England's Jewish Community in the Royal Courts *c.* 1216–1235

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ABSTRACT

This thesis offers the first dedicated study of Jews within and across England's royal court system in the period *c.* 1216 to 1235. At its heart lie the records (more precisely the plea rolls) produced by four courts—the Exchequer of the Jews, the court *coram rege*, the common bench, and the eyre courts—which together represent the crown's increasingly systematic efforts to document the actions and proceedings of the common law. This thesis has found, identified and analysed all pleas involving Jews as plaintiffs, defendants, witnesses and officers of the court and uses this material to investigate the place of England's Jewish community within the crown's developing court structures. These cases are brought together, for the first time, in a series of supplementary appendices. This research investigates the extent to which the establishment and jurisdiction of the Exchequer of the Jews excluded Jewish access from royal courts elsewhere. It highlights that the current emphasis on the contractual relationship between Jews and the English crown, whereby the protection of a Jewish community in England was dependent upon their ability to serve and line the pockets of English kings, has distorted our understanding of Jewish legal status and the experience of Jews in court. The first chapter raises the question of Jews and jurisdiction and explores how quantitative assessments of Jews in plea roll material shed new light on the place of Jews in the royal court system, before chapters two and three examine the activities of Jewish individuals in court: firstly, as plaintiffs and defendants, and secondly, as officers and royal agents. Chapters four and five then address how far the Jewish legal experience was systematised in the developing framework of English law and questions what court material reveals about the power dynamics between the crown and the Jewish minority.

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AUTHOR'S DECLARATION

I declare that this thesis is a presentation of original work and I am the sole author. This work has not previously been presented for an award at this, or any other, University. All sources are acknowledged as References.

A NOTE ON CONVENTIONS

For accuracy and consistency, I have modernised all place and toponymic names where possible, but I have kept the preposition particle *de* in all relevant names in order to reflect its usage in the period. In my transcriptions of the plea roll material, I have elected to modernise the letters of i/j and u/v where necessary, therefore *Iudeus* in the record becomes *Judeus* in the present study.

INTRODUCTION

This thesis is the first dedicated study of Jews within and across England's royal court system in the period *c.* 1216 to 1235. At its heart lie the records (more precisely the plea rolls) produced by four courts—the Exchequer of the Jews, the court *coram rege*, the common bench, and the eyre courts—which together represent the crown's increasing and increasingly systematic efforts to document the actions and proceedings of the common law. This thesis first aims to find, identify and analyse the place of England's Jewish community within these developing court structures. It responds, seventy years later, to Hilary Jenkinson's call that the royal court records are 'worth watching for the Jewish medievalist' and examines these records to consider the conditions of Jewish access, assimilation and success in court, as well as the place of Jews in the administration of law during the initial years of Henry III's reign.[1] This remit is complemented by a secondary focus on the records themselves—i.e. the records of a religious minority operating within a Christian system of law. It considers the relationship between faith, record and legal practice to explore the wider possibilities of power and prejudice in Christian court records. This thesis, therefore, seeks to develop new ways of reading Jews in those records: ways that embrace and exploit the much-maligned formulas of court records to offer a sharper awareness of how language and vocabulary might work as evidence for the conditions of the legal systematisation of Jews in the early thirteenth century. It seizes on the opportunity afforded by court material to explore the relationship between the Jewish minority and Christian governance and, by implication, considers the human, social expression of law within the bounds of an increasingly mechanised legal system.

The early thirteenth century was chosen as an apposite timeframe for interrogating the role and function of court records in the developing system of English common law. This moment offers the records of four newly defined royal jurisdictions, and these records allow investigation into the new significance placed on the documentation of court activity. Following reforms under the Chief Justiciar Hubert Walter in the late twelfth century, a centralised record-keeping initiative produced an unparalleled archive of governmental records, which have allowed historians to chart the development of law and legal process

[1] H. Jenkinson, 'Jewish Entries in the Curia Regis Rolls and Elsewhere', *The Jewish Historical Society: Miscellanies* 5 (1948): 128–134, at 130.

in court over time.[2] The early date and scale of this system is unprecedented in a European context, and it affords a unique opportunity for investigating the place and experience of marginal groups—here, England's Jewish community—within the royal infrastructures of medieval law and state. This context, therefore, allows investigation into the conditions surrounding Jews in court: who used the courts and against whom, which courts, what actions, and how faith manifested in these legal scenarios. The period following the 1190 massacre at York is often viewed as a time of 'recovery and expansion' for Jews, until growing hostilities and financial pressures caused their situation to become increasingly volatile and vulnerable from the 1240s.[3] The extent to which this harmonious picture represented the full experience of Jews in the early thirteenth century, however, is a question only on the periphery of scholarship today. England's Jewish community occupied a unique and precarious position in an evolving administrative and legal landscape, and this thesis utilises royal court records to bring a new perspective to an unexplored period of Jewish history.

I. Historiography (I): The Jews and the Crown

The study of Jews in medieval England has developed over the last hundred years as a question of Jewish status under the English crown. The draw of such a complicated but finite narrative fixed between the chronological bookends of royal policy is, in the words of Barrie Dobson, one of the 'most obvious attractions of the history of the medieval English Jewry'.[4] The arrival of Jews at the behest of the Conqueror after 1066, through to their eventual expulsion under Edward I in 1290 has inspired many scholars to chart the evolution and decline of a relationship built on service and exploitation.[5] The fiscal value

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[2] M.T. Clanchy, *From Memory to Written Record: England 1066–1307* (Oxford, 3rd ed., 2013), esp. 70–74.

[3] See for example R.C. Stacey, 'The English Jews under Henry III', in *Jews in Medieval Britain: Historical Literary and Archaeological Perspectives*, ed P. Skinner (Woodbridge, 2003): 41–54, esp. 42–48. For the decline of Jews in later royal policy see R.C. Stacey, '1240–60: A Watershed in Anglo-Jewish Relations?', *Historical Research* 61 (1988): 135–150; P. Brand, 'The Jews and the Law, 1275–90', *Economic History Review* 115 (2000): 1138–1158; R.R. Mundill, *England's Jewish Solution: Experiment and Expulsion, 1262–1290* (Cambridge, 1998); S. Menache, 'Faith, Myth, and Politics: The Stereotype of the Jews and Their Expulsion from England and France', *The Jewish Quarterly Review, New Series* 73 (1985): 351–374.

[4] B. Dobson, 'The Jews of Medieval York and the Massacre of March 1190', in *The Jewish Communities of Medieval England: the collected essays of R.B. Dobson*, ed. H. Birkett (York, 2010): 1–52, at 1.

[5] P.R. Hyams, 'The Jews in Medieval England, 1066–1290', in *England and Germany in the High Middle Ages*, ed. A. Haverkamp and H. Vollrath (Oxford, 1996): 173–192.

of Jews to both the crown and the wider economy is recognised to have bought Jews a place in English society—a position maintained through their give-and-take relationship with English kings. Historians coined the terms 'the king's Jews' and the 'royal milch-cow' in reference to this unusual, even 'special' arrangement and have come to understand the experience of the Jewish community predominantly through the lens of royal government.[6]

Over the last twenty years, the question of Jewish status vis-à-vis the crown has become intertwined with an interest in the law and legal policy. Historians have explored, in greater detail, how the Jews' special relationship with the crown was manifested and administered through royal legislation. Robert Stacey, among others, has traced the evolution of this bond, from its earliest form in the *Leges Edwardi Confessoris* to the later *Charter of Liberties* under Richard I and King John, which granted Jews royal privileges and protection in return for their continued secular subservience.[7] Although these charters allowed Jews to reside 'freely and honourably' and enjoy the same 'liberties and customs'[8] as their predecessors, it is recognised that this 'privileged' position was not bestowed on Jews without the expectation that they would contribute to the royal revenue through their moneylending endeavours.[9] Where Robin Mundill claimed the charters revealed 'an implicit element of [royal] exploitation',[10] Anna Sapir Abulafia more directly argued that 'the Jews were in England on royal sufferance. [The king] looked after them so they could serve him'.[11] The rights afforded to Jews were dependent on the services they provided to

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[6] See for example, R.R. Mundill, *The King's Jews: Money, Massacre and Exodus in Medieval England* (London, 2010); C. Roth, *A History of the Jews in England* (Oxford, 3rd ed., 1964), esp. his chapter entitled 'The Royal Milch-Cow, 1216–72', 38–67. These phrases have been used less regularly in recent years with scholars opting to place 'the king's Jews' or 'his' Jews it in quotation marks, rather than accepting its attached connotations at face value. For example, see R.C. Stacey, 'The Massacres of 1189–90 and The Origins of the Jewish Exchequer, 1186–1226', in *Christians and Jews in Angevin England: The York Massacre of 1190, Narratives and Contexts*, ed. S. Rees Jones and S. Watson (York, 2013): 111 and A. Sapir Abulafia, 'Notions of Jewish Service in Twelfth- and Thirteenth-Century England', in *Christians and Jews in Angevin England: The York Massacre of 1190, Narratives and Contexts, ed. S. Rees Jones and S. Watson* (York, 2013), 211.

[7] Stacey, 'The Massacres of 1189–90, 108–110; O'Brien has provided a useful edition and discussion on *Leges Edwardi Confessoris*, which was first issued in the 1140s, and recirculated during the 1170s, which bluntly stated that Jews were under the liege guardianship of the king, and their property and possessions rightly belonged to the king. See B. O'Brien, *God's Peace and King's Peace: The Laws of Edward the Confessor* (Philadelphia, 1999), 93–7, 184–5.

[8] These charters will receive further discussion in chapter one. King John's 'Charter of the Jews' issued to the Jews of England and Normandy in *c.* 1201 reaffirmed the liberties granted to Jews under Henry I and imitated the contents of Richard I's charter granted in *c.* 1190. Richard's charter has been published in *Foedera* I: i, 51; John's charter has been published in *Rot. Chart.*, 93.

[9] P. Brand, 'The Jews and the Law in England, 1275–90', 1138–1139.

[10] Mundill, *The King's* Jews,146.

[11] A. Sapir Abulafia, *Christian-Jewish Relations 1000–1300* (Harlow, 2011), 91.

the crown. Regardless of whether it was for their protection or exploitation, these arguments agree that England's Jewish community was marked by royal charter as a legally distinct, subservient minority in the administrative and legal systems of thirteenth-century English society.

This distinction was reinforced by the foundation of the Exchequer of the Jews at the close of the twelfth century, which served as a specialist centre for the management of Jewish financial and judicial affairs. Since the early twentieth century, the Jewish Historical Society of England has supported the edition and publication of six volumes of *Plea Rolls of the Exchequer of the Jews* thus far, covering the period 1219 to 1281.[12] These resources have enabled a range of studies on the Jewish exchequer both as an institution and as a court. The work of Paul Brand represents the height of such scholarship and his extensive research in thirteenth-century English law positioned him ideally to recontextualise the place of Jews within England's developing legal structures. Both his article 'The Jews and the Law in England, 1275–1290' and his extensive introduction to the sixth volume of *Plea Rolls of the Exchequer of the Jews*—that focused on the institution post-1265—used legal theory and legal records (the plea rolls) to offer a new perspective on the decline of the Jewish minority under Edward I and to shed new light on the functions and powers of the court and its personnel (including the careers of the thirteen justices of the Jews).[13] Brand's attention, however, remained on this later period of the thirteenth century, when the systems of English common law were more fully established. Very little scholarship has provided such dedicated attention to the place and function of the Exchequer of the Jews during the institution's earliest years of development.[14]

The creation and design of the Jewish exchequer, to oversee the financial and judicial aspects of Jewish life, has caused a long line of historians to prioritise its records, and only its records, for the study of Jews in the administration of thirteenth-century England. Robert Stacey's article 'The Massacres of 1189–90 and the Origins of the Jewish Exchequer, 1186–1226' (2013) characterises a longstanding perception that the Jewish

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[12] *Plea Rolls of the Exchequer of the Jews*, 6 vols. (London, 1905–2005) [hereafter *PROEJ*].
[13] Brand, 'The Jews and the Law', 1138–1158.
[14] The most recent contribution on the Exchequer of the Jews is R.C. Stacey, 'The Massacres of 1189–90', 106–124. Earlier works include: A.C. Cramer, 'The Jewish Exchequer: And Inquiry into its Fiscal Functions', *American Historical Review* 45 (1940): 327–37; A.C. Cramer, 'The Origins and Functions of the Jewish Exchequer', *Speculum* 16 (1941): 226–229.

exchequer evolved as the 'exclusive jurisdiction' for Jewish cases as part of the crown's escalating control over all Jewish affairs.[15] Frederick Pollock and Frederic Maitland, in their seminal 1898 assessment of the medieval English legal system, even asserted: 'we can read very little of the Jews in the records of any other court'.[16] Although marginal notes have acknowledged the presence of Jewish cases elsewhere, as seen in Henry Richardson's *The English Jewry under Angevin Kings* and Brand's reference to real property cases before town courts, the place of Jews before the other royal courts active at this time remains an untouched area of study.[17] The economic origins of the Jewish exchequer have inspired historians to mine the *Plea Rolls of the Exchequer of the Jews* for evidence of Jewish crediting in court, but the institution's dedicated responsibility for Jewish finances has been superimposed onto its judicial functions and duties. As a result, our understanding of the Jewish experience in court from the beginning of the thirteenth century remains confined to a single royal institution.

The experiences of Jews in medieval England before the establishment of the Jewish exchequer have more often been considered on the sharp end of Christian literary activity: the depictions of conflict and persecution captured in contemporary histories and chronicles. This movement was a response to Gavin Langmuir's call in 1962 for historians to consider more broadly the 'attitudes, emotions, irrationality and prejudice' of England's interfaith society, which in turn inspired a new wave of scholarship on rumour and the persecution of Jews in twelfth-century England.[18] In particular, the ritual murder accusation of William of Norwich *c.* 1144, and the massacres of 1189–90 at London, York and across East Anglia and Lincolnshire, have attracted much attention.[19] This approach

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[15] Stacey, 'The Massacres of 1189–90', 106–124.
[16] F. Pollock and F.W. Maitland, *The History of English Law Before the Time of Edward I*, 2 vols. (Cambridge, 2nd ed., 1898), I, 470. [Hereafter *English Law*]
[17] H.G. Richardson, *The English Jewry Under Angevin Kings* (London, 1960), 151–153; Only the court material from the Jewish exchequer is recognised in P. Brand, 'The Jewish Community of England in the Records of English Royal Government', in *Jews in Medieval Britain: Historical Literary and Archaeological Perspectives*, ed P. Skinner (Woodbridge, 2003): 73–83.
[18] G. Langmuir, 'The Jews and the Archives of Angevin England', *Traditio* 19 (1962), 187.
[19] On the origins and evolution of the ritual murder accusation in England see R.C. Stacey, "Adam of Bristol' and the Tales of Ritual Crucifixion in Medieval England', 1–15; D. Carpenter, 'Crucifixion and Conversion: King Henry III and the Jews in 1255', in *Law, Lawyers and Texts: Studies in Medieval Legal History in Honour of Paul Brand*, ed. S. Jenks, J. Rose and C. Whittick (Leiden, 2012): 129–148; Abulafia, *Christian-Jewish Relations*, 167–189; J.M. McCulloh, 'Jewish Ritual Murder: William of Norwich, Thomas of Monmouth and the Early Dissemination of the Myth', *Speculum* 72 (1997): 698–740; J. Hillaby, 'The ritual-child-murder accusation: its dissemination and Harold of Gloucester', *Transactions of the Jewish Historical Society of England*, 34 (1994): 69–109. On these massacres see most recently the collection of essays entitled *Christians*

has continued to evolve over the last twenty years. Miri Rubin has extensively readdressed the life and murder of William of Norwich as told by Thomas of Monmouth, in addition to exploring narrative assaults on Jews more widely in her European study *Gentile Tales.*[20] Anthony Bale, amongst his other works, has written a valuable commentary on Richard of Devizes' satirical reimagining of the murder of a Christian child at Winchester *c.* 1192.[21] Unlike many scholars before them, Rubin and Bale read these narratives sensitively, in order to consider the consequences of Christian power on the experiences of Jews in Christian communities. These methods for reading the portrayal of Jews in Christian accounts remain, however, exclusively constrained to a literary context. There has not been any further consideration for how the imbalance in power between Jews and the English crown may be just as relevant in our readings of Jews in royal records.

The revolution in record-making at the close of the twelfth century presents a new body of material for reading the more routine experiences of Jews through the lens of royal government. These records have been used by topographical and prosopographical studies to shed light on England's prominent Jewish communities and individuals. Tallage accounts, alongside the plea rolls of the Exchequer of the Jews, have been investigated to identify key Jewish figures: for example, Suzanne Bartlet has produced a variety of works on Licoricia of Winchester; Joseph Hillaby on Hamo of Hereford and the London and Gloucester Jewries; Joseph Jacob on Aaron of Lincoln; Barrie Dobson on the Jews at York and Cambridge; Cecil Roth on the Jewish community at Oxford; Vivian Lipman on the Norwich Jewry, and Michael Adler on the Jews at Canterbury, Exeter and Bristol.[22] These

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and Jews in Angevin England: The York Massacre of 1190, Narratives and Contexts, ed. S. Rees Jones and S. Watson (York, 2013).

[20] *Thomas of Monmouth: The Life and Passion of William of Norwich*, ed. M. Rubin (London, 2014); M. Rubin, *Gentile Tales: the Narrative Assault on Late Medieval Jews* (New Haven, 1999).

[21] A.P. Bale, 'Richard of Devizes and the Fictions of Judaism', *Jewish Culture and History* 3 (2000): 55–72. Bale has produced a number of other contributions on ritual murder accusations and the relations between Jews and Christians in medieval Europe. See A.P. Bale, *Feeling Persecuted: Christians, Jews and Images of Violence in the Middle Ages* (London, 2010); A.P. Bale, '"House devil, town saint": anti-Semitism and hagiography in medieval Suffolk', in *Chaucer and the Jews: Sources, Contexts, Meanings*, ed. S. Delany (New York, 2002): 185–210.

[22] S. Bartlet, 'Three Jewish Businesswomen in Thirteenth-Century Winchester', *Jewish Culture and History* 3 (2000): 31–54; S. Bartlet, *Licoricia of Winchester: Marriage, Motherhood and Murder in the Medieval Anglo-Jewish Community* (Edgware, 2009); J. Hillaby, 'A magnate among the marchers: Hamo of Hereford, his family and clients, 1218–1253', *Jewish Historical Studies* 31 (1988): 23–82; J. Hillaby, 'The London Jewry: William I to John', *Transactions of the Jewish Historical Society of England* 33 (1994): 1–44; J. Hillaby, 'London: the 13th-Century Jewry Revisited', *Jewish Historical Studies* 32 (1990): 89–158; J. Jacobs, 'Aaron of Lincoln', *The Jewish Quarterly Review* 10 (1898): 629–648; See Dobson's collection of essays in *The Jewish Communities of Medieval England: the collected essays of* R.B.

studies use the material in governmental records to supplement the prejudices of narrative sources in order to reconstruct, in their view, a more accurate representation of Jewish life. Joseph and Caroline Hillaby's *Palgrave Dictionary of Medieval Anglo-Jewish History* has brought much of this biographical information together in one volume, in addition to providing synopses on key terms and themes relating to England's Jewish community.[23] This rich collection of research plays a central role in this thesis, and has aided the process of tracing Jewish individuals named in court material. The above-mentioned historians' appreciation for the actual experiences of Jews tests the more theoretically focused studies of Jewish status rooted in royal legislation.

The new place and weight of royal records has not diminished studies on the more emotive portrayals of Jews in thirteenth-century narrative texts, but more recent scholars have engaged with surviving royal records (where possible) to supplement literary depictions of the Jewish minority. Sophia Menache used royal records to test the accuracy of Matthew Paris's commentary on England's Jewish community, yet still fundamentally argued that Matthew Paris's opinions voiced 'the prevailing fears and expectations [of Jews] in thirteenth-century England' implying, in the process, that the records themselves were a less valuable resource for reconstructing the nature of Jewish life.[24] In the absence of a surviving court record, David Carpenter made a concerted effort to reconstruct the legal process and the circumstances surrounding Henry III's royal intervention in the ritual murder accusation at Lincoln in 1255 through a range of royal and literary material, including a contemporary ballad recorded in the *Burton Annals*, Matthew Paris's *Chronica Majora*, royal itineraries, and the close rolls.[25] Stacey's close examination of the close roll material in 'The Conversion of Jews to Christianity in Thirteenth-Century England' and work on the evolution of the ritual murder accusation also demonstrates what can be

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Dobson, ed. H. Birkett (York, 2010); C. Roth, *The Jews of Medieval Oxford* (Oxford, 1951); V. Lipman, *The Jews of Medieval Norwich* (London, 1967); M. Adler, 'The Jews of Canterbury', *Transactions of The Jewish Historical Society of England* 7 (1911–1914): 19–96; M. Adler, 'The Jews of Bristol in Pre-Expulsion Days', *Transactions of The Jewish Historical Society of England* 12 (1928–1931): 117–186; M. Adler, 'The Medieval Jews of Exeter', *Transactions of the Devonshire Association for the Advancement of Science, Literature and Art* 63 (1931): 221–240.

[23] *The Palgrave Dictionary of Medieval Anglo-Jewish History*, ed. J. Hillaby and C. Hillaby (London, 2013). [Hereafter *PDMAJH*].

[24] S. Menache, 'Matthew Paris's attitudes towards Anglo-Jewry', *Journal of Medieval History* 23 (1997): 139–162.

[25] D. Carpenter, 'Crucifixion and Conversion: King Henry III and the Jews in 1255', in *Laws, Lawyers and Texts: Studies in Medieval Legal History in Honour of Paul Brand*, ed. S. Jenks, J. Rose and C. Whittick (Leiden, 2012): 129–148.

gained by working with a combination of narrative and governmental material.[26] Much like scholars working on the twelfth century, the attitudes and societal expectations attached to chronicles and histories are explored in detail and their limitations teased out. The context that manifested and created governmental material still, however, passes without comment.

The potential of royal records for gauging the experiences of Jews in the infrastructures of royal governance is gaining new ground. This has primarily focused on the decline of Jewish status post-1260, when Christian animosity towards the Jewish community was intensifying. Here, Brand's work, centred on the period 1265–1290, remains seminal. His essay 'The Jews and the Law in England, 1275–1290' was designed around the implications of the Statute of Jewry issued in *c.* 1275. Zefira Rokeah has also produced an edition of Jewish entries found on the memoranda rolls for the years 1266–1293 to supplement her earlier findings of Jewish criminal cases on the later royal plea rolls.[27] The last few years have staked out new ground in this field thanks to a wider historiographical interest in the legal experience of subaltern litigants. In particular, a movement on female agency and action in medieval courtrooms has recognised courts as spaces in which women could shape and navigate their social position. Bronach Kane and Fiona Williamson's edited collection of essays on *Women, Agency and the Law, 1300–1700* published in 2013 highlights the growing shape of this field, whereby the contributors raised discussion on the interchangeable place, space and voice of female litigation over the span of four hundred years.[28] For the study of England's Jewish community, Victoria Hoyle and Emma Cavell have employed court records to inform conclusions on the place of Jewish women in court.[29] Thus far, however, these assessments remain exclusively

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[26] See for example, R.C. Stacey, 'The Conversion of Jews to Christianity in Thirteenth-Century England', *Speculum* 67 (1992): 263–283; R.C. Stacey, 'From Ritual Crucifixion to Host Desecration: Jews and the Body of Christ', *Jewish History* 12 (1998): 11–28; R.C. Stacey, 'Jews and Christians in Twelfth-Century England: Some Dynamics of a Changing Relationship', in *Jews and Christians in Twelfth-Century Europe*, ed. M. Signer and J. Van Engen (Paris, 2001): 340–354; R.C. Stacey, 'The English Jews under Henry III', 41–54; "Adam of Bristol' and Tales of Ritual Crucifixion in Medieval England', in *Thirteenth Century England XI: Proceedings of the Gregynog Conference, 2005* (Woodbridge, 2007): 1–15.

[27] Z.E. Rokéah, *Medieval English Jews and Royal Officials: Entries of Jewish Interest in the English Memoranda Rolls* (Jerusalem, 2001); Z.E. Rokéah, 'Crime and Jews in Late Thirteenth-century England: Some Cases and Comments', *Hebrew Union College Annual* 55 (1984): 95–157.

[28] *Women, Agency and the Law, 1300–1700*, ed. B. Kane and F. Wilkinson (London, 2013).

[29] See, for example, V. Hoyle, 'The bonds that bond: money lending between Anglo-Jewish and Christian women in the plea rolls of the Exchequer of the Jews, 1218–1280', *Journal of Medieval History* 34 (2008), 119–129; Dr Emma Cavell is working to expand these discussions with her

rooted in the legal experiences of Jews at the Jewish exchequer. This movement's commitment to understanding the experiences of a minority in court can be extended and applied across the jurisdictions of English common law.

Several recent studies have offered brief, valuable glimpses of Jewish litigation outside the Exchequer of the Jews. Judith Olszowy-Schlanger, in particular, has collated and analysed surviving Hebraic documents and records of Jewish individuals in court to argue that courtrooms were neither 'hostile' nor 'a place of segregation', but were a 'fertile ground' for England's Jewish community to meet and interact.[30] Pinchas Roth too, building on his research of the Jewish courts in France, has used rabbinic texts and responsa to provide evidence for the rabbinic courts operating in England until the expulsion in 1290.[31] Hannah Meyer traced the place of Jews in the manorial courts at Exeter post-1266 and uncovered a wealth of material for the study of Jews in court at a local level.[32] These studies offer fleeting insight into pockets of Jewish legal activity across medieval England and together confirm that Jews entered legal jurisdictions outside of the Jewish exchequer. This work, however, as with the majority of the literature mentioned above, has focused on the latter years of the Anglo-Jewry, leaving the legal experiences of Jews during the first decades of the thirteenth century less clear.

It is this thesis's aim, therefore, to build upon this progress and carve the first path into the understudied court material from this period. This thesis offers the first dedicated study of Jews *across* England's royal court system and situates the legal experience of Jews at the Jewish exchequer within the context of the other royal courts active at this time: the court *coram rege*, the common bench, and the eyre courts. At the heart of its study are the records produced by these four courts, the royal plea rolls, which together represent the

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forthcoming research on female Jewish litigants and cases of violence at the Jewish exchequer, as part of the AHRC funded project *Women Negotiating the Boundaries of Justice*: http://womenhistorylaw.org.uk.

30 *Hebrew and Hebrew-Latin Documents from medieval England: a Diplomatic and Palaeographical Study*, ed. J. Olszowy-Schlanger (Turnhout, 2016); J. Olszowy-Schlanger, 'The Money Language: Latin and Hebrew in Jewish Legal Contracts from Medieval England', in *Studies in the History of Culture and Science: A tribute to Gad Freudethal*, ed. R. Fontaine, R. Glasner, R. Leicht and G. Veltri (Leiden, 2011): 233–250; J. Olszowy-Schlanger, "Meet you in court': Legal Practices and Christian-Jewish Relations in the Middle Ages', in *Jews and Christians in Medieval Europe: The Historiographical Legacy of Bernhard Blumenkranz* (Turnhout, 2016): 333–348, quote at 348.

31 P. Roth, 'Jewish Courts in Medieval England', *Jewish History* 31 (2017): 67–82.

32 H. Meyer, 'Female moneylending and wet-nursing in Jewish-Christian relations in thirteenth-century England', *unpub. PhD Thesis*, 2 vols. (Cambridge, 2009).

crown's growing systematic efforts to document the actions and proceedings in court. This project aims to find, identify and analyse the evidence for the place of England's Jewish community within these developing court structures in order to examine the experience of Jews as litigants—the conditions of their access, assimilation and success—as well as the evidence that court records provide for the place of Jews as witnesses, warrantors and officers in the wider administration of English common law.

The first twenty years of Henry III's reign, *c.* 1216 to 1235—the years dominated by his minority—were selected as the focus of this study for a number of reasons.[33] This period not only features the earliest surviving plea roll from the Jewish exchequer, albeit the only plea roll to survive from this institution before 1244, but it also offers the opportunity to examine the status and experience of Jews in court during the absence of the king. David Carpenter's iconic study continues to be the fundamental reference for the years of Henry III's minority, yet our understanding of the Jewish community during this time continues to be situated within larger sketches of political and economic policy.[34] Stacey has addressed the early years of Henry III's reign in an overview of Jews under his rule, and Nicholas Vincent has explored the relationship between Jews and Peter des Roches, the Bishop of Winchester, in his assessment of Angevin-Poitevin politics in the early 1230s.[35] More often, however, the focus on the turbulent relations between the Christian majority and Jewish minority has grounded scholarship in the years before and after this short period.[36] For Jews and the law, the wider emphasis on the Jewish exchequer as the exclusive jurisdiction for Jewish legal affairs has meant the majority of work on Jews in court appears post-1265 when the greatest volume of material survives from this institution.[37] This thesis, therefore, not only offers the first dedicated study of Jews across the royal courts during a period of legal development, but its frame around Henry III's

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[33] The court *coram rege*—the king's bench—only re-emerged with the ascension of Henry III's legal powers in 1234, and therefore, the first year of its records, 1234 to 1235, have also been included in this thesis.

[34] See Richardson, *English Jewry*; for reference to Jewish crediting in passing in this period see D.A. Carpenter, *The Minority of Henry III* (London, 1990), 53, 82–82, 109, 110, 121, 186, 248, 299, 414.

[35] Stacey, 'The English Jews under Henry III', 41–48; N. Vincent, 'Jews, Poitevins, and the Bishop of Winchester, 1231–1234', *Studies in Church History 29*, ed. D. Wood (Oxford, 1992), 119–132; see also N. Vincent, 'Two Papal Letters on the wearing of the Jewish badge, 1221 and 1229', *Jewish Historical Studies* 34 (1994), 209–224.

[36] See fn. 3 above.

[37] See Z.E. Rokéah, 'Crime and Jews in Late Thirteenth century England: Some Cases and Comments', *Hebrew Union College Annual* 55 (1984), 95–157; Brand, 'The Jews and the Law'; *PROJE*, VI, ed. Brand.

minority provides a platform for rethinking the broader experiences of Jews during a unique period of English governance.

II. Historiography (II): Reading Court Records

The place of law in thirteenth-century society, and the legal consciousness of the population, presents a fundamental area of discussion in current scholarship. Many have been inspired by the work of James Sharpe, an early-modernist, who argued that the law was a 'mystical intellectual system' that, much like religion, formed a 'central pillar' to organised society.[38] He believed that the law not only articulated those rules and regulations inflicted by the powerful onto others, but that its study can enlighten our understanding of the 'social customs and behaviour patterns' that were manifested and shared by those bound by its conditions. More recently, Anthony Musson has considered how closely law and society intermeshed in his study on *The Growth of Legal Consciousness* and, while England's Jewish community pass by without mention, two of the questions posed to the material—the extent to which the population had access to the system of rules and procedures within which the law operated; and how far they were received with fairness and procedural propriety—present a valuable context in which to frame investigations into the place, activity and experience of Jews in a Christian legal system.[39] In this way, the royal courts, or more specifically the records from the royal courts, offer an opportunity to explore those the moments in which Jews came face-to-face with the law and the extent to which Jews could engage with the 'social customs and behaviour patterns' of their Christian neighbours.

This thesis responds to a growing emphasis in medieval legal scholarship on the language of law and the significance that language holds in both court and record. The 'Voices of Law' project has investigated the relationship between law and legal practice from a linguistic perspective, exploring not only how language expresses and advances power relations but also how the language of law legitimates power.[40] This approach has

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[38] J. Sharpe, 'The People and the Law', in *Popular Culture in Seventeenth-Century England*, ed. B. Reay (New York, 1985), 244–246.
[39] A. Musson, *Medieval Law in Context: The Growth of Legal Consciousness from Magna Carta to the Peasant's Revolt* (Manchester, 2001), 135–174; See also Musson's introduction to the collection of essays *Expectations of the Law in the Middle Ages*, ed. A. Musson (Woodbridge, 2001), 1–7.
[40] A number of publications are intended to emerge from this project. The first of which is *Law and Language in the Middle Ages*, ed. J. Benham, M. McHaffie and H. Vogt (Leiden, 2018).

not yet permeated into Jewish legal scholarship, although it has a precedent in the work of Paul Hyams, who used charter evidence from the late twelfth century to consider the legal language of faith and how 'faith words' were applied in an interfaith setting.[41] The language of law presents a number of questions and concerns when exploring the experience of Jews in court; especially the transition between (oral) litigation and (written) record. William Rothwell's work has shown that the complex linguistic landscape of medieval England consisted of three distinct languages—Latin, French and English—and while Latin was the formal mode of record production, the language of litigation was Anglo-Norman.[42] The significance of this observation has yet to receive recognition in Anglo-Jewish scholarship. Here, thus far, the emphasis has been placed on the extent to which Jews understood Latin (as opposed to Hebrew or French), as seen in the works of Mundill and Olszowy-Schlanger;[43] beyond Hyams's contribution, the role of language in constructing the perception of Jews in court remains an issue yet to be addressed.[44] This thesis intends to situate these discussions at the heart of its approach. It not only explores how relationships between Jews and Christians were manifested in court records, it also considers how the language of law may hold the key to unlocking the nature of these relationships further.

The last thirty years have marked a pivotal milestone in rethinking how historians read and interpret the legal actions of marginal groups. The moments captured between two parties in court have, in particular, stimulated new historical interest into the role and

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41 P.R. Hyams, 'Fear, Fealty and Jewish 'infideles' in Twelfth-Century England', in *Christians and Jews in Angevin England: The York Massacre of 1190, Narratives and Contexts*, ed. S. Rees Jones and S. Watson (York, 2013): 125–147. See also, P.R. Hyams, 'The Charter as a Source for Early Common Law', *Journal of Legal History* 12 (1991): 173–89.

42 W. Rothwell, 'The Role of French in Thirteenth-Century England', *Bulletin of the John Rylands Library* 58 (1976): 445–466; W. Rothwell, 'Language and Government in Medieval England', *Zeitschrift für französische Sprache und Literatur* 93 (1983): 258–270; see also, J. Wogan-Brown, 'What Voice is that Language/What Language is that Voice? Multilingualism and Identity in a Medieval Letter-Treatise', in *Multilingualism in Medieval Britain (c. 1066–1520)*, ed. J.A. Jefferson and A. Putter (Turnhout, 2013): 171–194.

43 Olszowy-Schlanger, "Meet you in court', 343; Mundill, *England's Jewish Solution*, 28.

44 Jeffery Cohen has examined how the language and identity of England's Jewish population were intertwined. In his discussion on the Norwich Jewry he outlined that while the city's Christian Norman minority were more committed to Anglicisation, the Jewish population were more inclined to maintain their continental heritage. Some proficiency in English, and Latin to a degree, was required to conduct their business, but for the most part, Jews were literate in Hebrew and French. See J. Cohen, *Hybridity, Identity and Monstrosity in Medieval Britain: On Difficult Middles* (New York, 2006), 24; J. Cohen, "The Frenchness of Medieval Jews in England", *In the Medieval Middle*: https://www.inthemedievalmiddle.com/2008/03/frenchness-of-medieval-jews-in-england.html. [accessed 23 March, 2017].

function of court records. Following Natalie Zemon Davis's instrumental research on royal pardons in sixteenth-century France, historians have increasingly sought to appreciate the circumstances surrounding the production and construction of court records: what was recorded and to what effect?[45] This expanding field not only explores questions of legal procedure and process, but also the influence of what John Arnold defines as a 'context of power' on the relationship between the legal institution and the marginal group. Inquiries such as these have now permeated a broad cross-section of scholarship, and the records of heretics, women, and the lower strata of society have been re-examined within their broader legal and administrative frameworks. This thesis aims to situate the experiences of England's Jewish community within these discussions. Inspired by this emerging field of scholarship, this thesis adopts a similarly nuanced approach to reading court records and the place of records within the systematisation of English law. It considers the extent to which the records of England's Jewish community conformed to or diverged from, the growing standards and formulas used to document the litigation of Christians. How far the Jewish minority was received and recorded with the same fairness and procedural propriety must be considered within the wider possibilities of power and prejudice.

The early thirteenth century marked a pivotal moment for English law. The evolution of royal courts, laws, and legal process, has received considerable attention in the works of Maitland, Brand, Hudson, Milsom and Van Caenegem to name but a few, yet the new emphasis on the production of court records within this developing system remains on the edge of these discussions.[46] It is well-recognised through the work of Michael Clanchy that the decades either side of 1200 saw 'the most decisive increase in [record] production' in Angevin England and the new emphasis on court records was part and parcel of the crown's growing efforts to systematise the legal process.[47] Hudson has argued, in his recent work on emotions in English law, that the early common law records

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[45] N. Zemon Davis, *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth Century France* (Stanford, 1987).
[46] *English Law*, 79–110; P. Brand, 'The English Medieval Common Law (to c.1307) as a System of National Institutions and Legal Rules: Creation and Functioning', in *Legalisms: Anthropology and History*, ed. P. Dresch and H. Skoda (Oxford, 2012), 173–196; J. Hudson, *The Formation of English Common Law: Law and Society in England From King Alfred to Magna Carta* (London, 2nd ed., 2017); S.F.C. Milsom, *Historical Foundations of the Common Law* (London, 1969); R. Van Caenegem, *The Birth of the English Common Law* (Cambridge, 1973).
[47] Clanchy, *From Memory to Written Record*, 70–75, at 70.

show that 'deliberate decisions' were made as to what was (and was not) to be included.[48] He put forward that the removal and distancing from the language of emotion reveals how the law became more discrete from ordinary social practice and discourse in this period; the record making process defined legal matters in a 'restricted and formalized way'.[49] This thesis explores the systematisation of court records in a Jewish context and considers the extent to which the same 'deliberate decisions' and restrictions of formula manifested in the records of a religious minority operating within this Christian legal system.

The principal aim of this thesis is to find, identify and analyse the place of England's Jewish community within the records of the royal court system: those from the Exchequer of the Jews, the common bench, the court *coram rege* and the eyre courts in the early thirteenth century. Through this material, it considers the extent to which Jews could tap into the actions and remedies available to Christians in court—in the period when the system of the common law was starting to crystallise—and it considers the extent to which Jews, as a religious minority, could navigate their place in that evolving legal system. The thesis investigates whether access to the law was a socially exclusive phenomenon, and investigates the extent to which the judicial system was open to Jews outside the crediting profession. Fundamentally, this thesis explores the factors that governed entry to the royal courts and whether religious disparity acted as a barrier to justice. The extremes of Christian-Jewish relationships have come to epitomise our understanding of interfaith relations in thirteenth-century England, yet this thesis aims to shed light on the more routine legal and administrative processes in which both Jews and Christians engaged. Only by addressing the records from the courts themselves, and the records from all four royal jurisdictions, is it possible to appreciate the place of Jews in the common law process. The transformation of the English judiciary is the essential context that this thesis posits for these discussions. In doing so, it offers a new perspective for exploring the daily lives and experiences of Jews in a Christian-administered state.

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[48] J. Hudson, 'Emotions in the Early Common Law (*c.* 1166–1215)', *The Journal of Legal History* 38 (2017): 130–154, at 145–6 and 152.
[49] Hudson, 'Emotions in the Early Common Law', 152.

III. Material:

The early thirteenth century presents an opportune timeframe for interrogating the role and function of court records in the developing system of English common law. Not only does this system offer the records of four newly defined royal jurisdictions, but these records allow investigation into the new significance placed on documenting court activity.[50] This 'acceleration of administrative change' emerged at the close of the twelfth century, when Hubert Walter, appointed Chief Justiciar in 1193, introduced a series of reforms that systematised the legal and bureaucratic landscape of English governance.[51] It is the accepted narrative that Walter's new emphasis on record-making responded to an administrative reorganisation of the *Curia Regis*, previously the central 'organ' of government, into a series of specialised institutions: first the Exchequer was formed as an independent financial office, and soon after the Chancery was established to produce and handle all royal correspondence.[52] The *Curia Regis* was left to manage all matters of common law, for which it diverged again into three principal royal jurisdictions: these courts were held before the justices of the common bench, later bound at Westminster by the terms of Magna Carta; the eyre courts, managed by the itinerant justices; and the court *coram rege*—the king's bench—that appeared before the king himself.[53] In amongst these reforms, the Exchequer of the Jews was also founded. This institution was designed to support the security of Jewish crediting transactions, but also functioned in a judicial capacity, handling both civil and criminal disputes brought by and against the Jewish community. Although historians of the Anglo-Jewry have naturally been drawn to the pleas heard before the Jewish exchequer, only one plea roll survives—covering the years 1219 to 1220—for the period with which this study is concerned. This thesis situates this isolated roll within a survey of the material from the three other royal courts to identify

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[50] The documentation of court activity is discussed in Clanchy, *From Memory to Written Record*, 92–94; 274–275; Van Caenegem, *Royal Writs*, 47–48.
[51] J. Hudson, *Land, Law and Lordship in Anglo-Norman England* (Oxford, 1994), 281.
[52] For these developments see Hudson, *The Formation of English Common* Law, 18–40; Clanchy, *From Memory to Written Record*, 70–75; R. Van Caenegem, *The Birth of the English Common Law* (Cambridge, 1973), 1–28; N. Vincent, 'Why 1199? Bureaucracy and Enrolment under John and his Contemporaries', in *English Government in the Thirteenth Century*, ed. A. Jobson (Woodbridge, 2004): 17–48; G.B. Adams, 'The Descendants of the Curia Regis', *The American Historical Review* 13 (1907), 11–12, quote at 12.
[53] R.V. Turner, *The King and His Courts: The Role of John and Henry III in the Administration of Justice, 1199–1240* (New York, 1968), 1–2.

the cases involving Jewish litigants, witnesses and officers *across* the developing institution of English law.[54]

Each court produced its own records in the form of plea rolls. These rolls carry a formulaic record of the legal actions brought before the royal justices. The technical question of the nature of this material—what survives, where it is found, and how it can be used for historical study—will be saved for chapter one, along with the challenges faced and decisions made in bringing this material together. By compiling all these records into a single corpus, as this thesis does, it is possible for us to view the four courts as part of one legal system rather than as four disparate jurisdictions. This perspective brings to light certain similarities and differences in the legal experiences of Jews that can be used to draw conclusions concerning the place and reception of Jewish litigants in England's developing judicial system.

Plea rolls are at the core of this study, but they are only one type of source material employed in the course of this thesis. The question of Jewish status in English law requires engagement with the legal treatises of the period. There is, however, a notable blind spot in our understanding of the rate of change in the ideas, nature and practice of the common law in the early years of thirteenth century. The scope of this thesis falls between the production of two prominent legal treatises. The first *Tractatus de legibus et consuetudinibus regni Anglie*, attributed to the twelfth-century Chief Justiciar Ranulf de Glanvill, presents the earliest treatise on the laws of England. Dated between 1187 and 1189, the *Tractus de legibus* [hereafter referred to as *Glanvill*] consists of fourteen books that together outline the systems of English legal process, as well as the introduction of writ procedure, that aimed to limit the jurisdiction of local courts by placing greater emphasis on the authority of the royal courts. Although only acknowledging Jews in passing, through its note on the effects of usurers,[55] this legal treatise offers a valuable window onto developments in English law and a theoretical perspective on how far England's Jewish community were received into the structures of Christian legal practice. The second, later *De Legibus et Consuetudinibus Angliae* [hereafter referred to as *Bracton*] is more frequently referenced in discussions on

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[54] Although other, smaller royal courts emerged over the course of the thirteenth century—for example, the constable courts—it is these four jurisdictions that will form the focal point of this thesis.

[55] *Customs of the Realm of England commonly called Glanvill*, ed. G.D.G. Hall (Oxford, 1993), 117. [Hereafter *Glanvill*]

Jews and the law.[56] This treatise was attributed to the justice Henry de Bracton by the 1270s, although many now believe that other clerks and justices contributed to its contents from as early as the 1220s.[57] This thesis, therefore, uses *Bracton* with caution. With most of its material dating later, or much later, than the period in question, it is used in this thesis to frame discussion on the development of court procedure since *Glanvill*, rather than engaging with larger (and later) questions on the decline of Jewish legal status.

Of clearer contemporary relevance, *Bracton's Notebook*, a manuscript compiled by Henry de Bracton, is also used in the present study. This manuscript contains a selection of around 2,000 annotated cases heard between 1216 and 1240 before the common bench and eyre courts, and was edited by Maitland in 1887 across three volumes.[58] This codex presents a valuable resource for this thesis as it includes a series of royal plea rolls that are otherwise lost, in addition to offering the opportunity to compare original plea roll entries with those presented/annotated upon by Bracton himself. These entries allow questions to be raised on the standpoint of a Christian justice regarding the place and activity of Jews in court and the extent to which Bracton, in his commentary, upheld notions of Jewish legal assimilation. These findings will be outlined in greater detail in chapter one. In addition, original writs—the written licences issued by the Chancery to initiate a case—provide insight into the design of the legal processes preceding the events in court and can be used in conjunction with the plea rolls to construct a more complete picture of the steps undertaken by plaintiffs in their pursuit of justice. Very few original writs survive for the period before 1250, but several registers of those writs available to purchase from the Chancery remain.[59] There has been little discussion of how Jewish litigation fits within the 'writ-buying' process and whether Jews purchased the same array of writs available to their Christian neighbours. This question will be raised further in chapter two, when the registers of writs will be examined to explore who, and by what means, could gain access to the royal court system.

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[56] *Bracton on the Laws and Customs of England*, ed. G. Woodbine and trans. S.E. Thorne, 4 vols. (Cambridge, MA, 1968). [Hereafter *Bracton*]

[57] *Bracton*, III: xxxvi; for further discussion on the dating of *Bracton* see, P. Brand, 'The Age of Bracton', *Proceedings of the British Academy* 89 (1996): 65–89.

[58] *Bracton's Notebook: A Collection of Cases Decided in the Kings Courts During the Reign of Henry III*, ed. F.W. Maitland, 3 vols. (London, 1887). [Hereafter *Bracton's Notebook*]

[59] Hall and de Haas have translated five such registers, two of which date from the 1220s: the Irish Register and the Pre-Mertonian Register. See *Early Registers of Writs*, ed. G.D.G. Hall and E. De Haas (London, Selden Society 87, 1970).

Other royal records offer glimpses of Jews in the wider legal and political climate. Royal charters recorded grants of land, liberty or title, including the charters of liberties bestowed on Jews by English kings (discussed above), as well as the appointments of the archpresbyter: a Jewish individual elected as the leader of the Jewish community and a bridge between that community and the crown.[60] Through the royal charters it is also possible to trace the lands escheated to the king, and then reallocated, following a defaulted debt owed to Jewish creditors. The patent rolls record amendments and exemptions to Jewish tallage payments and acknowledgements of gifts made by Jews to the king's wardrobe.[61] Letters close offer insight into the scheduling of legal proceedings and inquiries and other instructions issued to the justices at the Jewish exchequer.[62] The pipe rolls and fine rolls documented payments made to the crown which prove useful when tracing transactions mentioned in court records, be that a penalty for the defendant or a monetary incentive for the court to extend proceedings.[63] These royal records shed light on the relationship between the king and the wider Jewish community, including those individuals—such as the archpresbyter—who were bestowed special privileges in regard to the administration of law.

Chronicles and histories only play a small part in this study, but the thesis does draw on several accounts produced in the late twelfth and early thirteenth century. Roger of Howden's *Chronica* enhances our understanding of bureaucratic changes, and their impact on Jews, at the close of the twelfth century.[64] Produced between *c.* 1192–1202, Howden's chronicle presented an administrative account of English affairs with a focus on legal and constitutional change.[65] As a clerk to the king and an itinerant justice of the forests, Howden had easy access to royal documentation and he is famed for reproducing a series of official records in his chronicle. His account of the General Eyre of 1194, for example, included a description of the Eyre and the *capitula* upon which the justices were

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[60] *Calendar of the Charter Rolls preserved in the Public Record Office,* 6 vols. (London, 1903–1927).
[61] *Calendar of the Patent Rolls preserved in the Public Record Office,* 4 vols. (London, 1906–1913).
[62] *Close Rolls of the Reign of Henry III preserved in the Public Record Office,* 18 vols. (London, 1902–1938).
[63] *Fine Rolls of Henry III*, available online as part of the *Henry III Fine Roll Project* at http://www.finerollshenry3.org.uk/content/calendar/calendar.html [Hereafter *Fine Rolls*]
[64] *Chronica magistri Rogeri de Houedene*, ed. W. Stubbs, 4 vols. (London, 1868–71). [Hereafter *Chronica magistri*]
[65] A. Gransden, *Historical Writing in England, c.550 to c.1307* (London, 1974), 225–230.

instructed to judge.[66] For the Jews of England, this included the *capitula judæorum*, which introduced a new system for the management of Jewish money lending agreements—the archa system—that now required copies of crediting transactions to be sealed in a chest supervised by two lawful Christians, two lawful Jews and two lawful scribes.[67] Howden's attention to detail offers this thesis a series of otherwise inaccessible royal documents from the close of the twelfth century that contribute to our understanding of Jews in administrative and legal policy.

Chronicle production in the early years of the thirteenth century was, like the legal treatises above, notably thin in comparison to the wealth of governmental material emerging in this period. The exception was the work of Roger of Wendover who produced his chronicle *Flores Historiarum* between 1220 and his death in 1236.[68] From the year 1202, the *Flores* surpasses the scope of preceding chronicles and covers important aspects of Henry III's reign including a number of encounters with the Jewish community: for example, a circumcision accusation that arose at Norwich in 1235.[69] Wendover's chronicle was then used by his successor Matthew Paris in the production of his own *Chronica Majora*.[70] Although the majority of the original material from the *Chronica Majora* falls outside the dates of this thesis, Matthew Paris's alterations from Wendover for the period 1216–1235 will be taken into account in this study. Both Roger of Wendover and Matthew Paris are useful authors on the life at the Henrician court as both were members of the Benedictine community at St Albans, which brought them (especially Matthew Paris) into contact with key political figures. Björn Weiler, Richard Vaughan, and Michael Clanchy have commented on Matthew Paris's use of documentary material in his writings, likely leaked from leading councillors and officials, which prompts consideration of Matthew Paris's authority on certain events; especially those that touch on Jews in court.[71]

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[66] Howden's decision to include official records in his chronicle has often been attributed, in the words of Henry Bainton, to the 'new culture of record making'. Yet Bainton considers this argument reductive in assuming history writers only chose to reproduce documents because they wrote in 'an increasingly bureaucratic age'. See H. Bainton, *History and the Written Word: Documents, Literacy, and Language in in the Age of the Angevins* (forthcoming, 2020), 16–17.
[67] *Chronica magistri*, I, 266–267.
[68] *Rogeri de Wendover, Liber Qui Dicitur Flores Historiarum*, ed. H.G. Hewlett, 3 vols. (London, 1886–89). [Hereafter *Flores Historiarum*].
[69] *Flores Historiarum*, III, 101–102.
[70] *Matthaei Parisiensis, monachi Sancti Albani, Chronica majora*, ed. H.R Luard, 7 vols. (London, 1872–83). [Hereafter *Chronica majora*]
[71] B. Weiler, 'Matthew Paris on the Writing of History', *Journal of Medieval History* 35 (2009): 254–78; R. Vaughan, *Matthew Paris* (Cambridge, 1958); Clanchy, *Memory to Written Record*, 84–85.

Using this material alongside the plea rolls affords insight into the nature and purpose of court material at this time by revealing what was kept from legal records; or even the legal actions, decisions and agreements made outside the courts themselves. Although it is necessary to remain critically aware when reading accounts of Jews in Christian source material, especially histories such the *Flores* and *Chronica*, these accounts allow a more rounded contemporary picture of Christian responses to the Jewish community at this time. The plea rolls hold much unlocked potential for enriching studies (and understanding) of Jews in court, yet this is only truly realised when all the above material is brought together.

IV. Method:

The chronological parameters of this thesis have been selected for two primary reasons: the first practical, and the second conceptual. Firstly, the act of finding references to Jews across royal court records requires an examination of a high volume of primary material, much of which remains unpublished. The early years of the thirteenth century were selected in order to ensure that the first plea roll of the Jewish exchequer (1219–1220) could be brought into discussions concerning the jurisdiction of Jews in the developing royal court system. A tight timeframe was needed to situate this roll within a close examination of the records of the three other royal courts active in this period. The decision was made to frame the investigation around Henry III's legal minority to ensure these questions could be explored whilst also offering a conceptual platform for rethinking the broader experiences of Jews during the period of the king's absence from court. This focus allows the so-called 'special' legal relationship between the English crown and the Jewish community to be tested in practice. With the child-king bound by the limitations of a minor, the crown was upheld by council, and the extent to which royal privileges and protection extended into the legal process during this time presents a live and pressing question for the status and experience of Jews in court.

The task at the centre of this research was to comb through the ninety royal plea rolls that survive from the four courts for this period, and locate every case involving Jews or business relating to Jews. These findings were then categorised according to when Jews were found as plaintiffs/accusers, defendants, witnesses and warrantors; officials and

agents; or if a Jewish individual or a crediting transaction was referenced in passing. This allowed quantitative assessments to be made regarding the actions brought by and against Jews in court, the geography of Jewish cases, and the place of, and restrictions placed upon, the jurisdiction of Jewish litigation within the royal court system. The complications and decisions made during this exercise, and its preliminarily results, are outlined in chapter one.

Alone, however, these findings do not address the wider problems of reading the experience of Jews in a Christian legal system. The relationship between court and record, and the consequences of power on a minority group in court, require new methods of reading court material—methods that move beyond extrapolating the key information from a case—the name of the plaintiff, defendant, action and judgment—in support of larger administrative and legal surveys. This thesis, therefore, adopts an alternative method for reading Jews in Christian court records inspired by the scholarship outlined in section two. Rather than rejecting the restrictions of formulaic language, this study explores how a sharper awareness of the vocabulary used to depict the accusations and denials made by England's Jewish community presents evidence for the systematisation of Jews in the developing common law process. This thesis explores how the voices and actions of Jews were recorded, interpreted and mediated by court officials to construct the official rendition of court activity. This will [1] reveal the influence of royal authority and agency on the narratives attributed to Jewish litigants in court and [2] encourage further discussion on the malleable relationship between court process and court record. This thesis explores, therefore, the impact of the legal institution on the experiences of Jews in court and provides, in turn, a new appreciation for the uses and abuses of court records in political life. The nature of this approach, its origins and its value for both Jewish and legal scholarship, will be explored further as the thesis unfolds, and the question of what we are reading and why this is significant will be placed at the forefront of discussion. Inspired by work on other legal and underrepresented minorities, reconceptualising the relationship between the royal courts and the growing systematisation of court records provides a new framework for analysing the experience of Jews in a Christian legal system.

This research is structured, therefore, around two principal questions. [1] The place and activity of Jews in the English royal court system *c.* 1216–1235: who could access these courts, which courts, and under what circumstances? [2] Reading the records of a Jewish

minority in a Christian legal system: what, exactly, are we reading and why is this significant? This focus informs the structure of the thesis, which is divided into five chapters. The first addresses the process of sourcing the plea roll material, before chapters two and three explore the activities of Jewish individuals in court; firstly, as plaintiffs and defendants, and secondly, as officers and royal agents. Chapters four and five then address the expression of power, and its consequences, in the design of court records to explore the extent to which the experience of Jews was systematised within a Christian legal process. In each chapter, the legal experience of Jews is placed at the forefront of discussion in order to address the broader relationship between religion, law and social practice in early thirteenth-century England.

Chapter one seeks to treat afresh the question of Jews and jurisdiction in the royal court system by launching an investigation into the plea roll material. It examines the cases recorded before the Jewish exchequer alongside the surviving plea rolls from the common bench, court *coram rege* and the eyre courts for the period 1216 to 1235. It considers the extent to which Jews were marked out as a distinct legal community, and then bound by the jurisdiction of the Jewish exchequer, or how far this is an interpretation superimposed onto the origins of the institution. This chapter, then, moves beyond legal theory and turns to legal practice to investigate the records from the courts themselves. It explores what plea roll material survives for this period, before presenting an overview of the cases found involving Jews before each jurisdiction. As such an endeavour has not yet been attempted for the study of Jews in court, this analysis is accompanied by a series of appendices that outline, and provide references to, the findings from each court. Together, these records present a corpus of new evidence for investigating Jews in the common law process and form the foundation of material on which this thesis rests.

The second chapter marks the first of two chapters dedicated to the experience of Jewish individuals in court. It explores the place and activity of Jews as plaintiffs and Jews as defendants during the two key moments of a case: the making of a claim and the defending of a claim. This chapter considers which members of England's Jewish community could access the royal courts and how far access was socially exclusive—only open to those with money or influence—and investigates the extent to which the judicial system was receptive to Jews outside the crediting profession. The language used to present these moments in the record offers a platform to explore how far the experience

of Jewish plaintiffs and defendants followed the same process and expectation of Christian litigation. It explores how far religion acted as a barrier in the course of proceedings and with regard to the impartiality of the justices and jurors. This chapter, therefore, situates England's Jewish community within the prevailing political and legal framework that shaped their experience in court and examines the extent to which this experience was systematised by the law and presented in the record making process. The final section adds a caveat to these discussions. While sections one and two place disputes between Christians and Jews as the object of study, this section will reflect upon cases between two opposing Jewish parties.

Chapter three looks beyond the experience of Jews as plaintiffs and defendants to consider what other roles Jews assumed in court. The offices and positions granted to Jews by the crown, and the duties they entailed, offer a wider perspective on Jews in the administration of the legal institution. This chapter, therefore, explores how Jewish appointees were received into the Christian legal network, and the extent to which those offices challenge current notions of an isolated community bound by a jurisdiction at the Jewish exchequer. It addresses, in turn, the role of the chirograph clerks, attorneys, and warrantors, before turning to the position of the archpresbyter—the royally-appointed leader of the Jewish community—to explore how Jews were elected and appointed to serve within the organisation of English law. While these offices have been referenced in passing, there has not yet been an analysis that utilises the information documented in court records to full effect. To fully appreciate the experience of Jews in the royal court system, our understanding of those bringing and defending suit must be combined with a broader awareness of those administrating, supporting and shaping the course of justice.

Chapter four moves away from exploring the activities of Jews in court to consider a different perspective on how Jews were received into England's developing legal institution. It situates England's Jewish community within a wider historiographical movement that addresses the challenges of reading marginalised groups in court material, especially the consequences of power that shaped their experience in court. It rethinks the limitations often associated with common law records, namely that their formulaic structure tells us little beyond the conventions that led to their production, and examines how the records' language and design problematises how scholars have tended to extract information from English court material. It explores the relationship between the event in

court and the record of the event—the *recorded* court—to develop new questions surrounding the mechanisms underlying the record's production. This chapter, therefore, places the *recorded* court as the object of study to reflect on the systems that transformed Jewish voices into records and explores what these processes can reveal about Jews and the developing systematisation of thirteenth-century law.

The final chapter examines an exceptional case study from *c.* 1234 to situate the experiences of Jews within the volatile dynamics of their relationship with the English crown and explores how this legal bond manifested in a political context. At its core, this chapter investigates and establishes the place of two *rotuli* recorded on the *coram rege* rolls, which present testimonies from eighteen London Jews. These accounts appear to be connected to the downfall of three Christian ministers—Peter de Rivallis, Stephen Seagrave and Robert Passelewe—and this chapter investigates the place and record of Jews as witnesses within this grander royal prosecution. With the awareness built in chapter four, this analysis examines the role of recorded speech for political effect and explores how court records shed light on the procedural processes that led to their own production. Juxtaposing this collection of testimonial material with witness accounts elsewhere allows the significance of this case to emerge. Not only does this chapter rethink the role of the London Jewry in the royal prosecution of *c.* 1234, it reconsiders the 'special relationship' between the crown and Jews within the record of legal process.

This thesis addresses a significant gap in our understanding of England's medieval Jewish community. By identifying and then investigating a collection of previously neglected court material, this thesis reframes the Jewish experience in a Christian-administrated state by exploring the legal processes in which both Jews and Christians engaged. It changes the current understanding of where Jews belonged in the English court system and brings to light records of Jewish court activity from four royal jurisdictions active in this period. It proposes an interdisciplinary approach to the reading of court records to raise new questions on what was remembered in court, who was permitted to speak, and who remained silent, by placing the context of power between the English crown and the Jewish community at the forefront of discussion. This thesis presents a framework that challenges perceptions of the prosaic practice of common law and prompts new discussions on how the law accepted but also exposed Jews within the mechanisms of legal process.

CHAPTER ONE

The Royal Courts and their Records

This chapter reopens the question of Jews and jurisdiction in England during the early thirteenth century. It investigates how contemporary legal theory has informed the basic scholarly definition of Jewish status under the English crown and how this status shaped the place and activity of England's Jewish community in court. It lays out the records from four royal jurisdictions—the Exchequer of the Jews, the common bench at Westminster, the courts before the itinerant justices (the eyre courts), and the court *coram rege*, held before the king himself—to explore when, and under what circumstances, both Jewish litigants and business were found. In doing so, it challenges the longstanding jurisdictional line drawn between the Jewish exchequer and the other royal courts active during this period; a line that has traversed this subject from Pollock and Maitland's 1898 assessment that 'we can read very little of the Jews in the records of any other court',[1] to Robert Stacey's recent argument in 2013 that 'the king's claim to be the sole judge over Jews and Jewish cases had evolved so far as to effectively exclude Jews from utilising the common law remedies'.[2] In Stacey's opinion, the foundation of the Jewish exchequer solidified the 'crown's jurisdictional monopoly' over Jews and Jewish legal affairs. This chapter examines the extent to which this royal claim was exclusively exercised by a single jurisdiction. It moves away from building this understanding upon legal theory to examine the court records themselves: placing the law in practice at the heart of this study.

The appearance of Jews in courts outside the Jewish exchequer has been acknowledged by those working with court material. Paul Brand, in his discussion on real property litigation in the introduction to the Jewish exchequer plea rolls, reasoned that 'if the Exchequer of the Jews did then claim a jurisdictional monopoly over such cases, this

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[1] *English Law*, I, 470.

[2] R.C. Stacey, 'The Massacres of 1189–90 and the Origins of the Jewish Exchequer, 1186–1226' in *Christians and Jews in Angevin England: The York Massacre of 1190, Narratives and Contexts*, ed. S. Rees Jones and S. Watson (York, 2013), 107. The tone of this argument also underpins a number of Stacey's earlier works, namely R.C. Stacey, 'The English Jews under Henry III', in *Jews in Medieval Britain: Historical, Literary and Archaeological Perspectives*, ed. P. Skinner (Woodbridge, 2003): 41–54.

fact was unknown either to the royal chancery… or to the town court in question'.[3] Hannah Meyer in her PhD dissertation on female moneylending and wet-nursing in thirteenth-century England consulted the rolls of the local manorial court at Exeter, and uncovered a total of six cases involving Jewish women between 1263 and 1266, and a further nine between 1285 and 1289.[4] Pinchas Roth too, building on his research of the Jewish courts in France, has uncovered material from the English rabbinic courts up until the expulsion of Jews from England in 1290.[5] This chapter, and thereby this thesis, builds upon this groundwork into the local and Jewish legal forums, to launch a dedicated study into the place of Jews in the royal court system. In doing so, its investigation of the records from four royal courts reframes the question of Jews and jurisdiction within the complex mechanisms of law, status and finance.

This chapter, therefore, aims to integrate two distinct historical fields: 1) the question of Jewish status and 2) the developments in English common law. The early thirteenth century marked a transformational period for the administration of law, yet the extent to which these transformations shaped the place and experience of Jews in court continues to only be explained in theoretical terms. This chapter reconsiders the central arguments for Jewish status in this period, before exploring how a new emphasis on legal practice—placing the court records as the object of study—allows new findings concerning the jurisdiction of Jews to come to light. Its analysis is divided into two parts. [I] Section one examines how Jewish status under the English crown has been equated with jurisdiction, and reframes current readings of contemporary legal theory within a broader understanding of the newly established royal courts. Here the chapter explores whether Jews were intended to be a separate legal community, isolated at the Jewish exchequer, or whether this is an interpretation superimposed onto the origins of the institution. [II] Section two turns to the royal court records and explores what survives from each of the four courts across the period *c.* 1216 to 1235. Here the chapter outlines how cases involving Jewish litigants or Jewish business were located, identified and

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[3] *PROJE*, VI, ed. Brand, 10.
[4] H. Meyer, 'Female moneylending' and wet-nursing in Jewish-Christian relations in thirteenth-century England', 2 vols. (Unpublished PhD Thesis, University of Cambridge, 2009), II, 120–121.
[5] P. Roth, 'Jewish Courts in Medieval England', *Jewish History* 31 (2017): 67–82; P. Roth, 'Legal Strategy and Legal Culture in Medieval Jewish Courts of Southern France', *Association for Jewish Studies Review* 38 (2014): 375–393.

selected for this study across such a large corpus of court material, before addressing the challenges faced and decisions made in bringing this material together. This section establishes the research method and reflects on the significance of its findings for rethinking the place and status of Jews in the developing systems of English common law.

I. Jews in Court: Rules and Jurisdiction

The basis for any study of Jews under the authority of the English crown is the question of their status. How far were Jews regarded as a separate legal community; that is, to what degree was the Jewish minority distinguished from the wider Christian population by law? This is a question that must be answered without the help of clear contemporary guidelines. Robert Chazan has noted that unlike ecclesiastical regulations, there was no 'rich heritage from the past and no great drive toward the careful articulation of legal precedents and practices' for Jews in western communities, and so, law books and legal treatises 'did not normally treat extensively the position of Jews'.[6] Many historians have turned, therefore, to the charters, letters and documents produced by the crown for clarification on Jewish status.[7] And these royal records have been utilised to establish and support the notion that Jews were separated from their Christian neighbours not only by faith, but also by law. What follows does not endeavour to overturn this notion. Yet this section carefully considers how far Jewish status under the English crown has been associated with the terms of their jurisdiction—where Jews could appear in royal courts—and the extent to which the crown carved a place for England's Jewish community within an evolving legal system.

At the root of our understanding of Jewish status is the contractual relationship between Jews and the English crown. The continued place of a Jewish community in England was dependent upon their ability to serve and line the pockets of English kings. Anna Sapir Abulafia has demonstrated the theological origins of the notions of Jewish service, and it is widely acknowledged—and shown through the works of Brand, Stacey and Mundill—that this service manifested through a 'special' financial relationship

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[6] R. Chazan, *Church, State and Jew in the Middle Ages* (New York, 1980), 55.
[7] Brand advocated the potential of royal records for Jewish history in his article entitled: 'The Jewish community of England in the Records of English Royal Government', in *Jews in Medieval Britain: Historical, Literary and Archaeological Perspectives*, ed. P. Skinner (Woodbridge, 2003): 73–83, at 79–80.

between Jews and English kings.[8] Yet this was neither a fixed nor always an explicit status. Until the close of the twelfth century, royal regulations and legal commentaries attached the status of usurer to both Christian and Jewish lenders. Henry II's 1164 Constitutions of Clarendon outlined that 'pleas concerning debt which are owed on pledged faith or without the pledge of faith should be in the justice of the king'.[9] Although this clause has been used to substantiate the king's growing financial monopoly over England's Jewish community, it is curious that Jews were not mentioned by name and suggests that during the mid-twelfth century both Jews and Christians were able to enter into debt agreements.[10] Similarly, the legal treatise *Glanvill*, written in the late 1180s, recorded that 'all the effects of a usurer belong to the king', which again offered only a vague stipulation applicable to both Christian and Jewish lenders.[11] It was not until the establishment of the archa system in 1194 that Jews were definitively recognised as creditors by royal charter. Richard I issued the *Ordinances of the Jewry* which, under the guidance of Hubert Walter—the Chief Justiciar, Archbishop of Canterbury and later chancellor to King John—introduced a series of measures to ensure the safekeeping and regulation of Jewish bonds.[12] This system marked the first administrative stage in the organisation and division of Jewish crediting affairs and stipulated that all loans were to be agreed in the form of a chirograph in the presence of 'two lawful Christians, two lawful Jews and two lawful scribes', which, once created, was to be divided between the Jewish creditor and the official, eponymous archa chest.[13] In the words of Stacey: 'The creation of the 'archa' system […] marked a decisive moment in the evolution of the king's claim to be the direct and exclusive lord of every English Jew in his

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[8] A. Sapir Abulafia, *Christian-Jewish Relations 1000–1300*: *Jews in the Service of Christendom* (Harlow, 2011), on England see, 88–108; Abulafia, 'Notions of Jewish Service in Twelfth- and Thirteenth-Century England', 204–221; Stacey, 'The Massacres of 1189–90'; P. Brand, 'The Jews and the Law, 1275–90', *Economic History Review* 115 (2000): 1138–1158.

[9] *Select Charters and Other Illustrations of English Constitutional History*, ed. W. Stubbs (Oxford, 9th ed., 1951), 167 [Hereafter *Select Charters*]; *Placita de debitis quae fide interposita debentur, vel absque interpositione fidei, sint in justitia regis […]*

[10] This notion is well established for the mid-twelfth century. The eventual decline in Christian moneylending is often attributed to the wider developments in Canon Law. The Lateran Councils of 1139 and 1179 enforced stricter penalties for those Christians who ignored biblical prohibition and continued to engage in moneylending agreements. In addition to the deprivation of a Christian burial, it was stipulated that both creditors and debtors would be denied communion and destined to die in sin. See *Decrees of the Ecumenical Councils*, ed. N.P. Tanner, 2 vols. (Georgetown, 1990), I, 200, 223.

[11] *Glanvill*, 117.

[12] M.T. Clanchy, *From Memory to Written Record: England 1066–1307* (Oxford, 3rd ed. 2013), 71, 103, 307; R.R. Mundill, 'The 'Archa' System and its Legacy after 1194', in *Christians and Jews in Angevin England: The York Massacre of 1190, Narratives and Contexts*, ed. S. Rees Jones and S. Watson (York, 2013): 148–162, at 148–149.

[13] *Chronica Magistri*, III, 266–267.

kingdom'.[14] Unlike the vague regulations outlined in the Constitutions of Clarendon and *Glanvill*, the stipulations attached to the foundation of the archa system differentiated the Jewish community, and the services they could provide, through a series of dedicated rules and regulations. By the close of the twelfth century, Jewish creditors were formally distinguished by royal decree and held to account by administrative provisions purportedly for the support, and security, of their financial services.

The designation of Jews as a separate legal community was unequivocally confirmed, in the view of Stacey, with the foundation of the Exchequer of the Jews.[15] Stacey argued that this new partition of the Exchequer, dedicated to Jewish financial and legal business, was not designed as 'a fiscally-driven response to the destruction of Jewish debt records during the massacres of 1189-90', as argued by others,[16] but rather a part of the 'evolving royal claim to sole lordship over all the Jews of England'.[17] It brought Jewish moneylending under closer royal supervision and marked a 'royal jurisdictional monopoly over all the Jews of the kingdom'.[18] It is this statement—the fusing of the financial and legal responsibilities of the Exchequer of the Jews—that has caused much ambiguity, and distorted the legal status and place of Jews beyond debt litigation. Our understanding of Jewish status is infused with developments in Jewish crediting, rather than the legal conditions underpinning the broader experiences of the Jewish population. The establishment of the Exchequer of the Jews certainly marked an important administrative change for Jewish creditors at the close of the twelfth century, but as a result, studies of its administration of debt have overshadowed the Jewish exchequer's broader legal functions and place within an evolving network of royal courts.

The Jewish creditor, however, offers the key to our understanding of the broader developments in Jewish legal status. The establishment of the archa system, together with the foundation of the Jewish exchequer, demonstrates that special provisions were introduced to bring Jewish creditors into the fold of English law. Further stipulations for Jews in court outlined in Richard I's *Charter of Liberties c.* 1190 also had an impact on the

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[14] Stacey, 'The Massacres of 1189–90', 120. See also Mundill, 'The 'Archa' System', 148–149; B. Dobson, 'The Jews of Medieval York and the Massacre of March 1190', 28–30.
[15] Stacey, 'The Massacres of 1189–90', 106–109.
[16] See Mundill, 'The 'Archa' System and its Legacy after 1194'.
[17] Stacey, 'The Massacres of 1189–90', 106–107.
[18] Stacey, 'The Massacres of 1189–90', 107.

course of legal proceedings; specifically that if a case arose between a Christian and Jew about a settlement of money, 'the Jew shall prove his principal [the amount of money loaned] and the Christian the interest'.[19] A number of other provisions were also introduced to incorporate Jews and Jewish creditors into the developing systems of English common law. The allowance of a mixed-faith jury in any quarrel arising with Christians, and the ability of being able to be quit of any appeal lacking a witness by swearing an oath upon the Torah, are licences viewed by historians as the crown levelling the playing field for Jews in court.[20] This interpretation fosters a positive but naïve perspective on Jewish legal status: that Jews were given access to English law and credibility in the courtroom. Yet perhaps it is more appropriate to consider what the court gained from granting Jews this degree of legal legitimacy.

Paul Hyams has argued that the very basis of English law was rooted in the pledging of faith and swearing of oaths between likeminded individuals, and has examined the complications of Christians and Jews meeting in court.[21] Hyams recognised that while regulations appeared to accommodate Jews within the legal process—for example, Jews could 'make [their] law' by swearing an oath of purgation upon a Torah scroll—the very need for extra provisions and a separate branch of administrative management exaggerated the difference, and underlying vulnerability, of Jews in a Christian legal system. While the provisions may have benefited all Jewish litigants accessing the court, they were specifically designed with the creditor, and royal interests, in mind. By granting Jewish creditors this legal legitimacy, the archa and Jewish exchequer could more reliably regulate and administer debt and debt disputes between Christians and Jews. In this view, the foundation of the Exchequer of the Jews can be seen as both an extension of royal efforts

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[19] *Foedera*, I: i, 53; *[…] Et si inter Christianum et aliquem predictorum Judeorum vel infantium suorum fuerit dissentio de accommodation alicujus pecunie, Judeaus probabit catallum suum et Christianus lucrum […]*

[20] *Foedera*, I: i, 53; *[…] Et si Christianus habuerit querelam versus predictos Judeos, sit judicata per pares Judeorum […] Et si ipsi appellati fuerint ab aliquot sine teste, de illo appellatu erunt quieti, solo sacramento super librum suum; et de appellatu illarum rerum que ad coronam nostrum pertinent, similiter erunt quieti, solo sacramento super rotulum […]* These legal licences were confirmed again under King John *c.* 1201, see *Rot. Chart.,* 93. Joshua Curk has argued that the ability for Jews to be quit by their oath gave England's Jewish community a 'certain cachet' in court that Christians did not have and was one recognised and rectified in the Statue of the Jewry *c.* 1275. See J. Curk, 'The Oath of a Jew in the Thirteenth-Century English Legal Context', in *On the Word of a Jew: Religion, Reliability, and the Dynamics of Trust*, ed. N. Caputo and M.B. Hart (Indiana, 2019): 62–80, see quote at 67. This will be discussed further in chapter two.

[21] P.R. Hyams, 'Fear, Fealty and Jewish 'infideles' in Twelfth-Century England', in *Christians and Jews in Angevin England: The York Massacre of 1190, Narratives and Contexts*, ed. S. Rees Jones and S. Watson (York, 2013): 125–147, see quote at 140.

to cater for Jewish difference and a means of solidifying their status as a separate legal community that required a specialised branch of royal management.

The Jewish exchequer may have been a dedicated, centralised institution for the administration of Jewish affairs but this does not necessarily mean that it was the only jurisdiction open to England's Jewish community. Stacey, amongst others, has argued that King John's *Charter of Liberties c.* 1201 suggested that the king 'claim[ed] an exclusive jurisdiction over Jews' that found no place 'in his brother's charter only a decade before'.[22] Stacey linked this exclusivity to the establishment of the Jewish exchequer, yet the stipulation in the charter specified that 'Jews shall not enter into judgment except before us' or 'those who have custody of our castles, in whose bailiwicks the Jews live'.[23] This can be read that Jewish cases should be heard before the king himself, or his royally appointed officials, but does not explicitly state these should be the justices of the Jews based at the Exchequer of the Jews. Even King John's second charter to the Jews *c.* 1201, which specifically addressed the crimes and cases that fell under the crown's jurisdiction, did not pass comment on the place of the Jewish exchequer within the evolving royal court system.[24] In fact, it even made provision for civil disputes between two opposing Jewish parties to be handled within the rabbinic courts '…so that they may administer their own justice amongst themselves'.[25] Beyond carving a necessary place for Jewish creditors in court to uphold the integrity of the archa system, and siphoning off civil business between two Jewish parties, the crown dictated few regulations for the place of Jews in the wider English court system. There was, in theory, nothing to prevent England's Jewish community accessing other royal courts.

