

2016

# “What Credit Is That to You?” The Social Context Of Moneylending In Medieval England A Comparative Study 1340-1509

Elizabeth Ann Green

Louisiana State University and Agricultural and Mechanical College, egree23@lsu.edu

Follow this and additional works at: [https://digitalcommons.lsu.edu/gradschool\\_theses](https://digitalcommons.lsu.edu/gradschool_theses)



Part of the [History Commons](#)

## Recommended Citation

Green, Elizabeth Ann, ““What Credit Is That to You?” The Social Context Of Moneylending In Medieval England A Comparative Study 1340-1509” (2016). *LSU Master's Theses*. 4448.

[https://digitalcommons.lsu.edu/gradschool\\_theses/4448](https://digitalcommons.lsu.edu/gradschool_theses/4448)

This Thesis is brought to you for free and open access by the Graduate School at LSU Digital Commons. It has been accepted for inclusion in LSU Master's Theses by an authorized graduate school editor of LSU Digital Commons. For more information, please contact [gradetd@lsu.edu](mailto:gradetd@lsu.edu).

“What Credit Is That To You?”  
The Social Context Of Moneylending In Medieval England  
A Comparative Study 1340-1509

A Thesis

Submitted to the Graduate Faculty of the  
Louisiana State University and  
Agricultural and Mechanical College  
in partial fulfillment of the  
requirements for the degree of  
Master of Arts

in

Department of History

by  
Elizabeth A. Green  
B. A., Ball State University, 2005  
May 2017

## Table of Contents

Abstract.....	iii
Chapter	
1 Introduction .....	1
2 Legal Overview .....	20
3 Ieuan Kery .....	35
4 Sir William Capell.....	50
5 Conclusions .....	58
Bibliography .....	69
Vita .....	72

## Abstract

This study makes use of the manorial court rolls of Dyffryn Clwyd, a cantref in Northern Wales, and the certificates of debt from London to examine the lives of two medieval usurers, Ieuan Kery and Sir William Capell, between the years 1340 to 1352 , and 1478 to 1509 . By examining the life of these two individuals who both operated one of the rarest, most socially complex occupations of his place and time, this study begins to expose the ways in which usury helped to shape the fabric of late Medieval culture in the British Isles. The singular focus of this study and the use of manorial court rolls and debt records, which make such a close focus possible, have been criticized by scholars of the period. Although this study is by nature preliminary, it serves to demonstrate the immense value of approaching old sources in new and innovative ways.

## Chapter 1: Introduction

On the 22<sup>nd</sup> of April in 1343 Ieuan Kery, a brewer, was brought before the Great Court in Ruthin, Wales. Ieuan Kery was accused of charging interest on a loan of 6s 9d to David ap Gwyn ap Hywel, specifically interest of 6d per week for eleven weeks. The Great Court found Ieuan Kery guilty of usury, placed him in gaol, and fined him.<sup>1</sup> One hundred and sixty three years later another man, Sir William Capell, came before the Chancery in London in order to force the payment of a loan made to Richard Grey, Earl of Kent, Lord of Ruthin.<sup>2</sup> Unlike Ieuan Kery, Sir William Capell came to court voluntarily. While the exact amount of the loan is unknown it must have been substantial as the payment seized from Richard Grey included, among other things, the manor of Yardley Hastings in Northants, twenty messuages, thirty virgates of land, forty acres of pasture, forty acres of meadow, and eight cottages, just to name the land involved in the payment. Separated by a chronological as well as social rift, it would appear that Ieuan Kery and Sir William Capell could not have less in common. There is, in fact, only one thing that these two men seemingly share; they each loaned money to others and earned money through the interest generated by these loans. They were both usurers.

---

<sup>1</sup> 217/8, m.32, forties file 1482, Great Court of Ruthin, 22<sup>nd</sup> April 1343. . All citations will follow the same format: the first set of numbers refers to the manuscript in the National Archives, followed by the database file, here identified as the forties file, which encompasses all files between 1340 and 1350, and then the item number within that file. This is then followed by the place and date at which the court met. (The record does not state how much he was fined.)

<sup>2</sup> 091x003 c. 131/91/3, Chancery, 26 August 1506. All citations for the Chancery records will follow the same format: the first set of numbers refers to the database file, the second set of numbers indicates the class within the National Archives. This is followed by the government office under which the records were filed, and the final set of numbers is the date at which the loan was first filed.

Usury, the act of charging any interest on a loan, was a serious crime in the middle ages, a crime that had both secular and religious prohibitions.<sup>3</sup> It should be noted that the terms moneylender and usury could be used interchangeably during this time period, but generally speaking a moneylender was a person who loaned money and charged a reasonable amount of interest; a usurer was a person who profited by charging high interest rates on a loan. However, secular and regional authorities at all levels of society recognized the economic imperative for a functioning loan system. Consequently, a modest amount of interest was overlooked, and even condoned, by authorities.<sup>4</sup> Why, then, was Ieuan Kery prosecuted, and convicted of, usury? And why was Sir William Capell not prosecuted for usury? Ieuan Kery was not a reasonable moneylender; Ieuan Kery was a usurer. Ieuan Kery does not simply make a modest amount of profit through loans; he was predatory and avaricious. Despite participating in a profession that was considered both criminal and sinful, legal records indicate that Ieuan Kery held a position of high social status within the local community. Ieuan served as a pledge on numerous occasions for a wide range of individuals, a position that demonstrates his good character, honesty, and trustworthiness; social traits entirely at odds with the concept of usury within prevailing economic theory and religious doctrine. Sir William Capell served his community in various official positions despite his involvement in a profession that should have precluded his participation in society. Capell worked with sums much greater than anything Ieuan Kery dealt with, presumably making a much greater profit, and yet this did not stop the London aristocracy from admitting him into their midst. In short, as time passed the social status of a usurer in medieval society became a paradoxical one wherein a usurer was held in contempt due to his

---

<sup>3</sup> R. H. Helmholz, "Usury and the Medieval English Church Courts," *Speculum* vol. 61, no.2 (April 1986) 365-369.

<sup>4</sup> Helmholz, "Usury and the Medieval English Church Courts," 370.

vocation while at the same time enjoying a high level of social influence and respect. It is the purpose of this thesis to study the paradoxical nature apparent in the life of medieval usurers, to examine their lives as presented in the existing court documents and to discover why the lives of these men appeared to be incongruent with concurrent beliefs regarding usury and what role the usurer played in medieval society. Furthermore, it is the purpose of this thesis to compare the lives of Sir William Capell and Ieuan Kery to discover if and how the social exclusion of usurers changed over time. Ieuan Kery and Sir William Capell lived at vastly different times, and the chronological chasm between the two men will allow for examination of the similarities and differences of the lives of these two men and how it related to usury.

It must be acknowledged that the investigation of two people cannot provide enough information to state definitively the social status of usurers and how that may have changed over time. The information investigated here is interesting, and while correlation is not necessarily causation, it does indicate a subject worth further examination. This thesis is merely a beginning, a trail marked on a map, pointing the right direction but not revealing what may be at the end of that trail. The conclusions reached in this thesis must be considered in the same manner; interesting, possibly indicative of a pattern but ultimately needing further, more in depth research and study. It is to be hoped that later study will be able to further fill in the trail on that map, as well as indicate what other paths it may cross.

This study first examines the life of Ieuan Kery, who lived in the town of Ruthin, Wales, between 1340-1352. This examination was made possible due to the existence of a collection of remarkably well-preserved court rolls. Court rolls are medieval court records, which were written on animal skins, which were then stitched together and then rolled into a scroll, hence the name court roll. The Dyffryn Clwyd Court Rolls are deposited in the National Archives of the

United Kingdom (formerly the Public Record Office) Special Collections as items 2/215/64 to 2/226/16. They were calendared, translated, and entered into a computerized database between 1991 and 1995 by a team of researchers at the University College of Wales at Aberystwyth. This project was funded by two grants from the [British] Economic and Social Research Council (E.S.R.C. award numbers R000234070 and R000232548). After its completion, a copy of the “Dyffryn Clwyd Court Roll Database, 1294 -1422” was deposited with the Data Archive at the University of Essex in the United Kingdom. The database was later deposited with the UK Data Service.<sup>5</sup> In order to examine the paradoxical nature of the medieval usurer this study examines the intricacies of the life of Ieuan Kery, his family, his occupations, his economic position, and his social position as documented within the court rolls of the Dyffryn Clwyd cantref<sup>6</sup> in northern Wales. The geographic unit of this study was chosen due to the remarkable amount of intact medieval court records, which have been collected, organized, translated, and then computerized. Dyffryn Clwyd is a cantref in northern Wales that centers on the valley of the river Clwyd. This cantref was a marcher lordship during the later half of the middle ages, meaning that it was part of the borderland between Wales and England and ruled by an English lord. The lordship centered on the township of Ruthin. This area was heavily involved in the various wars for control between the Welsh aristocracy and the English royalty, passing from Llywelyn ap Gruffydd to Edward I in 1277 and then granted to Dafydd, Llywelyn’s brother, in that same year. In 1282 Dafydd rebelled against Edward I and, following the suppression of the

---

<sup>5</sup> R. R. Davies, Smith, L.B., Barrell, A.D.M., Padel, O.J., Brown, M.H. (1997). *Dyffryn Clwyd Court Roll Database, 1294-1422*. [data collection]. UK Data Service. SN: 3679, <http://dx.doi.org/10.5255/UKDA-SN-3679-1>.

<sup>6</sup> A cantref was a medieval Welsh term for a small, defined section of land similar to a county. These in turn were further divided into smaller sections called commotes. A. D. M. Barrell, *The Dyffryn Clwyd Court Roll Database 1294-1422: A Manual For Users* (Aberystwyth: University of Wales) 1.



rebellion, Dyffryn Clwyd permanently passed to Reginald de Grey, who had been the main force behind the suppression.<sup>7</sup> Under the rule of the Greys, Ruthin became an important market town, and the rate of English immigrant settlement was such that in 1324, of the seventy ruling burgesses, only one third were Welsh.<sup>8</sup> This area is of particular importance to historians due to the quality and availability of the court rolls that have survived from the middle ages.<sup>9</sup>

Dyffryn Clwyd and Ruthin were in an area known as the Welsh Marches. The Marches comprised the border between Wales and England. They were a collection of feudal lordships, each ruled individually by a lord, and they were established by Sir William the Conqueror after his acquisition of England.<sup>10</sup> In exchange for protecting the English countryside from the predation of the 'bloodthirsty' Welsh, the lords of the March were granted the ability to rule their March without being answerable to the English court.<sup>11</sup> The Marcher Lords created their own law, held their own court, and were almost entirely outside the rule of the English court.<sup>12</sup> Although Wales remained separate from England, it never solidified into a political unit, remaining a collection of cantrefs of varying sizes, each ruled individually by a Welsh prince. Despite the special privileges of the Marcher Lords, the English king still had the right to direct them in war, and often attempted to use this as a tool to prevent the ascendancy of a unifying

---

<sup>7</sup> Ian Soulsby, *The Towns of Medieval Wales: A Study of Their History, Archaeology, and Early Topography* (Sussex: Phillimore & Co LTD., 1983), 232-233.

<sup>8</sup> Soulsby, *Towns of Medieval Wales*, 233.

<sup>9</sup> Beginning in January 1991 to August 1995 these court records were translated, organized, and downloaded into an electronic database, financed by a grant from the Economic and Social Research Council of Wales. Unfortunately not all the local records were transcribed onto the electronic database, but the majority of the records are now accessible. The directors for this project were Dr. R. R. Davies and Dr. Llinos Beverly Smith, and the research assistants were Dr. A. D. M. Barrell and Dr. O. J. Padel, and the project was organized and operated by the University of Wales Aberystwyth.

<sup>10</sup> John Davies, *A History of Wales* (London: The Penguin Press, 1994), 88.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

Welsh prince.<sup>13</sup> The status quo between England and Wales survived until 1282, when the English king Edward I defeated the Welsh prince Llywelyn ap Gruffydd and placed Wales firmly under the English crown.<sup>14</sup> The Welsh were no longer citizens separate from British rule, but were now subjects of the king of England.<sup>15</sup> This applied equally to the Marcher lords, who no longer possessed unique lordships but were regular lords under the British crown.<sup>16</sup>

In the years following the conquest of Wales by Edward I, English lords took physical control over many of the Welsh commotes, and immigration by English colonists was encouraged both as a way to integrate Wales into the English kingdom and to provide help for the large number of English peasants without land. At the time of this study, 1340-1352, sixty years had passed since the reign of Edward I and his grandson Edward III was now on the throne. While there had been several revolts among the Welsh, these revolts were localized and short-lived. The majority of the Welsh lived companionably with their new English neighbors. By 1340, both the Welsh and the English had had time to grow accustomed to each other, although there is no denying the fact that some resentment continued to linger.<sup>17</sup> Part of this study focuses on people who were born after the extreme political and social change that occurred after Edward I's reign.

The year 1300 marked the beginning of a century of hardship for the continent of Europe, and the Isles suffered along with the mainland. The ability of the land to provide sustenance for the population had become over taxed. As a result, people began spreading out to work lands

---

<sup>13</sup> R. R. Davies, *Conquest, Coexistence and Change: Wales 1063 – 1415* (England: Oxford University of Wales Press, 1987), 368-370.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> As made apparent by the revolt of Owain Glyn Dwr in 1400.

that were unsuitable for such cultivation.<sup>18</sup> This difficulty feeding the masses was aggravated in 1314 when unusual weather patterns led to a decline in food production.<sup>19</sup> This was to last for seven years, from 1315 to 1322 and later became known as the Great Famine.<sup>20</sup> The aristocracy, alarmed by the loss of income represented by the falling rates of production, increased rents and fines as a way to supplement lost income.<sup>21</sup> With these dire circumstances informing the decisions of the general populace it is not surprising that a usurer, someone who by definition benefits from the privation of others, would be looked at askance. There was a strong resentment towards people who were able to make a living without working, people such as mendicant friars and able-bodied beggars.<sup>22</sup> It was in these difficult circumstances that Ieuan Kery decided to ply his trade.

Sir William Capell operated under circumstances far different from those of Ieuan Kery. Capell lived in central London roughly 130 years after Ieuan Kery's exploits were officially recorded. This study focuses on the years from 1478 to 1509. The records used to study the life of Capell are different from those used with Kery; these are not court rolls but instead complaints of unpaid debt made to the Chancery. When a monetary loan was made, the details of the loan were recorded with the Chancery. If repayment of the loan were not made on time, the Chancery would then issue an arrest or collection notice to the sheriff. The records used for this study come from a database created by Dr. Pamela Nightingale with the support of the Leverhulme Trust. Dr. Nightingale created a database of 34,000 certificates of debt in Class C.241. Her

---

<sup>18</sup> William Chester Jordan, *The Great Famine: Northern Europe in the Early Fourteenth Century*, (Princeton: Princeton University Press, 1997) 29-31.

<sup>19</sup> Jordan, *The Great Famine*, 24.

<sup>20</sup> *Ibid.*, 34.

<sup>21</sup> *Ibid.*, 62.

<sup>22</sup> Diana Wood, *Medieval Economic Thought* (Cambridge: Cambridge University Press, 2002) 177.

work was furthered with a grant from the E.S.R.C., the Economics and Social Research Council in the United Kingdom.<sup>23</sup> As such, there is less information regarding the minutia of Capell's life but it is still possible to discover some aspects of his social position within the community.

Capell lived in Westminster, a small suburb that was gradually subsumed into greater London, and was the area closest to the structures of government and royalty. As such, it was, and still is, an area of concentrated wealth and influence. The community of Westminster was essentially the heart of London. The palace of Westminster, the abbey of Westminster, as well as various supplemental government offices all inhabited the borough of Westminster. Westminster was originally given to the monks of Bury St. Edmonds in 960.<sup>24</sup> Although it remained under the auspices of the Church until the Dissolution, the inhabitants of Westminster were remarkably self-determining. For example, the court convened annually in June and was presided over by a jury of twelve men. Although the abbot in theory was the one to appoint the jury, in reality the twelve men were often from well to do families and by the beginning of the fifteenth century had become self-electing.<sup>25</sup> Economically Westminster was dependent on the royal and legal edifices within its boundaries. Institutions which consisted of large groups of generally wealthy people as well as a rotating mix of foreign dignitaries, religious pilgrims, and suburban and rural petitioners meant that unlike other small towns or boroughs Westminster was a service oriented economy. While this dependence meant that the economy was often in flux, it also allowed Westminster to grow economically and structurally. By the time of this study, 1478

---

<sup>23</sup> Pamela Nightingale, *National Archives Class C.131 : Extents on Debt, 1284-1530* [computer file]. Colchester, Essex: UK Data Archive [distributor], October 2004. SN: 4997, <http://dx.doi.org/10.5255/UKDA-SN-4997-1>.

<sup>24</sup> A.G. Rosser, "The Essence of Medieval Urban Communities: The Vill of Westminster 1200-1540: The Alexander Prize Essay" *Transactions of the Royal Historical Society* vol. 34 (1984) 93.

