almost horrible penalties, that lands worthe tenne thousand pound have ben forfeited for not paying a thousand in moneye, the breache of the statute beinge fower thousand pounde, whereas the simple gentleman never borowed in his life the nette summe of 5 hundred pound in al the world ? Beware, therefore, how you borow upon usurye, you that woulde thrive, and beware of bondes ; for surely whatsoever hee bee that useth customably to borowe for gaine, and will easily enter into great bondes, he cannot thrive or come forward by anye possible meanes, althoughe hee had the high favour of his prince, or the welth of a Duke. Suche a devouring beast and consumynge woorme is usurie, where once it taketh place, and



hath made a deepe entrie. Therefore no marvail if the laws do prohibite it upon great paines, which I will touch in as few words as I can.

First, the woord of god (as master preacher hath saide very well) forbiddeth the same expressly in Deuteronomie, Exodus and Leviticus. And the psalme saies: he shall enter in gods tabernacle, that hath not lent his money for usury. And in the eighteene of Ezechiel all people are forbydden to take more then they lende, and suche are excluded from god that take anye overplus. The general counsel called *Nicenum Consilium* doth utterlye forbid usurie upon great paines, but that stretcheth to the cleargy. The Civil law dyd never expressly allowe of usury, neyther was it possible by lawe to alter nature. For use cannot be asygned unto those thyngs whiche are wasted with the onely occupying of them, as wine, oyle, corne and money are; and therefore cruell are they that seeke to separate them from the proprietie. For he that hath borowed anything, and so is Lord of the same by vertue of hys borowyng (as all borowers are), he hath the use of the thing borowed, which doth consume away with the borowing and cannot in any wise be separated from the property. And therefore the Civil law did rather use a shift by caution of bonde or oblygatyon after a certayne time, for the lord to recover by that had lent out his goods to another man, whiche stode him in steede of the property, although by duitie of nature and right he coulde make no clayme at all to receyve any use or benefite of that which he did lende. In deede the Emperour Iustinian doth beare with moderate takinge, as I wil say more at large hereafter, and yet rather suffereth it then alloweth it, to avoid great harms, least the trade of merchandises should decay through the covetousnes of men that els woulde not trade, the same being hemmed notwithstanding within certeine listes or bounds, over and above the which if any man do passe, hee is condemned for an usurer. But the Canon law, which is the law of the Church, is most vehemente against usurye, and appointeth very sharp punishments against al usurers, grounding it for a most dedly and dampnable sinne, and making it by al circumstances more urkesome in gods

sight then murther, for that an usurer is a destroyer of whole families, towns, and kingdomes, whereas a murtherer is but an offendor against one or twoe parsons. Therefore, who-soever mainteineth usury not to be a dedly sinne, the Canon lawe iudgeth him for an heretique, againste whom the laws may of right procede to his'condempnacion.

*The Punishmentes appoynted by the lawes are these.*

First, they are defamed persones, for that the lawe defames them. So that if my brother make an usurer his heire, I may breake the testament, and by excludynge hym be admitted my selfe, by complaint of a testament made against office or good right.

2. Agayne, they cannot bee suffered to receyve the Holy Communion, or to come into the Churche where god is honoured in the congregacion, that by suche meanes they beinge ashamed might repent and acknowledge their faults and call to god for grace.

3. Moreover, they shall not bee suffered to use any oblation in the church of god as other Christians doe.

4. And when they are dead, they shall not be buried in christian burial. And if anye minister doe receive anie knowne or convicte dusurer to the holy Communion, the same prieste or minyster shalbee straight wayes suspended from celebrating in the churche. And who so burieth an usurer so convicted shall immediately be excommunicated. According wher unto, an olde tale comes to my memory, which because it is a matter of fact, and setteth fourth thys purpose well, I will breiefely shewe it.

A riche usurer, beinge notorious and therefore often warned to amende, and yet amending never the more (as many that come to sermons are never the better), departed this world, where and when I cannot tell (for the booke goethe not so farre, eyther for time or place). But after the man was dead, his kynesmen that succeded him, (as ryche men wante none) desired to have hym buryed in the parish church before the hygh altare on goddes name. The person, being a zealous

godly man, would not burye hym at all, no not in the church-  
yarde, muche lesse in the churche or at the hygh altar. His  
kynesmen hereupon, being greatly dismayde, offered largely  
to have thys favour, but al would not serve. At length  
understandinge that the person had an asse, which broughte  
hys bookes from hys parsonage dailye to the churche, being  
a prety distance in sonder, they politikelye desired to obyayne  
thys favor for hym, that as his asse did dayly carrie hys service  
bookes to the churche, so it would please hym that for thys  
one tyme the quick asse might take payne to carye thys  
dead asse in a coffyne, with thys condicion, that wheresoever  
the asse stayed, there the bodie should be buried, persuading  
themselves, that as the asse by an ordinarye course used  
every daye to go from the parsonage to the church with a  
burden of bokes upon his backe, so of course hee woulde take  
the same waye with this dead mans corps, being cheasted,  
even straighte to the churche. The priest upon there  
importune suyte, was contented that the asse should deale  
in thys matter for the usurer and bee hys dumme iudge;  
who, when hee had the cheasted bodye upon hys back,  
feelynge the waight heavier then it was wonte to be (as usurers  
wante no weight, beinge overladen with sinne), or els by some  
secret motion of god, I thinke, as Balames asse was inspyred,  
so thys foresayd beaste beinge laden and overladen (as it  
shoulde seeme) did flinge and take on immediatly as though  
wild fier had ben in his taile, and leaving the ordenarye course  
to the churche tooke the strayght waye out of the town, and  
never leaft flinginge and runnyng till hee came to a paire  
of gallowes at the townes end, and there walloinge hymselfe  
under the gallowes, with the corpse uppon hys backe, dyd  
never leave tomblyng and tossyng hymselfe upon the bare  
grounde, till hee was cleane disburdened of so myserable a  
carion. So that there, even under the very gallowes, hee  
leafte thys usurers carcase. A fitt alter undoubtedly for  
usurers to be sacrificed upon alyve, or buryed under when  
they are deade, and a moste worthy tabernacle or shryne,  
miraculously assigned for all suche lewde saintes to be  
shrowded in, eyther dead or alyve. But thys tale hath  
almost made me forgeate my division.

5. It ys further determined that, whereas priestes doe ordinarily goe unto all other christians, to geeve them ghostlye comforte, none shalbee suffered to come unto usurers, to geeve them any ghostly counsel, but to suffer them rather to perishe like dogges. Except it be evidently proved that they are sory for their former lyves, and are contented to make restitution of goodes so horribly taken or gotten as by wrongfull usurie, puting in pawne for the samé accordinge to their habilities. Wherein they are in woorse case then common strumpettes or harlottes bee. For a drabbe is not bounde to make restitution of that shee hath gotten unlawfully, by abusing her bodye in fylthyne, but onely to doe penaunce. And yet an usurer must restore his evil gotten goodes because hee hath stolne them, or els hee cannot bee receyved into the church agayne.

6. Besides thys, when they make their willes, none must be present at the makynge thereof, to beare witnes of anye thyng they doe.

7. Neyther shall their testamente bee of anye force, excepte they make satisfaction.

8. Naye, they cannot make anye maner of last will at all, neyther nuncupative nor yet codicill; that is to saye, neyther wil by woord of mowth, nor yet a short wyll, wythoute institution of an heyre.

9. No, although hee make hys will, and register it, putting in sufficient caution, yet it will not helpe hym, as somē doe holde opinion and saye, as *Bartolus* amongst others.

10. And yf any usurer will dwel in any other shyre then where hee was borne, he shall not bee suffered, but utterly be banished for ever, and never to come there agayne. Or if through sufferance such doe dwel in those places, and are winked at, the chefest men there shalbee indited, the byshop suspended, and inferiours prelates excommunicated.

11. And what become of an usurer, no man ought to care, although hee begge hys bread and dye for hunger, because hys lyfe is as hatefull as it is abhominable.

12. And lawes made for the allowance of usurye are utterly abrogated.

13. And bycause they are accounted worse then common thieves and rovers, they are bound not onely to restore that they have, but also to aunsweare all the frute that they have gotten by such unlawfull meanes. Notaries are charged uppon great paynes not to make anye instrumentes for such wicked contractes and ungodly bargaynes, for yf they doe otherwyse, they are holden for periured persons, because they take an othe upon their firste admission to the contrary, and also are restrayned for ever to bee publique notaries afterwarde. Moreover, al lawes and statutes made, or by othe receyved and allowed to bee good, or that enforce debtours to paye usury unto their creditours, are uppon greate penaltyes forbidden and made voide. Agayne, those great usuries that have ben payde are also abrogated by the Councell of Vienna, and those that hereafter will take uppon them to bee aucthours, wryters, officers or devisers of suche lawes, shalbee strayghtway excommunicated and accursed of the Church. All thys notwithstanding, yf the usurer doe repente and call to god for grace, hee shalbe absolved, and received again into the congregation, so that hee doe make faythfull restitution of all hys gayne gotten by usurie, and do further stande to tharbitrement of hys ordinarye diocesan and iudge in causes ecclesiasticall, who by the lawes is appointed to punishe hym by the purse, that wherby hee hath gayned hee might make recompense by the same. And assuredlye there cannot bee a greater punishment to a covetous usurer, than to punish him with payment of money, who hath sett all his mind and whole thought uppon strapyng and gatheringe of goods together, without anye care in the worlde howe hee came by them. And yet some will never bee good, do you to them what you will. Accordinge whereunto, a little to revive your wittes and to quicken you, yea and perhappes to touche you, master Gromel, wyth all, I wyll tell you a ieste by the waye touching thys matter, of a merchaunt whome you all knowe.

A certayne famous preacher, a man most zealous in religion, and therewith so vehement agaynst synne as I know fewe hys lyke within thys land, made a sermon not many yeres past at Paules crosse, whiche sermone was wholeye agaynste

usurye, wherein hee shewed hymselfe both very well learned and also ryghte godlye, and (as I thinke) hee dyd good to some. The same Preacher dyned the same daye eyther with the maior or sherif, or some other merchant, but whyther, I cannot wel tell. And coming to dinner the partie dyd welcome hym, as it seemed, hartely, and glosed yet in dede, as it fell out afterward, saynge that hee doubted not but hee had done great good that daye in speaking so muche againste usurye, and therefore thanked hym. Whereupon an other famyliar acquaintaunce of the sayde merchaunte sayd unto hym secretly : what meane you, sir, to geeve thys man so great thankes, for speakyng so much against usurie ? I doe not knowe hym in London that gayneth more by hys money then you do, and therefore, mee thinkes, you speake eyther holowly or not advisedly. Tushe, quod the merchaunt, you are a foole. I do thanke him, and thanke hym agayne, for wote you what ? The fewer usurers that hee can make, the more shalbee my gayne, for then men shal chefely seeke me out. For doe you thinke that hee can persuade me to leave so swete a trade for a fewe woordes of hys trolling tong ? No, by the roodes bodye, can hee not. And therefore I will clawe him, and saye wel might he fare, and godds blessing have hee too. For the more hee speaketh, the better it itchith and maketh better for mee. Thus you see that notwithstandinge the straightenes of lawes, and the myghtie threates and curses uttered by god and hys prophetes, some are so stonieharted that nothyng will enter to temper them, ffhiche are to bee taken as graceles people, abiecte persons, and reprobate hethens, utterly renounced and forsaken of god. For whom lett us praye, if it bee godds will to turne ther hartes, that they may enter into their owne consciences, and use charitye as they are bound, and learne to doe to others as they would that others shoulde doe unto them.

The wryters upon the lawe are most generally against usurie ; and amongst the rest *Baldus*, in hys booke of Councelles, speaketh bitterlie agaynste them, saynge that usurie is a gaynefull piracie, contrarye to nature, upon the lone of any thing that consisteth uppon weighte, measure and number. And yf anye man (sayeth hee) doe thinke it not to be

synne, to lend for gayne, hee is strayghte wayes an heretique : yf hee do thinke it to bee synne and yet do use it, then he is straighte wayes a land pyrate. And therefore, whether he beleve it or no, he is like a leprouse persone, that through the contagiousnes of hys owne disease infecteth others, and so, beyng infectious, hee oughte to bee banished out of christian mens companye and congregation, till hee bee found cleane, as those leppers were in the olde lawe. Yea, he offendeth, sayeth thys doctour, against the nature of things, because it is impossible by the order and course of nature that once one shoulde bee twice one, whiche the usurers goe about to make, heapinge and gathering together more then the boundes of nature wil suffre ; for nature cannot afoord yt, that once one of dead things should become twice one, whiche must needes bee, yf I receive more than I lente. For in receiving more than I did lend, I have myne owne and one thynge more, which is two for one. And it cannot be, I saye, eyther in nature, or in reason, that one shoulde make two, so that all usurie ys agaynst nature, lawe, reason, religion and all goddes forboade.

And farther he sayeth, that an usurer ys a devouring beast, and like unto the worme called of *Plinie, Teredo*, that breadeth in timbre. For that the same worme, being touched or handled, seemeth gentle and softe, and yet hath he so hard teeth that he destroyeth all manner of wood. Even so the usurer ys a woorme at the first handling, softe and gentle in woordes, alwayes pretending the charitable ayde of hys borrower, but in the ende he devoureth every mans patrimonye and enheritance that dealeth with hym. And although naturally it bee geven to us to abhorre moste the greatest synnes, yet it is contrary in an usurer, for the greater usurer he ys, and the greater gayne hee getteth, the more swete and pleasaunt is his usury unto him. And as fyre will never cease to burne, yf it have matter laid unto it to burne upon, so the usurer (like unto hel mowth) doth devower and gnawe upon every mans goods as longe as ther is a peny or half-peny worth in the worlde to be had. And, that which is woorst of all, he then hurteth most, when he is least felte. And therefore, usury is called the most wicked thing that

can be. And note further (quod he) that an usurer doth licke with his tongue like a serpent, and stingeth like a scorpion, and seeketh ever, like an angry or roaring lyon, whom he may devoure, being a false deceitfull beaste throughout al the predicamentes, that is to saye in every parte of him, and in every action that he taketh in hand, for that he taketh that which he gave not, or taketh more than he gave. Yea the usurer is without al civiltie, curtesy, or kynðnes, and the reason is, because there is no parte of man in hym at all. Thus farre and a greate deale more sayeth *Baldus*, not onely in thys place, but also in divers other places. But I wil leave hym now, and goe to others.

*Bartolus* sayeth that all usury is utterly forbidden, and offensive to god and man.

*Panormitanus*, that writeth upon the Canon Lawe most excellently, entreateth upon thys matter at large, and doth utterly condempne all usury and usurers whatsoever. And amongst many other speaches that hee useth, he sayeth thus: the whurlepole and bottomlesse gulfe of usury doth destroye the soules of men, and all togeather devoureth their goodes, and bringeth them at all to bee woorse than nought.

*Card. Zabarella*, a famous writer upon the decretales, doth saye that usurie is forbidden by al lawes, and geveth reasons, alleaging *Innocentius*, and sayyng that al men should sterve yf usury were suffered, because tillage woulde whole be leaſte when usury were allowed, and so all love and charity woulde clerely bee forsaken, and all good trades abandoned for ever.