The complex crossover between Jewish legal status and the place of Jews in court remains uncertain even in *Bracton*; a treatise in circulation approximately sixty years after the establishment of the Jewish exchequer. Its commentary on Jews and English law can

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[22] Stacey, 'The Massacres of 1189–90', 108.
[23] Stacey, 'The Massacres of 1189–90', 108;
[24] This charter stipulated that only crimes that pertained to 'our Crown and Justice' (felonies)—homicide, mayhem, assault, housebreaking, rape, larceny, arson and treasure trove—were to be heard before a royal jurisdiction. See *Rot. Chart*, 93b; *[…] exceptis hiis qui ad Coronam et Jusiciam nostrum pertinent, ut de morte hominis et mahemio, et de assaltu premeditato, et de fractura domus, et de raptu, et de latrocinio, et de combustione, et de thesauro […]*
[25] *Rot. Chart*, 93b; *[…] excessus qui inter eos emerserint, exceptis hiis qui ad Coronam et Justiciam nostrum pertinent […] inter eos deducantur secundum Legem suam et emendentur, et justiciam suam inter se inde faciant […]*

be divided into two strands. The first and most famous is the assertion that: 'The Jews can have no property, because whatever he acquires he acquires not for himself but for the king, because they live not for themselves but for others …'; an explicit statement of Jewish subordination and the conditions underpinning their continued place in English society.[26] The second, however, is less clear. Jews were referenced on a further six occasions, yet briefly and only in passing. The commentary touched on gift-giving, debts owed to Christian heirs, and the *essoin* regulations for when both legal parties were Jews, in addition to outlining that when itinerant justices made their circuits, the juries should answer to 'the chattels of slain Jews and their pledges, debts and charters, and who has them'.[27] No further note was made on the conditions of jurisdiction or the actions available to Jewish parties. In fact, there is consensus between Maitland and Hyams that aside from these minor references, 'there is very little to mark a distinction between Jew and Christian in the eye of the law'.[28] Maitland even claimed that 'if his royal masters' interests are not concerned, [a Jew was] to be dealt with as though he were a Gentile'.[29] This assertion needs careful reevaluation. Our understanding of Jewish legal status cannot be built upon two disparate interpretations of *Bracton*; Jews cannot have been uniquely the 'king's men' *and* the equivalent of Christians in law. The place of Jews in the royal court system, and how this interplayed with Jewish legal status, presents a live and pressing question for this study.

The field of Jewish studies has already begun to identify the presence of Jews in other courts. As early as 1948, Hilary Jenkinson commented that the up and coming *Curia Regis* series— an edition of the pleas from the common bench and court *coram rege*—would be 'worth watching for the Jewish medievalist'.[30] Jenkinson's hunch has never been truly fulfilled. In 1960, Richardson disregarded the appearance of Jews before these courts and sidelined cases as 'exceptions' that were 'not difficult to explain'.[31] Yet a broader

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[26] This particular stipulation is today more regularly identified as a later addition. Samuel Thorne has noted that this passage was only found in five of the surviving manuscripts available to modern editors, dated between 1279 and 1307. At best, therefore, this famous passage confirming the so-called special legal relationship between the king and Jews in thirteenth-century England was only beginning to receive recognition following the Statue of Jewry *c.* 1275. For further discussion on this see Thorne's introduction to *Bracton*, III: xiii–lii. For the quotation see *Bracton*, IV: 208, note 3; *Judaeus vero nihil proprium habere potest, quia quicquid acquirit non sibi acquirit sed regi, quia non vivunt sibi ipsis sed aliis […]*

[27] *Bracton*, II: 331.

[28] Quote from Hyams, 'Faith, Fealty and Jewish 'infideles'', 140. See also *English Law*, 469.

[29] *English Law*, 469.

[30] H. Jenkinson, 'Jewish Entries in the Curia Regis Rolls', *The Jewish Historical Society: Miscellanies* 5 (1948), 130.

[31] H.G. Richardson, *The English Jewry Under Angevin Kings* (London, 1960), 151.

jurisdiction of Jewish pleas has come to light over the last fifteen years. Building upon the work of Rokéah, who showcased a number of criminal cases from the late thirteenth century, Brand has discussed the presence of Jews in town courts post-1265,[32] Meyer has explored Jews before the manorial court at Exeter,[33] and Roth and Olszowy-Schlanger have begun to address the records from England's rabbinic courts.[34] This research begins to suggest that the 'exceptions' so readily disregarded by Richardson may actually be a part of a wider pattern in the Jewish experience of justice.

The period between the establishment of the Jewish exchequer and *Bracton* offers little in the way of legal theory to provide a concrete answer to the question of Jews, jurisdiction, and legal status in the early thirteenth century. It falls, therefore, to the records from the courts themselves to initiate this inquiry. The analysis above has shown that the rich collection of plea rolls from the Exchequer of the Jews, and the institution's unique place in royal administration, has dominated our attention and conclusions on the place of Jews in court at the expense of a bigger picture. Debt litigation presented the need to accommodate Jewish creditors within the English legal system and scholars of medieval Anglo-Jewry have thus far equated the crown's administration of debt, and the royal claim to Jews and Jewish property, with its jurisdictional claim at the Jewish exchequer. Yet above we have seen that this jurisdictional question is less clear cut: the crown certainly exerted a royal claim over Jewish legal affairs, but the extent to which this hold was exclusively retained by the Exchequer of the Jews demands further investigation. To appreciate the place and activity of Jews in the royal court system, the pleas from the Exchequer of the Jews require investigation alongside cases involving Jews recorded elsewhere. The remainder of this chapter, therefore, discusses the material from other royal courts active during this period—what survives and where it is located—before addressing how Jewish cases were found, identified and selected for the present study, highlighting their potential and contribution to these questions.

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[32] *PROJE*, VI, ed. Brand, 10.
[33] Meyer, 'Female moneylending and wet-nursing', 82–113.
[34] Roth, 'Jewish Courts in Medieval England', 67–82; J. Olszowy-Schlanger, 'The Money Language: Latin and Hebrew in Jewish Legal Contracts from Medieval England', in *Studies in the History of Culture and Science: A tribute to Gad Freudethal*, ed. R. Fontaine, R. Glasner, R. Leicht and G. Veltri (Leiden, 2011): 233–250; J. Olszowy-Schlanger, "Meet you in court': Legal Practices and Christian-Jewish Relations in the Middle Ages', in *Jews and Christians in Medieval Europe: The Historiographical Legacy of Bernhard Blumenkranz* (Turnhout, 2016): 333–348.

II. The Royal Court Records:

Building on the work of Brand and Meyer, this section reopens the question of where Jews appeared in the records of English law. It offers the first concerted investigation of the records from the common bench, the court *coram rege*, and the eyre courts, alongside the plea rolls of the Jewish exchequer, to establish a broader landscape of Jews in English legal practice between the years 1216 to 1235. Divided into three parts, it first considers what material survives, before presenting the results of an investigation into where and when pleas involving Jews emerged. The final part then reflects on these findings for their contribution to the question of Jews and jurisdiction in the early thirteenth century. This section is accompanied by a series of appendices that present the evidence from each individual court, which together, form the main collection of material for this dissertation.

i. Royal Plea Rolls, *c.* 1216–1235:

This section explores the material available for investigating when and where Jews appeared in the royal courts. It situates the more frequently used plea rolls of the Jewish exchequer within the larger frame of extant royal plea rolls for this period. It considers how plea rolls were created and what rolls survive for the eyre courts, the common bench and the court *coram rege*. This material is then combined with and compared to the records from the Jewish exchequer. Finally, the section evaluates the format and quality of the material currently accessible to historians.

The transformation of the English judiciary at the close of the twelfth century was partnered with a new emphasis on the production and preservation of court records. Paul Brand has argued that this transition provided a 'new kind of fixity and permanence, indeed a new and higher status, to the judgments and decisions of the new royal courts'.[35] Prior to *c.* 1194, the records that survive from English courts were restricted to a selection of charters, letters, and texts relating to legislation.[36] From this year onwards, however, plea

[35] P. Brand, 'The English Medieval Common Law (to c.1307) as a System of National Institutions and Legal Rules: Creation and Functioning', in *Legalisms: Anthropology and History*, ed. P. Dresch and H. Skoda (Oxford, 2012), 174.

[36] Prior to *c.* 1194 no plea rolls survive, or possibly were even made, for the local, seigniorial or royal courts. Rolls from the 'local courts'—manorial, hundred and county—continue to remain scarce until the late thirteenth century. The first surviving hundred court rolls date from the 1260s, and the earliest extant manor court rolls can be dated to the 1240s. The only surviving county court records from the thirteenth century are from the proceedings in Cheshire in 1259.

rolls began to emerge and record the business of the courts plea by plea. This new system of record production provides a number of opportunities for historians studying the organisation of English law. The consistent nature of these records allows procedural questions to be raised and, for the first time, encourages the circumstances and outcomes of cases to be juxtaposed across jurisdictions.

The structure and content of plea rolls has already received scholarly attention, primarily in plea roll editions, but also in R.F. Hunnisett's 'What is a Plea Roll?', which continues to be a fundamental reference for both beginners and scholars alike.[37] Before addressing the more complicated issue of availability, it is first important to establish a sense of the shape and function of the plea rolls' physical composition. Described simply, the royal plea rolls were long, sequential documents written in Latin. Each plea roll from the bench, the court *coram rege* and the Jewish exchequer recorded one term of that court's business, while the plea rolls from the eyre courts traditionally recorded a single shire visitation.[38] Each plea roll consisted of many individual leaves or pages of vellum parchment sewn along the top, 'head to head', just like the pipe rolls of the Exchequer, creating in effect a booklet which was then rolled for storage.[39] Some plea rolls were also attached to a covering wrapper which noted the location and date of the session.[40] The finished products were referred to by contemporaries as 'rolls' (*rotuli)*, but similarly one leaf of the roll—consisting of one or more membranes of parchment sewn together top-to-bottom to form a single page—was also referred to as a *rotulus*. For example, it was noted on a *coram rege* roll from 1293: '*Sexaginta duo Rotuli continentur in isto rotulo*'.[41] Hunnisett reasoned that this terminology probably emerged from the practice of rolling up the plea roll, or even the individual pages, before they were eventually sewn together to form the

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See Clanchy, *From Memory to Written Record*, 98–100. For examples of the materials available prior to 1194, see *English Lawsuits from William I to Richard I* (2 volumes), ed. R.C. van Caenegem (London, Selden Society 106, 107, 1990–1991).

[37] R.F. Hunnisett, 'What is a Plea Roll?', *Journal of the Society of Archivists* 9 (1988):109–114.

[38] The exception is E 9/1 which included the proceedings of five law terms upon one roll.

[39] As a result, this method of compiling records is often referred to as 'Exchequer style'. This contrasts with the 'Chancery style' of records that were sewn 'head to foot'. See The National Archives, 'Medieval financial records: pipe rolls c.1130–c.1300': http://www.nationalarchives.gov.uk/help-with-your-research/research-guides/medieval-financial-records-pipe-rolls-1130-1300/ [accessed 17 March, 2017]; The National Archives, 'Court of Common Pleas: Plea Rolls': https://discovery.nationalarchives.gov.uk/details/r/C5417 [accessed 17 March, 2017].

[40] A.H. Hershey, 'Drawings and Sketches in the Plea Rolls of the English Royal Courts, c.1200–1300', in *List and Index Society Special Series* 31 (Kew, 2002), 3.

[41] Hunnisett, 'What is a Plea Roll?', 111.

constituent product.[42] To avoid the complications of this contemporary vocabulary, this study will use the term 'roll' to refer to a plea roll as a whole, and '*rotulus*' to refer to the individual pages that contribute to the roll.[43]

Turning to the plea rolls that survive requires an understanding of the issues surrounding their production; how did fluctuations in the activity of courts and the availability of the king influence the production of court records? The reorganisation of the royal courts has been comprehensively addressed in the works of Paul Brand, John Hudson and David Crook and it is the consensus that eyre and bench rolls existed from 1194 onwards and were soon accompanied by pleas from the court *coram rege* from 1200.[44] These rolls were frequently produced in the later years of John's reign when the king established a closer, personal control over the judicial system.[45] By 1210, the independent operation of the bench had ceased and all pleas from this date until 1214 were heard under the direct jurisdiction of the king (and have, as a result, been catalogued as *coram rege* rolls).[46] In 1214, however, the bench resumed its function as normal, likely as a result of John's overseas campaign and the appointment of Peter des Roches as Chief Justiciar.[47] When Henry III's minority began in 1216, the court *coram rege* was dissolved, and the bench and eyres were reinstated to assume responsibility for the young king's administration of justice. Pleas that would have traditionally been heard before the king were instead postponed or transferred to the bench or council governing England during Henry's minority.[48] In 1227, Henry declared himself of age, although the *coram rege* rolls reveal that his court was not reinstated until 1234.[49] Therefore, for the years with which this

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[42] Hunnisett, 'What is a Plea Roll?', 111–112.
[43] Many editions of royal plea rolls, including the *Curia Regis* series, use the term 'membrane' to refer to a *rotulus* but discount that a number of membranes could contribute to each *rotulus*. Following discussion with Dr Euan Roger at The National Archives, I have decided to conform to the most precise terminology in this thesis.
[44] The practice of making parallel rolls has meant that many court sessions are represented by at least one surviving roll; D. Crook, *Records of the General Eyre*, (London, 1982), 13–14.
[45] On John's administrative regime see J.C. Holt, *King John* (London, 1963), 13; W.L. Warren, *King John* (New Haven, 3rd ed., 1997).
[46] *Cur. Reg. R.*, I, v; see also D.M. Stenton, *English Justice Between the Norman Conquest and the Great Charter 1066–1215* (London, 1965), in particular, chapter 4.
[47] J. Hudson, *The Oxford History of the Laws of England, Volume 2, 817–1216* (Oxford, 2012), 538.
[48] R.V. Turner, 'The Medieval English Royal Courts: The Problem of Their Origin', *Historian* 27 (1965), 489.
[49] Carpenter has discussed that although technically Henry remained a minor until October 1228, 'from January 1227 onwards he was in full possession of regal powers'. This did not yet include, however, the reopening of the court *coram rege*. See D.A. Carpenter, *The Minority of Henry III* (London, 1990), 389–395, quote at 389.

dissertation is concerned—*c.* 1216 to 1235—the common bench was almost continuously in session (excluding the years 1216–1218, and 1235), the eyre courts operated on four separate visitations (between 1218–1222, 1226–1230, 1231–1233, and 1234–1236), and the court *coram rege* only heard cases from 1234 onwards.

Court records were produced for each term the courts were in session, but that does not mean that all records are still extant. Despite a favourable rate of survival, there are eyres and terms for which the plea rolls have been lost. This may be explained by the manner in which the rolls were kept by contemporaries, as well as the way they have been preserved and archived throughout the centuries. Crook has argued that plea rolls were originally regarded as the property of an individual justice, to be used as short-term reference guides, and were not always transferred to the treasury for safe keeping. This implies, that despite increasing systematisation, the 'system' was still in the early stages of development and still characterised by some informality in recordkeeping practices. The survival of plea rolls is therefore often the result of good fortune.[50] Crook showed how eleven out of the seventeen eyre rolls for the period 1194–1209 had originally belonged to Simon Pattishall but that it was not Simon himself who handed these rolls to the treasury. It seems that his clerk, Martin Pattishall, who later became a justice himself, had retained the rolls for personal use. At some point, they passed to William Raleigh along with the rolls Martin had amassed during his career. In much the same way, the rolls then passed onto Henry de Bracton, William's clerk, and so when Bracton, now a justice, was ordered to transfer the rolls of Martin Pattishall to the Exchequer in 1258, the earlier rolls of Simon Pattishall were eventually handed over as well.[51] Bracton was not the only justice tasked with handing over plea rolls in the mid-thirteenth century. By 1257, attempts were being made to locate unaccounted rolls of the justices of eyre, the bench and the court *coram rege* that had been produced since the coronation of Henry III. All justices were 'firmly enjoined' (*firmiter injungent*) to hand over their rolls for preservation in the treasury at Westminster Abbey.[52] This may not have been the first time such an order had been made, nor would it be the last, as the request was repeated again in 1335 and 1409.[53] The inaction

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[50] Crook, *Records of the General Eyre*, 14; Hunnisett, 'What is a Plea Roll?', 111. The amercements section of the eyre rolls, however, was routinely handed in. See Hershey, 'Drawings and Sketches', 5.
[51] For further information on this example, see Crook, *Records of the General Eyre*, 13–14.
[52] *CR, 1256–1259*, 281; Clanchy, *From Memory to Written Record*, 166.
[53] *Select Pleas of the Crown, Volume 1: 1220–1225*, ed. F.W. Maitland (London, Selden Society 1, 1887), ix [Hereafter *Select Pleas*].

or reluctance of justices to part with their personal rolls, therefore, may account for the loss of some records.

Not all responsibility for missing rolls, however, can be placed on recalcitrant justices. As Frederic Maitland explained, 'some part of our loss we may ascribe to evil chances which befell the rolls after they were deposited in the treasury. Some of those that exist… tell a mournful story of fire and water and rats and gross human negligence'.[54] Fortunately, greater care was taken during the nineteenth century following the establishment of the Public Record Office in 1838. Here, during the 1880s, the rolls from the bench and court *coram rege* were brought together and reorganised into a single series known as the *Curia Regis* rolls, and many of the rolls belonging to the itinerant justices were gathered under the title of assize rolls (or eyre rolls).[55] The plea rolls are now held at The National Archives and remain categorised on the basis of these series. The *Curia Regis* rolls for the period up to 1272 are catalogued by the reference KB 26, and those of the itinerant justices are organised into the series JUST 1. Despite losses, a broad collection of plea rolls is still available for historical study. Together, for the years 1216 to 1235, a total of fifty plea rolls survive from the common bench, thirty-seven rolls from the eyre courts, and two rolls from the court *coram rege*.

The records that survive from the Exchequer of the Jews are distinctly less numerous. As Brand has noted, despite the growing amount of care taken during this period to ensure the safe keeping of official documentation, many of the records attributed to the Jewish exchequer are now lost; including, but not limited to, a separate collection of pipe rolls, writ files, and Hebrew accounts.[56] The only records that survive are the plea rolls and, even then, many of the rolls are no longer extant. This is especially true for the first half of the thirteenth century. Only one plea roll survives, for example, between the

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[54] *Select Pleas*, ed. Maitland, ix. Mishandling may have occurred when the rolls were transferred, along with all treasury documents, to the Tower of London in the 1320s under the orders of Bishop Stapledon. Here, the treasury's archives were reorganised. Some documents were returned to Westminster to be stored in the Chapter House while others remained at the Tower. The collection of plea rolls was split; those that remained at the Tower were organised into either the 'Tower *Coram Rege* and Assize (eyre) Rolls', or the 'Tower *de Banco* Rolls'. Those which returned to Westminster came to form the series known as the '*Coram Rege Rolls*' whereby the distinction between the records of the court *coram rege* and the Bench was lost.

[55] For more information, see The National Archives, 'Court of Common Pleas and King's Bench, and Justices Itinerant: Early Plea and Essoin Rolls' http://discovery.nationalarchives.gov.uk/details/r/C10030 [accessed 17 March, 2017].

[56] *PROJE*, VI, ed. Brand, 49–50.

foundation of the institution at the close of the twelfth century and *c.* 1244. This roll covers the period 1219 and 1220 and is, therefore, a subject of this study. From 1266, the plea rolls begin to survive with much greater frequency, and from Easter term 1270, the rolls survive in almost continuous sequence until Trinity 1286—four years before the Jewish expulsion.[57] All surviving plea rolls from the Jewish exchequer are held at The National Archives, barring two rolls preserved at the British Library, and are classed under the series title E 9.[58]

Tracing this complex history of plea roll production and survival was the first challenge for a cross-court analysis of Jewish activity in the systems of English common law. *Appendix I*, therefore, brings together a table of the royal plea rolls that are available for the years 1216 to 1235 to help situate the single extant roll from the Exchequer of the Jews within the larger picture of surviving court material.[59] The table is organised by year and law term, and includes both a reference to the original roll at The National Archives, and whether the roll is available in a published format. The four courts—the Jewish exchequer, the court *coram rege*, the common bench, and the eyre courts—have been colour-coded to help distinguish which rolls emerged from each jurisdiction. When a plea roll has recorded the judicial proceedings for more than one law term, its catalogue reference has been logged more than once. For example, the surviving plea roll from the Jewish exchequer for this period—E 9/1—enrolled the proceedings from four separate law terms between 1219 and 1220. In these instances, the *rotulus* numbers have been specified to distinguish where each individual law term appears on the roll. Similarly, while an assize roll may document an entire circuit, the pleas recorded before each individual eyre court have been entered separately for ease of reference. For example, the proceedings from Hertfordshire, Middlesex, Cambridgeshire, Huntingdonshire and Berkshire in 1235 all appear on JUST 1/80, but have been divided in *Appendix I* on the basis of the eyre's location. Each law term or county eyre has, therefore, been afforded an individual numeric reference which will be used throughout the dissertation in the format 'Appendix X: n'.

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[57] Paul Brand has compiled a valuable list of the surviving plea rolls of the Exchequer of the Jews between 1219 and 1290 in *PROJE*, VI, ed. Brand 57–68.
[58] The two rolls held at the British Library are catalogued as BL Additional Roll 19299 (1272) and BL Additional Roll 7218 (1277).
[59] The information included in this table has been accumulated from working with the plea rolls at The National Archives, the *Curia Regis* rolls records series, Crook's *Records of the General Eyre* and *Bracton's Notebook*. I am also greatly indebted to Dr William Eves for his invaluable guidance on locating and working with the eyre court material.

Following the survivability of plea rolls, the second challenge for this thesis was how these records can be accessed. Most surviving plea rolls can be viewed at The National Archives (formerly the Public Record Office) and a growing number have been published in modern editions. Together, the Public Record Office and Boydell have published Latin editions of all known rolls (except one) that date before 1250 in the *Curia Regis* series.[60] Where duplicate or triplicate rolls exist, they have been collated with the main roll and all substantially different parallel entries have been printed in full. As a result, of the ninety plea rolls that survive for this period, fifty-two are available in this format: fifty rolls from the common bench and two from the court *coram rege*.

The eyre rolls organised in the series JUST 1 by The National Archives have not received the same dedicated attention, and there has been no national effort to provide published editions of these proceedings. *Appendix I* demonstrates that, instead, local record societies have done a substantial amount of the groundwork by publishing various rolls from their region: such as, the *Buckingham Archaeological Society*, the *Bedfordshire Historical Society*, the *Somerset Record Society*, the *Surrey Record Society*, and the *Staffordshire Record Society*. The *Selden Society* has also published edited volumes of a number of eyres, including: the Lincolnshire, Yorkshire, Nottinghamshire and Derbyshire eyres of 1219; and the Shropshire, Worcestershire, and Warwickshire eyres of 1221. A disproportionate number of eyre rolls have been published for the period prior to 1228 and few thereafter. The eyres at Durham and Surrey in 1235, for example, are the only editions post-1228 that have been published for the chronological parameters of this thesis. Many eyre rolls, therefore, remain unpublished. Furthermore, to work with eyre roll editions is to work with a disconcerting variety of editorial methods. The most valuable publications organise the proceedings by roll, rather than location, and present a clear Latin transcription of the record.[61] This method of organisation allows easy referral back to the original record when required. Volumes that present only a translation or summary of pleas are only useful for an initial reference.[62] Referral to the original record is, therefore, essential. Fortunately,

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[60] *Cur. Reg. R.*, I–XVII. (London, 1922–1991); *Cur. Reg. R.*, XVIII–XX. (Woodbridge, 1999–2006). The exception is KB 26/228 (Easter, 1225) which has only recently been catalogued.
[61] For example, the edition of the Surrey Eyre from 1235 is presented by roll in Latin with an English translation as a guide. It is also supported with an additional volume that introduces the rolls' contents. See *SURS*, 31, 32 and 37.
[62] For example, the *Bedfordshire Historical Society*'s edition of the Bedford Eyre in 1227. Here the editor admitted that due to expense, only a translation was printed. See *BHS*, III, 6.

many rolls have already been photographed and can be accessed online through the 'Anglo-American Legal Tradition' website.[63] Unlike the court *coram rege* and the common bench, which have been edited to a high and uniform standard, the consultation of the original eyre rolls for the period 1216 to 1235 is a more difficult and time consuming task.

The only surviving plea roll from the Jewish exchequer within the scope of this thesis is catalogued as E 9/1 at The National Archives. This roll consists of ten two-sided *rotuli* and documents the business at the Exchequer of the Jews between Michaelmas 1219 and Trinity 1220. It is available in two published formats. In 1844, Henry Cole presented the proceedings from E 9/1 in Latin record type (with unexpanded abbreviations) within a larger volume of thirteenth- and fourteenth-century English records.[64] Cole's edition has been superseded by an English calendar of pleas published in 1905, which became the first of six successive volumes commissioned by the *Jewish Historical Society*.[65] The first, edited by J.M. Rigg, provides a brief synopsis of each entry recorded on the plea rolls (excluding *essoins*—court absences) between 1219 and 1272.[66] The decision was made to exclude entries from this volume that were already printed elsewhere—for example, a plea between Isaac of Norwich and Gilbert son of Thorpe in 1220—which had been published in Rigg's *Select Pleas, Starrs, and Other Records from the Rolls of the Exchequer of the Jews* (1902).[67] Produced over a hundred years ago, both the abbreviated Latin text and the English calendar cannot be relied upon to accurately reflect E 9/1. Both publications are used sparingly in this thesis and only for reference. To fully appreciate the cases heard before the Exchequer of the Jews, this thesis has returned to the original manuscripts and offers its own transcriptions of certain individual pleas.

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[63] *Anglo-American Legal Tradition*, www.aalt.law.uh.edu [accessed 19 February, 2018]. This site, in association with the O'Quinn Law Library of the University of Houston Law Centre, has made the images available for 'the purposes of research, private study or education'. The photographs are of a sufficiently high resolution to allow most entries on the rolls to be read with relative ease, although some faint passages have required consultation of the original manuscripts.

[64] *Documents Illustrative of English History in the Thirteenth and Fourteenth Centuries*, ed. H. Cole (London, 1844), 285–332.

[65] *PROJE*, I, 1–55.

[66] *PROJE*, I, 22.

[67] Rigg also produced volume two of the calendar in 1910, spanning the richer collection of records that survive for 1273–1275 and was shortly followed by Hilary Jenkinson who edited volume three (1275–1277) in 1929, and Henry Richardson who edited volume four (1272, and 1275–1277) in 1972. More recently, volumes five and six, covering the years 1277–1279 and 1279–1281 respectively, have been edited by Sarah Cohen in 1992 and Paul Brand in 2005. The pleas from Hilary 1282 onwards, however, remain unpublished.

Enrolments from royal plea rolls no longer available in their original format are sometimes found in *Bracton's Notebook*. This manuscript, compiled for the justice Henry de Bracton, contains a selection of around 2,000 cases heard between 1216 and 1240, which were copied from bench and eyre rolls.[68] The entries in the *Notebook* are generally imitations of their respective rolls. Only the 'immaterial', as described by Maitland in his edition, was occasionally omitted: for example, the names of jurors or attorneys, and the names of multiple claimants or defendants that followed the name of the first party.[69] In addition to omissions, mistakes were also made. For example, Maitland identified how one clerk habitually wrote 'Sic', whenever he came across the word 'Ric' (the shorthand for *Ricardus*).[70] Nevertheless, this codex presents a valuable resource for the present study. Entries from six eyres and one term of the bench, for which no plea rolls survive, were recorded in the *Notebook* during the period 1216 to 1235.[71] As such, these entries have been included here.

Royal plea rolls have been utilised for historical study in a number of different ways. For legal scholars, such as Hudson, Brand, and Milsom, they have allowed assessments to be made on the location, popularity and success of forms of action, as well as analyses on the manner in which *essoins* or other procedural devices were applied in court.[72] These studies have provided socio-legal insight into the amount of land commonly claimed by the average litigant, and also the circumstances in which they held it, lost it, or wished to reclaim it.[73] Criminal cases have offered insight into how felonies were dealt with over time. For example, Kenneth Duggan has demonstrated how successful the hue and cry was in catching and detaining suspects, and the frequency with which the accused was sent to the ordeal.[74] Given that these rolls begin to survive in almost continuous sequence—excluding the plea rolls of the Jewish exchequer—inquiries have also been

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[68] *Bracton's Notebook: A Collection of Cases Decided in the Kings Courts During the Reign of Henry III*, 3 vols. ed. F.W. Maitland (London, 1887).
[69] *Bracton's Notebook*, I, 68.
[70] *Bracton's Notebook*, I, 69.
[71] Appendix I, 23, 25, 28, 42, 43, 46, 61.
[72] P. Brand, 'The English Medieval Common Law (to c.1307)', 173–196; J. Hudson, *The Formation of English Common Law: Law and Society in England From King Alfred to Magna Carta* (London, 2nd ed., 2017); S.F.C. Milsom, *Historical Foundations of the Common Law* (London, 1969).
[73] See for example, Hudson, *Land, Law and Lordship* (1997).
[74] K. Duggan, 'The Hue and Cry in Thirteenth-Century England', in *Thirteenth Century England XVI: Proceedings of the Cambridge Conference 2015* (Woodbridge, 2017): 153–172; for a local comparison see, S. Sagui, 'The Hue and Cry in Medieval English Towns', *Historical Research* 87 (2013): 179–193.

diachronic, whereby legal and social trends have been measured over periods of time. The royal plea rolls offer a rich foundation of material for opening up new legal, social and administrative questions. These opportunities have yet to be seized for a study of England's Jewish community.

In total, for the period *c.* 1216–1235, a total of ninety royal plea rolls survive, as well as further extracts only preserved in *Bracton's Notebook*. *Appendix I* demonstrates that the single roll that survives from the Exchequer of the Jews in this period is an isolated anomaly of a much larger body of surviving court material. Alone, therefore, that single plea roll offers a very limited window onto Jewish activity in court across a period of just two years (1219–1220). The Jewish exchequer may well have been the predominant institution for Jewish legal affairs, but its scope of surviving records is significantly narrower than the plea rolls from other royal courts. By situating E 9/1 within its broader legal context and the wider collection of surviving pleas, it becomes possible to shed light on the jurisdiction of the Jewish exchequer and the place and activity of England's Jewish community in the organisation of royal justice.

ii. Cases Involving Jews Across Courts:

This section presents the material involving Jews from the common bench, court *coram rege* and the eyre courts. It demonstrates how and where entries relating to England's Jewish community are found for the years *c.* 1216 to 1235 to counter Pollock and Maitland's dismissive assertion that beyond the plea rolls of the Jewish exchequer, 'we can read very little of the Jews in the records of any other court'.[75] Divided into two parts, [1] it first discusses the methodological choices and rationale for the inclusion or exclusion of material for this study. [2] Then, the nature of material from each of the four jurisdictions is considered in turn, providing a quantitative overview of the pleas found and the actions brought, including when Jews appeared as plaintiffs and defendants.

Defining what constitutes a relevant case is necessary when identifying records of Jews from more than one court. For example, this dissertation is specific in how it has chosen material from the plea rolls of the Jewish exchequer, which have been widely

[75] *English Law*, I, 470.

recognised as 'a hybrid type of record'.[76] These plea rolls were essentially memoranda rolls that combined judicial business with the enrolment of mandates, administrative instructions, and other official notations.[77] There are, for example, approximately 329 individual entries recorded upon E 9/1, in addition to 43 essoins recorded on rot. 2 and 35 essoins on rot. 7d. Although all the Exchequer entries relate to Jewish administration, only the legal cases between a plaintiff/claimant and a defendant/demandant are included in this study. This constitutes 114 of the 329 entries found on E 9/1. This decision allows comparisons to be made with cases involving Jews that are recorded elsewhere. The additional material will be analysed when required—for example, the attorney appointments will receive specialised attention in chapter three—but these administrative entries are not included in the appendix. There are, however, a number of exceptions. On occasion, a mandate summoning a defendant to court was accompanied with an account of the proceedings that followed. For example, in Michaelmas 1219, a mandate ordered Nicholas Puinz to render the king £17 that he owed on his wardship over the land and heir of Robert de Stokes. This record was immediately followed by the accounts in court from Walter, attorney of Ralph de Stokes, and Nicholas himself.[78] As such, any dual-function enrolments, such as this, that incorporated a record of litigation with an administrative action are also considered. This also includes all entries that note the initiation of an inquiry that are directly followed on the roll with a report of those proceedings.

This rationale is not applied to the records from the common bench, court *coram rege* and the eyre courts. Because these plea rolls have yet to receive dedicated attention for the study of Jewish history, all references found to England's Jewish community will be considered. Here the challenge is to find cases relating to Jews. Indexes of edited plea rolls are of limited use. Prior to the recent editions of the *Curia Regis* rolls, Hilary Jenkinson advocated the potential of royal pleas 'when these records (complicated and difficult to search) become available in a printed and indexed form'.[79] Most indexes, however, only include references to Jews when the individual is identified in the record as Jewish through the explicit use of an inflected from of *Judaeus*. This limits the index to pleas involving Jewish plaintiffs or defendants as only then did the scribe seem to make a concerted effort

[76] Hunnisett, 'What is a Plea Roll?', 109.
[77] *PROJE*, III, ed. H. Jenkinson (London, 1929), 1.
[78] Appendix II, 32.
[79] Jenkinson, 'Jewish Entries in the Curia Regis Rolls', 130.

to stipulate their religious identity in the record. On other occasions, the litigant's religious affiliation can only be ascertained through further research into their name or the nature of the case. For example, only one of eighteen individuals involved in a case before the court *coram rege* in 1234 was identified as Jewish in the record—Aaron Blund of London, Jew—and thus he was the only one to be found in the accompanying index.[80] However, when the remaining individuals are situated within the context of the case, it soon becomes apparent that all eighteen individuals were in fact Jewish.[81]

The eyre rolls present further difficulties. Finding cases that relate to England's Jewish community is a difficult task when faced with [1] a high volume of unpublished material and [2] attempting to confirm the identify of Jewish litigants. On occasion litigants are not identified as Jewish in the record but, as with the *Curia Regis* series, additional research or the appearance of a familiar name can help to reveal an individual's religious identity. For example, in the Warwickshire eyre of 1221, Elias le Eveske paid for a prosecution.[82] Although there is no mention of his faith, further research quickly confirmed that he belonged to the prominent Jewish Le Eveske family of London.[83] If names cannot be traced beyond the court record and could originate from either Jewish or Christian descent, cases are only included when a Jewish identity can be confirmed. For example, ninety-three cases reference an 'Elias' across the eyre rolls for this period, but only six individuals can be confirmed as Jewish. Additional difficulties occur when relying on the original, abbreviated rolls. The abbreviations used for 'Jew'—*iud* and *iudo*—closely resemble the common abbreviations for 'judgment'—*iud* and *iudm*—that appear in almost every entry. As a result, nearly every abbreviated entry from the eyre court plea rolls must be evaluated one-by-one to discover if it is relevant to Jews. Although great care has been taken to ensure every Jewish litigant and reference to Jews has been accounted for, these obstacles hopefully explain why cases may still remain undiscovered. Together, these examples testify to the complicated task of finding references to Jews across a large body of material. They reveal that it is not possible to rely on contemporary identification, or

[80] *Cur. Reg. R.*, XV, 570.
[81] Appendix III, 2–18.
[82] Appendix V, 12.
[83] J. Hillaby, 'London: the 13th-Century Jewry Revisited', *Jewish Historical Studies* 32 (1990), 113: D. Carpenter, 'The Gold Treasure of King Henry III', in *Thirteenth-Century England I: Proceedings of the Newcastle upon Tyne Conference*, ed. P.R. Cross and S.D. Lloyd (Woodbridge, 1985): 61–88.

modern-day indexing, to build a comprehensive collection of entries relating to Jews in court records.

All entries relating to Jews found on the rolls of the common bench, court *coram rege* and eyre courts are presented in tables as appendices, alongside all pleas found on E 9/1 from the Jewish exchequer. Each appendix has been divided by year and law term, and is accompanied by a brief overview of the action and the location of the dispute. A final column also identifies the role of the Jewish party in court. These entries divide into three broad categories, namely pleas involving Jewish plaintiffs or defendants, pleas involving Jewish witnesses and warrantors (taking on the role of a third party), and pleas between the king and/or Christian parties that refer to Jews or Jewish business within the record. This last category of cases often arose on the premise of an unpaid debt, and a Jewish creditor is simply referenced in passing. If there is no direct evidence of a Jewish individual in court, the appendix identifies the plea as having a 'Reference to Jews' and provides a brief summary of the Jews' personal or financial participation: for example, land pledge, debt agreement, or defaulted debt. The entries within each appendix have been assigned a number for reference, and this will appear in the footnotes in the form of 'Appendix X: n'. In regard to terminology, the use of 'entry' is applied when referring to an account recorded on a plea roll, a 'plea' is more specifically applied when analysing a record of litigation between a plaintiff and defendant, and a 'case' may encompass a number of related entries or pleas in one overarching suit.

The Jewish Exchequer:

For the years 1216 to 1235, the single roll from the Jewish exchequer—roll E 9/1—documented the proceedings from four law terms in session between Michaelmas 1219 and Trinity 1220.[84] Across ten two-sided *rotuli*, this compilation of records forms the smallest collection of plea roll material available from the royal courts. Nevertheless, the number of pleas involving or relating to Jewish business far surpasses those that emerge from the court *coram rege*, common bench and the eyre courts for this period. Together, a total of one hundred and fourteen pleas were recorded, which when organised by dispute,

[84] Although older scholarship dates the initial law term of E 9/1 as Michaelmas 1218, this thesis adheres to Brand's most up-to-date assessment and dating of the Jewish exchequer's plea rolls' law terms, which begin in Michaelmas 1219, and are listed in full in *PROEJ*, VI, ed. Brand, 57–68.

divide into seventy-four separate cases. This analysis accompanies *Appendix II* in providing a brief overview of the pleas recorded on E 9/1 to explore the question of the Jewish Exchequer's jurisdiction in its early years of administration.

The contents of E 9/1 have received sporadic historical analysis across the last hundred years, most recently by Victoria Hoyle in 2008, who drew on selected cases of debt litigation between Christians and female Jewish moneylenders.[85] The pleas *as a collection*, however, have not attracted attention since Rigg's introduction to the roll in 1905.[86] As such, the scope of this institution's jurisdiction, and the cases brought before it, have only been appreciated in Brand's introduction to the sixth volume of the plea rolls of the Jewish exchequer.[87] This discussion, while rich in detail and examples, focused primarily on pleas that survived post-1265. The administration of the Jewish Exchequer for this early period has been touched upon by Cecil Meekings in his analysis of the justices of the Jews active between 1218 and 1268, but only briefly, and with little comment on the structures of the court.[88] When situating the jurisdiction of the Exchequer of the Jews within the larger picture of the common law courts, the cases brought by and against Jews on E 9/1 require more critical attention.

Brand acknowledged that 'the greatest part, by far, of the business of the Exchequer of the Jews during the last quarter of a century of its existence was connected with the practice of Jews lending money to Christians'.[89] *Appendix II* demonstrates that in this respect little had changed from the period 1219 to 1220; the majority of pleas heard before the Jewish exchequer were connected to Jews lending money to Christians on the security of their lands, and the subsequent efforts of the creditors or their assigns to secure repayment with interest. A total of twenty-five pleas (21%) on E 9/1 recorded Jewish creditors bringing suit against original debtors, and an additional thirteen pleas (11%) demonstrate Jews attempting to extract the total owed from those to whom the lands of the debtors had subsequently passed. Cases concerning moneylending, however, were not

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85 V. Hoyle, 'The Bonds that Bind: Money Lending Between Anglo-Jewish and Christian Women in the Plea Rolls of the Exchequer of the Jews, 1218–1280', *Journal of Medieval History* 34 (2008): 119–129.
86 *Calendar of the Plea Rolls of the Exchequer of Jews, I, Henry III, 1218–1272*, ed J.M. Rigg (London, 1905).
87 *PROJE*, VI, 1–56.
88 C.A. Meekings, 'Justices of the Jews, 1216–68: A Provisional List', *Bulletin of the Institute of Historical Research* 28 (1955): 173–188.
89 *PROEJ*, VI, 12.

only brought by Jews. A number of Christians also brought actions to the Jewish exchequer to dispute the legitimacy of a debt or the unlawful *disseisin* of their land. In fact, of the one hundred and fourteen pleas enrolled upon E 9/1, only forty-four pleas (38%) presented Jews as plaintiffs, whereas sixty pleas (53%) reveal the plaintiff to be a Christian party. The remaining ten pleas (9%) demonstrate that the crown also sought to resolve its own cases at the Jewish exchequer, often in *quo warranto* suits whereby Christians were suspected of holding land or property which rightfully belonged to the king. It is evident that financial disputes contributed to the majority of pleas before the Jewish exchequer during this period, yet it is worth emphasising that these disputes were primarily brought by Christian plaintiffs. Discussions are often rooted in the 'isolation' and 'restriction' of Jews at the Jewish exchequer, as discussed in section one, but these cases reveal that this court mediated between Jews and Christians *and* Christians and Christians; a point sometimes overlooked when analysing the subject of Jewish jurisdiction.

Appendix II further demonstrates that the Exchequer of the Jews also exercised jurisdiction over cases concerning title to property/land during this period in which either the plaintiff/demandant or defendant/tenant concerned was Jewish, or the property/land had been put up as the gage on a loan. These cases appeared less frequently than a disputed debt, yet E 9/1 enrolled thirteen cases (11%) that featured a Jewish plaintiff or defendant between 1219 and 1220. Interestingly, there is no evidence on E 9/1 of cases concerning the return of moveable property. In later rolls it is clear that the Jewish exchequer regularly handled cases of this kind, and Jews appeared as both plaintiffs and defendants: when seeking the return of their moveable property and against Christian attempts to recover movables placed down as security for a loan.[90] It is unknown whether the Jewish exchequer did not hold jurisdiction over such disputes between 1219 and 1220, or if simply no claims were heard.

Moving beyond property litigation, *Appendix II* demonstrates that twenty-seven pleas (24%) concerned the action of trespass.[91] In these, the Exchequer of the Jews appears to have handled cases in which Jews were plaintiffs and defendants, or when the trespass action between opposing Christians was closely related to a Jewish debt. These pleas

[90] *PROJE*, VI, ed. Brand, 10. For examples of such cases see *PROJE*, I, ed. Rigg, 131, 132–3, 142, 143–144, 145; *PROJE*, VI, ed. Brand, nos. 563–564.
[91] As defined by Brand in *PROJE*, VI, ed. Brand, 11. The action of trespass in this period will receive further consideration in chapter 2.

ranged greatly. Enrolled on E 9/1 alone were eight different variations of trespass including: the unlawful distraint of a debt (as discussed above), physical assault, housebreaking and theft, damages against the king's peace, unlawful entry, unlawful imprisonment, deception, and chirographs made against the assize. In comparison to the plea of unlawful distraint—which appears before the Jewish exchequer on fifteen occasions—the next most frequent suits are for theft (3) and for chirographs made against the assize (4). Although rarer, E 9/1 also recorded three appeals of felony—one of which occurred between a Jewish plaintiff and Christian defendant, and two appeared between opposing Jewish parties. Seven entries on the roll pertain to a case between Comitissa Turbe and Abraham Gabbay, two Jews from Gloucester, in which Comitissa accused Abraham of conspiring, along with five others, to kill her late husband Solomon Turbe.[92] Although ordinarily pleas between two Jewish parties were handled before the rabbinic courts, any criminal charges fell under the jurisdiction of the crown.[93] The irregularity of this particular case, its depth and detail, warrants further analysis and will be returned to in chapter two.

One hundred and fourteen pleas are enrolled upon E 9/1 for the years 1219 to 1220 and demonstrate that the Exchequer of the Jews held a jurisdiction over debt, property and criminal cases. To enhance our understanding of how exclusive this purview was over Jewish cases, the plea rolls from the three other royal courts require similar consideration: when and under what circumstances did Jews and Jewish cases appear elsewhere?

The Court Coram Rege:

As is the case with the Exchequer of the Jews, there is little surviving material from the court *coram rege* for this period. This is not due to the loss of records, however, but rather its limited time in session. From its restoration in Trinity 1234, two rolls survive that covered the business of the king's court through until Easter 1236. These rolls have been

[92] Appendix II, 85, 91, 92, 96, 108, 109 and 114. Emma Cavell, in her blog for the 'Women Negotiating the Boundaries of Justice' website, has brought all the entries of this case together and presented the first analysis on these proceedings. This is available online at http://womenhistorylaw.org.uk/en/blog/1/9/death-in-gloucester-the-strange-case-of-solomon-and-comitissa-turbe [accessed 10 September, 2018].
[93] See commentary on King John's charter to the Jews issued in *c.* 1201 on page 40–41 above.

catalogued by The National Archives as KB 26 115B (Trinity 1234–Easter 1235), and KB 26 233 (Trinity 1235). What follows considers the jurisdiction of the court *coram rege*, before turning to the entries found that relate to Jews and Jewish business upon these rolls.

Business before the king—*coram rege*—was still heard by the common bench following Henry III's declaration of his majority in January 1227. It was not until William Raleigh was appointed to senior justice in May 1234 that a separate jurisdiction truly surfaced.[94] Even then, however, Brand has shown that much of the business overseen by the court *coram rege* overlapped with that of the common bench and the eyre courts.[95] These disputes divided into two principal categories: criminal suits touching pleas of homicide, serious bodily assault, robbery and theft; and civil suits, which saw to the protection of rights to land and other similar types of real property, such as rights of common pasture, right charges secured on land, and lordships over free men. Indeed, for the period October 1234 to September 1235, when the court *coram rege* was the only central court in session, it absorbed a range of administrative and legal matters that would ordinarily have been heard before the bench.[96]

When both the bench and court *coram rege* were in session, the king's bench held superior status as the court technically held before the king himself. Hudson, Sayles and Turner all agree that this status allowed the king to focus on cases of 'personal interest',[97] and as a result the suits that came before the court *coram rege* 'might seem merely the expression of royal favour and disfavour'.[98] This hierarchy could also be influenced by those using the legal system. Richardson draws attention to an example from 1201 in which the justices of the Jews had initially attempted to recover a loan made by Aaron of Lincoln from the widow and heirs of the borrower, a Jew named Dieudonné. The defendants claimed to hold written evidence that acquitted them from the debt and so, in an attempt

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[94] D. Crook, 'Raleigh [Ralegh], William of (d. 1250), Justice, Administrator, and Bishop of Winchester', *Oxford Dictionary of National Biography*: https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-23042?rskey=NAsWMP&result=1 [accessed 6 March, 2017].
[95] P. Brand, 'The English Medieval Common Law (to c.1307)', 180–181.
[96] *Curia. Reg. R.*, XV, xxxi.
[97] *Select Cases in the Court of the King's Bench*, ed. G.O. Sayles (London, Selden Society 55, 1936), xxxii–xxxiii.
[98] Hudson, *The Formation of English Common* Law, 223. See also, R.V. Turner, *The King and His Courts: The Role of John and Henry III in the Administration of Justice, 1199–1240* (New York, 1968), 55.

to prove their innocence, the defendants paid ten marks to produce their bonds before the court *coram rege* where, Richardson believed, they 'evidently expected a judgement in their favour'. The case was, as a result, moved from its conventional place at the Jewish exchequer into the king's own court.[99] As the jurisdiction of the court *coram rege* remained fluid, the reasons why cases concerning Jews and Jewish business appeared before the crown's highest jurisdiction require closer investigation.

The surviving rolls, KB 26 115B and KB 26 233 belonged to William Raleigh himself and were, in the words of Meekings, 'primarily those of a justice rather than the impersonal rolls of a court'.[100] They recorded not only the business done by him *coram rege*, but also his business further afield, such as the Surrey assize taken at Lambeth on the 13 October 1234, and the Midlands forest perambulation at Easton on 7 January 1235.[101] The nature of these rolls demonstrate that Raleigh, as the senior justice of the court *coram rege* during this early period, may have determined when the court *coram rege* was in session. Meekings has argued that the court *coram rege* was 'the court of a young man growing up among men who had governed his country'.[102] Henry III had handed Raleigh the reins to his court, granting him the authority and responsibility of dispensing justice in the king's name. It is possible, therefore, that Raleigh also had some influence over what cases were brought before this court. Yet the extent to which these cases represented Raleigh's personal whims requires reflection. It may be more likely that cases heard were of broader interest to royal justice or were directed through a payment to the crown. As these cases included actions brought by and against Jews and related to other Jewish business, the study of these two plea rolls must not overlook Raleigh's role in shaping the experiences of Jewish litigants.

During the terms of business recorded for the court *coram rege* (Trinity 1234–Michaelmas 1235), a total of nineteen entries referenced Jews. Together, these only constituted five separate cases. *Appendix III* demonstrates that the greatest volume of entries relating to Jews recorded before the court *coram rege* involved the appearance of Jewish witnesses in a single royal prosecution. In the autumn of 1234, a unique assembly

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[99] Richardson, *English Jewry*, 150–151.
[100] Meekings, 'Introduction', in *Curia. Reg. R.*, XV, xxix.
[101] *Curia. Reg. R.*, XV, case numbers, 1187–1206, 1291–1307. These separate assizes are distinguished as such in the manuscript.
[102] Meekings, 'Introduction', *Curia. Reg. R.*, XV, xxii.

of fifteen entries appeared upon two *rotuli* of the *coram rege* roll KB 26 115B. These accounts constitute a detailed dossier of accusations against the king's former council: Peter des Rivallis, Stephen Seagrave and Robert Passelewe. They recorded testimonies from eighteen Jewish witnesses, alongside a collective account from London's Jewish community, and two Christian chirograph clerks.[103] This exceptional case is the dedicated subject of chapter five. Of the four other cases, only two recorded Jews as litigants: once as plaintiffs and once as defendants when the Jews of Norwich were accused of circumcising a Christian child.[104] The final two pleas reveal a charge of violence and injury brought by Simon, a Christian clerk, who was specifically named in the record as a chirograph clerk,[105] and a case raised against the sheriff of Norwich brought by the town following an ongoing dispute concerning attacks on the Jewish community and their property.[106] Together, all five cases related to an unusual criminal or trespass action. Yet at this stage it is important to recognise that the exceptional nature of the royal prosecution in 1234 contributed to 79% of the entries involving Jews upon the *coram rege* rolls.

The Common Bench:

In contrast to the Exchequer of the Jews and the court *coram rege*, the records available from the common bench offer a more complete picture of English law in this period. The first rolls emerge from Trinity 1219, and despite exceptions for Hilary 1222, 1224 and 1234, Easter 1222, 1223, 1224, 1230, and 1234, Trinity 1233, and Michaelmas 1229, 1231, and 1235, all rolls survive from when the bench was in session. No rolls are available from Hilary 1219, 1227 and 1235, Easter 1219 and 1235, Trinity 1221, 1223, 1226, 1228, 1232 and 1235, and Michaelmas 1226, 1227, and 1234. This was simply because the bench was closed. Many of these occasions coincided with general eyres (see below), when the justices ordinarily in charge of the bench were distributed to the localities. Crook has shown, for example, that Martin Pattishall presided over the bench in Easter 1226, but soon commenced upon the northern circuit for the 1226–1230 visitation of the general eyre.[107] Although the eyre courts produced their own rolls, the rolls of the common bench sporadically documented 'vacation business' taken by the justices in the localities. This can

[103] Appendix III, 2–18.
[104] Appendix III, 19, 20.
[105] Appendix III, 1.
[106] Appendix III, 21.
[107] Crook, *Records of the General Eyre*, 79.

be seen for example, in Seagrave's roll from Trinity 1224, which documented select business from an assize at Northampton.[108] Together, forty-one out of a possible fifty-six terms (73%) are available for this period. Unlike Raleigh's rolls that exclusively survive from the court *coram rege*, a number of parallel rolls emerge from the common bench as well, simply due to the number of justices that presided. A total of fifty plea rolls are available to historians today and reflect the court's status as the principal jurisdiction during the years of Henry III's minority.

Appendix IV presents an overview of the fifty pleas involving Jews that have been found upon these rolls. Together, they constitute a total of forty-two separate cases. Of these, the greatest volume of pleas involved Jews lending money to Christians on the security of their lands but did not necessarily involve Jewish litigants. These cases often arose between two opposing Christian parties, and concerned the *seisin* of land which was, or had been, pledged to Jewish creditors. A total of thirty-two (64%) entries captured cases that fall within this category and, more often than not, there is no evidence to suggest the related Jewish creditor was present: the moneylending agreement was simply acknowledged in passing. Two entries reveal when Jews themselves sought actions connected to debt before the common bench.[109] Six other cases testify to the practice of explicitly calling on Jewish creditors to witness or warrant in Christian cases concerning land connected to past or present debts.[110] A further five disclose that Christians claimed against Jews for unlawfully disseising them of their land.[111] Together, these pleas were not dissimilar in subject matter to those heard before the Exchequer of the Jews. Although references to Jewish litigants before the bench were less frequent than those at the Jewish exchequer, these entries reveal that the common bench shared a role in the organisation and management of pleas relating to Jewish crediting. It is also worth noting that both Christian and Jewish litigants, through personal preference or royal direction, turned to the common bench as a location for resolving matters of financial interest. Why this jurisdiction was sought over the Jewish exchequer, almost geographically adjacent to the common bench, remains unclear.

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[108] *Curia. Reg. R.*, XI, case numbers 1891–97.
[109] Appendix IV, 21, 33.
[110] Appendix IV, 1, 3, 4, 7, 12, 15.
[111] Appendix IV, 4, 31, 34, 38, 39.

The common bench was also home to other forms of legal dispute between Jews and Christians, including the action of trespass also observed at the Jewish Exchequer. Such cases appeared much less frequently, and only two entries were enrolled between the years 1216 and 1235: one concerning the charge of intrusion, and the other featuring a dispute surrounding an unjustly detained charter.[112] Private criminal prosecutions involving Jews, like those seen before the court *coram rege*, were marginally more frequent with four such cases documented across five entries: two involving Samarian, Jew of Winchester, who brought a charge of injury and robbery against Thomas son of William, Matthew of Marcecrer, and Robert Makerel;[113] a dispute that saw Jewish defendants accused of murder in 1224;[114] and again for attempted murder in 1230.[115] The final criminal charge only referred to Jews in passing, when a case between two opposing Christian parties acknowledged a group of Jews had unknowingly pawned stolen goods.[116] Together, the civil and criminal suits brought before the common bench by, against, and connected to Jews were as diverse as the cases before the other courts. The position of the common bench as the highest royal jurisdiction during Henry III's minority may explain why it oversaw such a variety of actions and why it may have been favoured over the neighbouring Jewish exchequer even when the action related to debt. In the absence of the court *coram rege*, the line between these jurisdictions may have been blurred enabling cases to arise where they may not have done so ordinarily. Regardless, however, the suits relating to Jews and Jewish business were, once again, dominated by the practice of moneylending.

The Eyre Courts:

The plea rolls from the eyre courts are the most difficult to organise and categorise. The following analysis defines 'eyre' business for the purposes of this study before turning to the question of jurisdiction and the cases found relating to Jews and Jewish business across these courts.

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[112] Appendix IV, 15, 35.
[113] Appendix IV, 19, 20.
[114] Appendix IV, 23.
[115] Appendix IV, 42.
[116] Appendix IV, 6.

During this period of English law, the rolls of the itinerant justices can be divided into two primary categories: rolls from the 'general eyre' directed by royal justices, and rolls produced from other sessions led by officials with more limited powers who may have managed gaol deliveries, special inquests, fiscal inquiries or forest eyres.[117] These categorisations are important when turning to the thirty-seven plea rolls that survive for this period. The majority of these rolls, thirty-four in total, recorded pleas from the general eyres, which in the words attributed to Henry de Bracton, were when 'justices are commissioned to go from county to county to hear all causes in general'.[118] Between the years 1216 and 1235, the general eyre underwent four visitations. David Crook has collated detailed itineraries of each of these visitations in his guide to the *Records of the General Eyre*, and so only a brief summary is presented in the table below.[119]

Table 1: The Eyre Visitations, c. 1216–1235

Year of Visitation	Number of Circuits + Additional Eyres	Number of Surviving Plea Rolls
1218–1222	11	13
1226–1230	13	8
1231–1233 (incomplete)	5	6
1234–1236	4	7

Each visitation was divided into a series of stages, in which justices were assigned a specific geographical circuit. The visitation of 1226 to 1228, for example, was divided into three stages: the first between 1226 and 1227, which distributed its business between three circuits led by Pattishall, Seagrave and Moulton. Pattishall oversaw the Northern circuit, Seagrave the Midland circuit, and Moulton the southern circuit. These same justices then followed another circuit during the second stage of the visitation between 1227 and 1228, before four separate eyres were held at Surrey, Middlesex, Sussex and Rutland in the concluding stages of 1230–1231. The plea rolls alone cannot clarify the organisation of this system, but the sophisticated launch of the eyre programme is presented through letters copied into the close and patent rolls. Having agreed on an itinerary, the Chancery prepared and issued the necessary letters for its launch. Crook has identified that this took the form of a tripartite system, whereby the first letter patent was addressed to the justices

[117] For further details, see Crook, *Records of the General Eyre*, 1.
[118] *Bracton*, II: 308.
[119] Crook, *Records of the General Eyre*, 71–96.

and commissioned them to hold all pleas in the county or counties named. Following this, a second letter patent was addressed to the archbishops, bishops, abbots, barons, priors, and all others, informing them that they must be 'intendant and respondant' to those justices. Finally, a letter close was then addressed to the sheriff. He was informed that an eyre was to be held for his county and given notice of an opening date.[120] The sophistication of this process is testament to the importance of the general eyre to the crown. Surprisingly little historical attention has been granted to their records, which offer a rich foundation for exploring the extension of royal justice beyond Westminster.

The records from the general eyres do not account for all royal litigation managed in the localities. Three rolls, the Berkshire, Surrey and Somerset assize and gaol delivery rolls for the ninth year of Henry III's reign—October 1224 to October 1225—fall outside the jurisdiction of the general eyre, but offer a series of suits managed by the itinerant justices. As a result, these three rolls documenting 'eyre business' have been categorised for this dissertation with the rolls that survive from the eyre courts. Not all royal adjudication, however, was afforded a separate plea roll. The vacation business undertaken by the justices of the common bench was often recorded and embedded within their proceedings taken from Westminster. For example, four *rotuli* on KB 26/85 recorded a series of gaol deliveries and special inquiries made in Northamptonshire, Herefordshire, Worcestershire, Dunstable and Oxfordshire by Martin Pattishall in Trinity 1224. The mixed content of rolls such as these presents a challenge for distinguishing between eyre and bench business. This dissertation has categorised all pleas on a KB 26 roll heard outside of Westminster as falling under the jurisdiction of itinerant justices. As a result, these records have also been grouped with the pleas heard before the eyre courts.[121]

Appendix V presents an overview of the entries relating to Jews found across the thirty-seven eyre rolls that survive for this period, in addition to those cases documented on the assize and gaol delivery rolls, and as part of the vacation business of the bench. The greatest proportion of entries found that relate to Jews divide into two main categories. Firstly, as with pleas before the common bench and the Exchequer of the Jews, most cases were connected to the practice of Jews lending money to Christians. A total of twenty-five entries fall within this category: six suits were brought by Christian plaintiffs attempting to

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120 Crook, *Records of the General Eyre*, 5.
121 For example, the Gaol Delivery at Northampton in 1228 (KB 26/96). See Appendix I.

secure their land, property or inheritance that was tied up with a Jewish loan,[122] and eleven entries simply referenced a loan or land pledge in passing. A further case reveals that the crown also sought to resolve cases linked to Jewish debts in the localities, when a land pledge escheated to the crown following a defaulted debt to the Jews, had not passed smoothly into the king's hand.[123] Jews only appeared as plaintiffs in four civil suits before eyre courts and again three of these cases were linked to a creditor attempting to secure rightful *seisin* on the premise of a defaulted loan.[124] The second category, encompassing a total of nine entries, concerned criminal actions and the pleas of the crown. Generally, these actions ranged greatly across the eyre courts, and included cases of murder, rape and robbery. In our collection, one criminal case was brought by Jewish plaintiffs,[125] one accused a Jewish defendant of murder,[126] three cases (recorded across four entries) reveal the crown inquiring into Jewish deaths,[127] and an additional three cases mentioned the Jewish community in passing.[128] Two final entries involving Jews appeared in the 'Amercements and Fines' section of the Gloucestershire session from 1221, whereby it was recorded on two occasions that Jews were ordered to pay a fine for a false pledge.[129] These findings reveal that the business of the eyre courts was, by far, the most varied of the four courts.

iii. The Geography of Jewish Cases:

This survey of the ninety royal plea rolls that survive for the period 1216 to 1235 calls into question Pollock and Maitland's assertion that, beyond the plea rolls of the Jewish exchequer, 'we can read very little of the Jews in the records of any other court'.[130] In addition to the 114 disputes heard before the Exchequer of the Jews, a further 105 entries were found upon the rolls of the court *coram rege*, the common bench and the eyre courts: forty-six entries specifically relating to Jews in court and a further fifty-nine that referenced England's Jewish community in either a personal or administrative capacity. These findings are hard won and emerge following a close reading of over 15,000 individual plea roll

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122 Appendix V, 7, 8, 22, 28, 29 and 32.
123 Appendix V, 1.
124 Appendix V, 23, 24 and 25; Appendix V, 20 also reveals a Jew who has converted to Christianity bringing suit.
125 Appendix V, 5.
126 Appendix V, 9.
127 Appendix V, 17, 18, 35, 36.
128 Appendix V, 4 12, 15.
129 Appendix V, 10, 11.
130 *English Law*, I, 470.

entries, with approximately 3,000 entries only accessible in their original manuscript format. Now uncovered, they can be put to good use. These entries challenge any notion of the legal monopoly currently associated with the Jewish exchequer and, in doing so, can help develop a more nuanced appreciation for the place and activity of England's Jewish community in the royal court system.

There is no obvious pattern in, or restriction on, the particular forms of action that appeared before a specific court, and a variety of both criminal and civil cases were heard within each jurisdiction. The majority of Jewish debt litigation appeared before the Exchequer of the Jews, especially lawsuits initiated by Jewish creditors, yet cases connected to crediting agreements were also heard before the common bench, the eyre courts and the court *coram rege*. Indeed, while the cases heard outside the Jewish exchequer—105 entries in total—were unmistakably fewer than those heard during a single year of the Jewish exchequer's business, their very existence, and variety, raises the question of why an individual case was heard before a particular court. If regulations or precedent did not exclusively dictate the actions overseen by each court, is it possible that litigants (including Jewish litigants) were afforded a degree of choice for where they chose to initiate a case?

Irregular trends also emerge when investigating the correlation between the geographical origin of a dispute and the presiding court. Both the Exchequer of the Jews and the common bench were in semi-permanent residence in the royal palace of Westminster,[131] and the location and frequency of disputes heard before these jurisdictions are mapped on *Figure I* and *Figure II* below. These maps illustrate that, despite their fixed location, both courts attracted litigants from across the country. These settlements ranged as far north as Yorkshire, and as far south as Southampton and Sussex. Oddly only six pleas before the Jewish exchequer and four before the common bench originated in London itself—home to England's largest Jewish community—with the greatest volume of pleas arising in the North-East, in Yorkshire, Lincolnshire and Norfolk.[132] In the south, Kent, Gloucestershire and Essex appear to have been the key centres for disputes, whereas

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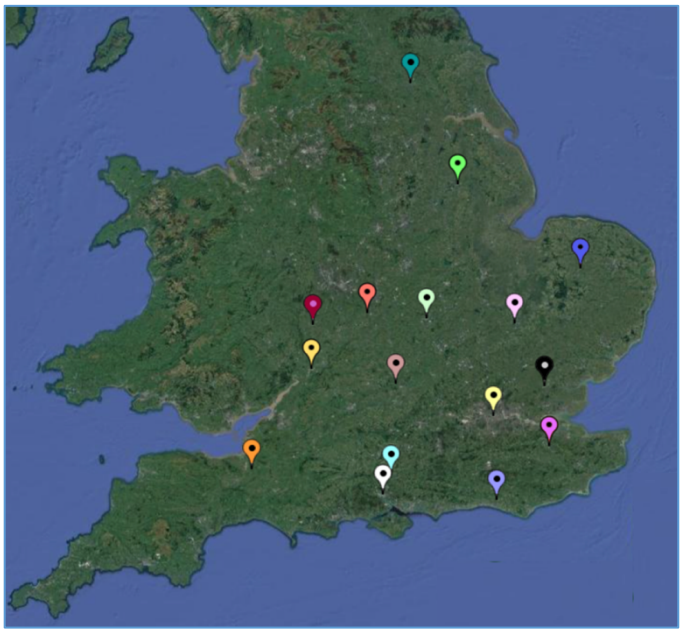
[131] The exact location of the Exchequer of the Jews was revealed by an order given in 1235 for the enlargement of its premises, which placed the department in a chamber on the west side of Westminster hall. For more information, see H. Colvin, *The History of the King's Works*, 6 vols. (London, 1963), I, 539; *PROJE*, VI, ed. Brand, 3; *CR, 1234*–7, 100.

[132] For further details on the Jewish community in London see Hillaby, 'The London Jewry: William I to John', 1–44.

only two or fewer pleas surfaced from Buckinghamshire, Berkshire, Middlesex, Hertfordshire, Somerset, Southampton, Sussex, Winchester and Wiltshire. The areas with a high number of cases correlate with some of the more prominent Jewish populations outside of London; namely Norwich in Norfolk, Lincoln in Lincolnshire and Canterbury in Kent (which acted as a secondary base for many of London's wealthy creditors). The wide geographical span of the remaining cases suggests that the business of Jewish creditors expanded beyond their primary centres of operation.

This notion is supported when the locations of cases that did not feature a Jewish plaintiff or a Jewish defendant are removed. For example, of the forty-two cases that referenced Jews before the common bench, only ten recorded a Jewish individual before the justices. In cases that recorded Jews travelling to Westminster, the geography looks slightly different. In fact, instead of imitating the broad geographical spread seen for the Jewish exchequer, *Figure III* presents a more limited picture that more closely aligns with known Jewish centres. Nevertheless, these figures still demonstrate that Jews travelled the country to seek justice before the common bench despite the court's almost immediate proximity to the Exchequer of the Jews. Whose decision, and what swayed this decision, to choose one court over another, will form a fundamental line of inquiry as this dissertation develops.

Figure I: Geography of Actions before the Exchequer of the Jews
This map presents the origin locations of the pleas enrolled upon E 9/1. The accompanying key outlines the frequency of pleas in each location.



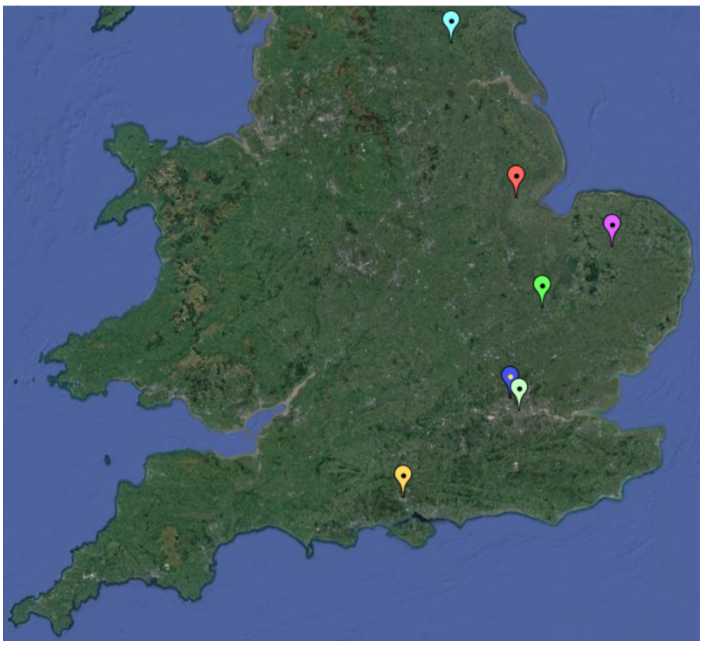
- Yorkshire (8)
- Lincolnshire (14)
- Norfolk (20)*
- Warwickshire (8)
- Northamptonshire (5)
- Cambridgeshire (7)
- Essex (8)
- Worcestershire (1)
- Gloucestershire (11)
- Oxfordshire (2)
- London (6)
- Kent (15)
- Somerset (2)
- Winchester (2)
- Southampton (4)
- Sussex (1)

* This figure includes four entries that record more than one location, but Norfolk appears to have been the centre of the dispute. (Norfolk/Suffolk/Leicester appears once and Norfolk/Suffolk appears on three occasions).

Figure II: Geography of Actions before the Common Bench: I
This map presents the origin locations of pleas heard before the common bench involving Jews, Jewish administration or business. The accompanying key outlines number of cases (rather than entries) in each location.

- Yorkshire (4)
- Lincolnshire (4)
- Norfolk (4)
- Suffolk (1)
- Northamptonshire (4)
- Bedfordshire (2)
- Cambridgeshire (2)
- Gloucestershire (1)
- Buckinghamshire (2)
- Hertfordshire (1)
- Essex (5)
- Wiltshire (1)
- Berkshire (2)
- Middlesex (2)
- London (4)
- Somerset (1)
- Southampton (1)
- Sussex (1)

Figure III: Geography of Actions before the Common Bench: II
This map presents the origin locations of pleas that placed Jews before the common bench. The accompanying key outlines number of cases (rather than entries) in each location.



- Yorkshire (1)
- Lincolnshire (4)
- Norfolk (1)
- Cambridgeshire (1)
- Middlesex (1)
- London (4)
- Southampton (1)

Figure IV: Geography of Actions before the Eyre Courts
This map presents the locations of cases involving Jews or Jewish business before the itinerant justices at the eyre courts across the visitations made between *c.* 1216–1235. The accompanying key outlines the number of cases (rather than entries) in each location. The locations have been colour coded to identify in which visitation the cases appeared.

The Visitation of 1218–1222:
- Yorkshire (4)
- Lincolnshire (1)
- Worcestershire (2)
- Warwickshire (3)
- Gloucestershire (2)

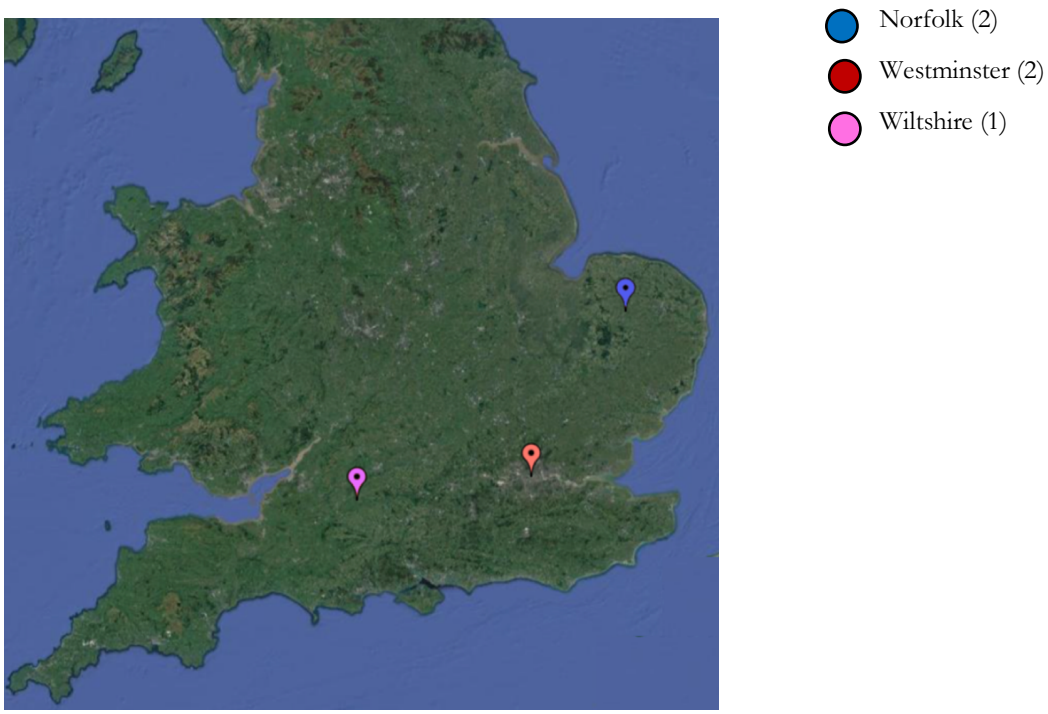
Gaol Deliveries and Special Inquiries, 1224:
- Oxfordshire (1)

The Visitation of 1226–1229:
- Norfolk (1)
- Bedfordshire (2)
- Essex (1)

The Visitation of 1231–1232:
- Yorkshire (8)
- Warwickshire (3)

Unlike the Jewish exchequer and the common bench, the eyre courts had no fixed or permanent residence. The itinerant nature of these courts presents a wide geographical spread of cases involving Jews. *Figure IV* reveals that these disputes were heard as far north as Yorkshire and as far south as Surrey, with a high concentration of pleas emerging again from the North-East. Fifteen pleas alone arose across Yorkshire, Lincolnshire and Norfolk, whereas the central and southern counties averaged between one and three cases apiece, excluding the notable six pleas at Warwickshire, and four at Surrey. The number of cases per county may simply be explained by what records survive for each visitation, yet this geographical dispersal demonstrates that Jewish pleas were a regular component of the visitations. Given the travelling nature of the eyre courts, it may be that those from further afield would await royal intervention at home rather than seeking justice at Westminster.

Figure V: Geography of Actions before the Court *Coram Rege*
This map presents the locations of cases involving Jews or Jewish business before the court *coram rege*. The accompanying key outlines the number of cases (rather than entries) in each location.



The court *coram rege* also had no fixed residence. Instead, it travelled the country and actively administered royal justice on location. *Figure V* demonstrates that during this period cases involving Jews only appeared in three centres; Westminster, Wiltshire and Norfolk. Although this concentration is likely explained by this study's limited perspective of the court's time in session and the smaller volume of cases, there is no immediate answer as to why these disputes came before the highest jurisdiction. All three locations were known centres of Jewish settlement, but it may be, as discussed above, that the nature of the cases attracted the king's attention. It is widely recognised that personal or royal interest may have determined the court in which pleas were heard. Turner has argued that 'the king's interest, convenience, or financial gain [were] the major factors in determining where pleas should be heard'.[133] Richardson has reasoned, however, that these decisions often fell to the litigants themselves: 'those who could afford the expense… if the issue were of sufficient importance to them'.[134] A payment could determine which court heard their plea or move a case from one court to another. Litigants that sought a specific jurisdiction at their own expense, however, evidently 'expected a judgment in their favour'.[135] This thesis, therefore, will not only explore when and why cases appeared across different jurisdictions, it will consider if and how Jews were able to enter and navigate the royal court system to their own advantage.

Conclusion:

The question of where Jewish litigation belonged in the administration of thirteenth-century law has, until recently, been understood in terms of its isolation and segregation at the Exchequer of the Jews. Indeed, some historians went as far as to discount the records of other courts for the study of Jewish history.[136] This chapter, and its accompanying appendices, have demonstrated that the plea rolls produced by the eyre courts, common bench and the court *coram rege* between the years 1216 and 1235 have, in fact, a wealth of evidence to further our understanding of Jews in royal courts. This thesis does not refute the notion that the Jewish exchequer oversaw the majority of Jewish cases, especially if the single surviving roll E 9/1 is representative of the court's other years in operation. Instead, it argues that the records of further cases heard before the three central royal courts

133 Turner, *The King and His Courts*, 55.
134 Richardson, *English Jewry*, 150–151.
135 Richardson, *English Jewry*, 150–151.
136 *English Law*, I, 470.

demonstrate that the Exchequer of the Jews was not the *exclusive* authority for Jewish legal affairs in the early decades of the thirteenth century. All four courts heard both civil and criminal actions from across the country, brought by and against Jewish litigants, with no apparent geographical or procedural limitations on their jurisdiction. Furthermore, the evidence demonstrates that the Jewish exchequer was open to both Christians and Jews bringing suits concerning Jewish business. It was, therefore, neither isolated nor segregated from the Christian population and the larger apparatus of English law.

These findings force us to reconsider Stacey's argument that the king held a 'jurisdictional monopoly' over Jewish legal affairs, rooted in the foundation of the Jewish exchequer. This is not to say that Stacey's assertion was incorrect, but that the scope and scale of his concept must be resituated and extended to include every court dispensing the king's justice. Jews may have been legally distinguished from the Christian population by their relationship with the crown, their association with crediting, and the additional provisions put in place to cater for their faith in court, but it is clear from this survey of court material that these theoretical conditions did not, in practice, exclude Jews or Jewish business from the royal court system. This thesis, therefore, puts forward a new argument: the Exchequer of the Jews should no longer be seen as a separate partition of the legal system, but a major nexus of Jewish business within a larger, overarching network of royal justice. The common bench, the court *coram rege*, the eyre courts and the Jewish exchequer were four arms of a single body that, in its entirety, implemented a royal claim over Jews (outside rabbinic allowances). As a result, our understanding of the Jewish legal experience can no longer be appreciated purely in terms of difference and segregation. Questions of assimilation must be introduced to the study of medieval Jewish history. This study of Jews in court, therefore, accounts for the place of Jews within a developing legal system, and for the period 1216–1234, it explores how the law functioned under the legal minority of an English king, raising for the first time new questions of Jewish access and reception across the royal courts. As the remaining chapters unfold these plea rolls will be read in a way that continues to rethink and re-examine what clues court records provide for an understanding of the Jewish experience in thirteenth-century courtrooms. Having brought this corpus together, what can we learn from it?

CHAPTER TWO

The Plea

The law formed an increasingly centralised pillar of English society in the early thirteenth century through its foundation and formal application (and record) of justice in the royal courts. Having reconstructed the legal ideas and concepts concerning England's Jewish community in this period, alongside providing an initial analysis of the courts that administered the law and the various jurisdictions exercised, this chapter now turns to the pleas—the actions brought within the common law process. This chapter examines the two key moments captured upon the royal plea rolls—the making of a claim and the defending of a claim—to explore two central facets of the Jewish legal experience: when Jews were plaintiffs and Jews were defendants.