<sup>25</sup> *Ibid.*, , 97.

to 1509, Westminster was wealthy and virtually independent of its ecclesiastical lords, though still beholden to the royalty and secular court, which it supplied.

Westminster was a part of the greater city of London and shared in all the turmoil of that city. London was a wealthy city primarily due to participation in the international wool trade. The wealth of the city made it somewhat vulnerable to repeated requests from the Crown for both monetary support and troops, particularly after the start of the Hundred Years War.<sup>26</sup> London already had a strong tradition of independence and the Crown's repeated attempts to finance the war through taxation of the city prompted London to attempt find ways to assert that independence. One way was through leadership within the city itself. Despite the close proximity of the royal family and the royal government, the city of London ruled itself through an internally elected board of aldermen headed by a mayor. While the position of alderman was most likely hereditary originally, by the thirteenth century it was an elective body<sup>27</sup>, although the positions remained with certain wealthy, well established families until sixteenth century.<sup>28</sup>

London at the end of the medieval period was a cosmopolitan city, and the records investigated here, specifically those referring to Sir William Capell, provide insight to an elite group of people within this urban environment. The fourteenth century was a difficult time for England. The century before, a change in climate, resulting in colder temperatures and diminished crops, created a weakened populace that would then face the Black Death in 1349.<sup>29</sup> This is the England that Ieuan Kery lived through. Following the Black Death, England would have to contend with the Hundred Years War, which began just before the onset of the Black

---

<sup>26</sup> Barbara Hanawalt, *Wealth of Wives*, 3-4.

<sup>27</sup> Gwyn A. Williams, *Medieval London*, 4.

<sup>28</sup> *Ibid*, 48.

<sup>29</sup> Barbara W. Tuchman. *A Distant Mirror: The Calamitous 14<sup>th</sup> Century* (New York: Ballantine Books, 1978) 24.

Death.<sup>30</sup> This war would last, intermittently, throughout the fourteenth century and into the fifteenth century, finally coming to an end in 1453. Soon after the end of a foreign war, England found itself embroiled in domestic warfare, as the Houses of York and Lancaster fought over the throne in what came to be known as the Wars of the Roses, 1455 to 1485.<sup>31</sup> The contest for power ended with Henry VII on the throne and the beginning of the Tudor line.<sup>32</sup> Sir William Capell lived through the Wars of the Roses, and possibly saw the end of the Hundred Years War, and the landscape of his life was shaped by the events that wracked the fourteenth and fifteenth century. At the time of this study, 1478 – 1509, England was relatively quiet, attempting to recover from the depredations of the previous centuries.<sup>33</sup>

The study of social structures through examination of legal documents is a well-established method of study with many distinguished historians participating in the tradition. One of the great historians of English law, Frederick Maitland, is credited with helping begin the use of court rolls to study peasant history, albeit in a more legal and economic fashion as opposed to social investigation.<sup>34</sup> One school in particular, the Pontifical Institute of Medieval Studies in Toronto, has forged a path through the studies of J. A. Raftis, E. B. Dewindt, and E. Britton, among others.<sup>35</sup>

J. A. Raftis and his book *Tenure and Mobility: Studies in the Social History of the Medieval English Village*, published in 1964, helped to found the studies that would become the

---

<sup>30</sup> Norman Davies. *The Isles: A History*, (Oxford: Oxford University Press, 1999) 411.

<sup>31</sup> Davies, *Isles*, 437.

<sup>32</sup> *Ibid.*, 443.

<sup>33</sup> Pamela Nightingale, “The Economic, Political, and Social Influences on Levels of Credit in Late Medieval England” (Oxford: May 2004) 1.

<sup>34</sup> Zvi Razi, “The Toronto School’s Reconstitution of Medieval Peasant Society: A Critical View” *Past & Present* no. 85 (Nov., 1979) 141. F. W. Maitland, *Domesday Book and Beyond: Three Essays in the Early History of England* (Cambridge: Cambridge University Press, 1988).

<sup>35</sup> Razi, “A Critical View”, 141.

standard of the Toronto school. This book investigated the life of the villager, those people living in small urban communities during the late thirteenth and fourteenth centuries. This volume sought to explore to what extent an unfree person was a possession of the lord by examining land ownership and the movements of the villagers.<sup>36</sup> While Raftis devotes the majority of his study to the examination of the life of the villager as found within legal court records, he reserves part of his conclusion to examine the psychological makeup of the villager. Raftis argues that it is possible, using the manorial court rolls, to examine the personal lives of individuals within the community. He points to the existence of ‘non-conformists’ and ‘aberrations’ as examples of people whose lives would be fully exploitable through the court rolls, although it is somewhat disingenuous of him to make such an assertion but not explore the idea in his own study.<sup>37</sup>

Despite the obvious contributions these studies have made to the field of history there are still some legitimate criticisms to be made. Historian Zvi Razi identified problems with this particular method of study in his article, “The Toronto School’s Reconstitution of Medieval Peasant Society: A Critical View” in *Past & Present* November of 1979. While he acknowledges the benefits to the study of history provided by the deeper study of manorial court rolls, he criticizes the methodologies used by the historians of the Toronto school. He points out that the methods by which the historians tracked individuals, or individual families, through the court rolls were not as indisputable as the original historians assumed. In fact, using the same data and tracking the same names, Razi identifies multiple individuals sharing a common name

---

<sup>36</sup> J. A. Raftis, *Tenure and Mobility: Studies in the Social History of the Medieval English Village* (Toronto: Pontifical Institute of Medieval Studies, 1964) 14.

<sup>37</sup> J. A. Raftis, *Tenure*, 210.

with no way of identifying between them.<sup>38</sup> In what is perhaps a more damning criticism, Razi identifies ways in which the assumptions of the historian have colored their interpretation of the source material. He points out that Raftis and his colleagues used the data to extrapolate social connections within the community. However, these historians decided that the act of office holding was the only necessary criteria to determine which families were socially and economically important within the community. As Razi accurately points out, there is no way to know what if any economic differences existed between families who held office often and those who held office only a few times. Additionally, this data interpretation makes no mention nor takes into consideration social or economic mobility. When a person attained an office, the Toronto historians assumed that person, and their entire family, to be a part of the social elite.<sup>39</sup> This extends to all members of the family regardless as to whether there were any other office holders within that family. Such assumptions do not take into consideration the possibility that while there may be one member of a family who is socially elite such positions do not necessarily extend to their extended family members. According to the historians of the Toronto school those living in the manors of Ramsey Manor had absolutely no black sheep in their families.

In response to this attack by Razi on the Toronto School, Professors L. R. Poos and R. M. Smith proceeded to treat a then recent work by Razi, *Life, Marriage and Death in a Medieval Parish: Economy, Society and Demography in Halesowen 1270-1400*, to the same intense scrutiny. Once again the question of demographics and methodology were the main point of contention. Where Razi criticized the Toronto School for not being discerning enough in identifying individuals and families in the court rolls, Poos accuses Razi of possessing a similar

---

<sup>38</sup> Zvi Razi, "A Critical View", 142-145.

<sup>39</sup> Ibid., 147-148.



type of blindness when examining the rolls. Poos points out that Razi assumes that, barring certain lower status groups such as women and landless men, the entirety of the lives of village residents can be traced through the court rolls.<sup>40</sup> Poos identifies three different circumstances that may change the patterns of attendance for court: changes in administrative or litigational procedures, economic or ecological events that would affect attendance, and differences in social or economic status that may dictate different attitudes toward attendance of the manorial court.<sup>41</sup> Like Raftis before him Razi allowed presumptions to affect his data set.

Razi soon replied to this article by examining each of the claims made by Poos and Smith and providing rebuttal to them. Razi points out that although Poos and Smith are correct that certain groups are less likely to be as represented in the court rolls, they are still present in the rolls, just to a lesser extent. Expanded research, often decades before and after the target date, provide the necessary information to accurately track persons or families, including those of lower social status that may not be in the rolls as often as others.<sup>42</sup> Regarding administrative or litigational changes, Razi argues that such changes are easily identified within the court records and therefore can be accounted for.<sup>43</sup> Razi then examines the claim that economic or ecological events affect the rates of attendance by examining the court rolls before and after the arrival of the Black Death. Razi finds that although there are some changes to the rates of attendance to court during the Black Death, these changes were too small to affect the overall demographics of

---

<sup>40</sup> L. R. Poos and R. M. Smith, "Legal Windows onto Historical Populations? Recent Research on Demography and the Manor Court in Medieval England," *Law and History Review* vol.2, no.1 (Spring, 1984) 130.

<sup>41</sup> Poos and Smith, "Legal Windows," 131.

<sup>42</sup> Zvi Razi, "The Use of Manorial Court Rolls in Demographic Analysis: A Reconsideration" *Law and History Review* vol. 3, no.1 (Spring, 1985) 192.

<sup>43</sup> Razi, "A Reconsideration," 194.

the data and also do not account for other fluctuations within the rates of attendance.<sup>44</sup> Ultimately Razi accuses Poos and Smith of viewing the medieval village as ‘static’ and argues that there is more information to be gotten from the manorial court rolls than Poos or Smith are willing to admit.<sup>45</sup>

Following Razi’s rebuttal Poos and Smith felt the need to defend their criticism of Razi’s book and his original article. They focus primarily on the same three points, repeatedly emphasizing that Razi, “has consistently failed to grasp the implications of our essay”<sup>46</sup> and taking particular offense to the charge by Razi that Smith and Poos view this period in history as static.<sup>47</sup>

Unwilling to pass up the opportunity for a rejoinder, Razi again disagreed with Poos and Smith, writing yet another article arguing the points made by Poos and Smith in their latest reply. Once again Razi disputes Poos and Smith on the same three points, arguing that they either did not understand the material or Razi’s interpretation thereof<sup>48</sup>, or that they have failed to justify their criticisms.<sup>49</sup> This article turned out to be the parting shot of Razi as neither Poos nor Smith chose to reply to this article.

This discussion between Razi and Poos and Smith is highlighted here due to the number of issues they raise regarding the study of manorial court rolls. The questions of how the data is gathered and how it is organized, as well as the justifications for why the data is gathered and organized in this manner, are valid for any study. This study also focuses on manorial court

---

<sup>44</sup> Razi, “A Reconsideration” 196.

<sup>45</sup> Ibid. , 200.

<sup>46</sup> L. R. Poos and R. M. Smith, “Shades Still on the Window: A Reply to Zvi Razi,” *Law and History Review* vol.3, no.2 (Autumn, 1985) 410.

<sup>47</sup> Poos and Smith, “A Reply to Zvi Razi,” 428-429.

<sup>48</sup> Zvi Razi, “The Demographic Transparency of Manorial Court Rolls,” *Law and History Review* vol.5, no.2 (Autumn, 1987) 524.

<sup>49</sup> Razi, “Demographic Transparency,” 527.

rolls, and it should be noted there are substantial differences between the court rolls from Dyffryn Clwyd, which are the source material for this study, and those of Halesowen court rolls, which are the subject of Razi's study. The court rolls of Dyffryn Clwyd are in much better condition than those of Halesowen, less deteriorated and more complete than those of Halesowen, which by Razi's admission are decayed badly.<sup>50</sup> Furthermore, this study of the court rolls concerns one person with a very distinctive name over a period over only ten years, making his appearance in the court rolls much easier to track.<sup>51</sup>

In addition to understanding the use of legal documents it is also important to understand the place of this work within the study of the history of usury. One of the earliest compilations regarding the legal treatment of usury in the Western world is *The History of Usury from the Earliest Period to the Present Time Together with a Brief Statement of General Principles Concerning the Conflict of the Laws in Different States and Countries and an Examination into the Policy of Laws on Usury and their Effect upon Commerce* by J. B. C. Murray published in 1866. This book provides a basic compilation of facts regarding usury; however, due to the long time period covered by this book there is not much investigation into the social aspect of usury and investigation into the factual evidence is scanty at best. Despite the lack of social investigation or in depth research the author Murray does recognize the fact that usury was a necessary evil, going so far as to provide a quote from Lord Bacon regarding this necessary evil on the title page.

---

<sup>50</sup> Razi, "A Critical View", 143.

<sup>51</sup> Extensive research in the court rolls between 1340 and 1352 has revealed that there is only one person with the surname of Kery, that being Ieuan Kery.

One of the more influential histories of medieval Europe is the *Economic and Social History of Medieval Europe* by Henri Pirenne.<sup>52</sup> Written in 1933 as part of a collection titled, “Histoire du Moyen Age”, Pirenne’s work was such that soon after, in 1936, it was published as a stand-alone work. Pirenne’s purpose in writing his book is deceptively simple, stating “In the following pages I have tried to sketch the character and general movement of the economic and social evolution of Western Europe from the end of the Roman Empire to the middle of the fifteenth century.”<sup>53</sup> Pirenne provides a thorough overview of the social and economic changes that occurred throughout Europe during the middle ages while also providing a more focused investigation of some of the more important geographical areas and sociological and economic changes that affected these areas. Pirenne investigates the legal, religious and economic aspects of usury, noting that despite the many prohibitions against usury it was a common practice.<sup>54</sup> His description and investigation into usury is succinct while also being informative but does not provide any information regarding the social aspect of usury. Despite using words such as ‘lender’ and ‘borrower’ to identify those involved in the practice of usury there is no identification of individuals, their position within society, or how the act of usury would affect that position.

John T. Noonan Jr. conducted a more thorough investigation into the nature of usury in his study, *The Scholastic Analysis of Usury*, published in 1957. Noonan was primarily interested in the intellectual development of usury. He declares early in his book, “Most obviously, the

---

<sup>52</sup> Henri Pirenne, *Economic and Social History of Medieval Europe* (New York: Harcourt, Brace and Company, 1937).

<sup>53</sup> Pirenne, *Economic History*, v.

<sup>54</sup> *Ibid.*, 38.

scholastic theory of usury is an embryonic theory of economics.”<sup>55</sup> He identifies the origin of the scholastic theory of usury as a theological creation as well as the economic and legal aspects that affect and are affected by this theory. However, his particular study is of the history of what he deems the ‘rational analysis of usury.’<sup>56</sup> By his own admission Noonan states that there will be little economic, legal, or social analysis within this study, save where it is touched upon within the study of the intellectual development of the scholastic theory of usury.<sup>57</sup> This is the study into the development of an idea, and those who daily used such ideas are not represented.

One of the more recent studies of medieval usury can be found within *Medieval Economic Thought* by Diana Wood.<sup>58</sup> Woods book, part of a specially commissioned series of textbooks titled Cambridge Medieval Textbooks, provides an overview of the economic history of medieval Europe. Rather than providing a dry book that simply restates the work done by previous historians, Wood reviews general economic topics by investigating the moral and philosophical thought behind the economic actions. As Wood states, the study of the medieval economy is not simply an investigation of the exchange of products or money, but, “that medieval economic ideas are concerned not merely with the market-place, with trade, and with industry, but also with less easily definable matters such as poverty and charity.”<sup>59</sup> Wood devotes two chapters to usury, examining the issue from two different perspectives. She first examines the usurer as a potential winner, in other words the potential gain that could be had through usury and how this potential affected the development of usury law. The second chapter examines the usurer as loser, and how the potential loss informed the development of law

---

<sup>55</sup> John T. Noonan, Jr., *The Scholastic Analysis of Usury* (Cambridge: Harvard University Press, 1957) 2.

<sup>56</sup> Noonan, *Scholastic Analysis*, 2.

<sup>57</sup> *Ibid.*, 5.

<sup>58</sup> Diana Wood, *Medieval Economic Thought* (Cambridge: Cambridge University Press, 2002).

<sup>59</sup> Wood, *Medieval Economic Thought*, 16.

regarding usury. Each chapter provides in depth information regarding the history and development of usury, both in terms of religious and secular law as well as the economic position held by the usurer and how usury fit into the medieval economy as a whole. While there is some information regarding the social status of usurers, particularly as it pertains to Jews, there is little investigation into the position of non-Jewish usurers in medieval society. Woods' book, while very informative and intellectually innovative, is a broad overview that does not have the scope necessary for such a narrow perspective.

It is Wood's perspective regarding usury that is of interest to this study. She acknowledges that the pursuit of monetary gain has repercussions that reach beyond the economic realm, and recognizes that usury and money handling provide insights into unexplored aspects of society. This study is interested primarily in how society as a whole accepts a usurer, the place for that usurer within society, and how this social acceptance reflects the legal response to usury.

The discussions presented here highlight just some of the difficulties that come with studying a subject that happened so long ago with such limited evidence. Something as simple as data gathering methodology can have lasting repercussions on interpretation of that data. And thus are scholarly debates born. It is best to keep in mind that no one study can encompass the entirety of any subject, that no matter how certain one historian may be about his subject there will always be another historian raising objections to it. In that light it is necessary to point out that this study is not the last word to be had regarding medieval usury, nor does it aspire to that goal. It is to be hoped that this study is but one step on a path that brings to light the lives of people that heretofore had been ignored or passed over. While such a small study cannot presume to speculate on the lives of all usurers throughout the medieval world, it can posit

questions and aspects that may not have been previously considered. This study will show that usurers, despite the religious prohibition against their work and the negative connotations derived thereof, served an economic necessity. Furthermore, the social standing of usurers was not affected by their occupation as usurer. The large sums of money needed to act as a usurer provided economic security and afforded the usurer a measure of social grace.