*Hostiensis*, wrytyng the summe of the lawe, is of the same minde. *Azo* likewise, makyng the like gathering, beinge both of them the two eyes of the lawe, doe so much speake against usury, as he that once preached against the Pope, and not hable to thondre out his disprayse fully, concluded that hee was fyftee tymes woorse then the Dyvel. And so these men do rattle against usury in such sorte, as they make it the worste and greatest faulte almost that can bee upon earth.

*Iason* upon the code sayethe thus: it is not lawfull to commit synne, for the safe garde of any mans life. Neither



ought there any dispensacion be graunted for usurye, though it were to redeme captives from the infidels. And therefore no Prince ought to suffer usurye, althoughe it were to the benefite of the common weale.

*Zabarella*, whom I named before, ys of the same opinion, writing upon the cannon lawe, in the tytle *de usuris*.

*Speculator* frameth libells agaynste usury, and calleth yt *usurariam pravitatem*, that ys the wickednes of usurie.

*Iohannes Andreas*, upon the canon lawe, maketh usurie to bee most wicked.

*Archidiaconus* and *Cardinalis* calleth it heresie. *Imola* tearmeth it a vermyne. *Pet. de Ancharano* sayeth that usurers be scorpions.

But what doe I unnecessarilie heape wryters, seynge there are moe that write agaynste this offence, than against any other wickednes whatsoever? I wil nowe therefore leve to mynde moe doctours, and briefly shewe unto you what severall nations and countries have done herein, and therewith laye before you the myndes and saiynge of dyverse wise and sage governoures in all ages and States.

The Romanes, beyng in their most perfect and flourishing state, made a law by their twelve tables that no man shoulde put fourth money upon usurie, but after one ounce in the hundred, called *fœnus unciarium*, whiche is one pound in the hundred, whereas before that tyme riche men myght take at their pleasure. Afterwardes it was ordeyned, at the entreatynge of the tribunes, to take an ounce and a halfe, and that was 30 shillings in one hundred poundes. After that it came to fower in the hundred, called *triens* or *fœnus trientarium*, whiche is fower in the hundred. And last of all, to sixe in the hundred, called *semissis*, after sixe poundes in the hundred. And yet, all these alterations and diversities of suffering in usurye notwithstandinge, one *L. Genitius*, a tribune or burgese of the people, published a lawe, that it shoulde not bee lawfull for anye man to bee an usurer at anye hande, or by anye maner of meanes. And so by all devises that might be it was utterly forbidden, and thereupon all fraudes were mette withal by divers edictes and proclamacions; whiche being often repressed, did yet notwithstanding

breake out by wonderful strange meanes, as what thyng is so stronglye establiſhed that the malyce of man seekethe not to overthrowe? Wherefore *Tiberius Cæſar*, to remedy this evill, and because he would not that there ſhoulde bee any usury occupied at al, did put a marvellous masse of money in banke to the summe of *millies sestertium*, which as *Budæus* sayeth, amounteth to two millions and five hundred thousande crownes, and is after oure English accompt five hundred thousand pound sterlinge, and toke order that everyman should have credyte for three yeres without paying any usurie therefore at all, so that the debtour were able to put in a sufficient pawne or suerty to the double value of that hee borrowed. And last of al, not onely all maner of usurye was forbidden by divers edicts and proclamacions, but also al maner of exchange for gain, for (as *Cornelius Tacitus* saieth) thys canker of usury is an olde venomous sore, and is the chieftest hed and cause of rebellion and variance in countreys, and therefore it was altogether banished in the olde time, when leaste corruption of lyfe appeared amongst men. *Iulius Cæſar* made a lawe, that whatsoever was payde above the pryncipall for the very lone, the same shoulde bee defalked out of the principall, and noe manne to bee charged with more then with that only which was mearely borrowed. There is a constitution in the name of the Emperour *Alberte*, whereby all men are forbidden to put out their money for usury. And if any man did use this trade secretly, or by any colourable meanes, and thereof was convicted, he loste by and by all his goods, aswel immoveable as moveable, the same to bee as an excheate confyscated to the Emperours Exchequer. And yet, if the same offendour had a wife, she had the thirde parte of his goods assygned to her, so that shee tooke a corporall othe, and dyd sweare that her husbände used this kind of usury altogether withoute her consent or knowledge. But yf she refused to take this othe, then were al the goods of this man straight waies forfeyled, as I sayde, and he excommunicated from the company of Chrystian men, tyll hee had made amendes and was become a new man, according to the prescript order of the lawe.

The Germanes dyd not knowe in the olde tyme what usury was, nor yet the Indians nether, til covetousnes sought to such gayne of money, and so destroyed all. Yea, som people have so hated usury, that whereas a theef (for then they suffered noe deathe for stealinge) was punyshed to paye the double of that hee hadde taken, the usurer was alwayes condempned to paye fower tymes the value.

The Lacedemonians dyd bannysh usurye for ever out of all their territories, and whereas al Egipt was sore overlayd with usurie, a law was made, that then a man might take only his owne that hee had lent, but no more at any hand. Amongst others *Agis*, Duke of the Lacedemonyans, is so thought to have hated usury, that he burned all the usurers bookes with a flaminge fier in the open market place, which spectacle being viewed by *Agésilaus*, he said that he never saw a blesseder light in al his life before. Would god such light might once shine gloriouslye over London, nay throughtout al England.

*Lucullus* so hated the excessive delings of the usurers, that whereas all *Asia* was overwhelmed with usury, he cleared the same utterly from al usurers. Likewyse *Cato*, beinge a sharp and severe man, did banish usurers out of all Cicilia. *Antoninus Pius*, *Alexander Severus*, *Claudius*, *Vespasian*, *Leo*, and divers others, dyd restraine the covetousnes of usurers from time to time.

*Cato*, beinge asked what was the chiefest pointe for houshold keepinge, answered: to pasture wel, that is, to have good pasturinge for cattell. Beynge asked what was the seconde point, he aunswered: to pasture sufficiently well, that is to saye, not to overlay the pasture. Being asked what was the thirde, he sayde: to clothe well, that is, not to exceede in apparell. And asked what was the fowerthe, hee said: to till the ground, that is, to mainteyne husbandrye for plentye of corne. Last of all, beyng demanded what hee thought of lending money for usury, he aunswered: Marye, what is it (quod he) to kill a man? shewyng by this, that usurye is a very murderer of mankynde. *Tullie*, in his first booke *Of Offyces*, compareth the usurers to vile artificers, that geat their wealth by lying deadlye and utteryng

falsched to save them selves from famine. And with the usurer hee reconeth tolletakers, customers, and suche madye officers, that pille and polle both prynce and people, where-soever they beare authoritie. *Aristotle* saith that usurers and baudes maye well goe together, for they gayne by filthy meanes all that theye geat. *Plato*, that divine Philosopher, and most Christian writer, in his fift booke of lawes, or of lawe makeinge, as he geeveth the title, warneth among other thinges that no body, whatsoever he bee, that wil beare the face of an honest man, do lette out his money for usurye or gaine. And saith farther, if any do put forth his money for usurie, it shalbe well allowed in him that so boroweth if he never pay the principal again, much lesse the usury rising thereupon. If this *Plato* were now lyving, and had the place of a counsellor to her Maiestie, and would mainteine such an argument, many riche usurers would utterly cry out upon suche a magistrate.

Ther is a boke in greeke of *Plutarches* doying against usurie, in which he counceleth al men not to borow upon usury, and therewith dothe condempne the whole manner of lending for gaine. And hys reasons be these.

1. It is against the rule and order of nature, that nothing should brynge forthe somthing for the lending. Besides this, the property of the goods is an other mans and not mine, and so it is nothing to me, and therefore against nature that any thyng should come of nothing, which is the gain over and above the principal.

2. It taketh away also from the poore their chiefest comfort, and that is the quyetnes of their mynd, which theye cannot have when theye are forced to bee carefull to aunswere the byting usurie over and above the principal, howsoever they doe speede.

3. It devoureth gayne before it can bee gotten, takynge usurye in the hundred and not upon the hundred, as these wicked wretches doe.

4. It enforceth those that paye deepe usurie to take up upon double usance, so that the more they borowe, and the longer they tarrye, the nygher theye are to utter destruction. And, sayethe hee, these usurers are lyke unto these great

ravenynge foules called *Harpia* that weare sent from the gods (as the poets do faine) to devower blynde *Phineus* meate from hym, so often as anye was layde before hym, because he had at the request of his second wife, being stepmother to his children by his first wife *Cleopatra*, yelded to the plucking out of hys childrens eyes. So the usurers do devower all the goods that anyman hath, as those ugly beasts did eat *Phineus* meate from him when he was blind.

5. Lastly, hee condempneth all usurye for this reason : because that all men for the moste parte doe borrowe to satisfye their sinfull luste and fonde desire, in vayne expences and needesse cost and charges. And therefore he willeth suche as wilbe unthrifits, that they do not borrowe upon usurie, and so paye moneye for money, the woorst bargayne that anye man can make, but rather that they doe sell their landes out right, to get for them what they can at the firste, because they shal have more that way by a great deale then by the usurer, who wil make them lose al for a lytle and to sell their lands altogether for a trifle, as I knowe dyvers men have done in thys realme.

Thus farre *Plutarche*, that great lerned Clarke. Yea, what godly wyse man was there ever that did not enveigh agaynst uncharitablenes, and beat downe usury flatte to the grounde by all waies possible ? Yea, what tyme, what government, or what state is or hathe beene, that dyd not abhorre thys ugly monster and Caterpillar usury ? And to come home, after the rehearsal of so many forein and strange decrees, not only by princes in al ages, but also by private lerned men in al times, did not the Emperoure *Charles* of famous memory in Anno 1530 assemble a dyet at *Augusta* in high Almain, and there conclude by thadvyse and assent of the whole Empire that no maner of contract that had any fellowship with usury should bee allowed, but rather that all usurye shoulde be avoided for ever, and bee never more used ? And if anye were founde to have made anye suche contracte, the same man strayght wayes forfett to the magistrate and ordinary Iudge the fowerth parte of hys principall summe, so put forthe to usurie. And if the magistrate were negligent in this behalfe, and would foreflowe to punyshe suche

offendours, the Emperours procurator had authoritie to call the officer before him, and to punyshe him wyth forfeiture of two or three markes of pure golde.

In oure time that godlye prince kynge Edwarde the sixt, yea godly may I wel call hym, dyd make an acte of Parlyament that noe man might put oute hys money for any gaine at all, neither dyrectlye nor indirectlye, and appoynted paynes against theoffendours in that behalfe, as you master temporall Lawyer knowe better then I. Thus I have led you a long waye in worldye punyshments, aswell by the Canon Lawes, as by the Emperours laws, which are called Civyll, and the statutes also of dyvers other countreis and natyons. But, lorde ! what are these punyshmentes in comparison of gods sharp rodde and severe iudgement in the life to come ? The scrypture of god you have partly heard, but the threatens and punishements perhappes you do not wel remember, neither have I amplified them as they are to be uttered. But, lorde god ! what a difference is there betwixt the punyshments of thys life and the sharpe vengeance of god in the life hereafter, as you master Preacher have often sayde ! The paines in thys life are in deede but transitorye and for time, but the paines in that life are perpetual and shal never have end. Yea, such and so horrible shall the smart bee, as noe mouthe can utter, nor tong expresse, a bottomlesse hell, a devouring furnace, and a fire unquenchable, prepared for the devill and his angelles, to burne forever with tormentes eternall. God bee mercyfull unto us, and holde hys holy hande over us and defend us.

And nowe commethe to my mynde a matter moste needefull to bee spoken of after such heates of speech used agaynst the usurer, and that is, whether hee that payeth usurye bee an offendour or noe. For some thinke that because there can bee noe usurye wythoute borowyng, these therefore that borow are in fault, as they which do geve cause of this horrible offence, seekynge out these money men, and so after a sort do compel them to be usurers that els wold not put out their money, if they were not merveilously entreated thereunto, and knew not unto whom they might lend. I doe aunswere, that everye borrower doth not sinne, because

it is an involuntarie action and muche against the borowers will to paye money upon usury, who woulde rather wyth all hys harte borow freelye, and pay nothings for the lone then otherwise. Yea, it is as muche agaynste his will to pay usurye for money, if he might have it freely, as that mans deede is involuntarye whoe being in a shippe and in great peril casteth his goods that are in the sayd shyp into the main sea, to save himself harmles by lightening the ship for the tyme. And as he that being set upon by theves in the high way, geveth his purse frely rather then hee woulde have hys throte cutte violentlye, and yet god knowethe it is muche against his will to part with his money, even so the poore nedy man boroweth, that seeth hymselfe readye to starve except hee be presently relieved, who yeldeth rather to be half undon for a time in hope to recover himself againe by some odde meanes hereafter, then suffereth himself to be undone, both he and his for ever, for want of present reliefe. Againe, wher thentent is not evil, nor the minde consenting to sinne as allowing it, but rather altogether unwillynge to yeelde thereunto, as unto sinne, whoe can say that he offendeth, whose mynde is sounde, pure and undefiled? And ys there anye so madde to thynke, muche lesse to saye, that he had rather wyth all his hart pay for the lone of money then to borowe it freely?

So that in one and the self same facte one may offend and the other may be innocent. As for example, an aduowterer abuseth a womans body against her will: the man dothe sinne and yet the woman is undefiled, because her minde is chaste and unspotted. *Lucretia* the Romane matrone liveth chaste for ever, of whose bodye though proud *Tarquinius* sonne had hys pleasure, yet her minde continued still moste chaste and faithfull to her husbände, and therefore she not consentynge in harte to sinne is by fame recorded to be the ornament of all womanhode and perfyte chastitie. And therefore sayethe Saynt *Ierome* verye wel: *Corpus mulieris non vis maculat, sed voluntas*: not violence, but wil doth defile a womans bodye. And Saynt *Augustine* to *Victorianus* *Ad deum ingemiscentibus omnino suis aderit qui suis adesse consuevit, et aut nihil in eam castissimis membris libidine*

*hostili perpetrare permittet, aut si permittet, cum earum animus nulla consensionis turpitudine maculatur, etiam carnem suam defendet a crimine. Et quicquid in ea nec commisit, nec permisit libido patientis, solius erit culpa facientis, omnisque illa violentia non pro corruptionis turpitudine, sed pro passionis vulnere deputabitur. Tantum enim valet in mente integritas castitatis, ut illa inviolata, nec in corpore possit pudicitia violari, cuius membra potuerunt separari,* which is thus in english: He will ever be present with his, that sigh and grone to god, as hee hath wont to be present with his. And either he suffereth nothing to be done in their chaste bodies by divelish luste, or if hee dothe suffer, whereas their minde is not defiled with any filthines of consent, he dothe defende hys owne fleshe from offence. And whatsoever eyther the luste of the pacient hath either not consented unto nor suffered, it shalbe the fault of the only doer. And al that violence shal not be imputed for the filthines of corruption, but for the wound of suffering. For the soundnes of chastity is of such force in the mind, that, when the minde is undefiled, chastitie can not be defiled in the bodye, whose members might have ben dyssevered in sunder, one from another. And in another place: *magis timeamus ne sensu interiori corrupto, pereat castitas fidei, quam ne fœminæ violenter constuprentur in carne, quia violentia non violatur pudicitia, si mente seruat, quoniam nec quis in carne violatur, quando voluntas patientis sua turpiter carne non utitur, sed sine consensione tolerat quod alius operatur;* that is: Let us feare more, leaste the inwarde understanding being corrupt, the chastitie of faith do therewith perysh, rather then leaste weomen should be violentlye defyled in their fleshe; for chastitye ys not defyled by vyolence, yf it bee kepte sounde and cleare in the mynde, forasmuch as none is defyled not so muche as in the fleshe, when the will of the sufferer doth not filthely use the flesh but suffereth that thing without consent which in an other doth worke by violence.