Studies on Jewish litigants in medieval England currently divide into two main areas of scholarship: the study of Jewish creditors at the Exchequer of the Jews attempting to negotiate and reclaim unpaid debts, as seen in the works of Victoria Hoyle and Suzanne Bartlet,[1] and the instances when Jews were accused of violence or ritual murder.[2] Paul Brand's introduction to the sixth volume of the *Plea Rolls of the Exchequer of the Jews* offers a notable exception. Here Brand provided a detailed assessment of the actions brought and defended before the justices of the Jews post-1265, including debt, real property, movable property, trespass, and inheritance.[3] This chapter builds on Brand's groundwork by focusing on a period untouched by his research, the years 1216 to 1235, and offers an

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[1] V. Hoyle, 'The bonds that bond: money lending between Anglo-Jewish and Christian women in the plea rolls of the Exchequer of the Jews, 1218–1280', *Journal of Medieval History* 34 (2008): 119–129; S. Bartlet, 'Three Jewish businesswomen in thirteenth-century Winchester', *Jewish Culture and History* 3 (2000): 31–54. See also, H.G. Richardson, *The English Jewry under Angevin Kings* (London, 1960), esp. 67–82; J. Hillaby, 'Testimony from the margin: the Gloucester Jewry and its neighbours, *c.* 1159–1290', *Jewish Historical Studies* 37 (2002): 41–112; R. Berman Brown and S. McCartney, 'David of Oxford and Licoricia of Winchester: glimpses into a Jewish family in thirteenth-century England', *Jewish Historical Studies* 39 (2004): 1–35.

[2] See for example, D. Carpenter, 'Crucifixion and Conversion: King Henry III and the Jews in 1255', in *Law, Lawyers and Texts: Studies in Medieval Legal History in Honour of Paul Brand*, ed. S. Jenks, J. Rose and C. Whittick (Leiden, 2012): 129–148; J. Hillaby, 'The ritual-child-murder accusation: its dissemination and Harold of Gloucester', *Transactions of The Jewish Historical Society of England* 34 (1994): 69–109; G. Langmuir, 'Thomas of Monmouth: Detector of Ritual Murder', *Speculum* 59 (1984): 820–846; R.C. Stacey, 'From Ritual Crucifixion to Host Desecration: Jews and the Body of Christ', *Jewish History* 12 (1998): 11–28.

[3] *PROEJ*, VI, 1–51.

approach that takes into account the developing conditions of the English legal system. Brand investigated the experience of Jewish litigants through the forms of action available to Jews at the Jewish exchequer, yet this perspective limited our understanding of the Jewish legal experience more broadly. This chapter, therefore, deviates from Brand's approach in two main ways. [1] It employs the corpus of plea roll material established in chapter one to investigate the activities and experiences of Jewish litigants across the royal court system during a transformative period of English law. [2] It also grants special attention to the reported actions of Jewish litigants on the plea rolls and considers how the composition of court records—their language and structure—may offer new perspectives on the reception of Jews within the infrastructures of a Christian legal system. This chapter, therefore, utilises the commonly overlooked formulas of court material to rethink the wider relationships between faith, power and legal practice. It situates Jewish plaintiffs and Jewish defendants within the prevailing political and legal frameworks that shaped their experience in court.

The chapter is divided into three parts. [I] The first looks at Jewish plaintiffs to explore their access to the royal courts: the forms of action available to Jews, and how those actions transitioned into the court system. It considers how Jewish claims were expressed in the record and the extent to which patterns across the collection are suggestive of larger mechanisms at play. Drawing comparisons with the portrayals of Christian plaintiffs, this section explores how England's Jewish community was received into the practice and record of English law. [II] Following this, the chapter turns to consider Jews as defendants. Unlike the plaintiff's claim which was, in civil suits, becoming increasingly dictated by the purchase (and so the form) of a writ, the defendant's plea could take numerous forms. This section explores the deflections used by and available to England's Jewish community when faced with civil and criminal charges. [III] The final section adds a caveat to these discussions. While sections one and two place disputes between Christians and Jews as the object of study, this section reflects upon an exceptional case between two opposing Jewish parties.

I. Making a Claim:

This section considers the processes by which members of England's Jewish community initiated cases in the royal court system. It explores who could make claims and by what

means, and the extent to which those claims were successful. Anthony Musson, in his assessment of legal consciousness in medieval England for the period *c.* 1215 to 1381, argued that when exploring an individual or group's access to justice, there are two questions that should be considered: firstly, the extent to which they had access to the system of rules and procedures within which the law operated; and secondly, how far they were received with fairness and procedural propriety.[4] This rationale forms the foundation of the following analysis, adopting Musson's theoretical model and applying it specifically to the experiences of Jews between 1216 and 1235. During a transitional period for royal justice it is essential to consider how the Jewish minority was accommodated within the mechanisms of English common law. This section, therefore, uses plea rolls and evidence of contemporary procedure to explore how Jews initiated legal actions and how those actions transitioned into the court system, both with and without writ. It explores the range of civil and criminal actions available to Jewish plaintiffs and measures the scale of their success. In doing so, it reflects on the extent to which crediting and debt litigation defined the experiences of Jews seeking suit before the royal courts.

This analysis is divided into four parts. Sections i and ii address the issue of access: how England's Jewish community utilised various routes into court to initiate both civil and criminal proceedings. Patterns in the language, structure and content of court records are placed at the heart of this analysis to explore the relationship between the documentation of legal practice and the broader legal process—before, during, and after the plaintiff's plea was made. Gaining access to the court, however, only marked the first stage in the judicial process. Section iii considers how far Jewish plaintiffs were successful in their pursuit of justice. This section reflects further upon the language used to create court records and explores how an appreciation of what was included or excluded from the record may enhance our understanding of the processes underpinning the Jewish legal experience. Finally, section iv examines who within England's Jewish community was able to make claims in court, and especially, the extent to which Jewish plaintiffs, and their cases, were connected to moneylending. Drawing comparisons with the records of Christian plaintiffs, this section explores how the language of court records opens questions on the position, reception and experience of Jews within England's evolving judicial process.

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[4] A. Musson, *Medieval Law in Context: The Growth of Legal Consciousness From Magna Carta to the Peasant's Revolt* (Manchester, 2001), 135–137.

i. Accessing Courts: By Writ

There is consensus amongst legal historians that thirteenth-century law replaced, in the words of Raoul van Caenegem, the 'woolly vagueness' of traditional pleading with a system of pre-formulated writs. These writs were purchased from the Chancery and determined the action and course of litigation: the plea, the mesne process, and the nature of proof, as well as the court in which the plea would be heard.[5] Once acquired, a copy of the writ would be made and sent to the local sheriff who would then summon the defendant before the court. *Glanvill* provided one of the earliest windows onto the original writs introduced at the close of the twelfth century.[6] From the 1220s onwards, the writs available for purchase were clearly defined and outlined in a series of registers.[7] As different forms of action surfaced and developed, these registers charted the ever-growing developments in writ procedure. This material demonstrates, therefore, that during the early thirteenth century, writs were an increasingly important (and constantly evolving) means of access to the royal courts. Yet how far England's Jewish community utilised this route into the common law system, and the nature and record of this process, remains an elusive gap in our understanding of law at this moment. This section, therefore, explores the place of Jewish plaintiffs within an emerging judicial process.

Hoyle, Rokéah, and Cavell have revealed that Jews brought a series of civil claims before the royal courts including, but not limited to: debt, trespass, title to real or movable property, and forced imprisonment.[8] These actions reflect many of the same actions

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[5] *Royal Writs*, 49; See also M.T. Clanchy, *From Memory to Written Record: England 1066–1307* (Oxford, 3rd ed. 2013),92–94. Mesne process, in this context, refers to any process issued during the course of proceedings.

[6] *Glanvill* recorded a catalogue of the new writs and explained how they were to be used and replicated in accordance with demand. Alongside the most popular forms of *novel disseisin* and *mort d'ancestor*, which intervened in cases of disinheritance and the withholding of inheritance from an heir, other writs that addressed right, *utrum*, *darrein presentment* and debt, amongst others, were also introduced. See *Glanvill*, ed. G.D.G. Hall, (Oxford, 1993). For further discussion on the variation between writs see *Royal Writs*, 195–346.

[7] These registers of writs consist of the original writs available to purchase from the Chancery. Elsa de Has and G.D.G. Hall, as part of the Selden Society series, have produced an edition of five registers, and an accompanying commentary, that were in use during the early thirteenth to fourteenth century. See *Early Registers of Writs*, ed. G.D.G. Hall and E. De Haas (London, Selden Society 87, 1970). [Hereafter *Early Registers*]. These registers will be reflected upon over the course of this chapter.

[8] *PROJE*, VI, ed. Brand, 6–16; Z.E. Rokéah, 'Crime and Jews in Late Thirteenth century England: Some Cases and Comments', *Hebrew Union College Annual* 55 (1984): 95–157; Emma Cavell, 'Death in Gloucester: The Strange Case of Solomon and Comitissa Turbe', available on the 'Women Negotiating the Boundaries of Justice' website:

available for purchase from the Chancery. The question of whether England's Jewish community had access to the same registers and the full range of writs available to their Christian peers goes to the very heart of the question of Jewish status under the law and the nature of the jurisdiction claimed by the crown. Brand is the only scholar of Jewish and legal history to have considered this question at length. Brand examined Jewish access to the Exchequer of the Jews to argue that 'the writs and forms of action used in such litigation appear to have closely resembled those in use for similar litigation in other courts'.[9] His analysis focused on the period post-1265. In these final decades before the Edict of Expulsion, greater responsibility was placed on the Exchequer of the Jews as a legal institution. The Statute of Jewry *c.* 1271 stipulated that the Exchequer of the Jews, rather than the Chancery, should issue Jews with the original writs necessary to initiate litigation. Brand concluded that this parallel but segregated system for the purchase of writs 'may also reflect the earlier practice'.[10] It is, however, difficult to confirm whether this was true for the early thirteenth century. Few original writs survive before the 1250s and the Exchequer of the Jews' own collation of writ files has been lost. The origins of such a system before 1271 are, therefore, unclear. In order to explore how Jews obtained the writs required to access the royal courts for the period 1216 to 1235, it is crucial to look for evidence of these processes elsewhere.

The registers of those writs available to purchase from the Chancery offer a starting point. Hall and de Haas' edition of five registers from the thirteenth and early fourteenth century include two registers used in the 1220s: the Irish Register and Pre-Mertonian Register. Across the actions available, neither register stipulated a separate writ process for Jewish cases.[11] This may suggest that a separate register was specifically created for Jews to purchase writs from the Jewish exchequer, or instead that the actions and writs available could accommodate both Christian and Jewish claims. Take for example, the subject most associated with Jews and jurisdiction: the writs for debt litigation outlined in each register.

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http://womenhistorylaw.org.uk/en/blog/1/9/death-in-gloucester-the-strange-case-of-solomon-and-comitissa-turbe [accessed 10 September, 2018].

[9] *PROJE*, VI, ed. Brand, 9.

[10] *PROJE*, VI, ed. Brand, 9–10.

[11] *Early Registers*, 1–17; 18–32.

Irish Register:

> We command that you compel R. [the defendant/debtor] justly and without delay to return to G. [the plaintiff/creditor] 20 shillings that he owes him, as he says, to the extent that he [the plaintiff] can reasonably show that it ought to be returned to him […][12]

Pre-Mertonian Register:

> To the sheriff, greeting. We command [that you] compel B. [the defendant/debtor] justly and without delay to return to A. [the plaintiff/creditor] 10 shillings, which he owes to him as reported, to the extent that he [the plaintiff] can reasonably show that it ought to be returned […][13]

Echoing *Glanvill*'s commentary on the conditions of debt litigation at the close of the twelfth century, both writs commanded the justices to ensure that reasonable evidence of the outstanding debt was provided.[14] If such proof was made available, then the justices would compel the defendant to pay recompense. Here, at least, the phrasing of the writs does not indicate that Jews and Christians were to be treated differently in regard to debt litigation or that Jews were required to purchase a separate writ from another institution.[15] Furthermore, similarities between the writs and the guidelines in *Glanvill* may suggest that procedures for the purchase of writs in the 1220s had not yet deviated too far from the practices in place before the foundation of the Jewish exchequer. These inferences alone cannot confirm that Jews purchased the same writs available to Christians, nor that they also bought writs from the Chancery, but equally, they do not suggest any prohibitions against it.

An investigation of the pipe rolls may shed further light on this process. It was here that the crown kept track of any outstanding payments and documented the purchase

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[12] My translation has marginal differences from *Early Registers*, 13; *Precipimus tibi quod juste .R. quod juste et sine dilacione reddat .G. xx. solidos quos ei debet ut dicit sicut racionabiliter monstrare poterit quod ei reddere debeat […]*

[13] My translation has marginal differences from *Early Registers*, 25; *Vicecomiti salutem. Precipimus [tibi] quod juste B. quod juste et sine dilatione reddat A. x. solidos, quos ei debet ut dicitur sicut rationabiliter monstrare poterit quod reddere debeat […]*

[14] Glanvill stipulated that if the debtor does not repay the debt, then the sheriff should summon the defendant before the justices to show why he has not done so. In the thirteenth century, the emphasis was moved onto the plaintiff showing that the debt is owed; See Book X in *Glanvill*, 116–132.

[15] *Early Registers*, 14, 25.

of writs. Brand has identified that the Exchequer of the Jews also kept its own pipe rolls, yet as no records survive before 1265 we cannot confirm whether writs were purchased from this institution in an earlier period.[16] It is possible, however, to trace whether payments made by Jews were recorded on the same rolls as Christians. An investigation of a controlled sample of pipe rolls—from the years 1219 to 1220 (years when we know the Jewish exchequer was active)—reveals that one Jewish woman, at least, purchased a writ from the Chancery in order to initiate a case.[17] An entry in 1219 presented a certain Mirabel of Gloucester who owed sixty shillings for a writ of debt against Henry Burgensis,[18] and two further entries in 1220 and 1221 provide updates on her continuing arrears.[19] As chapter one has shown, the cases brought by Jewish plaintiffs during this period far surpass Mirabel's single writ. Is this individual example, therefore, evidence that Jews purchased writs through the same channels as Christians or an exception to the norm? It may be that if Jews predominantly bought writs from the Exchequer of the Jews, as Brand has argued, that evidence of their payments would be found on its pipe rolls. There is, therefore, insufficient evidence to conclude where Jews were required to purchase their writs. Nevertheless, even one example of a Jewish woman purchasing a writ shows that Jews, just as Christians, required a pre-formulated writ to initiate legal proceedings and that these were, at least sometimes, purchased from the Chancery. The question remains whether these were the same writs, and if the same writs led to the same course of proceedings for both Jews and Christians in court.

The court records themselves may hold the answer to these questions. Van Caenegem argued that during this transformative period from an oral to documentary legal system, the claim made in court was exclusively made 'within the scope of the formula of the specific writ'.[20] The writ not only circumscribed the action and its objective, it also 'commanded the ensuing procedure'.[21] It is widely and rightly accepted that court records were 'formulaic' in structure, however, no study has considered the extent to which the language of court records can offer greater understanding of those processes underlying the legal process. It remains to be tested how far the form of action shaped the record of

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[16] *PROJE*, VI, ed. Brand, 9–10, 50.
[17] *Pipe Roll 3 Henry III*, 12; *Pipe Roll 4 Henry III*, 78; *Pipe Roll 5 Henry III*, 236.
[18] *Pipe Roll 3 Henry III*, 12.
[19] *Pipe Roll 4 Henry III*, 78; *Pipe Roll 5 Henry III*, 236.
[20] *Royal Writs*, 47; see also, Clanchy, *From Memory to Written Record*, 92–94; 274–275.
[21] *Royal Writs*, 47–48.

court proceedings and, in these early years of recorded law, if court records can inform historians of the procedural stages before, during, and after the plaintiff's plea. In the absence of original writs, the analysis that follows explores how the language and structure of court records can inform our reading of court activity and how this might shape our understanding of the Jewish legal experience.

For the period *c.* 1216 to 1235, a total of fifty-three entries on the royal plea rolls record actions brought by Jewish plaintiffs: forty-four before the Exchequer of the Jews, four before the common bench, four before the eyre courts, and one before the court *coram rege*. All but seven entries recorded a case brought by a Jewish plaintiff against a Christian defendant.[22] Of the remaining forty-six entries, the majority of cases recorded Jewish creditors attempting to reclaim unpaid debts, but other confrontations also arose involving title to property and criminal offences. Although often conforming to the specific formula—'X *claims* Y against Z'—the way in which the record introduced the plaintiff's claim varied from case to case. These variations open up the questions of how, when and under what circumstances the action (here, the writ) shaped the expression of a Jewish claim.

A close reading of the forty-six actions brought by Jewish claimants against Christian defendants revealed that pleas were articulated in five distinctive ways. After naming the plaintiff, the action was introduced by an inflected form of one of five verbs: *queror*, *appello*, *offero*, *peto* or *exigo*. The inconsistency of early plea roll editors, such as Rigg in his first calendared volume of the plea rolls of the Jewish exchequer, disguised these variations in the original material.[23] Although his calendar was not intended as a translation of the rolls, the actions attributed to Jewish plaintiffs adhered neither to the original Latin, nor to any standardised system of Rigg's devising. He regularly interchanged the articulation of pleas between 'X claims', 'X demands', 'X offers', or sometimes simply 'complaint by X', and disregarded any distinction between the verbs in each case. While later material from the Exchequer of the Jews has been granted far better care, variations in the recording of Jewish claims are still overlooked. What follows will argue that these

[22] As established in chapter one, cases between two Jewish parties rarely appeared before the royal courts following King John's charter to the Jews issued in *c.* 1201, which stipulated that all civil litigation between Jews may be handled within the Rabbinic courts: only criminal pleas had to appear before the a royal jurisdiction. The circumstances of these entries require dedicated attention and, therefore, they will be considered separately in section three.
[23] *PROJE*, I, ed. J.M. Rigg (London, 1905).

five verbs were not applied interchangeably but were chosen for a specific purpose. The original recorder's decision to apply one verb over another (from such a small designated sample) may offer some insight into the nature of proceedings in court and the making of the court record.

The highest volume of claims, a total of twenty one, opened with the phrase 'X *exigit* Y from Z', translating as 'X *demands* Y from Z'.[24] The form of action brought by the plaintiff then followed. In each of these examples, the action paired with *exigit* was brought by a Jewish plaintiff or plaintiffs attempting to reclaim a debt owed by a Christian debtor. This was the case in 1220 when Chera of Winchester brought a suit before the Exchequer of the Jews against Henry Braybof:

> Chera of Winchester, a Jewish woman, *exigit* from Henry Braybof £300 with interest, which he owes her by chirograph which she does not have. Wherefore she vouches as warranty the rolls of the lord king […][25]

The *Dictionary of Medieval Latin for British Sources* acknowledges that the verb *exigere* often had financial connotations and was regularly paired with a demand for taxes or the repayment of a debt.[26] Its recurrent appearance across debt cases suggests that *exigit* was used as a standardised expression of a financial demand. It is perhaps, therefore, unsurprising that all Jewish claims introduced in the record by *exigit* were heard before the Exchequer of the Jews, the principal centre for Jewish financial affairs.

Yet this was not a verb employed exclusively by the Jewish Exchequer, nor exclusively in Jewish cases. Following an investigation of approximately 1,500 pleas recorded in the first volume of the *Curia Regis Rolls* for Henry III's reign—which was selected as a comparative control—the verb *exigit* was used to introduce the actions of Christian plaintiffs on six occasions.[27] These cases may be relatively few in number, but crucially, each one also introduced the action of debt. A pattern therefore emerges. Debt claims brought by both Jewish and Christian plaintiffs were expressed in the records of

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[24] These cases are in the appendix as follows: Appendix II, 4, 5, 6, 7, 8, 16, 17, 22, 26, 37, 39, 41, 42, 49, 50, 54, 56, 74, 98, 106, 112.
[25] Appendix II, 54; *Chera de Winton' Judea exigit de Henrico Braybof ccc. libras cum lucro quas ei debet per chirographum quod non habeat. Unde trahit rotulos domini regis ad warrantum […]*
[26] *Dictionary of Medieval Latin for British Sources*, accessed online at http://logeion.uchicago.edu/exigere [accessed on 1 October 2018].
[27] *Cur. Reg, R.*, VIII, 3, 112, 184, 318, 367–368, and 378.

multiple courts through (an inflected form of) the verb *exigere*. Although there was no systematic register for how court records should be produced, here, at least, was one specific convention for introducing a plaintiff's action. Could it be that this consistent application of *exigere* was related to the writ purchased? If this is true, then it might support the notion that Christians and Jews obtained the same writ to initiate an action of debt.

Exigit, however, was not the only verb used to introduce Jewish debt claims. Two other terms appear upon the rolls: *petit* and *optulit se*. *Petit* only appeared in three cases at the Exchequer of the Jews, but *optulit se* was used on two occasions at the common bench in addition to ten pleas before the Jewish exchequer. Where *exigit* translates most bluntly as he/she 'demands', *optulit se* translates as 'offers himself' and *petit*, most distinctly, translates as 'claims' or 'seeks'. The latter, *petit*, has caused the most variation in plea roll editions. Rigg regularly flitted between 'sues' and 'claim by…',[28] Stenton often favoured 'seeks against' when *petit* was paired with *versus*,[29] and Crook in his edition of the 1235 Surrey Eyre consistently translated *petit versus* as 'claims against'.[30] While the subtleties in meaning between *exigit*, *optulit se* and *petit* are, on the surface, small, the active choice to employ one over another may have held contemporary significance. Three cases brought before the Exchequer of the Jews by Isaac of Norwich begin to support this suggestion:

1. Isaac of Norwich, a Jewish man, ***exigit*** from Gilbert son of Walter of Thorpe a certain debt of £14, with interest, by chirograph under the name of the said Walter. The said Gilbert comes and says that the debt is unjustly demanded of him […][31]

2. Isaac of Norwich, a Jewish man, ***optulit se*** on the fourth day against William son of William de Frenges, concerning a security (pledge) that he owes. And it was ordered to the sheriff that he should take the land of the said William de Frenges into the lord King's hand for his default […][32]

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[28] For these specific variations alone see *PROJE*, I, ed. Rigg, 5, 23.
[29] See across *Rolls of the Justices in Eyre for Lincolnshire 1218–1219 and Worcestershire 1221*, ed. D. M. Stenton (London, Selden Society 53, 1934); *Rolls of the Justices in Eyre for Yorkshire, 1218–1219,* ed. D. M. Stenton (London, Selden Society 56, 1937); *Rolls of the Justices in Eyre for Gloucestershire, Warwickshire and Staffordshire 1221–1222*, ed. D. M. Stenton (London, Selden Society 59, 1940).
[30] *The 1235 Surrey Eyre. Part II Text and Translation,* eds. C.A.F. Meekings and D. Crook (Surrey Record Society 32, 1983).
[31] Appendix II: 50; *Isaac de Norwico, Judeus, exigit a Gilberto, filio Walteri de Torp', quodam debitum xiiij l. cum lucro, per chirographum sub nomine Walteri predicti. Dictus Gilbertus venit et dicit quod injuste exigitur ab eo debitum illud […]*
[32] Appendix II: 51; *Isaac de Norwico, Judeus, optulit se iiij die versus Willelmo filio Williemi de Frenges de placito debito et preceptum fuit vicecomiti quod caperet terram predicti Williemi de Frenges in manum domini Regis per defaulta […]*

3. Isaac of Norwich, a Jewish man, ***petit versus*** the Prior of Royston of £24 with interest […][33]

The distinction between the use of *exigit* and *optulit se* appears to relate to the appearance of the defendant in the former, and their absence from court in the latter. In fact, in all twelve cases that introduced a Jewish debt claim with *optulit se*, the Christian debtor did not appear in court. In contrast, nineteen out of the twenty-one entries that opened with *exigit* were followed in the record by the debtor's defence.[34] These figures cannot be coincidental. When compared to the Christian suits from the control group, a variety of 250 actions opened with an inflected form of *optulit se* and all 250 (100%) disclosed that the defendant did not come.[35] This not only demonstrates that the phrase *optulit se* substituted *exigit* in debt cases in which the defendant was absent. It reinforces the notion that the recording of claims made by Jews reflected the procedures in place for Christian plaintiffs. These examples reveal that the verb used to introduce a claim in the record did not always relate to the action. Other procedural factors, in this case the absence of the defendant, could alter the articulation of the plea.

This understanding of *optulit se* has important implications for how we read the evidence of Jews initiating debt litigation. On occasions when the claim was recorded using *exigit*, the evidence demonstrates that defendants could choose to contend the repayment of a debt, whether successfully or not. The use of *optulit se*, however, shows that not all Christians made such attempts. In these situations, the defendant was either issued a further summons to answer the accusation, or else the gage laid down as part of their original money-lending agreement would default to the creditor. The case from 1220 brought by Isaac of Norwich against William son of William de Frenges (no. 2 above) illustrates how the court responded in such instances. After William's non-appearance, the sheriff was commanded to 'take the land of the said William de Frenges into the King's

[33] Appendix II: 53; *Isaac de Norwico, Judaeus, petit versus Priorem de Cruce Rohays' xxiiij l. cum lucro […]*
[34] For debt claims introduced by *optulit se* see: Appendix II, 21, 28, 51, 68, 83, 86, 87, 89, 105; and Appendix IV, 21, 33. For the use of *exigit* with the defendant present: Appendix II, 4, 5, 6, 7, 8, 16, 17, 22, 26, 37, 41, 42, 49, 50, 54, 74, 98, 106, 112. For the use of *exigit* with the defendant absent: Appendix II, 39, 56.
[35] *Cur. Reg, R.*, VIII.

hand for his default'.[36] This was a sanction employed to motivate repayment before the gage formally defaulted. William was granted a second chance to present himself and answer Isaac's charge on the quindene of St. Hilary. The case concluded, however, when William failed to appear once again, and the court granted Isaac 'seisin of his gage'. The amount of similar suits initiated by Jews in the royal courts suggests that creditors had a degree of confidence that the crown and legal process would rule in the favour of their debt claims. Regardless of whether the Christian defendant was present, the court could enforce a series of penalties to ensure that Jews recovered their lost investments.

On the surface, the use of *petit* is less clear. What emerges from further investigation, however, is that two of the three cases introduced in this way marked the continuation of an ongoing case. Isaac of Norwich's plea against the Prior of Royston, recorded in 1220, was the third instalment of this case in court, and Isaac's separate plea against Adam son of Adam de Illegh also articulated by *petit*, represented a second stage of proceedings.[37] The final suit brought by Isaac son of Simon of Oxford against John de Balun, in Michaelmas 1219 less obviously adheres to this rule. Here, no previous session was recorded, yet as one of the first entries on the earliest available roll for the Jewish exchequer, it may be that previous proceedings were documented on lost plea rolls that pre-date this record.[38] Most ongoing cases continued to articulate the debt claim through *exigit*, but these three claims show the plaintiff instigating further legal proceedings of their own accord rather than waiting for the court to assign another day to address these matters. This may explain why the record applied *petit* during these cases: in order to demonstrate that the debt claim was connected to unresolved proceedings, pursued at the plaintiff's initiative.

The contribution of these findings must be recognised before the scope of this study is broadened to consider other civil and criminal actions. A conscious reading of how Jewish claims were articulated by the record has demonstrated that the distinct application of *exigit*, *optulit se* and *petit* conformed to a general system of record production

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[36] Appendix II, 51; *[…] quod caperet terram predicti Williemi de Frenges in manum domini Regis per defaulta […]*

[37] Appendix II, 53.

[38] Appendix II, 15; *Isaac filius Simonis de Oxonia, Judeus, petit versus Johannem de Balum per quondam cartam sub nomine Reginaldis de Balun patris ipsius Johannis et Isaac' et Benjamini Judeorum. Johannis venit et petit videre cartam, qua visa petit diem deliberandi utrum carta illa sit de sigillo patris sui necne et si debitum illud patris sui debuit necne. Dies datus est ei in Octabis Sancti Martini.*

consistent with the documentation of Christian suits. Furthermore, all but two of these Jewish debt claims were heard before the Exchequer of the Jews, showing not only the centrality of the institution to the management of Jewish financial affairs, but also that the language employed in the construction of the Jewish exchequer's records was consistent with the language employed by the other courts. The claim reflects the voice of the legal system, as put into action by the individual. As the crown had a vested interest in Jewish creditors recouping their debts, it may be that these pleas in particular were recorded and upheld to the rigours of legal protocol. The extent to which other forms of action brought by Jewish plaintiffs adhered to this same system requires closer investigation.

Two other civil claims were brought by Jews to the royal courts. In each case, the claim was linked to a land title. The first arose before the Exchequer of the Jews in 1219 and stands as the first surviving record on the plea rolls from this institution. It involved a claim made by Antera of Coventry against a certain William, known simply by his profession as a blacksmith, regarding a messuage in Coventry. Antera argued that the messuage should not have been taken into the king's hand and reallocated to William, as it rightfully belonged to her client Alfred la Brette and his son (also called William) who, it appears, had put up this messuage as the gage on a debt agreement.[39] Antera's claim was introduced in the record by *exigit*, the same verb used to launch a plea of debt. Although Antera was not in court to demand repayment from a debtor, the financial undertones of her claim—that the debt had not defaulted and the messuage should not have been taken into the king's hand—may explain why the entry imitated the articulation of a debt claim. The second case concerned an acre of land with appurtenances in Doncaster that Sampson le Maresal claimed of Alexander Baty.[40] Sampson brought a plea to warrant Alexander before the eyre at Yorkshire in 1231 following his continued non-appearances before the court, but again Alexander did not come. Although the entry directly beneath this in the roll recorded that Alexander appeared sometime later '*post venit Alexander*…', it is significant that Sampson's claim had already been articulated in the record by *optulit se* to reflect the defendant's initial absence. The recording of both Antera and Sampson's civil claims, therefore, either exposed the underlying form of action or represented how the

[39] Appendix II, 1; *Antera de Coventr' Judea exigit versus Willelmum Ferratorum quandam domum in Coventr' que fuit Albred' la Brette et Willelmi filii sui. Que scilicet domus capta fuit in manu domini Regis pro defaulta ipsius Willelmi coram justiciariis Judeorum […]. A gage in this context refers the messuage acting as a deposit for the money borrowed in the debt agreement.*
[40] Appendix V, 26.

proceedings unfolded in court. These cases, along with the debt cases above, confirm that claims articulated in the court record were documented in line with a set of unwritten rules: rules that only begin to materialise through a close analysis of the records' language and structure.

This analysis of the civil proceedings brought before the royal courts demonstrates that Jewish claims were accommodated in the legal process. If Jews sought access to the English judiciary, it was granted through the same procedures afforded to Christians: the purchase of a writ provided a ticket into the court. The articulation of Jewish claims through the record's chosen vocabulary has provided a platform for rethinking the connection between court record and court activity. The infrequency of Jewish civil cases beyond debt, however, has demonstrated just how significant debt litigation was to the experience of Jews in the royal courts. While civil suits between two Jewish parties may have appeared more frequently before a Rabbinic jurisdiction, it is clear that Jews rarely brought civil actions against Christians that did not concern or relate to crediting transactions. As a result, it becomes more difficult to agree with Hyams's conclusion that 'there is very little to make a distinction between Jew and Christian in the eye of the law'.[41] The centrality of debt litigation to the Jewish legal experience cannot be overlooked. This analysis has demonstrated, however, that it might not be too bold—for at least Jewish plaintiffs in civil proceedings—to argue there is very little to distinguish between a Jewish and Christian plea in the eyes of the court record.

ii. Accessing Courts: Without Writ

Henry de Bracton's declaration that 'no man is able to bring an action without a writ' does not account for all cases recorded on the plea rolls.[42] Alternative routes to justice were available in the early thirteenth century and this section considers the extent to which these options were open to England's Jewish population. What follows, therefore, builds upon the analysis above to investigate how Jewish claims were articulated in our seven remaining cases. It addresses the challenging distinction between criminal appeals of felony and civil

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[41] P.R. Hyams, 'Fear, Fealty and Jewish 'infideles' in Twelfth-Century England', in *Christians and Jews in Angevin England: The York Massacre of 1190, Narratives and Contexts*, ed. S. Rees Jones and S. Watson (York, 2013), 140.
[42] *Bracton*, II: 317–318.

trespass actions in this period, and explores how the language and structure of court records may be able to shed light on procedures without writ, *querela sine breve*.

It is widely accepted that private criminal suits were initiated directly within the courts themselves, either by oral or written complaint, and Flower, amongst others, has recognised that *appello* was the most common expression of this practice in the record. With this action, known as the appeal of felony, the medieval appellant called an offender to account for a breach of the king's peace: either against a person or property.[43] The offence would be recognised as an act *contra pacem* or, Flower recognised, this fact would be implied by the appellant bringing a charge of aggravated assault or robbery.[44] Of the remaining seven cases brought by Jewish plaintiffs, four were introduced in the record by *appellat* or *appellavit*:

1. Exchequer of the Jews: Trinity, 1220

   Jacob son of Moses, son of Benedict, appeals Simon de Ropsley, Roger Purcel, Cardun' the Frank, Henry the tailor, Reginald Fox, William Emme', William son of Ralph, and William son of William, burgess, of the death of Moses, his father […][45]

2. Exchequer of the Jews: Trinity, 1220

   Comitissa appeals Gilbert, beer-carrier.[46]

3. Common Bench: Michaelmas, 1223

   Samarian, a Jewish man of Winchester, who appealed Thomas Bringe, Robert Makerel and Matthew Macecrer of injury etc. comes and withdraws himself [from the suit] etc […][47]

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[43] For a useful overview to the appeal in the royal courts see C.T. Flower, *Introduction to the Curia Regis Rolls, 1199–1230 A.D* (London, Selden Society 62, 1943), 303–324. See also Paul Hyams' detailed exploration of the twelfth century origin and language of the appeal of felony in P.R. Hyams, *Rancor and Reconciliation in Medieval England* (Ithaca, 2003), 229–234.
[44] Flower, *Introduction to the Curia Regis Rolls*, 303–304.
[45] Appendix II, 100; *Jacobus filius Mosse, filii Benedicti, appeallat Simonem de Roppel', Rogerum Purcell', Cardun' le Frank, Henricum le Taillur, Reginaldum Fox, Willellmum Emme', Willellmum filium Radulphi, Willellmum filium Willelmi, burgeys, de morte Mosse patris sui […]*
[46] Appendix II, 114; *Comitissa appellat Gilbertum potitorem cervesae.*
[47] Appendix IV, 20; *Samaricus Judeus Wintonie, qui appellavit Thomam Bringe Robertum Makerel et Matheum Macecrer de plagis etc., venit et retraxit se etc […]*

4. Eyre Court: Yorkshire, 1219

> Deuleward appeals Stephen Brun of [breaking] the peace of the lord king and Stephen dies. The same [Deuleward] appeals Osbert of Harome, William son of Odo, William of Thorpe, Norman of Pocklington, Simon of Harome, and Peter of Barlby that they were present when Stephen did that violence to him […][48]

All four accusations are typical appeals of felony, few of which, in the words of Flower, 'cannot be classified under the heads of manslaughter, personal injury, arson or theft'.[49] Comitissa's accusation against Gilbert the beer-carrier is, on the surface, less clear. It is known, however, that the same Comitissa brought a criminal suit against a fellow Jew, Abraham Gabbay, following the alleged murder of her husband, and Gilbert was named in those earlier proceedings. As such, this brief note was likely associated with the larger case. In the same way that *exigit* expressed debt cases above, these four cases demonstrate the connection between an appeal of felony in court and its articulation through *appellat* in the record. Even without the direction of a writ, records still conformed to a written formula: a formula that represented an alternative route to justice (without writ), and one, importantly, made use of by Jewish claimants across three separate royal jurisdictions—the Exchequer of the Jews, the common bench and the eyre courts.

Beyond this appeal process, Bracton commented very little on the additional procedures in place for *querela sine breve*, yet fortunately, Richardson and Sayles have given this process further attention.[50] Together, they explored the ways in which remedies were sought in court by other means by examining, in their own words, 'nearly every unprinted plea roll' recorded under Henry III. They discovered that procedures without writ were disclosed in the record by the opening phrase—'A. B. *queritur*'—whereby the plaintiff bypassed the purchase of a writ and brought a civil complaint, oral or written, directly into the court.[51] They argued that this procedure was exceptional, however, and only permitted when a writ meeting the conditions of the complaint was unavailable. Indeed, they

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[48] Appendix V, 5; *Deuleward' appellat Stephanum Brun de pace domini Regis et Stephanus obit. Idem appellat Osbertum de Harum, Willelmum filium Odonis, Willelmum de Torp', Normannum de Pokelington', Simonem de Heyrum, Petrum de Bardelby quod ipsi interfuerunt ubi Stephanus fecit ei vim illam […]*

[49] Flower, *Introduction to the Curia Regis Rolls*, 318.

[50] *Select Cases of Procedure Without Writ*, ed. H.G. Richardson and G.O. Sayles (London, Selden Society 60, 1960). [Hereafter *Select Cases*].

[51] *Select Cases*, xlv.

identified just thirty suits (2%) brought in this manner across nearly 1,800 cases recorded in *Bracton's Notebook*.[52] Despite its general rarity, it is plausible that our three remaining cases brought by Jewish plaintiffs fall under this domain:

1. The Exchequer of the Jews: Hilary, 1220

   Rabbi Josce son of Rabbi Elias complains of Peter of Scoteny and of Vincent, provost of Hastings, that while [Josce] came ashore between Pevensey and Hastings, the same Peter and Vincent came and seized him in the king's peace and stole from him 21 shillings, namely the said Peter 16 shillings, and Vincent 5 shillings […][53]

2. The Court *Coram Rege*: Michaelmas, 1234

   Isaac, a Jew of Marlborough, complained of Nicholas de Barkefleet of imprisonment and of many other injuries […][54]

3. The Common Bench: Michaelmas, 1223

   A day is given for Samarian the Jew of Winchester's complaint, and for Thomas son of William, and Matthew the mercer, and Robert Makerel [defendants] of injury and robbery etc […][55]

In each of these cases, the claims brought by Isaac of Marlborough, Master Josce, and Samarian of Winchester were articulated in the record by an inflected form of *queror*, translating in the third person singular as 'he/she complains'. Following Richardson and Sayles—'A. B. *queritur*'—it seems likely that they were brought directly into the court by oral or written complaint. Across our (admittedly limited) sample, Jewish complaints were a more frequent occurrence (6%) than those recorded in Bracton's notebook (2%). The nature of these complaints, however, raises questions on the differentiation between a civil complaint and criminal accusation in this early period.

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[52] *Select Cases*, xiii.
[53] Appendix II, 43; *Magister Josce filius Magistri Hel', queritur de Petro de Scoteny et de Vincento praeposito de Hastong' quod sicut applicuit inter Pevenesse et Hastin' venerint predicti Petrus et Vincentius [et] arestaverunt eum in pace domini regum et abstulerunt ab eo xxi. scilicet dictus Petr' xvi s. et Vinc v. s. […]*
[54] Appendix III, 19; *Isaac Judeus de Merleberg' questus fuit de Nicholao de Barbeflet de inprisonamento et de aliis injuriis multis […]*
[55] Appendix IV, 19; *Dies datus est Samariano Judeo Wintonie querenti et Thome filio Willelmi et Matheo le Mercere et Roberto Makerel [deforciantibus] de plagis et roberia etc […]*

Distinguishing between a civil and criminal action should, in theory, be a straightforward process. As we have seen above, an inflected form of *appello* customarily marked the start of criminal proceedings, and Richardson and Sayles argued that *queror*, on the other hand, marked a miscellaneous civil suit. However, rather than suggesting undefined civil proceedings, these three complaints brought by Jewish plaintiffs echo the formulaic aspects of the criminal accusations seen above: two record complaints of *plagae* and *injuria multa*, and the robbery made against Rabbi Josce was *contra pacem*. Hudson, in his recent work on emotive language in common law records, has argued that *queror* was used when a plaintiff 'was saying that the opponent had done something to them, rather than just being in possession of something that was theirs'.[56] Hudson argues that *queror* carried with it an element of the aggrieved litigant's emotions.[57] On the other hand, Hyams has argued that complaints were more regularly brought against lesser wrongs and were differentiated from appeals of felony by the plaintiff's desired outcome.[58] One reason for this may be the rise of a new form of civil action at this moment—trespass—that allowed claimants to demand damages from cases that may also be considered felonious. Instead of the defendant facing criminal sentences, such as hanging, mutilation, outlawry or abjuration of the realm, the claimant could instead pursue civil action for a financial benefit.[59] Milsom and Harding studied the proceedings associated with trespass in the thirteenth century and found that this action was brought by complaint as early as 1200, and by writ from 1224.[60] They revealed that trespass could accommodate pleas of wrongs to real and personal property, and to the person, including trespass to land, assault and battery, false imprisonment, abduction, and the taking of goods and livestock.[61] Richardson and Sayles, therefore, in their brief assessment of Isaac of Marlborough's complaint against Nicholas de Barkefleet of imprisonment and many other injuries, have argued that this case 'does not differ from any other action of trespass except that the plaintiff is a Jew'.[62] They do not explain, however, why Isaac's claim was not brought into

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[56] J.G.H. Hudson, 'Emotions in the Early Common Law (*c.* 1166–1215)', *The Journal of Legal History* 38 (2017): 130–154, at 150.
[57] Hudson, 'Emotions in the Early Common Law', 148–151.
[58] Hyams, *Rancor and Reconciliation*, 229.
[59] F. Pollock, 'The King's Peace in the Middle Ages', *Harvard Law Review* 13 (1899): 177–189; see also a detailed overview of trespass in *Select Cases*, cxv.
[60] Paul Hyams has argued, however, that the action of trespass was already becoming distinct from appeals of felony in the later twelfth century. See Hyams, *Rancor and Reconciliation*, 229–234.
[61] S.F.C. Milsom, 'Trespass from Henry III to Edward III', *Law Quarterly Review* 74 (1958): 195–224, 407–436, 561–590; *The Roll of The Shropshire Eyre of 1256,* ed. A. Harding (London, Selden Society 96, 1981), xxxv–xxxvi, xxxvii–xlii.
[62] *Select Cases*, clix.

the court by writ, if a writ of trespass had been available ten years prior. The extent to which Isaac's case, along with the two other cases introduced by *queror* above, can be defined by the action of trespass thus requires further consideration.

The application of *queror* and *appello* in court records may begin to expose the relationship between these two verbs. Two entries recorded in Samarian of Winchester's case against Thomas son of William, Matthew the mercer, and Robert Makerel, introduced the action of injury and robbery in two different ways: the first with *querenti* and the second, sometime later, with *appellavit*. The first record of Samarian's case, on *rotulus* seven of the common bench roll for Michaelmas 1223, was expressed as a day assignment: '*Dies datus est Samariano Judeo Wintonie* ***querenti*** *et Thome filio Willelmi et Matheo le Marcecrer et Roberto Makerel [deforciantibus] de plagis et roberia*'.[63] It was added that the same Thomas and the others would remain in custody at Westminster until the given date on the octave of St. Martin. While this imprisonment is suggestive of a criminal charge, rather than a civil charge of trespass, the action was only formally recognised as an appeal during the subsequent entry on rotulus twenty-one, when Samarian 'who appealed' withdrew his complaint: '*Samaricus Judeus Wintonie, qui* ***appellavit*** *Thomam Bringe Robertum Makerel et Matheum Macecrer de plagis etc., venit et retraxit se etc*'.[64] The distinction between these two entries suggests that after Samarian's initial appearance before the justices, the complaint was recognised by the court as an appeal and referred to as such in the later record. A comparative assessment of Christian pleas from volume eight of the *Curia Regis Rolls* (the same control group used above) sheds further light on this process. Here *queror* was used to introduce twenty-one complaints that concluded with a day assignment. It is possible, therefore, that a 'complaint' was initially recorded to reflect the oral accusation. This would then later be categorised by action (if possible) in the subsequent record. Hyams identified that in the twelfth century certain offenses were labelled as trespass out of 'administrative neatness' to help distinguish them from formal appeals of felony.[65] Samarian's case may suggest a similar procedure at work. It not only shows that *queror* could introduce criminal charges as well as accusations of trespass, but it also suggests that unlike the well-defined articulation of *exigit* in debt cases, the use of *queror* was less clear cut.

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[63] Appendix IV, 19.
[64] Appendix IV, 20.
[65] Hyams, *Rancour and Reconciliation*, 228.

The notion that *queror* should not be simply accepted as an expression of a civil plea is supported by the final complaint of the robbery of 21 shillings brought by Master Josce against Peter of Scoteny and Vincent, provost of Hastings, before the Exchequer of the Jews in Hillary 1220. It is unlikely this case was brought as a civil action of trespass for two principal reasons: firstly, the language of the complaint, and secondly the lack of damages acknowledged in record. Pollock and Hyams, amongst others, have identified that trespass actions have a series of formulaic components; for example, reference to a *trangressio* or the act being done in *vi et armis*.[66] Josce's complaint did not use this language. In fact, Josce's specific reference to the whereabouts of the robbery—as Josce landed between Pevensey and Hastings—complies more with Flower's argument that appellants of robbery and theft had to state carefully the circumstances of the crime by location or time.[67] The record also stated that this act was done 'in the king's peace' which, as recognised above, was a breach that underlay all serious criminal offences. These factors, in addition to Josce offering the court two witnesses, a Christian and a Jew, to corroborate his accusation, suggests Josce was not seeking suit for monetary gain, but sought justice for a criminal action.[68] Despite being introduced as a complaint, Josce's case against Peter and Vincent encompasses all the components customary for an appeal. This case acts as a caution against relying exclusively on the articulation of a plaintiff's claim to certify a certain form of action.

This being said, it is important to reconsider Richardson and Sayles' brief analysis of Isaac of Marlborough's case. Like Josce's case here, the record gives no indication of a request for damages, nor did it include any formulaic language found in a trespass action. In fact, if this was a criminal accusation brought before the court *coram rege*, it may explain why, in the words of Richardson and Sayles, a case they define as having 'no particular importance or perplexity' came before the highest royal jurisdiction.[69] This analysis has demonstrated that Jews initiated both appeals and complaints—criminal or not—less

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[66] F. Pollock, 'The King's Peace in the Middle Ages', 185; Hyams, *Rancor and Reconciliation*, 236–241.
[67] Flower, *Introduction to the Curia Regis Rolls*, 313.
[68] Richard I's Charter of Liberties, *c.* 1190, discussed in chapter one, stipulated that if an action arose between a Christian and Jew then 'he who appeals the other… shall provide the witness to prove the matter, namely a legal Christian and a legal Jew', see *Foedera*, I: i, 53; *[…] Et si querela orta fuerit inter Christianum et Isaac, vel aliquem suorem infantium vel heredum suorum, ille, qui alium appellaverit ad querelem suam habeat testes, scilicet legitimum Christianum et legitimum Judeum […]* This was also confirmed in King John's charter c. 1201, see *Rot. Chart,* 93.
[69] *Select Cases*, cilx.

frequently in the royal courts than actions related to debt. Yet it is notable that in comparison to Richardson and Sayle's figures for *Bracton's Notebook* (2%), a larger proportion of Jewish cases were brought before the royal courts as complaints (6%). We can only speculate on the reasons for this. Perhaps the author of *Bracton* was notably less interested in such cases or perhaps the court was more likely to receive a Jewish complaint over an appeal given the less serious implications for a guilty Christian defendant. Or the court was unsure when to categorise a Jewish appeal as an appeal in the record; recording a 'complaint' instead and subsequently categorising it in a later entry when the court was more certain. Nevertheless, this analysis has reopened the complex question of the 'complaint': the application of *queror* in the record cannot be accepted blindly as a civil suit.

It has been established that the writ provided the most common route into the legal system for civil proceedings, but these complaints and appeals reveal that Jews could also bring pleas directly before the justices. Members of England's Jewish community had access to private criminal litigation and, if an action did not yet have a writ available or if it was not known which writ the plaintiff required, an oral or written complaint could be taken straight into the court. The articulation of the claim—*appello* and *queror*—distinguishes between these two paths, even if, in this instance, the three cases brought by complaint may in fact also be indicative of criminal proceedings. These findings reiterate the value in reading court records with a careful appreciation of their structure and language. The expression and articulation of a claim not only informs us of the form of action or of the defendant's absence, but the verb itself signifies how the claim came before the royal courts. Previously, the record of a Jewish claim may have been overlooked as laconic and uninformative. Here, this section has demonstrated how the formulaic construction and content of plea roll entries, so readily dismissed in the past, can actually reveal the process and nature of the judicial proceedings initiated by Jewish plaintiffs. In the absence of original writs or supplementary documentation, language offers a valuable tool for appreciating how Jews, just as Christians, sought royal justice by writ, appeal and complaint.

iii. Measuring Success:

Gaining access to the court only marked the first stage in the judicial process. Once in the courtroom, the case could unfold in a number of different ways. What follows, therefore, considers the extent to which Jewish plaintiffs were successful in their pursuit of justice.

It first explores the nature and outcome of criminal proceedings, before turning to the higher volume of cases linked to debt litigation. Building upon the analysis above, this section reflects further upon how the language used to create court records can enhance our understanding of Jewish encounters with the law.

Criminal proceedings made up only 15% of the cases brought by Jewish plaintiffs for the period 1216–1235. This limited number may be linked to their low success rate. Samarian of Winchester's 'complaint' above, for example, had initially resulted in the imprisonment of the three Christian perpetrators, but his 'appeal' was eventually withdrawn.[70] In fact, it is significant that none of the six criminal cases, recorded over seven entries, resulted in a successful outcome for the Jewish appellant: one was withdrawn; another was judged to be a wrongful complaint; another did not express the plea in the words required for an appeal; one supposedly moved before the Justices at Westminster (although there is no evidence for this); and no judgment or conclusion was given in the final two. This was part of a bigger picture. The early thirteenth century more generally had experienced a decline in the success rate of criminal appeals. Margaret Kerr has argued that the Angevin kings faced a serious problem with appeals of felony as a substantial proportion never reached trial. She found that approximately 50% of appellors abandoned their appeals between 1194 and 1256 in favour of an extra-judicial settlement to which both parties had agreed. As a result, very few criminals were ever punished through the courts.[71] If a private appeal was not followed through by the appellant, the king could pursue a royal investigation by jury. This was not, however, a common occurrence. Kerr presents evidence to show that of 285 appeals not prosecuted between 1199 and 1208, only eighteen were referred to a royal jury.[72] It is difficult, therefore, to ascertain whether the trend of unsuccessful criminal suits brought by Jewish plaintiffs is explained by the courts' unwillingness to address Jewish appeals, or whether this was simply testament to wider developments in legal process. Kerr's findings suggest 50% of private criminal prosecutions were left unresolved in the court system, yet all Jewish cases (100%) succumbed to this same fate. While here the sample size of Jewish appeals is much smaller than those in Kerr's study, their outcomes may still explain why so few Jewish plaintiffs attempted a criminal prosecution in the royal courts over a twenty-year period.

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[70] Appendix IV, 19, 20.
[71] M.H. Kerr, 'Angevin Reform of the Appeal of Felony', *Law and History Review* 13 (1995), 359.
[72] Kerr, 'Angevin Reform of the Appeal', 372–373.

The limited success rate of criminal suits, added to by the high stakes of criminal charges (which, if successful, would have serious consequences for the defendant), may explain the lack of successful Jewish appeals.

The experience of Jews pursuing debt claims shows the other side of this coin. The writ system established a much clearer process for plaintiffs pursuing a successful claim in court. According to *Glanvill*, the writs available for purchase concerning a plea of debt at the end of the twelfth century had only four variations: that of making a summons on account of debts;[73] summoning the debtor's surety;[74] summoning the debtor to redeem the gage;[75] and summoning the creditor to restore the gage.[76] The twenty-one debt claims made by Jewish plaintiffs arose in court following the first writ of summons, whereby it was written that if the debtor avoided repayment, they should be summoned before the king or his justices at Westminster to show why they had done so.[77] The registers of writs that began to emerge during the 1220s reveal that few alterations were made to this process. Above we saw that the *Irish Register* and the *Pre-Mertonian Register* presented little variation on the writ of summons for debt litigation. The only difference by the 1220s was the added stipulation that the plaintiff must *show* reasonable cause for why the debt was owed. If the debt could be verified by written evidence, such as a charter, chirograph or tally, the court was responsible for ensuring that the money was repaid. This understanding of how procedure informed the success of a debt claim offers an opportunity to more easily identify when and how Jewish creditors were successful in court.

Of the twenty-one debt claims articulated in the record through *exigit*, only five have a clear conclusion. Three recorded that the court ordered the debtor to repay the debt, while a further two deemed the claim to be false and the creditors were placed in mercy.[78] Another case that arose between Roger de Raveningham and Benedict Crespin, attorney of Pigone of Norwich, concerning £81 of rent, was recorded in a subsequent entry to have had permission to be settled outside of court:

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[73] *Glanvill*, 116.
[74] *Glanvill*, 118.
[75] *Glanvill*, 122.
[76] *Glanvill*, 125.
[77] *Glanvill*, 116
[78] Appendix II, 28, 49 and 50. Jews in mercy in Appendix II, 22, 41.

> […] namely that two Christian knights and two Jews are selected to establish agreement among them upon the demand of £81 which the said Jewish woman demands […][79]

Following the naming of the appointed Christian knights and Jews—William de Vallibus and Walter de Cadamo, and Diaie Le Franceys and Master Elias of Norwich—it was recorded that if an agreement could not be reached then the parties should reappear before the justices on the quindene of St. Hilary. As no subsequent proceedings were documented upon the rolls, it is likely an agreement was made. Extra-judicial settlements, as argued by Kerr, were a regular feature of the common law process and may hold clues about the resolutions of other cases. Unfortunately, not all cases recorded on the royal plea rolls were resolved so swiftly or so explicitly in the record.

Conclusions for the remaining fifteen claims are less clear. On seven occasions it was recorded that the plaintiff based their claim on an agreement made by a charter, chirograph or tally.[80] Two demands, brought by Chera of Winchester (vs Simon de Craye) and Belia, daughter of Mirabel of Gloucester (vs Dionisia de Bereford), demonstrate this.[81] The record in each case ended abruptly, with no further suggestion of how the dispute was resolved:

1. <u>The Exchequer of the Jews: Hilary, 1220</u>

   > Chera of Winchester, a Jewish woman, demands from Simon of Craye 16 marks by charter under the names of Hugh de Bosco and the same Simon and Isaac the Chirographer.[82]

2. <u>The Exchequer of the Jews: Trinity, 1220</u>

   > Belia, daughter of Mirabel of Gloucester, a Jewish woman, demands of Dionisia de Bereford £8, with interest, which she owes [to her] by chirograph under the names of Henry de Bereford and the same Belia. Henry de Nafford, Dionisia's attorney, comes and says that the same Dionisia holds

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[79] Appendix II, 13; *[…] scilicet quod eligantur duo Christiani milites et duo Judei ad ponendum inter eos concordiam super demanda lxxx et i. librarum quas dicta Judea exigit […]*
[80] Appendix II, 4, 16, 17, 34, 54, 98, 106.
[81] Appendix II, 56 and 112.
[82] Appendix II, 56; *Chera de Wintonia, Judea, exigit a Simone de Craye xvi. marcas per cartam sub nomine Hugonis de Bosco et predicti Simoni et Isaac cyrographarii […]*

> only one and a half virgates of land that belonged to Henry de Bereford […] and demands [to know] if she is bound by the court to answer […][83]

Although both read as inconclusive records, the absence of a judgment may in fact suggest that resolution fell in line with judicial process. It is possible that the charter and chirograph in question were presented before the court there and then and, as the writ stipulated, legal credence was granted to the creditor when his or her claim was supported by written confirmation. It may be, therefore, that if an outcome or judgment was not documented in the court record—and the claim was straightforward or uncontended—then the process in the writ was upheld. The issue was swiftly resolved in favour of the Jewish creditor.

If written proof was not brought before the justices, the court scheduled a further session in order to view the relevant agreement. For example, in Trinity 1220 before the Exchequer of the Jews, a day was set for Benedict Crespin, attorney of Isaac of Norwich, to 'bring the charter before the Justices' to confirm the debt owed by Mathew de Morley.[84] Sometimes the record did not specify why a day was set, yet in accordance with the writ of debt, it is likely that the plaintiff was ordered to reappear and 'show' why the defendant was indebted. If not to view or challenge the written evidence, a day assignment might also be issued for the plaintiff or defendant to produce a witness or pledge. Three debt claims unfolded in this manner.[85] To take Chera of Winchester's claim of fourteen marks against Adam of Corhampton in Hilary 1220, the record reported that Adam would produce two pledges—Thomas son of Adam, a Christian, and Ursell, a Jew—to demonstrate that he had already repaid the debt to Chera's late husband Isaac.[86] It is significant that not one of the cases that concluded with a day assignment reappeared upon the plea rolls: the Jewish creditors did not resurface to demand the debt again. It is likely, therefore, that the dispute was either resolved outside the court (as in the case between Roger de Raveningham and Pigone of Norwich above) or the debtor's repayment was eventually prompted or overturned through the production of written evidence or a witness. The well-defined structure of debt litigation—outlined in the writ of debt—suggests that the judicial process

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[83] Appendix II, 112; *Belia filia Mirabil de Glouc' Judea exigit a Dionis' de Bereford viii. libras cum lucro quas ei debet per cyrographum sub nomine Henrici de Bereford et ipsius Belina. Henricus de Nafford attornus ipsius Dionis' venit et dicit quod ipsa Dionis' tenet nisi unam virgatum terre et dimidium de terris que fuerunt Henrici de Bereford […] et exigit consideratum curia si debeat respondere […]*

[84] Appendix II, 98.

[85] Appendix II, 5, 37 and 42.

[86] Appendix II, 42.

followed a routine course of events. If a case did not reappear on the plea rolls, therefore, an outcome likely unfolded in the creditor's favour.

This theory is only sustained when the record does not present further proceedings. Two of the final debt claims articulated by *exigit* both appear less certain. The first recorded Isaac of Norwich's claim of £80 of the Prior of Royston, which concluded that the defendant came and demanded time for further inquiry: 'the Prior comes and demands a day to himself certify and to inquire the truth'.[87] The following entry reiterated Isaac's earlier demand: 'Isaac of Norwich demands £80 from the Prior of Royston'.[88] Both these entries, however, connect to a final charge articulated in the record by *petit versus*. As established in section i, the application of *petit versus* indicated the court's awareness of the plaintiff's earlier claim, yet it is significant that again no judgment was recorded. On this occasion, it was recorded that the debt in question was owed more specifically by Eustace de Mere, whose heirs claimed they had made fine with the king and were thereby discharged from the debt (and the lands were free to be passed to the prior).[89] Although Isaac contended these claims, and there is no record of this agreement on the fine rolls, proof formed the basis of a successful claim: if evidence of this agreement was presented in court, it is unlikely that Isaac collected his return.

On occasion the authenticity of a written agreement was challenged by the defendant. Samuel son of Aaron of Colchester demanded fifty shillings by chirograph from Sewal de Spineto before the Exchequer of the Jews in Michaelmas 1219. The agreement was made in the name of their fathers—Aaron and William—yet Sewal claimed the seal did not match that of his late father and produced a charter with the correct seal to prove this. Samuel argued that it was usual for knights, such as William, to have two seals. He placed himself upon the inquest and a day was assigned for further proceedings.[90] This case suggests that only the contradiction of the debt agreement by another form of written evidence prompted the need for further inquiry. In similar circumstances to those cases above, however, neither an additional court session nor a resolution was recorded. This may suggest that the inquiry overturned Sewal's rebuttal, but the individuals involved here,

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[87] Appendix II, 7; *[…] Prior venit et exigit diem ad se inter certificandum et ad inquirendum veritatem […]*
[88] Appendix II, 39; *Isaac de Norwico exigit a Priore de Cruce Roysi lxxx. libras.*
[89] Appendix II: 53; *Isaac de Norwico, Judaeus, petit versus Priorem de Cruce Rohays' xxiiij l. cum lucro […] que heredes predicti Eustach' finem fecerunt de debito ejusdem Eustach' cum dominio Rege […]*
[90] Appendix II, 17.

and their impact on this case, require further thought. The status of Sewal's father William, a knight, may suggest that Sewal could use his position of influence to sway the verdict in his favour. The success of Samuel's claim remains unknown, yet this case sheds light on the experience of a Jewish creditor in opposition with a noble Christian. Samuel demonstrated his awareness of the complications that could develop in debts cases when facing knights in court. His knowledge that knights regularly held two separate seals suggests that Jewish creditors, such as Samuel, were both aware and familiar with noble culture and how the court system could be played in debt litigation.

This analysis demonstrates, once again, that court records hold unlocked potential for furthering our understanding of the Jewish legal experience. An initial reading of these records discloses that only five of twenty-one debt claims were resolved: three in favour of Jewish creditors, and two against. Yet when the remaining records are read with a broader awareness of debt procedure, it appears that a further nine claims—which made reference to the debt in an unopposed charter, chirograph or tally—also likely prompted repayment from recalcitrant debtors. If we take these entries into account, a total of twelve out of twenty-one claims (57%) saw Jewish success, with a further five claims suggesting resolution was found in the creditor's favour outside the courts as no subsequent proceedings were recorded (raising the total to 81%). When we compare this level of triumph to the 0% success rate of private criminal suits, the magnitude of debt litigation to the Jewish legal experience materialises once again. Not only did cases relating to crediting make up the majority of cases brought by Jewish plaintiffs, these cases were the most successful. This suggests that the success of debt cases bred further action, whilst the unsuccessful nature of other suits discouraged Jews from bringing non-financial concerns before the royal justices. This analysis has demonstrated that the legal system was designed in favour of the creditor, even if the record did not always explicitly document the creditor's success. The judicial process *endorsed* the success of creditors and *forced* debtors to be held to account. And, in this way, this process may express the underlying royal interest in the Jews' crediting profession.

iv. Creditors in Court: An Exclusive Business?

The so-called special relationship between the crown and England's Jewish community is well documented, and there remains consensus that at the heart of this relationship was the licence for Jews to lend money to their Christian associates. The theoretical, legal

expression of the bond between Jews, crediting and English law was outlined in chapter one but it continues to be a recurrent, live question in discussions on Jewish legal practice. Jews were highly successful in reclaiming their crediting investments yet the extent to which this success hinged upon the crediting profession or their relationship with the king requires a more critical assessment. What follows, therefore, explores the individual Jews who brought cases before the royal courts to consider how far the crediting profession defined the capabilities and experiences of Jews in court.

The statistics above identify that 83% of the cases brought by Jewish plaintiffs were initiated by creditors engaged in debt litigation. This figure is notably high when we reflect on Mell's recent assessment of the 1241–1242 tallage data. These years marked the height of Jewish economic and lending prosperity in England, yet Mell calculated that only 25% of England's Jews participated in the crediting business.[91] Her works suggests, therefore, that a minority of the Jewish population brought 85% of the cases before the royal courts. Mell argued that professional moneylending, beyond the occasional loan, was pursued by approximately just ten to fifteen families.[92] Yet how far was access to the court restricted to those with financial influence? The analysis that follows, therefore, explores the remaining 17% of cases, and considers who pursued civil and criminal actions beyond debt within the royal courts.

A plaintiff's crediting profession was often made explicit by the nature of a debt dispute, yet challenges arise when attempting to identify the occupation of other Jewish plaintiffs. Richardson and Roth both accept that Jews undertook a number of different roles in English society. Although we are aware of some of the jobs undertaken by England's Jews, in the words of Richardson, 'Jews were rarely given occupational names' so we lack, for the most part, 'this index to their callings'.[93] We often have to rely, therefore, on glimpses, hints and inferences from the surname, location or genealogy attached to the plaintiff in the record. *Table 2* below presents the names of the Jewish plaintiffs in court outside of debt litigation. Who these individuals were, and whether they had connections to the crediting trade, will form the focus of this section.

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[91] J.L. Mell, *The Myth of the Jewish Moneylender*, 2 vols. (New York, 2017–2018), I, 215–216.
[92] Mell, *Myth*, I, 216.
[93] Richardson, *English Jewry*, 26–27.

Table 2: Non-Debt Cases brought by Jewish Plaintiffs, c. 1216–1235

Year	Court	Name of Plaintiff	Appendix Reference
1219	Yorkshire Eyre Court	Deuleward	Appendix V, 5
1220	Exchequer of the Jews	Rabbi Josce son of Rabbi Elias	Appendix II, 43
1220	Exchequer of the Jews	Jacob son of Moses, son of Benedict	Appendix II, 100
1223	Common Bench	Samarian of Winchester	Appendix IV, 19 and 20
1224	Common Bench	Ferandus the crossbowman	Appendix IV, 21
1224	Common Bench	Josce son of David	Appendix IV, 22
1228	Common Bench	Jordan le Jew	Appendix IV, 33
1234	*Coram Rege*	Isaac of Marlborough	Appendix III, 19

Unless the individual in question was well-known or associated with a prominent family, it is often difficult to draw out further details from an isolated case. Calling on the research of others devoted to England's Jewish communities has proven essential in identifying who these individuals were. Josce son of David, for example, was identified in Hillaby's assessment of financial records for his contribution to the London Jewry's tallage of 1221.[94] It is also known from the court records that Josce paid the crown 40 marks for an unknown inquiry before the common bench in Hilary 1224.[95] This high sum suggests that he had the means to initiate legal action, but as he was not obviously connected to one of the prominent familial lines in London, his role in the wider Jewish community remains unclear. Hillaby revealed that Josce contributed only three shillings and nine pence to the 1224 tallage (0.2% of the total amount). This figure was the second lowest contribution recorded. It is clear, therefore, that while Josce had money, he was not a major figure in London's Jewish community, and may have been a low-scale creditor or an agent to one of the more affluent crediting families. In a similar vein, the claims of murder brought by Jacob the son of Moses son of Benedict, and of injury and robbery brought by Samarian of Winchester, offer no clues to their wider occupational or social standing.[96] Further research by Hill and Hillaby demonstrates that both men held land in the central districts of their respective towns, and Samarian contributed eight pounds, nine shillings and half a penny to the 1221 tallage.[97] However, unlike the more affluent Jewish families, such as the family of Chera of Winchester, who gave twenty-four pounds, three

[94] J. Hillaby, 'London: the 13th-Century Jewry Revisited', *Jewish Historical Studies* 32 (1990), 110.
[95] Appendix IV, 22.
[96] Appendix II, 100; Appendix IV, 19 and 20.
[97] For Jacob see J.W.F. Hill, *Medieval Lincoln* (Cambridge, 1965), 223–4, 234; For Samarian see *CChR,* I, 264; *PDMAJH*, 403.

shillings and three pence, Samarian's donation was relatively modest.[98] Together, the activities of these three individuals demonstrate that Jews of moderate means, who may only have had a small connection to crediting activity, could still access the royal justice system. It is curious, however, that the most prominent creditors of the time—Isaac of Norwich or Chera of Winchester, for example—did not make claims beyond debt litigation. This observation will be returned to in due course.

Those with professional or religious occupations were also active in the courts. Rabbi Josce son of Rabbi Elias, brought a suit of false imprisonment and robbery before the Exchequer of the Jews in Hilary 1220.[99] Isaac of Marlborough, who complained of Nicholas Barbefleet before the court *coram rege* in 1234, was appointed a local chirograph clerk by 1241, showing he played an integral role in the administration of crediting accounts in one of the smaller satellite Jewish communities.[100] Not all plaintiffs, however, were ingrained in religious or royal administration. As Richardson acknowledged, Jews took on roles such as physicians, goldsmiths, fishmongers and cheesemongers and, on occasion, were also named as soldiers or crossbowmen.[101] These professions were often adopted by or granted to Jewish converts, but certain members of the Jewish community also held them as a 'special obligation'.[102] Ferandus the crossbowman's claim against Hugh Grandin, brought by his attorney Amisius the Jew before the common bench in Trinity term 1224, demonstrates that Jews with military status might also access the royal courts.[103] Other, less identifiable plaintiffs, such as Jordan le Jew[104] and Deuleward brought claims before the common bench and Yorkshire eyre court respectively, but neither can be traced beyond their mention in the court record. The mere record of their claims, however, is significant. If Jordan le Jew and Deuleward were not men of significant social standing, then their suits suggest that sometimes, if only rarely, the courts were accessible to Jews from beneath the upper echelons of Jewish society.

Not all Jewish plaintiffs were male. Hoyle's research on female creditors at the court of the Jewish exchequer has proved pivotal in demonstrating how, in the eyes of the

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98 *PDMAJH*, 403.
99 Appendix II, 42.
100 Appendix III, 19. For further discussion on the Marlborough Jewry see *PDMAJH*, 267–268.
101 Richardson, *English Jewry*, 26–27.
102 C. Roth, *A History of the Jews in England* (Oxford, 3rd ed., 1964), 122.
103 Appendix IV, 21.
104 *PDMAJH*, 403.

law, the practice of moneylending, and its reception in court, varied little on account of the plaintiff's gender. The role and status of female moneylenders has, over the last fifteen years, received a surge in scholarly attention. Bartlet's work on three influential female creditors at Winchester—Chera, Belia (both discussed above) and Licoricia—has demonstrated that single, married or widowed Jewish women were in a much stronger position than their Christian counterparts to conduct themselves in court, and could operate by themselves as well as through male attorneys or agents.[105] Unsurprisingly, female Jewish creditors initiated debt litigation, but they also brought other cases, such as the title to property plea entered by Antera of Coventry in Michaelmas 1219.[106] As the first surviving record from the Exchequer of the Jews, it is surprising that Antera's case has not received more attention. It goes unmentioned in Hoyle's study of the plea rolls of the Jewish exchequer and has since received only passing comment in Hillaby's *Dictionary of Medieval Anglo-Jewish History*.[107] She has not been identified as a prominent creditor in the Warwickshire community in Richard Dace's genealogical diagrams on the Warwick Jewry, nor is she noticed in Bartlet's discussions on female lending.[108] Although her claim was unsuccessful, Antera's ability to bring this case before the court demonstrates that the legal experience of female creditors was not exclusively defined by an unpaid debt. Antera was not alone. Comitissa, a Jew from Gloucester, as we will see in section three, was even able to bring an appeal of murder against a fellow Jew, Abraham Gabbay. Further nuances in the female legal experience require additional investigation. Yet these findings begin to suggest that the courts received female Jewish litigants much more frequently than their Christian equivalents: the law offered Jewish women a clear space in which to express both personal and professional grievances.

This analysis has shown that outside of debt litigation, those with very little or no connection to moneylending could still bring actions against Christians before the royal courts. It is argued here that no restrictions appear to have impeded Jews who wished to initiate litigation; as long as they could afford the route to justice, with or without writ, they were permitted access to the court. Yet when these findings are placed in the context of their success, the failure of all Jewish plaintiffs in criminal and trespass actions has

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[105] S. Bartlet, 'Three Jewish Businesswomen', 31–54; S. Bartlet, *Licoricia of Winchester: Marriage, Motherhood and Murder in the Medieval Anglo-Jewish Community* (Edgware, 2009).
[106] Appendix II, 1.
[107] *PDMAJH*, 121.
[108] R. Dace, 'The Jews of Warwick c.1180 to c.1280', *The Local Historian* 37 (2007), 243–249.

important implications for the Jewish legal experience. Only 17% of the cases brought by Jewish plaintiffs were not concerned with debt. Perhaps Jews did not pursue further actions because they were aware that beyond crediting, the royal courts rarely ruled in their favour. Although this suggestion cannot be substantiated by the court records alone, it is highly suggestive that not one prominent creditor initiated a case unrelated to debt in this period. Isaac of Norwich and Chera of Winchester, for example, claimed against Christian debtors on multiple occasions but neither brought another form of action. Their awareness of the legal system—how cases unfolded and proved successful or ineffectual—may have dissuaded these individuals from calling on the courts in times of additional conflict. The infrequency of other actions reveals that debt litigation was central to the Jewish legal experience, yet this analysis has shown that an association with crediting was not an exclusive condition of being a Jewish plaintiff.

Conclusion:

This analysis contributes to our understanding of the experience of Jewish plaintiffs in a number of ways. It has found that any question concerning how Jews accessed the courts must first address the deeper complexities of the procedures underpinning the practice—and record—of English common law. The language used to create court records has revealed that a formulaic system underlay court record production, and the articulation of Jewish claims can distinguish between the different paths available to Jews seeking justice. Even without the original writs, this analysis has charted how forms of action—such as debt—related to the expression of a claim (*exigit*) in the court record. The investigation into the application of *petit versus* and *optulit se* has also demonstrated that the language used to express the plaintiff's claim can also provide insight into the activity in court or even the nature of the ensuing proceedings: through marking the absence of the defendant, or a later session or stage in the plaintiff's plight for justice. Although the application of *appello* and *queror* is less clear cut, their application reveals two other channels open to Jews seeking retribution: by both appeal and complaint. Jewish plaintiffs were able to raise criminal actions against their Christian peers, and could seek damages instead of criminal retribution if preferred. In the absence of writs or supplementary documentation, a close analysis of the language used to create court records has made it possible to appreciate how Jews, just as Christians, sought royal justice by writ, appeal and complaint.

This analysis has also raised new questions concerning the relationship between process and success. It has revealed that debt claims made up 83% of the cases brought by Jewish plaintiffs during this period, and of these as many as 81% of the cases may have been resolved in the creditor's favour. But is this a more complicated question of how the form of action combined with the nature of legal procedure? The writ of debt initiated a systematic process that was designed, almost exclusively, in support of the creditor's claim. If written proof of the debt agreement was produced, very little could overturn it. Although we have noted that arrangements with justices or fines with the king may have resulted in the said debt being been absolved—an issue which will be returned to in due course—in general, the nature of debt litigation was a much more straightforward process than other actions initiated by Jewish plaintiffs. The investigation into the non-debt actions (17% of Jewish pleas) established that although the royal courts were open to Jews outside the crediting profession, these individuals were less experienced in the legal process: not one of these cases featured a prominent Jewish creditor. Their limited success may suggest a connection between the influence of a Jewish creditor and a successful suit, yet this analysis has revealed that the nature of the plaintiff's action, and its underlying procedure in court (debt vs criminal), likely held a greater impact on the outcome of a case. The very fact, therefore, that well-known Jewish creditors did not bring criminal suits before the royal courts may be testament to their awareness of the practicalities and limitations of criminal justice in this early period of thirteenth-century law. It is the contribution here, therefore, that debt did not exclusively account for all claims made by Jewish plaintiffs, but crediting provides an effective context for rethinking who was using the courts beyond debt cases—and who was not—and how these decisions may actually account for the experiences of Jews in the royal court system.

II. Defending a Claim:

Having established how plea rolls recorded and accepted Jewish plaintiffs into the fold of Christian common law, this section turns now to consider the experience of Jewish defendants. Unlike the plaintiff's claim, however, which was increasingly dictated by writs, the defendant's plea could take numerous forms. Flower argued that it is 'impossible' to mention all the 'ingenious deflections which the medieval litigant could impose on the court',[109] yet for this thesis, it *is* possible to consider how members of England's Jewish

[109] Flower, *Introduction to the Curia Regis Rolls*, 349.

community responded to civil and criminal charges across the royal court system. Paul Brand's introduction to the *Plea Rolls of the Exchequer of the Jews* provided invaluable insight into those cases brought before the justices of the Jews in the latter half of the thirteenth century.[110] Although touching on the procedural format of various actions, Brand's observations were embedded within discussions on the institutional functions of the Jewish exchequer, and so, the 'ingenious deflections' used by Jewish defendants and the extent to which they varied between pleas and across courts have yet to be considered.

This section, therefore, investigates the fifty-one cases that recorded Jewish defendants in court across the period 1216–1235. Divided into three parts, this section once again examines how the language of court records can provide insight into the Jewish legal experience. Section i addresses how the records documented the activity of Jewish defendants to build an awareness of what we are reading and when we should expect to see a record of a Jewish defence. Only with this awareness is it possible to draw comparisons across the collection. Section ii examines what the so-called royal privileges granted to England's Jewish community, as part of their 'special relationship' with the crown, actually provided for Jewish defendants in court. It explores how these privileges were expressed in the court record, and the extent to which they were called upon. Following this, section iii turns to the role of written evidence in court. It considers how important records were for Jews forming a defence, and the extent to which these methods proved successful in disputes against Christian plaintiffs. Drawing parallels with the Christian legal experience, this section examines the actions and records of Jewish defendants in the common law process.

i. Recording the Defence:

Much like the articulation of the claims made by Jewish plaintiffs, the record of a defence is the closest we can get to accessing the voices, actions and decisions made by Jewish defendants in court. The language and structure of the defence—how it was formulated by the defendant and subsequently documented in the record—may, therefore, shed further light on the Jewish experience of defence procedure. It is impossible, however, to launch immediately into this discussion. The varied references to Jewish defendants in court records mark a number of different procedural stages in the legal process. Of the

[110] *PROJE*, VI, ed. Brand, 6–16.

fifty-one cases brought against Jews, the court records divide into three categories: claims brought by writ or appeal in which the defendant (or their attorney) was present; claims brought by writ or appeal in which the defendant was absent; and claims brought by oral or written complaint that initiated a future course of proceedings. It is the aim here, therefore, to build an appreciation of the variances in this material to help inform the subsequent analysis.