The social position of the medieval usurer is a topic that has been brushed by but not investigated fully. The usurer, a person at once reviled but also sought after, provides an interesting point at which to examine medieval society and how that society interacts, both in terms of people interacting with each other and also in terms of the larger forces of religion and the state informing social structure. Ieuan Kery was a unique man in many ways and his was a life that was, at the very least, interesting. Sir William Capell was a powerful man whose involvement with usury appeared to not affect his social standing or involvement. It is the lives of these two men that this thesis will now examine.

## Chapter 2: Legal Overview

Usury was considered a religious crime during the medieval period. However, usury was prosecuted and punished by secular authorities.<sup>60</sup> This combination of religious and secular authority, as well as the social treatment of the usurer, will be the focus of this chapter. This chapter shall begin with an examination of Church regulations regarding usury, followed by a survey of the secular treatment of usury, and end with an examination of the social status of usurers.

The religious prohibition on usury, otherwise known as money lending, was based upon two specific biblical quotations. The first comes from Leviticus 25:36 and states, “Thou shalt not give him thy money upon usury, nor lend him thy victuals for increase.” The second quotation is taken from Luke 6:35, “But love ye your enemies, and do good, and lend, hoping for nothing again; and your reward shall be great, and ye shall be the children of the Highest: for he is kind unto the unthankful and to the evil.” The first official Church regulation of usury occurred during the fourth century. The Council of Nicaea in 325 condemned usury but this condemnation applied only to clerics, while the councils in Elvira in Spain and Carthage in Africa, following Nicaea, prohibited usury for the laity.<sup>61</sup> Pope Leo the Great later repeated the clerical ban on usury in the letter *Nec hoc quoque*.<sup>62</sup> Usury was a popular topic among Church scholars, particularly the definition of what constitutes usury and the punishments visited upon those who commit usury. Gratian defined usury in his *Decretum* as, “Lending, in particular

---

<sup>60</sup> R. H. Helmholz, “Usury and the Medieval English Church Courts,” *Speculum* vol. 61, no.2 (April 1986) 365-369.

<sup>61</sup> Diana Wood, *Medieval Economic Thought* (Cambridge: Cambridge University Press, 2002) 160.

<sup>62</sup> Wood, *Medieval Economic Thought*, 160.; John T. Noonan, Jr, *The Scholastic Analysis of Usury*, (Cambridge, Massachusetts, 1957) 15.



lending of money but could be applied to anything that could be counted, weighed, or measured.”<sup>63</sup> Pope Leo the Great, in a collection of canons presented to Charlemagne, defined usury as ‘where more is asked than given’; Charlemagne later used this definition in his capitulary of Nynauger in 806 A. D.<sup>64</sup> Pseudo Chrysostom also wrote about usury in his fifth or sixth century text, *Palea Eiciens*, writing that any usurer is accursed by God and deserving of eternal damnation because the usurer sells time, which belongs to God alone, and by taking back the principal and profit the usurer is a thief, as neither of these things belongs to him.<sup>65</sup> Pope Urban III also stated his opinion regarding usury in the *Consuluit*, stating that usury is a sin of intention and that anything that exceeds the principal is usury.<sup>66</sup>

This collection of definitions reflects similar points, particularly regarding the nature and use of money. According to the medieval religious view of money, money is best used in buying and selling, not in loans, money is a fungible that is consumed in use and therefore use cannot be separated from ownership, and money is sterile and cannot breed thus rendering all usury not only illegal but in some sense unnatural.<sup>67</sup> The perversion of money is only one aspect of the sin of usury, as usury can be applied to items other than tangible money, such as land or chattel. The sin of usury, in all its forms, occurs due to the violation of two laws: first that usury is the selling of time, which belongs strictly to God<sup>68</sup>, and second that the hope of gain that is the foundation of all usury is a manifestation of the sin of greed.<sup>69</sup> Although the definition and prosecution of

---

<sup>63</sup> Wood, *Medieval Economic Thought*, 159.

<sup>64</sup> *Ibid.*, .160

<sup>65</sup> *Ibid.*

<sup>66</sup> *Ibid.*

<sup>67</sup> *Ibid.*

<sup>68</sup> *Ibid.*, 174.

<sup>69</sup> *Ibid.*, 176.

the sin of usury is generally constant throughout the middle ages, punishment underwent a variety of changes.

Usury was defined as a mortal sin, meaning that if the usurer did not repent then he or she risked eternal damnation. The Third Lateran Council of 1179 put further restriction on the usurer, declaring that ‘manifest’ usurers were to be denied communion at the altar (possibly meaning excommunication) and the denial of the Eucharist. The usurer was also to make restitution and to be denied a Christian burial if they died unrepentant.<sup>70</sup> Punishment also extended to those who collaborated with the usurer, as any clergy found to have buried an unrepentant usurer in consecrated ground was to be automatically excommunicated and the body of the usurer exhumed.<sup>71</sup> Regarding restitution, the usurer would not be absolved until after restitution was made, with Pope Innocent III declaring that the usurer would not be ‘heard’, i.e. absolved, until after resolution was made.<sup>72</sup>

In 1274 the Second Council of Lyons declared that usury and heresy were on equal footing due to the fact that both represented a challenge to papal authority. Lyons also stated that usury was a vile sin in particular as it violated the social obligation to the poor, as the poor were often victims of usury. This aspect of usury was particularly popular with penitential literature.<sup>73</sup> The Council further decided that the will of usurers that did not make provision for restitution, providing that restitution had not been previously made, would be declared invalid. Canon Law further decreed that heirs would be required to make restitution if it had not been done in the lifetime of the usurer.<sup>74</sup> Punishment of usury was later expanded to include others in 1311 at the

---

<sup>70</sup> Ibid., 161.

<sup>71</sup> Ibid., 162.

<sup>72</sup> Ibid., 166.

<sup>73</sup> Ibid., 163-164.

<sup>74</sup> Ibid., 166.

Council of Vienne in 1311-1312, where Pope Clement V declared that anyone who believed or said that usury was not a sin was to be punished as a heretic.<sup>75</sup>

Although the punishment for usury was harsh, it was also difficult to prosecute. The use of the word 'manifest' in particular proved to be contentious, as there is no definition provided as to what constitutes a manifest usurer. Further difficulties arise, particularly for the usurer, if the borrower died or moved an inconvenient distance. In general a manifest usurer was held to be a person who engaged in usury publically, usually a pawnbroker, and who also admitted to usury before witnesses and was condemned in court. Another group held to be manifest usurers were Jews.<sup>76</sup> Jewish moneylenders filled a religious and economic need by offering credit to people who religiously were exempt from lending money themselves.<sup>77</sup> By the beginning of the thirteenth century, however, Jewish moneylenders began feeling pressured as they found themselves restricted by the legislation of secular and ecclesiastical authorities, in no small part influenced by their own reticence to pay debts, as well as a general acknowledgement by authorities of the necessity for credit in the economy, thus opening the profession, in a limited way, to Christians.<sup>78</sup> Moneylending became somewhat synonymous with Judaism, and despite the recognized need for credit as well as its popular use in the community, moneylending was viewed dimly. Thus being conflated with an unflattering occupation combined with the negativity associated with being a religious outsider caused the Jewish people to suffer low social status as well as physical violence.<sup>79</sup>

---

<sup>75</sup> Ibid., 163.

<sup>76</sup> Ibid., 167.

<sup>77</sup> Joseph Shatzmiller, *Shylock Reconsidered: Jews, Moneylending, and Medieval Society*, (Berkeley: University of California Press, 1990) 44.

<sup>78</sup> Shatzmiller, *Shylock*, 45. Or at the very least, willing to overlook non predatory lending among Christians.

<sup>79</sup> Ibid., 46.

One major problem in identifying usurers and holding them responsible was that many of the clergy were involved in money lending.<sup>80</sup> The English Church provided straight loans<sup>81</sup>, but even when the clergy were not lending money directly, their financial interest in usury could pervert the prosecution of usury. When a usurer wanted to make restitution, it occurred in two forms, *certa* and *incerta*. If the restitution was *certa*, then the money paid to the usurer was returned to the person who had taken out the loan or their heir. In cases of *incerta*, the person or heirs were either missing or unavailable, thus leaving the usurer unable to make restitution. In these cases it was deemed acceptable for the usurer to make a charitable contribution.<sup>82</sup> The majority of the charitable organizations at this time revolved around the Church, and so it became common for usurers to cleanse themselves of the sin of usury by giving money to the Church, who often used this money for ecclesiastical purposes instead of providing for the poor. The Pope and some bishops further facilitated this somewhat unexpected source of income by providing licenses to ecclesiastical institutions allowing them to receive a quota of *incerta*.<sup>83</sup> This large scale organizing of *incerta* revenue was more prevalent in the southern part of the European continent. In the north, particularly in England, correction of the usurer was more often between the penitent and his confessor. As the confessor had to enforce restitution before bestowing absolution there was a large opportunity for duplicity on the part of the priest. Accepting a donation to the Church as a form of restitution was acceptable at this more intimate level as well as at the higher social levels.<sup>84</sup>

---

<sup>80</sup> Ibid., 172.

<sup>81</sup> Ibid., 172.

<sup>82</sup> Ibid., 170.

<sup>83</sup> Ibid.

<sup>84</sup> Ibid.

What is particularly interesting about usury is that it was not just a religious crime, but also a state crime. England in particular took its cue from the Church and outlawed usury early in its history. Penal laws against usury were first enacted during the reign of King Alfred, who ruled Wessex from 871-899 Alfred declared that anyone found guilty of committing usury would forfeit all chattels to the king, all lands would escheat to the lord, and, following the Church, the usurer would not be allowed burial in the sanctuary.<sup>85</sup> Edward the Confessor, who ruled England roughly 1042-1066, made the penalties for usury even more severe. He decreed that a usurer would be forfeit all substance, outlawed, and their heir would be disinherited<sup>86</sup> William the Conqueror, who ruled England after Edward and was the first to incorporate the Welsh Marches into the English holdings, increased the punishments for usury. William added that the usurer would also suffer whipping, pillory, and perpetual banishment.<sup>87</sup> Beginning in the twelfth century punishment for usury became less harsh. King Henry II officially lessened the punishment for usury, deciding that the usurer was not liable to be convicted during his lifetime and that he would only forfeit his goods and chattels after death. Also, like the Church, the usurer had the opportunity to expiate punishment through penitence.<sup>88</sup> The Statute of Merton, enacted in 1235, was the first to use the word ‘usury’ and is believed by many historians to be aimed primarily at the Jewish population.<sup>89</sup> This statute allowed for some forms of usury, primarily penalties that were applied upon the default of a debt, and provided some protection for

---

<sup>85</sup> J. B. C. Murray, *The History of Usury from the Earliest Period to the Present Time Together with a Brief Statement of General Principles Concerning the Conflict of the Laws in Different States and Countries and An Examination into the Policy of Laws on Usury and Their Effect Upon Commerce* (Philadelphia: J. B. Lippincott & Co, 1866) 33.

<sup>86</sup> Murray, *History of Usury*, 33.

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

heirs in the event that this default was not paid. Here, although the word usury is used it is not what modern readers would recognize as usury, but more as a type of insurance.<sup>90</sup>

Despite these official regulations the Church still claimed jurisdiction over all cases of usury. The Church defined usury and was the one to identify and prosecute those guilty of usury. However, the Church did not claim jurisdiction over the punishment of usury.<sup>91</sup> As such the Church and the state, at least in England, worked in tandem, with the Church identifying usurers and then relying on the state to punish the offenders. The reason this particular arrangement worked so well is that prosecutions for usury were not that common.

The actual prosecution of usury, outside of the Church, was conducted by the lower courts, i.e. the manor courts, the cities, and the boroughs.<sup>92</sup> In the second half of the thirteenth century, Church canonists allowed secular courts to prosecute cases that were clearly usurious.<sup>93</sup> The English court was organized along the same lines as the land was divided. England is comprised of counties, which are divided into hundreds, and hundreds then divided into vills or townships.<sup>94</sup> Because part of this study is located in the Welsh Marches the land divisions used Welsh names. A cantref is comparable to a county, and a commote was similar to a hundred. Vill and township were still the most commonly used terms for smaller divisions.<sup>95</sup> The county and the hundred, or in this case the cantref and the commote, each had its own court, but while the vill or township did not have a separate court the manor was often located within the

---

<sup>90</sup> Ibid., 34-39.

<sup>91</sup> R. H. Helmholz, "Usury and the Medieval English Church Courts," *Speculum* vol. 61 no.2 (Apr., 1986): 365.

<sup>92</sup> Helmholz, "Usury", 369. Wood, *Medieval Economic Thought*, 184.

<sup>93</sup> Wood, *Medieval Economic Thought*, 183.

<sup>94</sup> Sir Frederick Pollock and Frederic William Maitland, *The History of English Law Before the Time of Edward I* vol.1 (Cambridge: Cambridge University Press, 1898) 557.

<sup>95</sup>

township and the manor had a court.<sup>96</sup> The county court met once a month and was presided over by the sheriff and attended to by suitors, also called jurors, who were freeholders bound by law to attend the court.<sup>97</sup> The hundred court met once every three weeks and was also presided over by the sheriff with suitors in attendance.<sup>98</sup> In situations where the hundred courts were in private hands, as is the case in Dyffryn Clwyd, the lord's steward presided in place of the sheriff.<sup>99</sup> Due to the fact that Dyffryn Clwyd was a Marcher land, the courts were much broader in scope and for this reason the court records reflect both criminal and civil proceedings, where in regular English courts these two types of legal cases would be separated.<sup>100</sup> Prosecution would proceed as follows: attendance to court was one of the services owed by a landowner to their lord. The sessions were conducted in the presence of a bailiff or steward, who was not a judge. Here the jury would give evidence, answer questions, record its customs, express suspicions, and in the course of this they would identify known usurers.<sup>101</sup> As stated previously, however, usury was not a commonly prosecuted crime. Records throughout the medieval period suggest that usury was only prosecuted in cases of extremely high interest rates, generally above ten percent, rates that would indicate predatory lending.<sup>102</sup>

Two reasons exist for the lack of usury prosecutions. First was the attempt by usurers to avoid prosecution, usually by employing Roman law. Roman law allowed for a certain amount of interest. The purpose of this interest was to allow for potential compensation in the event of

---

<sup>96</sup> Pollock and Maitland, *History of English Law*, 558.

<sup>97</sup> Ibid.

<sup>98</sup> Ibid.

<sup>99</sup> Ibid.

<sup>100</sup> A. D. M. Barrell, *The Dyffryn Clwyd Court Roll Database 1294-1422: A Manual For Users* (Aberystwyth: University of Wales) 1.

<sup>101</sup> Elain Clark, "Debt Litigation in a Late Medieval English Vill," in *Pathways to Medieval Peasants*, ed. J. A. Rafts (1981): 250. Wood, *Medieval Economic Thought*, 184. Pollock and Maitland, *History of English Law*, 564.

<sup>102</sup> Helmholz, "Usury", 370. Wood, *Medieval Economic Thought*, 173, 184.

loss. Acting almost as a form of insurance, the point of interest as interpreted by Roman law was to act not as a means to gain profit, but to avoid loss.<sup>103</sup> Giles of Lessines (d. circa 1303) further clarified the difference between usury and interest, here named as credit. His treatise *De Usuris* identified three reasons that would allow a lender to increase the price for credit without being usurious. First, seasonal variations in the market would allow for higher credit rates. Second, an increase over time in the size, quality, or value of the items being loaned would allow for an increased credit rate, always remembering that usury was applied to chattel as well as to monetary loans. Third, changes in the local market price due to demand would also allow for increased credit rates. The most important difference between interest or credit and usury, and what has always been the determining factor for identifying usury for the Church, is that usury occurs due to the sinful hope for gain.<sup>104</sup>

The second reason for the dearth of usury prosecutions is due to the fact that usury is simply an economic necessity. Beginning in the twelfth century many monarchs began to scale back the harshness of the punishment meted out for convicted usurers, primarily due to the fact that these monarchs needed usurers.<sup>105</sup> As monarchs began to rely on moneylenders to help finance various, usually martial endeavors, moneylenders began to enjoy a precarious position, protected but only while useful.<sup>106</sup> This was particularly applicable to Jewish moneylenders, as their social positions were already precarious due to religious intolerance.<sup>107</sup> In fact, despite their

---

<sup>103</sup> Wood, *Medieval Economic Thought*, 181. Roman law formed the foundation of English law and as such, although much older than subsequent legal texts, was still permissible in later English court.