This case is likewise to bee proved true in an other matter, betwixt the landlord and the tenaunt: for the landlorde maye so oppresse hys tenaunt, wyth takyng a great fine, and enhausing his rents, that he may undoe the poore



tenant for ever, and so commit deadly sinne, and yet the poore tenaunt nothing to be blamed. For god knoweth he woulde have had hys farme better cheape, and have payde lesse rent with all hys harte, yf it had so pleased his landlord. Thus wher the reason in offending betwixt twoe is not like, the punishment should not extend to them both. And of this opinion are divers Doctors, as *Archidiaconus*, *Imola*, *Laurentius de Rodolphis*, wyth others. Albeit ther be that are of a contrary mynd, and would have the receiver to be counted an offender, aswel as the lender; and yet not every receivor neither, but suche as borow to spend wantonly and unthriftely and induce them to lend for gayne that else have not used so to do, nor would not yf they had not been greatly constrayned and almost driven to lend against their wils. Such borrowing in deede, by such men, semeth to induce others to synne, and they themselves doe sinne that doe thus boroweth to gayne honestly and save himselfe from starving. And therefore, as I would not have unthriftes to borrowe, so would I have lenders to take hede what maner of men they be unto whom they doe lend, and not respect so muche their owne commodity by gettinge of unthriftes into their daunger, as the benefyte of them, and hys great necessity unto whom they are desyred to lend. For surely they do offende much that are over hastie in lending, when they see present gayne comming to themselves, and utter undoing readye for others.

And thus, as I have sayd some what of borrowers, excusing some from synne, and accusing others of synne, so will I speak of their misery that are driven to borrowe. And thus I saye, hee that wanteth and is forced to crave must of necessitie be dryven to fawne, to flatter, to lye, to submyt hymselfe to an other mans will, and to speake oftentimes against his own conscience, and so to falsifie hys fayth all together. Such a one is not meete to be trusted in matters of weight concerning the state, especially yf hee bee greatly in debte through loose dealings. For men being needy will commonly yelde to muche evil, before they will starve; and yet not al poore men are unfitte for auctoritie, but some more fitte than some ryche men. Suche onely are unfit

as are in daunger to others for debt, into the which they are fallen through their owne folly, and know not how to paye the same agayne by any good or lawful meanes. And this is very pityful to heere, that hee who is once in miserable debt through usurie can never gett out again, except some great goodnes do happen unto hym. For the more he borroweth upon usurye, the more hee oweth still, so that his miserie is infynyte, his losse still encreasyng, and hym selfe decayng and consuming awaye, as waxe or butter melteth at the sunne. For as time goeth away and tarieth no man, so the usurer taketh over the benefite of tyme, and gaineth by course of the sunne, by a cleane contrarie waye to all others. For whereas the sunne helpeth housbandemen in their harvest, and at these tymes when they take paynes and travayle for their livinge, the usurer getteth gayne through tyme by verye ydlenes, a fytte man to be openly whipped for a common rogue.

They, therefore, that would bee without daunger of suche devils and not stande in neede of them, lett them somewhat hearken to me, and they shalbee eased by gods grace. I woulde have every bodye lyve in order, folowe his vocation, bee not wastefull, spende nothing vaynelie, looke twice upon their money before they laye it out, and that their expenses doe not excede their revenues, but rather to lyve under than above their degree, remembringe alwayes that in sparing is great gettinge. Thus shall they have the lesse neede to borowe, a better harte to lyve, and a more quyet conscience to god ward, when they shal spende of their owne, and owe nothing to any bodye, but good wil and charity. And I tell you, it is a true sayng, *fælix qui nihil debet*, happy is hee that oweth nothyng. He sleepeth sounde sleapes, he taketh lyttle thought, and so passeth the course of his lyfe with muche ioye and quietnes.

There ys a pleasaunt tale in one of *Aristophanes* Commedyes, whyche I wyll shewe unto you, and somewhat enlarge it for myne own pleasure, the rather to refreshe youre wyttes with some mery matter, whom I have thorowly wried, I am afrayde, with a longe discourse. This *Aristophanes*, beyng the moste pleasaunt deviser of Commedies and enterludes

that ever wroate, hath one commodie amongst the rest, which hee intituleth *De Nubibus*, Of the Clowdes, and he devised it at the requeste of *Socrates* enemyes to mocke hym thereby, and to bryng hym hatred with the people, as one that broughte into the Citye worshyppyng of newe goddes. And amongst other thynges, hee bringeth in one *Strepsiades*, an aged man, altogether shipwacked by frayghting with usury, who offered hymselfe to bee one of *Socrates* schollers, to learne thereby the rather of him the waye and maner how to deceiue hys creditours, and not to paye them there monethes usurie, whiche was usual amongst the Grecians, to paye their creditours at the begynnyng of every newe moone. Unto whome, when *Socrates* made aunswere, that hee coule not geue hym any counsell to deceyve hys creditours, hee called his wyttes to hym, as one that was brought to an after-deale, and desired *Socrates* to tell him yf that waye were not good whiche hee had devysed, for (quod he) I have found out a waye that I shalbee eased of my burden. As for example, what yf I buy a witche of Thessalia, and by her enchantementes doe fetch the moone oute of heaven, and bringe it awaye, and afterwarde enclose it in a case of glasse and so kepe it as I woulde kepe a flee in a boxe? And what good (sayethe *Socrates*) woulde that bee to the? Mary, quod *Strepsiades*, if the moone doe never ryse agayne, I shall never pay myne usurie. And why so, sayethe *Socrates*. Forsoothe (quod he) because men paye their usurie ever at the begynnyng of the newe moone, and not before. Thus you see, to what a straunge shifte thys poore man was dryven, even to plucke by violence the moone out of heaven for hys helpe. And of truth the witche did her best and began to charme the moone, which when the creditour understoode, hee was put in such a peltinge chafe as was wonderful to heare, and accusinge thys poore debtour of enchaunement wente hymselfe to an other wytche, not onely to keepe the moone from comming out of heaven, but also to hasten the course of it faster, that he myght the sooner have hys moneye.

But lord! what a trouble was the moone put unto between these two witches! What stormes and tempestes dyd ryse! What horrible wynde did blowe! What great rayne did

fall ! what floodes ensued every where ! what countries were almoste drowned and under the water in manye places as of late it was here with us ! At what time, I feare me, some faythlesse people were yeldinge themselves to the dyvels devocyon to bringe their wicked purposes aboute, and I thinke it was some usurers practyse to hasten the yeare forwarde. But all thys I have hytherto rehearsed, to shewe the myserable state of poore debtours and the grædyde desire of wicked creditours, that like as the one for mere necessitye was dryven to a merveilous rare shyfte to avoyde hys debt and the penaltie thereof, so the other of an unmercifull crueltie sought as extremely to hasten the retorne of hys moneye, by the swyfte course of the moone. Thys impossible dryfte and unnaturall fetche that the poore man was put unto proceded upon the uncharitable dealinges of the usurers in those dayes. For whosoever failed of payng hys debte and usurie the firste daye of the newe moone (for so the Grecians and olde Romaynes also did lend, from moneth to moneth and for no longer time), the partie upon an execucion was by and by taken, and bound with a corde, and so committed to prison, there to live and rotte, eyther at hys owne charges, or els, yf hee had not wherewith to find himselfe, the creditour gave hym a little meale and colde water and no more, so much onely as would fynd nature, and so he lyved in that miserye, till he dyed.

*Septimius Florens* reporteth if one man were a debtour to many, hys body was geeven unto them, to bee equally cut in peces, and whereas hee had not to paye in his purse, hys quartered body should paye for all, to geve a terrour to others how to breake with their creditours ; and as thys was amongst the Romaynes so the Grecians used the same.

But *Solon*, that wyse and mercifull counsellour of Athenes, would not that men should so much as bee bound with cordes for anye debte rysing upon usurie, and so haynous and hurtfull hee found usury to the whole state, that hee procured a generall pardon for all those that were indebted for usury, which in greeke is called *σεισαχθεια*, as who shoulde saye an easemente of a burden.

Thus havinge longe holden you with talke, I will now drawe towardes an ende, for I am halfe wearye my selfe with speakyng. Woulde god others were more wearye of theyre evill doing, and then all should be well. I pray you beare with me, my maisters, and take that in good parte which I have hetherto sayde.

*Ockerfoe*: I cannot otherwyse, for my parte, but iudge well of your longe oration, for that generally vyce hath bene rebuked, although in some particuler cases some doubtte maye bee made. But because I have no great skyl to syfte severall causes, I doe not mynde to quarel, but to use myne olde trade in rebukyng synne, and referring every particuler action to every mans pryvate conscience. And glad I am there have bene some good popes, for surelye they have ben all nought for the most parte, as by all storyes written of them, and by sundrie their Canons and Decretales, it may appeare.

*Gromel gayner*: I, as one of no greater skil, will neither saye buffe nor baffe, but thanke you for your longe communication whiche, I am sure, hath rather don me good then harme. For, as you maye perceyve, I have often greeted your good talke with a nodde, and therefore have thereby the better digested my dinner, and not misliked your longe rehearsall at all.

*Lawyer*: Out of all your civill and canon lawe you have shewed plentie of matter, but whether trulye or no, I cannot tell. And, under your correction, me thinketh still that all usurye, even for lending of money, should not be so offensive to god as your canon lawe maketh it. And therefore I doe better like the iudgment of thEmperour *Iustinian*, who would by lawe enacte a moderation of takyng; wherefore, yf you would farther open thys matter, I would be right glad to heare you.

*Gromel gayner*: So woulde I, yf it bee for my profite, as I thinke it is.

*Civilian*: In dedde there are wryters of this age that do merveilously defend *Iustinian* for hys lawe of moderacion, yea, and stand in it earnestlye, that it is neyther agaynste goddes lawe nor yet against the canon Lawe neyther, and think it rather a matter of policie to permitte moderate

gayne, than thus preciselye to deale in thys case, and utterlye to forbid all maner of takyng whatsoever. But before I doe reherse the wryters, I will set fourth and shew the lawe unto you, whiche is in thys manner.

Wee have thought necessary, sayeth the emperour *Iustinian*, to make a generall lawe or statute touching the quantitie of usurie, bringing the olde harde and most grevous weighte of the same to a certayne moderate stay or meane rate. Therefore, wee commaunde those noble men that are Erles or their betters, that they doe not make anye stipulacion or firme bargayne in anye maner of contract whatsoever great or lesse for usurie or gayne to be had above fower poundes in the hundred. Those that are guardens or governours over handye craftes men, or places where artificers doe woorke, or els doe use anye lawful trade of merchandizes, wee will that they shall moderate their stipulacion or firme promise taken in anye bargaine, to eighte in the hundred. And as for those that do adventure their goodes beyond the seas, and put out their substance upon their owne hazard, such may lawfully demaunde by firme promise to receyve twelve in the hundred, and in no wyse to take above that rate, althoughe by the olde Romaine statutes it hathe ben lawfull to excede. And we will that all other men shal take onely sixe in the hundreth pound above the principall, and the same quantity of excesse in no wise to be enlarged in other contractes and bargaines, where usury is wonte to bee demaunded without stipulation or covenante made. Neither shall it be lawful to the iudge to encrease the foresayd taxation or rate made, by reason of the custome used in anye country. And if anye man should do anything againste the order and measure of thys statute and lawe, hee shall not have any benefite by action of anye overplus, but yf hee doe take more, hee shalbee forced to accompte it into the principall, forbidding all creditours to defalke or to retayne unto them selves anye thinge of the moneye that they put out to usurie, either for *Iohn Debates* or for *Iohn de Curtesia* (as the Portugales tearme it, when men will take a drynkyng peny, or a trifle for their pleasure), or that they will bee allowed for brokerage money, or to the scryvener for wryting of thindentures,

or for any cause whatsoever. For if any such thing bee done, the principal debte shalbe diminished by so much in quantity as hath ben taken, so that aswell that whiche is to bee deducted shall not bee asked, as that the usurie also shal not bee demaunded at all. And we, minding to cutt off all sleights and engines of those creditoures that, beyng forbydden by thys lawe to take greater usury, do devyse other meanes, and worke by others, who are not so forbid by thys lawe as they are, wee do commaund, that yf any such thinge bee attempted, the usuries maye be so recovered and accompted as shal bee requisite, even as though he who used an other mans helpe had made the stypulacion or bargayne hymselfe; wherein we doe ordeyne that the partye shalbe put to hys boke othe, to make hys purgacion. And the substaunce of al thys lawe is comprehended in these fower simple rymed verses.

*Discant illustres stipulari posse trientes ;  
Et mercatores sibi possint quarere besses,  
Quarere semisses possunt communiter omnes :  
In traiectitiis vires centesima sumis.*

In English thus,

Greate men of an hundred by lawe may fower make,  
Merchaunts may have eyght, al others sixe alone,  
Twelve partes adventurers maye allwayes to them take,  
More then thys to gayne, *Iustinian* will have none.

Nowe, touching the wryters of thys matter and in favour of thys lawe, ther is amongst others one *Carolus Molineus*, a Frencheman, a notable lawyer undoubtedly, and one that lately lyved, and such a one as shoulde seeme to bee of a most godlie spiryte, referringe all hys doynge to charity, whiche (hee sayeth) yf it bee kepte amongst men, there cannot bee anye usurie committed. For as you, master lawyer, have sayd to master Ockerfoe, so longe as neyther parte taketh harme, but rather profyt, and is the better for suche their tradinge, how can it bee countted an offence to god? Ex-cepte you will saye that therefore it is an offence, because god hath expresslye forbidden it? Which if it be so in

deede, then there is no remedie to the contrary. For looke what god forbiddeth, no man should allowe. But herein *Molinæus* desireth an interpretacion, and saith that usurye is not forbidden but where charitye is broken, and my neyghboure dampnified by some exaction. And wher it is sayde that therefore wee shoulde not lende for gayne, because *Christ* saith, *Mutuum date nihil inde sperantes*, here Hee speaketh not of usurie, sayeth he, but of restitution of the princypall agayne, or a like good turne. And that thys is true it semeth most evident to hym, because *Christ* speaketh there against those onely that geeve unto them as good agayne, which thyng heathen men and sinners doe. But the servauntes of *Christe* shoulde lende and not loke at all for the principal agayne, as who shoulde saye, they shoulde lende to the poore and needie without all hope to have their owne agayne. And therefore *Christ* requireth of hys disciples a greater perfection and righteousnes then the gentyles or heathen doe shew. That is to saye that they lende to the poore and needye with thys mind and intent, that although the poore men are never lyke to restore a penyne againe, yet they may be glad and readye to helpe their needye neighbour at al times for gods sake. And so farre unlike it is that suche a good turne shoulde bee lost and dye, that god him selfe wil geve a more plentyfull rewarde, when man doth looke for the lesse rewarde of men.