The articulation of a plaintiff's claim not only reveals the form of action but it also offers insight into the nature of the defence. Six claims brought against Jews by Christians via writ or appeal were introduced in the record through the standardised phrasing established above. Three claims, for example, were articulated through *exigit*, and related to finance or debt; two claims were introduced by *petit* and saw a continuation of proceedings; and one criminal claim was expressed through *appeallat*. If the claim was expressed in one of these forms, the defendant was usually present before the court to refute the charges set against them. In a typical example from the Exchequer of the Jews that arose in Michaelmas 1219, it was recorded that Hugh de Neville demanded ten years of rent from Sampson son of Isaac, for a house in the parish of St. Lawrence in London.[111] Following Hugh's accusation, articulated in the record by *exigit*, it was recorded that Sampson 'comes and says' that Hugh had released the rent from his father Isaac for the yearly payment of one pound of cumin, and a charter was made to this effect.[112] From this case, amongst others of a similar nature, we learn that when claims were introduced in a customary manner, the record documented how the Jewish defendant responded to the charges: an attempt was made to capture the legal form of his or her rebuttal. In this instance, the record documented Sampson's response to Hugh's claim, yet not all references to Jewish defendants in court records conformed to this prescribed structure.

Instead of introducing the claim with the customary verb— 'X claims Y against Z'—four entries revealed Jewish defendants in court in response to a mandate or summons delivered to them. In Easter 1220, before the Exchequer of the Jews, it was recorded that:

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111 Appendix II, 18.

112 Appendix II, 18; *Sampson' venit et dicit quod injuste exigit ab eo illos v. solidos per annum et ideo injuste quod predictus Hugo relaxavit Isaac patri suo illos v. solidos per annum pro una libra cymini eidem Hugoni quotannis reddenda et inter fecit ei cartam suam […]*

> Richard de Ripariis caused Solomon Episcopus of Dorchester, a Jewish man, to be summoned to come before the justices three weeks after the day of Easter, to show by what reason he demands of him a debt that he did not owe him […][113]

Following this, it was then added that Solomon came and he 'produced before the justices that charter for 100 shillings […] saying that by this charter he demands that debt'.[114] Records such as these often emerged in response to an earlier case: the Christian (now-plaintiff) was disgruntled with the past proceedings and entered a countersuit. Alongside the six entries that adhered to the conventional articulation of a claim, these records attached to a summons or mandate offer clear evidence of the form and presentation of the Jewish rebuttal. They allow comparisons and questions to be raised in the following sections on the presentation of the defence—what was included and what was not—and the extent to which these accounts reflected Christian pleading under similar judicial conditions.

Not all references to Jewish defendants revealed Jews in court. This is most explicit when a plea recorded that the defendant *non venit*, which was, as shown in section one, often associated with a plaintiff's claim expressed in the record by *optulit se*. As above, these cases were brought by writ or appeal, but the defendant's non-appearance modified the articulation of the plaintiff's claim. Thirteen entries were recorded in this way.[115] These cases saw charges relating to debt, rightful *seisin*, and dower, yet the customary verb *exigit* was replaced to represent the activity (or lack thereof) in the court. Similarly, those pleas brought directly into the court by complaint, articulated in the record by *queror*, often only reported the accusation made by the plaintiff before a date was then set for the ensuing proceedings. Twelve entries were recorded in this way.[116] Together, these claims provide little information on the defence beyond the defendant's name and the charge set against them. The same can be said for those Jewish defendants named in pleas of the crown. Such cases were brought by travelling justices on eyre to rectify wrongdoing against the

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[113] Appendix II, 74; *Ricardus de Ripariis fecit Salamonem Episcopum de Dorecestr' Judeum summoneri venire coram justiciariis a die pascha in tres septimanas ostendere qua ratione ab eo quoddam debitum exigit quod ei non debuit […]*

[114] Appendix II, 74; *[…] et protulit coram justiciariis quendam cartam de 100 s […] dicens quod per cartam illam debitum illud exegit […]*

[115] Appendix II, 12, 38, 62, 64, 65, 83, 87 and 104; Appendix IV, 3, 34, 38 and 39; Appendix V, 19.

[116] Appendix II, 24, 27, 31, 33, 35, 61, 69, 73, 78, 89, 103, 113.

king. In one example, from the Worcestershire eyre in 1221, Richard the Jew was found to be in mercy for erecting walls too close to the water.[117] Without a defence, the justices required no witnesses or documentary evidence to inform their judgment against the defendant. Just like the cases above, therefore, these records cannot comment further on the defendant or the defence.

Fourteen 'complaints', however, complicate this otherwise straightforward process. In each of these cases the complaint was immediately followed in the record by the rebuttal. As we can see in the example below, the prior's complaint of an illegal charter was swiftly followed in the record by Moses's defence:

> Richard, Prior of Dunstable, complained that Moses son of Brun produces a charter for £24 under the names of Prior Thomas and the Convent of Dunstable and Brun, father of Moses […] which he does not believe to be lawful […] Moses, a Jewish man, comes and denies forgery, felony, washing and pledging that charter, and all [other] forgery, word for word […][118]

The format of these cases suggests that the defendant was either present when the complaint was made, or space was left in the record to document their defence upon their arrival at court. These examples demonstrate that we cannot assume complaints made by Christian plaintiffs were not contested by Jews there and then. Unlike the formulaic process of writs and appeals, the system in place for the oral and written complaint was less clear cut. Nevertheless, what was recorded in the defence was certainly similar and can be compared to those cases above.

The question of how Jews defended themselves in court and the extent of their success can thus be investigated in the subsequent sections with awareness of these variations in the material. Although only twenty-six of fifty-one entries (51%) presented a Jew defending against the accusations of a Christian plaintiff, this material can still be used to compare the form, nature and composition of the Jewish defence. This investigation

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[117] Appendix V, 7; *Ricardus Judeus fecit purpresturan versus aquam super dominum Regem de quodam muro leuato. Et ideo in misericordia […]*

[118] Appendix II, 99; *Ricardus, Prior de Dunestaplia, questus est quod Mosseus, filius Brun, profert quondam cartam xxiiij l. sub nomine Thome, Prioris, et Conventus Dunestaplie et Brun, patris ejusdem Mossei […] quam non intellegit legalem […] Mosseus, Judeus, venit et defendit falsinam, feloniam, loturam et invadiationem illius carte, et omnem falsinam de verbo in verbum […]*

will be launched in parts ii and iii, but first a clearer overview of the range of actions brought against Jews is provided below.

Section one has explored how important debt was to the Jewish legal experience, and while this question remains central to the following discussions, the experiences of Jewish defendants offer a chance to also explore questions of faith, persecution and violence. Of the twenty-six actions that recorded a Jewish defence, twenty revealed civil actions, four disclosed private criminal suits, and two concerned pleas of the crown. *Table 3* presents how these actions divide across the royal courts. The majority of civil claims brought before the Exchequer of the Jews were, once again, related to the crediting business: for example, the plaintiff argued an unlawful demand of debt, wrongful *disseisin*, or the dispute or denial of a woman's dower, which had passed to Jews as the gage on a loan. Other civil actions, including title to real property and various accounts of trespass—making chirographs and charters against the assize and other unlawful agreements—were also heard, but only across three of the four royal jurisdictions. The court *coram rege*, in keeping with its traditional remit, judged only criminal cases, but appeals of lesser significance were also brought before the common bench. The nature of the most serious criminal accusations—murder and the circumcision of Christian children—have come to epitomise the legal experience of Jewish defendants in court. Yet these crimes must be understood in the wider context of Jewish defendants in the common law process.

Table 3 lays out the twenty-six court records that documented a Jewish defence. These records enable new inquiries into how, and by what means, the defence was recorded. How far the form of defence related to the claim, the court, or the individual will be situated at the heart of the following analysis, especially the extent to which being Jewish influenced how Jews pleaded before the royal courts.

Table 3: Records of a Jewish 'Defence', c. 1216–1235

Court	Appendix Reference	Law Term and Year	Form of Action against Jewish Defendant
The Exchequer of the Jews	II, 18	Michaelmas 1219	Account
	II, 19		Plea of Land; no details specified
	II, 20		Unlawful Entry and Damages
	II, 26		Debt
	II, 36		Writ of inheritance/unlawful *disseisin*
	II, 57	Hilary 1220	Unlawful *disseisin*
	II, 59		Breaking Covenant
	II, 60		Breaking Covenant
	II, 62		Chirograph against the assize
	II, 70		Unlawful *disseisin*
	II, 72	Easter 1220	Unlawful credit
	II, 74		Unlawful demand of debt
	II, 75		Unknown; details not specified
	II, 76		Unlawful demand of debt
	II, 94		Chirograph against the assize
	II, 99	Trinity 1220	Chirograph against the assize
	II, 102		Unlawful *disseisin*
Coram Rege	III, 18	Easter 1235	Criminal Plea; initiated by private suit
	III, 19		Criminal Plea; brought by complaint
The Common Bench	IV, 4	Trinity 1220	Writ of Dower
	IV, 23	Michaelmas 1224	Criminal Plea; initiated by private suit
	IV, 42	Michaelmas 1230	Criminal Plea; initiated by private suit
Eyre Courts	V, 7	Worcestershire 1221	Pleas of the Crown; Touching Purprestures
	V, 9	Gloucestershire 1221	Pleas of the Crown; Criminal Plea initiated by royal suit
	V, 29	Warwickshire 1232	Title to Real Property
	V, 32	Huntingdonshire 1235	Writ of inheritance/unlawful *disseisin*

ii. The 'Personal' Plea:

Personal pleas, as their name suggests, were made on the basis of a particular status under the law: a defence formed upon conditions specific to a certain legal group. Flower, in his introduction to the *Curia Regis Rolls*, has shown how defendants could refute charges on

the grounds of being a minor, or not being a minor, having clerical or crusader status, or on the plaintiff's bastardry or lack of civil rights (to name just a few).[119] This section explores whether a similar option was open to Jewish litigants, as Jews. It considers whether England's Jewish community had access to their own legal status in court, and the extent to which Jews called upon their faith to form the basis of their defence. Drawing parallels with Christian examples, this section explores, fundamentally, how far religion and identity shaped methods of pleading.

The special relationship between Jews and the English crown has been noted multiple times throughout this thesis, but it is important to explore this relationship in the context of Jews in court; did the status of being Jewish permit 'special' or unique defence proceedings? Conceptually, such rights existed. Successive kings bestowed liberties and protections on the Jewish community in return for their secular subservience and contribution to royal revenue. Brand has argued that these mandates granted Jews 'a written statement… of the jurisdictional and legal privileges and rules which applied to them', but what these licences actually afforded Jewish defendants *in court* remains an elusive matter.[120] The fourth clause of Richard I's *c.* 1190 charter to Jews outlined that 'if a Christian shall have a dispute against a Jew, it must be judged by the peers of the Jews', and clause seven read that if a Jew be summoned by anyone without a witness 'he shall be acquitted of that summons merely by an oath upon his book […]'.[121] In theory, these legal provisions ensured a degree of procedural propriety and fairness for Jews on the wrong end of Christian accusations. The crown did, then, recognise a potential disability for Jews in court and sought to provide a remedy. How far these provisions translated into 'special' privileges for Jews in court will be tested through their manifestation in a Jewish defence. This section explores the extent to which Jewish defendants benefitted on a practical level in court from their relationship with the king, and whether their unique legal and religious status formed the foundation for a personal plea.

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119 Flower, *Introduction to the Curia Regis Rolls*, 349–354.
120 P. Brand, 'The Jews and the Law, 1275–90', *Economic History Review* 115 (2000): 1138.
121 *Foedera*, I: i, 53; *[…] Et si Christianus habuerit querelum versus predictos Judeos, sit judicata per pares Judeorum […] Et si ipsi appellati fuerint ab aliquo sine teste, de illo appellatu erunt quieti, solo sacramento super librum suum; et de appellatu illarum rerum que ad coronam nostrumpertinent, similiter erunt quieti, solo sacramento super rotulum […]* These legal licences were confirmed again under King John *c.* 1201, see *Rot. Chart.,* 93.

Studies on early thirteenth-century court records have not yet considered a connection between Jews and a 'personal plea'. In Flower's commentary on the variety of personal pleas used across the *Curia Regis Rolls* between 1199 and 1230, it is significant that England's Jewish community go unmentioned.[122] His silence might suggest that for the period under review, there was no record of Jewish defendants pleading as *Jews* before the royal courts. However, across the collection of pleas employed by this thesis, including those records from the Exchequer of the Jews, it was found that Jews refuted Christian accusations on the basis of their faith on five separate occasions. In each of these cases, the same phrase was employed in the court record: the defendant denied the charges as *sicut Judaeus versus Christianum* (as a Jew against a Christian). This phrasing resembles the defence of other marginalised groups. For example, Flower identified that when women faced men in court, their personal plea was documented 'as a woman against a man'.[123] It may be, therefore, that this phrase recorded when a Jewish defendant entered a personal plea. Five records appeared in this way across both civil and criminal proceedings: three before the Exchequer of the Jews, one before the common bench and one at the court *coram rege*. The infrequency of these cases and their wide distribution makes them all the more curious. The circumstances surrounding each of these records require closer investigation: could the phrase 'as a Jew against a Christian' be evidence of a personal plea in practice? And if so, what did Jews hope to gain from its use?

Two criminal appeals presented a process initiated by the Jewish defendant that closely resembled the conditions of a personal plea. The first was a murder charge brought against Bonemie and his family before the common bench in Michaelmas 1224, when they were accused of killing a Christian known simply as William, by his son Martin.[124] Joshua Curk has briefly considered this case in his assessment of the purpose and forms of Jewish oaths in thirteenth-century courts. He argued that Bonemie 'held a remarkable sense of awareness of the relevant legislation',[125] as when asked whether Bonemie would like to clear his name by placing himself on a jury of 'twelve legal Christian neighbours and twelve Jewish neighbours', he rejected this offer 'as a Jew against a Christian' preferring instead

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122 Flower, *Introduction to the Curia Regis Rolls*, 349–354.
123 Flower, *Introduction to the Curia Regis Rolls*, 371.
124 Appendix IV, 23.
125 J. Curk, 'The Oath of a Jew in the Thirteenth-Century English Legal Context', in *On the Word of a Jew: Religion, Reliability, and the Dynamics of Trust*, ed. N. Caputo and M.B. Hart (Indiana, 2019), 67.

to 'hold his freedom by the charter of the lord King John'.[126] An initial reading of this record is somewhat puzzling. After all, the stipulations of the charter of King John *entitled* Bonemie to a mixed-faith jury. It can only be assumed, therefore, that Bonemie wished to call upon another provision relevant to this form of defence—perhaps the entitlement to reject the charges by sworn oath. It appears, however, that this request was either rejected outright or performed to the dissatisfaction of the court, as an inquiry into William's death was still issued.[127] Curk argued that in the thirteenth century, a Jewish oath had the ability to construct innate truth and 'a level of gravitas not accorded to Christian oaths', yet here, the legal precedence of this oath did little to support Bonemie in practice.[128] The record suggests no clear resolution to the case, although there is evidence that soon after these events, Bonemie forfeited his house in the London ward of St. Michael Bassishaw, and that a payment of 100 marks was elicited from the Jewish community for his release.[129] Despite its lack of resolution, this case confirms that the court recorded the plea 'as a Jew against a Christian' to acknowledge that the Jewish defendant had called on the privileges and processes associated with his faith and legal status.

The second appeal is more difficult, generally speaking, to define within a regulated and recognised common law process. Yet again, the phrase 'as a Jew against a Christian', with minor deviation, appears. The case in question arose at Norwich in 1234, when a Christian physician named Master Benedict accused a Jew named Jacob, alongside twelve other Jews, of circumcising his son Edward four years earlier. Following proceedings before the eyre court at Norwich and the itinerant justices at Catteshall, the matter was transferred to the king's bench in 1235, and the *coram rege* roll captured a detailed record of the events that transpired both at the earlier hearings and again before the royal justices.[130] The space afforded to the Jewish defence is distinctly small. While the case in full extended across a full *rotulus*, the account attributed to thirteen Jewish individuals was reduced and

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126 Appendix IV, 23; *Et quesitus quomodo se purgare velit de illa morte et si se ponere velit super xij. legales vicinos Christianos et xij. Judaeos vicinos, dicit quod non vult ponere se super aliquam juratam contra libertatem suam quam ipsi Judaei habent per cartam domini Iohannis regis […]*

127 This inquiry is irregular, however, as it was recorded that nineteen Christians and twelve Jews were elected, rather than twelve a piece.

128 Curk, 'The Oath of a Jew', 64.

129 *Rot. Lit. Claus. 1224–1227*, 7b; *Fine Rolls, 1224–25*, no. 59: 'Dover. *The fine of Boneme Mutun, Jew.* Order to Martin of Pattishall to receive Boneme Mutun, Jew, from the constable of the Tower of London and deliver him to the Jews of London to keep, having accepted security from them that they will have him at the king's command whenever the king will wish and for rendering 100 m. to the king, by which they made fine with him for having the same in custody'.

130 Appendix III, 20.

summarised in seven words: *hoc totum defendunt sicut Judei versus Christianum*.[131] The extraordinary circumstances of the case unravel when not only the testimonies from two Christian witnesses appear on the record, but also the proceedings of an extensive inquiry in which the local clergy and coroners questioned the sheriff, the witnesses, and inspected the circumcised child. There is no evidence on the roll that a mixed-faith jury was sanctioned or that the Jews were permitted to refute the charges on oath (presumably because witnesses were provided for the prosecution). It may be, therefore, that under more volatile and religiously sensitive circumstances, the phrase *hoc totum defendunt sicut Judei versus Christianum* was simply inserted as a record of Jewish refutation; beyond this it held no further legal weight or standing in court. The unusual place of this accusation before the royal courts (an accusation not yet recognised in England in a secular legal context), may explain why the case was eventually transferred exclusively before an ecclesiastical jurisdiction.[132]

The circumstances of this case are explored fully in chapter four, yet here it is possible to reflect on what this phrase, however ineffective, may have symbolised in the court record. For this, we turn to Matthew Paris's sensational rendition of these events dated in an entry for *c.* 1240, when Matthew Paris recounted the case's final judgment: 'Four of the Jews were found guilty of the aforesaid crime. First, they were dragged by the tails of horses, and then they were hanged by the gallows, where they exhaled the wretched remains of life'.[133] This sentence has been the focus of most historians working on this case, but Matthew Paris's account of why this case transferred to the ecclesiastical authorities presents a more telling picture of the earlier intentions of the Jewish plea:

> […] And when [the Jews] *wanted to be protected by royal authority*, the bishop said: "These matters regard the church. They are not to be dealt with by the royal curia, as the case concerns circumcision and the wounding of the faith" […][134]

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131 Appendix III, 20; '… and they all deny this as Jews against a Christian…'
132 Appendix III, 20; *[Postea] coram domino rege et domino Cantuariensi et majori parte episcoporum comitum et baronum Anglie, quia casus iste nunquam [prius a]ccidit in curia domini regis et preterea quia factum illud primo tangit Deum et sanctam ecclesiam eo quod circumcisio et [bapti]smum sunt pertinencia ad fidem, et preterea non est ibi talis felonia nec amissio membri nec mahemium nec plaga [mortalis] vel alia felonia laica que possit hominem dampnare sine mandato sancta ecclesie, consideratum est quod [factum] istud in primo tractetur in sancta ecclesia et per ordinarium loci inquiratur rei veritas et mandetur domino regi ut […] faciat quod facere debet […]*
133 *Chronica majora*, IV, 31; *[…] Judaeorum igitur quatuor super predicto scelere convicti, prius ad caudas equorum distracti tandem in patibulo suspensi, vitae reliquias flebiliter exhalarunt.*
134 *Chronica majora*, IV, 31; *[…] Et cum se vellent auctoritate regali contueri, ait episcopus; "Haec ad ecclesiam spectant, non ad regalem curiam pertractanda, cum de circumcisione et de fidei laesione quaestio ventiletur" […]*

Matthew Paris corroborates that the Jewish defendants had attempted to invoke their royal privileges before the case was removed from the royal jurisdiction of the court *coram rege*. Although we must remain cautious to accept Matthew Paris's account at face value, his brief mention of court process fits within our wider understanding of the Jewish plea seen above. The Jewish defendants called upon their faith to receive the protections afforded to them by royal charter—likely here a mixed-faith jury. Matthew Paris's account also implies that the king's protections were only relevant within a common law jurisdiction; when the case was transferred to the ecclesiastical courts those royal privileges were null and void. These findings confirm, together with Bonemie's case above, that the phrase 'as a Jew/s against a Christian' was a recognised expression of Jews invoking legal privilege, even if the circumstances of the allegation (here, religious) caused that plea to have little effect.

This formulaic phrase also manifested in a case of trespass. Before the Jewish exchequer in Michaelmas 1219, Diaie Gallicus was accused by John de Geddings of unlawful entry and of threshing John's wheat.[135] It was reported that Diaie defended the charges word for word 'as a Jew against a Christian'.[136] Yet since John was able to produce two witnesses—William son of Alexander and Hugh son of John—the conditions of the charter of liberties dictated that Diaie could not simply refute the allegations on oath. The land in question quickly became the focus of the case when John alleged that the bailiffs of the hundred had unjustly granted Diaie *seisin* of his land in Toneyre and Stanestrete on the premise of an unpaid debt. The justices then asked if the litigants were willing to put themselves on the county inquest. To this, John readily agreed, but Diaie refused unless, it was reported, 'it was adjudged by the court'.[137] Diaie's reluctance may suggest that he was not confident in the outcome of their investigation and his earlier plea 'as a Jew against a Christian' expressed his attempt to rebalance the unavoidable inquiry by invoking his royal right to be judged by Jews as well as Christians. Given the civil rather than criminal

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[135] Appendix II, 20; *Johannes de Geddinges questus est de Diaye' Gallico quod in pace domini Regis intravit in terram suam et fecit blada sua tituare […]* It was recorded that this infraction was done 'in the king's peace', which again blurs the lines between civil and criminal proceedings (as seen in section one). Yet as the land in question was at the core of this dispute, this case has been categorised as a trespass action.

[136] Appendix II, 20; *[…] Diaye venit et defendit pacem domini Regis infractam et vim et injuriam de verbo in verbum sicut ei inponit sicut Judeus versus Christianum versus eum et sectam suam […]*

[137] Appendix II, 20; *[…] et idem quaesitum est a Judeo qui dixit quod non nisi Curia consideraverit […]*

circumstances of this inquiry, it is unlikely this request was accepted, and there is no evidence in the record to suggest any other Jews were involved in the proceedings that followed.[138]

In the accounts of other civil proceedings, this plea was not always recorded in isolation: the phrase 'as a Jew against a Christian' formed only one part in the record of the Jews' defence. In Michaelmas 1219, Sampson Furmentin denied owing the late William Marshal, the Earl of Pembroke, seventeen marks before the Exchequer of the Jews. Here it was recorded that Sampson verbally rejected the charges before readily standing his ground 'as a Jew against a Christian':

> […] the Jew comes and says that he was never indebted to the said Earl for that sum, either by promise or otherwise, which he is ready to prove as a Jew against a Christian […][139]

The intentions behind Sampson's plea soon become clear as the record revealed Sampson's request for an inquest 'by lawful Christians and Jews' as to whether 'he owed the debt or not'.[140] Complications soon emerged concerning whether an inquiry had already taken place, and it was decided that a second inquiry should be undertaken.[141] The court explicitly stipulated that the Sheriff of Gloucester was to inquire by oath of lawful Christians and Jews whether Sampson was bound to the Earl by debt or not. Although it is unclear why Sampson was permitted to orally refute the charges alongside entering a personal plea, this case reveals, once more, that the phrase 'as a Jew against a Christian' initiated one of two possible legal processes designed to support Jewish defendants in court.

Not all Jews, however, sought these royal licences. In a final case brought before the Jewish exchequer in 1220, Guy de Simpling complained that Moses of Norwich unlawfully disseised him of his mill for a debt Guy claimed he did not owe. Guy claimed

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[138] This case continued up until (at least) Trinity 1220 when it was recorded that John and Diaie were granted a day to hear the court's judgment concerning the debt, and were permitted to leave the court in the meantime to make concord. The bailiffs of the hundreds were called to show by what warrant they granted Diaie the lands in question.

[139] Appendix II, 26; *[…] Judaeus venit et dicit quod numque debuit dicto comiti debitum illud nec de promisso nec aliquo alio modo et hoc paratus est probare sicut Judaeus versus Christianum […]*

[140] Appendix II, 26; a mandate was sent to the sheriff of Gloucester: *fieret inquisitio per legales Christianos et Judaeos scilliet (si) debeat illud debitum necne […]*

[141] The circumstances of this 'failed' inquiry are explored in further detail in chapter three.

that he was damaged to the amount of 20 shillings and put himself upon the inquest. To this charge, Moses denied tort, force and *disseisin* as 'a Jew against a Christian', yet he did not put himself upon the inquest or make any request for mixed-faith jurors. Moses did not wish for them nor need them. Instead, he flipped the allegation and claimed £4 from Guy on an outstanding chirograph and a further one mark and 21 shillings across three separate tallies.[142] The production of proof caused Guy to withdraw his complaint and, in turn, acknowledge his debts to Moses. This case adds a caveat to the above findings. In both criminal appeals and civil actions of trespass, the phrase 'as a Jew against a Christian' appears to have represented when a Jewish defendant called on the licences afforded to them by royal charter. There was an expectation that this plea would invoke a more advantageous legal process. Moses, however, rejected the so-called privileges attached to his faith in favour of a wider practice in the common law courts: the production of written proof in support of his claim. Jewish defendants may have had the option to call upon the processes offered by a personal plea, but this case begins to suggest that alternative tactics in civil litigation offered a faster and more secure result.

This analysis has found that on five separate occasions, across three different courts, Jewish defendants entered a plea 'as a Jew against a Christian'. This plea appears to have been the written expression of Jews calling on the entitlements granted to them in the English legal process by royal charter: in particular, the right to a co-religious jury or the right to refute charges on oath (if the Christian accuser was unable to produce a witness). This section has made the case that this plea resembled a variation of a Christian personal plea; not only did it replicate the language and structure of those pleas used by other marginal groups, but it called upon a particular course of legal proceedings designed specifically for Jewish individuals. The extent to which these proceedings successfully aided Jewish defendants in court, however, must be brought into consideration. Bonemie attempted to wield his plea by rejecting the offer of a mixed-faith jury to prove his freedom on oath, but this request was soon rejected by the court (either outright or because the accuser produced a witness), and a mixed-faith inquest was eventually ordered. For the Jews accused of circumcision at Norwich, their plea for legal privileges, or at the very least royal protection, was ousted by the case's removal to the ecclesiastical authorities. Diaie's

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[142] Appendix II, 102; *Mosseus venit et defendit vim et injuriam et disseisinam versus eum sicut Judaeaus versus Christianum et dicit quod non ponit se super inquisicionem illam sed dicit quod exigit ab eo iiij. libras pro quoddam cyrographum quod coram justiciariis profertur quas iiij. libras idem Guydo recognovit se debere predicto Mosseo et plura alia debita scilliet xx. s. per talea et x. s. per talea et i marcas per talea […]*

plea did not fit the requirements of the case, and again came to little effect, and although Sampson was successfully granted his mixed-faith inquest, it was undertaken to the dissatisfaction of the court and another was issued. Not one of these cases suggests that a personal plea initiated a robust legal process for Jewish defendants. Instead it paints a picture of a process that could be manipulated or rejected by the will of the justices, on the one hand, and a process still in its early years of development, on the other; neither the courts nor the Jewish defendants knew exactly how these procedures should or would work in practice. It is perhaps unsurprising, therefore, that Moses formulated his defence by other means.

iii. Written Evidence in Court:

Flower argued that personal pleas took numerous forms, but for most Christian defendants engaged in civil litigation, these 'personal exceptions were on the whole less effective than pleas of estoppel'.[143] Pleading in this form saw the defendant produce a final concord or charter to denounce the plaintiff's claim. This was the strategy adopted in the majority of the remaining entries that recorded a Jewish defence. These cases will be explored to reflect on the role of written evidence in the early development of thirteenth-century law to consider how effective the plea of estoppel was for Jews attempting to overturn Christian accusations.

Administrative transformation at the close of the twelfth century not only led to a new emphasis on the production of plea rolls, but marked a move to grant greater authority to the written word more widely. Michael Clanchy has charted the evolution of this trend and accounted for its impact on the administration and governance of the English law.[144] The formation of the archa system under Richard I in *c.* 1194 is testament to how accounts of Jewish business were brought into this fold. Crediting agreements were inscribed onto chirographs, separated and sealed within a chest so that their fixed conditions were secure for future reference.[145] In both Richard and John's *Charter of Liberties* it was written that should a dispute between a Christian and a Jew concern money, 'the Jew shall prove his principal [the amount of money loaned] and the Christian the interest'.[146] What better way

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[143] Flower, *Introduction to the Curia Regis Rolls*, 354.
[144] Clanchy, *Memory to Written Record*, esp. 70–75.
[145] The archa system will be discussed in further detail in chapter four.
[146] For further discussion on these charters see pages 40–41 above.

to prove this than by presenting a record of that moneylending agreement? Section one demonstrated how instrumental charters, chirographs and tallies could prove to the formation of a Jewish prosecution. Here, this section explores its use in the formation of a Jewish defence.

The legal weight of crediting agreements was well-recognised by Christian plaintiffs. Six countersuits, launched in response to a claim from a Jewish creditor, documented a Christian's demand to see and test the validity of Jewish evidence used to support, in their words, '*injuste'* debt claims or the *disseisin* of their lands. In one example at the Jewish exchequer in 1219, Michael de Munteny refuted a debt of £8 demanded from him by Benedict Crespin. Benedict was summoned to present the 'charter, chirograph or tally' for the judgment of the court:

> Let [the sheriff] summon the said Benedict to be before the Justices at Westminster on the morrow of St. Martin […] And that then and there he have the charter, tally or chirograph by which he demands that debt […][147]

The emphasis placed on viewing the agreement confirms that the new regulations on crediting transactions, and their careful preservation in archa chests, were an increasingly significant component of thirteenth-century debt procedure. Michael, a Christian, demonstrated that the court would only force him to repay the debt if the loan could be proved by a legitimate legal record. By calling on the court's aid to prompt this course of action, he did not simply refute his connection to the debt, but called on written proof to expunge his name as a recalcitrant debtor. Michael placed his trust in the archa system and the evidence it protected.

Jewish defendants were also aware of the legal advantages of written proof. Eleven cases documented that a Jewish defendant chose to bring or call upon the aid of documentary evidence in court.[148] Eight of these either referred to or produced charters (or chirographs) in line with Flower's definition of a plea of estoppel (above).[149] For example, when Hugh de Neville demanded ten years of rent from Sampson in 1219, Sampson formed his defence around a charter made between Hugh and Sampson's father,

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147 Appendix II, 6; *[…] sumoneat predictum Benedictum quod sit coram prefatis justiciariis apud Westm' in crastino Sancti Martini […] Et quod tunc habet ibi cartam tallea cyrogrpahum per que debitum illud exigit […]*
148 Appendix II, 18, 36, 57, 60, 62, 70, 74, 76, 94, 102; Appendix IV, 4.
149 Appendix II, 18, 57, 60, 62, 74, 76, 94, 102.

Isaac: that for a pound of cumin yearly, Isaac would be exempt from the rent. As a day was then assigned for further proceedings, it is likely that the court wished to view this charter themselves before making judgment.[150] In a similar case, Moses of Norwich produced a chirograph and three tallies as part of his defence against Guy of Simplings, the Christian plaintiff. The documents demonstrated that Guy was indeed indebted to him by £4 and 43 shillings, which forced Guy to swiftly retract his complaint.[151] Jewish defendants, just as plaintiffs, demonstrated their awareness that an authentic charter or chirograph built the foundation of a successful suit or a defence. The archa's registry of moneylending transactions authenticated and safeguarded the legal proof of these documents and, in doing so, armed Jewish creditors with the tools to defend (and extract) their profits in court.

The only exception to this rule, it seems, emerged when the action concerned an unlawful charter or chirograph and the validity of the proof was brought into question. In 1220, Roger de Neville accused Godenote, wife of Furmentin, before the Exchequer of the Jews of making a chirograph against the assize.[152] Here the court called upon the testimony of the chirograph clerks charged with the archa's protection and those transactions inside. It was recorded that Benedict son of Pictavin, one of the Jewish chirograph clerks, challenged the authenticity of the proof provided by Godenote's husband as 'the charter spoke of 10 ½ marks and 1 quarter of corn' not 'at one time four marks and at another time two marks'.[153] Given, therefore, that the terms of the agreement differed, the late Godenote was found guilty of making or altering the transaction outside limits of the law. Roger de Neville's debt was disavowed and Furmentin, the husband, was placed in the king's mercy.[154] The proof contained within the archa was instrumental to the outcome of the case once again, but here it ruled against the Jewish party. The legal

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150 Appendix II, 18; *[…] Sampson' venit et dicit quod injuste exigit ab eo illos v. solidos per annum et ideo injuste quod predictus Hugo relaxavit Isaac patri suo illos v. solidos per annum pro una libra cymini eidem Hugoni quotannis reddenda et interfecit ei cartam suam […] Dies datus est eis in crastino Sancti Andree.*

151 Appendix II, 102; *[…] idem Guydo recognovit se debere predicto Mosseo et plura alia debita scilliet xx. s. per tallea et x. s. per tallea et i marcas per tallea […]*

152 Appendix II, 62; *Rogerus de Nevill' optulit se iiij. die versus Godenote que fuit uxor Furmentin' de plegium cyrographum fecit contra assisam […]*

153 Appendix II, 62; *[…] Dictus Peitevin venit coram justiciariis juratus dixit quod dictum Rogerum non recepit a dicta Godenote una vice iiij m. et alia vice ii m. et quod carta loquebatur de x m. et dimidium et i quartum frumenti […]*

154 Appendix II, 62; *[…] adjudicatur est quietum domino Regis et ipse Furmentin' remanet in misericordia domini Regis.*

authority of the archa system was upheld and those who sought to subvert the law faced the penalty for their actions.

Under the plea of estoppel, Flower identified that Christian defendants could also call on past legal actions to challenge or undermine the plaintiff's claim.[155] Jewish defendants also adopted this course of action on two occasions. In 1220, before the Exchequer of the Jews, Antera of Coventry denied that she had *disseised* Matthew, chaplain, of a house in Coventry by 'false suggestion'. Antera referred to a judgment made in the king's court when she had impleaded Matthew's father, William.[156] It was recorded, thereafter, that Matthew placed himself upon the inquest, and in a later entry from Easter 1220, the inquest decided that Matthew had rightfully held *seisin* of the house for over three years before Antera impleaded his father. As a result, *seisin* was returned to Matthew.[157] The outcome for Antera is unknown, but following her non-appearance, she was called to Westminster to explain her absence and to hear judgment, suggesting some further penalty was to be given.[158] Under similar circumstances in the same year, Chera of Winchester was summoned before the Exchequer of the Jews to hear judgment on a complaint made by Andrew, chaplain, of Winchester in the time of King John.[159] Chera came to court armed with a witness, another Jew called Deulebenya, who testified that this issue had already been resolved in past legal proceedings. Deulebenya's testimony was likely corroborated by a record of the previous hearing, given that Chera was acquitted of Andrew's charge.[160] These two examples present different outcomes for a plea of estoppel founded on the records of past court proceedings. Unsurprisingly, if the plaintiff did not dispute the evidence, the defendant's plea could prove successful. The case between Antera and

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155 Flower, *Introduction to the Curia Regis Rolls*, 359–362.

156 Appendix II, 70; *Mathaeus Capellanus questus est justiciariis de Antera de Coventri' Judea quod ipsa per falsam suggestionem suam fecit eum disseisiri de quadam domo in Coventri' […] Judea venit et defendit vim et injuriam et decepicionem de verbo in verbum et dicit quod habuit seisinam domus illius per considerationem Curia pro defectu predicti Willelmi Ferratoris versus eam in Curia domini Regis […]*; For the earlier case see Appendix II, 1.

157 Appendix II, 90; *[…] Curia consideravit quod idem Mathaeum habeat talem seisinam illius domus qualem habuerit ante quam predicta Antera inplacitavit Willelmum Ferratorem patrem ipsius Mathaei de predicta domo […]*

158 Appendix II, 90; *[…] et quod dicta Antera ponatur per vadium et plegium quod sit coram justiciariis apud Westm' in crastino sancti Johnis ostensura quare non venit nec se esse ad predictum terminum et auditura inde Judicium suum.*

159 Appendix II, 75.

160 Appendix II, 75; *[…] et sociis suis eadem venit et Deulebenya cum ea et idem Deulebenya dicit quod judicium interfactam fuit coram justiciariis. Ita quod ipsa quieta recessit versus eundem Andream per considerationem curia.*

Matthew, however, shows that the defendant's case did not always hold up to scrutiny when placed upon the inquest. The plea of estoppel did not guarantee success. Yet regardless of her failure, this example shows that Antera was familiar with how she could construct a defence even if she did not herself possess the documentary evidence to support it. She placed her trust in the records of the court and, on this occasion, her decision did not pay off.

Jews also called upon other royal records to support their defence. Before the common bench in 1220, Matilda wife of Ralph of Tivill the younger, attempted to claim the manor of Hintewunde as her rightful dower.[161] Isaac of Norwich, through his attorney Jurnet of Norwich, countered that she ought not to have the manor as her dower because previous to Matilda's marriage, Ralph's father (also called Ralph) had promised the manor of Hintewunde to Isaac as gage on a loan, and that gage was 'enrolled on the rolls of the lord king'.[162] It is unclear why Isaac (through Jurnet) sought evidence in the royal rolls rather than his own personal record of the gage. It may be that Isaac no longer held the original agreement—as was the case for Chera of Winchester in 1220 when she instead vouched 'as warranty the rolls of the lord king' in an attempt to reclaim an outstanding debt from Henry Braybof.[163] Further questions emerge from the court's ruling that a fine made to the justices of the Jews by Ralph the father acquitted him of his debt to Isaac. With no surviving record of Ralph's payment, this transaction cannot be corroborated. The court concluded, however, that because Ralph the father had been disseised of the manor of Hintewunde by 'will rather than judgment', the manor should be returned to him.[164] The record of Isaac's gage was superseded by this financial arrangement and Isaac's defence was overruled. Written proof could direct the court's judgment, as many of the cases above have illustrated, but its authority was not absolute. The will of the court could obstruct the weight ordinarily afforded to the plea of estoppel.

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161 Appendix IV, 4.

162 Appendix IV, 4; *[…] Et Isaac per Jurnetum Judaeum de Norwic', qui se facit attornatum suum, venit et defendit quod non debet inde dotem habere, [quia] nec Radulfus pater nec Radulfus filius eam inde dotare potuerunt, quia, priusquam idem Radulfus desponsasset ipsam Matillidem, invadiaverat Radulfus pater manerium illud ipsi Isaac Judaeo usque ad terminum; et ipse nichil clamat nisi vadium suum ad terminum etc; et vadium illud inrotulatum est in rotulis domini regis etc […]*

163 Appendix II, 54; *Chera de Winton' Judea exigit de Henrico Braybof ccc. libras cum lucro quas ei debet per chirographum quod non habeat. Unde trahit rotulos domini regis ad warrantum […]*

164 Appendix IV, 4; *[…] Quo inspecto, satis visum fuit justiciariis quod disseisitus fuit per voluntatem et non per judicium […]*

The incompetency of court officials could also impede this process. In 1220, for example, *seisin* was not granted to the Christian plaintiff Dionisia de Bereford despite the records of the Jewish defendant agreeing that the lands of Henry de Bereford did in fact belong to her. The sheriff, it would seem, refused to grant *seisin* on the evidence of an old charter and denied ever receiving a new one.[165] Furthermore, when Jacob son of Moses, brought a private criminal suit before the Exchequer of the Jews concerning the death of his father, the record explicitly noted that a further mandate was issued to address the sheriff's 'insufficient business' in the matter.[166] The records of cases between Christians also disclose or imply the incompetence of authoritative legal figures, but show that, as with these two examples, such instances were infrequently documented.[167] They represent, therefore, more of a commentary on the holes in the legal process rather than an inept response to a Jewish defence (or claim). These cases characterise a frustrating but, it seems, unavoidable part of thirteenth-century litigation.

This analysis has found that a total of eleven civil charges brought against Jews were refuted by some form of written evidence: a charter, chirograph, tally, past legal proceedings, or a reference to the royal rolls. The effect of this plea overturned three of six accusations (50%) in which a resolution was recorded. As the remaining five pleas did not reappear upon the plea rolls, it is possible that the charges were dropped or that the written proof prompted an out of court settlement. The centrality of written evidence to the Jewish defendant's experience in court fits within the wider emphasis placed on legal documents in this period. Yet the place and function of the archa system within these evolving practices was, for Jews, vital. It formed the pillar of their defence; they relied on its records, and its legal credibility, to devise their defence strategies in court. England's Jewish community could only make an effective 'plea of estoppel' through the allowances of this fundamentally Jewish platform.

Conclusion:

These findings offer a number of contributions to our understanding of the experience of

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165 Appendix II, 60; *[…] Judeus venit et defendit quod num quam per ipsum damnificati sicut dicens quod per plures vices perexit ad vicecomites de Warewic' ad faciendum predictis Dionis' et Henrico habere seisinam de terris illam qui sine veteri carta nullam seisinam eis facere voluit de terris illam […]*

166 Appendix II, 100; *[…] insufficientis negocii […]*

167 For examples see: *Cur. Reg, R.*, II, 71, 246, 276; *Cur. Reg, R.*, XI, 443.

Jewish defendants in court. This section has rationalised that the phrase 'as a Jew against a Christian' documented when the litigant, or the court, invoked the special judicial provisions granted to Jews by royal charter. These 'special' privileges included the right to a co-religious jury and the right to refute charges on oath (if the Christian accuser was unable to produce a witness). In practice, these privileges did little to sway a favourable outcome. Although a personal plea was entered on five occasions, the only evidence of success was when Moses of Norwich supported his plea 'as a Jew against a Christian' with written proof. It was understood, therefore, that royal privilege was less effective than a charter, chirograph or tally. While a defendant may have resorted to a personal plea in a criminal suit, in a last attempt to proffer a sympathetic reaction from a mixed-faith jury, these cases demonstrate that when Jewish defendants faced civil charges, they often favoured legal convention over legal privilege. England's Jewish community made use of the ever-growing emphasis on written proof to cement their defence—and success—in the royal courts. This was, of course, only made possible by the foundation of a system that transformed the credibility of both Jews and their crediting agreements in English law. The archa validated Jewish business transactions and, in doing so, carved a more successful path for Jewish creditors in court. Jews did not directly mirror Christians in their use of the 'plea of estoppel'; however, these court records reveal that Jews implemented the strategies and successes of Christians—via the new allowances of the archa system—into their own legal experience.

III. Opposing Jewish Parties:

Jewish plaintiffs and defendants did not always find themselves in opposition to Christians. A small proportion of cases were brought into the royal courts by Jews, against Jews. This final section is dedicated to the procedure and circumstances surrounding such proceedings. It reflects on the theoretical conditions of Jew vs Jew litigation before the royal courts, before investigating a collection of interrelated entries recorded in 1220 on the plea rolls of the Jewish Exchequer. This section examines how these entries come together to reveal a complex case between two opposing Jewish parties and investigates how the case was received, managed and recorded by a Christian legal system.

Building upon the research of Henry Stokes, Cecil Roth and Judith Olszowy-Schlanger, the most recent analysis of cases between opposing Jewish parties in medieval

England has been put forward by Pinchas Roth.[168] Roth utilised both the documentary and literary evidence from halakhic sources to reveal the operation of Jewish courts in England from the end of the twelfth century until the Jewish expulsion in 1290. He identified that Jewish courts either took the form of hearings overseen by one rabbinic scholar and two laymen, or more official and prestigious courts, fully staffed by Rabbis.[169] King John granted royal legitimacy to these courts in his *c.* 1201 charter to the Jews, which stipulated 'breaches of the right that shall occur among them' should be 'examined and amended among themselves according to their Law'.[170] As a result, these Jewish courts could oversee matters of faith (such as marriage and divorce) as well as other civil proceedings, but were not permitted to address offences pertaining to the 'crown and justice' including cases touching homicide, mayhem, deliberate assault, house breaking, rape, larceny, arson and treasure trove.[171] In these instances, the royal courts overruled the legal authority of the Jewish courts. Roth acknowledged that the extent to which Jews honoured this system hinged on their interpretation of the statement from the Amoraic sage Samuel in the Babylonian Talmud: 'the law of the kingdom is the law'. While it appears Isaac ben Peretz, an English Rabbi, pronounced in the mid-thirteenth century that 'the law of the land is the law'—thereby supporting the place of Jews within the bounds of Christian legal theory—the question remains as to how far England's Jewish community utilised the royal court system to bring criminal proceedings against other Jews.[172] Roth argued that such suits 'very rarely' emerged in the Christian courts. He made reference to only one case between two Jewish parties found in Brand's edition of the sixth volume of the *Plea Rolls of the Exchequer of the Jews* (1279–1281) and offered no comparable suits for any period before this.[173] What follows, therefore, explores how and when England's Jewish community called upon the aid of royal legal authorities to settle disputes against other Jews for the period 1216–1235.

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168 P. Roth, 'Jewish Courts in Medieval England', *Jewish History* 31 (2017): 67–82; H.P. Stokes, *Studies in Anglo-Jewish History*; (Edinburgh, 1913), 48–54; Olszowy-Schlanger, *Hebrew and Hebrew-Latin Documents*, 24–29; C. Roth, 'Rabbi Berechiah of Nicole (Benedict of Lincoln)', *Journal of Jewish Studies* 1 (1948–49): 67–81; Richardson, *English Jewry*, 129–31; Lipman, *The Jews of Medieval Norwich*, 150–53.

169 Roth, 'Jewish Courts in Medieval England', 69.

170 R*ot. Chart*, 93b; *[…] excessus qui inter eos emerserint, exceptis hiis qui ad Coronam et Justiciam nostrum pertinent […] inter eos deducantur secundum Legem suam et emendentur, et justiciam suam inter se inde faciant […]*

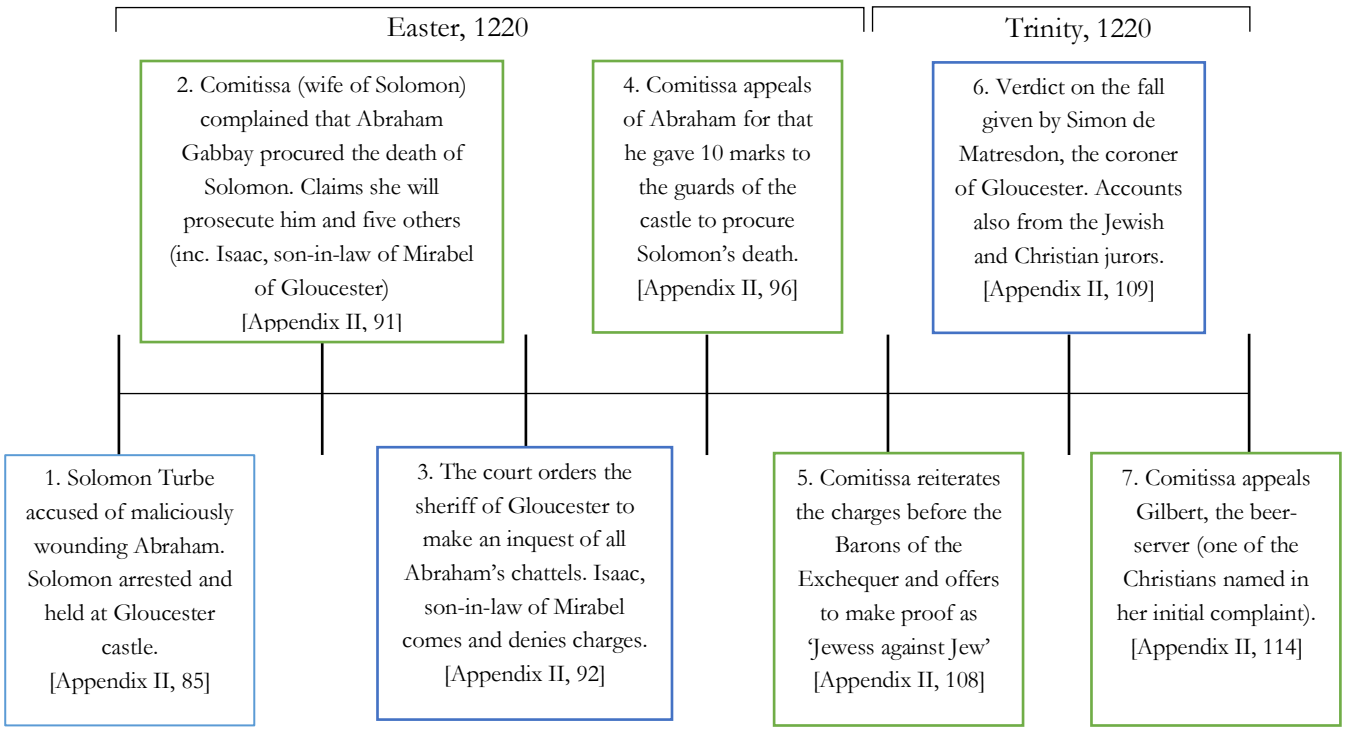
171 R*ot. Chart*, 93b; *[…] exceptis hiis qui ad Coronam et Jusiciam nostrum pertinent, ut de morte hominis et mahemio, et de assaltu premeditato, et de fractura domus, et de raptu, et de latrocinio, et de combustione, et de thesauro […]*

172 Roth, 'Jewish Courts in Medieval England', 80–81.

173 Roth, 'Jewish Courts in Medieval England', 81, note 66.

Across the ninety plea rolls investigated for this period, a total of only seven entries were found to reveal two opposing Jewish parties in the common law courts. Intriguingly, all seven seem to relate to an ongoing feud between two Jewish men living in Gloucester: Abraham Gabbay and Solomon Turbe. These interconnected, albeit complicated entries reveal a series of criminal accusations brought before the Exchequer of the Jews in 1220 and together present the first known dispute between Jewish parties recorded on royal plea rolls. *Figure VI* presents a timeline of these events, alongside synopses of each of the plea roll entries in order. These entries offer a valuable opportunity to enhance our understanding of the record, language and process of Jewish litigation (in light of the discoveries made in sections one and two) and present a platform to explore the reception of Jews in court without the vested interest of a rival Christian party.

Figure VI: Timeline of Court Sessions – Turbe vs Gabbay, c. 1220



Emma Cavell brought this material together for the first time as part of the project *Women Negotiating the Boundaries of Justice: Britain and Ireland, c. 1100–c.1750*.[174] She analysed these entries to establish the course of events that led a Jewish woman named Comitissa to make an appeal before the justices of the Jews in 1220. The seven records that documented these proceedings reveal that Comitissa Turbe, who lived in Gloucester in the early thirteenth century, was widowed after her husband, Solomon Turbe, fell from the top of a tower at Gloucester castle. Across these entries, we are presented with the investigation into Solomon's death, and later, the charges brought by Comitissa herself against those she held responsible. Together, these records present, in the words of Cavell, a story 'full of twists and turns' and a series of conflicting accounts including, quite bizarrely, Solomon's own inconsistent rendition of the fall, supposedly captured in the short time before his death. Cavell highlighted the value of this collection: that it not only 'takes us to the heart of the Jewish community of Gloucester' but also allows us 'to catch a glimpse of the social and judicial structures to which the English Jewries were subject'.[175]

Joshua Curk has recently used this case to open the question of Jewish oath-making and interreligious trust in English courts.[176] He also reconstructed a summary of these records to argue that here the legislation (that is, the provisions in the royal charters for Jewish litigation) worked 'exactly as intended': Comitissa swore an oath on the Torah, as she was allowed to under the terms of the charter of liberties; the criminal nature of the proceedings fell under the crown's jurisdiction; and the Jewish exchequer exercised its jurisdiction over inquiries into the death of a Jew who might have been murdered.[177] Curk also argued, however, that 'Comitissa's oath worked better than it ought to have' and the ability granted to Jews by the charter of liberties to prosecute on oath without pledge transformed Jewish oaths into a 'valuable form of currency'.[178] This value, he continued, was eventually recognised by the crown and remedied in the Statue of Jewry *c.* 1275, which disallowed Jews from clearing themselves on their own oaths to ensure they were not 'otherwise privileged than a Christian'.[179] Curk successfully placed this case in its wider

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[174] Emma Cavell, 'Death in Gloucester: The Strange Case of Solomon and Comitissa Turbe', available on the 'Women Negotiating the Boundaries of Justice' website: http://womenhistorylaw.org.uk/en/blog/1/9/death-in-gloucester-the-strange-case-of-solomon-and-comitissa-turbe [accessed 10 September, 2018]. [Hereafter Cavell, 'Death in Gloucester'].
[175] Cavell, 'Death in Gloucester'.
[176] Curk, 'The Oath of a Jew', 62–80.
[177] Curk, 'The Oath of a Jew', 62–63.
[178] Curk, 'The Oath of a Jew', 63.
[179] Curk, 'The Oath of a Jew', 64.

legislative context, but in doing so accepted much of the proceedings at face value. Many questions remain, therefore, surrounding the significance of this case, and record, within the early, developing infrastructures of thirteenth-century law. The analysis below, therefore, builds upon Cavell and Curk's groundwork to consider how this complex Jewish dispute of murder and mayhem was processed and recorded by a Christian legal system.

Comitissa's case reveals that the procedures in place for documenting legal actions between Jews and Christians were also applied in cases between two Jewish parties. The language, for example, used to articulate the plaintiff's claim imitates the formulas identified in section one. The original plea entered by Abraham Gabbay (no. 1), the very man who would later be accused of procuring Solomon Turbe's murder, set the proceedings in motion when he brought a complaint of malicious wounding before the Exchequer of the Jews in the first few weeks of 1220:

> Abraham Gabbay complained of Solomon Turbe that he maliciously wounded him in the King's peace, and in order to prove this, he shall have sufficient suit at the day and term specified as a Jew against a Jew. Pledges […] Abraham of Warwick, and Benedict, his son-in-law, Abraham and Samuel Cornec, and Isaac of Paris. A day is given to him in fifteen days from the day of Holy Trinity. And it is ordered to the Sheriff of Gloucestershire that he has the said Solomon before the Justices at Westminster on the said day. [180]

Here Abraham's charges were introduced in the record by *questus est*, an inflection of the customary verb *queror* for introducing a criminal complaint or the action of trespass brought directly before the court. Comitissa's subsequent complaint against Abraham echoed this language (no. 2), and her successive appeal was also introduced in the standardised way by the verb *appelleat* (no. 4). Together, these examples suggest that the conventions for recording cases brought by Jews against Jews were, at least in the expression of a claim, consistent with the general formulas for court record production.

Parallels in language, however, do not account for this case being procedurally consistent with Christian litigation. The court recorded that following Solomon's initial

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[180] Appendix II, 85; *Abraham Gabbay questus est de Salamone Turbe quod ipse in pace domini Regis eum nequiter vulneravit et ad hoc probandum habebit ad diem et terminum sectam sufficienter sicut Judeus versus Judeum. Plegii […] Abraham de Warewic' et Benedictus gener ejusdem, Abraham et Samuel Cornec et Isaac de Paris'. Dies datus est ei a die Sancte Trinitatis in xv. dies. Et mandatus est Vicecomiti Gloc' quod habeat predictum Salamonem apud West' coram justiciariis ad predictum diem.*

arrest, his forthcoming trial would be pursued 'as a Jew against a Jew'. This phrase resembles the language used to signify a personal plea, as discussed in section two, when a specific course of action was initiated, or at least requested, by the Jewish party. For defendants, this often prompted a mixed-faith jury or a rebuttal on oath, yet here, it appears that the court applied this language to simply identify the form of proceedings. No unique privileges were enforced, Abraham was required—as was customary—to prove his claim by producing 'sufficient suit' and arranging pledges for the prosecution. For Comitissa, however, her complaint and subsequent appeal *sicut Judea versus Judeorum* (no. 2 and 4) was legitimised in court through the legal privileges attached to her Jewish status: Comitissa 'pledged her faith and made oath upon her Roll' to support her allegation.[181] As there were no witnesses to Solomon's fall, Comitissa was permitted to construct her plea on the basis of her oath. Here, the phrase 'as a Jew against a Jew' supports our findings that the wording of a plea built on faith was connected, in some way, to the Jewish litigant calling on the legal licences granted to them by royal charter: after all, in cases between two Christian parties, we do not see plaintiffs directing an accusation 'as a Christian against a Christian'. If Solomon had not fallen from the tower, it would have been possible to follow the course of Abraham's initial plea and chart the extent to which his Jewish status informed the proceedings that followed. Instead, however, the unusual circumstances surrounding Solomon's death offer an alternative opportunity to investigate how Christian legal authorities engaged and responded to a complex conflict within the Jewish community. Unsurprisingly, a number of elements stray from the customary, conventional recording of pleas between Christians and Jews, and here it is possible to explore these elements to reflect on the wider significance of this case in the broader context of Jewish cases found elsewhere.

The detail afforded to the actions of individual Jews first requires our attention. Section one found that the words and actions attributed to Jewish plaintiffs rarely extended beyond the formulaic, lexical conditions of a claim, and while section two revealed that Jewish defendants had more room to manoeuvre their defence, this was still generally limited to the personal plea or the plea of estoppel. The circumstances of criminal proceedings were the only exceptions in which the routine record of a claim and a defence could vary drastically from case to case. It was not uncommon for the record to adopt a

[181] Appendix II, 91; *[…] Dicta Comitissa affidavit et super rotuli suum juravit […]*; Appendix II, 96; *[…] Predicta Comitissa affidavit et juravit super rotulum suum […]*

more narrative form—a he said/she said commentary—to establish the events that led to the illicit act. For criminal cases involving Jews and Christians, this narrative was often dominated by the Christian party, yet this case allows us to consider how Jewish litigants were portrayed in the absence of a Christian opponent.

The first entry following Solomon's fall was recorded in the Easter term of 1220. Comitissa, Solomon's wife, entered a complaint directly before the justices at the Jewish exchequer. She alleged that Abraham Gabbay had arranged and paid for her husband to be murdered. In addition to pledging her faith and swearing on oath that Solomon was dead, Comitissa named a further five Christian men that she intended to prosecute: a man called Andrew, a beer-server (who was later named Gilbert), and a further three (unnamed) others, who it later emerged were Solomon's guards in the castle:

> Comitissa, wife of Solomon Turbe, comes before the Justices and complains of Abraham Gabbay, that by his hire and procurement the said Solomon was dragged to death. The said Comitissa pledged her faith and made oath upon her roll that the said Solomon, her husband, has died. She will prosecute the said Abraham, and one Andrew, and a beer-server and three others. […][182]

This complaint was introduced in a formulaic manner, but the proceedings that followed were not remotely systematic or routine. Firstly, unlike Abraham, Comitissa was not required to present pledges in support of her accusation. Because the charter of liberties stipulated that if no one else could warrant the claim a Jew could testify to its gravitas on oath, Comitissa was permitted to bring her case simply by swearing upon the Torah. Curk argued that this process offered 'ample proof' that Comitissa's accusations were valid and her oath negated the requirement for pledges to corroborate her claim. The court did not, however, take Comitissa's word at face value. Across the subsequent six entries we are presented with further input from three Jewish individuals, Isaac son-in-law of Mirabel of Gloucester, Mirabel herself, and Abraham Gabbay, alongside accounts from five Jewish jurors, and various Christian officials, each of whom added their own interpretation into the mix. The unusual and unique format of this case—and the number and status of those involved—opens many questions on the administration of these proceedings.

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[182] Appendix II, 91; *Comitissa uxor Salamoni Turbe venit coram justiciariis et conqueritur de Abraham Gabbay quod per mercedem et impetratum ipsius dictus Salamon tractatus est ad mortem. Dicta Comitissa affidavit et super rotulum suum juravit quod predictus Salamon vir suus mortuus fuerit. Sequetur versus dictum Abraham, Andream, et i. braciatorem, et versus tres alios […]*

The mandate copied onto the roll immediately after Comitissa's complaint allows us to consider how Christian officials responded to this accusation. It was recorded that the sheriffs and chirograph clerks of Gloucestershire and Herefordshire were commanded to hold inquiries into all of Abraham Gabbay's moveable possessions—including his charters, tallies, and chirographs—within their bailiwicks. They then had to provide an inventory of their findings in the 'view of lawful Christians and Jews', and keep the goods safe until they could be certified by the justices on the octave of St. John the Baptist (and the start of the trial).[183] This form of mandate, and the orders it delivered, were not documented in any other case involving Jews for this early period. Its presentation of procedure, therefore, reveals that Abraham was subjected to the same rigorous accounting of assets as Christian defendants under similar circumstances. Where Solomon had been arrested for assault and confined to the castle to await trial, Abraham was only accused of plotting to cause Solomon's death, not the physical act itself. Rather than being incarcerated, Abraham was bound to the pending trial by the seizure of his chattels. The specific reference to the inventory being made in the view of Christians *and* Jews set an interesting precedent for the remainder of this case. The charters of King Richard and King John expanded little on the procedures for cases between Jews, but this record demonstrates that the court emphasised the shared responsibilities of Christians and Jews in this legal process to ensure nothing was detained unfairly. Even if it was stipulated that criminal cases between opposing Jewish parties should be heard before Christian royal courts, the wider Jewish community still played a role in these ensuing proceedings.

Not all the relationships manifested in the record, however, present a balanced picture of Christian and Jewish authority, nor a straightforward record of legal process. Following Comitissa's complaint, it was reported that Isaac, son-in-law of Mirabel of Gloucester, found himself implicated in the accusations. The sheriff of Gloucester charged Isaac, upon Solomon's supposed testimony, with frightening Solomon and causing him to fall.[184] Isaac appeared before the court and denied the charges and, shortly later, came

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[183] Appendix II, 91; *Mandatus est Vicecomiti Glou' quod inquirat omnia catalla quae Abraham Gabbay habet in balili' sua tam in cartis, tallis et cyrographis que in alio mobili et quod per visum legalium Christianorum et xij. Judeorum et attachiari faciat et quod salvo sub sigillo suo ea custodiat donec et quod de hiis omnibus certificat justiciarios in Octabis Sancti Johannis Baptista […]* The same mandate (with little variation) was also sent to the Sheriff of Herefordshire.

[184] Appendix II, 91; *Isaac gener Mirabel' venit coram justiciariis et defendit quod postque recessit a Lond' numque loctus fuit cum Salamon Turbe donec Salamon cecidit de Turri quando idem Isaac venit illuc similiter*

together with Comitissa to move suspicions onto the sheriff himself who, they claimed, 'might have had £10 to cause him [Solomon] to have made such a leap'.[185] The sheriff later challenged this accusation: he did not cause Solomon to fall, but admitted that 'he might have received 10 marks'.[186] These complicated, ever-changing charges expose the complex, and even corrupt or complicit, course of proceedings. Together, these entries create a 'he said/she said, he heard/she heard' commentary that shifts our conventional understanding of common law material into the bounds of a detailed and dramatic historical narrative.

The rich account of the actions undertaken by Christian officials during this process also extended beyond the usual record. The account delivered by Simon de Matresdon, the coroner of Gloucester, and the Christian jurors Geoffrey and Henry de Matresdon, outlined in substantial detail the actions of the sheriff during the turbulent moments following Solomon's fall. It was recorded that:

> […] as they approached the castle gate they saw, as it were, a certain man falling from the summit of a tower. Seeing this, they wondered what it might be, and one of them said that it was a man, or clothing, or some such thing, and the sheriff immediately ordered the porter to go and see what it was. [The porter] went and came back and said that it was the Jew that was in prison. Upon hearing this, [the sheriff] immediately sent for Christians and Jews of Gloucester to view the circumstances and hear what this Jew wished to say about [why] he fell in that way […][187]

This entry suggests that the sheriff immediately and conscientiously initiated the designated mixed-faith legal procedures. His immediate call for the 'Christians and Jews of Gloucester to view the circumstances' and 'hear' Solomon's account suggests his awareness that if a jury was to be called upon, both Christian and Jewish parties should have the opportunity to view and investigate the nature of Solomon's fall. And yet, it is impossible to ascertain if the sheriff—the same sheriff who accepted illicit payments (above)—was, in truth, so diligent in his legal responsibilities. This version of events put

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cum aliis Judaeis. Tunc uero vicecomes venit et imposuit ei quod dictus Salamon dixit quod pro timore quem ei fecit habere cecidit […]

185 Appendix II, 91; *[…] potuit habuisse x. libras ut ei talem saltum habere fecisset […]*

186 Appendix II, 91; *[…] Vicecomes respondit quod mentita est sed dixit quod potuit recepisse x. marcas […]*

187 Appendix II, 109; *[…] sicut venerunt ad portam castelli viderunt quasi hominem quendam cadere de sumitate turris. Hoc videntes admirati sicut quid hoc esse et quidam eorum dixit quidam homo erat vel aliquis pannus vel aliquid tale, et vicecomes statim precepit janitori quod iret et videret quid hoc esse. Qui ivit et reversus dixit quod Judaeus ille erat qui fuit in prisona. Quo audito statim misit Christianos et Judeos Glouc' ad rem illam videndam et ad audiendum quid idem Judeus dicere vellet de hoc quod ita cecidit […]*

forward by Christian officials and recorded by Christian clerks looks almost too good to be true. Instead, it might be that the court took extra care to document *proper* procedure in order to set future precedent given that so few cases of this nature emerged before the royal courts.

This rationale may also account for the detailed reports recorded from both the Christian and Jewish jurors. Yet it cannot explain the deviation in these accounts. The Christian jurors reportedly stated that 'a great number, of Jews as well as Christians, being gathered together, went and asked the Jew why he fell in this way'.[188] To this, it was written that Solomon recounted three conflicting accounts. The first was a thinly disguised reference to suicide, in which the record claimed Solomon had wished to be 'saved' like 'King Saul':

> […] He answered that he fell of his own will, and that King Saul killed himself and was saved and in the same way he intended to kill himself and be saved. He was still asked by them whether he charged anyone with his fall, and if he fell through somebody pushing him and he answered, no […][189]

Following this, it was reported that Solomon turned to accuse his wife Comitissa, shouting repeatedly 'flee from here, for it is through your plot that I am killed', before changing his story once more on the Sabbath, when he finally accused 'Abraham Gabbay and none other'.[190] The mixed messages that apparently emerged from a man who had fallen from a tower are undeniably suspicious; surely the fall would have killed him almost instantly?[191] This suspicion is accentuated by the absence of Solomon's supposed first-hand testimony in the account from the Jewish jurors. When questioned, the Jewish jurors—named in the record as Leo of Warwick, Elias of Warwick, Abraham of Warwick, and Moses son of Aaron—reportedly said that they were not aware of anyone speaking to Solomon in the

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[188] Appendix II, 109; *[…] Congregata autem copia tam Christianorum et Judaeorum venerunt ad precitum Judaeum et requisita quare ita cecidit […]*

[189] Appendix II, 109; *Qui respondens dixit se propria voluntate sua ita cecidisse et quod Rex (Saul) se ipsum interfecit et salvus fuit et eodem modo voluit se ipsum interficere et salvus erit. Adhuc autem interrogatus fuit ab ea si alicui imputaret de lapsu suo et si per alicujus expulsionem ita cecidit et dixit quod non […]*

[190] Appendix II, 109; *Postea Comitissa uxor ipsius Salamoni venit coram eo et ipse Salamon dixit ei. Fuge hinc quod consilium tuum occidit me et hoc sepius dixit. Ita locutus fuit Judeus die veneris. In crastino autem scilicet die Sabbati […] dixit quod appellavit Abraham Gabbay et nullum alium […]*

[191] Curk argued that Comitissa's prosecution was 'undone only by the dying man's conscience' but, in doing so, accepts at face value that Solomon was able to give this testimony after his fall. See Curk, 'The Oath of a Jew', 62–63.

tower before he fell, of anyone speaking to him between his fall and the arrival of the 'Jews of Gloucester', or of Solomon pointing the blame at anyone on either the Friday or the Saturday. Asked if they heard anyone make an appeal against Abraham Gabbay, they said that they neither heard nor know anything about it.[192] To their knowledge, Solomon 'was not pushed, but fell freely'.[193] They mentioned the arrival of the Jews of Gloucester, but unlike the Matresdons' account, the Jewish jurors did not comment on whether these Jews spoke to Solomon or what he might have said. In a case between mixed-faith parties, it was not unusual for Christian jurors to support a Christian accusation and Jewish jurors to denounce it, but why, here, did such conflicting accounts occur? Why might Christians have delivered, or clerks recorded, such pointed and dramatic findings before the court?

In legal terms, there was no financial incentive for the court to find Abraham Gabbay guilty of procuring Solomon's death. In *Glanvill* it was written that if a defendant was found guilty of criminal charges, his movable property—chattels, charters etc—would default to the king, and any land would be reallocated to the defendant's lord.[194] The only individual set to profit from this outcome was the king. That is not to say that other officials did not profit from the chaotic proceedings. Above we saw the sheriff admitted that he 'might have received 10 marks' under suspicious circumstances, yet this was not the only example of bribery in this case. During its initial stages, when Isaac the son-in-law of the well-known creditor Mirabel of Gloucester was still under suspicion, Mirabel offered the sheriff three bezants 'to go to Solomon and inquire of him whether it [the charges against Isaac] was true or not'.[195] Upon inquiry, Solomon conveniently replied 'that he in no way charged him [Isaac] and the sheriff should not say that he did', placing suspicions upon Abraham Gabbay once again.[196] This change of heart warrants scepticism, not only because accusations against Isaac swiftly dissipated following a payment to the sheriff, but also because Solomon, who Comitissa swore under oath had died from his injuries, was now able to speak on Isaac's behalf. While the chronology of these entries may have been disarranged on the plea rolls, we must be cautious not to take the record's report at face value. If it was known that Mirabel held an influential and affluent position

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[192] Appendix II, 109; *[…] dixerunt quod nihil inde audierunt nec aliquid inde sciverunt […]*
[193] Appendix II, 109; *[…] dicunt quod non intelligunt quod expulsus fuit sed quod sponte cecidit […]*
[194] *Glanvill*, 90–91.
[195] Appendix II, 92; *[…] Hoc audiens predicta Mirabil optulit vicecomitem iii. bisancios quod iret ad ipsum Salmonem et inquireret ab eo si vero esse necne […]*
[196] Appendix II, 92; *[…] Dictus Salamon dixit coram vicecomitis quod de nullo ei imputavit et vicecomes dicere noluerit […]*

in the Gloucester Jewry, it is possible that the sheriff—and the court—exploited her position, knowing she would give anything to expunge Isaac from criminal proceedings. This is the only case between two Jewish parties that documented a payment in the court, yet the plea rolls captured a number of financial offerings made by Jewish defendants in cases against Christians, a point that will be discussed further in chapter three. Here, however, we begin to see glimpses of a two-tiered legal system. Even in cases between two Jewish litigants with, in theory, no invested Christian party, the law still exposed Jews and the wider Jewish community to the will (and exploitation) of Christian officials.

The role of Comitissa in this case, as a recently widowed Jewish woman, raises questions concerning her concerted effort for justice.[197] Cavell suggested that Solomon's alleged suicide would have had severe ramifications on his widow's future livelihood and reputation.[198] If Abraham was convicted for procuring Solomon's death, however, Comitissa would have retained the right to her husband's chattels and wealth, and would have cleared him of his crime against God. This may explain why Comitissa was so persistent before the court. This case shows how a Jewish woman was able to launch a series of criminal proceedings that led to an extensive investigation from the court. Yet in the end, the jurors ruled in the favour of Abraham Gabbay, who was acquitted of plotting Solomon's murder. The record offers no clue as to the fate of Comitissa, but, in the words of Cavell: 'if Solomon had leapt unaided from Gloucester tower, Comitissa would have

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[197] For a more detailed discussion on the position of Jewish widows, see C. Tallan, 'Medieval Jewish Widows: their Control of Resources', *Jewish History* 5 (1991): 63–74; C. Tallan, 'The Position of the Medieval Jewish Widow as a Function of Family Structure', in *Proceedings of the Tenth World Congress of Jewish Studies, Jerusalem, August 16–24, 1989* (Jerusalem, 1990): 91–98. The relationship between husband and wife, and the place of widows, has been at the centre of many studies on Christian women in medieval law. There is a consensus that chapter seven of Magna Carta, which established a widow's right to a third of her late husband's land, gave new credence to women's claims over disputed dowers and inheritance, and paved a new path for female litigation. Yet the legal bond between husband and wife meant if a civil case arose during the marriage that concerned land, services, rents, or custody, both parties would be affected. Therefore, while the common law allowed unmarried women to sue or be sued in their own name, a married woman could not bring civil action without the presence of her husband. Marital status, therefore, had a significant impact on a woman's legal ability. See J.S. Loengard, 'Rationabilis Dos: Magna Carta and the Widow's "Fair Share" in the Earlier Thirteenth Century', in *Wife and Widow in Medieval England*, ed. S. S Walker (Michigan, 1993): 59–80; J.S. Loengard, 'What is a nice (Thirteenth-Century) English Woman Doing in the King's Courts?', in *The Ties That Bind: Essays in Medieval British History in Honour of Barbara Hanawalt,* ed. L.E. Mitchell, K.L French and D.L. Biggs (Farnham, 2011): 55–70; S.S. Walker, 'Litigation as a Personal Quest: Suing for Dower in the Royal Courts, *c.* 1272–1350', in *Wife and Widow in Medieval England*, ed. S.S Walker (Michigan, 1993): 81–108.

[198] Cavell, 'Death at Gloucester'.

been left high-and-dry'.[199] This curious case has offered, therefore, the opportunity to explore how the royal courts received and reacted to disputes within the Jewish community, and has provided the earliest opportunity to investigate the importance of law and the English court system to Jewish widows. Only here could Comitissa attempt to salvage her livelihood following her husband's potential suicide. The choices underpinning Comitissa's case, therefore, and the implications they have, offer a unique window onto the intentions, decisions and experiences of Jewish widows in the English legal process.

This analysis has showcased how a plea between opposing Jewish parties materialised within the royal court system in the early years of the thirteenth century. It has revealed that the court was receptive to Comitissa's accusations and thorough in its record of proceedings. These circumstances allowed the findings from the first two sections of this chapter to be juxtaposed with the conventions used in the record of a Jewish plaintiff against a Jewish defendant and, almost entirely, this case complied with the routine formulas already identified. The initial complaint by Abraham Gabbay and the following complaint by Comitissa were both introduced using inflections of the customary verb *queror*, and the record of the subsequent proceedings resembled the protracted narrative accounts featured in other, complicated criminal suits. These findings, however, need to be kept within their immediate context; this is only one example of Jews prosecuting Jews. We cannot jump at the chance to understand the norm with such little evidence at hand, and yet, the exclusivity of this case might also explain why the court made such a concerted effort to document the proceedings in such detail. At a time when English common law was still defining itself, here was an exceptional opportunity for the court to decide and spell out the correct procedures for litigation involving Jews, especially the precarious legal position of Jewish widows. Might it be most crucial then that the court did not deviate from convention in its record?

The key disparity in this case, as we would expect, was the articulation of the prosecution and defence as 'a Jew against a Jew' and the manifestation of royal allowances attached to such cases—namely, Comitissa's ability to bring her complaint against Abraham solely upon her oath. Yet despite calling on so-called royal privilege, Comitissa's claim alone did not provide 'ample proof' of the crime, and prevent it from being swept

[199] Cavell, 'Death at Gloucester'.

into, and eventually rejected from, the larger royal inquiry into Solomon's death. Curk's argument, therefore, that the 'blanket judgments of an entire religion… were occasionally beneficial to Jews' is somewhat misplaced. Just because the charter of liberties stipulated it was possible for Jews to bring cases solely on oath did not mean, in practice, that Jews were empowered in the legal process. This case has presented (quite unashamedly) evidence of corrupt crown officials and bribery in the inner workings of English law. The experience of Jewish litigants, therefore, was still always determined by Christian legal authorities even when Christian litigants were not directly involved. If a court was unwilling to take a Jewish plea seriously, there were many ways in which the claim could be quashed.

Conclusion:

This chapter has demonstrated how a lexical analysis of the royal plea rolls opens new questions surrounding the formulas underlying the design and composition of court records. This approach, in turn, presented a platform for examining the place of Jewish plaintiffs and defendants in the royal court system *c.* 1216 to 1235 and has offered a number of contributions to our historical understanding of Jews in court. Together, these break down into three main areas: 1) the experience of Jews as litigants 2) the experience of Jewish creditors and 3) the experience of Jews as a religious minority operating within the developing framework of English law.

This analysis has recognised that any question concerning the place and experience of Jewish litigants in court must first address the deeper complexities of the procedures underpinning the practice—and record—of English common law. The language used to create court records has revealed that a formulaic system underlay court record production, and that the verbs used to articulate Jewish claims distinguished between the different paths available to Jews seeking justice. This analysis has charted how forms of action—such as debt—directed the expression of a claim (*exigit*) in the court record, and although the processes without writ are less clear cut, the application of *appello* and *queror* in this early period reveal two other paths open to Jews seeking retribution: by appeal and complaint. The investigation into the application of *petit versus* and *optulit se* has also demonstrated that the language used to express the plaintiff's claim can provide insight into the nature of the ensuing proceedings; marking the absence of the defendant, or a later session or stage in the plaintiff's case. In the absence of writs or supplementary documentation, a close

analysis of the language used to create court records has made it possible to appreciate how Jews, just as Christians, sought royal justice by writ, appeal and complaint. The developing channels of royal justice accommodated Jews within—rather than segregated Jews from—the system of English common law.