<sup>104</sup> *Ibid.*, 176.

<sup>105</sup> *Ibid.*, 167.

<sup>106</sup> *Ibid.*

<sup>107</sup> *Ibid.*, 167-168.



monetary usefulness, in 1290 King Edward I expelled all Jews from England.<sup>108</sup> His decision proved to be unwise as Edward I was soon forced to borrow from foreign moneylenders, particularly Italian merchants and Papal representatives, who charged much more exorbitant rates.<sup>109</sup>

The upper echelons of society were not the only ones who needed the occasional loan. Moneylenders existed at all levels of society and were available to anyone capable of paying. Moneylending easily fit into the scope of the medieval economic organization. The medieval economy, due to the lack of available hard cash, operated on what was termed the 'reckoning system'. This system operated basically as a barter system but with cash value attached to the transactions, with the understanding that these debts would eventually be settled. While this system allowed people to place a monetary value on things it also helped to stratify society according to that same monetary system. Bartering essentially unequal items meant that one person would be in debt to another, particularly if these items are assigned a monetary value. One would not want to engage in this type of transaction with a person who is unable to pay their debt. Thus in this manner money or the ability to pay became infused with a moral value; trust is given to those who have the ability to eventually pay what is owed, i.e. the wealthier the more trustworthy. In this type of economy the moneylender comes to hold a special place. By providing money or chattel to those who might not otherwise have it the moneylender acts as a sort of lubrication for the transactions of others.

---

<sup>108</sup> Ibid.

<sup>109</sup> Murray, *History of Usury*, 39-40.

Despite providing such a necessary act, usurers were often viewed in a negative light.<sup>110</sup> By the late medieval period, people who gained without working were seen as suspicious and corrupt. Usurers in particular were singled out as they were viewed as stealing the labor of the borrower through the interest rates. Such a negative view of usurers is not too surprising considering the view of the Church and the State regarding usurers and their activities. Furthermore, usury was strongly associated with the Jews, a group who occupied a low position on the social ladder and who were expelled from England due partially to their usurious activities.<sup>111</sup> What is an interesting juxtaposition, however, is that despite the low social status of a usurer, the reckoning economic system would simultaneously endow a usurer with a high moral status. Acting as a usurer by definition requires one to have disposable money and/or chattel available to loan, thus creating a person who can be depended on cover his debts. What is further interesting about this particular study is that the actions of usurers among the lower classes are not well known. This unique circumstance of social position, that of a usurer of the lower class, will be explored in a following chapter by examining the court records of a convicted usurer, Ieuan Kery.

Examining usury through the comparison of two different usurers also allows for the examination of legal codes that might not have affected Ieuan Kery in the 1340's but were crucial to the creation of records that allow for the study of Sir William Capell in the late fifteenth century. One of the most significant differences between Ieuan Kery and Sir William Capell in this study is that there is no evidence that Sir William Capell was prosecuted for usury. Part of the reason for this difference is the nature of the records used to examine the life of Sir

---

<sup>110</sup> Christopher Dyer, *An Age of Transition? Economy and Society in England in the Later Middle Ages* (Oxford: Oxford University Press, 2005) 178.

<sup>111</sup> Wood, *Medieval Economic Thought*, 168, 177.

William Capell. These records are certificates of debt recorded by the Chancery, the English Court of Equity which handles fiduciary law among other tasks, by those who were creditors against those who had defaulted. These records provide a wealth of information regarding the debts, such as the date the loan was made, when the loan came due, and the date by which the default was sent to the Chancery. It also provided the names of the debtors and the creditors, their place of residence, and the amount of money owed. The county where the debtor lived, or at least where he held property, was also recorded, which allowed the sheriff to begin the process of valuing the property and imprisoning the debtor. The certificates of debt come from every county in England, but for the purposes of this study focus was put upon the city of London and on one individual in particular, Sir William Capell.

The records used in examining the life of Sir William Capell are different from those detailing Ieuan Kery's life in that they are concerned only with debt. Ieuan Kery's involvement in the court roles could have him as either prosecutor or defendant; the records from the Chancery may list Sir William Capell in different legal or social positions but only as they dealt with the loan at hand. Thus it is not possible to discover how litigious Sir William Capell was, or how he got along with his neighbors, or information regarding the state of his immediate family. The Chancery records operated slightly differently from court roll records. Chancery records existed solely to provide a method by which a creditor may recover his loan. To do this, the creditor would file a record of the debt in his local registry office. Once the debt was past due, the creditor could ask that a copy of the registered debt to be sent as a certificate of debt to the Chancery. These certificates would record the names of both the creditor and debtor, the place of residence, amount of money owed, places where the debtor either lived or owned property, and three dates, the date when the loan was registered, the date by which the repayment

was due, and the date when the certificate was sent to the Chancery. Once the certificate was sent to the Chancery, local sheriffs were notified so that they might begin to locate and value the property of the debtor and, if possible, imprison the debtor.<sup>112</sup>

The records collected in the database are the result of a series of royal decrees made regarding debt, specifically the Statute of Acton Burnell, Statute of Merchant, and the Statute of Staples. The first statute enacted was the Statute of Acton Burnell. This statute was the creation of Chancellor Robert Burnell, who in addition to chancellor was also involved in various financial transactions. He recognized that as trade increased, there was a need to record debts in order to provide merchants with a method for recovery. Using the Jewish Exchequer as a model, Burnell created the Statute of Acton Burnell in October 1283. This provided a system for recording debt transactions as well as methods for retrieving recompense for bad debts.<sup>113</sup> Using this system, a debtor could come before the Mayor and acknowledge debt, which would be recorded by a clerk. The clerk would also draw up a bond, sealed with the seals of the debtor and a Royal seal, which would be retained by the debtor. Should the debt not be paid by the date agreed upon, the creditor could present the bond to the registry and seek an immediate sale of the debtor's movables. If the debtor's items do not sell, they would be delivered to the creditor and used to pay down the debt. Finally, if any part of the debt is unpaid, the debtor would be imprisoned until payment or some other arrangement could be made with the creditor.<sup>114</sup>

The Statute of Merchants was enacted in May 1285. This statute kept the registry established in Acton Burnell in place but strengthened the ability of merchants to enforce debts.

---

<sup>112</sup> Nightingale, "Levels of Credit", 1.

<sup>113</sup> Robert R. Mundill, "Christian and Jewish Lending Patterns and Financial Dealings during the Twelfth and Thirteenth Centuries," *Credit and Debt in Medieval England c.1180-c.1350*. (Oxford; Oxbow Books, 2002) 52.

<sup>114</sup> Christopher McNall, "The Business of Statutory Debt Registries, 1283-1307" *Credit and Debt in Medieval England c.1180-c1350* (Oxford: Oxbow Books, 2002) 68-69.

When a merchant brought a defaulted bond of debt to the registry, the debtor was to be immediately arrested and imprisoned, and was to remain in prison, at his own expense, until an agreement with the creditor was made. The debtor would remain in control of his property during the first three months of his imprisonment, but should the debtor not meet the amount owed within this time, at the end of three months the creditor was to take control of movables equal to the amount of debt owed. If debt still remained, the creditor would then gain control of the debtor's lands and tenements and would hold these properties until the collected rents cancelled out the debt. The debtor would remain in prison until the debt was paid entirely.<sup>115</sup>

The Statute of Staples was enacted in 1353. This statute met four needs in the merchant community: the creation of standard measurements on commercial goods, the collection of duties on foreign commerce, administration of commercial law, and, the section which most concerns this study, the simplification of the collection of debts.<sup>116</sup> Similar to the Statute of Merchants, the Statute of Staples allowed for the registration of debt and allowed for the enforcement of these registries through the Chancery.<sup>117</sup>

This collection of debt records is only one reason why Sir William Capell was chosen to be a focus of this investigation. The other reason is due to the geographic location of these records. These records provide an opportunity to study lending habits within an urban environment. This provides a welcome contrast to the economic and social situation afforded by Ieuan Kery.

Although it may seem by the existence of these records that the court is implicitly promoting usury, as referenced earlier some small amount of profit on a loan was acceptable; it

---

<sup>115</sup> Ibid. , 69.

<sup>116</sup> Frederick K. Beutel, "The Development of Negotiable Instruments in Early English Law," *Harvard Law Review* vol.51, no.5 (Mar., 1938) 826.

<sup>117</sup> Beutel, "Early English Law," 827.

was profiteering on a loan that violated law. Thus it would appear that Sir William Capell is well within legal boundaries. Despite this, it is the position of this thesis that Sir William Capell was a usurer and profited greatly by the loans recorded under the Chancery. This will be further explored at a later chapter.

### Chapter 3: Ieuan Kery

This chapter explores the life of Ieuan Kery as documented through the manorial court rolls, court records that originate from a single manor, of Dyffryn Clwyd from the years 1340 to 1350. Although the records are legal in nature they expose a vast amount of information about the everyday life of the people involved in the cases. This study endeavors to discover who Ieuan Kery was, how he lived, who his family was and what his business practices were like. Gathering this information shall then allow for speculation as to the social position of Ieuan Kery and how his occupation as a usurer affected that social position.

The first key to understanding Ieuan Kery comes from examining his name. As pointed out by Professor Razi in his critique of the work of Dr. Raftis, due to the common nature of some names an historian must be careful relying on names to study the developments of a single person through the court records. His first name, Ieuan, is a common Welsh name, still in use today. His last name, however, is different enough to allow one to follow his exploits through the written record. In the middle ages last names were often descriptors of the person, indicating a physical aspect of the person such as their hair (red or bald) or their career such as forester or brewer, or they were identified by their nearest male relative such as father or husband.<sup>118</sup> In Ieuan Kery's case, his last name refers to a place. Kery is a town located in the cantref of Powys, Wales, about sixty miles south of Ruthin. In Ieuan Kery's time the town of Kery was located within the commote of Kery.<sup>119</sup> Ieuan Kery's last name suggests that he was not born in

---

<sup>118</sup> Laura Radiker, "Observations on Cross-Cultural Names and Name Patterns in Medieval Wales and the March" *Proceedings of the Harvard Celtic Colloquium* vol. 26/27 (2006/2007) 161.

<sup>119</sup> There are multiple spellings of the name Kery. The town is spelled with one R, Kery, while the commote is spelled with two R's, Kery. Ieuan Kery's name appears in the database with

Ruthin or Dyffryn Clwyd. However, there is a court case involving Ieuan Kery that references his father.<sup>120</sup> This case provides no name for Ieuan Kery's father, and in fact does not name him specifically as the father of Ieuan Kery, but instead the transcriber identifies him as the father of the first person named in the court case, which happens to be Ieuan Kery. It is possible that the original court roll transcriber already knew the identity of Ieuan Kery's father and felt no need to further identify him within the text. It is also possible that no one knew the identity of Ieuan Kery's father and thus identified him with his nearest kin; this scenario is unlikely, however, as identification is necessary for land ownership. Regardless, if this court case is accurate, there is still the problem of Ieuan Kery's last name. What is the most likely scenario is that an ancestor of Ieuan Kery's traveled north from Kery to Dyffryn Clwyd. Whether this was Ieuan Kery's father or an earlier family member is unknown. It is also possible that, if it was Ieuan Kery's father who emigrated to Dyffryn Clwyd, Ieuan Kery traveled with his father and arrived in Dyffryn Clwyd as an adult. Ultimately, what can be known about Ieuan Kery, as indicated by his last name, is that his family line is not native to Dyffryn Clwyd but originally comes from outside the cantref.

The study of the name Ieuan Kery naturally brings to mind the question as to whether or not it can be trusted that the Ieuan Kery being investigated in this study was the only Ieuan Kery living in Dyffryn Clwyd at the time of this study; in other words, is it possible that the single person here identified as Ieuan Kery is actually multiple people sharing the same or a similar name. While this is a possibility, there are many reasons that this is not the most likely scenario. First, the court rolls of Dyffryn Clwyd are remarkably well preserved. The court met on average

---

many different spellings, including Kery, Kerry, Keri, and Kerri. This study uses the most common spelling found in the database, Kery.

<sup>120</sup> 217/7, m.3, forties file 112, Great Court of Ruthin 9th Oct 1341.



once a month and the majority of those records were still legible and intact when they were transcribed by the University College of Wales in Aberystwyth.<sup>121</sup> Second, the unique loconomic of Ieuan Kery makes it very easy to identify and follow the exploits of the man through the court rolls. While his first name of Ieuan is very common, as remarked upon earlier in the chapter, the surname Kery is not. In fact, Ieuan Kery is the only time the surname Kery appears in this particular section of the court rolls. Examination of the records pertaining to Ieuan Kery reveal that they are all similar in nature; they all revolve around either debt, violence, or land ownership. The few anomalies that exist regarding the records of Ieuan Kery are those that involve land ownership outside of the town of Ruthin. While it is most likely that these cases also involve the same Ieuan Kery as the cases from the township of Ruthin, the lack of corroborating evidence leaves the identification less than secure and as such those cases will not be included in this study. Ultimately while it is impossible to say that the Ieuan Kery examined in this study is the only Ieuan Kery living in Ruthin at this time the evidence presented indicates that to be the most likely scenario and shall be the accepted one for this study.<sup>122</sup>

Ieuan Kery was married at least twice in his life. The first marriage was to a woman named Angharad. Angharad first appears in the database on November 4, 1343. She was brought forward as a joint holder with her husband in a land transfer. In this case she stated on oath that she gave up all rights on the land her husband was selling, of her own free will.<sup>123</sup> She came to court six more times between September 13, 1345 and June 9, 1349, each time with her

---

<sup>121</sup> Barrell, *Dyffryn Clwyd: A Manual*, 1.

<sup>122</sup> This study follows the peasant naming guidelines laid out by Zvi Razi in his article, "The Toronto School's Reconstitution of Medieval Peasant Society: A Critical View" found in *Past & Present* number 85, November 1979.

<sup>123</sup> 217/9, m.11d, forties file 456, Ruthin 4th Nov 1343.

husband, and for committing trespass, hamesucken,<sup>124</sup> or both.<sup>125</sup> While it is possible that Angharad appeared at some other time in the court rolls, the practice of identifying females via their closest male relative (father or husband) makes this unlikely. Angharad was a Welsh woman, judging from her name, although it is possible that she made the trek north from Kery with her husband.<sup>126</sup>

Ieuan Kery and Angharad remained married until 1349; sometime between June of 1349 and November of 1349 Angharad died, leaving Ieuan Kery free to remarry. On the 17<sup>th</sup> of November 1349 Ieuan Kery and his new wife Tangwystl were brought before the court for marrying without a license.<sup>127</sup> Tangwystl was most likely a local woman, as the record indicates that she was the daughter of another Welsh man, Bleddyn ap Ieuan.<sup>128</sup> Tangwystl only appears three times in the court rolls, twice with Ieuan Kery and once by herself. The first time when they were both brought to court for marrying without a license and the second time for stealing goods belonging to one Cadwgan ap Ithel Vaghan.<sup>129</sup> The only other time Tangwystl appears in the court rolls she is alone but still identified as the wife of Ieuan Kery. Tangwystl and Ieuan ap Hywel Saier were brought before the Great Court of Ruthin after Tangwystl raised hue on Ieuan ap Hywel Saier, in other words caught him in the act of committing a felony.<sup>130</sup> As to the reason

---

<sup>124</sup> Felonious seeking and invasion of a person in his dwelling house.

<sup>125</sup> 217/10, m.9d, forties file 733, Ruthin 13th Sep 1345. 217/11, m.3, forties file 181, Ruthin 4th Oct 1345. 217/14, m.34, forties file 1988, Ruthin 19th May 1349. 217/14, m.34, forties file 1991, Ruthin 19th May 1349. 217/14, m.34, forties file 1992, Ruthin 19th May 1349. 217/14, m.34d, forties file 2025, Ruthin 9th Jun 1349.

<sup>126</sup> Radiker, "Observations on Cross-Cultural Names," 181.

<sup>127</sup> 218/1, m.30 [p.337], forties file 1672, Great Court of Ruthin 17th Nov 1349.

<sup>128</sup> Barrell, *Dyffryn Clwyd: A Manual*, 21. The court case refers to her as Tangwystl ferch Bleddyn ap Ieuan, ferch being the Welsh term for daughter.

<sup>129</sup> 218/1, m.10 [p.120], forties file 541, Ruthin 20th Jul 1350.

<sup>130</sup> 218/3, m.5, forties file 140, Great Court of Ruthin, 17th Apr 1352. Pollock and Maitland, *History of English Law*, 607.

for raising hue or the punishment of Ieuan ap Hywel Saier, beyond the fine assigned to him in this court case, there is no record.

Ieuan Kery had at least one child. This child's life was unfortunately cut short due to tragedy. On May 10, 1351 a servant of Ieuan Kery was investigated by a grand jury for the death of Ieuan Kery's child. Apparently the servant had been holding the child and the child fell out of the servants lap and into the hearth, where it was burned to death.<sup>131</sup> There was no fine or punishment of the servant recorded. Judging from the date of the inquisition, May 1351, and presuming on the age of the child, that it was young enough to need to be held and unable to remove itself, with ease, from the hearth, it is impossible to determine who the mother of the child is, whether Angharad or Tangwystyl. The odds, however, favor Tangwystyl as the mother due to the fact that the child would likely have been quite young. There is no other information regarding the children of Ieuan Kery in the database.

