

Research notes -

THE JEWISH DISABILITIES BILL

UNPARLIAMENTARILY CONSIDERED:
COMPRISING AUTHENTIC NOTICES,
DEDUCED FROM HISTORICAL AND LEGAL RECORDS;
AND INCLUDING
A SYNOPSIS, WITH COMMENTS, OF THE DEBATES
ON
THE JEWISH DISABILITIES BILL:
BY
CHARLES EGAN, ESQ.
OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW,
LATE FELL. COMM. OF TRIN. HALL, CAMB.

"Since the remainder of that mighty nation, which of old were elected a people peculiar, are now by Him that first chose them dispersed over the face of the earth, and are become the most prolific of traders now extant, having by their industry cemented themselves into the principal revenues and trade of the universe; it might not seem improper to examine how their condition stand of old in this nation, and how the laws of this realm stand in reference to that people at this day."—*De Jure Maritimo et Mercatorum*.

"A right toleration ought to be extended unto all, since all equally plead conscience, of which God alone is the judge."—*Juramentum Insuper Detestabile*, Case 12.

LONDON:
R. HASTINGS, CAREY STREET, LINCOLN'S INN;
GRANT AND BOLTON, GRAFTON STREET, DUBLIN;
AND
ADAM AND CHARLES BLACK, EDINBURGH.

MDCCLXVIII.

THE STATUS
OF THE
JEW IN ENGLAND,

FROM THE TIME OF THE NORMANS,
TO THE REIGN OF HER MAJESTY QUEEN VICTORIA,
IMPARTIALLY CONSIDERED:
COMPRISING AUTHENTIC NOTICES,
DEDUCED FROM HISTORICAL AND LEGAL RECORDS;
AND INCLUDING
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"A right intention ought to be extended unto all, show all equally placed consciences, of which God alone is the judge."—*Dr. James Rupert's Discourse, Case 1st.*

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MDCCLXVIII.

TO
THE MOST NOBLE
THE MARQUESS OF LANSDOWNE,
LORD PRESIDENT OF THE COUNCIL,
K.G. D.C.L. F.R.S.

A Statesman who has conferred inestimable benefits on his Country,
by the Wisdom of his Councils, by his eloquent Advocacy of the purest
principles of Rational Freedom, and by his liberal Encouragement of
Literature and the Arts :

THIS WORK

IS,

WITH HIS LORDSHIP'S KIND PERMISSION,

MOST RESPECTFULLY INSCRIBED

BY

THE AUTHOR

HENLEY CHAMBERS,
CAREY STREET,
LINCOLN'S INN.

INTRODUCTION.

COMMENTATORS on the history of the Jews assert, that a portion of the Jewish people had settled in Britain as early as the first century of the Christian era; that an amicable alliance having existed, in the days of Julius Cæsar, between the Hebrews and Romans, "To aid each other in their wars with all their hearts," the Jewish warriors accompanied the great Roman Captain in his invasion of Britain, and settled here under the Roman banner*. And, in support of this allegation, it is further stated that "Augustus Cæsar set free, without any redemption money, every man and woman of the Jewish race in all the countries of his dominion; to the east, as far as beyond the Indian Sea; and to the west, as far as beyond the British territory, which is the country of Angleterre, and which is designated England in the *Lingua Franca*†." ‡

* The treaty between the Romans and Jews was graven in tables of brass, and sent by the former to Jerusalem, as a memorial of peace and confederacy between the two great nations; and it is preserved in the *first book of Maccabees*, chap. viii.

† Rabbi D. Ganz's Chronicle, "The Branch of David." And in this country, says Margoliouth, the Jews record the event annually in their calendar in the following words: "Augustus's Edict in favour of the Jews in England. C.Æ. 18."

‡ No French tongue at the time

The venerable Bede (*Eccles. Hist.*), Archbishop Ecbright (*Canonical Exeptiones*), Ingulphus (*Hist. of Croyl.*), and other early writers, are also cited, to prove that Jews were residing in Britain at the time of the Saxon Heptarchy. A talented legal writer, however, has remarked that, "When the Jews first came into this realm is not certainly related by any of the historians of British or Saxon kings' reigns;" and we may add, that other writers have left us too scanty information on the history of this people, for us to ascertain with accuracy the precise period of their original arrival in England; for while Spelman, Coke, and other commentators, maintain that the settlement of the Jews in Britain dates back to Edward the Confessor's time, Prynne and other writers repudiate that conjecture*.