Therefore, as *Christ* will not that anye man shall lend unto those onely that are able to repay them againe, but rather to have an eye how to do good to our needy and poore brother, then to looke that our lent money bee in safetie and in a sure hande, so if my neighbour and brother be not in suche neede, but that hee maye with his ease paye, not onely the principall, but also geve me somewhat for my good will and friendshyp, god dothe not forbid any suche dealinge, as lykewyse god did not forbid a man to ask his own agayne by order of lawe. But *Christes* meanyng and intent is that we should alwaies have regard unto charitie and to consider the state and case of oure brother. And *Christ* doth shew ther at large how wee shoulde use the poore, which eyther at all bee not able to paye us, or elles wyth their ease cannot convenyentlye



answeare the debte in time. Therefore it is not agaynste charitie to take any maner of usurye, sayeth he, but to take with the hurte and losse of my brother: that is it whiche is offensive and dysallowed. For yf thy brother do gayne any thinge by thy moneye, and hee thereof do geve thee parte, thou doste take parte of the blessinge of god and not anye parte of an other mans good. Neither ough the offence of usurye bee measured by the quantitie of that whyche is taken, but by the harme and losse which thy neighbour hathe susteyned, so that the same quantitie of takynge do not exceede the boundes lymytted by the polytique lawes shewynge that noe man shall for anye cause whatsoever take over and above twelve pounce in the hundred; and yet not all, neyther, canne take twelve in the hundred, but the merchantes onely that do adventure their goods over Seas and into farre countreys, hazardynge their wares by adventure. Others shall take but eyght, and some but sixe in the hundred by *Iustinians* lawe, and greate men but fower onely. Thus farre *Carolus Molineus*.

*Andreas Alciatus* likewise, a new wryter and a moste famous Clerke in the Civill lawes, sayeth thus. *Apud nos certe publice interest legem civilem observari quæ certum modum fœnerantibus constituit, ut qui cum excederent, plecterentur. Nam propter Canonum prohibitionem non nisi pessimus quisque et impudentissimus fœnerat, qui cambii vel eius quod interest nomine, vel alio fictitio titulo indigentem, atque necessitate, quod humaniores non reperiat, compulsum, deglubit, nec episcopi et sacerdotes id hominum genus ullo modo coercent, sed adiuvant potius, suis quoque pecuniis, Danistæ in id lucrum clam creditis, quod et divinus Ciprianus conqueritur.* That is to saye: Amongst us surelye it was behoveable for the common weal that the Civil law should be observed, which appointeth a certain rate unto usurers, that whoso exceedeth the same rate should be punished. For now adaies, because of the strayght prohibicion made by the Canon lawe, none doe let out their money but the woorst men of all, suche as care not for laws and are past al shame, rekyng not what they take, whoe under the colour of exchange or interest or some other counterfeyte cloake or tyle of entercourse, do

eate up the poore and needye everye where, beinge driven thorough necessitie to goe unto suche men, because there are none other that theye can find to shew them any more favor or gentlenes at al. Neither do the bishops and priestes punishe any such kynde of dealings, but doe rather helpe them then otherwise, putting their owne money secretly in bank for the same gayn, which S. *Ciprian* did complayne upon in hys tyme. *Innocentius* likewyse, one of the Popes of that name, semeth to holde the same opinion. These thinges I do think my masters wil plese some of you metely wel.

*Lawyer* : In deede I must saye that you have pretely well confirmed myne oppinion, howsoever yours is.

*Civilian* : Notwithstandinge I have shewed the Canon law unto you, and spoken largelye thereupon, heaping examples, and bringynge in divers reasons, yet some great learned men thinke, as you have harde, that this kinde of dealinge maye be used in any Christian common weale. But I woulde know what Master *Gromel* thinketh, and also hear Master *Ockerfoe* yet once againe.

*Gromel gayner* : I would have it free for every man, without any limitacion at all, or els, rather then the prohibicion should be so straight as no man upon great paynes should lend for anye money at all, that there might bee a rate appoynted, beyonde whyche noe man shoulde passe. Marye, I would that the merchant should lende at all times, and for all causes, for twenty if they list in the hundred wythout contradiction, although he do not hazard nor adventure hys money abroade or beyonde the seas.

*Ockerfoe* : Will you see how covetousnes is rooted in this man? No mercye at all, no charitie, no love. Hee would have the most that is possible to be had, and so woulde have it at libertie, which is worst of all. For then whereas some men would willingly lend for x or xii at the most, he with others would engrosse to themselves all the moneye that they coulde geate after that rate; and so, when scarcitie came, they woulde put the same moneye oute agayne for fifteene, naye for twentye. Whyche weare a cruell dealyng and a crafty practyse also, not unlike to those priestes in the olde time that woulde offer an halfe peny to encourage the common

people to offer a grote more franklye. For so these subtyll and deceyptful merchauntes wyll come to the Streete, and take uppe all the moneye that theye can geate after x or twelve in the hundred, and so put it out straight waies againe, as I hear say, for fyftee, nay xx and more in the hundred, a wicked and a most unchristian engrossing. And god forbid that you or anye man should doe so. Touchyng your gentle moderatyon and lessenyng of iniquitie by *Iustinianus* lawe, I cannot say as you say neither, but stil I must holde myne owne opynion, because the scrypture dothe so directe mee, perswadyng my selfe that overplus taken for lone, whatsoever it be, yea, bee it but a farthinge in the hundred, for the verye acte of lendyng, is playne usurie and dampnable before god. For so it is playne in the olde and newe testament. And I wyl not seeme wyser then god and hys prophets, neyther wyll I adde or dymynyshe anye thinge from hys woorde. Lawyers and worldlye learned men maye blaunche and mynse thynge as the devyll and carnall reason doth lead them. But god is wyser then man, and the wysedome of thys worlde is foolyshnes in deede before god.

*Civilian*: I wyll tell you master *Ockerfoe*, yf youre expoundyng be so strayghte that the takyng of a farthyng shoulde bee dampnacyon to him that takethe it, of whom soever it bee, and that you have no respect of men, nor yet in anye thinge have any regarde to the cyrcumstaunces of tyme, persone or place, I cannot tell what to saye to you. But god have mercy upon us al, for that none in my age did ever live (I thynk) so perfectly as you expounde scriptures.

*Lawyer*: I praye you let us examyne that place of *Ezechiel*, and turne the booke to see what the wordes be: the soule that sinneth shal die, and his bloud shalbe uppon him. If a man be godly and doe the thinge that is equal and right, he eateth not upon the hylles, hee liftethe not hys eyes up to the Idols of Israel, he defyleth not hys neighbours wife, hee meddleth with noe menstrous woman, hee greveth no body, he geveth his debtour his pledge againe, he taketh none other mans good by violence, he parteth hys meate with the hungrye, he clotheth the naked, he lendeth nothing upon usury, he taketh nothing ever. This is a righteous

man, he shall surely live, sayeth the lorde god. If hee nowe geat a sonne that is a murtherer, a shedder of blood, if he doe one of these things (thoughe hee doe not all), he eateth upon the hilles, hee defyleth his neighbours wife, hee greveth the poore and needy, he robbeth and spoyleth, hee geeveth not the debtor his pledge againe, he lendeth upon usurie and taketh more over, shall this man live? Hee shall not live, seyng hee hathe done all these abhominacions, hee shall dye, and his bloud shall bee upon him. Nowe, *yf* thys man geat a sonne also, that seethe all his fathers sinnes whyche hee hathe done, and feareth, and doth not the like, namelye hee eateth not upon the mountaines, hee lifteth not his eyes up to the Idolles of Israell, hee defileth not hys neighbours wife, hee vexeth noe man, hee keepeth no mans pledge, he neyther spoyleth nor robbeth any man, hee dealeth his meat with the hungrye, he clotheth the naked, he oppressethe not the poore, hee receiveth no usurie, nor anye thinge over, hee keepeth my lawes and walketh in my commaundements. This man shall not dye in hys fathers sinne, but shall live without fayle.

I do see here divers thinges, and by them I do iudge of thys texte twyse rehearsed, whyche is, hee that lendethe freele, and taketh nothings over, hee is a ryghteous man, he shall surelye lyve. But hee that lendeth upon usurye, and takethe anye more over, shall this man live? He shall not live. I woulde anye of us weare so well learned, as to understande the Hebrue: for I thynke thys matter weare soone ended. The greatest clerkes, as *Leo*, *Iudas*, *Oecolampadius* and others, doe not turne this place into latin out of the Hebrue in suche sort as wee do expound it in Englishe. For in steede of the olde translation *plus*, whiche is more, they do translate *super abundantiam*, that is over abundance, or over excessive, whiche in deede is wicked and dampnable to doe. For then men are bitten and oppressed, and not when anye smal tryfle is taken over. The lyke that is sayd agaynste usurye is sayd also in the same text twice of hym that geeveth hys debtoure hys pledge agayne. The same man is ryghteous, hee shall surelye live, sayethe the lorde. But hee that geeveth not the debtour hys pledge againe, shall that man lyve? Noe, hee shall not lyve. Nowe I praye you, sir, howe will you

expounde thys texte : hee that geeveth, or geeveth not the debtour hys pawne agayne? Shal every man lendynge upon a pawne to anye one, whatsoever hee bee, geeve hys pawne agayne, beyng not able to paye the debte? In good soothe then, men bee more than madde that wyll redeeme their pawnes, when Ezechiel wyllleth that everye creditour shall delyver to everye debtour his pawne agayne, or els hee shall not lyve. Assuredlye me thynketh thys weare a straunge exposition; yet yee maye as lawefully expound this so, as the other agaynste usurers. In both which texts, to my simple understanding, I do think ther is a specyall regard had to the poore, that lyke as I ought to delyver to the poore debtor his pawne again who is not able to redeme it, 'so should I not take anything over and above my principall uppon my poore brother, least I doe oppresse him, who perhaps is scant able to pay the principall, and therefore I shoulde rather forgeeve hym all charitablye, when he is not able to paye me, then to take myne owne and more too, and to oppresse him.

*Ockerfoe* : The wordes in *Ezechiel* are general: he that lendeth upon usurie and taketh more over, without any mentyon of the poore.

*Lawyer* : So are the wordes of the pledge pawned, general. And yet I thynk you will not have all pledges restored.

*Ockerfoe* : Yes, all pledges muste bee restored.

*Civilian* : Then what assurance hath the creditour of his owne by anye pawne, when the debtour shallbee sure never to lose it, because it is commaunded that it shalbe restored? I doe not understande this Divinitie.

*Ockerfoe* : He must restore the pawne upon paiment of his money, or els he may keepe it, excepte the poore man be sore decayed, and then for charitie sake he is bounde to geve him his pawne againe.

*Lawyer* : Everye man is bounde by all lawes uppon payment of the debte to geeve backe the pawne againe; yea, they that never hard of god will doe that by a naturall order. And therefore this precept, as you understand it, is voyde and of noe force, for as noe man by lawe can bee suffered to keepe backe an other mans pawne, so I doe thynke none dareth or wilbe so wicked as, upon receyving of his owne

again, to withhold another mans pledge. Marye, wheather men wyll geeve againe a pledge pawned, and lose their principall, I doubtte muche of that, and I thynke noe man will so doe : or if any be so minded, no doubt that man is a very perfit man.

*Gromel gayner* : I never denyed any man his pawne that payde me my money againe. But, by Saint Mary, hee that brake day with me was sure to lose his pawn forever. And that is reason as I take it.

*Civilian*. Me thynketh you understande this texte so straightly as the Iewes understoode the first precept, who, because theye weare forbidden to make to themselves any graven Image, or any lykeness of any thyng that was in Heaven above or in earth beneath, or in the water under the earthe, therefore to thys daye bothe theye and the Turkes also (who groslye lykewise understande this precepte) forbear to make by painting, carvyng, graving, or woorkyng anye lykennes of anie thyng created by nature eyther in their buyldings, or in their Turkey carpets, or in stone, wood, mettall, or coyne, or in anye thinge els whatsoever. Whereas I trust you wyll not cal it Idolatrie amongst us Christians, yf a man have his Image paynted or graven in the likenes of a man, either in timber, stone or brasse, or if one have the Quenes Maiesties portrature coined in silver, or wrought in golde. And yet methinketh the text maketh asmuch for Iewes and Turkes, as this dothe for you against all usurers, for they bothe are generall and forbidden universally. Therefore, as in the matter of Images I shoulde not make anye Image to my selfe to attribyte any divine and godly honor thereunto, so shoulde I not in lending my money oppresse my neighbour with excessive taking, and in such sort that he cannot live by the bargayn. And therefore in both these sayings the offence is accidental, and not in the substance ; that is, in the maner and usage, and not in the matter it selfe, as it is in other offences, namely in theft, murder and fornication. And so should I not lend out my money to the hurt and oppression of my neighbor, whereas otherwise I may lende for gayn with a safe conscience when no hurt cometh thereof, but rather much good, as I may cause my picture to be made

without offence, when onely pleasure is had therby, and no honor given thereunto.

*Preacher* : Nay, surelye, you are deceived, the offence is in the substance. You may not take over and above the principall, so much as a poynt, no not to gaine a point, no more then to steale a point. In images adoration is forbidden only, and not the making of Images, as I have sayd before, and in lendingge all overplus is prohybyted, that is to saye whatsoever is taken more then the princypal. And thus your similitude holdeth not, as I have well proved.

*Lawyer* : Let the similitude holde as it may. What ! Shal not a man take so much as a poynt ? And shall that point be oppression or deadlye sinne ? Nowe god for hys mercies sake, send you better iudgment. For surely I cannot as yet bee of your minde. This is over great precisenes in my simple understandinge. Yea, this is to bad, I will say no more of other your straitte and curious dealynges.

*Gromel gayner* : Wel, I say, Master *Ockerfoe*, I have yet a knacke for you, and it is this. Because you are so precise againste lendingge, I wyll make hereafter a byll of bargaine and sale, and never lend againe, and yet gaine by this meanes, makynge a proviso that if the money be payde at tyme appointed, the sale to be void, and wher are you then ?

*Ockerfoe* : Lorde god what a world is this, and what devises are used to mocke god and his lawes, but god is not mocked. These dealings suerly are the woorkes of darknes, god be mercyfull unto us ! And where I am charged with over muche precisenes, I pray god others use not overmuch boldenes, nor take too much upon them. If I sought the glorye or prayse of men, I shoulde not be the servant of god. I trust no good man is offended with me, saye you my masters as it pleaseth you. And thys will I saye unto you. The best learned men of all ages are directlye agaynste you.

*Civilian* : With your pacience, master *Preacher*, although my profession be the lawe, yet doe I sometyme looke upon the scripture, and see what they saye that have written there upon. And thys will I saye unto you. The best of this age, as *Bucer*, *Brentius*, *Calvyne* and *Beza*, with others, are not againste moderate usurye, but doe rather thinke it

needeful to bee permitted, and saye also that temperate takynge, according as it is rated by the Civill Lawe, ys not agaynste god, nor hys Lawes, because it is not agaynste charitye.

*Ockerfoe* : I doe honor both *Calvyne* and *Bucer*, as the chosen vessels of god, and yet I am not bounde to anye opinion of theires, otherwise than the scripture doth declare. Neyther are these true, because they have so sayde, but because the truth of god, which was before them, hath ben so uttered. And I knowe they did never directlye allowe of usury, but by circumstance forced to write theire myndes as they dyd for verye necessitie. I knowe the olde fathers have expounded usurie as I doe understande it, and therefore have forbidden it utterlye, and the catholike consente of christendome hath agreed thereunto.