The next step in investigating the life of Ieuan Kery is to examine his connections with people outside his family. Ieuan Kery was, by all appearances, a wealthy man. On January 9, 1341 he bought  $\frac{3}{4}$  of a burgage<sup>132</sup> on Welsh street from Maredudd ap Iorwerth.<sup>133</sup> By October 9 of the same year Ieuan Kery had built a house, with a second story, on the site. It was a house of such proportions that he was brought to court due to the fact that his house was narrowing the road too much, as well as blocking a dyke that runs alongside the road to the detriment of his neighbors. The building of this house on Welsh street caused many headaches, not just for Ieuan Kery but also for his neighbors and Lord Grey, the lord of the Dyffrey Clwyd cantref. After the

---

<sup>131</sup> 218/2, m.25, forties file 1359, Great Court of Ruthin, 10th May 1351.

<sup>132</sup> Pollock and Maitland, *History of English Law vol. I*, 312. A burgage refers to a piece of land, usually urban, that is paid for by rent with very little to no fieldwork attached. It was generally held by privileged members of the community.

<sup>133</sup> 217/6, m.33d, forties file 1189, Ruthin 9th Jan 1341.

ministers of the court surveyed the house it was decided that Ieuan Kery was to be fined and the house torn down by the next court, in November of 1341.<sup>134</sup> However, when the next court came into session, it was found that Ieuan Kery's house still stood in the same place, and it was decided that Ieuan Kery would have to plead his case directly to the lord and so the case was held over until the next court.<sup>135</sup> This happened a total of ten times until the lord, on November 4, 1343 agreed to allow Ieuan Kery to keep his house, as is, and pay rent of 2d.<sup>136</sup>

On the same day that Ieuan Kery won the right to retain his house on Welsh street he rented the property to Cyn ap Gronw and his wife Felicia.<sup>137</sup> Roughly one year later, on August 3, 1344, Cyn ap Gronw was brought to court by Thomas Clericus and his wife Alice. They claimed that 1/4 of the burgage occupied by Cyn ap Gronw and his family belonged to themselves through inheritance by Alice.<sup>138</sup> Cyn ap Gronw declared that the burgage had been guaranteed by Ieuan Kery and thus Ieuan Kery was drawn into the proceedings. Ieuan Kery then requested that the court review the records, and the case was held over to the next court. At the next court, held on September 9, 1344, Ieuan Kery asks that the court postpone once more, as the person he had summoned, Hywel Saer, had not appeared.<sup>139</sup> This stay was granted and later that month, on September 22, Hywel Saer came to court and produced the records proving that he had sold the land to Ieuan Kery. The court then adjourned until next month in order to allow them

---

<sup>134</sup> 217/7, m.3, forties file 113, Great Court of Ruthin 9th Oct 1341.

<sup>135</sup> 217/7, m.30d, forties file 1221, Ruthin 6th Nov 1341.

<sup>136</sup> 217/7, m.34, forties file 1414, Ruthin 26th Feb 1342. 217/7, m.36d, forties file 1584, Ruthin 5th Jun 1342. 217/7, m.38, forties file 1684, Ruthin 23rd Jul 1342. 217/7, m.39, forties file 1740, Ruthin 7th Aug 1342. 217/7, m.39d, forties file 1784, Ruthin 17th Sep 1342. 217/8, m.1d, forties file 68, Ruthin 29th Oct 1342. 217/8, m.2d, forties file 146, Ruthin 10th Dec 1342. 217/8, m.3, forties file 180, Ruthin 16th Jan 1343. 217/9, m.11d, forties file 467, Ruthin 4th Nov 1343.

<sup>137</sup> 217/9, m.11d, forties file 456, Ruthin 4th Nov 1343.

<sup>138</sup> 217/9, m.16, forties file 807, Ruthin 3rd Aug 1344.

<sup>139</sup> 217/9, m.16d, forties file 848, Ruthin 9th Sep 1344.

time to look over the material provided by Hywel Saer.<sup>140</sup> It is after this development that Ieuan Kery goes on the offensive. Thomas Clericus and his wife Alice stopped bringing suits to court regarding the 1/4 burgage, presumably due to the fact that it has been proven that they had no claim to the land. Roughly a year after the last court case, on October 25, 1345, Ieuan Kery brought Thomas Clericus and his wife Alice to court, accusing them of ‘unjustly deforcing’ from him ¼ of on burgage on Welsh street, located between the tenements of Hywel Saer and Iorwerth ap Daffydd.<sup>141</sup> Thomas Clericus argued that he was not liable to answer to the summons as he was not summoned in a proper way and so the case was dismissed until the next court date, with the understanding that the bailiff would properly summon Thomas Clericus. The very next month Thomas Clericus accused Ieuan Kery of making unjust accusations regarding land, referring to the case brought by Ieuan Kery just the month before.<sup>142</sup> While the court found Ieuan Kery guilty, they agreed to postpone levying a fine on Ieuan Kery on the understanding that he would be amending his plaint (altering the case about which Thomas had complained) at the next court. On Monday, December 12, 1345, it was decided, after Ieuan Kery paid 10 silver (a large sum at the time) to have the court rolls scrutinized, that the land did in fact belong to Ieuan Kery and that he was to recover the ¼ burgage that belonged to him.<sup>143</sup> Scrutinizing the rolls revealed the paths by which the land eventually came to be owned by Ieuan Kery, and neither the names of Alice, nor her supposed land owning relative Bleddyn Bustagh, appear anywhere within the list. Ieuan Kery came to court a few more times due to his property on

---

<sup>140</sup> 217/9, m.17, forties file 874, Ruthin 22nd Sep 1344.

<sup>141</sup> 217/11, m.3d, forties file 254, Ruthin 25th Oct 1345.

<sup>142</sup> 217/11, m.5, forties file 305, Ruthin 15th Nov 1345.

<sup>143</sup> 217/11, m.5d, forties file 384, Ruthin.

Welsh street, but these cases dealt again with the blockage of a water course running alongside Welsh street.<sup>144</sup>

This case illustrates a number of things. First Ieuan Kery was well off enough that he was able to afford a piece of land as well as able to afford the ten shillings to pay for the scrutiny of the court rolls. Secondly Ieuan Kery was apparently vindictive enough to force the issue of the ownership of the land. Thomas Clericus appeared to be willing to let this case go, as he did not show up to court after his appearance on September 22, 1345 nor did he bring any more suits attempting to wrest the land from Ieuan Kery. Furthermore, Ieuan Kery had already proven his case when Hywel Saer came to court and offered proof that he had sold the land to Ieuan Kery. It had been proven that they had no claim to the land and while the scrutiny of the rolls put the question to rest completely it was ultimately unnecessary.

Ieuan Kery held other parcels of land as well. He continued to deal in burgages located on Welsh street. On December 6, 1351 he received half of one burgage from John ap Cyn.<sup>145</sup> On June 26 of the following year Ieuan Kery then gave what is presumably that same half burgage to John Pipot and his wife Alice.<sup>146</sup> Ieuan Kery had a few other pieces of land, although their location, and in some instances their size, are unknown. He presented William de Walle with a small plot of land, 30 feet long and three feet wide, on January 7, 1349.<sup>147</sup> Additionally, on January 31, 1352 Ieuan Kery defended against Hywel son of John Rouhull to court in a plea of land. Then, on March 13 of that same year, Hywel, son of John Rouhull, was prosecuted for not continuing with the prosecution. Neither case provides information as to the size or

---

<sup>144</sup> 217/11, m.29, forties file 2088, Great Court of Ruthin after Michaelmas 1345. 218/2, m.25, forties file 1360, Great Court of Ruthin 10th May 1351.

<sup>145</sup> 218/3, m.20d, forties file 976, Ruthin 6th Dec 1351.

<sup>146</sup> 218/3, m.24, forties file 1193, Ruthin 26th Jun 1352.

<sup>147</sup> 217/14, m.31, forties file 1773, Ruthin 7th Jan 1349.

whereabouts of the land in question.<sup>148</sup> Ieuan Kery also owned land, which he then rented out to Thomas son of William molendarius for 20d, although again there is no available information regarding the placement or size of the land.<sup>149</sup> It is, however, most likely to be farmland as there is no mention of a building or appurtenances on the land. This information further illustrates the wealth of Ieuan Kery as well as his position within Ruthin as a land owning man capable of earning income through rents.

Additional illustrations of the wealth of Ieuan Kery can be seen in his chattel. He at one point owned a horse, which he allowed to graze in prohibited areas<sup>150</sup> and which he later sold to David ap Gwyn for 4s 4d.<sup>151</sup> Other livestock owned by Ieuan Kery include pigs<sup>152</sup>, another horse<sup>153</sup>, two cows<sup>154</sup>, two lambs<sup>155</sup>, and one beast of burden, which he owned until 1345 when he sold it to Gronw Pembras.<sup>156</sup> Ieuan Kery also owned a sword, which he used to beat Gwerful, the wife of Madog on April 22, 1343.<sup>157</sup> Ieuan Kery owned a trivet, material unknown, one leg of which was detained by Madog ap Gruffydd Seis.<sup>158</sup> Ieuan Kery also possessed some large

---

<sup>148</sup> 218/3, m.21, forties file 1013, Ruthin 31st Jan 1352. 218/3, m.22, forties file 1058, Ruthin 13th Mar 1352.

<sup>149</sup> 217/12, m.24, forties file 1603, Ruthin 10th Jan 1347. The database presents the name William molendarius with a lower case letter and for this reason is here presented in the lower case.

<sup>150</sup> 217/8, m.1d, forties file 75, Ruthin 29th Oct 1342.

<sup>151</sup> 217/8, m.7, forties file 362, Ruthin 13th May 1343.

<sup>152</sup> 217/13, m.8d, forties file 818, Ruthin 25th Sep 1348.

<sup>153</sup> 218/1, m.31 [p.345], forties file 1693, Great Court of Ruthin 15th Jun 1350.

<sup>154</sup> 217/8, m.6d, forties file 346, Ruthin 22nd Apr 1343.

<sup>155</sup> 218/1, m.3 [p.30], forties file 112, Ruthin 13th Oct 1349.

<sup>156</sup> 217/10, m.7d, forties file 494, Ruthin 14th Jun 1345. 217/10, m.7d, forties file 495, Ruthin 14th Jun 1345.

<sup>157</sup> 217/8, m.32, forties file 1475, Great Court of Ruthin 22nd Apr 1343.

<sup>158</sup> 217/11, m.5d, forties file 362, Ruthin 6th Dec 1345.

amounts of grain, oats and wheat, presumably for use in his brewing.<sup>159</sup> Ieuan Kery also had enough wealth to allow him to keep a household servant.<sup>160</sup>

How did Ieuan Kery generate enough wealth that would allow him to not only purchase land and build upon it but to also pursue an expensive court case? Records indicate that Ieuan Kery was a regular brewer of beer. Ieuan Kery first appears in the court rolls on April 22, 1343 when he was charged 12d for breaking the brewing assize.<sup>161</sup> On April 19, 1345, Ieuan Kery was brought before the court again, but the case has deteriorated to the point that the reason for his being brought to court is no longer legible.<sup>162</sup> However, due to the fact that he was called to the court along with many of the same people who had previously been fined for breaking the ale assize and in similar numbers, it is probable that Ieuan Kery was once again fined for over charging for beer.<sup>163</sup> After this case Ieuan Kery was fined nine more times for breaking the brewing assize.<sup>164</sup> His name was also found on another case that was once again too deteriorated to read but similar to the previous unreadable case, bears enough similarities to the other cases of

---

<sup>159</sup> 217/8, m.5, forties file 284, Ruthin 18th Mar 1343. 217/11, m.8d, forties file 695, Ruthin 25th Apr 1346. 217/14, m.32, forties file 1831, Ruthin 17th Feb 1349. 217/14, m.32d, forties file 1868, Ruthin 10th Mar 1349.

<sup>160</sup> 218/2, m.25, forties file 1359, Great Court of Ruthin 10th May 1351.

<sup>161</sup> 217/8, m.32d, forties file 1496, Great Court of Ruthin 22nd Apr 1343. An assize is a fixed price set by the lord. Those who have broken the assize have charged too much; a common occurrence.

<sup>162</sup> Barrell, *Dyffryn Clwyd: A Manual*, 75. In some areas the original manuscript was damaged or otherwise illegible; this is noted on the case file when appropriate.

<sup>163</sup> 217/10, m.29, forties file 1570, Great Court of Ruthin 19th Apr 1345.

<sup>164</sup> 217/11, m.30, forties file 2112, Great Court of Ruthin 25th Apr 1346. 217/12, m.5, forties file 253, Great Court of Ruthin 17th Oct 1346. 217/14, m.2, forties file 75, Great Court of Ruthin 14th Oct 1348. 218/1, m.30 [p.338], forties file 1678, Great Court of Ruthin 17th Nov 1349. 218/1, m.31 [p.346], forties file 1695, Great Court of Ruthin 15th Jun 1350. 218/2, m.24, forties file 1345, Great Court of Ruthin 19th Oct 1350. 218/2, m.25, forties file 1361, Great Court of Ruthin 10th May 1351. 218/3, m.3, forties file 132, Great Court of Ruthin 2nd Nov 1351. 218/3, m.5, forties file 150, Great Court of Ruthin 17th Apr 1352.



assize breaking to allow the assumption that this was also another case of breaking the ale assize.<sup>165</sup>

The other method by which Ieuan Kery generated income was through loaning money, i.e. usury. There is no doubt as to the fact that Ieuan Kery was a usurer. He was prosecuted for the act, twice, first in 1343 and again in 1345. On April 22, 1343, Ieuan Kery was brought to court by David ap Gwyn ap Hywel.<sup>166</sup> It was presented to the court that Ieuan Kery loaned David ap Gwyn 6s 9d<sup>167</sup> for eleven weeks but that Ieuan Kery took 5s 6d from David ap Gwyn, in addition to the 6s 9d that was originally loaned. Apparently the conditions for the loan were such that David ap Gwyn was required to pay 6d every week for the eleven weeks, after which he would also have to pay back the original loan amount. For committing usury Ieuan Kery was fined, although the amount of the fine was not recorded, and put in gaol. The other prosecution for usury occurred on Pentecost in 1345. Ieuan Kery was brought to court for usury, although this time it was specifically for usuriously lending corn.<sup>168</sup> He was fined 13s 4d, to be paid next Michaelmas, and once again put in gaol. There is no record as to whom he loaned his corn.

What is interesting about these two cases is not the fact that Ieuan Kery loaned money usuriously but the fact that he was prosecuted at all. Moneylenders were not uncommon in this time period, despite the religious and secular prohibition on usury. To do so in a predatory manner, as is clearly the case in Ieuan Kery's first prosecution, was generally the only way to be prosecuted for usury. In this manner the court was able to allow moneylending, which facilitated commerce, while at the same time protecting the population from predatory lending.

---

<sup>165</sup> 217/13, m.27, forties file 1926, Great Court of Ruthin 29th Apr 1348.

<sup>166</sup> 217/8, m.32, forties file 1482, Great Court of Ruthin 22nd Apr 1343.

<sup>167</sup> D = silver penny, S = shilling, 12d = 1s

<sup>168</sup> 217/10, m.31, forties file 1638, Fines and bails of the time of Nicholas de la Huse, steward, from Pentecost 1345.

Another method by which it is possible to track the lending practice of Ieuan Kery is by examining how many times he brought someone to court to prosecute them for debt. While it may seem odd to use the courts to pursue an illegal activity, it must be remembered that usury was generally tolerated in small degrees. It was common for a usurer to charge someone with debt in the event that they were not paying the interest.<sup>169</sup> Beginning in 1341 until 1350, Ieuan Kery was involved in thirty-four court cases involving debt. Nine of these cases were initiated by Ieuan Kery to prosecute others for debt owed to him.<sup>170</sup> Out of those nine cases four were found in Ieuan Kery's favor<sup>171</sup> and one was found against Ieuan Kery.<sup>172</sup> Eight of the remaining twenty-four cases were written statements acknowledging a debt to be paid to Ieuan Kery.<sup>173</sup> Ieuan Kery was brought to court in five distinct cases for being indebted to others.<sup>174</sup> Of these six cases, one was found in his favor,<sup>175</sup> two were settled with a license to concord,<sup>176</sup> in one case

<sup>169</sup>Dyer, *An Age of Transition*, 185.