It is remarkable, and not a little discreditable to our early historians, that (with the exception of Thomas De Wyke, Canon of St. Osney, A.D. 1263, who was perhaps the best writer amongst the old chroniclers) our historians, more particularly those of earlier date, have done their best on most occasions to denigrate and calumniate the Jewish character.

Indeed, the most zealous literary efforts appear to have been formerly made, to stigmatise the Hebrews as a class of people quite undeserving the protection

* In a modern publication, "The Laws and Ancient Institutions of England," a law is cited, relative to Jews in Edward the Confessor's time, which seems to support Spelman and Coke's opinion. Johnson, however, classes this ordinance amongst "the supposed laws of Edward." (See *Collect. of Eccles. Laws and Customs*, vol. I, MLXXIV.)

of the British Sovereign, unworthy of admission within the pale of the British Constitution, and unworthy even of the liberal or equitable consideration of the British people.

The time, however, has at length arrived, when it becomes of importance to consider, whether or not facts sustain the allegations hitherto so generally promulgated against the Jews? And it is hoped that a perusal of the following remarks will prove, that facts do not so sustain the condemnatory statements heretofore advanced against a people, regarding whom it has most properly been asked, "What Nobility can be greater than theirs?—so many Patriarchs, and Prophets, and Kings, do they number among their forefathers; and so many brave men, and men of divine virtue, whose names are recorded in Heaven*."

* Vide Petrus Cunaeus, "*De Republica Hebraeorum*," cap. xviii. "It should never be forgotten," says Dr. Adam Clarke, "that the greatest men that ever flourished as kings, judges, magistrates, law-givers, heroes, and poets, were of Jewish extraction; Isaiah was a Jew, so was Paul, and so was Jesus of Nazareth." (*Com. on Isa. ch. 53.*) And another learned English divine, Dr. Launcelot Addison, also observes, "This people, if any under heaven, may boldly glory of their antiquity and nobleness of descent; there being no nation who can prove its pedigree by such clear and authentic heraldry as the Jews; so that all other nations must have recourse to the Jewish records to clear their genealogies and attest their lineage."

THE JEWS IN ENGLAND.

It is proved, both by historical and legal testimony, that at a very early period the Jews in England were deemed worthy of the consideration of the British Sovereign; accredited historians inform us, that William the Conqueror brought the Jews from Roan to England, and that they settled here under the protection and patronage of that king. (*Antoninus' Chron. Holinshed's Hist. Stow's Annals, Leland's Chron. Baker's Chron.*) "Whereupon, in a short space, that people so spread themselves," says Peck, "that, in all the cities and other the best sort of towns in the kingdom, they established their synagogues and openly taught the doctrine of their Rabbins with great exactness." (*Peck's Annals.*) And these statements are also corroborated by legal writers of high authority.

William Rufus, of whom historians state that he possessed a mind superior to the superstition and ignorance of his time, so far countenanced the Jews, as to permit them to hold religious disputations with the clergy concerning the true faith, and encouraged the Israelites to bear themselves manfully throughout the theological contest. (*Malms. Hollinsh. Stow.*)

Henry the Second, in the twenty-fourth year of his reign, authorized the Jews to have a cemetery on the

outside of every city where they dwelt, instead of their former general burial ground, which was near London*. We also find, that in the reign of Richard the First "the rules and customs which prevailed in the Court of Exchequer, during its adjudication on matters concerning the Jewish people, were in conformity with the general customs of the Jews." (*Mag. Rot. 4. Ric. I.*) And ordinances were also enacted respecting the estates and property of the Jews, directing that all debts owing to them, either on mortgage, or other securities, should be registered.

Notwithstanding the tyrannical exactions and persecutions inflicted on the Jews in the reign of King John, it is nevertheless abundantly manifest that he granted to the Hebrews many highly important privileges; and it is a remarkable fact also, that the earliest privilege conferred on the Jews by King John conveyed a deferential acknowledgment of the Jewish religion. In the first year of that monarch's reign (A.D. 1199), authority was given to the Jewish people to nominate the Chief Rabbi of England, and the royal confirmation of the appointment is recorded in a charter commencing as follows: "The King to all his faithful, *both to all the Jews and English*, greeting. Be it known that we have granted, and by our present

* It appears, by an ancient inquisition taken *tempe Edw. I.*, that St. John's Hospital, at Oxford, was built on the site of the original cemetery of the Jews, to whom another piece of land was granted in lieu thereof. (*3 Rot. Inq. com. and vill. Oxon. capt. an. 67 Edw. I. in Tur. Lond.*) And on the site of this very hospital was built the present Magdalen College. (*Wood's Hist. and Antiq. of Oxford.*)

charter confirmed, to Jacob the Jew of London, Presbyter of the Jews, the jurisdiction of all the Jews throughout England." *Joh. 12 die Julii, an. Reg. nostr. primo.**