Formulaic language again proved a valuable tool for examining the different methods utilised by Jewish defendants in the royal court system. This analysis revealed two distinct strategies employed across the record collection: a form of personal plea, rooted in the privileges bestowed on Jews by royal charter, and the presentation of written proof to refute a civil allegation (often relating to debt or the gage attached to a debt). The repeated application of the phrase 'as a Jew against a Christian'—and 'as a Jew against a Jew' in cases between opposing Jewish parties—highlighted parallels with those personal pleas made by other marginal groups. This analysis has rationalised that its appearance in the record signified when Jewish litigants called on legal proceedings designed specifically for them: i.e. the right to a co-religious jury or the right to refute charges on oath (if the accuser/defendant was unable to produce a witness). The extent to which these privileges successfully aided Jewish defendants in court, however, was juxtaposed with the use of written evidence in civil ligation. Not one case suggested that a Jewish defendant's personal plea initiated a robust legal process in support of their rebuttal; the presentation of a chirograph, charter or tally proved much more fruitful. The evolving emphasis on the written record in England, and its weight and authority in court, certainly influenced Jewish strategies in civil litigation. Being Jewish afforded a litigant, in theoretical terms, a special, protected status in the eyes of the law, but in practice, the reliable, documentary deflections available to both Christians and Jews proved much more valuable for Jewish defendants attempting to vindicate their name.

A common thread to the experience of Jewish plaintiffs and defendants was the centrality of debt, and the institutions of debt, to their activities and success in court. Chapter one explored how developments in the legal status of Jews responded to the crown's increasing desire to moderate Jewish moneylending. Since *c.* 1194, the Jewish crediting business had been authorised and safeguarded in law by the establishment of the royally sanctioned archa system. This chapter has explored how those developments translated into a practical context before the royal courts. It has revealed that the majority of cases involving Jewish litigants, and *all* successful cases, were associated with an unpaid

or disputed debt brought by a small class of Jewish creditors. This chapter has revealed that the archa network not only preserved and validated Jewish loan agreements, but that the growing emphasis on written proof more broadly legitimised the place of Jewish creditors in court and provided Jews with a more reliable set of tools with which to seek and settle disputes. Emerging at a very precise turning point in English administration, this multi-faith system became a centre for record production at a time when the record was becoming the very foundation and definition of legal right. This chapter has demonstrated, therefore, that the developing conditions of thirteenth-century law shaped the place, actions and abilities of Jewish creditors in court, and the archa system, in particular, emerged at the core of the Jewish legal experience.

This chapter has illustrated how a close examination of the formula/language of court records can shed light on the broader circumstances or nature of a case. The majority of cases brought by Jews imitated the record of Christian disputes, yet these findings should not be misinterpreted to suggest that Jews and Christians were equals in court or that their experience of the English legal process was the same. Regardless of how much Jews were accommodated by and into the systems of royal justice, England's Jewish community were not immune to the religious prejudices that pervaded through English society. In criminal cases especially, Jewish litigants were exposed to the judgments of a justice system disinclined to cater for religious outsiders ahead of Christians when faith was at the core of the crime, i.e. the circumcision accusation *c.* 1235. When Jews could not rely on written proof, they were left vulnerable to the will and whim of the court. This chapter has revealed that the royal privileges attached to Jewish legal status had, in practice, very little effect even when enacted by the court. The institutionalisation of debt incorporated Jews into the English legal process, yet the experience of Jews, as members of a religious minority, operating within a Christian system of law, cannot be exclusively understood through an economic lens—nor a lens focused entirely on Jewish litigants.

CHAPTER THREE

Offices and Roles

This chapter turns from the experience of Jews as plaintiffs and defendants to consider the other positions assumed by Jews in the administration of royal justice. It uses court records as a platform to explore how Jews were integrated more broadly into the Christian legal network, namely the activities and duties of those individuals appointed or permitted by the crown to exercise a role in court. This chapter examines, in turn, the place of chirograph clerks, attorneys, and warrantors, before turning to the position of the archpresbyter—the royally-mandated leader of the Jewish community—in the framework of royal law and justice. It explores the extent to which these offices challenge current notions of an isolated Jewish community bound by the legal limitations of a religious minority and examines what the royal plea rolls can reveal about the wider, interconnected relationships between Christians, Jews and the English crown. To fully appreciate the accommodation and incorporation of Jews into the royal court system, our understanding of those bringing and defending suit must be combined with a broader awareness of those Jewish individuals who played a role in administrating, assisting and shaping the course of justice.

With the exception of Hermann Adler's essay 'The Chief Rabbis of England' presented before the Anglo-Jewish Exhibition of 1887, not one of the offices listed above has received dedicated historical attention in a Jewish context.[1] Mundill and Stacey have, in recent years, closed the gap in our understanding of the role and function of Jewish chirograph clerks in their wider discussions on the establishment of the archa system.[2] Mell has touched on the possible significance of Jewish warrantors in the common law process, but only in reference to the legal stipulations outlined in *Bracton*.[3] The work of Brand, as already seen in previous chapters, is a more notable exception. Yet barring his comments

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[1] H. Adler, 'The Chief Rabbis of England', *Anglo-Jewish Exhibition* (London, 1887), 253–188.
[2] R.C. Stacey, 'The Massacres of 1189–90 and the Origins of the Jewish Exchequer, 1186–1226' in *Christians and Jews in Angevin England: The York Massacre of 1190, Narratives and Contexts*, ed. S. Rees Jones and S. Watson (York, 2013): 106–24; R.R. Mundill, 'The 'Archa' System and its Legacy after 1194', in *Christians and Jews in Angevin England: The York Massacre of 1190, Narratives and Contexts*, ed. S. Rees Jones and S. Watson (York, 2013): 148–162.
[3] J.L. Mell, *The Myth of the Medieval Jewish Moneylender*, 2 vols. (New York, 2017–2018), I, 290–292.

on the *presbiter Judeorum* at the Jewish exchequer, his research has primarily focused on offices in a Christian context—for example, the professionalisation of attorneys in England's developing legal system—during the latter half of the thirteenth century.[4] The royal plea rolls at the heart of this study are an overlooked resource for expanding this research. They provide evidence of those Jewish professionals active in court during the early thirteenth century, albeit through the lens of Christian records. The hybrid nature of the plea rolls of the Jewish Exchequer is especially useful as they document not only cases, but also other aspects of the court's business and administration. This chapter utilises the royal plea rolls to consider what this material can offer in terms of addressing outstanding questions in both legal and Jewish scholarship, in particular, how these offices emerged, as well as their responsibilities within, and reception by, the developing legal networks of the early thirteenth century.

This chapter is divided into three parts. [I] The first explores the roles assumed by Jewish chirograph clerks in the administration of royal justice. It considers the extent to which these clerks, and the bonds they oversaw, were active in the royal courts, before turning to reflect upon what the introduction of this office meant for Jews engaging in the legal process. [II] The second section explores two further roles adopted by Jews in court and how they assisted the course of legal proceedings. It first considers Jewish attorneys, the nature of this position, and how their experience compared to that of their Christian counterparts in the early thirteenth century, before turning to explore when Jewish creditors were called to warrant in cases between opposing Christian parties. In doing so, this section reflects on the role of Jews in the legal experience of others—i.e. the influence afforded to Jews in court outside the bounds of their own litigation. [III] The final section builds on these findings to assess the legal function of the archpresbyter. Here the chapter explores when, and under what circumstances, this officer appeared in court and the extent to which he had the ability to organise, influence or shape the course of proceedings. In doing so, it reflects upon Brand's claim that the archpresbyter possessed the 'status of a justice' at the Exchequer of the Jews and considers what this meant for Jews engaging in

[4] *PROJE*, VI, ed. Brand, 44–45; P. Brand, *The Origins of the English Legal Profession* (Oxford, 1992); P. Brand, 'The Origins of the English Legal Profession', in *The Making of the Common Law*, ed. P. Brand (London, 1992): 1–20; P. Brand, *Kings, Barons and Justices: The Making and Enforcement of Legislation in Thirteenth-Century England* (Cambridge, 2003). As have others, see R.C. Palmer, 'The Origins of the Legal Profession in England', *The Irish Jurist New Series* 11 (1976): 126–146; J.A. Brundage, *The Medieval Origin of the Legal Profession: Canonists, Civilians, and Courts* (Chicago, 2008).

the English legal process.[5] Together, this chapter builds upon chapter two's assessment of those subjected to the course of justice, to establish a clearer picture of the roles that Jews played in the inner workings of English common law.

I. Administrating Justice:

This section considers the roles assumed by members of England's Jewish community in the administration of royal justice. Focusing on the office of chirograph clerks, this section reconsiders Robin Mundill's claim that those Jews and Christians elected to the post were granted 'total control' over their local archa chest; the system introduced in *c.* 1194 by Richard I to guarantee the security of Jewish bonds.[6] It explores who they were, the circumstances under which they were called upon in court, and the extent to which these individuals could affect litigation. Finally, this section reflects upon the implications of this office in the infrastructures of English law more widely.

The archa system has been referenced several times throughout this thesis, but here its origins, and the place of Jewish chirograph clerks within it, require a more substantial discussion. There is consensus amongst historians that the foundation of the archa system initiated a new phase in the administration of Jewish affairs. In 1194, Richard I's *capitula Judaeorum* mandated that once agreed, debt arrangements were to be documented on chirographs, one part of which was to be sealed by the debtor and retained by the Jewish creditor, whilst the other was kept in an official chest (an archa) secured by three separate locks and keys. Roger of Howden stated that 'two lawful Christians, two lawful Jews and two lawful clerks' were appointed to oversee these chests and, from this point onwards, all moneylending contracts between Jews and Christians were to be made under their direct supervision.[7] To prevent foul play, the three keys were evenly distributed between the officers of the archa, meaning the chest could only be opened, and business transacted, when all were present. Crediting agreements were now protected, theoretically, by a system that was mutually beneficial to the creditor, debtor, and the crown. The origins and intentions of the archa system have been addressed in detail,[8] yet there remain many

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[5] *PROJE*, VI, ed. Brand, 44.
[6] Mundill, 'The Archa System', 149.
[7] *Chronica magistri*, III, 266; *[…] Item provideantur sex vel septem loca in quibus facient praestita sua, et provideantur duo legales Christiani et duo legales Judaei, et duo legales scriptores […]*
[8] There has been much discussion on the establishment of the archa system. Mundill argued that the massacre at York prompted the crown 'to put a system in place to protect its income from

unanswered questions concerning the place of Jewish chirograph clerks within this developing system.

Who chirograph clerks were, and the status they held, has been explored through a number of prosopographical studies. Mundill argued that Jewish chirograph clerks were a 'small, elite group of officials', often those 'prominent in their local community', who were elected by a jury of six Christians and six Jews, before their appointment was formally conferred by the county sheriff.[9] Vivian Lipman compiled a list of the Norwich chirographers appointed between 1220 and 1280 and discovered that here Jewish chirographers were certainly key figures in their community—such as Moses and Samuel, the sons of Isaac son of Jurnet, and Abraham son of Deulecresse—and all were influential in local crediting transactions.[10] The extent to which these officials held a 'prominent' status before being elected, however, has recently been questioned by Stacey, who argued that Jewish chirograph clerks 'became, if they were not already, important and respected local figures'.[11] Indeed, Dobson showed that the Christian chirograph clerks of York often 'went on to become mayors, bailiffs or other office holders' following their responsibility for the archa, which suggests this office had the power to elevate an individual's status.[12] It remains unclear, therefore, whether the esteem afforded to chirograph clerks was born from the prominence of the individuals who assumed the post or whether prominence was bestowed upon those individuals as a result of their appointment. Nevertheless, historians agree that Jewish chirograph clerks held, in the words of Mundill, 'a degree of local power'.[13] The weight of this status, however, has yet to be tested in a court setting: how did the so-called 'power' of Jewish chirograph clerks translate into legal proceedings?

Jewish lending'. If another massacre was to occur, the debt accounts would be protected, see Mundill, 'The Archa System', 14. More recently, Stacey has argued that these regulations would have done little to prevent a repetition of these losses: 'a wooden chest containing Jewish chirographs would, after all, burn just about as easily as a pile of parchment charters and wooden tally sticks if set alight on the floor of York Minster'. Stacey reasoned that the archa system was intended, more so, to bring Jewish moneylending under 'closer royal supervision' and to 'reduce the possibilities of fraud on all sides', see Stacey, 'The Massacres of 1189–90', 118.

[9] Mundill, 'The Archa System', 149.

[10] V.D. Lipman, *The Jews of Medieval Norwich* (London, 1967); see also a recent assessment of Abraham son of Deulecresse's career in R.R. Mundill, 'Edward I and the Final Phase of Anglo-Jewry', in *Jews in Medieval Britain: Historical Literary and Archaeological Perspectives*, ed P. Skinner (Woodbridge, 2003), esp. 63–70.

[11] Stacey, 'The Massacres of 1189–90', 118–119.

[12] R.B. Dobson, 'The Jews of Medieval York and the Massacre of March 1190', in *The Jewish Communities of Medieval England: the collected essays of R.B. Dobson*, ed. H. Birkett (York, 2010), 38.

[13] Mundill, 'The Archa System', 149.

Chapter two demonstrated the value of written proof in English law and revealed that in the majority of our early thirteenth-century cases, this evidence—be that a charter, chirograph or tally—was generally presented in court by the litigants themselves. Richardson has argued that the newly established archa system had its advantages for creditors, for their 'counterpart of the bond might go astray and [they] might have to rely upon that in the archa'.[14] This suggests that chirograph clerks could be useful, even essential, in delivering and attesting for this evidence in court. This is illustrated by a claim brought before the Exchequer of the Jews in 1220 by Roger de Neville, who charged Godenote, the late wife of Furmentin, with unlawfully altering the chirograph that documented their loan agreement.[15] Making 'chirographs against the assize' threatened the integrity of the archa system and accusations of this nature were dealt with seriously. On this occasion, Benedict son of Pictavin, one of the Jewish chirograph clerks from Lincoln, was summoned before the court to attest to the original agreement. Although the record misreported his name as simply 'Pictavin', it was recorded that the clerk came and said that 'Roger did not receive from the said Godenote at one time four marks and at another time two marks, [but] that the charter spoke of 10½ marks and 1 quarter of corn'.[16] Here Benedict, as a chirograph clerk, was summoned by the court as the authority on this agreement, and his evidence proved instrumental in finding Godenote guilty and clearing Roger of his debt.[17] It is unknown whether Benedict brought this charter before the court, or if he spoke from memory, but Benedict's position as an officer of the archa made him an expert spokesman on this matter.

For the period 1216 to 1235, however, there are no further examples of chirograph clerks personally attesting to evidence in court—not even in other cases concerning the validity of documentation. In an earlier case before the Jewish exchequer in 1219, Vives son of Benjamin claimed a debt of 62 ½ marks from Gerebert de Sancto Claro.[18] Gerebert formed his defence around the illegitimacy of Vives' chirograph, arguing that he was not

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[14] H.G. Richardson, *The English Jewry under Angevin Kings* (London, 1960), 148.
[15] Appendix II, 62.
[16] Appendix II, 62; *[…] Dictus Peitevin venit coram justiciariis juratus dixit quod dictus Rogerum non recepit a dicta Godenote una vice iiij m. et alia vice ii m. et quod carta loquebatur de x m. et dimidium et i quartum frumenti […]*
[17] Appendix II, 62; *[…] adjudicatur est quietum domino Regis et ipse Furmentin' remanet in misericordia domini Regis.*
[18] Appendix II, 37; *Vivo filius Benjamin Judeus exigit a Gereberto de Sancto Claro lxii m. et dimidium per chirographum […]*

present when the chirograph was made, that the wax seal was older than the chirograph itself, and that there was no corresponding record in the archa.[19] As the complexities of the case unfolded, Vives called for an inquiry into the loan and Gerebert's allegedly forged starr of acquittance.[20] It is intriguing to note that, despite suspicions surrounding the legitimacy of this agreement, at no point does the record suggest that chirograph clerks were called upon to testify to its authenticity. The clerks may have been responsible for ensuring that moneylending agreements were made in accordance with the law, but their authority was superseded in court by that of the proof in their care; if the chirograph itself was available for examination, the clerk's role was diminished. These findings fit within our broader understanding of thirteenth-century law and the ever-increasing weight afforded to written evidence in court. These cases also reveal that Jews could call upon the royal documents archived in the archa chest to reinforce their claims. Chirograph clerks, and the authority of the documents they held, were available to Jewish litigants, just as they were to Christians, in court.

The suggestion, however, that chirographs were still made outside the archa system insinuates that the new regulations on debt agreements were not as watertight as the crown intended. Richardson argued that it was not 'unduly difficult to evade the requirements of the [archa] system' either through the 'connivance of the chirographers or by negotiating loans clandestinely'.[21] This argument may be supported by evidence from the material surveyed in this thesis. Accounts delivered by the London Jewry in 1234 against a group of the king's former advisors provide clear evidence of a system vulnerable to corruption. The witnesses revealed, in amongst other charges, that London's archa had been stolen.[22] Benedict Crespin, the first Jewish witness to appear, reportedly accused Robert Passelewe—the named custodian of the Jews of England at this time—of stealing the archa and holding it for ransom.[23] The archa was held at the house of Passelewe's clerk

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[19] Appendix II, 37; *[…] Dictus Gerebertus venit et dicit quod cera antiquior est chirographo et quod quando chirographum illud confectum fuit pes ejusdem chirographi num quam repositus fuit in archa […]*

[20] Appendix II, 37; *[…] [Vives] ponit se super legales Judeos patrie […]*

[21] Richardson, *English Jewry*, 146–147; Stacey supported this view. He agreed that the 1194 reforms did not 'entirely succeed' in regulating the mechanics of Jewish moneylending as 'many debts continued to be negotiated and retained outside the 'archa". See Stacey, 'The Massacres of 1189–90', 120

[22] Appendix III, 2–19. These testimonies will receive greater attention in chapter five.

[23] Appendix III, 2; *[…] Item dicit quod predictus Robertus, quia Judei non tenuerunt ei quandam promissionem ei factam, deferri fecit archam Judeorum cum cartis et cirographis Judeorum usque ad domum suam et eam detinuit per unam noctem donec finem fecerunt cum eo per c. solidos. […] Et postea delata fuit ad domum Simonis filii Marie et ibi detenta fuit per xv. dies vel per j. mensem; et ibi aperta fuit per Radulfum Dastin*

over the next month, and during this time 'the feet of certain chirographs were "set out/put up" for sale at Westcheap'.[24] Further crimes emerged across the subsequent entries, including the extortion of payments from the London Jewry to replace chirographs deliberately removed from the archa. Aaron son of Abraham, reportedly recalled that when he made contract with Ralph Moyrn, the duplicate chirograph was withheld from the archa until an illicit forty shilling fine was paid to the same Robert Passelewe.[25] Together, the Jewish witnesses were unanimous in their accusation: a high-ranking royal official had abused the archa system for personal profit. The testimonies reveal that Passelewe recognised that Jews required the legal authority of the archa to legitimise their financial transactions and that this dependence could be exploited. This calls into question the security of the archa and the integrity of its presiding clerks. When the archa chest was surrendered to a royal minister, the clerks obeyed the will of their superiors. For Passelewe's scheme to have been successful, therefore, those responsible for the safekeeping of the archa must have been susceptible to corruption and collusion or fearful for their own wellbeing. The chirograph clerks may have enjoyed royal responsibilities in their post but their authority had its limitations; especially in their dealings with powerful Christians.

The brief testimonial recorded from a Jewish chirograph clerk called Aaron supports these notions of limitation and of the vulnerability of the clerks to pressures from above. Aaron made no reference to the theft of the archa he was responsible for, nor to the unlawful detaining or selling of the chirographs it contained. The only related accusation made by Aaron revealed that Peter des Rivallis—keeper of the royal wardrobe, chamberlain of London and another of the ministers under investigation—had forced him to reduce a debt agreement made with Helco Faucillum kept within the archa chest.[26] This accusation contributed to the case against the abusive officials, but the brevity and scarcity of Aaron's account is intriguing. He was a royally-appointed protector of the archa chest;

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clericum ipsius Roberti; et ita quod scrinia cum cirographis et cartis delata fuerunt apud Westmonasterium in saccis et postea reportata fuerunt […]

[24] Appendix III, 2; *[…] Et dicit quod pedes quorundam cirographorum exposita (sic) fuerunt venalia apud Weschep per garciones ipsius Roberti […]*

[25] Appendix III, 4; *[…] Item dicit quia non posuit in arcam quoddam cirographum confectum inter ipsum et Radulfum Morin super quodam debito eodem die quo cirographum confectum fuit, finem fecit cum eo in denariis per xl. solidos […]*

[26] Appendix III, 14; *Aaron Cirographarius juratus dicit quod, cum Helto Faucillun deberet ei et Benedicto Crespin et quibusdam aliis Judeis octies xx. marcas de catallo, excepto lucro circiter xvj. annorum, ad instantiam Petri de Rivall' coacti fuerunt […] Judeorum ad remittendum debitum illud usque ad xxx. libras […]*

if anyone had the authority to speak for Jewish interests and the archa's theft, surely it would be him. Two Christian chirograph clerks, named as Robert of London and John de Solar, did speak to this:

> Simon, the clerk of Robert Passelewe, came to them on behalf of the same Robert, his lord, and instructed them on behalf of his lord that they should go with him to the archa, where the charters and chirographs were placed; and they did this, and he caused the archa to be taken to the house of his lord, and he [Simon] took the keys from them and then he went away […][27]

Here the clerks disclosed Robert Passelewe's ill intent and revealed how they were coerced into relinquishing their archa chest key into the care of Passelewe's clerk Simon. It may be, therefore, that Aaron, the Jewish chirograph clerk, was also pressured into giving up his key, yet it is curious that this passes unrecorded in Aaron's account. Perhaps Aaron was not one of London's chirograph clerks at the time of these events or had succumbed to Passelewe's will and aided the minister in obtaining the archa (a crime he may not have wished to confess to). This case is very clear, however, in its depiction of royal power exercised via royal officials. Passelewe's clerk Simon had conspired with the Christian clerks (even if they were unwilling) to obtain the archa for Passelewe and the record even reveals that Simon used his position under Passelewe to extort a barrel of wine from the same John de Solar.[28] As with Aaron, these Christian clerks were forced to submit to the seniority of corrupt royal officials.

Outside of this case, an earlier entry recorded on the *coram rege* rolls in 1234 revealed another accusation against Robert Passelewe, this time brought by a Simon, who was 'at one time a chirographer of the Jews'.[29] There is no indication as to whether this was the same Simon who was later implicated alongside Passelewe but it demonstrates, once again, the susceptibility of Christian chirograph clerks to the pressures of their superiors. Simon charged Robert with breaking into his house and seizing twenty-four of his cattle, an act that caused Simon to suffer 100 marks in losses, and the deaths of seven cattle.[30]

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[27] Appendix III, 5; *[…] Simon clericus Roberti Passelewe venit ad eos ex parte ipsius Roberti domini sui et precepit eis ex parte domini sui quod accederent cum eo ad arcam ubi carte et cirographa reposita fuerunt, et ipsi ita fecerunt; et fecit eam adduci ad domum domini sui et abstulit ab eis claues et ita recessit […]*
[28] Appendix III, 5; *[…] Et idem Simon exigebat de eodem Johanne Cirographario unum dolium vini pro restituendo ei officio suo […]*
[29] Appendix III, 1; *[…] qui aliquando fuit cirographarius Judeorum […]*
[30] Appendix III, 1.

Passelewe's defence was rooted in allegations against Simon for offences he committed as a clerk of the archa. He accused Simon of forgery and creating fraudulent writs, and protested that he had only seized Simon's chattels while he awaited trial.[31] If this was the same Simon in the royal prosecution above, it might explain why he—as a chirograph clerk—was complicit in Passelewe's theft of the archa. In fact, might this have been Passelewe's attempt to incriminate Simon and shift suspicions away from his own illicit activity? Regardless, this case further demonstrates how Passelewe was able to exploit his governmental prerogative for personal profit. The chirograph clerks who oversaw the protection of the archa, many of whom went on to become respected officials in other capacities, were vulnerable to manipulation while in their post, irrespective of whether they were Christian or Jewish.

Simon's case, together with the testimonies from the London Jewry above, reveals the importance of the archa system to the lawful business of Jewish creditors, as well as the vulnerabilities of the system and those individuals charged with its care. Not only could the chest be stolen, but the agreements inside could be sold, amended or destroyed for a price. Richardson argued that although there were ways for Christians and Jews to circumvent the archa regulations and negotiate their own bonds, 'it might well have seemed the better course' for Jewish creditors 'to keep within the law'.[32] These cases suggest, however, that even if England's Jewish community adhered to the law, their financial transactions were not necessarily protected from those who were meant to uphold it. The authority of both Christian and Jewish chirograph clerks was limited. Their office may have proved influential within the local community, but there is little evidence to suggest that these individuals played any significant role in court, or that this position could withstand the pressures of high-ranking Christian officials. The clerks had a job to do—one that theoretically maintained the proof and integrity of lucrative, interreligious agreements—but it was a job that also exposed these officers to abuse and exploitation.

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[31] Appendix III, 1; *[…] Et Robertus venit et defendit vim et injuriam; et, salvo hoc quod clericus est, dicit quod revera quid idem Simon […] accusatus de falsitate et fere tanquam convictus de quodam falso brevi in Judaismo et quia misit per […] falsa brevia tanquam essent brevia domini regis, quia idem Simon clericus fuit, quod non potuit manus mittere in […] suum, ideo arestari fecit catalla sua, scilicet viij. boves et alia que habuit ut per hoc posset justific […] dendum domino regi et ad standum inde recto; et quando invenit plegios, catalla sua fecit ei deliberari […]*

[32] Richardson, *English Jewry*, 148.

The significance of this position, it seems, was twofold: the chirographer's place inside and outside the courtroom. As the findings above suggest, the clerks were only called to speak before the courts when their testimonies related to malpractice, or the maladministration of the chirographs. More often, the court or the litigants required the legal proof within their care. The clerks were not necessarily authoritative figures, but functionaries responsible for presenting this evidence in court; it was their function within the common law system that provided them with the air of authority. Outside of court their office carried a different, more symbolic role in fostering trust between Christians, Jews and the newly established system for administrating debt agreements. For both Jews and Christians to invest in the archa system, it was essential that they believed that their chirographs were adequately protected. Stacey's suggestion that the archa system was introduced to extend the crown's control over Jewish financial affairs does not wholly account for this decision. The crown could easily have appointed only Christian clerks, but instead, a position was intentionally created for Jews in order to present the image of unbiased legal administration—to induce the Jews to use the system. In practice, of course, the integrity of this system did not prove to be as robust or protective as envisaged. The ability of the clerks to prevent the creation of chirographs against the assize or interference from corrupt ministers was evidently limited. However, it is significant that the intention of appointing Jews to this official post was to integrate Jews, if only on a superficial level, into the administrative networks of English law and foster trust between Christians and Jews engaging with the archa system. Outside of their own litigation, members of England's Jewish community were granted an official and professional purpose in the administration of justice by royal appointment.

II. Assisting Justice:

Members of the Jewish community not appointed by the crown also came to represent or support the case of another. Although these individuals were not assigned royal officers, they filled specific niches in the law brought about by the involvement or integration of Jewish business into the fabric of English law and society. This section examines two of these circumstances through the royal plea rolls. It first considers the place of Jewish attorneys, the nature of this position, and how their experience compared to that of their Christian counterparts in this period. Section [i] presents a statistical assessment of attorney appointments at the Exchequer of the Jews between 1219 and 1220, before reflecting on

the significance of these appointments in the developing structures and professionalisation of English common law. Section [ii] then turns to consider a second role assumed by Jews in cases between opposing Christian parties when Jewish creditors were called to warrant. This section brings together the records of such encounters to reflect on the wider role of Jews in the Christian legal experience, and the implications of this position for Jews in court more broadly. In doing so, this section explores the ways in which Jews supported not only the administration, but also the facilitation of justice.

i. Jews as Attorneys:

Paul Brand has argued that even during the earliest years of royal court arbitration, there were a number of good reasons for a litigant to call upon an attorney to take their place in ensuing litigation. The litigant might have lived a great distance from the common bench or Jewish exchequer in London and, as we have seen, many cases required several days, weeks, or even years to reach their conclusion. Appointing an attorney, especially someone in closer proximity to Westminster, could ease some of these burdens.[33] Pollock and Maitland explored, and discounted, the extent to which these attorneys constituted a 'professional class' during the early thirteenth century,[34] and Brand has since argued that contemporaries had very different legal expectations of the 'reliable friend or relative' they elected to represent them in court, in comparison to the expert attorneys that only emerged at the end of the century.[35] In the early years of the common law, attorneys were to stand in, not strengthen, the accusation or defence. The place of Jewish attorneys in court is much less understood. This section, therefore, considers the extent to which the appointment of Jewish attorneys resembled the Christian legal experience. Divided into two parts, it first considers who was appointed to bring suit or defend on another's behalf, before exploring the wider significance of Jewish attorneys in an evolving multi-faith legal system.

Cecil Roth, in his iconic study on the Jews of medieval Oxford, touched on the activities and appointments of Jewish attorneys, but neglected to situate their activity within a wider legal and professional context.[36] Joseph Hillaby has considered three Jewish

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[33] Brand, 'The Origins of the English Legal Profession', 1–20, esp. 19–20.
[34] *English Law*, I, 212–213.
[35] Brand, 'The Origins of the English Legal Profession', 19.
[36] C. Roth, *The Jews of Medieval Oxford* (Oxford, 1951).

attorneys in greater detail across various genealogical studies, including Benedict Crespin of London, Vives son of Bonenfaunt of Gloucester, and Sampson son of Isaac of Worcester. These findings were brought together in the *Palgrave Dictionary of Medieval Anglo-Jewish History* and offered the first overview of Jewish attorneys in England. Here, Hillaby expanded on the activities of these three attorneys, but made little attempt to reflect on the significance of this office more widely. He repeatedly referred to Jewish attorneys as 'professionals' and to their 'business' ventures, and argued that the 'career of attorney' was a popular choice for the younger sons of Jewish provincial leaders.[37] Yet isolated from the wider context of England's developing legal system, and rooted in the activities of just three Jewish individuals, these conclusions remain limited in depth and discussion. What follows, therefore, aims to situate Hillaby's findings within a greater appreciation for the evolution of the professional attorney in thirteenth-century law. Using evidence in the royal pleas, it explores who in England's Jewish community was appointed as attorney, and how often, before comparing the nature and frequency of these findings with the experience of Christian attorneys at this time. In doing so, it reflects on how far faith and identity shaped the growth and development of the English legal profession.

Glanvill outlined that a case may be prosecuted or defended 'either in person or by an attorney put in his place' and stipulated that any changes in legal counsel had to be recorded before the court.[38] The plea rolls of the Exchequer of the Jews, therefore, are a valuable resource for tracing the appointment of Jewish attorneys in this period. Roll E 9/1 documented a total of ninety separate attorney appointments for the years 1219 to 1220 alone: seventy-one Christian litigants appointed Christian attorneys, and nineteen others (sixteen Jews and three Christians) elected Jewish attorneys. The appointment of Christian attorneys conforms to Brand's assessment that litigants mainly called upon a 'relative or friend' to speak on their behalf because they could not be present. These relationships are clearly noted upon the plea rolls. For example, it was recorded in Michaelmas 1219 that Joan, the widow of Brian Waters, appointed her new husband, William de Harlow, as her attorney during a plea of debt.[39] Similarly, in another debt case that arose in 1220, Richard de Brome appointed his father, Henry de Brome, as his attorney

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[37] *PDMAJH*, 44–46.
[38] *Glanvill*, 132–136.
[39] E 9/1, rot. 1; *Johanna qua fuit uxor Briani Aquari' point loco suo Willelmum de Herlawe virum suum […]* For the calendared entry see *PROJE*, I, 1.

before the court.[40] It is unsurprising, therefore, that only eleven of the seventy-one Christian attorneys appeared more than once in court, and of those eleven that did, it appears the cases in question had simply extended across a number of court sessions.

The appointment of Jewish attorneys adhered less consistently to this logic. Like the Christian appointees, several of the attorneys were related to the Jewish plaintiff or defendant. In 1219, for example, Damete appointed her brother Vives son of Benjamin, or Jacob Crespin (the uncertain record documented both possibilities) as her attorney in a case concerning a contested chirograph,[41] and in 1220, Rabbi Josce son of Rabbi Elias elected Isaac, his sister's husband, to speak on his behalf.[42] Brand has also reasoned that if no relatives lived near to court, then a local clerk might be nominated instead. So it was when a clerk named Manasser was appointed on two separate occasions by Elias of Lincoln and Furmentin of Gloucester in 1220.[43] Neither of these possibilities, however, explain why on three occasions Jewish attorneys were elected by Christian litigants before the Exchequer of the Jews. These particular appointments raise new questions surrounding why a Jewish attorney was elected over a Christian: were these Jews closely associated with the Christian litigants or were they appointed because of their legal knowledge or experience of the Jewish exchequer?

The category of family and friends does not explain the repeated appointment of two particular Jewish attorneys during this early period: Benedict Crespin and Josce the archpresbyter. Benedict Crespin was named in nine of the nineteen Jewish attorney appointments (47%) recorded between 1219–1220 on E 9/1. The plea rolls reveal that Benedict spoke on behalf of the esteemed creditor Isaac of Norwich, as well as for others from Norwich, including Pigone of Norwich and Meyr son of Josce. He was also elected by Furmentin of Gloucester, by his brother Jacob Crespin, and as co-counsel with Abraham son of Muriel, for a large group of Jews touching a plea of land in 1219.[44] His frequent activity has led scholars of Anglo-Jewish history to believe that Benedict was, in the words of Hillaby, 'a much-sought-after attorney representing Jewish interests

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[40] E 9/1, rot. 9; *Ricardus de Brom' point loco suo Henricum de Brom' […]* For the calendared entry see *PROJE*, I, 36.
[41] Appendix II, 37; *[…] Damete facit attornatum suum Vives vel Jacob Crespin.*
[42] Appendix II, 43; *[…] Idem Josceus ponit loco suo Isaac sororium suum.*
[43] E 9/1, rot. 4 and rot. 5; for the calendared entries see, *PROJE*, I, 14, 20.
[44] E 9/1, rot 1d (x2), 3, 4d, 7 (x2), 9d (x3).

throughout the country'.[45] The tallage rolls support these findings. Unlike his brother Jacob, Benedict did not engage in moneylending and so he was not listed as a contributor to either the 1221 or 1223 tallages. In 1239, when all Jewish chattels were taken into account, Benedict was listed as the third largest contributor in London, paying a total of £133 6s and 8d, and greatly surpassed his brother's contribution of only £33 6s and 8d.[46] Benedict was based in London and his proximity to the court at the Jewish exchequer was prime for developing his business and knowledge of the law. Yet the chronology of Benedict's legal activities has thus far been overlooked. Acting regularly as an attorney from 1219 onwards, if not before, Benedict's recurrent role in court and significant income challenge arguments that specialist attorneys did not exist before the reign of Edward I.[47] Although the gap in the plea rolls of the Jewish exchequer between 1220 and 1244 prevents us from charting the growth of Benedict's business, the records reveal that Jews sought (and received) a more professional form of legal aid during the earliest quarter of the thirteenth century.[48]

These findings suggest that Benedict was amongst the first to offer a dedicated legal service and, over time, his actions as an attorney evolved into a prosperous occupation. Why this possibility developed earlier for Jews than for Christians requires further reflection. It is important to note that Jewish attorney appointments outside the Jewish exchequer were less frequent; only two additional cases appeared before the common bench in this period.[49] The establishment of the Jewish exchequer, therefore, appears central to the development of Jewish legal professionals. It was not only Jews that called upon their services here. As seen above, the plea rolls show that Christian litigants generally appointed Christian attorneys, and Jewish litigants appointed Jewish attorneys, yet on some occasions Christians elected Jews to represent them in court. Josce the

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[45] *PDMAJH*, 44.
[46] These figures are taken from Hillaby's tables of tallage contribution in J. Hillaby, 'London: the 13th-Century Jewry Revisited', *Jewish Historical Studies* 32 (1990), 108, 110, 111, 115.
[47] *English Law*, I, 212–213.
[48] Three plea rolls from the Jewish exchequer survive before Benedict's death in *c.* 1252, but interestingly Benedict was only named as an attorney on the first roll (1219–1220). By 1244, the next extant roll, it appears Benedict's position as an attorney in court had ceased and there is even evidence of Benedict calling upon another, Isaac Pernaz, as his own attorney in 1244 concerning a plea of debt. See E 9/1, rot. 1d; for the calendared entry see *PROJE*, I, 59.
[49] Appendix IV, 4. Here, Isaac of Norwich appointed Jurnet of Norwich to represent him, but switched to Benedict Crespin as the case developed; Appendix IV, 21. Here, Ferandus Balistarius appointed fellow Jew Amisius in a plea of debt.

archpresbyter, the royally-appointed representative of the Jews of England,[50] appears to have represented a Christian party before the Jewish exchequer in 1219, and again in 1220.[51] Touching Jewish business, these Christians decided to procure the services of the most authoritative Jewish official to serve their legal interests. Josce, however, was not the only Jew to serve in the stead of a Christian litigant. In 1220, a seneschal named Wymar, appointed Peitevin of Eye as his attorney concerning a plea of debt.[52] Unfortunately, there is no further record of the ensuing proceedings, so it is difficult to deduce why Wymar elected Peitevin as his attorney. It is possible that Jews were appointed for their expertise and experience of the Jewish exchequer, as with Benedict Crespin above, or perhaps they were a previous acquaintance of the Christian, elected for their knowledge of, or association with, the specifics of the case. Regardless of the reason, the Christian's decision to cross the religious divide raises questions surrounding the interplay between faith, trust and the role of the attorney in the court. There was already precedent for Christians and Jews to associate with each other in financial matters, and official channels, like the archa system, to facilitate these relationships. This evidence begins to suggest that they may have also come together under other professional circumstances and that the Exchequer of the Jews was central to these developments.

There is no evidence for the period 1216 to 1235 of Jews electing Christians as their judicial proxies.[53] An investigation of attorney appointments up until the end of Henry III's reign *c.* 1272 revealed an increasing trend in the number of Jews electing Christian attorneys towards the end of the century. The first instance of this, however, did not appear until the Easter term of 1270, when a number of Jewish claimants including Moses son of Isaac, Sampson son of Sampson, and Josce son of Benedict, appointed William of Luton to speak on their behalf in debt litigation.[54] This example coincides with Brand's argument that the employment of legal specialists, dedicated to the advocacy of legal advice, only began to emerge around the ascension of Edward I. This notion may hold true for Christian attorneys, but as the findings above have suggested, a small number of Jews were regularly operating as attorneys for members of their own community, as

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[50] The position of archpresbyter will be explored more extensively in section three.
[51] E 9/1, rot. 3, rot. 5d; for the calendared entries see *PROJE*, I, 9, 22.
[52] E 9/1, rot. 9; *Wymarus Senescallus point loco suo Peitevin de Heya […]* For the calendared entry see *PROJE*, I, 36; This is referenced in passing in *PDMAJH*, 44.
[53] This challenges Hillaby's general assessment that 'Christians employed Jewish attorneys, and vice versa', see *PDMAJH*, 44.
[54] *PROJE*, I, 216, 220.

well as some Christian litigants, fifty years before this date. This delay is highly significant. Pollock and Maitland may have disregarded the repetition of names as evidence of earlier legal professionals, but reappearances of the same Jewish attorneys time and time again cannot be ignored simply because they do not conform to Christian models. The place of Jewish attorneys in the wider development of the legal profession deserve recognition and reevaluation in their own right.

These findings begin to reframe our understanding of Jewish attorneys at the start of the thirteenth century. This section has built the argument for the professionalisation of Jewish attorneys far before their Christian peers. In many respects, these developments make sense. The establishment of the Jewish exchequer had already carved a space for Jewish legal affairs and the frequency with which debt litigation emerged there allowed, naturally, those in close proximity to the court to become well versed in the legal technicalities and arbitration of a successful debt suit. This may explain why specialists emerged so early amongst the Jewish community and why those based in London—like Benedict Crespin—were the first to turn their legal experience into a profitable business. Such expertise would have been useful to Jews, as well as Christians, engaging in litigation at the Jewish exchequer. These attorneys were not appointed for the sake of practicality or family, but because of the beneficial impact they may have had on the outcome of the case. Benedict and Josce were not simply local, small-town clerks but, it seems, professionals with a strong reputation whose support might have improved a litigant's chances of legal success. The early development of specialist Jewish attorneys may also suggest that England's Jewish community required this legal support more than most. The court was an imposing site of Christian royal authority and vulnerable Jews must have seen the benefits in electing an experienced proxy to tackle the complicated, terrifying art of arbitration rather than relying on the fairness and impartiality of royal justices. The need for professional Jewish attorneys, therefore, developed much faster in this unbalanced legal climate. Although this assessment rests primarily on the single surviving plea roll from the Jewish exchequer for this period, it is the contribution here that the professional capabilities and experiences of Jewish attorneys differed from those of their Christian peers in the early thirteenth century, a finding that requires closer investigation in future research.

ii. Jews as Warrantors:

The centrality of moneylending and debt to the day-to-day economics of thirteenth-century society meant that Jewish lenders, and their crediting transactions, were sometimes referenced in cases between opposing Christian parties, usually cases concerning title to land. On occasion, Jews were even drawn into these disputes as witnesses and warrantors to speak on behalf of a Christian litigant.[55] The infrequent record of Jews as warrantors at the Exchequer of the Jews has caused this position to receive little consideration within the wider context of English law. What follows, therefore, aims to open up this discussion by considering when, and under what circumstances, Jews were called upon by Christians and the extent to which they helped to facilitate justice. It then turns to reflect upon the scope, limitations and exposure that faith placed on witnesses and warrantors within the legal process.

Pollock and Maitland explained that 'one of the commonest episodes in litigation about land is the voucher of a warrantor'.[56] Here, when the demandant claimed against a tenant, the latter, instead of defending the action themselves, called upon a third party for support. Rather than simply testifying as a witness, if this third party then admitted that he was 'bound to warrant', or the court decided he was bound, the tenant retired from the suit and the demandant then proceeded instead against the warrantor. This legal process appears to have been well established for cases involving only Christians, but what this meant for Jews—called upon to warrant in Christian cases—is little understood. Julie Mell considered this question in her discussion of Jewish status following the Statute of Jewry *c.* 1275, when manuscripts of *Bracton* began to include the addition: 'the Jews can have no property, because whatever he acquires he acquires not for himself but for the king […]'.[57] She argued that although Jews could not hold land in fee, the circumstances in which they could still act as warrantors may be indicative of 'the incorporation of Jews into the common law system'.[58] Rather than reflecting further on Jews as warrantors in court, however, Mell returned to consider the significance of these later manuscript additions for the shifting status (and decline) of Jews under Edward I. Many holes remain, therefore, in

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[55] *English Law*, II, 662–4.
[56] *English Law*, II, 662.
[57] Mell, *The Myth of the Medieval Jewish Moneylender*, I, 290–291. For further discussion on this *Bracton* passage see Chapter 1, fn. 26 above.
[58] Mell, *The Myth of the Medieval Jewish Moneylender*, I, 291.

our understanding of the function and experience of Jewish warrantors in the royal court system. Although a deep study extends beyond the scope of this thesis, the following analysis begins to explore when, and for whom, Jews were called upon to witness or to warrant in court.

As already mentioned, disputes between opposing Christian parties sometimes had cause to mention a debt to Jewish creditors. Take for example William de Lanham's claim of eighty acres of land with appurtenances in Hapton and Fundenhall against William son of Clement before the common bench in 1221 which, he argued, was guaranteed to him by charter in exchange for his homage, service and a payment of £80 of silver. The record added, in passing, that this payment of £80 was given to acquit William son of Clement from his debts to the Jews, which suggests this was not an extraordinary practice.[59] William son of Clement then came and challenged the validity of this charter and an inquiry was issued, but the debt to Jewish creditors—whether it was paid and when—was not mentioned again, presumably because it had no immediate bearing on the inquiry or the subsequent proceedings.

On other occasions, however, the plea rolls reveal that Jewish creditors were brought directly into these disputes to testify for one side or the other. The complication of securing Jewish loans through a gage of land meant title disputes often arose following an unpaid debt, especially when the debtor in question had died. So it was before the common bench in 1221, when the Abbot of St. Albans claimed that Henry Bucuinte had unjustly seized the land that had previously belonged to the late Robert of Stanmere.[60] Complications unfolded surrounding Robert's inheritance and who was responsible for his debts to both the crown and Jewish creditors. It was recorded that the court called upon Bona Vita, a Jew, to account for Robert's outstanding debts and he dutifully appeared to aid the court in its deliberations:

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[59] Appendix IV, 10; *Willelmus de Langham petit versus Willelmum filium Clementis quod warentizet ei quater xx. acras terre cum pertinentiis in Habton et in Fundenhal, quas tenet et de eo tenere clamat et unde cartam suam habet, ut dicit, quam profert et que testatur quod ipse dedit ei etc. pro homagio et servitio suo et pro quater viginti libris argenti, quas ei dedit ad aquietandum eum de debitis Judeorum […]*
[60] Appendix IV, 15.

> And Bona Vita, a Jewish man, comes and says that the same Robert owed £10 and that it was put on record by the justices of the Jews that Bona Vita had seisin of that land as his gage for the said debt […][61]

Bona Vita's testimony confirmed that the land in question had been put down by Robert as the gage for his loan, and that responsibility for the repayment of the outstanding debt fell to Robert's rightful heir (or the land would be escheated). Following this account, the court judged that the abbot ought to hold the land until the true heir could be ascertained and the debts to Bona Vita were repaid.[62] The fact that Bona Vita was called before the court suggests that Jewish creditors were sought out for their insight into legally-binding crediting agreements. Read in isolation, this case presents Bona Vita as an active agent of the court, able to aid the justices in their deliberations while also serving his own interests and staking his claim to the unpaid debt.

The extent to which these experiences were empowering for Jews requires closer consideration. In Michaelmas 1220, the assize came to recognise whether William of Lasceles had unjustly disseised William de Mandeville, the Earl of Essex, of his free tenement in Holebech.[63] The sheriff argued that the jurors who led the previous assize of *novel dissesin* (the action to recover disseised or dispossessed lands) had made false oath. The implicated jurors appeared before the court and claimed that the land had belonged to a certain Conan son of Eli and that following Conan's death, the sheriff had taken *seisin* of the land by the king's writ. It was recorded that shortly after these events, 'a certain Jew' [later named Bonemie] came and revealed that 'the land had been his gage for £24 that Conan owed him'.[64] Bonemie claimed that following Conan's demise he had sold this pledge—the land at Holebech—on to William Lasceles who, therefore, '*ita ingressum habuit per Judeum'*. Bonemie's understanding of this agreement gave him the insight needed to support William of Lasceles' claim, but in doing so, Bonemie opposed the Earl of Essex,

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[61] Appendix IV, 15; *[…] Et Bona Vita Judeus venit et dicit quod idem Robertus debuit ei decem libras et quod recordatum est per justiciarios Judaeorum quod idem Bona Vita habuit seisinam de terra illa ut de vadio suo pro predicto debito […]*

[62] Appendix IV, 15; *[…] Et quia contentio est inter predictos Ricardum et Willelmum quis eorum sit heres, et preterea nescitur si Johannes mortuus sit necne, et preterea nullus dedicit quin feodum sit predicti abbatis, consideratum est quod abbas habeat seisinam suam ut de feodo suo quousque constet ei quis eorum sit heres cognitus: et dominus rex recuperet debitum suum de terra et hereditate que fuit predicti Roberti: et Judeus similiter, cum domino regi placuerit post debitum suum solutum.*

[63] Appendix IV, 7.

[64] Appendix IV, 7; *[…] et tunc venit quidam Judeus ad curiam et ostendit quod terra illa fuit vadium suum pro xxiiij. libris quas Conanus ei debuit […]*

a prominent royal official. Moneylending transactions may have granted Jewish creditors the ability and authority to testify in court, but they also exposed Jews to potentially vulnerable situations. After all, outside the courtroom, Bonemie was unprotected from any retaliation from the disgruntled earl.

The Jewish creditor's position became ever-more exposed when called upon to warrant, as under these circumstances the warrantor could find themselves the new target of the accusation. This was the case before the common bench in 1220, when Matilda, who was the wife of Ralph of Tivill, claimed the manor of Hintewunde as her rightful dower from Roger of St. Denis and his wife Sarah. Here Roger and Sarah denied a claim to the land by their own right or inheritance and called Isaac the Jew (of Norwich) to warrant.[65] Isaac failed to appear both at this initial hearing and again in Trinity 1220 and the sheriff was then ordered to ensure that Isaac was before the court (literally 'have his body'—*habeat corpus ejus*) on the Octave of St. John the Baptist.[66] The unwilling Isaac, who had thus far been unavailable or reluctant to aid the court in its deliberations, was forced to the forefront of the case, and when the session resumed, Matilda now claimed against Isaac—*petit versus*—rather than Roger and Sarah.[67] This was the customary format of a plea involving a warrantor, but the implications of this process for Isaac, now a vulnerable defendant in opposition to a Christian party, may explain his anxiety and aversion to appear before the justices.

The near complete record of proceedings for this case captures how the moneylending profession could lead to all kinds of exposure and legal hazards for Jewish creditors in court. On the assigned date, Isaac of Norwich, through his attorney Jurnet of Norwich, revealed in detail his connection to the land and claimants in question. The record stated that:

> And Isaac through Jurnet, a Jew of Norwich, who makes himself his attorney, comes and denies that she [Matilda] ought to have dower, [because] neither Ralph the father, nor Ralph the son, were able to provide her with a dower, because before the same Ralph [the son] had been betrothed to the same Matilda, Ralph the father had promised that manor to Isaac the Jew himself for

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[65] Appendix IV, 1.
[66] Appendix IV, 3; *[…] Et quia Isaac Judeus est et non habet terram in feodo, per consilium curie preceptum est vicecomiti quod habeat corpus ejus in octabis sancti Johannis Baptiste etc.*
[67] Appendix IV, 4; *Matillis que fuit uxor Radulfi de Tivill' junioris petit versus Isaac Judeum de Norwic' […]*

> the term [of a loan], and he himself does not claim anything except his gage for his term […] and that gage was enrolled on the rolls of the lord king […][68]

It was Isaac's opinion that the debts of Ralph the father were still outstanding and so no arrangements could be made for Matilda's dower. Especially, as Isaac's account in the record continued, because Ralph had leased this land to Roger and Sarah for 60 shillings.[69] It was perhaps this insight that Roger and Sarah hoped would support their case. Yet following Isaac's testimony, the record reported a lengthy rebuttal from Ralph the father, who accused Isaac of false warranty, claimed that he had already made fine with the king to acquit the debt, and that he had been wrongly disseised of the manor by the itinerant justices.[70] Despite the pressures inflicted on Isaac to appear, the weight afforded to Ralph's account held a much more significant bearing on the outcome of the case. The court concluded that because this fine had been made, and Ralph the father had been disseised by 'will rather than judgment', the manor should be returned to him.[71] It was documented that Matilda, if she wished—*si voluerit*—could pursue a claim against her father-in-law, and Isaac could make his own claim against Ralph if he contended that the terms of the debt had not been met. It is not known whether Ralph actually made fine with the king (as there is no record on the fine rolls), or whether the court simply sided with the word of a Christian landowner over that of a Jewish creditor. These findings do reveal however, that as the appointed, albeit unwilling warrantor for Roger and Sarah, Isaac was forced into opposition with high profile Christians as a result of his crediting profession. In the previous cases, Bona Vita and Bonemie were witnesses, contributing testimonies to the litigation of others. Here, the legal system had not only stripped Isaac of his crediting investment but positioned him as a defendant against his will.

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[68] Appendix IV, 4; *[…] Et Isaac per Jurnetum Judaeum de Norwic', qui se facit attornatum suum, venit et defendit quod non debet inde dotem habere, [quia] nec Radulfus pater nec Radulfus filius eam inde dotare potuerunt, quia, priusquam idem Radulfus desponsasset ipsam Matillidem, invadiaverat Radalfus pater manerium illud ipsi Isaac Judeo usque ad terminum; et ipse nichil clamat nisi vadium suum ad terminum etc […] et vadium illud inrotulatum est in rotulis domini regis etc […]*

[69] Appendix IV, 4; *[…] et bene cognoscit quod Rogerus et Sarra tenent terram illam de eo reddendo per annum lx. solidos […]*

[70] Appendix IV, 4; *[…] Et super hoc venit Radulfus de Tivill' pater et dicit quod Isaac injuste est inde warantus, quia de debito illo unde idem Isaac loquitur fecit ipse finem cum domino Johanne rege pro sexies xx. libras […]*

[71] Appendix IV, 4; *[…] Quo inspecto, satis visum fuit justiciariis quod disseisitus fuit per voluntatem et non per judicium […]*

This analysis has revealed that England's Jewish community could be bound to warrant in cases between two opposing Christian parties, but there is not one example of a warrantor—Christian or Jewish—appearing before two opposing Jewish parties. This is not surprising. As discussed above, *Bracton* wrote that Jews could not hold land (even if there is some debate as to when the famous stipulation 'the Jews can have nothing of their own' was formally enforced),[72] and it was also stipulated from *c.* 1201 that only criminal cases between Jews fell under royal jurisdiction.[73] Although land was often put up as the security for moneylending agreements, if this fell to the Jewish creditor on the default of a debt, the land was then sub-let or sold on so that the creditor could recoup the debt from its sale/mortgage. The limitations placed on Jews owning land thus reduced, or even removed the need for warrantors to act in cases between Jews. This not only draws attention to the differing experience of Jews and Christians in the royal court system, but demonstrates that Jewish warrantors in court were a niche exclusively contained to cases amongst Christians; they did not exist within the context of Jewish litigation. The moneylending profession gave birth to the role of a Jewish warrantor and exposed Jews to the volatility of Christian disputes, subjecting an ever more vulnerable community to the greater Christian powers at play.

III. The Archpresbyter:

This section considers the position of the Jewish archpresbyter in the common law system: the individual elected by the crown to act as a bridge between the Jewish and Christian communities. Focusing primarily on references made to the archpresbyter in the plea rolls, this section explores when, and under what circumstances, this officer appeared in court and the extent to which he had the ability to influence or shape the course of legal proceedings. In doing so, it reflects upon Brand's claim that the archpresbyter possessed the 'status of a justice' at the Exchequer of the Jews and considers what this may have meant for Jews engaging in the English legal process.[74]

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[72] See Chapter 1, fn. 26. From 1234, it was stipulated that Jews could not hold any form of property 'in fee and heredity' if a debtor defaulted on his loan (*CR, 1231–1234*, 592). Richardson has identified, however, that there are examples of Jews still holding land into the 1240s, 'ad firmam et ut vadium suum', but they do not seem to have occupied it. See Richardson, *English Jewry*, 81–108, at 85, fn, 1.

[73] See Chapter 1, fn. 24–25.

[74] *PROJE*, VI, 44.

The title of archpresbyter or 'archpriest' has been associated with a religious function,[75] yet Richardson has shown that there was a crucial difference between the 'priests' that served local communities—such as Samuel le *prestre* of Norwich, Moses *presbyter* at Canterbury, and Meir *presbyter* or *le prestre* at Stamford—and the royally-appointed individual who served as a channel between the crown and the Jewish community.[76] The only dedicated publication on the archpresbyter in medieval England—or the *presbyter omnium Judæoum Angliæ*—was read by H. Adler before the Anglo-Jewish Exhibition in *c.* 1887. Here, Adler engaged with the larger debate surrounding the secular/spiritual functions of this position, but concluded his discussion by fundamentally agreeing with Charles Gross's assessment that 'the sources do not yield sufficient data to enable us to clearly define his duties'.[77] Henry Stokes's *Studies in Anglo-Jewish History* offered a comprehensive overview of those Jewish individuals elected to the office across the late twelfth and thirteenth centuries and an appendix that listed all the official appointments with reference to their location (charter rolls/close rolls/patent rolls etc).[78] While a valuable resource, by the mid-twentieth century Richardson suggested that still more research was required to fully appreciate the office. Although he examined a number of references in the royal records to the archpresbyter's civil functions, Richardson admitted that there 'are no final answer[s] to the awkward problem [of] why an ecclesiastical title was given to a functionary who, as far as the records show, had no religious duties'.[79]

In more recent years, Brand's extensive work on the organisation and administration of the Exchequer of the Jews has led to a more concrete assessment of the archpresbyter's practical responsibilities within this institution. Brand observed that across the 1230s and 1240s, there were a number of references to the *presbiter Judeorum* 'residing' or 'sitting' at the Jewish exchequer in the close rolls, terms often associated with those individuals fulfilling an official obligation.[80] He argued that the archpresbyter 'possessed the status of a justice of the Exchequer of the Jews' at least until 1258, when it was recorded that Hagin son of Rabbi Mosse was sworn in and promised to obediently 'give faithful

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[75] This notion is predominately rooted in much older scholarship. See, for example, D. Tovey, *Anglia Judaica: Or the History and Antiquities of the Jews in England* (London, 1738), 53.
[76] Richardson, *English Jewry*, 122–123.
[77] H. Adler, 'The Chief Rabbis of England', *Anglo-Jewish Exhibition* (London, 1887), 253–188; Charles Gross, 'The Exchequer of the Jews of England in the Middle Ages', *Anglo-Jewish Exhibition* (London, 1887), 178–9.
[78] Stokes, *Studies in Anglo-Jewish History* (Edinburgh, 1913), 22–43, 243–247.
[79] Richardson, English Jewry, 124.
[80] *PROJE*, VI, 44–45.

advice to the king's justices [of the Jews] and to expound the king's rights'.[81] Brand's analysis continued to chart the decline of the *presbiter Judeorum* until the position eventually 'ceased to be regarded as an official of the Exchequer of the Jews'.[82] In amongst this, Brand was unable to identify the exact responsibilities of the archpresbyter and the extent of this officer's influence in the court before the late 1250s. His reference to Richardson and Roth for further information on the archpresbyter—scholarship dating nearly fifty years earlier—demonstrates just how little research has been dedicated to the nature and significance of this Jewish official in both a legal and administrative context.[83] A full exploration exceeds the scope of this thesis, yet this section brings attention to evidence within the plea rolls that help to clarify the function of the archpresbyter in court during the early period of the thirteenth century.

On 5 January 1207, in the eighth year of the reign of King John, a royal charter appointed Josce a Jew of London to the position of archpresbyter. The charter stipulated that this office was 'for life', as it was for those elected before him, and promised to protect and compensate Josce if he was in anyway disobeyed. Josce was declared 'our royal Jew whom we retain specially in our service'.[84] Josce was the grandson of the well-known Rabbi Josce who had an active role in the London community during the time of Henry I. Stokes and Hillaby have identified many references to Rabbi Josce's houses, rents and lands in the London parishes of St. Stephen, Coleman Street, St. Michael Bassishaw and St. Olave.[85] As such, it can be discerned that Josce the archpresbyter was a member of a well-established family. In office until his death in 1236, Josce was the only archpresbyter elected for the timespan of this thesis and his service to the crown fell outside of the focus of Brand's work on the later years of the Jewish exchequer. The language of the royal charter suggests that Josce was granted authority in the execution of his royal responsibilities, but it remains unclear what these legal duties entailed. The royal plea rolls

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[81] *PROJE*, VI, 44.
[82] *PROJE*, VI, 45.
[83] *PROJE*, VI, 44, see note 415.
[84] *Rot. Chart.*, 203; *Johannes, Dei gratia, Rex Angliae, etc. Sciatis nos concessisse et presenti carta nostra confirmasse Josceo, Judaeo de London' presbitero Judaeorum, presbiteratum omnium Judaeorum totius Anglie, habendum et tenendum quamdiu vixerit, libere, quiete et honorifice, et integre; ita quod nemo ei super hoc molestiam aliquam aut gravamen inferre presumat. Quare volumus et firmiter precipimus quod eidem Josceo, quod vixerit, presbiteratum Judaeorum per totam Angliam garantetis, manuteneatis, et pacifice defendatis; et si quis ei super eo forisfacere presumpserit, id ei sine dilatione, salva nobis emenda nostra de forisfactura nostra, emendari faciatis, tanquam dominico Judaeo nostro quem specialiter in servicio nostro retinuimis […]*
[85] Stokes, *Studies in Anglo-Jewish History*, 25–28; *PDMAJH*, 258–260.

can shed some light on Josce's activities in court, at the Jewish exchequer and beyond. They enable an initial exploration of when, and in what capacity, Josce appeared before the royal justices and the extent to which the archpresbyter can be perceived as an officer of the court.

Josce *presbiter Judeorum* appeared in twenty separate entries in the royal court records: seventeen before the Exchequer of the Jews, two before the common bench and one before the court *coram rege*. The highest volume of these cases related to debt litigation and divide into two main categories: those cases in which Josce himself was a plaintiff or defendant, and those in which Josce was an attorney. Above, section two considered the unusual appointment of Josce as the attorney for Eustace son of Isimbert de Wilton, a Christian party, on two separate occasions.[86] As a litigant, Josce was persistent in his pursuit of justice. Before the Exchequer of the Jews in Michaelmas 1219, Josce claimed against Roger de Leburn for an outstanding debt of £12, and on Roger's continued non-appearance, the roll shows sustained efforts to reclaim his loan in Trinity 1220.[87] In court, however, Josce's activities as a creditor were far overshadowed by the more prominent moneylenders of the time, yet his status as a royal officer appears to have shaped his place in court in other ways. Josce was called, for example, as the second of eighteen Jewish witnesses to present testimony before the court *coram rege* in 1234.[88] This, alongside his position as the only Jewish attorney to represent Christian litigants in court, may suggest that his status as *presbiter Judeorum* was recognised within both Jewish *and* Christian circles.

This status also manifested itself on the royal plea rolls in other ways. Outside the roles of plaintiff, defendant, witness, and attorney, the rolls mentioned Josce a further nine times. On four of these occasions, the reference was simply a familial connection. In Michaelmas 1219, for example, a number of Jews were summoned before the justices of the Jews to show why they neither came nor essoined themselves against William son of Henry touching a plea of land. Here the mandate listed the individuals in question and three of these were directly associated with the *presbiter Judeorum*: 'Abraham nephew of [Josce] Presbyter, Isaac son of Josce Presbyter, Josce son-in-law of Josce Presbyter'.[89] They were not, as so many others, given toponyms—as Aaron of Lincoln or Isaac of Norwich

[86] See page 158 above.
[87] Appendix II, 34, 105.
[88] Appendix III, 3.
[89] Appendix II, 19.

were—but connected to the key authority in their immediate family. Josce's reputation was so well established in legal circles that a litigant's association with him was reflected on the record.

The extent to which Josce's authority was known, and called upon, at the Exchequer of the Jews becomes clearer in a mandate issued to Josce by the court in Michaelmas 1219:

> It was ordered to Josce Presbyter by the Lord Bishop of Winchester, and the Lord Justiciar, to hand over to Ralph de Willington the land of Stensham (where his gage was), which Josce had formerly assigned to Geoffrey of St. Leger for 5 marks, payable yearly to the said Josce until the repayment of 20 marks owing upon the said land. It seems to them unfitting that any land be assigned to the abductor of an heir. And the said Josce shall warrant that land to the said Ralph. [90]

The mandate reveals that Peter des Roches, the Bishop of Winchester, and Hubert de Burgh, Chief Justiciar, ordered Josce to reassign the land of Stensham to Ralph de Willington from Geoffrey of St. Leger, who was deemed unworthy to hold the land due to him having abducted an heir (potentially during the baronial war two years previous). It is of interest that the recipient of this order was not the local sheriff, as was custom in land disputes, but Josce himself to whom Geoffrey owed a debt of 20 marks. Why Josce was elected and able to redistribute this land is unclear, but the mandate suggests two important implications: firstly, under certain circumstances Josce had powers and responsibilities that could impact the lives and holdings of Christians; secondly, Peter des Roches and Hubert de Burgh trusted Josce to ensure this was arranged. This mandate may support Richardson and Brand's assessment that the archpresbyter had or assumed the status of a justice in the early thirteenth century, yet as the only evidence of its kind for the period 1216 to 1235, it is difficult to establish any concrete conclusion.

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[90] E 9/1, rot. 4; *Preceptum est Josceo Presbitero per Dominum Winton' Episcopum et Dominum justitiarium tradere Radulpho de Willincton' terram de Strengesham quo fuit vadium ipsius Josceo quam prius tradiderat Gaufreo de Sancto Loger' pro v. m. quolibet anno reddendum ipsi Iosceo quousque xx. m. ei reddiderit que ei debentur super predictam terram. Videtur eis quod aliqua terra non debet tradi abblatori heredis. Et predictus Josceus warantizabit predicto Radulpho terram illam.*

The election of Aaron of York as Josce's successor on 28 December 1236 sheds further light on the archpresbyter's responsibilities in court.[91] Michael Adler produced a detailed biographical analysis of Aaron's life which explored the circumstances surrounding Aaron's appointment to this office.[92] Two close roll entries form the focus of Adler's discussion:

> 19 February 1236:
>
> The King. Concerning Aaron of York sitting at the Exchequer.
>
> The king has appointed Aaron of York, Jew, to sit at the Jewish Exchequer of the king there to transact the business of the king together with the Justices appointed for the custody of the Jews. And it is commanded to the aforesaid Justices that they admit the said Aaron to this office and that they transact the business of the king to the honour and benefit of the king acting on his advice.[93]
>
> 29 December 1236:
>
> For Aaron the Jew of York.
>
> It is commanded to the Justices appointed for the custody of the Jews that the king has granted to Aaron the Jew of York the Presbyter of all the Jews of England, with all his appurtenances, to be held for all his life. And when Aaron is not able to sit at the king's Exchequer, they shall receive in his place Josce the son of Copin to do at the king's Exchequer whatever belongs to that office. In the same way they shall allow the said Aaron or his above-named attorney to have the rolls of his predecessor, Josce Presbyter.[94]

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[91] *CChR, 1226–1257*, 225; the calendared entry reads as follows: 'Charter addressed to the king's justices, granting to Aaron of York, a Jew, for life, the office of Chief Rabbi of all the Jews of all England, so that no one shall trouble him therein, with order that he is to be maintained, defended and protected in that office'.

[92] M. Adler, 'Aaron of York', *Transactions of the Jewish Historical Society* 32 (1932): 113–155.

[93] *CR, 1234–1237*, 243; *Rex. De Aaron' de Eborac' residente ad Scaccarium. Rex assignavit Aaron de Eboraco Judeum ad residendum ad Scaccarium Regis Judeorum de negotia regis una cum justiciariis regis ad custodiam Judeorum assignatis ibidem facienda. Et mandatum est predictis justiciariis quod ipsum Aaron ad hoc admittant et negotia regis ad honorem et comodum (sic) regis de consilio suo faciant.*

[94] *CR, 1234–1237*, 408; *Mandatum est justiciariis ad custodiam Judaeorum assignatis: Quod Rex concessit Aaron Judeo Ebor. Presbyteratum omnium Judeorum Angliae, cum omnibus pertinentiis suis habendum tota uita sua: et quotiens Aaron intendere non possit ad sedendum ad Scaccarium regis ad officium illud Joceum fil. Copin loco suo recipiant, ad ea facienda ad Scaccarium regis quae ad officium illud pertinent. Rotulos etiam qui fuerunt Jocei Presbyteri predecessoris sui eidem Aaron vel predicto attornato suo habere faciant.*

Adler interpreted these entries to argue that archpresbyter's duty 'was to serve the king by presiding over the Jewish Exchequer […] as state officials they were expected faithfully to administer justice on behalf of the king, to explain the king's laws, and especially decide upon the validity of Hebrew contracts'.[95] Like other scholars before him, Adler referred to instances in which Aaron led inquiries, such as the coin-clipping investigations of 1238, but placed the emphasis on his economic function: the *presbiter Judeorum* was 'at the head of the banking organisation that played so important a part in the economic life of the period'.[96] Adler's assessment neglected to reflect further on the significance of Aaron's responsibilities in court, and evidence in the close rolls that illustrate other facets of his legal duties. Not only, as Adler rightly identified, was Aaron permitted to 'sit at the Jewish exchequer… to transact the business of the king', but the office of *presbiter Judeorum* was also granted its own rolls—an official transcript of the Exchequer's business. He was afforded a source of written authority to help combat any who disputed the decisions and actions of the court. It was also stipulated that a subordinate officer was appointed to assist Aaron in this position. If Aaron was unable to take his seat at the Jewish exchequer, it was ordered that 'Josce son of Copin', would sit in his stead.[97] By the mid-1230s, therefore, it appears to have been mandatory for a Jewish officer to preside over the court whether that was under or alongside the Christian justices. How the status and responsibility of the *presbiter Judeorum* manifested in legal proceedings, however, cannot be gleaned from the close rolls alone.

Adler's reference to Aaron of York's involvement in the coin-clipping investigation of 1238 raises questions on the role of the *presbiter Judeorum* in the inquests ordered by the court but implemented elsewhere. Richardson has touched on this matter in reference to another case overseen by Josce in Michaelmas 1219, but simply concluded that the *presbiter Judeorum* 'was able to inform the justices of the Jews of the facts regarding inquests by mixed juries of Jews and Christians'.[98] The case in question, however, which was only referenced in Richardson's footnotes, cannot be understood in such straightforward terms. Before the Exchequer of the Jews the executor of the late William

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[95] Adler, 'Aaron of York', 123.
[96] Adler, 'Aaron of York', 127.
[97] There is also evidence on the close rolls that Aaron also sat at the Exchequer of the Jews during Josce's time in office; perhaps in a similar capacity at Josce son of Copin, or in training to be the next leader of his community. See *CR*, *1234–1237*, 248.
[98] Richardson, *English Jewry*, 122.

Marshal, the Earl of Pembroke, accused Sampson Furmentin of owing William seventeen marks.[99] Sampson refuted the charges and claimed that he had already 'put himself upon Josce presbyter' when the inquest was mandated, but this inquiry remained *infecta*. It was adjudged, therefore, that Josce had 'failed him [Sampson]' and a mandate was issued for a new inquest to be launched by 'lawful Christians and Jews'.[100] It is unclear, however, what Josce's intended role was in the earlier inquest. The record documented that Sampson *ponit se super* Josce—a phrase regularly employed in reference to the appointment of an attorney—yet the unusual circumstances surrounding this case, and the court's specific record of Josce's 'failure', suggest that the archpresbyter may have had a larger role in inquest procedure.

Two cases before the common bench in 1224 and 1230 offer further insight into this process. The first case emerged following the death of a Christian named simply as William, when his son Martin charged Bonemie Mutun, his wife and his sons with murder.[101] As noted in chapter two, Bonemie rejected the court's offer of a mixed-faith jury, and wished instead to hold his freedom by the charter of King John. Regardless, an inquest of nineteen Christians and twelve Jews still transpired. In his assessment of this case, Curk argued that the results of this inquest were unsurprising: 'the inquest was split along religious lines, with the Christians fairly positive of Bonemie's guilt and the Jews denying it'.[102] Curk did not reflect any further, however, on the role of Josce the archpresbyter in these proceedings. Following the Christian accounts, the evidence presented by Josce was the first Jewish testimony to be recorded:

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[99] Appendix II, 26; *Johannes de Erleye comitis Marescallus senioris exigit a Furmento Judaeo xvii. m […]*
[100] Appendix II, 26; *[…] Judaeus venit et dicit quod num quam debuit dicto comiti debitum illud nec de promisso nec aliquo alio modo et hoc paratus est probare sicut Judaeus versus Christianum […] ponit se super Josce' Presbiterum […] dicit quod nulla inquisitio inter facta fuit sed quod inquisitio ea occasione infecta remansit […] Et Judaeus posuit se super predictum Josce' de predicta inquisitione et idem Josce' ei defuit consideravit curia quod dictus Sampson sit in misericordia […]*
[101] Appendix IV, 23.
[102] J. Curk, 'The Oath of a Jew in the Thirteenth-Century English Legal Context', in *On the Word of a Jew: Religion, Reliability, and the Dynamics of Trust*, ed. N. Caputo and M.B. Hart (Indiana, 2019), 68.

> Josce, the first juror, says that he knows nothing of that death and that the same William was not killed in the house of this same Jew, and that he does not suspect the same Bonemie of that death nor his wife nor any other [member] of the same Bonemie's family, and that the same William did not work at the house of Bonemie on the day in which he was found dead before Bonemie's door, and that Bonemie was not at home at the hour when William was found.[103]

His detailed account was then supported by similar, shorter reports from Hameth and Elias son of Benedict, which provided further evidence for Bonemie's innocence, before nine additional statements were recorded in support of this view:

> Benedict father of Elye, juror, says the same as Josce.
> Abraham son of Muriel, juror, says the same.
> Fulk, juror, says the same as the others.
> Jacob Turt, juror, says the same.
> Abraham grandson of the archpresbyter, juror, says the same
> Aaron Blund, juror, says the same as the others.
> Isaac Episcopus, juror, says the same.
> Jacob son of Samuel, juror, says the same.
> Leo Blund, juror, says the same.[104]

Unlike the Christian accounts, which condensed the findings of all but two jurors into a single speech (introduced by the verb *dicunt*, 'they say'), all of the Jewish jurors were afforded an individual account in the record (introduced by *dicit quod*, 'he says'). Despite the repeated content of each of these statements, the order, space and emphasis placed on the Jewish accounts is unusual. It is also curious that each of these accounts were made in agreement with Josce: 'says the same as Josce', 'says the same' etc. It appears that Josce was not just the first to present his findings, but he may have led or at least have been recognised as the jury foreman amongst the Jewish jurors in this inquiry.

Alone, this case provides no immediate answers as to Josce's role in these proceedings or why only Jewish jurors were granted an extensive record in defence of Bonemie. When it is compared to a second account, however, further possibilities come

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[103] Appendix IV, 23; *[…] Josceus primus jurator dicit quod nichil scit de morte illa et quod idem Willelmus occisus non fuit in domo ejusdem Judei et quod non malecredit eundem Bonenie de morte illa nec uxorem ejus nec aliquem de familia ejusdem Bonenie et quod idem Willelmus non operabatur in domo Bonenie die qua inventus fuit mortuus ante hostium Bonenie et quod Bonenie non fuit illa hora domi qua Willelmus fuit inventus […]*
[104] Appendix IV, 23; *[…] Benedictus pater Elye jurator idem dicit quod Josceus. Abraham filius Muriene jurator idem dicit. Furmentinus jurator idem dicit quod alii. Jacobus Turtus jurator idem dicit. Abraham nepos Presbiteri jurator idem dicit. Aaron Blundus idem dicit quod alii. Isaac Episcopus jurator idem dicit. Jacobus filius Samuelis jurator idem dicit. Leo Blundus jurator idem dicit […]*

to light. Before the common bench in 1230, Hugh of Erdeburg, a merchant from Flanders, brought charges of assault against Deo and Jacob of Northampton, and Bonefey of Bedfordshire.[105] A disagreement had arisen when Hugh, along with his associate Boyd, attempted to repay a debt using money the Jews believed to be counterfeit. While Hugh denounced a wrongful and wicked attack, the Jews maintained that they had attempted to hold the Christians while the appropriate authorities were summoned. Both the Christian accusation and Jewish defence were afforded substantial space in the record, but only the Jews' account was accompanied with an explicit record of speech. As in 1224, a group of prominent Jews came to the defence of the accused including, once again, Josce the archpresbyter. Here, however, the record also revealed that two financial offerings were made to the court. Firstly, a payment of 60 marks was made to ensure that judgment would be postponed until the king was present, and secondly, a further 100 marks to allow two of the accused Jews to 'abjure the realm':[106] a punishment much preferred to the alternative sentence of hanging or mutilation.[107] Turning back to the 1224 murder, there is no indication of a payment in the court record, but the fine rolls reported a similar payment made by the Jewish community of 100 marks to secure Bonemie's release.[108] Whether coerced or voluntary, together these payments begin to suggest a connection between an exchange of money in court and a more extensive Jewish defence in the court record.