<sup>170</sup> 217/6, m.29, forties file 1403, Ruthin 15th May 1341. 217/7, m.30, forties file 1178, Ruthin 6th Nov 1341. 217/8, m.7, forties file 362, Ruthin 13th May 1343. 217/8, m.7d, forties file 398, Ruthin 10th Jun 1343.. 217/11, m.7, forties file 506, Ruthin 14th Feb 1346. 217/11, m.11, forties file 864, Ruthin 27th Jun 1346. 217/12, m.23d, forties file 1525, Ruthin 19th Dec 1346. 217/12, m.27d, forties file 1968, Ruthin 12th Jun 1347. 217/14, m.37d, forties file 2277, Ruthin 22nd Sep 1349.

<sup>171</sup> 217/7, m.31, forties file 1231, Ruthin 27th Nov 1341. 217/8, m.7d, forties file 391, Ruthin 10th Jun 1343. 217/12, m.24, forties file 1603, Ruthin 10th Jan 1347. 217/12, m.27d, forties file 1968, Ruthin 12th Jun 1347.

<sup>172</sup> 217/8, m.9, forties file 432, Ruthin 1st Jul 1343.

<sup>173</sup> 217/7, m.40, forties file 1801, Ruthin 17th Sep 1342. 217/10, m.4, forties file 218, Ruthin 15th Feb 1345. 217/10, m.4d, forties file 265, Ruthin 8th Mar 1345. 217/12, m.23, forties file 1498, Ruthin 28th Nov 1346. 217/14, m.33d, forties file 1961, Ruthin 28th Apr 1349. 217/14, m.34, forties file 2009, Ruthin 19th May 1349. 218/1, m.6 [p.66], forties file 296, Ruthin 23rd Feb 1350. 218/1, m.6d [p.72], forties file 337, Ruthin 16th Mar 1350.

<sup>174</sup> 217/9, m.13, forties file 557, Ruthin 17th Feb 1344. 217/10, m.8, forties file 513, Ruthin 5th Jul 1345. 217/10, m.8d, forties file 579, Ruthin 26th Jul 1345. 217/10, m.9, forties file 631, Ruthin 16th Aug 1345. 217/11, m.6d, forties file 491, Ruthin 24th Jan 1346. 218/1, m.3 [p.25], forties file 79, Ruthin 13th Oct 1349. 218/1, m.3d [p.30], forties file 113, Ruthin 3rd Nov 1349. 218/1, m.4 [p.37], forties file 152, Ruthin 24th Nov 1349. 218/2, m.5, forties file 235, Ruthin 5th Apr 1351. 218/3, m.21d, forties file 1050, Ruthin 21st Feb 1352.

<sup>175</sup> 217/9, m.13, forties file 557, Ruthin 17th Feb 1344.

he lost and was forced to pay the debt.<sup>177</sup> and for two cases Ieuan Kery simply did not show up to court.<sup>178</sup>

Despite his predatory habits, Ieuan Kery was still a respected member of the community. Ieuan Kery acted as a pledge in four different cases, meaning that he was trusted enough in the community that others asked him to stand for them as a guarantor.<sup>179</sup> To act as a pledge in medieval court meant that a person would stand as security for a number of issues, such as debt or trespass.<sup>180</sup> Ieuan Kery also stood as a juror three different times for the Great Court of Ruthin.<sup>181</sup> Jurors were highly respected land owning members of the community and were charged with presenting the steward with cases needing his consideration. For Ieuan Kery to hold a position of such importance more than once indicates his high social standing. It is interesting to note that after serving as a juror in the Great Court on April 25, 1346,<sup>182</sup> Ieuan Kery was called to the very next Great Court, October 17, 1346, and charged with ‘various concealments’ in other words for not acting in his full capacity as a juror.<sup>183</sup> He was forced to pay a fine of two shillings. Despite his duplicity he stood as a juror again in 1347.<sup>184</sup> This

---

<sup>176</sup> 217/10, m.9, forties file 631, Ruthin 16th Aug 1345. 218/1, m.4 [p.37], forties file 152, Ruthin 24th Nov 1349.

<sup>177</sup> 218/3, m.21d, forties file 1050, Ruthin 21st Feb 1352.

<sup>178</sup> 217/11, m.6d, forties file 491, Ruthin 24th Jan 1346. 218/2, m.5, forties file 235, Ruthin 5th Apr 1351.

<sup>179</sup> 217/6, m.31d, forties file 1335, Ruthin 20th Mar 1341. 217/11, m.7d, forties file 606, Ruthin 7th Mar 1346. 217/13, m.8, forties file 796, Ruthin 25th Sep 1348. 218/1, m.2 [pp.13/1], forties file 38, List of fines and bails after St John Baptist, 24 Edw III, 1350.

<sup>180</sup> David Postles, ‘Personal Pledging: Medieval ‘Reciprocity’ or ‘Symbolic Capital’? *The Journal of Interdisciplinary History* vol. 26, no.3 (Winter, 1996) 420.

<sup>181</sup> 218/1, m.30 [p.337], forties file 1671, Great Court of Ruthin 17th Nov 1349. 217/11, m.30, forties file 2102, Great Court of Ruthin 25th Apr 1346. 217/13, m.26, forties file 1878, Great Court of Ruthin 2nd Oct 1347.

<sup>182</sup> 217/11, m.30, forties file 2102, Great Court of Ruthin 25th Apr 1346.

<sup>183</sup> 217/12, m.5, forties file 243, Great Court of Ruthin 17th Oct 1346.

<sup>184</sup> 217/13, m.26, forties file 1878, Great Court of Ruthin 2nd Oct 1347.

development indicates that honesty and integrity were clearly not required characteristics for acting as a juror for the Great Court.

Despite his position within the social community of Ruthin, Ieuan Kery's position as a usurer engendered many negative feelings. It also appears that Ieuan Kery was not above using force to coerce his business associates to pay their bills. Between the years 1340 and 1352 Ieuan Kery was involved in seventeen court cases wherein he was the victim of violence or theft.<sup>185</sup> Between those same years Ieuan Kery was also brought to court for twenty-three cases wherein he was the perpetrator of violence or theft upon another person.<sup>186</sup> These cases include the ambiguous claim of 'trespass' which was a term commonly used in court proceedings to

---

<sup>185</sup>217/7, m.31, forties file 1250, Ruthin 27th Nov 1341. 217/7, m.4, forties file 132, Great Court of Ruthin 9th Apr 1342. 217/7, m.39, forties file 1725, Ruthin 7th Aug 1342. 217/8, m.4, forties file 231, Ruthin 4th Feb 1343. 217/9, m.11d, forties file 458, Ruthin 4th Nov 1343. 217/10, m.9d, forties file 733, Ruthin 13th Sep 1345. 217/7, m.40, forties file 1799, Ruthin 17th Sep 1342. 217/8, m.1d, forties file 75, Ruthin 29th Oct 1342. 217/11, m.5d, forties file 362, Ruthin 6th Dec 1345. 217/11, m.8d, forties file 695, Ruthin 25th Apr 1346. 217/13, m.8, forties file 758, Ruthin 25th Sep 1348. 217/14, m.2, forties file 62, Great Court of Ruthin 14th Oct 1348. 217/14, m.34, forties file 1988, Ruthin 19th May 1349. 217/14, m.34d, forties file 2025, Ruthin 9th Jun 1349. 217/14, m.34d, forties file 2058, Ruthin 9th Jun 1349. 218/1, m.31 [p.345], forties file 1693, Great Court of Ruthin 15th Jun 1350. 218/3, m.5, forties file 140, Great Court of Ruthin 17th Apr 1352.

<sup>186</sup> 217/7, m.31, forties file 1251, Ruthin 27th Nov 1341. 217/8, m.4d, forties file 255, Ruthin 27th Feb 1343. 217/8, m.4d, forties file 256, Ruthin 27th Feb 1343. 217/8, m.6, forties file 328, Ruthin 22nd Apr 1343. 217/8, m.7, forties file 360, Ruthin 13th May 1343. 217/8, m.10, forties file 515, Ruthin 12th Aug 1343. 217/8, m.32, forties file 1475, Great Court of Ruthin 22nd Apr 1343. 217/8, m.32, forties file 1483, Great Court of Ruthin 22nd Apr 1343. 217/8, m.32, forties file 1484, Great Court of Ruthin 22nd Apr 1343. 217/9, m.11d, forties file 459, Ruthin 4th Nov 1343. 217/9, m.16d, forties file 842, Ruthin 9th Sep 1344. 217/10, m.9d, forties file 704, Ruthin 13th Sep 1345. 217/10, m.9d, forties file 729, Ruthin 13th Sep 1345. 217/11, m.3, forties file 166, Ruthin 4th Oct 1345. 217/11, m.3d, forties file 228, Ruthin 25th Oct 1345. 217/11, m.7, forties file 514, Ruthin 14th Feb 1346. 217/11, m.7, forties file 540, Ruthin 14th Feb 1346. 217/11, m.8, forties file 626, Ruthin 4th Apr 1346. 217/14, m.32, forties file 1831, Ruthin 17th Feb 1349. 217/14, m.32d, forties file 1868, Ruthin 10th Mar 1349. 217/14, m.34, forties file 1992, Ruthin 19th May 1349. 217/14, m.34d, forties file 2025, Ruthin 9th Jun 1349. 218/1, m.10 [p.120], forties file 541, Ruthin 20th Jul 1350. 218/3, m.20d, forties file 992, Ruthin 10th Jan 1352.

represent situations of a creditor reclaiming goods.<sup>187</sup> Ieuan Kery was involved in many, often violent altercations with people in the community who had presumably failed to make the agreed upon payments. This would account for the many cases of theft perpetrated by Ieuan Kery, and would also provide an explanation for the seemingly excessive amount of violence visited upon Ieuan Kery by various people and even groups of people.

The information presented here represents a conundrum. On the one hand is the prosperous, well-respected Ieuan Kery who represented his community in front of the steward and could be called upon to stand in court for other members in his community. On the other hand is the rapacious Ieuan Kery who viciously beats people and steals their belongings. Additionally there is the Ieuan Kery who stands before the court as a witness for others and has other members of the community stand for him, but the other side of the coin finds the Ieuan Kery who is repeatedly attacked, often violently, by members of that same community. What this reveals about Ieuan Kery's place in the social fabric of Ruthin, and how this might have changed by the time Sir William Capell was operating in London, shall be further explored in the subsequent chapters.

---

<sup>187</sup> Dyer, Christopher. *An Age of Transition*. 185.

## Chapter 4: Sir William Capell

This chapter examines the life of Sir William Capell as presented within the Chancery records. The records used in this study do not provide as much information regarding the details of Capell's life, particularly in comparison with that of Ieuan Kery. However, the number of records as well as Capell's involvement with borough life makes it possible to catch a glimpse of what Sir William Capell's life was like in the late fifteenth and early sixteenth century London. It is the goal of this chapter to discover who Sir William Capell was, the position he occupied within his society, and how moneylending affected his social position.

It must be pointed out that unlike Ieuan Kery, the name Capell is much more common. However, in the chancery records used to study the life of William Capell, he is identified as living in the Westminster section of London and when performing in the office of sheriff doing so with the sheriff John Broke. All the records available from the Chancery from this period indicate that the only William Capell living at this time is doing so in Westminster and working with John Broke. While it is possible that there was more than one William Capell, the likelihood that he would also live in Westminster while also lending money is unlikely. Therefore, while it is impossible to rule out all doubt, it is of the highest probability that the William Capell here investigated is the same William Capell in all records presented here.

Sir William Capell is identified forty-four times in the Chancery records. Of those forty-four records he is identified as a knight thirty-four times.<sup>188</sup> Of those thirty-four knighthood

---

<sup>188</sup>247x031, c.131/247/31, March 27, 1489. 082x020, c.131/82/20, March 23, 1486. 247x023, c.131/247/23, June 24, 1486. 247x024, c.131/247/24, March 23, 1486. 082x028, c.131/82/28, March 23, 1486. 247x022, c.131/247/22, August 16, 1486. 247x021, c.131/247/21, August 16, 1486. 084x020, c.131/84/20, December 20, 1488. 085x024, c.131/85/24, June 4, 1496. 247x015, c.131/247/15, August 16, 1486. 082x013, c.131/82/13, August 16, 1486. 082x012,

identifications, he is further identified as a citizen and alderman of London in seven records,<sup>189</sup> and as a knight and alderman once.<sup>190</sup> He is identified as a sheriff five times;<sup>191</sup> twice he is identified as a citizen and draper or tailor,<sup>192</sup> and lastly is given the sobriquet of esquire twice.<sup>193</sup>

What exactly do all these titles mean? Knighthood was not technically a legal status but there was much that legally could only be performed by a knight as it was originally created, such as representing a county court. However, these reserved actions were often from older legal processes and as such were less necessary, and therefore used less often, by the time Sir William Capell was operating in London. Ultimately while the knight was considered a trustworthy class, very little of practical notice separated him from other freemen.<sup>194</sup> In economic terms, knighthood did not prohibit the development of mercantile interests. As demonstrated by Sir William Capell and noted elsewhere, although knights were traditionally a class separate from merchants, by this time period the two were often intertwined. Capell is noted to be both a

---

c.131/82/12, August 16, 1486. 082x026, c.131/82/26, June 19, 1487. 250x014, c.131/250/14, June 4, 1496. 092x009, c.131/92/9, March 20, 1499. 251x009, c.131/251/9, September 18, 1500. 086x037, c.131/86/37, September 18, 1500. 086x015, c.131/86/15, September 18, 1500. 102x021, c.131/102/21, November 30, 1503. 103x010, c.131/103/10, November 30, 1503. 087x035, c.131/87/34, August 8, 1504. 092x011, c.131/92/11, July 3, 1505. 095x001, c.131/95/1, March 18, 1506. 259x013, c.131/259/13, March 18, 1506. 094x012, c.131/94/12, August 26, 1506. 254x006, c.131/254/6, August 26, 1506. 256x018, c.131/256/18, August 26, 1506. 091x003, c.131/91/3, August 26, 1506. 091x010, c.131/91/10, August 26, 1506. 094x019, c.131/94/19, August 26, 1506. 091x019, c.131/91/19, August 26, 1507. 097x010, c.131/97/10, November 22, 1509. 258x014, c.131/258/14, November 22, 1509.

<sup>189</sup> 082x020, c.131/82/20, March 23, 1486. 247x023, c.131/247/23, March 23, 1486. 247x024, c.131/247/24, March 23, 1486. 082x028, c.131/82/28, March 23, 1486. 247x022, c.131/247/22, August 16, 1486. 247x021, c.131/247/21, August 16, 1486. 084x020, c.131/84/20, December 20, 1488. 085x024, c.131/85/24, June 4, 1496.

<sup>190</sup> 250x014, c.131/250/14, June 4, 1496.

<sup>191</sup> 082c029, c.131/82/29, January 14, 1479. 247x041, c.131/247/41, January 14, 1479. 247x031, c.131/247/31, March 27, 1489. 247x030, c.131/247/30, March 27, 1489. 247x032, c.131/247/32, March 27, 1489.

<sup>192</sup> 245x004, c.131/245/4A, November 18, 1478. 245x005, c.131/245/4B, December 15, 1478.

<sup>193</sup> 247x018, c.131/247/18, May 7, 1485. 082x014, c.131/82/14, May 7, 1485.

<sup>194</sup> Pollock and Maitland, *The History of English Law Vol. 1*, 435.

knight and a draper; the development of mercantile trades among the gentry was not uncommon and would have done little to affect his social standing.<sup>195</sup>

Being a knight did give Capell a social advantage. Capell is listed in the records as being a citizen and alderman of London. An alderman of London was a position with a large amount of social and political influence. The aldermanic council of London had existed since the early days of Norman control. Originally a dynastic organization, the aldermanic council consisted of the wealthiest landed merchant families in London<sup>196</sup>. With the passing of time, the few wealthy families lost control of the council and other wealthy families began to appear on the council.<sup>197</sup> By the beginning of the fourteenth century the aldermanic council became an elected position, but the elections were still heavily controlled by the council. Those voted into the council were still subject to approval by those already on the council. If the elected person was rejected by the council the voting district would have one more chance to elect a more acceptable candidate. Should they not do that, the council would themselves choose an alderman for that district.<sup>198</sup> By the time Capell appeared on the council it was still an elite organization but no longer under oligarchic control.

Citizenship progressed along much the same path, being constrained to the elite early in London's history but gradually widening to incorporate new families as need arose.<sup>199</sup> The people living in London were separated into roughly three classes: citizens, country or London born 'foreigns', and overseas aliens. Only citizens had political rights and could open shops for

---

<sup>195</sup> Pamela Nightingale, "Knights and Merchants: Trade, Politics and the Gentry in Late Medieval England." *Past & Present* No.169 (Nov. 2000) 61.

<sup>196</sup> Gwyn A. Williams, *Medieval London: From Commune to Capital* (London: The Athlone Press, 1970) 9-10.

<sup>197</sup> Williams, *Medieval London*, 27-28.

<sup>198</sup> *Ibid.* , 34-35.