Again, in another charter, the same monarch afforded an additional proof of the worthiness of the Jews, by granting to their chief Rabbi a *safe conduct through all his dominions, both at home and abroad*; this charter being to the following effect: "John, by the grace of God, &c. To all his faithful subjects to whom these letters shall come, as well beyond as on this side of the sea. You are commanded and enjoined, that through whatever village or place our well-beloved and familiar Jacob, the Presbyter of the Jews, may pass, that you allow him and every thing belonging to him to pass safely and freely, and that you make him comfortable; and that you do not suffer any injury, trouble, or violence, to be offered to him any more than to ourselves; and if any one should presume to injure him in anywise, that you cause redress to be made without delay."

Even in *Magna Charta* we find the Jews included, inasmuch as the same clause of it which secures Dower to widows whose husbands were indebted to Jews, enacts also that, "in like manner, it shall be with other persons than Jews." (*Mag. Chart. xvii. John.*) So that the Jews were in important matters placed on

* In the ancient records the chief Rabbi is styled both *Presbyter* and *Sacerdos*. Selden (v. 6, p. 1008) and Lord Coke (2 *Inst.* p. 508) style the Jewish Presbyter "High Priest," being of opinion that the authority of his Ecclesiastical office was fully admitted.

a par with the rest of the community by the Great Charter*.

By other charters of King John, it was enacted,—that all Jews might live freely and honorably within the King's dominions, *and hold lands*, and have all their privileges and customs, as they had enjoyed them in the time of Henry the First:—that if a Jew died, his possessions should not be disturbed, provided he left an heir to answer his liabilities;—that if disputes arose between Jews themselves, they should be settled according to their own laws;—that if a Christian should have a plaint against a Jew, it should be tried by jurors of the latter nation;—that it should be lawful for Jews to buy anything offered for sale to them, excepting things belonging to the Church;—that a Jew might lawfully sell a mortgage made to him, after holding it a whole year and a day;—that Jews, wherever located, might remove whither they pleased, with all their goods, that no man should molest or detain them, and that their goods should be as safely protected as those of the Sovereign:—that the Jews should be free of all customs, tolls, and modiations of wines, as are the chattels of the King;—that the Jews should be kept protected and defended by all men, and that any who violated the enactments made on their

* That the Great Charter was confirmed by a Parliament (although the fact escaped the notice of our ancient historians, and has been doubted by some modern writers), is evidenced by the report of a case determined *Passer Term, 5th of Henry the Third, A.D. 1231*, where the Court held that *Magna Charta* was a Statute.

behalf should be subject to the penalty of forfeiture. And it was further provided, that, in cases where litigation arose between a Christian and a Jew, and the plaint was not supported by the testimony of two witnesses, the Jew was allowed to discharge himself, "*on his own oath taken on his book*;"—also, that "if a Jew was summoned on any matter, even appertaining to the Crown, he in like manner should be discharged on his single oath taken on his roll*." And whenever it happened that any persons having dealings with Jews denied their deeds, or any controversy did arise upon which there was any trial, the same was decided by a jury, half of Christians and the other half of six Jews†.

At this early period the Jews were entitled also to rights quite as important, in some cases, as those possessed even at the present day by native-born subjects; for it was ordered, that "if any Christian, indebted to any Jew on mortgage or other security, paid not his money at the day appointed, together with all the interest, the Jew was entitled to sue forth letters of process and obtain judgment, and thereupon extents were sued forth, and *the lands of the debtor were seised, notwithstanding in whose hands soever they came after the security was entered into.*" (*Fine, R.*, vi. *Joh. m.* 17, ix *Joh. m.* 5.) And these judgments were assignable to Christians, together with the extents upon them,

* *i. e.* The Pentateuch.

† *Cart. II*, *Joh.* 49. *Charta Juda. Angl.* *Charta 2*, *Joh.* 58. *confirmatio Judaeorum de Hbert. sale.*

and the assignee might vouch over the assignor to warranty in such case*.

In the reign of Henry the Third, the office of Presbyter of all England was granted to Elyas L'Evesque, a Jew of London, in the room of Aaron, with the appointment of a deputy, to act whenever the said Elyas could not attend. (*Cl. 21. H. 3. p. 1. m. 18.*) King Henry also granted the royal licence, or *Congé d'elire*, authorizing the Society of Jews in England to select whom they pleased for Rabbi (1 *Acta Regia*, p. 36); and we likewise find that a grant was passed, temp. Edw. I (*A.D.* 1281), acknowledging that the High Priest or head of the Jews' synagogue in London was confirmed by the King†.

