

Dr. Thomas Wilson
from
The Historical Introduction to A Discourse Upon Usury
by
R. H. Tawney

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edited by Peter Etherden

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

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Her Majesty's Honourable Court of Requests*

WITH AN HISTORICAL INTRODUCTION BY
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Dr. Thomas Wilson by R.H. Tawney

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.”

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.¹

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 *Art 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.’²

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.³ His influence - apparently a not inconsiderable influence - in English prose has been discussed by Mr. Mair.⁴ 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 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*.⁵

By 1569, when the *Discourse upon Usurye* was written, Northumberland, Hales, and Ket had each gone to his

¹ *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, necessarie 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 lawful use of riches* (London, 1578) The ‘general Discourse’ was translated from the Latin of Caesar 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.

² D'Ewes, *Journal*, p. 172 (Debate on Usury Bill, 1571).

³ In the D.N.B. A short account of him is given by Cooper, *Athenae Cantabriguenses*, 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 of Sir Christopher Hatton*, p. 101) with the Sir Thomas Wilson who was Keeper of the Records at Whitehall.

⁴ Introduction to Wilson's *Arte of Rhetorique* (1909).

⁵ For Warwick's attack on Hales, see Lamond, *The Commonweal of this Realm of England*, p. xl; for the Norfolk rising, Russell, *Ket's Rebellion in Norfolk*.

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 tames the value."⁶

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 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 naive. 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'⁷ - 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.

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 summary causes in the civil law'.⁸

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. 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*.⁹

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

⁶ *The Arte of Rhetorique*, p. 34 (1909). For Sir Thomas Smith's sentiments about the question, see Frazer Tytler, *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.* pp. lii-lxiii), Crowley, *The Way to Wealth*, and Latimer, *Sermons*.

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

⁸ Leadam, *Select Cases in the Court of Requests* (Selden Society), p. xxi. The words are those of Sir Julius Caesar.

⁹ See list printed by Leadam, *op. cit.*, p. 136.

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 1578.¹⁰ 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 writes¹¹ that he was 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.¹²

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,¹³ 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.¹⁴

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, Aeacus, or Rhadamanthus; had rather be one of the least *umbrae in campis Elysiis*'¹⁵ - 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 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 instructions¹⁶

¹⁰ *S.P. For.*, 1561-2, 1048, Nov. 14, 1562; and *S.P.D.*, 1577-8, 744, March 28, 1578.

¹¹ *S.P. For.*, 1561-2, 930, Jan. 24, 1561.

¹² *S.P. For.*, 1308, Dec. 20, 1562; and 237, Feb. 1, 1563.

¹³ *Hist. MSS. Com., MSS. of the Marquis of Salisbury*, pt. I, p. 521.

¹⁴ *Ibid.*, pt. I, pp. 524-5.

¹⁵ *Hist. MSS. Com., MSS. of the Marquis of Salisbury*, pt. I, p. 525. For the sentiments ascribed to Wilson see Cooper, *Athenae Cantabrigienses*, vol I, pp. 414-17.

¹⁶ 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;

contained, apart from the usual compliments, four main demands. He was to press for the withdrawal of the edict 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.”

This 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 Usurye*.

According to his own reports to Burghley,¹⁷ 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 written¹⁸ 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.¹⁹

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 negotiations concerning the repayment of one of Elizabeth's loans to the States.²⁰

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 letter²¹ 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 cawse 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 temporarie 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 foreign 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*²² 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.

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 streets within 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.

¹⁷ *S.P. For.*, 1575-7, 46.

¹⁸ *S.P. For.*, 1572-4, 1621.

¹⁹ *S.P. For.*, 1575-7, 1021 and 1424.

²⁰ *S.P. For.*, 1575-77, 1439 and 1494; 1577-8, 15.

²¹ *Hist. MSS. Com.*, *MSS. of the Marquis of Salisbury*, pt. II, pp. 151-4.

²² *S.P. For.*, 1579-80, 89.

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. Ascham²³ refers kindly to him and puts him in a list of brilliant young Cambridge men of the day. Osorio,²⁴ 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.²⁵ 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.²⁶

Aerschot and Aldegonde send messages to him. Lodovico Guiccardini,²⁷ whose commendation was worth something to a writer on economic questions knew him personally,²⁸ 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 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 Choke 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 condition of England. But how did a *Humanist* come to compose a work replete with citations from early *Christian Fathers* and *Medieval 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 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 *Medieval 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 profewssionem*'.

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 Caesar, '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 citations freedom of the subject...against the *Common Law* and the *Commonwealth*."²⁹

²³ R. Ashami epistolarum libri quattuor, ed. 1703, pp. 116 and 226.

²⁴ Ibid., pp. 425-6, "Thomas Wilsonus, vir ornatissimus, reginae vestrae legatus."

²⁵ E.g. 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).

²⁶ S.P. For., 1577-8, 613 and 733.

²⁷ S.P. For., 1577-8, 733 and 744. For Guiccardini's account of the Antwerp money-market see his *Discriptione di Tutti I Paesi Bassi*.

²⁸ Was this not Guiccardini the author of the best contemporary account of the Antwerp money-market?

²⁹ Coke's Reports, pt. XI, PP. 53-5, *The case of the tailors of Ipswich*.

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 Starkey³⁰, 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,³¹ who lectured at Oxford in 1523, and who in 1526 published his book *De subventionem 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*.³²

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 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*'.³³

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 Usury*.

It was a *Court of Equity* - 'a court of conscience appointed to mitigate the rigour of proceeding in law'.³⁴ 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 dreaded 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 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*?

³⁰ E.E.T.S., *England in the Reign of King Henry VIII*, pt. X, and pp. 152-6.

³¹ Pirenne, *Histoire de la Belgique*, vol. III, pp. 290-2. Ashley, *Economic History*, p. 343.

³² The history of the 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, Fraternities and Guilds* (1659), who lay 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.

³³ Quoted Unwin, *Industrial Organisation in the Sixteenth and Seventeenth Centuries*, pp. 184 and 193.

³⁴ *S.P.D. Eliz.* (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.

“Il vaut beaucoup mieux s’arrêter à la loi de Dieu qui défend totalement l’usure.”³⁵

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.”³⁶

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 of *Social Reconstruction* prepared for the *Parliament of 1559* by such a typical Elizabethan as William Cecil to see how much in its spent, its view of *Class Relations* and *Social Ethics* was medieval.

In the greatest works of the age, *King Lear*, *A Midsummer Night’s Dream*, or the *Faerie Queen*, 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.”³⁷

This was 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 appetite.

“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*.”³⁸

³⁵ 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 révoquer en doute.” Bodin is answering the argument derived from Calvin. On his general position see Favre, *Le Prêt à Intérêt dans l’ancienne France*.

³⁶ *The Arte of Rhetorique*, p. xxvii.

³⁷ *King Edward’s Remains*, printed by Burnet, *History of the Reformation*.

³⁸ 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.