<sup>199</sup> *Ibid.* , 48.



retail and traffic with non-citizens. Those who were designated foreign could not buy wares for which a citizen offered equal price, nor could they prove a case against a citizen with foreign citizens alone.<sup>200</sup> To be a citizen one had to share in the financial burdens of the city and be in scot and lot, a phrase which references households that paid a tax to the borough for local purposes.<sup>201</sup> Inheritance and patrimony were the original indicators of citizenship, as well as through purchase and apprenticeships.<sup>202</sup> In 1275 citizenship was reaffirmed to be accessible though inheritance from a city father to a legitimate son born within the city, acting as an apprentice to a freeman for seven years, or by purchase through the chamberlain before the mayor and aldermen.<sup>203</sup> As time passed, however, the regulations regarding who was allowed to be a citizen loosened, and by the fourteenth century membership in a craft guild allowed one to gain citizenship. In 1364 the aldermen proclaimed that anyone born free, and had the proof, could enjoy the same privileges as a citizen.<sup>204</sup> The time period Sir William Capell lived in, the early sixteenth century, found the citizens of London making up roughly 25% of the overall population, making them a minority in the city.<sup>205</sup> Despite the changes of the past centuries, the aldermanic council of London, as well as the citizen elite, was never really displaced.<sup>206</sup> They still formed a small ruling elite, and Sir William Capell was one of their number.

Capell is further identified as a sheriff. Originally sheriffs and alderman came from the same social group; while not always the case many sheriffs joined the aldermanic council after serving as sheriff. Generally speaking, these men would join the aldermanic council after

---

<sup>200</sup> Ibid. , 43.

<sup>201</sup> Robert G. Schafer, "A By-Election in a Rotten Borough." *Huntington Library Quarterly* vol.17, no.4 (Aug., 1954) 398.

<sup>202</sup> Ibid. , 44.

<sup>203</sup> Ibid. , 45.

<sup>204</sup> Ibid. , 47.

<sup>205</sup> Ibid. , 48.

<sup>206</sup> Ibid. , 49.

serving as a sheriff.<sup>207</sup> Early iterations of the sheriff were under dual obligations, that of the royal government and that of the city of London. This dual nature eventually became too difficult to enforce, as the two ruling groups, the city council and the royal government, were often at odds. Sheriffs would be called upon to execute royal writs that ran contrary to the rights of the citizens of London, and would be forced to make decisions based upon the political climate of that moment. By the fourteenth century sheriffs were brought under city control through an oath of obedience to the mayor, which was declared to take priority over all other oaths. Thus the London sheriff was no longer the right hand of the king but the eyes of the mayor.<sup>208</sup> Capell, as a sheriff, would be working primarily for the city of London with some additional royal work. Although the position of sheriff had changed from its original purpose, it was still a powerful and important office, rendering Capell a powerful and important person in turn.

Sir William Capell is twice referred to as esquire in the records. Although this is a small piece of information it further informs the investigation of Capell. The term esquire had a specific meaning in medieval society, referring to a person who carried the shield or arms of his lord.<sup>209</sup> Occasionally this term referred to a person whose tenure was a 'serjeanty of esquiry', meaning that they held their land through service to a lord. This service did not necessarily have to be martial, but could refer to something as mundane as carrying letters or riding out with the lord. By Capell's time, while people would still hold land by serjeanty tenure, the actual service

---

<sup>207</sup> Ibid. , 28.

<sup>208</sup> Ibid. , 28-29.

<sup>209</sup> Pollock and Maitland, *The History of English Law Vol.1*, 305.

performed would often no longer be necessary.<sup>210</sup> So while it is clear Capell held land that could refer to a military background, but by this late time period it is unlikely.

Sir William Capell's career as a draper, however, would be not only relevant but possibly what helped propel Capell into the upper echelons of London society. As a draper, his place of work and most likely of residence would be on the west side of London, in Westminster.<sup>211</sup> Indeed, the records included here indicate that his residence was in Westminster, at the very least during the time period investigated. To be a draper in London was to belong to be a patrician, to be a member of a small group of merchants who had existed in London, and held onto power and influence, the longest. Furthermore, as a draper Capell was a participant in one of the more profitable mercantile trades in London. The wool trade, both domestic and international, was a booming business, and as a draper Capell would have been in the middle of it.<sup>212</sup>

When viewed collectively, these facts reveal a great deal about Sir William Capell. As a citizen, he was a member of the social elite, part of the ruling class of London. He was not just a citizen but also acted as alderman of London, and served the city as a sheriff for some years. Furthermore, he was a merchant, acting as a tailor and draper. Capell would have been a well-known man, moving between many circles due to his many social positions.

There is unfortunately very little personal information available regarding the life of Sir William Capell. He had a wife, Margaret Capell<sup>213</sup>, whom he preceded in death. It is possible he had a son named Giles Capell, who is listed as a knight in the Chancery records, also lives in Westminster, and is loaning money after the death of Sir William Capell. This is the extent of the personal information available regarding the life of Sir William Capell at this time.

---

<sup>210</sup> Ibid. , 303.

<sup>211</sup> Williams, *Medieval London*, 16.

<sup>212</sup> Ibid. , 114-115.

<sup>213</sup> 103x 010, c.131/103/10, November 30, 1503.

Interesting as this information is, it does not explain how or why Sir William Capell might be considered a usurer. The evidence of this may be found tied to loans made to one person, a person who had ties back to Ruthin, the hometown of Ieuan Kery.

Richard Grey became the third Earl of Kent in December of 1503. Out of the many estates that came to Grey with the title of Earl is included the town of Ruthin in Wales. Unfortunately Grey was not a sound custodian of his families' fortunes. Known at the time as a gambler, Grey proceeded to strip his earldom of both money and properties in an attempt to stave off his many debts.<sup>214</sup> Of those many debts, six were claimed by Sir William Capell. On August 26 1506 Capell loaned an unspecified amount to Richard Grey. Capell brought certificates of nonpayment to the Chancery within the year against Richard Grey.<sup>215</sup> Nonpayment of debts was not uncommon for Grey, and by the time that Capell made the loan Grey's reputation for gambling and debt was well known.<sup>216</sup> It is unlikely that Capell, were he an above board creditor, would have made a loan to such a bad risk. By agreeing to loan him what may be assumed were large amounts of money it is reasonable to assume that Capell expected to be more than adequately compensated for the risk. It could be argued that a usurer would not use a state sanctioned and monitored method to enforce payment. However, there is no way by which the Chancery could ensure that the amount the creditor claimed to be owed was substantially more than he was owed. It is possible that a debtor could have gone to court and prosecuted their lender for usury, but that would ensure the debtor to be cut off from any further lending, making

---

<sup>214</sup> G. W. Bernard, "The Fortunes of the Greys, Earls of Kent, in the Early Sixteenth Century" *The Historical Journal* vol. 25, no.3 (Sep., 1982) 672.

<sup>215</sup> 254x006, c.131/254/6, August 26, 1506. 256x018, c.131/256/18, August 26, 1506. 091x003, c.131/91/3, August 26, 1506. 091x010, c.131/91/10, August 26, 1506. 094x019, c.131/94/19, August 26, 1506. 091x019, c.131/91/19, August 26, 1507.

<sup>216</sup> Bernard, "The Fortunes of the Greys", 672-673.

it a short sighted decision. Furthermore, given Capell's connections to the council of alderman it is unlikely that any charges of usury would have gone far.

Unfortunately the arguments for Sir William Capell to be a usurer is one that must be discovered through speculation instead of straightforward discovery, as was the case with Ieuan Kery. But the fact remains that Sir William Capell was willing to loan money, more than once, to a person who was not only known to have extensive holdings but to also be a dissolute gambler. This combined with the fact that Sir William Capell appears in the Chancery records far more often than the majority of other lenders indicates that Sir William Capell was a person who regularly loaned money to other people and who had no compunction about using the courts to enforce and recover those debts. These factors are very similar to the action of Ieuan Kery; a person who loaned money very often and was willing to use the courts to enforce and recover these loans. The difference between the two men appears to be how people reacted to their activities.

## Chapter 5: Conclusions

In comparison, these two men could not be more different. One is Welsh, one is English. One is rural, the other urban. One lived through the Black Death, the other saw the beginning of the Tudor dynasty. But, despite the many differences between these two men, there is one constant that binds them together. They were both moneylenders and both engaged in the practice of usury. What can the differences between these two men that share the same occupation tell us about the changes in English society and law during the intervening 110 years?

The first question to be addressed is the most obvious. Why is there such a large amount of time between the two men chosen for this study? The reason for choosing these two men for this study is partly pragmatic. First, finding detailed medieval records that have been digitized and are accessible online is difficult, but unfortunately a necessity for any historian not living in Europe. Secondly, the nature of this study – examining an occupation that is technically illegal – makes finding records of people participating in the occupation difficult. Ultimately the deciding factor in choosing Ieuan Kery and Sir William Capell for this study was the fact that they both appeared multiple times in the available records and it was possible to identify both as potential usurers.

The other reason for the difference in time period is to examine the changes in how usury was perceived over time. Although they were of different nationalities, both Ieuan Kery and Sir William Capell adhered to the same legal code, a legal code that changed little over time but was interpreted differently in each time period. The difference in interpretation is what indicates how society changed its views of usury. Ieuan Kery was Welsh but lived in a town where roughly

two thirds of the inhabitants were English.<sup>217</sup> While Ieuan Kery and Sir William Capell may have had different nationalities the majority of Ieuan Kery's neighbors, as well as those who were active within the town government and court structure, were English. Ieuan Kery, although a Welshman, would have had regular interactions with his English compatriots and therefore similar cultural touchstones.

Although Ieuan Kery was an influential member of the social and financial elite within Ruthin, that did not stop some members of society from acting out their anger and frustration upon his body and belongings. Sir William Capell was also an influential man and also operated as a usurer but was not physically assaulted by any former customers as far as the court records indicate. As for the demographic differences between London and Ruthin, it cannot be denied that London in 1500 was vastly different from Ruthin in 1340. However, it was primarily a difference in influence, as both Ruthin and London were the administrative and economic hubs of their respective geographic area and served as the seat for their governmental representative. Despite the apparent differences of time and place this contrast in the treatment of the two men by their peers is the biggest distinction between them. The connection between these two men, and the primary focus for this study, was their involvement with usury and the social impact of that involvement. A further study into the usury and money lending practices of London inhabitants during the 1340's would be illuminating to this subject but is unfortunately not a possibility at this time. As such it must be acknowledged that although further study is needed to definitively indicate why these changes occurred the way they did, it is the contention of this thesis that it is the time difference that explains the difference in social acceptance between Kery and Capell, and not the geographic difference.

---

<sup>217</sup> Soulsby, *Towns of Medieval Wales*, 233.

Similarities notwithstanding, the purpose of this study is to examine the differences between these two men and how their involvement in usury contributed to these differences. Ieuan Kery was a wealthy man. He was a landowner. He had a family. He was an ale brewer. And, lastly, he was a usurer. Evidence shows that Ieuan Kery was a highly respected man who was asked to stand as a pledge by multiple men and who participated in government. Despite this general respect, Ieuan Kery was also the victim of violence on multiple occasions by multiple people. Why the discrepancy? How can the same person be so respected and yet the target of so much violence? There is some historical precedent for this dual treatment of the usurer. Moneylending in the middle ages was associated with the Jewish population, and starting in the twelfth century monarchs, recognizing the benefit moneylenders, began offering Jewish moneylenders protection. This was a precarious position for the Jewish moneylenders as although royal protection offered many perks, it was also dangerous as they were only protected as long as they were useful. Edward I, for example, forbade Jewish usury in 1275 and then expelled the Jews from England in 1290.<sup>218</sup> This parallels the treatment of Ieuan Kery, in that he is needed for his services, but his position is tenuous and easily garners resentment from others. However, there is a very wide gulf between the actions of Ieuan Kery and the royal court.

In order to examine whether or not Ieuan Kery's position within the community of Ruthin was ordinary or unique it must be compared to other, similar situations. Thomas le Baker was fined on October 5 1344 for being a common usurer.<sup>219</sup> In many ways the life of Thomas le Baker was similar to that of Ieuan Kery. Thomas was a baker and often broke the assize much

---

<sup>218</sup> Wood, *Medieval Economic Thought*, 167-168.

<sup>219</sup> 217/10, m.28, forties file 1540, Great Court of Ruthin 5th Oct 1344.



like Ieuan Kery and his brewing.<sup>220</sup> He was brought to court for instances of trespass<sup>221</sup>, debt<sup>222</sup>, and violence, either against him or his wife Alice.<sup>223</sup> While he never held office, his life was also violent, although not to the scale of Ieuan Kery.

It appears that Ieuan Kery's life was more violent than the rest of the community. This is not to say that there were not people whose lives invited violence; the families Duy<sup>224</sup> and Saer

---

<sup>220</sup> 217/7, m.4, forties file 128, Great Court of Ruthin 9th Apr 1342. 217/8, m.32, fortiesw file 1489, Great Court of Ruthin 22nd Apr 1343. 217/10, m.29, forties file 1552, Great Court of Ruthin 19th Apr 1345. 217/12, m.5, forties file 245, Great Court of Ruthin 17th Oct 1346. 217/12, m.6, forties file 256, Great Court of Ruthin 10th Apr 1347. Breaking the assize is to charge more for beer or bread than is legally allowed by the lord. Pollock and Maitland, *The History of English Law*, 612.

<sup>221</sup> 217/7, m.29, forties file 1167, Ruthin 16th Oct 1341. 217/7, m.29, forties file 1167, Ruthin 16th Oct 1341. 217/7, m.30, forties file 1191, Ruthin 6th Nov 1341. 217/7, m.32d, forties file 1310, Ruthin 8th Jan 1342. 217/9, m.12, forties file 489, Ruthin 25th Nov 1343. 217/12, m.25, forties file 1699, Ruthin 20th Feb 1347. 217/12, m.25d, forties file 1735, Ruthin 13th Mar 1347. 217/12, m.26, forties file 1783, Ruthin 17th Apr 1347.

<sup>222</sup> 217/7, m.32d, forties file 1307, Ruthin 8th Jan 1342. 217/7, m.33, forties file 1349, Ruthin 29th Jan 1342. 217/7, m.33, forties file 1363, Ruthin 29th Jan 1342. 217/7, m.34, forties file 1403, Ruthin 26th Feb 1342. 217/7, m.34, forties file 1404, Ruthin 26th Feb 1342. 217/7, m.35, forties file 1485, Ruthin 9th Apr 1342. 217/9, m.11, forties file 405, Ruthin 14th Oct 1343. 217/9, m.14, forties file 626, Ruthin 13th Apr 1344. 217/9, m.14d, forties file 682, Ruthin 11th May 1344. 217/10, m.3d, forties file 197, Ruthin 25th Jan 1345. 217/10, m.4, forties file 217, Ruthin 15th Feb 1345. 217/10, m.5, forties file 299, Ruthin 12th Apr 1345. 217/10, m.6, forties file 378, Ruthin 4th May 1345. 217/10, m.6, forties file 384, Ruthin 4th May 1345. 217/10, m.7d, forties file 478, Ruthin 14th Jun 1345. 217/10, m.7d, forties file 481, Ruthin 14th Jun 1345. 217/10, m.7d, forties file 481, Ruthin 14th Jun 1345. 217/10, m.8d, forties file 582, Ruthin 26th Jul 1345.

<sup>223</sup> 217/7, m.30, forties file 1190, Ruthin 6th Nov 1341. 217/8, m.10d 549, forties file, Ruthin 23rd Sep 1343. 217/8, m.10d, forties file 550, Ruthin 23rd Sep 1343. 217/12, m.26, forties file 1784, Ruthin 17th Apr 1347. 217/12, m.28d 2084 Ruthin 24th Jul 1347. 217/12, m.30, forties file 2138, Ruthin 14th Aug 1347. 217/13, m.7, forties file 674, Ruthin 22nd Jul 1348.

<sup>224</sup> 217/9, m.2, forties file 7, Great Court of Ruthin 16th Apr 1344. 217/9, m.2, forties file 9, Great Court of Ruthin 16th Apr 1344. 217/14, m.1, forties file 5, List of fines and bails from Michaelmas [22 Edw III, 1348]. 217/7, m.4, forties file 136, Great Court of Ruthin 9th Apr 1342. 217/8, m.10d, forties file 554, Ruthin 23rd Sep 1343. 217/8, m.32, forties file 1471, Great Court of Ruthin 22nd Apr 1343. 217/8, m.32, forties file 1472, Great Court of Ruthin 22nd Apr 1343. 217/8, m.32, forties file 1481, Great Court of Ruthin 22nd Apr 1343. 217/9, m.12, forties file 477, Ruthin 25th Nov 1343. 217/9, m.13, forties file 554, Ruthin 17th Feb 1344. 217/9, m.14, forties file 646, Ruthin 13th Apr 1344. 217/10, m.29, forties file 1556, Great Court of

(alternately Saier)<sup>225</sup> were also involved in many violent altercations. However, these altercations were spread among many members of the same family, from wives to cousins, whereas in Ieuan Kery's case the violence centered on his person. Ieuan Kery was unique in Ruthin in that he was the target of more violence than the other members of the community.