That the Jews of England in ancient times were considered qualified to hold *real estates*, is made quite apparent by Bracton, a writer of the time of Henry the Third, who distinctly states that the Jews are capable of purchasing land; and, in defining to whom a grant may be made, he says, "A grant may be made as well to religious persons as to others to whom one may grant, also to Jews as well as to Christians." (*Lib. 11, cap. 5, s. 6.*) And the same writer, treating of warranty, also says, "If any one, either *Christian* or

* "So likewise to the King," says Molloy, "they might assign over debts to pay their tax &c."

† It would appear that, in former days, the Jews of England were not less conspicuous for their loyalty than are those of the present day; and it is pleasing also to notice the grateful sense entertained thereof by the Sovereign. Our historians relate that Henry the Third, in return for services rendered to members of his family by two Jew brothers, Creese and Hagen, discharged them from all taxes for five years. (*Acta Regia*, v. 1, p. 35.)

Jew, be called to warranty who *does not hold land* by which he may be distrained, the Sheriff shall be directed to take his body; because, in that case, land cannot be taken in recompense. (*Lib. v, cap. 6, s. 6.*) Bracton's opinion is corroborated also by various ancient records, distinctly shewing that Jews were allowed to take *real estate*; for in the 35th, Henry the Second (*A.D.* 1189), a *finalis concordia* was acknowledged before John, Bishop of Norwich, and Ranulphus De Glanvil, the King's Chief Justice, and others, in the King's Court, in a real action between William De Curzun, plaintiff, and *Jornet, a Jew of Norwich, terretenant* of a messuage with the appurtenances in Norwich; whereby the said William granted the said messuage with the appurtenances to *said Jornet, the Jew, and his heirs*, for the service of five shillings yearly.

In the 9th of Richard the First, Anno 1199, a similar final concord was acknowledged before Simon De Pattershall and several others of the King's Justices, in a cause between Philip, son of Walter, plaintiff, and *Jacob, a Jew, son of Samuel, of Northampton, terretenant* of a messuage with the appurtenances in Northampton; whereby the said Philip granted the said messuage with the appurtenances to hold to the said Jacob and his heirs *in fee and inheritance*, on condition of their paying fourteen-pence annually to the granter and his heirs in full of all services. And in the 10th of King John, another final concord was acknowledged before the same Simon De Pattershall and others of the King's Justices, between Robert, of Norfolk, and

his wife, and *Isaac, the Jew*, concerning a message with the appurtenances in London; whereby the said Robert and his wife conveyed the said tenements to Isaac and his heirs for ever.

In the 55th of Henry the Third, however, a statute was passed, prohibiting Jews from taking "freehold manors, lands, tenements, or rents,—but nevertheless authorizing them to hold houses in cities, boroughs, and towns. And, by a statute of Edward the First, it was further declared that no Jews should have power to alienate *in fee* any houses, rents, or tenements, which they had already, or dispose of them, without the King's consent; but that they might purchase houses and curtilages, and hold the same in chief of the King, and take *lands to farm*, continuing to farm them for fifteen years. (*Statutum de Judaismo.**)

From the facts just adduced, we think it is quite apparent, that in very remote times the Jews in England not only had the benefit of the law conceded to

* In the Parliamentary edition of the Statutes, this Act is classed 3rd, *Edward the First*; but Prynne says that it was enacted in the 4th, *Edward the First*; and Coke considers it to have been a Law of the 18th, *Edward the First*. (*Vide Buring. on the Anc. Stats.*) It may be observed, however, that although this Statute, and also that of Henry the Third, are of a restrictive nature, yet they furnish additional proof that the Jews early settled in England were considered entitled to higher privileges than other aliens, who were settled in this kingdom even at a much later date; for we find by Stat. 21, *Henry the Eighth*, cap. 16, that "All strangers, not denizens, are prohibited from keeping a house, under certain penalties;" and by the 33rd, *Henry the Eighth*, cap. 16, "All strangers, except denizens, are prohibited, under penalties therein specified, from taking a lease of any house." *These Acts, temp. Henry the Eighth.*

them in their monetary and commercial affairs, not only had their religious manners and customs recognised, and their priests respected by legal sanction, not only were they permitted to hold and transfer land, but were entitled also to claim trial by jury, and deemed qualified likewise to discharge the important duties of jurors: and it is worthy of especial remark, that these privileges were legally enjoyed by the Jews in times when all the Jews in England were aliens*.