*Lawyer* : Yf you will allowe all things that the olde fathers have agreed upon, and stande to the determinacion of the church, your doctrine that you teache maye soone bee called in question, and perhaps utterlye forbidden. Therefore you shall not do well to use suche argumentes, and to stande upon universalities.

*Ockerfoe* : In deede the woorde of god is my foundation, whiche doth expounde it selfe playnelye ynough to my understandinge and to the satisfaction of my conscience. And yet, so long as universalities doe agree with gods truthe, I maye well allege suche consentes. And thys I saye for universalities, the verie substaunce of all our doctrine, that wee teache thys daye, hath the undoubted witnesse not onelie of the scriptures of god, whiche are infallible, but also of the olde catholique general counsels and learned fathers. And whosoever thinketh otherwise hath not reade them. But nowe, whereas much talke hath passed, and every man hath sayde hys mynde, I pray you lett me aunswere yet once agayne, and reioyne to everyone of you, as you have geven me iust occasion. I have a great desire to wynne you all to Christ, and none of you can tell how gods myghty spiryte maye woorke in me at length to speake, and in you to heare. For I hope wee are all gathered together in his Holie name, and none is here so wedded to his owne will but the same man



is contented to captivate hys senses to godds most holye will. Neyther cometh every one at the first calle, but at such an hower as god hathe appoynted, eyther at cocke crowe, at none daye, or in the evening.

With that they were all contented, and therefore thus hee beganne his reioinder and last oracion.

THE PREACHERS REIOYNDER, AND LASTE  
ORACION.

Christ, before hee shoulde suffer, havinge hys disciples (as you rede) about hym, willed them to love one another as Hee loved them, shewing that no man could utter a greater love than to spend hys lyfe for them, which Christe did upon the crosse, for the redemption of mankynde. Nowe then, yf Christe dyd so dearelie love us, that Hee bestowed hys owne bodye to bee torne upon the crosse for us, and requireth nothing more of us but love for love, firste towards hym, and then one of us to an other, what doe we meane to be so unthankful, that neyther wee thinke of godds goodnes towards us, nor yet have any remorse or pitye of oure poore brethren in *Christ* amongst us? Assuredlye wee doe so lyve nowe for a great parte of us, as though there were neyther god nor worlde to come. Suche hardnes of harte, so unmercifull dealinge, such bribinge, suche oppression, suche bytinge, and suche wringinge of oure poore brethren was never in anye worlde, as I thinke. And what other thing is this than wilfullye to warre with god, and utterly to defie his holy lawes, to offende of sett purpose agaynst the holy ghost, and so to condemne oure sowles eternally? The word of god ys true for ever. And these scriptures that I have alledged are gods owne woordes, whiche yf you wil not beleve and followe, you shall all perishe everye one of you and bee dampned for ever.

And as surely as god lyveth, I saye still unto you i no usurer shall enter into the kyngdome of heaven, except hee doe repent unfaynedly and call to god for grace. And like as he is a theefe that stealeth but one halfe peny with a

felonyous entente, so is he an usurer that by contracte taketh but one halfe peny over and above the principall in respecte of tyme, and both are deadly synners before god. For lending must bee free, without anye thyng taking over by coveaunte made before hande, or els it is no lending, but an other kynde of contracte wythout name, never yet used, no nor possibly, as I take it, to be used by anye lawe, being all together agaynst reason, lawe, and nature. For no man can reasonably and dutifully make anye writinge, to have more then is hys own in ryght to have. And what ryght hath any body to that which is an other mans? as al overplus is, being no parte of the principal lone. Or what man can put that in wrytyng, whiche is an other mans goodes, for hymselfe to recover as hys owne proper lent goodes? And yet these usurers, to benefite themselves, will bee notorious lyers, for they will saye—yea and have it put downe in writinge also—that they lent a hundreth poundes, when in deede they never delivered above 80li, or perhaps some small portion over. And here they shewe playnelye whose scholers they bee, namelye the very children of Sathan, for he is a lyer, and the auctor of lies. So that suche as will nedes have gayne for tyme and forbearing present payemente, bee the gayne never so lyttle, do not onely destroy altogeaether that loving, charitable and free trade of borrowing and lending which oughte to be amongst men, but also shewe themselves to bee very lyers, both in woorde and wrytinge, puttinge that in their obligation whiche they dyd never lende.

And now, yf a man would reason with them of the tyme, I pray you let us consider of it a lyttle. Hee that borroweth is Lorde of the thinge borrowed, immediatlye after that it ys delivered unto hym. And then, yf thys usurer will bee payde for the delivering of hys moneye in respecte of tyme, he must be aunswered for so muche tyme whyle hee is in delivering of the money, for immediatlye after the money is delivered, it is no more hys that did lende it, but strayght wayes it is hys that hath borrowed it. And what reason is it that a man shall paye usurie for halfe an howers forbearing of his mony? Yea, many tymes not halfe a quarter of an hower, although the payement be a hundreth poundes, if

it were in soveraignes of one coyne. And why should anye man pay for nothing some thing, as they do that paye for the lone of mony any thinge over and above the principall? For, as Master Civilyan hath well sayd, the use cannot be separated from the thinge, and then hee that hath the use of a thinge and so the propertie by vertue of borrowing, howe can it bee, that any man can aske anye thyng of hym for nothyng, seeynge he is Lorde of all, by vertue of hys borrowinge for the time? Againe, by what lawe or civill understandinge should anye one have an other mans goodes for naught, as they have that reape the frute of an other mans labour and industrie for the onely lone of money, which being once lente is none of hys for the tyme that hee dyd lende it, but hys properlie that did borrowe it, who must in reason have all the profite alone, yf any can bee gott with that mony, for the tyme hee hath the use of it. Thirdlye, who did ever see coyned silver and curraunt money growe, which must nedes so do, yf it should bring an overplus or increase agayne for the verie acte of lending? A thing so much against nature, as nothyng can be more repugnaunt or contrarye. Then yf we be reasonable men, lett us lyve accordynge to reason, and have an especiall regarde above all things to god aboye, who seeth al our follies, and forbiddeth so expressly these merchauntes of tyme, and these sellers of sunne and moone, as hee forbyddethe nothing more, willing all men to deale freely in there lendynge, as hee dothe freely suffer the sunne shynynge, the moone and starres to have there course, and the worlde to continue, with seasonable weather and tyme.

But usurers commonly stand upon these pointes, that where charitye is not broken, and that both parties doo feele no harme but rather gayne, and where men doe to others as they would have others do to them, here cannot bee (say they) anye usurye committed at all, these respectes beinge had. I doe aunswere that there is no charitie where private gaine is chesely sought, without any especiall regard to the profite of my neyghbour, whiche playnelye appereth in all them that lett out their money for usury. For weare they sure that they shoulde not reape any gaine at all by there

money, they would never helpe the necessitie of their poore neyghbour, although hee were in never so great extremitye. And what charitye call you thys, when a man chiefly seeketh hys owne avayle? And although hee take but lyttle, yet hys desire is forbidden, and therefore synneful. Agayne, bee it that both the borrower and the lender are gayners, shall the acte of usurie therefore bee counted lawfull? Nowe god forbid! For howsoever they twoo doe speede, the common weale assuredly smarteth, and playne dealinge men that use no suche trades shall feele want hereby, when they have neede to buy anye thing for their owne provision and maintenaunce of their famely, for by these meanes both wares and all kynde of victualles waxe deare. And how can it bee otherwyse? For the man oftentimes that taketh money upp by interest, payng after twelve or fyteene upon the hundred, or perhaps in the hundred, which is more, is an occupier him selfe, eyther a victualer, or artificer, or a merchaunte. Nowe how can hee make up hys money agayn at the yeares end, and lyve to thryve, excepte hee will sell hys wares after twenty in or upon the hundred to hym that commeth to buy? And then do you not see very playnely that the common weale smarteth, and every particuler man, of what estate or condicion soever hee bee, is hereby grievouslye wronged and pynched?

Nowe, yf an ydle gentleman doe happen to paye this usurye, his lande in the ende, by oft using thys trade, payeth for all, and he and hys begge their breade at laste. And is not then the common weale muche woorse, when a landed gentleman of an auncient house perhaps is eaten up by an usurer, and so hys howse decayed for ever, and hys poore tenaunts racked and hayled with incumbes and fynes upon the usurers firste entrance and possession takynge of the land? But, forsooth, the usurer will still replie and saye, that he hath donne to others as hee would have others doe to hym, yf he hymself had ben in like case. Neyther is it a small pleasure (as hee saieth) to save a mans land from forfeiture, so that he hath not offended either god or man, because he hath fulfilled the lawe of nature by thys hys maner of doynge. But god knoweth 'how thevishely thys usurer

speakethe in thys behalfe. For let him imagyne that he him selfe were very poore in deede and dryven by extremitie to borrowe moneye for redeming of lande, or else to loose a good lordship for a small portion of treasure, woulde hee (thinke you), havinge suche great neede, rather paye usurie for the lone of moneye to redeme hys lande than to have it freely lent hym? I am well assured, hee woulde never doe so. For who is hee that woulde not rather have it geeven hym, than lent hym? Or who woulde not rather travaile without a burthen uppon hys backe, then with a burthen? or who would not have the sweete and avoyde the sower? Or who would not receyve an hundred poundes, to paye so much and no more at the yeres end, rather than to paye a hundreth and twenty poundes for a hundreth poundes at the twelve monethes ende, as they commonly doe, eyther more or lesse? Then let us leave these dissemblinge speaches hereafter, and away on goddes name with all gayne takynge for tyme, because it is both hurtfull to a common weale, uncharitable to oure neyghbours, and also forbydden by goddes woorde, as you have hearde at large, unto whose sharpe voyce and severe commaundement wee ought to geeve good eare and to bee alwayes obedient, even because he onely hath said it, although there were none other matter in it.

And let not the usurer saye, that hee saveth the gentlemans lande. For it is he, and none other, that causeth hym to make hys land awaye almoste for naught, who yf hee had not dealte with such cutthrotes, hee had never been so greate an unthrift, nor so wastefull in hys expenses, nor so readye to mortgage hys ryght of enheritaunce, which he shall never bee hable to redeme beinge once faste lapte in the usurers bandes. But the usurer wil not bee answered, for any thing that can bee sayde against hym, standinge still in thys opinion with himselfe that hee deserveth great thankes because he doth forbear hys money for a yere or two, till the borrower be hable to make better shifte for redemyng hys lande. Unto whome I doe aunswere still, because he is so importune, that he doth no good to the borrower, but encreaseth hys harme, making him everye daye lesse and lesse hable to paye hys debtes. In deede I muste saye, and cannot

deny, but that the usurer forbeareth hys mony, sometymes for twoo or three yeres ; but that is to his great gayne, and to the borrowers bitter paine. For in the ende, the usurer hath done no more than thys, that hee hath onely respited the debtours certayn undoyng for a yere, twoo or three, and then, bee hee well assured, hee shalbee undone without all remedy. As the cat, that playeth with a mouse a whyl to eate her up in the ende : or like as yf a prynce shoulde saye to an offender he is contented to pardon him lyfe for a monethe, but at the monethes ende hee will that he shall then dye assuredly, and lyve no longer : even so the unmercifull usurer will forbear for a yere or two, to cut the borrowers throte at laste, for when these two yeares are ones paste, hee will not fayle to doe hys feate. A gentle dishe of favour, god knoweth, suche as, I am well assured, they woulde bee loth to have the like themselves.

Repent therefore, O ye usurers, for gods anger against sinne, although it bee slowe, yet it is certayne, and the slownes oftentimes is recompensed with the hevy weighte and greatnes of payne when it comes. And yf thys bee not true whiche I doe saye, touchynge gods anger agaynste tyme sellers, then is the woorde of god both false and untrue, whiche were horryble blasphemye to saye. In whiche woorde of god these straighte prohibitions are enacted and made, threatening lawes agaynste all usurie, that men shoulde the rather use charitye one to an other. But I thinke there is none of you all that denyeth the scriptures, or thinketh them to be false, for so you shall denye god, and renounce utterlie the knowledge of hym. For by them hee ys knowne, as whiche doe geve testimonie of hym. And surelye I doe wonder that the worlde shoulde so muche choake men, that they wil so farre forgeate god as that they contempne hys holye lawes. For whereas in all other offenses men are thought through frayltie to breake the lawe, it seemeth that in thys matter of usury they stand with god in it, that it is none offense at all, although the worde of god be most plaine agaynst them. *Seneca sayeth, Pudorem rei tollit multitudo peccantium, & desinit esse loco peccati commune malefactum. Et alibi : Cessere publica jura peccatis, et cæpit licitum esse,*

*quod publicum est.* The multitude of sinners hathe taken away the shame of sinne, and common evill doing is not taken for any private offence. And in an other place: Publique lawes have geven place to common offences, and that is accounted for lawfull, which is commonlye used. Whereby it appeareth howe needefull it is for al men to enure themselves wyth the best thynges, leaste by evill custome theye have no sence in sinne, but throughe error walow in al wickednes. It is an old proverbe, sitte by the good, and by the good arise. And happie are they that seeke the company of the godlye, and acquaint themselves wyth the woorde of god.

And in this matter, what can bee more plaine then that whiche Christ saieth in *St. Luke*? Lend one to another, hopinge for nothing over and above that you did lend. Whereby not onely al contractes and usuries upon lone in respect of tyme are forbidden, but the very hope also to loke for a good turne agayne, or any thyng els over and above the principal, is utterly barred and cleane taken away. Neither is your exposition sound, master Civilian, in this behalfe, that would have Christs meaning to be that men shoulde never looke for their principal againe. For then Christ myght have saide, geeve freelye, whereby is included a cleare renouncing to aske backe a gyft geeven, whereas in lending it was never so mente in common reason that a man shoulde never hope to have his owne againe. Neyther wil men leese their principall, excepte some great matter move them, as thextreme povertie of the partye, or some other like thyng. For althoughe goods lent be not his that did lend them for the tyme they were borrowed, yet, when the daye of the returne commethe for repayment, hee maye wyth good conscience aske his owne agayne. And therefore suche gloses are vayne and to noe purpose. And yet, bee it that your exposition were true, thus then I reason: Yf God requireth suche perfectyon in man, not to aske his principal againe, when he hath once lent it oute of hys handes, muche more then dothe god forbyd all manner of overplus in takyng for lone more then the verye pryncipall. So that, expounde thys texte as you wyll, it ys rather agaynst you then wyth you,

and requyrethe in all constructyons a free lendynge. Agayne in *Ezechiel*, amonge other thynges, god sayethe there, as you have hearde before, hee that hathe not lent for usurie, and hathe not taken anye thyng over and above that hee dyd lende, the same personne is a iuste manne, hee shall lyve the lyfe, sayethe the lorde. Whereas on the contrarye part is said in the same chapter. Hee that dothe lette oute hys moneye or goods for usurye and taketh more, or an overplus, shall that man lyve, sayethe the lorde? Noe, hee shall not lyve, but shall dye the death, and hys bloud shall bee uppon hym, whereby it appeareth that anye thyng taken over is dampnable aswell as excesse.

