

Revised
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Re Societas. - Point is that during earlier & central ~~12th~~ there was very scanty opportunity for investment of money kind & that ∴ most loans were obtained for consumption purposes but as trade grew up various forms of contract also grew up which the church & the theologians sanctioned, forms of contract which did not use language suggesting loans, but were essentially of the nature of societas, or rent charge or interest in original meaning of that word.

It has lately recently been commonly held that these forms were devised intentionally to evade prohibition of usury. They were regarded as subterfuges. Now it is generally conceded by legal historians that these forms had a spontaneous origin in spite of the usury prohibition. That the very considerable amount of investment of capital which had taken place under these forms of them had been in fact usury prohibited, at all. No later promulgation may have led to these forms being more extensively used.

Most important in western Europe was the contract of Societas. In a contract of that kind A. handed over money to B. to invest in business (a part voyage or in business generally) at his discretion, contracted that if the venture were successful that A. should receive a gain lucrum of so much together with the return of his money. Such contracts as these became very common, & were resorted to by Eccles. authorities.

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