This correlation only seems to emerge when the archpresbyter assumed some form of leadership in the inquest. In Bonemie's case, Josce was the first to present his findings before the court, and the jurors that followed offered testimony, or so it was recorded, that matched his account. The record omitted the exact words spoken by the other jurors and placed the emphasis on their agreement with Josce. His authority in the proceedings was recognised by the justices, the record, and his Jewish peers. In the case against the Flemish merchants, Josce's authority appears to have extended further still. It was documented that he invoked the 'tradition and custom of his own law' and 'excommunicated' ten Jews who had provided a defective verdict.[109] These findings

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[105] Appendix IV, 42.
[106] Appendix IV, 42; *[…] Postea veniunt Judaei in communi et offerunt domino regi lx. marcas argenti quod judicium ponatur in respectum usque ad adventum domini regis apud Lond', et hoc si justiciarius hoc concesserit […] Postea offerunt c. marcas per sic quod ipsi duo possint abjurare regnum.*
[107] For further discussion on abjuration see Flower, *Introduction to the Curia Regis Rolls*, 322–324.
[108] *CFR*, 1224–1225, no. 59.
[109] Appendix IV, 42; … *Et Josceus Presbiter secundum consuetudinem et morem legis sue, assumptis secum x. Judeis, excomunicavit omnes istos qui veritatem celarent vel falsum dicerent…*

complicate our understanding of the archpresbyter's duties, and of the secular/sacred capacities of his office. As previously stated, any true spiritual element of this title has been disregarded in scholarship since the 1930s. Adler explicitly argued that 'there is no instance recorded of any of the six Presbyters acting as Rabbis, or taking any official part of the religious life of the Jewry'.[110] Here, he offered various examples from 1242 onwards that reveal the Exchequer of the Jews calling on *Magistri Legis* (Rabbis) when questions concerning Jewish law emerged. For example, in 1250 when Elias le Eveske was archpresbyter, Adler described how the king authorised the Masters of Law of London to excommunicate and inflict fines on all whom refused to contribute to the maintenance of the communal cemetery: '[the archpresbyter] was evidently not qualified as a Rabbi to decide legal questions'.[111] The case against the Flemish merchants, however, suggests that Josce was not only responsible for overseeing the Jewish half of a mixed-faith inquest, but that as *presbiter Judeorum* he was permitted to evaluate the honesty of Jewish jurors who made their statements on oath. It is difficult to ascertain exactly what was meant by *excomunicavit* in this particular context. Here there were no complex questions of Jewish law that required a legal expert, and it may simply be that as oaths were fundamentally a religious matter, the court believed only a Jew was qualified to assess the validity of the oath/if the oath was made properly. The Christian terminology of *excomunicavit* was imposed upon this action by the record, even if it did not specifically carry any spiritual implications for the denounced Jewish jurors. As the only case of its kind in this period, however, the hazards attached to allowing the leader of the Jewish inquiry the authority to expunge any 'illegitimate' testimony may have been quickly recognised. After all, this capacity would have granted the archpresbyter the ability to manipulate a case in the favour of a Jewish defendant: if he deemed the testimony of a fellow Jew 'false' it could be removed from the proceedings entirely. However short-lived, both cases suggest that Josce, in his capacity as archpresbyter, was able to mediate a lighter sentence for those accused. Yet it may be significant that in both cases the Christian claimants were not known for their wealth or prominence (as in the case against Bonemie Mutun), or were themselves outsiders in the eyes of English law (as in the case of the Flemish merchants). The archpresbyter may well have had some means of influencing the course of events, but perhaps only when the circumstances of the case afforded him room to persuade and negotiate.

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[110] Adler, 'Aaron of York', 124.
[111] Adler, 'Aaron of York', 125.

This analysis has revealed that Josce the archpresbyter was a professional royal officer, with a seat at the Exchequer of the Jews, his own rolls, and possibly, like Aaron of York, a subordinate official to stand in his place when necessary. There is no explicit evidence to confirm that Josce possessed the 'status of a justice', as argued by Brand, yet the records of Josce's activities across the records from three royal courts show he was capable of much more than simply 'inform[ing] the justices' about mixed-faith inquests, as Richardson assumed. The court records confirm that Josce had a responsibility to oversee mixed-faith inquests and police the trustworthiness of Jewish jurors. On one occasion at least, he was also the agent designated to disseize a Christian debtor of lands and redistribute it to the appropriate owner. His status appears to have been somewhat recognised by Christian litigants too, as Josce was the only Jewish attorney to represent Christian legal interests before the Jewish exchequer. There is also some suggestion, as seen in the two cases that appeared before the common bench, that in his position as archpresbyter, Josce was the leading spokesperson for Jewish jurors in mixed-faith inquests and may have even had the ability to negotiate a lighter sentence for a Jewish defendant by facilitating a payment to the court. Together these findings confirm that Josce *presbiter Judeorum* was the most significant and wide-reaching Jewish operative in the common law system during this period: his royally-appointed status carved an active place for him in court and facilitated an element of legal agency that was recognised by Jews and Christians alike.

Conclusion:

This chapter has revealed that for many Jews in England their time in court was not restricted to positions of plaintiff or defendant. Jews assumed other roles—some royally-appointed, and others elected by Jewish or Christian litigants caught up in legal proceedings. The existence of these posts, and the duties they entailed, present a number of contributions to our understanding of Jews in the royal court system, and how their experience of the English legal process was fundamentally different from the experience of the wider Christian population. They also provide insight into the nature of Christian-Jewish relations at this time, and how these Jewish professionals helped to facilitate interfaith cooperation through the common law system.

The centrality of the institutions of debt to the Jewish legal experience—the Exchequer of the Jews and the archa system—and those operating within these institutions often account for these findings. This chapter has revealed that the moneylending profession gave birth to the function of a Jewish warrantor, which exposed Jews to the volatility of Christian land disputes and forced vulnerable individuals to stand against powerful Christians in court. This position did not exist within the bounds of Jewish litigation and only emerged within the larger context of crediting agreements. The Jewish warrantor only existed because of the systematisation of debt litigation. The establishment of the Exchequer of the Jews as the specialist centre for debt disputes also appears to have created space for professional Jewish attorneys to develop fifty years before their Christian equivalents. This chapter has revealed that the uncertainty for Jews, as religious outsiders, entering a court adjudicated by Christian justices, likely stirred the need for more than just a 'friend or relative' to represent their legal interests. Although Jews could not rely on the fairness and procedural propriety of the court, they could ensure their legal representation was well-equipped to prepare and argue a robust case. Benedict Crespin of London therefore, through a combination of his knowledge of the law and his proximity to the court, appears to have been one of the first Jewish attorneys who marketed legal representation to those who required it. The ever-increasing number of debt disputes carved a clear place for professional Jewish attorneys to serve Jewish and also Christian litigants in court. The Jewish exchequer and the archa system presented spaces in which Jews and Christians interacted and gave them a reason to associate with each other and, on occasion, work together.

Crediting and the moneylending business were also at the core of the Jewish offices appointed by the English crown. The Jewish chirograph clerks were elected custodians of the crediting business in a practical and also symbolic sense that sought to instil Jewish trust in the new archa system. The *presbiter Judeorum* was also a symbolic bridge between the Jewish and Christian population, and the findings in this chapter reveal that his role in court was more expansive than previously believed. The plea rolls present the archpresbyter with a niche status within mixed-faith inquests and suggest, potentially, the effect of his individual agency on the outcome of cases. Unlike the other offices and roles mentioned here, which were exclusively characterised by their relationship with debt and debt litigation, the archpresbyter's reach extended into criminal proceedings as well. On the surface, it appears that both the archpresbyter and chirograph clerks held

responsibilities within the inner workings of the common law system and, to a greater or lesser degree, an agency with which to execute their duties. Fundamentally, however, these positions only existed because the crown had carved a place for them. If the crown did not want to appoint Jews to these posts, they could have elected Christian officials to serve a similar purpose. Their foundation, therefore, was not simply intended to accommodate Jews in the English legal process, but to foster a deeper trust between the two communities that would cause both Jews and Christians to invest in and uphold the law, specifically the systems of debt—the archa and the Jewish exchequer. While the above analysis has identified moments of Jewish agency, we must remain cautious that this agency was only authorised and made possible by the will of the crown.

CHAPTER FOUR

Systematising Voice into Record

The study has thus far relied on the contents of court records to gain insight into the experience of Jews in court: where and why they appeared in court; the offices and roles they assumed; and how their experience compared with their Christian counterparts. This chapter moves away from extrapolating the activities of Jews in court to consider a different perspective on how Jews fit within the developing structures of English common law. The early thirteenth century marked a pivotal moment in the evolution of English law and a crucial element of this—indeed the element that has made this study possible—was a new emphasis on the production of systematic court records: the actions and decisions made in court were now to be formally preserved in black and white. English court records have been discounted by many scholars of Jewish history for their formulaic, even laconic composition, yet chapter two demonstrated the value that can be drawn from patterns in the records' language and structure. This chapter considers these formulas further—the decisions to include or exclude information within set bounds—and raises questions for reading Jews in common law material: who or what dictated the content of these records and how far were Jews and their voices systematised within them?

New approaches to court material have blossomed over the last thirty years in historical studies, fuelled by an interest in memory and the authority of the written word. Particular attention has been given to record-making procedures and how the language used by those records contributes to our wider understanding of legal process and decision-making within a system of law. Studies of marginal communities have been revolutionised by this approach. Most significantly, John Arnold's research on the construction of the 'confessing subject' in inquisition depositions has inspired others to develop their own strategies for reading the record and experience of marginal groups in court.[1] Using depositions from the Court of York, for example, Jeremy Goldberg has shed light on the challenges and possibilities of recovering female voices from court material in

[1] J.H. Arnold, *Inquisition and Power: Catharism and the Confessing Subject in Medieval Languedoc* (Philadelphia, 2001), see esp. 1–16, 74–110.

the later Middle Ages.[2] Bronach Kane has also surveyed this material to argue that the ecclesiastical courts in England were sites of authority in which women could shape their social agendas.[3] Together, these works have shown that court records are sites of competing discourses, and the processes that led to their production offer new frameworks for rethinking power relations in both court and record. For the most part, however, historians of medieval England have directed their attention towards Christian social groups—such as women and the common laity—leaving the legal experience of Jews on the periphery of the developments in this field.

This chapter aims to situate England's Jewish community within the wider historiographical movement that addresses the challenges of reading marginalised groups in prevailing legal systems. It rethinks the limitations often associated with common law records, namely that their formulaic structure tells us little beyond the conventions that led to their production, and examines how the records' language and design problematises how scholars currently extrapolate information about Jews from English court material. The chapter contains three sections. [I] The first considers how historians of England's Jewish community currently use plea rolls in reconstructing Jews in court, before exploring how scholars outside the context of Jewish history have approached the legal records of other marginal communities. [II] The second section considers the extent to which these new methods may inform a new understanding of Jews in court material. It places the system of English law at the centre of discussion and considers how far developments in record-making were fixed in formula and design by 1235. [III] The final section places the *recorded* court as the object of study to reflect on the systems that transformed Jewish voices into records and explores what these processes can reveal about Jews and the developing systematisation of thirteenth-century law.

I. Approaching Jews in Court Material:

The study of Jews in English law has until recently focused on the history of doctrines and legal institutions, whereby any experience of England's Jewish community in court has

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[2] J.P. Goldberg, 'Echoes, Whispers, Ventriloquisms: On Recovering Women's Voices from the Court of York in the Later Middle Ages', in *Women, Agency and the Law, 1300–1700*, ed. B. Kane and F. Williamson. (London, 2013): 31–41.
[3] B. Kane, 'Women, Memory and Agency in the Medieval English Church Courts', in *Women, Agency and the Law,* ed. Kane and Williamson, 43–62.

been framed within broad surveys of royal policy and legislation.[4] As explored in chapter one, such analyses have traced the relationship between Jews and the English crown, but their emphasis on the 'law in theory' left little room to tackle the 'law in practice'.[5] The last decade has witnessed a historiographical shift away from looking at Jews within a theoretical legal context towards looking at Jewish agency and action in medieval courtrooms. Within these discussions, the records of Jews in court have been placed at the centre of study for the first time. This section considers how scholars have approached Jews in court material and the extent to which current methods complement wider developments in reading court activity elsewhere. Divided into two parts, [i] the first charts the evolution of scholarly trends to consider how current interpretations of Jews in legal records have influenced arguments on the place of Jews in Christian courts. [ii] The second part then situates this branch of scholarship within a larger scholarly movement that has attempted to rethink and reconceptualise the experience of subordinate groups in prevailing legal systems.

i. Current Readings of Jews in Court:

Attitudes to reading Jews in English court material are currently divided into two scholarly categories: those that reject the value of court records on the basis of their dry, formulaic information; and those that utilise and extrapolate the very same information to support wider arguments about the legal abilities of Jews. This section presents a historiographical assessment of these perspectives to evaluate the merits and limitations of the current study

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[4] This rich foundation of scholarship stretches back to the early twentieth century, but most notably accumulates in P. Brand, 'The Jews and the Law in England, 1275–90', *Economic History Review* 115 (2000), 1138–1158. Other works include, but are not limited to: H.G. Richardson, *The English Jewry under Angevin Kings* (London, 1960); P. Hyams, 'The Jews in Medieval England, 1066–1290', in *England and Germany in the High Middle Ages*, ed. A. Haverkamp and H. Vollrath (Oxford, 1996): 173–192; R.C. Stacey, 'The English Jews under Henry III', in *Jews in Medieval Britain: Historical, Literacy and Archaeological Perspectives*, ed. P. Skinner (Woodbridge, 2000): 41–54; P. Brand, 'The Jewish Community of England in the Records of English Royal Government', in *Jews in Medieval Britain: Historical, Literary and Archaeological Perspectives*, ed. P. Skinner (Woodbridge, 2000): 73–84; J.A. Watt, 'The Jews, the Law and the Church: the Concept of Jewish Serfdom in Thirteenth-Century England', in *The Church and Sovereignty, c.590 1918: Essays in Honour of Michael Wilks*, ed. D. Wood (Oxford, 1991), 153–172.

[5] As discussed in the introduction, one notable exception is Paul Brand's introduction to the sixth volume of the *Plea Rolls of the Exchequer of the Jews,* which provides a detailed and comprehensive study of the operation and personnel of the Jewish exchequer for the period 1265–1290. See *PROEJ*, VI, ed. Brand, 1–74.

of Jews in court, before proposing a series of questions that problematize current approaches and advocate the need for new direction.

There has been a new emphasis in scholarship on Jews in Christian courts that focuses on their experience as members of a religious minority navigating the legal structures, processes and authorities of the Christian majority. In his recent study of the Rabbinic courts in medieval England, however, Pinchas Roth argued that it should 'not surprise us' that the 'laconic and formulaic' nature of royal court records provides 'only limited information about the context in which they were produced'.[6] In his work on the Rabbinic courts of England and southern France, Roth favoured instead those records that can reveal the ways in which the law influenced the Jews' 'lived experience'. That 'lived experience', according to Roth, included not only how the law shaped day-to-day Jewish lives, but how Jewish individuals and communities were forced to respond to the law, both in the courtroom and beyond.[7]

Roth's desire to unlock the 'lived experience' of Jews in Christian societies follows a gradual historiographical movement initiated by Gavin Langmuir in 1962, who argued that historians of England's Jewish community should move away from relying on official records to consider more broadly the 'attitudes, emotions, irrationality and prejudice' of England's interfaith society.[8] The immediate effect of this appeal inspired scholars to explore how Jews were represented in other forms of contemporary account, namely, the rich collection of chronicles and histories produced by Christian authors in the twelfth and thirteenth centuries.[9] Sophia Menache, for example, moved beyond what she called the

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[6] P. Roth, 'Jewish Courts in Medieval England', *Jewish History* 31 (2017): 67–68.
[7] P. Roth, 'Legal Strategy and Legal Culture in Medieval Jewish Courts of Southern France', *Association for Jewish Studies Review* 38 (2014), 375.
[8] G. Langmuir, 'The Jews and the Archives of Angevin England', *Traditio* 19 (1962), 187.
[9] Including the works of P. Allin, 'Richard Devizes and the Alleged Martyrdom of a boy at Winchester', *Transactions of The Jewish Historical Society of England* 27 (1982): 32–39; E. Carlebach, 'Attribution of Secrecy and Perceptions of Jewry', *Jewish Social Studies*, *New Series* 2 (1996): 115–136; J. Hillaby, 'The ritual-child-murder accusation: its dissemination and Harold of Gloucester', *Transactions of The Jewish Historical Society of England* 34 (1994): 69–109; G. Langmuir, 'Thomas of Monmouth: Detector of Ritual Murder', *Speculum* 59 (1984): 820–846; R.C. Stacey, 'From Ritual Crucifixion to Host Desecration: Jews and the Body of Christ', *Jewish History* 12 (1998): 11–28; A.P. Bale, '"House devil, town saint": Anti-Semitism and Hagiography in Medieval Suffolk' in *Chaucer and the Jews: Sources, Contexts, Meanings*, ed. S. Delany. (London, 2003): 185–210. See also Rubin's introduction in *Thomas of Monmouth: The Life and Passion of William of Norwich*, ed and trans. M. Rubin (London, 2014).

'laconic language of royal documents' to analyse Matthew Paris' *Chronica Majora*.[10] She extracted and examined excerpts from Matthew Paris's commentary in order to build a picture of contemporary attitudes towards the Jewish minority, and argued that Matthew Paris's opinions voiced 'the prevailing fears and expectations [of Jews] in thirteenth-century England'.[11] While Menache successfully promoted the value of alternative sources for reading the broader conditions of an interfaith legal culture, her approach to the construction of Jews in chronicle accounts could have been equally valuable for examining the contemporary attitudes that also manifested in the royal records she ignored. By confining her analysis to one individual's interpretation of the Jewish legal experience in England, Menache also overlooked the fact that Matthew Paris focused only on exceptional and religiously volatile cases. She neglected to appreciate these cases within the context of the more workaday relationships between Christians and Jews in court records, and in doing so, presented a skewed image of the attitudes to Jews in court in thirteenth-century England.

It has long been recognised that the benefits of using plea rolls for historical study have also been overshadowed by other, more exciting forms of legal material. Disregarded by Bolland in 1920 as 'the skeleton, the dry bones of the bare facts', the plea rolls paled, for example, in comparison to the year books, which offered 'innumerable matters of interest, legal, historical, constitutional and social, about which the [court] record is entirely silent'.[12] Yet not all scholars have discounted the value of 'formulaic' court records. In the last fifty years, historians have granted plea rolls 'official recognition', in the words of Henry Richardson, and today they play a central role in the history of medieval common law.[13] A wealth of scholarship has emerged on the location, popularity, and success of forms of action in and across courts, as well as analyses on the procedures and practices in place, and the manner in which legal and social trends have evolved over time.[14]

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[10] S. Menache, 'Matthew Paris's attitudes towards the Anglo-Jewry', *Journal of Medieval History* 23 (1997), 139.
[11] Menache, 'Matthew Paris's attitudes towards the Anglo-Jewry', 141.
[12] W.C. Bolland, *The Year Books: Lectures Delivered in the University of London at the request of the Faculty of Laws* (Cambridge, 1921), 24.
[13] H.G. Richardson, 'Year Books and Plea Rolls as Sources of Historical Information', *Transactions of the Royal Historical Society*, 5 (1922): 28–70, at 51.
[14] See for example P. Brand, 'The English Medieval Common Law (to c.1307) as a System of National Institutions and Legal Rules: Creation and Functioning', in *Legalisms: Anthropology and History*, ed. P. Dresch and H. Skoda (Oxford, 2012), 173–196; J.G.H. Hudson, *The Formation of the English Common Law: Law and Society in England from King Alfred to Magna Carta* (London, 2nd ed. 2017); J.G.H. Hudson, *Land, Law and Lordship in Angevin* England (Oxford, 1994); S.F.C. Milsom,

In the past two decades, a new generation of scholars working on England's Jewish community have turned their attention away from cases of religious violence to explore the more routine activities and actions of Jews in English courts. These studies have focused on the rich collection of pleas recorded before the Exchequer of the Jews and have produced a number of publications on Jews in court and their wider relationships with Christian litigants. The names of the plaintiff and defendant, the form of action, and the final judgment are often extrapolated from the record to support procedural and administrative inquiries. This research is grounded in reconstructing 'what happened' in court to reflect on the possibilities for Jews within a Christian legal process.

These studies fall within a wider historiographical movement on agency and the law that has predominately seen scholars use court records to reconstruct the conditions of female legal agency.[15] Shannon McSheffrey, for example, has identified a shifting scholarly emphasis from the restrictions of court authority to that of individuals 'effectively using the power of governing authorities… to negotiate their lives'.[16] Bronach Kane has since acknowledged that while female actions were formally circumscribed in many jurisdictions, the ecclesiastical courts offered women the opportunity to initiate cases and provide their own testimonies.[17] Women were still restricted by the social constructions of their gender—for example, they primarily gave accounts on sexual relations and childbirth—but Kane argued that these courts were platforms in which medieval women could exercise their own agenda.[18] Together, this research has begun to suggest that courts were spaces in which women could shape their social position; the voices captured in the record allow reconstructions of legal experience to emerge.

In recent years, the draw of uncovering Jewish voices from legal material has informed new research on the legal capabilities of Jews in English courts. And here, records of speech have been extracted and assumed to represent the actual voices of

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Historical Foundations of the Common Law, (London, 2nd ed. 1981); K. Duggan, 'The Hue and Cry in Thirteenth-Century England', in *Thirteenth Century England XVI: Proceedings of the Cambridge Conference 2015* (Woodbridge, 2017), 153–172.

[15] See, for example, the edited volume *Women, Agency and the Law, 1300–1700*, ed. B. Kane and F. Williamson (London, 2013).

[16] S. McSheffrey, 'Detective Fiction in the Archives: Court Records and the Uses of Law in Late Medieval England', *History Workshop Journal* 65 (2008), 66.

[17] Kane, 'Women, Memory and Agency in the Medieval English Church Courts', 44.

[18] Kane, 'Women, Memory and Agency', 61–62.

individual litigants. Two innovative studies have employed the voices of Jewish litigants to explore the conditions of female Jewish agency. Victoria Hoyle's rich analysis of moneylending between Christian and Jewish women at the Jewish exchequer cited the speech, as recorded, to argue that women of different faiths took 'active roles in the legal and administrative process'.[19] For example, in 1220, Chera of Winchester came before the Jewish exchequer demanding the repayment of a debt. Hoyle paraphrased the speech between Chera and Margaret de Craye (wife of Simon, the debtor) to stress the familial implications of the debt:

> […] Margaret went on to claim that the land in question was her own and thus not relevant to the case. Chera whom, we must assume, was present at court, answered "that she demands the debt, not of Margaret, but […] of Simon of whom the chirograph speaks" […][20]

But can we so readily accept that these records provide *direct* access to the 'rights and interactions of the two women involved'?[21] A similarly evocative instance is presented by Hannah Meyer from the local manorial court at Exeter from 1286 when 'Antera the Jewess' brought a charge against Richard the smith:

> […] alleging that on Thursday 27 June at her house in Bolehulle, Richard had "struck her coffers with a certain iron chalice" and had set fire to one of them "to her financial loss" […][22]

Here quotations of Antera's speech, as delivered in the court record, support Meyer's broader argument that the business practices of male and female creditors were 'indistinguishable'. Antera revealed her moneylending profession by accusing Richard of an attack on her 'coffers' and, as a result, Meyer argues that Antera's 'known wealth and prominence in the community' motivated Richard to commit his crime.[23] Citations of Jewish speech seem to give direct access to the words (and so the thoughts, agency, and motives) of Jewish litigants. But, to do this, it must be assumed that the words and actions attributed to Jews in the record are faithful representations of Jewish testimony and,

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[19] V. Hoyle, 'The bonds that bond: money lending between Anglo-Jewish and Christian women in the plea rolls of the Exchequer of the Jews, 1218–1280', *Journal of Medieval History* 34 (2008), 124.
[20] Hoyle, 'The bonds that bond', 125.
[21] Hoyle, 'The bonds that bond', 125.
[22] H. Meyer, 'Female moneylending and wet-nursing in Jewish-Christian relations in thirteenth-century England', 2 vols. (Unpublished PhD Thesis, University of Cambridge, 2009), 112.
[23] Meyer, 'Female moneylending', 112–113.

behind this, Jewish experience. The restrictions of language, formula and the production process of court records are, more or less, ignored to serve this purpose.

If the approach advocated by Hoyle and Meyer is applied to our records of Jews in the royal courts, a number of important things become clear. In 1234, Isaac, a Jew from Marlborough, brought a charge of imprisonment and injury against Nicholas Barbefleet before the court *coram rege*. Here it is not only possible to ascertain the names of the plaintiff and defendant from the record, but also the action, date and judgment:

> Isaac, a Jew of Marlborough, complained of Nicholas Barbefleet of imprisonment and of many other wrongs. And the complaint of the Jew was heard, as well as the answer of Nicholas, and it was found that the same Jew made a wrongful complaint. And so Nicholas was acquitted thenceforth and Isaac amerced.[24]

As demonstrated in chapter one, this information can be used to consider the frequency of similar suits brought by and against Jews, and the success rate of such claims. Comparisons can also be made across the royal courts or against other varieties of civil and criminal action. For example, this case was the only plea of its kind brought by Jews before the court *coram rege* in 1234, yet similar claims of imprisonment and injury appeared before the common bench and eyre courts during the period of Henry III's legal minority (1216–1233): three pleas brought by Jews and one against.[25] Quantitative assessments such as these have enhanced our awareness of when, where and how Jews appeared before the royal courts. But should court material always be read in such straightforward terms? The analysis in the previous chapters has already highlighted how the content, language and structure of court records can be read through a more nuanced lens. Yet if scholars are cautious about accepting the portrayal of Jews at face value in Christian narrative texts that embody the prevailing sentiments to Jews more widely, then should more carefully crafted questions also be raised on how Jews were depicted in the records of a Christian legal system?

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[24] Appendix III, 19; *Isaac Judeus de Merleberge questus fuit de Nicholao de Barbeflet de inprisonamento et de aliis injuriis multis. Et audita est querela Judaei et responsio ipsius Nicholai: et convictum est quod idem Judeus injuste conquestus fuit. Et ideo Nicholaus inde quietus et Isaac in misericordia.*

[25] For suits brought by Jews see Appendix IV, 19, 20; Appendix V, 5. For a case brought against Jews see Appendix IV, 42.

Langmuir's call to address the emotions and irrationality of interfaith relationships has had the regrettable side effect of characterising court records, alongside other strands of official material, as dry, unemotional presentations of Jews in thirteenth-century England. As a result, historians have rarely challenged the authority that has been attached to accounts documented in court records. Menache argued that 'the doubts surrounding Matthew Paris's reliability as a historical source, on the one hand, and the awareness of his biased approach towards Jews, on the other, stands his importance in voicing the prevailing fears and expectations [of Jews] in thirteenth-century England', yet strong opinions and cultural agendas were not necessarily confined to the works of chroniclers.[26] Instead of accepting court records at face value, the circumstances that surround their production can offer a series of new opportunities for the field. The study of Jews in court, especially when using plea rolls to reconstruct past legal proceedings, requires new consideration for *how* we as historians have access to Jews in medieval courts and *why* this path has significant implications for our reading and interpretations of the Jewish legal experience.

ii. Wider Scholarly Developments:

Outside the field of Jewish studies, the last thirty years have marked a pivotal milestone in how we read and interpret the legal actions of marginal groups. The moments captured between two parties in court have, in particular, stimulated new historical interest into the role, function and design of court records. Following Natalie Zemon Davies' instrumental research on royal pardons in sixteenth-century France, historians have increasingly sought to appreciate the circumstances surrounding the production and construction of court records: what was recorded and to what effect.[27] This expanding field not only explores questions of legal procedure and process, but also the influence of court records on our reading of marginalised communities. Inquiries such as these have permeated a broad cross-section of scholarship, and the records of heretics, women, and the lower echelons of society have been re-examined within their broader legal frameworks.[28] What follows reflects on these models to consider how far their philosophy raises new questions for

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[26] Menache, 'Matthew Paris's attitudes towards the Anglo-Jewry', 141.
[27] N. Zemon Davies, *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth Century France* (Stanford, 1987).
[28] See S. McSheffrey, 'Detective Fiction in the Archives', 65–78; *Voices from the Bench: The Narratives of Lesser Folk in Medieval Trials*, ed. M. Goodich (New York, 2006); J.H. Arnold, *Inquisition and Power: Catharism and the Confessing Subject in Medieval Languedoc* (Philadelphia, 2001), esp. 2–16.

reading the records of Jews in a Christian legal system.

John Arnold's work on the inquisitorial registers from thirteenth- and fourteenth-century Languedoc demonstrated the methodological challenges of reading minorities within what he defined as a 'context of power'.[29] Arnold took issue with those scholars who uncritically accepted the evidence of inquisition witnesses and ignored the circumstances in which their depositions were made. His re-examination of the inquisition records was inspired by the methodologies of Michel Foucault and placed the connection between power and knowledge at the centre of his assessment. Foucault argued that power was exercised by elite groups through the use of linguistic and symbolic conventions which claimed to be cohesive and authoritative: those with power had the ability to craft and shape truths.[30] When analysing records produced by those with power, or a system of power, therefore, the choices behind the words recorded, and their intentions, must be read within a wider framework of authority and the role of the written word.

When Arnold applied this awareness to the inquisitorial records, he warned that historians must consider how voices come to speak in the record, given that historians can only access these voices through the 'mechanisms of power that brought [the people] to speech and to silence'.[31] He argued that through a series of pre-designed questions the inquisitorial court had full control over the presentation of a deponent's testimony and the system could produce, when required, a 'confessing subject'.[32] Arnold rationalised, therefore, that while an 'excess of words'—when a deponent went beyond what an inquisitor asked—may flag when witnesses broke free from the inquisitorial discourse, historians can only definitively identify the agenda of the inquisitor from what they chose to include in the record, not the words or sentiments spoken by the deponent in court.[33] Jeremy Goldberg has argued that not all recorded testimonies were 'the product of fear' in his exploration of the Court at York, yet he agreed that whether deponents willingly

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[29] Arnold, *Inquisition and Power*, 8–16.
[30] M. Foucault, 'Truth and Power', in *Power/Knowledge: Selected Interviews and other Writings, 1972–1977*, ed. C. Gordon (London, 1980): 109–133.
[31] Arnold, *Inquisition and Power*, 2–3.
[32] Arnold, *Inquisition and Power*, 229.
[33] Arnold, *Inquisition and Power*, 74–110. The relationship between event and record has recently received further attention in Bronach Kane and Fiona Williamson's edited collection of essays on *Women, Agency and the Law, 1300–1700,* ed. B. Kane and F. Williamson (London, 2013). Here the shaping of female testimony is observed in the context of the Court at York by both Kane and Jeremy Goldberg.

entered the court or not, they certainly could not control the presentation of their testimony in the record that followed: 'clerks were not stenographers charged with producing a verbatim transcript, but rather a legal deposition that might be used by the Official… in reaching his judgment'.[34] The proceedings documented in the court record were dictated by the overarching legal system alone. These sentiments echo Shannon McSheffrey's earlier argument that documents, such as court records, 'cannot be seen only as reflections of the past, as witnesses to history, but must also be understood as agents in the historical process'.[35] Court records play the fundamental role in shaping our impression and interpretation of court activity. The extent to which legal systems, therefore, planned the design of the records they produced is a question that must be posed to other jurisdictions and the records of other marginal communities in court.

For the study of English courts, these cautions resonate deeply when reading records of Jews in Christian court material. Much like the deponents who appeared before inquisitorial courts, Jews in England were also subordinate, religious outsiders entering a Christian legal system. Although some lengthy and detailed accounts may suggest Jews held an active and effective position in royal litigation, this perspective is only sustained if court records are accepted at face value. Arnold argued that the disparity between the authority of the court and the individual deponent causes inquisitorial records to not simply reflect or represent power relations but form an integral part of those relations; it is not possible to 'recapture the "true" voices of the past', but we can consider the context in which these records were created.[36] Arnold's research opened the door to the power relations underlying the inquisitorial system, and problematises the transition between the events and voices in court to the representation of those events and voices we read in the record. Although Jews in England were not bound by this system, their words and actions were processed by the system of English law. In chapter two we saw how patterns in vocabulary revealed the systematisation of the language used to record pleas and, to a lesser degree, frame the conditions of the defence. How the voices of Jewish litigants were systematised by the law, and the extent to which the processes behind the making of the

[34] J.P. Goldberg, 'Echoes, Whispers, Ventriloquisms', 33. See also, T. Johnson, 'The Preconstruction of Witness Testimony: Law and Social Discourse in England before the Reformation', *Law and History Review* 32 (2014): 127–47.
[35] S. McSheffrey, 'Detective Fiction in the Archives', 66.
[36] Arnold, *Inquisition and Power*, 229.

record can be detected within the records themselves, requires the system itself to be placed as the object of study.

II. The System of English Law: Making Records

Historians have offered various accounts and explanations for the birth of English common law.[37] The reforms of Henry II were, in the words of Frederic Maitland, 'of supreme importance in the history of our law, and its importance is due to the action of the central power, to reforms ordained by the king… The whole of England [was now] centralized and unified'.[38] Since the 1960s, alternative views have been put forward, although there is a general consensus that the new systematic production of royal records from the 1190s marked a key, transformative moment for the developing legal system.[39] This section considers what this transformation meant for the making of the court record: how the emergent common law system handled the transition between the voices in court and the record of those voices upon the plea rolls, and the extent to which formula and design mandated the production of court records in the period before *c.* 1235.

Michael Clanchy has argued that the decades either side of *c.* 1200 saw 'the most decisive increase in [record] production' in Angevin England.[40] It was during this period that the earliest extant series of Chancery letters—patent and close—feet of fines and plea rolls began to emerge.[41] Clanchy, amongst others, has associated this administrative revolution with the years in which Archbishop Hubert Walter held office, first as Chief Justiciar under Richard I in the years 1193–8, and then as chancellor under John between 1199 and 1205. Although it is not possible to say with any certainty that court records were not produced in some format before this period, it is from this point onwards that the plea rolls existed with new conviction and cohesion. The systematisation of recording court

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[37] D.M. Stenton, *English Justice between the Norman Conquest and the Great Charter* (London, 1965); Van Caenegem, *Birth of the English Common Law*, esp. 99–100.
[38] *English Law*, I, 137–8.
[39] S.F.C. Milsom, *The Legal Framework of English Feudalism* (Cambridge, 1976); See also, J. Hudson, 'Milsom's legal structure: interpreting twelfth-century law', *Tijdschrift voor Rechtsgeschiedenis* 59 (1991), 47–66; P. Wormald, *Legal Culture in the Early Medieval West: Law as Text, Image, and Experience* (London, 1999).
[40] M.T. Clanchy, *From Memory to Written Record: England 1066–1307* (Oxford, 3rd ed., 2013), 70–75, at 70.
[41] Clanchy, *From Memory to Written Record*; N. Vincent, 'Why 1199? Bureaucracy and Enrolment under John and his Contemporaries', in *English Government in the Thirteenth Century*, ed. A. Jobson (Woodbridge, 2004): 17–48.

activity onto the written page raises questions behind the system's objective and the records' design: what was to be included and/or excluded from the record, and how far these decisions were uniform across cases and across courts.

John Hudson's recent work on emotions in early common law explores how the law became more discrete from ordinary social practice and discourse in this period and argues that 'deliberate decisions' were made as to what was required in a legal record.[42] The law's tendency, in his own words, to 'fit a wide diversity of situations into a limited number of set forms' had the inevitable side effect of 'excluding much from litigation'; including the removal and distance from the language of emotion that, as we have seen above, caused Langmuir and Menache to reject them.[43] The record making process defined legal matters in a 'restricted and formalized way'.[44] The findings from chapter two certainly support the notion that the documentation of law and legal cases was becoming increasingly systematised. The vocabulary chosen to record pleas revealed that the production of the court record fit within a recognised system of record making; informed by the litigants' means of entry to the court (by writ, complaint or appeal) or other circumstances in the proceedings of the case (for example, the defendant's absence). A standardised method of recording the law in action supports our understanding that a great mass of court business was routine. This point is showcased by Hudson in his example that clerical injections of humour may in fact confirm that the 'clerks of the courts found the experience [of making records] dull'.[45] Their administrative and repetitive tone emphasises that each individual record was manufactured, even regurgitated, from a pre-designed mould. Yet given that specific records of legal proceedings only begin to emerge at the close of the twelfth century, how soon, and to what degree, were court records fixed within this systematisation?

The logic behind the form and content of plea rolls may have been inspired by the impersonality of financial records, such as the long-standing pipe rolls, that condensed the subject matter into a brief, familiar synopsis. Although it remains unclear when early plea roll entries were produced—in the moment or shortly afterwards—a quick, easy and

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[42] J. Hudson, 'Emotions in the Early Common Law (*c.* 1166–1215)', *The Journal of Legal History* 38 (2017): 130–154, at 145–6.
[43] Hudson, 'Emotions in the Early Common Law', 152.
[44] Hudson, 'Emotions in the Early Common Law', 152.
[45] Hudson, 'Emotions in the Early Common Law', 148.

systematic formula would have been a helpful tool for court clerks attempting to document the key information of a case. On another practical level, it was perhaps thought necessary to design a model that could also accommodate the difficulties of recording the unstandardised, vernacular, Anglo-Norman French spoken in the court into the highly standardised Latin of the official record. This translation further highlights that there was transition between the event in court and the record of that event, and again cautions against reading the voices attached to individual litigants in the record as true imitations of the words spoken in court.[46] The challenges of translating spoken, vernacular dialogue into Latin court records was also recognised by contemporaries. Michael Clanchy draws our attention to the cautious words of ex-chief justice Roger of Seaton who would not vouch for his own rolls 'because one thing is done and something else—more or less—is written in the rolls by the clerks, who are always failing to understand the litigants and disputants correctly'.[47] Roger's cautions here demonstrate the complications of this transition at work. Although the formularisation of court records may have been envisaged as a means of systematisation, what was recorded—and in what detail—depended heavily on the translation and interpretation skills of the individual clerk or, perhaps, even the wider intentions of the court.

Evidence of a formula does not confirm that this system was fixed or flawless in its record production. The plea rolls documented many erroneous entries caused by clerical carelessness which, on a practical level, can frustrate attempts to trace and cross-examine cases, but also demonstrate imperfections in the system during this developing period. For example, Robert de Erpingham brought an action in 1198 against Peter Habois (whose surname in French means "High Wood"), but after the case was postponed, the subsequent entry referred to the defendant as Peter de Alto Bosco (a Latin rendering of *Habois*).[48] Deviations also appear on parallel rolls from the same term. This possibility was recognised by the author of *Bracton*, when he wrote that a dispute might arise if a day assignment was given in one roll 'in fifteen days' and in another roll 'in three weeks'. In

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[46] The language of English courts has been widely considered, for example, see: W. Rothwell, 'The Role of French in Thirteenth-Century England', *Bulletin of the John Rylands Library* 58 (1976), 445–466; W. Rothwell, 'Language and Government in Medieval England', *Zeitschrift für französische Sprache und Literatur* 93 (1983), 258–270; J. Wogan-Brown, 'What Voice is that Language/What Language is that Voice? Multilingualism and Identity in a Medieval Letter-Treatise', in *Multilingualism in Medieval Britain (c. 1066–1520)*, ed. J.A. Jefferson and A. Putter (Turnhout, 2013), 172–173.

[47] Clanchy, *From Memory to Written Record*, 183.

[48] *Cur. Reg. R.*, I, 47 and 240.

cases such as these, he stated that the so-called *Rex* roll should, in most cases, be taken as the most authoritative record.[49] Fortunately, divergences between rolls are mostly minor and often only present variances in names. To take one example recorded in 1204 at the common bench: the entry named the party as 'Robertus', but the parallel entry in the duplicate roll referred to the same individual as 'Radulfus'.[50] Parallel rolls could also differ by what was omitted from one entry but included in another. Maitland observed that this most commonly occurred in cases when a party requested that judgment be given on a later date. One entry might record this later judgment as a postscript while the entries in parallel rolls might remain silent on the matter.[51] The decision, however, to include or exclude this information from the roll—who and by what means was permitted to step outside the bounds of formula—is unclear. Although the majority of entries reveal that clerks took great efforts to adhere to the established format for documenting cases, unsurprisingly the developing system could not always prevent human error from distorting the official court record.

Accidental or mistaken discrepancies are one thing, but it is important to consider when court records may have deliberately diverged from the set formula. Perhaps the most significant example of intended inconsistency is the varying length and detail afforded to different pleas. For example, a typical entry recorded upon the plea rolls of the Exchequer of the Jews from Michaelmas term 1219 reads as follows:

> Peter de Nereford complained to the justices that Isaac of Norwich and his men made him to be disseised of his land of Panneworth before the feast of St. Michael.[52]

The record informs the reader of the action raised—*unlawful disseisin*—the name of the plaintiff—*Peter de Nereford*—and the name of the defendant—*Isaac of Norwich*—but no additional information was recorded concerning the next phase in court, the pleading

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[49] *Bracton*, IV, 113. The *Rex* roll was produced from *c.* 1219 onwards, as an extra roll for safekeeping, in addition to those produced for individual justices. In 1253, however, it was decided that the roll of the senior justice should become the 'first' roll of the court. From this date onwards, this roll is perhaps the most authoritative roll to follow. The earliest *Rex* roll to survive, however, dates from 1272. On the production of *Rex* rolls, see P.A. Brand, 'Judges and Judging 1176–1307', in *Judges and Judging in the History of the Common Law and Civil Law: From Antiquity to Modern Times*, ed. P. Brand and J. Getzler (Cambridge, 2012): 15.

[50] *Cur. Reg. R.*, III, 157.

[51] *Bracton's Notebook*, I, 66.

[52] Appendix II: 27; *Questus est justiciariis Petrus de Nereford' quod Isaac de Norwich et homines sui fecerint eum disseisiri de terra sua de Panneworth ante festum Sancti Michaeli.*

advanced by the parties, or a judgment. Other cases, such as the dispute that arose between Chera of Winchester and Henry Braybof in Hilary 1220, were accompanied by a brief synopsis of the defence, but again included no reference to a judgment or further scheduled proceedings:

> Chera of Winchester, a Jewish woman, demands from Henry Braybof £300 with interest, which he owes her by chirograph which she does not have. Wherefore she vouches as warranty the rolls of the lord king. Henry comes and says that the debt is unjustly claimed from him [and] that he owes her nothing, as he says, and to prove this he gave gage and found pledges, namely John son of Hugh and William Crass.[53]

At the other end of the scale, some cases were much more extensive in their documentation of the arguments raised by both parties, the jurors' deliberations, or even the record of earlier proceedings or the results from an inquiry or investigation. In 1230, Hugh of Erdeburg complained against Deo of Northampton, Bonefey of Bedfordshire, and Jacob of Northamptonshire, of felony, theft and the attempted murder of himself and his associate Boyd. This appeal was followed by an extensive defence from the Jews, in addition to the results from an inquiry undertaken by the neighbouring locality. Finally, it was noted that the Jews offered the court sixty marks to postpone proceedings until the king could appear at London and, in the meantime, Deo and Bonefey would be guarded and Jacob held under pledge.[54] The disparity in detail suggests that although the recording of pleas was becoming increasingly systematic, within this system there was still room for manoeuvre. An individual case could warrant, on occasion, a more individual response.

The period with which this project is concerned, the years 1216 to 1235, fall immediately after the decades that Clanchy identified as the apotheosis for the systematic production of governmental and legal records. Even by 1235, this was an administrative system in its infancy, still developing the conventions for how best to document the variety of legal proceedings that emerged across a growing number of royal courts. There was, nevertheless, a system in operation that directed court clerks to document the most salient details of legal proceedings using, as established in chapter two, an official legal lexicon.

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[53] Appendix II: 54; *Chera de Winton' Judea exigit de Henrico Braybof ccc. libras cum lucro quas ei debet per chirographum quod non habeat. Unde trahit rotulos domini regis ad warrantum. Henricus venit et dicit quod injuste debuit illud ab eo exigit quibus nichil ei debet ut dicit et ad hoc ostendendum dedit vadiam et invenit plegios sciliet Johannem filium Hugonis [et] Willelmi Crassi.*

[54] Appendix IV, 42.

During this early period, however, this formula does not appear to have been static. When a case required it, perhaps due to the complexities of the subject matter or the status of the individuals concerned, there was some flexibility in how the court chose to report a particular case. Indeed, as shall be explored in the next section, the records of some cases even contradict the notion that court records were devoid of voice, emotion and tone. These observations raise important questions about the nature of this system: under what circumstances might the record go beyond established formula to present a particular impression of litigants in court. And, perhaps most importantly, what were the intentions behind this decision?

III. The Systematisation of Jewish Voices:

The systematisation of legal proceedings into a collection of routine, formularised court records offers a valuable opportunity for exploring the place of Jews in England's developing legal system. Armed with an awareness of legal systems further afield, and the interplay of power and language in the record, this section examines the degree to which presentations of Jews in court always conformed to the perfunctory standards of the common law. It considers how Jewish voices were received by the legal system and transformed into records under more extraordinary circumstances. Divided into two parts, the first explores the place and significance of recorded speech in court proceedings: not only when speech was documented, but also how the absence of speech may allude to a larger judicial or political agenda. Building on this analysis, the second part turns to reflect on the use of emotive language to construct the record and the implications this may have for our reading of Jews in court. Although a number of cases are brought into this discussion, two cases heard before the court *coram rege* in 1234 and 1235 will be used in particular to demonstrate the variations in plea roll material: one, a collection of Jewish testimonies used in support of a royal prosecution; the other, an accusation of forced circumcision raised against the Jews of Norwich.

i. Recorded Speech:

Unlike modern texts which routinely and securely attribute speech to a named speaker through the use of punctuation, the spoken words attached to medieval litigants were embedded within the text of the record. This is shown through a typical case from Hilary 1220 before the Exchequer of the Jews, when Isaac of Norwich brought an action of debt

against Gilbert son of Walter of Thorpe. The words we imagine being spoken by Gilbert, for example, were introduced in the record through *dicit quod, dixit quod*/'says that', 'said that':

> Isaac of Norwich, a Jewish man, demands from Gilbert son of Walter of Thorpe a certain debt of £14, with interest, by chirograph, under the name of the said Walter. The said Gilbert comes and ***says*** that the debt is unjustly demanded of him, because when all the debts due to the Jews were in the hand of the Lord King after the taking of the land at Bristol he, being distrained for the debt, came and ***said*** that he was unjustly distrained for that preceding debt, because Walter, his father, never received that borrowed debt […][55]

This verb's inclusion in the record, therefore, establishes a connection between the litigant in court and the words reported in the record, and creates for the reader an impression of 'what was said'. For the early records of common law, however, there was not only great disparity in the length and detail of individual pleas, but also in the length and detail of the speech afforded to individual litigants. This section explores when recorded speech was introduced in the record and how far it should be accepted to reflect an individual's experience in court. It considers the extent to which its inclusion or exclusion from the record may also shed light on the intentions behind the record's production. The two cases introduced above form the focus of this discussion and will be considered in turn to reflect on the systematisation of Jewish voices in the early records of common law.

The first case arose in the autumn of 1234 before the court *coram rege*, when a unique assembly of seventeen testimonies, sixteen of which presented statements from the London Jewry, were recorded on the rolls.[56] Appearing separately from any preceding case, these accounts were individually recorded across two *rotuli* and together offer a detailed dossier of accusations against the king's former councillors: Peter de Rivallis, Stephen

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[55] Appendix II, 50; *Isaac de Norwico, Judeus, exigit a Gilberto, filio Walteri de Torp', quodam debitum xiiij l. cum lucro, per chirographum sub nomine Walteri predicti. Dictus Gilbertus venit et dicit quod injuste exigitur ab eo debitum illud quia quando omnia debita Judeorum fuerunt in manu Domini Regis post capcionem Bristoll', districtus fuit pro predicto debito illo qui venit et dixit quod injuste distringebatur pro predicto debito, quia Walterus, pater suus, nunquam debitum illud mutuo accepit […]*

[56] Appendix III, 2–18; the *Curia Regis* edition records fifteen individual entries, but on inspection of the roll KB 26/115b, it appears that the edition has gathered four separate entries into case numbers 1123 and 1124. Therefore, I will refer to the collection as holding seventeen entries; fifteen Jewish testimonies (involving eighteen individually named Jews), a testimony from two chirograph clerks, and an account credited to the Jewish community of London.

Seagrave and Robert Passelewe.[57] These accounts represent one of the largest collections of Jewish testimony in the records of medieval common law. To gain a sense of the shape and content of these accounts, an extract from the testimony of Aaron Blund, a prominent Jewish creditor from London, reads as follows:

> Aaron Blund, a Jewish man, says under oath that he gave nothing to Stephen de Seagrave nor to Peter de Rivallis by compulsion nor freely. Also, he and Elias le Eveske and Aaron son of Abraham gave 40 shillings to Robert Passelewe for his assessment of the tallage at Northampton […] Also, he says that he lent to the aforesaid Robert 24 shillings to settle a fine, which had not yet been repaid to him. Also, he says that he and the above-mentioned others gave to him one cup and two silver bowls of the value of four pounds and eight shillings, on the understanding that their debts should not be enrolled higher than others and also that their chirographs were not inspected. Also, he says that he gave him at Northampton for his good will one golden buckle of the value of 22 shillings. Also, he says that he gave many rings […] Also, concerning the gifts taken from Christians, he says that Robert took from William de Bigod one ring with certain other goods of the value of 40 shillings and caused him [Aaron] to remit a debt of twelve pounds and ten shillings by that same William, [owed] to him, Leo son of Isaac, and Elias Blund.[58]

Although the existence of this collection has long been acknowledged, it has garnered little scholarly attention, and Michael Adler's 1937 study remains the fundamental reference for historians commenting on these accounts.[59] Adler argued that Jewish witnesses came to

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[57] The events leading to their fall are well documented in N. Vincent, *Peter Des Roches: An Alien in English Politics, 1205–1238* (Cambridge, 1996); D. Carpenter, 'The Fall of Hubert de Burgh', *Journal of British Studies* 19 (1980), 1–17; D. Carpenter, *The Minority of Henry III* (London, 1990), 389–412. *Flores Historiarum*, III, 90–93.

[58] Appendix III, 7; *Aaron Blundus Judeus juratus dicit quod nichil dedit S. de Segrave nec Petro de Rivallis per coactionem nec in gracis etc. Item ipse et Elias le Eueske et Aaron filius Abraham dederunt Roberto Passelewe pro tallagio suo de Norht' amensurando xl. solidos […] Item dicit quod acomodauit predicto Roberto xxiiij. solidos ad fenum emendum, quos nondum ei reddidit. Item dicit quod ipse et alii predicti dederunt eidem unam cuppam et duas ciphas argenteos pretii iiij. librarum et viij. solidorum, per sic quod debita eorum non magis inrotularentur quam aliorum et per sic quod cirographa ipsorum non inspicerentur. Item dicit quod dedit ei apud Norht' pro gratia sua habenda j. fermaculum aureum pretii xxij. solidorum. Item dicit quod ipse dedit plures anulos […] Item dedit ei x. solidos ad hospitium suum apud Norht' per manum cuiusdam Willelmi le Marescall. Item de donis captis a Christianis, dicit quod ipse Robertus cepit de Willelmo de Bigod unum anulum cum quadam bona… pretii xl. solidorum, et fecit ipsum remittere eidem Willelmo debitum xij. librarum et x. solidorum, scilicet ei Leoni filio Isaac et Elie Blundo. […]*

[59] M. Adler, 'The Testimony of the London Jews in the Year 1234 against the Crimes of the King's Ministers', *Transactions of the Jewish Historical Society of England* 14 (1937), 141–185. Amongst those that cite Adler see Vincent, *Peter Des Roches*, 448–449; N. Vincent, 'Jews, Poitevins, and the Bishop of Winchester, 1231–1234', *Studies in Church History* 29 (1992), 119–132. The court records are also often neglected in favor of the more sensational rendition provided by Roger of Wendover, for example see F.M. Powicke, *King Henry III and Lord Edward*, 2 vols. (Oxford, 1947), I, 137–138.

recount their suffering at the hands of these ministers, and his socio-economic reading of the accounts shaped his conclusion that this was a simple case of extortion: 'the Jews under [the ministers'] charge were robbed and ill-treated, and the triumvirate misused the royal authority for the purpose of amassing riches for themselves by every method of cruelty and extortion'.[60] If Aaron's account is taken at face value these conclusions may be correct. The record certainly suggests that Aaron suffered significant financial losses and was coerced into undermining credit agreements to the benefit of Robert Passelewe and his associate William de Bigod. On the basis of these straightforward extrapolations, there is no need to challenge Adler's conclusion that 'the real villain of the story appears to be Robert Passelewe… whose offences far exceeded those of his two colleagues'.[61]

Adler's reading, however, neglects a number of important procedural questions: namely, how and why these Jewish accounts were recorded. By simply extracting the names and accusations from each account, the historical significance of the case is lost within discussions on the suffering of Jews and the abuses of royal power. It has been assumed that the Jews were free to speak openly in court and the clerk obediently recapitulated their string of accusations. Adler argued that the Jews of London 'readily came forward and presented their indictment of the Justices for they had suffered much at their hands' and accepted the inventory of offences documented across the accounts as evidence that 'the weak government of King Henry made the persecution of the Jewry possible'.[62] The apparent immediacy of Jewish speech, however, distorts the crucial distinction between the live event and the accounts documented upon the plea roll. If Arnold's findings on the systematic shaping of inquisition depositions are brought into the context of Jews in a royal prosecution, the presentation of the words and actions attributed to Jewish witnesses require a more critical assessment.

The space afforded to Jewish witnesses in the record suggests, at first glance, that Jews *were* free to exercise their grievances against prominent, high profile Christians: the court respected their complaints and regarded their accusations worthy of legal retribution. The introduction of speech in these accounts, however, requires further consideration. Each Jewish individual was named and sworn in, as was common procedure, but the

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[60] Adler, 'The Testimony of the London Jews', 143–144.
[61] Adler, 'The Testimony of the London Jews', 147–148.
[62] Adler, 'The Testimony of the London Jews', 146–7, 156.

accusations that then followed adhered to a set structure. Each account opened with the verb *dicit*— 'he says'—emphasising for the reader that the words recorded were the litigant's own; just as Adler suggested. *Dicit* was then repeated throughout every testimony on more than one occasion: in the account of Salomon le Eveske, for example, *dicit* appeared twelve separate times.[63] In doing so, the record frames each account as a direct transcript and establishes a sense of immediacy between the words spoken in court and those documented in the record. When the length and detail of the testimonies is paired with the repetition of *dicit*, the intention and design of these accounts is brought into question: what could be gained from stressing the voice of a witness so emphatically in a record? It may be that each iteration of *dicit* served to reassure the reader that the words conveyed through the record were a sincere reflection of the witness's speech. If the court *coram rege* was attempting to accentuate the legitimacy of its record, it suggests that this case was significant to both court and crown.

Chapter five is dedicated to the details and significance of this unusual collection, but to appreciate the role of recorded speech in these accounts, a brief overview of their historical and political context is required. The year 1234 marked a significant moment for Henry III's assumption of royal governance. Not only did this year represent the restoration of the court *coram rege*, which for the first time was managed by its own staff of judges, it also offered the young king a platform for straightening out a turbulent political climate and addressing the misconduct of his closest council.[64] Under immense pressure from both church and state, the king desperately sought a successful prosecution and, in this time of need, the Jewish community provided ideal witnesses.[65] Not only had the London Jewry suffered at the hands of the accused—and thus had genuine grievances to raise before the justices—but if the king called on Jews to perform a particular service, they were in no position to refuse. The special, protective relationship between Jews and

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[63] Appendix III, 9.

[64] These events will be discussed in further detail in chapter five. For further information on the political climate, see Vincent, *Peter Des* Roches, 259–310; Carpenter, 'The Fall of Hubert de Burgh', 1–17; Carpenter, *The Minority of Henry III*, 389–412; J.R. Maddicott, *The Origins of English Parliament, 924–1327* (Oxford, 2010), 167–169.

[65] Roger of Wendover describes, for example, how just weeks before the ministers were summoned to court that many suffragan bishops came together 'as if one heart, soul and voice' to express 'their pain at the desolation of the king and kingdom'. Following a long, detailed list of offences, the account ends with the Archbishop of Canterbury threatening the king with an ultimatum: dismiss his ministers or face excommunication with them. See *Flores Historiarum*, III, 75–77.

the crown was dependent on their secular subservience. England's Jewish community knew full well, in the words of Anna Sapir Abulafia, 'that their security hinged on how useful they could be to the princes who offered them protection'.[66] There is no indication that this case was launched in concern for the welfare of the Jewish community nor any suggestion that compensation was awarded to those affected. England's Jewish community had been subject to gross extortion prior to 1234, yet it was not until these grievances could be exploited for political purposes that Jews were able to express their complaints against powerful Christians in court. This was not a Jewish prosecution. Here Jewish suffering was useful to the crown, and so Jewish speech was granted a place in the record.

The 1234 prosecution demonstrates that Jewish voices could be systematised and afforded legal legitimacy to serve the intentions of the crown. Yet this system worked both ways. A circumcision accusation that arose against Jacob, a Jew from Norwich, in January 1235 demonstrates that records of speech were also be shaped to the detriment of Jewish voices. Here the court *coram rege* came to session at Norwich, where a Christian physician named Benedict accused Jacob of the abduction and circumcision of his son Edward:[67]

> Benedict the doctor appeals Jacob of Norwich, a Jewish man, because when Edward, his son, a boy five years of age, went to play in the road of the town of Norwich on the eve of St. Giles four years ago, the same Jacob the Jew came and took the same Edward and carried him all the way to his house, and circumcised him on his member, and wanted to make [him] a Jew […] [68]

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[66] A. Sapir Abulafia, *Christian-Jewish Relations 1000–1300*: *Jews in the Service of Christendom* (Harlow, 2011), 223.

[67] Appendix III, 20; Paola Tartakoff has published the most recent analysis of the Norwich circumcision case and re-contextualises the charge within a deeper appreciation for Christian perceptions and anxieties of Christian conversions to Judaism. See P. Tartakoff, 'From Conversion to Ritual Murder: Re-Contextualizing the Circumcision Charge', *Medieval Encounters* 24 (2018), 361–389, esp. 361–363. This case receives further attention in her forthcoming book: P. Tartakoff, *Conversion, Circumcision and Ritual Murder in Medieval Europe*, forthcoming. A brief overview of this case is also presented in V.D. Lipman, *The Jews of Medieval Norwich* (London, 1967), 59–62. For wider scholarship on the ritual murder charge and the nature of Christian-Jewish relations in thirteenth-century England see, amongst others, R.C. Stacey, '1240–60: A Watershed in Anglo-Jewish Relations?', *Historical Research* 61 (1988): 135–150; R.C. Stacey, "Adam of Bristol' and the Tales of Ritual Crucifixion in Medieval England', in *Thirteenth Century England XI: Proceedings of the Gregynog Conference, 2005*, ed. J. Burton, B. Weiler, P. Schofield and K. Stöber (Woodbridge, 2012), 1–15; Abulafia, *Christian-Jewish Relations*, 167–189.

[68] Appendix III, 20; *Benedictus Fisicus appellat Jacobum de Norwic' Judaeum quod cum Odardus filius suus puer etatis v. annorum ivit ludendo in [via ville] Norwic' vigilia sancti Egidii quatuor annis elapsis, venit idem Jacobus Judaeus et cepit eundem Odardum et eum portavit [usque] ad domum suam et circumcidit eum in membro suo et voluit ipsum facere Judaeum […]*

The account that followed identified that a local hearing had already taken place at Norwich in the autumn of 1234 before the itinerant justices, the prior of Norwich, and other clerics and laymen.[69] There the boy had been medically examined, and the archdeacon, alongside the coroners, jurors, and two Christian witnesses—Matilda de Burnham and her daughter—presented their renditions of the event. The justices agreed that not only Jacob, but all Jews in Norwich, except Mosse son of Solomon, were guilty of collusion. Further evidence was then taken from Richard de Fresingfeld, the constable of Norwich, and his two bailiffs at Cattishall,[70] before the matter was finally referred to the king's bench. After long, drawn out proceedings it was reported that the case was eventually transferred to the ecclesiastical judges given the religious nature of the accusation, and the Jews remained in custody.[71]

The testimonies recorded from the coroners of Norwich, Matilda de Burnham, and Richard de Fresingfeld were introduced in the same manner as the Jewish testimonies from 1234, through the verb *dicit*. Each account was presented in detail and included the dialogue exchanged between the witnesses and Jews during the alleged abduction. Interestingly, the Christians not only recounted their own memory of events, but were also permitted to ventriloquise the words supposedly spoken by Jews. An extract from the coroners' report reads as follows:

> *[…] et cum Judei hoc audiverunt, venerunt ad domum predicte Matillidis et voluerunt vi capere eum, quia dixerunt ipsum esse Judeum et vocaverunt eum Jurnepin […]*

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[69] This session was held during the visitation at Norwich as part of the Norfolk eyre. Thomas de Moulton and Robert Lexington, amongst others, were in session between 15 September–19 October and 3–5 November 1234. As no plea rolls survive from these sessions, the exact date is unknown. See Crook, *Records of the General Eyre*, 90.

[70] This session was held during the visitation at Cattishall as part of the Suffolk eyre. The same justices as above were in session 24 November–14 December 1234, and briefly on 14 January 1235. Again, the exact date is unknown. See Crook, *Records*, 90.

[71] The subsequent course of proceedings can be traced through two writs, dated 18 January and 21 February 1240 respectively, addressed to the royal justice William York and his associates during the 1239–1241 visitation. See *CR, 1237–1242*, 168, 175. Unfortunately, no plea rolls survive from the sessions held at Norwich (19 January–16 February 1240), but some understanding of the later proceedings can be gained from the accounts from three primary chronicles: *The Chronicle of Bury St. Edmunds*, 1212–1301, ed. A. Grandsen (London, 1964), 10; *Florentii Wigorniensis monachi chronicon ex chronicis*, ed. B. Thorpe, 2 vols. (London, 1849), II, 177; Most famously, Matthew Paris recounted the Jews' punishment. He reported: *Judeorum igitur quatuor super predicto scelere convicti, prius ad caudas equorum distracti tandem in patibulo suspensi, vitae relquias flebiliter exhalarunt*. See *Chronica majora*, IV, 30–31.

> […] and when the Jews heard this, they came to the house of the aforesaid Matilda and wanted to take him by force, because they said he was a Jew and they called him Jurnepin […][72]

The record of Jewish speech was introduced in the testimony by the verb *dixerunt*, translating as 'they [the Jews] said'. As such, the record reads as a transcript of the crime even though the coroners were not present for the abduction, the mutilation, or the confrontation between the Christian and Jewish communities. It stands to reason that these Christian testimonies cannot be used as evidence of the Jews' actual speech during this hostile moment. Instead, these accounts represent an amalgamation of personal and official sentiments towards the Jewish community during a volatile religious case. Under such circumstances, this trial demanded retribution, and it appears that Christians were granted speech in the record to offer an irrefutable statement of Jewish culpability.

The privilege of speech was not extended, in turn, to the Jewish defendants. It was recorded that Jacob along with the Norwich Jewry came to refute the allegations: '*hoc totum defendunt sicut Judei versus Christianum*' (and they deny this entirely as Jews against a Christian). From this the reader can deduce that the Jews challenged the charges made against them, but unlike the record's explicit presentation of Christian speech, the Jews' own voices—the voices of thirteen Jewish individuals—were reduced to a mere summary of seven words; words seen in chapter two to represent a rebuttal made upon an oath of faith.[73] If, as suggested above, the court was conscious of the power that speech could impart onto a record, it may be that the court also appreciated the effect of its omission. The circumcision of Edward was described by the record as a crime that 'strikes God and the Holy Church'.[74] Under these exceptional circumstances, it is perhaps unsurprising that the Jewish rebuttal was muted to strengthen the record's presentation of guilt. If there was no record of a defence, the Norwich Jewry had no grounding to refute or challenge the court's judgment.

The recording of Jewish speech in the 1234 case contrasts significantly with the marginalisation of Jewish voices in the circumcision case just six months later. While the king's prosecution exploited Jewish voices for political purposes, the circumstances

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[72] Appendix III, 20.
[73] See pages 117–119 above.
[74] Appendix III, 20; *[…] tangit Deum et sanctam ecclesiam […]*

surrounding a religiously motivated crime may account for the lack of Jewish voice—and defence—in the 1235 record. In neither case did recorded speech imitate the words spoken in court, but this analysis has shown that these records may yet be indicative of the processes and procedures underpinning the administration of justice. It has further established that the voices of Jewish communities were mobilised, and yet on other occasions repressed, to legitimise the crown's actions in court. The royal prosecution of 1234 demonstrates how testimonials of Jewish extortion could be embraced, at the centre of a case, to serve a wider (here, royal) political agenda. And yet only six months later, under more volatile circumstances, the same legal system marginalised Jewish voices in favour of a Christian accusation. Both cases from the court *coram rege* in its first year of operation under Henry III reveal that just as easily as authority could be afforded to Jewish speech, so too could it be stripped away. The record had the power to dictate what was remembered in court, who was permitted to speak, and who remained silent.

ii. Emotion and Tone:

The presence or absence of speech presents an opportunity for exploring how records construct an interpretation of court proceedings. Recorded speech, however, was not always employed on its own. This section turns to consider the ways that emotive language and tone were used to characterise an individual account. In doing so, it explores how other lexical features shaped the presentation of Jews in court.

A central theme underpinning literary approaches to oral texts from the past is the logic that 'voice' surpasses a simple presentation of recorded speech. Paul Zumthor argued that speech is merely one layer of voice; as voice can also be expressed through the speaker's tone, pitch, timbre and rhythm.[75] In his explorations of the *Song of Roland*, he reasoned that as the poem was originally sung we are disconnected from 'the whole potential of the spoken word' when restricted to its account on the written page.[76] Our sensory experience of the poem is limited.[77] In a similar way our experience of the court is also limited: we have no access to the actual words spoken never mind how they were spoken or the response from those in the court; we too are disconnected from the 'potential of the spoken word' and restricted in our assessment of the court record.

[75] P. Zumthor and M.C Engelhardt, 'The Text and The Voice', *New Literary History* 16 (1984), 74.
[76] Zumthor and Engelhardt, 'The Text and The Voice', 70.
[77] Zumthor and Engelhardt, 'The Text and The Voice', 71.

Although Zumthor's take on reimagining the voices of the past is a welcome stimulation for medieval historiography, he offers no practical solution for how scholars should or could approach the 'recorded voice'.[78] Yet his premise that recorded speech presents only one layer of voice offers a rationale—a starting point—to initiate a deeper exploration of legal material: what else constructed an impression of Jews in court? A lexical analysis of court records—interrogating the courts' use of language and word choice—may offer a valuable platform to open up these discussions.

Hudson's examination of emotion and emotive language on the plea rolls revealed that the impression gained from *Glanvill* was confirmed in the making of court records; that legal sources largely attempted to exclude matters of emotion, because reason, rather than emotion, was viewed as the key characteristic of law.[79] The information recorded on the roll was purely factual and if a series of events had led to the court appearance this 'time is compressed'.[80] The 'backstory' of a case, therefore, or any extra details were removed. Hudson does, however, caution that we should not exaggerate the distancing of law from emotion in this period and suggests that emotionally charged vocabulary in legal material 'can be revealing to legal historians'. He considered that the relationship between law and emotion might depend on the individual 'legal situation' or on the 'viewpoint of the different parties'.[81] These caveats suggest that despite the growing restrains of legal formula, some exceptional records may manifest the emotion and tone of a case through alternative methods.

The circumcision case of 1235 not only placed recorded speech at the heart of its account, but arguably the place and emphasis of its recorded speech helped construct a particular representation of the Jews in court. In the testimonies recorded from Matilda de Burnham and Richard de Fresingfeld, both witnesses commented on their interactions with the Norwich Jewry. Instead of the witness (or the record) recounting *what* the Jews said, an emphasis was placed on *how* the words were spoken. In Richard's account, for example, it was documented that:

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[78] Zumthor, 'The Text and The Voice', 90.
[79] Hudson, 'Emotions in the Early Common Law', esp. 132–136, 140–145.
[80] Hudson, 'Emotions in the Early Common Law', 141–142.
[81] Hudson, 'Emotions in the Early Common Law', 151.

> The Jews came up to him and they ***protested*** that the Christians wanted to take their Jew from them; and having heard this, he went to the house of their complaint of the aforesaid Matilda and discovered there a large congregation of Christians and Jews, and the aforesaid Jews ***revealed*** to him that the Christians wanted to take their Jew.[82]

Here the use of *questi* and *ostenderunt* suggest that words were exchanged between Richard and the Jews, yet they were omitted in exchange for verbs that captured the emotion and intentions behind their speech. It is unknown whether this omission was conducted at the hands of Richard relaying his account to the court, or whether it was the court's decision to express Jewish sentiments this way. Regardless, the words spoken by Jews were substituted in the court record through an impression of their voice. Zumthor suggested that authors of fictional works often relied on their readers' instinctive understanding of communication to suggest meaning without having to insert speech; the scenario was intended to be reimagined through the qualities of the described voice.[83] It is very possible that the creators of court records worked in the same way. The decision, therefore, to omit a record of speech in favour of an expression of voice becomes a new choice for the maker of the record; when and why might this decision be made, and what effect does it have on a reader? The example above suggests that, when Jews were upset, the record depersonalised their concerns by replacing speech with vague vocal reconstructions. Yet when the record turned to document a Christian reaction, speech was reintroduced: the young victim was 'crying and howling saying that it was the Jews [that had harmed him]'.[84] In fact, when these extracts are read in conjunction, they begin to suggest how the court played with emotive language to construct the voices of both villain and victim which, in a religiously volatile case, prioritised Christian accusations ahead of a Jewish rebuttal.

Reading court records with a sharper awareness of the language used to construct England's Jewish community, and contextualising these accounts with those of their Christian peers, demonstrates that under exceptional circumstances the system of common law allowed records to stray from convention and influence a perception of Jews. Suggestions of what was spoken and how it was said were not, however, the only methods

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[82] Appendix III, 20; *[…] venerunt Judei ad eum et qu[esti] [fu]erunt quod Christiani voluerunt auferre eis Judeum suum; et hoc audito, ivit ipse ad querelam eorum ad domum [predicte] Matillidis et invenit ibi congregacionem magnam Christianorum et Judaeorum et predicti Judei ostenderunt ei quod Christiani [vo]luerunt auferre Judaeum suum […]*

[83] Zumthor and Engelhardt, 'The Text and The Voice', 74.

[84] Appendix III, 20; *[…] plorantem et ululantem dicentem quod erat Judeus […]*

through which this was achieved. The actions attributed to a litigant could also instil a particular tone that further shaped the presentation of an individual or group. The account from the coroners of Norwich, who were present at the initial, local investigation not only ventriloquised Jewish speech, but also used charged vocabulary to construct their negative portrayal. Despite having derived their account from the earlier testimony of Matilda, the record confidently reported that they '[the coroners] say on oath' that the Jews 'came to the house of the aforesaid Matilda and *wanted* to *take* [the boy] by *force*'.[85] Neither 'take' nor 'force' imply a verbal exchange, but they alter our reading of the verb 'wanted'—*voluerunt*—to construct a threatening picture of Jewish intent. It transforms the action into a demand and, in doing so, infers emotive speech once more. The manner in which the record shaped tone around *voluerunt*, acts to affirm the unlawful actions of the Jewish defendants. It demonstrates again, just like Richard's testimony above, that emotive language could characterise the atmosphere of the 'moment' without relaying what was said.

This analysis has revealed that the language of court records cannot be dismissed as strictly 'laconic' or 'formulaic' and the systematisation of common law records had not, by *c.* 1235 at least, become entirely fixed in the recording of court activity. Here an investigation of emotive language has revealed that the 'backstory' was not always removed, contrary to Hudson's assessment, and could even be weaponised by the court to deliberately construct an emotional and damning depiction of Jewish defendants. Court records may not present a window or 'live stream' onto the voices and actions in court, but they offer a platform in which to investigate why a particular account was created; did it adhere to a set formula or stray from convention and, if the latter, what then was its purpose or design? These findings advocate that legal records of exceptional, interreligious conflict can, and should, be read with the same awareness exercised in analyses of contemporary chronicles and histories that documented the experiences of Jews in court. In these moments, England's Jewish community were equally vulnerable to the opinions and biases of the system responsible for documenting their prosecution or defence.

[85] Appendix III, 20; *[…] venerunt ad domum predicte Matillidis [et] [vol]uerunt vi capere eum […]*

Conclusion:

The evidence presented in this chapter shows the benefits of reading presentations of Jews with a more nuanced appreciation for the language of court records. It has explored how previous studies of Jews in court have either relied on the extrapolation of bare facts and figures, or have searched the more embellished records of Jewish speech for evidence of individual agency in the courtroom. This chapter has considered these limitations within a broader historiographical context on the dangers of accepting the recorded experience of marginal groups to develop a new methodological approach to reading Jews in royal court records. This approach strives to understand the mechanisms underpinning the production of the record, as advocated by John Arnold, and interprets recorded speech, not as a true representation of a litigant's voice, but as a rendering of speech crafted by the will of the court. Unlike Arnold, however, who investigated an exceptional body of evidence comprised, almost entirely, of reported speech, this analysis has considered what other features were used to construct the portrayal of Jews in the narrative of the record. The aspirations of Paul Zumthor to revive the voices in historical texts—to capture and absorb the vocal experience of the written record—is, as established above, an impossible ambition for reading court material. Yet his argument that speech only provides the first, most explicit indication of a voice has allowed this analysis to identify the use of additional literary devices that shaped the record's tone; and thereby the impression of Jews. Together, Arnold's caution and Zumthor's curiosity have inspired a new way of reading royal court records; an approach rooted in linguistic patterns that open new questions on the speech attributed to litigants, but also, more importantly, how that speech was framed by the record.

It is the contribution here, therefore, that wherever and whenever speech was documented in a court record, we must be aware that it was not merely curated, it was inserted by design. It is true, as we saw in chapter two, that the majority of court records reported cases between Christians and Jews that revealed consistencies in language and structure, and suggested that records of Jews in court conformed to an evolving formulaic and standardised record-making process. These formulas do not limit the value of court records, as previously argued by Roth and Menache, nor prevent us from examining the experiences of Jews in a Christian court system. In fact, by recognising and defining the formulas at work, it has been possible here to reveal when the court actively chose to take its record beyond these conventions. Repetitions, imitations and reoccurrences in the

vocabulary of court records—in addition to interjections of emotion—become then a highly valuable object of study when exploring marginal groups in court: when were their voices systematised and when were they not?

Just as we recognise that contemporary historians recorded events to serve their own agendas, so too must we acknowledge that court records had the potential to serve a purpose beyond their depiction of legal practice. With the support and backing of English royal government, court records had the power and influence to construct legal proceedings as incontrovertible facts. This is not to say that all court records ought to be viewed with mistrust, or at least only mistrust, but that consciousness of the agency of the court unlocks a new level of awareness for the role of court records in political life. The circumcision accusation of 1235 displays lexical features beyond the customary language of routine legal business and demonstrates just how vulnerable Jews, as religious outsiders, were in a Christian legal system.

CHAPTER FIVE

The King's Jews?
Jewish Testimony in the Court *Coram Rege*

Once it is established within scholarly consciousness, the 'context of power' between the English crown and the Jewish minority cannot be overlooked. This is especially the case when reading Jews from the perspective of Christian legal material. Chapter four emphasised the dangers of accepting plea roll entries as true representations of the events in court and established an approach, built on the findings in chapter two and three, for reading the evidence locked within these records with careful consideration of their language and structure. Systematisation, and the extent to which Jews were accommodated into the fold of English law, offers a platform for these discussions to develop further. In this chapter, the separate threads that have run throughout this thesis are brought together by moving away from the more routine interactions between Jews and Christians in court to examine an exceptional case that appeared on the rolls of the court *coram rege* in 1234. This case presents an extensive record of reported Jewish testimony amidst turbulent political circumstances, when the young King Henry III formally ascended to his place atop the English justice system. Through an assessment of the language and structure used to present Jewish witnesses embroiled in a royal prosecution, this final chapter situates Jews back in the political structures and power dynamics that governed their experience in court: the 'special relationship' between Jews and the king.

At its core, this chapter investigates and establishes the place of two *rotuli* recorded on the *coram rege* rolls in Michaelmas 1234, which appear to have some connection to the simultaneous downfall of three Christian ministers: Peter de Rivallis, Stephen Seagrave and Robert Passelewe. These *rotuli* capture a unique assembly of seventeen accounts, sixteen of which present statements from members of the London Jewry.[1] Each account was entered individually on the roll, and the testimony of each witness was introduced

[1] Appendix III, 2–18. The edition records fifteen individual entries (case numbers 1110–1124), but on inspection of the roll KB 26/115b, it appears that the edition has gathered four separate entries into case numbers 1123 and 1124. Therefore, I will refer to the collection as holding seventeen entries; 15 Jewish testimonies (involving 18 individually named Jews), a testimony from two chirograph clerks, and an account from the Jewish community. As a result, I will refer to my appendix references, not the case numbers, when discussing a certain account.

systematically by name and a sworn declaration on oath. Together, these accounts offer a detailed dossier of accusations against the king's former council and present the largest collection of Jewish testimony in a Christian case found on the royal plea rolls. Their unusual format and political setting provide a valuable opportunity to reopen the question of 'the king's Jews' in court at the point of Henry III's royal and legal ascension.

This chapter re-examines this historical moment by placing, for the first time, the collection of Jewish testimonies as the object of study. It considers the position of Jewish witnesses within the workings of royal courts and royal power, and explores how the relationship between the English crown and the Jewish minority manifested in a politically volatile legal context. The analysis is divided into three parts. [I] Firstly, it considers past historical assessments of the Jewish accounts and considers the extent to which they have come to define our understanding of the experience of Jewish witnesses in court. Following this, it reframes these assessments within a broader awareness of the political climate in the 1230s and offers a new explanation for how and why these Jewish testimonials materialised. [II] The second part turns to the accounts themselves. In light of the findings in chapter four, this section considers what was recorded on the plea rolls and to what effect. It performs a close reading of the records' presentation and structure to reflect on the mechanisms that enabled their production. Distinguishing between process and record provides a framework to explore the conditions and experience of Jews and Jewish testimony in a royal prosecution. [III] Section three then reflects on the language used to legitimatise Jewish witnesses in court and on the vocabulary used to shape and reinforce the criminality of the accused. The conclusion then brings these findings together to reflect on the wider relationship between the newly ascended king and England's Jewish community in court and how this case sits more broadly within the context of this thesis.