It has been generally and confidently asserted by English writers, that in the reign of Edward the First an Act of Parliament was passed, decreeing the banishment of all Jews from England; but, as no such enactment has been found amongst the statutes of the realm—as no author, treating on the history of the Jews, has even adduced a copy of the alleged enactment—and as both English and Jewish writers have stated very different and conflicting opinions as to the cause of the departure of the Jews from England, we are naturally led to enquire, whether their emigration hence did not arise from causes quite different from those hitherto affirmed. English writers maintain that the grounds on which the Jews were banished

* The learned Selden, who perhaps investigated the history of the Hebrew people more deeply than any other English writer, states that, "By the ancient law of England, the Jews had a right to claim a trial *per medietatem Nagus*." (Vide *Baring, Obs. on the Anc. Stats.* p. 147, and *Dyer*, 144.) The Statutes, 27th, Edward the Third, c. 8, and 28th, Edward the Third, . . 13, moreover accorded that privilege to all aliens; the former of these enacting that, if both parties to the suit are aliens, the whole jury shall be aliens. (See *Woodson's View of the Laws of England*, Lect. XIV.)

from England were—for defacing or clipping the coin of the realm, for usury, for forgery, and for crucifying Christian infants. (*Stow, Speed, Fox, Baker.*) Jewish writers, however, allege, that the departure of the Hebrew people may be traced to a refusal to change their religion. (*Ben. Virga's Chron. Shaivet. Y. hudaḥ*.*)

In order therefore to arrive, if possible, at some definite conclusion on this matter, we must here examine more minutely the history of the Jews in England, and reluctantly revert to pages of our ancient annals, which, alas! are indelibly stained with evidences of persecutions more unjust, more cruel and sanguinary, than have been recorded in the annals of any other Christian nation under heaven, except perhaps the Spaniards and Portuguese.

With the opinions of those writers, who state that the Jews took their departure from England about the middle of Edward the First's reign, we are for ourselves quite disposed to coincide; but that their departure was rendered compulsory by a statutory enactment, may well be deemed somewhat problematical.

It has been already shewn that the Jews were

* The Jewish historians do not all agree on this point, for Rabbi G'dalish states that, "A.M. 5020, all the Jews in England were gathered together, murdered, and cast into the sea." And the Hebrews of the present day insert in their almanach that "Canute banished the Jews from England, A.D. 901;" but this statement is obviously incorrect, inasmuch as Canute did not arrive in England before the eleventh century. It may be observed, however, that it is not surprising that the Hebrew records, respecting their people who sojourned here in earlier times, should be found inaccurate, when we reflect that many of the accounts of the English Jews must have perished with their possessors, during the numerous persecutions and massacres to which they were subjected in this country.

gifted with more important privileges than any other class of aliens; nevertheless it is fully manifest, also, that they were frequently subjected to the tyrannous exactions of the Norman Kings—frequently subjected to the harsh and brutal conduct of the Norman Barons—and frequently also to the wanton and violent aggressions of that most intolerable of all tyrannies, a ruthless and unrestrained populace.

Our historians relate that King Stephen, in the fifth year of his reign, exacted £2,000 from the Jews of London; that Henry the Second extorted a sum of £60,000 from all the Jews resident in England; and that, in 1210, King John extorted from them 66,000 marks, to obtain which they were imprisoned and subjected to various descriptions of bodily torture,—the majority of them having one eye torn out of the socket. (*Vide The Royal Treasury, or Hist. Acct. of all Taxes from the Conquest*, pp. 39, 83.)

Lord Coke states that the Crown exacted from the Jews, in the short space of seven years—viz. from the 50th of Henry the Third to the 2nd of Edward the First, upwards of £400,000; and Stow informs us that, in the 16th of Edward the First, all the Jews throughout England were on the same night thrown into prison, and only released on paying the King the sum of £12,000*.

* We must, however, in justice to the memory of Edward the First, state that he candidly left on record an acknowledgment that "*Judaism was and had been very profitable to him and to his ancestors.*" (*Vide Statute de Judaismo.*) And this fact will perhaps account for the disinclination evinced by "*the English Justices,*" and his royal predecessors, to part with such valuable visitors as the Jews.