Yea, any thing above the principal is excesse, because it is an iniury or wrong don to an other man, by usurping his goods, and so a dedly sinne. Neyther did those translators, *Leo*, *Iudas*, *Oecolampadius*, and others, understande thys text otherwise then I have said, although you, Master Civilian, do not so take them, who in their other writings did utterly condempne al maner of usurye. And *Luther* (amongst others) is so vehement against al usurye whatsoever, as he was never more vehement against the Pope himself, and al his counterfeit holines. And let not this imagynacion hinder you, to thynke, as manye doe, that no usurie is committed but uppon the poore, because the scripture sayeth, thou shall not put out thy money to thy poore brother for usury. For it is also saide in *Deuteronomie*: Thou shalt not lend money to thy brother for usury, without addicion of any povertye at all, so that al lending to any Christian, be he never so rich, is utterly forbidden, except a brother simply be no Christian in vertye. Then seeing the scripture is so plaine, and so understoode by the aunient fathers and by manye good men of thys tyme, what mean you to seeke suche out leaps of libertie by wreasting of gods word to your wilfull lust and sensuall pleasure?

Those other learned menne whom you named, *Calvin* and *Bucer*, did somewhat enlarge this law by a charitable exposition, for the hardnes of mens hartes void from mercy, and also for very necessitie sake, to helpe the needye banyshed men then dwelling amongst them, not but that they woulde



have al men lend freely as god hath commaunded. And yet what warrantie have they for so expoundynge the scriptures of god? But goe we on. The lord god saieth in his x commandementes, Thou shalt not covet thy neighbors goods, his oxe, his asse, or any thing els that is thy neighbours. And what other thing, I pray you, do these usurers that take overplus, but covet their neighbours goods? For theirs it is not, because they did lend it, and more then they did lend they should not have in right, so that theye breake the law *Non concupisces*, thou shalt not covet. Now, lord in heaven! Who, hearing these speaches, and havinge the feare of god before his eies, wil of set purpose and wilful madnes become an usurer? For, as I can perceive, the greatest harm in this offence is that men have not the sense or feling of this hainous fault within theire hartes, but think they may lend their money and goods for gayn, without committing sinne or offending god at all, whereas of other sinnes they are ashamed, although thorough fraylty they do offend. For no man durst ever stand in the defence of theft, aduowterie, or murder, and yet usurye is as great and as horrible before god as any of them al, according to the opinion of al good and learned men in all ages. Yea, so horrible is this sinne, that amongst al other sinnes it maketh men to forget god, or rather to thinke there is no god.

*Marcilius Ficinus* in his booke *de Christiana religione*, the xi chapiter, sayethe thus: *Soli fæneratores avaritiæ mancipati de divinis recte sentire non possunt*. Onely usurers amongst al others (saieth he) being bond slaves to covetousnes cannot think wel of heavenly things of god; and the reason is for that they are worldlye, and makes the world their god. And truly as a Christian is no Ethnik, Painim, nor Iew, so is he no usurer; and this wil I boldlye saye, that Turks, Tartarians, and Ethniks in dede are pure Angels in comparison of these worldly usurers, and lesse harme do thei to Christians then usurers do, and are lesse cruel or unmerciful. For the Painim somtimes sheweth mercy, but the usurer never sheweth mercy at all, but would bee lorde of the whole world himselfe alone if he might. So that *Cerberus* in hel, and all those monsters that *Hercules* subdued, are inferiors in evil to these

wicked usurers upon earth. And therefore, as *Lucifer* for pride fel down from heaven, so usurers for covetousnes wil fall down from earth to the dark dungeon of hel. And mark this ever : whatsoever he be that is a great usurer, is of a vile and base nature, and nothing of value in him. One sayeth that usury upon usury is vilain usurye, and no doubt they are no better then vileins or slaves, whosoever they bee, that are great usurers, let them set never so good a countenance upon the matter.

All this notwithstanding, these wise worldly riche men, to cloke their sinne and to beare out the matter, as though their doings were lawfull, do devise policies against god, and seeking to mitigate offences teache god what hee hathe to doe. So were the stewes devised as a common sinke to scower cities, and maynetained as tollerable to avoide farther evill, being never punished in other countreis, and muche merveled by strangers resorting hether, that simple fornycacion is so severely punished here in England. But suche devises are wicked policies and fetches directly against al godlines. For Saint *Paule* saieth that no fornicatour, no whoremonger, or uncleane persone shal inherite the kyngdome of heaven. And as it is saide for whoremongers, so saieth the holie prophet King *David*, that no usurer, who taketh overplus for hys money or goods, for the verye lone therof, shal enter into the Kingdome of Heaven. To geeve almes, and to lende freeelye, are the fruites of charitie, and twoe especial precepts of god, and plaine tokens to knowe a faithful christian from an infidel. But he that wil do neither of these two thinges, as god hath commaunded, can never be thought a good christian. For they that are of god do those thinges bothe gladly and faithfully whiche god hath commaunded them to do. For as love is commaunded, so is lone and gift, whiche is the fruite of love, commaunded likewise. Then what shal I saye to those men of the world that handle gods doings so as they make no sinne to seeme wher great and horrible sinne is, seekyng by turnes and twines of texts to cloke and excuse sinne? I speke to you, Master temporal Lawier, who, for that you seme lerned, do seeke to infecte the corrupte natures of others, as amongst more this worshipful merchant here,

and divers besides, rocking them a sleepe wyth the cradel theye best like. I th if you would punkt into some of their heads that custome and tribute were not due to the prince, there be that woulde geeve eare unto you, for all the worlde is geeven to harken after their owne profite. And badde is that Counsell whyche they will refuse to followe when gayne may rise thereof, without danger or hazard of temporall lawe to punyshe them, let gods lawe bee never so strong against them.

And you, master Civialian, although you have saide muche and very well, but especially out of the Canon lawe, yet I doubt of your constant abiding in the very practise and trueth of this cause, that is to say, simplie to geve your eare to gods woorde, if the matter shoulde bee determined by your iudgement. For, I feare me, you wyl beare with gloses and winke at these worldly and politike devises, which are invencyons of the devill to destroy man, and to brynge hym to everlastinge dampnation. And yet god forbyd that anye man shoulde seeme to make hym selfe wyser then the holy goost, in abusing or counterfeiting his worde. You did allege certeine learned Lawyers of thys tyme, and wyth them some godlye divines, that thynkes it were good to have some tolleracion to avoide farther mischief, and to bridle the greate greedines of certeine covetous wretches, as that whiche you accmpt to ryse of a good minde and zeale. Well, I wylnot stande upon their meaninges, but I am sure the same is not grounded upon gods worde, for intentes imagined without gods warraunt are deedes accursed, although in appearaunce theye seeme moste godlye. For god sayeth: thou shalt not do that whyche is good in thine owne eyes, but doe thou that onely which I commaund thee. Upon this place Saint Ihon Christosome, in his oration against the Lewes, sayth thus in Englishe: Of a trueth that whiche is done accordyng to the Will of god, although it seeme to be wicked, yet it is altogether plesaunt and acceptable before god. Contrarywyse, whatsoever is don beside the word of god, and otherwise then he will have it done, though it bee esteemed as a thynge acceptable to god, yet it is of al others the worst and moste wycked. Wee have a notable example agaynste good

intentes in the firste booke of the Kynges, and fyfteene Chapter, to warne al menne not to deale upon any devocion or good intende whatsoever more or lesse in gods cause then they are expresslye commaundid to doe. For Samuel the prophet was sent to Kinge Saule, as messenger from god, who saide in this maner: Thus saieth the lorde of hosts, I have called that to thy remembrance which Amelech did to Israel, how they lay in waite for them in the way as they came out of Egypte. Now therefore goe and smyte the Amelechites, and destroy ye all that pertaineth to them, and see you have no compassyon on them, but slaye bothe man and woman, infant and suckling, oxe and sheepe, camell and asse. Now when Saule had this commaundement, hee sette foorthe with 200,000 footemen and 20,000 men of Iuda. But he dyd not fulfil the lords commaundement. For after he had slain the Amelechites, he tooke Agag their king alive, and left of the sheepe and of the oxen, and fat thinges, and the lambes, and all that was good, and woulde not destroy them. Whereupon the worde of the lorde came unto Samuell sayinge: It repenteth me that I have made Saule kinge, for he is turned from me and hathe not perfourmed my commaundementes. So that he lost his kingdom by this means, for that he, of a good intende, spared the kynge, and saved the fatte oxen and shepe, to offer sacrifice unto the lorde; unto whom Samuel saide: Hathe the lorde as great pleasure in burnt sacrifices and offering, as he hath that thou shouldest obey hys voice? Behold, to obey is better then offering, and to geve heede is better then the fatte of Rambes, for to be rebellious is as the sinne of witchcrafte, and dysobediencie is wickednesse and Idolatrye. Beecause therefore thou haste caste awaye the woorde of the lorde, therefore hath the lord cast awaye thee also from being king. Thus you se men must not fansie to them selves a certeine manner of dealing for respect or pity, or to mitygate offences, and so to despice gods commaundement with their devised imagynacions, but rather to doe neither more nor lesse then that onely which god hath commaunded to be done. And therefore in your iudgementes and sentences of lawe, I pray you, master Civilian, have god and his worde alwayes before your eies,

that you lawyers maie say and do the trueth according to his worde.

And you, Master Merchant, unto whom god hath lent great treasure of this world (for I tell you, you are but his steward), call to god that he will lende you grace in the midst of your welth to learne and knowe him aright. Let not wealth choke your iudgement and cloye your understanding. Beware how you cloke with god, do not under colour of bargayne and sale practise usury as most men do. Ther be plaine waies for men to take, whiche are and hath ben ever allowed. And this I say: he that liveth in his vocacion trulye and iustlye is an honest man. That Grocer who sellethe wholesome wares with good conscience is to bee well esteemed. The Draper that dealeth lawfullye deserveth credite. The true Taylor is an honest man in his callinge. The Goldsmith, the Mercer, and the Haberdasher are all to be well liked, and so all others of any occupation that live iustly in their trade. A merchant, of whatsoever calling he is, is to be accompted for honest, if he lyve with good fame and name, by his lawful trafik or occupation. But I pray you, of what occupation is goodman usurer, or who would gladly be called one of the usurers occupation? Or of what company or severall hawle or elsewhere are theye in London? God grant al merchants to be otherwise occupied, and every one to folow his lawful vocacion, rather then to trade by this lewde craft or kinde of livynge!

Some lerned fathers, yea, and some great philosophers also, thinks it a thing almost impossible for a great riche merchant that is a mighty occupier to be a good Christian. But I am not altogether of the minde, especially if the merchants that are gret occupiers do live in ani fere of god. For I think ther be of merchants, as ther be of other sorts, and surely al such as dele lawfully in their allowed trades, as I have said, are honest, iust, upright and worshipful, and not inferiors to other men of anye callinge. True it is, wee are al sinners more and lesse, and therefore every one of us had neede to call to god for mercy. And assured we are that god, beyng the searcher of our hartes, wyll take an accompte of al our doings. Wee have but a time and a course to runne,

let us take that right way for our race whiche god hath made playn and open for us by his word and testament. Let us be charytable, loving and liberal one to an other, and readie alwaies to geve some porcyon of that bountifulnes, which god dayly and infinitely of his free mercy poureth upon us. And, as reasonable men, let us consider that ryghteousnes establisheth kingdomes and charitable dealinge maynteineth states, whereas usurye, the daughter of covetousnes, the mother of mischief, and the very hel of evil, overthroweth trades, decaieeth merchandizes, undoeth tilkage, destroyethe crafts men, defaceth chivalries, beateth downe nobilitie, bringeth dearth and famine, hyndereth the prince in her custome and welfare, and last of al causeth destruction and confusion universallie.

For, if the merchant may be allowed to make gain of his money, he wil rather use the certein and assured waye than dangerously adventure the seas, and so the Quene shal lose her gayn and right of enheritance, and the State shalbe undon. The plough man will no more turne up the ground for uncertayne gayne, when hee maye make an assured profite of hys money that lieth by hym. The artificer wil leve hys woorkynge. The clothier will cease hys makynge of clothes, because these trades are paynefull and chargeable. Yea, all men will geve themselves wholie to lyve an idle life by there money, if they have any. And although al can not have money, yet yf al those that have mony will lyve by the lone thereof, all will be marred in the end. And amongst others, the gentleman will no more professe armes nor chivalrye, to advaunce hys welfare, but selling hys landes will have double gayne by hys moneye, and so geeve over howse-kepinge all together, takynge a chamber in London or else where, in steade of a house in hys owne countrie, as wee see they doe now commonlye, the more is the pitie, and the greater is there shame. Yea, the noblemen will no more defend the widowe and fatherles, nor yet do iudgement and iustice, but lyve by hys filthye gayne, and lose therby hys dignity and estimacion, as all those that doe lyve by corrupt usury; for none in right should be a knight, that is a known usurer, and such a hurte to his countrie. And thus by these

usurers great dearthe will ensue of al thinges, as you see, and misery will fall upon us universally, for that fewe men will woorke, and most will play, and men livyng without labor and doinge nothing wil loyter and wallow in the ease of usury, and enriche themselves by thys moste vile assured trade of the Epicures occupacion. And what good I pray you will mony doe then, when we have neyther meat to eate, nor clothe wherwith to cover us, nor house to shrowde us in, nor man to defende us in our ryghte? For not so much as the butcher, the baker, or the taylor on godes name, or anye other whatsoever, having never so lytelle mony, but they will all togethers bee usurers, as manye already are, yf thys mighte bee suffered. And what shoulde lett why they shoulde not all bee usurers, as well as others, yf the same maye once bee liked or holden for lawfull? For a surer and easier and a more gaynefull trade cannot bee uppon earth, then to gett mony with the lone of monye onely. And who doth not love ease and gaine yf they may be had both together? So that I say, yf thys geere take place universallie, as why may it not? then may the worthiest men say, farewell world; yea, farwell life forever maye all men saye in generall.

The trade made to the Indians dothe not so muche benefite the Spanyards, as usury hath done them harme. For they, trading with the Genowayes and others to paye so muche usury as they doe for wares uppon their returne from the Indianes, doe lose all their gayne that they make in the voyage, and waxe beggars at the last, with all their travaill and paines they take, as who should say, they laboure for the use of others that doe nothing themselves but loyter, and with ease make mony of mony; an alcumye founde out by the devill, to destroy all trade in the worlde, when none have anye thinge but themselves. But their rewarde in the ende shallbe death everlasting, excepte they doe amende. It is written in *Solinus, de mirabilibus mundi*, that in the islande Sardinia there is a well, whereof yf a trewe man doe drinke, his eyesyght straight way waxethe cleare, but yf a false harlot doe but supp of it, hee waxeth starke blynde oute of hande, althoughe hee dyd see never so well before. Nowe happye were Englande yf all the conduites in London dyd

runne with suche water ! And yet what dyd I say ? I woulde thinke London then, and England also, would bee moste unhappy. For, yf it were so, wee shoulde have so manye blynde men in the Citye and Countrye, that there woulde scante bee founde guydes sufficient to leade them in the streates and hyghe wayes, when theye shoulde seeke to goe abroade. The moral of thys saynge is, that good men have the grace of god, and see hym in hys glorie, whereas evill men are starke staring blynde, through their folye<sup>e</sup> and wickednes. And of thys sorte are there manye companies blynde in thys land, as the clergye with simonye, merchauntes with usurye, iudges with bryberye, great men with extorcion, and the common sorte with micherie. God bee mercifull unto us, and sende us of hys grace !