I. The Royal Prosecution of 1234:

The existence of this collection of Jewish accounts has long been acknowledged, but it has garnered little historiographical attention. It was first recognised by William Prynne in the seventeenth century, but not examined until Michael Adler presented an analysis before

the Jewish Historical Society in 1937.[2] He showed that members of the London Jewish community brought accusations of extortion against the king's former council, and he took a special interest in the cash and commodities that they had been forced to pay.[3] Adler was interested in reconstructing the historical events and identifying those individuals involved, rather than reflecting on the significance of Jews in this royal prosecution. He took at face value that 'the Jews under [the ministers'] charge were robbed and ill-treated, and the triumvirate misused the royal authority for the purpose of amassing riches for themselves by every method of cruelty and extortion'.[4] No connection was made between this collection of accounts and their place in the broader legal landscape of English politics.

The restoration of the court *coram rege* in 1234 marked a significant moment for Henry III's assumption of royal governance. It was here, most notably, that the young king formally debunked his closest associates and members of his former council. Rather than customarily annulling royal privileges, the king pursued official action through the courts. This trial took aim at three royal ministers: Peter de Rivallis, Stephen Seagrave and Robert Passelewe. The rise to power of these three individuals is well charted following the fall of Hubert de Burgh as the king's chief justiciar in July 1232, and the return of Peter des Roches, Bishop of Winchester, and his loyal supporters. It was under des Roches' regime that Rivallis, Seagrave and Passelewe climbed the royal ranks. Stephen Seagrave was appointed chief justiciar and Robert Passelewe was made deputy treasurer. Peter de Rivallis, was not only granted custody of the royal wardrobe, but he was also named chamberlain for London, in addition to a number of other influential positions including the sheriffdom for twenty-one counties.[5] Together their rule, under the aegis of the Poitevin Bishop, led to widespread civil unrest, most notably, a rebellion in the Welsh Marches led by the Earl of Pembroke, Richard Marshal.[6] Escalating popular disorder, alongside growing threats of excommunication, prompted the young king to dismiss his

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[2] William Prynne, *A Short Demurrer to the Jewes Long Discontinued Remitter into England*, 2 vols. (London, 1656), II, 23; Michael Adler, 'The Testimony of the London Jews in the Year 1234 against the Crimes of the King's Ministers', *Transactions of the Jewish Historical Society of England* 14 (1937): 141–85.

[3] Adler, 'The Testimony of the London Jews', 142–143.

[4] Adler, 'The Testimony of the London Jews', 143–144.

[5] Other roles included: Chief justice of the forests, and warden of the ports and coasts of England.

[6] This is a summary taken from the principal histories of these events, most notably N. Vincent, *Peter Des Roches: An Alien in English Politics, 1205–1238* (Cambridge, 1996), 259–310; D. Carpenter, 'The Fall of Hubert de Burgh', *Journal of British Studies* 19 (1980): 1–17; D. Carpenter, *The Minority of Henry III* (London, 1990), 389–412.

councillors from office in April 1234.[7] This marked the beginning of protracted legal proceedings against them.

This political moment is famous. The trial itself, however, has received only cursory treatment in the histories of Henry III. In fact, the events leading to the trial and those in court continue to be explained exclusively on the basis of Roger of Wendover's account of the case recorded in his *Flores Historiarum*. The St Albans chronicler recorded that just weeks before the trial, the king was facing mounting ecclesiastical pressure to expel his advisors. A confrontation arose at Westminster on 9 April 1234 between the king and the newly ordained Archbishop of Canterbury, Edmund Rich. Here the Archbishop, along with other suffragan bishops, came together 'as if one heart, soul and voice' to express 'their pain at the desolation of the king and kingdom'.[8] Both Peter des Roches and Peter de Rivallis were named as the key perpetrators of these crimes and were accused of leading the king astray with 'unjust counsel'.[9] Following a long, detailed list of offences, Wendover's account closed with the archbishop's ultimatum to the king: dismiss his councillors or face excommunication with them.[10] This dramatic rendition is only surpassed by Wendover's subsequent account of the ministers' trial, whereby Rivallis was described in 'clerical dress with his head shaved and wearing a broad chaplet' while the king, sitting amongst his justiciaries, eyed Rivallis 'with a scowling look and addressed him "Traitor!"'[11] Unsurprisingly it is this narrative that has captured the interest of scholars researching Henry III's assumption of royal governance; the young king re-establishing his crown following his legal minority.[12] One notable exception is the work of Nicholas Vincent, who traced the events following the king's meeting with the archbishop into the royal courts. Vincent argued that it was here that the king 'endeavoured to shift the blame for the late regime's failing on to Rivallis and his colleagues'.[13] Yet following the formal presentation of charges between 10 and 14 July 1234, including (but not limited to) the

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[7] These events are well documented in Vincent, *Peter des Roches*, 429–465.
[8] *Flores Historiarum*, III, 75; *[…] Adfuit quidem huic colloquio magister Eadmundus, Cantuariensis electus, cum multis episcopis suffraganeis, qui omnes regis et regni desolationi condolentes venerunt ad regem et quasi uno corde, animo et ore dixerunt […]*
[9] *Flores Historiarum*, III, 76.
[10] *Flores Historiarum*, III, 77; *[…] quia legem terrae, juratam et confirmatam atque per excommunicationem roboratam, pariter et justitiam confundunt et pervertunt; unde timendum est, ne sint excommunicati, et vos communicando eis […]*
[11] *Flores Historiarum*, III, 91; *[…] Quem rex torvo respiciens oculo "O proditor" inquit […]*
[12] See for example, F.M. Powicke, *King Henry III and Lord Edward*, 2 vols. (Oxford, 1947), I, 137–38; Vincent, *Peter Des Roches*, 435.
[13] Vincent, *Peter des Roches*, 445.

ministers' misuse of the royal seal and royal funds, the *coram rege* rolls reported that no verdict was reached and judgment was placed in respite until Michaelmas to allow time for further inquiries.[14] Politically, this moment was great theatre; a dramatic, public stripping of the ministers' status and privileges. The legal proceedings that followed, however, remain less clear.

There is very little evidence of any further inquiries into the ministers' misdeeds on the royal plea rolls. The timing of the accounts from the London Jewry, however, suggest that their accusations may have played a part in these ensuing proceedings. Yet following Adler's analysis, the Jewish testimonials have only been acknowledged in passing. Cecil Meekings, for example, traced the charges against Rivallis, Seagrave and Passelewe through the courts, but made only cursory comment on the Jewish testimonies, qualifying the collection as 'some individual gifts and the common fines made by the Jewry'.[15] Vincent's extensive research on Peter des Roches and the fall of Peter de Rivallis acknowledged that these accounts existed, noting 'A damning indictment of his extortions and profiteering was delivered by the London Jewry'.[16] Yet Vincent provided no further analysis on the nature of the collection or whether they were connected to the ministers' trial.[17] If, and how, the testimonials from England's Jewish community fit within these inquiries—directed at the very same men accused here—is a pressing question overlooked in current scholarship.

An inquiry was launched in July 1234 following the ministers' appearance in court, which may offer some insight on the subsequent proceedings. What follows opens an investigation into this inquiry—how it was organised, undertaken and managed—to consider how England's Jewish community appeared in amongst these proceedings.[18] Although the original writs do not survive, the preliminary preparations are recorded in

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[14] *Cur. Reg. R.,* XV, 236; the date is illegible on the roll, the surviving Latin reads: *[…] et datus est dies est Stephano de omnibus aliis a die sancti Michaelis in […] dies […]*

[15] *Cur. Reg. R.,* XV, xxxii.

[16] Vincent, *Peter Des Roches*, 448–449.

[17] Vincent similarly dismisses an exploration of these testimonies in his paper dedicated to exploring the relationship between the Jews and the Poitevins. Here, as before, he references Adler; N. Vincent, 'Jews, Poitevins, and the Bishop of Winchester, 1231–1234', *Studies in Church History* 29 (1992): 119–132.

[18] Historians have often overlooked the significance of this inquiry, simply acknowledging that it took place, and footnoting a reference to the close rolls. Vincent's analysis is one such example. His detailed account of the downfall of Peter de Rivallis recognised that 'the king initiated a wide-ranging, county by county enquiry into Peter's misdeeds', see Vincent, *Peter des Roches*, 448.

the close rolls, including the mandates that were distributed and the orders they enclosed. The space afforded to the inquiry (stretching across ten pages in the close rolls edition) demonstrates its intended scale and scope.[19] The shape and focus of the inquiry, however, evolved over time. Three 'waves' of mandates appear to have been issued: the first on 16 July, shortly after the ministers appeared in court; the second occurred soon after when three mandates were issued on the 24, 28 and 29 July; the third and final mandate was issued much later on 10 October. What distinguished these stages in the inquiry from one another will be explored in full to reflect on the place of Jews within this process.

The initial wave of mandates had two clear aims. The first was an investigation into the 'lands, tenements, money or other movables, or any other things' that were given to 'Peter de Rivallis, or to his sheriffs, or to his bailiffs'.[20] The close rolls recorded a single example of the mandate distributed, before listing each county that received the same correspondence. In total, mandates were issued to the sheriffs of nineteen counties. Each mandate appointed the sheriff to oversee the elicitation of information and it was ordered that they were to be accompanied by two to five *inquisitores*, six knights, and other 'free, lawful and distinguished men'.[21] Yet despite clear instructions, the investigation's ambit remained general and vague, and called broadly for evidence from both the 'clergy and laity'.[22] It appears that its intent was to collect all available evidence against Peter de Rivallis; anyone and everyone was a prospective witness.

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[19] *CR, 1231–34*, 573–583.
[20] *CR, 1231–34*, 574; *[…] quod in crastino Assumptiones Beate Marie conveniatis in comitatu Lancastr' ad locum quem magis videritis expedire…; CR, 1231–34*, 573*; […] terras, tenementa, denarios vel alia mobilia vel quascunque alias res… dederunt Petro de Rivallis vel vicecomitibus suis, vel ballivis suis […]*
[21] *CR, 1231–34*, 573; *[…] liberos, legales et discretos homines […]*
[22] *CR, 1231–34*, 573; *[…] quod omnes illi tam viri religiosi quam clerici et laici […]*

Figure VII: Counties that received a mandate on 16 July 1234

The only subject to be formally named in these mandates was Peter de Rivallis. It is, therefore, unsurprising that the counties listed above were all areas where Rivallis had been named sheriff in 1232 (albeit for a very brief period).[23] It seems that for the purposes of uncovering evidence, the crown undertook a broad fishing exercise into the wide dispersion of his administrative influence. This does not, however, explain why Northumberland, Somerset and Dorset were excluded from these inquiries, as they too were held under Rivallis' jurisdiction.[24] Nevertheless, this initial part of the inquiry suggests that the court was unsure of where the evidence would appear, but its intention was clear; their target was Peter de Rivallis.

A second collection of mandates also issued on 16 July shifted the inquiry's focus onto Stephen Seagrave and Robert Passelewe. Four mandates were issued to the sheriffs

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[23] *List of Sheriffs for England and Wales: From the Earliest Times to A.D. 1831* (London, 1963): 6, 12, 34, 43, 49, 59, 67, 72, 78, 86, 107, 117, 135, 141. The exception was Oxfordshire which, despite having its own sheriff for the period 1232–34, was often administratively associated with the county of Berkshire, which does appear on the list and was in Rivallis's jurisdiction.
[24] *List of Sheriffs for England and Wales*, 39, 97, 122.

of Yorkshire, Lancashire, Devonshire and Lincolnshire that instructed them to pay particular attention to the manors or estates with which Seagrave and Passelewe were associated.[25] The close rolls suggest that this secondary inquiry was to be conducted alongside the investigation into Rivallis by the same appointed sheriffs. Compared to the detailed instructions above, however, the record of these mandates remained brief and the investigation was concentrated on specific holdings. The fleeting reference to Seagrave and Passelewe, in conjunction with the more concentrated geographical scope, suggests that these inquiries were of subsidiary importance in the crown's overarching quest for evidence.

How successful these inquests were, however, is brought into question when a second wave of mandates was issued towards the end of July. The first of these, issued on 24 July, prompted an investigation into the royal forests that had been granted to the custody of Rivallis in 1232.[26] On 28 and 29 July, further mandates were issued to the sheriff of London and Middlesex, and the sheriff of Hampshire.[27] The Hampshire mandate echoed the form of the first wave of instructions issued on 16 July, but was specifically aimed at recovering the lands issued to Rivallis in June 1232, when he was granted 'for life the custody of the King's houses at Southampton'.[28] The mandate issued to London and Middlesex also imitated the content and structure of those before, but those nominated for this inquiry suggests it was of particular importance to the crown's case.[29] Here Alexander de Swereford (treasurer of St. Paul's Cathedral), Hugh Giffard (constable of the Tower of London), Andrew Bukerel (the mayor of London) and Gerard Bat (the former sheriff of London) were called upon, and for the first time, Rivallis *and* Passelewe were both named at the centre of this inquiry. London would have been the seat of the ministers' influence, and as Passelewe's positions as the custodian of the royal wardrobe, deputy treasurer, and the chamberlain for London were primarily based in the capital, the hope may have been that this inquiry would uncover the most revealing abuse of royal finances.

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[25] *CR, 1231–1234*, 574; *[…] in comitatu Eboraci adicitur quod similiter inquirant de manerio de Knarburg' et de donis datis et aliis Stephano de Seagrave et Roberto Passelewe et ballivis eorum. Item, in comitatu Lanc' quod similiter inquirant de manerio de Hormesby, et in comitatu Devonie de stagnaria, et in comitatu Lincoln' de terra abbatis de Burgo […]*
[26] *CR, 1231–1234*, 576–577; for this appointment see, *CPR*, *1232–1247*, 490–1.
[27] *CR, 1231–1234*, 580–583.
[28] *CChR, 1226–1257*, 168.
[29] *CR, 1231–1234*, 580–582.

It seemed the crown was refocusing its attention in areas where the ministers were most active.

A final mandate issued much later, on 10 October, suggests that these inquiries were still ongoing. On this occasion, however, the crown called on the *inquisitores* at Kent to elicit testimony from 'our Jews at Canterbury', calling directly on the evidence of Jews for the first time.[30] Adler misconstrued the timing of this mandate to argue that the order was 'probably repeated in the letters to the other centres', to offer an explanation for why 'the leading Jews of London came forward and presented their indictment of the Justices'.[31] Yet the timing of this final mandate infers an alternative course of events. Its specific instruction to question the Canterbury Jewry suggests a new founded awareness that Jews could verify the ministers' criminal actions. It may be, therefore, that evidence to this effect had come to light between the mandates issued at the end of July and the delivery of this mandate in October. Why the Canterbury Jewry in particular was called upon is less certain.[32] It is clear, however, that before this mandate was issued the use of Jewish witnesses was not intentional by design. Yet as the inquiry progressed, it appears that the crown—perhaps with no better or other option—turned to Jews for their support in this prosecution.

Together, the mandates issued between 14 July and 10 October reveal that the crown launched a country-wide inquiry into the misdeeds of Peter de Rivallis, Stephen Seagrave, and Robert Passelewe, and went to considerable lengths to refocus its investigations. It began by casting a wide net into the seats of power held by Peter de Rivallis. Although this may suggest Rivallis was the primary target, it was more likely decided that his broad geographical spread of power was an effective starting place for drawing in evidence. By 28 July, the investigation was now centred on very specific areas of the ministers' influence, and the crown had elected influential officials to conduct an investigation at the capital. The final mandate issued to the *inquisitores* at Kent on 10

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[30] *CR, 1231–1234*, 583; *[…] Judeos nostros Cantuarie […]*

[31] Adler, 'The Testimony of the London Jews', 146.

[32] Joseph and Caroline Hillaby's research has shown that the Jewish community in Canterbury was 'an outpost of the London Jewry' and the second largest Jewish settlement in England, see *PDMAJH*, 79. If the London Jewry, as we will explore further below, had provided useful testimonials in the period shortly before this mandate was issued, then perhaps those Jews of Kent were the next ideal witnesses to bring forward given the close financial and familial connections between the two settlements.

October demonstrates just how far the crown had whittled down its most useful witnesses, and now called directly on 'our Jews'. What initially began as a broad fishing exercise had been transformed into a focused hunt for evidence, with Jewish communities at its centre.

The increasingly restricted scope of the crown's inquiry may explain why only an exceptional collection of Jewish accounts emerged upon on the *coram rege* rolls. The timing, content and unusual presentation of the accounts—isolated from all other business across two individual *rotuli*—suggests that these accusations did not form part of a personal prosecution initiated by aggrieved Jews.[33] Yet how they came to appear here is less certain. Recorded on the rolls of the king's bench, the first natural possibility is that Jews were called to present their testimony before the king directly. After all, the high profile nature of this case may have prompted the young king to want to hear the evidence of Jews in person in order to safeguard their testimony from the influences of other powerful Christians—especially as it appears these were the only witnesses to emerge from such a widespread inquiry. Yet there is no evidence that the crown called Jews directly before the court *coram rege*, and as we saw above, the mandate to the inquisitors at Kent specifically instructed the *inquisitors* to direct the inquiry into the Jews of Canterbury.[34] Neither the king, nor his court, appears directly involved. The itinerary of the court *coram rege* also reveals the court was not in session at Westminster between 31 July and 2 October.[35] Given that the collection was entitled *Lond'* and *Adhuc de London*, and was filed into the *coram rege* roll in early September, the court's absence from the capital confirms that this evidence was not elicited before the king himself.

A second possible scenario is one put forward by Adler: that these accusations were presented as part of the London inquiry and then delivered to the court *coram rege* where they were enrolled upon, or bound within, the court's records. Although Adler built this suggestion on the premise that the mandate issued to Kent was issued elsewhere, discounted above, the most valuable evidence in support of this theory are the titles atop the two *rotuli* that preserve this collection: *Lond'* and *Adhuc de London*.[36] All the Jewish witnesses named in the record lived or worked in London (explored further below), and so their geographical proximity to this inquiry is encouraging. Furthermore, if these

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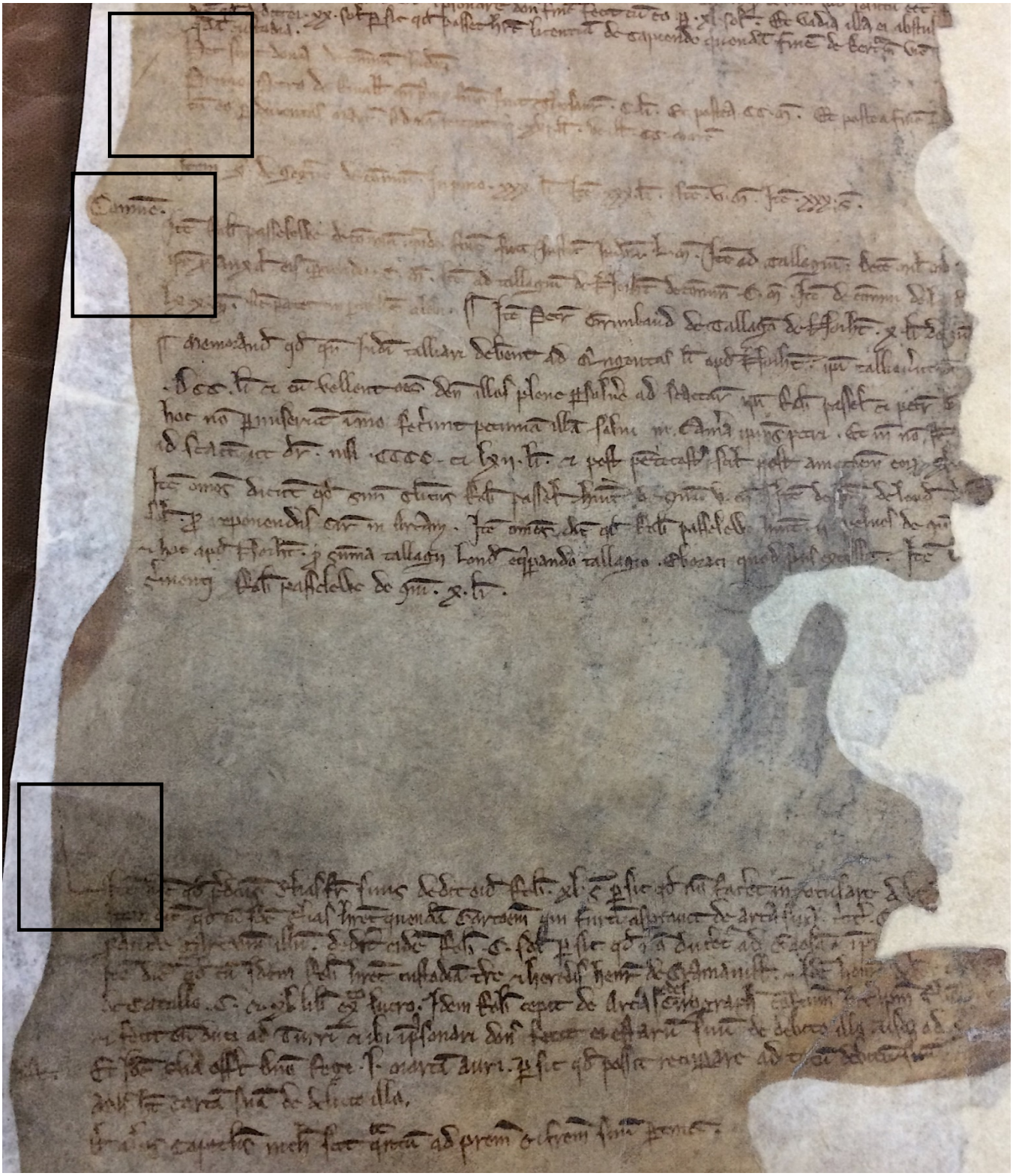
[33] Appendix III, 2–18.
[34] *CR*, *1231–1234*, 583.
[35] *Cur. Reg. R.,* XV, xlii–xliv.
[36] KB 26 115b, rot 14 and 13; *Cur. Reg. R.,* XV, 257, 262.

testimonies were elicited by the London inquiry, and proved useful for the overarching prosecution, this may explain why the Jews were later called upon at Kent. It seems likely, therefore, that the Jewish testimonials recorded on the *coram rege* rolls were heard before the London inquiry.

A number of factors, however, challenge the certainty of this assessment. [1] The close rolls recorded that the date set for the London inquiry was the day after the Assumption of the Blessed Virgin Mary on 16 August 1234 (Adler misdated this to 15 August), but the accounts were not filed into the *coram rege* rolls until at least September.[37] [2] The testimonies appear in isolation. All seventeen entries are connected to the London Jewish community, and there is no evidence of any other accusation made from the wider Christian population. As the Jewish community was not singled out in the mandate to the London officials, it would be surprising if only Jews or chirograph clerks appeared before the tribunal. [3] When consulting the manuscript, there is evidence to suggest that these *rotuli* were the originals; they were not copies of the proceedings, but the transcripts recorded progressively as the evidence was elicited. This is best demonstrated through the presence of scribal errors. The testimony from Solomon le Eveske, for example, appearing eighth in the record, is divided into two on the roll by the account provided from the Jewish community (see *Figure VII* below).[38] It suggests that the communal account may have been heard towards the beginning of the session, but the scribe presented it towards the end of the first *rotulus*, intending for it to appear last in the record. However, the other accounts must have taken up more room than first envisaged as Solomon's account was slotted in before and after the communal testimony. An attempt was made to "connect" the two sections of Solomon's account with a marginal line, and the communal account was labelled *communi*—'of the community'—to distinguish its content. This organic presentation suggests that the accounts were recorded in the moment, and as such, they offer an original record of proceedings.

[37] *CR,* 1231–1234, 574.
[38] Appendix III, 9.

Figure VIII: The Testimony of Solomon le Eveske [TNA, KB 26 115, rot. 13d]



It is almost certain that these Jewish testimonies were part of the crown's prosecution. Overall, it seems most likely that these testimonials were heard before the

London inquest on 16 August given that all Jews present were primarily associated with London and no one from further afield was recorded in these accounts. The original *rotuli* were later transferred to the court *coram rege* and either copied or, more likely, collated within the court's own records. However, the fact that all these accounts were exclusively Jewish (or related to Jewish business) raises important questions about the significance of these testimonies to the royal prosecution. No other evidence is available from the London inquiry and there are only suggestions that the earlier inquiries uncovered evidence elsewhere. There is also no evidence that a special inquiry was initiated for the London Jewry, or that an inquiry was held for Jews more widely than Kent. The conclusion is that either no other evidence was valuable enough to keep, or that something made these testimonies especially valuable. The extent to which the king depended on the words of Jews, therefore, in support of his prosecution against powerful Christians, is a question that must be considered when reflecting on this collection.

II. Record vs Process:

This section considers, in light of the political climate, how these testimonies were elicited and presented in support of the royal prosecution. The analysis is divided into two parts. It first establishes the general shape of the collection and how these testimonies appeared on the rolls. It considers which members of the Jewish community presented an account, their relationships with the ministers, and the order and overall impression the testimonies create. The second part considers what further clues the records themselves offer about the mechanisms that facilitated their production. It explores what the structure and vocabulary of these records can disclose about the events in court and how far these processes can be seen to shape the content and presentation of Jewish accounts. Together, this examination considers how the context of power between royal authority and Jewish minority manifested on the written page.

This collection of testimonies appears on rots. 14 and 13 of the *coram rege* roll catalogued as KB 26 115B and held at the National Archives.[39] The accounts are recorded on either side of rot. 14, but only on the front of rot. 13. The editor of the *Curia Regis* series divided the testimonies into fifteen separate entries, but on consultation of the original rolls, there are actually seventeen different accounts. Most present the testimonial of a

[39] Rotulus 14 appears before 13 in the roll. They were originally organised in the wrong order.

single named witness. The others include an account given by the Christian chirograph clerks, collated into a single testimony; the account of Solomon le Eveske, which also relays the accusations of his father and elder brother;[40] and the second to last entry presents evidence from four individuals: Solomon of Warwick, Jacob le Eveske, Isaac le Eveske and Jacob le Turk.[41] The ninth testimony is also unusual in that it presents no specific names and represents, instead, the communal voice of the London Jewry.[42] *Table 4* presents a full outline of those individuals who contributed to the inquiry to support the discussion below.

Table 4: Witnesses before the Court Coram Rege, 1234

Appendix Reference	Name of Witness	Profession/Lineage
Appendix III, 2	Benedict Crespin	Creditor; attorney in the Jewish Exchequer
Appendix III, 3	Josce le Prestre	The royally appointed archpresbyter
Appendix III, 4	Aaron son of Abraham	Creditor; grandson of Abigail of London
Appendix III, 5	Robert of London and John de Solar	Christian Chirograph Clerks
Appendix III, 6	Jacob Crespin	Creditor; Benedict Crespin's younger brother
Appendix III, 7	Aaron Blund	Creditor
Appendix III, 8	Benedict son of Pictavin	Unknown (Chirograph clerk?)
Appendix III, 9	Solomon le Eveske (Also speaking on behalf of his father Benedict Episcopus and eldest brother Elias)	Creditor
Appendix III, 10	Community of the Jews	The Jews of London
Appendix III, 11	Samuel son of Aaron	Creditor; Aaron Blund's son
Appendix III, 12	Elias Blund	Creditor; Aaron Blund's younger brother
Appendix III, 13	Isaac of Southwark	Creditor
Appendix III, 14	Aaron the chirographer	Jewish Chirograph Clerk
Appendix III, 15	Samuel of Hertford	Creditor with business in London, but not permanent resident.
Appendix III, 16	Solomon of Kingston	Creditor with business in London, but not permanent resident.
Appendix III, 17	Jacob of Warwick, Jacob le Eveske, Isaac le Eveske and Jacob le Turk	Creditors. The le Eveskes were brothers of Solomon le Eveske; Jacob was a clerk to the Exchequer of the Jews.
Appendix III, 18	Abraham son of Muriel	Creditor

[40] Appendix III, 9.
[41] Appendix III, 17.
[42] Appendix III, 10.

The account given by Benedict son of Pictavin, however, who appeared seventh before the tribunal, remains a more enigmatic contribution. Adler proposed that this name may have been misreported and should have read 'Pictavin son of Benedict', who he claimed was a reputable creditor in both London and Bedford.[43] More recently, however, scholars working on medieval Jewish prosopography have identified that this Pictavin was actually the son of Isaac of Canterbury.[44] Adler alternatively considered whether this could have been Benedict son of Pictavin from Lincoln, who at the time was 'the only one of his name'.[45] This may also be the same Benedict son of Pictavin who repeatedly appeared before the court at the Jewish exchequer and whom the plea rolls recorded was a chirograph clerk on more than one occasion.[46] It was this Benedict son of Pictavin who revealed that the chirograph made between Godenote and Roger de Neville had been made against the assize.[47] Given the context of this case, and the number of individuals involved with crediting, or ingrained in the business of the Jewish exchequer, it seems likely that this Benedict was the same chirograph clerk from Lincoln who regularly saw to business in the capital.

The relationships between these individuals and the three ministers embroiled in the royal prosecution may shed further light on these accounts. Under Peter des Roches, Stephen Seagrave, Robert Passelewe and Peter de Rivallis held major offices within the administration of the state.[48] Adler assumed the three were all justices of the Jews, an error

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[43] Adler, 'The Testimony of the London Jews', 149, fn. 40. For reference to Pictavin son of Benedict see J. Hillaby, 'London: the 13th-Century Jewry Revisited', *Jewish Historical Studies* 32 (1990): 89–158, at 111.

[44] See for example S. Bartlet, *Licoricia of Winchester: Marriage, Motherhood and Murder in the Medieval Anglo-Jewish Community* (Edgware, 2009), 36.

[45] Adler, 'The Testimony of the London Jews', 149.

[46] *PROJE*, I, 39, 41, 69, 71, 75.

[47] Appendix II, 62.

[48] Vincent, *Peter Des* Roches, 259–310; Carpenter, 'The Fall of Hubert de Burgh', 1–17; Carpenter, *The Minority of Henry III*, 389–412; J.R. Maddicott, *The Origins of English Parliament, 924–1327* (Oxford, 2010), 167–169. For detailed profiles on these three ministers see: W. Hunt and P. Brand, 'Seagrave [Segrave], Sit Stephen of (d. 1241), justice and administrator', *Oxford Dictionary of National Biography*: https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-25041; N. Vincent, 'Rivallis [Rivaux], Peter de (d. 1262) courtier and administrator', *Oxford Dictionary of National Biography*: https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-23688; R.C. Stacey, 'Passelewe, Robert (d. 1252), administrator', *Oxford Dictionary of National Biography*: https://www.oxforddnb.com/view/10.1093/ref:odnb/9780 198614128.001.0001/odnb - 9780198614128-e-21507 [All accessed on 5 November 2017].

corrected by Cecil Meekings in his assessment of the justices of the Jews, who argued that only Robert Passelewe held this office.[49] Peter de Rivallis held an even higher office as custodian of the Anglo-Jewry from 1232 when the crown decreed that 'all the Jews of England shall be intendant and accountable to him of all things belonging to the king'.[50] During the final years of Henry III's legal minority, Rivallis and Passelewe, with no king to keep them in check, had full oversight (and power) over the Jewish exchequer and Jewish financial and legal affairs. Stephen Seagrave, on the other hand, had no specific role in the organisation of England's Jewish community. As chief justiciar of England, his contact with Jews was likely restricted to certain business at the Exchequer or to that within the courts themselves. When turning to consider the nature of the Jews' charges and who they were aimed at, these different relationships may have bearing on the scope and severity of the accusations.

Although the accounts presented evidence against all three ministers, the number and weighting of these accusations varied significantly. *Table 5* illustrates which ministers were indicted in each account:

Table 5: Accusations targeted at the Royal Ministers, c. 1234

	The Order of Testimonies (Appendix III, 2–18)																
	1	2	3	4	5	6	7	8	COMMUNITY	10	11	12	13	14	15	16	17
Peter de Rivallis	■	■	■		■								■				
Stephen Seagrave	■	■															
Robert Passelewe	■	■	■	■	■	■	■	■		■	■	■	■	■	■		■

These findings reveal that Robert Passelewe was central to the London Jewry's accusations. The recurrence of his name across the records caused Adler to deduce that Passelewe had committed the most crimes and was 'the most guilty' of the three ministers.[51] At face value, his remarks appear accurate. Adler's conclusions, however, neglected to consider the wider significance behind these numbers. Passelewe, in his capacity as a justice of the Jews, came

[49] Adler, 'The Testimony of the London Jews', 146; C.A. Meekings, 'Justices of the Jews, 1216–68: A Provisional List', *Bulletin of the Institute of Historical Research* 28 (1955): 173–188, at 176.
[50] *CChR, 1226–1257*, 163.
[51] Adler, 'The Testimony of the London Jews', 151.

into regular contact with a higher proportion of the Jewish community and thereby had greater opportunity to exploit his position. While Rivallis was 'custodian of the Anglo-Jewry' and theoretically oversaw Jewish affairs, his numerous other responsibilities likely restricted his contact with Jews on a day-to-day level. The same is true of Stephen Seagrave, for as chief justiciar it was unlikely that he would have interacted frequently with Jews in his daily duties The only Jews likely to have interacted with Rivallis and Seagrave on a regular basis were those involved in leading or administering Jewish affairs, or those who came into contact with them in court, such as the archpresbyter, creditors or attorneys.

The shape of the collection, however, raises questions on the order in which the testimonies were arranged. As we can see, both the accounts that provided evidence against Seagrave appeared first, as did three of the five accounts that made charges against Rivallis. Could it be that the inquiry was structured around the accounts that offered the most compelling evidence against all three ministers? The first two witnesses to appear were Benedict Crespin, the prestigious attorney at the Jewish exchequer,[52] and Josce the archpresbyter, who was, symbolically, the bridge between the crown and the Jewish population, as well as a central player in the organisation of mixed-faith inquests and juries.[53] Together, these individuals were not only leading figures in London's Jewish community but perhaps, more importantly, they were ingrained in the wider legal and administrative sphere of the Jewish exchequer and its business. These positions brought both Benedict and Josce into the most regular contact with powerful Christian networks, including those involving the accused. *Table 5* shows that both men provided evidence against all three ministers. It is possible therefore, they were called on first for their in-depth knowledge of inside affairs. The testimonials that appeared fifth and thirteenth might challenge this theory, yet on closer inspection it appears that their accounts only discussed Peter de Rivallis in reference to crediting agreements made with Benedict Crespin.[54] It may have been that the inquest did not expect these later witnesses to provide evidence about Peter de Rivallis and so they were not prioritised in the initial order. They were, instead, a welcome surprise that corroborated Benedict's earlier account, but they are not representative of the wider collection. *Table 5* reveals that although the most evidence incriminated Robert Passelewe, a line of questioning—concerning his position as

[52] Appendix III, 2.
[53] Appendix III, 3.
[54] Appendix III, 6 and 14.

a justice of the Jews at the Jewish exchequer—may have been designed to elicit further evidence against the two higher-ranking officials.

Following Benedict and Josce, a definitive order to the remaining witnesses is less clear, with both creditors and clerks providing testimony interchangeably. One allegation, however, appears to have formed a central part to the structure of the inquiry: Robert Passelewe's theft of the archa chest (briefly discussed in chapter three). Benedict Crespin, the first witness to appear, was recorded to have said that Passelewe had taken the London archa and held it for ransom until 100 shillings was paid.[55] The archa was held at the house of Robert's clerk over the next month, and during this time 'the feet of certain chirographs were "set out/put up" for sale at Westcheap'.[56] Corroborations emerged across the subsequent testimonials and highlighted other misconducts, including the extortion of payments from the London Jewry to replace chirographs deliberately removed from the archa. Aaron son of Abraham, for example, reportedly recalled that when he made a contract with Ralph Moyrn, the duplicate chirograph was not placed in the archa until he paid forty shillings to the same Robert Passelewe.[57] A high proportion of the witnesses shared their knowledge of this crime, yet it appears that the record prioritised those individuals who could add to or verify this timeline of events. All eight testimonies heard before the collective statement from London's Jewish community revealed an awareness of Passelewe's actions. The account *communi* therefore, appears to divide the inquiry into two parts: i.e. those with evidence concerning the archa and those without. Two anomalies in this assessment, however, must be discussed further. Despite appearing as the seventeenth and final witness, the testimony of Abraham son of Muriel defies expectation by reopening evidence on the archa, 'agreeing' with the others before him and adding 'that the feet of the chirographs were "set out/put up" for sale'.[58] If the testimonies conformed to the order in which the witnesses appeared before the court, Abraham's irregular position may simply represent his late arrival. This cannot account, however, for the unusual

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[55] Appendix III, 2; *[…] Item dicit quod predictus Robertus, quia Judei non tenuerunt ei quandam promissionem ei factam, deferri fecit archam Judeorum cum cartis et cirographis Judeorum usque ad domum suam et eam detinuit per unam noctem donec finem fecerunt cum eo per c. solidos. […]*

[56] Appendix III, 2; *[…] Et dicit quod pedes quorundam cirographorum exposita (sic) fuerunt venalia (sic) apud Weschep per garciones ipsius Roberti […]*

[57] Appendix III, 4; *[…] Item dicit quia non posuit in arcam quoddam cirographum confectum inter ipsum et Radulfum Morin super quodam debito eodem die quo cirographum confectum fuit, finem fecit cum eo in denariis per xl. solidos […]*

[58] Appendix III, 18; *[…] De arca concordat cum aliis et quod pedes cirographorum expositi fuerunt venales […]*

testimony of Aaron the Chirographer, who despite holding great responsibility over the London archa bypassed comment on its theft. It is possible he was absent from London when these events took place, and as a result had nothing to contribute to the accumulation of evidence; or as suggested in chapter three, Passelewe had exercised his royal authority to pressure the Christian chirographers to collude in his crime. Either way, this may explain why Aaron appeared thirteenth in the inquiry, as the court was careful not to prioritise his testimony.

The findings thus far have applied a more traditional approach to the reading of court material; by extrapolating the names and charges from court record, one can build a wider impression of Jews in legal process. The analysis has revealed an underlying structure to the order of testimonies, one determined by the Jewish individuals' connection to the minsters via the Jewish exchequer and the archa system. This inquiry was targeted and it is, therefore, important to reflect on what this may have meant for the creation of the record and the experience of these Jews in court. It is clear that the remit of the inquiry was to gain as much damning evidence about the ministers as possible. With this in mind, the records can be re-approached to consider what other clues there are for the processes behind the making of the record.

Chapter four discussed that the main hole in Adler's assessment of these accounts was his acceptance that the 'leading Jews of London readily came forward and presented their indictment of the Justices, for they had suffered much at their hands'.[59] He neglected to consider a number of important procedural questions: namely, how and why these accounts were recorded. Adler assumed that the Jews were free to speak openly in court and that the record obediently recapitulated their string of accusations. Yet the presentation of the testimonies in record begins to challenge the agency attributed to the individual witnesses. Each account reads as a catalogue of crimes, punctuated and reinforced by the repetition of *item*, translating simply as 'furthermore' or 'moreover'. The use of *item* in the context of a testimonial, however, may signify something else. Arnold's analysis of the depositions collected by the papal inquisition into Catharism in Languedoc during the thirteenth century can serve as a useful point of comparison here.[60] Those

[59] Adler, 'The Testimony of the London Jews', 146.
[60] These depositions have been widely considered. See in particular J.H. Arnold, *Inquisition and Power: Catharism and the Confessing Subject in Medieval Languedoc* (Philadelphia, 2001), 1–16 for an insightful introduction to the material and historiography in question.

depositions often opened with the phrase '*Interrogatus si… dixit…*'—'Asked if… he said…'—revealing the deponent's answer to a direct question. Once the interrogation had gained some momentum, the record shifted from this convention to simply record '*Item dixit quod…*'— '*Item*, he said that'.[61] Arnold has made little comment on this transition, but it has significant implications on how we can read the testimonies elicited from Jews.[62]

Let us turn to consider the lengthy testimonial recorded from Aaron Blund. The repetition of *item* is clear in this account, appearing a total of ten times in this extract alone:

> Aaron Blund, a Jewish man, ***dicit*** under oath that he gave nothing to Stephen de Seagrave nor to Peter de Rivallis by compulsion nor freely. ***Item***, he and Elias le Eveske and Aaron son of Abraham gave 40 shillings to Robert Passelewe for his assessment of the tallage at Northampton […] ***Item***, he says that he lent to the aforesaid Robert 24 shillings to settle a fine, which had not yet been repaid to him. ***Item***, he says that he and the above-mentioned others gave to him one cup and two silver bowls of the value of four pounds and eight shillings, on the understanding that their debts should not be enrolled as higher than those of others and also that their chirographs might not be inspected. ***Item***, he says that he gave him at Northampton for his good will one golden buckle of the value of 22 shillings. ***Item***, he says that he gave many rings […] ***Item***, he gave him ten shillings for his lodging at Northampton by the hand of a certain William Marshall. ***Item***, concerning the gifts taken from Christians, he says that Robert took from William de Bigod one ring with certain other goods of the value of 40 shillings and caused him [Aaron] to remit a debt of twelve pounds and ten shillings by that same William, [owed] to him, Leo son of Isaac, and Elias Blund. Concerning the *archae* and the chirographs he agrees with the others. ***Item***, he says that he gave to Simon the clerk one belt of the value of half a mark. ***Item***, the same Elias and Aaron gave to him five marks for their chirographs to be put back in the archa. ***Item***, he says that he and the aforesaid others gave to Peter Grimbaud three marks in order that he should intercede for them with his master Robert Passelewe.[63]

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[61] For a clear example of this transition see the deposition of Guillelma, the wife of a carpenter, in *Inquisitors and Heretics in Thirteenth-Century Languedoc: edition and translation of Toulouse Inquisitions Depositions*, ed. P. Biller, C. Bruschi and S. Sneddon (Boston, 2011), 263–275.

[62] Arnold has, however, considered the place of *item* in the record of the deposition, see Arnold, *Inquisition and Power*, 102–103, 116–117, 136–137.

[63] Appendix III, VII; […] *Aaron Blundus Judeus juratus dicit quod nichil dedit S. de Segrave nec Petro de Rivallis per coactionem nec in gracis etc.* ***Item*** *ipse et Elias le Eueske et Aaron filius Abraham dederunt Roberto Passelewe pro tallagio suo de Norht' amensurando xl. solidos […]* ***Item*** *dicit quod acomodauit predicto Roberto xxiiij. solidos ad fenum emendum, quos nondum ei reddidit.* ***Item*** *dicit quod ipse et alii predicti dederunt eidem unam cuppam et duas ciphas argenteos pretii iiij. librarum et viij. solidorum, per sic quod debita eorum non magis inrotularentur quam aliorum et per sic quod cirographa ipsorum non inspicerentur.* ***Item*** *dicit quod dedit ei apud Norht' pro gratia sua habenda j. fermaculum aureum pretii xxij. solidorum.* ***Item*** *dicit quod ipse dedit plures anulos […]* ***Item*** *dedit ei x. solidos ad hospitium suum apud Norht' per manum cuiusdam Willelmi le Marescall.* ***Item*** *de donis captis a Christianis, dicit quod ipse Robertus cepit de Willelmo de Bigod unum anulum*

This repetition of *item* begins to suggest that the testimony was not one uninterrupted account. Its recurrent place in the record alongside *dicit*—he says—insinuates that these were individual acts of speech compiled into a single list of accusations. Could *item* here, therefore, like the deposition records above, signify when a question was put to the witness in court?

One method for testing this theory is to consider what questions may have been asked to prompt the witness's response in the record. *Figure VIII* presents Aaron Blund's testimony, with each iteration of *item* preceded by a possible, corresponding question:

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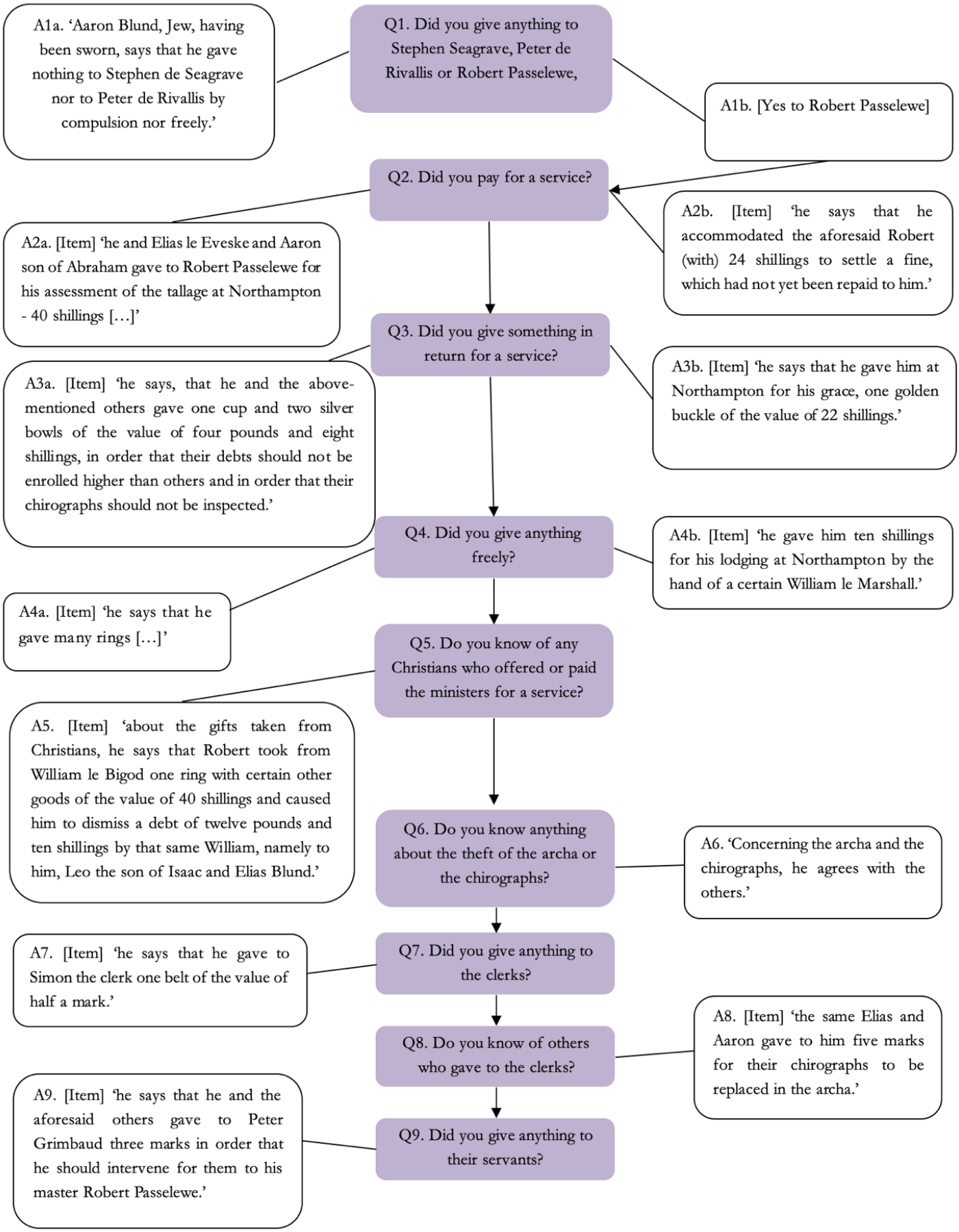
cum quadam bona… pretii xl. solidorum, et fecit ipsum remittere eidem Willelmo debitum xij. librarum et x. solidorum, scilicet ei Leoni filio Isaac et Elie Blundo. De arca et cirographis concordat cum aliis. […] ***Item*** *dicit quod dedit Simoni Clerico j. zonam pretii dimidie (marce).* ***Item*** *ipsi Elia et Aaron dederunt eidem v. marcas pro cirographis suis reponendis in arcam.* ***Item*** *dicit quod ipse et alii predicti dederunt Petro Grimbaut iij. marcas per sic quod intercederet pro eis ad dominum Robertum Passelewe […]*

Figure IX: Reimagined Questions: A Flow Chart, 1234



Alone this reconstruction tells us very little, yet when the same investigation is completed for each of the seventeen accounts, a series of regular questions (in the very same order) begins to emerge. These findings have been condensed and visualised in *Table 6* below. Here the questions 'answered' have been plotted across each of the seventeen accounts. The accounts shaded green signify when there is evidence that the question was asked: either when the defendant/s are accused of wrongdoing or, albeit less frequently, when the record acknowledged that the witness provided no charges on a certain topic. Any question that appears to have been asked but in a different order to the others is shaded red and is accompanied by a key that provides further details. These anomalous entries are discussed further below.

Table 6: A Reimagined Construction of the Inquiry's Questions, c. 1234

	1	2	3	4	5	6	7	8a	8b	8c	9	10	11	12	13	14	15	16	17
Q1. Did you give anything to or do something for Peter des Rivallis, Stephen Seagrave or Robert Passelewe?			F.Q4																
Q2. Were you unlawfully imprisoned/threatened with imprisonment?							F.Q5 (SOE)	F.Q4 (SOE)											
Q3. Were you unlawfully extorted?													F.Q4						
Q4. Was a debt agreement or tallage forcefully altered?																			
Q5. Do you know of anyone else affected?																			
Q6. Did you pay for a service?					F.Q8														
Q7. Did you give something in return for a service?																			
Q8. Did you give anything freely?							In Q4												
Q9. Do you know of any Christians who offered or paid the ministers for a service?																			
Q10. Were your tallage payments unlawfully threatened?																			
Q11. Do you know of any other lands or tenements that were exploited or affected?						F.Q12	F.Q12												
Q12. Do you know anything about the theft of the archa or the chirographs?																			
Q13. Did you give anything to the clerks?					F.Q15						In Q8								
Q14. Do you know of others who gave to the clerks?					F.Q15														
Q15. Did you give anything to their servants?											In Q8								

Record suggests this question was asked

Record suggests the question was asked but not in order

Record provides no evidence that question was asked

F. QX	Follows after Question X
In. QX	Answered already within QX
(SOE)	Answered as part of a later sequence of events

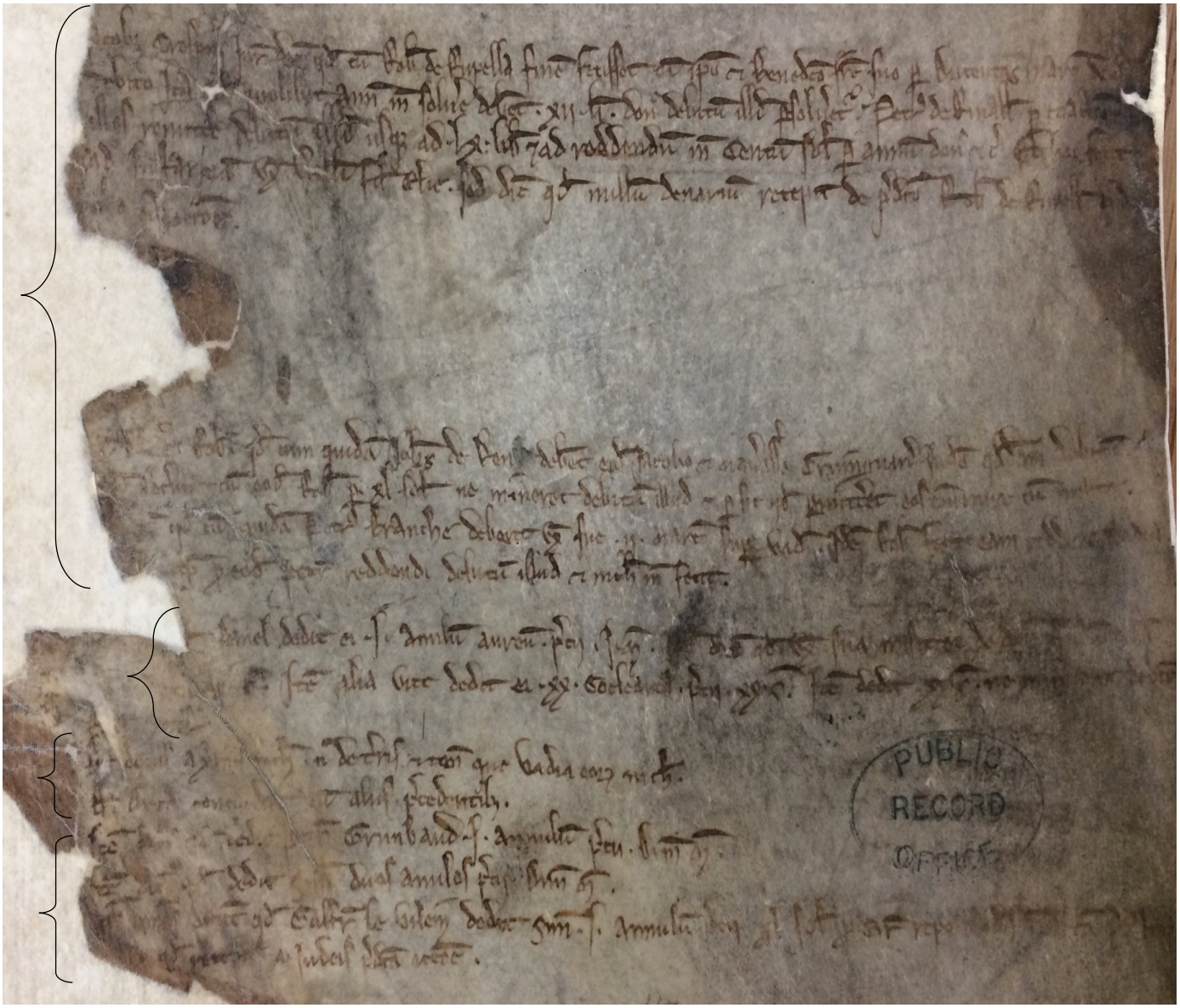
These findings reveal that a question-answer process elicited these testimonies. Very little else could explain the organisation and uniformity in the responses relayed to the court. Not only were questions asked, but *Table 6* demonstrates that a possible fifteen questions were put to the witnesses. Once the opening issue 'did you give anything to or do anything for Peter de Rivallis, Stephen Seagrave or Robert Passelewe' had been established and the witness had answered "yes" (even if not always recorded), the questions that followed probed into all aspects of their relationship with the disgraced ministers.

Table 6 shows that these hypothetical questions can be categorised and suggest that the inquiry was divided into four parts: [1] Questions concerning extortion, imprisonment and exploitation at the hands of the ministers. [2] Questions concerning "voluntary" gifts and payments made to the ministers. [3] Questions concerning specific crimes, such as the theft of the archa. And [4] questions that moved away from the crimes committed by the ministers themselves to the involvement of their clerks and servants. These findings suggest that the question-answer process was pre-formulated and heavily structured in order to maximise the evidence that could be extracted through each testimony. Furthermore, the wealth and breadth of accusations appear to have been structured in the record in descending order, whereby those with the most to offer appeared first, which suggests that the court was somewhat aware of the answers they would receive. Considering these findings, it is difficult to agree with Adler that the Jews were 'free' to present their grievances before the court. This was a targeted investigation—one directed at those Jews ingrained within the business of the Jewish exchequer and archa system. The shape and structure of the inquest reopens the question of when this inquiry took place. The specific questions and answers elicited show that Jews and Jewish business were the only matters of interest and may distinguish it from the general inquiry for London launched on 16 August 1234. There, the wealth of evidence from Jews may have come to light and prompted a subsequent inquest with a predesigned order of witnesses and its own set of questions.

The arrangement of the accounts on the roll supports these suggestions and even shows that the testimonies were divided thematically. *Figure X* below, for example, presents an annotated photograph of the testimony of Jacob Crespin (no. 5), to show how the four blocks of answers appear on the record. The clearest divide appears between blocks one and two where a paragraph break can be identified. Blocks three and four are harder to

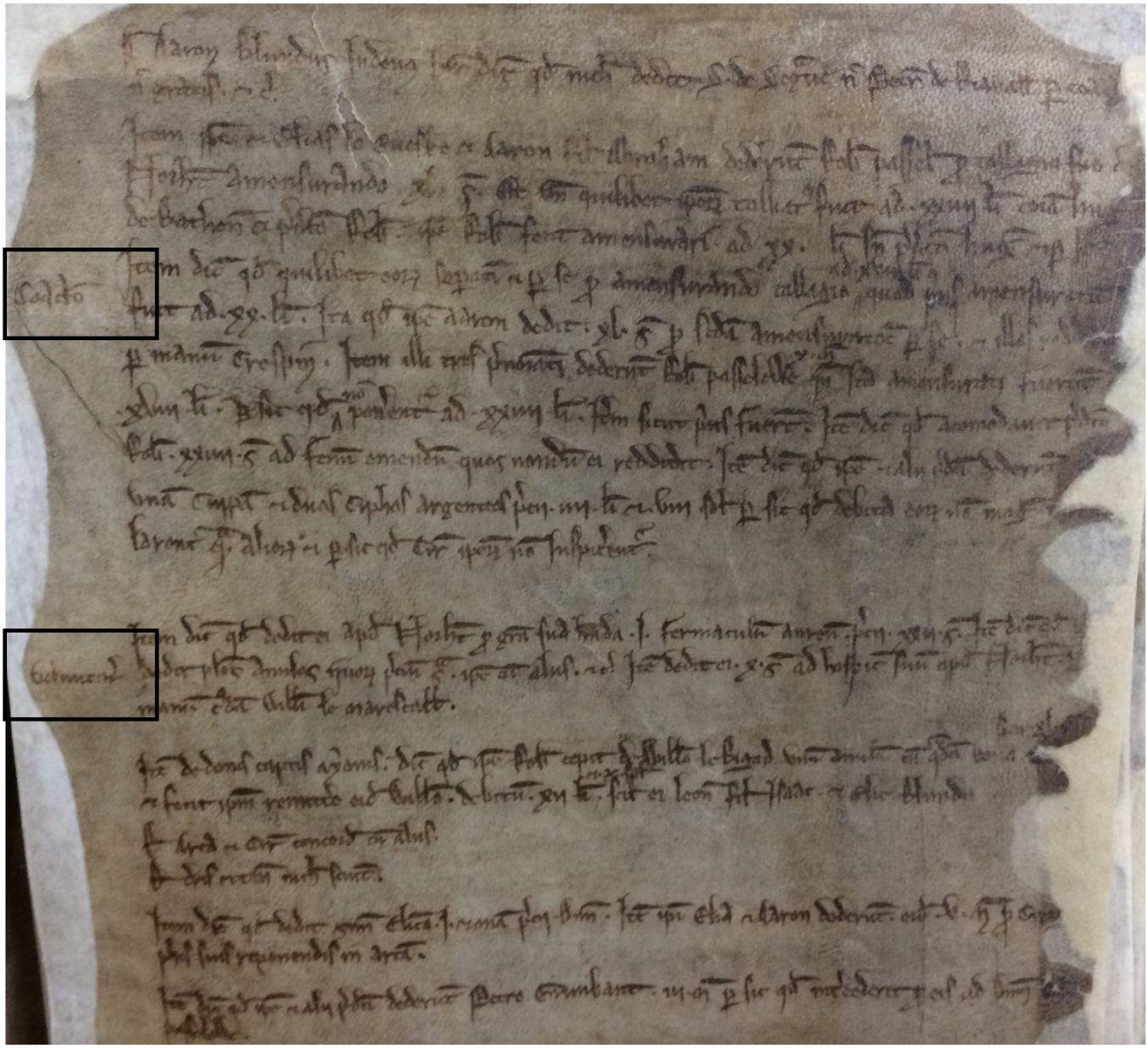
distinguish from one another, but each answer appears to have been preserved on an individual line, which may be attributed to a quick succession of short responses. Similar sections can be identified across the first eight accounts, excluding the account from the Christian chirograph clerks which were presented more ambiguously (and perhaps responded to a different, more specific set of questions on the theft of the archa).

Figure X: The Testimony of Jacob Crespin [TNA, KB 26 115b, rot. 13d]



Marginal notations also demarcate separate phases in the questioning. These appear most explicitly on accounts one to five whereby the clerk has noted in the margin whether the payments and gifts were extorted by the ministers *coatio*, or given freely *voluntario*.

Figure XI: The Testimony of Aaron Blund [TNA, KB 26 115b, rot. 13d]



The circumstances surrounding these extorted and voluntary payments will be explored further below, but here it must be noted that only the first five accounts received these scribal editions. This may simply be due to the length and detail of these earlier testimonies and a diligent clerk had marked where each block of questions began for quick reference. The later accounts, especially ten to sixteen, presented much shorter testimonies. It may also indicate that the first five accounts were the most significant, and these marginal notations were added to inform the next stage in proceedings or for use at trial. At the very least, these notations provide evidence of the larger question-answer process at work.

A number of answers do not conform to this question sequence. The testimony elicited from Benedict son of Pictavin presents two abnormalities: the reply to a later question was answered within an earlier response and, as such, this question was not asked later. Ordinarily, questions concerning coercion and extortion were asked before information on those voluntary gifts or donations bestowed on the ministers. Benedict, however, was recorded to have immediately announced 'that he never gave anything freely to Robert Passelewe, but he says that when John de Caudres owed him £44, before interest, the same Robert made him reduce that debt to £14 and half a mark'.[64] It is possible that Benedict had already heard the questions put to earlier witnesses and was aware that he would be asked about his 'free' offerings. Because he hadn't given anything freely, he incorporated this statement into his answer on coercion.[65] On other occasions it appears the order of questions shifted within their designated blocks. It appears that Benedict son of Pictavin was asked first about the archa in block three. Although given that the following note simply summarised that 'about the lands and the tenements he knows nothing, nor about the other matters', it may be that the record simply recorded the most valuable evidence for the inquiry first: that concerning the archa.[66] These accounts served the acquisition of useful evidence against the minsters, and so, the presentation of the record was altered to enhance its value.

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[64] Appendix III, 8; *[…] Idem dicit quod nichil unquam gratis dedit Roberto Passelewe; sed dicit quod, cum Johannes de Coudres deberet ei xliiij. libras, preter usuras, idem Robertus fecit eum remittere debitum illud usque ad xiiij. libras et dimidiam marcam […]*

[65] The preconstruction of testimony and the extent to which a deponent had the means to shape/manipulate the content of his or her account has been explored in a late medieval context by T. Johnson, 'The Preconstruction of Witness Testimony: Law and Social Discourse in England before the Reformation', *Law and History Review* 32 (2014): 127–47.

[66] Appendix III, 8; *[…] De terris et tenementis nichil scit, nec de aliis […]*

The record did not always record an answer in detail. If the witness did not present new information, but the accusations were still valuable, the record provided a brief affirmation of the answer by relating it to the statement of a prior witness. Instead of using *dicit* on these occasions, the record employed the verb *concordat* 'he agrees'. For instance, the phrase *De arca et cirographis concordat cum aliis*—'concerning the *archa* and chirographs, he agrees with the others'—appeared, with minor variances, in seven other testimonies.

> *De arca dicit et concordat cum Benedicto in omnia.*[67] (no. 2)
> *De arca uero concordat in omnibus cum predicto Iosceo.*[68] (no. 3)
> *De arca concordat cum aliis precedentibus.*[69] (no. 5)
> *De arca et cirographis concordat cum aliis.*[70] (no. 6)
> *De cirographis et archa concordat cum aliis.*[71] (no. 8)
> *De arca concordat cum aliis.*[72] (nos. 7 and 17)

The use of *concordat* draws direct parallels between the testimonies, reaffirming that the witnesses were responding to the same specific questions, in this case, questions regarding the archa. More importantly, *concordat* reveals how the inquest built up a condemning narrative. Where the court record repeated *dicit* to reinforce the authenticity of the narrative, *concordat* strengthened the prosecution by corralling Jewish accusations into a united, critical voice.

III. Crafting Trust and Tone:

The careful crafting of this collection extends beyond the question-answer process. In addition to the repetition of *dicit* and *item*, other lexical features and decisions made in the records' creation helped solidify the impression of the ministers' culpability. The first concerns the ritual and record of swearing on oath. Chapter two explored the process by which Jews were permitted to make oath upon the 'the five books of Moses' to attest to the veracity of their claim in court.[73] The testimonies from 1234 present this process in action. The record introduced each account in the same formulaic manner: the witness

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[67] Appendix III, 3.
[68] Appendix III, 4.
[69] Appendix III, 6.
[70] Appendix III, 7.
[71] Appendix III, 9.
[72] Appendix III, 8, 18.
[73] See pages 115–122 above.

was named and sworn in. An inflection of *juratus*—'under oath'—was stressed in every testimony:

> *Aaron Blundus Judaeus juratus dicit quod […]*[74]
> Aaron Blund, a Jewish man, says under oath that […]

> *Robertus de London et Johannes de Solar clerici cirographorum Christiani jurati dicunt quod […]*[75]
> Robert of London and John de Solar, the Christian clerks of the chirographs, say under oath that […]

Only the labels 'Jew' or 'Christian' differentiated these oaths in the record. The dutiful repetition of this ritual strikes an unsettling contrast to the defence of the Norwich Jewry in the *c.* 1235 circumcision case discussed in chapter four, which condensed the voice of thirteen Jewish individuals into the formulaic terms of a personal plea: 'they all deny this as Jews against a Christian'.[76] Could it be that the record's deliberate removal or recognition of an oath was also used to shape the perception of a case? The absence of the Jewish oath in *c.* 1235 deprived the Jewish defendants of any legal weight or legitimacy. Yet in 1234, the lengths taken to reiterate every oath suggests an active attempt was made to circumvent the religious otherness of Jews and the complications of trust, by attesting time and time again that they had all sworn to a truthful account upon on their faith.

The testimony of Solomon le Eveske adds further evidence to the performative nature of the oath in the record. Not only did Solomon swear an oath to attest to his own dealings with the ministers, he was also permitted to make an oath to speak on behalf of his 'ill' brother and 'feeble' father:

> '*Item*, he says that his father was feeble and that his brother Elias le Eveske was ill so that they could not come, and they charged upon him that he should speak and answer for them. And he says under his oath that…'[77]

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[74] Appendix III, 7, 260.
[75] Appendix III, 5, 259.
[76] Appendix III, 20.
[77] Appendix III, 9; *[…] Item dicit quod pater suus debilis est et quod Elias le Eveske frater suus infirmus est, ita quod venire non possunt et ipsi iniunxerunt ei quod dicat et respondeat pro eis. Et dicit super sacramentum suum quod […]*

Ordinarily, it was custom to postpone court proceedings if there was a valid reason for a litigant's absence. For crown pleas, witnesses who failed to appear were put in mercy and their sureties were fined unless the witnesses were formally essoined. An individual might be excused for illness, bad weather, or attending to royal business elsewhere, and in such instances, time was allowed for their delay or for an attorney to be appointed in their place. Crusaders were exempt until an appropriate time, but others, given *essoin de malo veniendi*, were only permitted a few days to recover.[78] In this account, however, no additional time was granted. Solomon was compelled to speak on their behalf. Yet if the court saw greater benefit in disregarding *essoin* protocols in favour of a swift addition to the evidence, then it may have been decided that a supplementary oath would uphold the tenacity of trust in this particular situation. These findings suggest, therefore, that while the repetition of the oath provided an essential tool in solidifying the court's collection of reliable evidence, the value of the grievances put forward by Solomon's brother and father were evaluated upon their own merits; here, additional incriminating evidence outweighed the certainty of their veracity.

The question-answer process was designed to elicit evidence against Peter de Rivallis, Stephen Seagrave, and Robert Passelewe, yet in amongst the Jews' accusations the names of other Christians arose: the names of corrupt Christian debtors and the ministers' own clerks and servants. The portrayal of these other figures in comparison to the ministers is striking. Any wrongdoing by another was only done, or so the record claimed, under the influence of Rivallis, Seagrave or Passelewe. The testimonial of Benedict Crespin, for example, reveals that William de Plessitis, brother to the later Earl of Warwick, forced Benedict Crespin and his associate to reduce a fine made with a certain Robert son of Philip, from 950 to 600 marks.[79] The record stated that William only acted by the 'force' and 'oppression' of Peter de Rivallis, and the Jews only complied 'by [their] fear of the same Peter'.[80] It is curious that William was not called upon himself to give evidence to this effect. It appears here that the crime itself was less significant than how it could be

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[78] C. Johnson, 'Notes on Thirteenth-Century Judicial Procedure', *The English Historical Review* 62 (1947): 508–521, at 511.

[79] Appendix III, 2; *[…] Benedictus Crespin primo juratus dicit quod manerium de Bocsted quod fuit aliquando Roberti filii Philipi, fuit vadium suum et Aron filii Abraham, et idem Robertus debuit eis super terram illam et super alias terras suas dccc. et l. marcas; et Willelmus de Plessetis per vim et oppressionem Petri de Rivallis fecit eos remittere debitum illud usque ad sexcentas marcas Waltero filio eiusdem Roberti, qui finem fecit cum eis; et istud factum est occasione maritagii inter filiam ipsius Willelmus et filium predicti Walteri […]*

[80] Appendix III, 2; *[…] Et hoc fecerunt propter metum ipsius Petri […]*

framed in the record. Rather than forcing powerful Christians to give evidence, and incriminate themselves in the meantime, Jews could be used to accuse both parties simultaneously. The record's use of language and explicit references to Rivallis' 'force', 'oppression' and his instillation of 'fear'—*vim, oppressionem* and *metum*—constructed and confirmed his aptitude to undermine the law and carry out these illegal endeavours. This vocabulary was often associated in *Bracton* with a criminal offence:

> *Item gratuita debet esse donatio et non coacta, necque per metum extorta […]*[81]
>
> *Item* a gift must be free, not made under compulsion or extorted by fear […]

As a result, this condemning legal terminology painted Rivallis as the principal perpetrator and provided yet another nail in the coffin of his defence. The inquest took full advantage of this accusation and manipulated its presentation and tone to place full culpability onto Rivallis.

Under other circumstances, the actions of others were simply muted to allow the criminality of the ministers to shine through. Ten of the accounts provided by Jewish witnesses revealed that Simon the clerk actively aided and abetted his master, Robert Passelewe. These crimes included: stealing the archa; selling the enclosed documents and forcing Jews to pay for their replacement; and the extortion of valuable goods including rings, knives and payments up to the value of 40 shillings. In the words of Benedict son of Pictavin, Simon did 'whatever he wished'.[82] Unlike William above, however, there was no allegation that Simon only acted under the 'force' or 'oppression' of his master. Instead, the record skirted over Simon's misconduct using the simple repeated phrase '[the witness] gave Simon the clerk…', presenting the Jews' payments as offerings rather than extorted fees.[83] On the other hand, the language used to frame Passelewe's misconduct, much like that of Rivallis above, exuded an incriminating, charged tone. Two verbs *extorsit* and *cepit*—'he extorted' and 'he took'—repeatedly appeared when recording Passelewe's actions:

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[81] *Bracton*, II: 64.
[82] Appendix III, 8; *[…] Simon fecit quicquid uoluit […]*
[83] For example, see Appendix III, 6; *[…] Item dicit quod dedit Simoni duos anulos pretii dimidie marce […]*

1. *Samuel de Hertford' juratus dicit quod Robertus Passelewe* ***extorsit*** *ab eo unam marcam per sic quod posset manere apud Hertford in dominico domini regis […]*[84]

   Samuel of Hertford says on oath that Robert Passelewe extorted from him one mark in order that he should permit him to remain at Hertford in the domain of our Lord the King […]

2. *Salomon de Kingestun' juratus dicit quod Robertus Passelewe* ***cepit*** *ab eo et sociis suis Judaeis xl. m per sic quod manere possent apud Kingestun' […]*[85]

   Solomon of Kingston says on oath that Robert Passelewe took from him and his Jewish friends 40 marks, so that they could stay at Kingston […]

Both verbs support our impression of the ministers' exercise of 'force' and 'oppression', and yet the only charged description of Simon across ten separate accounts reads that '[he] *demanded* from the same John the Chirographer one barrel of wine'.[86] Rather than exaggerating Passelewe's coercion of Simon, therefore, the clerk's crimes were succinctly recorded to detract attention from the malevolence of Passelewe. Regular reminders that Passelewe was Simon's master, however, subtly reinforced that these actions would not have been permitted without Passelewe's consent.

Conclusion:

This chapter has confirmed the place of Jews in the royal prosecution of 1234 by situating this unique collection of seventeen depositions within their wider political and legal context. In doing so, it has offered a number of contributions to the historical understanding of these events, including the significance of Jewish voices in the construction of the crown's case against three powerful, disgraced ministers. It has also put forward an alternative method for reading and interpreting common law records of this nature that can reveal the elicitation processes behind their production. Unlike Adler, this analysis did not accept these exceptional records of reported Jewish speech as an empowering symbol of Jewish voice or agency. Instead, it heeded Arnold's warning that 'one cannot recapture the "true" voices of the past' and examined the 'mechanisms of power that brought [the London Jewry] to speech and to silence'.[87] This chapter has explored how these records express the context of power between the crown and a small

[84] Appendix III, 15.
[85] Appendix III, 16.
[86] Appendix III, 5; *[…] Et idem Simon exigebat de eodem Johanne Cirographario unum dolium vini […]*
[87] Arnold, *Inquisition and Power*, 2–3.

faction of England's Jewish community to reflect on the experiences of Jews during a dramatic, political turning point in royal governance, when the young King Henry III seized the reins of English law.

The structural makeup and organisation of these accounts proved a valuable platform for exploring how Jewish accusations against high-profile Christians ministers came to appear on the *coram rege* rolls. Rather than accepting at face value that these accusations were offered to the inquest freely and openly, this analysis cross-examined the language of the accounts within the context that created them. It discovered that each repetition of *item* represented a single act of speech in response to a pre-designed question. From this observation, a systematic question-answer process emerged, one organised and crafted by the court to shape the voices of Jewish witnesses and elicit as much incriminating information as possible against the accused. This deliberate design was reinforced by the order of testimonies—those with the most to offer appeared first in the record—and the language was carefully chosen to characterise the actions of those implicated by the Jewish witnesses. The application, repetition or absence of specific vocabulary helped craft an impression of both the vulnerable witnesses and the malicious accused. Together, these findings reveal a conscious system behind the composition of court records, but not one that resembled the generally formulaic framework shown elsewhere in this thesis. This case has revealed that even by 1234, there was a degree of manoeuvrability in how legal events could be presented in the record including, here, the accentuation of Jewish agency and trustworthiness above the damnable actions of the crown's enemies.

Jewish testimonies proved to be useful for the royal prosecution, but they were not part of the inquest's original design. What initially began as a broad fishing exercise transformed into a concentrated hunt for evidence with Jewish communities at its centre. By retracing the mandates issued across England, this analysis has shown that Jews were likely called upon at Canterbury *following* the invaluable testimonies provided by London's Jews. Perhaps, given the tense political climate, and the reputations of the accused, others with knowledge of the ministers' crimes were reluctant to expose themselves in an uncertain prosecution. The king, after all, had only just begun to secure his position atop the English legal system, and should anything have gone wrong, witnesses would have been left vulnerable to the other powers at play. When no one willingly came forward, the

crown was forced to adopt an alternative strategy, and Jewish creditors and officials, bound by the terms of their 'special relationship' with the crown, were in no position to refuse. Those in charge of the inquiry went to every effort to craft a record that painted Jews as an exploited minority oppressed at the hands of cruel, manipulative Christian ministers. The lengths taken to legitimise the Jewish witnesses, through the emphatic repetition of every oath sworn, sought to expunge any doubts or suspicions surrounding Jewish testimony to serve the crown's case. The crown needed the London Jewry and so, Jews were thrust into the heart of English politics with no option but to obey the interests of their king. Those Christians unwilling to get involved were rightly concerned to get tangled into a heated, short-lived political affair. Although the ministers fell from power, from 1235, they slowly regained the king's favour.[88] Those Jews that testified in 1234 were left exposed and vulnerable to retaliation in the years that followed.

The use and abuse of Jewish testimony in this case epitomises the very accusations directed at the ministers during their regime. England's Jewish community was exploited to serve the interests of powerful Christians—by Seagrave, Passelewe and Rivallis—but also by the king in his mission to unseat them. It was their financial and administrative position within the infrastructures of English society that left them susceptible to such maltreatment. The accusations presented before the inquiry revealed that payments were extorted from London's Jewish community; chirograph clerks were forced to amend debt agreements; creditors were coerced into paying illicit fines to legitimise their loans; and the London archa—the symbolic (and practical core) of the shared, interfaith legal system—was itself stolen. Together, these crimes do not present a fair or accommodating legal system in which members of two faiths could meet and cooperate, but a two-tiered system in which Jews—especially Jewish creditors, administrators, and those embedded within the workings of English law—could be exploited at will by those Christians in power. Upon

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[88] In February 1235, Seagrave paid 1,000 marks to be reconciled with the king, see *CR, 1234–1237*, 394. He was reappointed to his office at the Tower of London, and was made a judge at Chester, see *CR, 1234–1237*, 538. In February 1239, he also became a justice of the court *coram rege*; In May 1235, Passelewe also paid a heavy fine before being pardoned, see *CFR, 1234–1235*, 287. In 1242, he was appointed the sheriff of Southampton, and also granted ecclesiastical posts including the Prebendary of St. Paul's Cathedral and of Salisbury Cathedral, see *CPR 1232–1247*, 284, 298, 301; In May 1236, Peter de Rivallis was pardoned, and from April 1237 onwards he received a series of minor favours from the crown. By 1250, Rivallis was readmitted to the court and twice received custody of the great seal, and in 1253, he was readmitted as a baron of the exchequer. He was also eventually restored his offices of Treasurer and Keeper of the Wardrobe, see Vincent, *Peter Des Roches*, 446–480.

the king's ascension as the custodian of the royal courts, and guardian of the Jewish minority, very little changed. The 1234 prosecution exposed Jews to the sharp, vulnerable end of royal power: the very crimes that exploited Jews were now useful to the crown, and so, were exploited again to serve the needs of the king.