Sir Walter Scott observes, "Except perhaps the flying fish, there was no race existing on the earth, in the air, or the waters, who were the objects of such an unintermitting, general, and relentless persecution as the Jews. Upon the slightest and most unreasonable pretences, as well as upon accusations the most absurd and groundless, their persons and property were exposed to every turn of popular fury; for Norman, Saxon, Dane, and Briton, contended which should look with the greatest detestation upon a people, *whom it was accounted a point of religion to hate, to revile, to despise, to plunder, and to persecute.* And," adds the great northern Bard, "the Kings of the Norman race, and the nobles who followed their example in all acts of tyranny, maintained against this devoted people a persecution of even a more regular, calculated, and self-interested kind."

"The treatment which the Jews received in this country," says Margoliout, "*was of a nature more disgraceful than that they received in other parts of Europe;* for while elsewhere, as in Spain and Germany, the monarchs generally exerted themselves to repress the hostility of the clergy and people, the English kings, with hardly a single exception, manifested as persecuting a spirit as any of their subjects." These statements, we may observe, are but corroborative of the accounts furnished by our earlier writers. At the coronation of Richard the First, there appears to have been an holocaust of the Hebrews; for it is related that "the populace fell upon the Jews who attended at this coronation, and massacred them without mercy. The

mob sought them out in every quarter of the city, many took refuge in their habitations, and defended themselves with great bravery; *but the rabble set fire to their houses and burned them to the ground;*" and "the priests," says Noorthouck, "applauded the pious zeal which destroyed so many enemies to the Christians."

Speed, in his *History of Great Britain*, says that the coronation of Richard the First was most magnificently performed at Westminster Abbey, and that "the points of the oath which the King made to God and the kingdome at the altar, upon the holy Evangelists, were these: That all the daies of his life hee would bear peace, honour, and reverence to God; and that in the People unto him committed, he would exercise Right, Justice, and Equitie." And the historian adds that this coronation "*was hanged and auspicated with the blood of many Jewes.*"

The example set by the Londoners in attacking and persecuting the Jews, was subsequently followed by the people of Lynn, Norwich, Northampton, St. Edmonsbury, Stamford, Lincoln, Canterbury, Cambridge, and Oxford. At York, in particular, the Jews were plundered, their houses burned down, and whole families of them murdered: all classes of the inhabitants of that city, including many of the nobles and principal gentry, associating on the occasion with the soldiery in this onslaught upon the remnant of an unoffending, unarmed, and unprotected people. Neither sex nor condition was spared; the venerable,

the youthful, even helpless infants, were sacrificed with the same unrelenting savageness.

“ Mothers wild wept o'er each child,
 In mangled state extended ;
 And widows' cries to the midnight skies
 With the maniac's hoarse-laugh blended.
 A loud lament o'er the plains was sent,
 A mingled voice of wailing
 Rang loud and shrill from hill to hill,
 Scree, sad, yet unavailing.”

Our historians further recount, with reference to the sanguinary scenes enacted at York, that, “ No sooner did the populace make an end of slaughtering them, than many gentlemen of the province, who being debtors to the Jews, and took therefore the more active part in the carnage, repaired to the cathedral, where their bonds were deposited, compelled the officer to deliver up these securities, and burned them in the church with great solemnity before the altar*.”

We are informed likewise, that, in the reign of Henry the Third, the Barons entered the City of London, *eager for plunder and athirst for blood*, raised an uproar against the defenceless Jews, burned their synagogue, plundered numbers of their people, killed (as some writers assert) seven hundred of them, and left

* Holinshed, Walt. Hemingford, Gul. Newb. Knyghton, Higden, Tyrrol, and Fabian, all record these sanguinary occurrences; William, of Newberry, speaking of these massacres, says “ *the multitude slain was incalculable, or not to be numbered.*” “ And at that time,” says Fox, “ 1,500 Jews were massacred in York alone;” and the pious Martyrologist adds, “ So that this year, which the Jews took to be their *jubilee*, was to them a year of confusion.” (*Acts and Monuments*, vol. i, p. 305.)

the rest to the tender mercies of the mob, who drove them out of the City." (*Stow's Annals.*) All these barbarities were perpetrated in times which we are told were "the days of chivalry." Well then, indeed, might the poet exclaim—

" Let loose but power, and you will quickly see,
How wild a thing unbounded man will be."

Notwithstanding the foregoing statements of the horrible cruelties inflicted by the English Christians upon the Jews, yet many of our writers, in relating these facts, have evinced a desire to make their readers believe that the Jews in England were treated with hospitality and humanity; that their condition, in fact, was one of the purest Christian toleration; but, that the Hebrew people having become too much enamoured of their Elysium here, it required the force of a special Act of Parliament to effect their ejection from this country.