But, sayeth the covetous man, seeing you goe harde to worke with us, and wyll not suffer us to make anye gayne at all of oure moneye, but restrayne us utterlye from advansynge oure wellfare, wee will not lende at all hereafter, because wee will not offende. Evell sayde of you, say I, when god commaundethe the contrarye ; and by youre woordes you bewraye what you are, men graceles, no doubtte, withoute affection or charytye, and people voyde of all love. Saint *Pauls* sayeth, unthankfull, harde harted and unmercifull, and so the children of perdicion. Yf you woulde have sayde you woulde not lende to all them that would borowe of you, I wold have holden wel with that saynge. For, I promise you, it is an offence to lende to some, and a maintenaunce of their follie. And therefore they doe wel, that are not over hastie, or rather over gredy, to lende without great cause and good consideracion had before. For indeede men should rather lende to helpe others, then seeke gredelye to enriche themselves, because it is properlie the nature of lending (beynge a certeine kynde of almese) to helpe the necessity of oure neighbours with parte of oure plentye, as occasion doth serve. Whereas lending for gayne, without good cause had of an others neede, maketh wanton princes to seeke needlesse warre, noble men riotous to spende without reason, yong gentlemen unthriftie to bring all to naughte, after they are newly come to their landes, and so to take the verye



hyghe waye to undoe themselves for ever; as every day it doth appeare, not onelye in gentlemen, but in some greate states and lordes of thys lande, the more is the pitye.

And suerly, he is farre from thrifte, whatsoever hee bee, that boroweth upon usurie without great cause, and rather woulde hee seme to bee that which he is not, than to bee in deede and in outwarde shewe that whiche hee is. And no doubt wantonnes broughte in thys follye at the firste, that men with threire maskynge maners and greate braveries shoulde seme for a time to be ioly felowes, wheras at length they discover themselves, and are become woorse than naughte. And therefore they doe evill that make a certayne gayne of lending, to the undoing of others, whereas lending shoulde bee for charitie sake, and not to mainteyne the outragious excesse and foolishe ryot of manye a devise used more here in England than in any place els that I knowe in Christendome. For yf mony might not so sone bee had of those covetous usurers, moste men woulde lyve within their boundes, and leave their wanton apparell, their unnecessarye feastyng, their fond gamnyng, and their lewde hazarding of great wealth and revenues without all wytte upon a mayne chaunce at dyce, or upon a carde or twoo at primero, and other vayne divelishe games. For so these unthriftes maye have mony to serve their lustes, and to hazarde their chaunce, they care not what to paye. And thus they, being over laden with a mayne losse and most certayne debte to the usurer before hande, doe sett uppon blynd fortune afterwarde all that they have, and are undoone before they are a ware, onely by the usurers dealinges, although they bee no great losers, peyther at dyce, nor yet at cardes.

But you will saye, and prove it too, that many have bene made with paynge usurie, gettinge great welth into their handes, and at the leaste have saved themselves from imprisonment and utter undoyng. Unto thys I do aunswere as hee that came into a Churche and sawe it full of Images made of waxe, asked the cause of suche a sighte. Unto whom one answered, that these people, whome these waxen images did represente, were saved from drowninge by calling upon our ladie. Nay then (quod hee againe), wher be the

images of those, I pray you, that called upon our ladie, and were drowned notwithstandinge? And so saye I, yf some one man have gott good by usurie, and hath been made thereby, how many thousandes have had mischiefe, and been utterlie undon by usurie? Wel, well, saye you stil, and replie as you please, yf the world go so with us that lending for gayne muste clerelye bee restrayned, and that upon paine of death, as we wolde have it, farewell then all hope to borrowe any monye hereafter. Unto thys I aunswere, and I thinke cleane contrarie, especially if men will conforme themselves to the lawe of nature, and lyve as they ought to doe uprightlie in their vocation, and remember there is a god. For then plentie will followe, and good cheape will bee of all thyngs, when every man lyveth uprightlye in his callinge and profession as god hathe appoynted, and forsake these unlawfull shyftes, and so charitye wyll abounde, and no man can wante that being honeste hath any neede, say you what you wil.

Mary, unthriftes, and suspected men, maye perhaps fayle by these meanes, and be dryven to trust to their own, when none will lende unto them. And suerlye I woulde wyshe that lending were chefyly to the needy and thryftie parson that wil trulie gett his living with the sweate of hys browes, and paye that agayne faithfullye which hee hath ones borrowed. But to say you wil not lend to anybody at al, because you cannot bee suffered to make gayne of your money, and so to do as muche as in you lieth to destroye occupiying, that, I saie, is an unmerciful saynge and directlye against god. And yet, say what you wil, yf the lawes of god in this behalfe were straightelye executed againste usurie, there woulde bee for all thys lending ynough, suche lending I meane as is needefull, and in charitye oughte to bee used. Yea, I will saye more, rather then men wil suffer their wares to lye deade by them, and their goodes not to bring foorthe anye encrease at all, they will hazarde their wealth into cheapmens handes and yong occupiers, and bee contented aswell to adventure the losse or perill of their ware, as to assure themselves of currante gayne and certayne profite. And so doynge they maye boldlie put foorth their substance

for others to occupie, upon such charitable dealing. And although fewe perhaps will trade in thys sorte, that is aswell to hazarde losse as to assure themselves of gayne, yet the world wilbee the better, wares will waxe more cheape, dealinges willbee more upright, and fewer men will breake, when suche christian charitie is commonly used, both in moderate takynge of gayne upon charitable forbearing for a tyme, till men may make mony, and frendly bearing with losses, when any suche doe happen. And amongst honest and godly men I know there will never bee wante of charitie. And happy were England, yf all men were honest, for then lawes wer needelesse, and suche evill as thys had never neede to bee feared. As for evill men, it were good to ridde the world of them if it were possible, and to devise by lawes that none should live, muche lesse come to wealth by such unlawfull wayes, for that they onely, and none others, are the cause of all dearthe and wante in thys worlde. Thus, when every man lyved upryghtely within hys boundes and calling, using suche trade as hee oughte to doe, plentie woulde soone appear in all places, and god would blesse the worlde also with encrease muche.

And doe not thinke that you are to be excused when you doe lend to the riche, where it may seme you have not oppressed, and so not deale with the poore, for feare he should bee oppressed. For I tell you, you shoulde lende to all that have neede, of what estate, condicion or living soever they be, poore or ryche. And fonde is thys argumente that you have often used, of which many do take fast holde: it is not lawfull to take usurie of the poore, therefore a man may take usury of the riche. For by the like reason one may thys argue: it is not lawfull to vex a poore man by lawe, therefore it is lawfull to vex or to trouble a riche man by lawe. None, eyther riche or poore, yonge or olde, lowe or hie, should be troubled or vexed at all, or by anye maner of meanes. Regarde alwayes must bee had to the common weale, that no harme doe come thereunto by anye unlawful dealynge, and not whether thys man or that man bee wronged or no. For so it may fall out that your neyghboure, unto whome you have lent mony for gayne, fealeth no harme thereby; and yet,

assure your selfe, the common weale smarteth by suche unlawfull dealinges, as I have often heretofore sayde. And therefore the Civilians sayeth, *Interest reipublicæ ut quisque re sua recte, hoc est honeste & legitime, utatur.* It is for the behove of the common weale that everye man do use hys own thynges rightfully, that is (as I take it) honestely and lawfullye. And thys is that *æquum & bonum*, that eavenhode, and ryghte balance dealinge, so much commended by all lawes : thys is, I saye, that christian charitie which seeketh nothing of her own, but those things that are of *Iesus Christ*. And is it so straunge a thinge for men to borrowe freelic in thys worlde ? I am not verie olde, and yet I have knowne manye in my dayes that have borrowed freely great masses of moneye of diverse men, and some agayne that have borrowed small summes freely of a great sorte, for no peny usurie at all. Good men can no more bee without charitie, than fyer can bee without heate. And therefore let us pray that good men chiefely may enioy the frutes of the earthe ; yea, lett us all that bee badde consider thys one thinge with our selves, that nought we brought with us into thys worlde, and noughte wee shall carrie oute againe, and when wee have foode and raymente, lett us therewith bee contente, as Saint *Paule* sayeth to hys disciple *Timothee*. Ynough (as they saye) is as good as a feaste, and what shoulde we doe with more ? A litle with quietnes is better then a greate deale with trouble. Yea, happye is that man, whose conscience doth not condempne hymselfe for evil gotten goodes, evil gotten I may well saye, when they bring death and dampnation with them.

Alas ! doe wee not see every daye how uncertayne thys lyfe is ? Howe sodeinely men goe awaye and that no man hath anye charter to tarry here one hower, but as sone goeth the riche as the poore, the lorde as the plougheman, the merchant as the craftesman, the wyse man as the simple. And besides this, what a conscience hath he (lord god) who wittinglie and willinglye hath been the undoinge of manye an honest poore man, of manye auncient gentlemen also, yea, and shall I saye of some great lordes of noble houses, throughe hys unmercifull usurie ? Doth hee thinke after hys wronge

gotten goods to bleare god with an unworshipful gluttonous table, with building of a fewe almesehouses, with geevinge to hys warde after hys decease a lyttle summe of mony? Naye he is deceaved, that so thinketh. These are abhominable offrings in the sight of god that are offered of suche gayne: lett hym geeve on goddes name hys owne goodes lawfully gotten, and not deale almese of that whiche is none of hys. Hys owne conscience wil tell hym an other tale, when the same shall searche hym, and accuse him before the maiestie of god; and then will he tremble and quake, call for grace, and cannot bee heard, weepe and wayle, when none will pitie hym, and so lyve in hell, and never dye, continuynge still in suche paynes and tormentes as passe mens speache to utter, and more grevous than any mans harte can imagine or thought conceyve.

Wherefore, considering god, nature, reason, all scripture, all lawe, all authors, all doctours, yea all counceles besides, are utterlye agaynste usurie, yf you love god and hys kyngdome, my masters, yf your natural cuntry bee deare unto you, yf you thinke to have mery daies in this world, and to live in ioy and your children after you both nowe and ever, yea, yf you have care of your owne soules, for Christes sake abhorre thys ugly usury and lothe with all your hartes this cursed limme of the devil, and lend in dede freelye, as god hathe commaunded you, and departe with your goods or wares as freelye for time, as you woulde bargayne to bee payd for them out of hand, or at sight, or for redye money, havinge alwaies a charitable intencion with you to helpe your poore neighbours wyth parte of your plenty, and make no merchandizes hereafter by the Sunne shynyng and Moone shynyng, by yeares, by monethes, by daies and by howers, leaste god take his light from you, and shorten all your daies and all your howers. And as you lende freelye, as occasion serveth, to all men, of what estate or condicion soever they be, so geve to the miserable folke willinglye, and help the poore householder franklye. And then shall god blesse you and all yours, and geeve you the peace of conscience whyche passeth al treasure, and make you inheritors of his kingdome, after thys transitorie lyfe. Nowe god for hys mercyes sake

open al your eies, and geve you the right understanding of this his wil, for his deare sonnes sake Iesus Christ our Lorde and Saviour. Amen.

*Civilian* : I have longe studyed the Romaine lawes, and I thanke god my understandinge is somewhat encreased by them. But woulde god I had more earnestly studied the verry texte of the Olde and New testament, whereby not onely I should the rather have gathered most true knowledg, but also I should have ben more mortified by a great deale then I am. It is unspeakable, what good they do reape to their soules health, that doe daylye and howerly meditate the very letter and text of the scriptures. And I thanke you most hartelye, master Preacher, for your good zeale and earnest care to sifte out the trueth of thys matter, whiche I doe thynke and am fully perswaded that you have founde out according to gods most holy will. And I praye god moste hartely, that I maye be a true follower of all that you have sayd, and never consent in hart to lend moneye for gayne, nor yet to allowe of them that are knowen usurers. I do knowe certainly that to lend freely is a naturall contracte commaunded by god, and allowed by man, and therefore to be done and used of all men, but to lende for gayne is a suspected kind of dealyng, and therefore to bee blamed whatsoever colour I doe sette uppon it. And the wise man sayeth, *Quod dubitas ne feceris*, never doe that whereof thou doest stand in doubt. And therefore, by the leave of god, I wyll never deale otherwise hereafter then plainelye and truly, as gods word and my conscience shal direct me, assuredly minding to lend for gramercie alwayes hereafter to the poore and needie, or to anye one that shall desire to borowe of mee, yf I be able to lende and maye forbear my money or goods without any my great hinderance. The Civill lawe is a wise studie and full of pollicie, whiche I have ever wel liked because of the natural and good reasons that it carieth in shew. But I must say nowe that the wisdome of man is foolishnesse before god, and vayn are all those speaches that are used to blaunch gods grounded rules, beinge the onelye undoubted trueths chiefly to bee followed of al godlye and Christian people. And for my part I am gladd that god hath touched

mee thus muche to renounce mans reason, and to followe his most holy will, which 'I will hereafter embrace, by hys especyall favour and mercye, and preferre the truethe of hys worde before all other learninge whatsoever, and confesse in hart that al lending of money or wares for any gayne whatsoever in respecte of time is a thing abhominable and a dampnable deede before god and man.

*Lawyer :* It is evill strivinge againste a knowen trueth. And woe be to him that doth anye thing against hys conscience. I have hearde muche, and somewhat I knowe; and althoughe naturall reason and mans policie have caryed me oute of the waye, yet I thanke god my conscyence dyd never accuse mee. For I thoughte assuredlye that whatsoever I did in this behalfe, so that charitie hadde been kept, and no harme in appearance committed, nor offence notoriously knowen, that al then had been well. But I doe see it is cleane contrary, and I confesse myselfe to have erred, for whyche I am sorie. And nowe I perceive that man must not seke to seeme wyser then god, nor yet devise doinges for his owne excuse, accordyng as hys fonde brayne might imagine. For I doe nowe plainlie finde that even the verye sufferance of usurie, although it were for a meane rate, is not only forbidden by god, which is chiefly to be noted, but also hurtfull to a state, and cause of muche dearthe and scarcitie, whiche is pitifull to bee seene. Therefore I doe wishe that wee might all lyve as god hath commaunded us, and not fansie unto oure selves suche a kinde of dealyng and lyvinge as god and nature have alwaies forbydden. Oure lawe is plain inough against this sinne, yf we were as good execucioners therof as the lawe geveth aauthority. But our countreye disposicion is rather to make laws, then to keepe laws; yea, rather the lawe is used to enriche lawiers then to execute the iustice of lawe.

Holy King Edward, as they call him, he that was before William Conqueror, among other his good lawes, did in the 37 Law that hee made utterlye forbyd usurers and woulde not that anye suche shoulde tarrie wythin this Realme. And if anye weare convycted to have exacted usurye, he shoulde loose all hys goods, and after that be estemed as an outlaw.