CONCLUSION

> 'For the Jews of Medieval England, the long reign of King Henry III (1216–1272) began in chaos and ended in crisis. The reign was not, however, an unremitting tale of woe…'[1]

The initial years of Henry III's reign have been perceived as a prosperous period in the history of England's medieval Jewish community. In the aftermath of the 'chaos' of King John's reign and the baronial rebellion of *c.* 1215–1217—a time defined by extortions, imprisonments and assaults—the English Jewry, in the words of Robert Stacey, 'recovered rapidly' to such an extent that by *c.* 1241 they were 'the wealthiest Jewish community in Europe'.[2] This thesis has moved away from viewing this period exclusively through a financial lens, which has equated economic success with day-to-day prosperity and achievement, to examine what it meant to be Jewish in a legal context at this time, and how this experience came to be expressed through the developing judicial and administrative infrastructures of English common law.

This thesis has presented the first dedicated study of Jews within and across England's royal court system in the period 1216 to 1235. At its heart lay the records produced by four courts—the Exchequer of the Jews, the court *coram rege*, the common bench, and the eyre courts—which together presented a platform for exploring the experiences of a Jewish minority within the crown's increasing and increasingly systematic efforts to document the actions and proceedings of the common law. This thesis found, identified and analysed the place of England's Jewish community within these developing court structures by bringing together, for the first time, all cases involving Jews recorded on the royal plea rolls. In doing so, it overturned the notion that the establishment and jurisdiction of the Exchequer of the Jews excluded Jews and Jewish business from royal courts elsewhere, and discovered when Jews appeared as plaintiffs, defendants and witnesses, as well as royal officers and the legal representatives of others. This research revealed the actions brought by and against Jews, the geography of those disputes, and the

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[1] R.C. Stacey, 'The English Jews under Henry III', in *Jews in Medieval Britain: Historical, Literary and Archaeological Perspectives*, ed. P. Skinner (Woodbridge, 2003), 41.
[2] Stacey, 'The English Jews under Henry III', 41.

rate of their success, and juxtaposed these findings with Christian examples to shed light on how Jews were received into the wider processes of English law. The combination of these quantitative assessments with three chapters organised around different elements of the Jewish legal experience—which addressed in turn Jews as litigants, officers, and witnesses—brought to the foreground that the place and reception of Jews in the administration of royal justice was in much need of further investigation, especially for the earliest decades of the thirteenth century.

This research also addressed a number of key points regarding contemporary legal procedure during a pivotal, transitional moment for English law, especially the methods adopted to receive and accommodate a religious minority. The contractual relationship between Jews and the English crown, whereby the protection of a Jewish community in England was dependent upon their ability to serve and line the pockets of English kings, has long informed our understanding of Jewish legal status. Brand, alongside Stacey, argued that developments in the late twelfth century, namely the establishment of a special network of archa chests, and the foundation of the Exchequer of the Jews, 'accentuated this [notion of Jewish status] and further promoted the separate and legal position of the Jewish community'.[3] This study extended these arguments, once rooted in the 'special restrictions and regulations' mandated by the crown, to consider how this 'special' status manifested in court.[4] Through the royal plea rolls, this research has examined the theoretical, legislative position of Jews in the context of the relationship between faith, record and legal practice. In doing so, this thesis highlighted that the current emphasis placed on the Jews' 'privileged' position has distorted the larger (and less positive) picture of Jews in the English legal process. Rather, this thesis argued that the experience of Jews in court was actively shaped by three intertwining factors. First, the institutionalisation of debt, through the archa system and Exchequer of the Jews, carved a unique legal position for Jewish creditors in court, and facilitated the development of other Jewish offices and professions within the wider legal landscape. Second, the developing conditions and practice of thirteenth century law, paired with a growing emphasis on the written word, shaped the accessibility and capability of Jews in court, and the centrality of the archa system to the Jewish legal experience. Third, the context of power between the English

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[3] P.A. Brand, 'The Jews and the Law in England, 1275-90', *Economic History Review* 115 (2000): 1139.
[4] Brand, 'Jews and the Law', 1139–40.

crown and the Jewish minority, once realised, presented a framework in which to explore and explain deviations from the increasingly standardised format of legal records. The next few paragraphs outline the extent and implications of these findings.

The establishment of the Exchequer of the Jews marked an important administrative change for Jewish creditors at the close of the twelfth century, but as a result, studies on its administration of debt have overshadowed the Jewish exchequer's broader legal functions and place within an evolving network of royal courts. This is especially true for the recurrent emphasis placed on its jurisdiction of Jewish cases which, in the words of Stacey, brought Jewish moneylending under closer royal supervision and marked a 'royal jurisdictional monopoly over all the Jews of the kingdom'.[5] It is this fusing of the financial and legal responsibilities of the Exchequer of the Jews—that has distorted our understanding of where, when and why Jews entered the royal court system. Other than Brand's jurisdictional considerations of the Exchequer of the Jews, there have been no further studies dedicated to the place of Jews in royal courts in the period before *c.* 1265. Even in his assessment of the period shortly following the foundation of the Jewish exchequer, Richardson identified the appearance of Jews before other royal courts, but sidelined these cases as 'exceptions' that were 'not difficult to explain'.[6] This present study has brought to light these so-called 'exceptions', which totalled 105 entries involving Jews outside the Jewish exchequer for the period *c.* 1216–1235 alone. Such findings, therefore, point to a new argument: that the Exchequer of the Jews should no longer be seen as a separate partition of the legal system, but a major nexus of Jewish business within a larger, overarching network of royal justice. The common bench, the court *coram rege*, the eyre courts and the Jewish exchequer were four arms of a single body that, in its entirety, implemented a royal claim over Jews (outside rabbinic allowances). The Jewish legal experience can no longer be appreciated purely in terms of 'privilege' and segregation.

A significant product of this study is the extent to which it shifts our perspective from the Exchequer of the Jews as the defining pillar of the Jewish legal experience onto the crediting business more broadly, and in particular, the institutions and offices it inspired. Building on the groundwork of Brand and Stacey, this thesis retraced the

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[5] R.C. Stacey, 'The Massacres of 1189–90 and the Origins of the Jewish Exchequer, 1186–1226', in *Christians and Jews in Angevin England: The York Massacre of 1190, Narratives and Contexts*, ed. S. Rees Jones and S. Watson (York, 2013), 107.
[6] H.G. Richardson, *The English Jewry under Angevin Kings* (London, 1960), 151.

legislative conditions imposed on the English Jewry, to identify when the practice of moneylending in England became synonymous with the Jewish community in legal terms. It argues that it was not until the establishment of the archa system in *c.* 1194 that Jews were definitively recognised as the crown's creditors by royal charter. This system marked the first administrative stage in the organisation and division of Jewish crediting affairs and gave birth to a series of provisions for accommodating Jews into the administration of English law, including their ability to swear oaths upon the terms of their own faith, and the ability for Jews to request a mixed-faith jury made up of both their Jewish and Christian peers. This present study has brought to light that these provisions may have applied to all Jewish litigants accessing the court, but on a practical level, they were designed with the creditor in mind. By granting Jewish creditors this vast legal infrastructure, the archa and Jewish exchequer could more readily regulate and administer debt and debt disputes between Christians and Jews. Such responses point to the institutionalisation of debt as both an extension of royal efforts to cater for Jewish difference and a means of solidifying their status as a separate legal community that required a specialised branch of royal management.

That some members of England's Jewish community were incorporated into these extensive, evolving legal networks is clear from several aspects of this thesis, as is the role of those networks in shaping the experiences of Jews in court and facilitating their actions and activities further afield. This thesis has shown how intrinsic moneylending and debt were to those offices granted to Jews by the English crown. The election of Jewish chirograph clerks as the custodians of crediting business was a practical, and also symbolic, concession that aimed to instil Jewish trust in the new archa system. The English crown's decision to invent a position for Jews suggests a conscious effort to create, if only superficially, an inclusive system for the administration of debt. Stacey's suggestion that the archa system was introduced to extend the crown's control over Jewish financial affairs does not wholly account for this decision. The crown could easily have appointed only Christian clerks, but instead, a position was intentionally created for Jews. In practice, of course, the integrity of this system did not prove to be as robust or protective as envisioned and the royal plea rolls have revealed that the scope of the clerks' powers was limited. Nevertheless, the appointment of Jews to official royal posts aimed to integrate Jews and their business with, rather than segregate Jews from, the administrative networks of English law.

The institutions of debt—the Exchequer of the Jews and the archa system—and the roles they fostered, also account for the wider place and activities of Jews in these evolving legal networks. This thesis has shown how the accommodation of the moneylending profession within the common law gave rise to Jewish warrantors, a position that dragged Jewish creditors into the volatility of Christian land disputes and forced vulnerable individuals to stand against powerful Christians in court. The Exchequer of the Jews also appeared to have fostered the circumstances for the development of professional Jewish attorneys fifty years before their Christian equivalents. This thesis has revealed that the uncertainty for Jews, as religious outsiders, entering a court adjudicated by Christian justices, likely stirred the need for more than just a 'friend or relative' to represent their legal interests. If Jews could not rely upon the fairness and procedural propriety of the court, then they required, sooner than others, a legal representation that was well-equipped to navigate the complex world of litigation. Benedict Crespin of London, therefore, through a combination of his knowledge of the law and his proximity to the court, appears to have been one of the first Jewish attorneys to market their legal expertise. The ever-increasing number of debt disputes carved a clear and much-needed space for the professional Jewish attorney.

The sense that wider developments in English law, paired with a growing emphasis on the written word, shaped the experience of Jews in court has been a recurrent theme over the course of this thesis. Falling between the works of *Glanvill* and *Bracton*, the period 1216 to 1235 marks a distinct black spot in the advancement of legal theory in the early thirteenth century. This time is viewed as a 'privileged' period for Jews in court, especially by Curk, who emphasised the legal allowance granted to Jewish litigants by the swearing of an oath.[7] This present study has shown that arguments of 'privilege' present a skewed perception of Jewish litigation in these years, including the notion that Jews gained a true advantage through their association with the crown, by recontextualising the circumstances in which these so-called 'privileges' were called upon across the royal courts. Across all cases involving Jews in this period, only five pleas present Jewish defendants invoking their protected royal privileges, and not one of these cases reported a successful outcome for

[7] J. Curk, 'The Oath of a Jew in the Thirteenth-Century English Legal Context', in *On the Word of a Jew: Religion, Reliability, and the Dynamics of Trust*, ed. N. Caputo and M.B. Hart (Indiana, 2019), 67.

the Jewish litigant on the basis of this plea. This thesis demonstrated that for civil pleas at least, the new contemporary emphasis on written records of debt provided Jews with a more reliable set of tools with which to settle disputes. These findings point again to the centrality of debt, and those institutions that facilitated debt litigation in English law, to the Jewish legal experience. The archa network, in particular, provided Jews with a royal archive of their crediting contracts. Jewish creditors, wielding the weight of the archa behind them and its ascribed royal authority, not only had the means to access the royal courts, but also had the legal support to successfully bring and defend suit. It is important to reflect on the timing of this emergent institution. Would the archa system have evolved in another legal context? When we look to the continent, for example, we do not see the same emphasis placed on the centralisation of Jewish proof. The archa system materialised at a very precise turning point in English administration, in which the record was becoming the very foundation and definition of legal right. In order for the crown to safeguard Jewish crediting agreements, these agreements required moving from the periphery of the law into the very heart (and security) of the legal process. The developing conditions of thirteenth-century law shaped the place, actions and abilities of Jews in court, and the archa system, in particular, emerged at the core of the Jewish legal experience.

By focusing on the years of King Henry III's legal minority, this thesis has examined how wider relationships between Jews and Christians, and Jews and crown officials, manifested in the royal plea rolls. The study built upon the long-standing notion of the 'king's Jews' by arguing that even in the absence of a king, England's Jewish community were vulnerable and exposed to whatever powers were in play: whether that was through a corrupt sheriff manipulating court proceedings for financial gain; Jewish creditors being pulled in to warrant or provide testimony in cases against high-ranking Christian officials; or the exploitation and abuse of Jews by the royal ministers appointed for their care. The current emphasis placed on the 'king's Jews' causes a flawed perception that the royal figurehead alone had the power to inflict the weight of royal authority onto the Jewish community. This study has demonstrated that the abuse of power extended much more broadly across the infrastructures of both crown and state, even if the king, on his ascension to the top of the royal court system in *c.* 1234, exercised these powers to new, unprecedented heights in his royal prosecution. This research recognised, however, for the first time the broader network of Jews operating within this royal and legal context. In addition to attorneys and chirograph clerks (discussed above), this thesis also adds an

earlier perspective to Brand's research on the offices and roles assumed by Jews in court. It does so through its new understanding of the role of the royally-appointed archpresbyter during the early thirteenth century. Not only did Josce the archpresbyter hold a seat at the Exchequer of the Jews, his own rolls, and possibly, like Aaron of York, a subordinate official to stand in his place when necessary, but he also had a responsibility to oversee mixed-faith inquests and police the trustworthiness of Jewish jurors. This study revealed that there is no explicit evidence to confirm that Josce possessed the 'status of a justice', as argued by Brand, yet the records of Josce's activities across the records from three royal courts show he was capable of much more than simply 'inform[ing] the justices' about mixed-faith inquests, as Richardson assumed. Over the course of this thesis, it has become clear that a complex web of social, legal and administrative factors shaped the dynamics of Christian-Jewish contact, communication and corruption in court.

At the heart this study were the ninety royal plea rolls that survive for the period *c.* 1216 to 1235, and perhaps the most important conclusion to be drawn is that these records are varied, multifaceted collections that require careful attention in order to realise their full potential as historical sources. This thesis offered a close examination of the language, structure and content of each record involving Jews, Jewish litigants, or Jewish business, and from that examination emerged several conclusions concerning the nature of court records in this period, especially in terms of their systematisation at a turning point in the recording of English law, and their wider uses for historical research.

Over the course of this thesis, it has become clear that to discount common law records as 'brief' and 'laconic' and, in turn, argue that they offer little insight into the lives of Jews in medieval England, is misplaced. The formulaic language used to document court records in the early thirteenth century presents a valuable platform for exploring the place of Jewish litigants within England's developing legal system, especially the means of entry, actions, and forms of pleading available to Jews in court. The articulation of Jewish claims, in particular, revealed the different paths available to Jews seeking justice. The research in this study charted how forms of action—such as debt—related to the expression of a claim (*exigit*) in the court record. It identified that although the processes without writ are less clear cut, the application of *appello* and *queror* in this early period reveals two other channels open to Jews seeking retribution: by both appeal and complaint. The investigation into *petit versus* and *optulit se* also demonstrated that the language used to express the plaintiff's

claim reveals the activity in court or even the nature of the ensuing proceedings; by marking the absence of the defendant, or a later session or stage in the plaintiff's pursuit of justice. In the absence of writs or supplementary documentation, the lexical formulas that defined how each plea was presented in the record, proved invaluable for appreciating how Jews, just as Christians, sought justice across the royal court system by writ, appeal and complaint.

The extent to which each and every case conformed to the same standardised conventions was another focal point of this research. Just because formulas can be identified in the record-making process does not mean they were used consistently or set in stone. This research explored the flexibility of these formulas and processes in the records of Jews in court and situated the inconsistencies within the wider context of power between Jews and the English crown. Through a study of the circumcision accusation that arose before the court *coram rege* in *c.* 1235, which dramatically presented the defence of thirteen Jews through a personal plea of only seven words, and through the rich, detailed testimonies presented by eighteen Jews just six months earlier in support of a royal prosecution, we see just how stark the contrast could be when those in power had something to prove or to gain. These implications of power speak to Arnold's arguments on reading the legal records of powerful institutions in which he convincingly reasoned that we can only definitively identify the agenda of the court from what they chose to include in the record, not the words or sentiments spoken by the deponent. This thesis added further weight to these discussions by juxtaposing records of 'excess' speech with those reduced or constricted by higher authorities. An analysis of the records produced by those with power, or a system of power, and the intentions behind the words recorded, answered, to some extent, questions over who was responsible for choosing the information to be included in common law records and what form certain records would take. The varied degree of detail in this court material—and the uses and abuses of formula—reflects different moments in royal history, of the crown's changing concerns, agendas, and relationships; all of which together made a study of the varied experiences of Jews in royal courts possible.

This study demonstrated that the systematisation of common law records had not, by *c.* 1235 at least, become entirely fixed in the recording of court activity. The meaning of, and value attributed to a court record changed according to how useful it could be to

the court and crown. This potential for political sway and deliberate design or deviation has been recognised for other forms of historical material, but this was also true of court records during this period. By raising the difficulties of reading the actions and words attributed to a religious minority in a Christian administrated system, this thesis asked new questions of common law material by exploring what was remembered in court, who was permitted to speak, and who remained silent in the crown's depiction of legal practice. It proposed an interdisciplinary approach to the reading of legal material that interrogated the use of language and formula in the presentation of court activity by placing the context of power between the English crown and the Jewish community at the forefront of discussion. It also examined when presentations of Jews adhered to or diverged from the increasingly standardised records of the common law. This research built the rationale for moving historical analyses away from reconstructing Jews *in the courtroom* to consider the more telling presentations of Jews *in court records* by exploring new ways of reading Jewish litigants, their activities and their speech, with a more nuanced appreciation for the mechanisms underlying the records' production. This approach demonstrated how the language and structure of court records can unlock the deeper relationship between legal practice, the legal record, and the legal experience of England's Jewish community.

The overarching aim of this thesis was to find and identify all records of Jews in the royal court system and analyse their contents to extend our understanding of the experience of Jews, as a religious minority, operating in the Christian infrastructures of English law. This revealed findings on Jewish jurisdiction—the actions and methods of pleading available—and highlighted the centrality of debt, especially the institutions of debt, to the Jewish legal experience. There are certain limitations to the arguments presented in this study in that they create a Christian-centric view of what it meant to be Jewish in court. This is due to the nature of the material used in this thesis, which affords greater focus to the place of a Jewish minority in the systems of English governance than it does to the words, thoughts and feelings of Jewish individuals. However, this present study offers several new perspectives to the field of Jewish studies through its methods to tap further into the potential of Christian court material:

1. **Reading Legal Formulas:**

   A close examination of the formula/language of court records can shed light on the broader circumstances or nature of a case. It is true, as we saw in chapter two,

that the majority of cases between Christians and Jews were consistent in language and structure, and suggested that records of Jews in court conformed to an evolving formulaic and standardised record-making process. These formulas do not limit the value of court records, as previously argued by Roth and Menache, nor prevent us from examining the experiences of Jews in a Christian court system. In fact, by recognising and defining the formulas at work, this thesis has been able to reveal when the court chose to take its record beyond these conventions. Repetitions, imitations and reoccurrences in the vocabulary of court records—in addition to interjections of emotion (below)—become then an important object of study when exploring marginal groups in court: when were their experiences systematised and when were they not? The early thirteenth century marked a transformative transition in the ways that English law was both administrated and recorded and, as a result, presents a valuable platform for exploring the experiences of those operating within its systems.

2. **Reading Voice/Emotion:**

A central theme underpinning literary approaches to oral texts from the past is the idea that 'voice' surpasses a simple presentation of recorded speech. This thesis has cautioned against accepting the speech attached to medieval litigants at face value, given their presentation in the record is one dictated by the court. This research responded to Arnold's work on inquisition depositions, and rationalised that a 'context of power' was similarly applicable to the records of Jews in Christian courts. This inspired the present study to read English court material with a sharper awareness of the language used to present the voices and actions of England's Jewish community and contextualise these accounts with those of their Christian peers, to examine how and when the court strayed from convention to create a specific presentation of Jews. This research supports and adds evidence to Hudson's argument that the use of charged/emotional vocabulary in legal material may be 'revealing to legal historians'. It demonstrates how the intentional construction of emotion and tone could even be weaponised by the crown to construct a deliberately damning or empowered depiction of Jews in court. These findings advocate that legal records of exceptional conflict can, and should, be read with the same awareness exercised in analyses of contemporary chronicles and histories. In these moments, members of England's Jewish community were

equally vulnerable to the opinions and biases of the system responsible for documenting their prosecution or defence.

3. **Reading Original Plea Rolls:**

Careful study of the original manuscripts served two significant purposes. First, it was essential for those plea rolls only available in their original form, but it also helped to correct any errors in the printed editions. Second, and most significantly, it revealed a great deal about court records as objects: especially, how and when they were produced. Chapter five showcased the organic, yet pre-designed format of the elicitation of Jewish testimony in the royal prosecution, which not only brought to light systematic blocks of questioning distinguished by marginal notations, but also the clerk's diligent efforts to connect elements of testimony divided by the miscalculated recording of the account labelled *communi*. Together these findings helped confirm the place of Jewish testimonies in the larger case at hand. Understanding production, therefore, served to enhance an understanding of the material captured on the rolls.

These methodologies extend the current application of thirteenth-century common law records, both in a Jewish and wider legal context, and afford greater insight into the context, production and function of these records in the increasing systematisation—not completed systematisation—of the English legal system. These methodological frameworks provide a platform for challenging the prosaic practice of common law during a time when the making of court records was still, under certain circumstances, experimental and organic. It is hoped that the project's conceptual focus will encourage others to situate the court records of marginal or underrepresented groups—women, villeins, and other religious and ethnic minorities—within a deeper appreciation of the contemporary legal and administrative climate. For reading Jews in Christian court material, the potential of these methodologies can extend further still. This study was only able to dedicate attention to the period 1216 to 1235, but with these methodologies now established, it is hoped that the next steps are to expand the chronological scope of this study from the earliest surviving court material to the final years of the English Jewry (*c.* 1194–1290). The ebbs and flows of royal governance alongside the changing status of Jews within these socio-political structures can, as this thesis has demonstrated, be charted

through records of the law in practice. Only by moving away from the law books to the courtroom can the experiences of Jews in Christian royal courts truly be recognised.

A recurring point that has emerged from this thesis is the volatile interplay between the individual, the record, and the legal system. For England's Jewish community, a religious minority operating within the systems of Christian law, this volatility often left Jews exposed to the greater powers at play. This thesis has focused on the years of Henry III's legal minority, and in doing so, it has affirmed that when the king was back atop the English justice system, Jews could be subjected to the powers and whims of English royalty, yet this exposure was manifested in other ways upon the royal plea rolls. This research has demonstrated how the institutions of debt—fundamentally, the archa system—dictated much of the Jewish legal experience. It not only conditioned the cases that were (explicitly) successful in court, but through its unprecedented royal archive of Jewish crediting agreements, it exposed and pulled Jews into the complex web of English politics and power. This serves as a reminder that this thesis was as much a study of the transformative moment of 'the record' in the administration of the common law in the early thirteenth century, as it was a question of Jews within its evolving structures. To that end, it is worth reiterating the point raised in chapter four that it is difficult to read or even understand what it meant to be Jewish in court without first stepping back to appreciate the context of the system and records that captured these particular historical moments. This awareness should not deter scholars from attempting to access the complex, multifaceted dimensions of the Jewish legal experience, but instead prompt the realisation that further study of this material is both possible and necessary.

ABBREVIATIONS

Anglo-Jewish Exhibition	*Papers Read at the Anglo-Jewish Historical Exhibition, Royal Albert Hall* (London, 1887).
BAS	*Calendar of the Roll of the Justices on Eyre, 1227*, ed. J.G. Jenkins (Buckinghamshire Archaeological Society, VI, 1945).
BHS	*Bedfordshire Historical Society*
BIHR	*Bulletin of the Institute of Historical Research*
BL	British Library
Bracton	*Bracton de Legibus et Consuetudinibus Angliae: Bracton on the Laws and Customs of England*, ed. G.E. Woodbine and trans. S.E. Thorne, 4 vols. (Harvard, 1968-77).
Bracton's Notebook	*Bracton's Notebook: A Collection of Cases Decided in the Kings Courts During the Reign of Henry III*, ed. F.W. Maitland, 3 vols. (London, 1887).
*CCh*R (and years)	*Calendar of the Charter Rolls*, *I: Henry III, 1226–57* (London, 1903). *Calendar of the Charter Rolls*, *II: Henry III and Edward I, 1257–1300* (London, 1906).
CHS	*Collections for a History of Staffordshire* (Staffordshire Record Society, IV, 1901).
*CP*R (and years)	*Calendar of the Patent Rolls*, 1216–1225 (London, 1901). *Calendar of the Patent Rolls*, 1225–1232 (London, 1903). *Calendar of the Patent Rolls*, 1232–1247 (London, 1906). *Calendar of the Patent Rolls*, 1247–1258 (London, 1908).
CR (and years)	*Close Rolls of the Reign of Henry III, 1227–31*(London, 1902). *Close Rolls of the Reign of Henry III, 1231–34* (London, 1905). *Close Rolls of the Reign of Henry III, 1234–37* (London, 1908). *Close Rolls of the Reign of Henry III, 1237–42* (London, 1911). *Close Rolls of the Reign of Henry III, 1242–47* (London, 1916). *Close Rolls of the Reign of Henry III, 1247–51* (London, 1922).

	Close Rolls of the Reign of Henry III, 1251–53 (London, 1927). *Close Rolls of the Reign of Henry III, 1253–54* (London, 1929). *Close Rolls of the Reign of Henry III, 1254–56* (London, 1931). *Close Rolls of the Reign of Henry III, 1256–59* (London, 1932). *Close Rolls of the Reign of Henry III, 1259–61* (London, 1934).
Chronica Magistri	*Chronica magistri Rogeri de Houedene*, ed. W. Stubbs, 4 vols. (London, 1868–71).
Chronica Majora	*Matthaei Parisiensis, monachi Sancti Albani, Chronica majora*, ed. H.R Luard, 7 vols. (London, 1872–83).
Cur. Reg. R	*Curia Regis Rolls of the Reign of Richard I, John and Henry III Preserved in the Public Record Office*, 20 vols. (London 1922–1991, Woodbridge, 1999–2006).
DMLBS	*Dictionary of Medieval Latin for British Sources*
DCNQ	*Devon and Cornwall, Notes & Queries*, XX (Exeter, 1939).
Early Registers	*Early Registers of Writs*, ed. G.D.G. Hall and E. De Haas (London, Selden Society 87, 1970).
English Law	F. Pollock and F.W. Maitland, *The History of English Law Before the Time of Edward I*, 2 vols. (Cambridge, 2nd ed., 1898).
Fine Rolls	*Calendar of the Fine Rolls of the Reign of Henry III*, available online as part of the *Henry III Fine Roll Project* at http://www.finerollshenry3.org.uk/content/calendar/calendar.html
Flores Historiarum	*Rogeri de Wendover, Liber Qui Dicitur Flores Historiarum*, ed. H.G. Hewlett, 3 vols. (London, 1886–89).
Foedera	*Foedera, conventiones, litterae, et cujuscunque generis acta publica inter reges Angliae et alios quosvis imperatores, reges, pontifices, principes, vel communitates (1101–1654)*, ed. T. Rymer, 20 vols. (London, 1704–1735).
Glanvill	*The Treatise on the Laws and Customs of the Realm of England commonly called Glanvill*, ed. G.D.G. Hall (Oxford, 1993).

ODNB	*Oxford Dictionary of National Biography*
PCCG	*Pleas of the Crown for the Country of Gloucester, A.D 1221*, ed. F.W. Maitland (London, 1884).
PDMAJH	*The Palgrave Dictionary of Medieval Anglo-Jewish History*, ed. J. Hillaby and C. Hillaby (London, 2013).
PR (and years)	*The Great Roll of the Pipe,* 8 vols. (London, Pipe Roll Society, 1927–2008).
PRO	Public Record Office
PROEJ	*Plea Rolls of the Exchequer of the Jews*, 6 vols. (London, 1905–2005).
PSS	*Publications of the Surtees Society*
Rot. Chart	*Rotuli Chartarum in Turri Londinensi Asservati, 1199–1216* (London, 1837).
Rot. Lit. Claus. (and years)	*Rotuli Litterarum Clausarum in Turri Londinensi Asservati, 1204–1224* (London,1833).
	Rotuli Litterarum Clausarum in Turri Londinensi Asservati, 1224–1227 (London, 1844).
Rot. Lit. Pat.	*Rotuli Litterarum Patentium in Turri Londinensi Asservati, 1201–1216* (London, 1835).
Royal Writs	*Royal Writs in England from the Conquest to Glanvill*, ed. R.C. Van Caenegem (London, Selden Society 77, 1958–1959).
Select Charters	*Select Charters and Other Illustrations of English Constitutional History*, ed. W. Stubbs (Oxford, 9th ed., 1951).
Select Pleas	*Select Pleas of the Crown, Volume 1: 1220–1225*, ed. F.W. Maitland (London, Selden Society 1, 1887).
Select Pleas, Starrs	*Select Pleas, Starrs and Other Records from the Rolls of the Exchequer of the Jews, A.D. 1220–1284*, ed. J.M. Rigg (London, 1902).

Select Cases	*Select Cases of Procedure Without Writ*, ed. H.G. Richardson and G.O. Sayles (London, Selden Society 60, 1960).
SRS	*Somerset Record Society*
SS	*Selden Society*
SURS	*Surrey Record Society*
TNA	The National Archives

GLOSSARY OF LEGAL TERMS

Abjure	To leave a specified area, for example the realm, under oath never to return.
Acquisition	Lands or other rights acquired by the current holder, as opposed to those which he inherited.
Amercement	A financial penalty extracted from an individual who had fallen into the king's mercy (for an offence).
Appeal of Felony	A charge brought by one individual against another, normally relating to violence.
Chattels	Movable possessions.
Disseisin	Dispossession; the taking away of seisin.
Distraint	Temporary seizure of moveable goods and/or land in order to enforce obedience to a decision or order.
Dower	A widow's share of her husband's estate.
Essoin	An excuse for non-appearance in court.
Eyre	A visitation by the king or his justices. A general eyre was a visitation by groups of royal justices throughout the realm to deal with all pleas; each group covered a circuit of several counties.
Fief	Land held in return for a service.
Gage	A pawn or pledge; something deposited as security for a payment.
Mesne Process	Process issued during the course of proceedings.
Mort d'ancestor	An assize whereby an heir may claim his inheritance through a recognition.

Novel Disseisin	A swift assize, making use of recognition, to reverse recent, unjust disseisins.
Surety	A person pledged to ensure another's appearance in court or fulfilment of some other obligation.
Trespass	A civil action that seeks damages for wrongs committed to the plaintiff or the plaintiff's goods or land.

APPENDICES

Appendix I: Royal Plea Rolls, 1216–1235

Organised by year, court, and law term, this table presents the royal plea rolls that survive for the period 1216 to 1235. The information has been accumulated from working with the plea rolls at the *National Archives*, the *Curia Regis* rolls records series, Crook's *Records of the General Eyre* (London, 1982), and *Bracton's Notebook*. It brings together what rolls survive, and how this vast collection of material can be accessed: through the rolls' individual series number at *The National Archives* and, when available, the publication information.

Year	Court	Court Location	Law Term/Date	Plea Roll Reference	Publication Information
1219	Jewish Exchequer	Westminster	Michaelmas	E 9/1 (rots. 1–3, 3d (part), 4–4d)	*PROEJ*, I, 1–9, 11–18.
	Bench	Westminster	Trinity	KB 26/224 (rots. 1–1d)	*Cur. Reg. R.,* VIII, ix–xiv.
	Bench	Westminster	Michaelmas	KB 26/70B (rots. 1–20d) KB 26/71 (rots. 1–28d)	*Cur. Reg. R.*, VIII, 1–180. The rolls are almost exact duplicates.
	Eyre	Devonshire (Exeter)	19–23 Mar 15 Apr – 23 May 16–17 Jun	JUST 1/180 (rots. 1–6)	*DCNQ*, 338–52, 395–416.
	Eyre	Concluding session for the South Western Circuit (Westminster)	13–16 Oct	JUST 1/180 (rots. 6–7)	*DCNQ*, 416.
	Eyre	Lincolnshire (Lincoln)	25 Nov – 20 Dec, 1218 7 Jan – 16 Feb, 1219 25 Jun – 20 Jul, 1219	JUST 1/481 (rots. 1–13, 14–21d, 23–29)	*SS,* LIII, 1–201, 215–320, 352–440.
	Eyre	Yorkshire (York)	25 Nov – 18 Dec, 1218 20 Jan – 24 Feb, 1219 11 Apr, 1219	JUST 1/1040 (rots. 1–10d, 11–13d) JUST1/1041 (rots. 1, 1–3d) JUST 1/1053 (rots. 1–15)	JUST 1/1040 in *SS,* LVI, 1–182. JUST 1/1041 in *SS,* LVI, 390–428. JUST 1/1053 in *SS,* LVI, 183–389.
	Eyre	Nottinghamshire – Derbyshire (Nottingham/ Southwell)	18 Feb – 17 Mar 29 Apr – 17 May 23 May, 1219	JUST 1/481 (rots. 13–13d, 21d–23)	*SS,* LIII, 202– 214, 321–351.
1220	Jewish Exchequer	Westminster	Hilary	E 9/1 (rots. 2d (part), 3d (part), 5–6d)	*PROEJ,* I, 9–11, 18–30.
	Bench	Westminster	Hilary	KB 26/72 (rots.1–14) KB 26/73 (rots.1–14)	*Cur. Reg. R.*, VIII, 181– 281.
	Jewish Exchequer	Westminster	Easter	E 9/1 (rots. 2d (part), 8–9d)	*PROEJ*, 34–45.
	Bench	Westminster	Easter	KB 26/72 (rots. 15–30) KB 26/73 (rots. 11–24)	*Cur. Reg. R.*, VIII, 282–397. The rolls are almost exact duplicates.

	Jewish Exchequer	Westminster	Trinity	E 9/1 (rots. 7, 7d (part), 10–10d)	*PROEJ,* 30–34; 46–55.
	Bench	Westminster	Trinity	KB 26/74 KB 26/75 KB 26/76 (rot. 6d) KB 26/77 (rot. 21)	*Cur. Reg. R.*, IX, 1–206. Roll 74 and Roll 75 are almost exact duplicates.
	Bench	Westminster	Michaelmas	KB 26/76 (rots. 1–31d) KB 26/77 (rot. 24)	*Cur. Reg. R.*, IX, 207–388.
1221	Bench	Westminster	Hilary	KB 26/79 (rots. 1–6, 27)	*Cur. Reg. R.*, X, 1–26.
	Bench	Westminster	Easter	KB 26/79 (rots. 7–26) KB 26/80	*Cur. Reg. R.*, X, 27–169.
	Bench	Westminster	Michaelmas	KB 26/78 KB 26/79 (rots. 19, 32, 33)	*Cur. Reg. R.*, X, 169–260.
	Eyre	Worcestershire (Worcester)	7–13 Jun 1–8 Aug	JUST 1/1021 (rots. 1–12, 13–18d)	*SS,* LIII, 441–619, 632–55.
	Eyre	Gloucestershire (Gloucester /Bristol)	21 Jun – 15 Jul 19 Jul 16–22 Aug	JUST 1/271 (rots. 1–24d) JUST 1/272 JUST 1/1021 (rots. 12d–13)	JUST 1/271, rots. 10–23 in *PCCG.* JUST 1/271, rots. 1–9, 24 in *SS,* LIX, 1–143. JUST 1/272 (Any variants in the notes of the volumes above). JUST 1/1021, rots. 12d–13, in *SS*, LIII, 620–631.
	Eyre	Herefordshire (Hereford/ Leominster)	21 Jul – 1 Aug 16 Aug	JUST 1/300A (rots. 1–7d)	N/A
	Eyre	Leicestershire (Leicester)	9–15 Sep	N/A	Plea Roll extracts in *BN,* nos. 1942–71.
	Eyre	Warwickshire (Coventry/ Warwick)	22 Sep – 13 Oct, 1221 14 Jan, 1222	JUST 1/948 (rots. 1–15) JUST 1/949 (rots. 1–5d) JUST 1/950 (rots. 1–9d)	JUST 1/948 in *SS*, LIX, 144–330. JUST 1/949 in *SS,* LIX, 586–650. JUST 1/950 in *SS,* LIX, 331–429.
	Eyre	Staffordshire (Lichfield)	13–19 Oct	N/A	Plea Roll extracts in *BN,* nos. 1972–82.
	Eyre	Shropshire (Shrewsbury)	3–12 Nov	JUST 1/733A (rots. 1–14)	*SS*, LIX, 430–585.
1222	Bench	Westminster	Trinity	KB 26/81	*Cur. Reg. R.*, X, 261–351.
	Bench	Westminster	Michaelmas	N/A	Plea Roll extracts in *BN,* nos. 1555–1570
1223	Bench	Westminster	Hilary	KB 26/82A KB 26/82B	*Cur. Reg. R.,* XI, 1–116.
	Bench	Westminster	Michaelmas	KB 26/83 KB 26/84 KB 26/30	*Cur. Reg. R.,* XI, 117–284. Roll 83 and Roll 84a are mainly duplicates.
1224	Bench	Westminster	Trinity	KB 26/85 (rots. 1–4) KB 26/86	*Cur. Reg. R.,*XI, 285–379.
	Bench	Westminster	Michaelmas	KB 26/85 (rots. 5–36) KB 26/87	Published in *Cur. Reg. R.,* XI, 394–584. The rolls are almost exact duplicates.

	Eyre	Berkshire (Assize and gaol deliveries)	9 Henry III (28 Oct 1224 – 27 Oct 1225)	JUST 1/36	N/A
	Eyre	Surrey (Assize and gaol deliveries)	9 Henry III (28 Oct 1224 – 27 Oct 1225)	JUST 1/863	N/A
	Eyre	Somerset (Assize and gaol deliveries)	9 Henry III (28 Oct 1224 – 27 Oct 1225)	JUST 1/755	SRS, XI, 26–133.
	Eyre	Northampton, Hereford, Worcester, Dunstable, and Oxford (Assizes and gaol deliveries)	Trinity	KB 26/85 (rots.1–4)	*Cur. Reg. R.*, XI, 380–393.
1225	Bench	Westminster	Hilary	KB 26/89	*Cur. Reg. R.,* XII, 1–7.
	Bench	Westminster	Easter	KB 26/228	N/A
	Bench	Westminster	Trinity	KB 26/90 KB 26/91	*Cur. Reg. R.,* XII, 78–158. The rolls are almost exact duplicates.
	Bench	Westminster	Michaelmas	KB 26/88 KB 26/92 KB 26/93	*Cur. Reg. R.*XII, 139–329. The rolls are almost exact triplicates.
1226	Bench	Westminster	Hilary	KB 26/94	*Cur. Reg. R.*, XII, 330–435.
	Bench	Westminster	Easter	KB 26/95	*Cur. Reg. R.*, XII, 436–533.
	Eyre	Lincolnshire (Lincoln)	9 Sep – 13 Oct	N/A	Plea Roll extract in *BN*, no. 1294.
	Eyre	Yorkshire (York)	20 Oct – 22 Dec, 1226 2–7 Jan, 1227	N/A	Plea Roll extracts in *BN*, nos. 1844–90.
1227	Bench	Westminster	Easter	KB 26/97 (rots. 1–8)	*Cur. Reg. R.,*XIII, 1– 53.
	Bench	Westminster	Trinity	KB 26/97 (rots. 9–14)	*Cur. Reg. R.*, XIII, 54–89.
	Eyre	Lancashire (Lancaster)	14–20 Jan	N/A	Plea Roll extract in *BN*, no. 1294, postea only.
	Eyre	Kent (Canterbury)	15 Sep – 20 Oct	JUST 1/358 (rots. 1–33d)	Plea Roll extracts in *BN*, nos. 1764–1790.
	Eyre	Essex (Chelmsford/ Colchester/ Rayleigh)	24 Oct – 16 Nov	JUST 1/229 (mm 1–22)	N/A
	Eyre	Bedfordshire (Bedford)	21 Nov, 1227 23 Nov – 9 Dec, 1227 14–18 Jan, 1228	JUST 1/2 (rots. 1–19d)	Published in *BHS,* III, 1–206.
	Eyre	Staffordshire (Lichfield)	3–22 Nov	JUST 1/801 (rots. 1–15)	*CHS*, IV, 47–74.
	Eyre	Buckinghamshire (Dunstable/ Newport/ Walgrave)	29 Oct – 17 Nov 20–21 Nov	JUST 1/54 (rots. 1–19d)	*BAS*, 1–64.
1228	Bench	Westminster	Hilary	KB 26/96 (rots. 1–5) KB 26/53 (rot. 1d)	*Cur. Reg. R.*, XIII, 90–111.
	Bench	Westminster	Easter	KB 26/96 (rots. 6–18)	*Cur. Reg. R.*, XIII, 112–168.
	Bench	Westminster	Michaelmas	KB 26/98 KB 26/99 KB 26/100	*Cur. Reg. R.,* XIII, 171–277. The rolls are almost exact triplicates.

	Eyre	Gaol Delivery at Northampton	Trinity	KB 26/96	*Cur. Reg. R.,* XIII, 169–170.
	Eyre	Norfolk (Norwich/King's Lynn/Great Yarmouth)	28 May – 2 Jul 26 Jul – 2 Aug 8–14 Jul 23–25 Jul	JUST 1/1579 (mm 1–4d)	Plea Roll extracts in *BN*, nos. 1808–1843.
	Eyre	Suffolk (Ipswich/Dunwich/ Cattishall)	22 Sep – 13 Oct 6–10 Oct 20–29 Oct	JUST 1/819 (rots. 1–39d)	Plea Roll extracts in *BN*, nos. 1890–1941.
	Eyre	Huntingdonshire (Huntingdon)	3–20 April	JUST 1/341 (rots. 1–5)	N/A
1229	Bench	Westminster	Hilary	KB 26/105	*Cur. Reg. R.*, XIII, 278–348.
	Bench	Westminster	Easter	KB 26/101 KB 26/102 (rots. 1–14)	*Cur. Reg. R.,* XIII, 349–465.
	Bench	Westminster	Trinity	KB 26/102 (rots. 15–19)	*Cur. Reg. R.,* XIII, 466–488.
	Eyre	Middlesex (Westminster)	19 Jun – 15 Jul.	N/A	Plea Roll extracts in *BN*, nos. 334–343.
1230	Bench	Westminster	Hilary	KB 26/104	*Cur. Reg. R.,* XIII, 489–603.
	Bench	Westminster	Trinity	KB 26/106	*Cur. Reg. R.,* XIV, 1–92.
	Bench	Westminster	Michaelmas	KB 26/107	*Cur. Reg. R.,* XIV, 93–215.
1231	Bench	Westminster	Hilary	KB 26/209	*Cur. Reg. R.,* XIV, 216–254.
	Bench	Westminster	Easter	KB 26/108	*Cur. Reg. R.,* XIV, 255–325.
	Bench	Westminster	Trinity	KB 26/109	*Cur. Reg. R.,* XIV, 326–424.
	Eyre	Yorkshire (York/Doncaster/ Whitby/Ripon)	8 Jun – 22 Jul	JUST 1/1042 (rots. 1–28) JUST 1/1043 (rots. 1–17, 20–24)	N/A
	Eyre	Lincolnshire (Lincoln)	18 Jul – 8 Aug	JUST 1/1043 (rots. 18–19d)	N/A
1232	Bench	Westminster	Easter	KB 26/232	*Cur. Reg. R.,* XIV, 527–538.
	Bench	Westminster	Michaelmas	KB 26/110 KB 26/111	*Cur. Reg. R.,* XIV, 425–526. The rolls are almost exact duplicates.
	Eyre	Warwickshire (Coventry)	22 Jun – 8 Jul	JUST 1/951A (rots. 1–23d) JUST 1/951B (rots. 1–3d)	N/A
	Eyre	Northamptonshire (Northampton)	8 Jul – 4 Aug	JUST 1/614A (rots. 1–2)	N/A
	Eyre	Buckinghamshire (Newport/ High Wycombe)	6–14 Oct 10 Oct – 2 Nov	JUST 1/62 (rots. 1–31d)	N/A
1233	Bench	Westminster	Hilary	KB 26/163 (rots. 1–10)	*Cur. Reg. R.*, XV, 1–32.
	Bench	Westminster	Easter	KB 26/163 (rots. 11–12)	*Cur. Reg. R.*, XV, 36–44.
	Bench	Westminster	Michaelmas	KB 26/113	*Cur. Reg. R.*, XV, 45–196.
1234	Bench	Westminster	Trinity	KB 26/115A	*Cur. Reg. R.,* XV, 197– 220.
	Coram Rege	Various	Trinity 1234–Easter 1235	KB 26/115B	*Cur. Reg. R.,* XV, 221–392.

1235	*Coram Rege*	Various	Trinity 1235	KB 26/233	*Cur. Reg. R.,* XV, 393–394.
	Eyre	Essex (Chelmsford/ Rayleigh)	14 Jan – 9 Feb, 1235 24 Jan, 1236	JUST 1/230 (rots. 1–10d)	N/A
	Eyre	Hertfordshire (Hertford/ St Albans)	15–22 Apr 22–23 May	JUST 1/80 (rots. 1–6d) JUST 1/1588 (rot. 1)	N/A
	Eyre	Middlesex (Westminster)	6–18 May	JUST 1/80 (rots. 6d–12) JUST 1/536 (rots. 1–10)	N/A
	Eyre	Cambridgeshire (Cambridge)	10–17 Jun	JUST 1/80 (rots. 12–19d)	N/A
	Eyre	Huntingdonshire (Huntingdon)	1–15 Jul	JUST 1/80 (rots. 19d–23)	N/A
	Eyre	Oxfordshire (Oxford)	17 Jun – 8 Jul	JUST 1/1580 (rots. 1–2)	N/A
	Eyre	Durham	7 Aug, 1235 30 Aug, 1235 5 Nov, 1235 8 Nov, 1235 14 Jan, 1236 11 Feb, 1236 10 Mar, 1236 7 Apr, 1236 26 May, 1236 30 Jun, 1236	JUST 1/224 (rots. 1, 3–6)	*PSS*, CXXVII, 75–9 and 87–105.
	Eyre	Surrey (Bermondsey)	6–20 Oct	JUST 1/864 (rots. 1–19)	*SURS,* vols. 31, 32, 37.
	Eyre	Berkshire (Reading/ Wallingford)	6–27 Oct, 1235 20–27 Apr, 1236	JUST 1/80 (rot. 23)	N/A

Appendix II: Pleas before the Exchequer of the Jews, c. 1216–1235

This table presents the individual pleas recorded before the Exchequer of the Jews on E 9/1. It brings together the number of pleas, the location of the dispute, a brief summary of the action brought to the court, and role of the Jewish litigant/party. The plea is referenced by the roll reference and *rotulus* number at *The National Archives*, alongside the reference to the plea in Rigg's calendar. The dating/organisation of the rolls adheres to Brand's plea roll table in *PROEJ* VI, 58. Any entries that group together under a single case/include the same litigants have been grouped as a case and have been identified: Case X.

Year		Law Term	TNA Reference	*PROEJ*, I , X.	Number of Entries in Case	Location	Form of Action	Role of Jewish Party
1	1219	Michaelmas	E 9/1, rot. 1	1	Case A (1 of 3)	Warwickshire	Unlawful *disseisin*	Plaintiff
2				1	1	Yorkshire	Debt	Reference to Jews/Debt
3				1–2	Case B (1 of 3)	Kent	Debt	Plaintiff
4				2	1	Norfolk	Debt	Plaintiff
5				2	1	Gloucester	Debt	Plaintiff
6				3	Case C (1 of 2)	Essex	Unlawful demand of debt	Defendant
7				3	Case D (1 of 3)	Lincolnshire	Debt	Plaintiff
8			E 9/1, rot. 1d	3	Case E (1 of 2)	Norfolk	Debt	Plaintiff
9				3	Case F (1 of 2)	Norfolk/ Suffolk/ Leicestershire	Debt	Reference to Jews/Debt
10				3-4	1	Yorkshire	Unknown; plea unspecified	Reference to Jews/Debt
11				4	1	Yorkshire	*Quo Warranto*	Reference to Jews/Debt
12				4	1	Northamptonshire	Unknown; plea unspecified	Defendant
13				5	Case E (2 of 2)	Norfolk	Debt	Plaintiff
14				5	Case B (2 of 3)	Kent	Debt	Reference to Jews/Debt
15				5	1	Gloucestershire	Debt	Plaintiff
16			E 9/1, rot. 3	6	1	Winchester	Debt	Plaintiff
17				6–7	Case G (1 of 2)	Essex	Debt	Plaintiff
18				7	1	London	Account (Rent)	Defendant
19				7	Case H (1 of 2)	London	Plea of Land; no details specified	Defendants
20				7–8	1	Norfolk	Unlawful entry	Defendant
21				8	Case I (1 of 2)	Kent	Debt	Plaintiff

22	1219 Cont.	Michaelmas Cont.	E 9/1, rot. 3d	10	Case I (2 of 2)	Kent	Debt	Plaintiff
23				10–11	1	Warwick	Debt	Reference to Jews/Debt
24				11	1	Warwick	Unlawful demand of debt	Defendant
25			E 9/1, rot. 4.	12	Case J (1 of 4)	Cambridgeshire	*Quo Warranto*	Reference to Jews/Debt
26				12–13	1	Cambridgeshire	Debt	Defendant
27				13	1	Norfolk	Unlawful *disseisin*	Defendant
28				13	1	Northampton	Debt	Plaintiff
29				13	Case J (2 of 4)	Cambridgeshire	*Quo Warranto*	Reference to Jews/Debt
30				13	Case J (3 of 4)	Cambridgeshire	*Quo Warranto*	Reference to Jews/Debt
31				14	Case G (2 of 2)	Essex	Unlawful demand of debt	Defendant
32				14	1	Gloucestershire	Debt	Reference to Jews/Debt
33				14	1	Lincoln	Unlawful demand of debt	Defendant
34			E 9/1, rot. 4d.	15	Case K (1 of 3)	Kent	Debt	Plaintiff
35				16	1	Kent	Unlawful demand of debt	Defendant
36				16	Case H (2 of 2)	London	Writ of Inheritance	Defendants
37				17	1	Norfolk	Debt	Plaintiff
38				18	Case L (1 of 2)	Norfolk/Suffolk	Debt	Defendant
39				18	Case D (2 of 3)	Norfolk/Suffolk	Debt	Plaintiff
40	1220	Hilary	E 9/1, rot. 5.	18–19	Case M (1 of 2)	Norfolk	Unknown; plea not specified	N/A
41				19	Case C (2 of 2)	Essex	Debt	Plaintiff
42				19	Case N (1 of 2)	Southampton	Debt	Plaintiff
43				19	1	Essex	Criminal Plea; initiated by private suit	Plaintiff
44				20	1	Gloucestershire	Writ of inheritance/ debt	Defendant
45				20	1	Cambridgeshire	*Quo Warranto*	Reference to Jews/Debt
46				20	1	Oxfordshire	Claims *seisin*	Reference to Jews/Debt

47	1220 Cont.	Hilary Cont.	E 9/1, rot. 5d	21	Case O (1 of 2)	Essex	*Quo Warranto*	Reference to Jews/Debt
48				21	Case O (2 of 2)	Essex	*Quo Warranto*	Reference to Jews/Debt
49				22	Case K (2 of 3)	Kent	Debt	Plaintiff
50				22	Case P (1 of 3)	Norfolk	Debt	Plaintiff
51				22	1	Norfolk	Debt	Plaintiff
52				23	Case D (3 of 3)	Lincoln	Debt	Plaintiff
53			E 9/1, rot. 6	23–24	Case L (2 of 2)	Norfolk	Debt	Plaintiff
54				24	1	Southampton	Debt	Plaintiff
55				25	Case Q (1 of 4)	Lincolnshire	Theft and Damages	Reference to Jews/Debt
56				26	Case R (1 of 2)	Kent	Debt	Plaintiff
57				26	Case R (2 of 2)	Kent	Unlawful *disseisin*	Defendant
58				26	Case P (2 of 3)	Kent	Debt	Plaintiff
59			E 9/1, rot. 6d	27	Case S (1 of 3)	Kent	Theft and Damages	Defendant
60				27	Case S (2 of 3)	Warwickshire	Theft and Damages	Defendant
61				27	1	Northamptonshire	Unlawful demand of debt	Defendant
62				27–28	Case T (1 of 2)	Lincolnshire	Chirograph against the assize	Defendant
63				28	Case Q (2 of 4)	Lincolnshire	Theft and Damages	Reference to Jews/Debt
64				28	1	Somerset	Debt	Defendant
65				28	Case X (1 of 2)	Norfolk/Suffolk	Debt	Defendant
66				28	1	Essex	Unknown; details not specified	Not Specified
67				28	Case J (4 of 4)	Cambridgeshire	*Quo Warranto*	Reference to Jews/Debt
68				28–29	Case Y (1 of 2)	Kent	Debt	Plaintiff
69				29	1	Yorkshire	Unlawful demand of debt	Defendant
70				29	Case A (2 of 3)	Warwickshire	Unlawful *disseisin*	Defendant

71	1220 Cont.	Easter	E 9/1, rot. 8	34	1	London	*Quo Warranto*	Reference to Jews/Debt
72				34	1	Northamptonshire	Unlawful agreement	Defendant
73			E 9/1, rot. 9	35	1	Warwickshire	Unlawful demand of debt	Defendant
74				35–36	Case F (2 of 2)	Somerset	Unlawful demand of debt	Defendant
75				36	1	Winchester	Unknown; details not specified	Defendant
76				36	1	Norfolk	Unlawful demand of debt	Defendant
77				36–37	1	Norfolk	*Quo Warranto*	Reference to Jews/Debt
78				37	Case U (1 of 2)	Warwickshire	Unlawful demand of debt	Defendant
79				37	Case V (1 of 2)	Yorkshire	Claims *seisin*	Reference to Jews/Debt
80				37	1	Norfolk	Debt	Plaintiff
81				38	1	Sussex	Debt	Defendant
82				39	1	Lincolnshire	Debt	Defendant
83				39	1	Southampton	Debt	Plaintiff
84				39	Case M (2 of 2)	Norfolk	Debt	Not Specified
85				39	1 (Linked to Case W)	Gloucestershire	Criminal Plea; initiated by private suit	Plaintiff and Defendant
86				40	Case P (3 of 3)	Norfolk	Debt	Plaintiff
87				40	Case N (2 of 2)	Southampton	Debt	Plaintiff
88			E 9/1, rot. 9d	40–41	Case Q (3 of 4)	Lincolnshire	Theft and Damages	Reference to Jews/Debt
89				41	1	Lincolnshire	Unlawful demand of debt	Defendant
90				42	Case A (3 of 3)	Warwickshire	Claims *seisin*	Defendant
91				42	Case W (1 of 6)	Gloucestershire	Criminal Plea; initiated by private suit	Defendant and Plaintiff
92				42–43	Case W (2 of 6)	Gloucestershire	Criminal Plea; initiated by private suit	Defendant and Plaintiff

93	1220 Cont.	Easter Contin.	E9/1, rot. 9d Cont.	43	1	Gloucestershire	Contested charter	Not Specified
94				43–44	Case T (2 of 2)	Lincolnshire	Chirograph against the assize	Defendant
95				44	Case V (2 of 2)	Yorkshire	Unlawful entry	Reference to Jews/Debt
96				45	Case W (3 of 6)	Gloucestershire	Criminal Plea; initiated by private suit	Defendant and Plaintiff
97		Trinity	E 9/1, rot. 7	31	1	Yorkshire	Breaking Covenant	Not Specified
98				31–32	1	London	Debt	Plaintiff
99				33	1	Oxfordshire	Unlawful charter	Defendant
100			E 9/1, rot. 10	46	1	Lincolnshire	Criminal Plea; initiated by private suit	Plaintiff
101				46–47	Case Q (4 of 4)	Lincolnshire	Theft and Damages	Reference to Jews/Debt
102				48	Case X (2 of 2)	Norfolk	Unlawful *disseisin*	Defendant
103				49	1	Somerset	Unlawful demand of debt	Defendant
104				49	1	Lincolnshire	Unknown; details not specified	Defendant
105				49	Case K (3 of 3)	Kent	Debt	Plaintiff
106				49–50	Case Y (2 of 2)	London	Debt	Plaintiff
107				50	1	Kent	Debt	Not Specified
108				50	Case W (4 of 6)	Gloucestershire	Criminal Plea; initiated by private suit	Defendant and Plaintiff
109			E 9/1, rot. 10d	51	Case W (5 of 6)	Gloucestershire	Criminal Plea; initiated by private suit	Defendant and Plaintiff
110				52–53	Case S (3 of 3)	Worcestershire	Claims *seisin*	Reference to Jews/Debt
111				53	1	Yorkshire	Unlawful charter	Reference to Unlawful Jewish Charters
112				53	Case U (2 of 2)	Gloucestershire	Debt	Plaintiff
113				54	1	Kent	Unlawful *disseisin*	Defendants
114				55	Case W (6 of 6)	Lincolnshire	Criminal Plea; initiated by private suit	Plaintiff

Appendix III: Jews before the Court Coram Rege, c. 1216–1235

This table presents the entries that referenced Jews before the court *coram rege* for years *c.* 1216–1235. It brings together the number of pleas, a brief summary of the action brought to the court, and role of the Jewish litigant/party. The plea is referenced by the plea roll reference and membrane categorised by the *The National Archives*, alongside its page number in the *Curia Regis* rolls series.

Year		Law Term	TNA Reference	*Curia Regis* Reference	Number of Entries in Case	Location of Dispute	Form of Action	Role of Jewish Party
1	1234	Trinity	KB 26/115B rot. 3.	*Cur. Reg. R.*, XV, 229.	1	London	Criminal Plea; initiated by private suit	Reference to ex–Christian Chirograph clerk (and his relationship with Jews)
2		Michaelmas	KB 26/115B, rot. 14.	*Cur. Reg. R.*, XV, 257–258.	1 of 17	London	Criminal Plea; royal inquiry	Witness
3				*Cur. Reg. R.*, XV, 258.	2 of 17	London	Criminal Plea; royal inquiry	Witness
4				*Cur. Reg. R.*, XV, 259.	3 of 17	London	Criminal Plea; royal inquiry	Witness
5				*Cur. Reg. R.*, XV, 259.	4 of 17	London	Criminal Plea; royal inquiry	Reference to Jews/ Christian Witnesses
6				*Cur. Reg. R.*, XV, 259–60.	5 of 17	London	Criminal Plea; royal inquiry	Witness
7			KB 26/115B, rot. 14d.	*Cur. Reg. R.*, XV, 260–261.	6 of 17	London	Criminal Plea; royal inquiry	Witness
8				*Cur. Reg. R.*, XV, 261.	7 of 17	London	Criminal Plea; royal inquiry	Witness
9				*Cur. Reg. R.*, XV, 261–262.	8 of 17	London	Criminal Plea; royal inquiry	Witness
10				*Cur. Reg. R.*, XV, 262.	9 of 17	London	Criminal Plea; royal inquiry	Witness
11			KB 26/115B, rot. 13.	*Cur. Reg. R.*, XV, 262–263.	10 of 17	London	Criminal Plea; royal inquiry	Witness
12				*Cur. Reg. R.*, XV, 263.	11 of 17	London	Criminal Plea; royal inquiry	Witness
13				*Cur. Reg. R.*, XV, 263.	12 of 17	London	Criminal Plea; royal inquiry	Witness
14				*Cur. Reg. R.*, XV, 263.	13 of 17	London	Criminal Plea; royal inquiry	Witness
15				*Cur. Reg. R.*, XV, 263–264.	14 of 17	London	Criminal Plea; royal inquiry	Witness
16				*Cur. Reg. R.*, XV, 264.	15 of 17	London	Criminal Plea; royal inquiry	Witness
17				*Cur. Reg. R.*, XV, 264.	16 of 17	London	Criminal Plea; royal inquiry	Witness
18				*Cur. Reg. R.*, XV, 264.	17 of 17	London	Criminal Plea; royal inquiry	Witness
19			KB 26/115B, rot. 17d.	*Cur. Reg. R.*, XV, 296.	1	Wiltshire	Criminal Plea; initiated by private suit	Plaintiff
20	1235	Easter	KB 26/115B, rot. 22.	*Cur. Reg. R.*, XV, 333–335.	1	Norfolk	Criminal Plea; initiated by private suit	Defendant
21			KB 26/115B, rot. 28d.	*Cur. Reg. R.*, XV, 352–353.	1	Norfolk	Criminal Plea; initiated by royal suit	Reference to Jews (Assaults on Jews and Jewish property)

Appendix IV: Jews before the Common Bench, c. 1216–1235

This table presents the all entries that referenced Jews before the common bench for the years *c.* 1216 to 1235. It brings together the number of pleas, a brief summary of the action brought to the court, and role of the Jewish litigant/party. The plea is referenced by the roll reference and membrane number at *The National Archives*, alongside its page number in the *Curia Regis* rolls series.

Year		Law Term	TNA Reference	*Curia Regis* Reference	Number of Entries in Case	Location of Dispute	Form of Action	Role of Jewish Party
1	1220	Easter	KB 26/72, rot. 18.	*Cur. Reg. R.*, VIII, 306–307.	1 of 4	Norfolk	Writ of Dower	Called to Warrant
2			KB 26/72, rot. 27.	*Cur. Reg. R.*, VIII, 376–377.	1	Northamptonshire	Claims *seisin*	Reference to Jews/ Debt Acquitted
3		Trinity	KB 26/74, rot. 4.	*Cur. Reg. R.*, IX, 23–24.	2 of 4	Norfolk	Writ of Dower	Defendant/ Warrantor
4			KB 26/74, rot. 22d.	*Cur. Reg. R.*, IX, 153–154	3 of 4	Norfolk	Writ of Dower	Defendant/ Warrantor
5				*Cur. Reg. R.*, IX, 159.	1	Middlesex	Title to Land; details not specified	Reference to the Justices of the Jews/ Land Dispute
6		Michaelmas	KB 26/76, rot. 7d.	*Cur. Reg. R.*, IX, 255–256.	1	London	Criminal Plea; initiated by private suit	Reference to Jews/ Pledged stolen goods
7			KB 26/77, rot. 8.	*Cur. Reg. R.*, IX, 261.	1	Lincolnshire	*Novel Disseisin*	Witness
8			KB 26/77, rot. 30d.	*Cur. Reg. R.*, IX, 294–295.	1	Buckinghamshire	Writ of dower	Reference to Jews/ Debt Acquitted
9			KB 26/77, rot. 29.	*Cur. Reg. R.*, IX, 386–388.	1	Wiltshire	Claims *seisin*	Reference to Jews/ Debt
10	1221	Easter	KB 26/79, rot. 11.	*Cur. Reg. R.*, X, 56–57.	1	Norfolk	Claims *seisin*	Reference to Jews/ Debt
11			KB 26/79, rot. 23d.	*Cur. Reg. R.*, X, 144–145.	1	Northamptonshire	Title to Land	Reference to Jews/ Debt
12			KB 26/79, rot. 23.	*Cur. Reg. R.*, X, 154.	4 of 4	Norfolk	Writ of Dower	Reference to Jews/ Debt
13			KB 26/79, rot. 26.	*Cur. Reg. R.*, X, 162.	1	Gloucestershire	Claims *seisin*	Reference to Jews/ Debt
14			KB 26/79, rot. 26d.	*Cur. Reg. R.*, X, 164.	1	Berkshire	Title to Land	Reference to Jews/ Past Crime
15		Michaelmas	KB 26/79, rot. 32.	*Cur. Reg. R.*, X, 252–253.	1	Middlesex	Trespass; intrusion	Warrantor/Witness
16	1223	Hilary	KB 26/82A, rot. 4.	*Cur. Reg. R.*, XI, 17.	1	Somerset	Debt	Reference to Jews/ Land Dispute
17			KB 26/82A, rot. 14.	*Cur. Reg. R.*, XI, 83.	1	Suffolk	Claims *seisin*	Reference to Jews/ Debt Acquitted
18			KB 26/82A, rot. 19.	*Cur. Reg. R.*, XI, 115.	1	Buckinghamshire	Debt	Reference to Jews/ Debt
19		Michaelmas	KB 26/83, rot. 7.	*Cur. Reg. R.*, XI, 160.	1 of 2	Southampton	Criminal Plea; initiated by private suit	Plaintiff
20			KB 26/83, rot. 20d.	*Cur. Reg. R.*, XI, 238.	2 of 2	Southampton	Criminal Plea; initiated by private suit	Plaintiff

21	1224	Trinity	KB 26/86, rot. 7d.	*Cur. Reg. R.*, XI, 343.	1	Cambridgeshire	Debt	Plaintiff
22			KB 26/86, rot. 11.	*Cur. Reg. R.*, XI, 371–372.	1	London	Unknown; fine made with court	Offers Payment for an Inquiry
23		Michaelmas	KB 26/85, rot. 25d.	*Cur. Reg. R.*, XI, 529–530.	1	London	Criminal Plea; initiated by private suit	Defendants
24			KB 26/85, rot. 29d.	*Cur. Reg. R.*, XI, 551.	1 of 2	Berkshire	Debt	Reference to Jews/ Debt
25	1225	Hilary	KB 26/89, rot. 10.	*Cur. Reg. R.*, XII, 55.	1	Lincolnshire	Debt	Reference to Jews/ Debt
26			KB 26/89, rot. 14.	*Cur. Reg. R.*, XII, 75.	2 of 2	Berkshire	Debt	Reference to Jews/ Debt
27		Trinity	KB 26/90, rot. 7.	*Cur. Reg. R.*, XII, 120.	1	Hertfordshire	Claims *seisin*	Reference to Jews/ Debt
28			KB 26/90, rot. 9d.	*Cur. Reg. R.*, XII, 136.	1	Norfolk	Advowson to the Church (of Helmingham)	Reference to Jews/ Debt
29		Michaelmas	KB 26/88, rot. 25d.	*Cur. Reg. R.*, XII, 279–280.	1	Yorkshire	Debt	Reference to Jews/ Debt
30	1227	Trinity	KB 26/97, rot. 12d.	*Cur. Reg. R.*, XIII, 75–76.	1	Essex	Debt	Reference to Jews/ Debt
31	1228	Easter	KB 26/96, rot. 9.	*Cur. Reg. R.*, XIII, 129.	1	Norfolk	Unlawful *disseisin*	Reference to Jews/ Debt
32			KB 26/96, rot. 11d.	*Cur. Reg. R.*, XIII, 140.	1	Yorkshire	Title to Land	Reference to Jews/ Debt
33		Michaelmas	KB 26/98, rot. 7.	*Cur. Reg. R.*, XIII, 216.	1	Yorkshire	Debt	Co–Plaintiff
34	1229	Hilary	KB 26/105, rot. 2.	*Cur. Reg. R.*, XIII, 285.	1 of 3	Lincolnshire	Writ of dower	Defendant
35			KB 26/105, rot. 8.	*Cur. Reg. R.*, XIII, 316.	1	Cambridgeshire	Unjustly detained charter	Reference to Jews/ Debt
36			KB 26/105, rot. 11.	*Cur. Reg. R.*, XIII, 331.	1	Essex	*Novel Disseisin*	Reference to Jews/ Debt
37			KB 26/105, rot. 12.	*Cur. Reg. R.*, XIII, 335.	1	Lincolnshire	Debt	Reference to Jews/ Debt
38		Easter	KB 26/101, rot. 5.	*Cur. Reg. R.*, XIII, 377.	2 of 3	Lincolnshire	Writ of dower	Defendant
39			KB 26/101, rot. 16.	*Cur. Reg. R.*, XIII, 464.	3 of 3	Lincolnshire	Writ of dower	Defendant
40	1230	Michaelmas	KB 26/107, rot. 18.	*Cur. Reg. R.*, XIV, 157–158.	1	Northamptonshire	Title to Land	Reference to Jews/ Debt
41			KB 26/107, rot. 25d.	*Cur. Reg. R.*, XIV, 184–185.	1	Essex	*Quo Warranto*	Reference to Jews/ Alienation Clause
42			KB 26/107, rot. 32.	*Cur. Reg. R.*, XIV, 209–210.	1	London	Criminal Plea; initiated by private suit	Defendant
43	1231	Hilary	KB 26/209, rot. 7.	*Cur. Reg. R.*, XIV, 232.	1	Essex	Covenant	Reference to Jews/ Debt
44		Easter	KB 26/108, rot. 3.	*Cur. Reg. R.*, XIV, 266.	1	Yorkshire	Covenant	Reference to Jews/ Alienation Clause
45		Trinity	KB 26/109, rot. 5d.	*Cur. Reg. R.*, XIV, 351–352.	1 of 2	Bedfordshire	Claims *seisin*	Reference to Jews/ Debt
46			KB 26/109, rot. 17d.	*Cur. Reg. R.*, XIV, 419.	2 of 2	Bedfordshire	Claims *seisin*	Reference to Jews/ Debt

47	1232	Michaelmas	KB 26/111, rot. 7.	*Cur. Reg. R.*, XIV, 456.	1	Northamptonshire	*Quo Warranto*	Reference to Jews/ Debt
48			KB 26/111, rot. 18.	*Cur. Reg. R.*, XIV, 505–506.	1	Sussex	*Novel Disseisin*	Reference to Jews/ Debt
49	1233	Michaelmas	KB 26/113, rot. 10d.	*Cur. Reg. R.*, XV, 93.	1	Essex	Writ of dower	Reference to Jews/ Debt
50			KB 26/113, rot. 31d.	*Cur. Reg. R.*, XV, 184.	1	Bedfordshire	*Quo Warranto*	Reference to Jews/ Debt

Appendix V: Jews before the Eyre Courts, c. 1216–1235

This table presents the entries that referenced before the Itinerant Justices for the years 1216–1235. It brings together the number of pleas, the location of the court, a brief summary of the action brought to the court, and role of the Jewish litigant/party. The plea is referenced by the roll reference and membrane number at *The National Archives*, alongside whether the plea is accessible in a published format. Each entry has been coloured coded to distinguish between the four general Eye visitations issued between 1218 and 1221, 1226–1230, 1231–1232, and 1234–1236, and the additional assizes and gaol deliveries documented in 1224.

Year		Location of Eyre Court	TNA Reference	Publication Reference	Number of Entries in Case	Form of Action	Role of Jewish Party
1	1219	Lincolnshire (Lincoln)	JUST 1/481, rot. 28d.	*SS*, LIII, 435–437. (Case 909)	1	*Quo Warranto*	Reference to Jews/ Debt
2		Yorkshire (York)	JUST 1/1040, rot. 11.	*SS*, LVI, 148–149. (Case 341)	1	*Novel Dissein*	Reference to Jews/ Debt
3		Yorkshire (Ainsty)	JUST 1/1053, rot. 8.	*SS*, LVI, 290. (Case 793)	1 of 2	Touching Escheats	Reference to Jews/ Debt
4		Yorkshire (Ainsty)	JUST 1/1053, rot. 8d.	*SS*, LVI, 291. (Case 795)	1	Criminal Plea; initiated by private suit	Reference to Jews/ Previous Murder of Jewess
5		Yorkshire (Buckrose)	JUST 1/1053, rot. 11d.	*SS*, LVI, 340–341. (Case 936)	1	Criminal Plea; initiated by private suit	Plaintiff
6		Yorkshire (Unknown)	JUST1/1041, rot. 1.	*SS*, LVI, 392. (Case 1108)	2 of 2	Touching Escheats	Reference to Jews/ Debt
7	1221	Worcestershire (Worcester)	JUST 1/1021, rot. 11d	*SS*, LIII, 607. (Case 1263)	1	Touching Purprestures	Defendant
8		Worcestershire (Worcester)	JUST 1/1021, rot. 12d.	*SS*, LIII, 619. (Case 1283)	1	Writ of Prohibition	Reference to Jews/ Pledge
9		Gloucestershire (Bristol)	JUST 1/271, rot. 19d.	*PCCG*, 115. (Case 497)	1 of 2	Criminal Plea; initiated by private suit	Defendant
10		Gloucestershire (Swineshead)	JUST 1/271, rot. 23.	*PCCG*, 134.	2 of 2	Amercements and Fines	False Pledge
11		Gloucestershire (Unknown)	JUST 1/271, rot. 24d.	*PCCG*, 136.	1	Amercements and Fines	False Pledge
12		Warwickshire (Kineton)	JUST 1/950, rot. 3.	*SS*, LIX, 361–362. (Case 820)	1	Criminal Plea; initiated by private suit	Reference to Jews/ Pledge
13		Warwickshire (Knightlow)	JUST 1/950, rot. 5d.	*SS*, LIX, 406. (Case 951)	1	Title to Land; case transferred to Exchequer of Jews	Reference to Jews/ Debt
14		Warwickshire (Coventry)	JUST 1/950, rot. 6.	*SS*, LIX, 413. (Case 974)	1	Debt	Reference to Jews/ Debt
15	1224	Oxfordshire (Gaol and Delivery Roll)	KB 26/85, rot. 4.	*Cur. Reg. R.*, XI, 390.	1	Criminal Plea; initiated by private suit	Reference to Jews/ Debt
16	1227	Essex (Chelmsford)	JUST 1/229, rot. 3.	N/A	1	Title to Land	Reference to Jews/ Debt
17		Bedfordshire (Willey)	JUST 1/2, rot. 15d.	*BHS*, III, 172.	1 of 2	Criminal Plea; initiated by royal suit	Reference to Jews/ Three Jews Drowned
18		Bedfordshire (Bedford)		*BHS*, III, 173.	2 of 2	Criminal Plea; initiated by royal suit	Reference to Jews/ Three Jews Drowned
19		Bedfordshire (Bedford)	JUST 1/2, rot. 18.	*BHS*, III, 185–186.	1	Claims *seisin*	Defendants

20	1228	Norfolk (Humbleyard)	JUST 1/1579, rot. 3.	*BN*, 628–629. (Case 1825)	1	*Novel Dissein*	Plaintiff (Jew now converted to Christianity)
21	1231	Yorkshire (York)	JUST 1/1042, rot. 6d.	N/A	1	*Novel Dissein*	Reference to Jews/ Debt Agreement in the Archa
22		Yorkshire (Doncaster)	JUST 1/1042, rot. 23.	N/A	1	Writ of dower	Reference to Jews/ Debt
23		Yorkshire (Doncaster)	JUST 1/1042, rot. 19d.	N/A	1 of 2	Title to Land	Reference to Jews/ Debt
24		Yorkshire (Doncaster)	JUST 1/1042, rot. 26.	N/A	2 of 2	Title to Land	Reference to Jews/ Debt
25		Yorkshire (Doncaster)	JUST 1/1042, rot. 27d.	N/A	1	Claims *seisin*	Plaintiff
26		Yorkshire (Doncaster)	JUST 1/1042, rot. 28.	N/A	1	Title to Land	Reference to Jews/ Debt
27		Yorkshire (York)	JUST 1/1043, rot. 5.	N/A	1	Title to Land	Reference to Jews/ Debt
28		Yorkshire (Liberty of St Peter, York)	JUST 1/1043, rot. 21.	N/A	1	Title to Property	Defendant
29	1232	Warwickshire (Coventry)	JUST 1/951A, rot. 10.	N/A	1	*Novel Dissein*	Defendant
30		Warwickshire (Knightlow)	JUST 1/951B, rot. 1.	N/A	1	Title to Property	Reference to Jews/ Debt
31		Warwickshire (Knightlow)		N/A	1	Title to Land	Reference to Jews/ Debt
32	1235	Huntingdonshire (Huntingdon)	JUST 1/80, rot. 18d.	N/A	1	Writ of Dower	Defendant
33		Surrey (Bermondsey)	JUST 1/864, rot. 7d.	*SURS*, XXXII, 329. (Case 200)	1	Debt	Reference to Jews/ Debt
34		Surrey (Bermondsey)	JUST 1/864, rot. 10d.	*SURS,* XXXII, 363. (Case 307)	1	Debt	Reference to Jews/ Past Case
35		Surrey (Reigate)	JUST 1/864, rot. 15d.	*SURS,* XXXII, 406. (Case 464)	1	Criminal Plea; initiated by royal suit	Reference to Jews/ Death of Jew
36		Surrey (Brixton)	JUST 1/864, rot. 16d.	*SURS*, XXXII, 416. (Case 504)	1	Criminal Plea; initiated by royal suit	Reference to Jews/ Female Jew had Drowned

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KB 26/70B	Common Bench, Michaelmas 1219
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KB 26/73	Common Bench, Hilary 1220
KB 26/74	Common Bench, Trinity 1220
KB 26/75	Common Bench, Trinity 1220
KB 26/76	Common Bench, Trinity and Michaelmas 1220
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KB 26/101	Common Bench, Easter 1229
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KB 26/107	Common Bench, Michaelmas 1230
KB 26/108	Common Bench, Easter 1231
KB 26/109	Common Bench, Trinity 1231
KB 26/110	Common Bench, Michaelmas 1232
KB 26/111	Common Bench, Michaelmas 1232
KB 26/113	Common Bench, Michaelmas 1233
KB 26/115A	Common Bench, Trinity 1234
KB 26/163	Common Bench, Hilary and Easter 1233
KB 26/209	Common Bench, Hilary 1231
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