One of our learned writers, who has treated most elaborately of the Jews, concludes his commentary on that people in the following words: "Thus these people having, by their extraordinary usury, extortion, and oppression, *reduced themselves* to be despicable and then banished, *and that by a people, too, with whom, if they had continued in love and friendship, they in all probability might have continued and flourished.*"

And such is the language which has been commonly used with reference to the Israelites by our former writers, who, while they have gloried in recounting the hideous tortures inflicted upon that defenceless

people, seek with parasitical baseness to make an apology for the Christians, by falsely alleging that those persecutions were caused by the demerits of the Jews themselves.

Surely, after perusing the facts hereinbefore stated, no one can for a moment doubt that the wretched Jews of England must have entertained an ardent desire to seek "a better land." Alas! how frequently must their lovely and virtuous daughters have exclaimed to their venerable fathers, like the persecuted Rebecca, "Do not tarry, old man, in this land of bloodshed and cruelty; for less cruel are the cruelties of the Moors to the race of Jacob than the cruelties of the Nazarenes of England*."

It is quite unnecessary to adduce further evidence to the point, that no Act of Parliament was required for inducing the Jews to leave this kingdom†. The fact is, that, in order to avoid the accumulated exactions imposed on them by the Crown—the torturous cruelties inflicted by the Barons—and the sanguinary visitations to which they were liable from a brutal, bigoted, and unrestrained populace, the Jews sought and ultimately obtained permission peaceably to depart the realm. And in this view of the matter we are sustained by authoritative data; for there is ample

* Sir Walter Scott.

† It may be here noticed that the Jewish people of old were sometimes obliged to labour, in the proof that they were not expelled out of Egypt, but conducted thence under the especial care of a powerful Providence and protection. See *Dr. Lardner's Disc.* p. 85; *Josephus' First Book against Apion*; and *Tacitus' Hist.* b. v.

evidence to shew, not only that the Jews did solicit leave to depart the realm, and that such permission was at first denied to them, *but that they were prohibited from leaving England, without licence, on pain of death.*

In the reign of Henry the Third, the King having ordered a heavy impost to be levied on the Jews, they remonstrated against the numerous and unjust exactions to which they were exposed*; and several of their principal men having been summoned before the Royal Council, to answer for their default in not paying the levy, *they were threatened with imprisonment and death, unless they supplied without delay the sum demanded of them.* On that occasion, their Chief Rabbi, Elias, boldly and eloquently addressed the Council on behalf of his brethren, and supplicated their oppressors, in the name of the God of Gentile and Jew, to permit them to depart out of the kingdom; *but they would not.* The impressive address of this undaunted High Priest is recorded by our historians, and commences as follows: "Oh, noble lords, we see undoubtedly that our lord the King purposeth to destroy us from under heaven. We entreat, for God's sake, that he give us licence and safe-conduct to depart out of his kingdom, that we may seek a mansion in some other land, and under a prince who bears some bowels of mercy and some

* Speed says that "Henry wrung great sums from the Jewes, from one of whom hee had at times drawne 30,000 markes sterling, besides two hundredeth markes in gold." (*Hist. of Great Brit.* p. 625.) Matth. Paris, also, strongly inveighs against the profligacy and extortions of "*this Dilapidator of the Kingdom,*" as he styles King Henry the Third.

stability of truth and faithfulness ; and we will depart, never to return again, leaving our household stuff and houses behind us. *But how can he,*" boldly asked this noble advocate, "*spare us miserable Jews, who destroys his own natural subjects ?*" Henry, however, "like the deaf adder that scoppeth her ear," would not hearken to the voice of the oppressed ; but, although the cry for justice passed unredressed, it did not pass unnoticed ; for soon afterwards an Ordinance was promulgated, forbidding all Jews from leaving England without the King's licence*.

In the following year, another unjustifiable demand having been made upon the Jews, they again addressed the King, requesting leave to depart the realm, and soliciting safe conduct for the Hebrew people. The memorial was as follows : "Sir King, we see thou sparest neither Christians nor Jews, but studiest with crafty excuses to impoverish all men. We have no hope of respiration left us ; the usurers of the Pope have supplanted us. Permit us to depart out of the kingdom with safe-conduct, and we will seek for ourselves such a mansion as we can, be it what it will." On receiving this memorial, the Monarch "flew into a passion, swore by the head of God that his debts amounted to 300,000 marks," and exclaimed "there is a necessity for me to have money, gotten from what

* Neither did the King allow this address of the Rabbi Elias to pass unresented ; for he deposed the High Priest from his office, without alleging any offence whatever against him. (*Rel. Pat. 41. Hen. III, m. 4. Teste Rego apud Wodestoke, 20 die Julii.*)

place soever, and by what means soever, and from whomsoever*."