The said King Edward did further say that hee did here it reported in the Court of France, when he was ther, that usury was thought to bee the roote of all other sinne and myschiefe whatsoever. After this, in Henry the secondes time, I do remember what *Glanvill*, chiefe Iustyce of Englande in those dayes, wrytethe, whiche I thynke not amisse to make knowen for oure amendement. In the seventh booke wher he speaketh of inheritances of last wils and testaments, hee sayeth amongst other things in the sixteeneth chapiter of that booke, that all the goods of an usurer, whether he dye makyng a wyll, or not making a wil, are proper to the King. And yet no man so longe as hee lyveth was ever wonte to bee appealed or convicted of usurie. But, amongst other enquiries for the kinge, it is used to be enquired upon and proved by twelve lawfull men that dwell nyghe hym, upon their othes, that a certeine man died an usurer, whyche thyng being proved in open courte, al the moveable goods and chatelles that weare the usurers owne, at the tyme of hys decease, shall be seased for our soveraigne lorde the king, in whose handes soever the sayde goods or chatelles shall be founde, and the heire of the same usurer shal be dysherited for the self same cause according to the law of the Realme, and the land shall returne to the lord or lords agayn from whence it came. Al which notwithstanding, it is yet thus to be understoode, yf any man hath ben an usurer in his lifetime, and thereof was openly and notoriouslye famed so to bee, and after repented hym selfe before his deathe, and did penance therfore, whiche cannot be without restitution, his goods shall not be within compasse of the lawe agaynste usurers. And therefore it must be wel known by good and sufficient tryal that one dyed as an usurer, to make the lawe determine upon him as against an usurer, and to dispose of goods as upon the goods of an usurer.

Thus far *Glandvil* in that place, who in his x booke and third chapiter sheweth plainly what usurie is, and thus hee sayeth : thinges are due upon lending when anye man dothe trust another, in those thynges that doe consist upon number, weight and measure. Therefore, when a man hath lent anye suche thinge, if hee that hath so lent it doth take any thyng



over and above his lone, he committeth usurie in so doing. And if he depart this world so offending, he shalbe condempned as an usurer by the lawe of the land, as before more at large hath ben declared. According unto this lawe *Mathew Paris* maketh reporte in the life of King Rycharde the Firste, by these woordes; *Quicquid laici in vita sua donaverint, vel quocunque titulo a se alienaverint etsi usuarii fuisse dicuntur, post mortem non revocabitur. Quæ vero post mortem non alienata fuerint, si cognitum fuerit ipsos tempore mortis fuisse usurarios, confiscabuntur.* That is to say: Whatsoever lay men have made awaie in their lifetime by gyfte, or alienated from them by anye title, although theye were knowen in their lifetime to be usurers, yet the same shal not be revoked after their deathe. But whatsoever thinges are not made away after their deth, if it were knowen that they at the tyme of their deathe were usurers, the same thinges shallbee confiscated. The statute lawe also in the fyteene yere of Kyng Edward the thirde dothe make thys matter plaine, where it is accorded and assented that the King and his heires shal have the conisance of the usurers death, and that the Ordinaries of holy church have the conisance of usurers on lyve, as to them appertayneth to make compulsion by the censures of holy church. But the statute of 37, King Henry the 8th hath taken away the force of this law. And yet whether the common law was or is taken away hereby or no, I do refer that to my masters the Lawyers. Nay it is plain that our law was ever against usury, as in Martonea. 5. it is most evident, *usura non currant &c.*

And touching theexchange, you have said wel in my iudgement. And thus muche I know by the Statutes of this land, that King Edward the Third caused theexchange to bee kepte at Dover and in other places, wher it best pleased his grace, as in good towns and thorow fares throughout England, declaring the value of al coine, and straitely charynge al his subjects that none so hardy as to make gaine of coyned money save onely the kings exchangers, so that usurie by that means was utterlye banysed from amonge the common people. But how the kings exchangers used the matter, I know not. This I knowe well, the fewer that use theexchange in manner

as it is nowe used amongst merchauntes, the better it is for the state and common profit of this land. But I for greedy desire of profite have forgot all these thinges, and seeing how lothe men are to lende, thought it better even against gods law and our lawe also, according to the common maxime, to suffer rather a mischief, then an inconvenience. But I see now suche propositiions are wicked and dampnable, for no evill must be eyther donne, or suffered to bee done, that good maye come thereof, as you Master Preacher have very godly saide unto us out of gods moste hojye worde. I do reade this in the 47th yeare of Kynge Henrye the Thirde, a ryot was commytted against the Iewes and five hundred of them slain, and thoccaseion of this ryot was for that one Iew would have forced a Christyan man to have geeven unto him more than twoo pence for the usurye of twenty shillings by the weke. For the Iewes had licence from the King to take two pence in the pounce for the weekes lentyng, which is forty pound and more by the yere upon the hundred, a develishe usury no doubt, and worthy of al death, wythoute all peradventure. And great pitie that any Prince shoulde ever yelde to suffer anye suche spoyle or theft amongst good subiectes. These Iewes are gone. Would god the Christyans remayninge and our country men at this time dyd not use theire fashyons.

I for my parte wilbe from hencefoorthe a moste deadly enemy againste all usurers, and willingly I will not eate nor yet drink with any of them. And I pray you, Master Merchant, if heretofore you have taken any enboldening to commit usury through any qualification that I have used, contrary to law which I professe and against my conscience, do you from henceforth amende it, and amende your selfe by my warnyng, and beare not your selfe upon mee, nor yet uppon the lawe that I professe. For both I wil discharge my selfe before God and thys good companye of anye suche maintenaunce, and declare unto you that not onelye the lawe whiche I professe is agaynste it, but also my conscyence condempneth me of suche tolleratinge. For the whiche I am right hartely sorie, and doe nowe constantly affirme that al lending for gaine in respect of time is both against gods

lawe and oure lawe, and is a mischiefe most hurtfull to all states, and the principall cause of all want and scarcitie in any common weale, wheresoever it hathe once gotte a footing and is eyther allowed or suffered. And for your good cheare I thanke you moste hartely. And nowe I will saye, thys is the best dinner that ever I came at in al my life. And I pray god it may be so unto you, master merchaunt, that are the chiefe of this feast, and have been after a sorte the cause of this disputacion.

The *Merchaunt* or *Gromel gayner*: I have hearde you saye, master Preacher, and I have heard it also of others, that god in the scriptures affirmeth it to be an easier matter for a camell to goe through the eye of a nedle, than for a riche man to enter into the kingdome of heaven. Surelye I beleve it to be true, except gods goodnes bee the greater, for wee merchauntes are mervellously geven to geat goods without conscience and without all gods forbode. And thys worlde is a greate temptacyon for man to advaunce his welfare, and hardly can one avoide the sweete entisements thereof. For what is hee nowe a dayes that is of anye estymacion, if he want wealth? Who maketh anye accompte of him, bee hee never so learned, never so vertuous, or never so worthy, that hath not the goods of this world? Yea, what maketh us merchants to beare auctoritie, and to be taken with the best, but our goods that lye by us to serve our owne turnes with al, and other mens also, 'as we lyst and think meete? But fie of this world, in respecte of the worlde to come! And I thanke you master Preacher, for suche your heavenly doctrine. For I promyse you I am nowe become through the same (as I trust) a new man, prayed be god and you therefore. And nowe I doe asmuche abhorre to lend money for gaine hereafter, as I doe abhorre to steale by the hyge waye, or to murder any man violentlye for his goods, which god forbyd that ever I shoulde thinke or minde to doe.

And you, Master Lawyers bothe of you, have wel put me in remembrance that my goods are not myne to bestow after my deth, if I should die an usurer. Lorde god, yf the prince woulde take advauntage of all suche as have offended in this behalfe, manie shoulde begge that nowe are brave. And yet

marke gods iudgement. You shall hardlye see an usurers issue prosper wel, but eyther the partye comes to an evyll ende, or the goods are lewdlye wasted awaye. Mercye! mercye! therefore, Lorde god; and I truste assuredlye that upon myne unfeyned repentaunce god wyll bee mercifull unto mee. Restitucyon I had neede to make, and I wyll so doe by gods grace as I can. Evill is that penyge gotten whiche bringeth dampnation, and unhappie is hee that for greedie desire of this world doth leese the ioyes of heaven. It had been my part, having had such wealth, to have vysited the prisons, where men lie long for smal debt, and have bene oppressed wyth usurye to their utter undoing: to have ayded the poore householders, the fatherlesse chyl dren and the widowes. But hereafter I will vysite Christ more often in hys afflicted members, and lend freely by gods grace to suche and so many as I shalbe able and know to be honest, godly men, and relieve them chieflye, and make also restytucyon unto them whom I have most oppressed, and get my goods hereafter by lawfull meanes.

Wee all feare the plague merveillously here in London, and desire god that the Cytie maye bee cleared of it, but what a blesse weare it to the City and realme also (as I remember you said before Master Preacher) if in one yeare god would take al usurers away, and cleare this lande of such unmercifull men! I for my part, knowyng that I doe knowe, rather then I wyll hereafter make gayne of my goods or moneye, for the verye lone thereof, in respecte of time, I wyll suffer a thousand deathes in this worlde, to save my soule the rather in the worlde to come. Yea, none of myne shall ever have my favor, that will take that waye, for I knowe thys lyfe is but a passage, and stewardes wee are all (as you have well sayde Master Preacher) to make an accompte of our former lyves, and to shewe how faithfully wee have bestowed those talentes which god of hys goodnes hath vouchsafed to bestowe upon us. For yf wee have bene evill officers, woe is our hyer; whereas otherwise, having faithfullie discharged our duties, God is iust, and will reward the faithfull for ever according to hys promise, through the merites of Iesus Christ, who bee prayed therefore.

*Ockerfoe*: Now blessed bee the lord god, of Israel, and holy bee hys name, bothe nowe and always hereafter. I am hartlye glad before god that I have lyved untill thys daye, to see suche a conversion of you, my deere brethren, and greater ioye I knowe ther wilbe in heaven for the recovering of so fewe lost sheepe, than of 99 that have not strayed. I praye god that all others maye take example of you, and upon gods good warnyng folowe those thinges in their conversacion of life, that you have now professed to doe during your lyves. And thys I saye: hee that lyveth to dye well, shall dye to lyve better. Nowe god for hys mercyes sake make us all hys servants.

With that they all tooke their leaves, and departed in charitye one with an other, like ioyfull and spirituall brethren in Christ. God graunte all others to doe the like. Amen.

## A CONCLUSION TO THE LOVING READER

GENTLE reader and deere councieman, I have in some parte layde open (as maye appeare) the doinges and dealinges of thys worlde. And muche speache hath passed diverselye betwixte parties, and great heate hath ben uttered, aswell in defense of cloked evill as in rebuke of knowne sinne, the most and the worst lykynge that always best which is cheefely for their purpose, bee it never so bad. At the last, an agreement is made (as you see) and all reconciled to god, as people much ashamed of sinne and men most sorie for their by past folies. The merchaunt, as it seemeth, will no more deale unlawfully but use hys trade in good order, and in suche sorte as to good conscience and gods lawe is agreeable. The lawiers, aswell Civilian as temporall, shewe themselves mortified persones, and will never geeve occasion (so muche as in them lyethe) for any to offende by their example. And all thys goodnes commeth through the preachers godly and zelouse dealing.

And is all thys trewe (sayth one) that wee shall have suche a worlde hereafter, as there wilbee neyther evill lawier, nor yet evil merchaunte? For aunswere I saye: god knoweth onely what wilbe hereafter. I have made but onely a rehersall of an assemblie, whiche I will not swear to bee trew neyther for all the goodes in Englande; and yet I wishe the same had been trew, especially for the latter parte of their agreement, let their former lives bee as they will be, whiche I think are woorse than I have sayde. For neither tongue can utter, nor penne expresse at ful, the evil of this world. And yet I have said so much every way as I was hable to saye, and as my leasure served. And an

easie matter it is to tell a tale, or to make a tale of any man, or of any matter eyther to or fro: but the hardest piece of worke of al is this, for men to bee as they woulde seeme to bee. For who woulde not seeme very honeste in outwarde appearance? And yet who is perfectly honest in very deede? I have concluded of these men, as I woulde it were or had ben at the first, and so al thyngs after much talke are lapped up, as you see, with a ioyful ende; but whether it will fall oute so or no hereafter, god knoweth, and not I. Therefore I shal tell you a shorte mery tale, somewhat to the purpose of thys last speech and compounded agreement.

About xvi yeares past, at my beeing in Rome (where I was forth comming afterwards agaynst my will, god knoweth) ther was warre betwixt the pope *Paulus quartus* and the Emperour *Charles* for the Kyngdome of Naples, the pope himselfe being a noble man by byrthe, of the House of Carraffa in Naples, and the chiefe aucthor and beginner of this warre, as one that hated the Emperour most deadly, for putting to death an uncle of the sayde popes upon the rebellion made by the prince of Salerne and others, to restore the Napolitanes to their auncient liberties and free governement of that kyngdome. In this tyme of warre, duke of Alva being not farre off, with a mayne power against the pope and frenche kyng who tooke hys parte, duke Guyse being general then for the french armie, the holy father did sett forth in prynte a certayne prayer for peace, and commaunded that all prestes within their paroches should cal the people together, and exhorte them to pray for peace. Amongst whom one pryest of a certayne parochie there, seynge the people assembled, began to declare unto them the holy fathers will, whiche was that they should all praye together for a spedie peace. And when they were thus devoutelie gathered together, and warned to praye, the priest saide thus, after many speaches past before: Good brethren, you see I muste doe as I am commaunded, I cannot doe otherwise, and therefore I exhorte you eftsones, and I pray you hartely, praye for peace. But thys I will saye unto you beforehande, yf you have any peace at all, with all your prayers, I will geeve my head. For howe can it bee otherwise, when he that is the aucthor and

the only deviser of thys warre doth require you to praye for peace, who myght have it when hee lyst, yf he would be quiet hymselfe? But I knowe hee will not, and therefore your prayers wilbe in vayne; and yet pray, sirs, for maner sake. A straunge speache of a parishe pryest in Rome, who was well punished for hys labour, be you well assured.

And now, what yf I sayde that these merchaunts and lawyers, notwithstanding their solempe vovewes, will not be so good as they seeme to have made promyse upon this last agreement? I thinke if I layd a good round wager of mony upon this matter (for other things I wil not hazarde) there be thousands in England that woulde bee my halfe. Men be worldly, selfe lovers, geven for the most parte to evill, full of hypocrisie and dissimulation, and very loth to do good when they see no profite folowe, and unwyllynge to be such as they are bounde and commaunded to bee. An easie matter it is to renounce synne by wordes or outward promise, and betwixt doynge and saynge there is greate oddes. The worlde is full of sweete entisyng baytes, and man is made of fleshe, subiect ever to all temptacion of thys worlde. And yet shal not I wishe and praye that al thinges may bee well, although it bee almost impossible to have perfection and soundenes of lyfe in all men and amongst all states? God forbidde else, and well I knowe that the prayer of good men is of great force before god. Therefore I desire all the good true servauntes of god to ioyn in prayer with me, that al folke may amende their lives in every vocation, and that the kingdome of god maye come hastelye amongst us, and hys glorie appeare for the speedye succour of his chosen people, and perfite ending of all thynges, with most ioyful triumpe. Which god graunte, for the merites of Christ hys sonne, our onely mediator and saviour. AMEN.

*Londini in œdibus Ry-  
chardi Tottelli,  
1572.*



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