Ieuan Kery was a respected member of the community, to judge from the number of times he was asked to stand as pledge for someone. While it is possible that the people who were involved in cases of debt with Ieuan Kery had incurred debt by having Ieuan Kery act as a pledge or were working off a debt by standing as a pledge for Ieuan Kery but there is no way to determine if that is the case. While there are some instances of the same people coming to court both for debt and pledge involving Ieuan Kery it is impossible to know if these instances were related or simply coincidence. There is also no one person who appears in the records with Ieuan Kery substantially more than others, which might have indicated a relationship more involved than with the others. From the evidence presented here, Ieuan Kery appears to have been a person who was simultaneously reviled and yet trusted enough to bring to court.

There is also the instance wherein Ieuan Kery was prosecuted for failing in his duty as a juror. To judge from his court record, Ieuan Kery did not possess any positive characteristics that are often associated with positions of high respect; namely honesty and integrity.

---

Ruthin 19th Apr 1345. 217/10, m.29, forties file 1557, Great Court of Ruthin 19th Apr 1345. 217/11, m.3d, forties file 220, Ruthin 4th Oct 1345. 217/11, m.3d, forties file 269, Ruthin 25th Oct 1345. 217/11, m.3d, forties file 270, Ruthin 25th Oct 1345. 217/14, m.2, forties file 56, Great Court of Ruthin 14th Oct 1348. 218/1, m.31 [p.343], forties file 1685, Great Court of Ruthin 15th Jun 1350.

<sup>225</sup> 217/6, m.1, forties file 28, Great Court of Ruthin 24th Apr 1341. 217/10, m.3, forties file 158, Ruthin 4th Jan 1345. 217/10, m.8, forties file 506, Ruthin 5th Jul 1345. 217/10, m.29, forties file 1554, Great Court of Ruthin 19th Apr 1345. 217/9, m.2, forties file 7, Great Court of Ruthin 16th Apr 1344. 217/14, m.1, forties file 18, List of fines and bails from Michaelmas [22 Edw III, 1348]. 218/2, m.27, forties file 1377, Fines and bails after Michaelmas 1350. 218/3, m.2, forties file 93, Fines and bails after Easter 1352. 218/2, m.24, forties file 1328, Great Court of Ruthin 19th Oct 1350.

Additionally, judging from his name, Ieuan Kery would appear to have been an outsider in the Ruthin community. His name indicates that he was most likely from the cantref of Kery, and therefore likely had no family relations in Ruthin. Thus, it is unlikely that he gained a position in the ruling elite of Ruthin through blood connections. It is already known that Ieuan Kery was a violent man, that he was involved in usury, and that he was involved with many different people in a business sense. Therefore the most likely reason for his being chosen to act as juror, despite his previous failings, is due to his wealth. As pointed out by Dyer in his book *An Age of Transition*, the reckoning system had the habit of giving money a moral value, and those who had more money therefore had more value.<sup>226</sup> Returning again to the person of Thomas le Baker, Baker was not as successful monetarily as Ieuan Kery, which is the probable reason that he had a much lower social status. Ieuan Kery was chosen to represent the community because he was seen as being more trustworthy despite the many documented instances where he clearly was less than scrupulous.

There is one other event in the life of Ieuan Kery that warrants further investigation; the house on Welsh street. In this curious case Ieuan Kery owned a house, which caused problems with a nearby road. He was brought to court repeatedly due to his refusal to remove the section of the house violating the road.<sup>227</sup> The case ended when the court finally gave in and simply began charging Ieuan Kery rent on the house. This is a very interesting development, as Ieuan

---

<sup>226</sup> Dyer, *An Age of Transition*, 179.

<sup>227</sup> 217/7, m.3, forties file 113, Great Court of Ruthin 9th Oct 1341. 217/7, m.30d, forties file 1221, Ruthin 6th Nov 1341.

<sup>227</sup> 217/7, m.34, forties file 1414, Ruthin 26th Feb 1342. 217/7, m.36d, forties file 1584, Ruthin 5th Jun 1342. 217/7, m.38, forties file 1684, Ruthin 23rd Jul 1342. 217/7, m.39, forties file 1740, Ruthin 7th Aug 1342. 217/7, m.39d, forties file 1784, Ruthin 17th Sep 1342. 217/8, m.1d, forties file 68, Ruthin 29th Oct 1342. 217/8, m.2d, forties file 146, Ruthin 10th Dec 1342. 217/8, m.3, forties file 180, Ruthin 16th Jan 1343. 217/9, m.11d, forties file 467, Ruthin 4th Nov 1343.

Kery essentially defied the power of the lord (as represented in his steward). This leads to some speculation as to whether Ieuan Kery, as a moneylender, had lent money to Lord Grey and this was the lord's way of paying off debt. Such an arrangement is not without precedent, referring once again to the royal monarchy's reliance on Jewish moneylenders.<sup>228</sup> While this would be a very interesting development there is no evidence that this was the case. Lord Grey himself never got involved in the case directly, as far as the records show. There is also no evidence that Ieuan Kery and Lord Grey were ever involved with each other financially or otherwise. It is, of course, possible that the two had business dealings with each other, but there is no evidence for this.

The life of Sir William Capell, by contrast, was much calmer than that of Ieuan Kery. The records used to examine the life of Sir William Capell are different in nature than those used to examine the life of Ieuan Kery and so inferences must be made as to how Sir William Capell lived that life. It is possible to infer from the records that the social station of Sir William Capell made it unlikely that he would have been the target of individual violent attacks. Sir William Capell had been a sheriff, he had held a seat on the aldermanic council of London, and he possessed a great deal of wealth. While previously this thesis had described similar circumstances with Ieuan Kery, who was still the target of repeated attacks. Being the juror of a small city in Wales is far different from being part of the leading council of London, in much the same way that the mayor of Evansville, Indiana is a world away from the mayor of New York City. The social position and personal wealth of Sir William Capell makes it unlikely that the general populace would have felt capable of direct physical attacks against his person.

---

<sup>228</sup> Wood, *Medieval Economic Thought*, 168.

While the records available do not indicate whether or not Sir William Capell was ever asked to stand as a juror or as a pledge for another member of the community, his position in the community indicates that he was well known and well respected. He was a citizen of London, a position which, as previously stated, was reserved for a small number of people, even after the rules of citizenship had been relaxed in Sir William Capell's time. He was a sheriff, an elite position held by those of social importance in the city of London. He was a knight, indicating a martial background, a draper, which indicates he was wealthy and most likely, had many contacts both within London and possibly abroad, and he served on the aldermanic council, a group that, although relaxed in Sir William Capell's time, still had strict rules of participation.

All of the facts presented here indicate that Sir William Capell was most likely a well known, respected member of the elite of London and very likely had a venerable pedigree, which allowed him to participate in the more patrician ruling groups of his time. He was a respected man who participated in government and had the respect of his peers. This also means that a member of London's ruling elite was involved in the practice of usury.

Despite the similarities between these two men, despite their many differences, the biggest differences between the life of Ieuan Kery and the life of Sir William Capell was a difference of respect. They both practiced the same supposedly illegal trade, they both participated in government, but Ieuan Kery was still seen as a permitted target of violence while Sir William Capell was not. The intervening years between these two men were long and difficult, full of violence, sickness, and war. But in these years the dim view of usury began to change into something else. While Sir William Capell did not identify himself explicitly as a usurer, his business dealings in this area were on full display, never hidden from his peers or couched in different terms in order to obscure the true nature of his dealings. Ieuan Kery,

however, was a man of violence, one who attracted it as well as dealt it to others. While he occupied positions of respect it was clear that the respect afforded him was not innate or sincere, but more a recognition of his economic prowess and importance to the economic prosperity of the town. It was provisional respect that the townspeople clearly had no compunctions about revoking as needed.

What does the record say about Ieuan Kery, and what does Ieuan Kery reveal about medieval usurers particularly in light of the life of Thomas le Baker? Moneylenders appear to have occupied a unique space in the social community, much like the Jews whose occupation they shared. They were a necessary part of life in that they possessed money in large enough amounts to allow them to loan it to others. This was particularly important in a reckoning based system where tangible money was not common, but the monetary system was still used to judge the value of transactions. This position offered the moneylender respect in the community, as the reckoning system often bestowed value to those capable of settling their debts. It is also sensible to keep the man who is able to loan you money happy. Usury, however, was not viewed in a positive light, as evidenced by the violence done to Ieuan Kery. The necessity of his position may have been recognized but resentment due to the profit he reaped still built until some members of the community felt it necessary to express their anger physically. Clearly the benefits of the position outweighed the negatives as Ieuan Kery continued to lend money throughout the decade.

There is no such evidence to describe the personal life of Sir William Capell. It is not known if he also suffered violence in his life, although as a knight this seems possible. It is not known whether or not his neighbors liked him, if he appeared often in the court rolls, or if individual persons called on him as a witness. What is known is that he was respected and

socially acceptable to the point that he held a position on the London board of aldermen, he served the city as a sheriff, and that he often loaned money to people of various economic levels. If he were a usurer as this study posits, then he was a well-respected usurer whose alternate methods of making money did not affect his social position.

The intervening years between Ieuan Kery and Sir William Capell saw many changes, changes that affected the life of Sir William Capell and allowed him to participate in social and political life to an extent that would have been denied to Ieuan Kery. As usurers both Ieuan Kery and Sir William Capell were able to gain large amounts of money, land, and chattel, respective to their station and time period, but it was only Sir William Capell who was able to separate his social life from his economic life, whereas Ieuan Kery was to suffer directly from his chosen profession. This is not to say that Sir William Capell did not have enemies, but simply that the ability of those enemies to strike at Capell directly, as the enemies of Ieuan Kery did, was greatly diminished if not entirely removed.

The lives of Ieuan Kery and Sir William Capell can be examined here only due to extrapolation of the information found within the legal records. While this extrapolation does not stray far from the source material it does still bear some of the concern that was expressed by Dr. Razi, Dr. Smith and Dr. Poos, namely that one must be at all times extremely careful when making assumptions about past peoples. This study has been cautious about the assumptions made in the course of examining the source material, and has attempted to explain why an assumption was made and why it was appropriate. Unfortunately history is a profession that seems to trade primarily in conflict in a variety of ways, and it is the fear of any historian that the assumptions made regarding a subject may be less intentional than originally designed. While it is extremely unlikely that this study may attract its own Smith and Poos level of detractors it was

with their exchange as example that this study attempted to avoid the pitfalls of assuming too much and taking caution to an extreme.

Lastly, it should be stated again that this study, as it examines only two people of a shared profession, is only a preliminary study, and the conclusions reached are also preliminary. Further research and study is needed for the topic. The conclusions reached in this study, preliminary though they might be, demonstrate just one avenue of investigation that is available through the examination of court records as well as the need for further research into the more criminal aspects of medieval history in both legal and social terms. It is hoped that future historians will follow the example of Dr. Diana Wood and understand that legal and economic evidence may be able to provide insight to other aspects of medieval life. There is a need for greater access to primary material and further digitizing existing archives would help in this endeavor as well as assist historians and other professionals with their projects. While there is no guarantee that further research into this topic would lead to the same conclusions as those presented here it is clear that further study is needed and that this is an avenue that deserves further exploration. It is hoped that further study will bring more thorough and nuanced understanding of the role the moneylender played in medieval society and how that role affected the person of the moneylender.



## Bibliography

### Primary Sources

Davies, R.R.,Smith, L.B.,Barrell, A.D.M.,Padel, O.J.,Brown, M.H. (1997). *Dyffryn Clwyd Court Roll Database, 1294-1422*. [data collection]. UK Data Service. SN: 3679, <http://dx.doi.org/10.5255/UKDA-SN-3679-1>.

Nightingale, P., *National Archives Class C.131 : Extents on Debt, 1284-1530* [computer file]. Colchester, Essex: UK Data Archive [distributor], October 2004. SN: 4997, <http://dx.doi.org/10.5255/UKDA-SN-4997-1>.

### Secondary Sources

Barrell, A. D. M., *The Dyffryn Clwyd Court Roll Database 1294-1422: A Manual For Users* Aberystwyth: University of Wales.

Bernard, G. W. "The Fortunes of the Greys, Earls of Kent, in the Early Sixteenth Century." *The Historical Journal* Vol.25, No.3 (Sep. 1982), pp. 671-685.

Beutel, Frederick K. "The Development of Negotiable Instruments in Early English Law." *Harvard Law Review* vol.51, no.5 (Mar., 1938), pp. 813-845.

Davies, John. *A History of Wales*. London: The Penguin Press, 1994.

Davies, R. R. *Conquest, Coexistence, and Change: Wales 1063-1415*. Oxford: University of Wales Press, 1987.

Davies, Norman. *The Isles: A History*. Oxford: Oxford University Press, 1999.

Dyer, C. *An Age Of Transition? Economy And Society In England In The Later Middle Ages*. New York: Oxford University Press, 2005.

Hanawalt, Barbara A. *The Wealth of Wives: Women, Law, and Economy in Late Medieval London*. Oxford: Oxford University Press, 2007.

Helmolz, R. H. "Usury and the Medieval English Church Courts." *Speculum* Vol. 61, No. 2 (Apr., 1986) , pp. 364-380.

Hollister, C. Warren and Judith Bennett. *Medieval Europe: A Short History*. New York: McGraw-Hill, 2002.

Jordan, William Chester. *The Great Famine: Northern Europe in the Early Fourteenth Century*. Princeton: Princeton University Press, 1997.

Murray, J. B. C. *The History of Usury from the Earliest Period to the Present Time*.

- Philadelphia: J. B. Lippincott & Co., 1866.
- Noonan, John T, Jr. *The Scholastic Analysis of Usury*. Cambridge: Harvard University Press, 1957.
- Pirenne, Henri. *Economic and Social History of Medieval Europe*. New York: Harvest Books, 1937.
- Pollock, Sir Frederick and Frederick Maitland. *The History of English Law Before the Time of Edward I*. Vol. I and II. Cambridge: Cambridge University Press, 1952
- Poos, L. R. and R. M. Smith, "Legal Windows onto Historical Populations? Recent Research on Demography and the Manor Court in Medieval England," *Law and History Review* vol.2, no.1 (Spring, 1984) pp. 128-152.
- \_\_\_\_\_. "Shades Still on the Window: A Reply to Zvi Razi," *Law and History Review* vol.3, no.2 (Autumn, 1985) pp. 409-429.
- Postles, David. "Personal Pledging: Medieval "Reciprocity" or "Symbolic Capital"?" *The Journal of Interdisciplinary History* vol.26, no.3 (Winter, 1996) pp. 419-435.
- Radiker, Laura. "Observations on Cross-Cultural Names and Name Patterns in Medieval Wales and the March." *Proceedings of the Harvard Celtic Colloquium* vol. 26/27 (2006/2007) pp. 160-198.
- Raftis, J. A. ed. *Pathways to Medieval Peasants*. Toronto: Pontifical Institute of Medieval Studies, 1981.
- \_\_\_\_\_. *Tenure and Mobility: Studies in the Social History of the Medieval English Village* Toronto: Pontifical Institute of Medieval Studies, 1964.
- Razi, Zvi. "The Toronto School's Reconstitution of Medieval Peasant Society: A Critical View." *Past & Present* no. 85 (Nov., 1979) pp. 141-157.
- \_\_\_\_\_. "The Use of Manorial Court Rolls in Demographic Analysis: A Reconsideration." *Law and History Review* vol. 3, no.1 (Spring, 1985) pp. 191-200.
- \_\_\_\_\_. "The Demographic Transparency of Manorial Court Rolls," *Law and History Review* vol.5, no.2 (Autumn, 1987) pp. 523-525.
- Schafer, Robert G. "A By-Election in a Rotten Borough." *Huntington Library Quarterly* Vol.17, no.4 (Aug., 1954) pp. 397-405.
- Schofield, Phillip R and N. J. Mayhew, eds. *Credit and Debt in Medieval England, c.1180-c.1350*. Oxford: Oxbow Books, 2002.
- Shatzmiller, Joseph. *Shylock Reconsidered: Jews, Moneylending, and Medieval Society*.

Berkeley: University of California Press, 1990.

Soulsby, Ian. *The Towns of Medieval Wales: A Study of their History, Archaeology, and Early Topography*. Sussex: Phillimore and Co. LTD, 1983.

Tuchman, Barbara W. *A Distant Mirror: The Calamitous 14<sup>th</sup> Century*. New York: Ballantine Books, 1978.

Williams, Gwyn A. *Medieval London: From Commune to Capital*. London: The Athlone Press, 1970.

Wood, Diana. *Economic Medieval Thought*. Cambridge: Cambridge University Press, 2002.

## Vita

Elizabeth Green is a native of Milford, Indiana. She received her B.A. from Ball State University in May of 2005. She attended graduate school at Ball State until August of 2014. Her interest in history has never waned and, wishing to continue her education, she enrolled in the history graduate program at Louisiana State University. She expects to receive her master's degree in Medieval History in May of 2017.