In the 7th of Edward the First, however, another ordinance was passed relative to the Jews, enacting that "No Jew shall walk or ride without a yellow badge upon his outward garment; no Jew shall be sworn upon the Evangelists; and no Jew shall depart England without licence, on pain of death†."

Ample testimony, therefore, has been adduced to demonstrate, that the Jews frequently made most strenuous though unsuccessful efforts to free themselves from the snare of their oppressors, to escape from their worse than Egyptian bondage,—and also that their departure from England was prohibited by special enactments:

* Matthew Paris and other historians state, that, in order to pursue in England the trade of usury, the Pope used to employ certain Italian merchants called *Cuorets*, a class of men who had made themselves so odious by their exactions, that Dante in his *Inferno* has ranked them in wickedness with the inhabitants of Sodom. The method resorted to by these Papal agents was as follows: If a party wanted a sum of money for six months, the Italians would lend it him for three months without interest, and covenant that they should receive £80 per cent. every month after the sum had remained unpaid; and this it was Jesuitically contended could not amount to usury. In the 26th of Henry the Third, it was ordered that the *Cuorets* should be prosecuted; but they pleaded that they were servants of and employed by his Holiness the Pope. At this period, it would also appear that the English people were as profitable to the Roman Pontiff as the Jews were to the King; "for, beside the thousand marks sterling which England paid every year to the Pope, the clergy of this kingdom complained (in 1252) that the Court of Rome drew away fifty thousand marks more, for the grant of benefices." (*Whalley's Acts Regis*, vol. 1, p. 29.)

† The regulation respecting the mode of giving testimony was but a just concession to the religious feelings and principles of the Jews, and has ever since been invariably held by our Judges (as will subsequently be shown) to be the law of England. (See p. 26.)

That the Jews did leave England, about the 18th year of Edward the First's reign, is evidenced by the concurring testimony of numerous writers.

Up to the last moment, however, of the departure of the refugee Israelites from England, we find the same unchristian hatred, the same brutal barbarity, the same fiendish malignity displayed towards the remnant of this powerless people.

Lord Coke, in his *second Institute*, narrates, from Holinshed and other celebrated English historians, the concluding incident relative to the Hebrews who were early resident in England. "Some of the wealthiest of the Jews having embarked with their treasure in a very large ship which they had hired, when the same was under sail and got towards Queenborough, the captain caused his men to cast anchor, and so ride at the same, till the ship by ebbing of the tide remained on the dry sand. The captain then wilyly enticed the Jews to walk out with him on land for recreation, and when he found the tide coming in, he got back to the ship, whither he was, by a preconcerted arrangement, drawn by a cord. The Jews, not apprehending the wile, had strayed along the sands far from the vessel; but at length perceiving their danger, they cried out to the mariners for help; but the captain told them to cry to Moses, by whose aid their fathers passed through the Red Sea, to help them out of the raging floods which surrounded them. The Jews reiterated their cries for assistance; but the captain gave no succour, so they were all swallowed up in the water. The captain returned with the ship, told the King how he

had acted in the matter, and had, as some state, both thanks and rewards." And "Walter de Hemingford," says Hallam, "recounts this story with excessive delight." (*Middle Ages*, v. ii, p. 453.)

Indeed, it is impossible to peruse the earlier records of English history without a feeling of horror at the recitals therein given respecting the barbarities commonly inflicted on the Jews; and the human mind recoils with disgust at the recollection, that such enormities could ever have been perpetrated in a Christian land. Happily, however, those dark days have passed away; "those incompassionate times," as the great Selden says, "when our laws were administered in accordance with the dictates of prejudice and passion, rather than sober judgment."

We shall now have the far greater pleasure and satisfaction of noticing the treatment of this ancient people in later and more enlightened times. For nearly four centuries the Jews refrained from making any attempt to re-establish themselves in England; and we do not find any notice of their presence in this country from the 18th of Edward the First (A.D. 1290) till shortly after the death of Charles the First, when they solicited permission to resume their residence in England. Monteth informs us, that, during the Commonwealth, overtures were made on behalf of the Hebrews to the Parliament and Council of War, through the medium of two popular adherents of the Parliamentarians; the Jews offered to pay for the privileges then sought by them the sum of £500,000; several debates took place on the subject;